

**Ethics in Labour:**  
**Hidden Human Rights in the Fast Fashion Industry**

by

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## **Abstract**

Over the last twenty years, the fashion business has significantly evolved due to rapid technological, economic, and social changes. The ever-increasing requirements of apparel companies to survive the competition forced them to demand low-cost production and speed to market. This concept, called *Fast Fashion*, constitutes the critical strategy to ensure companies a profitable position, but at the same time leads to significant environmental and social consequences. Fast-fashion is a high-risk industry for almost all human rights. This thesis examines the social problems caused by fast-fashion from a human rights perspective. More particularly, it presents the fashion world's invisible side by exhibiting the root causes of this new business reality. The main conclusion is that despite the enactment of international regulations, the abuses of workers' rights in the developing world remain rampant. On this basis, it is argued that tackling the problem is a shared responsibility of many actors, including consumers. Hence, it is recommended that joint efforts can lead to ethical business practices.

*“The undersigned hereby declares that this thesis is entirely my own work and it has been submitted to the Department of Balkan, Slavic and Oriental Studies, and the Department of International and European Studies in partial fulfillment of the requirements for the degree of Master of Arts in Human Rights and Migration Studies. I declare that I respected the Academic Integrity and Research Ethics and I avoided any action that constitutes plagiarism. I know that plagiarism can be punished with revocation of my master’s degree”.*

*Papadopoulou Konstantina*

A handwritten signature in black ink, appearing to be the name 'Konstantina Papadopoulou' written in a cursive style.

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## List of main abbreviations and acronyms

<b>Abbreviation &amp; Acronyms</b>	<b>Meaning</b>
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>GATT</b>	General Agreement on Tariffs & Trade
<b>ICESCR</b>	International Covenant on Economic, Social & Cultural Rights
<b>ILO</b>	International Labour Organization
<b>LTA</b>	Long Term Agreement
<b>MFA</b>	Multifiber Arrangement
<b>NAFTA</b>	North American Free Trade Agreement
<b>OECD</b>	Organization for Economic Cooperation & Development
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNGPs</b>	United Nations Guiding Principles on Business & Human Rights
<b>UPR</b>	Universal Periodic Review
<b>WTO</b>	World Trade Organization

## Introduction

Fashion is a highly profitable business and at the core of economic globalization. In recent years, improvements in technological efficiency in production methods have brought an increasing variety of fabrics, and garments, giving consumers a significant amount of choice over what they wear (Anguelov, 2016, p.4; Brooks, 2015, p.7). Thus, the fashion commodity chain is marked by temporality, as trends change rapidly and new lifestyle forces fashion companies to refresh their commodities constantly in order to deal with the increasing competition (Bhardwaj & Fairhurst, 2010; Leslie, 2002).

The need of the apparel retailers to expand their product range started gradually in the 1990s and reached its peak by the phase-out of the Multifibre Arrangement (MFA)<sup>1</sup> in 2005. During this period, clothing and footwear companies began to move their production to overseas factories searching for low-cost labour (International Labor Office, 2014; Bhardwaj & Fairhurst, 2010). This retailers' scheme to sell their products in developed countries, but to delegate their manufacturing to the developing states spurred the advent of *fast-fashion* (Anguelov, 2016, p.4; International Labor Office, 2014).

Fast-fashion introduces a concept of shrinking production-time, and at the same time presenting fashionable and low-cost products on the market. This notion has changed the consumers' attitude towards fashion and has dramatically increased the brands' profits but has provoked severe environmental and social consequences. Serious factory disasters throughout the last decades increased public concerns regarding labour conditions, and the industry came under immense scrutiny, especially since the 2013 collapse of Rana Plaza in Bangladesh.

The environmental and human aspect of the clothing industry is illuminated through the groundbreaking documentary film *'The True Cost'*<sup>2</sup>, which inspired me to conduct this research. Focusing on international labour standards, the purpose of this thesis is to examine key trends in human rights violations within Asian factories. Taking China, Bangladesh, India, and Pakistan as characteristic cases, it aims to prove that the existing legal instruments, especially those of the International Labour Organization have not yet succeeded in preventing labour abuses in the garment sector. Above all, this research contribution seeks to strengthen the remarkable efforts made to raise consumer awareness about the actual cost of their buying habits.

More particularly, this study initially delineates the historical framework of the garment industry and the associated changes that led to the development of fast-fashion (Chapter 1). It

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<sup>1</sup> 'A framework for bilateral agreements or unilateral actions that established quotas limiting imports into countries whose domestic industries were facing serious damage from rapidly increasing imports' (Wto.org., n.da).

<sup>2</sup> <https://truecostmovie.com/>

then examines the legal framework by presenting the international treaties under which labour rights are protected (Chapter 2). In Chapter 3, this research takes a closer look at the various human rights issues in the industry, highlighted through specific instances in Chapter 4. Chapter 5 explores the general root causes of the fast-fashion prominence and the reasons behind the persistently poor labour conditions in the producing countries. Finally, chapter 6 refers to some significant initiatives that deal with this issue and addresses recommendations to the key actors involved in the matter.



## **Chapter 1: From fashion to fast fashion**

The Centre for Sustainable Fashion director at the London College of Fashion, Dilys Williams, states, *'the original, pre-industrial definition of fashion was to make things together. The current definition is the production, marketing, and consumption of clothes, an industrialized system for making money'* (Thomas, 2019, p.13). The clothing sector is influenced and shaped by broader social changes. Cultural shifts, including art, music, painting, and even historical events and politics, shape fashion and peoples' aesthetics (Anguelov, 2016, p.5; Brooks, 2015, p.234). According to this logic, every cultural change leads to a new trend due to new fashion requirements.

In the modern world, fashion is among the most globalized industries, the third largest in the world after cars and electronics, and one of the most polluting industries after oil (Minney, 2017, p.28). The global apparel industry, including clothes, textiles, footwear, and luxury goods, such as cosmetics and accessories, has a vast financial power (Anguelov, 2016, p.1; Minney, 2017, p.29). Dana Thomas, in her book 'Fashionopolis', pointed out that 5.8 million tons of textiles and clothes are trashed each year by the European states (Thomas, 2019, p.16).

The fashion industry employs a significant number of people, while millions of households are indirectly dependent on the clothing sector. The cotton growing, textile designing, and manufacturing practices are only some of the critical sectors of the industry, which offer work to people all over the world, contributing to the global economy.

As the clothing industry is a necessity and crucial in peoples' lives, its history is almost as old as humanity. Thus, in order to comprehend the birth of fast-fashion and the events that caused the emergence of this 'phenomenon', we have first to understand the apparel industry's history. Starting from the emergence of the Industrial Revolution, which significantly affected the improvement of the clothing sector (1.1 the years of industrialization), the first chapter explores the most significant changes that led to the dominance of fast-fashion. Hence, while describing the economic changes provoked by the textile production movement from global North to global South (1.2 from global North to global South), subchapter 1.3 focuses on the main characteristics of today's fashion reality. Atfirst glance, this chapter concisely refers to some well-known retailers that belong to the industry, the environmental impact, as well as the social cost of the 'phenomenon', which constitutes the heart of this thesis and will be discussed in detail in the following chapters.

### **1.1. The years of industrialization**

The appearance of clothing is directly connected with the origins of society. Working collectively in groups, people tried to create clothes that would protect and decorate their bodies. Throughout history, clothing was not a commodity accessible to all. The ability to

obtain clothes depended on the overall surplus produced from the natural world, which was limited. As the human activity was restricted, garment production was ecologically sustainable (Brooks, 2015, p.46-47).

Each period shifts in culture enabled varied types of clothing making. Back in the early societies, people used animal products to make textiles. In the Middle East and South-West Asia, early domesticated fibers included flax for linen, while cotton cloths were very common in India, West Africa, and Mesoamerica.

Between neighboring places, ideas spread, whereas villages and tribes traded from their native areas. Therefore, this exchange formed early societies that, through various production methods, transitioned, as Brooks stated, from hunter-gatherer communities to feudal kingdoms and later to capitalist nations (Brooks, 2015, pp.48-49).

The history of the modern garment industry is dating back to the eighteenth century and the invention of the spinning machine. From about 1760 to 1820 and 1840, the transition of raw materials into textile materials marked the clothing history known as the Industrial Revolution (Aishwariya, 2019; Thomas, 2019). The Industrial Revolution significantly affected the garment industry in adopting modern production methods through the introduction of new machine tools and the development of the factory system (Thomas, 2019, p.28).

Great Britain and the city of Manchester were the birthplaces of the Revolution and the clothing sector. Sir Richard Arkwright, an English inventor, owned in 1790 almost two hundred mills throughout Manchester, which had become known as "Cottonopolis" (Thomas, 2019, p.28). Arkwright kicked off the Industrial Revolution, as Cottonopolis was the first significant manufacturing center worldwide, which enslaved workers (Thomas, 2019, p.18).

Into the brick-built factories, industrial workers were toiling away weaving textiles as machines worked, leading to massive productivity increases. Women and men became machine operators spending hours in the dimly lit factory rooms, carefully checking the materials, and then correcting mistakes and mechanisms (Brooks, 2015, p.56). In this way, the Industrial Revolution transformed not only cloth production but also had a notable impact on work patterns, which reformed social hierarchies. Each society is divided between two classes: the hard-working, wage-earning proletariat and the capitalist class of bourgeois (Brooks, 2015, p.57).

Textile factory-based system underpinned the eighteenth-century Revolution. With the primary concern of increasing profits, clothing manufacture played a pivotal role in driving forward global trade and capitalism in the eighteenth and nineteenth centuries. Generating goods in such vast quantities, whereas diminishing costs for cloth products, the apparel industry essentially facilitated exploitation (Brooks, 2015, p.5 & p.58). In other words, during the nineteenth-century Industrial Revolution began the Sweatshop culture. Vast volumes of

employees are hired by factories, offering cheap labour while working in unsafe conditions (Aishwariya, 2019).

Improvements in English textile manufacturing demonstrated the profitability of the factory system. Such developments rapidly affected the neighboring countries as English investment ideas spread all over Europe and moved across to North America. Gradually throughout the nineteenth century, factories would multiply out from New York, and cotton sales influenced the economic growth in the Southern States such as Georgia, Alabama, and Mississippi. Although the global North experienced economic development, Africa, Asia, and Latin America paid the price. Due to increased competition, local production in these areas declined, and their economic system relied on the import of raw materials in industrialized countries, such as England.

As the great colonial powers expanded overseas during the nineteenth century, new territories entered the capitalist mode of production. Little by little, all the societies came into one economic system (Brooks, 2015, pp.60-62).

## **1.2. From Global North to Global South**

The twentieth century was an age of fundamental changes for societies worldwide. In the early years of the century, North America and Western Europe's industrialized world faced an important development in the production and selling apparel sector. Department stores throughout America often took up entire city blocks and were retail important for the civil and economic life institutions. American retailing flourished throughout the 1930s (Thomas, 2019, p30; Brooks, 2015, p.64; Cline,2013, p 30).

A division emerged between workers who used to perform unskilled tasks and those who undertook managerial roles. Furthermore, as workers were paid adequate for life salaries, labour exploitation of the previous years was slackened, and the working day was shortened to eight hours. As a result, labourers' life was improved (Brooks, 2015, p. 64-65).

From the mass manufacturing of new clothing types, including jeans, factories turned their attention to uniforms and other wartime necessities during World War II (Thomas, 2019, p. 30). Nevertheless, after World War II, a global shift began to occur in manufacturing as Americans started to move out of the city centers. The mass migration of capital to the global South transformed the economic system in Asia, South America, the Middle East, and Africa. Increased wage levels in America and Europe forced clothing production to move out to the West Coast and down into the South, where costs were low. Therefore, fashion executives began to manufacture overseas, realizing the advantages of clothing production in these countries. As a result, these changes led to greater exploitation and accumulation of profits (Thomas, 2019, p.32; Brooks, 2015, p.66; Cline, 2013, p.43).

Hence, early clothing production regions, like the English city of Manchester, would weaken as they became uncompetitive. Apparel industries took off in the developing countries of the Global South, where governments raised manufacturing to modernize their economies. Working for long hours a day in the global South factories, people earned low wages that were usually not enough for covering their everyday needs (Brooks, 2015, p.67).

By the end of the 1950s, American textile production jobs started migrating from Manhattan to Queens, Brooklyn, as well as Pennsylvania and Chicago. New York's clothing manufacturing also expanded downtown, particularly to Chinatown. Obviously, the reason was economic, as real estate prices and labour were significantly cheaper (Thomas, 2019, p.31; Cline, 2013, p.46).

Moving into the 1970s, shopping cheaper had changed people's preferences. Clothing gained so much momentum that an individual status was determined from the clothes and the accessories he wore. People acquired more and more fabrics every season, and this was increasing throughout the century (Aishwariya, 2019; Cline, 2013, p.30).

Since 1962, textile trade patterns have primarily been structured by the Long-Term Agreement (LTA) concerning international trade in cotton clothing<sup>3</sup>. Almost ten years later, in 1974, the Multi-Fiber Arrangement (MFA) was established. North American and European governments first implemented the MFA in order to protect their textile production (Garwood, 2005). Similar to the LTA, the MFA aimed to control the clothing industries by limiting the quantity of clothing exports from developing countries into industrialized ones. Nevertheless, this restriction would implement only when the imports' number rose relatively high to pose a threat (Brooks, 2015, p.68; Cline, 2013, pp.51-52; Garwood, 2005). The MFA had a significant impact on the world's garment industry from 1974 until 2005. However, the Arrangement did little to restrict imports from the developing world<sup>4</sup>. Overseas factories were still more organized and have employed large numbers of workers. Garment industries in global South countries, such as Bangladesh, grew even more (Cline, 2013, pp.51-2).

