

SPECIAL ISSUE ARTICLE

Beating the advertising drum for the employer: How legal context translates into good HRM practice

Isabella Scheibmayr  | Astrid Reichel 

Department of Social Sciences and Economics,
University of Salzburg, Salzburg, Austria

Correspondence

Isabella Scheibmayr, Department of Social
Sciences and Economics, University of
Salzburg, Kapitelgasse 5, Salzburg 5020,
Austria.

Email: isabella.scheibmayr@sbg.ac.at

Abstract: The legal context is constitutive for the legitimacy of HRM practices. In this paper, we use an institutional work approach to investigate how a legal mandate requiring employers to state the minimum pay in job advertisements in Austria was translated into a legitimate HRM practice over time. In this process, HR practitioners translated the law into an HRM practice going well beyond the legal requirements. In contrast to merely constraining HRM practice, we find HR practitioners actively engaging with the legal context. In the discursive struggle over a legitimate translation of the law into practice, actors speaking ‘for HRM’ were mostly HRM consultants and service providers building on an individualist and unitarist frame of reference for employment relations. Our findings contribute to a contextualized understanding of HRM practices by considering the interaction of HR practitioners and legal context.

KEYWORDS

frames of reference, HR practitioners, HRM practices, institutional work, legal context

Abbreviations: FoR, Frames of reference; HRS, Human Resource Management service industry; IW, institutional work;

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial-NoDerivs](https://creativecommons.org/licenses/by-nc-nd/4.0/) License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

© 2021 The Authors. Human Resource Management Journal published by John Wiley & Sons Ltd.

Practitioner Notes

What is currently known

- The legal context is imperative for HRM practitioners
- Extant research on the legal context treat laws as static entities that mostly constrain HRM
- Studies that treat legal context as dynamic and changeable are scarce

What this paper adds

- Changes in the legal context are institutionalized into HRM practices through a dynamic process comprising various actors
- HR practitioners can partake in this process by translating the legal mandate into a legitimate HRM practice
- HRM consultants and service providers are very active in the struggle over translation of a legal mandate, while HR practitioners within organizations remain silent
- HRM service providers use unitarist and individualist frames binding the implementation of the HRM practice to services they offer

The implications for practitioners

- Engaging proactively with the legal context can aid HRM in highly regulated contexts
- HR practitioners and the legislation itself might benefit from closer interaction before a law is enacted, for example, by HRM associations or HR practitioners commenting on draft laws
- Even when organizations do not heavily rely on external providers for taking over HRM practices, external providers nevertheless translate HRM practices, thereby shaping legitimate practice for HRM in organizations

1 | INTRODUCTION

The legal context is constitutive for HRM (Pauwe & Boselie, 2003; Roehling et al., 2008). This is especially apparent when organizations operate in an international context and are confronted with local, national and supranational laws which affect HR practices (Roehling et al., 2008). Soon after the emergence of HRM in the USA, particularly European authors stressed the importance of legal context for HRM's practice and legitimacy (Brewster, 1995; Brewster & Bournois, 1991). Building on this work, legal context is now an integral part of (more recent) contextual HRM frameworks (e.g., Cooke, 2018; Gooderham et al., 2019; Pauwe & Farndale, 2017). Though the centrality of laws, especially labour laws, is emphasized in contextual HRM frameworks, there is hardly any investigation of how HR practitioners interact with the legal context, neither empirically nor theoretically. Legal context tends to be conceptualized as an unalterable boundary constraining HRM practice (Pauwe & Boselie, 2003) to which HRM practitioners comply by implementing the legal requirements. More tightly regulated legal contexts (e.g., Europe compared to the US) are thus associated with a higher "degree of HRM homogeneity at company level" (Pauwe & Boselie, 2003, p. 63) and with paying more attention to balancing employee, employer and societal interests (Kochan, 2008). However, such a perspective shows no awareness that HR practitioners can actively engage with the legal context. By influencing legislation and partaking in the struggle with other actors over the meaning and interpretation of laws, HR practitioners can translate legal requirements into HRM practices and shape what is considered a legitimate implementation of legislation (Dobbin & Kelly, 2007; Edelman & Talesh, 2011).

We use an institutional work lens to study how HR practitioners are involved in shaping HRM practices during an institutionalization process. Institutional work (IW) is concerned with *how* legitimate practices are negotiated (Suchman, 1995), *who* is involved in this struggle (Hempel et al., 2017; Meyer & Höllerer, 2010) and *what* practices are institutionalized as a result. The struggle over legitimate HRM practices becomes especially apparent (and therefore

open to exploration) if the context changes (Johns, 2017), for example when new legislation is introduced. Thus, for our research we have seized the opportunity of a legislative change directly aimed at institutionalizing a new HRM practice. In 2011, the Equal Treatment Law in Austria was amended and the obligation to state minimum pay in job advertisements was enacted. We utilized this legislative change to study how HRM practices are institutionalized over time, tracing the struggle over what constitutes a legitimate implementation of the legal mandate and focussing on the actors involved, especially HR practitioners' roles. Studying the IW of HR practitioners allows a rare glimpse into the relationship between HR practitioners and HRM practices.

We contribute to a contextual perspective by applying an institutional work lens to HRM practices answering the calls for conceptualizations of context in HRM grounded in theory (Cooke, 2018; Farndale et al., 2019, 2020a; Mayrhofer et al., 2019). An IW lens allows conceptualizing legal context as dynamic and enabling rather than static and only constraining, thus offering a way to study the complex mechanisms through which HRM practices and legal context interact (Dobbin & Kelly, 2007; Edelman & Talesh, 2011). By investigating the different actors involved in this dynamic interaction, we contribute to discussions on the interplay of various actors in institutionalization processes of HRM practices and who claims the right to 'speak for' HRM (Phillips et al., 2004). We contribute to the IW literature by answering calls for considering frames other than institutional logics (Purdy et al., 2019) that is we consider what employment-relations belief systems are used by actors as frames to improve their position in a field (Meyer & Höllerer, 2010).

2 | AN INSTITUTIONAL PERSPECTIVE ON LEGAL CONTEXT AND HRM

The legal context is of special importance for Human Resource Management (Jackson & Schuler, 1995; Roehling et al., 2008). This was already stressed in the early 1990s when scholars called for European HRM models in reaction to the original US models mainly because the tightly regulated employment (relations) as a context highly relevant for HRM practices was not grasped (Brewster, 1995; Brewster & Bournois, 1991). Since then contextual HRM models regularly include "laws and regulations" (Jackson et al., 2014, p. 4) or laws as part of the (formal) institutional context affecting HRM in organizations (Budhwar & Debrah, 2001; Gooderham et al., 2019). In addition, studies tracing HRM history stress the importance of the legal context for the HRM occupation's development (Baron et al., 1986). Contextual HRM focuses on HRM in specific situations and geographic locations (Dewettinck & Remue, 2011). Contextual HRM frameworks building on institutional theory conceptualize these situations as results of "forces that lie beyond the organizational boundary, in the realm of social processes" (Hoffman, 1999, p. 351) that affect choices made in organizations (Scott, 2008). Laws are results of social processes beyond organizational boundaries and thus constitute context for HRM in organizations. Context is open to exploration when there is variation, for example, between countries or over time (Gooderham et al., 2019; Johns, 2017). A change in the legal context over time in one country thus allows for studying in detail the process of *how* and the question of *who* interacts in the creation of *what* is considered a legitimate HRM practice in this context.

HRM practices, that is "the daily enactment of HR philosophies and policies" (Jackson et al., 2014, p. 3) by "tools, norms, processes and procedures that are adapted and combined in the construction of HRM" (Björkman et al., 2014, p. 123), are considered legitimate when they are accepted in a field (Zietsma & Lawrence, 2010). Laws and legal regulation are an important source of this legitimacy but they leave room for actors to work on creating an HRM practice widely accepted among relevant actors in a field. Institutional work (IW) describes the "purposive action of individuals and organizations" (Lawrence & Suddaby, 2006, p. 215) to "create, maintain, and disrupt the practices that are considered legitimate within a field" (Zietsma & Lawrence, 2010, p. 189). An IW perspective thus allows us to conceptualize the relationship between legal context and legitimate HRM practices (what), as a dynamic interaction (how), in which many actors engage (who) (Hampel et al., 2017). In the course of the institutionalization of a legal mandate into HRM practice, actors struggle over what is considered legitimate action (and therefore HRM practice) within a field (Björkman, 2002) by negotiating, debating and endorsing different positions through discourses.

Organizational actors, too, can engage in IW even though the social processes around the change in legislation happen outside the organization. By studying (1) *how* legal context at various levels is translated into HRM practices (Greenwood et al., 2014), (2) *who* is struggling over legitimate implementation (Meyer & Höllerer, 2010; Roumpi et al., 2020), and (3) *what* institutionalization process develops after the introduction of legislation, an IW perspective can explain both homogeneity and variation in HRM practices. As such it provides a 'theory of context' (Whetten, 2009), specifying the mechanisms by which the legal environment is *translated* into HRM practice.

