Effective protection of workers’ health and safety in global supply chains

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Over the last 20 years, manufacturing of a wide variety of consumer goods in the global economy has shifted from relatively well-regulated, high-wage and generally unionized factories in the developed world to basically unregulated, low-wage and rarely unionized factories in the developing world. Protecting workers’ health and safety in these countries where governments frequently lack the political will or the resources (financial, human and technical) to protect workers within their borders – and are often willing to sacrifice the safety and health of the national workforce to attract foreign investment – is a significant challenge.

However, protecting workers under these circumstances is precisely the goal of the global labour movement and occupational health and safety (OHS) professionals, both to prevent the immediate adverse impacts on those workers directly affected and to counteract the “downward pressure” that bad conditions exert on all workplaces in the global economy.

The prevailing supply chain approach for OHS protection for workers is to incorporate them into the international brands’ corporate social responsibility (CSR) programmes in the hope that there will be a “trickle-down” effect of corporate-level OHS protections to the factory floors of the brands’ suppliers. This approach has resulted in only marginal improvements of working conditions in global supply chains operating in the real world context of corrupt, ineffective governments, harsh employers who are squeezed themselves by international brands, and desperately poor, vulnerable workers without feasible alternative jobs.

A different approach – exemplified by the work of the Maquiladora Health and Safety Support Network (MHSSN) – is a worker-centred one, with the goal of creating knowledgeable, informed and active workers in factories at all tiers of the global supply chains who are familiar with OHS concepts, hazards and controls, as well as their rights under the law, and who are able to speak and act in their own name to protect their own health and safety on the job.

**Characteristics of supply chains in the global economy**

Today 51 of the largest 100 entities on the planet are not countries but rather transnational corporations. These corporations control 70 per cent of world trade, one-third of all manufacturing exports, three-fourths of trade in commodities, and four-fifths of technical and management services (Dunning and Lundan, 2008; Mander, 2014).

Many of these corporations have replaced manufacturing facilities in the developed world with multi-tiered supply chains that stretch the length and breadth of the globe. For example, Nike has 744 factories in 43 countries with close to a million workers (Nike, 2014a). The Gap has 1,300 factories in 50 countries sending apparel to its retail stores in Europe and North America.
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Disney, a major seller of toys, has licences with 5,500 factories in 70 countries and several million workers (Walt Disney Company, 2014). However none of the workers in these supply chain factories are directly employed by Nike, The Gap or Disney. Instead they are employed by tiers of suppliers, subcontractors and, increasingly, temporary help or contingent worker agencies in every tier of the supply chain.

Not surprisingly, the working conditions in global supply chains are frequently illegal, unsafe and unhealthy, and more often than not share the following features:

- long hours of work, often in violation of national law;
- low pay, often below the national average for their industrial sector and well below a “living wage”;
- pay that is delayed, underpaid, or never paid in cases of “wage theft” by employers;
- unsafe and unhealthy conditions, including serious uncontrolled hazards;
- physical abuse and sexual harassment;
- child labour; and
- lack of basic legal and human rights.

Documentation of these conditions – which are often not disputed by the international brands but deemed unrepresentative of those prevailing in the entire supply chain – comes from the following sources: (1) news media reports; (2) investigative reports from non-governmental organizations; (3) investigative reports from multi-stakeholder initiatives (MSI) that include brands; and (4) the brands’ own CSR reports.

The corporate social responsibility approach and its failure

Responding to the “anti-sweatshop” campaigns of the early 1990s, global corporations began to adopt codes of conduct and to report on their implementation, first through in-house audits and then by using for-profit, third-party monitoring firms. The CSR movement started out as a cottage industry, but has by now become a US$15 billion-plus global industry with an extensive universe of conferences, magazines, newsletters, books and professional associations (Smith, 2014). Ironically, an industry set up to solve problems in outsourced supply chain production is now itself outsourcing critical

components of the CSR system, including on-site factory inspections and awarding of “certifications” of safe and lawful working conditions.

