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Dangerous Places and Nimble Fingers: Discourses of Gender Discrimination and Rights in Global Corporations

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This paper considers how women's employment rights are being constructed in multinational corporations by examining three high-tech organizations—a U.S. company in Silicon Valley, its subsidiary in New Delhi, India, and a comparable local Indian company. It first describes the legal frameworks for addressing gender employment discrimination by state governments in India and the United States. Then it examines how these frameworks are appropriated and negotiated within the local contexts of the workplaces in the study. Finally, it reflects on recent transnational attempts to legislate and enforce women's employment rights in multinational corporations, specifically the challenges that such attempts face in light of the three case studies.

KEY WORDS: gender; women's rights; employment discrimination; multinational corporations; international labor standards.

Debates on women's rights in the workplace have taken a new turn with the rise of the global corporation. Legal scholars have been arguing for decades over what constitutes discrimination against women and how to prosecute offenders in *local* companies. More recently, multinational corporations have raised new issues regarding this problem: How do we address

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discrimination against women in companies that go abroad? U.S companies such as Nike have sparked media attention because of their sweatshop practices in Southeast Asia. Although such companies would prefer to monitor themselves, this solution is clearly inadequate. When an MIT professor found that Nike's independently hired company, PricewaterhouseCoopers, had overlooked factory abuses (Greenhouse, 2000; O'Rourke, 2000) he revealed a self-perpetuating problem of monitors that needed to be monitored.

My interest is in how to hold multinationals accountable for their treatment of women workers and who decides what discrimination is. Given that the theme of this symposium is "risks and rights," it is pertinent to ask how women's employment rights are being constructed at the local level in the transnational location of a multinational corporation. The aim of this paper is to examine the effectiveness of current legal strategies for women's rights in multinational organizations by providing some insights from case studies I conducted of three high-tech organizations—a U.S. company in Silicon Valley, its subsidiary in New Delhi, India, and a comparable local Indian company.

India presents an interesting comparative case to the United States through its participation in the globalized computing industry. Both countries have become world leaders in high-tech fields. Furthermore, since the liberalization of the Indian economy in the early 1990s, the two countries have begun exchanging technology, technical personnel, and corporations at a rapid rate. India now has several high-tech regions comparable to "Silicon Valley"—Bangalore and Hyderabad—where most of the major U.S. high-tech companies have branches. In turn, much of the U.S. high-tech engineering base is supplied by Indian immigrants and multinationals. Moreover, the use of female labor to support these industries also connects the two countries: women compose up to 80 to 90% of the workforce in Indian and U.S. electronics parks (Banerjee, 1991; Green, 1983; Hossfeld, 1990; Katz and Kemnitzer, 1983; Snow, 1983).

The questions that I pose in this study are the following: how is gender discrimination articulated in these three companies—which are basically similar in industry, structure, and technology, but differ in location and ownership? Is discrimination experienced and/or conceived of similarly in the U.S. versus the Indian company? Moreover, what happens in the case of the multinational that is U.S.-owned but staffed entirely by Indians? The focal point for examining discrimination is the context of job definitions—how and why people decide if a job is more suited for women or for men.[1] Indeed, although workers in all three settings agree that this is so, their explanations of it both intersect and diverge.

This paper merges analyses of employment rights at the local, the national and the transnational levels. I start with the national, by describing

the legal frameworks for addressing gender employment discrimination by state governments in India and the United States. Then, I describe how these frameworks are appropriated and negotiated within the local contexts of the workplaces in the study. Finally, I reflect on recent transnational attempts to legislate and enforce women's employment rights in multinational corporations, and specifically, the challenges that such attempts face in light of what occurs in my case studies.

In the following analysis, I use the term discourse to refer to the manner of articulating gender discrimination. The purpose of this term is to emphasize that notions and rationales of gender discrimination are socially constructed. Indeed, rather than existing as universal definitions or common standards, the meanings of gender discrimination can vary quite a bit. Thus, my argument is not that the articulations of gender discrimination are unconnected to material conditions, but that: (a) the experience and interpretation of discrimination can diverge radically, and (b) the conception of gender discrimination varies with institutional structures, cultural spheres, and political interests. It is in the disjuncture between local, national, and transnational frameworks of gender discrimination that we can see this process most clearly.

LEGALIZING WOMEN'S EMPLOYMENT RIGHTS (AND DISCRIMINATION) IN THE UNITED STATES AND INDIA

Reflecting on trends in U.S. law for women workers in the late twentieth century, two legal scholars title their book "legalizing gender *in*equality" (emphasis added) (Nelson and Bridges, 1999). This apt description applies in fact not only to the United States but to many other societies as well. It reflects the reality that laws can *legitimate* certain discriminatory practices as they prohibit others. To examine the sometimes hidden, sometimes perfectly overt forms of discrimination in both the United States and the Indian governments, I describe how each legal system has viewed women's rights in the workplace.

State Construction of Rights in the United States and India

The interesting observation about trends in women's employment rights over the last half-century in these two countries is how they have gone in different directions. Although both countries have centered their legal provisions on similar themes of equal opportunity and affirmative action (Table 1), they have not instituted them in the same way or in the same time periods. In the United States, equal opportunity provisions have been on the rise, while

Table 1. Legal Frameworks of Women's Employment Discrimination and Rights

Unit of Analysis	Legitimating Discourse of Discrimination	Legitimating Discourse of Rights	Legal Paradigm of Rights
Individual	Natural gender differences in skills (e.g., "nimble fingers")	Contesting stereotyped assumptions of gender differences in skills	Equal opportunity
Group	Protection of women from unsafe working environments (e.g., "dangerous spaces")	Historical exclusion of women from societal institutions	Affirmative action

affirmative action has been declining. The most comprehensive employment discrimination laws regarding women were codified in the Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964. The emphasis on equal opportunity in these acts is undeniable: the former prohibits "unequal pay for men and women who work in the same place and whose work requires equal skill, effort, and responsibility," and the latter requires "equal employment opportunity" regardless of sex as well as of race, color, religion and national origin. Major cases which have applied this law in the last decade have supported and even strengthened the equal opportunity approach to gender; for example, the decision in *International Union UAW v. Johnson Controls* stated that companies *cannot* exclude women from manufacturing batteries on the basis that it may harm their fetuses, since men are also subject to the effects of toxins.

In contrast to that trend, affirmative action legislation has waned in the United States. From the outset, such supports with regard to women were weak. In fact, affirmative action programs were not originally intended to include women; when the federal programs were initiated in the early 1960s, the language of the documents included "race" but not "gender." It is ironic then, that white women were the main beneficiaries of such programs, more so than people of color, in terms of gaining entrance into higher educational institutions and the professions (Beeman, Chowdhry, and Todd, 2000). Since 1978 and the Bakke verdict, affirmative action laws have been under serious attack, and were seriously undermined during the Clinton administration. President Clinton's 1995 directive removed federal requirements for quotas, among other things, which immediately led to state-level flight from affirmative action programs. State governments in California, Washington and Texas have severely curtailed or ended requirements for group preferences for under-represented groups in institutions such as public universities (Beeman, Chowdhry and Todd, 2000; Ginsburg and Merritt, 1999). Thus, the notion of compensatory action for women as a group, as tenuous as the government's commitment ever was, has now significantly diminished.

