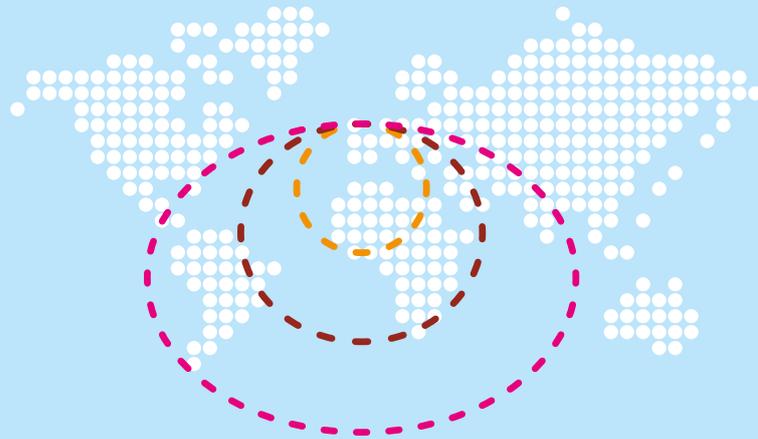




UNIVERSITY OF
LIVERPOOL



Clothes, Chocolate & Children

realising the transparency dividend



CLOTHES, CHOCOLATE AND CHILDREN: REALISING THE TRANSPARENCY DIVIDEND

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EXECUTIVE SUMMARY

- 'Clothes, Chocolate and Children: Realising the Transparency Dividend' ran from March 2018 to February 2019 and examined the effects of new requirements on businesses operating in the UK (introduced under the Modern Slavery Act, 2015) on exploitation in supply chains using a comparative research design,
- We focused on two sectors – cocoa and garments - where there are well-known issues around exploitation and child labour. We conducted fieldwork in four case study countries - Bangladesh, the Dominican Republic, Ghana and Myanmar - and spoke to over 250 workers and stakeholders. Data was also gathered in the UK via collection and analysis of corporate Modern Slavery statements and interviews with large firms.
- Our goal was to find out how transparency requirements connect with the reality of working conditions in source countries, and we were particularly interested in effects on children in the workplace and workers' families in the two sectors.
- In this project we sought to explore issues on the continuum of labour exploitation because many problematic practices and experiences in work are the abuses in-between forced labour or slavery-like conditions and full compliance.
- Our findings paint a picture of supply chains characterized by poverty, poor working conditions and business models which negatively impact workers' experiences.
- In the garment sector in Myanmar and Bangladesh, we found consistent patterns of overwork, under-payment, insults and abuse and a lack of responsible engagement by buyers. This is within a context of a failure to implement labour laws and hostility towards worker organising, for example through trade unions. It is evident that, without addressing these dual factors, problematic working conditions will not be resolved in a sustainable, long-term way.
- Despite high-profile 'anti-slavery' activities carried out by major brands in garment supply chains, there is limited reference to the enhancement and responsible enforcement of local labour laws as part of this work. We argue that the UK government has a pivotal role to play in focusing overseas development work on supporting efforts to ensure the coverage and enforcement of labour law.
- In the cocoa sector in Ghana and the Dominican Republic, our research identified some key misconceptions of how 'child labour' is framed and understood, with a lack of understanding of the situation faced by child workers and other risks for the sector. These include: sustainability of cocoa farming in the context of an ageing farmer population; intergenerational livelihood training and land ownership; safety of children; economic needs for children aged 16 and 17; and a livelihood model that does not include the hiring of paid labourers outside the family unit.
- We argue that the ultimate goal of efforts to prevent child labour and exploitation of child workers from taking place in cocoa farming must be centred on the rights of the child, including the voices and views of children and recognition of their presence in farming. It should enhance and promote the livelihoods of cocoa workers (farmers and labourers) and their families. Above all, initiatives should do no harm to those they seek to protect.
- To conclude, we found little cause for optimism in terms of the capacity of the new transparency requirement to deliver on its aims. Increased transparency may help in shining a spotlight on poor working practices, but the scope of that enlightenment is limited and highly uneven.
- Of particular concern are the unforeseen consequences of Modern Slavery (and other) transparency-related legislation, and corporate social responsibility agendas. These may displace rather than solve problematic working practices for children, and they may push exploitation and modern slavery further down the supply chain into less regulated markets. Future research needs to concentrate on these darker areas, where it is likely that children's and workers' rights are further reduced and the risks of exploitation are high.

INTRODUCTION

This report examines the impacts of new requirements on businesses brought in by the UK's 'modern slavery' agenda. The research offers new insights into the way the transparency agenda affects the welfare of children, both directly, as workers in their own right, and indirectly, as the children of workers employed in these sectors.¹

Our project examined supply chains for one commodity (cocoa) and one manufactured good (garments) and we looked at working conditions in four low and middle-income countries that form a significant part of these supply chains. We selected these case studies on the basis that they represent a mix of both established and emerging production: Bangladesh and Myanmar (garments), Dominican Republic and Ghana (cocoa).

Between March 2018 and February 2019, we carried out research that included analysis of a sample of UK companies' Modern Slavery statements, interviews with UK-based companies in these sectors, and fieldwork in each of the countries including interviews and focus groups with workers (including children) and stakeholders about the working conditions in these sectors. Rather than looking for - or attempting to quantify - how many workers might be experiencing conditions categorised as 'modern slavery' (MS), we sought to explore issues around working conditions and governance in these supply chains. Our goal was to evaluate what, if any, impact the UK transparency agenda might be having on working conditions 'upstream'. Unlike other similar research projects, we chose to focus on how this might be affecting children in different ways: children as workers, children who are displaced or excluded from work as a result of tighter regulation, and children whose parents are part of the workforce. The report is a summary of the project.

¹ For CCC Project Objectives see Appendix A

SECTION 1 – DEFINITIONS AND CONTEXT

Project Definitions

Transparency

The concept of transparency in relation to supply chains does not have a fixed definition. It is underpinned by the idea that businesses should be open about where their products come from and how they are produced, including whose labour is involved in making them. The basic idea is that, by improving the visibility of who is involved in the supply of goods and products to businesses, where they are and how they operate, both workers and consumers will have greater opportunities to hold businesses to account. At its optimum, this would be across every ‘tier’ of production, for example in relation to food this would be possible at every level through from the farm to the supermarket, every stage of production (i.e. from producer to consumer) and in relation to manufacturing would also include final assembly (i.e. subcontractors and producers of supply inputs). Transparency is something shaped through practice, but also through legislation and policy.

From a legal perspective, ‘Transparency in Supply Chains’ (TISC) is addressed in Section 54 of the UK’s Modern Slavery Act 2015 (MSA). Here, the notion is utilised as a tool to encourage businesses to disclose information about their supply chains, and what steps they are taking to ensure that ‘modern slavery’ does not feature in them. The legislation mandates companies with a turnover of £36 million or more and conducting business or a part of its business in the UK to publish an annual ‘slavery and human trafficking statement’ to describe the steps taken during the preceding financial year to ensure that slavery and human trafficking are not taking place in any part of its business or supply chains.

Although the government has published guidance as to what should be included in a statement², the business can ultimately select the content and form of the statement, even satisfying its transparency obligation under the MSA with a statement that the organisation ‘has taken no such steps’.³ Since the MSA became law and the transparency clause came into effect its value and effectiveness has been the

subject of much debate. Calls to strengthen its impact, for example by strengthening the guidance, and companies’ accountability⁴, have intensified. Transparency is clearly high on the public, political and research agendas in national and global environmental politics and governance.⁵ It has been pointed out that increased transparency alone is unlikely to improve working conditions or address modern slavery unless it is accompanied by a focus on gaps in governance.⁶ Many efforts driven by industry and non-governmental organisations (NGOs), particularly in the garment sector, have pinpointed transparency as a means of improving sustainability. The Fashion Transparency Index, for example, assesses and ranks brands and retailers across a range of indicators.⁷ The latest report claims that transparency is ‘like water... seeping into some of the darkest corners, permeating the fabric of the industry’ with the potential to flow into ‘every deep nook and crevice, reshaping everything in its path’.⁸ Despite widespread enthusiasm for transparency as a means of addressing problematic working conditions, however, research into industry-driven initiatives has found mixed results.⁹

Modern Slavery

The term modern slavery or modern-day slavery has long been used as a way to advocate for action against severe forms of exploitation. Until the UK’s Modern Slavery Act (MSA), however, there was no legal jurisdiction which defined the term. By contrast slavery has been defined in several pieces of international law, with one common reference being the 1926 Convention¹⁰ which defined slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (Art 1).

More recently commentators and politicians have added ‘modern’ or ‘modern-day’ to both differentiate between contemporary and historical forms of slavery¹¹ and as an attempt to inspire action - a rhetorical ‘call to arms’.¹² The success with which this terminology has been adopted is illustrated by the fact that forced labour and trafficking in human beings (THB), which have distinct, albeit overlapping, definitions enshrined in international agreements and treaties, are increasingly subsumed under the term of modern slavery.¹³ This ‘turn’ to modern slavery as an umbrella term has been criticised by those who believe it devalues

2 See *Transparency in Supply Chains: a Practical Guide for Organisation* (October 2015). This is now recommended to be mandatory by the Independent MSA Review’s interim report on TISC (2019)

3 See Modern Slavery Act 2015 s54 (4)(b). The Independent MSA Review’s interim report on TISC has recommended the removal of this section (Field, Miller and Butler-Sloss, 2019)

4 See *Seeing Through Transparency: Making Corporate Accountability Work for Workers* (FLEX, 2018) <https://www.labourexploitation.org/publications/seeing-through-transparency-making-corporate-accountability-work-workers> and #GoTransparent campaign win: *Primark publishes factory locations* (Clean Clothes Campaign, 2018)

5 See *Transparency and value chain sustainability* (Mol, 2015)

6 See *Governance gaps in eradicating forced labor: From global to domestic supply chains* (Crane et al, 2017)

7 See *Fashion Transparency Index* (Fashion Revolution, 2018)

8 Fashion Revolution, 2018: 3

9 See for example, research into campaign by Swedish company Nudie Jeans which found main effect was increased consumer demand (Egels-Zanden and Hansson 2016).

10 United Nations Convention to Suppress the Slave Trade and Slavery, signed 25th September, 1926

11 See for example *Slavery in its Contemporary Manifestations* (Bales, 2013)

12 *Slavery in its Contemporary Manifestations* (Quirk, 2011)

13 *Exploitation Creep and the Unmaking of Human Trafficking Law* (Chuang 2014)

the potency of slavery as an idea.¹⁴ Others are concerned all these terms for describing exploitation are open to manipulation by actors to obscure and even harden existing structural inequalities in society.¹⁵ Nevertheless, the introduction of a requirement for companies to produce ‘slavery and human trafficking’ statements has had the effect of making businesses talk about working conditions in their supply chains.

The MSA defines modern slavery as including the offences of Slavery, Servitude and Forced or Compulsory Labour and Human Trafficking. This raises a problem of conceptual confusion with each term having a different relationship with the others. For example, human trafficking (as defined by the Palermo Protocol) incorporates number of different trafficking types, including forced labour and domestic servitude. Moreover, there are differences in interpretation between countries and civil society actors using the term modern slavery, particularly when groups supporting sex workers’ rights clash with neo-abolitionists who see all sex work as trafficking.¹⁶

In the rest of this report, when we refer to modern slavery it is the definition used in the MSA – i.e. covering a range of different offences and types of severe exploitation. However, we make no assumption that this definition should be accepted uncritically or should be adopted at the international level. On the contrary, we note that due to the novelty, complexity (and national specificity) of the definitional landscape, use of the term modern slavery leaves many questions unanswered. Conceptual ambiguity makes it challenging for businesses to create reliable and consistent measures or benchmarks with which to assess performance. Differences of definition across borders also creates obstacles for transnational campaigns in favour of improved conditions for workers. The language of slavery or modern slavery does not have the same resonance across the world, and indeed may be counter-productive for efforts to combat labour exploitation in the global economy.¹⁷

The relationship between the terms ‘modern slavery’ and ‘child labour’ further complicates the issue. Organisations such as the ILO make a clear distinction between child slavery and child labour, but recently released reports on both issues simultaneously in the same press release to underline the connections. Others choose to combine them in other ways.¹⁸ The Sustainable Development Goals are notable in this regard: under SDG 8 (Decent Work) both modern slavery and child labour are included together under target 8.7.

Children and Child Labour

We are particularly interested in the experiences and rights of children in the context of labour supply chains and transparency requirements¹⁹. The international community, by virtue of the Sustainable Development Goals (SDG 8.7 and 16.2), has expressed a renewed commitment to eliminating all forms of child labour by 2025. But such ambitions belie the contested nature of children’s working conditions and rights, the diversity of children’s labour experiences and conditions and the complexity of legal and policy responses at international and domestic level.²⁰ Such nuances are reflected in the practical guidance accompanying the MSA:

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. Children can be particularly vulnerable to exploitation, but child labour will not always constitute modern slavery. It will still be necessary to determine whether, based on the facts of the case, the children in question are being exploited in such a way as to constitute slavery, servitude and forced or compulsory labour or human trafficking. For example, it is possible for children to undertake some ‘light work’ which would not necessarily constitute modern slavery. ‘Light work’ is defined by article 7 of ILO Convention No. 138. Children do have particular vulnerabilities which should be considered when determining whether modern slavery is taking place. The Modern Slavery Act 2015 specifically recognises that it is not necessary for a child to have been forced, threatened or deceived into their situation for it to be defined as exploitation.²¹

To confront these complexities, our research aimed not merely to record the presence and experience of children as workers in the supply chain; it also sought to capture what happens to children once they are excluded from working in these sectors, including the alternative opportunities available to them. We also wanted to explore the effects that parents’ working conditions have on children and family life more generally.²² In that sense, we seek to move beyond a purely protectionist, abolitionist narrative, and offer a more critically enriched picture of children’s needs, opportunities and entitlement in this context.

14 *Trafficking, Gender and Slavery: Past and Present* (Patterson, 2013)

15 See *New Slavery, old binaries: human trafficking and the borders of ‘freedom’* (O’Connell Davidson, 2010)

16 See ‘The Multiplicity of Truths About Human Trafficking: Beyond ‘The Sex Slave’ Discourse’ (Tomkinson, 2012) and also the example of US position on illegal international adoptions (Turner, 2014)

17 See Eight reasons why we shouldn’t use the term ‘modern slavery’ (Dottridge, 2017)

18 For example the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) in the US Dept of Labor’s Bureau of International Labor Affairs (ILAB)

19 A child is defined as anyone under the age of 18 years old (UN Convention on the Rights of the Child, 1989, Article 1)

20 The International Labour Organisation Convention No. 138 on the minimum age for admission to employment and work (1973); The International Labour Organisation Convention No. 182 on the worst forms of child labour, 1999; ILO Declaration of Fundamental Principles and Rights at Work 1998; The United Nations Convention on the Rights of the Child (Article 32)

21 Extracted from *Transparency in Supply Chains etc. A Practical Guide*, (Home Office, 2017: 18)

22 See International Labour Office, 2012; 2012a

Differentiating between 'child labour' and 'child worker'

A significant number of children's rights commentators²³ support the need for a more nuanced, flexible and proportionate regulatory response to children who work. Therefore, this report approaches the subjects of child labour and child work as distinct but interconnected issues. For the purposes of the Modern Slavery Act and Transparency requirements, 'child labour' is defined in the light of international law²⁴ and is characterised by the following:

- children below 12 years working in any economic activities;
- children aged 12-14 engaged in more than light work; and
- all children engaged in the worst forms of child labour.

