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## Going Up Against the Global Economy: New Developments in the Anti-Sweatshops Movement

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### Abstract

This article is inspired by Edna Bonacich's theoretical attention to the 'big picture,' substantive dissection of the garment industry and ethical call for public sociology. The article focuses on the newest developments in the US anti-sweatshop movement by delineating the progress of two movement organizations: United Students Against Sweatshops and Sweatfree Communities. The article argues that the development of these movements has been toward progressively addressing the underlying causes of sweatshop, causes that are tied into globalization. Most importantly movements have recently begun to specifically challenge the undermining of union strength and the use of vulnerable labor. This progression has shifted the US movement toward action directly supportive of worker empowerment rather than simply improved conditions.

### Keywords

anti-sweatshop movement, garment industry, labor, local regulation, unions

### Introduction

I recently saw the movie *Blood Diamond*, which is framed by the passage of the Kimberly Process, a UN-sponsored initiative for the ethical trade of diamonds. In the midst of one of many arguments in the film between Leonardo di Caprio (playing diamond trader) and Jennifer Connelly (playing the requisite attractive idealistic American journalist), Connelly makes a crucial point: her only option is to write a story in which Djimon Hounsou's character is a wretched victim. She detests doing this. However, to write a story that would make a real difference – that would actually scrutinize the diamond industry itself and not the destroyed lives of displaced and terrorized civilians from diamond producing countries – she needs 'facts, verifiable evidence'.

This is a very popularized version of what Edna Bonacich has accomplished and inspired in her scholarship. As ‘public sociologists’ (Bonacich, 2005), it is incumbent upon us not just to document suffering but to locate the forces and actors that create unequal power structures and the dynamics of exploitation they entail. As academics, we must search for the hard evidence – the facts – but also the analytical framework in which inequality can be understood and addressed. Locating such structures facilitates action by first world consumers of diamonds or apparel, but importantly these actions are most effective in the context of organizing by third world workers and citizens. It is this shift from treating producers as poor victims to recognizing their role as key agents of change and a concomitant shift from acting as ‘saviors’ to acting *in* solidarity that is central to the newest developments of the anti-sweatshop movement.

There is a longstanding tendency to garner the sympathy of the US public through Connelly’s fallback of portraying the victims. As her character says, big-bellied starving children get donations. This tendency has been no less true of the anti-sweatshop movement, where the original scenes of a crying and repentant Kathie Lee Gifford came out in response to the fact that her clothing line was made by child labor, not by hard-fighting women denied their right to organize. In fact, a review of Nexis/Lexis during 1996 – the ‘Year of the Sweatshop’ – determined that 314 articles appeared in major US newspapers mentioning the word sweatshop in conjunction with child labor and only eight linking sweatshop to the right to organize (Anner, 2000).<sup>1</sup> This focus on workers as victims has not only been true of the US media but to a lesser degree of the anti-sweatshop movement as well. Ethel Brooks analyzes the complicated interplay between the movement utilizing the symbol of the gendered and racialized sweatshop victim and simultaneously contesting this image (Brooks, 2001).

This article seeks to answer two questions. First, what are the underlying forces and structures that have created sweatshops? And second, how can policy options address these forces effectively and not treat workers as passive victims? For the first task the article will focus on the relationship between five dominant facets of globalization and the garment industry. For the second question, it will look at how two US based anti-sweatshop movements, United Students Against Sweatshops (USAS) and Sweatfree Communities, have attempted to address those debilitating trends.<sup>2</sup>

This article is based on a cumulative process of research over the last eight years. The research includes over 150 interviews with all stakeholders (government officials and investigators, NGO and union staff, monitors, brand name companies, contractors, and workers) in both the USA and El Salvador. Triangulation was accomplished through textual analysis of policy documents, ordinances, legal agreements, websites, and training manuals, as well as through observations of monitoring visits by private companies. Finally, participant observation of the anti-sweatshop movement has been an on-going method of data collection throughout. I was involved in the student movement in 1998–2001 and have served on the board of the Workers Rights Consortium (WRC) since that time, giving me access to regular in-depth reports on developments in producing countries and insights into the inner workings (strategies, obstacles faced and decision-making processes) of both USAS and the WRC.

## Globalization and Sweatshops

Globalization has been accompanied by a dominant neo-liberal economic philosophy that includes free trade, privatization, and deregulation as principal tenets. These trends have been crucial components in the reemergence of sweatshops in the USA and their proliferation abroad. Anti-sweatshop activists located in the USA have attempted to address this proliferation largely through brand-name accountability campaigns. The publicity and government scrutiny arising from these campaigns has resulted in the adoption by many brand-name companies of codes of conduct that require their contractors to follow certain workplace standards, and in some cases global monitoring programs to enforce compliance with such codes.

Anti-sweatshop activists in both consumer and producer societies have capitalized on this self-regulatory system. By using various points of leverage, activists in the USA and Europe have raised code standards and expanded the number of companies involved through externally imposed code requirements. Activists have also imposed independent monitoring on code compliance systems. Activists have focused both codes and monitoring on workers' rights to organize so that their efforts work symbiotically with organizing by workers on the ground. In some instances activists in producing countries have been able to capitalize on the existence of these codes of conduct and monitoring systems to pressure contractors to improve conditions and recognize unions. The focus on supporting unionization has become more pronounced in the most recent phase of the USAS campaign.

