

The rise, demise and replacement of the Bangladesh experiment in transnational labour regulation

Youbin KANG*

Abstract. *Five years after the collapse of the Rana Plaza building in 2013 – a disaster that killed 1,133 garment workers – the Accord on Fire and Building Safety in Bangladesh, a multi-stakeholder programme designed to set labour standards for the garment industry, was terminated by Bangladesh’s highest court. Widely hailed as a promising example of transnational regulation, the Accord was never successfully institutionalized locally. On the basis of archival and ethnographic work in Bangladesh, the author suggests that, although the Accord successfully upgraded factory safety standards, its failure to build widespread support among local employers, workers and the Government led to its termination and replacement.*

Keywords: *Bangladesh, corporate social responsibility, garment industry, global supply chain, multi-stakeholder initiatives, trade unions, transnational regulation.*

1. Introduction

In May 2018, five years after the tragic collapse of the Rana Plaza factory building, the Bangladesh High Court stopped the regulatory programme of the Accord on Fire and Building Safety in Bangladesh (the Accord), a prominent, promising

* PhD candidate at the Department of Sociology, University of Wisconsin–Madison, email: youbin.kang@wisc.edu. This research was conducted with funding from the Craig Cambridge Fellowship research fund (University of Cambridge), the Scott Kloeck-Jensen Fellowship, the Minority Recruitment and Retention Committee research fund, the Crowe Scholarship for Grad Student Travel Awards, the Institute for Legal Studies Law and Society Graduate Fellows Program and the Center for South Asia Travel Grant (University of Wisconsin–Madison). The author wishes to thank Gay Seidman, Jane Collins and Joe Conti for their invaluable comments on multiple drafts of the article, and for their mentorship, support and guidance on this project. In addition, the author extends thanks for feedback during conference discussions and in-person meetings to Karen Alter, Mark Anner, Melike Arslan, Tim Bartley, Virginia Doellgast, Pun Ngai, Roberto Pedersini, Mitra Sharafi, Dina Siddiqi, Nafisa Tanjeem and Sylvia Vatuk. The author is also grateful to the talented translator and interpreter Mahiratul Nabia.

Responsibility for opinions expressed in signed articles rests solely with their authors, and publication does not constitute an endorsement by the ILO.

and controversial multi-stakeholder initiative designed to oversee factory safety in the garment industry (Mirdha 2018). Acclaimed as the first system to introduce a contractually binding institutional framework enabling multinational brands, global union federations and local unions to monitor garment factories, the Accord was globally celebrated as the most promising initiative to combat regulatory neglect in workplaces linked to footloose capital, as in the garment industry.

The High Court ruling was the outcome of a lawsuit filed by an Accord-regulated factory, Smart Jeans Ltd (*New Age* 2018a). This and other lawsuits brought to light the illegitimacy of the Accord under Bangladeshi law. A year later, amid uncertainty about the Accord's demise, the parties agreed to transfer the Accord's operations to a programme governed by the Ready-Made Garments (RMG) Sustainability Council (RSC), which was set up as a compromise among multinational brands, transnational activist networks, global unions and the local employers' organizations (Fair Wear Foundation 2020). Unlike the previous model, in which employers were not represented on the governing board, the RSC requires the presence and active participation of the local employers' organizations, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and the Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA) (Accord 2020a). After delays in rulings from the Appellate Court, in May 2019, shortly after the parties had agreed to transfer operations, the Supreme Court ordered the programme to be wound up in 281 days and transferred to the RSC. Accordingly, in June 2020, the Accord suspended operations as an innovative agreement among brands and global union federations and was replaced by one that also included local employers (Accord 2020b).

The experience of the Accord's rise, demise and replacement offers various lessons relating to the sustainability of transnational regulatory institutions. Drawing on multiple years of archival work, interviews and observations, this article helps enhance understanding of how institutions governing labour conditions in global supply chains take hold in local contexts.

The Accord was created as part of an international push for transnational regulatory institutions in the garment industry after the Rana Plaza collapse, which killed 1,133 workers in a building that housed multiple unauthorized sewing factories. The post-Rana-Plaza system introduced by the Accord held the possibility of real sanctions being imposed by multinational brands on their supplier factories. Built on years of negotiation that had started even before the Rana Plaza incident, the Accord provided for audits of the fire, structural and electrical safety of the factories and buildings of the brands' suppliers (Huq 2020; Donaghey and Reinecke 2017). It was designed to overcome the problems inherent in previous initiatives and thus extended audits to three tiers of suppliers, threatened suppliers with buyer boycotts if they did not comply with building or electrical safety standards, and secured the buyers' commitment to working with factories through a remediation process once violations were found (Donaghey et al. 2014; Huq 2020; Anner, Bair and Blasi 2013).

The Accord (and the Alliance for Bangladesh Worker Safety, concurrently established by buyers from the United States of America put off by the strong legal wording used in the Accord) was the product of endless debate about how

transnational intervention could bridge the regulatory gap between the decline in the traditional administrative power of the State to sanction labour violations, on the one hand, and the burgeoning organizational and economic power of buyers at the top end of global supply chains, on the other. In the literature on transnational labour governance, academics have repeatedly pointed out the structural and representational failures of transnational governance (Locke 2013; Anner 2011 and 2012; Esbenshade 2012; Seidman 2007; Bartley and Egels-Zandén 2016; Elliott and Freeman 2001). The Accord, contrary to the less stringent Alliance, was met with nearly universal praise from academics and policymakers in the West, who commended its legal enforceability, stakeholder representation, and incentives to increase compliance with safety requirements in garment factories (see Anner, Bair and Blasi 2013; Bair, Anner and Blasi 2020; Nova and Wegemer 2016; ILO 2016a).

Given the Accord's drawn-out demise, an examination of why it was so controversial is crucial to understanding the sustainability of regulatory institutions governing global supply chains (Bair, Anner and Blasi 2020; Amengual and Kuruvilla 2020). What were the contextual determinants of this outcome? To what extent did the institutionalization process affect the continuity of this model of transnational governance?

The Accord's demise and replacement could be attributed to a simple narrative centred on the incommensurate power of the business–political alliance. Instead, in this article, I provide an explanation using the vocabulary of institutionalism and the definition of institutions given by Clemens and Cook: “Institutions exert patterned higher-order effects on the actions, indeed the constitution, of individuals and organizations without requiring repeated collective mobilization or authoritative intervention to achieve these regularities” (Clemens and Cook 1999, 444–445).

The Accord's demise and replacement cannot be attributed simply to the brute force of global capitalism or to the despotic state usurpation of labour regulations. I argue that the principles of transnational labour governance as imagined by the Accord's architects were not institutionalized in the minds of local players and were not appropriately reproduced in the Bangladeshi garment industry. Although it is important to acknowledge that the Accord successfully established much-needed safety measures in garment factories, it is equally critical to consider the reproduction required to maintain those measures. As one prominent union leader said in 2017, “Our Government said that after 2018 no more Accord ... but I think it should never end, because for fire and electrical safety, it needs yearly checks.”

In Bangladesh, lack of buy-in by employers (coupled with their political ability to dismantle the Accord), fragmentation of the labour movement (which did not mobilize around the vision of the Accord), and the decoupling strategies of the Government all worked together to undermine a promising experiment. They are the factors that prevented the institution from coalescing and fulfilling its promise.

My research relies on several types of data:

- (a) notes and photos from fieldwork in Dhaka and observations from ILO meetings in Geneva regarding the Bangladeshi garment sector;

- (b) 107 interviews:¹ 79 semi-structured interviews with Accord and Alliance board members, non-governmental organizations, garment workers, organizers, global union federations, local civil society groups, labour lawyers, a labour court judge, the Department of Inspection for Factories and Establishments (DIFE), supply chain intermediaries such as buying houses, brand-name multinational companies, ILO staff at the Country Office in Bangladesh, an official from the Office of the United States Trade Representative, and academics; and 28 structured interviews with factory owners and managers of export garment factories undergoing remediation following Accord and Alliance inspections (several of the interviews were conducted with the same individuals in email exchanges from March 2016 to January 2019);
- (c) articles from the international and national press published between April 2012 and December 2020;
- (d) a review of relevant historical accounts of the labour and independence movements in Bangladesh.

