

# Between norms and practice: Civil society perspectives on the legitimacy of multistakeholder initiatives to eliminate child labor

Martijn Boersma

University of Technology Sydney, NSW,  
Australia

## Correspondence

Martijn Boersma, University of Technology  
Sydney, PO Box 123, Broadway NSW 2007,  
Australia.

Email: martijn.boersma@uts.edu.au

## Abstract

Child labor in global supply chains is increasingly addressed through multistakeholder initiatives. However, the participation of stakeholders with distinct views and interests can generate tensions. Based on interviews with civil society actors, this research finds that tensions exist between the normative-ethical and political-strategic dimensions of multistakeholder initiatives, which are manifest in the existence of international and national norms and their contextual application, in definitions of child labor, risk and responsibility, and in doubts about corporate incentives to join multistakeholder initiatives. In addition, tensions exist concerning the effectiveness of supply chain auditing, enabling broader labor rights as a means to remediate child labor, and whether standards need to be mandatory or self-regulation suffices. The success of collaboration depends on the effective navigation of these tensions. Failure to do so can undermine the legitimacy of multistakeholder initiatives from the perspective of civil society actors. The research finds that due diligence, in the shape of human rights risk assessments, is not subject to normative-ethical/political-strategic tensions, and can play a key role in the success of multistakeholder initiatives and the fight against child labor.

## KEYWORDS

child labor, global supply chains, legitimacy, multistakeholder initiatives

## 1 | BACKGROUND

It is estimated that one in ten children worldwide are child laborers. Child labor has different levels of severity, it is found in the formal and informal economy, inside and outside domestic settings, it occurs with and without payment, while occurrence varies across sectors and regions (International Labour Office, 2013). Factors such as age and the effect of labor on the well-being of children are used as proxies to determine severity, and are embedded in International Labour Organization (ILO) Conventions 138 (minimum age) and 182 (worst forms of child labor). While there is no conclusive evidence that the growth of global trade has caused an increase in child labor (Cigno, Rosati, & Guarcello, 2002), expansion of global supply chains does have the capacity to implicate multinational corporations (MNCs) in the use of child labor (Boersma, 2017; Clarke & Boersma, 2017).

While there is no lack of objections to child labor, there is more to addressing the issue than abolitionism (White, 1994). The protection of children, their development, and the economic impacts of child labor are marked as areas of concern (Anker, 2000). Anker argues that hazardous forms of child labor are negative for all three concerns, while nonhazardous wage labor interfering with education has a negative impact on child development and the labor market, but not inevitably on child protection. Other forms of children working are potentially acceptable if nonhazardous labor adds to family income, it does not undermine the labor market and there is no intrusion with education (Anker, 2000). Related research suggests that child labor policies in subsistence economies should enable a combination of work and education rather than eliminate child labor altogether (Admassie, 2003). It can thus be said that the ethical dimensions of child labor are not shaped by a universal “hypernorm” (Kolk & Van Tulder, 2002a).

Supply chains have become a key part of global production. The Organization for Economic Co-operation and Development (OECD) estimates that over half of the world's manufactured imports are intermediate goods, which are used in the production of other goods (De Backer & Miroudot, 2012). The rise of global supply chains is accompanied by concerns about social sustainability, specifically concerning labor and human rights (International Labour Conference, 2016; O'Brien & Boersma, 2016). A key challenge is formed by different norms across geographic and institutional settings. For example, while home countries and MNCs often have a zero tolerance approach to child labor, host countries and suppliers may have less dismissive attitudes. These tensions are the result of the absence of shared experience at the global level, the response to which is characterized by "the gradual rise of a multilateral institutional system of co-governance" (Castells, 2009, p. xxx).

Specifically concerning ethical business conduct, the United Nations (UN) Global Compact, the ILO Conventions, the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights are examples of multilateral co-governance. None of these initiatives is legally binding. Instead, they represent international standards that can be used as guidelines for the drafting and implementation of national laws, trade agreements, stock exchange governance codes, corporate policies, industry codes of conduct and multistakeholder initiatives. Despite their voluntary character these standards are not necessarily "weak," especially when enshrined in legally binding standards, as with regulation for home-based workers in Australian textile and footwear supply chains (Nossar, Johnstone, Macklin, & Rawling, 2015). These features have led to the term "soft law," which is increasingly used as a means to achieve social change in corporate contexts (Klettner, Clarke, & Boersma, 2013).