2.1 | How: Translation and institutional work

How are new practices institutionalized? The IW literature differentiates between practices travelling through fields and practices institutionalized within a field through institutional work. Fields constitute the relevant institutional environment and describe a community of organizations (including key suppliers, consumers, regulatory agencies and competitors) sharing a common meaning system and interacting frequently with one another (DiMaggio & Powell, 1983, p. 148; Scott, 2013, p. 106). In this sense, HRM constitutes a field, so HRM practices instigated by a legal change are institutionalized by travelling from one field to another. A mechanism frequently mentioned as a type of IW associated with practices travelling between fields is translation (Lindberg, 2014, p. 488). Translating a practice is a proactive and interactive process where actors, so-called 'translators' (Sahlén & Wedlin, 2013), engage in IW to derive practices from one field and institutionalize them in another (Lawrence & Suddaby, 2006). Translation leaves room for actors to shape the practice when institutionalizing it, thus allowing for differences in practices between fields. While translation explains how practices travel between fields and the institutional work associated with it (Zilber, 2006), within a field, other types of IW have been identified (Lawrence et al., 2011). Depending on the stage of institutionalization, actors might engage in creating, maintaining or disrupting institutions (Lawrence & Suddaby, 2006). Both translation between fields and the various types of IW within a field require discursive work by the actors involved (Zilber, 2006).

2.2 | Who: Actors involved

Institutional work places a "spotlight" on these actors and "their efforts to influence institutions" (Hampel et al., 2017, p. 559). So, who is involved in translation and institutional work? Within a field, actors struggle over meaning and aim to shape what is considered legitimate implementation (Lawrence et al., 2011; Meyer & Vaara, 2020). Actors both within and between fields can influence the institutionalization of practices through IW. Between fields, actors functioning as 'translators' bring new practices into a field, discuss how they can be interpreted and frame them (Zilber, 2006), in other words, they shape the practices as they enter the field. Within a field, actors can (as noted above) also create, maintain and disrupt institutions (Lawrence et al., 2011). Thus actors who engage in IW can gain interpretative dominance over legitimate practice (Dobbin, 2009; Edelman & Talesh, 2011) or the ability to transform a field (Greenwood et al., 2002). A focus on the actors involved also reveals who is claiming the right to 'speak for' a field and who is involved in the accompanying power struggles (Phillips et al., 2004).

2.3 | What: Translating legal context into legitimate HRM practice

When actors engage in institutional work and translation, they shape what (HRM) practice is institutionalized. Legislation frequently targets topics which concern HRM practices (Reichel et al., 2020; Roumpi et al., 2020). While laws are an important impulse for institutionalizing (new) HRM practices, legal texts are vague on what constitutes a legitimate implementation of the law in HRM practice (Dobbin, 2009). Changes in legislation represent instances of the coercive

institutional context providing actors with new normative and mimetic arguments (DiMaggio & Powell, 1983; Edelman & Suchman, 1997; Scott, 2013), which can be mobilized in the struggle of multiple actors over institutionalization (Meyer & Höllerer, 2010). These actors engage in discursive IW, framing the legal mandate (Cornelissen & Werner, 2014) and thereby interpreting what compliance will look like (Edelman & Talesh, 2011) and how regulations are adopted or adapted (Pemer & Skjølsvik, 2018). Hence, laws are co-constructed by how they are interpreted and practiced by the actors in a field (Dobbin, 2009; Edelman & Talesh, 2011; Suchman & Edelman, 1996), underlining that legal context not only constrains but can also enable HR practitioners (Johns, 2017; Mayrhofer et al., 2019).

Actors use cognitive frames available in a field to address and interpret practices (Meyer & Höllerer, 2010; Purdy et al., 2019). These normative and common meaning systems act as frames of reference (FoR), guiding actors' sense-making, associating language and concepts, and providing actors with belief systems that in turn motivate action (Canning & O'Dwyer, 2016; Cornelissen & Werner, 2014). Hence, FoR help actors to understand and interpret practices, but can also be deliberately used by actors to translate practices into a field by discursively framing, that is by setting institutions into a context which provides meaning and structure (Kaufman et al., 2020). However, through shaping judgements, FoR also shape behaviour, that is when implementing HRM practices (Budd et al., 2021).

3 | CASE DESCRIPTION AND METHOD

3.1 | Case selection

Our research addresses how legal context is translated and institutionalized over time into a legitimate HRM practice. To comprehensively study this question, we seized the opportunity of a legislative change in Austria that explicitly aimed at institutionalizing a new HRM practice. In 2011 Austria amended the Equal Treatment Law introducing mandatory pay information in job advertisements, following EU Council debates discussing ways to decrease the gender pay gap through pay transparency (European Council, 2010). In the amendment, a new legal mandate was introduced:

"The employer or private recruitment agency (...) is obligated to state the, through collective bargaining contract, law or other norm of collective legislation, **applicable minimum income for the advertised position and state a willingness to overpayment, if one exists.** (BGBl. I Nr. 7, 2011, emphasis added)

In 2013 this subsection was expanded to cover work contracts that are *not* subject to collective bargaining, a law or other norm of collective legislation (BGBl. Nr. 107, 2013). Noncompliance with the law has been punished with an administrative penalty of 360€ since 2012 and for the first offence a warning is issued (BGBl. I Nr. 7, 2011). We selected this legal mandate for the following reasons: First, it offers a suitable and relevant case in which to investigate how HRM and the legal context interact. Second, this legal change specifically aims at institutionalizing a new HRM practice (stating pay information in job advertisements), a situation where HR practitioners might interact with the legal context. And third, it is a new legal mandate, but enough years have passed to allow for analysis.

One characteristic of Austria most relevant to our discussion is the social partnership. Austria's central position within Europe and its newfound neutrality after WWII allowed the country to act as intermediary between Western NATO states and the Eastern Block. This position of reconciliation between capitalist and socialist values is reflected in Austria's corporatist tradition (Meyer & Höllerer, 2010) and institutionalized in a specific body of industrial relations, the so-called social partnership. Social partners, where all employers are represented by the Chamber of Commerce and *all* employees are represented by the Chamber of Labour and the unions, negotiate the collective bargaining contracts, which cover 98% of Austrian employees (OECD, 2017). Furthermore, through their input social partners act as important change agents for national legislation concerning employment and beyond. Hence, employment relations, regardless of industry, are strongly co-determined by the social partnership, and social partners are important reference points for HR practitioners in Austria (Mayrhofer, 1995).

3.2 | Method

As our starting point denotes the change in the Equal Treatment Law, the law representing a performative text (Bourdieu, 1987), we use a qualitative framework of text analysis grounded in organizational discourse analysis. Laws are not only produced through discursive processes (i.e., democratic political processes), they also have discursive effects (i.e., formulating sanctions for non-compliance). These discursive effects can in turn be invoked by actors in the struggle over institutionalization. Hence, institutionalization is often language-based (Lawrence & Suddaby, 2006) and materialized in structured collections of texts that bring organizationally related objects, such as HRM practices, into being as they are produced, disseminated and consumed (Phillips et al., 2004). Therefore, studying the discursive acts in an institutionalization process through texts can shed light on the practices enacted. We focus on which topics emerge, which frames are used in a given context and what practices are discussed (Mumby, 2011). By engaging in discursive acts surrounding the legal mandate, HR practitioners are able to influence laws after enactment by framing what practices are considered legitimate (Edelman & Talesh, 2011; Kelly & Dobbin, 1998). By studying the texts associated with the enactment of the legal mandate to state pay information in job advertisements, we aim to gain a comprehensive understanding of how a new HRM practice was translated over time and the IW associated with it.

3.3 | Sampling strategy and data collection

To capture all discourses accompanying the institutionalization process we identified three relevant fields. First, laws are produced in the legislative field, comprising various actors (e.g., politicians, government officials, NGOs, social partners, civil society) engaged in negotiating and enacting new laws. To capture this field we collected draft legislation, parliamentary protocols, comments on draft laws from civil society, published legal texts and press releases from legislative bodies. Second, after laws are passed, legal experts (scholars and professionals) discuss how they can be implemented congruent with established legislation. To capture this legal field, we collected all texts linked to the legal mandate in a national legal database. Third, when HRM practices are involved, legal mandates are interpreted, discussed and ultimately practiced in the HRM field. We identified two distinct groups of HR practitioners in this field, organizational HR practitioners representing the HRM function within organizations (e.g., heads of HRM departments, HRM specialists within organizations) and HR practitioners outside business organizations that offer HRM services to organizations (e.g., consultants, professional media, HRM service providers), which we term the HRM service industry (HRS). To represent the HRM field we captured all articles between 2009 and 2015 in the main HR practitioner journal in Austria, all texts concerned with the amendment posted on a professional network and all texts published online by the largest recruiting platform, an HRM service provider. Within these texts, we found references to implementation guidelines and articles in the general media, which we included. In total, we collected 373 documents. Details on the texts, sources and abbreviations used are given in Table 1

