

Institutional layering and the emerging power of labour in Bangladesh

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Abstract

This paper discusses the emerging power of labour in Bangladesh. Taking practice theoretical lenses on power resource approaches the paper asks how changes in the industrial landscape since the factory collapse of Rana Plaza in 2013 is linked to the emerging power of trade unions in Bangladesh. The paper finds that international allies are not simply compensating for the structural and associational weaknesses of Bangladesh labour, but are crucial in the competence building processes of Bangladesh trade unions. Unions are increasing co-constructing, strengthening and enacting three power sources: associational, institutional, and social-cultural power. The paper contributes to the debate of networked workers agency by showing that how power is constructed in an incremental way through interactions. But it also points out new limitations resulting out of managerial and political resistance, hampering emerging power practices of labour in Bangladesh. The Bangladesh Accord in Fire and Safety is a double edged sword in these processes as it one the one hand provides new opportunities for developing strategic capabilities, while on the other hand triggering additional forms of restraints.

Introduction Worker agency in multilevel regulatory regimes

'It's a whole power play with actors who are in the Accord, actors who are outside the accord, all trying to influence one and another and sometimes it works and sometimes it doesn't work' (Interview trade unionist, Dhaka June 2015)

The collapse of Rana Plaza on 24 of April 2013, where 1,136 people got killed and many more injured was the deadliest tragedy in the history of the global garment industry (Yardley 2013). It sent shockwaves around the world leading to the most profound transformation of

labor governance institutions we can observe in this global industry until today. The industrial landscape in Bangladesh changed dramatically and a multitude of international, transnational, national actors and organizations started to engage in a process of institution building on an unprecedented scale. The paper uses the case of the Bangladeshi Ready Made Garment (RMG) industry to explore how network of labour helped the Bangladeshi trade union movement to build strategic capacities which allows them to construct and exploit new power sources. A dominant assumption in literature on transnational labour activism as well as social movement unionism is that forging alliances with international trade unions, social movements or allies outside one's own country helps workers and trade unions to extend their power sources and compensate for their structural and associational weaknesses (Merk 2009; De Bakker, Frank G. A. et al. 2013; Scipes 2014). Trade unions and workers in the Bangladesh garment sector count as particular weak. They have little power to influence the regulation of working conditions, as they work in what Anner (2015) called 'market labor control regimes', where unfavorable labor market conditions discipline labor and makes it difficult for them to organize and protest (Anner 2015). This is why significant attention is paid to the Bangladesh Accord on Fire and Safety, new now private governance institution, to enforce health and safety standard in the industry (Wichterich und Islam Kahn 2015; Reinecke und Donaghey 2015a,b)

This paper takes an emerging power perspective (Adler-Nissen und Pouliot 2014) to show that alliances with global unions and other labour rights organizations can help to domestic labour to develop their own skills and (co-)constructs their power basis. The paper contributes to theories on transnational activism and trade union vitalization by adding a practice perspective to power resource approaches to grasp trade union power in the making. The article shows that the core mechanism for the emerging trade union power is skill development. Trade unions build their capacities in interactions with workers, international allies, and new governance institutions. I found that each power source is linked to a particular set of mechanisms through which capabilities are constructed. Links to international allies (global unions and other labour rights organizations) facilitate this process by providing strategy training, information sharing, claim reframing and a creating a 'shadow of protection'. Nevertheless the incremental steps towards power building should not be overestimated as my research suggests that although trade unionists increasingly

start to skillfully combine and synthesize new power sources, there are also new political and economic restraints countering the growing strength of trade unions.

In the following the paper first describes working conditions and labour relations in the Bangladesh RMG sector and summarizes major changes in labour governance institutions after Rana Plaza. It then develops a concept of labour agency which is grounded in power resource approaches, adding a practice perspective on agency in order to conceptualize the emerging power practices. The empirical analysis then reconstructs how new power sources emerge in the context of the regulatory changes made after Rana Plaza and presents evidence how power is co-constructed in different interaction situations. For example I find that building associational power is facilitated by the changes in the national labour law, yet most crucially are the experiments of trade union federations and worker organizers in organizing factories, engaging in collective bargaining and joint strategizing. The Accord is crucial for developing institutional power as it provides space for knowledge sharing and complaint making under the shadow of protection. Yet the ability of trade unions to use the Accord as leverage also depends on the associational and social-cultural power of trade unions, pointing towards the need to for developing different power sources simultaneously. The conclusion points towards the relevance of the findings for trade unions after the Accord ends in 2018 and asks questions for future research.

Labour, trade unions, and the new multilayered governance system in Bangladesh

Understanding trade union politics in Bangladesh today requires that we acknowledge the profound shift in the political-economic landscape that has occurred over the past few decades and in particular in the last two years after Rana Plaza. This section outlines the situation before Rana Plaza and the institutional innovations brought about as an immediate response to it, which serves as the background to evaluate the changes in trade unions power resources in the following two years.

With a population of 156 million in 2006, Bangladesh is one of the most populous countries in Asia and the world (World Bank 2008). After China, Bangladesh is the second largest textile producing economy. Bangladesh contributed to the world textile exports only 0.6 per cent in 1990 and 4.8 per cent in 2011. According to the Bangladesh Garment Manufactures

and Exporters Association, the number of garment factories rose from 384 in 1984/85 to 4296 in 2014/15, (with a peak in 2012/13 with 5876 factories); the employment rose from 0.12 million workers to four million, mainly female workers in the same period; and the percentage of RMG's total export rose from 3.89 per cent to 81.71 per cent in the same period (2012/13: 79.61 per cent) (BGMEA 2015), becoming the most important export industry for the country. The Bangladesh garment industry has been the fastest growing in the world. Still the real wages declined by 2.4 per cent between 2001-2011 remaining below subsistence level (Islam 2015), with a worker earning an average of US\$ 0.22 per hour in 2010 (Berik und Rodgers, Yana Van Der Meulen 2010).

According to Anner (2015), Bangladesh counts as an extreme case of a market labour control regime, as the state is weak and the market unfolds its coercive power by disciplining workers to accept poor working conditions with the thread to be easily be replaced. The significant lack of structural power is grounded in the structuration of Bangaldeshs labour force, which has been rapidly rising from 40.7 million in 2000 to 56.7 million workers in 2010, with 38 per cent of the workforce being either unemployed or underemployed and 40.1 per cent with very low or no education in 2010 (Rahman et al. 2014, p. 5).

