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Master's Thesis

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**NGOs and unethical labor in international context:
methods and results**

Master's Thesis

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Abstract

This thesis aims to explore the methods and results of non-governmental organizations (NGOs) active in the area of labor rights in China, Bangladesh and Indonesia. These countries have become important outsourcing hubs for Western companies due to their cheap and reliable labor, supplying our markets with inexpensive goods at the cost of the health, wealth, and security of their workers. Using a longitudinal case study, the thesis compares the labor conditions in these countries beginning in the year 2000 up until 2020, focusing on indicators like wages, work hours, work safety, child labor, forced labor, non-discrimination, and freedom of association.

The thesis employs a model based on the principle of Rights Based Approaches. RBAs assert that the relationship of duty bearers and rights holders goes both ways, and underscore the empowerment of the rights holders as an essential part of human rights advocacy. While RBAs are typically used in development, I believe that their usage in analyzing labor rights provides a fresh point of view that can help uncover possible paths for NGOs to take as well as challenges that they are to overcome in order to be successful at enacting systemic change for the labor rights of these countries.

Abstrakt

Tato práce si klade za cíl prozkoumat metody a výsledky nevládních organizací (NGOs) působících v oblasti pracovních práv v Číně, Bangladéši a Indonésii. Tyto země se za posledních několik desítek let staly výrobními zemi pro západní společnosti díky své levné pracovní síle a nyní zásobují naše trhy za cenu zdraví, bezpečí a blahobytu vlastních občanů. S použitím longitudinální případové studie práce srovnává pracovní podmínky v těchto zemích od roku 2000 do roku 2020 skrze ukazatele jako mzdy, pracovní doba, bezpečnost práce, dětská práce, nucená práce, diskriminace a svoboda sdružování. Práce využívá model založený na principu Rights Based Approaches (RBAs). RBAs jsou založeny na vztahu „duty bearers“ (nositelů povinností) a „rights holders“ (držitelů práv), který dle nich musí fungovat oběma směry, tj. nositelé povinností jsou povinni dodržovat lidská práva zatímco držitelé práv se musí o svá vlastní práva aktivně zasazovat. Fundamentální součástí RBAs je posílení postavení (tzv. „empowerment“) držitelů práv. Zatímco koncepce RBAs se obvykle objevuje v otázkách rozvoje, věřím, že dokáže k analýze pracovních práv poskytnout nový úhel pohledu, díky kterému bude možné odhalit možnosti a překážky pro NGOs v daných zemích.

Keywords

Labor rights, NGOs, Rights Based Approaches, China, Bangladesh, Indonesia

Klíčová slova

Pracovní práva, nevládní organizace, Rights Based Approaches, Čína, Bangladéš, Indonésie

Title

NGOs and unethical labor in international context: methods and results

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List of abbreviations

AAFLI	Asian American Free Labor Institute
ACFTU	All-China Federation of Trade Unions
ADAB	Association of Development Agencies in Bangladesh
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
AIP	Apparel Industry Partnership
ASA	Association for Social Advancement
BIGU	Bangladesh Independent Garment Workers Union
BILS	Bangladesh Institute of Labour Studies
BPJS	Bill on Social Security Providers
BRAC	Bangladesh Rehabilitation Assistance Committee / Bangladesh Rural Advancement Committee
CARE	Counseling, Advocacy, Research, and Education
CCC	Clean Clothes Campaign
DALY	Disability-adjusted life years
DESBUMI	Village Cares for Migrant Workers
DFID	Department for International Development
ELSAM	Institute for Policy Research and Advocacy
EPZ	Export Processing Zone
FIF	Foreign-invested firm
FLA	Fair Labor Association
GLJ-ILRF	Global Labor Justice - International Labor Rights Forum
GLWC	Global Living Wage Coalition
GSS	Gonoshahajjo Sangstha
GUF	Global union federation
HRW	Human Rights Watch
IARC	International Agency for Research on Cancer
IDWF	International Domestic Workers Federation
IFC	International Finance Corporation
IGO	Intergovernmental organization
ILO	International Labour Organization
INGO	International non-governmental organization
JALA PRT	Indonesian National Network for Domestic Workers Advocacy
JARAK	Elimination of Child Labour Network
JV	Joint venture
KAPPRT-BM	Action Committee for Protection of Domestic Workers and Migrant Workers

KOPBUMI	Coalition of Indonesian Migrant Workers Organizations
LBH APIK	Legal Aid Institute of the Indonesian Women's Association for Justice
LBH Jakarta	Jakarta Legal Aid Institute
LCL	Labor Contract Law
MAMPU	Australia-Indonesia Partnership for Gender Equality and Women's Empowerment
MFI	Microfinance institution
MRA	Microcredit Regulatory Authority
NGO	Non-governmental organization
NIEO	New International Economic Order
OECD-DAC	Organization of Economic Cooperation and Development's Development Assistance Committee
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSH	Occupational safety and health
PEBLISA	Prevention and Elimination of Bonded Labour in South Asia
PPP	Purchasing Power Parity
RBAs	Rights Based Approaches
RMB	Renminbi
RMG	Ready-made garment
RSC	RMG Sustainability Council
SIDA	Swedish International Development Agency
SOBSI	Sentral Organisasi Buruh Seluruh Indonesia, All-Indonesian Trade Unions Centre
SOE	State-owned enterprise
SOMO	Centre for Research on Multinational Corporations
TNC	Transnational corporation
TVE	Township and village enterprise
UN	United Nations
UNDP	UN Development Program
UNICEF	UN International Children's Fund
WCC	Worker community center
WHO	World Health Organization
WRC	Worker Rights Consortium
WTFU	World Federation of Trade Unions
YLBHI	Indonesian Legal Aid Foundation

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Introduction

The practice of outsourcing production to countries with lower labor costs is a phenomenon that can be traced back to the 1950s. However, it rapidly gained momentum during the 1970s (also referred to as “the Big Bang era”) and by the 1980s, it had become a widespread practice¹. The growing demand brought about by globalization, the crisis of the Fordian model of capitalism based on mass production and mass consumption, as well as the economic policies pursued by some Asian countries during that time (most prominently China) made it very advantageous for Western companies to outsource labor to South East Asia in order to keep up with the high demand and low price tag².

Since then, cheap outsourced labor has come to define many industries, to the point where China has become known as the ‘workshop of the world’³. However, the low wages, bad working conditions, and questionable safety practices have attracted the eyes of many actors on the world stage, most notably the eyes of NGOs. In recent years – particularly between the years 1980 and 2000 – many NGOs whose mission it is to address these unethical practices associated with cheap labor in the Third World have emerged – such as the Clean Clothes Campaign, the Fair Labor Association, or the International Labor Rights Forum. It is also important to mention the International Labor Organization, a UN agency and a veteran in the field of labor rights, operating since 1919 – though its focus has only shifted on the Third World in the mid-1970s, spurred by the UN World Conference on Women hosted in Mexico City, which debated, among other things, the socioeconomic conditions of women living in the Third World, the necessity to eliminate (neo-)colonial practices as well as the issue of prostitution⁴. This intersection of feminism and labor rights finally pushed the ILO to focus on the Third World.

This thesis aims to examine the tactics used by labor NGOs in order to influence the situation, and take a closer look at the extent to which they have been able to improve the working conditions in three countries which are notorious for bad labor conditions and are popular 'destinations' of western companies: China, Bangladesh, and Indonesia. Using the theoretical basis of Rights Based Approaches (RBAs), I will conduct a series of case studies aiming to analyze how labor conditions have changed in these countries over ~20 years, as

¹ HÄTÖNEN, Jussi and ERIKSSON, Taina, 2009. 30+ years of research and practice of outsourcing – Exploring the past and anticipating the future. *Journal of International Management* [online]. 2009. Vol. 15, no. 2p. 142-155. DOI 10.1016/j.intman.2008.07.002. Retrieved from:

<https://linkinghub.elsevier.com/retrieve/pii/S1075425309000209>

² SANDOVAL, Marisol. Foxconned Labour as the Dark Side of the Information Age: Working Conditions at Apple’s Contract Manufacturers in China. In: FUCHS, Christian and MOSCO, Vincent, 2016. *Marx in the Age of Digital Capitalism*. Online. BRILL. p. 350-395. ISBN 9789004291393.

³ *ibid.*

⁴ *Report of the World Conference of the International Women's Year*, 1976. Online. New York: United Nations. Retrieved from:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N76/353/95/PDF/N7635395.pdf?OpenElement>

well as how local NGOs generally operate, in order to find out whether their tactics are successful at all.

The implication of this thesis is that through an analysis of several cases of NGO activity over time, it will be possible to point out what works best under the given circumstances, and make recommendations to local as well as international NGOs as to how to approach these issues going forward. Understanding NGOs' role in tackling unethical labor conditions is crucial in understanding the dynamics of the global economy and the challenges that workers in developing countries face. By examining the strategies that NGOs have used to improve labor conditions, this thesis aims to contribute to ongoing efforts to promote fair labor practices across the world.

1 Theoretical basis

The theoretical basis of this thesis will be using the groundwork laid by the Rights Based Approaches (RBAs). RBAs hold that in development, the focus should be on the relationship between the rights holders and the institutions responsible for upholding these rights. Typically, this relationship manifests between the government and the citizens of a particular country. RBAs maintain that in order to facilitate the upholding of human rights, the rights holders (who are being denied their human rights) must be empowered, while at the same time the capacities of the duty bearers must be strengthened.⁵ Thus, it is ensured that the rights holders know to hold the duty bearers accountable, who in turn do not lack the capacity to provide these rights.

1.1 History

The exact emergence of the concept is somewhat disputed among scholars – most pointing to the mid- to late 1990s and the conceptual merger of two previously distinct strands of policy, those being human rights and development.⁶ However, other authors argue that the intellectual genealogy of the concept shows that its roots can be traced quite a bit further. Mary Robinson, for instance, argues that it was the entry of newly independent states into the UN in the 1960s and 1970s that first shifted the discourse towards what would be the eventual bridging of the concepts of human rights and development. As more and more countries started to gain independence from European powers and re-joined the international community as equals, discussions were spurred of merging the concepts of development, until then an exclusively economic domain, and human rights, mainly in the hands of lawyers and activists. According to her, the International Covenant on Economic, Social and Cultural rights in 1966 provided an important starting point for a plethora of initiatives led by Third World countries, the culmination of which would be known as the New International Economic Order (NIEO), the Declaration of which was adopted by the UN in 1974.⁷ The proponents of NIEO argued that the political colonization of the Third World was effectively replaced by economic colonization, pointing to deepening wealth inequalities between the

⁵ GAURI, Varun and GLOPPEN, Siri, 2012. Human Rights-Based Approaches to Development: Concepts, Evidence, and Policy. [online]. 2012. Vol. 44, no. 4 p. 3. DOI doi:10.1057/pol.2012.12. Retrieved from: <https://www.jstor.org/stable/41684501>

⁶ KINDORNAY, Shannon, RON, James and CARPENTER, Charli, 2012. Rights-Based Approaches to Development: Implications for NGOs. Human Rights Quarterly [online]. 2012. Vol. 34, no. 2 p. 476. DOI 10.1353/hrq.2012.0036. Retrieved from: http://muse.jhu.edu/content/crossref/journals/human_rights_quarterly/v034/34.2.kindornay.html

⁷ ROBINSON, 2001 in CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the ‘rights-based approach’ to development into perspective. Third World Quarterly [online]. 2004. Vol. 25, no. 8 p. 1421. DOI 10.1080/0143659042000308447. Retrieved from: <http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

First and Third World.⁸ They proposed a set of principles which would allow the Third World to rise as fully sovereign and equal actors within the international economic system. These principles focused on ‘collective rights’ rather than individual human rights as we know them today, and consisted of political independence of all states, non-interference over their internal affairs, sovereignty over their natural resources, and the strengthening of international bilateral and multilateral assistance in order to promote industrialization in developing countries. Practically speaking, that would mean a need for reform of both international trade and the international monetary system, as well as extensive cooperation between the Global North and South.⁹ Ultimately, the NIEO project ended in failure for multiple reasons – the oil and debt crises, emerging authoritarianism in the Third World, and the unwillingness of the international legal regime to regulate multinational corporations in light of neoliberal globalization – but it presents an important stepping stone for Third World countries to engage in rights talk at all.¹⁰

In the 1970s and 1980s, rights talk shifted towards the right to development as well as individual, human rights. This would eventually culminate into the UN Declaration on the Right to Development¹¹. The Declaration, adopted by a resolution in 1986, states that *“The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”*¹² It claims that *“all states have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development,”*¹³ and that states bear *“the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.”*¹⁴ It specifically mentions *“situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination,”*¹⁵ all but pointing a finger at Western countries and their treatment of developing states. It urges states to *“undertake all necessary measures for the realization of the right to development”* and ensure equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income¹⁶. It establishes the right to development as

⁸ ANGHIE, Antony, 2019. Inequality, Human Rights, and the New International Economic Order. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* [online]. Vol. 10, no. 3 p. 429. DOI 10.1353/hum.2019.0016. Retrieved from: <https://muse.jhu.edu/article/746824>

⁹ *ibid*, p. 431

¹⁰ *ibid*, p. 433-435

¹¹ SENGUPTA, Arjun, 2002. On the Theory and Practice of the Right to Development. *Human Rights Quarterly*. 2002. Vol. 24, no. 4p. 840

¹² *General Assembly Resolution 41/128, Declaration on the Right to Development*, art. 1. Retrieved from: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development>

¹³ *ibid*, art. 3

¹⁴ *ibid*, art. 4

¹⁵ *ibid*, art. 5

¹⁶ *ibid*, art. 8

indivisible and interdependent, and encourages the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels¹⁷. Though the declaration itself is legally non-binding, this framing, in particular the spelling out of collective obligations (as opposed to the status quo of voluntary developmental assistance) made many industrial countries hesitant to accept such terms, some outright rejecting them.¹⁸

The 1990s were when RBAs truly started taking off. The reasons for this boom were mainly the end of the Cold War which re-opened the discourse on human rights, the disappointment in contemporary solutions and the failure of the international community to make any real structural changes, and the shift of development aid delivery from aid towards sector-specific projects towards a more holistic support of governments.¹⁹ Three conferences of note took place – the 1993 UN world convention on human rights in Vienna, the conclusion of which was the Vienna declaration and programme of action, stating that all human rights including the right to development were of equal importance, the 1995 Copenhagen Summit on Social Development, and the 1997 UN reform agenda, resolving that security, human rights, and development were all related with each other, and that human rights should be mainstreamed through UN agencies. Many aid agencies also published their policy statements, guidelines, and documents on the integration of human rights in their mandates.²⁰

This spurred many IGOs, bilateral donors, and NGOs, to begin experimenting with RBAs as well, leading to a quickly developing understanding of the concept. The UN itself founded three agencies which were responsible for shaping the understanding and praxis of RBAs – the UN International Children’s Fund (UNICEF), the United Nations Development Program (UNDP), and the Office of the United Nations High Commissioner for Human Rights (OHCHR).²¹ In the year 2000, the UNDP published the Human Development Report, which outlined five concrete measures of promoting rights in development: Launch independent national assessments of human rights, Align national laws with international human-rights standards and commitments, Promote human-rights norms, Strengthen a network of human-rights organizations, and Promote a rights-enabling economic environment.²²

Three years later, the three aforementioned UN agencies developed a "Common Understanding on the Human Rights Based Approach" which, apart from being the first document to explicitly give the concept a name, lists six guiding principles to this approach. Universality and inalienability, Indivisibility, Interdependence and inter-relatedness, Equality

¹⁷ *ibid*, art. 9

¹⁸ CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the ‘rights-based approach’ to development into perspective. *Third World Quarterly* [online]. 2004. Vol. 25, no. 8 p. 1422. DOI 10.1080/0143659042000308447. Retrieved from:

<http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

¹⁹ UVIN, Peter, 2004. *Human Rights and Development*. USA: Kumarian Press. P. 49. ISBN 1-56549-186-6.

²⁰ KINDORNAY, Shannon, RON, James and CARPENTER, Charli, 2012. Rights-Based Approaches to Development: Implications for NGOs. *Human Rights Quarterly* [online]. 2012. Vol. 34, no. 2 p. 478. DOI 10.1353/hrq.2012.0036. Retrieved from:

http://muse.jhu.edu/content/crossref/journals/human_rights_quarterly/v034/34.2.kindornay.html

²¹ *ibid*, p. 479

²² UVIN, Peter, 2007. From the right to development to the rights-based approach: how ‘human rights’ entered development. *Development in Practice* [online]. 2007. Vol. 17, no. 4-5 p. 601. DOI 10.1080/09614520701469617. Retrieved from:

<http://www.tandfonline.com/doi/abs/10.1080/09614520701469617>

and non-discrimination, Participation and inclusion, and Accountability and rule of law. Among INGOs, the first champions of RBAs were Oxfam and CARE. Two major international bilateral donors – the United Kingdom's Department for International Development (DFID) and the Swedish International Development Agency (SIDA) – also made the change at the same time.²³

The RBAs trend has since swept the development world, with prominent NGOs joining in during the early 2000s – including for example Save the Children, ActionAid, as well as the Organization of Economic Cooperation and Development's Development Assistance Committee (OECD-DAC) and the World Bank. Though RBAs are mainly secular, they have not escaped the attention of several religious aid agencies, such as Catholic Relief Services or Christian Aid.²⁴

1.2 Criticisms

Despite its adoption and praise by a large number of NGOs and international donors, more skeptical scholars have raised questions about its theoretical basis, effectiveness, and whether it is able to deliver on its promises.

The critique that has so far been voiced the most often is that RBAs has substantively nothing new to offer and is only a polished and repackaged version of previous development rhetoric. On both the theoretical and practical levels, there are concerns that the concept neither narrows down specific ideas and theories that would distinguish it from the contemporary status quo approach, nor would a mere change of rhetoric effectively produce policy improvement.

On a theoretical level, many principles of RBAs, such as participation of the public, empowerment, and responsibility of the state to uphold human rights, have been long-established components of development practice; what changed was the particular framing. RBAs are therefore deemed by some as the latest designer accessory to be paraded around in order to gain 'high moral ground', with little policy change to accompany it.²⁵ ²⁶ To others, however, the emphasis on rights distinguishes RBAs from its predecessors and has potential for real change. What appears as a rhetorical trend to one person may be powerful words of encouragement and change to another.²⁷ And even inspiring and empowering

²³ KINDORNAY, Shannon, RON, James and CARPENTER, Charli, 2012. Rights-Based Approaches to Development: Implications for NGOs. *Human Rights Quarterly* [online]. 2012. Vol. 34, no. 2 p. 479. DOI 10.1353/hrq.2012.0036. Retrieved from: http://muse.jhu.edu/content/crossref/journals/human_rights_quarterly/v034/34.2.kindornay.html

²⁴ *ibid*, p. 481-482

²⁵ UVIN, Peter, 2007. From the right to development to the rights-based approach: how 'human rights' entered development. *Development in Practice* [online]. 2007. Vol. 17, no. 4-5p. 599. DOI 10.1080/09614520701469617. Retrieved from: <http://www.tandfonline.com/doi/abs/10.1080/09614520701469617>

²⁶ See also: DEMPSEY, Sarah, 2009. NGOs, Communicative Labor, and the Work of Grassroots Representation, *Communication and Critical/Cultural Studies* [online], 6:4, 328-345, DOI: 10.1080/14791420903348625

²⁷ CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the 'rights-based approach' to development into perspective. *Third World Quarterly* [online]. 2004. Vol. 25, no. 8 p. 1419. DOI

rhetoric may aid the message of RBAs, since one of its goals is the empowerment of marginalized groups.

Another point of critique notes that to the recipients of aid, or “rights holders” in the lingo of RBA, this is just another neo-colonial/imperialist 'business as usual', and seeks empowerment only through external pressure on the recipient countries. The dogma that poverty can be solved with 'good leadership' and empowerment instead of structural change is taken to question. Western powers are criticized for providing aid and promoting rights while at the same time profiting off of and economically exploiting the very people they seek to empower, effectively shifting the blame from themselves onto 'bad leaders' in third world countries. Focusing on state actors effectively exempts the private and financial sector, who undoubtedly benefit from the lack of human rights and labor regulations, from scrutiny.²⁸ Furthermore, the entire rights and development discourse has for a long time been criticized for appropriating the struggles for self-definition/self-governance and social justice that existed and were an integral part of liberation and anti-colonial movements in these countries long before the topic 'went global'.²⁹

The differences in approach between Northern and Southern NGOs (more specifically, between large and wealthy NGOs and small, local ones) are pointed out, hinting at potential contentions and fragmentation between them, when the goal is for them to work together.³⁰ The trickle-down of resources and trickle-up of information and on the ground expertise work less harmoniously and have more communication distortion than what would be desirable. However, others note that RBAs have the potential for change because of one of its particular features, which is the re-politicization of poverty. Development in the 1970s and 80s was an area of economists, effectively de-politicizing the topic. Proponents of RBAs argue that poverty is an inherently political issue and should be addressed and treated as such, giving a glimpse of hope at real policy shifts.³¹

The third and final main criticism of RBAs comes from Western countries themselves. Many Western countries are hesitant to accept this rhetoric of universal responsibilities, and would rather keep development a purely voluntary matter. They are not particularly in favor of the connections made between their (oftentimes colonial) past and economically prosperous

10.1080/0143659042000308447. Retrieved from:
<http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

²⁸ TSIKATA, Dzodzi, 2004. The Rights-based Approach to Development: Potential for Change or More of the Same?. *IDS Bulletin* [online]. 2004. Vol. 35, no. 4 p. 131. DOI 10.1111/j.1759-5436.2004.tb00167.x. Retrieved from: <http://doi.wiley.com/10.1111/j.1759-5436.2004.tb00167.x>

²⁹ CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the 'rights-based approach' to development into perspective. *Third World Quarterly* [online]. 2004. Vol. 25, no. 8 p. 1419. DOI 10.1080/0143659042000308447. Retrieved from:
<http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

³⁰ KINDORNAY, Shannon, RON, James and CARPENTER, Charli, 2012. Rights-Based Approaches to Development: Implications for NGOs. *Human Rights Quarterly* [online]. 2012. Vol. 34, no. 2 p. 496. DOI 10.1353/hrq.2012.0036. Retrieved from:
http://muse.jhu.edu/content/crossref/journals/human_rights_quarterly/v034/34.2.kindornay.html

³¹ GREADY, Paul, 2008. Rights-based approaches to development: what is the value-added?. *Development in Practice* [online]. 2008. Vol. 18, no. 6 p. 742. DOI 10.1080/09614520802386454. Retrieved from:
<http://www.tandfonline.com/doi/abs/10.1080/09614520802386454>

present, seeing these responsibilities as a sort of guilt trip to aid actors which are unable to help themselves³².

1.3 Potential benefits and value-added

Although RBAs have endured some amount of criticism, there are also many potential benefits they can bring into development discourse.

In their article Putting the 'Rights-Based Approach' to Development into Perspective, Andrea Cornwall and Celestine Nyamu-Musembi note that the justifications for the value of rights in development can be classified into three categories: normative, pragmatic, and ethical.

The normative justification means that by talking about rights, the conversation is re-centered on politics and values. It makes the process of development explicitly political. Some authors point out the value of rights-based approaches by contrasting them with the previously used needs-based approach – while a needs-based approach focuses on delivering resources and services to particular groups, a rights-based approach is more holistic, calling for a more equal distribution of resources and empowering the rights holders to fight for their rights to these resources³³.

The pragmatic justification sees rights as a sort of vehicle for expanding the accountability of the state to its citizens. By engaging the International community in rights talk, they can better hold countries accountable for their delivery of rights (or failure thereof)³⁴.

Finally, the ethical justification serves to reflect more broadly on the nature of rights and the power dynamics involved in their distribution. Development in the hands of the international community may become problematic when talking about rights – as financial resources are finite, priorities have to be established which undermines the principle of indivisibility of human rights³⁵.

Similarly, Paul Gready in his article 'Rights-based approaches to development: what is the value-added?' outlines four particular areas where RBAs can have added value to development practice; the law, the state, accountability, and the re-politicization of development.

He describes the shift from human rights rhetoric as going from declaratory/theoretical to more operational, and points out how RBAs have helped shift the terms of the debate, re-framing rights as 'an entitlement, secured largely through a political and legal contract with

³² CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the 'rights-based approach' to development into perspective. *Third World Quarterly* [online]. 2004. Vol. 25, no. 8 p. 1422. DOI 10.1080/0143659042000308447. Retrieved from:

<http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

³³ *ibid*, p. 1418

³⁴ CORNWALL, Andrea and NYAMU-MUSEMBI, Celestine, 2004. Putting the 'rights-based approach' to development into perspective. *Third World Quarterly* [online]. 2004. Vol. 25, no. 8 p. 1417. DOI 10.1080/0143659042000308447. Retrieved from:

<http://www.tandfonline.com/doi/abs/10.1080/0143659042000308447>

³⁵ *ibid*.

the state and other key actors' as well as widen the concept of rights beyond their legal domain and operationalize them in the economic sphere³⁶.

In terms of the law, Gready mentions that it contributes directly and indirectly. Directly through legal challenges, where cases are brought to court over economic or social rights, or where development actors play a role in law-making and implementation processes.

However, direct use of the law is in this case still relatively rare. This is where RBAs come in with indirect uses of the law. Through the tenets of RBAs (accountability, participation, equality, transparency, empowerment), international human rights law is translated into political and social processes, into the everyday work of NGOs and IGOs, and, hopefully, into the everyday lives of the people they work with. RBAs can help bridge the gap between international NGOs and the local populations, make rights a broader concept while at the same time embrace social and cultural diversity. Human rights, and the concept of justice in general, go beyond legal code, and are meant to be a reflection of the universal ethical framework for human relations. Through targeting not just laws but also public opinion and beliefs, RBAs are able to empower grassroots movements to hold their governments accountable and process human rights and justice on their own terms. Gready points out that the option to use the law both directly and indirectly suggests that RBAs are furthermore able to use the law strategically – through a combination of legal challenges and social justice, RBAs can empower people to take legal and social action³⁷.

The second potential value-added of RBAs comes from their interactions with the state. In terms of human rights, the state has the obligation of delivery as well as oversight. Through exploiting particular openings for external intervention, the international community can temporarily gain allies who will support the government's responsibilities of upholding rights. The biggest issue is therefore how to make these processes permanent, how to ingrain them into the government's practices and the country's political culture. RBA' value-added comes in the form of re-centering the state and (re)asking questions about its appropriate role in development.

What is even more interesting is RBAs' value in the subject of accountability. The discussion of accountability brings together the two previous topics, the law and the state. The talk of human rights would mean nothing without mechanisms to hold the rights holders accountable. If the rights holder, ie. the state, cannot or does not want to oversee the upholding of human rights in the country, non-state actors are responsible for capacity building and monitoring, making the issue of human rights global. Furthermore, rights holders also have the responsibility to claim their rights, and should be empowered to do so. In that sense, RBAs contribute by stretching the discussion of accountability to encompass the rights holders, duty bearers as well as the international community via both legal and social mechanisms³⁸.

Lastly, RBAs contribute greatly to human rights discussion by re-politicizing development, particularly in these four ways. First, it redefines development not as a matter of charity but

³⁶ GREASY, Paul, 2008. Rights-based approaches to development: what is the value-added?. *Development in Practice* [online]. 2008. Vol. 18, no. 6 p. 737. DOI 10.1080/09614520802386454. Retrieved from: <http://www.tandfonline.com/doi/abs/10.1080/09614520802386454>

³⁷ *ibid*, p. 739-740

³⁸ *ibid*, p. 740-741

of rights and responsibility. Poverty is not a natural consequence of certain circumstances but something that is deliberately done to people, for whom certain actors bear responsibility³⁹. Poor 'is not what they are, but what they have been made'⁴⁰. Second, as has been mentioned earlier, none of the core concepts of RBAs (participation, empowerment, upwards and downwards accountability) are necessarily new in development. However, RBA' value-added lies in politicizing these concepts as well. By politicizing concepts like participation and empowerment, certain power structures are called to question and diminished. In essence, the encouragement for participation is in itself a democratizing force, and the proponents of RBAs usually wear it on their sleeve. Third, RBAs can help address the structural, deep-rooted causes of poverty, rather than only patching up the symptoms. As such, they are able to re-orientate NGO efforts from seeking purely technical solutions towards more socio-political action. Fourth, RBAs are able to speak truth to power, through their promotion of participation and empowerment, various lobbying and advocacy campaigns, or through monitoring and reporting human rights abuses. This indicates that RBAs can go much deeper into the broad political picture than previous strands of development rhetoric⁴¹.