The worst forms of child labour are defined by article 3 of ILO Convention No. 182 as:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and **forced or compulsory labour**, including forced or compulsory recruitment of children for use in armed conflict;
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d) **work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.**

The United Nations Convention on the Rights of the Child (UNCRC) explicitly prohibits exploitative child labour (Article 32).

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;*
- (b) Provide for appropriate regulation of the hours and conditions of employment;*
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.*

Table 1 below illustrates the UNCRC ratification status of each of the countries involved in this Project and the domestic law in place to address the requirements of Article 32.

Table 1: Case study country ratification of 1989 UNCRC and legal working age.

Country	1989 UNCRC	Legal Working Age
BANGLADESH	Ratified 1990	14 ²⁵
DOMINICAN REPUBLIC	Ratified 1991	14
GHANA	Ratified 1990 ²⁶	15 ²⁷
MYANMAR	Ratified 1991	14 ²⁸
UK	Ratified 1991	13 ²⁹

23 O'Connell Davidson (2011) views the construction of 'child labour' as a moral category, to be eliminated irrespective of its effects on the lives of children (see Bourdillon, 2007; Liebel, 2004; Mortimer, 2003; Zelizer, 2005)

24 ILO Convention No. 138 on the minimum age for admission to employment and work, 1973; ILO Convention No. 182 on the worst forms of child labour, 1999; The United Nations Convention on the Rights of the Child 1989, Article 32. Note that Bangladesh and Myanmar have **not** ratified Convention No. 138. Ghana, Dominican Republic, Myanmar and Bangladesh have all ratified ILO Convention 182.

25 Allowed to undertake dangerous work from 18 years old

26 African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 and came into force in 1999 to address the perceived western-centric, imperialistic bent of the CRC and to respond to the specific issues affecting children in Africa. This includes the duty on children 'to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need'. Available at [https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/2AfricanCharterontheRightsandWelfareoftheChild\(1990\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/2AfricanCharterontheRightsandWelfareoftheChild(1990).aspx)

27 Ghana Children Act 1998 allows children to do 'light' work from aged 13

28 Factories Act, 2016 states children aged 14 and 15 can work a maximum of 4 hours per day

29 Part time work – exclusions for child models, actors and entertainers. Full time work only from 16 years of age, child must also attend part time education or training until the age of 18.

MAIN CHALLENGES AND RESPONSES IN OUR CASE STUDY COUNTRIES

Any discussion of children’s position within cocoa and garment supply chains can also be located within a broader discussion of the domestic economic and policy situation relating to the objectives of SDG 8, ‘Decent Work’ (promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all). We know that much of the global cultivation of raw materials, and an increasing proportion of manufacturing and production of consumer goods is located in low and middle-income countries where legislation around environmental and labour standards are low. Indeed, governments of these countries may be willing to use such standards to create comparative advantage and lower the costs of operations in the knowledge that businesses and foreign investment will be attracted. We next turn to how this plays out in our four country case studies, focusing in particular on working conditions in cocoa cultivation and garment manufacture.

Garments: Bangladesh and Myanmar

The production of garments has become a key economic activity for both Bangladesh and Myanmar. Bangladesh has become an established hub in global garment production.³⁰ In 2011 the ready-made garment (RMG) sector of Bangladesh was the second largest globally (after China). In 2015 garments generated 81% of exports from Bangladesh and accounted for 14% of GDP.³¹ The RMG sector generates the largest amount of trade-related foreign exchange and employs more than three million individuals out of Bangladesh’s 70 million person working age population³² - more than any other manufacturing sector in the country.³³ Myanmar by comparison is a

30 See *The Rise of Bangladesh Garment Industry: Globalisation, Women Workers and Voice* (Ahmed, 2004).
 31 See *Ready-Made Garment Sector in Bangladesh: Its Contribution and Challenges towards Development* (Islam et al, 2016).
 32 See *The Paradox of Export Growth in Areas of Weak Governance: The Case of the Ready Made Garment Sector in Bangladesh* (Ahmed et al, 2014).
 33 See *Bangladesh, with low pay, moves in on China* (Bajaj, 2010).

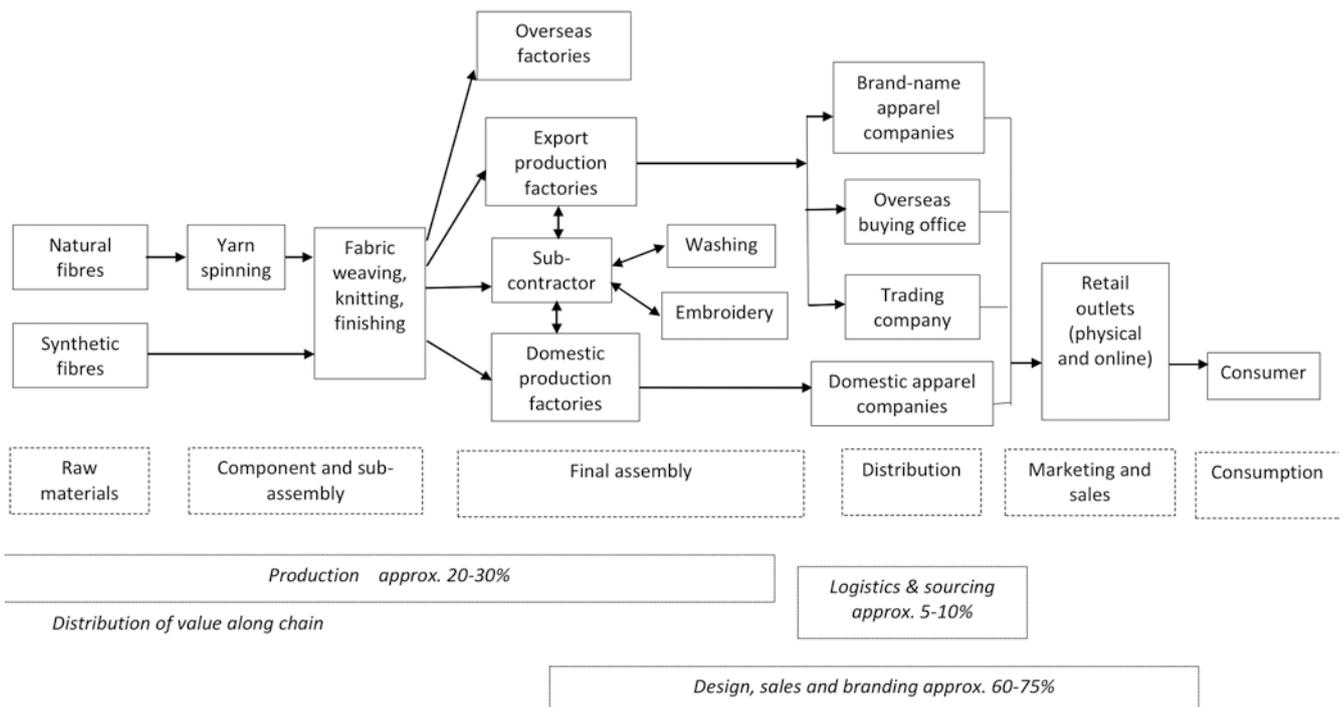


Figure 1: Garments Global Value Chain Source: Authors’ own with value chain distribution figures from Abdulsamad et al. (2015)

relative newcomer, but growth in the sector in this country has been rapid, particularly following the 2013 'Everything But Arms' (EBA) agreement with the EU following the transition from military junta. This granted full tariff free access was granted to European markets for all exports except arms and armaments. Since then Myanmar exports to the EU have grown tenfold.³⁴

The garment value chain extends from raw material production (e.g. cotton) through production, final assembly, distribution and retail to consumption. As Figure (1) below shows, the percentage of value extracted by raw material and production is proportionally less than in subsequent stages, despite the higher number of workers engaged in the earlier stages compared to latter stages.

In both Bangladesh and Myanmar, growth in the garment sector has been fuelled by a focus on lean manufacturing and attention to low-cost, low-value-added, and large-volume supplies with shorter lead times³⁵. Increasing pressure on margins can be connected to decreasing garment prices which dropped by 40 per cent in the mid-2000's³⁶. This has happened alongside reports of extensive labour abuses and a rise in unauthorised subcontracting to small factories where working conditions are claimed to be even worse³⁷. In Myanmar there has been a massive increase in foreign investment and employment in the garment sector in recent years, particularly from Chinese manufacturers. The International Labour Office (ILO) estimated in 2017 that the garment sector in Myanmar employed 738,000 workers³⁸ with the Myanmar Garment Manufacturers Association (MGMA) forecasting that this figure will grow to 1.5 million by 2024. In 2017, garment exports from the country were worth over \$2 billion.

Key issues affecting the garment sector and its workers

The dangerous working conditions in the garment sector in Bangladesh were highlighted to the world with the horrific Rana Plaza tragedy in April 2013³⁹. This was when a poorly constructed eight-story building containing an overloaded garment factory collapsed killing 1,134 garment workers and injuring over 2,000 more, including child workers⁴⁰. It was found that the factory supplied companies such as Primark, Matalan and Bon Marche in the UK, as well as many other international firms. The global outrage at the Rana Plaza tragedy led to a host of leading clothing brands, including many from the UK, signing up to an

Accord⁴¹ - a legally binding agreement between global brands and retailers and trade unions.

Relevant also to the experiences of children are the experiences of women⁴² which, in the garment sectors of both Bangladesh and Myanmar at least, have been at the forefront of discussions around exploitation and poor working conditions. The sector is characterized as pressured and competitive setting where low-pay and job insecurity is endemic⁴³. This has a significant impact on women who make up the majority of garment workers, especially in Bangladesh⁴⁴ where the vast majority of RMG workers are women from rural areas⁴⁵.

Key Initiatives

Following Rana Plaza, the Bangladesh Accord attracted over 200 signatories from apparel brands, retailers and importers, establishing a regulatory framework of independent inspections and remediation processes with the ILO. As a result, many factories were made subject to checks for internationally required certification of safety. This agreement was in place for five years up to May 2018 but sanctions for non-compliance, such as factory closures, have lacked Government support⁴⁶. There is evidence of a reduction of worker deaths but there remain serious concerns around the safety of garment workers⁴⁷.

Over the last three decades workers in Bangladesh have frequently protested about wages and working conditions. In the five years preceding the Rana Plaza tragedy, there was a period of striking and intense clashes between workers, factory owners and the police. In response the Bangladeshi government formed the Industrial Police in October 2010, primarily to prevent and control worker protests and to reassure international investors and buyers. While perceived as the 'batons of entrepreneurs' by workers, the public mission statement of the Industrial Police is to act as intermediaries, resolving disputes between workers and factory owners. There are currently 3,500 Industrial Police working across Bangladesh.

Another initiative introduced in Bangladesh was 'Better Work', an ILO and International Finance Corporation partnership that was operational between April 2014 and June 2017. It aimed to build capacity at the factory and national structural levels to enable stakeholders to develop the most appropriate strategies to address problems. This included improving compliance with international and national laws

34 See *Exclusive: EU considers trade sanctions on Myanmar over Rohingya crisis* (Emmott and Blenkinsop, 2018)

35 See *Rana Plaza collapse aftermath: are CSR compliance and auditing pressures effective?* (Sinkovics et al. 2016)

36 See *Assessing the impact of purchasing practices on code compliance: A case study of the Bangladesh garment industry* (Harley and Faiz, 2007)

37 Sinkovics et al. 2016: 624

38 See *Myanmar labour issues from the perspective of enterprises: Findings from a survey of food processing and garment manufacturing enterprises* (Bernhardt, Kanay De and Thida, 2017)

39 See *After Rana Plaza: Building coalitional power for labour rights between unions and (consumption-based) social movement organisations* (Reinecke and Donaghey, 2015) and

40 See *Bangladesh's Rana Plaza tragedy lives on for the child workers who survived* (Nelson and Rashid, 2014). Child labour was identified as an issue in the 1990s in Bangladesh, leading to a Memorandum of Understanding in 1995 signed by the Bangladeshi Garment Manufacturers and Exporters Association (BGMEA), UNICEF Bangladesh and the ILO Bangladesh. Child labour therefore was and is largely felt to be an historical concern for the industry.

41 'The Accord on Fire and Building Safety in Bangladesh' was introduced alongside a second agreement – the Alliance for Bangladesh Worker Safety.

42 See for example *Hierarchies, jobs, bodies: A theory of gendered organizations* (Acker, 1990), *Assembling women: The feminization of global manufacturing* (Caraway, 2007) and Ahmed, 2004 on the gendered nature of manufacturing

43 See *Working Conditions in the Bangladeshi Garment Sector: Social Dialogue and Compliance* (Mariani and Valenti, 2013)

44 See *Health Status of the Female Workers in the Garment Sector of Bangladesh* (Ahmed and Raihan, 2014); *Vulnerabilities of Women Workers in the Readymade Garment Sector of Bangladesh: a caste study of Rana Plaza Kabir, Maple and Fatema*, 2018; and Reinecke and Donaghey, 2015

45 See *Sociological implications of female labor migration in Bangladesh* (Asfar, 2001) and *The end of textiles quotas: A case study of the impact on Bangladesh* (Yang and Mlachila, 2004).

46 See *Social Sustainability in the ready-made-garment sector in Bangladesh: an institutional approach to supply chains* (Carlson and Bitsch, 2018)

47 See *Five Years After Rana Plaza: The Way Forward* (Barrett, Baumann-Pauly and Gu, 2018)

and regulations and improving working conditions, productivity and quality⁴⁸. This programme aimed to close the ‘enforcement gap’⁴⁹ i.e. the gap between standards set on paper and the reality for those in the labour market.

Workers’ rights remain an issue of concern. At the time of writing there was ongoing unrest in Bangladesh involving workers in the garment sector.⁵⁰ The Accord is currently in the process of being replaced by the new ‘Transition Accord 2018’, with a shift towards domestic governance and regulation. As part of this shift, the Bangladeshi Government imposed a restraining order to enforce the closure of Accord’s inspection programme and enable Government takeover of the regulatory work, even though the ability of the ‘Remediation and Coordination Cell’ (RCC) to do this effectively is in question.⁵¹ The minimum wage at the time of the research, set in 2013, was 5,300 Taka per month (\$63), still significantly lower than demands for a living wage⁵² and there are a host of compliance issues in relation to enforcing minimum wage, labour laws for safety and trade unions⁵³.

