The Dimension of Labour Standards in the Age of Globalisation and Trade Unions' Responses on the Ground: Insights from the Bangladesh Garment Industry

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Samar Chakraborty
Doctor of Philosophy

Aston University
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THESIS SUMMARY

My study examines two interrelated phenomena in the Bangladesh Garment Industry: the conditions of labour standards in the aftermath of Rana Plaza under lived conditions of globalisation and the material and proximate roles played by unions in promoting labour standards on the ground. The study examines how specific catalytic factors originating from globalisation have caused changes and developments in labour standards in the context of global pressures and a weak state legal system. The study reveals that multinational corporations, although signed up to multi-stakeholder initiatives at the global level, are far from keeping their promises to support supplier factories in promoting labour standards. The research demonstrates key findings based on workers' collective voices from the ground up, identifying how the opportunities created in the immediate aftermath of the Rana Plaza disaster through the formation of private government initiatives have effectively used to reduce the power of unions in the Bangladesh Garment Industry. Taking evidence from in-depth semi-structured interviews with various stakeholders, the research examines a series of critical issues concerning global initiatives in the establishment of labour standards and the division of labour.

My study finds that the dominant local and global actors constrain labour unions' organising and negotiating power. Unions have limited opportunities to challenge or reverse deteriorating working conditions as they have inadequate resources, impeding their capacity to promote standards. The research contributes to a growing body of analysis focusing on the structural shift of MNCs' policy towards labour standards and the behaviour of local and global actors that shape labour standards on the ground. The research explores the sets of accountability and best practices that could be developed to bridge the gaps between local and global actors in promoting labour standards in the global supply chain.

Keyword: globalisation, multinational corporations, multi-stakeholder initiatives, labour standards, compliance, trade unions, labour laws and regulations, case study, the Bangladesh garment industry.

DEDICATION

This thesis is dedicated to

'My Wonderful Deeply Missed Mom and Dad'

(My mother Mrs Sachi Rani Chakraborty who was the true inspiration of my whole life and in this journey).

And

My father Mr Harendra Kumar Chakraborty who guided me to walk on the rock and spent his whole life in teaching and supporting disadvantaged groups in society.

ACKNOWLEDGEMENTS

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LIST OF ACRONYMS

Accord = The Accord on fire and building safety in Bangladesh

AIP = Apparel Industry Partnership

Alliance = The Alliance for Bangladesh worker safety

APEC = Asia Pacific Economic Cooperation

ASEAN = The Association of Southeast Asian Nation

BEPZA= Bangladesh Export Processing Zones Authority

BIAC = Business and Industry Advisory Committee)

BILS = Bangladesh Institute of Labour Studies

BGMEA = Bangladesh Garment Manufacturers and Exporters Association

BKMEA = Bangladesh Knitwear Manufacturers and Exporters Association

BMI- Bangladesh Management Institute

BSSI- Bangladesh social compliance initiatives

BSCI = Bangladesh Social Compliance Initiatives

BWB = Better Work Bangladesh

CAP = Corrective Action Plan

CCC = Clean Cloth Campaign

COC- Codes of conduct

COD = Code of Conduct

CPD = Centre For Policy Dialogue

CSR- Corporate social responsibility

CSRR = Corporate Social Responsibility Reporting.

CTPAT = Customs-Trade Partnership against Terrorism

DCA = Department Credit Authority

DFID = Department For International Development

DOL = Department of Labour

ETI- Ethical trading initiative

ETA = Ethical Trading Initiatives

EPZ = Export Processing Zones

EU- European Union

FLA = Fair Labour Association

GATT = General Agreement on Trade and Tariffs

GDP = Gross Domestic Product

GFA = Global Framework Agreement

GSP = Generalised System of Preferences

GRI = Global Reporting Initiatives

GUFs- Global union federations.

IBC= IndustriAll Bangladesh Council

IFC = International Finance Corporation

IFA- International framework agreement

ILO = International Labour Organisation

IMF = International Monetary Fund

ISO = International Organisation For Internationalisation

ITCU = International Trade Union Confederation

LIMA = Labour Inspection Management Application

L/C = Letter of Credit

OECD = Organisation For Economic Co-operation and Development

MFA = Multi-fibre Arrangement

MNCs = Multinational Corporations

MNEs = Multinational Enterprises

MSIs = Multi-Stakeholder Initiatives.

MSN = Maquila Solidarity Network

MOLE = Ministry of Labour and Employment

NAFTA- North American Free Trade Agreement

NATO = North Atlantic Treaty Organisation

NCCWE= National Coordination Committee on Workers Education

NGOs = Non-Governmental Organisations

OSH- Occupational safety and health

RMG = Ready Made Garment

SDIR = Social Dialogue and Harmonious Industrial Relations

SA8000 = Social Accountability 8000

SAI = Social Accountability International

TICFA = Trade and Investment forum agreement

TUAC = Trade Union Advisory Committee

UK = United Kingdom

USA = United States of America

WHO = World Health Organisation

UNCTAD = The United Nations Conference on Trade and Development

WTO-World trade organisations

WRAP = Worldwide Responsible Accredited Production

The Dimension of Labour Standards in the Age of Globalisation and Trade Unions' Responses on the Ground: Insights from the Bangladesh Garment Industry

CHAPTER ONE

1.0 Introduction

This study examines the debates around how poor labour standards are associated with the factors of globalisation and investigates the role of labour unions at production sites. Although previous research focused intensively on the link between globalisation and labour standards from various perspectives, the present study explicitly illuminates the position of labour in the global supply chain by examining the behaviour of local and global actors towards the instruments of labour standards, taking evidence from the Bangladesh garment industry.

The abuses of workers' rights have long been acknowledged in the global supply chain literature, but the causes of worsening labour standards have received less attention. The various patterns of forced overtime and verbal and physical abuse have shaped the management practice of demanding greater productivity, which has become increasingly elusive for workers in the apparel sector in developing countries (Anner, 2019).

The essence of this study is to extend the scholarly debate on the root causes of poor labour standards through the discussion of global flows and places, global initiatives on labour standards, buying and supplying practices, and the governance system. The study then focuses on the local actors' initiatives relating to labour standards that help to promote our understanding of the current practices of labour standards.

The study positions globalisation and labour standards at the centre of all discussion in the context of the political and moral debates on workers' rights as these attract much criticism over the competitive decline of wages in labour-abundant economies with the relocation of inferior, low-wage jobs, a decline that is widely known as the 'race to the bottom' (Drezner, 2002; Mehmet, 2006; Mezzadri, 2012; Artuso and McLarney, 2015).

Globalisation has severely impacted working-class organisations through increasing inequality and exploitation. The adverse effect of globalisation on workforces has generated significant

problems for labour movements to act collectively (Burgmann, 2016). In general, the critical challenge posed by globalisation is regulating the global economy in the processes of international production, trade, and investment (Kuruvilla, 2020). The debate over labour standards stems from the fundamental failure of the national governments to enforce labour laws (Kuruvilla and Verma, 2004). Indeed, the states actively participate in deregulating and denationalising labour laws and trade, leading to weaker labour protection (Yenidogan, 2020). The global shift of capital changes the behaviour of national actors, leading to significant shifts in regulatory roles involved in the increasing competition to attract multinational corporations (MNCs) to source from their own country rather than protect their citizens (Morris, Jenkins and Donaghey, 2021).

The study builds an understanding of the current instruments and mechanisms of the global supply chain and identifies governance gaps and the roles of unions in the implementation of labour standards in the Bangladesh garment industry. The study analyses private and public governance systems to understand the governance gap and examines how labour laws, binding/non-binding agreements, and voluntary regulations are equipped to engage in labour rights practices in the context of globalisation (Polaski, 2022). For decades, the global supply chain has provided a stepping stone to productivity for firms that have integrated the global economy by moving goods and services, capital, technology, and labour. Subsequently, working conditions have corroded due to the influence of economic decisions taken in the global supply chain (Jenkins, 2004; Anner, 2015; Bamber and Staritz, 2016).

Since the 1990s, private regulation and social auditing in the global supply chain have grown exponentially, intending to minimise the reputational risk of international brands to comply with their codes and international labour standards. However, their capacity to influence behaviours in the workplace raises fundamental questions about why brands behave differently than they promise, often leaving a gap between labour standards and their practices at production sites in developing countries (Mehmet, 2006).

From the outset, international labour unions have enormously contributed to promoting labour standards through solidarity and collective bargaining with global actors. For instance, the Global Union Federation has successfully pushed the International Finance Corporation (IFC) and the World Bank (WB) to include core labour standards in their policy and performance standards and International Framework Agreements (IFAs). IFAs promote the internationalisation of collective bargaining in countries where national jurisdictions are poorly regulated, but in the absence of supportive national labour laws, enforcement of labour standards depends on the strength of local

union organisations. Although global unions take several initiatives with transnational corporations, unions' collective bargaining agendas confront various obstacles (Davies et al., 2011). In many countries like Bangladesh, local labour unions successfully defend their interests through strike action to overcome crises. Here, power is exercised by the labour union through collective action or strike action. However, employers use power to disorganise labour or force organised labour to come to an agreement. Capitalism tries to restrict workplace bargaining power through rationalisation measures, relocating of production, or changing the way the production is organised (Schmalz, Ludwig and Webster, 2018).

Therefore, the opportunity for trade unions to engage in collective bargaining activity either on the factory floor or at a sectoral level is minimal. Although a wide range of industrial relations practices and labour laws exist in almost every developing country, the repression of unions undermines the workers' capacity to organise freely (Merk, 2014). In the traditional trade model that flows with Foreign Direct Investment (FDI), free trade, and capital mobility, there is no room for legislation to protect workers and their fundamental right to organise (Anner, 2015). However, working organisations are challenging their increased exploitation, for which labour unions in developing countries adopt a single strategy to confront employers' power due to the growing militant labour movement (Burgmann, 2016).

Respect for workers' rights has long been sought to strictly follow the trade agreements in cross-border leverage to improve working conditions (Polaski, 2022). Although a range of global initiatives—such as Global Framework Agreements (GFAs) and voluntary codes of conduct—was introduced to plug governance gaps in labour standards and practices, such approaches fail to address labour standards in developing countries as power and politics hold competing interests at local sites of production that influence monitoring, enforcement, and the behaviour of actors (ibid).

Since the mid-2000s, the global garment industry has undergone structural transformation due to sourcing dynamics that shape labour control and resistance at the point of production, increase work intensity, and tighten employers' control of labour, particularly in many South Asian countries (Anner, 2015). These trends drive the repression of labour unions and women at work and have long been the norm in many industry settings (Bartley, 2018).

Labour standards in the Bangladesh garment industry have come under the spotlight in recent years, particularly in the aftermath of the 2013 Rana Plaza garment factory building collapse that killed more than a thousand workers whilst working for international brands. To rectify decades

of negligence over safety and labour standards, the Bangladesh garment industry has undergone various restructuring and reform measures to address safety standards, labour rights, and trade unionism as the workplace's health and safety conditions generated considerable attention in national and international media, following the Rana Plaza disaster (Kabeer, 2014). However, there is only little evidence on how combining efforts such as private governance, the ILO, and the Bangladesh government initiatives help to improve labour rights and standards in the Bangladesh Garment Industry and to what extent unions shape the labour union movement in the wake of all the international attention in the aftermath of Rana Plaza remains to be addressed. The study further elaborates on the above discussion in Chapter Two.

1.1 The Research Project

The research project explores some critical aspects of the industrial relations associated with labour standards and trade unions in the Bangladesh garment industry. This research is one of the first attempts to articulate the behaviour of global and local actors towards labour standards in Bangladesh through a range of theoretical lenses and qualitative data. The study connects Castell's analysis of global flows and places to define how the catalytic factors of globalisation impact labour standards, analyses the Institutional Theory of Decoupling to portray institutions' behaviour relating to labour standards, and finally adopts the concepts of the opportunity theory to underpin how unions shape trade union strategy when opportunity lands to promote labour rights and the related standards.

The research examines the post-Rana Plaza review of working conditions in the wake of all the international attention focused on Bangladesh to identify how national and international actors react to the implementation of global agreements of factory safety compliance in the Bangladesh garment industry and to what extent the compliance agreement addresses the material needs of workers and ensures workers' rights. This argument shapes the current research by analysing standards vs. practices in the Bangladesh garment industry after Rana Plaza.

The research examines the opportunities that immediately arose for unions to promote labour rights and standards in the aftermath of Rana Plaza through a range of programmes such as ILO programmes (Better Work Bangladesh project and Promoting Social Dialogue and Harmonious Industrial Relations in the Bangladesh Ready-Made Garment (RMG) industry), private governance (Accord and Alliance formation) initiatives, and the National Tripartite Plan of Action (NTPA), a national initiative. The key element of ILO programmes was to provide training to

empower workers and unions at the workplace. The Accord introduces an OSH (Occupational Safety and Health) complaints mechanism that addresses forced labour, discrimination, long working hours, and other health and safety issues as part of its building safety inspection programme. The Alliance includes basic safety training, fire safety training for factory security guards, and a safety inspection programme. The Bangladesh Government under NTPA oversees structural integrity and fire and electrical safety in the RMG sector. The government relaxed the labour laws on union registration and introduced the participation committee and safety committee as mandatory for each factory. The details of these initiatives are further discussed in sections 2.8.4, 2.8.5, and 2.8.3, respectively.

The study employs a case-study approach and collects data from in-depth semi-structured interviews to better understand the above facts. Indeed, the following factors influenced the researcher to undertake this research.

In the last two decades, labour standards have remained a serious global concern in developing countries (Marshall, 2005), characterised by a continuous 'race to the bottom' (Drezner, 2002; Singh and Zammit, 2004; Mezzadri, 2012; Artuso and McLarney, 2015) in the absence of 'strong global justice' (Locke, Rissing and Pal, 2013) and effective collective bargaining actors (Alexander et al., 2017) in the supply chain. To tackle the degradation of labour standards, lead firms in global production networks have recognised the importance of taking a more collective and labour-inclusive approach (ibid). However, the traditional labour governance mechanism for collective bargaining and public regulation has attracted criticism for its weak structure and poor enforcement system(Donaghey and Reinecke, 2018). How this issue influences labour standards in the aftermath of Rana Plaza in the face of the international attention focused on Bangladesh has not been explicitly explored in previous studies.

Bangladesh's garment industry has suffered from more workplace accidents than any of the top RMG suppliers in the world. A series of accidents in recent years, most notably the Spectrum Garment Factory collapse in Savar (2005), the fire at Tazreen Fashions Factory (2012), and the worst industrial accident on record—the Rana Plaza disaster (2013—have put this sector under high surveillance from the rest of the world (Zaman, 2015). Nearly 1134 people were killed and thousands more injured following the collapse of the Rana Plaza building in Savar, an industrial suburb of Dhaka, on 24 April 2013 (Prentice, 2019; Ashwin, Kabeer and Schüßler, 2020). Designed to house commercial and retail units, the eight-storey building contained five clothing factories. Most of the people in the building at the time it collapsed were garment workers who had been ordered to work despite the discovery of cracks in the building structure the previous

day and despite clear warnings from industrial inspectors that all businesses should shut down their operations in the building (Barua, Wiersma and Ansary, 2021). At the time of the incident, the workers made clothes for approximately 30 retailers, mainly from the EU and North America. Multinational corporations overlooked safety standards before licensing the factories despite their promise to ensure high ethical sourcing of their products (Auke and Simaens, 2019). The incident signalled the decades of negligence of local and global actors over factory safety standards (Kabir et al., 2019), and little is known about how these incidents change the behaviour of local actors at production sites.

Opposing the series of non-compliance, workers suffer from brutal crackdowns by police during protests, receive death threats, and have criminal offences filed against them for exercising their voices; many lose their jobs as a result (Workers' Rights Consortium, 2019). Low wages, discrimination at work (Berik and Rodgers, 2010), long working hours, forced overtime (Anner, 2020), and restrictions on union rights (Rahim and Islam, 2020) are also significant concerns that impact labour standards. The Bangladesh government has also imposed legal restrictions on freedom of association, the right to strike, and collective bargaining that undermines unions' rights. According to Hossain et al. (2010), workers in the garment industry are deprived of employment letters and identity cards and have weak protection under labour law enforcement and the judicial system (ILO, 2016; CPD, 2019). There are also significant issues relating to the treatment of women and wage structure in the industry that are explained in sections 2.7 and 2.8.2.1, respectively. There is, therefore, a need to investigate the role of unions in opposing these non-compliances after the Rana Plaza disaster.

The Rana Plaza disaster was a watershed moment, raising serious concerns over the safety of garment workers in the industry (Barua et al., 2021), and represents a good starting point for rethinking labour conditions in the Bangladesh garment industry considering international efforts and achievements and the dilemma these pose for labour organising (Ashraf and Prentice, 2019). Indeed, the Rana Plaza disaster is considered a critical juncture in the politics of the garment sector, producing a shift in power relations and empowering workers to demand and secure their rights. Workers are more empowered than in the past, but they have yet to fully reverse their historical associational and structural disempowerment (Hossain, 2019). The Rana Plaza incident immediately raised questions on the accountability and commitment of the government, factory owners, foreign buyers, and local actors on labour rights and standards (Bair, Anner and Blassi, 2020); in particular, how the roles of different actors become dominant in the debate of labour standards (Mezzadri, 2016).

Bangladesh is the world's second-largest garment exporter, specialising in woven and knit products. The sector now accounts for over 80% of Bangladesh's exports and 17% of its GDP, employing over four million people (Hossen and Miazee, 2016). However, despite the remarkable growth, the industry—with 27.9 billion dollars (2019–2020)[1] export earnings—still pay the lowest minimum wages among top RMG exporters in the world (Kibria, 2018)[2].

Although the industry has created employment opportunities in the urban and deprived local areas and generated earning capabilities amongst low-income families, particularly for unskilled female workers (Navarro, 2007), women, comparatively, remain in a more vulnerable position than men because of their levels of illiteracy and their low socio-economic and cultural status. They are more exposed to forced labour, abusive behaviour, gender discrimination, and sexual harassment. Women also suffer from several types of illness and occupational diseases due to prolonged working in unhygienic and unsafe conditions (Kabir, Maple, and Fatema, 2018). While Bangladesh continues to see exponential growth in the RMG sector, the industry faces continuous challenges to promote health and safety standards, freedom of association, and collective bargaining at the workplace before and after the Rana Plaza incident (Safi, 2018). Henceforth, the weaknesses of employers in promoting labour standards require further study.

Equally, the Rana Plaza incident initiated a new form of global governance in managing safety standards in the Bangladesh garment industry (Kabeer, Haq and Sulaiman, 2019). After the incident, multinational brands lined up to join the Accord (The Accord on Fire and Building Safety in Bangladesh) [3] and the Alliance (the Alliance for Bangladesh Worker Safety)[4] to build a safe Bangladesh RMG industry to avoid growing public criticism and media attention over their reckless behaviour regarding the health and safety of workers. These initiatives support workers in gaining control in factory-focused campaigns, such as raising their voices in the participation and safety committees (Ashraf and Prentice, 2019). However, the effectiveness of private governance on labour standards remains extremely difficult to assess (Stroehle, 2017). The private governance initiatives driven by the Accord and the Alliance, bounded in space

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[1] https://www.bgmea.com.bd/page/AboutGarmentsIndustry
[2] https://www.thefinancialexpress.com.bd/views/rmg-sector-minimum-wage-conundrum-1532534075
[3] The Accord is a legally binding agreement between global brands and retailers, the IndustriAll Global Union, the UNI Global Union and eight of their Bangladesh-affiliated unions to work towards a safe and healthy garment and textile industry in Bangladesh.
[4] The Alliance for Bangladesh Worker Safety (Alliance) is a legally binding, five-year commitment to improve safety in Bangladesh's ready-made garment (RMG) factories. It organised a collaborative process in 2013 involving apparel industry companies and stakeholders, including the US and Bangladeshi governments, policymakers, NGOs, members of civil society, and organised labour.

(Bangladesh) and time (five-year project) (Ahlquist and Mosley, 2021), enable us to explore their credentials over safety in the garment industry and to construct narratives of factors that are still undermining labour standards despite various efforts made at global and local scales to promote the standards.

The garment industry has attracted the attention of many researchers not only due to the shift of global production to the developing countries that contribute to the global economy (Hale and Shaw, 2001) but also for its prolonged history of non-compliance with labour standards (Kabir, 2017). Previous research focused extensively on labour regulations in the global supply chain, notably on labour rights and living wages (Cumbers, Nativel and Routledge, 2008; Helfen and Fichter, 2013; Oka, 2015), but less attention has been paid to actors' intentions to promote labour standards in the material sites of production and how the factors of globalisation further influence the standards.

As private standards have produced disappointing results, the role of labour unions has become the centre of research (Blyton and Jenkins, 2013). At the same time, scholars have emphasised the importance of independent labour organisations at the local level, mostly to identify what unions do to promote standards (Oka, 2015) to eliminate exploitation and social dumping (Kabeer, 2014) and to establish why unions fail to succeed with the many opportunities that landed immediately to promote labour standards after Rana Plaza.

For instance, the opportunities available for labour unions in Bangladesh to engage in industrial relations practices, particularly collective bargaining practices, are limited despite being formally recognised by law (Merk, 2014). It needed to be clarified how power and resources shaped the labour union movement in promoting labour standards in the aftermath of Rana Plaza. Moreover, although the Accord was proved to be an effective and innovative model to promote safety standards in the Bangladesh garment industry, the question remains as to what extent it pushes the boundaries to advance labour rights, as it did not always succeed in doing so considering resistance from government and industry elites, as resistance reflects disappointment that blames the Accord for not carrying through on its promises (Bair et al., 2020).

In the current industry setting, unions' capacity to mobilise workers is constrained by fear and limited resources (James et al., 2019). The power imbalance is seen as a significant disadvantage in the apparel sector, where trade union intervention is considered imperative to improve social upskilling and worker protection (Anner, 2020). However, unions are divided by internal conflicts, bureaucracy, and ideological differences (Kabeer et al., 2019) that raise questions on whether

trade unions' campaigns have fundamentally altered the workplace and GVC practices for the benefit of labour. Although unions find collective action the most common tool for the labour rights movement, Anner (2015) suggested that labour with cross-border alliances and binding collective agreements with suppliers and buyers can win in the workplace (Anner, 2015).

These conditions have been overlooked in the garment industry supply chain for decades. The garment industry supply chain, defined by Gereffi and Korzeniewicz (1994) as a 'buyer-driven commodity chain', has relocated mainly to East Asia, triggering exponential economic growth in these regions; at the same time, it has systematically failed to deliver what is recommended by the International Labour Organisation (ILO) as 'decent work' (Mezzadri, 2012:41). A series of voluntary regulations and the mechanism for their implementation in the form of auditing, accreditation, and certification have long been discussed in the early literature; however, these initiatives do little in favour of labour (Bartley, 2018).

Hence, it is timely to examine the key experiences of local actors in implementing the global agreement on factory safety. The study, therefore, formulates the following research questions to investigate labour standards in the Bangladesh Garment industry.

Q1. How do labour standards influence by the catalytic factors of globalisation in the Bangladesh garment industry in the aftermath of Rana Plaza?

Q2. What roles do unions play in improving labour standards, and if unions cannot successfully to promote labour rights and standards at the workplace in the wake of all the international attention focused on Bangladesh, why might that be?

1.2 The Structure of the Thesis

The thesis consists of seven chapters. Following the introductory chapter, Chapter Two reviews the relevant literature to examine the catalytic factors of globalisation on labour standards and the global initiatives to protect the corrosion of labour standards. This chapter explores private and public governance initiatives and discusses the dominant effects of buying and supplying practices on labour standards. The chapter explores the trade union's position in promoting labour standards and discusses how women are treated in the global supply chain. It also examines the position of the Bangladesh garment industry in the global apparel market through its history, growth and development, wage structure, labour laws, and trade union's position, and discusses the initiatives of ILO and Accord/Alliance in the aftermath of Rana Plaza.

Chapter Three provides an overview of the theoretical framework. Castell's views on the *space of flows* and the *space of places*, along with those of other scholars, have been used to examine the causes of poor labour standards in the supply chain. The application of the Institutional theory of decoupling in this chapter helps to define the variance between labour standards and practices at the sites of production. Using opportunity theory as a method of analysis, the labour union's strategic position to defend workers' rights is drawn.

Chapter Four justifies and explains the research design and methodology applied in this research and provides a detailed explanation of the data collection and data analysis processes.

Chapters Five and Six discuss the empirical findings. Chapter Five focuses on the dimension of labour standards in the age of globalisation, focusing on national and international policy implications and the influence of governance systems taking evidence from ILOs, Accord, and Alliance projects in Bangladesh; in particular, how these projects induce power and resources in the promotion of labour standards. Chapter Six discusses the empirical findings concerning union efforts in improving labour standards.

Finally, Chapter Seven frames the discussion and conclusion in the light of the theoretical framework. This chapter also discusses the contributions and limitations of the research, together with future avenues and research opportunities.

CHAPTER TWO

Literature Review

2.0 Introduction

This chapter provides an overview of the existing setting of labour standards in the global supply chain and the behaviour of actors on labour standards, taking evidence from the relevant academic literature. This chapter first seeks to explain the catalytic factors of globalisation and the global initiatives in promoting labour standards in sections 2.1 and 2.2. Whilst investigating labour standards locally, this study examines labour standards through private governance and public governance systems in sections 2.3 and 2.4, respectively, taking evidence from the initiatives of the Accord, the Alliance, the ILO, and the Bangladesh government in the aftermath of Rana Plaza. This chapter briefly discusses the buying and supplying practices relating to labour standards in section 2.5 and addresses the position of labour unions in the global supply chain in section 2.6. This chapter finally discusses the position of women in the context of gender discrimination and sexual harassment in the global supply chain and examines the roles of unions in supporting them.

The definition of labour standards is set out in the legal instruments drawn up by the ILO constituents (governments, employers, and workers) that delineate basic principles and rights at work, consisting of Conventions (or Protocols) and Recommendations. Conventions are legally binding international treaties that member states may ratify, whereas Recommendations serve as non-binding guidelines. This research focuses on labour standards that the ILO considers as fundamental principles and rights at work concerning freedom of association, the right to collective bargaining, the abolition of child labour, the elimination of all forms of forced or compulsory labour, health and safety at work, and the elimination of discrimination in respect to employment and occupation.[5]. The ILO Declaration on Fundamental Principles and Rights to Work (adopted in 1998) incorporates the core labour standards in a single normative framework that is binding for all ILO member countries (Keller, 2008) regardless of a country's level of economic development (Berik and Rodgers, 2008).

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[5] Conventions and Recommendations (ilo.org)

Labour standards are typically classified into basic and comprehensive levels: basic standards set a floor that individual units are accessible to exceed but cannot fall below; comprehensive standards involve a process for continual regulation and improvement (Verma and Elam, 2007). Verma (2003) states that 'basic labour standards are more likely to be workable and acceptable as international labour standards because they leave space above the floor within which national government can legislate' (Verma and Elam, 2007:57).

Freeman (1993) identifies labour standards as an institutionalist and distortion point of view, where institutionalist approaches consider job security arrangements, minimum wages, collective bargaining, safety and social protection for workers, and a distortion perspective emphasises the advantages of the labour union from the market process. It is concerned that institutional forms of regulation impede adjustment to economic shocks, discourage hiring, and favour insiders (Betcherman, Luinstra and Ogawa, 2001). The following sections discuss how labour standards have been shaped within the global and national government frameworks and arrangements.

2.1 Globalisation and Labour Standards

Globalisation refers to increased economic integration, governance, and globally linked social and environmental developments. It is a spatial process negotiated between nation-states and global corporate entities to extend property rights (Mohan, 2000; Amin, 2002; Ritzer, 2007). Globalisation is defined as the spatiality of contemporary social organisation that forms global connectivity (for example, through flows of people, goods, ideas, and information) and intensified world-level forces (for example, transnational corporations, World Bank) leading to the restructuring of places through multi-scalar processes and politics (Amin, 2002).

Globalisation has transformed the interplay of capital, goods, services, and labour across states and regions through rapid and radical changes in information and communication technologies. For Hoogvelt (1997), this interconnectedness is an extension of capitalist relations across the globe, simultaneously embedding these relations into social relations. In so doing, Hoogvelt argues that globalisation is increasingly sociologically (rather than economically) driven (Mohan, 2000), whilst Massey emphasises the process of space–time compression to be consequential, not just for uneven geographic development, but for the unequal capacity of various actors to negotiate these geographies (Massey, 2008: 260).

With globalisation, foreign trades in goods and services, capital, technology, and labour all move more freely across borders. However, 'the flow of goods and services and factors of production, labour and capital, have both direct and indirect effects on the national state' (Dreher, Gaston and Martens, 2008:14). As the state's position on labour standards is often influenced by the network of interdependence (Keohane and Nye, 2020), there is little that those individual countries could do in the face of global economic forces. Even many of the largest economies in the world, such as China and India, had to go with the flow of global markets as globalised economies had less control to pursue independent policies for developing their interests to shelter their currency or national planning (Michie, 2019). Since globalisation accelerated (from the 1980s), the role of developing countries in trade and investment increased, and the debate over the impact on labour standards intensified (Elliott, 2022).

Globalisation significantly impacts labour standards in developing countries, driven by the fragmented ownership and geographic dispersion of production. Globalisation has an enormous effect in creating new opportunities due to economic transformation. However, it leaves many challenges for emerging economies (Distelhorst, Locke, Pal and Samel, 2015) that lead to economic and political interdependence between the global and local scales of action (Held and McGrew, 2003). Although economic integration has contributed to exponential growth for local economies, it has also transmitted negative shocks to workers across the globe, with unemployment rates continuing to rise (Canuto and Salazar, 2010). Globalisation disproportionately affects developing countries with more significant inequalities in income distribution and benefits (Oramah and Dzene, 2019). Moreover, globalisation has increased competition between companies within and beyond national boundaries to attract foreign capital, with the potential for a competitive deterioration of labour standards. Although the capital has expanded globally, facilitated by state policies and technologies, labour has yet to globalise to the same extent and respect for labour rights is being eroded (Kuruvilla and Li, 2021).

Labour standards are influenced by several factors arising from the trends of globalisation that have intensified with the integration of global flows of capital, goods, and technology and are associated with its policies for openness, competitiveness, and harmonisation since its inception. Openness removes legal, regulatory, and political obstacles of countries involved in international trade, whereas competitiveness has encouraged local producers to participate in the international division of labour. The promoters of global integration have also drawn lines in the name of harmonisation to promote international standards, institutions, and technologies to lead global trade (Oramah and Dzene, 2019); however, the effectiveness of these measures has remained a scholarly debate over the past few decades.

The link between globalisation and labour market dynamics provides a negative outcome rather than a positive one in the context of political and moral debates on workers' rights and labour standards issues. The traditional global framework and agreements derived from globalisation have no room for legislation to protect workers and their fundamental rights to organise (Mehmet, 2006). There has been growing pressure in the interest of fair globalisation from trade unions and NGOs to demonstrate that workers in the supply chain are fairly treated (Newitt, 2012). However, how these calls are intended to shape the workplace environment is still under intense debate (Lee, 2016). Social advocates are also continuously pressing to improve labour standards as working conditions in the global supply chain remain critical (Artuso and McLarney, 2015).

Some debates further shape our understanding of how poor working conditions are linked to globalisation. In today's world, networking has become more intense in outsourcing production and services across borders that connect private and public authorities, including workers, their collective organisations, and civil society partners, using power relations (Rawling, 2015). Global production networks (GPNs) in supply chains became essential to producing apparel and many other sectors by the 2000s. However, the reputed brands and retailers connected through GPNs have a history of exploitation and environmental degradation as multinational corporations (MNCs) take advantage of quasi-regulations. GPNs allowed MNCs to source products from countries where a large-scale investment would have been risky. Many developing countries prioritise export-oriented production and integration into the global supply chains to grow their economies, even though this may encourage labour exploitation in the industry (Bartley, 2018).

Global firms have integrated to become transnational corporations in the form of colonial trading companies (such as the East India Company), to which many companies have extended their foreign investment to become MNCs. However, the behaviour of global firms changed over time. Companies increasingly relied more on global sourcing than joint ventures; companies such as Walmart, Primark, Tesco, and H&M have been recognised as multinational corporations shaping global governance on labour standards. Although MNCs are the backbone of global governance, facilitating wealth accumulation, they often profit from exploiting cross-national regulatory differences by gravitating to sourcing destinations with relaxed labour laws (ibid).

In the last two decades, labour has struggled for economic demand and a sense of fairness. As competitive pressure shifted from low-wage production segments of GVCs to the global south, the position of advanced industrial economies on labour control changed over time (Anner, 2015). Many developing countries have opened their doors to international trade to help their economies

flourish through liberalisation and extensive export-oriented strategies that have impacted labour standards in many sectors. Many national governments struggle to influence labour standards as Western and North American brands mainly control production in many developing countries, and they struggle to balance conflicting priorities between social development and economic development (Mark, 2014). Labour protections need to be stronger in law and practice as national governments fear that international buyers will be less attractive to the market niche if production costs rise significantly due to increased labour costs (Bair et al., 2020). Labour control in the global south, like Bangladesh and Indonesia, means that workers stay in poorly paid jobs with abusive working conditions (Anner, 2015).

Moreover, under extensive export-oriented strategies, many national governments offer flexibility on rules and regulations to investors, providing competitive advantages to one specific group over others. Governments give more privileges to Export Processing Zones (EPZs) than to the non-EPZ sector: for example, in many developing countries like Bangladesh, EPZs are exempted from various legal obligations to encourage economic growth through exports, thereby favouring elite groups and, at the same time, undermining efforts to ensure workplace compliance (Islam and Asaduzzaman, 2015).

In many other countries, such as China and Vietnam, approximately 45% of their exports are directly controlled by foreign investors. In Cambodia, over 85% of garment factories are foreign-controlled, but in Bangladesh, less than 15% are foreign-controlled, as Bangladesh authorities have sought to protect their national producers (Mark, 2014). While EPZ sectors attract more investment from abroad and are in a better position on technology use, productivity, workplace safety, and wages, non-EPZ sectors—mostly small and medium-sized businesses—use labour to survive in this competitive age, which results in long working hours, poor wages, non-payment, harsh working conditions, etc. (Moazzem et al., 2018). Companies use modern technology to reduce production costs (Castells, 2003) and use technology as a labour-saving model that increases the employment demand for skilled workers while leaving unskilled workers in a condition of over-supply and, therefore, facing severe income inequalities (Meschi, Taymaz and Vivarelli, 2016). For many years, however, the international trade literature overlooked the employment effects of globalising supply chains and the concomitant rise of inequalities both between and within countries (Kurfess, 2021).

Moreover, globalisation forces companies to adopt the just-in-time (JIT) policy that puts labour under pressure to meet the company's demand with no flexibility in shifts and working hours. Although most companies follow the Fordist model of production that uniformly follows the system

of rules in production and work relations, companies focus more on production than work relations (Bartley, 2011). Global firms and MSI introduced voluntary codes of conduct in the global supply chain to mitigate the impact on labour standards. However, there is an ongoing debate over gaps between standards and practices in the material sites of production. The following sections expand on this.

2.2 Global Initiatives in the Promotion of Labour Standards

Global initiatives began formulating private standards, whilst many developing countries failed to enforce their laws (Kabeer, 2014). Various bodies are involved in formulating standards to address labour rights issues. These include inter-governmental organisations and private and certification agency standards (Nadvi, 2008; Locke et al., 2013) that bring together companies, trade unions, and NGOs to promote and monitor compliance with agreed standards.

Inter-governmental organisation standards, such as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, encourage the positive contribution of multinational enterprises to economic and social progress and the realisation of decent work for all (Kaufmann, 2018). In the 1970s, a significant effort was made to develop international standards for corporate behaviour towards MNCs in developing countries. The ILO core labour standards have been central to these global initiatives in establishing global labour standards (Riisgaard and Hammer, 2011). Moreover, the OECD Guidelines for Multinational Enterprises feature government recommendations for companies to contribute to sustainable development and improve people's economic and social well-being worldwide (Jenkins, 2001). However, the practical implementation of the guidelines, for instance, was complicated due to conflicts with the host country's laws and policies (Oldenziel, 2000).

Global union leaders have lobbied since 1990 for the inclusion of ILO core labour standards in the procurement practices of the World Bank that came into effect in 2006 after the IFC made it mandatory for all enterprises borrowing from the IFC to abide by the core labour standards. Global Union Federations (GUFs), the International Trade Union Confederation (ITUC), and the Trade Union Advisory Committee to the OECD (TUAC) emerge alongside large international organisations such as the IMF, the United Nations, the World Health Organisation (WHO), and the World Trade Organisation (WTO) to influence their rules and regulations to promote fair globalisation. The World Bank extended the core labour standards requirement to public works

projects financed by the International Bank for Reconstruction and Development and the International Development Association since May 2007 (Schmidt, 2007)[6.]

In 1996, following revelations over the sweatshop conditions in which garments sold in US clothing chains were made, the US government, with the direct involvement of President Bill Clinton, established a voluntary task force composed of clothing and shoe manufacturers, consumers, corporate social responsibility, and human rights organizations, and labour unions. This resulting Apparel Industry Partnership (AIP) Agreement established the Fair Labour Association (FLA) in 1998 to monitor sweatshops, child labour, and ecological degradation (Gereffi, Garcia-Johnson and Sasser, 2001). The FLA is a set of multi-stakeholder initiatives (MSIs) like ETI (Ethical Trading Initiatives) aimed to improve labour practices in the supply chains. MSIs publish codes of conduct, recommendations, and guidelines to frame multinational corporations' behaviour on labour standards (Mena and Palazzo, 2012).

Most MNCs joined FLA or ETI to ensure better working conditions in their business practices. Besides this, some MNCs have their codes of conduct and monitoring systems; for example, Gap has a vendor compliance department with over 100 staff responsible for monitoring the implementation of the company's code of conduct throughout its global supply chain. Levi's, Disney, Walmart, H&M, and other companies relied on internal monitoring (Momin and Parker, 2013). However, several brands like Wal-Mart and Gap have faced tremendous criticism for workers' exploitation in Bangladesh (Islam and McPhail, 2011).

Although global firms employ auditing organisations such as Intertek, Elevate, and Verite to investigate their working conditions, there is also considerable fraud and bribery as auditors go to 'blind eyes reporting' in favour of the factory owner. The current research on Nike, a leading firm pioneering in the private regulation model, shows unstable and limited improvement in working conditions and no improvement in FOA and CB rights. Factory disasters such as the Rana Plaza incident in 2013 in Bangladesh (Bair et al., 2020) and the Ali Enterprises garment factory in Pakistan in 2012 (Jenkins, 2020) are the results of the ineffectiveness of this private regulation (Kuruvilla, 2021).

Therefore, despite several voluntarist frameworks and agreements initiated to improve labour standards, they have mostly proved ineffective, as industry self-regulation still needs to secure

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[6] Trade unions and globalization: trends, challenges and responses (ilo.org)

the confidence of labour unions. Indeed, the FLA was rejected by US labour representatives as it is principally designed to safeguard the reputational interests of MNCs rather than to oversee the working conditions of garment workers. Notably, it was rejected over its failure to ensure that manufacturers paid workers a living wage and the weakness of the FLA's auditing and monitoring procedures (Hemphill, 1999).

Global governance became known in the declining role of nation-states as some governance functions and inter-governmental organisations, such as the OECD and its treaties, need to do more to solve transnational issues (Nadvi, 2008). As globalisation accelerates global production distribution, it requires ties within the global production network that undermine national regulatory governance but encourages international and private actors in institutional and political governance (Nadvi, 2008). The following section focuses on the debate on global governance to examine whether private or public governance systems effectively address labour standards in the supply chain.

2.3 Private Governance System on Labour Standards

Private governance refers to the power of lead firms—constituting social governance, including trade unions, NGOs, and MSIs—to coordinate and distribute resources along their chain (Barrientos, Bianchi, and Berman, 2019: 734).

Corporations become direct providers of global governance, taking private standards as tools for safety, sustainability, and human rights in the supply chain. The rise of neoliberalism and the failure of inter-governmental agreements have facilitated the growth of private governance. MSIs relied heavily on the participating companies to push standards throughout their supply chain (Bartley, 2011).

For decades, lead firms have been coordinating their supply chains across international borders to address growing public awareness of how products are produced (Barrientos et al., 2019). The lead firms were using a private regulation model to address these criticisms based on three key elements: i) the setting of standards to improve labour conditions through codes of conduct in line with ILO conventions; ii) audit requirements by the brands or audit firms to ensure the compliance with codes; and iii) compliance records to be used by MNCs in sourcing decisions to motivate or encourage suppliers (Kuruvilla et al., 2020).

However, the self-regulating initiatives of MNCs through codes of conduct have long been a particularly controversial issue that attracted worldwide attention in the 1970s when international organisations such as International Labour Organisations (in 1977), the United Nations Centre on Transnational Corporations (1978), and the Organisation for Economic Cooperation and Development (1976) failed to reach an international agreement to impose sanctions for non-compliance with codes (Kolk and Tudlar, 2002). The key issues are, typically, substantive—concerning what constitutes a fair or living wage and how this should be guaranteed, and procedural—concerning monitoring compliance and collective bargaining.

The varied international standards that appear as MNCs' voluntary codes of practice are remarkably consistent with the corporate commitments and principles. Typically, lead firms play a positive role in establishing private governance without effectively enforcing public regulations. However, such initiatives could not produce a robust and binding mechanism of enforcement (Morris et al., 2021). Locke (2013) suggested that, without a binding agreement, codes of conduct are ineffective as companies must make specific commitments, including developing enforcement mechanisms for auditing and certification bodies to improve standards (Locke et al. 2013). However, while some codes emphasise freedom of association, some relate to discrimination, and others relate to living wages, working hours or health and safety; lead firms are motivated to oversee or enforce codes that do not conflict with their interests (ibid).

Belal and Owen (2004) found that codes are mechanical and impose economic burdens on domestic suppliers, adversely impacting the country's export performance (Cumbers et al., 2008; Oka, 2015). Barrientos and Smith (2006) found a limited impact of the ETI base code in South Africa, Vietnam, India, and Costa Rica concerning freedom of association, discrimination, regular employment, and harsh treatment of workers (Oka, 2015). Indian workers in factories supplying garment products to Marks & Spencer, Tesco, and Sainsbury (members of ETI) told the BBC that they are being subjected to exploitative conditions such as low wages, long working hours, and forced labour (Vaidyanathan, 2020)[7].

Since the codes are voluntary, MNCs are free from criminal or civil penalties for non-compliance (Murphy, 2005). Scholars suggest that voluntary codes of conduct have failed to reduce labour rights violations because auditing and enforcement systems are inadequate and non-transparent. They also suggest that the audit element is missing high-quality information to warrant

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[7] Indian factory workers supplying major brands allege routine exploitation - BBC News.

compliance, and, second, the audit programme is compromised. Buyers look for suppliers to invest in compliance while reducing the price they pay for the product. These conditions encourage suppliers to cheat audits by preparing alternate sets of records and manipulating workers to respond to the auditor's questions in favour of them. In correlation, auditors are poorly trained to counter supplier fraud (Rawling, 2015).

A previous study revealed that large factories have comparatively better compliance records as they have the resources to invest in compliance. However, various audit data from Nike and HP, FLA, and Fair Wear Foundation, and semi-auditing reports by ILO's Better Factory Cambodia project suggest that although a modest increase in overall compliance in large factories, violation of labour standards continues. Compliance is found generally weaker concerning freedom of association and collective bargaining (Rawling, 2015) even though private governance systems such as ETI, FLA, and Social Accountability International (SAI) manifest accountability of MNCs in the supply chain to improve labour standards (Kuruvilla et al., 2020).

Indeed, private regulations have yet to generate sustainable improvements for workers in the global supply chain. The arguments relate to actor heterogenicity in private regulation responsible for delivering opaqueness that creates practice–outcome decoupling (Kuruvilla et al., 2020). To improve the working conditions in the global supply chain, scholars suggest that lead firms may be forced to disclose their supplier's information, compliance records, labour conditions, and the wages they pay. Lead firms must ensure that they facilitate audits by third or independent parties before disclosing information to ensure the validity and transparency of the audit (Rawling, 2015). The early researchers paid considerable attention to the governance initiatives in Bangladesh, e.g., the Accord (Accord on Fire and Building Safety) and the Alliance (Alliance for Bangladesh Worker's Safety). This study discusses these governance initiatives to define how they helped promote standards in Rana Plaza's aftermath in section 2.8.5.

2.4 Public Governance System on Labour Standards

There is, in fact, a systematic regulatory failure in public governance regarding the protection of labour in the global supply chain. Many trades and commercial agreements exclude labour standards from their manifesto. Although the UN Guiding Principles on Business and Human Rights include the responsibility of business to respect labour rights (Rawling, 2015), the World Bank imposes conditions on developing countries to create a friendly investment and business climate to implement policies in favour of the global north encouraging low wages and labour market flexibility (Alamgir and Banerjee, 2019). The increased mobility of capital induced by the development of global financial markets generates pressure on the national state to develop market-friendly policies and promote privatisation and labour market deregulation. However, national states find it increasingly difficult to pursue their domestic agendas without cooperating with other political and economic agencies (Held and McGrew, 2003).

As states act in favour of their economic interests, global brands and retailers exert more control over the production networks in which market and power are intertwined and characterised by power dynamics and contestation between various actors in the supply chain that limit opportunity and resources for labour unions to act on their rights. States are, indeed, embedded in multiple translational networks to serve the global market for their economic development through surveillance, control, and regulation, but such regulations enabling MNCs to exert power in the global production network are eroding the governance system (Alamgir and Banerjee, 2019).

MNCs take advantage of deregulation and globalisation to fragment production and exert significant power for which they take no legal responsibility. As the state, surprisingly, participates in the vast competition, thereby increasing economic interest rather than protecting its people, the global production network is unlikely to provide the leverage necessary to pressure employers in the conditions of the weak structural power of organised labour (Morris et al., 2021).
Moreover, the rise of MNCs forces the national governments to shift their trade and fiscal policies. For instance, corporations restrict what governments can do whilst promoting global governance through formalised rules, standards, or agreements. Corporations create harmonised standards and manage risk and brand reputation without government assistance (Bartley, 2011).

On the contrary, many industrial state governments support their corporations to win foreign contracts by relaxing regulatory and political barriers. Although states may not allow companies to violate human rights directly, their actions may contribute to such violations indirectly (McCorquodale and Simons, 2007). Indeed, traditional labour laws favour a country's economic

policy that encourages the re-commodification of labour rather than the protection of labour. Howe (2010) suggests that economic globalisation reduced the political willingness and ability of governments to safeguard the welfare of workers and communities through the maintenance of labour law system (Kaine, 2015).

According to Borja and Castells (1997), the government emerged as a flexible institutional actor as they lost command and control and could no longer operate in isolation. The weaknesses increase the gap between standards and work practices, resources and opportunities, and people's trust. As networks are global, the state requires complex negotiation to establish partnerships with other states to maintain power relations and finds it increasingly difficult to pursue their domestic agendas without cooperating with other political and economic agencies for which national governments alter and compromise their capacity to provide a typical structure of rights, duties, and welfare for their citizens (Held and McGrew, 2003).

Corporate initiatives such as Global Framework Agreements (GFAs) and voluntary codes have been introduced to plug the governance gap and ensure social compliance across borders. However, the gaps between the promises of labour rights made at the international level and the accessibility of workers at the local level leave confusion in our understanding of why brands commit to labour rights initiatives but fail to accomplish workplace compliance (Tartanoglu, Hammer and Jenkins, 2021).

Kuruvilla (2021:154) and Bartley (2018a:64) suggested that, in the political–economic dimension, tensions arise almost immediately in practice and application as actors in the international value chain define their scope for implementing processes of monitoring, enforcement, and remediation of behaviours in which they may be implicated. Such behaviours undermine workers' empowerment using freedom of association and collective bargaining (Tartanoglu et al., 2021:3).

For instance, Ong's (2000) study on Malaysia and Indonesia indicates that state power was reconfigured to meet the demands of the global supply chain. The flexible regularity approach in Bangladesh's special economic zones also severely impacts the rights and entitlements of workers and the treatment of labour (Alamgir and Banerjee, 2019).

Scholars suggest numerous ways in which national governments could act. Verma and Kuruvilla (2015) argue for a new conceptualisation of the national government's role in the international labour standard debate. They posit that national governments could develop an activist programme to engage employers, unions, and community groups in a dialogue over labour standards but queried what mechanisms would be in place to ensure that large employers who

agree to adopt these standards are practising them (Kuruvilla and Verma, 2006). In Bangladesh, the government has introduced a participation committee and safety committee in every garment factory where workers and employers can discuss labour standards. However, more research is needed to underpin the effectiveness of these initiatives.

Scholars are increasingly interested in the multi-layering of public and private sector rules, but an enforcement mechanism is essential in any form of governance system (Locke et al., 2013). Locke et al. (2013) suggest that neither state regulations nor private voluntary regulations function effectively in isolation and, thus, a mixing of private and public interventions is necessary to improve working conditions and environmental standards in the global supply chain (Locke et al., 2013).