Despite a long tradition of occasionally peaking violent unrest, the so called Hartal (Suykens und Islam 2013), before 2013, trade unions count among the weakest in Asia (Berik und Rodgers, Yana Van Der Meulen 2010). With respect to freedom of association and collective bargaining, formal and informal restrictions were in place including government harassment of trade unions and employer resistance in form of intimidations of workers, violent attacks or dismissal of workers trying to organize (ITUC 2008). In addition, trade unions in Bangladesh face low social acceptance and political-ideational cleavages among each other make it difficult to find shared goals. This is also a consequence of the legacy of the Bangladesh labour movement, which has been heavily involved with the anti-colonial resistance movement against British colonial rule in 1969 and later fought for independence from Pakistan in the Bangladesh Liberation War in 1971 (Finke 2014, p.7). It also lead to a heavy involvement of the labour movement with politics and a division between trade unions along political lines. By then much of the public sector was unionized including the then important jute industry. The dying of the jute industry in the 1980s contributed to a large decline of trade unionism in Bangladesh. In 2006 under military dictatorship, trade

unions were totally banded. According to the solidarity center, there were only seven factory unions in the whole RMG sector in 2010.

After Rana plaza significant changes have been made which now shape the new labour rights regime (for an overview see Kahn and Wichterich 2015). For trade unions four main changes are relevant:

First, the most important institutional innovation was the creation of the Bangladesh Accord on Fire and Safety (Accord). The Accord counts as a model approach to transnational labour governance (Reinecke and Donaghey 2015), as it is for the first time in the history of industrial relations, that a multi-stakeholder initiative was found between two international trade unions (IndustriALL and UNI Global Union), over 180 apparel companies and 7 Bangladeshi Trade Unions by a process which resembles transnational collective bargaining. The result was an agreement with a very high degree of commitment, which aims to establish fire and building safety through inspections, remediation, fire-safety trainings and the establishment of health and safety committees (Rahman 2014, Ryan 2013). The Accord is complemented by the Alliance and the National Plan of Action, which also engage in factory inspections, but without the direct involvement of trade unions.

Second, important amendments to the Labour Act of 2006 have been made in 2013, which make trade union registration possible again. These amendments among other things eliminates previous provision to provide employers with the names of any workers who intend to form a factory union. But is also includes provision on the creation of Health and Safety Committees in factories with more than 50 workers and specifies collective bargaining rights.

Third, international agencies including the international Labour Organisation (ILO) or other development organizations such as the German development agency (GIZ) and international trade unions, increasingly render support and funding to trade union development, for example by providing training on how to organize workers or on legal changes.

Taken together, these changes significantly shape the new labour governance regime in Bangladeshs RMG sector. A turn to practice theory helps to look into how trade unions and workers actually make use of these changes and identify and explore new power sources within it.

Layered institutions, power resources, and emerging power practices

Power resource theories are grounded in one of the most prominent arguments in the literature on the political economy of advanced capitalism, which states that levels of equality and solidarity in a country are linked to the strength of organized labor (Thelen 2012). The power resource paradigm is prominent in industrial relations and trade union revitalization studies (Schmalz and Dörre 2014; Brookes 2013; Lévesque and Murray 2013; Gumbrell-McCormick and Hyman 2013). In very general terms, power is understood as the ability of an actor A to make another actor B do something B otherwise would not do (Knight 1992; Lukes 1974). Workers and trade unions need power to impact labour regulations at the country, industry and factory level. Recent research has identified different sources of power, where 'old' sources of power such as associational or structural power increasingly become complemented by new sources of power such as institutional, coalitional or cultural-societal power (Brookes 2013; Webster 2015). This strand of research has made important contributions to understanding the capacities of trade unions to impact labour regulation under increasing difficult conditions. However there are intriguing puzzles that defy explanation in power-resource terms: How do workers and trade unions actually identify and enact power, in particular in rather complex and multi-layered governance contexts? The implicit underlying assumption is that the lack of one power source can be compensated by the mobilization of another one (Webster 2015). Skills and capabilities seem present or absent, meaning that some trade unionists are more capable of using i.e. institutional or societal power than others.

However, some researchers also acknowledged that trade unions and workers need strategic capabilities to detect power resources and make use of them (Dörre et al., 2009). Ganz* (2000) has argued that union leadership requires both resources and resourcefulness (Ganz 2000) and Fligstein (2001) highlights how social skill is crucial to the constitution of social orders (Fligstein 2001). This is why Lévesque and Murray argue that it is 'essential' to focus on the capability of union leaders to develop, use, and transform resources (Lévesque and Murray 2010, p. 341).

Building capabilities is pivotal for the trade unions and workers, when they operate in a rather volatile labour governance context where multiple institutions and organizations interact. Who has 'power to' and 'power over' is often unclear and becomes a matter of

contestation (Zajak et al., 2015). Strategic capabilities cannot be assumed to be present, but have to be developed, which often depends on trial and error attempts of labour and learning through social interactions. I take Lévesque and Murrays (2010) definition of capabilities as 'sets of aptitudes, competencies, abilities, social skills and know-how that can be developed, transmitted and learned' (p. 341) as a starting point. In order to be able to trace the development of skill building I add an emerging power perspective argues that argues that power also emerges from interactions (Adler-Nissen et al., 2014). In general terms, practice theories explore politics, from the perspective of everyday performances that embody shared knowledge (Adler and Pouliot, 2011). Adler-Nissen et al. (2014) have put forward the concept of emergent power, where power originates from specific interaction situations. To them, 'an emergent effect is not additive or predictable from our knowledge of its components' (Adler-Nissen and Pouliot 2014).¹ They do acknowledge that resources are structurally or institutionally predefined and that unequal playing fields pre-exist. Yet how opportunities and resources are played out requires constant work. This perspective puts emphasis on studying processes of emergence of competence and social skill as basic abilities to play the existing order to one's own advantage (Adler-Nissen and Pouliot 2014). Power and strategy are interrelated, while power relations shape strategies (Hardy und Thomas 2014), and strategy in and through practice helps to realize, to reduce, or to intensify different power sources (Herepath 2014).

