

**Freedom of Association and Collective Bargaining in Global Supply Chains: A Research  
Agenda**

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## **Abstract**

This article outlines a research agenda for Freedom of Association and Collective Bargaining, two fundamental labour rights essential to the achievement of "Decent Work" for workers in global supply chains. The authors argue that SCM scholars are uniquely positioned to address how workers freedom of association and collective bargaining rights in global supply chains could be improved. This stems, in part from the fact that SCM researchers and industry practitioners share a common "logic of efficiency" in the analysis of supply chains. The authors suggest three broad arenas of research on freedom of association and collective bargaining, with their attendant methodological implications.

# **Freedom of Association and Collective Bargaining in Global Supply Chains: A Research Agenda**

## **Introduction**

Sustainability has become a mainstream topic and primary area of research in the supply chain management (SCM) literature (Pagell and Shevchenko 2014; Carter, Hatton, Wu and Chen 2020). Research on sustainability in supply chains has focused on the practices of global companies enacted in response to institutional pressures from NGOs, media, consumers, and regulators (Seuring and Muller 2008; Tate, Ellram and Kirchoff 2010). Sustainability is a catchall term that includes environmental sustainability, social sustainability (primarily labour rights and working conditions), and governance, hence the commonly used shorthand epithet “ESG”. Reviewing SCM research, Nakamba, Chan and Sharmina (2017) express surprise at the meagre focus on social sustainability relative to environmental sustainability, despite considerable media attention to sweatshop workplace practices in supply chains and the frequency of disasters such as the Rana Plaza factory collapse in Bangladesh that killed over 1,100 workers in 2013. It is not surprising therefore that SCM researchers call for more and improved research on social sustainability (Carter and Rogers 2008).

Disciplines such as political science (e.g., Locke 2013), sociology (e.g. Applebaum and Lichtenstein 2016), and industrial relations (Amengual and Distelhorst 2020, Kuruvilla 2021), have investigated social sustainability more extensively. Labour rights of supply chain workers has been a consistent focus in these literatures ever since global firms in the apparel and athletic shoes industries such as Nike, Reebok, and Gap Inc. adopted private voluntary regulation via codes of conduct with regard to labour standards in the 1990s. This private regulation model

consists of three elements—articulation of a code of conduct on labour rights and practices for suppliers, auditing to examine whether suppliers comply with the code, and using those auditing results to reward highly compliant suppliers (perhaps with more orders) while punishing non-compliant ones. Since then, the adoption of this model has diffused to a wide range of industries such as furniture, electronics, home and office products, fishing, food, agriculture, the public sector, and yes, even universities.

Despite private regulation's growing popularity, the general conclusion from two decades of research is that it has not brought about meaningful improvements in labour conditions in global supply chains. As Bartley et al (2015:151) suggests, "Existing evidence suggests that corporate codes of conduct and monitoring have had some meaningful but narrow effects on working conditions and the management of human resources, but the rights of workers have been less affected, and even on the issues where codes tend to be most meaningful, standards in many parts of the (apparel) industry remain criminally low in an absolute sense." Several new research projects show no improvement in freedom of association (FOA) and collective bargaining (CB) (Applebaum and Lichtenstein 2016, Bartley et al 2015, Distelhorst and Locke, 2018, Franzen 2013, Kuruvilla and Fischer-Daly 2021). These two rights are considered to be "enabling rights" because workers can use these rights to bargain better working conditions. And they are "core labour rights", at the heart of the notion of "Decent Work" promulgated by the International Labour Organization (ILO) since 1998.

The lack of improvement in FOA and CB rights in the apparel, footwear, and electronics supply chains (which have been most studied) is puzzling, given that it is a core labour right found in every code of conduct. It is also puzzling given that for over one hundred years since Sydney and Beatrice Webb's *Industrial Democracy* (1897), social scientists have shown that

providing workers with “voice” and collective bargaining is a key way to improve working conditions (Freeman and Medoff 1984, Frege and Kelly, 2020, Reinecke and Donaghey, this Volume). And, it is even *more* puzzling given extant research that shows that where FOA and CB exist in global supply chains, compliance with codes is significantly enhanced (Oka 2016; Bird, Short, and Toffel 2019; Bartley and Egels-Zanden 2017). In this article, we first briefly review the history of freedom of association and collective bargaining as a universal human right ,its emergence as a core labour right under the ILO’s Decent Work rubric, and briefly canvas the (limited) empirical evidence on FOA and CB in global supply chains, before proceeding to our main purpose---articulating a research agenda for SCM researchers.

Introspective accounts by SCM researchers have highlighted several problems with extant research on “social” sustainability. SCM research has been criticized for not taking into account the claims of stakeholders who do not have a significant economic stake in supply chains, such as workers, labour unions, NGOs, and others; for being backward looking rather than directing practice; for being a-theoretical; and for focusing more on conceptual pieces and reviews of the literature (over 50% of articles] rather than empirical investigations (less than 20% of articles] (Pagell et al. 2014; Nakamba et al. 2017; and Carter et al. 2020).

In laying out a research agenda on freedom of association and collective bargaining, we contribute by answering the call made by SCM scholars Carter et al. (2020) and Nakamba et al. (2017) to focus on labour practices related to decent work and the role of suppliers in ensuring social performance. Our empirical research agenda will contribute to redirecting social sustainability research in SCM away from its tradition of conceptual research and literature reviews (Nakamba and Chan 2017) towards a more empirical direction, consistent with several recent efforts (e.g., Foerstl, Azadegan, Leppelt, Hartmann 2014; Soundararajan and Brown 2016;

Soundararajan and Brammer 2018; Winter and Lasch 2016). The inductive field research focus will, in turn, help draw implications for practice, and alleviate the criticisms that social sustainability research is backward looking rather than directive (Pagell and Shevchenko 2014).

