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Scaling Up? TRANSNATIONAL LABOUR ORGANISING IN GLOBALISED PRODUCTION

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JEROEN MERK

**Global Production Networks, Latent Power Resources and
(Constrained) Collective Worker Agency: Findings from a Nike
Mega-Supplier in Indonesia**

ABSTRACT *This paper looks at the processes that constrain worker organising at Indonesia's largest manufacturer, PT Nikomas-Gemilang, where 68,000 workers produce athletic footwear for brands such as Nike, Adidas, and Puma. The paper critically applies the power resource approach to understand labour relations and (barriers to) transnational worker contestation at this mega-supplier. The paper gives special attention to the power dynamics that surround the factory, including the role local elites play in undermining trade union rights. This case study casts significant doubt upon the degree of freedom of association workers enjoy at Nikomas. It argues that traditional power structures in the region where the factory is located in combination with a long history of union-busting and the existence of a legacy union has constrained the organising possibilities of the Nikomas workers. However, it also highlights a case of a successful campaign against forced overtime. This way, the article shows that even in highly globalised sectors, local context enables and limits organising possibilities.*

KEYWORDS *power resource approach, global production networks, Nike, mega-suppliers, trade unions, freedom of association*

I. Introduction

The Power Resource Approach (PRA) discusses and analyses the variety of the power resources that workers and their organisations can mobilise to protect and advance their interests vis-à-vis capital (see e.g. Wright

2000; Schmalz et al. 2018; Fichter et al. 2018; Brookes 2018, 2019). Instead of assuming that the days of organised labour are over, the PRA stresses that workers can still act as agents of transformation through the ‘collective mobilisation of power resources in the structurally asymmetric and antagonistic relation between capital and labour’(Schmalz et al. 2018: 115).

This paper uses the PRA to understand labour relations and (barriers to) transnational worker contestation at Indonesia’s largest export factory, PT Nikomas Gemilang (from now on, Nikomas). We argue that the factory – at first sight, at least – seems to present a ‘privileged’ workplace in terms of the availability of power resources that would enable workers to place interventions at a variety of sociospatial scales to improve their position. Nikomas is a subsidiary of Yue Yuen, the world’s largest footwear manufacturer (Kumar 2020; Merk 2008; Appelbaum 2008), and plays an important role within the athletic footwear’s global production network (GPN). The company was established in Taiwan in the late 1960s and started to operate transnationally in the 1980s and 1990s. Today, it controls an estimated 20% share of the combined wholesale value of the global branded athletic and casual footwear market. Yue Yuen employs approximately 350,000 workers and receives orders from all the major sportswear brands. Due to rising labour costs in China, it has relocated much of its production capacity to factories in Vietnam and Indonesia, that together comprise 82% of its production capacity. Yue Yuen is an example of a giant manufacturer that has successfully ‘upgraded’ through vertical integration within the GPN, while working conditions for its largely female workforce have remained poor. Since the early 1990s, numerous reports have revealed labour rights violations at its workplaces, including militaristic management styles, sexual harassment, forced overtime, irregular wage practices, poor safety standards, unjust employment contracts, limited access to the toilet, intimidation, (veiled) threats, and repression of (independent) labour unions.

Mega-suppliers such as Nikomas are sometimes identified as strategic departure points for social upgrading within GPNs (Merk 2014). This argument is most strongly made in a recent book by Ashok Kumar, *Monopsony Capitalism: Power and Production in the Twilight of the Sweatshop Age*, in which he argues that bottom-up strategic organising at these mega-production sites, operating in tandem with an international solidarity campaign,

‘could open the door for sector-wide global collective bargaining?’ (2020: 235). Kumar states that consolidation tendencies at the spaces of production reflect a shift from monopsonic governance structures towards ‘a more mutually dependent symbiotic power relationship between global brands and big multinational production companies’ (ibid.: 142), which, he argues, may also be leveraged to support a worker-driven agenda that make sweatshops a ‘historical memory’ (ibid.: 236).

The emergence of mega-suppliers in industrial sectors such as footwear, garments and electronics does indeed reflect an important shift in how GPNs are organised (Raj-Reichert 2015; Appelbaum 2008); one that creates complex interdependences and vulnerabilities between lead firms and mega-suppliers that can be leveraged, at least in theory, to support a labour-driven agenda. However, this article will argue that the transformation of workers’ latent power resources into associational power is neither smooth nor a given. This (critical instance) case study wonders why it has been so difficult to actualise associational power at the Nikomas plant, even though “objective” conditions for worker organising appear to be widely available. This question is important, because organising workers remains the best way to counter poor working conditions, protect basic human rights and decency, improve wages, and mitigate power asymmetries. Not for nothing are freedom of association and collective bargaining referred to as “enabling rights”, meaning that full implementation would provide mechanisms through which trade unions can ensure that other labour standards are observed as well. While these rights represent a key mechanism to achieve justice within the world of work, in practice, however, the role of unions is extremely limited in most production countries due to the political repression of trade unions and corporate hostility.