The remainder of this article is organized as follows. In the second section, I briefly set my empirical discussion in the context of the literature on institutionalization and regulatory design. In the third section, I first describe the Accord's success in providing safety rights, and the tensions inherent in the regulatory model that led to the disruptive coordinated action of employers. Second, I contextualize the Accord within the labour movement in Bangladesh and provide evidence of labour fragmentation and lack of buy-in to the Accord's regulatory ideals. Third, I describe the Government's decoupling strategy for regulatory reforms after Rana Plaza and trace how transnational diplomatic pressures drove its ambivalent approach to factory safety and labour rights. An analysis of these three perspectives suggests that, despite efforts to the contrary, contradictory pressures hindered the full institutionalization of the model of transnational governance that the Accord proposed, leading to its demise and replacement. The fourth section discusses the contributions that this study makes to a wider discussion of global supply chain regulation. I conclude by stressing the importance of the specific local relationships between capital, labour and State in the consideration of any future transnational regulatory initiatives.

2. Literature review

Although the Accord initially stirred optimism, subsequent events warrant consideration of institutional theory's theoretical tools. Institutional theorists suggest that institutionalization is a process that hardens and formalizes institutions as a "more or less a taken-for-granted part of social reality" so that they become

¹ I used a respondent-driven network sampling method otherwise known as "sequential interviewing" (Small 2009). I approached various people in the network's different nodes, to whom I was introduced by academics and personal connections. These people acted as "seeds" within each stakeholder network, leading me to different representatives of each stakeholder group. I consciously tried to sample for different positions, ideological stances and experiences within each group, to obtain a rich picture. Each interviewee was guaranteed complete confidentiality. To that end, and to allow the interviewees to express themselves freely, I recorded only those who had given their consent.

“*objective and exterior*” in the world (Zucker 1977, 728). During this process, meanings and situations become habitualized, and players are imbued with “rationalized myths” that maximize their legitimacy (Meyer and Rowan 1977). According to Suchman (1995, 574), legitimacy is “a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions”. In other words, buy-in to and support for meanings and situations are important for institutions’ reproduction, through either direct or indirect links that connect legitimacy narratives across a given field (Conti 2016).

This becomes difficult under certain conditions. According to Clemens and Cook (1999, 450–451), institutional change, rather than continuation and reproduction, is more common when “(a) models of action are understood to be discretionary, (b) social heterogeneity is high, and (c) social networks are fragmented and cross important social cleavages”. If the Rana Plaza incident laid bare the contradictions of capitalist governance and thus provided a significant opportunity to devise a new model of governance, those same contradictions also existed in the social heterogeneity of the agents involved. These internal contradictions can disrupt existing institutions through the strategic action of agents, which depend on social networks and resources specific to the context (Clemens and Cook 1999; Dunbar and Garud 2009). Agents can “acquiesce”, “compromise”, “avoid”, “defy” or “manipulate” strategically in response to institutional demands (Oliver 1991). One example of strategic action is when the agents decouple practice from policy to comply with competing institutional pressures (Bromley and Powell 2012; Meyer and Rowan 1977). How does this play out in the governance of labour conditions in global supply chains?

Global supply chains are structured to decouple the legal liability of labour conditions from practice in globally subcontracted workplaces. For decades, as global brands have outsourced their garment manufacturing to countries whose governments have shown little interest in protecting workers’ health and safety, activists and policymakers have looked to alternative, often pluralistic governance regimes to improve working conditions, such as codes of conduct and transnational activist/labour networks (for example, Marginson 2016; Donaghey et al. 2014; Posthuma 2010; Fransen, Schalk and Auld 2020; Bartley 2018; Locke 2013). This body of literature can be categorized into studies focusing on regulatory design and those emphasizing contextual variation in outcomes of regulation.

The literature focusing on regulatory design is primarily concerned with the architecture of regulatory institutions and organizational innovations that help formalize practices conducive to better working conditions. It emphasizes systems of transparency, participative deliberation, and learning as means to implement laws or codes of conduct. The authors (Weil et al. 2006; Overdevest and Zeitlin 2018; Fung, O’Rourke and Sabel 2001; Dorf and Sabel 1998; Pires 2008; Piore and Schrank 2008; Lim and Prakash 2017) examine how the institution’s mechanisms and rules can be leveraged to bring greater compliance with regulation. Drawing on case studies of domestic and transnational regulation, they point to organizational innovations such as reliable, consistent reporting with clear regulatory objectives; peer review systems; and didactic and flexible inspection practices (Sabel and Simon 2011). Some of the models discussed aim

to increase the buy-in to institutional practices, for example, through collaborative and flexible discretionary processes among the regulators and the regulated (Pires 2008; Piore and Schrank 2008), whereas others emphasize disclosure systems to increase transparency (Girard 2014; Weil et al. 2006). A review of this literature raises the question: to what extent does the architecture of the regulatory institution matter for the latter's reproduction?

According to more recent studies, analyses that have focused on regulatory design underemphasize the role of the State and other contextual elements in successful regulation (Huq 2020; Bartley 2018; Tanjeem 2017). They have pointed to instances in which workers' organizations and state institutions can either assist or weaken regulatory institutions (Fine 2017; Locke 2013; Piore and Schrank 2008; McCallum 2013; Anner, Bair and Blasi 2013; Amengual 2014; Amengual and Kuruvilla 2020; Toffel, Short and Ouellet 2015; Seidman 2007 and 2009; Bair, Anner and Blasi 2020). At the micro level, case studies have demonstrated that interactions among the government labour inspectorate, private compliance initiatives and trade unions affect outcomes in terms of compliance with labour law. Secondary associations contribute actively to the achievement of state governance goals. Workers' organizations can use their industry expertise and relationships with workers to help enforce labour standards, and the right political environment helps enact worker-oriented policies (Fine 2017).

Scholars studying the Accord have also highlighted the role of trade unions and the State in labour governance outcomes. In terms of trade union support, Donaghey and Reinecke (2017) maintain that the Accord's union-led model of industrial democracy compares favourably with the more corporate social-responsibility-oriented Alliance, arguing that transnational organizing modelled on worker support is a more long-term and sustainable way to enable workers to voice workplace grievances. Scholars such as Huq (2020) and Tanjeem (2017) argue the contrary, noting that the Accord does not have the grassroots representation or legitimacy in Bangladeshi labour law to be characterized as industrial democracy. In terms of the State, many have pointed out that the export-oriented and despotic character of the Bangladeshi State has been central to repressing regulatory goals (Anner 2015; Rahman and Langford 2014; Alamgir and Banerjee 2019; Zajak 2017). To assess the importance of workers and the State in regulatory contexts, it is also necessary to take a more nuanced view of their political power, coherence and strategy. To what extent do the characteristics and history of local players and their participation in regulatory institutions matter?

3. The rise, demise and replacement of the Accord

3.1. Regulatory design and disgruntled factory owners

The Accord's reliable and stringent factory audits imposed costly sanctions and growing costs on increasingly disgruntled factory owners, who sought to terminate the Accord in Bangladesh with the help of the highly organized and politically embedded employers' organizations. In interviews, some factory owners admitted that, before the Rana Plaza incident, they had frequently bribed auditors, kept double books and hired infants for their makeshift nurseries in

order to comply with the codes of conduct of multinational brands. After Rana Plaza, however, those strategies were no longer viable. One factory owner remarked, “We can’t even bribe the Accord. They comment as they see, and they go. That’s why even if we don’t have much money, we are complying with their requirements.”

High levels of compliance were evident in the progress reports published by the Accord. By January 2020, the Accord had inspected 2,159 factories: 91 per cent had made progress on initial remediation plans; 162 had been made ineligible for business with Accord brands; 156 were given closure orders; and 159 had relocated (Accord 2020c). The Accord was incredibly successful because of its innovative policies. Harsh sanctions marked a break from earlier private regulation of the industry, and the Accord included a legally binding agreement to hold brands accountable and bind factories to remediation plans (Nova and Wegemer 2016). Factories without Accord and Alliance certification would not receive orders from the more than 250 signatories of the two initiatives, representing the largest US and European buyers. Factory owners viewed safety requirements as necessary for their survival rather than as a corporate responsibility; those who did not take the Accord and Alliance seriously and did not properly address their demands subsequently expressed considerable remorse.