MNCs commonly approach child labor through self-regulation, specifically via corporate codes of conduct, with or without drawing on international standards (Kolk & Van Tulder, 2002b; Van Tulder & Kolk, 2001). These forms of governance can be initiated by companies, but can also involve multiple non-business stakeholders (Fransen, 2012; Fransen & Kolk, 2007). Multistakeholder initiatives (MSIs), also known as multistakeholderism, multistakeholder governance and multistakeholder dialogue, are forums that bring stakeholders together to engage in debate, decision-making, and implementation of strategies to resolve environmental or social issues (Kaine, Josserand, & Boersma, 2017; Utting, 2002). MSIs take on different forms, such as business–nonprofit, business–government, government–nonprofit and trisector partnerships (Selsky & Parker, 2005). In this paper, MSIs are regarded as companies teaming up with civil society organizations (CSOs).

MSIs can play a key role when individuals, groups or issues fall into governance gaps. In the case of child labor, this occurs when international standards are not enforced locally, or when child labor occurs beyond the reach of national legislation, such as in the informal economy (Kolk & Van Tulder, 2002b). Organized labor and other CSOs play an important role in instances where global governance gaps occur (Gallin, 2001). For example, worker representatives have been shown to serve as key contact points for companies, CSOs and other stakeholders in creating a binding and global agreement covering social issues, human rights, working conditions and industrial relations (Preuss, Haunschild, & Matten, 2006, 2009). CSOs are thus seen as

key intermediaries and ascribed an important role in global governance (Scholte, 2002; Teegen, Doh, & Vachani, 2004).

Nevertheless, MSIs are not without challenges. While they can help to safeguard social and environmental sustainability, they are not always regarded to be effective or legitimate (Bernstein & Cashore, 2007; Cashore, 2002). For example, initiatives may lack transparency, accountability and independence and might not include all relevant stakeholders (O'Rourke, 2003, 2006). Furthermore, stakeholders can have different expectations of these initiatives or focus on different areas. In their examination of the Ethical Trading Initiative, an alliance of companies, trade unions and voluntary organizations, Barrientos and Smith (2007) find that companies tend to concentrate on outcome standards (results of negotiations and access to worker entitlements) while CSOs emphasize process rights (principles enabling workers to claim their rights). As a consequence, MSIs are subject to several tensions.

This study explores the tensions between the normative-ethical and political-strategic dimensions of multistakeholder approaches to child labor, specifically focusing on the ways in which these tensions can influence the perceived legitimacy of these initiatives from the perspective of civil society actors. Examining the tensions between normative-ethical and political-strategic dimensions of multistakeholder approaches to child labor is pertinent, as approaches to child labor cannot be informed by a universal hypernorm. As such, this research looks at the practical application of child labor norms, while simultaneously considering whether these processes and outcomes are considered legitimate by civil society actors. The following section discusses the theoretical framework and focuses specifically on tensions between normativity and application in discourse ethics, as well as on the effects of these tensions on the legitimacy of MSIs. Using interviews, the subsequent sections then explore the specific areas in which these tensions emerge and discuss the implications for the input and output legitimacy of MSIs.

## 2 | THEORETICAL FRAMEWORK

Globalization of business enterprise presents companies with various cross-cultural and transnational ethical dilemmas (Donaldson, 1996; Donaldson & Dunfee, 1999). Simply put, business practices that are acceptable in some contexts might not be tolerated elsewhere. Global supply chains add a complicating factor to this dilemma, as production relationships become obscured as supply chains lengthen, involving various actors in different geographic and industry contexts. On the surface, these transnational ethical dilemmas appear to create a stand-off between moral universalism and moral relativism.

This apparent deadlock can be overcome through discourse ethics, which posits that ethics, morals and values are subject to discursive processes in which they can be legitimized or contested (Habermas, 1993). For Habermas (2001, p. ix), discursive processes are "embedded in the most basic capacities that we possess as persons capable of speaking, hearing, giving and accepting reasons for our actions." As concerns around child labor are multiscale and cannot be reduced to a hypernorm or moral relativism, discourse ethics can be used to explain why some approaches to child labor are considered appropriate while

others are not. Discourse ethics furthermore provides a suitable theoretical approach considering that multistakeholder dialogue plays a growing role in shaping business ethics (Wieland, 2014).

## 2.1 | Normativity

Discourse ethics provides a framework for ethical decision-making and the creation and testing of norms in the public sphere. For Habermas, discursive processes lie at the core of any claim to truth and normativity: “where disagreements arise concerning the truth of assertions or the rightness of norms, consensual interaction is disrupted and can be resumed only when [...] factual and normative claims are subjected to critical scrutiny in a process of argumentation freed from the imperatives of action (Habermas, 1993, p. xiv).