Paying attention to the constraints applied to collective worker organising is also important because the PRA and the labour geography literature have been criticised for being biased towards ‘success stories’ (Coe/Jordhus-Lier 2011). Scholars have largely been interested in cases where a particular group of workers succeeded in mobilising themselves to act collectively and scale up its struggle, or they tend to focus on specific industries – the automotive, for instance – in which workers still have some political clout via their trade union. A success bias means that less attention is paid to *unorganised* workers, migrant workers, or worker strug-

gles in industrialising countries. Who, in other words, is in a position to ‘confront the universal and transnational qualities of capital’? (Harvey 2001: 390). While “success stories” may contain important lessons for the study of trade unions and social movements, and may narrate how worker-driven campaigns pressure powerful lead firms to remediate labour rights violations, shape transnational private governance regimes or even may tell us how multi-sited linkages between grassroots worker organisations and their overseas allies are established, it may be just as important – from both an analytical and emancipatory perspective – to ask why a group of workers was *unable* to organise collectively and then further examine whether this docility (or consent) is somehow employer “manufactured”.

Methodologically, however, establishing whether the nonexistence of collective worker agency – typically instituted as unions – is or *is not* the result of undue management interference represents a significant challenge, especially in institutional and regulatory contexts where freedom of association is poorly protected by law or in practice. In this study, we have proceeded by using multiple sources (triangulation), as well as carefully contextualising and embedding the Nikomas factory in the broader Indonesian sociospatial, political and institutional context. This paper tries to give a detailed, multidimensional explanation of the barriers and constraints workers face in seeking to actualise their right to organise. The data was collected through semi-structured qualitative interviews with 30 Indonesian labour rights advocates, experts, and trade unionists, including two male and two female national union officials from the four main federations active in Indonesia’s garment and footwear sector. In addition, there were two focus-group interviews with – mostly female – Nikomas workers, as well as a factory visit to Nikomas and interviews with CSR managers. The observations are further grounded by several field trips to Indonesia (from 2009 to 2020) and participation-observation in four roundtable meetings with unions, NGOs, and CSR managers from brand-named sportswear companies and footwear manufacturers, including Nikomas. And lastly, data was collected through (un-) published documentation produced by trade unions and NGOs.

The article is organised in five sections: it starts by providing some background to the Nikomas plant in Indonesia. Section two discusses the power resources approach (PRA) and focusses specifically on how Marissa

Brookes both critiques and advances this approach (Brookes 2018, 2019). This section will continue to argue why workers at the Nikomas plant seem to have access to different potential sources of power. Section three, in turn, discusses what elements constrain worker power at the Nikomas plant. It maps out, empirically, how management – in combination with local elites and a captive union – developed a place-based labour control regime that has been largely successful in undermining the emergence of independent collective worker power (Jonas 1996; Castree et al. 2004). In the fourth section, however, we will argue that despite these coercive conditions and a captive union, its workforce is not completely detached from wider labour networks, providing some space for worker intervention along vertical lines by merging coalitional and institutional sources of power. This will be illustrated with a widely published incident related to wage irregularities at the Nikomas plant. Finally, the ending will draw some broader conclusions from this case.¹

2. Background on Nikomas

Yue Yuen has been active in Indonesia since 1993, when it invested circa \$100 million in the Nikomas complex, sometimes called ‘Nike Town’. The company is located in eastern Serang, Banten – about 60 kilometres outside of Jakarta. Besides footwear and chemical factories and water treatment plants, the production site also includes office buildings, power plants, dormitories, sports fields, canteens, mosques, a chapel, a fire department, sundries shops, a library, and a polyclinic with a 70 bed capacity. Production at Nikomas is exclusively for export, mostly to European and North American destinations. It manufactures for famous sportswear brands such as Nike, Adidas, Puma, Asics, Saucony, and K-Swiss. The factory employs an amazing 68,000 to 80,000 workers, which makes it the largest factory in Indonesia and one of the largest in the world. It is also very large in historical terms; it is nearly as large as Ford’s famous River Rouge complex located in Dearborn, Michigan, which was the world’s largest factory for a long time.

Despite some technical upgrading over the last decade, athletic footwear production remains very labour intensive, as a typical pair of sport

shoes consists of dozens of separate parts and requires over 300 steps in the assembly process. Most of the workers perform simple, repetitive, unskilled tasks, which mainly involve the cutting of the material, and the stitching, lasting, finishing, final inspection, and packaging of the finished product (Merk 2011). Management at Nikomas is mainly from China, Taiwan, and Singapore, which is common in Taiwanese-owned production facilities operating abroad. Workers arrive from across Indonesia and thus encompass a great variety of ethnic backgrounds: Javanese, Batak, Moluccan, Sundo, Padangese, etc. About 75-80 percent of the workers are female, which is close to the sportswear and garment industry average, and many of them are Muslim. The most common age range of workers is between 18 and 35 years old. With the majority of workers being women, socially and culturally constructed perceptions of gender immediately play a role in shaping labour relations. Feminist scholars have long emphasised that women workers in particular end up with insecure, labour-intensive, and low-paying jobs, while paternalist oppression add additional barriers to worker organising (see e.g. Mezzadri 2017). An estimated 10-25 percent of the Nikomas workers are recruited from local villages, but most of the workers come from distant places, where deepening agrarian crises, escalating land conflicts around palm oil and, hence, fading sources of rural income and acute poverty, have forced many women to seek employment in the industrial towns of urban Java. Most of them are new to the industrial workforce. Few of these workers have had any trade union organising experience.

