

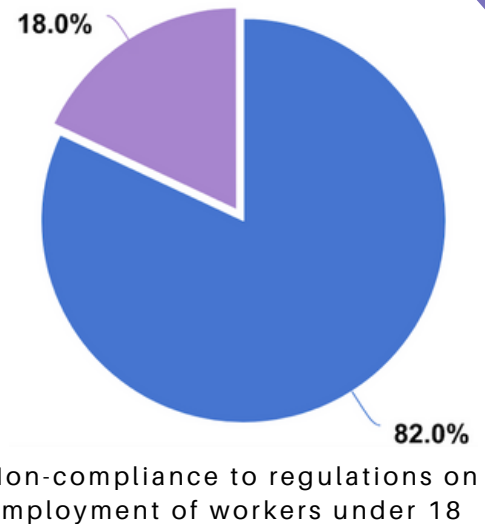
Enforcing International Labour Standards in Relation to Child Workers in Supply Chains Connected to the UK Fast Fashion and Retail Sector



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Executive Summary

The extent to which legal protection is afforded to child workers in the fast fashion and retail industry is significantly inadequate. The lack of access to protection means that children in the fast fashion industry undertake precarious work, dramatically increasing their vulnerability. Guided by stipulations of ILO Conventions and the Modern Slavery Act, this policy brief will identify three primary issues. The proposed reforms aim to bolster protections for child workers by advocating stricter enforcement and regulation of existing frameworks, enhancing transparency and accountability in supply chains, and ensuring meaningful remediation for affected children; thereby addressing these systemic issues at their core by stressing the necessity of international cooperation and stronger national legislation to eliminate child labour loopholes.



Issue 1: Working Conditions for Children

Framework: Children under the age of 18 are entitled to certain standards of health and safety as stated in Articles 3 and 7 of the Minimum Age Convention (MAC), 1973. [1] [2]

Issue: Child labour is heavily prevalent in deep supply chains; workers are disassociated from retailers making it easier for brands to deny responsibility. Working conditions in such factories are often unregulated and extremely precarious as they “fall outside the remit of monitoring”. [3] A staggering “18% of manufacturers don’t comply with regulations on the employment of workers below 18.” [4]

The vagueness of Article 3(1) as to what work is considered hazardous and the lack of guidance from Article 3(2) as to how member states assess factors that contribute to potential harm have created uncertainty. Additionally, Article 7 grants the exception of ‘light work’ which provides a channel for deeper-tier suppliers to neglect child safety at work and direct children into unregulated sectors. [5]

As fast fashion suppliers are major contributors to their countries’ economies, states are disinclined to enforce legal rules in relation to safe working conditions. A significant example is the belated ratification of MAC by Bangladesh in 2022 due to the large revenue amassed from Bangladeshi supply chains. [6] As such, dangerous conditions remain a key feature of fast fashion supply chains jeopardising the physical health and wellbeing of children.

[1] Minimum Age Convention, 1973 (No. 138) 1015 UNTS 297, s 3

[2] *ibid*, s 7

[3] SOMO, ‘Branded Childhood: A Global Investigation into the Marketing Practices of Food and Beverage Companies’ (SOMO 2017) <<https://www.somo.nl/wp-content/uploads/2017/01/Branded-childhood-web.pdf>> accessed 2 March 2024

[4] UNICEF, ‘Children’s Rights in the Garment and Footwear Supply Chain’ (UNICEF 2020) <<https://www.unicef.org/media/70121/file/Childrens-rights-in-the-garment-and-footwear-supply-chain-2020.pdf>> accessed 1 March 2024, 11

[5] Rufaro Mavunga, ‘A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999’ (2013) 16 5 Potchefstroom Electronic Law Journal, 141

[6] Kamala Thiagarajan, ‘Bangladesh garment worker protests for living wage make clear price of fast fashion’ (South China Morning Post, 13 December 2023)

Issue 2: Disclosing the use of Labour

Framework: Under Section 54 of the Modern Slavery Act, businesses have a responsibility to publish the steps taken to mitigate human trafficking and slavery in supply chains. [7] [8]

Issue: Numerous businesses have been inspired by the legislation to enhance their due diligence procedures, however the extent to which such transparency is achieved by fast fashion retailers is limited.

Fast fashion brands do not confront evidence of child labour in lower supply chains. The refusal to create transparency is a denial of direct accountability and a promotion of the exploitation of children in such supply chains. [9]

UK-based retailers such as Primark, highlight their condemnation of the use of child labour by their suppliers in the 'Supplier Code of Conduct'. [10] Nevertheless, the latest report published is a mere reiteration of this disapproval without any reference to statistics that relate to ages and statuses of workers. Soft legislative structures and the financial benefit of employing young labourers incentivises brands to withhold findings of child labour.