In *The Postnational Constellation*, Habermas (2001) considers some of the challenges that globalization poses for humanity, such as political and moral tensions and the status of human rights. He argues that “public, discursively structured processes of opinion- and will-formation make a reasonable political understanding possible, even among strangers” (Habermas, 2001, p. 73). Together with supranational organizations such as the UN and its specialized agencies such as the ILO, Habermas mentions CSOs such as Greenpeace and Amnesty International as contributors to informal regulatory networks that focus on global governance.

To legitimately generate or question norms, multistakeholder dialogue must meet a number of “idealizing presuppositions”: (1) participants use linguistic expressions in the same way, (2) no argument is suppressed or excluded, (3) participants are motivated by a concern for the better argument, (4) no force but that of the better argument is exerted, (5) there is agreement on the universal validity of the claim being thematized, (6) everyone capable of communicating and acting can participate and is entitled to introduce new topics, and (7) no validity claim is exempt from critical evaluation in argumentation (Cooke, 1997, pp. 32–33).

Forms of multistakeholder dialogue that approximate these idealizations are labeled “discourses.” However, these conditions will not always be met in practice. Habermas implies that Presuppositions 1–4 manifest in all forms of argumentation, while Presuppositions 5–7 are required in more demanding forms of debate (Cooke, 1997, pp. 32–33). As such, MSIs should not simply be seen as “discourse ethics in action,” but rather as models of cooperation that can provide the link between “ideal” discourse ethics and “actual” discursive processes with multiple stakeholders, as these initiatives “practically organize and politically institutionalize the democratically founded and hence justified right to participation of civil society” (Wieland, 2014, p. 79).

## 2.2 | Application

However, the link between ideal discourse and actual multistakeholder dialogue remains unclear. For example, what is the point of ideal discourse if the presuppositions are difficult to meet and can be superseded by actual dialogue? Is it worth meeting idealizing presuppositions if the norms they generate can be overridden in practice? In an attempt to overcome this problem, Scherer and Palazzo (2007) propose a version of discourse ethics that highlights politics over ethics

and emphasizes the practical application of discourse ethics instead of focusing on its normative elements.

Scherer and Palazzo make a distinction between Habermas<sub>1</sub> (the normative ethical interpretation of discourse ethics) and Habermas<sub>2</sub> (the political and strategic version). Habermas<sub>2</sub> is characterized as “a deliberative process of opinion formation and will formation in civil society which is no longer subject centred, but in which the organizations of society could play a decisive role” (Wieland, 2014, p. 75). Habermas himself also recognizes the need for a practical side of discourse ethics, which he calls application discourse, which considers “principles of appropriateness and the exhaustion of all relevant contextual features” (Habermas, 1993, p. 130).

In another step toward pragmatism, while Habermas<sub>1</sub> emphasizes reaching consensus, in Habermas<sub>2</sub> the outcome of debate can be compromise and might well entail disagreement on key issues. Put differently, the aim of Habermas<sub>2</sub> is to make incremental progress by deliberative democratic processes (Scherer & Palazzo, 2007). However, the distinction between Habermas<sub>1</sub> and Habermas<sub>2</sub> is not clear-cut. Wieland acknowledges this and contends that Habermas<sub>2</sub> implies the use of “application discourses as flexibilized forms of normatively legitimated and controlled procedures, whereby the opening question of application discourses, namely what precisely should happen in regard to a problem area, remains undiscussed and open” (Wieland, 2014, p. 78).

Put differently, normativity is the inevitable starting point of any multistakeholder initiative. In addition, even if it is not the purpose of debate to reach moral consensus, but instead to create a political basis for cooperation, it is naive to assume that stakeholders will suspend their conceptions of desirable norms. Thus while Habermas<sub>2</sub> might be pragmatic, it is not devoid of ideological views. If we accept this notion, it follows that application discourse might well influence stakeholder perceptions of norms, thus further blurring the distinction between Habermas<sub>1</sub> and Habermas<sub>2</sub>.