3. Power resources and worker agency at Nikomas

Before we look in detail at labour relations and worker agency at the Nikomas plant, it is worth recounting a brief evolution of the power resource approach. Erik Olin Wright (2000: 962) distinguishes workers' 'associational power', i.e., forms of power resulting from the formation of workers' collective organisations, from their 'structural power', defined as 'power that results simply from the location of workers within the economic system'. Scholars of the PPA have built on this work and have added concepts of institutional and societal sources of power that unions

can use ‘to influence the structural imbalance between capital and labour in their favour’ and revitalise action repertoires and operations across space (Fichter et al. 2018: 12; Schmalz et al. 2018). Marissa Brookes advances this approach by pointing out that the availability of power resources alone is not enough, because ‘power must be “activated” in order to be exercised’ (2019: 23). For workers to collectively exercise power, she argues, two main barriers need to be lifted for its utilisation. First, since power is ‘inherently relational’, any group of workers – in the process of collective organising – must be able to overcome resistance from antagonistic actors. This requires an in-depth understanding of the specific social, political, and economic context in which a group of workers is positioned to exercise power and confront their opponents (Coe/Jordhus-Lier 2011; Baglioni 2018). The second barrier that Brookes identifies concerns worker unity, which constitutes an essential variable within her coordination and context-appropriate power (CCAP) theory. While the literature on worker organising often defines associational power in terms of labour’s capacity to organise (Wright 2000), Brookes argues that this definition ‘takes for granted the internal cohesion of these actors within their own organisations’ (2019: 31). For workers to exercise power, they must first be able to coordinate within and between worker organisations (ibid.: 24-34). Unlike the other power resources (which are external to workers), associational power is located in the workers themselves and reflects ‘the ability of union leaders, shop stewards, labour activists or rank-and-file union members to compel the other members of their organisation to do something they otherwise would not do – [namely] to behave as a collective actor’ (Brookes 2018: 256). For intraunion coordination, Brookes argues, union leaders and members must be able ‘to act collectively’, which requires internal democracy, deliberative viability, rank-and-file participation, and leadership support; interunion coordination, in turn, requires two or more unions to agree on common goals and a set of tactics, which is only possible when these organisations vanquish several obstacles such as limited finances, language barriers, or authoritarian regimes that restrict interaction between labour rights advocates (Brookes 2019: 26).

Although intra- and interunion coordination are necessary to facilitate transnational collective action, Brookes argues that this is not sufficient to win a workers’ campaign. Employers, for example, can easily

respond to bargaining demands with threats of factory relocation. Instead, the *effectiveness* of union power depends on whether the strategies and tactics employed are ‘context-appropriate’, that is, succeed in threatening the ‘employer’s specific priorities, business strategies and long-term goals’ (ibid.: 22). Only when collective action successfully targets the company’s key vulnerabilities will management be prepared to settle the dispute and compromise. Since company vulnerabilities vary considerably – it is dependent, for instance, on the country where it is based, its clients, the specifics of the sector or industry in which it operates, and what place the firm occupies within the global division of labour – campaign strategies must be tailored to specific vulnerabilities of the target if they are to be victorious. In line with the power resources approach (see Schmalz et al. 2018), Brookes distinguishes between three specific sources of context-appropriate power – namely, ‘structural power’, ‘institutional power’, and ‘coalitional power’. Next, I will consider how these three different power sources at first glance seem available to Indonesian workers active in the athletic footwear industry, including those employed at Nikomas.

First, Indonesian workers in the athletic footwear industry benefit from the consolidation and concentration of production at large production sites (Merk 2014; Kumar 2020). This provides them with a form of structural power, which basically accrues from their position within the capitalist valorisation process (Wright 2000). Structural power can either arise from tight labour markets, which increases the bargaining power of workers, or from workplace bargaining power. In the latter context, Brookes defines structural power as ‘the capacity to physically disrupt an employer’s operations through strikes, slowdowns, and other forms of industrial action’ (2019: 4). The emergence of huge production sites, like those operated by Yue Yuen, also results in a ‘degree of spatial inflexibility’, and creates a situation in which labour can regain some of its collective power (Kumar 2020: 214; Merk 2014). The aggregation of vast numbers of workers within giant factories may generate class solidarity and accommodate industrial action, while large orders, shorter product cycles, strict time schedules and severe penalties for late deliveries or non-deliveries leave both Yue Yuen and its branded clients vulnerable to organised production disruptions, which can potentially paralyse important segments of the – tightly coordinated – athletic footwear GPN.