1.4 Practical application of RBAs

The principles of RBAs should, in theory, become noticeable upon examining the structures of NGOs and their interactions, both among one another and with various actors within the state. Kindornay, Ron and Carpenter (2012) offer a helpful classification system of NGOs, splitting them into 5 tiers. Tier 1 consists of Northern-based donors who alongside finances also provide policy rhetoric, programming tools, and evaluation templates. SIDA and DFID are cited as one of the most prominent examples. Tier 2 INGOs, such as Oxfam or CARE, serve as a conduit of aid from the global North to the South. They distribute the resources to Tier 3 NGOs, which are Southern NGOs mostly located in major cities. From there, funds trickle down to peripheral Tier 4 NGOs and the smallest local Tier 5 NGOs. Generally speaking, Tier 1-3 NGOs have a more formalized organizational structure, whereas in Tiers 4 and 5 that is not always the case, and some could be classified as grassroots movements rather than organizations per se⁴². Though the relationship between Tiers should be equal and based on mutual help and respect, the reality is often quite different. Through providing (or withholding) funding, as well as through evaluations, awards, and workshops, Tier 1 and 2 NGOs effectively shape the incentives of the lower Tiers. Tier 2 and 3 usually function as contractors, choosing where to allocate funds from the higher tiers through sub-contracts, aid, grants, or capacity-building. In the authors' words, "*The NGO pyramid is a contracting chain*

³⁹ *ibid*, p. 742

⁴⁰ MANDER, 2001 in GREADY, Paul and ENSOR, Jonathan, 2005. *Reinventing Development? Translating rights-based approaches from theory into practice*. London: Zed Books. ISBN 1-84277-649-5.

⁴¹ GREADY, Paul, 2008. Rights-based approaches to development: what is the value-added?. *Development in Practice* [online]. 2008. Vol. 18, no. 6 p. 743. DOI 10.1080/09614520802386454. Retrieved from: <http://www.tandfonline.com/doi/abs/10.1080/09614520802386454>

⁴² KINDORNAY, Shannon, RON, James and CARPENTER, Charli, 2012. Rights-Based Approaches to Development: Implications for NGOs. *Human Rights Quarterly* [online]. 2012. Vol. 34, no. 2p. 485. DOI 10.1353/hrq.2012.0036. Retrieved from: http://muse.jhu.edu/content/crossref/journals/human_rights_quarterly/v034/34.2.kindornay.html

composed of financial and discursive flows, along with a series of written contracts. Compliance within the pyramid is secured (to a greater or lesser extent) through upward reporting, downward monitoring by evaluation consultants, and through site visits, training sessions, workshops, and other forms of consultation and instruction."⁴³

Similarly, Schmitz and Mitchell (2016) divide the strategies used by NGOs into three levels; national (ie. targeting governments), subnational (targeting civil society), and local (targeting local communities or individuals). They further classify interactions as either conciliatory (meaning mainly capacity building, awareness raising, empowerment) or contentious (advocacy, mobilization, or legal action such as litigation)⁴⁴. Gauri and Gloppen (2012) divide RBAs into four analytic types: Global compliance approaches, focused on pressuring states into ratifying human rights treaties and holding them accountable for compliance with said treaties; Programming approaches, striving to strengthen domestic accountability offices and service provision; Rights talk approaches, encouraging the formation of civil society organizations and empowering people to address human rights violations themselves; and Legal mobilization approaches, most typically taking on the form of domestic litigation⁴⁵. These strategies and types express a very similar sentiment to Gready's direct and indirect uses of the law – once again highlighting that the value of RBAs is in their focus on social justice, going beyond purely legal constraints.

Though each author calls their categories by different names, there is a visible through line, the aspects of which will be useful in analyzing the effects different Tier NGOs have on different levels of society, with the specifics modified to better suit the area of labor rights.

1.5 Literature review

The struggle for labor rights may be as old as humanity itself. From the Peasant Revolt in the Middle Ages, to the industrialized world's thinkers like Marx or Bakunin, the rights of workers have always been a topic of conflict whose intensity ranges from debates to tumultuous revolutionary movements. Trade guilds have evolved into labor unions and nebulous demands into written law. Various prominent actors, including states, NGOs, and UN bodies, came to support these rights through different international agreements⁴⁶.

Despite this rich and fiery history of labor rights in the West, globalization has dealt a hit to worker rights in the global South. While global income inequality had already been experiencing a steady rise since 1820⁴⁷, it was not until the 1950s that Western companies

⁴³ *ibid*, p. 486-487

⁴⁴ SCHMITZ, Hans Peter and MITCHELL, George E., 2016. The Other Side of the Coin: NGOs, Rights-Based Approaches, and Public Administration. *Public Administration Review* [online]. 2016. Vol. 76, no. 2p. 255-259. DOI 10.1111/puar.12479. Retrieved from: <https://onlinelibrary.wiley.com/doi/10.1111/puar.12479>

⁴⁵ GAURI, Varun and GLOPPEN, Siri, 2012. Human Rights-Based Approaches to Development: Concepts, Evidence, and Policy. [online]. 2012. Vol. 44, no. 4 p. 4-18. DOI doi:10.1057/pol.2012.12. Retrieved from: <https://www.jstor.org/stable/41684501>

⁴⁶ KANG, Susan L., 2012. *Human rights and labor solidarity: trade unions in the global economy*. 1st ed. p. 9. University of Pennsylvania Press. ISBN 978-0-8122-4410-6.

⁴⁷ FLANAGAN, Robert J., 2006. *Globalization and Labor Conditions: Working Conditions and Worker Rights in a Global Economy*. 1st ed. p. 10. Oxford University Press. ISBN 978-0-19-530600-2.

saw the opportunity to get cheaper labor abroad through outsourcing⁴⁸. The circumstances that brought this practice into the mainstream were as follows: firstly, the timely arrival of IT and rapid developments in transportation technology made it easy to communicate with suppliers, as well as to ship and keep track of products worldwide. Secondly, the crises brought about by falling profitability and overproduction that re-emerged in the 1970s, manifesting as stagflation and a global recession, made large companies scramble for a solution, which they found in the form of cheap laborers in the global South⁴⁹. Thirdly, many of these “recipient” countries experienced various economic crises and subsequently enacted reforms that opened up their markets and made them attractive targets to foreign investments. In China, the Maoist employment system caused rigidity in employment and the inability of the market to adapt to changing circumstances, leading to a drop in overall productivity and even famines in some parts of the country⁵⁰. The area now known as Bangladesh underwent two splits in a short period of time – the Partition of India in 1947 and the subsequent fight for independence from Pakistan in 1971 – and as such, had to quickly adapt and restructure its economy. After a very brief attempt at a planned economy, the country reoriented its focus to a liberal economy and expanded its exports sector, primarily in agriculture and the ready-made garment industry⁵¹. Indonesia went through two deep economic crises. The 1960s crisis was primarily due to domestic reasons and bad decisions by the Sukarno government. The 1990s crisis, also known as the Asian financial crisis, began in Thailand in 1997 and spread all over South East Asia, hitting Thailand, Indonesia and South Korea the hardest⁵². Simply put, through a multitude of factors – including but not limited to globalization, economic crises, and plain corporate greed – some of the worst forms of worker exploitation have been moved out of sight and out of mind. NGOs and other labor organizations would eventually catch wind of this, however, and many of them soon reoriented their focus onto the Third World.

Currently, the biggest player in the field of labor rights is undoubtedly the International Labor Organization. Established in October 1919 under the League of Nations, it currently stands as one of the oldest UN agencies, as well as its only tripartite agency, representing the workers, employers, and governments. Its primary mission is to establish labor standards, formulate policies, and implement programs aimed at ensuring decent work for men and women worldwide⁵³.

⁴⁸ HÄTÖNEN, Jussi and ERIKSSON, Taina, 2009. 30+ years of research and practice of outsourcing – Exploring the past and anticipating the future. *Journal of International Management* [online]. 2009. Vol. 15, no. 2 p. 142-155. DOI 10.1016/j.intman.2008.07.002. Retrieved from: <https://linkinghub.elsevier.com/retrieve/pii/S1075425309000209>

⁴⁹ SMITH, John, 2012. Outsourcing, financialisation and the crisis. *International Journal of Management Concepts and Philosophy*. Online. 2012. Vol. 6, no. 1/2 p. 19-44. DOI 10.1504/IJMCP.2012.047205.

⁵⁰ MENG, Xin, 2012. Labor Market Outcomes and Reforms in China. *Journal of Economic Perspectives*. Online. 2012. Vol. 26, no. 4p. 75-102. DOI 10.1257/jep.26.4.75.

⁵¹ LEWIS, David, 2011. *Bangladesh: Politics, Economy and Civil Society*. p. 136-139. Cambridge University Press. ISBN 978-1139502573.

⁵² THEE, Kian Wie, 2012. *Indonesia's Economy Since Independence*. p. 109-118. ISEAS Publishing. ISBN 978-9814379632.

⁵³ About the ILO, *The International Labour Organization*. Online. Retrieved from: <https://www.ilo.org/about-ilo>

Since its conception, the ILO has ratified 196 Conventions and Protocols. These conventions cover a plethora of labor-related areas, such as forced labor, wages, child labor, work hours, labor inspections, the treatment of indigenous workers, night work, social security, maternity protection, medical examinations, and many others⁵⁴. The most fundamental ones are included in the Declaration on Fundamental Principles and Rights at Work. The Declaration, passed in 1998 and amended in 2022, outlines the core principles related to fundamental rights as addressed in the relevant Conventions, specifically: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; (d) the elimination of discrimination in respect of employment and occupation; and (e) a safe and healthy working environment⁵⁵. Its Constitution, adopted in 1944, constitutes the key document in terms of its organizational structure, membership, relationships with governments and international organizations, reporting, legal status, and so forth⁵⁶.

The ILO's primary activities include conducting research and gathering data on various work-related topics, publishing key reports, working papers and statistical databases based on labor market data from national sources, as well as running development cooperation projects around the world. They cooperate with over 150 NGOs, most focused on labor rights but also rights of women, indigenous people, disabled people, and other marginalized groups⁵⁷.

Another large organization focused on global labor rights is the Fair Labor Association. The Fair Labor Association (FLA) was created as a result of the 'anti-sweatshop' movements that took place in the U.S. during the 1990s. These movements, primarily driven by a key group of student, labor, and human rights organizations, called for major companies supplying the U.S. market to assume responsibility for the labor conditions in their supply chains. In reaction to these ongoing protests, the Clinton Administration orchestrated a series of discussions, which brought together prominent names from the apparel and sportswear industries and some of the labor and human rights groups involved in these movements. In 1993, these groups, corporations, and NGOs established what was initially a loose coalition called the Apparel Industry Partnership (AIP). By 1999, this group modified its founding charter to officially form the FLA.

Nowadays, the FLA's modus operandi mostly consists of reporting and regulation. The organization sets a Code of Conduct, then monitors it upholding at the factory level through both participating companies and external audits coordinated by the FLA.

The FLA's primary tool is the authority to remove companies that fail to comply with its standards. The impact of such exclusion relies heavily on the reactions of various

⁵⁴ List of Instruments, *Information System on International Labour Standards*. Online. Retrieved from: <https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12200:0::NO::>

⁵⁵ ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, *Information System on International Labour Standards*. Online. Retrieved from: https://normlex.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453911:NO

⁵⁶ ILO Constitution, *Information System on International Labour Standards*. Online. Retrieved from: https://normlex.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO

⁵⁷ ILO Special List of NGOs, *The International Labour Organization*. Online. Retrieved from: <https://www.ilo.org/partnerships/civil-society/relations-ngos/ilo-special-list-ngos>

stakeholders, including employees, consumers, investors, regulators, and business partners, to the negative implications of being ousted from the FLA.

Furthermore, the FLA actively promotes so-called “remediation strategies” to address violations of its Workplace Code. This strategy essentially involves capacity-building for suppliers. It includes offering technical assistance alongside fostering an environment of idea-sharing and learning⁵⁸.

The Clean Clothes Campaign, meanwhile, focuses on fair labor conditions and sustainability within the garment industry. Founded in Denmark in 1989, it has since brought together over 200 organizations in more than 45 countries. Their network bridges various stakeholders in the garment and sportswear sectors, including grassroots unions, women's groups, labor rights organizations, and activists from both producing and consumer countries.

The main focus of the CCC is to educate and mobilize consumers. They lobby and advocate for governments to enhance and enforce laws, regulations, and judicial mechanisms that support workers' rights. The campaign places pressure on companies to honor workers' rights and adopt responsible purchasing practices. They address specific cases of rights violations and support workers' demands, integrating the insights gained into their strategic approach. Additionally, they raise awareness and mobilize people to take action in various roles such as consumers, citizens, or investors. They utilize judicial mechanisms and lobby for stringent corporate accountability laws to safeguard workers' rights. Their efforts also extend to promoting ethical public and private procurement practices⁵⁹.

An honorable mention among labor organizations is the Industrial Workers of the World organization. Founded in Chicago in 1905, it is one of the oldest organizations of this kind. Its main focus is promoting collective bargaining and unionization within industrial labor. However, as their beliefs and methods are considerably more radical – their Constitution specifically mentions abolition of the wage system and capitalism itself – they have not gained as much popularity over the years, and are currently only active in the United States of America, Canada, parts of Western Europe, Australia, and New Zealand⁶⁰. The World Federation of Trade Unions, founded in 1945, is more successful in the endeavor of creating a “global union”, however it, too, has encountered various issues and schisms, limiting its reach⁶¹.

Additionally, there is a plethora of local NGOs at the 3-5 tier, which might or might not collaborate with the previously mentioned entities. These shall be addressed in the context of the specific countries under discussion.

⁵⁸ MACDONALD, Kate, 2011. Fair Labor Association. In: HELD, David and HALE, Thomas, *Handbook of Transnational Governance Innovation*, edited by David Held and Thomas Hale. Polity Press. p. 243-251. ISBN 978-0745650616.

⁵⁹ About, *Clean Clothes Campaign*. Online. Retrieved from: <https://cleanclothes.org/about>

⁶⁰ Constitution of the Industrial Workers of the World, *Industrial Workers of the World*. Online. Retrieved from: <https://www.iww.org/constitution/>

⁶¹ History, *World Federation of Trade Unions*. Online. Retrieved from: <https://www.wftucentral.org/history/>

1.6 Applying the principle of RBAs onto the international labor regime, research framework

By now, it is time to address the elephant in the room. Although the topic of the thesis is about *labor*, RBAs is a topic that's talked about primarily in *development*. While the international labor regime for the most part reflects the principles of RBAs (empowerment, pressure from above as well as from below, non-discrimination, regular monitoring and inspection, solutions that transform the socio-political environment rather than purely technical ones, usage of legal as well as political tools, etc.) in spirit, it does not associate with RBAs officially. Why try to bridge these two worlds at all, then? Firstly, there is significant overlap already – labor rights are human rights, and one does not (or, at least, should not) simply forfeit them in the workplace, and as already mentioned, that fact is reflected in the two respective projects' agenda. This is especially noticeable when talking about the right to collective bargaining and worker organization⁶². What are unions if not an organized demand for accountability, an aspect which RBAs underline so vehemently? Secondly, in their efforts to improve human rights, NGOs engage in a broad range of activities that often broach the topic of labor rights. Vice versa, a labor NGO does not engage only with workers and employers, but also the government, courts (national and international), and civil society. In theory, a labor NGO and a development NGO may source their instructions from different treaties, be overseen by different higher-ups and have a different NGO's stamp on their training materials. But on the ground, their work can be very similar. The complicated web of interactions between NGOs and all the potential issues therein have not excluded labor NGOs either, as is it a somewhat universal issue. Thirdly, RBAs may provide a unique lens through which labor rights are viewed. As mentioned in the previous paragraphs, Gready (2008) explicitly mentions the re-politicization of development (and all its associated processes) as one of RBA's main fortes. The area of labor is a few years behind development in that sense, still clinging – although faintly – to a technical/managerial outlook⁶³, whereas RBAs embrace working closely with people and respecting their cultural practices. Just like human rights, the area of labor is hugely influenced by culture, though this is rarely talked about, much less tackled academically. This is why I hope that by examining labor through the lens of RBA, some aspects which labor has – if unofficially – already adopted, I may be able to uncover relationships that were not observed as deeply in academia before.

To simplify this complex web of interactions, I have devised a model based on the strategies of RBAs. Split into three approaches and based on interactions on different levels, NGOs can pursue their goals within a given country as follows.

Firstly, the top-down approach. This approach emphasizes collaboration with national governments to systemic change, focusing on several strategic activities. First, it involves

⁶² *Rules of the Game: An introduction to the standards-related work of the International Labour Organization*, 2019. [online]. p. 18-19. Geneva: International Labour Office. ISBN 978-92-2-132186-6. Retrieved from: https://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_672549/lang-en/index.htm

⁶³ *ibid*, p. 25-27

advocacy and policy influence, where NGOs lobby for the enactment of stronger labor laws and regulations that better safeguard workers' rights. Additionally, this approach includes capacity building, offering training and resources to government agencies to enhance the enforcement of these labor laws. Another crucial component is reporting and monitoring. NGOs actively monitor compliance with labor standards and report any violations to encourage prompt governmental action. Moreover, this approach may include the tactic of naming and shaming, where NGOs publicly identify and criticize organizations or governments that fail to adhere to labor laws, pressuring them to amend their practices. Through these coordinated efforts, the top-down approach aims to achieve significant, wide-reaching improvements in labor conditions globally. However, the top-down approach also carries significant disadvantages, primarily due to its dependence on the often unstable political climate, which can lead to inconsistent enforcement and policy implementation. This might cause NGOs to compromise on their principles due to close government collaboration, risking the dilution of advocacy effectiveness. Furthermore, national policy changes often take time to benefit individual workers directly, if at all. Moreover, the lobbying and policy-making process may exclude marginalized groups, sidelining those most affected by labor issues and limiting the wider impact of such initiatives.

Secondly, the intermediary approach emphasizes empowering workers through collective action and includes collaboration with local labor advocacy groups, unions, and civil societies. It incorporates several key components to achieve its goals. One essential element is collective bargaining, which involves facilitating negotiations between workers and employers. Another aspect of this approach is the strengthening of civil society. This is achieved by partnering with advocacy groups to raise awareness about labor issues and foster a culture that supports and defends workers' rights. Additionally, there's a significant focus on capacity building for unions. This involves providing assistance to labor unions to help them become more effective representatives of workers' interests, ensuring that they have the skills and resources needed to advocate for and protect the rights of their members effectively. Through these efforts, the intermediary approach seeks to create a more equitable and just working environment, where the voices of workers are heard, and their rights are recognized and upheld. This approach may face obstacles in areas where unions are corrupt or weak. It can also cause backlash from employers, possibly resulting in worker dismissals. Besides, unions and advocacy groups themselves may struggle with political, financial, or regulatory challenges that lower their effectiveness.

Finally, the bottom-up approach. This grassroots strategy focuses on supporting individual workers and local communities in asserting their rights, incorporating a comprehensive approach to empowering the workforce at the most basic level. It includes providing legal aid and education to inform workers about their rights and offering legal assistance to navigate labor disputes effectively. The strategy also emphasizes local community engagement, where there's cooperation with local communities to understand and tackle specific labor issues unique to their context. Furthermore, there's a commitment to offering direct support to worker initiatives, facilitating efforts led by workers themselves aimed at enhancing conditions in their workplace or community. By combining education, community

collaboration, and support for worker-led actions, this grassroots strategy seeks to create a sustainable foundation for advancing labor rights and improving working conditions from the ground up. This approach, too, faces several challenges. Since it primarily focuses on individual empowerment, it may neglect underlying systemic issues that contribute to poor labor conditions. Grassroots efforts can also clash with national policies or the activities of larger NGOs and therefore create fragmentation within the overall movement. Lastly, there is a risk of repression for activists and workers engaged in these initiatives, especially in areas where labor activism is frowned upon or where legal protections are weak or not enforced.

Approach	Description	Examples
Top-down	Collaboration with national governments to create systemic change. Advocacy, capacity building, and reporting and monitoring labor standards. Naming and shaming to pressure for changes.	NGOs lobbying for the enactment of stronger labor laws in a country. Training programs for government agencies to improve labor law enforcement.
Intermediary	Empowerment through collective action. Collaboration with local labor advocacy groups, unions, and civil societies. Collective bargaining and capacity building for unions. Awareness campaigns targeted at civil society.	Facilitating negotiations between workers and employers in a factory to improve wages and conditions. Partnership programs between INGOs and local groups to advocate for worker rights.
Bottom-up	Education, legal aid, local community engagement. Empowering the workforce at the most basic level.	Providing legal assistance to workers in an industry dispute. Workshops to educate workers about their rights and how to advocate for themselves.

Table 1: Theoretical model of three approaches with examples of practical application

1.7 Methodology

The body of the thesis will consist of three longitudinal case studies⁶⁴ comparing the labor conditions in China, Bangladesh and Indonesia over the period of 20 years, followed by an analysis of NGOs active in the respective areas, their strategies and results.

⁶⁴ GERRING, John, 2017. *Case Study Research*. Cambridge University Press. p. 137-144. ISBN 9781316848593.

Though there is no unanimous consensus on what a case study is, the colloquial understanding used to be that it is simply a study of a spatially and temporally enclosed set of events. As political science has shifted towards an emphasis on theoretical research, however, the perception of case studies has evolved from being self-contained events to being viewed as instances within a broader theoretical framework. This perspective has led political scientists to use case studies for developing and validating theories, leaving the detailed descriptions of specific events to historians⁶⁵.

The first part of each case study will be a comparative longitudinal analysis, comparing labor conditions in each country in the year 2000 and 2020. Following the guidelines set up by the International Labor Organization, the main points of assessment shall be wages, work hours, workplace safety, the occurrence of child labor and forced labor, non-discrimination and the freedom of association/collective bargaining⁶⁶. An overview of the activity of NGOs will be presented, viewed through the lens of Rights Based Approaches. This thesis best suits the disciplined-configurative case study type as described by Eckstein (1975). This type of case study, methodologically aligned with what Lijphart (1971) terms the interpretive type, Van Evera (1997) calls the case-explaining type, or simply known as theory-guided, allows for an in-depth view into the case through the lens of a specific theoretical framework⁶⁷.

Where available, the thesis will use statistical data to assess measurable variables like wages, work hours, workplace injuries, and so on. However, given the real possibility that data may not always be available considering the given timeframe, the work will primarily rely on on-the-ground reports, factory assessments, surveys, or testimonies of individual workers, designating statistics to a supplementary role.

The countries in question have been chosen due to their significance in the global supply chain as well as the diversity of economic, political, and cultural environments between them. Furthermore, they have been focal points for international NGOs, labor activists, and researchers, ensuring that sufficient documentation is available to support in-depth case studies.

China, as the world's foremost manufacturing powerhouse, provides a comprehensive perspective on labor conditions in a rapidly industrializing and developing economy. Its transformation from a predominantly agrarian society to an industrial giant has been well-documented, and the country serves as an illustrative case of both the opportunities and challenges generated by such rapid economic growth.

⁶⁵ LEVY, Jack S., 2008. Case Studies: Types, Designs, and Logics of Inference. *Conflict Management and Peace Science*. Online. 2008. Vol. 25, no. 1p. 1-18. DOI 10.1080/07388940701860318.

⁶⁶ *Rules of the Game: An introduction to the standards-related work of the International Labour Organization*, 2019. [online]. P. 32-102. Geneva: International Labour Office. ISBN 978-92-2-132186-6. Retrieved from: https://www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_672549/lang-en/index.htm

⁶⁷ LEVY, Jack S., 2008. Case Studies: Types, Designs, and Logics of Inference. *Conflict Management and Peace Science*. Online. 2008. Vol. 25, no. 1p. 1-18. DOI 10.1080/07388940701860318.

Bangladesh, meanwhile, represents a key figure in the global textile and garment industry, marked by the stark contrast between its vital economic contribution and the often substandard labor conditions observed within the sector. The nation is especially relevant due to the intense international focus following incidents such as the Rana Plaza tragedy, which brought global attention to the plight of workers and the role of NGOs in advocating for improved labor standards.

Indonesia is notable for its status as a burgeoning economy with a diverse industrial sector and an evolving labor landscape. Its strategic position in Southeast Asia, coupled with its complex political economy, provides a distinct context for examining labor rights and NGO influence, different from that of China or Bangladesh.

Similarly, the 20-year time frame is in my view relevant, because RBAs started becoming mainstream development practice in the early 2000s, hence their effects ought to be visible by now, even in the area of labor rights.

1.8 Research question, hypotheses

The research question of the thesis is as follows: *To what extent and through which mechanisms have non-governmental organizations (NGOs) been effective in improving labor conditions in China, Bangladesh, and Indonesia?*

The hypotheses are formulated thusly:

H1: NGOs have been able to improve the labor conditions in China, Bangladesh and Indonesia primarily by working with the national governments of these countries. (top-down approach)

The first hypothesis is more or less in line with how NGO influence has been perceived to function so far: by directly employing national and international law, naming and shaming, but also through capacity building in order to help governments that are willing but unable to uphold labor standards.

H2: NGOs have been able to improve the labor conditions in China, Bangladesh and Indonesia primarily by employing collective bargaining and working with local labor advocacy groups, unions and civil societies of these countries. (intermediary approach).

H3: NGOs have been able to improve the labor conditions in China, Bangladesh and Indonesia primarily by working with local communities and individuals. (bottom-up approach)

The second and third hypotheses are where Rights Based Approaches are really meant to shine, focusing on the upward accountability relationship and empowering the people, be it

through discourse shift and collective bargaining or via helping individuals with legal advice and law education.

H0 (null hypothesis): No significant changes can be observed in the labor conditions of the given country, or cannot be clearly attributed to NGO activity.

As there is always the possibility of the null hypothesis being true, the thesis will also seek to answer what is preventing the null hypothesis from being rejected, ie. what is causing NGOs to be unsuccessful in their efforts to improve labor conditions in these countries. I feel it is necessary to remark that many NGOs choose not to target the producing countries at all, but rather set their gaze upon the Western companies for whom these products are manufactured via local subcontractors. However, including these multinational companies into the analysis would likely become too big of a bite for this thesis to chew, and as such I have decided to limit the area of study to NGOs working within these target countries specifically.

2 China

2.1 Background

Since the 1970s, China has gone through a number of workforce reforms, transitioning from an inflexible state-controlled system to a more market-driven environment. Previously, under Mao Zedong, China had been operating under a system known as the ‘iron rice bowl’. In essence, this system guaranteed life-long employment and social benefits to workers in enterprises and public institutions, all of which were of course owned by the state. These workers were assigned to their positions, could not be hired or fired and their wages were determined by the Central Planning Commission. This led to plummeting productivity brought upon by lack of incentives and an inability of the workforce to react to changing circumstances, causing underemployment in some areas and overstaffing in others⁶⁸.

Starting with the Rural Reform in 1978, changes swept over the countryside and later on through the cities as well. In the 1990s, the government decided to restructure state businesses, going forward with the “Hold the Large, Let Go the Small” policy, meaning that large, profitable businesses continued to be supported by the government while the small ones had to fend for themselves in the competitive market. This restructuring also included mass layoffs from the government sector and state owned enterprises. Within just three or four years, millions of state workers were laid off and the urban private sector expanded rapidly. The control over labor practices – including wages, contracts, work hours, benefits – was transferred from the state to the companies’ internal management⁶⁹. Between 1992 and 2007, China’s GDP has grown by 10% per year⁷⁰. During the same timeframe, China rapidly climbed the ladder in foreign direct investment influx, surpassing even the United States as the most favored destination in 2002. Furthermore, China attracted a multitude of multinational companies as a production base for export and to supply its domestic market⁷¹. In 1999, China initiated a significant expansion in higher education in order to enhance its skilled workforce, increasing student enrollment from 3.4 million in 1998 to 20.2 million by 2008⁷².

One aspect of the previous regime had not been put on the chopping block during these reforms, however: the hukou system. The hukou system mandates the classification of each individual as having either a rural or urban hukou in a given location, a measure originally intended to restrict labor mobility across the country. Hukou status is inherited at birth,

⁶⁸ MENG, Xin, 2012. Labor Market Outcomes and Reforms in China. *Journal of Economic Perspectives*. Online. 2012. Vol. 26, no. 4p. 75-102. DOI 10.1257/jep.26.4.75..

⁶⁹ GALLAGHER, Mary E., 2007. Contagious Capitalism: Globalization and the Politics of Labor in China. *Princeton University Press*. p. 140-146. ISBN 978-0-691-13036-1.

⁷⁰ GE, Suqin and YANG, Dennis Tao, 2014. Changes in China's Wage Structure. *Journal of the European Economic Association*. Online. 2014. Vol. 12, no. 2 p. 300-336. DOI 10.1111/jeea.12072.

⁷¹ GALLAGHER, Mary E., 2007. Contagious Capitalism: Globalization and the Politics of Labor in China. *Princeton University Press*. p. 33-34. ISBN 978-0-691-13036-1.

⁷² KNIGHT, John, DENG, Quheng and LI, Shi, 2017. China’s expansion of higher education: The labour market consequences of a supply shock. *China Economic Review*. Online. 2017. Vol. 43, p. 127-141. DOI 10.1016/j.chieco.2017.01.008.

encompassing both the type of hukou and its location⁷³. An individual's hukou status (rural/urban and local/non-local) determines whether they are entitled to benefits and public services. In the 1980s, hukou restrictions were relaxed and the burdens of management and policy formulation were put onto local governments (cities and towns). As a result, hukou-related policies can differ significantly between locations. Typically, provincial governments establish general guidelines for hukou policies within their jurisdictions, with more detailed and specific policies being formulated at the prefecture level. Since labor mobility was uncommon at the time, this issue was not given much importance. However, due to the aforementioned policies regarding the labor market as well as a wave of urbanization in the 1980s, modern China sees extensive labor mobility with a considerable percentage of urban-living populations, especially in major cities like Beijing and Shanghai⁷⁴. This mismatch of hukou status and location results in a large 'floating population' of individuals, primarily of rural hukou, who leave their home to seek a job in the city to satisfy the demand of the market, but receive lower wages (although that metric can be at least partly explained by the differences in education of rural and urban populations⁷⁵) and much fewer benefits than their local/urban counterparts⁷⁶. Up until the first half of the 2000s, they could not access public services at all, were only authorized to reside and remain in a factory district, and faced detention by law enforcement and deportation if not vouchsafed by their employer. Furthermore, they were prohibited from bringing their families with them⁷⁷. While hukou restrictions have been loosened, they still present a considerable challenge to many workers.