## 2.3 | Legitimacy

The uncertain distinction between Habermas<sub>1</sub> and Habermas<sub>2</sub> raises the question of in which circumstances MSIs are considered legitimate. Wieland (2014, p. 96) argues that in MSIs, “the issue at stake [is] the legitimacy of the actions of all the stakeholders participating in the discourse and the legitimacy of the results of their cooperation.” Legitimacy is a complex concept however, which takes on various forms and resides in the eye of the beholder (Mele & Schepers, 2013). For example, an institutional perspective on legitimacy (Baur & Schmitz, 2012) views legitimacy as a condition emanating from perceived adherence to norms, whereas strategic approaches to legitimacy consider it as a resource that organizations can extract from their institutional environment (Suchman, 1995). As MSIs are characterized by the participation of different stakeholders, it is likely that they each have different views on the legitimacy of these collaborative efforts.

For Habermas, the legitimacy of dialogue depends on the settings in which it takes place: “everything depends on the conditions of communication and the procedures that lend the institutionalized opinion- and will-formation their legitimating force” (Habermas, 1998, p. 245). This legitimating force can originate from “popular sovereignty” or

"human rights" (Habermas, 2001, pp. 115–116). In the first instance, legitimacy is anchored in democratic processes and representation, while in the latter instance legitimacy is derived from law. Both democratic processes and representation, as well as the rule of law, are examples of "input legitimacy." Multistakeholder dialogue and collaboration is, however, also characterized by "output legitimacy" (Bäckstrand, 2006).

The input and output legitimacy of MSIs should not be regarded as antagonistic concepts. Instead, these two types of legitimacy co-exist and represent the perceived elements that endow MSIs with legitimacy. In essence, input legitimacy regards whether norms and processes are perceived as justified, whereas output legitimacy is concerned with the effectiveness and credibility of outcomes. Specifically concerning MSIs in the context of business ethics, research has identified input legitimacy criteria such as the inclusion of relevant stakeholders, procedural fairness and neutralization of power differences, consensual orientation and cooperation, and transparency of processes. Forms of output legitimacy have been identified as rule coverage and compliance, rule efficacy and appropriateness, as well as rule enforcement (Mena & Palazzo, 2012).

### 3 | RESEARCH OBJECTIVES AND METHODOLOGY

Against the backdrop of the increasing prominence of global supply chains and growing concerns about social sustainability, this research explores the tensions that exist in multistakeholder approaches to child labor and the ways in which these tensions influence the input and output legitimacy of these initiatives from the perspective of civil society actors. Specifically, the research will explore the tensions between Habermas<sub>1</sub> and Habermas<sub>2</sub>, between the normative-ethical and political-strategic dimensions of MSIs. As the focus of this research is on civil society actors, the research will adopt an institutional perspective on legitimacy, regarding it as a condition related to adherence to social norms.

Data were gathered as part of a research project of Catalyst Australia, a progressive think-tank (Boersma, Lynch, & Schofield, 2014). Interview participants were approached via networking efforts. Responses to interview requests resulted in conversations with representatives from national and international labor unions, union peak bodies, faith-based organizations, and national and global nongovernmental organizations (NGOs). Participants and their organizations have participated in multistakeholder initiatives with a focus on child labor, among which are the Global March Against Child Labour, the International Partnership for Co-Operation on Child Labour in Agriculture, the International Cocoa Initiative and the Elimination of Child Labour in Tobacco Foundation.

Fifteen interviews were conducted on a semistructured basis exploring the organizations' purpose and role in relation to child labor, the context in which child labor occurs, what approaches are and are not working, and what guidance and support channels are available to organizations and what is missing. The interviews were transcribed and analyzed in NVivo. The interviews were coded in three stages: *data reduction* (reducing and organizing data), *data display* (visualizing

emerging patterns) and *verification* (developing conclusions) (Miles & Huberman, 1994).

The data reduction stage consisted of *open coding* (assigning each statement a code), *axial coding* (ensuring exclusivity of categories), *analysis* (searching for patterns and explanations) and *selective coding* (searching raw data that illustrate the analysis) (Miles & Huberman, 1994). By grouping interview codes into categories and higher order themes, the analysis uncovered the general dimensions of the interviews. Examples of interview quotes and the coding structure can be seen in Table 1.

## 4 | FINDINGS

The following sections describe the topics that were uncovered during the coding process. The sections are ordered following the first-order categories and second-order themes in Table 1 and provide a concise summary accompanied by illustrative quotes. Interview respondents participated on the basis that their names and organizations would be listed in the original research report (Boersma et al., 2014), but that interview quotes would not be ascribed to them. The interviews have been assigned numbers to show the breadth of responses. The discussion section following the findings will further elaborate on the normative-ethical and political-strategic tensions and the effects on the perceived input and output legitimacy of MSIs from the perspective of civil society actors.

