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## **12. How to Expand the Role of Employers in Firm Networks?**

### **Lessons from Collective Bargaining with the Property of Outlet Malls in Italy**

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#### ***Abstract***

*This chapter examines the role employers play in firm networks and with which implications for the management of the employment relationship. It acknowledges the main challenge as the extent to which the reconfiguration of business activities along firm networks reduces employers' responsibility for their workforce. At the same time, it explores the opportunities for expanding such responsibility across firm networks. The analysis contributes to the employment relations literature in three ways: science-building, problem-solving, ethics/ideological. First, it proposes a concise review of key theories on firm networks in employment relations, framing corresponding challenges as organisational, industrial and financial. Second, it identifies innovative solutions to issues related to the diffusion of firm networks in employment relations, with evidence based on an unexplored setting such as outlet malls in Italy and consisting of collective bargaining agreements that retail trade unions signed with the property of outlet malls, rather than the tenant retailers. Third, it discusses assumptions and principles in employment relations, comprehending the novelties brought by firm networks within a conventional understanding of the subject. The argument which is advanced throughout the chapter is that firm networks allow for the reproduction of employment relations if the role of employers in the management of the employment relationship is extended to other business agents, possibly the 'real boss', such as the property owning the workplace.*

## 1. Introduction

The chapter examines challenges and opportunities that firm networks (or inter-firm networks) create for employment relations. It aims to combine theoretical and empirical insights by appreciating the literature about firm networks in employment relations, and then by considering outlet malls in Italy, a case that displays an original development such as collective bargaining with the ‘real boss’ of a firm network (the property of the mall) rather than the formal employers therein included (tenant shopkeepers). The topic engages with a problematic trend for contemporary employment relations: “the separation of individual firms into multiple, interconnected firms with asymmetrical power has become the dominant organizational form of capital, the firm network”, instrumental “to segment and restructure to avoid labor regulations” (Anner et al. 2021: 708). The question this chapter addresses deals with this issue and runs as follows: how to turn the challenges that firm networks bring to the reproduction of employment relations into opportunities for their renovation? The answer begins with a preliminary clarification, in the next paragraph, about critical features of employment relations that firm networks put under pressure. The Introduction then illustrates the approach this chapter adopts to advance our understanding of employment relations in firm networks and briefly anticipates the content of the next sections.

Employment relations are based on the interplay between labour, capital and the state, a trilateral framework whose exact configurations vary extensively across time and space (Dunlop 1958, Kaufman 2004). This chapter focuses on the transformations underlying one side of such triangle, capital and its clearest expression in employment relations, employers. The role employers play in firm networks has, in fact, path-breaking implications for the management of the employment relationship, interrupting a “process whereby contractual relationships were gradually supplemented by a growing domain of status rights for workers that were created through direct industrial pressure, legal regulation, or both” (Streeck 1987: 68), precisely because of “the substitution of hierarchy by networks, boundaryless or decentralized units in a globalized world in which private capital is the only significant actor, with the state and labour marginalized” (Thompson 2003: 359). The chapter acknowledges these challenges for the reproduction of employment relations while, rather originally, exploring the opportunities for re-ordering employers’ responsibility across such firm networks. It does so, from a theoretical perspective, by discussing these dynamics according to the three faces of academic employment relations: science-building, problem-solving, ethics/ideological (Kaufman 2008). First, it proposes a concise review of key theories on firm networks in employment relations, framing corresponding challenges as organisational, industrial and financial (Section 2). Second, it identifies innovative solutions to issues related to the diffusion of firm networks in employment relations, with evidence based on an unexplored setting such as outlet malls in Italy (Section 3). Third, it considers assumptions and principles in employment relations, interpreting the novelties brought by firm networks within a

conventional understanding of the subject (Sections 1 and 4). The argument which is advanced throughout the analysis is that firm networks allow for the reproduction of employment relations if the role of employers in the management of the employment relationship is extended to other business agents, possibly the ‘real bosses’, such as the property owning the workplace.

## **2. Researching firm networks and employment relations**

### **2.1. *The ‘organisational’ challenge***

Mainstream academic debates in the 1970s and 1980s reported signs of crisis of the social, economic and political regime that inspired the reconstruction of Western countries after WW2. Until then, workplaces tended to belong to large, bureaucratic, vertically-integrated and hierarchically ordered companies, whereas employment was dominated by male workers on a full time and permanent contracts, well unionised. The crisis of this regime came along with the emergence of radically different business organisations, which carried challenging features for employment relations, largely examined by the literature in three ways.

The first revisited the classic dichotomy ‘market vs hierarchy’ (Coase 1937). It pointed at the decline of mass production in the US and the UK and framed the increase of organisational fragmentation in terms of ‘internal’ versus ‘external’ labour markets (Doeringer and Piore 1971), or ‘core’ versus ‘peripheral’ workers within ‘flexible firms’ (Atkinson 1984).

The second investigated the reasons why major companies in the automotive sector, an epitome of the Fordist-Taylorist era, functioned differently according to the context – in Germany expressing ‘diversified quality production’ (Sorge and Streeck 1988), in Japan ‘flexible rigidities’ (Dore 1986) and the ‘lean production’ (Womack et al. 1990) – therefore demonstrating how factors like employment relations institutions affect the way business organisations and their networks operate.