Indeed, the private governance system can work in line with the state enforcement mechanism in a complementary interaction setting where public governance ensures that suppliers comply with the state's labour laws and regulations and where failure to comply will lead to sanctions by the relevant government authorities (Locke et al., 2013). Private voluntary self-regulation can also strengthen government enforcement of national laws, especially where the national government lacks the resources to conduct factory inspections (Bair et al., 2020).

The Bangladesh government took national initiatives to form the NTPA to support the ILO in overseeing structural integrity and fire and electrical safety in the RMG sector. The Bangladesh Government joined the EU, the USA, and the ILO to form the Bangladesh Sustainability Compact. Under COMPACT, the Bangladesh government aims to promote factory inspections and remediation programmes, safety committees and worker empowerment, and reform labour law (Bair et al., 2020). The government also supported Accord and Alliance initiatives to conduct safety inspections in the garment factories.

Henceforth, a detailed analysis is needed to examine how the government functions to improve standards and how the corporation and the state intersect to govern industrial relations (Morris et al., 2021). The limited ability of national governments to regulate labour markets led to increasing attention being paid to the roles of firms in upholding labour standards (Pasquali, 2021). The following section examines the buying and supplying practices that may persistently impact the roles of firms in promoting labour standards in the supply chain.

2.5 Dominance Effect of Buying and Supplying Practices on Labour Standards

The supply chain is a firm's activities that bring a product or service to its consumers at a profit (Rawlig, 2015). However, a central trend of the chain is to minimise labour costs by subcontracting production and minimising inventory (Morris et al., 2021).

Contracting and subcontracting are two main aspects of outsourcing garment products in the global production network that incrementally reduce profit margins in the material sites of production, thus resulting in lower wages and adverse working conditions. Furthermore, they categorically limit accountability and transparency in employment relations as monitoring abuse or violation of workers' rights becomes difficult in such working conditions (Alamgir and Banerjee, 2019).

In the buyer-driven global supply chain, wages are linked with the purchasing practices as the buyer uses their leverage to occupy maximum market share through purchasing practices that entail demanding lower prices, quicker speed to the market, and numerous changes to order specification. However, price determination mostly depends on the manifestation of power asymmetry between buyers and suppliers, exacerbated by the buyer's consolidation and financialisation, which promotes recourse to non-standard forms of employment in the global supply chain. Many countries stuck in low wages and low development ruts have been turning their tide to growth-oriented strategies for decades. In India, for instance, whilst the growth of the apparel sector appears to be over five times that of 25 years ago (1992), workers' wages only cover 23% of their living wage (Anner, 2019).

Barrientos (2008) argues that buyers put pressure on suppliers' firms to reduce cost, reduce lead times, and increase just-in-time efficiency even though this behaviour has a severe negative impact on job security, wages, working hours, health and safety, management behaviour, child labour, and the trade union rights (Miller, 2004). Competitive pressures have forced many firms to restructure their operations, and employees have had to endure most of the restructuring costs (Cappelli, 1997) that caused layoffs, relocation, temporary contracts, or cessation of benefits. The result is that workers have no choice but to work harder, do long shifts, and receive less compensation and security (Gordon and Turner, 2000).

As the buyers are mostly conscious about the quality and price of the product, they are only concerned about where the goods are produced and in which conditions if mass media is reporting about inferior labour standards that they need to address (Nadvi, 2015).

As demand for productivity rises at the manufacturing sites of production, various patterns of forced overtime, verbal or physical abuse, and contingent work shape employment practices that fall short of acceptable conditions for workers in developing countries (Anner, 2019). The work and employment rules in the supply chain are seriously questioned due to persisting inequality and poor labour standards within and between countries (Morris et al., 2021).

Generally, labour has received less empirical and analytical attention in the global supply chain literature. Scholars have asked for more research on global labour standards and global governance to address labour and local work practices (Carswell and Neve, 2013). Scholars emphasised that developing an independent labour organisation at a local level is vital to improving workers' lives. However, how to shape an independent labour organisation where union activities are restricted and national laws are weakened has yet to be explained (Oka, 2015).

2.6 The Position of Labour Unions on Labour Standards

The trade union's position in the labour market and the treatment of labour have drawn serious attention to the mainstream debate about globalisation. Labour rights in global trade are politicised and undermined by unfair competition and factors of production (Saurabh, 2020). The capacity of trade unions in collective bargaining and the representation of workers are influenced by the following factors in developing countries.

Labour has limited opportunity to become involved in employment relations as it is seen as a market exchange or employment contract where a worker is hired to do a job at an agreed price. Labour has long been treated only as an economic transaction rather than as assets or partners where individuals or unions do not certainly have the right to exercise their voices (Williams, 2014). Moreover, although garment workers in the north have been able to secure their rights through unionisation, collective bargaining is lost along with the relocation of production to the south. This poses significant barriers to garment workers' organising and advancing their rights (Miller, 2004).

Trade unions have little control over influencing international actors to address factory-level issues as international decision-making is monopolised mainly by company management (Keune and Schmidt, 2009). Moreover, deregulation is decentralising collective bargaining and the role of some economic regulation instruments, such as the law or tripartite concentration, which may influence the firm to adopt other regulatory modes or mechanisms that do not favour the labour union (Regini, 2000). As a result, trade unions face restraints in response to job insecurity, low wages, and other working conditions, which puts them into defence (Keune and Schmidt, 2009).

Furthermore, labour flexibility is used by companies to decentralise labour campaigns such as demand for numerical flexibility, functional flexibility, and wage flexibility. Numerical flexibility has allowed employers to downsize numbers, hire fresh employees with a lower salary, or seek to recruit more experienced staff in case of technology changes. With functional flexibility, employers move employees from one section to another, adding more responsibility. Wage flexibility refers to employers changing wage structure in response to the changing labour market without following collective agreements or statutory regulations (Regini, 2000)—these types of flexibility impact workers and unions in organising and collective bargaining, mostly in labour-abandoned countries. As union membership has declined in many parts of the world, non-union systems of employee representation are promoting greater worker voice. However, Hall and Terry (2004) argued that employee representation restricts employee voices in the workplace where management enjoys significant control (Williams, 2014). The Bangladesh government responded quickly in the aftermath of Rana Plaza to bring numerous changes to the Bangladesh Labour Act, 2006, such as introducing participation and safety committees as mandatory for all garment factories that promote non-union workers' committees. However, these changes did not represent the interests of workers and unions and, instead, centralised the role of factory management. Kuruvilla and Li (2021) suggest that workers' voices without unions do not shape labour voices in third-world countries (Kuruvilla and Li, 2021).

Anner (2012) and Seidman (2007) support that statement, adding that worker organisation is increasingly seen as the key to improving labour conditions in the global supply chain, but they note that organised labour and transactional union networks in the global supply chain have received growing attention (Oka, 2015). Scholars in industrial relations emphasised that developing independent labour organisations at a local level is vital for improving workers' lives, but how to shape an independent labour organisation where union activities are restricted and national laws are weakened has yet to be explained (ibid).

Empirical evidence from a previous study suggests that 'unions use their monopoly power to force employers to pay better wages and benefits' (Frege and Kelly, 2004: 33), but it is based on how the union strengthens workplace representation by increasing mobilisation capacity and bargaining power (Frege and Kelly, 2004). The ILO pointed out that bargaining power needs to be improved in most developing countries, especially in the Bangladesh RMG sector, as they found that workers' rights are grossly violated in forming or joining a union (Godfrey, Elsley and Taal, 2017). Unions in countries like China and Vietnam still face legal restrictions on FOA (Bartley, 2011). In China, workers can only join a union controlled by the ruling political party (Kuruvilla and Li, 2021).

Unions face a daunting situation in many countries in the exercising of Freedom of Association (FOA) that leaves ambiguity about the intention of global brands in promoting labour rights and the subsistence of FOA in codes of conduct in multi-stakeholder initiatives (MSIs). For instance, the Fair Labour Association, a large US-based multi-stakeholder initiative, did not specify a requirement to respect FOA; instead, it refers to respecting workers' rights in the supply chain. Critics argued that MSI initiatives on labour rights are theoretically motivated as they need to have practical implications for the workplace (ibid).

Nevertheless, unions in many developing countries represent an opportunity through mobilisation and collective actions (Tilly, 1978). Mobilising pressure promotes strategic participation and coalition building that may influence employers to address labour standards (Turner, 2004), but mass procession or collective action advances union campaigns in developing countries (Wright, 2016). Unions could compel management to participate in meaningful negotiations to improve wages, benefits, and work conditions through their ability to threaten to withdraw labour from production and take strike action (Anner, 2020).

Strike action is increased due to the exclusion of unions in government policy reforms, and, therefore, the inclusion of unions in government policy reforms may reduce the likelihood of union protests (Hamann, Johnston and Kelly, 2013). Strike action in Asia has been on the rise. For instance, Vietnam caught the world's attention over growing strike action by militant unions, and the country witnessed more strikes than any other Asian country in the past. In China, strikes have become a grave concern for the Chinese state (Siu and Chan, 2015). The China Labour Bulletin (CLB), a Hong Kong-based workers' rights group, reported 1200 strikes and protests across the country from 2011 to 2013 and 2726 alone in 2015 (Griffiths, 2016)[8]. In Bangladesh,

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[8] China on strike | CNN

militant strikes are much more common. For instance, a major strike erupted in the Ashulia district of Dhaka and other cities in December 2016 that continued for several days, with workers demanding an increase in the monthly minimum wage (Bair et al., 2020).

Trade unions with transnational alliances represent new opportunities that strengthen their capacity in mobilisation. Levesque and Murray (2010) highlighted the need to build local actors' capacity for cross-border alliances and argued that national unions should integrate transnational union structures for internal and external solidarity and capacity building. Internal solidarity helps unions promote workplace democracy and workforce cohesion, whereas external solidarity promotes coordination with local union organisations or social movement groups to shape objectives (Frege and Kelly, 2004). Labour unions in many countries like Bangladesh have linked with the Global Union Federation and the Industrial Global Union to build necessary political power through a progressive coalition to make policies favourable towards labour. However, Turner (2004) suggested that many factors impact the development of coalition and solidarity, such as union strategies to promote labour rights and standards and the propensity of state behaviour. Unions need to mobilise support in organising coalition building but struggle as the density of unions declines (Turner, 2004).

Moreover, international power controlling production and management structures are the driving force in cross-border operations, leading to decentralisation in collective bargaining that pushes trade unions towards relative isolation (Marginson, 2016). Also, as the national state sets directions and disciplinary measures for business compliance, labour unions have limited capacity to influence policy as the government suppresses them as potential opposition forces (Fleckenstein and Lee, 2017). In some countries, labour standards have a noteworthy influence on the state's authoritarian control; for example, in Singapore and South Korea, the state formed deep ties with political leaders, trade associations, the military, and companies to deal with illegitimacy with a heavy hand. On the contrary, China and Indonesia go beyond democracy and authoritarianism, where the repressiveness of authoritarianism shapes private certification efforts, which results in poor working conditions (Bartley, 2018). Although labour is making gains from factory-focused campaigns such as wage protests in Bangladesh (workers took to the streets in 2016 and 2019 to demand increased wages), the question remains whether these campaigns have fundamentally altered workplace and GVC practices for the benefit of labour, especially in the treatment of women in the garment supply chain (Anner, 2015).

2.7 Gender/Sexual Discrimination in the Global Supply Chain

Whilst examining labour standards in the global supply chain, the researcher considered it essential to review women's conditions in the workplace as the garment sector is feminised in almost every country in the world, and women are three times more likely to be exploited in the global supply chain than men are. Women suffer the most, as many are voiceless and subservient (Morris et al., 2021). Women's jobs are often flexible, insecure, and linked to economic and social downgrading as they are largely concentrated in low-wage, labour-intensive production. In many countries, women engage in casual, part-time, and contract employment, including zero-hours contracts. Women constitute the largest share of the retail workforce in many multinational companies; for instance, in Walmart, 57% of its workforce are females who participate in lower-category jobs (Barrientos, 2019). Although global sourcing by retailers has created women's employment in the supply chain, enhancing their bargaining power at home and work, exploitation mainly occurs for the following reasons.

First, in many low-income countries, the supplier's firm recruits women who tend to access the job market with any working conditions and undertake socially undervalued work that helps the firm reduce its commercial cost (Barrientos, 2019). Many countries, such as India, use subcontracting and labour contractors in RMG production to hide abusive working conditions, mainly in the lower tiers and among home-based workers (Barrientos, 2019). Similar situations exist in Bangladesh, where monitoring worker abuse and violation of workers' rights becomes difficult in such an environment (Alamgir and Banerjee, 2019).

Second, social upgrading has replaced women with men. Although women's participation at work increases female empowerment, this does not necessarily reduce gender inequalities such as gender segregation in types of occupations and activities, gender gaps in terms of wages and working conditions, and gender-specific constraints in access to productive resources, infrastructure, and services upgrading (Bamber and Staritz, 2016). Women are more likely to fall into precarious conditions as they tend to maintain both their socio-economic position and their primary responsibility for reproductive care, unpaid work, and child and adult care in developing countries and, thus, suffer from the resulting economic and social disruptions. They are exploited further due to differentiation in race, caste, and migrant worker status (Anner, 2021). Moreover, limited access to education, training, skills development programmes, and the professional field impacts women's ability to explore high-paid jobs, which overwhelmingly benefits men (Barrientos, 2019).

Third, MNCs recognise codes as pathways to address gender issues in the supply chain, but social auditing has failed to implement codes to address gender discrimination and harassment. Bamber and Staritz (2016) emphasise the need for lead firms in GVCs to play an active role in addressing gender issues:

> Lead firms in GVC governance can play a particularly pivotal role, as their production and sourcing policies often reinforce deeply embedded gender issues in production to capture rents by accessing low-cost and flexible female labour. Lead firms could encourage and support their suppliers to implement gender-sensitive policies and enforce their application through internal codes of conduct and third-party monitoring (2016: 18).

Although MNCs adopted gender initiatives such as the United Nations Guiding Principles on Business and Human Rights (UNGPs) to promote women's rights in communities and sourcing factories, these initiatives proved to be fragmented, as they rarely prevent the underlying drivers of gender discrimination. The UNGPs are significantly under-represented in the scrutiny of other international standards and have overlooked gender-specific rights violations, such as sexual harassment and abuse in the supply chain (Barrientos et al., 2019).

Women often face retaliation both in developing and developed countries, and such retaliation takes place in the form of psychological abuse, denied promotion, firing, or withdrawal of social support. Women are generally afraid of speaking out about such consequences, including sexual harassment. In many industry sectors, sexual harassment is seen as a norm where the exercising of power by men over women undermines, isolates, and degrades women (Wilson and Thomsom, 2001).

Although, in many workplaces, women are given preference for jobs considering that they are sympathetic and more loyal at work than men, they are treated as women first and workers later. Power constitutes a direct or indirect effect on the occurrence of harassing behaviours where men usually enjoy more significant power than women in this structure, which provides the opportunity to engage in harassment (ibid). Alternatively, women in power are frequently targeted. The evidence suggests that, in male-dominated workplaces, female supervisors experience more harassing behaviour than non-supervisors as gender norms undermine how women perceive themselves as leaders (McLaughlin, Uggen and Blackstone, 2012).

Bangladesh is characterised by the patrilineal principles of descent, patriarchal structures of family organisation, the practice of female seclusion, and a marked preference for sons over daughters, where women are not only discriminated against in access to education and

employment but also in access to other essential resources like health and food. Therefore, women workers are culturally seen as weaker persons compared to males and are frequently exposed to verbal and physical abuse, informal recruitment, violent behaviour, and sexual harassment (Kabir et al., 2018). Women are also treated differently due to the unequal power structure between men and women, putting them in disadvantaged groups. Women rarely criticise the way the factory management treats them. Women are less interested than men in becoming involved with unions because of their commitments at home and social and cultural restrictions (Dannecker, 2010).

Although the garment industry is boosted by young women, and more than 70% of nearly four million people are women (Chowdhury and Ullah, 2010)—the industry perpetuates female workers' vulnerability. The factory owners take advantage of female workers, having few alternatives and even fewer better employment opportunities. At the workplace, women are also fearful of being outspoken on low wages, discrimination, and harassment at the workplace as they fear losing their job since their families depend upon their wages (Kabeer, 2014). Nevertheless, despite all the adverse circumstances for women at work, women's ability to earn regularly gives them a sense of self-reliance. It helps them stand on their feet to become a more credible voice in the workplace and household decision-making (ibid).

Moreover, increased media attention and prolonged campaigns by labour and women's rights supporters have opened opportunities for systematic change in the supply chain to protect workers' rights—especially for women. Women in many Asian countries, such as Bangladesh, Cambodia, and Myanmar, have mobilised many strike actions for their legal rights and safe working conditions (Brown, 2021). Today, increasing numbers of women are joining unions who feel confident about their participation in labour mobilising efforts despite negative sentiments about unions at work and home (Huq, 2019). Some women's organisations, such as Karmojibi Nari, are working as catalysts for women's mobilisation in Bangladesh (Brown, 2021). Karmojibi Nari is a non-profit and non-government women-headed organisation in Bangladesh ensuring the rights, respect, and authority of women workers, creating awareness about their rights at work, and promoting women's leadership in trade unions in Bangladesh[9].

However, female workers in the RMG-exporting countries are more inclined to join unions and remain active under the female union leader. A study from the Bangladesh RMG industry

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[9] Background - Karmojibi Nari |

suggests that women are more likely to disclose gender-sensitive issues to female leaders/supervisors than to male leaders/supervisors (Rahim and Islam, 2020).

In Bangladesh, women are taking grievance actions against management, although they face restraints from the management. Referring to the #MeToo movement, this situation can be explained as the exercising of voices on harassment and violence as women break their silence to denounce male harassers and to express their experiences with sexual harassment (John, 2021). In Ford's view, women turn to self-help and speak as they do to oppose injustice (Ford, 2008). This creates a new power of movement that spotlights mostly silenced and ignored issues of oppression and tears down patriarchal bulwarks through a new social movement (Gieseler, 2019).

The above discussion describes how women feel in the workplace compared to men. Acker and Houten (1974) suggest that women experience organisations differently as proportions, structures, and opportunities are mostly male-centred. Kanter (1977), however, disagrees with Acker and Houten (1974) on the point that women and men experience the workplace differently; instead, she concludes that women are subject to men's attention and closer scrutiny at work when there are only a few of them, but added that men who work in an environment where women constitute a large workforce can suffer as well (Jeans, Knights and Martin, 2011). However, Kanter's (1977) arguments do not acknowledge the culture where women are in the majority but still dominated by men.

In such a working environment, the common perception is that 'women are assumed to be easier to control than men and more apt to work under poor conditions' (Jeans et al., 2011: XIII). Cockburn (1980) does not disagree with these arguments but suggests that the job category hires women. In contrast, the most interesting, varied, and mobile jobs are reserved for men, and the most repetitive, stationary, and least attractive are assigned to women. Martins (1990), in her study, found that women had to adopt a flexible approach to their lives— for instance, booking a caesarean operation for the weekend—to avoid missing work (ibid).

Building on Goffman's work, West and Zimmerman (1987) blame society for the norms of the gender system as society's attention to bodily displays of clothing, hairstyle, etc., differentiates sex as biology from gender. However, gender dynamics are at once pervasive, subtle, individual, collective, and rational and challenging to study as people's perceptions of bodily actions differ. The capacity of stereotypes to influence perceptions has a significant impact on the gender dimension; for example, women acting like men using body language or clothing preference is

severely sanctioned in many societies. Tayler suggests that gender is socially constructed rather than a biological form where power is represented as the dominant factor. In this vein, power is exercised over the language that shapes and restricts our understanding of reality (Jeans et al., 2011).

Gender and sexual discrimination, along with other poor working conditions, place the Bangladesh garment industry at the centre of discussion in the global supply chain. The following section provides a detailed account of the industry and the challenges the global and local actors face.

2.8 Bangladesh in the Global Supply Chain

2.8.1 Introduction

The Bangladesh Garment Industry has become a significant player in the global apparel supply chain for its capacity to deliver products quickly and at comparatively low prices. The industry is characterised by a cheap and flexible workforce. It continues to attract global brands from all over the world despite earned criticism for many fatal accidents, its poor health and safety standards, poor treatment of workers, forced labour, low and irregular wage payment, and sexual discrimination at work (Zaman, 2015).

Even after the Rana Plaza incident, the industry remains an attractive place to global buyers as big brands such as Walmart, Hugo Boss, Gap, Levi Strauss, H&M, Zara, and Marks & Spencer are attracted mainly for the lower prices they can pay for goods and services (Auke and Simaens, 2019) but workplace labour standards remain one of the most important challenges to sustain the RMG industry despite several national and global efforts towards the promotion of labour standards (Barua et al., 2021).

This chapter provides the necessary contextual information about the Bangladesh garment industry. This information helps us understand the industry's development and structure and the current practice of labour standards, enabling the interpretation of the empirical findings. The study overviews the industry's history, growth, challenges, and wage structure in section 2.8.2. Next, information about labour laws and the position of trade unions in the country and the industry is given in section 2.8.3, and the last sections, 2.8.4 and 2.8.5, address the roles of global actors; the ILO, and the Accord and Alliance initiatives in Bangladesh.

2.8.2 History, Growth, and Development

Bangladesh has a long history of the industrial revolution but suffered from many vulnerabilities from the British colonial period until 1945 and in the post-independence period under Pakistani rule until 1971. Bangladesh was one of the most prosperous regions in South Asia, famous as a major producer of silk, cotton, and muslin products, which were exported throughout Asian countries and Europe. Nevertheless, during the British colonial period (1757–1947), the Bangladesh textile industry gradually lost market share because of British colonial policy on the

Bangladesh textile industry. The colonial power introduced a 70–80% duty on Indian-made textile products to protect the British textile industry (Rahman, 2013). In 1947, Britain divided the sub-continent into India and Pakistan to mark independence in both states, where Bangladesh fell into the Pakistan region named East Pakistan; during this period (1947–971), East Pakistan was effectively ruled by West Pakistan. Even though around 56% of the total population lived in East Pakistan at that time, the West retained power, and the people of West Pakistan occupied all top jobs in the public and private sectors in East Pakistan. Under Pakistani rule, the East Pakistan region experienced low levels of development, as less than a quarter of total development expenditure was spent in the east despite contributing 50–70% of the country's total foreign exchange earnings. The wealth produced in the east was taken to prosper the west of the west, fuelling Bengali calls for self-determination and independence from Pakistan. Following the Bangladeshi War of Independence, Bangladesh became a sovereign state, declaring independence on 16 December 1971. The 1972 Constitution of Bangladesh proclaimed secularism, a socialist society through the democratic process free from any exploitation or reserve freedom, fundamental human rights, equality, and justice for all (Al Faruque, 2009).

The Bangladesh garment industry has expanded sharply since 1977. Reaz Garments first exported apparel products to the US Navy and nearly 13 million francs worth of men's shirts to a Paris-based firm. These were the first attempts to enter international markets following nearly 17 years of serving the national market. The so-called 'golden era' of the garment industry began in earnest with Korean investment in Desh Garments Ltd, set up as a joint venture with South Korean company Daewoo in Busan in 1978; under the terms of this agreement, Desh Garments sent 120 workers to Busan for six months training. Two years later, another Korean firm, Young Ones Corporation, formed a joint venture factory with Bangladeshi firm Trexim (Hossen and Miazee, 2016). In 1978, just 22 garment factories were operating in Bangladesh; by 2013, this number had increased to almost 6000, although the number of factories contracted sharply after the Rana Plaza disaster in 2013. The most recent data show (Graph 2.1) that there are just over 4600 factories currently in operation (Zaman, 2015; Statista, 2021[10]).

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[10] Bangladesh: number of garment factories | Statista
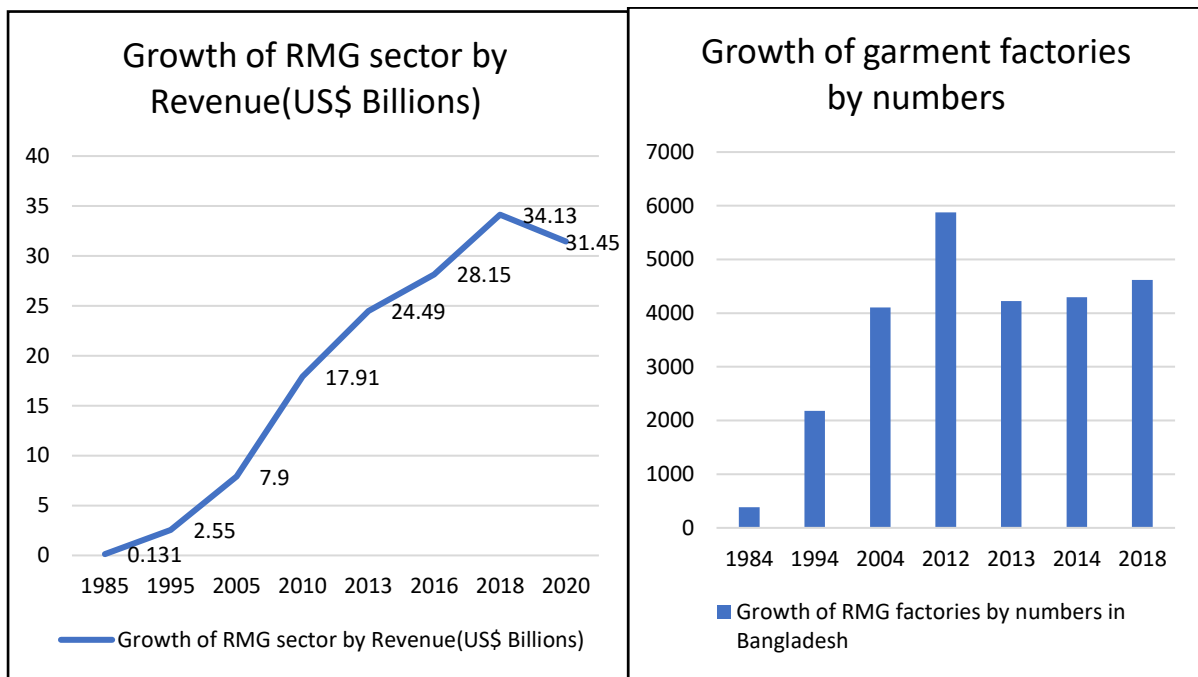
Graph 2.1: Growth of the RMG sector. Source: BGMEA[11] and Statista, 2021[15]

The industry maintained a sharp growth until 2019, although many factories were closed for non-compliance after 2013. The growth declined in 2020 to US$31.45 billion as the COVID-19 pandemic hit the industry badly. However, the industry kept its position as the world's second-largest RMG exporter.
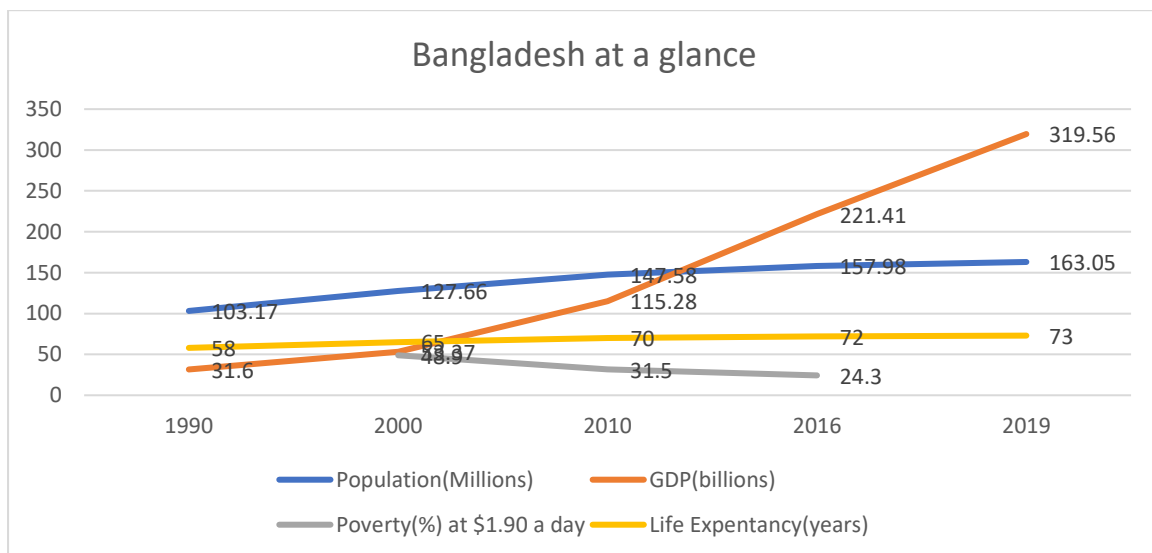
Graph 2.2: Statistics of Bangladesh Source: World Bank 2021[12].

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[11] bgmea.com.bd/export-performances/4
[12] Bangladesh | Data (worldbank.org)

The RMG sector was at the heart of Bangladesh's remarkable poverty reduction efforts. Whilst the country's population has grown at a steady rate by more than 1% in the ten years since 2009[13], the overall poverty declined from 48.9% in 2000 to 24.3% in 2016 (Graph 2.2) with the support of Bangladesh's RMG sector contributing 83% to the country's total export earnings, which keeps annual GDP growth to an average of 6% annual GDP growth[14]

Bangladesh has rapidly expanded exporting its RMG products to the world market since 1980 under the Multi-Fibre Agreement (MFA), by which the country was able to gain access to the market of the global north. Bangladesh benefits from a Generalised System of Preferences (GSP) facility for exporting garment products to various countries, including the EU (since 1971) and the USA (since 1976). Under GSP agreements, developed' countries provide a non-reciprocal advantage to developing countries, enabling agreed products to enter the markets of preference-giving countries at favourable duty rates. Garment sectors receive back-to-back letters of credit (LC) to import materials without any capital investment, which reduces operational costs and increases competitiveness in the world market (Zaman, 2015). The back-to-back LC and bonded warehouse policy helped the industry proliferate. The bonded warehouse facility has provided 100% export oriented RMG establishments to import duty-free fabrics and accessories (Younus and Yamagata, 2012). The Bangladesh government also reduces duty rates on the importation of RMG machinery. It offers tax exemptions, cash subsidies for using local input materials, and an export credit guarantee scheme to accelerate RMG trading (Nielsen, 2005).

However, following independence, Bangladesh entered a new phase of vulnerability from global integration (Rahman, 2013). Bangladesh opened the door to the external forces that control most of the world economy and survived many barriers from ending the MFA (Multi Fibre Agreement) and the withdrawal of the GSP facility by the USA President Obama suspended GSP facilities in June 2013 following the collapse of the Rana Plaza building on 24 April 2013 that killed thousands of workers and left several thousand more seriously injured. Government agencies also face institutional barriers in promoting labour standards (Zaman, 2015). Although the Bangladesh government signed up to the Trade and Investment Forum Agreement (TICFA) in 2014 as per the USA requirement, the government continuously lobbied the USA to consider GSP facilities. However, despite the USA's suspension of the GSP facility, Bangladesh has successfully increased its export value to the US market post-MFA and recession periods (Joarder et al.,

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[13] Bangladesh: population growth 2011-2021 | Statista
[14] BGMEA | About the Garment Industry of Bangladesh

2010). Bangladesh increased the value of its exports to the USA by almost 60% (Graph 2.3). Also, Bangladesh managed to increase its exports of ready-made garments to the EU.

Top destinations of RMG products in 2020(US$ Millions)

	USA	UK	Germany	Spain	France	Italy	Canada	Poland	Netherlands	Belgium	Denmark	Australia
Value	5067	3096	4892	1916	1533	1120	865	1142	913	495	692	632

■ Top destinations of RMG products in 2020(US$ Millions)
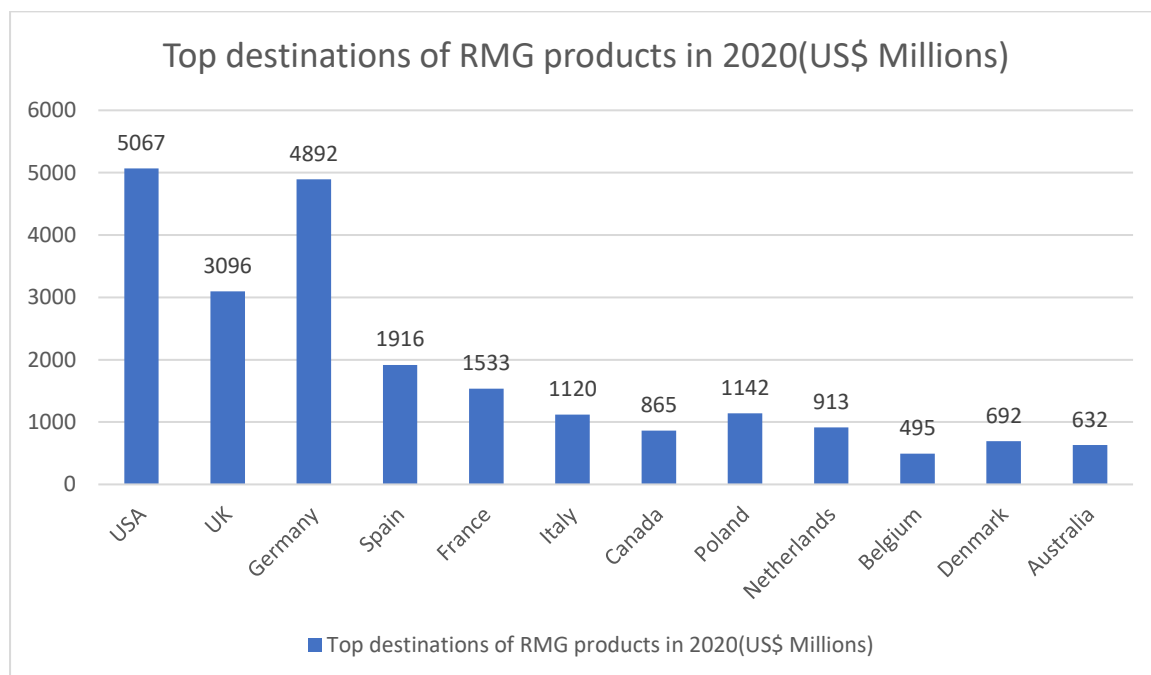
Graph 2.3: RMG exports in 2020. Source: BGMEA[15].

The Bangladesh garment industry mainly exports knitwear and woven products such as shirts, trousers, jackets, t-shirts, and sweaters to the international market. Factories import raw materials from abroad to manufacture woven garment products but use locally produced yarn and fabrics to produce knitwear. As a result, Bangladesh has maintained a stronger position in supplying knitwear products to the international market than with its woven products. However, wages remain a controversial issue in the history of the Bangladesh garment industry. Workers have taken to the streets several times since 2013 in the aftermath of Rana Plaza when international attention was focused on Bangladesh. The following section describes the wage structure and the union movements to increase minimum wages.

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[15] BGMEA | Home

2.8.2.1 Wages in the RMG Sector in Bangladesh

As noted above, garment manufacturers in Bangladesh have relied on an ample supply of low-wage female labour (Berik and Rodgers, 2010). According to an international comparison of labour costs (Graph 2.4) in apparel manufacturing, Bangladesh had the lowest labour cost among the top apparel manufacturers in the world (Fleck, 2022)[16].
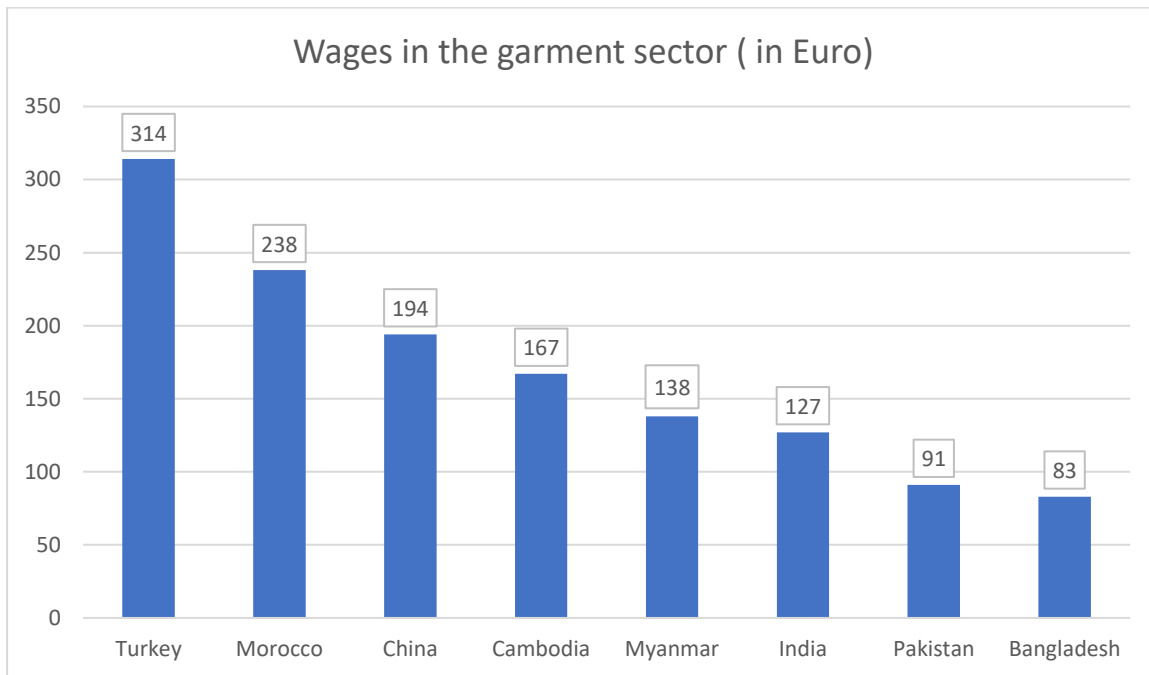
Graph 2.4: Wage distribution amongst top apparel suppliers in the world.

Although Bangladesh has maintained a second position in garment export and Vietnam is competing with Bangladesh, maintaining their position in third, the minimum wage of Vietnam by region ranges betweenU$140 and U$202, nearly double the amount that Bangladesh pays to its garment workers (Samual, 2022)[17]. The report from the Clean Cloth Campaign[18] suggests that Bangladesh is currently paying 4.8 times less than the amount that a worker needs to live with dignity with their family, whereas an Indian worker is paid 2.8 times less than their needs. The global living wage coalition found that the living wage is more than double the amount that the government in Bangladesh has recently introduced (Graph 2.5).

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[16] Chart: The Low Wages of Garment Workers | Statista

[17] Vietnam to Increase Regional Minimum Wage from July 2022 (Vietnam-briefing.com)
[18] Poverty wages — Clean Clothes Campaign

Wages(Bangladesh Taka)
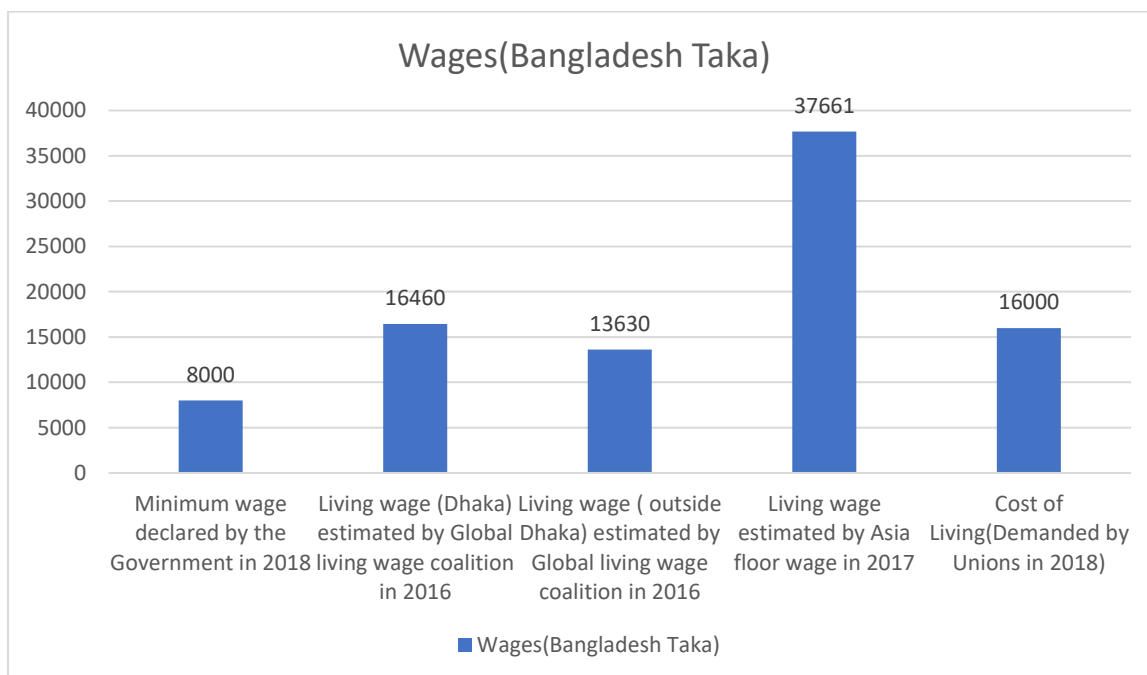
Graph 2.5: Wage data, Source: Global living wage coalition[19].

To increase the minimum wages, labour unions in Bangladesh have called several strikes since 2006, as garment workers have not seen any wage increase since 1994. The mass uprising to demand wage increases in 2006 forced the Bangladesh government to increase the minimum wage from 4300 to 5300 taka (US$49)[20] per month. However, women's relative wage has declined as they earn 12.2% less than a man does (Hasan and Rahman, 2019)[21].

Several militant protesters advanced workers' interests historically but are increasingly delegitimised and subject to violent crackdowns. In 2016, labour groups had walked out of the local factories seeking justice over the death of a garment worker in Ashulia and in demand for a tripling of the minimum wage from 5300 to 16,000 taka ($190) per month. The Bangladesh Government supported employers by evoking its rights to preventative detention under the Special Powers Act (1974) to arrest labour organisers and detain workers. Hundreds of workers were either suspended from work or arrested by the police (Ashraf and Prentice, 2019). However, the Bangladesh Government responded to the calls from global buyers to release the detained workers and organisers after H&M, Inditex/Zara, C&A, and Next threatened to boycott the Dhaka Apparel Summit scheduled for 25 February 2017. The UK-based Ethical Trading Initiatives (ETI), Global Trade Union Federations such as IndustriAll Global Union and UNI Global, along with

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[19] Supporting decent wages for Bangladesh's garment workers - Global Living Wage Coalition
[20] 5,300 BDT to USD - Bangladeshi Takas to US Dollars Exchange Rate (xe.com)
[21] Male-Female Wage Gap and Informal Employment in Bangladesh: A quantile Regression Approach | CPD

various national and international labour advocacy groups, campaigned for months for the release of the detained workers and organisers (Ashraf and Prentice, 2019). That proved that the coordinated approach of alliances works in promoting labour rights. In January 2017, global brands including H&M, Inditex, Gap, C&A, Primark, and Next urged Prime Minister Sheikh Hasina to support a wage review (Human Rights Watch, 2017)[22]. In 2018, the Bangladesh wage board reviewed the minimum wage to increase it to 8000 takes, but that fell short of what the unions demanded. Workers and unions rejected the pay structure as they found that the proposal met just half of their demand; they were expecting at least 16,000 takas (US$190) to meet the living wage (the Daily Star, 2019)[23].

A further protest demanded a wage increase, which turned into violent behaviour. CIVICUS, a global alliance of civil society organisations and activists, reported that almost 5000 workers producing cloth for international brands were sacked due to participating in the wage strike in December 2018. One worker died, and hundreds of others were injured during the police retaliation. The police arrested hundreds of workers from the street (Gaebee, 2019)[24]. Workers' pay structure was revised after the Prime Minister's directives amid unrest for eight days in Dhaka in January 2019. However, this slightly increased the revised structure; see Table 2.1.

Table 2.1: Wage comparison, Sources: Bangladesh Gazette 2019, Source: The Daily Star, Saturday, 14 January 2019.

Wage Comparison between 2013, 2018, and 2019 (revised) in Taka								
Grade	Basic wage in 2013	Gross wage in 2013 incl. allowances	Basic wage 2018 gazette	Revised Basic wage 2018	Allowances				
					House rent 50%	Medical	Transport	Food	Total Wages incl. allowances
VII	3000	5300	4100	4100	2050	600	350	900	8000
VI	3270	5678	4370	4380	2190	600	350	900	8420
V	3530	6042	4670	4683	2342	600	350	900	8875
IV	3800	6420	4930	4998	2499	600	350	900	9347
III	4075	6805	5160	5330	2665	600	350	900	9845
II	7000	10900	8520	9044	4522	600	350	900	15416
I	8500	13000	10440	10938	5469	600	350	900	18257

[22]Bangladesh: Stop Persecuting Unions, Garment Workers | Human Rights Watch (hrw.org)
[23]Govt publishes revised Bangladesh garment workers salary structure (thedailystar.net)
[24]CIVICUS Global Alliance

According to the Bangladesh Gazette on wages (Table 2.1), new employees receive the minimum wage at grade VII, whereas 'the most senior workers' receive a grade I salary. However, only a few workers secure senior positions as they tend to leave their jobs early because of poor organisational behaviour and huge workloads (Islam et al., 2018). Moreover, women are forced to leave their jobs or are fired after pregnancy, as employers tend to escape paying for maternity leave and benefits (Human Rights Watch, 2015)[25].

2.8.3 Labour Laws and Trade Unions in Bangladesh

The Bangladesh regulatory framework is based on English company law, security exchange law, and international accounting standards (IAS). The first labour law—The Factory Act—was enacted concerning different labour issues such as working hours, employment of children, maternity benefits, trade union activities, and wages during the British period in 1881. Some other regulations were introduced during the British period (Hossain et al., 2010), such as the Workmen's Compensation Act (1923), the Trade Union Act (1926), the Trade Disputes Act (1929), the Payment of Wages Act (1936), the Maternity Benefit Act (1939), and the Employment of Children Act (1938). Also, several industrial regulations were introduced to revamp industrial development, such as the Industrial Relations Audience 1969, the Industrial Policy Act of 1973, the Industrial Policy of 1982, the revised Policy of 1986, and the Industrial Policy of 1999 and 2010 (Younus and Yamagata, 2012).

Following independence on 16 December 1971, the Bangladeshi government retained existing labour laws (President Order No. 48). However, in 2006, the government revised Bangladesh Labour Laws (BLLs) as The Bangladesh Labour Act, 2006, in line with ILO core conventions that were consolidated and updated in 25 separate acts. The Bangladesh Labour Act, 2006[26] has given employers flexibility in hiring non-regular workers (apprenticeship, casual, probationary, and temporary), enabling them to escape payment of various workers' benefits and avoid unionism. Moreover, employers are not required to give any reason to terminate a worker, and any self-defence against termination is prohibited. Punishment of labour law violations is not spelt out in the bill, and the law is sometimes silent as an example of eliminating forced labour (Hossain et al., 2010).

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[25] "Whoever Raises their Head Suffers the Most": Workers' Rights in Bangladesh's Garment Factories | HRW
[26] Bangladesh - Labour Act, 2006 (XLII of 2006). (ilo.org)

In the aftermath of Rana Plaza, the Bangladesh government responded to the calls from the EU, the USA, Canada, and ILO to form the Bangladesh Sustainability Compact. The key focus was to reform the labour law, protect the right to freedom of association, and ensure fire and building safety. The Bangladesh Labour Act of 2006 has been amended twice (in 2013 and again in 2018), and the Bangladesh Labour Rules were formulated in 2015 (focusing on service rules, appointment letters, holidays, wages, health and safety, misconduct, investigation etc.)[27] In response to calls for revisions to the 2013 Rules. The Bangladesh government formulated the Occupational Safety and Health Policy in 2013 and the EPZ Act in 2019.

The Bangladesh government made the formation of participation committees and safety committees mandatory for every garment factory under the Bangladesh Labour Act (BLA), 2006, which was a significant step for workers and unions to collaborate closely with employers and management. According to the BLA 2006, the participation committee shall be formed with representatives of the employers and the workers in equal share. The committee's function is to promote mutual trust, understanding, and cooperation between the employer and the workers to ensure the application of labour laws. The committee is responsible for fostering a sense of discipline and improving and maintaining safety, occupational health and working conditions, welfare services (for the workers and their families), training (vocational, workers education and family welfare), and productivity by meeting production targets and reducing production costs and waste.

In the aftermath of Rana Plaza, the Accord requires firms to form health and safety committees for their affiliated factories to report safety hazards. The Bangladesh government supported this drive by reforming the labour law in 2013. According to the law, a safety committee needs to be formed with 6 to 12 people with equal membership of employer and worker representatives in any garment factory employing more than 50 people (Bair et al., 2020).

