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## Local Voices, Global Action: Transnational Organizing in Apparel Supply Chains

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*Photo credit:* © Cambodian League for the Protection and Defense of Human Rights (LICADHO)

*Caption:* This garment worker, pictured at a rally in front of the Ministry of Labor in Phnom Penh on 28 December 2013, is one of thousands who marched to demand a monthly living wage of \$160. After the government announced a monthly wage of only \$100, protests continued, and on 3 January 2014 military police opened fire and four protesters were killed and dozens injured.

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# About the Author

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# Abbreviations List

|                 |  |
|-----------------|--|
| <b>AC</b>       | Arbitration Council  |
| <b>AFWA</b>     | Asia Floor Wage Alliance                                       |
| <b>BCWS</b>     | Bangladesh Center for Worker Solidarity                        |
| <b>BFC</b>      | Better Factories Cambodia                                      |
| <b>BGMEA</b>    | Bangladesh Garment Manufacturers and Exporters Association     |
| <b>BGIWF</b>    | Bangladesh General Industrial Workers Federation               |
| <b>BIGUF</b>    | Bangladesh Industrial Garments Union Federation                |
| <b>CATU</b>     | Cambodian Alliance of Trade Unions                             |
| <b>CENTRAL</b>  | Center for Alliance of Labor and Human Rights                  |
| <b>CCC</b>      | Clean Clothes Campaign   |
| <b>C.CAWDU</b>  | Coalition of Cambodian Apparel Workers' Democratic Union       |
| <b>CLEC</b>     | Community for Legal Education Center                           |
| <b>CSO</b>      | civil society organization                                     |
| <b>FNV</b>      | <i>Federatie Nederlandse Vakbeweging</i>                       |
| <b>GCT</b>      | <i>Central General de Trabajadores</i>                         |
| <b>GDP</b>      | gross domestic product   |
| <b>GLJ-ILRF</b> | Global Labor Justice–International Labor Rights Forum          |
| <b>GSF</b>      | Global Strategic Framework                                     |
| <b>GUF</b>      | global union federation  |
| <b>ILO</b>      | International Labour Organization                              |
| <b>ILRF</b>     | International Labor Rights Forum                               |
| <b>ITGLWF</b>   | International Textile, Garment, and Leather Workers Federation |

|              |  |
|--------------|--|
| <b>LAC</b>   | Labor Advisory Council   |
| <b>LANGO</b> | Law on Associations and NGOs                                   |
| <b>MHRDD</b> | mandatory human rights due diligence                           |
| <b>MNC</b>   | multinational corporation                                      |
| <b>NGWF</b>  | National Garment Workers Federation                            |
| <b>NMWC</b>  | National Minimum Wage Council                                  |
| <b>PCA</b>   | Permanent Court of Arbitration                                 |
| <b>RSC</b>   | RMG Sustainability Council                                     |
| <b>TSCAN</b> | transnational supply chain advocacy network                    |
| <b>TUL</b>   | Trade Union Law  |
| <b>UNGPs</b> | United Nations Guiding Principles on Business and Human Rights |
| <b>UPR</b>   | Universal Periodic Review                                      |
| <b>WRC</b>   | Worker Rights Consortium                                       |

# Summary

This working paper learns from labor rights advocates in the global South who are building social movements, advocating for national reforms, and becoming increasingly influential in promoting new forms of accountability in global apparel supply chains.

In particular, the paper examines how the Bangladesh Center for Worker Solidarity (BCWS) and Cambodia's Center for Alliance of Labor and Human Rights (CENTRAL) have participated and become leaders in the Clean Clothes Campaign (CCC) Network.

Through multiple interviews with CENTRAL's Tola Moeun and BCWS's Kalpona Akter, the paper traces how CENTRAL and BCWS have worked with international allies, including the CCC Network, to expose flaws in supply chain monitoring in the apparel industry. It shows how they worked with independent trade unions to build grassroots campaigns that often preceded or inspired international campaigns.

As Moeun and Akter came under threat for their national advocacy, they increasingly engaged international allies and became experts on global supply chains. They are now leading proponents of enforceable, multiparty agreements between multinational corporations (MNCs) and national unions, and are advocates for more effective mandatory human rights due diligence laws (MHRDD). They continue to balance this international advocacy with organizing for national policy reforms, a strategy made all the more necessary by the context of shrinking civic space in Bangladesh and Cambodia.

The CCC Network has played a critical supporting role for national organizers. As one of the world's longest-running transnational supply chain advocacy networks, it has pioneered the concept of a permanent, pervasive industry watchdog. The paper discusses the ways in which CCC's nonhierarchical network structure and commitment to remaining responsive to its global South partners have helped to connect worker demands to global supply chain reforms. It traces how BCWS and CENTRAL have leveraged the network's structure, mutual learning, and campaign solidarity.

BCWS and CENTRAL have played a critical role in monitoring and advocating for improvements to two important innovations in supply chain compliance, Better Factories Cambodia (BFC 2004) and the Accord for Fire and Building Safety in Bangladesh (the Accord 2013). At the time each was founded, BFC and the Accord put new levels of demand on apparel brands and retailers. BFC was developed primarily by governments with MNCs, unions, and national employers in an advisory role, whereas the Accord was negotiated directly between MNCs and trade unions, which then had an ongoing role in its governance. Despite these differences, both initiatives have struggled with pushback from employers and governments seeking to increase political and financial control.

Such pushback has paralleled a broader context of shrinking civic space, including crackdowns on worker protests and independent unions. These government responses illustrate the need for human rights due diligence to look at the broader political context that may undermine supply chain compliance initiatives.

At a time when many companies are seeking to strengthen their human rights due diligence in supplier countries and to engage stakeholders in that process, the perspectives and experience of BCWS and CENTRAL help identify what is needed to advance more worker-centered approaches.

Three sets of lessons emerge about: what is needed to sustain transnational supply chain advocacy movements; how MNCs could improve their human rights due diligence processes and engagement with worker advocates; and how governments could improve their regulation of the impact of MNCs on workers' rights.

The first set of lessons underscores the importance of movement building and trust-based collaboration in effective transnational supply chain advocacy. The CCC Network has focused as much on movement building as it has on corporate campaigns. It has proved to be both durable and adaptable. A nonhierarchical approach, combined with a commitment to respond to Southern members, has built trust and fostered bilateral partnerships and support. The CCC governance structure has evolved, enabling global South organizers to take on increasing leadership and learn from and build on the success of peer organizations. Increasingly these organizers are shaping the Network's global strategy. Long-term support for movement building is important for worker rights advocacy groups to sustain campaigns and adapt to shifting political threats and opportunities.

The second set of lessons is about how broad political context and the potential for government pushback on initiatives to protect workers' rights are essential considerations for human rights due diligence processes. Threats to worker organizers signal a heightened risk to worker rights throughout the supply chain and undermine in-factory compliance efforts. Apparel brands and retailers have occasionally spoken out against such threats, but to be effective they will need to be more systematic about encouraging a rights-enabling environment. Engaging transparently with worker advocates would demonstrate that they value and accept the role of trade unions and the rights of workers to organize and bargain collectively. Enforceable brand agreements negotiated between MNCs and trade unions, such as the Bangladesh Accord, are important for that transparent engagement and could provide a vital dialogue space for problem solving in the future.

The third set of lessons focuses on holding companies legally liable for the violation of workers' rights caused by their business decisions. Strengthening worker voice in global supply chains requires more effective regulation and scrutiny of MNCs. Many MNCs talk about engaging stakeholders and listening to worker voice, but doing this in a meaningful way requires trust that is built over time. That trust has been eroded in multiple ways. For example, despite making public commitments to a living wage for workers, many brands and retailers have undermined workers' demands by repeatedly refusing to pay suppliers more for products when workers' wages do increase (ILO and ETI 2017). Most recently, Covid 19 left millions of workers struggling to recover their unpaid severance pay after brands canceled orders precipitously. Although the CCC Network was able to organize quickly, they have only recovered a portion of the unpaid wages that have been documented. For an industry covered by certifications and social audits meant to protect workers, this highlights the deep flaws in MNCs' self-regulation and the need for more effective regulations to hold them accountable for workers' rights.



# 1. Introduction

## 1.1 About this paper

National civil society organizations (CSOs)—independent trade unions, nongovernmental organizations (NGOs), and worker centers—play an important role in driving both national reforms and corporate accountability in the apparel industry. For decades, these CSOs have documented abuses and helped expose rampant gender-based violence, deadly safety hazards, and the overall lack of social protections prevalent in an industry where wages are strategically kept low and workers' rights to organize and bargain collectively are systematically curtailed. Most research highlights the role of either international campaigners in exposing abuses or MNCs' supplier monitoring programs. The focus here is on two key global South<sup>1</sup> CSOs—the Bangladesh Center for Worker Solidarity (BCWS) and Cambodia's Center for Alliance of Labor and Human Rights (CENTRAL), both of which are organizing to build stronger worker movements in their countries. BCWS and CENTRAL both have a long history of participating in transnational apparel campaigns and have increasingly taken on leadership roles in the global Clean Clothes Campaign (CCC) Network, a 250-member alliance of independent NGOs, worker centers, and trade unions that coordinates advocacy campaigns for apparel industry reforms.

All three organizations are now applying lessons learned to help global North countries improve regulations that hold multinational corporations (MNCs) legally liable for violating workers' rights in their supply chains. Their collective knowledge is highly relevant for any human rights due diligence in the apparel sector. The CCC experience also provides valuable lessons for coalitions focused on other industries.

This paper will illustrate how global South CSOs have leveraged their participation in the CCC Network to gain national influence, analyzing both the characteristics that hold the network together and the achievements it has made possible. As the longest-running network of industry-focused campaigns, the CCC and allied NGOs have pioneered transnational supply chain advocacy and deepened their local partnerships over the years. Their lessons are relevant for coalition builders of all types, particularly those working to drive broad, industry-wide reforms to address abuses of workers' rights in global supply chains. Over the past thirty-five years, the CCC structure has evolved to enable the increased leadership of global South CSOs such as BCWS and CENTRAL.

Much has been written about the transnational advocacy networks (TANs) that have formed and reformed since the 1970s to provide solidarity and strategic support to social justice campaigns in the global South (Keck and Sikkink 1998). Yet many of the TANs were short-lived and North-South alliances have not always been based on a partnership of equals, at times resulting in a breakdown of communications and trust (Fox 2004; Ancheita and Terwindt 2015). This paper describes how the CCC Network structure has a distinct approach to overcoming those challenges. The apparel industry's ever-shifting global supply chain has made it necessary and possible for global South organizations to learn from each other and has required organizations in the North and South to rely on each other in ways that have changed the shape and direction of transnational advocacy. Thus the term *transnational supply chain advocacy network* (TSCAN) serves as a better descriptor of how the CCC Network functions; it continually advances new supply chain solutions that build across campaigns and relies on national organizations to anchor and monitor reforms.

The CCC and its member organizations have tested and challenged multiple corporate social responsibility initiatives, particularly code of conduct auditing and certifications, which were meant to address governance gaps created by weak laws and enforcement in producer countries. They have increasingly advocated for stronger laws in both producer and consumer countries to protect workers, but the majority of CCC reporting has sought to address injustice in the global apparel industry's business model and the need to better regulate MNCs. Over the past thirty years, global South organizers and global North advocacy groups have worked together to identify systemic design flaws and specific cases where code of conduct (social) audits have failed. The shared critique by CCC Network members gained much broader support after a series of tragedies occurred in certified factories and more comprehensive academic studies helped substantiate their arguments with industry-supplied data (Locke 2013; Bartley 2018). This international work, together with continuous in-country worker organizing efforts, opened a path to negotiate legally binding enforceable brand agreements (EBAs) with apparel brands, a key part of the strategy to challenge the industry's structure.

To assess the CCC Network's global impact, the analysis must consider the extent to which network members have been able to drive new thinking at the national and international levels. MNCs still largely refuse responsibility and blame their suppliers when rights are violated, but new regulatory approaches are helping to challenge those claims. Nationally, and in collaboration with international campaign allies, independent trade unions have negotiated binding agreements with global apparel brands in Bangladesh, India, and Lesotho, building on agreements previously negotiated in Indonesia and Honduras. Internationally, advocates have advanced workers' rights protections in supply chains through increased reporting requirements, import bans on goods made with forced labor, and other regulations. EBAs have been the first mechanism to establish direct legal obligations for MNCs to protect workers' rights violations.

The United Nations Guiding Principles on Business and Human Rights (UNGPs), adopted in 2011, helped strengthen the call for MNCs to be held accountable for human rights risks in their supply chains. To implement the UNGPs, a growing number of countries have adopted mandatory human rights due diligence (MHRDD) laws,<sup>2</sup> which require MNCs to identify and address the human rights risks in their supply chains. Transparency and remedy requirements vary, but these laws have the potential to widen the lens so that companies look beyond auditing their suppliers to consider the national context and root causes of rights violations, provided the new laws are sufficiently rigorous (Vogt, Subasinghe, and Danquah 2022). The US Tariff Act and similar EU legislative proposals banning imports made with forced labor are further incentivizing MNCs to improve workers' rights protections in their supply chains.

As MHRDD laws proliferate and companies seek a deeper understanding of the causal factors undermining rights in their supply chains, national CSOs become particularly important. If done correctly, the due diligence process will push MNCs to not only monitor their supplier factories but also to analyze the policy frameworks and national contexts contributing to those violations and how they might become complicit in systemic abuses. If MHRDD laws are weak or poorly applied, however, they risk perpetuating the top-down, confidential, and voluntary approach MNCs have been using to monitor their supply chains since the late 1990s—an approach with well-documented flaws (LeBaron 2020; MSI Integrity 2020) that disregards the national and political context. Nationally grounded CSOs with a clear understanding of supply chain dynamics are best positioned to provide an analysis of factory-level risks, their country's legal context, and its impact on workers and communities.

Both BCWS and CENTRAL have advocated for stronger MHRDD laws that enable workers to seek remedy in the MNCs' home-country courts. For some, the idea of regulating MNCs' impact abroad and holding them legally liable seems like a radical vision. Yet from the perspective of global South groups seeking recourse for workers and facing threats for demanding national legal reforms, holding MNCs legally accountable is a critical piece of the solution. It is not an alternative to national reforms but rather a loop that must be closed if workers' rights are to be protected.

## 1.2 Approach and structure

To better understand how transnational supply chain campaigns affect global South CSOs, I conducted multiple in-depth interviews with Kalpona Akter, founding director of BCWS, and Tola Moeun, founding director of CENTRAL. Prioritizing these interviews helped to keep the study focused on global South perspectives, which are also featured in the Labor Link Podcast profiling their perspectives, lives, and campaigns (Gearhart 2021, 2022). The study also builds on a series of in-depth interviews with national and international leaders from the CCC Network and allied NGOs, as well as my thirty years of experience working with global brands, trade unions, and the CCC Network to address violations of workers' rights in apparel supply chains. Over the past thirty years, I have worked on labor rights from three perspectives: as a community and worker organizer in Latin America; for a multi-stakeholder initiative developing worker training and providing research on international labor standards to inform MNC–union dialogue; and as the director of one of the oldest workers' rights campaign organizations in the United States, the International Labor Rights Forum (ILRF), where I was privileged to work closely with the organizations featured here.

The questions underlying this study ask how national organizations seek to drive change, and how international supply chain campaigns impact their work. I wanted to understand how the apparel industry campaigns, which are led by GLJ-ILRF in the US and the CCC Network globally are centering their work on these national organizers and enabling them to lead and influence the international campaigns. Although I come out of these coalitions, I wanted to learn more about their internal strategy-building process and understand how well international campaigners respond to global South organizers. In particular, I wanted to know what coalition structures and policy advocacy strategies have most helped strengthen the influence of these national CSOs in driving both global industry reforms and national legal reforms.

This paper is organized into three main sections. Section 2 explores the dynamics of the global apparel industry, considers why workers' rights abuses remain widespread, and reviews the specific economic and political contexts of the apparel industry in Bangladesh and Cambodia, which should be considered in MHRDD processes. Section 3 describes the organizations and their strategies, providing a brief profile of the origins, vision, strategies, and perceived impacts of the CCC Network, BCWS, and CENTRAL. This section includes a deeper analysis of BCWS's and CENTRAL's national advocacy and how global supply chain campaigns have played out in each country. It considers the origins, evolution, and achievements of each organization and the nature of their collaboration. Section 4 summarizes conclusions and how the lessons learned in the apparel industry can inform human rights due diligence practices in apparel and other global industries.

## 2. National and International Dynamics of the Apparel Industry

Two key characteristics of the apparel industry have fueled the need for transnational supply chain campaigns such as the CCC Network. First, the global mobility of the industry has exerted downward pressure on wages and working conditions. Over at least a century, apparel brands and retailers have increasingly sought to distance themselves from the production process by outsourcing supply while squeezing prices paid to their suppliers (Anner 2020). Second, in many countries where manufacturing exports have become the dominant driver of economic development, governments have prioritized protecting their industry's competitive advantages and suppliers' interests in low wages over protecting workers' rights (Thanhauser 2022). In Bangladesh and Cambodia, governments have kept labor regulations and enforcement lax and criminalized labor rights organizers. As a result, worker advocates have sought out international campaign allies to systematically advance industry reforms and pioneer new forms of transnational collective bargaining.

