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Article: Private Regulation of Labor Standards in Global Supply Chains: Problems, Progress, and Prospects

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On the evening of 30 January 2020, just as the global implications of Covid-19 were becoming apparent, I was sitting with my research partners in a small union office in Bangalore, India, interviewing five female migrant garment workers. They looked under-age, under nourished and tired after a nine-hour day making garments for export, and were anxious not to break the 8pm curfew operating at the factory hostel where they were housed. For them, workers like them, and all those concerned with greater justice in work and employment, this text by Sarosh Kuruvilla – *Private Regulation of Labor Standards in Global Supply Chains* – is a timely, necessary and important book.

Kuruvilla and the research scholars who assisted him (acknowledged in the text) have accomplished a mammoth task in combining academic analysis of private regulation in multiple industries and locations with detailed data on the concrete outcomes of the billion-dollar auditing industry. Kuruvilla commends the book to a wide readership beyond the academy, wishing it ‘to be *used* by all the actors in the private regulation ecosystem’ (p.ix) to improve the effectiveness of private regulation for the future. It is readable, well-structured and packed with detailed analysis of corporate data, and should succeed in fulfilling Kuruvilla’s aspiration.

In three broad sections, *Private Regulation* presents new empirical data on the impact of the social audit regime integral to private regulation, first engaging fully with its deficiencies in promoting compliance, second evaluating progress to date and finally considering how to reverse its depressing quarter-century record of failure in delivering sustainable improvements to labour standards – a failure which the data suggests does not discriminate between industry or location. Working on the basis that ‘behavioural invisibility’ combines with ‘practice multiplicity’ and ‘causal complexity’ in supply chains, Kuruvilla cites the relationship between a lack of transparency and the persistence of a wide range of workplace practices, many of which are outside the provisions of private corporate codes of best practice *and* state regulation. He draws a causal link between the disincentives for compliance with the heterogeneous and competing interests of supply chain actors (international corporations, domestic suppliers and state agencies), who may not benefit from improvements in workers’ conditions. This reasoning is not in itself new. There is a significant body of literature by a list of scholars too long to reproduce here, on such themes in industrial relations, the labour process tradition, global value chain and production network analysis, as well as international development. However, what *Private Regulation* does most distinctively is to provide an accessible review and relies principally on data from various *corporate* sources, namely audit firms, global firms, suppliers and multi-stakeholder initiatives (MSIs), as well as other actors. It *matters* that Kuruvilla’s evidence comes from these sources in a field characterised by its opacity. It further matters that the comparative analysis in *Private Regulation* is so rigorous. It shows in detail how private regulation is ‘decoupled’ from practice and concrete improvements in workers’ lives (see pp. 272-273), and is clearly a systemic failure which cannot easily be dismissed as ‘anecdotal’ or ‘exceptional’.

Of particular salience in this respect is the attention given in the text to the denial of rights to freedom of association and collective bargaining. Anyone active in the field of labour rights

‘knows’ that private regulation has not delivered improvements in the independent collective representation of workers. However, it is important that a rigorously researched text such as this gives us concrete evidence to validate our scepticism in the face of wider audiences. It is important that Kuruvilla and the research team are able to say that ‘to date [evidence] indicates almost *no improvement in enabling or distributive rights*’ (p.154, emphasis added). It is also of note that in Better Work countries, compliance was ‘enhanced significantly’ ‘when there was both a union and a CBA [collective bargaining agreement]’ at a workplace (p. 154), begging the question of why, if sincere in their motivations for improvement in working conditions, global firms continue, enthusiastically, to locate their production in a wide array of countries where civil liberties are severely constrained and freedom of association is met with violence and imprisonment.

With such hostility to workers’ agency in mind, I probably have less confidence that private regulation may be reformed and improved than the conclusion of *Private Regulation* might hope. Kuruvilla focuses on a range of initiatives with the potential to increase transparency, internalise the values inherent in the principles of corporate codes of best practice and ‘foster a systemic mindset’ (p.255) along the supply chain to mitigate the competing interests of supply chain actors and find new levers for enforcement of rights. This said, Kuruvilla is realistic and pragmatic about the prospects for change, recognising the politics in play; in essence he chooses improvements to private regulation as an avenue for the advancement of workers’ conditions as he sees little hope of it originating elsewhere – an imperfect solution as opposed to an ideal.

In conclusion, it is of note that in the industry where private regulation ‘started’ – garment (apparel) manufacture – workers did so much better just a few short decades ago. In the late 1980s and early 1990s, in the UK clothing sector, factories engaged in collective bargaining, workers had tea breaks, lunch breaks, works’ canteens, clean drinking water, regular wages

and a small amount of sick and holiday pay – all delivered through workers’ struggle, collective organisation and enforceable public regulation. Today, no such benefits are generally available to garment workers internationally, including not only those I sat with on 30 January 2020, but also those in the UK, Europe and elsewhere. The denial of workers’ agency and deliberate exploitation of unequal power is obscured but not addressed by corporate self-regulation. In this context, this volume is not the construction of the disaffected or unduly pessimistic. *Private Regulation* is rather an excellent, thoroughgoing analysis of data that corporations and other actors, including the state, normally ensure is hidden from plain sight. It is all the more valuable a contribution for being so.