## **Germane Literature**

### **FOA and CB as Universal Human Rights**

It is especially appropriate to consider FOA and CB in global supply chains at this juncture, as we have only recently celebrated the 100<sup>th</sup> anniversary of the formation of the International Labour Organization (ILO) in 1919. The Treaty of Versailles (Part XIII) established the ILO with the idea that social peace depends on fair treatment in the workplace and that FOA and CB are essential for progress toward those goals. At the end of World War II, the Philadelphia Declaration re-affirmed the ILO's fundamental principles and established them in the updated ILO Constitution. Further, the Universal Declaration of Human Rights, the International Covenant on Political and Economic Rights (Article 22), and International Covenant on Economic, Social and Cultural Rights (Article 8) reiterate FOA as a universal human right.

ILO members (each country is represented by national governments, employers' associations and workers' unions, referred to as the "social partners") have agreed that the ILO Conventions regarding FOA and CB have constitutional status. ILO Convention 87 establishes the state duty to protect worker and employer rights to establish and join organizations *of their choice* in order to further and defend their respective interests. ILO Convention 98 establishes the state duty to protect workers against anti-union discrimination, to protect workers' and employers' organizations against interference, particularly any actions that would subjugate workers'

organizations to employers' control, and to promote voluntary collective bargaining. A number of other conventions (e.g., conventions 135 and 154) supports, clarifies and extends these rights.

The 1998 recast of ILO objectives to promote “Decent Work” established FOA and CB as one of four “core labour rights” (along with the rights of freedom from child and forced labour and freedom from discrimination). The notion of “Decent Work” rests on four pillars. The first pillar is that of the fundamental labour rights noted above. The second pillar concerns employment generation, in recognition of the idea that all people must lead productive lives. The third pillar focuses on social protection, suggesting that all workers must have some level of social security. And the fourth pillar is “Social Dialogue” –the freedom for people to express their concerns, organize and participate in the decisions that affect their lives. This “voice” is most commonly achieved through FOA and CB. All ILO member nations should work to promote “Decent Work”. Decent Work was incorporated in 2015 into the United Nations’ 2030 Agenda for Sustainable Development. Sustainable Development Goal 8 aims to “*promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*”. Furthermore, crucial aspects of decent work are broadly rooted in the targets of many of the other 16 goals. In sum, FOA and CB are internationally recognized as core and fundamental human rights of global citizens.

Nevertheless, the realization of FOA and CB rights remains incomplete and highly contested in the contemporary global economy. Substantial portions of the world’s working population have been excluded from state protections of FOA by law, both historically and currently (Kuruvilla, Fischer-Daly and Raymond 2020). FOA does not exist in China for example (Friedman 2014), and is weakly developed in many parts of the third world (Kuruvilla and Mundell, 1999). Union density and collective bargaining coverage in more than three-quarters of the world’s

countries is less than 30% and is declining (Cooper 2004). Limited support and even adversarial policies towards FOA and CB occur in states that have ratified the ILO conventions, which have the status of treaties under international law (Kuruvilla, 2021). Even in countries and economic sectors with apparently robust rule-based labour relations systems (*i.e.* the European Union and the automotive sector), there has been decline in union density, centralized bargaining and tripartism (Katz 1993, Baccaro and Howell 2017).

Accelerated globalization has pushed national workforces to compete with each other to attract foreign capital, with the potential for a competitive deterioration in labour standards. Facilitated by state policies and technology, capital has expanded globally; without similar support, labour has not globalized, labor-law enforcement has not kept apace, and respect for workers' rights has eroded. The lack of institutional support for FOA and CB is particularly important when we examine these rights in global supply chains where capital can locate production wherever labour costs are lower, pitting workers from different locations in competition with each other and putting downward pressure on wages and working conditions (Anner *et al.* 2006). Globalized production networks thus reduce workers bargaining power. Hence, examination of how FOA works in global supply chains pursuant to its inclusion in most corporate codes of conduct is crucial for sustainable SCM research.

### **Prior Research on FOA and CB in Global Supply Chains**

Prior research on FOA and CB in global supply chains, while not extensive, has unearthed six major themes, which we summarize succinctly below.

First, *private regulation has not overcome institutional contexts antagonistic to FOA/CB.* Several scholars have found that suppliers are more likely to comply with private codes when



operating in national states with more effective enforcement of labour laws supporting freedom of association and collective bargaining rights (Rodríguez-Garavito 2005; Barrientos *et al.* 2011; Anner 2012; Locke 2013; Toffel *et al.* 2015). A 2018 study of several thousand firms in the apparel industry found the vast majority of sourcing is from countries rated in the bottom quartile of FOA by the World Justice Project (Distelhorst and Locke 2018: 707). China and Vietnam, are classic examples of institutional contexts that mandate single state-sanctioned unions and thus are unfavorable to FOA/CB. More recent research (Kuruvilla, Fischer-Daly and Raymond 2021) shows that major brands such as Primark, H&M and Gap Inc source over 50% of their products from countries in which institutional contexts are unfavorable to FOA.

Second, there is considerable ambiguity in the *language of FOA in various Codes of Conduct (COCs)*. The language in the CoC of the Fair Labor Association (FLA), a prominent US based multi-stakeholder institution (MSI) is not specific, only requiring its member companies to respect the right of workers in the supply chain to form unions. On the other hand, MSI's such as the Ethical Trading Initiative and the Fair Wear Foundation identifies positive (“adopt and open attitude”) and negative (‘not discriminate’) boundaries for employer behavior. This variation in the language of what is a universal human right is problematic as they leave room for differential interpretation, and critics have argued that suppliers often subtly thwart union formation efforts in their workplace. This has led to the critique that private regulation has been adopted “symbolically” to protect brands’ reputations (Esbenshade 2004; Bartley 2007; Applebaum and Lichtenstein 2016).

