

Fashioning Fairness: On Improving Workers' Rights in Fast Fashion Global Supply Chains



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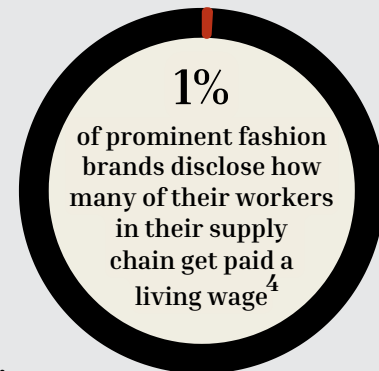
Executive Summary

Fast fashion retailers are heavily fixated on achieving cost-focused supply chains¹, causing the industry to become marked by ethical malpractices, seen with its violation of basic, fundamental workers' rights. The objective of this policy brief is to legally tether a closer connection between the corporations and the workers within these supply chains, who are directly impacted by their commercial activity, and to hold corporations to greater account. The following four issues regarding labour in fast fashion global supply chains will be discussed: the issue of transparency, gender inequities, unsafe working conditions and the lack of representation for workers.

Issues

The Issue of Transparency:

Section 54 of the Modern Slavery Act 2015 requires UK companies with annual turnovers of over £36 million to publish MSSs, demonstrating any steps taken to tackle modern slavery in their supply chains. However, this has been aptly dubbed as “a mere tick-box exercise”². There are no standards for what constitutes sufficient due diligence. Additionally, UK companies aren’t required to report on the supply chains of wholly owned subsidiaries abroad. Furthermore, the Act lacks effective enforcement, providing little incentive for qualifying businesses to engage with its provisions, currently, “around 40% of eligible companies are not complying with the legislation at all”³ Since the Act’s introduction, the Government has introduced a central MSS registry, however, this is a voluntary requirement. Additionally, the new guidance issued to help companies identify what to include in their MSSs hasn’t actually amended the provision.



Reform:

Introducing statutory amendments to the MSA 2015 that intricately outline the requirements for a comprehensive MSS will compel companies to introduce higher standards for workers within their supply chains, as their processes will become more transparent. Additionally, the creation of new modern slavery offences for both individuals and corporations would compel companies to create persuasive and accurate accounts of their supply chains, further consolidating transparent MSSs.

Gender Inequities:

Fashion is perceived as a domestic field, with its workforce predominantly made up of women, totalling approximately 80% of workers in garment factories. These women are subjected to vast mistreatment, including violence, verbal abuse, and sexual harassment. Moreover, these women endure damaging health restrictions, with limited bathroom breaks leading to urinary tract infections, and forced consumption of the contraceptive pill, with no maternity leave available for women who fall pregnant⁶. Furthermore, less than 2% of workers earn a living wage, despite working up to 96 hours per week in seven-day work weeks⁷. Despite such actions breaching Articles 4, 5, 23 and 24 of UDHR⁸, female garment workers have no power to change these conditions, and no financial safety net allowing them to leave and find work elsewhere.



Reform:

Mandatory Human Rights Due Diligence legislation increases corporate responsibility for the mistreatment of workers within their supply chain. Drawing inspiration from the ‘COPAD’ Bill introduced to the House of Lords in 2023¹⁰, the UK should implement third-party, mandatory due diligence audits for any UK-based companies who externalise work offshore, ensuring no fundamental human rights, such as toilet breaks, are being violated whilst also preventing GBVH. Additionally, companies will have to address human rights violations faced by female garment workers or face civil or criminal sanctions.

2. The Independent Review of the MSA presented to Parliament in 2019

3. Ibid

4. Fashion Revolution, ‘The Fashion Transparency Index’, July 2023

5. Titilla KK, ‘Survey: most women face sexual harassment at work’, Dhaka Tribune, <<https://www.dhakatribune.com/bangladesh/2020/08/29/survey-most-women-face-sexual-harassment-at-work>> (29 August 2020) Accessed 3rd March 2024; Fidd and Odhakar (2020) ‘Women at work: systematic violations of labor rights in the construction and garment sectors in Bangladesh’ <<https://www.fidd.org/IMG/pdf/bangladesh173ang.pdf>> Accessed 3rd March 2024; International Labor Organization, ‘Understanding the gender composition and experience of ready-made garment (RMG) workers in Bangladesh’ (2020).

6. Inchyn McCosker (2023) The Impact of Fast Fashion on Garment Workers, Good On You, <<https://goodonyou.co/impact-fast-fashion-garment-workers/>> Accessed 2nd March 2024

7. Clean Clothes Campaign (n.d.) Working hours and overtime: 96-hour workweeks <<https://cleanclothes.org/issues/working-hours-text-factory-20human-ergo-20typically-20pressure-20employees-very-20common-20during-20peak-20periods>> Accessed 1st March 2024

8. Universal Declaration of Human Rights 1948

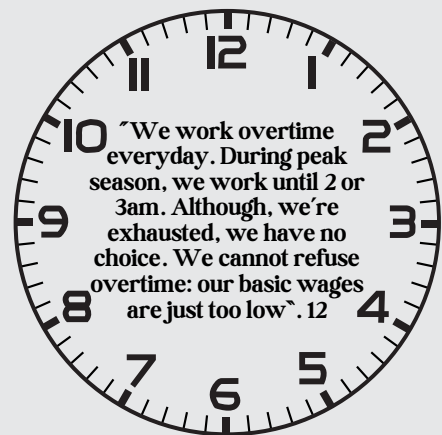
9. Marissa McVey (2024) Jumping on the Bandwagon? Mandatory Human Rights Due Diligence Comes to the UK <<https://businesshumanrightsireland.wordpress.com/2024/01/16/jumping-on-the-bandwagon-mandatory-human-rights-due-diligence-comes-to-the-uk/>> Accessed 1st March 2024

