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Beyond Compliance-Based Governance: The Role of Social Intermediaries in Mitigating Forced Labour in Global Supply Chains

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Abstract

Forced labour poses a significant challenge within global supply chains, yet traditional compliance-based governance based on auditing has proven to be ineffective in addressing this issue. Non-government organizations and worker rights organizations can serve as crucial allies in supporting and safeguarding workers by assuming the role of a 'social intermediary' (SI) between supply chain firms and workers. However, these external organizations often hold limited power within these supply chains. In our paper, we examine the sources of power that SIs can cultivate and utilize to lead successful interventions against forced labour in supply chains. Through a comparative case study involving three SIs and their collaborative efforts with a global seafood brand, we explore various forms of non-mediated power and their underlying origins. By establishing these connections, we shed light on the effectiveness (or lack thereof) of interventions against forced labour. Our research makes three contributions. First, we contribute to ongoing research on forced labour in supply chains by emphasizing the constructive role that SIs can play to protect vulnerable workers. Second, we address a critical gap in the existing literature concerning power of SIs in supply chain relations. More specifically, we specify sources and types of non-mediated power that SI can leverage to design effective interventions against forced labour. Third, by comparing unique data on two worker groups vulnerable to forced labour – vessel workers and workers in seafood processing – we provide much-needed insights into how working conditions in non-factory settings can still be regulated.

Keywords

Forced labour, non-government organizations, non-mediated power, compliance-based governance

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1 Introduction

Global brands across the globe are facing new regulations by governments that impose greater demands on them to detect and mitigate human and labour rights violations in their supply chains. The most prominent examples are the California Transparency in Supply Chains Act, which took effect in January 2012, the UK Modern Slavery Act to address slavery and trafficking in global supply chains in 2015, the French Corporate Duty of Vigilance law in 2017, and, most recently, the new EU Directive on Corporate Sustainability Due Diligence in 2022. While estimates need to be treated with caution, nearly 30 million people around the world are currently thought to be victims of forced labour (ILO, 2022). An overwhelming number of these vulnerable workers are migrants who are often unaware of their rights. Due to their undocumented status and/or repressive laws in their host countries, they are

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effectively excluded from grievance systems, collective bargaining, and minimum wage agreements that constitute the core rights of workers. Their inability to access core labour rights makes these workers the least powerful actors within the supply chain. In addition, supply chain managers of global brands often regard suppliers' workers as 'peripheral stakeholders' (Huq et al., 2016: 22) and give limited attention to their specific vulnerabilities.

Auditing, a key element of a compliance-based approach to monitoring labour conditions in global supply chains (Short et al., 2016), has been found to be particularly ineffective in addressing forced labour (LeBaron, 2020; Benstead et al., 2020). Compliance-based supply chain governance rests on the assumption that social standards, formulated by global brands or multiple stakeholders, can be implemented in a 'top down' manner, and compliance of supplier facilities monitored by regular first-, second-, or third-party audits. Several scholars have argued, however, that audits are largely ineffective in detecting instances of forced labour (Benstead et al., 2020; Crane et al., 2019) for two main reasons. First, suppliers that benefit from forced labour have strong incentives to actively hide the often-illegal nature of their profitable business (Gold et al., 2015; Caruana et al., 2021). Second, audits can only capture what is happening in a snapshot of time within the factory, while the wider context of how a worker has entered the factory is left out of scope (Barrientos et al., 2013; LeBaron and Lister 2015). Understanding this context is especially pertinent to migrant workers, as illegal migration, excessive recruitment fees charged by brokers, and a lack of work permits often account for the vulnerability of migrant workers in the first place (Crane, 2013).

Several scholars have discussed the involvement of Non-government organizations (NGOs) as a promising approach to mitigate forced labour in supply chains through the design of innovative interventions (e.g., Gold et al., 2015; Benstead et al., 2020; Barrientos and Smith, 2007). Nevertheless, we know very little about the necessary conditions for such interventions to work. NGOs could play an important role in supporting and protecting workers who often remain the least powerful actors in global supply chains by taking on the role of a 'social intermediary' (SI) between supply chain corporations and workers. However, as NGOs are usually not formal supply chain members, they cannot rely on conventional power based on their status and they do not possess collective bargaining power with employer organizations (such as trade unions). Consequently, to protect workers, SIs first need to empower themselves to perform their intermediary role. But from where can they draw this power? Some have argued that NGOs possess power through their ability to 'name and shame' global brands and engage in consumer-based campaigns (Barrientos and Smith, 2007). However, such forms of advocacy-based power might be less relevant, and even a hinderance, when SIs aim to design and lead interventions against forced labour that require collaborations with global brands as direct and indirect employers of vulnerable workers. Therefore, we ask: *What sources of power do SIs build and draw upon to lead effective interventions against forced labour in supply chains?* For our study, we define SIs as any non-governmental organization in the labour rights domain that designs and carries out interventions to detect and remediate instances of forced labour. This can include NGOs as well as local migrant worker rights organizations but excludes formal representative trade unions that can rely on conventional power based on collective bargaining policies.

To answer our research question, we draw on insights from a comparative case study of three SIs and the interventions they led in collaboration with one focal firm – a global seafood brand – to address forced labour in seafood supply chains in Thailand. Thailand became a 'hot spot' for forced labour, as documented by a series of media exposés about migrants from Myanmar and Cambodia working under 'slave-like' conditions on Thai fishing vessels and in seafood processing factories (e.g., Marschke and Vandergeest, 2016). First, we analyse how SIs managed to build expert, referent, and legitimate power in their relations with the focal firm. We subsequently analyse how the SIs drew upon these different types of power to design innovative interventions against forced labour that aimed at reducing workers' indebtedness during recruitment and improving the case for workers to claim their rights. Our findings show that, in the context of forced labour, using referent and legitimate power is particularly crucial for SIs to succeed in their interventions.

Our study makes three contributions. First, we contribute to recent discussions in supply chain governance for sustainability that have examined the role of intermediaries. This literature has focused mainly on commercial intermediaries, such as first-tier suppliers (e.g., Wilhelm & Villena, 2021), the buyer's procurement unit (e.g., Villena, 2019), or sourcing agents (e.g., Soundararajan and Brammer, 2018) between buyers and lower tier suppliers. At the same time, there is a growing interest in the role that NGOs and other 'non-traditional supply chain actors' can play in supporting the transition to more sustainability in global supply chains (e.g., Gualandris and Klassen, 2018; Huq et al., 2016; Pagell and Shevchenko, 2014; Rodríguez et al., 2016). So far, the focus has been on the supportive role of NGOs within more conventional forms of buyer-led governance, such as auditing and supplier training. In contrast, our study shows that SIs can successfully lead interventions (in cooperation with focal firms) that put the interests of workers front and centre. Our study thus sheds more light on the enabling conditions that allow NGOs and other social organizations to build power in the supply chain and carry out their intermediary role in protecting workers. Second, in doing so, we demonstrate the importance of specific sources of power that go beyond those typically discussed within the context of buyer-supplier relations (Reimann and Ketchen, 2017). We focus on sources of non-mediated power that are more challenging to develop – particularly for actors outside of traditional supply chains – as they require influencing the perception of the target (i.e., the focal firm)

in terms of the necessary expertise and reputation to design effective interventions against forced labour. Towards this end, we dissect the underlying sources of non-mediated power at a more fine-grained level than previously discussed in the supply chain literature (Schleper et al., 2017). More specifically, we show that SI's sources of non-mediated power and their links with the effectiveness of interventions are specific to the cause of forced labour. For these interventions to be effective, expert power needs to be context-specific to migrant worker groups and their workplaces, referent power needs to be with the labour rights community, and legitimate power needs to be built directly with workers and not indirectly through other intermediaries. Third, only a few studies in the operations and supply chain management (OSCM) literature have addressed working conditions in non-factory settings (e.g., Kougkoulos et al., 2021; Kim et al., 2022). Having collected worker-level data (which is rare within the context of forced labour in the OSCM discipline) allowed us to compare two worker groups vulnerable to forced labour – vessel workers and workers in seafood processing. Therefore, we see our study as a first step towards a better understanding of how working conditions that are not location-bound can still be regulated.

2 Theoretical Background

2.1 Combatting Forced Labour in Supply Chains: From Social Audits to SI-led Interventions

Forced labour and its eradication are at the forefront of deliberations among academics, businesses, and policymakers, exacerbated by increasing pressures from civil society, consumers, and the media. It is one of the policy standards included in the ILO Decent Work Agenda, which is under the United Nations Sustainable Development Goal 8. Forced labour is considered a form of 'modern slavery'[1] in supply chains, which is defined by Gold and colleagues (2015) as 'the exploitation of a person who is deprived of individual liberty anywhere along the supply chain, from raw material extraction to the final customer, for the purpose of service provision or production' (p. 487). In practice, 'forced labour' is defined through a set of indicators that include abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working, and living conditions, and excessive overtime (ILO, n.d.). Geographically isolated industries are magnets for exploitation, specifically of migrant workers, who can be 'sourced' at a low price through the informal sector. The ability to exploit these workers increases with poorer regulatory frameworks and in the absence of trade unions and other channels of worker voice (Crane, 2013). In these environments, workers are denied fundamental labour rights and, at times, can face physical and psychological threats and violence.

