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Making Fashion Sense: Can International Labour Standards Improve Accountability in Globalised Fast Fashion?

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Abstract

The globalised fast fashion industry has been plagued by poor labour rights and working conditions. The role of international labour standards (ILS) in addressing these issues has been widely debated. This paper critically evaluates the efficacy of ILS through a conceptual framework of "accountability". It argues that the ability of ILS to increase accountability is severely limited due to failures in addressing the complex power structures, socio-economic conditions and decision-making processes that shape workers', producers' and consumers' agency. These limitations are interconnected and mutually reinforcing, therefore necessitating a multi-stakeholder, agency-based approach in achieving more ethical production in the fashion industry.

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Abbreviations

CoC	Codes of Conduct
ETI	Ethical Trading Initiative
FACB	Freedom of Association and Collective Bargaining
FLA	Fair Labor Association
GATT	General Agreement on Tariffs and Trade
GSP	Generalised System of Preferences
ILO	International Labour Organization
ILS	International Labour Standards
MFA	Multi Fibre Arrangement
WTO	World Trade Organisation
UCTA	US-Cambodia Textile Agreement

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1. Introduction

1.1. Globalised fast fashion: a development conundrum

In the past few decades, globalisation has brought about paradigmatic shifts in the management of production, particularly in the development of global production networks that connect many of the world's poor and marginalised in the global South as workers with affluent consumers and firms in the global North. The labour-intensive, low value-add and routinised production of the fashion industry (comprising garment, textiles, apparel and footwear) has been a prominent target of outsourcing since the 1950s (Gereffi & Memedovic, 2003). Large multinational fashion companies (e.g., Nike, Gap, Primark and H&M) have since developed extensive global production networks in countries such as China, Bangladesh, Turkey and Vietnam. This trend has accelerated with increased trade liberalisation and the 2005 Multi Fibre Arrangement (MFA) phase out, which lifted textile quotas levied on exporting countries.

Changes in consumer lifestyles, advancement in communication and design technology, and heightened competition between fashion retailers drove further supply chain rationalisation where fashion manufacturers are expected to deliver better respond to cost, quality and speed of delivery (Barnes & Lea-Greenwood, 2006; Taplin, 2014). Consequently, the fashion industry transformed from being producer-driven, with long buying cycles and advanced production planning, to a buyer-driven phenomenon characterised by a ruthless low-cost, high-speed model of "fast fashion" (Bhardwaj & Fairhurst, 2010). Retailers went from having two to four fashion seasons per year to over 20 collections annually (ILO, 2014).

Fast fashion yields a development conundrum. On one hand, it has become a significant driver of employment and economic growth for many developing countries, comprising 10% to 30% percent of total exports in countries such as Cambodia, Bangladesh, Sri Lanka and Kenya (Table 1.1A). Being labour-intensive and low-technology, it is an important source of "Lewis-like development" in providing rapid economic and employment growth as a basis for subsequent industrial upgrade and wage increases (Nattrass & Seekings, 2018). It has provided direct and indirect employment for many poorly educated workers in developing countries, whose remittances help reduce poverty in rural areas (Natsuda et al., 2010). With its predominantly female workforce, Kabeer (2004) also notes that women garment workers gain greater financial independence, social mobility and bargaining power in the household.

Table 1.1A Fashion export profile for selected developing countries

	Textile, Clothing & Footwear/ Total Exports (%)	2017 Total exports (US$ Million)	2017 Textile, Clothing & Footwear Exports (US$ Million)
Kyrgyz Republic	53.3%	8,636	4,599
Cambodia	29.4%	13,100	3,853
Benin	23.6%	5,097	1,204
Bangladesh	23.2%	48,721	11,305
Honduras	22.9%	9,530	2,185
Albania	15.4%	8,285	1,279
Kazakhstan	14.3%	39,370	5,612
Sri Lanka	13.7%	18,964	2,598
Tunisia	12.3%	31,560	3,867
Tanzania	12.0%	9,424	1,130
Myanmar	11.6%	18,191	2,110
Vietnam	10.5%	224,294	23,650
Pakistan	10.2%	50,929	5,219
Kenya	10.1%	17,101	1,736
Nigeria	10.1%	47,215	4,768

Source: Compiled and computed from World Integrated Trade Solution - World Bank (2017)

On the other hand, severe social issues have emerged in global fashion supply chains, including child labour, depressed wages, hazardous work conditions, long hours, abusive practices and non-permanent contracts that deprive workers of security and employment rights (ILO, 2014; AFWA, 2016). Women are also particularly at risk due to gender discrimination, sexual harrassment and violence (ILO, 2018). Intense criticism grew in the 1990s due to widespread public awareness of labour rights abuses and child labour working in "sweatshops" within the supply chains of companies like Nike and Gap. The horrific collapse of Rana Plaza in 2013, which killed more than 1,100 Bangladeshis, was attributed to inadequate building safety resulting from poor government regulations and intense production and cost pressures imposed by global retailers (Hobson, 2013), renewing the call for greater accountability.

1.2. The Rise of International Labour Standards

The issue of labour rights traces back to socialism in the 1830s, which "represented the dignity, equality and freedom of workers as human beings and as workers" (Mishra, 2012, p.336) and was traditionally located within the sphere of national policy-making. However, with the proliferation of global supply chains and limited institutional capacity of developing producer nations (Locke et al., 2007; Thoene, 2014), the role of International Labour Standards (ILS) and greater involvement of international organisations and multinational retail companies in driving improvements in labour conditions grew prominence in political and academic debates.

The birth of ILO marked a milestone in the struggle for workers' rights on an international scale. Its Constitution inscribed conditions of labour as a matter of social justice and concerning world harmony within its Constitution (ILO, 1919). While there is no universal definitions of ILS, the most widely recognised are the ILO Conventions. There are eight fundamental Conventions (or "core standards") identified, concerning the Freedom of Association and Collective Bargaining (FACB), freedom from forced labour and discrimination, and the abolition of child labour (Table 1.2A); there are nearly 200 "non-core" Conventions including stipulations on labour inspection, wage, working hours, etc. (ILO, n.d.).

Table 1.2A ILO fundamental Conventions on labour

Convention	Number	Year
1 Freedom of Association and Protection of the Right to Organise Convention	87	1948
2 Right to Organise and Collective Bargaining Convention	98	1949
3 Forced Labour Convention	29	1930
4 Abolition of Forced Labour Convention	105	1957
5 Minimum Age Convention	138	1973
6 Worst Forms of Child Labour Convention	182	1999
7 Equal Remuneration Convention	100	1951
8 Discrimination (Employment and Occupation) Convention	111	1958

Source: ILO (n.d.)

This paper deals with the two primary ways in which ILS are instituted: the first being its incorporation into international trade agreements known as the "social clause" and the second being the voluntary adoption of corporate codes of conduct by international retailers in managing their global supply chains (Luce, 2005; Ararat & Bayazit, 2008).

1.2.1 Social clauses

"A typical social clause in an international trade arrangement makes it possible to restrict or halt the importation or preferential importation of products originating in countries, industries or firms where labour conditions are inferior to certain minimum standards." (van Liemt, 1989, p.434). Such provisions may be unilateral, such as the US and EU's Generalised System of Preferences (GSP) that provide preferential import stipulations to countries that meet certain conditions, including labour standards. Under the GSP, importer nations may withdraw reduced tariffs rates or other benefits in circumstances where there has been "serious and systematic violation of fundamental human rights and labour rights conventions" (European Commission, 2019), which was used for example by the EU in 1997 against Myanmar for practicing forced labour and against Belarus in 2007 on violations of FACB (European Parliament, 2017).

The social clause may also be included bilateral agreements, for instance the 1999 to 2005 US-Cambodia Textile Agreement that granted Cambodia increased textile and apparel export quotas based on compliance with labour standards stipulated in local law and ILO's core standards (Wells, 2006; Zhou & Cuyvers, 2011). It may also be multilateral, such as the North American Agreement on Labour Cooperation (NAALC) as part of the North American Free Trade Agreement (NAFTA), where members pledge to enforce their own labour laws and enhance labour standards in line with core Conventions and occupational safety, workers' compensation and migrant protection (Compa, 2001).

