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Citation for final published version:

Bennett, Safak Tartanoglu, Hammer, Nikolaus and Jenkins, Jean 2021. Rights without remedy: the disconnection of labour across multiple scales and domains. *Work in the Global Economy* 1 (1-2) , pp. 75-93. 10.1332/273241721X16286068772666

Publishers page: <https://doi.org/10.1332/273241721X16286068772666>

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# **Rights without remedy: the disconnection of labour across multiple scales and domains**

Safak Tartanoglu Bennett, Nikolaus Hammer, Jean Jenkins

## **Abstract**

This article examines the disconnection between promises of labour rights made at the international level and their *inaccessibility* to workers at the local level. Going beyond the concept of a global ‘governance gap’, it draws on a political economy perspective and focuses on the intersecting and competing roles of different forms of capital and the state, in curtailing workers’ paths to remedy in the global apparel (garment) value chain. A longitudinal case study of a campaign by Turkish garment workers, seeking remedy for lost earnings and severance payments due factory closure and wage theft, is the focus for analysis. The workplace is conceptualised as a key ‘arena of disarticulation’ in the apparel value chain, central in simultaneously embedding and dis-embedding commitments by brands, the state, and employers, such that even wages for work done may be denied to workers with relative impunity. The article considers to what extent promises made in abstraction at the international level can hope to guarantee conditions at workplace level.

## **Introduction**

The global apparel value chain is notorious for its violations of international standards on employment and human rights, particularly for the obstruction of freedom of association and collective bargaining. Solidarity, arguably the foundation for the assertion of rights-based claims by workers, is hard won in an industry that traditionally employs socio-economically disadvantaged groups across a range of production relations, from wage employment in large factories to informal piece-rate and homework (Hale and Wills, 2005). Irrespective of place, workplace labour violations are endemic to the sector (for example, Anner, 2015a; Jenkins, 2020; Hammer and Plugor, 2019; Mezzadri, 2017; Tartanoglu, 2018). ‘Weak’ states and ‘areas of limited statehood’ (Bartley, 2018a: 39) have been implicated in the creation of a transnational ‘governance gap’ that allows such conditions to persist. In this context, since the 1990s, there has been ‘explosive growth’ in international, brand-driven private regulation and social auditing along global value chains, with the intention of minimising the reputational risk of international brands by confirming their suppliers are ‘socially compliant’ with their own codes and international labour standards, such as those defined by the International Labour Organisation (ILO) (Kuruvilla, 2021:3; see also, Esbenshade, 2004; Locke, 2013). Despite their ubiquity, such social

auditing processes have been widely discredited (Bartley, 2018a: 64; Kuruvilla, 2021: 7-15, 154-156; Locke et al, 2013). There is, evidently, a 'disarticulation' or 'disconnection' between the promises that are made at the international level and their capacity to influence behaviours at the workplace. This begs the question, perhaps not so much why brands commit to particular labour rights initiatives as opposed to others, but rather how and why it is that they are generally unable to *guarantee* workplace compliance through *any* of their labour-focused commitments.

In addressing this question, this article adopts a political economy perspective. It analyses the 'dis/articulation of causal powers' (Thompson and Vincent, 2010: 60) in the value chain, in explaining the gap between brands' commitments and workers' concrete experiences of their working environment. Here, at the workplace, is the arena where capital meets labour, where the forces of accumulation, control and resistance intersect, and the point at which the disarticulation, or 'disconnection' between abstract promises and labour's concrete experiences are made manifest. The article therefore focuses on one such workplace to explore the dynamics of disconnection: it examines the case of Bravo Tekstil (Bravo), a Turkish tier 1 supplier to the Zara brand – and the Bravo workers' campaign against the theft of their wages and severance payments in the wake of a sudden factory closure. Such closures and wage theft are a common feature of employer behaviour in the apparel chain – a trend that has only intensified during the Covid pandemic (see, for example, WRC 2021). The Bravo workers' pursuit of remedy was undertaken at national and international level, through formal union as well as activist campaigning tactics. In this respect, the case stands for many others around the world and, more importantly, constitutes a prime example of an 'arena of disarticulation' in the apparel value chain.

In the analysis of the issues involved in the Bravo case, we focus particularly on two dimensions that have been somewhat marginalised in favour of concentration on lead-firm-driven social responsibility: the first dimension is the role of different forms of capital and competing interests in the value chain; the second is the role of the state. Both dimensions touch on the circuits of capital perspective originating in the broad implications of financialization for firm strategy and managerial behaviours (see Froud et al, 2006) – a perspective that has been applied in labour process analysis (Thompson 2003, 2013; Thompson and Vincent, 2010) and also in value chain analysis (Pickles et al 2016). Core contradictions are revealed in the way different forms of capital and the state function as potential transmission mechanisms for labour rights.

The article is divided into five sections. In the following section we briefly discuss how and why promises are broken, analysing the construction of governance gaps in the apparel value chain, along with crucial parameters in its political economy, namely circuits of capital and local labour regimes.

Section two outlines and justifies our research methods while the third section analyses the local labour regime in Turkey. The fourth section explores how the Bravo workers' campaign took shape and sought remedy through the brand. Finally, the last section concludes on the implications for workers' rights and conditions of the interaction of private governance, the state, and the political economy of capital circuits in the value chain.