Campaigns exposing abuses in one supplier have often resulted in the apparel company leaving the supplier or the country in favor of locations where regulations or workers' rights organizers are weaker. The CCC Network's structure helped members identify common struggles—often against the same company in multiple locations. A natural division of labor emerged: global North members worked to define the industry's responsibilities and rein in the damage created by northern MNCs abroad, and global South members organized workers to counter the cut-rate, growth-at-any-cost strategies of their governments and national employers. Both the international top-of-the-supply-chain pressure and the national bottom-up organizing have been pivotal to exposing abuse and driving industry reforms.

The industry response to campaign exposés has been to introduce workplace monitoring and compliance programs, but voluntary efforts to monitor supply chains have been more successful at redistributing blame than protecting workers (LeBaron 2020; MSI Integrity 2020). One example was when the Tazreen Fashions factory burned down in Bangladesh on November 24, 2012, killing 112 workers and injuring dozens, some of whom jumped from third-floor windows. The director of BCWS, Kalpona Akter, photographed Walmart-labeled products she found in the rubble to draw attention to the company's role in the disaster. But rather than funding worker compensation, Walmart blamed its supplier for using a subcontractor that had been inspected and deauthorized for reasons Walmart did not disclose. Walmart's short press release in response to the disaster was in stark contrast to the anguished photos circulated by BCWS showing the families of workers who had died (Walmart 2012).

The global CCC Network was created to counterbalance the apparel industry. It initially campaigned in consumer countries, but over time it built a body of analysis and shared agendas among members. Individually and collectively, CCC members have repeatedly called for brands to operate with greater transparency, provide a seat at the table for workers' organizations, and forge a multiparty approach to collective bargaining, including requiring global apparel companies to sign legally binding agreements with international and national trade unions (Arengo 2019). To advance these demands in such a footloose industry, CCC members have shared and built on each set of lessons learned from different campaign strategies in different countries. The experiences profiled here in Bangladesh and Cambodia illustrate two distinct attempts at using a mix of laws and incentives to engage global brands and retailers to improve workers' rights protections at the national level. Better Factories Cambodia (BFC) pushed for more transparency, worker participation, and a tripartite oversight body—elements the International Labour Organization (ILO) has sought to include in its multicountry Better Work program, which builds on the BFC experience. The Accord on Fire and Building Safety in Bangladesh (the Accord) went further in securing a multiparty, legally binding agreement.

**Figure 1. Demonstrating for women workers' rights**



Sophorn Yang (center), from the Cambodian Alliance of Trade Unions, joins a rally for women workers in Washington, DC.

*Credit: GLJ-ILRF*

Both BFC and the Accord were designed in response to supply chain deficiencies highlighted by CCC member advocacy campaigns. Starting in the 1990s, CCC reporting on brands' compliance efforts called out many of the flaws that are now discussed in academic writings (Bartley 2018; Le Baron 2020) and newer institutions (MSI Integrity 2020). BFC and the Accord established new levels of accountability when they were launched in 2001 and 2013, respectively. Yet the two initiatives took different approaches to their interactions with their national governments, employer associations, and in how they secured brand commitments. BFC was negotiated by governments and used trade incentives and voluntary brand participation to create a more effective and transparent monitoring system and avenues for social dialogue between unions, governments, and employers. The Accord

was a direct agreement between national and international unions and global apparel buyers and brands with a legally binding complaint mechanism. Both programs have played significant roles in their respective countries, and the political landscape has shaped the opportunities and challenges to their success.

## 2.1 Bangladesh

### 2.1.1 Economic and political dependence on the apparel industry

Bangladesh is the world's second-largest apparel exporter after China, with the industry pulling in nearly 81 percent of the country's export earnings (Sabir 2021) and contributing 11 percent to its gross domestic product (GDP) in 2019 (Dey 2019). An estimated thirty-nine hundred apparel factories directly employ 4.22 million workers (Haque and Bari 2020), and up to 40 million people (of Bangladesh's 164 million) depend on the sector (Siddiqi 2020).

Unlike in most apparel-exporting countries, the industry capital is dominated by Bangladeshi as opposed to foreign capital; this shapes its relations with political power in several ways. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA) is often seen to operate as a quasi-governmental organization (Siddiqi 2020), and factory owners have close ties with the political elite, with an estimated 10 percent of parliamentarians being factory owners (Alamgir and Banerjee 2019). This factors into the country's history of resistance to meaningful labor law reforms. Following the Rana Plaza factory collapse in 2013, and facing both trade pressures and new streams of development funding, Bangladesh passed several initiatives to increase the government's ability to regulate



the industry (Karesh 2014), and union organizing became easier for a time (Ryan 2022). The country reformed the 2006 Labor Code and signed the Sustainability Compact with the United States and the European Union to improve working conditions. Yet the reforms repeatedly fell short of recommendations from the ILO and trading partners, particularly in terms of protections for workers to organize and bargain collectively (Bair, Anner, and Blasi 2019).<sup>3</sup>

Meaningful legal reforms often run up against weak governance, the political elite's vested interests in keeping wages low and workers unorganized, and MNCs' continuous pressure for cheaper products. Since 2014, politics have been increasingly dominated by the ruling Awami League party, which has rigged elections, silenced critics, and restricted civic space, including repeated crackdowns on apparel workers' wage protests. High GDP growth rates, to which apparel contributes significantly, have helped the government retain support (Haque and Bari 2020). The Awami League has historically had stronger links with organized labor than the opposition party, but most trade unions are part of labor federations aligned with (or co-opted by) political parties (BIGD and ARC 2021). For independent trade unions and workers' rights advocates, relations with the government are tense, and it closely monitors their work.

In the years before Rana Plaza collapsed, relations between the government and the independent trade unions and worker centers had deteriorated. For years, BCWS had sought to work with the Bangladeshi apparel manufacturers, writing letters to ask for reforms and offering fire safety training to workers. Yet the more effective that the BCWS became in organizing workers, the more the government cracked down. In 2010, BCWS leaders Akter and Aminul Islam were arrested along with Babul Akhter, the Secretary-General for the independent Bangladesh General Industrial Workers Federation (BGIWF) (Claeson 2012). Although no evidence was ever presented, in 2010 they were charged with leading worker protests against inadequate raises in the minimum wage. In April 2012, with the 2010 charges still pending against all three, Islam was kidnapped and later found murdered, with signs of having been tortured. His murder had a chilling effect on many in the labor movement (Claeson 2012). For Akter and Akhter, it meant they had to seek more international support. Akter notes that "after 2010, things started to happen quickly, both with intimidation and factory crises and we were in constant contact with international allies to discuss how we can make the brands accountable."<sup>4</sup> These conversations and dozens of others involving the independent trade unions in Bangladesh led to the precedent-setting proposals, which eventually became the Accord.

### 2.1.2 Rana Plaza and the opportunity for a new approach

The Accord, a legally binding agreement between trade unions and apparel brands and retailers, defined a new approach to addressing factory safety. It established new levels of transparency and reporting on noncompliant factories and provided workers with an effective grievance redress mechanism. Although a version of the Accord had been under negotiation since before the Rana Plaza collapse, that catastrophe put additional pressure on brands to clean up their supply chains. The Accord is widely seen as a pioneering form of governance for holding MNCs accountable in global supply chains, but it has faced considerable resistance from factory owners, the Bangladesh government, and international brands hostile to co-governance with trade unions or legally binding constraints on their supply chains.

The Accord is transnational in scope, and it created a pathway for workers to access remedy in international courts, which advocates had long sought. It has since inspired similar binding agreements in India (Cohen 2022) and Lesotho (Wright 2021). Although these are private sector agreements, they are also significant for public sector reforms such as the MHRDD laws and for advancing the importance of legal pathways to remedy for victims in the MNCs' home-country courts (Barbière 2019).

Before the Rana Plaza disaster, workers' rights to organize and bargain collectively were legally restricted in the official export processing zones (Karesh 2014), which accounted for about five hundred factories. In effect, these rights were also restricted in other apparel factories through the application of excessive and selective administrative rules to union registration (Finnegan 2017). Safety regulations were lax, and the industry's rapid growth resulted in factories being sited in buildings unfit for industrial production. When driving around Dhaka's industrial zones in 2010, it was striking how many buildings had rebar protruding from the top, ready for new floors to be added. This was the case for Rana Plaza; it had only been zoned for five of its eight floors (Judem 2014). Before the disaster, the political influence of the apparel factory owners and BGMEA ensured that they had largely been left to regulate themselves. Meanwhile, the brands demanded lower costs even while they posted codes of conduct promoting workers' rights to organize, bargain collectively, and access decent wages, health, and safety (Anner 2020). Neither the brands nor the professional social auditing firms they hired considered the national legal and political context that was clearly putting workers at risk. Building code violations were revealed time and again after each factory tragedy, and massive wage protests regularly highlighted the fact that minimum wages failed to keep pace with inflation.

When Rana Plaza collapsed, BCWS's Akter was on a worker tour in the United States with Sumi Abedeen, a survivor of the fire at Walmart's 'unauthorized' supplier, Tazreen Fashions, which had claimed the lives of 112 workers only five months earlier. BCWS and other independent unions, including BGIWF, the Bangladesh Industrial Garments Union Federation (BIGUF), and the National Garment Workers Federation (NGWF) had already been working with CCC Network members to negotiate a binding agreement with international apparel brands that would better regulate the fire and building hazards in the industry. These efforts followed a December 2010 fire in the That's It Sportswear factory that had killed 29 workers. When the International Textile, Garment, and Leather Workers Federation (ITGLWF) and its affiliated unions convened a meeting in April 2011 to discuss solutions,<sup>5</sup> the CCC's Ineke Zeldenrust drew on experiences from union allies in Indonesia and Honduras and worked with the Bangladeshi unions to draft a proposal for a binding agreement between brands and unions. By the time Abedeen and Akter were touring the United States to talk about the Tazreen Fashions fire, only two companies had agreed to make such a commitment.

The idea of signing an agreement between brands and the national and global unions built on experiences in Indonesia and Honduras. From 2004 until it was finally signed in 2011, CCC members in Hong Kong and Indonesia campaigned for independent unions in Indonesia to negotiate the Freedom of Association Protocol with sneaker brands (Arengo 2019). In Honduras, one of the leading unions organizing in the apparel sector, *Central General de Trabajadores* (General Workers' Union), worked with the Worker Rights Consortium (WRC) and others to negotiate an agreement with Fruit of the Loom to establish a co-governance structure, with brand and labor representatives jointly reviewing implementation, a structure that the Accord adapted and improved upon. These antecedents are important, particularly the role of national trade unions in negotiating each one.

It is important to understand the Accord not as a new formula for supply chain monitoring but rather as part of longer-term efforts to chart a new course for worker organizing. This new pathway builds on multiparty collective bargaining agreements between factories, retailers, and unions in New York City in the 1930s (Blasi and Bair 2019) and connects initiatives across diverse countries to enable more organizing around transnational collective bargaining (Arengo 2019). Notably, each agreement is distinct because it reflects workers' demands in a given location and what they are able to negotiate at that time.

***"It is important to understand the Accord not as a new formula for supply chain monitoring but rather as part of longer-term efforts to chart a new course for worker organizing."***

In Bangladesh, BCWS and the independent unions (BGIWF, BIGUF, and NGWF) had been working with four international labor rights NGOs to develop what would later become the Bangladesh Accord. In addition to the CCC Secretariat and the WRC, ILRF and the Maquila Solidarity Network played key roles in negotiating and campaigning for the brands to sign the Accord. In Europe, the CCC had members campaigning in multiple countries, including Labour Behind the Label in the United Kingdom and *Éthique sur l'étiquette* (Ethics on the Label) in France. Meanwhile, in the United States, student volunteers with United Students Against Sweatshops (USAS) crisscrossed the country with Abedeen, Akter, and others to raise awareness and campaign for brands to sign the Accord. The global union federations IndustriALL and UNI Global Union took the lead during the final negotiations that led to the Bangladesh Accord. However, the brands refused to allow the international labor rights NGOs to sign as principals to the agreement, only allowing four of them to be witness signatories. Eventually, the CCC's Zeldenrust and the WRC's Scott Nova served on the Accord's steering committee as technical advisers; both brands and unions have recognized the importance of the industry knowledge they brought to the discussions.

The Rana Plaza disaster made headlines around the world, highlighting working conditions in Bangladesh's apparel sector. Under the glare of international condemnation, brands had powerful incentives to act fast. The Accord was launched in May 2013, one month after the disaster, with forty-three corporate signatories from thirteen different countries and ten labor signatories, including two global union federations and eight of their affiliated Bangladeshi unions. Eventually, 220 global brands would sign the five-year agreement, which pioneered a transnational model of co-governance and a binding grievance redress mechanism as well as unprecedented levels of transparency in audit reporting, worker training, and grievance redress systems. According to the Bangladesh Accord's website, by 2018 it had helped establish 1,359 worker safety committees and resolve 1,475 complaints related to occupational safety and health. As the CCC's Christie Miedema explained in the *New York Times* in March 2020, "The Accord is and was successful because of its binding nature, enforceability, transparency, powerful complaint mechanism, its equal distribution of power between labor and brands, and the inspectorate's independence" (Paton 2020). The Accord set significant precedents that continue to influence corporate accountability approaches, and it has faced significant challenges from industry and government alike (see Box 1).

The existence of the Accord was one factor that helped the industry survive the Rana Plaza crisis, signaling to the international community that the Bangladeshi apparel sector was serious about raising safety standards. However, excluded from the design and the governance of the Accord, and tasked with implementing the safety reforms demanded, Bangladeshi factory owners resisted. This led some Accord architects to wonder with hindsight if employers could have been included at least as observers. Yet prior attempts at collaboration, such as BCWS's efforts at factory safety training, had failed. One factory owner, who had failed to address the identified safety issues, sued the Accord in high court in 2018 (Davoise 2018). This led to a court ruling that effectively shut down both the Accord and a government demand to also shut down a similar but nonbinding safety agreement led by US apparel brands and retailers known as the Alliance for Bangladesh Worker Safety (the Alliance). The Alliance shut down quickly, but worker advocates have fought to extend the brand commitments and worker protections of the Accord.



### **Box 1. The Bangladesh Accord: Key Achievements and Precedents Set**

The Bangladesh Accord introduced a model of supply chain governance that shifted from brands pushing their rules onto their suppliers to requiring them to adhere to certain rules themselves. The goal was to stop brands and retailers from hiding problems found or simply ‘deauthorizing a subcontractor’ and quietly walking away when problems were too difficult to solve, as Walmart had done with Tazreen Fashions. The Accord advanced efforts to build a new transnational organizing model wherein MNCs signed agreements with workers’ representatives. Although it did not initially cover organizing rights, the unions were able to argue how organizing rights and safety are interdependent and to add them to the 2018 Transition Accord.

The Accord established significant policy precedents, including a time-bound commitment to a program governed jointly by unions and brands; legal recourse through the Permanent Court of Arbitration (PCA) to ensure remediation is effective; and transparent, detailed reporting on progress in the factories. The Accord structure also made the complaints mechanism effective, and the Accord inspection team responded to both complaints about safety issues and issues that compromised workers’ ability to speak out about safety issues. For example, when workers were intimidated for organizing, the Accord team saw such threats as a potential restriction of workers’ ability to speak out if they felt unsafe (Arengo et al. 2019). As former Accord director Rob Wayss notes, the agreement’s focus on safety “meant that threats against organizers and workers seeking to raise concerns about factory conditions were also covered.”<sup>6</sup> This was an important expansion of how union organizers’ role is understood; if they are unable to organize and represent collective concerns from workers, then workers’ ability to raise safety concerns is also likely compromised as well. This line of argumentation was also compelling enough to the Accord brands that the extension of the Accord, most often referred to as the 2018 Transition Accord, explicitly added freedom of association and collective bargaining rights.

Perhaps most significantly, the Accord secured a time-bound, five-year commitment (extended in 2018) from brands to comply with the decisions of the Accord Secretariat. Unresolved disputes would be heard by the Accord’s co-governed steering committee of unions and brands, but if a settlement could not be found, the brands agreed to participate in the arbitration process of their home-country courts or a comparable body. Two brands were later taken to the PCA and a US\$2.3 million settlement was reached requiring safety repairs to the factories in question (PCA 2018). Although the details of the case could not be disclosed publicly, the case set the legal precedent for a binding resolution holding MNCs accountable.

Michael Bride, who worked for the Accord and now represents PVH Corporation on the Accord’s steering committee, notes that the binding language in the Accord was key to buyers and factories taking it seriously. According to Bride, “The clearest case for including such access to legal remedy is that of the 140,000 safety violations in almost 2,000 factories inspected by the Accord team, only two cases had to be taken to the Permanent Court of Arbitration. Often an arbitration clause is most successful when it never has to be used and instead acts as an incentive to reach an agreement before proceedings are lodged.”<sup>7</sup>

Notably, beyond Bangladesh, the Accord’s binding agreement that requires MNCs to engage in legal proceedings in an internationally recognized jurisdiction has set an important precedent, which has influenced the drafters of several European MHRDD laws, particularly the French *Loi de Vigilance* (Barbière 2019).

### 2.1.3 Challenges to the Bangladesh Accord

Not surprisingly, the efforts by the Bangladesh government and employers to shut down the Accord coincided with a year of political unrest and the exertion of control by the ruling party. In December 2018, Sheikh Hasina's Awami League party swept the elections amidst allegations of significant fraud and months of protests by citizens' groups (Safi, et al 2018). Separately, but just days before the election, workers took to the streets to protest the announcement of the revised minimum wage, which fell short of their demands (WRC 2019). An estimated ten thousand workers were fired and sixty-five were arrested.

