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Challenges for organizing along the garment value chain : experiences from the Union Network TIE Exchains

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Study commissioned by the Rosa-Luxemburg-Stiftung

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1 INTRODUCTION

Today, the organisation of the global apparel sector is characterized by global production networks (GPNs) that link actors at the different steps of the value chain from production to consumption. GPNs in the apparel sector are usually set up and controlled by large transnational retailers connecting their suppliers with their headquarters and stores. Since retailers seek to increase their profits by reducing labour costs, labour intensive production activities are sourced out to independent subcontractor firms located predominantly in countries in the Global South[1] where wages are low and labour organization is weak (Dicken 2015, p. 267 ff.). After the introduction of the Multifibre Arrangement in 1974, big European and US corporations, such as Walmart, H&M and Nike established large and geographically dispersed networks of suppliers of ready-made garments (RMG), with Asia being the biggest sourcing hub (Dicken 2015, p. 302 ff.). Although the emergence of an export garment industry has played an important role in fostering economic development in Asian countries, it has been achieved at the expense of the millions of workers in the supplier factories. Governments aim to promote the international competitiveness of their ready-made garment export sectors and to attract buyers from the Global North by maintaining low wages and implementing labour laws that allow for greater workforce flexibility (Sum and Jessop 2013, p. 324 ff.). Thus, child labour, extremely low wages, insufficient health and safety provisions, excessive overtime and high levels of pressure at work characterize the reality in workplaces in the RMG export industry in many Asian countries (ibid.).

As a response, over the last few decades garment workers in Asia have developed strategies of resistance to fight against exploitative practices and policies by employers and government institutions at the international, national and subnational level. In most garment-exporting countries, particularly in South and South-East Asia, the labour movement is weak and fragmented, with trade unions dominated by political parties. But the expansion of the garment export sector has also brought about the development of a number of labour unions in this industry, which, rather than seeking institutional power through proximity to a political party, aim to build associational power through a social movement approach (Gross 2013; Huhn 2015; Jenkins 2013; Kumar 2014). This approach focuses on organizing the workforce, which, in many regions, is predominantly female, and regards capital-labour relations as forming part of a larger set of social and power relations. The practices exposed by these garment unions are often referred to as 'social movement unionism' (Waterman 2001; Moody 1997). This refers to a form of union practice that aims to build a movement for societal change that is grounded in associational power in the workplace. At the same time, social movement unionism addresses a wide range of issues beyond the workplace, since it understands workers not only as wage labourers, but as human beings who work and live in households and communities. However, in the majority of cases, the work undertaken by the garment trade unions takes place under adverse conditions that are characterized by hostility and harassment against union activists not only from employers, but also from the state; this limits their ability to bring about sustained improvements (Mani 2014; Ruwanpura 2016). Many of these garment trade unions have developed close ties to actors in the Global North in order to gain leverage by building transnational alliances.

This development must be seen as part of a larger trend that has been taking place in the global garment industry over the last few decades, where transnational private mechanisms have become the dominant form of social regulation with actors from the Global North being the key drivers behind it. Since the 1980s, labour rights groups and consumer activists from Europe and the US have recurrently drawn attention to the poor working conditions and labour rights violations that are occurring in the factories that supply transnational marketers and retailers (Bair and Palpacuer 2015; Sum and Jessop 2013, p. 324 ff.). As a consequence, buyer companies have introduced corporate codes of conduct and, in many cases, have also set up multi-stake-holder initiatives including NGOs for monitoring purposes (Mayer and Pickles 2010). In parallel, NGOs and civil society groups have founded transnational labour rights networks aimed at institutionalizing relationships with workers in the Global South and mobilizing consumers in the Global North in order to put pressure on marketers and retailers (Merk 2009). Finally, since the beginning of the 2000s, global framework agreements (GFAs) between the management of transnational retailers and global union federations have emerged as a third mechanism in the transnational social regulation[2] of the global garment sector (ILO 2018). We argue that the changing role of the state as a key actor of regulation, on the one hand, and the establishment of private regulatory mechanisms by transnational companies and NGOs rooted in the Global North, on the other hand, have led

1 In line with the definition by Jonathan Rigg (2007, p. 3) the term Global South in this work does not refer to a strictly geographical categorization, but emphasises economic inequalities between different parts of the world that are generated through processes of global integration (starting with colonization and currently represented by economic globalization), and which happen to have some cartographic coherence. **2** Drawing on Riisgard and Hammer (2008, p. 9) transnational social regulation in this paper refers to 'private tools that seek to regulate company performance related to labour standards […] along value chains'. In line with Scott et al. (2011), we use the term transnational rather than international to indicate that these forms of regulation involve relations between actors that cross borders, but which are not constituted through the cooperation of states, as is the case with international treaties.

to the emergence of a *transnational regulatory regime.* Further, we argue that these developments have led to the transformation of the spaces in which the political struggles of trade unions and workers take place, their scope, tactics and related organizations.

Against this background, the aim of this study is to gain a better understanding of how the transnational regulatory regime influences the agency of trade unions in the Global South. Drawing on Ross (2012; 2008), we understand agency as the concrete tactics and activities of trade unions, the vision and orientation of their work as well as internal processes of representation and decision making. We argue that workers' struggles cannot be fully grasped when analyses are reduced to outcomes. Thus, in order to understand the conditions required for workers' agency, we need to gain a better understanding of their capacities to organize struggles, to strategize, to form networks and to challenge power relations, and of the intended and unintended effects that the regulatory regime may have on workers' abilities to develop these capacities (Gindin 2001, p. 94; Greenfield 2001, p. 243).

The motivation behind this study is two-fold: on the one hand it is motivated by the growing corpus of critical literature on private transnational regulatory mechanisms. Activists and engaged scholars from social movement studies criticize the prevailing social regulatory mechanisms in the garment industry for 'prioritizing institutional arrangements over workers' self-activity' and, thus, for taking the risk of 'demobilizing the very actors that can bring about the change they wish to see' (Selwyn 2013, p. 87). Furthermore, Choudry and Kapoor (2013, p. 1) point out that NGO-led mechanisms are associated with a specific risk of paying 'inadequate attention to questions of power, dependence and/or complicity with state, market and multilateral/international institutions' and, thus, 'represent specific forms of regulation and containment in the interest of a contemporary capitalist (re)colonization.' Moreover, trade unions involved in these kinds of mechanisms might be exposed to processes of institutionalization, professionalization, de-politicization and demobilization. Taking up these criticisms, we argue that labour unions in the garment sector with a social movement orientation might risk losing their determination when they engage with the available regulatory mechanisms. This would lead them to abandon more radical visions and forms of activism and adopt advocacy and campaigning strategies rather than building associational power at the local level (ibid.).

On the other hand, this study is motivated by the experience of the every-day struggles of South Asian garment unions from the TIE ExChains network, in which the authors are engaged. The TIE ExChains network is a network of unions and worker-activists from India, Bangladesh, Sri Lanka, Cambodia, Turkey and Germany, linked to each other not only through the production networks of big European fashion retailers, but also through their commitment to social change. The members of the network have developed a common negotiation strategy which aims to strengthen workers' bargaining power and self-organization at both ends of the value chain through solidary practices (Fütterer 2016). The network places itself in the tradition of social movement unionism (Huhn 2015). However, one challenge for the implementation of the negotiation strategy so far has that the struggles linked to pursuing strategies of self-organization and building bargaining power happen under the dominant transnational regulatory regime, which conceives actors from the Global North as the key drivers of change.

In order to contribute to the debate about the effects of private transnational regulatory mechanisms on labour movements in the Global South and in order to gain a better understanding of the factors and processes hampering the implementation of the negotiation strategy throughout the TIE ExChains network, this study focuses on the following two questions:

– How does the regulatory regime in the global apparel industry influence the ability of trade unions and workers in the TIE ExChains network to develop capacities to organize struggles, to develop strategies, to build democratic union structures, to form networks and to challenge dominant power relations, notably with the aim of strengthening the notion of social movement unionism?
– Which understandings of workplace and social relations in the production process are promoted by the regulatory regime and which ones are marginalized? How does this dominant understanding open up or close spaces for forms of social struggle directed at transforming power relations?

The study is structured as follows: in chapter two, we present the principles that guided our methodological approach, and a brief overview of our research process. In chapter three, we outline the theoretical underpinnings of this study. Drawing on the theoretical foundations of labour geography and the GPN framework, we illustrate the interrelated sets of relationships on the vertical and horizontal level into which trade unions are embedded and which influence their visions, strategies and internal organisation. In chapter four, we describe the economic governance structure of the global apparel production network, illustrate the current regulatory regime and its most important mechanisms, and discuss its potentials and limits for promoting emancipatory practices and strategies for labour unions in garment producing countries. In chapter five, we discuss experiences from the TIE ExChains network and analyse how the regulatory regime influences member unions' tactics and activities, the vision and orientation of their work as well as internal processes of representation and decision-making. Finally, chapter six sets out our conclusions.

2 METHODOLOGY

The aim of this paper is to discuss the extent to which existing forms of private social regulation influence the capacities of trade unions in the TIE ExChains network to build emancipatory visions, strategies and practices, that is, visions, strategies and practices that challenge the power relations between labour and capital in the global garment industry and which can build the necessary capacities and power resources to change both working conditions and society. Our analysis is grounded in the debate about this question that has been going on within the TIE ExChains network for the last three years. The conclusions not only describe the authors' findings, but are the result of a common and systematic process of reflection that actively involved both the authors and the network. Michael Fütterer has been the coordinator of the TIE ExChains network in Germany since 2012. He coordinates the activities within the network and facilitates communication. He was part of the process which led to the formulation of the negotiation strategy and facilitated the debate by the garment unions in the network. Tatiana López is an economic geographer at the University of Cologne. She has been engaged in the TIE ExChains network since the beginning of 2016 as part of her research on labour control and union strategies along global value chains.

The methodological approach employed in this study is oriented towards the principles of participatory action research (e.g. McIntyre 2008; Moser 1977; Fuller and Kitchin 2004). According to McIntyre (2008, p. ix), participatory action research is a form of research in which researchers 'participate with people in improving and understanding the world by changing it.' Participatory action research draws its strength from the 'dialectical tension' (Fals-Borda 1987, p. 332) between academic knowledge and the knowledge of rank-and-file groups. Engaging with rank-and-file groups allows the researcher to grasp tendencies and practical experiences which would be inaccessible through non-participatory methods. The external perspective of the researcher enables the research group to link the particular to more general dimensions. Participatory action research understands the knowledge and actions of rank-and-file groups as part of the reproduction of broader social relations and challenges the notion of an axiologically neutral science. Instead, science is seen as a 'product with specific human purposes [that] implicitly carries those class biases and values which scientists hold as a group' (ibid., p. 337). The close cooperation between the rank-and-file and researchers in the analytical process can, thus, explicate the class biases and values of every member of the research group; this makes it possible to reflect on them and to generate knowledge about social processes and their wider societal context. In addition to the scientific objective of employing participatory research methods, participatory action research also entails a political commitment: participatory action research aims to strengthen local actors through the research process by enabling them to gain a better understanding of their social relations and articulate their own socio-political position (Fals-Borda and Rahman 1991).

Participatory action research includes a wide range of research practices and is used in a variety of contexts related to varying political ideologies (McIntyre 2008, p. 1). Nevertheless, some common principles can be identified: first, participatory action research encompasses a collective commitment to investigate an issue or problem; second, this links it to its broader societal context; third, it involves a desire to engage in self- and collective reflection; fourth, a joint decision to engage in individual or collective action to develop solutions benefitting the people involved in the project; and fifth, building alliances between researchers and participants (ibid.; Moser 1977, p. 12 f.). In this sense, participatory action research always has a clear objective: it aims to build critical and self-awareness and, thus, to promote individual, collective and social change. The generation of knowledge in participatory action research is understood as a collective process of co-construction in which researchers and participants play an active role. The research process is characterized as a cyclical process of exploration, knowledge construction and action that take place at different moments. Participants are not only involved in the research process but also in defining and developing research methods, insights and conclusions. Thus, as opposed to non-participatory forms of research, participatory action research is likely to challenge the assumptions and hypotheses of researchers (McIntyre 2008, p. 1). A pre-condition for this process of the co-construction of knowledge is making transparent and reflecting on different entry points, interests and roles as well as hierarchies of knowledge between the people involved. Routledge (2004, p. 86) argues that one of the biggest challenges is that researchers must be sensitive to various degrees and kinds of difference (e.g. gender, ethnicity, age, class, sexuality etc.) and to the unequal relations of power that exist between the actors involved in the research. Once researchers show awareness and sensitivity to these issues, this process can even enhance data quality and improve the knowledge that is generated, since the research becomes more reflexive, reciprocal and representative (Fuller and Kitchin 2004, p. 4).

The initial research questions and hypotheses for this study were developed as part of an explorative and collaborative discussion process that involved unionists, activists and the researchers. These discussions started as a critical collective reflection of practices and strategies within the network.

They began at the 2013 international TIE ExChains Conference in Sri Lanka, which brought together worker and union activists from Bangladesh, India, Sri Lanka and Germany. Reflections on this issue were motivated by the recognition that current practices and strategies had contributed only to a limited extent to building local union power. During this meeting the members of the ExChains network developed a common negotiation strategy with the aim to strengthen the local bargaining power and capacity of member unions. Between 2013 and 2017, two further international TIE ExChains conferences took place, and they served as spaces to evaluate the implementation process of the new common negotiation strategy. As the German coordinator of the ExChains network, one of the authors of this study – Michael Fütterer – was present at each of these conferences and participated in discussions and reflections. In addition to these conferences, the researchers took part in a number of internal strategy meetings organized by member unions of the ExChains network in Dhaka (Bangladesh) and Bengaluru (India) and maintained continuous relationships with each of the unions, which included exchanging regular updates about planned actions and current developments.

For the analysis undertaken in this study, the information from strategy meetings and discussions with members of the network was complemented by a review of internal documents produced by the TIE ExChains network, such as the minutes of meetings, strategy papers as well as publicly accessible documents, such as written statements by trade unions, and newspaper articles. Furthermore, several semi-structured expert interviews with members of the network as well as with representatives of different multi-stakeholder initiatives were conducted to gain more detailed information for the case study presented in chapter five of this study. The interviews were conducted partly in person, but mostly via telephone between July 2016 and February 2017.

Based on the discussions within the network and information from interviews that took place in July and August 2016, we developed an initial heuristic framework for analysis drawing on concepts from economic geography, labour studies and critical sociology. Subsequently, we conducted further interviews, evaluated internal documents and discussed preliminary findings with the network and formulated initial conclusions. A first draft was then shared and discussed with the members of the network, and this enabled us to refine and sharpen our arguments and conclusions. The feedback loops within the network allowed for data triangulation, but it also provided us with a deeper understanding of the processes that we describe in the following chapters. During the analysis stage, we cross-referenced our arguments with existing research on regulatory mechanisms in the global apparel production network to discuss our findings against the background of those of previous studies. We also considered the results of previous research that we have undertaken on regulatory mechanisms and related them to our findings about the TIE Exchains network in order to make more generalized assertions. In the next chapter, we briefly introduce the theoretical framework that guided our analysis.

3 (RE)EMBEDDING LABOUR AGENCY IN GLOBAL PRODUCTION NETWORKS

The central question of this study is how transnational social regulatory mechanisms in the global garment industry influence the agency of trade unions in the Global South. Since the global garment industry is organized in the form of global production networks controlled by transnational fashion corporations[3] and retailers, it is important, first of all, to understand the overall structure of these networks and the position of labour within them. In our analysis, we do not focus on labour as 'abstract labour as the origin of surplus value' (Rainnie et al. 2011, p. 161), but are rather concerned with 'trade unions, other forms of worker organization and individual workers as sentient actors who make decisions' (ibid.) within global production networks. Workers and their organizations are able to influence the structure and power balances of the network. At the same time, we acknowledge that the nature of the decisions workers and their organisations take is influenced by the fact that they are embedded within the economic and social structures of the production network and by the nature of their interactions with other actors in the network. In order to get a better understanding of the interrelations of workers, unions and other actors in the network, we draw on Riisgard and Hammer (2011) who conceptualize global production networks as composed of a vertical and a horizontal dimension and argue with them that labour agency within GPNs is always situated at the intersection of these two dimensions. In the following, we first provide an overview of the arrangement of GPNs in order to illustrate the contextual and structural factors influencing the agency of trade unions within a specific GPN.

In general, global production networks can be defined following Henderson et al. (2002, p. 445) as 'the nexus of interconnected functions and operations through which goods and services are produced, distributed and consumed'. Since the purpose of production networks is 'to create value through the transformation of material and non-material inputs into demanded goods and services' (Coe et al. 2008, p. 274), they inevitably contain a linear or vertical element at their core: the linear dimension is constituted by the sequential stages of value creation through the transformation of inputs into outputs and finally through the processes of distribution and consumption. This linear or vertical dimension, thus, comprises relationships between actors at different stages of the value chain, principally between firms and their suppliers. These relationships are essentially power relations. In this sense, it is usually possible to identify one or a set of lead firm(s) that coordinate the chain through setting up the parameters under which all firms in the chain operate and which control the distribution of value capture among the chain. The nature of the power relationships between firms has been referred to as 'governance' by Gereffi (1994). However, in contrast to the concept of global value chains, which focuses predominantly on inter-firm relations, global production networks are conceptualized as consisting of a wide set of firm and non-firm actors. Besides firms, GPNs include labour, the state, consumers and civil society, non-governmental organisations (Coe et al. 2008). Consequently, the GPN framework takes into account the fact that these actors are embedded in specific 'places', that is, in specific territorially bound socio-political, cultural and institutional-regulatory contexts. The respective territorial context represents the horizontal dimension of global production networks (ibid.).

At the same time, all actors, besides being embedded in specific territorial contexts (territorial embeddedness), are also embedded in a variety of networks (network embeddedness), both on the horizontal and the vertical dimension. On the one hand, actors interact with other actors at the same stage of the chain, thus, building non-linear or horizontal networks. On the other hand, not only firms but also other actors such as labour unions and NGOs build relationships with actors at different levels of the value chain, thus, establishing vertical networks. Governance and regulatory mechanisms are negotiated and (re)produced on both dimensions of the GPN, leading to a multi-scalar regulatory regime with regulatory mechanisms at different levels (national, transnational and subnational), which, in turn, shape the geo-political economic structure and geographical patterns of value creation in GPNs.

Workers and their organizations have always played an important role in influencing the spatial structure, regulatory regimes and value distribution within global production networks. In line with Harvey (1982), the changing geographies of production must be regarded as the outcome of workers struggles and resistance against the exploitation of their labour in the capitalist production process, as these force capital to constantly come up with new technological and spatial fixes. Going even further, particular groups of workers have not only resisted capital, but also actively sought to 'develop spatial fixes and to organize social relations between workers in different countries in such a way as to shape the manner in which the global space-economy is made' (Herod 1997, p. 20). In this sense, workers do not only seek to correct and influence the economic geographies created by capital, but are

3 In this paper, we follow Dicken's (2015, p. 130) definition of transnational corporations. He defines transnational corporations (TNCs) in general as corporations which are 'structured through a myriad of complex relationships, transactions, exchanges and interactions within their own corporate networks' with these networks being embedded within 'different national jurisdictions and contexts' (ibid.).

agents who actively shape the material landscapes of capitalism.

Against this background it is also useful to further define the term 'labour agency'. Katz (2004) differentiates between resilience, reworking and resistance as forms of labour agency. According to this typology, resilience represents 'small acts' (Katz 2004, p. 244) that enable workers to survive, such as finding new and creative ways to bring resources into a household. However, these small acts are not directed at changing social relations. Reworking refers to 'people's attempts to improve their conditions of existence' and 'it involves a greater level of consciousness of the underlying conditions of oppression' (Cumbers et al. 2010, p. 60). Strategies of reworking are usually not directed at overthrowing hegemonic power, but rather 'attempt to recalibrate power relations and redistribute resources' (Katz 2004, p. 247). Resistance is the least common form found in practice, since it involves direct challenges to capitalist social relations through attempts to retake control of labour time and its use in the spheres of social production and reproduction. In the context of this study, we are particularly interested in trade union strategies of reworking and resistance with regard to GPNs, since they involve shifting power relations and, thus, implicate a broader transformation of social relations.

Furthermore, labour agency relies on the capacities of workers to organize struggles, to develop strategies, to form networks and organizations and to challenge power relations. These capacities encompass individual and technical capacities as well as social and collective ones, such as the development of democratic decision-making procedures, political orientations and analyses (Gindin 2001, p. 94). In how far workers are able to develop these capacities depends on the particular social and political context in which they are embedded. Therefore, from a Marxian perspective, the labour process is not only the contested appropriation of surplus value by capital but also the contested development of human capacities. According to Gindin (1998), the possibilities for workers to develop their capacities are constrained in a very specific way. He argues that in the labour process workers surrender 'their capacity to do, the capacity for the creative planning and execution of goals […]. The new owner of their labour power [capital] determines, through organization of work and the division of labour, which skills are used and which are ignored or allowed to atrophy. The capitalist monopolizes the planning and execution of production, and limits workers to carrying out goals and tasks determined by others' (Gindin 1998, p. 78). In the process of wage labour, capital tends to foster only those potentials that are useful to the accumulation of capital. More precisely: 'What workers give up in selling their labour are precisely the kind of capacities and potentials which are absolutely fundamental to one day building a different kind of society: the capacities for doing, creating, planning, executing' (ibid., p. 79). Wishes, aspirations, needs and potentials to re-organize work and society do not have any space within the labour process unless they can be exploited. However, these are key-capacities for political struggle, which is why working class organizations need to be spaces in which such capacities can be developed.

Following this notion of agency as based on concrete capacities, we conceptualize trade unions as spaces within which interpretations of the workplace and the relations of production are produced and workers' capacities to act are developed. As a consequence, we understand trade unions as sites of struggle over legitimate discourses, the demands and aspirations of workers, interpretations of current social relations, and viable strategies(Weischer 1988, p. 108). Which discourses, interpretations and strategies assert themselves, ultimately depends on the power relations within the union, on the resources that different groups and actors are able to mobilize and on the availability of viable alternatives. However, since the production of visions, strategies and capacities must be seen as a constant struggle that takes place within unions, the assertion of one specific strategy does not mean that other strategies cease to exist. Rather, the asserted strategy must be understood as the hegemonic strategy, while other subaltern strategies continue to co-exist or might even be partially integrated into the hegemonic strategy (Hürtgen 2015; Weischer 1988, p. 113f.). In order to analyse not only the strategies of trade unions in relation to other actors, but also the processes that lead to the assertion of these strategies, we draw on an analytical scheme drawn up by Stephanie Ross (2008; 2012) and distinguish between the *strategic repertoire, collective action frame* and *internal organizational practices* of trade unions. The strategic repertoire is defined as the concrete tactics and activities undertaken by trade unions; the collective action frame is understood as the vision and orientation behind a union's work, whereas internal organizational practices refer to the processes of representation, internal democracy, decision making and hierarchy within the trade unions.

In the previous paragraph we showed that the kind of strategy unions pursue vis-à-vis capital in global production networks depends, on the one hand, on the internal vision, constitution and power relations of the particular labour union or movement. On the other hand, however, which strategies assert themselves as hegemonic strategies of the union as a collective actor are also influenced by the *regulatory regime,* since it can provide power sources and open up spaces for specific types of action, while curtailing other types of union action. In order to understand how the regulatory regime may provide or limit union power, it is useful to first define what we understand as union power.