The CSR industry and factory suppliers, mindful that future work depends on reported compliance with the brands’ corporate codes of conduct, have found ingenious methods of “gaming the system” of CSR audits and providing “plausible denials” when illegal and unsafe conditions are inevitably brought to light. The vast majority of CSR programmes have an impact, if any, only on the “Tier 1” suppliers, such as Foxconn in electronics or Pou Chen in sports shoes, and virtually no impact on their subcontractors, or the subcontractors of the subcontractors. ²

The CSR system has failed to make more than marginal improvements in actual factory working conditions over the last 20 years for three reasons: the dominant “sweatshop business model” in all global supply chains; corrupt and ineffective CSR or “social” monitoring; and the non-existent participation of workers in the development, implementation and verification of factory-level CSR or health and safety programmes.

The supply chains’ business model has several features that work against effective factory-level programmes.³ First, there is the brands’ sourcing department’s “iron triangle” of the lowest possible price, fastest possible delivery and highest possible quality which typically trumps all other considerations, including workers’ safety and other CSR goals. Another is the “race to the bottom” in production costs, where brands pit countries, regions, cities and contractors against one another in a pitiless drive to reduce costs to the lowest possible level regardless of the impact on the workforce. This is manifest in the relentless effort to cut ever deeper, year after year, even with suppliers whose “rock bottom” costs won them the contract in the first place. Suppliers, and their subcontractors down the chain, are routinely told that they will be paid less next year for their products, and less still the year following – and if they do not care for this arrangement, then the business will go elsewhere.

The result of this global business model – now combined with mandatory brand-required CSR projects for which the brands rarely provide any financial support – is that the suppliers and subcontractors have ever-shrinking resources to pay for code-compliant production, including legally required overtime and benefits, or “non-productive” activities such as employee safety training, exhaust ventilation to remove airborne chemicals, or machinery lockout/tagout programmes to prevent amputations.


³. See Bader (2014 and 2015); Cole and Chan (2015); Confino (2013); Fleming and Jones (2013); Karnani (2010); Loomis (2015); Lyon and Karnani (2010); MSN (2007); O’Rourke and Brown (2003); SACOM (2013); SOMO (2013b and 2015); Wells (2007).
Even if the contractors and their subcontractors had the desire and political will to implement effective safety programmes, few of them have the resources necessary to accomplish this. Instead, supply chain employers mount CSR and OHS programmes for “show”, with the main benefit being marketing and public relations gains for the corporate brands and retailers.

The CSR monitoring that is supposed to detect and correct these problems has been almost completely ineffective, and is often corrupt. These systems have been successfully “gamed” by all involved – brands, contractors, subcontractors and auditors – with the only losers being the workers.4

Most auditors do not have the training required – especially in OHS – to make a valid determination of the sufficiency and effectiveness of the factory-level programmes. The standard monitoring, usually announced in advance and often no more than short, “once-over-lightly” or even “drive-by” inspections, are conducted by for-profit enterprises that know their future business depends on satisfying the needs/expectations of their current clients. Ironically, many CSR auditing companies now outsource the actual field inspections and programme evaluations to even less qualified and less responsible subcontractors.

Two of the most well-known examples of CSR audits that resulted in certifications of factories that subsequently had major disasters, killing and injuring workers, are the Ali Enterprise factory in Pakistan and the Rana Plaza factory building in Bangladesh.

At Ali Enterprise, the factory received an “SA 8000” certification just three weeks before an entirely predictable and preventable fire killed 25 per cent of the workforce, 289 workers who were burned to death in December 2012 (Claeson, 2015; ILRF, 2012; SOMO, 2013a). The certification from Social Accounting International (SAI) was subcontracted out to the Italian-based RINA company, which then subcontracted the actual factory inspection in Pakistan to the RI&CA company, which has certified more than 100 factories in Pakistan. Neither SAI nor RINA ever visited the factory. Like all CSR auditing, RI&CA’s inspection report generating the certification has never been publicly released.