Third, it is clear that the *social auditing pays little attention to FOA*. Although the \$80 billion social auditing industry (Finnegan 2013) entails hundreds of thousands of audits of workplaces each year (Gould 2005), the evidence suggests that often, auditors do not even record whether workers are unionized or covered by a collective bargaining agreement. Inconsistent

reporting on FOA means many studies of labour standards have avoided FOA altogether (Toffel *et al.* 2015). For example, a study of FLA-conducted audits from 2002-2008 found minimal detection and remediation of FOA/CB violations (Anner 2012). Kuruvilla, Raymond and Fischer-Daly (2021) find that violations of FOA/CB constitute only a small fraction of overall violations in their study of over 26,000 audits over 13 countries and industries. And given the short time auditors spend in the factory (the typical audit duration for a large factory is two days, conducted by two auditors), it would be very difficult for them to spend enough time with workers to elicit whether the employer is suppressing unionization.

Fourth, and most crucially for our purposes, there is *little or no evidence that private regulation policies of global companies regarding FOA and CB are working*. In a forthcoming book Kuruvilla (2021) analyzes data from two MSI's—FLA and FWF, and shows numerous problems with how FOA is practiced in the supply chain. His analysis of FLA audits suggests that in more than half the factories investigated, there was an inadequate policy on FOA at the supplier level. Given that the FLA requires its members to have a policy regarding FOA/CB in the supply chain, the large number of reported violations regarding the absence of a policy at the supplier level is a testament to how seriously leading brands enforce implementation of their CoC provisions. Moreover, there were numerous incidences of undemocratic union elections, and significant union suppression, including firing of union activists and discrimination against union members. The FWF data finds complementary results, particularly in that a large percentage of workers were unaware of the FOA and CB rights granted to them by national law or guaranteed by code of conduct provisions. In general, these findings concern the supply chain factories of leading companies who join MSI's. It is reasonable to assume that conditions in the

supply chains of companies who do not join MSI's are likely to be worse. And these findings are consistent with prior findings (Anner 2012; Li, Friedman, and Ren 2016).

Fifth, limitations on FOA and the absence of unions in some countries and most supplier factories have led to initiatives such as non-union worker committees that do not quite result in providing worker voice. One prominent example was an initiative by Reebok, which directly supported worker elections of representatives at one of its supplier factories in Shenzhen, China. This initiative eventually collapsed after the brand stopped support and factory management changed (Chan 2016). Many studies have found that workers' committees did not empower workers with voice (Anner 2018; Bartley and Lu 2012) and risked being used by managers to avoid unions, in violation of ILO Convention No. 135 on Workers' Representatives (Egels-Zandén and Merk 2014). A study of a project by H&M in Bangladesh found that workers did not receive information about the committee to which they were to elect representatives, understood the committee as dominated by management, and did not trust that the committee represented them (Granath 2016). The evidence on PICCS (Performance Improvement Consultative Committees) instituted by the ILO's Better Work program in the countries where that program operates is mixed, with cases of success reported in Lesotho (Pike 2020), Bangladesh and Cambodia, and inconclusive results in Vietnam (Anner 2018). These findings corroborate prior findings that non-union worker committees often do not result in worker voice (Bartley and Lu 2012; Egels-Zandén and Merk 2014).

Sixth, and most importantly, prior research suggests that *where FOA and CB are present in global supply chains, working conditions are significantly improved*. Union presence is associated with better compliance or fewer violations (Oka 2016; Bird, Short, and Toffel 2019). Kuruvilla, Fisher-Daly and Raymond's (2021) analysis of supply chain data from FWF shows that

there were significantly fewer overall code violations at factories with a collective bargaining agreement (CBA) than factories without a CBA. Further, their analysis of 2,208 assessments of 1,410 factories participating in the ILO-IFC Better Work program in Bangladesh, Cambodia, Haiti, Indonesia, Jordan, Nicaragua and Vietnam in 2017-2018 show that compliance is highest when there is both a union as well as a collective bargaining agreement (CBA) in the factory. Together, these three results point to a clear and unambiguous conclusion, i.e. providing supply chain workers with voice regarding their work significantly enhances compliance with codes of conduct and national and international labour standards.

In fact, even when FOA and CB are not strongly institutionalized, worker agency has used FOA and CB provisions to achieve improved compliance, as found by Bartley and Egels-Zanden (2016) in their study in Indonesia. Their findings suggest that unions and workers adopted multiple ways to leverage CSR commitments to improve working conditions, including “whistleblowing” to convince brands to negotiate, “warnings” to publicize non-compliant conditions, and preparation – particularly building local capacity. The study suggested that these tactics “spurred improvements in working conditions” (2016:250), suggesting potential for labour to leverage CSR commitments into what they call “contingent coupling” of CSR commitments and actual working conditions.

This brief review of FOA/CB in global supply chains suggests two general conclusions. On the one hand, prior literature strongly suggests that while the international community - including governments, workers and employers - has established FOA/CB as fundamental workers’ rights, respect for these rights is largely absent in global supply chains, and particularly in the global apparel industry where private regulation (codes of conduct in respect of labour standards) was first established. On the other hand, in the few cases where FOA and CB is

present in supply chains, working conditions are substantially enhanced. This result is consistent with generalized findings; for over one hundred years since Sydney and Beatrice Webb's *Industrial Democracy* (1897), social scientists have shown that providing workers with "voice" and collective bargaining is a key way to improve working conditions.