3.4 | Analytical strategy

We converted the texts summarized in Table 1 into text files, coded and analysed them following the analytical procedure visualized in Figure 1. First, we identified the relevant documents from the three main fields (step 1). After isolating the relevant text fragments (step 2), coding was conducted following a deductive content analysis (Mayring, 2002) by the broad categories 'field', 'time' and 'topic', differentiating (a) HRM practices discussed, (b) actors present and (c) interactions (step 3). After identifying and coding these aspects, we discussed similarities and differences between fields and defined the relationship between them (e.g., are the same actors present, is there interaction between them, are HRM practices framed consistently). In this process, the latent structure emerged which we inductively coded while guided by the questions: (d) how are HRM practices framed, (e) what arguments are missing, (f) which actors

TABLE 1 Data

Field	Texts	n	Source	Abbr.	Actors
Legislative	Legal text and published amendments	4	Legal text BGBl. 2011/I/7 BGBl. 2013/I/71 BGBl. 2013/I/107	L	Legislative bodies (parliament consisting of national council and federal council, equal treatment committees, ministry for women and civil service)
	Draft law, parliamentary protocols, parliamentary correspondence and press releases	45	https://www.parlament.gv.at	L	
	Written comments 2011	24	https://www.parlament.gv.at	C1	
	Written comments 2013	36	https://www.parlament.gv.at	C2	
Legal	Articles concerning implementation in legal practitioner journals	25	https://rdb.manz.at/document/ris.n.NOR40151374	AR	Legal experts social partners
	All (academic) sources linked to §9 GIBG in legal database RDB	64		RDB	Legal scholars
HRM	Practitioner journal articles	144	Personalmanager;(All articles 2009–2015)	E	HR practitioners legal experts & NGOs social partners
	Practitioner network	6	https://www.HRweb.at	S1	HR practitioners
	HR service provider	9	https://www.karriere.at	S2	HR practitioners
between ^a	Articles in general media	12	Various sources	M	Newspapers
	Information documents	4	Various sources	I	social partners Equal Treatment Commission IHRM service provider

Abbreviations: AR, articles in legal practitioner journals; BGBl, Bundesgesetzblatt (german, translates to Federal Law Gazette); C1, comments to draft law 2010; C2, comments to draft law 2013; E, articles in HR practitioner journal; GIBG, Gleichbehandlungsgesetz (german, translates to Equal Treatment Law); I, information documents; L, Legislation; M, media; RDB, Rechtsdatenbank (german, translates to legal database); S1, articles in practitioner network; S2, articles by HR service provider.

^aThese documents do not represent a field, rather they are produced by a number of actors in different fields, such as the social partners and the Equal Treatment Commission from the legislative field, HRM service providers from the HRM field and the media from the public political arena.

were 'speaking for' HRM (step 4). Following these initial deductive and inductive codings, we refined and renamed the codes and re-organized the relationships between them in an iterative process. Step-by-step we interpreted the material, consolidating it along three main questions, (1) how—translation and other types of IW, (2) who—actors 'speaking for' HRM, and (3) what—constructing a legally legitimate HRM practice using frames of reference (step 5).

4 | FINDINGS—TRANSLATING LEGAL CHANGE INTO A NEW HRM PRACTICE

Before explaining how different actor groups engaged in IW, we give an overview of the timeline surrounding the introduction of the legal mandate in Figure 2. In 2009, anticipating EU action to decrease the gender pay gap, the Austrian ministry for women and civil service met with the social partners to discuss possible policies to address this issue. Following the EU directive recommending pay transparency (European Council, 2010), an equal treatment committee

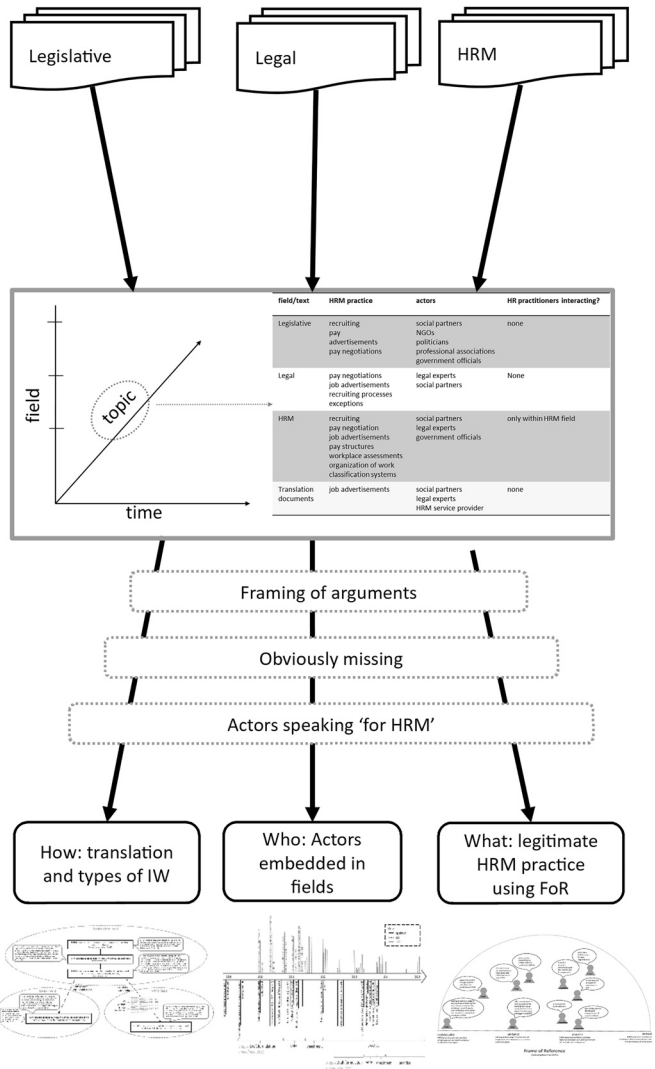
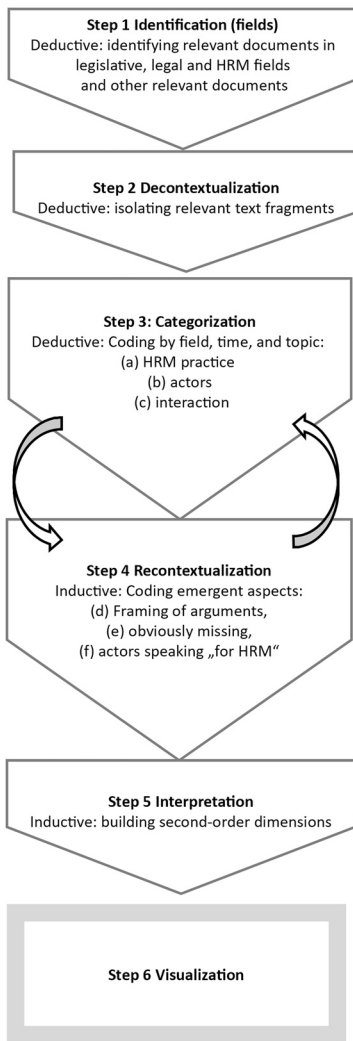


FIGURE 1 Analytical process. As language is a key aspect of discourse analysis, we tried to stay as close to the original as possible when translating to English, sacrificing linguistic elegance for contextual embeddedness in the direct quotes

within parliament was appointed to draft legislation. Two policies were proposed: mandatory income reports and requiring statements of minimum pay in job advertisements. The legislative process that followed the committee report was discursively negotiated between legislative and executive bodies (parliament and government). The public took part in an extended civic participation process wherein laws are reviewed before they are voted on in the parliament. Anyone can participate and a diverse set of institutional actors responded to the amendment in question, including other ministries, regional governments, public labour market intermediaries, legal scholars, social partners, legal professional associations, industry lobby groups and various NGOs. HR practitioners or associations representing HRM were not among them.