1.2.2 Codes of Conduct

Intense pressure from consumer, advocacy and union groups regarding labour abuses in the industry, particularly during the 1990s anti-sweatshop movements, drove many multinational fashion retailers to adopt codes of conduct (CoC) in response. CoC "constitute a central element of corporate accountability, based on civil society demands for observance of ILS agreed in Core Conventions of the ILO" (Barrientos & Smith, 2007, p.714); they are "factory-based regulations [that] effectively propose the elaboration and imposition of global labour standards for workers in the 'production nodes' of global commodity chains" (Medazzri, 2012, p.45).

While these may take the form of individual company codes, most large fashion companies adopt multi-stakeholder initiatives such as the Ethical Trading Initiative (ETI) and Fair Labor Association (FLA). These initiatives are driven by an alliance of companies, NGOs and trade unions and derive their labour standards from ILO Conventions; they promote ethical practices by driving implementation of their CoC or national labour laws (whichever is held at a higher standard) among member companies and carry out social auditing to monitor compliance (ETI, n.d.; FLA, n.d.). Another form of multi-stakeholder CoC is certification-type mechanisms (or "social labelling) based on compliance audits, such as Social Accountability 8000 (SA8000), Worldwide Responsible Accredited Production (WRAP) and Fairtrade.

1.3. Research aim

With extensive labour issues still existing in global supply chains and the emphasis on "inclusive growth and decent work" (UN Sustainable Development Goal 8), there is growing attention on and proliferation of social clauses (Raess & Sari, 2018) and multi-stakeholder CoC initiatives (Mele & Schepers, 2013) in recent years. As one of the most "globalised" industries (Mezzadri, 2012), the role of ILS in advancing labour rights and working conditions in the fashion industry deserves scrutiny.

This paper is a critical review of the role of ILS in enhancing labour conditions through a conceptual framework of "accountability", an area relatively unexplored within this topic but effective in drawing focus on stakeholder relationships and agency as mediating factors of ILS outcomes. Further, it focuses on the fast fashion industry to highlight the impact of industry specificities. It is important to clarify this is an analytical or theoretical critique rather than a policy evaluation or impact analysis. The structure of this paper is as follows: Section 1 laid out the labour issues of globalised fast fashion and its relevance to ILS, Section 2 provides the literature review and research question, Section 3 details the research design, Section 4 presents the findings and Section 5 concludes.

2. The debate around International Labour Standards

While there has been some discussion about the universality of human rights and labour standards, the contention around ILS is not so much around their underlying moral legitimacy or cultural applicability, especially in relation to the eight core standards (Lee, 1997; Rodrik, 2009), which have been ratified in full by 146 countries (ILO, 2019). The main controversy lies in the desirability and efficacy of using trade agreements and/or corporate CoC as the means by which workers' welfare is advanced.

2.1. Social clause: halting a race to the bottom or guised protectionism?

The inclusion of social clauses (or trade-linked ILS) have been widely debated since the inception of the WTO. Proponents, consisting mainly trade unions, governments and academia from the global North, argue that exploitative working conditions in developing countries constitute an unfair trade advantage and "social dumping" of their exported manufactures to industrialised nations (Singh & Zammit, 2004; Salem & Rozental, 2012; Artuso & McLarney, 2015). They further argue social clauses are needed to halt a "race to the bottom" wherein pressures to increase global competitiveness result in countries eroding their labour standards to cut production costs, creating a downward spiral in labour standards globally. Social clauses are also conceptualised as strengthening local labour law: requirements for labour standards to conclude a trade agreement pushed the Omani government to adopt significant labour rights reforms in 2006 (ILO, 2013). Proponents further assert that trade-linked ILS provides sanction power and actual downsides of violation for developing countries (Luce, 2005). Others view ILO's core standards (upon which most social clauses are based on) as basic human rights, especially the elimination of child labour and forced labour (Lee, 1997; Luce, 2005), and thus should be pushed through regardless of country context.

Conversely, opponents (mostly employers, governments, NGOs from developing countries) argue that social clauses are guised protectionism that distorts the market and blocks paths to economic growth and development for poor countries (Singh & Zammit, 2004; Salem &

Rozental, 2012; Artuso & McLarney, 2015). Poor labour standards are seen as an "unavoidable side-effect of underdevelopment and poverty and not the result of conscious policy or neglect" (Lee, 1997, p.177), thus producer nations require expanded market access to reduce poverty - the opposite effect opponents state social clauses will achieve. Low-cost labour is thus viewed as a legitimate comparative advantage given existing development levels and the means through which economic growth and the concomitant rise in labour wages and conditions can be established. Rigid enforcement may result in exit by buyers and investors in response to non-compliance that can result in overall employment loss, thus lowering workers' welfare (Kabeer, 2004; Pike & Godfrey, 2014).

Critics also point to global power politics at play: social clauses are used as a political tool to advance economic and political interests of rich nations rather than being concerned with workers' rights per se (Compa & Vogt, 2001; Elliot & Freeman, 2003) or used to curtail the sovereignty of developing countries that accentuates global power imbalances (Rodrik, 2009; Nadvi, 2008). Hypocrisy of the US towards the harmonization of labour standards is argued through their ratification of only two of the eight ILO fundamental Conventions despite its concerted campaign at GATT and WTO for instituting higher labour standards in developing countries (Singh & Zammit, 2004). The ability of small economies to participate in institutional design of international governance and enforcing victorious verdicts against considerably larger members is also called into question (Luce, 2005; Liebman & Reynolds, 2006; Thoene, 2014). Others criticise the ability to properly monitor, track and enforce ILS even when developing nations signed onto social clauses with their trade agreements because of weak institutional capacity and lack of political will by governments of developing countries (Orbie & Van den Putte, 2016; Huq & Stevenson, 2018; Harrison et al., 2019), hence replicating the failures of local governance.

Weighing both sides of the argument, there is an absence of empirical evidence to support the race to the bottom theory; furthermore, Singh and Zammit (2004) suggests that labour market deficits in the North are more a function of labour market rigidities, decline of demand, and economic and technological changes rather than trade with the South. That aside, there is still a question of whether ILS can improve working conditions in developing countries. Although some have highlighted potential employment loss, Heintz (2002) studied wage rates of apparel workers and employment growth for 59 countries from 1982 to 1996 and counter-argues that enhanced labour standards through wage increases do not necessarily reduce economic growth or employment if factors such as prices, labour productivity or consumer demand adjust accordingly. Furthermore, an empirical study by Kucera (2002) finds no evidence that foreign direct investment favours countries with lower labour standards, potentially due to productivity increases, better socio-political stability (due to workers' FACB) and higher levels of human capital (through the elimination of child labour and gender inequality). Therefore, a consensus has yet to be reached.

2.2. Do Codes of Conduct substitute or displace local institutions?

Similarly, CoC adopted by multinational companies have attracted much controversy in the literature around CoC, CSR and private regulation. A primary debate is whether such private regulation substitute, complement or displace government and union capacity in enforcing labour rights in developing countries (Locke et al., 2013; Kim, 2013). Advocates typically argue that private regulations substiute or complement local institutions while opponents argue that CoC displaces more effective, traditional forms of institutions in building workers' rights.

The substitution argument is based on the premise that the weakened role of the state in relation to the increasing power of multinationals necessitates private regulation, which is a flexible, innovative way of addressing governance shortfalls in developing countries, especially when private regulations are based on internationally certifiable standards and an effective monitoring system (Arthurs, 1996; Christmann & Taylor, 2006). Others suggest that private regulation may be effective based on "...the extent to which private and public authority, civil and government regulation, and soft and hard law, reinforce one another." (Vogel, 2010, p.83). The complementarities between business, state and civil society governance can be leveraged through policy integration (Vogel, 2010) and political processes that enhance workers' understanding of their rights and fashion producers of their obligations under national labour law (Kim, 2013).

Conversely, critics cautioned against the displacement or weakening of important state and union institutions by private actors in ways that are designed to limit legal liability and reputation damage of global brands rather than the protection of labour rights per se (O'Rourke, 2003; Esbenshade, 2004). State labour regulation is based on democratic participation that gives workers "voice" in workplace decisions, and while private regulation may enhance protective standards, they do so by "over-reaching or supplanting state protective action required to mediate the effects of disproportionate bargaining power … and to prevent unacceptable bargains that might be arrived at through 'voluntary' collective bargaining" (Blackett, 2001, p.419). Consequently, the misaligned incentives of profit-maximising corporations to truly address labour and social issues result in companies paying lip service to labour issues or doing the bare minimum required to avoid bad publicity (Egels-Zande & Merk, 2014).