Building upon these insights this article sees power as results out of never-ending contentious interactions through which trade unions learn to coordinate their actions, to challenge management and use new institutions for voicing concerns. In the following this section shows how the idea of emerging power is relevant for studying the development and usage of the four main sources of workers power discussed in the literature – structural, associational, institutional and societal (Webster 2015; Schmalz and Dörre 2014). But instead of treating coalitional power as an additional power source, which compensates the lack of other power sources, the article explores the different ways how alliances help to trade unions to built their explore and to relate the other emerging power sources, instead of compensating the lack of power sources of Bangladeshi labour.

¹ These authors build upon Barnett and Duvall (2005) concept of relational power as "the production, in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate" (Barnett und Duvall 2005; p. 42).

Associational and structural power

Similar to trade unions in other production sites in Asia, Bangladesh labour is lacking associational and structural power. The underlying assumption of associational power is straight forward: the more members a trade unions has the more influence it can assert in industrial relations (Brinkmann and Nachtwey 2013). Schmalz and Dörre (2014) specify the ingredients of associational power: It depends on the amount of members, the organizational infrastructure of trade unions, the efficiency of the organization, an active participation of their members, as well as solidarity among workers and trade unionists (Schmalz and Dörre 2014, p.225). In the case of Bangladesh it has been stressed that this source is almost absent as trade unions lack members, but also democratic and efficient organizational structures. Structural power results out of the location of workers in the economic system and is rooted in the power of workers to disrupt capitalist production and accumulation (Wright 2000). Workers can influence employers under conditions of low unemployment, scarce skills, or the ability to withdraw from the labor market – Silver refers to it as marketplace bargaining power (Silver 2003, p.13). There is a general assumption that structural power has been weakened by neo-liberal globalisation, as capital possesses much greater ability to relocate. The garment industry in particular is a highly mobile industry, which enables employers to react to labor unrest by relocating garment factories to other countries, which makes it little vulnerable to the threat of withdrawing labour from production process (Harvey 1999; Merk 2009). In the case of Bangladesh workers significantly lack this resource given the situation of underemployment, lack of skills and disability to severely disrupt global production networks (Anner 2015). This is why the literature assumes that coalitional power is of crucial importance to compensate the lack of associational and structural power (Reinecke and Donaghey 2015b). Yet this contribution shows that unions are also able to develop and build their associational power organizing factories, winning members, and forging collations with other trade union federations.

Institutional power

Webster recently has argued that institutional power has become the most important power source more recently, as it 'embeds past social compromises by the incorporation of associational and structural power into institutions' (Webster 2015, p. 9). Institutions are

often the result of past conflicts and struggles, they structure actors' incentives, channel their interests, and create of one another's behavior (Streeck and Thelen 2005). They continue to exist as a source of power, even when other power relations have changed. The power of trade unions can result out of leveraging such formal or informal rules e.g. by going to court, using state or private complaint channels, or institutionalised forms of social dialogue and bargaining (Brookes 2013). As stated earlier Bangladesh saw an unprecedented institution building process, where state institutions are being altered and new private institutions such as the Accord are placed next to existing ones. Until now we know little on how such institutional layering affects the capabilities of workers and trade unions at productions sites (Bartley 2011).

For advanced industrial countries Streeck and Thelen (2005) found that institutional layering, the adoption of new rules at the top of existing ones, can either draw support away from the status quo, or amplify the interests actors have in maintaining the original institution. Labour is an important force shaping the relationship among institutions by exploiting the inherent ambiguities of institutions and therewith maintain, redirect, or alter them (Streeck and Thelen 2005). Recent research on transnational private regulation has indicated that layering private regulation on top of state regulation has the ability to make weak state institutions more relevant and increase the likelihood of structuring behavior, if backed up by trade union demands (Amengual and Chirot 2015). Other research suggested that transnational private regulation further hollows out state institutions and shifts the balance of power away from labour towards business (Seidman 2009).

As domestic institutions in producing countries often count as weak, undemocratic or closed to labour, forging alliances can be an important way to make use of the institutional context through networks of actors whose are embedded in institutional settings of specific places. Workers can rescale conflict to locations in which employers remain bound by institutional frameworks (Brookes 2013; Merk 2009). Strategically shifting scales is also the key idea of private boomerang politics (De Bakker, Frank G. A. et al. 2013). Taking an emerging power perspective helps to shed light on how local unions can also developed their own strategic capacities for leveraging private institutions. Allies can support this capacity building by providing information or facilitate the formation of strategies vis-à-vis the new institutional

context. In contrast to research which has pointed towards the relevance of private regulation for the mobilization of national law (Bartley 2011; Amengual and Chirot 2015) also depends on their ability to organize (associational power) and to gain recognition as a legitimate speaker (societal power), my findings suggests constitutive effects on other power resources, in particular associational and social-cultural.

Cultural-societal power

Webster (2015) speaks of societal power, when trade unions apply social movement strategies, emphasizing the role of public mobilization, framing strategies and the influence on public discourse. The ability to influence public discourse is also called discursive or symbolic power (Chun 2009). According to Chun, these new power sources are capable of helping workers to compensate for their lack of associational power 'by drawing upon the contested arena of culture and public debates about values' and by winning public recognition and legitimacy for workers' struggles (Chun, 2009, p. 7). In the case of Bangladesh, public acceptance of trade unions has been traditionally very low and their relationship to NGOs remains largely competitive (Feldman, 2003). Yet social acceptance is an important factor which also helps trade unions to win members and to realize the emerging institutional power. This makes it relevant to explore in how far the interactions with the Accord or international unions increases the social legitimacy of trade unions.