Eric Olin Wright (2000, p. 962) distinguishes between associational and structural power. The former consists of the 'various forms of power that

result from the formation of collective organizations of workers' while the latter consists of the power that accrues to workers 'simply from the location of workers in the economic system' (ibid.). Authors like Brookes (2013) expand Wright's concepts and add forms such as institutional power and coalitional power. To build associational power, unions need several resources and capabilities. Brookes draws on Lévesque and Murray (2010) who distinguish between different sources of union power to demonstrate this. In order to build the capacity to act collectively, Lévesque and Murray argue that unions need 'internal solidarity' comprising a collective identity and the active participation of members in the life of the union (pp. 337–338); 'narrative resources', which refer to the range of values, shared understandings, stories and ideologies that facilitate mobilization (p. 339); and, third, 'infrastructural resources', which means material resources, human resources and organizational practices, policies and programs. In addition, unions need capabilities that enable 'union leaders and activists to develop, use and transform those resources as required by the circumstances they face' (p. 341). These capabilities include 'intermediation' (the ability to mediate between contending interests and to foster collaborative action), 'framing' (the ability to define a proactive and autonomous agenda), 'articulation' (the ability to articulate different levels of action in social movements) and, lastly, 'learning' (the ability to learn and to diffuse that learning within the union'). Since unions are, by nature, collective organizations, Brookes argues that associational power can be regarded as the substance required for the realization of other forms of power, especially for the realization of structural power. This capacity relies, on the one hand, on a union's associational power, but, on the other hand, also on the workers' position in the production process and wider economic system. Wright divides structural power into two subtypes. The first subtype, which Beverly Silver (2003) calls marketplace bargaining power, derives from the scarcity of labour at the labour market (Wright 2000, p. 962). The second subtype, which Silver calls workplace bargaining power, results 'from the strategic location of a particular group of workers within a key industrial sector' (ibid.). Workers employed in highly decentralized, mobile, low-wage industries, such as the garment industry, for example, possess limited market place power (since they can be easily replaced), and limited workplace bargaining power, since production usually takes place in various, dispersed factories. Brookes (2013, p. 14) defines institutional power as the capacity of workers to influence the behaviour of an employer (or another actor) by invoking the formal or informal rules that structure their relationship and interactions. Thus, institutional power can be granted to unions through formal labour laws that provide unions with specific rights to co-determination or to establish legally prescribed bargaining forums. On the other hand, informal procedures and practices, such as a culturally rooted imperative for social dialogue among employers can also provide unions with institutional power. Lastly, coalitional power refers to 'the capacity of workers to expand the scope of conflict by bringing in other […] actors who can alter the behaviour of an employer through their use of financial, communicative or political resources' (ibid., p. 19). The nature of coalitional power can range from 'deep coalitions […] that promote genuinely mutual interests and share in the responsibilities for planning and executing strategies' (ibid., p. 21) to rather short-lived coalitions, for example, in the form of single-issue campaigns that are carried out together with consumer groups. In this study, we argue that the unions' embeddedness into a specific regulatory regime, on the one hand, opens up or limits spaces and opportunities for unions to invoke specific types of union power, and, on the other hand, that it also influences the prioritization within unions with regard to which types of union power, that is, which kind of capacities, should be developed.

Drawing on Eberlein and Grande (2005, p. 91) we use the term 'regulatory regime' to refer to 'the full set of actors, institutions, norms and rules that are of importance for the outcome of […] regulation in a given sector'.[4] We argue that for the regulation of labour in the garment sector, given the organisation of production in the form of a global network, it is important to differentiate between a set of regulatory mechanisms on the *horizontal dimension* and a set of regulatory mechanisms on the *vertical dimension.* The *horizontal dimension* of the regulatory regime is shaped by the concrete socio-economic and political-institutional context in which workers and unions are embedded. This includes, on the one hand, workers' relationships with employers and government institutions at the local, regional and national level and, on the other hand, the specific national-institutional framework, which is constituted by labour laws and their enforcement mechanisms. Legal institutional frameworks, such as institutionalised tripartite bargaining forums for a legal minimum-wage can provide institutional resources of power for unions, assuming they have access to them and possess the necessary associational power to push forward their demands. Likewise, strong public bodies that ensure the enforcement of rights to freedom of association can represent a source of institutional power for unions, since they can create spaces for union organisation in the workplace. However, over the past few decades, we have been seeing a worldwide trend towards the regulation of economic activities away from public regulation at or below the national level

4 Eberlein and Grande have developed the concept of a 'regulatory regime' for the analysis of public transnational regulation in the EU and, thus, refer only to public regulation. However, given the importance of private regulatory mechanisms in the global garment industry, for the purpose of our study, we refer to 'the outcome of regulation' in a wider sense and analyse the outcome not only of public, but also of private forms of regulation.

and towards transnational private regulation frameworks (Vogel 2008; Büthe 2010). This is especially true for the regulation of labour in developing countries: with the rise of neoliberalism since the 1980s and the introduction of export-oriented industrialisation strategies to foster economic growth, labour has been conceptualised by governments primarily as a source of comparative advantage (Mezzadri 2008). Following this rationale, governments in many garment exporting countries are increasingly withdrawing from their role as agents of labour regulation enforcement, since deregulation and low labour costs represent the main competitive advantage with regard to attracting foreign capital (Salmivaara 2017). As a consequence, major Asian garment exporting countries are characterised by repressive labour regimes on the horizontal level with states permitting employers to install a general climate of violence against unions or even actively repressing independent union movements, as it is the case in China and Vietnam (Anner 2017).

In the case of the garment industry, these developments have been criticised since the late 1980s both by unions and the emerging anti-sweatshop movement in the US and Europe, with NGOs, students and consumer activist groups putting pressure on lead firms in the garment GPN to force them to improve working conditions. Since the 1990s, multinational fashion-marketers and retailers have introduced a variety of private transnational regulatory frameworks and mechanisms as a reaction to these demands. These transnational private regulatory frameworks include corporate codes of conduct and their respective monitoring mechanisms as well as regulatory frameworks built around codes of conduct by multi-stakeholder initiatives, including complaint mechanisms (Salmivaara 2017). Transnational advocacy networks led by NGOs in consumer countries have emerged as institutionalised forms of the anti-sweatshop movements from the 1990s and have established their own complaints mechanisms and urgent appeal systems for the coordination of public campaigns directed at putting pressure on retailers to ensure labour standards are enforced along their supply chains (Garwood 2005; Merk 2009). More recently, global framework agreements between global union federations and transnational companies have emerged as regulatory mechanisms in GPNs (McCallum 2013; Sydow et al. 2014).

Following the definition adapted from Eberlein and Grande (2005), we argue that the full set of transnational mechanisms and frameworks directed at regulating labour in global garment production constitutes the regulatory regime on the *vertical dimension.* It encompasses actors located at different stages of the value chain, including multinational retailers and NGOs from the Global North located within retail and consumption. Although the withdrawal of public institutions in garment producing countries from the regulation of labour means that regulatory mechanisms located on the vertical dimension have gained significance, it is important to note that, as opposed to legal frameworks located on the horizontal dimension, private frameworks on the vertical dimension are of a voluntary nature and lack legally binding enforcement mechanisms (Vogel 2008).

As is the case with regulatory mechanisms on the horizontal dimension, transnational regulatory mechanisms on the vertical dimension can provide sources of power for trade unions, since, in many cases, this engagement is linked to accessing resources, such as in the form of financial support for specific activities, capacity building and media attention. However, it is important to note that transnational private social regulatory mechanisms emerge out of social conflicts and, therefore, are the results of struggles over power between a variety of social actors such as states, (transnational) companies, unions, employer associations, NGOs and others. In many cases they may have even been initiated by lead firms as a mechanism to fend off critique by (in the case of the garment industry) anti-sweatshop movements. Such mechanisms do not only constitute an institutional setting for conflict resolution or agency but are related to specific interpretations of the social relations of production and of workplaces. Such interpretations of the social relations of production are linked to different visions of what constitute legitimate strategies and political action. Thus, local unions need to develop a position vis-à-vis these mechanisms and vis-à-vis the actors behind these mechanisms and their visions of legitimate political action.

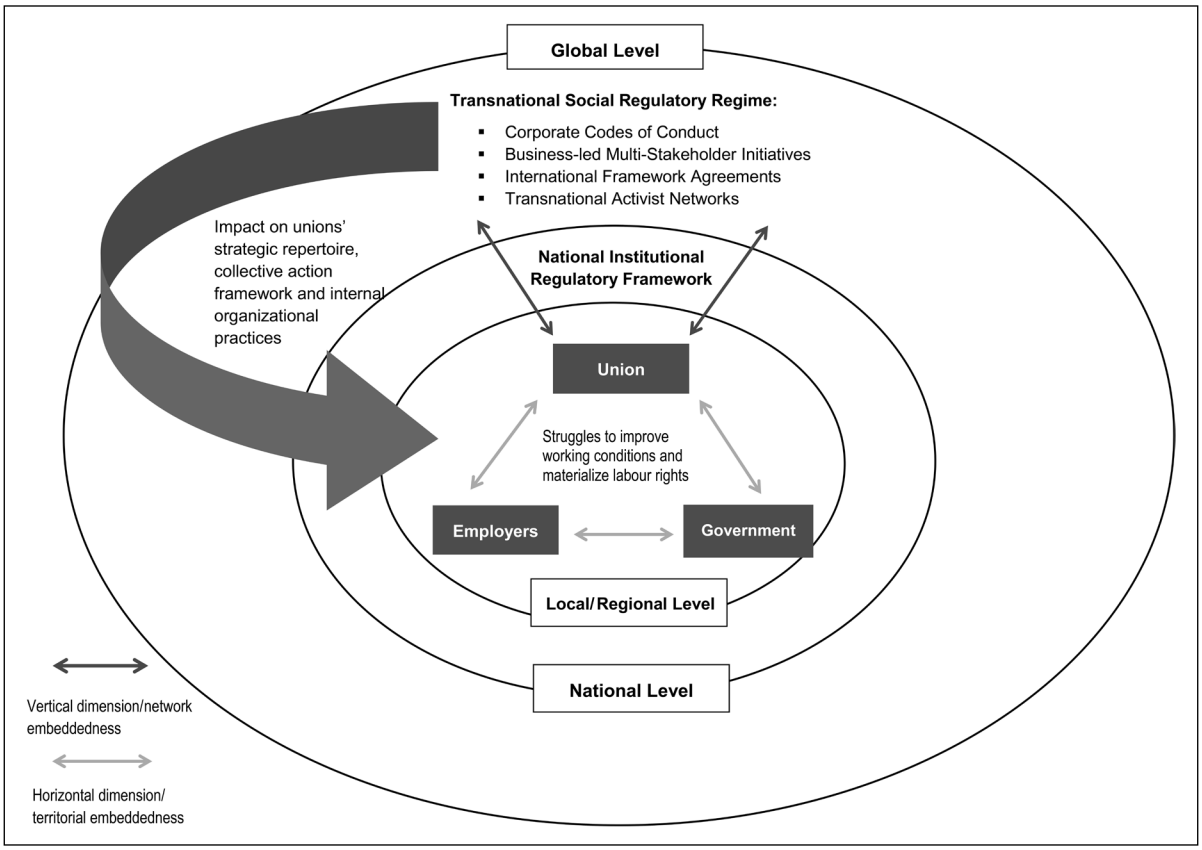
All regulatory mechanisms influence the practices of trade unions, shape political spaces for their agendas, strategies and tactics as well as forms of engagement with power relations in the global garment industry. Hence, a crucial question is whether regulatory mechanisms 'reinforce exploitation rather than seek to address it' (Cumbers et al. 2008, p. 384). Furthermore, it is essential to examine the extent to which they foster or hinder the development of strategies of reworking or resistance and the necessary capacities to develop and realise such strategies. Union engagement with private regulatory mechanisms shapes the social and political context within which union activists and workers can develop capacities. As such, they develop the specific capacities needed for this type of engagement, whereas other capacities remain on the margins. At the same time, engaging with private regulatory mechanisms influences which strategies are seen as legitimate within the union and by their strategic partners and, thus, leads to the adoption of specific strategies. Most likely, the union will find itself under a certain pressure to at least partially adopt the vision and strategy promoted by the dominant actors of the regulatory regime in order to gain and maintain access to the resources provided by them. Since the regulatory regime shapes the social and political context within which unions can act, it determines a specific scope for union agency. At the same time the

dominant agents of regulation seek to foster those capacities in unions and workers that are required for action within the regulatory regime. If unions attempt to pursue a strategy that diverges from the regulatory regime in its interpretation of social and labour relations, unions will have to develop new and different individual, technical, social and collective capacities and create spaces where workers can acquire these capacities.

Figure 1 illustrates the position of labour unions at the intersection of the horizontal and the vertical dimension of a GPN and the regulatory mechanisms at the different levels that influence their strategic repertoire, collective action framework and internal organisational practices.

Conceptualising global production networks as intertwined relationships between actors on a vertical and horizontal dimension illustrates that 'labour agency within GPNs can only be understood in terms of the intersection of these two dimensions' (Lund-Thomsen and Coe 2013, p. 4). Therefore, strategy making for unions in GPNs must necessarily include a constant (re-)evaluation of the nature of existing relationships with other actors in the GPN and the unions' positioning not only vis-à-vis capital on the horizontal dimension, but also vis-à-vis the leading actors of regulatory mechanisms on the vertical dimension, such as transnational corporations, NGOs and the secretariats of the global union federations located in the Global North. Although engagement with these actors and the transnational regulatory mechanisms set up by them might seem an attractive way of gaining access to resources, it might not be free of conflict, particularly for trade unions with a collective action framework of resistance and reworking. Business-led regulatory mechanisms are more likely to marginalise strategies and actions directed at shifting power relations between labour and capital than to promote them. Thus, engaging with these mechanisms might imply the need for trade unions to undergo at least partial transformations in terms of their strategies and internal organisational practices. The following chapter analyses the global apparel production network in more detail. It focuses on firm governance and the social regulatory regime and illustrates the impact of these two dimensions on trade union agency in the Global South.

Figure 1: The Multi-scalar Regulatory System in GPN and its Effect on Labour Agency



4 FIRM GOVERNANCE AND SOCIAL REGULATION IN THE GLOBAL APPAREL PRODUCTION NETWORK AND IMPACTS ON THE AGENCY OF TRADE UNIONS IN GARMENT PRODUCING COUNTRIES

This chapter lays the foundations for our discussion of the impact of firm governance and social regulation in the global apparel production network on trade union agency. Existing research addresses the issue of social regulation mostly through the lens of whether specific regulatory mechanisms can contribute to the implementation of international labour standards and improve working conditions, often with the aim of formulating recommendations for the improvement of specific mechanisms or programs. In the previous chapter, we argued that such an analysis falls short, since it cannot grasp the interrelation between the regulatory regime and the development of labour agency. We use current literature from industrial relations and critical sociology to illustrate the existing forms of social regulation and to determine some important implications for labour agency. These are then elaborated further in chapter five using the example of the empirical experiences made with the TIE ExChains network.

In the first section of this chapter, we illustrate the instruments and mechanisms through which retailers maintain control over their suppliers and discuss how these shape the conditions for trade union agency. In the second section of this chapter, we describe the social regulatory regime in the global garment industry that emerged out of the criticism of conditions within the industry. We discuss codes of conduct, multi-stakeholder initiatives, transnational advocacy networks and global framework agreements as the main mechanisms of social regulation in the global garment industry and begin our analysis of the relation between these mechanisms and labour agency.

4.1 FIRM GOVERNANCE IN THE GLOBAL APPAREL PRODUCTION NETWORK

We use the term 'firm governance' to refer to the condition that 'some firms in the chain set and/or enforce the parameters under which others in the chain operate' (Humphrey and Schmitz 2001, p. 2). Gereffi (1994, p. 97) defines governance in global value chains as 'authority and power relationships that determine how financial, material and human resources are allocated and flow within a chain'. For the global apparel value chain, Gereffi (1999, p. 1) has introduced the concept of buyer-driven value chains, which refers to 'those industries in which large retailers, marketers, and branded manufacturers play the pivotal roles in setting up decentralized production networks in a variety of exporting countries, typically located in the third world'. In contrast to producer-driven chains, which can be found mostly in capital-intensive sectors with high technological requirements, buyer-driven chains usually involve more labour intensive forms of production. The biggest share of profits in buyer-driven chains is derived from non-productive activities, in other words, activities such as information management, product design, marketing and advanced supply chain management, which remain with retailers and brand name companies. In contrast, productive functions are outsourced to independent suppliers. Retailers and brand name companies, thus, take on the role of lead firms in buyer-driven value chains. They have the power to determine what is produced, by whom, and how much is produced, when, and for which price (Dolan and Humphrey 2004).

In the apparel value chain, lead firms are transnational fashion corporations, retailers and marketers such as H&M, Primark, GAP, Nike or Inditex as well as discounters and retailers that sell clothes under a shop brand, such as Wal-Mart or LIDL. These transnational retailers source ready-made garments from independent suppliers located in various regions of the world, with Asia being the biggest sourcing hub. Sourcing regions for transnational retailers and fashion corporations from the US also include Mexico and the Caribbean, whereas European retailers and fashion corporations also source garments from Eastern and Southern Europe as well as from the immediate geographical periphery of the EU, like Morocco and Turkey (Dicken 2015, pp. 469–474). A complex structure of economic governance enables multinational fashion companies to control delivery times, product standards, design and other aspects of production at a distance (Sum and Pun 2005, p. 181 f.; Blöcker and Wortmann 2005). While suppliers remain legally independent, they are effectively integrated into the global production network which is shaped to the benefit of the lead firm.

In order to maximize profits, transnational marketers and fashion retailers have developed a 'cost-squeezing panopticon' to reduce costs of their supply chain (Jessop and Sum 2013, p. 336). In order to supply transnational retailers, local garment manufacturers have to undergo a rigid process in which they need to disclose details of their production capacities as well as internal cost structures. Retailers then compare a potential supplier's delivery times, production capacity, product quality and cost structure with that of the average of their supply chain and make a decision based on the potential suppliers' performance and price. Once garment manufacturers become part of a retailer's production network, the latter continuously

seek to further reduce prices. To this end, many retailers demand a practice of 'open book accounting' from their suppliers with transnational retailers' local procurement offices conducting formal and informal training for local manufacturers on how to further reduce costs and improve performance. Furthermore, multinational retailers coordinate increased competition between their suppliers via benchmarking processes of the most important production factors, thus, indirectly influencing the investment strategies of their manufactures (Sum 2011, p. 286; Jessop and Sum 2013, p. 336). As a consequence, suppliers orient themselves towards transnational buyers and become more and more dependent on their orders. This enables transnational buyers to conduct organizational surveillance of suppliers even more effectively.

Price has become one of the most important competitive factors in the apparel sector. This is illustrated by the fact that the price of garments has not increased proportionally to the rise in the price of other goods over the past few years. For example, in the period between 2003 and 2012, the general price index of goods in the United States has increased by 25%, while the price index for garments has only increased by 5% (Mani 2014, p. 2). Retailers pass on this downward pressure with regard to price to their supplier-manufacturers. The unrelenting push for cost and price-value competitiveness means that manufacturers, in turn, must pass on their cost and production insecurity to their workers (Sum 2010, p. 58). This is done by keeping wages low, exerting a high level of pressure on workers, such as through production targets, and by maximizing workforce flexibility by hiring contract or temporary workers. Frequently, suppliers also subcontract orders to lower tier factories that are often based on informal or home-working structures that evade any form of legal labour regulation. This particularly affects the labour conditions of female workers who often work in the most insecure and informal sections of a production network (Barrientos 2007; Elias 2007).

Since the 1990s, most transnational fashion retailers have introduced social standards in addition to product quality standards as a response to pressure exerted by the emerging anti-sweatshop movement (Anner 2012, p. 613). Together with the introduction of corporate codes of conduct, many transnational retailers have set up social compliance departments that are responsible for carrying out social audits in the countries of production. Today, in order to become part of the supplier network of most transnational retailers, garment manufacturers not only have to undergo audits that evaluate the production capacity of their factory, but also social audits that assess issues such as child labour, workplace health and safety and working conditions. Codes of conduct were one of the first instruments of social regulation that appeared in the global apparel industry. They were soon criticised by trade unions and NGOs as insufficient and ineffective. This criticism has led to the development of more comprehensive codes of conduct and other mechanisms of social regulation. These are outlined in the next section.

4.2 THE SOCIAL REGULATORY REGIME IN THE GLOBAL APPAREL PRODUCTION NETWORK AND ITS EFFECT ON TRADE UNION AGENCY IN GARMENT PRODUCING COUNTRIES

Since the 1990s, several transnational social regulatory mechanisms have emerged as a reaction to criticism by anti-sweatshop movements. These mechanisms involve stakeholders at different stages of the value chain, including retailers, NGOs, governments, international organisations, trade unions and global union federations. In order to systematise different types of transnational social regulatory mechanisms, we distinguish between the corporate codes of conduct (CoC) drawn up by individual companies, business-led multi-stakeholder initiatives (MSIs), transnational advocacy networks (TANs), and global framework agreements (GFAs). The totality of these regulatory mechanisms constitutes the transnational social regulatory regime. Although the regime itself is a contested terrain, we argue that it reproduces a specific hegemonic interpretation of the social relations of production, a specific concept of 'regulation' and, resulting from this, a particular conception of the 'legitimate strategies' available to labour as agents of social regulation. The following section introduces the different regulatory mechanisms and describes their underlying rationales and hegemonic patterns of interpretation.

4.2.1 Private Corporate Codes of Conduct and Business-Led Multi-Stakeholder Initiatives

Corporate Codes of Conduct

The most common private regulatory mechanisms in the global apparel industry are corporate codes of conduct by individual transnational retailers, on the one hand, and business-led multi-stakeholder initiatives, which often have their own codes of conduct, on the other hand. During the early phase of CoCs, transnational companies were reluctant to include labour union rights, and instead focused exclusively on outcome standards, such as environmental standards, health and safety standards and child and forced labour (Anner 2012, p. 613). However, as a result of sustained pressure by the media and activist groups, which criticised the repression that trade unions face in export-oriented garment industries in the Global South, today almost all corporate CoCs drawn up by transnational companies in the apparel sector include collective bargaining rights and clauses on freedom of association. Most commonly, CoCs draw on the principles and norms of labour rights and working conditions that have been established by international organisations, such as the UN Global Compact,

the OECD or the International Labour Organization (Lund-Thomsen and Nadvi 2010). Suppliers have to implement the CoC in order to do business with the transnational company. Either the transnational company itself sets up a mechanism to monitor the implementation or hires a third-party to conduct these controls.

Corporate CoCs have been criticised widely for several reasons. Most importantly, critics have pointed out the conflict of interest among the key actors involved in the monitoring processes: while the official aim of social audits is to detect situations of non-compliance, neither the buyer nor the supplier have an interest in revealing labour rights violations. Thus, the trustworthiness of internal audits carried out by transnational buyers is questionable. Even if independent private auditing companies are hired, these are under pressure to please their clients, since they have an interest in receiving work in the future (Esbenshade 2004; Pruett 2005; Rodríguez-Garavito 2005). As a result, CoCs have a very limited ability to effectively improve working conditions on the ground. This argument is further supported when looking at the low levels of compliance that corporate CoCs produce (Bartley and Egels-Zandén 2015). For example, a study by Locke et al. (2007), who analysed the outcomes of audits carried out between 1998 and 2005 in 800 Nike supplier factories in 51 countries, found that about 50 % of the suppliers did not show any increase in compliance and 36 % even showed a decline in compliance rates. Only approximately 20 % of the factories improved their compliance during this period. Finally, CoCs have been criticised for establishing individual regulatory frameworks for each transnational marketer or retailer, leading to the fact that suppliers have to comply with multiple, varying and sometimes even contradictory corporate codes of conduct from their different buyers, and undergo numerous audits carried out by the various buyer companies. Drawing on the experiences from their field study in Nike supplier factories, Locke et al. state that 'suppliers have to move the fire extinguishers depending on which auditor or which buyer is coming to inspect the plant' and that 'similar problems can occur with specifications for bottom-up worker involvement, which can differ from code to code, creating redundant systems' (2007, p. 6). As a result, suppliers complain of 'monitoring fatigue' (ibid.) and develop low feelings of ownership.

