

CSR Participation Committees, Wildcat Strikes and the Sourcing Squeeze in Global Supply Chains

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Abstract

Lead firms in apparel global supply chains are increasingly using social compliance programmes that require worker-management participation committees in their supplier factories. These committees are designed to ensure respect for internationally recognized labour standards, to empower workers, and to reduce labour unrest. However, these committees have remained weak, and in countries such as Vietnam worker unrest remains common. This article argues that this is because lead firms in these CSR programmes are imposing a 'sourcing squeeze' on supplier factors by reducing the prices and production times they allot to their suppliers, which undermines efforts by committees to address cost-sensitive issues and overtime violations. At the same time, the sourcing squeeze increases strike leverage, providing workers with a much more effective source of worker voice.

1. Introduction

Despite well over two decades of activist campaigns, media exposés and institutional pressure, corporate social responsibility (CSR) programmes continue to display considerable deficiencies in their attempts to enforce freedom of association (FoA) rights, particularly in low-cost manufacturing sectors in developing countries (Anner 2012, 2017; Koçer and Fransen 2009; Locke et al. 2009). The problem is not the result of a lack of understanding of what constitutes FoA rights. Indeed, since the late 1940s, the International Labour Organization (ILO) has clearly defined what constitutes FoA rights, and most CSR programmes explicitly reference ILO standards in their codes and guidelines (Anner 2012). Rather, research has found that the persistent violation of workers' rights in CSR-monitored global supply chains

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is associated with poor programme design, a proclivity for union-avoidance among many multinational enterprises (MNEs), and regulatory voids in host countries (Anner 2012; Distelhorst et al. 2015; Locke et al. 2009; Seidman 2007). This article argues that the failure of CSR in the area of FoA rights is also the result of lead firm sourcing practices that undermine workers' rights.

MNEs often face a dilemma: many of the countries that provide production services at low costs with the largest production volume (such as China, Bangladesh and Vietnam) are among the worst violators of FoA rights in the world today.¹ For MNEs, avoiding production in these countries is not an option given their sourcing dependency on these locations (production in these countries account for close to 50 per cent of all apparel exports in the world).² Yet, exposés of labour rights abuses in these countries carry reputational risks. Scholars suggest that that CSR programmes could protect countries from reputational damage by filling regulatory voids in host countries with worker rights guidelines and enforcement mechanisms that are otherwise lacking (Rathert 2016). CSR programmes thus may substitute for national worker protection policies in host countries with weak regulatory regimes (Jackson and Apostolakou 2010; Jackson and Rathert 2016).

The capacity of CSR programmes to provide a substitute to national regulatory regimes is more limited in one-party states, because the state plays such a strong role in shaping labour relations (Distelhorst et al. 2015). Yet, most MNEs' CSR programmes do not consider leaving such countries as an option. Instead, they have continued to search for ways to fill the FoA void. Many CSR programmes have turned to solutions that include mandates to form worker-management committees in supplier factories. These committees are seen to provide worker voice in a context where national regulatory regimes do not ensure such representation. Thus, by mandating such committees, CSR programmes in labour repressive regimes claim to take steps to address the FoA rights. But do these committees work?

The literature on worker-management committees suggests reason for caution, most especially when such committees are implemented where independent trade unions are absent (Kidger 1992). Hence, there would be an abundant reason for caution in states where independent unionism is prevented by law, such as Vietnam and China. This article argues that the power imbalance of modern-day global supply chains based on supplier-networks in developing countries also creates a bullwhip effect that further undermines such committees. In the apparel sector, this dynamic manifests itself in a 'sourcing squeeze' that occurs when lead firms are continuously able to pressure their suppliers to produce for low prices and with accelerating turn-around times. The sourcing squeeze puts pressure on management to keep wages low and working hours long. As a result, the sourcing squeeze undermines worker-management participation committees and their goal of providing workers with an effective voice mechanism. Yet, the sourcing squeeze also creates new opportunities for labour. Short lead times increase workers' strike leverage and thus, this article argues, inadvertently offer a much more powerful and thus effective form of worker voice. This is because workers

have found that, by striking precisely when a supplier needs to ship a product to a buyer, they can exert critical pressure on employers who are financially penalized for late orders by buyers.

To explore these arguments, this article looks at the case of Vietnam and the implementation of the Better Work participation committees. Better Work was launched in 2007 as a joint initiative of the ILO and the International Finance Corporation (IFC) of the World Bank. Its goal is to ensure compliance with core labour standards and national labour laws in the apparel sector. Participating countries include Bangladesh, Cambodia, Haiti, Indonesia, Jordan, Lesotho, Nicaragua and Vietnam. All countries in the programme are required to establish Performance Improvement Consultative Committees (PICCs). These worker-management committees are tasked with discussing and addressing non-compliance issues detected during Better Work factory assessments.

The sections that follow explore the ties between sourcing strategies, CSR worker-management committees and strikes in the apparel industry. Next, the article examines the concept of the sourcing squeeze, the nature of worker-management committees, and the dynamics strikes in the Vietnamese apparel export sector. Then, the research methodologies and findings are explored. The final section examines the implications of these findings.

2. Global supply chains and the sourcing squeeze in apparel

Employment relations theories and approaches have tended to focus on national industries within national states (Kaufman 2004; Kochan et al. 1994). Even the employment relations literature that focuses on MNEs often assumes a direct ownership relations of a corporate headquarters with its global subsidiaries (Doeringer et al. 2003; Dunning 1992; Ferner 1997). Yet, the structure of production and distribution through global supply chains that link lead firms with wholly-independent supplier factories has become an increasingly common economic structure in the global economy (Gereffi and Korzeniewicz 1994; OECD, WTO and UNCTAD 2013). Between 30 and 60 per cent of G20 countries' trade flows through global supply chains, largely with inputs from developing countries (OECD, WTO and UNCTAD 2013). These dynamics suggest a need to re-think how we study employment relations dynamics.

As Gary Gereffi and his collaborators observe, capitalism today entails the disaggregation of production, distribution and consumption across states through complex networks of firms and enterprises (Gereffi et al. 1994: 1). In this framework, producers within countries are not conceptualized as autonomous market agents, but as part of larger production and consumption networks that span the globe. A crucial component of this framework is chain 'governance', and the idea that supply chains have lead firms that coordinate and exert some degree of control over other segments in the chain. In his original formulation, Gereffi referred to buyer-driven and producer-driven

supply chains (Gereffi 1994). Later, Gereffi and his collaborators added more nuance to the model, allowing for five different models of governance (Gereffi et al. 2005).