As the world moved towards the age of technological advantages and the globalization of fashion intensified in the late 1980s, a new division of the clothing market emerged: *Fast fashion*, the production and promotion of cheap garments in vast amounts. Fast-fashion clothes lack quality and are made at lightning speed in factories to be sold to consumers through thousands of chain stores. Fast-fashion brands cut production costs and, in this way, keep their prices low (Aishwariya, 2019; Thomas, 2019, p.14; Anguelov, 2016, p.3; Bhardwaj & Fairhurst, 2010).

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<sup>3</sup> LTA was created under the auspices of the General Agreement on Tariffs and Trade (GATT).

<sup>4</sup> The trade was regulated by the MFA until the end of the Uruguay Round -a round of multilateral trade negotiations conducted within the GATT framework- (Wto.org., n.db).

The first hit of fast-fashion clothing was to be made in the developed world. Nevertheless, into the 1980s and '90s, famous brands, like Nike and Gap, began moving their production to foreign factories. Even in the early years of 'the phenomenon', Nike sneakers were made in Taiwan and Japan (Cline, 2013, p.52). In all cases, this movement's intention was the same: cheap labour that would offer great profits. In the late 1990s, a vast number of American apparel companies were accused of manufacturing in poverty-wage factories in Saipan, a small island between Hawaii and the Philippines, setting in the clothes 'Made in the U.S.A.' labels. Among these companies were popular brands, including Calvin Klein, Gap, Abercrombie & Fitch, as well as Polo Ralph Lauren, and Tommy Hilfiger (Thomas, 2019, p.43; Cline, 2013, p.127).

In 1994, the North American Free Trade Agreement (NAFTA) was signed (cbp.gov, 2014). The main purpose of NAFTA was to remove import barriers on clothing to the United States by eliminating most tariffs on trade between the U.S, Canada, and Mexico. NAFTA effectively cost thousands of jobs and pushed down wages for workers in the year following (Cline,2013,p.53).

### **1.3. Fast fashion: The "phenomenon"**

Billions of people all over the world buy clothes and accessories from famous brands daily. Trends change even faster today than decades ago, introducing new fashion seasons and increasing people's demands. This collective growth in demand for products is crucial for capitalism and the worldwide economy while eliminating the opportunity for crisis (Anguelov, 2016, p.1; Brooks, 2015, pp.235-236).

The fast-fashion industry has significantly evolved over the last years when its borders started to expand. Fashion retailers compete with others by responding rapidly to consumers' demands in the name of profits (Bhardwaj & Fairhurst, 2010). As a result, fashion-conscious consumers are exposed to designs and styles from retailers such as Zara, H&M, Mango, Top Shop, Gap, and many others (Bhardwaj & Fairhurst, 2010). Among these retailers, H&M and Zara have the highest brand value even today. Zara, for instance, is one of the world's largest fashion brands that in 2018 produced more than 450 million items (Thomas, 2019, p.11). The success key is that these brands offer a whole lifestyle, accessible to all, as items' prices are meager (Anguelov, 2016, p.19). In addition to this, the fact that fast-fashion's target audience is young-eighteen to twenty-four years old, as Thomas pointed out-, plays a vital role in the success (Thomas, 2019, p.39). Therefore, the fast-fashion industry combines at least three components: 1. a fashionable, 'cool' product design, 2. short production time, and 3. low prices. This combination forces cheap fashion to occupy a significant part of the retail market (Cline, 2013, p.34).

As noted previously, in chapter 1.2. (from global North to global South), the reality of low prices brings its costs. Manufacturers, trying to keep the clothing prices low (the term clothing

is used to cover the general industry of clothes, accessories, and footwear), minimize their production costs. This attempt is directly associated with social costs. Low prices for the items hide risks for the environment, as well as for the people that produce them (Anguelov, 2016, p.2).

Regarding environmental costs, the manufacture of those inexpensive textiles is responsible for air pollution, as it creates more toxic chemicals than any other industry. The most straight damage of apparel production is in water pollution levels, which in specific nations, such as China and Bangladesh, impact the entire ecosystem causing severe health problems to the citizens (Anguelov, 2016, p.176). In general, the ecological impact of the good's production for mass consumption is so great that it places the fast-fashion industry among the most harmful industries in the world.

A World Trade Organization (WTO) research demonstrates that Asian countries remain among the world's top clothing exporters. The International Labour Organization (ILO) shows that in 2016 within the Asian industry, more than 60 percent of manufacturing workers are employed in Bangladesh and more than 80 percent in Cambodia (Niebank, 2018, p.14). Moreover, China plays a dominant role in global clothing production and effectively drives national development (Brooks, 2015, p.6).

In this way, consumers worldwide enjoy a great range of clothing products, but sadly are complicit in a process that hurts many people living in the world's poorest places (Brooks, 2015, p.251). As production tasks in the clothing sector are undertaken in developing states, labor exploitation, violence, and health damages belong to the everyday lives of these fashion workers (Anguelov, 2016). Focusing on the industry's social costs, Chapter 3 will analyze the well-hidden reality of human rights abuses in the apparel sector.



## **Chapter 2: The Legal Framework**

The garment industry contributes significantly to the economic growth of societies worldwide. Developing countries in particular, rely on the profits of textile production to a large extent. In order to create a solid economic base for these manufacturing communities, the garment sector has to commit to upholding human rights standards. States and retailing companies have the responsibility to ensure that the fundamental rights of people who contribute to the clothing industry are protected and that this protection has the potential to transform their lives (Niebank, 2018).

Chapter 2 attempts to go through the international agenda of human rights standards that the garment supply chain must provide to those who work across all its points. Beginning with the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises, as well as the United Nations principles regarding business and human rights, the first subchapter focuses on the crucial role of the International Labour Organization (ILO). Additionally, it will briefly examine other international organizations that deal with workers' rights, whereas the second chapter's attention is paid to the broader list of labour standards. Therefore, subchapter 2.2 underlines labour rights issues and the most significant conventions drafted to protect them.

### **2.1. International Organizations & Human Rights at Work**

In 1976, the Organization for Economic Cooperation and Development (OECD) adopted a set of Guidelines regarding international human rights standards for multinational enterprises. As a non-binding instrument, the Guidelines play an essential role in promoting awareness of these multinational enterprises' standards. Including provisions relevant to the Universal Declaration of Human Rights (UDHR), the OECD Guidelines are recommendations to companies on how to conduct in areas, such as human rights, environment, and how to avoid engagement in exploitation (OECD Guidelines, 2000). A year later, in 1977, the International Labour Organization (ILO) adopted the Tripartite Declaration of Principles concerning Multinational Enterprises. Like the OECD Guidelines, the ILO Tripartite Declaration is influenced by the Universal Declaration (1948), and both were revised in the 2000s (OECD Guidelines, 2000).

The most recent revision of the Tripartite Declaration of Principles regarding Multinational Enterprises and Social Policy (MNE Declaration) was in March 2017 (ilo.org, n.de). This form of guidance is founded on international labour standards principles, as the governing body had taken into account the developments since the previous update (in 2006) (Governing Body of the International Labour Office, 2017). Hence, according to the MNE Declaration's general policies, all Members have an obligation to respect and promote human rights principles. More particularly, both governments, national and multinational enterprises should take adequate measures to prevent and abolish forced and child labour and promote equal opportunities and treatment in employment. Moreover, measures must be taken to ensure safety and health

standards, while enterprises should offer adequate wages and benefits to the workers. Finally, the MNE Declaration states that workers should have the right to establish and join organizations. In case of business-related human rights abuses, governments should take appropriate steps to ensure that workers have access to an effective remedy (Governing Body of the International Labour Office, 2017, pp.7-15).

It is clear that the OECD Guidelines and the MNE Declaration give governments and companies a comprehensive list of advice on businesses and corporate social responsibility. In addition to these efforts, more recently, in June 2011, the United Nations Human Rights Council approved the *United Nations Guiding Principles on Business and Human Rights* (UNGPs), which can also encourage governments and businesses on their responsibilities (Niebank, 2018; Sánchez Caldentey, 2018; U.N., 2011). These Guiding Principles apply to all States and to all business enterprises, which have a duty to carry out human rights across their operations, including in their supply chains (Sánchez Caldentey, 2018; U.N., 2011).

In general, the International Labour Organization (ILO) contribution was and continues to be remarkable for protecting and improving workers' rights. Founded in 1919, the ILO became the first specialized U.N. agency that seeks the promotion of internationally recognized human and labour rights (Islam & McPhail, 2011; Hall, 2000; OECD Guidelines, 2000). To achieve its purpose, the ILO works with states, employees and employer associations, NGOs, as well as with other human rights partners (Islam & McPhail, 2011).

Among the essential ILO declarations was the Declaration adopted in 1998, embracing the Fundamental Principles and Rights at Work, representing the Universal Declaration of Human Rights. Thus, the 1998 ILO Declaration highlights the following four essential workplace rights:

1. Freedom of association and the right to collective bargaining
2. The extinction of all forms of forced or compulsory labour
3. The effective eradication of child labour
4. The elimination of discrimination in the workplace

These rights are universal values, and they apply to all people in all States (Islam & McPhail, 2011; Hall, 2000; ilo.org, n.dd). In addition to ILO Declarations and the variety of International Conventions that met labour standards (see subchapter 2.2), social and labour provisions related to workers' rights are included in increasing free trade agreements and local economic integration regulations. Free trade agreements have been particularly affected by the Declaration on Fundamental Principles and Rights at Work (1998) and ILO Conventions (see 2.2). An indicative example is the North American Free Trade Agreement (NAFTA), signed in 1992 (ilo.org, n.d.c).

## **2.2. Human Rights Standards in the Workplace**



Nowadays, in our globalized societies, human rights standards implemented in the workplace are vital for ensuring that global economic growth benefits everyone. Since 1919, the International Labour Organization has developed an internationally recognized set of labour standards. First and foremost, these standards refer to the development of people as human beings. As work is part of everyday life, people's dignity and development are directly linked with the protection of labour rights (ilo.org, n.da; Minney, 2017, p.21).

Human rights in the workplace respond to various challenges faced by workers (ilo.org, n.dg). In other words, they emerge from an increasing international concern that actions need to be taken to stop workplace abuses and improve working conditions. For the development of the ILO labour standards agenda, representatives of governments, workers, and employers cooperate through a legislative process (ilo.org, n.db). This section concisely presents the procedures followed for the creation of international labour standards. More specifically, the procedures of ratifying a convention are introduced, while attention is paid to the subjects covered by international labour standards. Nevertheless, this part does not cover the full scope of labour standards all companies can have but rather describe fundamental human rights standards, which we will examine broadly in chapter 3 as the most violated in the fast-fashion industry.

As previously mentioned, international labour standards have been the principal mechanisms through which the ILO has acted since its establishment. They are primarily tools that advise governments to draft and implement labour law in their countries (ilo.org, n.dc). International labour standards take the form of Conventions- international treaties that bind the member States which ratify them -or Recommendations- non-binding guiding principles for national policy (ILO, 2014, p.1; ilo.org, n.df). Conventions and Recommendations are drawn up by governments' representatives, employers, and workers, and they are approved at the International Labour Conference. Similar to the procedure followed in other international conventions, once a standard is adopted, member States are required to submit it to their responsible authority for consideration (ratification in the case of conventions). Once a state has ratified a convention or a protocol, it is expected to apply it in the national law and practice (Hall, 2000; ilo.org, n.db; n.dc; n.df). Moreover, it has the constitutional obligation to report its application regularly (ILO, 2014, p.1; ilo.org, n.df). Nevertheless, some countries decide not to ratify a convention but only adjust their legislation with its provisions (ilo.org, n.dc).

From 1919 until today, there are 190 ILO Conventions, 206 Recommendations, and 6 Protocols. To deal with the fact that some of these instruments no longer correspond to today's reality, the ILO revises the older Conventions or adopts Protocols, which supplement the older conventions (ilo.org, n.db).

Among the whole number of Conventions, the ILO Governing Body has identified eight "fundamental" of them. These Conventions cover subjects that are considered to be fundamental rights at work:

- ❖ freedom of association and the effective recognition of the right to collective

bargaining (Conventions No.87 and 98)

- ❖ the elimination of all forms of forced or compulsory labour (Conventions No.29 and 105)
- ❖ the effective abolition of child labour (Conventions No.138 and 182)
- ❖ and equal remuneration and the elimination of discrimination in employment (Conventions No.100 and 111)

The International Labour Organization strongly encourages all member states to ratify the "core" conventions that cover these underlying principles, analyzed below (ilo.org, n.d.f; Hall, 2000). Alongside the four critical subjects covered by international labour standards, it is essential to examine other human rights issues that clothing companies have an obligation to provide through their operations. However, unfortunately, they are systematically violated (see chapter 3).

### 1. Freedom of Association & the Right to Collective Bargaining

The right to freedom of association is at the centre of international labour standards. The right to form and regulate workers' organizations is recognized as an essential need for collective bargaining and social dialogue. It is a prerequisite to ensuring that workers can claim and defend their rights (Sánchez Caldentey, 2018; ilo.org, n.dh). According to the OECD Guidelines, companies should respect the right of workers to join trade organizations, as well as to have representative organizations of their choice. In this way, enterprises recognize the employees' right to collective bargaining (OECD Guidelines, 2000, p.35).

International legal instruments typically protect workers' right to establish unions. The Universal Declaration of Human Rights in article 20(1) declares, '*everyone has the right to freedom of peaceful assembly and association*'. Besides, Article 23(4) notes that everyone has the right to form and join trade unions to protect his interests (Sánchez Caldentey, 2018; Hall, 2000; ilo.org, n.dh; United Nations, 1948, art. 20.1; art. 23.4). Finally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) on article 8 states that the Member States undertake to ensure the right of everyone to form and join trade unions with no limitations, except those prescribed by law (Hall, 2000; United Nations, Treaty Series, vol.993, art. 8).