The only way that exporting factories could survive in the years following the Rana Plaza incident was to comply. This strategy was controversial but effective in enforcing safety-related rights. In interviews with factory owners, it was made clear that even subcontracted factories had a hard time surviving financially if they did not pass the Accord/Alliance audits. Owners who lost contracts with Accord/Alliance brands insisted that they were working on remediation and were hoping to be recertified so that they could re-enter the market. A Korean factory owner sanctioned by the Accord had this to say in 2016:

With the Accord, we’ve been getting limits on orders. ... That’s why we’ve been sticking to Korean markets. Well, Koreans are very picky. They give a few orders here and there, seven months, and it’s very volatile. The European orders give us all twelve months of work with 40,000 to 50,000 pieces a month. Because of the Accord, factories that rent their places don’t get to do any of those orders. ... For us, complying to Accord requirements is necessary. We didn’t think about that back then. We should’ve prepared for it then but now it’s all become a reality.

Another factory owner who lost US and European orders complained that, in the past, the factory could secure orders from global firms like Walmart, Lidl and Tchibo. When it did not meet Accord and Alliance requirements, the orders were retracted. Because the factory was in a crowded area of Dhaka, with higher building maintenance costs, the owner struggled to invest money in structural changes. Having failed to remediate the factory, the owner sought orders from Turkish brands while applying for loans to build a new, compliant factory on a different plot of land.

The stringent inspections under the Accord led to better safety standards, but proved burdensome for many factory owners, especially when the Accord was first applied. The owners faced a steep learning curve, and a majority felt that the standards exceeded what was needed to ensure worker safety. For example, one factory I visited had installed three different exit signs on its doorways, to

comply with different standards. Because the managers were confused, they had previously failed two inspection rounds under the Accord on the grounds of improper signage. Owners often complained that factories in neighbouring garment-producing countries were not subject to similarly stringent demands. One factory owner fulminated, “An outsider cannot dictate to you how to live. They can educate you, and you must understand what is required. But I am complying not by will, but by force, because I am scared.”

The cost of high safety standards was borne mainly by the factory owners. Money was a big concern to most, and they used many colourful metaphors to contrast the high costs of fire hydrants, certified fire doors and sprinkler systems with the low prices of their products.

Price. I have only one issue. You give me the price, and I can give you the elephant. But the buyer gives me a peanut for the elephant. If you give me a peanut, you get the monkey. For an elephant, you need to give a banana. I provide an elephant for the peanut because there is no other option.

Although the initial understanding was that remediation would be quick and financed by third parties, many factory owners found the certified fire doors, hydrants and sprinklers to be unaffordable and not subsidized by their buyers or other funds.

Stringent inspection standards and cost were significant factors in factory owners’ distress and their failure to buy into the Accord’s legitimacy, but they could not have blocked the transnational regulatory experiment without the collective, historical power enjoyed by employers’ organizations in Bangladesh. In 2009, 29 of the 350 elected members of the Parliament of Bangladesh were factory owners (*BDnews24.com* 2009). Two employer associations, the BGMEA and the BKMEA, represented factory owners’ interests in politics and international trade. Both had elected presidents and boards of directors representing member factories. In an interview, one factory owner explained that these associations initially dealt with corrupt local groups that controlled power and water supplies in factory districts. Later, they consolidated considerable political power by framing, and lobbying for, employer interests in the garment industry. Worryingly, given that (or perhaps because) the garment trade accounts for the largest share of foreign exchange earnings in Bangladesh, many regarded the BGMEA and BKMEA as invulnerable to regulation, “operating at the margins of legality” (Feldman and Geisler 2013, 367).

BGMEA activism was central to blocking the active institutionalization of the Accord, despite the economic power of multinationals at the top of the supply chain and the high performance that the Accord promised and delivered.² Controversies surrounding the legitimacy of the Accord’s jurisdiction in Bangladesh and factory owner opposition to the programme significantly limited the Ac-

² The initial agreement specified that the Accord and the Alliance were scheduled to end in 2018. The Alliance announced that it would wind up its operations, but the Accord decided to remain and oversee the remainder of inspections after 2018 through a renewed agreement (known colloquially as “Accord-2”) that extended its tenure for five years, until 2023. The renewed agreement signalled the programme’s success and the commitment to continue with the Accord. By mid-2017, prominent brands such as H&M, Kmart, Target, Primark, Inditex (Zara), C&A, Hugo Boss and PVH had signed on to Accord-2.

cord's application. At a general meeting in 2017, the BGMEA adopted a resolution to limit the extension of the Accord and the Alliance beyond 2018 (*New Age* 2017). At a high-level meeting in 2017, all parties announced that they would work towards an agreement to hand over the Accord's functions to a national regulatory body. The BGMEA subsequently supported the Smart Jeans lawsuit against the Accord in the High Court of Bangladesh, which sought to legally terminate the Accord's operations (*New Age* 2016; Mirdha 2018).

By late 2017, talk about renewing the Accord had shifted to transitioning its expertise and organizational mechanisms, in a "transitional Accord", to a governmental body, the Remediation Coordination Cell (RCC), established by the DIFE in collaboration with the ILO (Fair Wear Foundation 2020). In April 2018, the Smart Jeans lawsuit went to the High Court, which ruled that the Accord must cease its operations. The Accord appealed. While the appeal was pending before the Supreme Court, the BGMEA and the Accord signed a memorandum of understanding on 8 May 2019 to establish the national entity, the RSC, mentioned earlier. When the Supreme Court finally issued its ruling, it declared that there would be a transition period of 281 working days from the time of the ruling, after which the RSC, an institution made up of the BGMEA, buyers and trade unions, would take over Accord operations and inherit its infrastructure and staff (Accord 2019).

The BGMEA's public face was significantly different from the cooperative and cordial micro-interactions that it had with the Accord. According to the Accord's Executive Director, Rob Wayss, in early 2019, as court proceedings continued, and despite the public narrative of confrontation between the industry and the Accord, day-to-day interactions with the BGMEA were quite constructive. He described the dynamic as a "good faith engagement to try to resolve differences that are recurring", adding that "it's an incomplete narrative to give people the impression that there is this acrimony or confrontation, and that is the only element in our relationship. But that is not the dominant element or the only element of our relationship."

While these cordial interactions between the Accord and the BGMEA helped shape the transition plan, the emphasis on collaboration does not explain the lack of factory owner buy-in and the resulting litigation. The effective sanctions, the Accord's stringency and the high compliance costs were significant factors that further antagonized factory owners, turning them against the Accord and ultimately prompting them to organize for the BGMEA to dismantle the programme.

3.2. The workers' voice and the fragmented labour movement

While capital may not be a natural ally of regulation, labour did not mount strong opposition to the dismantling of the Accord. Indeed, it was conspicuously silent on the Accord's uncertain future during my fieldwork in early 2019. In popular media, local unions were relatively hidden from the public discourse on the Accord. Local English-language newspapers rarely mentioned the unions, and international newspapers featured the voices of a handful of prominent

activists who worked closely with transnational allies. Unified labour support would have been an important reflection of the Accord's institutionalization, which aimed to link worker representation to factory safety.

Why did the workers not push to maintain the Accord? Why did they fail to support its institutionalization? I suggest that the explanation lies in the fragmentation of the Bangladeshi labour movement as a result of critical developments in political movements in the past three decades, a finding echoed by other authors who have studied the movement's history (Ashraf and Prentice 2019; Rahman and Langford 2012; Siddiqi 2017). The labour movement's inability to direct worker power was also apparent in the wildcat strikes of 2016 and 2018.

The interdependence of the Bangladeshi State and the garment industry has shaped the character of the labour movement and industrial relations in the country (Riaz 2016; Ullah 2013; Rahman and Langford 2012). Political rifts divided the labour movement in the late 1990s, while international solidarity movements led to the emergence of factions among labour leaders in the industry (Siddiqi 2015). For example, in the aftermath of brutal union repression during a mass wage strike in 2006, disagreements on the petition submitted by the American Federation of Labor/Congress of Industrial Organizations to the US Trade Representative regarding labour rights violations in the Generalized System of Preferences (GSP) agreement between the United States and Bangladesh also sparked conflict among labour activists in the garment industry (Rahman and Langford 2014). These conflicts were repeatedly mentioned in interviews with prominent trade unionists, who described how they shaped the ways in which different activists subsequently engaged with transnational allies, particularly those in the United States.