### 4.1 | Input legitimacy

#### 4.1.1 | International standards and national laws

From the perspective of civil society actors, the input legitimacy of multistakeholder approaches to child labor has a strong normative basis and is shaped by international standards and national law: [#2] "It's for governments and for the international community to set out the rules." International standards, although not legally binding, are preferred over national legislation if the latter is weak: [#2] "We would start with the international conventions (on child labour), because most of the areas where you have child labour, national legislation or enforcement of that legislation might not be very helpful." Both international standards and national laws are not considered perfect: [#7] "Most countries can't claim to have ratified all of the core ILO conventions including the two on child labour [...] Sometimes it is the case that the domestic laws have not been enabled. In other cases, the laws are on the statute books but there's no compliance."

However, child labor often occurs beyond legal reach, such as in the informal economy: [#3] "it almost always occurs in economic activity that is outside of legal frameworks." Regarding the limits of national law and governance gaps, respondents note increasing synergy between international standards and national law: [#2] "I think the practice is to use the national legislation and it's only since the Ruggie Principles (UN Guiding Principles on Business and Human Rights<sup>1</sup>) [...]"

<sup>1</sup>The UN Guiding Principles are international human rights standards based on three pillars: (1) the state's duty to protect human rights; (2) the corporate responsibility to respect human rights; and (3) greater access by victims to effective remedy, both judicial and nonjudicial (Ruggie, 2013, p. xx).

**TABLE 1** Coding structure

Illustrative quotes	1st order categories	2nd order themes	Aggregate dimensions
[#3] We're targeting companies who would rather use the OECD Guidelines (for Multinational Enterprises) and the instruments it has to file complaints [...]	International standards		
[#2] National legislation [...] doesn't necessarily give you a lot of ammunition to attack a certain practice	National Laws		
[#7] Child labour is a bad thing full stop [...] is a 16-year-old working as apprentice a good or a bad thing? Well, it very much depends on the industry and the conditions and how they're treated	Context		
[#8] Risk is sometimes seen as reputational risk for the business enterprise. If that's what you're talking about, it's a whole different discussion than risk in the human rights sense,	Definitions	Input legitimacy	
[#4] Initially [the company] did not want to meet with union representatives, until there were too many protests from children and schools and it became an issue in the media	Incentives		
[#12] So you're actually drawing the suppliers and the agents into the conversation as opposed to looking at them as the bad guys	Inclusion		Normative-ethical/political-strategic
[#2] There may be some auditing, or social auditing which we don't find very credible as long as there's no worker participation	Auditing		
[#12] Fairtrade provides the most credible assurance available [...] that a product doesn't contain forced or child labor.	Certification		
[#8] While child labour needs to be tackled in its own right, if you've got child labour issues in a supply chain you've almost certainly got other labor rights issues.	Holistic approach		
[#14] We're working with almost all the stakeholders to make a transformative change, rather than just rescue individual children	Remediation	Output legitimacy	
[#3] The coordination effort really should be coming from government in a country.	Enforcement		
[#8] If you are working in a country where child labour is endemic, don't wait until something happens.	Due diligence		

that there is a possibility and momentum that that might change into a more direct and active role of international legislation in terms of application on national territory through multinational companies.”

#### 4.1.2 | Context and definitions

It is also noted that international standards and national laws can be too broad to be effective: [#10] “what is needed is not another one size fits all [approach], but contextual guidelines, principles and approaches.” Another interviewee added: [#11] “once it gets down to the different industries, I then think it becomes very specific as to what's best practice [...] what the standards are in other countries and internationally, and what's acceptable and what's not.” Furthermore, the context in which child labor occurs determines the severity of each case, and the local settings should be taken into account in formulating an effective approach: [#7] “So child labour is a bad thing full stop [...] is a 16-year-old working as apprentice a good or a bad thing? Well, it very much depends on the industry and the conditions and how they're treated and so on and so forth.”

In formulating effective and legitimate multistakeholder approaches, agreement on definitions of key concepts is also crucial, as their meaning can vary among different stakeholder groups. The ILO Conventions on child labour are regarded as authoritative definitions: [#14] “Child labour is defined by the International Labour Organization in two conventions [...] so there is an authoritative definition.” However, concerns exist about the application of the definitions, which can lead to the misbranding of child labor as children working:

[#3] “I think corporations generally are at pains to try and blur the distinctions and to try to suggest that somehow if there's an individual choice involved that (child labour) is not a problem or not exploitation.” Another respondent added: [#12] “Child labour is always an abuse by definition [...] it is not children working.”