To combat forced labour in supply chains, several social auditing initiatives have emerged, led by global brands. Scholars have argued, however, that audits are largely ineffective in addressing labour exploitation, especially those involving vulnerable casual and migrant workers (Benstead et al., 2020; Barrientos et al., 2013). A significant reason for the lack of effectiveness is the 'top-down' approach taken by global brands that impose Western standards on suppliers in developing countries that are operating in different cultural and socio-economic conditions (Benstead et al., 2020). The lack of contextualization of standards is problematic, as it can lead to fake compliance tactics by suppliers who deem the requirements too high or costly to implement (Xiao et al., 2019). This has led to the misrepresentation of factory conditions, resulting in 'passed' audits that have later been found to have been in serious violation of the rules (LeBaron and Lister 2015). The incentive to deceive auditors is particularly strong in the context of forced labour, as unscrupulous brokers and employers actively try to hide the true (and often-illegal) nature of their profitable business model (Gold et al., 2015). A recent lawsuit against the UK retailer Tesco, for example, revealed that Burmese workers who were producing jeans in one of Tesco's supplier-audited factories in Thailand were trapped in forced labour, working 99-h weeks for less than minimum wage. Some workers claimed that the factory opened bank accounts for them and then confiscated their cards and passwords to make it appear that they were being paid minimum wage while, in reality, they were paid much less in cash. Others reported that their immigration documents were held by the factory, leaving them in debt bondage (Dugan, 2022).

To address the much-documented problems with audits, Benstead et al. (2018) demonstrated how the involvement of non-business actors such as NGOs and trade unions can facilitate horizontal collaboration among competing apparel companies to develop supply chain responses. In a related study, Benstead et al. (2020) showed how partnering with an NGO can help buyers detect forced labour in supplier audits through a more targeted audit approach and provide an adequate remediation process. These studies provide important preliminary insights into the role that SIs could play in helping global buyers develop responses against forced labour in supply chains. At the same time, the role of SIs in these studies is still confined within the realm of traditional compliance-based governance.

Several authors have suggested that SIs can be involved in developing more innovative solutions for resolving complex social problems, such as forced labour, that go beyond auditing (Hahn and Gold, 2014; Gold et al., 2015; Schleper et al., 2022). Such initiatives are usually developed and situated in the same local environment as suppliers and their workers, which might make them a better fit to address vulnerable workers' specific needs and issues (Alamgir and Alakavuklar, 2020). For example, the Coalition of Immokalee Workers played a critical role in combating forced labour in the tomato picking

industry in Florida. Through prolonged activism, they compelled large corporations such as Taco Bell and Walmart to join the Fair Food Programme, where members typically agree not to purchase tomatoes from farms that violate fair food standards (Rosile et al., 2021; Kunz et al., 2023). However, to develop and effectively implement interventions to help vulnerable workers in global supply chains, SIs first need to establish their power in those supply chains. For example, the Coalition of Immokalee Workers was able to exercise coercive power by playing an activist role, lobbying corporations, and calling for product boycotts. Such coercive forms of power might not be available to SIs that operate in an environment where there is little protection from the government for civil society activities – as is often the case in some emerging countries such as Thailand. Thus, in contexts where the power of SIs to create a significant impact is limited, we have a rudimentary understanding of how SIs build and exercise power to drive meaningful change.

2.2 Power of Commercial and Social Intermediaries in Supply Chain Relations Compared

Power is one of the most central concepts in supply chain relationships and is understood as one party's ability to enforce its will on another (Emerson, 1962). Power, however, is not a unidimensional construct and different forms of power often exist simultaneously (Huo et al., 2017). Based on the seminal work of French and Raven (1959), power in supply chain relationships is commonly defined as either mediated (i.e., activated) or non-mediated (i.e., passive) (Benton and Maloni, 2005)[2]. Mediated power is characterized by its conscious and deliberate use to support a desired outcome and reinforce specific actions from the target (Benton and Maloni, 2005; Brown et al., 1995; Handley and Benton, 2012). It can be exerted through the provision of resources that are attractive to the other firm – for example, the buyer can assign more business to the supplier (reward power). In the same vein, a supplier can promise to reduce prices or deliver more quickly (Huo et al., 2017). Mediated power can also rely on punishment through the withholding of resources that one party depends on and that the other controls (coercive power) (Huo et al., 2017).

Non-mediated power, in contrast, is possessed rather than intentionally activated (Brown et al., 1995) and does not aim to bring about specific actions from the target. It is based on a firm's perception of another firm's power; in a sense, the buyer itself decides whether and how much it will be influenced by a supplier (and the other way around). There are three forms of non-mediated power: expert, referent, and legitimate. Expert power results from the attribution of expertise to another firm. For example, a buyer might believe that the supplier has superior knowledge regarding a particular product or process compared to its own knowledge (Huo et al., 2017). Referent power comes from the desire to identify with a highly esteemed firm. A supplier may possess this form of power when its customer openly advertises that it purchases from it because of its higher quality products (ibid). Finally, legitimate power is the most complex form of power, as it links to internalized values in the power recipient, which dictate that the power holder has a right to influence the recipient and that the recipient must accept this influence (French and Raven, 1959). For instance, the buyer can draw on legitimate power by emphasizing its market position, which will get suppliers (particularly those with a strong customer orientation) to believe that the buying firm is able to make certain requests (Schleper et al., 2017). Sources of legitimate power can be cultural values (e.g., related to seniority or group membership) or the acceptance of social structure (e.g., pertaining to hierarchical positions) (French and Raven, 1959).

While both mediated and non-mediated forms of power in supply chain relationships have been widely researched (e.g., Chae et al., 2017, Nyaga et al., 2013; Pulles et al., 2014), Reiman and Ketchen (2017) point out that the focus of this work is almost always on 'normal exchange situations', while neglecting 'unusual circumstances' such as product recalls and natural disasters (ibid., 6). We would argue that this focus on normal exchange situations (which implies a contractual relationship between two business partners) is limiting the immediate applicability of the power framework for our research context, as it automatically excludes non-traditional and external supply chain actors such as SIs.

Due to their lack of formal status in supply chains, SIs usually cannot draw on conventional sources of mediated and non-mediated power available to a commercial supplier to influence their targets. This is because resources that the SIs control are hardly critical for the survival or competitive positioning of the focal firm. Nevertheless, SIs can have various resources that commercial partners cannot possess. For example, similar to the technical expertise that suppliers offer to their customers so that they can design better products, SIs can provide expertise for the design of innovative interventions to address complex social issues such as forced labour in supply chains, and thereby build expert power. In a similar vein, SI could demonstrate referent and legitimate power. Table 1 provides an overview of how the power of SIs could differ from that of commercial intermediaries in supply chain relations.

Many SIs operate in an institutional environment where civil society is suppressed and cannot openly exert advocacy power for fear of being prosecuted or denied funding. In the Thai context, for example, civil society struggled to survive the decline in international financing after transitioning from a low-income to a middle-income country. Therefore, local NGOs started exploring alternative funding opportunities, including partnering with global brands (Kadfak et al., 2023). In order to design interventions against forced labour, SIs also depend on collaborations with supply chain firms to gain access to their workers. For this reason, we expect that SIs in countries where civil society is suppressed will most likely rely on non-mediated power when they design and lead interventions against forced labour (which is why, in Table 1, examples of the use of mediated power by SIs are in italics,

Table 1. Power of commercial versus social intermediaries in supply chain relations (examples for supplier power are based on Huo et al., 2017).

	Power of commercial intermediaries (e.g., suppliers)	Power of social intermediaries (e.g., NGOs)
Context	Contractual and monetary relationships, 'normal exchange situations'	No direct exchange – SIs usually do not offer services in exchange for payment
Sources of power	Suppliers control resources that are critical for the focal firm and thereby try to strengthen their power with regard to their customer.	The resources that SIs control are usually not perceived to be critical by the focal firm. As a result, SIs need to actively influence the target's perception that it can offer useful resources for mitigating forced labour.
Mediated power	*Reward:* Supplier promises to reduce prices or deliver more quickly.	*Reward:* SI publicly endorses the focal firm's practices.
	Coercive: Supplier threatens to slow down shipments or to reduce target's priority.	*Coercive:* SI threatens focal firms of public exposure regarding forced labour incidents.
Non-mediated power	*Expert:* Focal firm values suppliers' insights about how to use its materials in product development.	*Expert:* Focal firm values SIs' expertise about how to mitigate forced labour in its operations and supply chains.
	Referent: Focal firm advertises that it only purchases from domestic suppliers.	*Referent:* Focal firm wants to associate with SIs that are reputable in the labour rights and/or business community.
	Legitimate: Focal firm feels obligated to purchase components from another division of its corporation.	*Legitimate:* Focal firm believes that SIs are a legitimate representative of migrant workers' interests.

