

# Worker Driven Social Responsibility: A Workable Model to Transform Exploitative Labor Markets or a Context-Specific Success?

---

Yonat Ben-Ozer\*  
Tel Aviv University

*Worker Driven Social Responsibility (WSR) offers a connection between alternative labor unions and Corporate Social Responsibility (CSR), to improve the working conditions of vulnerable workers throughout supply chains. This article evaluates whether WSR can be applied in diverse contexts, as its advocates claim. By analyzing three existing WSR projects, it identifies two current models of WSR and points out to several structural characteristics that affect the probability of applying the paradigm in different contexts. It then argues that WSR has better chances to succeed in local supply chains, especially under the direction of a local alt-labor organization. In addition, while heavy regulation and high state involvement may pose substantial obstacles, cooperation with the state may succeed with some adjustments to the model. A significant question mark encircles the possibility of establishing WSR under a temporary migration regime, as none of the examples available operates under such conditions.*

**Keywords:** WSR, FFP, farm workers, migration, labor law, human trafficking, labor approach

Two decades ago, Florida's tomato fields were notorious for brutal labor conditions, which in some cases resulted in severe forms of human trafficking. Nowadays, thanks to the Fair Food Program (FFP), some would argue it is the best work environment in US agriculture. The topic of this article is a paradigm called Worker Driven Social Responsibility (WSR) that grew out of the FFP's principles. WSR offers a connection between alternative labor unions and Corporate Social Responsibility (CSR). It seeks to improve the working conditions of vulnerable workers throughout supply chains and eradicate different forms of exploitation. As part of the WSR paradigm, corporations at the top of supply chains enter legally binding agreements with worker organizations, while financial sanctions and rigorous auditing mechanisms ensure compliance. Despite its proven potential, WSR is not yet a common model,

---

\* Faculty of Law, Tel Aviv University, Israel. Yonatbo@gmail.com

and very little critical scholarly writing can be found about this paradigm and its applicability in diverse contexts. The potential of applying WSR in diverse contexts as a “top-down” solution, rather than hoping it will grow from the bottom-up, is yet to be proven – and it is one of the major challenges facing this nascent paradigm today. This article seeks to engage with this challenge. It describes WSR through the lens of the Labor Approach to Human Trafficking and evaluates whether it can be applied in diverse contexts, as its advocates claim, or whether it is a context-specific success. By analyzing three existing WSR projects, the article identifies two current models of WSR. It then points out to several structural characteristics that affect the probability of applying the paradigm in different contexts. It concludes that WSR has better chances to succeed in local supply chains, especially under the direction of a local Alt-Labor organization. Also, while heavy regulation and high state involvement may pose substantial obstacles, cooperation with the state may succeed with some adjustments to the model. A significant question mark encircles the possibility of establishing WSR under a temporary migration regime, as none of the examples available operates under such conditions, which represent a significant challenge.

The article continues as follows: part 1 provides background on the labor approach to human trafficking, CSR and Alt-Labor. Part 2 introduces WSR as a novel tool in the fight against human trafficking. Part 3 analyzes three WSR projects: the Fair Food Program, Milk with Dignity, and the Accord on Fire and Building Safety in Bangladesh. Part 4 draws on the analysis and discusses a few factors that affect the feasibility of applying WSR in diverse contexts. Part 5 concludes.

## **A LABOR APPROACH TO HUMAN TRAFFICKING, CSR AND ALT-LABOR**

The Labor Approach to Human Trafficking is an alternative approach in the fight against human trafficking that emerged in response to criticism of the current predominant approach, known as the “human rights approach.” According to its critics, the human rights approach has very limited effectiveness, and it is overly focused on criminalization, provides retroactive assistance rather than prevention, and fails to identify trafficking as a broad phenomenon (Hathaway, 2008; Pope, 2012; Shamir, 2012; for lack of identified victims and prosecutions see UNDOC, 2020, 25; U.S. Department of State, 2022, 62). The labor approach (Chuang, 2014; Pope, 2012; Shamir, 2012), which is gaining traction in the field (examples for the labor approach’s influence on global policy can be found in Anton, 2014, 2017), focuses on underlying structural factors that enable human trafficking to prosper instead of combating its symptoms. It considers trafficked persons as agents, provides practical tools for labor market modifications, and empowers vulnerable workers through legal mechanisms that improve their bargaining positions. The approach acknowledges that the level of worker vulnerability is influenced by various factors

such as migration regimes, labor laws, criminal laws, and welfare systems – and calls for context-specific solutions.<sup>1</sup>

The labor approach utilizes various labor-related tools, including bilateral agreements and transparency legislation, which traditionally are not considered part of the human trafficking combating tools. I would like to focus on two additional labor-based tools – CSR and labor unions – and on a promising connection between them.

Corporate Social Responsibility is an increasingly prominent tool, particularly in the fight against human trafficking and modern slavery (Coe & Hess, 2013), and it is the center of a multibillion-dollar industry. Nevertheless, CSR has not yet proven to be an effective tool for workers' rights. It is often the case that the adoption of standards by corporations serves principally to prevent image crises rather than achieve measurable change (Locke, 2013; Vogel, 2007).

There seems to be agreement across scholarly literature regarding several fundamental flaws of the CSR model (Anner, Bair & Blasi, 2013; Locke, 2013), the most important of which is the voluntary nature of the activity. In most cases, companies that adopt codes of conduct are in complete control over their content and auditing mechanisms. They are also free to discontinue participation at any moment, usually without notice to consumers (Gordon, 2017; LeBaron, Lister & Dauvergne, 2017). CSR is insufficient also because of its weak, ineffective, and inefficient enforcement mechanisms (Clifford & Greenhouse, 2013; Esbenshade, 2016), even when conducted by external auditors (Lebaron & Lister, 2015), and many corporations simply shift the responsibility and financial burden down their supply chains (Locke, 2013; Gereffi & Lee, 2016). Some also argue that CSR is particularly problematic against human trafficking or modern slavery, because both phenomena are by-products of the socio-economic systems created by the very same corporations (Locke, 2013; New, 2015).

Lack of employee involvement is another drawback of CSR (Coe & Hess, 2013; Koenig-Archibugi & Macdonald, 2017; Siegmann et al., 2016). Unions will rarely be included in CSR projects, and even when they do, it will be unions from the global North rather than unions led by the workers in the center of the CSR arrangement (Gordon, 2017). Most agreements are generic and are not tailored to the specific workplace (Siegmann et al., 2016), and the lack of involvement weakens workers' rights awareness and their ability to report violations. The lack of employee participation also generates depoliticization of the workplace, marginalization of the conflict between capital and labor (De Neve, 2008; Jones & Fleming 2012), and presentation of collective rights in a technical manner that ignores their political significance (Mundlak, 2007).

Labor Unions, another labor-based tool, play a crucial role in securing workers' rights, reducing power disparities and enhancing democracy at work (Freeman & Medoff, 1984; Sachs, 2013). It appears that they have become more relevant than ever given the growth of the Precariat (Standing, 2011), a working class whose

employment is almost perpetually at risk, with modern forms of employment such as contract employment, freelance ('gig') work and temporary employment. However, the evolving economic and political landscape, along with changes in employment patterns, have led to a sharp decline in union membership and coverage rates, reduction of power, and erosion of state commitment to collective rights (Kang, 2012; Milkman, 2014).