In Myanmar, concerns have intensified about the extent of political reform and whether there has been a meaningful transition from full military rule in Myanmar’s ‘disciplined democracy’⁵⁴. Since August 2017, refugees from the minority Rohingya Muslim community have been fleeing what the UN describe as a textbook example of ethnic cleansing⁵⁵. To put pressure on the government to address this crisis, in October 2018 the EU Trade Commissioner, Cecilia Malmstrom, notified Myanmar of potential trade sanctions by the EU on textiles, which could include withdrawal from the EBA agreement.⁵⁶

Anxieties about working conditions also exist in the rapidly growing garment industry in Myanmar alongside doubts about the country’s ability to enforce legislation to adequately address them⁵⁷. The nature of the type of ‘Cut, Make, Pack’ (CMP) products in Myanmar, which in this setting requires raw materials to be imported, pose another set of challenges for ensuring good working conditions. The country is described as a significant provider of the quickly turned around ‘fast fashion’ products demanded by the rapid moving markets of Asia and Europe⁵⁸. Associated labour rights abuses including low pay, low unionisation, excessive overtime and child labour have thus intensified and are cited as posing urgent dangers to the sector⁵⁹.

Workers have been increasingly vocal⁶⁰ in expressing their dissatisfaction with these conditions. According to Government data between 2012 and 2014, 447 demonstrations took place in factories within the sector in Myanmar.⁶¹ In 2015, the country established a daily minimum wage, argued to still not represent a ‘living wage’,⁶² of 3,600 Myanmar Kyats, approximately £1.80 GBP.⁶³ This attempt by Government to tackle low pay in the sector nevertheless took place in a context where compliance with labour laws are said to be inconsistent⁶⁴. In some cases the minimum wage has not been implemented, or if it has, in real terms it has lowered income insofar as employers expect workers to undertake unpaid overtime, increase pay deductions or lower the wages of more senior staff.⁶⁵

Cocoa: Ghana and Dominican Republic

Ghana is an established and significant producer of cocoa in global terms, while the Dominican Republic is an emerging producer that is seeking to grow its market share. Ghana accounted for almost 20% of the world’s cocoa in 2012 according to the International Cocoa Organisation. The DR grows only around 1% of the world’s cocoa and imports more cocoa for domestic consumption than it produces, but there has been a concerted effort to increase production. Another contrast is in terms of the countries’ relative wealth. Ghana is classed as ‘middle income’, yet much of the population in this predominantly rural country with a low GDP per capita continues to struggle with poverty. The Dominican Republic (DR) is one of the fastest growing economies in Latin America/the Caribbean and experienced growth of 213% in 2004-2014⁶⁶ and a GDP per capita several times higher than in Ghana.

As Figure 2 shows, both Ghana and the Dominican Republic are seeking to capture some or all of production through to manufacturing, which accounts for less than one third of the total value extracted from cocoa. However, there are differences in the approaches taken by the two countries. The Dominican Republic is not going the way of Myanmar in seeking to emulate low-cost high scale production of the more established producer. DR has sought to produce higher quality and more ethical cocoa and claims it is the best in the world.⁶⁷ It has

48 See *Better Work Bangladesh Programme* (ILO, 2018)

49 See *The Politics of Corporate Responsibility and Child Labour in the Bangladeshi Garment Industry* (Nielsen, 2005)

50 See *Garment worker killed and 50 injured in Bangladesh clashes* (Industriall, 2019)

51 See *Update: What is happening with the Bangladesh Accord?* (Preuss, 2018) and Bangladesh to eject safety inspectors brought in after Rana Plaza disaster (Safi, 2018)

52 This rose to 8,000 taka (\$95) from December 2018, but is significantly lower than union demands for a living wage of 16,000 taka (See *Full support for Bangladeshi garment workers’ demands on minimum wage* Clean Clothes Campaign, 2018a)

53 See *Bangladesh fashion factory safety work severely behind schedule* (Butler, 2016) and Carlson and Bitsch, 2018

54 See *Suu Kyi’s Myanmar, one year on* (Selth, 2017)

55 See *UN human rights chief points to ‘textbook example of ethnic cleansing’ in Myanmar* (UN News, 2018)

56 Emmott and Blenkinsop, 2018

57 See *A Study of Labour Conditions in Garment Factories in Myanmar which are wholly Korean owned or in a Joint Venture with Korean Companies* (Action on Labour Rights, 2016) and *The Myanmar Dilemma: Can the garment industry deliver decent jobs for workers in Myanmar?* (SOMO, 2017)

58 See *Myanmar Case Study for the Workforce Disclosure Initiative* (Workforce Disclosure Initiative, 2017) and Fashion Revolution, 2018

59 See Action on Labour Rights, 2016; SOMO, 2017; Workforce Disclosure Initiative, 2017

60 See *Myanmar Garment Workers Threaten Further Strikes if Demands Are Not Met* (Radio Free Asia, 2015)

61 Action on Labour Rights, 2016

62 See *Myanmar Country Study* Fair Wear Foundation, 2016

63 This increased to 4800 kyats late in 2018.

64 See New Government’s Initiatives for Industrial Development in Myanmar (Min and Kudo, 2013)

65 See *Fairness Perceptions and Reservation Wages: The Behavioral Effects of Minimum Wage Laws* (Falk, Fehr and Zehnder, 2006) and ALR, 2016; SOMO, 2017; Workforce Disclosure Initiative, 2017

66 See *Sustainable cocoa development in the Dominican Republic* (Naturebank, 2016).

67 See *Cocoa Supply In The Dominican Republic: Challenges & Opportunities* (La Croix, 2013) and *ICCO Panel recognizes 23 countries as fine and flavour cocoa exporters* (International Cocoa Organisation, 2016)

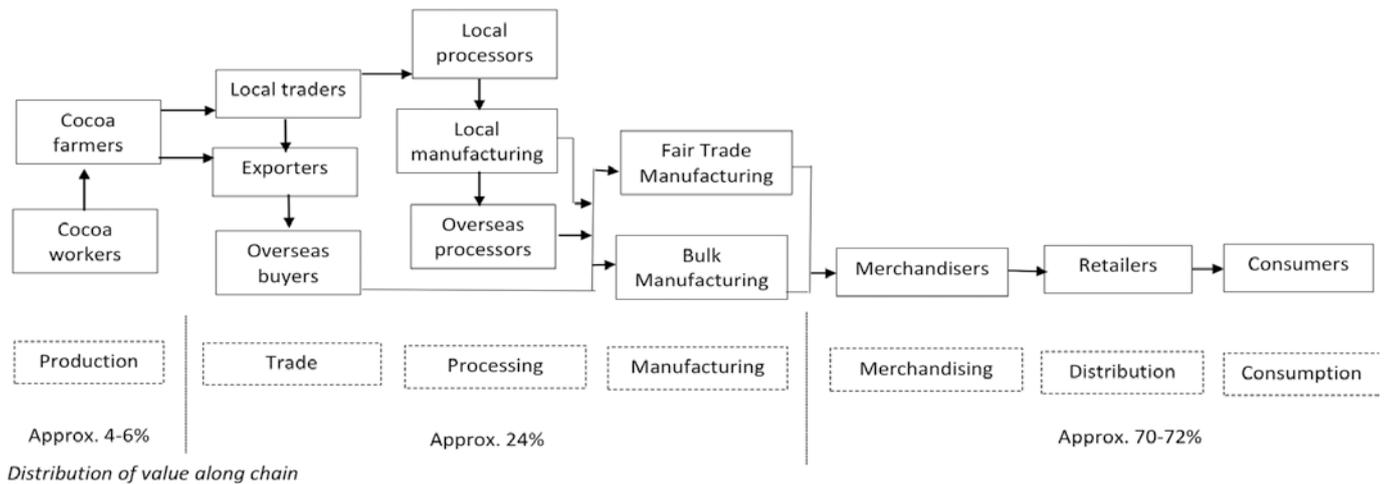


Figure 2: Cocoa Global Value Chain Source: Authors' own with value chain distribution figures from Abdulsamad et al. (2015)

certainly become a market leader in the exportation to Europe of 'ethical' (i.e. Fair trade) and organically certified cocoa. Today, 60% of DR cocoa is organically-certified and shipped to Europe (principally, Spain, France, Germany, Holland, the UK and Italy). The cocoa produced in Ghana ends up in products from the best-known chocolate brands created by Nestle, Mondelez (Cocoa Life), Cargill, Divine, Barry Callebout and Ferrero.

Additionally, the key actors in cocoa cultivation and export in each country are different. In DR, Conacado, a recently privatised domestic company, dominates the cocoa industry, albeit with competition growing. Private companies such as Rizek and Roig, cocoa families with a long tradition in the sector, contribute to 85% of domestic production. In Ghana, the state has historically been more dominant, not least as the governance over all cocoa sales (Cocobod) and a majority shareholder (60%) in the domestic Cocoa Producing Company (CPC) Golden Tree, but there has also been a trend of privatisation in recent years.

Key issues affecting the sector and its workers

Cocoa cultivation has for a long time been associated with child labour, and Ghana is often cited as a country where this is a key issue. Research into the initiatives that have been adopted around exploitation and child labour have concluded that these need to be better linked with supply chain governance, capacity building and other

policy areas (Griek and Penikett 2010).

Cocoa producers (farmers) in DR are largely born poor and die poor: most are in debt and many have to seek additional sources of income to supplement the earnings from cocoa.⁶⁸ Child labour is also reported to be an issue for DR, but primarily in other agricultural sectors such as sugarcane and coffee. The sector in DR is dominated by small producers, but this is a changing landscape. Batista (2009) reports that 64.4% of cocoa producers own less than 80 taresas (5 hectares) of land, and land ownership is a major issue in DR.⁶⁹ Less than 50% of the rural population has access to formally titled land and many producers do not have official documents proving ownership of land. The inheritance system in DR is said to account for the prevalence of small farm holdings because assets, including land holdings, are split evenly between the surviving spouse and offspring⁷⁰. The issue of companies buying up land and the workforce shifting over time to comprise more labourers rather than farmers has been identified already.

Similarly in Ghana, the farmers growing cocoa are mostly small-holders and land ownership is an issue, affected by matrilineal inheritance rules⁷¹. The sector is further complicated by structural issues around the state-based cocoa buying entities. The Government-run Cocobod, which sits under the Ministry of Agriculture, purchases cocoa from the now privatised Licensed Buyer Companies (LBCs) and Produce Buying Companies (PBCs) who purchase beans from local farmers⁷². Since 2015, Cocobod has fixed the price at which the State buys cocoa from these entities. This is argued to have protected farmers' income to some extent during the decline of the world market price for cocoa⁷³.

68 See *Cocoa production in the Dominican Republic: sustainability, challenges and opportunities* (Berlan and Berges, 2013: 95)

69 Ibid. (citing Siegel and Alwang, 2004)

70 Ibid: p41

71 Land is inherited by the mother or siblings of a farmer, not the spouse or children.

72 The PBC's used to be the main State agency responsible for purchasing cocoa beans directly from farmers. However, in the early 1990's, the internal marketing of cocoa was liberalized and a number of private entities (LBC's) were given license to purchase cocoa beans directly from the farmers alongside the PBC's. LBC's work directly with certification organisations (such as Cocoa-Nect, UTZ, Rainforest Alliance) and with initiatives run by chocolate companies.

73 The price of cocoa is fixed at 7,600 GHS per tonne. Between September 2016 and February 2017, more than a third of its value was wiped out with a tonne of cocoa going from above US\$3,000 to below US\$1,900 (Cocoa Barometer, 2018).

The new 'gold rush' Ghana is experiencing has a number of potential impacts for cocoa cultivation. Despite government outlawing sales of land for small scale (gold) mining in 2017/2018, it remains that, for some farmers, if they are approached to sell their land for mining, this is an attractive proposition as it is seen in the short term to be a better income than cocoa. This has reportedly had a number of effects on working conditions in cocoa cultivation: children are claimed to be getting involved in the much more dangerous and unregulated illegal mining activity as opposed to cocoa labouring⁷⁴; nearby water sources can become contaminated and land becomes unstable. Even if farmers lease the land to prospectors, which has happened in the recent past, when returned it is unusable. This is just one part of a bigger picture of the interaction of economic forces and local legislation (child rights and regulatory activities) which, it could be argued, has transferred child exploitation problems away from cocoa cultivation to other parts of society.

Key Initiatives

The cocoa sector in DR is regularly portrayed as a success story and widely considered a model of good practice,⁷⁵ and this links to increasing buyer demand from the region. Pay and conditions are considerably better than in other sectors, particularly ones that have traditionally relied on migrant (Haitian) labour⁷⁶. There is a relatively rich history of efforts to achieve 'child labour-free' cocoa. The major certification schemes forbid employment of children under 18 for anything other than light work.

In response to the recommendations for 'enhanced efforts to eliminate barriers and make education accessible for all children'⁷⁷ a number of key government mechanisms have been established in DR to address child labour. Children are allowed to work from the age of 14, but only light work is allowed under the age of 18. DR now has compulsory education in place for all children up to the age of 18, extended from half a day to full days, and children of Haitian descent are able to obtain birth certificates or identity documents to reduce their vulnerability to labour exploitation and ease their access to schooling. Similarly, in Ghana,⁷⁸ there have been a number of efforts to combat child labour. These include Government actions to improve governance of cocoa production - to make secondary education free to access from 2017 and the establishment of Child Protection Committees in cocoa-growing regions.



74 Moral economies and child labour in artisanal gold mining in Ghana (Okyere, 2018)

75 Wax, M. (2018) 'Transitioning to High-Quality Sustainable Cocoa in the Dominican Republic: A Success Story' World Cocoa Foundation

76 In contrast to labour practices used in the production of sugar and bananas, two sectors typically associated with the ill-treatment and exploitation of Haitians.

77 Bureau of International Labor Affairs, 2016: 8

78 Tulane University, 2015; Le Baron, 2018

SECTION 2: RESEARCH FINDINGS

MSA Statements analysis and UK stakeholder interviews

In order to connect the transparency agenda with the lived experiences in the two sectors, we undertook a small sample analysis of 40 MSA statements produced in the UK by companies who sell or produce chocolate and/or garments. We found a significant number of companies' statements were non-compliant, which supports the findings of other research relating to MSA statements.⁷⁹ There were also significant gaps in information on cocoa and on actions to address child exploitation in both sectors. (*The full report of this study: www.liverpool.ac.uk/politics/research/research-projects/ccm/msa/*)

The analysis of MSA statements was supplemented with stakeholder interviews with 15 individuals whose role is to produce such statements from key national and international businesses in the UK, and with civil society organisations involved in monitoring. The results of this research are combined with insights from the fieldwork we carried out in the four case study countries and presented in the second part of the findings below.

Fieldwork in Ghana, Dominican Republic, Bangladesh and Myanmar

The main component in our research was fieldwork carried out in Ghana, Dominican Republic, Bangladesh and Myanmar.