Another issue raised is the lack of workers' voice within CoC initiatives. The lack of education, training and socialisation of CoC is highlighted - many workers lack knowledge of the content of the codes and what it actually means for them in terms of their rights (Macdonald & Macdonald, 2006; Kim, 2013; Egels-Zande & Merk, 2014). At a more structural level, workers are not even involved in the development of the labour standards devised for their benefit. Therefore labour issues prioritised are those which yields the best returns for the company or what corporates assume as in the best interest of worker communities rather than truly representing the "voice"of workers in addressing their values and needs (Michael, 2003; Khan, 2007). Anner (2012) relates this to the power and control corporations want to maintain over their global supply chains while placating consumers and activists about labour issues.

Lack of workers' voice also manifests in mixed results of CoC implementation: Barrientos & Smith (2007) make a distinction between "outcome standards" and "process rights", the former being specified conditions of work such as health and safety standards, wages, working hours and the elimination of child labour while the latter relates to intrinsic social justice principles that enable workers to claim their rights such as the FACB and freedom from discrimination. A study by OECD (2001) reviewed 246 CoC (37 of which relates to the garment industry), indicating that over half of them made no references to FACB. Barrientos and Smith (2007) and Anner (2012) studied ETI and FLA respectively, concluding that these initiatives brought some improvements or were better able to detect "outcomes standards" than the right to form a union, strike and bargain collectively.

This issue also shows up in a related critique of social auditing as part of CoC monitoring and compliance. Multiple reasons have been given for the lack of meaningful participation of workers and unions even if third-party auditors were used: incompetency of auditors, auditors who collect information from managers instead of workers, the co-option or threatening of workers to provide scripted answers by management as a way of circumvent checks, and that FACB and discrimination are less "visible" labour standards to detect through social audits (O'Rourke, 2003; Macdonald & Macdonald, 2006; Barrientos & Smith, 2007; Kim, 2013; Egels-Zande & Merk, 2014).

2.3. Research value-add

The literature review revealed divided views on the role of ILS in promoting labour rights and working conditions in developing countries. The context of the industry and the complex interactions between stakeholders are crucial in evaluating the efficacy of ILS, but such specificities are under-addressed in current debates. This paper seeks to contribute by casting a more critical eye on ILS that takes into account the industry specificities of globalised fast fashion and a more comprehensive view of the relational and agency aspect of its affected stakeholders. It will also discuss both forms of ILS due to similiarities drawn from the analysis, although existing literature typically address social clauses and CoC separately.

The literature on social clauses tend to be industry-agnostic and remain at the government or macro-economic level analysis. By contrast, the CoC literature provides richer accounts into the fashion industry by studying relational and agency constraints between stakeholders that limit CoC outcomes. However, mainstream literature still tends to downplay tensions between the stakeholder interests (Donaghey & Reincke, 2018), lack a comprehensive explanation as to the limited impact of ILS on workers' rights (Egels-Zande & Merk, 2014) and fail to fully consider the complexity of economic relationships and transactions (Hoang & Jones, 2012). Another strand lacking in current ILS analyses, which this paper will substantiate as crucial, is the role of end-consumers. Accordingly, this research will provide greater clarity around the relational aspects of stakeholder power dynamics that affect the ability of ILS in achieving desired outcomes. This will be done through a conceptual framework of "accountability" (elaborated in Section 3.1) and used to address the central research question:

To what extent can International Labour Standards (ILS) improve accountability in globalised fast fashion so as to enhance labour conditions in developing countries?

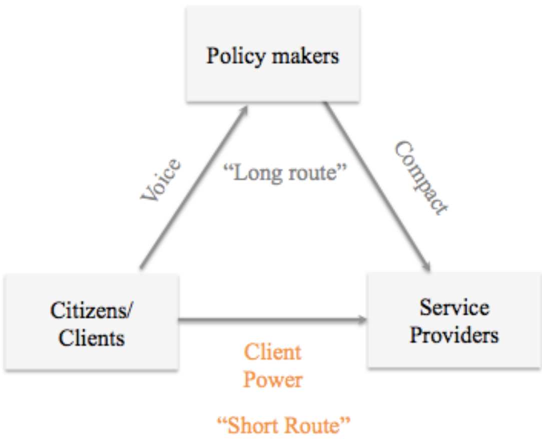
3. Research Design

3.1. Conceptual framework of accountability

The research question will be answered through a conceptual framework of "accountability". Problems in the global fashion industry have been characterised by "accountability deficits" (Macdonald & Macdonald, 2006) and an unevenness of power relations (Nadvi, 2008), and ILS have been discussed as increasing the accountability of corporates and employers (O'Rourke, 2003; Ararat & Bayazit, 2008; Pookulangara & Shepard, 2013). However, there lacks a precise definition and conceptualisation of accountability within which the role of ILS can be analysed.

Accountability is defined as "holding individuals and organisations responsible for performance measured as objectively as possible" (Paul, 1992, p.1047), in order to drive "efficient, rational, law-abiding, virtuous, or otherwise functional behaviour" (Hirschman, 2004, p.1). For this paper, desired outcomes relate to ethical fashion production - improving labour rights and working conditions. Accountability is operationalised is through "voice" and "exit": "voice" being the degree to which outcomes may be influenced by participation or protest, and "exit" being the ability to access alternative suppliers if service provision is deemed unsatisfactory (Hirschman, 2004). Similar concepts used are "answerability" and "enforceability": "A is accountable to B if A is obliged to explain and justify his actions to B, or if A may suffer sanctions if his conduct, or explanation for it, is found wanting by B." (Goetz & Jenkin, 2002, p.5). Therefore, this research will examine the extent to which ILS enhances the ability of stakeholders to voice demands, seek justifications and/or enforce negative consequences for poor or non-compliant labour conditions.

Exhibit 3.1A: WDR accountability framework

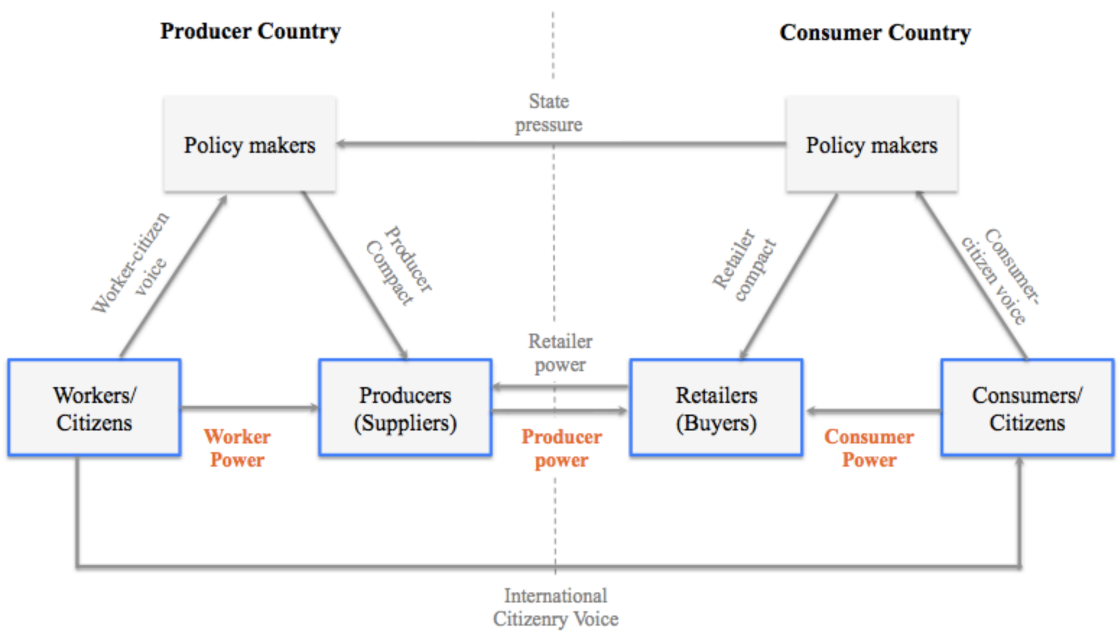


Source: Adapted from World Bank (2003)

The accountability framework used is adapted from the World Development Report (World Bank, 2003), which contrasted the "long route" and "short route" of accountability within the context of service provision for the poor (Exhibit 3.1A). Via the "long route", client-citizens define collective objectives through voice to policy makers, who then impose incentives or regulations ("compact") unto service providers. The "short route" seeks to enhance the power of clients to influence service providers directly, especially when the "long route" is weak.