With the exception of a ‘market model’, all other governance forms assumed some degree of power asymmetry in global supply chains. This imbalance is perhaps most noticeable in buyer-driven apparel global supply chains. This is because on the one end, retailers and brands (‘buyers’) have increasingly consolidated their power through mergers, acquisitions and market consolidation (Abernathy et al. 1999; Bonacich and Appelbaum 2000). At the same time, there has been a dramatic dispersion of suppliers across developing countries. This power imbalance in supply chains has allowed lead firms to leverage for lower production costs from suppliers, which in turn put pressure on employers to hold wages down and aggressively avoid unionization (Anner 2011).

Several developments indicate that the power imbalance in apparel global supply chains has greatly escalated in recent years.³ First, the phase-out of the global trade agreement that had structured the industry since 1974 — Multi-Fibre Arrangement (MFA) — ended several decades of quota-controlled trade in apparel in 2005. Second, the entry of China and Vietnam into the World Trade Organization abruptly increased the number of suppliers (and workers) able to produce apparel for the world market. Combined, these two factors allowed buyers to play one global supplier off against another to keep production prices low. At the same time, the entry of many more suppliers into the apparel sector generated an oversupply of apparel in the world market. To increase sales, retailers developed new models of marketing apparel based on ‘fast fashion’ (frequent apparel sales with turnaround times of weeks as opposed to months); this requires shorter and shorter production lead times (Plank et al. 2014; Taplin 2014).

The combination of these recent developments suggests two sourcing trends in apparel global supply chains. First, there is a ‘price squeeze’ in which buyers constantly seek to lower the price paid to the suppliers who make their garments. Second, a ‘lead time squeeze’ is often observed in which buyers demand supplier factories produce goods in increasingly shorter periods of time. This sourcing squeeze interacts with social compliance programmes in ways that undermine their efforts to ensure labour standard compliance, worker empowerment and reduced labour unrest.

3. Corporate social responsibility and workers’ rights

CSR programmes have become an increasingly common component of employment relations practices in global supply chains. CSR is understood here in broad terms as any predominately non-state regulatory instruments designed to affect the conduct of suppliers in areas related social and environmental stewardship (Rathert 2016). As such, it includes firm-specific unilateral policies as well as multi-lateral programmes such as the United

Nations Global Compact (Toffel et al. 2015). The codes and monitoring initiatives that make up CSR programmes adhere to variations in standards, use different processes to evaluate and address violations, and employ variegated systems of governance and thus control (Fransen 2012). Yet, most multilateral programmes in the apparel sector reference national laws and the core labour standards of the ILO covering child and forced labour, discrimination and freedom of association (FoA) (Jenkins 2002).

The effectiveness of these initiatives vary greatly by sector and by the institutional context in the host countries where they are embedded (Distelhorst et al. 2016; Jackson and Rathert 2016). Some scholars have shown that civil society and state regulatory mechanism can complement CSR programmes when they are strong, but the impact of CSR tends to be hampered in countries such as China due to state policies that do not sanction independent union formation (Distelhorst et al. 2016; Locke et al. 2009). This would suggest that we might expect weak complementarities in other one-party states, such as Vietnam. The broad institutional context in which these programmes are situated also shapes the potential effectiveness of CSR programmes (Brammer et al. 2012). In host countries with weak institutions, the question becomes whether CSR programmes can substitute for the absence of strong institutions or whether they will also be ineffective due to the same or similar constraints (Jackson and Rathert 2016).

As established by the ILO, freedom of association means that workers have the right to establish and join organizations of their own choosing without previous authorization.⁴ Indeed, as noted by the ILO, it is the duty of member states ‘to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise’.⁵ Hence, enforcement of FoA rights is most often seen as the primary responsibility of states. As Locke and his collaborators observe, FoA rights, ‘need to be enforced not one factory at a time but rather throughout the territory, and this entails a more active role by the state rather than by a small group of activist auditors’ (Locke et al. 2009: 343).

The issue of CSR programmes’ ability to address FoA rights is particularly acute in states where independent and democratic unionism is curtailed by the law, notably China and Vietnam. In these cases, the state considers trade unions as sociopolitical organizations of the Communist party meant to promote harmony in the workplace; they are not seen as independent defenders of workers’ interests (Anner and Liu 2016). This presents a considerable challenge to CSR programmes, particularly multi-stakeholder programmes such as Better Work that have committed to upholding all ILO core conventions, including Conventions 87 and 98 on the right to organize and bargain collectively.⁶

To address this challenge, social compliance programmes began allowing suppliers to establish alternative worker voice mechanisms. For example, the social monitoring programme, Social Accountability International, states in its standards: ‘In situations where the right to FoA and collective bargaining are restricted under law, the organisation shall allow workers to

freely elect their own representatives'.⁷ In the case of Better Work, worker-management committees with elected worker representatives are a required part of programme participation. Better Work argues that the participation committees could give workers a voice that they otherwise lack and can thus help address violations (Better Work 2013).

4. CSR participation committees

Despite the otherwise considerable scholarship on social compliance programmes in apparel global supply chains, to date the research has not fully explored CSR participation committees. In part, this is because it is relatively new phenomenon. The few scholars that have touched on the topic have done so as part of their broader study of labour standards in social compliance programmes (Bartley and Lu 2012; Egels-Zandén and Merk 2014). What these scholars suggest is that CSR participation committees offer a weaker form of worker representation, and that they have failed to provide an effective collective voice for workers (Bartley and Lu 2012; Egels-Zandén and Merk 2014). Yet, it is still necessary to more fully understand the causes for this weakness and to conduct a systematic study of their operations and impacts.

Much has been written on worker-management committees in developed market economies. Many of these committees were inspired by quality control circles and other forms of worker voice used in Japanese employment relations (Womack et al. 1990). In general, the literature suggests that, when lacking the support of representative unions, such committees are often unable to provide an effective means for worker grievances to be addressed. Kidger finds that non-union representation is often not backed by enforceable sanctions for non-compliance (Kidger 1992). Bryson expresses concern that non-union representative voice may not be 'genuinely representative of employees and independent of management' (Bryson 2004: 230). Terry further finds that workers on joint committees often lack access to the 'power-based resources' present in the bargaining component of collective labour relations (Terry 1999).