The complicated structure of supply chains due to repetitive subcontracting by suppliers means that retailers cannot always follow and regulate sufficiently the use of child labour. [11] Efforts by brands to limit the use of child labour therefore fall short due to the inability to fully trace their sources.

"75% of 219 brands surveyed did not know the source of all their fabrics and inputs". Only half could trace where their products were cut and sewed". [12]

Issue 3: Inadequate remediation for victims of child labour

Framework: States "shall design and implement programmes of action to eliminate the worst forms of child labour," according to Article 6 of the Worst Form of Child Labour Convention, 1999. [13]

Issue: Child labour victims in UK fast fashion supply chains face inadequate remediation and a lack of clear legislative support, leaving them without specified measures for redress.

The Article 6 requirement is unsatisfactory, as it only demands remedy by removing children from the worst child labour environments without obligating companies to provide compensation or support affected children.

Effective remediation for child labourers remains 'rare': especially in large fashion label supply chains, attempts to remedy by encouraging child labourers into even social and educational inclusion has been consistently substandard. [14] [15]

Fashion companies, such as Nike and Primark, with vast supply chains, have loose criteria outlining their remediation policy for child labourers. Not only are there few organisations with these policies; their enforcement is largely internal and at the companies' discretion. [16]

The primary organisation ensuring fair remediation for child labour is SA 8000, a leading certification for social accountability. For accreditation, it stipulates that member facilities must remove underage workers and ensure they receive financial and educational support until reaching legal working age. [17] However, certification is voluntary and currently, White Stuff is the sole UK top 100 fashion label with SA 8000 accreditation in its supply chain. [18] The lack of remediation hinders the accountability of fast fashion companies, preventing the mitigation of child labour.

[7] Modern Slavery Act 2015 s 54

[8] Hugh Collins, 'Responsibility and Accountability for Breaches of Labour Rights in International Supply Chains' (Faculty of Law Blogs - University of Oxford, 5 June 2017) <<https://blogs.law.ox.ac.uk/research-and-subject-groups/research-collection-business-and-human-rights/blog/2017/06/>> accessed 2 March 2024

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[11] James Melville, 'Modern Slavery is Never Out of Fashion: Child Labour in the Clothing Industry' (Byline Times, 14 July 2020) <<https://bylinetimes.com/2020/07/14/modern-slavery-is-never-out-of-fashion-child-labour-in-the-clothing-industry/>> accessed 3 March 2024

[12] Ibid

[13] Worst Forms of Child Labour Convention, 1999 (No. 182), Article 6

[14] Anna Zongolowicz, 'Eliminating Child Labour - greater engagement and collaboration needed' (Unicef, 1st July 2022) <<https://www.unicef-irc.org/article/2291-eliminating-child-labour-greater-engagement-and-collaboration-needed.html>> accessed 28 February 2024

[15] Nicola Phillips, 'The global foundations of global production networks: Towards a global political economy of child labour' (2014) 35 3 Third World Quarterly 428-446

[16] 'Side Event 20 - Preventing Child Labour in Global Supply Chains: The Role of Business in Tackling Root Causes' (International Labour Organisation - 5th Global Conference on the Elimination of Child Labour, 19th May 2022) <<https://www.5thchildlabourconf.org/en/session/side-event-20-preventing-child-labour-global-supply-chains-role-business-tackling-root>> accessed 1 March 2024

[17] Social Accountability International, Social Accountability 8000 International Standard (2014) s1.2.4 <<https://sa-intl.org/wp-content/uploads/2020/02/SA8000Standard2014.pdf>> accessed 1 March 2024

[18] 'Guide To Key Fashion Sustainability Certifications' (Common Objective, 29th May 2019) <<https://www.commonobjective.co/article/which-certification-is-right-for-my-business>> accessed 1 March 2024

Recommendations:

1. The ILO needs to amend Article 3 (MAC) to ensure that states are afforded with clearer guidance on the standards of working conditions therefore making it easier for states to identify what type of work is likely to cause harm.
2. Children's education must be given more priority by the ILO in Article 7 of the MAC. "Light work" must be stated as an 'option' rather than a requirement for children, especially those without access to education.
3. An international obligation must be imposed on large retailers to track supply chains and make disclosure of information mandatory.
4. Remediate child labour by immediately removing minors from the workplace, compensating their wages to their families, and providing continuous academic support until the age of 16.
5. Mandate fashion companies in member states to conduct facility reviews where child labour is identified in their supply chain, acknowledge faults, and establish a monitoring process to prevent future underage hiring.