These rifts were also reflected in the trade union movement's lack of a coherent position on the Accord, since the Accord was also largely orchestrated by transnational activist networks (Huq 2020). Whereas the unions with ties to transnational activists frequently voiced support for the permanent presence of the Accord, those with no such ties echoed the general sentiment of the Government and employers about the Accord's stringency and the high cost of compliance, pointing out that the money could be spent on higher wages for workers. According to Tanjeem (2017), for example, "local unions and federations that are signatories of Accord or members of various boards of Alliance are usually the ones that speak English, are well-connected with transnational activist networks, or receive transnational funds and sponsorships for labour organising initiatives". This also became apparent during my fieldwork. For example, a labour activist with no connection to such networks told me in 2017, "Our organization has some criticisms about the Accord. They secured their profits. But what about our workers' rights?"

In focus group discussions, rank-and-file workers also perceived the Accord and the Alliance differently depending on union affiliation. Specifically, stark differences emerged between workers in transnationally oriented, ideologically moderate unions and in locally oriented, ideologically leftist unions. Workers from Union A, a transnationally oriented, ideologically moderate union, were generally content with progress under the Accord and the Alliance and the positive safety-related changes in the factories. During a focus group interview, a

worker praised the higher safety standards in the factory: “The people from Accord come to the factory every month to check its fire safety. We now stay assured that our factory is risk-free. ... All of us even have the mobile number of Accord and Alliance. Therefore, we are now in better safety.” Other positive changes mentioned during the focus group discussion included the provision of sandals, soap, filtered water and healthy lunch options, and the establishment of a government safety helpline.

In comparison, workers at Union B, a locally oriented and ideologically leftist union,³ knew less about the different safety initiatives and were critical of the industry’s post-Rana-Plaza changes. Unlike Union A, which had official union status, Union B had repeatedly failed to obtain recognition and complained about the lack of visibility of union rights compared with the heightened attention to safety rights. For example, during the focus group discussion one worker said, “Structural changes were introduced, like building double stairs, renovation of building, fire extinguisher system, and automatic door systems. But our situation is the same as before. Workloads are more than our salary.” When asked about the function of the Accord and the Alliance, most workers in this focus group could not describe the differences between the two.⁴ They perceived the two initiatives as similar to corporate social responsibility audits and expressed scepticism of the Accord, the Alliance and the ILO. They claimed that managers were not concerned about their safety and that unions were still heavily repressed. One worker said that his previous factory owner had openly threatened him with a gun when he had tried to form a union in his factory. He also said that he was reluctant to join safety committees because the authorities knew that he was a trade unionist.

These differing accounts demonstrate the divisions in workers’ perceptions of transnational governance institutions. As Siddiqi asks (2015, 171), “Who speaks for Bangladeshi garment workers?” The divergent opinions expressed in the focus group discussions demonstrate that not only had the Accord’s regulatory goals not been institutionalized among factory owners but the labour movement in the garment industry suffered from fragmentation, despite the increase in trade union registrations in the aftermath of Rana Plaza.

That increase does not reflect a commensurate rise in trade union power or cohesion in the sector. The number of factory-level trade union registrations in 4,000 garment factories rose from 142 in December 2012 to 408 in July 2016 (ILO 2016b). Although there are no official statistics with which to measure fragmentation, according to the ILO programme officer on social dialogue in the Dhaka Office, 15 sectoral federations were affiliated with IndustriALL and 11 other national federations represented garment workers, each federation comprising six to ten factory-level unions. The president of the IndustriALL Bangladesh Council (IBC) explained in 2019 that changes in the coherence of the union movement resulted from the increased numbers of unions: the fact that

³ It was possible to gauge the ideological character of the union by asking activists and by observing whether the union office displayed portraits of famous Marxists, such as Marx, Engels, Lenin, Stalin, Mao, Luxemburg, Kollontai, Zetkein, Begum Rokeya and Pritilata Waddedar.

⁴ This observation echoes the analyses of Siddiqi (2015), Tanjeem (2017) and Huq (2020).

the movement had different factions, because of the high number of different federation leaders in the garment industry, made it difficult to speak with one voice. He also said that heightened government attention to the sector made organizing more difficult.

Two large-scale wildcat strikes in Bangladesh, in 2016 and 2018, on wage-related issues (rather than anything related to the Accord) demonstrate the unintended effects of the fragmented labour movement.

A series of wildcat strikes in December 2016 in Ashulia, an industrial town located on the outskirts of Dhaka, and their subsequent violent repression illustrate the inability of the union movement to represent workers adequately, to coalesce around the Accord's regulatory model and guarantee the latter's reproduction. The participating workers whom I interviewed stressed that the strikes were sparked by low wages and escalated when workers were blacklisted and jailed. As the strikes continued, the Government stepped up its repressive tactics, deploying the military and using a long-outlawed provision to jail unionists. As the news spread, the repression attracted the attention of international media. Soon after, the Government and the employers' organizations called for tripartite meetings with the unions to quell the situation.

Prominent leaders with IBC connections – indicative of the transnational orientation of their union – were invited to tripartite talks. However, because none of the IBC-affiliated unions had organized the strikes, these continued despite the IBC leaders' calls for workers to return to their jobs. An ILO officer explained that, since the trade unions participating in the talks did not have members involved in the strikes, they could not restore calm. In addition, because the workers did not speak with a single voice, the employers were able to dismiss them quickly. Meanwhile, the workers on the streets did not know about the high-level meetings. A worker who participated in the strikes recalled, "The ministers did not call us for a meeting. ... The authorities do not want to talk to us about this matter."

The jailing of unionists made international headlines, prompting transnational stakeholders to push for their release. In those talks, one union leader emphasized the importance of transnational activist networks in freeing unionists from jail. The relationship between IndustriALL and the fashion retailers H&M and Inditex was leveraged to push the Government to drop the charges against imprisoned workers. The IBC organized an apparel worker summit at the same time as the BGMEA's apparel summit in February 2017 – which the Prime Minister planned to attend – and IndustriALL was able to convince H&M and five other brands, along with the US, European Union and Danish embassies, to boycott the BGMEA summit. Facing a reputational crisis, the Ministry of Labour and Employment asked for a meeting with the IBC, at which the union leader and others demanded that all criminal charges against Ashulia workers be dropped and that the workers be rehired. The Government, worried about the bad press and the impact on export earnings, quickly agreed. An interviewee who had worked as a compliance officer in a prominent multinational brand said that IndustriALL admonished the brands for failing to speak out about the imprisoned unionists after the strikes. He recounted that representatives of the multinational brand escorted the BGMEA to Geneva to meet with IndustriALL.

The multinational brand was told to immediately work with contracted factories to ensure all charges were dropped.

After the Ashulia strike, the Government and the BGMEA worked to improve engagement with trade unions through a newly established national tripartite committee – the first time that the industry had formalized a sector-specific dialogue. In 2017, an ILO officer said that the formal process would benefit all participants, allowing employers to view workers as meaningful negotiating partners. The officer also noted that members of the tripartite committee viewed the transnationally linked unions that were part of the IBC as more legitimate representatives of garment sector unions than unrecognized leftist or partisan unions. Some unions were not part of the IBC because of ideological differences, personal relationships or official trade union status.⁵ The IBC provided significant institutional support and funds, enabling trade unions to engage in high-level bargaining procedures. According to the ILO officer, it was important for the unions to bring a common position to the bargaining table.

This new format of tripartite talks reflects recognition of the usefulness of dialogue between employers and workers in the garment sector. Whether it will solve the problem of fragmentation is yet to be demonstrated. As Ashraf and Prentice point out (2019, 105), since the Rana Plaza incident the divide between global unions “involved in formal negotiations, representations, and mediations at a high level” and local unions “more engaged with the substantive issues that workers face” has deepened. The labour movement’s representational weaknesses were again evident in the way the tripartite parties handled the next wave of strikes.

Between December 2018 and January 2019, another strike broke out, this time more specifically in connection with the confusing minimum wage system adopted in December. Wildcat strikes by around 50,000 workers demanding amendments to the system spread throughout various garment-manufacturing districts (Human Rights Watch 2019). They were similar to the 2016 strikes in that transnationally linked unions failed to represent the mass of workers. They continued for a few weeks and included disruptive road and factory closures. Tripartite meetings involving the Government, the BGMEA and prominent union leaders again attempted to quell the strikes. As in 2016, union leaders attending the formal tripartite meetings published statements in newspapers calling for the strikes’ immediate cessation. Their calls were as futile as in 2016 – until the Government significantly revised the minimum wage system, meeting many of the strikers’ demands.