Scholarship that focuses on low-wage workers has found that, while workplace voice mechanisms were associated with greater worker satisfaction and lower quit rates, these results only held for less serious problems. For serious infringement of workers' rights, there was no relationship between employer-initiated voice mechanisms and efficiency outcomes and quit rates (Charlwood and Pollert 2014). The issue with many of these committees is that workers are not organized in ways that are independent of management, and individualized forms of representation are less effective because worker representatives are more vulnerable to management retaliation (Freeman and Medoff 1984).

The ILO considers non-union bodies with elected worker representatives as a legitimate employment relations institutions with — according to ILO Convention 135 — two important stipulations: (1) worker representative

bodies are ‘not used to undermine the position of the trade unions concerned or their representatives’ and (2) worker representatives ‘shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers’ representative’.⁸ Indeed, as shown by Weil, the effectiveness of worker voice mechanisms is often undermined when programmes fail to effectively protect workers from retaliation (Weil 2014: 246).

There are examples of worker-management committees that meet ILO criteria and have provided workers with effective representation. Notably, works councils in countries such as Germany are credited with contributing to industrial democracy and stable employment relations (Rogers and Streeck 1994; Turner 1991). Better Work refers to German works councils as one inspiration for its worker-management committees in Vietnam (Better Work 2013). Yet, as Brammer, Jackson and Matten note, when employment relations practices are diffused internationally, they are often subject to looser interpretation and are, in practice, modified due to the national social, economic and political contexts in which they are acting (Brammer et al. 2012). This can be expected when attempting to implement German-style works councils in post-socialist states.

In addition to the host-country institutions, it is argued here that the economic logic of global supply chains has a profound impact on committee effectiveness. A pricing and lead-time squeeze that begins at the top of the supply chains exacerbates many of the limitations of participation committees outlined above. Due to the sourcing squeeze, not only do workers lack leverage, but also local management lacks room to maneuver or make changes on cost-sensitive issues and time-sensitive tasks.

5. Wildcat strikes

One of the greatest concerns to lead firms in global supply chains is worker unrest. In the context of ‘just-in-time’ production and short fashion seasons, any disruption to delivery times could result in extremely costly consequences. Yet, strikes remain very common in countries such as Vietnam (Anner and Liu 2016). John Godard notes, ‘strikes generally entail expressions of collective discontent, either in general or with respect to management’s unwillingness to grant concessions workers believe they are entitled to’ (Godard 1992: 162). Godard adds that in the case of authoritarian states, strikes serve as *the primary means* by which workers express their discontent (Godard 1992: emphasis mine). Here it is workers’ lack of more established institutionalized means to address their concerns that results in adversarial worker action.

Yet, not all workers are expected to have the same degree of power. Erik Olin Wright suggests that sector-level differences are related to differences in the structural and associational power of the workers (Wright 2000). Associational power can be understood as ‘the various forms of power that

result from the formation of collective organizations of workers', such as trade unions. In contrast, structural power entails 'the power of workers as individuals that results directly from tight labour markets or from the strategic location of a particular group of workers within a key industrial sector' (Wright 2000: 962). Beverly Silver argues that textile workers tend to lack both structural and associational power (Silver 2003). Unions tend to be small and fragmented, and the low-skill level of apparel workers gives them low labour market power. Yet, Silver makes an important additional observation: while the globalization of production is generally assumed to hurt workers, the just-in-time production system upon which it is based may create new vulnerabilities for capital (Silver 2003). This is because even a short strike can create considerable disruption in a supply chain (Herod 2001; Kimeldorf 2013).

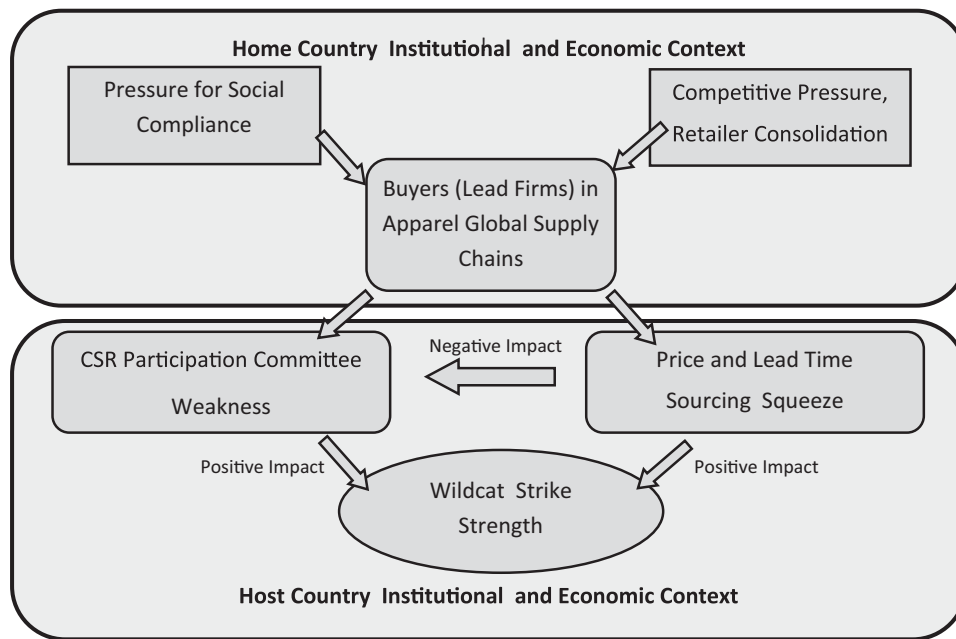
The capacity to disrupt supply chains suggests that apparel workers might not be so structurally weak after all. The lead-time squeeze in global supply chains creates time-sensitive tasks that can be leveraged by workers. Moreover, it suggests a particularly strong role for wildcat strikes — strikes taken without union approval — as opposed to traditional, union-sanctioned strikes. This is because wildcat strikes can be planned and implemented quickly, and when production demands are at their peak. In contrast, formal strikes often need to go through long, bureaucratic authorization processes and may be further limited by no-strike clauses in collective bargaining agreements. Hence, opportunities to maximize leverage precisely when a production order needs to be shipped may be missed when relying on formal strikes mechanisms.

