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Transition towards socially sustainable behavior? An analysis of the garment sector

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Working Paper Sustainability and Innovation
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**Transition towards Socially Sustainable
Behavior?**

An Analysis of the Garment Sector

Miriam Bodenheimer

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1 Introduction and Background

From its historical origins to today, the garment industry has always been a stepping stone for further development and industrialization. Especially the "cut-make-trim" (CMT) sector is commonly one of the first areas of export-oriented industry in which countries with low levels of development can enter the international market, because it has low entry requirements with regard to technology, equipment and skill level. Even in the 21st century, the production of clothing continues to rely heavily on low-skilled manual labor. Garment manufacturing is also a highly mobile industry, which can easily move from one country to the next, or "cut and run", when wages and benefits rise too far in a particular country.

Given these basic parameters, the garment industry has long been associated with social sustainability issues (SSIs) such as low wages, long hours, lacking building safety and overall poor working conditions. Moreover, these poor conditions have, both historically and in the present, always affected "others" from the perspective of consumers - be it domestic garment workers too poor to buy the clothing they manufacture or employees in far-away countries who are easily forgotten at the point-of-sale in well-lit European and North American stores. However, through the work of activists, civil society and the media, the garment sector has faced increasing pressure over the past two decades to combat these "sweatshop" conditions.

In the following case study, we will therefore examine whether and to what degree a behavioral transition towards greater social sustainability is taking place in the garment sector. We define behavioral transitions as normatively driven changes in a conglomerate of structures, culture, norms and practices that are a key element of long-term transitions towards greater sustainability.

Our analysis uses the Model of Behavioral Transitions to Sustainability (BTS), a heterodox and heuristic approach that is described in greater detail in the first working paper of this series (Bodenheimer 2016b). The BTS Model, shown in Figure 1, expands the operationalizability of the Multi-Level Perspective (MLP) (Geels, Schot 2010) by combining it with the Cyclical Dialectic Issue Lifecycle (C-DILC) model (Penna, Geels 2015; Geels, Penna 2015) and incorporating two behavioral models, the stage model of self-regulated behavior change (SSBC) (Bamberg 2013) and the corporate comprehensive action determination model (C-CADM) (Lülfes, Hahn 2014). The C-DILC model describes the development of public attention and concern to a specific trigger event or issue and

how this in turn affects the actions of corporate and governmental actors. The two behavioral models are used to gain insight into the processes that take place during a behavioral transition to sustainability and, of particular importance, the points where it is likely to fail or succeed.

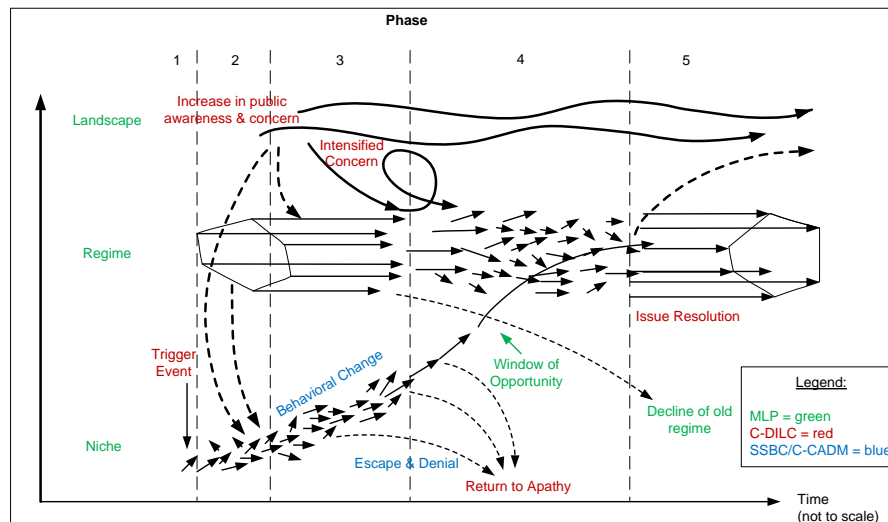


Figure 1: Model of Behavioral Transitions to Sustainability (Bodenheimer 2016a)

In practice, the BTS model consists of a mixed-methods approach that includes both quantitative and qualitative empirical indicators. For the quantitative analysis, we examine media coverage of SSIs with a focus on the garment sector to create a general overview of the issue lifecycle. This data is then supplemented with a qualitative systematic process analysis of historical events (Hall 2006), which allows us to uncover causal relationships and examine interactions between various stakeholders in greater detail.

The two behavioral models are used as the foundation for expert interviews, which build upon the insights gained from the historical analyses to examine the current status of the transition in each sector from the perspective of relevant stakeholders. Using the theoretical underpinnings, we were able to identify key drivers and obstacles for a behavioral transition to greater social sustainability in each industry. The combination of all of these individual pieces allowed us to assess the current status of the transition in each sector from the perspective of the MLP and its transition pathways.

This paper is organized as follows: Chapter 2 gives a brief introduction to global production networks in the garment industry. Chapter 3 outlines our methodology and data sources. Chapters 4 through 6 present our empirical results, which

are summed up from the perspective of the MLP in Chapter 7. Chapter 8 concludes.

2 Methodology and Data Sources

This is the second case study in the project. Since the methodology and data sources used are largely the same for both case studies, a detailed description can be found in the first case study on smartphones. In this chapter we will briefly describe only those aspects that differ between the two case studies.

2.1 Quantitative Data

Media coverage

Unlike the smartphone sector, the garment sector consists of a large number of different brands, so that a media coverage analysis of all brands would have gone beyond the scope of this study. Instead, we selected a group of 28 brands to include in the analysis that cover a broad mixture of regime and niche actors, market segments in the German retail garment sector, level of social sustainability engagement in their global value chain as well as popularity and familiarity among German consumers (Table 1). In addition, while the focus of our case study is more strongly on the European market, and especially Germany, the American anti-sweatshop movement played a vital role in defining issues and achieving early victories, as will be described in Chapter 4.1. We therefore also included 6 US brands that played a particularly significant role with regard to the US anti-sweatshop movement.

Since social sustainability is the central focus of our work, we used the Clean Clothes Campaign (CCC)'s survey-based assessment of brands' engagement on the issue of living wages as a starting point. The payment of a living wage is one of the most salient social sustainability demands in the garment sector, because it directly impacts many other aspects of a worker's life: "If a worker's salary for a standard working week is not enough to cover the basic needs for them and their family, they face other poverty-related problems, such as low calorific intake, limited access to adequate health services, lack of social security, poor housing, limited access to education and limited participation in cultural and political life" (McMullen et al. 2014, p. 6).

The CCC study analyzed the responses (or lack thereof) of 50 of the most influential brands on the European market regarding the steps they are taking to work towards a living wage. Brands were grouped in 5 categories:

- 1: "Companies who declined to respond to our survey"
- 2: "Doing next to nothing to ensure workers are paid enough to live on"

3: “Acknowledge the need for a living wage but doing little to make it a reality”

4: “Mention of work on living wages, but unconvincing so far”

5: “Work started to increase wages, but not enough yet” (McMullen et al. 2014, p. 5)

Table 1: Garment brands selected for media coverage analysis in alphabetical order (Living Wage category based on McMullen et al. 2014)

Brand	Market Segment	Niche/Regime	Living Wage
Adidas	Sportswear	Regime	4
Aldi	Discount	Regime	2
Armani	Luxury	Regime	1
ArmedAngels	Fashion	Niche	NA
Blutsgeschwister	Fashion	Niche	NA
C&A	Fashion	Regime	3
Deuter	Sportswear	Regime	NA
Esprit	Fashion	Regime	2
Gap	Fashion (US)	Regime	3
Greenality	Fashion	Niche	NA
Gucci	Luxury	Regime	2
H&M	Fashion	Regime	2
hempAge	Fashion	Niche	NA
HessNatur	Fashion	Niche	NA
Hugo Boss	Luxury	Regime	1
Inditex (Zara)	Fashion	Regime	5
JCPenney	Fashion (US)	Regime	NA
Kik	Discount	Regime	1
Levi Strauss	Fashion	Regime	1
Lidl	Discount	Regime	3
Macy's	Fashion (US)	Regime	NA
Mango	Fashion	Regime	2
May	US	Regime	NA
Nike	Sportswear	Regime	3
Primark	Discount	Regime	4
Puma	Sportswear	Regime	4
s. Oliver	Fashion	Regime	1

Takko Fashion	Discount	Regime	3
Target	Discount (US)	Regime	NA
Tchibo	Discount	Regime	5
Triaz Group	Fashion	Niche	NA
Vaude	Sportswear	Regime	NA
Versace	Luxury	Regime	2
Wal-Mart	Discount (US)	Regime	NA

From this list of 50 companies, we removed any brands that

- are primarily active in the footwear or leather sector (3),
- are not active in the German market, with the exception of 6 US brands (4),
- are brand management groups rather than retail clothing brands (3)
- have gone bankrupt since the study was conducted (2).

We selected 20 of the remaining 36 brands with a view to achieving an approximately equal distribution of both the market segment (luxury, fashion, sportswear and discount brands) and the living wage categories described above. We also added two further mainstream sportswear brands that are particularly well-known for their social and environmental engagement and six sustainable fashion brands.

We consider 28 of these brands to be regime actors and 6 brands to be niche actors. This differentiation is based on the primary target audience of each brand - those primarily targeting the mainstream mass market are considered to be regime actors, whereas those that specifically target moral consumers are seen as niche actors.¹

Industry Attention

As in the prior case study, we measured industry attention by running search queries in LexisNexis within a set of limited sources. For this case study, we used one German and one American trade journal from the garment and textile industry, *TextilWirtschaft* and *Women's Wear Daily*, respectively.

¹ The search strings used for the quantitative analysis are available from the author upon request.

2.2 Qualitative Data

Our approach to gathering data in this second case study differed somewhat from the first, due primarily to differences in the target industries. The garment industry is older than the smartphone, even electronics sector, and in particular, there are far more brands in the garment sector than in the smartphone sector, making it very difficult to research issues for every single brand in-depth. The anti-sweatshop movement is also, both historically and currently, significantly larger than the fair electronics/smartphone movement. As a result, it was beyond the scope of this work to comb through the sites of even a fraction of the relevant NGOs and news articles, as we tried to do for the smartphone case study.

There has also been a tremendous amount of prior research in this area. We therefore took these previous studies as our starting point, identifying the most significant events in the anti-sweatshop movement primarily from academic literature and then researching these more in-depth to find out how each side - the social movement and the industry - acted during each event and how their reactions changed over time.

Key academic sources for relevant events included: Bartley et al. 2015, Bartley, Child 2012, Bair, Palpacuer 2012, and Ross 2008. We supplemented their information with extensive news searches, especially in the New York Times, Los Angeles Times, The Guardian, and Süddeutsche Zeitung, all of which included extensive and well-researched articles on SSIs in the garment industry. NGOs whose archives were particularly important to our research included the Clean Clothes Campaign, Institute for Global Labour and Human Rights, Worker Rights Consortium, Global Exchange, the Business and Human Rights Resource Centre, as well as many other websites on specific issues or events that can be found in the publication bibliography.

2.3 Expert Interviews

The quantitative and qualitative data described above was further supplemented by expert interviews. Within this case study, we conducted eight interviews with representatives of the following organizations and companies, all of whom have significant expertise with regard to social sustainability issues in the global production network of the garment industry:

- Tchibo GmbH
- Hess Natur-Textilien GmbH

- Primark
- Fair Wear Foundation
- Business Social Compliance Initiative (amfori)
- German Partnership for Sustainable Textiles (GIZ) (GPST)
- Südwind Institut für Ökonomie und Ökumene e.V.
- Caspar Dohmen, independent journalist

3 Quantitative Analysis of Public and Industry Attention

3.1 Media Coverage and Public Awareness

The amount of media coverage for SSIs related to individual brands is used as a proxy for public awareness. Below we will discuss the results of the analysis cumulatively for the US sector and by market segment for Europe (luxury, sportswear, discount, fashion and sustainable niche brands), before comparing the different segments among each other. The maximum of the y-axis of the graphs, which shows the number of media articles for each segment, varies based on the data and ranges from 50 for luxury brands to 1200 for the US brands. A comparison of all examined market segments is included at the end to underscore the significant difference in the amount of media attention received by different market segments in the garment industry.

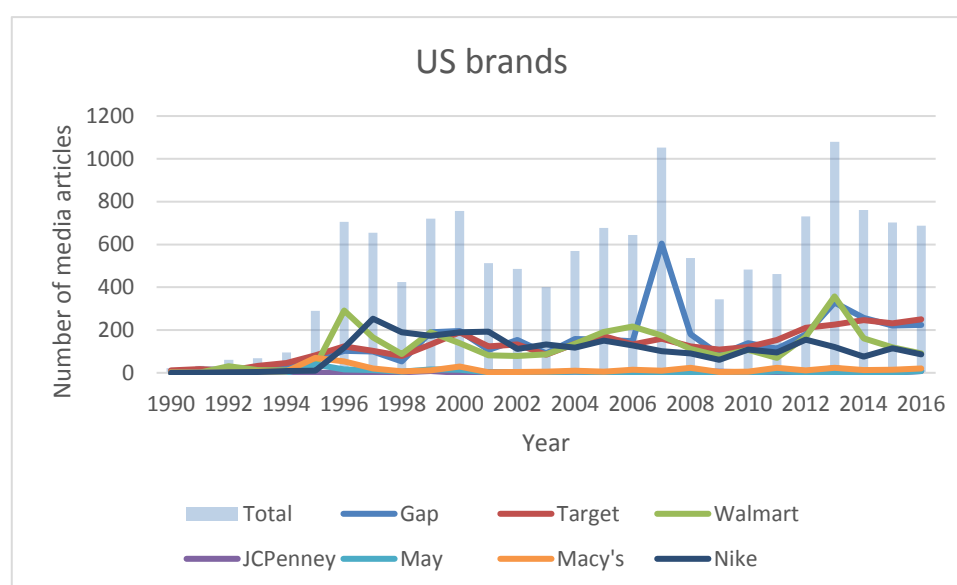


Figure 2: Media coverage of SSIs among US brands (Data source: LexisNexis)

Public attention related to SSIs increased much earlier in the US than in Europe. As can be seen in Figure 2, beginning in 1996, the issue was consistently covered in between 400 and 750 articles per year, with spikes to over 1000 articles in 2007 and 2013. Wal-Mart and Nike² were particularly in the spotlight in

² Nike will be covered in greater detail below, along with other sportswear brands active on the European market.

the late 1990s and remained the recipients of a more or less steady amount of SSI-related media coverage ever since, with a slight spike in 2013 after the collapse of the Rana Plaza building. Due to a major child labor scandal, Gap received a lot of press in 2007. Target has received steadily increasing amounts of coverage, however without individual spikes.

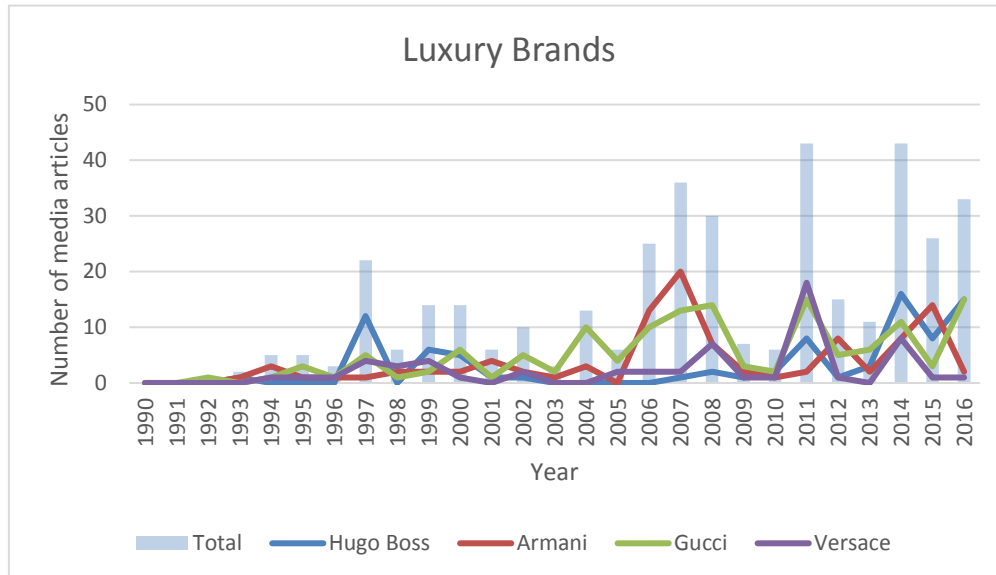


Figure 3: Media coverage of SSIs among luxury brands (Data source: LexisNexis)

Although luxury brands usually commission the production of their goods in the same factories as cheaper brands (Hoskins 2014b; Neuhaus 2014), they have historically received negligible amounts of attention with regard to social sustainability issues, as can be seen in Figure 3. This can be explained in part due to the widespread, but largely incorrect assumption that the higher prices of luxury brand clothing result in the payment of higher wages and better working conditions in the supply chain (Neuhaus 2014).

Sportswear brands present a very different picture. Figure 4 shows the amount of media coverage for SSIs received by sportswear brands since 1990. It reflects quite clearly the sweatshop and child labor scandals that rocked Nike starting in the late 1990s, when it became a primary target of the anti-sweatshop movement (Bartley, Child 2012). While the attention on the brand decreased somewhat over time, the data shows that Nike has continued to operate under the watchful eyes of the public with regard to the working conditions in its supply chain ever since.

Competitors Adidas and Puma received little media coverage with regard to SSIs until 2012, when Adidas in particular was in the spotlight both in the context of a poverty-wage scandal surrounding the uniforms of the 2012 US Olympic team and a controversy regarding severance pay at one of its supplier factories in Indonesia that closed in 2011 (see e.g. Raina 2012; Salinas-Duda 2012).