The WDR framework has been expanded (Exhibit 3.1B) as globalised fashion production requires a more complex conceptualisation of stakeholders beyond national boundaries:

Exhibit 3.1B: Accountability framework for ethical fashion production



Source: Expanded from World Bank (2003)

As shown in Exhibit 3.1B, the stakeholder ecosystem is expanded: in the producer (developing) country, the stakeholders are worker-citizens (including trade unions), producers and policy makers; in the consumer (developed) country, the stakeholders are consumer-citizens, retailers and policy makers. These stakeholders replicate " long and short routes" of accountability within the country but there are also international interactions: between producers and retailers through business-transacting relationships, between states where developed countries may apply pressure on developing countries to adopt labour standards, and between citizens of both countries where workers may galvanise international citizens to act on their behalf through media exposure and/or NGO intermediation.

The focus of this paper is on three main accountability mechanisms: worker power, producer power and consumer power. They refer to the accountability relationships between workers and producer-factories, between producers and retailer-buyers, and between consumers and retailers respectively. These relationships are prioritised based on their relevancy to theorised benefits of ILS. Given the scrutiny on large global fashion retailers as powerful stakeholders and primary culprits, focusing on the "short routes" provides insights on the ability of different stakeholders to more directly exert influence over retailer actions. The other routes to accountability are less relevant to core ILS arguments and hence will be discussed insofar as they contribute to analyses on the prioritised accountability relationships.

3.2. Approach and limitations

This paper will utilise an analytical approach – i.e., using secondary data and existing literature to make a critical evaluation of the material in relation to the research question (Kothari, 2004). This will take the form of "supplementary analysis" (Heaton, 2008) to current ILS discussions, which is to provide a more in-depth analysis of accountability relationships that have been emerging but not fully addressed. It will also be qualitative in nature, as the main purpose is to uncover stakeholders' incentives, motives and behaviour (Kothari, 2004) in relation to ILS implementation.

In order to identify and draw insights from relevant data, thematic analysis of existing literature was conducted - i.e., an analytical research based on themes, topics and relationships drawn from theoretical constructs (Lapadat, 2012). Based on the conceptual framework, the thematic basis relates to the stakeholders being analysed: workers, producers and consumers in the fashion industry. This required a multidisciplinary data gathering approach: quantitative and qualitative research on fashion workers and literature on industrial relations (worker power); global value and supply chain literature in relation to the fashion industry (producer power), and consumer, business and marketing research in relation to ethical consumerism and fashion (consumer power) and broader ILS literature. As this paper address ILS from a relatively unexplored vantage point of "accountability", deductive or interpretive reasoning is applied to the material as the origin research objectives may not be directly aligned to this specific research question.

The strength of this research is in the marshalling of multidisciplinary data to address ILS from a new conceptual angle. However, secondary research is constrained by the availability and quality of existing data. There are few accounts and limited empirical evidence evaluating the impact of social clauses on labour conditions (Salem & Rozental, 2012). Further, studies examining ethical consumerism and supply chain transparency are still emergent and thus a wide and robust research base is lacking (Bhaduri & Ha-Brookshire, 2011; Hassan et al., 2016), which may impede the generalisability of findings to the global fashion industry and its stakeholders. Additionally, given a broader analytical approach to the research question, this paper will not be able to address variances in the terms and features of various social clauses and CoC policies - which may differ significantly in design and implementation (Locke et al., 2013; Carrère et al., 2017), as well as the varied socio-economic and political institutional contexts of different producing and consuming countries within the fashion ecosystem. Further, this paper places less focus on the role of stakeholders such as governments and the international development community, which may be explored in subsequent research. Hence, this paper seeks to open up new avenues for analysing ILS that can serve as a starting point for developing more nuanced applications and findings.

4. A critical analysis of ILS

4.1. Worker power

A core premise of ILS is that it improves labour rights and working conditions for fashion workers in developing countries. However, this section argues that fundamental worker rights relating to accountability has been neglected, a large segment of the worker population is highly marginalised and excluded from ILS, and that forceful imposition of ILS may result in employment loss that further deteriorates worker power.

4.1.1 Lack of "process rights" as accountability

Numerous studies have shown mixed results of social clauses and CoC in enhancing fashion workers' welfare, reporting important achievements in ameliorating some extreme forms of exploitation (e.g., child labour and forced labour) but having limited improvements in workers' FACB and trade union rights (O'Rourke, 2003; Anner, 2012; Kim, 2013). Some even report a regression in FACB and union rights with ILS enforcement in the fashion industry: employers threaten workers with termination for union-affiliation (Ararat & Bayazit, 2008) or harass or dismiss union leaders and members (Sibbel & Borrman, 2007), and that unions' ability to represent workers' voice is hampered by government or management control/co-option, particularly in countries with weak democratic institutions and law enforcement (Natsuda et al., 2010; Mishra, 2012; Yu; 2015; Huq & Stevenson, 2018).

FACB and union rights are fundamental to the understanding of accountability and power relationships. They are better defined as "rights" than "standards" in guaranteeing procedural justice in a sustainable way (Barrientos & Smith, 2007; Anner, 2012) and important for "industrial democracy" (Donaghey & Reincke, 2018). This distinction from outcome-based improvements (e.g., wages, hours, health and safety) is important. Without workers' voice and involvement in the governance structures that are going to affect them, employers are not made answerable to workers and workers are not empowered to make demands. Therefore, the achievement of outcome standards are voluntary and tenuous, lacking the credibility and sustainability derived from collective agreements.

FACB rights are crucial to represent workers' diverse needs across outcome-based labour standards (Mishra, 2012). The achievement of some outcome standards may be at the expense of others; for instance, workers may view negatively the reduced pay that come with fewer working hours due to livelihood needs (Barrientos & Smith, 2007; Yu, 2015). Kabeer (2004) criticises a Western imposition of values around garment work in Bangladesh that lacks resonance with workers: many view the jobs as work with dignity and the improvements they desired were regularity of payments, clarity on overtime and childcare support, etc. whereas wage levels and sexual harassment were less perceived as problems. The lack of FACB may thus result in prioritisation of issues with the highest emotive appeal to consumers or control over what is defined as "ethical" or "unethical" by companies and international governments (Macdonald & Macdonald, 2006; Seidman, 2008, Mezzadri, 2012). Arguably, enhancing workers' FACB rights can alleviate the well documented flaws of social auditing and strengthens workers' ability in enforcing their rights in a context of weak local law enforcement and government capacity. It can also bring to light less "visible" violations of labour standards such as gender discrimination.

However, some scholars give ILS credit for providing indirect ways of strengthening worker power. There may be spillover effects in enabling new alliances between local labour unions and NGOs with international actors in brokering labour-linked trade agreements and campaigning for labour issues, strengthening local capacity through global social citizenry (Compa, 2001; Rettberg et al. 2014). Kim (2013) indicates that even "ritualistic compliance" of Vietnamese fashion workers co-opted by managers in social audits will require workers' cooperation, hence increasing their awareness of labour rights and likelihood of mobilisation. This paper asserts that these indirect benefits to workers' power are limited and palliative. Relying on transnational advocacy networks or campaigns provide infrequent, slow and unreliable response to workers' needs, and still falls trap to the prioritisation of issues that appeal more to Western donors and activists than workers themselves. Furthermore, the literature has already shown that workers' knowledge of their rights do not translate to the ability to enforce them because government and/or employers can hamper the ability of unions to form, deny them real power of representation and ignore grievances raised.

4.1.2 Informality and feminisation

Another key limiting factor for ILS in enhancing worker power is the prevalence of informality in the fashion industry. The proportion of informal workers in the fashion industry are estimated at 50% to 80% (BSR, 2017). Informal workers are not recognized or protected under legal and regulatory frameworks and often lack employment security, income security and access to social protection and rights of representation (ILO, 2002). They typically perform subcontracted work from large factories, employed at micro-businesses or small-scale workshops or conduct home-based or piece-based "cut-make-trim" work (Ascoly, 2004; Tilly et al., 2013). However, ILS often focus on large-scale factories, rarely reaching informal or home-based workers (Pearson & Seyfang, 2001; Luce, 2005; BSR, 2017).

However, informality does not just occur outside factories. Exporters engage in innovative tactics to circumvent local law or buyers' CoC by re-defining the meaning of formal or permanent work to their advantage, what Chang (2009) calls "informalisation of the formal economy". Research in Turkey revealed that workers may be employed on daily contracting despite actually working for the factory on a regular basis or work for "in-house subcontractors" who are responsible for key parts of production rather than factory management themselves (Chan, 2013). Mezzadri (2012) studied the way exporters in Bangalore re-define the meaning of permanent work to minimise their responsibility towards labour - the "permanent" status of workers halted at 4 years 11 months, because 5 years entitled employees to a gratuity payout under national labour laws.