SI = social intermediary; NGO = non-government organization.

as we deem them unlikely). Unlocking change through non-mediated power is more challenging, however, as it requires influencing the perception of the target (i.e., the focal firm). They must believe that the SIs have the expertise and reputation necessary to design effective interventions and that they legitimately represent the interests of vulnerable workers. This warrants a deeper investigation of how SIs build sources of non-mediated power to perform their intermediary role.

3 Methodology

Due to the sensitive nature of this topic and the fact that we have only a rudimentary understanding of the sources of non-mediated power that SIs can build on to design and lead effective interventions against forced labour, we based our inquiry on a multiple-case study design (Ketokivi and Choi, 2014; Eisenhardt and Graebner, 2007). We focused on three SIs based in Thailand. Our research question, specifically assessing the efficacy of interventions, required deeper engagement in the field. We had to be mindful of the cultural context and linguistic issues, on the one hand, and the vulnerabilities of our respondents, on the other. Since our study was heavily embedded within the context of the Thai seafood sector, we were inspired by guidelines developed by Welch et al. (2011), who argue that multiple-case studies for 'contextualized explanation' purposes can lead to strong causal explanations because of (and not despite) their deep engagement with the case context. Understanding how the outcome in a particular case was brought about requires an understanding of the conditions under which causal explanations do – and do not – operate (ibid).

3.1 Research Context: Forced Labour in the Thai Seafood Industry

The Thai fishing and seafood processing sector is a large employment sector with a high percentage of migrants from Thailand's poorer neighbouring countries, i.e., Myanmar, Cambodia, and Laos. An estimated 60,000–70,000 fishers are working on larger commercial fishing vessels (over 30 gross tonnes), and 300,000 workers are employed in the seafood processing sector, of whom two-thirds are migrants and two-thirds are women (ILO, 2020). The percentage of migrant workers in fishing is supposedly even higher. However, reliable data on the exact number of workers is difficult to obtain due to the often-undocumented status of migrants.

In 2014, Thailand received a formal warning from the EU in the form of a yellow card following a series of media exposés about migrants from Myanmar and Cambodia working under 'slave-like' conditions on Thai fishing vessels. These exposés highlighted physical and verbal abuse of vessel workers, 20-h work shifts, poor access to food, poor hygiene and sanitation, and even execution-style killings (e.g., EJF, 2013). The yellow card could have resulted in an import ban for Thai seafood products in the EU if Thailand had not adequately addressed issues of illegal, unregulated, and unreported fishing, as well as associated problems that include human trafficking and slave labour in the fishery sector). Thailand is a major country for seafood exports and the world's biggest exporter of canned

tuna (FAO, 2019). While the initial focus was on workers on fishing vessels, the attention soon shifted to the situation of migrant workers in Thailand's numerous seafood processing facilities who were facing similarly atrocious working conditions in 'shrimp peeling sheds'. US customs records showed that the shrimp peeled in Thailand made its way into the supply chains of major US food stores and retailers, such as Walmart, Kroger, Whole Foods, Dollar General, and Petco, along with major US restaurant chains, such as Red Lobster and Olive Garden (Mason, 2015).

At the time of the exposés, workers in both sectors faced similar conditions that made them vulnerable to forced labour. They often shouldered the costs of travelling, obtaining official documents, and sometimes bribing border officials when migrating to Thailand. In addition, workers in seafood processing facilities often paid additional fees to recruitment agencies. Recruitment fees were often pledged from the worker's future earnings, ultimately tying the worker to their employer as the only means of repaying the debt, thus jeopardizing the worker's subsequent freedom (Barrientos et al., 2013). However, even if these fees were not pledged from the worker's earnings, workers were often significantly indebted when they started employment. As a result, the fishing and seafood processing firms employing these workers could knowingly or unknowingly exploit migrant workers' indebtedness.

Furthermore, contracts were frequently absent, incomplete, and/or written in language worker did not understand. This fuelled unscrupulous practices, such as withholding pay or documents. Migrant workers were also rarely informed about their rights. They often relied on informal brokers and agencies for recruitment-related information but could not verify that the information or the brokers themselves were bona fide, legal, and reliable. Once abroad, migrant workers often turned to recruitment agencies as their primary – and sometimes only – source of support due to a lack of awareness of other avenues for support where they existed. Even today, migrant workers in Thailand enjoy limited labour rights, as they are treated as temporary workers and are not allowed to form and lead unions (ibid.). The lack of voice in the workplace has been criticized as an exacerbating factor for worker exploitation (Kuruvilla and Li, 2021). These shortcomings in Thai labour law still limit the space for worker voice, particularly for migrant workers.

3.2 Case Selection

Three criteria guided our case selection. First, we narrowed down our selection to those SIs whose interventions had the potential to have a more sustained impact in the fight against forced labour in the Thai seafood sector. We based this decision on several expert assessments (e.g., funding organizations, intergovernmental bodies, and European Union delegates).

Second, all three had varied interventions, such as setting up a hotline for grievances, assisting workers in organizing themselves, and developing appropriate training for recruitment and welfare committees. Comparing these different interventions helped us understand which of them was more effective against forced labour, and what might have accounted for a higher or lower level of effectiveness. Third, we wanted to capture workers in both seafood processing plants and vessels, as both groups were subject to forced labour risks. Amongst our three cases, the interventions of one SI focused on workers in processing plants (SIA), one focused its interventions on vessel workers (SIB), and the last sought to engage with both worker groups (SIC) through its interventions. At the same time, all interventions were led by one of the three SIs but carried out in collaboration with one global seafood brand (that we refer to using the pseudonym, SeaFish). As one of the largest seafood brands in the world headquartered in Thailand, SeaFish was highly active in addressing forced labour risks in its operations and supply chains. The embeddedness of the three cases in the same supply chain context allowed us to control for any variations caused by the focal firm's forced labour policy and engagement style. All three cases were well-known in the field, allowing for triangulation through reports of intergovernmental observer organizations (e.g., ILO, IOM), independent reports, media, and academic articles. Table 2 provides an overview of the cases and the sampling criteria.

3.3 Data Collection

Between 2017 and 2022, we conducted four field trips to Thailand, from where most of the data were collected. Initially, we conducted exploratory interviews with subject-matter experts, such as donor organizations, intergovernmental organizations, and governmental agencies in Thailand (e.g., the Department of Fisheries) and the EU, to identify key SIs that were initiating interventions to address forced labour in the Thai seafood sector. The initial interviews were only loosely structured, and the content of the interviews varied depending on the background and specific knowledge of the interviewee. As we started to focus on three SIs and their interventions with SeaFish, the interviews became more structured. We conducted five interviews with SeaFish representatives (such as the Sustainability Director and the Human Rights Manager) and a total of nine interviews with representatives from the three SIs.[3] We decided to anonymize the names of the companies and SI organizations due to the sensitivity of the topics discussed in the interviews. Interviews lasted between 30 and 120 minutes and took place in person during our field trip and via video-conferencing or telephone in between and after the field trips. We complemented the interviews with a systematic analysis of secondary data sources, such as sustainability reports and modern slavery statements from SeaFish released between 2013 and 2022, as well as published reports from our three SIs and their social media posts on Facebook.

Table 2. Case overview and SC.

SSI	Founding history	Geographical presence	Mission	Collaboration with SeaFish since	SC1: expert assessments regarding potential for sustained impact of SI's main interventions	SC2: interventions	SC3: targeted workers
SSIA	In 2009 by nine Burmese migrant leaders	Thailand (Samut Sakhon) and Myanmar (Yangoon)	Providing assistance to Burmese migrant workers residing and working in Thailand.	2016	ILO – project leader IOM – technical officer Philanthropic donor – investments manager IOM – technical officer Philanthropic donor – investments manager	Ethical migrant recruitment policy	Seafood workers
						Worker welfare committee	Seafood workers
SSIB	In 2018 with support from the global union federation for transport workers	Major ports in Thailand (Songkhla, Rayong, Trat)	Collective representation of workers in the Thai fishing sector.	2018	ILO – project leader, IOM – technical officer	Involvement in developing vessel code of conduct	Vessel workers
SSIC	In 2014 by two founders which held former senior roles in leading inter-governmental and NGOs.	Thailand (Bangkok), Myanmar, Cambodia, and Laos. Expansion plants for Vietnam, Malaysia, Brunei, and Nepal	Developing collaborative partnerships with large corporations to monitor working conditions at their suppliers' sites	2014	ILO – project leader	Whistle blowing hotlines	Seafood workers
					Philanthropic donor – investments manager	Fisheries labour improvement programme	Vessel workers

NGOs = non-government organizations; SC = sampling criteria.

In addition, we conducted five interviews with Burmese workers on fishing vessels and five interviews with Burmese workers in seafood processing plants in 2022. Hearing directly from workers was instrumental in assessing the effectiveness of each SI's interventions. The processing plant workers were all employed in SeaFish's factories in Thailand, whereas the fishers worked on vessels of SeaFish's suppliers. SeaFish does not own vessels, which made the identification of vessel workers that can be linked to SeaFish's supply chain difficult. Through an interpreter who worked for one of our case intermediaries (SIB), we were, however, introduced to workers on vessels to which SIB had negotiated access with the support of SeaFish. Each worker interview lasted between 20 and 35 minutes. The interviews were conducted by a trained research assistant fluent in Burmese based on a highly structured interview protocol.[4] Being a Burmese national, the research assistant was well embedded in the Burmese migrant worker community and quickly built access and trust with the interviewees.