It becomes quite clear, then, that the economic growth of China has come at the expense of its workers, primarily those with a rural and non-local hukou status. Job turnover was very high for these workers, as they were "treated to" long work hours, little to no employee protections or benefits, and low wages⁷⁸. Consequently, the 2000s saw a wave of labor protests and strikes, primarily in manufacturing enterprises. The government brutally repressed them via threats, violence and even jail time, as well as tightening the reins on the ACFTU⁷⁹. However, state officials eventually realized the untenability of the situation and attempted to remedy the situation by enacting the Labor Contract Law. The primary focus of the law, which officially came into effect in January 2008, is the formalization of the employer-employee relationship through a written labor contract. This contract must clearly outline details such as wages,

⁷³ SONG, Yang, 2014. What should economists know about the current Chinese hukou system? *China Economic Review*. Online. 2014. Vol. 29, p. 200-212. DOI 10.1016/j.chieco.2014.04.012.

⁷⁴ *ibid.*

⁷⁵ WU, Qiong (Miranda) and WALLACE, Michael, 2021. Hukou stratification, class structure, and earnings in transitional China. *Chinese Sociological Review*. Online. 27 May 2021. Vol. 53, no. 3 p. 223-253. DOI 10.1080/21620555.2021.1878019.

⁷⁶ GE, Suqin and YANG, Dennis Tao, 2014. Changes in China's Wage Structure. *Journal of the European Economic Association*. Online. 2014. Vol. 12, no. 2 p. 300-336. DOI 10.1111/jeea.12072.

⁷⁷ UNGER, Jonathan and SIU, Kaxton, 2019. Chinese migrant factory workers across four decades: shifts in work conditions, urbanization, and family strategies. *Labor History*. Online. 2 November 2019. Vol. 60, no. 6 p. 765-778. DOI 10.1080/0023656X.2019.1645313.

⁷⁸ MENG, Xin, 2017. The Labor Contract Law, Macro Conditions, Self-Selection, and Labor Market Outcomes for Migrants in China. *Asian Economic Policy Review*. Online. 2017. Vol. 12, no. 1 p. 45-65. DOI 10.1111/aep.12157.

⁷⁹ *A Decade of Change: The Workers' Movement in China 2000-2010*. China Labor Bulletin, 2012. <https://clb.org.hk/en/content/decade-change-workers%E2%80%99-movement-china-2000-2010>

working hours, holidays, welfare and benefits, as well as regulations pertaining to work protection and working conditions⁸⁰.

While the new law appears to have had a somewhat positive impact on macro labor market conditions⁸¹, there are issues with its enforcement. The dispute resolution process is problematic, beset by issues related to access, expense, duration, and deficiencies in capacity and training. Additionally, numerous aggrieved employees harbor suspicions that arbitrators, being employees of the local labor bureau, are biased towards employers. The process itself is largely individualized by design, with any expansion of political freedom for workers occurring strictly within the confines of state oversight on collective labor activities via the party-controlled All-China Federation of Trade Unions (ACFTU). As a result, there are significant gaps between "law on the books" and "law in practice," as well as between the central government's ambitions and the local governments' abilities and willingness to act. As such, issues with low wages, long work hours, lack of protective equipment in dangerous environments, abrupt dismissals due to injuries etc. are still very persistent⁸². As a proverbial cherry on top, some Chinese state officials are critiquing this bare-minimum poorly enforced law as too "pro-worker", and even considering rolling some of its provisions back due to a slow-down of foreign investments. For instance, the former Finance Minister Lou Jiwei made these remarks during a speech at Tsinghua University:

*"The Labor Contract Law has many shortcomings. Of course many people will disagree with me, but the law's shortcomings are mainly that it reduces labor market mobility and flexibility. Workers can fire their employers, but employers can't terminate workers. That's the reason why many investors have already left China..."*⁸³

2.2 Wages

According to the available data, average wages skyrocketed during the 2000-2020 period. The International Labor Organization (ILO) reports that the average monthly earnings of employees have risen from 94.33 USD to 697.11 USD during that time frame, which corresponds to an increase of Purchasing Power Parity \$ (PPP \$) from 210.77 to 1138.66⁸⁴. The working poverty rate (percentage of employed living below 2.15 PPP \$) has amazingly gone down from 41.5% to 0.1% as well. This trend corresponds to earlier analyses, such as one carried out by Ge and Yang (2014), who examined the 1997-2007 period and found that the average wage increased over 202%. They note two important caveats in regards to the data, however. Firstly, while wages did indeed increase significantly, so did wealth

⁸⁰ MENG, Xin, 2017. The Labor Contract Law, Macro Conditions, Self-Selection, and Labor Market Outcomes for Migrants in China. *Asian Economic Policy Review*. Online. 2017. Vol. 12, no. 1 p. 45-65. DOI 10.1111/aep.12157.

⁸¹ *ibid.*

⁸² GALLAGHER, Mary E., 2017. *Authoritarian Legality in China*. Cambridge University Press. p. 29-30. ISBN 978-1107444485.

⁸³ *ibid.*, p. 216

⁸⁴ *Average monthly earnings of employees by sex and economic activity, China, 2000-2020*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

inequality⁸⁵. The minimum wage has only gone up from 48.32 USD to 259.39 USD, or from a PPP \$ of 104.8 to 423.69⁸⁶. Secondly, they had reservations about the accuracy of the data itself, noting that, for example, the Statistical Yearbook of China's aggregate urban employment statistics excluded rural-to-urban migrant workers, who were generally heavily underrepresented in the samples⁸⁷. While they attempted to correct for this oversight, it is necessary to remark that the data coming out of China should be taken with a grain of salt and cross-referenced against field research and on-the-ground reports as well.

Average and minimum monthly wage 2000-2020 (total sex and economic activity aggregate)

Data sourced from the International Labour Organization (<https://ilostat.ilo.org/>)

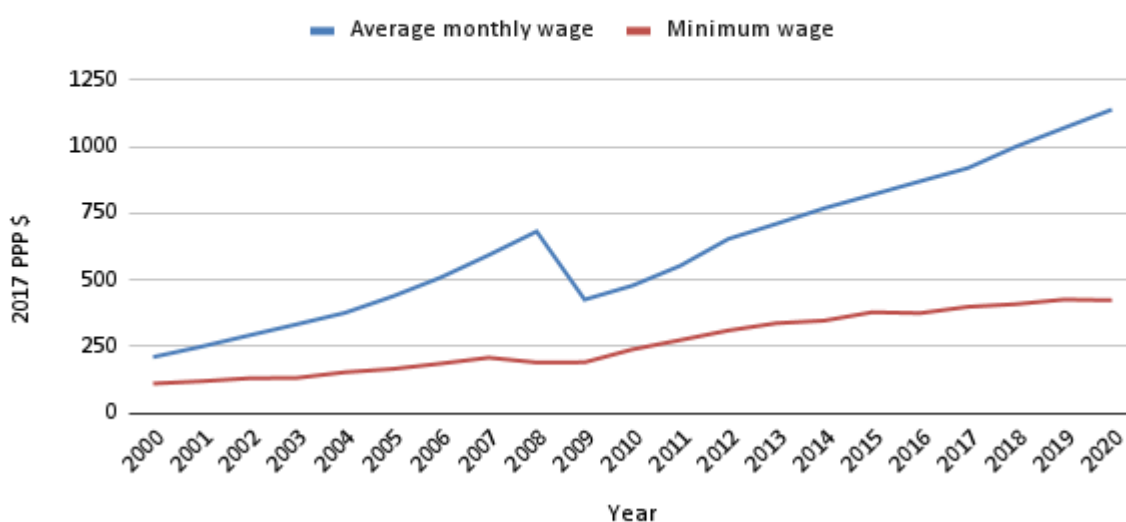


Figure 1: Average and minimum monthly wage 2000-2020 (total sex and economic activity aggregate)

⁸⁵ GE, Suqin and YANG, Dennis Tao, 2014. Changes in China's Wage Structure. *Journal of the European Economic Association*. Online. 2014. Vol. 12, no. 2 p. 300-336. DOI 10.1111/jeea.12072.

⁸⁶ *Statutory nominal gross monthly minimum wage, China, 2000-2020*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

⁸⁷ GE, Suqin and YANG, Dennis Tao, 2014. Changes in China's Wage Structure. *Journal of the European Economic Association*. Online. 2014. Vol. 12, no. 2 p. 300-336. DOI 10.1111/jeea.12072.

Working poverty rate 2000-2020 (percentage of employed living below US\$2.15 PPP)

Data sourced from the International Labour Organization (<https://ilostat.ilo.org/>)

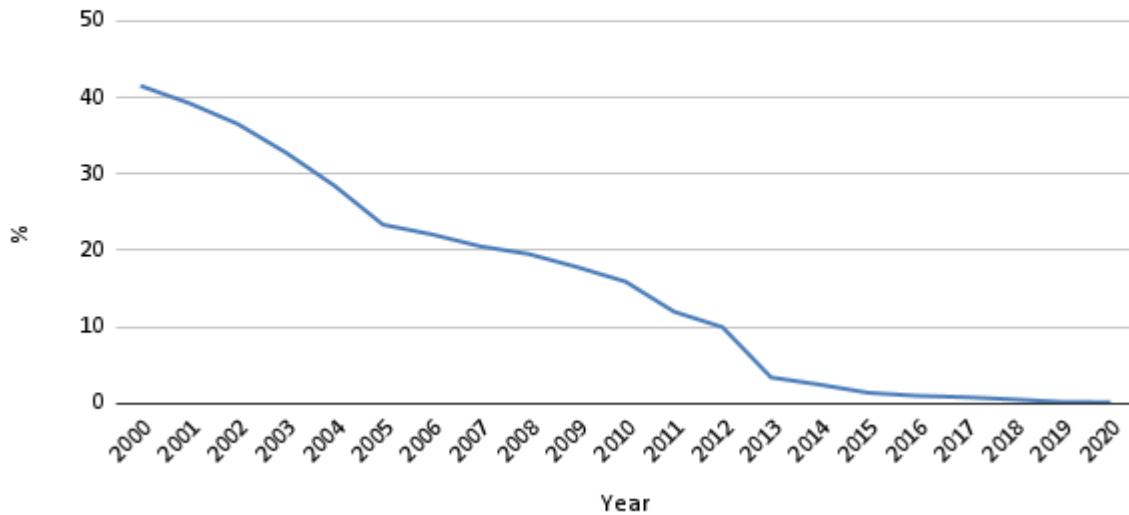


Figure 2: Working poverty rate 2000-2020 (percentage of employed living below US\$ 2.15 PPP)

One such a report was done by the Centre for Research on Multinational Corporations (Stichting Onderzoek Multinationale Ondernemingen, or SOMO for short) who in 2007 found that at Volex Cable, a factory in China that supplies Western companies like Apple, it is common practice to withhold the first month's wage until the conclusion of the following month, apparently as a measure to deter employees from resigning. This was, of course, against the law (note that this investigation took place before the LCL was passed and thus the law was a lot more lenient). Furthermore, workers reported earning between RMB 800 and 900 (105.17 to 118.3 USD, adjusted to 2007 rates) including overtime pay, which appeared to be below the provincial minimum wage, which SOMO calculated to be RMB 911.92 (119.9 USD, adjusted to 2007 rates), given the employees' work hours. Even at the upper limit of their reported earnings of RMB 900, Volex Cable's workers still earned RMB 11.92 less than the minimum wage required by law. Additionally, employees at Volex Cable were obligated to cover their own expenses for food and accommodation, which amount to approximately 25% of their income, without the option to opt-out of these payments⁸⁸.

A similar situation was discovered by China Labor Watch in two Chinese toy factories in 2020, Dongguan Changan Mattel Toys Co., Ltd. and Dongguan Dongyao Toy Co., Ltd. The former supplies toys exclusively for Mattel, the latter for Chicco, Fisher-price, Tomy, and Mattel as well. They found out that in both factories, the base listed wage is straddling the

⁸⁸ VAN DIJK, Michiel and SCHIPPER, Irene, 2007. *Apple: CSR Company Profile*. Stichting Onderzoek Multinationale Ondernemingen (SOMO). Online. Retrieved from: <https://www.somo.nl/apple-csr-company-overview/>

line of legal minimum wage (279 USD in the former factory, 258 USD in the latter). To earn a somewhat liveable wage, workers must work overtime and accept night shifts or dangerous work to get subsidies. Some opt to work odd jobs on the weekends or sell small handicrafts they make in their downtime, leaving little to no free time for themselves. They, too, are deducted fees for dormitory utilities and medical care. The companies claim there are various subsidies available to the employees (overtime wages, position subsidy, high temperature subsidy, full attendance award, growth subsidy) but not all are paid automatically and employees are not instructed on how to ask for them. On the contrary, due to the vagueness of individual items on their pay slips, most workers do not know which subsidies they actually receive⁸⁹.

2.3 Work hours

Official statistics reveal little change over the last ~20 years. In 2003, the mean weekly hours actually worked per employed person summed up to 45.4, with some variation between areas of economic activity and gender. In 2016 (official data are not available for the following years), the number was 46.1, with some minor ebbs and flows in between⁹⁰.

Mean weekly hours worked 2003-2016 (total economic activity and sex aggregate)

Data sourced from the International Labour Organization (<https://ilostat.ilo.org/>)

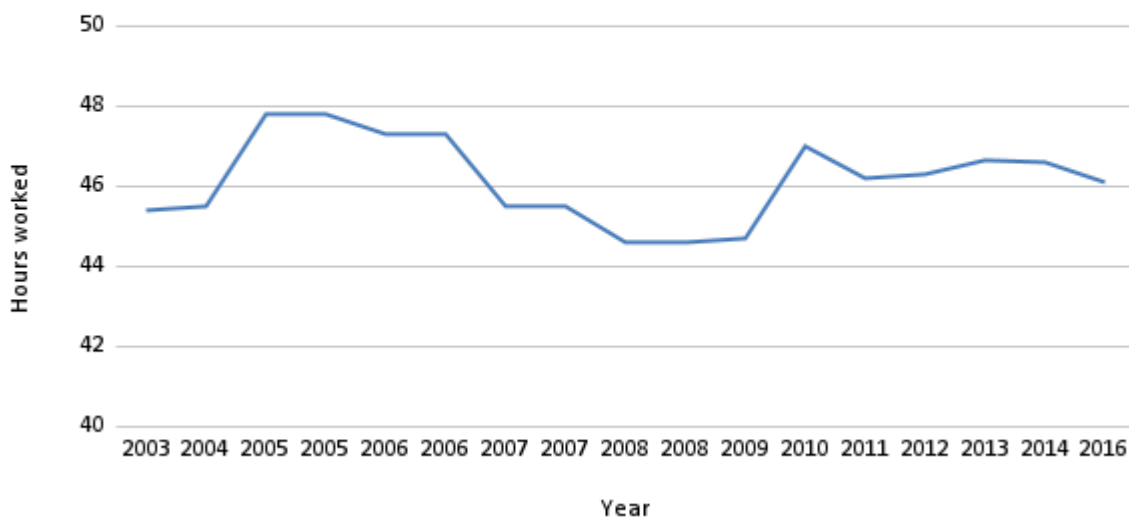


Figure 3: Mean weekly hours worked 2003-2016 (total economic activity and sex aggregate)

⁸⁹ *Workers in Misery: An Investigation into Two Toy Factories*, 2020. Online. China Labor Watch. Retrieved from: <https://chinalabor.wpenginepowered.com/wp-content/uploads/2021/04/Toy-Report-English-Final.pdf>

⁹⁰ *Mean weekly hours actually worked per employee by sex and economic activity, China, 2003-2016*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

Though reports from the early 2000s rarely mention specific hours worked, they do talk about the common practices within Chinese companies, which include working long hours and overtime. For instance, an Amnesty International report from 2002 mentions that:

“(...) conditions are often very harsh – overtime is frequently compulsory, workers may be forbidden to get married, workers may not be allowed to move in and out of the factory compound even after work hours, they may be forbidden to talk during work hours and be fined for going to the toilet too often.”⁹¹

Nowadays, we have more accurate numbers. A Fair Labor Association factory assessment of a garment factory in the Shenzhen Municipality found that:

“Overtime hours exceed the legal limit of 36 hours per month. Time records for the period from August 2020 to August 23, 2021 indicate around 95% of workers' monthly overtime exceeded 36 hours per month in all reviewed months except February 2021, with the maximum up to 90.5 hours in August 2020.”⁹²

Other reports give an even grimmer picture. A factory making Arena swimwear had total working hours regularly exceeding 60 hours in a week. Its workers were not always provided with one day off for every seven-day work period – around 80% of workers worked between seven and thirteen consecutive days at least once a month. The management of the company depended on workers doing 8-20 hours of weekly overtime and set production targets based on those levels⁹³.

Furthermore, these high production targets also influence employees taking leave or vacation. Leave requests are generally approved during low activity periods. However, on days with high production targets, leave is likely to be denied due to the team-based assignment of targets, where one worker's absence increases the burden on others. Consequently, frequent leave requests can strain relationships within the team, particularly for new workers, making it difficult to refuse overtime or take leave without attracting ire from colleagues⁹⁴.

Though mostly talked about within the context of manufacturing, forced overtime is not exclusive to this sector. Recently, a new wave of debate and backlash has been sparked over the 996 system adopted in the tech sector in the late 2010s. “996” stands for 9AM to 9PM, 6 days a week⁹⁵. Its pioneers were companies like 58.com, Alibaba, Huawei or Pinduoduo, and

⁹¹ Amnesty International Press Release: *China: "Workers want to eat - workers want a job"*. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/ASA17/022/2002/en/>

⁹² *Fair Labor Association Independent External Factory Assessment: Mainland Headwear Holdings Lim*, 2021. Online. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1897.pdf

⁹³ *Fair Labor Association Independent External Assessment Report: arena S.p.A.*, 2020. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/AN0000000606_2020.pdf

⁹⁴ *Workers in Misery: An Investigation into Two Toy Factories*, 2020. Online. China Labor Watch. Retrieved from: <https://chinalabor.wpenginepowered.com/wp-content/uploads/2021/04/Toy-Report-English-Final.pdf>

⁹⁵ LI, Dandan, WANG, Zhaoyuan and YANG, Chenxin, 2021. *A Controversial Working System in China: the 996 Working Hour System*. Online. 2021 International Conference on Arts, Law and Social Sciences. DOI

while it has only been around for a few years, it already has a death count, having been linked to the death by exhaustion of a 22 year old Pinduoduo employee and the hospitalization of many others⁹⁶. When employees started organizing and discussing their issues with the system online, other companies, such as China's media giant Tencent or electronics manufacturer Xiaomi, blocked the github repository, which served as the workers' main form of communication, from their browsers⁹⁷. The Supreme People's Court has since declared the 996 system illegal, yet the question remains whether this will at all be enforced⁹⁸.

2.4 Workplace safety, working conditions

In 2021, the WHO and ILO released a joint-effort report about workplace disabilities and deaths around the world for the years 2000, 2010 and 2016. They started off by creating pairings of workplace risk factors and most likely health outcomes – for instance, occupational exposure to asbestos may lead to trachea, bronchus and lung cancers, ovary cancer, larynx cancer or mesothelioma, occupational noise may lead to hearing loss, occupational particulate matter, gasses and fumes may lead to chronic obstructive pulmonary disease, etc.⁹⁹

Through estimates created using shared data from the two organizations, they found out that by far the most dangerous factor for global workplace deaths was exposure to long working hours, as it may cause both strokes and ischaemic heart disease, the second and third most common causes of death. As for workplace DALYs (disability-adjusted life years), the most common health outcomes are strokes, caused by long working hours, and back and neck pain, caused by occupational ergonomic factors¹⁰⁰.

Taking a closer look at China, the amount of attributable deaths per 100 000 population age 15 or above was as follows: in the year 2000, the number was 49.4. Between 2000 and 2010 there was a significant drop, as 2010 numbers only registered 39.8. In 2016, the numbers were almost the same, dropping ever so slightly to 39.7. Attributable DALYs followed the

10.23977/ALSS2021030. Retrieved from:

<https://www.clausiuspress.com/conferences/AETP/ALSS%202021/Y0716.pdf>

⁹⁶ XUE, Yujie, 2021. Death of 22-year-old Pinduoduo employee renews controversy over China's 996 overwork culture, sparking an investigation. South China Morning Post. Online. 2021. Retrieved from: <https://www.scmp.com/tech/big-tech/article/3116385/death-22-year-old-pinduoduo-employee-renews-controversy-over-chinas>

⁹⁷ SHEN, Xinmei, 2019. Chinese browsers block protest against China's 996 overtime work culture. South China Morning Post. Online. 2019. Retrieved from: <https://www.scmp.com/abacus/culture/article/3029260/chinese-browsers-block-protest-against-chinas-996-overtime-work>

⁹⁸ HUANG, Zheping, 2021. China Spells Out How Excessive '996' Work Culture is Illegal. Bloomberg. Online. 2021. Retrieved from: <https://www.bloomberg.com/news/articles/2021-08-27/china-s-top-court-says-excessive-996-work-culture-is-illegal>

⁹⁹ WHO/ILO joint estimates of the work-related burden of disease and injury, 2000-2016: global monitoring report, 2021. World Health Organization and the International Labour Organization. p. 5-6. ISBN 978-92-2-035432-2. Retrieved from: <https://www.who.int/publications/i/item/9789240034945>

¹⁰⁰ *ibid*, p. 15-16

same trend, seeing a drop from 2050.7 in 2000 to 1704.1 in 2010, followed by a small uptick to 1725.8 in 2016¹⁰¹.

Though these figures are still quite high on the global scale (in comparison, the region of the Americas had 22.3 deaths and 1071.8 DALYs per 100 000 population age 15 or above in 2016, while Europe counted 30.4 deaths and 1276.9 DALYs¹⁰²), the data suggests that in light of the Workers' movement's unrest and the subsequent Labor Contract Law, employers were pressured into enacting at least some measures to improve worker safety.

An Amnesty International report from 2002 has summed up the findings of diverse groups monitoring worker conditions. In short, workers faced hazardous conditions such as unsanitary environments, poor ventilation, and exposure to toxic substances without proper safety measures, leading to frequent industrial accidents. For instance, in the first half of 2001, about 1,200 people died in industrial accidents. In China, 1999 figures indicate 3,464 mining industry fatalities, while in 1998, Shenzhen SEZ reported 12,189 serious injuries and 80 deaths in factories; however, actual numbers may have been higher.

Regular factory incidents include severe injuries and deaths, with some statistics from Shenzhen indicating a disturbing rate of harm to workers. Living conditions are typically harsh and restrictive. Accidents are underreported due to fear of retaliation, as complaints regarding poor conditions can result in dismissal¹⁰³.

Circling back to the 2020 China Labor Watch reports, we see that any improvements in this area are mostly superficial. Changan Mattel's policy mandates a minimum of 24 hours of training for new hires within their first month, including at least 12 hours of team training covering safety and operational procedures. Despite this, investigations reveal that workers rarely receive the full training, leading to frequent accidents. In both Changan Mattel and Dongyao, instead of addressing these safety lapses, injured workers are discouraged from reporting minor incidents and are often blamed for their mishaps¹⁰⁴.

In both companies' assembly and spray painting workshops, workers face physical injuries and exposure to harmful chemicals without adequate protective measures – they are given one surgical mask each day, which they can change for a new one in the afternoon. Still, workers report having paint in their nostrils at the end of the shift. Annual health checks lead to affected workers being quietly moved to other areas without addressing the underlying safety issues¹⁰⁵.

¹⁰¹ *ibid*, p. 60

¹⁰² *ibid*, p. 59

¹⁰³ *People's Republic of China: Labour unrest and the suppression of the rights to freedom of association and expression*. Amnesty International. Online. Retrieved from: <https://www.amnesty.org/en/documents/ASA17/015/2002/en/>

¹⁰⁴ *Workers in Misery: An Investigation into Two Toy Factories*, 2020. China Labor Watch. Online. Retrieved from: <https://chinalabor.wpenginepowered.com/wp-content/uploads/2021/04/Toy-Report-English-Final.pdf>

¹⁰⁵ *ibid*.

Workers can choose to live in the factory. If they do, the cost of living gets deducted from their wages (\$3USD per month in Dongyao, \$7.80 USD or \$15.30 USD in Changan Mattel, depending on whether the workers choose a room with or without air conditioning). The rooms house 8-10 people. Workers also have access to shared toilets, bathrooms and laundry rooms. At Dongyao, the dormitory's sanitary conditions are much worse than at Changan Mattel, with reports of fleas, bedbugs, and other small insects that bite people.

Changan Mattel's cafeteria, managed by a catering company, offers meals chargeable to a meal card. Despite the 10 RMB daily subsidy, the meal quality and variety receive complaints, leading some workers to cook in the makeshift dormitory kitchens. The cost difference between eating in the cafeteria and preparing meals is significant for workers with limited incomes, impacting their ability to afford nutritious and healthy food.

Dongyao Factory offers free meals, but the dining conditions and food hygiene are, to say the least, very concerning. Reports include finding hair, rotten vegetables, and even a cockroach in meals. The dining area lacks sufficient seating, forcing six workers to share a table in close quarters and many others to squat on the ground to eat¹⁰⁶.

2.5 Child labor and forced labor

Obtaining accurate information on the child labor situation in China is difficult, as the Chinese government keeps labor statistics confidential and restricts research access in this area. This has resulted in a scarcity of scholarly publications on the topic in recent years, most of which are in agreement that child labor is not a major problem in China. Therefore, it may be useful to look at anecdotal evidence, occasional news reports, and educated guesses, making analyses more speculative than would be ideal¹⁰⁷.

While most experts agree that child labor is not a dominant issue across China, a significant concern remains regarding its persistence and potential growth in industries aimed at exports. Given China's immense population size, even what may appear as minor issues proportionally, can represent large numbers of affected children when viewed in absolute terms. For instance, the International Labour Organization (ILO) estimated the economic activity rate among children aged ten to fourteen to be 7.86 percent in the year 2000. Although this figure might seem modest, especially for a rapidly evolving economy, it equates to approximately 9.2 million working children within just that age group, illustrating the gravity and scale of the problem when contextualized within China's demographic landscape¹⁰⁸.

That said, China does appear committed to eliminating child labor. In 1999, China ratified the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) three years later. Labor participation of children aged 10-14 has

¹⁰⁶ *ibid.*

¹⁰⁷ LIETEN, G. K. and HINDMAN, Hugh D., 2009. Child Labor in China: An Overview. In: HINDMAN, Hugh D., *The world of child labor: an historical and regional survey*. M.E. Sharpe. p. 860-867. ISBN 978-0-7656-1707-1.

¹⁰⁸ *ibid.*

gone down from 47.85% in 1950 to 7.86% in 2000¹⁰⁹ and subsequently 7.74% in 2010 (it is important to note that these numbers are estimates, and therefore may not be entirely accurate)¹¹⁰. Child labor is more prevalent in Western and Central China, particularly in rural areas, and is closely linked to higher school dropout rates. Rural children are more prone to working, with a child's gender being less of a determining factor. The rate of child labor decreases with regional economic development, with the Western region having the highest rates, followed by the Central region¹¹¹.

Labor participation rates of children aged 10-14 years

Data sourced from ILO (1996) and Tang, C., et al. (2016)

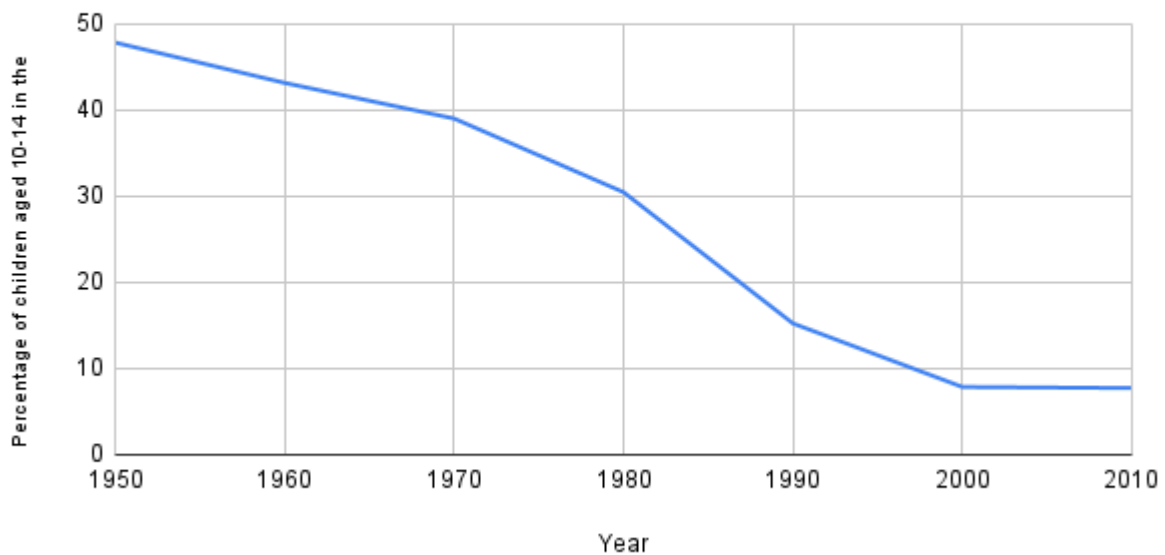


Figure 4: Labor participation rates of children aged 10-14 years

However, there is also the morally gray area of internship as part of vocational education. Many young students are employed as interns in factories as part of their vocational education. These young students are forced by their schools to enter these internships and work full-time, sometimes not even in their field of study, for substandard pay and no benefits. This goes against the law, which states that interns are subject to the same workplace rules as full-time employees as their work significantly contributes to their employer's business and profits. Therefore, they are legally in a "labor relationship" and entitled to the protections provided by Chinese labor law. However, the law usually gets

¹⁰⁹ International Labour Organization, 1996 in CIGNO, Alessandro, ROSATI, Furio C. and TZANNATOS, Zafiris, 2002. *Child Labor Handbook*. Social Protection Discussion Paper Series, The World Bank. Online. Retrieved from: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/469331468740142961/child-labor-handbook>

¹¹⁰ TANG, Can, ZHAO, Liqiu and ZHAO, Zhong, 2018. Child labor in China. *China Economic Review*. Online. 2018. Vol. 51, p. 149-166. DOI 10.1016/j.chieco.2016.05.006.