The principle of freedom of association is also enshrined in ILO's instruments, including the ILO Constitution (1919), the ILO Declaration of Philadelphia (1944), and the 1998 Declaration concerning the fundamental principles and rights at work (Sánchez Caldentey, 2018; ilo.org, n.dh). Earlier in this section it was pointed out that the right of freedom of association and collective bargaining belongs to the main subjects covered by international labour standards, thus it is preserved under two fundamental ILO Conventions. ILO Conventions No. 87 and No. 98 impose a duty on state parties to guarantee workers' right to decide and form independent trade unions without governmental interference (Hall, 2000).

The fundamental Convention No. 87, or otherwise known as the ‘Freedom of Association and Protection of the Right to Organise Convention’, declares in articles 2 and 5 that workers and employers, without distinction, shall have the right to authorize and participate in organizations, federations or confederations. Additionally, article 11 states that the ILO Member States for which this Convention is in force undertakes appropriate measures to ensure this right is freely exercised (Co87). Concerning the ‘Right to Organise and Collective Bargaining Convention’, workers shall enjoy sufficient protection against acts of anti-union discrimination (art. 1.1) and any acts of interference by each other (art. 2.1) (Co98; ilo.org, n.dh). Other ILO Conventions referring to the human right of freedom of association are the ‘Workers’ Representatives Convention’ (No. 135), the ‘Rural Workers’ Organizations Convention’ (No. 141), and the ‘Labour Relations Convention’, which applies to public services (No. 151).

## 2. Equal Remuneration & Non-Discrimination in Employment

According to ILO, discrimination in employment and occupation is an evolving phenomenon. Many people, particularly women, have restricted access to specific occupations and training and receive low wages based on their sex, colour, religion, and nationality. Even today, women usually earn lower wages than men, whereas they face unequal treatment regarding their capabilities (ilo.org, n.dk). Workers have the fundamental right to freely choose their job and claim their wages according to their skills. Enterprises should, therefore, bring equality in the workplace and not discriminate against their workers. They are required to provide equal training and similar development opportunities for workers (OECD Guidelines, 2000, p.35). The principle of non-discrimination is both enshrined in the Universal Declaration of Human Rights (United Nations, 1948, art. 2; art. 23.2) and the International Covenant on Economic, Social, and Cultural Rights (United Nations, Treaty Series, vol. 993, art. 3; art.7(a); Hall, 2000).

The ILO Conventions No. 100 and No. 111 provide adequate protection to women against any practice of discrimination. First of all, the term remuneration is defined as ‘*the ordinary, basic or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment*’ (ILO, 2014, p.33; ilo.org, n.dk). Thus, the ‘Equal Remuneration Convention’ binds the State Parties to apply the specific principle to all men and women (C100, art. 2.1). Subsequently, the ‘Discrimination (Employment and Occupation) Convention’ of 1958 covers discrimination regarding access to education and training and access to employment and specific occupations (C111, art. 1; ILO, 2014, p.35).

## 3. Forced or Compulsory Labour

We determine forced or compulsory labour as “*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered her or*

*himself voluntarily"* (ILO, 2014, p.19; Co29). The obligation of all companies to implement measures and practices intended to eliminate all forms of forced or compulsory labour, constitutes the core principle of the 'Forced Labour Convention' and its Protocol, while is enshrined in the "Abolition of Forced Labour Convention" (OECD Guidelines, 2000, p.35).

The 'Forced Labour Convention' of 1930 belongs to the eight fundamentals of ILO. It indicates that each ratifying Member "*undertakes to suppress the use of forced or compulsory labour in all its forms*" (Co29, art.1.1). Besides that, the 2014 legally binding 'Protocol on Forced Labour' tries to advance the protection and prevention standards by limiting all forms of compulsory labour, including trafficking (ilo.org, n.di), and by emphasizing that all States shall cooperate for this purpose (Po29, art.5). Similar provisions are contained in the 'Abolition of Forced Labour Convention', which on article 1 specifies the cases under which a Member state is prohibited to impose any type of forced labour (C105, art.1).

#### 4. Child Labour

Child labour constitutes a violation of fundamental human rights. It is a significant blow to a person's childhood, as it damages children's development and provokes both physical and psychological trauma. Usually, child labour is directly associated with family poverty and the need for obtaining an additional income. ILO data demonstrate that child labour avoidance could bring economic and social benefits in developing countries (ilo.org, n.dj). Social benefits refer to the general improvement of school services, which is crucial for children's life. Article 10(3) of the ICESCR recognizes that young persons must be protected from economic exploitation and from performing work dangerous for their life (United Nations, Treaty Series, vol. 993, art. 10.3). Furthermore, the prohibition of child labour is clearly stated in the International Convention on the Rights of the Child, in which children under article 32(1) are protected from work harmful to their physical and mental health (United Nations, Treaty Series, vol. 1577, art.32.1).

The most precise international instruments on combating child labour are the ILO Conventions regarding the minimum age for admission to employment (C138) and the prohibition of the worst forms of child labour (C182). The first designates the general minimum age for admission to work at 15 years, 13 years for light work, and 18 years or 16 under certain conditions for hazardous work (C138, art.2.3; ILO, 2014, p.21; ilo.org, n.dj). Additionally, article 2 of Convention No.182, pertains "*for the purposes of this Convention, the term child shall apply to all persons under the age of 18*" (C182, art.2), and article 3 represents the worst forms of child labour, including all forms of slavery, and forced children's recruitment for illicit activities (C182, art.3).

#### 5. Wages

Wages belong to the working factors that directly affect a person's everyday life. Sufficient

wages provide people and families with the necessities of life. Despite the significance of salaries, workers have not received them in certain countries, whereas access to regular wages is not guaranteed (ilo.org, n.dl).

Universal Declaration of Human Rights (UDHR) points out in article 23(3) the following: *'Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection'* (United Nations, 1948, art. 23.3; Hall, 2000). Besides that, the ICESCR provides everyone with the right to work, and as a result, gain his living (article 6.1), as well as requires countries to ensure equal remuneration for work of equal value without any distinction (United Nations, Treaty Series, vol. 993, art.7.1; Hall, 2000).

The ILO marks a living wage as a vital human right, as do both the international instruments mentioned above (Sánchez Caldentey, 2018). It mainly holds an extensive archive of wage Conventions and Recommendations of which the following concern the clothing industry (International Labour Office, 2014):

- ❖ Protection of Wages Convention, 1949 (No. 95) and Recommendation, 1949 (No. 85)
- ❖ Minimum Wage Fixing Convention, 1970 (No. 131) and Recommendation, 1970 (No. 135)
- ❖ Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) and Recommendation, 1992 (No. 180)

Initially, Convention No. 95 and its accompanying Recommendation No. 85 specify the method and way of the payment of wages to provide the most outstanding possible protection to workers (International Labor Office, 2014, p.14). At this point, *'wages payable in money shall be paid only in legal tender, and payment'* (Co95, art. 3.1; ilo.org, n.dl). About Convention No. 131 supports that member States have *'to establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate'* (C131, art. 1.1; International Labor Office, 2014, p.13; ilo.org, n.dl). According to the International Labour Organization Minimum Wage Policy Guide (2016), the minimum wage aims to support workers against unduly low pay (ILO, 2016). Finally, Convention No. 173 introduces provisions on wage protection *'in cases of the insolvency or closing down of an enterprise'* (International Labor Office, 2014, p.14).

## 6. Working Time

Working time is among the oldest labour standards. From the nineteenth century, it was recognized that working excessive hours harms worker's physical and mental health (ilo.org, n.dm). At international level, the labour standard of working time is enshrined both in the Universal Declaration of Human Rights (UDHR) and in the fundamental Covenant on Economic Social and Cultural Rights (ICESCR). Article 24 of the UDHR pertains to

everyone's right to rest and leisure and states that working hours should be limited for this purpose (United Nations, 1948, art. 24). Almost identical content includes article 7 of ICESCR, which binds ratifying States to acknowledge worker's right to rest, and holidays (United Nations, Treaty Series, vol. 993, art. 7; Hall, 2000).

Today, ILO taking into account worker's well-being, has included in its legal instruments the framework for regulated hours of work, rest periods, and annual holidays. In this way, ILO ensures that safeguarding worker's health guarantees high productivity (ilo.org, n.dm). The most applicable ILO Conventions and Recommendations on working hours to the garment industry are the following:

#### Working hours, weekly break, and paid holiday

- ❖ Hours of Work (Industry) Convention, 1919 (No. 1)
- ❖ Weekly Rest (Industry) Convention, 1921 (No. 14)
- ❖ Forty-Hour Week Convention, 1935 (No. 47)
- ❖ Holidays with Pay Convention (Revised), 1970 (No. 132)
- ❖ Reduction of Hours of Work Recommendation, 1962 (No. 116)

#### Night work

- ❖ Night Work Convention, 1990 (No. 171) and its Recommendation, 1990 (No. 178)

As early as 1919, the 8-hour day and 48-hour maximum work principle were introduced internationally by the 'Hours of Work (Industry) Convention'. The general standard that every seven days workers shall enjoy a rest period of at least 24 consecutive hours has pertained in the 'Weekly Rest (Industry) Convention' and Convention No. 106 applying to commercial and office activities. Alongside, the 'Night Work Convention' indicates that *'each work performed for not less than seven consecutive hours, including the interval from midnight to 5 am'* considers night work (ilo.org, n.dm). Nevertheless, it should be clarified that this Convention does not apply to those employed in fishing, maritime transportation, agriculture, stock raising, and inland shipping (ILO, 2014, p.102; International Labour Office, 2014). Finally, one additional convention, whose content is necessary for the garment sector, is Convention No.175 concerning part-time work. This legal instrument protects part-time workers, providing them with a basic wage, social security, and safe working conditions (ilo.org, n.dm).

In general, working hours are often correlated with the type of activity, gender, and age. International Labor Office data illustrate that several apparel production countries in the Global South, such as India, Pakistan, and Bangladesh, have no universal limitation on working hours. However, these are differentiated according to the region and working task (International Labor Office, 2014). More specific examples of working time abuses will be explored in chapter 3.

## 7. Occupational Safety and Health



As noted earlier (labour standards on working time), enterprises considering workers' well-being have to avoid extensive working hours. Worker's health and safety should be a key concern for businesses. The rule that workers must be protected from illness, infection, and injury stemming from their employment, is covered by international legal instruments, including U.N. conventions and ILO Constitution (ilo.org, n.dn).

Article 7 of the ICESCR highlights the duty of member States to acknowledge *'the right of everyone to the enjoyment of just and favourable conditions of work'* that ensure *'safe and healthy working conditions'*. Besides that, States have the responsibility to act for the creation of working conditions *'that would assure all medical service and medical attention in the event of sickness'* (United Nations, Treaty Series, vol. 993, art. 7; art. 12). International work standards on Occupational Safety and Health are also represented in a substantial number of conventions. Indicatively we can refer to the most recent 'Promotional Framework for Occupational Safety and Health Convention' of 2006 (No. 187), the 'Occupational Safety and Health Convention' of 1981 (No. 155) and its Protocol of 2002, as well as the 'Occupational Health Services Convention' (No. 161). All three of them stress the governments' obligation to adopt a coherent national occupational safety and health policy. Furthermore, the Protocol calls for establishing a recording procedure of occupational accidents and diseases and the publication of related annual statistics (ilo.org, n.dn). Other ILO Conventions on the same issue specify their content on the necessary safety that must be provided for environmental dangers, for example. Some instances include the 'Working Environment (Air Pollution, Noise, and Vibration) Convention' and the 'Chemicals Convention'.

## 8. Social Security

The Universal Declaration of Human Rights article 22 designates that everyone has the right to social security (United Nations, 1948, art. 22). Moreover, under the ICESCR, all people are entitled to social security, including social insurance (United Nations, Treaty Series, vol. 993, art. 9).

Social security is a universal human right, protecting people from life risks and ensuring social needs, such as income and health benefits. Societies with adequate provision of social protection contribute to reducing inequality, the prevention of poverty, and thus to the promotion of human dignity. Social security is guaranteed through the workers' access to healthcare, protection of illnesses and injuries, and income security in cases of maternity, family responsibilities, and retirement. In other words, social security contributes to workers' prosperity as it promotes access to nutrition, education, goods, and services necessary for life. A society with residents who enjoy all these goods is a society that can lead to economic growth and maintain a stable workforce for employers and employees (ilo.org, n.do).

The ILO presents conventions and recommendations which cover the international labour standards framework on social security, supporting that each country has to develop a national

social security system. Therefore, it provides several benefit options for protecting the population of social dangers, giving the world's regions human rights-based guidance (ilo.org, n.do).

Convention No. 102 (Social Security (Minimum Standards) Convention) sets out the following principal branches of social security: medical care, sickness, unemployment, old age, employment injury, family, maternity, invalidity and survivors' benefits. Of all these branches, the Convention gives nations the possibility of ratification by accepting at least three of them. The level of wages in each country determines the level of minimum benefits (ilo.org, n.do).

Ten years later, in 1962, ILO adopted the 'Equality of Treatment (Social Security) Convention'. Like Convention No. 102, each member State may accept one or more branches of social security. The branches covered by this Convention are the same as those in the previous one (C118, art.2). Last but not least, together with Convention No. 118, the 'Maintenance of Social Security Rights Convention' indicates migrants workers' social security rights and benefits, as this particular category of workers usually faces the problem of losing entitlements to these rights (ilo.org, n.do).

## 9. Migrant Workers

Throughout history, people migrate for a variety of reasons. As countries face globalization, unemployment and poverty, mainly in developing countries, force the population to seek work elsewhere. In the industrialized Global North, the demand for unskilled labour has increased, so that millions of workers and their families leave their home countries and travel to places where they could join the workforce (ilo.org, n.dp).