At Rana Plaza, two of the five garment factories in the building had received a safe-factory certification from the European Business Social Compliance Initiative (BSCI) prior to the collapse of the building in April 2013 that killed over 1,100 workers and injured 2,000 more (Brown, 2015; Claeson, 2015). The BSCI certification does not address issues of building structural integrity – a major issue in Bangladesh, which is second only to

4. See Anner (2012); Anner, Blair and Blasi (2013); BBC (2014); China Labor Watch, 2009 and 2011–15; Claeson (2015); Clean Clothes Campaign (2005 and 2008); Clifford and Greenhouse (2013); Esbenshade (2004); Frank (2008); Fleming and Jones (2013); Gould (2005); Harney (2008); He and Perloff (2013); ILRF (2012); Locke, Qin and Brause (2007); Locke and Romis (2010); Loomis (2015); O’Rourke (2000); Plambeck and Taylor (2014); SOMO (2013a, 2013b and 2015); Walsh and Greenhouse (2012).
China in global garment production and exported US$24 billion in garments in 2014.

Another famous example of the failure of CSR certifications to protect workers is the case of Apple’s supplier Foxconn. In January 2012, the New York Times ran a series of stories on working conditions in Chinese factories producing Apple products that documented illegal, unsafe and unhealthy conditions despite Apple’s much-publicized CSR programme and promises (Duhigg and Barboza, 2012).

Apple immediately joined the business-friendly Fair Labor Association (FLA) and paid for them to conduct audits of three supplier factories run in China by the Taiwan-based Foxconn corporation. In March 2012, the FLA issued reports on the factories that noted that two of the three had been awarded “OHSAS 18001” certifications for their occupational health and safety management systems when, in fact, no functional OHSMS system existed in either factory (FLA, 2012). No explanation for this was offered by the auditing company – reportedly the Swiss-based SGS – to the FLA, or by Foxconn or Apple.

The FLA report listed several dozen uncorrected hazards, programme deficiencies and lack of implementation in the report’s appendices. It concluded:

Although the factory has obtained an OHSAS 18001 certificate, and the Health & Safety system is well developed as far as written policy and procedures are concerned, the implementation of the system is not effective in many areas, arguably due to the ineffectiveness of the HSE committee and of the methodology and tools used for internal audits and routine HSE inspections, along with the absence of an effective review process.

Most managerial staff interviewed mentioned that these issues have never been raised during external OHSAS 18001 audits.

No active worker representation and participation on HSE committee.

No active system for encouraging workers to participate in ongoing HSE efforts.

Given the economic, political and social contexts in which global supply chains function, and the fatal flaws of the CSR auditing systems, it is not surprising that media stories, NGO reports, MSI reports and even the brands’ own CSR reports document continuing hazardous and illegal conditions in the global economy, and supply chains in particular.

Last but not least, none of the current CSR programmes in global supply chains have genuine, as opposed to pro forma, participation from shop-floor workers in the development and implementation of OHS programmes (Brown, 2009b). Part of the reason for this is precisely the high turnover rate
in supply chain factories caused by low wages, long hours and bad working conditions created by the brands’ “sweatshop business model” itself.

As is well known in the OHS profession, workers are an essential and necessary element in effective, factory-level OHS programmes that actually reduce or eliminate injuries, illnesses and fatalities. Workers in effective OHS programmes play critical roles in conducting periodic inspections, investigations of incidents, development and verification of corrective actions, and in peer-to-peer training of co-workers. However, this level of worker participation is almost non-existent in global supply chain factories.

**Worker-centred approach**

An alternative approach to supply chain CSR/OHS programmes is to rely less on ever more elaborate occupational health and safety management systems (OHSMS), metrics and external monitoring, and more on integrating meaningful worker participation into the key elements of effective programmes – hazard identification, hazard elimination and controls, and worker training and education (Meredith and Brown, 1995; Brown, 2009b).

Although “worker empowerment” and “worker participation” have become common “buzzwords” for CSR/OHS programmes in developed economies, the concepts have been given only lip service in global supply chain factories in the countries where the products are actually made.

If workers are to play a key role in OHS programmes, then they must have the training, knowledge and information necessary to perform the tasks assigned to them. Workers at the factory level must be able to speak and act in their own name in order to protect their health and safety on the job. This has been the goal of the Maquiladora Health and Safety Support Network since its founding in 1993.

The MHSSN consists of approximately 400 occupational health professionals (mostly in the United States) who have put their name on a roster to donate their time and expertise to provide training, information and research as well as technical assistance to worker organizations (unions, workers’ centres, injured worker/family survivor groups, women’s and community organizations) in the developing world. The Network has developed ongoing partnerships with the labour health education programmes at the University of California at Berkeley and Los Angeles (the Labor Occupational Health Program in Berkeley and the Labor Occupational Safety and Health Program in Los Angeles) to conduct many joint trainings over the last 20 years.