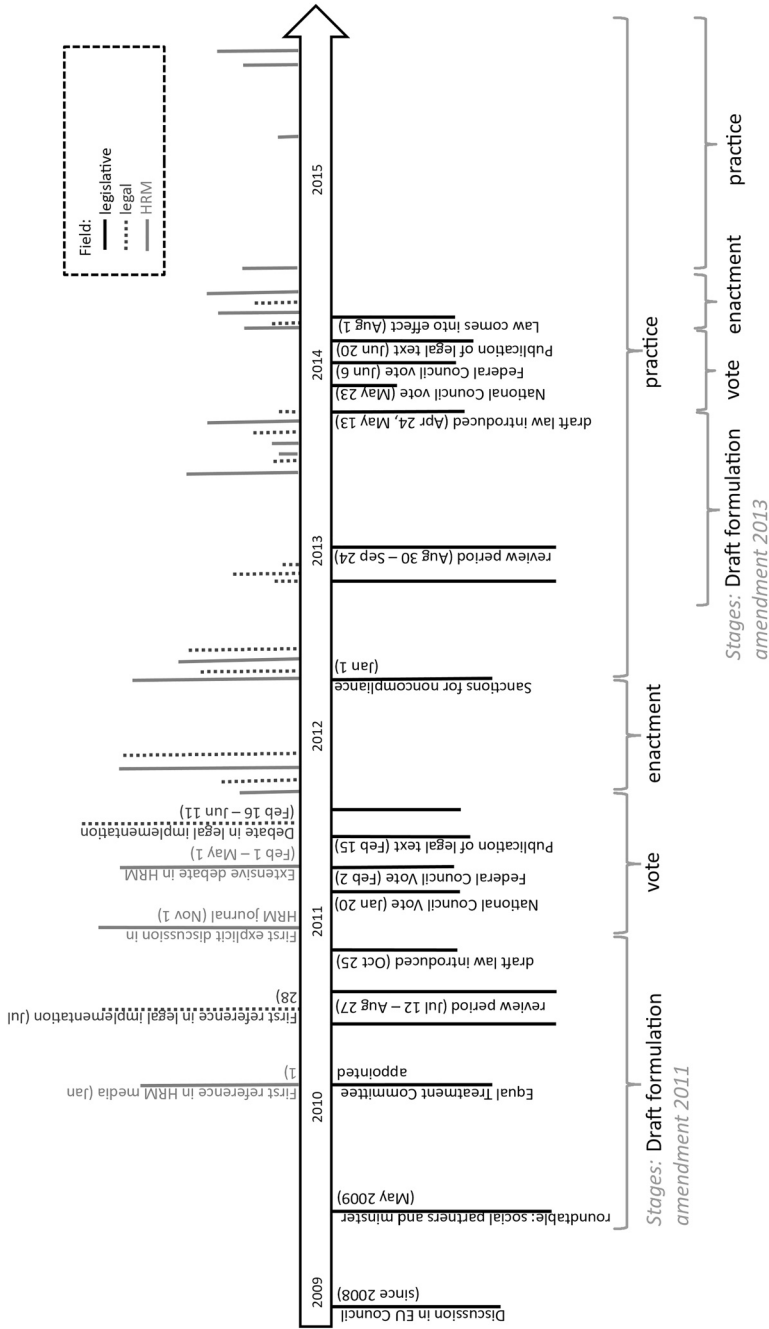


FIGURE 2 Timeline of institutionalization

4.1 | How: Translating from legal compliance to 'good' HRM practice

The HRM practice of stating pay in job advertisements was institutionalized by travelling from the legislative to the HRM field via the mechanism of *translation* following negotiations between different actors (Zilber, 2006) in the collaborative reshaping of shared meanings (Greenwood et al., 2002; Lawrence & Suddaby, 2006), thus modifying the practice by interpreting it for a new field (Zilber, 2006). We examined this translation by asking how the HRM practice was defined, interpreted and legitimated in the different fields, visualized in Figure 3. Exemplary quotes show how the discussed HRM practice changed through this translation.

The original EU conclusion asked member states to address gender pay differences by promoting pay transparency in the form of full information of pay structures and composition of remuneration (European Council, 2010). The legislative bodies in collaboration with the government and the social partners in Austria drafted two measures in response, mandatory income reports and stating the "applicable minimum income for the advertised position" (BGBl. I Nr. 7, 2011). The second measure was specified again in 2013, when the legislator, after discursive struggles, stipulated that "the pay, which is the minimum basis for labour contract negotiations" (BGBl. Nr. 107, 2013) is to be stated in job advertisements. The legal mandate was translated when travelling from the legislative field into the legal field and the HRM field. While legal experts translated the HRM practice into stating 'the minimum pay in form of a monetary amount', HRM practitioners translated it as 'communicate realistic income possibilities in job advertisements' (see quotes in Figure 3) including monetary and non-monetary benefits. Legal experts translated what the legal mandate means for minimal compliance, while HR practitioners widened the translated HRM practice to mean stating realistic pay ranges and including non-monetary remuneration.

Not only did HR practitioners discuss how the legal mandate can be meaningfully translated into HRM practice, they also complemented this translation with other types of IW within the HRM field (Lawrence & Suddaby, 2006), summarized in Table 2. HR practitioners advocated for and defined their translation as 'good' HRM practice, changed the normative association of stating pay in job postings from legally required ('not meaningful') to legitimate HRM practice ('highest value'), mimicked best practice in HRM ('war for talents', 'employer branding'), theorized their argument ('better address potential candidates') and educated fellow HR practitioners ('provide education work'). HR practitioners discursively delegitimized stating only the legal minimum as 'not informative' and 'misleading' and argued for stating much broader information on pay and remuneration in job advertisements (Maguire & Hardy, 2009). Hence, they decoupled the HRM practice from a legal minimum and legitimized their translation of the legal mandate with various types of IW discussed by Lawrence et al. (2011).

4.2 | Who: Actors 'speaking for' HRM

Translating an HRM practice is an interactive process where different actors struggle over meaning (Meyer & Höllerer, 2010) and engage in discourse to institutionalize HRM practices within a field (Lawrence & Suddaby, 2006). Therefore, we considered which actors were claiming to speak in each field (Phillips et al., 2004). Following different actors over time, we see them emerging and disappearing in a wave-like manner (Pemer & Skjølsvik, 2018). In the stages of draft formulation, vote and enactment of legislation (see Figure 3), legislative actors, social partners and certain specialized NGOs are predominant. After the law was enacted, these actors continued to participate in questions about legitimate practice, especially the minister, who advocated compliance with the law. NGOs, social partners and legal experts were also at the forefront of the discourse in both the legal and HRM field immediately after the amendment was enacted, but then disappeared from the discourse in the HRM field.

Taking their place, soon after enactment, were HR practitioners who took over the discourse in the HRM field. HR practitioners acted as translators in discursively struggling over what a legitimate implementation would look like. The translators rarely included HR department heads or HR functional specialists. Rather the most vocal actors were HRS, including personnel consultants, freelance HRM journalists, and HRM service providers (e.g., recruiting firms,