¹¹¹ *ibid.*

ignored in these situations. Furthermore, the forceful nature of these internships arguably amounts to forced labor under international law¹¹².

On the topic of forced labor, there is the obvious issue of Uyghur “re-education” camps in the Xinjiang province. The history of Chinese Uyghurs, Kazakhs, Kyrgyz, and other Turkic Muslims, is very long and would deserve a thesis by itself. For the sake of brevity, I will only mention that the Chinese government has been keeping a tight rein on these minorities for many decades, which has escalated into systematic human rights abuses in recent years. Since the 1990s, the repression has been intensifying, pushed under the guise of defense against terrorism. Regional authorities launched "Strike Hard" campaigns that included periodic escalations of repression. Subsequently, the region witnessed the 2014 "Strike Hard Against Violent Terrorist Activity" campaign, aimed at about 1% of the Uyghur populations in various cities in a “drip-feed-style concentrated educational training.” A notable shift occurred in 2017-2018, when the CCP escalated its security strategy in Xinjiang, transitioning from targeted repression to a broad, collective approach¹¹³.

Between 2017 and 2019, OHCHR documented reports of torture, inhumane treatment, and dignity violations in these facilities, including credible allegations of sexual and gender-based violence. The detainees’ personal freedom, right to privacy, religious and cultural rights as well as reproductive rights and matters of family planning are also heavily restricted, while labor and employment programs are discriminatory and coercive¹¹⁴.

Given the breadth of these reports, not only by the OHCHR but also various other human rights movements that have been monitoring the situation, the Fair Labor Association issued a statement concerning sourcing from the Xinjiang region. In its 20+ year existence, the FLA has never before banned sourcing from a specific country or region, always finding ways to mitigate labor issues through due diligence. However, the unique labor and human rights violations in Xinjiang, coupled with the high risk of forced labor, extensive evidence of abuses, and numerous government sanctions, have led the FLA to ban all sourcing and production, including the procurement of raw materials and finished products, from the region¹¹⁵.

To conclude, even through the consistent denials of the Chinese government, the issue of forced labor in Xinjiang is demonstrably worse than ever.

¹¹² BROWN, Earl V. and DECANT, Kyle, 2013. Exploiting Chinese Interns As Unprotected Industrial Labor. *Asian-Pacific Law & Policy*. Online. 2013. Vol. 15, no. 2. DOI 10.2139/ssrn.2351270.

¹¹³ GREITENS, Sheena Chestnut, LEE, Myunghee and YAZICI, Emir, 2020. Counterterrorism and Preventive Repression: China's Changing Strategy in Xinjiang. *International Security*. Online. 2020. Vol. 44, no. 3 p. 9-47. DOI 10.1162/isec_a_00368.

¹¹⁴ *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*, 2022. Office of the United Nations High Commissioner for Human Rights. Online. Retrieved from: <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>

¹¹⁵ *FLA statement on sourcing from China*, 2020. Online. Retrieved from: <https://www.fairlabor.org/fla-statement-on-sourcing-from-china/>

2.6 Non-discrimination

Apart from the aforementioned systemic issues with rural-urban hukou migrants, China's booming market also appeared to have a gender discrimination issue. In 2002, Dong and Bowles published a study looking at gender wage discrimination in the light consumer goods industry. Using data gathered in 1998 in four types of enterprise – state-owned enterprises (SOEs), township and village enterprises (TVEs), joint ventures (JVs), and foreign-invested firms (FIFs) – they found out that employees across all four categories of ownership experienced a substantial gender pay disparity, even with controlling for the potential differences in education, the return for which was surprisingly low¹¹⁶.

Bulger (2000) discovered that women typically earned between 80% to 90% of what men were paid, with the majority of women employed in lower-skilled and lower-paying jobs. Discrimination extended to education, where Chinese parents often did not view higher education as a valuable investment for girls, and to government employment programs from which women and girls were excluded. In the service sector, job listings often explicitly included age restrictions, such as "Saleswoman: under 30," "Waitress: ages 18 to 25," and "English-speaking secretary: under 25." Middle-aged women frequently faced discriminatory remarks, being labeled as too old, overweight, unattractive, or too short for roles like waitressing or sales. Chinese legislation permitted age-based discrimination by requiring women to retire earlier than men, sometimes as young as 40. This disparity in retirement ages was sometimes exploited by employers who avoided hiring women to delay pension payments and save money¹¹⁷.

The article also highlighted some deplorable practices by Chinese managers regarding their female employees who became pregnant or planned to start families. One such employee, Sun Lili, became pregnant after her contraceptives failed, without the required approval from her employer. Having previously terminated two pregnancies due to fears of disapproval from her work unit, and after being warned by her doctor against further abortions for the sake of her future reproductive health, Sun decided to proceed with her third pregnancy. Although the local committee approved her pregnancy, her work unit did not, resulting in a heavy fine and her eventual dismissal. Sun and her husband challenged these penalties as excessive under Beijing's regulations. They entered arbitration and subsequently filed a lawsuit under the 1990 Administrative Litigation Law. However, the courts sided with the employer at both the district and intermediate levels¹¹⁸.

Furthermore, an Amnesty International report mentions that in 2002, female workers protested invasive full-body searches at Baoyang Industrial Corporation and were subsequently sacked, although the company was later ordered to compensate them following

¹¹⁶ DONG, Xiao-yuan and BOWLES, Paul, 2002. Segmentation and discrimination in China's emerging industrial labor market. *China Economic Review*. Online. 2002. Vol. 13, no. 2-3 p. 170-196. DOI 10.1016/S1043-951X(02)00057-3.

¹¹⁷ BULGER, Christine M., 2000. Gender Discrimination in the Chinese Workplace. *Boston College Third World law journal*. Online. 2000. Vol. 20, no. 2. Retrieved from:

<https://lira.bc.edu/work/sc/d0b5c458-4f45-4bf5-a246-49824f12b9d4>

¹¹⁸ *ibid.*

a court ruling. Despite this, the employees didn't get their jobs back, and the responsible managers were not punished¹¹⁹.

A study by Xiao and Asadullah (2020) reveals that despite China's economic growth, reduced poverty, better education for women, and an expanding service sector, the participation of Chinese women in the formal labor market has significantly dropped over the past twenty years, coinciding with a resurgence of patriarchal views. Data shows that women with higher education, proficient English skills, good health, and living in communities with gender-egalitarian views are more likely to participate in the workforce. However, these positive community norms only seem to impact women's employment decisions, not men's. The study reveals that the persistent gender gap in labor participation and wages is largely due to widespread discrimination and less about differences in education or health¹²⁰.

The FLA has also found some concerning information in their factory assessments. For example, the Mainland Headwear Holdings Lim factory has not hired any disabled workers, which is in violation of a legal requirement that states at least 1.5% of the total workforce should be composed of disabled workers. They also include information regarding age, gender and marriage status as part of the hiring process. The job descriptions have age and gender requirements for some positions, e.g. security guard requires male with age above 28 years old; front desk clerk requires female with age from 20 to 30 years old, though the company claims not to actually refer to that information during the recruitment process¹²¹. The same thing was found out in a factory making Adidas products. The job application form includes questions regarding age and gender, which may lead to discrimination during the recruitment process, though they found no evidence of discrimination in practice¹²². Discriminatory behavior was, however, discovered at the Changan Mattel toy factory. Though Mattel's code of conduct acknowledges the need for a workplace devoid of discrimination and harassment, the company has not been upholding these ideals. Investigations have exposed not only labor law breaches and safety issues but also instances of gender-based violence and sexual harassment. The inquiries into the company's practices revealed that such incidents were systemic. The investigation documented numerous sexual harassment occurrences, including inappropriate comments regarding physical attributes, sexually suggestive remarks, unwanted touching, and the circulation of offensive photographs. These forms of harassment, observed by team leaders, have seemingly been ignored by management, fostering an environment where victims are reluctant to report misconduct for fear of job loss. The normalization of harassment within Mattel factories is unsettling, and

¹¹⁹ *People's Republic of China: Labour unrest and the suppression of the rights to freedom of association and expression*. Amnesty International. Online. Retrieved from: <https://www.amnesty.org/en/documents/ASA17/015/2002/en/>

¹²⁰ XIAO, Saizi and ASADULLAH, M. Niaz, 2020. Social Norms and Gender Differences in Labor Force Participation in China. *Feminist Economics*. Online. 1 October 2020. Vol. 26, no. 4 p. 114-148. DOI 10.1080/13545701.2020.1758337.

¹²¹ *Fair Labor Association Independent External Factory Assessment: Mainland Headwear Holdings Lim*, 2021. Online. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1897.pdf

¹²² *Fair Labor Association Independent External Assessment Report: adidas*, 2020. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/AN0000000653_2020.pdf

bitterly ironic considering Mattel's recent rebranding of their Barbie dolls as symbols of female empowerment, emancipation, and freedom¹²³.

2.7 Freedom of association/collective bargaining

The All-China Federation of Trade Unions (ACFTU) is the only legally allowed union in China¹²⁴. Though it has been in some ways helpful in advancing the workers' cause – such as supporting China's Labour Code in 1995¹²⁵ as well as the Labor Contract Law in 2008 – the overall sentiment has for a long time been that it hinders most attempts at improving conditions by making the resolution and arbitration process needlessly complicated¹²⁶ and siding with employers most of the time, as per instructions from the Party¹²⁷.

2.8 Role of NGOs

Labor NGOs in China are an informal affair. Due to the tight registration regulations concerning non-profit organizations, only a handful of grassroots organizations manage to successfully register as NGOs. This hostile environment has left many with no choice but to stay unregistered, risking severe consequences, or to register through the industry and commerce departments as for-profit businesses¹²⁸. This registration has one massive disadvantage, which is that it does not legitimize their operation as NGOs – as such, for example, they are not allowed to run donation campaigns¹²⁹. As such, it is very difficult to estimate their numbers. Some scholars estimate between 30-50¹³⁰, others as high as 100¹³¹. Though names are likely to be unfamiliar to an outside observer, we may list some NGOs, such as Panyu Migrant Workers' Service Center, Migrant Labor Center, Xiaoxiaocao Information and Consulting Centre, or Pearl River Workers' Service Center¹³².

¹²³ *Workers in Misery: An Investigation into Two Toy Factories*, 2020. China Labor Watch. Online. Retrieved from: <https://chinalabor.wpenginepowered.com/wp-content/uploads/2021/04/Toy-Report-English-Final.pdf>

¹²⁴ FRANCESCHINI, Ivan and LIN, Kevin, 2019. Labour NGOs in China. *China Perspectives*. Online. 20 March 2019. Vol. 2019, no. 1 p. 75-84. DOI 10.4000/chinaperspectives.8826.

¹²⁵ BAI, Ruixue, 2011. The Role of the All China Federation of Trade Unions: Implications for Chinese Workers Today. *WorkingUSA*. Online. 2011. Vol. 14, no. 1 p. 19-39. DOI 10.1111/j.1743-4580.2010.00318.x.

¹²⁶ GALLAGHER, Mary E., 2017. *Authoritarian Legality in China*. Cambridge University Press. p. 86-88. ISBN 978-1107444485.

¹²⁷ CHAN, Anita, 2018. The Relationship between Labour NGOs and Chinese Workers in an Authoritarian Regime. *Global Labour Journal*. Online. 31 January 2018. Vol. 9, no. 1. DOI 10.15173/glj.v9i1.3272.

¹²⁸ HE, Alex Jingwei and HUANG, Genghua, 2014. Fighting for Migrant Labor Rights in the World's Factory: legitimacy, resource constraints and strategies of grassroots migrant labor NGOs in South China. *Journal of Contemporary China*. Online. 8 October 2014. Vol. 24, no. 93 p. 476. DOI 10.1080/10670564.2014.953851.

¹²⁹ *ibid*, p. 480

¹³⁰ XU, Yi, 2013. Labor non-governmental organizations in China: Mobilizing rural migrant workers. *Journal of Industrial Relations*. Online. 2013. Vol. 55, no. 2 p. 246. DOI 10.1177/0022185612473222.

¹³¹ FRANCESCHINI, Ivan and LIN, Kevin, 2019. Labour NGOs in China. *China Perspectives*. Online. 20 March 2019. Vol. 2019, no. 1 p. 76. DOI 10.4000/chinaperspectives.8826.

¹³² HE, Alex Jingwei and HUANG, Genghua, 2014. Fighting for Migrant Labor Rights in the World's Factory: legitimacy, resource constraints and strategies of grassroots migrant labor NGOs in South China. *Journal of Contemporary China*. Online. 8 October 2014. Vol. 24, no. 93 p. 478. DOI 10.1080/10670564.2014.953851.

Organizations focusing on labor rights began to emerge in China in the mid-1990s, after the 1995 UN World Conference on Women¹³³. These organizations were able to stay afloat due to funding from international NGOs, transnational corporations (TNCs), foundations, and charity groups¹³⁴, and traditionally focused on three primary activities: a) creating worker centers that provide hobby and educational classes, recreational opportunities, and legal advice or representation in some cases; b) conducting outreach programs on labor rights; and c) conducting social surveys and advocating for policy change¹³⁵. While many scholars viewed these organizations positively, some academics express skepticism. Some academics criticized labor NGOs for their individualistic stance on labor rights, labeling them as "anti-solidarity machines" that hinder the formation of a collective worker identity. A significant challenge faced by labor NGOs in China is the lack of "social capital," observable in the skepticism of workers who suspect hidden agendas behind offers of assistance¹³⁶. This attitude is pervasive not only in the relationships between NGOs and workers, but among NGOs themselves. The relationships between NGOs are riddled with mutual suspicion, with leaders frequently engaging in the critique of one another's shortcomings, rather than seeking collaborative efforts. While instances exist of NGOs collaborating through open letters or participating in each other's events, there is not much unity to speak of. This animosity is further exacerbated by the purposeful meddling of Chinese authorities, who are cautious of any attempts by grassroots organizations to network, as well as the competitive environment caused by limited funding. As a result, Chinese labor NGOs find themselves fragmented and uncoordinated¹³⁷.

Lately, however, there has been a significant shift. Labor NGOs have increasingly adopted approaches centered on collective bargaining and worker representation, moving away from the more fragmented and individualized support services that characterized their earlier work. This evolution has been influenced by both internal reflections among the NGO community and external pressures from the changing dynamics of the Chinese labor market. A key driving factor behind this strategic shift is the growing discontent among labor activists with traditional methods. The reliance on individual case support has been perceived as insufficient to enact broader systemic change within the labor landscape of China. Activists now seek to address the root causes of labor issues through collective action and systemic reforms. Parallel to activists' strategic reevaluation, there has been a noticeable change in the expectations and demands of the Chinese workers themselves. Workers increasingly seek

¹³³ XU, Yi, 2013. Labor non-governmental organizations in China: Mobilizing rural migrant workers. *Journal of Industrial Relations*. Online. 2013. Vol. 55, no. 2 p. 246. DOI 10.1177/0022185612473222.

¹³⁴ *ibid*, p. 247

¹³⁵ FRANCESCHINI, Ivan and NESOSSI, Elisa, 2018. State Repression of Chinese Labor NGOs: A Chilling Effect? *The China Journal*. Online. 2018. Vol. 80, p. 111-129. DOI 10.1086/696986.

¹³⁶ CHEN, Feng and YANG, Xuehui, 2017. Movement-oriented labour NGOs in South China: Exit with voice and displaced unionism. *China Information*. Online. 2017. Vol. 31, no. 2 p. 155-175. DOI 10.1177/0920203X17698447.

¹³⁷ FRANCESCHINI, Ivan, 2014. Labour NGOs in China: A Real Force for Political Change? *The China Quarterly*. Online. 2014. Vol. 218, p. 474-492. DOI 10.1017/S030574101400037X.

more substantial representation and a collective voice in negotiations with employers, reflecting a broader awareness of their rights and the potential power of collective action¹³⁸.

One such example of this shift in approach is the success of the workers at Guangzhou Lide Footwear Company. In 2014, the company began plans to relocate and in the process lay off a large part of its workforce, which was around 2000 employees at the time. A small group of workers decided to approach the Panyu Centre, an NGO active since the 1990s, and ask for advice. Panyu advisors not only imparted legal knowledge and organizing expertise to the workers but also introduced them to a model of worker representation and collective bargaining that had been refined throughout various prior cases. They submitted a collective bargaining request on the workers' behalf, outlining 13 conditions and demands. However, during late March and early April 2015, five of the worker representatives secretly negotiated with the local government and withheld the outcomes from their colleagues, raising suspicions of possible collusion with management or government influence. While no clear proof surfaced, the incident remained a point of contention¹³⁹.

The NGO advisors played a pivotal role in ousting and demoting these representatives, facilitating a new election for their replacement. After a continuous campaign spanning from September 2014 to April 2015, which included three strikes and a factory occupation lasting 11 days as well as four rounds of negotiation, the Lide workers achieved their objectives regarding social insurance payments, severance compensation tied to the factory's closure, and housing fund contributions. A local branch of the ACFTU inquired about the strikes after the fact, while advocating for a "rational rights defense" – in other words, not interrupting production and making compromises to the employer's benefit. In response, the workers refused to acknowledge its existence and insisted that negotiations be between workers and management exclusively. One worker said: "Union... I did not see any union... I never heard of it. Why would a factory have a union?"¹⁴⁰ That statement just about sums up the ACFTU's role in most conflicts like this. However, the fact that the workers with the help of Panyu Center advisors were able to persevere and secure their demands signifies a potential for change.

Of course, it did not take long for the government to notice this new approach and its newfound success. In December 2015, Guangdong officials arrested two dozen labor NGO activists, charging five with "disrupting public order" and "embezzlement," marking a severe crackdown on Chinese civil society. April 2016 saw China implement the Foreign NGOs Law, aimed at limiting grassroots NGOs' access to foreign funds, especially for labor initiatives¹⁴¹.

¹³⁸ FRANCESCHINI, Ivan and LIN, Kevin, 2019. Labour NGOs in China. *China Perspectives*. Online. 20 March 2019. Vol. 2019, no. 1 p. 75-84. DOI 10.4000/chinaperspectives.8826.

¹³⁹ *ibid.*

¹⁴⁰ *ibid.*

¹⁴¹ FRANCESCHINI, Ivan and NESOSSI, Elisa, 2018. State Repression of Chinese Labor NGOs: A Chilling Effect? *The China Journal*. Online. 2018. Vol. 80, p. 111-129. DOI 10.1086/696986.

Labor NGOs have to deal with multiple government bodies depending on their activities, a strategy dubbed “fragmented control”. NGOs interact with the Department of Civil Affairs, while interventions in strikes bring them into contact with police or labor offices. Encounters with state security, known informally as "having a cup of tea," serve as a form of "soft repression," where officials both gather information on NGO activities as well as remind activists about boundaries that they must not cross¹⁴².

Contrasting with the somewhat tolerant stance during Hu Jintao’s leadership, Xi Jinping's term has seen a tightening of restrictions and targeting of civil society leaders. The leader of the Panyu Centre himself, Zeng Feiyang, has been dragged through the media for various alleged wrongdoings, from embezzling funds from foreign donors, misrepresenting himself as a "labor movement star", to sexual misconduct. His ties to the China Labor Bulletin, a prominent NGO based in Hong Kong and led by Han Dongfang, an exiled worker activist known for his role in the 1989 Tiananmen protests, were also mentioned very often. Eventually, in September 2016, Zeng Feiyang confessed to charges of "gathering a crowd to disturb social order" and received a three-year prison sentence. Despite facing significant risks, including violence and legal repercussions, labor NGO activists have shown resilience, even finding motivation in their situation. However, what hurts them more than the threat of imprisonment is the lack of funding brought upon by the new law¹⁴³.

2.9 Analysis of NGO activity

Circling back to Rights Based Approaches, let us delve deeper into our previously mentioned analytical framework, which consists of three distinct levels. NGOs have the ability to interact within various spheres: they can engage with governmental authorities in a top-down manner, operate amongst civil society and within companies in a middle-ground capacity, or directly connect with individuals through a bottom-up strategy.

In the context of China, the feasibility of a top-down approach and systemic change is realistically non-existent, due to the prevailing atmosphere of violent repression and overall hostility.

Conversely, the bottom-up approach, while conceptually appealing, has previously been executed with very limited success, and even critiqued as “atomizing” and “anti-solidarity”. This was largely due to the ineffective and unhelpful arbitration system that proved useless at best and antagonistic at worst in terms of genuinely addressing the grievances and needs of workers. As such, little progress was achieved in terms of lasting improvements or reforms.

¹⁴² FU, 2017 in FRANCESCHINI, Ivan and NESOSSI, Elisa, 2018. State Repression of Chinese Labor NGOs: A Chilling Effect? *The China Journal*. Online. 2018. Vol. 80, p. 111-129. DOI 10.1086/696986.

¹⁴³ FRANCESCHINI, Ivan and NESOSSI, Elisa, 2018. State Repression of Chinese Labor NGOs: A Chilling Effect? *The China Journal*. Online. 2018. Vol. 80, p. 111-129. DOI 10.1086/696986

The intermediary approach so far appears to be bearing the most fruit. The rationale behind this success is rather straightforward: the All-China Federation of Trade Unions (ACFTU), which is supposed to serve the interests of workers, has repeatedly failed to fulfill its role effectively, going as far as sabotaging worker interests in the name of “compromise”. Consequently, local NGOs have stepped in to fill this void, adopting the role of a de facto labor union. By exerting pressure directly on employers to improve working conditions and advocating for workers’ rights, all while carefully navigating around direct confrontations with the governmental apparatus, these organizations have begun to bring about tangible changes.

That said, the future of labor NGO activism remains uncertain, especially in light of recent intensified repression and persecution from the government. The brutal backlash signals the Party’s fear of NGO influence, giving some hope and motivation to activists. However, it is yet to be determined which side will ultimately prevail in this war of attrition.

Approach	Method	Result
Top-Down	Interaction with governmental authorities	Workers face significant resistance and repression, making systemic change nearly impossible. The restrictive atmosphere perpetuated by the current leadership significantly limits effective engagement at this level.
Intermediary	Local NGOs adopting roles similar to labor unions	By pressuring employers directly and advocating for workers' rights, some NGOs have managed to enact improvements in working conditions and foster a form of collective bargaining, thus filling the void left by the ineffective ACFTU.
Bottom-Up	Direct engagement and support for individual workers	Limited success due to an ineffective arbitration system and prevailing skepticism among workers about hidden agendas. Previous attempts were criticized as "atomizing" and

		not conducive to forming solidarity amongst workers.
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Table 2: The methods and results of the three approaches in China

2.10 Chapter conclusion

Unfortunately, evidence suggests that in the case of China, we cannot reject the null hypothesis. The situation has improved in some ways, but stayed the same or even worsened in others. There is a glimpse of hope in the newly adopted approach of China’s labor NGOs, which suggests that the most effective strategy is the “intermediary approach”. The top-down approach is off the table given the government’s unwillingness to help its working population, and the bottom-up approach has proven to be inefficient in the past. Thus, in the absence of a properly functioning union, NGOs helping workers achieve their goals through collective bargaining appears to have the strongest effect – for now. The swift and brutal retaliation from the government would suggest that, too. The question remains whether it is sustainable in the long run, and for now, it is too soon to tell.

3 Bangladesh

3.1 Background

The state of Bangladesh is a relatively young player on the world stage. Being the product of two splits – the Partition of India in 1947 and the subsequent war for independence from Pakistan in 1971 – the country was forced to undergo significant adjustments to its economy in light of its newfound independence. At first, the Bangladeshi government instituted a planned economy. This decision, along with general political instability, multiple natural disasters that devastated the country's fields as well as the 1973 oil crisis which increased international prices, proved to be a disastrous cocktail of circumstances that brought the nation to a state of despair¹⁴⁴. After years of low productivity, galloping inflation and decreasing standards of living, a devastating famine struck, lasting for most of 1974 and counting a 1.5 million death toll. The dire economic and political situation would eventually culminate into a coup and subsequent assassination of Bangladesh's first President and "Father of the Nation", Sheikh Mujibur Rahman, in 1975¹⁴⁵.

After a period of political chaos, the country slowly began rebuilding its economy, being heavily reliant on international aid. By the 1990s, Bangladesh's economy began to shift, with earnings from its burgeoning garment exports and rising remittances overtaking traditional sectors. The ready-made garment industry significantly altered labor dynamics, introducing more women into the workforce. The government enacted more forceful liberalization measures across various sectors. These included opening up the financial services industry to domestic and foreign competition, reducing tariffs, easing restrictions on foreign investment, and introducing policies to stimulate export growth, notably by establishing Export Processing Zones (EPZs). These zones offered significant incentives for businesses and played a crucial role in the expansion of the garment industry, attracting more than \$1 billion in export revenue per year by the early 2000s¹⁴⁶. The country has also invested heavily into its infrastructure, though growth was arguably slowed by political instability and global market volatility. Despite these unfavorable circumstances, economic growth leaped from a 3.7% yearly average in the 1980s to 5.2% later in the 1990s, with exports rising from 7% to 18% of GDP between 1991 and 2006. Yet, just like in the case of China, it came at a cost. While liberalization spurred growth and reduced poverty, income inequality deepened and urban and rural informal sectors lagged behind. The low tax collection and persistent corruption further complicated the situation¹⁴⁷.

Though Bangladesh also has a robust agricultural and manufacturing sector, exporting nonfood crops like jute as well as fish/seafood and ships, ready-made garments remain

¹⁴⁴ OSMANI, S. R., 2008. Achievements and Challenges of the Bangladesh Economy: An Overview. In: *Emerging Issues in Bangladesh Economy: A Review of Bangladesh's Development 2005-06*. University Press Limited. p. 1-23. ISBN 984-7022000257.

¹⁴⁵ LEWIS, David, 2011. *Bangladesh: Politics, Economy and Civil Society*. p. 138-143. Cambridge University Press. ISBN 978-1139502573.

¹⁴⁶ *ibid*, p. 149

¹⁴⁷ *ibid*, p. 136

Bangladesh's largest export, making up more than three quarters of export volume and servicing a wide array of Western clothing companies¹⁴⁸. In 2022, Bangladesh was the world's second largest ready-made garment exporter, preceded only by China¹⁴⁹. A very tangible downside of this specialization is that the garment industry has an effective stranglehold on the country's already unstable and fragile government. In 1997, the government attempted to raise the minimum wage to 1550 taka per month. This adjustment, however, went completely unacknowledged by garment factory owners, leading to unrest among garment sector workers. In 2001, the government once again announced a new minimum wage structure for private sector workers at 1350 taka per month. Despite this effort, employers objected to the government's proposal, and the High Court eventually declared the government order illegal on technical grounds¹⁵⁰.

This meant that the average garment sector worker earned a mere six US cents per day, all while working 10 to 12 hours a day, seven days a week, with no overtime pay. Meanwhile, factory owners could easily afford to buy modern houses in wealthy neighborhoods and send their children abroad for higher education. After another wave of protests, the government decided to enact the Bangladesh Labor Act, in effect since 2006. This document replaces 27 previous labor laws into a single comprehensive code, aimed at regulating employment and labor relations in Bangladesh. Key facets of the act include guidelines for employment conditions, health and hygiene standards, minimum age for employment, work safety, working hours and leave, wages, trade unions and industrial relations¹⁵¹.

In 2013, the Parliament passed amendments to the Labor Act. The amendment implemented some positive changes, such as forbidding the obstruction of factory exits, requiring fire drills twice a year instead of once, eliminating the obligation for the government to disclose union member lists to employers, or allowing four months of maternity leave for garment workers (up from the previous two months, but still less than the six-month leave available to public sector workers)¹⁵².

The efficacy of these reforms is questionable, however. Reports indicate that workers in Bangladesh still do not earn a livable wage, face long work hours, and risk bodily harm through poor work conditions and lackluster safety measures. Female workers face sexual harassment and are often denied maternity leave, and child labor is rampant in rural areas. Unionization is limited, as factories in Export Processing Zones (EPZ) are excluded from forming unions. Employees who attempt to engage in collective bargaining are often

¹⁴⁸ *ibid*, p. 1, 137-144

¹⁴⁹ Merchandise exports by product group – annual (Million US dollar); product: clothing, 2022. *WTO Stats*. Online. 2022. Retrieved from: <https://stats.wto.org/>

¹⁵⁰ KAMAL, Mustafa, BILLAH, Mohammed Masum and HOSSAIN, Sanida, 2012. Labor Unrest and Bangladesh Labor Act 2006: A Study on Ready Made Garment Factories in Gazipur. *Journal of Business and Technology (Dhaka)*. Online. 28 February 2012. Vol. 5, no. 2 p. 1-18. DOI 10.3329/jbt.v5i2.9932.