Efforts to manage migrant workers' needs have been made by international organizations, especially in recent years. The 'International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families' adopted by the General Assembly in 1990 guarantees migrant workers' rights through a significant number of articles that cover the majority of labour standards. Defining on Part I the categories of people protected under the Convention, this international instrument clarifies that migrant workers should be treated without distinction and have to enjoy all the rights provided to native workers. These rights include protection against violence, physical injury (art.16), inhuman treatment (art.10), and forced or compulsory labour (art.11) (A/RES/45/158).

ILO standards on migration present mechanisms for both countries of origin and destination to guarantee labour rights for this vulnerable category of workers. Thus, 'Migration for Employment Convention' requires ratifying states to facilitate international migration for employment by offering free information services. Moreover, it embodies provisions on medical care, freedom of association, and social security for migrant workers. Additional measures for combating illegal migration and respecting the fundamental human rights of all



migrant workers are included in ‘Migrant Workers (Supplementary Provisions) Convention’ No. 143 (ilo.org, n.dp).

Consequently, a broad list of international instruments exists for protecting worker’s rights. However, the relevant international conventions bind only the States which ratify them, whereas “soft law” instruments, such as guidelines, are not legally binding. This is why, for millions of workers, the reality is very different, and human rights abuses in the fast-fashion industry are prevalent.

### **Chapter 3: Human Rights in a High-Risk Industry**

In 1909, about 20,000 New York City garment workers went on strike, demanding better pay and working conditions at their jobs. Many of them were teenage girls who worked thirteen-hour shifts without days off and earned about \$6 a week. Beatings, imprisonment, and even shots were some of the strike's results (Cline, 2013, p.124). To what extent have things changed today?

Fast-fashion is one of the most profitable industries worldwide. The continuous increase in garment exports is directly linked to the economic development of industrialized nations and the financial dependence of developing countries in the global South. A global division of labour characterizes the clothing sector. While the science-based steps (including design, logistics, etc.) are mainly located in the global North, the manufacturing processes are situated in the global South, with Asian countries at the top (Niebank, 2018).

As Dana Thomas indicates in her book "Fashionopolis", fashion employs one out of six people globally, making it the most labour-intensive industry (Thomas, 2019, p.15). From the workers' perspective, the impact of their participation in apparel production is twofold. On the one hand, the garment industry provides households with an income, whereas on the other intensifies workers' vulnerability (Niebank, 2018; Minney, 2017, p.21). Despite the responsibility of companies and governments to guarantee that fundamental human rights are protected across all points of the supply chain, the reality is extremely different. Human rights violations in apparel enterprises have been rising in the international community over the last decades. Civil society organizations, the ILO specialists, as well as human rights activists, have documented a large number of human rights infringements associated with the textile sector, while global campaigns publicly criticize several high profile companies involved in workers' exploitation (Sánchez Caldentey, 2018; Brooks, 2015, p.28).

The clothing industry employs millions of people worldwide, a large majority of whom are women and children (Niebank, 2018). Three-quarters of the global garment industry workforce are low-skilled female workers, whereas in Cambodia, for instance, 80.8 percent of the garment workforce are women (Brooks, 2015, pp.14-15). Although it is illegal, millions of vulnerable people are trapped in slavery through forced or bonded labour and work long hours in insecure conditions. Labour rights abuses also concern wage issues, freedom of association, and inhuman treatment (Niebank, 2018; Minney, 2017, p.10; Cline, 2013, p.152; Leslie, 2002). Therefore, in places where people suffer from poverty, where there is a high prevalence of migrant or precarious labour, discrimination, or where governments are either unwilling or cannot regulate working conditions, human rights abuses dominate (Minney, 2017, p.22).

From the date of the United Nations Guiding Principles adoption (UNGPs), in 2011 to spring 2018, over 80 percent of the accusations of violations by European textile companies concerned extraterritorial human rights violations. The most significant number of accusations of abuse

were recorded in Asia, closely followed by Europe, the Middle East, North Africa, and South America (Sánchez Caldentey, 2018). Today, as the Covid-19 crisis hits the world, millions of workers in the garment sector in countries such as Bangladesh, and Cambodia, struggle to cope with the effects of the pandemic (ILO & Better Work, 2020).

In the next section, the human rights risks that are widespread within the fast-fashion industry are examined in an attempt to illustrate the effects of our acquisitive desires and the government gaps on rights-holders. This chapter specifically focuses on the primary producing countries, introducing examples from Bangladesh, Cambodia, and China to ascertain how international labour standards are adopted into clothing factories, the so-called "sweatshops".

### **3.1. Unions and the Garment Industry**

Workers will be able to strive for their rights, claim a living wage and better working conditions only when they are united. The right to freedom to organize and join a union characterizes basic human business practices. Workers should have the capability to establish trade unions in the workplace and demand systems that prevent inequality and inhuman treatment (Minney, 2017, p.42). For the clothing sector, the presence of trade unions has been a contentious issue, as global policy-making institutions and factory owners were historically reluctant to allow the formation of trade associations. Therefore, fast-fashion workers in developing countries are usually left powerless by a lack of workplace representation (Alamgir & Alakavuklar, 2018; Minney, 2017, p.30; Siddiqui & Uddin, 2016). At the peak of that, attempting to create or take part in a union can lead to workers losing their jobs.

Collective bargaining in the apparel industry varies considerably between regions and countries. Unlike Europe, where it is generally well-established, collective bargaining coverage is significantly lower in clothing and footwear production countries such as Indonesia, Thailand, and the Philippines (International Labor Office, 2014).

In Bangalore, India, there are about 1,500 garment factories, employing around 500,000 workers, according to Minney's book of 2017. None of these workers had signed a collective-bargaining agreement with a trade union, until three years ago (Minney, 2017, p.46). Considering that India, even though it has not ratified core ILO Conventions No. 87 & 98, has acceded to the ICESCR, which on art. 8 recognizes the workers' right to establish and participate in a trade union, the country certainly violates this provision. Workers in Indian clothing factories are deprived of their right to negotiate decent conditions in the workplace, adequate living wages, and regular working hours.

Trade unions in Bangladesh, one of the world's largest producer of clothing, are divided into three categories: (i) a factory-based union; (ii) a sectoral level-based union (e.g. garment industrial union); and (iii) the national union of federations (Alamgir & Alakavuklar, 2018). National legislation guarantees the right of freedom of association and the right to collective

bargaining. In fact the 2013 national report submitted to the Universal Periodic Review (UPR) indicates that there is no obstacle in setting up trade unions in the garment sector according to the 2006 Labour Act (A/HRC/WG.6/16/BGD/1). However, in order to establish a trade union in a business belonging to the apparel sector, the owners' permission is required (Matsuura A. & Teng C., 2020; Brunn & Scherf, 2017). Owners of clothing enterprises had long practiced this discretion by impeding any attempt to form a union through strict repression, dismissal, and assault by hooligans hired by them (Siddiqui & Uddin, 2016). Hence, in practice, only a tiny percentage (about 10 percent) of Bangladesh's 4,500 registered garment factories are unionized (Brunn & Scherf, 2017). Union leaders have faced intimidation, physical attacks, and false criminal complaints by factory officials (Brunn & Scherf, 2017; Siddiqui & Uddin, 2016). According to research conducted in 2020, women are not often represented among union members. Fearing a possible dismissal, they hesitate to negotiate issues that concern them with factory owners (Matsuura A. & Teng C., 2020; Alamgir & Alakavuklar, 2018). Thus, considering that Bangladesh has ratified the ILO Conventions on freedom of association (Co87) and collective bargaining (Co98), it seems that clothing enterprises do not meet their obligations.

Another important apparel manufacturer, Cambodia, has remained limited in the scope of collective bargaining. The sole trade union until the mid-1990s remained the state-controlled Cambodian Federation of Trade Unions (CAFTU). Among the thirty-two garment unions registered in 1998, only three were truly independent of government or factory managers (Hall, 2000).

In 1997, workers of the Sam Han factory tried to register their union. Nevertheless, when informed of their attempt, factory officials fired the union's leader and brought armed police into the workers' dormitory to threaten those who supported the union's members. Similar practices of intimidation and physical abuse by police against striker workers also happened in 1998 at several factories, including U-Kong, Inkang, Benching, and Lepy. The threat of violence does not always discourage workers from voicing their grievances (Hall, 2000).

It is clear that garment workers in most production countries are deprived of the fundamental right of freedom of association. Protests to demand humane working conditions often end with the intervention of the police, who do not hesitate to show brutality. Threats from factory executives create a sense of fear and anxiety that by not compromising with their enforcement will lead to losing their jobs. Even in the case of Cambodia, which in 1999 ratified the ILO Conventions No.87 and No.98, the reality was very different. There are significant hurdles placed in the workers' struggle to organize an independent trade union in practice.

### **3.2. Equality of Treatment**

Gender inequality and discrimination practices in the workplace are proven to be incredibly profitable for businesses. As women cover most of the workforce in the clothing industry,

multinational enterprises rely on the disadvantaged position of women in developing countries (Garwood, 2005). Women factory workers are employed due to socio-economic and structural reasons, as the gender-based policy has constituted the apparel industry. These features are combined to emerge women as the most-disadvantaged workers, the most affected by human rights impacts group. Hence, women's discrimination in garment-producing countries makes them particularly vulnerable to exploitation and abuse, one of the main reasons women give for leaving their jobs (Alamgir & Alakavuklar, 2018; Niebank, 2018; Minney, 2017, p.42).

Discrimination based on sex is the most frequent form of discrimination in the garment industry. Although most garment workers are female, there is regularly a gender division in tasks. Young women often occupy lower-paid positions because of employers' assumptions regarding women's patience in dealing with repetitive tasks (Gibbs et al., 2019; Brooks, 2015, p.27; International Labor Office, 2014; Garwood, 2005). Thus, tasks like loading and unloading materials are more likely to be performed by men, while women primarily undertake static clothing production. Additionally, management positions are overwhelmingly male, whereas claiming such positions by women is, if not impossible, very rare. As Brooks eventually states, '*Work in garment factories is a classic example of global patriarchy*' (Brooks, 2015, pp.27-28).

Even though the principle of non-discrimination stands out in all the provisions of the 'Convention on the Elimination of All Forms of Discrimination against Women' (CEDAW) (United Nations, Treaty Series, vol. 1249), the majority of manufacturing countries seems indifferent to its implementation. In 2017 women's employment in the garment factories reached 36.4 percent in Bangladesh, while this rate was 20.8 in India and 21.9 per cent in Pakistan (Matsuura A. & Teng C., 2020, p.2). Bangladeshi women workers are often young and unmarried and have moved from rural areas to work. Most of them, employed in the production sector, working as dressmakers, receive low pay, and have highly insecure employment. In contrast, men are primarily supervisors because they assume that they can be stricter, exert more power, and handle the stress of achieving production targets (Matsuura A. & Teng C., 2020; Gibbs et al., 2019). Nevertheless, over the years, changes prove that slightly more women undertook officer roles in 2018 than in 2010 (Matsuura A. & Teng C., 2020, p.15).

Bangladesh has acceded to the CEDAW in 1984 and has also ratified Conventions No.100 and No.111 concerning equal remuneration and discrimination, respectively. Nonetheless, women are treated as second-class citizens, they do not enjoy equal labour rights, and the country violates its obligations systematically (Minney, 2017, p.108).

Continuing with the areas where inequalities are found in fast-fashion factories, excessive working hours, low wages, and unsafe for pregnant women conditions constitute typical human rights violations. Weak collective bargaining opportunities, and various forms of abuse and harassment, are still present, placing women workers among the most vulnerable categories

(International Labor Office, 2014).

Women's wages are another critical issue that illustrates gender inequalities. Factory managers prefer to employ young women, perceiving them as cheap labour. Women are frequently paid less than men, while informally employed individuals cannot have social security benefits (Niebank, 2018; Leslie, 2002). As the International Labour Office reports, a 2012 World Bank study proved that after the Multi Fibre Arrangement (MFA) phase, women's salaries in the clothing industry in Cambodia and Sri Lanka were dropped immediately (International Labor Office, 2014, p.19) (see Subchapter 3.7 for wage inequalities). Finally, although Cambodia, as a Member State of the *ASEAN Human Rights Declaration*, is responsible for treating all people equally without any distinction (Association of Southeast Asian Nations, 2012), it systematically ignores this Declaration's provisions and continues discriminating against female workers.

### *3.2.1. Discrimination against migrant workers*

The right to freedom from discrimination in the workplace concerns a wide range of vulnerable social groups. The 'International Convention on the Elimination of All Forms of Racial Discrimination' clarifies in article 5 that States Parties are responsible for guaranteeing civil rights to everyone without distinction. More particularly, paragraphs (i) and (ii) of this article indicate that everyone has the right to work, and freely choose his employment, to earn equal pay, as well as to establish and join trade unions (United Nations, Treaty Series, vol. 660, art.5).

In our case, the workforce in garment factories consists to a large extent of migrant and refugee workers, who often move to the capital where there are more job opportunities (Sánchez Caldentey, 2018). For example, in Chinese garment production, workers at almost all the points, from bosses to sewing-machine operators, are migrants (Cline, 2013, p.144). It is also estimated that female migrant workers outnumber men, as in general, the garment sector employs great numbers of young girls. Taking into account that most migrant workers have temporal status, they are particularly exposed to various forms of compulsory labour (Niebank, 2018). Racist attacks and exploitation due to lack of correct documentation are also among the violations of migrant workers' rights (Minney, 2017, p.43). Furthermore, employers and recruitment brokers may withhold their passports, while the right to collective bargaining is mainly restricted by contracts (Niebank, 2018).

Considering the country's slow progress on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as presented in the 2018 national report (A/HRC/WG.6/31/CHN/1), numerous recommendations were made by States during the 2018 UPR interactive dialogue. More specifically, many States push China to sign and ratify this specific Convention and implement comprehensive laws that protect persons from marginalized groups (A/HRC/40/6).

It is also worth noting that in many countries, discriminatory standards concerning women migrant workers are usually supported also by public authorities. A characteristic example is Thailand, where pregnancy testing is a necessary process to obtain a work permit, and as a result, women are sometimes led to abortions (Niebank, 2018).