Former BGMEA President Rubana Huq has argued that Bangladeshi factory owners were right to push out the Accord because it was imposed by external actors, which could not therefore be sustainable (R. Huq 2020). However, the requirements in the Accord were based on Bangladeshi laws that were previously flouted. Also, eight national trade unions signed the Accord and several had worked on previous versions since 2011.<sup>8</sup> In reality, the employer and government resistance to the Accord was a push to restore control over the sector to factory owners themselves.

Many analysts have grouped the Accord with another safety initiative involving international apparel brands and retailers, the Alliance, which was launched at the same time by US companies seeking to avoid signing a legally binding commitment with trade unions. The Alliance, which was led by Walmart and Gap, included twenty-six mostly American companies, was much smaller, and was purely voluntary. If brands walked away, they only lost the money invested. They were not subject to a legal review or arbitration. The Alliance was a safety-focused version of the voluntary social auditing the brands had been using and a direct challenge to the concept of brands accepting legal accountability.

US corporations backing the Alliance were so concerned by the legal precedent of such a binding agreement gaining traction that they lobbied the US Congress against the Accord in 2013. Witnessing the active lobbying by Alliance backers, Congressman George Miller noted during a July 2013 interview with *In These Times* magazine that the US apparel brands were "playing for time," hoping that once outrage about Rana Plaza died down they would be under less pressure to make meaningful commitments to reforms (Elk 2013).

In May 2018, a 'Transition Accord' was signed that extended the Accord by three years and expanded it to include key elements to protect workers' organizing rights—namely, advanced safety protocols and ongoing training on freedom of association and collective bargaining. With some advocacy pressure from the CCC and its allies, 190 apparel brands renewed their commitment to the industry. Yet the Bangladeshi government—at the urging of the apparel manufacturers—moved to evict the Accord from the country.

On June 1, 2020, BGMEA appeared to have won its battle to oust the Accord. The Accord transitioned inspection duties to the RMG Sustainability Council (RSC), a nonprofit organization governed by apparel companies, unions, and manufacturers. Unions and brands signed a memorandum of understanding with BGMEA to ensure the progress made by the Accord would be maintained and potentially expanded. The RSC inherited the infrastructure and programs established by the Accord Secretariat under an agreement to continue the work. Yet the binding nature of the Accord was removed, and the witness signatory NGOs were excluded.

Less than a year later, the global and Bangladeshi unions threatened to withdraw from the RSC, refusing to lend credibility to a scheme that stripped away individual brand accountability (IndustriALL 2021). The unions and campaigners maintained public pressure, and within four months the new International Accord for Health and Safety in the Textile and Garment Industry was signed between seventy-seven brands and UNI, IndustriALL, and the Bangladeshi unions, with the witness signatory NGOs staying on as observers. The International Accord will utilize the inspections of the RSC in Bangladesh but adds the binding grievance mechanism and brand accountability that advocates believe have been essential to ensuring the original Accord was effective. The International Accord also calls for expanding coverage to at least one additional country, and in December 2022 the signatories announced its launch in Pakistan (Abdullah 2022).

### 2.1.4 Transnational supply chain activism during the COVID-19 pandemic

Ironically, the BGMEA efforts to close down the Accord coincided with the start of the COVID-19 pandemic and a new—but short-lived—moment of cooperation between Bangladeshi manufacturers and labor rights advocates. As international brands canceled thousands of orders, BGMEA President Rubana Huq sought help from BCWS's international allies to draw attention to brands' broken purchasing agreements.

In the first six months of the pandemic, the Bangladeshi apparel industry lost an estimated US\$3.7 billion as brands canceled orders or refused to pay for those already in progress (Preetha and Islam 2022). BGMEA leadership reached out to the WRC to help document the cancellation of orders (Anner 2022). Their report, which was disseminated by the CCC Network, immediately drew global attention to the cancellations. Yet as soon as the brands renewed their commitments, BGMEA's willingness to collaborate with the worker advocates evaporated. It continued its efforts to push out the Accord. When asked if the NGOs considered leveraging the CCC's campaign to address order cancellations to secure concessions from BGMEA on the Accord negotiations, the WRC's Executive Director, Scott Nova, was clear that they did not: "Our first priority was to help get workers paid."<sup>9</sup>

Yet getting workers paid remained a significant challenge even after some canceled orders were reinstated. The government allowed for workers to be furloughed at 60 percent of their salary, but hundreds of factories did not pay workers in June or July 2020 (ILO and ILR 2020). The European Union and German government contributed funds to compensate Bangladeshi apparel workers laid off during the pandemic, but funds went unused because the scheme required factory owners to submit the names of laid off workers, and factories trying to hide instances of unpaid severance had no incentive to provide those names (BIGD and ARC 2021). Apparel workers lost US\$618 million in wages between March and July 2020 (Neale and Bienias 2021), and unpaid severance accounted for an additional US\$151 million (WRC 2021b). The failures of the Bangladeshi employers and government to pay workers during the pandemic illustrate the extent to which trade unions were sidelined while European and Bangladeshi government agencies entrusted the manufacturers to distribute funds, despite their history of workers' rights abuses. BCWS is now working with other global South leaders in the CCC Network to build the #PayYourWorkers campaign (Section 3.1.2), advocating for brands to commit to ensuring that unemployment insurance is in place for all their suppliers. Akter notes that changing the law will take much work, as will changing brand policies. For example, Akter recalls that "in June 2022 the government started the pilot for an employment injury insurance program, something we've been fighting for since That's It Sportswear burned down [in 2010]."<sup>10</sup> The program, although only a pilot, was launched with seven international brands participating to ensure financing for three years, which provides significantly more generous benefits for worker injury, disability, or death. It moves beyond the previously allotted lump sum payment of 200,000 Taka (just under US\$2,000) to add 60 percent of the worker's wages for life (Evans 2022). Although the scheme is run by the government and is thus a Bangladeshi-led change, which Rubana Huq argues for, it is still a reform that relies on international cooperation in the form of brands' commitments. This is a significant shift in the brands' position; they had consistently gone to great lengths after every factory fire to qualify any contributions they made to victim funds as 'solidarity contributions' and not acknowledgments of responsibility to the victims. Prior to Rana Plaza and the precedents set by the Accord, it would not have been possible to get any brands to commit to such a policy, even on a trial basis.

The experience with COVID-19 and employment injury insurance reform in Bangladesh helps illustrate how frustratingly slow policy reforms are and the problematic nature of relying on employers to ensure that workers are paid what is due. Real-time solutions need to engage employers and buyers to advance new legal protections or ensure government laws are enforced.



**Figure 2. Pay Your Workers campaign protesting wage theft during the COVID-19 pandemic**



During the pandemic, CCC members organized protest actions across apparel-consuming and -producing countries, with workers and worker rights advocates calling out specific brands for failing to ensure workers' wages were paid. Clockwise from top left: Labour Behind the Label in the UK, National Garment Workers Federation in Bangladesh, CCC-Netherlands, the Coalition for Cambodian Apparel Workers Democratic Union, Campagna Abiti Puliti in Italy, and the Labor Education Foundation in Pakistan.

*Credit: CCC Network*

## 2.2 Cambodia

### 2.2.1 Apparel as a gateway to diplomacy

Cambodia provides a unique view into how trade pressures, development policies, and transnational campaigns combine to drive change yet still face political challenges. It is possibly the only country where trade policy created positive incentives for change by linking increased duty-free quotas to industry improvements. The more common approach is to threaten the loss of trade benefits to drive change. Yet the openness that enabled the creation of two innovative supply chain compliance initiatives—BFC and the Arbitration Council (AC)—has not continued. Although the mechanisms remain in place, closing civic space has made them significantly less effective and more challenging for labor advocates to monitor.

Cambodia launched its export apparel industry in 1994 (Asuyama and Neou 2012). This was just three years after signing the 1991 Paris Peace Accords, which helped settle the decade of instability that followed the Khmer Rouge genocide (1975–79). The 1994 Law on Investment created a business-friendly climate, and investments from neighboring Asian countries helped grow the industry quickly (McGrew and Worden 2017). The country went from almost no apparel exports to nearly half a billion dollars' worth in 1998. In 2018, the National Bank of Cambodia reported that apparel and footwear exports surpassed US\$10 billion (EuroCham Cambodia, n.d.).

In 1998, following Cambodia's initial rapid growth in apparel exports, labor unrest emerged and transnational campaigns exposed labor rights abuses in the country's apparel sector. This coincided with US business interests complaining about unfair competition because Chinese capital was investing heavily in the sector. In response, the Clinton administration negotiated the US–Cambodia Textile Agreement with a novel system of quota incentives and the founding of BFC. The textile agreement was to increase quotas for duty-free access to the United States, provided Cambodia made progress in apparel factory conditions and other labor rights protections. The trade incentives and funding from donor governments helped establish BFC and other reforms, such as the AC. BFC was an important shift in supply chain monitoring at that time, but for Cambodian labor activists, the AC was equally—if not more—important because it provided a trusted pathway to remedy.

On a global scale, Cambodia's apparel and textile exports are relatively small. The World Bank reports the country is thirty-second in terms of value of goods exported, but the industry is both economically and politically significant for the country, accounting for 74 percent of its export income and 11 percent of GDP growth in 2018 (World Bank n.d.). Some analysts have argued that the economic importance of apparel has helped foster certain advances in the sector that do not exist in other industrial sectors in Cambodia, including the minimum wage-setting process and a slightly better context for independent union organizing. Increasingly, however, labor organizers are less optimistic.

Although the AC and BFC are distinct initiatives, in many ways they are two precursors of what labor rights advocates sought to secure in Bangladesh by negotiating the Accord. The AC has provided a trusted multiparty dispute settlement process, and BFC has made significant advances in transparency, going beyond the private sector initiatives that were based on confidential and time-constrained social auditing.

### 2.2.2 Better Factories Cambodia

The ILO and the International Finance Corporation launched BFC in 2001, building on the incentive-driven program established in 1999 under the US–Cambodia Textile Agreement (Polaski 2006). BFC used a mix of trade incentives and development financing to improve labor rights in the apparel sector. Each year, duty-free quotas would be increased, provided progress was made on factory compliance and other labor regulations were improved.



The BFC's monitoring program combined regulation overseen by the ILO's BFC monitoring program with limited government intervention and the participation of global apparel brands.

The BFC monitoring program was set up independent of the Ministry of Labor, under the idea that the role of the national public authorities would be pursued over time (Polaski 2006). The problem with using inspectors from the Ministry of Labor was twofold: their low wages (US\$28 per month for government inspectors compared to apparel workers, who were averaging US\$61 per month at the time) and inspectors were susceptible to bribes from employers (IMF 2003). In her 2006 review of the program, Sandra Polaski notes that BFC pushed the ILO to move beyond its traditional focus on government reforms to also engage the private sector, observing that "global production chains increasingly elude the control of national labor ministries and labor inspectorates" (Polaski 2006, 925).<sup>11</sup>

BFC was meant to improve upon the private sector monitoring that was beginning to proliferate in the late 1990s. Social auditing programs had to contend with brands' drive to keep costs low and avoid reputational risk, which meant social auditors were pressed to minimize days in the field and required to keep confidential any problems found, including from government enforcement bodies. BFC, by contrast, had significantly more resources and expertise. It had international government financing, the ILO's expertise on labor standards and ability to train local monitors, and unprecedented levels of transparency in supply chain monitoring at the time. The agreement was that factories would receive monitoring reports and be asked to make corrections based on suggestions from BFC monitors. If site corrections had not been made by the time of the follow-up visit, the report would be made public. This reporting incentivized compliance and improved the program's credibility.

Although BFC was not legally binding on the apparel companies, both the brands and employers have valued the legitimacy given the program by the ILO's leadership. Also, the program has been associated with broader ILO efforts to improve labor laws and their enforcement by setting up the aforementioned AC in 2003 (Salmivaara 2018). As a result of progress made by both the apparel factories and the government in advancing labor law regulations, Cambodia's duty-free quotas increased annually between 2000 and 2005 (9 percent per year in 2000–03; 12 percent in 2004; 18 percent in 2005), which made Cambodian exports cheaper and more competitive internationally.<sup>12</sup> Yet the reputational gains were even greater. Over time, the percentage of exports not covered by the quotas rose proportionally, proving the program's reputational benefits.

By 2006, following the end of the Multi-Fiber Agreement on Textiles and thus the quota incentives supporting it, BFC came under pressure to keep MNCs engaged and began to compromise its prior levels of transparency. In 2012, one of the lead researchers from the CCC Secretariat, Jeroen Merk, worked with Tola Moeun, then working at the Community for Legal Education Center (CLEC), to publish an in-depth analysis of BFC based on extensive interviews with workers, trade union leaders, and experts (Merk 2012). In interviews, workers and organizers were clear that they valued the program but had recommendations for how to improve it. Among other critiques, the report noted that BFC public reports were now too generalized and insufficient to hold employers accountable or incentivize improvements. Partially due to their report, BFC reestablished greater transparency. Yet Moeun also noted that improved transparency after 2012 was due to the strong leadership from the BFC Director at that time, Jill Tucker. Throughout the Better Work programs, the public reports need to secure agreement from the tripartite steering committee, but the national government and manufacturer associations often seek to limit that transparency, making it difficult for ILO program leaders.

Moeun notes that their other recommendations were not addressed, including increasing brands' contributions to the costs, countering persistent union busting by employers, and addressing the abuse of short-term contracting. The report noted the excessive working hours and inadequate wages as well as brands' refusal to pay more for products even when there was an increase in the minimum wage.<sup>13</sup> As trade union rights and civic space have come under threat, BFC has been limited in its willingness to speak out against government measures, such as civic freedoms

curtailed by reforms to the Law on Associations and NGOs (LANGO), restrictions on independent unions, or the steep decline in cases referred to the AC.

When asked at what point BFC should take a public stand against rising restrictions on workers' rights, Moeun recognizes the conundrum. Were BFC to threaten departure or partial withdrawal until labor rights restrictions were corrected, the result could be doubly problematic. If changes did not occur and BFC pulled out, apparel workers would lose the basic levels of transparency the program provides. Yet if BFC stayed, it would be seen as having made false threats, thus undermining its credibility. As in Bangladesh, the Cambodian government is intent on exerting its control over the apparel industry, even if it means undermining the BFC program that has played a key role in drawing apparel brands to Cambodia.

### 2.2.3 The Arbitration Council

Parallel to the ILO working to establish BFC, it also reviewed Cambodia's labor justice system. One outcome from its discussion with the government was the creation of the AC, which earned a good deal of trust from employers and workers alike. The AC has enjoyed a high degree of trust due to its body of case work and its use of arbitrators selected from three lists: one approved by government, one by employers, and one by trade unions (Ponak and Taras 2016). Unfortunately, the Ministry of Labor has increasingly refused to refer cases to the AC, and previous agreements to respect the decisions as binding were not renewed after 2014. The 2016 Trade Union Law (TUL) has also made it increasingly difficult for trade unions to bring cases to the AC; cases declined from 338 in 2015 to less than 100 in 2017 (Ford, Gillan, and Ward 2021).

The AC is an exceptionally unique body in Cambodia. A quasi-judicial council tasked under the Labor Law with resolving collective labor disputes, it has been able to maintain its independence and therefore its credibility both domestically and internationally. In 2014, the Special Rapporteur on human rights in Cambodia described a dearth of truly independent national institutions in Cambodia, with the one exception being the AC, which he noted maintained "credibility before the parties to most of the labor-management disputes brought to it" (Subedi 2014, paragraph 73). Many international apparel companies sourcing from Cambodia hold the AC decisions in such regard that they make implementation of arbitration awards mandatory.

Unfortunately, Moeun notes a worrying trend in which the AC has refused to consider workers' demands for enforcement of their legally guaranteed rights in some cases, setting extremely concerning precedents. In brief, two recent cases are particularly relevant given the high number of layoffs since the start of the COVID-19 pandemic. In both cases (Award No. 056/20, Violet Apparel; and Award No. 008/21, Wai Full), the head of the Department of Labor sent a letter in February 2020 that erroneously interpreted that workers' employment seniority was to be calculated from the date their employment contracts were converted from fixed-duration to permanent contracts, a direct contradiction to Article 73 of Cambodia's Labor Law. The AC claims that it holds no jurisdiction to rule in these matters because the dispute is a conflict-of-law issue. The ramifications of the AC's refusal to rule in these sorts of cases are significant. In the Violet and Wai Full cases alone, a collective total of US\$1.8 million in severance has yet to be paid to about thirteen hundred workers at the two factories (H&M 2016).

### 2.2.4 Closing civic space limits reforms

Although the trade incentives helped initiate reform, both the AC and BFC continued even after the quota system ended. Buyers and suppliers continued to value the neutrality the ILO brought to the BFC program, and the AC enjoyed high degrees of trust. Yet the closing civic space in Cambodia has undermined the ability of both programs to uphold workers' rights as effectively as their architects intended, despite both initiatives having been carefully

negotiated with government and employer representatives. In particular, both initiatives were established with tripartite structures that require the participation of free and independent trade unions to be effective.

Despite the pressures they face, national organizers have been intent on driving national policy reforms and working with the CCC Network to leverage supply chain pressures and more traditional human rights organizations to report on the curtailing of civic freedoms. These pressures have both pushed independent labor organizers toward the CCC's transnational campaigns and reshaped how the CCC sees its role.