Business-led Multi-Stakeholder Initiatives

In response to these criticisms, many transnational fashion marketers and retailers, in addition to establishing their own codes of conduct, have turned to voluntary multi-stakeholder initiatives to monitor labour standards among their supplier base (Anner 2012, p. 609). In addition to CoCs, MSIs involve other actors of social regulation such as governments, NGOs and in some cases labour unions and, therefore, are expected to ensure greater levels of transparency and compliance (Lund-Thomsen and Nadvi 2010; Locke et al. 2007). Usually, the stakeholders representing the interests of labour on the governance boards of business-led MSIs are unions and NGOs from the Global North, while unions from the producing countries are not normally part of the policy-making and strategy-building processes. In most cases, MSIs are characterised by common standards or codes of conduct, monitoring and certification systems, roundtable dialogues and, in many cases, complaint mechanisms. Participation in MSIs gives transnational corporations the possibility to gain greater legitimacy vis-à-vis consumers, since they can argue that the respective standards and mechanisms are not designed and implemented in response to corporate interests alone (Anner 2012, p. 613). However, as Anner (ibid., p. 614) points out, although MSIs are not exclusively controlled by corporations, they still exercise a strong influence over them. Many MSIs that involve transnational corporations also have company representatives on the governance board. Moreover, in many cases, MSIs' operations are funded through corporate membership fees. Since participation is voluntary, MSIs face the risk that their own financers may withdraw if corporations feel that the MSIs negatively affect their economic interests. As a result, business-led MSIs are likely to focus on merely solving labour issues; this provides legitimacy to corporations and prevents potential reputational damage, while enabling the corporations to tackle problems of labour regulation without risking their position of control and power in the value chain.

The dominance of corporate interests within business-led multi-stakeholder initiatives has also been found to limit the potential of their auditing and complaints mechanisms to effectively improve workers' rights within the production networks of the participating companies. While MSIs' audits and complaint mechanisms have brought about (limited) improvements with regard to outcome standards, at least in terms of minimum wages, child labour, working hours and health and safety, they have been unable to improve process rights, such as freedom of association or the right to collective bargaining (see e.g. Anner 2012; Egels-Zandén and Lindholm 2015). The findings of a study undertaken by Anner (2012), who evaluated 805 FLA factory audit reports issued between 2002 and 2010, show that the vast majority of the cases where noncompliance was identified was in health and safety (40 % of detected violations), followed by wage benefits and working hours, which comprised 31 % of cases, whereas only 5 % of the detected violations were related to freedom of association (Anner 2012, p. 619). This low number, however, does not coincide with assessments of labour right violations in the respective supplier countries undertaken by the International Labour Organization (ILO). Although the ILO categorises Guatemala, for example, as one

of the countries with the worst levels of labour rights violations, not one single FoA violation was detected by the FLA audits during the period examined by the study. A different picture is painted when the nineteen third party complaints that the FLA received during the same period of time are analysed: the biggest share, with 32 % of the total, were FoA violations (Anner 2012, p. 621). However, these complaints are affected by geographical bias: almost 60 % of the complaints come from Central America and the Caribbean, regions where garment unions and workers have had a historically strong transnational relationship with the US anti-sweatshop movement. Similar results can be found in a study by Egels-Zandén and Lindholm (2015) who analysed the effect of the audit and complaint mechanism of the Fair Wear Foundation (FWF), one of the biggest business-led MSIs in the global garment industry, on improving workers' rights.[5] Their findings show that, although the FWF's audit and complaint mechanisms were able to marginally improve outcome standards, more specifically child labour and legally binding employment relationships, they were unable to identify violations of trade union rights. Furthermore, the study shows that the audits did not secure compliance over time, and that improvements in one area were often accompanied by declines in other areas (ibid., p. 38).

Anner (2012, p. 612) attributes the uneven impact of audits and complaints mechanisms of business-led MSIs to the fact that improving process rights can limit managerial control and enable trade unions to challenge the power and control structures imposed by the transnational corporations. Thus, MSIs are unlikely to attempt to effectively strengthen process rights within the production networks of the participating companies. This view is also supported by empirical evidence from Anner's analysis of FLA corrective action proposals for FoA violations: in all of the cases that were analysed, corrective action consisted of introducing a policy at the supplier factory or completing a training exercise, but it never included any form of penalty or disciplinary action (Anner 2012, p. 624).

CoCs, MSIs and Labour Agency

As illustrated above, existing research has demonstrated that transnational companies' and business-led MSIs' codes of conduct and related auditing and complaint mechanisms only have a limited capacity to substantially improve the working and living conditions of workers in the garment industry. However, existing studies fall short of analysing the impact of social regulations on workers' and trade unions' agency as actors that have the greatest interest in bringing about sustained improvements. This leads to the question of the role that workers and local unions from the producing countries can play in the institutional settings of CoCs and MSIs.

Rather than opening up spaces for workers to take an active role in improving their own working and living conditions, most auditing and complaint mechanisms in the garment industry only designate a passive role to workers and unions in the producing countries. Within the institutionalised framework of MSIs, unions and workers from producing countries are designated as providers of information about incidents of labour rights violations, but not as active agents of change. This situation is illustrated by the fact that in most cases workers and local unions are not involved in negotiations over the corrective action plan. A corrective action plan is drawn up in cases where a complaint about a specific labour right violation has been proven by an investigation carried out by the transnational retailer's social compliance department or the NGO of an MSI. Although workers and unions are often interviewed and provide testimonies during the investigation, the corrective action plan is usually exclusively negotiated between the transnational marketer or retailer and the management of the local manufacturer. Thus, MSIs' audit and complaint mechanisms usually provide no structures for unions in producing countries to actively engage in negotiations with management or to formulate demands that go beyond the correction of single labour rights violations. Furthermore, complaint mechanisms tend to individualise the conflict between labour and capital inherent in the relations of production, by only allowing complaints concerning specific single labour rights violations to be raised. By only permitting negotiations to be conducted about single incidents, labour rights violations are dissociated from their structural context – a context that is shaped by contradictory social relations – and, instead, are framed as isolated violations that can be solved on a case-by-case basis.

These arguments are sustained by empirical data from our interviews, in which we discussed the complaint mechanisms and other activities of the MSI Fair Wear Foundation, with an Indian labour rights researcher and union counsellor as well as with a representative of the FWF. According to the labour rights researcher, workers and their organisations only play a passive role in the FWF's auditing and complaints framework: during the audits and investigation into complaints, unions and workers usually provide information and, in the framework of the FWF, unions and workers participate in formulating the corrective action plan. However, the process is led by the 'complaints handler', usually a third-party. The process aims for 'realistic, effective and measurable' (FWF 2012, p. 4) improvements – a provision which, of course, is in itself highly contested and part of the antagonistic social relation between capital and labour. However, although workers and local unions play a role in drawing up the corrective action plan, they are not provided with

5 The authors analysed the results of 288 audits and focused on 43 factories which were audited multiple times between 2004 and 2012. The authors focused on these 43 factories because the multiple audits made it possible to evaluate change over time. Of the factories studied, 86 % were direct suppliers to FWF members, while 14 % were tier-two suppliers.

a means to control the actual enforcement of the corrective action plan, nor are they in charge of the entire process. Controlling a manufacturer's progress in implementing the corrective action, therefore, remains the exclusive task of the FWF's auditors, and their reports remain confidential. This limits the possibilities for local unions to develop strategies to place the suppliers' management under pressure, since they lack the relevant information (Interview with labour rights researcher, 26 September 2016).

As part of the FWF's institutional framework, regular training sessions are conducted with workers in supplier factories of FWF member companies on a variety of topics including health and safety provisions, the prevention of sexual harassment, labour rights and use of the FWF's complaint mechanisms. These training sessions are solicited and paid for by the member companies (FWF 2017). They focus on information about rights and technical knowledge about formal procedures. However, as our interviewee from India points out, providing information about rights or mechanisms does not necessarily enable people to develop the capacities to use their rights and mechanisms as a tool to improve their situation. This applies especially to trade union rights but also when it comes to addressing issues of gender-based violence. Such issues are linked to power structures, discourses and agential potentials in the workplace and beyond. Workers are embedded in these relations and they co-constitute them through their actions. For example, addressing and fighting issues of gender-based violence would require workers to acquire an understanding of patriarchy and to deconstruct gender-related power structures. Building a union requires more than formal knowledge about trade union rights; rather, it also requires knowledge about which strategies can be used to build power in a hostile environment, and how to organize workers who live and work in a repressive labour regime and under specific gender relations etc. However, this understanding exceeds the formal knowledge about laws, complaint mechanisms and sexual harassment committees that is passed on in the training sessions organized by the FWF (Interview with the labour rights researcher, 26 September 2016).

Based on the findings from existing literature on the limited effects of COCs and MSIs in terms of improving workers' rights and our empirical research into the FWF's institutional framework and its activities, we can draw some preliminary conclusions about the implications of CoCs and MSIs for labour agency. *First,* corporate codes of conduct and business-led MSIs must be seen as instruments that are essentially dominated by corporate interests. Thus, they promote very specific institutional structures and ways of dealing with labour rights violations that are designed to enable transnational companies to fend off criticism about labour rights violations within their production networks, while at the same time maintaining a business model that is based on the exploitation of cheap labour. Kaleck and Saage-Maaß (2016, p. 27) argue that corporate codes of conduct must be understood as managerial methods to deal with the social (and environmental) consequences of the activities of transnational corporations: human rights violations and exploitation are understood as management problems that can be solved through institutionalized procedures, rather than as caused by the structural contradictions within global capitalism. Egels-Zandén and Lindholm (2015, p. 38) point out that codes of conduct allow auditors, sustainability managers and multi-stakeholder representatives to create the 'illusion of improvement' by focussing on the correction of recorded incidents of non-compliance rather than on the new cases of non-compliance that emerge in parallel. Individual corrections of cases of non-compliance are interpreted as leading to improved working conditions, while areas where compliance has decreased are disregarded or merely seen as fields in which further audits are needed (ibid.).

Second, the underlying rationale of codes of conduct and business-led MSIs is characterized by a reduction of the discourse of labour rights to a discourse of compliance with labour standards. It is important to understand that this conceptualization of labour rights and labour rights violations not only provides a pre-structured space for the agency of trade unions and limited space for the agency of workers, but that it also shapes the workers' and unions' notion of labour standards. Sum and Pun (2005, p. 194 f.) emphasize that exposure to a discourse of labour rights that is focused on 'compliance' leads workers to view compliance with labour standards as a necessary condition to gain orders from buyers, instead of understanding labour standards as tools to organize and improve their conditions (Sum and Pun 2005, p. 196). This understanding of labour standards is promoted by corporations and MSIs through institutionalized complaint mechanisms and also through training sessions in which workers learn how to make use of these mechanisms (Sum and Jessop 2013, p. 291).

Third, along with mechanisms for social regulation, transnational companies have established various institutional frameworks which seek to integrate workers and unions and limit their scope of action by designating them with clear, but rather limited functions, on the one hand, and by submitting them to a logic of cooperation, on the other. MSI complaint mechanisms are a good example of such an institutional framework. Although unions can acquire the position of monitors in these frameworks, workers always exclusively remain sources of information or testimonies in cases of labour rights violations. Thus, instead of developing agendas and strategies aimed at challenging existing power relations, by engaging with MSIs local unions are drawn into an institutional framework where their role is reduced to carrying out 'police work' (Interview with a labour rights researcher, 26 September 2016), and where promoting self-organization and autonomy

among workers only plays a minor role (Barrientos 2007, p. 250). The consequence is that workers often become a passive object of regulation (Egels Zanden and Merk 2013, p. 465). Similarly, round tables are used by corporations and business-led MSIs to construct 'network forms of governance' (Jessop 2011, p. 109) that address incidents of violation of labour standards through dialogue and finding common solutions. The integration of unions into round tables ensures that they are subjected to this imperative of cooperation and consensus. Thus, round tables can be interpreted as a constellation of the imperative of cooperation in which participation becomes essential if actors are to be deemed at all reasonable (Ziai 2006, p. 85). This can lead to the transformation of a unions' overall political strategy from a more militant approach directed towards industrial action to strategies of social dialogue. This occurs because groups within the union who favour strategies of social dialogue gain influence, and spaces for agency open up for the union staff within these networks, whereas workers remain passive and their capacities continue to be undeveloped. Thus, Jessop (2011, p. 55) argues that MSIs essentially represent mechanisms that integrate subaltern groups into bodies that help corporations to sustain their legitimacy, while at the same time enabling them to remedy governance problems in the form of challenges to their positions of power and control within the production network. As such, social antagonisms are neglected and any actions that go beyond the framework are considered 'noise' (Jessop 2011, p. 58) and regulatory failure. Regulatory frameworks do not provide a solution to pre-given problems but frame the problem in the first place. Service-oriented NGOs become part of this structure and part of a discursive shift towards sustainable competitiveness (Sum and Jessop 2013, p. 373). Round tables cannot address contradictory interests and asymmetries in power relations between different stakeholders, essentially between capital and labour, since labour rights violations are interpreted as resulting from miscommunication between management and the workers or as resulting from flawed management processes. Thus, round tables in the MSI framework usually focus on improving the dialogue between workers, unions and management, and on building trust and good relationships between these actors. As a consequence, non-consensus political strategies like industrial action and bargaining are explicitly discouraged. Structural conditions in the global garment industry, which are actively enforced or promoted by transnational fashion marketers and retailers, such as the flexibilization of labour markets, declining purchasing prices, and shorter lead times, are not addressed as part of the problem, nor is the independent self-organization of the workers seen as a legitimate strategy.

In this section we analysed the impact of business-led private regulatory frameworks on the agency of unions from garment producing countries. We have illustrated how unions, when they engage with these frameworks, are forced to submit to an interpretation of labour and workplace relations that reduces labour rights violations to single incidents caused by technical failures and regulatory framework deficiencies, thus blending out the structural conflict of interests between labour and capital. As a consequence, unions are encouraged to pursue strategies directed at correcting single issues through improved dialogue with the management. Since this dialogue is conceptualized as based on mutual trust and not on relations of power, union leaders are merely required to have the capacity for successful communication and relationship building with the management. Capacities for organizing workers and, thus, building bargaining power, are not needed within this context. However, since the asymmetrical power relations between lead firms, local managements and unions remain untouched in these frameworks, unions ultimately depend on the benevolence of capital for achieving any improvements for their members. In addition, we have also shown that lead firms usually set the scope of issues that can be tackled within these frameworks, thus, severely limiting the space for union agency.

Given the limitations of these frameworks, unions in garment producing countries have also sought other spaces in which to raise their demands such as through campaigning and the urgent appeal frameworks provided by NGO-led transnational advocacy networks (TANs). Thus, in the following section we present the rationales behind TANs and analyse how engaging with TANs impacts the abilities of unions in garment producing countries to develop the capacities to build sustained bargaining power and to shift power relations within the global production network.

4.2.2 Transnational Advocacy Networks

The Politics of Transnational Advocacy Networks

As pointed out in the previous chapter, the evolution and the functioning of the current social regulatory regime in the global garment industry cannot be understood without considering the role of NGOs as central agents in promoting private regulation (Egels-Zandén et al. 2015, p. 347). Transnational retailers and marketers introduced private social standards in the form of codes of conduct mainly due to pressure from activist groups, NGOs and the media in the Global North. Since the late 1980s, these groups have focused public attention on the labour rights violations and repression of trade union activities at the factories supplying US and European retailers. Several institutionalized transnational advocacy networks (Keck and Sikkink 1998) have evolved over time out of the early beginnings of relationships between NGOs and activist groups from the US and Europe and workers and labour unions from garment producing countries. Today, these networks are a driving force behind private regulation. Following Trubek et al. (2000, p. 1194), transnational advocacy

networks (TANs) can be defined as networks 'made up of actors in organizations such as NGOs, social movements, national governments, international organizations, and foundations linked together in a voluntary network that operates across national borders on behalf of principled issues such as human rights, women's rights or environmental protection.' Although all these actors may be part of the networks, it is important to note that it is usually international or national NGOs that take on the leading role in TANs. They are usually the initiators, agenda-setters and the main agents that put pressure on the most powerful actors that operate in the respective field (Keck and Sikkink 1999, pp. 91–92). TANs are an essential part of the social regulatory regime in so far as they 'promote norm implementation by pressuring target actors to adopt new policies and by monitoring compliance with regional and international standards' (ibid., p. 90).

One of the most influential TANs in the global garment sector is the Clean Clothes Campaign (CCC), which was founded in 1989. The CCC is an alliance of NGOs, solidary activist groups and trade unions from 15 European countries which work together towards ensuring that the fundamental rights of workers in the global garment industry are respected (CCC 2018). According to their own statement, the CCC relies 'on a partner network of more than 200 organizations and unions in garment-producing countries to identify local problems and objectives, and together [they] develop campaign strategies to support workers in achieving their goals' (CCC 2013: 16). The CCC's main activities are directed at informing, engaging with, persuading and mobilizing citizens to use their power as consumers by providing them with information about the sourcing practices of the main fashion retailers in the countries where they are active, and on the working conditions in the supplier factories of these retailers (Merk 2009, p. 607). A second key area of the CCC's activities is the urgent appeal system: the CCC receives requests for action from their partners in garment-producing countries on specific violations of workers rights. The CCC then verifies the request and takes steps to achieve remediation: this can be through approaching fashion companies and retailers which source from the respective factory, urging them to take action against their suppliers, or by organizing public campaigns.

Campaigning strategies are at the heart of all transnational advocacy networks. They usually involve four types of tactics: *information politics, symbolic politics, leverage politics* and *accountability politics* (Keck and Sikkink 1999, p. 95). In the following, these tactics are further illustrated by drawing on examples from the CCC; the organization's potential to promote agency and emancipatory practices among workers in garment-producing countries is also discussed.

Information politics refers to all activities that 'provide information that would not otherwise be available, from sources that might not otherwise be heard, and make it comprehensible and useful to activists and publics who may be geographically and/or socially distant' (ibid., p. 96) The leading actors in TANs are NGOs based in the US or Europe; in most cases, these organizations do not have offices in the countries where they target their actions. Therefore, they depend on establishing and maintaining links with local organizations that can provide them with information on a regular basis. The CCC's urgent appeal system depends on the rapid information flow between the CCC's offices in Europe and their partner organizations in the garment-producing countries. As a consequence, this instrument is mostly available to workers and unions in countries where unions are not prevented from maintaining relations with foreign NGOs. Workers in countries such as China, Vietnam and Myanmar, therefore, are less likely to be able to make use of the urgent appeal system. A second element of information politics is the ability to mobilize information about specific issues at politically opportune moments, such as in order to secure financial resources. For example, after the collapse of the Rana Plaza building in Bangladesh in 2013, the German Ministry for Economic Cooperation and Development made improving the working conditions in the global garment industry one of its political priorities. As a result, additional funds were made available to German NGOs working on improving working conditions in the global garment industry (BMZ 2016). In order to seize these kinds of politically opportune moments, it is important that NGOs have links to local workers' organizations so that they can write informed project proposals and gain a share of the available funds. As a third element, gathering information and transforming them into stories with 'clear, powerful messages' (Keck and Sikkink 1999, p. 96) is also important for NGOs. In this case, it enables them to mobilize consumers and the wider public and, thus, put pressure on transnational companies in the global garment sector to effectively secure labour rights along their supply chains. TANs also need to be able to mobilize consumers and the public. One very common way to do this is to create and disseminate testimonies – that is 'stories told by people whose lives have been affected' (ibid.). In the case of TANs in the global garment sector, it is usually sweatshop workers whose stories are told and promoted by NGOs based in the Global North (see for example, War on Want 2008). It is important to note, however, that while these stories are presented as if the workers themselves were speaking and thus, receiving a voice, frequently 'there is a huge gap between the story's telling and its retelling [by NGOs] – in sociocultural context, in instrumental meaning, and even in language', so that the interviewed workers often face the risk of 'los[ing] control over their own stories in a transnational campaign' (Keck and Sikkink 1999, p. 96).

The need to create strong and powerful messages is closely related to the use of *symbolic politics,* the

second tactic employed by leading NGOs in TANs. Symbolic politics refers to the act of framing issues by 'providing convincing explanations to powerful symbolic events, which in turn become catalysts for the growth of networks' (Keck and Sikkink, p. 96) and help to create awareness and to mobilize the public and consumers. Labour rights NGOs focusing on the global garment sector have turned the collapse of the Rana Plaza building into a symbolic event. The aim is to draw attention to the unethical sourcing practices of big European and US fashion and garment companies which the NGOs largely hold accountable for the death of at least 1137 garment workers. Due to pressure from the management, the workers were working in a factory that had been officially shut down. In the aftermath of Rana Plaza, numerous NGOs in the US and Europe set up media campaigns. The aim was to put pressure on transnational companies to take on responsibility for the working conditions along their supply chains, but also to pay compensations to the victims of Rana Plaza and to improve building and fire safety in Bangladesh (Fink 2014). Among other outcomes, these campaigns led to the formation of the Accord on Building and Fire Safety in Bangladesh, an independent, legally binding agreement between transnational companies and national and international trade unions that was established to work towards a safe and healthy Bangladeshi ready-made garment industry. Leading labour rights NGOs in the garment sector, such as the European Clean Clothes Campaign, played a vital role in bringing about this legally binding agreement. However, although Bangladeshi garment unions are listed as signatories, the initial agreement was negotiated exclusively between representatives of transnational companies, European NGOs, and global union federations from Europe (Interview with a CCC member, 17 September 2016). This exemplifies the institutional logic of advocacy prevailing in TANs, where NGOs exercise leverage over transnational companies on behalf of workers in the garment industry, who do not have access to these companies, and, in many cases, also lack the power resources to enter into negotiations with the transnational companies themselves.

Exercising leverage over more powerful actors on behalf of weaker actors is the third tactic that TANs apply, that is, *leverage politics.* Usually, the identification of points of leverage represents a crucial step in campaigning strategies. The most common form of leverage exercised by TANs such as the CCC in the garment industry is moral leverage. Moral leverage can be employed, for example, as a reaction to violations of labour rights at a supplier factory of a specific retailer. Moral leverage, therefore, can be created most effectively in the countries where the retailer has stores, through practices of 'naming and shaming, mobilising consumers through e-action and organizing picket lines or demonstrations' (Merk 2009, p. 608).

The fourth and last tactic, *accountability politics* goes hand in hand with leverage politics. Accountability politics refers to the ability of NGOs to use their information and leverage to 'expose the distance between discourse and practice' (Keck and Sikkink 1999, p. 98) as a very specific form of naming and shaming. The fact that many transnational fashion and retail companies have already adopted corporate codes of conduct is used strategically by NGOs in TANs to emphasize the gap between the standards stipulated in the CoC and the real working conditions at the supplier factories of these companies. The CCC applies accountability politics in order to urge transnational companies to remediate workers rights' violations at their supplier factories by exercising material leverage, that is, by using their purchasing power (Merk 2009, p. 609).