Exploitation, human trafficking and child labor are less prevalent in sectors with high representation of unions (Marks & Olsen, 2015). However, unions are almost nonexistent in those sectors where workers are most vulnerable (Marks & Olsen, 2015; Fine & Gordon, 2010). In many cases, unions are reluctant to engage in an issue perceived as peripheral to their primary work or that might harm the interests of other members (Fine & Gordon, 2010). It is also difficult to organize vulnerable workers, who tend to fear exposure, especially if they are undocumented or temporary (Ford, 2015).

Recent years have witnessed the emergence of Alternative Labor Unions (Alt-Labor), which some call the "new face of the labor movement" (Hyde, 2005, pp. 385, 416; Ludden, 2013; Walsh, 2018). Alt-Labor organizations take on various forms and operate differently from traditional labor unions. Their goal is not to sign a collective agreement but rather adopt different strategies to further rights, while demonstrating flexibility and creative decision making (Dias-Abey, 2018; Milkman & Luce, 2017).

Their activities are varied and include political activism, legal aid, promoting enforcement, creating private enforcement mechanisms, and more (Garrick, 2021; Gordon, 2005; Fine, 2006; Fine & Gordon, 2010). As in many phenomena arising from the bottom-up, the law has not yet regulated Alt-Labor. Alt-Labor organizations are not entitled to the same legal protections and tools as labor unions, such as collective bargaining and strikes. Conversely, they are not subject to the usual "ground rules" that restrict labor unions, and are free, for instance, to lead secondary boycotts (Duff, 2013) – a tool that served a crucial role for establishing WSR projects.

Some criticize Alt-Labor organizations for failing to achieve lasting change beyond occasional victories, despite their potential (Milkman, 2014). Their funding base is often unstable and relies on outside support, which raises the risk of outside influence (Dias-Abey, 2018; Griffith, 2015), and also undermines the commitment of employees (who do not pay membership fees) (Greenhouse, 2013). The membership base of US Alt-Labor organizations often remains limited in relation to their potential and does not rival that of traditional unions (Milkman, 2014).<sup>2</sup> Critics also point to a lack of internal democracy, inattention to party politics (Lee, 2016), and a tendency to overly focus on severe violations (Eidelson, 2013).

### ***Worker Driven Social Responsibility***

Worker Driven Social Responsibility serves as a third, novel tool that combines CSR and labor unions, bringing the unique strengths of each together while solving some of their most notable shortcomings. To demonstrate what the paradigm entails and how it developed, I will begin by presenting the most prominent example that underpins it.

#### *The Fair Food Program*

Florida's tomato fields, where 50%-90% of US tomatoes grow (Greenhouse, 2014; The FLA. Tomato Comm. n.d.), were once described as "ground zero for modern slavery" (Bowe, 2003). The fields were a fertile ground for exploitation given that agricultural workers are excluded from most legal protections (such as The Fair Labor Standards Act of 1938 (29 U.S.C. § 203) and The National Labor Relations Act (29 USC § 152(3)), and the industry relies on the most vulnerable workers (Sellers & Asbed, 2011): migrants, most of them undocumented (Dias-Abey, 2018; Fair Food Standards Council, 2019; U.S. Department of Agriculture: Economic Research Service, n.d.). During the 1990s-2000s, hazardous working conditions, wage theft, sexual harassment, violence and discrimination were prevalent (Estabrook, 2012; Fair Food Standards Council, 2017), and eight cases of human trafficking were brought to criminal courts and resulted in prosecution (Asbed & Hitov, 2017; Fair Food Standards Council, 2013).

In the early 1990s, several tomato pickers from Immokalee, Florida began conducting weekly meetings to discuss their challenges (Drainville, 2008; Sellers & Asbed, 2011). Word spread quickly, and the group eventually became known as the Coalition of Immokalee Workers (CIW). After several years of "classic" union activity such as strikes and demonstrations, CIW members felt frustrated by their inability to create real change beyond small victories. Eventually, they realized that the true power to change the industry lies in the hands of the mega-corporations who purchase the tomatoes (Asbed & Hitov, 2017; Fair Food Standards Council, 2013; Sellers & Asbed, 2011). This revelation led them to launch the Campaign for Fair Food in 2001, with Taco Bell as its first target.

The campaign centered around three demands: paying the workers a premium of "penny per pound", adopting a code of conduct written by the workers, and committing to only purchase tomatoes from growers who adhere to the code. The campaign included extensive public action and fieldwork including parades, tours, strikes and hunger strikes. It gained public attention and attracted new allies, including faith-based organizations and students who conducted a nationwide boycott on college campuses (Marquis, 2017). Ultimately, Taco Bell joined the campaign and signed a legally binding agreement with the CIW, leading the way for 13 other companies to follow, including McDonald's, Burger King, Walmart and Trader Joe's (for a list of participating buyers, see Partners, n.d.).

The FFP began its pilot season in 2011, and it is operating ever since according to the three principles of the Campaign for Fair Food. The program is regulated by the Fair Food Standards Council (FFSC), an independent body of professional auditors who conduct thorough, frequent audits of farms, and operate a 24/7 complaint line. A worker-to-worker education program is also employed, and workers act as first-line enforcement agents (Asbed & Sellers, 2013; Fair Food Standards Council, 2021).

The FFP quickly achieved dramatic success in the tomato industry and is considered a unique success story. The FFP is changing the lives of approximately 35,000 workers each year. According to its leaders, it has eradicated extreme forms of exploitation like modern slavery, sexual harassment, and child labor, while drastically improving wages, safety, and working conditions (Fair Food Standards Council, 2017, 2019; Marquis, 2017; Sellers & Asbed, 2011). Over \$36 million were paid as a Fair Food Premium by participating buyers directly to workers (Fair Food Standards Council, 2021). Nowadays, the program plays a critical role in protecting the health and safety of workers during the Covid-19 pandemic (Fair Food Standards Council, 2021).

The FFP's success was recognized by the US State Department and the UN (Fair Food Standards Council, 2017), and it received numerous awards, including the Clinton Global Initiative medal and the MacArthur Genius award (Coalition of Immokalee Workers, 2014). The program also expanded to five other states along the east coast and to other crops such as peppers and flowers (Fair Food Standards Council, 2021).

#### *WSR as a Novel Tool in the Fight Against Human Trafficking*

WSR developed as a paradigm following the success of the FFP and the Accord on Fire and Building Safety in Bangladesh (which will be discussed in more detail shortly). Several organizations from different sectors collaborated in 2015 to develop the principles for a general paradigm. They established an organization called WSR Network, which aims to disseminate information and promote efforts to implement WSR (Worker-Driven Social Responsibility Network, n.d.).

WSR recognizes that corporations at the top of supply chains possess significant purchasing power that puts pressure on suppliers to lower prices, which almost always translates to serious violations of workers' rights. Essential among its principles is the idea that workers, usually through some form of a union, are in control and sign legally binding agreements with corporations (WSR Network, 2017). The workers, sometimes in conjunction with other entities, formulate a binding code of conduct tailored to the dimensions of the relevant supply chain, and corporations agree to boycott subcontractors who violate it. In addition to economic incentives, the paradigm incorporates a comprehensive, rigorous enforcement mechanism managed by an independent agency (Asbed & Hitov, 2017).

WSR utilizes some of the many benefits of labor unions, including collective action, decreasing power imbalances, and expressing workers' voice. As a key

component of any WSR project, the enforcement mechanism depends heavily on workers due to its worker-to-worker education component, allowing workers to report violations in real-time (WSR Network, 2018a). The founders of the WSR Network contend that WSR amplifies the voice of workers by connecting it with that of consumers, who exert public pressure on corporations to join the project (Asbed & Hitov, 2017).