All the 42 interviews were recorded and transcribed verbatim. Extensive notes were taken during and after the interview in specific cases where making a recording was impossible. Most non-worker interviews were in English, but 15 were conducted in Thai by one member of the research team who is a native speaker. These interviews were all recorded, transcribed verbatim, and then translated into English by contracted translators. A member of the research team checked the accuracy of the Thai translation through back translation; the accuracy was very high, and the errors detected were mainly grammatical ones. The research team could not check the accuracy of the Burmese translations, but since the language used in the interviews was simple, we deemed the translation accuracy to be high. Any lack of clarity was discussed with the research assistant, who often followed up with the interviewees by phone or WhatsApp. Finally, we triangulated our insights from the worker interviews with formal evaluations and reports of our SI's interventions by trustworthy third parties such as USAID and ethical trade consultancies. These third parties had no direct involvement in the interventions themselves and were usually commissioned by donor organizations to assess the interventions objectively.

3.4 Data Analysis

Three members of the research team carried out the data analysis. We started by carefully reading each interview transcript and document and then worked on a case write-up for each of the three SIs. During this phase, our unit of analysis was the SI. The first version of the write-up was largely descriptive, focusing on an introduction to the SIs and their main activities. Next, we zoomed into the activities of the SI that led them to acquire sources of power. Through an iterative process, we categorized and labelled these sources by comparing our inductive codes with extant concepts of power in the literature, adopting existing labels where they fit, and creating new ones where no good fit with existing concepts could be identified. We developed the coding category for three sources of non-mediated power developed by the SI. As expected, we did not observe any instances of mediated power. Appendix E provides an overview of our aggregated codes with representative evidence.

The subjective nature of non-mediated power made a direct assessment sometimes difficult. For example, we defined legitimate power as the perception of the focal firm that the SI was a legitimate representative of the workers' interests, which could be detached from the workers' actual perception. In addition, the fact that SeaFish chose to cooperate with the three SIs indicates that a certain level of expert power was already present. However, we also noticed a discrepancy between the subject-matter expertise that all SIs actively demonstrated through published reports and other forms of self-presentation through social media (that we saw as crucial for building their expert power) and their actual ability to carry out an effective intervention, which could indicate that the perceived expertise did not always align with the actual level of expertise.

In the second phase, our unit of analysis shifted to the interventions led by the SI; hence, cases of interventions were 'nested' within the SI cases. During this phase, we coded our data inductively to (1) assess the effectiveness of interventions based on worker statements and third-party assessments and (2) link this outcome to specific power types that we deemed as impacting the intervention either positively or as an impediment. When matching these different data sources, a consistent assessment of interventions soon emerged that we discussed within our team. This process resulted in a nested cross-case analysis, with each sub-case being the intervention developed by the SI case organization.

We ensured 'trustworthiness' of our analysis (Guba and Lincoln, 1994) through multiple readings of the narratives and raw data, participant consultation, triangulation with secondary data, and iterative discussion and reflection within the team. We ensured inter-coder consistency (Hemmler et al., 2020) through co-production of the coding scheme and constant critical discussion about the developed codes and constructs, as well as their refinement.

4 Findings

4.1 Sources of Power for SIs

The three SIs built sources that could be linked to three types of non-mediated power: expert, referent, and legitimate.

4.1.1 Building Expert Power. All three SIs tried to demonstrate their expertise through published reports on forced labour in the Thai fishing and seafood sector. These reports differed from comparable advocacy activities in this space by Greenpeace and the Environmental Justice Foundation that often-highlighted instances of forced labour in global supply chains with the aim of 'naming and shaming' global brands.

The reports by the three SIs focused more on describing the situation of vulnerable worker groups and the root causes of their exploitation. As such, the reports never assigned blame to any specific brand. All three SIs conducted their own field research based on surveying or interviewing workers. SIC, for example, actively capitalized on the background of one of its founders, who had a doctoral degree and relevant work experience in human trafficking. In addition, SIC sometimes co-authored with academics to publish several reports and peer-reviewed articles on the condition of vessel workers, human trafficking in the Thai fishing industry, ethical requirements, and, more recently, COVID-19 impacts on migrant workers. In general, the reports aimed to have a high scientific quality, developing 'predictive risk indicators' for labour abuse based on worker and boat characteristics and 'psychometric measures' of empowerment and disempowerment of human trafficking survivors.

SIA and SIB also produced public-facing knowledge resources that reported on the situation on the ground, but they had less developed reporting skills, particularly when it came to reports in English. SIA joined a network of Thai-based NGOs to publish a joint research report, but admitted that research and reporting skills were not its strengths – something that it was very much aware of:

> We don't know how to sell ourselves and our hard work. Our donor even once commented that they're impressed with our results, but they're not happy with our report. (Vice Director, SIA)

In addition, all three SIs demonstrated their expertise to the public via social media channels like Facebook. The target audience differed, however. While SIA's posts were exclusively in Burmese, SIB posted in both Khmer and Burmese languages, while SIC had two channels, one in Burmese and one in English. SIC also had the most professional-looking social media channel where they reported on their various activities, such as a tour that the SIC team did around different Thai provinces to inform workers about SIC's 'worker voice channels,' and their annual conference in Bangkok with local NGO partners and 'the donor community' (SIC Facebook post, January 31, 2023). In addition, in 2022, SIC launched – with the support of the Target and Walmart foundations – a 'worker-led mini-film series' that reported on the perspectives and realities of jobseekers and workers. By contrast, SIA and SIB also reported on their activities on Facebook but often directly addressed migrant workers in their posts to educate them about their rights and call for them to stand united and fight for their rights.

All three SIs were successful in demonstrating their subject-matter expertise regarding forced labour, with SIC being the most prolific. Thus, SIC could be assumed to have the highest level of expert power of the three SIs. This expert power could be classified in terms of having a more 'technical' character, as SIC tried to demonstrate a broader and scientific understanding of the drivers of forced labour beyond the Thai fishing and seafood sector and develop technology-driven and innovative solutions that could be more universally applicable. By contrast, both SIA and SIB's expert power was much more 'contextual': SIA's demonstrated expertise on forced labour was specific to a particular migrant worker group and its struggles. As one interviewed field officer at SIA explained:

> 'Fishermen in Songkla and Patani have different issues. I hang out with them for a while to understand who is in trouble and what kind of support they need. Patani, to my knowledge, is one of the few places in Thailand that heavily relies on brokers to bring in fishers from Myanmar. So, brokers are powerful, and they work directly with employers. (Field officer, SIA)

SIB's demonstrated expertise on forced labour was very specific to fishing, and most of its staff members used to be fishers themselves. For example, one informant who started to work for SIB in Oct 2017 had previously worked on a vessel in Ranong. After having experienced abuse by the captain, he escaped and hid from the captain and the vessel owner for 18 months before returning to Ranong. This equipped SIB with a highly contextual form of expert power.

4.1.2 Building Referent Power. Beyond demonstrating subject expertise for combatting forced labour, SIs needed to demonstrate that they were respected members of the human rights community to build referent power. This can occur through endorsements by influential referents from the labour rights domain, such as the ILO. Indeed, SIA was able to demonstrate support from the ILO for the organization of its migrant workers' forum in 2014 in collaboration with the State Enterprise Worker Relations Confederation of Thailand (SERC) and the Thai Fishery Producers Coalition. SIA's strong reputation in the field was also recognized through an award at the annual United Nations Forum on Business and Human Rights. SIB received endorsement from the ILO at its time of funding and was also able to secure financing through a 2-year agreement with the ILO that allowed SIB to expand its support of fishers in three Thai provinces. SIB also received endorsement from the Ethical Trade Initiative in 2018 – a multi-stakeholder initiative with global corporations, international trade union bodies, and specialized labour rights organizations. By comparison, SIC received less endorsement from the labour rights community but strong corporate endorsement instead. Several global brands, such as Walmart, Disney, Pentland Brands, Blu Earth Foods, and Sainsbury's mentioned SIC's services in their sustainability and modern slavery reports to demonstrate their engagement in worker outreach and empowerment.

The form of endorsement received often translated into actual funding for the SIs. All three SIs received funding from SeaFish, but SIA and SIB were generally cautious about accepting corporate funding if it would restrict the organization's ability to criticize the funding company. Our informant from SIA mentioned that while it received collaboration

requests from several corporations in Thailand, it was cautious about engaging with other corporations due to greenwashing concerns. The primary source of funding for SIA was based on membership fees of migrant workers, which could also help them build legitimate power. Our interviewees from SIB did not openly want to disclose their funding sources, but their main funding source was likely from the global union federation of transport workers. Similar to a union, SIB expressed the wish to fund itself through membership fees from fishers in the future. SIC, by contrast, actively sought corporate funding and entered several partnership agreements with leading global brands, such as Marks and Spencer, Mars, Petcare, Nestle, Tesco, and Walmart.