A benign interpretation of the consequences of imposing ILS is "giving greater privileges to those who are already privileged …what would be seen as compounded unfairness [between formal and informal workers]" (Singh & Zammit, 2004, p.96). The more worrying scenario is that ILS may push employers to shift jobs further into the informal sector (O'Rouke, 2003; Ararat & Bayazit, 2008), exacerbating poor working conditions. Given the low-cost, high-speed buyer-driven model of globalised fast fashion, the latter scenario is a more probable outcome – as already evidenced by "informalisation" tactics within the factory.

Moreover, fashion production is formulated on multiple sources of marginalisation that disempowers workers to voice demands or exit exploitative work relations. Global fashion industry is highly feminised: women are estimated to comprise 75% of the workforce (Ascoly, 2004) and are typically found in the informal sector (SOMO, 2011). Women's inclusion in the fashion production is founded on the perception that women are "naturally more docile and willing to accept tough work discipline, and naturally less inclined to join trade unions" (Elson & Pearson, 1981, p.93). This paper rejects an essentialist idea of perceived "docility"; it results from various compounding forms of gender marginalisation. Many women in developing countries face systemic exclusion from the labour market, due to discrimination in education and social desirability of female employment, and form whom fashion work provides rare work opportunities (Kabeer, 2004; BSR, 2017). Women bear the burden of unpaid domestic work and childcare (often cited as a reason for undertaking home-based apparel production), and at times may provide the main or sole source of household income (Ascoly, 2004). Additionally, informal fashion workers usually face multiple forms of marginalisation, for instance being migrant workers, of a lower caste or social status (e.g., divorcees) or coming from rural areas (Dedeoğlu, 2010; SOMO, 2011; Mezzadri, 2012; Chan, 2013). These combined circumstantial difficulties exemplify the imbalanced power relationship that places fashion workers in a disempowered capacity to enforce accountability, caused by more structural factors that ILS alone can solve (Elias, 2007).

4.1.3 Threat of employment loss

Earlier sections indicated how attempts to exercise collective bargaining and provide accurate information for social audits are hindered by the threats and practice of termination, risks that workers – many of whom are low-skilled and highly marginalised – cannot afford. The risks are more pronounced for informal workers, who typically have very weak contractual arrangements - home-based fashion workers in Jakarta reported work contracts could be merely oral (Ascoly, 2004). The prevalence of informality itself is linked to issues of surplus labour and widespread poverty, exacerbated by rural-urban migration and the lack of job opportunities in developing countries (ILO, 2002), leaving workers with limited viable exit alternatives.

The case of East Asian countries (e.g., Korea and Taiwan) need to be addressed as they could be seen counter-arguments to the employment loss theory (Lee, 1997). These countries started off as large exporters of labour-intensive manufactures (including fashion apparel) and experienced tremendous growth in wages, employment rates and labour standards, a rapid transition to industrialisation and increase in democratic rights within a short span of time (Singh & Zammit, 2004). However, this phenomenon was not brought about by the imposition of labour standards by external actors. Rather, it was a result of broader socio-economic development propelled by the confluence of specific external circumstances (e.g., existential threat from powerful rival countries, lack of natural resources) that shaped the incentives for local governments and businesses to bring about broader economic transformation (Doner et al., 2005). Important policies such as land reform and state-led industrial policiy were crucial to their industrial development, eventually leading these countries to upgrade from low value-added production such as fashion items (Kay, 2002). This points towards the inclusion of ILS as part of broader poverty reduction national planning (Artuso & McLarney, 2015) in order to more fundamentally transform the capacities of workers and citizens in driving accountability.

Lastly, ILS enforcement may come at the expense of worker welfare even if job loss is averted: Yu (2015) studied Reebok's Human Rights Production Standards and observed that while Reebok's producer applied lean manufacturing to increase productivity and lower costs in response, workers were required to "break their backs" in a highly stressful environment to complete higher production tasks in a shortened timespan. Therefore, ILS implementation built on existing power asymmetries may result in further welfare loss for workers.

4.2. Producer power

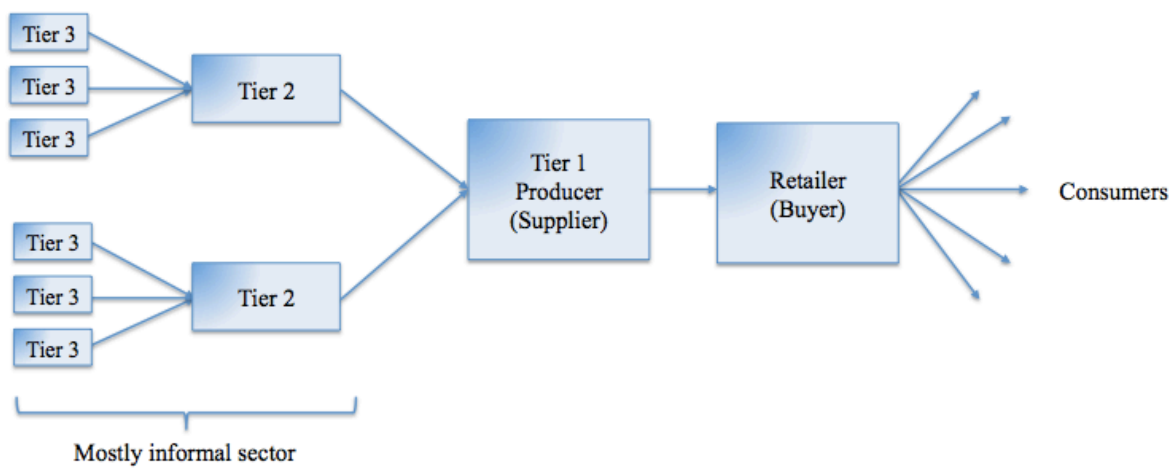
The previous section has illustrated evidence of worker power suppression by producers as employers. These dynamics are closely linked to producer incentives and their power relations vis-a-vis retailers (or buyers). In principle, the economic power of global brands exercise translates into their ability to enforce ILS on producers and incentivise production upgrading by producers in order to attract orders from retailers (Locke et al., 2009); similarly, social clauses could incentivise producers to enhance working conditions to capture retailer demand of ethically-produced fashion. In reality, producers lack the incentives and capability to do so due to the ability to allocate production across geographies, conflicting demands from retailers and limited opportunities to upgrade production.

4.2.1"Hourglass" supply chain: ILS exclusion and avoidance

Although the conceptual framework defined producer power as between producers in developing countries and buyers in developed countries, the value chain is mediated by several supplier tiers. Global buyers have consolidated direct supplier networks with "preferred suppliers" in recent years (Welford & Frost, 2006; Merk, 2014). For instance, Puma and Gap crossed off over 20% of their direct suppliers between 2005 and 2006 (Wick, 2009). Retailers require strong direct partnerships to ensure reliability of bulk orders and exercise greater influence over suppliers to effectively manage their supply chain (Doyle et al., 2006; Hines & McGowan, 2005; Su, 2013). This results in the "hourglass" supply chain model (Merk, 2014) where multinational fashion brands contract with "tier 1" producers, which then distribute work to smaller "tier 2" producers, which in turn may subcontract to "tier 3" producers such as home-based workers (Hurley, 2005).

Exhibit 4.2.1A shows a simplified illustration; in reality producers may supply to multiple production or purchasing units.

Exhibit 4.2.1A: Illustrative "hourglass" model of globalised fashion production



Tier 1 suppliers are large formidable market actors: MAS Holdings, Brandix, Polytex and Hirdaramany comprise 25% of Sri Lankan apparel export earnings while employing a third of the garment workforce (Merk, 2014). There are also many tier 1 suppliers from former producing countries, capitalising on lower costs and trading preferences during the MFA period in less developed countries countries (Gereffi, 1999; Schmitz, 2006; Anguelov, 2015). For instance, the largest exporter in Bangladesh is a South Korean company that operates 17 factories, employs over 60,000 Bangladeshi workers, and manages production sites in China, Vietnam and El Salvador (Merk, 2014).