We spoke with 265 worker and other stakeholders⁸⁰ about labour experiences and conditions in the cocoa and garment sectors, through semi-structured interviews and focus groups. We worked closely with partners in each country and commissioned locally based researchers (listed at the start of this report) to undertake the majority of the semi-structured interviews in the participants' first language. This avoided misinterpretation or incorrect interpretation due to shared language and understanding of cultural norms. Even with local researchers, however, we faced challenges in communication. In Ghana, for example, where there are over 250 languages spoken across the country, researchers had to use a variety of methods to engage with the small number of internal migrant workers they came across. Where possible and appropriate, some additional interviews were carried out with stakeholders in English. Researchers gained access to workers and stakeholders through a 'snowballing' technique⁸¹ usually starting with an interview with a key stakeholder such as a union or labour-based organisation which would lead to introductions to other

interviewees. In Ghana, we required the approval of gatekeepers - 'chief farmers' - in each community and the consent of school head teachers (in the case of children that participated in the focus group discussions). In the case of garment production, our approach meant we were concentrated mainly on workers at the factories and did not access the lowest tiers of the supply chain, where the jobs such as dyeing, embroidering and labelling happen, often through outsourcing, in ad-hoc, unregulated settings, or even in workers' homes outside of the regulated garment districts.

Findings: Part 1 - The Impact of 'Transparency' on Children

As mentioned earlier, we did not set out in our fieldwork to identify cases of modern slavery or measure levels of child labour. Rather, our main aim was to expand our understanding of the 'transparency' agenda beyond working conditions to how it affects and impacts on the life experiences of children and their families. We sought to investigate the ways that children are affected by the experience of work in these sectors, both as the children of parents working in these conditions and as young workers themselves. To achieve this, we spoke to children working or 'helping' in the supply chain. The majority of these were involved in work within the cocoa sector, but a small number were also involved in garments. We also spoke to adult workers about their working histories, to understand how their working conditions and experiences impact on their family life, particularly their children.

Who are the workers we spoke to? Our participant group was mainly made up of front-line production workers, although we did have some in both sectors who occupied different levels of seniority in the production process. The term 'worker' has been applied to all of those who work in the production process for cocoa and garments. In relation to cocoa, this means that farmers and labourers are grouped together. However, whilst farmers can often occupy the position of employer and labourer simultaneously, it is recognised that there are issues of power and hierarchy in the labour relations between a farmer and the labourers they employ.

The term 'worker' was more easily defined in the garment sector. The factory-workers we spoke to were mainly those on the production

79 CORE, 2017; Ergon Associates, 2018; Phillips et al, 2018; Stevenson and Cole, 2018

80 Including NGO's, trade unions, local government and civil society. Participant breakdown – Appendix C

81 Kaplan et al, 1987

line doing cutting, ironing and stitching. These roles were, however, observed as being hierarchical and functionally separated on the basis of gender e.g. supervisors and managers were mostly recounted as being male. In factories with increasing numbers of males these were mainly relayed as men being recruited into specific roles working with automated machinery.

Equally, but with different meaning, participants in both sectors referred to children as often undertaking a 'helper' role, both paid and unpaid, within the workforce. We first explore their experiences before considering the children of adult workers.

Children as Workers or Helpers in the Supply Chain

In both our worker and stakeholder interviews we were told that in various shapes and forms across both sectors and all four countries, cases of child labour - the improper employment of children under the local legal working age - were still occurring but decreasing. In DR and Ghana, it was claimed by workers, NGOs and other stakeholders alike that this form of child labour was virtually non-existent.

That said, there was a general lack of understanding of the legal, social and economic context within the four countries in relation to children who were legally able to work. In both sectors, and irrespective of local legal regulations, buyers placed a blanket ban on the use of workers under the age of 18 as demonstrated in signs around the workplace:

Our respondents told us that, although well-intentioned, the universal prohibition of children's work could be linked to some unintended negative consequences. For example, buyers' actions to eradicate children under 18 from the workplace were often described as placing extra economic strain on already impoverished families:

"All supplier pressure improves conditions, except when brands say that workers must be over 18 years old. It should be 16 years old, because people in Myanmar are out of school and doing dead-end jobs. There is a huge gap since school leavers leave school at grade 9 at 14 years old." Mya S06

The unanticipated outcome of buyers and Government insisting on the non-presence of children in the factory was to displace, rather than eradicate, children's work. Children are commonly shifted to higher risk situations such as factories aimed at domestic production or further down the supply chain in less regulated settings:

"RMG [Ready Made Garments] for domestic market also has more child labour, as does farming and family businesses. Shrimp processing. Contracted/daily labour. Women bring one or two daughters into work with them. Transport sectors, handmade cigarettes, stitching and hand embroidery. Kids as young as 6-7 years old up to 15 years old." Ban S10

Governments of the countries in which we conducted our fieldwork

were seen as responding to outside pressure, especially from foreign investors, to eradicate child labour, but in a way that was not sensitive to context or to the welfare of those that would be affected, particularly where no positive alternatives are available in the form of income or education.

"There was a case recently when an audit found a young girl who was 14, and they handed this over to the manager who simply fired her. But according to the code of conduct there should be provision made for funding the child's education and so on, but they didn't do any of that. Later the same manager told them they can apply again to get a job again." Mya S01

"The child labour law is also complicated. You can employ a child at 14, for 4 hours. But they are told to work 8. The worker doesn't complain. If they do, they are fired. Child workers become street children, which is more dangerous. There is no plan to handle child labour. If fired, they'll get closer to criminal areas. So we don't handle child issues. It will become more difficult for families." Mya S05

In Ghana and Bangladesh the government has extended mandatory schooling until the age of 18 in attempt to eradicate the worst forms of child labour. We were told this was further exacerbating the impact of the 'ban' on child labour. Our participants questioned the value of this policy, particularly in a context of local labour markets that have high levels of unemployment. Concerns were raised that children in formal education were missing out on gaining the vocational skills needed to compete for work. This was particularly significant in cocoa, where the incorporation of children into the sector was linked to issues around succession and sustainability:

"This has its problems. This is because we are not living in a developed country, there are not as many opportunities. Our parents were producers. So even though children live in the countryside where there is not a lot of opportunities. They just go to school, they graduate, then there is a gap in the society as they have no way of finding a job. They learn how to write...There is no generational relief. Because of this, there are children who are not working in the countryside. There are many international actors arriving in the country. They know the sector and have an interest in cocoa. Many people with a lot of money, many rich people. What is happening is that many landowners are giving up their land." DR WFG 1213

In the past, the perception of child labour has been closer to definitions of child slavery, i.e. coercive employment of underage children for dangerous kinds of work. Our findings regarding cocoa cultivation suggest that this sort of child labour has been largely eradicated (Ghana) or even misrepresented (Ghana and DR).

In the garment sector we were told that child labour had not been eradicated but rather has become invisible. This happened in a number of ways: with the purposeful disguising or hiding of child workers from audits and inspections; or by pushing this form of employment further

down the supply chain to less visible (and less regulated) factories. Our evidence suggests that children continue to make a significant contribution to production in this sector. Workers of all ages in both sectors, when asked to describe how they entered into their current employment, regularly described the situation of working as 'helpers' and how that was key to gaining the requisite skills and experience. There were nuances in the meaning of this phrase. It sometimes meant unpaid 'helpers' in the workplace, perhaps accompanying parents/family members. Other times it meant being apprenticed, either unpaid or on a lower wage, into specific occupations. In the latter, this was prevalent in young garment workers aged 16 to 18 years who were legally able to work:

Ali

*I am 19 years old.
I started my job in a garment factory in my childhood, 13.
At that time nobody wanted to recruit me as a worker. I was even not physically matured.
My father died when I was too young. My siblings were also merely kids.
My elder brother was working in a shop. But his income was not sufficient to run our family.
So I started coming to the factory with my mother and sister to help out.
Then I got a job on the machines.
I like it very much. It is safe.
I work overtime a lot as I don't have anything else to do and it makes my pay a little better.
They prefer us young workers as we work quicker than the older women.
I don't know if they are over 18 years old. Sometimes people have fake ID or birth certificates. Their parents help them to get them so that they can start helping the family.
No one really checks.
Factories do still have children here but not as much as before.
In other places they hide them if a buyer comes to visit.*

In garment settings, similar to the cocoa sector, children's work is partly about gaining experience which improves their employment opportunities later in life. This could be by learning to use machinery with relatives at home or in their workplace or 'helping out' in factories to acquire experience and understanding of the work. This seemingly innocuous 'work experience' is, however, complicated by the reports that children, ranging from those in their late teens to those much younger, are being used far more regularly and clandestinely in factories, sometimes in contravention of local labour laws and regulations or buyers' rules.

In Myanmar, children can acquire a special apprentice status under domestic labour law. This makes it permissible to pay child workers a proportion of a regular wage which then incrementally increases over time (50%, 75% and then 100% after a fixed period). However, our respondents reported that factories terminated these workers'

contracts before they achieved full salary, replacing them with new, cheaper apprentices. Overall, we found that in the garment sector, employers in Myanmar and Bangladesh exploited loopholes around children's work. Our adult participants reported that when they started work as a 'helper' they were routinely made to work longer hours and for less pay than older, established colleagues. Workers also made reference to children being used for 'unseen' work such as cleaning or on a temporary or seasonal basis when orders had to be completed under time pressure. We were told that these child workers were hidden or removed when a buyer visit, audit or inspection took place. Due to these rules around apprenticeships and others related to the minimum wage (where children are often excluded), younger workers are cheaper for the factory to employ than older staff. The practice of paying young workers less than their older counterparts appears commonplace. Our findings suggest that this broad category of helpers/workers needs further exploration in relation to risks of exploitative labour practices.

Two further ways in which the needs and experiences of children working in the supply chains for both sectors have become obscured were described in all countries. Firstly, in circumstances of extreme poverty, we were told of examples where both children and parents consciously circumvented rules and laws by acquiring false identification or by not providing documentation that might reveal a child's age. This was revealed as especially prevalent in relation to migrant workers, including internal migrants from rural to urban locations. This makes it extremely difficult to estimate with any accuracy the true extent of child work and child labour. Secondly, we found examples where children were accompanying parents and families to work, often unpaid but not necessarily doing work that is dangerous or harmful. We were told that this was in order to help their parents achieve targets or complete tasks, meaning that although they were working, they were not seen as 'workers'.

It is clear from these cases that children are rendered invisible in the supply chain due to combination of formal exclusion from the labour market with the economic necessity to work and contribute to the household. While we did not set out to record examples of child labour or child slavery, this situation increases the risk that children could be made vulnerable to these types of exploitation.

Different perceptions of child labour are further complicated by connections with other social problems. For example, interviews workers and stakeholders spoke of children appearing in the workforce, often in locations away from their families, because they were escaping difficult situations. These ranged from child marriage, domestic or familial violence to abject poverty. By removing employment as a potential route out of these situations, our interviewees were concerned that vulnerable children could be forced to enter into much more dangerous work.

In cocoa settings, our interviewees who had worked as children recalled how they had often helped their farmer parents outside of the mandatory school hours. While there was a positive perception

among most of the farmers and labourers we spoke to with regard to making school attendance mandatory, this was overshadowed by other concerns. These included scarce employment opportunities and the high cost of further education, forcing children to migrate or fall into a poverty trap. In their responses adult workers underlined the importance of their experience as a child for the work they were currently involved in. As there is generally no formal training or education that workers can access to become a trained cocoa labourer or farmer, the experience as a child worker was cited as essential.

Essie

I am 14 years old.

My parents have two cocoa farms. One is about half an hour from home. The other is two hours by walking.

During the week I am in school. My school is about one and a half hours walk from my village.

I leave about 7.30 with my brother and get to school at 9.

We get home about 4pm.

We do our homework and our chores. If the harvest is in, we help to dry the beans and stir the pot. This is at our house.

We only go to the farms at the weekend or on the school holidays.

I don't mind helping out. My father says when the harvest goes well we all benefit.

Neither me or my brother like going to the farm that is far away. We leave about 6am and come back at about 4pm. If we go to the other one the day is much shorter and I get time to play with my friends.

I help by making food for us to eat while we are there. I help to collect the pods, break the pods and carry them to the road where they can get collected by the man who drives the bicycle. It can be very heavy sometimes but I put them on my head.

I also help sometimes with the seedlings.

If there are labourers there I sometimes fetch them water or food from the woman in the village.

I don't do the weeding or burning. My brother helps our father with that. He is 16. He hates it though. He says his back hurts.

I don't do the spraying [of fertilisers]. I get the water for my father and brother so they can do it.

I don't know if I want to be a cocoa farmer when I grow up. It is a lot of hard work for not very much money. I think I would rather be a government worker.

For farmers with children, their involvement is regularly seen as essential to maintaining farms and preparing children to take over the family business as adults. Land ownership and inheritance was a feature of interviews with farmers in both Ghana and Dominican Republic. In many Ghana regions, inheritance of land by children is not automatic. The practice of matrilineal inheritance means that if a man dies his wife and children are excluded from ownership and inheritance of property. Therefore, it is inherited by members of his maternal family, for example his brothers and sisters. Children who know how to farm the land are believed to be in a stronger position to argue for inheritance. However, there was a more significant issue relayed by cocoa farmers relating to the necessity of using family 'help' to keep

their formal labour costs down, in spite of formal prohibitions:

"After 16 there is the Work Code that says that children can do something on the farm. When we go with the inspectors, we never see children. They might be there but we don't see them. I go out with the technicians, with the certifiers. The Work Code and the certifications do not allow this. But you do see children helping out with the food. Sometimes they're on the farms to take food to the workers. But machetes – that is not allowed. Maybe they do it but it's not allowed. We go every now and then to the farms. We don't speak to the workers. When we go, we carry out the interviews with the producer [farmer]." DR S12

There were some that expressed resistance to this blanket ban, particularly for those children of school age working during holidays or free time and for those 16-18 who may not be in education. We were told that this work could provide a vital income for children and families, helping alleviate poverty. We were also told that it could add to vulnerabilities of particular groups of children for trafficking and exploitation in more risky work including 'galamsay' small scale-mining (Ghana) or street work, often leaving them vulnerable to criminal exploitation. Some children in Ghana who end up in this work were described as not only attempting to escape from rural poverty but also from abusive families or forced marriage. This was not the only time that the risk to children was said to be indirectly exacerbated by company demands and state interventions to remove children from work.

Our interviews with NGOs in Ghana attributed a reduction in child labour in cocoa to their own efforts and those of the government ministry and NGO interventions. Our interviewees often commented that the blanket removal of child involvement in cocoa cultivation (under 18) means that the younger generation are not getting to know any aspect of the business. We were told that children remain informally involved in farming, to a greater extent in Ghana than DR, mostly working on weekends or holidays during particular seasons.

Notwithstanding these complexities, there has been clear investment across all countries in tackling child labour, not just through the introduction of rules on prohibition, but through added investment in education. Ghana and DR have launched public awareness programmes regarding school attendance, and some schools and canteens have been established by chocolate companies. Regional Child Protection Committees have been set up in Ghana to deal with reported cases of child labour. NGOs have received funding to pursue intervention, training and awareness raising programmes at grassroots level, and to reveal instances of non-compliance with child labour laws. However, in Ghana it was relayed that funding for these programmes have mostly come to an end and there are concerns that, without consistent and sustainable efforts, child labour issues will reappear. The Impact of Parents' Experience of Work on Children

As the previous section has demonstrated, legal, policy and structural interventions to tackle child labour at international and domestic level have focused largely on removing children from work deemed to be

harmful. There has been relatively little attention, in a development context, on the extent to which the working conditions of *adults* impact on their children. In our research with workers in both sectors we found that the nature of the work they did and their work-related entitlement (notably pay and pregnancy, care-related and holiday leave) had profoundly negative effects on their family life. The seasonal and rural nature of cocoa work, in particular, necessitates long periods of separation from children and makes it difficult for parents to provide a consistent and sufficient level of income for their families across the year. Such issues are not exclusive to farm workers though; farmers themselves commonly take on additional loans to sustain wages and support their own income throughout the year,⁸² entrenching long term debt and family poverty.

