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## **Regulation of work and employment: Advances, tensions and future directions in research in International and Comparative HRM**

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### **Abstract**

Internationalisation and globalization have led to significant changes to work and employment dynamics, with demands for more sustainable management, procedural control, institutional governance, and political accountability. Against this background, there is renewed attention to regulation, with questions about its terms, nature and quality, as well as its role in shaping the employment relationship. An important concern for international and comparative human resource management (I/CHRM) is understanding the impact of these changes on arrangements and structures within and between countries, and the role of regulation as part of new frameworks to manage work and people. Regulation sits at the centre of competing demands between economic and social concerns, which can be seen both as complementary and as irreconcilable so there are challenges to theorise and empirically map the complexity of these tensions. The article outlines key issues related to the regulation of work and employment that are relevant to the field of I/CHRM, discussing the changes to dynamics, processes and structures, and the tensions that concern the field. The article calls for more comprehensive insight into the theoretical links between regulation and I/CHRM, as well as more empirical evidence of their interplay in different contexts. It concludes by suggesting that engaging with the paradoxes and ambiguities related to different competing agendas of regulation of work and employment, and exploring these in relation to different social actors within and across geographies is a significant step in advancing research in this area.

**Keywords:** Regulation, work, employment, international HRM, comparative HRM

## **Introduction**

In an increasingly globalised world, demands for more sustainable management, procedural control, institutional governance and political accountability have resulted in renewed attention to the regulation of work and employment. In I/CHRM, this comes hand in hand with the rapid development of new arrangements and structures within and between countries that require new frameworks to manage work, people and the employment relationship (Ferner & Quintanilla, 2002; Lazarova et al., 2008). Regulation sits at the centre of competing demands between economic concerns (e.g. competitiveness and productivity) and social concerns (e.g. worker rights; equality and social justice). As a result, the regulation of work and employment is theoretically complex and empirically broad, and its interpretation plays a fundamental role in legitimising and normalising work practices and employment dynamics in global and local labour markets (Rodriguez and Mearns, 2012).

There is significant disciplinary diversity in the meaning and scope of regulation (Joskow, 1975). The term has been used to allude to mechanisms that entice, enforce and monitor changes in behaviour and processes that lead to compliance with authority and help to address changing patterns of governance in modern democratic societies (Vibert, 2014; Hahn et al., 2017). This view has been built on Public Interest Theory, which has historically been prevalent in welfare economics and used to justify government regulation of business (Hantke-Domas, 2003). Its main proposition is that through regulation, governments engage in “the public administrative policing of a private activity with respect to a rule prescribed in the public interest” (Mitnick, 1980:7). Implicit to this understanding is the idea that public bodies and agencies should use basic legal rules to restrict the freedom of action of other actors. However, Joskow & Noll (1981) have argued that one of the central problems of discussions about regulation is that the key question historically has been whether regulation is socially desirable, effectively making it about the dichotomy between regulation and deregulation (Ayres & Braithwaite, 1992). To this question, they claim, there is not a clear “yes” or “no” answer (p. 2) because it is difficult to generalise between industries, sectors, countries and their regulatory needs, as well as the needs of non-regulated actors that may be impacted by regulation, such as consumers.

Central to discussions about regulation has been the notion of the regulatory space developed by Hancher & Moran (1989). The term refers to “economic regulation under advanced capitalism – its formation as much as its implementation [which] invariably involves interdependence and bargaining between powerful and sophisticated actors against a background of extensive state involvement” (p. 272). Lodge & Wegrich (2012) suggest that what underpins the notion of a regulatory space is that resources (e.g. authority, information, organizational capabilities and wealth) used by actors are diverse, and result in different degrees of power and legitimacy operating simultaneously. The regulatory space works as a metaphor to capture resource fragmentation and regulatory power; this is, the variability in the access and use of resources, both formally and informally, as well as the required interdependent relationships needed between different actors in order to use resources to devise, implement and monitor regulatory processes.

With respect to the regulation of work and employment, many questions remain unanswered about the relationship between regulation and HRM in international contexts. In business and management, regulation has been historically linked to the role of the state. However, as the

role of the state as an employer and service provider has shifted (Grimshaw et al., 2002, 2017; Martínez Lucio & Stuart, 2011; Smith, 2012), it is important to understand how this shift has impacted HRM policies and practices internationally. In addition, as global changes and transformations shape and are shaped by regulatory regimes (Standing, 1997), comparative insight into these challenges is also needed to understand how social actors interact with globalizing forces and the roles they play in these interactions. Ultimately, more comprehensive insight into the theoretical links between regulation and I/CHRM is needed, sustained by more empirical evidence of their interplay in different contexts. Engaging with the paradoxes and ambiguities related to competing agendas of regulation of work and employment for different social actors across geographies is a significant step in advancing debates in this area.