The third reflected critical perspectives on these debates (Pollert 1988). Hyman (1987), for instance, questioned the emphasis put on the role of management strategy in the promotion of organisational flexibility, arguing instead that the structural contradictions between forces and relations of production drive it. These contradictions obey to the logic of capital accumulation and explain why a rational manager adopts, pragmatically, even opposite approaches to control labour, from coercive forms of hire-and-fire to accommodative forms of employment security.

These contributions highlight the organisational challenge that firm networks bring to existing employment relations. In fact, these networks emerge from company restructuring, mostly through outsourcing and downsizing, whose main result is to expose parts of the once integrated organisation to market regulation. Employment relations

institutions affect the outcome of these processes, but two patterns can be identified across different contexts: part of the firm network moves from a unionised to a non-unionised setting, with lower pay and worse employment conditions; the firm network consists of coordinated smaller units, for which employment laws are less strict and harder to enforce (Kochan et al. 1986). Besides, the coexistence of different business entities within the same workplace makes more difficult for workers to express their voice, especially through channels like trade unions. There is in fact less room for collective negotiation, partly because trade unions are likely to be absent in the smaller parts of the firm networks, partly because only one (the lead company) tend to remain accountable for the management of employment relationship, whereas the others are new to the role and, if less involved in core business activities, are more subject to market competition.

## **2.2. *The ‘industrial’ challenge***

Three contextual factors stand on the background of influential studies in employment relations that relate to the diffusion of firm networks in the 1990s and 2000s. The first is ideological and consists of neoliberalism, the political project pressing for the promotion of market regulation and employers-friendly reforms. The second is technological and regards ICT advancements – computerisation, mobile and internet – that radically changed work practices. The third is multi-dimensional and refers to globalisation, which climbed to the top of academic debates when the significance of the West-East divide declined. Altogether, these factors offered an opportunity for employment relations scholars to deepen and expand the academic debates on firm networks in three directions.

The first explored workplace transformations along organisational networks and examined the implications for HRM and employment relations. Marchington et al. (2004) produced cutting-edge theories on inter-organisational networks and multi-employer relationships and applied them to original cases of fragmented workplaces (e.g., airport, privately funded public hospital, outsourced customer services, IT public/private partnership services, teacher supply agency), eventually prompting employment relations scholars to consider how workers’ voice can fit in firm networks.

The second group of studies embedded workplace dynamics within the broader environment by integrating analyses of internal and external labour markets, as in Osterman’s three rings (1994): the inner ring evolves around performance and depends on technology and competition; the middle ring corresponds with employment relations customs and practices specific to the company; and the outer ring expresses the institutional framework and legal instruments underpinning the employment and welfare system. Such integrative framework inspired comparative studies about the telecommunication industry (Batt and Darbshire 1997). Here the privatisation of economic sectors and the liberalisation of labour markets triggered other challenges

underlying firm networks, only partly addressed by trade unions in those settings where employment relations institutions displayed some resilience (Doellgast et al. 2009).

The third stream discussed the problems that global value chains, global production networks and, essentially, multinational enterprises created for the reproduction of employment relations at the national level, problems associated with the concepts of ‘race to the bottom’ and ‘social dumping’ (Bernaciak 2012). The disruptive effects of globalisation on employment relations imposed a revision of the available theoretical tools. Such revision also passed through the appreciation of the network perspective (Lakhani et al. 2013): the global scale, in fact, expands the potential of firm networks for obfuscating, downplaying, reducing or removing the responsibilities of employers for the management of the employment relationship.

Whereas early contributions highlighted the challenges that firm networks brought for employment relations at the organisational level, the following debates emphasised the industrial dimension. This is evident in investigations about the complex and widespread diffusion of firm networks along entire sectors, also inspired by business studies on the competitive advantages of industrial networks (Porter 1990). At the same time, the focus on the industrial challenge behind firm networks calls into question how governments conceive their role in the economy - as expressed in terms of ‘competition state’ (Cerny 1997) and ‘Schumpeterian workfare state’ (Jessop 1993) – and adds further controversies for the reproduction of employment relations. In other terms, whereas the organisational challenge posits that firm networks hinder workers’ ability to speak up and to find an interlocutor on the employers’ side, the industrial challenge links the diffusion of firm networks with an increase of market regulation and a decrease of workers’ status in entire sectors. Contextual differences are important and the transformations that firm networks provoke are mitigated by employment relations institutions, beginning with collective bargaining. However, where such institutions display some resilience, they tend to slow down the pace of change without affecting its direction, driven by marketisation (Greer and Umney 2022) and inspired by neoliberalism (Baccaro and Howell 2011).

### **2.3. *The ‘financial’ challenge***

More recently, studies in employment relations have devoted a growing attention to aspects of firm networks that are different than the organisational and industrial ones. Financial actors and their influence on employment relations dynamics have in fact become a relevant topic, especially after the 2008 crisis. It is worth reminding that the crisis stemmed from Wall Street’s financial speculation to devastate real economies worldwide and provoked a national debt crisis in peripheral European countries, which responded, under the pressure of the so-called European troika, through draconian reforms that altered employment relations practices (Streeck 2015). Meanwhile, across economically advanced countries, life standards for younger generations, unprecedentedly,

worsened in comparison to the older ones and the gap between few rentier super-rich and the average working people grew (OECD 2019). These developments resonate in three contemporary approaches to the analysis of firm networks in employment relations.