Table 1 summarizes the most outstanding facets of the global economy and the neo-liberal policies that have accompanied and facilitated globalization. The table then lays out how each facet of globalization has contributed to the proliferation of sweatshops in the garment industry. Finally, the last two columns specify how USAS and Sweatfree Communities tackle the given aspect of globalization with concrete policy initiatives.

The following subsections briefly detail the first two columns of the chart, followed by delineations of the two movements in relationship to these points.

### *Horizontal Webs of Production*

Globalization is largely defined by networks of production that spread across countries and continents (Reich, 1991). While the garment industry has long been known for utilizing a contracting system, this system has become more complex and internationalized with the advent of information and transportation technologies that made global production possible (Bonacich and Appelbaum, 2000). Now a single brand of clothing, such as the Gap, is produced in dozens of countries on four or five continents, through an extensive network of buying agents, sewing factories and small subcontractors. While agents compete for the business of large corporations by offering cheaper prices from a stable of competing factories, factories themselves farm out work to smaller, often informal or even home-based producers. Such a system intensifies competition and drives down wages by forcing countries, factories and individuals to sell at the lowest price in

Table 1. Facets of global economy, relation to garment industry and anti-sweatshop movement

Facet of global economy	Role in garment industry	United Students Against Sweatshops (USAS)	Sweatfree Communities
1) Horizontal webs of production	Complex global contracting system	Phase 1: University Codes of Conduct	Sweatfree legislation with codes
2) Buyer-driven chains of production	Power of consumer to determine production	Phase 1: Power of university as licensor	Procurement: government as consumer
3) Deregulation	Lack of effective government enforcement of labor laws.	Phase 2: Workers Rights Consortium – independent monitoring	<i>Government Consortium: independent monitoring</i>
4) Undermining of union strength	Capital flight to non-union factories and countries.  Reorganization of work	<i>Phase 3: Designated Supplier Program requiring worker representation</i>	<i>-DSP-style program -Local buying preferences -Union buying preferences</i>
5) Use of vulnerable labor	Immigrant & newly-proletarianized female workers. Short-term work.	<i>Phase 3: DSP –concentration &amp; stabilization of production</i>	<i>Joint purchasing: Concentration and stabilization of production</i>

*Note: Italics represent not yet implemented programs or proposals*

order to be chosen as producers. Moreover, this arrangement severs the legal liability of brand name companies for workers who make their products but do not work directly for them. Moreover, workers are usually not even located in the same country and legal system as the brands.

### *Buyer-driven Chains*

The commodity chain theory recognizes and analyzes the strong power differentials that exist within the global production systems just described. Gary Gereffi and Miguel Korzeniewicz (1994), Richard Appelbaum et al. (1994) and others distinguish between commodity chains where the actual producer of the product still has significant power and production systems where the buyer determines everything including the cost of the product. In the apparel industry this means that a brand-name like Nike or a retailer like Wal-Mart tells a factory what they are willing to pay and the contractor cuts costs until they can make the garment at that price – since most of the costs of a garment factory are labor-related, the contractor can do this by cutting labor costs (paying workers less;

forcing them to do unpaid overtime; laying them off when work is slow). This is different than say a factory that produces cars where the biggest costs are related to the capital invested in the plant itself and the machinery and are, therefore, largely fixed. The car plant must be run at a steady pace by a stable workforce to get the most out of these fixed costs. The car manufacturer can thus set the price to the car dealer not vice-versa.

For garment workers this means they have little leverage in the production system, and in general have not been able to successfully organize to change their conditions. Garment factories, with little capital investment, close down and move on when confronted with an organized and demanding labor force. However, consumers have a lot of power because they rapidly influence production. Rather than waiting months for a Prius, customers are inundated with choices. Levis alone sells over 50 styles of jeans – and those are just the blue ones (forget the single button-up vs zip fly distinction of my formative years). Moreover, your choice today may be automatically scanned back to a factory in China or elsewhere, renewing the order in the same swipe over the scanner that rings up your bill.

### *Deregulation and Privatization*

Privatization and deregulation are neo-liberal principles that have undercut government protections for workers at home and abroad. These trends, which were fully embraced by the US government with the rise of Reaganism, were also imposed on governments of developing countries by the mandates of International Monetary Fund (IMF) and World Bank loans. Indebted governments throughout the third world have adopted development plans based on the promotion of export-oriented production and the enticement of foreign investment. This orientation has facilitated the proliferation of sweatshops by simultaneously weakening enforcement of labor laws and creating a citizenry more dependent on expanding export-oriented employment as privatization shrinks the number of government jobs and services. Countries are literally competing for apparel contracts based on who has the more docile and lower-paid workforce. If labor laws are too vigorously enforced, prices rise and hard currency flees to a lower cost country.