¹⁵¹ *ibid*.

¹⁵² BEARNOT, Edward, 2013. Bangladesh: A Labor Paradox. *World Policy Journal*. Online. 1 September 2013. Vol. 30, no. 3 p. 88-97. DOI 10.1177/0740277513506386.

threatened or fired¹⁵³. It would appear, then, that factory owners have little interest in respecting the law while the government struggles with its enforcement.

3.2 Wages

In Bangladesh, there is no official national minimum wage. Instead, there is a 'Minimum Wage Board' which determines the minimum wages for each private sector separately. As a result, minimum and average wages vary significantly between industries. For example, a 2004 ILO report discovered that in the Electricity, Gas, and Water Supply sector, the average daily wage rate was comparatively high at 143.86 Taka (approximately \$1.72 USD), reflecting the specialized skills and potential risks associated with these industries. In contrast, Agriculture, Animal Farming, Forestry, and Related Activities, which tend to be more labor-intensive and require less specialized skills, had an average daily wage rate of only 56.71 Taka (\$0.68 USD). The manufacturing category, which includes the Ready-made garment (RMG) industry, had a slightly higher than average daily wage rate at 73.54 Taka (\$0.88 USD)¹⁵⁴.

The report also highlighted a disparity in wage rates between rural and urban areas, with rural workers earning an average of 58.73 Taka (approx. \$0.70 USD) per day, while urban workers received 80.34 Taka (\$0.96 USD).

Additionally, the report revealed a significant gender wage gap, with male workers earning higher wages than female workers in almost all sectors. For instance, while men received an average of 60.17 Taka (\$0.72 USD) in the agriculture sector, women earned significantly less, with an average of 32.94 Taka (\$0.39 USD). This wage gap was evident across different sectors, highlighting a gender-based economic disparity in the labor market. In terms of average monthly wages, the report estimated them at around 3,340 Taka (\$39.88 USD) for men and 1,581 Taka (\$18.86 USD) for women.¹⁵⁵

Modern reports mostly focus on the garment sector, as an industrial giant of the country. Since the 2000s, minimum wages in the industry have been raised multiple times. In 2014, the RMG industry monthly minimum wage was 5300 Taka. It was raised to 8000 Taka in 2018, and once again to 12500 Taka in 2023¹⁵⁶.

Since 2018, the Fair Labor Association (FLA) has been documenting the average monthly wages of employees in factories owned by its member companies. Data reveals that after a

¹⁵³ *Facts on Bangladesh's Garment Industry*, 2015. Online. Clean Clothes Campaign. Retrieved from: <https://cleanclothes.org/file-repository/resources-publications-factsheets-bangladesh-factsheet-2-2015.pdf/view>

¹⁵⁴ MUJERI, Mustafa K., 2004. *Bangladesh Decent Work Statistical Indicators: A Fact-Finding Study*. Online. International Labour Office. Retrieved from:

<https://webapps.ilo.org/public/english/bureau/dwpp/download/bangladesh/bangdwindic.pdf>

¹⁵⁵ *ibid.*

¹⁵⁶ Bangladesh Minimum Wages, *Trading Economics*. Online. Retrieved from: <https://tradingeconomics.com/bangladesh/minimum-wages>

minimum wage adjustment, the workers' monthly net wages saw a 42.5% increase, amounting to 3,312 Taka (or \$30) in 2019.

Nonetheless, over the subsequent four years, there was a mere 0.95% total increment in the average net monthly wage. In stark contrast, within just the preceding year, Bangladesh experienced a 9.02% inflation rate, while the average wage of workers decreased by 4.6% during the same period¹⁵⁷.

The 2022 figures from the Global Living Wage Coalition (GLWC) estimate a living wage in Dhaka to be 23,254 Taka (or \$211.90). Against this benchmark, the gap in living wage for workers in Bangladesh stands at 12,040 Taka (\$109.70), signifying that the average monthly net wage was 51.78% below the living wage standard in 2022.

In response, unions, civil society organizations, and various multi-stakeholder groups have lobbied the Bangladesh Minimum Wage Board to elevate the minimum wage to 23,000 BDT (\$209.60) – mirroring the GLWC's 2022 living wage estimate for Dhaka, Bangladesh¹⁵⁸.

The COVID-19 pandemic has also affected wages in the industry. The Clean Clothes Campaign (CCC) has derived estimates from two studies conducted by the Bangladesh Institute of Labour Studies (BILS) and Mapped in Bangladesh, indicating that approximately 438,000 garment workers were laid off in 2020. This represents a 10% decrease in the garment industry workforce, dropping from the pre-pandemic figure of 4.4 million to about 4 million workers in the sector. Yet, only about 3.6% of factories fulfilled their obligations to pay terminated workers their severance package. These were predominantly small to medium-sized factories. All large factories, along with 86% of medium-sized ones, acknowledged withholding compensation and allowances, opting to pay only the salaries owed. The Worker Rights Consortium (WRC) calculated that under Bangladesh law, a worker with five years of service is entitled to approximately 30,800 Taka (US\$364) in severance pay if they are formally laid off. Based on the assumption that all factories adhere to the retrenchment procedures, it is estimated that the total amount owed to workers amounts to 12.8 billion Taka (US\$151 million)¹⁵⁹.

Amidst the inadequate minimum wage raises, high inflation effectively devaluing the already low pay, and the loss of owed severance packages, workers all around Bangladesh have taken to protesting. In late October and early November 2023, garment workers from Dhaka and Gazipur in Bangladesh staged protests over wage concerns. The protests resulted in the deaths of at least four workers. Three fatalities ensued from confrontations with law enforcement, where lethal force was reportedly used, another worker perished due to a factory fire. Furthermore, media sources suggest that between 18,000 and 23,000 garment

¹⁵⁷ *Fair Labor Association's Bangladesh Wage Trends Report and Recommendations*, 2024. Online. Fair Labor Association. Retrieved from: <https://www.fairlabor.org/wp-content/uploads/2024/01/Wage-Trends-Report-Bangladesh-January-2024-Updated.pdf>

¹⁵⁸ *ibid.*

¹⁵⁹ *Stil Un(der) Paid: How the garment industry failed to pay its workers during the pandemic*, 2021. Online. Clean Clothes Campaign. Retrieved from: <https://cleanclothes.org/file-repository/ccc-still-underpaid-report-2021-web-def.pdf>

workers are facing legal action for their roles in the protests, accused of vandalism and hindering police efforts¹⁶⁰.

With all that being said, there is a silver lining in the form of the working poverty rate. According to the ILO, it has gone down from 29% in 2000 to a mere 9% in 2020. While this figure remains relatively high on the global scale, it indicates that progress is being made in this area.

Working poverty rate (percentage of employed living below US\$2.15 PPP)

Data sourced from the International Labour Organization (<https://ilostat.ilo.org/>)

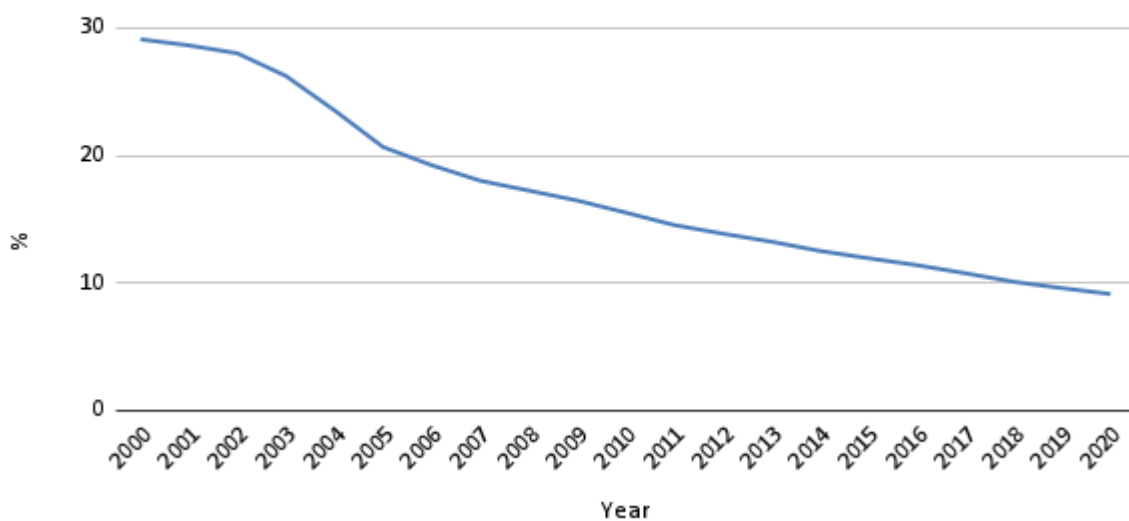


Figure 5: Working poverty rate 2000-2020 (percentage of employed living below US\$ 2.15 PPP)

To sum up, although there has been a gradual increase in wages as well as a major decrease in the working poverty rate, worker groups claim it to be insufficient in meeting the standards of a living wage. Moreover, the country's economy has experienced hardships due to the pandemic, resulting in high inflation and waves of worker dismissals. Meanwhile, the government's response to the growing unrest among workers has been characterized by violence and repression.

3.3 Work hours

Official statistics only provide three data points regarding weekly hours worked. In 2006, the average was 51.06 hours per week (aggregating all economic activities and genders). By

¹⁶⁰ *Bangladesh Must Stop Violating Labour Rights and Uphold Corporate Accountability*, 2023. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>

2013, this average dipped to 47.5 hours. However, in 2017, there was a rise in weekly hours worked, reaching 51.46 hours.

Reports from the 2000s tell a different story, however. In both manufacturing and agriculture, workers faced long hours and frequent overtime. Rock (2003) found that workers in the garment sector often endured long hours, with instances of up to fourteen-hour days being a common expectation by management. This rigorous schedule was further intensified during peak production periods, where workers might be required to labor without a day off, in facilities that lacked basic amenities and proper ventilation. The drive behind these extensive work hours in the garment industry was attributed to high production targets and a stringent supervisory regime that did not hesitate to enforce disciplinary measures for any perceived lag in productivity¹⁶¹. Meanwhile, according to a study conducted by Pokrant and Reeves (2003), workers in the brackish-water shrimp export sector were working shifts that could last up to twelve hours at a time or even stretch to twenty-four hours continuously. Despite the extended work periods, these hours did not gain them penalty rates. To compensate, workers were given complimentary food and refreshments during such long shifts¹⁶².

In 2015, the Human Rights Watch released a report on the garment industry in Bangladesh. It mentions workers facing long hours of work without receiving the legally entitled benefits or leaves, including national holidays. It states that workers had to work for 12 hours, and those who worked on the night shift on Fridays did not get paid, essentially working for free. One worker spoke about deteriorating conditions following a change in factory buyers. Under Nike, conditions were manageable, but after the factory switched to another buyer, the work hours were extended to 10 pm without overtime pay. Workers had to meet specific production targets and would have to continue working without pay until those targets were met. Another worker described being forced to work more than 17 hours, sometimes including nine-hour night shifts, without any extra pay for overtime¹⁶³.

The Fair Labor Association's reports are in agreement. Not only that, it would appear that factory owners try to skirt the assessments. An analysis of October 2021 time cards for sampled workers showed they all worked up to 72 hours a week, including overtime. However, in March 2021 and November 2020 (ie. the time of the inspection), sampled workers' hours stayed within 60 hours weekly¹⁶⁴.

3.4 Workplace safety, working conditions

Going back to the WHO/ILO report, it registers these figures for Bangladesh workplace deaths and DALYs: as for deaths, for the year 2000, the number stood at 43.7 per 100 000

¹⁶¹ ROCK, Marilyn, 2003. Labour conditions in the export-oriented garment industry in Bangladesh. *South Asia: Journal of South Asian Studies*. Online. 2003. Vol. 26, no. 3 p. 391-407. DOI 10.1080/0085640032000178943.

¹⁶² POKRANT, Bob and REEVES, Peter, 2003. Work and labour in the Bangladesh brackish-water shrimp export sector. *South Asia: Journal of South Asian Studies*. Online. 2003. Vol. 26, no. 3 p. 359-389. DOI 10.1080/0085640032000178934.

¹⁶³ "Whoever Raises their Head Suffers the Most": *Workers' Rights in Bangladesh's Garment Factories*, 2015. Human Rights Watch. ISBN 978-1-6231-31746.

¹⁶⁴ *Fair Labor Association: Independent External Factory Assessment – Burton Snowboards*, 2021. Online. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2036.pdf

population. Though there was a small decrease in 2010, at 42.9, in 2016 the figure went back to its original value, to 43.7. As for DALYs, they did register a notable decrease in 2010, going from 2625.7 per 100 000 population in 2000 to 2312.3 in 2010. 2016 registered a miniscule uptick at 2321.6¹⁶⁵.

In 2004, Alam et al. released a study in which they surveyed over 100 employees from 10 different garment companies in Chittagong. Their findings were as follows. First, they discovered that both external (like fire hazards due to faulty wiring) and internal (such as finger pricks, cuts, or fainting from fatigue and headaches) risks were common occurrences. Second, they observed that because the majority of factories in the area were small or medium-sized businesses and situated in rented houses, they lacked proper security establishments. Workers were expected to take care of these minor injuries by themselves. Employers did not assist with treatment or compensation, even for major injuries. The machines and working environment were deemed acceptable by most, although respondents did complain about excessive noise. Fabric and thread dust were also omnipresent in the factories, which posed a potential risk of respiratory issues among the workers. Most workers expressed that they felt no passion for their job and were only working to survive¹⁶⁶.

In 2013, the world was shaken by the news of the Rana Plaza building collapse near Dhaka, Bangladesh. This disaster resulted in the deaths of over 1,100 people, marking it the deadliest incident in the industry in 30 years. It happened not long after another tragic event – the Tazreen factory fire, which killed over 120 workers just five months before¹⁶⁷. The Rana Plaza tragedy spurred a global initiative to enhance health and safety standards in Bangladesh's garment industry. A key outcome was the creation of the Accord on Fire and Building Safety. Under the combined advocacy from Global Union Federations (GUFs) and NGOs, this five-year, legally binding agreement brought together international brands and trade unions, with the shared goal of fostering a safer garment industry¹⁶⁸.

Under the Accord, participating brands commit to implementing a series of measures aimed at enhancing working conditions in the factories they source from. This initiative impacts roughly 1,800 factories and 2 million workers, accounting for half of the workforce in Bangladesh's garment sector. Over 200 apparel brands, retailers, and importers across more than 20 countries in Asia, Australia, Europe, and North America have joined the Accord.

¹⁶⁵ WHO/ILO joint estimates of the work-related burden of disease and injury, 2000-2016: global monitoring report, 2021. World Health Organization and the International Labour Organization. p. 5-16. ISBN 978-92-2-035432-2. Retrieved from: <https://www.who.int/publications/i/item/9789240034945>

¹⁶⁶ ALAM, Jahangir, MAMUN, Muhammad and ISLAM, Nazrul, 2004. Workplace Security of Female Garment Workers in Bangladesh. *Social Science Review*. Online. 2004. Vol. 21, no. 2p. 1-10. Retrieved from: https://www.researchgate.net/profile/Dr-Nazrul-Islam/publication/352982869_Workplace_Security_of_Female_Garments_Workers_in_Bangladesh/links/60e20898299bf1ea9edfe1eb/Workplace-Security-of-Female-Garments-Workers-in-Bangladesh.pdf

¹⁶⁷ LABOWITZ, Sarah and BAUMANN-PAULY, Dorothee, 2014. *Business as Usual is Not an Option: Supply Chains and Sourcing after Rana Plaza*. Online. NYU Stern School of Business – Center for Business and Human Rights. Retrieved from: https://www.stern.nyu.edu/sites/default/files/assets/documents/con_047408.pdf

¹⁶⁸ JAMES, Philip, MILES, Lilian, CROUCHER, Richard and HOUSSART, Mark, 2019. Regulating factory safety in the Bangladeshi garment industry. *Regulation & Governance*. Online. 2019. Vol. 13, no. 3 p. 431-444. DOI 10.1111/regg.12183.

Meanwhile, some predominantly North American companies have opted out and instead started a parallel, less stringent safety initiative known as the Alliance¹⁶⁹.

The Accord set up its own governance (a Steering Committee with equal representation of trade union signatories and company signatories, and a representative from the ILO), a dispute resolution system, safety inspections, a remediation procedure, safety training programme, complaints process, and transparent reporting¹⁷⁰.

Since the Accord had a five-year lifespan, a new Transition Accord was signed in 2018, with some of its functions handed over to the RMG Sustainability Council (RSC), a Bangladeshi national tripartite organization governed by brands and retailers, trade unions, and manufacturing associations. This Accord was in turn replaced in 2021 by the International Accord for Health and Safety in the Textile & Garment Industry, which completed the transition¹⁷¹.

Despite this gargantuan international effort, the situation on the ground takes these successes to question. Though data is not available for the 2020 period specifically, estimates from the Safety and Rights Society, a non-governmental organization committed to enhancing working conditions in Bangladesh, documented over 4,700 worker fatalities from 2013 to 2022, not including the casualties from the Rana Plaza disaster^{172 173}. Since the signing of the Accord, multiple incidents caused by poor safety measures have taken place, the most prominent of which were the 2021 Hashem Foods Factory fire, which resulted in the deaths of 52 workers, of whom at least 17 were children, and the 2022 BM Container Depot fire, which resulted in the deaths of at least 49 workers and injuries to 250 more¹⁷⁴.

Apart from fire and building safety, another huge issue garment workers are facing is sandblasting. In the garment industry, sandblasting is used to give denim garments a “distressed” look. Abrasive material (typically sand) is blasted at garments at high speeds, leading to a high concentration of silica particles in the air. The effects of not having proper protective gear while sandblasting garments have been known since 2005, with Turkish doctors being the first to sound the alarm and publishing a study that linked sandblasting with silicosis. Silicosis is a disease that causes shortness of breath, coughing, and rapid weight loss. It is incurable, and can be fatal. Crystalline silica has also been classified as a 2A substance (a probable carcinogen for humans) by the International Agency for Research on

¹⁶⁹ *ibid.*

¹⁷⁰ *Accord on Fire and Building Safety in Bangladesh*, 2013. Online. Retrieved from: <https://bangladesh.wpengine.com/wp-content/uploads/2018/08/2013-Accord.pdf>

¹⁷¹ About us, *International Accord for Health and Safety in the Textile & Garment Industry*. Online. Retrieved from: <https://internationalaccord.org/about-us/>

¹⁷² *Bangladesh Workplace Death Report 2022*, 2023. Online. Safety and Rights Society. ISBN 978-984-35-4214-4. Retrieved from: <https://safetyandrights.org/wp-content/uploads/2023/07/Death-Report-2022-1.pdf>

¹⁷³ *note: these estimates only take into account workplace deaths, hence why the numbers are much lower than in the WHO/ILO report, which also includes, for example, deaths caused by respiratory issues due to poor workplace conditions*

¹⁷⁴ *Bangladesh Must Stop Violating Labour Rights and Uphold Corporate Accountability*, 2023. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>

Cancer (IARC), an agency of the World Health Organization, since 1987. Despite this, most factories still do not provide adequate protective equipment to their workers. Some brands, such as H&M, Levi's, D&G, Esprit, Lee, and Zara claim to have banned sandblasting in their factories. However, how/whether they monitor the situation and punish their contractors and subcontractors is called to question¹⁷⁵. Bangladesh's government has yet to ban the practice.

3.5 Child labor and forced labor

Although Bangladesh had ratified both the ILO Worst Forms of Child Labour Convention and the UN Convention on the Rights of the Child in the 2000s, child labor permeated Bangladeshi society, with reports indicating that up to 19% of children between the ages of 5 and 14 were actively engaged in the workforce in 1999. Child labor was and is deeply rooted in both poverty and societal norms. While poverty was the most accurate predictor, a survey conducted in 2001 revealed that, beyond economic rationales, a prevalent cultural mindset compelled families to engage their children in labor due to a fear of idleness. Inactivity, especially among older children, was considered socially unacceptable. This pressure was compounded by concerns that idle boys might resort to criminal activities¹⁷⁶.

Work was also seen as a crucial preparatory phase for adulthood. Engaging in work allowed young individuals to acquire practical skills in farming or trades. Employment opportunities, such as those in engineering workshops, were considered beneficial for boys, while for girls, working as maids served to prepare them for their future roles as wives and mothers¹⁷⁷.

Other factors contributing to the presence of child labor in Bangladesh include illiteracy, household size, adult unemployment and credit market constraint¹⁷⁸.

In 2019, UNICEF released a Multiple Indicator Cluster Survey regarding the well-being of children in Bangladesh. Their data puts the percentage of children aged 5-17 involved with economic activities at 6.8%¹⁷⁹. However, a year later, UNICEF and the ILO published a joint brief regarding an alarming uptick of child labor around the world due to the COVID-19 pandemic. Due to economic instability caused by the pandemic as well as health complications or deaths of adult family members (especially fathers), many children were forced into the workforce again¹⁸⁰. Despite this, the overall trend appears to put child labor on a downward slope, though utmost certainty is not guaranteed as most children are employed in the informal sectors in rural areas, making effective data collection difficult.

¹⁷⁵ *Deadly Denim: Sandblasting in the Bangladesh Garment Industry*, 2012. Online. Clean Clothes Campaign. Retrieved from: <https://cleanclothes.org/file-repository/resources-publications-ccc-deadly-denim.pdf>

¹⁷⁶ DELAP, Emily, 2001. Economic and Cultural Forces in the Child Labour Debate: Evidence from Urban Bangladesh. *Journal of Development Studies*. Online. 2001. Vol. 37, no. 4p. 1-22. DOI 10.1080/00220380412331322021.

¹⁷⁷ RAHMAN, Mohammad Mafizur, KHANAM, Rasheda and ABSAR, Nur Uddin, 1999. Child Labor in Bangladesh: A Critical Appraisal of Harkin's Bill and the MOU-Type Schooling Program. *Journal of Economic Issues*. Online. 1999. Vol. 33, no. 4p. 985-1003. DOI 10.1080/00213624.1999.11506225.

¹⁷⁸ AHAD, Abdul, et al, 2021. Urban Child Labor in Bangladesh: Determinants and Its Possible Impacts on Health and Education. *Social Sciences*. Online. 2021. Vol. 10, no. 3. DOI 10.3390/socsci10030107.

¹⁷⁹ *Progotir Pathay Bangladesh: Multiple Indicator Cluster Survey 2019*, 2019. . Bangladesh Bureau of Statistics (BBS) and UNICEF. ISBN 978-984-8969-34-2.

¹⁸⁰ *COVID-19 and Child Labour: A time of crisis, a time to act*, 2020. Online. UNICEF/ILO. Retrieved from: https://data.unicef.org/wp-content/uploads/2020/06/COVID-issue-paper-EN-1_4_2-FINAL.pdf

Forced labor is another hot topic of discussion in Bangladesh. In the 2000s, the most common form of unfree labor in the area was bonded labor, i.e. debt bondage. The Constitution of the People's Republic of Bangladesh prohibits forced labor but does not define it or specify penalties for violations. Additionally, there is no legislation in Bangladesh that recognizes or abolishes bonded labor, resulting in no prosecutions for such offenses. The Bangladesh Labour Act, 2006 does not address bonded labor either. However, the government has permitted the ILO's Prevention and Elimination of Bonded Labour in South Asia (PEBLISA) program to operate within the country¹⁸¹.

As such, no clear data exists on how many people entered such arrangements in Bangladesh in the year 2000. The 2000 UN Report on Contemporary Forms of Slavery indicates that the number of individuals living in conditions of bondage in India alone was estimated to be between 44 and 100 million, whereas about 65 million children were in similar circumstances¹⁸². Human trafficking was also rampant. A 2009 report by the United Nations Global Initiative to Fight Human Trafficking indicated that although the limited available data made it hard to understand the patterns of human trafficking in the area, domestic trafficking was a problem, with cases found in Bangladesh, India, and sometimes in Pakistan. Trafficking between these countries was also a problem. Nepal and Bangladesh often were where people were trafficked from, and many ended up in India, especially in the wealthier Maharashtra region¹⁸³.

Nowadays, the number of people living in slavery in Bangladesh is estimated to be around 1 162 000 people. The government has since made notable legislative efforts to tackle modern slavery, such as acceding to the 2000 UN Trafficking in Persons Protocol in 2019, and ratifying the Protocol of 2014 to the Forced Labour Convention. Despite these measures, the enforcement of laws and support for survivors fall short due to enforcement issues. The judiciary is overwhelmed with human trafficking cases and there are severe inconsistencies in training among law enforcement and legal professionals¹⁸⁴. Furthermore, Bangladesh is facing a humanitarian crisis due to the large number of Rohingya refugees fleeing into the country from Myanmar. In 2017, following a severe crackdown by Myanmar's military and local Buddhist groups, about 700 000 Rohingyas fled to Bangladesh, joining the 200 000 already in the country. Humanitarian concerns have been raised regarding the conditions in these refugee camps, citing the presence of forced harmful labor both inside and outside the

¹⁸¹ KARA, Siddharth, 2012. *Bonded labor: tackling the system of slavery in South Asia*. p. 23. Columbia University Press. ISBN 978-0-231-52801-6.

¹⁸² *Contemporary Forms of Slavery: Report of the Working Group on Contemporary Forms of Slavery on its twenty-fifth session*, 2000. Online. United Nations Economic and Social Council. Retrieved from: <https://digitallibrary.un.org/record/420186?ln=en&v=pdf>

¹⁸³ *Global Report on Trafficking in Persons*, 2009. Online. United Nations Office on Drugs and Crime. Retrieved from: https://www.unodc.org/documents/Global_Report_on_TIP.pdf

¹⁸⁴ *Modern slavery in Bangladesh: Global Slavery Index 2023 Country Study*, Online. Minderoo Foundation Pty. Retrieved from: <https://cdn.walkfree.org/content/uploads/2023/11/14130724/gsi-country-study-bangladesh.pdf>

camps, absence of legal penalties for employers who exploit these vulnerable individuals and force them into informal labor (especially children), and vulnerability to sex trafficking¹⁸⁵.

3.6 Non-discrimination

Some scholars argue that the garment industry has brought empowerment to women through financial independence, highlighting the positive implications of employment for female workers in Bangladesh. This perspective suggests that women's participation in the garment sector liberates them from economic constraints and marginalization. What's more, workplace experiences can empower women to assume more active roles in family decision-making and amplify their influence, even within exploitative socio-economic environments¹⁸⁶.

However, the reality for many female garment workers in Bangladesh paints a more complex picture. While there is undeniable evidence that employment in the garment industry has led to socio-economic gains for women, including better income opportunities and a degree of empowerment, these benefits are often overshadowed by exploitative labor practices. Female employees mention being unfairly scolded, pressured, and their wages being delayed. In regards to sexual harassment, 27% of respondents refused to answer out of shame, but ¹⁸⁷.

Newer data shows a similar situation, with especially alarming reports on the treatment of pregnant women. Human Rights Watch interviews with workers from 12 factories revealed widespread discrimination against pregnant women, including denied or insufficient maternity leave, despite this being illegal under the Bangladesh Labor Act provisions. A worker from a Dhaka factory reported management's disregard for maternity benefits and verbal abuse during protests. A union leader was forced to resign during her seventh month of pregnancy, which was a violation of her legal rights and had a significant financial impact on her family. Another worker described being assigned heavy work and facing termination for underperformance, while another protested only partially paid maternity leave and undelivered annual bonuses. Attempts to negotiate better conditions for pregnant workers, such as slightly earlier lunch breaks, were also denied, showcasing a systemic neglect of pregnant workers' welfare and rights¹⁸⁸.

¹⁸⁵ HOQUE, Md Mahmudul, 2021. Forced Labour and access to Education of Rohingya Refugee Children in Bangladesh: Beyond a Humanitarian Crisis. *Journal of Modern Slavery*. Online. 16 August 2021. Vol. 6, no. 3p. 20-35. DOI 10.22150/jms/PPJY4309.

¹⁸⁶ WRIGHT, Denis, 2007. Industrialisation and the changing role of women in Bangladesh. *Asian Studies Review*. Online. 2007. Vol. 24, no. 2 p. 231-242. DOI 10.1080/10357820008713271.

¹⁸⁷ *ibid*.

¹⁸⁸ “Whoever Raises their Head Suffers the Most”: *Workers’ Rights in Bangladesh’s Garment Factories*, 2015. Human Rights Watch. ISBN 978-1-6231-31746

Furthermore, one of three FLA reports on Bangladeshi factories from 2021 found that the factory lacked wheelchair access, and did not separate men and women in the dormitory, risking potential sexual harassment¹⁸⁹.

3.7 Freedom of association/collective bargaining

Unions have been legally allowed in Bangladesh since the country's conception, however, some restrictions on the unionization process were in place; for instance, unions cannot include members who aren't current factory employees or hire external advisers to help with management, collective action, or negotiations. This hands factory owners the power to dismantle unions by firing worker leaders or members, and undermines a union's ability to support its membership by restricting external assistance.