## **Promises: how and why they are broken**

The concept of a transnational 'governance gap' has garnered much attention. While 'governance' may be broadly defined as the rules and institutions that regulate the behaviour of economic actors, such regulation is fragmented along political and scalar lines in global value chains. Thus, governance is dispersed across 'regions with vastly different incomes, labor practices, and consumption patterns ... [that imply] ... contentious social concerns' (Levy, 2008: 944). Nowhere is this more apparent than the largely feminised global apparel value chain, with its deserved reputation for being a complex, opaque, highly exploitative 'sweatshop' regime (Mezzadri, 2017; see also Rosen, 2002; Smith et al, 2018).

A plethora of private regulation relies on the ILO's (1998) core labour standards and the UN Guiding Principles (UNGP) on Business and Human Rights<sup>1</sup> (United Nations Office of the High Commissioner, 2011), as points of reference. Thus, such standards are incorporated into a range of corporate initiatives, such as Global Framework Agreements (GFAs) and voluntary codes of corporate social responsibility (CSR), which claim to plug the governance gap and ensure social compliance across borders (Bartley, 2018a; Kuruvilla, 2021). Highlighting the political-economic dimension, tensions arise almost immediately in practice and application, for it is left to the range of actors in the international value chain – who have competing interests and variable power relations – to exercise their own choice in signing up to specific commitments, defining their scope in terms of geography and reach, and implementing processes of monitoring, enforcement and remediation for behaviours in which they themselves may be implicated. It may not be surprising, then, that a key area of neglect within such initiatives is meaningful worker empowerment by means of freedom of association and collective bargaining (Kuruvilla, 2021: 154; Bartley, 2018a: 64). In this section we therefore explore first, how governance gaps are constructed, second, how circuits of capital contribute to undermining the promises made in various forms of regulation, and third, the significance of the local labour regime.

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<sup>1</sup> Also known as the Ruggie Principles

### Labour rights and remedy - how governance gaps are made

Any rules on labour standards, be they public or private in origin, exist *in a place*, or ‘territory’ where power influences their construction, interpretation and implementation (Bartley, 2018a: 4, see also Bartley, 2011). The nested, scalar and structural inequalities of networks of global production (see Newsome et al, 2015; Smith et al, 2018) are influential for the enforcement of private and public standards alike. In the context of uneven development, Bartley (2018a: 38) argues cogently that a so-called governance gap is more likely to be the outcome of the deliberate creation of ‘*empty spaces at the point of implementation*’ rather than an absence of regulation *per se* (emphasis added; see also Smith et al, 2018). In the interest of broader economic growth, the state may intervene to smooth the way for a trade-off between accumulation and labour rights, while neglecting their supposed duty under the Ruggie / UN Guiding Principles to protect their working population from vested interests (see for example, Cerny, 1997; Anner, 2015a; Bair et al, 2020; Barrientos et al, 2019; Mezzadri, 2017; Morris et al, 2021; Smith et al, 2018). A prime example of the deliberate design of governance gaps to incentivise investors would be the creation of Export Processing Zones (EPZs) as spaces of exception, where fiscal incentives, concessions on natural resources and power sit alongside specified exemptions from local labour laws. Here the *absence* of statutory regulation is incentivised but also exposed, while outside EPZs, a state may just as easily accomplish similar aims by adopting a default position of weak governance in order to remove constraints on capital. Such conditions are especially likely where the state is simultaneously pursuing policies of market liberalisation (Smith et al, 2018; Bartley, 2018a: 39, 60).

Into the governance gap comes the private international instrument – for example, a voluntary code of ‘sustainability’ or best practice or a negotiated framework agreement, a GFA – which might appear to offer an operational solution to the connectivity problem in labour process theory (Thompson 2013; 2003) by situating the workplace in the wider context of the value chain and targeting core labour rights. In a similar vein, claims are made for the potentially beneficial influence of multi-stakeholder initiatives, auditing protocols and trade instruments. Yet, all such solutions have in common the tendency to privilege the *cascading* of objectives and commitments; in this they fail to take full account of the structure and power relations of the value chain and its entanglement with the state. It follows that, as Smith et al (2018: 550) note in their analysis of EU trade policy in the Moldovan clothing sector, when international commitments are ‘articulated with national state policy formulations seeking to liberalize labor markets and deregulate labor standards, the limits of what can be achieved via labor provisions are reached’. Thus, in local application, where social compliance is ‘easily trumped by other business priorities’ (Bartley, 2018a: 64, 67; Kuruvilla, 2021: 7-15; Locke et al, 2013), governance gaps gape wide.