In India, the opposite seems to be happening. In the first decades after independence, the state made several actions that supported the equal opportunity paradigm. Article 14 of the Indian constitution provides "equal protection of the laws," similarly to the United States, and the Equal Remuneration Act of 1976 mandates equal pay for women and men. The major limitation, however, is that these requirements apply only to state-run organizations. Since there have been few private industries in India, that has not been a pressing issue. However, it has become much more so since 1992, when the government liberalized the economy. In this new sector of rapidly growing private enterprises and foreign multinationals, there are few or no protections for women workers. The fact that the government has failed to address the changed environment by updating its equal opportunity legislation is a concern of women's groups.

On the other hand, India's emphasis on affirmative action has always been stronger than that of the United States, and moreover, it is expanding. From the beginning of its statehood, India's constitution (Article 15) included "special provisions" of affirmative action for women. This is important because it secures such privileges under the state constitution, rather than being dependent upon the variable enforcement by federal or local courts as in the United States (Davis, 1996). Moreover, several developments in the last decade have further strengthened these rights for women. In 1993, the federal government adopted a constitutional amendment that set aside *one-third* of all local government positions (village council members and village chiefs) for women (Dugger, 1999). At present, there is a bill under discussion to do the same for parliament. Of course, many scholars point out the limitations of the Indian legal system (Davis, 1996), the least of which is its overburdened and understaffed condition (for example, there is only 1 judge per million people in India, compared to 50 judges per million in the United States). Nevertheless, apart from the problems in enforcement, India's codified legal system is far more comprehensive and secure in ensuring group-based rights for women than is that of the United States.

Legal Discrimination: When Unequal Treatment of Women and Men Is State-Sanctioned

I have begun by outlining these trends in the legal frameworks of rights because they coincide with (and often overshadow) another significant set of legal trends—the legalization of discrimination. As these two states have been legalizing respective forms of equality, they have also been legalizing certain types of inequality.

India, for instance, has laws that prohibit women from working at certain hours of the day. The Factory Act of 1948 stipulates that factories may

not hire women on night shifts (Puttalingappa, 1993), under the legitimating rubric of "protecting" them. The Ministry of Labor writes: "Women workers ... require special treatment obviously because they need more protection than men in their working environment in view of their tenderness, sensitivities and their influence in the home ..." (Farley, 1996). Thus, with the argument that there is something problematic for women about the "working environment," the Indian government allows employers to treat women workers differently from men.

Although similar laws formerly existed in the United States (Berkovitch, 1999; Kessler-Harris, 1982), they have been off the books for many years. Nevertheless, U.S. employers can legally discriminate against women if they can define jobs as "reasonably" more suited for men according to the Equal Employment Occupation Commission's "bona fide occupational qualification" guideline. This guideline states that, it is legal to discriminate on the basis of gender in hiring or placement when male or female features are "reasonably necessary to the normal operation of the particular business or enterprise" (as quoted in Madden, 1997). For instance, the EEOC has stated that an employer can request *only women* applicants for the occupation of actress, since that is "necessary for the purpose of authenticity or genuineness" of the job (Kubal, 1999). All an employer has to do then, is prove that there is something authentic about being male or female—implying something supposedly natural about their qualifications—that merits hiring one gender exclusively for a particular occupation.

Thus, embedded within the discourses of rights by both state governments are sanctions for certain forms of discrimination. This results in an inherent contradiction with regard to gender: some forms of discrimination against women are defined as reasonable whereas others are not. This is apparent in Table 1 in the contrast between legitimate rights and legitimate discrimination. For the Indian state, reasonable discrimination is protecting women from unsafe working environments, but unreasonable discrimination is an historical exclusion of women from societal institutions. For the U.S. state, reasonable discrimination is treating female workers differently from male workers based on natural differences in skill, whereas unreasonable discrimination is treating women differently from men based on stereotyped differences in skill. Although varying in form, each state justifies the particular types of discrimination they consider acceptable.

State Policy: A Myopic View of Women's Employment Experiences

Taking into account the connections between policies concerning rights and those concerning discrimination, we find that state governments

tend to have a myopic view of women's employment experiences. Legal systems of both India and the United States articulate limited definitions of workplace barriers for women, and limited strategies for addressing them. Indeed, a critical distinction in their legal frameworks is the emphasis on individual versus group-based rights (see Table 1). The U.S. model, which emphasizes equal opportunity, presupposes that workers *should not* be treated as individually different from each other, on any basis, including gender. In contrast, the Indian model, emphasizing affirmative action, presupposes that some workers as a group *should* be treated differently from others, in order to benefit the disadvantaged group (such as women) (Nussbaum, 2001). Clearly, these models often overlap and coexist within both U.S. and Indian legal systems. As evident above, however, there are signs that each state often privileges one model over another.

I will argue that because of this myopic view of gender discrimination, the state is an inadequate point of departure for addressing women's rights within multinational corporations—even though it is one of the only viable means of legal recourse for workers at the present time. In particular, by focusing on certain kinds of discrimination, state policies overlook a range of *other types* of discrimination that actually exist within organizations. Indeed, much of the international discussion on legal policy for multinationals is quite disconnected from the experiences and articulations of the workers. That is why we should assess the extent to which these broad-scale state discourses of gender rights and discrimination are appropriated and negotiated within the workplace.

DISCOURSES OF GENDER DISCRIMINATION IN THREE HIGH-TECH CORPORATIONS

To analyze these issues, I examine three computer companies that share size, industry, and market characteristics, but represent different locations in the global economy. The first is a U.S. company located in Silicon Valley, California (AmCo). It is a high-tech company, with subsidiaries all around the world. The second is a multinational subsidiary of the first (TransCo). It has U.S ownership, management, and policies, but it is entirely staffed by Indians (with no U.S. expatriates), and is situated in New Delhi, with its factory in Bangalore. The third company (IndCo) is the Indian counterpart to AmCo. It is owned by Indians and located in New Delhi. Like AmCo, it is also a leading high-tech company in its country, and is a multinational enterprise. It has subsidiaries around the world, including California. In common, all three companies have operations involving software development and hardware production, and all three hold prominent, top-ten positions in

their markets (at least at the time of the field work). Also similar are their gender ratios: women occupy roughly 25–30% of the jobs in each company.