This supply chain configuration renders ILS ineffective in multiple ways. The reach of ILS is typically extended only to tier 1 suppliers and excludes lower tier suppliers, where informality is prevalent and where majority of fashion workers in the global South are actually employed. When they are included in ILS monitoring checks, lower tier suppliers tend to collude to defy compliance as they are at the mercy of large suppliers that have access to transnational buyers and a large pool of subcontractors (Hoang & Jones, 2012). Supply chain complexity also leads to informational gaps to enforce ILS as buyers struggle to update their existing supplier database, much less keep record of subcontracted networks (Schaller, 2007). Supplier traceability is further complicated by the multiple components of a fashion item (e.g.,a jacket's filling, fabric, zipper, stitching, etc.) that can come from fragmented production units and processes (Beard, 2008).

Although stronger strategic and collaborative ties between producers and buyers have been found to increase the efficacy of ILS (Locke et al., 2007; Perry et al., 2015), this is severely limited even at the tier 1 level. This is not just due to poor government enforceability and/or audit manipulation and fraud, as uncovered by the literature review. Despite their scale, tier 1 suppliers are relatively "invisible" as they lack consumer branding and hence face less consumer pressure in enforcing labour standards (Miller, 2004). Moreover, these tier 1 companies have a geographically dispersed production network which they can use to alter production allocation to optimise labour costs (UNCTAD, 2006; Merk, 2014), especially since the low-capital/investment nature of fashion production lends itself to high capital mobility (Perry & Wood, 2018). For example, South Korean producer Yupoong gradually divested in their BJ&B factory in Dominican Republic following a significant collective agreement brokered by international labour rights organizations, multi-stakeholder initiatives and buyers, justifying moving production to Vietnam and Bangladesh on the basis of "competitiveness" (Play Fair, 2008). Similarly, Murray (2004) observes firms moving from Indonesia to Vietnam to deal with increasing costs of labour standards compliance. Instead of enhancing accountability, ILS imposed either through government regulations or corporate agreements are rendered ineffective by complex and flexible multi-tiered production networks that shift to locales where accountability is weak and labour cost is cheap.

4.2.2 Conflicting retailer demands

Given that tier 1 producers are large profitable companies, they arguably have the finances and power to enforce ILS implementation (Appelbaum, 2008). However, their ability to do so may be limited given significant power asymmetries between tier 1 producers and oligopolistic multinational buyers (Heintz, 2006; Lee, 2016) and they lack the incentives to be held accountable for improving labour standards.

Tier 1 producers' spatial optimisation strategies are reflective of purchasing strategies from buyers that often come in conflict with their CoC commitments. Buyers want producers to achieve business demands - i.e., lowest possible prices, with the fastest possible delivery and the best possible quality - while adhering to ILS (e.g., minimum wages and overtime limits). These conflicting demands are difficult to achieve because producers are expected to absorb the cost of compliance while buyers' purchasing decisions still come down to product price and the speed of delivery – buyers are unwilling to share compliance costs or reward CoC-compliant suppliers with higher orders (Sum & Ngai, 2005; Welford & Frost, 2006; Play Fair, 2008). As indicated by the CEO of a fashion producer: "A compliant factory cannot compete on price with a non-compliant factory... [and some] buyers are still buying knowingly from non-compliant factories because of lower prices." (Huq & Stevenson, 2018, p.18).

Moreover, producers face the threat of buyers moving production closer to consumer markets (e.g., in Eastern Europe) to save shipping time and costs, or "in-shoring" production jobs within consumer markets through production automation (Perry & Wood, 2018), thus they thrive to keep labour costs as low as possible. Pressures are intensified given the low prices of fast fashion: real dollar price per square meter of imported apparel into the US fell by 48% from 1989 to 2010 (Anner et al., 2012) and clothing prices decreased by 30% to 40% after the 2005 MFA phase out across countries like China and Bangladesh (ILO, 2014) . Managing tight profit margins and intense competition against powerful buyers (Yu, 2015), it is hence no surprise that producers attempt to circumvent ILS implementation.

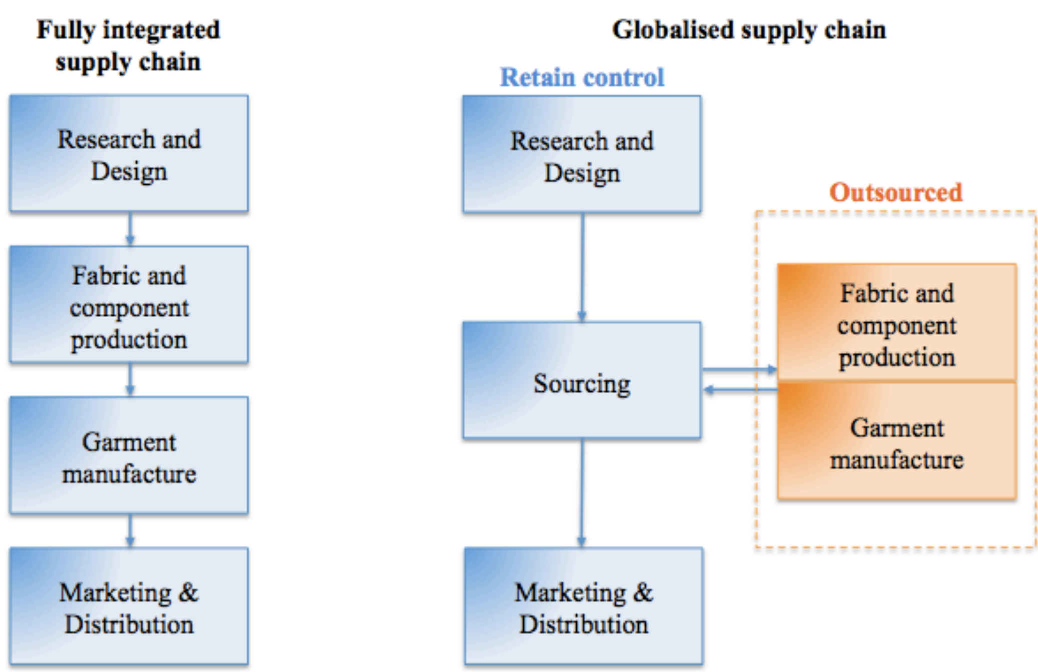
4.2.3 Limits to productivity gains

Some assert that producers can internalise ILS compliance costs through industrial "upgrading" to higher capital/intensity and value-add activities that result in productivity or "efficiency" gains (Gereffi, 1999; Brown et al., 2013). The argument is that producers' ILS compliance can provide economic and employment growth if accompanied by increases in prices, labour productivity or consumer demand (Heintz, 2002) or if non-wage gains (e.g., socio-political stability and human capital accumulation) increases investment (Kucera, 2002). Further, Locke and Romis (2007) compared two Mexican T-shirt plants that produced for Nike and concluded that lean manufacturing practices and worker training led to higher labour standards, productivity, higher wages and lower unit labour costs.

However, the study by Locke and Romis (2007) was comparative, thus neither indicative of absolute performance nor the generalisability of productivity gains within Nike's supplier set. In fact, their study was a subset of a larger study of 763 Nike suppliers which stated that "according to Nike's own Compliance Rating system, workplace conditions in almost 80% of its suppliers have either remained the same or worsened over time" (Locke et al., 2007, p.31) with its CoC program in place. Heintz (2006) himself indicates that increased labour productivity as an avenue for employment growth and higher wages is limited in buyer-driven global commodity value chains such as the fast fashion industry because high capital mobility (as illustrated in Section 4.2.2) constrains producers' ability to increase costs vis-à-vis the downward price pressures of powertful oligopolistic multinational buyers.

Moreover, productivity increases (e.g., through lean manufacturing) is constrained by the non-standard, ever-changing production needs of fast fashion (Perry & Wood, 2018) – Locke and Romis (2007) study of T-shirts involves more basic, standardised fashion items, hence may not be generalisable for the wide diversity and variability of fashion products in the fast fashion industry. Furthermore, global retailers outsource low-value add and labour intensity functions while retaining tight control over the highest value-added and productivity activities - research, design, marketing and distribution (Natsuda et al., 2010; Anguelov, 2015; Perry & Wood, 2018) (see Exhibit 4.2.2A). Some countries with large domestic markets and strong manufacturing capabilities due to "clustering" effects (e.g., China, India) may be able to upgrade by developing original brands but producers in the least developed countries will likely be excluded from value-add opportunities. Kenta (2007) found that Vietnamese apparel companies lacked the skills, capacity and risk appetite in developing original brand exports despite government initiatives to upgrade the garment industry. If leading producer countries manage to upgrade production, late industry entrants or weaker competitors may be driven to lower labour conditions in order to stay competitive. Consequently, ILS imposition may drive productivity gains in powerful players that can prompt rather than halt the "race to the bottom" scenario and deteriorate global labour standards.