Furthermore, WSR makes it possible to overcome some of the key difficulties faced by unions. Because workers are not unionized for the purpose of collective bargaining with their direct employer, they do not need most of the legal protections given to traditional unions. On the other hand, the absence of legal restrictions allows Alt-Labor organizations to act creatively and flexibly and to take advantage of corporations' attention to public opinion. By utilizing WSR, workers can gain economic leverage and achieve long-term, enforceable obligations. Although they rely in some cases upon donations, WSR projects now begin to demand corporate sponsorship of some of its activities and develop self-financing mechanisms in ways such as providing an official standard mark (Coalition of Immokalee Workers, 2014).<sup>3</sup>

WSR has many advantages compared to CSR (Gordon, 2017; WSR Network, 2019a). Like CSR, it recognizes the enormous power of corporations and the responsibility that comes with it, their ability to drive change in their supply chains, and their sensitivity to public opinion. By turning to the private sector, it is also possible to develop solutions that are less influenced by geographical, political, and legal contexts, thus decreasing reliance on migrant-sending countries (Asbed & Hitov, 2017).

WSR provides a solution to several of CSR's shortcomings, most notably the voluntary nature of the activity, its lack of sanctions and poor enforcement. Corporations cannot retire from a WSR project without legal, public and consumer implications. In addition, the paradigm threatens boycott sanctions on suppliers and subcontractors, leveraging the purchasing power of corporations. Unlike audits carried out in CSR ventures, WSR involves frequent, in-depth audits carried out by an independent body, including unmediated discussions with workers. Workers are free to file complaints without fear of retaliation, and instead of paying the auditing body directly, corporations are required to share the financial burden of auditing by covering repair and audit costs and paying a premium to workers. While CSR ventures are often shrouded in secrecy, WSR is based on full transparency, including its audit results.

### ***Is It Possible to Apply WSR in Diverse Contexts?***

Despite its proven potential, WSR is not yet a common model. Its founders describe it as a general mechanism that must be adapted to specific underlying conditions such as state laws and the structure of supply chains (WSR Network, 2018b). However, over a decade has elapsed since the FFP premiered, and it still

stands almost alone as an example of a successful WSR project, raising fundamental questions about the paradigm's applicability in different contexts.

Apart from the FFP, there are currently only two active WSR-related initiatives: the Accord on Fire and Building Safety in Bangladesh's ready-made garment industry (The Accord), and Milk with Dignity in Vermont's dairy industry (MD). In August 2019, an agreement was signed for establishing a WSR project in Lesotho's apparel industry with the goal of preventing sexual harassment and violence against women (WSR Network, 2020). However, since it is unclear whether it has already started operating and what is its impact, it will not be included in the following analysis. According to a publication from 2019, a WSR project was also planned in Minnesota's construction industry – but no later information is available (WSR Network, 2019b).

The difficulty of locating a critical discourse is one of the challenges in assessing the chances of applying WSR more broadly. As academic writing on the FFP and WSR is in its infancy, it is even more difficult to find critical reports on the subject. Most of the information and scholarly writing on WSR are found within official publications of the FFSC, the CIW, the WSR-Network, or their members (and these publications are among the key sources on which this article is based). Therefore, it is difficult to identify the shortcomings, difficulties, and failures of the paradigm, and a discussion of these characteristics is necessary to understand its limitations. Can WSR projects be implemented under different legal regimes? Or when the composition and legal status of the workers or the structure of supply chains differ? By analyzing three existing WSR projects, I will address these questions and highlight several structural characteristics that affect the likelihood of applying WSR.

### *Two Models of WSR*

Following the analysis of WSR projects, I conclude that there are two existing models of WSR, one embodied in the Accord and the other embodied in the FFP and MD; and that various factors may affect the likelihood of establishing such projects.

The FFP operates in a local, short and centralized supply chain. There are three segments in its "traditional" structure: farmers, wholesalers and retailers, all of them based in the US. Several dozen large agricultural corporations dominate the first segment (Eastbrook, 2012; Marquis, 2017), and the third segment is dominated by a few giant food chains. In the fields, most of the labor force consists of migrant workers, the majority of them undocumented.<sup>4</sup>

Agricultural workers are partially exempt from the Fair Labor Standards Act (29 U.S.C. § 203), so they are not entitled to overtime pay. They are also excluded from the National Labor Relations Act (29 USC § 152 (3)), so they cannot organize within a union, bargain collectively or strike. The state plays no direct role in the FFP, and its involvement in regulating the supply chain is also very limited. In addition to excluding agricultural workers from material rights, US authorities and



Florida state authorities, in particular, fail to enforce existing rights (Costa et al., 2020) and turn a blind eye to workers' immigration status (as evident by the stable, high percentage of undocumented workers) (Marquis, 2017).

I will now turn to briefly discuss two more projects and their characteristics:

### *The Accord on Fire and Building Safety in Bangladesh*

Approximately 1,138 workers were killed and more than 2,000 were injured when the Rana Plaza building in Bangladesh, home to 5 clothing factories, collapsed in April 2013 (Trebilcock, 2020; WSR Network, 2019c). The disaster made waves, and fashion companies that contracted with the factories were heavily criticized, including Walmart, Zara, and JCPenny (Bair et al., 2020; Trebilcock, 2020).

In May 2013, the Accord on Fire and Building Safety in Bangladesh was signed as a bilateral agreement covering approximately 2,000 factories and millions of workers (Bair et al., 2020). Over 200 corporations signed the agreement, together with a workers' delegation composed of two international unions and eight federations of Bangladeshi ready-made garment industry unions. Two workers' rights NGOs from Europe and the US signed the agreement as witnesses.

With an emphasis on building safety, the Accord seeks to promote health and safety in Bangladeshi ready-made garment factories (Accord on Fire and Building Safety in Bangladesh, 2013).<sup>5</sup> Its steering committee is comprised of three corporate representatives, three union representatives, and an independent chairman appointed by the ILO (it does not specify whether worker representatives belonged to international or local unions) (Bair et al., 2020; WSR Network, 2019c). Participating corporations agree to require their suppliers to undergo safety inspections and remedy defects within a specified time. Additionally, they commit to providing financial assistance to factories to maintain safety and avoid working with factories that fail to comply. The Accord also includes the establishment of health and safety committees in factories, safety training for workers and an independent complaint line. The Accord's documents are all publicly available, and the underlying agreement is legally enforceable and includes an arbitration clause (this clause was activated twice in the past and resulted in compromise) (Bair et al., 2020).

The Accord yielded significant improvements in factory safety within its first years, enforcing standards and expressing workers' voices (Bair et al., 2020). According to an official report from October 2020, the Accord covers 1,647 factories and almost 2,000,000 workers (RMG Sustainability Council, 2020), and the cumulative overall defect correction rate stands at 93%, versus 29% in state-led audits (Ibid; Bair et al., 2020). The complaint line handles hundreds of complaints each year (RMG Sustainability Council, 2020), while protecting workers from retaliation (Bair et al., 2020).

However, the future and effectiveness of the Accord are now in question. Over time, local manufacturers and Bangladeshi authorities began to oppose the Accord (Ibid). After a legal battle, followed by negotiations, the activities of the Accord

were transferred in June 2020 to the RMG Sustainability Council (RSC), a body that consists mainly of global apparel companies, trade unions and manufacturers (The Accord of Fire and Building Safety in Bangladesh, 2020). The transition to RSC is a significant departure from WSR principles, and it is not clear whether the Accord can still be considered a WSR project. According to labor unions, the Accord's auditing mechanisms now lack sufficient internal independence vis-a-vis corporations and the state (Bair et al., 2020), since the RSC is made up of the same entities that attempted to overturn it (Clean Clothes Campaign, n.d.).