Data collection occurred between 1995 and 1996 and involved field work at each location. This included observation of work relations, analysis of company documents, and in-depth interviews with workers and managers. At each company, fieldwork was undertaken at two units—the corporate office and a factory. Interviews were conducted either in English or in Hindi with the assistance of an interpreter and lasted thirty to ninety minutes. Each sample was randomly selected and balanced according to gender and occupational level (Table 2). The total numbers of interviews at each site were 34 at AmCo, 60 at TransCo, and 51 at IndCo, with about half of the interviews at the corporate office and half at the factory in each company.

Job functions vary according to unit in each company. At the corporate level, workers hold professional jobs such as management, administration, marketing, engineering, and accounting. At the production level, workers do mainly circuit board manufacturing and computer assembly. Social backgrounds of the workers are relatively similar across the companies—despite the differences in geographic context (Table 3). The majority are 30–40 years old, married, and with one or two children. However, Indians in the sample are slightly more likely than the U.S. workers to be married and to live in joint families (i.e., extended) versus single families (i.e., nuclear). The companies also vary ethnically.[2] IndCo and TransCo tend to be fairly homogeneous, with dominantly Hindu populations. AmCo, in contrast, has a very diverse racial composition. Reflecting the rise of immigrant populations in California, a majority of its workers are non-white (67%), comprised of Asian Americans, Latin Americans, or African Americans. Nonetheless, a notable commonality across the samples is the high educational level. Even at the factories, most workers hold a high school diploma (at least 75%), and many of those hold a post-high school degree as well (37–50%). Due to both the nature of the high-tech industry as well as the particular staffing norms of these organizations, workers in this sample are highly-skilled.

In exploring the workers' attitudes towards gender, we find at the outset a surprising prevalence of support for discrimination in all three companies. The kind of discrimination that I examine in particular is the sex-specific labeling of jobs—identifying a job as masculine or feminine. I asked, "Do you believe that there are some jobs in this organization that are more appropriate for men? Or for women?" Most of the workers in all three companies said yes. This finding is shown in Table 4: 57 to 79 percent agree with some form of gender labeling of jobs. There is some skewing of the gender labels toward masculine jobs, though, suggesting that the range

Table 2. Occupational Distributions of AmCo, TransCo, and IndCo Employees (Percent by Column and Row)

	AmCo			TransCo			IndCo		
Job Level	Total ($N = 34$)	Women ($N = 17$)	Men ($N = 17$)	Total ($N = 60$)	Women ($N = 29$)	Men ($N = 31$)	Total ($N = 51$)	Women ($N = 26$)	Men ($N = 25$)
Management	18	18 (of women) 50 (of job)	18 (of men) 50 (of job)	27	10 (of women) 19 (of job)	42 (of men) 81 (of job)	31	19 (of women) 31 (of job)	44(of men) 69 (of job)
Executive, Sales, Engineering	32	29 (of women) 45 (of job)	35 (of men) 55 (of job)	38	41 (of women) 52 (of job)	35 (of men) 48 (of job)	22	23 (of women) 55 (of job)	20 (of men) 45 (of job)
Administrative, Secretarial	6	12 (of women) 100 (of job)	0	17	34 (of women) 100 (of job)	0	16	16 (of women) 50 (of job)	16 (of men) 50 (of job)
Operator, Technician	44	41 (of women) 47 (of job)	47 (of men) 53 (of job)	18	14 (of women) 36 (of job)	23 (of men) 64 (of job)	31	42 (of women) 69 (of job)	20 (of men) 31 (of job)

Table 3. Backgrounds of AmCo, TransCo, and IndCo Employees

	AmCo			TransCo			IndCo		
	Total ($N = 34$)	Women ($N = 17$)	Men ($N = 17$)	Total ($N = 60$)	Women ($N = 9$)	Men ($N = 31$)	Total ($N = 51$)	Women ($N = 26$)	Men ($N = 25$)
Average Age (Years)	40	42	38	32	31	34	34	33	35
Race* (Percent):									
Euro American	32	29	35	—	—	—	—	—	—
Asian American	44	42	47	—	—	—	—	—	—
Chicano/Latino(a)	21	29	21	—	—	—	—	—	—
African American	3	0	6	—	—	—	—	—	—
Religion (Percent):									
Hindu	12	12	12	83	76	90	96	92	100
Muslim	3	0	6	2	3	0	4	8	—
Christian/Catholic	62	11	59	15	21	10	—	—	—
Other	18	17	17	—	—	—	—	—	—
No Answer	5	6	6	—	—	—	—	—	—
Residence at age 16[a] (Percent):									
City	—	—	—	90	93	87	88	96	20
Village	—	—	—	10	7	13	12	4	5
Education									
Highest Degree (Percent):									
High School/Tech Certificate	35	35	35	28	24	32	41	42	40
Graduate (AA, BA)	50	53	49	50	66	36	37	38	36
Post-Graduate (MA, PhD, MBA)	15	12	18	22	10	32	22	20	24
Family Features									
Marital Status (Percent):									
Currently Married	56	47	65	67	62	71	80	73	88
Not Currently Married	41	47	35	33	38	29	20	27	12
No Answer	3	6	0	—	—	—	—	—	—
Average Number of Children	2	2	2	1	1	1	1.5	1	2
Family Structure in Household (Percent):									
Single Family	62	47	76	58	59	58	49	50	48
Joint Family	32	47	18	42	41	42	51	50	52
No Answer	6	6	6	—	—	—	—	—	—

[a] In some of the organizations, certain questions were not asked due to corporate restrictions on the interview schedule or lack of immediate relevance to the location.

Table 4. Attitudes Toward the Gender Labeling of Jobs (Percent Distribution by Column)

	AmCo			TransCo			IndCo		
Attitude About Gender Labeling	Total ($N = 34$)	Women ($N = 17$)	Men ($N = 17$)	Total ($N = 60$)	Women ($N = 29$)	Men ($N = 31$)	Total ($N = 51$)	Women ($N = 26$)	Men ($N = 25$)
Some Jobs are Sex-Specific:									
Respondent identified *only masculine* jobs	12	12	12	17	24	10	14	12	16
Respondent identified *only feminine* jobs	9	6	12	10	7	13	8	12	4
Respondent identified *both masculine and feminine* jobs	47	59	35	32	10	52	57	50	64
(Subtotal)	(68)	(67)	(59)	(59)	(41)	(75)	(79)	(74)	(84)
No Jobs are Sex-Specific	32	23	41	42	59	26	21	27	16
(Total)[a]	100	100	100	101	100	101	100	101	100

[a] Figures over 100 due to rounding.