Children of parents who are ‘working poor’

In both the sectors that we examined, and in all four of our case-study countries, children were often a central concern in many workers’ experiences of work. The working life of poorly paid workers were reported to bear a significant impact on their children and in circumstances of extreme poverty, they were often essential financial contributors to the family.

Separated Families

In both garments and cocoa cultivation, in settings of high poverty and unemployment rates, we found a very high incidence of workers living separately - or separated for long periods - from their families (parents, spouses or children), in order to undertake work. They reported that they made this choice out of economic necessity. Often the decision to move away from family (or to keep children at home in their family village in kinship care arrangements) could be directly connected to low wage levels. We found evidence that this had a significant emotional impact on workers, including feelings of stress, unsafety and anxiety. We also found evidence of other negative impacts including fatigue, poor health and poor diet. These impacts were exacerbated by long working days due to overtime and the commute to and from the workplace.

In the garment sector workers consistently raised the issues of the high cost of living in comparison to their pay rates. Economies are typically made through sharing accommodation with other colleagues or extended family. Many workers told us that they were living in slums close to their place of work for reasons of affordability and convenience (to minimise the cost and time associated with commuting). Those separated from the rest of their family (in particular those separated from their children) spoke of how they reduced their living costs to the bare minimum to be able to send money home for their children’s education, clothes and maintenance.

NGO representatives commented on the impact of poor working conditions on the physical well-being of factory workers; instances of fainting during work due to poor nutrition are commonplace. Workers in both sectors reported restricting certain foods in their diet to what was affordable, specifically removing meat was a common action. Female workers especially spoke of restricting their own meals to ensure that they could feed larger portions or more expensive foods such as meat or chicken to their husbands and children.

Living Wages

Table 2: Case study country data on daily pay, working patterns and staple food cost

Country	Daily Pay	Working Pattern	Average cost of 1 kg white rice
Bangladesh	203 Taka (\$2.40) Minimum Wage	10 hours per day /6 days per week ⁸³	\$0.75
Myanmar	3,600 Kyats (\$1.80) Minimum Wage	8 hours per day /6 days per week ⁸⁴	\$1.43
Dominican Republic Farmer	Average 547DOP (\$10.85) ⁸⁵	24/7 365 days per year	\$1.08
Dominican Republic Labourer	Average 450DOP (\$8.92) ⁸⁶	8 hours per day/6 days per week (144 days per year)	\$1.08
Ghana Farmer	Average 23GHS (\$4.50) ⁸⁷	24/7 365 days per year	\$1.84
Ghana Labourer	Average 40GHS (\$7.81)	8 hours per day/6 days per week (144 days per year)	\$1.84

It is difficult to demonstrate the true impact of pay on the ability to have a decent quality of life. However, the above table seeks to illustrate, by reference to the average cost of a kilogramme of rice in the different countries, the struggle facing most workers across both sectors to manage the cost of living. This is even more acute for those bearing the full burden of providing income for the family. Even where a minimum wage exists, particularly for garment workers, this does not reflect

⁸² Berlan and Berges 2013

⁸³ Workers may work more hours when an order is due, often unpaid.

⁸⁴ As above

⁸⁵ Based on average production of 40 quintals per year at 5,000 DOP per quintal/100lb (variable prices). Above minimum wage of 234DOP for farm workers, but this is calculated on what farmers told us about *sales* of cocoa but does not include deductions for unknown running costs of farm, including labourers pay. In DR, costs are suggested to be anywhere between 1500-3000 DOP per tarea (area of land) – this would mean most farmers earn less than the labourers (IDIAF, 2006; Berlan and Berges 2013)

⁸⁶ Above minimum wage of 234DOP for farm workers, but work is seasonal.

⁸⁷ Based on average production of 18 bags of cocoa per year, at 475 GHS per 64 kg bag. Calculated on what farmers told us about *sales* of cocoa but does not include deductions for unknown running costs of farm including labourers pay.

the cost of living. In the case of cocoa farmers, the picture is more complex and less secure. Fluctuating cocoa prices mean that income is not always predictable and by no means sufficient to enable them to cover the costs of labourers and other expenses. Indeed, in both cocoa producing countries we examined, farmers were very likely to be earning less than the labourers they employed.

Cocoa Workers: Age and Gender

Females were present in our participant group, both as formal and informal workers on cocoa farms but, in contrast to garments, the sector is predominantly and visibly male in the farmer and labourer 'formal' workforce. This has an impact on how the 'ideal worker' manifests in this setting, with men performing the physically demanding work, and women and children performing more of a 'supporting' role:

George

I am 63 years old.

I have been on this land all my life. My parents were also cocoa farmers and when they passed I took over the farm.

Cocoa is my life.

I learned from my family. I never had any training to do this job.

It is a hard job but cocoa has provided for my children and sent them to school.

My wife helps me with the farm. It was hard when she was with child.

When the children were old enough though at least we had help.

I don't know if I could look after a young family now on this little money we make.

The cost of producing cocoa is so high that we barely make any profit anymore.

There is something that needs to be done on the land all year round, weeding, burning, clearing the land, planting the seedlings, spraying the crops.

We usually work everyday for as long as the sun is up, but when it is too hot we finish around 1pm.

The only time I make money is for what I sell to the producers/buying company after the harvest. We don't get a monthly wage. So we sell a little plaintain, yam or bananas throughout the year.

I only employ labourers when I am desperate, so usually at harvest time.

I go to the village or marketplace to find them.

They either are known to us farmers or they announce themselves as new to the village. They are usually another labourer's family member from back home.

It is more or less a fixed wage for labourers, so no one feels cheated.

For weeding, I pay them a little money upfront and the rest when they are done.

If its harvest time they get the rest when I sell the beans.

I don't have any equipment to give the labourers, they have to bring their own wellington boots and cutlass.

If they get stung, cut themselves or get snakebite my wife and I try to take care of it.

To send them to hospital costs a lot of money, but there have been times when we have had to pay.

There is no union for labourers but I have never had a dispute.

The union for farmers, I don't see what benefit there is for me in joining that. The small help we used to get, like extra payments on our harvest or some soap, we don't see anymore.

Age is a significant issue in this sector; most farmers are older males and most labourers are younger males. This presents real challenges for the sustainability of small-scale family-run cocoa farms. An ageing farming population, coupled with the prohibition of children's involvement in cocoa farming means that there are limited opportunities to nurture younger generations as farmers. Workers are acutely aware not only of the precarity of their work in cocoa, but also of concerns related to the future of cocoa production.

"We have a really bad problem with young people not being interested in continuing the work of their parents. In 2011, 72% of producers are about 50 years of age. And that was already seven years ago. 18% of women, total of producers. 80% of them were over 50 years old. We have a problem. 80% of our producers have less than 5 tareas or less. It's not a lot of land." DR S13

In the case of cocoa cultivation in Ghana, not only did the farmers employ labourers or work with 'share-croppers' on the farms but they also undertook most of the work themselves. Farmers and sharecroppers⁸⁸ in Ghana often live on land close to or actually on the cocoa farms, and labourers tended to be a more transient population who are employed seasonally.

Farming cocoa is extremely labour intensive. There is currently no automation in this process, other than by large exporters and processors. Farms are mostly run by families, headed by older males, although we did speak to a number of female farmers/land-owners. Those who undertook the farming themselves relayed that they did not have any formal training or education on farming but were regularly working with hazardous tools or chemicals, or farmers were hiring others to do so. Farmers did not recount using any form of safety equipment for themselves and labourers spoke of being expected to provide their own. Therefore, both farmers' and workers' safety in the farming of cocoa was at risk. The uses of certain tools and restrictions on use of chemicals were often described by farmers as being a requirement for the strict standards set by buyers. Parent workers spoke of the involvement of their children in farm work, with some reservations, but often as a pragmatic reality, and sometimes with pride. This was usually by small-holders who may not produce large quantities of cocoa, a where farmers were the only adult in the household and where the only other option was to leave children home alone. The involvement of children was directly linked to the low buyer price

⁸⁸ Sharecropper = a tenant farmer who gives a part of each crop as rent

and the cost of farming, especially when producing cocoa to specific standards or certification (e.g. organic):

"I have three children. They all came with me [to farm] when they were at least 10 years of age. When they got a little older, I would pay them to be on the farm and they would clear the ground for me. I paid them. Because I didn't have a job.... They need to have clothes and food. They also need to learn how to manage money. I would get them to clear the ground. I would have to pay an outsider to do this, so why not my own children? And this has helped me raise three very hard-working children." DR W1
"I do not understand why parents are accused of promoting child labour even when the children work willingly to support me so that they can get some money when they are returning to school. The Government ban on child labour is affecting the production, negatively.. There are some farmers who do not have the means to hire labourers so they engage their children to do the job for them."
 GH W26

The tasks these children undertake involve fetching water or preparing food (more common for girls) preparing the land, gathering the harvest, helping with spraying the crops, breaking the cocoa pods and drying the beans. They also tend to other types of crops being grown on the land (such as cassava, callaloo, plantain or bananas) which provides essential shade for the cocoa to grow and t another form of income when cocoa is not in season:

"They start working at 12, 13 years. They start to learn the trade. You start teaching them how to work. A 7, 8 year old child they do work. They help out their parents. They cooperate. They help out."
 DR WFG3435

This may be categorised as dangerous work – children spoke of using knives, chemicals, flammables and carrying heavy loads. There is mention of natural hazards such as plant stings, snakes, wasps and ants. Nonetheless, in Ghana and DR alike, farmers' children's ongoing involvement was expressed as a basic necessity because their income was not enough to give them options to do otherwise.

Garments: how the working conditions of parents affects children

There was less evidence in the fieldwork on the garments industry of children being recruited to work. That said, we found that the working conditions of their parents – and particularly women – has profound effects on their ability to care for their children. This was in terms of safety issues, abuse, harassment, long hours, enforced overtime, recruitment processes that may involve pregnancy checks and practices relating to holidays, maternity and paternity leave.

In both Bangladesh and Myanmar we found a number of issues related to decent working conditions, ranging from lack of access to

drinking water and adequate sanitation, to workplace bullying, old and faulty equipment. Work-related sickness and injuries are commonplace. Enforced overtime, often unpaid, was the norm. The adherence to minimum wage regulations was a significant issue here. For many workers their employers had either not implemented the minimum wage, leaving workers with no option but to undertake overtime to make their wage more acceptable. Some employers who had implemented the minimum wage had accompanied it with new requirements to work unpaid overtime to meet the costs. Wage deductions or penalties for lateness, breaks, annual leave, sick leave and 'poor performance', were ubiquitous issues. We found widespread avoidance or denial of basic labour rights provided by law for workers such as minimum wage and maternity provisions. Employers claim to be increasingly squeezed by buyers prioritising profit margins and quick turn arounds, and this has a consequence for workers' pay and conditions:

"The price per piece has gone down since Rana Plaza. There is a special project by a UK firm. It is a charity that is claiming to use non slave labour. A high-end UK brand. Yet the charity gets 99% of the profit from the project and the factory they use in Bangladesh isn't unionised. Barely legal minimum wage. Owner hates unions. So even with these special projects the buyers still aren't paying enough." Ban S8
"Buyers are expecting more every year for less. The quantity of orders is not equal. The orders are seasonal too. No increase in workers numbers when we are busy, workers just do more overtime. 2-3 hours of overtime to make targets. Cost of living has increased, but price is the same. Demands are higher now. The biggest threat to business is the lack of price increases. A 10% increase would be needed to get back to where they were just a few years ago. Top management does discuss with buyers about prices. Sometimes they agree an increase, but only a very little."
 Ban S13

The garment industry in both Myanmar and Bangladesh is dominated by young female workers who constitute 95% of Myanmar participants and 75% in Bangladesh. There is an established literature which illuminates how gender informs the experiences of work in these settings.⁸⁹ Consistently, in both countries, the 'gendered workplace' (Acker, 1990) prevails. especially in relation to recruitment, staff relations, promotion, pay and leave:

89 see Ahmed, 2004; Bank Muñoz, 2008; Caraway, 2007; Plankey Videla, 2012; Salzinger, 2003.

'Sal'

*My sister got me this job. She has been here for a while.
I am 21 years old. I was married last year.
When I came for the recruitment, I had to do a standard health test.
This included a pregnancy test. I wasn't worried.
My husband is away working and I do not plan to have any children yet anyway as we cannot afford it.
I work every day except Friday in the factory.
Usually we work from 8am until 8pm, but when a shipment has to be ready we sometimes work right through the night.
We have to. If we don't meet the order, we lose our jobs.
We get some extra pay but I cant work it out on my payslip.
Usually I take lunch for an hour, I go home and cook for my parents and then quickly come back. But not when a shipment is due.
The supervisor gets very angry about us taking breaks.
There is CCTV now so that means he can't misbehave like he used to. Especially with the women.
I have seen him hit a male worker with his shoe and call him bad names.
Then the auditor, in front of everyone, said 'What is your gender? Are you a man or a eunuch? Work fast or I will remove your balls.' I have never had that sort of treatment but I know the women who clean here are still having misbehaviour from the male supervisors. They promise them a job on the machines if they give them something in return.
They are always watching us.
Sometimes they take money off us for being late, I'm not sure if the clock is right but I try to get back quickly from my break.
I don't really take breaks unless I really need the bathroom.
I try to do everything I need to on that break, text my husband, have a drink of water.
Although the water here doesn't taste too good.
The bathrooms don't smell that great either, we have a lot of workers in this factory.
My wages are ok as I live with my parents.
If I am sick, I don't get paid. Sometimes like when people get hurt by the needle or burnt they send you to see the nurse and then maybe after an hour she sends you back to work.
The pay is better when we have overtime but they don't always tell you if you are getting paid for it.
The older women, they sometimes have to stay late to finish their orders as they can't work as quickly as us. The pregnant women too.
Pregnant workers here are in miserable conditions
They don't get any special treatment. They have to stand and do the same work as everyone else.
The bosses don't like it if you get pregnant here.
Our maternity leave is 112 days. But, they make you go home at about 5 months so you have to come back as soon as the baby is born. If the new born baby dies, the authority curtails the leave.*

Recently, two workers' babies died after birth. Management sent letters to them to join office immediately.

Our General Manager said that pregnant workers do a wrongful act [sex] at home and we are paying for that. If they have to pay them their benefits that means there is less money to pay us. I have seen a few women get terminated for being pregnant.

The high representation of women in the workplace balanced against experiences of gender-based inequalities in pay, leave and workplace experiences, coupled with persistent structural gender inequalities in health, education, law and wider society, are often defended on the basis that participation in work, of itself, contributes to the advancement of gender equality in the financial autonomy it provides for women.⁹⁰ Nevertheless, the story we heard from workers and stakeholders in both countries was of factories transforming their operating practices in ways that compound their situation. Such changes have responded to the demands of the fashion sector, particularly 'fast fashion'⁹¹ and its lean profit margins.