In this article, we set the scene for this special issue, which was motivated by discussions undertaken as part of the Economic and Social Research Council (ESRC) funded seminar series “The Regulation of Work and Employment: Toward a Multidisciplinary, Multilevel Framework” (2013-2015). The seminar series aimed to highlight the complexities and dynamics of the forces that give rise to patterns of regulation at local, national, supranational and international levels. It focused on how the terms, nature and quality of work and employment are determined and the role of regulation in shaping and reproducing them.

The remainder of this article outlines the key issues related to the regulation of work and employment that we feel are most relevant to the field of I/CHRM and comprises four sections. The first section reviews changing trends in work and employment, focusing on four key changes: structural changes, changes to composition and participation, as well as changes to organisation of employment and utilisation of labour. We then consider the regulation of work and employment in the second section, highlighting theoretical and empirical variability in discussions about regulation. In particular, we focus on two emphases identified in the literature: structure and actors. This section also identifies key issues relevant to the discussion about regulation of work and employment in the field of I/CHRM. The third section presents the articles included in the special issue, highlighting their main points and contributions, and the article then closes by identifying future work in the area of regulation of work and employment and I/CHRM.

### **Changing trends in work and employment**

The world of work has changed in fundamental ways in the last couple of decades. First, there have been changes in the structure of employment (Stone, 2004; Kalleberg, 2011; Dencker & Fang, 2016; Sepp et al., 2017). Many countries are evidencing a decline in employment in large, long-established manufacturing and public sector workplaces, alongside the rise of employment in newer, smaller workplaces often in the expanding service sector (Mallett & Wapshott, 2017). While large established organisations typically had formal HR policies and procedures, and often also collective bargaining with trade unions over pay and conditions, smaller and younger organisations are more likely to have more informal HR practices and to remain union free (Marchington et al., 2016). What we now see is a contemporary employment landscape characterised by fragmented global production networks and a management rhetoric of flexibility, and work variously referred to as a-typical, non-standard and contingent, such as zero-hour and fixed term contracts (Hudson, 2002; Rubery et al., 2005; Regalia, 2006; Baldry et al., 2007; Almond, 2011; Brinkley, 2013).

Second, there have been important changes in the participation and composition of the workforce, most notably the increase in female participation in the labour market in modern economies as well as the role of migrant labour. Discussions about this are embedded within wider analyses of the quality of work and employment relations, such as fairness, precariousness, deskilling and slavery (see for example, Alberti et al., 2013; Siar 2013; Strauss & McGrath, 2017). On the one hand, the increasing participation of women in labour markets (see O'Reilly & Fagan, 1998; Cipollone et al., 2014; Rubery, 2015) has been attributed to a combination of factors linked to the changing status of women (Esping-Andersen, 2009). Factors such as the growth of the service economy, women's increasing investment in education, as well as policy responses supporting women into work, have seen an increase in the number of women in the labour market. Furthermore, gender segregation has also played an important role in terms of composition with some sectors becoming highly feminised (Gutiérrez-Rodríguez, 2014; Rubery, 2015). This has had significant implications for the articulation and promotion of particular employment opportunities that are presented as more flexible but that are characterised by structural precariousness (Jacobs & Padavic, 2015). On the other hand, migrant labour has increased as a result of dynamics of globalization and processes of internationalisation that sustain global capitalism (Standing, 2011). It has been argued (see McIlwaine & Datta, 2014) that global cities have a strong reliance on migrant labour as they help to sustain a low-wage, high-profit economy. Conversely, there is much debate about the impact of migration on labour markets, in particular its link to labour market segmentation (McCullum & Findlay, 2015; Ruhs & Vargas-Silva, 2015; Green et al. 2016).

Third, there have been changes in the organisation of work and employment. On the one hand, there have been significant changes to the structure of work, which have had implications on the power balance in the employment relationship (Procter, 2008). This has been primarily evidenced in the introduction of high-performance work systems and ideas about the 'new flexible firm' in the 1990s and the subsequent development of lean management (Ackroyd & Procter, 1998; Murray et al., 2002; Procter, 2008). The impact of these changes has generated much debate (see for example, Godard, 2001, 2004; Carter et al., 2013; Procter & Radnor, 2014, 2017; Carter et al., 2017) and raised important questions about the best way to manage and organise and employment relationship. These changes to the structure of work raise questions about whether the role of particular social actors, such as unions and workers themselves, needs to or has been re-configured. For instance, Huxley (2015) notes that, lean management has endured on the back of employers' rejection of earlier understandings of citizenship at work and the weakening of trade unions so it could be argued that the traditional roles of these actors may no longer be appropriate to navigate dynamics in contemporary workplaces. On the other hand, we can no longer assume a straightforward relationship between a single employer and an individual employee or group of employees. Rather, it is often possible to identify a complex web of inter-organisational arrangements and ownership patterns, including joint ventures, strategic alliances, spin offs and franchising (Rubery et al., 2002; Marchington et al., 2011; Kristal, 2013). The implications of private equity business models, often believed to be primarily concerned with short-term financial results, upon approaches to HRM remains somewhat unclear (Bacon et al., 2013; Clark, 2007, 2011). Furthermore, other actors have now entered the employment relationship; for instance, some debates (see Richards, 2008; Rachleff, 2012) allude to the development of union-free organisations; whereby what could be termed as a 'union avoidance industry' (Logan, 2006) has been developed by consultants, who have now become important industrial relations actors by "actively and aggressively creating [...] demand by encouraging management to fear allegedly catastrophic consequences of unionisation" (p. 652).