One difference between the two series of strikes was that government repression of striking workers was more subdued in 2018. One union leader pointed out that the Government was more cautious: “The difference is that in 2016 they arrested labour leaders. This time they arrested some workers but no labour leader. I think this is because if they arrest labour leaders, it would spark international pressure.” The further involvement of the Government and the

⁵ For example, when I asked a leftist leader why she had not joined the IBC, she said, “They never asked us.” Another leader said that her union could not join the IBC because it was not officially registered with the Government.

Ministry of Labour and Employment in conversations with the unions and employers, facilitated by various ILO programmes, and the continued discussions of the Minimum Wage Board seem to have decreased the level of repression in 2018.

Transnationally linked unions were reactive bystanders during the wildcat strikes, rather than the proactive orchestrators of worker power that they had been in the large-scale garment worker demonstrations after the Rana Plaza disaster. They lent their political weight to mitigate the violent repression of wildcat strikes over wages but could not coordinate a local movement that provided political support for the Accord. These episodes demonstrate the unions' relative lack of collective power to represent workers and the fragmented nature of the trade union movement, which was not interested in institutionalizing a transnational governance model such as the Accord. The literature on trade-union-aided regulation emphasizes the important political and practical role of worker support for regulatory initiatives. While this may be more salient in the micro context of factory safety committees, it failed to materialize in the broader political arena.

3.3. The decoupling activities of the Bangladeshi State

Many accounts of the Bangladeshi State begin with the premise that transnational private regulations are replacing the dwindling or otherwise uncooperative State. However, the Bangladeshi State has played a critical role through its ambivalent approach to labour rights, its reform of the DIFE and its repression of union activities. In large part owing to diplomatic and trade pressure exerted by European and North American governments, the Government has made essential reforms. It has upgraded its factory inspection system and accepted the initiatives of the ILO, while also allowing the Accord, a foreign regulatory body with legal liability, to operate in the economy's largest export sector. At the same time, the Government's violent repression of strikes and its failure to focus on freedom of association rights have sent another message. The resolution of a controversial High Court decision to end the Accord is a compromise to hand over the Accord to the RSC, rather than a pure rejection of the Accord. This ambivalence is reflective of the Government's decoupling strategies.

The Rana Plaza disaster opened a space in which to contest the moral character of export-led development and shifted discussions to a transnational level. Diplomatic relationships between the European Union, the United States and the Bangladeshi Government were used to address workplace safety in the garment industry. Alongside the Accord, various diplomatic and trade-related sanctions were leveraged upon Bangladesh, where the garment industry is built on duty-free access to its most significant export partner, the European Union, through the Everything But Arms (EBA) scheme available for least developed countries. The EBA stipulates that countries that do not abide by fundamental labour rights conventions⁶ can have their EBA privileges withdrawn. The GSP

⁶ This includes conventions on rights mentioned in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up: the abolition of child labour, the elimination of forced labour and discrimination, and the right to freedom of association.

agreement between the United States and Bangladesh serves a similar function. The EBA was not terminated, but the United States suspended the GSP agreement in 2013, citing the grave labour violations underpinning the Rana Plaza disaster.

Workers' organizations have often filed complaints about violations of ILO Conventions by the Bangladeshi garment sector. Before Rana Plaza, the Bangladeshi State would often contest those complaints, citing policies to facilitate capital accumulation and promote exports. For example, when the International Trade Union Confederation alleged to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) that assaults on trade unionists in 2008 and 2010 violated the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), both the Bangladesh Employers' Federation and the Government replied that violence was justified because "some groups and persons were creating anarchy in industrial areas" and the Government had to "maintain law and order".⁷

These arguments were repeated over the years but died down after Rana Plaza, although the focus remained on improving safety-related issues rather than respect for other labour rights. In 2016, the International Labour Conference — a major diplomatic event at which governments, trade unions and employers organizations deliberate and agree on labour policies — discussed decent work in global supply chains, focusing on the devastating failure of supply chain governance evinced by the Rana Plaza disaster. During the discussion, Bangladeshi officials emphasized the Government's commitment to reform and its ongoing efforts to respect trade union rights, comply with safety procedures and raise the minimum wage (ILO 2016b). Yet, this commitment uttered in Geneva was not wholly carried out in Bangladesh.

After Rana Plaza, both private institutions and government bodies in Bangladesh focused on safety-related issues. However, freedom of association rights continued to be regulated chiefly through private audits and ILO technical assistance programmes. Furthermore, worker demands for higher wages encountered similar levels of repression as before Rana Plaza, as evidenced by the Government's reaction to the wildcat strikes of 2016 and 2018. Such resistance embodies the Government's distrust of the labour movement. Prime Minister Sheikh Hasina remarked at a 2017 May Day event that labour leaders were destabilizing the garment industry: "There is a vested quarter with only one job – sending a message to foreign countries against Bangladesh. What do they gain? Do they work as hired agents?" (*BDnews24.com* 2017). Along with factory owners and the BGMEA's distrust of union-related activities, the state bureaucrats interviewed were sceptical of freedom of association rights, expressing concern about what they thought of as political racketeering rather than unionism in the garment industry.

The Government's ambivalent, decoupled approach to accepting reform while fostering its export-oriented growth agenda through repressing labour is reflected in the varying resources it allocates to safety versus freedom of association

⁷ CEACR, Bangladesh, Observation, C.87, adopted 2011. Comments of the CEACR are available at: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:20010:0::NO:::>

rights. Barrientos and Smith (2007, 716) highlight a distinction between “outcome standards” that affect social compliance with global production systems, such as safety policy, and “process rights” that affect workers’ ability to struggle for change, such as freedom of association rights. Huq (2020) illustrates this trend in Bangladesh, pointing out that the Accord facilitated safety rights while not doing much for freedom of association rights. This tendency, which is well documented in case studies of private compliance initiatives, is also apparent in the Government’s approach to labour rights.

Under the Government’s inspection system, safety-related rights are governed by the DIFE, while freedom of association and other labour rights are governed by the Directorate of Labour. Since the Rana Plaza disaster, the DIFE has received much more substantial funding than the Directorate of Labour. It created an additional 302 inspector positions and its budget allocations increased by US\$3.1 million between 2014 and 2016, partially funded by Canada, the Netherlands and the United Kingdom of Great Britain and Northern Ireland (ILO 2016c). When asked in an interview about the lack of progress in implementing trade union registration, the then DIFE Inspector General said that it was not his job to implement such regulations, since trade union-related activities came under the purview of the Directorate of Labour. Interviews with factory owners revealed that, although the DIFE was an active visitor, they rarely received a visit from the Directorate of Labour. Social audits by private auditing companies or brand auditing teams were often much more active in conducting such visits.

Social audits relating to freedom of association rights were thus left to private programmes such as the Accord, but factory owners and government officials were sceptical about the jurisdiction of private agents. Non-safety-related measures were referred to other channels, such as the unions or non-governmental organizations. The Accord received complaints from workers about factory safety conditions through its grievance procedure. Many of those grievances touched on broader rights, such as the payment of wages during factory renovations or the prevention of reprisals and unfair dismissals. Rob Wayss, the Accord’s Executive Director, said that manufacturers did not like the Accord dealing with such issues. In interviews, factory owners confirmed that sentiment, arguing that such issues should be adjudicated under Bangladeshi labour law, rather than through the Accord.

Another example of the Government’s decoupling strategy was its vacillation between terminating the Accord owing to its lack of jurisdiction in Bangladesh and allowing it to continue. The Government initially stood by the employers with respect to the 2018 High Court ruling to terminate the Accord. It subsequently appeared to bow to diplomatic pressure, accepting multiple delays in judgment at the Appellate Division of the Supreme Court; as a result, the final decision in 2019 coincided with the memorandum of understanding between the Accord and the BGMEA establishing the RSC.