This potential for collective agency is not just theoretical: over the last decade the company has faced large-scale worker protests at both its Vietnamese and Chinese branches, which produce merchandise for the same clients. In 2014, during a two-week strike by 40,000 of its workers to protest social security arrears, its facility in Dongguan was brought to a standstill (Kumar 2020: chapter 3); while not much later, a mind-blowing 90,000 workers at its Vietnam subsidiary Pou Yuen went on a weeklong strike to dispute the pension plan proposed by the government (Tran 2015). These strikes are described as the largest in the modern history of both countries and managed to capture the attention of the global press.

Second, workers can exercise power by taking advantage of institutions that regulate employment relations through laws, regulations, and procedures (Brookes 2019: 19f.; Schmalz et al. 2018). The premise here is that the labour process is always embedded within a wider regulatory context in which state apparatuses, including legal frameworks, conflict-resolution institutions, instruments of tripartism and social dialogue, labour inspectorates, etc., play a pivotal role. Unlike its Chinese and Vietnamese branches, Nikomas operates in a country that ratified ILO conventions 87 and 98, which cover freedom of association and collective bargaining, while the (formal) threshold to establishing a union is low. On paper at least, this more open ‘political opportunity structure’ should provide workers with protections, resources, and incentives to engage in unionisation and collective action (Tarrow 1998). In addition to national laws, Indonesian footwear and apparel manufacturers have long been the subject of – as well as *participated* in – non-state governance mechanisms, sometimes referred to as ‘civil regulation’, that endorse the right to organise, among other core labour standards, such as codes of conduct and social auditing. Nikomas is not only deeply enmeshed within the CSR agenda of its main buyers (Merk 2008), but is also one of the few tier-1 manufacturers that has joined the Fair Labour Association Participation Suppliers’ program, a monitoring initiative that has attracted some of the largest brand-name companies, including ‘chain governors’ such as Nike and Adidas. Although these mechanisms are legally non-binding, Bartley/Egels-Zandén (2016) show that Indonesian unions frequently invoke these ‘symbolic commitments’ in workplace negotiations, whistleblowing practices and brand-boomerang campaigns, and are thus able to exercise a form of institutional power.

And third, Indonesian unions active in the garment and footwear industry have access to coalitional power, which Brookes defines as ‘the capacity to mobilize the influence of nonlabour stakeholders on whom an employer depends’ (2019: 21). In the case of globalised production processes, this may include efforts by a variety of allies located in countries where lead firms are headquartered or where most branded merchandise is being sold. Since the early 1990s, a variety of Indonesian unions – ranging from moderate to militant – have been part of cross-border and cross-organisational ‘networks of labour activism’ that provide opportunities to pressure distant powerholders at the spaces of consumption through brand-boomerang campaigns (Zajak et al. 2017). These networks enable ‘upscaling’ strategies that make it possible to expand the terrain of struggle across sociospatial scales. Of course, connectivity across space does not automatically make coalitional power effective, but public campaigns can inflict economic costs on lead firms in ways that unions at the spaces of production often cannot. Indonesian unions often engage brands such as Nike and Adidas as proxy targets, engaging them primarily to leverage change at a specific factory; for example, by remediating anti-union acts (see e.g. Bartley/Egels-Zandén 2016; den Hond et al. 2014). Besides “upscaling” workplace-centred disputes through urgent appeals systems and complaints mechanisms, Indonesian unions also participate in a variety of transnational campaign alliances and union networks. The largest is probably the Play Fair Alliance, which brings together Global Unions (ITUC and IndustriALL), Oxfam and the Clean Clothes Campaign.

4. Place-based labour control in Banten

From our discussion so far, we gather that there is plenty of potential for worker agency at the Nikomas plant. This is especially true compared to many other workers in the global South, especially those, to list a few, who are disconnected from GPNs, live in authoritarian regimes with no legal right to organise independent unions, operate in sectors with less developed networks of labour rights activism that help ‘bridge’ space, or toil in relative isolation – people such as domestic workers, homeworkers, etc. In contrast, the positionality of Nikomas workers seem to grant them opportunities of placing strategic interventions at – at least – three distinct

tive sociospatial scales. First, at the immediate site of production, where its massive workforce can potentially wield its structural power to improve its bargaining position vis-à-vis their employer. In fact, just the mere threat of a strike is sometimes sufficient to extract meaningful concessions from management. Second, as Indonesia's largest factory, its workforce could potentially play an important role in Indonesia's vibrant labour movement, that engages the state, not only through various forms of instituted social dialogue, but also, frequently, mobilises in large numbers in nationwide campaigns to express working-class discontent with low wages, insecure employment contracts, and pro-business legislation such as, most recently, the Omnibus Law on Job Creation. And finally, at the transnational level, its workforce seems well positioned to take up a key role in cross-border labour rights alliances and hybrid networks that articulate worker demands towards lead firms to ensure, for example, that the material concessions made at the factory level and/or national level are shared with lead firms.

However, as hinted earlier, the mere presence of latent power resources does not mean that they are 'actualised'. This requires a dialectical appreciation of the collective agency potential of workers vis-à-vis wider social relations in specific time-space contexts (Baglioni 2018; Coe/Jordhus-Lier 2011). This demands close attention to the place-based labour control practices aimed at influencing 'the conditions under which labour power is reproduced and is integrated into the labour process' (Jonas 1996: 325; Castree et al. 2004). Next, we will detail how a heterogenous alliance of powerholders are conspiring attempting to institute a labour control regime that seeks to curb the use of these potential power resources. We proceed by first discussing how social relations and power dynamics specific to the region where the Nikomas plant is located impede the actualisation of (potential) power resources; after that we detail the ambiguous role the company's union plays in this process.