The MHSSN trainings have consisted of interactive, participatory teaching methods using literacy- and culture-appropriate materials to build on the knowledge and experience of the worker participants, and to provide them with the skills and information they need to conduct their own trainings and OHS activities in their workplaces and their communities. Multiple
Trainings are usually carried out in order to reinforce the information gained and to provide participants with a sense of confidence and self-efficacy to conduct their own workshops. A binder of easy-to-understand materials in the language of the country where the training occurred is always generated, and often forms the basis of the participants’ later workshops and educational activities.

Following the trainings, MHSSN volunteers have provided ongoing assistance with preparation of training materials, curriculum and lesson plans, as well as technical assistance in evaluating specific operations, hazards and controls in workplaces where training participants are involved.

The following are brief case studies of OHS capacity-building activities by the MHSSN partnering with worker organizations in five countries: Mexico, Indonesia, China, the Dominican Republic and Bangladesh.

**Mexico**

The impetus for the formation of the MHSSN in 1993 was the passage of the North American Free Trade Agreement (NAFTA) and the expectation, as in fact occurred, that many manufacturing facilities would close in the United States and move operations to the US–Mexico border. Although OHS regulations in Mexico are roughly equivalent to those in the United States, there is no effective enforcement of OHS protections in Mexico (Brown, 1999 and 2005a; Meredith and Brown, 1995; *Multinational Monitor*, 2000; Takaro et al., 1999).

From 1993 to 2002, when drug trade-generated violence in Mexico made working there too dangerous, the MHSSN conducted a dozen trainings with worker and community organizations. Because there are few trade unions in the maquiladora sector, and almost none that are member-controlled, the partners for these trainings on the Mexican side of the border from Tijuana to Matamoros were community-based organizations in neighbourhoods adjacent to the maquilas, mainly women’s and human rights organizations made up of workers from the maquiladoras.

The principal result of this activity was the development of a corps of approximately 40–45 women workers all along the 2,000-mile border who used the training binder and other materials to conduct their own workshops with co-workers and workers in other nearby facilities. The women trained by MHSSN also conducted activities in their workplaces to call attention to health and safety hazards on site and to collaborate with co-workers to seek employer action to reduce or eliminate the hazards (Meredith and Brown, 1995; MHSSN, 2015).

In October 2007, the MHSSN responded to a request from the Mexican Miners Union and the United Steel Workers in the United States to assist miners at the historic Cananea copper mine in northern Sonora, Mexico (Brown, 2008; Zubieta et al., 2009).
A multidisciplinary and multinational team of occupational health professionals conducted medical screenings, gathered work histories, identified health and safety hazards from an on-site inspection of the huge, 100-year-old open pit mine and large processing plants. The MHSSN team consisted of three occupational physicians, three industrial hygienists, a respiratory therapist and an occupational nurse, who were from Colombia, Mexico and the United States.

The MHSSN team generated a report on the health and safety hazards at the facility, the adverse impacts detectable in the workforce, and a series of recommendations to protect the lives and health of the miners (MHSSN, 2015). The unions held a press conference in Mexico City announcing the report, and met with senior officials of Mexico’s workplace health and safety agency.

As a result of the publicity, the mine’s owner, Grupo Mexico, contracted with engineering and OHS consulting firms to address all the findings of the MHSSN report and to improve conditions throughout the sprawling facility.

Indonesia

Following the fall of the 31-year dictatorship of President Suharto in Indonesia in 1999, there was an explosion of unions and labour rights NGOs in the country.

In June 2000, working with the Sedane Labour Resource Center (LIPS) labour rights organizations, the MHSSN conducted a training with representatives of 14 organizations – six unions and eight women’s, labour and human rights organizations. In addition to classroom activities, the training involved field day exercises at a 7,800-worker sports shoe plant operated by a Korean company producing shoes for Nike (MHSSN, 2015).

Follow-up activities to the training included a meeting with participants in March 2001 by two of the MHSSN instructors, and a second full training in September 2001. The participants in the trainings went on to conduct their own OHS activities using the information and materials provided in the MHSSN events.