Thus, we are left with a puzzle. Most corporations would like to improve their social sustainability performance. The performance of their sustainability departments (and of sustainability managers) is judged in part by how much improvement there is with regard to labour issues in supplier factories. Sustainability departments of global companies constantly look for ways to generate improvements in labour conditions in their global supply chains, including engaging in supplier management capacity building (Locke 2013), worker training and welfare programs for workers. However, they do not appear to emphasize enforcement of the FOA and CB provisions in their code of conduct for suppliers. As Kuruvilla, Fischer-Daly and Raymond (2021) show, one successful method to increase social sustainability performance is through providing workers with the enabling rights of FOA and CB. Why do corporations not emphasize the ONE SET OF RIGHTS that guarantees improvement in social sustainability?

### **Addressing The Puzzle: A Research Agenda on FOA and CB in Global Supply Chains**

Before we articulate a research agenda to address the puzzle highlighted above, we first discuss why SCM researchers may be uniquely positioned to do so. A recent spate of articles in CM journals have suggested that the SCM scholarly community has not focused enough on social sustainability (Pagell and Shevchenko 2014). However, we feel SCM researchers may be better placed than other social science researchers to engage in empirical research on social sustainability.

## Why SCM Researchers Are Uniquely Suited to Address Social Sustainability

We suggest that SCM researchers may be better-suited to address social sustainability, and specifically FOA and CB issues in global supply chains, relative to the political scientists, sociologists, and labour scholars. There are two reasons why this might be the case. The *first* stems from SCM scholars' superior access to global companies, an access that is generally denied to most social scientists. As SCM researchers Tokar and Smink (2019:68) suggest "our discipline seems well positioned to offer actionable insights, as researchers in our field typically maintain close ties with industry".

Why are mainstream SCM researchers (incorporating supply chain, logistics and transportation researchers) more capable than other social scientists in winning access to corporate supply chain information? The logic underlying the activities of corporate supply chain departments is a logic of "efficiency". For example, the purpose of *corporate supply chain management* is to deliver goods and services to consumers as quickly and inexpensively as possible (Lee 2004). As Lee (2004:1) notes "speed and cost effectiveness are the holy grail of supply chain management". Companies devote considerable resources to achieve these objectives, including investing in state- of- the- art technologies, (e.g., RFID tags), streamline supply chain processes, and invest in the infrastructure necessary. This focus on improving the efficient operations of supply chains is further buttressed by the need for "agility"--- supply chains must be flexible enough to respond rapidly to changes in demand, while remaining adaptable generally to organizational strategy changes. *SCM scholars* see themselves as adding value through their efforts at optimizing supply chain performance, or otherwise analyzing supply chains with a view to improving speed, reducing costs, or promoting agility, or examining the effect of supply chain disruption to the bottom line (e.g. Jacobs and Singhal, 2017). SCM researchers are thus also implicitly operating with a

logic of efficiency. This common underlying logic is the elixir that makes partnerships between corporations and SCM researchers possible.

In contrast, researchers from sociology, political science and industrial relations, have never focused on supply chain efficiency. Their central interest has been to examine the extent to which global companies are following through on their promises (through their codes of conduct) to improve working conditions in supply chains, and the extent to which labour rights are respected. Thus, the logic underlying their approach is one of “legitimacy”, not efficiency. Given the widespread and growing skepticism that private regulation practices are ineffective in improving labour rights, a skepticism that is buttressed by frequent industrial disasters in supply chains such as the deadly Rana Plaza factory collapse in 2013, it is no surprise that global companies are relatively reluctant to share supply-chain data with regard to labour rights with researchers, nor are they generally transparent about their supply chain performance with regard to labor.

This distinction between SCM researchers and other social scientists can be seen in following illustrative example. SCM research on three major apparel companies H&M, Zara, and Mango, focuses heavily on how they have built, or how they can improve the agility of their supply chains in the fast fashion space. Supply chain research on these companies have focused on design processes that integrate trend-spotting, design sketching and fabric ordering, which gives them a head start against their competitors because fabric suppliers require the longest lead times (Lee 2004). On the sales end, getting goods to the customer quickly is made possible through efficient distribution centers, with state-of-the-art sorting and material handling technologies. As a result of the agility built into their supply chain operations, SCM researchers suggest that H&M, Mango, and Zara have all grown at more than 20% annually since 1990, and their double-digit net profit margins are the envy of the industry (Lee 2004).

In contrast, social science research that has focused on H&M, Zara, and Mango have not been able to explain whether these companies are effective in improving labour practices in their supply chain. None of these companies have shared supply chain labour data with researchers. There is little evidence. Kuruvilla (2021) for example notes that H&M's primary sourcing location is China, which does not respect FOA. He and other researchers have attempted to study the extent to which H&M supplier factories pay a living wage, since H&M committed to paying a living wage in their supplier factories by 2018. However, hard evidence on what the wages are in H&M's supply chain has not been forthcoming. Much of social science research on these two companies have focused extensively on their sourcing practices in Bangladesh and especially the pricing and sourcing "squeezes" of their Bangladeshi suppliers, and post the Rana Plaza disaster, how these companies were driven to participate in the Accord for Building and Fire Safety in Bangladesh (Bair, Anner and Blasi 2020). The legitimacy logic inherent in social science investigations of supply chain inhibits research collaboration between social scientists and global corporations in ways that it does not do for SCM researchers.