First, scholars consider the variety of contingent work shaping firm networks and investigate the problems, first of all organisational, that contingent work creates for employment relations, along with the policies and laws that allow such problems to emerge (Weil 2017). Most studies explore trade union strategies to address these problems and clarify the factors that contribute to the success of inclusive practices (Mori 2017; Benassi et al. 2019); others focus on companies, whose capacity to exploit regulatory loopholes has been framed as ‘institutional toying’ (Benassi and Kornelakis 2021).

Second, researchers examine the employment relations issues emerging from the diffusion of new types of firm networks. The gig economy is under the spotlights, with industries such as food delivery or ride-hailing expressing the common challenges that underly firm networks (Tassinari and Maccarrone 2020): organisationally, the business model is meant to avoid employers’ responsibilities by treating large part of the workforce as freelance in spite of contrasting evidence; industrially, it is telling that first attempts to solve the employment relations problems created by digital platforms start with (city-based) workers’ mobilisation and end up in labour court rulings, highlighting the need for a common rule valid for the entire sector; finally, the fact that key players like Uber can largely run at a loss proves the relevance of the financial component within firm networks. Focusing instead on the international level, there are cutting-edge analyses on topical problems in the management of global value chains, either proving with original empirical material the opacity of existing regulatory mechanisms (Amengual and Kuruvilla 2020) or applying employment relations theorising to other areas such as the supply chain management literature (Kuruvilla and Li 2021).

Third, scholars include in their analysis the financial context in which businesses are immersed, extending early insights about the negative impact of financialisation on the reproduction of employment relations institutions (Thompson 2003). Some studies look at how financial entities, like private equity, affect managerial decisions and eventually employment relations (Appelbaum, Batt and Clark 2013); others consider how employment relations actors use financial operations to increase their leverage, for instance by orienting pension funds, or affect the narrative about companies’ financial affairs, as done by mobilising workers in companies undergoing financially-driven restructuring (Rothstein 2021).

Overall, the challenges brought by firm networks to the practice of employment relations have long been and are still investigated from an employment relations perspective. The literature reviewed here first considered the organisational challenge, then identified the industrial challenge and, as illustrated in this sub-section, has recently explored the financial challenge, which integrates the previous two by looking beyond

dynamics at the company or sector levels and prompting reflections on all agents, not just employers and governments, with a stake in the employment relationship and in what it contributes to, that is capital accumulation, wealth and profits. Despite the differences, the sources informing these challenges express some theoretical patterns within the field, beginning with an expected emphasis on institutions, power dynamics and the role of contextual factors (Sisson 2007). Besides, these sources tend to arrive to a similar conclusion: business transformations into firm networks have disengaged formal employers from many responsibilities underpinning the management of the employment relationship. The prospects of employment relations that adapt well with such transformations, therefore, regard how to expand such responsibilities to other business agents involved in the same firm networks these employers are part of. The next section deals with an original and potentially innovative solution which offers food for thought about the challenges and opportunities underlying such prospects.

### **3. Employment relations and firm networks: the case of outlet malls**

The retail sector is rather underexplored in employment relations and related fields. Notable exceptions offer a wide-range perspective on retail work (Grugulis and Bozkurt 2011; Carré and Tilly 2017) or investigate work-related dynamics and employment regimes in sub-sectors such as supermarkets (Wood 2020), department stores (Ikeler 2016) and fast-fashion chains (Fullin 2021). Unlike in the field of business and marketing (Cughlan and Soberman, 2005; Reynolds et al. 2002), no studies in employment relations have yet examined outlet malls, a peculiar retail format technically known as ‘factory outlet centre’, ‘factory outlet mall’ or more recently, ‘outlet shopping centre’, and ‘outlet village’.

Outlet malls first appeared in the US in the 1970s (Jones et al. 1997: 112), then diffused in the UK since the 1990s (Fernie and Fernie 1997) and throughout Continental Europe since the 2000s, eventually arriving to other locations across the world in the last ten years. Unlike traditional retail formats, outlet malls are still popular despite the rise of e-commerce. The main reason is that outlet malls do not simply sell fashionable goods but also offer unique experiences in terms of entertainment (amusement parks, cinemas, sport and music events), services (playgrounds for children and nurseries) and technology (magic mirror, child GPS tracking systems, virtual reality goggles) (Buil López-Menchero et al., 2020). Albeit the pandemic has put on hold new projects and disrupted operations in existing ones, the business case for outlet malls remains strong, providing that it constantly renews itself in light of newer customers’ preferences (Savills 2017; RLI 2020). In the next sections, the analysis considers key features of outlet malls in light of the three challenges (organisational, industrial, financial) that the diffusion of firm networks brings to the reproduction of employment relations, exploring ways to turn such challenges into opportunities for their renovation and substantiating the discussion

through evidence based on the twenty-four outlet malls currently present in Italy (<https://www.outlet-malls.eu/italy>).