In 2018, the CCC Network submitted a report to the UN Universal Periodic Review (UPR) for Cambodia, which CENTRAL helped draft (CCC 2018). The document details several ways in which Cambodia has regressed in terms of upholding international labor rights standards. For example, the report included CENTRAL's analysis of how the 2016 TUL requires unions to secure 'most representative status' with 30 percent of the workforce, a threshold that is consistently deemed too high by the ILO's Committee on Freedom of Association. Additionally, the TUL created excessive bureaucratic requirements for the registration of trade union members, and the Ministry of Labor has applied it in a discriminatory manner. The CCC's UPR submission also notes the restrictions placed on political and public space with the 2015 revision to LANGO, which can now be used to silence critics of the government and limit protests. The CCC's engagement on national policy in Cambodia is bolstered by CENTRAL's insistence that they need to build people power in Cambodia to drive change.

The closing civic space has had significant repercussions on independent trade unions and labor rights advocates. Some analysts see it as positive that the apparel sector has the largest percentage of workers represented by trade unions. However, many trade unions are not representative of workers. The majority are officially aligned with the ruling party, which has held a monopoly on seats in Parliament since 2018 (BBC 2018). The Hun Sen government is increasingly aligned with China, and in 2021 it convicted in absentia twenty-one opposition leaders to more than twenty years in prison (AP 2021)—a further indication of its contempt for human rights pressure from the West. This is a significant shift that has been increasing steadily since 2014, the same year four people were fatally shot during apparel worker protests for a better minimum wage. The situation has become so bad that the European Commission withdrew some of Cambodia's quota-free, duty-free access to the EU market in 2021, though it is not clear whether this is having any impact on the Hun Sen government (European Commission 2020).

Despite LANGO and other threats to organizers, independent unions and workers' rights advocates have continued organizing in the sector, most often protesting wages and working conditions, but they tend to face significant reprisals. Several analysts see the proliferation of trade unions in the apparel sector as problematic because they create a false positive wherein the number of unions leads to fragmentation rather than strength (Ward and Mouly 2016), especially when many unions are co-opted and not representative of workers. In 2016, out of 104 national trade union federations, 89 (and thirteen professional associations) were registered with the Ministry of Labor as being active in the garment sector, and all but three confederations were officially aligned with the ruling party (Salmivaara 2018). The imbalance in the trade union movement is rarely considered by more technically oriented programs focused on factory monitoring. It is nearly impossible—and thus not advisable—for external company-contracted social auditors to evaluate trade unions, so they tend to treat all stakeholder input the same, whether it is from an independent, representative union or one that is working with the government and employers to maintain low wages and labor peace.

One example where the proliferation of trade unions has been problematic is in Cambodia's tripartite Labor Advisory Council (LAC), which determines the sector's minimum wage. More than a decade ago, CENTRAL's director, Moeun, pointed out how the majority-vote decisions are problematic because the LAC is made up of fourteen government, seven employer, and seven trade union representatives. Most trade unions are officially aligned with the ruling party, but even without that alignment, the vote was often skewed. The government, intent on remaining business friendly and competitive, usually aligned with the employers.



CENTRAL's analysis underlines how this problematic structure was expanded upon but not reformed in the July 2018 Law on Minimum Wage, which aims to set minimum wages across different sectors beyond the garment sector. Chapter 6 of this law creates a National Minimum Wage Council (NMWC) to research and negotiate minimum wages. The NMWC has forty-eight representatives over the LAC's twenty-eight members, with unions, employers, and government each having a third. Yet most of the unions on the NMWC continue to be closely aligned with the Cambodian People's Party and the Cambodian government—something reflected in the fact that during the 2021 negotiations, only six of the sixteen union representatives actually voted in favor of the union demand for a wage raise to US\$204 per month in the textile sector.<sup>14</sup>

On the employer side, the increased number of representatives appointed to the NMWC has resulted in employer representatives totally unrelated to the textile sector negotiating minimum wages for apparel workers. Finally, when the NMWC cannot achieve consensus, a majority vote determines the minimum wage figure sent to the Cambodian government for approval. At that point, the independent trade union representatives are so heavily outweighed by government, employer, and government-aligned union representatives that it is nearly impossible for independent unions to achieve their wage demands.

Despite the challenges that independent unions face, apparel workers have organized significant protests in Cambodia, particularly around wage levels. Several of the wage protests have been put down violently. Wages, although higher than in Bangladesh and higher than most other sectors in Cambodia, have still left workers earning below subsistence wages. Moreover, apparel workers are regularly overworked and malnourished, as evidenced by mass fainting spells involving groups of sometimes one hundred or more workers—incidents the government acknowledged as affecting up to two thousand apparel workers each year between 2011 and 2014 and which have only slightly abated (David 2020).

The lack of democratic governance in Cambodia significantly limits independent organizing and advocacy for legal reforms. Over the past thirty years, the assassination of labor and political leaders as well as violent crackdowns on worker protests have regularly cast a shadow over efforts to build a respected apparel export industry. Despite the loss of EU trade benefits in 2020 due to closing civic space, the Hun Sen government continued to crack down on the opposition party, the Cambodia National Rescue Party. Various analysts observed that the Hun Sen government is aligned with China and is less responsive to Western pressures or human rights agreements than it had been in the past. The export apparel sector has continued, and although apparel companies have not withdrawn orders, they have occasionally spoken up on behalf of worker rights advocates. When asked if the brands and buyers should be more outspoken on behalf of the workers, Moeun notes that leveraging brand advocacy on behalf of workers' rights has not resulted in significant reforms to date. Overall, brand advocacy has focused on near-term issues—to get a set of charges dropped or wages raised slightly—but they do not seek to challenge the ongoing political risks labor organizers face.

Cambodia is an example of how easily stakeholder engagement can fail. It is easy to find trade unions to consult, but that may be a useless process if their level of independence and representativity cannot be assessed. Meanwhile, whenever the independent unions gain too much power and the street protests grow large, the government is likely to crack down harder than in the past. When this happens, most brands continue business as usual. Yet it is an important warning signal that those conducting corporate due diligence analysis should consider.

## 2.3 Cambodia and Bangladesh in comparison

Both Cambodia and Bangladesh earn more than half their export income from the apparel sector. Both countries have ruling parties accused of stealing elections (Cambodia in 2013 and 2018; Bangladesh in 2014 and 2018). Both governments have cracked down violently on apparel worker protests for better wages, and since 2014 they have increasingly sought to control civic space through Bangladesh's Information Communication Technology Act and

Cambodia's LANGO. The more effective CENTRAL, BCWS, and their allies became in organizing, the more threats they faced. And as civic space has become more restricted, labor rights advocates such as BCWS and CENTRAL have been targeted for their organizing and kept under surveillance. As the CCC and others worked to expose the abuses, Akter and Moeun became more engaged with the international campaign and led field research that shaped the CCC Network's proposals and advocacy for industry reforms.

The Accord and BFC have advanced some key elements in private sector compliance programs. The Accord addressed two significant flaws identified by the CCC and CLEC report on the BFC model: the lack of apparel company commitments and financing as well as the need for greater factory-specific reporting. The Accord also advanced a new governance model for supply chain compliance programs: an active steering committee with international and national unions and apparel company signatories. Perhaps the most significant difference between the Accord and BFC, however, has been the degree to which national and international CSOs—both signatory trade unions and workers' rights NGOs—have actively monitored the Accord's implementation and helped workers access its grievance mechanism. Although BFC has a tripartite advisory body, the grievance mechanism is not as transparent or accessible to enable the same levels of public scrutiny as the Accord has had.

Although both BFC and the Accord introduced new approaches to secure greater commitments from the brands, they took distinct approaches in relation to government and employers. Both, however, have faced pushback from national-level actors. BFC started with the idea that it would eventually turn the program over to the government, but that has not yet been feasible or desirable; neither workers nor employers want to give up the ILO's neutral credibility (Robertson 2020). However, the program is not able to challenge the government, even as workers' rights and civic freedoms are increasingly restricted in the country; a public challenge could be seen as a threat to withdraw, and the withdrawal of BFC would further reduce opportunities to negotiate even small reforms or for independent union organizing in the sector. Meanwhile, the Accord, which was purposely designed as an agreement between brands and unions, has had to accept the Bangladeshi government's insistence that the manufacturers (BGMEA) be included in the governance of the new replacement organization, the RSC. Upon taking over, the RSC committed to maintaining the rigor of the Accord's monitoring work, but it quickly moved to downgrade brands' accountability; the unions threatened to resign until negotiations were finalized for the International Accord.<sup>15</sup> The CCC, BCWS, and their union and NGO allies have successfully campaigned for 188 brands to sign the International Accord (as of December 2022), which provides the binding complaint resolution, a mechanism that significantly distinguished the original Accord's approach from voluntary supply chain initiatives and one the RSC had eliminated.

All of this raises a chicken-and-egg question: Did the success of the apparel campaigners' challenge to the role of factory owners and the government fuel their retaliation? Or would repression be worse if it were not for these programs creating one of the few openings for organizers to counter political and economic elites? The causal link and the motivations of authoritarian regimes are nearly impossible to pin down. Clearly, there was a mix of driving factors, though it is unclear which was more influential: employer demands for more influence or the ruling party's need for political control. The examples above indicate a correlation between closing civic space and increasing restrictions placed on innovative and precedent-setting private regulatory initiatives in apparel supply chains. Even as apparel brands have continued to invest and have agreed to more rigorous monitoring and compliance programs, the governments of Bangladesh and Cambodia—often at the urging of national employers—are pushing back and reclaiming control. MNCs serious about protecting workers' rights cannot ignore these warning signs, which directly undermine the legal enabling environment for workers' rights.

## 3. Actors and Strategies

This section will look more closely at the origin, vision, strategies, and achievements of each organization and how their collaboration has evolved over time. BCWS and CENTRAL had both been working to document and address the failed regulations in their countries and sought out the CCC Network and its members to engage international apparel companies through consumer campaigns in the MNCs' home countries. Their ground-level work directly informed and shaped the international advocacy campaigns and the solutions proposed. BCWS's work on fire and building safety emerges from risks identified by workers and predates its engagement with the CCC Network on the issue. And CENTRAL's analysis of wages and supply chain dynamics has provided the basis for international campaigns that have been fueled by massive protests and movement building in Cambodia. Although the global North groups are most often quoted in the press and were even sought out directly by Bangladeshi employers during the COVID-19 crisis, the global South CSOs and global North campaigners have developed a way of working in tandem in a process of mutual support and influence that has evolved over nearly two decades. This long-term collaboration has enabled them to build a shared body of knowledge and drive significant shifts in the field of corporate accountability.

### 3.1 The Clean Clothes Campaign Network

#### 3.1.1 Origin and vision

The CCC Network started in 1988 with fifty women protesting in front of Dutch retailer C&A for buying from Dutch factories with sweatshop conditions (Sluiter 2009). The first transnational solidarity actions soon followed when the CCC joined UK trade unions in protesting the treatment of workers at a C&A supplier in the Philippines.<sup>16</sup> These were the early days of sweatshop protests, which were beginning to take hold throughout Europe and the Americas (Brooks 2007).

In the United States, ILRF formed in 1986,<sup>17</sup> first focusing on leveraging trade policy and later building corporate supply chain campaigns, establishing a presence in the apparel industry and organizing several agricultural supply chain campaigns. Other core CCC allies formed in the 1990s and early 2000s, including several of CCC's national chapters in Europe; *Éthique sur l'étiquette* was founded in 1995 in France, and Labour Behind the Label was founded in 2005 in the United Kingdom. In the Americas, the Maquila Solidarity Network, founded in 1994 in Canada, grew out of informal women's solidarity networks formed between female worker leaders and their organizations in Canada, Mexico, and the United States. USAS, which includes chapters in the United States and Canada, formed in 1998. Soon after, the unions and the students' movement helped establish the WRC in 2000. The WRC is not a campaign NGO but rather a monitoring group that has been able to leverage the power of American universities, which license out the production of apparel with their logos, to drive investigations and reforms throughout the apparel industry. The WRC's access to factories and ongoing engagement with national unions provides important insights to both industry business dynamics and rights advocates.

The CCC Network grew quickly, from a collaboration among Dutch trade unions and feminist groups to national coalitions forming in half a dozen European countries within ten years. By the early 2000s, collaboration between North American and European consumer campaigns was strong. Today, the CCC Network counts most of these organizations among its more than 230 members and has fully shifted from a Northern, consumer-led network to one with more global South member organizations who are also on its global board. The CCC is the

largest industry-focused campaign network, having grown its influence over more than three decades of organizing pressure in the apparel industry. Ineke Zeldenrust, who was present during the early protests and is the Coordinator of the CCC Secretariat, notes that the network structure allows national global South actors to access multiple global North groups at once while also maintaining independent, direct relationships.<sup>18</sup> Over time, the regional network building has facilitated South-South exchanges and supported global South leadership and other member networks such as the Asia Floor Wage Alliance (AFWA) discussed in Section 3.1.2 below.

Part of the coalition's strength is the way it builds on and collaborates with the global women's movement and organized labor. The Federation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging; FNV) has long served in key positions within the CCC, and US and Canadian members have regularly engaged their national trade union allies to advise on and support campaigns. Trade union solidarity funding and capacity-building programs have also played a critical role in strengthening the work of national trade unions and worker centers. Akter, for example, received extensive training through the US Solidarity Center's programs for young organizers soon after she was blacklisted for her organizing work. The European, Canadian, and US trade unions have provided both short-term funding in response to urgent-action requests, such as those following Akter's arrest in 2010, and longer-term support through government-funded programs. For example, the Solidarity Center has a presence in more than thirty-five countries, and although it does not engage in consumer campaigns, it has shared its deep country knowledge with international allies and provided ongoing support to worker organizers and labor law reform advocates.

Although Network is usually dropped from references to the CCC, its founders and participants have been committed to a vision of an organization made up of independent national and regional coalitions of organizations linked together and engaging as a group. This model is well established in Europe and Asia, where four regional coalitions (one in Europe and three in Asia) operate semiautonomously, while members from other countries (such as Australia, Canada, Lesotho, and the United States) connect directly with the global secretariat. The approach of building national and regional coalitions and encouraging connected but autonomous organizing is part of the CCC's strength. It is not a traditional hub-and-spoke model with centralized leadership. Instead, it functions more the way an octopus appears to, with each arm managing distinct tasks somewhat simultaneously and sharing information into the network to inform and support the others.

It is important to emphasize that the CCC Network is distinct from international NGOs with national offices, such as Oxfam, Human Rights Watch, or World Wildlife Fund. Some local or issue-specific staff within large international NGOs participate directly in CCC Network campaigns and strategy meetings while also running their own parallel or complementary campaigns. The nonhierarchical approach of the CCC Network helps it stay more agile and function differently from autonomous international NGOs or the more structured global union federations (GUFs), but Zeldenrust notes that the need to build consensus-based campaigns can take more time to launch the longer-term campaigns. Yet the CCC has proved time and again its ability to mobilize quickly when crises occur. The combination of flexibility and consensus-based decision-making are important aspects of the CCC's effectiveness. Consensus building facilitates members' collective ownership of campaigns, and the responsiveness and flexibility builds trust and helps participating organizations engage easily in bilateral projects either within the network or independently of it.

### 3.1.2 The strategies

The strategies of the CCC Network and those of the global South allies engaged with it have influenced each other over time. What resonated throughout the interviews was the tension between maintaining the ability to respond to worker crises while also building a longer-term strategy to drive structural reforms in the industry. The responsive nature of many CCC campaigns has helped maintain its connection to groups that are doing the base building, organizing workers, and exposing harms. The commitment to crisis response has often made longer-term policy advocacy challenging, as work plans would have to shift when an ally faced criminal charges, or a factory collapsed. Over

time, however, mutual support structures have evolved to enable collaboration on advocacy for more structural reforms. This is not to say there is complete overlap in mission and agenda between the national CSOs and the international campaign, but over time their alignment has increased, and global South members in the network have assumed leadership roles and increasingly shaped the Network's agenda.

The CCC mission statement (Box 2), true to its solidarity protest roots, emphasizes activities that are responsive, including solidarity with workers, urgent appeals, and specific casework requested by workers. These activities follow the lead of grassroots workers' organizations. They are in addition to the CCC's more globally focused work, which includes actions such as lobbying for regulations that hold global corporations liable through stronger MHRDD laws, pressing for company reforms, and raising awareness among consumers and policy-makers. Notably, neither the CCC mission statement nor the activities highlighted mention *capacity building*. Instead, they talk about empowerment and mobilizing. The following summary in Box 2 is drawn from the CCC's Global Strategic Framework (GSF) for 2021–26, a ninety-page document developed through regional consultations.

#### **Box 2. Clean Clothes Campaign Mission Statement**

The mission of the CCC Network is to “work to structurally improve working conditions and support the empowerment of manufacturing workers in global garment and sportswear supply chains so that governments protect employment rights and human rights, companies respect these rights and workers have access to remedy for violations of these rights.” Functionally, this means its activities include “solidarity with workers; lobbying for regulations; pressure on companies; urgent appeals and specific case work requested by workers; awareness raising and mobilizing individual and collective action.” It also works on a broader, systemic level “to advance legislation and calls for binding mechanisms to advance workers’ rights; improving public and private procurement requirements; strengthening the functioning and influence of the network; and building alliances to transform the business model and strengthen the global movement for workers’ rights, human rights and gender, economic, social and environmental justice.”

Source: CCC n.d.b.

In addition to being responsive, the CCC mission statement emphasizes the aim to “structurally improve working conditions” and places equal emphasis on government protections and companies’ respect for workers’ rights and access to remedy (CCC n.d.b). The CCC has often been referred to as a consumer campaign—known for its shop front protests and awareness raising—but in many ways the consumer campaigning has served more to mobilize activists than to change mainstream shopping habits. Thus, over time the CCC has focused more on campaigns that build social movements and pressure corporations, building on past social movements of feminists and trade unions. The movement-building work relies on time invested in consensus-based decision-making and trust built from years of urgent-action responsiveness to global South crises.