One of the unions participating in the June 2000 training, Indonesia Prosperous Workers Union (SBSI), used the training binder to produce an 80-page, pocket-size booklet on key OHS concepts, hazards and controls that had a printing of 15,000 copies financed by the German Friedrich Ebert Foundation.

China

Factory health and safety committees involving production workers are part of Chinese law, but rarely exist in the “foreign-owned enterprises” that are part of global supply chains in apparel, sportswear, toys and electronics.
In July 2001, the MHSSN partnered with the Hong Kong-based China Labor Support Network to put on a training course in Dongguan, China, for managers and workers assigned to be part of joint health and safety committees in three sports shoe factories in the Pearl River Delta producing for Adidas, Nike and Reebok (Brown, 2003a; MHSSN, 2015; Szudy, O’Rourke and Brown, 2003). In addition to 25 committee members of each of the three plants, participants included 17 members of Hong Kong-based labour rights NGOs.

The four-day training was conducted entirely inside a 30,000-worker, Taiwanese-owned factory producing sports shoes for Adidas. On the last day, participants from the three factories met separately to draw up plans for the joint health and safety committees and to develop a list of start-up activities in each facility. The Hong Kong-based NGOs also met to coordinate future activities and to increase attention to OHS issues in their publications and campaigns.

In 2002, two of the MHSSN instructors visited one of the factories, Kong Tai Shoes (KTS) in Shenzhen, to evaluate progress in establishing the health and safety committee. Four of the worker members of the committee were also members of the factory’s union executive committee, who had been elected by the 5,000 workers in the facility in a democratic, multi-candidate election required by Reebok, the plant’s customer.

The post-training evaluation at KTS indicated that worker members of the health and safety committee had been active in conducting monthly inspections of the facility, identifying and implementing hazard controls, investigating incidents causing injuries and illnesses, and in conducting peer training with co-workers on a variety of OHS topics.

**Dominican Republic**

In 2010, Knights Apparel of Spartanburg, South Carolina, worked with the US-based Workers Rights Consortium (WRC) to establish the first genuinely “no sweat” garment factory in the Americas, Alta Gracia. The factory, an hour’s drive into the countryside from the capital Santo Domingo, pays three times the prevailing garment wage in the Dominican Republic, has a member-controlled union, and a functioning joint health and safety committee (as required by Dominican law).

The MHSSN was asked by plant management and the union, via the WRC, to conduct a pre-operation safety inspection of the facility, which was an abandoned garment factory in an export processing zone (EPZ). MHSSN volunteers conducted a series of site visits before and after the opening of the factory, identifying hazards and verifying the required corrections in 2010 and 2011 (Brown, 2010b; MHSSN, 2015).

In June 2010, MHSSN members conducted a training with all members of the joint health and safety committee on site, and also a training with
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A Georgetown University research evaluation of the Alta Gracia factory in August 2014 confirmed that the joint health and safety committee continued to function effectively in identifying and correcting new hazards and continuing to conduct its own trainings and educational activities (Kline and Soule, 2014).

Bangladesh

Years of terrible industrial disasters in Bangladesh – factory fires and building collapses – finally culminated in the Rana Plaza building collapse in April 2013 that killed over 1,100 workers and injured 2,000 more (Brown, 2010a and 2015; Claeson, 2015; ILRF, 2012; SOMO, 2013a).

Arising from the disaster was a new model for protecting workers' health and safety in the ready-made garment industry – the Bangladesh Accord on Fire and Building Safety. The Accord is a legally binding agreement between 190 international clothing brands and retailers and two international unions (IndustriALL and UNI Global Union) and their Bangladesh affiliates for a five-year programme to find and fix electrical, fire and building structure hazards in approximately 1,800 garment factories with more than 2 million workers (Bangladesh Accord, 2013).

In October 2014, MHSSN members conducted a series of trainings and technical assistance sessions with the Dhaka staff of the Accord and with the leadership of the 14 trade unions (the Industrial Bangladesh Council or IBC unions) participating in the Accord. The MHSSN instructors were also able to accompany four Accord engineers on a follow-up inspection of a four-storey, 750-worker factory in Dhaka.