### **3.1. Challenges and opportunities at the organisational level**

Being a retail complex comprising a large variety of stores, to large extent micro-enterprises, outlet malls fit well into the analytical frameworks based on ‘multi-employers networks’ (Marchington et al. 2004) and ‘networked organisations’ (Batt and Appelbaum 2017). In Italy, about 1000–1200 workers gravitate around an outlet mall: they are mostly widespread in 80–100 stores, micro-enterprises with up to 10 workers and larger stores with 20–30 workers, or they are in services such as cleaning, security, maintenance, and facilities management. The organisational fragmentation of outlet malls adds to work-related issues common in retail, where “part-time employment, low pay, low skill, high employment turnover, and scarce career opportunities are all linked into a self-reinforcing employment regime” (Carré and Tilly 2017: 304). This regime normally includes five elements, which are managerial discretion with informal procedures, hierarchical work relations, low wages with piece rates, high turnover, and strong anti-union animus (Katz and Darbishire 2000). Typically, the most critical employment relations issue regards working time flexibility and, in particular, Sunday work, especially in outlet malls, where about 30% of sales occur on that day. Such issue has evident gender implications, given that the majority of shop assistants are women. Unsurprisingly, as observed in high-street shops (Dordoni 2020) and supermarkets (Wood 2020), retail constitutes a ‘Cinderella industry’, with working conditions poorer and union density lower than in other sectors, also in countries where employment relations institutions are relatively more resilient, as in Italy (Fullin 2021).

To represent workers in challenging contexts, trade unions pursue several strategies (Drahokoupil 2015; Carver and Doellgast 2020). In retail, German, Dutch and British unions launched organising drives that, despite some successes, confirmed the obstacles against a stable and sustained union presence in the sector (Dribbusch 2005: 22). To overcome such obstacles and organise effectively retail workers, it takes some ‘institution-building’ or at least ‘institutional renovation’: Turner (2009) demonstrates it by examining a leading German retailer where trade unions diffused thanks to the creation of regional work councils, adapting a typical channel for workplace representation to a workforce dispersed among several stores. Different strategies can also combine in an original way, as emerged in fast fashion in Italy and the US, with the former using institutional power to mobilise precarious workers, and the latter turning initiatives inspired by social movement unionism into stable channels of representation, albeit alternative to the traditional ones (Gasparri et al. 2019). Besides, the organisational challenge can prompt new initiatives of trade union renewal. As pointed out by Anner et al. (2021: 705), “the network structure presents several benefits for labor, including expanding the scope of labor actions and workers’ power to strategically select the most



critical nodes in capital's network as targets of collective action", as accomplished by "the SEIU Justice for Janitors campaign [which] shifted targets from the temporary hiring agencies that employed janitors to the building owners and their company occupants as nodes of the network indirectly employing the janitors" (see also Erickson et al. 2002). What happened within Italian malls – that is, essentially, collective bargaining with the property of such malls - expresses a similar innovation for employment relations, as illustrated in the next paragraph.

The bargaining agent on the management side, in fact, is not the legal employer, namely the tenant shopkeeper, but the mall's owner, that is the landlord who rents out the retail spaces. Legally, the deal is included as a 'social clause' attached to the rental lease, enhancing its compliance: violations by tenant shopkeepers would lead to the risk of losing the retail space. The first agreement of this kind was signed in 2004 and included the following provisions. Trade unions agreed on regular Sunday shop openings (and therefore Sunday work) thus widening the derogations – set by the law at thirteen Sundays – from mandatory closure. In exchange, workers received: at least one work-free Sunday a month; a 10% wage increase for Sunday work; luncheon allowances; and sixteen hours of training (safety norms, marketing). The unions gained something too: an office within the retailing complex; the appointment of three job safety delegates whose activities were reimbursed (€15,000 yearly per delegate); the monitoring of working conditions every six months; and seasonal meetings with management to discuss business investments. This kind of agreement simplified the way unions represented workers in the mall in three ways: first, by making the mall's director responsible for the implementation of the deal, therefore identifying in this figure the node of the business network capable of assuming some employer's responsibilities; second, by including every worker present in the malls within the same multi-employer agreement, the one valid for the retail sector, thus avoiding the coexistence of multiple contracts (e.g., textile, IT, furniture sectors) and the corresponding risk of union rivalry; third, by deliberately setting up a blueprint for union involvement in the regulatory process of other malls, an opportunity that encountered several challenges.

This innovative form of collective bargaining occurred only in three malls out of the twenty-four in Italy. The reasons can be summarised around one critical issue: Sunday shop openings. When the first mall in Italy opened in 2000, the legal framework on Sunday shop was set nationally by law n. 114/1998, establishing a ban that could have been derogated only on 13 occasions yearly. The ban did not apply to touristic locations, where Sunday openings were instead unconstrained. However, the 2001 constitutional reform devolved the legal competence on retail from the national to the sub-national level, that is twenty Regions. Twenty different legal frameworks soon emerged, with most labour-friendly ones allowing derogations to Sunday closures only upon social partners' agreement. This is what occurred in Tuscany, the first Region where this original type of collective bargaining agreements appeared (in both malls therein located), and in Lombardy (just in one mall out of two). In 2011, amid the national debt crisis that shook

Italian politics, the new government led by Monti opted for a complete liberalisation of shop openings across the country. Since then, no more collective agreements were signed with the mall's property, whereas the existing ones were dismissed or, at best, renewed with less ambitious targets and reduced obligations for companies: discussions on the creation of a kindergarten within the mall or the promotion of workers' mobility between stores, for instance, were abandoned. Such dynamics highlight "the prominent role of states in facilitating and limiting capital and labor strategies, including network organization" or, in other terms, "the state sets many of the rules of the game that influence what form of bargaining emerges" (Anner et al. 2021: 710).