As mentioned above, TANs in the global garment sector usually link NGOs, consumer and activist groups from the US and Europe to workers, unions and labour rights organizations in the garment producing countries. According to Keck and Sikkink (1999, p. 93) these 'linkages are important for both sides. For the less powerful Third World [sic] actors, networks provide access, leverage and information (and often money) they could not expect to have on their own. For northern groups, they make credible the assertion that they are struggling with, and not only "for" their southern partners.' In the same line of argument, Anner (2013, p. 25) argues that unions that have limited structural and institutional power (due to their position at the lowest step of the value chain and the limits on their political rights) can build coalitional power[6] by developing strong ties with labour rights and activist groups in the consumer countries, and, therefore, make use of the leverage power that these groups have. However, these campaigning strategies tend to be rather defensive and short-lived in nature. Anner (2015) describes the outcome of various labour struggles in the garment industry where local unions have sought to extend their leverage by using campaigning frameworks offered by TANs. In one case, a local union demanded the reduction of production targets as these had been raised which prevented workers from taking breaks and, thus, represented a sever danger to their health. As a result of a transnational campaign addressing the issue 'the piece rate was returned to the previous year's rate, which was already unbearable' (p. 165 f.). In other cases that were addressed by unions through transnational campaigns together with TANs, 'fired workers got their jobs back, but their union remained weak'(p. 166), or 'workers who were fired without back pay or severance received what they were owed, but the workplace was closed and the union was destroyed' (ibid.). Against

6 In order to use a coherent terminology throughout this study, we applied the terms coined by Wright (2000) and Brookes (2013) which were introduced in Chapter 3. Anner (2013) uses a slightly different terminology. However, we would argue that adapting the terminology does not distort his argument.

this background, it seems necessary to gain a better understanding of the reasons why campaigning strategies by TANs have contributed so little in the past to promoting the sustained associational power of unions in garment producing countries. In order to contribute to closing this gap, in the next section we explore the impact of campaigning strategies by TANs on the agency of labour unions in garment producing countries.

TANs and Labour Agency

Although existing research into TANs in the global garment industry shows that TANs have been able to use campaigning strategies to achieve corrective action and compensation payments for workers in producing countries in several cases of labour rights violations (see e.g. Anner 2015), campaigning strategies have been of limited use with regard to building sustained union power on the ground. In this section, we examine the effect that engaging in campaigning strategies led by TANs can have on the abilities of unions from producing countries to effectively gain the capacities they need to develop associational power resources and to challenge existing power structures between labour and capital. Critical voices, particularly from activists and scholars from the Global South, deny that these capacities can be developed within campaigning frameworks. Instead, they argue that TANs tend to cement in place an international division of roles and tasks in which NGOs from the Global North act as agents of change, while unions from producing countries are conceptualized as incapable of being able to substantially improve their working and living conditions on their own (Wells 2009, p. 570). NGOs from the Global North solve specific labour conflicts in producing countries by using their leverage power by mobilizing individual or institutional consumers in the Global North and, thus, putting pressure on transnational companies. Choudry and Kapoor (2013, p. 15) criticize that this leads social change to become the task of 'experienced strategists, negotiators and policy wonks' and is no longer the result of workers forming unions, bargaining with their employers and organising collective actions. Authors such as Dina Siddiqi (2009), Naila Kabeer (2004) and Elisabeth Fink (2014) criticize the information politics conducted by TANs as reproducing an imaginary of workers' from the Global South that tends to be weakening rather than empowering. They accuse TANs of relying on the use of a 'language of horror' which reproduces the image of the 'average Third World Woman' (Mohanty 1984), a woman who is incapable of pursuing her rights.

These criticisms are also supported by the empirical examples of the CCC's information, symbolic and accountability politics that were illustrated in the previous section: in each of the cited examples, the role and tasks of labour unions and workers from garment producing countries never went beyond merely supplying information and giving testimonies to campaigns organized and carried out by NGOs and activist groups in the Global North. While unions from consumer countries play an active role in defining the TAN's strategic approach, unions from producing countries are not involved in strategic discussions or decision-making processes. This was clear from the negotiation of the initial agreement that led to the Bangladesh Accord on Fire and Building Safety, where European NGOs and unions gained exclusive access to the negotiation forum with transnational companies, and workers and unions from Bangladesh were unable to participate. A similar division of roles and task can be observed in the CCC's urgent appeal system: according to trade unionists from Turkey, when workers from a garment producing country use the urgent appeal system to notify the Clean Clothes Campaign of a labour rights violation, it is the CCC officers based in Europe who engage in talks and negotiations with the transnational companies (in cases where a working relationship already exists with them) and agree on the specific strategies and measures to be taken by their supplier company to end the labour right violations (Interview with Turkish trade unionist, 14 February 2017). Workers at the supplier factory then have a chance to give feedback to the CCC about whether the violations persist or the situation has improved. As a consequence, this form of cooperation elaborately builds workers' capacities to tell their stories about rights violations, without developing bargaining capacities or strategic capacities that they could use to address these issues on the factory floor.

A second line of criticism of the campaign strategies used by TANs addresses their limited scope and their focus on compliance with minimum labour standards rather than on empowering local actors. The limited scope of campaigns results from the fact that they are usually defensive: campaigns aim to remedy specific violations of labour standards or to preserve a specific status quo (Anner 2015, p. 165). Thus, as was the case with corporate codes of conduct and business-led MSIs, many NGO-led campaigns promote a rather technical notion of achieving compliance rather than notions of self-organization and building local bargaining power. Choudry and Kapoor (2013, p. 1), therefore, criticize the fact that the success of a campaign is usually assessed in terms of whether specific labour rights violations have been remedied. As such, the success of a campaign is not judged in terms of whether unions on the ground have been empowered. Thus, Choudry and Kapoor argue that 'advocacy NGOs in particular come to contribute to managing and structuring dissent, channeling this into organizational structures and processes that do not threaten underlying power relations' (2013, p. 5). According to Waterman (2015, p. 33), in a campaign framework, the perspective of a common struggle between NGOs from the Global North and unions and workers in producing countries is reduced to 'avowing for victims'. This conceptualization of a common

struggle, however, is incompatible with any notion of solidarity aimed at empowering all actors involved. Empowering actors as part of a common struggle would require mutual support rather than one-sided aid and changing one's own conditions through cooperation.

A third line of criticism refers to a form of transnational collaboration with TANs, where social movement organizations from the Global South receive financial support from NGOs in the Global North, often within a project framework. In this form of collaboration, NGOs from the Global North usually look for partner organizations in the Global South in order to carry out a project on a specific issue, which might comprise research as well as campaigning or other activities. However, the strategic decisions with regard to the issues to be tackled by a certain project or campaign are mostly defined by the NGO in the Global North, which possesses exclusive access to financial resources. Activists and academics from the Global South have, thus, criticized the self-referentiality of northern NGOs within these kinds of transnational project frameworks, since 'they develop strategies internally without reference to peoples and social movements they claim to advocate on behalf of' (Choudry and Kapoor 2013, p. 13). A further criticism focuses on the criteria used to select partner organizations in the Global South: since NGOs from the Global North often do not have their own finances, but channel funds stemming from public entities, the capacity to comply with strict funding criteria and strict reporting guidelines is the main criteria for their selection of partner organizations in the Global South. In order to be eligible as a project partner, organizations in the Global South must prove that they have the managerial and technical capabilities to administer, monitor and account for project funding. However, as Choudry and Kapoor (2013, p. 17) state, 'funding criteria and reporting guidelines place a heavy burden of expectations on organizations which may not have the capacity to do the administrative work associated with this, nor fit neatly into criteria, guidelines and goals set by funders'. As a result, organizations from the Global South engaging in project frameworks with TANs may 'be compelled to transform their organization by adopting particular forms of professional practices, functions and priorities' (ibid.). Against this background, Choudry and Kapoor observe a general trend towards the professionalization of social movement organizations in the Global South. They view this as an effect of increased transnational cooperation in TANs, which put pressure on social movements to adopt managerialist organizational governance structures and practices exercised by NGOs from the Global North, which are themselves embedded in neoliberal economic structures.

This trend towards professionalization has had severe implications for the strategic repertoire, collective action frame and internal organizational practices of social and labour movement organizations: *firstly,* professionalization has influenced the internal organizational practices of social and labour movement organizations, since it has led power to be concentrated on trained and paid staff within the organization. In interactions with partners from the Global North, it is usually trained union staff with English-speaking skills who make strategic decisions and whose capacities for communication, representation and leadership are developed, while actual movement activists have little space to develop these kinds of capacities. As Choudry and Kapoor (2013, p. 15) state: 'Professional staffers tend to represent their organizations in public as spokespeople, at negotiating tables, and in partnership structures, whereas they could instead support mobilization on the ground, and help movement activists to develop leadership skills and represent their movements as they see fit'. Moreover, the process of professionalization has changed relationships of accountability between staff, leadership and members of the organization: instead of being primarily accountable to the members of the organization, leadership and staff become largely accountable to donors from the Global North. Since strategic decision-making processes are carried out without the involvement of members, and since there is no downwards accountability towards members, no real relationship of representation exists between the members and spokespersons of these organizations. Moreover, in many cases the spokespersons are not even elected leaders, but paid staff. In this organizational framework, 'the expert has become the person of training, speaking for those served by service organizations' (Choudry and Kapoor 2013, p. 16).

Second, with regard to the collective action frame, Choudry and Kapoor (2013, p. 15) criticize the process of professionalization as having led social and labour organizations to adopt a 'model of managerialism that emphasizes organizational governance over radical politics and support for mobilization and social movements'. This problem is reinforced by the fact that 'Northern NGOs and social movement activists are often unaware of, or seemingly unconcerned about whether Southern organizations and their representatives have a genuine grassroots base or, rather, whether they represent a professional class of NGO representatives with access to international networks' (ibid., p. 9). The imposition of specific managerial practices required by funders from the Global North, are often accompanied by strict requirements for written documentation about strategies, meetings and activities. As a result, organizations tend to adopt a 'textual orientation' (ibid., p. 15) which follows the paradigm that 'practice is not real, unless it can be documented in writing' (ibid.). This approach can also have an impact on the organization's strategic repertoire, since the main aim of activities becomes producing documentation for donors, while building the capacities of the members and activists involved becomes a secondary matter. Furthermore, unions

and organizations engaged in relationships within TANs that are characterized by project-by-project funding might also face difficulties in developing a broader collective action frame for their activities and a focus for mobilization (Choudry and Kapoor 2013, p. 17). This would require capacities to conduct a sustained and integrated analysis of the economic and social structural power relationships within which the union is embedded. However, in a project-by-project funding and collaboration TAN framework, these kinds of analytical capacities are neither needed, nor developed, since the strategic agenda-setting is carried out by NGOs from the Global North and 'partner organizations' in the Global South merely implement the project.

After having discussed the implications of engagement in TANs for the agency of local unions, we now turn to a third private regulatory mechanism that is relatively new in the global garment industry, but which is becoming increasingly important: the global framework agreements negotiated between global union federations and the headquarters of multinational fashion retailers. We begin by illustrating the concept of GFAs and how they work, before discussing the (potential) effects of GFAs on local union agency in garment producing countries.

4.2.3 Global Framework Agreements

The widespread critique of corporate codes of conduct and business-dominated MSIs, which are seen as constituting a 'new paternalism' (Esbenshade 2001) in global labour relations and, thus, preventing workers' self-organization, have put further pressure on transnational companies (TNCs) to engage in alternative forms of private transnational regulation which would give a more central role to trade unions as negotiation partners at a global level. This has opened paths for global union federations to establish themselves as central actors in the development of global labour relations (Fichter and McCallum 2015, p. 71). As a result, and particularly since the beginning of the 2000s, global framework agreements (GFAs) have emerged as a new tool in transnational private regulation (Thomas 2011). Global framework agreements are usually negotiated between TNCs and the global union federation from the respective sector, sometimes with the involvement of national affiliates of the global union, usually from the home country of the signing corporation (Riisgard and Hammer 2008; Fichter and McCallum 2015).

Over the last 15 years, global framework agreements have increased in number and scope with a total of 119 GFAs existing by the end of 2017 (ILO 2018, p. 16). Research has demonstrated that during this period GFAs have become binding, gained a stronger wording and a growing complexity of regulations and processes aimed at securing the implementation of labour standards (Wundrak 2012a, p. 3). Today, GFAs not only include the assertion that international labour standards have to be implemented, but often refer to other standards like the OECD's Guidelines for Multinational Enterprises or the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. A consequence of this trend is a more comprehensive wording, more complex regulations and the inclusion of existing international instruments and principles. In addition, an increasing number of GFAs provides detailed process instructions with regard to implementation, monitoring and dispute resolution. About 80 % of GFAs make a reference to the signing companies' production networks including direct suppliers and their subcontractors. The designated activities vary from informing suppliers and encouraging compliance with international labour standards to the possible termination of the contractual relationship as a measure of last resort if international labour standards are not adhered to (Hadwiger 2015, p. 25). However, with regard to GFAs signed between transnational corporations active in buyer-driven commodity chains, only a minority of GFAs includes a strong reference to the supply chain and sanctions such as the termination of a business relationship in the case of continued violations of the GFA (Hadwiger 2016).

The overall increase of the number of GFAs can be contrasted with the small number of GFAs that have been signed in the global garment industry: in August 2018, only five GFAs existed between the global union IndustriAll and major fashion and garment TNCs (ILO 2018, p. 36; IndustriAll 2018). A study by Miller (2004) provides insights into the possible explications for this low number. Miller has analysed the (unsuccessful) campaigns and negotiations conducted by the International Textile, Garment and Leather Workers' Federation (ITGLWF), which attempted to draw up GFAs with six major TNCs in the garment, textile and footwear industry in the early 2000s. According to Miller's findings, the complex networks of suppliers characterizing the garment industry are one reason why TNCs were reluctant to sign GFAs. Secondly, the rapidly increasing number of multi-stakeholder initiatives and codes of conduct provided attractive alternatives to TNCs, as they enable TNCs to increase their legitimacy without signing a GFA. According to Miller, other factors responsible for the ITGLWF's lack of success include the anti-union stance of the management of some TNCs and the union's limited resources.

Of the six GFAs existing today in the global garment industry, the first was an agreement between the ITGLWF[7] and the Spanish fashion retailer INDITEX, which owns international brands such as Zara, Pull and Bear, and Bershka. In 2011, the ITGLWF signed another

7 In 2012, the ITGLWF merged with the International Metalworkers' Federation (IMF) and the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM) with all affiliates of these three federations joining the newly formed GUF IndustriAll.

GFA with the Japanese sportswear manufacturer Mizuno. In more recent years, IndustriAll has signed agreements with the Swedish fashion retailer H&M (2015), and with the German retail chain Tchibo (2016), which also sells clothes under the store brand TCM. In October 2017 IndustriAll signed a GFA with the British e-commerce brand ASOS . The newest GFA in the garment sector was signed in August 2018 between IndustriAll and the fashion retailer Esprit with operative headquarters in Germany and Hong Kong (IndustriAll 2018). By signing these agreements, TNCs commit to ensuring that the standards and principles defined in the GFA are fully adhered to by their direct suppliers and sub-contractors (ILO 2018, p. 36; IndustriAll 2018).

According to researchers like Michael Fichter and Jamie McCallum (2015), GFAs constitute governance structures that do not improve working conditions themselves, but create a regulatory framework in which GUFs and unions can act. Hence, it is important to take a look at IndustriAll's official strategy. The IndustriAll strategic approach sees GFAs as a starting point with which to establish industrial relations and negotiations on a global level. The two main tactics under this strategic approach are the development of transnational union networks on the one hand, and the organization of cross-border campaigns on the other hand. Trade union networks are then expected to ensure the dissemination and implementation of the GFA at the local level. At the same time, they are aimed at promoting an exchange of information and joint initiatives by local or workplace unions at the TNC's subsidiaries and, thus, also help to coordinate joint demands for bargaining and mobilization at the national level (IndustriAll 2012). Alongside the trade union networks, cross-border campaign strategies ensure the implementation of core labour standards throughout the global production network of the signatory company. The cross-border campaigns coordinated by IndustriAll's headquarters involve industrial and media action in order to put pressure on TNCs to take action and end labour rights violations among their suppliers. However, since campaign strategies usually focus on core labour standards, the GFA merely represents 'another tool in the arsenal' (Interview with a representative from IndustriALL, 30 August 2016) with which leverage can be exerted on transnational corporations.

Global Framework Agreements and Labour Agency

In order to assess the extent to which GFAs are able to influence labour agency in global production networks, a central characteristic of these agreements needs to be understood: GFAs are essentially the minimum standards that global union federations and the management of a TNC were able to agree on. More recently, some GFAs, such as the GFA between IndustriAll and H&M constitute procedures to process conflicts between the signatories and mechanisms to remedy violations. Similar to codes of conduct, GFAs comprise basic rights, often in reference to international core principles, such as ILO labour standards. Thus, from a union perspective, in order to have an effect beyond the mere guarantee of minimum standards, GFAs must be used as 'a framework through which local-level agreements may be negotiated and a minimum floor upon which local-level agreements may build' (Thomas 2011, p. 274). As a consequence, the effective implementation of GFAs relies heavily on the involvement and actions of unions at the local and workplace level. However, local unions from the producing countries are usually not involved in the negotiation of the GFA, which, in most cases, takes place exclusively between the representatives of the GUF secretariat and the TNC management. Findings from a survey of GFAs across four countries by Fichter and McCallum (2015) indicate that local union representatives and workers are often not even aware that a GFA has been signed on their behalf. The two major challenges in terms of the effective implementation of GFAs can thus be described using the words of a GUF representative as 'how to bring the [GFA] down to the workplace level and how affiliates use the agreements and challenge companies' (cited in Thomas 2011, p. 282).

Since GUFs are the central drivers behind the conception and negotiation of GFAs, their strategic approach to using the GFA is a determining factor behind the effectiveness of these agreements as tools for strengthening the agency of labour on the ground. Fichter and McCallum (2015) define two opposing types of strategic approaches to GUFs with regard to GFAs: a 'social partnership approach' and a 'conflict partnership approach'. Both aim to settle conflicts between capital and labour through negotiations. However, the former approach tries to find solutions through direct contact between GUF representatives and management. Conflict resolution happens in a formal manner through the establishment of mutual trust between the signatories. The latter approach tries to build the power resources of national or local unions through campaigning as a pre-condition for negotiations. While the social partnership approach is the more dominant one, it actually limits the potential of the GFA to strengthen unions throughout the production networks of a TNC. In the social partnership approach, GUFs use GFAs to establish highly institutionalized relationships of dialogue with a TNC's management, and even after the GFA has been signed, this remains the predominant forum for negotiations and conflict solving. Participation in this institutionalized form of dialogue is limited to the representatives of the GUF and, in some cases, to the representatives of the GUF affiliate in the country where the TNC's headquarters are located. GUFs, therefore, 'position themselves as the self-appointed voice of the workers in a given company and its global production network' (Fichter and McCallum 2015, p. 70). As a consequence, local

unions are limited to monitoring the implementation of the minimum standards agreed on between the GUF and the TNC. In this setting, if a local union detects a violation of a GFA, it usually notifies the GUF, which then investigates the case. The GUF informs the TNC's central management and negotiates corrective action in order to end the violation on site as quickly as possible (Platzer and Rüb 2014, p. 13). Hence, the global social partnership approach, although it has been partly successful in rectifying some labour rights violations, has a very limited ability to strengthen trade unions at the local level. Long term and sustainable improvements can only be achieved by enabling trade unions to build negotiating power at the local and workplace level through unionization and organizing strategies. To develop such trade union strategies, a greater dispersal of power to the local level is needed (Cumbers et al. 2008a, p. 382).

In this sense, the GFA between H&M and IndustriAll, which foresees the implementation of national monitoring committees (NMCs), provides a starting point for the establishment of trade union networks within H&M's global production network. The NMCs consist of two representatives of H&M's management and two representatives from IndustriAll's affiliates in the respective countries. IndustriAll sees the role of the NMCs not only as monitoring bodies for the implementation of the GFA, but also as spaces for further collective bargaining with H&M at the national level (Interview with IndustriALL representative, 30 August 2016). However, the potential of the NMCs is limited in two ways: firstly, according to the interviewee from IndustriALL, it is very unlikely that NMCs will be formed in countries where H&M has no production office. Second, the decisions of the committee are not legally binding, thus their implementation will, again, depend on whether the national affiliates of IndustriAll possess the necessary power resources to exert leverage on H&M. In order to strengthen the national affiliates of IndustriAll and in order to promote network building between them, which is considered important for building associational power, IndustriAll aims to organize meetings of the national affiliates that are members of the NMCs (ibid.).

Against this background, Fichter and McCallum (2015) propose the 'conflict partnership' approach as an alternative model for building global labour relations around a GFA. This approach goes beyond the institutionalized dialogue setting in which the GFA was initially conceived and aims to openly invoke union power resources to challenge corporate power throughout the global production network. This is done by seeking to involve local unions more actively through campaigning and mobilizing strategies directed at putting pressure on anti-union management, and by providing local unions with access to the negotiation table. Findings from the study undertaken by Fichter and McCallum (2015) show that 'conflict can lead to a deeper implementation process explicitly because workers must necessarily be organized to play a role in first winning the GFA and then ensuring it is fully implemented' (ibid., 67).

Findings from a study undertaken by Wundrak (2012a, p. 20) further demonstrate that in order to strengthen local unions through GFAs, the dissemination of the GFA must be linked to broader strategic discussions and capacity building that strengthens the links between union organizations at the global and local level. Thus, the introduction of the GFA must be linked to discussions about the necessity, possibilities and shape of transnational union strategies, to strategies for creating stronger networks between unions and labour rights groups at the local level, as well as to capacity building among unions to use GFAs in their union work (Wundrak 2012b, p. 37).

In summary, the extent to which GFAs in the global garment industry create spaces for labour agency, depends on the strategic approach that IndustriAll (and any other GUFs that sign agreements covering garment production networks) take with regard to these agreements. Experiences with various GFAs have shown that these agreements have proven to be useful in single cases of labour rights violations. However, strategies for using GFAs to strengthen national and local trade unions as bargaining partners, both with local suppliers and with the signatory TNCs, must be further developed, especially in the global apparel industry. When GUFs remain the exclusive negotiation partners of TNCs, GFAs tend to reproduce the negative effects that MSIs and TANs also have on local union agency. In other words, they reduce the role of local unions to monitoring the implementation of the minimum standards agreed on between the GUF and the TNC. The main precondition for empowering local unions through GFAs is the establishment of a relationship between GUFs and their national affiliates based on regular exchange that involves national and local unions in the strategy building processes at the global level. This might make it necessary for global union federations to review their structures and practices, and these are frequently criticized as a 'scaling up of the outmoded [Western European] model of social democracy and corporatism' (Cumbers et al 2008, p. 381) to the global level. As Munck (2010, p. 221) and Waterman (2008, p. 251) point out, global union federations' strategies are generally conceived in their headquarters in the Global North and, thus, are often disconnected from the reality facing the workers on the ground. As a consequence, projects directed at improving working conditions or strengthening trade unions in the Global South are often carried out as a form of 'development cooperation' with funding from governments and international organizations. Under these circumstances, even if a GUF engages in allocating resources to and capacity building with national and local unions, these run a large risk of not actually meeting the needs of these unions.

4.3 INTERIM CONCLUSION

In this chapter, we discussed the structure of economic governance within global garment production networks and illustrated how the business interests of transnational garment and fashion retailers shape the working and living conditions of workers in the export-garment production sector. Further, we discussed the role of codes of conduct, MSIs, TANs and GFAs as dominant forms of social regulation in the global garment industry. Although a wide number of studies have criticized the limited impact of these transnational mechanisms of social regulation when it comes to improving working and living conditions on the ground, so far, little insight has been provided into how these forms of private social regulation influence the agency of trade unions and workers in the productive sector. We discuss this issue in more detail in the next chapter drawing on empirical experience from the TIE ExChains network. However, we have already pointed to some of the characteristics of the dominant forms of transnational social regulation, and these are important for the analysis that follows.