Traditionally, trade unions in Bangladesh have struggled to adequately represent and advocate for the rights of garment workers. This ineffectiveness has been attributed to several factors including political affiliations and a lack of alignment with the specific needs of garment workers, many of whom are women. The predominance of male leadership in traditional unions has been a barrier to effectively addressing the issues faced by the largely female workforce in the garment sector¹⁹⁰. In short, many workers felt that unions were either absent, ineffective, or corrupted by partisan agendas.¹⁹¹

Due to this adversity and lack of support from the government, the women in the garment industry banded together and started working on a solution. Their efforts eventually materialized as the Bangladesh Independent Garment Workers Union (BIGU)¹⁹². Founded in 1994 with substantial support from NGOs and international labor organizations, BIGU now stands as the largest garment industry union in the country. It is also one of the few truly politically independent ones¹⁹³.

It is necessary to remark that without the aid of NGOs and international bodies, such as the Asian American Free Labor Institute (AAFLI)¹⁹⁴, BIGU might have been on a much rockier road in terms of its creation. These organizations played a crucial role in empowering workers, guiding the establishment of the union, and providing the necessary resources to navigate the complex landscape of labor politics and industry dynamics¹⁹⁵.

¹⁸⁹ Fair Labor Association: *Independent External Factory Assessment – Lakeshirts, Inc.*, 2021. Online. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1899.pdf

¹⁹⁰ ROCK, Marilyn, 2003. Labour conditions in the export-oriented garment industry in Bangladesh. *South Asia: Journal of South Asian Studies*. Online. 2003. Vol. 26, no. 3 p. 391-407. DOI 10.1080/0085640032000178943.

¹⁹¹ POKRANT, Bob and REEVES, Peter, 2003. Work and labour in the Bangladesh brackish-water shrimp export sector. *South Asia: Journal of South Asian Studies*. Online. 2003. Vol. 26, no. 3 p. 359-389. DOI 10.1080/0085640032000178934.

¹⁹² note: Also known as Bangladesh Independent Garment Workers Union Federation (BIGUF)

¹⁹³ ROCK, Marilyn, 2001. The rise of the Bangladesh Independent Garment-Workers' Union (BIGU). In: HUTCHINSON, Jane and BROWN, Andrew, *Organising Labour in Globalising Asia*. Routledge. p. 28-49. ISBN 0-203-16480-6.

¹⁹⁴ note: the AAFLI is a branch of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

¹⁹⁵ ROCK, Marilyn, 2003. Labour conditions in the export-oriented garment industry in Bangladesh. *South Asia: Journal of South Asian Studies*. Online. 2003. Vol. 26, no. 3 p. 391-407. DOI 10.1080/0085640032000178943.

Apart from traditional union activities, BIGU provides legal and medical support, teaches classes geared towards enhancing workers' understanding of their legal rights, alongside basic English and literacy classes. This ensures that the workers are better equipped to comprehend official documents that are frequently presented to them by their employers¹⁹⁶.

Besides education, BIGU has also made strategic use of labor laws by legally challenging malpractices. The introduction of lawsuits, primarily concerning wrongful termination and unpaid wages, has become an effective strategy. Notably, around 65% of these cases get informally resolved as employers aim to avoid legal penalties. The rest of the cases which were contested in courts mostly saw BIGU prevailing¹⁹⁷.

BIGU has faced backlash from factory owners, primarily in the form of threats of violence or death, smear campaigns, attacks on their offices, as well as through more indirect forms like the purposeful mistreatment of workers who were involved with BIGU, including unlawful dismissals or forged documents¹⁹⁸.

Furthermore, a large issue remains with EPZs. As unions are disallowed or at least restricted in these areas, workers who attempted to unionize faced severe reprisals. They were subjected to violence and intimidation including being beaten and threatened by hired goons and managers. Some workers were punished for their union activities; for example, union organizers were dismissed from their jobs, and others were fired under various pretexts, such as being accused of participating in a strike or simply for carrying a union federation's business card. Additionally, there is evidence suggesting that factory owners may share information, potentially creating blacklists of labor activists to prevent them from finding employment elsewhere¹⁹⁹.

Lastly, the government has started to turn against unions as well. The year 2017 saw the rise of some very alarming incidents. A few months after a series of strikes in 2016, authorities detained at least 34 union leaders and workers on various charges, including incitement and violence. Some of these charges appeared to be politically motivated, aimed at suppressing union activities and discouraging collective actions. What's more, approximately 1,500 workers involved in protests were let go. In retaliation to the strikes, approximately 60 factories in the Ashulia area temporarily shut down operations, which was seen as a move to pressure the workers to end their protests and to discourage future organizing²⁰⁰.

In short, the last few years have presented a serious challenge to Bangladeshi unions. The government, which had previously been an unhelpful yet unintrusive observer, has started to tighten the reins on unions, potentially setting back years of progress.

¹⁹⁶ *ibid.*

¹⁹⁷ *ibid.*

¹⁹⁸ *ibid.*

¹⁹⁹ "Whoever Raises their Head Suffers the Most": *Workers' Rights in Bangladesh's Garment Factories*, 2015. Human Rights Watch. ISBN 978-1-6231-31746

²⁰⁰ *Bangladesh: Stop Persecuting Unions, Garment Workers*, 2017. Online. Human Rights Watch. Retrieved from: <https://www.hrw.org/news/2017/02/15/bangladesh-stop-persecuting-unions-garment-workers>

3.8 Role of NGOs

NGOs have been active in Bangladesh since the 1970s, significantly contributing to alleviating poverty through aid programs. Their role became especially notable during the 1990s, often referred to as the "golden age of GO-NGO partnership," aligning with steep drops in poverty rates and sizable increases in aid distribution through NGOs. The operations of NGOs have broadened over time, evolving from focusing on rehabilitation to offering services like credit delivery, poverty alleviation, education, and more²⁰¹.

The situation in Bangladesh is unique due to the pervasiveness of Microcredit NGOs that work alongside Development NGOs, each playing distinct roles in the country's development agenda. In the 1970s, the failure of traditional financial institutions to meet the needs of impoverished populations gave rise to NGO-Microfinance Institutions (MFIs), with the Grameen Bank being a trailblazer. The increase in NGOs during this time led to the formation of the Association of Development Agencies in Bangladesh (ADAB) in 1974 as a platform for collaboration among NGOs, government, and donors.

In the mid-1980s, NGOs sought to expand their reach and started partnering with various entities, resulting in successful joint initiatives in sectors such as health, education, and agriculture. These partnerships demonstrated the effectiveness of NGOs and increased their credibility, leading to substantial growth in foreign aid – from US\$ 106.6 million in 1990-91 to US\$ 310 million in 2003-04. However, the 2000s saw NGOs facing criticisms over political involvement, which led to schisms within NGOs as well as stricter government regulations through the establishment of the Microcredit Regulatory Authority (MRA) in 2006²⁰².

Generally, unlike China, all tiers of NGOs can operate in Bangladesh. Foreign-origin (T1, T2) NGOs are international entities that either operate within Bangladesh or offer financial support to local NGOs. Originating mostly from charitable initiatives and managed by their foreign staff and directed by their international head offices, these NGOs sometimes partner with local entities to enhance their outreach and effectiveness. This category includes NGOs like the Fair Labor Association, the Clean Clothes Campaign, Worker Rights Consortium, and Global Labor Justice-International Labor Rights Forum.

Locally-based but internationally funded NGOs (T3), while operating within the territorial bounds of Bangladesh, secure their funding and technical assistance from abroad. Examples of such entities include BRAC, Proshika, the Awaj Foundation, and GSS (Gonoshahajjo Sangstha). They sometimes struggle with legitimacy and properly “connecting” with local communities, as their professional workforce often differs significantly from the people they serve, in terms of socioeconomic backgrounds.

Lastly, the category of small, locally funded NGOs (T4, T5) consists of a wide array of organizations. They are primarily sustained by a mix of national and international donations,

²⁰¹ CHOWDHURY, Tamgid Ahmed et al., 2020. NGOs for Development: Experience of Bangladesh. In: BARAI, Munim Kumar, *Bangladesh's Economic and Social Progress: From a Basket Case to a Development Model*. Palgrave Macmillan. p. 351-383. ISBN 978-981-15-1682-5.

²⁰² *ibid.*

with some entities depending entirely on local funding. This group encompasses various community-based voluntary agencies and clubs. Due to their limited size and reliance on less stable funding sources, these NGOs face a higher risk of bankruptcy compared to their larger counterparts²⁰³.

Large foreign NGOs have been mostly active in the legislative world. For instance, the Clean Clothes Campaign, Worker Rights Consortium, Maquila Solidarity Network, and global unions like IndustriALL and UNI, were all signatories of the 2013 Accord²⁰⁴. However, their activities are much more diverse. The Clean Clothes Campaign focuses on awareness campaigns and “naming and shaming” of both the government and Western corporations who conduct business in the country and ignore blatant human rights violations²⁰⁵. Meanwhile, the AFL-CIO Solidarity Center aids workers in understanding and exercising their rights via worker community centers (WCCs), which serve as learning and organizing hubs. It also empowers workers to advocate for health and education services. Additionally, the center offers legal support to workers in Bangladesh’s export-processing zones (EPZs), where legal restrictions prevent them from forming and joining unions²⁰⁶. The FLA does extensive monitoring and evaluation, alongside participating in local projects in cooperation with smaller NGOs, like the Awaj Foundation²⁰⁷.

One of the oldest NGOs in Bangladesh is BRAC (formerly Bangladesh Rehabilitation Assistance Committee, Bangladesh Rural Advancement Committee). Since its inception in 1974, BRAC has grown to be a leading NGO in Bangladesh, renowned for its extensive microfinance program that has provided over \$1.9 billion in loans, predominantly to rural women. Nowadays, BRAC also focuses on education, disaster relief, legal aid, healthcare, empowerment of women, and recently also the humanitarian crisis concerning Rohingya refugees. In short, the organization has a holistic approach focused on mid- to long-term development²⁰⁸.

Proshika, founded in 1976, focuses on empowering the poor through skill development, education, promotion of self-reliance through employment and income generating activities and provision of credit, and small enterprise development. Furthermore, they engage in natural resource protection, infrastructure building, women's rights, development policy

²⁰³ ISLAM, Shahidul, 2016. The NGOs Sector in Bangladesh: Emergence, contribution and Current Debate. *Advances in Asian Social Science*. 2016. Vol. 7, no. 2 p. 1182-1188.

²⁰⁴ NGO signatories to Bangladesh Accord welcome new binding worker safety agreement, 2021. *Clean Clothes Campaign*. Online. Retrieved from: <https://cleanclothes.org/news/2021/ngo-signatories-to-bangladesh-accord-welcome-new-binding-worker-safety-agreement>

²⁰⁵ Bangladesh Crackdown, 2019. *Clean Clothes Campaign*. Online. Retrieved from: <https://cleanclothes.org/campaigns/crackdown-bangladesh>

²⁰⁶ Bangladesh, *Solidarity Center*. Online. Retrieved from: <https://www.solidaritycenter.org/category/asia/bangladesh/>

²⁰⁷ Maternity Rights and Childcare in Bangladesh, 2019. *Fair Labor Organization*. Online. 2019. Retrieved from: <https://www.fairlabor.org/projects/maternity-rights-and-childcare-in-bangladesh/>

²⁰⁸ ROBORGH, Sophie et al., 2024. BRAC in Bangladesh and beyond: bridging the humanitarian–development nexus through localisation. *Development in Practice*. Online. 2024. Vol. 34, no. 2p. 238-252. DOI 10.1080/09614524.2023.2273756.

analysis and advocacy, patronage to indigenous culture and mobilization of the mass people in social movements²⁰⁹.

Gonoshahajjo Sangstha (GSS) is a non-governmental organization dedicated to enhancing education for impoverished children through interactive, child-centered teaching methods. It focuses on developing curricula and educational materials, providing teacher training and education, assessing students, and supervising and monitoring learners' progress while also engaging in educational research²¹⁰.

The Awaj Foundation is the only larger local NGO in Bangladesh that focuses specifically on labor. They function on three fronts. In factories, Awaj Foundation educates workers and management on labor rights, safety, gender sensitivity, and negotiation techniques, aligning with both local and international legal standards. It has been key in negotiating collective bargaining agreements in the RMG sector, significantly contributing to better working conditions. The Foundation supports the creation of safety, participation, and anti-harassment committees in factories, with a focus on issues critical to female workers, like daycare and maternity benefits. In communities, Awaj operates women's cafes providing legal aid, health services, and training on life skills and leadership. And at the advocacy level, Awaj Foundation works both nationally and internationally to promote structural changes for better working conditions. Awaj campaigns globally for accountability in supply chains regarding workers' rights violations, and is a member of various international solidarity networks advocating for human rights, gender justice, and migration²¹¹.

The Awaj Foundation also publishes reports, such as the Workers Voice Report, in which workers are surveyed on their views on wages, working hours, occupational health, perception of the workplace, exposure to abusive behavior, housing, accessibility, and more. Based on the results, current challenges and recommendations are assessed²¹².

As for local NGOs, they also often take the form of microfinancing/microcredit operations. Apart from larger microcredit organizations like the Grameen Bank and the Association for Social Advancement (ASA) who receive foreign funding, most microfinancing institutions are grassroots. However, microcredit schemes, while designed to aid the financially disadvantaged, can often resemble traditional banking operations, especially in their imposition of high interest rates. This discrepancy has sparked criticism, questioning the philanthropic integrity of certain NGOs engaged in microfinancing²¹³.

Critics of microfinancing also challenge its efficacy and ethical implications, given its varying outcomes. One significant concern is that microfinance doesn't always foster economic empowerment or elevate living standards, with the pressures of loan repayment

²⁰⁹ Proshika: A Centre for Human Development, Online. Retrieved from: <https://www.proshika.org/>

²¹⁰ Gonoshahajjo Sangstha (GSS), *Education Above All*. Online. Retrieved from: <https://admin.educationaboveall.org/our-partners/gonoshahajjo-sangstha-gss>

²¹¹ Our Work, *Awaj Foundation*. Online. Retrieved from: <http://awajfoundation.org/our-work/>

²¹² *Workers' Voice Report 2016: The Working Conditions in Bangladesh's RMG Industry after Rana Plaza*, 2016. Online. Awaj Foundation. Retrieved from:

<http://awajfoundation.org/wp-content/uploads/2018/12/Workers-Voice-Report-2016.pdf>

²¹³ ISLAM, Shahidul, 2016. The NGOs Sector in Bangladesh: Emergence, contribution and Current Debate. *Advances in Asian Social Science*. 2016. Vol. 7, no. 2 p. 1182-1188.

occasionally leading to adverse effects such as further indebtedness. Moreover, while the empowerment of women is a stated goal of many microfinance schemes, the reality is that positive outcomes in gender equality and empowerment can greatly fluctuate based on individual circumstances and the operational model of the microfinance institution in question. High repayment demands exert immense pressure on borrowers, undermining the objectives of empowerment and social development²¹⁴.

While microcredit has been lauded as a transformative approach to combating poverty and fostering economic empowerment, particularly among women, a deeper examination uncovers a spectrum of results. The critics point to issues like loan repayment stress, the potential for exacerbating debt, and mixed impacts on women's empowerment and broader social development. The discourse prompts a reevaluation of microfinancing frameworks to ensure they genuinely support the welfare and advancement of the underprivileged, addressing the ethical considerations and consequences of such initiatives²¹⁵.

3.9 Analysis of NGO activity

To reiterate, the top-down approach involves collaboration with national governments to enact and enforce systemic changes through advocacy, capacity building, naming and shaming, and both the reporting and monitoring of labor standards. Large foreign NGOs like the Fair Labor Organization, Clean Clothes Campaign and the Worker Rights Consortium have been able to engage in lobbying and advocacy for stronger labor laws. These NGOs were among the signatories of the 2013 Accord in Bangladesh, which aimed to improve factory safety standards and workers' rights significantly. However, the potential delays in policy implementation as well as the dubious enforcement of said laws remain key challenges. The naming and shaming component can be effective in attracting international attention but may also lead to resistance from the government if perceived as external interference. The Bangladeshi government has been rather two-faced on this issue, adopting laws due to NGO pressure but then failing to effectively enforce them as well as repressing their own people should they engage in labor activism.

The intermediary approach emphasizes empowerment through collective action and includes partnerships with local advocacy groups, unions, and civil societies. Currently, the only influential labor NGO in Bangladesh that focuses on working closely with unions and within companies is the Awaj Foundation. And we must not forget NGOs' input in the creation of BIGU, the largest RMG industry union in Bangladesh – though it is important to note that this occurred back in the 1990s and the BIGU has since become a trailblazer in its own right. Both the Awaj Foundation and the BIGU have had their successes, but they appear to operate on separate tracks. Perhaps more integration between NGOs and unions would serve the country's workers well.

²¹⁴ NOGUEIRA, Serafim, DUARTE, Fábio and GAMA, Ana Paula, 2020. Microfinance: where are we and where are we going? *Development in Practice*. Online. 2 October 2020. Vol. 30, no. 7 p. 874-889. DOI 10.1080/09614524.2020.1782844.

²¹⁵ MADER, Philip, 2017. Microfinance and Financial Inclusion. In: *The Oxford Handbook of the Social Science of Poverty*. Online. Oxford University Press. p. 843-865. ISBN 0199914052.

The bottom-up approach focuses directly on the grassroots level and seeks to empower individuals by providing education, legal aid, and direct community engagement. It aims at arming the workforce with the knowledge and tools needed to advocate for themselves. The work done by GSS (Gonoshahajjo Sangstha) and Proshika in providing local community support and fostering self-reliance among the working poor aligns well with the bottom-up approach. Another example of an NGO engaged in activities that could be categorized within this approach is the AFL-CIO Solidarity Centre. Through their Worker Community Centers (WCCs), the organization is able to educate and empower workers. Moreover, the Center provides legal assistance to employees in Bangladesh's export-processing zones (EPZs), areas where forming and joining unions is hindered by legal barriers. The bottom-up approach is crucial for immediate and tangible improvements in the lives of workers and has a strong track record of cultivating self-reliance and resilience. Nevertheless, without integration into broader systemic or intermediary support structures, its impacts may be localized or short-lived. Furthermore, almost every local NGO I have researched was engaged in microfinancing in varying capacities. This may cause the microfinancing market to be oversaturated as well as delegitimize the NGO in the eyes of the people. Generally, it seems that Bangladeshi NGOs need to be more diligent in picking their battles to avoid stretching themselves out too thin.

Approach	Method	Result
Top-Down	Engagement through advocacy, capacity building, and lobbying for systemic changes at the government level.	Some success in the form of the 2013 Accord as well as RMG wage increases in 2013 and 2018. Questionable enforcement of passed law. Potential government resistance.
Intermediary	Collaboration between NGOs and local groups such as unions and civil societies for collective action.	Moderate success through improved working conditions at certain factories. Lack of integration between unions and NGOs. Government and employer backlash to labor activists.
Bottom-Up	Direct support for workers through education, legal aid, and community support with initiatives focusing on	Directly aiding workers through education and fostering financial independence.

	empowerment at the individual level.	While significant at the individual or community level, this approach might not result in broader systemic change. The prevalence of microfinancing initiatives by almost every local NGO could dilute effectiveness and trust among the target populations.
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Table 3: The methods and results of the three approaches in Bangladesh

3.10 Chapter conclusion

The effort by NGOs to ameliorate labor conditions in Bangladesh has undeniably been substantial. The dedication and commitment of both global and local NGOs to this cause are evident, reflecting an intense push towards bettering the plight of workers in the country. These efforts have spanned a range of approaches, from advocating for legislative reforms to directly empowering workers through education and legal assistance. However, despite these commendable endeavors, an analysis grounded in the documented outcomes and impacts leads to a complex conclusion. Due to challenges such as government resistance, lack of effective law enforcement, and employer backlash against labor advocates, it becomes difficult to dismiss the null hypothesis that there have not been significant, clear-cut improvements in labor conditions as a direct result of NGO activities. That is not to say that progress has been stalled entirely, but rather that the changes sought by NGOs have yet to fully materialize in tangible improvements for the workers.

4 Indonesia

4.1 Background

The Republic of Indonesia officially exists since the 27th of December 1949. Although its leaders Sukarno and Hatta had already proclaimed independence mere days after the end of the Second World War, it was not until four years (and multiple bloody battles, culminating in a UN-mandated round table) later that the Netherlands finally relented and agreed with the establishment of a sovereign Republic of Indonesia. What followed next was a period of economic nationalism, also known as “Indonesianization” or “*Socialisme à la Indonesia*”²¹⁶.

Previously Dutch-owned businesses were nationalized and many of them were put into the hands of government officials and military personnel. Since the people in charge had little to no experience with running businesses, the efficiency of Indonesia’s economy suffered greatly. Furthermore, ever since colonial times, many trades in Indonesia were dominated by ethnically Chinese residents – particularly intermediate trade, rice milling, and money lending. The government instituted policies that were supposed to transfer these parts of the economy into the hands of native Indonesians. However, since natives were unable to fully step up to fill these roles, and also because these policies were very quickly abandoned after Indonesia’s relations with China deteriorated, the grip these businessmen had on Indonesia’s economy has not really loosened. On the contrary, many of them filled the void left behind by Dutch businessmen. And while their business acumen greatly helped in boosting the economy, wealth disparities between the rich Chinese businessmen and the poor locals began to rise, and ethnic tensions followed. This eventually escalated into riots, especially in Solo and Jakarta²¹⁷.

While Sukarno’s government made some attempts at modernizing Indonesia’s industry, the establishment of a modern manufacturing sector truly began with Suharto’s “New Order” regime. This era saw a significant push towards industrialization, particularly during the lucrative oil boom of the 1970s. The effort was interrupted in 1982 due to a sharp fall in crude oil prices, which impacted Indonesia’s trade. This economic slowdown led to calls from economists both in and outside of the government for a shift towards a strategy that favored exports. What followed was a plethora of deregulation measures to attract private and foreign investments, particularly those aimed at export markets. A significant reform to encourage exports was the implementation of a duty exemption scheme in 1986.

²¹⁶ GLASSBURNER, Bruce, 2007. *The Economy of Indonesia: Selected Readings*. p. 16-27. Equinox Publishing. ISBN 9789793780559.

²¹⁷ THEE, Kian Wie, 2012. *Indonesia’s economy since independence*. p. 24-35. ISEAS Publishing. ISBN 978-981-4379-54-0.

What's more, in order to enhance the competitiveness of Indonesian exports, the Bank of Indonesia effectively devalued the rupiah, which led to a surge of non-oil exports after 1987²¹⁸.

However, this growth was halted by the Asian financial crisis in the late 1990s, which severely affected Indonesia's economy and particularly its manufacturing sector. An unfavorable shift in global markets led to rapid currency depreciation in Thailand, Indonesia and South Korea. Indonesian authorities' efforts, including interest rate hikes and fiscal tightening, were unable to stabilize the rupiah, prompting an appeal to the IMF for a bailout tied to a broad reform agenda. Despite the IMF's support, the rupiah and Indonesia's economy continued to plunge. The Indonesian government eventually set up an agency to restructure troubled banks, but this came at a significant cost which Indonesia is still repaying to this day. Political resistance to reforms hindered recovery efforts as well. Ultimately, the combination of economic downturn, ineffective government response, as well as the aforementioned racial tensions gave rise to a political crisis, leading to President Suharto's resignation in 1998. The Indonesian economy was in shambles, and relied heavily on international aid²¹⁹.

By 2000, the economy was on the upswing again. After the fall of Suharto, the Reformasi government introduced new civic freedoms which led, among other things, to the creation of many labor unions. These unions have become significantly more vocal and assertive in their demands for higher minimum wages, better severance packages, and improved working conditions. In addition, the government has implemented regulations regarding dismissal procedures and social security, which have raised the costs associated with employing labor in Indonesia. These reforms, along with the 2003 Labour Law – itself quite a progressive law, containing provisions restricting child labor, invoking non-discrimination, enacting special protections for pregnant women and disabled people, as well as setting up the legal basis for vocational training, wage determination, occupational safety and health, dispute resolution, labor unions, strikes, and more²²⁰ – were deemed “business-unfriendly”, which led to somewhat stunted growth ever since (about 4-6% per year, compared to 7-9% in the pre-crisis years)²²¹. Still, due to its diverse export lineup – from petroleum and petrochemicals to precious metals, palm oil, fish and seafood, garments and footwear, as well as auto parts and electronics – Indonesia was able to climb to eighth place in GDP by Purchasing Power Parity (PPP) in 2023, securing its place as a powerful player on the global field²²². Furthermore, in 2020 the government introduced the Job Creation Law, which rolled back several provisions

²¹⁸ *ibid*, p. 168-170.

²¹⁹ *ibid*, p. 74-87.

²²⁰ *Law Number 13/2003 Concerning Manpower*. Online. 2003. Retrieved from: [http://www.flevin.com/id/lgs0/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20\(BKPM\).pdf](http://www.flevin.com/id/lgs0/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20(BKPM).pdf)

²²¹ THEE, Kian Wie, 2012. *Indonesia's economy since independence*. p. 141-169. ISEAS Publishing. ISBN 978-981-4379-54-0.

²²² *GDP, PPP (current international \$)*, 2023. Online. International Comparison Program, World Bank.

Retrieved from:

https://data.worldbank.org/indicator/NY.GDP.MKTP.PP.CD?most_recent_value_desc=true&skipRedirection=true&view=map

and employee protections that the 2003 law provided²²³. The changes related to severance pay, minimum wage determination, dismissal conditions, rest times, and more. What's more, this law, just like the one before it, still fails to include informal workers like homeworkers, domestic workers, or those in non-standard employment arrangements²²⁴, something which NGOs have been pointing out since circa 2007²²⁵.

4.2 Wages

From 2000 to 2020, Indonesia experienced significant shifts in its wage landscape, reflecting broader economic changes and growth. According to data from the ILO, average monthly wages in Indonesia saw a considerable increase, escalating from about 430196.73 IDR or 202 PPP \$ in 2000 to approximately 2589312.73 IDR or 480 PPP \$ by 2020. This change not only reflects a significant boost in nominal terms but also indicates improvements in real wages when adjusted for inflation, showcasing an improved purchasing power among employees over these two decades.

Interestingly, wage inequality appeared to have been decreasing approximately since the 1990s until the late 2000s due to strong minimum wage legislation²²⁶.

The effects of these changes are also reflected in the working poverty rate. The percentage of employed individuals living below the poverty line decreased sharply from about 40% in 2000 to under 5% in 2020²²⁷.

²²³ RISFA IZZATI, Nabiyla, 2022. Deregulation in Job Creation Law: The Future of Indonesian Labor Law. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*. Online. 2022. Vol. 9, no. 2 p. 191-209. DOI 10.22304/pjih.v9n2.a3.

²²⁴ HAMID, Adnan, 2021. A critical study of the Job Creation Law No. 11 of 2020 and its implications for labor in Indonesia. *International Journal of Research in Business and Social Science (2147- 4478)*. Online. 2021. Vol. 10, no. 5 p. 195-206. DOI 10.20525/ijrbs.v10i5.1271.

²²⁵ *Indonesia: Government failing exploited domestic workers*, 2007. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/asa21/002/2007/en/>

²²⁶ CHUN, Natalie and KHOR, Niny, 2010. Minimum Wages and Changing Wage Inequality in Indonesia. *ADB Economics Working Paper Series, Asian Development Bank*. Online. 2010. No. 196p. 1-29. Retrieved from: <https://ssrn.com/abstract=1632245>

²²⁷ *Working poverty rate, Indonesia, 2000-2020*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

Working poverty rate (percentage of employed living below US\$2.15 PPP)

Data sourced from the International Labour Organization (<https://ilostat.ilo.org>)

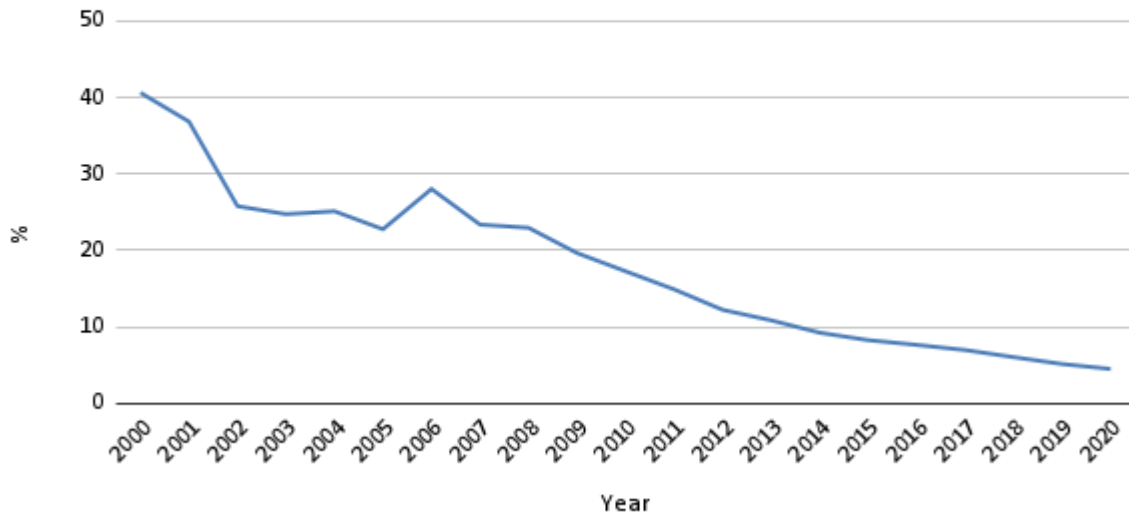


Figure 6: Working poverty rate (percentage of employed living below US\$2.15 PPP) 2000-2020

The minimum wage situation is more complicated. While the average wages have increased more or less steadily²²⁸, the minimum wage experienced a significant drop in 2015-2016²²⁹. This is because in late 2014, the Indonesian government introduced a new regulation which was implemented starting from 2016. This regulation substantially altered the mechanism for calculating the minimum wage as well as its annual increase across Indonesia, leading to a drop²³⁰.