The extent to which the innovative agreements observed in Italian malls consist of 'network bargaining' (Anner et al. 2021) requires further reflection though: on one side, some critical conditions were not present at all, beginning with proactive trade unions in coalition with community-based organisations; on the other, different conditions emerged, such as the capacity of trade unions to influence local policy issues, either through institutional channels or (sporadic) mobilization. It seems fair to say that the case under examination can be placed under the 'network bargaining' label only if the assessment prioritises the outcome it results into over the process that led to this outcome. Collective bargaining with the property of a workplace emerges as a potentially path-breaking solution to the organisational challenge that firm networks pose to employment relations reproduction. At the same time, contextual features stand out and, therefore, what occurred in Italian malls expresses a case of 'network bargaining' providing that Italian peculiarities are acknowledged (Locke and Thelen 1995). This assessment expands our understanding of 'network bargaining' without questioning its tenets: in fact, the cases of 'network bargaining' achieved in Italy, in the absence of criteria that the literature highlighted as critical for their emergence and diffusion, proved to be limited and temporary, regarding only three out of twenty-four malls and with all three subject to alternate fortunes, depending on factors external to trade unions such as the changing legal framework.

### **3.2. *Challenges and opportunities at the industrial level***

Originally, outlet malls were simple stores that manufacturers created within factories to sell slightly defected stocks at a discounted price. At that stage, outlet malls had no features resembling a firm network and even denied the basic distinction of roles between producers and merchants, inasmuch the intermediation provided by the latter was absent. This was, clearly, an exception to the norm for the retail sector: outlet malls were physically attached to a factory and, as such, their diffusion remained limited. However, as soon as outlet malls became known for low prices, this retail format turned into a business opportunity. Retail developers, in fact, were to offer producers a way to intercept consumers who might endure certain inconveniences (driving to out-of-town

locations) if compensated by other advantages (availability of several brands at a relatively lower cost; free and easy parking).

The newer generation of outlet malls is built upon peculiar links between production and distribution. Such links, widely investigated from a value chains perspective, reflect processes of industrial fragmentation, typically driven by powerful large retailers and brand marketers (Lakhani et al. 2013). The case of outlet malls brings to the fore another business actor, so far overlooked in the employment relations debates about networked firms: the property of retail spaces. The endpoint of the value chain, that is the actual market in which goods are sold and delivered, emerges instead as a critical node for firm networks, a node in which challenges for employment relations can translate into opportunities for their renovation. Interestingly, essential figures for academic employment relations made a similar point and stressed the relevance of marketplace dynamics. According to Webb and Webb (1897: 662, 668), “paradoxically as it may appear, in the highly-developed commercial system of the England of to-day the capitalist manufacturer stands at as great a relative disadvantage to the wholesale trader as the isolated workman does to the capitalist manufacturer”; “the shopkeepers have a closer and more up-to-date knowledge of exactly what it is that consumers are asking for, and, what is far more important, they can to some extent direct this demand by placing, before the great ignorant body of consumers, one article rather than another”. Instead, according to Commons (1909: 78), “throughout the course of industrial evolution the part played by the merchant stands out as the determining factor. The key to the situation is at all times the price-bargain. It is the merchant who controls both capital and labor. If the merchant has a market he can secure capital. Even the modern ‘manufacturer’ is first of all the merchant. The ‘conflict of capital and labor’ is a conflict of market and labor, of merchant and wage-earner, of prices and wages”.

Another key scholar reflecting on the connection between production and distribution is Dunlop, who framed transformations of manufacturing in terms of ‘lean retailing’ (Abernathy et al. 1999). Then there is the highly influential business and management strategy theorist Porter, who noted the way in which features of a distributive channel contribute to the competitive advantage of producers, arguing that the success of ‘industrial districts’, such as the Italian tile industry, was not just due to the advantages related to ‘flexible specialisation’ under post-Fordist ways of production (Piore and Sabel 1984), but also to the diffusion, in the distributive landscape of that time, of small independent retailers who qualified production by choosing the goods for sale among different producers, on the basis of criteria that included not only price considerations but also quality (Porter 1990: 184–185). In this regard, also the analysis by Braverman and his deskilling thesis turns particularly insightful: “so far as retail trade is concerned, it is worth noting that although the ‘skills’ of store operations have long since been disassembled and in all decisive respects vested in management, a revolution is now being prepared which will make of retail workers, by and large, something closer to factory operatives than anyone had ever imagined possible” (Braverman 1974: 256).