We have shown that the existing mechanisms of transnational social regulation constitute networks of social actors on the vertical dimension of the garment production networks in which garment unions are embedded. We further illustrated that these networks are shaped by power relations, with actors from the Global North dominating political agendas and strategies in most cases. As a consequence, existing mechanisms of transnational social regulation promote specific political strategies and foster certain capacities of workers and trade unions. The leading actors are transnational corporations, NGOs and, in some cases, labour unions from the Global North. Unions in the garment producing countries participate in these strategies merely by providing information and monitoring implementation. However, the existing dominant mechanisms of social regulation not only promote specific political strategies, but also particular discourses and interpretations of workplace relations. These are mostly centred on a technical notion of compliance with labour standards and are not aimed at increasing the bargaining power of local unions by fostering self-organization among workers and developing the capacities needed to challenge the current power relations between capital and labour. In contrast, business-led mechanisms in particular aim to establish a hegemonic approach towards social dialogue and, thus, to reproduce existing power relations in the global apparel industry. This limits garment unions' scope for activism on the vertical dimension. Furthermore, it can even prevent them from developing power resources on the horizontal dimension if these interpretations and orientations become the union's hegemonic strategy.

However, unions in garment producing countries are actively engaging with these mechanisms and becoming involved in their reproduction, for example, by using MSI complaint mechanisms in cases of workplace labour rights violations or by providing information for campaigns that are planned and carried out by TANs from the Global North. This can be partly explained by the socio-economic context within which unions are embedded on the horizontal dimension (see Section 5.1). The socio-economic context shaping the conditions for union agency at the local or national level is characterized by severe repression against union members by local managements in combination with a pro-management stance on the part of public labour institutions. This limits unions' associational and institutional power. Given the pressure from transnational fashion retailers and marketers on manufacturers to lower prices for garments and to produce more cost-effectively, producers can only remain competitive when their control mechanisms enable them to extract the maximum surplus value from their labour force. As a consequence, in most supplier countries the garment industry is characterized by frequent violations of the right to freedom of association and various forms of repression against union members (Anner 2013, 2015; Ruwanpura 2015). At the same time, since the garment industry is an important industrial growth sector and provider of jobs, governments are shifting their role in most producing countries from enforcers of rules and regulations towards 'enablers' or 'facilitators' of business, as this secures investment and prevents the relocation of the industry to countries with even lower wages. This leads both to the withdrawal of public institutions from the sphere of regulation and to encouraging 'self-regulation' of the private sector, which increasingly transforms labour and workplace relations into a matter to be dealt with through transnational private regulation mechanisms (Hess 2013). Thus, unions in garment producing countries can only rely to a very limited extent on local government institutions to enforce labour rights. As a consequence, labour unions in garment producing countries have also been shifting the focus of their strategic action from the local to the transnational level and are increasingly using existing transnational social regulatory frameworks as forums to raise their demands (Anner 2015).

Against this background, any intent to create an alternative approach to the existing forms of social regulation will need to tackle power relations in the global garment industry in order to open up spaces for trade unions to build bargaining power at the local level. Under the current transnational private regulatory regime, there is very little space for unions to develop the capacities needed to pursue strategies of resistance, that is, to challenge power relations. The strategies that unions use to resolve and gain compensation for labour rights violations, for example, through MSI complaint mechanisms and campaigning together with TANs about specific issues, can be categorized as strategies of reworking, since they temporarily 'recalibrate power relations' (Cumbers et al. 2010, p. 60) and lead to an, albeit limited, redistribution of resources. Engaging with the mechanisms

and resources provided by the transnational regulatory regime can help unions to temporarily build coalitional and institutional power by activating links to consumer and labour rights groups and by seizing the different forms of access to institutional frameworks provided by the regime to solve labour conflicts. This leads unions to develop a very specific set of capacities needed to maintain relations with the leading actors in TANs and MSIs and for fulfilling the technical and social requirements that characterize these interactions. However, as we have shown in this chapter, these requirements are often incompatible with the development of capacities for building local bargaining power and fostering workers' self-organization, since, in the institutional frameworks of the transnational regulatory regime, actors from the Global North, such as NGOs or GUFs, remain the main agents of change, while local unions and workers are reduced to the role of providing information and testimony. Moreover, especially in the context of business-led MSIs, the leading actors promote a focus on social dialogue, and this leads to the de-legitimization of more militant union strategies. Hence, while the current transnational regulatory regime offers some space for local union agency and enables unions to temporarily achieve a recalibration of power relations and a redistribution of resources in the context of very specific individual labour conflicts, the regime's institutional framework ensures the reproduction of overall power structures in the global apparel industry.

In the next chapter, we analyse empirical experiences from the TIE ExChains network, a network connecting union and worker activists along garment value chains. The aim is to provide a deeper understanding of the challenges that local unions face when trying to build strategies of resistance under the current transnational regulatory regime. Through the lens of the experiences of the member unions, we illustrate in detail how engaging with the dominant frameworks for social regulation shapes union agency by fostering specific capacities and approaches and marginalizing others. The empirical analysis is structured as follows. In Section 5.1 we begin with a brief overview of the political-economic context and industrial relations in the South Asian garment industry. In Section 5.2, we introduce the TIE ExChains network's negotiation strategy, which aims to foster workers' self-organization and build local union bargaining power vis-à-vis manufacturers and transnational retailers. We then discuss the issue of whether this constitutes an alternative strategy for unions to the existing frameworks of social regulation. In Section 5.3, we discuss the challenges unions have been facing while trying to implement this strategy and analyse how these challenges are linked to the impact of the dominant mechanisms of social regulation on the visions, strategies and internal structures of the garment unions organized in the TIE ExChains network.

5 CASE STUDY: EXPERIENCES FROM THE TIE EXCHAINS NETWORK

In this chapter, we exemplify how the visions, strategies and internal organizational practices of trade unions in the South Asian garment industry are influenced by the dominant transnational mechanisms of social regulation in global garment production networks. We draw on the experiences from garment unions in India, Bangladesh and Sri Lanka, which are part of the TIE ExChains network. As laid out in chapter three, we conceptualize the agency of trade unions as located at the intersection of the horizontal dimension and the vertical dimension of the global production network. On the horizontal dimension, unions usually develop positions and strategies vis-à-vis direct employers and the state. These interactions are shaped by the political-economic and legal contexts of the specific places where trade unions are located and by internal processes within the union and its membership. Due to the specific nature of the global garment industry, in which transnational retailers set up and control production networks, however, the place-specific socio-economic and legal contexts on the horizontal dimension are also shaped by the economic governance structures and regulatory mechanisms on the vertical dimension. Against this background, the TIE ExChains network has developed a negotiation strategy aimed at promoting trade union practices and building union bargaining power vis-à-vis local employers on the horizontal dimension and vis-à-vis transnational corporations on the vertical dimension. However, member unions have faced various challenges during the implementation of this strategy, which are rooted in the conflicting orientation, strategies and internal union structures between the dominant transnational social regulatory regime and the negotiation strategy. Before we illustrate the strategy and the challenges posed to its implementation by the social regulatory regime, we provide a brief overview of the economic-political context and industrial relations in the South Asian garment industry with a focus on India, Bangladesh and Sri Lanka.

5.1 THE HORIZONTAL DIMENSION: THE POLITICAL-ECONOMIC CONTEXT AND INDUSTRIAL RELATIONS IN THE SOUTH ASIAN GARMENT INDUSTRY

The garment and textile industry is not only the largest manufacturing sector in South Asia, but also a major exporter and employer. Apparel exports from South Asia made up 12 % of global garment exports in 2012 with a total value of USD 43.8 billion (Lopez Acevedo and Roberson 2016, p. 39). About 25 million people are employed in the region's garment and textile industry, of which about 80 % work in informal arrangements (ibid., p. 42). Among the South Asian countries, Bangladesh holds the greatest share of global exports with 6.4 %, followed by India with 3.5 % and Sri Lanka and Pakistan each accounting for 1.2 % of global exports (ibid., p. 44). Despite slight tendencies towards a diversification of export markets during the last decade, Europe and the US remain by large the two most important export markets for South Asian garments. In 2012, more than half of all garment exports from South Asia went to the European Union (52 %) and 11.25 % went to the US (ibid., p. 47). Bangladesh and Sri Lanka particularly rely on the ready-made garment industry as a major export sector: garments make up 83 % of Bangladesh's exports and 45 % of Sri Lanka's exports. In India, the share of exports taken up by garments, however, is only 5 % (ibid., p. 44). The ownership structure in the South Asian garment industry is mainly domestic for India and Bangladesh, where 90 % of firms in the garment sector are owned by locals, and mixed for Sri Lanka where joint ventures and found as well as locally owned garment manufacturing companies (ibid.)

In order to ensure their garment sectors remain attractive to transnational fashion retailers and marketers from Europe and the US (the main buyers of South Asian garments), the Indian, Bangladeshi and Sri Lankan governments promote strategies aimed at keeping labour costs as low as possible. This includes maintaining low wages and promoting the flexibilization of labour markets. Wages in the Bangladeshi and Sri Lankan garment sector are among the lowest in Asia: the average monthly minimum wage for garment workers in 2010 in Bangladesh started at around USD 68 and in Sri Lanka at around USD 71 (ibid., p. 53). India's average monthly minimum wages in the garment sector are slightly higher with a total average minimum wage of USD 101 in 2010. However, the wage structure in India is characterized by significant differences between regions: the lowest wages are paid in the state of Tamil Nadu, where an unskilled garment worker earns on average USD 2.13 per day as opposed to the state of Haryana (National Capital Region), where the average daily wage is around USD 3.06 (Mani 2013, p. 3). The Indian government has sought to offset the comparatively higher wages of its garment industry by introducing a series of labour law reforms over the past few years with the aim of increasing productivity and flexibility. Thus, in 2016, the maximum permissible amount of weekly overtime was raised from four to eight hours in the garment sector. Further, short term contracts were introduced in order to allow employers to hire workers at peak periods of production. Furthermore, in the context of the 2016 reforms, employees with a salary below 15,000 Rupees (about USD 223) were exempted from paying the otherwise obligatory contributions to the Employees Provident Fund Scheme (Pattanayak 2016).

Working conditions in the garment sector in India, Bangladesh and Sri Lanka are characterized by long working days, high levels of pressure and poor workplace health and safety. Workers have to achieve production targets of up to 1500 pieces per day. If these are not met, workers face verbal and physical harassment from their supervisors, and wage cuts. In order to achieve these high targets, workers rarely take breaks to drink, eat or stretch during their 8- to 14-hour shifts. As a consequence, many workers suffer from dehydration, kidney problems, back aches and repetitive strain injuries (CCC 2009; ILO 2015; CWM 2015). Workplace safety also remains a central challenge in the industry, particularly in Bangladesh. The fire at the Tazreen factory in November 2012 and the collapse of the Rana Plaza building in April 2013 were just the two most devastating catastrophes of a number of building fires and collapses in the Bangladeshi garment industry, which claimed the lives of more than thousand garment workers and left more than 2000 injured (Manik and Yardley 2013; Fink 2014). As a consequence, more than 200 mainly European-based fashion and garment retailers signed the legally binding Bangladesh Accord on Fire and Building Safety, and are currently funding inspections of all garment factories supplying the signatory companies of the Accord. Although the Accord has contributed to the improvement of workplace safety in these factories, it covers only one third of the total number of factories in the Bangladeshi garment sector (CBC news 2013).

The majority of workers in the South Asian garment industry are young women. In the South of India, as well as in Bangladesh and Sri Lanka, women make up approximately 80 to 85 % of the total workforce in the apparel sector (Hancock et al. 2015, p. 65). Women are especially vulnerable to physical and verbal abuse and sexual harassment in the workplace. According to a study by Sisters of Change in partnership with the Bangalore-based community women's rights organization Munnade, one in seven garment workers has been raped or forced to commit a sexual act. However, only 3.6 % of reported cases resulted in action by the police or the factory management; no criminal charges were brought up against the aggressors (Sisters for Change and Munnade 2016, p. 2).

Unionization rates in the South Asian garment sector remain low. In the Indian and Bangladeshi garment sector the unionization rate is below 5 % (FWF 2015, p. 4; FWF 2016, p. 21). These numbers can be explained by the lack of enforcement of labour rights on the ground: even though labour legislation in all three countries permits the establishment of factory unions and union federations and enables them to engage in collective bargaining, in practice, the freedom of association and collective bargaining rights are constrained due to legal barriers, the anti-union policies of factory managements and the pro-management stance adopted by public institutions, such as labour departments, labour courts and police forces. Legal barriers include the requirement for a high minimum union membership rate at the enterprise level (which might comprise various geographically distant factories) and the need for authorization by the labour department. Due to close ties between employers and government authorities, lists of workers applying to register a new union are often disclosed to the management of the respective factory, which results in the termination of these workers' contracts. Moreover, once a union is formed, there is no legal obligation for management to enter into negotiations with it. If the management does not recognize the union as a bargaining partner, the union has no right to represent the workers (Danish Trade Union Council 2014, p. 4; FWF 2016, pp. 20–21). Factory managements and police forces often cooperate to harass trade union members, who are threatened with physical violence or criminalized as 'terrorists'. The recent wave of repression against union leaders in Bangladesh highlights the severe violations of trade union rights in its garment export industry. Between December 2016 and February 2017 garment trade union leaders and workers' activists have been jailed and kept in detention. Union offices have been ransacked by the police, furniture has been destroyed, and official union documents confiscated (IndustriAll 2017). In India and Sri Lanka, unionization is particularly difficult within the special economic zones (SEZs) or free trade zones (FTZs). Their distant locations, strict security and surveillance mechanisms, and the anti-union stance by the management make it hard for trade union activists to gain members in these special areas (Gunawardana 2007; FWF 2016, p. 21).

Despite these adverse circumstances, a number of active garment unions exist in all three countries and they have led, and in some cases won, important struggles in the past. In Sri Lanka, the Free Trade Zones and General Services Employees Union (FTZ & GSEU), together with other unions, has managed to make Sri Lanka one of the few countries in the world where FTZs actually function with trade unions. In response to increasing repression by employers, trade unions organized public protests in July 2016. The protests mobilized more than 3,000 workers who demanded that the state intervene and take measures to secure union rights in the FTZs (IndustriAll 2016). In India and Bangladesh, the Garment and Textile Workers Union from Bangalore and the National Garment Workers Federation from Dhaka organized protests and demonstrations calling on the minimum wage committees to increase the minimum wage. Both unions were recognized as employee representatives during the negotiations with the state and employer's associations and achieved significant wage increases. However, the implementation of the minimum wage remains a subject of continued struggle, since managements are refusing to pay the new wages (CWM 2015; Apparel Resources 2018).

It is important to note that local unions are not the only organizations claiming to represent garment

workers. During the last few decades, all three countries have witnessed the proliferation of local labour rights NGOs, many of which were founded with the assistance of development agencies or NGOs from the Global North. As a consequence, many of these NGOs maintain close links with leading agents of transnational social regulation and are highly embedded in transnational networks (Fink 2014, p. 47). This especially applies to labour rights NGOs in Bangladesh, which is considered the 'NGO capital of the world' (Karim 2001, p. 96). Although local labour rights NGOs usually concentrate on providing education and social services to garment workers, they also carry out research tasks and, act as representatives of garment workers within the frameworks of the transnational social regulatory regime during round tables, complaint mechanisms or campaigns (Choudry and Kapoor 2013, p. 16). Thus, local unions often face the challenge of developing a position towards labour rights NGOs.

After this short overview of the local political-economic context and industrial relations in the garment industry in India, Bangladesh and Sri Lanka, in Section 5.2, we describe the ExChains network's negotiation strategy. In Section 5.3, we illustrate the challenges facing the implementation of the strategy, which result from the impact of the transnational social regulatory regime on unions' visions, strategies and internal organizational practices.

5.2 TIE EXCHAINS NEGOTIATION STRATEGY AS AN APPROACH TO UNION BUILDING

TIE ExChains is a network of retail workers, works council members and trade unionists employed at the transnational fashion retailers H&M, Zara, Esprit and Primark and from garment unions from Sri Lanka, India, Bangladesh, Turkey and Cambodia. ExChains is part of TIE Global, a global grassroots network of trade union activists. ExChains aims to build solidarity between workers at both ends of the supply chain and to build union power, both in the garment and retail sector (Fütterer 2016, p. 212; Huhn 2015). The members of the ExChains network aim to develop a form of international trade union cooperation that links the daily struggles of works councils and trade union activists in their respective shop floors and unions. The network attempts to undertake collective bargaining on the transnational scale and to develop organizing strategies for retail and garment workers through exchange, self-organization and cross-border learning (ibid.).

Since the ExChains network is part of TIE Global, it is worth describing TIE Global as well. 'TIE' stands for Transnationals Information Exchange and TIE Global understands itself as a 'global grassroots network of workers active in workplaces and communities' (TIE Global n.d.). TIE Global includes union and non-union activists in the formal and informal economy and aims to encourage, organize and facilitate international consciousness and cooperation among workers and their organizations throughout the world. The network was founded in 1978 by trade unionists, researchers and activists on the assumption that the emergence of transnational corporations challenged traditional trade union strategies and that new forms of theory and practice were needed (Huhn 2015, p. 55). TIE Global was set up to develop independent trade union strategies without negating the fact that structural conditions have changed fundamentally. Representatives from labour movements in the Global South, especially from Brazil, and from oppositional trade union slates in the Global North aimed to develop an international trade union strategy rooted in rank-and-file activities as part of a self-acting internationalism (Moody 1997, p. 227 f.; Huhn 2015, p. 102 f.). According to Moody (1997, p. 249), the 'TIE experience' is an important example of social movement unionism that links local struggles to the global level and fosters worker-to-worker cooperation. Since its foundation, new trade unions and activists group have joined the network and fields of work have changed. In the beginning, the network mainly consisted of unionists from the automobile and chemistry sector in Germany, the US, the UK, Japan, Brazil and South Africa. Later, trade unions from Turkey, Sri Lanka, India, Cambodia, Bangladesh and Malaysia joined the network. TIE groups cooperate in different industries and along value chains to promote unionization and workers' self-organization (Fütterer 2016, p. 207; Huhn 2015). The TIE network consists of regional groups and projects. Representatives of these groups and projects get together in person for regular TIE Global meetings. Members of the network make basic decisions at the meetings about TIE programmes and perspectives, and elect members to serve on the TIE coordinating team. The coordinating team maintains close contact to ensure the coherence of TIE activities between the meetings (TIE Global n.d.).

The ExChains network is part of the broader TIE network and was founded in the early 2000s. The ExChains network consists of the following groups and trade unions (Fütterer 2016, p. 212):

- From India: the Garment and Textile Workers Union (GATWU) from Bangalore, and the Garment and Fashion Workers Union from Chennai (GAFWU)
- From Sri Lanka: the Free Trade Zone Workers and General Services Employees' Union (FTZ&GSEU)
- From Bangladesh: the National Garment Workers Federation (NGWF)
- From Germany: the trade union ver.di and works council members from the retailers Zara, H&M, Primark and Esprit.

The network develops its strategies and plans its concrete activities at annual meetings of works council members and trade unionists from the retail and production sector (ibid., p. 214). Between these meetings, activists and unions coordinate their activ-

ities on a local and regional level. Solidarity-based relationships between workers and activists from the production and retail sector within the ExChains network are founded on the shared experience of wage-labour in the global garment industry. The network aims to form a class-based consciousness of exploitation in the global garment industry (ibid., p. 213). Both retail workers and garment workers face precarious working conditions: female workers face sexual violence in the workplace – both, in retail and the garment industry. Furthermore, intensification and downsizing lead to unhealthy working conditions. Given the large influence and control that transnational marketers and fashion and garment retailers have over the organization of productive work, not only in retail, but also in the garment industry, the members of the network view transnational corporations as their principal employers, not only in the retail, but also in the production sector. One of the network's key activities involves discussing the differences and similarities between workers' experiences in the global garment industry as a condition for developing common strategies (Fütterer 2012). As such, the network's cooperation and perspective exceeds a narrow understanding of wage-labour and takes into account issues of health at the workplace, control of the labour process, dignity at work, mobility, housing and social reproduction, since these are important for mutual understanding (ExChains 2015a; ExChains 2012).

The network's activities are manifold. Trade unions and factory level activists in South Asia develop organising strategies and promote cross-border learning about successful strategies. During TIE Asia meetings they share their experiences and evaluate strategies (Köhnen and Scheidhauer 2002, p. 37). The development of trade union strategies against sexual violence in the workplace and building democratic organizations in workers' communities plays an important role in this context. The Garment and Textile Workers Union started as a women workers' centre before it became a trade union. The Free Trade Zone and General Services Employees' Union from Sri Lanka started as a union of female workers and cooperated with a women's workers centre to organize female workers. Research into organising strategies confirms – and this is particularly the case with garment unions – that it is important to include strategies for gender justice in their everyday work in order to encourage female workers to join unions (Ebenau and Nickel 2016, p. 170). In Germany, works council members and ver.di work together on strategies to organize retail workers and to promote collective bargaining at the shop level. The mentor system has proved to be a very successful strategy for organizing (Fütterer and Rhein 2015). Works council members act as union organizers and help their co-workers in different shops to form works councils and to address issues of occupational health and safety and precarious working conditions. The mentors help to build their co-workers' capacities to organize in their shops and to build associational power through the institutional power of the works councils.

All activities within the network follow a broader approach to building trade unions' and workers' capacities, on the one hand, and of implementing a transnational approach, on the other. Conflicts in the workplace are conceptualized as embedded in a wider set of economic structures and power relations shaping labour relations along the value chain, thus requiring strategies aimed at shifting power relations not only in the workplace, but also within the value chain (Fütterer 2016). Due to their position as lead firms in the garment value chain, transnational retailers and marketers are held primarily responsible for the working conditions at both ends of the value chain, including unhealthy working conditions and the repression of unions and works councils. Thus, one central aim of the network is to foster union cooperation along the value chain and to develop common demands vis-á-vis retailers and marketers.

The network's focus on formulating common demands and building associational power of unions along the value chain is due to its tradition of social movement unionism but is also a reaction to the limits of the prevailing social regulatory mechanisms in the global garment industry (these were discussed in detail earlier). Despite the fact that public campaigning strategies have been able to achieve remediation and compensation for specific, single labour rights violations, they have provided a very limited contribution to building sustained trade union power (Fütterer 2016, p. 216; ExChains 2015b). Against this background, members of the ExChains network have developed a new strategy aimed at building the associational power and bargaining capacities of local unions and works councils along the value chain (Interview with TIE Asia's coordinator, 30 September 2016). This new strategy is referred to as the 'negotiation strategy'. According to the TIE coordinator in Asia, the collective process of discussion and reflection within the network has already contributed to the development of trade union capacities, since workers and trade union activists decided to change their practices and to shift their focus from the mere remediation of specific labour rights violations to building sustained bargaining power. It is important to note that not only trade union representatives, but also factory level activists participated in the discussions and in the decision-making process that resulted in the formulation of this new strategy (ibid.).