### *Milk with Dignity*

Milk with Dignity (MD) (see also Babineau and Stephens, 2023, in this special issue) has been operating in the Vermont dairy industry since 2018. Like the FFP, it operates in a centralized industry with declining numbers of farmers. Its supply chain is also relatively short and is generally composed of three segments: manufacturing (dairies), processing (packaging, transportation, and distribution) and retail (SmartSense, 2018). The dairy industry also relies on migrant workers, who are considered agricultural workers and are therefore subject to the same legal regime as tomato pickers (Migrant Justice & Milk with Dignity Standards Council, 2020).

MD is led by Migrant Justice (MJ), a Vermont-based NGO dedicated to promoting human rights and economic justice (Migrant Justice, n.d. a). The CIW is providing support to MJ since the beginning of the project (Migrant Justice & Milk with Dignity Standards Council, 2020). MD also emerged from the field, bottom-up. In light of systematic exploitation of workers (Ibid; Loury, 2020), MJ members sought inspiration for workers' campaigns in the US and ultimately found the FFP. MJ members, assisted by the CIW, initiated a public campaign in 2014, which was very similar to the Campaign for Fair Food. It relied on consumer pressure and focused on Ben & Jerry's, which joined the program in October 2017 (Loury, 2020; Migrant Justice & Milk with Dignity Standards Council, 2020).

MD operates very similarly to the FFP: participating corporations sign a legally binding agreement in which they agree to purchase milk only from farms that adhere to the program's code of conduct, which is primarily authored by workers (Loury, 2020; Migrant Justice & Milk with Dignity Standards Council, 2020). They are also required to pay a premium, but it is transferred through the farms and not directly to workers like in the FFP (Migrant Justice & Milk with Dignity Standards Council, 2020). The Milk with Dignity Standards Council (MDSC) is responsible for auditing and enforcement (including a 24/7 complaint line), in addition to worker-to-worker education. It is currently partnered only with Ben & Jerry's, but MJ seeks to expand to other corporations, and as of 2022, a campaign is underway against Hannaford (which is also a participant of the FFP) (Loury, 2020; Migrant Justice & Milk with Dignity Standards Council, 2020; Migrant Justice, n.d. b).

Despite its short existence, the program has succeeded in improving working conditions significantly (Loury, 2020; Migrant Justice & Milk with Dignity Standards Council, 2020). According to MDSC's reporting for the program's first three years, MD covers 51 farms which make up about 20% of Vermont's dairy industry (Migrant Justice & Milk with Dignity Standards Council, 2022). Over \$3.4 million were transferred directly or indirectly to workers as premiums. Over 180 audits were conducted, and roughly 1,100 reports were processed. MD's founders claim it eradicated violence and sexual harassment on farms (Migrant Justice & Milk with Dignity Standards Council, 2020, 2022), and that its role in protecting workers during the Covid-19 pandemic is crucial (Loury, 2020, Migrant Justice & Milk with Dignity Standards Council, 2020, 2021).

### ***What Can We Learn from Existing Examples of WSR?***

As previously mentioned, I identify two models of WSR. One is the model of the FFP and MD, characterized by a centralized, local supply chain, in which workers are primarily undocumented and are entitled to a minimal level of legal protection. There is no direct involvement of the state, and workers are represented by an Alt-Labor organization that emerged from the bottom-up.

The Accord represents a different model, with a global supply chain and local workers represented by several local and global labor unions. It was established in a state that grants workers' rights (at least on paper), and in its first years it operated parallel to and even in competition with state-led activity (Accord on Fire and Building Safety in Bangladesh, 2013). The Accord achieved significant accomplishments, but it is not a clear success story, as it departed from its original design in 2020 and now operates more like a CSR initiative.

The accord is a single case, making it difficult to determine whether its collapse signifies the model's failure or is due to local circumstances alone – but it certainly raises questions. Only two projects operate under the second model, so conclusions cannot be drawn conclusively. However, the FFP's impressive performance over the last decade, along with the initial success of MD, make it a more promising WSR model.

This article concludes with a few general insights regarding the potential of applying WSR in diverse settings. From the analysis of existing projects, it appears that WSR has higher chances to succeed in local supply chains, especially under the direction of a local Alt-Labor organization. While heavy regulation and high state involvement may pose substantial obstacles, cooperation with the state may succeed with some adjustments to the model. A significant question mark encircles the possibility of establishing WSR under a temporary migration regime, as none of the examples available operate under such conditions, which represent a significant challenge.

*The Benefits of a Local Supply Chain*

The FFP and MD benefit from operating in local supply chains. On a conceptual level, it is easier to understand the extent of corporate influence and responsibilities when all parties operate within the same political economy and legal playground. A local supply chain makes it more challenging for corporations to distance themselves from abuses down their supply chains, especially where the geographical distance between their offices and the farms is short, as in the case of the FFP and MD. Moreover, working within a local supply chain allows WSR campaigns to appeal to a local sentiment, building on the fact that the exploited workers are not faceless workers in distant countries, but local workers (although migrants). This is especially true when it comes to locally affiliated corporations, like Ben & Jerry's in Vermont (Loury, 2020). Operating locally also generates an accumulative effect, since every new agreement adds direct pressure on all the other corporations at the same country.

Local-level activity is also important for practical reasons. The FFP and MD were established following major public campaigns, which included field activities like tours to corporate headquarters, awareness-raising activities and mass rallies (Asbed & Hitov, 2017; Sellers & Asbed, 2011). Due to the proximity of the workers, they were able to lead the public campaign directly, marching hand in hand with consumers and allies. In addition, local activity facilitates the day-to-day operation of the programs, including logistics such as the transfer of premiums from corporations to workers. Working under one legal regime also makes its signing and execution simpler, especially in the event of a dispute.<sup>6</sup>

By contrast, the Accord operates in a transnational supply chain: participating corporations are based in dozens of countries in the global North (for participating brands see Fire and Building Safety in Bangladesh, n.d.), while participating suppliers and workers are based in Bangladesh. Salminen, who offered a critical perspective on the Accord (even before the recent changes) (Salminen, 2018), describes several difficulties stemming from its transnational nature. According to Salminen (2018), different legal regimes limit contractual autonomy for reasons of public policy, which vary between countries, so it is essential to determine which legal regime will be applied. In his view, the Accord was signed under clear asymmetry, and the corporations enjoy increased influence on choosing the legal regime. Due to the asymmetry, the corporations can also determine which legal regime will govern disputes, or opt for parallel mechanisms like arbitration (as is done in the Accord), where the degree of fairness between unequal parties is in question (Salminen, 2018).

Another problem occurs when the parties place the agreement in a supra-national sphere, not governed by any local laws, which by nature requires resort to a broad common denominator, emphasizing contractual agreements and avoiding considerations of public policy (Ibid.) (for a proposal of international labor rights organizations for a fair arbitration model see Clean Clothes Campaign, 2020). The Accord does not stipulate a local legal regime. In the event of a dispute, an arbitrator

shall determine the legal regime based on the circumstances and the parties' preferences (in this case, dozens of different parties from a variety of countries). The establishment of vague procedural rules opens the door to a whole new level of litigation and enables corporations to engage in cumbersome and unnecessary litigation to deter other parties from acting (Salminen, 2018).