Furthermore, we found evidence of a transformation in the make-up of workers in the garment sector in both countries. There is a perception that the previously female-dominated workforce is set to be no longer a reality within the garment sector, and the drivers behind this can be connected to children and families.

First, women of child-bearing age are viewed by many employers as a risk due to their likelihood of becoming pregnant. The majority of female workers in our samples in both countries were in the age range of 20-29 years of age. They told us of a constant turn-over of staff and feelings of precarity or insecurity in their positions, and that employers were finding ways of avoiding or working around their legal responsibilities for actions such as providing maternity benefits. Maternity rights and pregnancy 'monitoring' were issues consistently raised by workers and stakeholders alike. We were also told by female workers of the common practice of pregnancy monitoring, through recruitment 'health checks' or, as in some cases in Myanmar, by daily questioning.

We found that the abuse of labour rights were disproportionately felt by older, disabled or pregnant workers. Workers with caring responsibilities are in a difficult position should they choose to refuse to undertake overtime. They claimed they were targeted for disciplining and penalties to make it easier for employers to sack them or to push them to 'voluntarily' leave. Workers suggest that those who are leaving the workplace, especially if they are older workers with a similar work history to the workers within this study, have few options but to remain in the sector, but further down the supply chain in less-regulated or unregulated settings such as home-working.

Cho

I am 29 years old.

I have worked in factories here for 4 years.

I have one son who is 3 years old.

He is growing up in the village with my mum and auntie.

Its kind of our tradition. We have a strong family tie. Though he doesn't call me mother yet. But I'm happy.

I left the village when he was 2 months old as I had to come back to work. The factory gives you 112 days but makes you take most of this while you are pregnant, so you don't get much time with your baby.

They said there was somewhere where the workers children could be when I came here but I think they just say that for the inspectors. The childcare they have here is only a few places and most of them are the managers children.

I was still breast feeding when I left him. That was hard. I couldn't look at breast-feeding mums without crying. I cried a lot for a long time.

I don't think I will have another baby. Me and my husband don't earn much money, he is working away. We just cant afford it.

I can only take leave without pay so I cant afford to do that. My husband gets to come back maybe 2 or 3 times a year, he visits me then.

The factory closes twice a year for the main holidays, a couple of days, so I see my son and family then.

A key issue raised in responses about workplace relations is that of gendered workplace violence and aggression – physical, sexual and verbal.

Male and female workers relayed extensive experiences of aggression and violence in their everyday work (57 respondents out of 90). Verbal and physical violence towards 'shop-floor' workers was outlined as common place; staff described being regularly hit or shouted at, especially during the highly pressured time of preparing goods for deadlines:

"I once promoted to leader but I wasn't happy and I quit. They demanded higher targets and told me that I had to shout and swear at the workers to demand these targets. When the targets didn't get met, they shouted everyone. To meet their target demand, sometimes it is really difficult. Some of the pieces were really hard to make." Mya W26-33

Male and female workers alike recounted abuse from supervisors and manager of a sexualised and gendered nature. For female workers, even those few who had managed to secure more senior roles, sexual violence, including physical touching, references to genitalia, labelling women as sex workers and offering of money or workplace 'advantages' in exchange for sex, appears to be normalised practice. *"There are many reports [by female workers] of bullying and harassment by floor level management. Often they want women to give them sex for money."* (Ban S14).

Female workers are subject to verbal and physical abuse *"A few days ago, my supervisor vituperated me for not meeting my target in time. He called me motherfucker, daughter of a whore"* (Ban W33 ,Female, 22). Workers told us about the 'bad behaviours' of supervisors and line managers and routine violence. *"Why these bad behaviours, yelling, abusive words? They pay less than the labour we give. We don't have the right to talk, take leave, say no to overtime or get an increase in salary. Behaviour should be fair with the workers"* (BanW18, Female, 22). Women who resist these abuses make themselves more vulnerable:

"I started in garment factory work when I was 11 years old with rest of my family. We were very poor and a big family that is why we worked in the factory. I haven't finished my primary school because my parents had no money. I worked in the factory for 7 years, not paid. The lack of job security, maternity issues, these issues are not being addressed especially women's issues. Respect, dignity. That's what we want. I've been working on these issues from the 70s, 80s. It is highly male dominated. I had a lot of experiences of strikes, trying to organise unions, being beaten by police and local 'muscle men', them filing false cases against me. When I was 18 years old I began as an organiser. To organise the female workers. All the men thought I was a prostitute, saying 'why are you going at night, travelling on your own?'" (Ban S1).

One worker (Ban W18) explained that *"managers do not behave badly with me. I work in quality section, comparatively educated people work there"*. The indication is that workers who are in a more skilled position and therefore who have higher levels of education are less likely to be affected by violence and aggression in the workplace. This implies that there are significant issues of power and privilege in workers experiences. Age and sexuality further impact on the nature and experiences of workplace violence and aggression. *"I've had discrimination against my gender, because of being a tomboy. Being a LGBT. I don't want to tell my parents about bad things at work because I don't want them to feel sad."* (Mya W19, Female, 25).

"If I am sick, first they swear at me. If I say no to overtime they swear with microphone. The managers start to swear since the morning. Shouting and swearing constantly. They even hit my head... If I make mistakes with the clothes, they deduct from my salary as well swear at me." Mya 23 (Female, 17)

The experience of gendered violence at work is thus multi-dimensional and impacts on people differently according to role and background. It is nonetheless ubiquitous in the garment sector interviews and has important implications for children because of the effects on women that have caring responsibilities.

Summary

The nature of the 'gendered workplace' impacts on the lives of the children of both male and female workers. This is manifested in gender-based discrimination and bullying, and is especially acute in

relation to decisions around starting a family, experiences of pregnancy, maternity leave and pay and childcare at work. This impact is observed in gender-based discrimination and bullying, and is especially acute in relation to considerations for starting a family and experiences of pregnancy, maternity leave and pay and childcare at work.

It is clear that the impact of the 'gendered workplace' on children is substantial. It has an impact on their relationship and connection to their parents. It is having an emotional impact on parents, especially when compounded by poor maternity and paternity leave rights and benefits. It has a direct impact on the health and wellbeing of children. Fathers are assumed to not need paternity leave or to want or need to take on caring responsibilities. On the one hand, the decision to leave children with families (who are often geographically distant) is often relayed as a financially sound decision. This decision is primarily informed by low wages and the perceived financial benefits of children staying in areas with lower costs of living and family support. On the other hand, children and parents recount a profound sense of loss and separation, even from birth.

For parents especially, the impact on their children is apparent. From physical separation over long periods of time to poor diet to the necessitation of children's presence in work, it all points to an economic issue which has to be addressed from both directions. If buyers paid for the products or produce an amount which more equally reflected the work required and the profits made, then locally workers' pay could increase.

Findings: Part 2 - Transparency from expectations to reality

UK Business Approaches and Perspectives

In this second part of our findings we connect interview data from businesses working to interpret and implement the TISC requirement in the UK with the practical realities and challenges with regards to working conditions in each sector.

Approaching Modern Slavery from a Legal Compliance Perspective the UK stakeholders interviewed were generally supportive of the Modern Slavery Act, noting that it had helped focus businesses on issues that had previously been neglected or overlooked. The majority of firms felt that tackling the issue of MS was challenging, echoing recent reports that only 8% of businesses feel that they have all the information and resources they need on MS.⁹²

It was suggested to us that addressing modern slavery could represent a sound business strategy, i.e. with its potential appeal for customers,

thus generating enthusiasm within companies and industries. This general optimism was contrasted with practical concerns around a 'compliance culture' that was perceived as ineffective in changing purchasing decisions. Participants commented on the variable quality of MSA statements, including the use of consultants or 'copy and paste' techniques by companies in the rush to be 'compliant'. *"I've had a couple of suppliers where I recognise elements of their statements. Copy and paste, change the names"*. UK Stakeholder 2

These are similar concerns to the problems that we identified in our analysis of MSA statements. Furthermore, our respondents felt that the usefulness of this approach was undermined by a lack of enforcement. Businesses raised the issue of the need to monitor statements and make them centrally accessible to the public, something explicitly recommended by the recent Independent Review into the MSA⁹³. We were given two different reasons why this would have a positive impact. First, by enabling the public, or NGOs, to monitor compliance with the requirements set out within the legislation. Secondly, to address an absence of transparency regarding which companies have or have not complied and to create genuine pressure when they have not:

"We're still seeing hundreds of thousands of companies that have still not put out a statement... many companies that are merely producing reports are not even legally compliant... They're not getting punished for doing that and that is actually weakening the business case for responsible businesses to really address this issue, because they're seeing their competitors not doing anything. Getting away with it. Seeing no repercussions." UK Stakeholder 1

Transparency – a means to achieving 'slavery-free status'?

The UK-based businesses we interviewed expressed the view that the MSA requirements had often been interpreted in a 'competitive' sense, with companies going to great lengths to demonstrate that there was no MS in their supply chains. However, whilst this may have acted as a motivator, it was not always viewed as a constructive way of encouraging companies to consider in a more reflective sense how their own actions might be contributing to the problem:

"I think no business is able to completely say they've got no modern slavery in the supply chains or in their operations and so different business models and the different ways companies are structured and governed are probably needed until we get much better at this. So I can't see it happening very soon." UK Stakeholder 1

"Even if my budget was a billion pounds a year, there's no way that I could have full visibility of all my supply chains and could tell you categorically there's no issues in that supply chain. Nobody can say that about any of their supply chains. We've all got strong

92 Mekong Club (2017) Business Response to Slavery Survey Report.

93 The independent MSA review's interim report on TISC has recommended a central repository and inclusion of public procurement (2019)

systems in place to try and prevent it [MS] happening, coming into the business". UK Stakeholder 2

Our respondents articulated their concerns around not only how to find modern slavery, but how to act when it is found. Many companies are uncertain about how best to act to balance the needs of the worker, their supply chain relationships, corporate communications strategy and shareholders with their legal obligations.

"When the first real issue occurred in supermarket supply chains last year, it went public, the supplier was de-listed by one of the supermarkets upon reporting modern slavery. So the message that that sends is out is fairly bad, isn't it? But that actually happened. In our contract with suppliers we now state that we will not terminate the contract. We'll work with the supplier to tackle these issues, not walk away". UK Stakeholder 2.

Taking Transparency Beyond Compliance and the Role of Audits

We were told that the TISC element of the MSA would only becoming meaningful if it was approached as taking action 'beyond compliance'; working to identify and address issues which could indicate the risk of forced labour at present or in the future. The main tool discussed for achieving this were audits. However various practical implementation issues regarding those undertaken by companies or third parties were highlighted. The possibility of establishing partnerships to work with in-country organisations and NGOs also featured in responses which considered how to improve purchasing practices and local labour conditions:

"As a retailer or as a brand, you can't contract out all your responsibility to a third party and then expect everything to be ok. You've got to be true to yourself to make sure that everything is fine, as well as using that third party as well to support that." UK Stakeholder 1

Firms articulated their concerns about both the scope and nature of traditional auditing practices. The MSA has encouraged firms to audit beyond the first tier of production/supply while at the same time adapting audits to include MS and developing additional methods of checking compliance:

"We go beyond audit, because audits only focus on tier 1, 2 or 3 factories, it doesn't take you outside to homes... I think the most effective beyond audit programme work for us is done through NGOs across these organisations....we completely admit that we can't apply blanket standards and blanket programmes in ways of working. We want to work with NGOs and grass roots organisations who can advise and guide us what's in the best interest of the workers, obviously operating within a framework of legal standards... You also need very skilled auditors who have

the softer skills to really talk to workers and try and understand and build up a picture, and also, you know, have that intuitive gut feeling, I guess, rather than black and white tick box culture." UK Stakeholder 3

A recent survey of businesses⁹⁴ found that only 38% of audits in the garments sector include reports from local NGOs and/or trade unions so while some firms identify this as best-practice it is not yet being widely adopted across the sector.

"We need to take a slightly more differentiated approach to go after issues much further upstream. We need to go and look elsewhere, apart from Tier 1. We need to have different tools and different sorts of assessments. A third party audit is not appropriate at farm level and those assessments need to have a much more collaborative, a different approach to due diligence. All the grocery retailers should get together and try and align on auditing, because really this should be taking up less of our time. We should be doing the same thing and we should be competing in the areas where we can differentiate ourselves, and go beyond compliance. We all spend loads of money on audit and kind of secretly know it doesn't work." UK Stakeholder 4.

Several UK-based businesses expressed some frustration around the limits of the auditing process itself and the variety of ways in which it can be subverted or manipulated:

"There's just so much money in auditing. Audit houses make a hell of a lot of money off it so it's in their interest to develop special slightly different audits for everyone. You start talking about scary risk and a lot of brands will go 'take all my money and make the risk go away'. On the other hand, there are issues when companies do their own. [A brand] knowing how things work in Dhaka, which is that everyone does 80/90 hour weeks, wouldn't let excessive overtime be on their audit. Basically they just don't want to know, because once it's officially there they've got to try and fix it. It's an endemic problem." UK Stakeholder 5

Quality of Information on the Supply Chain

Our analysis of MSA statements showed significant differences between firms with regard to the volume and quantity of information on their own supply chains. The MSA statement analysis had also identified this knowledge as being variable when examining actions companies listed in order to demonstrate their commitment to identify and avoid modern slavery. Statements varied in the level of transparency about who their suppliers were and where they were located. Many did not address MS risks in the lower tiers of the chain. *"Getting to Tier 2 suppliers is challenging, because you're relying on the suppliers to give you that information and be accurate. I think the further down the supply chain you get, the less visibility there is and therefore the risk is greater because you don't know what's there."* UK Stakeholder 6.

The impact of the complexity of supply chains on companies' ability to provide such detail is reflected in the interviews, with mixed views on whether full transparency is achievable or necessary:

"NGOs would like to know where your product is made and to have that level of transparency. What we are unsure of is whether or not the customer really wants that information and whether or not the NGOs need it. I mean, we've published our entire factory list. So if there were human rights issues in any of those factories, the NGOs can contact us, and actually, is it important that we make 6,000 jeans out there or 100,000 jerseys, I don't know whether the relevance is there. So I mean, it's something that we would offer because we feel like we've been pressured to do it, but whether the value is there, we're unsure." UK Stakeholder 3

Our analysis of MS statements identified that companies selling cocoa products, including supermarkets, often did not provide significant detail of the cocoa supply chain. This issue was also picked up by stakeholders in our interviews, who suggested it was something they were aware of and often considered to be a pressing issue with associated high risks, but had not yet determined how to address it. One interesting observation was regarding the influence of sector-specific organisations in determining the ability of individual companies to have a clear oversight of the entire supply chain:

"We choose Rainforest Alliance certified chocolate. So the buyer will just buy from certified source....So we're not really going down to the grower to look for that. I think Rainforest Alliance, they do have their registry, but the problem is we would need to ask Rainforest Alliance. We are aware of the ethical considerations and human rights abuses and people not being paid properly and living in poverty. We just buy from bigger brands as we would expect them to do something about it. I don't think we are doing enough, to be honest." UK Stakeholder 8

When faced with large numbers of complex supply chains, firms are focusing on those commodities and geographical territories that they consider to be 'high risk':

"We know that cocoa is a big issue. I was out there in the sourcing countries myself, spent a lot of time there, but we've identified that it's our seasonal chocolate that's highest risk. Easter eggshells are high risk and that's without any of the damaged brands. Christmas biscuits and Halloween chocolates and the Easter ones are up there." UK Stakeholder 4

There is little empirical evidence of widespread changes to procurement decisions based on MS concerns, although a small number of firms have made strategic decisions to avoid sourcing particular countries and even less have rationalised their supply base (to increase control and monitoring of existing suppliers).