For both Adidas and Nike, coverage alternates regularly between praise and criticism. For example, Adidas' attempts to remove Uzbek cotton picked under forced labor conditions from its supply chain were publicly praised (Brettman 2014). At the same time, both brands received a lot of pushback from US universities and their students regarding contracts for college apparel (see e.g. UWIRE 2014; Daily Evergreen 2013; Zients 2013) and made the news regarding numerous incidents related to working conditions in their factories around the world, including Cambodia (Sochua 2014), Indonesia (Marks 2012), and India (Overdorf 2013).

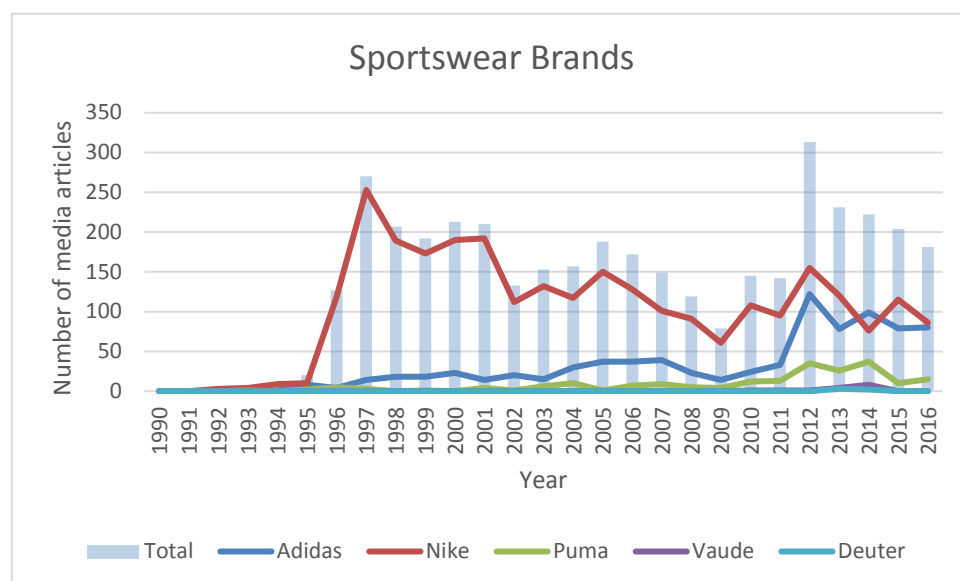


Figure 4: Media coverage of SSIs among sportswear brands (Data source: LexisNexis)

In contrast, outdoor brands Vaude and Deuter have received almost no media coverage on SSIs. As brands who do not specifically target moral consumers but are nevertheless members of the Fair Wear Foundation, we consider Vaude and Deuter to be early movers within the regime.

As can be seen in Figure 5, most fashion brands received little to no attention regarding SSIs through the early 2000s. A notable exception is Levi Strauss & Co., which began including human rights criteria in its sourcing decisions as early as 1992 (Ramey 1992) and began being included on a US Labor Department list of 31 “trendsetters”, defined as “companies that went ‘above and beyond’ compliance with the federal Fair Labor Standards Act in order to stem garment-worker exploitation” in 1995 (Swoboda 1995). In the early 2000s, the company used this early engagement to refuse settlement in a lawsuit, in which countless other brands agreed to settle.

The Bangladeshi garment industry experienced five factory disasters in 2005 and 2006, resulting in 150 deaths and over 300 injuries. Of the fashion brands examined here, Inditex was associated with two of the involved suppliers, but only experienced a small increase in media coverage as a result.

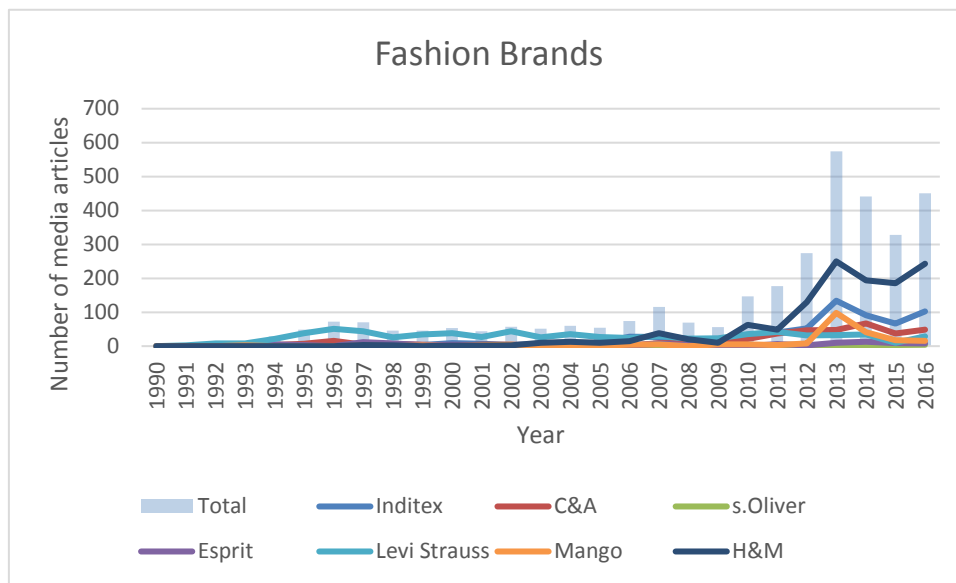


Figure 5: Media coverage of SSIs among fashion brands (Data source: LexisNexis)

As of 2010, SSI-related media coverage began to increase for fashion brands amidst worker strikes in Cambodia (Agence France Press 9/27/2010) and Bangladesh (Burke 2010), child labor accusations in India (Ganguly Mehta 2010) and factory fires in Bangladesh (Hickman 2010).

Three significant industrial accidents took place in the garment sector in 2012 and 2013: fires at Ali Enterprises in Pakistan in September 2012 (ur-Rehman et

al. 2012) and Tazreen Fashions in Bangladesh in November 2012 (Ali Manik, Yardley 2012b) as well as the now infamous collapse of the Rana Plaza building in Bangladesh in April 2013 (Lee 2015). Between the three incidents, over 1,500 garment workers lost their lives, more than 1100 of them in Rana Plaza. Of the fashion brands examined here, Primark, Mango, Inditex and C&A were all linked to the Rana Plaza collapse (ILRF 2018). C&A had likewise placed orders at the Tazreen Fashions factory (ILRF 2018).

In addition to the criticism that brands associated with these factories were confronted with for the poor level of safety standards at their suppliers, the fact that all three factories had been inspected by auditors shortly prior to each accident caused significant public outrage (Bartley et al. 2015; Walsh, Greenhouse 2012b). Particularly the two incidents in Bangladesh and associated brands have received continued attention since 2013, as NGOs and journalists have tracked contributions to the Rana Plaza and Tazreen Trust Funds as well as signatures to the Accord on Fire and Building Safety in Bangladesh (ILRF 2018).

H&M, meanwhile, was not involved in any of the large industrial accidents in these years. However, they were repeatedly criticized for poor working conditions in Cambodian factories, including a situation in which 300 garment workers at one of their supplier factories collapsed from exhaustion (Surachai 2012). In response to wage issues, H&M promised in 2013 to ensure that workers at 750 of its suppliers, making about 60% of its products, would be paid a living wage by 2018 (Farrell 2013), thereby garnering significant media coverage, both at the time and in the years since.³

³ This promise has since been revised. In January 2018, H&M states on its website: "At 2018, the goal is to have democratically-elected worker representatives and improved wage management systems in place at suppliers representing 50 percent of our product volume" (H&M Group n.d.a). Moreover, the company refers to its use of the "Fair Wage Method", which defines fair wages as "company practices that lead to sustainable wage developments" (Fair Wage Network n.d.; H&M Group n.d.b).



Figure 6: Media coverage of SSIs among discount brands (Data source: LexisNexis)

Like most fashion brands, discount brands received absolutely no media coverage regarding SSIs through the early 2000s (Figure 6). Then, the NGO “War on Want” published two reports in 2006 and 2008, singling out Primark along with 2 other brands with regard to poor working conditions in Bangladesh. The Guardian published a further special report in 2007, again focusing on the suppliers of the same three companies, including Primark. In combination with an episode of BBC Panorama called “Primark: On the Rack”, which aired in December 2008 and featured filmed footage of under-aged children producing Primark clothing,⁴ the brand received significant amounts of media coverage regarding SSIs between 2006 and 2008.

In 2010, advertising by German discounter Lidl stated that the brand sells only clothing that was produced in compliance with certain social standards. After examining these claims more closely, Lidl was sued by several organizations from civil society, who demented the company’s claim. Lidl lost the lawsuit and had to remove claims regarding fair labor from its advertising (Spiegel Online 2010).

⁴ Primark disputed the authenticity of this footage and later received an official apology from the BBC for its airing (Primark 2011). NGOs involved in the situation continued to disagree with the findings of the BBC Trust and believe the original footage to be accurate (War on Want 2011).

Of the discount brands, only Kik was directly connected to the fires at Tazreen Fashions and Ali Enterprises in 2012 (Walsh, Greenhouse 2012a; Clean Clothes Campaign 2015). However, in the wake of these disasters, as well as Rana Plaza, where Kik and Primark were both customers (ILRF 2018), discount brands in general received critical media coverage since their low prices seem to suggest the closest connection to low pay and poor working conditions. As was already stated with regard to luxury brands, the connection between a brand's prices at the point of sale and conditions in the supply chain is not as clearly linear as is often assumed (see e.g. Burckhardt 2015b).

In the wake of the Rana Plaza collapse, both the Bangladesh Accord and the German Partnership for Sustainable Textiles garnered significant media attention and with them also many large brands in Germany. This heightened level of media coverage can be seen both for discount and fashion brands.

Moreover, attention on Primark spiked once more in 2014 when several customers found 'cry for help' labels sewn into Primark clothing. The retailer investigated and stated shortly thereafter that the labels were a hoax; regardless of whether they were real or not, the labels triggered a further discussion regarding working conditions, particularly in Bangladesh (Hoskins 2014a).

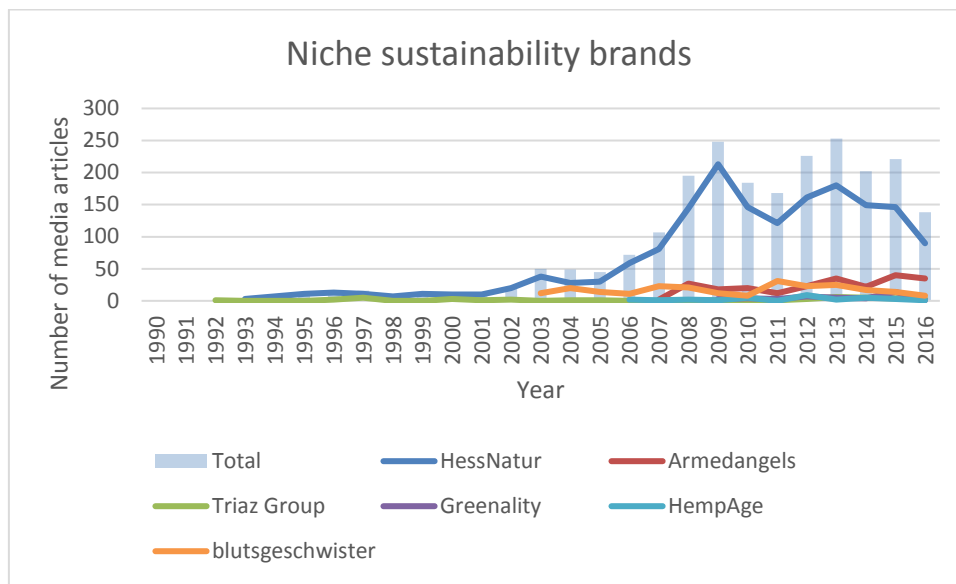


Figure 7: Media coverage of niche sustainability brands (Data source: LexisNexis)

Although some sustainability-oriented niche brands have existed since the 1970s (HessNatur) or 1980s (Triaz Group, which includes the brand names Waschbär and Vivanda), Figure 7 shows that they received almost no media coverage until the early 2000s. Reporting, especially on HessNatur and, to a lesser degree Armedangels (Social Fashion Company GmbH), has increased over the past decade and often contrasts these niche brands with their more mainstream competitors.

Figure 8 summarizes the media coverage analysis by showing the sum of all media articles for each market segment. In this figure, Nike is only included under the US brands, not under sportswear. The early spike in attention in the late 1990s surrounding US brands can be seen clearly, as can the impact of the 2012/2013 factory fires and collapses, culminating in the Rana Plaza tragedy, on the fashion brands. As media coverage of SSIs in the garment sector increased for mainstream brands, so did the attention for more sustainability-oriented niche brands. Luxury brands, on the other hand, have been left almost completely out of the SSIs discussion.

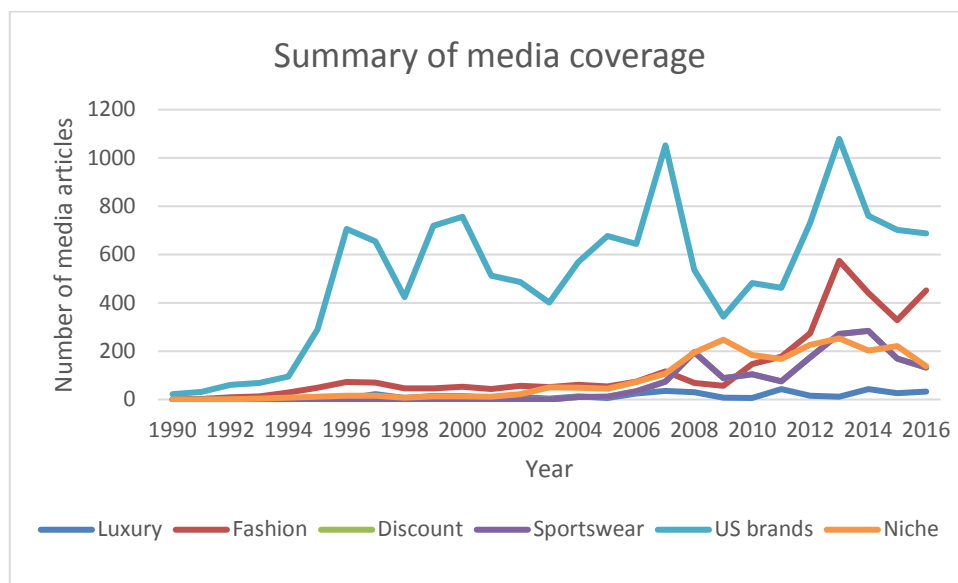


Figure 8: Summary of media coverage by market segment (Note: Nike is included under US brands and not included under sportswear)

3.2 Industry Attention

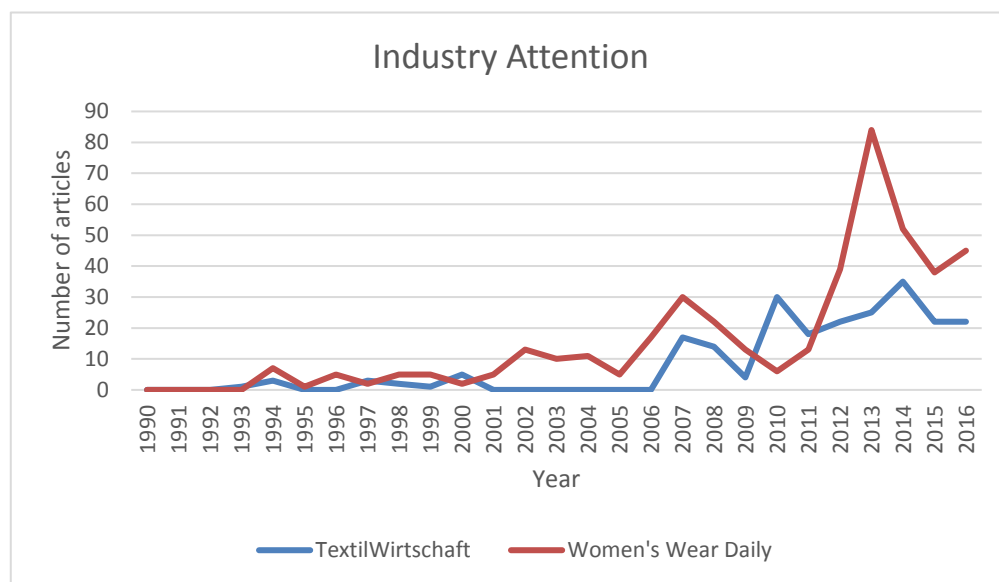


Figure 9: Coverage of SSIs in representative German and US trade journals for the garment and textiles sector (Source: LexisNexis)

In addition to examining media coverage of SSIs in sources aimed at the general public, we also analyzed coverage of SSIs in two representative trade journals for the garment sector: *TextilWirtschaft* for Germany and *Women's Wear Daily* for the US market (Figure 9). Both journals roughly mirror the general development of the issue lifecycles in each region, with *Women's Wear Daily* publishing a handful of articles in the late 1990s, then again a larger number between 2005 and 2010 and significantly more on the topic beginning in 2012. The German *TextilWirtschaft* published a very small number of articles in the 1990s and began publishing a larger number as of 2006, similar to increased media attention on discount and fashion brands in the Europe. It is somewhat surprising, however, that the various industrial accidents in 2012 and 2013, including Rana Plaza, did not lead to a greater spike in coverage in this journal.

4 Systematic Process Analysis of Historical Events

In the following sections, we describe events between 1990 and 2016 that relate to SSIs in the garment industry. In particular, we focus on problem-related pressures, meaning in particular scandals, accidents, and associated civil society reports and activities, as well as industry responses to these actions.

We have divided these events, activities and reactions into phases in accordance with the Dialectic Issue Lifecycle model. Each DILC phase is characterized by specific behavioral patterns to be found among activists and social movements, policymakers, and the industry under pressure. In the following, we will therefore first describe each event and the corresponding responses and then briefly elucidate the relevant behavioral patterns exhibited by the actors involved.