Consequently, migrant workers in the clothing industry do not enjoy basic human rights, including the right to social security, freedom of association, and the fundamental right to work in safe conditions. Their pay is not equal for equal work, and cruel practices, especially against women, are common phenomena.

### *3.2.2. Mistreatment*

In combination with other factors, including pregnancy, informal employee status contributes to short female careers and periodic replacement (Alamgir & Alakavuklar, 2018; Niebank, 2018). In Bangladesh, pressure against pregnant women is a common phenomenon. As managers want to produce more and more garments, they sometimes compel pregnant women to leave their jobs. If women cannot cope with tasks quickly during pregnancy, supervisors verbally abuse them (Matsuura A. & Teng C., 2020). Maternity protection is embodied in ILO instruments in an effort to guarantee health and security measures to women during their pregnancy and after becoming mothers. More particularly, over time, ILO has tried to provide maternity protection in the workplace by adopting three Conventions. The most contemporary of them was approved in 2000 (Maternity Protection Convention, No. 183), expanding the protection scope (ilo.org, n.dq). Sadly, none of these conventions has been ratified neither by Bangladesh nor by other major garment-production countries. Besides that, considering the country's accession in the 'Convention on the Elimination of All Forms of Discrimination Against Women', the Bangladeshi garment-factories violate article 11, including maternity protection in the workplace well (United Nations, Treaty Series, vol. 1249, art.11).

Inhuman treatment, verbal and physical abuse violates fundamental human rights. Workplace violence has a significant impact on mental and physical health for workers who experience or witness it. Speaking about violence, we refer to bodily abuse, such as hitting, to sexual harassment, but also emotional and verbal abuse (Gibbs et al., 2019). In the fast-fashion industry, all these types of inhuman treatment have been documented within the factories, where the age-gender hierarchy is dominated. The majority of cases of abuse are committed by male supervisors who often use abusive language or make inappropriate sexual advances (Gibbs et al., 2019; Niebank, 2018; Minney, 2017, p.81). Men use their power over women, intimidate them, and women are forced to be silent (Minney, 2017, p.81).

*'It is disappointing that supervisors indirectly force workers to quit their job if they become pregnant or of [an advanced] age. [...] During my last pregnancy, I asked the manager to reduce my workload since it was affecting my health. The manager didn't even hear my request and made me resign. I was really hurt by this and decided to end my career in the*

*garment [sector].’ -Bangladeshi women working in the garment sector (Matsuura A. & Teng C., 2020, p.32)*

Although there is no specific prohibition on sexual harassment in CEDAW, ILO adopted on June 21, 2019, a new treaty to protect women from violence in the workplace. Both the ILO ‘Convention on Violence and Harassment’ and its non-binding recommendation set out actions to preserve workers’ abusive practices. Although the Convention (No. 190) recognizes that both women and men can be victims or perpetrators of abuse, it is noticed that gender-based violence and harassment disproportionately affect girls and women (ILO & Better Work, 2020, p.3). Ratifying member States shall recognize everyone’s right ‘to a world of work free from violence and harassment’ (C190, art. 4.1), implementing specific measures. Unfortunately, today this convention is not in force in any state.

*‘My line manager made sexual advances, and after two years I couldn’t stand it any more and left, losing all my benefits’ - Seema, a garment worker in India (Minney, 2017, p.91)*

In some countries, like Bangladesh, India, and Cambodia, women workers in garment factories are treated by managers and security guards in such an abusive manner (Hall, 2000; Sánchez Caldentey, 2018). In fact, the current crisis of COVID-19 has exacerbated the risks of gender-based violence due to the health status and stigma concerning the illness (ILO & Better Work, 2020). Therefore, the formation of effective mechanisms and policies within the workplace could enhance the women’s need to be heard and eventually provide non-discriminative working conditions. Otherwise, gender inequality in the fast-fashion industry will remain a severe issue in the global South’s clothing manufacturing countries.

### **3.3. Forced and Bonded Labour**

Although the international legal community universally condemns any coercive work, ILO studies show that people are still subjected to it (ilo.org, n.di). Forced labour is a form of modern slavery, which is still present in some parts of Africa, many countries of Latin America, in parts of the Caribbean, and other world regions. In most cases, people are forced to work through threats and violence (ilo.org, n.di; Minney, 2017, p.12 & p.85). In the garment industry, the reasons for coercive forms of labour are found in the businesses’ pressure to keep production costs low. Those most affected are clothing workers, including women and children, who do not often have permanent contracts, work for long hours, and earn low wages. Among those are also migrant workers, who are trapped far from their home, without any protection (Niebank, 2018; Minney, 2017, p.12).

In China, the major apparel production country, forced labour within garment factories is expressed through excessive overtime work. As well-known fashion brands require orders in a pretty limited time, workers strive to deliver on time, working in some extreme cases from 7.30 am to 2.00, or 3.00 am, with just a small break for sleep (Minney, 2017, p.49) Through



excessive working hours and the fear of punishment, garment workers are victims of forced labour. Although the previous section (chapter 2) underlines that ILO has adopted two core conventions on preventing forced labour (Co29 & C105), China has not ratified any of them. In fact, during the UPR third cycle the country accepted repeated recommendations of the States to ratify the ILO Convention No.29 and its 2014 Protocol (A/HRC/40/6).

Almost similar characteristics are also found in bonded labour. In many cases, people become bonded workers because they need money to pay off their loans or fall into debt. Thus, in an attempt to repay it, they accept to work for free (Minney, 2017, p.12). Bonded labour is illegal, yet in countries where poverty affects people's livelihood, the government rarely enforces the law and punishes the perpetrators (Minney, 2017, p.55). In Cambodia, young girls are forced to pay bribes to the so-called "employment brokers". Employment brokers are men security guards employed by factories, like Sum Heng factory, to hire new workers in the provinces. Using suitable language, these guards convince families to allow their children to travel to Phnom Penh and earn an adequate income. Nevertheless, catching the job means paying a fee, and as rural families have no money for this purpose, the brokers lend them in exchange for a promissory note. Usually, this promissory note holds the family land as collateral for this loan. Therefore, even though Cambodia, through its ratification of Conventions No.29 and No.105, is responsible for setting out measures to prevent any type of coercive or bonded labour in clothing factories, forced labour still violates workers' rights (Hall, 2000).

Kausar, a 24-years old boy, has been a quality inspector at a garment factory in Bangladesh for four years. As in most garment workers in Bangladesh, Kausar is a victim of forced labour though it is called 'excessive' overtime (Minney, 2017, p.85). He works 77 hours a week with just two days off a month. *'Even in an emergency, if a family member is very sick, it is very difficult to get a day off even if we plead. We have no choice. It is a regular practice. We don't want this life'* -Kausar, 24 (Minney, 2017, p.88). Even though the Constitution of Bangladesh prohibits forced labour (Brunn & Scherf, 2017), and the country has ratified the ILO core Conventions on the prohibition of coercive labour, factory managers know how to hide these practices. Excessive working hours, involuntary overtime, and inadequate breaks harm workers' physical and psychological health.

### **3.4. Child Labour**

Child labour remains widespread in garment manufacturing. Approximately 16.7 million children work in South Asia, and that nearly 10.3 million are under 15 (Niebank, 2018, p.22). These great numbers of the children's engagement in clothing production is a consequence of financial factors from both the families and the industry's side. As in women's case, children constitute cheap labour because their wages are meager. Besides that, from the family's perspective, children instead of going to school, they participate in clothing manufacturing, contributing significantly to household income (Niebank, 2018; Nielsen, 2005). More particularly, in rural areas, the restricted job opportunities for adults play an essential role in

the parents' decision to let their children work, while in urban areas, the low wages are paid to parents are insufficient for their family's needs (Minney, 2017, p.71).

In the fast-fashion industry, children are employed in sectors where they are untraceable and invisible. The terrible working conditions within the clothing factories have a disproportionately higher impact on children's physical and mental development. Work deprives children of their childhood of the opportunity to attend a school or the chance to play. The most innocent years are traumatized from long working hours in an unsuitable environment, characterized by poor lighting and serious dangers (Nielsen, 2005; Niebank, 2018; Minney, 2017, p.44 & p.71).

*'When I was six, I came to Dhaka with my brother. We lived with my cousin, and I studied until I was 12. But my parents became unwell, so I had no choice but to start working. I went to the factory where my brother was already working. When I started work, the wages were very small, only 1,400 taka (\$17) per month. Now I earn 6,250 taka (\$79) per month; there is no overtime in our factory'* (Minney, 2017, p.72). This testimony illustrates why Mukta, a 15 years old girl, left school and started working in the apparel sector. As she states, moving to Dhaka (Bangladesh) at the age of 12, and working in a factory, was the only way to help her family.

Child labour in Bangladesh remains rampant in smaller factories, regulated by several laws and ordinances (Brunn & Scherf, 2017; Nielsen, 2005). Especially between the age of 16 and 18, children are allowed to work in a garment factory, but legally no more than five hours (Minney, 2017, p.71). Regarding the context of the country's deep poverty, the flawed educational system, and the general absence of day-care options, child labour constitutes a one-way option for some households. Moreover, the proportion of young boys and girls working in the industry is more significant for female children, as in adult workers (Nielsen, 2005).

In an attempt to eliminate child labour in the garment sector of Bangladesh, the International Labour Organization established a monitoring verification system. Eventually, in July 1995, the clothing industry's president of Bangladesh, a member of the Bangladeshi parliament, the officer in charge of UNICEF/Bangladesh, and the ILO's Dhaka Area Office signed a Memorandum Of Understanding. According to this agreement, all children under fourteen transferred from the clothing factories to schools with financial assistance. Although the agreement seemed to have positive results in the first six years of its adoption, there are some dispute and criticisms over the accuracy of the numbers of children that were really helped (Islam & McPhail, 2011). Moreover, even though the country signaled in its 2018 national report, submitted in the context of Universal Periodic review, that the garment sector is free from child labour (A/HRC/WG.6/30/BGD/1), several recommendations were made by the states to strengthen Bangladesh the existing law, and take strong measures to combat child labour (A/HRC/39/12). It should even be pointed out that the government of Bangladesh has pledged to reduce child labour by 2025 (A/HRC/WG.6/30/BGD/1).

Like many Asian clothing-manufacturing countries, including China and India, Bangladesh was late to ratify ILO conventions on child labour. Notably, the country has ratified only Convention No.182 regarding the prohibition of the worst forms of child labour in 2001. Consequently, the engagement of children in the Bangladeshi garment sector shows that the country violates article 32 of the Convention of the Rights of the Child, which protects youths from performing a job, as well as article 10 of the International Covenant on Economic, Social and Cultural Rights which safeguards children from economic exploitation. Bangladesh ratified both legal instruments in 1990 and 1998, respectively.

### **3.5. Factory Conditions: Health and Safety in the Workplace**

The health and safety of people employed in the garment manufacturing sector is an issue that requires attention. The International Labour Organization (ILO) has established measures that have been taken on occupational safety and health, although they are not considered among the 'core' labour standards. As in most working sectors, export-oriented garment factories hide their own risks, which may sometimes be highly threatening for their workers' lives. Workers' well-being can be damaged by several health anxieties caused by excessive working hours, inadequate equipment, defective building structure, as well as verbal and physical abuse. These perils intensified due to the lack of trade unions and labour voices (De Neve & Prentice, 2017).

The pressure caused by production demands and overtime is responsible for the daily exhaustion of workers and continuous anxiety. Besides that, the fear of punishment and dismissal, if they do not complete the orders in a short time, causes psychological disorders that often stigmatize the majority of workers. On the other hand, static bodily positions, the lack of adequate water supply, and vision problems due to low lighting within the garment production rooms manifest themselves over the years in the workers' bodies as musculoskeletal pain, eyestrain, and other physical severe harms. Such chronic assaults damage workers' health and undermine family life, as the low wages they get cannot improve it (Brunn & Scherf, 2017; De Neve & Prentice, 2017; Minney, 2017, p.23).

Another precarious for garment workers' health issue constitutes the environmental risks at various stages of the supply chain. During the fibres' and textiles' processing, hazardous chemical substances are produced, increasing air pollution and provoke skin irritation, respiratory problems, and serious infections (Niebank, 2018; Brunn & Scherf, 2017). A 2012 report of the *Clean Clothes Campaign* named '*Deadly Denim: Sandblasting in the Bangladesh Garment Industry*' showed that garment workers were exposed to silica dust by mechanical sandblasting, performed in an unsafe factory environment without effective respiratory protective equipment. Nevertheless, this report was not enough to drive manufacturing companies to elucidate whether sandblasting continued within their supply chains (Hobson, 2013).

As it is evident through our examination of labour rights in the apparel industry, Bangladesh

constitutes a typical example of human rights violations. This happens not only because the country is among the largest export-oriented fast-fashion industries but also because during the 20th and 21st centuries, catastrophic industrial disasters brought to light the garment-producing building's structural unsafety. The crucial outcome of the tenacious neglect of workers' safety includes frequent factory fires and building collapses throughout the Asian states (Thomas, 2019, p.15; De Neve & Prentice, 2017). Infractions, such as locked doors missing fire exits, and dangerous wiring, are the causes behind the injuries and deaths of many hundreds of Bangladeshi garment workers between 2006 and 2012 (Thomas, 2019, p. 55 & p.60). Additional causes for factory fires include poorly kept flammable materials, overloaded electrical systems, as well as the workers' unawareness of how to exit the building (Brunn & Scherf, 2017).