### *Circuits of capital – interests in keeping or breaking promises*

The significance of the conflicting interests of *different forms of capital* in specific relations of production, value chain functions and interactions with the state, remain under-theorised. The latter concerns are crucial for the analysis of labour's capacity to press their interests, as they are central to the space allowed for workers to engage in collective organisation, to form networks and challenge power relations in the social and political context in which they are embedded (Fütterer and Lopez Ayala, 2018: 10). Kuruvilla (2021: 155) notes the historic development of a consensus that 'worker agency is essential to achieving good labor standards in supply chains'. Yet, in the apparel sector, the same international brands who commit to freedom of association, or even the attenuated, ill-defined concept of 'employee voice' in their voluntary codes, simultaneously utilise trading intermediaries and subject their suppliers to 'predatory purchasing practices' (Anner, 2019) in their quest for surplus value. In turn, suppliers seek flexibility and surplus value by maximising the exploitation of their local labour force through various means, including further sub-contracting and the use of yet more intermediaries. It is therefore essential to take account of the network of sub-contractor chains and intermediary relationships that lie hidden behind tier 1 suppliers (Davies et al, 2011: 124-125; see also Mezzadri, 2017), but also, and more importantly, to challenge the assumption that there are sufficiently coherent interests in *implementing* either public or private standards along the chain.

The interests of the lead firm (brand), of commercial capital (trading intermediary) and productive capital (the tier 1 supplier and below), do not necessarily coincide when it comes to organising vertical or horizontal relations of cooperation and competition, nor can they be contractually enforced. Mezzadri (2017: 137), for example, has shown that intermediaries may extend their influence over production and the labour process, incorporating both formal and informal production and wider networks, precisely in order to retain power as intermediaries. Equally, Pickles et al. (2016) emphasise the multifaceted relations of competition firms encounter as they form, simultaneously, part of a horizontal capital circuit as well as a vertical one (that connects the entire value chain). As Levy (2008: 947) noted in respect of the coffee value chain, there are 'multiple actors in contested issue arenas ... [and] ... various intermediaries ... including buyers, exporters, and credit providers, [who] take a significant slice of the value chain'. Thus, as they manoeuvre their own relations of cooperation and competition, intermediaries and other sub-contractors in monopsonistic buyer-driven chains have little to gain by improving the terms and conditions of employment for workers, as additional costs may well consume the marginal gains they seek to capture.

In a further twist, in the event of labour violations being exposed at the site of production, as was the case at Bravo, it is likely that the international brand may be appealed to as the ultimate source of

remedy. Thus the lead firm plays multiple roles at odds with the norms of natural justice, often acting as arbiter on abuses perpetrated by their own intermediaries or suppliers, in whose actions they may be implicated (for example, Anner, 2015a, 2019; Bartley 2018b: 158). While accepting there are exceptions where the brokerage role of international buyers may lead to compromise that favours labour's interests (for a positive example, see Gansemans et al, 2021), it remains the case that for the majority of cases the reputational investment of the lead brand may *rely* on plausible deniability of onward subcontracting or intermediary roles. Thus, the circuit of capital makes assignment of accountability a slippery task, while promises on labour rights made by international brands do not 'trickle down' precisely because it is not in the interest of the various supply chain actors that they should.

#### Local labour control regimes – where promises are experienced and undermined

The aforementioned conditions come to rest in the local labour control regime, where the labour process of the workplace and domestic norms meet the multi-scalar structure of the international value chain. Anner (2015b: 292) constructed three (fluid) categories of 'state control, market despotism, and employer repression' as heuristic devices to illuminate the different labour control strategies targeted at inhibiting, preventing and repressing worker resistance of exploitation in such contexts. These categories (Anner, 2015b: 292-293) encompass state sponsored legal impediments to organisation, workers' fear of job loss in a competitive market and overt employer hostility to trade unionism, though Anner is quick to emphasise that such idealised models of control are not mutually exclusive. In the case of Bravo and more generally in Turkey, as in other production sites around the globe, it is plain to see all three 'ideal-types' of control regimes in operation.

When local conditions are so hostile, alliances between labour and civil society at the international level are necessary to leverage private and public regulation, yet the structure and fragmentation of the value chain and local state-capital coalitions tend to successfully side-line such efforts. All too often, mobilisation and organisation occur only when harm has already been done. Thus, while it is remarkable that organising takes place at all, it is the political economy of the garment value chain that shapes the *form and function* of mobilisations as *sporadic appeals for remedy* (rather than to institutionalise representation and bargaining rights). Here we see the 'entanglement' of the production environment with charged social and political issues (Levy, 2008: 943) and while remedy is important for affected workers, post-hoc redress does little to change power relations in the value chain or connect international promises to practices which might act to *prevent* workplace violations in the first place.

Using the campaign of the Bravo workers, we trace the interplay of ‘multiple actors in contested issue arenas’ (Levy, 2008: 947) through our case. We go ‘through the looking glass’ into a world where a lead firm which had committed itself to principles of good practice in employment and signed a GFA that championed freedom of association as a core value, located its production in Turkey, where the political regime openly represses trade unionism. Furthermore, it externalised production along a network of commercial relationships that *by design* obfuscate direct corporate accountability and liability.

The following section explains the methods employed in this research.

## **Methodology**

The research strategy is based on a qualitative longitudinal case study of a campaign by Bravo factory workers to seek redress for wage theft and other violations. In July 2016 the owner of Bravo Tekstil, which supplied the Inditex/Zara brand (as its main customer), along with Mango and Next, closed the factory overnight and absconded with the company funds. The subsequent campaign by workers to secure their unpaid wages and severance payments was remarkable in Turkey, where any form of collective mobilisation carries risks. In April 2018 they eventually secured *partial* redress in the form of a payment from the brands, having been able to marshal the support of international allies and use the terms of the Inditex Global Framework Agreement with IndustriALL, the global union, along with taking direct action to engage consumers.