When asked how the CCC Network supports her organization, Akter notes, “The CCC Urgent Appeal Process is very powerful.” She explains:

CCC along with ILRF and WRC and others played a great role when BCWS faced the crackdown back in 2010, when Aminul [Islam], Babul [Akhter], and I were arrested [for a month] and our registration was revoked. Also there was amazing support in 2012 when our colleague Aminul Islam was killed. We worked more closely with them after the Hameem [That’s It Sportswear factory] fire, then Tazreen, Rana, and now on monitoring the Accord. We never stopped. Also, when allies in other countries were facing problems—Myanmar, Sri Lanka, India, Cambodia, Pakistan, or Thailand—whoever was facing a crackdown or any violation or whenever our voice was needed, we were always in there.<sup>19</sup>

Yet CCC leaders have also brought together forward-thinking analysis about how to address inequality in the global economy, much of it driven by global South analysts. In the 2005 publication *Made by Women: Gender, the Global Garment Industry and the Movement for Women Workers' Rights*, the CCC compiled interviews with the women leading the CCC Network—women from both the global North and global South—in which they share their policy analysis and vision for justice in the global economy. In it, Zeldenrust signals the important North-South links and influences from the early years of the CCC: “I took inspiration from the Southern feminist critique of development that came out at the time of the NGO Forum held parallel to the Third UN World Conference on Women in Nairobi in 1985. More specifically I think it was the Indian economist Devaki Jain, one of the founders of DAWN,<sup>20</sup> who called upon activists in the North to pressure ‘their’ multinationals for their role in what was going wrong at the macro-economic level” (Ascoly and Finney 2005, 52).

Thus, the CCC’s advocacy has always worked toward securing legally binding pathways to ensure brands uphold their commitments to ensure decent working conditions. The CCC is a leading advocate for enforceable brand agreements (EBAs) or what is also referred to as worker-driven social responsibility (WSR)—initiatives that focus on securing a binding agreement from Northern MNCs. Although CCC member organizations in North America and Europe are often the public proponents of such agreements, the vision and inspiration for such initiatives comes from global South analysts and organizers. These demands build on advocacy initiated during the 1970s when the UN Commission on Transnational Corporations provided a platform for global South governments seeking to address the political and social impact of northern corporations.

Another example of global South leadership within the CCC Network can be seen around AFWA’s work on living wage advocacy. AFWA argued for creating a regional floor wage to prevent neighboring countries from competing against each other by suppressing wages and for strengthening regional collaboration among workers’ organizations. CCC supported the AFWA campaign launch, which drew on analysis developed by independent trade union leaders in India.

Today AFWA is an Asia-led international alliance of unions, worker collectives, and labor and human rights organizations. Originally, most of its members were also part of the CCC Network, but their membership has expanded. AFWA pioneered a global South union-based cross-border approach to wage bargaining in global garment supply chains and provided clear arguments that illustrate how decent wages are integral to other rights (AFWA 2017). AFWA’s founding coordinator, Anannya Bhattacharjee, explains how the project was established by frustrated organizers trying to secure better wages: “We had to pose this demand to the brands who were paying insufficient prices to suppliers in production countries, which meant the revenue produced was not enough to give living wages to workers. So we realized that it was not a demand we could make of the supplier. It had to be a demand to the brand and it could not be one union demanding or one country demanding as that would simply lead to brands relocating their sourcing as their strategy is to make countries compete against each other in the region. We had to frame a cross-border wage demand and unite labor across the region.”<sup>21</sup>

These links were not immediately obvious for many of the social auditing initiatives, nor was the concept of a regionally defined wage. Before AFWA formed, living wage analysis always involved time- and place-specific data analysis of the cost of living and the local poverty line, which was done in an isolated fashion. Like everything with codes of conduct, it was a top-down approach, but not one that considered the way MNCs bargain shopped by region, incentivizing employers to push for the national minimum wage to be lower than that of neighboring countries. Linking the concept to regional bargaining power across national borders was groundbreaking. The CCC promoted those demands internationally and helped make them a reference point for campaigners such that multi-stakeholder initiatives and social auditing programs had to consider AFWA’s bottom-up analysis. Moreover, AFWA’s approach to the analysis provided hands-on experience to national unions on how to substantiate their wage negotiations, and it laid the groundwork for global South leadership in present-day international wage campaigns.



In 2020, the CCC Network, together with AFWA, the Worker-Driven Social Responsibility Network, and dozens of endorsing organizations, launched a website for a global living wage campaign called Wage Forward. The campaign calls for apparel companies to commit to a program wherein they pay 24 percent on top of the contracted price and work with factories to ensure that money transfers directly into increased pay for workers in their factories. The wage increases sought have been developed through a consensus-based process among member organizations. And they are well researched based on clear methodologies and worker-led analysis—capacity that AFWA started to build fifteen years ago. The pandemic, and the need to respond to massive layoffs, unpaid severance, and other forms of wage theft, delayed the campaign, but Wage Forward is again a priority campaign supported by a growing number of organizations.

The CCC's pivot during the pandemic is a clear example of the constant tension between responsive and proactive strategies. Yet the CCC's GSF includes an analysis of the global apparel industry and specific strategies that outline a clear concept of longer-term reforms. It includes seven 'domains of change' where the CCC is advocating for structural reforms to the industry: (i) freedom of association and the right to bargain collectively; (ii) employment relationships and social protection; (iii) living wages; (iv) worker safety and health; (v) a just transition to a new business model; (vi) legislation, regulation, and binding mechanisms for corporate accountability; and (vii) building the CCC Network's leverage and power. Constructing the GSF took several years of regional and national network meetings to build consensus and design something that incorporated the interests of all members. Notably, the first three of seven domains relate to diverse efforts to secure better compensation for workers, and the COVID-19 pandemic has further highlighted the importance of these.

When asked for his perspective on CENTRAL's engagement with the CCC Network, Moeun notes several ways he has collaborated with the CCC on wage-related issues, starting in 2003 when the CCC helped workers secure wages owed. He notes the CCC's support for campaigns to raise the minimum wage in 2014 when the government cracked down on protesters and during the COVID-19 pandemic when multiple campaigns were launched to demand that brands pay for canceled orders and to fight for wages owed to workers. CENTRAL conducted field research on the lack of payments to factories and workers in Cambodia during the pandemic, which was incorporated into global reports; the WRC's *Fired, then Robbed* credits CENTRAL directly (WRC 2021). The CCC and AFWA also turned around publications quickly, with the CCC releasing *Un(der)paid in the Pandemic* in August 2020 and AFWA releasing *Money Heist* in September 2021.

The speed with which apparel campaigners mounted two new campaigns during the pandemic is impressive. Remake, a relatively new apparel-focused campaign NGO, launched an effective social media campaign called #PayUpFashion to expose how brands canceled orders. Soon after, the CCC launched #PayYourWorkers, knowing from experience it would need to move the focus from brands paying to ensuring the money reached workers. The Pay Your Workers campaign, which has involved Akter and other global South leaders, is designed to be a longer term campaign, setting out two demands: that brands ensure workers are paid and that they commit to paying into a wage assurance program to prevent future wage theft. Of the forty-six apparel retailers and brands reviewed and contacted during the pandemic, twenty-five committed to paying for orders, but twenty-one have made no commitment (WRC 2021a). As of July 2022, the WRC and the Penn State Center for Workers' Rights estimated that of the US\$40 billion in unpaid orders, about US\$22 billion have been paid—to the factories.<sup>22</sup> The challenge of ensuring funds reach the workers continues, an ongoing issue among many the CCC highlighted on its weekly blog telling the stories of how workers struggled during the pandemic.<sup>23</sup>

The effect of these campaigns, combined with social media campaigns and protests in the United States and Europe, was a steady drum beat of pressure on the brands to pay up, which continued, even after the pandemic mask mandates ended. In May 2022, the Solidarity Center and the WRC worked with Triumph International Workers' Union of Thailand to secure one of the biggest back pay settlements yet when Victoria's Secret agreed to assist its supplier, Brilliant Alliance, in financing US\$8.3 million in unpaid severance and wages owed to twelve

hundred workers. Dave Welsh from the Solidarity Center praises the work of the local union's Secretary-General, Jitnawatcharee Panad, and notes that the Center's offices will continue working to support local unions on similar legal claims.<sup>24</sup> Although neither the WRC nor the Solidarity Center are campaigning organizations, campaigners hope the continued drum beat and the publicity around the Victoria's Secret settlement will help inspire other apparel trade unions to continue their fight.

In many ways, the CCC commitment to urgent-action responses and brand-by-brand campaigns mirrors the bottom-up agenda-setting and factory-by-factory organizing of its partners in the global South. The national organizers interviewed for this study are aware of the limits of industry campaigns, but they also see the CCC Network's brand campaigns as helpful to the broader movement they are building nationally. Akter explains that in Bangladesh, workers have so little influence in politics because "our Senators are also factory owners and investors," so they need to leverage brand influence. Moeun thinks it was important to collaborate on the above-referenced wage theft papers during the pandemic, and he appreciates the support from the CCC Network in helping to resolve specific factory cases.

Moeun emphasizes, however, the need to prioritize the drive for national reforms. When he interviewed to join the CCC's global strategy board in December 2020, Moeun stressed how the shrinking democratic space was undermining the fundamental rights of workers and asked the CCC to focus more on the political context affecting its work.<sup>25</sup> Moeun feels his comments were well received by the other board members. The CCC's revised mission statement in Box 2, above, reflects the growing policy work covered by the network, also evidenced by the CCC's submission to the Office of the United Nations High Commissioner for Human Rights during the UPR of the Cambodian government's human rights record.

The CCC Network's strength lies in its octopus-like approach to organizing, where each arm functions independently yet in a coordinated fashion. Member organizations have independent reputations and autonomy in the ways they contribute to a given campaign. They also have influence within the network. Over time, the various CCC members have pulled together to build a body of knowledge and to move agendas not only in response to individual cases but across the industry as well. As a result, the network has become increasingly Southern led. Akter notes the change: "When we started working with CCC, my understanding was it is a top-down approach. Maybe at some point it was like that, but I have started seeing a different CCC. In 2014 I saw the power dynamic has changed. It is a network now. The network has equal positions within it. I've never seen that it's power-hoarding. It's more the people want to share. They want to give you a space."<sup>26</sup>

### 3.1.3 Achievements: From rapid response to industry reforms

If one were to analyze any single CCC campaign, it may appear to be driving a transactional negotiation for workers' back wages or advocating on seemingly technocratic issues such as supply chain transparency. Yet each negotiation is used to help build on or set a precedent. As corporations implemented administrative or technocratic reforms, such as increased reporting and transparency, campaigners were able to leverage them to call out flaws or put forward demands. That is where the movement building becomes essential, and quite possibly the CCC's greatest contribution is supporting regular convenings and South-South exchanges among members. Viewed comprehensively, the CCC's overall body of work has been to influence a fundamental shift in the entire genre of corporate campaigning and how corporate accountability is understood. When the CCC started in the late 1980s, activists in the Americas and Europe could barely get apparel brands to accept any responsibility for abuses in their factories abroad, even the ones they owned.



**Figure 3. Pay Your Workers campaign**



Ineke Zeldenrust at a Pay Your Workers campaign protest in Amsterdam.

*Credit: CCC Network*

When Zeldenrust was asked what she considers to be the network's most significant successes over the past twenty years, she lists three cases that helped secure new forms of legal recourse for workers:

- The Bangladesh Accord
- The Kik case in Pakistan, which secured a precedent-setting additional US\$5 million payment to the families of workers who had died and the workers who were injured in the Ali Enterprises fire that killed 264 apparel workers on September 11, 2012<sup>27</sup>
- The Play Fair Campaign in 2004 with the CCC's Hong Kong partners, which exposed labor rights violations in sports shoe companies and opened the space to negotiate with the brands and later secure the Indonesia Protocol, which was the first signed commitment between brands and national unions to take action when organizing rights came under threat; this precedent was an important reference point when members developed and put forward the proposals that later became the Bangladesh Accord.

It is noteworthy that Zeldenrust's focus is on specific campaigns and not the CCC's broader impact on the industry. These are more difficult impacts to claim, but the campaign successes are cumulative in a way that is connected to a broader set of advocacy goals shared across the network and influential beyond the apparel industry. Each case involved dozens of organizations working together across continents and over years to achieve success, which was made possible by the interconnected platform, trust, and common strategies built up over decades. For example, the campaign to secure a payment from Kik to the victims of the Ali Enterprises fire in Pakistan is a campaign that Akter, whose work focuses on Bangladesh, also worked on and cites as important. Winning the settlement required drawing on a decade of advocacy around worker compensation after similar tragedies in Bangladesh. The Bangladesh Accord also drew on lessons learned from other agreements between unions and brands, particularly the Indonesia Protocol and an agreement negotiated between Fruit of the Loom and the CGT trade union in Honduras with support from WRC and the Solidarity Center (Arengo 2019).

Notably, there are critiques of each case from other labor rights advocates and analysts, particularly of the high-profile Accord. Some analysts have criticized the Accord for not having a broad enough scope (only adding organizing rights in subsequent negotiations) or for having been primarily Northern driven (C. Huq 2020). The first critique fails to understand the nature of collective bargaining and the constraints organizers faced at the time; the unions and NGOs considered adding more elements to the agreement, but they were being actively undercut by

the US-led Alliance for Bangladesh Worker Safety program, which did not require a binding agreement from the brands. In any negotiation there is a moment when decisions need to be made on which asks are prioritized and what the window of opportunity is to secure those or push for more. The apparel brands were looking to move quickly after the collapse of Rana Plaza; to dramatically renegotiate segments of the already agreed upon Fire and Building Safety Agreement, would have resulted in many brands joining the Alliance or turning to the dozens of technical consultants offering their services. The second critique is equally important to address because it calls into question which groups drive change and whether change is from the top down or bottom up. Looking at how the CCC Network functions, it becomes clear that both approaches to change are at play. The Northern members of the network are most often cited in the international media, often to avoid increasing the risks national organizers already face and because their role is to call out the global brands and generate the media pressure to demand that brands are accountable for their suppliers' abuses. The global South members, however, have long been driving the campaign agenda by bringing cases of wage theft and worker demands to the international coalitions. In the case of the campaigns for fire and building safety in Bangladesh, BCWS, the independent trade unions, and other NGOs had been listening to worker concerns, documenting factory fires, and writing to factory owners prior to engaging the CCC. By the time Rana Plaza collapsed, however, they had been working for two years on a proposal and campaigning for brands to make a meaningful commitment.

The broader critique of the Accord is that it has not changed the apparel industry's business model (Saxena 2020), a critique that emphasized the indisputable fact that the industry has continued to grow and that brands were paying even less for products than they did prior to the collapse of Rana Plaza (Anner 2020). Yet in many ways, the Accord has opened the door for deeper reforms to the industry more than any other effort, reforms the CCC continues to promote through new EBAs and in its advocacy for MHRDD laws to include legal remedy for victims.

## **3.2 Bangladesh Center for Worker Solidarity**

### **3.2.1 Origin and vision**

BCWS set out to organize and build an agenda from the bottom up. It did not set out debating whether the action items it identified with workers were going to drive systemic change in the global apparel industry. It needed immediate solutions to support the workers coming to the center for legal aid and know-your-rights training. Over time, however, BCWS has come to play a critical role in advocating for systemic changes in the apparel industry nationally and internationally.

BCWS was founded in 2000 by Kalpona Akter, Sheikh Nazma, and Babul Akhter, all former workers who had become organizers with BIGUF. They wanted to expand the scope of their work to organize workers in different sectors and to provide more diverse services to workers, although the ups and downs of the apparel sector have occupied most of their time. Akhter has since become the founding Secretary-General of BGIWF, which is registered to organize in diverse industrial sectors. BCWS maintains a close affiliation to both BIGUF and BGIWF, often connecting workers in their training centers to the unions, and Akter was elected President of BGIWF in 2019, a position that comes with responsibilities to participate in the global union federation, IndustriALL, and the Bangladesh Garment Workers Unity Council. Akter also joined the global board of the CCC Network in 2022 and the coordinating committee of the Worker-Driven Social Responsibility Network in 2019.

**Figure 4. End gender-based violence at work**



This demonstration, organized by BCWS, called to end gender-based violence at work and for Bangladesh to ratify ILO Convention 190 on Violence and Harassment in the World of Work.