In sum, it can be expected that the sourcing squeeze will not only create an incentive to strike due to the downward pressure on wages, but that the lead-time squeeze also provides a vulnerability that can be utilized by workers. This suggests that wildcat strikes may be common and often successful.

6. Modelling the impact of the sourcing squeeze on participation committees and strikes

Pulling together all the elements outlined above allows us to develop a model of the impact of the sourcing squeeze on participation committees and strikes. We begin by noting that CSR policies and impacts will be influenced by MNE home country institutional and economic contexts. This context includes pressure placed on MNEs and their CSR programmes to respect internationally recognized labour rights. In the economic sphere, home country trade policies and business context (such as the retailer consolidation) shape the competitive pressures that lead to the sourcing squeeze. At the same time, host-country institutions and economic context shape the capacity of CSR programmes to implement their policies. In the case of Vietnam, the regulatory regime that prohibits independent unionism presents a significant obstacle for the effective implementation of effective participation committees.

FIGURE 1
The Sourcing Squeeze and Worker Voice Mechanism.



And the growth and dispersion of local suppliers exacerbates the supplier squeeze, as local factories are under increased pressure to compete with each other for a limited number of buyer contracts.

Within these home and host countries contexts, it is expected that the price squeeze and the lead time squeeze will undermine attempts of participation committees to address cost sensitive issues and issues related to working time. As well, based on the discussion of how time-sensitive tasks can increase worker leverage, it is anticipated that the shortening of lead times within the sourcing squeeze will contribute to an increase in strikes. Moreover, the failure of participation committees to adequately represent workers' more substantive concerns contributes to strikes because participation committee weakness creates a worker representation void and can be filled by wildcat strikes.

These dynamics are illustrated in Figure 1. First, stakeholder demands for social compliance with labour standards and a desire to avoid labour unrest push buyers to accept social compliance programme participation committees. Second, changing competitive dynamics brought on by changing trade rules creates supplier dispersion and retailer consolidation; this augments the power of buyers vis-à-vis suppliers, thus creating conditions for the sourcing squeeze. The sourcing squeeze, in turn, undermines participation committees while also increasing the likelihood of strikes by creating a point of leverage for striking workers. At the same time, participation committee weakness also contributes to strikes because it creates a worker representation void that can be filled through strike actions (see Figure 1).

7. Case selection and research methodology

This article employs a case study analysis to explore and probe the argument on the impact of sourcing dynamics on participation committees and strikes in apparel global supply chains. Vietnam is an important case of an apparel exporting country because it is the third largest apparel exporter in the world and employs an estimated 2.5 million workers (Better Work 2014). The selection of the Better Work programme case is equally deliberate because Better Work represents perhaps the most developed and significant of the social compliance programmes due to the involvement of the ILO and the backing of the IFC of the World Bank. The ILO, in particular, should have the expertise, experience and legitimacy to contribute to well-functioning worker-management participation committees. Better Work thus provides an important case with which to test this argument.

To probe the argument on the pricing squeeze, US trade data was used. US textile import data are provided by the US Department of Commerce, Office of Textiles and Apparel (OTEXA). Data are provided in dollars, square meters and units. To examine the price squeeze, we can take the dollar amount of apparel imports from Vietnam and divide by square meters. This gives the price per square meter. In the case of total apparel imports, we use square meters because a unit might include a large item (such as a dress) or a small item (such as a pair socks). Next, we use the US price index for imported apparel to control for inflation.

Insights on the lead-time squeeze were drawn from interviews with Better Work factory owners and auditors. To explore the argument on worker-management committees, interviews were conducted with the Better Work enterprise advisers (EAs), who establish and advise the Better Work the worker-management PICCs. These interviews were done in a private meeting room and lasted one to two hours. Several EAs were interviewed more than once. Interviewees were guaranteed confidentiality.⁹

These lengthy interviews provide some of the greatest insights into the workings of the PICCs because enterprise advisers deal with PICCs and non-compliance issues every workday, several of them for many years. They understand the strengths and weaknesses of the PICC process, as it is their job to make them function. Since a poor functioning PICC could be seen as a sign that an Enterprise Adviser was not fulfilling her or his function, I would anticipate EAs to emphasize the positive aspects of PICCs. It thus was particularly noticeable when weaknesses of PICC functioning were raised by EAs, often in great detail. All EAs are fully bi-lingual and interviews were conducted in English.

The author also accompanied EAs on factory visits in order to observe participation committee meetings. Meetings were conducted in Vietnamese, and professional, simultaneous interpretation during these meetings was used, or interpretation by EAs. One limitation includes not being able to apply random or stratified sampling techniques to select the PICC meetings to observe. Rather, Better Work selected the PICCs for observation. This could

raise the question of selection bias, as it could be expected that Better Work promote their better functioning PICCs. However, should committees selected by Better Work not be functioning properly, it is reasonable to expect that the committees that were not observed would have even greater limitations. Drawing on insights from EA interviews and factory visits, the author developed a series of survey questions, and asked EAs to answer these questions for each factory that they advise. The resulting data cover 143 factories in Vietnam.