However, it is worth note that a legitimacy logic is increasingly apparent within the SCM research community as well. See for example, Walker, Seuring, Sarkis, Klassen, Huq, Stevenson, and Zorzini, (2014), and Huq, Chowdhury, and Klassen, (2016).

A second reason why SCM researchers are uniquely poised to address social sustainability issues at this juncture stems from changes in what is important in configuring global supply chains. Contemporary developments, such as Covid-19 are already stimulating SCM researchers to shift their focus from "supply chain optimization" to "supply chain resilience"—referring to the level of hardening of the supply chain against disasters and disruptions. Making supply chains resilient requires reconceptualizing the relationships between companies and their suppliers, from that of



its current “arms-length” relationship to a more collaborative partnership model. Many firms have long had such relationships with their strategic suppliers. Such collaborative long term relationships not only increases product quality and delivery reliability, but also permits suppliers to invest in worker safety and health, and voice mechanisms such as CB that make for more engaged workers to realize operational excellence (e.g., Pagell, Klassen, Johnston, Shevchenko and Sharma 2015).

Hence, it is not just access to corporations, but many of the theoretical foundations for SCM research (such as buyer-supplier partnerships) facilitate collaboration between SCM scholars and sourcing managers who wield more power than the compliance managers who are the go to point for social science researchers. SCM researchers thus are uniquely equipped to provide the evidence-based analysis to convince sourcing managers to take into account FOA and CB as key variables in their sourcing decisions to enhance supply chain resilience.

### **A Research Agenda on FOA and CB Research**

Our research agenda for FOA and CB in global supply chains for SSCM researchers builds on recent social science research findings on FOA and CB that were summarized under the six themes noted above. But there are several gaps in our understanding that constitute pathways forward for SSCM researchers. We present three categories of issues, leaving SCM researchers to focus on specific questions of interest within each category.

### *Category 1: Sourcing Strategies and Institutions*

Answers to why FOA rights do not improve have their root in the sourcing strategies of companies. SCM researchers have examined sourcing generally (e.g. Tsay, Gray, Noh, and Mahoney 2018) and supplier selection generally (e.g., Ramanathan 2007, Wu, Shunk, Blackhurst and Appalla 2007), but have not evaluated sourcing strategy from a social sustainability perspective. There are several important and inter-related questions here. First, what is the relative role of cost versus other considerations in choosing a sourcing location? The critical literature suggests generally that in the apparel, footwear and electronics industries, the primary determinant of a sourcing location is cost, i.e. labour costs. While that is generally true, there is substantial variation in labour costs in garment & footwear exporting countries. For example, Kuruvilla and Bae (2021) show that average hourly wages in China in 2017 (1.67 USD) was double that of Vietnam (.80) USD and quadruple that in Bangladesh (.40 USD). Average hourly wages in India was significantly lower than that of China. And in the case of electronics, why is production concentrated in China, which is now a higher cost location? Clearly, other factors are at play in global companies' supply chain location decisions. How central is FOA and CB in sourcing locations? Do companies tend to source more from locations, such as China and Vietnam where FOA and CB is circumscribed? Is there a correlation between sourcing strategies and union density? Do emerging countries with strong unions "lose out"? What is the relative importance of different aspects of sustainability? SCM researchers who need to focus on both supply chain optimization as well as supply chain resilience (which includes sustainability) must assess the extent to which "sustainability" considerations are taken into account in brands locational decisions.

Second, the particular importance of the institutional landscape of different locations needs to be assessed in terms of how they might affect sustainability. SCM research needs to engage more in large scale comparative research across institutional settings generally. Industrial relations research shows that compliance with codes of conduct is much higher in countries where labour and other laws are better enforced (Stroehle 2017; Short, Toffel and Hugill 2015). Typically used measures of the institutional landscape such as the rule of law, the degree to which laws are enforced, press freedom, the ILO conventions a supplier country has signed, and measures of union density, are actually found to be not well correlated (Kuruvilla 2021) raising the questions of whether these measures are reliable. It is well known that the union “wage effect” is about 15-20% in the US (Freeman and Medoff 1984) i.e. unions increase wages relative to non-union workers by that percentage----although this effect varies across time and across countries. If unionization alone is going to increase labour costs by 15% that becomes a significant issue in the apparel and electronics industry where the profit margins of suppliers are razor thin and there is a constant “squeezing” of price paid to suppliers by global buyers (Anner 2017).

Third, with respect to assessing FOA in different locations, there is a tendency to focus heavily on union density (the degree of unionization) as the most important measure of FOA. And union density is often listed as a control variable by SSCM researchers in their conceptual models. Using union density as a proxy for healthy FOA is fraught with danger, for several reasons. 1) The way in which union density is calculated differs significantly across countries. The numerator, normally the number of union members, is obtained through union reports filed with government authorities (where unions have an incentive to overstate their membership) or through national sample surveys (which tend to understate actual union membership). The

denominator also varies across countries, with some countries using civilian labour force, others using non-agricultural population and yet other using total working population. These differences make comparisons across countries difficult. 2) Second, the meaning of a “union” is not the same in different countries. In many countries, the word union typically denotes a labour organization, whose membership choose their unions and democratically elect leaders to bargain on their behalf. But in China and Vietnam, a union typically means a government controlled organization where the union leaders are not democratically elected, but appointed by the management or communist party officials. Such unions rarely reflect the interests of their members (Friedman 2014). Similarly, unions could also mean “yellow” unions, started by management in order to stave off a more genuine and representative labour union elected by members. 3) Whether a union exists or not is no guarantee that collective bargaining takes place. In fact in many countries it is relatively easy to form unions, but the biggest difficulty is getting employers to recognize the union and commit to bargaining with it. In some countries (e.g., India), there is no formal or legal process for union recognition. In others, employers consistently refuse to recognize and bargain with elected union representatives. For example, in the USA (low cost apparel is produced in New York City and Los Angeles), in 25% of the cases where unions win a representation election, they have not been able to negotiate and bargain because of employer opposition, resulting in their decertification after a year (Kleiner 1984). For these reasons, the union density variable is not always a significant predictor of the extent to which compliance with codes of conduct improve. The more relevant variable, as Kuruvilla, Fischer-Daly and Raymond (2021) show, is whether a collective bargaining agreement covers the workers in the factory. Even this could be problematic, because in some countries, (e.g., China) collective bargaining is “symbolic” and merely re-states what is covered in the law (Friedman and

Kuruvilla, 2015). Hence, union density is not a perfect variable, and while it may be necessary metric to use, it is hardly sufficient.