²²⁸ *Average monthly earnings of employees by sex and economic activity, Indonesia, 2000-2019*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

²²⁹ *Statutory nominal gross monthly minimum wage, Indonesia, 2000-2019*. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

²³⁰ *Government Regulation (PP) Number: 78 Year 2015 Concerning Manpower Wage*. Online. 2015. Retrieved from: <https://www.apbi-icma.org/uploads/files/old/2015/11/PP-78-2015-32-131-chrs32-pages-san.pdf>

Average and minimum monthly wage 2000-2019

Data sourced from the International Labour Organization (<https://ilostat.ilo.org>)

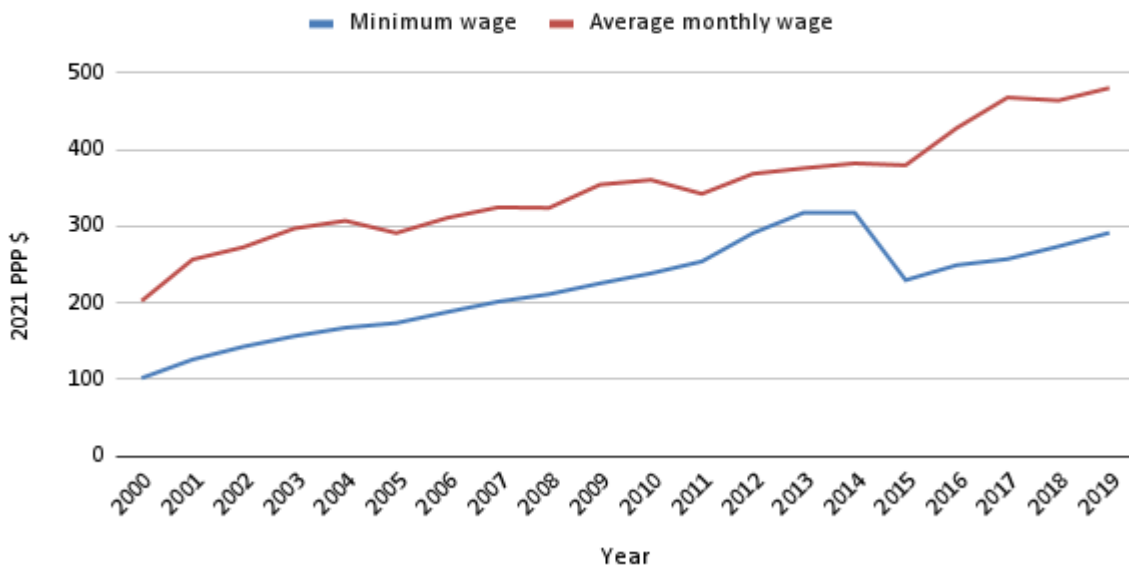


Figure 7: Average and minimum monthly wage 2000-2019 (total sex and economic activity aggregate)

In 2000, wages were low and poverty was high, due to the country still recovering from the 1997 financial crisis. According to a 2002 ILO report, wages dropped by 40% in the first year of the crisis, and remained 10% below pre-crisis levels by 2000. The report also found out that while there is a relationship between wages and the incidence of poverty in various sectors – agriculture, being the least paid sector with wages at 54% of the national average, also had the highest poverty concentration while the finance sector, with wages 75% above the national average, had the lowest poverty incidence – it is not always clear-cut and precise – for example, mining and quarrying sectors had relatively high wages yet experienced higher poverty rates compared to manufacturing, which had lower relative wages²³¹.

Though Indonesia has since been able to greatly reduce the working poverty rate and introduced new labor legislation, just like in the case of Bangladesh, the law is not always followed. For instance, FLA reports indicate that in 2021, only one out of three assessed factories respected minimum wage laws. A factory producing goods for New Balance paid their employees more than the minimum wage, though they still faced issues regarding social security and retirement benefits, which they calculated based on the local minimum wage and

²³¹ ISLAM, Iyanatul, 2002. *Poverty, Employment and Wages: An Indonesian Perspective*. Online. ILO - JMHLW - Government of Indonesia Seminar on Strengthening Employment and Labour Market Policies for Poverty Alleviation and Economic Recovery in East and Southeast Asia. Retrieved from: https://www.researchgate.net/profile/Iyanatul-Islam/publication/255490038_Poverty_Employment_and_Wages_An_Indonesian_Perspective/links/54ca40ea0cf2517b755dd8e9/Poverty-Employment-and-Wages-An-Indonesian-Perspective.pdf

not the actual wages paid to employees²³². The other two factories, producing goods for Amer Sports and KMD Brands respectively, did not honor minimum wage legislation. Both factories had special permission from the local government to temporarily lower wages in 2020 to stay afloat during the COVID-19 pandemic, on the condition that workers will be paid back in 2021. However, KMD Brands issued no backpay and the factory now owes 326899,62 IDR to each worker²³³. Similarly, Amer Sports only paid back workers for part of this period, not the full 12 months. Furthermore, they calculate overtime pay incorrectly, paying workers only 30% extra instead of the 50% required by law²³⁴. Despite clear guidelines and legal requirements, these instances demonstrate a troubling indifference toward adhering to wage laws and regulations, reflecting a broader challenge in ensuring compliance and fair labor practices. It is important to note, however, that this is in large part due to the COVID-19 pandemic. In 2020, BetterWork – a collaborative project between the ILO and the International Finance Corporation (IFC) – published an annual report, summing up their findings from the year 2019. They found that 92% of employers pay the correct district minimum wage to permanent full-time workers for ordinary hours of work. Additionally, 89% of employers ensure the correct district minimum wage is paid to non-permanent full-time workers for their ordinary hours of work. Moreover, 94% of factories provide a wage that is higher than the district minimum for both permanent and non-permanent workers who have been with them for more than a year²³⁵.

4.3 Work hours

Official data shows practically no change in hours of work over the 20 year span. The amounts were nearly the same in 2000 and 2020, with minute ebbs and flows in between.

²³² *Fair Labor Association: Independent External Factory Assessment – New Balance Athletics Inc.*, 2021. Online. Fair Labor Association. Retrieved from:

https://fla.fairfactories.org/fla_files/pdf_files/2020_Indonesia_New%20Balance.pdf

²³³ *Fair Labor Association: Independent External Factory Assessment – KMD Brands*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2010.pdf

²³⁴ *Fair Labor Association: Independent External Factory Assessment – Amer Sports*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1845.pdf

²³⁵ *Annual Report: Creating an Impact on Every Level*, 2020. Online. Better Work Indonesia. Retrieved from: <https://betterwork.org/wp-content/uploads/Indonesia-report-english-version.pdf>

Mean weekly hours actually worked per employed person 2000-2020 (total sex, age and economic activity aggregate)

Data sourced from the International Labour Organization (<https://www.ilo.org>)

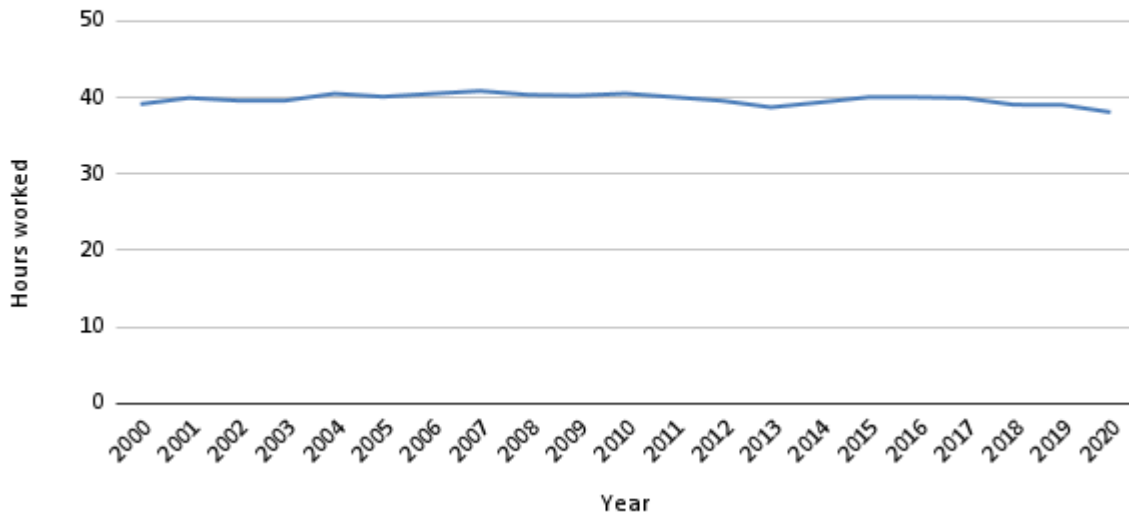


Figure 8: Mean weekly hours actually worked per employed person 2000-2020

However, the situation was more nuanced at the turn of the millennium. Since the country was recovering from a major crisis, there were large disparities in the workforce. A 2002 report created as a result of a tripartite collaboration between the ILO, the government of Japan and the government of Indonesia found that in the aftermath of the crisis, there was both a rise in underemployment (percentage of the population who worked 35 hours a week or less) as well as long working hours (over 45 hours weekly), depending on the sector and location. Underemployment peaked in 1998 at 39.1%, then declined to 33.3% by 2001. Working over 45 hours/week increased for both men and women post-crisis, reaching nearly 60% in some sectors by 2000. Agriculture experienced a decline in the share of employment at first, which reversed from a decrease to 41% in 1997 to 45% in 1998. Manufacturing, trade and services saw increases in the proportion of workers working over 45 hours/week. Intrinsically, this reflected in the rural-urban divide, with 53.3% of people working over 45 hours/week in 2001 (compared to 51.1% in 1996), and 41.8% of people working less than 35 hours/week, though this number did decrease from 47.8% in 1996²³⁶.

The 2020 Better Work report mentions that overtime remains a widespread problem across the country, with two-thirds of factories not adhering to the established limits. The issue arises not only from inadequate production planning and productivity but also from factors outside the direct control of the factories, such as sourcing practices of buyers. Regarding regular hours, non-compliance is often due to attendance records not accurately reflecting the

²³⁶ *Labour Market Policies and Poverty Reduction Strategies in Recovery from the Asian Crisis: Report of The ILO – Japan – Government of Indonesia, Tripartite Sub-Regional Seminar, 2002*. Online. International Labour Organization. Retrieved from: http://www.ilo.org/public/libdoc/ilo/2002/102B09_288_engl.pdf

hours that employees actually work, as per the employers' reports. Despite a high rate of non-compliance, there has been a noted improvement in overtime hours in factories participating in the program for an extended period. Specifically, there has been a 10% improvement from the first year of the program to five years within the program²³⁷.

This is consistent with FLA reports, which mention that in the Amer Sports athletic wear factory, due to frequent power outages, about 70% of records from the finger scan system fail to capture both check-in and check-out times. The factory instead relies on manual attendance logs and overtime agreement forms, inadequately tracking altered work hours. Additionally, workers are not informed about overtime until 60-90 minutes before the shift ends and are not adequately notified about changes or reasons for overtime, such as electricity blackouts²³⁸. The KMD Brands report does not mention overtime for employees in manufacturing, but it does note that all security guards in the factory are assigned 12-hour shifts daily, leading to a total of 66 working hours per week. Moreover, during the assessment, they noticed one guard working for almost 24 hours consecutively due to a double shift²³⁹. The New Balance report does not contain any severe violations in the Hours of Work category, meaning that the factory probably mostly follows the law in this regard²⁴⁰.

Additionally, a Clean Clothes Campaign report from 2020 reveals discrepancies between reported and actual overtime hours in garment factories. Most workers claimed to work under 10 hours of overtime monthly. However, payslip data often contradicted these claims, with only 14 out of 221 cases aligning. They found that generally, overtime did not exceed legal limits among the sampled workers, but those with wage deductions due to absences frequently worked extra hours, likely to compensate for lost wages. The detailed examination underscored the importance of reliable payslip data for reliably assessing real overtime hours and wages²⁴¹.

4.4 Workplace safety, working conditions

According to the aforementioned WHO/ILO report, both workplace deaths and DALYs have actually gone up in Indonesia, registering 50 deaths per 100000 population in 2000, 52.7 in 2010 and 53.9 in 2016. DALYs are also high, at 2509.0 DALYs per 100000 population in

²³⁷ *Annual Report: Creating an Impact on Every Level*, 2020. Online. Better Work Indonesia. Retrieved from: <https://betterwork.org/wp-content/uploads/Indonesia-report-english-version.pdf>

²³⁸ *Fair Labor Association: Independent External Factory Assessment – Amer Sports*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1845.pdf

²³⁹ *Fair Labor Association: Independent External Factory Assessment – KMD Brands*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2010.pdf

²⁴⁰ *Fair Labor Association: Independent External Factory Assessment – New Balance Athletics Inc.*, 2021. Online. Fair Labor Association. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2020_Indonesia_New%20Balance.pdf

²⁴¹ *Ever Cheaper, Ever Faster: findings from field research in sportswear factories in China and Indonesia*, 2020. Online. Clean Clothes Campaign. Retrieved from: <https://cleanclothes.org/file-repository/ever-cheaper-ever-faster.pdf>

2000, 2617.8 in 2010 and 2619.5 in 2016²⁴². This is more than both China and Bangladesh, yet it does not get as much attention, perhaps in the absence of a big “representative” tragedy like the Rana Plaza in Bangladesh, or perhaps because most of these incidents happen in typically rural sectors. A 2004 ILO report identified the five most hazardous industries in Indonesia as agriculture, construction, mining and quarrying, forestry, and fishing. The main risks included injuries from heavy machinery, illnesses related to heat and extreme weather, repetitive strain injuries, exposure to hazardous materials such as pesticides, solvents, asbestos or dust, hearing damage due to noise, gas explosions, drowning risks and accidents caused by poor vessel conditions, and injuries from tree felling due to inadequate protective gear and tools. According to the author, the root causes of the issue were low OSH (Occupational Safety and Health) awareness among workers as well as medical doctors, and an inadequate legislative framework²⁴³.

As for education and awareness, reports suggest possible improvement in some areas, but a severe lack in others. A 2021 survey of 440 young workers (aged 15-24) from 4 construction companies found out that the workers demonstrated good knowledge and understanding of OSH along with a positive attitude towards OSH standards, and 74% thought that their company is good in compliance with OSH regulations. However, there were still some major red flags regarding their health and safety. For one, most respondents were heavy smokers and drinkers, which affected not only their health directly, but also their alertness and energy levels at work, leading to more accidents. Furthermore, only a few of them said they get a full 8 hours of sleep at night, and many were dealing with work-related stress, further impacting their capabilities and awareness. Supervision and legal punishment for lack of compliance appear to be weak as well²⁴⁴. In contrast, another survey revealed that farmers from the To Bentong tribe in the Bulo village experience pains due to improper work positions and heavy lifting, and their knowledge of OSH and personal protection equipment is insufficient. Infrequent usage of protective gear by key informants increases accident risks. Additionally, the farmers prefer accessible traditional medicine, such as massages for back pain, typically avoiding health services unless necessary. Hence, regular OSH education and risk warnings are required²⁴⁵. In regard to manufacturing, there are violations as well, typically regarding insufficient schooling on fire safety and emergency procedures²⁴⁶, improperly installed fire

²⁴² WHO/ILO joint estimates of the work-related burden of disease and injury, 2000-2016: global monitoring report, 2021. World Health Organization and the International Labour Organization. p. 5-16. ISBN 978-92-2-035432-2. Retrieved from: <https://www.who.int/publications/i/item/9789240034945>

²⁴³ MARKKANEN, Pia K., 2004. *Occupational Safety and Health in Indonesia*. Online. The International Labour Organization. Retrieved from: http://www.ilo.org/public/libdoc/ilo/2004/104B09_101_engl.pdf

²⁴⁴ SUSILOWATI, Indri Hapsari et al., 2021. Rapid Assessment on Occupational Health and Safety Issues Faced by Young Workers in Indonesia Construction Sectors. In: *Proceedings of the 21st Congress of the International Ergonomics Association (IEA 2021)*. Online. Springer International Publishing. p. 205-212. Lecture Notes in Networks and Systems. ISBN 978-3-030-74610-0.

²⁴⁵ RISWAL, Muhammad, MALLAPIANG, Fatma and MULTAZAM, Andi, 2021. Occupational Safety and Health Behaviors among Agricultural Workers in Rural Area Indonesia. *Journal of Aafiyah Health Research*. Online. 2021. Vol. 2, no. 2 p. 1-13. DOI 10.52103/jahr.v2i2.558.

²⁴⁶ *Fair Labor Association: Independent External Factory Assessment – Amer Sports*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1845.pdf

alarms²⁴⁷ and insufficient safety equipment²⁴⁸. According to BetterWork, out of the factories they assessed, 59% still did not have a certified chemical officer and 51% did not maintain safety data sheets for hazardous chemicals. On the other hand, a high percentage of factories had effective OSH Committees (87%), provided necessary training (95%), conducted emergency drills (98%), and addressed health risks to women (97%). Non-compliance was highest for chemicals and hazardous substances (83%), emergency preparedness (77%), health services and first aid (71%), OSH management systems (76%), welfare facilities (46%), and worker protection working environment (79%)²⁴⁹.

The climbing numbers of workplace deaths and injuries has not escaped the notice of the government, who had passed a number of laws and regulations pertaining to OSH in the last 10 years. For instance, the Presidential Regulation No. 21 of 2010 on Labour Inspection²⁵⁰, Government Regulation No. 50 of 2012, Regulation of the Minister of Manpower No. 26/2014, Regulation of the Minister of Manpower No. 5/2018 on Occupational Safety and Health at Work Environment²⁵¹, or the Government Regulation Number 88 of 2019 on Occupational Health²⁵². Furthermore, ongoing efforts to improve OSH conditions recently reflected in various programs and collaborations with international organizations such as the International Labour Organization (ILO)²⁵³.

In conclusion, while there has been noticeable progress in the manufacturing sector, the most hazardous industries still lag behind. This uneven progress stresses the need for a more industry-specific approach and continuous education to address the persistent gaps in knowledge, lackluster oversight and punishment for non-compliance, as well as lifestyle choices that affect worker safety and health across various sectors.

²⁴⁷ Fair Labor Association: *Independent External Factory Assessment – New Balance Athletics Inc.*, 2021. Online. Fair Labor Association. Retrieved from:

https://fla.fairfactories.org/fla_files/pdf_files/2020_Indonesia_New%20Balance.pdf

²⁴⁸ Fair Labor Association: *Independent External Factory Assessment – KMD Brands*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2010.pdf

²⁴⁹ *Annual Report: Creating an Impact on Every Level*, 2020. Online. Better Work Indonesia. Retrieved from: <https://betterwork.org/wp-content/uploads/Indonesia-report-english-version.pdf>

²⁵⁰ *National Occupational Safety and Health (OSH) Profile in Indonesia*, 2018. Online. Ministry of Manpower Indonesia. Retrieved from: https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-jakarta/documents/publication/wcms_711991.pdf

²⁵¹ Indonesia, Occupational Safety and Health, 2019. *Enviliance Asia*. Online. Retrieved from: <https://enviliance.com/regions/southeast-asia/id/id-osh>

²⁵² Gov't Issues New Regulation on Occupational Health, 2020. *Cabinet Secretariat of the Republic of Indonesia*. Online. 2020. Retrieved from:

<https://setkab.go.id/en/govt-issues-new-regulation-on-occupational-health/>

²⁵³ Indonesia launches its five-year national occupational safety and health programme 2024-2029, 2024. *International Labour Organization*. Online. 2024. Retrieved from:

<https://www.ilo.org/resource/news/indonesia-launches-its-five-year-national-occupational-safety-and-health>

4.5 Child labor, forced labor

According to the World Bank's World Bank 2002 World Development Indicators report, 8% of children aged 10-14 were employed in the labor force in the year 2000²⁵⁴. By 2019, the number dropped significantly, to 2.6%²⁵⁵.

Indonesia's government has implemented several policies aimed at eradicating child labor. In 1990, Indonesia ratified the United Nations Convention on the Rights of the Child, reinforcing its commitment through its Constitution and a series of national laws. These laws include Law No. 39 of 1999 concerning human rights and Law No. 23 of 2002 on child protection, which was later expanded by Law No. 35 of 2014. Together, these laws integrate most global human rights standards, including all principles outlined in the Convention on the Rights of the Child. Despite these efforts, there are discrepancies within Indonesian laws, which sometimes fall short of international standards. The enforcement of these laws is challenged by legal loopholes exploited by companies, along with general enforcement difficulties, leading to widespread non-compliance²⁵⁶.

In Indonesia, the factors contributing to child labor are primarily economic in nature, contrasting with Bangladesh, where cultural aspects also play a significant role. Child labor in the late 1990s and early 2000s was largely caused by the 1997 crisis. A report by UNICEF, titled *The State of the World's Children*, outlines the impact of the crisis on impoverished families. The report describes the case of Rini, a 13 year old girl from the suburbs of Jakarta, whose family was getting by until the economic crisis hit and her father lost his job. Though Rini's mother got a job as a seamstress and earned enough to provide for Rini's school fees, the family's situation hung in the balance. Still, Rini could count herself among the "luckier" ones – as millions of children in Indonesia were pulled out of schools to help their families earn money. The crisis has had devastating effects, hitting the poorest families hardest, especially women and children. The collapse of businesses and the closure of a million jobs have plunged many into extreme poverty. Numerous families had to cut their meals from three to one daily, struggling to afford even basic necessities. The Indonesian Government estimates that nearly half of the nation's population, or 100 million people, face difficulties in getting enough food, leading to over 2 million children under five suffering from malnutrition. Desperation has driven some to give up their children, giving rise to a significant number of 'economic orphans'. The crisis has taken a toll on education as well, with about 20% of girls and 14% of boys in Jakarta's impoverished districts dropping out of school in 1998. This increase in uneducated children is setting the stage for a 'lost generation,' which could have long lasting effects over several generations²⁵⁷.

²⁵⁴ *World Development Indicators*, 2002. Online. The World Bank. Retrieved from: <https://documents1.worldbank.org/curated/en/475281468159895302/pdf/multi0page.pdf>

²⁵⁵ *Proportion of children engaged in economic activity (%)*, 2019, Online. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

²⁵⁶ PASARIBU, Stephany Iriana and VANCLAY, Frank, 2021. Children's Rights in the Indonesian Oil Palm Industry: Improving Company Respect for the Rights of the Child. *Land*. Online. 2021. Vol. 10, no. 5. DOI 10.3390/land10050500.

²⁵⁷ *The State of the World's Children 2000*, 2000. Online. UNICEF. Retrieved from: <https://www.unicef.org/reports/state-worlds-children-2000>

Despite significant progress in the elimination of child labor – the aforementioned Better Work report has found no instances of either child labor or forced labor in the factories they assessed²⁵⁸ – not all industries operate equally in that regard. In 2016, Amnesty International published a report titled *The Great Palm Oil Scandal*. In it, they reveal that workers on plantations often involve their family members, including children, to meet work targets and earn bonuses, despite Indonesian laws against child labor. Children as young as eight are documented working in hazardous conditions, which poses risks to their health and safety. One worker mentioned that the foreman praised him because his son was helping out. The son in question had to drop out of school when he was ten years old in order to help his father at the plantation. Meanwhile, a senior manager at the company seemed to ignore the presence of children on the plantation altogether. This practice contradicts both Indonesian and international law, as well as the policies of Wilmar, the parent company of the involved plantations and suppliers. Wilmar responded to evidence of child labor by emphasizing their investments in education and childcare, and by stating their policy against child labor. However, their business practices, such as low wages and harsh penalties, contribute to the problem. The company has been accused of failing to acknowledge its role in sustaining conditions leading to child labor, instead shifting the blame to parents and workers. The palm oil industry in Indonesia is problematic on multiple fronts including wages, work hours, work safety, and gender discrimination. Due to high demand (palm oil is used in 50% of common consumer products, such as foodstuff, cosmetics, and as biofuel), companies are very often skirting worker rights to keep up with their quota²⁵⁹.

A study conducted in 2021 showed some improvements in that regard. Out of the 12 assessed palm oil plantations across Indonesia, all showed moderate improvement in awareness of children's rights. However, there were still large gaps and many issues pertaining to children's rights, and the commitment of the oil palm companies to respecting children's rights was primarily based on the perceived benefits to the companies themselves, rather than genuine respect for children's rights²⁶⁰.

In short, though Indonesia has made leaps towards eliminating child labor, there are still industries in which it is a common occurrence. Unlike in Bangladesh, where the issue is multifaceted and contains economic as well as cultural elements, child labor in Indonesia seems to only appear out of necessity or as a last resort. As such, there is no guarantee that it will not surge again during a crisis, as the enforcement of the law is spotty and lackluster.

Another area which is rife with child labor, as well as forced labor and trafficking, is domestic work. This is a multifaceted issue that affects mainly poor Indonesian women and girls. The plight of domestic workers was first picked up on in the mid-2000s. A 2007

²⁵⁸ *Annual Report: Creating an Impact on Every Level*, 2020. Online. Better Work Indonesia. Retrieved from: <https://betterwork.org/wp-content/uploads/Indonesia-report-english-version.pdf>

²⁵⁹ *The Great Palm Oil Scandal: Labour Abuses Behind Big Brand Names*, 2016. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/ASA21/5184/2016/en/>

²⁶⁰ PASARIBU, Stephany Iriana and VANCLAY, Frank, 2021. Children's Rights in the Indonesian Oil Palm Industry: Improving Company Respect for the Rights of the Child. *Land*. Online. 2021. Vol. 10, no. 5. DOI 10.3390/land10050500.

Amnesty International report highlights the harrowing experiences of Ratna, who was forced into domestic work at the age of 13 after her father's death made it impossible for her family to afford her schooling. Recruited with a promise of a fair wage, she was instead grossly underpaid and subjected to severe physical abuse by multiple employers, including being spat at, slapped, denied food for three consecutive days, or having hot water thrown at her for alleged unsatisfactory work. She was forced to sleep on the kitchen floor or in an unsanitary storage room and often worked from 5AM to midnight. She was denied regular contact with her family and when her mother reached her to inform her of her oldest sister's death, she was not permitted to have a day off to attend the funeral²⁶¹.

In Indonesia, numerous women domestic workers, like Ratna, endured human rights abuses within the workplace. Beginning as early as 12 years old, these workers faced economic exploitation, harsh working conditions, and gender-based discrimination, including physical, psychological, and sexual violence, with some even losing their lives. With an estimated 2.6 million domestic workers in the country, most poorly educated and from impoverished backgrounds, they were frequently regarded as second-class citizens. This was further exacerbated by gender biases that undervalued domestic work because it had been traditionally performed by women without pay for generations²⁶².

Why were such blatant human rights abuses allowed to continue for so long? Domestic workers in Indonesia were not covered by the legal protections dedicated to safeguarding workers' rights, notably absent in the 2003 Manpower Act. This legislation differentiated between employees of “businesses” or “social or other undertakings with officials in charge”, and other workers, relegating domestic workers to the latter group. As such, they were not granted protections like a legal minimum wage, a 40-hour workweek, and entitlements for breaks and holidays²⁶³.

Despite the insistence of multiple international organizations – Amnesty International themselves published multiple reports on the plight of domestic workers²⁶⁴ ²⁶⁵ – the government would not make changes to the law in order to accommodate domestic workers for many years. Though the number of domestic workers has since climbed to over 4 million, the new bill has been stuck in a legislative limbo and only been picked up again in 2020, and

²⁶¹ *Exploitation and abuse: the plight of women domestic workers*, 2007. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/wp-content/uploads/2021/07/asa210032007en.pdf>

²⁶² *ibid.*

²⁶³ *ibid.*

²⁶⁴ *Exploited for Profit, Failed by Governments: Indonesian Migrant Domestic Workers Trafficked to Hong Kong*, Online. 2013. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/ASA17/029/2013/en/>

²⁶⁵ *Indonesia: Domestic workers continue to be denied legal protection*, 2016. Online. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/asa21/4266/2016/en/>

then again in 2023. It was allegedly set to finally be released in February 2024²⁶⁶, but as of today, there has only been deafening silence.

The tragic situation got further exacerbated when domestic workers started being trafficked to other countries like Saudi Arabia, the United Arab Emirates, Malaysia, Singapore, and Hong Kong²⁶⁷. There, they may face even worse exploitation and abuse, amplified by the fact that they are secluded from family and friends and as such have no support system to fall back on. In some cases, their employer takes away their passport, rendering them unable to return home²⁶⁸. These practices sadly continue to this day. And although most of these migrant workers are women²⁶⁹, men are also facing severe human rights violations when working abroad, despite having more legal protections than domestic workers as they work under a contract. One such example was provided by Gunawan and Arumbinang (2021) who documented the inhumane treatment of Indonesian workers onboard a Chinese fishing vessel. Indonesian workers were forced to endure long hours with minimal rest, and drink unhealthy filtered sea water. Some experienced health issues like sore throats and breathing difficulties. Additionally, they faced unpaid wages despite their hard work. There were reports of exploitation leading to illness among Indonesian fishermen, with inadequate food and delayed salaries. Tragically, some died from their conditions, and their bodies were disposed of at sea²⁷⁰.