The safety committee has been assigned a range of duties under the law, including arranging for education and training on workplace safety, creating safety reports (with recommendations) for management, and arranging meetings to discuss safety issues every three months, among other directives. The government also amended BLA 2006 on the participation committee, where the employer is restrained from taking revenge against participation committee members who have acted in good faith as members of such a committee. Under the revised policy, the participation committee will be elected directly with workers' votes. Also, workers can elect 10% of their trade union officials for the executive committee from outside the workplace. The law includes several

provisions to improve workplace safety. However, it does not consider many concerns of trade unions and ILOs about freedom of association, collective bargaining, union registration, and the participation committee. The efficacy of union participation in these programmes is widely unknown as, according to Human Rights Watch (2015), union members are still facing a daunting environment such as violent retaliation, termination of employment, harassment, sexual violence, and torture in the workplace and beyond (Human Rights Watch, 2015)[28].

Reforming the Department of Inspection for Factories and Establishments (DIFE) with the Labour Inspection Management Application (LIMA) was another excellent step the government took where the LIMA collects, stores, and analyses labour inspector data. The DIFE proposed that the government recruit 575 inspectors (Graph 2.6) to cover its operational level; however, by March 2018, the total number of labour inspectors stood at only 312, seemingly plateauing. The Ministry of Labour and Employment (MoLE) and Bangladesh Garment Manufacturers and Exporters Associations (BGMEA), in support of the ILO, formed the National Tripartite Plan of Action (NTPA) to deal with structural safety and fire and electrical safety in Bangladesh. The DIFE also worked with the ILO to develop a harmonised Remediation Coordination Cell (RCC) under NTPA that launched on 14 May 2017 to oversee factories' remediation under the national initiative. DIFE inspectors have been trained to support non-compliant factories in developing Corrective Action Plans (CAPs). The RCC is monitoring the implementation of CAPs and conducts engineering assessments.

Labour inspectors recruited 2013-2018

Graph 2.6: Recruitment of labour inspectors in Bangladesh. Source: European Commission 2018).

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[28] "Whoever Raises their Head Suffers the Most": Workers' Rights in Bangladesh's Garment Factories | HRW

Trade unions are just over a hundred years old in the Indian sub-continent. Under the British colonial regime, the first modern trade union was founded on 27 April 1918 at Binni Karnatic Mills in Madras, although trade union activities continued to be seen as illegal and prohibited until 1926. The Indian Trade Dispute Act of 1929 prohibited strikes and lockouts in public utility services. However, these activities were recognised outside public utilities (Islam and Asaduzzaman, 2015).

Concisely, the multiplicity of labour unions, the power of labour autocracy, trade union imperialism, the politicisation of labour unions, and many antecedents in the colonial period emerged during the period under Pakistan rule (1947–1971). However, leftist labour organisations such as the Chatkal Sramik Federation and the Purba Pakistan Sramik Federation played significant roles in organising various militant labour movements after 1961 (Alamgir and Banerjee, 2019).

In the 1960s, the military dictator, General Ayub Khan, introduced factory-level unionism as part of an anti-communist campaign to extend the military regime's hegemony over the working class (Rahman and Langford, 2012). Collective bargaining remained prohibited and was only recognised (in the present Bangladeshi territory) in 1969 under the Industrial Relations Ordinance (IRO) Act 1969. The IRO could not bring the desired changes due to suspending many labour rights under a state of emergency and needing more institutional policy to implement the law (Al Faruque, 2009).

After Bangladesh gained independence in 1971, all its industries were nationalised. Following independence in 1971, the Bangladesh Government adopted the Labour Policy Act 1972. The Act recommended reducing trade union activities in welfare organisations and restricted collective bargaining and the right to strike in nationalised industries under Presidential Order No. 55 of May 1972. In 1973, the right to strike was withdrawn, and the following year, all union activities were suspended under the Emergency Power Ordinance of 1974 (Islam and Asaduzzaman, 2015).

However, the Awami League government introduced a progressive labour policy under a socialist economic policy that initiated workers' participation in management. A workers' management council was formed due to all the nationalised industries. General Ziaur Rahman then banned this attempt under martial law after the Awami League government was ousted in a brutal military coup in 1975, in which the founder of the country, Bangabandhu Sheikh Mujibur Rahman, was

assassinated along with 18 of his 20 family members. Ziaur Rahman gained de facto power as head of the government under martial law imposed by the Mushtaq government. The trade union ban was lifted in 1977 with a mandatory provision to register all labour unions. Ziaur Rahman became President in 1977, introduced a privatisation policy prescribed by the World Bank and IMF, and sold many nationalised enterprises cheaply to his party supporters. The labour movement (1977–1981) was at a standstill. During this period, transnational corporations began outsourcing garment products in Bangladesh (Rahman and Langford, 2012.)

Bangladesh moved to neoliberalism under the military regime (1981–1990) led by General Ershad. This became the engine of growth, and private entrepreneurs did everything to stop unions in the workplace (Rahman and Langford, 2012). It was not until the Bangladesh Labour Act (BLA) was enacted in 2006 that trade unionism was given a legal framework in Bangladesh (Islam and Asaduzzaman, 2015). The Bangladesh Labour Act of 2006 constitutes the framework legislation ensuring freedom of association and the right to collective bargaining for workers and enabled EPZ workers to form a workers' welfare society in 2010 (Ashraf and Prentice, 2019).

Many trade unions in Bangladesh are linked with the international union federations. The IndustriAll Bangladesh Council (IBC), affiliated with the IndustriAll Global Union (IGU), is the largest platform for trade unions, comprising 20 federations in Bangladesh. The IndustriAll Global Union represents more than 50 million workers from 140 countries in the mining, energy, and manufacturing sectors. The IBC works with the ILO and National Coordination Committee for Worker's Education (NCCWE)[29] To promote health and safety and labour standards in the Bangladesh garment industry.

Trade unions in Bangladesh are divided into two categories: basic trade unions and trade union federations. The basic trade union is generally formed at the industry level, with the support of at least 20% of workers. The trade union federation is a body of basic unions (Islam and Asaduzzaman, 2015). At least two or more registered unions at the same industry level can constitute a federation, but at least 20 registered unions must be registered nationally. There are two types of trade union federations in Bangladesh: industrial federations and national federations (ibid). The industrial federation works within a particular industry jurisdiction related to the jute workers' federation, the textile workers' federation, and the garment workers' federation. Such federations provide a common platform that formulates a charter of demands and conveys

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[29] NCCWE is also a unique platform of 14 central trade union federations affiliated with the International Trade Union Confederation (ITUC), the World Federation of Trade Union (WFTU) and the International Transport Workers Federation (ITF).

workers' grievances to the relevant authority to take necessary steps. The National Trade Federation represents unions nationally; it is an apex organisation of trade unions and consists of two or more trade federations, irrespective of job categories. There are the branch committee and the regional committee of trade unions, where the branch committee is an organ of the central committee that collects subscriptions from members. The regional committee is the zonal committee to maintain effective communication between the central and branch committees (Tahar and Nimalathasan, 2012).

There are currently 666 basic trade unions at a factory level in Bangladesh, representing 266,351 garment workers, or 5.3% of the industry's total workforce, and a total of 202 trade union federations (Graph 2.7), of which 48 belong to the garment sector (Department of Labour, u.d.).[30]

Total Federations (202)

- National: 32
- Garments: 48
- Industrial: 121
- Leather
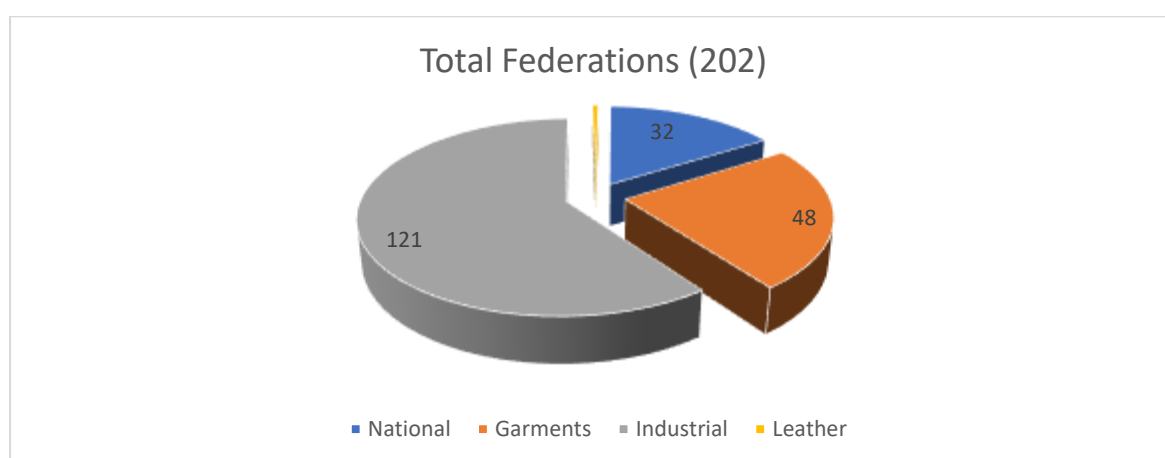
Graph 2.7: Registered union federations in Bangladesh, Source: Department of Labour Bangladesh. Data was updated in 2018.

As international pressure mounted after the Rana Plaza disaster, trade union registrations increased sharply in the garment sector, but the government continued to limit union power on freedom of association and collective bargaining. Thus, there is a high number of rejections of applications for union registration, and according to the International Trade Union Confederation (ITUC), nearly half of all applications in the RMG sector were rejected by the Ministry of Labour and Employment.[31].

While the government introduced an online registration system for trade unions in March 2015 to promote transparency and accountability in the application process, the staff of the Department

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[30] http://103.48.18.197/en/trade
[31] The Government of Bangladesh Is Failing Its Workers - International Trade Union Confederation (ITUC-csi.org)

of Labour in Bangladesh and factory workers needed to become more familiar with the online application process. On its official visit to Bangladesh in 2016, the ILO disclosed that elevated bureaucratic procedures and control measures were potential barriers to union registration. The European Commission reported that only 291 online applications had been accepted out of 801, whilst the status of 509 applications remained unclear (European Commission, 2018)[32]. However, the Department of Labour has requested additional training from the ILO to help create more understanding and awareness about the system. An agreement has been signed between the ILO and the Department of Labour to upgrade the online database system for registering trade unions and compliant management for unfair labour practices and anti-union discrimination (ibid).

Labour in Bangladesh remains in a weak bargaining position because of increased unemployment rates and poor per capita income for many young female workers. Moreover, workers face a potential loss of employment and harassment due to their active participation in labour unions. Such conditions provide a competitive advantage to employers and the government to control the exercise of freedom of association (Ashraf and Prentice, 2019). Factory-based unions often negotiate with management to resolve issues before calling strikes in response to management's unwillingness to consider their demands. Union federations like the IBC Limited provide general advice but only become directly involved with factory-level disputes if the situation demands a collective response.

However, labour unions have long been involved in anti-colonial and nationalist struggles and have always sought patronage and support from political parties as they did not have a strong presence in the workplace before and after independence in 1971. Affiliation to political parties prevents trade union expansion but restricts a leader's capacity to pursue workers' concerns and stops labour unions from becoming formal collective bargaining agents (Ashraf and Prentice, 2019). Trade unions try to secure political affiliation to get advantages from the government. Almost all major political parties have affiliated trade union federations in Bangladesh (Khan, Brymer and Koch, 2020).

After the Rana Plaza incident in 2013, labour unions have been allowed to play a vital role in the ILO programmes and the Accord governance to promote labour standards. However, questions remain about how labour unions in the Bangladesh garment sector experience the implementation of global agreements on factory safety compliance and how their involvement,

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[32] Trade - European Commission (Europa. eu) https://trade.ec.europa.eu/doclib/docs/2018/september/tradoc_157426.pdf

interactions, and integration reconfigure governance norms by creating new compliance regimes (Alamgir and Banerjee, 2019). The following section addresses the ILO initiatives on labour rights issues in Bangladesh.

2.8.4 ILO Initiatives in the Promotion of Labour Standards in Bangladesh

The ILO has committed to developing greater coherence among multilateral institutions concerning labour standards and trade. However, the ILO is far from becoming a global arbiter or enforcer of labour standards as it cannot impose penalties for violating rules. Therefore, the issue of labour rights has been left in the hands of an organisation structurally incapable of enforcing its provisions and mandate (Richard, 2000). Although the ILO is the central institution in the field of labour, in the chorus of international institutions, it is also the weakest (Frege and Kelly, 2013).

The ILO seeks to develop better working practices throughout their activities in the nation-states, but there needs to be more information about the effectiveness of such efforts (Takeda, Run-Grueger, and Bray, 2020). The ILO needs to be addressed in the governance of the global supply chain as the global supply chain has undermined the tripartite structure of the ILO in nation-states in the governance of labour standards. The global supply chain poses a significant challenge for the ILO when it refuses to accept member states' jurisdiction (Thomas and Turnbull, 2018). However, the ILO increased its stake in multi-stakeholder initiatives to improve workplace practices, and the Better Work Programme is a typical example of such initiatives (Jakovleski, Jerbi and Biersteker, 2019). The ILO has taken a variety of approaches to enhance workplace rights and industrial relations in the Bangladesh garment industry through the Better Work Bangladesh (BWB) programme and the Social Dialogue and Harmonious Industrial Relations (SDIR) programme, but, as the programmes are limited to just a few factories, their effectiveness is not widely known in the early literature.

In Bangladesh, the BWB project is run through a unique partnership between the ILO and the IFC and works in collaboration with the government, workers, and employers towards improving working conditions[33]. The BWB programme enrolled 160 factories in the first phase (2014–2017), representing approximately 307,563 workers. In the second phase, the project targeted 400 factories, but until December 2018, it covered only 200 factories (ILO, 2017)[34]. Better Work has

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[33] Home - Better Work
[34] Better Work Bangladesh Programme (BWB) (ilo.org)

its roots in a different hybrid model of public–private partnership, but the governments under which Better Work operates are not part of its governance structure. The ILO governance structure was formed with the donor governments, with representatives from the ILO, IFC, workers, and employers. The ILO has their own monitoring and inspection programme but does not publish all inspection reports or compliance information to the public. Firms typically pay for their service and cannot impose any penalties on the suppliers for non-compliance. The ILO has no power to exercise at the point of production. They exert considerable efforts to convince buyers and suppliers to join their programme (Anner, 2017).

The BWB focuses on building relationships with management and workers to identify and solve problems in the workplace. The BWB programme has provided skill training to 155 female workers to become supervisors, of which fifty-eight women have been promoted to a supervisor role in the first phase. In the second phase, they implemented two programmes, such as Mother@work, to promote maternity and Breastfeeding protection services in 80 factories. The Bangladesh High Court also recently ordered all factories to set up breastfeeding corners with immediate effect (The Business Standard, 2020)[35].

The ILO introduced the SDIR (Social Dialogue and Harmonious Industrial Relations) project in Bangladesh on 29 October 2017, a five-year project focused on establishing a sustainable partnership between the government, employers, and workers. The project has aimed for I) the sustainable improvement in social dialogue, workplace cooperation and grievance handling; II) the establishment of sustainable and effective mechanisms for conciliation and arbitration; and III) enhanced capacities of employers and workers' organisations to engage in dialogue and to prevent and resolve disputes (ILO, 2018).

The project's first phase comprises 61 factories (20 unionised and 41 non-unionised) in piloting activities. Under this initiative, a pilot project is undertaken to elect a participation committee in the factory, excluding the employers' involvement. Moreover, the project undertakes a range of training programmes that include training workers as master trainers on workplace cooperation, grievance handling, and collective bargaining (ILO, 2018). In the second phase, the centre provides legal advice to workers and factory unions on grievances and promotes women workers' active participation in the trade union. The final phase aims to develop unions' capacity to engage with the government and employers (ibid) effectively. A Workers' Resources Centre has been established in association with NCCWE and IBC to promote the services to their members,

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[35] Set up breastfeeding corner at all factories: High Court | The Business Standard (tbsnews.net)

funded by Sweden and Denmark. The Workers' Resource Centre was launched to build trade union capacity in Bangladesh's RMG sector (ibid).

The ILO ensures four workplace rights as basic labour market norms—i.e., elimination of forced labour, non-discrimination, the abolition of child labour, freedom to association and bargaining collectively—that were introduced in the Declaration on Fundamental Principles and Rights at Work in 1998 (Berik and Rodgers, 2008). However, ILO initiatives to improve labour standards at the workplace remain questionable as to what extent they are effective (Ullah, 2015).

Although private regimes are often layered over public ones, this gives us less understanding of how the ILO programmes in Bangladesh influence the enforcement of domestic labour law (Bair et al., 2020). The ILO had several years to work on their projects. However, despite global governments donating millions of dollars to their project, they were unsuccessful in influencing the government to amend many of its laws or to enforce existing laws (Khan, 2020). As the only tripartite UN agency, the ILO exercises moral authority to oversee how member states apply their conventions in law and practice (Zaman, 2015). The ILO plays an integral part in Bangladesh's labour standards transition. However, more information needs to be revealed on how ILO programmes shaped labour standards and union rights in Bangladesh's garment industry in the aftermath of Rana Plaza.

2.8.5 Accord and Alliance Initiatives in the Promotion of Labour Standards

Beyond the ILO, agreements between organised labour and international corporate brands across the supply chain as a response to the Rana Plaza disaster have taken two competing forms: on the one hand, enforceable governance contracts, as exemplified by the Accord on Fire and Building Safety (henceforth, the Accord); and on the other hand, nonbinding governance mechanisms, as exemplified by the Alliance for Bangladesh Worker Safety (henceforth, the Alliance).

The Accord is a legally binding agreement between global brands, retailers, and unions within a transnational governance approach (Scheper, 2017); thus, it was negotiated by corporations and organised labour, including eight of their Bangladesh-affiliated unions, on 15 May 2013, in the immediate wake of the Rana Plaza disaster. Renewed in 2018 for three years, the Accord covers over two million workers, over 1600 factories, and 190 brands. It requires signatory brands and

retailers to respect workers' rights in the event of unsafe working conditions, discrimination, and forced labour (Accord, 2020)[36].

Conversely, the Alliance is a legally binding five-year commitment formed by 28 major global retailers, constituted at the same time as the Accord, with the corresponding intent of improving safety in the Bangladesh RMG sector. Alliance members represent most North American brands outsourcing ready-made garments from more than 700 factories in Bangladesh: US brands baulked at the directly enforceable and binding nature of the Accord. The Alliance has material differences from the Accord as the multinational companies control it, and there was no independent chairperson and union involvement (Croucher et al., 2019). It has no mandatory compliance mechanism; whilst an independent Chief Safety Inspector is appointed under the Accord, under the Alliance, global brands can select inspectors for their supplier factories (ibid). The Accord adopted a pluralist structure in which labour was recognised as a key stakeholder at the decision-making level. However, workers had no representation in the Alliance, although both platforms partnered with brands, government, unions, and employers through a legally binding agreement.

The Accord requires factories to create a health and safety committee, a safety training programme, and a complaint mechanism for workers to report safety hazards. The Accord has, however, faced difficulties in proceeding in a manner consistent with Bangladeshi law, which allows safety committee members to be appointed by the participation committee that opposed the Accord requirement for a safety committee to be elected by the workers. The Accord had to develop an approach toward working with the safety committee in line with the government policy that limits what the Accord can do. Although the Accord shares inspection reports with the worker's representative and keeps them informed about remediation, the committee remains under the management's direct control (Bair et al., 2020).

However, the coexistence of the Accord and the Alliance has imposed intense legitimacy pressure on brands and suppliers to maintain safety standards and compliance under the global spotlight (Salminen, 2018; Kabeer et al., 2019). The Accord and the Alliance aim to overturn the decades of labour rights issues and industrial relations in the garment industry (Ahlquist and Mosley, 2021). Moreover, because of new safety measures of the Accord and the Alliance, many garment factories have been forced to shift their production unit from the capital to rural areas out

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[36] The Bangladesh Accord on Fire and Building Safety in Bangladesh

of concerns over the congested and unhealthy factory environment (Schoen, 2019). Although, there needs to be more research that explores firms' and state responses to business practices under Accord and Alliance operations (Schuessler, Frenkel and Wright, 2019).

Although the Accord and the Alliance address safety standards, more information is needed about the politics and weaknesses of the lead firms that joined these platforms (Schuessler et al., 2019). However, suppliers' firms experience unequal distribution of bargaining power as, in many instances, they are forced to speed up production to offer a comparatively low price to buyers (Kabeer et al., 2019). Where price plays an important part, standards tend to command less attention for many retailers.

There is a significant debate on how the region functions with new forms of private governance, considering current power and resource distribution trends in the supply chain, weak state legal systems, and management behaviour, all of which require further study (Donaghey and Reinecke, 2018). Hence, the study on the Bangladesh RMG industry is essential as it enables us to understand how global flows and places influence labour standards in developing countries. For Croucher and colleagues, one of the critical strengths of the Accord is that it can mobilise the 'complementary institutional capacities' of global union federations and consumer NGOs in the light of the absence of local union capacity (Croucher et al., 2019: 550). Although this suggests that the Accord has teeth, for Scheper, this is consequential; indeed, what makes the Accord work is also its principal weakness—in other words, its incapacity to challenge established power relationships within the supply chain. He argues:

> The Accord marks a practice of implementing ethical demands under conditions of supply chain capitalism. Under these conditions, labour networks have become part of a multi-actor governance approach based on a binding agreement between capital and labour, which follows the constitutive rules of the global production network (GPN). The governance arrangement, therefore, does not oppose fundamental conventions of supply chain management; it instead relies on these very conventions in its agreement with transnational buyers, as the collective power of buyers is systematically used to increase pressure on suppliers to implement factory safety measures. This is what makes the Accord functional (2017:1070).

The Accord has generally been seen as a positive development. As of 1 June 2020 (under Accord terms), it received a total of 2174 complaints, of which only 40% were accepted under Occupational Health and Safety (OSH) including unsafe drinking water supply, excessive heat, workplace violence, forced overtime, denial of maternity pays, denial of maternity leave, and sexual harassment; 35% were related to non-OSH issues such as poor wage, non-payment, forced to resign, denied entry after sickness, termination from a job for low skills, termination

without prior notice, disputes on leave entitlement, verbal abuse and death threat etc.; and 25% of the complaints were either not processed or withdrawn as they might not fall within any category (Accord, 2020)[37].
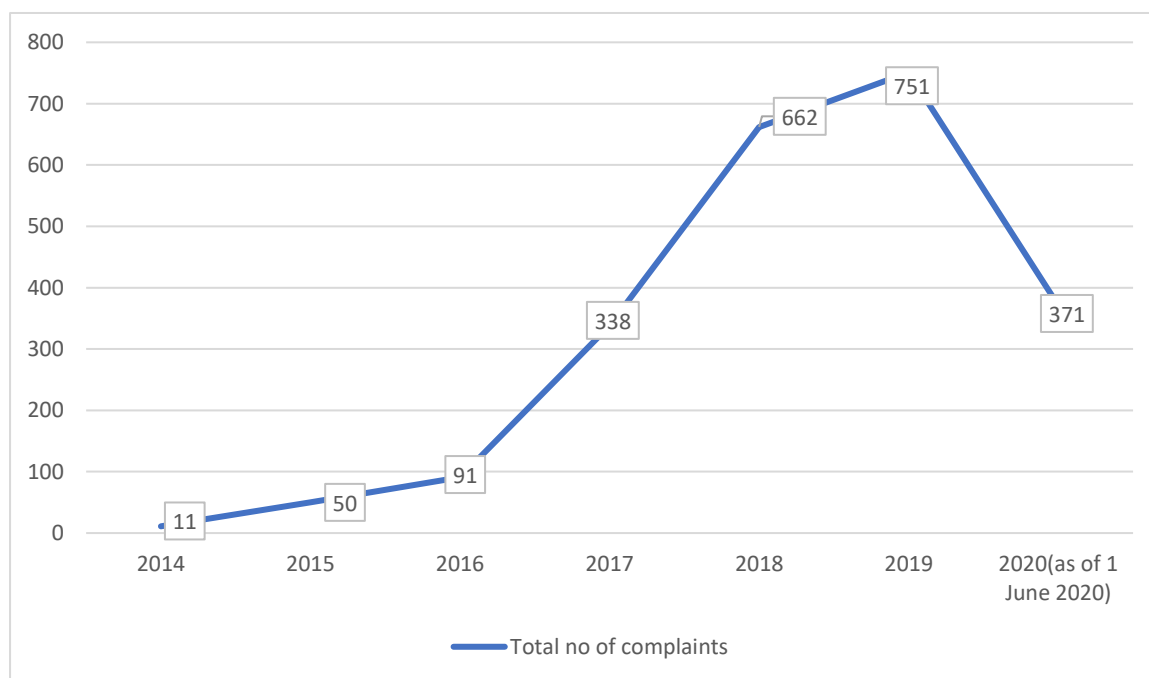
Graph 2.8: Safety and Health complaints received by the Accord since 2014 (Accord, 2020).

Graph 2.8 shows that safety and health complaints suddenly increased from 2017 after the 2018 Transition Accord agreement[38] signed on 21 June 2017, boosted workers' rights to freedom of association and the right to refuse unsafe work.

The Accord conducted 32000 follow-up inspections as of 1 June 2020. After the follow-up inspections, the factory and the company signatories are tasked with a CAP, which sets out the remedial actions with concrete timelines for completion. The Accord has 34 case handlers who support CAP development and implementation and work with Accord engineers to provide technical guidance. The Accord required signatories' brands and suppliers to confirm that a remediation finance plan was agreed upon for each factory by 1 April 2018.

According to the Accord, 92% of the 1629 factories covered by the agreement have made progress on initial safety remediation measures, with 279 factories completing initial remediation as of 1 June 2020 (Accord, 2020)[39].

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[37] The Bangladesh Accord on Fire and Building Safety in Bangladesh
[38] The Bangladesh Accord on Fire and Building Safety in Bangladesh
[39] The Bangladesh Accord on Fire and Building Safety in Bangladesh

Much less extensive than the Accord, the Alliance covers 654 factories, of which 93% of initial remediation was completed across Alliance-affiliated factories by the end of 2018. Alliance provided basic safety training to workers and fire safety training to the affiliated factories' security guards. Both platforms provided a loan scheme to their affiliated factories to undertake remediation at the factory. In partnership with the IFC, the Alliance released $50 million to five local banks to provide low-interest loans to factory owners. The Alliance also works with the Department Credit Authority (DCA) to create a fund for $18 million for small and medium-sized export-oriented factories that may not be eligible for the IFC programme's loan. Loans were made available for the inspected factories and had a CAP in place (Alliance, 2018)[40]. The Accord has also agreed with the IFC to provide $50 million of RMG factory remediation loans. Under the Accord plan, participating brands and retailers need to negotiate commercial terms with their suppliers to ensure that factories have the financial capacity to comply with remediation requirements through loans, joint investments, or paying for renovations directly by themselves.

However, brands have been blamed for non-cooperation with the Accord, as a (un-named) major apparel brand was forced to pay $2.3m to fix issues in more than 150 garment factories in Bangladesh, following a two-year arbitration process, with the case heard at the permanent court of arbitration in The Hague. The case was brought after the IGU and the UNI Global Union argued that necessary safety features at the factories, such as the presence of locked gates, structural faults, and lack of fire doors and sprinkler systems, had not been addressed despite pledges to the contrary (Rushe, 2018).[41]

Critics have argued that garment factories are still in real danger under the stewardship of the Accord: as an example, a fire broke out in the Matrix sweater factory on 2 February 2016 and injured 15 garment workers while workers produced garment products for H&M and JC-Penny. The Accord inspected the factory in October 2015 and was certified as a safe workplace. There was also a controversial issue related to the Alliance. The Alliance inspected the Smart Group's garment factories and gave clearance as a safe working place after approving all remediation works as completed. Nevertheless, during the Accord's scheduled inspection, the Accord engineer reported the corrective works to be unsatisfactory and terminated their ties with Smart Jeans. However, Smart Jeans took Accord to court, and the Accord resumed Smart Group's

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[40] https://www.bangladeshworkersafety.org/what-we-do/remediation
[41] Unions reach $2.3m settlement on Bangladesh textile factory safety | Retail industry | The Guardian

license as a verified exporter to comply with the interim order of the High Court Division of Bangladesh (Mirdha, 2018)[42] **.**

The Alliance ceased its operations in Bangladesh on 31 December 2018. While the Accord continued under a transition arrangement from 2018 until May 2020, it was subjected to a restraining order from the Bangladesh High Court, compelling it to close its operations in Bangladesh.[43] The Accord steering committee signed a Memorandum of Understanding on 1 June 2020 with the BGMEA, the BKMEA, and its signatory unions to form the RMG Sustainability Council (RSC) to continue Bangladesh's fire and building safety programme.[44]. The agreement advances the fundamental elements of the Accord, including the continuation of safety committee training and the independent complaints mechanism, the respect for freedom of association, a high level of transparency, and provisions to ensure that remediation is financially feasible; the Accord and the Alliance together created an opportunity for workers and labour unions to play a positive role within and beyond the workplace to promote their rights and standards, but it is worth examining the factors that impede them.

2.9 Summary

The literature review suggests that global initiatives in establishing labour standards eventually provide routes to the erosion of labour standards rather than to protect them. MNCs, firms' and states' responses have minimal effect in promoting labour standards as local and global actors continuously position themselves for growth and productivity first, people later. As the effectiveness of national labour laws and private standards persistently shows weaknesses, power relations and resources become significant factors influencing labour standards in the global supply chain. Scholars examined how labour rights and working conditions have been influenced by the global and national framework and arrangements (Cumbers et al., 2008) in early literature but acknowledge that different frameworks and initiatives had different consequences that mostly favoured MNCs (Kuruvilla and Verma, 2006).

A range of private regulatory efforts, codes of conduct, monitoring programmes, and certification schemes in private governance systems have emerged to address labour issues in the global

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[42] http://sandbox.thedailystar.net/business/accords-extension-now-more-difficult-1560520
[43] Accord closure to make 532 factories ineligible to produce goods for its signatories (textiletoday.com.bd)
[44] The Bangladesh Accord on Fire and Building Safety in Bangladesh

supply chain in the absence of a national solid enforcement system (Morris et al., 2021) failed to take account of the structure and power relations of the supply chain, as 'claims are made for potentially beneficial influence of MSIs, auditing protocols and trade instruments privilege the cascading of objectives and commitment' (Tartanoglu Bennett, Hammer and Jenkins, 2021:4).

Although scholars pay substantial attention to voluntary regulations as tools to improve labour standards, early research suggests that a combination of state laws and private standards is necessary to address labour rights issues in the global supply chain, as each may prove ineffective while acting alone (Locke et al., 2013). It is also imperative to identify the behaviour of the actors in the governance systems which influence labour standards in the global supply chain.

This chapter demonstrates the challenges and opportunities for labour unions to promote labour rights and standards within different strategies and frameworks. The Rana Plaza disaster sent shockwaves worldwide that demanded the transformation of labour governance in the garment industry. Trade unions saw the Accord as a new hope in the transition of labour standards. However, in the context of severe constraints from powerful domestic actors aiming to discredit trade unions, the overall effect of these reforms on labour standards is yet to be fully evaluated (Zajak, 2017).

The ILO aims to provide training programmes to workers and unions to build capacity in collective bargaining in the aftermath of Rana Plaza, as they find that this is vital to reinforce union power, but as their activities were limited to client factories only, how the trade unions on the broader community have benefitted from training demands further discussion. The union's gaining power depends on how they exercise their voices, perceive information, and use or process this information within their community. Although union registration increased markedly shortly after the Rana Plaza collapse, it has gradually declined. Hence, it needs to be clarified what factors have taken root to drive out the union movement at the beginning of the Renaissance despite the Alliance and the Accord's initiatives to maintain effective communication channels with workers' organisations. ILO's abilities to influence labour standards are generally restrained by the increased power of new actors in the global governance system. The question remains whether ILO took adequate steps to tackle global pressure in favour of labour. However, the fact is that ILO never had a policy that stood out as a successful monitoring and enforcement mechanism in international standards and needed more initiative to empower unions at their sites of production.

As major powerful multinational brands were the source of power and resources in the Accord and Alliance operations, it leads us to query how effective the Accord and the Alliance are in promoting labour standards. Although the industry enjoys economic growth, labour suffers due to the growing demand for its flexibility, deregulation, speeding up production for meeting targets, on-time delivery, decentralising its production system, exploration of new markets with technology innovation, and increased mobility of capital (Inda and Rosaldo, 2008). These factors create space for further discussion over how global flows inherently impact labour in the supply chain and a need to explore the power struggles and resources that impact the genuine efforts of actors in promoting labour standards. Even though the industry has enormous potential for growth and productivity, given the current structure of the industry, private governance initiatives, labour laws, and the union's position, the study promulgates a fundamental question as to how actors behave in their proximity towards labour rights and standards under global pressure and arrangements.

CHAPTER THREE

Theoretical Framework

3.1 Introduction

This chapter provides an overview of the theoretical framework employed in this study based on two perspectives. First, it seeks to draw a picture of how globalisation has influenced labour standards in the material sites of production. It also brings into tension several arguments put forward by different scholars on institutional behaviour concerning standards and practices in the workplace. Here, the researcher pays particular attention to Castells' (2000) theory of the *space of flows* (where capital is mobile and versatile) and the *space of places* (which are localised and fragmented), which, together, define the factors that influence the capacity of unions to influence labour standards in the material sites of production. Following Castells, the research contends that the de-territorialisation of capital privileges concentrates command and control over place-based and low-resource groups to maximise corporate profit, inherently impacting labour standards.

In this section, the researcher, therefore, discusses how capital liquidity wields power over place-based resources, mainly through regulation of labour and production in the supply chain (through the distribution of other resources such as capital, technology, organisation (management elites), and private standards or codes (Castells, 1989)). However, maintaining labour standards through labour regulations or codes of conduct lies in the intentions and actions of institutional actors in the workplace. The institutional theory of decoupling examines the factors associated with institutional behaviour that explain why an institution adopts specific standards but does not implement them (Meyer, 2010; Kuruvilla, 2021).

Second, within this context, this chapter examines how union organisations and representatives may, nonetheless, be able to exploit available political opportunities to promote labour rights in the supply chain, at least theoretically. As non-compliance with negotiated labour standards continues to persist in the workplace, for collective actors representing the forces of production, their available options are the representation of embodied labour and the capacity to relocate power through the collective defence of workplace standards through collective action and solidarity maintenance. Bringing these perspectives together enables the researcher to develop

a framework for understanding action on the ground, in the material sites of production in the garment supply chain in Bangladesh, and discuss how workers and their representative's experience—and are constrained in—their capacity to impose and uphold the everyday reality of globally agreed labour standards.

3.2 Globalisation, Liquidity, and Standards

Hargreaves identifies contemporary patterns of globalisation to be characterised by 'the new political world order that stimulated the most significant historical attempts to regulate and institutionalise global flows and networks with international treaties, laws, organisations, political networks, and alliances' (2002: 28). One of the main drivers of these network processes is foreign direct investment (FDI), which forces a competitive downward decline in wages in developing countries. Sometimes known as the 'Race to Bottom', this dynamics places labour markets at the heart of the globalisation debate (Mehmet, 2006). Reducing the cost of labour remains an integral part of globalisation as capital liquidity enables transnational corporate actors to move location, thereby harnessing regulatory differences and technological change to shift production between geographical locations and exploit the availability of cheap labour (Anner, 2015).

Indeed, for Castells, globalisation is defined as a *network society* organised around processes of de-materialisation and re-materialisation (or de-territorialisation and re-territorialisation), or a series of flows: of capital, of information, of technology, of images, of symbols; of organisational interactions (Castells, 2000). As such, locations are at the centre of all the critical functions of a network arranged around the hub (centres of communication or exchangers) that provide technological infrastructures, support services, specialised labour, and service systems to distribute production, power, and capital, and where resources are deployed (Timberlake and Ma, 2007). Places need material support for economic transformation, but transnational corporate actors use their resources to catalyse deregulation and privatisation, dismantling the social contract between labour, state, and capital. Elite groups develop their own rules and cultural codes to dominate others and avoid democratic challenges, increasing the asymmetrical power relations and interactions between social forces (Ritzer, 2007). The problem of globalisation is, thus, defined by the power imbalances that create inequality and exploitation in the spaces of place under the dominance of transnational capital (ibid).

For Castells, the resulting situation is one where

> the flows of power generate the power of flows, whose material reality imposes itself as a natural phenomenon that cannot be controlled or predicted… People live in places, and power rules through flows (1989:349).

Here, flows connect activities and people in geographical locations through interactive networks controlled by managerial elites (Timberlake and Ma, 2007), whilst capital's capacity to flow away also uses 'rights' to dematerialise and demobilise places. This creates a constant tension between the embodied and the disembodied, the material and the dematerialised (Antonsich, 2011; see also Castells, 2000). Castells explains that

> because function and power in our societies are organized in the space of flows, the structural domination of its logic essentially alters the meaning and dynamic of places. Experience, by being related to places, becomes abstracted from power, and meaning is increasingly separated from knowledge. […] The dominant tendency is toward a horizon of networked, ahistorical space of flows, aiming at imposing its logic over scattered, segmented places, increasingly unrelated to each other, less and less able to share cultural codes (2010: 458-9).

In this reading, power is increasingly extraterritorial, defined by what Bauman (2003: 15) characterises as the

> the fast-growing distance between power (increasingly global and circulating in the 'virtual' or 'cyber' space, and so ever more autonomous about geographical, physical space and politics, which remains, like in the past centuries, local, territory-bound, immobile.

In turn, this produces a 'tightening correlation between extraterritoriality and powerfulness,' where 'the degree of extraterritoriality become[s] the principal measure of might' (Bauman, 2003: 15). Power, indeed, rules 'because it flows'; it lies in the conditions of its disengagement, in its ability to disconnect from the localised labour force which is unable to move (ibid). Similarly, Fraser (2007) argues that power relations in social structures are constituted based on 'spatiotemporal formations' that are no longer primarily located at the national level but are global and local simultaneously (see also Castells, 2009:18).

Similarly, Massey refers to globalisation as a process of space–time compression, which is consequential not just for uneven geographic development but for the unequal capacity of various actors to negotiate these geographies. This emphasis on spatiality accords with an 'emerging approach to politics which stresses anti-essentialism' (Massey 1999: 1), which conceives of space in terms of power (for example, in terms of its embedding within relations of class and

gender) and, as such, opens a space for the political. Her thinking, therefore, draws from an understanding of power relations between actors at multiple scales, which shapes the 'multi-dimensionality of the modern communication system in their development, use, regulations and ownership' (Rodgers, 2004: 275).

For Massey, whilst capital is defined by its capacity to move away, to flow, labour is defined by its fixity, its rootedness in place; moreover, the mobility of the former is central to the lack of mobility of the latter, such that 'mobility, and control over mobility, both reflects and reinforces power'. Here, differential mobility is an artefact of hierarchies of power, where 'the mobility and control of some groups can actively weaken other people' or, indeed, 'entrenches the spatial imprisonment of other groups' in places (Massey, 2008: 260).

At stake here, therefore, is the condition of politics as the place-based capacity to resist a power defined by its absence of spatial fixity. For Castells (2000), places are spaces where collective experience is historically rooted, where 'form, function and meaning are self-contained within the boundaries of physical contiguity' (Castells, 2010: 453). Places seek to connect the local with the global but struggle to develop a new social structure due to the asymmetry of power relations in exchanging material resources for profit maximisation. Places may not have a unique identity because of their internal conflict but provide an internal structure that brings together communities and diversity (Massey, 2010); more broadly, recognising society's spatial structuring is vital to any attempt to understand the pattern and product of relations between actors.

Indeed, as production supply chains have gone global, world cities (or 'mega-cities') have systematically and hierarchically sought to arrange themselves in the capitalist world system to compete for a better advantage. This has produced deregulation, heightened labour segmentation, and enhanced labour market exploitation (Beck and Beck-Gernsheim, 2001; Kabeer, 2004; Timberlake and Ma, 2007). In developing countries, this is enabled through the availability of less skilled and illiterate workers, particularly those who have migrated from rural to urban areas looking for a job in any given conditions (Ritzer, 2007; 2015).

Unsurprisingly, the garment industry inherently depends on these flows of information, capital, products, and materials. Companies require continued investment in new software and associated technologies to maintain customer orders, inventory control, product design, automation, and the flow of materials that impact their profitability and impose increased pressure on labour (Giri and Rai, 2013). Companies implement sophisticated technologies to reduce

optimum lead times; these remain central concerns in the growing global expansion of fast fashion (Takeda et al., 2020).

Technological development and economic pressure reduce the gap between time and space. Many companies operate 24 hours a day to meet increased demand. As market competition grows in the garment supply chain, and buyers remain hard negotiators on price across the chain, suppliers look for a flexible labour force and alternative ways to meet the intake demand within the network. Outsourcing, subcontracting, homework, and hiring temporary, part-time, or seasonal workers are favourable options for many employers to reduce production costs (Inda and Rosaldo, 2008).

Globalisation enables the sharing of information and technology and the (relatively) free movement of goods, people, and ideas between nations; this requires countries to enter into trade agreements (e.g., NAFTA, GATT). Powerful nations, accompanied by the IMF and the World Bank, use frictionless capital and technology transfers to influence developing countries, obliging them to relax their countries' judicial and regulatory frameworks, export and import strategies, and taxation regimes. New conditionalities placed on foreign aid and loans offered by the IMF and the World Bank are contributing factors that drive deregulation and reduce labour standards in developing countries (Inda and Rosaldo, 2008). The IMF typically demands cuts in social programmes, preventing states from meeting their broader responsibilities to their citizens, such as pension support and poverty relief (Robinson, 2007). The IMF and the World Bank grant loans to developing countries conditional on reorientating their economies through currency devaluation, wage cuts, subsidy removal, and privatisation (ibid).

As networks are global, middle-income countries find it difficult to regulate them, reform the social structure, and protect their boundaries in the interests of their citizens unless they connect with other states or power holders in alliances. Moreover, if states become dependent on financial transactions, the power-sharing network eliminates the weaker state's decisive role and gives capital a leading role in constructing culture using its organisational interface (Castells, 2009). Power relations, thus, significantly affect global production sites, as capital can control the supply chain by decentralising production whilst centralising command and control (Robinson, 2007).

MNCs have persistently engaged with local firms in the southern hemisphere to restructure, reorganise, and rationalise their production according to their suitability and pressure suppliers to reduce the unit price. Employers can also respond quickly to volatile market demands and cost pressures, revising their employment policies such as hiring temporary workers, wage reductions,

redundancy, excessive working hours, compromising health and safety conditions, and so on. The power of MNCs lies here in their ability to take advantage of geographical differences, lower resource costs (particularly labour), and shift production from one location to another (ibid). As global and local economies become increasingly integrated for investment and profitability, wealthy and influential groups direct such integration for their benefit (Castells, 2000).

Whether willingly or under external pressure, global buyers have embraced a degree of responsibility to improve working conditions administered through private or voluntary regulations. However, the question remains on how effective these initiatives are in improving labour standards as global brands have continuously distanced themselves from the problems of labour and environmental damage (Distelhorst et al., 2015). However, such initiatives have catalysed the race by national and translation organisations to develop private standards and, thus, also avoid enforcement. However, in the absence of effective state regulations and strong workers' organisations, the effectiveness of these private standards is limited. As local institutions are the key implementors of labour standards, to ensure compliance, a strict state enforcement system and, in parallel, solid and well-resourced civil society or workers' organisations are crucial to hold multinational corporations and their local suppliers accountable for meeting compliance requirements. The following section further scrutinises institutional behaviour between standards and practices.

3.2.1 The Distinction Between Labour Standards and Practices

Understanding the tension between flows and places enables us to see how regulatory frameworks through the supply chain are mediated by hierarchies and power relations at their point of application. Since 1970, the observed gap between policies and practices has received extensive attention in institutionalist approaches to the political economy, focusing on why an organisation might adopt a given policy but not implement it (Kuruvilla, 2021). Here, policy–practice gaps typically occur when organisations respond to rationalising pressures from elsewhere within their environment, such as adopting 'externally induced' rules to gain 'legitimacy' or avoiding legal sanctions through 'symbolic adoption', meaning that policies are adopted but not implemented at all or implemented so weakly that they do nothing to alter daily work routines (Kuruvilla, 2021: 13).

Indeed, Kuruvilla (2021) argues that 'Institutional theories have long been paid attention to organisation strategic responses to regulative and normative rules' (ibid). Regulative rules are

defined as formal rules and informal constraints such as norms of behaviour, conventions, and self-imposed codes of conduct and their enforcement characteristics (North, 1993); normative values comprise standard operating procedures mostly based on ethical and moral values (Akbar and Deegan, 2021). Institutional theory also helps us understand this through the concept of decoupling. In general, institutional theory locates agentic actors within the wider social and support systems that sustain them and through which they operate; that is to say, agency is constrained by the very structural conditions that generate it, underlining the importance schemas, rules, norms, and routines to the scope of action (Scott, 2005). Institutional theory, accordingly, aims to explain the difference between commitments and behaviours, norms and actions, policies and practices through the concept of decoupling, which 'observes that, in the modern system, actor identities—structures, policies, plans, and constitutions—are statements about what should happen, but will probably not happen', as Meyer (2010:14) puts it:

> In neatly summarising the inconsistencies between identity and action, the concept of decoupling, therefore, has the potential to illuminate the gap between commitment to labour standards at the global level, across the supply chain, and experienced and implemented practices at the organisation level.; moreover, we can surmise that decoupling becomes more prominent where there is a disconnection between policies and practices at the nation-state level, as rulemaking is dispersed across multiple competing actors with differential capacities, through the trans- and supra-nationalisation of regulatory authority.

Institutionalist approaches, therefore, argue that decoupling exists through organisational responses to rationalising pressures, where actors adopt a policy but do not implement it, where the capacity to implement the policy is weak, and where internal constituents do not reinforce the external pressures for fuller policy monitoring and implementation (Kuruvilla, Ning and Jackson, 2021). Although some organisations adopt policies because of pressure from consumers or civil society, the lack of integration of labour policies into organisational norms results in practice–outcome gaps. This type of decoupling occurs when private regulation structures are implemented within an organisation without consequent integration into economic goals. Moreover, gaps exist between implementing intended policies and achieving outcomes, complementing Meyer's concept of structure–action decoupling, known as 'means–end decoupling' (Bromley and Powell, 2012: 483). This form of decoupling is challenging to identify due to a lack of transparency in actors' behaviour towards certain workplace practices. Three factors are commonly associated with policy–practice and means–end decoupling: behavioural invisibility, practice multiplicity, and causal complexity.

Behavioural invisibility occurs when needy suppliers agree to adopt standards to secure contracts but resist implementation to avoid necessary costs. Such behaviours are expressed through multiple pathways, such as audit falsification and non-compliance. In South Asian countries like Bangladesh, audit falsification undermines the scale and severity of violating labour standards (Kuruvilla, 2021). Organisations generally try to avoid any types of inspections or audits to avoid findings of non-compliance (Takeda et al., 2020). Actors maintain a low profile and refuse to accept external controls to pursue a non-compliance strategy, thus avoiding high adaptation costs (Jabbouri et al., 2019). Buyers want supplier factories to invest in labour standards, but the buyer's price mechanism in purchasing practices gives them leverage to hide or falsify compliance data (Kuruvilla, 2021). Suppliers conceal their non-compliant behaviour and escape eventual sanctions (Jabbouri et al., 2019).

Practice multiplicity occurs where the varieties of codes, auditing practices by assorted brands, ratings to assess suppliers' practices, and labour laws across jurisdictions make it difficult for suppliers to engage in compliant behaviour. Suppliers require a uniform code to reduce the problem of practice multiplicity (ibid). Some standards, such as SA8000, a voluntary workplace standard administered by Social Accountability International (SAI), differ from the Fair Labour Association (FLA) standards. Companies signed up with SA8000, and Ethical Trading Initiatives (ETI) require that, when the right to freedom of association and collective bargaining is restricted under law, firms shall allow workers to elect their representatives democratically.[45], whereas there is no such provision under the FLA (O'Rourke, 2003). Moreover, some suppliers have incredible influence over buyers as some factories may produce for several brands, which gives them leverage to ignore specific standards while supply demand grows.

Causal complexities arise when suppliers are unaware of the most critical causes of code compliance and find it difficult to identify best practices. Causal complexity poses problems for actors as they do not understand what works best (Kuruvilla, 2021). This creates uncertainty due to a lack of attention to and knowledge about the critical drivers of substantive compliance (Jabbouri et al., 2019).

The garment industry of Bangladesh supported the formation of the Accord and the Alliance to adopt workplace safety governance initiatives in the aftermath of the 2013 Rana Plaza disaster to address the legitimacy threat and the industry's survival. However, many factories were found non-compliant. They had to shut their business by force, not only due to economic pressure

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[45] Social Accountability 8000 (sa-intl.org)

restraints against improving their safety standards but also due to a lack of experience and information on implementing them (Akbar and Deegan, 2021). However, it is commonplace that institutions do not invest money in helping their employees acquire knowledge and skills unless failing to do so threatens firms' productivity and survival. Many non-compliance instances could be avoided simply through a better understanding and applicability of the codes (North, 1993). This is mainly a problem in the South, where the price-driven mechanism limits actors' capacity to influence labour standards (Pasquali, 2021).