Alternative metrics of FOA and CB may also be problematic. One such measure is the number of violations of FOA and CB found by social auditors (see Kuruvilla 2021). This measure is problematic given the burgeoning criticism that social auditors were not well trained and social auditing is too short in terms of duration to actually uncover violations of freedom of association.

An encouraging sign is the new stream of social SCM research seeking to develop indicators or criteria to select and evaluate suppliers (e.g., Winter and Lasch 2016; Popovic, Barbosa-Povoa, Kraslawski, Carvalho 2018). The conclusion of Popovic et al.'s (2018) comprehensive review of social SCM studies on social indicators was that “it is still lacking a consensus in the research community regarding on how to assess the social dimension” (p.11). In this regard, SSCM scholars and social science researchers face a common challenge and may enrich each other in developing alternate measures of FOA and CB in ways that enrich social SCM researchers' interest in indicators for supplier selection and evaluation. Measures of collective bargaining coverage, the existence of pattern bargaining, whether bargaining is centralized or decentralized may all be measures with potential. A case study approach, using inductive methodology such as participant observation coupled with interviews of workers outside their workplaces maybe more relevant as a measure of whether a particular supplier obstructs unionization.

*Category 2: Institutionalization of FOA and CB in Global Supply Chains*

Political, sociological, and labour relations research has highlighted numerous developments that have sought to institutionalize FOA and CB in global supply chains, but the weakness of that research is that they do not necessarily have good explanations for the successes and failures of these efforts. This is an area in which SSCM researchers can contribute. Table 1 briefly discusses examples of the different levels within supply chains where institutionalization of FOA and CB have been attempted. Reinecke and Donaghey (this volume) discuss some of these examples at greater length.

Table 1. Examples of Institutionalization Attempts of FOA/CB in Global Supply Chains.

	Single Supplier-single Country	Multi-supplier multi-country
Single Global Firm	Q1: Russell Athletic, Fruit of the Loom	Q2: GFA
Multiple Global Firms	Q3: Accord, FOA Protocol	Q4: ACT

The most common type of well institutionalized CB is the case of a single global firm entering into an agreement with trade unions at its subsidiary or contractor factories in a single country (Quadrant 1 in Table 1). This happens often where the global company owns and operates its own factories, such as Fruit of the Loom. Additional examples in the contemporary apparel industry include the Alta Gracia apparel line in the Dominican Republic (Adler-Milstein and Kline 2017), and the General Workers Central – Russell agreement in Honduras (Berliner *et al.* 20: 119-124). This type of institutionalization is not common however.

A key example of CB institutionalized by global firm and multiple suppliers in multiple countries are Global Framework Agreements (GFAs) entered into by global union federations (GUFs) and global companies (Quadrant 2). Examples are the separate GFAs between

IndustriALL (a GUF) and two global firms H&M and Inditex (the owner of Zara). These GFAs are designed to protect the interests of workers across a multinational company's operations, including its supply chains. Negotiated at the global level, they put in place standards for trade union rights in the company's global operations, including supply chains, regardless of whether those standards exist in an individual country. Yet, these agreements have not spurred FOA in both companies' extended supply chains. The H&M GFA, signed in 2015, has facilitated FOA in a relatively small number of the over 1000 H&M supplier factories around the world. About 50 supplier factories have been "organized" in Bangladesh and Turkey, and 100 supplier factories in India are only now discussing how the GFA may be implemented. We do not know much about how such global gains through GFA's can be translated to the local level—an important question to research.

Similarly, the Inditex GFA was negotiated in 2007. A union official at Inditex (Boiz 2020) noted that in practice implementing unionization in the supply chain is not necessarily straightforward—it works well say in Brazil, but it not easy in Morocco, and it is a challenge for everybody. Many supplier factories do not have union representation. In part this difficulty is due to the coordination issues between numerous different regulations, institutions and actors at multiple levels (national, regional, local). Analyzing rules and behavior requiring interactions at multiple level has been a problem. SCM researchers Tokar and Swink (2019:68) claim that "such issues are highly relevant to SCM, and that SCM researchers are uniquely positioned to speak to the issues by virtue of the foundational principles and *levels of analysis* that define our discipline".

There are several new initiatives that reprise the model of “triangular negotiations” between workers, employers, and brands, a model applied in the US through “jobbers” agreements negotiated by International Ladies’ Garment Workers’ Union (ILGWU) in which buyers committed to regular contracting from only unionized manufacturers, whilst manufacturers committed to improved wages, hours, safety and health, and other terms and conditions typical of collective bargaining agreements (Anner *et al.* 2013). Furthermore, public policies supported enforcement of the triangular bargaining agreements. An example of a multiple global firms collaborating to reach agreement with global unions, but enacting them in a single country (Quadrant 3) is the case of the Accord for Fire and Building Safety in Bangladesh (Bair, Anner and Blasi 2020).