On 4 April 2018, the High Court ruled that the Government could not extend the Accord beyond 31 May until “further order” and issued a directive for the Accord office to leave the country by 30 November 2018 (*New Age* 2018a). This

was swiftly followed by international diplomatic pressure, the Sustainability Compact leveraging trade relationships to reverse the decision.⁸ For example, the US Ambassador Marcia Bernicat urged the BGMEA and the Government to “come to a quick resolution on the Accord and Alliance’s extensions in Bangladesh” (*New Age* 2018b); the European Commission requested the Government to make a re-submission to the High Court to eliminate the end date of the Accord; 180 brands backed the Accord’s statement that a premature shutdown would “jeopardise the brands’ ability to source from a safe industry” (Thomasson and Paul 2018); and the Partnership for Sustainable Textiles⁹ sent a letter to the Prime Minister urging her “to ensure that all obstacles to keeping this commitment [on the transitional Accord] are withdrawn” (Partnership for Sustainable Textiles 2018).

Over the next few months, the courts and the Accord batted the decision back and forth, postponing rulings and appeals until mid-2019. The continued postponement of the case reflects the Government’s dual position – trying to appease its trading partners while maintaining its political alliance with the BGMEA. It is important to note that the Supreme Court of Bangladesh is torn between judicial independence and systematic political corruption, which leaves the court system open to the whims of the executive branch.¹⁰ According to the literature, judicial decisions are shaped by justice system reform, the constitutional mandate and the public, giving the judiciary a measure of independence from the executive branch, but far from full independence (Laskar 2007; Panday and Mollah 2011; Halim 2009).

The court case was finally decided on 19 May 2019, when the Appellate Division of the Supreme Court accepted the memorandum of understanding and its 281-day transition period, after which the BGMEA was to establish an alternative body to oversee factory safety. By 2019 it appeared that the BGMEA would take over the Accord; it was rumoured that the Minister of Commerce, a highly controversial figure who had been a vocal opponent of the Accord, would chair the committee (Munni 2019). However, over the following months the handover to the BGMEA evolved into an understanding to establish the RSC, which was to be governed equally by the employer groups, the global brands and global and national trade unions (Accord 2020a).

This turn of events illustrates the role of the Bangladeshi State in determining the outcomes of the Accord. The State contributed to the Accord’s dismantling

⁸ The Sustainability Compact between Bangladesh, Canada, the European Union, the ILO and the United States has a significant impact on decisions on trade agreements and aid packages awarded to Bangladesh and has issued evaluation reports leveraged by the Accord and trade union partners for various purposes.

⁹ A German consortium of brands including Kik, Aldi, Esprit, Hugo Boss and C&A.

¹⁰ The 1972 Bangladeshi Constitution and the High Court of Bangladesh Order of 1972 specify that the structure and functions of the Supreme Court should be divided between the High Court and the Appellate Court Divisions. Whereas the High Court hears appeals and revisions, and issues orders and directives, the Appellate Court hears appeals that come from the High Court. According to the High Court Order of 1972, the Chief Justice and other judges of the Supreme Court may be appointed by the President and they hold office on the terms and conditions that the President may determine. The higher judiciary is separate and independent of the executive branch, but the appointment, tenure and discipline of judges are in practice under the control of the President. The Chief Justice is appointed by the President.

and replacement by providing interested parties with political space to contest the Accord in the court system, while neglecting its responsibility to ensure process rights such as the rights to freedom of association and collective bargaining. It balanced the conflicting goals of complying with its trading partners' demands while placating the highly organized employers' organizations. The Government's compromise in providing an avenue for the Accord to continue its programming under the shared governance of the BGMEA is symptomatic of the balance it must strike between securing export profits and labour rights.

4. Analysis

The employer-led lawsuit, the lack of worker cohesion and the State's decoupling activities capture the failure to institutionalize the transnational governance model that the Accord endeavoured to implement during its lifespan in Bangladesh. The ways in which each local player interacted with transnational influences are also key to explaining the dynamics of a transnational project never fully institutionalized in Bangladesh.

Organizational innovations, such as transparency, flexibility, legal liability and didactic inspections, were not enough to stop resistance to regulation after a few years. The BGMEA helped realize the demands of disgruntled factory owners to delegitimize and dismantle the Accord. Despite the intervention of buyer power to sanction lower-tier suppliers for labour violations, it seems that buy-in to regulations matters (Gunningham and Rees 1997). Even though micro-interactions may have been cordial and didactic, as the Accord's Executive Director said, the political capacity and organized interests of the BGMEA trumped regulatory design. In this light, future studies should take seriously the question of the relationships between micro-interactions among regulators and the regulated *and* the broader political context of regulation.

In addition, worker support for the Accord was without effect. The continued fight for the Accord in Bangladesh, in contrast to the Alliance, offers some support for the argument that a regulatory model with worker representation gains legitimacy and political clout. However, worker representation in the Accord happened mainly through transnational activist networks. The same transnational union movements behind the Accord also spurred legitimate fights over modes of unionism and their relationships to transnational funding. As discussed by Siddiqi (2015), Tanjeem (2017) and others, fragmentation had sparked discord within the labour movement. Trade unionists did not provide political support to counter the employers and the Government, demonstrating the workers' failure to accept fully the institution of transnational regulation.

Lastly, the case study shows that the Bangladeshi State's decoupling strategies were motivated by international diplomacy, resulting in a compromise between the Accord and the BGMEA. The State was neither predatory nor retreating, but rather highly visible in its simultaneous support for safety rights and repression of union rights. Motivated by international diplomatic pressures and the leverage of multinational companies, the courts used their legitimacy to support a resolution that pushed the Accord to terminate the model that had kept employers out of the governing committee. The decoupling also demonstrates the state strategy

to compromise with international pressure while preserving the status quo of repressive working conditions that provide cheap exports.

As a contribution to the current literature on the nature and viability of global supply chain regulation, this article propounds three considerations: (a) the coherence of factories and their lack of buy-in to regulation affect the sustainability of regulatory programmes, even as buyer boycotts continue to shape the economic structure of the industry; (b) the historically shaped character of industrial relations and their patterns of coherent organization, mediated by tensions linked to transnational activist networks, affect worker support for the programmes; and (c) government support for capital is limited by international diplomacy, resulting in a compromise between labour rights and export earnings.

5. Conclusion

The story of the rise, demise and replacement of the Accord and its reception by State and society in Bangladesh encapsulates how transnational regulation plays out in the local context. The Accord was clearly never institutionalized among employers, workers and the State, all of which played a part in its demise and replacement and demonstrated differing dynamics in relation to transnational influences. Each of these factors has a long history. The local political processes surrounding the Bangladeshi garment industry are not merely controlled by the force of the global economy but also operate through field-specific strategies of capital, labour and the State, and their relations to each other.

The Bangladesh experiment provides a window on to a critical moment in the evolution of transnational governance mechanisms, demonstrating the challenges such initiatives may face when operating in local contexts. Case studies of regulatory institutions around the world have demonstrated how important it is for such mechanisms to be embedded in the local context if they are to be sustainable (Seidman 2009; McCallum 2013; Anner, Bair and Blasi 2013; Bartley 2010). Successful regulatory institutions are often embedded at strategic political opportunities through labour organizing, for example jobbers' agreements in New York and forest certifications (Anner, Bair and Blasi 2013; Bartley 2010). On the other hand, short-lived institutions dissipate into empty aspirations when they are not backed and reproduced (Seidman 2009; McCallum 2013). In March 2020, the *New York Times* reported that the latest Accord report from January 2020 showed "a marked slowdown in remediation efforts" compared with previous years (Paton 2020). Given the Accord's tenuous future, it will be essential to observe how the inclusion of employers in the governing body of the new institution, the RSC, affects compliance outcomes.

The case of the Accord is an important example of a transnational strategy to bring momentous change to safety rights in the industry, giving hope to local activists and transnational regulators alike. Future transnational regulatory initiatives should consider the specific local relationship between capital, labour and the State, and remain mindful of the relationship between State and society, when implementing their programmes.