Questions about the safety of buildings in Bangladesh emerged particularly after 2013 and the catastrophic Rana Plaza collapse. Although signs concerning the structurally unsound factories have appeared both in 2002 and 2010 factory accidents, they went ignored. In Dhaka, the capital of Bangladesh, clothing factories were frequently built swiftly with substandard materials, while additional floors were constructed illegally beyond the safe capacity of the buildings (Brunn & Scherf, 2017). In 2002, such indifference about safe working conditions resulted in a factory collapse in Dhaka and a factory fire at Ha-Meem Group factory (north of Dhaka). Sixty-four and twenty-seven workers were killed, respectively, while even more were injured. Both of these factories produced clothes for two 'fashion giants', for Inditex - the company that owns Zara - and for Gap (Cline, 2013, p.127). At this point, it should also be mentioned that in the 2013 Universal Periodic Review (UPR) the government of Bangladesh agreed to take specific legislative measures to improve occupational health and safety (A/HRC/WG.6/16/BGD/1). This country's statement is included in the national report submitted in February 2013, and in April of the same year the Rana Plaza tragedy was a fact. So, Bangladesh continued to receive recommendations from the States during the interactive dialogue of 2018 UPR, in order to reinforce measures combating unsafe and unhealthy working conditions (A/HRC/39/12). All the above in combination with the Bangladesh's declaration on the ICESCR that the government will apply article 7 - includes a provision on the right to safe working conditions- in compliance with the country's legislation, as well as its non-ratification on ILO Conventions concerning occupational safety and health, demonstrate the country's inability and unwillingness to protect workers (Siddiqui & Uddin, 2016).

In Cambodia, few garment factories offer basic medical facilities and remuneration for sick or injured employees. Hygiene measures are not set out, whereas, in practice, workers use filthy and overcrowded toilet facilities. Moreover, in some factories, rules are implemented for restricted toilet breaks, as in the case of the Ukon factory, where if a worker uses the toilet more than twice in a 9-hour shift, he is automatically fined \$1 (Hall, 2000). As a ratifying member-state of ICESCR, Cambodia violated articles 7(b) and 12 concerning a safe and hygienic working environment.

Today, the Covid-19 pandemic has increased the risks of infection within the garment factories due to the lack of preventive measures such as physical distancing between workstations. Moreover, as many workers move from the provinces to the capital city for work using public transportation, they are more vulnerable to infection from the disease (ILO & Better Work, 2020). Therefore, women and men working in clothing manufacturing are permanently exposed to dangers.

### **3.6. Excessive Working Hours**

As mentioned previously, working in garment factories is particularly demanding and takes longer than legal hours. According to Convention No.1 of the International Labour Organization, the legal limit of working hours is 48 hours per week and 8 hours per day, while when the overtime is being paid, the maximum limit of a working week can reach 60 hours. Nonetheless, major clothing-production countries, including China, have not ratified the Convention (Niebank, 2018; International Labor Office, 2014). Tight deadlines, which are directly linked to ever-increasing competition, and inadequate training of workers, have done excessive overtime to become necessary (Niebank, 2018; Minney, 2017, p.47; Cline, 2013, p.128).

Overtime in the garment sector is mainly involuntary and, in some cases, unpaid. Under the threat of dismissal, and as wages are lower than the minimum limit, workers are forced to work even 16 hours a day to feed themselves and their families. The absence of breaks for rest and work on Sundays also prevail, increasing the workers' exhaustion and the psychological pressure they experience (Minney, 2017, p.47 & p.85).

In Cambodian garment factories, extreme working hours are a common phenomenon. In 1997, workers at Quality Factory were working for 13 to 15 hours a day, whereas the management officers were forcing them to sign 'voluntary' overtime requests. In case they refused to sign or failed to work overtime whenever management required it, they faced punishment or loss of a job. Like many garment factories in Cambodia, the Quality demanded their employees to work 7 days a week, with no day-off on Sundays (Hall, 2000). Under these working conditions, workers' mental and physical health were at risk, although Cambodia had a responsibility under article 7(d) of the ICESCR (which was ratified in 1992) to recognize *'the right of everyone to enjoy rest, leisure, and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public health'* (United Nations, Treaty Series, vol. 993, art. 7.d). In fact, at some extreme cases, like Lucky Sweater, factory, workers were locked within the factories by guards, who closed the doors preventing the workers from leaving until the mandatory overtime was completed (Hall, 2000).

Studies of the International Labour Office have shown that overtime is also associated with wage levels. A great proportion of garment workers have to work overtime to gain wages adequate to ensure their livelihood. Consequently, fatigue has affected workplace productivity,



the risk for occupation accidents is doubled, and workers' well-being is enduringly at stake (International Labor Office, 2014).

### **3.7. Wage Issues**

After a working week, workers should be able to receive a living wage to cover basic needs, including food, water, shelter, clothing, medical care, education, and a small amount of savings for emergency cases (Sánchez Caldentey, 2018; Minney, 2017, p.104; Cline, 2013, p.124). The ICESCR specifies in article 11(1) that the ratifying states shall ensure to everyone *'the right to an adequate standard of living for himself and his family'* (United Nations, Treaty Series, vol. 993, art. 11.1). This provision can only be secured if countries and industries provide workers with a living wage. The ILO Minimum Wage Policy Guide of 2016 indicates that workers must be paid for work performed during a specific period, an amount of money, that cannot be reduced by collective agreement or an individual contract, so-called minimum wage (ILO, 2016). An employer is legally obliged to pay workers a minimum wage, which is, therefore, a policy adopted to protect workers against extremely low pay and control inequalities in the workplace (Minney, 2017, p.45; ILO, 2016).

Across much of the clothing sector, workers' wages are insufficient to live, forcing workers to excessive overtime (Sánchez Caldentey, 2018; International Labor Office, 2014; Cline, 2013, p.123). Virtually, compared to other sectors, such as food or furniture, wages in the garment factories may even fall below the legal minimum wage, as unscrupulous companies ignore the law (Minney, 2017, p.44; Leslie, 2002). ILO data shows that the average monthly wages of apparel workers in major Asian production states, such as Bangladesh, Cambodia, China, India, Indonesia, and Pakistan, are less than \$200 (US). Minimum wage levels vary among the countries, while earnings are notably higher for men than women, as gender inequalities prevail in the industry (Niebank, 2018; International Labor Office, 2014; Luebker, 2014). A research study of the International Labor Office also proves that salaries are often delayed to be given to garment workers, overtime is performed at the overwhelming majority of clothing factories, and companies do not usually pay social security contributions (International Labor Office, 2014, p.15).

A 2014 Research from the ILO Regional Office for Asia and the Pacific provides a brief overview of minimum wages for the top apparel exporters in the developing world. First of all, the results of this research demonstrate that many states differentiate minimum wages according to the industry and the skill grade. In Pakistan and Cambodia, the highest minimum wage applicable to unskilled garment workers is almost \$100 per month, whereas, in Bangladesh, this rate is less than \$100 per month and about \$50. China is moving at the same levels, providing monthly minimum wages between \$150 and over \$200 in the lowest and highest rates, respectively. Finally, the Republic of Korea stands out through this 2014 ILO examination, as the country offers the highest minimum wage to unskilled garment workers, a little bit more than \$1000 per month (Luebker, 2014). Thus, it is evident that these payments

are not enough to cover human necessities and do not correspond to living wages (Niebank, 2018).

Another important issue about the clothing industry's salaries is the employment of part-time workers. To save costs, enterprises maximize informal workers who are not usually covered by national wage legislation. This practice is widespread in the fashion industry of China, India, as well as Brazil, whereas Cambodia has adopted specific national legislation on part-time work to protect workers from unequal treatment and human rights violations (Leslie, 2002; International Labor Office, 2014).

Because of high competition among suppliers, wages in clothes production are highly flexible, increasing workers' vulnerability and exploitation (Niebank, 2018). Some of the top producers in the world, such as India, Pakistan, Cambodia, Bangladesh, and Sri Lanka, give workers the lowest minimum wages in the fast-fashion industry, and as a result, infringe fundamental human rights (International Labor Office, 2014). An insufficient wage deprives of workers the right to education, adequate food, clothing, housing, and the right to improve living conditions (United Nations, Treaty Series, vol. 993, articles 13 & 11). Therefore, these data reveal the reason fast-fashion clothes production has moved to the global South. Nonetheless, as Cline pointed out, the reality is that *'clothing companies' profits are so high that brands could afford to raise wages significantly without passing the cost on to consumers'* (Cline, 2013, p.137).

### **3.8. Social Benefits**

So far, international efforts to improve social security benefits in the workplace have not been proved sufficient. In fact, despite the ILO's attempts to ensure workers' protection at a social level, including sickness and injury protection, as well as old-age benefits, the relevant aforementioned Asian states have not ratified the ILO's Social Security Convention No. 102. Even in countries where domestic legislation is directly linked to this Convention's provisions, workers in garment production factories fall into social security rights violations (Niebank, 2018).

The International Labour Organization figures that 71 percent of the world's population have no access to adequate social protection (ILO & Better Work, 2020, p.2). The most usually violated human rights governing social protection within the clothing-manufacturing workplace include maternity-based discrimination and informal contracts during recruitment policies and lack of health-care protection. Even though international law protects pregnant workers by providing them with maternity leave pay, managers force women to resign to avoid this cost. The issue of social protection in cases of work-based injuries is another area of examination. As garment workers have essentially short-term contracts or work irregularly, they do not receive any compensation that must be given for workplace damages (Niebank, 2018; Siddiqui & Uddin, 2016). Virtually, although particularly serious disasters of clothing factories in the developing world have caused irreparable mental and physical trauma to their

workers, managers of the companies and government have shown little interest. Until today, there are workers-survivors of these disasters who have not received financial compensation, not even medical care.

*“The government officials work for the country, and they get pensions and other services, but I have contributed to the development of my county for ten long years and brought money from abroad, then why am I not getting any pension or health care facilities?” - Former Bangladeshi garment worker/ women (Matsuura A. & Teng C., 2020, p.25)*

To sum up this chapter, research conducted between 1990 and 2007 demonstrated how famous brands contain into their codes of conduct fundamental human rights standards. The list of multinational retail companies examined included fashion 'giants', such as the Adidas Group, Nike, Puma, Marks & Spencer, H&M, and the well-known Inditex group. Although the headquarters of these companies are located either in European countries or in the USA, production factories are placed in Asia, especially in China, Bangladesh, Cambodia, Pakistan, India, Vietnam, and Sri Lanka. According to the study's results, almost all of the 2007 social responsibility codes of conduct of these retail companies contained a commitment to the core ILO human rights standards (freedom of association, elimination of forced and child labour, elimination of all forms of discriminations, providing safe working conditions). In general, despite their efforts to address all types of human rights within their annual reports, freedom of association is under-supported (Islam & McPhail, 2011). Taking into account the overall conditions within the fast-fashion factories in the developing world, where these companies produce their clothes, it seems that the ILO's standards have taken on the form of soft law (Islam & McPhail, 2011).

Finally, while researchers confirm rampant human rights violations in the fast-fashion industry, and international human rights law recognizes the right to an effective remedy, rights-holders face several obstacles to access judicial remedy mechanisms for abuses in the garment sector (Niebank, 2018). The problem is, as Anguelov remarks, that there is a lack of agreement regarding human standards in the workplace. Essentially, what western nations consider "sweatshop" conditions- a factory violates labour law- most developing nations see as normal working conditions (Anguelov, 2016, p.184).



## Chapter 4: Case Studies

It has been made clear through chapter 3 that garment production in the fast-fashion industry occurs in developing countries, where labour is cheap. Domestic law does not agree with international labour standards in these states, resulting in workers' rights abuses (Sánchez Caldentey, 2018).

Unavoidably, discussions about human rights violations within the garment-production factories begin with shocking industrial disasters in the sector's history, particularly with the Rana Plaza factory collapse in Bangladesh, in the spring of 2013 (Niebank, 2018). Although the Rana Plaza case is the deadliest clothing industry disaster, other incidents caused irreparable psychological and physical trauma to employees during the 20th and 21st century. Chapter 4 will focus on cases that particularly shocked local communities and brought to light the fast-fashion industry's well-hidden side. More specifically, the following subchapters will examine garment production-based events in three Asian countries, India, Pakistan and Bangladesh. The first case analyzes the *Sumangali Scheme*, an illegal forced labour practice, while two factory disasters cases constitute the field of study in Pakistan and Bangladesh.

### 4.1 The *Sumangali Scheme*

The garment industry is one of the most well-developed economic sectors in India. After farming, the apparel industry is the second most crucial business, employing over 35 million people, according to 2012 surveys. Clothing production in the Indian territory is developed through various processes, including spinning, weaving, knitting, and garment manufacturing. It also uses a variety of materials, like cotton, wool, silk, and other several synthetic fibres (Solidaridad, 2012, p.1).

In southern India, the Tamil Nadu state plays a significant role in garment manufacturing for both the Indian clothing industry and famous global brands. Among others, H&M, Marks & Spencer, S.Oliver, Diesel, Inditex, Old Navy (GAP), Timberland, Tommy Hilfiger, and Primark belong to the fast-fashion supply chains that source their products from Tamil Nadu's apparel industry (Solidaridad, 2012).

The garment industry in Tamil Nadu has been criticized for exploiting young female workers under the *Sumangali Scheme*. The *Sumangali Scheme* emerged in the late 1980s and is known by several names in the South Indian textile sector (Minney, 2017, p.65; Solidaridad, 2012). In the Tamil language, 'Sumangali' means 'happily married woman', a meaning that arose from the socioeconomic reasons that forced rural families to send their daughters to work. More particularly, *Sumangali* gives parents, especially from poor backgrounds and low-caste families, the opportunity to earn money by signing up their daughters in a factory for working. As parents struggle to ensure sufficient money to get their daughters married off, the *Sumangali Scheme* offers the chance to employ girls who had little education and limited employment

opportunities in their villages. Girls employed under Sumangali are often as young as 14 (child labour), and their preference over men is associated with higher levels of women's adaptability in repetitive tasks compared to men (Minney, 2017, p.65; Solidaridad, 2012). Additionally, women are more willing than men to accept temporary contracts and low wages, which keeps the industry's costs low (Solidaridad, 2012).