Apart from the definition of child labor, the manner in which responsibility and risk are defined is also crucial. Developments of international standards have led to a different view on the responsibility of business: [#3] “there was traditionally a big emphasis on the positive impacts and the good that business could do. The UN guiding principles are about the adverse impacts on human rights that business do. That was a big shift. The notion of responsibility was different.” Risk is also seen as an ambiguous concept: [#8] “risk is sometimes seen as reputational risk for the business enterprise. If that's what you're talking about, it's a whole different discussion than risk in the human rights sense, which is risk that there would be a negative impact on the human rights of others, meaning, for instance, children in this case. So there's two conceptions of the risk. They're not compatible and they're frequently conflated.”

#### 4.1.3 | Incentives and inclusion

The motives of companies to engage in multistakeholder approaches to child labor in supply chains are often regarded as opportunistic and strategic. It was pointed out that the threat of reputational damage is commonly the incentive of a company to participate: [#4] “As I said, [the

company] came to us as a result of these activities, because they got a lot of letters from these schools. Initially they did not want to meet with union representatives, until there were too many protests from children and schools and it became an issue in the media.” Another respondent added that companies engaged with them [#2] “when they realised that this will become an issue—a long-lasting issue that must be addressed by them. So they changed their policy from ignoring and rejecting—I don’t know if it’s only an image concern, or if they really want to change something, but at least they show interest in a dialogue with us.”

The interviews show that the inclusion of relevant stakeholder groups is vital for multistakeholder approaches to be considered legitimate by organized labor and other CSOs. For example: [#7] “Global labour and civil society organisations have trouble with the Responsible Jewellery Council because it is an industry run initiative basically. They do consult stakeholders but in terms of the management of the standard it is an industry driven standard.” In instances when MSIs do not include stakeholders, organizations can withdraw their support: [#2] “[we] also withdrew from the International Cocoa Initiative [...] as long as it’s a closed circuit, self-regulating system [...] it’s not necessarily what we want to invest our time in.” A number of useful approaches were cited, for example: [#5] “In Thailand you’ve got meetings set up by the UN or the ILO with buyers [...] what the suppliers say is you guys squeeze us on price. You expect the products so cheap, but then you want all these labour standards complied with.”

## 4.2 | Output legitimacy

### 4.2.1 | Auditing and certification

MSIs generate various approaches to child labour in global supply chains. Supply chain auditing is one of these outcomes, but is only deemed legitimate when [#6] “there is a genuine multistakeholder independent body that is accrediting those supply chains.” Transparency is a critical factor in these instances: [#6] “unless companies are prepared to say, well, these are all the places in the world where we are having our products made, then the capacity for workers, unions and civil society organisations to be able to check and assess whether those companies are using child labour or not, is [not there].” Another respondent stated: [#9] “unions at a local and global level as well as companies and civil society organisations [...] should be the ones that determine how an audit is undertaken.” However, concerns also exist regarding the supply chain audit process, as it has [#11] “become a game that suppliers know how to play.”

Certification of products can help to ameliorate some of these concerns: [#12] “the long term aim should be to get into a place [a system] where ethical certification through organisations like Fairtrade or equivalent is a pre-competitive standard and that’s really the baseline for companies.” Again, civil society participation is crucial: [#1] “because it is a very rigorous system and it requires [...] that the union fully checks the compliance of every level of the supply chain to ensure that it has integrity.” A lack of participation by CSOs results in certification being [#7] “more about the industry window dressing rather than anything of real substance.” As such, certification is not seen as a magic bullet: [#7] “Rio Tinto and BHP sell their diamonds to a trader who is certified but no one is quite sure what happens to the diamonds in terms of where they go to get cut and polished.” Companies also use certification as a

competitive tool [#12] “enabling the majority of players in the industry to be certified, knocking out the worst performers [by] setting modest standards to which most of the industry can qualify.”

### 4.2.2 | Holistic and remedial approach

MSIs are deemed most effective in those instances where a holistic approach to child labour is taken: [#12] “you have to look at it holistically and we are in support of [...] a broader human rights lens.” Indeed, child labour usually coincides with a general absence of labour rights: [#8] “while child labour needs to be tackled in its own right, if you’ve got child labour issues in a supply chain you’ve almost certainly got other labour rights issues.”

Indeed, the existence or absence of enforced labour rights is an important indicator of effectiveness of approaches to child labour: [#6] “whether there’s also a free and active trade union movement [...] that will be the test of whether the laws [have] any meaning on the ground in terms of workers’ rights and the rights of children.” However, companies do not share this view: [#5] “I can’t think of a single example of a conversation I’ve had with a mainstream, large company where they’ve said ‘yeah, a unionised workforce is really important to us.’”