Methodological approach

The paper is motivated to find out how in a context of the multi-layered actors and institutions, new power sources for workers and trade unions emerge out of interactions and struggles between those actors and institutions. To do so, the paper investigates the perceptions and attributions of power relations. The research is based on forty-two semi-structures interviews conducted with different actors including international agencies such as the ILO (IO N=2), other international labour rights organizations (ILRO N=7) such as members of the Clean Clothes Network or the solidarity center), representatives of private governance institutions such as the Accord (PGI N=2), one buying company, one factory manager and BGMEA (Bangladesh Garment Manufacturers and Exporter Association) member and a representative of the international International Organisation of Employers (business N=3). A major focus was paid to trade unions from different locations including

German trade unionists some of which have been interviewed more than ones, e.g. IG Metall, the international trade unions IndustryALL, UNIglobal, IndustryALL Bangladesh Council (IBC) different persons from trade union federations (TUFs) in Bangladesh - Bangladesh Garments Industrial Worker Federation (BGIWF), National Garment Workers Federation (NGWF) and Sammilito Garments Sramik Federation (SGSF) (unions outside Bangladesh N=6 of which I interviewed three ones in Bangladesh and ones in Europe), TUF members N = 9) as well as four factory trade union organizers and workers with the help of a translator (N=4). I also talked to other Bangaldeshi labour rights organizations such as the women worker organization Karmojibi Nari or the Bangladesh Institute for Labor Studies (BILS) (N=2) and legal service providers (LSP N=4).²

The interviews were conducted between March and July 2015 in Europe (Germany, Switzerland, and the Netherlands) and in Bangladesh (Dhaka). I went to Bangladesh in June during the time of the Accord meeting and the industryALL Bangladesh Council (IBC) meeting where I had good opportunities to meet and discuss with the IBC trade union members.³ I also visited two union worker centers where I observed worker trainings as well as a worker clinic, which provides medical aid to workers. I also visited an organized factory, where I had the chance to discuss both with management and a trade unionist. The interviews are complemented by insights form the informal discussions I had with trade unions and workers during those meetings. The interviews in Europe were to a large extend conducted by my research assistant Saida Ressel.

The interviews focused on the perception of resources and new opportunities, applied strategies, the relevance of transnational alliances and interpretations of interactions with other actors in the new labour rights regime. I was particularly interested how and why different actors perceived local unions and workers to increase their capabilities and hindrances in developing their strength. Interviewing actors in different positions in this way I hoped to overcome structural-material over determination, where power resources are predefined by the rules of the game, while also avoid the problem of 'micro-isolationism', where micro-level empirical practices are interpreted only in their immediate environment,

² In the empirical analysis I simply use the abbreviations, ILRO for international labour rights organizations, if the person wished to remain anonymous.

³ I greatly thank Monica Kemperle (Assistant General Secretary, IndustriALL Global Union) for the long discussions we had together and most importantly for her help in meeting and getting know trade unionists in Bangladesh

without paying attention to their broader embeddedness (Seidl and Whittington 2014, p.2). I was able to record and transcribe 31 of the interviews. For the others I made written notes. For data analysis I used the data analysis software atlas.ti. Interviews are complemented by reading relevant reports provided by the various organizations on the case as well as a media analysis of over 350 articles, published in the Financial Express Bangladesh and New York Times International between 2012-2015, which will also be published in detail in another article.

3. Different path to emerging trade union power in Bangladesh

This section traces the development of the emerging trade union movement in Bangladesh, along the different power dimensions outlined above. It shows how unions to develop competencies and capabilities in interactions with others within the new labour rights regime. It highlights the relevance of coalitions for enhancing domestic capacities. At the same time new barriers and problems emergence, limiting and constraining the emerging power of labour in Bangladesh.

Emerging organizational power

A key problem of trade unions in Bangladesh is their detachment from workers. This severely minimizes their organizational power by a lack of support from workers and thus members and bargaining power, lack of funds from membership fees. But the lack of input from members also creates a representation deficit (Mariani 2013, p.138). The labour law reforms created new opportunities for trade union registration. Still unions had to seize this opportunity to actually build associational capacity. Gaining recognition as a trade union and getting registered was seen as crucial for building organizational capacity by trade unionists, as without registration, organizing is not sustainable

The legal changes triggered a massive wave of registrations although not all factory trade unions survived, leading to about 470 newly organized factories between 2013 and 2015. According to the ILO, by mid-2015 there were 34 trade union federations and 437 registered factory trade unions (ILO, 2015, p. 8; interview ILO country director, Dhaka). The solidarity center estimated that from the registered unions about 200 are still active. Close to ninety unions are longer active as factories got closed (interview solidarity center, Dhaka). But registration was much more than a formal step. To be able to register requires unions and

organizers to develop organizing and bargaining skills in order to win members. I identified two ways in which external allies helped unions to develop organizing skills:

First, training of worker organizers by global unions or other trade unions affiliated organizations including international agencies such as the ILO or development agencies as the GIZ. Such trainings can help to realize registration, anticipating potential counter strategies of management and develop strategies for organizing workers. One trainer gives an example:

For the unions that we work with, we say that before you file that [registration], try to get the majority of workers. Because the end result is an issue of power. If you file a 30 per cent, the management goes to the JDL and says: "We have more than that [amount of] workers. They don't have 30 per cent." That's a trick. And the other thing is, if you file 30 per cent, what power would you show? (interview Solidarity Center, Dhaka).

The same person explains how he observed the incremental skill building of organizers and trade union leaders within the last two years:

The skill of leadership in building collective work is a new cup. Making assessment and all that stuff, it needs skill. So if you don't have practice - you need to develop a skill (...). The leaders in the factories are average age twenty-six years old. 50 per cent are women. It's amazing how this new leadership has changed in terms of real life. From being just a factory worker to now have a new bunch of levels. And some of them are very fearless, despite the threats and the thugs (interview Solidarity Center, Dhaka).

Unions agree that such trainings are an important step for building organizational strength as it supports the development of strategic capabilities for the registration procedure. As one trade unionist who has previously received training explains: 'We need a lot of support programme for trade unions. This is very needed. The trade union culture is newly started, so we have no knowledge and workers have no knowledge how to communicate, how to minimize, how to solve the problems, how to collective bargaining with the factory owners or association' (interview SGSF, Dhaka).