In the USA, deregulation has meant a lax environment in regard to enforcement of labor law. The ratio of workers to wage violation investigators rose 300% between 1957 and 2000. At the end of the 1990s, the federal Department of Labor had fewer than 950 investigators for seven million work sites (Ross, R., 2004). In Los Angeles 42 inspectors were covering 5000 registered garment shops, probably another 2000 underground shops, plus all other industries including restaurants, construction, retail, movie-making, etc. Enforcement on the state level has in fact declined. While the number of employers in California doubled between 1982 and 2000, the enforcement staff of the state Department of Labor Standards Enforcement (DLSE) decreased by 6% (Kessler, 2002). Since 2000 DLSE staff has declined each year (APALC, 2005). As one former DOL investigator conceded, the contractors' 'chances of being hit are almost nil.'<sup>3</sup> Clearly, lax enforcement has contributed to the proliferation of sweatshops in the USA as well.

*Undermining Unions*

The attack on unions has taken place through employer repression, government neglect of labor laws and even government participation in actions that deny labor rights. Employers across the world have fired, laid-off and even attacked workers who organize. Manufacturers have moved production away from organized plants and highly unionized regions. Governments in search of foreign investment have failed to enforce laws protecting unions, participated in blacklisting, outlawed organizing in export-processing zones and used security forces to physically attack protesting workers. In fact, Bonacich and others have argued that escaping unions, and the benefits they had won for workers, was a principal motivation for garment manufacturers to globalize in the 1960s and 1970s, setting a pattern that was followed by other industries (Bonacich et al., 1994).

Moreover, a reorganization of work in the globalized era has undermined organized labor by arranging production in small units and by creating divisions among workers of different nations, races and genders. The growth in the heterogeneity of work sites and the number of intermediaries also makes it harder for workers to form a class consciousness and subverts the logic of class struggle (Portes et al., 1989). Workers are not brought together in ever-larger worksites where their common experience unites them. Instead they are separated into thousands of small shops isolated from one another by distance and anonymity, and often by borders and language as well. Workers also have no clear enemy. Instead there is a complex web of exploiters as each small grouping of workers faces their own relatively powerless boss, who actually works for a far-off brand-name corporation, and, in fact, the largest profits go to an unknown retailer. This use of intermediaries obfuscates who is in control and who the target is, as shop owners tell workers that some abstract customer determined the piece rate. Manuel Castells and Martin Carnoy call this reorganization 'a disaggregation of labor in the labor process', and they note its deleterious effects on unionization (Castells and Carnoy, 1996).

*Use of Vulnerable Labor*

The garment industry has always relied on women, and to a great degree immigrants, as the mainstay of its labor force. However, with globalization the garment industry combines the ideologies and material consequences of nativism, racism and sexism ever more effectively to exploit predominantly third world women. In the USA most of the workers are immigrants. In Los Angeles, where there are actually a growing number of Latin American men working in the garment industry, a large portion of the workers are undocumented. Abroad most garment workers are newly proletarianized women, coming from rural or informal economies. In many countries the workers are also extremely young. Such workers have to overcome numerous barriers to organizing – the double day, cultural constraints, historical inexperience, and insensitivity of male-dominated unions among others. Moreover, because the global system is so mobile and contracts are so short-term, when workers do organize they have little leverage as factories close or brand-names move on to another facility.

## United Students Against Sweatshops and the Third Wave

United Students Against Sweatshops has gone through several phases of activism, which can be seen as progressively addressing more and more aspects of the global economy's underpinnings as outlined above. Phase one focused on forcing universities to adopt codes of conduct and require companies to disclose the names and locations of their production facilities. In phase two student activists demanded that universities adopt independent monitoring of the codes by joining the WRC. In the current and third phase students are pressuring their universities to sign on to the Designated Supplier Program (DSP), which requires licensees to utilize production facilities where workers are actively defending their rights. Each of these phases entailed not only negotiations between students and their universities but also large protests including sit-ins and hunger strikes at recalcitrant institutions.

Opening up the complex *webs of production* to the light of day was integral to the students' original motivations. In the summer of 1997, nine UNITE student interns had begun meeting and looking into the collegiate apparel industry. As Duke undergraduate Tico Almeida described,

As we reviewed all of the existing corporate codes of conduct, we noticed that not a single company included a provision for public disclosure of factory locations or independent monitoring reports. The conclusion was obvious: if we were to hold the manufacturers of our college merchandise accountable, we were going to have to force them to open themselves up to public scrutiny. (Featherstone and USAS, 2002: 16)

The first step was to convince their universities to require licensees to sign on to codes of conduct, making the brand-name companies responsible for labor conditions in their webs of production and requiring companies to reveal those facilities. In spring of 1998, students at Duke University negotiated with their administration to pass a code of conduct. Students around the country began forming campus groups and in July 1998 met to form a national organization: United Students Against Sweatshops (USAS).