In sum, SIA and SIB managed to receive endorsement from influential stakeholders in the labour rights domain (e.g., ILO, global union organizations) that also helped to reduce their reliance on corporate funding, as they were often able to secure funding from these referents. SIC, by contrast, mainly received endorsement from global brands that publicly declared to use (and pay for) SIC's services. The relationship that SIC built with these brands was that of a contractual exchange where SIC received remuneration as a 'supply chain service provider' that operated a grievance hotline and ensured the confidential treatment of information. Thus, we found evidence for two types of referent power, i.e., endorsement by the business community (SIC) and endorsement by influential referents in the labour rights domain (SIA and SIB). It seemed, however, that these two forms of referent power were mutually exclusive, as none of the SIs could gain both, leaving SIs with a choice of which to focus their attention on when trying to build referent power.

4.1.3 Building Legitimate Power. Unlike unions, SIs are self-appointed and claim to act on behalf of vulnerable workers, some of whom might not even be aware of the SIs' existence (Reinecke and Donaghey, 2021). Thus, demonstrating embeddedness with migrant worker communities and being known among workers was crucial in being perceived as a legitimate representative of their concerns and interests. While some focal firms might not place particular emphasis on this issue – particularly if they were mainly interested in risk mitigation – those genuinely seeking to alleviate forced labour rely to some extent on SIs being able to connect directly with those at risk. Indeed, SeaFish was very wary about the importance of the SI's embeddedness in migrant worker communities:

> NGOs have different strengths – SIA has a lot of knowledge about the migrant worker community, recruitment agencies, contacts with Myanmar. They understand them better because they are in close contact with the workers. They really helped us to see the world from the view of the workers. (Sustainability Reporting Manager, SeaFish)

In order to increase their embeddedness in migrant communities, all three SIs established a nearby presence, both in the migrants' departure countries and in Thailand. SIA had a strong presence in Samut Sakhon (the centre of the seafood processing industry in Thailand), in Songkla (a major fishing harbour and processing hub in Southern Thailand), as well as in Yangon, Myanmar. Their aim was to be present in the local communities and offer active support. For instance, SIA offered extended office hours on Sundays for migrant workers to drop by and learn the Thai language and computer skills as well as to just spend time relaxing and socializing. SIA field officers also actively tried to approach Burmese vessel workers, as one interviewee explained:

> "My techniques for going into the field are dressing informally and drinking with them. I am going to the port area almost every week, just to hang around. So vessels workers see me, and I am not a stranger to them." (Field officer, SIA)

SIB was present in three major ports in Thailand, two of them closer to the border with Myanmar, and one near the border with Cambodia, which was also reflected in the composition of migrant fisher communities in each location. In addition, SIB hired former fishers as staff, demonstrating how deeply immersed SIB was in the migrant fisher community. Similar to SIA's field officers, SIB's staff would visit the port and living areas of the workers on a daily basis to initiate contacts with them and educate them about their rights. SeaFish acknowledged SIB's legitimate power in a public letter in 2018, referring to it as 'the first democratic union for fishers in Thailand'.

SIC set up offices in Thailand, Myanmar, Cambodia, and Laos and employed local staff. It also explored expanding opportunities to Vietnam, Malaysia, Brunei, and Nepal. Unlike SIA and SIB, they seemed less focused on a specific migrant community and did not organize activities for migrant communities by themselves. Instead, SIC built a network of local grassroots civil society organizations in Myanmar and Cambodia that organized activities to educate jobseekers about safe ways to migrate and seek employment.

The level of legitimate power that SIA and SIB could build was high due to their embeddedness in the Burmese and/or Cambodian migrant worker communities in Thailand – a factor that was also acknowledged and valued by SeaFish. By contrast, SIC's broad geographical focus and lack of direct interactions with migrants (as interactions occurred through other social intermediaries) indicated a lower degree of embeddedness in the migrant worker community which likely diminished their legitimate power.

4.2 SI's Interventions and Their Effectiveness

We analysed how the different types of non-mediated power built by each SI allowed them to (or hindered them from) carrying out effective interventions against forced labour.

4.2.1 SIA's Interventions. In 2016, SIA started collaborating with SeaFish and designed two interventions: A process for ethically recruiting migrant workers to reduce their indebtedness, and a worker welfare committee to strengthen worker voice at SeaFish's operations. It was the high level of contextual expert power that led SeaFish to grant SIA open access to its organization:

> Our customers and consumers worldwide demand sustainable products produced with good labor practices. We employ migrant workers in our Thai factories and treat them to the same high standards of labor rights and welfare as their Thai counterparts. To educate our migrant employees, overcoming language and cultural issues as well as informing them of their rights under Thai law is essential, which is why we have partnered with *SIA* so as to draw upon their deep expertise in migrant worker labor issues. (Sustainability Director, SeaFish, quoted in SeaFish press release, 8 October 2015)

The partnership between the two organizations resulted in the joint development of an ethical migrant recruitment policy in 2016, through which SeaFish committed to recruiting workers for its seafood processing factories only through vetted recruitment agencies in Myanmar (the departure country of many workers) and ensuring that no hidden fees were charged. Its embeddedness in the migrant worker's departure country enabled SIA to support its interventions regarding the ethical recruitment policy:

> There are more than 200 agencies in Myanmar. We have staff in the country of origin who know which recruitment agencies are taking advantage of workers and which ones are fair. After workers are recruited, SIA interviews them randomly. We are checking how they came through the recruitment channel, whom did they pay in the process? (Vice Director, SIA)

SIA also drew on its expert power when offering a two-day pre-departure training for workers to inform them about the migration and recruitment process and the expected costs. The policy clearly outlined the costs that should be borne by SeaFish, such as those for contract development and approval and transportation expenses from the Thai border. Workers had to bear the costs of obtaining the work permit, visa, passport, health check, and transportation to the Thai border. In addition, SIA randomly interviewed workers after they had been recruited. If interviews with workers revealed that they did indeed pay unauthorized fees, SIA followed up on these or other concerns. The importance of SIA's role in the success of the policy can be understood from the explicit mentioning of SIA's involvement in SeaFish's sustainability report from 2016 and the years that follow:

> The company has led the way in adopting stringent policies and rules within the Thai seafood industry to show everyone that these changes are possible, but it is essential to have partners such as SIA who can help SeaFish see the workplace through the eyes of employees. (SeaFish sustainability report 2016).

Currently, all workers for SeaFish's processing plants are hired through the policy, and at the time of the fieldwork, SeaFish was also working on implementing this policy in their suppliers' operations. The workers we interviewed confirmed that they had not been charged for health checks and document processing fees in the past five years (since the start of SIA's interventions). The effectiveness of the policy for reducing migrant workers' indebtedness in the pre-employment phase was also documented by other sources. According to research by the ethical trade consultancy Impactt, the expected costs for the worker ranged from USD142–236, which is substantially lower than before the policy, when it was USD413–523 (Impactt, 2019). However, the research report also revealed that SIA could identify several cases where the policy was not followed; this triggered the relevant investigation and remediation processes (ibid.). One of our SIA informants confirmed this and highlighted the importance of SIA's continued monitoring role.

In addition, SIA worked with SeaFish from 2016 to strengthen the welfare committee system in several of their factories. SIA viewed worker welfare committees as an alternative channel for the company's management staff to establish a dialogue with workers in Thailand, where migrant workers' trade union rights are restricted by law. These committees had the authority to consult with employers on issues related to worker welfare, such as the provision of clean drinking water and restrooms, as well as medical services for injuries and sickness. Even though Thai law mandated that companies with 50 or more workers establish a worker welfare committee, the major problem was that, often, committee members were not elected through a transparent and democratic process but were hand-picked by the company, thereby undermining the legitimacy of the welfare committee. This is because workers, particularly migrant ones, were often not aware of the function of the welfare committee and how they could exercise their rights through it:

> When we speak with employees at each company, we ask them if they are familiar with the concept of welfare committees. We ask them whether a welfare committee has ever been elected by the workers. Usually, they have no idea. (Vice Director, SIA)

SIA visited workplaces and conducted worker training about the purpose of the committee and the process for electing representatives. In the beginning, workers were cautious and fearful about participating, as they were worried about being harassed and losing their jobs if elected as welfare committee members. However, having built legitimate power (that prompted SeaFish to allow SIA to visit workplaces and conduct worker training), SIA was able to increase the involvement of migrant workers both in the election process and

among the candidates. In 2016, 19 members were elected to welfare committees in three of SeaFish's processing plants – with 11 migrant workers among them. In 2019, there were 10 committees across all SeaFish's processing facilities in Thailand. One interviewed member of the committee recalled that SIA's trainings played an important role for educating him about worker rights, eventually leading him to run as a candidate for the welfare committee:

> I have been attending trainings with SIA. I have benefitted a lot from these trainings and I learnt about things that I didn't know before, such that we have rights. During the training, we can ask SIA staff anything that we would like to know. (PPW1)