Yet apart from skill building thorough learning a decisive step is everyday work of organizing, approaching workers and discussing with them. And organizers do not simply follow a single path to organize a factory. Instead it depends on the specific circumstances the position of factory management towards trade unions and the relationship between organizer and trade union federation. One organizer described how he was able to win a few workers who then met at a trade unions center for form an informal organizing committee which was able to collect about 70 per cent of signatures of the workers in one factory (interview organizers, Dhaka). Another organizer described that he was organizing worker assemblies outside factory walls, to convince them to join a union, hiding from management in the fear of getting beaten up by the 'musclemen'. In contrast a third one explained that the climate within the factory changed after becoming inspected by the Accord. He said that they could convince management that a trade union is important for the production process and to positively pass inspections (interview worker organizer A, B, C, Dhaka).

But in order to further develop organizational capacity the factory trade union also has to deliver something to workers, also to prove that being a member of a trade union is more important than receiving benefits from NGOs (for the conflictual relationship among trade unions and NGOs within Bangladesh also see Feldman 2003, Fink 2014). The lack of societal power and legitimacy also hampers the building of organizational capacities. To overcome this deficits trade union leaders have to win the trust of workers and deliver results. This can be small scale, solving a particular problem for a worker insight the factory with management directly (interview organizer A, Dhaka) or helping the worker to get outside support e.g. legal aid or health care from TUF or labour rights NGOs.

Another step to win workers support is to engage management in collective bargaining and negotiate the charter of demands:

The Charta of demand is out of talks with the workers. And there you will find the worker problems and also what workers need. Things like an increase of salary and others things too, like medical aid for fourteen days. There are twenty to twenty-five demands, and they will type these and afterwards send it to management. And our law says, if we sent a Charta of demand, management is bound to negotiate with the union leader within fifteen days. If management doesn't, then the union sends the

Charta of demands to the labour director office. Then the labour director office calls the party to negotiate (interview BGIWF, Dhaka).

This quote highlights the knowledge of the trade unionist about the procedures and legal rights and indicates that skill building has been taking place and is put into practice. Being able to negotiate an agreement enhances the capabilities of unions by winning trust and support of workers, but is also helps trade unions and trade union federations to develop leadership skills and increase their internal responsivity towards worker demands: 'Because you are an affiliate, you start wanting services from your leaders' (interview worker organizer B, Dhaka).

Still, it remains very hard to sign collective agreements at the factory level. Until mid-2015 only about fifteen agreements have been signed and only about 3 per cent of the garment factories have a trade union.⁴ This indicates that despite some steps to enhance the organizational capacities of Bangladesh trade unions, the organizational power still remains very low.

Multiple barriers continue to be in place, which block the further emergence of organizational strength. These include first economic and political resistance to trade union registration. Requests for trade union registrations are rejected increasingly. In 2013 17 per cent got rejected, in 2014 31 per cent and in the first half of 2015 75 per cent got rejected according to the information of the solidarity center. The reasons often remain intransparent or don't make sense to the trade unions. For example the registration office wanted to check the worker numbers but weren't allowed to enter the factory building (interview worker organizer C, Dhaka). As one trade unionist explains: 'The last six months we applied seven individual factories for registration and applied to government office. But all applications were cancelled or rejected' (interview BGIWF, June 2015).

Different strategies to prevent trade union organizing are also applied by management, ranging from the threat of ending employment to violent attacks. As one trade unionist explains the difficulties of organizing:

⁴See <http://www.solidaritycenter.org/wp-content/uploads/2015/04/Bangladesh.RANA-PLAZA.4.20.15.pdf>. This The Bangladesh Garment and Industrial Workers Federation mentioned 10 signed agreements with some more in the process of being negotiated.

It is very difficult to organize a big factory because sometimes their management has a connection to the government, they have good connections with the local politicians, they have good connections with the political person, good connections with the local mafia. And if the workers try to form a union, then there is harassment of workers. So this is a challenge for us. (interview BGIWF, Dhaka).

This is also confirmed by the International Trade Union Confederation (ITUC): ‘The inability of many workers to organize and form unions without retaliation and to bargain collectively over the terms and conditions of work means that gains today in building and fire safety and other conditions of work will not be sustainable, leading to certain future tragedies.’ (ITUC 2015).

There is an additional, third barrier to building organizational power: the divides among trade unionist and trade union federations. Some argue that the multitude of trade unions has been presented as ‘the great weaknesses’ and severe challenge for strengthening the labour movement in Bangladesh (Mariani 2014). This problem is created and enforced through the opportunity to register, as it lead to a rapid growth in the number of trade unions and trade union federations. Yet there is a lack of experience in cooperating with each other: ‘The multiplicity is a big challenge. But if you talk about trade unions in Bangladesh garment industry, you have more than fifty federations and then you have fourteen national training centers, so that weakens the system and that has not given the trade unions the opportunity to represent in one voice’ (interview ILO Bangladesh, Dhaka). As one trade unionist explains: ‘We have a lot of problems here. Some federations are involved with political people. Some federations are involved with the BMGEA. Some federations are ILO federations. Some are laptop-federations.’ He explains the term laptop federations: ‘One man, one laptop. And he sends to everyone a letter and says: “I’m a federation leader.” But he has no grassroots communication’ (trade unionist interview Dhaka). This indicates the existence of overlapping conflict lines between trade union federations: Divides about the relationship to political elites, to economic elites and to outside donors through trade union NGOs. Struggles among unions can become severe and trade union leaders accuse each other of gaining illegitimate access to resources or other advantages through personal ties to political, economic elites or international donors. But

the absence of speaking with one voice and finding a collective strategic position is considered as a significant disadvantage by factory trade unionist, trade union federations and global unions alike (interviews A, BILS and IndustriAll).

Here support from international unions can be of help to build solidarity with each other by facilitating dialogue and joint strategizing. The IndustriALL Bangladesh Council (IBC) is an important place for that. The IBC was established in 2013 and has IndustriALL Bangladesh affiliates as members. The council is a place to discuss and practice the establishment of democratic organizational structures to find agreements for joint positions:

But then we had to adopt the constitution, we had to adopt the rules, sort of the code of ethics or code of conduct around this, because we all come from different sectors, different political bias around organizations and all this. And finally only a week back we had the full first committee of the IndustriAll Bangladesh council. It is a committee of twenty-seven officials. Now it is much stronger I believe because it is more organized and solid (interview director BILS, Dhaka).

This quote signals optimism for developing more unity among trade union federations, and to overcome the cleavages and divided within the movement.