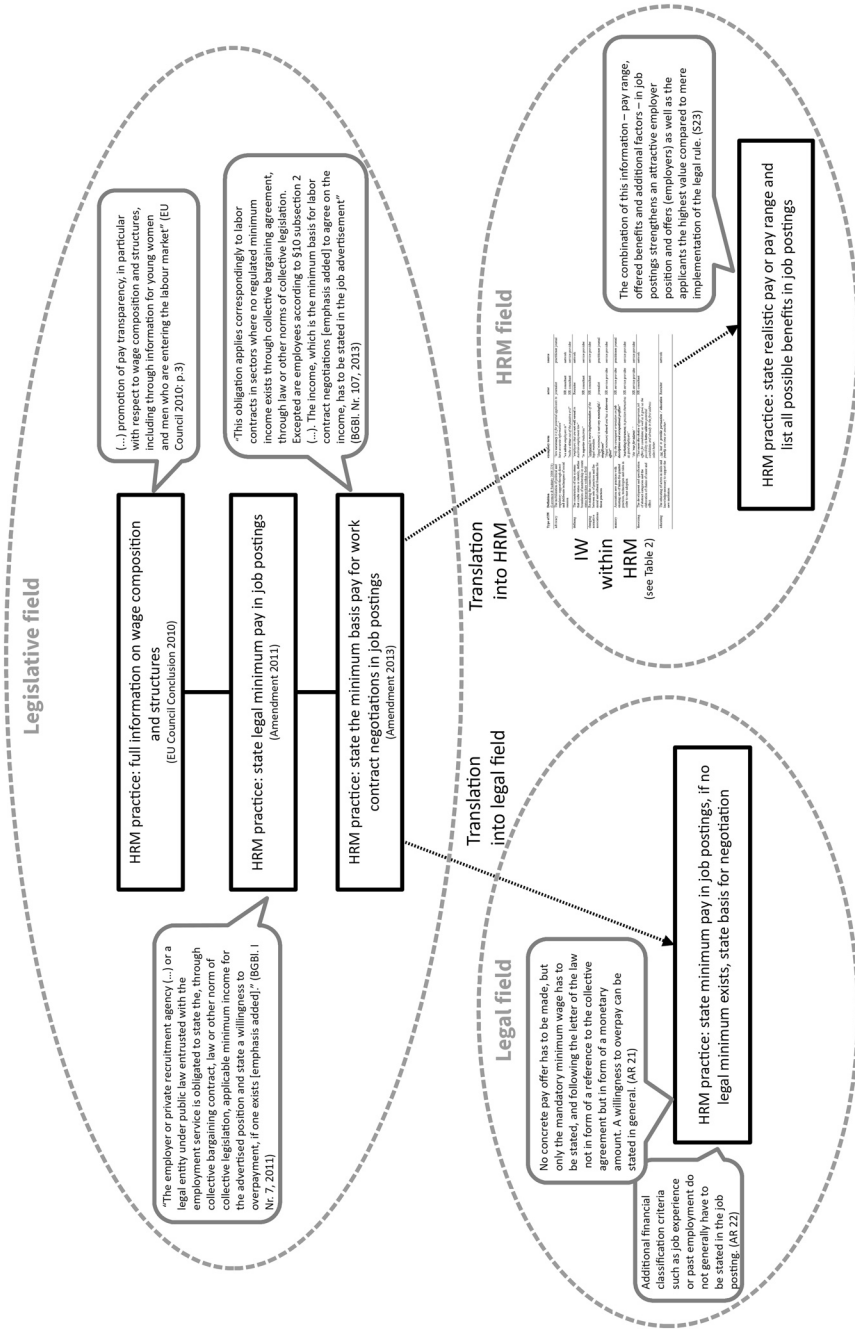


FIGURE 3 Translation

TABLE 2 IW complementing translation

Type of IW	Definition (Lawrence & Suddaby, 2006:221)	Exemplary Term	Actor	Source
Advocacy	The mobilization of political and regulatory support through direct and deliberate techniques of social suasion	" <i>how necessary it is for potential applicants to have accurate information</i> "	Journalist	Practitioner journal
		" <i>we advise employers to</i> "	HR consultant	Network
		" <i>make a virtue out of the putative evil</i> "	HR consultant	Service provider
Defining	The construction of rule systems that confer status or identity, define boundaries of membership or create status hierarchies within a field	" <i>employers that are not well versed in Austrian employment law</i> "	Recruiter	Network
		" <i>in superior industries</i> "	HR consultant	Service provider
Changing normative associations	Re-making the connections between sets of practices and the moral and cultural foundations for those practices	" <i>compared to mere implementation of the legal mandate.</i> "	HR consultant	Service provider
		" <i>(legal minimum) is not very meaningful/significant</i> "	Journalist	Practitioner journal
		" <i>(legal minimum) absurd and has a deterrent effect</i> "	HR service provider	Service provider
Mimicry	Association of new practices with existing sets of taken-for-granted practices, technologies and rules in order to ease adoption	" <i>only the consistent orientation to job descriptions and occupational profiles</i> "	HR service provider	Practitioner journal
		" <i>Marketing instrument, to position themselves as good employers</i> "	HR service provider	Service provider
		" <i>the 'war for talents'</i> "	HR service provider	Service provider
Theorizing	The development and specification of abstract categories and the elaboration of chains of cause and effect	" <i>That eases the choice of appropriate job offers for candidates</i> <i>Translating an HRM practice is an interactive. It also gives us the possibility to better address potential candidates and already in the first address to select better.</i> "	HR consultant	Network
Educating	The educating of actors in skills and knowledge necessary to support the new institution	" <i>we had to provide persuasion/education (work) at one time or another.</i> "	Recruiter	Network

Abbreviations: HR, human resources; IW, institutional work.

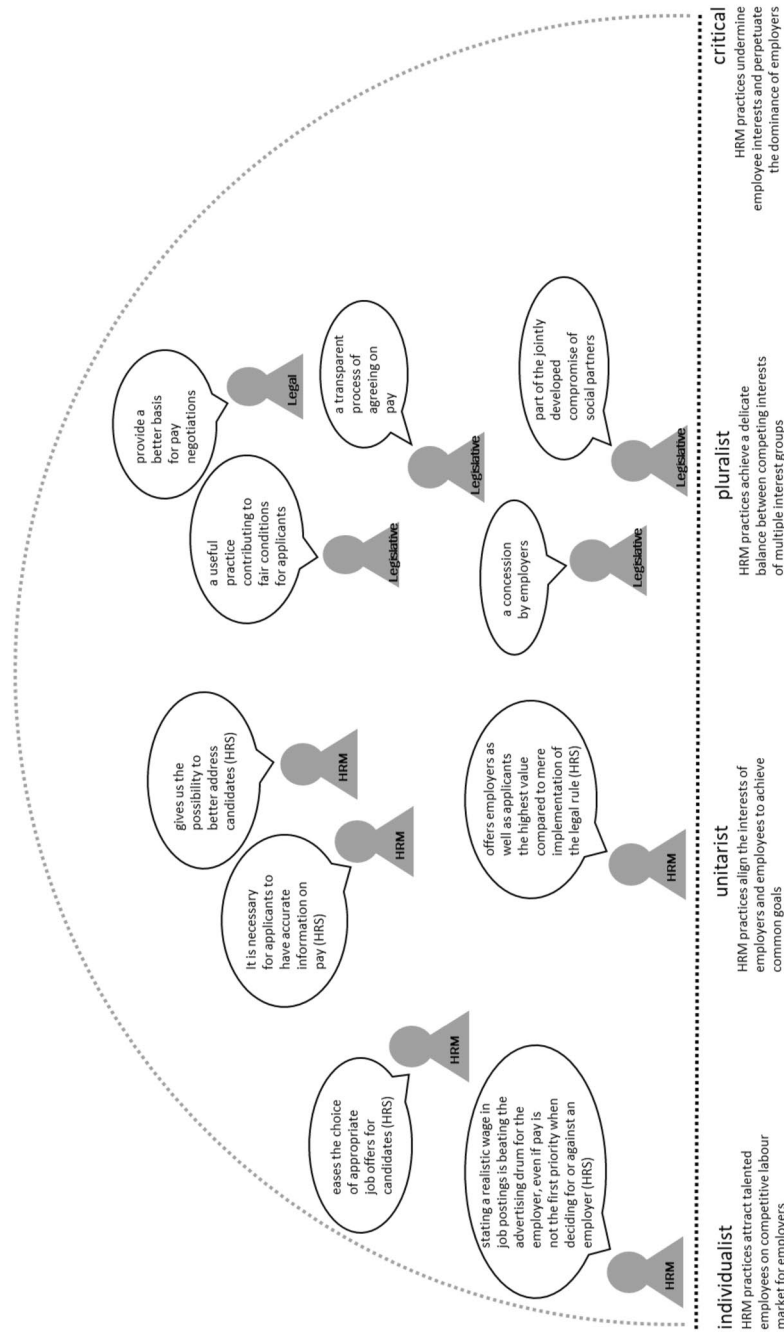
headhunters, online job platforms)¹. As “texts are produced by actors who are understood to have a legitimate right to speak” (Phillips et al., 2004, p. 643), we can deduce that in HRM, mainly HRS claimed the ‘legitimate right to speak’, positioning themselves as representatives of the entire HRM field. They legitimated this ‘right to speak’ by providing job advertisements formulated for client organizations (e.g. recruiter) or best-practice formulations available for use (e.g. job platform).

4.3 | What: Legitimacy of translated HRM practice based on frames of reference

Actors translating a legal mandate are not completely free in shaping its meaning. Rather, they follow field-specific frames available to them (Meyer & Höllerer, 2010). The IW literature usually focuses on institutional logics invoked in such struggles over meaning (Purdy et al., 2019). In our case, however, the various actors mobilized specific frames on work used in industrial relations (Budd & Bhave, 2008; Fox, 1966; Kaufman, 2019) and highly familiar to HRM scholars and practitioners (Budd, 2020; Farndale et al., 2020b). These FoR describe ideological assumptions about the employment relationship, therefore explicitly focusing on the political in IW (Fox, 1966; Lawrence & Suddaby, 2006). We used the framework by Kaufman (2019) and coded the arguments along the individualist–unitarist–pluralist–critical continuum as visualized in Figure 4. The frames describe assumptions about the employment relationship, that is how employee and employer interests are related and the behavioural mechanism to address this relationship. Both individualist and unitarist frames consider employee and employer interest as harmoniously aligned. In the individualist FoR these interests are aligned through transactions in the (labour market), whereas in the unitarist FoR HRM practices can align employer–employee interests through cooperation. By contrast, the interests of employers and employees are divergent in a pluralist frame and this conflict can be resolved through negotiations by collective representatives. The critical frame considers employer–employee interests as inherently irreconcilable, so legal force is necessary to counterbalance employers’ power over employees. Consequently, HRM practices are conceptualized differently in each FoR to address employer–employee relations through the behavioural mechanism associated with the assumed nature of this relationship (see Figure 4).

As can be seen in Figure 4, legislative actors as well as actors in the legal field consistently used pluralist arguments. Legislative actors argued that the legal mandate was necessary to balance the divergent interests of employers and employees concerning pay information in job postings. Social partners, who were otherwise divided on the legal mandate, explicitly stated such pluralist arguments of balancing employer–employee interests. Employer representatives positioned themselves against the legal mandate in HR media while framing it as a ‘concession’ and ‘compromise’ in the legislative field. Employee representatives favoured the legal mandate, arguing that it improved the applicant’s position (see exemplary quotes in Figure 4).

Initially HR practitioners were sceptical that stating minimum pay in job advertisements adequately addresses pay transparency. However, their argument was not that stating minimum pay was useless, but that the legal mandate of stating the minimum pay was not sufficient for ensuring pay transparency. Rather, they argued that organizations should state *realistic* pay and connect it to job evaluations, workplace assessments and a critical analysis of the recruitment process. To do so, HR practitioners invoked unitarist arguments, that is, they argued that selecting suitable candidates through stating (realistic) pay in job advertisements is aligning the common interest of employers and applicants. In the later stages of practice, certain arguments in the HRM field are even framed using an individualist FoR. For example, HR practitioners argued that providing pay information in job postings lowers transaction costs for both applicants and employers on the labour market.