The case of outlet malls confirms the validity of the deskilling thesis in relation to retail workers and even extends its application to the employers' side. Shopkeepers therein present, in fact, do not enjoy that discretion and autonomy typically associated to entrepreneurship: they do not own but rent the retail space; they are very often tied to a single brand through franchising contracts. As such, from an industrial perspective, the node of firm networks to which outlet malls are part of is not the formal employers, that is shopkeepers, but those business actors who control the retail space, arguably the 'real boss', that is the property of the malls itself, or secondly those others owning the property rights on the brands. How to make such property accountable for employment relations issues is illustrated in the next paragraph.

Evidence to support the 'industrial' opportunities underlying firm networks such as malls is limited and regards one single Italian region, Tuscany, whose political sub-culture is anchored in progressive values and has always been ruled by left and centre-left parties. Here the governance of retail activities is highly centralised and emphasises planning and social partner involvement. So, when the first project regarding a mall in Tuscany emerged, the regional government had already produced a legal framework about outlet malls, specifying size and adequate location, and social partners signed a pact establishing that they were the only interlocutors to refer to for all regulatory aspects related to these retail complexes, in particular employment levels, working time, leave, training, health and safety, equal opportunities, disputes and contracting. At the same time, the regional government allowed a complete flexibility for Sunday shop openings upon social partners' approval, with sanctions, like temporary suspension of business activities, for breaching this principle. The first outlet mall in Tuscany opened in July 2005, the property owner and local unions having already reached a pioneering agreement over its functioning (October 2004), whose content is illustrated in the previous section. An important point, previously not mentioned and of interest here, regards the commitment required to the mall for the promotion of local (and mostly geographically indicated) products in a dedicated store, whose operational costs are paid for by the mall itself. Another development worthy of attention occurred in the second outlet mall that opened in Tuscany, in March 2006, in a small town affected by the closure of a large textile factory. Here the local government and social partners agreed with the mall's property to reserve some of the newly created jobs for the local population. To this end, they signed a pact in February 2005 specifying the outplacement criteria: eventually, 60 dismissed workers and 250 in-town residents found a job in the mall.

Overall, this sub-section demonstrates that the property of the outlet malls can offer few interesting answers to the industrial challenges brought by firm networks for the reproduction of employment relations. However, these answers reveal a potential that has so far remained largely unexplored and underdeveloped. The evidence to support it, in fact, regards only a single Region, Tuscany, where the property of the two malls therein present played an innovative role in the management of the implications of this retail format on local labour markets and industries. As for the former, the property of one mall

introduced a preferential channel for hiring local unemployed people interested in the job opportunities available in the mall. As for the latter, the property of the other mall had to reserve a retail space for the promotion of local products. Such initiatives have clear but indirect effects on employment relations dynamics: they do not intervene on terms and conditions of employment at the workplace level, if not in the preliminary, recruitment phase; instead, they contribute to employment security in the local area where the malls operate in, except for those working for retail competitors. A common feature between these two cases is the active supervision by the state (here, in its sub-national expression) over all aspects – economic, social, environmental – related to the opening and functioning of big retail complexes, resulting in a centralised and encompassing policymaking that, nonetheless, was open to stakeholders and, above all, social partners. These initiatives are, however, the exception to the norm: considering all outlet malls in Italy, most critical aspects behind the industrial challenge that firm networks creates to the reproduction of employment relations are not addressed at all. This confirms the ability of fashion and apparel brands to use contractual solutions such as franchising to eschew as many responsibilities as possible for the management of the employment relationship. In this sense, the case of Italian outlet malls fits well also into discussions about ‘geographical networks’ and ‘dispersion bargaining’, inasmuch it proves “employer’s ability to escape direct confrontation by restructuring into a network around the institution’s constraints” (Anner et al. 2021: 696).

### ***3.3. Challenges and opportunities at the financial level***

Behind outlet malls there is a process of capital concentration. This is expected in retail, a sector that well expresses the link between business innovation and capitalist competition in terms of Schumpeter’s concept of ‘creative destruction’, namely a process “that incessantly revolutionizes the economic structure from within, incessantly destroying the old one, incessantly creating a new one” (Schumpeter 1950: 82–84). Indeed, Schumpeter himself referred constantly to the retailing business to illustrate his theories: “In the case of retail trade the competition that matters arises not from additional shops of the same type, but from the department store, the chain store, the mail-order house and the supermarket which are bound to destroy those pyramids sooner or later”; “the capitalist process unavoidably attack the economic standing ground of the small producer and trader” (Schumpeter 1950: 85, 140). This aligns with contemporary financialised capitalism, “where capital market actors actively manage their claims on wealth creation and distribution to maximize shareholder value” (Appelbaum et al. 2013: 498), as these authors substantiate also through the case of a US department store chain, where vendors, workers, creditors and the firm suffered losses at the expense of private equity owners. Outlet malls, with several retailing spaces for rent, express the dispossession of ownership experienced by shopkeepers, whose profit-making interest is squeezed by brand owners’ royalties and landlords’ rent. This mechanism resonates well with the above-mentioned analysis of firm networks: “the core is increasingly a brand

(essentially an intellectual-property holder), and finance (essentially a speculator). As core, they set the parameters for production, sales, and investment across networks of firms. Without material interests in long-term labor relations, they prioritize the network's flexibility [...]. The network form supports redistribution of capital to the core" (Anner et al. 2021: 708).

