

Institutional layering and the emerging power of labour in Bangladesh¹

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Abstract

This paper discusses the emerging power of labour in Bangladesh. It combines insights from power resource approaches with insights from institutional theory on institutional layering and practice theories on power to analyze and theorize how the changes in the industrial landscape since the factory collapse of Rana Plaza in 2013, contribute to the construction and emergence of new power sources for trade unions in Bangladesh. The paper finds that the process of institutional layering has created opportunities for competence building of Bangladesh trade unions who are increasing co-constructing, strengthening and enacting three emerging power sources: organizational-associational capacities, institutional power, and social-cultural power. It shows that (a) the construction of power sources are interrelated processes that have reinforcing effects (b) forging coalitions and gaining support from outside international trade unions and labour rights organizations is crucial and (c) points out unintended consequences and new forms of resistance blocking or hindering emerging power practices of labour in Bangladesh.

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. Fundamental changes in relation to health and safety and factory inspections took place. A National Tripartite Plan of Action was formulated, the labour law changed and a minimum

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wage board was introduced. Two new international initiatives were found, the Accord on Fire and Building Safety in Bangladesh (Accord) and the Alliance for Bangladesh Worker's Safety (Alliance) which use the leverage of the buyers to implement and enforce health and safety standards in the supply chains. In addition, the ILO significantly expanded their presence and programs in Bangladesh and other international developmental agencies such as the German GIZ started or extended their activities in providing capacity building and trainings to workers, managers or both. In short, the industrial landscape in Bangladesh changed dramatically in a very short time and a multitude of international, transnational, national actors and organizations started to engage in a process of institution building and institutional interactions on an unprecedented scale. Together these institutions form a very complex pattern of regulatory interactions. This paper asks how did the rise of the new regulatory regime affect the power source and strategies of labour?

This new labour governance system and in particular the Accord has gained significant scientific and public attention. The Bangladesh Accord on Fire and Safety (Accord) counts as a model approach to transnational labour governance, 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 resulting in an agreement with a very high degree of commitment. The aim is to establish fire and building safety through inspections, remediation, fire-safety trainings and the establishment of health and safety committees. The Accord was called a "major breakthrough" (Rahman 2014), "game changer" (Ryan 2013), a "proto-type for global labour governance arrangements" (Reinecke und Donaghey 2015).

While first studies point towards the progresses made on health and safety regulations, others are more skeptical when it comes to improvements on worker participation, unionization and collective bargaining (Baumann-Pauly et al. 2015). Despite first insights on the Accord and regulatory changes in Bangladesh (Kalyta 2015; Wichterich und Islam Kahn 2015), we know little on how workers and trade unions perceive these changes and make strategic use of them. Trade unions and workers in the Bangladesh garment sector count as particularly 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. Given the weak labor market power of Bangladeshi workers, it makes it very difficult for them to organize and protest at firm level since they can be easily replaced (Anner 2015). Therefore it is particularly relevant to ask: How do in the process of institutional layering new sources of power for workers and trade unions emerge? In how far are trade unions able to realize these sources to compensate for the existing structural weaknesses?

To answer these questions the paper combines insights from power resource approaches with insights from institutional theory on institutional layering and from practice theories on power and strategies as practice. Therewith the paper makes two contributions: First, the paper sheds light on processes, prospects and problems for trade union building in Bangladesh. Given that the Accord is likely to end in 2018 and the international public attention on Bangladesh is veining, strengthening trade unions becomes a key issue for sustaining progresses made and to prevent future catastrophes (e.g. due to violations of health and safety violations) from happening. Second, the paper contributes to literature on transnational labour rights activism, trade union revitalization and workers agency by

integrating insights from theories on power resources, institutional layering and power as practice. This helps us the better understand when and how labour is able to realize and enact different power resources, which is a basic condition for building trade union movement strength. The rapid changes under way in Bangladesh make it necessary not to focus on an objective analysis of existing power resources and capabilities, but to pay attention to processes of skill development and competence building, and experience of failures in continuous situations of struggles and interactions.

The power resource paradigm is grounded in industrial relation and trade union revitalization studies (Schmalz und Dörre 2014; Brookes 2013; Lévesque und Murray 2013; Gumbrell-McCormick und 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 organizational or structural power increasingly becomes complemented by new sources of power such as institutional, coalitional or discursive 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, which resulting out of global neoliberalism, the rise of global supply chains and never ending political and economic crisis. However there are intriguing puzzles that defy explanation in power-resource terms: How do power resources emerge in a complex, multi-layered and poly-centered governance contexts? It is assumed that such multilayered contexts provide new opportunities to “jump scales” and can be used for mobilizing at different scales at ones (Merk 2009)(Zajak 2015a). Or as McCallum put it, trade unions increasingly engage in governance struggles that is “the exercise of power in the absence of an overarching political authority, usually by a constellation of institutions that make decisions and enforce compliance with norms and rules at the supranational level” (McCallum, 2013, p. 12). Yet resources and opportunities have to be perceived and defined (or framed) as such and the sheer presence of an institution or organization does not automatically lead to its usage (McAdam et al. 2001). Or as Dörre et al. put it trade unions and workers need strategic capabilities – that is, the capability to detect power resources in order to make use and optimize them of them (Dörre et al., 2009). This paper goes beyond a focus on perception and detection of power sources and focuses on their emergence and construction.

Enacting power resources is particularly challenging for the trade unions and workers, which operate in a very new labour governance context with multiple layers of regulation and often rapidly changing power relationships. The attribution of “power to” and “power over” remain contested. More often than not rejecting the claim to have power is a viable strategy to reject taking action.² And in the case of Bangladesh this multilayered context has to be handled by a trade union movement which is only beginning to evolve. Strategic capabilities cannot be assumed to be present, but have to be developed. Insights on emerging power through practice (Adler-Nissen und Pouliot 2014) helps to conceptualize the building of competences which become crucial to turn institutional, societal or organizational power resources into actual influence.

² E.g. transnational companies have refused repeatedly to take responsibility for the working conditions in their supply chains, with the argument that they are unable to exert any influence and thus lack the necessary power over they supply chains.

This is why this paper suggests adding a practice perspective on power to power resource approaches to grasp trade union power in the making. It allows moving beyond identifying structural or positional forces to looking into the practices of exercising power and the formation of strategies which translate power into actual influence. The paper intends to show that the rise of this peculiar layered institutional created new power resources at the organizational, institutional, coalitional and societal level for the emerging Bangladeshi trade union movement. Trade unionists increasingly start to combine these new power sources and realize them through action. The main argument is that incremental forms of enactment starts to lead to mutual reinforcement of different power sources, which contributes giving rise to a trade union movement despite increasing political and economic resistance and restrains.

Structure of the paper

It first develops a concept of labour agency which is grounded in power resource approaches and institutional theories and adds a practice perspective on agency in order to conceptualize emerging power resources. It then continues to describe working conditions and labour relations in the Bangladesh RMG sector until 2013 and summarizes major changes in institution building since then. The empirical analysis then reconstructs how new power sources emerge in the process of institutional layering and become co-constructed through workers and trade unions struggles. It also points towards the development of new sources of restrains and countervailing forces.