*Credit: CCC Network*

BCWS's work is organized upon four pillars:

- A living wage for workers regardless of sector, but mainly focused on garments and textiles
- A safe workplace for workers
- A union voice at the workplace
- A workplace free of gender-based violence

Akter explains how all four of these issues are essential to workers and are interdependent:

If we have a union, through the union we can negotiate solutions to address 80 percent of our issues—if we are free to exercise that right. Gender-based violence: sometimes even if you have a union that doesn't cover everything because we are not addressing gender-based violence only at the workplace. We are addressing that in the community. Women face risks in those areas as well. Safe workplace: of course, it is important because you don't want to see the workers die in the hundreds like Rana Plaza. We have suffered enough. No more. Living wage: our workers don't have buying power at this moment so they cannot afford good nutrition. They cannot afford all the foods they need, which is important because the women, who are working for this industry, they are the backbone of the industry, they dream to send their children to school and due to the lack of a living wage they cannot do that.<sup>28</sup>

In 2022, after apparel workers were laid off en masse because of the COVID-19 pandemic, BCWS reassessed its strategies and added a fifth area of focus: child labor. Given the rise in child labor and the team's consultations with workers coming to its centers, BCWS decided it needed to expand its focus to include the situation of apparel workers' children and also those of informal sector workers.<sup>29</sup>

BCWS runs eight worker centers, where it provides know-your-rights training and legal aid and helps connect workers with independent unions such as BIGUF and BGIWF. The issues it prioritizes have come out of focus group sessions with the workers. Akter describes BCWS's bottom-up approach to advocacy in the following way:

Our strategy is that workers will be raising their voices from the bottom of the supply chain so it will be heard by the manufacturers here, then it can be a national demand as well. We are trying to work with other union federations as well here. If it is a collective voice, not only what BCWS proposes, that will make it stronger. So, from workers to the union level to federation level, then we will be bringing the demand forward; already, we are discussing on a national level the demand for a living wage. We need to talk to the government. We need to talk to the brands as well. Whenever we get a chance, we're raising all these issues, especially the living wage issue.<sup>30</sup>

Throughout its history, BCWS has tried various avenues to advance its goals, including providing factory trainings on fire safety, organizing massive rallies for better wages, supporting worker organizing drives, and providing childcare and workshops for female workers to talk about their experiences and struggles with gender-based violence at work and in the community. Not surprisingly, the government and factory owners welcomed the more technocratic safety training but pushed back hard when the worker rallies grew large.

### 3.2.2 Strategies: From national organizing to transnational networks

When asked how BCWS's work has evolved and how it has been impacted by international collaborations, Akter retraces the group's advocacy in relation to Bangladeshi employers and the government. Both the BCWS's fire and building safety campaigns and its advocacy for a higher minimum wage focused on national actors, but the recalcitrance of employers and persecution by the government pushed them closer into the international coalitions. On the issue of fire safety, BCWS started in 2005 with a broad appeal to Bangladeshi factory owners; meanwhile, its advocacy for a higher minimum wage focused pressure on the government's wage-setting decisions. Both BCWS and BGIWF deepened their engagement with international campaigns after their leaders were arrested for advocating for a better wage. That engagement became even more intense when the factory fires kept happening. The more Akter engaged in international advocacy, the deeper her understanding became of the necessary structural changes to global supply chains and related international regulations.

Akter has consistently advocated for pressure on the Bangladeshi government to enact reforms and to better regulate the global brands' impact on the sector. She has testified in the US Congress and informed both US and EU policy-makers about the situation in Bangladesh's apparel sector. Although she is often called out for being critical of Bangladesh abroad, Akter has openly discouraged any calls for a boycott and has admonished brands to not cut and run. And although BCWS's advocacy goals are meant to help apparel factory owners by demanding the brands share in the burden of upholding national and international standards, factory owners view this as an external imposition (R. Huq 2020).

BCWS' highest-profile campaigns have been around better wages and factory safety. Both are about survival and are deeply intertwined. If workers earn too little to refuse dangerous work, they are at even greater risk; this is exactly what happened to Rana Plaza workers who were forced to choose between working in a clearly unsafe building and a month's wages.

Akter explained how the BCWS's factory safety campaigns started around 2005 when the Spectrum Factory collapsed, killing sixty-four workers. According to Akter, BCWS made an appeal to factory owners: "We were campaigning for two issues. One of them, safer workplaces and the other one was the realization of the right to leave the factory. For these two things, we sent two different individual letters to individual factories; 3,500 and



3,500, like 7,000 letters to know where they are with the safety in their factories.”<sup>31</sup> In response to their letters, some factories invited BCWS to deliver safety training to workers and managers. But this training could have little impact. Notably, when the Bangladesh Accord conducted inspections of eighteen hundred factories in 2013, none had the legally mandated fireproof stairwells, and correcting that problem took months because the necessary fireproof doors were not available in Bangladesh.

When asked how the BCWS team went from being invited to train workers and managers inside the factories to then getting arrested a couple years later, Akter explains that for BCWS, wages, safety, women’s rights, and organizing rights are all tied together: “If workers are desperate for every dollar earned or women are intimidated by their managers, then workers are too afraid to speak up when they see dangerous conditions.”<sup>32</sup> Fire safety training could not change that, especially when the factories lacked unions and workers had no way to raise concerns without fear of reprisal. In this context, the only means for workers to voice their concerns with employers was through protests.

Unlike the problem-solving approach it had tried with safety training, BCWS recognized that raising the minimum wage required strengthening the national worker movement, which in turn provoked the government. The minimum wage-setting process has become more violent each time. Each of the past three times the Bangladesh government raised the minimum wage—2010, 2013, and 2018—frustrated workers protested the meager increases by walking off the job and marching in the streets. Each time the government cracked down more harshly than the last, arresting hundreds and even firing upon workers and killing one in 2018 (WRC 2019).

Following protests over an inadequate wage increase in 2010, Akter was arrested along with BCWS’s cofounder and now Secretary-General of the BGIWF, Babul Akhter, and BCWS’s lead organizer, Aminul Islam, for allegedly inciting a riot and organizing worker protests. Akter recalls, “In August 2010 Aminul, Babul, and me were arrested because the government blamed us for workers’ protests about the minimum wage even though we did not call for a march and we were not there during the protests. But workers had been coming to us beforehand asking for our support. They were angry because the minimum wage increase was so small.”<sup>33</sup>

With this pressure, BCWS needed international support. Its NGO registration was revoked in June 2010 and would not be reinstated for two years, costing the BCWS foundation support and leaving the organization to rely on solidarity donations from international human rights NGOs and trade unions (CCC n.d.a). Following the international outcry and lack of evidence presented, all three were released. However, the charges continued to hang over their heads, and they were required to regularly show up in court, creating a huge drain on their time in addition to the heightened risk of being jailed again.<sup>34</sup> This pressure was heightened after Islam was found murdered in 2012, with his case having a chilling effect among organizers.

Prior to the arrests, BCWS was organizing rallies for one thousand workers in one sitting in Bangladesh. After the arrests and the factory tragedies, BCWS was catapulted to much larger audiences at the United Nations, the US Senate, and other international venues and the press. It was at this point that crises started to occur every year, and Akter quickly became articulate on international trade and development policy. Following their arrests in 2010 and the kidnapping and murder of Islam, Akter and Akhter decided to engage internationally. The only course of action was to continue to speak out publicly and to build a bigger movement by organizing workers. International engagement became even more important in November 2012 when a fire at the unauthorized Walmart supplier, Tazreen Fashions, killed 112 workers. Akter agreed to make her longest trip yet: a three-week tour with Tazreen survivor Sumi Abedeen to expose the truth about the horrific fire.

Although Akter’s pictures showed that most products on the workshop floor were for Walmart, the company’s refusal to take responsibility or to contribute to a worker solidarity fund made clear how important it would be to press brands for a binding commitment. Akter had already been collaborating with the CCC and other Northern allies on the proposal for a binding agreement between the brands and the unions, the one that would evolve

into the Accord. The Tazreen experience clarified for Akter how much Bangladeshi workers needed an agreement that did not allow brands to blame a supplier and walk away—as Walmart did, without ever explaining why it had found Tazreen objectionable and had stricken it from its approved subcontractor lists. Walmart, which had also been implicated in the 2010 That's It Sportswear factory fire (CCC 2013), might have had auditors on high alert to look out for fire hazards. But if fire hazards were the reason Tazreen was disqualified, Walmart's confidential auditing system was not set up to share that information, even with the authorities.

**Figure 5. Campaigning for the Bangladesh Accord**



Kalpona Akter leads a demonstration in support of the Bangladesh Accord.

*Credit: BCWS*

These were exhausting and stressful years for Akter, who traveled constantly, still had criminal charges hanging over her, and suffered nightmares from her time in jail, which worsened after Islam's murder. Yet Akter recalls what kept her going during this time: "I was so lucky to be able to travel with the students from USAS and with great workers like Sumi [Abedeem]. Sumi was so brave; she survived because she jumped from the third story window, because she wanted to make sure that her mother could find her body."<sup>35</sup> On the day that Rana Plaza collapsed, Abedeem was staying with Akter in the home of Pramila Jayapal, now a congresswoman from Washington State; they were half-way through a seventeen-city tour to educate US consumers and activists about the poverty wages and deadly conditions in apparel supply chains.

Akter and Abedeem were instantly in the center of the media coverage. Akter became the most effective advocate for the Accord, making multiple trips with survivors to join worker tours in the United States and Europe, speaking to student and activist groups as well as elected officials. In 2014 she traveled with Reba Sikder, who had survived the Rana Plaza collapse (Nunez 2014). In 2015, Akter was traveling with another Rana Plaza survivor, Mahinur Begum, when they joined a protest at The Children's Place headquarters in New Jersey and the group was arrested. CCC Network members in the United States (ILRF, USAS, and the WRC) used the case to pressure the company, which finally contributed US\$2.4 million to the Rana Plaza victims' fund.

### 3.2.3 Achievements and challenges in advancing systemic reforms

Akter regards BCWS's base building as one of its greatest achievements. She particularly values that workers come to BCWS to seek legal aid, training, and other support from BCWS's eight worker centers in key manufacturing communities. Following the collapse of Rana Plaza, more funding flowed into Bangladesh for trade unions and workers' rights advocates such as BCWS. Yet Akter notes that those funds are beginning to decline despite the need to continue to support workers and monitor the implementation of both the RSC and the new International Accord.

When asked about the criticism of the Accord for being driven by Northern campaigners and narrowly focused on safety, she explains that these appraisals tend to ignore the political climate in Bangladesh and the multiple ongoing campaigns. Rana Plaza collapsed a year after Islam was kidnapped and murdered, a clearly political crime that had a chilling effect on the Bangladeshi labor movement. BGIWF, BIGUF, and NGWF had all signed onto the Bangladesh Fire and Building Safety Agreement, which was the precursor to the Accord and had been in frequent discussions with Northern allies on the proposals. Meanwhile, CCC allies were still campaigning to raise the compensation funds from the brands for the victims of the That's It Sportswear factory fire in 2010 and the Tazreen Fashions fire in 2012. The US unions and other allies were also pressing the US Trade Representative to withdraw Bangladesh's trade benefits under the US General System of Preferences for continuing repression of workers' organizing and collective bargaining rights (Karesh 2014).<sup>36</sup> Akter notes, "Maybe we didn't include everything we were campaigning for, but we had an opportunity [after Rana Plaza] to move something forward that was stronger than anything else before and we did that."<sup>37</sup>

Akter acknowledges that for the Northern campaigners the priority in structuring the Accord was to establish a means to pressure 'their' MNCs, as Jain had called for (Ascoly and Finney 2005, 52), but she views that as a natural division of labor within the coalition. To that end, the Accord set precedents for both the Bangladeshi unions that helped negotiate and signed the agreement with the brands and the Northern campaigners who had long sought to define binding duties for Northern MNCs.

Akter has become nationally and internationally known and respected by many analysts, even though she and her organization are still monitored closely by the government. Despite being right about the fire and building safety hazards, BCWS and its allies still need to work to be heard. When asked about how she balances her work with the TSCANs and the need to find time to drive local solutions, Akter notes that BCWS has continued trying to change the labor law and address the demands of the workers coming to its centers. She emphasizes, however, that national advocacy strategies are not enough: "Locally power is imbalanced, so our voice is not being recognized all the time. That's why we are doing some things on the international level, asking the brands to do something because we can apply more power out there rather than applying power here."<sup>38</sup>

In 2021, more than twelve years after first being arrested and facing criminal charges, BCWS leaders were again threatened, this time by the owners of the Abanti Colour Tex factory. After the factory cracked down on worker organizing, BCWS wrote to the apparel companies about the case and the brands contacted the factory. The factory then sued BCWS, claiming that BCWS could not talk to actors outside of the country. As a result, the offices of BCWS were increasingly surveilled. Akter concludes, "We are used to the surveillance. They watch us often. I tell my mom there may be a day when I don't come home. But we have to continue to demand change."<sup>39</sup>

This is the great irony: if Bangladeshi workers' organizing rights had been protected, they might not have sought out and found international points of leverage. They, too, had sought national solutions, as Rubana Huq advocates. Bangladesh's development strategy, however, set the course for the level of international cooperation among civil society advocates that the Abanti Colour Tex managers now bemoan. Akter observes, "Our voice has always been considered as a critical voice in Bangladesh. Even though they should thank BCWS, thank the other organizations who were involved in setting up the Accord, which brought in a lot of investment to improve the industry. But the Bangladesh government and employers always thought that it was imposed on them."<sup>40</sup>

### 3.3 Center for Alliance of Labor and Human Rights

#### 3.3.1 Origin and vision

CENTRAL was founded in 2014 by Tola Moeun and colleagues who came out of CLEC. They were encouraged by the way Cambodians took to the streets to protest the stolen 2013 election and decided they needed a broader strategy. Moeun was prepared to use his savings to finance the new initiative, but several colleagues from CLEC joined him, and the organization found support from international allies who quickly helped them stabilize the work. Moeun describes how they were looking to move beyond working case by case to focus on the root causes of the problem. To this end, CENTRAL's vision and mission are oriented toward building a broad social movement and providing services such as legal aid and media outreach to support all working people in Cambodia. The organization's approach builds on 'social movement unionism' ideas that Moeun says draw from their allies in the Philippines and other countries in the region and through the labor networks. For CENTRAL, this has translated into two parallel bodies of work on both national political reforms and labor rights policy advocacy.

In recounting the vision and mission that drive CENTRAL's work, Moeun notes,

Learning from the experience in 2013 and early 2014, we saw millions of people, over 1 million people coming from rural areas, coming from different sectors—the textile workers, food workers, construction workers, all the workers from the other sectors, including the farmers and so on. But those people were not well organized. The alliances across sectors were not strong. We knew we needed to do more than just advocate and we needed to give real power to the people, to organize and mobilize the people.<sup>41</sup>

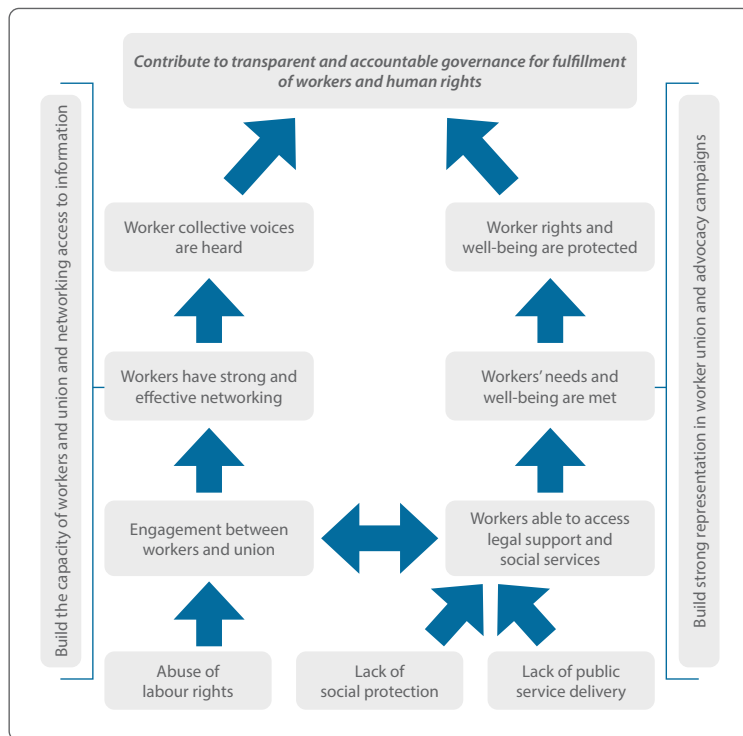
This vision translates to a work plan that combines legal aid, research, communications, and movement building. Moeun, who considers himself a Social Democrat, emphasized how CENTRAL's work focuses on social movement unionism, a vision outlined in CENTRAL's theory of change diagram, which appears in its 2020 strategic planning documents. As shown in the diagram (Figure 6), there are three issues to be addressed: the abuse of labor rights, lack of social protection, and the lack of public service delivery (CENTRAL 2020). The first of the three feeds into what is traditionally seen as the role of trade unions: organizing to make workers' collective voice heard. The other two, however, feed into a series of activities connected with broader social justice work to ensure workers' rights and well-being are protected. Both work streams feed into the core goal of advancing transparent and accountable governance.

CENTRAL works on international policy advocacy—leveraging corporate pressure to address supply chain issues—and supports the Cambodian labor movement. Moeun explains how the Cambodian labor movement needs to be transformed and strengthened: "In Cambodia, we have quite a lot of unions, but most are not independent. They are controlled by the ruling party, they're controlled by the management, or some unions are just set up for their own benefit. Truly, not the benefit of the workers."<sup>42</sup>

Recent examples of CENTRAL's range of work include organizing events to commemorate International Human Rights Day on December 10 and International Women's Day on March 8, documenting workers who were not paid due to COVID-19 cancellations and working with the CCC Network to press the apparel companies for payments. They also mobilized to provide food to people stranded by COVID-19 lockdowns in Phnom Penh's red zones, the neighborhoods designated as hot spots where the military kept people from going in or out. When COVID-19 rules prohibited large gatherings, CENTRAL and its allies redoubled their efforts and held many small gatherings and events online.