Still, there are also critical voices, which see trade-offs between transnational cooperation and the building local societal power sources. As an interviewee from the Friedrich-Ebert Foundation explains: 'Trade unions here have very few members who actually pay fees and the whole trade union movement is financed from abroad. This creates a situation where the internal accountability to trade union members is replaced by an external accountability towards international donors'. But the same interviewee also stresses the urgent need of external support for the survival of the Bangladesh trade union movement: 'But without external support the trade union movement would be dead' (interview Friedrich Ebert Foundation, Dhaka). According to this interviewee, one unintended consequence is that the international engagement of local trade unions reduces their ability and also the necessity to invest in internal organizational development, democratic organizing and membership recruitment. Trade unionists also see the problem of a lack of time for their own work, due to their commitments to international engagement: 'I don't have time for our federation. This is another problem' (interview trade unionist, Dhaka).

In sum the analysis of the emerging associational power indicates the following: Changes in national law were important institutional changes to facilitate registration. Yet it was the action of trade unions, which started to engage in registration procedures, organizing and factory negotiations as well as some basic forms of strategic coordination which build their associational power. These processes enhance associational power of unions by expanding membership, getting fees, winning trust of workers, and democratizing trade union structures. External allies had important mediating functions by providing funding, trainings and organizational space.

Yet the emerging power practices face increasingly strong counter-resistance of political-economic elites, including increasing acts of violence. Associational power also continues to be weakened by multiple internal cleavages inside the trade union movement, of which the relationship to international donors has become an additional cleavage line.

Table 1: Mechanism, support of labour networks, and barriers to emerging power

Type of emerging power and its sub dimensions	Mechanisms	Relevance of networks of labour	Structural barriers and managerial and political resistance
Associational	<ul style="list-style-type: none"> - different modes of organizing and strategies of registration - collective bargaining - joint strategizing among different trade unions 	<ul style="list-style-type: none"> - strategy trainings - shadow of protection 	<ul style="list-style-type: none"> - registration rejections; - intransparency - managerial intervention in registration process - multiple forms of intimidation, repression and violence by management - subcontracting production
Institutional	<ul style="list-style-type: none"> - participation through information - reframing demands - leveraging/extended negotiation 	<ul style="list-style-type: none"> - information sharing - joint reframing in dialogue - complaint interventions 	<ul style="list-style-type: none"> - mobilizing against the Accord
Cultural-societal	<ul style="list-style-type: none"> - narrative replacement (TUs are good for the industry and Bangladesh) 	<ul style="list-style-type: none"> - story diffusion 	<ul style="list-style-type: none"> - promoting the TUs are bad story

Evolving institutional power

Institutional power emerges when workers or trade unions invoke formal or informal rules in order to reach their aims. This section focuses on the Accord for Fire and Safety, the most important institutional innovation in the context of the new labor governance regimes after Rana Plaza. The Accord counts an important source of institutional power already by its design. It sees health and safety issues through the perspective of industrial democracy and co-determination, based on the idea that the affected must play a central role in the design and implementation of the governance regime (Reinecke and Donaghey 2015a). Organized labour was involved in the formation of the Accord and is now included in decision making processes (Reinecke and Donaghey 2015b). International unions and Bangladesh unions are together with brands equally represented on the Accord Steering Committee.

However, in terms of trade union participation in co-determining rules at the workplace, there are clear institutional boundaries. The Accord makes clear that its mandate is on health and safety and it is NOT the Accord on unionization and freedom of association: 'Other than the unions being equal partners and signatories to the Accord, having equal access to information and an equal role in governance and execution of the Accord, together with their company and retailer signatory counterparts, we're not involved in union organizing or registration of the unions' (interview executive director Accord). Making it publicly clear that the Accord is not involved in union organizing and trade union registration is also politically important, as the Accord operates in a labor hostile environment were in particular the powerful trade association BGMEA is more than skeptical about the merits of the Accord.

But apart from institutional access I found that the Accord has become a way for building trade union power, but also a new source for managerial trade unions repression, so far not discussed in literature on institutional power (Brookes 2013; Webster 2015). I identified three skill building mechanism: information sharing; complaints-making; and joint creative reframing of demands. What is more, on a fundamental level the Accord together with the international labour networks (in particular global unions and networks such as the Clean Clothes Campaign, CCC) provide what I call 'shadow of protection', as unions feel they can turn to someone in cases in injustice, violence or abuse.

First, the access to information enables trade unions to play a role in the realization of rights at the shop floor. The Accord has a very open information politics:

The unions that are affiliated to IndustriALL receive information and support, training support and resource materials, to be able to share information with their members and their worker contacts about the Accord and about the fundamental components of the Accord and on how they can help monitor the safety remediation at their factories (interview Accord).

Workers representatives interpret knowledge-sharing as an important enabling factor which allows not only to participate in the implementation of health and safety standards but also to engage workers and management in dialogue and confrontation. Both IBC members and factory unions revealed multiple examples on how they used the information to interact with workers and management (interview worker organizer A;B;C); they stressed the importance how the knowledge helps in organizing processes by explaining workers the relevance of the Accord, health and safety issues and, most importantly, how a trade union can be of help to workers realizing these rights. These interactions help unionists to develop their own capacity and skills in understanding and defining workers problems and solutions:

And when the Accord goes to the factory, the Accord has some talks with our union leaders or call the union members to join. And then the union members helped them, because they are local. This is good for the workers, because when the management sees that the workers have a good communication with the brands and the Accord. So for this side the Accord is very helpful. And when the workers talk with the Accord, when we believe that the Accord has done something, then the workers very much appreciate this. (interview BGIWF, Dhaka).

The Accord creates a space for trade unions to discuss and exchange with workers. As another trade unionist summarizes the contribution to trade unions work:

For trade unions it was good for two ways. One is that unions directly work in the Accord. The other is we have evidence and reports and information. So now we are working on two sides. One side we work directly in the Accord. Second we have inspection reports. So if the factory has a problem we are fighting against the factory and we have documents (interview SGSF, Dhaka).