SIA's legitimate power also enabled them to take on the role of a 'watchdog' to monitor the election process and the day-to-day functioning of the committees (Impactt, 2019). The welfare committee successfully negotiated for workers to have longer bathroom breaks, designated areas for rest periods, and breastfeeding facilities. The factory workers that we interviewed seemed to appreciate the work of the committee, as it helped them to claim their rights. Two of the interviewees (PWW1 and PWW3) reported that the committee helped workers to claim compensation after workplace accidents. PWW5 said that it helped a colleague obtain maternity benefits, and PWW4 was able to be paid sick leave days:

> In the past, I thought that the interpreter in the department would help take care of the problems of the workers in the department, because most of the people who work in the factory don't speak Thai, and they only have friends who are Burmese. But the interpreter rarely helped when there was a problem. In contrast, the welfare committee has been helping us all the time. The committee helped sort out problems, such as sick leave, overtime compensation, and the reimbursement of social security at the time of childbirth. (PPW4)

While our interviewees confirmed that they now received full overtime compensation and annual bonuses (like their Thai colleagues), a pressing issue was that women were not well represented in the worker welfare committee, even though most of the workforce in seafood processing factories are women. Our interviews revealed that women were less informed about their rights and often felt shy to speak out; thus, they did not even consider running as a candidate for the committee. While SIA had advocated for a gender quota for the committee to increase female representation, the proposal was turned down by SeaFish. This demonstrates that the scope of interventions was still primarily driven by SeaFish. Despite SIA having significant non-mediated power, it was not enough to force SeaFish to accept its demands, alluding to the limits of non-mediated sources of power; SIA still depended on the focal firm's approval and support for their interventions.

4.2.2 SIB's Interventions. As migrant workers are not allowed to lead and form unions under Thai law, SIB was not officially registered as a union but was considered an 'informal union' (USAID, 2020, p. 39). Some of our informants referred to SIB as an NGO. SIB's declared aim was to negotiate workers' demands directly with employers, i.e., the vessel owners. However, since it could not act as a formal union, SIB lacked conventional mediated power sources available to unions. It depended on creating leverage through SeaFish – as the customer of vessels – if it wanted to improve the working conditions of vessel workers, since vessel owners would otherwise ignore SIB's demands. For SeaFish, SIB's referent power with the labour rights community (due to SIB's tight association with the global union federation for transport workers) was the main reason for a partnership that also involved the joint distribution of medical and Covid testing kits to fishers:

> [SeaFish] will distribute a proportion of the kits to support fishers' health and safety in the wider fishing community by providing them to their NGO partner, [SIB], who are in contact with other fishers and fishing companies. [SIB] already has a presence in coastal provinces in Thailand and has a track record of working on labor rights issues in the fishing industry. (SeaFish press release May 23, 2022)

The partnership between SeaFish and SIB started in 2018 when SeaFish implemented an improvement programme for all fishing vessels that were part of SeaFish's supply chain.[5] SIB was involved in the drafting of the labour standards of the vessel code of conduct that stipulated rules and regulations for working conditions on vessels and supported the initial round of vessel audits. This differed from the typical top-down, buyer-led auditing that SIs have been involved in, which has failed to address forced labour, as discussed earlier. In this instance, SIB was not simply supporting the buyer's auditing process but was intrinsically involved in designing and implementing the code of conduct. This statement from SeaFish's 2019 Sustainability Development Report expressed SeaFish's appreciation of SIB's role in this process:

> Working to ensure safe and legal labor throughout our supply chains often goes beyond the setting of guidelines and audits. If there's no practical component, then we may find ourselves in the position of setting rules that our suppliers are not equipped to follow. To avoid this situation, SeaFish regularly works with partners such as SIB to host workshops and training sessions to help our suppliers understand how they can make sure that their workers are equipped to deal with any of the emergencies that an industry like fishing can present and to take the information found in the vessel audits and create useful, practical advice. (SeaFish Sustainability Development Report 2019).

Thus, SIB's contextual expert power related to the specific context of fishing and conditions on vessels was particularly

important for prompting SeaFish to work with them (because SeaFish does not own their vessels) and ensuring that the rules embodied in the policy were appropriate. As part of the roll-out of the vessel improvement programme, SIB also organized training workshops with SeaFish for vessels and their crew that focused on health and safety onboard. This created an opportunity for SIB to access workers and allowed them to educate them about their rights:

> 'Providing first aid kit is a strategy for us to get closer to workers without being bothered by their employers. Vessel owners think that we come to talk about health and safety, but they are not aware that we also talk about their rights.' (Field officer, SIB)

It is important to understand that migrant workers, particularly those working on vessels, were often distrustful of organizations they didn't know. Thus, SIB's deep embeddedness in the migrant fishing community, and the fact that SIB employed former fishers was an important source of legitimate power that helped to build the necessary trust with vessel workers so that they would feel confident to seek help from SIB and reveal their vulnerabilities.

As of the end of 2021, around half of all the vessels in SeaFish's tuna supply chain had undergone an audit. SeaFish also reported several areas for improvement were detected during the audits, out of which approximately 90% were considered resolved. This is largely in line with our observations; four of the vessel workers we interviewed had been working on Thai vessels for 5 years or more and could confirm that working conditions on vessels have improved in this period. More specifically, violence and beatings against crew members had become rare, and workers were paid on time and received the necessary documentation. As one worker recounted:

> If you compare the past 10 years to now, I think there is a big difference. Ten years ago, workers who worked on fishing boats had no documents or ID cards. Therefore, when the employers did not pay us, we could not go to the police. With no documents and no language skills, we did not know to whom we could inform or complain. (…) [Now] we receive our wages on time. (VW1)

Even though there was no collective bargaining (due to legal restrictions), our interviewed workers felt generally safer on board:

> In the past, I had a feeling of being unsafe working on a fishing boat. After I got to know SIB, this changed because if there is a problem at work or I have a problem with my employer, I can ask SIB for help. (VW3)

The fact that workers felt generally safer at their workplace and confident to ask for help when needed can be seen as an indication of the overall effectiveness of SIB's intervention and the importance of SIB's expert, referent, and legitimate power in driving that effectiveness.

4.2.3 SIC's Interventions. A high level of expert power enabled SIC to secure contracts with several major brands to support them in monitoring working conditions in their facilities and those at their supplier sites through SIC's centrally operated 'impartial whistleblowing hotline'. The wide adoption of their intervention also led to criticisms, however, against SIC's strong business orientation (and perceived lack of beneficiary orientation):

> SIC are self-interested in perpetuating the problem … so they get funded. Because really, if they were as good as they said they were, why don't they solve the problem? And this is what most companies are coming to realize, well either SIC are not that fabulous as they say they are or they're actually not having an impact. Which one is it?[6]

Nevertheless, SIC's referent power with the business community was influential in SeaFish's decision to use SIC's hotline for its processing plant workers, which they have been using since 2014, in addition to its internal grievance mechanisms. Our informant mentioned, however, that grievances received through SIC took more time to process since the hotline was centrally operated:

> … once the worker reports issues to SIC, then SIC would let me know what the issues are, then I'll relay that message to our human resources team to investigate and respond. … But, when we investigate, we usually need more information. And because SIC is not necessarily familiar with the factory setting, they're not there on the ground, they might have issues communicating those to us. Whereas if, alternatively, workers report to our HR or use our internal grievance mechanism directly, then we would kind of resolve and investigate issues much faster. So, I think that's a challenge here. (Human Rights Manager, SeaFish)

Thus, the lack of insights with regard to the actual workplace conditions made SeaFish doubt that SIC had the necessary contextual expertise to operate the whistleblowing hotline effectively. The fact that SeaFish retained its own grievance mechanism further solidified this impression. While we did not receive any information about the exact number of grievances that SIC had handled through its hotline at SeaFish's factories, it was noteworthy that none of our interviewed SeaFish processing plant workers were familiar with the hotline. One of our informants from SeaFish pointed at the lack of legitimate power as a potential explanation:

> (…) I want to know what makes a successful worker grievance mechanism. And I suspect to what it is going to come down to

> is trust. So the worker has to trust that that mechanism will help them get the support they need. (Sustainability Director, SeaFish)

More generally, one informant expressed scepticism as to what extent workers would really report grievances through hotlines or online communication channels such as smartphone apps (that SIC also offered to migrant workers):

> The important thing for workers is connecting with somebody they know and trust, and they don't know and trust apps, they know and trust friends and family and organizations they've been face-to-face with. … migrant workers generally don't call a Thai employer or Thai government hotline when they've got a problem.[7]

In 2018, SIC also started a fisheries labour improvement programme with four proclaimed aims: (1) remediation and worker voice at the vessel level; (2) ethical recruitment of fishers; (3) multi-stakeholder debt relief (contributions from global brands and employers to erase current fisher debt); and (4) worker voice at sea technologies (testing approaches based on previous pilots and determining potential). However, in its impact assessment report in 2020, SIC acknowledged limited progress as it encountered 'aggressive resistance' from vessel owners and the national fishing associations. In particular, Thai recruitment agencies 'reacted strongly against any efforts that would disrupt the status quo' (ibid.). From our interview with a Myanmar recruitment agency, we learned that most agencies indeed shied away from recruiting workers for fishing vessels; it was very difficult to negotiate with vessel owners who were not interested in recruiting workers through legal channels since they would need to pay for overtime work. However, without overtime compensation, monthly payments (that are often based on a flat fee of USD 315) remained below the minimum wage when considering the actual hours worked by fishers, according to SIC. The failure of the fisheries labour improvement programme highlighted the lack of mediated power with resistant stakeholders such as vessel owners but also the lack of commitment from SeaFish to support SIC's intervention.