Theoretical framework nested/multi-layered opportunities 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). Power resource theories have also stated to explore new power resources for workers in the global South linked to the rise of global supply chains and new forms of transnational labour governance. In particular four sources of power – structural, associational, societal and institutional – count as the basis for union renewal (Webster 2015; Schmalz and Dörre 2014), which shall be summarized below. In the following the different power sources as identified in the literature will be discussed.

Organizational power

The perhaps most prominent source of power is *organizational or associational power* of trade unions. The underlying assumption straight forward: the more members a trade unions has the more influence it can assert in the industrial relations landscape. But associational also results out of the affiliation amongst trade unions (Brinkmann and Nachtwey 2013) The higher the degree of organization, the stronger factory trade unions and the better trade union federation are coordinated the more are trade unions able to represent workers interests (Schmalz and Dörre 2014, p.224). That trade unions loose their organizational capacities in most countries or have great difficulties in building them in the first place as been one key assumption of industrial relation research (Visser 2007). As Webster puts it associational or organizational power is under attack by the ideologies of the ‘free market’ (Webster 2015, p.). The reduction of associational power is associated with the argument that globalization drives deregulation and empowers (mobile) capital vis-à-vis (nationally anchored) unions. Another less discussed factor is related to intra-class conflicts

over policy options, which further weakens the collective capacity of trade unions (Thelen 2012). As Schmalz and Dörre (2014) following Lévesque and Murray (2010) argue, associational power not only depends on the amount of members but also on the organizational infrastructure, 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). These last aspects are also crucial for an emerging power perspective. In the case of Bangladesh weak trade unions do not only lack members but also democratic and efficient organizational structures, which still have to be built.

Structural power

As similar argument for the loss of power is related to *structural power*. Structural power results out of the location of workers in the economic system (Wright 2000). Structural power is rooted in the disruptive power of workers to disrupt capitalist production and accumulation (Piven 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), or power can result out of workers capacity to cause disruptions at the workplace and or even the stoppage of production (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 and choose between different spatial strategies. Harvey (1999) and Silver (2003) referred to as the “spatial fix” (Merk 2008). 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 (Merk 2008). In the case of Bangladesh workers in particular lack this resource given the situation of underemployment, lack of skills and disability to severely disrupt global production networks (Anner 2015).

Multi-scalar mobilization

Power resource approaches have started to identify new sources of power as well as strategies of trade unions to mobilize them. On key assumption of research on transnational labour rights activism is that the current context of globalization, the evolution of the global labour governance system and supply chains also provide new opportunities to jump scale and bridge spaces. Jumping scales refers to the process where actors strategically shift their locus of engagement, and shift the conflict to a different stage or play it out with multiple scales simultaneously (Brookes 2013; Merk 2008).³ Multi-scalar mobilization allows workers and trade unions to mobilize structural power across spaces. Taking labour’s positionality in global production networks into account (Lund-Thomsen und Coe 2013), structural power can be mobilized when workers and their allies can identify one or more points of disruption in a supply chain which results in significant effects further up or down the supply chain (Selwyn 2012). How different power sources are combined is still underconceptualized. What is more, we don’t know if and how mobilization of one power source through multi-scalar mobilization affects the usage of others.

Institutional power

³ Similarly theories of transnational advocacy networks suggest that local actors go transnational when they lack opportunities and resources of influence at home. They use their transnational networks to exert pressure from the outside, which should then affect their own space to maneuver. Keck and Sikkink called it the boomerang effect. (1998)

Following insights of McGuire (2012) and Dörre et al. (2009), 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 (Mahoney und Thelen 2010; Streeck und Thelen 2005). Institutional power is important as it continues to exist as a source of power, even when other power relations have changes. Such institutions include the constellation of laws, regulations, procedures, practices, and other formal and informal rules that persist over time. The power of trade unions can result out of leveraging formal or informal rules e.g. by going to court or use less formal state or private complaint channels or by using institutionalised forms of social dialogue and bargaining.

Multi-scalar mobilization then links different institutional contexts together through networks of actors whose are embedded in institutional settings of specific places. As Brookes summarizes: “In sum, institutional power is neither simple nor static. Its exercise depends not only on workers’ capacity to invoke protective laws, regulations, and procedures but also on their capacity to rescale conflict to locations in which employers remain bound by institutional frameworks” (Brookes 2013). This perspective helps to better understand how trade unions combine different power sources when by operating at different scales. However, it tells us less about situations of institutional layering where transnational private labour governance institutions, such as the Accord, complement domestic governance institutions (Bartley und Child 2007; Amengual und Chirot 2015; Locke et al. 2013) and “old” and “new” labour governance institutions start to interact. Until now we know little on how the dynamics of institutional layering affect the capabilities of workers and trade unions. What kind of opportunities and new threads result out of the intersection of different institutions?

In advanced industrial countries Streeck and Thelen 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 (Streeck and Thelen 2005; Mahoney and Thelen 2010). Recent research on transnational private regulation of global supply chains 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 behaviour (Amengual 2015). Other research has suggested the opposite, transnational private regulation further hollowing out state institutions and further shifting the balance of power away from labour towards business (Seidman 2009). At the same time, labour is an important force for exploiting the inherent ambiguities of institutions and therewith maintain, redirect or alter them (Streeck and Thelen 2005). The exercise of power in practice can contribute to the transformation of the context at hand.

Cultural-societal power and coalitional power

There are different conceptions of societal, cultural and coalitional power of trade unions, as one source of power with different facets or as different sources of power. Coalitional power results out of forging alliences with local NGOs and social movements, but also with international NGOs and international trade union federations. This dimension of power

resources takes into account that workers are embedded in wider networks of social relationships through including ties to community organizations, consumers, voters, shareholders, journalists, political leaders, which could impact the outcome of conflicts between capital and labor.

The key argument for treating it as an independent source is that in the absence of both the structural and associational strength of trade unions, unions can compensate these deficits from engaging in complementary activities with NGOs and other social movement organizations (Edmund und Carola 2006; Egels-Zandén und Hyllman 2006).⁴ By forging such alliances workers and trade unions have access to additional power sources of the coalition partner (Frege et al. 2004). Others argue that coalitional power is an inherent societal power, as when partnering with NGOs and social movement organizations, their power sources are mainly normative or discursive. Webster speaks of societal power, when trade unions power more like social movements, emphasizing the role of public mobilization, framing strategies and the influence on public discourse and cooperation with social movements. The last two were also specified as discursive power or symbolic power (Chun 2009). 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).

I agree that coalitions and allies are a mediating force which allows trade unions to tap into additional resources. Yet, these can be structural, institutional or cultural-societal. Given the great importance of allies for mobilizing and contention in a multi-layered context, I discuss coalitional power as an additional aspect, which interacts with the other power sources. This also allows to pay attention to unintended side-effect or negative consequences for trade unions. It is for example possible that in joint campaigning and cooperation between trade unions and social movement organizations leads to the loss of influence of trade unions, even if the overall campaign has brought forward significant success, as the case of Wal-Mart demonstrated (Zajak 2015 b).