Fourth, there have been changes in the utilisation of labour, most notably working patterns and the increased prevalence of part-time, fixed term, temporary and agency work (Grubb & Wells, 1993; Kochan et al., 1994; Bidwell et al., 2013; Cochrane & McKeown, 2015). These arrangements are presented, normally by employers and employer bodies, as a positive development which meets a demand for more flexible employment arrangements in the labour market, or which can act as a ‘stepping stone’ to other employment opportunities. Yet while it is plausible that in some cases this might be the case, there has been many controversies (see Beers, 2000; Houseman, 2001; Guest, 2004) regarding the extent to which such roles are desired by workers or reflect the only option available in the labour market in the absence of more stable and secure employment arrangements. In the UK and elsewhere, there have been vociferous and high profile debates (Klein Hesselink & Van Vuuren, 1999; Remery et al., 2002; Thörnquist, 2011; Pessoa & Can Reenen, 2014; Behling & Harvey, 2015; Rubery & Grimshaw, 2016; Rubery et al., 2016) concerning the use of flexible arrangements, especially ‘zero hours’ contracts, which do not guarantee minimum hours of work, and also ‘bogus self-employment’ arrangements as employers attempt to minimise the number of staff they employ.

These changes speak of new and re-configured ways of working, organising and managing the employment relationship, which could suggest that regulation needs to be re-thought in relation to the demands, challenges and tensions posed by these changes. Kochan (2014) has argued that historically, a duality between management and labour has been used to regulate the employment relationship. He notes that there are many assumptions implicit in this logic; for example, that workforces are primarily in need of control and that they are working under permanent contracts. As we have seen, these assumptions no longer represent the realities of precariousness, job insecurity and work intensification prevalent in contemporary work and employment. Writing in the late 1990s and in context of the US, Peter Cappelli suggested that the traditional employment relationship was dying as a result of intensified competition, new technology and modern management techniques, as well as heightened emphasis upon shareholder value and in turn, reducing costs. As a result, he predicted that, “if the traditional lifetime employment relationship was like a marriage then the new employment relationship is like a lifetime of divorces and remarriages, a series of close relationships governed by the expectation that they need to be made to work yet will inevitably not last” (Cappelli, 1998:2). Critical commentators have since noted how the dynamics of capital markets – and in particular the phenomenon of ‘financialisation’ – have resulted in an increasingly ‘disconnected’ form of capitalism (Thompson, 2003, 2013), which emphasises short term financial results at the expense of more long-term decision making (Grahl & Teague, 2000; Batt & Appelbaum, 2013). The result of this emphasis upon market-oriented short-term contracting has been the rise of precariat work (Standing, 2011, 2014), characterised by precariousness, informality and flexibility, and ultimately a deleterious effect on the quality of the employment relationship for many workers.

There are, of course, important consequences for the regulatory space. An individual’s work situation (e.g. location, employer, work arrangements) is now shaped by new and emerging forms of organisation, ownership and governance characterised by shifts in the regulatory space (from joint regulation between industrial relations actors to state and employer unilateralism), the growing decentralisation of bargaining (Damiani, & Ricci, 2014; Haipeter & Lehndorff, 2014) and the re-politicisation of employment relations (Wilson & Ebert, 2013). Traditionally in many nations, the employment relationship was at least in part regulated through formal industrial relations institutions including trade unions, joint consultation and

collective bargaining. However, recent decades have proved challenging for unions across the world, and in many contexts there is evidence of union decline across many measures, such as membership, density, collective bargaining coverage and recognition (Schnabel, 2013; Johnstone & Ackers, 2015; Waddington, 2015; Vachon et al., 2016; Ivlevs & Veliziotis, 2017). It could be argued that modern employers now recognise the value of ‘good’ people management, and employees now have alternative means of having a say, rendering trade unions superfluous or even unattractive (Grenier, 1988). Of course, critical and pluralist researchers of work and employment would reject such unitarist views given the ‘structured antagonism’ (Edwards, 1986) which means some conflicts of interest are inevitable and must be addressed (Johnstone, 2015).