Such collective action is remarkable in Turkey. Therefore, in early 2018, the present article’s lead author approached its lead union organiser and two experienced civil society representatives with the objective of understanding the implications of the Bravo campaign for resistance and labour rights in the Turkish garment sector.<sup>2</sup> The first of the civil society representatives was a campaign leader and part of the local platform of the Clean Clothes Campaign (CCC), while the second was a senior project worker for a prominent international labour standards organisation. Research relationships with these three key respondents had been established for more than a year, when the civil society organiser facilitated further access to five former Bravo workers who had been involved in the campaign. Of these interviewees, four were male and blue-collar and one was female white-collar worker, reflecting the male dominated aspect of the Turkish garment sector more generally. Interviews were initially conducted in person but moved online after March 2020, in compliance with Covid-19 restrictions. Contact was maintained with interviewees up to August 2020 in order to gain access to workers and

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<sup>2</sup> The union organiser is male. Of the two civil society representatives, the CCC organiser is male and the project worker is female.



monitor ongoing developments in the aftermath of the campaign. In-depth semi-structured interviews were conducted in Turkish and followed up repeatedly with key respondents throughout this period. Individual interviews lasted between 1-3 hours, all were audio recorded, transcribed, and then fully translated into English.

The initial research question centred on how solidarity was established in an overtly hostile environment for trade unionism and civil dissent. However, this question was reframed as the research revealed the complex intersections of local and international dimensions of the value chain and the ebb and flow of formality and informality in production became clearer. Issues of workplace governance and international promises embodied in the GFA stood in stark contrast to the political and economic context of Turkey's local labour regime. Even the most basic undertakings of the GFA such as 'wages will be paid', and rights to freedom of association would be 'respected', could not be guaranteed on the ground. These questions became central to understanding the drawn out nature of the campaign and workers' persisting fears of being identified as trade unionists. The contradictions between workers' concrete experiences and their 'rights' highlighted the workplace regime as an arena of disarticulation in the value chain and the overarching research question became: 'how and why is it that international promises cannot be guaranteed to be implemented at workplace level?'

The small number of interviewees is acknowledged as a limitation in the research but is mitigated to some degree by the duration of engagement with research participants, the depth and detail of the interviews, and reference to documentary evidence about the campaign. Secondary data in the form of published industry reports, EU policy documentation and data sourced from the Urgent Appeal Database (UA Database) of the CCC International Office (IO) in Amsterdam, were used to build a clear picture of the garment industry in Turkey. While strenuous efforts were made to connect with more respondents, there were insurmountable difficulties in locating former Bravo workers in any numbers. This was in part because they had moved into new workplaces in the informal economy and were now 'hidden' in unregistered clothing workshops, but it was also because they had a future to lose. As civil society representatives explained, workers were wary of openly avowing a 'union identity' and connection to the Bravo campaign for fear of losing their new employment.

The garment workplace is generally an unsafe place to organise or express dissent and (if not employer-sponsored) the research process can pose risks for the researcher and respondents alike (see, for example, Jenkins and Blyton, 2017). In Turkey, such difficulties are exacerbated by the informal nature of the sector, an authoritarian political climate and cultural-religious attitudes towards trade unionism and different ethnic groups in society that increase activists' and workers' anxieties and reservations about speaking out. The senior civil society project worker explained

“[t]here's something like a ‘blacklist’ in the industry, a policy that companies and employers are using against activists and unionised workers.” In this environment, any identification with a union would impede any chance of gaining new employment and the union representative explained that “when they go to another workplace they don’t want to be known as a union member”. Indeed, in a revealing comment he said that he could not press workers formally to join the union because “once they become union members, they may be sacked”. The picture of a transient, informalised, low paid labour market emerges that presents enormous hurdles for organising and proved equally challenging in gaining access to respondents for research as they did not want to be identified with the Bravo Campaign.

Accordingly, while all respondents eventually gave informed consent to be interviewed, the process required dedication to the building of trust relations throughout the fieldwork, making the longitudinal approach essential. Access would not have been possible at all had it not been for the involvement of the civil society campaign leader. These efforts were rewarded by access to five members of the core activist group in the campaign. Each had direct relations with the union and the local platform of the CCC and their testimony illuminates workers’ and activists’ pursuit of remedy in the contemporary apparel value chain. As a single case with a small number of respondents we make no claims to generalisation, but conditions described at Bravo are prevalent throughout the international garment sector and the analysis contributes to our empirical and theoretical understanding of a local arena of contention in its value chain context.

The following section explains the patterns of labour relations in Turkey and the Bravo business, as a context for insights derived from the workers’ campaign.