### *The Degree of State Involvement*

The extent to which the state is involved in regulating the supply chain and enforcing standards influences the likelihood of applying WSR as does the presence or absence of legal protections. State participation may pose a significant obstacle to WSR, which is intended to act as a private regulatory system. However, a strong legal system and worker protections can also assist in the operation of WSR. A state's willingness to enforce workers' rights also has potential for cooperative enforcement – but will require adjustments to the current WSR model.

The FFP and MD operate where the state is not dominant but primarily outline the background conditions in which they operate. In the US, the regulatory vacuum allowed private enforcement mechanisms to develop. The lack of legal protections served as a fertile ground for acute exploitation that raised the strong need to improve working conditions. Paradoxically, it is likely that if workers had been provided with legal protections, even partially, many of them would not have acted. In addition, since CIW and MJ are not labor unions, they are not subject to the prohibitions that apply to traditional unions, like the prohibition on secondary boycotts, which served as an effective weapon. Casey, Vosko and Tucker expressed skepticism regarding the feasibility of implementing private enforcement initiatives like the FFP in heavily regulated states, such as Canada (Casey et al., 2019).

The Accord illustrates how state dominance may undermine WSR. As Bair, Anner and Blasi describe (Bair et al., 2020), competing safety improvement actions taken by Bangladeshi authorities and factory owners have undermined the Accord as a private mechanism and weakened reforms that empowered workers. In their view, the opposition to the Accord is based on its potential to challenge power relations in an industry where 10%-30% of Parliament members own garment factories. The Accord failed to replace or bypass the state and only occasionally succeeded in encouraging local authorities to promote workers' rights. They argue that private enforcement mechanisms rarely operate in a void, even when state regulation is scarce, but rather form another layer above it. Hence, it is necessary to identify conditions under which private enforcement will complement or strengthen state regulation rather than replace it (Bair et al., 2020). The presence of union activity and the willingness of the state to restrain employers are considered by them as necessary conditions for that purpose.

Disagreements over the composition of worker safety committees illustrate the tension between the Accord and Bangladeshi state regulation. In this case, a clash arose between the Accord, which stipulated that the workers' representatives on these

committees should be democratically appointed; and state laws, which stipulated that workers' representatives should be appointed through another factory committee, in which the employer serves as chairman and has considerable influence (Ibid). This example shows how state regulation continues to serve as the over-arching framework for the Accord's activity, which demonstrated effectiveness within its mandate (and protected workers from being fired after reporting violations, for example) (Ibid), but only as long as it is not in conflict with the state.

However, legal defenses and state dominance can be beneficial. By exercising their right to organize, workers may join an existing union or opt to organize independently and enjoy the protections granted to unions. Further, as Babineau and Bair (2020) argue, the FFP is backed by a robust legal framework that includes both federal and state regulation (though rarely enforced), as well as a strong legal system that enforces agreements in case of a dispute. In their view, this is an important component for the success of WSR, as evident by the recent developments in Bangladesh.

State willingness to enforce rights also carries the potential for cooperation. Fine calls for a model of co-enforcement by the state and workers in sectors characterized by low wages and widespread violations (Fine, 2017, 2018). According to Fine, the state is unable to enforce workers' rights effectively without their participation, and will never achieve the degree of trust and unmediated connection with workers as unions do (Fine, 2017, 2018), but the state also possesses several unique capabilities and authority (Fine, 2017, 2018; Fine & Gordon, 2010). Yet, it should be noted that in Fine's model, the state invites workers to take part in its enforcement efforts. In contrast, its integration into WSR requires an inverted model in which the state is incorporated into a private enforcement system. The current WSR and co-enforcement models will therefore require adjustments.

### *The Form of Worker Organization*

The CIW and MJ are Alt-Labor organizations that grew from the bottom up. Along with traditional union tools like strikes, both organizations utilized different tools, including consumer pressure, social solidarity networks and public campaigns. Both organizations are also very active in their communities. The CIW was founded through community activities, utilizing popular education tools and broad leadership development (Asbed & Hitov, 2017), and it still conducts many community activities today. MJ also relies on close community relationships. Along with its other activities, MJ holds community assemblies to discuss common problems and shared solutions, and leaders from each assembly form its governing body (Migrant Justice & Milk with Dignity Standards Council, 2020).

Since both organizations grew out of the field, they intimately understand workers' challenges. One example of the CIW's strong connection with the community can be found in its impact on workday start times. Before the FFP began its operation, workers traditionally waited in a parking lot every morning at dawn to catch buses to the fields and negotiate what they would earn that day (Marquis, 2017). They

often also had to wait in the fields for hours, without pay, until work began. Thanks to the FFP, which requires direct employment and compensation for each hour spent in the field, work begins later in the morning, enabling parents to accompany their children to school (Fair Food Standards Council, 2017).

The Accord, on the other hand, was signed by international unions and Bangladeshi ready-made garment union federations (Bair et al., 2020), and it does not appear to involve a union that grew in factories or has a close relationship with their workers. In fact, many of the participating factories either do not have unions or workers are unaware of their existence (Kabeer et al., 2020). While not criticized directly in writing on the Accord, the unions (together with participating corporations and NGOs) failed to curb the opposition that eventually led to the Accord's loss of independence.

Although based on circumstantial evidence, it seems that WSR projects have a greater chance of success when led by a worker-led organization that operates close to the ground and is willing to act with flexibility and creativity beyond traditional methods. Compared to the Accord's member unions, CIW and MJ have a better understanding of workers in the farms and are more committed and determined towards conducting public and legal efforts. Nevertheless, more information and examples are needed to fully understand how the type of organization affected each project's success.

### *Temporary Migration Regime*

Can a WSR project be established under a temporary migration regime, when the stay of migrant workers is limited in time? In many countries, the agricultural sector relies heavily on temporary labor migration. In such cases, the concern is that workers will lack the necessary motivation to unionize, and will be reluctant to take risks during their limited time window for work. A temporary stay also limits the viability of unionizations for workers, as it is unlikely that the founders of any union will have enough time to reap its fruits.

Unlike other characteristics surveyed, the impact of temporary migration regimes on the success of WSR remains unknown at this stage. Looking at existing projects does not shed light on this question, as none of the projects operate under a temporary migration regime. The Accord protects local workers, whereas in the FFP and MD most workers are undocumented whose stay is therefore not bound to a pre-defined time. Turnover rates in Florida's tomato industry were very high before the FFP. Yet, it is reasonable to assume that even the theoretical opportunity of workers to remain in the US indefinitely (assuming they are not deported), together with the typical pattern of migrating as a family, had a crucial role in the workers' willingness to act collectively.

It should be noted that considering the increasing numbers of seasonal migrant workers in Florida's tomato fields, the FFP now includes specific protective measures for seasonal workers holding H-2A visas. Seasonal workers (also known as

guestworkers) were first employed in a small number of FFP participating farms in the program's fourth season (2014-15) (Fair Food Standards Council, 2019). In an attempt to reach a systemic solution to prevent exploitation of seasonal workers, the FFP now applies a mandatory "clean channel" for recruitment, in cooperation with the Mexican Secretary of Labor's National Employment Service (Servicio Nacional de Empleo) (Ibid; Mieres & Mcgrath, 2021).