Table 5. Occupations Labeled Feminine and Masculine (Percent Distribution by Column)

Occupational Level	AmCo ($N = 34$)		TransCo ($N = 60$)		IndCo ($N = 51$)	
	For Women	For Men	For Women	For Men	For Women	For Men
Management	9	8	0	2	4	4
Executive						
Marketing/public relations	5	8	11	5	4	6
Engineering	4	22	14	10	2	11
Sales	0	4	4	18	9	8
Purchase/shipment	4	0	0	28	0	21
Finance	4	0	0	5	2	4
(Subtotal)	(17)	(34)	(29)	(66)	(17)	(50)
Administration and services						
Secretary/reception	13	0	60	0	9	0
Administration/facilities	13	16	0	4	11	0
Services (cafeteria, security)	0	0	0	0	0	7
(Subtotal)	(26)	(16)	(60)	(4)	(20)	(7)
Production						
Assembly	48	0	11	2	42	0
Mechanical	0	38	0	26	0	33
Day labor	0	4	0	0	0	6
(Subtotal)	(48)	(42)	(11)	(28)	(42)	(39)
Total Number of Jobs Listed	[23]	[26]	[28]	[40]	[47]	[52]

of acceptable jobs is greater for men than for women. It also suggests a greater tendency to *exclude women* from jobs than men. Still, the majority of workers believe that there are *both* female-specific and male-specific jobs.

The *types* of jobs workers label as masculine or feminine are presented in Table 5. I asked workers to specify *which occupations* are more appropriate for women and men. What is striking again is the similarity across the three companies. This is especially apparent when examining the broad occupational categories. Executive jobs are favored for men (up to 66 percent at TransCo), whereas administrative jobs are favored for women (up to 60 percent at TransCo). There are additional similarities at the more detailed level of occupational categories: management jobs are almost evenly identified as masculine and feminine in all three companies, while production jobs are highly gendered in all three cases, with assembly favored for women, and mechanical and day labor favored for men.

What varies across the three organizations is that workers in the Indian-based companies (TransCo and IndCo) are more likely to view jobs such as shipping and finance jobs as masculine, while workers in the U.S.-based company (AmCo) view these jobs as feminine. Some of the variations across organizations are less intuitive—as with engineering. While workers

in AmCo and IndCo more often favor men for engineering (as one might expect), those in TransCo favor it more often for women. (One reason for this difference lies in the tasks people most associate with the job, and subsequently, how they assign women or men to those tasks, as discussed below).

Gender discrimination is considered to be a reasonable part of employment for these workers—even those in the U.S. Indeed, AmCo workers support this notion just as much as those of IndCo and TransCo, if not more. Thus, even if considered a necessary evil, discriminatory notions are clearly embedded in these companies.

Identifying the Discourses of Discrimination

When asking workers how they define discrimination, I found that their discourses parallel those articulated in the state employment policies as discussed above. I asked respondents to explain *why* the jobs they listed are exclusively suited to one gender or the other—using an open-ended question so that they could give any reason they wished (Table 6). The answers fell into two types of discourses: one that I call "nimble fingers," and another that I call "dangerous spaces."

The "nimble fingers" discourses are based on the idea that women and men have different types of skills that somehow arise from the natural order

Table 6. Reasons for Occupational Gender Labeling (Percent Distribution by Column)

Reason	AmCo ($N = 34$)	TransCo ($N = 60$)	IndCo ($N = 51$)
Nimble Fingers Arguments:			
Mental requirements	11	5	5
Intelligence, creativity, thinking work			
Behavioral requirements	34	21	15
Patience, organization, interpersonal skills			
Physical requirements	39	24	29
Strength, small fingers, sexual attractiveness			
(Total)	(84)	(50)	(49)
Dangerous Spaces Arguments:			
Social interaction requirements			
Dealing with undesirable people	3	13	7
Temporal mobility requirements			
Flexible hours	0	16	24
Physical mobility requirements			
Moving out of seat	11	2	7
Traveling outside organization	3	19	13
(Total)	(16)	(50)	(51)
Total number of reasons listed	[38]	[87]	[108]

of gender relations—whether that is biology or socialization. Either way, the focus is on gendered traits and qualifications. Workers in the companies list three types of so-called gendered skills, as shown in the top half of Table 6. Some are *physical and biological*, such as men's strength and women's fragility, or women's sexual attractiveness and men's lack of public appeal. Other characteristics are *mental*, such as men's knack for complex thinking or women's knack for creative thinking. Still others are *behavioral*, such as male assertiveness and female efficiency and organization. Clearly, both genders face codes of conduct regarding their behaviors. And indeed, these characteristics are often listed in complementary pairs by gender: while men should be aggressive, competitive, independent, tough, hardworking, and well-skilled, women should be caring, cooperative, team-oriented, sensitive, unmotivated, and in some cases, under-skilled. In many cases, an organizational devaluation of women's roles relative to men's is apparent.

The discourse of dangerous spaces, on the other hand, focuses not on the individual workers themselves, but on types of work environments and interactions that are considered hazardous for women. These arguments identify three *spatial* factors that are most important in labeling a job as masculine or feminine (listed in the lower half of Table 6). Some involve the type of social interaction (*with whom* one works); some involve the extent of physical mobility (*where* one works); and others involve the extent of temporal mobility (*when* one works). What this means is that women's jobs, as compared to men's, should have less contact with clients and customers; require less traveling outside the company, outside the city, and outside the country; and involve less overtime and fewer weekend hours.

Although the terms "nimble fingers" and "dangerous spaces" capture the flavor of the explanations (these being the most *common* explanations given), each discourse actually represents broader discriminatory concepts (Poster, 1998). So, for instance, the nimble fingers explanations represent a larger dynamic that I call "normalization," in which the differentiation of women from men goes beyond just the size of ones hands to include many types of expectations about one's skills and work styles; and dangerous spaces represents a pattern of what I call "confinement," which focuses more generally on protecting women in the organization and separating them from harmful aspects of the public world.

Curiously enough, these categories were the *only* two mentioned. Moreover, these two sets of responses were given in all three companies. Thus, these categories can be said to capture much of how workers in these companies conceive of the gendering of jobs. The question remains: Do workers in all three companies articulate and use these frameworks in the same way?

Reproducing the State: Where Indian and U.S. Discourses Diverge

At first glance, there are *some* ways in which the state-based discourses of discrimination are reproduced by the workers of their respective countries. "Nimble fingers" arguments, for instance, are given most often by AmCo workers, comprising 84% of their responses about why jobs are better for women or men. In contrast, "dangerous spaces" arguments are more prevalent in the two Indian-based companies. There, workers cite such notions in about half of their responses (50% in IndCo, and 51% in TransCo). In fact, Indian-based workers list dangerous spaces arguments three times more frequently than their U.S.-based counterparts.