References

- Accord (on Fire and Building Safety in Bangladesh). 2019. "Accord Reaches Resolution on Continuation of its Work in Bangladesh: Accord Bangladesh Operations to Transition to an Industry–Labour RMG Sustainability Council", 19 May 2019. <https://bangladeshaccord.org/updates/2019/05/19/accord-reaches-resolution-on-continuation-of-its-work-in-bangladesh>.
- . 2020a. "Joint Statement Accord–BGMEA: Accord on Fire and Building Safety in Bangladesh and BGMEA Sign Agreement on Transition to RMG Sustainability Council", 15 January 2020. <https://bangladeshaccord.org/updates/2020/01/15/joint-statement-accord-bgmea>.
- . 2020b. "Transition to the RMG Sustainability Council (RSC)", 1 June 2020. <https://bangladeshaccord.org/updates/2020/06/01/transition-to-the-rmg-sustainability-council-rsc>.
- . 2020c. *Quarterly Aggregate Report on Remediation Progress and Status of Workplace Programs at RMG Factories Covered by the Accord*. Dhaka. https://bangladesh.wpengine.com/wp-content/uploads/2020/02/Accord_Quarterly_Aggregate_Report_January2020.pdf.
- Alamgir, Fahreen, and Subhabrata Bobby Banerjee. 2019. "Contested Compliance Regimes in Global Production Networks: Insights from the Bangladesh Garment Industry". *Human Relations* 72 (2): 272–297.
- Amengual, Matthew. 2014. "Pathways to Enforcement: Labor Inspectors Leveraging Linkages with Society in Argentina". *Industrial and Labor Relations Review* 67 (1): 3–33.
- Amengual, Matthew, and Sarosh Kuruvilla. 2020. "Editorial Essay: Introduction to a Special Issue on Improving Private Regulation of Labor in Global Supply Chains: Theory and Evidence". *Industrial and Labor Relations Review* 73 (4): 809–816.
- Anner, Mark S. 2011. *Solidarity Transformed: Labor Responses to Globalization and Crisis in Latin America*. Ithaca, NY: ILR Press.
- . 2012. "Corporate Social Responsibility and Freedom of Association Rights: The Precarious Quest for Legitimacy and Control in Global Supply Chains". *Politics & Society* 40 (4): 609–644.
- . 2015. "Labor Control Regimes and Worker Resistance in Global Supply Chains". *Labor History* 56 (3): 292–307.
- Anner, Mark, Jennifer Bair, and Jeremy Blasi. 2013. "Towards Joint Liability in Global Supply Chains: Addressing the Root Causes of Labor Violations in International Subcontracting Networks". *Comparative Labor Law & Policy Journal* 35 (1): 1–44.
- Ashraf, Hasan, and Rebecca Prentice. 2019. "Beyond Factory Safety: Labor Unions, Militant Protest, and the Accelerated Ambitions of Bangladesh's Export Garment Industry". *Dialectical Anthropology* 43 (1): 93–107.
- Bair, Jennifer, Mark Anner, and Jeremy Blasi. 2020. "The Political Economy of Private and Public Regulation in Post-Rana Plaza Bangladesh". *Industrial and Labor Relations Review* 73 (4): 969–994.
- Barrientos, Stephanie, and Sally Smith. 2007. "Do Workers Benefit from Ethical Trade? Assessing Codes of Labour Practice in Global Production Systems". *Third World Quarterly* 28 (4): 713–729.
- Bartley, Tim. 2010. "Transnational Private Regulation in Practice: The Limits of Forest and Labor Standards Certification in Indonesia". *Business and Politics* 12 (3): 1–34.
- . 2018. *Rules without Rights: Land, Labor, and Private Authority in the Global Economy*. Oxford: Oxford University Press.
- Bartley, Tim, and Niklas Egels-Zandén. 2016. "Beyond Decoupling: Unions and the Leveraging of Corporate Social Responsibility in Indonesia". *Socio-Economic Review* 14 (2): 231–255.
- BDnews24.com. 2009. "BGMEA Honours 29 Garment-Owner MPs". 12 January 2009. <https://bdnews24.com/business/2009/01/12/bgmea-honours-29-garment-owner-mps>.

- . 2017. “PM Hasina Says Some Labour Leaders Are ‘Trying to Destabilise’ Industries”. 1 May 2017. <https://bdnews24.com/bangladesh/2017/05/01/pm-hasina-says-some-labour-leaders-are-trying-to-destabilise-industries>.
- Bromley, Patricia, and Walter W. Powell. 2012. “From Smoke and Mirrors to Walking the Talk: Decoupling in the Contemporary World”. *Academy of Management Annals* 6 (1): 483–530.
- Clemens, Elisabeth S., and James M. Cook. 1999. “Politics and Institutionalism: Explaining Durability and Change”. *Annual Review of Sociology* 25 (August): 441–466.
- Conti, Joseph A. 2016. “Legitimacy Chains: Legitimation of Compliance with International Courts across Social Fields”. *Law & Society Review* 50 (1): 154–188.
- Donaghey, Jimmy, and Juliane Reinecke. 2017. “When Industrial Democracy Meets Corporate Social Responsibility: A Comparison of the Bangladesh Accord and Alliance as Responses to the Rana Plaza Disaster”. *British Journal of Industrial Relations* 56 (1): 14–42.
- Donaghey, Jimmy, Juliane Reinecke, Christina Niforou, and Benn Lawson. 2014. “From Employment Relations to Consumption Relations: Balancing Labor Governance in Global Supply Chains”. *Human Resource Management* 53 (2): 229–252.
- Dorf, Michael C., and Charles F. Sabel. 1998. “A Constitution of Democratic Experimentalism”. *Columbia Law Review* 98 (2): 267–473.
- Dunbar, Roger L.M., and Raghu Garud. 2009. “Distributed Knowledge and Indeterminate Meaning: The Case of the Columbia Shuttle Flight”. *Organization Studies* 30 (4): 397–421.
- Elliott, Kimberly Ann, and Richard B. Freeman. 2001. “White Hats or Don Quixotes? Human Rights Vigilantes in the Global Economy”, NBER Working Paper No. 8102. Cambridge, MA: National Bureau of Economic Research.
- Esbenshade, Jill. 2012. “A Review of Private Regulation: Codes and Monitoring in the Apparel Industry”. *Sociology Compass* 6 (7): 541–556.
- Fair Wear Foundation. 2020. “Update on Bangladesh Accord for Building and Fire Safety: Implications for FWF’s Enhanced Monitoring Programme Bangladesh”, September 2020. Amsterdam.
- Feldman, Shelley, and Charles Geisler. 2013. “Land Expropriation and Displacement in Bangladesh”. In *The New Enclosures: Critical Perspectives on Corporate Land Deals*, edited by Ben White, Saturnino M. Borrás Jr., Ruth Hall, Ian Scoones and Wendy Wolford, 353–376. Abingdon: Routledge.
- Fine, Janice. 2017. “Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Alone Has Failed?” *Politics & Society* 45 (3): 359–388.
- Fransen, Luc, Jelmer Schalk, and Graeme Auld. 2020. “Community Structure and the Behavior of Transnational Sustainability Governors: Toward a Multi-relational Approach”. *Regulation and Governance* 14 (1): 3–25.
- Fung, Archon, Dara O’Rourke, and Charles F. Sabel. 2001. *Can We Put an End to Sweatshops?* Boston, MA: Beacon Press.
- Girard, Bradley. 2014. “Corporate Transparency through the SEC as an Antidote to Substandard Working Conditions in the Global Supply Chain”. *Georgetown Journal on Poverty Law & Policy* 21 (2): 317–339.
- Gunningham, Neil, and Joseph Rees. 1997. “Industry Self-regulation: An Institutional Perspective”. *Law & Policy* 19 (4): 363–414.
- Halim, Md Abdul. 2009. *The Legal System of Bangladesh: A Comparative Study of Problems and Procedure in Legal Institutions*, 4th ed. Dhaka: CCB Foundation.
- Human Rights Watch. 2019. “Bangladesh: Investigate Dismissals of Protesting Workers”, 5 March 2019. <https://www.hrw.org/news/2019/03/05/bangladesh-investigate-dismissals-protesting-workers>.