Frames of Reference

FIGURE 4 Translation and FoR by field

5 | DISCUSSION

HR practitioners were the only actors invoking unitarist and, later in the process even individualist, frames. These frames entered the discourse only when the legal mandate was translated in the HRM field. The FoR associated with employment relations are considered systematically to differ between countries. While US-based strategic HRM is associated with a unitarist FoR (Farndale et al., 2020b; Troth & Guest, 2020), European HRM models grounded in histories of labour conflict, are associated with the pluralist FoR (Brewster, 1993; Kaufman, 2014). Empirical studies, too, find pressure on HR practitioners in Europe to adhere to a pluralist FoR (Gooderham & Nordhaug, 2011; Gunnigle et al., 2002; Müller, 1999). Due to the important role of social partners for HRM and the corporatist tradition, unitarist and individualist FoR are especially unusual in the Austrian context (Mayrhofer, 1995; Meyer & Höllner, 2010). We therefore did not expect to find arguments framed other than pluralist in the text material. However, we not only found unitarist frames consistently used by HR practitioners when translating the legal mandate, we even found individualist FoR later in the process, addressed to fellow HR practitioners. Even though these findings are highly surprising at first, they can be explained when considering *who* is speaking for HRM. While the legal mandate addressed the practice of HRM within organizations, it was *not* HR practitioners embedded in organizations but HR consultants, recruiters and other service providers who were most active in influencing how the legal mandate should be translated into HRM practice. These actors not only assess employer-employee interests as harmoniously aligned, as conceptualized in both the unitarist and individualist frame (Kaufman, 2019), they (deliberately or implicitly) frame HRM practices and the competitive market as the main organizing principles aligning these interests (Budd & Bhawe, 2008; Kaufman, 2019). The HRM service industry relies on these FoR to legitimize their own business models. When framing practices in a unitarist or individualist way, they are able to bind the legal mandate to their HRM services by promising a competitive advantage on the labour market for those organizations that outsource the practice to service providers (Reichel & Lazarova, 2013) or pay for their expertise through consultancy (Wright, 2008). Some practices discussed in the HRM field, such as employer branding or talent management, are strongly associated with unitarist HRM in the literature (Dundon & Rafferty, 2018; Troth & Guest, 2020). In our case, HRS did the work of binding those practices to HRM. Recruiting firms, for example, highlighted how their translation of the legal mandate into stating realistic pay can improve organizational HRM:

“Firms use the statements of pay as a **marketing instrument**, to position themselves as **good employers**.” [Recruiting firm, S2-5, emphasis added]

“Already stating a realistic wage in the job advertisement is **beating the advertising drum for the employer**.” [Recruiting firm, S2-7, emphasis added]

By using unitarist or even individualist frames, HR practitioners outside of organizations claimed interpretative dominance over translation. They were not only the first HR practitioners participating in translation, they also successfully argued *how* the legal mandate can be used to further the legitimacy of HRM and its practitioners within the HRM field. Some HRS explicitly stated how the legal mandate allowed them to influence, persuade, and exert power over organizational HRM. Concerning outsourcing HRM from organizations, HRS ‘walked the walk’ and provided ‘best practice’ examples of formulating job advertisements in what they considered legitimate form, that is by providing realistic pay or pay ranges and providing information on monetary as well as non-monetary benefits.

6 | CONCLUSION

To summarize, we find that HR practitioners shaped the meaning of the legal mandate by translating it into ‘good’ HRM practice using frames of reference and engaging in complementary IW. It is surprising that HR practitioners used

arguments informed by a unitarist, or even individualist frame of reference, when 'speaking for' HRM, as this frame is highly unusual in Austria, a country with a strong pluralist tradition (Mayrhofer, 1995; Meyer & Höllerer, 2010). This finding can be explained by considering *who* is speaking for HRM. Although the legal mandate addresses HRM within organizations, the HR practitioners most vocal in the HRM field were mainly from the HRM service industry. For these actors, unitarist and individualist arguments can be employed to legitimize their business model, claim interpretative dominance over what is considered a legitimate translation of the legal mandate and thus bind pay information statements in job advertisements to their offered services. Meyer and Höllerer (2010) also found actors in Austria using non-corporatist frames, in that case, when discussing shareholder value. Here, too, actors from specific actor categories, such as organizations listed on the stock exchange, consultants and financial analysts shifted framings to support their position. The latter two types of actors—consultants and complementary service providers—are also prominent in our case of translation. The presence of these actors, whose business model relies less on selling goods or services, and more on ideas and narratives, might be of especial importance for understanding translation processes. Future research should focus on the antecedents of unusual frames used in fields and which types of actors are interacting and associating with them.

Our findings contribute to an explicit and theoretically grounded consideration of context (Whetten, 2009) by identifying the institutional mechanisms translating the legal context exemplified by a specific legal change concerning HRM practices (Zilber, 2006). By providing an account of the introduction of a new law highly relevant for Austrian HRM, we can trace how a higher-order context (legal context) is translated into HRM practices at the field level. While current conceptualizations of contextual HRM consider a uni-directional relationship of legal context constraining HRM (Gooderham et al., 2019), we explicitly describe a bi-directional relationship wherein HR practitioners influence the institutionalization of legal mandates even in a highly regulated environment. The legal mandate enabled HR practitioners to discursively engage in translating the mandate into a legitimate implementation of an HRM practice. While the law aimed at constraining HRM practices in organizations, HRS incrementally established sovereignty of interpretation in the HRM domain by linking the legal change to the expertise of its service industry. By tracing this process we provide an abstraction of the multiple discursive entanglements between the legislative context and the HRM field (Cooke, 2018), and by allowing the legal context to be both constraining and enabling, we contribute to an understanding of how the legitimacy of HRM is enhanced by translating legal changes (Dobbin, 2009). By considering the question of who is 'speaking for' HRM, our study contributes to research on how actors constitute fields (Faulconbridge & Muzio, 2021). Our findings also contribute to contextual models of HRM by suggesting actors in the institutional field as relevant context for organizational HRM. Extant models of contextual HRM (Cooke, 2018; Gooderham et al., 2019; Paaue & Farndale, 2017) do not specify how different layers of context are constituted and which actors are involved. In our case, the HRS is not only a relevant context for HRM in organizations, these HR practitioners were also the first movers in translating the legal mandate and aiming to influence implementation in organizational HRM. The Austrian case adds to the literature on the relevance of the legal context on HRM (Roehling et al., 2008) by considering institutional field-level mechanisms such as translation and institutional work. An important implication for HR practitioners follows: both legislation and HRM could gain from a stronger interaction in the legislative process. This implication is especially relevant for organizational HR practitioners as we found them to be almost totally absent, even though their practice was the explicit target of both the legal mandate and the attempts to translate the mandate into a legitimate HRM practice by the HR service industry. HR practitioners outside of organizations, by contrast, are not only claiming the right to speak for HRM, but also are shaping what is considered a legitimate implementation, framing the HRM practice well beyond what is legally required of organizations.

Our study has certain limitations. First, Austria is situated in a European Civil law context, and albeit this legal system is understudied in HRM research, the findings might not be completely transferable to other legal systems. The rare studies considering the legal context and HRM are all explicitly or implicitly based on the common law context (Dobbin, 2009; Dobbin & Kelly, 2007; Edelman & Talesh, 2011; Gennard & Kelly, 1997). Civil law contexts are characterized by more regulation and less judicial activism, as case law is less central than codification (Bourdieu, 1987). For HRM this results in tighter regulation and less room for organizational agency in civil law contexts (Farndale

et al., 2017; Mayrhofer et al., 2019). This difference led Dobbin (2009) to assume that HR practitioners have less room to 'invent' legislation in civil law contexts, congruent with discussions of European HRM being more constrained and pluralist (Brewster, 1993; Kaufman, 2014). Our case, however, reveals very active HR practitioners translating a legal mandate into 'good' HRM practice. To assess the role of the legal system (civil vs. common law) as context interacting with HR practitioners, comparative studies considering the legal systems are needed (Wood et al., 2014).

Concerning the implications for HR practitioners, the Austrian case shows that even in a highly regulated context and with plenty of 'competition' from powerful actors concerned with employment relations, HR practitioners can translate legal mandates into 'good' HRM practice and shape their institutionalization. That in turn positively affects the legitimacy of HRM as a field and a function.

ACKNOWLEDGEMENT

We would like to thank Ewald Kiebler and Marion Festing for commenting on previous versions of the article and four anonymous reviewers for their constructive feedback.

CONFLICT OF INTEREST

We have no conflict of interest to declare.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request. Part of the data used in this study are publicly available. In these cases, the source of the data is listed in Table 1.

ORCID

Isabella Scheibmayr  <https://orcid.org/0000-0001-5829-0440>

Astrid Reichel  <https://orcid.org/0000-0002-4188-360X>

ENDNOTE

¹ We included an HRM service provider in our sample, which might overemphasize these actors. However, in the HRM journal and the HRM network, both targeting HR practitioners in organizations, we also found a dominance of the HRM service industry.