The FFP's inclusion of protections for seasonal migrant workers is encouraging, but it does not say much about the feasibility of applying WSR projects under temporary migration regimes. Seasonal workers are still a very marginal portion of FFP workers. More importantly, the program was already well-established when it began incorporating seasonal workers, almost 15 years after the Campaign for Fair Food began. For those reasons, the feasibility of applying WSR projects in temporary migration regimes remains unknown, and is likely to be one of the most considerable obstacles for a broad application of the paradigm.

## CONCLUSION

This article sought to examine the potential of applying Worker Driven Social Responsibility in diverse contexts. WSR has the potential to protect the most vulnerable workers. The connection it offers between CSR and labor unions allows harnessing their unique advantages while overcoming some of their shortcomings, which makes WSR a promising novel tool against human trafficking. However, the Fair Food Program stands almost alone as an example of a successful, well-established WSR project, which raises grave concerns regarding the paradigm's applicability, implying it might have been unique conditions that enabled it to develop.

Based on an analysis of three existing WSR projects, I conclude that the paradigm has a greater likelihood of success in local supply chains – where corporations, suppliers, workers, and consumers all operate in the same country. While extensive regulation and state involvement may pose significant obstacles to WSR, designed to operate as a private regulatory system, a willingness to act on the part of the state and strong legal protections could prove beneficial to WSR. WSR also appears to have a better chance of succeeding under an Alt-Labor organization that operates close to the ground and is willing to act beyond traditional union tactics. Meanwhile, the impact of a temporary migration regime on the likelihood of applying WSR remains unclear at this stage, as there is currently no example of such a project.

To sum up, WSR is not a one-size-fits-all solution – but that has never been the starting point for this discussion. Since the WSR model cannot easily travel between contexts, it is evident that its implementation requires adjustments, strategic thinking and in-depth knowledge of the unique underlying conditions in which it will operate. Furthermore, the model may not be appropriate in some contexts, and different background conditions may affect its success. Yet, the fundamental



principles that shape this paradigm and the complex problems to which it offers a solution make it a highly relevant tool in today's labor market. Therefore, and despite the challenges, it is not only possible but necessary to apply this paradigm in diverse contexts, and this article seeks to inspire cautious optimism in this regard.

## NOTES

- 1 Examples of the use of these principles can be found for example in Niezna, Kurlander & Shamir, 2021; Kurlander & Cohen, 2022.
- 2 As of 2012, there were 14,000,000 US union members.
- 3 Since 2014, FFP tomatoes are labeled in participating supermarket chains.
- 4 It should be noted that the number of seasonal agricultural workers (H-2A visa holders) is increasing rapidly. Foreign farmworkers, which arrive to work in US agriculture seasonal labor contracts lasting less than a year, more than tripled in number between 2010-2019, reaching 258,000 in 2019 (Simnitt & Castille, 2021).
- 5 The Accord was not the only venture that emerged following the Rana-Plaza disaster, but it was the most famous and effective one (at least in its early years). The two other major ventures that emerged during this period were the Compact for Continuous Improvements in Labor Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh (the Compact), and the Alliance for Worker Safety in Bangladesh (the Alliance). The Compact is a state regulatory project in cooperation between the Bangladeshi authorities and the EU, mediated by the ILO. The Alliance is a corporate responsibility venture signed in response to Accord by 17 North American corporations, and was condemned by workers' rights organizations. For a comparison between the different initiatives, see Bair et al. 2020; Salminen, 2018.
- 6 By way of analogy, the Jobber's Agreements signed during the early 20th century eradicating sweatshop labor in New York's fashion industry can be identified as another example of the potential for action in the local supply chains (Bair et al., 2020).

## ACKNOWLEDGMENT

I would like to thank Professor Hila Shamir for supervising my LL.M research project in Tel Aviv University, which served as the base for this article. I would also like to thank Professor Guy Mundlak and Professor Christine Jolls for their comments. This project was written with the support of the TraffLab research project ([www.trafflab.org](http://www.trafflab.org)), funded by the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (grant agreement No 756672).

## REFERENCES

- Accord on Fire and Building Safety in Bangladesh (2013, May 13). <https://bangladesh.wpengine.com/wp-content/uploads/2018/08/2013-Accord.pdf>
- Anner, M., Bair, J., & Blasi, J. (2013) Toward Joint Liability in Global Supply Chains: Addressing the Root Causes of Labor Violations in International Subcontracting Networks. *Comp. Lab. L. & Pol'y J.*, 35, 1.
- Anton, D. K. (2014) Protocol of 2014 to the Forced Labour Convention, 1930 (ILO). *International Legal Materials*, 53(6), 1227-1235.
- Asbed, G., & Hitov, S. (2017) Preventing Forced Labor in Corporate Supply Chains: The Fair Food Program and Worker-Driven Social Responsibility. *Wake Forest Law Review*, 52, 497-531.
- Asbed, G., & Sellers, S. (2013) The Fair Food Program: Comprehensive, Verifiable and Sustainable Change for Farmworkers. *University of Pennsylvania Journal of Law & Social Change*, 16, 39-48.
- Babineau, K., & Bair, J. (2020, December 14) The Art of Using Supply Chains to Defend Worker Rights: The Fair Food Program Protects Farmworkers by Closing the Accountability Loophole in the Tomato Supply Chain. But Can It Be Replicated? *Open Democracy*. <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/art-using-supply-chains-defend-worker-rights>
- Babineau, K., & Stephens, M. (2023) Hotlines, Private Regulation, and Farm Migrant Labor Rights: Effective Grievance Mechanisms and the Role of Accessibility. *Geography Research Forum*, 43.
- Bair, J., Anner, M., & Blasi, J. (2020) The Political Economy of Private and Public Regulation in Post-Rana Plaza Bangladesh. *ILR Review*, 73(4), 969-994.
- Bowe, J. (2003, April 21) Nobodies: Does Slavery Exist in America? *New Yorker*. <https://www.newyorker.com/magazine/2003/04/21/nobodies>
- Casey, R., Vosko, L. F., & Tucker, E. (2019) Enforcing Employment Standards for Temporary Migrant Agricultural Workers in Ontario, Canada: Exposing Underexplored Layers of Vulnerability. *International Journal of Comparative Labour Law and Industrial Relations*, 35(2), 227-254.
- Chuang, J. A. (2014) Exploitation Creep and the Unmaking of Human Trafficking Law. *American Journal of International Law*, 108(4), 609-649.
- Clean Clothes Campaign (2020) *Model Arbitration Clauses: For the Resolution of Disputes Under Enforceable Brand Agreements*. [https://media.business-humanrights.org/media/documents/f01c2c3e4e54f3e62d57da78b122dee88856645b\\_gB7Eq0F.pdf](https://media.business-humanrights.org/media/documents/f01c2c3e4e54f3e62d57da78b122dee88856645b_gB7Eq0F.pdf)