4.3 Main Propositions

Table 3 summarizes all interventions offered by the three SIs, provides an assessment of their effectiveness, and links each intervention to specific types of power that help explain its effectiveness or lack thereof. In this section, we distil three propositions from our nested case studies on how SIs' power is linked to the effectiveness of interventions that mitigate forced labour in supply chains.

All three SIs demonstrated a high level of subject-matter expertise related to forced labour and its root causes, which became a source of expert power that subsequently led to the adoption of their interventions by SeaFish. SIC was particularly skilful in demonstrating its subject-matter expertise through its reports and social media presence. However, when it came to the actual execution of the intervention at SeaFish's operations (or those of their suppliers), SIC's more 'technical' expertise about forced labour did not always correspond with their understanding of the idiosyncratic conditions that facilitated labour abuse in a particular work setting or the issues and challenges of a specific migrant worker group that was often linked to their country of origin. By contrast, the expert power of the other two SIs was more contextualized in terms of being more specific to a particular migrant worker group (SIA) or fishing as a work environment (SIB). In fact, SIA's in-depth understanding of Burmese workers' typical migration paths and the local recruitment agency landscape was crucial for the success of its support of SeaFish's ethical migrant recruitment policy. In a similar vein, SIB's intimate familiarity with the specifics of work in fishing was a major success factor for obtaining the buy-in of both vessel owners and workers for SeaFish's vessel improvement programme. This context-specific expertise was precisely the type of expertise that the focal firm was missing, leading to our first proposition:

PROPOSITION 1. *Expert power of an SI will more likely increase the effectiveness of its interventions against forced labor if it is context-specific.*

We found that referent power for SIs can take different forms – SIs can either build it with the business community (SIC) or the labour rights community (SIA and SIB). There was a paucity of evidence of SIs receiving equal endorsement from both referent groups. Ironically, building referent power with the labour rights community seemed to translate into greater commitment from the focal firm to support the SI's intervention. This was reflected in the cases of SIA and SIB where their endorsement by the ILO and Ethical Trade Initiative resulted in gaining a strong commitment from the focal firm so they could engage with powerful but resistant stakeholders such as recruitment agencies and vessel owners. On the other hand, referent power with the business community did not seem to have the same outcome. Even though SIC was successful in gaining endorsement (as well as funding) from major brands, they did not seem to receive the same level of support from the brands, leading to the failure of their fisheries labour improvement programme. This is most likely because strong referent power with the business community can fuel the impression that the SI is mainly business-oriented and not truly committed to the cause. This leads to the following proposition:

PROPOSITION 2. *Referent power of an SI will more likely increase the effectiveness of its interventions against forced labour if it is with the labour rights community.*

Table 3. Interventions effectiveness and link to social intermediary (SI) non-Mediated Power.

	Inter-vention	Effectiveness of intervention	Form of power that accounted for intervention (in)effectiveness	Alternative explanations
SIA	Ethical migrant recruit-ment policy (2016)	*EFFECTIVE*. Substantial reduction of costs for migrant workers in the recruitment phase: After the introduction of the policy, the expected costs ranged from USD 142 – USD 236, which is substantially lower than before the policy, where it ranged from USD 413 – USD 523 (Impactt, 2019). "What have changed is that, when comparing 5 years ago with today, is that in the past, workers had to pay for health checks and document processing fees. But at present, the factory helps to pay for the health check and issues the document processing fee. So there are no deductions from salary." (PPW1)	*Contextual expert power:* SeaFish invited SIA to bring in its worker-specific expertise about typical recruitment paths and its local knowledge on the landscape of recruitment agencies in the migrant's country of origin to design this intervention.	*Referent power with the labour rights community* was marginally relevant, as SeaFish could trust SIA's impartialness in this intervention as it was not dependent on private sector funding. *Legitimate power* mattered to a lesser extent as this intervention did not require workers to expose their vulnerabilities specifically pertaining to the potential employer.
	Worker welfare committee (2016)	*EFFECTIVE*. In 2016, 11 out of the 19 members that were elected to SeaFish's welfare committees of three processing plants were migrant workers. (Impactt, 2019). "In the past, the interpreter in the department would be the first contact person Because most of the people who work in the factory don't speak Thai, and they only have friends who are Burmese. But the interpreter only sticked to his duties and rarely helped when there was a problem. Today we can ask the welfare committee for help" (PPW4)	*Legitimate power:* SeaFish trusted SIA to overcome fears of harassment by migrant workers as on obstacle to their active participation in the welfare committee as they deemed workers to recognize SIA as a true representative of their interests.	*Referent power with the labour rights community* was marginally relevant, as SeaFish could trust SIA's impartiality in this intervention as it was it is not dependent on private sector funding. *Contextual expert power* was marginally relevant to understand the specific concerns of the Burmese workforce.
SIB	Support of SeaFish's fishing vessel improve-ment programme (2018)	*EFFECTIVE*. Steady increase of vessels in SeaFish's supply chain that underwent auditing since the introduction of the code in 2018: As of the end of 2021, around half of all the vessels in SeaFish's tuna supply chain had undergone audit of the vessel code of conduct (SeaFish Sustainable Development report, 2021). Workers received necessary documentation: "I didn't have a card before, no social security, no health insurance, but now I have all the cards that are required (…), and the work is safer in comparison to the past." (VW5)	*Contextual expert power:* As SeaFish did not own any vessels it benefitted from SIB's expertise regarding working conditions of fishers to develop a code of conduct for vessels and an accompanying training programme.	*Referent power with the labour rights community* was relevant as it led SeaFish's to publicly declare SIB to be a 'union for fishers' which was helpful for overcoming resistance from vessel owners. *Legitimate power* was relevant since SIB hired former fishers as their employees. This resulted in vessel workers feeling safe and confident in revealing their vulnerabilities.
SIC	Whistle blowing hotlines (2014)	*NOT EFFECTIVE*. Low documented user rate of hotline: Based on interviews with processing plant workers employed by SeaFish after 2016, the ethical trade consulting company Impactt found that only 5 out of 143 workers reported some level of awareness that the SIC hotline was available. (Impactt, 2019) Only one of our respondents (out of 10) was familiar with SIC and its hotline.	*Lack of referent power with labour rights community* resulted in low uptake of this intervention even though many major brands made formally use of SIC's hotline.	*Lack of contextual expert power:* For the hotline to function as a grievance mechanism, it would be required that SIC had better knowledge regarding actual workplace conditions in the factory. *Lack of legitimate power:* SIC's low embeddedness in the migrant community resulted in low level of trust of workers in the hotline.
	Fisheries labour improve-ment programme (2018)	*NOT EFFECTIVE*. Project was stopped after pilot phase due to resistance from vessel owners: "Together with three other agencies and SIC we went to discuss with the employers [i.e., Ranong and Songkhla fishing associations], but it was unsuccessful. They really didn't want to do it." (Director, recruitment agency, Myanmar)	*Lack of referent power with labour rights community* resulted in a lack of support by SeaFish to leverage their purchasing power to overcome resistance of vessel owners and recruitment agencies.	*Lack of contextual expert power* was marginally relevant, as SIC lack of context-specific expertise with workers on vessels and their recruitment channels resulted in this project being abandoned. *Lack of legitimate power:* mattered less as this intervention did not directly involve workers.

Finally, it is pivotal that the focal firm is convinced that the SI has sufficient legitimate power, thus acting as a true representative of workers' interests. This relates to the focal firm's perception that the SI is firmly embedded in the migrant worker community and truly represents workers' (instead of the SI's own) interests. SeaFish valued SIA's deep embeddedness in the Burmese worker community which allowed them to understand their workers' perspectives better. SeaFish also acknowledged SIB as a direct representative of vessel workers' interests when they referred to SIB as 'the first democratic union for fishers in Thailand' in a public letter. By contrast, SeaFish was skeptical whether SIC had sufficient legitimate power. This could be attributed to the 'indirect' approach that SIC adopted where it chose to simultaneously connect with different worker groups through the building of networks with local NGOs in the migrant workers' countries of origin. Legitimate power is, however, a necessary requirement for the success of interventions again forced labor as it instils workers with trust and confidence in exposing their vulnerability. SeaFish, thus, saw the lack of trust that workers had in SIC's whistleblowing hotline as the main reason for the low effectiveness of this grievance mechanism. This leads to our final proposition:

PROPOSITION 3. *Legitimate power of an SI will more likely increase the effectiveness of its interventions against forced labor if it is built directly with migrant worker groups rather than indirectly through other social intermediaries.*

5 Discussion

5.1 Theoretical Contributions

Our study contributes to the literature on modern slavery in supply chains and the wider literature on the role of supply chain intermediaries for sustainability transitions (for an overview, see Koberg and Longoni, 2019). First, there is a growing interest in the role that social (non-commercial) intermediaries can play within this domain, but most prior studies are still situated within the realm of traditional compliance-based governance (e.g., Alvarez et al., 2010; Benstead et al., 2020). Compliance-based governance is more likely to direct firms' attention towards products and/or suppliers rather than exploited migrant workers themselves (Simpson et al., 2021). We demonstrate that SIs can help to correct this bias through collaborative interventions that put vulnerable workers front and centre, which is crucial in the fight against forced labour. However, they need to strengthen their own power position within the supply chain first.