By spring of 1999, USAS had activists on over 60 campuses. Frustrated with the slow pace of university committees or unable to move their universities through bureaucratic channels many students chose other routes. Students at some schools moved from fashion shows and leafleting to civil disobedience. Starting in January of 1999, students at Duke held a sit-in to demand public disclosure that touched off a wave of similar actions around the country. Students at six universities from North Carolina to Wisconsin to Arizona engaged in sit-ins against their administrations. Students at Harvard, Berkeley, Middlebury and many other schools won concessions from their universities through less drastic means.

Students recognized their *role as consumers* in a privileged niche market. They argued that as licensors, universities had leverage with companies that made clothing with their logo catering to their students and alumni. Moreover, as institutions that profited from those sales universities had a moral obligation to address the conditions under which the apparel was made. Students pressed universities to use their moral standing to require decent standards, not just the minimum, of licensees and their factories.



During the fight for codes, there was considerable negotiation over specific standards. While students often insisted on clauses protecting women's rights, establishing a living wage, and ensuring rights to freedom of association and collective bargaining, universities resisted. Many administrators considered licensing a simple business matter. Some campaigns considered fighting for a union-preference in their codes, but activists felt this was impossible to win at the time. Of the dozens of apparel company codes that were adopted by corporations themselves prior to 1998, few even mentioned unionization rights (Sajhau, 1997; Varley, 1998). Disclosure of factory names and locations seemed a more reasonable demand, despite the fact that companies claimed it was impossible to reveal these 'trade secrets' that were vital to their competitive position. A breakthrough came when Nike offered to disclose its factory locations to any university that joined the Fair Labor Association. The FLA was a monitoring organization developed by apparel companies and NGOs, with the facilitation of the Clinton administration. The FLA program included companies choosing monitors from an approved list of primarily commercial firms, and paying the monitors directly.

Students winning strong codes had begged the question of an *enforcement mechanism* and the newly established FLA quickly offered their services to universities who joined in droves. Students knew they needed to address the issue of enforcement, especially given the grave lack of government enforcement discussed earlier. However, they strongly disapproved of the corporate orientation of the FLA.

In 2000 students, along with other activists, unionists, and academics formed the Worker Rights Consortium as an alternative to the Fair Labor Association, which was offering itself to universities as the ready-made answer to their newly-established monitoring needs. In contrast to the FLA, the WRC was to be a completely independent monitoring organization with no participation of companies in its formation, governance or funding. The spring of 2000 saw a round of more coordinated sit-ins. Students across the country were attempting to convince administrators to drop out of the FLA and/or join the fledgling WRC. Students at Michigan and Wisconsin held simultaneous sit-ins resulting in the schools' membership in the WRC, the first major licensing schools to join. At the University of Pennsylvania students sat in for over a week and held a nationally supported fast that lasted 48 hours. Penn dropped out of the FLA in response. The sit-in at the University of Arizona lasted for 10 days, and for 11 days Purdue students held a hunger strike. In fact, sit-ins continued throughout the spring with students taking over offices or outdoor areas at Oregon, Iowa, Kentucky, Tulane, Macalester, and SUNY-Albany among others. At a few campuses university administrators resorted to sending in the police who threw tear-gas and made dozens of arrests. Some students used other means to get their point across, like the dozen students at Syracuse who bicycled through campus '100% garment-free' (Featherstone and USAS, 2002).

With 44 universities signed on by the founding convention in April 2000, and many others joining soon thereafter, the WRC grew quickly into a serious organization. It supported workers in several important victories by reporting violations of their rights – particularly their associational rights – to universities and licensees. The WRC played a crucial role in the establishment of the first independent apparel union in Mexico at

Kukdong and in the Mombasa Free Trade Zone of Kenya at Sinolink. The WRC was also instrumental in guaranteeing workers' rights in the struggle at the BJ&B factory, which resulted in the first collective bargaining agreement to require higher than the minimum wage in any export-processing zone of the Dominican Republic.

BJ&B has actually been central to the student movement from the start. A widely circulated report in 1998 explained to students that the workers at BJ&B in the Dominican Republic were paid eight cents for each college-logoed cap they sewed, while the university made \$1.50 and the cap sold for \$20. When workers organized to protest forced overtime, verbal abuse, supervisors hitting workers, and undrinkable water, they were fired. After the union victory orders quickly began to fall off and workers were never actually paid the wage gain promised in the collective bargaining agreement. BJ&B, which had 1800 workers at its height, dwindled to 200 workers and finally closed in 2007. The WRC role was reduced to helping the workers secure severance payments. This process was complicated by the fact that Nike, the major client, initially refused to pressure BJ&B to properly make such payments and the FLA released a misleading report of the situation. In the end, universities coordinated by the WRC were able to leverage enough pressure for the workers to receive over their legal severance, although still small compensation for their lost jobs and the closure of the leading factory in the DR in terms of workers' rights. Moreover, apparel imports from the Dominican Republic – where wages are about 76 cents an hour – are down almost 20% in the last year, while imports from Haiti on the other side of the island where wages are 25 cents an hour are up 24%.<sup>4</sup>