When the policies become ineffective due to the above facts, the labour union has a profound sense of duty to safeguard its members at the workplace. In this study, the political opportunity theory underlies how opportunities translate into greater advantages for unions to underpin union strategies in promoting labour rights and standards (Meyer and Minkoff, 2004).

3.3 Political Opportunities and the Labour Movement

3.3.1 Introduction

The concept of political opportunity structure has been widely used in analysing social movement mobilisation from national and comparative cross-national perspectives. It has been the appropriate focus of recent theory and research on political protest. (Meyer and Staggenborg, 1996; Meyer and Minkoff, 2004). Broadly, political opportunity constructs our understanding of how social movements develop, act, and achieve their objectives by emphasizing the external systemic conditions that affect their collective mobilisation efforts (Choe and Kin, 2012). Such understanding is shaped through the interactions between movements, institutions, elections, and repressive forces, focusing on both the generative power of threat and the creative power of the perception of possibilities (Kuruvilla, 2021). For Kitschelt, political opportunity structures

> are comprised of specific configurations of resources, institutional arrangements and historical precedents for social mobilization, which facilitate the development of protest movements in some instances and constrain them in others (1986: 58).

Echoing the early political process theory of Mayer and Zald (1977), both Tarrow (1998) and Tilly (1978) equally stress that opportunities can be perceived and acted upon only as a function of the symbolic and material resources available to specific groups. Indeed, Tarrow defines political opportunity as an 'attention to group strategy in mobilising available resources' (Tarrow, 1988: 429). McAdam et al. (1996) refer to it as resources required to develop the social movement.

Political opportunity structure has evolved in two directions, conceptualising the agencies of contesting movements within the institutionalist context. American scholars have consistently defined political opportunity as 'the opening up of "windows of opportunities" that may encourage collective actors to form or join social movements and carry protest activities' (Giugni, 2009: 362), whereas European scholars have looked at the more stable aspects of political opportunities, trying to account for cross-national differences in the forms, levels, and outcomes of social movements and protest activities (Giugni, 2009), as Kitschelt (1986) did with his explanation of the varying trajectories of anti-nuclear movements in four European states. Indeed, it is worth emphasising that European scholars have tended to view political opportunities from a comparative perspective (why France is not like Germany, for instance), whereas North American scholars have tended to see them diachronically (a more dynamic version, stressing how opportunities arise and disappear over time, but which lacks the comparative dimension). A few

scholars address what might be specific about Northern conditions or focus on what might be different in, for example, Latin America or South Asia.

This is not to say that the focus on collective action, as determined to at least some extent by the external environment, cannot be productive for understanding collective action in the global South. For instance, Fox-Hodess (2019) examines the political opportunity in the dock worker movement in Columbia, where power is used at the point of production through a series of strikes assisted by international labour and local allies. Fox-Hodess' research differs from the study of South Asia, where countries have been witnessing violent forms of the labour movement (where there is no support from allies in the labour union movement). However, market conditions force workers to stay in poorly paid jobs (Anner, 2015). Anner also examines political opportunity in the study of wildcat strikes in 2015 in Vietnam, where workers went on strike without trade union involvement and forced the government to drop planned revisions to the social insurance legislation (Anner, 2018). Here, Anner uses the concept of political opportunity as a dynamic relationship of signalling—the sending of explicit or implicit information between actors about what may be possible—to argue that the institutional presence of unions in the workplace itself represents a form of opportunity structure, enabling unofficial wildcat worker strikes to increase the leverage with employers of official unions (2018: 25). In this way,

> political outsiders (workers without official representation) pursue collective action partially as a response to the formal institutional context in which they act, which includes perceived signals (or opportunities) provided by the presence of insiders that can facilitate formal institutional access (Anner, 2018: 24).

Anner et al. (2006) also argue that, within labour regimes, political opportunities are increasingly transnational due to the development of private or quasi-public global regulation, as discussed in the first part of this chapter. These transnational regulatory arrangements are designed to smooth the flow of capital; in so doing, they create multiple levels of authority and potentially create multiple spaces of opportunity across supply chains for collective actors. Therefore, these are potentially at least 'new terrains of struggle' (2006: 10), where social movements may seek to develop allies or exploit elite cleavages to produce gains.

Bangladesh has experienced a series of strikes in the aftermath of Rana Plaza, mostly similar in form to those in Vietnam. Workers took to the streets in 2016 and 2019 to demand an increase in the minimum wage and forced the government to revise it. However, Vietnam and Bangladesh sit on two different political spectrums. The wildcat strikes in Vietnam took place without legal permission, as the legal structure for calling strikes is lengthy and bureaucratic. Communist Party-

led trade unions regulate labour management relations, and the socialist state oversees the interaction between labour and capital (ibid). Bangladesh is a unitary state led by the central government, where the legal restrictions make attempts to unionise workers and labour activism harder (Ashraf and Prentice, 2019). Therefore, unions are suppressed by both the government and the employers. These trends slightly changed in the aftermath of Rana Plaza, as the government and the employers were required to comply with specific labour standards under Accord objectives. This development creates opportunities for unions to access political opportunity.

The existing literature on political opportunity focused substantially on the success and failure of the social movement. However, it largely failed to examine the systematic relations between political opportunity and social movements and occasionally fell to structural determinism, undervaluing the actors' agency. In this vein, Goodwin and Jasper (2004) argued for the need to recognise the role of movement agents that have been ignored (Choe and Kin, 2012).

Political opportunity structure is helpful in the study of movement strategy as it provides essential insights into the discussion of the strategic choices of unions in Bangladesh and the role they played in the aftermath of the Rana Plaza. It is commonly argued that collective actors looking for political opportunity must explore resources to shape their strategy as fundamental to the trade union movement. Here, resources are the key instruments to access the political opportunity structures, which McAdam (1996a:27) refers to as openness or closure of the institutionalized political system, although he includes other variables such as elite alignments, the existence of elite elites, and the regime capacity including use of physical forces that influence political opportunity (Goodwin and Jasper, 2004).

The study examines the degree of openness or closure of the polity as one of many variables in the political opportunity structure (Tarrow, 1988). Open systems always have a limited capacity to act, whereas closed systems deliver such a capacity (Kriesi, 2011). For Tarrow (1994), the capacity of a movement organisation to influence things is essential for accessing the openness of political opportunity (Meyer and Minkoff, 2004). Openness widens power sharing but remains a significant problem in the centralised system, restricting decision-making opportunities. In Bangladesh, unions and workers have access to dialogue with management over the participation committee and safety committee meetings, providing a degree of openness in the political system. However, early literature suggests that the employer mainly monopolises the decision, which results in protest action. Although we assume that the Rana Plaza disaster and the

formation of the Accord opened new opportunities for unions, the state closure restricts those opportunities. Henceforth, opportunity for unions mostly depends on the state's political structure.

National states, mostly in developing countries, are increasingly linked with the supra-national system of governance in trade and investment and try to secure the interests of the employers. As a result, the path to openness for social movement actors to negotiate their rights faces constraints (Kriesi, 2011).

The openness in political opportunity faces constraints 'when there are no viable procedures to build effective policy coalitions' (Kitschelt, 1986: 66). If the states are open, they accept innovative ideas and groups to strengthen their position, which, in turn, promotes elite-initiated reforms, and social movement organisations may try to broaden their demands for inclusion in the political system. Open countries are defined by their unitary public administration, weak political judiciary, and a high degree of control over the economy weighted in favour of policy innovation, registering the interest of new demands from the public. On the contrary, a country with a closed structure is dominated by confrontational movement strategies, intense structural pressure, relatively few procedural impacts, and limited innovation (Kitschelt, 1986).

In some countries, however, the state shows openness and responsiveness to social demands or is ready to renegotiate a demand but delays implementing the outcome. The development is generally interrupted if the state is weak, no matter whether they have an open or closed political situation (ibid).

Bangladesh has a weak rule of law and a political system where bureaucrats take advantage of dominating alliances with influential stakeholders (Huque, 2011; Seo and Mehedi, 2016). The state agency is weak and has to negotiate with organised interests; therefore, it has little control over the capital flow and economic decisions. The state does not recognise collective bargaining actors as legitimate representatives of demands. As a result, labour unions adopt both confrontational and assimilative movement strategies (movement involved with lobbying, petitions, and campaigns). If we follow Kitschelt's (1986) simple classificatory system, in which state implementation capacity is characterised as weak or strong, and the access of social actors to institutional decision-making forums (of all kinds, from citizens' referendums to corporatist policy networks) is characterised as open or closed, it is logical to place Bangladesh within a weak and closed political system. Many opportunities landed immediately after Rana Plaza, but unions struggled to capitalise on those opportunities due to state closure.

This situation has interrupted unions' access to the open and closed political opportunity structure. However, unions' interests are to succeed in reaching broader audiences, thereby developing informal and formal networking to form coalitions or solidarity and joint action against any hostile policy (Meyer and Minkoff, 2004; Fox-Hodess, 2019). Union registration jumped immediately after the Rana Plaza disaster. Unions also engaged with management to safeguard workers' interests through the participation committee and safety committee. Therefore, interest provides a basis from which to access the openness of the political system at the initial stages through cooperation, organising, networking, connection, or joint action that promotes coalition building and solidarity in the formation of social movement (Frege, Heery and Turner, 2004; Tilly 2017).

Workers promote a closed opportunity through occasionally protesting at factories, protests that often become pretty militant. Such spontaneous protests occur as the workers in the industry often experience unsafe working conditions due to poor wages, long working hours, non-payment, and terminations, among others (Mosoetsa and Williams, 2012). In this situation, collective actors join social movements to carry out collective action or social protest to promote labour standards (Tilly, 1978; Gamson and Meyer, 1996; Meyer, 2004; Giugni, 2009). Unions in Bangladesh make this strategic choice due to limited engagement around collective bargaining or limited participation of management in labour rights issues (Boxall and Haynes, 1997).

The political opportunity theory in this study, therefore, is discussed from two perspectives: first, coalition building and solidarity, and second, collective action. Using opportunity theory as a point of analysis, the study extends the discussion below.

3.3.2 Opportunity through Coalition Building and Solidarity

Referring to the works of Axelrod and Olson, Tilly (1985) suggested that a stable coalition requires ongoing social relations that serve the mutual interests of actors. Coalition helps to successfully mobilise resources in social movement (Sarmiento et al., 2016). Coalitions within the organisation are defined as a part of the networks of individuals and organisations where groups come together to plan and participate in a single event. The coalition provides a platform for social movement. Tilly (2017) suggested that coalition building and solidarity are formed by the unions or workers against government inaction on labour rights. For Tarrow, coalition building—which represents interactions with 'its antagonists, allies, and publics'—is the key to maximising the openness of political opportunity(Tarrow, 1996:881).

The coalition formation by unions in the Bangladesh garment industry takes two shapes. First, the union federations entered a coalition with the Accord and other brand signatories and intensified their efforts to secure labour rights. Second, as unions are weak on the factory floor, factory-based unions form temporary alliances and unity with workers to oppose injustice. Here, unions use the participation committee and safety committee, petitions, campaigns, and other means to express interest in and solidarity with workers towards their rights, including government inaction on wages and demands to initiate openness of the institutional political system. Here, coalition building, or solidarity, emerges from shared interest and cooperation and 'the structural context in which movements operate' (Tormos, 2017: 711).

Unions find this coalition-building vital as it helps build counterpressure against employers and the government and expand democratic voice and participation (Turner, 2006). In addition to influencing organisational models and tactics for the coalition, connections among leaders and cooperation help to form a coalition. In this context, Morris and Staggenborg (2004) added that leaders are essential in recognising opportunities for coalition work, but they argue that 'cooperation among movement organisations is likely to increase under conditions of heightened opportunity or threat'(183). Here, leadership is the key to driving changes for opportunity through organising and servicing workers, but that requires the active involvement of members (Griffin and Moors, 2004).

Nevertheless, leaders experience difficulties organising members or activities in the informal sector due to the nature of employment relations, obstacles created by existing legislation, and difficulties in communicating with workers (Gallin, 2001). Workers are seen as consumers of union services, whereas organising helps to empower members and build strong networks. Unions adopt the servicing model to satisfy members by helping them through the grievance process and securing the benefits they deserve. However, unions' capacity to promote, service, and organise at the workplace is interrupted as they hold a weak position in dealing with management. Nevertheless, the union builds networks by inviting members to participate in regular meetings, negotiations, skills training, etc. It helps workers to collaborate, building their own merits and reputation and mobilising members on critical issues. Unions entirely focused on servicing do not threaten employers unless they enter disputes on individual cases of dismissal or other issues on legal grounds. Employers react negatively if such union activity becomes a challenge to control or to any sanctions that undermine the firm's viability (Morris and Staggenborg, 2004; Turner, 2004).

Unions involved in coalition building must have resources and opportunities (Choe and Kim, 2012). Unions engage in social movements based on the resources available to them, not only taking account of the level of dissatisfaction and grievance at work. Blyton and Jenkins (2013) argued that 'no matter how strong an organization may be at the workplace level, for mobilization to be sustained and effective, it must have access to external support' (2013: 735).

As the factory-based resources are limited for unions, unions look for external support to promote coalition building within the workplace and beyond. Through the Accord, the IndustriAll and the UNI Global union enabled the development of a collective agreement in which unions took the primary role of negotiating directly with companies, the western buyers, H&M, Primark, and Tesco, along with other multinational brands, become the signatories to the Accord, illustrating the unions' ability to leverage pre-existing relationships (Anner and Liu, 2015). However, it is not always clear whether elite actors who supported the unions helped promote constructive relationships with all interested parties in promoting labour standards in the Bangladesh garment industry. Examining this issue will help us understand the mechanisms by which changes in political opportunity through the appearance of transnational actors and regulatory bodies in the supply chain translate into changes in mobilisation, organisational formation, or public policy for improving labour standards (Meyer and Minkoff, 2004).

3.3.3 Opportunity through Collective Action

Tilly (1978) posited that workers take collective actions when their interests are impacted by violating specific rules or if the employers fail to maintain employment policy (Kelly, 1998). This is a common scenario in South Asia where repressive authority (government and employers) undermines workers' interests (Anner, 2018). Workers generally like to express their dissatisfaction directly to the management (Hirschman, 1970), but the failure of management to uphold specific promises or adhere to their responsibilities gives rise to a sense of injustice and dissatisfaction amongst the employees at the workplace (Kelly, 1998). As a result, workers become involved in protests to force management to resolve their demands (Hirschman, 1970). In this context, protest is driven by management's refusal to change their practices over the employees' interests (Allen, 2020).

In this vein, power plays a crucial part in the outcome of collective action, as workers without power lose the capacity to influence actors, which leads to a decline in collective action (Tilly, 1978). For instance, Vietnam had the second lowest labour cost among top exporters after Bangladesh, but their wages have risen mainly due to strike activity (Anner, 2018), whereas

workers in Bangladesh struggled to receive even the minimum wage. However, workers' protests in response led to another opportunity to increase salary grades modestly. The Bangladesh government formed a 'tripartite committee' to review garment workers' wages and agreed to increase lower and mid-range worker grades.[46]. In this context, power is used to force the government and the employers to change the shape of the opportunity. Tilly suggested:

> If the opportunity were very significant, however, the opportunist would respond to increasing power by maintaining or raising its level of collective action to some point of satiation (Tilly, 1978: 23).

However, the union represents both an opportunity and a threat in Bangladesh as the density of unions falls. A stronger union helps expand collective bargaining and gain the power to engage in unilateral control based on the opportunity received in the economic and political contexts of the firm (Boxall and Haynes, 1997). In this context, power helps diminish threats with less collective action, meaning fewer actions are needed to satisfy the desired interest (Tilly, 1978).

Various forms of collective action occur in Bangladesh, such as confrontation, demonstrations, and violence. The confrontational action is not characterised by violence but by provoking surprise by occupying public buildings or blocking streets. The demonstration action involves demonstrations, marches, meetings, etc., and violent action involves material or human damage. In many developing countries, political institutions are influenced by the country-specific political structure that determines what kinds of ideas or interests can be legitimately served to the public (Tarrow, 1988). However, unions demonstrate as militant unions and moderate unions at sites of production based on conflicts of interest. Militant unions take industrial action more frequently than moderate unions. Moderate unions tend to consult with employers and have significantly less tendency to call any industrial action (Hamann, Johnston and Kelly, 2013).

In most circumstances, unions do not find any incentives to engage with employers in collective bargaining to protect workers' interests, as employers limit individuals' choices through employment contracts (Willman et al., 2014). Excluding unions from freedom of association (FOA) and collective bargaining (CB) increases the militant protest as, without it, unions cannot make their case to solve labour issues such as discrimination, wages, and better working conditions (Kuruvilla, 2021). However, unions specifically seek opportunities to negotiate a deal to avoid strike action as they believe that workers will blame them for any loss or injury from strike action. Employers also use various methods to restrain strike action (Cohen and Hurd, 1998).

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[46] Bangladesh: Widespread garment worker protests over minimum wage increase; leads to mass dismissals - Business & Human Rights Resource Centre (business-humanrights.org)

Moreover, labour is controlled by the different political tactics that prevent unions from organising strike action. Labour is controlled by the state labour control regime, where a system of legal framework restricts labour from forming unions or engaging in collective action. In many developing countries, workers are afraid to participate actively as they fear job losses. This hesitancy impacts organising unions in unfavourable labour market situations. The role of unions is further restricted in low-income countries like Bangladesh and Indonesia, which have the most extreme forms of market labour control regimes. Employers use violence and threats as a tool to control labour. This repressive employer labour control regime is also seen in China, Indonesia, Columbia, El Salvador, and Honduras (Anner, 2015). Workers' protests in many countries depend on how the authority controls them. In many developing countries, workers experience significant difficulties in organising and protesting, particularly when the unemployment rate rises, as they fear that they can be easily replaced (ibid).

As unions under authoritarian control have limited opportunity for developing cross-border campaigns or international accords, they often choose to strike as opposed to labour rights violence. Anner found that 'strikes are the most common form of workers' resistance in state labour control regime' (Anner, 2015: 6).

Some movements or strikes are mainly political, shape the organisation, and engage members in constructing their collective identities. The Movement may exploit political opportunity but respond to threats and unite people against powerful opponents. Therefore, the study examines how the roles of the union vary in structure, strategy, and success and how they are shaped by the features of the prevailing political system and the interaction pattern between actors (Tarrow, 2011).

3.4 Summary

The space of flows highly influences the commodity market in today's world. However, the functions of space of places are crucial as, whilst looking for capital, material resources, and information, they link local and global trade networks in translating and regulating materials and information flows within the chain (Bush and Oosterveer, 2007).

Many scholars before Castells addressed the impact on 'space of place' as a consequence of 'space of flows' that Castells (2000) defined as the dominance effect. Harries (1997: 168–178) addressed technological exploration as an 'attack on distance' that Castells referred to as the

'erosion of space of place' for 'diminishing power of place' (Olivier, 2017:4). Some more recent studies have focused on Castells' space of flows and space of place to analyse the dominance effect of globalisation on places. Jamora (2021) employed this theory to analyse the impact of the power relations between global and local entities on wet markets (Jamora, 2021). A similar approach was adopted in another study to examine power relations and inequality in place-based communication technology firms (Briciu, Rezeanu and Briciu, 2020).

In this current study, Castells' theory is employed to depict the essence and constraints of the private governance system in Bangladesh relating to the transition of labour standards in the aftermath of the Rana Plaza disaster. Furthermore, his theory shapes the theoretical arguments in this study to portray how global flows are constituted and capitalised in the private governance system in the Bangladesh garment industry through the distribution of power and resources between actors in need to improve labour standards. Whilst it is assumed that private governance is a role model in addressing workers' rights, the role of the Accord and the Alliance anchored doubts due to their responses over unsafe working conditions (Baumann-Pauly, Labowitz and Banerjee, 2015).

As the private governance system is relatively new in Bangladesh, the actors in the RMG sector face significant challenges in working in this environment (Haar and Keune, 2014). Currently, however, studies that focus on how power structure and resources impact the development of safety and labour standards in the RMG sector in Bangladesh are lacking (Diller, 2015). Therefore, to analyse the impact of labour standards at the local production sites, it is necessary to identify the factors associated with poor labour standards. The study of the institutional theory of decoupling helps to define the factors related to institutional behaviour that show how standards differ from their practices in the garment factories of Bangladesh.

As chaos continues in the arrangements for the implementation of safety and workers' rights in the Bangladesh garment industry despite the promising response from the Accord and the Alliance, the study emphasises the role of unions. The opportunity theory provides a broad understanding of union action—particularly in the space of production.

In the post-Rana Plaza era, international pressure forced an opening up of the opportunity structure, bringing more resources and access to unions. However, it has also dispersed authority away from Bangladesh to private global actors outside the territorial space, responding to consumer demand rather than worker demand. This creates a complex situation in which, in theory, local union actors have greater power (as the system is more open, and they can aspire to be insider actors, at least partially, given their international allies and the codification of labour

rights), but in which it is difficult for these actors to have any form of decisional authority in industrial relations. As a result, they remain outsider actors in a context which remains hostile and surmise that their main strategies will focus on resource accrual, coalition building, and strike action and that state–corporate strength is translated in the absence of resources that it devotes to compliance with international standards on the ground.

As the state is closed, the achievement of unions mostly depends on their ability to access different resources (Manky, 2018). Apart from many initiatives the Accord and the Alliance took to improve safety standards in association with unions, the ILO—also in partnership with the IFC in the Better Work Bangladesh project—supports unions for their capacity building. This raises the question about how unions played their roles in promoting labour rights, notably through collective defences and coalition building amongst actors in various settings, while considering limitations.

CHAPTER FOUR

Research Methodology

4.1 Introduction

Thus far, the research has explored the persistent tendency of global power to outsource production from a country with lower labour costs, deregulation, and weakened labour unions; these are driving points for inferior labour standards in developing countries. The literature review indicates that working conditions in the Bangladesh garment industry were influenced by several national and international efforts after the Rana Plaza building collapsed in 2013. This chapter examines the underlying issues related to labour standards and unions adopting the following methodologies and methods.

4.2 The Philosophical Assumptions and Choice of Methodology

This research paradigm is based on constructivist (or interpretivist), ontological, and epistemological positions (Bryman, 2012). A researcher needs to know what approaches (theoretical perspectives), procedures (methodology), and tools (methods) are to be used to acquire knowledge (Patel, 2015). Different paradigms have different assumptions of reality and knowledge, underpinning their research approach (Scotland, 2012). Constructivism holds that the world of experience is neither entirely a result of interpretation nor independent of an observer's activity but does not reject the external world's material existence (Atkinson and Heath, 1987). Constructivism contrasts with positivism, which, as an epistemological position, seeks to identify the generalisable patterns and regularities, consequences, and causes of an external social reality. Positivism relies on analysing aggregate data but, in so doing, tends to ignore the context in which data are defined and constructed and assumes no dichotomy between appearance (what we see) and reality (how things are). Positivism believes that the methods do not influence the phenomenon under investigation, as they are neutral (Rachmawati, 2009). Positivism discovers absolute knowledge about an objective reality through generating and testing hypotheses, where the researcher and the researched subject are independent entities. According to House (1991), the positivist statement is descriptive and factual. Positivists attempt to identify causes that influence outcomes (Creswell, 2009).

Bryman (2001) argued that social phenomena and categories are produced through social interactions but are constantly revised (Rachmawati, 2009). Here, the interactions developed in this research are mainly based on participant interviews, the researcher's perceptions, and the phenomenon assessed that contradicted the view of objectivism as an objective view only achievable through the scientific way of attempting to obtain a more unbiased picture of reality (Atkinson and Heath, 1987).

In contrast, the epistemological position in this research entails an inductive approach, focusing on qualitative methods within the broader ethnographic family. Interpretivism believes that the world is socially constructed through individuals' interactions, but the social phenomenon does not exist independently, and it may affect the outcomes of interaction. Interpretivism needs to get behind each action's reasons for and meanings to understand social activities (Rachmawati, 2009) through social constructions such as language, consciousness, shared meanings, and instruments (Myers, 2013). Becker (1996) stated that all social scientists—implicitly or explicitly—attribute a point of view and interpretations to the people whose actions are analysed (Krauss, 2005). The interpretative paradigm accepts ideologies where knowledge and meaningful reality are constructed through human interactions transmitted in the social context and, therefore, the social world can only be understood from individual participation (Cohen, Wilson and Aiello, 2007). The interpretative approach is based on subjectivist epistemology and relativist ontology beliefs. Subjectivist epistemology establishes a clear link between the researcher and the research subject based on people's knowledge. Relativist ontology perceives reality based on meanings and understandings of social and experiential levels.

Although the researcher strongly considered taking the interpretative approach for the research, some limitations in the interpretative approach need to be considered. The interpretive approach's limitations include abandoning the scientific verification procedures, as the data cannot be achieved through statistical generalisability. Another limitation is that the ontological assumption of interpretivism is subjective rather than objective.

This study attains analytical/theoretical generalisability that contributes to the literature on qualitative research approaches by making suggestions on the conditions leading to more consistent and elaborative qualitative research (Carminati, 2018) to generalise a particular set of results to an established concept or theory that prevents any misunderstanding that qualitative research lacks generalisability (Smith, 2018). Here, the results are not reached through statistical procedures or other means of quantification; rather, the generalisation is interpreted as generalisation toward a theory (Carminati, 2018).

4.3 Research Design

A research design is a framework for generating evidence related to the criteria employed when evaluating social research. Bryman (2012) identifies various possible research designs as experimental, cross-sectional, longitudinal, case study, and comparative; here, the researcher develops a case study approach, where knowledge is revealed through an interactive process of interviewing respondents. The case study may suffer from generalisation problems, but it allows the researcher to concentrate on a specific situation and (in this case) identify various workplace interactional processes (Rachmawati, 2009). Yen (1989) defines the case study as:

> 'An empirical enquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not evident, multiple sources of evidence are used' (1989:23).

Bryman suggests that a case study is 'an object of interest in its own right where the researcher aims to provide an in-depth elucidation of it' (Bryman, 2012, p 69). It is associated with a location, such as a community or an organisation.

It is most common that the case study exponents favour qualitative methods such as participant observation or interviews. For qualitative research, developing or employing a concept is vital, but Blumer(2017) refers to employing a sensitising concept that provides a general sense of what is expected. One of the main reasons to adopt qualitative research in this study is that it provides a description that can be interpreted as a manifestation of naturalism and explains why and what about the social worlds relate to the subject's significance. Also, qualitative research—mainly aggregated through multiple case studies, helps identify the significance of specific contexts and their effects on outcomes, behaviours, understandings, and so on (Bryman, 2012).

For its critics, qualitative research is liable to be impressionistic and subjective and (because of its non-generalisability and non-reproducibility) can bring ambiguity to the understanding of data. As a result, qualitative researchers sometimes undertake limited quantification of their data, particularly to demonstrate relative prevalence (ibid). Here, the researcher seeks to provide a more general context by using descriptive statistics to contextualise qualitative research for examining labour standards and practices (Chapter Five). Simultaneously, the quantification of data provides the researcher with a constant benchmark through aggregates and trends. The researcher believes that a case study on the Bangladesh garment industry will help to systematically shed light on the labour process factors in industrial relations.

4.4 Research Method

Therefore, This study is based on an innovative research design, combining 67 in-depth interviews with garment factory workers and 23 semi-structured interviews with union leaders, government officials, and corporate managers. In all, 90 interviews were conducted. These interviews enabled the researcher to gather rich data from people in various roles and situations and were conducted between October 2018 and September 2019 in London, Dhaka, and Chittagong.

Semi-structured interviews offer the benefit of flexibility between open-ended and structured interviews and provide insights along with a detailed and rich understanding of the topic of interest and underlying issues, enabling the interviewer to probe deeply into the participants' experiences, behaviours, feelings, and attitudes. In semi-structured interviews, people respond differently depending on their conscious and subliminal perception of the interviewer; in particular, the interviewer's age, sex, and ethnic origin bear an amount of information which influences what people are willing to divulge, and their honesty in what they have revealed (Newton, 2010). However, this can depend on the nature of the topic discussed. The effectiveness of the interview depends on the interviewer's communication skills and ability to listen carefully, encourage the interviewee to talk freely and help them easily understand the questionnaire (Clough and Nutbrown, 2012).

The semi-structured interviews in this research allowed individuals to disclose their thoughts and feelings about their own experiences. A structured question schedule was pre-formulated with the semi-structured approach. This was used as a guide only; there was no strict adherence to the schedule. New questions emerged during conversations.

Interviews were conducted with three ILO officials, two senior government officials, two representatives from the BGMEA, two management representatives from garment factories, one representative from the IBC, two Accord officials, three trade union federation's (BRGWF) leaders, eight trade union leaders from garment factories, and 67 garment workers. Among the 67 workers, 42 were female and 25 were male. Drawing attention to workers' and local elites' voices and taking evidence from the Accord Bangladesh programme and ILO programmes (Better Work Bangladesh and Social Dialogue) in Bangladesh, the study demonstrates key impacts on workers' rights and trade unions in Bangladesh. The topics about globalisation were left open during the discussion. The interviews were administered in Bengali and then translated from Bengali to English.

4.5 Case Selection

The cases were selected according to the criteria relevant to the research project (Bryman, 2012). As the research investigates labour standards and, at the same time, intends to explore unions' contributions to promoting labour standards, it was feasible to gather data only from unionised factories to justify the relevance of the data. The main benefit of conducting interviews with workers in unionised factories is that they are prime witnesses to material changes in labour relations in both circumstances, i.e., working in non-unionised and unionised factories, as most factories have newly registered unions. There are very few unionised RMG factories in Bangladesh. A recent study found that only 2.5% of factories out of 4300 garment factories have trade unions in Bangladesh (Mathews, 2018)[47].

The researcher approached eight unionised factories (Appendix 1), four in Dhaka and four in Chittagong. Both locations are geographically important, as Dhaka is the capital city and Chittagong is a major coastal city and financial centre in South-Eastern Bangladesh. The majority of RMG factories are in both areas. The interviews with ILO officials, government officials, the Accord, the BGMEA and trade union leaders were conducted in their offices or at an agreed place. The ILO is one of the major development partners in promoting labour standards in Bangladesh. The ILO is working with the IndustriAll Bangladesh Council (IBC), the Bangladesh Garment Manufacturers and Exporters Associations (BGMEA), and the Accord Bangladesh in many programmes; therefore, it was feasible to interview all related organisations to scrutinise their involvement in the promotion of labour standards in the Bangladesh Garment Industry.

4.6. Background Information of the Companies and Organisations

Workers from eight unionised RMG factories (Appendix 1) participated in the interviews. Many factory owners have more than one factory producing the same or distinct types of garment products.

Among the factories: Amiton Sweater Limited (a pseudonym for factory 1), located in Gazipur, Bangladesh, is a BGMEA-registered company established in 2001 that produces cardigans and pullovers. Tiffney Sweater Ind (Pvt) Limited (a pseudonym for factory 2) operates under the Nexo Group (pseudonym) and is located in Gazipur; the Nexo Group has four factories producing a

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[47] Just 3% of Bangladesh garment factories unionised - Apparel Insider.

range of garment products. Nixon Apparels Limited (a pseudonym for Factory 3) has been operating in Bangladesh since 1995, exporting sweaters mainly to the USA. They supply products to both Accord and Alliance signatory companies. Golden Fashion Limited (a pseudonym for factory 4) is located in Gazipur and is within the N&J group (pseudonym), which has seven factories and is one of the leading manufacturers in Bangladesh with ownership and cooperative partners in China, Hongkong, Taiwan, and Korea. They produce a wide range of top-quality denim bottoms, including some non-denim products. Golden Fashion Limited exports products to Accord signatory companies. Palash Knitting Limited (a pseudonym for Factory 5) is based in Chittagong and has been operating since 2003. They supply sweaters, pullovers, and cardigans mainly to the US market. Pacific Group (pseudonym) has been a knit underwear and lingerie company since 1985. They are the largest garment producer in Bangladesh, with 12 facilities, including Alpha Textile and Apparels Limited (a pseudonym for factory 6), which manufactures woven and knitted garments. They supply garment products to Accord signatory companies. Galaxy Apparels Limited (a pseudonym for factory 7) is part of the Beta group (Pseudonym), which has 16 production units that employ more than 30,000 people. Galaxy Apparel is one of the leading garment manufacturers in Bangladesh and has been producing clothing since 1992. They supply garment products to Accord signatory companies. Last, Atowa Garments Limited (a pseudonym for factory 8) is in Bayazid Bostami, Chittagong. They produce panties, briefs, and camisoles for Alliance signatory brands.

As stated above, interviews were also conducted with representatives (Appendix 3) of the IndustriAll Bangladesh Council (IBC), the Bangladesh Revolutionary Garments Workers Federation (BRGWF), the Bangladesh Garments Manufacturer and Exporters Association (BGMEA), government agencies, the Accord, and the International Labour Organization (ILO). The IBC is an affiliated organisation of the IndustriAll Global Union. It is a critical intermediary in the local translation and implementation of global labour standards covering approximately 1.2 million workers in the garment industry working with major key players such as ILO Bangladesh, Accord Bangladesh, Bangladesh Institute of Labour Studies (BILLS), and Bangladesh Employer's Associations (BGMEA, BKMEA) to promote labour standards in the garment industry of Bangladesh.

The Bangladesh Revolutionary Garments Workers Federation (BRGWF) is an affiliated union organisation of the IBC. The BRGWF is a platform of 19 RMG unions, of which 12 factories have already registered unions, and seven factories are in the process of registration. The BRGWF represents 2538 union members, of which 1780 are male and 758 are female.

The BGMEA is one of the largest nationwide trade organisations representing the RMG industry, particularly woven garments, knitwear, and sweaters. The BGMEA promotes and facilitates the apparel industry to ensure sustained growth in foreign exchange earnings. The BGMEA is involved with the government in policy advocacy and ensuring social compliance and workers' rights to its approximately 4300 members factories; runs 12 healthcare centres for garment workers and their families; and in 2012 established a private university (BGMEA University of Fashion and Technology) in collaboration with the London College of Fashion, Nottingham Trent University, and the Niederrhein University, Germany, to produce highly skilled graduates for the garment industry[48]. Detailed information about ILO Bangladesh and Accord Bangladesh is given in sections 2.8.4 and 2.8.5.

4.7 Research Stages

The duration of fieldwork was approximately four months, conducted in two phases; interviews were first conducted in October 2018, and then follow-up interviews were conducted in September 2019. The researcher communicated effectively with key stakeholders to develop a detailed and credible study account.

In the first stages, the researcher contacted the Bangladesh High Commission in London, the IndustriAll Global Union, and the ILO to access the intended sectors for data collection. The researcher met with the spokesperson (coordinator) of the IBC and the union federation president to gain detailed information about Bangladesh's garment industry's issues. The researcher then carried out five in-depth semi-structured interviews with RMG union members. The researcher then revised the interview questions for union leaders and members and conducted in-depth semi-structured interviews with union members, union leaders, and officials.

After conducting the first round of interviews, the researcher carefully examined the interview notes, transcripts, and associated documents to identify gaps and weaknesses in the empirical evidence collected that signalled further investigation. In the second stage, several follow-up interviews were conducted based on the findings in the first stage of interviews with union leaders and members to obtain further clarification.

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[48] http://bgmea.com.bd/

4.8 The Role of the Researcher and the Research Access Negotiation

The following variables shaped the role of the researcher in conducting semi-structured interviews.

The researcher's characteristics and experiences impact research, where feelings and ideas are shared and exchanged to increase rapport. By being both an insider (native Bangladeshi) and an outsider (UK university student), the researcher had the advantage of being able to adopt a balanced approach to conducting this research. The researcher disclosed his credentials to the interviewees, including who the researcher is, why he is conducting the research, and his research background and culture, to ensure trust and familiarise the participants with the interview process.

The researcher grew up in Bangladesh, where he studied at graduate and post-graduate levels at university and worked in various management positions in the manufacturing industries for several years. This experience gave him confidence as an insider and helped him know the hierarchy, culture, and power relations between various audiences in the organisations. The researcher has a strong cultural bond with the local community in Bangladesh, providing him with a great degree of sensitivity and caring whilst meeting people from diverse backgrounds. It helps build a solid relationship with interviewees, showing empathy towards and consciousness of real-life issues and a clearer understanding of the participant's view regarding sharing everyday experiences.

From the ideological standpoint, the researcher's background, country, and experience played significant roles in helping him to conduct the research. The researcher avoided taking an expert position to acquire more knowledge and information from male and female participants.

The researcher had an advantage as an insider, showing him as 'one of them,' understanding their culture and communication style. This helped the researcher access participants through gatekeeping, receive more spontaneous responses, and set a familiar approach. Although the researcher lives in the UK, he did not treat himself as an outsider because of his deep cultural attachment, level of communication (as a native Bangladeshi), acceptance, and cooperation with the participants. Living in the UK and knowing the culture of Bangladesh since childhood provided the researcher with a great degree of professionalism concerning personal life and culture that promotes acceptance of people in any context.

The researcher made sure that he was not biased by anything. According to Hammersley and Atkinson (1995), when a research approach has a familiar setting, it is necessary to look at the 'stranger' whose behaviour might not be appropriate (Undurraga, 2012). Although the researcher did not meet any 'stranger' while conducting the interviews, he met a female interviewee who told him: 'I have seen many people like you come to waste our time but do nothing'. The researcher took her concern very positively, thanked her, and explained what he was doing and how the research could help to strengthen their voice on labour issues.

The researcher builds trust, empathy, and credibility with participants and pays respect to them in return for access to the information they provide, as there are no tangible benefits for their time or sharing their emotional resources. Emmel et al. (2007) suggest that it is essential to devise a method in social research to build trust among the research participants to access the information. Trust is produced through sharing knowledge and connecting or acknowledging new experiences (Emmel et al., 2007). The researcher draws a connection between ideas, experience, and reality that produce knowledge about what they think, what relationships and inequalities they perceive, and the meanings of all statements given (Ramazanoglu, 2002).

According to Elliott et al. (2002) and Kuebler and Hauser (1997), the researcher needs empathy to generate a trustful relationship with the participants. On the other hand, Sixsmith et al. (2003) suggest that a researcher needs to have credibility when there is a need to access hard-to-reach groups. The researcher maintains credibility through trustworthiness, honesty, openness with the participants, and punctuality throughout the research process, all of which help him build rapport with the participants (Emmel et al., 2007). Moreover, to increase the rapport, the researcher clearly explains the research subjects and the reason for the research to the interviewees. Through sharing this information, the researcher constructs trust and understanding with the interviewees, which, along with the researcher's identity and origin, positions him as an insider and privileges him to access reliable information (Tarrant, 2014).

The researcher sits on three sets of data, which he accessed through various levels of gatekeeping. As the garment industry is feminised, in terms of getting access to female interviewees, as a male interviewer, it was unprofessional to approach a female worker alone as most of the female workers would not agree to talk to an unknown (male) person. The researcher also had to consider religious and cultural bindings in the patriarchal society before inviting women for interviews and needed to win their trust and confidence to convince them to participate. In doing so, trust was achieved through prior contact information as trade unions in different factories from those the researcher had contacted through the IBC played the

gatekeeper role. The researcher was accompanied by a female relative whose presence provided confidence to female workers participating in the interview. However, she sat aside and was not involved in the interview process. As the industry is feminised, with approximately 75% of the workforce, the researcher invited as many female workers as possible to hear their voices. However, due to family commitments, female workers mostly refused to participate in the interview. The snowball sampling method was employed; those who were the first point of contact introduced other colleagues. This way, a few interviews were conducted in the same factory before the researcher moved to another factory.

No arrangement was made for direct access to the factories, as the researcher intended to interview union members outside the factory gate without being influenced by the management or any third-party gatekeepers. The researcher met with workers outside the factory gate for semi-structured interviews during their lunch break and immediately after they finished their shifts. He remained anonymous before approaching them to avoid any influence from factory management. Another reason was that top authorities might consider that allowing workers to participate in research interviews equated to lost productivity.

The researcher's key focus was to ensure the safety of the participants (Newman et al., 2017). For this reason, he organised meetings with workers and union leaders in the nearest park or cafeteria with their consent, where workers felt safe and free from any influence. He never visited a place twice to avoid becoming known on the factory premises and to maintain the confidentiality of workers from the management.

The researcher gained access to union leaders in the Bangladesh garment industry (Appendix 2) through a series of gatekeepers after contacting the Assistant General Secretary of IndustriAll Global Union, who contacted the coordinator of IndustriAll Bangladesh. The Bangladesh Revolutionary Garment Workers Federation spokesperson was contacted through the IBC; he eventually provided preliminary information about unionisation and unionised factories' conditions in Bangladesh. He also provided contact information of several union leaders working in the unionised factories.

The researcher was careful not to be influenced by the asymmetrical power relationships and hierarchy in the research process to promote genuine rapport and a non-exploitative relationship. This shaped transparency, respect, and trust as he shared common characteristics and values with the union leaders. The researcher was aware of the power issues and tried to overcome differences, validating their opinions. Some participants may have perceived a power gap during

the interviews. However, this problem was manageable as the researcher validated the participants' views by considering the research as an interactional and collaborative process. According to Glucksmann (1994), the inequalities of knowledge between the researcher and the participants are impossible to overcome as it is an illusion to believe that both parties hold the exact position of power. However, being aware of power issues, empowering the participants, listening to them with great interest, showing empathy, and promoting fluent and open conversation all help minimise power differences (Undurraga, 2012).

Standing (1998) asserts that the researcher holds some power within the researcher–participant relationship, as the researcher translates and interprets the participants' lives at work and represents this within the academic output (Emmel et al., 2007). In this research, the researcher's flexibility and identity helped to maintain power relations with corporate officials. They did not challenge the researcher's perceived power and the rigour of the research process.

The access to interviews with the elites was managed through a high-profile channel. The researcher gained access to ILO officials in Bangladesh through the ILO's Chief Technical Advisor, who advised him to contact the project expert of ILO Bangladesh to set up an interview schedule with his team before visiting Bangladesh. The researcher communicated with the ILO spokesperson in Bangladesh online and set up meeting dates before travelling. The Bangladesh High Commissioner in London was contacted in May 2018. The High Commissioner advised the researcher to meet with the Commercial Counsellor; the Commercial Councillor then provided him with the contact information of the BGMEA, the Ministry of Labour Bangladesh, and the Ministry of Commerce Bangladesh and requested the relevant department to support the researcher while he was in Bangladesh for data collection (Appendix 4).

Connecting people with the top level of the hierarchy is always a challenge for the researcher, who might feel a power imbalance in communicating or conducting an interview. Marland and Esselment argue that 'the researcher must accord special treatment to elites given their special power dynamics' (2019: 687). As elites are intricately linked with power and privilege, the researcher endeavoured to maintain a balanced position through technical discussion, showing his expertise and interest in the research subject. Through this authorisation from top officials, the researcher could assess whether the influences of the power relations in this stage were balanced or neutral as it was based on cooperation, shared interest, respect, and approval.

The research process helped the researcher develop new skills in connecting with participants and their experiences and achieving a positive outcome, acknowledging different views and how

he interacted with participants in the face-to-face interviews. The experience from the interview process, overall, was positive. It demonstrates that a successful interview depends on positive interaction with participants through empowering interviewees and making the interview process as relaxed and informal as possible. The researcher always felt safe and acknowledged the interviewees' contributions.

4.8.1 Interview with union members

The researcher used the snowball sampling method, a convenience sampling method typically used in qualitative research for 'hard-to-reach' populations (such as garment factory workers) (Bryman, 2012). Here, a small group of union members referred the researcher to another group in a chain-referral process. This non-probability sampling method allows the researcher to target individuals and groups capable of providing insights into the investigated phenomenon (Bryman, 2008; Kabir, 2017). Using a snowball sampling method, union members interviewed at the initial stage provided contact information for a few other union members. The researcher first met with them outside the factory gate for interviews and then requested others to participate. He also collected the contact information of other unionised factories and gradually approached eight garment factories in total: this generated interviews with 67 union members overall. Each interview lasted for approximately 35–40 minutes.

The questionnaire for semi-structured interviews was designed based on the secondary data and the information received from the coordinator (spokesperson) of the IBC and the spokesperson of the Bangladesh Revolutionary Garment Workers Federation. This information provided vital background context on the issues of the Bangladesh garment industry. Each worker was asked four to five open-ended questions, but new questions emerged during the conversation. The researcher also examined relevant historical evidence to understand people's culture to incorporate depth, richness, and complexity within the subject of knowledge. Apart from those with the ILO, all interviews were conducted in Bengali. All interviews were audio-recorded, and handwritten notes were taken to ensure data accuracy. These notes were further assessed to raise inquiries from subsequent interviews (Kabir, 2017).

4.8.2 Interviews with union leaders and corporate managers

Although the primary intention was to hear workers' voices, the researcher found it feasible to hear the voices of union leaders, the BGMEA, the ILO, and government officials to identify their efforts and actions to promote labour rights. The researcher approached the officials for an in-depth semi-structured interview using references from the Bangladesh High Commission London, the IndustriAll Global Union, and the ILO.

Eight union leaders were interviewed from eight factories in several locations in Dhaka and Chittagong (four from Dhaka and four from Chittagong); only one was female, and the rest were male. It was important to interview the single female union leader as female workers are rarely seen in workplace representation and leadership. Each interview lasted for approximately 45–50 minutes.

The interview with the spokesperson of the Bangladesh Revolutionary Garments Workers Federation (BRGWF) was conducted at his office in Dhaka and lasted approximately two hours. The interviews with union leaders of the BRGWF were conducted in their office at Gazipur and lasted approximately two hours. The Interview with the Secretary of the Ministry of Commerce was conducted in the Bangladesh secretariat building, Sachibalaya Bhavan. This interview lasted approximately one hour. The interview with the Director of the Department of Labour, Dhaka (a Bangladesh government regulatory agency under the Ministry of Labour and Employment responsible for regulating the labour market in Bangladesh) lasted approximately two hours. The interviews with the Additional Secretary of Labour of the BGMEA (Bangladesh Garment Manufacturers and Exporters Association) and the secretary to the president of the BGMEA were held in the BGMEA Bhavan and lasted approximately one and a half hours. All interviews were held in a professional and friendly atmosphere. The researcher did not receive official permission from Accord Bangladesh but conducted a face-to-face interview with a team leader of the remediation programme and a telephone interview with a training coordinator. Their contact information was retrieved from their LinkedIn profiles.

An in-depth semi-structured interview with ILO officials at their Dhaka office lasted approximately two and a half hours. The interviews were also conducted with the technical (work activities) expert, the programme officer of Better Work Bangladesh, and the Social Dialogue and Industrial Relations Project Bangladesh programme officer. The interviews helped to explore the ILO's stance on trade unions and labour standards in Bangladesh. The interviews were used to identify

their critical contributions to trade unions, labour rights, and implementing global labour standards in Bangladesh.

A semi-structured interview was also conducted with the coordinator (spokesperson) of the IBC. The interview helped to gain insights into the union's strategic position in the garment industry, the barriers to unionisation, and unions' contributions to promoting labour standards. The IBC remains a valued key partner in many initiatives with the ILO and the Accord on Fire and Building Safety in Bangladesh.

4.9 Analysis of Data

Interviews were audio-recorded with the respondent's permission (Appendix 5). The keynotes of all interviews were also handwritten at the time of the interviews. According to the audio recordings and keynotes, the full verbatim text of all interviews was transcribed on the same day. All data were re-checked several times to ensure accuracy during the transcribing process. The researcher re-checked and refined the data following his return to the UK.

Data were coded using standard thematic analysis (Braun and Clarke, 2006), refining themes through an iterative process. All coding approaches for qualitative data analysis indeed open the possibility of 'losing the context of what is said' (Bryman, 2012:578), producing data fragmentation such that 'the narrative flow of what people say is lost' (ibid:578). However, the thematic analysis approach is found in most qualitative data analyses. It identifies regular and repeated patterns across respondents, or what Ritchie et al. (2003:219) call a 'matrix-based method for ordering and synthesising data'.

The coding process was completed manually using handwritten notes and transposed into a Word document. The researcher followed a manual approach for coding as it provides complete flexibility and control to settle on final codes or themes that cannot quickly be achieved using NVivo or other software. The researcher used Microsoft software to organise the data.

4.10 Ethical Considerations

The researcher obtained ethical approval from Aston University Ethics Committee before commencing data collection, and both the BSA's ethical guidelines (BSA, 2017)[49] and the particular recommendations of the University Ethics Committee were followed throughout the process. The researcher needed to employ a reasonable degree of interpersonal skill and professionalism to establish a relationship with interviewees, such as respecting each person, carefully choosing the questions to be asked, and preserving the issues of confidentiality. As previously stated, a researcher's female relatives accompanied him to the interview sites if female workers were reluctant to speak to him because of their cultural and religious assumptions. However, the female relative was not involved in any research-related activities and stayed slightly apart. The nature of the research was voluntary and fully explained to the respondents at the start of the interviews. The researcher ensured that each participant's privacy was strictly maintained so they felt safe to participate in the interview.