In this context, there are two fundamental ambiguities. First, the increased role of large conglomerates, management equity funds, franchised operations and contractors in the recruitment, hiring and management of workers has brought much variability to the employment relationship. Despite individuals working side by side and carrying out the same tasks within the same settings, there is heterogeneity in employment arrangements and increased ambiguity about whom the employer is (Lepak & Snell, 2002; Rubery et al., 2002; Lepak et al., 2003; Broschak & Davis-Blake, 2006; Wears & Fisher, 2012). Further complexity is added by the triangular employment relationships generated by these arrangements, where workers may be on fixed-term or temporary contracts, moving between sites off the employer’s premises and with shared employer responsibility (Vosko, 1997; Davidov, 2004).

Second, these new dynamics of organisation, ownership and governance have led to the involvement of new actors (e.g. consultancy firms, lawyers, non-independent employee representation structures) within the regulatory space (MacKenzie & Martínez Lucio, 2005). This is what Jessop (2002) has termed ‘destatization of the political system’, which sees a redress of the public-private divide with re-allocation of tasks and re-articulation of the relationship between organisations and tasks across the divide (p.199). Conversely, the roles of existing actors are re-formulated, with many becoming parties as a result of their involvement in diverse processes. For example, given the significance of the scale of public procurement and the pressures this puts in the context of a cost-saving rationale in the public sector, the actual concern of governments with sweatshop labour and workers’ rights, as well as their regulation, has been called into question. Addressing the (re)formulated role of employers, some commentators (e.g. McCrudden, 2007; Brammer & Walker, 2011) have highlighted that the pressures for financial efficiency experienced by governments have raised questions about the need for sustainable procurement regulation. This regulation would ensure that governments use funds in ways that promote social justice and dignity for everyone involved in the supply chain of the services and goods it purchases, especially workers. In this context, the scope of HRM policies and practices appears into question as a result of having to engage more directly with a wider set of actors that play a role in the regulation of work and employment.

### **The regulation of work and employment and I/CHRM**

The regulation of work and employment has been defined as all processes and norms resulting from the multilevel interaction between actors and institutions, and which contribute to determining conditions of work and employment in the context of production and delivery of goods and services (Murray et al., 2000:246). Initially, the development of theory and research about the regulation of work and employment was framed in relation to distinctions

made about its thematic scope (see Joskow & Noll, 1981, Levi-Faur, 2010). Subsequently, a more refined analysis (see Jessop & Sum, 2006) has organised research around regulation into schools of thought, developing a chronology that distinguishes them in relation to their theoretical points of departure and their focus on specific fields and/or levels of regulation (Jessop & Sum, 2006:18).

When understanding existing perspectives about regulation based on thematic scope, we can identify two particular emphases: structure and actors. There are three dominant areas in theoretical and empirical discussions about regulation that emphasise structure (Joskow & Noll, 1981): (a) work focused on price and entry regulation in industries with competitive market structures, (b) work paying attention to price and entry regulation in monopolistic industries and (c) works discuss environmental, health, occupational-safety, and product quality regulation. Conversely, there are two dominant perspectives in research emphasising actors (Levi-Faur, 2010): state-centred perspective, which pays attention to the impact of state-made laws, and civil/private regulation perspective, which analyses regulatory actors beyond the state, such as civil society and firms (e.g. self-regulation through codes of conduct).

Adopting a focus on the underpinning theoretical foundations, Jessop & Sum (2006:18-30) have identified seven schools of thought, which they position historically between the mid-1960s and the 1980s. The first is the Boccarien School (mid-1960s), which was developed by Paul Boccara, chief economist of the French Communist Party and which centred on regulation through over-accumulation and de-valorisation. The second is the Grenoblois school (mid 1970s), developed by the Groupe de recherche sur la régulation d'économies capitalistes (GRREC) based in Grenoble, which looked at class struggle and competition in the regulation of plurinational economic spaces. The third is the Parisian school (mid 1970s), which paid attention to capital-labour nexus, accumulation regimes and modes of regulation. The fourth is the West German school (1970s), which addressed the societalization of regulation through the analysis of class struggles and new social movements as new actors in the regulatory landscape. The fifth is the Nordic school (1970s), which examined regulation in small open economies and their internationalisation. The sixth is the Amsterdam school (1980s), which interrogated the development of concepts of control in the context of regional integration, transatlantic relations and the international division of labour. Finally, the seventh is the American radicals school (1980s), which combined radical political economy, econometrics and political sociology to explore the role of regulation in the relationship between capital and labour both nationally and internationally.