We have determined specific date ranges for each phase based on the behavioral patterns that *dominate* during that time range. However, it needs to be understood that this categorization is not absolute, meaning that behavioral patterns expected in phase 2 may still occasionally appear in phase 3 or 4, or vice versa. The distinction between phases 2 and 3 is particularly blurry, both for problem-related pressures and industry responses. On the pressure side, social movement organizations (SMOs) begin to emerge during phase 2, but as time goes on, further organizations are founded even in later phases. Moreover, the role of these SMOs both in phase 2 and 3 is to create public awareness for their issues by mobilizing resources, organizing public events such as protests or demonstrations and promoting their own frames in public discourse. The main difference between the phases is the amount of public attention the issues can command, the beginning involvement of policymakers in phase 3 and the intensity with which industry responds. Here, likewise, the difference between phase 2 and 3 is often difficult to determine; Geels and Penna (2015, p. 71) distinguish the two phases by whether the issue affects the secondary (phase 2) or primary (phase 3) involvement arena of a corporation.⁵ We would add to this the degree (low in phase 2 and high in phase 3) to which a company's reputation is seriously in danger or even damaged by an issue and the corresponding urgency,

⁵ The primary involvement arena is defined as the company's "area of specific tasks and responsibilities", whereas the secondary involvement arena consists of "those areas that company products or activities affect or are affected by but are not central to its mission" (Mahon, Waddock 1992, pp. 26–27).

with which the corporation responds and pursues concrete issue management strategies.

In phase 1, issues are initially articulated by researchers, activists and those directly affected by the issue, while firms largely downplay or ignore these early demands. In the garment case study, this phase took place prior to 1990 and therefore technically falls outside the time range of our study. However, to provide a foundation for the remaining analysis, we will briefly outline the events of phase 1 below.

Starting in phase 2, the paths of the anti-sweatshop movements in Europe and the US began to diverge more clearly from one another. While Europe entered phase 2 a few years earlier than the US, it also remained in this phase for a decade longer. As we will describe below, the United States instead alternated back and forth between phases 2 and 3 several times before both regions moved on to phase 4 almost simultaneously. Beginning in phase 2, the two movements also pursued different strategies to achieve their goals, with European civil society organizations tending more towards “oppose and propose”, while US organizations preferred a “name and shame” strategy (Bartley et al. 2015).

4.1 United States

4.1.1 Phase 1 (1981 - 1992)

By its very nature, it is difficult to determine when phase 1 begins, since awareness of the issues in question is low by definition. One could argue that it started as early as 1911 with the Triangle Shirtwaist Factory fire. We would argue, however, that instead of launching phase 1 of the current issue lifecycle, it was in fact a trigger event in a previous iteration of the issue lifecycle on the topic of social and labor issues in the garment industry.

Based on the initial articulation of SSIs in the garment industry by researchers in academic publications, where the first relevant article was written in 1981 and a total of 14 papers on this topic were published through 1989, we believe that phase 1 of the current lifecycle iteration began in 1981. There was furthermore some limited media coverage of SSIs in the clothing sector in the 1980s (between 19 and 150 articles per year). These articles were primarily focused on child labor and sweatshop working conditions in the domestic United States garment industry as well as whether or not a ban on home work in the US ap-

parel industry should be lifted or stay in place (see e.g. New York Times 1981; Barringer 1981; Efron 1989; Kilborn 1989). While the issues are thus largely the same as those relevant later on in globalized supply chains, during the 1980s the focus was still mainly on domestic manufacturing and thus much “closer to home” than it is today. Nevertheless, the competitiveness of the industry and an early tendency to outsource clothing production to developing countries with lower wages were already discussed in the US as early as 1981 (Serrin 1981). There is no indication that a discussion of SSIs in the garment industry took place in Europe at this time.

When discussions began turning to more stringent legislation to prevent sweatshop conditions in domestic factories, manufacturers argued that “broader liability laws will be impossible to enforce, and further regulation will only drive sewing operations underground, out of state or offshore. [...] Freedman[, an attorney representing garment manufacturers,] argued that manufacturers and retailers simply cannot police the labor practices of their suppliers. ‘It doesn’t happen anywhere in society, and for good reason. It goes against the free market’” (Efron 1989). This attempted equivocation of the situation as an industry response, while still focused on the domestic US clothing industry and therefore only tangential to the issue we want to focus on in this study, is nevertheless indicative of industry attitudes around this point in time, which did not become more favorable to labor needs as labor was moved offshore.

Toward the end of phase 1, in the late 1980s, activist attention did begin to turn on production overseas. In particular, Nike moved part of its manufacturing to Indonesia, where activist Jeff Ballinger was stationed at the time to conduct a minimum wage study for the United States Agency for International Development (USAID) (Wokutch 2001). The study was published in 1989 and followed up by a report by the Asian American Free Labor Institute in 1991 (Waller, Conway 2010) showing that the wages paid in the export sector, including for Nike productions, were not only below the legal minimum, but the lowest in the entire Indonesian garment sector (Harrison, Scorse 2010). During this phase, Nike denied any responsibility, as it did not own the factories in question (McDonnell et al. 2015).

4.1.2 Phase 2a (1992 - 1994)

In accordance with the strategy of “naming and shaming”, two scandals moved the United States into phase 2 in 1992. First, the news program NBC *Dateline* aired the results of a two-month investigation into Wal-Mart’s suppliers in Bang-

ladesh. As part of the program, video footage of children sewing garments for Wal-Mart - and supervisors confirming their work for the brand on tape - was shown along with an interview with Wal-Mart's then-CEO David Glass, who responded to photos of child laborers producing garments for his company by saying "The pictures you showed mean nothing to me. I'm not sure where they were or who they were" (Benoit, Dorries 1996, p. 471). Thereafter, Wal-Mart sent its own team to investigate child labor accusations in Bangladesh. When asked, in a follow-up interview two weeks later, whether any children had been present at any of Wal-Mart's suppliers in Bangladesh, rather than giving a clear answer, Glass responds "You and I might perhaps define children differently" (Benoit, Dorries 1996, p. 470).

Glass' responses during the interviews illustrate the expected industry response during phase 2. He cast uncertainty on the taped footage ("I'm not sure where they were or who they were") and tried to portray the interviewer as unreasonable - "perhaps [we] define children differently". He also directly denied the accusations, citing that his representative in Bangladesh found "no evidence of child labor" and tried to de-dramatize some of the worst claims, stating: "I think the stories of children being locked in and exploited are certainly something that we've not been able to verify" (Benoit, Dorries 1996, p. 470).

Around the same time, the controversy around sportswear brand Nike became more publicly visible. Following the USAID-study, Jeff Ballinger published an article in Harper's Magazine in 1992 that centered around the photo of a young woman's pay stub from one of Nike's supplier factories in Indonesia,⁶ showing large amounts of overtime (63 hours) along with very low wages (less than \$0.14/hour) (Ballinger 1992). Rather than continuing to deny these accusations, as they had done earlier, Nike published one of the first codes of conduct in the industry in 1992 (Waller, Conaway 2010). At the time, this was a novelty and can be seen as the investment in a form of incremental innovation, a typical industry response in phase 2.

Somewhat uncharacteristically for phase 2, the US government likewise became involved. In 1992, it put significant pressure on the Indonesian govern-

⁶ The factory in question produced footwear, not apparel. However, the scandal that consequently arose around Nike's supply chain standards has had significant impacts on the sweatshop debate in the entire 'apparel and footwear industry' and is therefore included here.

ment, threatening that the country's zero-tariff benefits would be revoked if human rights issues were not addressed (Harrison, Scorse 2010).

4.1.3 Phase 3a (1995 - 1999)

Beginning in 1995, the anti-sweatshop movement grew significantly in the United States for several years. Between 1995 and 2000, at least 25 major brands and retailers in the US became the targets of large boycott campaigns, protests and lawsuits (see e.g. Bartley et al. 2015; Bartley, Child 2012). Rather than examining each and every one of these events in detail, we have chosen to focus on a small subset of occurrences that we believe to have been among the most influential in moving a transition towards greater social sustainability along in the United States.

In July 1995, the Gap first became the target of protests after the National Labor Committee (NLC) uncovered that its Taiwanese-owned supplier Mandarin International in El Salvador had illegally fired 350 women who had recently formed a labor union in the factory. Two of them were invited tour the US to tell their stories (Herbert 1995a). Both factory management and the government of El Salvador denied the charges (Herbert 1995b) and the Gap insisted that its investigation team found no evidence to substantiate the charges against its supplier.

New York Times columnist Bob Herbert, who had visited the factory in El Salvador personally, wrote a series of scathing Op-Ed pieces about the Gap and its response to the Mandarin International situation (Herbert 1995a, 1995b, 1995c). In response, Stanley Raggio, a senior vice president of the Gap, publicly expressed the company's disappointment with Herbert, who "chose to minimize our efforts" during the investigation. He also reiterated that the Gap makes "every possible credible effort" to ensure that its suppliers comply with the company's standards (Raggio 1995). This exchange between Herbert and Raggio is typical for phase 3, where companies and activists publicly struggle to frame issues in favor of their own perspective, in turn generating an increase in media attention to the issue.

Shortly thereafter, however, the Gap signed an accord with the NLC that set out terms for a negotiation between Mandarin International and the workers and union leaders who had been fired, with the explicit objective of reinstating these former employees to their old jobs. While Mandarin was not party to this agreement, "it is understood that if a fair settlement cannot be reached with the union workers the Gap will no longer do business with Mandarin. And if the Gap sev-

ers all ties to Mandarin, other large companies can be expected to do the same” (Herbert 1995c). Moreover, the Gap agreed to let third-party observers and human rights officials monitor its factories in Central America, thus beginning to make some concessions in the matter of factory working conditions abroad.

In 1996, the NLC uncovered the next major garment scandal, one which Ross refers to as the anti-sweatshop “movement’s iconic moment” (Ross 2008, p. 778). Kathie Lee Gifford, “an especially vulnerable celebrity figure, [...] fell into the trap” of having a line of clothing in her name, sold at Wal-Mart, connected to sweatshops in Honduras (Ross 2008, p. 778). To make matters worse, the accusations included child labor, an issue that consumers tend to be particularly sensitive to. At the time, Gifford was the co-host of the popular morning talk show “Live with Regis and Kathie Lee”, who went overnight from being America’s Sweetheart (Strom 1996) to “America’s Sweatshop Queen” (Rosenblum 2000).

In the months that followed, Gifford tried out a series of different, sometimes inconsistent, responses to the roiling debate that ensued. At first, she denied any wrongdoing by stating that she had not known where the clothing line was being produced - a statement that, in her case, was most likely true, as production responsibilities lay firmly with Wal-Mart (Strom 1996). She also shot back at Charles Kernaghan, head of the NLC, questioning why he had waited several months to come forward with his knowledge of child labor in Honduran factories: “you tell me you care about children. Why didn’t you call me personally immediately?” (Chicago Tribune 1996), thus attempting to re-frame the issue in the public eye and shift blame away from herself (public framing struggles).

When critics argued that Gifford should have known that \$10 blouses could not have been produced under good working conditions, she denied personal responsibility by responding: “My first endorsement was for Kraft when I was 17, and I didn’t think I had to go check out the cows. [...] Later I worked as a spokesperson for Coca-Cola. Was I supposed to insist on knowing the secret formula? Nobody does it that way, and if they tell you they do, I think they’re fudging” (Strom 1996). Here, she is defending against criticism by dismissing the opposing camp’s demands as irrational and unreasonable and portraying the situation, if not as natural, then at least as the common standard. In an attempt at de-dramatizing and re-framing the issues at hand, she explained: “Nobody expected the huge demand there was for my line. [...] Sales tripled Wal-Mart’s expectations, and suddenly it was like ‘Uh-oh, we need to get 50,000

more blouses and fast.' I think that's part of how this came about. Maybe we just grew too fast" (Strom 1996).

While she briefly tried to put a positive spin on the situation in the press, portraying it as "a unique opportunity to make a difference by using what happened to me to stop the horrible practices of some of these manufacturers" (Strom 1996), her and her husband's actions did not match that rhetoric. When news broke that a factory in New York City, also manufacturing for the Kathie Lee Gifford label, had not been paying its workers, Gifford's husband went to the factory and handed out \$100 bills to the workers, in a clear attempt to prevent another scandal through a small symbolic action (Rosenblum 2000).

Other celebrities who lent their names to apparel manufacturing, but had not been implicated in any specific labor scandals, were quick to distance themselves from these issues. Michael Jordan highlighted the uncertainty involved and denied any personal responsibility for Nike's "Air Jordan" line of products: "I don't know the complete situation. [...] Why should I? I'm trying to do my job. Hopefully, Nike will do the right thing" (Strom 1996). Actress Jaclyn Smith simply denied the possibility that her line of clothing, sold at Kmart, could be produced in sweatshops (Strom 1996).

Taking advantage of the sweatshop issue's current dominance in US news cycles as a result of the Kathie Lee Gifford scandal, a broad coalition of NGOs formed the Working Group on Nike, intended to influence media coverage on Nike in favor of the anti-sweatshop agenda. The Working Group included, among others, Global Exchange, Amnesty International, the National Organization of Women as well as the Interfaith Center on Corporate Responsibility (Waller, Conaway 2010). Together, they achieved a significant increase in media coverage of Nike's sweatshop issues beginning in 1996 (see Figure 4) and including front page news coverage in the New York Times and Washington Post (Greenberg, Knight 2004). Activists created a series of internet platforms to organize and report on their activities, including www.nikeworkers.com,⁷ www.nikewages.com, and www.nikesweatshop.com (Waller, Conaway 2010). Offline, protesters repeatedly demonstrated at Nike stores and the company's headquarters throughout the remaining decade (Bartley, Child 2012). Finally, a US tour of female workers from Vietnam and Indonesia was organized, who

⁷ The websites created in the 1990s by both NGOs and Nike with regard to the Nike sweatshop controversy are no longer available today. Descriptions of their existence and content are based on Waller, Conaway 2010.

publicly levelled accusations of sexual and physical abuse against Nike's suppliers (Waller, Conaway 2010). All of these activities increased sweatshop-related media coverage of Nike enormously (Bennett, Lagos 2016; Harrison, Scorse 2010; Greenberg, Knight 2004) and thereby increased pressure both on Nike and on the government to respond.

While the Gifford scandal had framed the issue as 'Sweetheart turns Sweatshop Queen', in the case of Nike, reports "juxtaposed the billionaire status of Nike CEO Knight and multimillion dollar compensation for sports stars such as Michael Jordan and Tiger Woods on one hand with the below-subsistence pay to thousands of workers in Nike's Asian contract factories" on the other hand (Waller, Conaway 2010, p. 95). Struggling to reclaim control over its public image, Nike created the website www.nikebiz.com in response. Waller and Conaway (2010, p. 98) analyzed the frames employed on the website and found one such text entitled "Giving voice to workers", which focused on how much the company values input from all of its global workers and therefore established a confidential grievance mechanism to support its other monitoring activities. Furthermore, the company sought to highlight the size and complexity of its supply chain and thus "implicitly criticize[...] those who sensationalize isolated incidents" (Waller, Conaway 2010, p. 97). Nike also emphasized the large budgets dedicated to compliance and "'realistic,' enforceable standards" (Waller, Conaway 2010, p. 97). This again portrayed activists' demands of higher minimum standards as unreasonable or unrealistic, while at the same time providing reassurances that the company was taking care of any problems and no further actions, either on behalf of civil society or the government, would be necessary.

Nevertheless, policymakers became involved in 1996 with President Clinton's creation of the Apparel Industry Partnership (AIP) as a response to the series of scandals that had rocked the sector in recent years. The multi-stakeholder partnership included companies, NGOs and unions, who intended to work out a code of conduct for the entire clothing sector that could be independently verified by third parties (Bair, Palpacuer 2012). While initial meetings were promising, the Partnership reached a stalemate in 1998 that led to a split in the alliance, with some of the companies and a few NGOs creating the industry-led Fair Labor Association (FLA) on the one hand, and other NGOs along with trade unions founding the Worker Rights Consortium (WRC) on the other in 1998. The AIP is an example typical for phase 3, where policymakers face credibility pressures associated with the issue at hand and therefore begin addressing the problem using existing beliefs and incremental, rather than radical, policy changes.

Also common for this phase are the attempts by more activist policymakers to attempt - but fail - to reach more radical changes. The archives of the US Congress indicate that certain lawmakers repeatedly introduced anti-sweatshop legislation but failed to have it passed in Congress. Examples include the “Sweatshops Prevention Act”, introduced by Rep. Charles Schumer in 1989, 1991 and 1993; the “Child Labor Free Consumer Information Act” introduced by Sen. Tom Harkin in 1996, 1997 and 1999; the “Stop Sweatshops Act” introduced by Sen. Edward Kennedy in 1996 and 1997; as well as the “Garment Consumer’s Right-to-Know Act”, introduced by Rep. Nydia Velazquez in 2002 and 2005.

With regard to NGOs, one group was particularly instrumental in the creation of the WRC: the student organization United Students Against Sweatshops (USAS), which began lobbying university administrations across the country in the mid-1990s to boycott brands associated with sweatshop manufacturing in the production of college apparel and instead choose fairer alternatives (Bair, Palpacuer 2012). As general public attention to SSIs in the garment sector rose, USAS quickly spread across American college campuses and thereby created the first larger-scale niche market for radical alternatives in the American garment sector. The organization had several unique characteristics that likely aided in its success at lobbying the administrations of major American universities: First, there are thousands of college campuses in the United States, making it easy to create a large network across the country, even if only a fraction of the student body participates. Second, the level of pride and identification with individual universities is unusually high among students in the United States and is the basis of a large market of university logo apparel. Finally, university finances rely heavily on contributions from alumni, giving both students (i.e. future alumni) and alumni associations significant leverage on university decision-making. These factors together helped make USAS one of the most important actors in the US anti-sweatshop movement of the 1990s and beyond.