The researcher safeguarded the interests of those who participated in the interviews by ensuring that 'the physical, social and psychological well-being of research participants are not adversely affected by the research' (BSA, 2017: 5). The researcher was aware of the national laws and the administrative regulations (Data Protection Act, the Human Rights Act, copyright policy, etc.) of Bangladesh that helped him to take extra precautions to prevent misuse or mishandling of information, storage of data, and data distribution.

In many circumstances, the researcher struggled to secure interviews with elites as they are generally difficult to manage and inaccessible. Barriers to reaching them through gatekeepers such as personal assistants are natural and time-consuming. Also, they need more space to motivate or discuss a particular subject of interest. However, elites generally have more knowledge than low-skilled workers, meaning they could supply more information for the research (Odendahl and Shaw, 2002). To overcome such barriers, the researcher carefully refined the semi-structured questionnaires to avoid confusion or conflict and only asked questions relevant to the research. The interview slots were pre-booked and agreed between parties, which helped to avoid any delay in seeking access.

The researcher ensured that the interviews were conducted based on the consent (Appendix 5) of those who attended. He ensured that interviewees' privacy, interest, and sensitivities were well

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[49]bsa_statement_of_ethical_practice.pdf (britsoc.co.uk)

respected, and they were not forced to disclose any information they did not want to share. The researcher explained to all interviewees the purpose of the interview, the nature of the study, and their right to withdraw or terminate their participation at any interview stage.

The researcher maintained the anonymity and confidentiality of all interviewees by using pseudonyms in the dataset and across the thesis. The interviews were recorded with participants' permission, and all the data were stored and maintained with high confidentiality on the researcher's laptop. The researcher did not share any information about the research on online social media and refrained from taking photographs of the participants or anybody involved in this thesis.

The research participants were allowed to see the notes immediately after the interview. They were informed that they could amend or withdraw their statement at any stage of the research process before publishing. All the interviews were carefully translated to ensure that the meaning or text of the interview was retained verbatim.

4.11 Limitations of the Study

Although the researcher had an opportunity for survey study, the researcher could not take this approach due to i) logistical issues, particularly for the limited time frame and ii) most of the workers in garment factories in Bangladesh have low levels of literacy, and might not be able to understand and respond to the questionnaire fully without guidance, risking the reproduction of the experiences of those with greater levels of literacy.

The researcher did not conduct interviews in non-unionised factories as the intention was solely to focus on unionised factories. A comparative analysis between unionised and non-unionised factories on the same topic could be undertaken as a future research direction. However, the researcher strongly believed that unionised factories could share both experiences as most factories have newly registered with a union. Also, the researcher could not conduct interviews with the workers in EPZs because of restricted permission, and there was no union establishment in the EPZ sector. The researcher could not officially access Accord Bangladesh and Alliance Bangladesh, as they did not respond despite several interview requests. However, informal interviews were conducted with Accord officials. Both platforms eventually left Bangladesh as their contract with the Bangladesh government was not extended.

4.12 Summary

The research method presented in this chapter describes why the researcher opted for the specific research design using multiple methods. The researcher used an entirely qualitative research method for this study. He has adopted interpretative and descriptive approaches to qualitative research. The descriptive approach in qualitative research highlights poor labour standards, especially gender-based discrimination, in a more concrete form. The researcher believes that the method undertaken follows established academic standards that preserve trustworthiness in data collection and a substantial level of academic rigour.

CHAPTER FIVE

5.1 The Impacts of Global Flows, Policies, and Programmes on Labour Standards

5.1.1 Introduction

This chapter examines the labour standards influenced by the catalytic factors of globalisation, addressed in both the literature review and the theoretical framework of this study, as capital movement, deregulations, technology exploration, purchasing practices, and the behaviour of actors that shaped the governance (private/public) systems and variation of standards in practices.

The key elements that have been drawn out in the framework for this study concern the asymmetrical distribution of power and resources between different space of flows and space of places (Castells, 2000), where the capacity for capital to move—that is, to become liquid—contrasts with the spatial fixity of workers within the supply chain's sites of production (Massey, 2008). As already discussed, MNCs exploit their power to dematerialise through threats to shift production to other locations or withdraw their investment where labour productivity is too low or labour costs are too high. This tendency imposes downward pressures on wages and standards in Bangladesh, resulting in job losses and the quietening of workers' voices to oppose or organise in the factory (Jenkins, 2020).

What is essential here is to consider not just how different social formations operate within these distinct types of spaces but how the relationship between these forces and spaces is dynamic and co-dependent. In the RMG industry, it is essential to understand that introducing new standards at the global scale is fundamental to this liquidity, as it enables capital, goods, and services to flow (again) from one end of the chain to the other. However, it is also essential to consider how this flow, re-made after the Rana Plaza disaster, affects and re-moulds the powerful relationships between actors, from production to consumption. Indeed, although they are negotiated by labour unions, standards such as the Accord and the Alliance are the symbolic emanation of corporate brands seeking to satisfy (as described earlier) both their western client base and the potential regulatory penalties threatened in the destination country, particularly in the USA, underwritten by the regulatory intervention of the Bangladeshi government. What is less clear, because it is absent from the equation, is the way that this decomposition of power across

the supply chain affects the capacity of labour unions at the point of touchdown (as Bauman (2003) terms it) to intervene and negotiate to safeguard workers' rights in the very sites of production.

In this chapter, the researcher draws on the 27 in-depth semi-structured interviews conducted with government officials, representatives of employer organisations, trade unions, the Accord, and the ILO to explore the impacts of the development and application of global labour standards in the Bangladesh RMG industry.

5.1.2 National and International Policy Implication on Labour Standards

As noted in the opening chapters of this thesis, Bangladesh garment exports proliferated under a favourable trade policy after 1980, particularly with the support of the Multi-Fibre Arrangement (MFA) and the GSP (Generalised System of Preference) facility, although the MFA was abolished in 2004. As the Secretary at the Ministry of Commerce (responsible for regulations and implementation of policies applicable to domestic and foreign trade) told the researcher:

> The government had to change its approach to how it governed the industry post-MFA. The government had to adopt a more flexible regulatory policy, for instance, giving many privileges to the EPZ sector for uninterrupted supply to the north. In addition, the conditions of investment and outsourcing by MNCs placed us in a position to secure their interest, but we know their priority is growth first and people later.

The Export Processing Zone (EPZ) factories receive full operational and legal support from the BEPZA (Bangladesh Export Processing Zone Authority), which includes tax holidays, duty-free import and export, full repatriation of profit, capital, and investment, customs clearance at the factory sites, the restriction of trade union formation, and more besides. Although EPZ factories represent less than 10% of total apparel manufacturers in Bangladesh, non-EPZ factories are impacted by the price mechanism as, by having lower production costs as an advantage of government facilities, the EPZ factories offer more affordable product prices in the buyer market, which increases price competition. As a result, non-EPZ factories look at all viable options to reduce costs to survive in the market. This drives long working hours, poor wages, and a harsh working environment in the factory. Moreover, restrictions on trade unions in the EPZ factories send negative messages to the employers, which, in turn, impacts trade union activities in the non-EPZ factories. Here, capital flow and investment promote deregulation and power imbalance between various stakeholders, impacting labour at production sites.

Nonetheless, in the aftermath of Rana Plaza, the industry's growth slowed as many Bangladeshi factories lost their contracts to North American buyers, resulting in job losses. This undermined Bangladesh's garment exports whilst increasing Cambodia's and Vietnam's market share. Jenkins (2020) points out that capital relocation and shifting the production of ready-made garments have affected the progress of labour standards. In the aftermath of the Rana Plaza disaster 2013, the Obama administration withdrew US GSP facilities, citing Bangladesh's failure to address labour standards as required by the GSP agreement. However, it was seen as an exercising of power and politics in the face of global criticism of labour standards in Bangladesh, although withdrawing the GSP facility did not have an adverse effect immediately on the supply of garment products to the USA as the GSP facility never given to the majority of apparel and textile products of Bangladesh, it was to show the world that the US has punished Bangladesh. Consequently, many new North American buyers turned away from Bangladesh over the issue. As the respondent (ICO-6) put it:

> The withdrawal of GSP facilities by the USA effectively punished labour in Bangladesh in many sectors. Ultimately, this approach rewarded those who tried to escape their responsibility for the Rana Plaza incident. (The Secretary, Ministry of Commerce).

Bangladesh received GSP facilities on sportswear, ceramics, and tobacco products. The suspension of the GSP facility caused a $40m export loss for small and medium-sized businesses in Bangladesh that left many workers out of work[50]. The respondent (ICO-6) continues:

> We had to shift our focus from more extreme to liberal on many provisions of labour laws to attract foreign investment. The IMF and other donor institutions continuously push us to stimulate export-oriented investment and undertake reforms on policies, resources, and spending.

The IMF granted its largest-ever loan to Bangladesh in 2012 under an extended credit facility with certain conditions. The government was under extreme pressure to cut spending and was advised to use its resources in more effective ways[51], which influenced the government to work on a growth-oriented strategy while leaving the workers behind. This is one of the main reasons government actions have slowed down the improvement of labour rights and standards even after the Rana Plaza disaster. Although the government revised its labour laws under the Bangladesh

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[50] Suspension of US GSP: What does this mean for Bangladesh? | The Daily Star
[51] IMF Survey: Bangladesh Gets $987 Million Loan from IMF

Labour Act 2006, union organisations remain concerned that these laws serve principally to protect the interests of MNCs:

> We are lobbying the government to promote union rights after the Rana Plaza incident. Although the Bangladesh government responds to international pressure addressing labour rights issues, freedom of speech and the minimum wage policy remain controversial. Labour rights issues should be addressed as the government needs to take initiatives that go against the will of the employers (IBC Spokeswoman, ICO-8).

Therefore, as previously discussed, the Bangladesh government reduced the threshold requirement for union organisations from 30% to 20% in line with the suggestion of the international community in 2018 (The Daily Star, 2018),[52] the spokesman of the Bangladesh Revolutionary Garment Workers Federation (BRGWF), an affiliated organisation of IndustriAll Bangladesh Council, argues that this is a superficial change: international buyers wanted to set up some good examples for the media, even where they know that other significant barriers have been put in place by employers and the Department of Labour that restrain union formation at the factory. Further, the Bangladesh government ignored calls from the ILO, the EU, global unions, and other stakeholders to introduce a labour union in the EPZ factories. Instead, it introduced a workers' welfare committee that does not serve the purpose of unions. However, there have been numerous changes to the Bangladesh Labour Act 2006 since 2013, making provision for the formation of the safety committee, amendment of the participation committee, introduction of collective bargaining agents (CBA) at the factory, and several other related measures. These resources have had a positive impact on the exercising of worker and union voices, but the lack of enforcement capacity favours employers, leaving them to enjoy greater power over decision-making, including which regulations to adopt or ignore at the factory. Although the government has revised the minimum wage twice since the Rana Plaza disaster, the minimum wage remains exceptionally low; the government declined unions' demands to double the current figure. The government considered the capacity of employers prior to fixing the minimum wage level; according to the union (ICO-9), they, in contrast, had never been invited to the table to set out a reasonable negotiating figure, with the government taking the employers' side. For unions, the low minimum wage level drives down labour standards as workers depend on overtime to pay their bills, resulting in long working hours. Equally, employers insist that labour should bear the impact of the cancellation of contracts, non-payment, or delayed payment from buyers across the supply chain. The factory manager of Golden Fashion Limited (ICO-14) stated:

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[52] Cabinet okays draft of amended Bangladesh Labour Act 2018 (thedailystar.net)

We are involved in subcontracting of a big firm as we cannot manage direct contracts with western brands; whilst buyers visit us looking for sophisticated technology, they expect us to reduce lead time with improved quality that requires us to invest in technology, hiring more skilled people, and look for larger space for production.

Many multinational brands have outsourcing firms in Bangladesh, and they have direct access to major suppliers who are willing to cut costs to strike a deal. However, some medium and small factories struggle to manage contracts directly with major brands as buyers look for technological capacity in communication, production, inventory control, and associated services that favour large suppliers. Subcontracted factories depend significantly on the payment clearance of large firms, who often delay payment for various reasons that impact the large workforce living hand-to-mouth. In many cases, delaying labour payments, non-payments, or factory closures due to the withdrawal of contracts or other issues go beyond government control as the government does not have access to the supplying contract. In their interview, the ILO spokesperson (ICO-1) in Bangladesh confirmed that many medium and small-sized garment factories are involved in sub-contracting and have serious concerns over labour standards. Furthermore, the BGMEA official (ICO-5) said that purchasing practices are a complex negotiation process where buyers are set to be the winners. He further stated:

Garment suppliers in Bangladesh offer the most affordable price to international buyers but face a growing demand for reducing the price per unit, which impacts the growth and maintenance of labour standards at factories. Suppliers struggle to survive by offering the lowest minimum price as the cost of imported raw materials has increased.

A significant study by Islam et al. (2023) involving 1000 garment manufacturers in Bangladesh shows that large fashion brands sourcing clothes for the UK reportedly pay below the production cost, and one in five garment factories are struggling to pay minimum wages to their workers. More than half of the factories supplying garment products reported experiencing unfair purchasing practices, including cancellations and delays in payment (Islam et al., 2023). The BGMEA official (ICO-5) further reiterated that purchasing practices drive factory non-compliance. However, the union leader (ICO-10) suggested that larger factories have comparatively better employment conditions than medium or small factories, as resource allocation plays a significant role in the treatment of labour.

The Director of the Department of Labour Bangladesh (ICO-7) acknowledged that they are aware of non-compliance issues at factories but insisted that employers are under a legal duty to comply with the labour laws.

The Bangladesh Labour Act 2006 has fully reflected workers' needs, and it is a punishable offence if the factory owners do not obey the law. However, buyers look for a flexible approach, and we need to listen to them to keep our markets safe. The government has limited resources to monitor factory compliance, but we intend to increase the number of factory inspectors from our current position to trace non-compliance.

Little evidence suggests that factories are punished for breaching labour laws. Meanwhile, the current level of factory inspection is low. According to the Department of Inspection for Factories and Establishments (DIFE), only 260 inspections were conducted between 1 January 2021 and 11 May 2021, of which 63 were proactive inspections, 188 were reactive inspections, and nine were follow-up inspections; this represents just 6% of approximately 4300 factories[53].

The ILO persistently calls on the government to increase the number of inspectors to the DIFE to speed up factory inspections. However, the ILO spokesperson in Bangladesh suggests that MNCs' approved independent auditor should carry out compliance checks at their own cost to improve audit transparency.

Audit programmes are costly but are the main element for revealing factory non-compliance. A frequent external audit by the MNCs' approved agency can change things as external audits by the local certified agency do not always tell the truth (ILO spokesperson, ICO-1).

Although the ILO insisted on regular audits in the supplier's factories by the external auditor, the IBC is concerned that, without transparency in the audit reporting, it will not significantly improve labour standards in the garment factory.

Inspection reports are mainly biased as inspectors do not have complete autonomy to report non-compliance without consulting with employers. Power is mainly centred between buyers and suppliers as the government is compromised (IBC Spokeswoman, ICO-8.)

The audit report mainly reflects their will as the employer pays for the audit. There is a lack of financial support from retailers in certification and auditing programmes (Köksal, Strähle and Müller, 2018). For factory owners, audit preparation is time-consuming and costly; in his interview, the Head of Commercial of Atowa Garments Ltd told the researcher that they spend several thousand dollars per audit but get no financial support from buyers. He insisted on more support from the BGMEA and government agencies to improve factory compliance. The study by Islam et al. (2023) found that almost 86% of factories received no financial support from retailers (Islam

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[53] http://lima.dife.gov.bd/public-report/inspection-statistics

et al., 2023). Most of the factories that outsource garment products from Bangladesh have joined either the Ethical Trading Initiative (ETI) or the Fair Labour Association (FLA) and agree to adopt their codes of labour practice. However, the BGMEA (ICO-5) asserts that the flatforms operate in a vacuum as there is no monitoring system to investigate whether the brands follow this.

The Additional Secretary of the BGMEA acknowledged that factory owners expect more technical support from buyers and them. However, he insisted that the BGMEA has limited resources to support all member factories:

> We are working to continue exploring new markets and looking after owners' and workers' interests. We can only give support if owners or workers bring an issue to our attention.

The BGMEA runs an Alternate Dispute Resolution (ADR) programme with the government to settle disputes on wage- and non-payment-related issues. However, the BGMEA has limited influence on labour rights practices, although it represents the country's largest employers' organisation in the RMG industry and is engaged in policy advocacy and dialogue for trade facilitation and factory compliance monitoring. Although international standards remain in force—for instance, the buyer's requirement to maintain ETI or FLA codes in the supply chain—in the sub-contracting factories, these standards remain as documentary evidence only due to a lack of effective monitoring and enforcement systems. The above picture shows how power and resources configured by the robust elite impact labour standards at production sites.

5.1.3 The Influence of the Governance System in the Promotion of Labour Standards in Bangladesh

The Accord and the Alliance formed a new mode of privatised governance to address workplace safety. This is a new paradigm for the global supply chain, addressing safety in a particular industry expressly to undertake structural checks, fire exits, emergency evacuations, fire alarms and extinguishers, and other safety measures. Both platforms aligned with global brands, retailers, and unions to promote safety standards to their signatories' factories. They sought to leverage the power of the brands to gain complete operational control with an enforcement commitment. The Bangladesh government welcomed the Accord and the Alliance with any terms as they sought any options to improve the Rana Plaza situation as international pressure mounted on them. The IBC Spokeswoman said,

> Accord formation has dramatically relieved the Bangladesh government from fear of losing market access. Accord used full power and resources to enforce safety standards backed by Accord signatories, unions, and the government. However, as the Accord advanced, conflict in power relations between the Accord and the state became prominent (IBC Spokeswoman, ICO-8).

The Accord co-governed private regulation with global unions and foreign brands. The co-governed regulations gave the Accord the potential to challenge the relations of power between labour and employers that provoked resistance from government and industry elites, as the forces feared that empowering workers might threaten managerial control at factories. The Accord adopted an industrial democracy model of labour governance that permits Western brands to substitute for the state in securing labour rights, increasing tensions between the Accord, employers, and the government (Bair, Anner and Blasi, 2020).

> Accord strikes the power relations between employers and the state to empower labour within the space of production that has raised hope for millions of workers suffering from decades of repression. Introducing the Occupational Safety and Health (OSH) complaints mechanism was a significant step in the Accord governance system that allowed workers to exercise their voice over safety and labour standards (ICO-13).

Filing a complaint through the OSH complaints mechanism was essential for women to overcome the barrier of fear. Many female interviewees reported that the complaints mechanism increased their confidence in reporting issues, and they feel that support is available to them in times of need. A female worker said,

> When I reported sexual harassment over the phone, the Accord official listened carefully to my complaint; he sympathised with me and assured me that he would take immediate action. He then raised the issue with my factory manager the next day. However, the factory manager ignored that such things happened (WPN-54).

Although the Accord complaints mechanism helped to empower workers to report their issues, and management has a duty under the Accord agreement to cooperate with the Accord in the investigation process, in many cases, management does not acknowledge the incidents or supports the wrongdoer instead, which makes it difficult for the Accord to conclude the case. The Accord ensures the complaints mechanism is free from interference from the factory manager/management and the Accord signatories. In many cases, the Accord issued a resolution independently where no agreement was reached. Factories that fail to comply with the resolution of a complaint lead to the termination of their business with the suppliers following failure to comply with the notice and warning procedure.

The Occupational Safety and Health (OSH) complaints mechanism creates disputes between the Accord and the government where the Accord holds the power. The Bangladesh government and employers are particularly concerned about the new provision of complaints protocol that the Accord developed to promote freedom of association to ensure worker safety, which the BGMEA official blamed as a pretext for union organising (Bair et al., 2020). Although the Accord holds power in decision-making, their power relations could have been improved at the production sites, significantly impeding their process.

The Accord struggled to promote its agenda, as its relationships with brands, the Bangladesh government, and local employers lacked coordination and cohesion:

> Many garment factories could not complete remediation work on time as brand signatories refused or delayed contributing costs towards factory remediation programmes, impacting our safety remediation progress. Moreover, unions and workers had many expectations of our programme, but we could not focus on all issues as our commitment was specific; also, we tried to avoid sensitive issues that conflicted with the interests of other parties (Team leader, Accord Remediation Programme, ICO-12).

The Accord organises meetings with Accord signatories if factories inform the Accord secretariat that remediation works have slowed or ceased due to a lack of finances (Bair et al., 2020). Although, under the Accord remediation terms, global brands are liable to contribute to remediation costs, brands persistently ignored contributing costs towards remediation works. The Accord's journey was not smooth as they had to make tough decisions towards the remediation programme. The Accord had to take several brands to the permanent court of arbitration in The Hague to support the IndustriAll Global Union and the Uni Global Union, where brands are fined for breaching Accord terms.

The Accord offered funding for remediation works for Accord-covered factories that no longer do business with Accord signatory brands; however, the Accord imposed stringent conditions on these funding applications. For instance, the factories needed to demonstrate that they had completed 75% of the remediation work and should have 25% of the funds required to complete the rest (non-signatory factories were required to contribute half of the total remediation costs). As a result, only 76 factories applied to the fund, of which only 20 applications were approved (Accord, 2020). Many factories suffering from financial hardship were not eligible to apply for the fund:

We are subcontracting for Western brands. We spent nearly US$300k in the remediation process. Now, we have become bankrupt. We could not get any bank loan or funding, and, as a result, we decided to close the factory. Over the next few months, my job will go along with many other colleagues who have worked for nearly a decade here (Head of Commercial, ICO-15 of Atowa Garments Limited).

Like Atowa Garments Limited, hundreds of garment factories have closed voluntarily since 2013 as they could not afford renovation costs. Due to high-interest rates, many factories needed access to affordable finance to improve safety standards. Although the International Finance Corporation (IFC) made US$100 million available in low-interest loans, this funding was inadequate, as $929 million has been estimated to cover remediation costs for almost 3778 factories (RMG Bangladesh, 2016)[54] under the Accord, the Alliance, and the national initiative (NTPA), the NYU Stern Centre estimated about $1.2 billion to remediate poor factory conditions (Russell, 2018). Although many brands initially supported factories immediately after the Rana Plaza building disaster, factory owners were increasingly offered long-term contracts by multinational brands instead of these brands, contributing to more immediate remediation costs.

Many Accord signatory factories closed after only a few days' notice, putting workers and employers in a dilemma that significantly impacted thousands of extremely low-income families. Workers, in most cases, were left without compensation:

I was unemployed for five months before getting a new job. Many of my colleagues are still looking for a job. The company did not provide us with any compensation. We manufactured cloth for USA brands but did not receive any support from them in the event of factory closure (Male worker, WPN-44 from Alpha Textile and Apparels Limited).

A union representative (ICO-9) estimates that thousands of workers lost their jobs because of factory closures after 2013, and most are still struggling to find a new one. Moreover, under Accord and Alliance terms, factories needed to find bigger premises to operate, which further displaced many factories and caused thousands of workers to lose their jobs. The Bangladesh government, also under a national initiative (NTPA), carried out safety inspections that caused even more factory closures and job losses due to non-compliance, again without a corresponding compensation package:

We had to take a tough stance against factories with serious safety concerns. We were under extreme pressure from buyers and NGOs to take such initiative to save our multibillion-dollar industry. The government instructed the bank to take a flexible approach to offer bank loans, but factories should meet minimum eligibility criteria. Many foreign

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[54] Garment factory remediation requires $929m: Study - RMG Bangladesh (rmgbd.net)

buyers are reluctant to provide financial assistance to their sourcing factories to complete remediation as required by the Accord plan (Department of Labour, ICO-7).

However, a union participant (ICO-10) stated that the NTPA had limited their activity to safety inspection only, and their authoritative control resulted in the closure of many factories with a lack of clarification provided. The formation of the Bangladesh sustainability compact was one step forward for the Bangladesh government to scrutinise labour standards in the garment industry. The Government of Bangladesh, the European Union, and the ILO represented the sustainability compact. The key focus was to reform the labour law, protect the right to freedom of association and ensure fire and building safety. The IBC spokesperson said:

> Although this is an incredibly positive movement in promoting labour standards, the sustainability compact failed to address freedom of association, collective bargaining, and persistent discrimination against workers even five years after its formation (ICO-8).

Although the Bangladesh government reformed the labour law in 2013 and 2015, introducing many provisions in favour of labour such as reducing labour support from 30% to 20%, introducing a minimum wage, workers' welfare association in the EPZ, freedom of association and collective bargaining remain as long-standing issues.

Both the Accord and Compact acknowledged a role for workers through the effective implementation of the participation committee and safety committee. However, they had different visions of how to make it effective and transparent. The Accord aims to improve health and safety standards in garment factories, but the Compact aims to improve labour standards enforcement more broadly (Bair et al., 2020). The Accord was concerned about forming the safety committee as the management body controls workers' voices.

> We constantly pushed the Bangladesh government to review the policy on the safety committee as management representation in the committee does not expose the accurate picture of the safety culture in the factory (ICO-12).

The Accord found it challenging to acknowledge the participation committee's selection of the safety committee as the committee formation was not transparent. However, the Accord had to intervene multiple times in which workers were subsequently restrained from reporting or organising around safety concerns as employers were unwilling to accept workers' representation to the safety committee.

On the contrary, the Alliance did not have any concerns over the safety committee and participation committees as they run their programme through safety inspection, training for

workers and security guards, and meeting financial obligations. Although the Alliance covered only a third as many factories as the Accord, the union (ICO-10) said workers were better treated in displaced Alliance factories than in Accord factories as workers are paid four months' salary as compensation immediately after factory closure.

> Although Accord and Alliance took similar approaches to enforce safety standards at factories, MNCs directly controlled Alliance, and there was less hierarchy that promoted decision-making and flow of finances (ICO-9).

The Alliance allowed global brands to select inspectors for their suppliers' factories and report to them directly regarding remediation works and investment needed. In contrast, the Accord uses mandatory compliance to identify and address problems.

The Accord and the Alliance were mainly formed to enforce safety standards in Bangladesh's garment industry, not to address other labour rights issues (non-OSH). However, many workers effectively expected their issues, such as poor wages, non-payment, long working hours, etc., to be addressed. For this reason, when the Accord launched its safety complaints system, many issues were reported concerning non-OHS-related matters (low wages, non-payment, harsh behaviour, forced termination, etc.).

> The expectations of workers around Accord and Alliance were high. When Accord introduced a safety complaints mechanism, many workers reported issues related to forced labour and poor working conditions, but Accord dealt only with complaints related to safety issues. Moreover, as Accord and Alliance only focused on their signatory brands' factories, nearly 60% of factory workers needed access to basic safety training (ULC-4).

In this study's dataset, there needed to be more information available to the workers about the functionality of the Accord and what to report, as many of the respondents had not received any safety training even four years after the Accord's formation. The Accord eventually provided safety training to one-third of its 1629 safety committees. Only 500 Accord factories had completed safety training as of 1 June 2020 (during their term) [55].

The Accord has listened to millions of workers to include additional commitments under the 2018 Transition Accord—i.e., Freedom of Association is respected to protect workers' safety; remediation is financially feasible; training workers and safety committee on workers' rights;

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[55] The Bangladesh Accord on Fire and Building Safety in Bangladesh

protection of rights to refuse unsafe works; disclosure of inspection report and corrective action plan; and a credible independent complaints mechanism in place. However, the union (ICO-9) doubts that the Memorandum of Understanding (MoU) reached in May 2019 between Accord and the BGMEA to form the RMG Sustainability Council (RSC) that took over Accord's responsibility will respect freedom of association and protection of the right to refuse unsafe work without Accord presences in Bangladesh.

The continuation of the Accord and the Alliance faces serious opposition from the employers' organisation (BGMEA) and the Bangladesh government. A new development went in favour of the employers when the Accord conceded that they would not take any disciplinary action against any factory without consulting the BGMEA. This move was criticised by the seven Bangladeshi affiliates of the Global Union Federation. IndustriAll. Global Union expressed that this step prohibits workers from making decisions on safety matters. The IBC spokesperson of Bangladesh stated that:

> The private governance initiatives launched by Accord and Alliance were welcomed by all interested parties in the aftermath of Rana Plaza. However, as time passed and the market stabilised, local actors played power and politics to escape from command and control, facilitating Alliance and Accord's departure from Bangladesh. Accord also faced fierce resistance from employers and the government in dealing with many OSH issues (ICO-8).

The Accord and the Alliance followed an almost similar command and control approach, although it was expected in an environment of distrust. Both platforms could suspend factories from receiving orders from their signatory's brand; this represents a type of network of regulatory governance engaging multiple stakeholders in achieving remediation (Rose, 2021). The local employer (ICO-14) labelled this enforcement system as harsh and detrimental to their business but acknowledged the achievements of the platforms in improving safety standards. However, disputes arise when audit reports of the Smart Group by both platforms show different outcomes. The inspection carried out by the Accord gave clearance to the Smart group as a potential supplier, but the Alliance suspended them for non-compliance. The future of each platform was decided in the High Court of Bangladesh, where the court ordered them to close their operations.

For decades, buyers have used auditing programmes to assess supplier conduct. Unlike the Accord and the Alliance, private governance initiatives did not face resistance from the Bangladesh government or factory owners. The Accord, in many cases, faced tremendous resistance from employers on dealing with forced labour and sexual harassment that resulted in either compromising, closed with no outcome, or forcibly closed. Therefore, the private

governance model represented by the Accord and the Alliance shook up the industry by implementing a safety net for millions of workers. However, it failed to balance power relations between the government and brands, significantly impacting their efforts in promoting labour standards.

5.1.4 The Contribution of ILO Programmes in Promoting Labour Standards in Bangladesh.

The ILO projects have contributed to promoting working conditions, labour rights practices, social protection, and partnerships in various initiatives. Most projects lasted only two to three years, but a few were five to seven years long. ILO's Better Work Bangladesh project (BWB) provides advisory, assessment, and training services to garment factories to promote decent jobs. In contrast, the Social Dialogue and Harmonious Industrial Relations (SDIR) project enhanced workplace dialogue and rights, effective dispute resolution mechanisms, and industrial relations.

As BWB and SDIR projects ran on a limited scale, workers who participated in the interviews had little information about the effectiveness of ILO programmes. This section explores how ILO deployed power and resources to promote labour standards, engaging unions at the factory level to enhance their decision-making and capacity building.

5.1.4.1 Better Work Bangladesh

Better Work Bangladesh (BWB) offers a service model in a two-stage process. In the first stage, two advisors assess factories to oversee the overall factory situation and determine if they are suitable for introducing collective bargaining agents (CBA). In the second stage, they set up an improvement plan where an advisor follows up the process for one year.

However, local unions (ULA-5, ULU-8) were concerned that many factories did not benefit from this type of project, as they only offered the service to signatory brands who mainly funded the project. Many small and medium-sized factories not supplying Western brands were excluded from this project. Moreover, unions were concerned that the project was time-consuming, as adopting an improvement plan in some factories took a year.

The ILO spokesperson (ICO-1) in Bangladesh acknowledged that the project's outcome had limited overall impact on the RMG industry as the programme targeted just 10% of the garment factories. Moreover, there was a significant level of non-cooperation from the factory owners who either opposed or were reluctant to adopt the programme in their factory. On many occasions, the ILO found the factory gate locked or not open during their visit, and the information sought from the management was refused or ignored. Factory owners hold the power in decision-making, and the ILO had little or no influence on changing their decisions.

The ILO found communicating with some factory owners in the preliminary stage challenging, even though it fully funded the project. Factory owners typically refused to participate in the BWB programme for two reasons. First, factory owners had no legal accountability or economic benefits to adopt this programme. Second, factory owners did not want to encourage union activities in their factory as, once they enrolled in the BWB programme, the factory would be monitored for one year—not only for compliance but to check worker-management dialogue, effective management systems, and employee training to promote decent jobs:

> We took this initiative as a test model to provide a monitoring and evaluation service aligned with international labour standards (ILO core conventions). The programme also provides training and remediation services to promote capacity building to workers and factory owners. The project runs on a limited scale as we can only exceed our capacity due to limited resources and funding. Moreover, the response from factory management could have been more welcoming (BWB project coordinator, ICO-2).

The ILO claimed that factories enrolled in the BWB programme are in better shape than other factories in terms of sexual harassment, gender discrimination, forced labour, wages, occupational health and safety, and working hours but acknowledged that it is still non-compliance with the above issues that need to be addressed.

The IBC spokesperson in Bangladesh reported fewer opportunities to promote collective bargaining and freedom of association through the BWB programme as they do not engage factory unions in this setting and mainly deliver the project in association with factory management. However, the IBC affirms that women are much more aware of their rights, violence and harassment at the workplace, and health and safety standards in ILO-operated factories as training was helpful to shape their boundaries.

> We continuously pushed ILO to speed up the training programme and expand it to more factories as they committed to covering 700 factories under BWB. IBC worked with ILO to influence factory managers to undertake the BWB programme and form a participation committee (ICO-8).

Better Work Bangladesh has a specific focus on improving working conditions and opportunities for women in the Bangladesh garment industry. The platform had undertaken the training programme under Gender Equality and Reforms (GEAR) to advance women's productivity and career progression. BWB trained 144 female workers in the pilot project, of whom 58 were promoted as supervisors, and 39 workers saw their salary increase.

However, the union (ICO-9) reported that, although the BWB programme helped to form 105 participation committees, many issues they raised about the participation committee still need to be solved. Throughout the programme, BWB visited their factories many times to oversee the outcome of the BWB project but left the premises without arranging a formal discussion with the factory union. Instead, ILO advisors on the BWB programme relied on the participation committee's report that only partially reflected workers' voices.

5.1.4.2 SDIR: Promoting social dialogue and harmonious industrial relations in the RMG sector.

The SDIR project was primarily initiated to improve dialogue between workers and employers at the workplace level. One of the main aims was to separate the participation committee from management, as the ILO and the unions were concerned about the transparency and legitimacy of the participation committee's election process with the inclusion of employers' representatives in the committee. The Ministry of Labour and Employment in Bangladesh supported the ILO proposal to run a pilot project, initially in eight factories, to form a participation committee without employer involvement (interview with ILO Spokesman, ICO-1).

> Management participation in the participation committee restrained workers' voices. As the union raised concerns about the formation and transparency of the participation committee, we discussed the issue with the Bangladesh government and our partners. Although the government was reluctant initially to approve such a project, they agreed after a series of meetings with us (ICO-1).

The ILO's initiative to form a participation committee without management representatives translated to a fundamental need for freedom of speech central to collective bargaining, where workers can speak up without fear of employer aggression. As the law stands, factory managers have the right to preside over the committee; the ILO pilot project seeks to identify the potential

outcomes of a worker-only committee, but only two factories had undertaken the project by December 2018, and the ILO reported that it did not have the funding to extend the project length:

> We work to a very tight deadline. It is not always possible to deliver what we have projected on time. We slipped from our target as we sometimes need to move from one project to another to address sudden needs such as flooding, the Rohingya refugee crisis, or issues that distract us from focusing on just one project. We have to allocate funding from one project to another that is urgent to address. (ILO Spokesman, ICO-1.)

The SDIR project had a solid foundation of skills development, particularly in empowering women in the workplace by providing essential training. One of the programme's key objectives was to strengthen the capacity building of unions, workers, and employers through training. However, factory unions remained weak in dispute mechanisms as they were not trained to enhance their capacity in collective bargaining. Although local unions doubted project outcomes due to limited operational capacity, the IBC affirmed complete confidence in the project's success (interview with IBC spokesperson). However, the IBC also underlined the problems of their low resource base:

> The ILO and IBC cannot solve all the problems suddenly without massive support from the government and multinational brands. The SDIR project will have a minimal impact on developing industrial relations and union–management partnership without employers' support (IBC spokesperson in Bangladesh, ICO-1).

The ILO acknowledges the need for union presence in every factory to represent workers' voices and is considering introducing 'standard operating procedures' for trade union registration to reduce the time limit of union registration and increase transparency and fairness to develop a harmonious relationship between employers and workers.

> The ILO supported the Bangladesh government to introduce an online union registration process. We had to complain to ILO after suffering from continued harassment, delayed processing time, and lack of transparency in decision-making on union registration. A new system will help avoid hierarchy and track progress (ICO-10).

The ILO provided training to the employees of the Department of Labour on how to use the system effectively and promote responses. However, the union (ICO-11) said that, without changes in management attitudes, such initiatives would not bring productivity. Equally, the union registration process needs to be faster and more efficient. Unions are now hopeful over the Workers' Resource Centre (WRC), a new initiative launched under the SDIR to build union capacity to engage with government and employers more effectively:

> We are valued as a development partner in the WRC and are working closely and freely with the ILO and NCCWE to provide advocacy and raise awareness on the labour rights issue. The project also aims to train workers and factory unions on labour rights, dispute resolution, grievance handling, health and safety, and collective bargaining to provide a better workplace. However, the project's future is uncertain as the funds for the project may last only for a few years (the Spokesman of BGWRF, ICO- 9).

The WRC is one step forward in facilitating and promoting social dialogue in the RMG sector. Two of the largest unions have teamed up to operate the Workers' Resource Centre (WRC) under the SDIR project for capacity building of trade unions through advocacy and training. However, there is a hierarchy between factory unions and union federations, as leaders of union federations rarely disclose information to the factory union. As a result, factory unions do not get the resources and information they need. Also, factory unions have less scope in decision-making over who to select for training as the union federation leader decides who to send. Furthermore, a framework has yet to be developed to collaborate with employers at the factory level.

> We work with the federation leader to deliver the WRC project and have limited opportunities to consult with factory unions in all operational stages. The union federation is responsible for connecting with factory unions to reach the members as needed. We launched the project to support unions and employers so that they understand their responsibilities and labour codes (Project Coordinator ICO-3, ILO).

There is no unambiguous evidence that the SDIR project has effectively brought workers, unions, and employers under one roof to eliminate the disparity between the actors, even on a small scale. Although, under the project, workers gradually gain access to legal advice—especially for grievance support—unions are concerned that the initiatives might create more distance between workers and employers as employers will not allow workers to know about the system and the process that can be used against them. Although both parties (employers and union organisations) are working together with the ILO to deliver its objectives, no methods have been developed at the factory level to work in collaboration, creating ambiguity over project outcomes and the prospective wider implementation of such initiatives in garment factories.

5.1.5 Summary

This study finds significant national and international policy implications for labour standards in the Bangladesh Garment Industry. The facility offered by the MFA and the GSP helped the industry proliferate. However, the industry suffered after the expiration of the MFA and the suspension of the GSP facility by the USA. The Bangladesh government had to take a flexible

regulatory approach for the EPZ to encourage foreign investment to bridge the export gap, eventually leaving the non-EPZ sector highly competitive. Labour standards deteriorated in many garment factories where factory owners were forced to accept cheap quotations from multinational brands that had driven low wages, long working hours, and harsh working environments. The study shows how labour standards are impacted by national and international policy implications, as power and resources played vital roles in limiting the government's capacity to influence labour standards. The Bangladesh government is abiding by the terms set out by the World Bank or the IMF to grow the economy by cutting costs and attracting foreign investment. Therefore, the government sets out flexible approaches to foreign buyers, driving poor labour standards. The government policy restricting trade unions and freedom of association undermined workers' voices. However, multinational buyers and the EU made repeated calls to the Bangladesh government to release workers and union leaders who were detained by police for taking part in the violent wage strikes in January 2017 and December 2018. The government responded positively to the call and released workers. Union (ICO-9) stated that the weeks-long strike interrupted garment production and supply to the international market, leading to fear among buyers that stocks would run out. The MNCs took immediate action to stabilise the situation as their interest was greatly affected, demonstrating how global flows impact labour standards locally.

Although the formation of the Accord and the Alliance in the wake of the Rana Plaza disaster raised the hopes of union organisations, these platforms have limited their activities to only Occupational Safety and Health (OSH)-related issues; thus, disappointing workers and unions who have suffered decades of repression when exercising their voices for their rights. However, the Accord had to operate within a framework that they committed to under legally binding agreements to work towards delivering a safe and healthy garment and textile industry in Bangladesh that distanced them from engaging with non-safety-related issues. The Accord faced fierce resistance in dealing with issues such as forced labour and sexual discrimination from the employers, which the BGMEA also supported in many cases. The BGMEA has publicly criticised the Accord's work (Clean Clothes Campaign, 2019)[56], which encouraged employers not to cooperate with the Accords on factory-related issues.

According to the union (ICO-9), buyer firms were more in touch more closely with the government and employers' association (BGMEA) than with the Accord, as they tried to avoid excessive costs associated with remediation. Here, the allocation of resources (money) changes the power

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[56] Questions raised after agreement reached on Bangladesh Accord — Clean Clothes Campaign

relations between the Accord and multinational brands, and new relationships emerged between buyers and local actors (governments, suppliers).

Unlike the Accord, the Alliance did not have any financial liability included in their agreement for brands to pay for remediation costs. However, many factories covered by the Alliance offered several loan schemes, and it was more robust than the Accord, as although both platforms progressed to more than 90% initial remediation, the Alliance completed 65% (400 factories) (Alliance, 2018),[57] whereas the Accord completed 17% (279 factories) during their term (Accord, 2020). Both the Accord and the Alliance missed opportunities to establish a best practice in administrative control, managing people and their audit system throughout their operations to avoid conflict with local and global actors. A systematic plan for delivering the programmes within the agreed time and setting out an exit plan was missing; had these been in place, the platforms could have been more robust, accountable, and acceptable to all.

The Bangladesh government has taken many initiatives due to international pressure to protect garment exports from collapsing immediately after the Rana Plaza disaster, including joining the Bangladesh Sustainability Compact, undertaking the factory inspection programme under NTPA, reforming labour law, and supporting ILO Better Work Bangladesh and SDIR projects, among others. These initiatives have positively impacted the exercising of labour rights and trade union movements as workers become aware that they can exercise specific policies. However, controversies remained as there was no accountability or enforcement system for those who failed to comply. Therefore, many factories are reluctant to implement the minimum wage even one year after the policy was officially published (ICO-11), and unions in many factories face extreme opposition from management in forming or organising unions in the factory environment. The government conducted a factory inspection programme under the national initiative but only completed one-third of the inspection, and non-compliance resulted in 620 factory closures[58]. Union (ICO-11) blamed power and money as the deciding factors for factory closure rather than non-compliance, as many factories are still running with lower standards than the factories that had already faced closure.

Although the ILO ran programmes such as SDIR and BWB to enhance workplace rights, the effectiveness of these programmes was improved. The ILO had missed the opportunity to shape the labour rights issues, particularly in promoting freedom of association and collective

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[57] http://www.bangladeshworkersafety.org/en/488-2018-annual-report-press-release
[58] 4. NTPA summary (Final)_07.10.2020_approved_revised_14.10.2020 (ilo.org)

bargaining, forcing the Bangladesh government to hold the employers accountable for those who do not comply with specific labour rules in the aftermath of Rana Plaza. Although the factories participating in the BWB programme have a better compliance rate than non-participant factories, the ILO has failed to establish a sustainable basis for promoting dialogue, partnership, and accountability between workers and employers through the BWB and SDIR projects. Their industry and compliance review report found that 150 factories out of 200 were non-compliant by not having a functioning participation committee, 57 were non-compliant in collective bargaining, and 75 needed to comply with legal requirements when handling disciplinary action. The report also showed that workers had been bullied, harassed, and received humiliating treatment in 34 factories. They also reported unresolved grievances or disputes in 35 factories (Better Work, 2019).

The report shows the existing picture of the labour standards despite various projects that were implemented to improve the standards. The ILO could consult with factory unions more constructively and work together within a framework to deliver their project objectives, as unions have yet to have the opportunity to work closely on the BWB project. Although unions are optimistic about the SDIR project, it has yet to be widely assessed. As of June 2018, only two out of 61 factories that the BGMEA allocated (20 unionised and 41 non-unionised) have implemented this pilot model.

Moreover, the ILO is facing a challenge in delivering the project objective because of many issues, such as conflict in industrial relations, policy gaps in action and practice, funding shortages, shifting one policy to another quickly, overlapping policies and issues, and employers' reluctance to cooperate and implement reforms. Moreover, unions are concerned that ILO training programmes do not provide practical guidelines on conflict resolution and how to engage with employers in handling grievances constructively. Therefore, inadequate resources and power gaps derail the development of safety and labour standards.

5.2 Labour Standards and Practices in the Bangladesh Garment Industry

5.2.1 Introduction

As discussed in Chapter Two, the ready-made garment industry in Bangladesh has a significant role in the country's growing economy, accounting for 83% of total export earnings. The industry economically empowered almost three million female workers and contributed to reducing the poverty rate from 40% to 22% within the last 12 years (Wazed, 2016)[59]. The tragic death of over 1100 garment workers due to the Rana Plaza building collapse in April 2013 was an urgent global call for the Bangladesh garment industry and the multinational brands outsourcing garment products from Bangladesh to address health, safety and labour standards in the Bangladesh garment industry.

The country has seen several global initiatives in the aftermath of Rana Plaza (discussed in section 2.8). These initiatives improved safety and compliance and rebuilt the image and competitiveness of the Bangladesh Garment Industry in the supply chain. However, despite several initiatives the national and international stakeholders took to improve labour standards, potential discrepancies remain between global labour standards and material practices in the workplace post-Rana Plaza.

Here, the study explains the key findings that illustrate the conditions of labour standards in the Bangladesh Garment industry compared to the standards set by ILO core conventions, ETI standards, FLA standards, and the Bangladesh labour laws. The study identifies wages, long working hours, gender discrimination, sexual harassment, employment and health and safety as the most significant issues in the workplace. Simultaneously, the participants widely discuss job security, training and development, and management behaviour as their workplace concerns.

The study found that 16 out of 67 workers were paid below the minimum wage (< 8000 taka). In contrast, the ILO specified minimum wage to be equivalent to the cost of living (Convention 131), and the ETI base code indicates living wages to be paid that meet basic needs and provide discretionary income. The FLA code of conduct does not mention living wages but state that

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[59] Bangladesh's hidden story: A Booming Economy (diplomaticourier.com)

wages should meet basic needs and provide discretionary income. Bangladesh's minimum wage (8000 taka/month) is just half of living wages (16,460 taka) that are suggested by the Global Living Wage Coalition (see Graph 2.4).

Many workers (48 out of 67) said they work 14 to 16 hours daily. Many work seven days a week, sometimes two to three weeks, before they are allowed a day off. The legal minimum wage for garment workers in the country is 8000 taka (approximately U$75 a month) to work 48 hours a week (eight hours a day and nine hours a day, including a one-hour break). The Bangladesh labour law allows a maximum of two hours of overtime per day. Therefore, once a typical worker starts their shift at 8 am, they should typically be finished at 7 pm, but many workers reported that they finish their shift at 11 pm or after.

The ILO (Convention 001) recommends that working hours are 48 hours weekly, not exceeding 56 hours a week, including overtime. In contrast, the ETI and FLA also recommend 48 hours a week but not exceeding 60 hours a week, including overtime. Bangladesh labour laws kept the same provisions as the ETI and FLA, but most workers reported doing 80–90 hours a week, which breaches Bangladesh labour laws and ILO, ETI, and FLA standards.

Women experience the gender pay gap and various forms of discrimination in the workplace. More than half of the women interviewees (24 out of 42) in this study experienced some form of gender discrimination. Although Bangladesh labour laws retained a provision for equal pay rights, females' working hours, and maternity pay, they did not specify gender discrimination in a separate clause. The ILO Convention on Discrimination, 1958 (111) specifies that no person will be subject to any discrimination at the workplace based on sex, colour, race, religion, political opinion, or social origin (Convention 111), followed by the ETI and the FLA.

Women are subject to sexual discrimination in the workplace. More than half of female participants reported that they had experienced this at the workplace. Although both the ETI and FLA platforms decreed that sexual harassment, physical abuse, psychological and verbal harassment or any other forms of intimidation shall be prohibited, there is no specific provision for sexual harassment in the Bangladesh Labour Act 2006, under civil law sections 354 and 509 of the penal code, to deal with sexual harassment. This is despite the ILO (convention No. 190, Article 9) specifying that each member shall adopt laws and regulations requiring employers to respond appropriately to prevent violence and sexual harassment in the world of work.

In this study, about half of female workers reported receiving no appointment letters when they joined the company. However, the Bangladesh Labour Act 2006 under Section 5 states that no employer shall employ any worker without providing a letter of appointment. The ILO adopted the Employment Policy Convention, C122, which refers to full, productive, and freely chosen employment and should pursue this by appropriate methods to national conditions and practices. The ETI abides by the national laws and practices, and, according to the ETI, any work performed must be based on the recognised employment relationship, whereas the FLA adheres to employment rules and conditions that respect workers and safeguard their rights under national and international labour regulations.