## **Disarticulation in the Value Chain – Labour Relations in Turkey, the Bravo Business and the Bravo Campaign**

### *Labour relations in Turkey*

The Bravo case emphasises how governance and access to remedy can appear, on paper, to reach seamlessly from national regulation and supportive court decisions to a value-chain-encompassing GFA but may in practice be overridden by prevailing political and economic dynamics. Since the military coup of the 1980s, and with renewed focus since the early 2000s, antidemocratic change in Turkey has had a detrimental effect on labour markets, employment relations and opportunities for collective resistance. State hostility has disabled traditional employment relations actors and undermined labour’s possibilities for democratic expression (Özkiziltan, 2019; ILO, 2015). Simply put,

restrictive laws, enacted after the 1980 coup, created a 'structure [through which ...] the state [has tried] to prevent unionism' (Nichols and Suğur 2004: 153) and unions have been unable to resist deunionization (Yıldırım and Uçkan, 2009).

Today, collective agreement coverage and union density in Turkey<sup>3</sup> is low, due in no small part to the complexity of what is termed the collective agreement competency system (Çelik, 2015). This system determines the process of union recognition and authorisation of collective agreements (Özveri, 2013): according to the Law on Trade Unions and Collective Labour Agreements (2012), a union must represent at least three percent of the workers engaged in a given sector and more than half the workers employed in a workplace to be authorised as a signatory of a collective agreement. This threshold is extremely difficult to meet (Çelik, 2015), even more so as Turkish employers exploit 'loopholes in the legislative frameworks' to pursue union avoidance strategies, assisted by 'economic and political structures that enable them to pursue anti-union policies' (Yıldırım and Uçkan, 2009: 2). In this context, informality and fragmentation of the labour force, inter-union rivalry (Yıldırım and Uçkan, 2009), a lack of internal democracy and engagement with the wider international labour movement (Yorgun, 2007: 55-56) have inhibited the Turkish trade union movement's capacity to build solidarity (Özkızıltan, 2019: 12). Such fragmentation, informality and 'flexibility' characterises the garment sector, and in common with other service and industrial sectors (see Yücesan-Özdemir, 2012:36) organising capacity is further undermined by the high rates of labour turnover, the threat of unemployment and a general increase in precarious, informal and 'flexible' jobs.

The challenges for collective organisation have only increased since the current AKP government took power in 2002, with the industrial relations climate now being described as one of 'unfreedom of association' (Gülmez, 2013; Özkızıltan, 2019, emphasis added). Socio-culturally, an Islamic-conservative influence is strongly felt in industrial relations; it is used politically to diminish the power of an independent and oppositional labour movement and feed workers' fears about mobilisation and collective organisation (Özkızıltan, 2019: 11). In this environment, employers feel empowered to make open threats of dismissal for trade union membership, and fear of unemployment has a dampening effect on workers' perceptions of their own agency (Birelma, 2014). They are aware that even if a union member succeeds in securing judicial remedy for dismissal, Turkish employers are far more

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<sup>3</sup> The numbers on union density and trade union membership in Turkey are contradictory. As Turkish official statistics does not include informal workers, the unionisation rates appear higher in percentage terms than they are in reality. Official statistics show a unionisation rate of 13.66% and 7.8% collective bargaining coverage for all workers (July 2020) ([ACSHB 2020](#)). Yet OECD statistics show that union density in Turkey fell from 17.4% in 2002 -the year the AKP government came to power- to 9.2% in 2018; collective bargaining coverage declined from 11.9 % in 2002 to 7% in 2017 ([OECD n.d.](#)).

likely to pay compensation instead of offering reinstatement (Yıldırım and Uçkan, 2009). Once lost, new employment for a unionised worker may be harder to come by as ‘blacklists’ are in operation.

This is the industrial relations context for outsourced garment production in Turkey, where there has been a considerable increase in garment exports over the past two decades (Neidik and Gereffi, 2006). Key factors in the Turkish industry’s competitiveness, are said to be found in its extensive subcontracting networks (Tokatli 2013), the ‘flexibility’ of its labour market and its ability to accommodate shorter production cycles (CCC Turkey, 2019). This implies that Turkey can turn production around quickly at minimal cost, and it is therefore not surprising that informality is embedded within the formal economy of the value chain (see Tartanoglu, 2018) – a factor that serves only to compound the Turkish garment worker’s lack of associational and structural power. The Turkish labour movement has, thus far, largely failed to meet these undoubtedly powerful challenges in a setting where civil society is constrained (see for example, EU, 2020). As Anner (2015b: 292) notes, global brands’, buyers’, suppliers’ and other intermediaries’ motivations are much broader than simply keeping labour costs low – their imperative is to minimise the ‘likelihood of supply chain disruption caused by worker organization and mobilization’. Thus, Turkey’s success as garment exporter is based on the interplay – the ‘entanglement’ (Levy, 2008: 943) – of powerful social and political issues, where the state, the market and employers together play their part in the suppression of rights to organise. Turkish garment workers are thus shut out of a collective voice in workplace governance. We move next to look at how this context played out in the Bravo case.

### *The Bravo Business*

Bravo was founded in 2011 in Istanbul as a tier 1 supplier for global brands including Zara (part of the Inditex group), Mango and Next. Inditex/Zara took around 75% of the firm’s output (CCC, 2017) and this proved important to the Bravo campaign, as Inditex is a signatory to a GFA with IndustriALL global union. The company’s structure is a prime example of fragmented employment systems that Thompson (2013: 481-2) notes more generally as part of a move from a ‘single employer model to complex inter-organizational arrangements’, associated with the pursuit of cost savings and the offloading of risk from capital to labour.