Most of these schools had a clear analytical framing in the economics of regulation and while they set the ground for the development of subsequent research in the field of work and employment, most contemporary analyses have been primarily dominated by scholarship from Law Studies. This could be explained by what we previously noted about the foundational role of Public Interest Theory, which placed the centrality of regulation on the State through the formulation and implementation of laws and regulatory mechanisms. Nevertheless, with the significant changes to work and employment dynamics, some scholars (e.g. Drahos & Braithwaite, 2001; Fudge, 2006) have argued that there is now a conceptual crisis in discussions about regulation resulting from the lack of understanding of the current fragmentation in the meaning of employment. For example, Fudge (2006) notes that work about labour regulation in the field of Law have generally failed to engage with the problems in identifying both employees (for instance, in contrast with self-employed or contractors)

and employers, as well as with the issue of attributing responsibility for the costs of using labour (e.g. temporary agencies).

Discussions about regulation in I/CHRM can be traced back to the 1990s, when HRM was deemed “the new orthodoxy in the management and regulation of industrial relations at the workplace” (Clark, 1993:23). In this context, the importance of differences in the balance between public and private sectors as well as the regulation of the private sector in different countries (Hendry & Pettigrew, 1990:30-31) was raised as a key element for a research agenda in I/CHRM. Subsequent changes in work and employment dynamics led to the reconfigured roles of social actors and the emergence of diverse forms of regulation and regulatory frameworks that impact workplaces, and traverse countries, sectors, settings, structures and arrangements. More recently, some research (e.g., the IJHRM special issue on The state, public policy and the renewal of HRM edited by Martínez Lucio & Stuart, 2011; Williams et al., 2011; Häberli et al., 2012; Kretsos & Martínez Lucio, 2013; Ollier-Malaterre et al., 2013) has engaged with this complexity, raising the importance of exploring the role of regulation at different levels: from attention to domestic labour markets, such as the context of devolved regimes, to the organizational level through attention to the renewal of HRM. These discussions highlight the importance of understanding not only the transformations in dynamics and processes of work and employment, but also the nature of and the role played by social actors, and ultimately the implications of these changes on the way work settings operate and are regulated.

We could argue that important theoretical contributions in the area of regulation of work and employment (see for example, Danford, 1998; Edwards & Elger, 1999; Martínez Lucio et al., 2001; Pearson & Seyfant, 2001; MacKenzie, 2002; Martínez Lucio & MacKenzie, 2004; MacKenzie & Martínez Lucio, 2005, 2014; Lillie, 2007; Howe, 2017; Inversi et al., 2017) engage and build upon previous arguments about structure and actors, especially the latter. In disciplinary terms, these studies move away from the economics-driven focus that characterised initial work and theorise the complexities of labour dynamics and the role of different actors adopting interdisciplinary perspectives. Empirically, some authors (e.g. Fudge, 1977; Zhu & Campbell, 1996; Hau & Chow, 1998; McIlroy et al., 2004; Sebardt, 2004; Mellahi, 2007; Molina, 2007; Tomlinson, 2007; Koch, 2008; Wöcke & Sutherland, 2008; Cullinane et al., 2014; Anagnostopoulos & Siebert, 2015) have reported evidence of the impact of regulation on HRM practices in organisations in different countries, reflecting on contextual diversity and embedding analytical frameworks that illustrate varieties of capitalism. In this respect, an important development in these discussions is the acknowledgement that contexts, sectors, work settings and actors have changed and therefore, the social framing that helps to articulate regulatory spaces is very heterogenous.

Given the increasing diversity in the way traditional mechanisms of regulation are used, contemporary workplaces have transformed into contested regulatory environments. Nevertheless, there does not appear to be a clear consensus about the direction the understanding of regulation underpinning social and policy mechanisms should move. This is further complicated by the ways in which these mechanisms cut across other systems, the normative issues involved in different systems of authority and the means of social regulation used (Vibert, 2014). In addition, given the pressures facing work settings and organisations, recurring and often controversial questions include whether, how and why to regulate work and employment. The complexity of these questions is amplified in the global landscape of work given coexisting employment relationships across national boundaries as well as within

single workplace settings, where there may be ambiguity about whose responsibility it is to maintain the employment relationship and whose responsibility it is to regulate it.

Despite acknowledgement in the literature of the importance of the issues previously discussed, there appears to be limited discussion about regulatory frameworks and institutions in ways that are both consistent with, and appropriate in purpose for the new landscape of work and employment. Most works in the I/CHRM literature that touch on the topic of regulation (e.g. Morley & Collings, 2004; Brewster, 2007) assume a context of relatively large firms (e.g. MNCs) where people are employed for very long periods of time, and where there is a perceived clear division between the role of management as overseeing the workplace, and the role of workers. In that respect, the complexity of work and employment structures and dynamics is not fully captured by I/CHRM because its engagement with regulation is not sufficiently nuanced.