4.1 Shadow state

After the fall of President Suharto's New Order regime in 1998, earlier restrictions on trade union establishment were removed. With these legal barriers lifted and the rapid implosion of the state-labour nexus, Indonesia has witnessed an explosion in the number of trade unions. In practice, workers still face many barriers when they exercise their right to organise.

Labour inspections are poorly resourced, understaffed, minimally qualified and, frequently, biased and compromised (meaning corrupt). This is especially true at the regional level, where the state apparatus that deals with labour regulations is notoriously weak. As a result, labour laws are often selectively applied, while employers know they can violate regulations without much risk of being caught or prosecuted (Caraway 2008; Ford 2013). Reference to the institutional failure of formal institutions such as labour departments, industrial courts, and a weak rule of law, while important, is not sufficient in explaining barriers Indonesian trade unionists face when they seek to exercise their right to association. Decentralisation has also provided space for ‘informal networks, including relations between power holders and business’ at the regional level (Hadiz 2010: 12). This is sometimes referred to as a ‘shadow state’ (Hidayat 2007).

How is this relevant for labour-management relations and the imposition of labour control at Nikomas? As we have already noted, the plant is located in the Banten area, which is the most western province on the island of Java. The province was established in 2000, when it received regional autonomy. The shadow state structure in this region is known as *Jawara*, which Masaaki and Hamid (2008: 120) describe as

‘rural strongmen or semi-socially embedded men of prowess who are skilful in *pencak silat* (Indonesian traditional martial arts), and some are believed to have magical power, called *ilmu*. *Jawara* partly live in the underground world and are often involved in criminal activities. This ambiguous social status and their physical and alleged magical powers give them social standing.’

After the fall of Suharto and the decentralisation process that followed, the *Jawara* rose to become the ‘informal collective social agent’ (ibid.: 120) who are intimately connected with business associations, politicians, Bantenese social and cultural institutions and the military, and where ‘[t]hreats and the occasional exercise of violence and shows of force proved to be important and quick tools for politico-economic capital accumulation, especially at the local level’ (ibid.: 136). The *Jawara* are also key figures in numerous (urbanised) villages that surround the Nikomas factory, with many of them becoming village heads (*lurah*), and hence, part of Banten’s administrative hierarchy. Some village heads are also *Haji*, which means

that they have made a pilgrimage to Mecca, which grants them special status.

The powerful position that the Jawara occupy in Banten society has been well documented in the literature; however, little has been written about how these traditional power structures impact industrial relations at export-oriented factories such as Nikomas. As we will argue below, Jawara powerholders have become deeply entangled in the entire industrialisation process and play an important role in how daily life is organised and acted out in the neighbourhoods and villages that surround Nikomas, where the majority of workers reside. Foreign investors who want to open a plant in Banten must negotiate an agreement with the village heads and develop close relations with them as soon as an investment agreement has been signed. For example, factory management is then compelled to acquire or lease land (that is commonly or privately owned) through the village heads, but a one-off payment to lease the land is never sufficient; instead, these social elites seek a constant stream of income and employment opportunities for their associates. This may either come in the form of factory ‘gifts’ to the community – which, an informer points out, ‘is euphemistically termed CSR by Nikomas’ – or they may demand that a factory hire their associates for certain services such as waste disposal, recycling and factory security. Other than business deals that are directly related to the factory, there is also an entire range of more indirect economic activities that link the indigenous population to Nikomas’s interests. This includes not only factory suppliers, but also small and medium-sized businesses that benefit from the arrival of the many thousands of in-migrant workers that will need housing, food, transport, clothes and so on. Landlords who provide barrack-like lodgings are major beneficiaries of these situations.

An important mechanism they employ here is the right to recruit workers, locally known as ‘*pejorative Marlan*’ (mafia application) (World Bank 2006). These intermediaries (or labour brokers) will introduce the job applicant to the factory’s recruitment staff for an often substantial fee or pay off (Südwind 2012: 20; Connor 2002). The average fluctuates and depends on the position applied for, as well as the gender of the applicant – male candidates pay more – but workers say it is roughly one to two months wages (various interviews). This is a significant amount for impoverished workers, who commonly only earn the minimum wage. This means that

many of them must secure a loan, which often leaves them in debt to the village powerholders. A World Bank report dealing with informal work practices in Serang observed that '[f]irms know of the practice but it often represents a compromise between the company and local elites who are acting as agents for workers' (2006: 11). It also provides industrialists with an opportunity to make its prospective workforce responsible for part of the 'factory's tribute payment towards village leaders', as one informant suggests. For the middlemen, it means a significant revenue stream, since a large factory such as Nikomas needs to fill hundreds of vacancies every month.