10. Baroness Young (2023) Commercial Organisations and Public Authorities Duty (Human Rights and Environment) Bill Bill 111 <<https://bills.parliament.uk/publications/5330/documents/4066>> Accessed 1st March 2024

Issues

Unsafe working conditions:

The rise of cost-cutting measures within the fast fashion industry has led to increasingly unsafe working conditions within their supply chains. Workers are exposed to long hours, no living wage, and hazardous materials, such as dyes and chemicals, and without proper protection, risk damaging their health long-term.¹¹ The 2013 Rana Plaza incident in Bangladesh exemplifies these deadly consequences, with over 1,100 lives lost due to a factory collapse. The MSA 2015 excludes other forms of exploitation like underpayment, and companies face limited legal responsibility for unfair treatment.



Reform:

The MSA 2015 should have more of an expansive approach to exploitation, addressing issues such as underpayment. Taking inspiration from the USA, the UK should implement a 'hot goods model', where products can be temporarily embargoed if workers' rights are violated in their production. This will force suppliers to improve factory workers' conditions, particularly considering that companies will be deterred from sourcing from them if their final product risks being embargoed. Additionally, the Accord Agreement¹³ adopted after the Rana Plaza disaster does not tackle the unsafe working conditions faced on a global level therefore there must be nationwide pressure to uphold ILO labour rights.

Lack of representation:

Workers face a lack of adequate representation from trade unions. Despite ILO Conventions 87 and 98 theoretically guaranteeing the right to organise and collectively bargain, trade unions face union-busting measures and intimidation tactics. As a result, very few fast fashion workers are unionised and the majority of these are part of "yellow unions" - unions created by the government or factory management to appease consumers. In Cambodia, Human Rights Watch found these "yellow unions" have a more effective registration process while independent unions (with no political affiliation) face severe administrative delay.¹⁵ Four cases were found in which the criminal justice system was used to silence members of independent unions, and five of unfair dismissals. Unions which raise complaints about these measures have effectively no access to justice through dispute settlement mechanisms.



Reform:

To solve this issue, transnational trade unions must be promoted and protected. This would ensure the adequate protection of all workers, rather than leaving responsibility to national governments to uphold the right to collective action. Alongside this, there must be a stronger enforcement of ILO Conventions with concrete actions taken against countries which threaten this right.

11. Raf Chomsky, 'Exploring the Consequences of Fast Fashion on Garment Workers', (2024) <<https://sustainableview.com/exploring-the-consequences-of-fast-fashion-on-garment-workers/-text-Workers%20are%20exposed%20to%20hazardous-garment%20labours%27%20well%20being>> accessed 1st March 2024

12. Clean Clothes Campaign, 'Working hours and Overtime: 96 hour Workweeks' <<https://cleanclothes.org/issues/working-hours/-text-Factory%20managers%20typically%20pressure%20employees%20common%20during%20peak%20periods>> accessed 1st March 2024

13. Bangladesh Agreement on Health and Safety in the Textile and Garment Industry, Addendum to the International Accord for Health and Safety in the Textile and Garment Industry, 2023

14. International Labour Organisation Convention 87 (1948); International Labour Organisation Convention 98 (1948)

15. 'Only "Instant Noodle" Unions Survive: Union Busting in Cambodia's Garment and Tourism Sectors' Human Rights Watch, November 2022 <<https://www.hrw.org/report/2022/11/21/only-instant-noodle-unions-survive-union-busting-cambodias-garment-and-tourism>> accessed 2nd March 2024

16. International Trade Union Confederation, 'The 2019 ITUC Global Rights Index: The World's Worst Countries for Workers' (2019)

Recommendations

1. **Mandatory Human Rights Due Diligence by a Third Party** (this will help resolve the issues of transparency, unsafe working conditions and gender inequity, as previously all have been manipulated by biased auditing).
2. **Expanding the Modern Slavery Act 2015** to outline what constitutes a modern slavery statement and to include greater variations of exploitation.
3. **Implementing a ‘hot goods model’** to encourage safer working conditions.
4. **Enforcing legislation to allow for transnational trade unions** to create better representation for workers.
5. **Stronger enforcement of ILO conventions.**

Glossary

<u>Abbreviation:</u>	<u>Meaning:</u>	<u>Page(s):</u>
GBVH	Gender-Based Violence and Harassment Rooted in gender inequality and unequal power, Gender-Based Violence and Harassment encompasses a broad range of behaviours, including sexual, physical, psychological and economic abuse.	2
ILO	International Labour Organisation A United Nations agency which seeks to “promote decent work throughout the world”, promoting rights at work, encouraging decent employment opportunities, enhancing social protection and strengthening dialogue on work-related issues.	3, 4
MSA 2015	Modern Slavery Act 2015 The Act consolidated UK law on slavery and human trafficking.	2, 3
MSS	Modern Slavery Statement A statement of how a corporation is taking action against modern slavery in their supply chain.	2
UDHR	Universal Declaration of Human Rights An international document adopted by the United Nations General Assembly which enshrines all of our rights and freedoms as human beings.	3

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"Only 'Instant Noodle' Unions Survive: Union Busting in Cambodia's Garment and Tourism Sectors" (Human Rights Watch, November 2022) <<https://www.hrw.org/report/2022/11/21/only-instant-noodle-unions-survive-union-busting-cambodias-garment-and-tourism>>

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Legal

International Labour Organisation Convention 87 (1948)

International Labour Organisation Convention 98 (1948)

Modern Slavery Act 2015

Universal Declaration of Human Rights 1948

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