The negotiation strategy is based on a new approach which seeks to combine engagement in concrete struggles with the renewal of trade unions as a social force struggling for broader changes in society and promoting the self-organization of workers. From the perspective of social movement unionism, the democratization of trade unions is a necessary condition for the development of emancipatory practices and

struggles (Moody 1997, p. 275). Implementing the negotiation strategy requires changes with regard to internal organizational practices, such as the devolution of power to local activists (Ross 2008). But it is important to note that democratising the union does not merely refer to formal democratic structures but to workers having 'power over the things that matter' (Parker and Gruelle 1999, p. 38). Democratising means that workers become actively involved in decision-making, and in debates about strategies and tactics and that their capacities to do so are developed as part of collective processes.

Furthermore, the negotiation strategy aims to develop spaces for negotiation with buyers and manufacturers. As argued in the previous chapters, the existing spaces in the regulatory regime are not forums for collective bargaining between capital and labour (and this applies to manufacturers as well as to retailers) nor are the transnational corporations willing to bargain with garment unions. Since spaces for collective bargaining between garment unions and retailers do not exist, the negotiation strategy will have to conceptualize ways to conduct triangular bargaining between unions, retailers and manufacturers and create sufficient pressure to force them to the bargaining table. In order to develop both these forums and the necessary associational power, the strategy includes plans to open up new spaces for debate, reflection and strategy building within the unions and the ExChains network.

At the core of the strategy lies the idea that workers themselves develop demands and strategies for struggles at different levels through a deliberative process. This also requires that workers gain a deeper understanding of the social and economic power relations in which they are embedded. Workers will only be able to develop strategies of resistance that can challenge current power relations and bring about sustained change of their working and living conditions if they possess this knowledge and are able to build the necessary associational strength. 'Workplace mappings' are at the centre of the negotiation strategy. Workplace mappings enable workers to analyze workplace problems and to develop a structural understanding of their causes. Furthermore, they enable workers to formulate demands and strategies and to push for change. A typical workplace mapping consists of at least three steps. The first step entails mapping the physical and psychological problems that workers relate to their workplace experience. This is done using a drawing of a silhouette of the human body: workers place sticky dots on those parts of the body where they experience any form of pain or discomfort that is caused or intensified by their experiences at work. Workers are then encouraged to talk about the health problems they experience, to discuss the reasons behind their problems and compare them with the experiences of their fellow workers. In a second step, workers discuss and analyse the consequences of these problems and conflicts for their life outside of the workplace. This offers the possibility to link the sphere of wage labour to the realm of the household and community, realms that are often conceived of as private. In the last step, workers map their workplaces in detail and specify the causes of their problems. This enables workers to formulate concrete demands that can be passed on to employers and tackle these causes. For example, the workers could call for changes or improvements to be made to the working environment or to the ways in which work is organized. Along with the demands, workers also develop and discuss shop floor and political strategies to support their demands and plan negotiations with their employers.

The demands developed by the workers in workplace mappings are then negotiated at different levels. Issues that can be solved at the factory level are negotiated directly by the workers and their factory representatives with the factory management (ExChains 2015b). These demands can include, for example, access to drinking water or proper ventilation and equipment. Issues that require policy changes at the national or sectoral level and, thus, cannot be resolved at the factory level, are addressed in negotiations with the general management of garment production companies, regional and national employer associations and, in many cases, also with retailers. In order to increase their leverage and push through demands concerning the whole garment sector in a specific country, such as minimum wages, bonus payments, overtime rates or productivity targets, unions sometimes seek to build associational power by collaborating with other unions in their country. In accordance with the negotiation strategy, issues that cannot be resolved at the national level and issues identified as common to all South Asian garment unions in the ExChains network are negotiated at the South Asian level. This applies to issues such as a minimum wage, since a main argument of employers and governments for not increasing minimum wages is the threat of buyers shifting production to other countries in the region with lower wages. Thus, the negotiation strategy envisages the building of alliances between the member unions at the regional South Asian level, which then jointly negotiate these issues with transnational retailers and marketers who source products from factories in their countries.

In summary, the negotiation strategy aims to 'draw transnational fashion and garment retailers into a negotiation framework' (Interview with TIE Asia's coordinator, 30 September 2016) building on the local activism and demands of workers, their factory representatives and their trade unions. In this process, transnational collaboration and joint action by member unions at the regional South Asian level and along the value chain represent the main strategy for enhancing all member unions' bargaining positions both vis-á-vis garment manufacturers and employer associations at

the factory or national level and vis-à-vis transnational retailers and marketers.

Transnational cooperation along the value chain assumes various shapes. One strategic path consists in workers and unions from the production and retail sector formulating common demands and carrying out coordinated, joint action to place pressure on retailers to enter into negotiations about these demands with local unions. Common demands address the shared problems of workers in factories and retail that result from the intense competition over price and the cost-pressure that characterize the economic governance structures in the garment value chain. They include reducing the pressure facing factory and shop workers, and ending all forms of workplace harassment and precarious employment, such as short-term or contract labour. These common demands are supported by the members of the network through various forms of joint action, such as by drawing up and sending letters detailing their demands to the different management entities of a transnational retailer, which includes shop and national managements in countries such as Germany as well as in South Asian production offices. A second strategic path entails providing mutual support to works councils and unions from the production and retail sector in the case of specific labour rights violations or struggles. Through solidarity-based action along the value chain, unions and works councils can activate coalitional power resources and enhance their bargaining position in local struggles. In this context, works councils and trade union activists from, for example, the German retail sector use both their institutional power resources, granted through their legal rights for monthly consultations with the management and for holding regular employee assemblies, and their associational power resources to create in-house publicity for factory-specific union demands. This can be important, for example, when union activists in producing countries face wrongful dismissal (ExChains 2015b). Works council members use the institutionalized space provided by regular consultations with their shop and company managements to confront retailers about labour conflicts at their suppliers and to support partner unions' in negotiations with the factory management, but also with retailers. Moreover, they use works council and employee assemblies to disseminate information about ongoing labour struggles at supplier factories and to secure the support of their co-workers for the local unions' demands, for example, in the form of a signature list, which is then sent to the company's management at the national level. In the past, these mechanisms have enabled works councils to exert pressure on retailers to negotiate in good faith, directly or by way of factory managements, and to ensure that the demands of garment workers' unions are recognised. In the case of retail workers' shop floor struggles, garment workers' unions have actively organized solidarity and supported their demands, for example, through local marches or by sending support letters to the retailer's local production office. As a third strategic path, the negotiation strategy also envisages garment workers' unions in producing countries and retail workers' unions in consumer countries building links with workers and organizations in other sectors along the supply chain in order to further enhance their associational power. This includes building links with other garment unions in various producing countries and with other retail unions in the Global North.

In this section, we presented the TIE ExChains network and its strategy to build worker-to-worker cooperation in the global garment industry. The strategy is aimed at building union power and workers' capacities to develop resistance. In order to do so, the network uses practices linked to the concept of social movement unionism as this highlights the importance of class-based unionism, the self-organization of workers, democratising union decision-making procedures, building power through workplace struggles and aims for a broader change in power relations that goes beyond the workplace. In the next section, we analyse to which extent the TIE ExChains network's orientation and practice is in conflict with the existing regime and how the regime influences the development of the TIE ExChains network and its negotiation strategy.

5.3 THE IMPACT OF THE SOCIAL REGULATORY REGIME ON THE IMPLEMENTATION OF THE NEGOTIATION STRATEGY

The negotiation strategy is relatively new and, according to trade unionists from the network and the TIE Asia coordinator, the network and its unions struggle with several constraints that need to be overcome if the strategy is to be fully implemented. Despite promising experiences with the strategy, its implementation and the development of the necessary forums are currently faltering. In chapter four, we illustrated how the predominant forms of transnational social regulation in global garment production networks limit and shape the agency of trade unions and workers and block off experiences, issues, struggles, aspirations and strategies that are necessary for the development of a labour movement that could challenge existing power relations and foster self-organization. We argue that the challenges unions are facing in terms of the implementation of the strategy are related to the political and institutional logic and practices promoted within the dominant regulatory regime. In this section, we draw on experiences from the TIE ExChains network in order to further illustrate these arguments. We analyse the impact of the transnational social regulatory regime on the visions, practices and internal organization of garment unions from the ExChains network and demonstrate how this poses challenges to the implementation of the negotiation strategy. The garment trade unions within the ExChains network have engaged (and

continue to work) with transnational activist networks, such as the Clean Clothes Campaign, the Worker Rights Consortium and the Asia Floor Wage Alliance. Moreover, they are affiliated to IndustriALL (with the exception of the GAFWU and the GATWU) and are involved with various multi-stakeholder initiatives. We discuss how their practices of engaging with the institutional frameworks provided by the dominant regulatory regime conflict with the principles of workers' self-organization that guide the negotiation strategy, and discuss the consequences for a trade union strategy that is based on building workers' collective agency. Against this background, the analysis of the challenges facing the unions from the ExChains network is also important for the analysis of other trade unions in the global garment industry that aim to build sustained collective power while engaging with the dominant regulatory mechanisms.

In order to provide theoretical guidance to the analysis of the impact of the transnational social regulatory regime on the agency of ExChains member unions, we draw on Stephanie Ross (2008; 2012) and distinguish between the 'strategic repertoire', 'international organizational practices' and 'collective frame' as dimensions of our analysis. We use *strategic repertoire* to refer to the concrete tactics and activities of trade unions; the *collective action frame* encompasses the vision and orientation of their work, and *internal organizational practices* are the processes of representation, internal democracy, decision making and hierarchy that take place within trade unions. In the following, we analyse the requirements of the negotiation strategy for each dimension before contrasting them with the requirements of the institutional frameworks set out by the social regulatory regime. We then discuss how these shape union agency and pose challenges for the implementation of the negotiation strategy. Although we portray these requirements as in opposition to one another, concrete union practices are clearly contested articulations of different strategies (Weischer 1988) and always refer to both the horizontal and vertical dimensions of the garment industry.

5.3.1 Strategic Repertoire

Experiences with the Strategic Repertoire of the Negotiation Strategy

We begin with an analysis of the first dimension: the *strategic repertoire* of the negotiation strategy, in other words, the concrete tactics and activities that trade unions are envisaged and encouraged to implement within the framework of the negotiation strategy. Workplace mapping represents the strategy's core instrument, and all of the unions in the ExChains network decided to implement it with garment workers at the factories where they have members. Health and workplace mappings (Schröder and Köhnen 2009; Keith and Brophy 2004) are a tool to empower workers to identify problems in their workplaces and to develop their own demands and strategies to push through these demands and implement solutions, while receiving support from their trade unions. They follow a methodological approach inspired by the perspectives of Italian workers' medicine and popular education (Wintersberger 1988; Freire 1993). This leads the experiences and knowledge of the rank-and-file about their workplace to be viewed as essential for building the capacities that are needed to collectively change working conditions. Knowledge is conceptualized as created through the integration of thinking, feeling and acting, rather than just as facts. The issues that are discussed in workplace mappings are the everyday issues facing workers and are based on their experiences in the workplace and in their communities (Interview with TIE Asia's coordinator, 30 September 2016). As such, common strategies are developed that are based on the workers' struggles and aspirations. In accordance with the ideas of workers' medicine and popular education, it is not enough to simply express sympathy with people's problems to effect change, rather, this requires a political analysis and a political project with the 'objective of dismantling oppressive structures and mechanisms' (Keith 2004, p. 137).

Clearly, workplace mapping is not just another tool that can be used to identify problems; it enables workers to understand their problems and experiences as part of broader structural conditions. Instead of treating problems and conflicts as individual failures, workplace mapping helps workers identify their common experiences behind gendered wage labour and helps link these experiences to power relations in the workplace and beyond (Keith and Brophy 2004). The aim of the mapping process is to value the everyday experience of garment workers as a foundation for change in their workplaces. According to TIE Asia's coordinator (Interview from 30 September 2016), first experiences with workplace mapping show that it is essential to involve methods from popular education. The entire mapping process is not about finding the correct answer, but about people developing their own issues, agendas and articulating conflicts between actors. However, existing decision-making and strategy processes in South Asian unions tend to reproduce the patriarchal power structures that shape broader social relations: female workers tend to wait for their (often male) trade union leaders to suggest answers and strategies, instead of coming up with their own ideas. Against this background, workplace mapping also represents a tool for the trade unions from the ExChains network to work towards overcoming these kinds of hierarchies and asymmetrical gendered power relations within their organizations.

Within the framework of the negotiation strategy, workplace mappings are part of a wider set of activities aimed at facilitating the development of a new trade union practice. The strategic repertoire of the strategy also comprises training factory-level activists to conduct mappings at their workplaces, and to facilitate

discussions about problems, solutions and strategies (Interview with TIE Asia's coordinator, 7 December 2016). In the past, several mappings were conducted by the member unions in Sri Lanka, Bangladesh and India, but remained single, yet important, experiences and did not lead the trade unions to change their orientation or prioritize worker self-organization. Workplace mappings can be conducted in factories, if possible, but initial experiences show that power relations at the factory-level mean that it is easier to conduct mappings at boarding houses or in union halls. As such, mappings have usually taken place during the workers' free time, either on their weekly day off, or on an unpaid holiday, which causes them to lose wages.

The negotiation strategy envisages that the results of the mappings – be it demands, problems or strategies – are to be discussed with other factory-level activists from various sites and within the trade union in order to develop industry-wide approaches. Therefore, unions need to create new forums for activists from various levels (such as the factory level, company level and union level) to meet where workers become the key actors in building strategies and collective action, knowledge production, and bargaining. These new forums should be places of mutual learning, and used for strategy development and coordinating common activities. In this sense, the negotiation strategy does not merely aim to organize new members but also to organize the workers who have already joined the union.[8] According to an interview with a representative of FTZ&GSEU, the ExChains member union from Sri Lanka (Interview from 10 February 2017), the mappings conducted so far have helped to strengthen existing union branches, since they have enabled workers to come up with new issues, ideas and activities. Furthermore, the mappings also attracted new workers to the union, because they experienced the trade union as a space where they could discuss a wide range of their own issues. Our interviewee from FTZ&GSEU described the experience during this process in the following manner: 'We could explain about our situation and history, and what made us advance our conditions, by building the union and negotiate on conditions' (TIE Global 2015, p. 4). The negotiation strategy envisages the creation of similar forums and spaces to meet and share experiences at the South Asian regional level, in addition to the annual TIE Asia meetings that are already taking place. These forums are to provide a space for the discussion and coordination of activities, demands and negotiations with the aim of confronting buyers and manufacturers more effectively, for example, by formulating and presenting demands to be implemented at the national or even the South Asian level. However, these spaces have yet to be created and, so far the level of coordination of activities between unions from the South Asian region remains limited.

Experience with workplace mapping shows that it leads workers to address a wide range of issues (ExChains 2015c). According to a report from the ExChains network, during a workplace mapping conducted by the Indian Garment and Fashion Workers Union, workers reported repetitive strain injuries, stress, headaches caused by insufficient lighting, various other health issues, fear of jobs loss, and intimidation by supervisors in addition to well-known problems in the garment industry including overtime, low wages and high levels of pressure. During the process, workers realized that they were not responsible for their problems (ibid.), but that their problems were caused by the way in which their work was organised and by the behaviour of their supervisors. In addition, workers were able to understand how both aspects were linked (albeit not exclusively) to the sourcing strategies of transnational buyers. With regard to the impact of their workplace problems on their situation at home, workers reported that they did not have enough time to take care of their children, to do the housework or to talk with their partners. Female workers, in particular, blamed themselves for not being able to undertake care-work properly, while male workers reported impatience with their wife and children, leading to disputes and even to domestic violence. In order to break this cycle of self-blame, workers need to understand their problems at home and at the workplace as interrelated. Since these problems are caused by structural conditions, they need to be dealt with collectively. FTZ&GSEU reports that issues of racism were also discussed during mappings conducted with garment factory workers in Sri Lanka. Due to the experience of the Sri Lankan civil war, workers are fragmented along ethnic lines and religious divisions. This hinders the organization of garment workers since factories are dispersed in the Tamil north and the Sinhalese south of the country. The discussion of shared problems and the development of a common political process helped to overcome racism among workers.

According to the GAFWU, their experiences with workplace mapping have led workers to actively influence the way in which their work is organised. Workplace mapping has helped workers to organize and has strengthened their capacities to act and to change working conditions. As a result of the workplace mappings conducted by GAFWU, workers in one garment factory struggled for and achieved a proper ventilation system and regular maintenance of machines with the aim of reducing workplace accidents (ibid.). The GAFWU views this as representing an important step in the union's practice from moving away from mere rectification to the prevention of workplace problems through collective bargaining. However, so far they have not been able to address larger issues as these require a more coordinated approach that goes beyond single factories. Trade

8 For the difference see e.g. Fletcher and Hurd (1998).

union representatives from the Indian Garment and Textile Workers Union report similar experiences: due to workplace mapping and subsequent negotiations, it was possible to prevent outsourcing of facility workers and to achieve a weekly day off in certain garment factories (ExChains 2016a). The GATWU states that these experiences also encouraged the workers to protest against cuts in social funds in the state of Karnataka (ibid.; Scheidhauer 2016). The experience of self-efficacy in various conflicts at the factory level created courage and led these workers to be some of the first to protest against the planned cuts.

In an interview from 7 December 2016, TIE Asia's coordinator described a workplace mapping that was conducted by the Bangladeshi National Garment Workers Federation at an H&M supplier in Dhaka, Bangladesh, where workers identified the introduction of new machines as a problem, since it would increase their workload and lead to job losses. Thus, the workers demanded that their working hours be reduced while maintaining the same level of pay in order to prevent job losses. In mappings conducted by the FTZ&GSEU and the GAFWU, workers also addressed the issue of different ways of organising work. They understood that the new forms of management and lean production methods that are being implemented in the Indian and Sri Lankan garment industry are changing the conditions for trade union activities. It is not enough to merely view these changes as increases in productivity or as causing job losses: they alter the forms of control in the workplace, relations between workers and the tactics that are possible. The mapping process, therefore, raised awareness among trade unions of the need to develop a deeper understanding of the changes in the ways in which work is organised as a necessary condition to gain strength. In further mappings, the unions plan to identify common problems across factories that need to be addressed within the negotiation strategy's framework at the local, national and South Asian level. As part of the negotiation framework, trade unions aim to bargain with local manufacturers and transnational buyers (who are perceived as the garment workers' principal employers). By developing triangular forms of bargaining, the TIE ExChains unions are responding to triangular forms of employment in apparel production networks. According to TIE Asia's coordinator, the strong focus on rank-and-file union members and on bargaining with manufacturers and transnational buyers is also seen as a means of overcoming the limitations of negotiations within existing tripartite structures like minimum wage boards, which include representatives of unions, employers and the state. Trade unions often experience these boards as 'sluggish', since employers often use juridical means to challenge the results of negotiations that are not in their interests. Furthermore, trade unions that are not affiliated with a political party often lack access to the formal procedures provided by wage boards.

However, the first experiences gained from the attempts to build triangular bargaining structures show that these kinds of practices cannot be developed without creating new forums in which the various demands and strategies developed at the local level are discussed together. Even if a wide range of issues has been discussed at the local level and some success has been achieved in terms of concrete improvements and building capacities among workers, so far it has not been possible to address industry wide issues, such as production targets and the sourcing practices of buyers. In order to address these issues, more spaces are needed where workers can meet to exchange ideas in order to develop activities and scale-up bargaining, tactics and decision-making processes to the South Asian level. The TIE ExChains network not only aims to use the annual TIE Asia meetings for these debates, but also plans to hold smaller meetings between them and to facilitate an ongoing exchange of experiences through conference calls and reports. Furthermore, in order to comprehensively address the issues of racism, the organization of work, sexism and patriarchy, which were raised during the mappings, the network intends to develop a deeper understanding of these mechanisms and the capacities needed to address these issues as part of everyday union work. These issues are to be included on the agenda of the workshops in which workers and worker activists are trained to conduct workplace mapping. Tackling these issues will also require unions to develop new internal organizational practices and to engage in broader political debates. In the next section we discuss the relation of the negotiation approach's strategic repertoire to existing forms of social regulation.

TANs, Campaigning Strategies and the Strategic Repertoire of Unions

As mentioned earlier, member unions of the TIE ExChains network engage with frameworks provided by the dominant regulatory regime in parallel to their engagement within the framework of the negotiation strategy. In particular, they have used and continue to use links to TANs with their headquarters in the Global North in order to create additional leverage in workplace struggles, usually with the aim of remedying a specific labour rights violation and/or gaining compensation. In accordance with their political strategies of moral leverage and accountability, the TANs plan and carry out public campaigns in consumer countries to put pressure on retailers to use their leverage over their suppliers and to ensure that the labour rights violations are redressed. Although the year-long engagement with TANs has helped unions to achieve single victories in specific labour struggles, it has also had a severe impact on their strategic repertoire.

Within the framework of campaigning strategies headed by NGOs in the Global North, garment unions are encouraged to mobilize workers to attend rallies to spread their demands and to focus public attention on

the workers' problems. NGOs in consumer countries require pictures of these rallies, demonstrations and other public activities carried out by garment unions for their own public campaigns directed at raising awareness among consumers and to create moral pressure on brands. Thus, campaigns carried out by TANs have certainly played an important role in widely exposing the conditions of work in the garment manufacturing countries, thereby turning the spotlight onto the exploitative conditions in the garment industry in the Global South. As a consequence, unions have been encouraged to place their strategic focus on developing the capacities to sporadically mobilize large numbers of workers for single events, as opposed to organizing workers inside strategic factories and building a solid membership base.

It is important to recognize that the capacities needed to sporadically mobilize large numbers of workers are very different from the capacities needed to build a solid and active membership base at the factory level and a strong second-rank leadership. In order to mobilize a large number or workers for single events, unions need high levels of visibility among workers, as well as broad networks and channels of communication and dissemination. However, they do not require the capacity to provide workers with political education in order to ensure that they become active members of the union. In contrast, in order to build an active membership and a strong second-rank leadership at the factory level, unions need to be able to empower workers to strategize, plan and conduct workplace activities. While the mobilization of workers lends weight to the unions' demands, these public activities are usually not related to workplace organising strategies. As such, existing campaign approaches reproduce a political logic that has become widespread within the trade union movement over the last few decades: instead of engaging in long-term organising based on workers' activities, self-organising and reflection, workers are merely mobilized for single issues (McAlevey 2016). As a result, unions no longer aim to change power relations at the shop floor but rely on naming and shaming strategies (Choudry and Kapoor 2013, p. 15 f.). However, these kinds of 'short-cuts' (McAlevey 2016) only offer small gains, whereas the dominant power structures of social and labour relations remain intact and workers do not become involved in a long-term political process.

Besides leading unions to develop a strategic focus on the short-term mobilization of workers and naming and shaming, the engagement with TANs and campaigning strategies has also had an impact on the daily activities of unions from the ExChains network. Within the strategic repertoire of public campaigns, the union's role is to monitor labour rights violations and to provide information about them; the capacity to change is not held by the workers and their representatives (Interview with TIE Asia's coordinator, 7 December 2016). Campaigning strategies bind the working power of the trade union organizers since their work is confined to collecting information and preparing it for the campaign coordination in the Global North. This requires maintaining contact with international networks and donors and sending them regular updates about the union's activities. As a consequence, unions from the TIE ExChains network find themselves confronted with the risk of investing a large proportion of the personal resources into this kind of communications work while neglecting the development of strategies and activities at the factory level. This can lead to an overall organizational frame in which union organizers lack the time to organize workers on the ground. This prevents unions from being able to build a strong and active membership base at the factory level and, thus, means that they lack the necessary capacities to engage in emancipatory practices for social change.