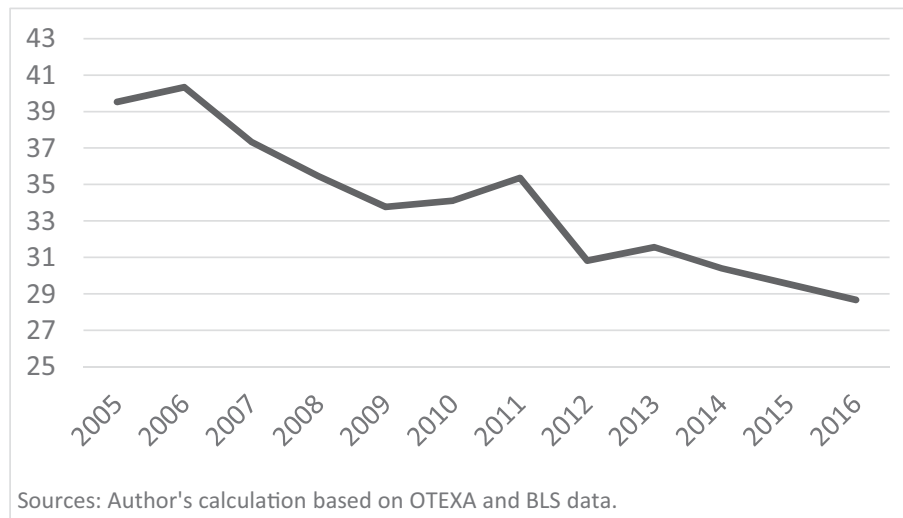
Finally, a methodology was developed for coding data from Better Work factory assessment reports. These assessments are done over the course of four on-site days (usually involving two Enterprise Advisers for a two-day period), and include interviews with management, union representatives and workers, as well as a review of factory documents, such as the payroll. At the time of this study, assessment reports covered 292 questions. Most questions about compliance were dichotomous, answered with yes/no responses. Yet, there were also several open-ended questions in the assessments, specifically including questions about strikes, why they happened, and what was the outcome. These data are not publicly available, and prior to this research project, these responses had not been coded. This coding exercise was done during two months of desk research in Geneva in October and November 2013.

The author conducted three research trips to Vietnam totalling over four months in the field. During this time, in addition to EAs, union leaders, managers, government officials, local researchers, international trade union representatives, and workers (albeit with notable limitations given the circumstances) were interviewed.¹⁰

8. Findings on the sourcing squeeze

The article has argued that a sourcing squeeze in apparel global supply chains undermines social compliance participation committees and facilitates strikes. In the case of Vietnam, what we find is that the real dollar price paid per square meter of apparel from Vietnam to the United States from 2005 to 2016 declined by 20.37 per cent. This suggests a substantial price squeeze. Yet, it is possible that the price drop was related to a shift in products, from a high-cost item such as winter coats, to a low-cost item such as T-shirts. To control for this possibility, Vietnam's largest export to the United States, women's and girls' cotton blouses, was examined. Here, the same method was employed with the only difference being that the price per dozen units was used since, in this case, the units (blouses) are held constant. What we find is that the real dollar price paid per blouse imported from Vietnam to the United States from 2005 to 2016 declined by 29.09 per cent (see Figure 2). Thus, by controlling for the apparel unit, we find further evidence of the price squeeze. Indeed, what these data suggest is that Vietnam came down in price the furthest for the product

FIGURE 2
U.S. Imports of Blouses from Vietnam, Real Dollar Price per Dozen.



for which it is most competitive (a 29.09 per cent decline in blouses) relative to its average apparel exports (20.37 per cent decline).

In terms of evidence for a lead-time squeeze, time series data on lead times is not available through government trade statistics. However, as will be seen in the field data section, interviews with employers, factory auditors and researchers in Vietnam consistently referred shortening lead times. In general, interviews with employers in Vietnam confirm what has been reported in the literature as a general trend among buyers to achieve greater speed to market in order to meet shorter and shorter fashion cycles known as the ‘fast fashion’ trend (Taplin 2014). In sum, there is an indication of a price squeeze and of a lead-time squeeze in the Vietnamese apparel export sector. The question we will explore next is how this might impact the functioning of participation committees in the country.

9. Better Works’ worker-management committees

Better Work requires all participating factories to establish worker-management committees known as Performance Improvement Consultative Committees (PICCs). Through PICCs, elected worker representatives, factory-level union leaders, and management meet on a regular basis to discuss non-compliance issues detected through the Better Work factory assessment process. PICCs are not designed to assist workers in achieving goals that go above and beyond the law, although PICCs do allow for members to ‘raise other issues of concern’. And, as we will see ahead, Better Work firmly believes that PICCs create an atmosphere that will allow workers and managers to address interest-based concerns without the need for strikes.

Better Work Enterprise Advisors (EAs) typically chair PCCC meetings. In the first meeting I observed, the labour representatives were a mix of official

trade unionists and directly elected workers. What is most noticeable about this meeting was that the elected worker representatives did not speak at all. When asked a direct question, they looked very uncomfortable and did not respond. Most of the talking during the meeting was done by the Enterprise Adviser, followed by the human resource manager, who was also the trade union leader. No non-compliance issues were discussed. During a second factory participation committee meeting, the worker representatives seemed slightly more engaged than in the first factory, and a few workers actively took notes. But they did not speak up except to ask clarifying questions. The official union representative (who was also the human resource manager) did all the talking for the workers' group. Again, no non-compliance issues were discussed in detail or resolved.

During the third factory participation committee meeting, the Enterprise Adviser presented a concrete issue: the failure of some workers to use a paper safety mask when working on the production line. To address the issue, she organized committee members into small groups. This approach ensured that all members, including worker members, participated in the discussion. The small groups reported back on their findings. In this case, one of the groups with workers observed that some workers lose their safety mask during the course of the month. One female worker then very softly suggested that management might consider paying for one replacement mask per month only in the case of a lost mask. In response, a male manager noted curtly that there were thousands of workers in the factory and that there were twelve months in a year, and it thus would be far too expensive for management to buy a replacement mask for all workers every month. The worker representative remained silent afterwards. The EA shifted the conversation to another topic, and the meeting ended soon afterwards without resolving any non-compliance issues.

Several observations can be made about these meetings, including the apparent fear of workers to speak up and the managerial role of trade union representatives. Indeed, because most trade union representatives are managers, the result is that managers always outnumber workers on these committees in Vietnam. It is also notable how quickly the discussion was shut down once a cost-sensitive issue was raised. In the example mentioned above, the management representative did the calculation of how much each replacement mask would cost for each worker (about one US dollar each), and indicated that this would be an impossible expense. The worker request, as mentioned, was only for the case of workers who lost their masks, whereas the manager did his calculated assuming all workers would lose their mask every month.