The ETI and FLA followed the ILO convention, introducing their codes on Occupational Safety and Health (155) in the supply chain. However, despite progress made by the Accord, the Alliance, and national initiatives, health and safety conditions remain a big concern for many workers who participated in the interviews as employers ignore employment issues in the factory, causing uncertainty for millions of workers in the garment industry.

The above data show that there is a clear breach of ETI and FLA codes in the Bangladesh RMG industry, although companies signed up to ETI and FLA are required to undertake the responsibility to implement their codes in the supply chain[60] [61]. This study's empirical data are presented in detail in the following sections.

5.2.2 Data Segmentation

As established, this current study is based on in-depth, semi-structured interviews with unionised garment workers. To present the data systematically, all interviews were coded (following Braun and Clarke (2006) and Maguire and Delahunt (2017)), aggregating the views of the union members to identify prevalent and repeating patterns in the qualitative data. In order to differentiate the responses by gender, male and female interviews were coded separately, enabling the researcher to identify harassment and micro-aggressions to which women are subjected in the workplace and draw out the broader perspectives of women in the workforce. To do so, the researcher first coded five in-depth semi-structured interviews for preliminary analysis

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[60] Access denied | Ethical Trading Initiative (ethicaltrade.org)
[61] Manufacturing Code - Fair Labor Association

and to identify specific themes (Tables 5.1–5.5) before applying this method across the dataset. Verbatim quotes are set out in the left-hand column, each articulated by an identified respondent. The verbatim transcripts of five semi-structured interviews are presented below.

Respondent 1: Interview with a female sewing machine operator (WPN 19) from Nixon Apparels Limited (Table 5.1).

Table 5.1. Verbatim of a female worker working in Nixon Apparels Limited.

Verbatim	Issues identified/theme
I eventually got paid Tk 4000 monthly when the minimum wage was Tk 5300. I do not get accurate overtime pay. Management intentionally hides my payslip.	Below minimum wage, poor salary, job insecurity, inappropriate management behaviour
Payment is always irregular. I get less pay than a male colleague who joined the company after me.	Gender discrimination, irregular salary, job insecurity
One day, I wanted to go to my village to see my mother as she was seriously ill. I begged for one day's leave, but management declined my request.	Concerns over leave, inappropriate management behaviour, health and safety issues
The supervisor laughed at me when I informed them I was pregnant and needed two days' leave to recover from morning sickness. He started sexually talking instead of listening to me, but I ignored him as management did not take our complaint seriously.	Gender discrimination, sexual discrimination, job insecurity, inappropriate management behaviour, concerns of exercising voice, health and safety issue
I am petrified about my future as I know management will force me to resign if I return to work after completing maternity leave. Many of our female colleagues left the job after giving birth.	Gender discrimination, job insecurity, inappropriate management behaviour, concerns of exercising voice, health and safety issue

Respondent 2: Interview with a male worker (WPN-30) from the finishing section of Golden Fashion Limited (Table 5.2).

Table 5.2: Verbatim of a male worker working in Golden Fashion Limited.

Verbatim	Issues identified/theme
I used to get good behaviour from the manager, but since I joined the union, the management started behaving rudely.	Job security, inappropriate management behaviour, concerns over exercising voice
The management sometimes holds on to my salary for one or two weeks without any appropriate reason. They declined my application twice for annual leave, although I was entitled to have it.	Irregular salary, concerns over leave, inappropriate management behaviour
I am a member of the participation committee. The issue I presented to the committee did not get management's attention. One day, I found foreign particles in the drinking water. I reported this to the canteen manager, who said this was not his problem.	Inappropriate management behaviour, concerns over exercising voice, concerns over health and safety
I did not receive my employment letter but have an ID card.	Job insecurity, no appointment letter
I work 80 hours a week on average, including overtime, but I like to do more as I struggle to pay my bills to meet my end needs.	Poor salary, job insecurity, long working hours, concerns over health and safety

Respondent 3: Interview with a female worker (WPN-63) from the Inspection section of Atowa Garments Limited (Table 5.3).

Table 5.3. Verbatim of a female worker working in Atowa Garments Limited.

Verbatim	Issues identified/theme
I do not feel comfortable working with a male supervisor as he stresses me out. He often forced me to do overtime, which was like an order.	Gender discrimination, long working hours, job insecurity, inappropriate management behaviour, concern of exercising voice, concerns over health and safety
I fell sick two months ago after working three weeks without a day off. I could not turn up to work for two days. Although I submitted medical evidence, I did not get paid for it.	Concerns over leave and sick pay, long working hours, job insecurity, inappropriate management behaviour, concerns of exercising voice, concerns over health and safety
A few days ago, a supervisor asked me to work in the cutting section, where I had never worked.	Job insecurity, concerns over skills development, concerns over exercising voice, concerns over health and safety
The factory made lots of progress on safety standards because of Accord's presence. However, the factory gate remains locked during working hours, with only one fire exit and evacuation point.	Concerns over health and safety, concerns over exercising voice
There is no restroom or recreation facility. We work here like a robot.	Concerns over exercising voice, concerns over health and safety

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Respondent 4: Interview with a male sewing machine operator (WPN-7) from Amiton Sweater Limited (Table 5.4).

Table 5.4: Verbatim of a male worker working in Amiton Sweater Limited.

Verbatim	Issues identified/theme
In the safety and participation committee, management decides what is right for them.	Concerns over exercising voice, concerns over health and safety
When buyers visit the factory, management tells us to stay out. I have not seen any government inspector visit our factory in the last year.	Inappropriate management behaviour, concerns over exercising voice, concerns over health and safety
I bring food from home as the food quality in the canteen is poor.	Concerns over health and safety, concerns over exercising voice
I look for more overtime every week, but the supervisor prefers female workers even if they refuse to do it often.	Gender discrimination, poor salary, long working hours
Every day, I feel I should leave this job as management behaves rudely, but job opportunities in other sectors are minimal.	Job security, inappropriate management behaviour, concerns over exercising voice

Respondent 5: A female worker (WPN-56) from the Compliance Section of Galaxy Apparels Limited (Table 5.5).

Table 5.5. Verbatim of a female worker working in Galaxy Apparels Limited.

Verbatim	Issues identified/theme
I am afraid to enter a relationship as management behaves rudely with married women. The manager criticises us if we get a few minutes late or refuse to do overtime.	Gender discrimination, long working hours, job insecurity, inappropriate management behaviour, concerns over exercising voice
I wanted to be a supervisor, but they rejected me and said they were looking for a skilled male worker.	Gender discrimination, concerns over skills development, inappropriate management behaviour, concerns over-exercising voice.
My supervisor snatched my ID card one day when I refused to do overtime after 10 pm. I had to beg him repeatedly to return my ID card.	Inappropriate management behaviour, long working hours, job insecurity, concerns over exercising voice
There are not enough toilets for use in the workplace. The toilet locks are always engaged. It is excruciating. There is inadequate ventilation in the toilet, which remains smelly and highly unhygienic.	Concerns over health and safety, concerns over exercising voice
One day, my supervisor touched my body inappropriately when showing me work. When I warned him I would report him, he then apologised.	Sexual harassment, inappropriate management behaviour

The data from the above respondents (female–3, male–2) show that both male and female participants expressed dissatisfaction with the most common issues (see table 5.6) reflected throughout the whole study dataset.

The data (Tables 5.1–5.5) are transferred to the pivot table—Table 5.6 below—to quantify individual responses by a specific theme. Themes were identified from all 67 interviews and then aggregated, as shown in Table 5.6, to analyse and interpret the data.

Table 5.6 Summary of the data of all 67 semi-structured interviews.

Criteria	Interviewees			Responses		
	Male	Female	Total	Male	Female	Total
Gender discrimination	25	42	67	4	24	28
Sexual harassment	25	42	67	2	25	27
Below minimum wage	25	42	67	6	10	16
Poor salary	25	42	67	24	35	59
Irregular pay	25	42	67	13	26	39
Concerns over annual leave	25	42	67	17	32	49
Concerns over sick pay	25	42	67	16	33	49
Long working hours	25	42	67	19	29	48
Job insecurity	25	42	67	21	31	52
Inappropriate management behaviour	25	42	67	16	34	50
Employment—skills development	25	42	67	14	29	43
Employment—appointment letter	25	42	67	12	22	34
Employment—ID card issue	25	42	67	3	7	10
Exercising voice—participation committee	25	42	67	19	24	43
Health and safety concerns	25	42	67	18	24	42

In the study's dataset (Table 5.6), two thirds of the respondents are concerned about low pay, job security, management behaviour, annual leave, sick pay, long working hours, skills development, the participation committee, and health and safety at work. Amongst them, women are more concerned about annual leave, sick pay, management behaviour, and skills development than men are. More than half the women in the dataset are greatly concerned about gender discrimination and sexual harassment at work. The data (Table 5.6) are explained below (sections 5.2.3–5.2.12).

5.2.3 Gender Discrimination and Sexual Harassment

The global garment industry has historically been one of the most feminised sectors, employing approximately 75 million people worldwide, of which three-quarters are women. However, women earn 25–40% less than men, revealing a persistent gender gap (Schultze, 2015). Gender inequalities are rooted in social and cultural norms, policy focus, and institutional environments. The World Economic Forum (2017) reports that the gender pay gap is 34% in South Asia, where Bangladesh overall is ranked 47 in their report. The report suggests that Bangladesh is in better shape than other garment exporters like China (ranked 100), Cambodia (ranked 99), Vietnam (ranked 69), and even the United States (ranked 49). However, Bangladesh is far behind other countries in labour force participation (ranked 124) and wage equality (ranked 104), where 64.2% of women feel discouraged in their jobs (as opposed to 35.8% of men). According to the WEF, states across East Asia and the Pacific lose between US$42 billion and US$47 billion annually due to the limited access of women to employment opportunities (World Economic Forum, 2017)[62]. In the current study, 24 female workers out of 42 reported that they experienced gender discrimination on age, marital status, productivity, wages, promotion, and skills development (see Table 5.7).

The study examines verbatim reports from female workers to differentiate gender discrimination in the industry that are as follows:

Table 5.7. Verbatim of female workers' concerns of gender discrimination.

Interviewees	Statement	Concerns
A female worker (WPN-60) from Atowa Garments Limited	*I **do the same job as my colleague** (a male colleague) does. We both joined the company in July 2016. I work 10–15 hours more a week than him, **but** I **get** almost **Tk 1000 less every month.** Management behaviour was inappropriate when I asked to review my salary.*	Wage discrimination
A female worker (WPN-19) from Tifney Sweater Ind (Pvt) Limited	*When I came for a job interview, my manager **asked about my marital status**. He said they would fire me from the job **if I hid** the information and later revealed it.*	Hiring discrimination

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[62] WEF_GGGR_2017.pdf (weforum.org)

A female worker (WPN- 8) from Amiton Sweaters Limited	*I **requested** to be promoted to **supervisor** this year (2017). Although management appreciated my performance, they **selected a junior male colleague** for supervisory training.*	Promotion discrimination
A female worker (WPN-21) from Nixon Apparels Limited	*I requested a **flexible day shift** to help me **look after my newborn child,** but they often put me in the middle shift to finish sometimes at midnight. There is no **breastfeeding** facility. I have now no option but to resign from the job.*	Pregnancy and maternity discrimination
A female worker (WPN-27) from Golden Fashion Limited	*I always meet their target, but **they keep increasing the target** (stitching per hour), and if I fail to deliver, they start **criticising** me, blaming me for not being capable enough and asking me to **look for a job elsewhere**.*	*Justifying discrimination*

Women typically get paid less at work. The foremost reason is that they enter a job as young as 14 and do not have the bargaining power for salary increases, as they are mostly illiterate and mainly come to the urban area to find a job. In an interview, the Director of the Department of Labour (ICO-7) of Bangladesh stated that 'the garment industry has provided jobs to millions of poor women that made them economically independent'. Whilst this is true to a certain extent— as the RMG industry has provided women with the opportunity to secure employment without prior qualifications and experience—it also enables management to take advantage of their position and exploit them. Moreover, women's bargaining power weakens, and their access to the labour market depends on marital status (Menzel and Woodruff, 2019).

According to one respondent:

> One of my colleagues was fired when she reached 38 because her productivity was below average. I am now 34 and scared about my job as they might ask me to resign in a few years (WPN 35).

This concern is typical and speaks to broader trends in female employment and career termination. The question arose over why women are regularly denied positions, opportunities, awards, and privileges compared to men. Jeans, Knights and Martin (2011: XVI) posited:

> Compared to men, women prioritise home and family. Their lower status and fewer opportunities at work are due to their having chosen to place less emphasis on achievement so they could devote themselves to home and family. Men, in contrast,

choose the opposite. As the more powerful gender, the choices of men to concentrate on their careers at the expense of domestic responsibilities have implications for women's choices.

As men try to secure economic, political, and social dominance, the government, feminists, and pro-feminists are challenged to ensure equal opportunities (Jeans et al., 2011). The dominance mentality shapes the employer's denial of women in the workplace. Moreover, employers who did not introduce or delay introducing breastfeeding units at factories, despite court rulings, take advantage of poor enforcement and inadequate factory inspection.

In this study, many female respondents (25 out of 42) reported that they had experienced sexual harassment in the workplace by male supervisors, their colleagues, and their managers. However, two male workers stated that they were once embarrassed when their female colleague complained about them to the management for accidental touching whilst collaborating closely with them. However, female workers expressed concerns mostly about supervisors or line managers:

> I was sexually harassed by my supervisor twice in my previous workplace. My supervisor touched my chest while showing me work. I made complaints to the management, but they ignored me. I have left the company since then (WPN-2).

Female workers often avoid complaining to the management and barely approach law enforcement agencies as they think they will suffer more if they file a complaint. Although they seek justice at their workplace against sexual harassment, many female workers do not disclose these aggressions or assaults to management because they do not trust them, and they fear disclosing the information publicly, as they are concerned about shame, stigma, and family reputation. Many women leave their job on facing this type of incident. As one female worker stated:

> My line manager asked me several times to sleep with him. As I disagreed, he started to increase my workload and find ways to harass me regularly. I am the only earning member of my family and want to remain in the job, but no self-respecting person will tolerate this nasty behaviour. That is why I decided to leave. I was unemployed for seven months before getting this job (WPN-22).

Workers generally face unpleasant conditions while working under the accused person after making an official complaint, as employers are reluctant to suspend offenders during the investigation process. Even in the most severe cases, management typically does not enact formal proceedings or termination of contracts against line managers. Instead, it simply asks them to apologise whilst retaining them in post. In a few cases, female workers complained about

sexual harassment to the management, but management delayed accepting such complaints for investigation or ultimately took no appropriate action. Wilson and Thomsom (2001) state that women who enter the male-dominated space are more likely to be harassed as it has been seen as a norm of exercising power over women. Kabir, Maple and Fatema (2018) also affirm that sexual harassment occurs as women are culturally seen as weaker persons.

A female worker who had experienced sexual harassment while helping her employer by undertaking an extra shift at management's request said:

> One day, I was asked to work a shift before the Eid holiday as the factory ran out of time for a consignment delivery. Many colleagues had already gone on holiday, but I decided to stay and work as I live in the capital with my family. Less than 10% of workers were working before Eid day. Whilst I was planning to end my shift at 5 pm, the line manager asked me to do one hour extra. After doing the extra hour, I discovered no other colleagues were left on the shop floor. My line manager asked me to eat with him. I refused, but he forced me to do so anyway. Suddenly, he spills water on me. When I went to the toilet to change my dress, he grabbed me from behind and started kissing me. I pushed him hard and ran out of the building. I complained to the factory owner, but rather than acting against him, they just transferred him to another department (WPN-29).

Many women experience stigma and trauma as they cannot share their experiences with family or friends. Women are generally afraid of disclosing sexual harassment, as many of them lack knowledge about their rights and how to seek protection through labour laws. Their capacity to engage in disputes over their rights and to seek legal protection is further diminished because they lack the material resources and fear retaliation from management.

In other cases, female workers have felt compelled to hide their pregnancy or morning sickness at an early stage in the workplace as they were afraid of being mistreated:

> One day, I requested my supervisor to go home early as I had severe vomiting. He ignored my call but was laughing instead. Moreover, he started criticising me for going to the toilet frequently. I went home during lunch and did not return the next two days. I had to take two days of unauthorised leave, and when I returned to work, a manager called me into his office and verbally abused me without asking me the reason for my absences (WPN-46).

Although the RMG industry is highly feminised, with women making up over 70% of the workforce, the industry is primarily male-dominated. A survey conducted by the Centre for Policy Dialogue (CPD) and Ready-Made Garment (RMG) in 2017 found that, out of the 191 garment factories they visited, only one had a female manager (Moazzem, 2018). Although the High Court Division of the Bangladesh Supreme Court issued guidelines in 2009 on sexual harassment, workers lack

awareness about the guidelines and complaint procedures (Kashyap, 2017) as they have neither received training from their employers nor any third parties.

In this study's dataset, however, the researcher found three categories of women that influence employers' behaviour at factories: (i) Women who are illiterate and lack the skills and experiences to identify gender issues and suffer as a consequence (Kabir et al., 2018; Barrientos, 2019); (ii) women who ignore such things and remain silent as they accept gender norms and subordination (Barrientos, 2019) as they try to stay with their job to maintain both their socio-economic position and their primary responsibility for reproductive care, unpaid work, and child and adult care (Dannecker, 2010; Kabeer, 2014; Anner, 2021); and (iii) women who speak up to exercise their voice against repression (Kabeer, 2014; Gieseler, 2019; Huq, 2019; John, 2021: see also Ford, 2008). However, in this study's dataset, women who have spoken about their problems at work raised their issues either with the factory management in the first place or with the Accord. Some female interviewees reported that the Accord complaint mechanism gave them confidence in exercising their voice. These are the positive developments in women's empowerment in the industry. As women break their silence to defend their rights at work, a new social movement (Gieseler, 2019) stimulates a new research stream.

5.2.4 Wages and Pay.

Almost every male worker who participated in the interviews expressed their dissatisfaction with the minimum wage; indeed, 24 male workers out of 25 and 35 female workers out of 42 were concerned about their pay as the minimum wage was too low for them to survive. Amongst the interviewees, most were paid at the minimum wage level, with some claiming they were paid below the level:
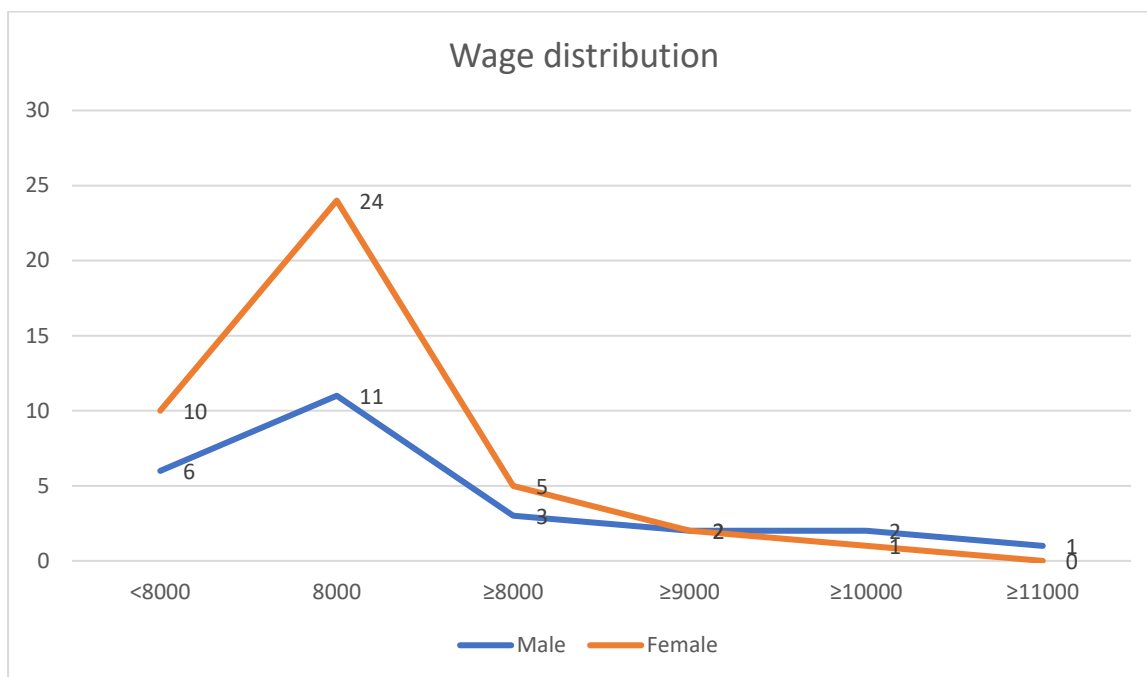
Graph 5.1: Monthly wages of interviewees

The above data (Graph 5.1) show a significant wage gap between male and female workers. Many of them told the researcher that they had not received the minimum wage during their first few months of employment (male 5/25, female 10/42). The wages of female workers drop gradually after a certain age (>28), whereas male workers see wages rise according to the length of service. Although the government has increased the minimum wage twice since 2013, many workers reported that this does not reflect their expectations.

> Though the government introduced the minimum wage, my salary has yet to be increased. I joined the company almost a year ago. When I asked management, they said I am still on probation, but the probation period is generally three months. Like me, many other new employees are kept on probation indefinitely and paid less. Although we are in a job, we cannot say to others that we do a job. A beggar in the street earns more money than us (WPN-14).

Many countries have introduced minimum wages to ensure workers are treated fairly with human dignity and respect. Low wages contribute to lower economic growth and less social cohesion (ILO, 2016).[63] Many workers were denied being paid the minimum wage during their probation period, but the Bangladesh Labour Act of 2006 stipulates that workers are to be paid the minimum wage from the first day of joining a company. Several strikes have been carried out by the workers

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[63] Global Wage Report 2016/17 (ilo.org)

and unions in demand of higher wages, but they have failed to get government attention and, instead, suffered from police repression:

> My friend used to work in a garment factory in the Ashulia industrial area near Dhaka. He joined in the wage strike in January 2017 with his other colleagues. He was beaten in the street by the police and got arrested. He later lost his job. I was paid only Tk5300 every month since I joined in 2015. I live in shared accommodation with other colleagues. I am in massive debt as I struggle to pay my monthly bills. I requested my manager review my salary, but he asked me to do more overtime or leave the job (WPN-44).

The Bangladesh government introduced a minimum wage for RMG workers at Tk5300 (US$49)[64] per month in November 2013, a few months after the Rana Plaza disaster. Workers then had to wait five years to see a further increase to 8000 taka (US$74)[65], in 2018. However, despite growing concerns amongst workers about low wages and non-payment, the Bangladesh government did not set out any accountability or punitive system for the employers in case they failed to pay the minimum wage to their employees.

Moreover, among the respondents, approximately two-thirds (26 out of 42) of female workers reported receiving an irregular salary. Sometimes, the date published by the management on the notice board does not match the actual payment date, although, according to the Bangladesh Labour Rules 2015, Section 112(2), employers, by law, should issue a notice at least ten days before the payment date. There are also significant concerns about the entitlement to annual and sick leave. Many workers are unaware of their entitlements to annual and sick leave. This happens because employees rarely receive a service book or information on the notice board about leave and payment policies. Workers were often refused by the management when they asked for annual leave. One female worker told the researcher:

> I requested one day of annual leave as my mother was seriously ill, but the manager refused. I did not risk going to the village to see my mother without management's permission, as one of my colleagues was dismissed from the job for only a few absences (WPN-54).

Many workers complained that, although they are entitled to 10 days of casual leave, 14 days of sick leave, 11 days of festival leave, and around 16 days of annual leave under the Bangladesh Labour Law 2006 terms, they were allowed only to enjoy festival leave. In this study, many women (32/42) and male workers (17/25) reported abusive behaviour by the management when they asked for annual leave. Almost a similar number of workers (33 female and 16 male workers)

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[64] 5,300 BDT to USD - Bangladeshi Takas to US Dollars Exchange Rate (xe.com)
[65] 8,000 BDT to USD - Bangladeshi Takas to US Dollars Exchange Rate (xe.com)

expressed concerns about sicknesses and absences as they faced salary cuts and disciplinary action for absences, even when they brought a medical certificate or could show a valid reason for their absences. They told the researcher that many workers had lost their jobs as employers inappropriately managed sick and absence policies. According to current factory law, if a worker takes an unauthorised absence, they must be given ten days' notice to return to the factory. If they do not return within ten working days, they are given a further seven days' notice. An employer can only issue a dismissal notice if employees fail to respond within the notice period. There are many examples where workers returned to work after two or three days of absence but were refused entry by the security guard, even when they complied with the ten-day notice period. Management treated workers who had joined unions or had ongoing performance issues differently.

According to a BWB (Better Work Bangladesh) compliance review report published in 2019, almost 42% of factories were found to be non-compliant on paid leave (sick leave, festival leave, maternity leave), 26% of factories were found to be non-compliant on annual leave, and 79% of factories were found to be non-compliant on the provision of a compensatory day instead of working on their rest day. Further, 44% of factories that terminated their workers' contracts did not settle their pay within seven days of termination as required by the law (ILO, 2019). The study also found that sweat factory workers were treated differently than in the non-sweater industry. Sweater factories run for only six months and are shut for six months. During the closed period, workers are forced to take unpaid leave. One worker stated:

> I remain unemployed six months a year as the sweater factory runs only for six months. I do not get paid during the closed period. I am trying to switch jobs, but nobody is willing to take me as I have expertise only in the sweater industry. One of my friends works in another sweater factory where the factory manager has agreed to pay them some compensation during the off period, but this is not the case everywhere (WPN-12).

A union federation leader (ICO-10) told the researcher that they managed to force the employer in one factory to pay compensation but failed in another factory as management strongly opposed such a request. The Director of the Department of Labour (ICO-7) acknowledged that there might be non-compliance on wages and pay in some sweater factories. However, they cannot investigate until they receive a written complaint. There is currently less scope to communicate with the Department of Labour as there is no communication system established between the workers and the Department of Labour to raise such issues unless they are channelled through the union federation. The above picture implies that the employers breach the Bangladesh Labour Act 2006 on irregular pay, minimum wage pay, annual and festive leave, and sickness and

absences policy. Here, employers' behaviour falls into two categories: employers either by law or voluntarily adopted a policy but did not practice it or delayed the implementation, which is referred to as a policy–practice gap or the employers implemented the policy but not for all, which leaves a policy outcome gap and is commonly associated with means–end decoupling.

5.2.5 Working Hours.

The Bangladesh Labour Rules 2015 (Section 99)[66] set a limit for daily working hours, such that an adult is allowed to work for eight hours a day (excluding breaks), a maximum of 10 hours (including overtime), but the majority of workers (female 29, male 19: see Table 5.6) said they had worked an average of 14 hours a day, sometimes seven days a week.

> I work 80–90 hours a week, including overtime. I do not know if there is any cap on overtime hours. Although I am willing to work long hours, I am worried about overtime pay (WPN-28).

The female workers the researcher spoke to were generally less concerned about long working hours than the male workers. Women are generally willing to work extra hours to meet the essential living costs, as most live below the poverty line (Hossan, Sarker and Afroze, 2012). However, workers are increasingly concerned about overtime pay, as many reported that they do not get paid properly.

> I start my shift at 8 am, generally finish at 10 pm, and return at the same time the following day. I have worked continuously for the last three weeks without a day off. My monthly wages do not match my total working hours. I raised the issue with management many times, but he repeatedly ignored my claims, and sometimes, I did not understand their explanation (WPN-41).

The above statement clearly breaches the Bangladesh Labour Act 2006 on working hours, leave, and pay policy. Section 103 of the Act stipulates that workers must have one day off each week, and if this cannot be given for any reason, then leave must be given within the next three working days as, under the law, nobody can work more than ten consecutive days; however, the respondents suggest a pattern of severe negligence and non-compliance with the law, FLA and ETI codes (working hour shall not exceed 60 hours per week)[67], or with the ILO Core Convention 1919 (No.1) on working hours. Many workers believe forcing them to complete long working hours

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[66] Bangladesh Labour Rules 2015 published (ogrlegal.com)
[67] Base code clause 6: Working hours are not excessive | Ethical Trading Initiative (ethicaltrade.org)

is a general management practice. However, they also acknowledged that buyers push manufacturing companies to deliver goods on time, or otherwise face cancellation of contract, with the attendant result of irregular pay or no pay. As one manager reported,

> …buyers demand more accountability, time management, and faster delivery and services, overlooking the key variables impacting labour standards. Buyers track their orders regularly, and if we miss the target for any reason, they impose many restrictions, such as price cuts and cancellations of orders, that leave us no grounds but to push workers for longer work (ICO-14).

The garment industry is indeed facing huge competition as buyers are open to other markets such as Cambodia, Vietnam, and China, which makes it difficult for them to gain control over production and supply. The factory management participant (ICO-15) blames the buyers for delayed payment and cancellation of the contract without allowing them the right to discuss things that sometimes cause irregular payments to workers. Ultimately, therefore, the dispersal of authority within the extended RMG supply chain works to deprive workers of their rights within the places of manufacture and production. Here, buyers and suppliers breach FLA or ETI standards and the Bangladesh labour law on working hours, constituting behavioural invisibility decoupling on labour standards.

5.2.6 Job Security

The majority of the study participants (females 31/42, males 21/25: see Table 5.6) reported that they fear job losses as they have often seen their colleagues fired or leave the company for unknown reasons:

> Working in a garment factory is associated with lots of uncertainty. I do not know how long my job will last. I have been suspended for one week for gross misconduct without pay as I opposed a supervisor's confrontation with my colleague. We cannot raise our voices as management threatens to suspend us if something looks unusual to them (WPN-49).

Workers taking part in the interviews feared speaking up against injustice in the workplace. Moreover, workers are subjected to verbal and physical abuse and penalties for any mistake. A worker (WPN-31) reported that hundreds of their colleagues were sacked from their jobs by their employers simply for participating in street protests for higher wages in December 2018 and that employers made misleading statements concerning misconduct policy (Section 29 of the Bangladesh Labour Rules, 2015) while suspending workers. The Bangladesh Labour Rules, 2015 provide a workers' representative to be part of the investigation committee (generally of six

members) for any employee suspended for gross misconduct. However, three workers—WPN-12, WPN-23, and WPN-30—asserted that many disciplinary actions are taken without forming a formal investigation committee and inviting workers' representatives to sit on the committee. Consequently, many workers end their careers prematurely and leave their jobs without informing their employers as they do not see a bright future in the garment factory.

> I am 32 and am planning to leave my job next month. I will go back to my village and open a small shop there. This job has not given me anything apart from stress and anxiety (WPN-64).

The garment industry has more significant employee turnover than any other sector, although large factories have less employee turnover than small and medium-sized factories (Hossain and Mahmood, 2018). As discussed above, the RMG workforce is relatively young, and women, in particular, face multiple difficulties in balancing work and family life. Many complain that they cannot even think about marriage or raising a family while working in a garment factory. According to the ILO, female workers prefer to leave the job after giving birth, which contributes to high employee turnover (ILO, 2019). In addition, low pay, lack of training and skills development, inappropriate behaviour by line managers, inadequate support, uncertainty around the job, management ignorance about welfare facilities, and management intentions to keep looking for new young employees with lower salaries are the contributing factors for high employee turnover. The FLA code indicates that no person shall be subject to any discrimination in employment, and the ETI base code also deters any harsh or inhuman treatments at the workplace that are grossly overlooked in the Bangladesh garment industry. However, many garment factories in Bangladesh violate codes as there is no transparent audit system or systematic monitoring system developed by the MNCs in the supply chain, which leads to behavioural invisibility decoupling on labour standards.

5.2.7 Training and Development

Training and development provide new aspirations to permanent and new employees and are designed to maintain them in employment. However, a lack of training opportunities prevents career advancement and risks employees ending up with low-skilled or unskilled jobs (Pillay, Kelly and Tones, 2010). In this context, it is revealed that more female workers (29/42) than males (14/25) interviewed reported that management is reluctant to provide skills training to enable them to become supervisors on the factory floor. Although the RMG sector has provided economic

independence to many poor women who support their families, they are mostly involved in unskilled jobs throughout their careers:

> I have worked in the sewing section for three years and wanted to become a floor supervisor. However, people do not get the opportunity based on their work performance or talent. Management selects the people they want. I feel discouraged as there are no training opportunities for learning new skills (WPN-25).

There are also minimal training opportunities outside the factory. As noted above, despite the highly feminised nature of the industry, career development opportunities are inadequate for women. The ILO runs some skills training programmes under the Better Work Bangladesh Programme to promote women's skills at work. However, they only provide this training to the selected factories who fulfil their conditions and sign up for their programme. In partnership with the IFC (International Finance Corporation), BWB has trained 144 female workers in 27 factories to become supervisors, of which 58 have been promoted to supervisor level. However, the ILO reports that only 5% or fewer female supervisors are on the factory floor in an environment where 75% of workers are women (ILO, 2019).[68]

Interviewed workers reported that they are often moved around the department without training and suffer from cutting, bruising, and other injuries at work:

> One day, I was working in the finishing section, but suddenly, my supervisor asked me to work in the cutting section. I had no previous experience working in the cutting section. I told the production manager this, but he did not say anything. When I refused to move, my supervisor sent me home (WPN-55).

According to the Bangladesh Labour Act, no worker is permitted to run a machine if they do not have training or practical experience and awareness about the dangers associated with the work, but many garment factories simply do not follow the law. The FLA Workplace Code of Conduct and Compliance Benchmarks indicates that employers should provide training to the workers regularly and when any policies and procedures are revised (FLA, 2020)[69] that are grossly violated in the Bangladesh garment industry. Here, a policy–practice gap is defined as casual complexities as employers might not be aware of the benefits of skill development and providing training to factory workers.

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[68] Home - Better Work, https://betterwork.org/2019/03/14/bangladesh-factories-set-for-more-female-supervisors/
[69] Standards - Fair Labour Association

5.2.8 Management Behaviour

Management behaviour towards workers was one of the most striking aspects of the interviewees' responses. Employers expect their employees to rely on what they say or offer rather than listening to workers, which causes many workplace problems. In the study, most female participants (34/42) reported that they had experienced extreme behaviour from their managers, whereas a slightly lower number of men (16/25), but still a majority, expressed similar concerns. The study findings reveal that women generally face more harsh behaviour than men do in the traditionally male-dominated workplace. Women are concerned about unsocial working hours, changing shifts frequently, and disrespectful behaviour by the management:

> I was working in the finishing section (ironing) when I was supposed to get a day off. I was expecting to finish at 9 pm. However, I was asked to do two hours of overtime just half an hour before finishing my shift. When preparing to leave at 11 pm, the supervisor was rude and asked me to wait one more hour, blaming me for being too slow to finish the job on time (WPN-37).

Workers sometimes do not get prior information from management when they must do overtime. Workers are usually mentally prepared to do one or two hours of overtime daily. However, according to the Bangladesh Labour Laws, 2015, female workers must obtain written consent if they are asked to work after 10 pm. According to Section 108 of the Bangladesh Labour Law, workers should be informed at least two hours before commencing overtime, but most workers said this was not the case. Several workers reported being humiliated on various occasions, especially when they refused to do a shift or refused to move into another department:

> My rota has been changed sometimes twice a week. I have requested a fixed shift, and if that is not possible, at least not change every week as I need to coordinate with my husband to look after my disabled mother. My line manager knows about my problems, but he keeps ignoring them. He gives me numerous excuses and misbehaves when I ask to review my rota (WPN-56).

Workers do not get assistance from third parties to resolve these issues. There is persistent interception from the management when workers seek assistance from unions. Workers experience harsher behaviour from management if unions get involved in their matters. Unions typically also try to stay out of such issues.

One day, I was talking to my union leader in the canteen during my leisure time. My manager called me into his office and said that if I liked my job, I would stay out of the union (WPN-34).

Workers reported that they experienced extreme management behaviour when they joined a union or sought union support. They feel isolated and that they do not belong to their company. The FLA Workplace Code of Conduct suggests that employees shall be treated with dignity and respect, and no employee shall be subject to any physical, sexual, psychological, or verbal harassment or abuse. The ETI base code also places restraints on harsh or inhuman treatment at the workplace. However, the data suggest a continuous violation of these codes that both the buyers and suppliers in the Bangladesh garment industry ignored. This policy–practice gap severely impacts the workers' physical and mental health and productivity at the workplace.

5.2.9 Employment Issues

The industry has made significant improvements in issuing ID cards; only a few workers (male, 3/25, female, 7/42) in the study sample said they had not received an ID card from their employers, although more than half of the interviewees (females 22/42, males 12/25) had received no employment letter. Workers WPN-58, WPN-41, and WPN-22 said that management keeps employment records in their office for audit purposes to show that an employment contract is issued to everyone under the Bangladesh Labour Act 2006 terms which makes it compulsory for every employer to provide employment letters.

Many female workers have less understanding of the contents of employment letters, as most rely on verbal information from management. The recruitment drive is mostly informal, as workers are usually allowed to work after a few checks without any interview or being provided with induction or training before starting work. As one of the respondents said:

I was asked to stay with a senior sewing machine operator and learn from her one day. The next day, I was given a sewing machine to operate (WPN-21).

There is a widespread practice in the garment factory that any new colleague is assigned to a senior colleague to show them the job. However, they do not have the opportunity to gain experience about the company, management structure, job prospects, targets, and goals. The situation in the large companies is slightly different as, here, workers are assessed before being offered a job and provided with induction:

> I was given a service book and a joining letter on the first day I joined the company. The line manager sat with me weekly to see my progress (WPN-44).

Large factories maintain a recruitment policy and focus on employee development to maintain their reputation in the market and attract foreign buyers for large orders. However, some workers complain that they do not receive their due yearly wage increment, and their performances are not evaluated. Employees in medium and small-sized factories face more daunting circumstances as many are unaware of their salary grade, hourly overtime rate, and leave policy.

The ILO reports that 117 out of 200 factories that they assessed did not issue any appointment letter to the worker, and 34% of factories did not include designation, pay rate, salary grade, and leave policy in the employment letter (ILO, 2019). Although many multinational companies operating in Bangladesh have an HRM policy, the RMG factories are found to be more reluctant (and far behind) to adopt HRM policies. Some factories have recruited HR advisers, but they mainly work as the personal assistant of the factory owner. A recent study also suggests that many companies do not have any provision for performance reviews and exit interviews for employees leaving their jobs (Sarker and Afroze, 2014). As HRM policy is comparatively new in Bangladesh, many employers have inadequate knowledge about the benefits of an HRM system. The critical drivers of substantive compliance to their factories that create the policy–practice gap are casual complexities (Kuruvilla, 2021).

5.2.10 Exercising Voice

Although the Bangladesh Labour Act 2006 has made it compulsory for all garment factories to form a participation committee and safety committee with equal representation of management and workers, workers (WPN-2, WPN-19, WPN-11, WPN-40) reported that management has chosen employees who are obedient to them to gain overall control of the committee. According to the Bangladesh Labour Laws and Section 205(5), registered trade unions or collective bargaining agents must submit names for a workers' representative to form a participation committee. Employers' duties were assigned in the law to help workers in the non-union factories form a committee by arranging an election with a secret ballot. However, some workers (WPN-38, WPN-29, WPN-37, WPN-55) were concerned that management mostly avoided the election process and that, where there was an election, it was not transparent. Other workers (WPN-64,

WPN-54, WPN-26) also reported that the participation committee did not represent them, as their voices were not heard:

> I am a member of the participation committee. I do not know my role and responsibilities in the participation committee, as I have not received any training. The management raised the issues typically discussed in the committee as management discouraged us from sending any agenda to the meeting (WPN-64).

Many workers (males 19/25, females 24/42) expressed concerns that they cannot exercise their voice through the participation committee. However, the data show that female workers are less interested in raising their voices at the workplace than their male counterparts are. A factory union leader (ULC-4) said that the participation committee works as a shield for management, where workers' representatives are forced to work alongside the factory's anti-union sentiment. Management uses the participation committee to convince workers to support management decisions rather than to represent workers' voices in the committee. The ILO reports that workers in participation committees are often harassed or humiliated over disagreements with management (ILO, 2019). Typically, management also takes a hierarchical, bureaucratic approach to the participation committee, as the company owner stays as chair of the committee to gain overall control. Although, according to the law, workers can send their agendas two weeks prior to the meeting, workers (WPN-39, WPN-22, WPN-8) reported that, in many instances, management did not accept any sensitive agendas and never published meeting agendas before the meeting:

> I raised the issue in the participation committee on behalf of one of my female colleagues, who reported that she had not received her payslip for the last few months and eventually did not know how much overtime was paid. However, the committee chair was upset, as he said this is not today's agenda. He added that if I liked my job, I needed to stop interfering in the company's administrative work (WPN-51).

Some workers (WPN-50, WPN-36, WPN-50, WPN-28) blamed the weak unions that undermined workers' voices, although many were concerned that a union presence would not make any difference. However, factory unions (ULO-3, ULC-6) refer to management's hostile attitude and authoritarian control, which prevent them from becoming involved in the collective representation of workers in the workplace. The ETI base code and the FLA workplace code of conduct delineate that freedom of association and the right to collective bargaining should be respected in the supply chain. However, this study found that many factories supply garments to ETI, and FLA signatories do not follow their codes. In this context, the employers adopted a policy to respect the collective representation of workers and collective bargaining in the participation committee but refused to implement them, which leaves a policy–practice gap. Here, practice multiplicity

decoupling occurs as employers take advantage of specific restrictions of Bangladesh labour law on freedom of association and collective bargaining. The employers also take advantage of the code variation between ETI and FLA on freedom of association and collective bargaining. The ETI base code states that where there is a restriction under the law, firms shall allow workers to elect their representatives, but there is no such provision under the FLA (O'Rourke, 2003).

5.2.11 Health and Safety

This study has examined workers' voices to evaluate recent developments in health and safety in the Bangladesh RMG industry and to analyse government, Accord, and Alliance initiatives to improve safety standards after the 2013 Rana Plaza building collapse. The Accord undoubtedly improved safety conditions but has not proven credible (Croucher et al., 2019). This study found that around four-fifths of female participants (24/42) were genuinely concerned about their health and safety at the workplace. It was also found that female workers were grossly neglected compared to their male colleagues on health and safety matters in the factory. Indeed, female workers are mostly silent at the workplace on minor and even severe health and safety issues:

> There is no difference whether I die at the workplace or outside the workplace, as I live in a slum area and do not have a strong roof over my head. I ignore the suffering I get from the workplace. I at least earn some money for my family (WPN-37).

The above statement indicates why female workers compromise over poor health and safety as they remain focused on earning money to support their families. The study data suggest that women (24/42) are comparatively less concerned than men (18/25 about health and safety issues in the workplace.

The study findings identify two reasons why women are demotivated on crucial health and safety issues in industry. First, no compliance monitoring mechanism was introduced before the Accord and Alliance establishment, which set the mindset for millions of workers for decades who knew in which environment they would work. That is why slow responses were received even after The Accord safety complaints tool was introduced, as only 890 OSH-related complaints were received out of millions of workers within eight years of the Accord term (April 2013–May 2021).

The report published by Action Aid, a global federation working for a world free from poverty and injustice, shows that 80% of garment workers in Bangladesh have experienced or witnessed

sexual violence and harassment at work, and 90% of workers said their job negatively impacted their health[70]. Second, management gives women a lower preference than men in accepting health and safety complaints. Evidence (from the interviewees) suggests that women face criticism from the factory management for reporting sexual harassment or abusive behaviour, which demotivates them from reporting such issues. Workers are concerned that many health and safety issues went unreported as there was insufficient training on what to report and how to do so. Workers who suffer from ergonomic issues, occupational diseases, chemical and biological hazards, or noise and vibration at the workplace often do not report them.

> I suffer almost every day from eye strain and hand and neck pain after working 14–15 hours a day in a closed-door environment. Management has supplied cheap masks that are not fully effective, as I can find tiny black particles when I sneeze out and cough out. The safety committee is not effective in addressing health-related issues. There is no health surveillance in our factory (WPN-27).

As noted above, the ILO assessed 200 factories in 2019; it found that 108 factories were non-compliant on work-related accidents and occupational diseases, and at least 182 factories were found non-compliant on issuing PPE, including dust masks for the knitting section; hand gloves and boots in the washing section; and earmuffs in the generator section (ILO, 2019). According to the Bangladesh Labour Law, a safety committee must be formed if any factory employs 50 or more people and should distribute responsibilities to the committee members to make it functional.

Although the Accord and the Alliance have progressed over the RMG industry's safety, workers (WPN-20, WPN-16, WPN-5) reported that their factory gates and fire exit doors remain locked during working hours. The evidence shows that many factories did not learn a lesson from the past incidents. In their recent 2019 study, the ILO reported that 84% of factories they visited had at least one obstructed emergency exit; 40% of factories were non-compliant with fire detection and alarm systems; and 70% did not provide training on firefighting and rescue teams. The ILO reported that 87% of factories were found non-compliant with the legal requirement of providing medical checks, including first aid supplies, in factories. In addition, 63% of factories do not have an adequate lunchroom or canteen, and 24% have no drinking water facility (ILO, 2019).

The study found that many medium-sized factories employing 5000 or more workers cannot access a medical team or health centre. However, the Bangladesh Labour Law Section 89(6)

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[70] 80% of garment workers in Bangladesh have experienced or witnessed sexual violence and harassment at work | ActionAid International

requires the establishment of a factory health centre if the owner has 5000 workers in one or more factories. However, the law recommends a medical physician for every 3750 workers and provides just one bed per 1000 employees in the health centre; therefore, it is almost impossible for a worker to see a doctor even in an emergency. Workers (WPN-11, WPN-24, WPN-36) reported an inadequate first aid facility in factories, and they do not get medical treatment, even in urgent situations.

Although some factories have drinking water facilities, workers (WPN-6, WPN-32, WPN-41) told the researcher that the water containers often looked dirty. They said they drink tap water instead despite knowing it is unsafe.

> I had diarrhoea after drinking water from the canteen. I reported it to the manager, who said he had received no other complaint. When more workers reported similar symptoms the next day, he changed the water container, but no test was conducted (WPN-6).

According to the Bangladesh Labour Law, Section 58, it is the legal responsibility of the factory owner to provide pure drinking water in a suitable container free from germs. According to the law, the employer should run a canteen if they employ more than 100 people with 10% seating capacity, but there is no canteen in some factories even where they employ more than 100 workers. Many FLA- and ETI-affiliated companies outsourcing garment products from Bangladesh insist that suppliers should maintain the standards set in the Bangladesh labour laws and codes of conduct. However, they have done little to ensure compliance in their suppliers' factories (Human Rights Watch, 2015.)[71]. Here, the policy–practice gap (behavioural invisibility decoupling) occurs because of poor monitoring systems on health and safety standards at the workplace, and the employers avoid any types of inspections or audits to avoid findings of non-compliance or falsified audit reports (Takeda et al., 2020).

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[71] "Whoever Raises their Head Suffers the Most": Workers' Rights in Bangladesh's Garment Factories | HRW

5.2.12 Summary

The study supports the arguments of the institutional theory of decoupling as the data suggest a clear distinction between standards and practices in the garment industry in Bangladesh despite many efforts to improve labour standards in the aftermath of Rana Plaza.

The Bangladesh RMG industry has witnessed no major incidents since the combined efforts of the Accord, the Alliance, and national initiatives, which have taken significant steps to check safety standards and have forced many factories to shut down, which were found non-compliant in their inspections. However, due to a significant reshuffle of the industry's safety standards, thousands of workers, mostly women, have lost their jobs and are still struggling to find one. As one female apparel worker stated:

> We are not responsible for non-compliance at the factory. We work hard to feed and raise our family. As a result of the factory closure, my family starved for months with hardly one meal a day until I found a new job. Why should we suffer if we were not blamed for non-compliance at the factory? (WPN-28).

Looking back to her question, 'If we were not blamed for non-compliance at the factory, why should we suffer?', the study revealed the fundamental misrepresentation of global standards and its practices to offer economic advantage to MNCs, for which the workers have mostly suffered. As voluntary codes of conduct have proved ineffective, and the ILO takes a neutral stance in enforcing its core labour standards, some global initiatives such as ETI and FLA initiatives have been launched to ensure labour rights in their sourced factories. However, the ETI still needs to work on implementing its codes in the supply chain after nearly two decades since its formation. The ETI has acknowledged that, although companies have started to invest in compliance monitoring programmes in their supplier workplaces, they were criticised as piecemeal and needing more credibility.[72] This study has found non-compliance on eight out of its nine base codes. The workers who participated in the interviews are making clothes for Primark, Next, Marks & Spencer, Aldi, Zara, H&M, and Matalan, all of which are ETI members and represent examples of companies violating labour rights in their outsourcing factories, according to the data received from the workers (Table 5.6 above).