The Indian–U.S. contrast also appears in how workers use these frameworks to explain why *particular* jobs should be reserved for women or men. Take management jobs, for example. AmCo and TransCo workers both tend to agree that this is work better suited for men. However, for AmCo employees, the main concern is the gendering of leadership temperaments and skills. "Men are more qualified for the management positions," according to one worker, because "those jobs are more challenging"; and according to another, because "men can get things done quickly." The implication is that men are faster and more adept at handling difficult situations. In essence, there is presumed to be something about men's *abilities* that make them better suited for that job. Workers at TransCo, however, refer to completely different features of managing that necessitate the gender labels. A male general manager says that his primary criterion for staffing these positions is: "... I won't say job content, but extensive traveling. Most of our managers do quite extensive traveling, and it could be sporadic. It's not planned traveling. I think in today's social context in India, it's more convenient for men to do such jobs than women." In this case, it is the job's environment that is more crucial for Indians.

A similar divergence occurs when workers discuss engineering jobs. For many workers, this is an unambiguously male occupation. Yet, for a factory worker at AmCo, mental qualities are the main criteria for deciding the gender category:

> The men are more capable to do the engineering job, because engineering work is harder and it is more complicated. Men have the capability to make better decisions—not emotional ones. In engineering, you cannot go by emotion. It should be more by logic. Women make more emotional decisions, and that does affect the work.

This reference to gendered ways of thinking (women as driven by "emotion" and men by "logic") is a characteristic feature of the nimble fingers ideology. For another IndCo employee, however, men's abilities to work outside the office and at unconventional hours are the primary concerns: "The engineer

has to attend to the customer locations for the fixing of computers. This particular activity requires a lot of mobility. It also requires working at odd hours, where I find that this particular area of operation is better handled by males." Another worker reiterates: "it becomes rather difficult for women to go on tours [i.e., to do field work]. That is the only drawback."

Dis-Locating the Discourses: When the Transnational Overrides the State

These patterns suggest that articulations of discrimination within the workplaces mirror the dominant discourses of U.S. and Indian state policies. When one looks further into how the frameworks are applied to specific jobs, however, it turns out that there is less consistency to the "national" patterning. This is apparent in that some meanings and uses of the discourses are shared transnationally—in other words, there are cases in which workers from all three companies use the discourses in similar ways.

Themes of "nimble fingers" abound in discussions of production jobs, for instance. Most workers in all three companies agree that men are better suited for "heavy" production, because of their superior strength and toughness. Men are "better" at doing mechanical work because they can "apply pressure to tighten a screw," and they can do physically demanding work, such as loading and packing. Another argument is that men have more endurance and confidence for handling hazardous materials and machines. A female factory worker in AmCo gives this example: "With the heavy stuff, we ask the guys to do it. Because, with something like helium, that's too heavy. I'm not saying I can't do it—I *can* do it—but the problem is safety." Women, on the other hand, are seen as better suited for "light" production work such as electronics assembly. In accordance with the most classic and widely cited ideology of nimble fingers (Elson and Pearson, 1981), women are supposedly more adept at handling minute components because of their smaller fingers. A female operator at AmCo explains: "In my area, the woman is better because we use the [micro]scope. I do the chip, and it's very tiny—not easy to handle. Every little thing is very careful. For the guys, it's hard to handle it because their hands are so big. That's why I found that the women are better." Factory employees at IndCo agree: "There are places where ladies should be—like in technical work—where there is very thin or delicate work, which women can do better than men. In the interest of the company, the woman should work here."

We see the same type of transnational agreement across the companies when we consider jobs such as sales, customer support, and marketing. For some reason, most workers agree that these are best described in terms of dangerous spaces. Consider how this male marketing manager at TransCo

describes customs work: "In the industrial environment in the Indian context, you have a lot of unlawful elements—rough elements. I would say that a male person—both can get the job done—but a male can get it done with a better safety situation than a woman can." Thus, wrong kinds of social interaction become the rationale for the gender label. The threat of contact with harmful men—those who are "rough" and "unlawful"—is the main concern in excluding women from jobs that deal with outsiders. We see these themes even in the accounts of employees at AmCo. A male engineer provides this example:

> We have a lot of marketing people who are women in the U.S. company, and when they go out to Japan, people just don't speak to her. So it is kind of frustrating for those women trying to get the business from them. I was in Japan for the last two years and the women always said that they had to prove themselves, and sometimes it just never worked. If we had a [woman] who was going to be working in Japan, I don't think she would be any less capable doing the job, but she would be definitely up against those attitudes. Because that is the way many international companies are.

Thus, once again, traveling is seen as the main problem for women. In this case, however, the fear is that women will encounter unpleasant interactions with men who are *foreigners*. Another difference is that the "fear" expressed here has less to do with physical harm than with emotional harassment from being ignored and subsequent limitations on job performance. Still, in common with the discourses in IndCo and TransCo, there is an agreement that excluding women from the job is a good thing—that it will somehow protect women from hardships outside the company.

In sum, the overlap in how workers talk about jobs (especially for production, secretarial, and sales work) suggests that they have common beliefs about gender that defy national boundaries. Arguing that ideologies of discrimination are exclusive to Indian or to U.S. corporations would overlook the multiplicity of discourses in all three settings.

A Focus on TransCo: When the Local Overrides the State

In TransCo, the discourses of nimble fingers and dangerous places are integrated and merged. Indeed, a certain blending of the frameworks occurs in this "global" context, due to its particular transnational location: while it has U.S. policies, it is staffed entirely by Indians (*including* management), and located in New Delhi with a factory in Bangalore. In this setting, workers renegotiate their gender relations according to the boundaries of the company: when workers interact with each other inside the company, "nimble fingers" principles tend to underlie their gender relations; and when they

interact with the public outside, they adopt "dangerous spaces" principles (Poster, 1998).

This has striking consequences for the gender segregation of jobs, for instance. A woman and man in the administrative office who have the same job title are assigned different tasks: he handles the field assignments, and she handles the desk work inside. He explains:

> If you have to do my job, you need to have a lot of patience. You have to go and face a lot of *people outside*. You have to go and stand in some queue to meet some government official. You have to wait for hours to transport a customs official. Those things, I don't think ladies will be able to do. A lady is here in the same department, but she is doing more office work, like ordering. I look after the outside work, customs and all that.

Multiple notions of discrimination are merged within the same job category in this case, and then manipulated to justify a gender division of labor. Even though both workers are doing "administrative work," the woman is seen as better qualified for desk work because of her skills in organizing paper work, whereas the man is seen as better qualified for field work because of his ability to interact with the public and questionable "officials" outside. Thus, separating out frameworks of discrimination is difficult not only across occupations, but within them as well.

In this case, the "local" is another dynamic that intercedes in the construction of gender discrimination. TransCo workers reinterpret and reapply accepted justifications of inequality based on their particular staffing patterns, company policies, and environmental context of the organization. As a result, we do not see the same patterns of employment discrimination against women in the parent company, AmCo, as in its subsidiary, TransCo. This is yet another reason why state-based codes are insufficient as models for identifying discriminatory practices. The question becomes then, how can international organizations help?