Many have argued that this preference for female employees is based on management's belief that women workers are easier to control than their male counterparts, but this is probably also why the recruiters prefer in-migrant workers – because they are also perceived as being more docile and easier to manage (Mezzadri 2017). There is much research that shows that female in-migrant workers often successfully resist these gendered perceptions of manual dexterity, docility, and femininity in their daily struggles. However, in-migrant workers are also from a different social class than the indigenous population, where lineage and kinship play an important role in the legitimisation of their social roles within the community. For example, factory security is recruited from nearby (Jawara) communities, is exclusively male, and keen to reproduce and exploit gender discourses and stereotypes to emphasise harmonious industrial relations and discipline female workers (Warouw 2006: 203). Some workers fear being labelled as troublemakers. Understandably, the presence of the *preman* (strong man), surveillance practices, and the climate of fear surrounding Nikomas constrains the ability of (female) workers to freely associate and discourages them from actively participating in union activities and collective action.

4.2 Union busting

There is a long history of union suppression in the Nikomas plant. These informal security forces are very adept at detecting any discontent among the workers. In response, they may attempt to intimidate organisers both on and off the factory premises. 'The Jawara', as one activist puts it: 'operate as a bodyguard for the company' (Interview, June 14, 2014). In

2002, an Oxfam Australia report described how striking Nikomas workers were 'subjected to intense intimidation and harassment', with one worker stating that factory managers had ordered him into an office where he was 'told that if he did not stop organising workers, he would be attacked by hired thugs' (Connor 2002: 11). This worker was also 'repeatedly approached in the street by strangers and warned that his life was in danger if he did not resign from the factory' (ibid.). Another worker received similar threats and found his 'house ransacked by a local gang' (ibid.). As a result, the workers who had initially organised the strike handed in their resignations to factory management. Since Connor's 2002 report, interviewees report that at least three different national unions have attempted to establish branches at Nikomas; all three were unsuccessful in their efforts. Emelia Yanti, the secretary general of *Gabungan Serikat Buruh Indonesia* (GSBI), a national union federation, admits: 'It is very, very difficult at this factory. Whenever management finds out, local strongmen intimidate the organisers because they know where they live' (Interview, November 2019; Südwind 2012). She also believes that management bribes the village authorities, other notables, the district police, etc., which not only makes union organising almost impossible but also prevents workers from filing complaints involving intimidation or threats from the police. Notably, the collective bargaining contract at Nikomas gives factory security the right to enter the homes of workers accused of theft, but interviewees insist that this has also been used against worker organisers. During times of national industrial unrest, such as during the massive wage protests in 2013, *jawara* are mobilised to protect the factory from protestors. In general, these local powerholders regard the emergence of an independent trade union as 'a nuisance to the pursuit of their material advancement' (Hadiz 2010: 153).²

4.3 Legacy union

On paper, at least, Nikomas is a highly unionised factory, covering most of the blue-collar workers. There are, however, serious doubts about the credibility and independence of the union. When Nikomas was established in 1993, workers were only allowed to join the All Indonesian Employees Union (or SPSI), the official government union established during President Suharto's regime. The SPSI eventually became the National Union of Workers (SPN). After the union's turbulent birth,

relations between management and union officials became steadily more stable. In fact, there have been no reported strikes since 2000, and relations between management and union officials have remained peaceful. Today, the union maintains a 400 square metre office and employs 33 paid officials. The SPN leadership consists mostly of male union officials, in contrast to the largely female workforce. The union claims that 52,000 out of a total workforce of 68,000 workers are currently union members (Mahmudah 2013). Some interviewees claim that workers are automatically enrolled in the union upon signing their employment contracts, which restricts the freedom of workers to join a union of their own choosing. Others believe that new employees may not be automatically enrolled but that they are channelled into joining the union by the human resources department. This, in turn, provides management with the advantage of maintaining a (management-friendly) union. Meanwhile, the union is guaranteed the union dues of all the factory's new employees.

These practices are far from unusual in Indonesia, where many unions have emerged from the former SPSI, which enjoyed a monopoly on representing workers under the New Order regime. These 'legacy unions', as Caraway call them (2008), inherit legal, institutional and membership advantages that give them a competitive edge over rival unions. It is often difficult for a member of a legacy union to join another union. Besides the barriers to shifting union membership, legacy unions have found ways to restrict the access of rival unions to workplaces. Their management-friendly posture means that employers often actively seek to 'impede the entry of other unions into the workplace' (ibid.:1385).

The SPN branch at Nikomas regularly negotiates the workers' collective bargaining agreement. But, despite its very large membership and its capacity to potentially organise massive demonstrations and disrupt the production process, they never actually negotiate wage issues. This is quite remarkable, since most of the workers only earn the minimum wage and many of them would probably support a wage increase. Some union leaders from outside of the Nikomas factory believe that this is because 'they have no background in fighting. They come from management' (Interviews, September 17, 2013; November 12, 2019). While this may be true, the Nikomas branch of the SPN can hardly be called unique within the Indonesian context, where collective bargaining agreements often 'reit-

erate rights that are already guaranteed by national legislation' (Caraway 2008: 1371; Bartley/Egels-Zandén 2016). One union official at Nikomas argues that any wage issues raised would simply be blocked or ignored by factory management. He did emphasise the fact that the SPN does negotiate issues such as seniority, holiday benefits and severance pay. They also negotiate non-wage-related issues, such as ensuring that female employees can exercise their right to menstruation leave, which is a legal right in Indonesia but is often violated. Most interviewees are convinced that the union's leadership has a very friendly, co-opted or even 'yellow' relationship with management, although they also point out that, within its leadership, there are various factions, with some union officials demanding a more independent approach. To shed light on the role of the union, we will look instead at a widely published incident related to wage irregularities, which reveals much about the prevailing power dynamics at the Nikomas site.