- Huq, Chaumtoli. 2020. "Opportunities and Limitations of the Accord: Need for a Worker Organizing Model". In *Labor, Global Supply Chains, and the Garment Industry in South Asia: Bangladesh after Rana Plaza*, edited by Sanchita Banerjee Saxena, 65–83. Abingdon: Routledge.
- ILO. 2016a. *Workplace Compliance in Global Supply Chains*. Geneva.
- . 2016b. *Reports of the Committee on Decent Work in Global Supply Chains: Resolution and Conclusions Submitted for Adoption by the Conference*. Provisional Record 14-1. International Labour Conference, 105th Session, 2016. Geneva.
- . 2016c. "Strengthening Workplace Safety and Labour Rights in the Bangladesh Ready-Made Garment Sector". September 2016. Dhaka.
- Laskar, S. I. 2007. "Bangladesh: Justice in Disarray". In *Global Corruption Report 2007: Corruption in Judicial Systems*, edited by Transparency International, 179–183. Cambridge: Cambridge University Press.
- Lim, Sijeong, and Aseem Prakash. 2017. "From Quality Control to Labor Protection: ISO 9001 and Workplace Safety, 1993–2012". *Global Policy* 8 (S3): 66–77.
- Locke, Richard M. 2013. *The Promise and Limits of Private Power: Promoting Labor Standards in a Global Economy*. New York, NY: Cambridge University Press.
- Marginson, Paul. 2016. "Governing Work and Employment Relations in an Internationalized Economy: The Institutional Challenge". *Industrial and Labor Relations Review* 69 (5): 1033–1055.
- McCallum, Jamie K. 2013. *Global Unions, Local Power: The New Spirit of Transnational Labor Organizing*. Ithaca, NY: ILR Press.
- Meyer, John W., and Brian Rowan. 1977. "Institutionalized Organizations: Formal Structure as Myth and Ceremony". *American Journal of Sociology* 83 (2): 340–363.
- Mirdha, Refayet Ullah. 2018. "Accord's Extension Runs into Trouble". *Daily Star*, 17 May 2018. <https://www.thedailystar.net/business/accords-extension-runs-trouble-1577539>.
- Munni, Monira. 2019. "BGMEA Moves to Form RSC to Take Over Accord Operations". *Financial Express*, 28 July 2019. <https://thefinancialexpress.com.bd/trade/bgmea-moves-to-form-rsc-to-take-over-accord-operations-1564289844>.
- New Age*. 2016. "BGMEA Unhappy with Accord's Business Termination Method". 6 October 2016. <http://www.newagebd.net/article/371/bgmea-unhappy-with-accords-business-termination-method>.
- . 2017. "Global Unions Call for More Brands to Sign New Accord by Oct 5". 12 September 2017. <https://www.newagebd.net/article/23908/global-unions-call-for-more-brands-to-sign-new-accord-by-oct-5>.
- . 2018a. "HC Restrains Accord Extension". 10 April 2018. <http://www.newagebd.net/article/38698/hc-restrains-accord-extension>.
- . 2018b. "Bernicat Urges Quick Decision on Accord, Alliance's Tenure Extension". 28 May 2018. <http://www.newagebd.net/article/42324/bernicat-urges-quick-decision-on-accord-alliances-tenure-extension>.
- Nova, Scott, and Chris Wegemer. 2016. "Outsourcing Horror: Why Apparel Workers Are Still Dying, One Hundred Years after Triangle Shirtwaist". In *Achieving Workers' Rights in the Global Economy*, edited by Richard P. Appelbaum and Nelson Lichtenstein, 17–31. Ithaca, NY: ILR Press.
- Oliver, Christine. 1991. "Strategic Responses to Institutional Processes". *Academy of Management Review* 16 (1): 145–179.
- Overdeest, Christine, and Jonathan Zeitlin. 2018. "Experimentalism in Transnational Forest Governance: Implementing European Union Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements in Indonesia and Ghana". *Regulation and Governance* 12 (1): 64–87.
- Panday, Pranab Kumar, and Md Awal Hossain Mollah. 2011. "The Judicial System of Bangladesh: An Overview from Historical Viewpoint". *International Journal of Law and Management* 53 (1): 6–31.

- Partnership for Sustainable Textiles. 2018. Letter to Sheikh Hasina. 28 August 2018. https://www.textilbuendnis.com/wp-content/uploads/2018/08/2018-08-28_Letter_Bangladesh-Accord.pdf.
- Paton, Elizabeth. 2020. "After Factory Disaster, Bangladesh Made Big Safety Strides: Are the Bad Days Coming Back?" *New York Times*, 1 March 2020. <https://www.nytimes.com/2020/03/01/world/asia/rana-plaza-bangladesh-garment-industry.html?campaignId=7JFJX>.
- Piore, Michael J., and Andrew Schrank. 2008. "Toward Managed Flexibility: The Revival of Labour Inspection in the Latin World". *International Labour Review* 147 (1): 1–23.
- Pires, Roberto. 2008. "Promoting Sustainable Compliance: Styles of Labour Inspection and Compliance Outcomes in Brazil". *International Labour Review* 147 (2–3): 199–229.
- Posthuma, Anne. 2010. "Beyond 'Regulatory Enclaves': Challenges and Opportunities to Promote Decent Work in Global Production Networks". In *Labour in Global Production Networks in India*, edited by Anne Posthuma and Dev Nathan, 57–80. New Delhi: Oxford University Press.
- Rahman, Zia, and Tom Langford. 2012. "Why Labour Unions Have Failed Bangladesh's Garment Workers". In *Labour in the Global South: Challenges and Alternatives for Workers*, edited by Sarah Mosoetsa and Michelle Williams, 87–106. Geneva: ILO.
- . 2014. "International Solidarity or Renewed Trade Union Imperialism? The AFL-CIO and Garment Workers in Bangladesh". *WorkingUSA* 17 (2): 169–186.
- Riaz, Ali. 2016. *Bangladesh: A Political History since Independence*. London: I.B. Tauris.
- Sabel, Charles F., and William H. Simon. 2011. "Minimalism and Experimentalism in the Administrative State". *Georgetown Law Journal* 100 (1): 53–93.
- Seidman, Gay W. 2007. *Beyond the Boycott: Labor Rights, Human Rights, and Transnational Activism*. New York, NY: Russell Sage Foundation.
- . 2009. "Labouring Under an Illusion? Lesotho's 'Sweat-Free' Label". *Third World Quarterly* 30 (3): 581–598.
- Siddiqi, Dina M. 2015. "Starving for Justice: Bangladeshi Garment Workers in a 'Post-Rana Plaza' World". *International Labor and Working-Class History* 87 (Spring): 165–173.
- . 2017. "Before Rana Plaza: Towards a History of Labour Organizing in Bangladesh's Garment Industry". In *Labour in the Clothing Industry in the Asia Pacific*, edited by Vicki Crinis and Adrian Vickers, 60–79. Abingdon: Routledge.
- Small, Mario Luis. 2009. "'How Many Cases Do I Need?': On Science and the Logic of Case Selection in Field-Based Research". *Ethnography* 10 (1): 5–38.
- Suchman, Mark C. 1995. "Managing Legitimacy: Strategic and Institutional Approaches". *Academy of Management Review* 20 (3): 571–610.
- Tanjeem, Nafisa. 2017. "Thinking beyond Accord and Alliance". *Daily Star*, 21 April 2017. <https://www.thedailystar.net/star-weekend/thinking-beyond-accord-and-alliance-1393888>.
- Thomasson, Emma, and Ruma Paul. 2018. "Bangladesh Clothing Factories Face Squeeze if Safety Push Blocked". *Reuters*, 21 November 2018. <https://uk.reuters.com/article/uk-bangladesh-retail-analysis-idUKKCN1NQ1WW>.
- Toffel, Michael W., Jodi L. Short, and Melissa Ouellet. 2015. "Codes in Context: How States, Markets, and Civil Society Shape Adherence to Global Labor Standards". *Regulation and Governance* 9 (3): 205–223.
- Ullah, S.M. Akram. 2013. "Student Politics in Bangladesh under Military Autocracy". *Asian Studies: Jahangirnagar University Journal of Government and Politics* No. 32 (June).
- Weil, David, Archon Fung, Mary Graham, and Elena Fagotto. 2006. "The Effectiveness of Regulatory Disclosure Policies". *Journal of Policy Analysis and Management* 25 (1): 155–181.

- Zajak, Sabrina. 2017. "International Allies, Institutional Layering and Power in the Making of Labour in Bangladesh". *Development and Change* 48 (5): 1007–1030.
- Zucker, Lynne G. 1977. "The Role of Institutionalization in Cultural Persistence". *American Sociological Review* 42 (5): 726–743.

Copyright of International Labour Review is the property of Wiley-Blackwell and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.