To more fully probe whether these observations of these three factory participation committees were an exception or a general trend, lengthy interviews with 15 Enterprise Advisers were conducted. Better Work Enterprise Advisers are responsible for approximately 11 factories each. In the interviews, EAs consistently noted the challenge of addressing cost-sensitive issues. One EA explained, 'managers understand the compliance problems

well, but they just think about production. They don't allocate resources for compliance'.¹¹ EAs also made reference to what we have labelled the lead-time squeeze. One EA emphasized the issues of chronic overtime violations, noting 'the problem is that management can't decide on the work schedule themselves because it depends on the buyers'.¹² A different EA also referred to the chronic overtime issue, observing: 'I have factories where they do 1,000 hours a year in overtime, when the legal limit is 300. In some cases, workers are doing a sixteen-hour workday'. This same EA provided her explanation for overtime violations:

This is because of how orders are placed. A buyer will say, 'ship this tomorrow', and everyone has to do overtime. Another problem is that the buyer will make last minute changes to the order. So, the manager may have planned properly, but now planning goes out the window and they try to make adjustments.¹³

These interviews suggest evidence for the sourcing squeeze resulting from lead-time pressure by buyers on suppliers. While buyers are requiring the formation of participation committees, and while these committees are tasked with — among other issues — addressing violations of overtime rules, these same buyers impose sourcing practices that make addressing overtime violations extremely difficult, if not impossible.

Of course, suppliers always have some room for maneuverer to address concerns through better planning and efficiency. But the problem is that workers do not have leverage through these committees to demand even small changes. One EA emphasized, 'worker protection is an issue', suggesting that workers face fear of retaliation should they speak up and say something that was to the displeasure of a high-ranking manager at a PICC meeting. She added that there were no consequences for managers when they retaliate, because 'violation of social dialogue practices is not a critical issue for buyers, and because the state never imposes fines should it find such violations'.¹⁴ Thus, a violation of the entire PICC process is itself not considered a serious violation. However, if an EA finds issues such as child labour, forced labour, or fire safety, she or he has 24–36 hours to inform the buyers, who then can contact suppliers to address the issue directly. Here it is the risk of reputational damage, not participation committee leverage, that is motivating compliance.

In sum, the interview data provide evidence to suggest that PICCs are a relatively weak worker voice mechanism in the two areas affected by the sourcing squeeze: cost-sensitive issues and overtime issues. That these insights were provided by the professionals tasked with promoting PICCs — hence people who would have a strong motivation to emphasize the positive aspects of PICCs — suggests just how significant PICC limitations are.

To more systematically understand the functioning of the PICCs, I conducted a survey of Better Work Enterprise Advisers. Their responses covered 143 factories, which represents 68.67 per cent of the factories in the Better Work programme at the time the survey was administered. The findings indicate that most worker representatives (88.5 per cent) are elected, and most (62.9 per cent) are well trained by Better Work to participate in PICCs.

TABLE 1
EA Survey Findings on 143 Factory Participation Committees

Committees in which management has a good or excellent attitude towards committee	46.90%
Union president/committee representative is from upper management	37.10%
Union president/committee representative is from middle management	58.90%
Committees where worker representatives are elected	88.50%
Per cent of meetings in which workers participate never to half of the time	59.90%
Per cent of committees in which workers always feel safe to speak up, free from management retaliation	18.90%
Non-compliance issues pending, factory mean	10.49
Number of strikes in the last three years	26

Source: Author's survey, April 2014.

However, the survey indicates that in 59.9% of meetings, workers participate never to only half of the time. That is, most often workers do not even speak up at participation committee meetings, let alone speak up to place a demand on management that might result in some workplace changes. The reason for this low participation rate can be understood by the survey finding that in only 18.9 per cent of the meetings do workers always feel safe from management retaliation when they do speak up. As indicated by the literature, protection from retaliation is one of the most important pre-requisites for a well-functioning system of workplace representation (Weil 2014).

The particular trade union context in Vietnam further influences committee functioning, with 96 per cent of factory-level trade union presidents (and thus trade union representatives on participation committee) coming from middle (58.9 per cent) or upper management (37.1 per cent). It is also telling that, according to the survey findings, less than half of management representatives on participation committees have a good attitude towards the committees. This seems to reflect the fact that the committees are not an initiative of local management but rather a requirement the social compliance programme; without the support of upper management, it is hard to imagine how such committees can effectively meet their goals. Finally, the survey indicated that the mean of non-compliance issues that are still pending is over 10 per factory (see Table 1).

The survey did not explore *which* non-compliance issues were still pending. However, it is possible to determine non-compliance trends through Better Work reporting. Better Work regularly publishes a summary of its non-compliance findings. This allows for a compilation of data from each report to examine trends over time.¹⁵ We can thus observe non-compliance trends in cost-sensitive, time-sensitive, and reputation-sensitive areas. First, what the data indicate is a relatively low non-compliance rate in the highly reputation-sensitive area of child labour, with 16 per cent of factories in non-compliance in 2015. In the area of payment of the minimum wages and social security benefits in 2015, we find 27 per cent and 33 per cent rates of non-compliance respectively. This is not one of the higher rates of non-compliance, but it is

TABLE 2
Better Work Vietnam Factory Non-Compliance Finding Rates, 2011–2015
(Number of Factories Included in Assessment)

	2011/Sept (78)	2012/March (120)	2012/Oct. (137)	2013/April (132)	2014/June (137)	2015/July (193)
Child labor	13%	15%	15%	20%	18%	16%
Minimum wages	9%	12%	16%	19%	7%	27%
Social security/benefits	10%	16%	19%	23%	31%	33%
Overtime wages	27%	23%	21%	30%	43%	56%
Overtime hours	86%	93%	94%	93%	91%	89%
Dialogue	28%	21%	23%	25%	29%	75%
Worker protection	86%	80%	76%	80%	77%	91%
OSH management system	83%	68%	75%	74%	65%	90%
Collective bargaining	39%	34%	38%	41%	26%	51%

Source: Author's calculations based on Better Work Vietnam Compliance Synthesis Reports.

still significant. After six years of inspecting factories, it appears that over one quarter of Better Work inspected factories still pay below the minimum wage. More dramatically, 56 per cent of factories were non-compliant in the area of overtime wage payments and a remarkable 89 per cent of factories were non-compliant in the area of overtime hours. And, in both cases, the non-compliance rate *increased* dramatically from 2011. Non-compliance in occupational health and safety management system issues also remained high (see Table 2).

To summarize, participation committee observations, interviews, the survey, and non-compliance data all suggest that participation committees have not managed to address cost-sensitive and time-sensitive non-compliance issues. This suggests support for the sourcing squeeze argument. Moreover, as the price and lead-time squeeze have escalated, non-compliance in cost-sensitive and time-sensitive issue areas has often *increased* despite the considerable efforts of Better Work and its participation committees. If the sourcing squeeze is undermining participation committees, is it enabling strikes? We turn to this question next.