Quality of information on Labour Conditions and Workers Experiences

Most MSA statements concentrated on the primary tier of international supply chains and to a lesser extent domestically, but did not, or could not, address lower tier activity. This is significant, in that it demonstrates the absence of oversight over the places within the supply chain where the most exploitative practices are likely to occur. However, participants discussed how even considerations of the primary tier suppliers' activities which were most vulnerable to exploitative labour practices, such as obligatory overtime, extensive hours, child labour, seasonal or casual labour and subcontracting, were not always straightforward to address. Issues of local legislation and cultural practice dominated the discussion:

"Statistics change all the time, but a third of MPs directly own a garment factory or something like that. At the moment I'm trying to map out where our garments go [from the factory] to get printed, embroidered, wash-dyed. I've been to a lot of wash plants and some of them are nice and some of them are not. The garments go out without our label to get washed and then they come back again, but obviously somewhere where we don't know about, with our label in it, so if that place burns down that's not going to make us look good. Another level of risk is panel embroidery...they'll cut the panels in the main factory and send it out, but it won't have our label on again.....The tier below tier 1 is where people who don't ask any questions, have their stuff manufactured, and it's where all our major retailers have stuff manufactured that we don't know about when the top tiers subcontract things that they shouldn't " UK Stakeholder 5

As many firms start to tackle second, and possibly third, tier suppliers they are faced with challenges of how to monitor the procurement and sourcing strategies of tier one suppliers and the wider spatial distribution of often smaller suppliers in more distant places, including homes.

"The whole reason that they [suppliers] farm work out to the village is because that's where the skills are. The labour costs are generally a bit lower, as are the costs of living. The majority of industry in those villages comes from purely homeworking. So with any retailer, and I have to admit that we're not particularly advanced in this, but we are developing our processes, the priority would be making sure that the ladies are earning enough to feed, house and educate their children. Where you have the risk of child labour, it all comes down to wages. If the ladies are not earning enough, then it's inevitable that they would take in additional work for children to be engaged in as well, and that stops them from being in school, but the children will learn a skill." UK Stakeholder 3

Discussion with firms would often return to the issue of who is responsible for tackling modern slavery through supply chains. Some firms felt that they were filling a 'governance gap' left by inactive national governments:

“We’ve got what we have to do in terms of respecting workers, but the state’s duty is to protect that worker, and, if the state did its role to protect that worker, we wouldn’t have to do anything to look at our supply chain because they’ve already put that regulation in place. People would have a meaningful living wage, people would have working protection rights, and access to remedy and the right to collective bargaining, that kind of stuff. But in many cases the challenge around the world is that the state aren’t doing that, so the reliance is on business to then start to protect people as well. Supermarkets cannot tell the world how to grow its food or how to treat its workers, but if we can be a voice in that, we can start to advocate governments to actually do what they should be doing anyway.” UK Stakeholder 2

Overall, the interviews we conducted with stakeholders highlighted where the legislation can create opportunities to tackle the issue of MS but also pointed to barriers to progress. Participants relayed the willingness of companies to address MS issues but also showed how those individuals tasked with taking the agenda forward were often a number of stages removed from the understanding of how workers experienced the supply chain on the ground and are reliant on the information provided by third parties. However, as they state, many of these third parties have a vested interest in the ‘industry’ of auditing, certification, inspection and consultancy that the MS agenda has inadvertently boosted. Our report now turns to our empirical research in cocoa and garments in our case studies to connect the perspective of UK-based businesses to working conditions ‘on the ground’ in producer countries.

Connecting working conditions with ‘transparency’ and modern slavery

We explored how the issues of transparency and modern slavery resonated with the struggle for improved working conditions in the four case-study countries. Modern slavery and the MSA were not specifically mentioned by any worker in either sector in any country. Neither were transparency or modern slavery referred to spontaneously in the interviews with stakeholders such as trade unions or NGOs – the concepts were only discussed once introduced by the interviewer. Modern slavery is not a term in common usage in the countries we conducted our research, and so there was little connection for our participants. This contrasted with other terms around exploitation, in particular ‘forced labour’ and ‘child labour’ which were much more widely known.

For example, in the cocoa industry in Ghana and Dominican Republic there was a broad understanding of the concept of child labour across our participants’ responses, including amongst young workers. In both the cocoa-producing countries we conducted fieldwork, international pressure has resulted in a rather defensive response to the issue of child labour, resulting in a heavy-handed prohibition-style approach,

which has failed to lead to more constructive, age appropriate responses defined by better regulation of work-place conditions for children. The result has instead been to exclude them from work, thereby limiting their current and future working opportunities. In the garment industries of Myanmar and Bangladesh, issues around forced or child labour were more likely to be articulated by labour activist unions and NGOs using terms such as ‘worker rights’ and ‘worker exploitation’ than by workers themselves. In both sectors, however, workers did not always articulate their experiences as abuse, often citing their situation or experience to be the ‘norm’.

Interestingly, when we asked our participants about transparency, and how this related to international brands, their responses related to the quality of production and finished goods rather than the experience of the workforce in producing them. Therefore, it was not possible for us to draw together a common narrative regarding the transparency agenda as understood by UK stakeholders or those representing international business interests and the experiences of workers in the supply chain during our interviews.⁹⁵

Moreover, we found a striking absence of transparency related to supply chains from the workers’ perspective. Our participants had little or no knowledge about where products from the factories and farms end up. In the case of garments, for example, we are aware that companies such as Tesco, H&M, C&A and Next procure garments from the districts where the factories are located and where the workers interviewed are, or have been, employed. For cocoa, that Nestle, Mondelez, Green and Blacks, Divine and Cargill procure produce from the areas we visited in Ghana and Dominican Republic. Yet, workers, when questioned, were vague or unsure of the brand or final destination of the materials they were involved in producing (although they were aware that the goods were for export).

Cocoa Case Studies

As can be seen in Figure 2 above, there are a lot of opportunities for oversight of labour conditions in the production of cocoa in Ghana. From the formal structure/processes for cocoa, to the chief farmers in local community governing structures to Licenced Buying Companies (LBC) field officers and regional child protection committees on the ground. In each case, however, they do not seem to be utilised for this purpose, but rather only for the purpose of product quality.

It is unclear how LBCs and PBCs (Produce Buying Companies) make their income in a fixed price economy. These companies buy the cocoa from farmers in at 475 GHS per bag, although farmers often claimed to be unsure of the accuracy of their weighing machines. LBCs report good relationships with chocolate companies; they act to enable these companies to attain certification and invest in farming and social infrastructure (such as schools, canteens, farming techniques, mapping farms to enable accurate understanding of size and thus purchasing of amounts of fertiliser). However, the extent of financial benefit for

⁹⁵ This was partly a consequence of our research design as we specifically did not set out to ‘follow’ the supply chains of any of the UK companies we interviewed, not least because that would have been an additional factor restricting our access to the UK firms.

the LBCs from this relationship may shape their view. Farmers are, according to LBCs, sometimes involved in LBC/PBC as stakeholders. This gives a cooperative style approach but also presents a challenge regarding investigating or reporting on their own practice as employers of labourers. In short, the primary interest of these entities is to produce good quality cocoa and make profit. The government interests are understandably to sustain this as they depend on cocoa as major source of income for the economy. They buy the cocoa from LBCs and PBCs in cedis (GHS) and sell to chocolate companies and others in US dollars.

In DR, we were often told that farmers organisations have increased benefits to farmers and to have helped with improving transparency. However, this view was not always shared by all farmers:

“Conacado was created with the intention of helping small-scale producers. At the start, it was an NGO. After that, it went through a number of changes. We do not see all of these changes as being overly beneficial for all the producers...Remunerations are not being passed onto the producers...That completely transformed the infrastructure. This change was negative. The work was easier. The producers were not under so much pressure. They used to worry a lot about ensuring they were complying with the norms, that they were not using agrochemicals, that there were no plastics on the farm. They received the information and tried to multiply these effects. They tried to pass this onto their families – how to carry out and improve production. What we’re seeing at the moment is that there is no difference. The companies want the same high-quality cocoa but the producer is not seeing the benefits of this. They are living worse. They are not seeing real benefits of their efforts”. DR FG1213

There is a new practice of LBCs contracting farmers to preclude them from selling their cocoa to any other LBC, which limits farmers choices in relation to accessing the benefits provided by some chocolate companies, but in theory, means it may be possible to trace which farms supply which chocolate companies. On the face of it then, Ghana has a robust process of supply chain ‘traceability’ from farm to company. The sacks provided by government which are used to transport the beans have a signifier which denotes the region of origin, this will then reveal the LBCs operating in that area and the farms they purchase from. [PHOTO]

We found that farmers in both countries were motivated by how certification could attract a premium for their produce, and this was confirmed by interviews with stakeholders and farmers. There are now 3 standards for cocoa beans – the newly merged Rainforest Alliance/ UTZ, Fairtrade and organic. ILO and UNSDG standards on labour conditions seems to be having an impact on how companies are developing standards which farmers are expected to meet for certain certifications; for example UTZ/RA ‘Block C’ standards concentrate on workers’ rights, including ‘worst forms of child labour’. However, in our research we found that the operational focus is on the quality of beans, for meeting both customers and buyers demands to know the

provenance of the beans, and maximisation of profits. The infrastructure for quality control and compliance with certification standards for cocoa farming seems very much focussed on the quality of the cocoa, to a lesser extent the environmental impact (deforestation and mining) and even less concerned with workers experiences in producing it.

Where workers’ rights are discussed in Ghana and DR, child labour dominates discussions but more as an historical, rather than a contemporary, issue. The ILO perspective of children whose parents are in a situation of forced labour also being counted as victims of forced labour, are not considered. There is no recognition of wider issues of labour rights. Labourers do not have any form of formal redress or mediation with farmers. The only unions referred to are for farmers and especially in Ghana, farmers did not have high opinions of their organisation or impact:

“I do not belong to any workers union or cooperatives now. From my observations in this community, the leaders of such unions or cooperatives take advantage and squander monetary contributions. I therefore do not trust them to join any union.” GH W16

There is acknowledgement that chocolate companies may eventually only buy certified cocoa in the future. In DR, farmers spoke of the EU move to use exclusively Fairtrade and organic cocoa in next few years. Thus it is in companies’ best interests to help farmers achieve these standards, but in DR this is not without its problems:

“From 2025 the EU is not going to import non-certified cocoa. But 95% of the plantations where they are trying to introduce this are plantations that use agrochemicals. Who is going to buy these products? In the EU there will always be a market for cocoa but we see that they are not producing this with the same quality that is needed. This is because they say it is very expensive and the producers are not earning enough to ensure this level of maintenance.” DR FG1213

“Fair Trade, UTZ, Rainforest, we have done everything they have asked of us. And now they are saying that they want more. We did everything and now the EU is saying it doesn’t want Cadmium, it doesn’t want pesticides, they permanently change the norms, they change the environment. The European consumer has to know this. We have put all of our eggs into Europe’s basket. We have met every requirement. We predict that there won’t be the sufficient labour force but also that Europe does not want to pay what they have to pay.” DR S13

Ghana’s Cocobod provides Government oversight and control of quality, sales and processing. This structure has its advantages, but as a whole farming (labourers and farmers) seem to be distanced from the profit that others make in this supply chain. If there was greater transparency around the profit margin for farmers (the difference between the cost to produce cocoa and the price paid), research could

establish if farmers are experiencing exploitative conditions. Such transparency would also serve to highlight the extent of the difference between farmers' profits and those of international companies. Government and companies are reported in both countries to provide some support, albeit with concerns about their shortcomings. The economic impact on farmers who need to invest in resources to achieve the standards is nonetheless clear in their accounts. Certification processes, despite all of the problems, however present an opportunity for companies to address social, environmental and economic issues and effect change on working conditions that have not yet been fully realised.

Garment Case Studies

As Figure 1 shows, the distribution of value capture in the global value chain is highly even across production stages. However, our project also demonstrated that there is unevenness within stages also. There is variation in the different kinds of factories that supply clothing. In the case of Bangladesh, these can be split into three categories. First, there are 'compliant' factories primarily serving the export market, where wages are highest, some unionisation and attention paid to health and safety. Second, there are factories focused on domestic demand that are not compliant and are neglected by government inspectors, and where there are lower wages and less concerns about health and safety. Finally, there are small factories that are doing subcontracting work for factories above. These are often in older buildings, characterised by poor health and safety, and offer temporary or seasonal employment. It is in this final category where child labour is more likely to be an issue, alongside ancillary and support services that surround factory production: transport, shops, handmade cigarettes, stitching, embroidery (likely home-based), where employment can start as young as 6 years old.

A key risk for foreign buyers seeking to improve transparency is the practice of subcontracting by the compliant factories. We found efforts to mitigate this (often by insisting on reporting systems, or the vetting of subcontractors) but found little evidence to suggest that brands could be confident about what kinds of subcontracting were occurring. For example, factory owners tend to have multiple factories but will always take government of private inspectors to visit the same one, which will naturally be the most compliant. This makes it difficult to know how many factories there are in any given area, and while there is licensing for garment factories, many of the smaller factories are not licensed. In contrast to the relatively more mature Bangladeshi garment sector, transparency is not a word readily associated with the Myanmar garment sector and its growing number of factories and workers. Even with our research team of experienced activists and ex-workers we found it challenging to establish the chain of supply to the brands. One of the features of our interviews with workers was a lack of knowledge about the end-point or destination of the factory's outputs. There was a telling comment from an international buyer about their reluctance to put a logo or any branding on the factory where clothes are made, citing the complexity and dynamism of production patterns as making this 'unrealistic'.

"Most of the factories are run by local people, but they are actually owned and operated from places like [South] Korea or Hong Kong, and they are very secretive about the brands they are working for and because of sub-contracting it is very difficult to know who they are working for. The trade organisation UFFCCI – always have a small share in each business – they are normally ex-military." Mya S08

A significant part of our discussions with stakeholders revolved around the poor state of industrial relations, which were widely perceived as fragile. There was widespread disillusionment about how well the new unions were operating and coping with grievances. We were repeatedly told that the outcomes of complaints and appeals processes did not result in proper redress, and employers could avoid complying by simply paying a fine.