In 2017, the Protection of Indonesian Migrant Workers Law was passed. It significantly boosts the government's role in protecting migrant workers, transitioning many responsibilities previously held by the private sector. The law states that anyone looking to work abroad has the right to get clear details about job markets, how they will be placed in jobs, and what their work conditions will be like. It outlines a vertical approach to the dissemination of this information: the national government is required to relay information and overseas employment opportunities via the provincial governments. These, in turn, are tasked with making this information available to the general public through local government bodies at the village level²⁷¹. Furthermore, unlike its predecessor, the 2004 Law, which was

²⁶⁶ Domestic Workers in Indonesia Call for Passage of Long-delayed Protection Bill, 2023. *The Diplomat*. Online. 2023. Retrieved from: <https://thediplomat.com/2023/08/domestic-workers-in-indonesia-call-for-passage-of-long-delayed-protection-bill/>

²⁶⁷ JORDHUS-LIER, David and PRABAWATI, Debbie, 2018. Mobilities and moralities of domestic work in Indonesian cities. In: *The Routledge Handbook on Spaces of Urban Politics*. Online. Abingdon, Oxon ; New York, NY: Routledge: Routledge. p. 271-281. ISBN 9781315712468.

²⁶⁸ 'Why did you torture me?': A domestic worker's fight for justice, 2023. *British Broadcasting Corporation*. Online. 2023. Retrieved from: <https://www.bbc.com/news/world-asia-64753948>

²⁶⁹ *Exploited for Profit, Failed by Governments: Indonesian Migrant Domestic Workers Trafficked to Hong Kong*, Online. 2013. Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/ASA17/029/2013/en/>

²⁷⁰ GUNAWAN, Yordan and ARUMBINANG, Mohammad Hazyar, 2021. Indonesian Forced-Labour Crew in Chinese Vessel: A Human Rights Perspective. *Sociología y Tecnociencia*. Online. 2021. Vol. 11, no. 2 p. 115-133. DOI 10.24197/st.2.2021.115-133.

²⁷¹ *Information Dissemination to Achieve Safe Labor Migration: Technical Assistance to develop a pilot project for the Government of Indonesia to improve its service delivery to migrant workers*, 2019. Online. The World Bank. Retrieved from:

more concerned with the placement of workers, the 2017 Law pays more attention to the protection of workers. This paradigm shift is seen as a response to previous criticisms and is intended to better safeguard the rights and welfare of migrant workers. Furthermore, the law spells out protection measures in three phases: pre-work, during work, and post-work, ensuring a holistic approach to the welfare issues of migrant workers²⁷².

However, the division of these roles and responsibilities among different institutions is discussed very ambiguously, leading to some potential inefficiencies and overlaps. Additionally, there are concerns about the efficiency and effectiveness of implementing the law. Lastly, the law fails to address some very important issues such as contract termination, mistreatment of workers, or assistance for legal challenges workers may face abroad²⁷³.

To sum up, forced labor remains an urgent issue in Indonesia, reflecting deep-rooted problems of gender bias, economic hardship, and not so adequate legal safeguards. The harrowing experiences of domestic workers as well as migrant workers in various sectors underline the severe human rights abuses endured by millions of Indonesians. Despite ongoing discussions and proposed legislative changes, action has been sluggish and insufficient. It is critical that the Indonesian government, with support from international organizations and civil society, intensifies efforts to implement/improve legal protections for all workers.

4.6 Non-discrimination

The issue of women's rights has partly been addressed in the previous section, through the plight of the domestic workers. In other sectors, ie. those classified by the law as employed in "businesses" or "social or other undertakings with officials in charge", women do enjoy some legal protections in regards to pregnancy and maternity²⁷⁴.

Interestingly, the labor force participation of women has been stagnating, remaining virtually the same since 2000²⁷⁵. A study by Cameron, Suarez and Rowell (2020) sought to answer why this is so. They found that upon controlling for personal, household, and village characteristics, an increasing tendency for women to join the labor force emerges, particularly in urban areas. This aligns with societal attitudes becoming more favorable toward women working. However, this upwards trend is offset by the decline of agriculture, which has negatively affected overall women's labor force participation. Still, factors like marital status and having young children significantly reduce female labor force participation, suggesting

<https://documents1.worldbank.org/curated/en/284871561092956028/pdf/Indonesia-Information-Dissemination-to-Achieve-Safe-Labor-Migration.pdf>

²⁷² RISFA IZZATI, Nabiyla, 2019. New Direction of Indonesian Migrant Workers Protection through the Law Number 18 of 2017 and its Implementation Challenges. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*. Online. 2019. Vol. 06, no. 01 p. 190-210. DOI 10.22304/pjih.v6n1.a10.

²⁷³ *ibid.*

²⁷⁴ *Law Number 13/2003 Concerning Manpower*. Online. 2003. Retrieved from: [http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20\(BKPM\).pdf](http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20(BKPM).pdf)

²⁷⁵ *Labour force participation rate by sex and age (%)*, Indonesia, 2000-2020. International Labour Organization. Retrieved from: <https://ilostat.ilo.org/data/data-explorer/>

the need for stronger policies facilitating women's return to work after childbirth (such as childcare and flexible work options). Improving education, especially in rural areas with lower educational attainment, could also help increase women's participation in the labor force²⁷⁶.

Current data shows improvements for women as well as people with disabilities working in urban areas. According to Better Work, the share of non-compliance in regards to employing people with disabilities registered 82% in 2019. While that is still a lot, that number was 100% when the program first started five years back. Sexual harassment remains an issue due to underreporting caused by cultural stigma as well as a tendency to normalize such behaviors. Despite these challenges, a study by Tufts University in the USA found that at the beginning of the Better Work initiative, 80% of Indonesian workers reported sexual harassment as a common issue in their workplaces. However, after four years of participation in the program, there was a reported 25% increase in workers' willingness to seek assistance from trade union representatives regarding sexual harassment issues. Furthermore, data indicated a reduction in non-compliance with workplace standards regarding bullying, harassment, and demeaning treatment, with incidents dropping from 28% to less than 5%²⁷⁷. This is consistent with FLA reports, who mention few violations in the field of harassment and abuse – they mainly point out the lack of female security guards to perform searches and physical pat downs on female employees²⁷⁸, as well as a lack of specific written policies on punishing workplace violence, harassment and abuse²⁷⁹.

That said, we cannot forget that there is still the huge issue of abused domestic workers who lack adequate legal protection. While tangible improvements have been made for women working for businesses or other authorities, it does not counterbalance the millions of women in domestic work who face abuse every day.

4.7 Freedom of association/collective bargaining

The history of Indonesia's unions is intricately connected with the country's politics. Under Sukarno's Marhaenist government, unions surged. A trade union federation known as SOBSI (Sentral Organisasi Buruh Seluruh Indonesia, or All-Indonesian Trade Unions Centre) was heavily engaged in politics, both national and international. Through their participation in various international conferences, labor movements, and initiatives like the World Federation of Trade Unions (WFTU), Indonesian unionists got involved in an international collective of activists, championing causes like opposition to imperialism and nuclear weapons alongside labor rights. In time, more union federations emerged, like the

²⁷⁶ CAMERON, Lisa, SUAREZ, Diana Contreras and ROWELL, William, 2019. Female Labour Force Participation in Indonesia: Why Has it Stalled? *Bulletin of Indonesian Economic Studies*. Online. 2019. Vol. 55, no. 2 p. 157-192. DOI 10.1080/00074918.2018.1530727.

²⁷⁷ *Annual Report: Creating an Impact on Every Level*, 2020. Online. Better Work Indonesia. Retrieved from: <https://betterwork.org/wp-content/uploads/Indonesia-report-english-version.pdf>

²⁷⁸ *Fair Labor Association: Independent External Factory Assessment – KMD Brands*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/2010.pdf

²⁷⁹ *Fair Labor Association: Independent External Factory Assessment – Amer Sports*, 2021. Online. Retrieved from: https://fla.fairfactories.org/fla_files/pdf_files/1845.pdf

SARBUMUSI, SOBRI and GSBI, but SOBSI was the largest and most influential, counting 40 unions from different industries including railways, forestry, film, or manufacturing, by 1961²⁸⁰.

In 1967, Suharto and his New Order government rose to power and took an axe to SOBSI – quite literally in some cases, as many of its members and other unionists and leftist activists were imprisoned or executed. What followed next was a total ban, both on SOBSI specifically but also on any trade union activity, due to their perceived connection to the previous “communist” regime. Even anti-communist unions, such as Islamic trade unions, were suspended. In the mid-1980s, the surviving unions were forcefully merged into a singular state-controlled entity whose role was to keep a tight rein on the labor force within the country while also offering a facade of labor representation on the international stage, specifically to appease the ILO and the governments of countries providing aid to Indonesia²⁸¹.

In the early 2000s, unions rose from the ashes under the Reformasi government that took power after Suharto’s fall. After a brief period of chaos and partial loss of momentum, they began to reorganize, establishing leadership structures and public advocacy efforts. Union “confederations” like the KSPSI, KSPI, KSBSI or FSPMI emerged, and are still relevant today. In the early 2010s, union federations were able to score some big wins, such as a minimum wage increase in 2012 and the passing of the Bill on Social Security Providers (BPJS), ensuring that all Indonesians have access to social security, which covers healthcare, occupational accident, old age risk, pension, and death benefits. However, due to multiple factors – a rise in militancy, schisms among unions, and FSPMI and KSPI leaders shifting their focus significantly towards political involvement – unions fell out of favor with the populace and lost a lot of their sway²⁸².

All that being said, there is no evidence of the current Indonesian government overtly suppressing union activity, and the 2003 law ensures that employees are free to join unions and cannot be dismissed by their employer for it²⁸³.

4.8 Role of NGOs

NGOs have been present in Indonesia since the 1950s, primarily oriented on service delivery. A newer breed of more politically active NGOs began to emerge during the 1980s and 1990s due to Suharto’s ban on unions creating a void that NGOs could fill. Initially compelled to adopt the language of development due to the restrictive political climate. By championing

²⁸⁰ HEARMAN, Vanessa, 2016. Indonesian Trade Unionists, the World Federation of Trade Unions and Cold War Internationalism, 1947–65. *Labour History*. Online. 2016. No. 111 p. 27-45. DOI 10.5263/labourhistory.111.0027.

²⁸¹ LANE, Max, 2019. *An Introduction to the Politics of the Indonesian Union Movement*. ISEAS Publishing. ISBN 978-981-4843-31-7.

²⁸² *ibid.*

²⁸³ *Law Number 13/2003 Concerning Manpower*. Online. 2003. Retrieved from: [http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20\(BKPM\).pdf](http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2013%20of%202003%20on%20Manpower%20(BKPM).pdf)

labor rights as human rights, they managed to navigate the political landscape more effectively than traditional labor movements could. These NGOs gradually expanded their scope of activities and became more openly confrontational as international conditions and the internal political landscape in Indonesia began to change. After Suharto resigned and traditional unions were able to freely operate again, the lines between labor NGOs and unions became more fluid, with intensive cooperation between the two types of entities²⁸⁴. Furthermore, NGOs could address issues that unions traditionally do not, for instance migrant laborers and domestic workers. Since there are no legal protections for these workers, unions have a hard time making claims to rights that are not legally there, but NGOs can lobby for better treatment of these workers on the basis of human rights. They are also often more focused on research and general policy advocacy than unions²⁸⁵.

Just like in the case of Bangladesh, T1-2 level NGOs mostly focus on advocacy and research. Some examples include the CCC, focused on the garment industry²⁸⁶, Global Labor Justice - International Labor Rights Forum (GLJ-ILRF), with a project specifically focused on improving the conditions on oil palm plantations²⁸⁷, or the Human Rights Watch (HRW) who report, among other things, on child labor in Indonesia's agriculture, specifically on tobacco fields²⁸⁸. Furthermore, the FLA and Better Work Indonesia engage both in reporting and cooperation with Indonesian NGOs on local projects^{289 290}.

One of the largest local NGOs is the Coalition of Indonesian Migrant Workers Organizations (KOPBUMI). KOPBUMI was established in 1997 and has since emerged as a key advocate for migrant workers' rights in Indonesia. Based in Jakarta, the coalition consists of roughly 70 NGOs across 14 provinces. The coalition's work includes addressing legal concerns, government policies on migration, and increasing awareness about migrant workers' rights both within Indonesia and in neighboring countries. Notably, it has played a role in shaping policies related to worker deportations and lobbying for adherence to international conventions on migrant workers. Financial support for KOPBUMI's initiatives has primarily come from international organizations like the American Center for International Labor Solidarity, the international branch of the AFL-CIO²⁹¹.

²⁸⁴ FORD, Michele, 2004. Organizing the Unorganizable: Unions, NGOs, and Indonesian Migrant Labour. *International Migration*. Online. 2004. Vol. 42, no. 5 p. 99-119. DOI 10.1111/j.0020-7985.2004.00303.x.

²⁸⁵ FORD, Michele, 2006. Labour NGOs: An Alternative Form of Labour Organizing in Indonesia, 1991-1998. *Asia Pacific Business Review*. Online. 2006. Vol. 12, no. 2 p. 175-191. DOI 10.1080/13602380500532263.

²⁸⁶ *Annual Report 2021*, 2021. Online. Clean Clothes Campaign. Retrieved from: https://cleanclothes.org/file-repository/skc_ccc_jaarverslag_2021_vdef.pdf

²⁸⁷ Unilever and Kraft call plantations using trafficked and child labor "sustainable.", *Global Labor Justice - International Labor Rights Forum*. Online. Retrieved from: <https://laborrights.org/industries/palm-oil>

²⁸⁸ "The Harvest is in My Blood": Hazardous Child Labor in Tobacco Farming in Indonesia, 2016. Online. Human Rights Watch. Retrieved from:

https://www.hrw.org/sites/default/files/report_pdf/indonesia0516web_0.pdf

²⁸⁹ Assessing Forced Labor Risks in the Palm Oil Sector, *Fair Labor Association*. Online. Retrieved from: <https://www.fairlabor.org/projects/assessing-forced-labor-risks-in-the-palm-oil-sector/>

²⁹⁰ Our programme. *Better Work Indonesia*. Online. 2011. Retrieved from: <https://betterwork.org/indonesia/our-programme/>

²⁹¹ FORD, Michele, 2004. Organizing the Unorganizable: Unions, NGOs, and Indonesian Migrant Labour. *International Migration*. Online. 2004. Vol. 42, no. 5 p. 99-119. DOI 10.1111/j.0020-7985.2004.00303.x.

Migrant CARE, established in 2004, utilizes the "CARE" approach – Counseling, Advocacy, Research, and Education – to bolster the rights of migrant workers. Seven years ago, Migrant CARE teamed up with the Australia-Indonesia Partnership for Gender Equality and Women's Empowerment initiative (MAMPU). Their collaborative efforts have been directed towards the implementation of the program called Village Cares for Migrant Workers (DESBUMI). The DESBUMI initiative, in partnership with local organizations, has scaled up to 37 villages across five provinces, creating a platform for enhancing migrant worker protection through improved governance at the village level. Furthermore, DESBUMI has facilitated the empowerment of women through the formation of 39 groups composed of 1,098 members, empowering ex-migrant women to lead and engage in economic activities and village development projects. One of the recent successes of Migrant CARE is the advocacy and subsequent enactment of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers²⁹².

The Indonesian National Network for Domestic Workers Advocacy (JALA PRT) is an NGO that focuses specifically on the rights of domestic workers. Their primary activities consisted of intensive lobbying for legal protections for domestic workers²⁹³. Additionally, JALA PRT and other Indonesian NGOs – including the Action Committee for Protection of Domestic Workers and Migrant Workers (KAPPRT-BM), Elimination of Child Labour Network (JARAK), Jakarta's Independence Journalist Alliance (AJI Jakarta), and the International Domestic Workers Federation (IDWF) – collaborated with the ILO on the PROMOTE project in 2017. The resulting document was released under the name "PROMOTE: Decent Work for Domestic Workers and the Elimination of Child Domestic Workers in Indonesia". According to the document, the project consisted mainly of law advocacy and awareness raising through various media and social media campaigns²⁹⁴.

Solidaritas Perempuan (Women's Solidarity for Human Rights): This organization focuses on a wide range of women's rights issues, including those of women workers. They work to empower women, including female laborers, through advocacy and education on rights²⁹⁵.

The Institute for Policy Research and Advocacy (ELSAM), although broader in its scope of human rights advocacy, has engaged in labor rights issues as part of its work. It focuses on

²⁹² Profil, *Migrant CARE*. Online. Retrieved from: <https://migrantcare.net/profil/>

(Note: machine translated from the original Indonesian by the Google Translate service)

²⁹³ ILO-JALA PRT to launch the compilation of Indonesian domestic workers' legal cases, *International Labour Organization*. Online. Retrieved from:

<https://www.ilo.org/resource/news/ilo-jala-prt-launch-compilation-indonesian-domestic-workers-legal-cases>

²⁹⁴ *PROMOTE: Decent Work for Domestic Workers and the Elimination of Child Domestic Workers in Indonesia*, 2018. Online. International Labour Organization. Retrieved from:

<https://www.ilo.org/media/418911/download>

²⁹⁵ Profil Solidaritas Perempuan, *Solidaritas Perempuan*. Online. Retrieved from:

<https://www.solidaritasperempuan.org/tentang-sp/profil-solidaritas-perempuan/>

(Note: machine translated from the original Indonesian by the Google Translate service)

policy research, advocacy, and increasing public awareness on human rights, including labor rights²⁹⁶.

While not necessarily NGOs, it is important to mention legal advisory groups who often work with NGOs, such as the Jakarta Legal Aid Institute (LBH Jakarta), the Legal Aid Institute of the Indonesian Women's Association for Justice (LBH APIK)²⁹⁷, and the Indonesian Legal Aid Foundation (YLBHI)²⁹⁸, who provide crucial legal support and advocacy across a variety of fronts, including labor rights. Their work includes legal representation, advocacy for legal reforms, and public education on rights.

4.9 Analysis of NGO activity

Advocacy, lobbying and general pressure on the government are frequent in Indonesia, both from international T1-2 NGOs and local ones. In terms of lobbying for new legislation as well as changes in existing laws, both NGOs and Indonesia's unions have been very active on that front, and achieved moderate success (ex. the 2012 BPJS Bill and the 2017 Law on the Protection of Domestic Workers for unions and NGOs respectively). However, there are still issues with the enforcement of the law that lobbying cannot fix. I have also noticed a lack of concrete, deeper cooperation between T1-2 and local T3-5 NGOs. Apart from the ILO-JALA PRT report and international funding for KOPBUMI, promises of local cooperation from international T1-2 NGOs have been rather vague and non-concrete. I think this is a missed opportunity for both sides. T1-2 NGOs can benefit from the local knowledge and expertise of T3-5 NGOs, while T3-5 NGOs can benefit from the international connections and resources of T1-2 NGOs.

Regarding the intermediary level, Indonesian NGOs do not appear to engage much in collective bargaining themselves. However, due to the diversity of Indonesia's labor union landscape, I do not see this as a negative at all. Unlike in China, NGOs do not need to supplement unions. In fact, NGOs have been intensely cooperating with traditional labor movements, especially in the wake of Suharto's resignation, once unions began to operate freely again. The close cooperation and mutually complementary activities created a well-balanced environment on the intermediary level. One exception to the rule is the Better Work programme that consistently monitors the situation and lobbies for change in specific factories.

As for awareness campaigns that target Indonesia's civil society, we see a lot of activity there as well, mainly from larger local (T3) NGOs like KOPBUMI, ELSAM or JALA PRT. These organizations are very active in raising awareness about labor rights and social justice issues,

²⁹⁶ About ELSAM, *The Institute for Policy Research and Advocacy (ELSAM)*. Online. Retrieved from: <https://elsam.or.id/en/static/about-elsam>

²⁹⁷ ILO-JALA PRT to launch the compilation of Indonesian domestic workers' legal cases, *International Labour Organization*. Online. Retrieved from: <https://www.ilo.org/resource/news/ilo-jala-prt-launch-compilation-indonesian-domestic-workers-legal-cases>

²⁹⁸ Visi & Misi, *Indonesian Legal Aid Foundation (YLBHI)*. Online. Retrieved from: <https://ylbhi.or.id/visi-misi/> (Note: machine translated from the original Indonesian by the Google Translate service)

especially among the urban middle class and young Indonesians. Furthermore, their wide reach allows them to cooperate with smaller NGOs and focus on specific local grievances. In addition to these efforts, we also see a lot of awareness raising activity on the part of international NGOs like Amnesty International and Human Rights Watch. That said, the impact of these efforts may be limited, just like in the case of the top-down approach, civil society efforts can influence the passing of the law, but not its effective enforcement.

The bottom-up approach involves a direct, ground-level support strategy that is crucial for individual workers and their communities. In Indonesia, NGOs like the Solidaritas Perempuan, KAPPRT-BM, JARAK or IDWF, further supported by legal advisory groups, are dedicated to providing legal counsel and fostering knowledge regarding rights among the populace, thus empowering them directly.

Moreover, organizations such as Migrant CARE’s DESBUMI programme, engage with local villages and try to empower marginalized voices from the bottom by giving them a platform and helping them engage in economic activities and development projects. Although the grassroots focus of the bottom-up approach is pivotal in initiating change, it can run into complications. Initiatives may conflict with broader system-related issues or might not align with the efforts of larger, more established NGOs.

Approach	Method	Result
Top-Down	Advocacy, lobbying, and pressure on the government. International and local NGO activism for legislative changes.	Moderate success in legislative changes (e.g., 2012 BPJS Bill, 2017 Law on Protection of Migrant Workers). Gaps in law enforcement. Cooperation between international T1-2 NGOs and local T3-5 NGOs is limited
Intermediary	Intense cooperation with traditional labor movements. Awareness campaigns by local T3 NGOs like KOPBUMI, ELSAM, JALA PRT, and by international NGOs like Amnesty International and Human Rights Watch Focused on raising awareness, especially among urban middle class and young Indonesians.	Well-balanced environment on the intermediary level, mutually complementary activities between NGOs and unions. High activity in awareness and education. Success in manufacturing as exemplified by Better Work and FLA reports, less so in rural sectors.

<p style="text-align: center;">Bottom-Up</p>	<p>Direct, ground-level support including legal counsel from NGOs like Solidaritas Perempuan, KAPPRT-BM, JARAK, IDWF; Economic empowerment initiatives like Migrant CARE’s DESBUMI program.</p>	<p>Empowerment of local communities and individuals with knowledge of rights and economic engagement. Potential conflicts with systemic issues.</p>
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Table 4: The methods and results of the three approaches in Indonesia

4.10 Chapter conclusion

In reflecting upon the various initiatives and policies implemented in Indonesia to address labor issues, including child labor, occupational health and safety, compliance with working hours, and empowerment initiatives, it is evident that there has been notable progress in improving labor conditions. However, persistent issues such as inaccurate attendance records and systemic issues outside factory control, like sourcing practices, suggest that Indonesia still has a long way to go, especially regarding informal labor, domestic and migrant workers, as well as working conditions in rural areas in general. And while the Indonesian government is far from perfect, it appears somewhat open to the suggestions of different advocacy groups. Furthermore, tangible improvements can be perceived in sectors where a combination of union and NGO pressure was applied directly onto the employer.

As a result, the hypothesis that would best describe the situation in Indonesia is a combination of H1 and H2. While the bottom-up approach exemplified by H3 helps individuals in the short run, it can not facilitate the same long-term changes as collective action that demands accountability. That said, those demands must be multi-pronged. A multifaceted approach that combines international and local pressure, and targets the government as well as employers within specific industries, is needed.

Conclusion

This thesis aimed to analyze whether and how NGOs were able to improve the working conditions in China, Bangladesh and Indonesia through a longitudinal study spanning twenty years, from 2000 to 2020. Using a three-level analytical model based on Rights Based Approaches (RBAs), NGO strategies and results were analyzed and assessed.

The research question of the thesis was “*To what extent and through which mechanisms have non-governmental organizations (NGOs) been effective in improving labor conditions in China, Bangladesh, and Indonesia?*”, with hypotheses based on the three approaches in the analytical model. The top-down approach includes collaboration with national governments, capacity building, advocacy, as well as naming and shaming to create pressure. The intermediary approach encompasses advocacy on the civil society level as well as working with local unions in order to establish footing for collective bargaining / collective action. The bottom-up approach primarily focuses on helping individual workers through legal aid, education, and other small-scale programmes aimed at empowering especially marginalized groups such as women, migrants or people living below the poverty line.

In all but one instance, the data suggests the improvements NGOs made were marginal, impermanent, or inconsistent.

In China, the iron grip the government has on all levels of society makes systemic change nigh impossible. There is a glimmer of hope for the intermediary approach, as some NGOs recently started substituting for the unhelpful national union and employing collective bargaining, which proved successful at enacting changes in certain factories. However, this success is on too small a scale at the moment and has attracted retaliation from the government, and as such we cannot judge its merits just yet.

In Bangladesh, there has been an enormous international effort to force the government to pass better laws pertaining to occupational health and safety, given the country's grim history of poor safety standards causing death and bodily harm to hundreds of workers. These efforts eventually crystallized in the form of the Accord on Fire and Building Safety in Bangladesh. However, there are still issues with actual enforcement of the law and data shows the situation on the ground has not actually changed much at all.

Indonesia is the only case where we can answer the research question positively. Through a combined approach of the top-down and intermediary approach, legislative improvements as well as tangible changes in work conditions were made. That said, many gaps still remain, primarily in the form of the agriculture sector as well as domestic and migrant workers.

Since each situation presents unique challenges, it is not possible to give broad policy recommendations to NGOs across the board. However, I believe that this study can help uncover possible ways ahead for NGOs in each country as well as roadblocks they should avoid.

Shrnutí

V této práci jsem se pokusila zodpovědět otázku zda a jak byly nevládní organizace (NGOs) schopny zlepšit pracovní podmínky v Číně, Bangladéši a Indonésii skrze longitudinální případovou studii zkoumající situaci v těchto třech zemích v rozmezí od roku 2000 do roku 2020. Na analýzu jsem použila tříúrovňový model založený na principu Rights Based Approaches (RBAs), skrze který jsem zkoumala strategie a výsledky NGOs ze tří různých úhlů pohledu.

Horní úroveň zahrnuje primárně interakci NGOs s vládami těchto zemí, skrze budování kapacit vlád, snahu přimět vlády prosadit zákony na obhajobu práv nebo tzv. taktiku „naming and shaming“. Střední úroveň zahrnuje advokacii a osvětové kampaně mířené na občanskou společnost zemí. Tato úroveň dále obsahuje spolupráci s místními odbory a snahu prosadit změny skrze kolektivní vyjednávání se zaměstnavateli. Spodní úroveň obnáší práci s jedinci a řešení jejich specifických problémů skrze právní pomoc, vzdělávání a malé komunitní projekty které pomáhají zlepšit postavení těchto jedinců, obzvláště jedinců z marginalizovaných skupin jako jsou ženy, migranti nebo lidé žijící pod hranicí chudoby.

Ve dvou ze tří případů se bohužel potvrdila nultá hypotéza, tj. že NGOs nebyly schopné prosadit změny, které by byly zároveň plošné a stálé.

V Číně je kamenem úrazu nepřátelský přístup vlády, která není svolná k jakýmkoliv systémovým změnám v této oblasti. Je tu malá naděje pro tzv. střední úroveň, kdy některé NGOs fakticky nahradily nefunkční státní odbory a prosadily změny u zaměstnavatele skrze kolektivní vyjednávání. Tyto změny se bohužel zatím uchytily jen na malé škále a NGOs za ně zodpovědné čelí intenzivní perzekuci ze strany vlády, je tedy prozatím nemožné říci, zda-li nebo jak dlouho bude tato situace přetrvávat.

Bangladéš byl terčem značného mezinárodního úsilí o zlepšení bezpečnosti a ochrany zdraví při práci. Země je v tomto ohledu notoricky známá neadekvátními standardy, které v minulosti zapříčinily úmrtí a vážné úrazy stovek pracovníků. Ačkoliv se NGOs podařilo prosadit Dohodu o požární a stavební bezpečnosti, reálná situace v továrnách zůstává takřka beze změny z důvodu nedostačujícího dohledu a vymáhání.

Indonésie je jediná země, kde můžeme otázku zlepšení pracovních podmínek zodpovědět kladně. Skrze kombinaci strategií na horní a střední úrovni se NGOs podařilo prosadit jak legislativní tak reálné změny pro mnoho pracovníků. Nicméně jsou zde stále velké mezery, obzvláště co se týče zemědělského sektoru, dále také služek v domácnostech a pracovníků v zahraničí.

Vzhledem k tomu, že každá ze situací má své jedinečné výzvy, nelze stanovit plošná politická doporučení pro NGOs. Věřím však, že tato práce může pomoci NGOs v těchto zemích stanovit možné cesty vpřed a také překážky, kterým bude třeba se v budoucnu vyhnout.

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