A current effort in a similar vein is the Freedom of Association Protocol (FOAP) in Indonesia as one example. The FOAP is a multiparty agreement created by Indonesian unions, suppliers, and global brands (Nike, Adidas, Puma and New Balance) to improve FOA and CB by establishing specific standards for participating factories and introducing a grievance procedure for violations. By the end of 2016, the FOAP applied to approximately 30,000 workers in Java, and was demonstrating progress. Many workers participated in the FOAP design and implementation, were effectively represented by unions in using the grievance system, and were enjoying workplace improvements. But inconsistent implementation of the FOAP exposed a key limitation: that the brands had not established incentives and sanctions to support suppliers’ participation (Connor, Delaney, and Rennie 2016). The failure to institutionalize a promising initiative ties back to the tradeoffs between supply chain optimization and supply chain resilience that is grist to the mill of SCM scholars.



An example of *multiple* global firms collaborating to institutionalize collective bargaining across multiple countries, involving multiple suppliers (Quadrant 4), is the Action, Collaboration Transformation (ACT) initiative currently underway. ACT is a transnational industrial relations agreement signed in 2016 between 21 global brands and a global union federation (IndustriALL). ACT aims to promote living wages by establishing industry-wide collective bargaining agreements in selected garment-exporting countries, coupled with improved purchasing practices of buyers. Situated against the background of contemporary private regulation, ACT represents a radical departure from past practice, in part because it allows for multilevel coordination among firms and labour unions. A research team (Ashwin et al (2020), consisting of political scientists, sociologists and industrial relations experts makes a key contribution into how and why such a development has emerged. They argue that prior relationships matter especially in union-inclusive governance institutions which have sponsored other transnational industrial relations arrangements, such as framework agreements. However, whether such an agreement is sustainable remains an open question as progress seems to have stalled. A key question for SCM researchers to consider is how global companies are able to solve the problem of collective action amongst key actors in private regulation, since it is clear that successful institutionalization of FOA and CB requires inter-company collaboration.

In all of the quadrants in Table 1, FOA and CB is not well institutionalized, so there is much for SCM scholars to research, to understand what factors cause success, and to explicate reasons for failures. The methodological implication here is that if sustainability is to be central in SCM research, then expanding the current unit of analysis from one company's supply chain to that of a group of companies appears necessary. Further, to take on an FOA lens and zoom in on the barriers and facilitators of its institutionalization in global supply chains would entail

shifting the level of analysis of social SCM research from the firm to the network and the larger eco-system in which that network operates (firms, suppliers, public authorities, civil society organizations, social auditing firms etc). Carter, Hatton, Wu, and Chen's (2019:126) recent review shows that over 90% of social SCM studies have the individual or the firm as the unit of analysis. A focus on wider eco-system of private regulation is necessary since FOA and decent work issues in global supply chains are so heavily influenced by public policies in various host countries.

Focusing on the eco-system gives rise to several other important research questions. How can global brands enforce FOA in countries that restrict FOA? How can global brands advocate for FOA rights and better enforcement of labour laws in host countries? Besides public authorities and policies, sustainable SCM research also needs to take into account the practices of competitors in the same industry for two reasons. For one, suppliers often cater to multiple buyers simultaneously (reducing the leverage that any single buyer has over the supplier) and hence the supply chain management practices of a single focal firm may not be adequate to ensure FOA rights and decent work among suppliers. Second, global brands are often constrained by cut-throat competition by rivals (Ashwin, Kabeer, Schubler 2020:5) to promote FOA and offer better terms to their suppliers. How can global companies resolve collective action problems to coordinate their supply chain management practices to promote FOA and decent work in global supply chains *of a particular industry* is necessary for successful FOA and CB. Thus, promoting collaboration in a competitive environment is a key challenge for SCM research.

Category 3: *Harnessing Worker Voice*

A central problem in creating decent work is to ensure that workers have a voice in the decisions that affect their lives. This is what FOA and CB guarantees. However, in their absence, there are other avenues to ensure that workers voices are heard. The private regulation model as currently practiced does not incorporate a clear role for workers to be involved in auditing working conditions or reporting about violations of their rights. Yet, workers in supplier factories are the *most* knowledgeable about the very working conditions codes of conduct are designed to improve. Their knowledge and experience needs to be heard from an industrial democracy point of view (Reinecke and Donaghey, this volume) but also harnessed to improve how private regulation operates. How best to include workers' voices represents a new research opportunity for sustainable SCM researchers.

What for example is the utility and efficacy of "Hotlines"? Several firms have introduced hotlines that supply chain workers can call with complaint about a code violation and a mobile monitoring platform such as LaborLink allows global brands to see the information in real time on their dashboards, gradually building up a full picture of workers' perspectives on key issues. In Bangladesh, for example a hotline first established by the Alliance for Bangladesh Worker Safety is available to any readymade garment factory in the country; since its inception in 2013, what is now known as the Amader Kotha Helpline has received more than 223,000 calls from workers in more than 1,000 factories. In January 2020, its website reported receiving an average of 2,800 calls per month about 400 issues, on average, and involving an average of 250 factories. However, we do not know how effective hotlines are. We do not know whether hotlines improve working conditions over time? We do not know who uses the hotlines and what obstacles or barriers exist to use them. There is some early research that suggests that male workers are more likely to use hotlines, a problem in the apparel industry where most workers are female.

Similarly, another question concerns the accuracy of auditors' interviews with workers, another method of eliciting worker voice. There have long been calls for auditors to interview workers off site. These offsite interviews would allow the auditors more freedom to probe in certain areas, although it is not always easy to obtain worker addresses. But few audit guidance documents of multi-stakeholder institutions provide such guidance. How can SCM researchers evaluate and influence auditing systems to better integrate worker voice?