**Figure 6. CENTRAL's theory of change**



Source: CENTRAL (2020)

Cambodia's Prime Minister, Hun Sen, has moved aggressively to limit the civic freedoms and monitor the activities of independent NGOs and trade unions. Although the charges filed against Moeun in 2017 were dropped, CENTRAL's offices are still watched closely. Yet CENTRAL continues to advocate for legal reforms, monitor UN deliberations, and meet regularly with ambassadors from countries representing key trading partners and aid donors. CENTRAL's work on the overall human rights context and the politics of closing civic space is in addition to and helps inform its collaboration with the CCC Network. Moeun has spoken publicly about his criticism of the Cambodian government's abuse of workers' rights and human rights. He testified before US congressional commissions in 2009 and 2019. He has also spoken with European ambassadors about systemic workers' rights abuses in Cambodia.

Moeun explains his vision, which he developed after working in the labor movement for more than twenty years:

If we just advocate with the owner of the factory, the multinational company, for the better working conditions, it just never ends because we can't fix the problem case by case only. We need to look at the main root cause. I came to the conclusion that labor rights can be improved, labor rights can be respected, if the democratic space is guaranteed. When the people can have their voice represented effectively in the National Assembly, then they can hold the duty-bearer accountable for the social contracts that they committed with the people.<sup>43</sup>

### 3.3.2 Strategies: From national organizing to transnational networks

In its efforts to build a broader movement, CENTRAL engages nationally with trade unions, human rights organizations, and women's rights groups. It actively participates in multiple platforms, particularly Forum Asia for its human rights work and the CCC for its labor rights work. Forum Asia works on lobbying and advocacy at the United Nations, bringing together diverse Cambodian NGOs focused on land rights and human rights in general. Both Forum Asia and the CCC Network help member organizations consolidate and strengthen their advocacy messaging. Forum Asia brings together analysis from multiple sectors to present a stronger set of comments to the United Nations, and the CCC uses similar strategies internationally in relation to the brands.

Moeun's first engagement with the CCC was in 2003 when he was helping workers secure back wages and fired workers to be reinstated. Moeun documented workers' cases, and the CCC pressed the apparel companies to intervene. This was risky work, and Moeun's labor NGO had little support or means to protect him or the workers. He recalls a time when he was threatened at gunpoint for his work: "The police who worked as the security guard

at the factory just pointed the gun at me when I was trying to explain to workers about the labor law, especially on overtime and working hours. The guy pushed me out of the worker dormitory and when I resisted leaving, he pulled the gun and pointed it at me.”<sup>44</sup>

Around that time, Moeun called the CCC to help with another case to pressure Asics, the Japanese sneaker brand, to help secure worker compensation from a supplier factory that did not provide legal payment or compensation to the workers when it shut down. After these cases, CLEC joined the CCC Network in 2006, and Moeun started attending regional and international network meetings to strategize with peer organizations.

In addition to collaborating with the CCC on the BFC report discussed above, Moeun has worked closely with the CCC and allied members such as the WRC and ILRF (and now Global Labor Justice–ILRF), as well as Human Rights Watch, to conduct field research and report on labor rights problems in apparel and other sectors. Since founding CENTRAL, Moeun has become increasingly active in the CCC Network, first as a board member of the CCC’s Southeast Asia Coalition and more recently by joining the CCC global board. Moeun discusses his contributions within the network, particularly in getting members to understand the connection between democratic space and labor rights and human rights. He notes that “we agree [in the CCC] that we need to pressure the brand or multinational company to talk not only about labor rights, but they need to talk about democratic space because shrinking democratic space is undermining labor rights so people cannot exercise them.”<sup>45</sup>

In many ways, CENTRAL’s broad movement-building strategy and the criminal charges against Moeun in 2017–18 were influential in the CCC taking up the broader civil and political rights agenda. The government charged Moeun with allegedly embezzling funds from the funeral of his friend Kem Ley, a popular political commentator who was assassinated in 2017 (although Kem Ley’s widow never supported such charges). Given the nature of his work and the fact that CCC members had worked closely with Moeun for many years, the government was clearly manipulating a political case to stop Moeun’s movement-building work. Moeun notes that although the case against him was not directly labor related, the CCC supported his arguments and convinced the brands that the repression of civic activism directly connects with the repression of workers’ rights advocacy. Moeun recalls, “The case that they framed up for me is not labor-related and when CCC approached one of the European brands to write a letter for me, the brand said, ‘Oh, that is not about labor issues because his charge is about funeral expenses for Kem Ley who was a political analyst, so it’s not labor related.’ I was challenging that idea and [CCC] members agreed with that.”<sup>46</sup>

The criminal charges against Moeun were eventually dropped, in part because of support and intense advocacy by international apparel campaign allies. The Fair Labor Association also engaged actively on the case, organizing a letter from its member brands to the Cambodian government objecting to the charges against Moeun. But before the charges were dropped, Moeun had to make some critical decisions that would directly affect CENTRAL’s strategies for advancing change. Moeun was in Washington, DC, when the charges were pending, and international allies asked if he was sure he wanted to return to Cambodia. But Moeun believed the government only wanted to silence activists or push them to flee the country. He knew if he stayed out of the country, he could not do as much organizing or movement building from the ground up:

They charged me and two other people. They dropped the charge against me only, not the other two people. The government summoned me while I was in the States to receive ILRF’s Labor Rights Defender award. We set up a WhatsApp group to keep updated. I remember everyone there asking me whether I’m ready if they put me in jail and so on. I thought the worst scenario would be I’d have to stay in jail for a couple of months or a year or five years. Fortunately, the brands wrote letters and the government decided to drop the charges. That may seem good for now, but it could also mean that next time, there will be no charges filed, no chance for an international campaign.

Working as a human rights defender or labor rights defender, we may make some people happy for those who are marginalized or for those who are disadvantaged, but our work might not be happy for the abuser, for the violator, or for the people who abuse the power. This is the message that I explained to my family, especially my wife, that my situation is not stable. If I am lucky, I could face verbal intimidation or any other kind of abuse. Otherwise, I could face with criminal allegations as I did in 2018 or the worst scenario, I could face murder.<sup>47</sup>

**Figure 7. Labor rights defender Tola Moeun**



Tola Moeun receiving the Labor Rights Defender Award, showing no signs of the incredible stress he was under at the time.

*Credit: GLJ-ILRF*

In addition to building grassroots power, CENTRAL remains engaged in international policy advocacy and has helped to make the case for Northern consumer governments to better regulate the impact of ‘their MNCs.’ He has closely followed policy discussions in the United States and Europe and has engaged with union allies there. In Germany, for example, he has shared CENTRAL’s analysis on what is needed to make a difference for Cambodian workers; in brief, “the law needs to have legally binding provisions and to make sure that the law could provoke both civil sanctions and financial penalties for those companies involved in labor or human rights violations.”<sup>48</sup>

CENTRAL’s analysis on European human rights due diligence legislation shows how it works on the national level to help workers gain power, organize, and bargain collectively and also internationally to demand more systemic obligations on the global brands. Although the brands wrote letters on Moeun’s behalf

when he was facing criminal charges, CENTRAL is clear that voluntary codes of conduct and other brand-led initiatives will not produce the kinds of guarantees needed to ensure workers’ rights. The number of brands that abruptly withdrew during the pandemic without ensuring their suppliers paid the workers has reinforced this belief.

When asked how the closing civic space has affected the ILO’s BFC, Moeun acknowledges the challenges but does not advocate for its withdrawal. CENTRAL continually looks at how international cooperation initiatives such as BFC can help improve legal protections for Cambodian workers. Moreover, CENTRAL engages more with the AC, described above in Section 2.2.3.

BFC has played a pivotal role in the country’s apparel sector since 1998, and the evaluation Moeun coordinated with the CCC’s Jeroen Merk is one of the few comprehensive NGO analyses of the program (Merk 2012). Although many unions are closely tied to the ruling party—often making them a weak counterbalance—BFC’s tripartite advisory body has consistently included the independent Coalition of Cambodian Apparel Workers’ Democratic Union (C.CAWDU) among the advisers. And despite the pressures, BFC has regularly identified and addressed worker complaints when their organizing rights were violated.<sup>49</sup> Yet BFC comes under much less scrutiny by global activists than the Bangladesh Accord, which is partly due to its origins and design. BFC’s tripartite advisory body has less power than the Accord’s steering committee structure, and BFC is strongly influenced by national actors who ultimately must contend with the Hun Sen regime.

It is useful to compare how the Accord and BFC have been affected by closing civic space in each country and to investigate the extent to which their distinct structures have served to buffer against or attract more pressure to limit the programs. Although the comparison is worth a much deeper review, three key elements are transparency, governance, and the role of employers and government.

- When they were launched, both programs pioneered new levels of transparency, but the government and employers pushed back on BFC's reporting of audit results. It took several years of herculean efforts by BFC staff to regain the transparency. Having learned from BFC and other experiences, the Accord negotiators made detailed levels of transparency a central part of the binding agreement signed by brands. Transparency, however, is only useful if there is active monitoring by independent labor advocates.
- As noted, the Accord's steering committee is more powerful and somewhat insulated from national politics. This, combined with greater transparency and the NGOs having a formal role in monitoring the Accord's implementation, has meant that labor rights NGOs were able and motivated to follow progress much more closely and to campaign when delays occurred. GUFs have a role within BFC through the ILO, but it is not as direct or specific as the oversight role for unions and NGOs as the one defined by the Accord.
- The role of the government and national employers is significantly different between the two programs. When the Accord was established, the deep preexisting distrust and the need for a quick response to the Rana Plaza tragedy led the NGOs and trade unions to seek a bilateral agreement with the brands directly, without the Bangladeshi government and employers. BFC, however, used trade incentives to get government collaboration to establish the program. Yet both programs have endured pushback from the government and national employers.

The direct bilateral approach of the Accord's binding agreement between unions and brands was more effective at driving significant change quickly, but it was also more susceptible to being cut off when the employers filed cases in court and the government shut the program down, forcing it to fold into the RSC. Though GUFs and campaigners patched the gaps through the International Accord. BFC was also weakened by government pushback, though it has never been pushed out of the country or replaced by a new structure. CENTRAL continues to monitor BFC reports, but the program is not at the center of its work, which focuses more on driving reforms of national legal mechanisms such as the AC and the TUL.

### 3.3.3 Achievements and challenges in advancing systemic reforms

The prospects for driving legal reforms are currently poor in Cambodia. Thus, CENTRAL's continued organizing shows significant resilience. In this context, Moeun considers his most impactful work to be those actions that most angered the authorities, particularly the apparel worker wage protests and his support for migrant workers' voting rights.

In 2010, Moeun called out the injustice of the LAC's biased voting structure to determine the minimum wage (see Section 2.2.4). More than two hundred thousand people joined in the streets to protest the LAC's minimum wage decision. Although this rally was not as big as the rallies before Che Vichea was killed in 2004, it was significant. Also, the independent unions organized wage protests in 2013 and 2014. Although the protests only brought a small additional wage increase at the time, the government has since evaluated the minimum wage rate every year instead of every few years, and the increases have tended to be more substantial.

CENTRAL's work has more recently been impactful in organizing migrant workers, both within Cambodian sender communities and those abroad. He explains that this advocacy for migrant workers has also been to advocate reforms to the election system so that Cambodian migrant workers in Thailand can vote. He recalls, "I brought over around 7,000 people from Thailand to vote. To be honest, I did not tell the people that they should elect for this party or that party, but they know by themselves."<sup>50</sup>



CENTRAL's field research and analysis is also vital to international policy advocacy. In addition to their contributions to the COVID-related wage theft reports mentioned above, CENTRAL continues to prioritize research and collaboration on wage advocacy. Moeun emphasizes that although workers in other sectors where the minimum wage does not apply are earning even less, apparel workers still earn too little, especially given the long hours and the export industry's productivity demands.

CENTRAL's recent field research on wages was based on in-depth interviews with forty-one workers in ten factories, in which workers were asked to list their monthly expenses. Workers estimated their expenses to be US\$180–\$190 per month, but that did not include health care, childcare, or debt repayments. In 2020, CENTRAL worked with the independent CATU to copublish a study documenting how all workers interviewed reported working overtime hours, yet the money they earned was too low to sustain a healthy diet (CATU, CENTRAL, and LICADHO 2020). The research also illustrates the ways in which factories offset higher wages by increasing production quotas and hiring fewer workers. For example, workers from the Roo Hsing factory reported that a production line of 105 people would have a target of fifteen hundred pants per day in 2012. By 2018, the factory's target was twenty-three hundred pants per day, but with only 55 people on the production line. Based on these numbers, it is clear the factory does not share productivity gains with workers—a tendency also driven by MNCs' purchasing practices. Seventy-five percent of MNCs do not pay more when the minimum wage goes up (ILO and ETI 2017, 8).

*“Seventy-five percent of MNCs do not pay more when the minimum wage goes up.”*

**Figure 8. Apparel workers march for their rights in Cambodia**



Sophorn Yang (right) from CATU leads a worker rights march in Cambodia.

*Credit: CATU*

When asked about the impact of his research, Moeun notes that although BFC increased the level of information shared from its factory audits after the CCC–CLEC report in 2012, the level of transparency has decreased again in recent years. He could not say whether this was due to pressure from the factories or a change in leadership within BFC. He notes a waning effect of programs such as BFC or the more recently introduced initiative Action, Collaboration, and Transformation—an agreement between global brands and the GUF IndustriALL—which aims to advance living wages through industry-wide collective bargaining.<sup>51</sup> For Moeun, it is unclear whether these initiatives advance the rule of law or enhance workers' ability to claim their rights. In his view, “these initiatives attempt to go beyond the law, but it would be good to first uphold the law.”<sup>52</sup> In sum, CENTRAL's work has resulted in some wins and many setbacks, which is why it remains focused on building a base and encouraging workers to make demands on the duty bearers—brands and the government. As Moeun often tells workers, “There is no receiving without demanding.”<sup>53</sup>



## 3.4 TSCAN dynamics in summary

Grounded in trust, the relationships within the CCC deepened over decades of collaboration, helping members to develop multiple new pathways to drive change. First, the defense network succeeded in helping global South organizers gain influence nationally and internationally. Second, and perhaps not originally intended, the relationships within the network as well as the directions of advocacy pressure have shifted, enabling advocacy pressure to flow in new directions, including South to North. This has further strengthened the influence of global South leaders.

### 3.4.1 Strengthening worker advocates' influence

Both CENTRAL and BCWS were influential in their respective countries—organizing large rallies and marches with hundreds or thousands of workers—when they sought out supply chain advocacy to help them win specific demands from employers. Yet because they were successful in organizing and raising awareness and influential with workers nationally, the government sought to shut them down. This repression obliged them to further seek out international allies and diversify strategies—to engage the brands directly and participate in policy debates.

BCWS and CENTRAL have successfully engaged and leveraged CCC Network members in the North and South to sustain movement building, learn, and integrate new tools and strategies into their work. The increased exposure to these tools and international audiences also helped in terms of ideas shared, international influence, and, to a lesser extent, with finances. Both Moeun and Akter received legal aid and had charges against them dropped after extensive advocacy by international campaigners, brands, and global North government representatives. The CCC Secretariat has occasionally coordinated a collaborative funding proposal, but Zeldenrust notes that it generally avoids playing a funder role with members, tending instead to commit travel resources to support member convenings, an approach that enables it to support a larger number of members.

Considering the increased repression and closing civic space in Bangladesh and Cambodia, the ability of BCWS and CENTRAL to continue organizing and engaging in advocacy is perhaps the most tangible benefit of the support from supply chain campaigns. At least for now their leaders are not in jail, though both have warned their families that this could change.

The international attention to the cases against Moeun and Akter also came with additional travel and engagement in international policy spaces. Their ability to build on that exposure speaks to the CCC Network's campaign infrastructure with independent member organizations loosely coordinating across the global North, its urgent response process, and the building of shared experiences and broad alliances over the years. It is also important to recognize, however, the drive and adaptability of BCWS and CENTRAL. Three factors helped BCWS and CENTRAL take advantage of these networks: (i) Moeun and Akter are both fluent in English; (ii) their ability to build a base and challenge the authorities both established their legitimacy and led to a crisis that then increased their exposure to international leverage; and (iii) they were able to raise funds to support their work, albeit mostly project-specific funding for short-term crisis response or medium-term opportunities to strengthen innovative solutions (such as work on the Bangladesh Accord or BFC).

The first two factors have everything to do with the national CSOs. The funding factor, however, deserves further consideration. All NGOs struggle to raise general support funding, the kind of funding that is essential for movement building and rapid-response strategies. This challenge is especially strong for global South organizations. International NGOs can adapt and secure funding by arguing that their work is advancing 'emblematic cases' that will inform a broad audience of policy-makers and development experts as well as the workers benefiting directly.

For global South organizations, funding often ebbs and flows in response to crisis moments, and is narrowly focused on a certain set of rights. Thus, the Bangladesh Accord was a huge precedent-setting initiative that has been cited internationally. It could not have been negotiated nor functioned as effectively were it not

for the ongoing engagement and monitoring done by BCWS and the independent unions in Bangladesh. Unfortunately, once the agreements are secured and monitoring mechanisms such as BFC or the Accord are no longer ‘new,’ funding tends not to continue past the first few years of the program’s launch, thus hindering the efforts of global South organizations to monitor the ongoing implementation. Akter explains some of the current challenges now that the Accord has shifted to the RSC and Bangladesh is less of a hot spot than it was a few years ago:

*“For global South organizations, funding often ebbs and flows in response to crisis moments, and is narrowly focused on a certain set of rights.”*

The challenge is the funding has shrunk a lot. Several funds have finished or will soon and we don’t see any new initiative creating new funds. Yet we have to keep working. We still need to monitor the RMG Sustainability Council. It has a grievance mechanism, but that only works if we file them. Who will be working or helping us to reform the local law? We need to be fighting on both platforms—to change the government and to change the companies—at the same time. The foundations, I know they’re responding to the pandemic, but at the same time, people are losing their basic rights.<sup>54</sup>

Engagement in TSCAN activities has helped both BCWS and CENTRAL in fundraising efforts through in-kind support or modest sub-grants, but the push for deliverables or the surge in funding after a major crisis often does not recognize or fully allow for the flexibility needed to remain responsive to worker demands or the important day-to-day and case-by-case nature of movement building. Addressing the resource constraints on movement-building CSOs in the global South is both essential to strengthening their influence nationally and their ability to continue exposing the abuses that fuel supply chain campaigns.