The increased knowledge of workers on issues such as the health risk of chemicals or the need to install sprinklers increased their willingness to speak out when such regulations are not met (interview with workers). As a consequence some problems are solved quickly as management does not want to risk complaint to the Accord or its member buyers. Thus, although the Accord is no intended tool for organizing, unions can use the newly shared knowledge for worker organizing and challenging management, developing organizational strength in due course.

Second, the Accord provides the possibility to directly leverage its institutional power, as it allows holding managers and transnational companies accountable. Workers or trade unions can bring forward complaints on violations of the Accords regulations. Workers and trade unions receive training by the Accord on what kind of complaints they can file and how. Bangladeshi trade unions can directly interact with the Accord and use that leverage to promote change inside the factory, without having to rely on the coalitional power of international allies.

In other cases what started out as a technical safety issue turned into a fully fledged labour dispute:

We complaint to the Accord and the union leader said there is an overload in the second level. Then the Accord came to the factory without any notice and saw completely that is true. Within one week the factory leader terminated the union leader, first terminated without benefit. And then we complained to the Accord and the Accord tried to negotiate and the management talked with the BGMEA and they offered us: “we are sorry, we will reinstate only two not seven”. And our demand was nine workers should be reinstated (Interview BGWF).

But this quote also shows that the intervention of the Accord does not automatically mean that workers’ demands are fully met. Future studies could attempt to build a data set on complaints to the Accord and outcomes of its interventions. As remediation’s now being conducted, unionist expect that these conflicts increase as management tends to shy away from implementing the suggestions for example by ‘killing time to not fulfill the remediation plan’ (interview worker organizer C, Dhaka).

While Bangladeshi trade unions don't need additional coalitional power to practice institutional power in these ways, I found an additional way where interactions with global unions could be of significance to increase their strategic capabilities. Unions increasingly bring forward complaints to the Accord even if the issue does not directly fall under the Accords' mandate, which does not allow him to intervene in labour disputes unrelated to health and safety, for example when they are directly related to freedom of association rights or wage issues. One trade union federation explains different steps how the attempt to solve disputes (e.g. negotiations with management, protest in front of the manager's home), but 'if nothing works, then we go to the Accord, IndustriALL, CCC, WRC, Solidary Center. We usually inform all and put them in cc' (Trade unionist from trade union federation). I was told multiple stories of frustration, where the Accord did not intervene in a way that unions perceived the problem as solved.

Allies can help Bangladesh trade unions to explore creative ways to combine the issue of health and safety with other trade union concerns:

If you sit down with them and they have no structure in their narrative, but if you try to structure their narrative you see: Oh there was a boiler incident and they wanted to report that and then the union got fired and it was just before to eat and that's why the eat bonus was also disputed. And subsequently that situation escalated, and the Accord said like: "Ok we can work on this, because everything is consequence to logging that initial complaint" (interview trade unionist from a global union).

Similarly, unions directly contact local CSR staff of global brands. Bartley and Egels-Zanden observed a similar leveraging strategy for Indonesia, calling it whistleblowing when unions bring brands into negotiations (Bartley and Egels-Zandén, 2015 p.12*). In Bangladesh, the presence of the Accord facilitates leveraging brands, which now cannot simply refrain from taking responsibility and action, even if the issues and concerns are not directly related to the Accord:

If you really want to annoy a factory owner, you are not doing that by a protest because they just call rapid action and they just beat the shit out of the workers. If you really want to annoy a factory owner you call on the internationals, talk to the buyers and the buyers say: "What is this? I just want to buy clothes and buy that for

low-profit margins. I don't know about the workers. I just want a calm life. And all of a sudden there is this union in my office, harassing me on child labour. I just want to buy t-shirts". So they get annoyed and go back to the factory owner (interview UNI global).

The increased responsiveness of brands is perceived as an important new power source by Bangladeshi unions:

When we talk with the brands, or Clean Clothes Campaign or other people, the brands give pressure to the factory owners. Then all things will be done in one or two days. Just a brand call: "this has happened, you will do this within 2 days or I will pull out". Then the management comes to the workers home and says: "please forgive us and we will work together". In the past nobody listened (interview BGIWF, Dhaka).

And unions increasingly explore to negotiate directly with the brand e.g. with country office CSR staff: 'H&M and other brands are good if we face any problem. And GAP also. And if we face any problem and directly talk to them they try to resolve' (local trade unionist). Building this power source over time could lead to a new system of collective bargaining involving factory unions, trade union federations, factory managers and brands, resembling what Zajak called 'constrained multiparty bargaining' (Zajak 2016; 2013).

However, interviews also revealed that there are also new threads to trade unionist attempting to make use of the Accord. But just because the Accord get's involved doesn't mean that the dispute gets solved. Referring to the Accord can even have the opposite effects for workers, leading to repression and threat by the management:

When the union leader talked with the Accord, the management threatened him: "If you talk with the Accord then we will talk to our people and they will beat you". When workers talked about the rights the management said: "the union leader wants to shut down our factory. The Accord tried to shut down our factory". And in general the workers are afraid and they talk to the union leaders: "Why are you doing this? We don't need a union. You are going to shut down the factory". So this is the management standard behaviour (interview BGWF, Dhaka).

Intimidation and worker misinformation can also prevent workers from raising their concerns and even lead workers to turn against trade unions.

In sum, the Bangladeshi trade union movement can realize institutional power through the Accord by creativity to formulate complaints consistent with the Accords mandate or by using the information provided by the Accord to inform and even organize workers. Therewith realizing institutional power can also contribute to building organizational strength. However, such attempts can be undermined by counter-strategies of management.

Changing cultural-societal power

The anti-union position of management and businesses elites but also in great parts among political elites is a strong counter force which often prevents workers and trade unions to have any influence. Their lack of power is also grounded in the cultural-societal beliefs and negative perceptions of trade unions. Interviews suggest that with the newly emerging power practices of trade unions after Rana Plaza there are slight improvements in the societal acceptance of trade unions. This is important as improving the climate for trade unions can have reinforcing effects on all other power sources via two mechanisms: first by enhancing self-esteem and therewith the individual capacity of trade unionists believing in its own skills, based on the perception of having an important place in society. Second, by reducing resistance from the environment, managers, business elites etc. Most employers have a negative image of unions: 'For the employer this union thing is new. How are they going to react to the union? And the record is the union is bad, union is political, the union will bankrupt you. That's the mantra that they talk with each other and what they say with each other. And some actually believe that' (interview solidarity center, Dhaka).