The evidence relating outlet malls to the financial challenge for employment relations brought by firm networks is straightforward in the case of outlet malls in Emilia Romagna. This Region, as Tuscany, is known for its left-leaning political sub-culture and has always been ruled by left and centre-left parties. Social partners therefore play an important role in the governance of Emilia Romagna's socio-economic affairs, including the regulation of retail activities. Since 1999, in fact, a regional law established the principle of 'subsidiarity' and the method of 'consultation', meaning that the social partners' involvement in the retail policymaking is mandatory but, unlike in Tuscany where the principle of 'co-determination' applies and social partners enjoy a veto power, in Emilia Romagna the government remains entitled to rule unilaterally. As a matter of fact, work regulation within the two outlet malls in this Region excluded trade unions, whose leverage crumbled when the two towns hosting the malls became 'tourist areas': this entitlement, as illustrated in Section 3.1, remove constraints on Sunday shop openings. Specifically, the first town (25,000 inhabitants) is a tourist area since 2001 and hosts an outlet mall since 2003. After that, the Municipality reviewed which parts to be considered as tourist area, identifying two: the historical downtown with its landmarks, obliged to observe at least five closures yearly; and, surprisingly, a smaller part containing the mall, obliged to observe only two closures (Christmas Day and New Year's Day). The second town (4,000 inhabitants) hosts an outlet mall since May 2004, when the Municipality applied to become a tourist area. The first application was rejected by the Region upon the advice of the social partners that only the historical downtown area should be considered. A few months later, the Municipality applied again, limiting the request to downtown plus a peripheral district, which included a long-ignored chapel as well as the mall: the social partners, again, opposed the request, but this time the Region approved it. In less than a week, the mayor lifted all limitations on retail opening hours, de facto excluding the unions from work regulation.

These events point to the relevance of financial considerations in the regulatory landscape affecting the malls' business operations. Local authorities, in fact, seek to be designated as tourist areas to increase their leverage when dealing with retail developers and the prospective property of the mall. Measures to mitigate the impact of these big retail projects on the local environment are, in fact, the main object of negotiation with local authorities. In the first town, the deal they eventually reached included: the creation of new streets and roundabouts to calm traffic (as well as the reimbursement of salary for a traffic policeman); the renovation of the historical centre, including the main street and the lights in the Cathedral square; an exhibition space within the mall and the salary of an employee to work there promoting city tourism; a bus shuttle service from the mall to

downtown; financial support for cultural and social activities, up to €50,000; training programmes for local unemployed; and two job opportunities for disabled workers in addition to those required by law. In the second town, the local authority instead set up a programme with nearby small municipalities to manage the impact of huge retailing complexes. This coalition of city governments also introduced a joint fund to collect 10% of the additional revenues brought by the mall to each local budget, to be invested in collective goods. On this basis, the mall's promoters contributed to the improvement of public services by providing traffic calming measures, playgrounds, housing for disadvantaged people, and the renovation of the water supply infrastructure and the post office. Either way, the touristic status awarded to towns hosting malls is contentious because it constitutes the major obstacle to the involvement of trade unions in the work regulation within such retail complex. While it is impossible to prove (but also to rule out) opportunistic or rent-seeking motives behind the decisions taken at the local level, these two cases seem far from being inspired by anti-unionism: over the same period, the first town distinguished itself for the promotion of innovative social policies negotiated with trade unions, while the second town regularly involved trade unions in investment planning.

A further and final reflection on the controversies linking a key employment relations issue such as Sunday work and the financial challenge behind the diffusion of firm networks comes from the policymaking about Sunday shop openings. As mentioned in Section 3.1, this topic has been subject to deep reforms in the last 25 years, from a mild liberalisation in 1998 to a decentralisation to sub-national regulation in 2001 and a complete liberalisation since 2011. However, the 2018 election brought to power an unlikely and unexpected coalition of two forces (Five Star Movement and Northern League) which both included a ban to Sunday shop openings in their policy programmes. It followed a policy proposal in this direction that was eventually abandoned but that, temporarily, had a critical impact on big financial investors' decisions whether to proceed with the acquisition of some malls in Italy (Landini and Fonte 2019). Albeit this research is not well placed to uncover what moved the national as well as the local policymakers in regard to Sunday shop openings, it is clear that this is an employment relations issue with important financial implications, arguably worthy of further examination. What can already be claimed is that the financial challenge that firm networks pose to employment relations increase, similarly to what occurs at the organisational and industrial level, the discretion and leverage available to business and management. In particular, when such challenge pits trade unions and the state against each other, there are less opportunities to counterpower capital – employers or other business actors such as workplace property – and the challenge brought by the diffusion of firm networks to the reproduction of employment relations cannot be more evident.

#### 4. Conclusion

The chapter advances our understanding of contemporary employment relations by discussing the relevant challenges and opportunities underlying the diffusion of firm networks. In so doing, it aims to engage with and feed into the three components underlying academic employment relations, which are, as noted in the Introduction, science-building, problem-solving, and ethics/ideological (Kaufman 2008).