This could be attributed to the lack of homogeneity in HRM scholarship (Thompson & Harley, 2007), which cascades to the sub-disciplines of I/CHRM research (Lazarova, 2006). The diversity that has shaped the field emerges from the lack of a distinct theoretical foundation. While this could be seen as a strength, the four distinctively dominant orientations in I/CHRM literature utilise constructs and ideas from other fields, which are in themselves very different from one another and show very limited analytical overlap. These dominant orientations are: International Business Management (IBM) Cross-Cultural Management (CCM), Strategic HRM (SHRM), and Institutionalism and Employment Relations/Industrial Relations (ER/IR). The primary focus of most of these orientations is the problematisation of the tensions between localization and standardization with a focus on management practices (e.g. Lu & Bjorkman, 1997; Chen & Wilson, 2003, Pudelko & Harzing, 2007; Lunnan & Traavik, 2009; Ferner et al., 2011; Chung et al., 2014). Up to this point, there is limited discussion in I/CHRM that engages explicitly with the theme of regulation of work and employment beyond theoretical and empirical work developed by scholars from the institutionalist/employment/industrial relations tradition (e.g. Kostova & Roth, 2002; Dickens, 2004; Edwards & Kuruvilla, 2005; Smith, 2005; Dean, 2007; Estlund, 2010; Lee & McCann, 2011; Martinez Lucio & Stuart, 2011; Stuart et al., 2011; Adams & Deakin, 2014; Cotton, 2015; Bamber et al., 2016).

This is evident in the dominant themes of research within each of these orientations. Works drawing on the IBM tradition (e.g. Liu, 2004; Myloni et al., 2004; Edwards & Kuruvilla, 2005; Cooke, 2012) have focused on internationalization, discussing entry strategies and how these shape HRM. Studies drawing from the CCM tradition (e.g. Tayeb, 1994, 1998; Brewster & Bennett, 2010) have discussed socio-cultural features and differences within and between countries, with discussions looking into diversity management, cross-cultural leadership, and global talent management. Research informed by the SHRM tradition (e.g. Schuler et al., 1993; Taylor et al., 1996; Dickmann & Müller-Carmen, 2006; Farndale & Paauwe, 2007) has addressed the link between business strategy and HRM in multinational corporations.

Works drawing on the institutionalist/ER/IR tradition seem to be those that have given central attention to regulation in international and comparative discussions (see for example, Bamber et al., 2016). These studies have largely explored how the interplay between countries systems, culture and institutions shapes I/CHRM practices. This research focus has expanded our understanding of the relationship between regulation and the parties, process and outcomes of the employment relationship (Heery, 2008), including the formal and informal

institutions of job regulation, such as trade unions, employer associations and collective bargaining and their roles in governing the employment relationship. While I/CHRM scholars have tended to focus more upon the management activities and priorities at the level of the individual employing organisation and in particular questioning the effectiveness of management practice, institutionalist/employment/industrial relations scholars have had broader concerns around the regulation of work and which takes into account the role of national institutions and political economy (Wailes et al., 2016).

### **Contributions to the Special Issue**

The contributions to the Special Issue highlight the need to reconfigure theoretical, conceptual and empirical discussions of regulation to account for the diverse nature and role of different actors across firms, sectors, industries and countries.

The special issue begins with Miguel Martínez Lucio and Robert MacKenzie's article 'The State and the regulation of work and employment: Theoretical contributions, forgotten lessons and new forms of engagement', which discusses the tensions in the main approaches used to understand the role of the state in research about work and employment. The article calls for more abstraction in the treatment of the role of the state in discussions about regulation, more scrutiny on the role of the state in regulatory dynamics, and more nuanced analyses of how regulation is politically structured and developed. Their main point is that regulation functions within economic and social contexts so the state cannot be seen as a unitary actor but rather as a collection of institutions with competing agendas. Furthermore, they argue that the state's internal boundaries are becoming increasingly porous and external regulatory actors can be found within these internal boundaries. This suggests that analyses of the state and its interactions with other actors need to be more nuanced, and they propose that the state needs to be positioned in discussions about regulation taking into account this heterogeneity and focusing on the different regulatory spaces and actors that play a role in processes of regulation. The article contributes to our theoretical understanding of state within the regulatory space. In addition, as it calls for more systematic analyses that engage with the politicisation of the state and provide more insight into the dynamics, relationships and processes developed by the state, it expands debates about the centrality of the role of social actors.