Yet another research question centers around the efficacy of worker surveys. Worker *surveys* are becoming more commonplace in the private regulation ecosystem, as more companies try to adopt a more worker-centric approach to supplier performance management. For example, Gap Inc.'s supplier sustainability team was interested in greater insights into the issues that matter most to workers in its supplier factories, beyond what was in the company's code of conduct. Notably, the survey found "fair treatment," "immediate supervisors," communication and feedback, and training and development were more important to workers, and none of these were included in Gap Inc.'s code of conduct. Many companies have instituted worker surveys. What can be learnt from these efforts?

Of course, the gold standard would be workers trained and empowered to monitor compliance, rather than having auditors—a notion at the heart of what is being called "worker-driven social responsibility," which highlights that worker organizations must be the driving force in creating, monitoring, and enforcing programs designed to improve their wages and working conditions. Reinecke and Donaghey (this volume) discuss this issue in greater detail. To accomplish that, "monitoring and enforcement mechanisms must be designed in ways that to provide workers an effective voice in the protection of their rights.", suggests the Worker Driven Social Responsibility Network. SCM research has examined the training offered by buyers to

suppliers but research that investigates to what extent such trainings involve workers is sparse in the literature.

In sum, SCM researchers can substantially “change the landscape” by harnessing worker voice, in addition to FOA and CB, as they figure out how to make supply chains more resilient. Engaging in such research will help SCM research “free itself from the primacy of profits” (Pagell and Shevchenko 2014) to include the claims of other stakeholders.

### **Conclusion**

Researchers and observers in the sustainable supply chain management domain have long lamented the field’s limited focus on social sustainability. With respect to labour issues, sustainable SCM research has not focused on workers in supply chains—less than 5% of articles reviewed by Carter et al (2020) focused on workers. In this article, we provide, in broad brushstrokes, a research agenda for sustainable SCM research regarding freedom of association and collective bargaining, universal human rights that are at the core of the ILO’s notion of “Decent Work” and a critical aspect of the UN’s Sustainable Development Goals for 2030.

We reviewed contemporary research from other social science disciplines that has uncovered a policy puzzle that SCM researchers could potentially solve. The puzzle is that although there is considerable evidence that institutionalizing FOA and CB is a sure method to improve labour rights in global supply chains, the actors in the private regulation eco-system, such as global companies, social auditing firms and suppliers, eschew these rights. Given that FOA and CB appear to be a win-win solution for all parties (companies gain in terms of social sustainability program improvement and the workers gain through better labour standards), we see the need for additional research to examine why and how this win-win solution could be more broadly adopted and diffused.

We argued that SCM researchers are uniquely placed to further FOA and CB research in ways that traditional social science researchers cannot. SCM researchers have greater access to corporate supply chains, given that they share a common underlying “logic of efficiency” with industry. In contrast, social science researchers, with their focus on labor rights and labor standards, operate with a “logic of legitimacy” that inhibits the willingness of corporate departments to share “sensitive” data with them. It is worth note that the logic of efficiency, pervasive as it is in the SCM field and wider business school and business communities, may, in part be responsible for poor enforcement of FOA provisions in supply chains. Labor unions and collective bargaining are seen as “obstacles” that thwart managerial pursuit of efficiency.

While sustainable SCM researchers are attempting to answer the normative calls for a greater focus on general social sustainability research made by the SCM community (Nakamba, Chan and Sharmina 2017; Carter and Rogers 2008), and specifically with regard to labour and workers (Pagell and Shevchenko 2014), it is possible that contemporary developments in global supply chains may not leave them with much option but to do so. Covid-19 in particular, but other disasters and emergencies have made it clear that the days of focusing solely on “supply chain optimization” are long gone. Dealing with such emergencies and events requires a focus on “supply chain resilience”—referring to the hardening of the supply chain against disasters and disruptions. The shift from optimization to resilience will require a rethinking at many levels, such moving to high commitment buyer-supplier relationships, to protect against “supply chain risk”. FOA and CB are essential elements in making a supply chain resilient as well as sustainable (socially) in the long term.

The suggested research agenda on FOA and CB has two major methodological implications for SCM research. Swanson, Goel, Francisco and Stock (2018), reviewing SCM

research by sub-topic, suggests that sustainability topics tend to be dominated by “analytical modelling and experimental design”. Research on FOA and CB generally requires a more field based qualitative investigation. Thus, it may call for a shift from the generally deductive methodologies to more inductive ones—a shift that is also taking place in social science research on global supply chains. The second methodological implication is that to take into account the institutional environments under which FOA and CB operate, SSCM researcher may need to shift their unit of analysis from the firm to a network of firms or to an eco-system of institutional actors.

These methodological shifts will enable sustainable SCM research to answer the call from Pagell and Shevchenko (2014:51) for “research that directs rather than responds to practice” . The focus on FOA and CB will also overcome the critique that sustainable SCM research must focus on the claims of stakeholders other than shareholders, as suggested by Nakamba et al. (2017). Finally, research on FOA and CB is one way to increase the ability of SSCM researchers to contribute to regulatory policy debates in both private and public sectors. This is all the more crucial in view of the “mandatory due diligence” legislation regarding private regulation of labour conditions in global supply chains emanating out of the EU this year.

To conclude, SCM researchers Tokar and Swink (2019), suggest that regulatory issues, whether private or public, play a critical role in the practice of SCM, and that SCM researchers are uniquely positioned to speak to these issues. We agree and have provided some pathways through our focus on FOA and CB by which SCM research can do so.

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