The Bravo Tekstil enterprise was originally established as two separate companies. The first, Bravo Ready-to-Wear Industry Domestic and Foreign Trade Limited Company was the manufacturer that came to be known locally as ‘Bravo’. Bravo was responsible for receiving orders from the brands, designing model garments and creating samples. Once approved by the relevant brand, Bravo either put its designs into production at the Bravo factory or divested production to a network of its own sub-contractors. Labour organisers on the ground explained that, in practice, Bravo acted more as a

'top sub-contractor' than a lead manufacturer, but the suppliers sub-contracting to Bravo could not be identified. In practice, then, Bravo's production was dispersed to a complex web of commercial entities, most of whom were hidden from sight. The second company, the BRV Group Textile Industry Foreign Trade Limited Company (BRV), was effectively an in-house intermediary organisation that dealt with the trading functions, dispatching finished products under Bravo's name, managing its consignments, and dealing with all bureaucracy and trading requirements. Thus, it was BRV that delivered the finished goods to the brands. While Bravo and BRV were legally constituted as two separate companies, they were generally understood locally as the same organisation, even having the same company address.

The registered number of workers at Bravo when it closed was 112, but the total number of its workers affected by the closure was in fact 140, as some had been 'laid off' in the weeks before closure and had not been paid their outstanding wages.<sup>4</sup> Some of the Bravo workers were owed as much as three months of back wages (CCC, 2017). Around 77 (or 60.8% of Bravo's registered workers) were categorised by the employer and brands as 'blue collar' shop floor workers. The remainder of the Bravo workforce was classed as 'white collar' workers, comprising some supervisors, some managers, and workers in pre-production functions and support roles such as the sourcing of accessories and yarns, and production of samples. In contrast with the garment workforce globally, which is feminised at a ratio of 80:20 overall, the Bravo workforce was male dominated, in a 75: 25 male to female ratio. This was in line with industry norms in Turkey. Workers were drawn from a mix of Turkish and Kurdish ethnic groups. Anecdotally, Kurdish workers were generally less likely to be in 'top' jobs, though a detailed breakdown was not available. While the Bravo Campaign was run by the 140 workers employed at Bravo, it is likely that many more workers in the supply chain were affected, but because the factory's sub-contracted suppliers could not be identified, there was no way of determining the *exact* extent of harm done by the factory closure.

#### *Promises, Rights and Remedy - The Bravo Campaign*

The closure of their factory left workers without work and without wages or severance payments, and the struggle for remedy began immediately. The workers were represented by two distinct arms of civil society, the workplace union and the Turkish platform of the Clean Clothes Campaign (CCC), with different strategies coming to the fore at different phases of the campaign. The trajectory of the campaign defies neat explanation but as a heuristic device we explain it in three stages: the first phase focused on the articulation of grievances and formation of a group of activists, the second, involved

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<sup>4</sup> Late payment of wages is a feature of the garment supply chain more broadly, where such employer tactics are fairly widespread.

the formalisation of the union position and use of judiciary channels, and the third phase involved a more activist consumer-facing campaign.

Articulating their grievance and desired remedy was not entirely straightforward for all workers. As noted, the prevailing climate in Turkey promotes attitudes towards the duties of workers (in religious, cultural and ethnic terms) that aims to proscribe workers' understanding of what they might rightfully demand and expect of their employers. Organisers in the Bravo case emphasised they had to counteract some workers surrendering to fatalistic resignation in response to their situation. They were not only unsure of their ability of mobilisation to address wrongs, but also questioned its appropriateness as a response to the employer's actions. For example, the union representative explained that initially some of the Bravo workers had rationalised the employer's theft of their wages and settlements as being their 'fate', seeing mobilisation as a hopeless pathway that could be risky and was unlikely to succeed. The lead civil society organiser in the campaign supported this evaluation, saying that even though many workers were very angry,

"... some [of them] were empathizing with the boss. 'We were eating bread from there' [they said] ... and [they resigned themselves to the view that] 'nothing can be done' ... [about our situation and the wage theft] ... it was almost a religious acceptance or acquiescence"

Clearly, many workers were unfamiliar with labour institutions and did not perfectly understand their rights. One explained that workers thought things like,

"I can't defend my rights on my own. Someone will [need to] speak for me ... I need to *know* my rights first".

Another worker confirmed that employers "assume [the] worker doesn't know the regulation" but even if they do, another respondent explained that asserting one's rights is not without risk, as "everyone's afraid of unemployment, afraid of not getting a job". The organisers explained that workers were already dispersing as their immediate concern was to secure alternative income, rather than to campaign for remedy. This was particularly the case for those in lower paid blue-collar jobs. The lead union organiser explained that workers' main focus had been on

"... trying to find a new job as they were struggling to make a living ... [also, they didn't necessarily believe that] the campaign process would achieve any result ...".

Organisers therefore had to dedicate great efforts to holding people together at the outset of the campaign. The embedded informality of the Turkish industry (see Tartanoglu, 2018) meant that had they truly 'disappeared' into new employment developing a concerted campaigning group might have been out of reach. A senior project worker in civil society explained,

“[In Turkey] Textile itself is a fragmented sector ... It's an industry with a lot of subcontractors. It has a multi-layered structure ... [it is] very fragile, it's fluid ... there are a lot of small-scale firms”

The union organiser said that considerable numbers of workers were “receiving payments by hand [that is, in cash] in workplaces ... unregistered”. This was confirmed by a former Bravo worker, who explained,

“... where I work right now, there's exploitation ... no unions, of course ... domestic market, though ... it's off the record, informal ... my employer is avoiding taxes.