In the article 'Flexitime and Employee Turnover: The Polycontextuality of Regulation as Cross-national Institutional Contingency' Christiana Ierodiakonou and Eleni Stavrou bring together the contingency and institutional theories to explore the relationship between the use of flexitime and employee turnover adopting an organisational perspective, capturing the complex regulatory conditions under which flexitime is used most frequently and more likely to have an impact on employee turnover. The authors hypothesise that legal structures (i.e. working time legislation, State support and industrial relations systems) operate as both coercive supra-organisational pressures and institutional contingencies that impact flexitime, while also moderating the relationship between the use of flexitime and employee turnover. In order to test their hypotheses, they used Cranet data from 4688 organisations across 21 OECD countries. Their findings provide partial support for the role of legal structures: State support and industrial relations systems have a direct influence on the use of flexitime. The article contributes to enhancing our understanding about working time legislation with findings that suggest that it fails to increase the use of flexitime, that high union density rates are associated with more use of flexitime, and that both high cost and wide availability of

childcare is related to lower use of flexitime. Their findings also support the role of legal structures as moderators of the relationship between flexitime and employee turnover.

Robert Ackrill, Valerie Caven and Jamila Alaktif's article 'Black Boxes' and 'fracture points': the regulation of gender equality in the UK and French construction industries' brings together policy debates about gender and Europeanisation to illustrate differences in national and industry level approaches to EU gender equality policy in the construction sectors in the UK and France. The article provides interesting insights into the complexities of applying gender diversity initiatives within this male-dominated sector. The authors identify three fracture points, which they see as the points where policy is implemented from a legal standpoint but there is limited evidence of delivery of desired policy outcomes. The first two points highlight variability in the inclusion of monitoring mechanisms and penalties to both ensure delivery and tackle non-delivery, and the third point highlights the barriers posed by the misalignment between policies and policy discourses at the EU and national levels, as well as in relation to implementation at firm level. An important call made by the authors pertains to the need for more examination of detailed qualitative analysis of dynamics of processes of policy implementation to identify how directives are translated at the national and industry levels.

In the article '(De)regulation of working time, employer capture, and 'forced availability': A comparison between the UK and Cyprus food retail sector', Anastasios Hadjisolomou, Kirstie Newsome and Ian Cunningham compare the regulation of working time in the food retail sectors in the UK and Cyprus. The paper centres on the implementation of the Working Time Directive. The authors note that the variability and gaps in State intervention provide scope for other social actors, such as employers, workers and unions to exert influence and shape the regulation of working time. In the article, the authors mobilise the notion of 'forced availability'. This emerges from their finding that suggests employer increased control over the timing and allocation of shifts and rotas, which leave workers with no guarantees of working hours, forcing them to make themselves available in order to maintain them and ultimately affecting work and home life. The article's main contribution is that it highlights what could be termed as a multi-level failure of regulation to protect vulnerable workers: at the EU, state and industrial relations levels. In light of this, it calls for the re-regulation of rostering and scheduling as well as more research into 'compulsion' in working time.

The next article, 'Posting and Agency Work in British Construction and Hospitality: The Role of Regulation in differentiating the Experiences of Migrants', Gabriella Alberti and Sonila Danaj explore the experiences of low-paid and insecure employment of migrant workers in the British hospitality and construction sectors. The article brings together IHRM debates and three cross-border labour regulations (the EU Posted Workers Directive (PWD), the UK's points-based immigration system and the UK's transposition of the EU Directive on Agency Work) and uses combined data from two qualitative projects: one on London's temporary staffing industry in hospitality, and two case studies of the construction sector in Northern England. The authors argue that there are categories of migrants, which they see as the result of variation in the degree of insecurity and vulnerability the experience. This argument is developed in relation to the qualitative differences of the regulatory spaces these migrants inhabit and their findings suggest that migration and employment status create inferior conditions these produce for them in the labour market. Furthermore, their findings highlight that there is an important relationship between migration regulation and recruitment practices, which is evident in that not all EU migrants enjoy equal rights across national

labour markets. An important contribution of this article is that it locates migration perspectives in the study of international labour management changes and regulation.

The last article in the special issue is Andreas Kornelakis, Michail Veliziotis and Horen Voskeritsian's 'How can competitiveness be achieved in post-crisis Europe: Deregulating employment relations or enhancing high performance work practices?'. Against the backdrop of increasing deregulation across European models of capitalism, the authors focus on the relationship between employment relations institutions and productivity. Using data from the European Company Survey, they explore the ability of firms in EU-15 countries that have employment relations institutions to improve productivity during the financial crisis. They hypothesised that higher levels of bargaining, as well as the presence of trade unions and work councils would be negatively associated with an increase in productivity, and conversely, that performance-related pay, teamwork and training would be positively associated. Whilst their findings did not support the hypotheses proposing a negative association, they broadly supported those proposing a positive association and at the same time highlighted institutional variability in different country clusters. A salient contribution of this article is that it challenges the predominant neoliberal discourse that ER institutions have a negative impact on productivity.