### 3.4.2 New advocacy directions

The call-and-response nature of transnational campaigns has been documented for decades, but as relationships within the CCC have evolved and matured, CCC members’ use of this basic strategy has taken on new dimensions. National strategies, South-South solidarity, and the nature of North-South collaboration have likewise evolved over time.

In the 1990s, Keck and Sikkink (1998) described the boomerang strategy of the TANs, wherein groups from the global South would enlist their Northern allies to build pressure on their Southern governments to enact legal and policy reforms. The boomerang strategy is basically a triangulation strategy in which global South CSOs get global North allies to demand Northern governments pressure the Southern governments to make reforms.

Corporate campaign strategies added a new dimension to how boomerang strategies could be applied, enabling advocates to target both Northern governments and Northern MNCs. Initially transnational campaigns pressed Northern governments to demand Southern governments make reforms. Then the MNCs became a new boomerang target or point of leverage, with transnational campaigns pressing Northern MNCs to demand that their suppliers curb abuses. Over time, however, it has become clear that better regulations are needed to hold the Northern MNCs accountable. Thus, Akter played a critical role in her advocacy with the Northern MNCs, getting them to change their policies and make a binding commitment to the Bangladesh Accord. Now, global North countries are adopting MHRDD laws, and the CCC Network is collaborating with advocates such as Moeun and Akter to make the case to the European Commission and national governments for these laws to be binding and to ensure victims have access to remedy in the MNCs’ home-country courts.

Today, advocacy pressure is fully multidirectional, with the global North campaigners ‘throwing the boomerang’ (metaphorically) to the global South CSOs, who document MNC transgressions to pressure Northern governments to better regulate their MNCs. Both Akter and Moeun are lending their voices to the call for structural reforms, including a new EU law to create legal recourse for workers in the MNCs’ home-country courts. In her public letter to the European Commissioners, Akter explains why it is so important to have strong, binding rules that give workers access to justice in European courts: “Only legislation can make [companies] take human rights seriously, not only in their headquarters, but wherever their goods are made” (CCC 2021).

## 4. Conclusion

This paper has explored how two CSOs, CENTRAL from Cambodia and BCWS from Bangladesh, have leveraged supply chain campaigns to advance workers' rights in their own countries. It draws lessons primarily from their engagement with the CCC, one of the longest-running TSCANs, and considers how relationships within that network have evolved over time. The experiences shared provide important lessons for coalition builders, advocates of stronger business and human rights approaches, and corporations serious about conducting effective human rights due diligence in their global supply chains.

There are three sets of lessons from this paper. First, movement-building and trust are crucial to enabling innovation and advancing more worker-centered approaches such as mandatory human rights due diligence laws with pathways to legal remedy for victims and binding agreements between MNCs and national unions. Second, to be effective, human rights due diligence processes need to understand national political dynamics, and to discourage business partners seeking to undermine rights protections or fuel government pushback against corporate accountability initiatives. Third, more effective regulations are needed to hold MNCs accountable and incentivize meaningful engagement with workers and their organizations. The spaces opened by binding agreements negotiated between worker organizations and brands, like the Bangladesh Accord, offer more potential for dialogue and problem-solving than has yet to be utilized. These lessons and related proposals are built on CCC members' years of research and firsthand monitoring of the industry. They draw on a robust body of knowledge and experiences shared and tested over decades of collaboration across multiple countries, making them well worth consideration and uptake.

### 4.1. Movement building for advocacy gains

The CCC's commitment to remain responsive to its partners has helped it build trust with global South actors who challenge national power dynamics. The network structure also created a way for dozens of organizations in the global North to connect diverse campaigns over time. Although this responsiveness at times derailed or delayed more strategic advocacy, it was essential to building a cohesive movement—something made possible by the activism of hundreds of volunteers and committed advocates across continents.

The CCC has created a global defense network for national organizers. In addition to North-to-South solidarity, regional networks facilitated South-South solidarity campaigns, making it easier for groups such as BCWS and CENTRAL to learn from and share lessons with other national organizers to improve their advocacy.

In cases that have been won by CCC members in Indonesia, Bangladesh, or Pakistan, successes were born from partnerships between national organizers and international advocates; each agreement built on a precedent won in a different country. CCC members have continually negotiated stronger EBAs because they could draw on lessons from across apparel-exporting countries to strengthen their demands for brand accountability.

Within the CCC, these campaign wins led by global South organizers were paralleled by a shift to bring global South leaders onto the organization's board, enabling them to shape the Network's agenda. This in turn has contributed to the development of a road map of the systemic reforms needed to regulate the impact of global corporations.

As a growing number of funders are now talking about strategies to localize aid (Powers 2022), the story of CCC's development and evolution shows the need for long-term flexible support that understands what is needed to build movements in the context of closing civic space, and to create the network structures and leadership strategies that best support workers and their organizations.

## 4.2 Human rights due diligence and countering government pushback

Shrinking civic space is encroaching on the gains made by strategic initiatives such as BFC or the Bangladesh Accord. Despite the success of the Accord in driving safety improvements and sustaining business investments, the Bangladesh government supported supplier efforts to replace it with the weaker RSC. In Cambodia, the narrow remit of the BFC left it powerless against the government's pushback on certain pro-worker policies.

These cases make clear how the domestic political context affects the feasibility and impact of MNC compliance initiatives. They suggest a potential role for MNCs that are seeking to strengthen worker rights protections: to communicate clearly and transparently to governments how limits on workers' rights and civic freedoms are undermining their business model. There is a growing body of analysis of how closing civic space undermines MNCs' supply chain compliance efforts and how MNCs can address that context (Freeman et al. 2018), provided they ensure sufficient transparency around their claims of pro-worker advocacy. One way to do that is through ongoing dialogue with worker organizations.

Global corporations serious about conducting effective human rights due diligence will seek to understand how workers' rights are repressed on a broader scale and to ensure workers' rights are protected inside and outside the factory. This requires MNCs to consider both immediate business relations and the political and economic context undermining workers' rights. For example, when workers were shot or arrested over wage protests in Bangladesh, most brands and social auditing organizations remained silent. They could have raised concerns publicly and asked more critical questions about organizers' safety during their factory monitoring, but most did not. This silence, combined with brands' poor track record of not paying more when minimum wages are raised (ILO and ETI 2017), means suppliers and the national government can interpret that silence as a signal of tacit support for continued wage suppression. Instead of silence, subsistence wages and government antipathy toward labor rights advocates should raise a red flag that supplier compliance may be compromised; this should trigger brand efforts to address the heightened risks to workers' rights.

Despite some MNC statements supporting more rigorous due diligence laws, many are seeking to minimize requirements and allow social auditing programs to fulfill corporate due diligence requirements (Vogt, Subasinghe, and Danquah 2022). This would be a mistake. First, a substantial and growing body of evidence demonstrates how unreliable social auditing systems are (Kuruvilla and Bae 2021); the voluntary and confidential nature of these initiatives sideline any meaningful worker voice. Second, human rights risk assessments cannot be circumscribed to what happens inside the MNCs' suppliers. Due diligence and strategies to remedy human rights risks need to move beyond supply chain monitoring initiatives, to look at the legal enabling environment and the political roadblocks to compliance. Factory social audits fail workers not only when they miss deadly fire hazards but also when they ignore a political context that actively represses organizers.



In the context of restricted or closing civic space, an EBA like the Accord can create a critical space for worker organizations and brands to identify and address human rights risks. The utility of this dialogue space was evident when the Accord leadership helped identify how threats to worker organizing undermined safety programs. It was also evident when more than 180 brands signed the International Accord, after the Bangladesh government and employers replaced the Bangladesh Accord with the weaker RSC. Not only have these multiparty, enforceable agreements been proved to be effective, they also create a precompetitive platform for MNCs to transparently—with trade union counterparts at the table—demonstrate their support for more effective worker rights protections and worker-driven social responsibility.

### 4.3 Strengthening worker voice in global supply chains

The COVID-19 pandemic exposed even more gaps in legal protections for workers' welfare in global supply chains. Not only are wages kept too low to enable savings, but social protection floors are weak or non-existent. CCC Network members in the North and South mobilized to produce and disseminate real-time analysis of how the pandemic was leaving many workers with no jobs or severance pay, and members are now drawing lessons from the crisis to build preventive measures into the <sup>Pay</sup> Your Workers campaign. The CCC's Miedema explains the campaign's two goals, "The campaign continues to pursue brands with suppliers that failed to pay worker severance or wages owed during or since the pandemic and seeks to secure a new binding agreement with brands to monitor suppliers' payment of severance and establish a brand-financed fund to ensure payment if suppliers refuse or fail to pay in the face of future crises."<sup>55</sup>

This kind of real-time analysis and problem solving should directly guide due diligence processes in the future. This would lay the foundations for the problems of wage theft and unpaid severance to be addressed through an EBA, by establishing a co-governed structure to ensure payments are made in a timely manner when suppliers refuse or fail to pay. The dialogue space established by an EBA could facilitate the remedy of wage theft or other human rights risks identified.

Apparel workers' experiences during the pandemic show that MNCs need to be better regulated. This is not to say that national laws regulating employers and protecting workers in the global South do not also need to be improved. They do. But MNCs that refuse to raise prices when wages go up or disregard an egregious lack of worker social protection policies and then cancel orders without allowing for responsible disengagement need to be held legally accountable. This is a reckless endangerment of workers and their families. It is a basic failure of a company's due diligence and prevention of human rights risks in its supply chain. The Pay Your Workers Campaign aims to address that failure and create an ongoing structure to prevent future crises.

Several legislative initiatives in Europe are advancing MHRDD laws, which aim to include legal protections for workers in global supply chains. The ultimate utility of these laws hangs on how effective the due diligence process will be, and even more so on whether they can guarantee workers' access to legal remedy in the home country courts of the complicit MNC. Much like the Accord's complaint mechanism, these laws need 'legal teeth' to be taken seriously, even if only one in a thousand cases ever go to court. Effective MHRDD laws could in turn incentivize MNCs to engage trade unions and worker advocates directly in co-governed, enforceable agreements to address worker rights abuses, before they go to court.

Independent trade unions and worker advocates like Moeun and Akter have monitored the implementation of supply chain compliance programs for decades and documented how MNCs' self-regulatory compliance initiatives have failed. Their insights should be key considerations in corporate due diligence and related efforts to address the risks identified. Future EBAs could provide a critical means for engaging independent worker advocates through ongoing, structured dialogue. Fortunately, for companies seeking to understand the context of abuse and the ongoing risks workers face, the more than 230 members of the CCC Network have already built a global information network, made up of national experts whose analysis should inform apparel brands' human rights due diligence and the preventive strategies they put in place.

# Notes

- 1 It is important to recognize the terms 'global South' and 'global North' are imperfect terms for grouping countries together according to certain historic political and economic power dynamics. For lack of better terms, however, the paper will occasionally use these to identify global South countries sharing certain tendencies, such as high levels of poverty and inequality and significant levels of export dependency, and global North countries, which tend to be richer, high-consuming countries and the primary source of capital for the industries and MNCs discussed herein.
- 2 For simplicity, this paper will refer to MHRDD laws, but it is important to recognize the evolving language and advocates' efforts to advance laws that fully require environmental due diligence beyond the current laws, which mainly address issues of environmental impact on human rights in the present.
- 3 Bangladesh lost US General System of Preferences benefits in 2013, and despite the ongoing Trade and Investment Cooperation Forum Agreement, which intended to help address the labor rights violations that caused the loss of the benefits, it has not yet regained them.
- 4 Kalpona Akter, interview by the author, June 21, 2022.
- 5 Later in 2012, ITGLWF became a part of the newly formed IndustriALL Global Union, which would later lead the final negotiations and sign what became the Accord.
- 6 Rob Wayss, former Director of the Accord Secretariat in Bangladesh, interview with the author, June 8, 2022.
- 7 Michael Bride, New Conversations Project speech, Cornell Industrial and Labor Relations School, June 16, 2022; quote confirmed via email to the author, June 29, 2022.
- 8 The Accord's code drew on ILO norms and specific requirements already in Bangladeshi law. The fire code required fire safety doors on stairwells, but not a single factory had one. Instead, factories had grates that were collapsible—and lockable—which meant every stairwell provided the draft needed for fires to grow quickly (Scott Nova, interview with the author, March 18, 2022).
- 9 Scott Nova, interview with the author, March 18, 2022.
- 10 Akter, interview with the author, June 21, 2022.
- 11 Building on BFC, the ILO set up similar initiatives in eleven countries under its Better Work program (<https://betterwork.org/>), and the Director of Better Work serves as the chair of the Bangladesh Accord and will do so as those parties expand scope under the International Accord.
- 12 Prior to the end of the Multi-Fiber Agreement on Textiles in 2005, the tariffs charged on apparel exports could increase the export price significantly. The quotas, or amount of apparel that could be exported duty-free, were highly sought after by exporters. Given that brand orders were often negotiated months in advance, the cost of the export tariffs fell on the manufacturers.
- 13 An ILO/Ethical Trading Initiative study found that 75 percent of brands do not pay more when wages go up (Vaughan-Whitehead and Pinedo Caro 2017).
- 14 Updated analysis of the NMWC was provided by Tola Moeun on August 4, 2022.
- 15 It is worth noting that the unions' announced resignation never went forward; an agreement was immediately reached with the brands, enabling them to continue with the RSC and the new International Accord.
- 16 One thousand workers had been fired for protesting when the employer refused to pay them the legally mandated minimum wage.
- 17 Following a merger in 2020, it is now called the Global Labor Justice–International Labor Rights Forum.
- 18 Ineke Zeldenrust, interview with the author, May 27, 2022.
- 19 Akter, interview with the author, June 20, 2021.

- 20 Development Alternatives with Women for a New Era, a network of Southern feminists and activists working for economic and gender justice and political transformation.
- 21 Anannya Bhattacharjee, interview with the author, September 16, 2022.
- 22 Crediting data drawn from the WRC and the Penn State Center for Global Workers' Rights. CCC allies continually updated a shared website called PayUp Fashion throughout the pandemic: <https://www.payupfashion.com/the-problem/>.
- 23 See the CCC's Weekly Blog, <https://cleanclothes.org/news/2022/live-blog-on-how-the-coronavirus-influences-workers-in-supply-chains>.
- 24 Dave Welsh, interview with the author, September 6, 2022.
- 25 Tola Moeun, interview with the author, December 10, 2020.
- 26 Akter, interview with the author, August 3, 2021.
- 27 For an in-depth account of the Ali Enterprises case and how the legal case combined with transnational campaigning, see Transnational Legal Activism in Global Value Chains: The Ali Enterprises Factory Fire and the Struggle for Justice (Saage-Maass et al. 2021).
- 28 Akter, interview with the author, June 20, 2021.
- 29 Akter, interview with the author, April 8, 2022.
- 30 Akter, interview with the author, June 20, 2021.
- 31 Akter, interview with the author, December 3, 2020.
- 32 Akter, interview with the author, December 3, 2020.
- 33 Akter, interview with the author, June 6, 2021.
- 34 It is important to understand that showing up in court in Bangladesh takes a half day of time, and jail time in Bangladesh is horrific. The prisoners slept on concrete floors, ate only when food was brought to them, and never showered. Akhter was beaten and marched in front of a firing squad, and although they did not shoot him, the ordeal was harrowing.
- 35 Akter, interview with the author, June 20, 2021.
- 36 Notably, Bangladesh never received trade benefits for its apparel exports, but the withdrawal of its trade benefits in 2013 sent a strong message at a time when the country had been hoping for an expansion rather than a withdrawal of benefits.
- 37 Akter, interview with the author, June 6, 2021.
- 38 Akter, interview with the author, June 6, 2021.
- 39 Akter, interview with the author, December 3, 2020.
- 40 Akter, interview with the author, June 6, 2021.
- 41 Moeun, interview with the author, December 10, 2020.
- 42 Moeun, interview with the author, July 2, 2021.
- 43 Moeun, interview with the author, December 10, 2020.
- 44 Moeun, interview with the author, December 10, 2020.
- 45 Moeun, interview with the author, July 2, 2021.
- 46 Moeun, interview with the author, December 10, 2020.
- 47 Moeun, interview with the author, July 2, 2021.

- 48 Moeun, interview with the author, July 2, 2021.
- 49 Dan Rees, Director of Better Work, interview with the author, July 4, 2022.
- 50 Moeun, interview with the author, July 2, 2021.
- 51 For a brief analysis of Action, Collaboration, and Transformation, see the CCC's report *Tailored Wages* (CCC 2019, 18).
- 52 Moeun, interview with the author, July 2, 2021.
- 53 Moeun, interview with the author, December 10, 2020.
- 54 Akter, interview with the author, December 3, 2020.
- 55 Christie Miedema, interview with the author, December 19, 2022.



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