Compounding these impediments to formulating a campaign and generating organisation, activists had to overcome the problem that only 15 people among the registered workforce of 112 were formal union members at the point of Bravo's closure. Therefore, the small union at Bravo could not speak formally for its members as it was not registered under the onerous Turkish regulations on 'competency' for collective bargaining. However, shortly after the Bravo closure it merged with one of the largest textile unions in Turkey and thereby became an affiliate of the Global Union Federation, IndustriALL. This meant that at a single stroke the union not only acquired formal bargaining status but also coverage by the GFA between IndustriALL and Inditex (initially signed in 2007 with the ITGLWF).

The union now supported all workers (whether or not in membership) in taking their case to the Turkish courts. A judgement was obtained ordering the employer to pay all workers back wages, plus severance and all entitlements owed. However, this was something of a pyrrhic victory, as Bravo's owner had disappeared, and workers were unable to pursue him for the money. Campaign leaders then turned to the terms of the GFA, which affirmed the brand's ultimate responsibility for ensuring that 'wages will be paid', provided a forum for negotiation with the union, and committed to the 'effective application' of International Labour Standards, including rights to freedom of association and collective bargaining (GFA Inditex-IndustriALL). The fact that the brands had already paid the notional 'employer' for the production undertaken complicated matters, but eventually the brands proposed setting up a 'hardship fund' to make good the workers' losses. However, they insisted that it should be shared among 70 blue-collar workers only, whereas the Bravo workers' demand was for redress for *all* workers affected (CCC, 2018). Negotiations dragged on because, in a remarkable expression of solidarity, the blue-collar workers held out, refusing the compensation calculated on the entitlements of 70 of their number insisting that all 140 employees should be paid what they were owed. The resulting stalemate meant that more than a year after closure all workers remained unpaid.

A core of workers remained engaged in the campaign and, in what can be seen as its third phase, developed a more activist initiative: in November 2017, frustrated at the lack of progress, a group of former Bravo workers walked into Zara stores in Istanbul and, with the support of the CCC representative, attached tags to the garments for sale. The tags were addressed to consumers and read, “*I made this item you are going to buy, but I didn’t get paid for it.*” The workers also used an online social media platform to reach international consumers and announced their action to the world. It would be fair to say that there was some tension between these social movement tactics of direct action and established union methods of negotiation at the level of the GFA. Yet the ‘tagging’ action had a marked impact on public consciousness when it was taken up by the media, and sparked an immediate response by Inditex, who put out the following statement on the 4<sup>th</sup> November 2017:

“Inditex has *met all of its contractual obligations to Bravo Tekstil* and is currently working on a proposal with the local IndustriALL affiliate, Mango and Next to establish a *hardship fund* for the workers affected by the fraudulent disappearance of the Bravo Factory’s owner. *This hardship fund would cover unpaid wages, notice indemnity, unused vacation and severance payments of workers that were employed at the time of the sudden shutdown of their factory in July 2016. We are committed to finding a swift solution for all of those impacted.*” (quoted in Sadaba et al, 2019: 267, emphases added).

In this statement we see, first and foremost, the brands’ disavowal of responsibility for what has happened – their opening statement makes clear their view that they have fulfilled all their commercial and contractual obligations to their *direct supplier*. They make it clear that the workers’ harm is caused by that fraudulent supplier, not them. Even the terminology of a ‘hardship fund’ refutes any suggestion of employment liability on the brands’ part. There is no reference to ‘compensation’ or any other term that could imply a brand’s direct liability for workers’ terms and conditions. Rather, the brands commit to a grace and favour contribution – there is no legal liability or contractual obligation attached to a hardship fund.

As the Campaign continued, the brands held firm in their refusal to increase their ‘hardship’ contributions, though eventually conceded that the original fund might be shared between all 140 workers. By April 2018, no less than 20 months after the factory closed, financial difficulties and continued unemployment forced workers to accept the brands’ offer. They distributed the money among all affected workers, which meant that everyone received a share of the fund, but not necessarily the full amount they were owed, as it did not meet full severance entitlements for everyone. By any standards this was but a partial victory, but was at least a ‘temporary solidarity’ among workers that the lead union organiser felt had been an important achievement. He suggested



that the existence of the GFA had made many things possible at the international level which would never have been accomplished in isolation domestically,

“ ... the real challenge here was the risk of brands disappearing in the legal labyrinth of a case involving multiple brands at an international level ... The GFA ... created the opportunity to negotiate at both national and international level and seek a solution ... [organising and winning some financial redress] ... ‘was an important step in itself ... an example of success at a global level’.