Exhibit 4.2.2A: Functions controlled versus outsourced by global brands



Source: Adapted from Perry & Wood (2018)

Based on the price-driven purchasing decisions of brands, it is also seen that envisioned price adjustments from retailers cannot be expected. Finally, the assumption that consumers' desire for ethical fashion translates to greater demand and the willingness to pay premiums are unfounded (Section 4.3.1 will elaborate on this). Consequently, productivity gains achieved will not be realised by workers or their immediate employers but by retailers (higher profits) or end consumers (lower prices).

4.3. Consumer power

Consumers are critical in driving industry accountability as they have voice and power of exit over retailers as paying customers. Theoretically, ILS can enhance awareness of social issues and providing signalling information (through audit reports, social brand and labelling) that allows consumers to selectively purchase from countries or corporates committed to ILS arrangements (Lee, 1997; Elliot & Freeman, 2003), acting as "a basis for attaching credence, or value, to particular claims made about a product's characteristics ... or the ways in which it has been produced." (Nadvi, 2008, p.325). ILS could be seen as leveraging and enhancing consumer power to increase the demand for responsibly made products (Wells, 2006; Brown et al., 2013; Lee, 2016), particularly given retailers' responsiveness to demand as profit-maximising entities. This section will argue the limitations of these effects by illustrating the complexity of consumers' decision-making processes and difficulties they face in discerning ILS commitments and compliance claims.

4.3.1 Fashion before ethics

Research into ethical consumerism has found an "ethical purchasing gap" (Bray et al., 2010), which essentially means that many consumers who identify themselves as being concerned with the ethics of production do not reflect those concerns in their purchasing behaviours. A large scale study by Cowe and Williams (2000) found that more than a third of UK consumers profess to care about companies' policies and records on social responsibility, but ethical products rarely attain more than 3% market share. Although consumers who perceive themselves as more knowledgable and concerned with social issues are more likely to research companies' CoC, pay higher prices for ethically manufactured fashion and boycott firms for labour abuses (Kozar & Connell, 2013), the ethical fashion market is estimated at merely 1% in 2013 (Crane, 2016). Fast fashion leader H&M's "Conscious Collection", which claims to be ethically produced and environmentally friendly, constitutes only 5% of its overall products (Cotton, 2018).

Studies indicate that when it came down to actual purchases of fashion items, consumers are most concerned with price, style, quality, value-for-money and availability (Carrigan & Attalla, 2001; Iwanow et al., 2005; Joergens, 2006; Shaw et al., 2006; Bhaduri & Ha-Brookshire, 2011; Pookulangara & Shepard, 2013). Amongst these factors, authors highlight price sensitivity and style preferences as a prime considerations: although consumers desire for companies to adopt ethical practices, this may be compromised by the desire to purchase a product or to buy it at lower prices (Carrigan et al., 2004). Part of the difficulty in prioritising social and ethical issues in fashion purchases stem from the embeddedness of purchasing habits with consumers' lifestyles and sense of identity. "Breaking old habits and forming new ethical shopping habits require an effort beyond ethical product selection. Entire behavioural patterns, processes, and dimensions must be stripped back, relayered, built-up and made habitual to enable consistent ethical choice at the cash register." (Carrington et al., 2014, p.2763). Fast fashion consumers are mostly under 35 years old and for whom fast fashion provides an affordable way to express their constantly evolving, unique perceptions of self identity (Valor, 2007; Crane, 2016), especially because people's outfits are always on display (McNeil & Moore, 2015). This is further integrated as social phenomenon by the proliferation of social media as a means for showcasing one's style and as an avenue for self-expression (Anguelov, 2015).

This is problematic because the price and time sensitive nature of supply chain management that has driven labour exploitation in the industry is a reflection of unpredictable and seasonal demand patterns of fast fashion consumers (Perry & Wood, 2018). Retailers routinely postpone order confirmations to producers in order to capture the most consumer/market information, order in small quantities of more varied goods and exert price pressures on producers to more accurately and profitably respond to volatile, unpredictable consumer purchasing behaviour (Hoang & Jones, 2012; Taplin; 2014). In fact, Mezzadri (2012) found production variability between fashion products: production cycles are more stable and standardised for menswear and outwear and therefore utilise lower levels of outside-factory subcontracting, compared to womenswear which tends to be more fast-changing and trend-dependent, thus utilising extensive subcontracting on varied tasks such as embroidery and embellishment work. This implies that even if ILS implementation and enforcement issues are resolved, it may only cater to a miniscule niche market of "ethical consumers" so long as an overwhelming majority of consumers continue to prioritise price and style over labour rights. Thus, leveraging consumer power on retailers will require broader behavioural change beyond the scope of ILS.

4.3.2 Difficulties in distinguishing "ethical"

The "ethical purchasing gap" is also caused by the complex (and sometimes conflicting) decision-making process of the "ethical consumer". Ethical consumption is a subjective term for different companies and it encompasses the consideration of impact on humans, the environment and animals (KPMG, 2007; Bray et al., 2010; McNeil & Moore, 2015). Consumers are found to be "selectively ethical" based on their own hierarchy of ethical issues (Carrigan & Attala, 2001) in order to make decision-making manageable (Shaw & Clarke, 1999). Given the rising environmental agenda, Kozar & Connell (2013) indicates that consumers appear to be more attuned to the environmental rather than social issues in the fashion industry. Thus, labour issues constitute one of the many considerations ethical consumers make.

Despite the proliferation of ILS in recent decades, studies have also shown that consumers do not feel like they have enough information about ethical issues of fashion items they purchase to distinguish the ethical practices of one company compared to another (Carrigan & Attala, 2001; Joergens, 2006; KPMG, 2007; Bhaduri & Ha-Brookshire, 2011). Survey findings by Shaw et al.

(2006) reveal that despite clear intentions to purchase ethically, 68% of respondents had either translated those intentions to purchases or were unable to decide if their purchases were ethical or not; a main problem identified being the lack of information relating to the ethical production of the item. Similarly, consumers found that clothing lacks labels that inform consumers about the conditions under which it was produced (Crane, 2016). Only a small segment of consumers research into brands' CoC and products' production origin, and it requires considerable effort to establish the ethical credentials of fashion products (Carrington et al., 2014, Crane, 2016).

The information gathering process is complicated by non-standardised ways of codifying the ILS that brands and products adhere to. Although most ILS are based on ILO Conventions, significant discretion is exercised on which standards are included and how they are communicated to consumers - no single standardised codification of ILS exists (Luce, 2005). Consumers have to navigate the array of corporate policies, multi-stakeholder CoC, certification standards and countries whose trade agreements include social clauses, on top of news reports, to make sense of the products they are purchasing. As such, "...the true meaning of such branded emblems and terminology within the context of the fashion industry is not always transparent or understood." (Beard, 2008, p.448). To add to the confusion, marketing terms like "sustainable fashion", "ethical fashion", "eco-fashion" get used interchangeably and in non-standardised ways (Lundblad & Davies, 2016); some brands even come up with their own creative terminology to signal their form of ethical compliance (Beard, 2008). An interview respondent indicated: "Who is the authentic standard? … I wish there could be more consensus out there. This could help the consumers. If there was only one standard for the consumers, it is also easier to trace." (Bhaduri & Ha-Brookshire, 2011, p.143). Further, price is not a good indicator of an internalisation of ILS compliance costs - labour exploitation and abuses have also been found in the supply chains of luxury brands (Davies et al., 2012).