By 1998, pressure both from USAS and other anti-sweatshop activists had risen so much that it began to spill over towards more mainstream opinion leaders, particularly with regard to Nike. The company continued to be pressured from all sides: *Doonesbury* comics portraying deplorable working conditions at Nike factories were published in newspapers all over the country (Plawiuk 1998), columnist Bob Herbert wrote critical Op-Ed pieces in the New York Times (Greenberg, Knight 2004), and the USAS movement lobbied universities against the brand quite successfully. Amidst this backdrop, it became clear that Nike’s attempts to overcome its sweatshop reputation simply by reframing the issues would be insufficient and so CEO Phil Knight delivered a speech in May

of 1998 at the National Press Club announcing a shift in corporate policies. While he did not go so far as to acknowledge wrongdoing or apologize, he stated openly that “[t]he Nike product has become synonymous with slave wages, forced overtime and arbitrary abuse” and it was time to make some changes (Cushman 1998). He then made six commitments that included implementing US OSHA (Occupational Safety and Health Administration) level standards on indoor air quality in Nike’s supplier factories, raising the minimum age for factory workers (to 18 for footwear and 16 for apparel factories) and involving NGOs in factory monitoring (Connor 2001). In the same year, Nike also backed the creation of the Fair Labor Association and Global Alliance, two voluntary, industry-led, private governance organizations (Waller, Conaway 2010).

At the end of the 1990s, then, Nike was clearly beginning to make some concessions to the anti-sweatshop movement and showed some willingness to form alliances with civil society actors and invest in more radical alternatives than earlier in the decade. Moreover, by the end of the decade, most brands in the garment sector had codes of conduct in place for their suppliers (Bartley et al. 2015). While NGOs are quick to point out that this is not sufficient, it is a clear sign of increased awareness in the industry and an implicit acknowledgment that SSIs in the supply chain could no longer simply be ignored.

Statistical event analyses conducted to examine the impact of the anti-sweatshop movement of the 1990s on the stock value of targeted companies also show that there was more at stake than just the companies’ image:

“we find that campaigns suppressed the sales of specialized firms with recognizable products, and major events diminished the stock prices of implicated firms – consistent with claims that social movements can inflict material damage on their targets. Anti-sweatshop campaigns also powerfully informed specialized ratings, and intense campaigns diminished previously positive corporate reputations – consistent with accounts of movement influence on evaluation in organizational fields.” (Bartley, Child 2012, p. 444)

Furthermore, in addition to negative publicity, a number of brands also became targets of lawsuits with regard to SSIs in their supply chains starting at the end of the 1990s. In 1998, Marc Kasky sued Nike in California’s state court, alleging that Nike’s claims about the working conditions of its suppliers abroad “contained false information and material omissions of fact” and therefore violated California’s Unfair Competition and False Advertising Law (BHRRC 2014a). While the first two instances sided with Nike, as did the Bush administration, the California Supreme Court reversed their decision in 2002 and instead ruled in favor of Kasky, stating that even given the right to free speech, “when a business enterprise makes factual representations about its own products or its own

operations, it must speak truthfully” (Campbell 2003). Nike tried to appeal to the US Supreme Court, which declined to hear the case and in 2003 the parties finally agreed to a settlement of \$1.5 million to be given to the Fair Labor Association (BHRRC 2014a; Campbell 2003).

The second set of lawsuits was much larger. In 1999, 30,000 garment workers employed on the U.S. commonwealth island of Saipan filed lawsuits against 27 retailers and 23 garment factories, alleging involuntary servitude, criminal peonage, forced labor and the deprivation of fundamental human rights, as well as breaches of local minimum wage and other labor laws (BHRRC 2014b). Among the retail brands being sued were Ralph Lauren, Donna Karan, The Gap, Tommy Hilfiger, Wal-Mart, Target, JC Penney and Levi-Strauss & Co. (Williams 1999; Strasburg 2002). While a settlement was proposed as early as 1999, the retailers denied the charges for years, arguing that their monitoring activities were sufficient to prevent the alleged charges in factories (Strasburg 2002). In 2003, however, 49 of the 50 defendants - all except Levi Strauss & Co. - agreed to a settlement of \$20 million, as well as “a code of conduct, independent monitoring, and monetary compensation” (BHRRC 2014b).

Such legal challenges can take place in phase 3 and lead to further discussions or incremental change, but rarely to radical change, as was the case here. The Nike lawsuit certainly caught the industry’s attention, given that Kasky proved with his actions that even a sportswear giant can be forced into settlement on SSIs. On the other hand, the settlement sum was donated to the FLA, which is not only industry-led, but has especially close ties specifically with Nike, a company that helped to found the organization and continues to be represented on its board of directors. Many NGOs, including Global Exchange, also felt that the settlement should have been much larger than \$1.5 million and expressed great disappointment at the outcome (Campbell 2003).

Civil society’s response to the Saipan lawsuits was more favorable, as the settlement of \$20 million set a new record for international human rights awards and the cases had led to a significant increase in public awareness of sweatshop issues (Bas et al. 2004). In addition to the monetary compensation of workers, the settlement also included the creation of an independent monitoring program (BHRRC 2014b). While the parties to the settlement had initially all agreed to the ILO as the actual monitor of factory conditions, President Bush’s administration refused this request and instead insisted that a private monitor be chosen. This led to delays in negotiations and finally to the decision to have

each side choose their own monitoring agency, since no private monitoring agency could be found that both sides would agree to (Bas et al. 2004).

4.1.4 Phase 2b (2000 - 2004)

As the lawsuits described above settled down in the early 2000s, so did the amount of public attention dedicated to the anti-sweatshop issue in the United States. Although SMOs such as the National Labor Committee⁸ continued to investigate labor rights violations and issued many reports on sweatshop conditions taking place in specific countries, such as those party to the Central America Free Trade Agreement, Jordan, and China, or associated with specific companies, particularly Wal-Mart, Nike and JC Penney (Institute for Global Labour and Human Rights 2017), none of these revelations sparked the same level of outrage among the public as the prominent scandals of the 1990s.

While we cannot say with certainty what led to this decrease in public concern, two possible explanations seem likely. When examining intra-media agenda setting, researchers have found examples both of issue fatigue and issue competition. Attention to issues in the news tends to be cyclical to a certain degree and issues with previously high levels of attention can suddenly drop off in importance, only to re-emerge again at a later point in time. Issue fatigue takes place when “prolonged exposure to similar messages eventually results in an exhaustion of interest” (Djerf-Pierre 2012, p. 501) and is often associated with topics that are perceived to be both negative and complex (Kuhlmann et al. 2014). Over time, as one sweatshop after another was discovered in global supply chains and publicized in the news, both the message and the responses from industry became redundant. Moreover, as brands increasingly implemented codes of conduct and agreed to third-party audits, the question of whom to blame and how to improve the situation became increasingly complex. While activists continued to promote SSIs in the garment industry, it is likely that a certain degree of issue fatigue set in among the general public during this time.

Issue competition, in turn, results from the fact that the inclusion of particular topics in the news media is zero-sum, meaning that for every topic that is included, another one is not. Djerf-Pierre found that coverage of the economy, wars and situations of armed conflict tend to crowd out coverage of environmental issues (2012). It is quite possible that a similar effect exists for social

⁸ Later renamed Institute for Global Labour and Human Rights.

sustainability issues, particularly non-domestic ones, and that these were crowded out in the early 2000s by news regarding the September 11, 2001 terrorist attacks as well as the wars in Iraq and Afghanistan that followed in the years thereafter.

4.1.5 Phase 3b (2005 - 2007)

After a Pulitzer Prize winning reporting series on Wal-Mart by the Los Angeles Times in 2003 (Goldman et al. 2003), pressure on the retail giant increased significantly in 2005 regarding labor issues both in the US and abroad. The company's labor practices were subject of a 2005 documentary called "Wal-Mart: The High Cost of Low Price", which Wal-Mart described as a "propaganda video [...] with a careless disregard for the facts" (Wal-Mart 2005). Amidst lawsuits alleging domestic labor violations, Wal-Mart was also sued by the International Labor Rights Fund for failing to enforce its corporate code of conduct at its supplier factories in China, Bangladesh, Indonesia, Swaziland and Nicaragua (Selvin 2005).

The company's response to these and further attacks on its image was first and foremost in the public relations arena. In October 2005, CEO H. Lee Scott Jr. promised that "Wal-Mart Stores Inc. will start holding its suppliers more accountable for environmental and social standards at foreign factories as public expectations in the United States rise" (Associated Press 2005b). Just a few days later, the company abandoned its previous strategy of handling press responses in-house and instead set up a "war room" staffed with highly experienced public relations professionals, including former presidential advisers (Barbaro 2005). Beginning in 2005, it actively countered public attacks and tried to improve its image, in part due to stock market losses and concern over slowing growth rates that were associated with its negative image in the press (Barbaro 2005).

As Wal-Mart sought to fight its critics in the public relations arena, the Gap and Nike took a more progressive step and published lists of their global suppliers, along with the results of inspections carried out in their supplier factories. Both companies openly admitted to severe problems in their supply chains, but also voiced concerns that they would not be able to address these adequately on their own: "We do not believe Nike has the power to single-handedly solve the issues at stake" (Teather 2005; Nike, Inc. 4/13/2005).

The Gap, in turn, admitted that its purchasing practices, including last-minute changes in production, had contributed to poor working conditions at factories abroad. It also pre-emptively informed its shareholders in advance that things may get worse before they get better in its supply chains, meaning that the increased scrutiny of its supply chain would likely uncover further abuses (Associated Press 2005a). Not long thereafter, in late 2007, an investigation by UK and German journalists uncovered child labor at an Indian factory producing for the Gap (McDougall 2007). In stark contrast to earlier corporate reactions to such revelations, the company immediately published a press release on the subject:

“Earlier this week, the company was informed about an allegation of child labor at a facility in India that was working on one product for GapKids. An investigation was immediately launched. The company noted that a very small portion of a particular order placed with one of its vendors was apparently subcontracted to an unauthorized subcontractor without the company’s knowledge or approval. This is in direct violation of the company’s agreement with the vendor under its Code of Vendor Conduct.

Marka Hansen, president of Gap North America, made the following statement today: [...] ‘As soon as we were alerted to this situation, we stopped the work order and prevented the product from being sold in stores’” (Gap Inc. 10/28/2007).

The dynamic thus emerging among major US clothing brands and retailers, where some engage in increasingly intense framing struggles with civil society (i.e. Wal-Mart’s war room), while others, like Nike and Gap, stop denying their responsibility and instead make their supply chains more transparent, indicates that the closed industry front previously present in the clothing sector begins to crumble starting in 2005, which speaks for a return to phase 3. However, the process is not straight-forward. While on the one hand some brands disclosed factory lists and vowed to improve working conditions in supply chains, the pro-business lobbying organization US Chamber of Commerce at the same time fought against pro-union legislation in China, which could significantly improve working conditions, but also raise labor costs. Nike was a member of the US Chamber of Commerce at the time (Barboza 2006).

In the US policy arena, a further attempt was made both in 2006 and 2007 to pass a law called “Decent Working Conditions and Fair Competition Act”, which would have “prohibit[ed] the import, export, and sale of goods made with sweat-shop labor” (Senate of the United States, 110th Congress 1/23/2007). Around the same time, also typical for phase 3, a niche for ethically produced, fair trade clothing begins to emerge, including companies like Edun and Fair Indigo (Tedeschi 2006).

4.1.6 Phase 2c (2008 - 2011)

Beginning in 2008, media coverage and public interest in SSIs in the garment industry once again ebbed in the United States. Similar explanations arise as for phase 2b. Apart from issue fatigue, the United States began slipping into the Great Recession beginning in 2007/2008 and it is likely that concerns about labor rights in factories abroad quickly became less prominent as people instead worried about the security of their own finances (issue competition). This effect could already be verified in the case of declining concern for climate change as a result of the Great Recession (Scruggs, Benegal 2012).

There are, nonetheless, two events during this period that merit discussion. The first was the passage of China's new Labor Contract Law in 2008, which improved protections for Chinese laborers (Gallagher et al. 2015) and did draw some public attention. In keeping with the heightened concern about the US economy, coverage focused about equally on the improvements for workers and the extra costs that would arise for American firms as a result of the new Chinese law (e.g. Barboza 2008; Cha 2008).

The second event was the passage of the California Transparency in Supply Chains Act (CTSCA) in 2010. This law mandates that companies as of a certain size with operations in California make public due diligence disclosures regarding their efforts to eliminate instances of slavery and human trafficking in their supply chains. While the law only went into effect as of January 2012, studies have shown that garment brands experienced negative financial impacts from the passage of the law in California's legislature: "we find a negative market reaction, on average, to the enactment of the legislation. We further show that the market response was significantly more negative for apparel and footwear retailers, a finding we attribute to the higher supply chain exposures of these firms relative to other retailers" (Birkey et al. 2016, p. 10).

As a law that affects only California, the CTSCA is an example of an attempt at incremental change at the level of subsystem policy, technically classified as phase 3. However, the law is not specific to the textile industry and although it was passed in 2010, it only went into effect in 2012. Due to these two factors and the fact that the issue of SSIs in global garment supply chains received comparatively little attention during this time, we have nevertheless included it in phase 2c.

4.1.7 Phase 3c (2012)

After several years of relative calm in the sector, a series of incidents starting in 2012 began to cast doubt on the industry's heavy reliance on codes of conduct and social auditing as a means to solve labor issues in supply chains. As inflation rose in Bangladesh, garment workers started to demonstrate for higher wages in ever increasing numbers. In the summer of 2012, as workers started clashing with Bangladeshi police and security forces, both the US government and major brands and retailers put pressure on the Bangladeshi government to improve wages and labor rights (Yardley 2012).

In the year that followed, three major industrial accidents took place in the garment sector. In September 2012, Ali Enterprises in Pakistan burned down, killing 260 of its workers. Three weeks earlier, the factory had been inspected by Social Accountability International and received the SA8000 certificate, which includes health and safety criteria (Walsh, Greenhouse 2012a). Two months later, in November 2012, the Tazreen Fashions factory in Dhaka (Bangladesh) burned down, leaving 112 workers dead (Ali Manik, Yardley 2012a). According to the Clean Clothes Campaign, this event brought the fire-related death toll in Bangladesh's garment factories to over 500 between 2006 and 2012 (Bajaj 2012). Shortly thereafter, accusations surfaced that Wal-Mart was instrumental in blocking earlier efforts by a consortium of actors, including other major retail brands, to improve fire safety at Bangladeshi factories. It had turned down the proposals due to the increase in costs (Greenhouse 2012).

Wal-Mart, however, denied any responsibility, arguing that it had terminated its relationship with Tazreen Fashions months earlier. Immediately after the fire, Wal-Mart had issued a short statement: "The Tazreen factory was no longer authorized to produce merchandise for Wal-Mart. A supplier subcontracted work to this factory without authorization and in direct violation of our policies. Today, we have terminated the relationship with that supplier" (Wal-Mart 11/26/2012). However, photos of garments inside the factory taken after the fire showed that at least three separate suppliers were producing garments for Wal-Mart at Tazreen Fashions (Greenhouse 2012). This may have been oversight or, as was suggested by the director of the WRC, may have been purposeful withholding of information, commonly associated with phase 3. Likewise in 2012, media coverage and public attention began once again to focus on working conditions in garment factories, particularly those issues related to the workers' health and safety. The quick succession of the two factory fires and the

high death tolls associated with each led to quickly mounting pressure on all actors involved to make changes to prevent further factory accidents.

4.1.8 Phase 4 (2013 - present)

In April 2013, the biggest industrial accident in both Bangladesh's and the garment sector's history took place. Over 1130 people died and a far greater number were injured when the 8-story Rana Plaza building on the outskirts of Dhaka collapsed on April 24, 2013. A multitude of factors likely contributed to the building's collapse, including the illegal addition of three stories that reduced the structure's stability and the use of sub-standard building materials (BBC News 2013a). Moreover, the day before the collapse, cracks began to appear in the building and it was initially declared unsafe by a government engineer. A second inspection on the morning of the accident, ordered by the building's management, concluded that the building was safe, even though no action had been taken to address the cracks (Burke 2014). But due to tight production schedules and for fear of deductions in payment from Western buyers, factory managers put pressure on their workers to return to work inside the building, threatening to cut payments for overtime hours already worked for those who refuse. Since the workers rely on overtime payments to survive, they see little choice but to return to work (Burke 2014). Shortly thereafter, the building collapsed, likely as a result of vibrations from generators and sewing machines (BBC News 2013a).

While the two factory fires in the previous year had already brought SSIs in garment factories back into the focus of public attention, the dramatic images and rapidly rising death toll of the Rana Plaza tragedy are commonly seen as a turning point in the industry (Der Spiegel 2013) and resulted in manifold responses. Locally, 38 individuals were charged with murder, including the owner of the building (Reuters in Dhaka 2016). Victims and families affected by the disaster organized large and repeated protests to demand back pay and adequate compensation (Burke, Hammadi 2013). Other garment factories in Bangladesh were shut down as a precaution, pending inspection of their structural integrity (BBC News 2013b). These inspections resulted in shocking insights: 60% of the country's garment factories were deemed structurally unsound in a survey conducted by Bangladeshi engineers in the 6 weeks after the Rana Plaza collapse (Burke 2013).

Two months after the Rana Plaza collapse, the US government became involved at the highest level (phase 4): President Obama announced that Bangladeshi trade privileges would be suspended due to the country's failure to en-

force labor rights and safety (Greenhouse 2013b). Having seen little improvement regarding unionization privileges in export processing zones (EPZs), the administration further prolonged the suspension of privileges in June 2014 (Burckhardt 2015a), thus acting not only symbolically, but substantially (phase 4). This quickly led to an amendment of labor laws in Bangladesh, which expanded the freedom of association granted outside EPZs a year earlier to also include factories inside EPZs (Burckhardt 2015a).