In terms of science-building, the chapter proposes a parsimonious review of key sources in employment relations and related study areas, framing the challenges brought by the diffusion of firm networks along the organisational, industrial, and financial dimension and then illustrating that all of them question the reproduction of employment relations by allowing employers to avoid responsibilities for the management of the employment relationship. Specifically, the organisational challenge deals with the criteria around which business organisations are structured. Here the analysis springs from the demise of Fordist and Taylorist arrangements and then covers organisational developments resulting into flexible, fragmented, and fissured workplaces (from Atkinson 1984 to Weil 2017), along with their consequences for the management of the employment relationship, as expressed in terms of networked and multi-employers organisations (Marchington et al. 2004; Batt and Appelbaum 2017). The industrial challenge considers instead the sectoral dynamics which firm networks are part of, bringing to the fore the role of employment relations institutions in affecting work practices in these networks (Batt and Darbishire 1997; Doellgast et al. 2009). Such approach is also informed by research about the implications of globalisation on national systems of employment relations (Bernaciak 2012; Lakhani et al. 2013; Amengual and Kuruvilla 2020). Finally, the financial challenge refers to the growing relevance of finance in the operations of firm networks. Scholars long noted the negative impact of financialisation to the reproduction of employment relations institutions (Thompson 2003), pointing at policy reforms pressed by financial organisations and resulting into labour market liberalisations or public budget cuts (Streeck 2015), but also at the influence of financial entities, for instance private equity, over managerial decisions (Appelbaum et al. 2013).

As regards the problem-solving aspect, the chapter searches for solutions to these challenges in outlet malls, an iconic place for contemporary capitalism. The analysis considers outlet malls in Italy since their developments in the early 2000s. This setting neatly expresses the three above-mentioned challenges brought by firm networks: the organisational one, being the mall a networked organisation; the industrial one, being the mall part of a value chain or production network; the financial one, in which the mall is a valuable property asset and, as such, subject to dynamics associated with financialised capitalism. At the same time, the outlet malls examined here show a remarkable and original outcome, in the form of collective bargaining agreements signed by trade unions and the property of the mall itself, rather than the legal employers, that is tenant



shopkeepers, who eventually find these agreements as a social clause attached to the renting contract. Concretely, these collective agreements emerged around an issue – the regulation of Sunday shop openings, whose legal constraints could have been avoided, in certain cases, upon negotiation with the social partners – and eventually covered other themes, such as bonus pay, working time, work-life balance, training, and health and safety. This occurred only if the outlet malls were located in non-touristic areas of Regions where trade unions held a veto power on the opportunity to derogate on Sunday store closures. In these limited cases (three out of twenty-four), the property of the malls acted as bargaining interlocutor on behalf of the employers (shop-keepers), promoting an innovative solution for employment relations in firm networks: better working conditions for shop assistants and an easier workplace access for trade unions were granted in exchange for trade union's approval of extensive Sunday shop openings throughout the year, as illustrated in Section 3.1. Vice versa, where trade unions did not possess such veto power because the towns hosting the malls were touristic areas and, therefore, benefitted from Sunday shop liberalisation, the property of the malls only engaged with the local authorities to agree upon measures instrumental to compensate the impact of large retail complexes on the local environment and community, as reported in this Section 3.3. This seems to reproduce, on a smaller scale, the pressures that multinational companies put on national states and that tend to result in the 'race to the bottom' and 'social dumping' dynamics that downgrade living and working standards, including a marginalisation of trade unions from regulatory processes of work-related matters, as outlined in Section 3.2 amongst the typical challenges that firm networks create for employment relations.

As for the ethical component of employment relations, the chapter discusses the extent to which firm networks undermine or, vice versa, offer the possibility to revisit and extend the conventional and normative approach to employment relations, that is the one based on triangular relations between labour, capital and the state. Adding further food for thought to works on 'reconnecting capitalism' (Rees and Gold 2020), the 'thickening of status' upon contractual arrangements (Dukes and Streeck 2020) or 'networked bargaining' (Anner et al. 2021), the key insight to be drawn in these pages regards how to expand the employers' role in firm networks. On one hand, the chapter underlines the challenges this task brings to the fore, inasmuch the diffusion of firm networks has contributed in the last decades to obfuscate, downplay, reduce, or remove the responsibilities of employers for the management of the employment relationship. On the other hand, the chapter illustrates that firm networks are not only a challenge for the reproduction of employment relations, but that there are opportunities for reversing the trend too. Amongst such opportunities, collective bargaining with the property of workplaces constitutes a powerful instrument to re-order and extend employers' responsibilities to new actors, partly known in commercial real estate thanks to the iconic union campaign 'Justice for Janitors' (Erickson et al. 2002). The owners of those physical spaces where market transactions occur are often the 'real bosses' who make a profit out of these businesses and, as such, they can assume part of employers' responsibilities for

the management of the employment relationship, regardless of their direct involvement as formal employer. The principle by which who controls the endpoint of the market can turn upside down entire businesses and sectors was well-known to influential figures for employment relations (the Webbs, Commons, Dunlop, Braverman, Schumpeter) and seems even more topical today: if firm networks have challenged employment relations by reducing the responsibilities of employers for the management of the employment relationship, an opportunity to reverse this trend is to engage with the node of these networks, beginning with the owners of the places where employers physically operate in.

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