Another interviewee highlights the widespread anti-union culture: 'The whole discourse here is anti-union. This is part of the paternalistic structure of the society. Factory owners tell workers if you have a problem come to me, I will solve the problem. But the whole political system is structured in that way' (interview Friedrich-Ebert Foundation, Dhaka). Such a paternalistic mindset also becomes visible when talking to factory owners who have a trade union and already signed a charter. One factory manager for example stressed that in general trade unions are a good thing helping to ensure health and safety standards ('keeping me out of prison'), he just needs to learn to manage them better, so that they

don't come with unreasonable demands (Interview Factory owner, organized factory, Dhaka). But unionist also revealed negative story lines about the role of trade unions in Bangladeshi society. The most important one is the 'stab-in-the-back' myth that unions were responsible for the decline of the jute industry, which should not happen again (interview BILS). This reflects fear that trade union building can actually damage the RMG sector, which is of crucial importance for Bangladesh's economy and development as a whole. Yet, I suggest that the anti-union culture is starting to crumble at least a bit. The outside actors and institutions including the Accord, the ILO, but also to some extent the buyers promote a different perspective. They present alternative frames in meetings, discussions, and in training programs:

Unfortunately a lot of employers believe that trade unions are not good for the industry. That is the misconception. That is what we in the ILO do - to change the mindset. It is good for the business, good for the workers, and good for the country, to treat workers as partners. So it still needed to work on the mindset of the employers. So that they see value working with the trade unions. So if you look from that angle it is only a beginning. (...). We need to rebuild trust. BGMEA is also very openly asking: many of our members are first time entrepreneurs, they don't know about labor law, they don't know anything about trade unions (...) (interview, ILO country director, Dhaka).

The Accord is a double edged sword in this situation. On the one hand unions can use it to participate on public discourse. Trade union representative remembered very lively how he stood up against Atiqul Islam, the president of BGMEA at a conference, where Atiqul criticized the Accord which was also broadcasted in the Bangladesh media: 'After [Atiqul] I shuck my hand and I gave a speech: Mr. Atiqul, if you think our workers don't need safety, then you can talk like this. But we are with the Accord because we support worker rights [...]. This was my speech. And all TV-media showed this. First the Atiqul speech and second my speech for us...' (interview bgiwf, Dhaka).

On the other hand Accord itself is severely criticized and not regarded as a legitimate actor. This 'destroying our business' view on the Accord is also communicated by the business association BGMEA. And BGMEA is a powerful organization vis-à-vis its member and political elites. Negative news about how the Accord violated national law is also spread in the

newspapers.* BGMEA has a strong anti-union position and is very critical of the Accord as it fears it contributes to strengthen trade unions ('Accepting trade unions as partners would be a real cultural break') (interview ILO, Dhaka, but also BGIWF). This makes the Accord an important yet ambiguous source of power for unions, which also affects the battles over cultural-societal perceptions of the role of trade unions in society. The public battle over legitimacy perceptions is ongoing but there are some signs of increasing social acceptance of unions, albeit on a low level.* It also shows first signs of increased self-esteem as the quotes above suggest, which is important for unionists to be able to stand up against management and even the mighty president of BGMEA. Increased legitimacy again helps in organizing, building associational capacity and leveraging institutional power.

Conclusion:

The paper has analyzed the emerging power sources for trade unions in Bangladesh since 2013. It finds that the changes made after Rana Plaza (most importantly new labor regulation, the introduction of the Bangladesh Accord and international resources of worker trainings) have created opportunities for Bangladesh trade unions, to build their associational, institutional and social-cultural power. Yet this does not mean that Bangladesh trade unions have become powerful players in the multi-layered and multi-actor industrial relation regime in Bangladesh. Still the article suggest, instead of assuming a continuous and structurally determined power deficits of trade unions, to pay attention to small and incremental processed of emerging power through different practices as well as new modes of resistance workers and unions face in their attempts to build strength (overview table 1). Therewith the article makes three contributions:

It first contributes to power resource theories in labor studies by showing that capabilities are not present or absent, but are constructed and created through interactions. The article further specifies what labor scholars have been calling 'strategic capabilities' (Lévesque and Murray 2010; 2013), by showing how Bangladeshi labor is engaged in interactions with global unions, buyers, the Accord, international organizations, workers, and factory managers, through which different skills are built. It identified participation through information, reframing of demands, extended negotiations, and positive narrative replacements as the key mechanism and practices of skill building.

The article also contributes to recent literature on transnational labour rights activism which argues that boomerang politics are but one form of leveraging (Bartley and Egels-Zanden 2015; Brookes in this special issue). It elaborates different modes of relevance networks of labour can take. I found coalitions not only relevant for compensating power deficits of domestic labour through tapping into additional power sources (Merk 2009; Reinecke and Donaghey 2015b). I found that strategy training, the shadow of protection, information sharing, complaint interventions and story diffusion were important ways allies could support the domestic capacity building.

Last the article contributes to the growing literature on private governance institutions and in particular the Accord. While some see it as a game changer (Ryan 2013) and model case of transnational industrial democracy (Reinecke and Donaghey 2015a,b), others are very critical, arguing that the Accord has very limited to no effects on unionization in Bangladesh (Wichterich and Kahn 2015; Schepper this volume). Yet my contribution shows that that the Accord is not per se game changer or an institutional expression of global business power. It depends what labour makes out of it and my findings suggest that there are many cases where trade unions use the opportunities and institutional context provided by the Accord to develop their associational capacities and use it for local leveraging. Future studies could attempt to build a dataset on the amount of complaints and labour disputes in which the Accord intervened and with what outcomes.

However, despite incremental forms of capacity building it seems rather unlikely that Bangladeshi labour becomes powerful enough to significantly impact the structures of exploitation prevalent in the Bangladesh ready-made garment industry and the textile industry as a whole, which continues to leave workers little protection against market exploitation. However, if trade unions continue to develop their capacities it is possible that they become more effective in solving labor disputes about severe injustices or at least soften some of the restraints for workers i.e. through collective agreements or complaint-making.

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