Emerging power in practice

While literature has made important contributions in identifying power resources of trade unions it does not provide conceptual tools to understand if and how the usage of one power source is affecting others. The implicit underlying assumption is that the losses of one power source can be compensated by the mobilization of another one (Webster 2015). Or equally it is assumed that the mobilization of different power sources (e.g. through multi-scalar activism) contributes to achieve the aims. From this perspective skills and capabilities are present or absent, meaning that some trade unionist are more capable of using e.g. institutional or societal power than others. This leaves little room to understand emerging power in the making through social interactions.

This is where a practice perspective⁵ on power can contribute as it argues that power also emerges from the interaction per se. Adler-Nissen et al. (2014) have put forward the concept

⁴ Actually the relative power of labor's political allies, especially social democratic political parties, has been identified as a key resource for trade unions long ago (Thelen 2012, p.10).

⁵ The practice perspective explores politics, including organizations, communities, professions, policy making, and state interaction, from the perspective of everyday performances that embody shared knowledge (Adler and Pouliot, 2011).

of emergent power, with originates from specific interaction settings. To them, “an emergent effect is not additive or predictable from our knowledge of its components” (Adler-Nissen und Pouliot 2014). 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). A practice approach does acknowledge that resources are structurally or institutionally predefined and that unequal playing fields pre-exist. Yet how opportunities and resources are turned into influence and play out in practice, requires constant work. This perspective contributes to understand how new sources of power for labour emerge as it puts emphasis on processes of emergence in form of the formation of competence building. According to Adler-Nissen et al. competence or social skill is the basic ability to play the existing order to one’s own advantage (Adler-Nissen und Pouliot 2014). From this perspective power and strategy are interrelated. Power relations shape the constitution of strategy (Hardy und Thomas 2014). But only strategy in and through practice (“strategies-as-practice” Herepath 2014) helps to realize, reduce or intensify different power sources.

Following these insights I don’t take structural-institutional power as an objective fact, which is realized as such by the actors involved. Instead I see these power resources as results out of a never-ending struggle claiming, attribution and rejecting certain competences.

Methodological approach

The paper is motivated to find out how in a context of the multi-layered actors and institutions in the governance of labour rights, 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, attribution of power. The research is based on 35 semi-structures interviews conducted with different actors of this new regulatory context including international agencies (the International Labour Organizations), the Accord, transnational companies, business in Bangladesh, and transnational networks such as the Clean Clothes Campaign and labour solidarity organizations such as the solidarity center. A major focus was paid to trade unions from different locations including German trade unionists, e.g. IG Metall, the international trade unions IndustryALL, UNIglobal, IndustryALL Bangladesh Council (IBC) and different persons from trade union federations (TUFs) in Bangladesh - Bangladesh Garments Industrial Worker Federation (BGIWF), National Garment Workers Federation (NGWF) and Sammito Garments Sramik Federation (SGSF) - as well as factory trade union organizers and other labour rights organizations such as the women worker organization Karmojibi Nari or the Bangladesh Institute for labor Studies (BILS).⁶

The interviews were conducted between March and July 2015 in Europe (Germany, Switzerland, and the Netherlands) and in Bangladesh (Dhaka). The European interviews were conducted by my colleague Saida Ressel as part of the project on transnational labour rights conflicts in the global garment industry.⁷ In Germany, we also organized a symposium on fair wages worldwide with representatives from trade unions, business and sciences (e.g.

⁶ In the empirical analysis I simply refer to trade unionist when I quote or refer to someone from the trade union movement who prefer to be kept anonymous.

⁷ This paper is largely based on the interviews conducted in Bangladesh. There will be another paper by Saida Ressel and me where we include all results.

industryAll, business social compliance initiatives, Asia House ect), to discuss transnational labour solidarity and changes in Bangladesh.⁸

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 in particular with the IBC trade union members.⁹ I visited two trade unions houses and worker centers where I observed worker trainings on women’s health issues and finances 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.

In general the interviews focused on the perception of resources and new opportunities, applied strategies and interpretations of interaction situations, but also hindrances which came along. I didn’t predetermine the specific goal (what did you do to impact the employers behavior), as the aims could be located at different levels and building capacities as such has been an important aim for trade unions in Bangladesh. Developing organizational strength, gaining access to institutional power or winning social acceptance and legitimacy are goals whose realization make form important power sources. I interviewed a range of actors and did not exclusively focus e.g. on worker organizers or trade unions in order to grasp the different sources of power as an emergent social practice resulting out of interactions with others in a certain context. I developed the interaction matrix (table 1) and asked each participant how they perceive their organizations’ relation to the others and their perception on how relational changes affect trade unions resources (table 1 gives an overview of the interaction matrix).¹⁰

Tabelle 1 interaction matrix: power as a social practice e

Actors’ perception of relation to other actors and institutions	BGMEA Business	State (different departments)	Accord	Alliance	TNCs	WRC/CCC
local trade unionists trade union federations						
Global unions						
Social movement organizations						
Accord						
Local NGOs (labour/human rights, women)						

⁸ <http://isb.rub.de/isb/bochumerdispute/freihandel-fairer-lohn.html.de>

⁹ 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

¹⁰ This is still an undercomplex picture and there are some actors I wasn’t able to speak to during my stay in Bangladesh including the labour ministry and the BGMEA official (only a business member).