Second, the SIs in our study were operating in an institutional environment where exercising overt or coercive forms of power such as advocacy is undesirable and/or difficult. This constitutes an important difference from SIs (such as the Coalition of Immokalee Workers) in countries with a strong civil society, free media, and rule-of-law institutions (Kunz et al., 2023), allowing them to exercise mediated power through lobbying and threats. Rather than naming and shaming global brands, the SIs in our study chose a less confrontational approach and sought to work with them. In order to be seen by the brands as equals and partners, they had to build non-mediated power, which has received scant attention to date. Our study shows how SIs in weaker institutional environments can do this. Specifically, we show that expert power should not be purely technical but needs to be context-specific to increase the effectiveness of interventions *(proposition 1)*. While referent power can be built with either the business or labour rights community, SIs active in the domain of forced labour need to be cognizant that endorsement by the labour rights community will be more effective and therefore should be prudent when choosing corporate donors, as this can undermine their credibility *(proposition 2)*. Finally, the concept of legitimate power has been sidelined in studies on buyer-supplier relations but is a necessary requirement in the context of forced labour in supply chains as focal firms need to be assured that the SI is a direct representative of the interests of vulnerable workers *(proposition 3)*.

Third, our study is a catalyst towards providing a better understanding of how work that is not taking place in a confined space – and might not even be location-bound at all – can still be regulated by focal firms. Few empirical studies in OSCM have looked at non-factory settings; the most notable ones were of agricultural workers (Kougkoulos et al., 2021) or motor carrier operators (e.g., Kim et al., 2022; Cantor et al., 2017). Our study included insights from two worker groups, vessel workers and workers in factory settings (seafood processing) and confirms that while the former might face an even higher risk of forced labour, interventions are especially difficult to design. This is because embeddedness with migrant communities of vessel workers seemed more difficult to establish, because these communities are geographically dispersed, and the nature of fishing requires workers to spend a large amount of time offshore. At the same time, non-location bound work often takes place in an environment that the focal firm may not be familiar with. SeaFish saw major value in SIB's expertise regarding fishing – something that SeaFish as a processing firm was missing but needed in order to implement a specific code of conduct for its vessels (i.e., suppliers) that would actually be adopted. Thus, as challenging as regulating work in non-factory settings may be, these unique challenges could offer an 'opportunity structure' for SIs (Liu & Heugens, 2023) who can bring in missing expertise and thereby heighten the potential gains for collaborating with them.

5.2 Implications for Practice

Beyond its theoretical contributions, our study also provides valuable practical insights for supply chain managers. We explicitly wanted to investigate approaches that went beyond a traditional compliance-based governance model with suppliers. Our research demonstrates the value of collaborating with local SIs that are firmly embedded in migrant

worker communities. Building trust with migrant communities requires time and dedicated investments, however, and SIC's attempt to design interventions for multiple migrant worker groups simultaneously demonstrates the challenges of doing so. Thus, focal firms need to have realistic expectations when working with local NGOs; many will have little prior experience working with large corporations, and their language skills and working styles might not always meet corporate standards. However, if managers are serious about co-creating interventions against forced labour in their supply chains, they need to build relationships with SIs that enjoy trust among vulnerable worker groups. Unlike international NGOs, local NGOs are usually much more dependent on project-based funding, so ensuring that a SI can continue to carry out their interventions in the long term without becoming dependent on the focal firm is key. This requires an open and honest discussion about optimal funding models.

Furthermore, practitioners are extremely optimistic regarding the potential of worker hotlines and other technologies with a whistleblower function, such as mobile phone apps, to address forced labour. These technologies are often viewed as turn-key solutions, as they bear the promise of scalability, cost-efficiency, and applicability across different social and cultural contexts. Our study revealed, however, that vulnerable workers do not naturally trust these technologies, and thus might decide not to voice their grievances through them. By contrast, the interventions of SIA and SIB were co-created with firms and workers. While this might make these interventions more resource- and time-consuming to implement, and challenging to scale, support from local firms and acceptance by workers (which is crucial in the context of forced labour) are inherent in the design of the interventions. Thus, managers need to be mindful that technologies do not simply function as turn-key solutions but need to be embedded in supporting social systems (e.g., with the help of an SI) so that workers, as the ultimate beneficiaries of these interventions, will actually use them. The examples of SIA's ethical recruitment policy and worker welfare committee interventions also showed that interventions could not be planned as a one-time activity but require continuous involvement by the SI to ensure their functioning.

5.3 Limitations and Boundary Conditions

Some limitations of this study should be noted. First, our study is a contextualized multiple-case study set in the Thai seafood sector. Therefore, we need to be careful about making overarching generalizations to other cases in different contexts (Welch et al., 2011). Nevertheless, we believe that our theory of how SIs acquire non-mediated power in supply chains and can thereby lead effective interventions against forced labour should apply to contexts where civil society and worker rights are restricted. This is the case for most sectors that are considered hot spots for forced labour where there is a high dependency on migrant labour, such as agriculture, mining, and stone quarrying in countries such as China, India and Pakistan. SIs could make use of mediated power in countries with a strong civil society, free media, and rule-of-law institutions. It would be interesting for future studies to investigate under which conditions mediated versus non-mediated power is more effective, and how they can best complement each other to increase the effectiveness of SI's interventions.

The interventions we investigated in our study aimed to protect vulnerable workers by mitigating their risk of forced labour. This implies that some of the sources of non-mediated power we identified, and the links with the effectiveness of interventions, are specific to this issue. We showed, for example, that for interventions that rely on whistleblowing from vulnerable workers, legitimate power mattered more. For SIs outside the forced labour domain, it is plausible that legitimate power matters less and that other forms of power play a bigger role. It is also conceivable that referent power with businesses could become an asset rather than a liability for a different issue (e.g., using ocean plastic for circular supply chains).

Although we collected data at different time intervals and interviewed informants at multiple points in time, our study is not longitudinal in nature. Future studies could explore how the use of specific forms of power changes over time. For example, it is conceivable that non-mediated power could eventually develop into mediated power as an SI grows and becomes more reputable. In a similar vein, we did not systematically investigate how one form of power (e.g., legitimate power) could be linked to the building of other forms of power (e.g., expert power), even though it can be suggested based on our study (and the case of SIB, in particular). A longitudinal processual study could help to unravel the developmental sequencing of power for SIs.

We focused on Burmese workers as the largest migrant worker group in Thailand, but we were not able to take a deep dive into the heterogeneity of the workforce in the fishing and seafood sector and, therefore, to account for the nuanced differences between Burmese and Cambodian workers, male and female workers, and mobile and immobile workers. Conducting interviews with migrant workers requires language skills but also, most crucially, access and extended engagement to build trust. Our study was unable to explore the additional challenges experienced by female workers who are often subject to routine gender-based exploitation, including harassment, abuse, unpaid labour, and discrimination (e.g., Alamgir and Alakavuklar, 2020). Such issues intersect with more recent research on diversity, equity, and inclusion (DEI) which requires a deeper and critical evaluation (Jonasson et al., 2022). Finally, countries such as Thailand which are highly dependent on the export of a specific commodity/product could be subject to sanctions or extreme import restrictions by the global north which may have a debilitating impact on the migrant population employed on those sectors. We urge scholars to investigate the impact of these sanctions across the supply chain and how they permeate across the worker level (Shalpegin et al., 2023). We hope that future research in

OSCM can build on our work and provide more fine-grained analysis of how interventions can be designed for different groups of workers to make global supply chains free of forced labour- for everyone.

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Notes

1. Modern slavery is a broader umbrella term, and includes forced labor, forced marriage, and human trafficking (ILO, n.d.). The focus of this paper lies exclusively on forced labor.
2. It should be noted that Benton and Maloni (2005) consider mediated and non-mediated power as 'sources of power'. In this paper, we aim to distinguish more clearly between two overall categories of power (mediated vs. non-mediated), types of power (e.g., coercive power), and their underlying sources (e.g., sales dependence of supplier on a customer).
3. Appendix A provides an overview of the interviews; Appendix B lists exemplary questions that were used in the interviews with SIs.
4. Appendix C provides an overview of the interviewed workers and their recruitment history while preserving their anonymity; Appendix D displays the interview protocol used.
5. These vessels can effectively be considered second-tier suppliers to SeaFish.
6. Due to the sensitive nature of this quote, we did not link it to an informant.
7. The informant preferred not to be linked to this quote.

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