- Clean Clothes Campaign. (n.d.) *Amidst Covid-19 Crisis, Untested Industry Group Assumes Safety Responsibilities for Bangladesh Garment Factories Despite Concerns*. [https://cleanclothes.org/file-repository/accord\\_witness\\_signatory\\_assessment.pdf/view](https://cleanclothes.org/file-repository/accord_witness_signatory_assessment.pdf/view)
- Clifford, S., & Greenhouse, S. (2013) Fast and Flawed Inspections of Factories Abroad. *New York Times*. September 1, 2023.
- Coalition of Immokalee Workers (2014, February 2) *Fair Food Program Label Finds Its First Home at Whole Foods!* <http://ciw-online.org/blog/2014/12/first-label/>
- Coalition of Immokalee Workers (2014, September 30) *One Final, Unforgettable Moment from Last Week's CGI Meetings in New York...* <http://ciw-online.org/blog/2014/09/cnn-clinton>
- Coe, N. M., & Hess, M. (2013) Global Production Networks, Labour and Development. *Geoforum*, 44, 4-9.
- Costa, D., Martin, P., & Rutledge, Z. (2020) *Federal Labor Standards Enforcement in Agriculture: Data Reveal the Biggest Violators and Raise New Questions About How to Improve and Target Efforts to Protect Farmworkers* (EPI Report). Economic Policy Institute. <https://www.epi.org/publication/federal-labor-standards-enforcement-in-agriculture-data-reveal-the-biggest-violators-and-raise-new-questions-about-how-to-improve-and-target-efforts-to-protect-farmworkers>
- De Neve, G. (2008) Global Garment Chains, Local Labour Activism: New Challenges to Trade Union and NGO Activism in the Tiruppur Garment Cluster, South India. In De Neve, G., Luetchford, P., Pratt, J. and Wood, D. C. (Eds.) *Hidden Hands in the Market: Ethnographies of Fair Trade, Ethical Consumption, and Corporate Social Responsibility* (Vol. 28, Pp. 213-240). Emerald Group Publishing Limited.
- Dias-Abey, M. (2018) Justice on Our Fields: Can Alt-Labor Organizations Improve Migrant Farm Workers' Conditions, Harv. *CR-CLL Rev.*, 53, 167-211.
- Drainville, A. C. (2008) Present in the World Economy: The Coalition of Immokalee Workers (1996-2007). *Globalizations*, 5(3), 357-377.
- Duff, M. C. (2013) Alt-labor, Secondary Boycotts, and Toward a Labor Organization Bargain. *Cath. UL Rev.*, 63, 837-877.
- Eidelson, J. (2013, January 29) Alt-Labor. *American Prospect*. <http://prospect.org/article/alt-labor>
- Esbenshade, J. (2016) Corporate Social Responsibility: Moving from Checklist Monitoring to Contractual Obligation? In R. P. Appelbaum & N. Lichtenstein (Eds.), *Achieving Workers' Rights in the Global Economy* (Pp. 51-69). Cornell University Press.

- Estabrook, B. (2012) *Tomatoland: How Modern Industrial Agriculture Destroyed Our Most Alluring Fruit*. Andrews McMeel Publishing.
- Fair Food Standards Council (2013) *Fair Food Program Report, 2011-2013*.
- Fair Food Standards Council (2017) *Fair Food Program 2017 Annual Report*.
- Fair Food Standards Council (2019) *Fair Food: 2018 Update*.
- Fair Food Standards Council (2021) *Fair Food Program 2021*.
- Fine, J. R. (2006) *Worker Centers: Organizing Communities at the Edge of the Dream*. Cornell University Press.
- Fine, J. R. (2017) Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Alone Has Failed? *Politics & Society*, 45(3), 359-388.
- Fine, J. R. (2018) New Approaches to Enforcing Labor Standards: How Co-enforcement Partnerships between Government and Civil Society Are Showing the Way Forward. *University of Chicago Legal Forum*, 2017(7), 143-176.
- Fine, J. R., & Gordon, J. (2010) Strengthening Labor Standards Enforcement Through Partnerships with Workers' Organizations. *Politics & Society*, 38(4), 552-585.
- Fleming, P., & Jones, M. T. (2013) *The End of Corporate Social Responsibility: Crisis & Critique*. Sage Publications.
- Ford, M. (2015) Trade Unions, Forced Labour and Human Trafficking, Anti-Trafficking Review, Special Issue. *Forced Labour and Human Trafficking*, (5), 11-29.
- Freeman, R. B., & Medoff, J. L. (1984) *What Do Unions Do?* New York: Basic Books.
- Garrick, J. (2021) How Worker Centers Organize Low-wage Workers: An Exploration of Targets and Strategies. *Labor Studies Journal*, 46(2), 134-157.
- Gereffi, G., & Lee, J. (2016) Economic and Social Upgrading in Global Value Chains and Industrial Clusters: Why Governance Matters. *Journal of Business Ethics*, 133(1), 25-38.
- Gordon, J. (2005) *Suburban Sweatshops: The Fight for Immigrant Rights*. Harvard University Press.
- Gordon, J. (2017) The Problem with Corporate Social Responsibility (unpublished paper). Fordham University School of Law.
- Greenhouse, S. (2013) Tackling Concerns of Independent Workers. *New York Times*. March 23.
- Greenhouse, S. (2014, April 24) In Florida Tomato Fields, a Penny Buys Progress. *New York Times*. <https://www.nytimes.com/2014/04/25/business/in-florida-tomato-fields-a-penny-buys-progress.html>

- Griffith, K. L. (2015) Worker Centers and Labor Law Protections: Why Aren't They Having Their Cake. *Berkeley J. Emp. & Lab. L.*, 36, 331-349.
- Hathaway, J. C. (2008) The Human Rights Quagmire of Human Trafficking. *Va. J. Int'l L.*, 49, 1-59.
- Hyde, A. (2005) New Institutions for Worker Representation in the United States: Theoretical Issues. *N.Y.L. Sch. L.Rev.*, 50, 385-415.
- International Labour Organization (2014) Protocol of 2014 to the Forced Labour Convention, 1930 (Entry into force: Nov. 9, 2016).
- International Labour Organization (2017) Policy Brief on Anti Trafficking Policies, Laws and Practices.
- Kabeer, N., Huq, L., & Sulaiman, M. (2020) Paradigm Shift or Business as Usual? Workers' Views on Multi-stakeholder Initiatives in Bangladesh. *Development and Change*, 51, 1360-1398.
- Kang, S. L. (2012) *Human Rights and Labor Solidarity: Trade Unions in the Global Economy*. University of Pennsylvania Press.
- Koenig-Archibugi, M., & Macdonald, K. (2017) The Role of Beneficiaries in Transnational Regulatory Processes. *The ANNALS of the American Academy of Political and Social Science*, 670(1), 36-57.
- Kurlander, Y. & Cohen, A. (2022) BLAs as Sites for the Meso-Level Dynamics of Institutionalization: A Cross-Sectoral Comparison. *Theoretical Inquiries in Law*, 23(2), 246-265.
- Lee, D. (2016) Bundling "Alt-Labor": How Policy Reform Can Facilitate Political Organization in Emerging Worker Movements. *Harv. CR-CLL Rev.*, 51, 509-536.
- LeBaron, G., & Lister, J. (2015) Benchmarking Global Supply Chains: The Power of the 'Ethical Audit' Regime, 41(5). *Review of International Studies*, 41(5), 905-924.
- LeBaron, G., Lister, J., & Dauvergne, P. (2017) Governing Global Supply Chain Sustainability Through the Ethical Audit Regime. *Globalizations*, 14(6), 958-975.
- Locke, R. M. (2013) *The Promise and Limits of Private Power: Promoting Labor Standards in a Global Economy*. Cambridge University Press.
- Loury, M. G. (2020). *The Cows Don't Milk Themselves: Using Worker-Driven Social Responsibility to Fight Labor and Housing Injustice on Vermont's Dairy Farms* (UVM Honors College Senior Thesis). University of Vermont. <https://scholarworks.uvm.edu/hcoltheses/351>
- Ludden, (2013) The Future of the Workers' Movement. NPR. Retrieved from <https://www.npr.org/2013/05/20/185559550/the-future-of-the-workers-movement>