5. Struggle around forced overtime

On 12 January 2012, the BBC reported that Nike's supplier, Nikomas, had agreed to pay \$1 million in overtime payments to Indonesian workers. Workers were being required to start work 15-20 minutes earlier and stay 15-20 minutes after work to clean up their work areas. This practice is known as *jam molor* – which refers to forced overtime, but literally means 'hour of delay'. The practice was made public by Jim Keady, a US activist who runs a small ('one-man') NGO called 'Educating for Justice', which focuses on revealing the poor working conditions at Nike suppliers operating in Indonesia. In collaboration with Nikomas workers and plant-level trade unionists, he calculated that the company had violated overtime regulations for the past 18 years. Keady estimated that the amount of money owed to workers would easily run into the 'tens of millions of US dollars' (2011). The practice demonstrates how 'small thefts' and the 'petty pilfering of minutes' through forced, unpaid overtime continue to play an important role in important segments of the global supply chain, as this practice provides manufacturers like Nikomas with an extra-legal source of surplus value (Marx 1976: 352).

When confronted with this information, a senior manager at Nikomas at first categorically denied the practice and argued that Keady's allegations were incorrect. He also disputed Keady's claim that he had received this information from SPN officials. And, indeed, not long after, the SPN union's chairman wrote a letter to Keady stating that the overtime claims were incorrect and that the union leadership could not confirm any of the data he had shared with Nike; even though, as Keady argues, the union representative 'and his colleagues shared all of this information with me in a videotaped meeting'. Keady believes that the SPN officials' denials were the result of the 'dynamics of pressure and fear that permeate these factories' (Keady 2011). Attempts to resolve the matter with the Nikomas union leadership ended in frustration. 'They were scared', Keady argued, and 'were dealing with some serious pressure from factory management' (ibid.). Intimidation by management very likely played an important role in the union's turnabout. However, it might also demonstrate how little the union leadership is prepared to confront management head-on and perhaps, as some interviewees suggest, they are simply compromised or bribed.

The dispute could easily have ended here; because of the fact that the legitimacy of Keady's claims had been challenged by Nikomas management *and* the company's union, few CSR managers of branded clients would have bothered to investigate the unpaid overtime matter any further. But although the factory's union had been neutralised, the SPN's national board (at the federation level) decided to take up the case and conduct their own investigation. This was done by deliberately sidestepping Nikomas union officials 'to keep the survey neutral and independent', as one trade union officer puts it (Mahmudah 2013: 6). The SPN national board had participated in the Play Fair campaign and had established close relations with officials from the global union body (IndustriALL), which they leveraged when approaching Nike with the accusations. Nike, in collaboration with the national SPN, also decided to investigate the matter. They dispatched two teams to the factory, one of which was undercover. The Nike CSR manager noted that while 'the local union ... had no recent complaints of such activity..., our subsequent follow-up with district-level union members has revealed information we feel needs further attention' (cited in Keady 2011). Both teams concluded that forced overtime

was indeed happening, hence confirming Keady's claim. The research also revealed that managers were verbally abusive, and that workers had to pay bribes to get jobs at the factory (the practice of *pejorative Marlan* as noted earlier).

At this point, Nikomas's management began to change its tune and admitted that unfair practices had indeed taken place. In other words, the efforts of the national union and its willingness to exercise coalitional as well as institutional context-appropriate power forced management to respond to the allegations. In reaction, Nikomas adopted an eight-point programme to address overtime regulations, including a rule that production would stop 10 minutes before a shift ended so that workers can clean up their work areas (Mahmudah 2013: 4). However, for the SPN national board this was not enough. They impressed upon both Nikomas and Nike that the workers also needed compensation for their unpaid overtime. The negotiations between Nike, Nikomas and union representatives that followed resulted in a ground-breaking agreement that compensated 4,500 workers for close to 600,000 hours of unpaid overtime over a period of two years. The agreement only went back two years, despite the fact that the practice went back 18 years, because Indonesian law only allowed a redress for the last two years. Nike issued a statement in which it declared that it 'commends the factory on their action plan and efforts to correct inadequacies in current policies designed to protect the rights of workers. Nike will continue to monitor and support their efforts to remediate the situation' (Hodal 2012). Although the total reimbursement will have little effect on Nikomas financially, the fact that a factory acknowledged its wrongdoing serves, as one journalist argued, 'as a warning to other companies' (BBC News 2012).