In BJ&B, Sinolink and elsewhere, the WRC and universities have found it difficult to convince licensees to keep substantial orders in factories where workers have made gains. The situation worsened dramatically after the phase out of the Multi-Fiber Arrangement in January 2005, which eliminated most quotas on apparel and allowed production to be concentrated without limitation in countries with the lowest wages and/or where workers have the fewest rights.<sup>5</sup> The phase out of the MFA has meant that a lot of apparel production has shifted to Asia as was predicted (Diao and Somwaru, 2001). In Latin America, all the major garment-producing countries have lost jobs except Haiti and Nicaragua, the two countries where wages are the lowest. At about 40 cents an hour, China's wages are currently lower than Mexico and Central America, though higher than many nearby Asian countries such as Sri Lanka, Vietnam, Pakistan and India where wages range from 13 to 22 cents an hour.<sup>6</sup> However, China has production capabilities that far outstrip its neighbors.<sup>7</sup> China has a combination of very low wages, a stable investment environment, a highly controlled labor force with the largest reserve army of labor in the world and, very importantly, the ability to provide 'full package' production where China produces textile for its own garment industry (Appelbaum et al., 2005; Ross, A., 2004).

There has been a sharp increase in the vulnerability of the position of workers in the last couple of years. In addition to these shifts, factories in Latin America and Africa are now using a tactic that has been more common in Asia, which is to employ workers on rolling short-term contracts. Contract workers have no rights to the protections mandated by their local laws such as sick days, health insurance, seniority, and severance

(which has been a big issue in some places as factories close down). In some countries like Indonesia and the Philippines contract workers also have no legal right to organize, and in no country do they have protection from being fired at the end of their month or week or even day-long contract.

This brings us to the current and third phase of USAS activism. In the fall of 2005, USAS introduced their Designated Suppliers Program and asked universities to adopt the concept. Again there has been another round of coordinated actions: in January 2007, student groups at 34 schools protested in a coordinated day of action. Students have again used tactics from rallying in the nude to taking over university offices. In November of 2006 students at Purdue launched a 28-day hunger strike while Michigan, University of Southern California, UC Riverside, and Stanford have seen sit-ins met with student arrests and threats of suspension. While not all protests were successful, Stanford did agree to become the 173rd member of the WRC, although not sign on to the DSP. The actions of students at UC Riverside, as well as UC Berkeley, were key in convincing the 10-campus system to sign on to the DSP. So far there are 36 universities that have pledged to join the program.

The DSP would address the final two facets of the global economy covered in Table 1, *unionization* and *vulnerability*. The DSP requires licensees to increasingly source from factories that have established worker representation or are willing to agree to neutrality, in effect creating an actual preference for unionized factories. The DSP also creates stability and leverage for workers making their position less vulnerable. It requires university licensees to be the majority of buyers in these factories and to sign three-year contracts with the factories. Finally, the program requires companies to guarantee fair prices to contractors and to submit to arbitration in the case of a dispute. By creating some constancy in the industry, manufacturers will not be able to claim a tenuous relationship with factories. Factory owners will have some guarantees of orders and prices, making it both possible and worthwhile to invest in improvements and come into compliance. Workers will have some guarantee that winning improvements will not result in lay-offs and firings.

Universities are still working on implementation plans. Committed institutions have been meeting monthly to hammer out details. Schools are also waiting for a 'Business Review Letter'. This is basically an endorsement from the federal government that would clear the universities' worries over anti-trust issues. Students continue to pressure for more participants.

### **Sweatfree Communities: Expanding the Movement**

While various waves of students have focused their efforts mainly on campus where they have both leverage and legitimacy, long-term residents of communities have used their role as citizens to influence local and state lawmakers to also adopt anti-sweatshop measures. Sweatfree Communities have largely taken their cue from USAS and in some ways are just one step behind in the process. Although the first government procurement policy preceded the first university code, being passed in 1997 in North Olmstead, Ohio,

most government policies have been adopted since 1999. In 2002, local campaigns from around the country came together to form a nationwide organization and cities and states are now in the process of forming a consortium similar to the WRC. However, government policies are more complex, subject not only to the influence of more stakeholders but also more legal constraints.

Again these ordinances create manufacturer responsibility for the conditions in their *webs of production*. Almost all of the policies incorporate some type of code or mention standards that include such basics as wages, child labor, health and safety, and freedom of association. Sweatfree communities have benefited from a now longstanding debate over and development of codes of conduct. While there are certainly differences between local policies, most include at least a reference to applicable laws in *all* these areas. Public disclosure of factories is specified or assumed in implementation. Several of the policies include a detailed formula for what the Los Angeles ordinance calls a 'procurement living wage' and several other ordinances call a 'non-poverty wage'.

A review of 22 policies shows that standards for labor rights vary, with the weakest ordinances making broad reference to all applicable laws but no specific mention of freedom of association. Many of the ordinances reference ILO conventions. Three of the states – New Jersey, California and Illinois – incorporate language that limits firing to just cause. New Jersey goes the furthest of these by also calling for employer neutrality and acceptance of a union gained through the majority of workers signing cards to authorize union representation ('card check neutrality'). The ordinance passed in Madison, Wisconsin pushes the envelope the furthest calling for a DSP-like requirement under which management would have to provide a channel for workers' complaints, a representative voice for workers in decision-making, and negotiate in good faith.