US brands and retailers reacted less decisively in response to the Rana Plaza collapse. While their European counterparts created a legally binding initiative to address health and safety issues in Bangladesh,⁹ most major US brands and retailers refused to sign on, with some like the Gap and Wal-Mart explicitly objecting to its legally binding nature (Fairchild 2013; Greenhouse 2013a). Under ongoing pressure to join, a group of 17 US companies, including Wal-Mart and Gap, instead created their own agreement on Bangladesh, called the Alliance for Bangladesh Worker Safety (hereafter “the Alliance”). It was announced two months after the European initiative and marketed as a parallel and essentially equivalent agreement, though in fact there are significant differences between the two approaches (Donaghey, Reinecke 2018).

The Alliance is a largely voluntary, business-driven organization with a focus on the business case of brands and employers, which consists primarily of preventing future industrial accidents that lead to reputational loss. It differs from the Accord in a number of ways, both in its membership and through its approaches. First, while both agreements cover a five-year period (2013-2018), signatories of the Alliance only commit to a mandatory membership of two years (Donaghey, Reinecke 2018). Originally, the Alliance was made up exclusively of brands and factory management and did not include any union or worker representatives at all. However, after extensive international pressure, the Board Labor Committee was instituted, but only in an advisory capacity (Donaghey, Reinecke 2018). In alignment with both its primary goals and its constitutional membership, the Alliance focuses on quick and pragmatic solutions to problems that arise. For workers, this has the advantage that issues are addressed in a timely manner, so that for example compensation for factory closures are often paid within days. On the downside, this approach favors short-term over long-term solutions, where Alliance - rather than local union - representatives are

⁹ The European agreement is the 'Accord for Fire and Building Safety in Bangladesh,' hereafter 'the Accord'. See Chapter 4.2.3 for more details.

tasked with resolving problems and workers will be left no better off than before once the Alliance's support ends in 2018 (Donaghey, Reinecke 2018).

The Alliance also differs from the Accord in its financial conception. While brand membership fees cover a part of some costs, especially worker compensation, factory improvements are largely financed through loans made available to suppliers by buyer brands. The Alliance thus proposes a model of "shared accountability" (Greenhouse, Clifford 2013), where supplier factories work closely with the Bangladeshi government, as well as national and international aid agencies. In the end, however, the responsibility to improve lies firmly with local factories:

"In terms of legal liability, if a worker reports a factory is not measuring up, we have the measures to respond, to investigate," said Jay Jorgensen, global chief compliance officer for Wal-Mart. 'If a factory is not meeting the standards,' he said, 'under our agreement they're going to be terminated. That's the ultimate pressure point on a factory to treat its workers well — the continuation of business'" (Greenhouse, Clifford 2013)

Finally, unlike the Accord, Alliance members are not obligated to maintain their purchasing volumes in Bangladesh for any specified period of time, nor does the Alliance provide for a "binding arbitration process in [the] legal system of [a brand's] home country" (Donaghey, Reinecke 2018, p. 23). Thus, while on the surface the two agreements may look similar, all the elements that make the Accord particularly progressive - being legally binding, including labor representation at the highest level of decision-making, forcing member companies to maintain purchasing volumes in Bangladesh and submit to legal liability in their home countries - are missing from the Alliance. These are the 'teeth' of the Accord agreement, making it novel in its high level of commitment and enforceability.

This is typical behavior for phase 4: the closed industry front finally breaks wide open and while some firms - in this case major European brands - begin to engage in substantive action, others - most US brands - seek to hinder the implementation of policies they oppose.¹⁰ There is widespread agreement among

¹⁰ As explained earlier, Europe and the US are being discussed separately in this event analysis due to the major differences in their historical developments. However, the collapse of the Rana Plaza factory impacted both markets so significantly that, as of 2013, it no longer makes sense to uphold the regional focus. This shift in perspective can also be seen in media coverage of the event, which suddenly focused on both markets simultaneously due to the two separate agreements on Bangladesh that were created. Before Rana Plaza, most newspaper articles had a stronger focus on their own regional garment sector.

experts on the garment industry that any industry- or even country-wide improvements in working conditions require extensive cooperation among major brands and cannot be carried out by local factories alone (see Chapter 5). Simultaneously refusing to join a legally binding agreement and returning the onus to improve conditions to Bangladeshi factory owners significantly reduces the chances of success in improving working conditions and can therefore be seen as hampering its implementation.

The Alliance was criticized extensively by civil society, especially for being voluntary in nature and not including labor representation (Donaghey, Reinecke 2018). In response to the first point, spokespersons for the initiating brands argued that the two plans are quite similar and the separation between commitments had more to do with differences in the legal environment of the US and Europe than with US brands' desire to shirk responsibility (Greenhouse, Clifford 2013). In fact, Donaghey and Reinecke argue that the Alliance ultimately implemented higher standards and commitments for their members than the companies had originally intended, due to a "levelling up" effect that resulted from the strong public comparison between the Alliance and the Accord: "The labour-driven Accord established a high bar in terms of brand commitments, inspection quality and transparency against which any follower initiative would be measured. This placed the Alliance under greater scrutiny to perform and deliver on its promise" (2018, pp. 37–38). Ultimately, this also led to both initiatives adopting common standards for audits and agreeing to mutually accept each other's inspection results for shared factories (Donaghey, Reinecke 2018). This harmonized approach makes both initiatives more efficient, speeding up the process of improving safety standards in Bangladeshi factories.

By the end of 2016, the Alliance had 29 member companies, all but one of which come from the US market and cover about 90% of American RMG imports from Bangladesh (Donaghey, Reinecke 2018). Of 770 factories covered under the Alliance, 662 had been inspected with the result that every single factory was found to be unsafe to some degree. However, only 26 factories were reviewed for immediate closure, of which eight factories were ultimately closed due to immediate and grave safety threats (Donaghey, Reinecke 2018). According to the Alliance's own statistics, by March 2017, 72.5% of non-compliances had been remedied and 26.4% were in progress, although only 78 factories of over 650 had completed the Corrective Action Plans. In turn, 146 factories were suspended, which means that "adequate progress is not made within the specified timeframe, [and the factory is] removed from the Alliance compliant factory list" (Alliance for Bangladesh Worker Safety 2018). The Alliance Helpline, where

workers are able to report safety issues and other concerns, has received over 17,000 calls from Bangladeshi factory employees related to specific issues by March 2018.

The Alliance and Accord are designed to focus on safety improvements in Bangladeshi factories. Another aspect of the Rana Plaza disaster is the need for compensation, both for injured workers and the families of those killed in the collapse. In late 2013, the Bangladeshi government, together with a few global brands (both from Europe and the US) created the Rana Plaza Donors Trust Fund. While it was originally slated to collect \$40 million in aid money for Bangladeshi garment workers (Greenhouse 2013c), by early 2018, the fund has only reached roughly \$20 million in contributions (Rana Plaza Arrangement 2015; ILRF 2018). While 31 brands were shown to have been connected to Rana Plaza at the time of its collapse, only 19 have made contributions and of those, only 9 of the contributions totaled at least \$1 million (ILRF 2018). Similarly, a Trust Fund was also started for the Tazreen Fashion company fire, to which 14 international brands could be connected. Six years after the accident, the Fund has raised \$2.5 million, of which \$1 million each came from C&A and Li & Fung. Wal-Mart, which at the time of the fire was the majority buyer at Tazreen, contributed only \$250,000 to the Fund (ILRF 2018).

It is important to bear in mind that the Alliance, Accord, and both Trust Funds have a very narrow focus, namely building and fire safety in Bangladesh. None of the other myriad SSIs, including wages, child and forced labor, overtime, and abusive management practices, are being addressed by these activities, nor are other countries benefiting from them. While most of the public and media attention since 2013 has been on Bangladesh, the issues continue to be much larger. In an effort to draw increased attention to the ongoing SSIs in garment GPNs beyond Bangladesh, the Asia Floor Wage Alliance, made up of trade unions and other civil society actors, published a series of reports in 2016, once again critically examining working conditions in the supply chains of Wal-Mart, Gap and H&M in Bangladesh, Cambodia, India and Indonesia. The reports' recommendations were specifically addressed at the ILO's International Labor Conference in 2016, which focused on creating better working conditions in GPNs, and called for legally binding regulation of GPNs and human rights due diligence (Asia Floor Wage Alliance 2016a, 2016b, 2016c).

In 2016, a group of labor and civil society organizations also started a coalition on transparency in the garment sector. Between 2005 and 2015, a series of clothing brands had increasingly begun disclosing the names of their suppliers.

To encourage and guide this trend further along, the above mentioned coalition created the Transparency Pledge, which sets minimum standards for what information brands should disclose and how it should be made public. Brands that were fully or almost fully compliant with the pledge by the end of 2016 included Adidas, C&A, Esprit, H&M, Levi's, Nike, and the Gap. Many other brands had begun publishing some of the required information or promised to do so in the near future (see Human Rights Watch 2016).

4.2 Europe

Having examined the transition to date in the US, we will now turn our attention to the European anti-sweatshop movement. As there is no clear indication that Europe experienced phase 1 in its own right, we will start directly with phase 2. It is likely, though, that European activists involved in phase 2 profited from the issue articulation taking place in the US during the 1980s, as described above.

4.2.1 Phase 2 (1989 - 2004)

While phase 2 started a few years earlier in Europe than in the US, it also lasted significantly longer. In 1989, Dutch and British activist consumers launched a campaign against C&A after it became known that garment workers in a supplier factory in the Philippines had been unjustly let go for demanding the payment of legal minimum wages (Bair, Palpacuer 2012). They burned clothes in front of C&A stores to garner attention and thereafter organized a publicity tour through the Netherlands and United Kingdom (UK) together with the workers who had been dismissed to raise public awareness. This approach became quite popular in the European anti-sweatshop movement, as it possesses certain strengths:

“By mobilizing around concrete situations involving specific people, consumer campaigns made visible and accessible a number of complex issues, including the intricacies of global supply chains, their implications for workers at the manufacturing links to the chain, and the ‘regulation gap’ created by a system in which economic power [...] was located far from the production base, in the hands of Northern corporations” (Bair, Palpacuer 2012, p. 529).

The following year, the Dutch activists took advantage of the publicity they had already garnered through their campaign to found the Clean Clothes Campaign (CCC) in Amsterdam, a network of various different types of NGOs and trade unions, working toward the common goal of improving the working conditions in the garment industry (Bair, Palpacuer 2012; Clean Clothes Campaign 2012). Over the following decade, the CCC expanded across Europe. By the year 2000, there were CCC affiliates in nine countries: the Netherlands, France,

Germany, Belgium, United Kingdom, Spain, Sweden, Switzerland and Austria (Bair, Palpacuer 2012).

While the US garment industry was racked by scandals in the 1990s, the European anti-sweatshop movement was mostly focused on creating more structured organizations. The multistakeholder initiative Social Accountability International, which audits and certifies factories with the SA8000 standard, was created in 1996 (Fransen 2011). At the same time, the Ethical Trading Initiative (ETI) was founded in the UK, likewise with participation of trade unions, brands and NGOs.¹¹ In 1998, the CCC released its first “Code of Labour Practices” and supported the creation of the Fair Wear Foundation (FWF) in 1999, originally to implement this code of conduct. The FWF is now a multistakeholder initiative that works with brands, factories, trade unions and NGOs to improve working conditions in the garment industry (Fair Wear Foundation 2017). Throughout the 1990s and beyond, then, the European anti-sweatshop movement was emerging and mobilizing resources, as is to be expected in phase 2. By 2007, Micheletti and Stolle found over 100 organizations globally that were connected to the anti-sweatshop movement in the garment industry (Micheletti, Stolle 2007, p. 164).

Similarly part of phase 2 are public protest activities. In contrast to the movement in the US, the European anti-sweatshop movement, particularly via the CCC, has preferred a strategy of “oppose and propose” rather than “name and shame”. This strategy favors a collaborative approach between civil society and industry working towards an improvement of conditions, as is practiced by the FWF, which both monitors and supports its member companies in their progress towards fairer supply chains (Bartley et al. 2015; Bair, Palpacuer 2012). Opposition in the form of negative publicity through deliberate naming and shaming campaigns is seen as a last resort. Nevertheless, the CCC conducted 184 such campaigns in response to labor rights violations between 2000 and 2005, almost 80% of which occurred in Asia (Bair, Palpacuer 2012).

Many of these campaigns took place before and during large sporting events, including the Olympics and European and World Cups in soccer (Micheletti,

¹¹ For a detailed discussion of similarities and differences between private governance organizations in the garment industry, including the FWF, ETI, Fair Labor Association (FLA), Workers Rights Consortium (WRC), Social Accountability International (SAI), and Business Social Compliance Initiative (BSCI), among others, see e.g. Fransen 2011; Bartley et al. 2015; and Bair, Palpacuer 2012.

Stolle 2007), mirroring the focus of the US anti-sweatshop movement on the sportswear industry. Prior to the 2002 World Cup, for example, the German CCC organized the campaign “Fit for fair”, primarily targeting Adidas, which supplied the German soccer teams with uniforms and shoes. As part of the campaign, the CCC organized a conference with podium discussions and was able to convince Adidas to send a representative, who at the time was responsible for social issues in Asia. Asked by an audience member why the company would not shift 0,5% of the cost of advertising for each product to factory wages, the representative responded: “Those are two worlds. Advertising takes place here, the work is done in the third world” (Keller 2002).¹² This response is quite fitting for phase 2: on the one hand, firms can no longer ignore activists completely, on the other hand, pressure is not high enough that any admissions or concessions are necessary. Instead, as this representative does here, issues can simply be denied as such by portraying the situation as perfectly natural and, in the same statement, implicitly dismissing critics as uninformed.

However, the pressure from civil society was not without consequences in the industry. In 2003, the German foreign trade association¹³ created the Business Social Compliance Initiative (BSCI), an industry-only complement to the FWF and ETI (amfori 2018). In phase 2, industry responses usually include arguments that further regulatory action regarding an issue is unnecessary, since the issue is already being addressed. An organization such as the BSCI serves two purposes at this stage: first, it creates a more closed industry front regarding a difficult issue; second, it allows firms to argue that they are already working jointly on a solution to the problem. However, the BSCI is generally considered to have less stringent standards and less rigorous enforcement than multi-stakeholder or civil society organizations and is thus often criticized by the latter (Fransen 2011).

On the other end of the industry spectrum, the German brand HessNatur - already a niche actor due to its strong focus on ecological sustainability - was approached by the German CCC regarding problems in its supply chain in 2003 (Schnura n.d.). Rather than ignoring or denying these issues, the brand instead agreed to start a pilot project with the CCC with the purpose of creating a system of social standard implementation that would cover all of the CCC’s criteria

¹² Quote translated by the author. German original: “Das sind zwei Welten. Die Werbung passiert hier, die Arbeit in der Dritten Welt.”

¹³ The Foreign Trade Association recently changed its name to amfori: Trade with Purpose.

and still be manageable for small and medium enterprises such as HessNatur. In total, the brand spent 50,000€ over two years to have its eleven suppliers in three countries inspected by the CCC and correct any problems that were found, until all eleven supplier factories received top marks from the CCC (Reinhold 2005). This is an example of an early exploration of more radical alternatives in phase 2 that can be used to prove that civil society's demands are feasible in principle, at least at a small scale.

By the end of phase 2, policymakers also began taking symbolic action. For example, the German Ministry for Economic Cooperation and Development (BMZ) initiated the Round Table on Codes of Conduct in 2001, a multi-stakeholder forum initially intended to collectively agree on standards for codes of conduct. While the forum evolved to also discuss other issues such as the ISO 26000 standard and initiated a small number of local campaigns, overall it had little impact and several of its civil society stakeholders either left (the German CCC) or contemplated leaving it (trade unions) (Stahl, Wötzel 2013). Although the Round Table did not focus exclusively on the garment sector, a large number of the brands involved came from the clothing industry, including Puma, Adidas, Tchibo and Otto Group (Rust, Läer 2010).

4.2.2 Phase 3 (2005 - 2011)

Beginning in 2005, there are signs that Europe begins to move towards phase 3, although the distinction is not as clear here as it was for the United States. One factor in moving the issue lifecycle along is the large number of industrial accidents taking place in Bangladesh. The Bangladeshi fire department, for example, estimates that 213 factory fires took place in the garment industry between 2006 and 2009 (Clean Clothes Campaign 6/27/2013). There were also other industrial accidents, such as the collapse of the Spectrum Sweater factory in Dhaka in 2005, in which 64 people were killed and the CCC later pulled labels from the rubble indicating that the supplier was producing for KarstadtQuelle (Klawitter 2005) as well as Inditex. This, however, led to much less media coverage and public concern in Europe than similar accusations had in the 1990s in the United States. While at first denying any connection to the factory and thus purposely withholding relevant information, as is common for phase 3, KarstadtQuelle eventually admitted that it had placed "a handful of trial orders" and would send representatives to Bangladesh to investigate in June 2005 - two months after the factory collapse (Howe 2005).

A few months later, the CCC organized a series of public events in Germany with a Bangladeshi seamstress and a union representative from a supplier factory for Tchibo, who related the poor working conditions they experienced there (Bopp 2006). While there was very little media coverage at the time, the campaign still had a noticeable effect on the company, which even years later pointed to the CCC's actions as an important factor in their corporate decision to engage more with SSIs in their supply chain (Lohrie 7/1/2008). In 2006, Tchibo became a member of SAI and by 2008, the company openly and publicly admitted that it had made a mistake by assuming that social audits, which were carried out as of 2003, would be enough to force the implementation of acceptable social standards in its value chain (Lohrie 7/1/2008). Having a few early movers in the sector who openly admit mistakes and begin to invest more seriously in alternatives - perhaps hoping to garner an early mover advantage - is an important factor in phase 3 that moves the transition along and provides best practice examples to other companies, who may be more hesitant to engage.