REFERENCES

- Baron, J., Dobbin, F., & Jennings, P. (1986). War and peace: The evolution of modern personnel administration in U.S. Industry. *American Journal of Sociology*, 92(2), 350–383. <https://doi.org/10.1086/228504>
- BGBl. I Nr. 7. (2011). *Amendment of the equal treatment law, the law concerning the office of equal treatment, the disability hiring law and the federal equal treatment law of the disabled*. in German. https://www.ris.bka.gv.at/Dokumente/BgblAuth/BG-BLA_2011_I_7/BGBLA_2011_I_7.pdf
- BGBl. Nr. 107. (2013). *Amendment of the equal treatment law, the law concerning the office of equal treatment, the disability hiring law, the federal equal treatment law of the disabled and the contract of employment regulation adjustment law*. in German. <https://www.ris.bka.gv.at/eli/bgbl/I/2013/107>
- Björkman, I. (2002). The diffusion of Human Resource Management practices among Chinese firms: The role of Western multinational corporations. *Asia Pacific Business Review*, 9(2), 43–60. <https://doi.org/10.1080/713999183>
- Björkman, I., Ehrnrooth, M., Mäkelä, K., Smale, A., & Sumelius, J. (2014). From HRM practices to the practice of HRM: Setting a research agenda. *Journal of Organizational Effectiveness: People and Performance*, 1(2), 122–140. <https://doi.org/10.1108/JOEPP-02-2014-0008>
- Bourdieu, P. (1987). The force of law: Toward a sociology of the juridical field. *Hastings Law Journal*, 38(5), 814–853. https://repository.uchastings.edu/hastings_law_journal/vol38/iss5/3/
- Brewster, C. (1993). Developing a 'European' model of human resource management. *International Journal of Human Resource Management*, 4(4), 765–784. <https://doi.org/10.1080/095851993000000057>
- Brewster, C. (1995). Towards a 'European' model of Human Resource Management. *Journal of International Business Studies*, 26(1), 1–21. <https://doi.org/10.1057/palgrave.jibs.8490163>

- Brewster, C., & Bourniois, F. (1991). Human Resource Management: A European perspective. *Personnel Review*, 20(6), 4–13. <https://doi.org/10.1108/EUM00000000000800>
- Budd, J. W. (2020). The psychologisation of employment relations, alternative models of the employment relationship, and the OB turn. *Human Resource Management Journal*, 30(1), 73–83. <https://doi.org/10.1111/1748-8583.12274>
- Budd, J. W., & Bhava, D. (2008). Values, ideologies, and frames of reference in employment relations. In P. Blyton, N. Bacon, J. Fiorito, & E. Heery (Eds.), *The SAGE Handbook of Industrial Relations* (pp. 92–113). SAGE Publications Ltd.
- Budd, J. W., Pohler, D., & Huang, W. (2021). Making sense of (mis)matched frames of reference: A dynamic cognitive theory of (in)stability in HR practices. SSRN (February 28, 2021). <https://doi.org/10.2139/ssrn.3795614>
- Budhwar, P. S., & Debrah, Y. (2001). Rethinking comparative and cross-national human resource management research. *International Journal of Human Resource Management*, 12(3), 497–515. <https://doi.org/10.1080/713769629>
- Canning, M., & O'Dwyer, B. (2016). Institutional work and regulatory change in the accounting profession. *Accounting, Organizations and Society*, 54, 1–21. <https://doi.org/10.1016/j.aos.2016.08.001>
- Cooke, F. L. (2018). Concepts, contexts, and mindsets: Putting human resource management research in perspectives. *Human Resource Management Journal*, 28(1), 1–13. <https://doi.org/10.1111/1748-8583.12163>
- Cornelissen, J. P., & Werner, M. D. (2014). Putting framing in perspective: A review of framing and frame analysis across the management and organizational literature. *Academy of Management Annals*, 8(1), 181–235. <https://doi.org/10.1080/19416520.2014.875669>
- Dewettinck, K., & Remue, J. (2011). Contextualizing HRM in comparative research: The role of the Cranet network. *Human Resource Management Review*, 21(1), 37–49. <https://doi.org/10.1016/j.hrmr.2010.09.010>
- DiMaggio, P., & Powell, W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2), 147–160. <https://doi.org/10.2307/2095101>
- Dobbin, F. (2009). *Inventing equal opportunity*. Princeton University Press. <https://doi.org/10.1515/9781400830893>
- Dobbin, F., & Kelly, E. (2007). How to stop harassment: Professional construction of legal compliance in organizations. *American Journal of Sociology*, 112(4), 1203–1243. <https://doi.org/10.1086/508788>
- Dundon, T., & Rafferty, A. (2018). The (potential) demise of HRM? *Human Resource Management Journal*, 28(3), 377–391. <https://doi.org/10.1111/1748-8583.12195>
- Edelman, L. B., & Suchman, M. C. (1997). The legal environments of organizations. *Annual Review of Sociology*, 23, 479–515. <https://doi.org/10.1146/annurev.soc.23.1.479>
- Edelman, L. B., & Tatesh, S. A. (2011). To comply or not to comply - that isn't the question: How organizations construct the meaning of compliance. In C. Parker & V. L. Nielsen (Eds.), *Explaining compliance: Business responses to regulation* (pp. 103–122). Edward Elgar Publishing. <https://doi.org/10.4337/9780857938732.00011>
- European Council. (2010). Council conclusions of 6 December 2010 on strengthening the commitment and stepping up action to close the gender pay gap, and on the review of the implementation of the Beijing platform for Action. CELEX: 52010XG1218(01). *Official Journal of the European Union*, C345(01), 1–10. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52010XG1218%2801%29>
- Farndale, E., Bonache, J., McDonnell, A., & Kwon, B. (2019). Special issue call for papers: Positioning context front and center in international human resource management research. *Human Resource Management Journal*. <https://onlinelibrary.wiley.com/pb-assets/22.8.19HRMJHRMSpecialissue-1566500723763.pdf>
- Farndale, E., McDonnell, A., Scholarios, D., & Wilkinson, A. (2020a). Human Resource Management Journal: A look to the past, present, and future of the journal and HRM scholarship. *Human Resource Management Journal*, 30(1), 1–12. <https://doi.org/10.1111/1748-8583.12275>
- Farndale, E., McDonnell, A., Scholarios, D., & Wilkinson, A. (2020b). The psychologisation conversation: An introduction. *Human Resource Management Journal*, 30(1), 32–33. <https://doi.org/10.1111/1748-8583.12276>
- Farndale, E., Raghuram, S., Gully, S., Liu, X., Phillips, J., & Vidović, M. (2017). A vision of international HRM research. *International Journal of Human Resource Management*, 28(12), 1625–1639. <https://doi.org/10.1080/09585192.2017.1308416>
- Faulconbridge, J., & Muzio, D. (2021). Field partitioning: The emergence, development and consolidation of subfields. *Organization Studies*, 42(7), 1053–1083. <https://doi.org/10.1177/0170840619855745>
- Fox, A. (1966). Managerial ideology and labour relations. *British Journal of Industrial Relations*, 4(1–3), 366–378. <https://doi.org/10.1111/j.1467-8543.1966.tb00936.x>
- Gennard, J., & Kelly, J. (1997). The unimportance of labels: The diffusion of the personnel/HRM function. *Industrial Relations Journal*, 28(1), 27–42. <https://doi.org/10.1111/1468-2338.00039>
- Gooderham, P., Mayrhofer, W., & Brewster, C. (2019). A framework for comparative institutional research on HRM. *International Journal of Human Resource Management*, 30(1), 5–30. <https://doi.org/10.1080/09585192.2018.1521462>
- Gooderham, P., & Nordhaug, O. (2011). One European model of HRM? Cranet empirical contributions. *Human Resource Management Review*, 21(1), 27–36. <https://doi.org/10.1016/j.hrmr.2010.09.009>
- Greenwood, R., Hinings, C. R., & Whetten, D. (2014). Rethinking institutions and organizations. *Journal of Management Studies*, 51(7), 1206–1220. <https://doi.org/10.1111/joms.12070>