In terms of *buyer-driven chains*, the activists here are even more directly leveraging the power of the consumer. The consumer, in this case, is the local government through its procurement of apparel. The government does not license goods, as in the case of the university, but actually purchases or funds the purchase of the items. Of course, the taxpayer is also the implicit consumer. The potential impact of sweatfree procurement policies is far greater than the estimated three billion dollars of university-logoed apparel. Government procurement encompasses an enormous range of products and services that together are estimated to be worth over \$400 billion.<sup>8</sup> As of March 2007 there were over 170 government entities that had adopted sweatfree policies in the USA, not including the 160-plus public universities and colleges. This number includes six states, 36 cities, 11 counties, 117 school districts, and three individual high schools.<sup>9</sup> In a review of 22 sweatfree policies adopted by the six states and 16 of the cities or counties, only two (Los Angeles and Cuyahoga County, Ohio) included all goods and services and another three (Pittsburgh, San Francisco and California) all goods.<sup>10</sup> Of the remaining 17 policies reviewed all include apparel, with six adding textiles, four footwear, two sports equipment and six specifying both the manufacture and laundering of apparel.<sup>11</sup>

Official estimates on the value of apparel purchased by government entities are difficult because uniforms are often actually purchased by individual students, policemen, firemen, etc. However, Sweatfree Communities estimates that states have a combined apparel procurement

budget of approximately \$400 million dollars and that local governments spend around \$12 billion on apparel purchases.<sup>12</sup> Apparel procured by Los Angeles and San Francisco alone is approximately ten million dollars and estimates of student uniforms for just public school are about one billion dollars.<sup>13</sup> The federal government spends billions more on military uniforms among other apparel. States particularly purchase large quantities in the area of prison guard and inmate uniforms and cities and counties purchase transit worker, police and firefighter uniforms as well as hospital sheets, towels and scrubs. If laundry services and footwear are added in, the amount increases dramatically. Moreover, once they win a campaign, city activists can turn their attention to other city offices or entities such as pro sports teams. The Los Angeles City Council also recommended that other government agencies such as the Harbor Department and Water and Power adopt similar measures. Los Angeles Unified School District had already adopted a sweat-free policy. In 2006, the Pittsburgh sweatfree coalition convinced the owners of their major league baseball team, the Pirates, to consider a procurement policy for the team.<sup>14</sup>

*Enforcement* is an issue that is surfacing more and more in this movement. The Los Angeles code passed in 2004 was the first ordinance to actually set aside money for independent monitoring. Previous ordinances had not addressed the issue, assigned enforcement to a government staff person to oversee, or left it to the local campaign to bring complaints. In the summer of 2006, Los Angeles signed a contract with the WRC for a pilot monitoring project. San Francisco signed a contract with the WRC a few months later. It should be noted that Los Angeles has the largest number of garment workers in the country. Workers played an active role in the passage of the ordinance. Although they are currently not making these goods for the most part, there is certainly a potential for the ordinance to directly impact them.

Independent monitoring will become more widespread if the planned 'State and Local Government Sweatfree Consortium' is successful. This consortium, which was first called for by Governor Baldicci of Maine in February 2006, held its convening meeting in spring of 2007. Government representatives from four states (Maine, Pennsylvania, New Jersey, and New York) and two cities (Los Angeles and San Francisco) attended. At the meeting in Harrisburg, Pennsylvania, government officials, academics and activists discussed a white paper laying the groundwork of the organization and formed an interim steering committee. Less than two months later Maine became the first state to fully fund its membership in the Consortium. The Consortium would standardize key code elements. The draft white paper included the stronger definition of a non-poverty wage, as well as emphasizing the right of workers to organize and that it is preferable for workers to have an organized voice.

The Consortium may address the final two aspects of globalization highlighted in this article, *undermining of unions and use of vulnerable workers*; although it does not do so as directly as the DSP. According to the draft white paper and Sweatfree Communities staff, the purpose of such a consortium is twofold. The first is to create a joint enforcement mechanism for governments similar to what the WRC has been for universities, perhaps in conjunction with the WRC.<sup>15</sup> If monitoring occurs through the WRC there is a strong possibility that eventual implementation of the DSP by universities will effect government

procurement as well. In any case, since the WRC has long focused its investigations on unionization rights this will certainly carry over to government procurement work, which they are already beginning to conduct for Los Angeles and San Francisco. The second purpose of the Consortium is to use the combined purchasing power of multiple government entities to bring pressure to bear on manufacturers and to consolidate and stabilize contracts, as is proposed under the DSP. Sweatfree Communities hopes to have governments with a combined purchasing power of \$100,000,000 to begin operations; the convening meeting was a strong beginning with government participation representing \$65,000,000 in apparel budgets. Consolidation would again create leverage and stability for workers in those plants. This leads to a consideration of where the designated facilities might be.