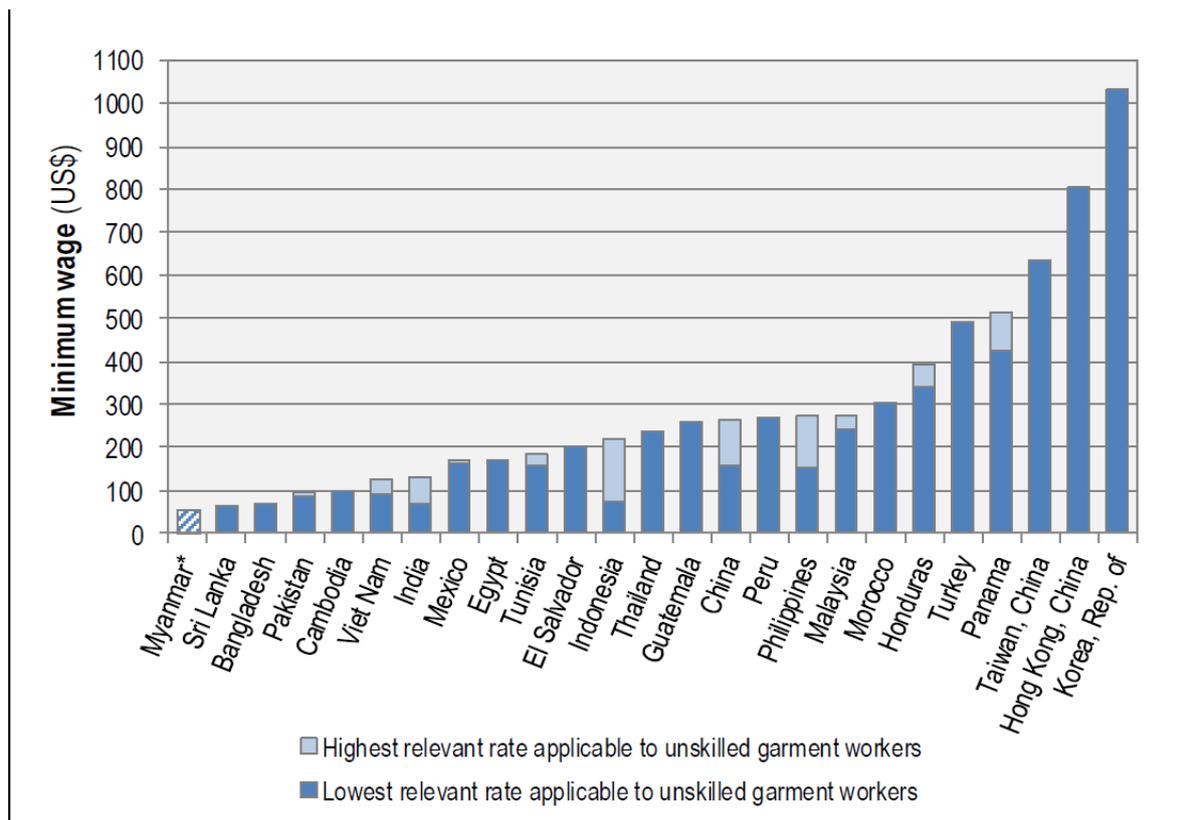
This matrix was used to measure the relative position of each other. On the one hand it should help to overcome structural-material over determination, where power resources are predefined by the rules of the game. On the other hand it helps to avoid the problem of “micro-isolationism”, where micro-level empirical practices are interpreted only in their immediate environment, without paying attention to their broader embeddedness, “cut off from the larger phenomena that make it possible” (Seidl und Whittington 2014, p.2). Focusing on trade unions power resources, the key question becomes how interactions and changes in relations between different actors and organizations contribute to the creation of new power sources, but also to the creation of new barriers or challenges as intended or unintended consequences. For data analysis I used the data analysis software atlas.ti to trace in each interview

- (a) the self-description of one’s own competences actions and strategizes and the proclaimed effects of that.
- (b) The description of others competencies, and power resources and their effects
- (c) The interrelation among the different actors.

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

Understanding the trade unions politics and strategic choices 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 made in 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% in 1990 and 4,8% in 2011. According to the Bangladesh Garment Manufactures and Exporters Association, the number of garment factories rose from 384 in 1984/85 to 4,296 in 2014/15, (with a peak in 2012/13 with 5876 factories); the employment rose from 0.12 million workers to four million, mainly women workers in the same period; and the percentage of RMG’s total export rose from 3.89% to 81.71% in the same period (2012/13: 79.61 %) (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% 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). Figure 1 gives an overview on minimum wages in Asia.



* Temporary rate for industrial zones, currently under review. Source: ILO compilation based on national sources. ILO Regional Office for Asia and the Pacific/Regional Economic and Social Analysis Unit, 10 Feb. 2014.

Figure 1: minimum wages in Asia (source ILO 2014)

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 threat to be easily replaced. Bangladesh's labour force has been rapidly rising from 40,7 million in 2000 to 56.7 million workers in 2010, with 38 % of the workforce being either unemployed or underemployed and 40,1 % with very low or no education in 2010 (report Friedrich Ebert Foundation, p.5, based on Labor Force Survey, Bangladesh Bureau of Statistics). The low degree of literacy and education also contributes to a very low level of knowledge and awareness about their workers rights.

Trade unions count among the weakest in Asia. And before 2013 it was hard for trade unions to register as trade unions. Studies have identified multiple reasons for continuous labour rights violations in Bangladesh (Berik und Rodgers, Yana Van Der Meulen 2010). For example Berik and Rodgers (2010) point out that 70 to 80 percent of employers hire workers informally and multiple forms of economic coercion such as irregular and delayed wage payments exist on large scale (p. 15). With respect to freedom of association and collective bargaining, formal and informal restrictions were in place and government harassment of trade unions but also employer resistance and multiple patterns of intimidations of workers (e.g. violent attacks, dismissal of workers trying to organize) were reported (ITUC 2008). Earlier attempt of the ILO to secure amendments to the law have failed (ITUC 2008).

But trade unions in Bangladesh face an additional problem of low social acceptance and political-ideational cleavages among each other. Bangladesh labour movement 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). This continues to be an important point of reference for many trade unionists. But it also led to a heavy involvement of the labour movement with politics and a division between trade unions along political lines. What is more after independence the different governments captured trade unions in order to limit their political power. Still many of the public sector was unionized as well as 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.

One interviewee summarized the development the following way: “The industry [jute] actually collapsed and there was no attempt to assist the industry. So a large section of the unionized industry essentially died out. So in the shift was a conscious effort not to have unions in the private industry. And then the RMG, starting in the late 1980's, by the time started growing in the 1990's. Unions in the public sector were weak and hardly any unions in the new private industries. The large recorded unions in the RMG-sector from 1991 to 2006 were a 136 factory level unions. 2010 we made some assessment and only 7 survived out of the 136 garment factory unions.” (interview solidarity center, Dhaka).¹¹

Institutional changes after Rana Plaza

The institutional changes made since 2013 shall only be briefly summarized here as good overviews have been presented elsewhere (Kahn and Wichterich 2015 and others). The most important institutional innovation was the creation of the Bangladesh Accord on Fire and Safety, followed by the Alliance [more here later]. The National Plan of Action also played a significant role and amendments to the labour law made trade union registration possible again. In specific in 2013 amendments to the Labour Act of 2006 were made. These amendments among other things eliminates previous provision to provide employers with the names of any workers who intend to form a 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. This contributed to a rapid rise in trade union registration. Table 2 shows the number of registered trade unions as of 2014 in different sectors.

¹¹ As a representative of the Friedrich-Ebert Foundation explains: “„Bevor Tazreen und Rana Plaza war uns in unserer Analyse schon völlig klar, wir haben es hier mit einer extrem polarisierten, verfeindeten Gewerkschaftsbewegung zu tun, die auch noch ziemlich schwach ist weil sie kaum Mitglieder hat“ (interview Friedrich-Ebert Foundation, Dhaka).

Tabelle 2 Statistics on the total number of trade unions/trade union federations registered by the Department of Labour as at 13 January 2014 (source ILO 2014)

Trade union federations

Type of federation	No. of federations	No. of affiliated unions	No. of members
National federation	32	1 352	1 076 367
Industrial federation (different type)	82	337	276 021
Road transport federation (mechanical)	10	63	56 893
Road transport federation (rickshaws)	5	27	52 747
Garments	34	123	62 982
Total	163	1 902	1 525 010

According to the latest figures of the ILO, until March 2015 437 trade unions have registered (ILO 2015).