- Marks, E., & Olsen, A. (2015) Policy and Practice: The Role of Trade Unions in Reducing Migrant Workers' Vulnerability to Forced Labour and Human Trafficking in the Greater Mekong Subregion. *Anti-Trafficking Review*, (5), 111-128.
- Marquis, S. (2017) *I Am Not a Tractor! How Florida Farmworkers Took on the Fast Food Giants and Won*. Cornell University Press.
- Mieres, F., & McGrath, S. (2021) Ripe to Be Heard: Worker Voice in the Fair Food Program. *International Labour Review*, 160(4), 631-647.
- Migrant Justice & Milk with Dignity Standards Council. (2020) *Milk with Dignity: First Biennial Report: 2018-2019*.
- Migrant Justice & Milk with Dignity Standards Council. (2021) *Milk with Dignity: 2020 Year 3 Report Update*.
- Migrant Justice & Milk with Dignity Standards Council. (2022) *2018-2022: Five Years of Milk with Dignity*.
- Migrant Justice. (n.d. a) *About Migrant Justice*. <https://migrantjustice.net/about>
- Migrant Justice. (n.d. b) *Hannaford Campaign Action Toolkit*.  
<https://migrantjustice.net/Hannaford-action-toolkit>
- Milkman, R. (2014) Introduction: Toward a New Labor Movement? Organizing New York City's Precariat. In R. Milkman & E. Ott (Ed.) *New Labor in New York: Precarious Workers and the Future of the Labor Movement* (Pp. 1-22). Ithaca, NY: Cornell University Press.
- Milkman, R. & Luce, S. (2017) Labor Unions and the Great Recession. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 3(3), 145-165.
- Mundlak, G. (2007) Industrial Citizenship, Social Citizenship, Corporate Citizenship: I Just Want My Wages. *Theoretical Inquiries in Law*, 8(2), 719-748.
- New, S. J. (2015) Modern Slavery and the Supply Chain: The Limits of Corporate Social Responsibility? *Supply Chain Management: An International Journal*, 20(6), 697-707.
- Niezna, M., Kurlander, Y. and Shamir, H. (2021) Underlying Conditions: The Increased Vulnerability of Migrant Workers Under COVID-19 in Israel. *Journal of Modern Slavery: A Multidisciplinary Exploration of Human Trafficking Solutions*, 6(2), 133-158.
- Partners (n.d.) *THE FAIR FOOD PROGRAM*. <https://fairfoodprogram.org/partners/>
- Pope, J. G. (2010) A Free Labor Approach to Human Trafficking. *University of Pennsylvania Law Review*, 158(6), 1849-1875.
- RMG Sustainability Council. (2020). *Quarterly Aggregate Report: on Remediation Progress and Status of Workplace Programs at RMG Factories Covered by The Accord on Fire and Building Safety in Bangladesh*, 4. <https://tinyurl.com/accord-rep>

- Sachs, B. I. (2013) The Unbundled Union: Politics Without Collective Bargaining. *Yale LJ.*, 123, 148-207.
- Salminen, J. (2018) The Accord on Fire and Building Safety in Bangladesh: A New Paradigm for Limiting Buyers' Liability in Global Supply Chains? *The American Journal of Comparative Law*, 66(2), 411-451.
- Sellers, S., & Asbed, G. (2011) The History and Evolution of Forced Labor in Florida Agriculture. *Race/Ethnicity: Multidisciplinary Global Contexts*, 5(1), 29-49.
- Shamir, H. (2012) A Labor Paradigm for Human Trafficking. *UCLA L. Rev.*, 60, 76-136.
- Siegmann, K. A., Merk, J., & Knorringa, P. (2016) Civic Innovation in Value Chains: Towards Workers as Agents in Non-governmental Labour Regulation. In Biekart, K., Harcourt, W., & Knorringa, P. (Eds.) *Exploring Civic Innovation for Social and Economic Transformation* (pp. 109-131). Routledge.
- Simnitt, S., & Castillo, M. (2021, September 7) *Use of H-2A Guest Farm Worker Program More Than Triples in Past Decade*. U.S. Department of Agriculture: Economic Research Service. <https://www.ers.usda.gov/amber-waves/2021/september/use-of-h-2a-guest-farm-worker-program-more-than-triples-in-past-decade/>
- SmartSense (2018, November 14) *From Farm to Fork: The Dairy Supply Chain*. <https://blog.smartsense.co/farm-to-fork-dairy-supply-chain>
- Standing, G. (2011) *The Precariat: The New Dangerous Class*. Bloomsbury Academic.
- The Accord of Fire and Building Safety in Bangladesh. (2020, June 1). *Transition of the Accord Bangladesh Office Operations to the RMG Sustainability Council (RSC)*. <https://bangladesh.wpengine.com/wp-content/uploads/2020/06/accord-press-release-on-RSC-1-Jun-2020.pdf>
- The Accord of Fire and Building Safety in Bangladesh. (n.d.). *Accord Signatories*. <https://bangladeshaccord.org/signatories/company-signatories>
- The Fla. Tomato Comm. (n.d.). Tomato 101. <https://www.floridatomatoes.org/tomato-101>
- Trebilcock, A. (2020) The Rana Plaza Disaster Seven Years on: Transnational Experiments and Perhaps a New Treaty? *International Labour Review*, 159(4), 545-568.
- U.S. Department of Agriculture: Economic Research Service. (n.d.). Farm Labor. <https://www.ers.usda.gov/topics/farm-economy/farm-labor>
- Vogel, D. (2007) *The Market for Virtue: The Potential and Limits of Corporate Social Responsibility*. Brookings Institution Press.
- Walsh, D. (2018, October 29) Alt-Labor, Explained. Retrieved 13 September 2023, MIT Sloan website: <https://mitsloan.mit.edu/ideas-made-to-matter/alt-labor-explained>

- Worker-Driven Social Responsibility Network. (n.d.). <https://wsr-network.org>. Retrieved December 24, 2022.
- WSR Network. (2017, July 11) *What Is Worker-Driven Social Responsibility (WSR)?* [https://wsr-network.org/wp-content/uploads/2017/10/What\\_is\\_WSR\\_web.pdf](https://wsr-network.org/wp-content/uploads/2017/10/What_is_WSR_web.pdf)
- WSR Network (2018a, August 15) *Worker-Defined Codes and Standards*. <https://wsr-network.org/resource/codes-and-standards>
- WSR Network (2018b, August 15) *WSR Concept Brief: Feasibility Assessment*. <https://wsr-network.org/resource/feasibility-assessment/>
- WSR Network (2019a, April 21) *Comparison of Critical Elements of WSR vs. CSR and MSIs*. [https://wsr-network.org/wpcontent/uploads/2019/03/Comparison\\_WSR\\_vs\\_CSR\\_MSIs.pdf](https://wsr-network.org/wpcontent/uploads/2019/03/Comparison_WSR_vs_CSR_MSIs.pdf)
- WSR Network (2019b, December 17) *Building Dignity and Respect*. <https://indd.adobe.com/view/ef11f675-0a66-41fb-9146-f673cf999531>
- WSR Network. (2019c, March 1) *Fact Sheet: Accord on Fire and Building Safety in Bangladesh*. <https://wsr-network.org/resource/fact-sheet-accord-on-fire-and-building-safety-in-bangladesh>
- WSR Network. (2020, January 6) *Fact Sheet: Gender Justice in Lesotho*. <https://wsr-network.org/resource/fact-sheet-gender-justice-in-lesotho/>