Effective responses are about more than [#12] “shutting down the factories using child labour, it is about taking a remedial approach to ensure that the best interests of the child are taken into account.” Indeed, [#7] “if you simply ban child labour it forces families and communities into greater poverty.” One respondent described how children: [#5] weren’t just dumped out of the industry and left vulnerable to being exploited in some other industry. They actually ended up being able to go to school. They didn’t completely forbid the kids from being able to work on rugs [...] as long as it wasn’t harmful.” Effective approaches are about [#10] “looking at what drives child labour and tackling it at source rather than in a more cosmetic approach.” For example: [#2] “as long as you don’t increase the wages and the income of the families which are forced to resort to child labour, you won’t get to a sustainable solution.”

### 4.2.3 | Enforcement and due diligence

Enforcement and government involvement are considered vital: [#6] “to end child labour, it’s not just feel-good statements or company-driven policies and commitment, it’s proper, enforceable standards.” Another respondent added that [#1] “our local partner made sure the local authorities were informed, because they actually have the duty and obligation to tackle the issue.” As such, mandatory measures are preferred over voluntary measures: [#7] “Unions and civil society organisations will say they’ve never particularly like voluntary guidelines. We only agree to do them because [...] It can be a positive force for change where the government is manifestly incapable or unwilling to act [but] ultimately you want to push it from a voluntary standard to a regulated standard.” Another interviewee stated that for companies, [#9] “a lot of it is about covering their backside rather than actually lifting performance.”

Lastly, the notion of due diligence is gaining importance: [#8] “if you are working in a country where child labour is endemic, don’t wait until something happens.” Another respondent gave an example: [#14] “let’s say you’re starting to source from Indonesia. What information have you looked at to look at all the various human workers’ rights issues? Have you spoken to civil society [...] to find out what the risks

might be and are you doing a risk assessment before you start to source, not waiting to source before you find things?" In performing child labor risk assessments, relying on the knowledge of (local) stakeholders is seen as important: [#8] "if you are working in a country where child labour is endemic [...] you should've thought through, if this happens, what would we do? Who would we go to? Have we spoken to them? What would be our approach?"

## 5 | DISCUSSION

Discourse ethics states that ethics, morals and values are subject to discursive processes in which they can be legitimized or contested. However, the idealizing presuppositions of discourse ethics make it difficult to apply this framework in practice. This hurdle can be overcome by using a political version of discourse ethics that does not seek moral consensus, but rather offers a legitimate basis for cooperation and incremental progress. However, the difference between the normative and applied version of discourse ethics is not clear-cut: while a political version of discourse ethics might be pragmatic, it is not devoid of normative elements. Indeed, the research finds that although MSIs have become important in dealing with child labor in global supply chains, the input and output legitimacy of MSIs are subject to normative-ethical and political-strategic tensions which can potentially undermine the perceived legitimacy of these initiatives.

The findings show that for CSOs, multistakeholder approaches to child labor have a strong normative basis. Civil society actors assign a key role to international standards and national legislation in shaping approaches to child labor, but acknowledge that the context in which child labor occurs is important in defining suitable responses. Thus, while international standards and national laws are considered authoritative and essential, civil society actors concede that these norms can be formulated too broadly and fail to consider contextual specifics. This marks a tension between normative-ethical and political-strategic dimensions of MSIs: stakeholders will need to navigate the tensions between international and national child labor norms while simultaneously considering the circumstances in which child labor occurs. However, the interviews do not provide direct evidence that this dynamic necessarily undermines the input legitimacy of MSIs.

The perceived input legitimacy of MSIs can, however, be undermined by another normative element, specifically the definition of concepts such as child labor, risk and responsibility. Unless stakeholders reach agreement concerning the definition of these concepts, MSIs are unlikely to be seen as effective and legitimate by CSOs, again showing that for civil society actors multistakeholder approaches to child labor have a strong normative basis. Here, too, a normative-ethical and political-strategic tension manifests, in that CSOs and MNCs are often at odds about the way in which child labor, risk and responsibility are defined: CSOs use definitions in international standards and national law, whereas MNCs are shown to frame child labor as children working, to define risk as reputational risk to the company instead of human rights risk, and to define business responsibility as the good that MNCs can do instead of addressing their negative impacts.