The FLA workplace code of conduct also affirms that its affiliated companies, which outsource from 84 countries, must meet strict labour standards, and companies will be held accountable for

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[72] ETI's origins | Ethical Trading Initiative (ethicaltrade.org)

monitoring compliance in their supply chain. However, Walmart, an FLA member, was found to have breached eight out of nine FLA codes, according to the responses given by the interviewees. Workers are forced to work for two or three consecutive weeks before they are allowed a weekly rest day. Workers (WPN-39, WPN-44, WPN-52) worked 80–90 hours a week rather than the FLA limit of 60 hours a week, including overtime, and experienced harsh behaviour from their supervisor when they refused to do so. Many workers received no information or training about the functionality of the participation and safety committee and could not engage fully with such initiatives. The overall picture of labour standards in the Bangladesh RMG industry is a broken promise, and there is a clear gap between the standards promised at the global and local levels and the standards practised at the workplace.

According to the Modern Slavery Act 2015, UK companies with an annual turnover of £36 million or more must produce an annual statement confirming that they have taken an agreed series of steps to ensure no modern slavery in their supply chain. In their 2018 Modern Slavery Statement, Primark acknowledged that modern slavery is present in the lower tiers of their supply chain.[73]. They stated that a small number of forced labour and forced overtime incidents are present in their supplier's factories[74]. However, a union leader (ICO-9) suggests that modern slavery is present at large in the Bangladesh garment industry, and it will be tough to eliminate without setting clear policy guidelines, as the audit programme alone is not sufficient to address the issue.

Many retailers in Bangladesh adopt the SA8000 standards, as international buyers such as Walmart and Disney recommend this third-party audit. The SA8000 audit checklist includes numerous provisions, such as child labour, labour rights, and labour standards; however, the questionnaires were designed in employers' favour as it is a management practice that does not make space to include workers' voices on labour rights issues. For instance, the auditor asked one worker (WPN-10) whether the security guard was used to force him to do overtime. This was mostly irrelevant as this study found that the supervisors force workers to do overtime. In their report, the Clean Cloth Campaign (CCC) argued that auditing firms are caught in a buffer zone between supply chain issues and the reputation of brands and catering to their client's needs. There is a lack of transparency in audit reports, which remain confidential to the public (CCC, 2019).[75] Corporations use their technology to track performance and work progress; this undoubtedly has increased productivity but has also inherently driven exploitation as management does not respect labour rights.

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[73] Primark_MSA_2018 - Signed (bigcontent.io)
[74] Modern Slavery Act | Primark
[75] "We go as far as brands want us to go" — Clean Clothes Campaign

Therefore, it can be argued that labour standards have ultimately remained a choice between factory owners and MNCs, where national laws and the ILO take a neutral stance, and laws and recommendations mostly remain catalysts. Castells' twofold logic supports the argument that the impacts on trade unions and labour standards have become highly deleterious due to the asymmetry of power relations between global and local levels, as labour market deregulation promotes the interest of wealthy groups before labour and resistance and rejections become significantly more potent than compliance (Castells, 2009:11).

As there is a disparity between labour standards and practices, the study demonstrates the role of unions in addressing labour standards. The following chapter illustrates unions' material and proximate roles in promoting labour standards in the Bangladesh garment industry.

CHAPTER SIX

6.0 The Material and Proximate Roles Played by Unions and Barriers to Union Mobilisation

6.1 Introduction

As discussed above, the Bangladesh RMG industry has one of the lowest union densities in the world; moreover, the union's influence in the industry is relatively low (Jenkins, 2013). Although there was a sudden spike in union registration in Bangladesh immediately after the Rana Plaza tragedy, the trends did not continue as the Accord and Alliance formation towards the assurance of workplace safety distracted international attention away from unionisation. The improvement in working standards, however, has resulted from the exercise of power by consumers, the fear of reputational costs at the end of the supply chain, and the guarantee of standards by global agreements to ensure mobility across the supply chain rather than through the capacity building to enable self-organisation, or to increase the bargaining power of workers in the material spaces of production. Although the Accord and the Alliance have forced management to address health and safety issues while effectively ignoring non-OSH-related issues, factory unions and workers had the opportunity to raise their voices through the safety and health complaints mechanism and approach the safety committee over engineering (electrical/fire/electrical), and working environment-related issues (unsafe drinking water, excessive heat, workplace violence, forced overtime, sexual harassment, denial of maternity pay/leave rights). These provide unions with routes of openness in the institutionalised political system. A union leader stated:

> The Rana Plaza disaster teaches us that the only way to restore labour rights at work is to oppose management's reckless behaviour through fierce protest or strike action, but we recognise that, without building coalition and solidarity at the workplace against injustice, we are not able to change that behaviour (ICO-9).

The union focused on registering unions at factories in the aftermath of Rana Plaza as a primary initiative to build a coalition in the factories. The union took advantage of international pressure that pushed the Bangladesh government—which had taken a soft stance on unions in the aftermath of Rana Plaza—to boost union registration. The coordinated efforts helped to increase union registration at the factories; however, this has proved short-lived. The data below from the Department of Labour during the interviews illustrate union registrations against applications made by the RMG factories in Bangladesh since 2013.
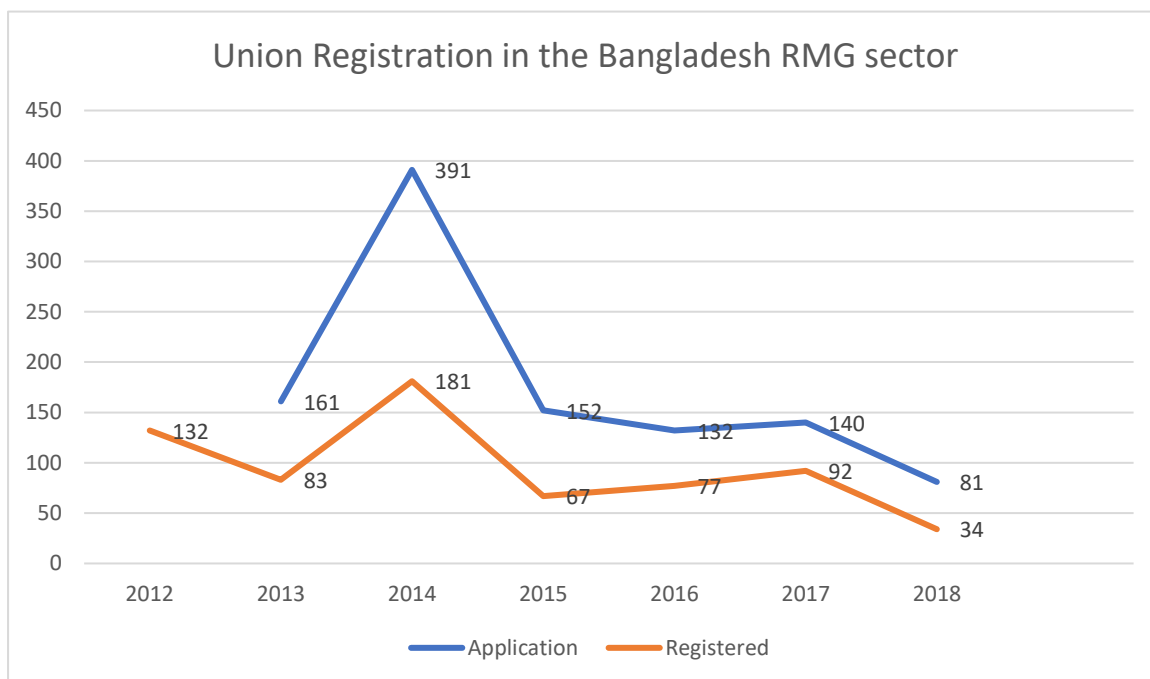
Graph 6.1: Trade union registration vs application made as of July 2018,
Source: Department of Labour, Bangladesh.

The above data (Graph 6.1) suggest that union registration in the RMG factories in Bangladesh has significantly declined since 2014. In 2018, the ILO Committee of Experts found that registering a union is the most challenging mission for workers. The committee found that one-third of applications were marked in the government database as rejected without a clear indication of the reason for rejection (Clean Cloth Campaign, 2018)[76]. This shows that the Bangladesh government retained its anti-union strategy once international pressure shifted because of the formation of the Accord and Alliance. The government's position was changed as the employers made persistent calls to the government to tighten the registration process. They feared losing control, which may further disrupt their productivity and impact union registration.

The unions are also actively involved with the participation committee and the safety committee, which is the only viable way to table their concerns and exercise voice over labour issues. However, the unions conducted several strikes as the participation and safety committees failed to address labour's major concerns. Meanwhile, established unions have remained increasingly under fire, and their success depends on workers' bravery in helping to achieve a meaningful voice in the workplace. To address the perceived injustice in the workplace, Kelly (1998) urges

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[76] Bangaldesh Evaluation ILO Experts 2018 Final (ituc-csi.org)

trade unions to take an active role in turning a collective sense of injustice or grievances into collective action. While the management explicitly tries to restrain unions' voices, senior workers in many factories are seen to play an active role as leaders in exercising informal workers' voices (Gunawardana, 2014).

The study examines three sets of data whilst defining the union's role in the industry—i.e., the data received through I) the interviews with the union members and, II) the interviews with the union leaders, and III) the interviews with the officials of the BGMEA, the Accord, the ILO, government officials, and factory managers.

Here, union members are the key witnesses to the day-to-day activities of a union at the workplace and beyond on coalition building and solidarity and conducting collective action to promote labour standards. They also witness the constraints they face in trying to play their roles fully. The union leaders illustrate the opportunities that opened in Rana Plaza's aftermath, considering the available resources and constraints. The study also takes account of the interviews with industry officials and other government and non-government officials to justify the union's role in coalition building and collective action in promoting labour standards and rights. The study articulates the collective voices of labour to identify how many people are discussing the same issue (section 6.2); this will provide the reader with a closer view of union roles in the Bangladesh garment industry.

6.2 Data Segmentation

So far, this study has examined 67 semi-structured interviews with union members, enabling the researcher to identify the key issues that persist in Bangladesh's RMG factories. As before, the researcher developed a thematic framework by classifying and summarising data, which were inductively extracted from transcripts through a manual coding procedure. All interviews were, therefore, coded and classified into self-generating themes. First, five in-depth semi-structured interviews were coded for preliminary analysis and the identification of specific themes (Table 6.1).

The dataset shown in Table 6.1 suggests that unions oppose injustice at work; they participate in coalition building with workers and in collective action to solve labour issues. The above data show that unions promote freedom of association and exercising of voices in the protests against injustice within and beyond the workplace; however, this is only in a limited capacity as unions often face threatening behaviour and repression from management whilst attempting to help workers. Unions are networking with members to provide training on labour rights issues and connect with local unions to strengthen their activities. Unions participate in the negotiation with management to resolve workplace issues and engage in collective action if management refuses to negotiate. The union is found standing on the side of the workers, for instance, in demanding wage reviews, raising voices over harassment, and becoming involved in many coordinated activities such as processions, walkouts, and strikes.

Table 6.1. Identification of union involvement in the eyes of union members.

Verbatim	Issues identified/theme
A female worker (WPN-28) from the cutting section: The union **organised a meeting** outside the factory premises in protest against **irregular pay,** as unions were **prohibited** from organising any meetings in the workplace. **Local unions** were also invited to attend the meeting. That day, the factory manager called the union leader at his office and **agreed** to resolve the issue. We received regular payments after that.	Injustice, Organising, Connections, Negotiation
A male worker (WPN-14) from the sewing section: After the Rana Plaza building collapsed, the union stepped up to support us on many issues in the presence of Accord and Alliance. I have been paid below the minimum wage since I joined, but the union **spoke** to the factory manager on this issue. The factory manager warned **the** union not to interfere in the management processes. Once I filed a grievance with the support of the union, they did not accept it but agreed to **pay me correctly** the following month**.**	Servicing, injustice, Exercising voice, Grievance
A female sewing machine operator (WPN 35): The union and colleagues **stood by** my side when I was **suspended** for making a **complaint** against my supervisor as he tried to **assault** me sexually. The union called for a **walkout** from the factory for one day. The factory manager **agreed** with the union to thoroughly investigate the issue, and my job was reinstated a month later.	Servicing, Injustice, Strike, Negotiation
A female worker (WPN-46) from the sampling section: I have received **training** on grievance handling procedures in the union office. The union federation **invited** all **members to participate** in the taster session. The union **received funding from the ILO** to organise such a training session.	Networking, Organising, Connections/support
A male worker (WPN 64) from the packing section: We **came out** on the street **in protest** of the death of our female colleague, who collapsed on the factory floor and died from **severe negligence** or health issues by the factory management. She repeatedly requested time off but was not allowed. Thousands of workers from other factories **joined** in a strike, **ignoring** calls **for pay cuts and suspension**. Unions **supported** the action and took part in the strike. The protest lasted a few days and became violent as the **police interfered**. They have sealed union offices and beaten and arrested many workers and union leaders.	Injustice, Strike, Participation, Law Enforcement

The above method (Table 6.1) applies to the whole dataset to identify the workers' collective voices on the roles that unions played in the workplace, not to undertake any quantitative analysis. The data (Table 6.2) suggest that unions promote coalition building through servicing,

organising, networking, connection, and negotiation with management and other union organisations in promoting labour rights and standards.

Table 6.2. Collective voices of workers on the various roles of unions at the workplace.

Criteria	Interviewees			Responses		
	Male	Female	Total	Male	Female	Total
Coalition building and solidarity:						
Organising	25	42	67	8	14	22
Servicing	25	42	67	12	16	28
Negotiation	25	42	67	14	22	36
Networking	25	42	67	10	16	26
Connection	25	42	67	7	11	18
Collective action:						
Injustice	25	42	67	18	26	44
Grievance	25	42	67	11	17	28
Strike	25	42	67	17	23	40

Unions are also involved in promoting freedom of association and exercising voices to oppose injustice at work, expressing their dissatisfaction by filing a grievance and calling strikes if negotiation with the management fails. Unions turn the tide through strike action, and management has listened to unions relating to many cases in solving workplace issues. Unions have many opportunities to effect change through strike actions such as non-payment, overtime, sexual harassment, and forced termination, among others.

The data, however, suggest that a union's capacity to become involved in these activities is minimal as unions are impacted by poor memberships, lack of external and internal support, and poor laws and enforcement that weaken union power at the workplace. Both male and female workers have similar concerns about the various roles played by unions in the workplace, although, according to women's perspectives, unions are weak in servicing, networking, and connection. However, this is not the perspective of men. The data suggest that the highest involvement of unions was in negotiating issues with employers, taking strike actions against employers, and exercising voice at the workplace. The following section elaborates on the union's role in greater depth, taking the above evidence (Table 6.2) and the data received from various stakeholders as a point of discussion.

6.3 Promoting Labour Standards and Rights Through Coalition Building and Solidarity.

Workers acknowledged that the unions made progress in servicing and organising at the workplace after the Rana Plaza building collapse as they said unions helped them on a range of issues such as non-payment, harassment, long working hours, sickness, and absences, forced termination, and abusive behaviour, among others. They organised many events in the protest against injustice. Subsequently, on many occasions, management is forced to change their unacceptable behaviour. These are new experiences for many workers as they believe the Accord and the Alliance have provided a new mindset and strength of protest for unions. Similarly, workers' interest grew in participating in protests and strikes as the Rana Plaza disaster shook their world with fear, shock, and anger.

> We find no alternative but to exercise our voices to regain trust and power at the workplace as decades of repression and negligence pushed us towards the boundary, and we are at a dead end as a result. There are no other suitable times than now to organise things for our rights, although we know that management would not change their attitude despite pressure mounted from Accord/Alliance and ILO to maintain labour laws and respect international standards at the workplace (ULC-7).

The above statement highlights the desperation of unions to be bold, as many workers expressed their interest in uniting at the workplace against management negligence and injustice, which has driven unions to actively participate in coalition building as a wake-up call after the Rana Plaza incident. However, the data in Table 6.2 suggest that the union's ability to organise things, such as coordinating activities or forming alliances is limited, as only one-third of the participants (both male and female) acknowledged the union's presence at the workplace in organising activities such as raising awareness about the rights of workers. Almost half of the male participants find that unions help solve their workplace issues, but around two-thirds of female participants report a negative experience with the service that the unions provide at the workplace. A female worker working in the sampling section expressed:

> I asked my union leader to speak to the manager when I received a disciplinary letter for one day's absence from work, but he said he could not pursue this case as management had already threatened to sack him (WPN-46).

The data suggest that, in many cases, the union refuses to speak to the management whilst union–management relations are associated with threat and deployment of power over the interests of workers, and the management uses violence and threat as a method to control the labour. Although a threat is experienced, opportunity is not perceived in those cases. However,

in contrast, unions were found to be helpful in the workplace despite threats received from the management.

> One day, my line manager shouted badly at me as I refused his request to work on my day off. The duty manager on the floor threatened the union leader as he interfered, but the union leader dared to file a complaint against the factory manager for such inappropriate behaviour. The union arranged a meeting outside the factory yard where we agreed to strongly oppose any such behaviour in future (A female worker, WPN-54, from the finishing section).

In this case, the union supported the female colleague; here, a threat is experienced, and an opportunity is perceived as the union leader's action. This will set an example for others to follow and may deter management from behaving like this in any future event.

The data (Table 6.2) show that union involvement in negotiating with management to solve workplace issues is the second highest among all activities. However, the union disclosed that the only formal way to discuss issues with the management is through the participation and safety committees, although the management decides on the topics they want to discuss. A union leader said,

> Management does not usually discuss issues with us on the factory floor or in their office. There is little opportunity to discuss rotas, annual leave, holidays, canteen facilities, or other issues in the participation committee and safety committee meeting as management decides which agendas they would like to discuss. However, we table our concerns amongst the discussed issues, but ours are less valued. Although we try to cooperate with management as we expect the company's growth and a decent workplace, management maintains a distance from us (ULC-1).

Here, workers exercise their voice and express their dissatisfaction directly to the management through the participation committee or safety committee, whichever works best for the workers (Hirschman, 1970), but it does not contribute to the decision-making or shape employee–management relations (Budd, Gollan and Wilkinson, 2010; Harlos, 2010).

Indeed, the management keeps a distance from the union as there is a common misconception that unions bring disruption to factory operations with unnecessary claims. Also, the management has a common tendency to find ways to undermine unions, but despite facing difficulties, unions, in some cases, can hold management accountable. Here, although openness widens power sharing in the participation committee and safety committee meetings, it has remained a significant problem as it restricts opportunities in decision-making (Kriesi, 2011).

This study found the scope of union–management relationships to be minimal. As unions are structurally weak even in the presence of the Accord and the Alliance at the workplace, their capacity to build the management–worker relationship through the participation committee is limited. Union leaders (ULC-1, ULA-5, ULU-8) reported that participation committee meetings acted simply as audit maintenance, as they had few opportunities to engage or participate in these meetings to resolve common issues. This drives unions to focus on networking and making connections within the workplace and beyond to build alliances and gain support from workers and other stakeholders to represent workers' interests better. A union leader states in support of this:

> We are collaborating with the union federation in many programmes to enhance worker knowledge and strength. We had several training sessions on grievance handling, freedom of association, collective bargaining, right to work, and other labour rights issues in the union head office that helped build awareness amongst the workers. After the Rana Plaza building collapsed, public sympathy towards us rose. We are gradually engaging local unions with our movement (ULA-5).

Interviewed workers acknowledged union involvement in promoting networking through arranging meetings, forum discussions, training sessions, and social events, among other initiatives, helping them achieve workplace dominance and cohesion. However, many workers are concerned that unions still have a long way to go, as just over one-third of the workers (males 10/25, females 16/42) said that the union contacted them about participating in training programmes or sharing information and services with them. In contrast, the unions mentioned that their activities at the workplace in terms of coalition building through networking were nearly impossible before the Rana Plaza situation. They (ULC-4, ULC-7) said that, although the Accord did not directly support them in promoting unionisation at the workplace, they are encouraged by the Accord safety compliance mechanism and other associated activities which are helping them to undertake activities for the promotion of internal and external solidarity.

Factory unions disclosed some challenges that have impacted their ability to reach most members. First, workers (male and female) work for six days or sometimes seven days a week and do not have time to participate in such events. Some workers who work six days a week refuse to participate as they have family commitments on their day off. Moreover, members working on different shifts are difficult to communicate with. Second, the federation head offices tend to be located some distance from the factory site, and workers complain that the union does not cover their transport costs to travel to the federation office to participate in training or other events. Unions are also struggling to enhance freedom of association due to several legal restrictions still in place and the anti-union behaviour of management.

Although the Bangladesh government revised the Bangladesh Labour Act 2006 in November 2018 to reduce the threshold of worker support from 30% to 20% to form a trade union, workers in this study's sample reported that they face extreme pressure from employers not to form unions. Many members stated that they do not willingly join the union or participate in union activities as they fear being harassed by management:

> We had to struggle for almost two years to form a trade union in our factory, as convincing workers to become members was the most challenging part of forming a union. I was called into the office when management knew I had joined a union, and they asked me to attend a performance review meeting as they said my performance in the last six months was appalling. I was scared as there was no support from the federations in case we suffered from intimidation by the management. I needed to give up my union membership to satisfy my manager (Male worker, WPN-24).

Generally, unions are not allowed to organise anything or meet anyone on factory premises without prior approval from the management. There is no meeting room for unions inside the factory, as the Labour Law prohibits unions from having an office within 100 yards of the factory building, making it difficult for a union to mobilise workers. Many factories do not have an office for Collective Bargaining Agents (CBAs), although the Labour Law has allocated an office space for the CBA. The respondents told the researcher that if the employer saw two or more colleagues speaking together, they needed to explain the best reason for the gathering, or a disciplinary notice for misconduct would follow.

Some legal restrictions also prohibit workers from joining unions; for instance, if someone was a union member in a previous factory, they cannot automatically join the new factory union unless they submit a clearance letter from their previous union. One union leader (ULC-4) told the researcher that many factories have closed since 2013 due to compliance issues, and many workers suddenly lost their jobs; as a result, many workers did not even have the opportunity to meet with the previous union leadership for a clearance letter. In some cases, if employees obtain a clearance letter, employers challenge the originality of the certificate. Moreover, new employees fear getting involved with the union within the probation period as they might get sacked or see their probation period extended. Also, in some factories, employers seek undertakings from new employees to ensure they will not be involved in anti-management activities. These remain hurdles that prohibit members from joining or forming a union.

Participation in union actions is, likewise, heavily discouraged. Female workers are particularly vulnerable if they join in any demonstration; in several cases, male police have violently treated them:

> Two male police constables violently beat me when I joined in a procession outside the factory gate before the Eid festival as employers were withholding our salary. They did not even consider me as a woman. One of the male police touched my body inappropriately while beating me. The next day, the gatekeeper did not allow me entry to the factory as he said I was suspended. My suspension was withdrawn weeks later with the help of the trade union, but I was off from work without pay for nearly three weeks (Female worker, WPN-29).

It is a common scenario of police action that they are called to prevent street demonstrations. Unions are getting less support from female members due to the above facts. Although some organisations, such as Sommilito Garment Sramik Federation, are particularly representative of women—where the president and secretary are both women working to protect workers' rights in the garment industry—there is a negative public sentiment on women joining in street protests as society is both patriarchal and religiously conservative.

Here, although the unions try to build coalitions to expand democratic voice and participation (Turner, 2004), they are unable to fully explore the political opportunity in promoting workplace dominance and solidarity (Frege and Kelly, 2004) due to inadequate opportunities at the workplace because of employment conditions (Tilly, 1978) and lack of economic benefit for getting involved in such opportunity (McCarthy and Zald, 1977).

In this study, the opportunities for the union to become involved with external stakeholders and the local community in building relationships are minimal. The majority of workers—both male and female—suggest that the relationship between the factory unions and the Accord, the Alliance, and the ILO is minimal and is limited to just reporting complaints on health and safety issues that build through the introduction session during visits or taking part in the training session. The ILO Better, Work Bangladesh project has promoted the opportunity of openness in creating a dialogue between the workers and the management to ensure fair and accessible election of worker–management committees in some factories and offered training to workers, particularly women, to enhance women's voice and decision-making power. However, the union (ULO-3, ULA-5) said that the platform did not promote any collective bargaining tool or system of work on various aspects of labour rights issues, such as dealing with grievance, discrimination, or employment through the participation committee where the management body holds power. Moreover, the unions said they had little opportunity to discuss issues with Better Work

Bangladesh. They only met with the project coordinator once during the project trial period. They ignored many facts they raised in the meeting.

Nevertheless, federation leaders (ICO-8, ICO-11) claimed they were not invited to engage with the ILO BWB project, and no communications were maintained about the project's progress. However, they have actively engaged with the ILO SDIR project, which involved training union members on grievance handling and other labour rights issues. However, only limited progress has been made as the funding they received from the project was inadequate to fund all members of their affiliated factories.

The Accord created a space for unions to play a meaningful role in constraining the behaviour of local employers (Donaghey and Reinecke, 2018), and its formation created a sense of accountability and responsibility after global criticism in the aftermath of the Rana Plaza building collapse. Although leading unions were invited to represent the Accord steering committee, the IBC spokeswoman (ICO-8) said that their contributions to policy setting or any decision-making were limited as they mainly were invited to participate in the committee meeting to inform the group about operational decisions taken or any future business agendas. However, she did acknowledge that the Accord created an opportunity for unions to get involved with international platforms. Many union leaders from affiliated organisations attended overseas conferences. They built networks with NGOs and labour unions with the support of the Accord. However, that opportunity did not transform into factory unions to minimise the gap between management and workers and promote networking and connections between factory unions and federations.

> We share our agendas with affiliated unions in Bangladesh and work accordingly, but union federations failed to bridge the gap with factory unions. The foremost reason is the lack of a collaborative approach, organisational strategy, and leadership. Central leadership is always keen to keep a good relationship with the government and employers for their interests. They are unaware of many vital issues that factory unions face (IBC Spokeswoman, ICO-8).

The study results showed that unions' activities are mostly limited to attending a few conferences or meetings, and they did not have any authority in decision-making in the Accord's operations. Although factory unions have made progress in coalition building and solidarity with workers, local unions, and management in a limited capacity in the presence of ILO, the Accord, and the Alliance, they could not explore the opportunity fully to build a better network within and beyond the factory in the promotion of labour rights due to a greater dependency on union federations, a lack of support from union federations, and a lack of resources (funds), power, and support from management and the government. Here, an opportunity has been perceived but not fully explored

due to the lack of resources and opportunity (Choe and Kim, 2012; Kuruvilla, 2021) that restricts the degree of openness of the political system. This is because, without support from wider groups and communities, unions cannot effectively organise any movement (McCarthy and Zald, 1977).

6.4 Promoting Labour Standards and Rights Through Collective Action.

Creating an opportunity through collective action becomes a central option for labour unions in the Bangladesh garment industry as two-thirds of workers said that unions participate in protest or strike action to oppose injustice at work, which the unions supported as the right action to take after negotiations failed. Unions mobilise the workforce to express their interest collectively in the protest against having their voices suppressed, repression of unions, suspension or termination of members for joining unions, and many other reasons that create an opportunity for openness and closure of the institutionalised political system for unions in the promotion of labour standards (Giugni, 2009). The study's dataset (Table 6.2) suggests that unions take collective action to oppose injustice in the form of grievances and strikes in various workplace situations, and these actions have increased due to limited collective bargaining between workers and management.

The study findings suggest that injustice continues to be perpetuated in the Bangladesh garment industry in the form of excessive and obligatory overtime hours, not allowing staff a weekly day off, paying less than the minimum wage, forced work, discrimination, abusive behaviour, and many more forms. Evidence showed that workers were forced to work even with severe health conditions.

> I was injured when a needle from the sewing machine penetrated my finger. My supervisor asked me to put a bandage on it and continue to work. I was feeling severe pain but needed to continue as he did not allow me to take a rest. I could not turn up to work for the next three days. When I returned to work, nobody even asked me how I was. Moreover, the management did not pay me for the absences. The union spoke to the factory manager but received no satisfactory outcome (Female worker, WPN-8).

According to the Bangladesh Labour Act 2006 (Section 150), the employer should be liable to pay compensation to the worker if they are unable to return to work for more than three consecutive days due to an injury at work and, also, workers should be paid sick leave for the absences under Section 116 of the Act as every worker is allowed 14 days of sick leave annually. Many workers were concerned that they were not paid for their absences. Moreover, when they

asked to adjust their absences with sick leave, they were verbally abused. A female worker from the cutting section shared another story that further indicates how the opportunity is transformed from one state to another.

> My supervisor intentionally issued a disciplinary notice stating that I often go to the baby care unit to see my baby and waste working time. He also blamed me for being inattentive at work and said my service output was abysmal. I only see my baby twice or thrice a day for breastfeeding. That takes only 10–12 minutes on each visit, but I take less break time to compensate. My supervisor shouted at me several times in front of my other colleagues, and my wages were cut to adjust those timings. Although I filed a grievance against the supervisor with the support of the union leader, management listened to the supervisor, and I was given a final warning, which the union opposed. The union helped me file a complaint with the industrial tribunal, but a decision is still pending (Female worker, WPN-3).

As breastfeeding is a fundamental human right for a new-born baby and mother, the Bangladesh government, under Section 94 of the Bangladesh Labour Law, makes it mandatory for every factory which employs 40 or more workers to establish a habitable room for children under the age of six and to make opportunity for frequent access for breastfeeding (although the law does not specify whether the time spent with the baby will be paid or not).

Both situations described above represent a direct violation of labour rights. Here, the interest of the employees is not satisfied and has, in fact, driven dissatisfaction among workers in the factory. Here, an opportunity for openness has not been explored to resolve workplace problems; this forces unions to protest or strike, representing a closure opportunity in the political system (Kriesi, 2011).

Employees take grievance action in response to a sense of unfairness due to perceived mistreatment. It is obvious that employers are not enthusiastic when dealing with grievances, mainly if the outcomes are attained at their own cost, but previous research has found that better supervision and job conditions reduce the rate of grievances (Walker and Hamilton, 2011).

Unsurprisingly, this study found that unions were regularly involved in assisting members to file complaints against their supervisors and management for sexual harassment, various forms of labour injustice, non-payment, and inappropriate behaviour. However, the unions often struggled with a lack of member support. In many cases, unions had to struggle to convince workers to file grievances, as many workers preferred to ignore disputes with management, believing that they would only result in the favour of management. Some workers (WPN-14, WPN-48, WPN-64) experienced being misled by the factory union as they believed that the union could have solved

the issue if they had taken a different approach. Only a few workers reported a positive outcome in their grievance hearing.

Members also report that management does not respect the grievance procedure. Some interviewees (WPN-12, WPN-18, WPN-34) reported that if the line manager makes a counter-complaint, the management listens to them first, but according to the Bangladesh Labour Act, 2006, any worker who files a grievance should be heard first. Equally, workers (WPN-18, WPN-41) also reported that, in most cases, employers do not maintain the time limit of the grievance process and are reluctant to act. In many cases, employees filed a grievance in writing or by registered post within 30 days of an incident; for instance, because they had been laid off, discharged, dismissed, or removed from employment unfairly, but the employer did not respond within 15 working days as required by the Labour Law. If the management knows that the union is backing a grievance, they rarely accept the complaint and intentionally delay the process. If the employer rejects a claim, then there is a provision for employees to make a complaint to an industrial tribunal within 30 days of the decision date, but some workers (WPN-9, WPN-32. WPN-37, WPN-51) reported that they are not interested in going to a tribunal as it is a time-consuming and complicated process. This study (Table 6.2) suggests that less than 50% of workers prefer to file a grievance due to the above facts. Moreover, the working environment becomes hostile for many women and male employees if their claim is rejected, but they must remain at work. As one union leader reflected:

> Workers who file grievances suffer from anxiety and stress, and the environment becomes more hostile in cases of adverse outcomes, as they have to work under the same management. Many workers in these situations find no alternative but to leave their jobs (Union leader, ULN-2).

Workers often prefer to report grievances to an independent body rather than the factory management or a government agency. In fact, when the Accord introduced a confidential complaint reporting system on resolved health and safety, the number of complaints increased dramatically. The Accord reported receiving 1657 complaints, including 503 non-OHS (Occupational Health and Safety)-related complaints after 2014; only 28% had been investigated by September 2019. All non-OHS-related issues, such as sexual harassment or physical abuse, were forwarded to the Accord signatories' brands and factory management, as the Accord does not cover these issues (Accord, 2019)[77]. Similarly, the Alliance introduced 'Amader Kotha,' a hotline service for garment workers to report safety and workplace issues,[78] Nevertheless,

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[77] The Bangladesh Accord on Fire and Building Safety in Bangladesh
[78] http://www.bangladeshworkersafety.org/

workers (WPN-9, WPN-65) find the system ineffective as issues related to grievances get less attention. Indeed, data from the Department of Labour show that only 223 complaints were recorded in industrial tribunals between 2013 and 2017—effectively making these tribunals of little functional use for garment workers.
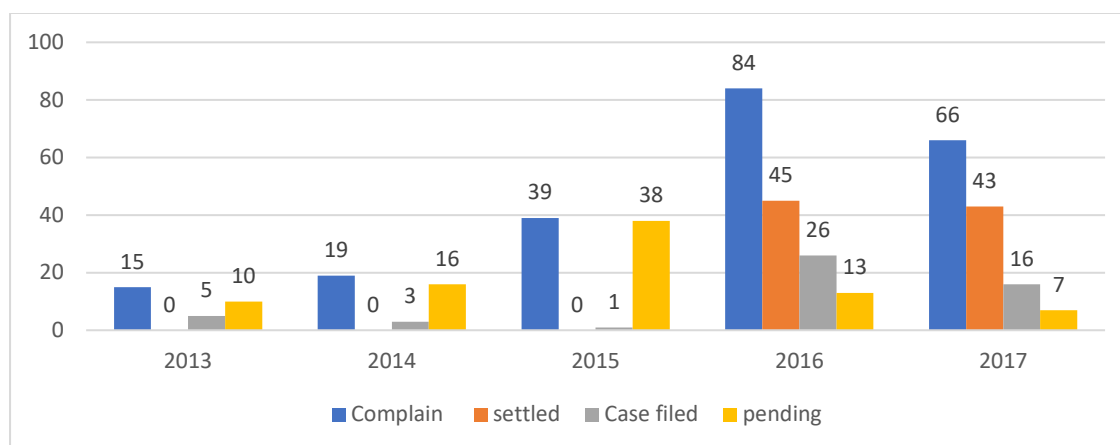
Graph 6.2: Number of grievances raised since 2013. Source: Department of Labour Bangladesh (2018).

Union involvement in dispute resolution often worsens things in the current factory environment. The management forces workers to withdraw their complaints as, otherwise, they could face much more stringent action. These situations ultimately leave them few alternatives but to seek collective action.

There is minimal scope to engage in collective bargaining with the management as management does not want to pursue this. Labour laws impose several restrictions that limit union activities. For example, trade unions, collective bargaining agents, or the participation committee cannot become involved with i) the administrative functions of the organisation; ii) the employment, replacement, or promotion of employees or workers of the organisation; iii) the production and regular activities of the organisation; and iv) convening any strike by not following the Rule 204. This does not comply with ILO Recommendation No. 163 and the Collective Bargaining Convention 1981 (No 154, Article 2), which states that collective bargaining is possible at any level. The law makes it difficult for unions to become involved in many workplace disputes.

The BWB compliance review found that 29% of factories disagreed with collective bargaining. In its report, the BWB suggests that management does not consult with workers before determining festival holiday dates (Better Work Bangladesh, 2019),[79] which are the focus of many

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[79] Home - Better Work

disagreements between management and workers. Indeed, one of the interviewees, a union leader, articulated:

> The day I was elected as CBA, the factory owner called me into his office and told me to stay out of the factory's internal affairs or to lose the job—as I just asked to revise the dates of the annual holiday. Being involved with the union is associated with a great degree of fear, stress, and depression. There is no meeting room for members, no time off from work, and no extra benefits in mobilising members, although they always remain under surveillance (Union leader, ULC-4).

Although under sub-section 202, Bangladesh Labour Law sets out a provision to elect a CBA for every unionised factory through a ballot of union members, in practice, some employers do not allow factories to elect a CBA. Where some factories do have a CBA, the management regularly declines to let unions have an office. According to the law, workers could elect 10% of their trade union officials from an outside organisation, but a union (ICO-11) said that management insists on not allowing anybody from outside to join. Although some factory managers allow them, union leaders outside the organisation are restricted from visiting the factory. In their 2018 annual report, the ILO Committee of Experts stated an extreme violation of the ILO Convention (No. 98) on the Right to Organise and Collective Bargaining (1949) in law and practice. The Committee reported that there had been no progress at all on anti-union violence at the workplace (Clean Cloth Campaign, 2018).

In their interview, the IBC (ICO-8) spokesperson acknowledged these issues as critical barriers to Bangladesh's trade union movement. She emphasised that the IBC and the NCCWE work together in the Workers' Resource Centre (WRC) to address such issues, promote collective bargaining, and help trade unions operate more effectively. Sweden and Denmark fund this initiative (WRC) under ILO SDIR (Social Dialogue and Harmonious Industrial Relations) to provide legal advice to trade unions and federations on grievances and dispute resolution and support members who wish to complain. It is a positive development, but members argue that many such initiatives have collapsed prematurely without producing change. However, the union leaders (ICO-10, ICO-11, ULA-5) blame inadequate training, lack of resources such as funding and labour support, anti-union sentiment from the management, and poor communication between workers and unions as critical issues that drive their incapacity in collective bargaining and the representation of workers. Due to this limited engagement in collective bargaining or participation management, labour unions take collective action as a strategic choice to solve their labour rights issues (Boxall and Haynes, 1997).

Here, labour unions join in collective action as they find that their interests are no longer represented through institutionalised forms of mediation. In this study (Table 6.2), more than two-thirds of workers support unions to call a strike in demand of their rights. Many collective action events occur in Bangladesh through strikes and petitions, lobbying, and legal appeals processes, all carrying threats to employers' legitimacy (Kelly, 1998; Doherty and Hayes 2019). The capacity of collective action depends on group structure and its scope or essential power of representation. Workers (WPN-13. WPN-24, WPN-37) interviewed in this study said they supported a strike as they did not find an alternative. However, almost all strike action they supported was declared illegitimate by the factory management as they did not comply with the Bangladesh Labour Laws. Although the Bangladesh Labour Act 2006 provides for the right to strike under Section 211, calling a strike is lengthy and complex, prohibiting workers or union members from calling a strike or joining demonstrations. As one union leader said:

> Calling a strike through a formal strike process is overly complicated and lengthy. Also, employers can appeal against a strike to a labour tribunal to stop it. Moreover, employers take many routes to stop strikes, as many factory owners are involved in politics. It seems almost impossible to call a strike by the Labour Law (Union leader, ULA-5).

According to the Bangladesh Labour Law, unions must call a secret ballot and obtain majority support to engage in strike action; if workers do not follow the law before commencing a strike, it will be deemed illegal, and employers have the legal right to close the factory wholly or partially. Workers who take part in such activities will not be paid. Moreover, according to the Labour Law, no strike is permissible in an establishment for three years from the commencement of production if the establishment is new, is owned by foreign interests, or has been established in collaboration with foreign capital. Trade unions are concerned that the labour laws have been compromised to give privileges to foreign buyers. Nevertheless, on many occasions, employees do not find any alternative but to take collective action against the management. One worker stated:

> Two of our colleagues were suspended from work for gross misconduct as they refused to do overtime. They came to work the next day, but security did not allow them to enter. They sat in front of the main gate for approximately three to four hours to meet with the management. They did not even know that the management had suspended them. At lunchtime, the union leader asked us to gather outside the factory to support our colleagues. We decided not to return to work until the issue was resolved. One hour later, police came to the premises and, forced us to return to work and threatened to arrest us (Male worker, WPN-51).

Workers experience such incidents quite often as these are regular issues in the factory. Although there are positive examples where employers act to mitigate issues proactively by participating in dialogue or one-to-one discussions with workers, in many cases, workers have been

humiliated, beaten by police, or sacked from their jobs, with unions having little opportunity to oppose or influence the situation. Here, the union took a militant action involving demonstrations, marches, and meetings (Tarrow, 1988) but was defeated by the harsh behaviour of the government and management. As the unions failed to secure a collective interest in many similar situations, they went for violent types of action, which caused material or human damage, when police were involved in suppressing militant unions (Tarrow, 1988).

Unions called many strikes that often turned into violence as police were involved. Two major strikes have shaken the streets of the capital of Bangladesh in the aftermath of Rana Plaza, which involved thousands of workers demanding a minimum wage rise and safety at work. One of the major industrial strikes began on 11 December 2016 when a 23-year-old female sewing machine operator collapsed on the factory floor and died. She had suffered from a fever and a hacking cough continuously for two weeks but was forced to work as her supervisor refused her repeated calls for time off. The day she died, she felt pain when she walked through the shop floor early in the morning and asked a line manager to send her home early; this request was denied. She could take unauthorised leave, but, as a young woman from a rural area, this job was effectively her only option to fight her poverty, and she did not have the resources to take the risk of getting fired from the job. She collapsed in the morning over her sewing machine and was taken to the factory clinic but was sent back to the factory floor two hours later, where she collapsed again. She was then taken to the nearest hospital, where she was pronounced dead within 10 minutes of admission. A post-mortem report indicated cardiac failure due to severe respiratory stress (Kamat, 2016)[80]. One of the interviewees recounted this in his own words.

> I participated in the procession with other colleagues outside the factory. We went to the management office to find the truth, but they refused to take responsibility. Several hundred workers joined us from nearby factories. We sought justice for her and added other demands, such as increasing the minimum wage and stopping sexual harassment and threatening and abusive behaviour. The procession lasted for a few days. Many factories were shut, and thousands of workers were sacked. Workers and union leaders were brutally beaten by police and faced criminal charges (Male worker, WPN-30).

The factory supplies garments to several reputed brands such as H&M, Inditex (Zara), Tesco, Debenhams, Mango, Next, and Primark. The strike spread to almost fifty factories in Ashulia and lasted for two weeks. The BGMEA closed around fifty-five factories and called the strike illegal as, according to Bangladesh Labour Law, employers had the right to close the factory in the event of an illegal strike. Several union leaders were arrested by the police and accused of conspiracy

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[80] https://slate.com/business/2016/12/bangladeshs-apparel-factories-still-have-appalling-worker-conditions.html

and vandalism, and some of them were also arrested for their participation in an old case (Human Rights Watch, 2017)[81]. A federation leader (ICO-9) said that unions were forced to close their offices, and some union leaders vanished overnight, and 'we had no contact with many members since the violence erupted'. The government used the full force of its power through the Law and Enforcement Agency to control the workers' voices on their demands.

Many factory workers were injured with tear gas and rubber bullets fired by police. Many workers were also arrested as factory owners filed complaints for looting and vandalism, although workers claimed they were not involved. Twenty major global brands urged the Prime Minister to immediately calm the unrest and increase the minimum wage for garment workers. Gap Inc. sent a letter to the Prime Minister of Bangladesh to ensure that labour rights were maintained and that the long-term interests of the Bangladesh Garment Industry were considered (although they also stated that they did not intend to interfere in the legal proceedings). Inditex also asked all parties to respect freedom of association and collective bargaining and the rights of labour unions (Human Rights Watch, 2017)[82]. Despite the pressure from international brands, however, several hundred workers lost their jobs and faced criminal charges. Here, western brands stepped up not entirely to support workers or unions but also to secure their interests in the face of an interrupted supply of garment products.

The IndustriAll Bangladesh Council, in association with the IndustriAll Global Union and the Uni Global Union, led an international campaign and reached a tripartite agreement with the Ministry of Labour and the BGMEA to secure the immediate release of the arrested union leaders and to reinstate those workers who had lost their jobs. However, union leaders (ICO-11, ULC-1) said that, although some of their colleagues were released on bail and employers had withdrawn their cases, many of their members did not get their jobs back and were not compensated.

Two years later, in November 2018, further industrial action shook the capital in workers' demands for implementing a new wage structure, as the new minimum wage was half (8000 takas) of what workers and unions had demanded (16000 takas). Although the government instructed all factories to implement the new pay scale within two weeks after the pay scales were officially published, many workers did not receive the new salary for months. In protest, thousands of workers came out to the streets and erected barricades, and clashes with the police lasted more than two weeks.

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[81] Bangladesh: Stop Persecuting Unions, Garment Workers | Human Rights Watch (hrw.org)
[82] Bangladesh: Stop Persecuting Unions, Garment Workers | Human Rights Watch (hrw.org)

> We came out from our factory after receiving information that our friends in the nearest factory had been charged by the police with tear gas and batons in a peaceful procession whilst demanding the implementation of a new pay increase. Many were injured as the police used water cannons against us. The next day, we knew the factory was closed, and many of us lost our jobs (Union leader, ULO-3).

The government agreed to review the pay scale again to stop the unrest, but workers saw a modest increase in the revised pay scales. Unions reported several thousand workers were sacked from their jobs, but the MNCs did almost nothing to protect them. Brands like H&M and Gap acknowledged that they were monitoring the situation but did nothing to reinstate these workers. Here, unions explored the closure opportunity of the institutionalised political system involved in violent types of action (Tarrow, 1988) and exercised their voice as crucial instruments of labour rights (Rahman and Langford, 2012)

The power of unions gradually declined due to growing unemployment, legal restrictions on unionisation, union politicisation, the introduction of EPZs, and the influences of foreign buyers (Khanna, 2011). The strength of unions had been severely affected by the closure of the Adamji jute mills in Bangladesh, where unions had a strong presence. Although unions gained massive support from the public and the international community after the Tazreen factory fire in 2012 and the collapse of the Rana Plaza building in 2013, they failed to organise their activities and attract sympathisers to the labour rights movement due to lack of resources (McCarthy and Zald, 1977). Some workers (WPN-12, WPN-16, WPN-22) cite this as a leadership failure, claiming that union leaders compromised on many workplace issues with management and put their interests before the workers. Meanwhile, public support for unions has declined as society has experienced decades of violence in many industries, including the garment and textile industry, which ultimately brought less success than damage, mainly when unions turned out for militant action. However, unions turned to militant action as negotiations on the mutual interests of labour in the promotion of labour standards failed on many occasions (Tilly, 1978; Gamson and Meyer, 1996; Meyer, 2004; Giugni, 2009), and the strategy focused on the exercising of power at the point of production (Fox-Hodess, 2019).

6.5 Summary

This study finds two distinct approaches in the Bangladesh RMG industry. On the one hand, workers and unions rely on institutions to abide by the rules, roles, and beliefs that ensure their interests (Lammers and Garcia, 2017). On the other hand, workers and unions take grievance action when an institution does not respect its commitments and when employers reject the existence of trade unions. The central issue in the Bangladesh RMG industry is labour injustice, which is the key source of grievance along with other issues such as gender discrimination, sexual harassment, and abusive and threatening behaviour by management. However, unions often represented employees' voices to reduce grievance action, negotiating issues on the interests of workers by direct approach to the management or through the participation committee and the safety committee.

The dispute resolution mechanism in the current setting is complex and lengthy, which places barriers in how workers file grievances. Many workers (WPN-19, WPN-35, WPN-47) would like to avoid any dispute with the management as they expect a negative outcome. According to the report received from the Director of the Department of Labour (ICO-7), only one grievance was resolved out of 247 cases filed between January 2019 and June 2019, leaving a clear impression about the overall picture of industrial disputes compared to the number of people working in the garment sector and the number of cases resolved. Although the participation committee and safety committee were introduced to resolve workplace issues by setting up a dialogue between workers and the management, this study found that there are very few opportunities to preserve workers' interests through these committees as the platform serves employers' interests rather than those of workers. The ILO recognised that there is no alternative way to resolve workplace issues without having the union on board:

> Without union representation, the Committee lacks the strength to hold management accountable. Regarding unionisation, workers are vocal, but management guidance is weak. Employers are the leaders in factories, but they behave like autocrats. Sometimes, we cannot meet the needs of workers because of a lack of evidence and a communication gap (ICO-1).

The unions explored openness and closure of the institutionalised political system to promote labour standards but had limited success using these opportunities. The study suggests that unions actively engaged with workers and other stakeholders in the coalition building and promoted internal and external solidarity (Frege and Kelly, 2004) in promoting labour rights in the

aftermath of Rana Plaza. However, many variables severely impacted their efforts, such as lack of member support, harsh behaviour from the law and enforcement agency, anti-union sentiment from the management, and other challenges, which weakened union power in the workplace. However, factory unions and union federations gained support from all parties in the immediate aftermath of Rana Plaza, which helped them organise their activities, such as recruiting and organising members, connecting with local unions, and promoting freedom of association. Furthermore, they often engaged in strike action in protest against injustice, but the factory unions received inadequate support from the union federation, which left a gap in this development.

Preventing unions from exercising freedom of association (FOA) and collective bargaining (CB) increases militant protests. This is a closure opportunity in the institutionalised political system as unions believe they cannot make their case without FOA and CB to solve labour issues such as discrimination, wages, and better working conditions (Kuruvilla, 2021). On several occasions, unions participate in protesting against injustice as workers or unions find no alternative but to increase the role of voice as they can neither leave the job nor survive in the existing workplace conditions (Hirschman, 1970).