3. empirical analysis emerging power

This section traces the emergence of new power sources and how trade unions (TUFs and factory trade unions) start to develop competencies and capabilities through practices and in interactions with others. It discusses for each power source first how it is affected (or co-created by processes of institutional layering; second it indicated the interrelations and mutual dependencies of the different power sources.¹²

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 and lack of input from members creating are representation deficit and sometimes misinformation (Mariani 2013, p.138).

The possibility to built organizational capacity was created with the legal changes which allowed trade union registration. Gaining recognition as a trade union and getting registered was seen as crucial for building organizational capacity by all trade unionists I talked to. As one interviewee explains: “(...) because most of the union federations were not organising, the mantra was why organize, when we will not get registration? The government will refuse and the leaders will just be terminated. Why do it? And sometimes that mantra could be an excuse not to do anything” (interview Dhaka, solidarity center). Without interference from outside such changes would most likely not have been possible. For example, The ILO played an important role giving advice and support, making comments and suggestions for the revision of the labour act. This indicates the importance of institutional interactions for legal change.

¹² This section is based on a preliminary analysis as not all interviews have been analyzed yet. It is strictly based on my own interpretation. The translation of the German quotes are still missing. Sorry for that.

The legal changes triggered a massive wave of registrations although not all factory trade unions survived: “So in the two and a half years since 2013 to now, close to over 470 unions were organized in the factory. Out of that about close to 300 were registered and now out of that 300 registered, probably now just a little bit over 200 are still active. Close to 90 unions no longer are active, because 45 percent of factories got closed and the 45 factories were closed because some of them were closed down as being critical in terms of the inspection by the Accord, the Alliance and the National Action Plan. Some factories begin to shift the location because some buyers no longer want to buy from factories in shared buildings (...). So that result, the 200 union in two and a half years is very historical, in comparison to the decade of union organizing only 136 [before]” (interview solidarity center, Dhaka). But how can the process of registration contribute to the development of organizational capacity?

Registration makes tasks necessary, which require trade unions to develop organizing and bargaining skills in order to win members. These skills can develop through everyday work of organizing, approaching workers and discussing with them. But external support can also facilitate the finding and formulation of effective strategies for organizing. 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). There are now several organizations which run worker training programs, including development agencies, the ILO but also international worker rights organizations such as the AFL-CIO affiliated Solidarity Center. Such trainings can help to realize registration, anticipating potential counter strategies of management and develop strategies for organizing workers. One person from the solidarity center gives the following example: “And for the unions that we work with, we say that before you file that, try to get the majority of workers. Because the end result is an issue of power. If you file a 30 percent, the management goes to the JDL and says: “We have more than that [amount of] workers. They don't have 30 percent.” That's a trick. And the other thing is, if you file 30 percent, 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 26 years old. 50 percent 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). The multitude of trainings and capacity building programs can help workers to realize their potential to some extent. Yet the important step is from learning to doing. As the director of the ILO summarizes:” They have to do it by themselves, they have to act and to realize” (interview ILO country director, Dhaka).

The establishment of a trade union is only the first step. Engaging in worker representation and collective bargaining is the next important step to realize and enact power and enhance organizational strength. The process of collective bargaining has been described the following way: “Inside workers send the leader to the management. After electing one, we submit a charta of demand. 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 increments an increase of salary and others things too, like medical aid for 14 days. And the union leader says: "We need 20 days". There are 20-25 point 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 15 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). Being able to negotiate an agreement enhances the capabilities of a trade union federation and factory trade unions by winning trust and support of workers and by democratizing the trade union structure: "So now that they have these affiliates, they have to develop internal organizing in terms of dealing with grievances, with collective bargaining, leadership developing, building a union infrastructure inside the factory and there is a new thing which is democracy. Because you are an affiliate, you start wanting services from your leaders." (interview*).

The quote above also hints at the difficulties of collective bargaining without external support such as e.g. the mobilization of institutional power of the labour office. Without external backup, it is very hard to organize a factory. Until mid 2015 only about 15 agreements have been signed according to the Solidarity Center and only about 3% of the garment factories have a trade union.¹³ This indicates that despite some steps to enhance the organizational capacities of Bangladesh trade unions, the organizational power still remains very low.

What is more, there are multiple barriers and hindrances which block the further emergence of organizational strength. The first one results out of the counter strategies and economic and political resistance to trade union registration. Requests for trade union registrations are rejected increasingly. In 2013 17% got rejected, in 2014 31% and in the first half of 2015 75% got rejected according to the information of the solidarity center. The reasons often remain intransparent or don't make sense (e.g. the registration office wanted to check the worker numbers but weren't allowed to enter the factory building). 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. They mentioned some reasons; it is local more what our law said" (interview BGIWF, June 2015). The intransparent and unfair politics of registration also further strengthens the problem of trade union competition and the coexistence of different kinds of trade unions: Those who organize, and others who are politically installed or financed by employers.

Different strategies to prevent trade union organizing are also applied by management, ranging from the threat of ending the contract to violent attacks. As one trade unionist explains the difficulties of organizing: "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. Sometimes to involve with the freedom of association, it takes a lot of torture, like mental torture. Sometimes management shouts to the union leader of the region" (interview BGIWF, Dhaka). As a representative from the

¹³See <http://www.solidaritycenter.org/wp-content/uploads/2015/04/Bangladesh.RANA-PLAZA.4.20.15.pdf>. This is only a vague figure as e.g. the Bangladesh Garment and Industrial Workers Federation mentioned 10 signed agreements with some more in the process of being negotiated.

Friedrich-Ebert Foundation explains: “There are many campaigns against the foundation of trade unions. The overall structural problem is the anti-union position in politics, the economy and the employer association. This is the main problem. And the problem becomes more severe with the internal conflicts among trade union federations” (interview FES, Dhaka, own translation).

This quote points out the both external counter forces but also internal divides among trade unionist and trade union federations as another significant barrier to gaining organizational power. This problem is even enforced through the opportunity to register. As second, there is the probably unintended consequence that the number of trade unions and trade union federations has been growing rapidly, without being able to establish structures of coordination among themselves. It also produces rivalry and competition among trade union federations “The multiplicity is a big challenge. But if you talk about trade unions in Bangladesh garment industry, you have more than 50 federations and then you have 14 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). In the literature the current multitude of trade unions has been presented as “the great weaknesses” and severe challenge for strengthening the labour movement in Bangladesh (Mariani 2014). 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). There are multiple sometimes 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. Trade unions accuse each other of gaining access to resources or other advantages through personal ties to political, economic elites or international donors. 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. There is an agreement that without a collective voice it is difficult to challenge the employers.