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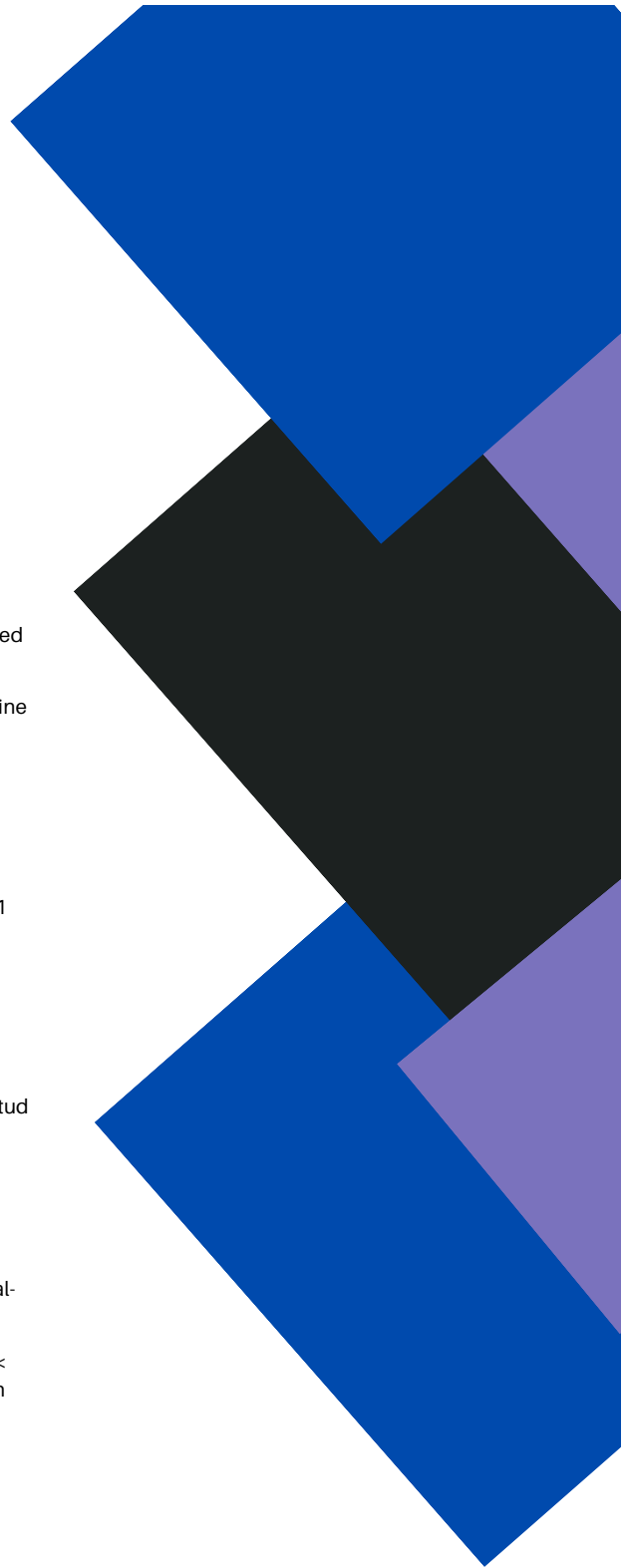
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Appendix

We focused on the issue of child labour within the supply chain of UK fast fashion retailers. To start, we researched the relationship between child labour and the fast fashion industry generally.

While acknowledging its large role, the group decided that COVID was more of a backdrop to the continual crisis of child labour within the fast fashion industry, rather than something that could substantiate an issue of itself. Consequently, we honed in on specific issues concerning child labour within fast fashion: poor working conditions, inadequate labour disclosure, and unfair remediation for victims.

Ellie, Marina, and Patrick focused on researching issues related to child labor in global fast fashion supply chains. The main emphasis shifted towards using analytical statistical and organisational data, predominantly sourced from UNICEF and the ILO. While not extensively reusing specific sources, our group exchanged multiple materials to enhance issue analysis. Further reading not explicitly referenced in our policy brief but that helped shape our overall writing included Augendra Bhukuth's Defining child labour: A controversial debate, which helped us to understand what is actually meant by child labour and The Global Child Labor Problem by Kaushik Basu, which supported our discourse on how child labour in the 21st century's globalised economy makes it an international issue, rather than a purely national one.

Each team member researched and wrote about their assigned issue and subsequent reforms. Marcus compiled the executive summary and ensured writing consistency. Ellie led the design of the policy brief template, layout, and images, with assistance from Patrick and Marina and lastly, the bibliography was a group effort.

Reflecting on our group's cohesion, we were pleased with the effective delegation and timely completion of tasks. Despite standard differences in ideas on the project's direction, we maintained regular in-person and Teams meetings to stay updated and share new insights from our readings, continually shaping the basis for the next steps. Each member knew their responsibilities, and despite varying schedules, there were no issues with insufficient contributions.