6. Conclusion

The overwhelming majority of workplaces in GPNs still do not have collective worker representation. While the reasons for low-unionisation rates can be complex, one important element – no doubt – is the employer's power to prevent workers from forming into collective organisations. Rather than theorising about how labour as an abstract category operates

across space, this study paid close attention to the dynamics at and around the workplace. If associational power distinguishes itself from other power resources because it is a capacity located in workers themselves, its actualisation remains contingent on place-based circumstances and practices. Local relations can strengthen worker power, as emphasised in the literature on social movement unionism; however, place-based social relations can also hinder the exercise of associational power. Ethnographic studies have highlighted how paternalistic oppression, intimidation, and violence (or the threat thereof) intersect and merge with hostile employer strategies to constrain collective worker agency (Baglioni 2018; Mezzadri 2017). These studies underline that trade union rights cannot be treated in a 'technical manner', as a box to tick during a monitoring process. The existence of (external) power resources at national or global levels is not sufficient to remove the place-based barriers that are impeding associational power, although it may provide an important support to workers organising at the workplace (Bartley/Egels-Zandén 2016; Den Hond et al. 2014).

We illustrated this with a detailed study of labour relations at Nikomas. Despite the presence of structural, institutional, and coalitional power resources, we have argued that Nikomas's management has been largely successful in repressing the actualisation of associational power by developing a very tight local labour control regime. We discussed how power dynamics surrounding the factory impede workers from organising an independent union, while the present 'legacy' union has a close relationship with management. This unquestionably constrains the workers' capacity to engage in collective action at the Nikomas site and use existing structural, institutional and coalitional power resources within the athletic footwear GPN to defend, promote and expand their interests. The absence of intraunion cohesion also erodes their capacity to use institutional power and coalitional power, however, without completely eliminating it, as demonstrated in the unpaid overtime case. Although both management *and* the factory union leadership strongly denied the activists' claims, they nevertheless succeeded in extracting concessions from management, which was forced to compensate a group of workers and to put an end to the practice of unpaid overtime. In terms of capacity-enhancing gains that would strengthen the workers' longer-term ability to defend their rights and interests (Brookes 2019: 10), the campaign had

little impact. The company is still dominated by the symbiotic relationship between factory management, a captive union and place-based social elites. Hence, Brookes is correct to conclude that 'structural, institutional and coalitional power tend to be most effective when workers act in concert – whether walking off worksites, maintaining picket lines, marching in rallies, meeting with managers, taking cases to court or bringing corporate practices to the attention of the public' (2018: 256). Nonetheless, the case raises questions regarding Brookes's claim that a successful transnational labour alliance *necessitates* the coexistence of all three variables: intraunion and interunion coordination, as well as context-appropriate power. While intraunion coordination remains the basis for building successful transnational alliances, exploring how vertical linkages between workers and allies can provide a potential lever of contestation in workplaces where 'unions' remain under employer control may provide insight into possible alternative routes for achieving positive change.

- 1 Numerous people provided valuable comments on earlier versions of this paper. Their help and encouragement is gratefully acknowledged.
- 2 In 2019, after I had concluded my data collection, a few hundred workers succeeded in registering an alternative union at the Nikomas plant. This union, a branch of Garteks, has since reported that it has faced serious opposition from both management *and* the legacy union, including bureaucratic delays in the transferring of union memberships, various legal manoeuvres, a court case, shifting union members to other workplaces, and discriminating against certain union members. During the writing of this article, the long-term prospects for the survival of this insurgent union and its ability to develop a power base at Nikomas continue to remain unclear. These questions will be explored in a future paper.

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*ABSTRACT In diesem Beitrag werden die Prozesse untersucht, die die Organisation von Arbeiter*innen bei Indonesiens größtem Fabrikanten, PT Nikomas-Gemilang, erschweren. 68.000 Arbeiter*innen produzieren dort Sportschuhe für Marken wie Nike, Adidas und Puma. Der Beitrag stützt sich kritisch auf den Machtressourcenansatz und nutzt diesen, um die Arbeitsbeziehungen und die (Hindernisse für die) transnationalen Arbeitskämpfe bei diesem Mega-Zulieferer zu analysieren. Besonderes Augenmerk wird auf die Machtdynamik im Umfeld der Fabrik gelegt, einschließlich der Frage, welche Rolle lokale Eliten bei der Untergrabung von gewerkschaftlichen Rechten spielen. Die Fallstudie lässt erhebliche Zweifel an dem Grad der Vereinigungsfreiheit aufkommen, den die Arbeiter*innen bei Nikomas genießen. Die traditionellen Machtstrukturen in der Region, in Verbindung mit der langen Geschichte von Gewerkschaftsunterdrückung, und das Vorhandensein einer Gewerkschaft aus der nicht-demokratischen Vergangenheit schränken die Organisationsmöglichkeiten der Nikomas-Beschäftigten ein. Zugleich beleuchtet der Beitrag eine erfolgreiche Kampagne gegen erzwungene Überstunden. Auf diese Weise zeigt der Artikel, dass der lokale Kontext selbst in stark globalisierten Sektoren die Möglichkeiten und Grenzen von Organisation entscheidend mitbestimmt.*

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