However, there are steps towards continuous interactions and debate, for example in the context of the IndustriALL Bangladesh Council (IBC). The IBC was established 2013 has industryALL Bangladesh affiliates as members. The Council is an important venue to bring together different trade unions, but also for exchange with IndustriAll and participation in the Accord. But similar to the development of trade union federations, the organizational infrastructure and capacities has to be built: “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 27 officials. Now it is much stronger I believe because it is more organized and solid, and I believe they will be a goal to work even harder because there will be a new labour law and the rules are being framed already” (interview director BILS). This quote signals optimism for developing more unity among trade union federations, and to overcome the cleavages and divided within the movement.

In sum the analysis of the emerging organizational power indicates the following: Institutional interactions between the ILO, but also pressure from outside states including

the US and Europe contributed to significant legal changes which are an important enabling factor for trade union registration. But registration alone does not automatically establish new power resources. Important are the acquirement of competences and skills through interactions between organizers and workers. This relationship forms the basic premise for real bargaining inside factories, winning trust of workers and worker participation in trade union activities. These processes enhance the organizational power of trade union federations and factory trade unions by expanding membership, getting fees and democratizing trade union structures. Still, the overall organizational power of Bangladesh trade unions remains to be very low. There seems to be a certain dynamic unfolding: the more trade unions organize, register and gain organizational strength the stronger the counter-resistance of political-economic elites. These counter forces are quite effective in containing the emergence of power sources. Exercising trade unions rights in Bangladesh continues to be a significant challenge. In a recent report, the International Trade Union Confederation (ITUC) complaints: "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." (March 2015). The following discussion shows that organizational and associational power are not independent, but can be increase in the process of mobilizing other power sources.

a) Evolving institutional power and constrains at the intersection of state and private institutions

Institutional power emerges when workers or trade unions invoke formal or informal rules in order to reach their aims. And here significant changes took place since 2013. The most important changes include the introduction of new transnational governance institutions in form of the Accord and the Alliance, but also the modification of existing institutions. Given that the Accord is based on the idea of industrial democracy (Reinecke and Donaghey 2015) the following analysis focuses on the ways through which trade unions construct and realize institutional power through the Accord. It will also pay some attention to the emergence of power rooted in the strengthening of domestic institutions as a result of institutional layering.

The Accord as a multi-faceted source and constrain of trade union empowerment

The Accord is 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 2015). Organized labour was involved in the formation of the Accord and is now included in decision making processes. International unions and Bangladesh unions are together with brands equally represented on the Accord Steering Committee. Trade unions can use their participation to shape the agenda and voice concerns. This has been perceived by participating trade unionists as a positive development. Institutionalized access has also some reinforcing effects on organizational strength by setting incentives for coordination and dialogue among participating trade unions.

However, there are 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 Accord). Making it publicly clear that the Accord is not involved in union organizing and trade union registration is important in an environment where in particular the powerful trade association BGMEA is very skeptical about the Accord (see also further below).

Yet the focus on the institutional design does not tell the full story. The experiences of trade unions go beyond these limitations. The everyday practices and interactions of factory trade unions, or trade union federations with the Accord and its rules are perceived to be an important emerging source of trade union power. The discussions revealed three different ways through which the Accord facilitates trade unions mobilization of influence.

First, the access to information enables trade unions to play a role in the realization of rights. The Accord has a very open information politics: “The global unions and the local unions, just like the global companies and their local staff, have access to all the information, as it relates to the inspection scheduling, on the inspections themselves. The brands if they wish can accompany our inspectors. The IndustriALL affiliates, if they have members at the factory, simply inspect, can appoint a worker record to our company inspectors. They all receive the inspection reports at the same time, they all receive information on any critical cases where there is a need to temporarily suspend production and re-evacuate a building. They all receive information at the same time, as it relates to any cases of violation or refusal on the part of the supplier factories to meet the requirements of the Accord signatory companies. 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).

Trade unions interpreted this access to knowledge e.g. on fire inspections as an important enabling practice as it allows them to become part of the process and engage workers and management. Trade unions use the information provided by the Accord to interact with workers e.g. explaining them the relevance of the Accord, health and safety issues and how a trade union can be of help. These interactions help trade 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. And sometimes in some factories, the Accord team went for a factory audit or an inspection and then they called 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 and if we see anything wrong or anything unlawful, then the workers maybe talk with the brands and they lose their business. 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. Because now they can understand that the Accord can ensure our safety” (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 2 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 2 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). Thus although the Accord is not intended tool for organizing, skillful trade unions can use this institutional context to link up with workers and build organizational strength.

Second, the Accord provides the possibility to directly leverage its institutional power. It provides ways to hold managers and transnational companies accountable. Workers or trade unions can bring forwards complaints on violations of the Accords regulations. As the Accord is a very new instrument, workers and trade unions also get support and training by the Accord on what kind of complaints they can file and how. As the executive director of the Accord explains: "On how they can contact the Accord staff, if they have concerns about safety and or health items or the inspections of their factories which we have conducted, so that we will address any concerns they have, including complaints that they may have related to safety and health that aren't being addressed at the factory level. We work with the IndustriALL affiliates here, to make sure that they understand the right to refuse dangerous or unsafe work protections of the Accord, so that the worker contacts they have at factories and members that they have at factories, know that if they believe they are being assigned to unsafe equipment or an unsafe portion of the building or an unsafe work environment, that under the Accord they have the right to refuse that dangerous or unsafe work and for the Accord to go to investigate their concerns, to determine whether indeed it is safe for them to work." (interview Accord).

Trade unions (both factory unions and TUFs) increasingly make use of this option. Sometimes they are able to solve safety issues easily insight the factory for example keeping the exit free. 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 they called the police and went out and said "you have no job here". 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 2 not 7". And our demand was 9 workers should be reinstated." (Interview BGWF). With the first remediation's now being conducted, it is likely that these conflicts increase e.g. on compensation or relocation of workers when factories have to be placed for renovation. This quote indicates the importance of the Accord for trade union work as a source of institutionalized power.

But it also point to the limits resulting out of resistance of management. Making reference to the Accord can also lead to repression and threat by the management: "When the union leader talked with the Accord last time, the management threatened him. "If you talk with the Accord then we will talk to our people and they will beat you". Finally the workers talked about the rights and 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). Managers can be a powerful force preventing concerns to be raised even leading workers to turn against trade unions. Yet if the issue is scaled up to the Accord it is most often solved.

There is only one restriction. As already mentioned earlier the Accord can only intervene within its mandate on fire and safety. It cannot intervene in other types of labour disputes, for example when they are directly related to freedom of association rights or wage issues. This leads sometimes to frustrations among trade unionists who realized the potential of the Accord and started to bring forward all kinds of complaints, which the Accord then had to refrain from interfering.

Yet what is a fire and safety issue and what isn't does leave room for interpretation. This is another good example where building skill through practice in interactions helps to realize emerging power sources. In interacting with Accord staff but also global unions Bangladesh trade unions can learn exploring creative ways to combine the issue of health and safety with other trade union concerns: "But then if you sit down with them and you hash it out 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). This suggests that realizing and strengthening emerging institutional power also depends on the skillful diagnosis of the problem.