Interestingly enough, there seems to be a substantial uniform manufacturing business still in the USA. Uniforms, particularly for police and firefighters, are much higher quality goods with particular specifications for material strength, seams, stitching, etc. This brings up a number of questions that have not been very relevant to the university-logoed sector since very little of that production occurs in the USA. Should domestic production be given any preference? And how do domestic regulators fit into the scheme of independent monitoring? According to Bjorn Claeson, none of the government procurement ordinances currently contain any local preference *per se*. New York's legislation, which basically just allows public entities in New York to adopt policies, only contains a preference for New York businesses that were negatively affected by September 11th. The New Jersey legislation resolves that the state has 'a compelling interest in ensuring that these uniforms are produced under excellent conditions in the USA.' Sweatfree Communities as an organization does not endorse the Buy American preferences. Historically, as Dana Frank (1999) has pointed out so well, such campaigns have undermined solidarity with workers abroad and employed racist rhetoric that has created hostility at home, particularly against Asian-Americans. However, Sweatfree Communities does support local buying preferences, though this is not contemplated in the principles of the Consortium.

Local buying preferences, in other contexts, have been used to create economic development in a specific geographical location (Schuman, 1998). For example, many school districts have begun buying food from local farmers (Gottlieb, 2001). By supporting local businesses with good jobs, government reinvests tax dollars in the local area and this money circulates back into the community and into the local government through taxes. Bjorn Claeson gives the example of the Kenneth Gordon Company, which owns a unionized sewing plant in New Orleans. After hurricane Katrina, Kenneth Gordon continued to pay all workers' wages and benefits and reopened the plant as soon as they could. By doing this Kenneth Gordon helped the city and workers of New Orleans in their recovery. Should the city not support such a business?<sup>16</sup>

Such preferences have been discussed among Sweatfree Communities activists. A draft of the Los Angeles policy included a preference for complying contractors operating in the city of Los Angeles where their bids did not exceed 10% above the lowest bid of other 'responsive and responsible bidders' (Hayden, n.d.: 14). However, this language was dropped from the final ordinance.<sup>17</sup> Portland, Austin, and Missoula are all discussing the local buying preference in their current campaigns. San Francisco is closest to having a

local buying preference in place. The city government set up a working group that has proposed language for another ordinance. However, the issue is much more complicated than advocates in San Francisco originally thought. There is a question of whether the few contractors left in San Francisco would be interested in uniform production, since the investment in equipment is high.<sup>18</sup> The problem for most cities is that they do not have any local garment production. It is unclear if local production facilities would emerge to meet the demand. However, government support of such production merits further exploration as a route toward economic revitalization for some communities that have suffered from deindustrialization. Many cities do have laundry facilities and production of other goods that may be currently included or added to ordinances. Local preferences could be added for these goods and services.

Such local buying preferences bring up some of the legal issues involved with no sweat ordinances. The New York City law was struck down by a state court for placing additional requirements on garments the city is purchasing from other states and countries. One interpretation is that such requirements may not be set by localities under interstate commerce rules and international agreements. There is some concern over whether the state anti-sweatshop laws could be challenged under the Government Procurement Agreements included in international trade treaties. Thirty-nine governors have actually signed on to NAFTA in order for companies located in their states to have access to other countries' procurement markets.<sup>19</sup> By signing on they have agreed not to give preference to their domestic firms. It is unclear if another country would bring a challenge under the GPAs or if such a challenge would prevail.

In terms of interstate commerce, city and state governments have been careful to act as 'market participants' in the area of sweatfree policies. While they are legitimate consumers in their procurement capacity, they are preempted by federal legislation when it comes to regulating unionization rights within their states or regulating interstate commerce. This raises sticky issues for the role of state wage and hour investigators in enforcing such policies. Litigation and legislative battles will clarify some of these grey areas as the struggle for sweatfree production continues to progress. However, the fundamental contradiction that localities may have to rely on private and non-governmental entities to carry out enforcement functions that rightly fall within the purview of (non-existent) federal investigators will remain; at least until the federal government fully fund the enforcement of its own labor laws, which currently appears a distant hope. Pressuring for such funding is an area that seems ripe for activism although fraught with the intricacies and insulation of a federal budget process.

## Conclusion

The anti-sweatshop movement is leading us toward concrete examples of thinking globally and acting locally. Activists in the US put pressure on universities and local government entities to acknowledge and leverage their role as global economic actors in order to create improvements and opportunities for workers at home and abroad. And as Saskia

Sassen (1994) reminds us, the local continues to play an important role in our globalized world both in terms of regulation and actual production.

To date, the US anti-sweatshop movement has made considerable progress in the conceptualization and adoption of regulation by both private universities and public entities but far less progress in actually changing the conditions of production. The movement has made incursions into new markets, forcing the extension of sweatfree policies into the purchase of a growing number of items. However, changes on the ground in producing countries are lagging far behind these policy developments in the USA. As this article explains, victories have been few and often ephemeral. Still, the anti-sweatshop movement has increased its ability to challenge apparel corporations to not just improve the conditions in individual factories, which are hard to sustain, but also to address the underlying structures that will continue to reproduce those conditions in factory after factory. Crucially, the movement is proposing new policies that would create alternative structures to support, rather than suppress, worker voice, representation and organizing.