### **Future directions**

Progress has certainly been made on debates about regulation of work and employment in the field of I/CHRM and the articles in this special issue make significant contributions by highlighting the role of different social actors. However, as the articles themselves identify, much more needs to be done in order to continue to expand debates and engage with the nuanced dynamics of the regulation of work and employment. Thinking about I/CHRM as a field, an important call can be drawn from Hyman's (2001) proposition that effective regulation of work and employment could be reconstructed supranationally and transnationally (p. 477).

With this in mind, we identify two opportunities to advance discussion about regulation of work and employment in I/CHRM. First, theorising where regulation sits within the field is relevant in order to develop more nuanced analytical frameworks that allow for more critical discussion of HRM practices internationally and comparatively. Second, we need to devote more empirical efforts to explore not only the role of regulation in the workplace in a way that accounts for the increasing diversity of both workplaces and workforces, but also how regulation is embedded in mechanisms to manage workers in contemporary work settings globally. In particular, we should no longer restrict our thinking to national regulation but have to broaden how it is included in discussions as a phenomenon that is transnational and supranational in scope.

Given the mobility of capital, people and technology, the world of work happens in different simultaneous locations and under different sets of conditions. In the context in which traditional institutions, such as trade unions, which used to be countervailing forces to balance power relations in labour markets, are weakening and no longer play the central roles they had at the start and middle of the 20<sup>th</sup> century, other important questions require attention; such as what this means for the way we regulate the employment relationship, who is responsible for regulation, and how individuals are managed in ways that allow obtaining outcomes that benefit and are fair to the main actors involved (e.g. workers, employers

unions, the business community, government ministries, international agencies, society) within and across national borders.

For instance, Metcalfe & Rees (2005) have argued that the focus of HRM theorisation on the performance paradigm has neglected the role of other actors, like the state in “influencing and regulating HR policy and practice (aside from employment law regulations)” (p. 453). Conversely, Almond (2011) has noted the failure in the field to look into how sub-national sites of regulation deal with the creation and transmission of knowledge, and manage the logistical challenges of geographical and organizational fragmentation of production. Diversity in stakeholder interests as well as their interpretations of what regulation means (e.g. evil burden or necessarily evil) also means that diverse forces impinge on whether regulation is perceived to be effective. The centrality of reform, austerity and budget cuts in the current global scenario demands that we not only think about regulation but also about the mix of public and private institutions that can bring fairness, equity and efficiency to the employment relationship (Budd, 2004).

The implications of this for I/CHRM are geared toward the expansion of the analytical scope of the field. It is important to acknowledge, however, that this expansion risks infinite regress mainly due to definitional issues across countries. Lazarova et al. (2008) note that despite some evidence of convergence, the strength of different conceptualizations alongside institutional differences, cultural specificities, different social actors and their roles and relationship continue to add complexity to the field. Nevertheless, while defining the field is a conceptual task in itself, it should be complemented with a focus on the context of work and employment. Ultimately, the workplace as a site of regulation requires to be theorised and mapped empirically.

More concretely, we see future directions in the development of analytical models for I/CHRM work that adopt what could be termed as strategic institutionalist perspectives, which rely on multi-analytical, multi-level perspectives. Such perspectives would facilitate accounting for complexity that could enrich discussions about regulation of work and employment in the I/CHRM field. Some discussions are already happening adopting perspectives (e.g. Arup et al., 2006; Howe, 2006, 2011; Davies and Freedland, 2007; Avdagic, 2015; Kaine, 2012), that bring together labour law and industrial relations to develop regulatory analyses of work and employment. However, to build up on calls by other scholars (see Bray & Waring, 2005) who have argued that a broader conceptualisation of regulation is needed as well as a link to new institutional theories, we would add that more work is needed that engages these conceptualisations and theories with existing debates in I/CHRM in order to make significant advances to the field.

In a similar vein, another avenue for future work is developing more nuanced discussions about sectoral governance and the role of social actors. Some work has been undertaken in this area (e.g. (Ashiagbor, 2001, 2004; Collins, 2001, 2006; Hobbs & Njoya, 2005; Bewley, 2006; Kuruvilla & Verma, 2006; Sciarra et al., 2007; Black, 2011; Rainbird et al., 2011; Countouris & Freedland, 2013; Crouch, 2015)). However, more needs to be done in order to critically engage with the implications of demands for more sustainable management, procedural control, institutional governance and political accountability for theory, research and practice in I/CHRM. We hope this special issue stimulates the debate and acts as a catalyst for future research.

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