While accusations of poor working conditions brought little media coverage to Tchibo, the situation played out quite differently for other brands, especially Primark, which became the target of significant public scrutiny and critical attention from the media starting in 2006, when the British NGO "War on Want" published a report singling out Primark along with 2 other brands for poor factory conditions in Bangladesh (Hickman 2009). The following year, the Guardian followed up with multiple investigations in garment-producing countries. In Indian garment factories producing for Primark, Gap, and H&M, journalists uncovered a series of harrowing tragedies including the death of a newborn and the suicide of one employee in a factory toilet (McVeigh 2007b). In a special report on Primark's Bangladeshi suppliers, they reported on physical abuse, health problems and factories intentionally set on fire by desperate workers (McVeigh 2007a). The next year, the BBC aired an episode of BBC Panorama called "Primark: On the Rack", which featured filmed footage of under-aged children producing Primark clothing.¹⁴

In response to the negative press received by the company, Primark set up the Primark Better Lives' Foundation, which focused on eliminating child labor in India (Hand in Hand International 2015) as well as the website

¹⁴ Primark disputed the authenticity of this footage and later received an official apology from the BBC for its airing (Primark 2011). NGOs involved in the situation continued to disagree with the findings of the BBC Trust and believe the original footage to be accurate (War on Want 2011).

www.ethicalprimark.com,¹⁵ where it posted responses to its critics and updates on its engagement. These included lessons learned, where the company openly admitted to past mistakes and laid out its plans for the future. It acknowledged

- that it needed help in addressing its social supply chain issues and had begun cooperating with NGOs;
- that its auditing methodologies required improvements and that audits should not be relied on too heavily;
- that it lacked sufficient familiarity with its own supply chain and had started a large-scale supply chain mapping project; and, perhaps most importantly,
- that "some of the problems in the supply chain can be caused by our own [...] internal processes and systems within Primark" (Primark 2008).

Like Tchibo's response described above, this kind of public admission and acknowledgment that something needs to change is a key part of phase 3 to move the industry forward.

However, not all companies were quite so willing to take this step. In 2010, advertising by German discounter Lidl stated that the brand's non-food items, including clothing, were produced only by suppliers who were in compliance with ILO and BSCI social standards. Research by the European Centre for Constitutional and Human Rights (ECCHR) and CCC showed this not to be the case for its Bangladeshi garment suppliers, which led the Hamburg Consumer Protection Agency to sue Lidl on the grounds of false advertising (BHRRC 2010), another indicator of phase 3. Lidl lost the lawsuit and was forced to remove any claims of fair labor from its advertising (Spiegel Online 2010). No public statements from the company regarding the lawsuit could be found.

A final important component of phase 3 is the emergence of a niche market for alternative products. While it is difficult to find comprehensive statistics on global sustainable fashion sales, country-specific data show that beginning in the mid-2000s, the market for ethical and sustainable fashion has been growing steadily (see e.g. Figure 7, as well as Ethical Fashion Forum 2011; Internationaler Verband der Naturtextilwirtschaft e.V. 1/21/2015).

¹⁵ This URL now redirects to Primark's homepage, but archived material of the original site is available under <https://web.archive.org/web/20081207210855/http://www.ethicalprimark.com:80/news.html>.

4.2.3 Phase 4 (2012 - present)

While the start of phase 3 in Europe is somewhat difficult to pinpoint, it is quite clear for phase 4. The three major industrial accidents already described in Chapters 4.1.7 and 4.1.8, namely the fires at Ali Enterprises in Pakistan and Tazreen Fashions in Bangladesh in late 2012, as well as the collapse of the Rana Plaza building in Bangladesh in early 2013, had a significant impact on the garment sector in Europe and clearly moved the industry into phase 4.

Public attention increased massively: in 2012, almost 1500 media articles were published on the two fires, followed by another 3000 over the following four years. In 2013, over 8000 press reports were published on the Rana Plaza tragedy, as well as another 9000 articles over the following three years. In total, well over 20,000 media articles were published on these three industrial accidents over a 5-year period (Source: LexisNexis).

The German discount brand KiK was the only brand known to have been directly connected to all three accidents. In the case of Ali Enterprises in Pakistan, it was furthermore the biggest single client of the factory (Terwindt 2016). Due to public pressure, the firm quickly agreed to make short-term relief payments to victims and dependents in the amount of \$1 million (ECCHR; Kampagne für Saubere Kleidung; medico international 9/10/2014; ECCHR n.d.). KiK was not, however, willing to accept joint responsibility for the fire, nor to commit to long-term compensation for affected families who face long-term income losses due to injury or death. As a result, the company was sued in 2015 by survivors and victims' families of the Ali Enterprises fire in a German court of law. Claimants argue that KiK bears joint responsibility for the lacking safety standards and that these led to the fire; KiK, in turn, insists that the fire was arson and that it is not responsible (BHRRC 2018). As of this writing, the lawsuit is still ongoing.

This lawsuit bears relevance for the industry in general, because in addition to dealing with the case at hand, it also involves the question of how the so-called "Rome II" legislation of the EU is applied to transnational tort claims in supply chain cases (ECCHR n.d.). More specifically, it addresses who can be held liable for damages in fragmented and highly global supply chains. This is the first case in which a German court has accepted jurisdiction in a suit brought by employees of a foreign supplier against a German producer (Koch 2016). Depending on the final outcome, some legal experts believe this could be the "game changer" that could trigger much larger systemic change in the industry (Terwindt 2016), which would rightfully make it an indicator of phase 4.

Even without a final decision, however, the lawsuit has already led KiK to exert greater pressure on auditing organizations, demanding that they guarantee the validity of their audit results for a specific period of time, such as 8-12 weeks after the audit was performed (Dohmen 2016). The fact that auditors have so far refused this demand by claiming that such a guarantee is not possible without daily in-factory supervision comes close to an admission that social audits are almost meaningless when it comes to assessing compliance with social standards in factories.

The event with the biggest impact on the garment industry was without a doubt the collapse of Rana Plaza. The rise in public attention was already discussed earlier, as was the fact that (mostly) European brands joined together to create the Accord on Fire and Building Safety in Bangladesh ("the Accord") (see Chapter 4.1.8). The Accord was based on an earlier agreement between PVH Corp. (owner of brands Tommy Hilfiger and Calvin Klein), Tchibo, a number of NGOs including CCC and WRC, as well as union representatives, which had been agreed to following a series of earlier Bangladeshi industrial accidents, but that had not found widespread traction in the industry (Clean Clothes Campaign 2013). After the collapse of Rana Plaza, this earlier agreement was taken as the basis of the Accord and quickly updated to match current events. After initial hesitation by apparel brands, H&M - at the time the single largest buyer of garments from Bangladesh and target of an online petition with more than 900,000 signatures urging it to take action - announced on May 13, 2013 that it would sign the Accord, although it had not had any suppliers in Rana Plaza (Greenhouse 2013a). Within hours, C&A, Primark and Tesco announced their intention to join as well and only days later, the Accord had 40 brands on board (Greenhouse 2013a; Clean Clothes Campaign 2013). In the end, over 200 international apparel brands signed the Accord, with 80% coming from Europe, 11% from North America, 6% from Australia and 3% from Asia (ILRF 2018). As will be evident from the description below, the Accord is an example of firms engaging in substantive action, including making binding commitments and providing financing for implementation, and therefore qualifies as a phase 4 industry response.

In contrast to the Alliance, the Accord is legally-binding and its members must commit to a full 5-year participation. In addition, "members agree to maintain their purchasing volumes from Bangladesh for two years; and [that] disputes go to binding arbitration which can be enforced through the legal system in the home country of signatory brands" (Donaghey, Reinecke 2018, p. 24, sic). Membership fees vary based on size, but can be up to \$500,000 per company.

The Accord's steering committee is made up of an equal number of brand and union representatives and is chaired by the ILO, while Bangladeshi industry representatives only have an advisory position (Donaghey, Reinecke 2018).

In its governance structures, the Accord is much more strongly oriented towards including labor representation and paving the way for a long-term strengthening of labor unions in Bangladesh than the Alliance. Where conflicts arise, for example regarding worker compensation upon factory closures due to safety concerns, union representatives must negotiate with factory owners themselves - with support from international union representatives -, rather than this task being outsourced to Accord officials. This often implies that negotiations take longer, which can be difficult for workers who are dependent upon a source of income, but at the same time, it is a first step towards creating institutions of worker representation that can function well beyond the existence of the Accord (Donaghey, Reinecke 2018). In a country where trade union representatives have often been met with hostility and at times even violence, providing opportunities for capacity building and peaceful, respectful interaction between factory management and union representatives is key for the long-term development of better conditions in the garment industry.

Based on the Accord's October 2016 Quarterly Aggregate Report, the Accord had inspected 1551 factories and closed 147, of which 30 moved to and reopened at new premises. A total of 20,717 structural, 40,782 fire-related, and 56,995 electrical safety issues had been identified in the factories by this date and included in the corresponding correction action plans (CAPs). Just over 50% had been corrected by October 2016, with the remaining issue corrections either in progress or pending verification. In addition, over 1000 detailed engineering assessments, which are much more in-depth structural inspections than normal factory inspections include, had been conducted and more than 1600 factories had submitted additional design drawings for new fire protection systems. Nevertheless, only 7 factories had completely resolved all identified issues and had these verified by Accord engineers. 23 factories had completed their original, but not follow-up CAP, while 26 more factories were on track with the originally planned implementation timeline. Almost 1400 factories were behind schedule with CAP implementation by this point in time, while 41 factories refused to implement CAPs and Accord members therefore terminated their business relationships with these factories (Accord on Fire and Building Safety in Bangladesh 2016). While the delays evident from these numbers are certainly problematic, it is nevertheless clear from this report that policy action has shifted to the implementation phase, as is to be expected in phase 4.

The collapse of Rana Plaza and its aftermath have changed the garment industry. On the one hand, it is important to remember that the Alliance, the Accord and the two Trust Funds have a very specific focus, both regionally (Bangladesh) and in terms of content (building and fire safety). Other issues, such as overtime, wages, abusive management, child and forced labor, as well as all other production countries, are not being addressed by any of these initiatives. On the other hand, Rana Plaza has widely been seen as a wake-up call for the garment industry, governments, and the public that something needs to change in the sector. While progress has been slower than many would like, it is beginning to take place. And while the Accord and Alliance were the largest and most global initiatives that resulted from the Rana Plaza disaster, they were not the only ones.

Rana Plaza also inspired other multi-stakeholder initiatives, such as the German Partnership for Sustainable Textiles (GPST), founded in 2014. The initiative had a difficult start, with two major industry associations who had previously indicated their intention to join pulling out shortly before its inception, arguing that the GPST's proposed goals of achieving "uninterrupted monitoring of all steps of production [...] is unrealistic" (ZEIT Online 2014, translated by author). In April 2015, one of these industry associations sent a newsletter to its members, announcing that it had managed to have all "problematic points" removed from the agreement during negotiations: "It is now no longer binding and all problematic goals will be mutually understood to be negotiable and adaptable. Moreover, we succeeded in enshrining the principle of unanimity for all resolutions, so that nothing can be decided against industry interests" (quoted in CI Romero June 2015). The industry association was thereby clearly attempting to hinder the implementation of radical policies (phase 4), while at the same time informing its members that joining the GPST after these negotiations would confer brands the advantage of being able to advertise their membership and enjoying a certain level of protection from the national government. This approach succeeded in so far as the GPST grew rapidly thereafter. By early 2018, it includes approximately 50% of Germany's apparel market, with roughly 150 members covering a broad constituency, ranging from brands and retailers, to unions, NGOs, standard-setting organizations, government officials, and industry associations, including the two who originally refused (German Partnership for Sustainable Textiles).

Although this approach by the industry drew significant criticism from civil society, the members of the GPST were eventually able to agree on an approach that all of its members could agree to. The GPST follows what they call the

principle of procedural liability, where all members undergo a pre-defined review process, which includes questions regarding supply chain management, risk analysis, reduction of noxious chemicals and the payment of fair wages, among others. Based on the results of this baseline assessment, each member (including NGOs and the government) must set yearly goals for themselves in roadmaps, whose publication is mandatory as of 2018, and continuously report on their progress. The expectation is that the members' goals become more and more ambitious with time. In addition, beginning in 2018, there are GPST-wide goals that are mandatory for all members, differentiated by type of member. For brands and retailers in 2018, these include having established a process to handle child and or/forced labor when it occurs in their supply chain, including providing redress, and systematically identifying all of their business partners and suppliers. As of 2019, brands and retailers must

- "have established a system to continuously monitor the implementation of their standards throughout the supply chain,
- take identified social risks and potential negative effects in their supply chain into consideration in the selection of suppliers and placement of orders,
- have made a contribution to ease employee access to a grievance mechanism,
- contribute to a measure whose aim is to pay living wages to employees in production countries" (German Partnership for Sustainable Textiles 2017, p. 2).¹⁶

Similar goals are set for producers, the German government, NGOs, standard-setting initiatives, trade unions and industry associations.

On the one hand, it is commendable that certain minimum standards are being set for all members of the GPST. On the other hand, the bar is not set particularly high, especially given the roundabout formulation of some of the goals, like "contribute to a measure whose aim is....". This is likely the result of extensive negotiations between different actor groups in the GPST, struggling about the details of implementation, as is typical for phase 4.

In 2016, the Netherlands followed with a similar initiative, the Dutch Agreement on Sustainable Garments and Textiles, which is initially in force for a five-year period. 55 brands were among the original signatories to the agreement in July

¹⁶ Author's own translation from German.

2016 and another 23 have joined by early 2018. The Agreement also includes 'participating parties', made up of six NGOs, the Dutch government, three industry associations and two trade unions, who are tasked with supporting the achievement of the Agreement goals. Finally, there are 13 'supporters', including the FWF, BSCI, and FLA (SER 2016a).

Business members of the Agreement must submit a list of their production sites, which are made public in an aggregated list. The Agreement has set forth a 'Project Secretariat,' which manages the in-depth supplier lists by company and can be contacted by NGOs in case of discovered abuses at suppliers, so that this information can be passed on to brands who use this supplier. In addition, companies must make use of an Assessment System developed by the Agreement, which aids in the process of due diligence based on the OECD Guidelines. Similar to the GPST, Agreement members must create plans for improvement in their supply chain with specific aims, that must be implemented as of mid-2017, and which will be evaluated on an annual basis. Unlike in the GPST, the Agreement does not provide for the publication of these plans or the results of the annual assessments (SER 2016b).

While not specific to the garment sector, 12 countries adopted national action plans on business and human rights with a focus on implementing the UN Guiding Principles on Business and Human Rights between 2013 and 2016. Among them were the UK, Netherlands, Denmark, the US and Germany (UN OHCHR 2018). This is an example of macro-level policymakers becoming involved in addressing an issue, as is to be expected in phase 4.

4.3 Key Developments since 2016

Our study focused primarily on the time period between 1990 and 2016. However, a few significant developments have taken place in 2017 and early 2018 that we would be remiss not to at least mention here, albeit without detailed analysis:

- Seven further countries adopted national action plans on business and human rights (UN OHCHR 2018).
- When a conflict arose over working conditions in Vietnam, Georgetown University and Nike agreed to mediation, which ultimately led to an agreement under which the WRC will be granted access to Nike's supplier factories to monitor labor conditions there (Larimer 2017).

- 40 major brands, including Adidas, Nike, Gap, H&M, Levi's, Puma and Target, committed to publicly disclosing all or almost all of their global suppliers by the end of 2017. Prior to disclosures, the WRC estimated that the list would number approximately 10,000 factories and thus represent a significant share of global garment factories (Worker Rights Consortium 4/21/2017).
- The United Nations adopted the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector in 2017 (United Nations 2017).
- Two arbitration cases have been settled under the Bangladesh Accord, one in 2017 and one in early 2018. In both cases, apparel brands had to pay settlements for delaying safety improvements at Bangladeshi factories. The second settlement was \$2.3 million and celebrated as a turning point by international union representatives (Rushe 2018).
- The Bangladesh Accord, originally slated to run through mid-2018, has been renewed for another 3 years, until 2021. It includes improvements based on lessons learned from the previous five years, including severance pay for workers whose factories are closed due to safety issues and greater protection for union workers and the freedom of association in general (Russell 2017).
- In early 2018, the German Partnership for Sustainable Textiles signed cooperation agreements with the Sustainable Apparel Coalition and the Dutch Agreement on Sustainable Garments and Textiles. Using a cooperative approach, the organizations hope to increase harmonization and mutual recognition of standards, as well as pooling resources and leverage and easing the administrative burden for member companies (German Partnership for Sustainable Textiles 2018a, 2018b).

5 Behavioral Analysis: Results from Expert Interviews

Both the quantitative and qualitative analysis have shown that a transition toward greater social sustainability is underway in the garment sector and has, to some degree, been ongoing since the late 1990s. From the perspective of the MLP, the Rana Plaza collapse can be seen as a window of opportunity for more radical changes to take place in the industry. Attempts to initiate radical change have already begun; how successful they will ultimately be in transitioning the clothing sector fully towards social sustainability is a question that cannot yet be answered, as many processes are currently still ongoing.

In the following chapter, we will describe the results of our expert interviews, which we conducted against the backdrop of this analysis. In the interviews, we focused more explicitly on the current status of corporate and consumer behavior through the lenses of the C-CADM (corporate behavior, Figure 10) and SSBC model (consumer behavior, Figure 11). Since the experts we spoke to were all from Europe and mostly from Germany, our scope in the behavioral analysis is limited to the European garment sector with a strong emphasis on Germany.

Our goal was to answer the overarching question: “What are current drivers and obstacles that impact brands’ and consumers’ willingness and ability to address SSIs in the garment sector?” We broke this query down further into a series of guiding questions aimed at identifying ‘sticking points’ in the SSBC/C-CADM models:

1. In your opinion, are brand-name manufacturers aware of SSIs in their GPN?
2. Do you think brand-name manufacturers are already addressing some of these issues?
3. In your opinion, are customers already aware of these SSIs with regard to their clothing?
4. Do you think that customers are taking their awareness of these issues into account when making apparel purchasing decisions?
5. How would you assess the market prospects of smaller (niche) firms in the short-, medium-, and long-term? Why?
6. In your opinion, what drivers currently help to further advance issues of social sustainability in the garment sector?