CHAPTER SEVEN: DISCUSSION AND CONCLUSION

7.1. Discussion

7.1.1 Overview of the Research

The research project has empirically examined two research questions. The first was to examine the labour standards in the Bangladesh garment industry in the aftermath of Rana Plaza under the lived conditions of globalisation. The second was to identify the roles of unions in promoting labour standards on the ground and their limitations.

The first question addressed the material changes to labour standards in the Bangladesh garment industry under the global establishment of labour standards in the aftermath of Rana Plaza. It focused on the structural shifts of global labour standards and their translation into local spaces of production and examined why this translation is incomplete or problematic. This question was examined through the data from 67 in-depth semi-structured interviews with union members in the RMG sector and empirical data from union leaders, government, and corporate officials. The impacts on labour standards were revealed by comparing current practices of labour standards in the Bangladesh garment industry and the standards set in and across the supply chain. The research also descriptively quantified qualitative data to aggregate the findings of the individual interviews for greater clarity and to underline the prevalence of key themes in the codes.

The roles of unions are examined through the three key variables—the strategic choices of labour unions, the availability of resources, and the constraints in labour union movements—that emerged from the empirical data. These data demonstrated what unions do at the workplace compared to their capacity, resources, and potential barriers to improving labour standards.

Castells' (2000) framework enables us to articulate how the liquidity of capital shapes labour standards in the material sites of production. Indeed, capital uses rights to dematerialise places that create asymmetric power relations between actors at the material sites of production, which, according to Rodgers (2004), shapes communication systems, regulations, and ownership. Ritzer (2007) refers to it as the sources of inequality and exploitation in the spaces of place under the dominance of capitalism.

Applying the framework identified by Castells tells us that labour standards have declined since capital has been able to reform global production lines by controlling the distribution of symbolic and material resources. What is key here is that this is a process that is enabled through the development of the regulatory standards that are purportedly designed to *protect* conditions of labour across the garment industry supply chain; however, it is a significant shift towards the regulation of the chain that effectively enables suppliers to ignore the repeated calls from local actors to address labour rights in the spaces of production. It does so by dispersing power across the supply chain, reconstituting it at the site of consumption rather than production.

While looking at the space of place, the study examines local actors' behaviour on labour standards; Meyer (2010) describes this as a disconnection between workplace policies and practices, and Kuruvilla (2021) defines it as a policy–practice gap. The institutional theory of decoupling underpins the arguments on why the institution adopts standards but does not implement them. The findings suggest that the policy–practice gap exists when the companies respond to rationalising pressures to adopt a policy but do not implement it. This is where the capacity to implement the policy is either weak because of limited resources or a price-driven mechanism, or there is ignorance about taking advantage of deregulation, poor accountability, lack of external pressure, and lack of audit transparency and monitoring systems in the place of production (Kuruvilla et al., 2021).

In this study, political opportunity theory addresses how unions can theoretically explore opportunities to promote labour standards, including those created immediately after Rana Plaza. Goodwin and Jasper (2004) confer importance on recognising the roles of unions that were ignored (Choe and Kin, 2012). Tarrow (1988) defines this as shaping group strategy through accessing openness in the availability of political opportunity through mobilising resources to secure allies, access decision forums, or participate in actor networks. However, as the path for accessing the openness of political opportunity is limited due to capital flow (Kiresi, 2011), and the state closure (Kitschelt, 1986), and the dissipation of authority across the supply chain, unions on the ground in Bangladesh are effectively denied participation in decisional instances. Instead, they have little choice in an environment of closed opportunity but to conduct outsider strategies of collective action and social protest mobilisation to promote labour standards (Tilly, 1978; Gamson and Meyer, 1996; Meyer, 2004; Giugni, 2009).

In this vein, unions explore coalition building/solidarity and collective action as strategic choices to improve labour standards. Such approaches include face-to-face interaction of workers or unions with management's informal, oral, or verbal participation (Budd, Gollan and Wilkinson,

2010), walkouts, demonstrations, and strike action based on the level of worker interest, capacity of the union to mobilise, power, opportunity, and organisational capability (Tilly, 1978; Kelly, 1998).

In this study, the political opportunity theory demonstrates unions' capability and participation in the open or closed nature of the institutional political system. However, the union's ability to explore political opportunity is broadly in line with McCarthy and Zald's (1977) argument that the capacity to acquire, distribute, and set in play substantial resources is vital to the mobilisation and bargaining agendas of subaltern collective actors, as it is to Kelly's emphasis on power relations as a game-changing element for active mobilisation in industrial relations (Kelly, 1998; see also Jenkins 1983).

Therefore, the study's empirical findings suggest that multi-stakeholder initiatives, global frameworks, and macro-level agreements have little influence in promoting labour standards at production sites in the aftermath of Rana Plaza. Instead, poor labour standards result from corporate negligence and the deregulation of the labour market. Here, capital flows and power relations limit state capacity on safety, wages, regulations, and other welfare decisions favouring workers. They are, equally, the result of the actions of local actors, negative stereotyping, social norms, and values through which the industry operates and the labour markets are structured. Although all parties undoubtedly recognise the contribution of the Accord and the Alliance in promoting safety standards, they have failed to address labour standards on non-OSH (such as wages, non-payment, termination, harsh behaviour, etc.) issues as the platforms are mainly launched to oversee safety standards. Both platforms only cover their signatory brands' factories, leaving nearly half of garment factories unprotected. However, the Accord anchored its safety programme at the heart of all operations, focusing not only on building safety but also workers' safety against forced labour, sexual harassment, and long working hours, among other issues. However, these initiatives have faced intense criticism by the management resulting in slow progress in many areas.

Workers' main concerns are low wages that substantially cause unrest, low morale, and stress. Wages have remained at the lowest level compared to other garment exporters worldwide. Moreover, workers in many factories are paid less than the minimum wages set by the government. Evidence suggests that women suffer from hiring discrimination, promotion discrimination, and pregnancy and maternity discrimination. Female workers are discriminated against more often than male colleagues on pay, age, and skills development.

Moreover, they experience rude or harsh behaviour from the management whenever issues are brought to their attention. However, the management is not held accountable by any third parties for direct discrimination against women at work. Although this study found that women are vocal on their rights and oppose injustice at work even though their voices are systematically undermined in the workplace, many female workers fear losing their jobs if they take up a grievance action against management as the jobs provide them with rights in household decision making for contributing to their family financially. Therefore, female workers are less able to become vocal in grassroots activities compared to their male counterparts because of these socio-cultural and economic factors.

Although many initiatives have been introduced by the Bangladesh government, such as the mandatory formation of participation and safety committees in garment factories, they rarely represent workers' interests, as management controls them. Factories are found to violate labour laws and international standards on minimum wage, long working hours, forced labour, and discrimination, demonstrating a clear gap between labour standards and practices at the workplace.

While unions have attempted, through participation committees, to resolve workplace issues, they face severe constraints from the management when engaged in negotiation or collective bargaining, which threatens material and social values in the workplace. Here, unions' capacity to access the potential openness of the political opportunity system is restricted by non-cooperation, threat, and fear. The data gathered from the respondents suggest that management uses participation committees to shape anti-union practices in the workplace. Although one of the critical intentions of the ILO programmes was to promote union capacity building, these programmes have not been able to establish communication with factory unions. Unions have never had an opportunity in the BWB programme to participate in decision-making. The effectiveness of the BWB and SDIR projects was limited, as they have focused only on a small number of targeted factories. Currently, the relationship between basic factory unions and union federations is fragile. Although the IndustriAll Global Union and the Uni Global Union have platforms in Bangladesh, they do not provide an umbrella platform for local unions. This study also found a lack of trust and confidence between members and union leaders in many workplaces. These situations leave unions unorganised in most workplaces, resulting in more worker-led protests in the factory premises than union-led actions.

Although unions mobilised some mass demonstrations to increase minimum wages, factory-based unions (basic unions) have struggled to deal with workplace disputes due to a lack of

external support and misguided direction from leaders. In the study's dataset, workers reported that many worker-led protests turned violent, and many had no success. However, on some occasions, management has either withdrawn their decision or entered negotiation to resolve the issue. Here, workers choose tactics which typically result from a closed opportunity structure to protest injustice at work that, in some cases, might alternatively allow them to access decisional bodies with authority over working conditions.

There is little evidence that unions have made difficult choices supporting workers; instead, workers often accused them of being influenced by management. Although many also argued that union presence at the workplace promoted an awareness of freedom of association, forced labour, collective bargaining, and a sense of injustice for grievance and collective action, unions had to struggle significantly to resolve workplace issues. As employers persistently push to undermine unions, workers continue to suffer harsh behaviour and exploitation at the workplace (see Jenkins, 2020). This chapter revisits the theoretical framework and the interview data to summarise and discuss the findings below.

7.1.2 Flows of Capital, Competition, and Power Relations in the Supply Chain

Castells helps us to understand how MNCs or global players have gained control over some resources through the distribution and capitalisation of other resources. The study found a significant influence of global forces on labour standards in the Bangladesh garment industry. Here, labour standards are influenced by capital mobility, information and communication technologies, and the autocratic nature of the management and their functions in the material site of production (Castells, 2000).

The study found that the autonomy of state policy in Bangladesh is undermined by capital mobility as it has increased the power imbalance between states and local actors. Accordingly, the national government has reformulated its interests as a capitalist state to attract foreign investment (from EPZs to successive labour reforms) and serve its strategic interests to grow the country's economy even though it encourages labour exploitation in the industry.

The exploration of technology and capital investment by MNCs in the Bangladesh RMG industry has undoubtedly created new jobs and helped to eradicate poverty for thousands of poor people who had few or no skills, whether they already lived in the locality or travelled to the city to find a job. Many garment factories are aligned with advanced technology, increasing pressure for

productivity and demanding greater work flexibility, spurring decentralised bargaining relationships. Many large companies use advanced technology to reduce production costs (Castells, 2003) and as a labour-saving model that increases demand for skilled workers, leaving many unskilled workers unemployed. Many export-oriented factories hire skilled people, mainly from India, who are paid a higher salary; this further impacts their production costs and profit, and consequently, unskilled workers face severe income inequalities.

MNCs have exploited technological advances to increase competition for products and prices and switch outsourcing companies rapidly, resulting in the closure of many garment factories in the aftermath of the Rana Plaza disaster. The Accord and the Alliance have subsequently been forced to shut many factories without giving appropriate notice as a result of compliance checks. As a result, thousands of workers have been made redundant and left without financial support. This has also transmitted adverse shocks to workers across the industry with increased unemployment rates (Canuto and Salazar, 2010).

Furthermore, MNCs did nothing to protect workers, mostly women, who had worked for them for years. Instead, MNCs were supporting the Accord and the Alliance to address safety and non-compliance of the factory to secure their interests in the face of global criticism in the aftermath of the Rana Plaza building disaster. In this context, MNCs provided the proper support to the Accord and the Alliance; at that time, this was needed to address decades of negligence of labour standards. However, the argument is that the proper support was not for the employers and the workers. Many factories supplying garment products to MNCs that posed an immediate risk to people's safety were shut by force without any notice during Accord visits. This was not the employers' fault alone, as MNCs did not introduce a safety inspection programme to address safety hazards at the factories from which they outsourced garment products over the years. Some factories were required to undertake new electrical installations, replace fire exit doors and ventilation systems, or make minor repairs on building cracks. However, it was not possible to carry out these tasks without closing the factory, without securing adequate financial support from MNCs, and without having their supply contracts extended. Here, capital and technology impact the growth of the industry and the labour market.

Although global brands supported the Accord and Alliance operations and showed a favourable response in the preliminary stages to support their outsourcing factories to meet compliance demands, they have gradually distanced themselves from their promises. Many factories were offered long-term contracts on the condition that they conduct remediation works at their own cost, although the Accord agreement required cost-sharing. As MNCs' behaviours shifted from

hard to soft regulations on labour standards, many factory closures by the Accord and Alliance (because of non-compliance) have driven up both the unemployment rate and inequality levels, mainly for female workers.

The Bangladesh Government has predominantly acted on behalf of MNCs to develop the RMG industry, according to the evidence from the Ministry of Commerce, which suggests that their trade policies are to encourage foreign investment and exports as they do not want to lose their market to any other country. The Bangladesh government has responded positively to MNCs' pressure to take soft stances on labour laws, emphasising the economy's prosperity and state strategic interests through capital investment, job creation, and income growth. The Department of Labour acknowledged that labour protections are weak in law and practice. This is because they cannot always take action against employers for non-compliance, as international buyers will be less attracted if they see that the Bangladesh government does not support employers in reducing production costs and prices (Bair, Anner and Blassi, 2020). The government has encouraged privatisation to attract foreign investment, in so doing, lowering wages and cutting jobs (Gordon and Turner, 2000). Indeed, there is very little that the government could do in the face of global economic forces (Michie, 2019) without providing flexible regulations for multinational buyers, as the IMF and the World Bank imposed stringent conditions on loan agreements to attract investment and cut costs, which intensified the restructuring of the industry through multi-scalar processes and politics (Amin, 2002). Here, capital plays a vital role in command and control that drives an asymmetric power relation between the global and the local environments (Ritzer, 2007).

Indeed, MNCs were seeking a flexible response to labour laws and regulations (Locke, Rissing and Pal, 2013) but stepped back from this stance after the Rana Plaza building collapse by pushing the Bangladesh government to take strict measures on labour standards and to uphold ETI and FLA codes of conduct. However, MNCs pursued a flexible government approach when the Accord and the Alliance took an increasingly hard stance to ensure compliance. As a result, the government approach has not changed as expected, even after the Rana Plaza disaster. Keeping the minimum wage low, retaining the 20% minimum support threshold for union registration, restricting union gatherings to within one hundred yards of factory premises, and restricting freedom of association are all favoured by both employers and foreign buyers. In this vein, power and politics played an integral part in the deregulation and displacement of production in many factories, weakening the powers of workers and labour unions (Massey, 2008).
The Accord could not complete implementing the post-Rana Plaza remediation programme in all the factories as planned to ensure safety compliance, as they lacked the necessary support from

MNCs throughout the implementation stage. As discussed above, in many cases, foreign buyers forced factory owners to pay total remediation costs and sign lengthy contracts. Again, there are size disparities: smaller factories often could not afford to invest millions (of Bangladesh taka) to meet compliance costs, as MNCs, in most cases, refused to pay remediation costs despite the requirement under the Accord agreement. Smaller factories typically involved in contracting and subcontracting see reduced profit margins on meeting compliance, resulting in lower wages and adverse working conditions (Alamgir and Banerjee, 2019). Here, the space of places is affected by the action of the space of flows, particularly by the powerful actors who see profit first and people later (Castells, 2000).

In the aftermath of Rana Plaza, the ILO has made several efforts to promote labour standards in association with the government, unions, and multinational brands. The ILO conducted a series of training programmes through BWB and SDIR to promote supervisory skills, grievance handling, and dialogue between employers and employees. Although the SDIR project has given access to union representation, a union representative (ICO-9) said there was no worker and union involvement in the BWB programme. The BWB program runs on a minimal scale and provides services only to the client factories that funded the project. The ILO has ignored labour representation and distanced itself from involvement in workplace disputes. Here, capital flows are connecting people in the local sites of production for the products and services, but power lies in the hands of the buyers (Timberlake and Ma, 2007), resulting in a power imbalance between actors on such projects (Nadvi, 2015), and labour are impacted as a result.

Castells' theory in this study supported the arguments that, as both the buying and supplying processes are organised hierarchically, the MNCs take the lead in decision-making such that capital alters the dynamics of power relations at places (Castells, 2010). However, large factories in Bangladesh sitting on enormous product demand share power with MNCs on negotiating price and supply and reject orders on unsatisfactory quotations. Here, suppliers hold the power as buyers, which does not support Castells' theory on power relations (Castells, 2000; Antonsich, 2011). In this context, power is not just controlled by the global actors but by the local actors at the same time.

The study finds that supplier firms are the contributing factor to asymmetric power relations in the Bangladesh garment industry as they are more interested in satisfying the autocratic nature of international buyers to maintain relationships for future contracts that impact other material aspects of the process apart from capital—for instance, regulations, people, audits, inspections, and compliance, among others.

7.1.3 Standards and Exploitation

There is a persistent gap between labour standards and practices in the Bangladesh garment industry, which both global and local actors have ignored since the Rana Plaza disaster. This study found that many factories which supply garment products to ETI and FLA signatory brands have a long history of sexual discrimination, gender discrimination, poor wages, harassment, and forced labour. Factories like Nixon Apparels Limited supply garment products to ETI and FLA signatory brands and must satisfy buyers with both standards. The range of codes and audit practices makes it difficult for suppliers to engage in compliant behaviour, which Kuruvilla (2021) calls practice multiplicity.

The industry has a policy–practice gap in the number of issues it faces on a substantive level. Sexual and gender discrimination remain long-standing issues in the Bangladesh garment industry. In the interviews, workers reported that complaints against sexual and gender discrimination remain ignored. For instance, Galaxy Apparel Limited supplies garment products to the North American markets and has serious concerns about gender discrimination and sexual harassment. ActionAid, a global federation working for a world free from poverty and injustice, reported that 80% of garment workers in Bangladesh have either seen or experienced sexual violence in the workplace (ActionAid, 2019)[83]. The ETI acknowledged that they have made little progress on discrimination and sexual harassment in the workplace[84].

The industry also has serious concerns over inequality and the gender pay gap, discouraging many women from seeking a career in the garment industry. Women were generally low-paid at the ages of 16–17; overtime was not paid accurately, and their wages declined after age thirty compared to male colleagues. Moreover, many workers were found doing double the standard working limit, and these practices remain unchallenged as employers generally hide overtime lists from the audit committee. In their compliance review report for the period 2015–2018, BWB reported that at least 25% of factories were non-compliant on the minimum wage; 24% of factories did not comply with overtime pay policy; 34% of factories did not record actual working time as

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83 [80% of garment workers in Bangladesh have experienced or witnessed sexual violence and harassment at work | ActionAid International](#)

84 [Our impact on workers | Ethical Trading Initiative (ethicaltrade.org)](#)

they identified two sets of record; and 95% of factories did not comply with working hour regulations, including overtime (Better Work, 2019)[85].

Wages remain the most controversial issue in the RMG industry, as the majority of workers reported their anxiety and stress levels related to low wages. Although the ETI base code and the FLA codes of conduct stipulate that minimum wages should meet basic needs and provide discretionary income, the minimum wage for garment workers in Bangladesh was just half (8000 taka) of living wages (16400 taka), the living wage that was calculated by the Global Living Wage Coalition (ILO, 2016). It does not even comply with the ILO minimum wage (convention 1970; No.131) as, according to the ILO, the minimum wage must be based on the cost of living (Belser and Sobeck, 2012). Therefore, global brands that are outsourcing products from Bangladesh have failed to comply with their standards despite repeated calls from workers and unions to review wages at their outsourcing factories. Workers also reported long working hours, inappropriate management behaviour, and repression of unions. Factories such as Golden Fashion Limited, Atowa Garments Limited, and Palash Knitting Limited are also signatories of the Alliance that were found to be violating labour rights practices.

The key argument is that multinational companies have joined in multi-stakeholder initiatives such as FLA or ETI to uphold their code of conduct in the supply chain. However, the above picture shows a clear breach of FLA and ETI codes of conduct that ignore normative values comprised of standard operating procedures (Akbar and Deegan, 2021). Here, behavioural invisibility of the policy–practice gap occurs as suppliers agree to adopt a standard to secure contracts but resist implementation to avoid necessary costs (Kuruvilla, 2021).

Moreover, the study found that the factories adopt labour laws such as on the mandatory formation of participation committees and safety committees and minimum wage policy; but they do not actually deliver them. In many factories, management forms participation committees and safety committees where workers are perceived as obedient and are chosen to sit on the committee but do not fully represent workers' interests. Workers in many factories reported that, although the government published the gazette for minimum wage increase in 2018 and set the date for factories to pay the increased wage, workers reported that they continued to be paid the previous rate for several months. Here, a gap exists between policy implementation and the outcomes, referred to in the literature as means–end decoupling.

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85 Home - Better Work, https://betterwork.org/wp-content/uploads/2020/01/Bangladesh-Annual-Report_2.pdf

There are many contributing factors to poor labour standards, such as weak law and enforcement, deregulation, and the influence of capital discussed above (section 7.1.2). Above all, buying and supplying practices such as price mechanisms (Kuruvilla, 2021) and subcontracting (Alamgir and Banerjee, 2019) practices lead to policy–practice gaps in the industry. Many large factories offer subcontracting to minimise their labour costs and to meet supply demand (Morris, Jenkins and Donaghey, 2021), but medium and small factories see their profit decline (Alamgir and Banerjee, 2019), which impacts their capacity to meet compliance requirements.

The evidence from the Government department suggests that a shortage of inspectors limits their ability to conduct regular inspections. As a result, factory owners with a history of non-compliance benefit from such a lack of inspection. Moreover, third-party audits are found to be non-transparent, ineffective (as the audit element is missing high-quality information), and mostly compromised as factories pay for the audit, inevitably giving them a privileged position to influence the outcomes of the audit process. Audit falsification and non-compliance are examples of behaviour multiplicity, undermining the accurate reporting of the scale and severity of labour standards violations (Kuruvilla, 2021).

In this study (see Tables 5.1–5.5), factories are found to use their institutional power to harm labour more than it is protected through global standards. Therefore, the findings of this study do not explicitly support the argument that MNCs are solely responsible for policy–practice gaps or poor labour standards; local industrial actors who produce and sell their products locally and globally are also responsible. Moreover, many foreign-owned garment factories in Bangladesh are in a relatively better position than private companies. Previous studies have suggested that the state and the industry are equally responsible for the degradation of standards because local institutions—as the critical implementors of the labour standards—failed to ensure compliance and enforcement systems (Distelhorst et al., 2015).

This study found that the reactive measures taken in the aftermath of Rana Plaza by the private governance initiatives have proven relatively successful in overhauling safety measures in the industry, but their progress and continuance are impacted by the capital forces and institutional frameworks that drive non-compliance in the industry, as a result, a policy–practice gap occurs.

7.1.4 Labour Union, Movement, and Constraints

Labour unions in the Bangladesh garment industry face significant barriers from government agencies and employers. The Rana Plaza building disaster allowed unions to act together against decades of injustice in the workplace to create openness and political opportunity for unions by forming private governance initiatives. The political openness enhances the prospects for mobilisation and collective action on government inaction and inappropriate management practices at factories.

The evidence (Tables 6.1 and 6.2) suggests that unions' involvement in coalition building through organising, servicing, negotiation, networking, and connections has helped to resolve issues in many workplace situations and has promoted unity and Alliance among members in the aftermath of Rana Plaza. The unions acknowledged that the Accord helped reinvent their strategy as safety complaint mechanisms introduced by the Accord provided a tool to stand up against injustice without fear. The Accord and the Alliance brought safety programmes to the heart of all operational activities that raised workers' awareness of safety and other labour rights issues. The data suggest that unions often take workplace issues to the attention of management prior to mobilising the workforce; however, the negotiation process was not always successful. Moreover, unions faced criticism and threats from the management for raising issues in the participation committee meetings or whilst meeting in person, which impacted their progress on coalition building and promoting solidarity with the workers. Although the union federation engaged with the Accord directly with their safety programme, the factory unions received less information about Accord development. Moreover, on many occasions, factory unions received no support from the federation leaders on the termination of worker contracts, sexual harassment, grievances, forced labour, minimum wages, and non-payment of wages, among other work-related issues. For this reason, many protest activities, such as walkouts, demonstrations, or strikes, were unplanned primarily, turned violent, and became successful (Kriesi, 2011).

Evidence suggests factory unions try to gain members' support and promote workplace democracy and cohesion through internal solidarity (Frege and Kelly, 2004). They also organised many events outside the factory to promote coordination with other local union organisations. Unions promoted an effective union–management relationship to address labour rights issues through the participation and safety committees, but this has been demonstrably weak when dealing with issues on sexual harassment, forced labour, termination, and others for two main reasons: workers are reluctant to put their case forward, and the union lacks knowledge on how

best to deal with the issues with management constructively. The above facts are the barriers that unions face in accessing the openness of the political system.

In most circumstances, unions have been less successful at promoting grievance actions as a legitimate channel for members, with many unionised workers believing that grievance actions would not resolve their issues. Moreover, workers were reluctant to file a grievance at a subsequent stage, expressing frustration at delays in processing and fairness in the grievance process. Although the two largest union organisations—IndustriAll Bangladesh Council and the NCCWE—worked closely in the SDIR project, providing training on grievance handling, dispute resolution, health and safety awareness, and the collective bargaining process, this has done little to build confidence amongst the union members.

As discussed above, these schemes cover relatively little of the RMG sector in Bangladesh. Because of this, unions have demanded an alternative dispute resolution mechanism (ADR) as the current factory grievance system fails to address workers' rights. However, grievance processes are lengthy. Any labour disputes referred to Alternative Dispute Resolution (ADR) in Cambodia or South Africa are resolved within two months (Solidarity Center, 2016)[86.] In contrast, union leaders claimed that the Bangladesh labour court takes almost a year to resolve a dispute. As a result, grievances have triggered collective action in many cases following gross mishandling and mismanagement (McAdam, Tarrow and Tilly, 2009).

Keune and Schmidt (2009) suggest that trade unions and other workers' organisations have little control to influence international actors over factory-level issues, as the company management mostly monopolises decision making. Cohen and Early (2000) also argue that MNCs have a long-established defined strategy of de-unionising. Even though the government could theoretically play a significant role in enforcement, policies, and processes, the Bangladesh national political system is highly decentralised and regionalised (Blatter, 2004). These situations placed Bangladesh into a position of state closure that restricts the opportunities for factory unions to play an active role in the participation committee and the safety committee meetings, committee formation (as management decides whom to include), mobilising workers for unionisation, participating in the training programme (organised by unions under WRC programme), the Accord safety complaints mechanism, and many more.

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86 https://www.solidaritycenter.org/wp-content/uploads/2017/10/Annual-Report-2016.pdf

In this vein, unions often choose the sort of tactics associated with closed institutional political systems, as the country has seen many organised major industrial actions carried out since 2013 demanding an increase in the minimum wage (Darlington, 2001), and unions have been successful in forcing the government to change its minimum wage policy. However, unions acknowledge that many protest actions have not been successful due to resource limitations; unions lack financial sources, external support, and legitimacy, which impacts them in the trade union movement (McCarthy and Zald, 1977).

Nevertheless, in Bangladesh, unions generally suffer from a lack of these vital material and symbolic resources. They do not have an office in the workplace, cannot gather at the factory premises, and lack funding. Although membership fees are the primary source of generating funds, members often refuse to pay a membership fee. Although union federations do receive some financial support and other facilities from affiliated international union organisations such as the IndustriAll Global Union or the Uni Global Union, this support is not distributed from the federal level to the factory level; as a result, factory unions have little power (Flynn, 2011).

Unions' activities are also severely affected by the power imbalance and communication gap between central and local branches. Moreover, relocation threats by employers and growing capital mobility have undermined unions' collective bargaining power (Gordon and Turner, 2000). Factory unions have gradually lost ground in mobilising the workforce in the face of strong anti-union sentiment. The ILO report by the high-level Tripartite Mission confirmed a growing case of anti-union discrimination in garment factories, mostly occurring immediately after the new union registration, and numerous cases filed in labour courts in Bangladesh have had no positive outcomes (ILO, 2016).

Unions have lost member support, with many believing that the workplace was in better shape before union registration, as the presence of the union has subjected them to increased scrutiny from management. Moreover, unions have limited access to local institutions. As employers and international buyers fear the promotion of collective organisational capacity, unions struggle to improve working conditions no matter what efforts they make (Jenkins, 2020). In addition, declining memberships and low union density have had a detrimental effect on the capacity of unions to gain access to the potential resources they require. Unions cannot control production and collective bargaining due to their weak strategic position, anti-union laws, and fragmentation (Kelly, 1998). Although Freeman (1979) considers unions generally low in intangible resources but high in people resources, both are proportionately low in the Bangladesh garment industry, making mobilisation difficult.

Badigannavar (2005) underlines that access to information is a fundamental resource for union leaders to influence operational and policy decision-making. However, this does not necessarily translate into better bargaining outcomes such as pay or job security. In Bangladesh, a central problem of the unions is also evident in their inability to establish a sustainable dialogue with the Ministry of Labour and Employment to address workplace issues. Unions have consequently struggled to gain up-to-date information about policies and processes, mainly as management keeps them isolated from sharing information at the factory level.

To overcome the barriers, national and grassroots unions have engaged constructively in recruiting new members and considering members' opinions to reshape their strategy in the aftermath of Rana Plaza. These approaches were one step forward for unions to regain control of workplace situations. However, recruiting members is not the only option; unions need to provide members with transparent information and facilities to build confidence in workplace mobilisation and promote cohesion, for which they need adequate resources. The study dataset suggests that these elements are distinctly lacking in the experience of unionised workers. Therefore, the opportunities that landed immediately in the aftermath of Rana Plaza with Accord and Alliance formation and other MSI initiatives contributed little to empowering unions and their strategic choices in promoting labour rights and standards. Although unions promote coalition building in many workplace situations despite numerous obstacles, they have limited opportunities for power sharing with management, which obstruct their access to the openness of political opportunities. As a result, strike actions are growing at production sites, representing a closed opportunity in the institutional political system (Tilly, 1978; Krisi, 2011; Ashraf and Prentice, 2019; Bair et al., 2020).

7.2 Conclusion

Of course, the research on which this study is based does not seek to provide a comprehensive picture of labour standards or union activities in the Bangladesh RMG industry; as underlined in the methods section (Chapter 4) and discussed throughout, the data are gathered from a convenience sample of unionised workers approached outside the factory gates, who discuss their qualitative experiences within factories in the RMG sector. The purpose is not to provide quantitative generalised data but to focus on how individual workers experience the daily reality of working in these factories and to do so in a way that highlights the influence of union leaders and management in expressing these voices. While the study lacks the voices of MNCs, these are readily available elsewhere. More significantly, for the study, the researcher was unable to conduct any interviews with workers in EPZs because of restricted permission; he was unable to approach unions for interviews about EPZs because none was established at the time of the interview in the EPZs. Unfortunately, the researcher failed to gain full access to the Accord and the Alliance, as they did not respond to his requests despite repeated attempts; eventually, he was able to interview two officials from the Accord. Both platforms have now left Bangladesh as their contract with the Bangladesh government has not been extended.

These limitations could create future research opportunities to explore accountability across the supply chain and the best practices to bridge the gap between the global and local in the efforts to promote labour standards; this research can be extended and conducted more systematically and on a large scale. Understanding more management voices may also unearth more precise reasons for disputes. There is also an excellent opportunity to conduct a comparative study between unionised and non-unionised sectors in Bangladesh. This could bring more light to union strategic positions in Bangladesh and the future of unionisation, considering the productivity and growth of non-unionised sectors.

Nonetheless, the data provided by the voices in this study are rich, partial and, in many ways, revealing. Moreover, it is an innovative dataset given the problems of access to workers and the precarious nature of many workers. Only a few studies have focused on workers' voices rather than those of federation (or government) representatives. Therefore, the researcher has presented unique data from the ground up, throwing new light on the daily situation faced by workers in the Bangladesh RMG sector.

Although global corporations have not stayed out of discursive commitments to improve labour standards in the supply chain, they have done little to reward the hope and trust of millions of working-class people who survived beyond the damage done to them through a working culture which does little to safeguard their rights. MNCs, along with the Bangladesh national government, have tried to satisfy their commitment to improve labour standards by setting a series of codes, but they have generally proven to be ineffective at safeguarding rights beyond specific baseline commitments. Given the competition for productivity and profitability in the supply chain, these codes have obstructed progress in labour standards in the Bangladesh RMG industry. This is because these codes have effectively dispersed power away from unions in the production sites and relocated it in the spaces of flow. Here, the conditions of labour are guaranteed not by the capacity of workers to secure them through effective dispute resolution mechanisms or the capacity to make factories comply with labour laws but by the standards insisted upon in the spaces of consumption.

To put it another way, pressure to raise standards is located in the very forces that demand price competition in retail markets. Price competition comes at the cost of worker's pay and conditions. Although these codes improved labour standards, the right to organise and collective bargaining remained unsolved agenda items (Kuruvilla and Verma, 2006).

The deterioration of labour standards in supplier factories comes from the combined efforts of global and local forces. Although capital flows from the global to the local, have brought economic freedom for many low-income families, and many large factories in Bangladesh have maintained labour standards as a tool to improve their brand loyalty to attract favourable media coverage and foreign buyers, medium and small-size factories have fallen behind and struggle to comply with labour laws. Unions cannot play a key leadership role in the current industry setting given their inadequate resources, inadequate training, and anti-union sentiment from management and law enforcement agencies. Unions were indeed struggling to survive rather than attempting to revitalise themselves, as the unequal distribution of power and resources put them behind bars. Whilst they are engaged with the ILO and the BGMEA at the operational level, they have not been able to develop a proactive strategy to gain access to policymaking, work organisation design, partnership, and participation to address the current practices of labour standards in the Bangladesh RMG industry.

The application of Castells' theory over space of flows and space of places is comparatively new in developing an explanatory framework for the impacts on labour standards of codes of conduct within the supply chain (see Bush and Oosterveer (2007) on material transfers and shrimp

production in South-East Asia). Here, the researcher has identified how the dominant factors determining labour standards originate from economic and political flows, underpinned by long-term imbalances of power and resources at the local level or micro-level of the organisation within the factory space.

The picture drawn in this research is that power is dispersed away from unions in the material sites of production, as safeguarding rights becomes the responsibility of other actors within the supply chain. The organisational power of unions stands on weak foundations, the hierarchical structure of the labour unions themselves (between Federations and local factories), and the incapacity of local actors to frame disputes and mobilise workers effectively. Undoubtedly, weak regulations and the low resources committed by the state to ensure their implementation have contributed significantly to the degradation of labour standards in the Bangladesh RMG industry.

Hitherto, studies have paid little attention to the politicisation of space in industrial relations (Harrison and Growe, 2014), but the present study is much more informed, showing how workers' experiences are conditioned by actors' behaviour at global and local scales. In this respect, this research constructs labour standards as a static promise made through the relationship between global and local actors in the interests of capital mobilisation. Equally, the study draws out how dominance effects vary between lead firms and small firms, in which the latter are rarely affected by the positive changes in labour practices and, as a result, struggle to deliver a workplace that upholds the labour standards and respects the dignity of labour.

The voices of garment factory workers also show how, in the era of globalisation and as a condition of capital flows, the work conditions remain highly influenced by local cultural norms. For female workers in particular, the experience of working in the RMG sector remains challenging, as workplace standards are co-produced by multiple social forces, including family traditions and cultural norms that make them more likely to be the object of abuses and which restrain them from being vocal when these abuses are perpetrated. The study further shows how the unavailability of resources is central to the structural conditions of factory unions and, in effect, obstructs them from constructing strategic choices to enable union development. Persistent information and communication gaps (between federation and factory, between unions and state, between management and workers' representatives in the participation and safety committees) are fundamentally damaging to the collective representation of workers and to their capacity to undertake collective bargaining with management.

The study presents institutional arguments that constitute a promising approach to examining private regulations regarding labour standards and found a great degree of variation between standards and practices in the Bangladeshi garment industry (Anner, 2015). The study concluded that private standards do not work unless there are accountabilities within the compliance mechanism towards buyers and suppliers, which ensures that the auditing industry is required to form an independent body like the Accord to oversee the implementation of the standards into practice. MNCs should be required to motivate suppliers by offering long contracts and other financial rewards (such as offering a competitive price) to those who maintain standards and punish others who do not follow the standards.

In Bangladesh, the labour movement has varied in structure, strategy, and success and is shaped by the features of the political system and the pattern of interactions between actors (Tarrow, 2011; see also Tilly 1978). The study adopts political opportunity theory to demonstrate the barriers unions face in mobilising interest in the workplace against injustice. Hamann et al. (2013) suggest that strike action is increased due to the exclusion of unions in the government policy reforms that support the study, as unions have a fundamental barrier to involvement with government agencies in policymaking decisions on labour rights. As the state is weak and closed, unions' capacity to access the openness of political opportunity faces various limitations and, as a result, protest action grows.

Both the Accord and the Alliance platforms adopted a command and control-based strategy despite policy differences that promulgate asymmetric power relations between actors. However, it was necessary to adopt such a culture in the case of serious safety breaches. Here, power (Castells, 2000; Massey, 2000; Ritzer, 2007) and politics (Rodgers, 2004; Castells, 2009; see also Massey, 2000) played significant roles in improving safety standards, which affirms that power and politics can influence the existing practices of the workplace.
However, the study found that Accord integration in the safety processes was impacted by the non-cooperation of the buyers, the suppliers' firms and the government, who intended to gain control of the industry later, which constituted potential barriers to improving labour standards.

Henceforth, the study suggests that the success or failure of any private or public governance initiative to improve labour standards depends on the accountability and commitment to the financial support given by the global firms and the governments and, to ensure accountability, the global firms are required to engage with the local unions to monitor compliance on workplace standards.

The study suggests that MNCs are not solely responsible for policy–practice gaps or poor labour standards; the local employers who produce and sell their products locally and globally are also responsible.

As power resides in resources, and resources are driven mainly by capital as the related law is weak, there is a need to focus on accumulating material resources, e.g., capital, to improve labour standards in the global supply chain.

In this context, MNCs could create a fund by retaining a percentage of income from the supply contract and contributing the same percentage to the fund. That fund could then be used to improve labour standards in the factories. A local committee could be formed for each factory involving representatives of the unions, the employers, and the state directly controlled by the MNCs to ensure transparency over how the fund is used.

This fund can be used towards developing a safe system at work, paying for compliance audits, providing essential training to employees, and covering loss of pay from maternity, sicknesses or absences, termination, and layoffs, among other initiatives. In creating this fund, the MNCs need to ensure that they offer a standard price for products and reward the local employers who are the champions of maintaining compliance at factories. This will help promote workers' participation in the working committees (such as the participation and safety committees in the Bangladesh garment industry) and unionisation, and it will plug the governance gap and balance power relations between the different actors at the production sites.

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APPENDICES

Appendix 1: List of Interviewees and company represented.

		Worker's Participation in the Semi-structured Interviews			
SI.	Acronym	Name of the Worker (Pseudonym)	Gender	Section	Name of Garment Factory(pseudonym)
1	WPN-1	Selina Begum	F	Sampling	Amiton Sweater Limited
2	WPN-2	Farzana Begum	F	Sewing	Amiton Sweater Limited
3	WPN -3	Dipa Chowdhury	F	Cutting	Amiton Sweater Limited
4	WPN -4	Bakuli Islam	F	Finishing	Amiton Sweater Limited
5	WPN -5	Josna Ara	F	Cutting	Amiton Sweater Limited
6	WPN -6	Mohammed Malak	M	Dyeing	Amiton Sweater Limited
7	WPN -7	Zahir Hossain	M	Sewing	Amiton Sweater Limited
8	WPN -8	Sapna Begum	F	Sewing	Amiton Sweater Limited
9	WPN -9	Hasna Ali	F	Sampling	Amiton Sweater Limited
10	WPN -10	Fakir Hossain	M	Packing	Tiffney Sweater Ind (Pvt) Limited
11	WPN -11	Zaya Iqbal	F	Checking	Tiffney Sweater Ind (Pvt) Limited
12	WPN -12	Munir Hossain	M	Compliance	Tiffney Sweater Ind (Pvt) Limited
13	WPN -13	Sahana Ara Begum	F	Packing	Tiffney Sweater Ind (Pvt) Limited
14	WPN -14	Palash Saha	M	Sewing	Tiffney Sweater Ind (Pvt) Limited
15	WPN -15	Sabna Aktar	F	Sewing	Tiffney Sweater Ind (Pvt) Limited
16	WPN -16	Bikash Majumdar	M	Quality	Tiffney Sweater Ind (Pvt) Limited
17	WPN -17	Rahima Begum	F	Sewing	Tiffney Sweater Ind (Pvt) Limited
18	WPN -18	Shibly Akter	F	Cutting	Tiffney Sweater Ind (Pvt) Limited
19	WPN -19	Golapi Begum	F	Sewing	Nixon Apparels Limited
20	WPN -20	Mohamed Minhaz	M	Cutting	Nixon Apparels Limited
21	WPN -21	Alaya Begum	F	Cutting	Nixon Apparels Limited
22	WPN -22	Aisha Begum	F	Sewing	Nixon Apparels Limited
23	WPN -23	Jahanara Begum	F	Quality	Nixon Apparels Limited
24	WPN -24	Mohammed Titu	M	Checking	Nixon Apparels Limited
25	WPN -25	Saifa Begum	F	Sampling	Nixon Apparels Limited

26	WPN -26	Luckman Hussain	M	Sampling	Nixon Apparels Limited
27	WPN -27	Ratna Majumder	F	Sewing	Golden Fashion Limited
28	WPN -28	Zonaki Ara	F	Cutting	Golden Fashion Limited
29	WPN -29	Zhimu Alam	F	Sewing	Golden Fashion Limited
30	WPN -30	Pulak Saha	M	Finishing	Golden Fashion Limited
31	WPN -31	Mohammed Mehatab	M	Quality	Golden Fashion Limited
32	WPN -32	Abdul Hai	M	Store	Golden Fashion Limited
33	WPN -33	Zobayer Hossain	M	Sampling	Golden Fashion Limited
34	WPN -34	Mohammad Iqbal	M	Dyeing	Golden Fashion Limited
35	WPN -35	Lucky Akter	F	Sewing	Golden Fashion Limited
36	WPN -36	Sabnam Begum	F	Sewing	Palash Knitting Limited
37	WPN -37	Megha Islam	F	Cutting	Palash Knitting Limited
38	WPN -38	Mintu Halder	M	Sampling	Palash Knitting Limited
39	WPN -39	Nur Nabi	M	Store	Palash Knitting Limited
40	WPN -40	Janayeb Islam	F	Sewing	Palash Knitting Limited
41	WPN -41	Pakhi Alam	F	Finishing	Palash Knitting Limited
42	WPN -42	Shisir Das	M	Cutting	Palash Knitting Limited
43	WPN -43	Gulab Rahman	M	Store	Alpha Textile and Apparels Limited
44	WPN -44	Mohamed Akmal	M	Store	Alpha Textile and Apparels Limited
45	WPN -45	Ismail Hossain	F	Sampling	Alpha Textile and Apparels Limited
46	WPN -46	Tabassum Begum	F	Sampling	Alpha Textile and Apparels Limited
47	WPN -47	Yesmin Begum	F	Sewing	Alpha Textile and Apparels Limited
48	WPN -48	Rahima Begum	F	Sewing	Alpha Textile and Apparels Limited
49	WPN -49	Jahangir Islam	M	Cutting	Alpha Textile and Apparels Limited
50	WPN -50	Mohamed Iqbal	M	Store	Galaxy Apparels Limited
51	WPN -51	Jakaria Hossain	M	Sampling	Galaxy Apparels Limited
52	WPN -52	Shimul Barua	M	Cutting	Galaxy Apparels Limited
53	WPN -53	Kusum Ara	F	Sewing	Galaxy Apparels Limited
54	WPN -54	Sonali Begum	F	Finishing	Galaxy Apparels Limited
55	WPN -55	Akashi Rahman	F	Quality	Galaxy Apparels Limited
56	WPN -56	Joshna Ara	F	Compliance	Galaxy Apparels Limited
57	WPN -57	Biskis Begum	F	Sewing	Galaxy Apparels Limited
58	WPN -58	Shefali Begum	F	Cutting	Galaxy Apparels Limited

59	WPN -59	Samira Begum	F	Sewing	Atowa Garments Limited
60	WPN -60	Momata Islam	F	Cutting	Atowa Garments Limited
61	WPN -61	Mitali Hassan	F	Cutting	Atowa Garments Limited
62	WPN -62	Monir Ahmed	M	Store	Atowa Garments Limited
63	WPN -63	Popy Akter	F	Inspection	Atowa Garments Limited
64	WPN -64	Mohamad Hassan	M	Packing	Atowa Garments Limited
65	WPN -65	Shepali Begum	F	Quality	Atowa Garments Limited
66	WPN -66	Kusum Ara	F	Quality	Atowa Garments Limited
67	WPN -67	Kalpana Biswas	F	Sewing	Atowa Garments Limited

Appendix 2: List of factory union leaders

Interview with factory union's leader		
Sl.	Acronym	Name of the factory represented
1	ULC-1	Amiton sweater limited
2	ULN-2	Tifney Sweater Ind (Pvt) Limited
3	ULO-3	Nixon apparels limited
4	ULC-4	Golden Fashion Limited
5	ULA-5	Palash Knitting Limited
6	ULC-6	Alpha Textile and Apparels Limited
7	ULC-7	Galaxy Apparels Limited
8	ULU-8	Atowa garments limited

Appendix 3: Corporate Interview List

			Interview with Corporate Officials
Serial	Acronym	Organisation	Designation
1	ICO- 1	ILO	ILO Spokesman, Project Experts – BWB and SDIR
2	ICO- 2	ILO	Project Coordinator – BWB
3	ICO -3	ILO	Project Coordination- SDIR
4	ICO- 4	BGMEA	Personal Assistant of BGMEA President
5	ICO- 5	BGMEA	Additional Secretary (Labour)
6	ICO- 6	Government Official	Secretary of Ministry of Commerce is responsible for regulations and implementation of policies applicable to domestic and foreign trade
7	ICO- 7	Government Official	Director of Department of Labour (A Bangladesh Government Regulatory Agency under Ministry of Labour and Employment)
8	ICO- 8	IBC	IBC Spokeswoman, Coordinator of IndustriAll Bangladesh Council
9	ICO- 9	BRGWF	Spokesperson of Bangladesh Revolutionary Garments workers federation
10	ICO-- 10	BRGWF	Vice president
11	ICO- 11	BRGWF	Programme coordinator
12	ICO- 12	Accord	Team Leader of Remediation programme
13	ICO- 13	Accord	Training Coordinator
14	ICO- 14	Garment Factory	Manager, Golden fashion Limited (A BGMEA registered garment factory)
15	ICO- 15	Garment Factory	Head of Commercial of Atowa Garments Limited (A BGMEA registered garment factory)

Appendix-4: Letter of Access

No.BHC/E&I/2(14)/2015-COM/108   Date: 25 May 2018

Dear Sir,

Mr. Samar Chakraborty is a British Bangladeshi citizen who is doing PhD at Aston University, Birmingham, UK. The topic of his research is how globalization is affecting labour standards and trade unions in Bangladesh Garment Industry. For his research he wants to meet BGMEA and BKMEA officials, Union leaders and Officials of the Ministry of Labour and Employment in Bangladesh.

It would be much appreciated if you could provide support to Mr. Samar for facilitating his research.

Kind regards,

Your Sincerely

(S M Jakaria Huq)   25/05/2018
Commercial Counsellor
Tel: +4402075817421
Email: cc@bhclondon.org.uk

1. Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, Dhaka.

2. President, Bangladesh Garments Manufacturers & Exporters Association (BGMEA), BGMEA Complex, 23/1, Panthapath Link Road, Kawranbazar, Dhaka.

3. President, Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA), Press Club Bhaban (3rd Floor), 233/1 B. B. Road, Narayangonj.

CC.

1. Secretray, Ministry of Commerce, Bangladesh Secretariat, Dhaka.

2. Mr. Samar Chakraborty, PhD Researcher, Aston University, Birmingham, UK.

Appendix- 5: Consent form

<u>Project Title</u>

The Impact of Globalisation on Labour standards and
Trade unions response in the ground.

Researcher

Samar Chakraborty

PhD researcher

School of Languages and Social Sciences, Aston University

Aston University

E-mail: chakras2@aston.ac.uk

For the Participant:

Please read this form and sign it if you agree with the following statements:

- I voluntarily agree to take part in this study.

- I have been given a Participant Information Sheet and understand what the study is about and what is required of me.

- I agree to the interview being audio recorded.

- I understand that information about me recorded during the study will be stored electronically on a password-protected laptop. If data is transferred to others, it will be made anonymous.

- I understand that I can ask for further instructions or explanations at any time, and that I do not have to answer any question I do not wish to.

- I understand that I am free to withdraw from the study at any time, without having to give a reason for withdrawing.

Participant's Name:………………………………………………………………………………..
Telephone number:

………………………………………………………………………………..

Email Address:

……………………………………………………………………………………………………..

Signature: …………………………………………….

Date: …………………………………………………

Debrief/Concluding Statement

Thank you very much for taking the time to take part in this interview.

Your interview is part of a study on trade unions and labour standards in Bangladesh.

Through the study, I want to explore how globalisation impacts on Labour standards in the Bangladesh Garment Industry and the role of trade unions in maintaining and improving labour rights in Bangladesh. The study also explores the outcomes of the ILO projects, as well as the Accord and Alliance project outcomes to the improvement of labour standards and unionisation in Bangladesh.

If you have any questions about this research, or would like to withdraw your responses from the study, please contact Samar Chakraborty: chakras2@aston.ac.uk

Once again, thank you very much for your contribution to this research.