The training of Accord staff – engineers and “case handlers” dealing with worker complaints – covered key OHS concepts and issues, as well as information on how to take and effectively investigate worker complaints. The IBC union training was focused on effective participation in joint factory health and safety committees (now required by Bangladeshi law), as well as information on basic OHS concepts in hazard recognition, evaluation and control.

The factory health and safety committees will be initiated in the second half of 2015, and Accord and IBC participants in the MHSSN trainings will be involved in workshops and other trainings to build the capacity of both worker and management members of the committees (Bangladesh Accord, 2015).

At the same time, the MHSSN is working with three other California OHS organizations (the California Collaborative) to support an initiative to establish a “Worker-Community OHS Academy” that would provide training, information and materials to workers and their organizations in members of the trade union's federation that represents workers at other EPZ factories operating as part of global garment supply chains.
a variety of industrial sectors, as well as to community-based organizations made up of workers.

This grassroots effort is designed to increase the capacity of worker and community organizations in the area of OHS so as to reach workers who may not belong to trade unions or other institutions currently involved in the national and international efforts to improve working conditions in Bangladesh. The Bangladesh Accord, unless renewed, is set to expire in May 2018.

**Limitations of MHSSN’s work**

The MHSSN is a small, voluntary network of occupational health and safety professionals who have donated their time and expertise over the last two decades to empower workers in global supply chains so that the workers can speak and act themselves to improve working conditions in their workplaces and industries.

This work does not exist in a vacuum, however, and it has been affected by larger political and economic changes beyond the Network’s control. For example, the violence and periodic economic crises in Mexico have meant that MHSSN volunteers have been unable to work in the country since 2007, and the maquila workers themselves have not been able to take OHS issues into their workplaces at certain periods of time, for fear of losing their jobs in times of economic retrenchment. The miners at the Cananea mine lost their strike over health and safety issues, and conditions for the replacement workers have deteriorated since the strike was broken.

The KTS factory in China experienced a change of ownership in 2003, and the new owners of the plant were not as interested in worker participation as the previous owner and greatly curtailed the activities of the plant’s health and safety committee.

**Conclusion**

Despite the constraints, the MHSSN’s work has set a useful example of how occupational health and safety professionals can use their skills and knowledge to strengthen the capacity of supply chain workers and their organizations to understand and act on OHS principles to protect their own lives and their co-workers’ health and safety as well.

The combination of participatory, interactive teaching methods, accessible materials, follow-up and ongoing technical assistance has made it possible for workers and their organizations in specific locations of global supply chains to increase their activity to protect workers’ fundamental right to a safe and healthful workplace.
Over the last 20 years, the MHSSN has learned the importance of being able to conduct a series of follow-up trainings (one-off events yield little results) and ongoing technical assistance; and that there is a very limited supply of accessible OHS materials appropriate for grassroots worker organizations in the sea of OHS publications that exist on the Internet.

The obstacles to putting on more trainings, developing accessible materials and providing ongoing professional-quality technical assistance is not lack of interest on the part of professional OHS volunteers in the MHSSN or among base-level worker organizations, but rather a lack of financial resources.

The international union movement – from global federations to local unions – could play a key role in providing the resources – financial, human and technical – needed to replicate and scale up the successes of the MHSSN in developing OHS capacity in base-level worker organizations.

Among the contributions that unions could make are:

- providing funds to support initial and follow-up trainings;
- providing funds and qualified personnel to support ongoing technical assistance;
- providing funds for the development of accessible, literacy- and culturally appropriate OHS materials;
- providing qualified personnel to collaborate with and partner local worker organizations in the development of accessible OHS materials;
- establishing “sister organization” relationships with base-level worker organizations in countries and/or industrial sectors where global supply chains exist and are growing; and
- establishing and supporting worker-community OHS training and assistance centres in producer countries that would provide ongoing, institutionalized support for local worker efforts to improve working conditions in multiple industries and global supply chains.

Given the ever more savage working conditions in global supply chains, and the failure of CSR and other top-down management systems to protect workers, the development and strengthening of a worker-centred approach to improving working conditions globally is essential. Global organized labour can play a critical role in preventing nineteenth-century working conditions from being imposed on the twenty-first century’s workforce, and in ensuring that every working person can return home at the end of their shift safe and sound.
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