7. In your opinion, what obstacles are currently preventing greater social sustainability in the garment sector?

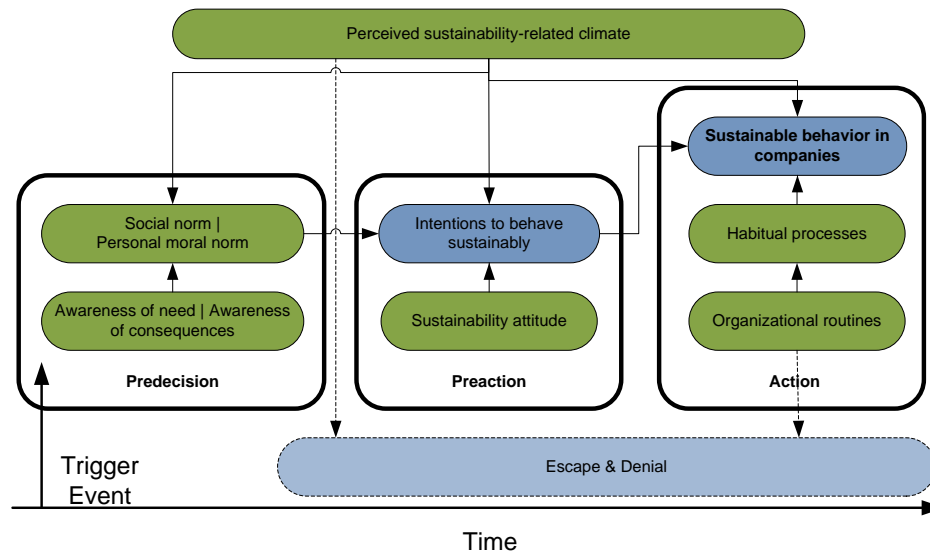


Figure 10: C-CADM model (Bodenheimer 2016b; adapted from Lülfs, Hahn 2014)

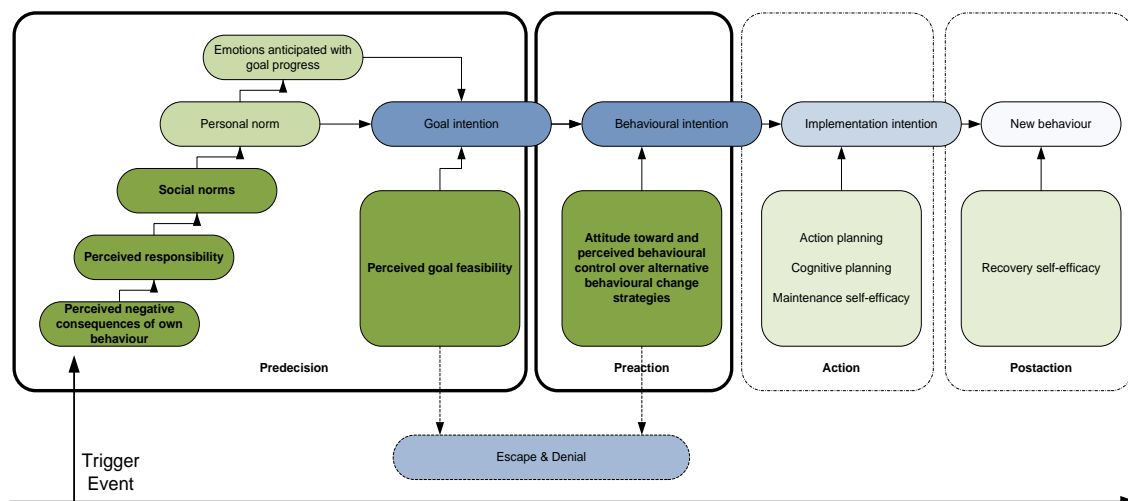


Figure 11: Adapted SSBC model (Bodenheimer 2016b, adapted from Bamberg 2013)

The results of the expert interviews will be presented and analyzed below. We will first focus on corporations and then discuss consumers. For each group, we divide our analysis into awareness, which includes trigger events, the predecision stage and the perceived sustainability-related climate (corporations only),

and behavior, where we discuss the preaction and action phases as well as escape & denial.

5.1 Corporations

5.1.1 Corporate Awareness

Predecision Stage

All experts agreed that there is a high degree of sensitization and awareness of SSIs in GPNs both among brand-name manufacturers and garment retailers. While the scandals of the 1990s led to some awareness, corporate issue awareness has increased significantly since the Rana Plaza collapse and has been driven primarily by stakeholder and/or media interest in this topic. An intrinsic motivation to address social sustainability in the GPN without any external pressure is considered to be rather rare.

When looking at issue awareness in more detail, we need to differentiate between an understanding of the problems that occur in general in garment GPNs and those that occur in specific supply chains. In terms of general problems, the experts felt that knowledge of the issues in question is quite high regarding wages, health & safety, factory management and child labor. Generally, all areas that are typically part of a basic code of conduct are fairly well understood at this point in time. Areas where knowledge and understanding is less prevalent are in particular questions related to unionization and collective bargaining. These are seen as something of a “black box” by many firms, since they are strongly impacted by local historical, socio-cultural and legal factors. For example, in some countries unions have historically been corrupt, so that workers’ willingness to trust them is quite low. In other countries, only government-approved unions are allowed to exist, which do not necessarily represent employee wishes as accurately as is the expectation of European or US-based unions. As a result of these complexities, firms often do not know how best to address questions regarding unionization and collective bargaining in their supply chain, especially since best practices tend to vary from one country to the next. At the same time, unionization and collective bargaining also have the potential to lead to significantly higher long-term costs for buyers than, for example, building safety standards. Some experts contend that this, rather than the level of complexity, is responsible for the fact that these issues (wages and unions) have been addressed the least so far.

With regard to specific supply chains, the analysis is more complicated. Many smaller brands or retailers purchase their goods through importing agents, who act as middlemen and are therefore often reluctant to reveal which factories they work with for fear of being cut out of the supply chain. In this model, it is quite difficult for the brand to know where their products are being produced specifically. But even larger brands, who interact directly with supplier factories, often struggle to know exactly which factories are involved in the long production process from raw material to the final item of clothing. The practice of subcontracting is very common in the garment industry and is not always communicated openly to the buyer, adding a further layer of complexity.

These structures explain to some degree why, when an accident takes place at a supplier factory, brands often claim not to have known that their products were being manufactured there. However, some large brands such as Nike and Primark have started to publish lists of their suppliers, showing that it is possible to put these together.

With regard to the **predecision stage** of the C-CADM (see Figure 10), we can then determine that there is an **awareness of need and consequences** among clothing brands and retailers regarding SSIs in the GPNs of the garment sector. Only in a handful of individual cases do **personal moral norms**, particularly of the CEO or board of directors, play a major role in motivating a company to address social sustainability.

Social norms, however, seem to play a somewhat larger role. Both studies (e.g. Bartley, Child 2012) and the experts agree that SSI scandals and industrial accidents, even of the scale of Rana Plaza, have at most very minor and short-term negative financial consequences for brands involved. This is certainly not enough to motivate significant action on the part of firms. However, brands are generally more willing to address those social issues that are likely to hurt their reputation, particularly child labor and large-scale industrial accidents. Thus, the question of structural integrity of factory buildings in Bangladesh was addressed quite quickly after the Rana Plaza collapse, because brands wanted to avoid at all cost the media circulation of further heart-wrenching photos of garment workers buried under piles of rubble.

The other relevant factor (both here and in later stages) is the **perceived sustainability-related climate**. If financial ramifications are unlikely, what motivates corporate engagement to address SSIs in the garment sector? Long-standing NGO campaigns and media attention have certainly been a factor, but

two other drivers were identified that have changed in recent years and are considered key by some of the experts: First, many distributors and retailers have begun to require proof of engagement in the area of social sustainability in the GPN before they are willing to do business with brands and importing agents. SSIs have thus increased in priority in business-to-business interactions in the garment sector.

The second major driver is that political pressure to address SSIs in supply chains has risen noticeably in the last eight years. While many initiatives like membership in the GPST or compliance with the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector are still voluntary, there has also been an increase in compulsory legislation, such as the UK Modern Slavery Act and the California Transparency in Supply Chains Act. This is an indicator for many in the industry that engagement with SSIs in the GPN is not only a question of ethics, but also needs to be considered from a strategic business point of view, as the topic is likely to continue gaining importance in the political arena.

5.1.2 Corporate Behavior

In this section, we will discuss the **preaction** and **action stages** as well as **escape & denial**. For the preaction stage, we will break down our analysis of brands' and retailers' **sustainability attitude** into the components perceived responsibility and perceived goal feasibility. The action stage will be divided into **organizational routines**, **habitual processes** and **sustainable behavior in companies**.

Preaction Stage

In addition to acting as a driver for action, the increasing political pressure discussed above has conveyed to brands that they bear a certain amount of **responsibility** or are at least expected to readily provide answers to certain SSI-related questions. Most experts emphasized that the degree to which a brand or retailer perceives itself to bear responsibility for SSIs in its GPN beyond this depends heavily on the degree to which its leadership (CEO or board of directors) prioritizes this issue. If management recognizes its importance, innovative solutions can usually be found and necessary fundamental changes are made; if not, most actions will be limited to responsive one-off measures that have little impact beyond the immediate situation they are designed to address.

With regard to **perceived goal feasibility**, all experts, regardless of their provenance from industry, academia, journalism or civil society, agreed that improving working conditions and addressing SSIs in GPNs of the garment industry is an enormously complex undertaking. Some of the problems are structural in nature and cannot be addressed by single actors or even single actor groups. Other problems can plausibly be resolved through increased cooperation between individual brands/buying agents and factory management, though this cooperation is likewise subject to many external forces that often complicate matters significantly.

Among those brands and retailers that have begun to address SSIs in their GPNs more seriously, there is fairly widespread agreement that no firm can solve these issues on their own. This is in large part due to the highly fragmented structure of the production network: brands have a large number of suppliers producing their goods, and suppliers, in turn, have a large number of buyers who purchase their products. This means that in most cases, neither side can single-handedly change conditions on a large scale. Instead, both sides have a small amount of leeway to negotiate and maneuver, but this is rarely large enough to dictate major changes. Moreover, the current business model of importing largely through agents and a large number of varying suppliers encourages brands to have very short-term relationships to their suppliers, which means that neither side of the equation has any incentive to invest heavily into fulfilling the wishes of their counterpart because there is little investment and planning security. Some experts suggested, however, that brands are beginning to recognize that this business model may also no longer be economically sustainable, as it is high risk with regard to losses resulting from poor quality as well as interruptions or delays in production. However, many are afraid to move away from this model since it is currently the dominant approach on the market.

There are two plausible approaches to remedying these structural issues: first, if all or a majority of brands agree to work together to improve working conditions in supplier factories, suppliers will have a larger incentive to comply with higher social standards. Second, if brands build up longer-term relationships to a smaller number of suppliers, the latter will likewise be encouraged and enabled to fulfill the wishes of their long-term buyers while the former will have an incentive to invest more time and money into long-term suppliers to support an improvement in working conditions. This approach could also resolve another problem: Small brands are often overwhelmed by the manifold legal requirements of large and fragmented supply chains across many different countries and therefore resort to working with importing agents, thereby sacrificing much

of their influence over the supply chain of their products. Having a smaller number of long-term suppliers would also make it easier for smaller brands to retain more control over their GPN.

This is also the context in which niche sustainability brands play an important role. While niche suppliers are generally not seen to put much economic pressure on regime actors, they do serve two important functions. First, they provide a proof of concept of alternative approaches and thereby discredit the argument that alternatives are not feasible. Second, they also serve a role model function by demonstrating best practices and showing willing regime actors how more sustainable business models can work, both with regard to complex supply chains and other SSIs.

Another structural problem is that retail prices on the consumer apparel market do not in any way reflect working conditions: luxury and discount brands often produce their garments in the exact same factories and under the same conditions. This not only leads to false assumptions on the part of consumers, but also makes it difficult for brands willing to act as sustainability role models to justify this decision financially.

Other issues are less strongly embedded in the system as a whole and could therefore more easily be addressed by individual actors. Brands that have analyzed their own production processes more carefully have found that poor production planning on their part, including for example last-minute changes to design, quantity or quality of a product, can often lead to excessive overtime and/or unauthorized subcontracting. A key question for brands to ask themselves therefore needs to be whether their own practices and expectations *enable* their suppliers to comply with the code of conduct that is in place. Fair procurement should ideally involve long-term supplier relationships at eye-level with well-planned and reasonable purchasing behavior, meaning manageable deadlines, realistic prices and as few last-minute changes as possible.

Action Stage

Achieving the level of 'fair procurement' described above requires incorporating social sustainability matters strategically in many if not all corporate decision-making processes and **organizational routines**. One expert estimated that 80% of garment brands still have the same organizational structure with regard to CSR as they did 25 years ago: CSR is seen as either risk management or as a communication strategy, but not as part of everyday corporate processes. To change this, a conscious decision to include SSIs in strategic management de-

cisions is necessary, but likely not enough. Rather, social sustainability concerns should be formulated in familiar terms and incorporated into existing workflows and **habitual processes**, rather than being treated as an add-on after the fact.

It is also necessary to acknowledge that an intention to behave more sustainably does not imply that brands immediately know how to do so. Many brands are still not aware enough of what their options are for more **sustainable behavior** and how they can maximize their own leverage within the GPN. This is one area where cooperative approaches like the GPST, AGT and Bangladesh Accord can be helpful by encouraging the exchange of best practices, allowing brands to network and/or cooperate with each other, and providing a space to meet other actors with expertise regarding SSIs, such as NGO or trade union representatives.

In general, an increase in multi-stakeholder cooperation within the garment sector is seen as one of the most important drivers towards more sustainable corporate behavior, along with the noticeable increase in political pressure that has taken place in recent years and has likely paved the way for more cooperation.

Escape & Denial

Roughly half of the German market and a third of the Dutch market (by revenue generated) are members or signatories in the GPST or AGT respectively. In comparison to many other retail sectors, this is a significant rate of participation for social sustainability initiatives. On the other hand, it also means that 50-70% of each market are not members, of whom many¹⁷ do not actively address SSIs in their supply chains in any other forum either. In this section, we will first examine the barriers and obstacles that prevent engagement and thereafter the arguments commonly used to justify this **escape & denial**.

The garment sector is generally perceived to be highly cost-competitive, which makes investments into greater social sustainability difficult so long as there is no level playing field for the industry. With the exception of niche sustainability markets, external costs for people and the environment are currently not factored into market prices.

¹⁷ Some smaller niche sustainability brands have left the Textilbündnis not because the social standards are too high, but rather because they cannot handle the increased administrative workload.

The complexity and lack of transparency of the GPN is also seen as a significant obstacle, as many brands do not know how to reach suppliers beyond the first or second tier of the supply chain. Particularly small and medium enterprises in the garment sector argue that they do not have the human and/or financial resources to address sustainability issues in the supply chain. Some, however, argue that smaller brands should also have a smaller number of suppliers and that this is more of an excuse than a legitimate obstacle.

Many brands also continue to see any engagement with regard to SSIs as a form of risk management, rather than as an opportunity or as part of the definition of a modern company. From this perspective, engagement is often limited to having basic instruments in place, such as a code of conduct and periodic social audits, to limit the firm's liability in case of scandal. This approach resulted largely from the wave of scandals that enveloped the sportswear industry in the 1990s, after which most clothing companies demanded that their suppliers sign a code of conduct and monitored its compliance using social audits.

While this is certainly better than not addressing SSIs at all, it is important to understand what audits can and cannot do. An audit is a means of taking stock of a situation and is therefore a useful first step in understanding what problems need to be addressed. However, the engagement cannot stop there, since an audit alone cannot actually resolve any problems. Instead, it usually results in a corrective action plan (CAP) that determines what steps need to be taken to improve specific issues, who will take these and when. Social audits are only useful in addressing SSIs if they lead to concrete follow-up actions to correct the identified problems.

The other difficulty is that there are many issues that social audits usually cannot or do not uncover. Among these are serious human rights violations such as the employment of forced laborers or indentured servants, but also contextual factors that need to be understood in order to effectively address problems. For example, problems like excessive overtime or safety issues can also result from poor management in factories. Factories therefore need to ensure that managers have the necessary training and knowledge to do their jobs, including realistic in-house production and cost planning. Buyers and suppliers should also scrutinize the incentives for workers to comply with prescribed safety standards: For example, if workers are paid at a piecework rate and safety gear such as gloves slows them down, they are in effect punished for working safely. Likewise, high ambient temperatures on the factory floor reduce the likelihood that workers will wear ear protection.

A final barrier that should not be underestimated is inertia: there is a strong tendency in the industry to maintain business as usual rather than changing behavior for as long as possible. With regard to SSIs, this is certainly in part due to the fact that there is little demand from consumers (see Chapter 5.2). Moreover, solutions to SSIs can usually not be solved with a single action or project, nor are they self-sustaining: instead, they require ongoing, long-term commitment.

This, in turn, is also a problem when brands do begin to address SSIs: brands are often afraid to admit to their engagement regarding SSIs, because as soon as a brand publicly announces what it is doing, the media and NGO focus quickly shifts to all the things that are not yet being addressed by that brand. In turn, brands that never addressed these issues at all generally receive little media coverage for their non-participation unless they can be connected to a supply chain scandal. As an example, FWF member brands have received much more negative press for problems that they found in their supply chain and reported on transparently than non-FWF member brands, whose supply chains include the exact same issues. This behavior by NGOs and journalists can make brands gun-shy with regard to public and/or transparency activities such as membership in the GPST or FWF and is sometimes used as a justification for not participating.