Another normative-ethical/political-strategic tension that influences the perceived input legitimacy of MSIs relates to corporate

participation and incentives to engage with other stakeholders. While civil society actors consider the inclusion of relevant stakeholders to be crucial, they express doubts about the motives of companies to contribute to multistakeholder initiatives. The findings show that reputational risk often forms the main motivation for MNCs to engage with CSOs and other stakeholders, marking a political-strategic rather than a normative-ethical incentive to join MSIs. Despite these opportunistic corporate motives, CSOs nevertheless welcome corporate participation, which suggests that political-strategic corporate motives do not altogether undermine the input legitimacy of MSIs from the perspective of CSOs.

The perceived output legitimacy of MSIs is also characterized by several normative-ethical/political-strategic tensions. For example, civil society actors only regard supply chain auditing to be legitimate where there is a multistakeholder body accrediting these audits. An example of such auditing practices concerns the protection of Australian garment homeworkers (Burchielli, Delaney, & Coventry, 2014). Consequently, CSOs prefer to establish an authoritative accreditation standard. However, the interview findings show that companies frequently perform supply chain audits themselves, have learned how to manipulate audit findings and often comply with auditing standards as a means to knock out their competitors, thus using supply chain auditing as a strategic and competitive tool.

In addition, CSOs deem a holistic approach to child labor to be an important measure of output legitimacy: the denial of labor rights is an important contributor to child labor, and effective remediation is therefore closely linked to enabling labor rights such as freedom of association, collective bargaining and fair pay. However, while CSOs consider it important to enable broader labor rights, the interview findings show that MNCs do not share this normative point of view and do not regard the enabling of broader labor rights such as freedom of association as an important means to combat child labor. This shows that, in line with the findings of Barrientos and Smith (2007), CSOs tend to focus on enabling rights whereas MNCs tend to focus on the outcomes of MSIs, marking another normative-ethical/political-strategic tension.

A last normative-ethical/political-strategic tension that influences the outcome legitimacy of MSIs relates to the enforcement of child labor norms. Contrary to MNCs, CSOs argue that there is a need for mandatory child labor standards, and see a crucial role of the government and local authorities in enforcing these standards. Simply put, CSOs prefer mandatory over voluntary measures, while MNCs prefer self-regulation through corporate policies. CSOs do recognize that voluntary measures applied by MNCs can be effective, but only in cases where governments are unable or reluctant to act.

Finally, the interview findings show that there is an element of multistakeholder initiatives that seems to be free from normative-ethical/political-strategic tensions: human rights due diligence. The rise of preliminary risk assessments has been spurred on by the UN Guiding Principles, and signifies that emerging norms in business responsibility, concerning child labor or other social and environmental issues, are characterized by a distinctive precautionary turn. The interviews show that civil society actors embrace this notion, while there is no indication that companies object to this development.

Considering the novelty of the UN Guiding Principles, at present human rights due diligence should be regarded as a potential outcome

of MSIs. Over time, as the UN Guiding Principles gain authority and its norms diffuse, human rights due diligence will become a new standard, indicating that it has become a factor that determines the input legitimacy of MSIs. Regardless, the fact that due diligence is not subject to normative-ethical/political-strategic tensions suggests that it has the potential to play a key role in the success of multistakeholder initiatives and the fight against child labor.

## 6 | CONCLUSION

This research finds that multistakeholder initiatives focused on tackling child labor are subject to several normative-ethical/political-strategic tensions. These tensions are the result of the strong normative standpoint of civil society actors, while effective multistakeholder approaches to child labor are shaped by contextual factors, and the efforts of companies in dealing with child labor are often characterized by political-strategic motives. Consequently, the success of collaborative efforts to remediate child labor depends on the effective navigation of these normative-ethical/political-strategic tensions, which have the potential to undermine the perceived input and output legitimacy of multistakeholder initiatives from the perspective of civil society actors. Encouragingly, human rights due diligence is ostensibly exempt from these tensions, and can thus play a key role in the success of multistakeholder initiatives and efforts to eradicate child labor.

### 6.1 | Further research

To enable a more detailed analysis of multistakeholder approaches to child labor, future research could endeavor to gather the views of a broader group of stakeholders participating in collaborative efforts, including stakeholders representing government, international governance organizations and business. Furthermore, the examples of dialogue and collaboration provided by respondents are not recorded *in situ*, and are thus anecdotal rather than empirical. Future research could therefore attempt to directly observe dialogue and collaboration, for example in multistakeholder forums. Finally, further research could test whether normative-ethical/political-strategic tensions also occur in MSIs focused on other matters concerning social sustainability, therefore potentially demonstrating the external validity of the findings presented in this paper.

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