- Greenwood, R., Suddaby, R., & Hinings, C. (2002). Theorizing change: The role of professional associations in the transformation of institutionalized fields. *Academy of Management Journal*, 45(1), 58–80. <https://doi.org/10.5465/3069285>
- Gunnigle, P., Murphy, K. R., Cleveland, J. N., Heraty, N., & Morley, M. (2002). Localization in human resource management: Comparing American and European multinational corporations. In: M. A. Hitt, & J. L. C. Cheng (Series Ed.), *Managing transnational firms: Resources, market entry and strategic alliances*. Vol. 14: Advances in comparative international management (pp. 259–284). Elsevier. [https://doi.org/10.1016/S0747-7929\(02\)14038-8](https://doi.org/10.1016/S0747-7929(02)14038-8)
- Hampel, C. E., Lawrence, T. B., & Tracey, P. (2017). Institutional work: Taking stock and making it matter. In R. Greenwood, C. Oliver, T. B. Lawrence, & R. E. Meyer (Eds.), *The SAGE Handbook of Organizational Institutionalism* (pp. 558–590). SAGE. <http://dx.doi.org/10.4135/9781446280669.n22>
- Hoffman, A. J. (1999). Institutional evolution and change: Environmentalism and the U.S. Chemical industry. *Academy of Management Journal*, 42(4), 351–371. <https://doi.org/10.5465/257008>
- Jackson, S. E., & Schuler, R. S. (1995). Understanding Human Resource Management in the context of organizations and their environments. *Annual Review of Psychology*, 46, 237–264. <https://doi.org/10.1146/annurev.ps.46.020195.001321>
- Jackson, S. E., Schuler, R. S., & Jiang, K. (2014). An aspirational framework for strategic human resource management. *Academy of Management Annals*, 8(1), 1–56. <https://doi.org/10.1080/19416520.2014.872335>
- Johns, G. (2017). Reflections on the 2016 Decade Award: Incorporating context in organizational research. *Academy of Management Review*, 42(4), 577–595. <https://doi.org/10.5465/amr.2017.0044>
- Kaufman, B. E. (2014). History of the British industrial relations field reconsidered: Getting from the Webbs to the new employment relations paradigm. *British Journal of Industrial Relations*, 52(1), 1–31. <https://doi.org/10.1111/j.1467-8543.2012.00907.x>
- Kaufman, B. E. (2019). A theoretical framework for labour, work and employment research. In G. Gall (Ed.), *Handbook of the Politics of Labour, Work and Employment* (pp. 10–47). Edward Elgar Publishing. <https://doi.org/10.4337/9781784715694.00008>
- Kaufman, B. E., Barry, M., Wilkinson, A., Lomas, G., & Gomez, R. (2020). Using unitarist, pluralist, and radical frames to map the cross-section distribution of employment relations across workplaces: A four-country empirical investigation of patterns and determinants. *Journal of Industrial Relations*, 63(2), 204–234. <https://doi.org/10.1177/0022185620977578>
- Kelly, E., & Dobbin, F. (1998). How affirmative action became diversity management: Employer response to antidiscrimination law, 1961 to 1996. *American Behavioural Scientist*, 41(7), 960–984. <https://doi.org/10.1177/0002764298041007008>
- Kochan, T. A. (2008). Social legitimacy of the hr profession: A US perspective. In P. F. Boxall, J. Purcell, & P. M. Wright (Eds.), *The Oxford Handbook of Human Resource Management* (pp. 599–620). Oxford Univ. Press. <https://www.doi.org/10.1093/oxfordhb/9780199547029.003.0029>
- Lawrence, T. B., & Suddaby, R. (2006). Institutions and institutional work. In S. Clegg, C. Hardy, T. B. Lawrence, & W. R. Nord (Eds.), *Handbook of Organization Studies* (2nd ed., pp. 215–254). SAGE. <https://doi.org/10.4135/9781848608030.n7>
- Lawrence, T. B., Suddaby, R., & Leca, B. (2011). Institutional work: Refocusing institutional studies of organization. *Journal of Management Inquiry*, 20(1), 52–58. <https://doi.org/10.1177/1056492610387222>
- Lindberg, K. (2014). Performing multiple logics in practice. *Scandinavian Journal of Management*, 30(4), 485–497. <https://doi.org/10.1016/j.scaman.2013.12.007>
- Maguire, S., & Hardy, C. (2009). Discourse and deinstitutionalization: The decline of DDT. *Academy of Management Journal*, 52(1), 148–178. <https://doi.org/10.5465/amj.2009.36461993>
- Mayrhofer, W. (1995). Human resource management in Austria. *Employee Relations*, 17(7), 8–30. <https://doi.org/10.1108/01425459510103424>
- Mayrhofer, W., Gooderham, P., & Brewster, C. (2019). Context and HRM: Theory, evidence, and proposals. *International Studies of Management & Organization*, 49(4), 355–371. <https://doi.org/10.1080/00208825.2019.1646486>
- Mayring, P. (2002). *Einführung in die qualitative Sozialforschung: Eine Anleitung zum qualitativen Denken* (5th ed.). Weinheim, Basel: Beltz (ISBN : 978-3-407-29093-9).
- Meyer, R. E., & Höllerer, M. A. (2010). Meaning structures in a contested issue field: A topographic map of shareholder value in Austria. *Academy of Management Journal*, 53(6), 1241–1262. <https://doi.org/10.5465/amj.2010.57317829>
- Meyer, R. E., & Vaara, E. (2020). Institutions and actorhood as co-constitutive and co-constructed: The argument and areas for future research. *Journal of Management Studies*, 57(4), 898–910. <https://doi.org/10.1111/joms.12561>
- Müller, M. (1999). Unitarism, pluralism, and human resource management in Germany. *Management International Review*, 39(3), 125–144.
- Mumbly, D. (2011). What's cooking in organizational discourse studies? A response to Alvesson and Kärreman. *Human Relations*, 64(9), 1147–1161. <https://doi.org/10.1177/0018726711408367>
- OECD. (2017). *Employment Outlook 2017*. OECD Publishing. https://doi.org/10.1787/empl_outlook-2017-en
- Pauwwe, J., & Boselie, P. (2003). Challenging 'strategic HRM' and the relevance of the institutional setting. *Human Resource Management Journal*, 13(3), 56–70. <https://doi.org/10.1111/j.1748-8583.2003.tb00098.x>

- Paaauwe, J., & Farndale, E. (2017). *Strategy, HRM, and performance: A contextual approach* (2nd ed.). Oxford University Press (ISBN: 9780198808602).
- Pemer, F., & Skjølvvik, T. (2018). Adopt or adapt? Unpacking the role of institutional work processes in the implementation of new regulations. *Journal of Public Administration Research and Theory*, 28(1), 138–154. <https://doi.org/10.1093/jopart/mux020>
- Phillips, N., Lawrence, T. B., & Hardy, C. (2004). Discourse and institutions. *Academy of Management Review*, 29(4), 635–652. <https://doi.org/10.5465/AMR.2004.14497617>
- Purdy, J., Ansari, S., & Gray, B. (2019). Are logics enough? Framing as an alternative tool for understanding institutional meaning making. *Journal of Management Inquiry*, 28(4), 409–419. <https://doi.org/10.1177/1056492617724233>
- Reichel, A., & Lazarova, M. (2013). The effects of outsourcing and devolvement on the strategic position of hr departments. *Human Resource Management*, 52(6), 923–946. <https://doi.org/10.1002/hrm.21577>
- Reichel A., Scheibmayr I., & Brandl, J. (2020). The HR lady is on board: Untangling the link between HRM's feminine image and HRM's board representation. *Human Resource Management Journal*, 30(4), 586–603. <https://doi.org/10.1111/1748-8583.12263>
- Roehling, M. V., Posthuma, R. A., & Hickox, S. (2008). Foundations for understanding the legal environment of HRM in a global context. In J. Storey, P. Wright, & D. Ulrich (Eds.), *The Routledge Companion to Strategic Human Resource Management* (pp. 71–89). Routledge.
- Roumpi, D., Giannakis, P., & Delery, J. E. (2020). Adoption of LGBT-friendly practices: The effect of institutional pressures and strategic choice. *Human Resource Management Journal*, 30(4), 604–623. <https://doi.org/10.1111/1748-8583.12251>
- Sahlin, K., & Wedlin, L. (2013). Circulating ideas: Imitation, translation and editing. In R. Greenwood, C. Oliver, K. Sahlin, & R. Suddaby (Eds.), *The SAGE Handbook of Organizational Institutionalism* (pp. 218–242). SAGE. <https://doi.org/10.4135/9781849200387.n9>
- Scott, W. R. (2008). Unpacking institutional arguments. In W. W. Powell & P. DiMaggio (Eds.), *The New Institutionalism in Organizational Analysis* (pp. 164–182). University of Chicago Press.
- Scott, W. R. (2013). *Institutions and organizations: Ideas, interests, and identities* (4th ed.). Sage Publications, Inc (ISBN: 9781452242224).
- Suchman, M. C. (1995). Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review*, 20(3), 571–610. <https://doi.org/10.5465/amr.1995.9508080331>
- Suchman, M. C., & Edelman, L. B. (1996). Legal rational myths: The new institutionalism and the law and society tradition. *Law & Social Inquiry*, 21(4), 903–941. <https://doi.org/10.1111/j.1747-4469.1996.tb00100.x>
- Troth, A. C., & Guest, D. E. (2020). The case for psychology in human resource management research. *Human Resource Management Journal*, 30(1), 34–48. <https://doi.org/10.1111/1748-8583.12237>
- Whetten, D. A. (2009). An examination of the interface between context and theory applied to the study of Chinese organizations. *Management and Organization Review*, 5(1), 29–56. <https://doi.org/10.1111/j.1740-8784.2008.00132.x>
- Wood, G., Brewster, C., & Brookes, M. (2014). Institutions and firm level HRM practice. In G. Wood, C. Brewster, & M. Brookes (Eds.), *Global HRM. Human Resource Management and the Institutional Perspective* (pp. 1–14). Taylor and Francis. <https://doi.org/10.4324/9781315796079>
- Wright, C. (2008). Reinventing human resource management: Business partners, internal consultants and the limits to professionalization. *Human Relations*, 61(8), 1063–1086. <https://doi.org/10.1177/0018726708094860>
- Zietsma, C., & Lawrence, T. B. (2010). Institutional work in the transformation of an organizational field: The interplay of boundary work and practice work. *Administrative Science Quarterly*, 55(2), 189–221. <https://doi.org/10.2189/asqu.2010.55.2.189>
- Zilber, T. B. (2006). The work of the symbolic in institutional processes: Translations of rational myths in Israeli high tech. *Academy of Management Journal*, 49(2), 281–303. <https://doi.org/10.5465/AMJ.2006.20786073>

How to cite this article: Scheibmayr, I., & Reichel, A. (2023). Beating the advertising drum for the employer: How legal context translates into good HRM practice. *Human Resource Management Journal*, 33(1), 95–114. <https://doi.org/10.1111/1748-8583.12413>