The garment sector also has a long history of employing various justifications to avoid or delay mandatory regulation as much as possible. At first, codes of conduct were instituted. When these were not enough, brands began to commission social audits of their supplier factories. As a next step, some brands published lists of their suppliers, thereby allowing civil society to conduct their own investigations. Now, a significant number of brands have joined one of the many SSI initiatives (GPST, AGT, BSCI, FWF, SAI, FLA, etc.) to show that they are willing to engage, just so long as minimum standards are not made mandatory.

5.2 Consumers

5.2.1 Consumer Awareness

There is strong disagreement among the group of experts as to the degree of consumer awareness regarding SSIs in supply chains. While two experts felt that only a negligible minority of consumers have any real awareness of these issues, three felt that the overwhelming majority of society has such awareness, and two judged that there is a continuously growing awareness, which we deem to be somewhere between the other two extremes. Six of the eight experts con-

sider Rana Plaza to have been a very relevant trigger event that acted as a (media) catalyst to bring SSIs in GPNs more into the public focus. One expert argued that the problem is not that people are not aware of the issues or even forget about them, but that this awareness simply does not impact consumption practices unless the topic is actively in public discourse, which has a brief and superficial effect immediately after trigger events, but wears off quickly. Another expert felt that while a few consumers might have heard about Rana Plaza at the time, for most of them it was lost amidst a general information overload and was not retained long-term.

In general, the experts tended to divide consumers into three groups. First, moral consumers are those that are critical and well-informed and willing to invest time and energy into researching their consumption decisions; they usually already purchase clothing from niche sustainability brands, but generally make up only a small percentage of the population. The second group is on the other end of the spectrum: those consumers who simply do not care about SSIs and likely will not be convinced otherwise. They are likewise a small group. In between these two is the largest group made up of average consumers with an average level of awareness of SSIs - they have a general understanding that there are social problems associated with the production of clothing, but have not researched the topic extensively.¹⁸ This group includes those consumers who sometimes buy explicitly sustainable products to satisfy their conscience, but at other times purchase something based on other criteria, such as price or design, without taking fairness into account. This is also the group that is most relevant in terms of increasing sustainable consumption practices, as they are both open to moral questions regarding their consumption behavior, but at the same time not yet addressing them on a large scale (like moral consumers).

As to where consumers' awareness comes from, most experts agree that media coverage and NGO campaigns are the primary sources. Because the media tends to report on SSIs in the garment industry with regard to specific incidents, rather than as an overall problem, consumers are often not aware that these incidents are not one-time accidents but instead result from complex structural problems. Consequently, it is difficult for them to understand that these catastrophes may be **negative consequences of their own behavior**. Moreover, media coverage tends to focus more on the beginning and end of the supply

¹⁸ It is likely possible to divide up this group further, for example with regard to their price sensitivity.

chain (particularly cotton production and sewing of garments), so that consumers tend to be less aware of the steps in between, such as textile manufacturing, which includes spinning, dyeing and finishing fabric prior to garment production.

While corporations struggle with complexity with regard to their own supply chains and how to effectively address issues within them, consumers likewise struggle with the level of complexity with regard to their own consumption behavior, which significantly impacts their **perceived goal feasibility**. The complexity results is in part due to the fact that a socially sustainable piece of clothing does not inherently display any characteristics that identify it as such. For example, many consumers assume that clothing with a higher price tag or better material quality was produced under more fair working conditions, but this is often not the case.

But even those consumers who look to a brand's own communication regarding CSR often fail to find clear answers to their questions. There are no standards as to which metrics or topics related to CSR are publicized by a brand in their communication with consumers, for example on their homepage. As a result, it is very difficult for consumers to compare the efforts of different firms with regard to social sustainability. Moreover, some statements on corporate websites may in fact be misleading: as an example, the claim that a brand's suppliers comply with the local legal minimum wage does not guarantee that workers in production countries can actually live from their base salary (without overtime), as the minimum wage is below the poverty line in many developing countries. But being aware of such discrepancies between legal standards and acceptable working conditions requires a degree of expertise that cannot reasonably be expected of consumers.

One attempt to address the enormous level of complexity has been the use of labels or certification schemes, but only with a very limited degree of success. There is a large number of different labels available, but consumers usually know neither what the different labels mean, nor how to compare them effectively, since there are again no standards as to what is certified and based on which measures. Ultimately, the wealth of certifications is more likely to leave consumers confused and overwhelmed than to significantly aid in the transition towards greater social sustainability.

The degree to which consumers **perceive responsibility** with regard to the impact of their consumption practices varies depending on the consumer groups

outlined above. The group of consumers who do not care about SSIs clearly does not perceive any particular responsibility in this area. There are many issues in the public sphere that vie for consumer attention and not everyone chooses sustainability or fairness as one of their priorities or primary motivators. One common justification for not prioritizing SSIs is the geographic distance between consumers and producers, where consumers question why they should feel responsible for problems that are so far away. Consumers in this category also often point to more local (i.e. national) problems that have not yet been resolved and should, in their opinion, be addressed first.

Moral consumers, on the other hand, clearly do perceive themselves to bear some responsibility; their **personal norms** are thus activated by their perception of the negative consequences of their own behavior, ultimately leading them to form an intention to change their behavior and actually carry out this behavioral change.

For the largest group, average consumers, the perception of responsibility varies, both within the group and at times even within a single individual. For example, it is not uncommon for a person to purchase one or two explicitly fair items of clothing to clear their conscience, only to then return to buying conventional clothing, because it is particularly cheap or in style. **Social norms** and the social desirability bias lead many of these consumers to proclaim the importance of ethical and sustainable supply chains in surveys and interviews. However, studies show that there is a clear intention-behavior gap when it comes to the purchase of ethical clothing (see e.g. Hassan et al. 2016). Another relevant factor in how much responsibility is perceived is whether individuals, when making purchasing decisions, see themselves more in the role of a (passive) consumer or a (political) citizen.

5.2.2 Consumer Behavior

The primary component of the preaction stage in the SSBC model is consumers' **perceived behavioral control**. Based on the expert interviews, we were able to identify three primary factors that impact consumers' PBC with regard to socially sustainable garments: uncertainty as to whom to trust, extra time or effort required to make consumption decisions, and the ready availability of ethically produced clothing. The uncertainty results from the complexity issues already described above. Consumers are often overwhelmed by the sheer wealth of labels and brands making various sustainability claims, especially against the background of publicized scandals and greenwashing accusations. It is difficult

for consumers to verify any of these claims, which in turn reduces their perceived control over alternative behavioral strategies.

This uncertainty is closely connected to the other two factors, the extra time or effort required to make sustainable consumption choices and the availability of fair clothing. In most cities, it is hard to just "go shopping" and at the same time satisfy the requirement of buying only socially sustainable clothing, because it is still a niche market and most of the mainstream retailers have little to no sustainable options available. The same can be said for online shopping, where none of the biggest vendors specialize in fair garments. This means that consumers need to invest quite a bit of time and energy into researching what to buy and where to purchase it, which leads to a high entry barrier to sustainable consumption. An important component of increasing the demand for sustainable products is therefore making consumers more aware of what alternatives are readily available.

Average consumers are unlikely to invest a significant amount of time and effort into researching this information, so that at the moment, most average consumers end in **escape & denial** rather than changing their behavior. An even more important factor leading to escape & denial are price and style, which are still the top priorities for most consumers (see e.g. nuggets - market research & consulting GmbH 2015; Wahnbaeck et al. 2015; Yildiz et al. 2015). Finally, because working conditions during the production of clothing do not affect consumers directly, for example regarding their personal health, they are less likely to care about such attributes.

6 Discussion: Status of the Transition

In Chapters 4-6, we have examined the garment industry from a number of different perspectives, both historically and in the present, quantitatively and qualitatively. It is now time to return to our original research question, namely examine whether and to what degree a behavioral transition towards greater social sustainability is currently taking place in the garment sector. To help answer this question, we will first look at the MLP-component of the BTS model, namely the roles of regime, landscape and niche, as well as the presence of a window of opportunity for a transition to take place (see Figure 12). Thereafter, we will also analyze which transition pathway most closely matches the current development in the garment industry, including whether this is likely to lead to the decline of the old regime.

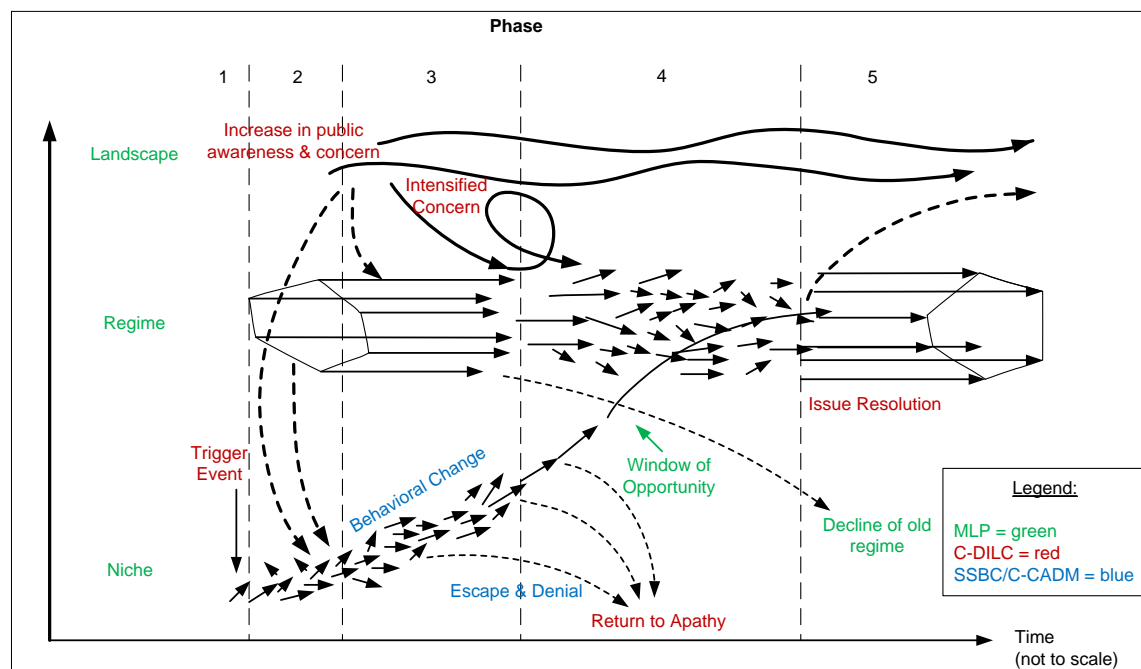


Figure 12: Model of Behavioral Transitions to Sustainability

While the regime in the garment industry has been under pressure from the landscape since the mid-1990s, as was shown in the historical analysis, the pressure either only built up slowly (Europe) or was very cyclical in nature, so that high- and low-pressure phases alternated (United States). Until 2012, there were a series of smaller trigger events in the form of scandals that impacted individual companies over the years, which served to increase public and at times also political pressure and concern somewhat, but not enough to force the regime to implement radical changes. In late 2012/early 2013, the garment in-

dustry experienced a wake-up call regarding SSIs with the series of dramatic industrial accidents culminating in the collapse of the Rana Plaza building. The need for more radical change in the sector is further supported by the increasing number of voluntary and mandatory regulations that have been passed since 2010 with regard to corporate due diligence in supply chains, which further increase landscape pressure on the regime. These include, among others, the California Transparency in Supply Chains Act, the UK Modern Slavery Act, the National Action Plans on Business and Human Rights and the OECD Due Diligence Guidelines.

Beginning around the mid-2000s, a niche market for moral consumers also began to emerge both in the United States and Europe. This market mostly consists of small brands that use sustainability as a unique selling point and specifically target moral consumers. To date, the ethical fashion market is fairly heterogeneous in the garment industry, with niche brands focusing their sustainability efforts on various different parts of the supply chain and verifying these efforts through different labels or certificates, including the Fairtrade Textile Standard, Global Organic Textile Standard, IVN Best, World Fair Trade Organization, FWF, and Better Cotton Initiative. While it is difficult to get reliable statistics on the size of the market share of ethical clothing, those studies available suggest that its market share is still rather small (Ethical Consumer).

Based on our analysis in the previous chapters, we believe that a transition towards greater social sustainability is underway in the garment industry. The collapse of the Rana Plaza building along with the increasing number of supply chain regulations have opened up a window of opportunity for more radical change within the sector. The opening up of this window is likely only possible because the anti-sweatshop movement has been increasing pressure on the big brand names of the garment sector for over two decades already, thereby increasing both public and corporate awareness of SSIs and preparing the way for more significant behavioral change.

Sustainability brands in the niche market play a more subordinate role in driving this transition. They are important in demonstrating best practices and proving that there is market demand from moral consumers, but overall the size and monetary impact of the ethical fashion niche is far too small to force the regime to change on its own.

This brings us to the question of transition pathways, which clarify the process of transition once a window of opportunity opens up. Geels and Schot have de-

defined four different transition pathways: transformation, de-alignment and re-alignment, technological substitution and reconfiguration. They also identified two key variables that determine which transition pathway is expected to apply in a given scenario: (1) the timing of the window of opportunity and (2) the nature of interactions between the three MLP-levels (see Table 2).

Table 2: Overview of transition pathways

		Nature of interaction	
		Symbiotic	Competitive
Status of niche innovation	Immature	Transformation pathway	De-alignment and re-alignment pathway
	Mature	Reconfiguration pathway	Technological substitution pathway

With regard to the timing, the level of maturity reached by a niche innovation at the time that the window of opportunity opens up plays a key role in determining the course of the remaining transition. If the innovation is ready to be rolled out to a larger and more competitive market, it can take advantage of the window of opportunity and diffuse more widely. On the other hand, if the innovation is still in the early stages of development and still dependent on the protective nature of the niche, the window of opportunity may close prior to successful diffusion. In the case of ethical fashion, the niche must still be classified as immature, since it is still quite heterogeneous and no dominant approach has emerged. Moreover, the learning curve in sustainable fashion has not flattened out and the market share of the niche is likely still under 5%.

Table 3: Description of transition pathways (Original source: (Geels, Schot 2007, p. 414))

Transition pathway	Main actors	Type of (inter)actions
Transformation	Regime actors and outside groups (social movements)	Outsiders voice criticism. Incumbent actors adjust regime rules (goals, guiding principles, search heuristics)
Technological substitution	Incumbent firms versus new firms	Newcomers develop novelties, which compete with regime technologies
Reconfiguration	Regime actors and suppliers	Regime actors adopt component-innovations, developed by new suppliers. Competition between old and new suppliers
De-alignment and re-alignment	New niche actors	Changes in deep structures create strong pressure on regime. Incumbents lose faith and legitimacy. Followed by emergence of multiple novelties. New entrants compete for resources, attention and legitimacy. Eventually one novelty wins, leading to restabilisation of regime

The second important factor in determining the transition pathway is the nature of the interaction between niche innovations and the current regime: “Niche-innovations have a *competitive* relationship with the existing regime, when they aim to replace it. Niche-innovations have *symbiotic* relationships if they can be adopted as competence-enhancing add-on in the existing regime to solve problems and improve performance” (Geels, Schot 2007, p. 406, sic, emphasis in the original).

In this case, more socially sustainable GPNs in the garment sector must be seen as symbiotic, rather than competitive, since they only require certain - admittedly radical - changes in the current business model, rather than calling for a completely different approach to the production, sale and use of clothing.

Given the immature status of the niche, as well as the symbiotic relationship between niche innovation and regime, the transition is predicted to follow the transformation pathway. Based on the description of main actors and type of (inter)actions listed in Table 3, this assessment fits well. The transition is driven mainly by social movement actors, less so by niche actors or new firms. It is also primarily the result of strong public criticism, which forces regime actors to adjust their behavior. All other pathways are much more focused on a transition taking place as a result of a novelties entering the market, whereas the transformation pathway is the only one that accounts for a transition taking place as a result of dissatisfaction with the behavior of the current regime.

7 Conclusion

This case study has traced the development of the garment industry with regard to its handling of social sustainability issues from 1990 to 2016. Using both a quantitative media analysis and a qualitative historical analysis, we have shown that the dynamic in Europe and the United States unfolded quite differently. In Europe, the issue lifecycle and corresponding transition have been more "slow and steady", whereas the United States has exhibited a more cyclical pattern, which alternates between phases of high intensity and phases of issue fatigue or issue competition.

In the early years, much of the conflict between the anti-sweatshop movement and industry representatives took place in the media, with both sides struggling to influence the framing of the issue. Over time, an increasing number of cases were moved to the legal arena through lawsuits and activist politicians made early attempts to regulate minimum social standards or industry due diligence requirements. While some of the lawsuits were decided in favor of the anti-sweatshop movement, such as the false advertising suit against Lidl in 2010, none of these activities triggered major changes in the industry beyond the individual case at hand.

Based on the expert interviews, it became clear that the event with the biggest impact on the garment industry was without a doubt the collapse of Rana Plaza in early 2013, which followed closely on the heels of two other major industrial disasters in late 2012, at Ali Enterprises and Tazreen Fashions. This series of dramatic accidents was seen by many as a wake-up call for the entire garment industry that opened up a window of opportunity for change and has more than any other scandal inspired a wide range of stakeholders to look for ways to cooperate in an effort to make the industry safer and more in line with the respect of basic human rights. Examples of such efforts include the Bangladesh Accord and Alliance, the German Partnership for Sustainable Textiles and the Dutch Agreement on Sustainable Garments and Textile. Most experts agree that such multi-stakeholder initiatives aimed at amending industry practices are more far more likely to succeed in moving the garment sector closer to social sustainability than relying on a change in consumer behavior, as the complexity of the issues overwhelms most consumers. This transition driven strongly by a push factor (vocal criticism of the regime), rather than a pull factor (novel innovations in the niche) most closely matches the a transition along the transformation pathway.

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