In addition, further limitations of campaigning strategies become apparent when the problems that the workers discussed during the mappings are considered. Issues like abusive supervisors, new machinery, occupational health and safety and other issues that directly influence the everyday workplace experience cannot be solved on a general level. They require workers to be actively involved in shop floor struggles and to develop workplace-based solutions and strategies. This is particularly well illustrated by the issue of sandblasting: public campaigning since 2010 by organizations such as War on Want, the CCC and Students and Scholars against Corporate Misbehaviour, put pressure on several transnational companies to look for different techniques and officially ban sandblasting from their supply chain (SACOM et al. 2013). The Turkish government banned the technique in 2009. This in itself is a success since sandblasting is a hazardous technique. However, the unintended consequences of the campaign shows that work processes cannot be addressed at the general level: according to trade unionists from the NGWF, sandblasting has been increasingly replaced with other work processes, such as hand-sanding, which also harms workers because these processes cause repetitive strain injuries. Despite the success of the public campaigns in making sandblasting increasingly unpopular among retailers due to the fear of public shaming for sourcing from factories where this technique is employed, the campaigns have been unable to create a healthy working environment. Sandblasting has been replaced by other techniques which are (not deadly but) still harmful for the health of workers (Interview with an NGWF organizer, 26 November 2016). However, since repetitive strain injuries are not lethal, they do not readily lend themselves to being publicised as scandals as part of transnational labour rights campaigns. Improving working conditions within the context of this new organization of work would have required strong union membership at the factory level in order to negotiate and implement the right to regular breaks

and lower production targets for workers carrying out hand-sanding. However, as the unions prioritized campaigning strategies, they did not possess a membership base inside the factories. Therefore, they were unable to tackle the issue of hand-sanding, and, thus, the unhealthy working conditions persist. In the next section, we discuss the relation between the negotiation approach and NGO- and business-led MSIs with a focus on the experiences of the GATWU.

MSIs and the Strategic Repertoire of Unions

In order to understand the possible limitations and effects of MSIs on local union agency, it is necessary to recall some of their most important features; these were described in Section 4.1 The section focused on business-led MSIs, which are usually set-up by lead firms in the garment production network to find problem-oriented solutions to the failures of existing regulations and build consensus and trust. The stated aim of many business-led MSIs is to foster social dialogue between stakeholders that cooperate within the framework of the MSI. The underlying assumption is that capital and labour will be able to solve problems and establish mature industrial relations once they sit at the same table. Thus, MSIs provide no space to tackle antagonisms between capital and labour. As a consequence, labour disputes are dissociated from the structural socio-economic context from which they arise, and, instead, are framed as isolated violations of labour rights that can be solved through a corrective action plan. In the following, we draw on member unions' experiences from a round table for the garment sector in Bangalore sponsored by the International Labour Organization and several other institutionalized multi-stakeholder initiatives with which the ExChains trade unions work.

In order to illustrate how an alignment towards social dialogue influences trade union strategies, we first draw on the experiences gained by the Garment and Trade Workers Union during its participation in a round table initiative which was launched in 2011 for the garment industry in Bangalore. The round table consisted of various groups and actors, including representatives of leading MSIs, such as the Fair Labor Association, the Ethical Trading Initiative and the Worker Rights Consortium, representatives of various manufacturers and buyers and of the Bangalore-based GATWU (Interview with a labour rights researcher, 7 December 2016). The round table was hosted and facilitated by a Bangalore-based consulting company for 'conflict resolution and dialogue' called Meta-Culture (Meta-Culture n.D.). The idea was to foster 'consensus-based decision-making' among the participants (ibid.) since 'adversarial forms of stakeholder interaction (litigation, strikes, protest, etc.) were not benefiting the industry or its workers' (ibid.). The pronounced aim of the round table was to build trust and to solve problems through personal contacts and scenario planning exercises (ibid.; Interview with a labour rights researcher, 7 December 2016). The GATWU sent representatives to the round table since the trade union viewed the process as a possibility to talk about issues such as productivity, sourcing prices and procurement strategies directly with buyers and manufacturers. Within the framework of the round table, manufacturers and buyers enforced a strong confidentiality clause (ibid.). Everything discussed at the round table had to remain confidential between the participants and their deputies. This means that the round table was very similar to many MSIs, as these usually also have a strong confidentiality clause for audit reports, discussions and corrective action plans (Interview with a labour rights researcher, 26 September 2016). Confidentiality clauses limit trade unions' possibilities to build effective power, since unions are not allowed to use the discussed information in their organizing activities. Both the manufacturers and the transnational buyers 'confessed' (Interview with a labour rights researcher, 7 December 2016) about what they were doing wrong, but neither political solutions nor actual programs were negotiated.

According to the interviewed labour rights researcher and to representatives of the GATWU, the round table did not offer the possibility of negotiating about relevant issues like productivity, production targets, sourcing prices and delivery times. Instead, discussions were focused on how to improve compliance with labour standards. This approach was also secured by the composition of the MSI: transnational brands and retailers were represented by their sustainability managers, while the departments responsible for sourcing strategies and procurement were not involved. Problems were addressed during the meetings, either in a very general manner, or framed as isolated labour rights violations that could be redressed through direct consultation with manufacturers and transnational buyers. According to the GATWU, it was very difficult for the union to address any structural problems within the framework of the round table. The hegemonic interpretation of workplace relations at the round table was based on the assumption that conflict between labour and capital can be solved through consensus and reducing mistrust between unions and manufacturers. Transnational buyers were envisaged as assuming the role of a moderator between the workers and managements of garment manufacturing companies. The concrete outcomes of the round table included a leadership training program for women to develop their 'career path' (Meta-Culture 2017) and to reduce sexual harassment in the workplace, as well as a 'joint fact finding research initiative to identify factors contributing to labour shortage and turnover in India's garment industry' (Interview with a labour rights researcher, 7 December 2016).

The round table for the garment industry in Bangalore demonstrates that privately regulated frameworks oriented towards consensus and social dialogue

detach labour conflicts from the 'systemic processes of exploitation characteristic of capitalist social relations' (Selwyn 2013, p. 82). Thus, by blocking out asymmetrical power relations between labour and capital, these frameworks create an institutional setting that denies the need for independent trade union organization, the articulation of interests and building bargaining power in the workplace. Consequently, in this kind of setting, all elements of a more militant strategic union repertoire, which are not oriented towards consensus building, but rather towards putting pressure on capital and pushing through union demands, are de-legitimized. In this sense, consensus-oriented private regulatory frameworks are different from tripartite or bipartite bargaining frameworks, as these are based on the assumption that social antagonism exists between capital and labour. Whereas trade union work always constitutes a form of 'fight and discuss' (Ross 2012, p. 43), which means negotiating more or less stable and temporary compromises, consensus-oriented regulatory frameworks are based on the assumption that outcomes can always benefit both sides and that 'given the right institutional context, capital does not exploit labour' (Selwyn 2013, p. 82). In order to gain access to the round table framework, and, thus, have a chance of contacting management representatives from the manufacturers and retailers, the GATWU's leaders had to submit themselves to this rationale. Accepting the overall set up and basic assumptions of the round table was the basic condition for treatment as a 'reasonable actor'; challenging these assumptions would have proven 'that you are not a reliable partner', as one of our interviewees put it (Interview with TIE Asia's coordinator, 7 December 2016). Due to the round table's relatively low level of institutionalization, the GATWU was able to end its participation without severe consequences. As expected, the remaining participants interpreted the GATWU's withdrawal as a sign of mistrust and irresponsibility. Ultimately, however, the GATWU took this decision because the round table provided no space for negotiations or to address any structural issues that would have required a change in retailers sourcing practices rather than the proposed corporate social responsibility (CSR) projects.

Despite the problems with the guiding principles mentioned above, MSIs still offer advantages for participating unions (Interview with a labour rights researcher, 7 December 2016; interview with TIE Asia's coordinator, 7 December 2016). They can provide direct access to representatives of transnational marketers and retailers, which is why participation is attractive for unions. However, these relations do not offer the possibility to bargain with buyers as a trade union, but rely on the mutual trust between the members of the body and on the acceptance of the MSI framework. Furthermore, even if some form of talks between unions and buyers were to occur, unions would have no real leverage to enforce concession or improvements as long as they do not possess a strong membership base at the factory level that enables them to carry out collective industrial action. At the same time, engaging in MSIs and round tables binds important personal resources that unions can no longer use for organizing. As a consequence, problems at single factories are solved within the framework of MSIs or round tables through 'quick-fixes': in these cases, either the factory management or the retailer's representative solves an issue at the factory-level through personal intervention (Interview with a labour rights researcher, 7 December 2016) instead of conducting negotiations about the root causes and integrating these negotiations into a trade union and organizing strategy. At the same time, the relationships created between union leaders and the managements of manufacturers and retailers within the framework of round tables are of a rather informal, individual nature. This is also exemplified by the confidentiality clauses that usually apply during discussions at meetings and audit reports. As they have no official proof of an agreement, union leaders are left in a position where they have no choice but to confide in the good will of the management. Furthermore, since there is no official recognition of the trade union as a bargaining partner, managements are able to decide in each individual case of a labour rights violation at a factory, whether they want to engage in discussions with union representatives to solve the problem. Since no shift in power relations has occurred, manufacturers and retailers are able to cherry-pick the labour issues that they agree to address. As a consequence, the scope for discussions within the framework of round tables is reduced to uncontroversial issues or to those that can be dealt with on a very general scale. This even applies to issues, which, under different circumstances, could be used to organize workers.

In the first part of this section, we illustrated how consensus-oriented regulatory frameworks, which are often promoted by business-led MSIs in the garment sector, limit and influence the strategic repertoire of unions. However, some MSIs follow a rather conflict-oriented approach, especially when NGOs or activist groups from the Global North are the leading actors within the initiative. In these cases, experience from the ExChains networks has shown that MSIs can also adopt the political strategy of moral leverage. While engaging with MSIs to build additional leverage in concrete struggles is an attractive strategic option for unions, if the MSI takes over the struggle, this can result in the curtailment of union agency. In the remainder of this section, we use a case where a child died at a garment factory in Bangalore to demonstrate how engaging with an MSI constrained GATWU's strategic repertoire, rather than opening up space for agency.

The case in question occurred some years ago, when a garment worker's child died in an accident in a factory's day-care centre. Since the GATWU had

members at the factory, its leaders initiated negotiations with the management. The factory management agreed to pay the mother of the child financial compensation, but the GATWU also demanded that the structural causes of the child's death be addressed. The GATWU blamed the child's death on the poor equipment provided in the day-care centre, on the one hand, and the lack of legally prescribed medical facilities at the factory, including the presence of a doctor and an ambulance on site, on the other hand. Consequently, they demanded that the factory management improve the conditions at the day-care centre and set up the legally prescribed medical facilities. In order to build additional leverage for their demands, the GATWU's leaders contacted a renowned MSI, whose member companies had orders placed at the factory at the time of the accident. The GATWU aimed to develop a coordinated approach with the MSI to push through their demands. However, representatives of the MSI decided to implement a campaign-based strategy and, without consulting the GATWU's representatives, formulated a public allegation of murder against the factory management. This severely curtailed the GATWU's ability to conduct a bargaining strategy: since the management viewed the MSI and the GATWU as allies and did not distinguish between their strategic approaches, when the allegations of murder were made public, they immediately withdrew from the negotiations and from contact with the GATWU's leaders. Although the allegation gained a wide level of publicity for the case and ensured that the child's mother did indeed receive compensation, it did not result in any further legal consequences.

Once again, this case illustrates the conflicts between the strategic repertoire of campaigning strategies aiming for quick results and relying on naming and shaming, and the strategic repertoire of strategies aimed at building negotiation relations between the union and the management, which would enable unions to push for continuous and sustained improvement. While conflicts in this case arise from different temporal framings of action, on the one hand, with campaigning strategies focusing on short-term results and bargaining strategies on long-term change processes, conflicting positions were also evident with regard to the thematic framing of the problem in question. In Section 4.2 we demonstrated that campaigning strategies tend to frame issues either very generally, or, as was the case in this instance, as single, isolated labour rights violations that often merely concern individual workers. As a result, campaigning strategies often focus on achieving individual compensation and redress for the worker(s) affected by rights violation. Due to the high visibility that campaigning strategies achieve, especially when carried out by TANs or MSIs with substantive resources from the Global North, the GATWU argues that a popular mind-set develops among workers affected by labour rights violations who then aspire for compensation rather than to change what caused the rights violation in the first place. The GATWU reports that workers often approach the union with a solicitation for help to demand compensation in their individual case, without connecting their individual problem to the broader context of the organization of production and power relations within the factory and the value chain. The GATWU also reports that one challenge posing the organization of sustained industrial action is that workers will drop out of the struggle as soon as the management offers compensation payments. In another case where GATWU members filed complaints due to labour rights violations at a garment factory, manufacturers informed the workers' families that they would receive compensation and the families then forced the workers to withdraw their complaints and accept the payment (Interview with a GATWU representative, 28 October 2016). These cases show that although several factors can influence a worker's decision to accept a compensation payment, this problem cannot be disconnected from the hegemonic interpretation of labour rights violations as individual problems promoted by the campaigning strategies used by MSIs and TANs. By witnessing cases where other workers' problems are solved through campaigning strategies, workers learn that problems can be solved on an individual basis and, thus, step back from collective struggles. This situation is aggravated by the fact that workers only provide testimony in campaigning frameworks and do not develop the political and analytical capacities that would enable them to understand the structural causes of their problems and to recognize the necessity and the benefits of building a strong union base in the workplace. The situation where workers were placed under pressure by their families to accept compensation payments further illustrates that in order to bring about sustained improvements and social change, workers' problems at the factory must not only be tackled in the context of the wider structural context of individual labour and workplace relations, but also in the context of the wider social relations in which they are embedded.

In this section, we demonstrated that, although the frameworks provided by TANs and MSIs can provide unions with additional short-term leverage with which to address specific labour rights violations, and provide access to forums such as round tables that enable union leaders to contact the management of retailers and manufacturers, these frameworks do not contribute to the development of the capacities that unions need to build a strong and active membership and sustained bargaining power. Any union strategy that does not merely aim for quick fixes, but for continuous and sustained improvement of the working and living conditions of their members, therefore, must contribute to the development of: 'a strong, united union with effective communication among union leaders and workers throughout the plant; rapid

communication of information to the rank and file when they are confronting management aggression; union and membership preparedness to defend themselves legally and politically against employer attacks; and the capacity to put the local union's perspective at the centre of decision making about international strategy' (Wells 2009, p. 576). As the experiences of the member unions of the TIE ExChains network have shown, engaging within the frameworks provided by TANs and MSIs tends to curtail the ability of unions to develop these capacities. This occurs because of the asymmetrical power relations between retailers, manufacturers and NGOs from the Global North and unions from producing countries. This situation forces unions to submit themselves to specific strategic repertoires that stand in open conflict with a strategic repertoire aimed at developing the above mentioned capacities. In contrast, the negotiation strategy illustrated earlier in this section, offers an alternative framework that places the perspectives of local unions and their capacity building at its centre.

5.3.2 The Collective Action Frame

After illustrating the strategic repertoire of the negotiation strategy and how it conflicts with the strategic repertoire of the frameworks provided by TANs and MSIs, we now focus on the collective action frame as a second dimension of union agency. The collective action frame refers to the visions and orientation guiding a union's work. Following the same structure as the previous section, we first illustrate the negotiation strategy's collective action frame and then the collective action frame guiding the frameworks provided by the regulatory regime. We then go on to analyse how the latter impacts on the agency of unions organized in the ExChains network.

The Collective Action Frame of the Negotiation Strategy

The negotiation strategy's collective action frame draws on experiences and practices made by trade union movements from the 1980s in Brazil, South Africa and South Korea as well as on the experiences of rank-and-file struggles in Europe and North America from the late 1960s and 1970s. As mentioned above, the term social movement unionism is used to describe these tendencies within the trade union movement (Moody 1997). Examples are the shop-steward movement in the UK, the factory delegates and *comitati di* base in Italy and rank-and-file groups in the automotive sector and in the chemical industries in Germany, or various experiences of what is known as genuine or democratic unionism from South Asia and South America (ibid.). These movements aimed to build a class-oriented trade union practice which would overcome the separation between political and economic struggles and address the entire working and living conditions of the working classes. Self-action and self-organization are seen as key to emancipation and changes in society. From this perspective, power relations in class relations go beyond the mere production of inequality, labour rights violations or discrimination. Rather, class relations always imply the appropriation and transformation of productive potentials of human beings through capital (Gindin 1998, p. 78).

Against this background, the orientation of trade union work within the TIE ExChains network exceeds an understanding of trade union activities as limited to the workplace. In order to change working and living conditions in a broader sense and contribute to the democratic transformation of society, unions are envisaged as tackling structures of exploitation not only along the line of class relations, but also along other lines such as race and gender, and cooperating with other social movements, such as feminist movements or movements of the landless (Moody 1997, p. 201 ff.; Huhn 2015, p. 92 f.). The development of transformative potentials and hence the overcoming of wage labour are seen as a necessary condition for human emancipation. Trade unions should contribute to this process by developing workers' capacities. Usually, trade unions aim to ensure that workers receive better compensation for the labour power that workers sell, and do not question the appropriation and transformation of human potentials (ibid.). From a social movement unionism perspective, however, trade unions need to focus on bargaining beyond salary and compensation. Rather, the ultimate goal of trade union agency should be for workers to gain democratic control over production, distribution and consumption. A necessary condition is that unions need a self-confident rank-and-file that knows how to develop 'power on the job' (Moody 2014, p. 156). Thus, from a social movement perspective the ultimate rationale of all union activity is to foster self-acting and self-organization among the workers to promote societal change: on the one hand, these capacities are seen as necessary to improve workers' working and living conditions and to change power relations on the factory or shop floor. On the other hand, building common and solidarity-based practices facilitates the development of the human potentials needed to change society (Lebowitz 2003, p. 142 f.). Experiences of self-organization and self-acting, in this sense, are seen as volatile anticipations of a possible society based on mutual solidarity and self-emancipation. Workers are viewed as re-producing themselves as different subjects in social struggles and developing new needs and capacities to realize their demands. Therefore, a critical understanding of power relations within society is needed, since this enables social struggles to overcome constraints. Racism and sexism are understood as core contradictions in the everyday experience of workers and need to be contested in order to develop common struggles. This cannot be achieved simply by means of providing information but has to be linked to the workplace and living conditions,

the agency of workers and their understanding of themselves and their circumstances.

The orientation of the ExChains network towards common struggles is the underlying rationale behind the aim to build common solidary practices between garment and retail workers. The growing cooperation between different parts of the working class and addressing various needs are understood as necessary conditions for the development of a social movement which can potentially change society (Gindin 2015, p. 21). This includes links along value chains and in production networks. The underlying understanding of solidarity is based on the mutuality, equality and sociality of those involved and on their self-activities (Zeuner 2004, p. 325 ff.). Without developing common practices and an understanding of workers in the global apparel industry as agents of change, cooperation would tend to be reduced to one-way cooperation from North to South.

The Collective Action Frame and the Social Regulatory Regime

Considering what we discussed earlier about the forms of social regulation in the apparel production network, the orientation within the TIE ExChains network is in conflict with the dominant practices and orientations of the transnational social regulatory regime. This is hardly surprising, but a proper analysis is still important because the development of an action frame is related to the capacity to develop corresponding practices. When considering the social regulatory system's collective action frame, it is not enough to focus on single orientations within certain MSIs or CSR initiatives. We pointed out that these orientations are linked to the idea of 'sustainable competitiveness' (Sum and Jessop 2013, p. 373) and the up-scaling of corporatist models of conflict resolution (Cumbers et al. 2008, p. 381). The dominant orientation denies the need for a change of power relations, since conditions in the apparel production network are not conceptualized as the result of antagonistic interests and social relations, but as resulting from a lack of knowledge and consensus among so-called stake-holders. Moreover, it follows from the idea that win-win solutions between capital and labour are possible. Considering the fact that, for example, productivity increases usually mean an intensification of working practices, new forms of control on the shop floor and changed conditions for trade union work, any strategy which focuses on these issues and goes beyond a struggle for compensation for labour would be at odds with sustainable competitiveness and the up-scaling of corporatist models. This contradiction pervades the unions in the ExChains network and its members: on the one hand, there is the strong notion of a trade unionism that aims to change society, to challenge existing power relations and, in the context of the global garment industry, to challenge the current organization of global production networks. However, on the other hand, the sustainable development of the export-oriented garment industry continues to represent a current political goal of the TIE ExChains member unions in South Asia. To challenge the notion of competitiveness does not mean that unions deny the real constraints that competition puts on workers, but there is a difference between accepting competition and increased competitiveness as a union goal or as a constraint that must be overcome (Gindin 2015, p. 19).

Furthermore, within the context of the regulatory regime, the conditions in the producing countries are often understood as endemic and not due to the way in which the supply chain is organized. As a consequence, people who articulate a structural perspective in the context of an MSI are accused of building 'mistrust' (Interview with labour rights researcher, 7 December 2016) and undermining the entire process. The arguments and practices of local unions are usually considered as – important, but – particular and limited. Instead of being taken as possible starting points for the development of agency and alternative institutions, they are seen as activities which have to be integrated into the existing framework. According to the interviewee, trade unions involved in round tables and MSIs are frequently expected to justify their behaviour if they exceed the given framework. At the same time, unions have to fend off tendencies towards reducing their role to that of a mediator between employers and workers (ibid.). This rationale focuses on social partnership and marginalizes strategies which rely on collective action and union building as a condition for negotiations. In contrast, within ExChains' collective action frame, labour disputes are seen as necessary for changing working and living conditions.

As we pointed out before, practices are linked to particular orientations. Practices are shaped by understandings of social relations; and a deeper understanding of these relations helps understand and shape social relations (and vice versa). We argue that a broader collective action frame aimed at self-organization and social transformation such as the collective action frame which has been developed within the TIE ExChains network leads to different strategic decisions: practices are developed if they help to build the union, improve the workers' working and living conditions through solidary struggles and open the possibility to deepen social conflicts and ultimately change society. In order to get this far, a different understanding of social relations is needed and organizational forms will have to be developed that foster these capacities. If this is not done, the underlying collective action frame will be nothing but an empty shell. The contradiction between favouring sustainable competitiveness but at the same time aiming for social movement unionism illustrates this challenge: involvement in the existing social regulatory regime and its established patterns of practices and perspectives make it much more difficult to develop different orientations and corresponding practices. In contrast to the consensus orientation

promoted by MSIs, historically, significant gains for workers have only been achieved through union strategies based around a process of 'fight and discuss' (Ross 2012, p. 43). In order to fight, unions need capacities and power resources to change the balance of power between the parties (Levesque and Murray 2010). Considering the unequal power relations in the apparel production network, bargaining between unequal partners cannot lead to a serious compromise. Therefore, orientations and strategies that actually build union power are needed before real negotiations can take place (Hauf 2016). However, in the dominant transnational regulatory regime, building trade union power and self-organization is not part of the agenda: business-led MSIs are oriented towards technical compliance with labour standards and the campaign strategies of transnational advocacy networks rely mainly on the power of agents in the Global North. This also leads to a very limited concept of solidarity: in this perspective common struggles and practices are impossible. Instead, cooperation is limited to advocacy which is done on behalf of the workers in the Global South.