The future is uncertain, as students struggle to make the DSP a reality, Sweatfree Communities lobby for commitments to their consortium and activists grapple with the complexities of local preferences. But it is also hopeful. Corporations are now arguing vehemently that they cannot possibly change their sourcing practices to comply with the DSP requirement of majority production in a factory. Of course, the fact that they usually have a very small minority share of production in a factory is often used as the excuse for why they cannot exert enough pressure to change a factory's practices. These arguments ring very much of the earlier clash over disclosure, an impossibility to the corporations and an essential step in ensuring that codes could have any effect and that any monitoring could go forward. Five years later Nike began voluntarily disclosing on their website *all* of their factories, not just for their collegiate apparel.

The current battle over consolidation, stability and pricing cut to the heart of the advantages of globalization to corporations. They give workers leverage. Combined with supporting workers not as victims but as agents utilizing that leverage and exercising their rights to organize, these requirements may facilitate real change on the factory floor.

## Notes

- 1 Andrew Ross (1997) dubbed 1996, which began with the Gifford scandal and led into the presidential Apparel Industry Partnership taskforce, the 'Year of the Sweatshop'. Brooks (2001) also refers to the media's use of the 1996 'Summer of the Sweatshop'.
- 2 These two organizations in no way represent the entirety of the US anti-sweatshop movement. Other important organizations include: UNITE, the AFL-CIO Solidarity Centers, National Labor Committee, US/Guatemala Labor Education Project, and the Campaign for Labor Rights. For a discussion of the transnational campaigns these groups have been involved in see Armbruster-Sandoval (2005) and Mendez (2005). However, USAS and Sweatfree Communities are both large organizations with branches across that country and are currently developing new and growing campaigns.
- 3 Interview with Bill Bernstrom, former Department of Labor investigator, 29 June 1998.



- 4 Data compiled by Workers Rights Consortium and distributed at the WRC Board meeting on 2 February 2007. In the author's possession.
- 5 Temporary limits were placed on China in reaction to the very rapid shift of production there. However, these limits will expire at the end of 2008.
- 6 2005 wages were obtained from data collected by the Workers Rights Consortium of both legal minimum and actual wages in garment producing in countries. These figures represent an average of garment workers' wages as expressed in US dollars.
- 7 Trends do quickly change and recent reports have indicated that there may be some movement from China to lower wage Asian countries – particularly Vietnam, which also has extreme legal restrictions on the right to freedom of association. See Don Lee, as reported on 3 July 2005 in 'Chinese City's Allure Fades for Some Firms', *Los Angeles Times*.
- 8 22 August 2006 in the *Bangor Daily News* (Maine): 'Labor and Local Sweat-Free Procurement Initiatives' by John Buell
- 9 Sweatfree Communities website, [www.sweatfree.org](http://www.sweatfree.org) accessed 25 June 2007. It should also be noted that four major Canadian cities have also adopted sweatfree procurement policies: Ottawa, Vancouver, Calgary and Toronto.
- 10 For California and San Francisco there is a phase-in contemplated in the law so that they begin with apparel.
- 11 Twenty original policies were accessed from [www.sweatfree.org/policieslist](http://www.sweatfree.org/policieslist). For the remaining two I relied on the comparison provided by Sweatfree Communities at [www.sweatfree.org/docs/policies\\_overview.pdf](http://www.sweatfree.org/docs/policies_overview.pdf). Accessed 17 January 2007.
- 12 Figures given by Bjorn Claeson in presentation at the Sweatfree Consortium Convening Meeting. Presentation found at: <http://www.sweatfree.org/consortiumconveningmtgreport>. Accessed 25 June 2007.
- 13 Interview with Bjorn Claeson, Director of Sweatfree Communities, 26 January 2007.
- 14 Dave Zirin and Derek Tyner, 'Victory for the Anti-Sweat Shop Pirates', *The Nation*, 31 July 2006.
- 15 'Working Draft – State and Local Government Sweatfree Consortium,' 16 November 2006. Accessed at [www.sweatfree.org](http://www.sweatfree.org) on 17 January 2007. And interviews with Liana Foxglove, National Organizer for Sweatfree Communities, 24 January, 2007 and with Bjorn Claeson, 26 January 2007.
- 16 Interview with Bjorn Claeson 26 January, 2007.
- 17 Tom Hayden's organization helped lead the fight for the Los Angeles ordinance. According to Hayden, local preference was not a priority. (Interview, 26 January 2007.) Other activists central to the LA struggle were unsure why the clause had been dropped: interview with Julie Su of the Asian Pacific American Legal Center, 9 January 2007 and interview with Rini Chakraborty Director of Sweatshop Watch, 5 February 2007.
- 18 Interview with Alex Tom of the Chinese Progressive Association, which spearheaded the San Francisco ordinance, 5 February 2007.
- 19 Interview with Thea Lee, Policy Director of the AFL-CIO, 2 February 2007.

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