INTERNATIONAL STRATEGIES FOR ADDRESSING GENDER DISCRIMINATION IN MULTINATIONAL CORPORATIONS

Upholding workers' rights in multinationals has become a global concern. Strategies have emerged at local, state, and international levels, each with its own limitations. Below I assess the strengths and weaknesses of three approaches in particular: those by the home countries, the host countries, and international organizations. I argue that each context is plagued by a lack of participation by workers in policy formulation and a lack of enforcement power by the governing bodies. The subsequent analysis focuses on a more fundamental problem—the lack of a consensus on what constitutes gender discrimination, and thus women's rights, in multinational corporations.

The Politics of Multinationals and the Escape from Legal Accountability

The body with the most power over multinationals at present is the home country's government. In other words, a multinational corporation is most likely to face concrete repercussions from its own state for discriminatory behavior. That said, it is also true that few national governments have specially designed legal codes to deal with their companies that go abroad, and instead end up using internal laws as a proxy. The main strategy of the United States government, for instance, is to broaden the scope of existing civil rights laws to apply overseas. In 1991, the U.S. Supreme Court ruled to extend the 1964 Civil Rights Act to cover U.S. citizens of U.S. companies operating on foreign soil. Most of the cases that have been filed under this act involve charges of racial rather than gender discrimination. For example, in one case, U.S. doctors filed a suit against a U.S. medical school in Saudi Arabia, claiming that it had been discriminating against Jews in hiring practices (Cook, 1996). Indeed, there have been few cases filed by women workers, with the notable exception of a female employee of a U.S. company in Latin America that refused to promote her to Director of International Operations (Madden, 1997).

Extending the Civil Rights Act abroad sounds like a good idea. However, there are many limitations and loopholes within this approach. One is that the U.S. Supreme Court has included two "out-clauses" for multinational corporations. The first is called the Foreign Compulsion Defense. In essence, a U.S. company can argue for immunity from United States laws if they would violate the laws of the host country. This happened in a U.S. school operating in Iran (Bryant v. International School Systems, cited in St. John, 1994). The school argued that it was legally justified in denying benefits packages to its female workers who were married, since the practice is allowed by Iranian law. Although the U.S. Supreme Court reprimanded the company for failing to publicize the Iranian law adequately to its female staff, it did vote in favor of the company (and against the employees).

The second out-clause for U.S. multinationals is the "bona fide occupational qualification defense." As discussed in the first section of the paper, this clause allows companies within the United States to justify differential treatment according to gender if it is "essential" for the workings of their organization. Applied extra-territorially, this means that companies now have the same privilege abroad—if they can prove it is essential for their business operations *in a foreign environment*. In a recent case (of which the Equal Employment Opportunity Commission refuses to name the participants), a U.S. company was legally allowed to exclude women from jobs as air traffic controllers in a foreign country. In their words, "private companies will not be permitted to disregard the [local] laws against the commingling of the

sexes" (St. John, 1994). The contradiction embedded in this defense is that the occupational guidelines are interpreted differently abroad than in the U.S. Moreover, this defense sanctions the same discriminatory practices by U.S. companies *abroad* that are illegal for U.S. companies *at home*.

The effect of these legal strategies is to free multinationals from accountability to the U.S. government. Although some multinationals do lose gender discrimination suits, they are successful more often than not in fending them off by using the above out-clauses. This is dangerous because, with such options, companies can pick and choose elements of legally sanctioned discrimination from both their home and their host countries and then integrate them in their employment policies when it is expedient. Moreover, these legal tactics end up facilitating *new* strategies of discrimination by multinationals, in both their foreign and domestic operations. For instance, U.S companies can use overseas exemptions from U.S. laws to discriminate against their employees at home—by making foreign service a requirement for promotions (St. John, 1994), or by sending workers to foreign locations in order to fire them (Cook, 1996).

There are additional problems with the U.S. laws for multinationals. Not yet mentioned is the glaring omission of these protections for non-U.S. citizens. Because the U.S. Civil Rights Act applies only to its own citizens, it does not cover the largest proportion of employees who actually work in these companies (and certainly the ones who experience the most egregious forms of discrimination)[3]—the foreign employees. Furthermore, the dual hiring of locals and U.S. expatriates generates other problems. The exclusionary coverage of U.S. laws can generate tensions between the two groups, since U.S. citizens may be eligible for certain benefits (e.g., legally mandated maternity leave) for which the foreign employees are not (Cook, 1996).

A more insidious problem of accountability is that some U.S. multinationals no longer view themselves as U.S-based. In this period of globalization, mega-companies are renegotiating their identities to "de-nationalize" their corporate image. Coca Cola, for instance, has recently shifted its orientation from being a "U.S.-based company," to being a "global company." In this new scenario, North America is no longer its home base, but merely one of its many divisions, accruing only one sixth of its revenues (Korten, 1996). This "footloose and fancy-free" attitude by multinationals is facilitated by their increasing exemptions from responsibilities at home. The foreign tax credit, for example, allows U.S. companies to subtract from their U.S. taxes the payments they are making abroad (Danaher, 1996). The dramatic increases in overseas taxes over the last half century have therefore vastly reduced MNC contributions to the U.S. government (Barlett and Steele, 1994): "If corporations paid taxes in the 1990s at the same rate they did in the 1950s, nearly two-thirds of the federal deficit would disappear overnight"

(as quoted in Danaher, 1996:26). The key point here is that home country governments are having less and less influence over their own multinationals.

If U.S. laws are so problematic, what about the other legal option—relying upon the *host* state to design and enforce laws for multinationals that locate there? Although host governments may be in a better position to deal with these issues (for example, having more understanding of local discourses of discrimination, and a history of countering them), they often exclude themselves from mediating between local workers and multinationals. In setting up "export processing zones" to attract multinationals, many governments offer immunity from local labor, environmental, and tax laws as an incentive. In fact, because the competition for foreign investment is so high, some governments are:

> advertising a lower minimum wage than their neighboring countries, offering undeserved subsidies, or . . . reducing enforcement of environmental and labor standards with the hope that the MNCs will set up shop in their country. Many developing countries will even condone MNCs' labor rights violations by turning a blind eye to employee abuse or by purposefully omitting domestic labor laws, as applicable to visiting MNCs, from their legislation. (Ayoub, 1999)

I also observed this process in these case studies. At the TransCo factory, the manager had arranged a waiver from the state to get around national requirements for a daycare center. An even more serious obstacle to enforcing employee rights is that multinational corporations have the option to pick up and leave if threatened by state labor regulations. Indeed, there are several cases in which multinationals have pulled out of foreign countries when pressed by local governments about their labor violations. This happened with Nike which moved one of its units from Indonesia to Vietnam in the face of such pressure and then reduced wages almost by half (Ho, Powell, and Volpp, 1996).