But it also depends on the power of the Accord vis-à-vis others. As just because trade unions raise certain concerns does not mean that the Accord can fully address the concerns. Although backed by powerful global brands, the Accord is also embedded in a web of local relations to factory management at the factory level and trade organization, most importantly BGMEA (although BGMEA is not part of the governance structure of the Accord). The relationship to the BGMEA is a double edged sword. On the one hand BGMEA is a well organized and powerful business association (both politically powerful and towards its members). Support of the BGMEA is important for implementing Accord politics or solving certain disputes. This is also why there are regular discussions and meetings. "I would say at times we have disagreements with BGMEA, I think more accurately, BGMEA has disagreements with us, or concerns about how we are executing the agreement, but we set up these bilateral regular meetings and engagements to be able to work through those issues and listen to what they have to say and integrate it into our work. It doesn't mean that we integrate every complaint they have or every issue they raise into our work, but we do hear them out. And to the extent that we can implement what they are asking us to do in a way that is consistent with the Accord agreement, we try to do so". (interview Accord).

On the other hand 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"). Yet there is no hierarchical power relationship and BGMEA cannot simply use established channels of influence e.g. via political networks and lobbying to impact the Accord: "And the BGMEA is a very political actor and so they tried to influence and constrain us. And sometimes they were very successful in constraining Accord movements and sometimes they're less successful. They do exert influence, I don't think

they yield power successfully but I don't think that they need to allow us to do things or not" (interview trade unionist).

In sum, this section showed that realizing institutional power through the Accord requires the skill of trade unions to organize complaints, creativity to formulate complaints consistent with the Accords mandate, but also the Accord's power to influence the situation. The section also indicated that realizing institutional power can also contribute to building organizational strength and to some extent to an increase cultural-societal legitimacy of trade unions, which will be discussed further below.

Strengthening state institutions

But it is not only the Accord which was introduced at the top of existing relations. There are multiple other venues in which international or transnational organizations interact with state institutions. The ILO plays a particular important role and is engaged in different initiatives, most importantly the National Tripartite Plan of Action, the ILO Better Work Program and the EU Sustainability Compact. These different initiatives have detailed sometimes overlapping lists of actions, aiming in one way or another to improve and better implement the labour law (for more detailed information e.g. compare Kahn/Wichterich 2015). In terms of institutional power sources for trade unions three effects can be distinguished: First, legal reforms such as the 2013 amendments to the Bangladesh labour law and improvements and revisions related to safety issues, which form the legal point of reference for trade unions. On a very basic level it allows them to argue that they operate within the law, simply claiming existing rights rather than operating against it – an accusation repeatedly made by BGMEA against trade unions and the Accord. Yet, there are still several legal changes e.g. on the implementation of OHS committee implementation, or the extension of national law to export processing zones, which are being discussed and demanded by not yet realized. These legal changes could further enhance institutional power of trade unionists.

Second, enhancing state capacity, especially that of the ministry of labour to address labour rights disputes in an independent and lawful way is important for enhancing trade union power: "On the government side, there is a big need of investing in building the capacity of mediators and industrial relations officers and conciliation officers. (...) when the disputes arise to be confident to work with workers and employers as a neutral body, to which they can look up to resolve disputes and promote industrial peace" (interview ILO). Such domestic sources of influence are significant as they can remain after the Accord has left. Yet for the moment, this source can only be mobilized selectively and on occasion.

Third, through helping to establish a functioning tripartite dialogue between state institutions, business and trade unions. The National Plan of Action, where the ILO initiated a tripartite process resulting in a joint statement in May 2013, was an important step into this direction. "That is what the whole Rana plaza had exposed, the lack of possibilities of collective representation and collective negotiation. (...) if you look back the first thing that immediately after the Rana Plaza happened was that we initiated a tripartite dialogue process. With the government to talk what they have to do to prevent future accidents, but also with the national trade unions and the employers organizations. So that is what resulted

in a joined statement which came out on 4th of May 2013” (Interview ILO country director).¹⁴

Yet this is the level where trade unions perceive to have the least institutionalized influence for the moment. On paper, Bangladesh has multiple institutions organized in a tripartite fashion (e.g. minimum wage board). Yet trade unions are not actually present, selected by the government or have no influence in those settings. As one interviewee from the Friedrich Ebert Foundation explains: „At the moment there are thirteen different committees which are organized in a tripartite way – theoretically. BGMEA is in most of them. But trade unionist are either nominated by government or they are there due to good contacts to other institutions. Still others no one knows why they are in that committee. It is really intransparent. Overall the committees are all quite dead” (interview FES, also compare NGWF). One suggestion is to restructure the multitude of committees, reduce them to very a few, where real tripartite dialogue can take place. Such a functioning institutional dialogue structure could significantly affect trade unions institutional power, but also contribute to building further organizational capacity and enhance their legitimacy (societal-cultural power) (e.g. by contributing to democratizing structures through election processes and coordination).

b) Scaling up contention. Coalitional power as a mediating force

Having coalition and transnational allies is important to realize old and new sources of power. Bangladesh trade unions interpret and understand coalitional power as a very important, probably the most important source of power for trade union federations. Scaling up contention is often seen as the only way to actually solve a dispute or ensure personal safety. The strategic leather of scaling up contention has been explained the following way: If a factory trade union is present they first try to negotiate an agreement directly with management. If this is not working the factory union then informs the trade union federation, which directly tries to intervene with factory management to sit together with the trade unions and sign an agreement. If this does not lead to any result, then they choose from different forms of direct actions such as press conferences, demonstration in front of the owner’s house or strike as the last medium. If none of these things contributes to the solution of the problem, then the TUF contacts their international partners. “Then we go to the Accord, industryALL, CCC, WRC, Solidary Center. We usually inform all and put them in cc” (Trade unionist from trade union federation). This quote indicates that it is not always clear to the trade unions what kind of division of work existing between the different organizations or which one would be the most appropriate choice in dealing with a certain problem.¹⁵ But while the specific point of leverage is not predefined by the trade unions it

¹⁴ Trade unions were represented by the NCCWE, the National Coordination Committee of Workers Education that has 13 national trade unions in, and the industrial Bangladesh council. This dialogue resulted in the formulation of the national Tripartite Plan of Action (NTPA). This form of tripartite dialogue was considered as an important signal of change in the dynamics of the Bangladesh garment sector, as it signaled a commitment by the government to work with employers and worker representatives together

¹⁵ International trade unions, in particular industryALL and also campaign networks such as the Clean Clothes Campaign or the US-based Workers Rights Consortium can access multiple power sources. The Accord strengthens the cooperation between these organizations, with each organization complementing the other in specific cases of labour rights conflicts. “Worker Rights Consortium has a unique place because they obviously have two field-reps here. They do a lot in terms of documentations and stuff like that. I think that's where the

nevertheless shows that they know about existing support networks and are eager to use them.¹⁶

Another trade union federation describes the choices made the following way: “Sometimes if it is Accord related we share it with the Accord and the Accord takes action. If it's not Accord related, like with an American brand, then we share it with the WRC or ILO. And if it is with the EU, then we share it with IndustriAll and the Clean Clothes Campaign. (...) Actually the Clean Clothes Campaign, WRC, IndustriAll, ILO, Solidarity Network they do the same things, they fight for the workers. So when we face a lot of problems here, we share information with them at the same time as a copy” (interview BGIWF). Sometimes it works like a trial and error process to find out which way works best.