There was little evidence that foreign buyers could penetrate much beyond the standard factory visits, meaning that second-tier suppliers were a significant unknown. All our stakeholders confirmed that there were a number of smaller operations where work might be outsourced, and that these would mainly be staffed by older workers, and they accepted that there would be greater risks of exploitation in these operations. As with Bangladesh, we were provided with lots of anecdotal evidence that the audit process is manipulated or faked.

Summary

In both of the sectors we examined, we found an almost complete disconnect between 'brands' and workers. As previous research has underlined the opportunities for building a relationship, for example through inspections or audits, tend to be lost due to the overwhelming focus on product quality rather than workers and their experiences. We found this was exacerbated by a reliance by companies on third parties to assure UK-based operators of the absence of modern slavery. Their focus is on the quality of the product and the price it can achieve, rather than the labour experience of workers in the supply chain. The assurances that certification schemes provide, for example that no child labour is used in the production process, as will be later explained, cannot be guaranteed.

This indicates that transparency is only operating in one direction. To reap the potential benefits of supply chain transparency, it needs to hand more power to the workers at the bottom of the chain to hold the brands to account. When NGOs/academics have pointed out the potential of transparency to enable worker organising across nodes of supply chains or to hold brands to account, they are implicitly assuming that those workers will have access to this information. If they do not, that route to change is denied.

Among the many challenges in establishing the added value of supply chain transparency requirements under the MSA for working conditions is the wide variety of interpretations regarding what constitutes 'the supply chain' in addition to different understandings of what constitutes 'modern slavery' (MS).



SECTION 3: DISCUSSION AND RECOMMENDATIONS

The transnational nature of production means that supply chains are now 'ubiquitous in the global economy, found in every industry, and on every continent'.⁹⁶ Our research confirms that poor working conditions are the norm in supply chains for garments and cocoa cultivation in Bangladesh, Myanmar, Ghana and the Dominican Republic, and that these more acutely impact precarious workers, women and children and their families.

Does the obligation to be transparent about action taken to address slavery in supply chains, bring about practical and meaningful changes to business operations? How far does the transparency obligation extend through the supply chain? This report has highlighted the scale of the challenge for the transparency requirements introduced under the MSA to make any appreciable difference for workers, children and families in supply chains. There are two initial observations:

- Most definitions of MS refer to severe and criminal forms of labour exploitation. Focussing on these forms may however obscure other bad labour practices from our vision. As FLEX (Focus on Labour Exploitation) have pointed out, in the continuum from 'labour compliance to exploitation' many practices and experiences are the abuses 'in-between'⁹⁷.
- Evidence suggests that illegal activities involving MS are often connected to legally produced products and services in the private sector through certain informality and business models, including the use of low-cost and flexible labour; outsourcing and subcontracting and long, complex supply chains⁹⁸. Therefore, making supply chains more 'transparent' may prove central to tackling labour abuses.

Therefore, if transparency in supply chains is to play a role in eradicating MS and child labour, as outlined in the UN's Sustainable Development Goals (SDG 8.7), businesses need to understand, report - and respond to – a wide range of abusive and exploitative forms of employment as they affect workers, children and their families. In other words, for its transformative potential to be realised, transparency must be more than simply increasing the availability of accurate information about which suppliers they are working with; it must become an instrument to improve accountability through the identification and tracing of negative consequences of practices within supply chains as part of efforts to address causal factors.⁹⁹

This research project was designed with the purpose of creating findings that would be policy-relevant, so we finish by outlining key recommendations. While we are confident that the research was conducted in a sensitive and informed manner and generated evidence that adds to our understanding of working conditions in cocoa cultivation and garment manufacturing, we accept that our approach has some limitations. The experiences that we collated are context-specific and may be more reflective of those organisations or factories that have been suggested or recommended by others. The number of participants in the research was relatively high, but this was spread across four countries, and the sample constitute an indicative, rather than representative, sample. However, the data that has been captured is insightful and illuminates the practices and experiences within the garment supply chain in a particular time and place that require further consideration in relation to the issues of transparency and modern slavery in UK policy and practice.

The risk of modern slavery

While we did not actively search for examples of modern slavery, we can provide evidence of practices and experiences that could make it more likely for exploitation to occur. These were different in each sector and location, but there were some common themes and issues across all case studies.

- We found that compensation for employment was underneath the levels recommended for each sector (e.g. the 'living income' (Cocoa Barometer, 2018) or living wage (Fair Wear Foundation, 2016). Without addressing this supply chains are better described as 'poverty chains' (Selwyn, 2018) where companies seeking profits simply reinforce existing structural inequalities and do nothing to alleviate poverty.
- Key issues here were deductions in pay, non-payment of overtime, low pay (under minimum wage), and state involvement (too much or too little enforcement)
- There were a range of issues around the 'disciplining' of workers which varied in terms of method, but were common across our four countries, e.g. the role of the state and intervention in family life (child labour and farmers), industrial police (Bangladesh) and CCTV (Ba and Myanmar)
- We found a range of adverse impacts on workers, children and their families from labour laws (e.g. child labour, achieving gender

⁹⁶ Ruggie, J. *Just business: Multinational corporations and human rights* (2013) (New York: WW Norton & Company), 6.

⁹⁷ Labour Compliance to Exploitation and the Abuses Inbetween, FLEX 2016

⁹⁸ Allain et al 2013

⁹⁹ Egels-Zanden and Hansson, 2016

balance in workforce displaces women and children into riskier work) or non-compliance etc, use of intermediaries by companies to ensure their obligations are met without engagement with workers.

Risks in the garments sector:

- A masculinisation of the sector, with women being pushed into lower-grade occupations and male worker participants working in male dominated factories
- Issue for older workers being forced out of the workplace and replaced by cheaper, faster younger labour. Linked to productivity levels required for orders and labour law changes to minimum wage. Younger workers said to be in lower (invisible) job roles or used clandestinely.
- A common practice whereby overtime is non-voluntary, essential to meet orders – with evidence that buyers are not considering the impacts of their demands on the workforce
- A lack of training or equipment: we heard about workers having to watch others to learn or depending on others in their community to enable them to do their work
- We heard about numerous examples where employers were able to mislead brands and manipulate worker responses when visits or audits take place
- We did not encounter widespread evidence that workers were paying to be recruited, but there were still issues identified around the use of ‘agents’
- Deductions are commonplace but not explained (payslips or contracts) –this significantly reduces the level of wages which can appear reasonable (to buyers)
- Workers want more UK state involvement in legislation and regulation but owners say buyers are most powerful actor.
- Differentiation, and widening gap, between the conditions of export and import factories. Government monitoring of the latter is much weaker and the domestic and subcontracting factories are high risk.

Risks in the cocoa sector:

- A key problem we found was that of low prices. With buyer prices low farmers are often forced to involve all of their family in the work involved to produce cocoa. They told us that paid labour was too expensive and profit margins were very tight, sometimes due to requirements around certification
- The focus on child labour in the past means that children below 18 have become totally excluded from paid work on farms. While this may be seen as some as a success, our evidence from NGO’s and workers suggests that this means those children have been pushed into work in riskier sectors and industries e.g. mining, sex work, street work
- We also found that children are involved in the production and sales of other plants grown alongside cocoa (e.g. cassava, plantain, bananas) to subsidise family income.
- Overall, we found a dangerous complacency around child labour,

with chocolate companies appearing to delegate their (UK) legal responsibilities to local (profit making) agencies without adequate direction or investment on the issues such as modern slavery. In the case of child labour, regional committees can only act when someone reports a concern, but this is unlikely to happen if local communities depend on the income this sector generates. There are others issues around the displacement of child labour to other areas and sectors

- New uses of cocoa (e.g. beauty products) while potentially good news for the sector can also increase risks for exploitation. This is because existing priorities and infrastructure concentrate on cocoa for chocolate production, meaning other production is unregulated and therefore vulnerable to the use of exploitative practice. This may be an area of interest for future research on the sector.
- Employment relations are generally informal, and operate on the basis of the cash economy, making workers/labourers vulnerable to robbery, and meaning that it is difficult to calculate contracted hours/overtime, especially considering home and work are one and the same for many labourers and farmers
- There is a labour supply issue which has risks for exploitative practices to worsen due to ageing amongst the population of farmers – this is linked to a lack of livelihood education or interest in cocoa cultivation for young people. Livelihood education for local population is ignored in favour of formal education, even though employment scarcity exists. Enforced school attendance has consequences for families e.g. fees, uniform, no home working.
- Farmers are treated as the workers in traditional chocolate companies supply chain, but they can also be employers - ‘sharecroppers’ or labourers are largely ignored. These groups are suffering from poor working conditions (although we found that experiences are marginally better for DR labourers). There are also a range of complex issues around land titles, land inheritance and forfeiture
- Governance of cocoa production sales, similarly in both countries what began as NGO and cooperatives have been co-opted as private entity companies and this also means that the different pricing systems (fixed – Ghana, variable - DR) presents different advantages and disadvantages
- Certification schemes have successfully incorporated many actors in the sector (e.g. FLO in DR and CPC in GH) but farmers do not have a voice in these systems, and we found an overwhelming focus on product quality rather than labour conditions

Conclusions

Our findings suggest that the new legal requirement to produce a statement under the MSA has not transformed what has historically been a soft law commitment to transparency. It has not, as Mantouvalou has argued: pierced the ‘corporate veil’¹⁰⁰. Our research clearly demonstrates the urgent need for the transparency requirement to be extended beyond the first tier of supply chains. As our dialogue with firms and stakeholders illustrated, this challenging.

One advantage of the 'modern slavery' frame For the companies we spoke to was that it helped them to explain today investors and management the reasons why they should improve their sustainability practices (i.e. to eradicate slavery) in a way that talking about general Labour abuse is did not. However, a disadvantage is that the term modern slavery does not resonate with stakeholders or workers in the countries we conducted research. Discussing 'slavery' rather than general working conditions risks diverting attention from lesser forms of exploitation, and the importance of contextual issues around family life or gender.

It remains to be seen whether the Modern Slavery agenda will continue the trend of short-term approaches to unsustainable labour practices in these sectors. This has been seen in the past with funding to deal with child labour, for example, that has failed to address root causes around poverty and land ownership. Our research would suggest that expectations for local monitoring systems undertaken by NGO's and others to uncover and/or address risks of modern slavery are inappropriate and unrealistic due to lack of common understanding of the problem itself, and the lack of resources or capacity to do so.

APPENDICES

Appendix A - CCC Project Objectives

- I. Map and analyse concerns around exploitation in four low and middle-income countries in production networks relating to cocoa and garments
- II. Explore how business and worker groups are responding to the transparency in supply chains agenda in the UK, and how this impacts on workers in those countries
- III. Examine the (competing) children's rights arguments and experiences underpinning the UK's modern slavery agenda and compare these with those countries where children may make up a significant portion of the workforce
- IV. Identify and evaluate the different systems of supply chain operation and business organisation which exist in these production networks
- V. Generate recommendations for the development and modification of transparency measures in the light of the findings

Research questions:

- a) How do experiences/levels of exploitation vary according to the profiles of workers, especially child workers, the demographic and industry context? In what ways can this knowledge and the experiences of workers be used to improve understanding and practice of supply chain ethics?
- b) What factors influence the resilience and vulnerability of particular supply chains to different forms of labour exploitation?
- c) What factors have influenced the effectiveness of particular interventions and/or models of governance in promoting labour rights? What practical policy recommendations can be drawn from the case studies presented?

Appendix B - International Child Labour Law

The international and European regulatory framework relating to child labour and children's working conditions is captured in the following instruments:

- **The International Labour Organisation Convention No. 138 on the minimum age for admission to employment and work (1973):** sets general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities are insufficiently developed.¹⁰¹
- **The International Labour Organisation Convention No. 182 on the worst forms of child labour, 1999¹⁰²:** Attempts to make a more nuanced distinctions between the different circumstances in which children work, with a particular focus on the worst forms of child labour. Requires ratifying States to eliminate the worst forms of child labour in all its guises including slavery, child trafficking, debt bondage and serfdom and forced or compulsory labour, the recruitment of children into armed conflict, child prostitution, pornography and drug trafficking; and any other work which is likely to harm the health, safety or morals of children. Most would not dispute the importance of eliminating these forms of exploitative and damaging child labour, but there remain some problems of defining precisely which types of work fit within the scope of this Convention or of how best to ensure that intervention improves the welfare of marginalized children.

It will still be necessary to determine whether, based on the facts of the case, the children in question are being exploited in such a way as to constitute slavery, servitude and forced or compulsory labour or human trafficking. For example, it is possible for children to undertake some 'light work' which would not necessarily constitute modern slavery. 'Light work' is defined by article 7 of ILO Convention No. 138. Children do have particular vulnerabilities which should be considered when determining whether modern slavery is taking place. The Modern Slavery Act 2015 specifically recognises that it is not necessary for a child to have been forced,

¹⁰¹ Note that Bangladesh and Myanmar have not ratified Convention No. 138.

¹⁰² Ghana, Dominican Republic, Myanmar and Bangladesh have all ratified ILO Convention 182.

threatened or deceived into their situation for it to be defined as exploitation.

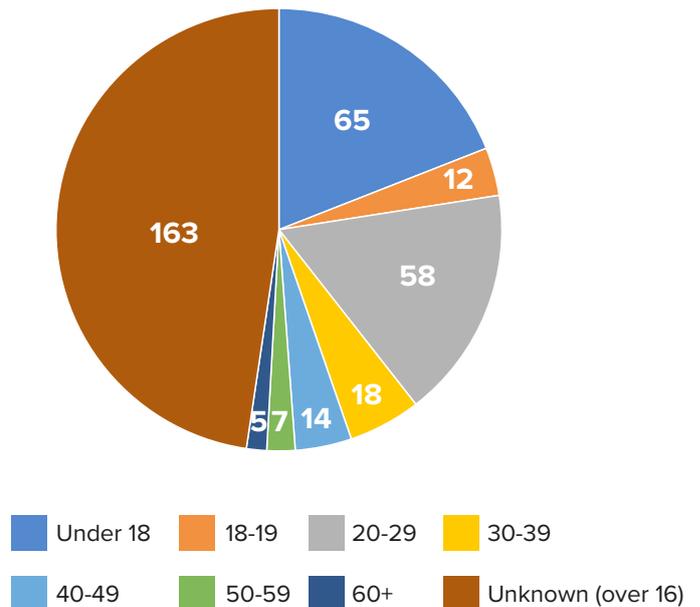
The worst forms of child labour are very likely to constitute modern slavery under the terms of the MSA 2015. The worst forms of child labour are defined by article 3 of ILO Convention No. 182 to include forced or compulsory labour and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Appendix C – Overseas Participant Breakdown

Over the period of June to December 2018, 265 workers and stakeholders, including NGO's, trade unions and civil society, were interviewed about their experiences of work in the cocoa and garment industry (between 214 worker and 51 stakeholder interviews). 104 in the garment sector of Myanmar and Bangladesh, primarily in the districts of Dhaka and Yangon, and 153 in the cocoa sector of Ghana and Dominican Republic.

Participants did not always want to disclose their demographic information – age, sex, marital status, and therefore information is incomplete. 126 participants did not disclose their sex. Of those that did, 53 were men, 86 women. Age breakdown is shown in Figure A.

Figure A: age breakdown of interviewees.



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