10. Wildcat strikes in Vietnam

Wildcat strikes are endemic in the apparel industry in Vietnam. Between 2010 and 2012, some 20.5 per cent of factories had experienced at least one wildcat strike in the manufacturing sector, which is dominated by apparel production (Anner and Liu 2016). Examining Better Work factory assessment reports for the 218 factories covered by the programme in Vietnam sheds light on strike dynamics in the apparel export sector. Coding of Better Work factory assessments reveals that 97 strikes took place between 2010 and 2013. Some 70 factories experienced at least one strike, which indicates that 32 per cent of factories had at least one strike in this four-year period. Coding of assessment

FIGURE 3
Strike Demands.

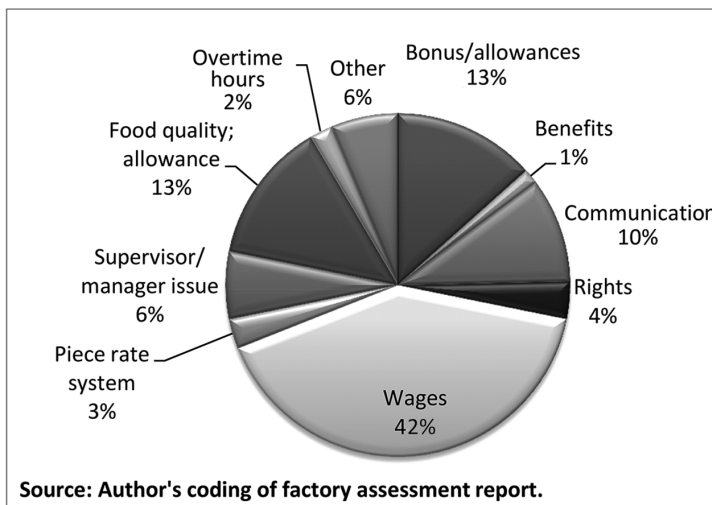
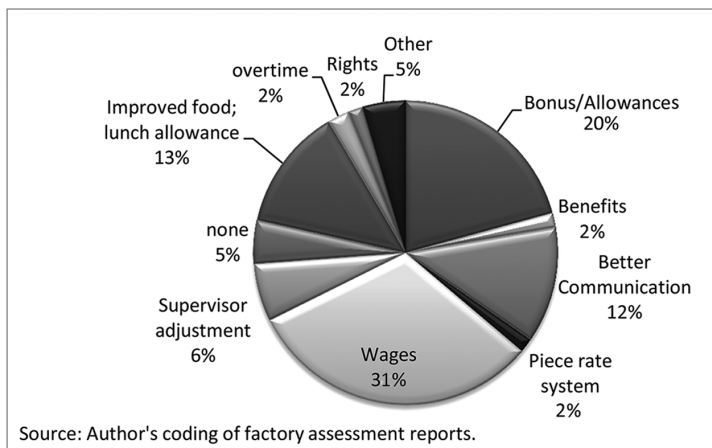


FIGURE 4
Strike Outcomes.



reports also indicates that a desire for wage increases were found in 58 cases (41 per cent of the workers' demands), bonuses and allowances in 19 cases (13 per cent), food quality in 19 cases (13 per cent), and conflicts with supervisors in 9 cases (6 per cent) (see Figure 3).

What the data also reveal is that strikes have been remarkably successful. In 95 per cent of strikes, workers achieved some of their demands. Some 32 per cent of strikes resulted in wage increases, 21 per cent of strikes resulted in increases in bonuses or allowances, and 13 per cent of strikes resulted in improved cafeteria food quality or an increased allowance to purchase food. Other strikes resulted in improve communication, removal of abusive supervisors, or other benefits for workers (see Figure 4).

The data also indicate that the average strike length is three days, which suggests more evidence that the lead-time squeeze is relevant. Indeed, several

very successful strikes lasted no more than two hours, because employers were under considerable pressure to get production orders off to their buyers so quickly. One industry expert stated that often employers want to let the strike go longer in order to hold out and not give in to the workers' demands. But the buyers have no tolerance for a waiting out strategy. They want the orders delivered on time.¹⁶ This is what gives workers power, because any disruption to production impedes suppliers' ability to deliver orders on time. Late orders incur hefty fines and may result in the cancellation of future orders.

Could participation committees reduce strike likelihood? Better Work states that it specifically aims, through the PICCs, to create a constructive atmosphere in the factories that would allow workers and management to address all issues before they lead to strikes; Better Work writes, 'by providing workers with a platform to directly raise their concerns to management, and offer practical solutions for improvement, the working environment becomes more constructive, productivity increases, and the incidence of disputes and strikes is dramatically decreased' (Better Work 2013: 3). That is, Better Work argues that it is not just the PICC meeting agendas that matter, but also the broader mechanisms of participation and worker-management collaboration that matter. The participation committees are explicitly expected to have a spill over effect that will impact how workers and managers address other issues.

However, field data suggest that an increase in strike activity can be tied to the limitations of the participation committees. One EA indicated that, as management shuns cost-sensitive issues in PICC meetings, labour unrest becomes common. She explained using an example involving wages: 'Workers asked for a raise several times during my PICC meetings. But they never got one. [...] So eventually the workers went on strike. Then they got a raise'.¹⁷ The dynamic illustrates the importance of leverage. While the sourcing squeeze undermines worker leverage on participation committees to discuss cost-sensitive issues, it creates a source of vulnerability that can be used by striking workers.

One way to explore whether PICCs reduce strike likelihood is to examine the strike rate in Better Work factories in comparison to the industry average. As noted above, a national enterprise survey indicated that the manufacturing sector in Vietnam, which is dominated by apparel export plants, had a strike rate of 20.5 per cent between 2010 and 2012. As noted, 97 strikes were recorded in our Better Work factory database of 218 factories from 2010 through 2013. If we remove 2013 strikes from the Better Work database to match the 2010 to 2012 time period of the national survey, and we also remove repeat strikes from the Better Work database, we find that 55 factories in the Better Work programme experienced at least one strike between 2010 and 2012. This gives us a strike rate of 25.22 per cent, which suggests a strike rate that is higher than the average strike rate in the country during this period.