A lack of coordination can cause confusion of who is intervening and how. But in general trade union federations and trade unionist agreed that this support is very crucial and could even be extended further. As one explains: “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 and that’s all. If you really want to annoy a factory owner you call on the internationals, because they will talk to their 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 don't want anybody exploiting them through our sourcing model. 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: “I'm really annoyed”. It always annoys people. And that’s a bit our core business to annoy people” (interview UNI global).

These interventions are quite successful. Bangladesh for the moment continuous to be a unique place, where transnational companies (in particular the Accord members) cannot easily refrain from taking responsibility and action, even if the issues and concerns are not directly related to the Accord. As one trade unionist explains: “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”. This only happens out of international pressure. Because Clean Clothes Campaign or IndustriAll give pressure to brands, we get compensation. In the past nobody listened. When IndustriAll talks then Zara said ok we give full compensation. And injured workers get medical facilities. And workers get treatments from the big hospital” (interview BGIWF). Against this background it is not surprising that Bangladesh is the country with the most appeals in the urgent appeal system of the Clean Clothes Campaign (Den Hond et al. 2014). Increasingly, trade unions go directly to the brand for negotiations, if there is a country office CSR staff in place: “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). Getting

WRC goes in. CCC is much more a campaigning organization based in Europe. I think it just depends also on the case like who can bring on to the table, in terms of leverage and political space and possibilities. But when it really comes to bargaining then IndustriALL is the bargaining agent” (interview UNI global).

¹⁶ This is not automatically the case as there are trade unions and workers in other Asian countries who have never heard of e.g. the Clean Clothes Campaign or the Workers Rights Consortium or do not trust outside interference.

support and being able to solve problems does also positively interact and has reinforcing effects on organizational capabilities and societal-cultural power (discussed next).

But there are also critical voices about the tendency to reach out to international allies, pointing towards unintended consequences of international cooperation. Power is not a zero sum game and gaining influence through one venue can have reinforcing effects in other venues. But there is also the potential that cultivating one certain power sources works on the expense of others. There can be 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“ (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 as new accountability relationships have been generated. This is problematic as democratic organizational structures and cooperation with other local trade unions are an important source of legitimacy for trade unions. 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. This is why one cannot simply stop external funding. That would be the end. And just because a trade union leader is traveling around the world it does not necessarily mean that his trade union cannot organize a factory trade union“ (interview FES). 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 this section has highlighted the importance for coalitions and transnational allies for the everyday work of Bangladesh trade unions. Tapping into power sources is key for winning labour disputes and for solving problems at the workplace. And success cases are important to building trade union capacities. Still there are also side effects as through interactions with international partners, trade unionists become more skillful on the international scene, knowing how to present their case internationally. This again can have negative effects on the ability to build organizational capacities e.g. by interacting with workers, factory trade unions and other trade union federations.

Changing cultural-societal power

The anti-union position of management and business 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. Yet their power is not only structural-material in nature, but also strengthened and grounded in the cultural-societal beliefs and perceptions. In contrast to trade unions in advanced capitalist societies, trade unions have a very negative image. In the following I argue that key but underestimated developments since Rana Plaza are slight improvements in the perception and societal acceptance of trade unions. Increasing the legitimacy and improving the climate for trade unions can have very important reinforcing effects on all other power sources via two mechanisms: first by enhancing self-esteem and

therewith the individual capacity of believing in and practicing its own skills, based on the perception of having an important place in society. Second, by reducing resistance from the environment, managers, business elites ect.

Several interviewees confirmed that the rising resistance and violence it not only linked to individual actions but connected to 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 need to manage them better, so that they don’t come with unreasonable demands (Interview Factory owner, organized factory, Dhaka). As the solidarity center explains: “It’s all relational. For the employer this union thing is new. How are they going to react to the union? They been buying or eating the record. 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).

Even trade unionist did refer to the stab-in-the-back myth that trade unions were responsible for the decline of the jute industry, signaling understanding for the fear that this can happening again in the RMG sector. And BGMEA continuous to repeat publicly that factories will be shut down if the Accord continues and trade unions gain strength.

Yet, this strict 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 extend the buyers promote a different perspective. They try to enter this alternative framing in meetings, discussions, and by 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 have a kind of social dialogue, to treat workers as partners. So it still needed to work on the mindset of the employers. So that they see the partnership and value working with the trade unions. So if you look from that angle it is only a beginning. (...) “[trade unions are] facing the lack of security and the lack of trust. We need to rebuild trust. On the whole issue of partnership in very critical. BGMEA is also very openly asking. Many of our members are first time entrepreneurs, they don’t know nothing about labor law, they don’t know anything about trade unions, and they have a typical mindset about trade unions. (...). “Employers need to change their mindset that it is not a negative thing but that it is good for the industry. A continuous process of change has to begin. A problem is, that there a not many good examples. Few examples where employers and workers sit and talk. The whole situation has opened up opportunities and in this time we have to continue to keep the momentum and take advantage of the momentum and provide opportunities for the workers” (interview, ILO country director, Dhaka).

The Accord is also very important in that process as it creates visibility to trade unions and gives them opportunity to participate on public discourse. Yet at the same time the Accord itself is criticized and perceived as outside interference by economic actors. The Accord itself, but also others such as the ILO, industryAll and international donors continue to

explain the benefits of having safe and certified factories, which could then attract increasing investment, for the RMG sector and the country as a whole. It remains to be seen if and how the public fanning battle over interpretations contributes to building societal-cultural strength of trade unions in Bangladesh.

Conclusion:

The paper has analyzed the emerging power sources for trade unions in Bangladesh since 2013. It finds that the process of institutional layering has created opportunities for competence building of Bangladesh trade unions, who are increasing co-constructing, strengthening and enacting three emerging power sources: organizational-associational capacities, institutional power, and social-cultural power. It shows that (a) the construction of power sources are interrelated processes that have reinforcing effects (b) forging coalitions and gaining support from outside international trade unions and labour rights organizations is crucial and (c) points out unintended consequences and new forms of resistance blocking or hindering emerging power practices of labour in Bangladesh.

The Accord plays a direct and indirect role in all these processes. When it ends, a very important source of institutional strength will disappear. This is why it is important for the trade union movement building in Bangladesh that in particular organizational associational capacities are enhanced and domestic structures and institutions for participation and social dialogue are being constructed and stabilized. This however is difficult. The emerging power of trade unions has produced strong counter forces which continue to keep the influence of trade unions in check ...[continued later...]

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