Under the Sumangali Scheme, all women workers' rights are violated. First of all, in the majority of cases, workers do not sign any written contract. They are employed and receive monthly payments rather than legal wages, where these salaries are less than stipulated regarding minimum wage levels. In general, women workers under Sumangali are often hired in clothing production facilities for two or three years and get a lump sum amount in the range of around 25,000 to 50,000 rupees (\$500 to \$1000). These stipends are paid to the young women workers or their parents for their marriage. Social security benefits, like the Provident Fund (PF) and Employee State Insurance (ESI), are not provided at all (Minney, 2017, p.65; Solidaridad, 2012).

Once young girls are recruited, they start working at a mill several kilometres away from their families. They have to live in a hotel, and visits from family members or even communication with them are restricted. Additionally, there is no independent access to the outside world, and talks with parents in front of the factory managers are prohibited. Women are forced to work 12 working hours (typical shift) which sometimes extends up to 15. Unpaid overtime is, as in the majority of garment factories, common (Minney, 2017, p.65; Solidaridad, 2012).

From the time workers enter the factory, the gates are locked, and they cannot get out. The overall working conditions are characterized as significantly unsafe. High heat, humidity, and the monotony of repetitive work under the noise from the machines are considered the most likely cause for illnesses and work accidents. In addition to these features that make garment factories and mills in Tamil Nadu, particularly hazardous, verbal abuse and sexual harassment are also reported, provoking psychological trauma that afflicts the victims for their whole life.

Surveys show that parents usually are convinced by brokers to send their daughters for work supporting the Sumangali Scheme. Therefore, except for compulsory labour, which is performed with forced overtime and excessive late night shifts, some data prove aspects of bonded labour (Minney, 2017, p.65 & p.66; Solidaridad, 2012).

Sumangali is illegal by Indian law (Minney, 2017, p.66) and has been criticized by the international community for labour rights violations, which are evident from what has been mentioned in this section. Workers employed under the Scheme have little awareness of their rights, and their limited contact with the outside world also infringes their fundamental right of freedom of movement (United Nations, Treaty Series, vol. 999, art.12; United Nations, 1948, art.13). Unsurprisingly India has ratified international conventions that protect workers from such exploitation, including the Convention on the Rights of the Child (CRC), Convention on

the Elimination of All Forms of Racial Discrimination against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Nevertheless, these conventions are simply ignored in the textile and clothing factories in this region of India.

Various initiatives have identified the problems highlighted, such as the Anti-Slavery International, the Fair Wear Foundation, and the Centre for Research on Multinational Corporations (SOMO). Furthermore, there has been much discussion by critical stakeholders in this specific sector in Tamil Nadu to understand better the practices developed under Sumangali. Therefore, a corrective action plan is needed to eradicate these working standards from the apparel industry (Solidaridad, 2012).

#### ***4.2 Ali Enterprises factory fire***

As in most cases, the economy in Pakistan is heavily dependent on the textile and clothing industry. The country has attracted buyers from the European Union and the United States, who take advantage of the low labour costs in the developing states. Workers who contribute to the garment production sector and offer their skills in exchange for very cheap earnings do not enjoy fundamental labour rights within the workplace. The working environment is characterized by poor, unhealthy, and hazardous conditions, without any protective equipment. Trade union rights are usually violated, and employees live in fear of being fired for complaining. All these violations are reflected in the following case of a Pakistani garment factory that caused many workers to lose their lives (SOMO & CCC, 2013).

In September 2012 a fire broke out at the *Ali Enterprises factory* in Karachi, Pakistan. Ali Enterprises is a private company. The factory owned by the company manufactured denim, woven, knitted clothes, and clothes that were exported mainly to the European and US markets. About 1.200 to 1.500 workers were hired by Ali Enterprises and got involved in a wide range of factory activities such as cutting, stitching, washing, pressing, finishing, and packaging products (Hobson, 2013; SOMO & CCC, 2013). The majority of workers belonged to low-income families and lived in Orangi Town, a Karachi neighborhood, although many of them came from far-away regions (SOMO & CCC, 2013). In contrast to the company's high profits, workers, among them children, received monthly payments between \$52 and \$104. These earnings connected with high working pressure and overtime, as a production capacity corresponded to 10.000 garments a day (Hobson, 2013; SOMO & CCC, 2013, p.21).

On 11 September 2012, a catastrophic fire erupted when a boiler exploded at the factory and killed almost 300 workers (Sánchez Caldentey, 2018; Hobson, 2013; SOMO & CCC, 2013, p.21). Some of them, who were into the factory, were burnt alive, while others died of suffocation when the flames ignited stored chemicals. Thousands were injured.

The reason behind this high death toll has been attributed to the fact that exit doors were locked, windows were barred with metal bars, and workers were trapped in the factory as it was tough

to escape. Besides that, there was no fire alarm, and the fabric store room, which could be the only escape exit for the workers in the basement, was where the fire broke out. In an effort to escape, many workers jumped from the top floors, and consequently, they were suffering severe fractures in the body. Other victims were hurt by third-degree burns (Hobson, 2013; SOMO & CCC, 2013).

Identifying the dead workers showed additional obstacles as many of them had no contract of employment. Kik, a German retailer and the factory's main client, announced that the affected families would receive compensation of \$500,000 in total (about \$1,930 per victim) (SOMO & CCC, 2013, p.35). Nonetheless, according to the Pakistan Institute of Labour Education and Research (PILER) and other civic organizations, this compensation plan was particularly inadequate. In January of the same year, PILER declared that it had signed a Memorandum with the factory concerning a sufficient payment for the deceased and the injured. However, until 2013 research conducted by the Centre for Research on Multinational Corporations (SOMO) and the Clean Clothes Campaign (CCC), some families still expected compensation (SOMO & CCC, 2013).

Three years after the tragedy, in 2015, survivors and victims' relatives, with the support of the European Center for Constitutional and Human Rights, and Medico International, filed a civil lawsuit against Kik in a German court in Dortmund. Kik declared that it was responsible for growing Pakistani garment manufacturing into a significant company and that it conducted regular reviews proved that the factory guaranteed all the protective measures. Hence, it denied responsibility for the fire. The plaintiffs argued that the brand shared liability for the tragedy and asked for 30,000 euros per victim in compensation. In January 2019, the court dismissed the case, finding that it had exceeded the statute limitations (ECCHR, 2021, p.1).

The Ali Enterprises factory's case illustrates the inability of both Pakistan's government and corporate actors to ensure a safe working environment where human rights are respected. Even though laws exist at both regional and international levels, Pakistan failed to enforce them, and clothing companies do not act adequately upon safety risks (SOMO & CCC, 2013).

### ***4.3 'Made in Bangladesh'***

Bangladesh belongs to the most populated garment-production countries in South Asia. The country's clothing export industry was born in the late 1970s, after the war of independence from Pakistan, and flourished under the Multi Fibre Arrangement (MFA). The MFA established Bangladesh as the second-largest supplier of fast-fashion clothes after China, acquiring access to North American and European markets (Thomas, 2019, pp.53-54; Brunn & Scherf, 2017; Cline, 2013, p.157). Even though the MFA period lasted until 2004, the Bangladeshi apparel industry continued to grow and face a period of remarkable growth in the last decade (Brunn & Scherf, 2017; Nielsen, 2005).

The fast-fashion industry in Bangladesh is characterized by cheap labour and fast production methods. In 2013 clothing factories employed more than around three million workers (Cline, 2013, p.155; SOMO & CCC, 2013; Islam & McPhail, 2011), whereas, in 2018, this number reached the peak of 40 million (Thomas, 2019, p.54). As with every Asian garment factory, young women make up the majority of the workforce in Bangladesh. These workers depend on the apparel sector to support their households even with very low wages (Thomas, 2019, p.54; SOMO & CCC, 2013). Dhaka, the capital of Bangladesh, gathers the most significant number of factories and is gradually becoming a significantly important place for foreign investment. H&M, Lee, Esprit, Wrangler, Disney, and Nike, all these and many other famous brands manufacture their products in Bangladesh (Cline, 2013, p.155).

Unsurprisingly, the human rights situation in Bangladesh is deplorable and has worsened further due to the government's weakness to enforce laws (Siddiqui & Uddin, 2016). Hence, the apparel industry is defined by exploitative functioning conditions, including continuous working hours, precarious health and safety standards, as well as anti-union actions (Thomas, 2019, p.54; Brunn & Scherf, 2017). Simultaneously, several fatal factory incidents have stigmatized the garment sector, including repeated factory fires and building collapses. These catastrophic events have cost the lives of thousands of workers, underlining the consequences of one of the most threatening global industries (Brunn & Scherf, 2017; Hobson, 2013). Therefore, this subchapter will first examine two common examples of factory fires in Bangladesh and then focus on the most lethal case of the Rana Plaza collapse.

Although the Rana Plaza tragedy is the most publicized case, it is not the only one that marked the fast-fashion sector in Bangladesh. In December 2010, *That's It Sportswear*, a ten-story garment factory outside Dhaka, caught fire. The factory manufactured clothes for leading global brands, such as Tommy Hilfiger and Gap (Thomas, 2019, p.55). Two years later, in autumn 2012, a horrific fire broke out at the *Tazreen Fashions* factory, which was located in Ashulia, Dhaka, and produced apparel for well-known retailers, including Kik, C&A, and Walmart. The scene was similar in both cases and familiar, considering the fire at Ali Enterprises factory in Pakistan (Thomas, 2019; Siddiqui & Uddin, 2016; SOMO & CCC, 2013, p.56). Locked doors were the reason behind twenty-nine deaths and more than one hundred injured at *That's It Sportswear*. Instead, although the fire alarm sounded at Tazreen Factory, supervisors' orders to stay workers on their tasks prevented them from escaping. At least 300 families were affected by this fire, as about 100 workers were confirmed dead, and 200 were injured (Thomas, 2019; Siddiqui & Uddin, 2016; SOMO & CCC, 2013, p.56).

The most detrimental incident of workers exploitation in modern history was the fatal collapse of the Rana Plaza apparel factory in a suburb of Dhaka, Bangladesh. In 2006, Sohel Rana and his father (the Ranas) built a six-story compound, consisting of garment factories, shops, and a bank. The construction process arose fast, using cheap materials without taking into account the safety codes. In 2011 the Ranas decided to build two additional floors in one of these buildings, called Rana Plaza, to increase the area and further develop its economic activities.



Rana Plaza contained several clothing-production floors manufactured for fast-fashion companies such as the British chain Primark, Italian Benetton, and the American J.C. Penney's, among the others (Sánchez Caldentey, 2018; Anguelov, 2016, p.45; Siddiqui & Uddin, 2016; Brooks, 2015, p.28; Hobson, 2013; McCarthy, 2013).

On 24 April 2013, the eight-story factory dropped resulted in the loss of over 1.100 lives and about 2.500 serious injuries, most of whom were women and children (Alamgir & Alakavuklar, 2018; Sánchez Caldentey, 2018; Minney, 2017, p.15; Anguelov, 2016, p.45; Siddiqui & Uddin, 2016; Brooks, 2015, p.28; International Labor Office, 2014). One day before the collapse, the media showed footage of cracks on the building walls, which were provoked by an explosion, according to workers. Although some shops and the bank were immediately closed, managers and owners assured workers that the damage was not something serious and forced them to continue working (Aishwariya, 2019; Thomas, 2019; Siddiqui & Uddin, 2016; Hobson, 2013).

Visibility around safety standards, issues of inequality, and exploitation in Rana Plaza raised in the aftermath of the disaster. Workers received inferior wages that forced them to enter the factory the day of the collapse, although they knew about the unsafety of the building (Anguelov, 2016, p.45; Brooks, 2015, p.28; Hobson, 2013). As Akter Rojina, a sewer's assistant earned just \$65 per month, pointed out, '*We entered the factory because we needed to be paid. But the government should have overseen the construction of Rana Plaza; it was built on marshy land*' (Brooks, 2015, p.28; McCarthy, 2013).

This case clearly illustrates that government authorities ignored not only the extra floors' illegal establishment but also the crack marks in the building the day before. Rana Plaza underlines the lax safety standards and poor working environment that characterize the global fashion supply chains (Brunn & Scherf, 2017).

Within a short period after this accident, in May 2013, two international trade unions, global fashion retailers, and civil society organizations signed the *Accord for Fire and Building Safety* in Bangladesh, generally known as *the Accord*. ILO also participated in formulating the Accord, which aimed to change working conditions in Bangladesh, implementing health and safety measures in the garment-production factories for five years (from 2013 to 2018). The Accord constituted a legally binding agreement between trade unions, 200 fashion brands, mainly European and some US-based, as well as NGOs and activists (Alamgir & Alakavuklar, 2018; Sánchez Caldentey, 2018; De Neve & Prentice, 2017; International LaborOffice, 2014). Furthermore, it covered over two million workers and 1.700 factories. As an agreement, the Accord has been approved by the United Nations Secretary-General, supported by the European Union members, the United States, and the government of Bangladesh (Alamgir and Alakavuklar, 2018).

After two months of the Accord's adoption, in July 2013, the *Alliance for Bangladesh Worker Safety* was established. It consisted of twenty-nine N. American clothing companies, brands,

and retailers and has formed a structural and fire safety standard for factories. The Alliance is perceived thus as a set of voluntary initiatives to improve the working conditions. Among the special measures performed by the Alliance was the implementation of a telephone helpline, which permitted workers to raise safety concerns anonymously (Alamgir & Alakavuklar, 2018; Niebank, 2018).

Both the Accord and Alliance have been considered an innovative system that helped close the global production system's governance gap. According to the government of Bangladesh in the 2018 UPR, the Accord and the Alliance contributed to the inspection of 3,780 garment factories (A/HRC/WG.6/30/BGD/1). Nevertheless, although significant in Bangladesh, they are insufficient to address a problem that characterizes global market dynamics. Considering that the Alliance members consisted totally of business companies, garment workers are not represented in their decision making (Alamgir & Alakavuklar, 2018; Niebank, 2018; Sánchez Caldentey, 2018).