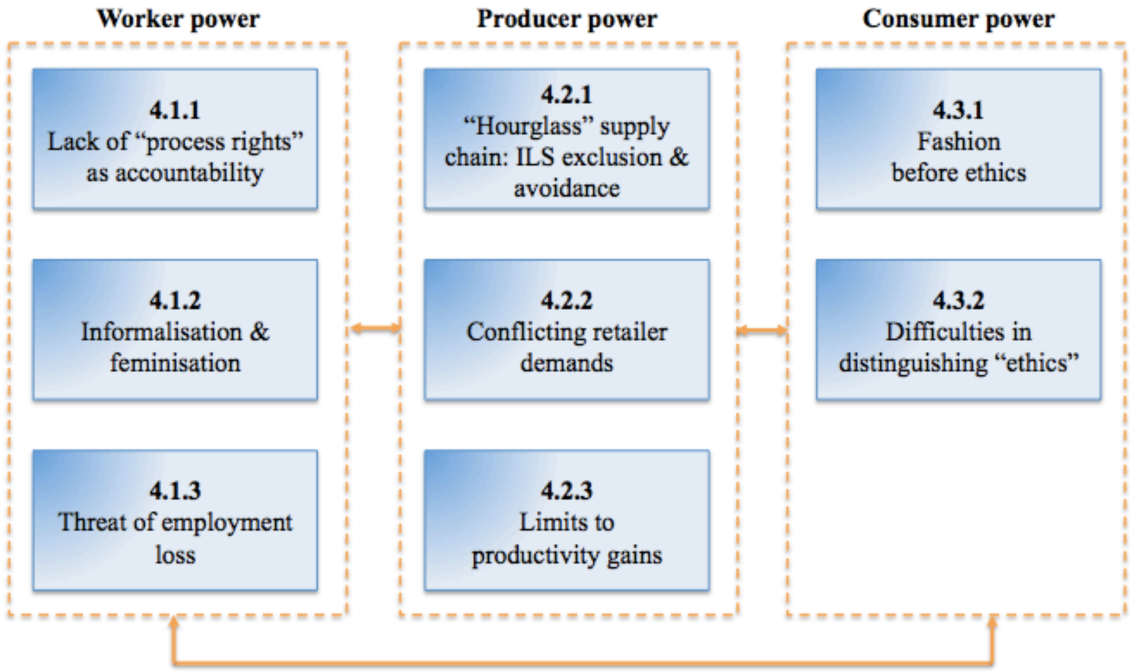
Some consumers also express skepticism over claims of ILS compliance by retailers as marketing tactics (Bray et al., 2010) and doubts that price premiums will accrue to worker beneficiaries (Shaw & Shiu, 2003). It is not just retailer claims that participants distrust, but also whether certifying agencies lower their standards to profit from certifications (Bhaduri & Ha-Brookshire, 2011). Some consumers also feel disempowered by "perceived consumer effectiveness" (Koh & Noh, 2009), assuming that ethical purchasing actions or brand boycotts will not make a difference to the overall success of improving labour conditions for the industry (Carrington et al., 2004; KPMG, 2007). Finally, others faced an ethical dilemma as they were unclear if boycotting firms with poor labour standards will worsen the situation for workers by displacing their jobs or hindering economic growth (Iwanow et al., 2005; Joergens, 2006; Shaw et al., 2006), rightfully reflecting similar concerns discussed in Section 4.1.3. Thus, even for the "ethical consumer", adoption of ILS by companies and countries is insufficient. Improvements in the codification of ILS commitments and compliance, and elucidating its impact on worker beneficiaries, are required to more effectively facilitate consumers' decision-making processes.

4.4 Towards a multi-stakeholder, agency-based approach

Sections 4.1 to 4.3 showed that when taking a closer examination of stakeholders incentives, power structures and decision-making processes, ILS efficacy in advancing accountability within the globalised fast fashion industry is severely limited. ILS alone cannot fully address complexities of the industry and country-specific economic structures that shape the agency of its stakeholders. Often, large portions of workers, producers and consumers lack the capacity or incentives to leverage ILS commitments made by governments or companies. Furthermore, the imposition of ILS without consideration of contextual factors may lead to a deterioration rather than enhancement of accountability and workers' rights.

This paper also argues that the limitations faced by workers, producers and consumers are interconnected and mutually reinforcing. The lack of workers' rights, extensive informality and worker marginalisation, and the threat of employment loss are interconnected phenomenon of poverty and underdevelopment in many producing countries. In turn, worker power is inhibited by the power assymetries between producers and retailers that incentivises producer-employers to persistently leverage supply chain configurations and exploit poor labour conditions as a basis for cost advantages in a highly competitive market. Although retailer-buyers have the finances and power to enhance labour standards, profit-maximising incentives supported by the lack of consumers' sanctioning behaviour evidenced by the "ethical purchasing gap" inhibit the translation of ILS commitments into actual purchasing practices. Closing the loop, limits to consumers' sanctioning power is in part attributable to the complexity in navigating information around ILS compliance due to the complex supply chain model and the rightful skepticism of consumers around codified information as effective signals of accountability between workers, producers and retailers. (Refer to Exhibit 4.4A for a summary of findings).

Exhibit 4.4A: Research summary of the limitations of ILS in improving accountability



Consequently, addressing labour issues in globalised fast fashion production and enhancing ILS efficacy will require **a multi-stakeholder, agency-based approach**. This paper concurs with insights from scholars that rightfully urged for improvements in social auditing processes (Locke et al., 2009), greater involvement of government and workers in developing "industrial democracy" (Donaghey & Reinecke, 2018), deeper scrutiny on global buyers' purchasing practices (Lee, 2016; Merk, 2014), retailer supply chain transparency and the standardisation around ILS codification (Bhaduri & Ha-Brookshire, 2011). The distinction of the proposed approach is to address a broader set of stakeholders and examine how interconnected power relationships and stakeholder incentives affect outcomes instead of focusing on narrow solutions which may only address part of the problem.

Consider the case of the US-Cambodia Textile Agreement (UCTA), which has been discussed as "best practice" in ILS, having achieved higher wages, unionisation rates, employment and apparel exports through its implementation (Wells, 2006). It originated as a social clause that later transformed into a multi-stakeholder CoC program called Better Factories Cambodia (Ibid). UCTA's relative success compared to other ILS programs was attributed to: (i) equal representation and active participation of the Cambodian government and trade unions, (ii) financial and technical assistance by the US and ILO in training workers, unions and employers and setting up a robust monitoring system and (iii) commitments to increase export quotas based on labour standards compliance (Wells, 2006; Sibbel & Borrman, 2007; Wetterberg, 2011). These distinctive features transformed the knowledge, capacities and incentives of local workers, unions, producers and government in driving acccountability towards labour improvements. In particular, producer incentives were tied to increased exports and production was targeted towards ethical end-consumers. However, this paper cautions the non-replicability of this case in view that ethical fashion only comprise 1% of market share and purchasing upsides were in the context of MFA restrictions on other producer countries which has since been lifted. In fact, order collapses during the 2008 crisis prompted "a wave of factory closures… and repeated calls by factory owners to lift... burdensome labor protections guaranteed by Cambodian labour law and ILS." (Hall, 2010, p.430).

However, the rare success of the UCTA case shows that important progress can made by transforming the capabilities and incentives of stakeholders in relation to the exercise of accountability. Specifically, this paper also calls for greater responsibility of governments, retailers and consumers in the global North in acting and assisting workers and producers in ways that are commensurate with their proclaimed desire for ILS outcomes. This includes greater investment in embedding ILS initiatives within broader socio-economic development and poverty-reduction programs, and for retailers and consumers to reflect their ILS commitments in purchasing actions or cost-sharing arrangements.

5. Conclusion

Poor labour rights and working conditions in many of the developing countries that produce for global fast fashion is a pressing and pertinent issue. The proliferation of ILS has been pivotal in acknowledging social obligations of corporate actors in the market economy and ameliorating some of the most extreme forms of labour abuses in global production chains. However, a closer examination of stakeholders incentives, power structures and decision-making processes through a framework of "accountability" has shed light on the severe limitations of ILS in supporting "voice" and "exit" by workers, producers and consumers. Also, many workers and producers fall outside the reach of ILS arrangements and ILS imposition without contextual considerations may result in deterioriation of workers' rights and welfare. Accordingly, attempts to address labour issues necessitate a multi-stakeholder, agency-based approach by taking into consideration the complex interconnected socio-economic structures that mediate stakeholders' actions and ILS outcomes.

The contribution of this study has opened up a new way of conceptualising labour issues in globalised production. Given the inexorable move towards further globalisation, further research could be conducted on the frameworks' applicability to globalised industries other than fashion. In parallel, it will be worthwhile to study the efficacy of other types of labour-enhancement initiatives within this framework. Another line of research will be to expand on the stakeholder framework to better address the role of other actors, including governments, unions, activists and social enterprises in driving labour rights and standards.

Resolving labour exploitation and issues in the fashion industry is an extremely challenging task, but the magnitude of its difficulty is overshadowed only by the imperative to do so. Initiatives need to more adequately addresss the complex, interconnected structures that mediate accountability relationships in order to truly progress and bring social justice to the many fashion workers in the developing world.

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