Since these are different sources for strikes, there may be some under-reporting in the national survey relative to the more closely monitored Better Work factories. And in some Better Work factories, the strikes occurred before the PICCs were fully up and running. Nonetheless, the strike rate in Better

Work factories does not appear to be significantly lower than the industry average, making it difficult to conclude participation committees contribute to lower strike rates.

11. Conclusions

Research has shown that CSR programmes, especially those operating in the global apparel industry, have performed poorly in the area of FoA. Recent attempts to fill the void by mandating the formation of worker-management committees have not significantly altered this situation. To explain why this is the case, this article combined an institutional appreciation for voids in host country regulatory frameworks with a political-economy approach that examines how supply chains sourcing dynamics affect employment relations institutions. Notably, it has been argued that pricing and lead-time squeezes exacerbated traditional weakness of participation committees by curtailing the ability of committees to address even minor cost-sensitive issues or working time violations. This weakness of these committees combined with the weakness of national unions created a vacuum that was filled by striking workers, who found that tight lead times provided leverage that could be used to pursue their demands.

Myriad forms of data collection were used to explore and probe this argument. Trade data provided evidence of the price squeeze, with a 29 per cent drop from 2005 to 2016 in the price paid by US buyers for Vietnam's top export, cotton blouses. As well, interviewees repeatedly referred to a shortening (and abrupt adjustments to) production lead times. Data on participation committees that was gathered from factory visits and committee observations, interviews, surveys, and coding of assessment reports revealed that (in addition to the management control that typically plagues such committees) workers on committees have severe limitations in their ability to address violations. Workers on many committees were afraid to even speak up. Coding on non-compliance data across factories since 2011 indicate that cost-sensitive and time-sensitive issues (e.g. laws related to overtime) are not only less likely to be addressed, but that non-compliance remains persistently high in these issue areas.

This research is not meant to suggest that wildcat strikes will continue unabated and that they will solve all worker concerns. These short strikes are often conducive to quick, short-term solutions by management to get workers back to their machines quickly in order to meet shipment deadlines. There is thus no institutional mechanism left in their wake to address labour issues before they result in future strikes. The Vietnamese state is attempting to address this shortcoming by turning the model of CSR participation committees into a state-mandated mechanism for workplace social dialogue. This is a step forward that could complement voluntary CSR committees if they provide real legal protections and firms could face strong state sanctions for failure to implement social dialogue mechanisms. However, penalties for

violations remain weak, as do the official trade unions that represent workers on these committees. Hence, attempts at CSR and state complementarities will remain a challenge so long as local institutions provide a weak defence of workers' rights.

What this suggests is that CSR programmes, host country institutions and global supply chain dynamics all need to be altered to achieve full respect for FoA rights and full compliance with labour standards. For participation committees to function, they must be seen as a complement, and not a substitute to strong, democratic and independent trade unions. Efforts that aim to truly improve respect FoA rights must begin by addressing laws and practices that inhibit the exercise of this right. Only then can participation committees play the role of complementing democratic and independent worker voice. The findings in this article also suggest that lead firms in supply chains need to do more than demand supplier factories comply with labour standards. Lead firms must carefully analyse and modify their sourcing practices so that they do not undermine efforts to achieve FoA rights and decent working conditions. Effective and sustainable voice mechanisms in global supply chains requires sustainable sourcing practices and strong local institutions that protect workers' rights.

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Notes

1. See Labour Rights Indicators, <http://labour-rights-indicators.la.psu.edu/> (accessed 25 August 2017).
2. World Trade Organization statistic database, <http://stat.wto.org/Home/WSDBHome.aspx?Language=> (accessed 2 September 2017).
3. This does not mean to suggest that the power imbalance (and the resulting sourcing squeeze) is the same across retailers. It is certainly the most pronounced among the very large mass merchandizers and least pronounced among small apparel companies.

4. ILO, Convention 87, Freedom of Association and Protection of the Right to Organise Convention. See: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:312232 (accessed 2 September 2017).
5. ILO, Convention 87, Freedom of Association and Protection of the Right to Organise Convention. See: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX_PUB:12100:0::NO::P12100_INSTRUMENT_ID:312232 (accessed 2 September 2017).
6. For Convention 87, see: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232. For Convention 98, see: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312243 (accessed 2 September 2017).
7. See Social Accountability International (2014), Social Accountability 8000 International Standard, clause 4.2: [http://www.sa-intl.org/_data/global/files/SA8000Standard2014\(3\).pdf](http://www.sa-intl.org/_data/global/files/SA8000Standard2014(3).pdf) (accessed 2 September 2017).
8. See ILO Convention 135, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C135, Articles 1 and 5 (accessed 2 September 2017).
9. In order to more fully protect the identities of the interviewees, I do not provide the exact date of the interviews because this may allow anyone with access to my meeting schedule the ability to identify the interviewee.
10. In general, it is not permitted for Vietnamese to speak with foreign researchers without government permission. And, given the extreme vulnerability of Vietnamese workers, the risk of been seen speaking with a foreigner are significant. Thus, while I was able to ask workers questions during factory visits, these exchanges were of limited informational value, except to confirm worker vulnerability. Scholars who have been able to more effectively interviewed workers are usual Vietnamese or of Vietnamese descent, speak Vietnamese, and carefully visit workers in their communities to conduct their interviews (Do 2008; Tran 2013).
11. Author's interview, #12EA, Ho Chi Minh City, March–April 2014.
12. Author's interview, #3EA, Ho Chi Minh City, March–April 2014.
13. Author's interview, #6EA, Ho Chi Minh City, March–April 2014.
14. Author's interview, #14EA, Ho Chi Minh City, March–April 2014.
15. Aggregate non-compliance rates reported by year do not account for factories which enroll for the first time in Better Work during a given time period. An increase in noncompliance may therefore reflect an increased proportion within the sample of factories receiving their first, and often poorest performing, compliance assessment. At the same time, it is important to remember that many compliance improvements over time are the result of pressure by brands on suppliers after the brands receive non-compliance reports, and not the result of PICC interventions.
16. Author's interview, #3EA, Ho Chi Minh City, March–April 2014.
17. Author's interview, #13EA, Ho Chi Minh City, March–April 2014.

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