## **Discussion and conclusion**

### *Promises made in abstract cannot hold*

In the Bravo Campaign we see an example of international promises in local application. It was not a campaign for freedom of association per se, but the ramifications of the denial of rights to organise reveals much about the structure of the Turkish garment sector and the true capacity of ‘promise-making’ in the value chain. Workers did gain some redress, and organisers did see the campaign as a success of sorts. Yet, the case cannot be seen as heralding fundamental change to the way the garment industry in Turkey is configured. Despite evidence that the presence of a union and a collective bargaining agreement (CBA) are likely to enhance social compliance ‘significantly’ (Kuruvilla, 2021p.154), the Turkish state’s restriction of civic space that might allow labour to organise locally to *prevent* harm in employment, is rendered fraught with personal risk for the individual worker, organiser or human rights defender. This has profound implications for our understanding of the interplay between the political nature of market power and the interaction of the local labour regime and state power within the structure of the value chain. This complex interplay of social, political and economic issues at the workplace is an issue for all forms of international rules that appear to be constructed devoid of context and weak in appreciation of the interaction, the entanglement, of the state with different forms of capital in the political economy of the value chain (see Thompson, 2013: 481).

In this vein, the Bravo case is an example that connects the micro and macro politics of production and illuminates the immense barriers facing workers as regards regulatory as well as organisational and economic power within the apparel value chain. The promises made in international mechanisms of private regulation, such as GFAs, appear to be founded on assumptions of regularised employment relationships, employer accountability, transparency in supply relationships and presumptions of a state that allows and upholds principles of civic liberty. Examined through the lens of the local labour

regime in which Bravo operated, the promises of international brand-driven mechanisms such as GFAs (and broader corporate codes of social responsibility) look not only fundamentally naïve and uninformed, but also disingenuous. The case raises broader concerns in three key respects.

First, irrespective of problems arising as private standards have to be implemented through different tiers of suppliers, the majority of whom may not be easily identifiable, the interests of brands and tier 1 suppliers to monitor and police agreements in their supply chains also need to be questioned (see also Merk 2014). While both, brands and tier 1 suppliers are powerful actors, they operate in different competitive realities. Bravo (tier 1), for example, had productive capacities, yet its main function consisted in organising a range of subcontractors further down the chain. It is notable that we hear nothing of the workers labouring in subcontractors to Bravo, who would also have been affected by the closure, whose informal production also fed the brands' formal supply chains, but who had absolutely no avenue for redress and were not even visible. The structural relations of production ensure that neither tier 1 suppliers nor trading intermediaries have anything to gain from improving conditions and raising costs in their subcontractors in 'normal times', and there is clearly little chance of them providing redress when things go wrong.

Second, the (certainly implicit) assumption in private initiatives that the garment value chain is part of or can be incorporated into (formal) regulated producer and labour markets is misguided. The garment value chain is characterised by a variety of business strategies, complex subcontracting arrangements as well as an array of social relations, ranging from wage-labour, to informal outwork, or forms of neo-bondage (Mezzadri, 2017). To focus on top-down regulation without enabling capacity for labour to *shape* working conditions overlooks key insights from the literature on informal employment (Chen, 2005) and neglects the political economy of the garment value chain at its own peril.

Third, a supportive context for private regulation, and therefore the development of industrial relations, could in theory be provided by the state. This assumes the state to act as an arbiter finely balancing the interests of capital and labour, an assumption that was debunked in decades of neoliberal globalisation (Bagnardi et al, 2020, see also Levy, 2008). On the contrary, we see alliances between local capital and the state aiming to create conditions favourable for export-oriented growth, that is, strategies for competitive production enclaves that are based on the suppression of wages and labour rights.

Thus, in the Bravo case, we have an example of a campaign that resorted to a private international mechanism – in this case a GFA – whose commitments are made in an abstract international arena and do not translate into the arena of contention that is the workplace; these two arenas are

incompatible, disconnected, disarticulated. Even in a relatively narrow governance gap, such as that which applied at Bravo, where a negotiated agreement between unions and brands existed, remedy could be made almost unattainable by the power imbalances in the value chain and the local labour regime. On the basis of other similar cases <sup>5</sup> and the way in which a whole range of international commitments to suppliers and garment workers melted into air at the outset of the Covid-19 pandemic (see for example, Anner, 2020), there is justification to believe the Bravo case is in no way isolated or exceptional. Rather, the case is an example of the fundamental disconnections and contradictions in the political economy of the value chain (Thompson, 2003; 2013) that allow, nay promote, the downgrading of workers' conditions and their capacity to organise (see also for example Anner, 2015a; Bartley, 2018a; Hammer and Plugor, 2019; Selwyn, 2017; Smith et al, 2018; Mezzadri, 2017).

While minimum standards might be possible to agree with 'removed' international brands with an eye to their consumer markets and their branding and market strategy, such standards are antagonistic to the competitive realities of liberalising states and the network of multiple actors along the chain and therefore, predictably, *will* fail workers at the point of application. Beyond debates on private actors agreeing minimum standards, however, the Bravo case highlights the entangled role of the state as the guardian of the rules of the game that is being played with workers' lives in the power relations of the value chain. Our only mistake is to misunderstand negative outcomes for workers as aberrations peculiar to a single workplace or location, as opposed to being persistent and systemic features of regimes predicated on exploitation.

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<sup>5</sup> For example, the Jaba Garminnda campaign in Indonesia <https://www.fairlabor.org/report/jaba-garmindo-indonesia>

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