Such difficulties in enforcing state laws suggest that international legal strategies may be more effective. Indeed, several international organizations have already started to grapple with these issues, by providing transnational forums for filing cases and transnational monitoring agencies to oversee the practices of multinational corporations. Among the most extensive activities with regard to gender issues are those of the United Nations' Convention on the Elimination of Discrimination Against Women (CEDAW), which requires national governments to "take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise" (United Nations, 2001). Similarly well-intentioned international treaties that cover women's rights in the workplace are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). These have the advantage of providing legal recourse for women who have "exhausted

all national remedies" (Walker, 2000). An additional source of support for women workers within the United Nations is the International Labor Organization (ILO). Unlike the other UN bodies, the ILO has a more democratic administrative council that includes not only state representatives, but employees and employers as well (Ho, Powell and Volpp, 1996). It has become very important in collecting and disseminating information, which many governments have utilized in their own constitutions and legislation. Indeed, the promising aspect of these UN treaties is their broad-based support (at least on paper).

However, these organizations and treaties lack effective powers of enforcement. They are unable to impose sanctions on states which agree to the conventions on paper and then fail to comply in practice. In fact, "out-clauses" exist in some of these treaties that are similar to those in the 1991 U.S. Civil Rights Act discussed above. CEDAW, for one, has such an "opt-out" statement: nations that ratify the convention can choose to exempt themselves from inquiries about "grave or systematic" violations of the treaty (Walker, 2000). This disables much of the power the treaty had to begin with. An even more fundamental weakness is that many of the agencies set up specifically to work on multinational corporations have a terrible time sustaining themselves. The UN, for instance, set up a Commission of the Code of Conduct for Transnational Corporations in the 1980s, but it failed to last through the 1990s, having little support or funding. A recent incarnation of this commission is UN Secretary General Kofi Annan's "Global Compact," but it hardly has a similar representation of participants. Its members are mostly powerful multinational corporations and their industry associations, and it is sharply criticized by many labor and activist groups (Bello, Bruno, and Karliner, 2001). Similarly, the ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy set up in the 1970s includes a wide range of protections and even a complaint procedure but has failed to use it actively or inquire into corporate practices (Ayoub, 1999).

Yet another limitation of these conventions is that—despite their widespread global support—many of the most powerful countries in the world still ignore them. The United States, for instance, has failed to ratify either CEDAW or ICESCR (Ayoub, 1999). Some strides were made under the Clinton Administration, which drafted "Model Business Principles" for companies at home and abroad; set up the Apparel Industry Partnership leading to the more recent Fair Labor Association; and adopted Executive Order (No. 13126) in 1999 to prohibit forced and child labor in U.S. companies (Nolan and Posner, 2000). However, all of these initiatives rely on voluntary compliance by the multinationals. Moreover, they are only loosely embedded in U.S. legal structures, and may be ignored or withdrawn by the Bush Administration. Indeed, Ruth Bader Ginsberg observes that

the United States Supreme Court has not been interested in looking at UN standards on employment. She explains that it has been almost 30 years since the last time the Supreme Court referred to the UN as a source for decisions about our constitution (Ginsberg, 1999:11). Thus, organizations such as the ILO are left "using the persuasion tactics of compliance, and international public embarrassment via the media" to gain responses from countries (Ayoub, 1999:8). In all these ways, the accountability of global corporations is increasingly distanced from any legislative body—state or international—that has force.

The Politics of Definitions: How Do We Identify Gender Discrimination in MNCs?

Figuring out *who* will and *how* to monitor multinational corporations cannot be fully addressed, until we deal with the more basic problem of defining "gender discrimination." Some of the enforcement difficulties listed above are related to the fact that the definitions of discrimination put forth by international organizations are either too vague or too rigid to be useful transnationally. This is particularly evident in the cases of AmCo, TransCo, and IndCo.

As noted earlier in this paper, state-based definitions of discrimination in the United States and India are inadequate for addressing patterns that occur at the level of the workplace. Legal codes of these countries are often too narrow to detect the multiple forms of discriminatory rationales that exist for different occupations *in the same company*, and sometimes even *within the same job title*. This multiplicity of discourses is relevant to policy initiatives that aim to hold individuals accountable for their behavior. It is hard to convince employees and managers to obey legal codes for a particular discriminatory behavior when they do not believe they are discriminating.

The legal codes put forth by international organizations are plagued by similar limitations, although in different forms. With many UN bodies, definitions of discrimination are ineffective because they are so broad and abstract. This is especially ironic since, for many of these organizations, the task of constructing such definitions is among the most commonly and actively pursued strategies for labor rights. For instance, the establishment of "international labor standards" is the primary aim of the ILO. It has developed a list of more than 75 conventions representing the rights of workers, some of which have been ratified by as many as 152 countries. Included in these conventions are special requirements regarding gender. Convention No. 111 defines discrimination as:

> any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. (International Labor Office, 2001)

In a slightly more detailed fashion, CEDAW defines employment rights in terms of:

> equality of men and women . . . in particular: . . . the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining . . . the right to equal remuneration, including benefits, and to equal treatment in respect of work and equal value, as well as equality of treatment in the evaluation of the quality of the work. (United Nations, 2001: Article 11, 1, c and d)

The phrasing of these conventions uses the most general words possible—"equal value" and "equal treatment"—perhaps to be as inclusive as possible about the forms of discrimination. However, what is gained in comprehensiveness is lost in specificity. These definitions remain too vague to pinpoint particular incidents of discrimination and therefore hold individuals or organizations responsible for their behaviors.

We can see this problem in action through the accounts of organizational leaders in this study. Despite the fact that state-based notions of discrimination are not accurately representing the experiences of the workers, company executives reproduce these discourses in order to escape blame or even forestall awareness of their practices. The Vice President of Human Resources at AmCo, for example, explains how "equal access" is the pressing obstacle to gender equality in his Silicon Valley unit. Therefore, his department set up a specially designed "diversity office" in order to "tap into the full potential of the workforce with a minimum of artificial barriers." The assumption is that employment discrimination occurs in terms of suppressing or failing to recognize women's qualifications. In turn, these problems are solved through policies such as: "education and awareness, behavioral change, and better representations and increased retention of women and people of color in high level positions."

Alternatively however, this same executive refers to a "different" kind of gender discrimination when talking about TransCo. As the overseer of all of the global operations of the company, this human resource executive has observed the work environments of TransCo as well as AmCo. His conclusion about TransCo is that: "Interactions between women and men are different in that office. It is not a full and equal partnership. There is no melding of the genders—women sit in different places than men. Women are treated differently than the rest of the group." Thus, he reifies the dichotomy of discrimination types across national locations—inequality of skill is the

primary characteristic of his U.S-based organization, whereas inequality of space is the main characteristic of the Indian unit. In so doing, he also denies the existence of spatial forms of discrimination in AmCo. Indeed, he states, "that kind of inequality" only occurs in the Indian unit.