In order to build trade union power and self-organization on the local level, an understanding of power relations in global garment production networks among union activists and workers is needed. However, MSIs usually do not combine their practices with an analysis of power relations. They limit themselves to providing information about rights or mechanisms within which workers can act. However, the mere knowledge about a right or mechanism cannot be equated with having the capacities to use rights and mechanisms as a tool to improve a situation. This especially applies to trade union rights, but also when it comes to gender-based violence, as this would require an understanding of patriarchy. This exceeds the formal knowledge about mechanisms and committees (Interview with a labour rights researcher, 26 September 2016). This narrow approach marginalizes the processes, sites and locations of knowledge production and learning which are necessary to develop further demands, capacities and strategies. As a consequence, 'low-key, long-haul political education and […] organizing work' (Choudry 2012, p. 150) is devalued and not developed. Neither TANs nor MSIs, therefore, provide the necessary spaces to develop the corresponding strategies and practices. In fact, within this framework, such spaces are considered superfluous since they are not necessary for implementing a trade union strategy that understands unions and workers as monitors, information providers participants at a round table. Feminist authors, in particular, have criticized this shift in orientation. The campaigning strategies of TANs check whether MSIs are able to control compliance with labour standards and limit themselves to a narrow pragmatism. The same can be said of the practice of certain labour rights NGOs (Fink 2014, p. 54). The development of workers' capacities to act is unnecessary in this approach, since compliance and the implementation of labour standards can be checked formally and accomplished through external pressure.[9] This even applies to sexual harassment. While a broader understanding of gender relations in the apparel production network would focus on the 'gendering of class inequality' (Wells 2009, p. 575) and would address patriarchal relations beyond the workplace, such issues are not considered once the political orientation has been reduced to standards and formal compliance. One of our interviewees speaks of 'tokenism' in this framework, in which female workers are not the subjects of change (Interview with a labour rights researcher, 26 September 2016). As such, compliance-oriented frameworks result in a situation where transnational corporations have to change their control mechanisms and improve their compliance if they fail to meet standards. The next rights violation restarts the entire process of evaluation and improvement all over again, whereas questions of movement building, self-organization and autonomy among workers and the conditions that are necessary to develop these factors only play a minor role (Barrientos 2007, p. 250; Elias 2007, p. 53).

5.3.3 Internal Organizational Practices

In the last section of our analysis we focus on the internal organizational practices defined by Ross (2008): processes of representation, internal democracy, decision making and hierarchy within trade unions. We first illustrate which internal organizational practices are required for the implementation of the negotiation strategy and then analyse obstacles to the introduction of these practices.

Internal Organizational Practices that correspond to the Negotiation Approach

Ross (2012; 2008) argues that the constitution of a union is important in understanding its actual practice and that the issue also extends formal procedures and refers to the lived experience of staff, members and activists on various levels. Against this background, in order to implement the negotiation strategy, unions not only need to implement formal democratic procedures, but to work towards de-centralizing power relations within the unions to involve the rank-and-file in processes of decision- and strategy-making. This also includes constructing new spaces for debate and developing strategies. With the formulation of the negotiation strategy, the ExChains member unions agreed to work towards strengthening

9 According to Gerard Greenfield (2001), who analysed experiences of labour militancy in Indonesia, this lack of understanding for the need to build working class capacities cannot be understood without analysing the class composition of most of the TANs and NGOs. Their cadres usually consist of middle class and former student activists. In order to act effectively in a concrete struggle, they would usually decide for the workers and carry the struggles to spaces which they consider relevant such as public rallies, round tables and media representation while the spaces where the exploitation of labour power but also its resilience happens on a daily basis are hardly addressed.

second line leadership, democratising processes of strategy- and decision-making and strengthening factory level activists (ExChains 2015b). This does not necessarily result from changed repertoires and orientations since research shows that there is no strict interrelation between these elements and the internal organizational democracy (Ross 2008, p. 131). In order to change the trade unions as a whole, more democratic internal procedures are needed, because otherwise trade union leaders will be the only people involved in the process – the majority of trade union activists will remain side-lined. Certainly, a greater democratic accountability of the leadership is needed, but this is not sufficient. In order to change the trade unions as a whole, 'deep union democracy in the form of rank-and-file participation and empowerment is instrumental, developmental, and prefigurative' (ibid., p. 148). In line with Ross (2008), we argue that democracy in the union goes beyond formal procedures and requires an involved and active membership. Therefore, union democracy is inseparable from building workers' capacities in the sense developed in the previous chapters.

The negotiation strategy emphasizes this need for rank-and-file empowerment and participation, since factory level activists and members play a key role in defining the trade union's strategy. Therefore, the negotiation strategy does not only engage workers in mappings and in formulating demands and local strategies; rather, the new approach aims for a greater dispersal of power to local activists.[10] Workers and factory level leaders should not only identify problems, but also participate in national, regional and international strategy building (Interview with TIE Asia's coordinator, 30 September 2016). In order to achieve this goal, meetings are needed between workers who have participated in mappings and union leaders at various levels to develop the strategy's next steps. Furthermore, the strategy includes workshops with participants and mapping facilitators to discuss their experiences. These new forums are to meet on a regular basis. The next steps need to be formulated using the lessons learned from the joint reflections and discussions. This includes discussing questions like: In which areas is further training needed? Which issues arose during the mappings? At which levels do these issues have to be addressed? These kinds of joint strategic debates and discussions go beyond existing formal democratic procedures, in which membership participation usually takes place under conditions that are set and controlled by the leadership (Ross 2008, p. 147). In dealing with these questions, the second line leadership and the factory-level activists build their capacities to act, since they participate in central union processes. The aim is, first, to develop a democracy of deciding, in which all important strategic decisions are made by workers and factory-level activists, and second, a democracy of doing, with these decisions also being implemented by the same workers and activists. In the context of the negotiation strategy, working towards a democracy of deciding and doing also implies a need to develop new forms of communication between garment and retail workers. Until now, the communication has depended on English speaking coordinators at both ends. This creates a bottleneck: discussions about commonalities, differences and local struggles, which are important in developing mutual support, rely on the capabilities and willingness of the coordinators to translate and distribute messages. Therefore, it is crucial to develop new forms of communication that enable the rank-and-file on both sides to communicate more easily. This applies to the cooperation between retail and garment workers as well as to the cooperation between garment workers of the unions involved. New forms of communication currently discussed in the network include pictures, video statements and pictographs.[11]

The negotiation strategy's strong focus on the empowerment and involvement of the rank-and-file is aimed at creating stronger bonds of solidarity and mutual commitment that are based on the ownership of decisions and the experience of working together. Furthermore, trade union members are transformed through the experiences of participatory democracy in that they develop the needed organizational and critical capacities, forms of collective consciousness, and individual capacities to work towards broader social change (ibid., p. 149). Workers need to develop the kind of capacities and potentials that are absolutely fundamental to wage struggles in their own organisations and to build different political and organizational forms that foster their struggles (Gindin 1998, p. 79). The required skills for the management of a complex organization are usually systematically underdeveloped in the given forms of social regulation. In contrast, the negotiation strategy encompasses the building of bargaining forums, strategy forums and spaces of mutual learning and aims to build these capacities among workers on different levels. In addition to these organizational skills, workers need a deepened understanding of the existing power relations in the global apparel network in order to develop strategies with the potential to change these relations. Deepening union democracy and strengthening workers' power over their organization, in this sense, can be regarded as anticipating social change. The significance of these processes, thus, goes beyond the production of mere legitimate decisions and results.

10 For the relevance of union democracy in general, see e.g. Parker and Gruelle (1999) and Fletcher and Hurd (1998). **11** Language courses could be a solution and are implemented by the trade unions especially in the garment industry. This facilitates communication. But at least for South Asia, speaking English makes unionists attractive potential staff which NGOs and project makers sometimes try to headhunt. This may not be a problem to the same extent for the retail sector, but language courses for trade unionists are also not very common in this sector.

The Need to Change Internal Organizational Practices

The process of building internal organizational practices that actively engage workers in strategy-making processes has just begun. So far, union leaders have tended to conduct mappings as a 'single activity' and there have been very few instances where mappings were linked to broader discussions about the general direction of the union (Interview with TIE Asia's coordinator, 30 September 2016). There are indicators that such new structures could be in conflict with existing organizational practices, and that existing practices hinder the development of more decentralized structures. Several obstacles need to be overcome in order to link the mappings to building union democracy. On the one hand, some constraints are caused by the character of unions. Power relations within trade unions hinder organizational change. According to Ross (2008, p. 149), leadership within trade unions constitutes a distinct social layer, whose material position can be threatened by a more democratic union structure. Nevertheless, it would fall short to juxtapose a democratic membership with a leadership concerned about its privileges. There are real tendencies within sections of the membership to advocate a return to campaigning and NGO-style unionism. Such reactions reflect a lack of self-confidence among workers and the very narrow experience of democracy that has been made until now (ibid., 150). On the other hand, these reactions also reflect the real constraints of trade union work in the garment industry: existing strategies and practices seem to be more promising than profound reorientations. Whereas it is still relatively unclear how new spaces for transnational bargaining, mutual learning and strategy building can be unfolded, existing forums and practices have been well explored and unions and workers know how to act within them. Both leaders and members are ensnared within bureaucratic relationships and socialized to accept the rightness or naturalness of a situation in which an expert elite takes care of or provides a service to the members. Building a constituency for deeper union democracy will require a shift both in leadership and membership circles. The initial experiences with the negotiation approach offer starting points for such a shift but it is unlikely that workplace mappings alone will enable the unions to undergo such an immense change. If part of the strategy is changing relationships between leadership, staff, members and activists, unions need to address questions of political orientation within the union and to develop forums where these questions are discussed.

The tendency towards centralized strategy-building and decision-making is reproduced by political strategies focused on projects, campaigns and raising public awareness, instead of building workers' capacities to act collectively and to bargain at various levels. These political strategies are promoted by the central stakeholders of social regulation in the global apparel industry. Considering the impact of the dominant mechanisms of social regulation, it becomes clear that changing internal organizational practices is not merely a voluntarily decision taken by the trade union. Several problems and contradictory tendencies can be identified which influence any practice aimed at changing internal organizational practices towards deepened union democracy: according to the TIE Asia coordinator and previous research (Fütterer 2016, p. 210), a key issue which influences the internal organizational practices of trade unions within the ExChains network is the logic of projects that dominates in labour rights NGOs and global union federations. This influences the organizational structure of the trade unions and the practices undertaken by trade union staff. In a project framework, donors have a specific agenda. The project maker wants to tackle a specific issue identified as a key problem and to roll-out projects via its project partners. Projects include money for training, advice and agenda-setting. However, the potential project partners at the local level are often not part of the agenda-setting process. In an interview, unionists from the NGWF report that a supportive TAN wanted to develop a project on sandblasting. The TAN's representative suggested a common project against sandblasting jeans that focused on the misery that workers in this industry are facing. Part of the project was to involve providing funding and public support to the union. However, the representative of the NGWF argued that, despite the fact that the issue was important and the union was already working on this issue, a campaign that did not focus on organizing all of the workers within a factory would not help to build a strong rank-and-file. Instead, it would solely focus on a single issue without relating the problems of a particular group of workers to the problems of other workers in the same workplace. Importantly, once projects are rolled-out, every member of a network or project-partner has to participate, no matter what their actual agenda is. The participation of the membership in the decision-making process, however, is not secured for projects, even if the union leadership does form part of the formal procedure. As a consequence, local union activists do not form an integral part of a project's agenda. Instead, they are more or less responsible for implementing a project, but this does not result in it becoming their own practice since the implementation of a project is not connected to a strategic reorientation and capacity building of local activists and organizers. Making this connection would require a change in perspective: projects would need to be developed together with the different levels of the union and its membership, and would need to consider their needs instead of simply implementing the project from above. Under the current circumstances, unions implement projects to make money and to sustain themselves. They orient themselves towards funding and the capacities of

their staff are only developed with regard to project management (Huhn 2015, p. 389 f.). As a consequence, project makers end up supporting staff while the overall agenda remains unchanged.

This problem is related to the campaign framework and the orientation towards formal compliance with labour standards, which we mentioned above. Within these political frameworks, it is not necessary to change internal organizational practices or to build spaces for the development of workers' capacities. Organizational changes related to projects focus on improving formal procedures and the accountability of trade union leaders. The political orientation of compliance only requires that the first level and the leadership level of a trade union become active agents in strategizing and decision-making. Since the political logic relies solely on mobilizing workers, union leadership and union staff adopt the role of activists: they point out injustices and scandalous working conditions and encourage as many workers as possible to attend rallies in order to gain legitimacy for these issues. A political campaigning framework requires a leadership with communication skills and rather centralized decision-making procedures. Requests by project partners have to be answered fast and centralized structures are needed in order to roll-out a campaign effectively. Union leaders act as reference people within projects and campaigns: they represent the union as experts and receive invitations to provide testimonies on speaker tours in the Global North that are organized to raise consumer awareness (Egels-Zandén et al. 2015, p. 355). However, the role of a union organizer in the sense of capacity building and democratic union practices is fundamentally different: organizing means educating and taking other people's views and feelings into account. Furthermore, it means developing organizational practices that promote the development of workers' capacities and where everyday experiences are valued and discussed as a condition for strategizing and social struggles. Organizing also requires understanding existing power relations as a condition for changing them.

Changing everyday union practice requires different internal organizational practices and changes at the local level, but these are not facilitated since the focus is on successfully processing projects. Trade union staff members learn how to process projects and fulfil donor requirements such as through good financial governance and various other project management skills (Interview with TIE Asia's coordinator, 7 December 2016). They spend time writing reports to comply with the requirements of donors and project makers. Trade unions reorient their structure and work towards their donors' requirements. This changes the role of the trade union staff: again, instead of being organizers, they become project managers who are more and more capable of processing projects, but do not build the skills and capacities needed to organize workers on the ground or create spaces where workers' capacities can be developed. Since the goal of a project has already been formulated, there is no need to involve the rank-and-file in strategic decisions anyway. Furthermore, in this framework, the project makers associate themselves with unions that are able to mobilize workers no matter which internal organizational practices the unions may have. Furthermore, the fact that project managers within the unions are accountable and important in the eyes of funders strengthens their position within the organizational structure of the trade union. According to TIE Asia's coordinator, this situation also leads trade unions to become more and more dependent on external funding (Interview with TIE Asia's coordinator, 7 December 2016). Trade unions that participate in projects start to finance their work through project money instead of membership fees. This leads unions to face democratic dilemmas: union leaders become accountable to project makers and not to their membership. The other side of the coin is that internal democracy and capacity building among workers is no longer necessary to sustain the union. Instead, the union only needs to be able to mobilize workers since this gains the union legitimacy in the perspective of the donor and reflects the political logic of campaigns and projects. In such cases, the relationship of mobilized members to their union is no different from that of non-members: they are neither involved in agenda-setting nor in the everyday activities of their organization; moreover, workers' capacities to bargain, to strategize and to act collectively on the factory level are not built at all during the entire process.

In this section, we discussed the ExChains network and its negotiation strategy. We analysed which changes in the strategic repertoire, the collective action frame and the internal organizational practices that unions strive for in the network. We presented the ExChains network as an alternative approach to existing forms of social regulation that aims to build trade union struggles oriented towards social movement unionism, improve working and living conditions and change power relations in the global garment industry as a whole. At the same time, we analysed the network as completely embedded in all of the forms of social regulation. The ExChains network and the negotiation strategy are also influenced by forms of social regulation. Considering what we discussed in Chapter 4, and enriched with empirical data from the network, we went on to discuss the extent to which the existing forms of social regulation hinder the development of practices in the ExChains network. In the following chapter, we summarise what we have discussed so far and we analyse the possible next steps towards developing labour agency in the global garment industry.

6 CONCLUSION

The aim of this study was to discuss the extent to which the regulatory regime in the global apparel industry influences the capacities of trade unions to build emancipatory visions, strategies and practices at the local level as well as along the value chain. In order to discuss this issue, we analysed the case of the TIE ExChains network. We used this example because the network aims to develop a different trade union practice in the global apparel industry in response to criticisms of the existing forms of social regulation and trade union practice. In order to discuss this issue, we analysed which understandings of workplace and social relations in the production process are promoted by the regulatory regime and which ones are marginalized. Furthermore, we analysed how these orientations and practices are reproduced through the logic of the social regulatory regime. We discussed these issues to examine how the dominant understandings open up or close spaces for forms of social struggle directed at transforming power relations. The global production network framework enabled us to analyse the different actors involved in the global garment industry and to develop a heuristic framework to understand agency in the global garment industry. Besides retailers, which act as lead firms and manufacturers, global production networks in the global apparel industry comprise various other actors such as states, trade unions, workers and NGOs, that contribute to the contested reproduction of the global garment industry on various levels. The rise of the anti-sweatshop movement and its institutionalization in form of transnational advocacy networks particularly increased pressure on transnational retailers to develop various forms of private social regulation. We analysed regulatory mechanisms such as codes of conduct, business-led multi-stakeholder-initiatives, and global framework agreements.

As a reaction to the limited positive effects of the existing forms of social regulation on the working and living conditions of garment workers and on the development of trade union power, the member unions of the ExChains network developed the negotiation strategy based on their critical reflection of their practice and its limitations. They established a new approach based on deliberative processes of workers, who come up with issues, demands and strategies themselves. The workers' demands are to be negotiated on various levels with the procurement offices of transnational retailers and manufacturers. The trade unions within the ExChains network want to develop new forums of exchange to discuss strategies, plan collective action and to prepare negotiations. Therefore, the negotiation strategy is not just a new tool in the arsenal of the network's trade unions, but is aimed at reorienting their everyday activities.

While past research has focused on the limited effects of transnational regulatory mechanisms, our aim was to illustrate how these forms of social regulation process societal antagonisms, and shape the content, practices and goals of the struggles of trade unions. We showed that the existing forms of social regulation, by promoting political strategies focused on compliance with labour standards, limit spaces for reworking and resistance by marginalizing radical or conflict-oriented union strategies. Based on the example of the trade unions in the ExChains network, we discussed how engaging with these forms of social regulation impacts the everyday practices of trade unions in the South Asian garment industry, and the problems that trade unions face if they want to profoundly adapt their strategies towards self-organization and emancipation. Although this study drew on the concrete experiences of the unions from the TIE ExChains network, other unions in the garment industry are likely to face similar challenges.

The various forms of social regulation have an impact on the strategic repertoire of the local trade unions and workers, on their collective action frame and on their internal organizational practices since engaging with them requires unions to conduct specific activities and have particular internal structures. In relation to the strategic repertoire, unions become monitors of labour rights violations, while the agency to change remains with actors in the Global North. Practices which foster the local capacities of factory-level activists and union staff to build associational power are not developed in this framework since it does not rely on the activities of local workers besides their occasional attendance at rallies. In the worst case, NGOs and MSIs in the Global North bargain on behalf of local unions. Furthermore, we showed that advocacy campaigns often treat local unions and workers as information providers or testimony-givers. In relation to the collective action frame, the existing forms of social regulation reduce the scope of activism to compliance with labour standards. Other problems like the organization of work, control over the labour process, and sexual harassment are only dealt with in a very limited way. This reduces the potential to develop a form of trade unionism that belongs to the various social forces that aim for fundamental social change. Since the political spaces that exist as part of the social regulatory regime follow this approach, unions and workers lack spaces where they can develop their own agendas, capacities and practices. The root causes of the conditions in the apparel production network are not viewed as found in existing power relations, but as due to a lack of understanding between social actors. The experiences of workers are not valued, their aspirations and wishes are not developed, and worker self-organization plays a minor role. Furthermore, these tendencies shape

the internal organizational practices which, in turn, reproduce this particular strategic repertoire and collective action frame. Union staff members become more and more experienced in processing funds and projects while the development of factory-level strategies and organizing skills lies dormant. Since the reproduction of the union depends on them, staff and first-layer leadership become the key actors. Members and factory-level activists are only mobilized for certain events, such as public rallies or demonstrations, which reduces their role in the strategy building of the trade union and on the factory level. Additionally, their negotiation skills and skills to strategize and plan are not developed.

In the frame of the negotiation strategy, the trade unions within the ExChains network formulate an alternative approach to these tendencies. First experiences with the new strategy show that it can develop capacities, new perspectives and agency among workers and that it helps to address issues that are otherwise obstructed. However, the effects of existing forms of social regulation hamper implementation, since they follow a different political logic and reflect antagonistic tendencies to those of the strategic repertoire, the collective action frame and the internal organizational practices that the trade unions in the ExChains network strive for. However, these forms of social regulation offer a certain level of access to retailers and governments and have had some positive impacts on working conditions. Moreover, both trade unions and workers know how to act within this framework. This shows that a reorientation – which we believe is necessary due to the limited effects of the existing forms – requires more from union leadership and members than just the decision to undertake a change of strategy: organisational practices must be transformed, capacities must be built, new practices must be developed and existing practices might have to be unlearned. The existing practices and their institutional reproduction emerged over the last few decades and a knowledge regime evolved around them that defines rational practices and marginalizes other approaches. This constitutes a challenge for every new strategy. The existing forms have emerged from the weakness of trade unions in the garment industry, which means that a return to a unionism from the 1980s – the time before the new forms of social regulation began to emerge – is no alternative. Instead, a unionism is needed which is rooted both in rank-and-file and transnational cooperation along the supply chain.

In order to develop this kind of unionism, we believe at least two things are needed. First, local and global trade unionists, social movement activists, NGO staff and researchers need to engage in critical discussions about the prospects and limits of existing forms of social regulation. Further, political practice and research has to deal with the question as to whether existing forms such as TANs and GFAs offer entry points to a different practice. This is crucial since unions have found it very difficult to develop their own spaces. Importantly, the critique is not aimed at international labour standards, GFAs or TANs as such. Examples from the TIE ExChains network and beyond have shown that these can be used as tools to organize workers and create collective capacities to change power relations at the factory level. The same can be said about complaints mechanisms and grievance procedures. However, developing an instrumental practice that uses these mechanisms in order to address problems collectively and to set up negotiations over core issues like procurement practices is not the dominant mode of addressing the issue. In order to have these discussions, it will be necessary to overcome a narrow pragmatism that reduces questions of working and living conditions to minimum labour standards. The intended and unintended effects of social struggles and of their institutionalization will have to be analysed in more detail and political spaces are needed for workers to debate, strategize and reflect.[12] This requires an understanding of social struggles that not only views them in terms of contesting power relations, but also as processes that reproduce power relations. Part of this discussion should focus on how progressive social actors can reorient their strategies in order to support local trade unions and to build common struggles and mutual support, instead of limiting solidarity to funding, advocacy and training. These forms of struggles build certain capacities among workers while others go astray. Importantly, the capacities that are not fostered among workers under the existing forms of social regulation such as democratic decision making, strategizing, building power on the shop floor and in the community, running and expanding the outreach of their own organization and understanding the structure of the global garment industry are central to any attempt to changing the power relations in the global garment industry and beyond.

Second, experiences like those of the TIE ExChains network should be discussed more widely and should be further developed to see whether they provide productive starting points. The first experiences with workplace mappings show that, despite the unequal power relations in the apparel industry, local negotiations and successes are possible, once the workers are involved and their capacities have been developed. Furthermore, positive experiences have been made with worker-to-worker solidarity along the supply chain, but this is no substitute for local struggles. Despite this, triangular bargaining and the forums for exchange between the trade unions in the network have yet to be established. The insufficient capacity building among trade union activists to conduct the mappings and to create the spaces for exchange in which their experiences, demands and strategies

12 This applies to trade union strategies in the retail sector especially, and in the Global North in general.

could be discussed also limits the possibility for implementation. Until now, the mappings have constituted individual, but valuable experiences that have been unable to change the unions' agency as a whole. Changing this is crucial, however, since these spaces could act as the nuclei with which to create continuity and help to unfold the strategic repertoire linked to the negotiation approach as well as its collective action frame and its internal organizational practices. Unfortunately, the existing forms of social regulation are limiting the development of the negotiation strategy. Therefore, critical engagement is needed both within the network and with the actors involved with social regulation.

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