This same bifurcation of discriminatory patterns is repeated by TransCo leaders, albeit from the opposite viewpoint. The Vice President of Human Resources in India explains that policy initiatives concerning equal opportunity are applicable to the U.S. but not to his context.

> We as a company in India never looked at diversity as an issue or a concern to worry about in India. And the management team heard about the concept of diversity, but we never worked on it consciously. Diversity or sexual harassment or gender issues per se—we don't believe that we have any such issues in India. It's a very live situation in the United States, but I don't think it is such a live situation in this organization over here.

Gender diversity is not a "live issue" in India because women are supposedly treated equally to men in terms of their skills and positions. In contrast, the discrimination that these leaders do recognize as part of their corporate practice is that of spatial restrictions on women's work. This is expressed by mid-level managers especially:

> Once you are in the job, I don't think there is any difference. A lady can do a job as well as a man can. But it is the other external conditions of travel, living in some hotels in some towns. It may not suit some of the ladies. So, from that point of view I would say that jobs [which are] primarily externally focused, involving a lot of travel in the city, those are for men.

Another TransCo manager reiterates: "I really feel any qualified, skilled female would be able to do the manager's job as good as a male. It's the other restrictions that keep them away from such jobs, compared to what we see as a desk job, which is 9-to-5." Reflecting the logic of state policy (in particular, that women workers as a group *should* be treated differently from men with regard to such issues as work hours), TransCo directors distinguish legitimate from illegitimate discrimination, and therefore justify their practices.

The point is that corporate leaders in both locations recognize only one pattern of discrimination. Furthermore, both are reinforcing the differentiation of Indian and U.S. patterns and are therefore able to overlook many forms of inequality in their own contexts and deflect blame to the other location. In this way, organizational leaders are reproducing the myopic view of gender discrimination of their state governments that I have outlined here. Because the international labor standards are so broadly defined, such dichotomizations of discrimination at the organizational level are not addressed or remedied.

These issues are becoming more complex for multinational corporations. Some governments are worried, for instance, about the legal criteria

for sexual harassment that are being transported overseas in U.S. multinationals. This is the case in Japan (which has few current laws and therefore feminists fear that U.S. standards will eclipse their concerns) (Efron, 1999), and also in the European Union (which already has much more extensive laws and therefore feminists fear that the U.S. laws will set them back) (Kubal, 1999). In addition, many states warn that the expansion of Title VII makes it "simply too easy for business executives to 'export their own prejudices in personnel matters abroad'" (Madden, 1997: 14). Indeed, some countries have begun actively protesting. In response to the application of U.S. laws about United States multinationals in their countries, they are engaging in tactics from "diplomatic protest to economic coercion to the adoption of legislation designed to thwart extraterritorial application of the American law" (Cook, 1996:n22).

CONCLUSION

The challenge for the future will be to construct a standard for women's rights in multinational companies that is sufficiently comprehensive and flexible to accommodate multiple kinds of discrimination. We need to consolidate and integrate our definitions in a way that recognizes the multiplicity of what workers actually articulate and experience as discrimination. This will require: 1) a *transnational research program* to collect data on the global range of women's experiences with discrimination; 2) a new set of *transnational laws* flexible enough to address the ways in which varying forms of discrimination intersect and coexist in the workplace; and 3) an *organizing body* with the authority to standardize the local, state, and international legal institutions, as well as enforce their policies.

To reach this goal, we will need activism on a number of fronts. Legal scholar Laura Ho and her colleagues (1996) suggest that an effective movement must look beyond the "think globally, act locally" framework:

> Putting a transnational . . . approach into practice requires thinking *and* acting globally *and* locally . . . But even when restated, the "global-local" distinction does not reflect the way parameters of the "local" and "global" are often indefinable, indistinct, or intermingled, due to the transnational flows of culture and corporations. Any attempts to change working conditions in the "local" will be largely fruitless without improved conditions in other sites.

Indeed, multiple levels of action are needed for this kind of large scale transformation in employment legislation. We need global-level action through international agencies such as the UN for their power in social legitimating pressure. Despite the limitations of such agencies as discussed above, they have been highly influential in obtaining state-level sponsorship of gender-based legislation over the last century (Berkovitch, 1999). At the same time,

it is vital to have local action on the part of grassroots women's associations (Basu, 1995). Groups such as California-based Asian Immigrant Women Advocates (AIWA) have successfully waged campaigns to promote corporate responsibility among Silicon Valley multinationals, and even to organize women workers across different industries (Louie, 1997). Perhaps the strongest global activism has been in garment industry, where international associations such as STITCH (Support Team International for Textiles), Sweatshop Watch, and Global Exchange have become crucial in monitoring and pressuring multinational corporations.

The good news is that there has been an overall increase in activism regarding practices of global corporations, and moreover, that this activism has emerged from many sectors of society (UNIFEM, 2000). Aside from direct action through public demonstrations such as those in Seattle and Washington D.C., there have been a number of other campaigns in the United States. Consumer groups are advocating for the placement of special labels on products such as toys and clothes to alert buyers of "labor friendly" manufacturing conditions. Universities have formed alliances to prevent the garment manufacturers of their school logos from using exploited labor. Unions (such as UNITE, the Union of Needletrades, Industrial and Textile Employees) are pushing for codes of conduct from their employers, and filing cases against companies contracting with overseas factories that violate U.S. labor laws. Shareholders are questioning the companies in which they have invested about their labor standards, and associations such as the Conference Board are advising corporations on "Global Corporate Ethics" (Conference Board, 2001). Indeed, there are signs that these strategies have achieved some success: the ILO reports that over 215 multinationals have instituted a voluntary code of conduct (UNIFEM, 2000), and scholars researching such multinationals have found that women workers at one company in Zimbabwe and Thailand are pleased with the changes in employee policies (Cloud, 2000). Let us take advantage of this momentum to coordinate our activities and develop a viable set of labor standards for women workers transnationally.

ENDNOTES

1. There are many types of employment discrimination that women experience. In this paper, I focus on issues of access to jobs and rewards. Other types of "employment discrimination" include sexual harassment, comparable worth, and maternity issues, which are equally important and merit separate analysis.
2. "Ethnicity" means different things in India versus the United States, and is therefore better measured in some cases by different indicators. For example, while "race" is a common measure in the United States, "religion" is sometimes more applicable in India, where stratification is often governed by Muslim versus Hindu origin. Other standard measures in India are caste and region, but I was unfortunately unable to collect this kind of data.

3. One exception to this is the Alien Tort Claims Act, through which foreigners may file suits against United States companies abroad by arguing that they have violated a treaty. However, this usually applies only to very serious human rights violations. In addition, such cases are difficult to win since "host countries often act at the behest of MNCs"(Ayoub, 1999:n135).

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