With the International Labour Organization's support, in late July 2013, the Government of Bangladesh and some representatives of the country's workforce organizations adopted the *National Tripartite Plan of Action on Fire Safety and Structural Integrity (NTP)* in Bangladesh's clothing sector. It was the principal structure document under which the Government formed a range of essential measures to improve working conditions in the garment-production factories. The action plan included evaluating the fire protection and structural integrity in the buildings, workforce training on occupational safety, and further assistance on workers with disabilities. Bangladesh's labour law was reformed, and labour inspection was strengthened (Alamgir & Alakavuklar, 2018; Brunn & Scherf, 2017; International Labor Office, 2014).

Three years after the tragedy, Rana Plaza's owner Sohel Rana, his parents, as well as three government inspectors, the factory's engineer, and other suspects, were indicted with several crimes, including homicide. In 2017 Sohel Rana was convicted to three years imprisonment for not disclosing the precise amount of his property to the Anti-Graft Commission, whereas the trial for homicide and other crimes have been postponed due to appeals to a higher court (Thomas, 2019, p.64).

Rana Plaza became a symbol of human rights abuses in the fast-fashion industry. This case increased international attention on fashion brands' responsibility to implement labour standards and showed up the governance gap characterizing our globalized economy. Nevertheless, although more companies adopted environmental and social standards since this tragedy, workers still encounter obstacles in claiming their rights (Thomas, 2019, p.65; Niebank, 2018; Brunn & Scherf, 2017).

## **Chapter 5: Let's talk about Responsibility**

As demonstrated in the previous chapters, the fast-fashion industry imposes adverse effects on people working in its sectors and the wider society. The cases selected to be examined in Chapter 4 illustrate that the negligence for labour standards implementation in the garment factories has historically led to fatal industrial events. Focusing on the Sumangali Scheme case, it becomes clear that the well-rooted poverty in global South countries, such as India, forces families to choose the garment sector as the only way to sustain their livelihoods. Even though clothing-production workers are victims of severe human rights violations, the need to acquire a living wage is even greater.

Millions of workers are trapped in garment factories' slavery for various reasons (Minney, 2017, p.11). First of all, technological developments led to economic changes which have globalized the fashion industry. The most devastating outcome of globalization is poverty, which characterizes rural communities separating them from the global North states. Therefore, starting from globalization and the innovations that accompanied it, this chapter reveals the reasons behind workers' exploitation in the apparel industry.

### **5.1. The Effects of Globalization**

Through the last two decades, the fashion industry has transformed as it has experienced various changes that occurred at both political and economic levels. Chapter 1, focusing on the history of fashion, presented the most notable incidents that affected the industry until today. Therefore, it became apparent that technological developments, which came along with globalization, constitute the focal point of the new era of fast-fashion.

Economic globalization has transformed the world, as Brooks pointed out. Manufacturing, trading, and then selling goods, such as clothes and accessories, are processes that belong to the global market system and play a key role in everyone's lives (Brooks, 2015, p.39). People started to have a different perception of fashion towards the end of the twentieth century. In the developed world, old-fashioned clothes are viewed as rubbish, while new fast-fashion items are associated with modernity and youthfulness (Brooks, 2015, p.81). Until the late 1980s, most fashion brands tried to forecast consumers' demands, forming trends and becoming even more competitive in the global market. In the early 1990s, apparel retailers' desire to promptly respond to the 'newness' of the fashion trends led them to expand their product scope. This constant need to stimulate the commodity ranges continues today, as the apparel market is highly competitive. Changes in the number of fashion seasons arose due to shifts in consumers' requirements (Bhardwaj & Fairhurst, 2010).

In the name of fierce competition, fashion brands push prices down, resulting in downward pressure on workers' wages and a decline in working conditions (Minney, 2017, p.38;



Garwood, 2005). In fact, the majority of well-known brands are looking for quotes before deciding which factory they will place an order in. Thus, based on the factories need for business, the fashion companies' mark-down prices through sales instead of paying workers a living wage (Minney, 2017, p.104). Apparel firms succeed in maximizing their profits, although this economic power is directly linked to labour exploitation. In this way, fast-fashion brands proliferate fast, and their owners, like Amancio Ortega and Stefan Persson, the former chairman of Inditex and the director of H&M respectively, are among the wealthiest persons in the world (Anguelov, 2016, p.18; Brooks, 2015, p.246).

Elizabeth Cline, in her book 'Overdressed', supports that the fashion industry relies on change. Trends and styles are transformed each season, and stores 'refresh' their products every week (Cline, 2013, pp.91-92). Technological advances and the discovery of the internet have enabled consumers- mainly in the developed world- to receive a wealth of information regarding new fashion styles. Social networks, blogs and other media channels through advertisements influence people exposed to a variety of fast-fashion lifestyle ideas. As a result, an excessive shopping culture is formed, leading to a new reality in which consumers have even more options, both fashionable and inexpensive (Anguelov, 2016, p.4; Cline, 2013, p.92; Bhardwaj & Fairhurst, 2010).

Fast-fashion stores evolve specific strategies to get people to buy more clothes. Not surprisingly, studies have attested that fast-fashion consumers, influenced by the low prices, shop more than other consumers (Cline, 2013, p.89). Hence, buyers' interest in very low prices is in stark contrast to their ignorance of the production working conditions (Minney, 2017, p.40). This behavior strengthens the industry's power, and as a result, it is responsible for workers' rights violations.

## **5.2. The Responsibility of the Production Countries**

The systematic exploitation of workers in the garment sector results from a combination of financial and political factors. As clarified in previous sections, the main reason for transferring clothing manufacturing in countries of the global South is the lower production costs. In other words, as minimum wages are raised in most western countries, apparel companies place their orders in developing countries (Islam & McPhail, 2011). Subchapter 3.7 contains specific examples of wage levels in some of the largest garment-producing countries. Therefore, comparing the different manufacturing costs in developed and developing countries can illustrate how retail prices are affected (Brooks, 2015, p.248).

Financial reasons are also the key push factor that prompted people to contribute to the fast-fashion industry. In areas where employment opportunities are nil, and agricultural jobs are depleting, working in the clothing sector is the only available solution for civilians. Particular motivations also include a need to ensure livelihoods, such as food and medical care, and a desire to support the family members sufficiently. In addition to poverty, there are further

factors that force people into clothing-based jobs. For instance, a higher proportion of garment workers are encouraged to participate in garment activities by the respect correlated with factory work (Matsuura A. & Teng C., 2020; Aishwariya S., 2019; Minney, 2017, p.101).

Except from destitution that afflicts the working class in the global South, lack of governance structures describes production countries as well. The lack of governance structures, together with the absence of a political will, are the reasons why human rights are not adequately protected. Overall, political decision-makers, to create employment opportunities, welcome foreign industries in their territory, whereas government members are usually owners of factories located in these industrial facilities (Niebank, 2018). Therefore, governments have mainly the obligation to implement international labour standards. Government action shall include sufficient labour administration, inspection systems, and effective management methods that enforce labour legislation (International Labor Office, 2014). However, even if regulation enforcement mechanisms are in place, production countries meet other obstacles in performing their responsibilities, which are related to companies domiciled in a different jurisdiction (Niebank, 2018).

### **5.3. Corporate Responsibility**

Despite their profitability of the product segments' location in low-cost areas, apparel enterprises do not act adequately to improve the human rights conditions in the factories. Driven by the brands' requirements for shorter-time manufacturing, suppliers in the global South are often forced to reshape the working hours. This pressure to comply with brands' expectations is the reason behind excessive overtime, wage reductions, and generally negative impacts on working conditions (Niebank, 2018).

Countries where international retailers have their headquarters, mainly in the global North, do not protect labour rights in their operations abroad. The broader agenda of international human rights treaties do not include direct legal obligations on enterprises. Thus, human rights protection depends on corporate regulations, which are in force in each company (Niebank, 2018). The International Labour Organization indicates that corporate social responsibility is how companies maintain their values, not only in their domestic services but also in their interactions with other agents (ilo.org., n.dc). In recent years, NGOs and other humanitarian groups have made significant attempts to adopt voluntary codes of conduct for enterprises that shall introduce ethical standards in their production sites. The codes of conduct refer to the ILO labour principles, such as fair wages, the prohibition of forced and child labour, as well as the equal treatment of the workers, and a significant number of fast-fashion companies have adopted them. However, these codes do not constitute legally binding instruments, and the evidence confirms that apparel companies are indifferent to their workers' rights protection (ilo.org., n.dc; Gibbs et al., 2019; Brooks, 2015, pp.124-125). This behaviour stems from the fact that companies feel no responsibility or perceive these obligations as unreasonable weight (Niebank, 2018).

## **Chapter 6: We are the Change**

More than ten years ago, campaigns were organized in order to apprise consumers, especially in the developed world, about the consequences of alimentary industrialization (Thomas, 2019, p.19). Nevertheless, even today, the ways to inform the global community about the outcomes of fast-fashion have not been satisfactorily developed. Researching working conditions in the global South meets significant barriers. Investigative journalists cannot efficiently gain access to garment factories. However, even if they witness work-related abuse and discover which companies are involved, their field of action is also limited. Virtually, retail firms from the global North, in case of such problems, can easily relocate their production to other countries with fewer barriers to labour exploitation (Brooks, 2015, p.29).

Although peoples' awareness regarding fast-fashion is restricted, the environmental concerns that correlated with the phenomenon have been giving rise to conscious consumers in terms of organic fibres and fair trade (Bhardwaj & Fairhurst, 2010). Responding to human rights violations in the apparel industry requires the cooperation of all policy channels. Concerning international and regional regulation, key stakeholders can play an essential role in developing activities to improve garment-sector governance (Niebank, 2018). Finally, this closing chapter will briefly explore some significant achievements of human rights-based groups' action. Then in an effort to highlight the necessity of a joint activity, subchapter 6.2 shall pertain to significant recommendations to issue-related stakeholders for eradicating labour exploitation in the fast-fashion sector.

### **6.1. Some significant gains**

As in the case of the sustainable food movements, people fighting for changes in the fashion industry are striving to combat workplace abuses and bring production back to a human scale (Thomas, 2019, p.19). Perceiving labour rights as human rights, private and joint initiatives promote the ILO's labour standards through global campaigns, which bring into light the hidden aspect of the clothing production (De Neve & Prentice, 2017). Many initiatives are undertaken to intensify collaboration between regional and transnational stakeholders to advance the working environment and evolve accountability on fashion enterprises (Sánchez Caldentey, 2018). Key initiatives include labour rights organizations, international NGOs, such as the World Fair Trade Organization, Ethical Trade Initiative (ETI), and Better Work. Furthermore, several campaigns have contributed to this effort, including the Clean Clothes Campaign (Sánchez Caldentey, 2018; Islam & McPhail, 2011).

The Fair Trade Foundation is, since 1992, a non-profit organization which was established in response to poverty in the global South. Cooperating with local initiatives through public policy networks, the Fair Trade movement aims to empower workers financially, especially women. The organization authorizes the use of FAIRTRADE Mark on products following the Fair Trade standards, such as the workers' rights and environmental protection. Among its leading

operations, Fair Trade has campaigned against child labour, supporting education for all people and equal opportunities (Aishwariya S., 2019; Minney, 2017, p.32 & 36).

Principally significant activity has also been developed by the Ethical Trade Initiative (ETI). ETI is an alliance of companies- many of them Europeans- NGOs and trade unions that cooperate to raise awareness concerning workers' rights worldwide. Starting in the early 1990s, ETI seeks to combat workers' exploitation and discrimination and create a world where people shall enjoy freedom, security, and equity (Sánchez Caldentey, 2018; Minney, 2017, p.20). In its Base Code, it is highlighted that employment is freely chosen, child labour shall not be used, and the right of freedom of association shall be respected. No harsh or inhuman treatment is allowed, whereas people shall enjoy a safe and hygienic workplace (Minney, 2017, p.23).

Another program contributing to improving working conditions in the apparel industry is Better Work, a cooperation between the International Finance Corporation and the ILO. To achieve its goals, Better Work brings together governments, international fashion brands, factory owners, local stakeholders, trade associations, and workers (Sánchez Caldentey,2018). As a result, currently, 1,700 factories in developing countries have complied with ILO core labour standards, providing contracts, compensation, and a safe workplace (The Programme – Better Work, 2021).

The Clean Clothes Campaign (CCC) also intends to improve the working conditions and, as a result, the quality of life of garment workers. It is a global network of NGOs and trade unions from both developing and developed countries, which mobilizes citizens and consumers on labour rights issues (Aishwariya S., 2019; Minney, 2017, p.14). The Clean Clothes Campaign is designed and takes part in many programs. Among others, in 2004, the CCC, together with eleven affiliates of Oxfam (Oxford Committee for Famine Relief) and global unions, organized the '*Play Fair At The Olympics*' campaign focusing on the workers' exploitation in the sportswear industry (Garwood, 2005).

Throughout the last years, decisive steps have been taken by non-profit organizations to increase consumers' consciousness. In addition to that, a sufficient number of enterprises recognize their role in preventing human rights abuses and taking appropriate measures to address this issue. More joint action, cooperation, and solidarity among initiatives are key elements in changing the mindset of fashion brands (Sánchez Caldentey, 2018). Together, people have the power to improve the lives of millions of workers (Minney, 2017, p.21).

## **6.2. Time for Action**

Along with the apparel supply chain, each operation bucks responsibility for the workers' mistreatment (Thomas, 2019, p.45). The increasing number of catastrophic industrial disasters highlights the need for tighter regulation of labour standards and rigorous implementation of codes of conduct. Setting as a critical goal the transformation of the world into a sustainable

model, the different actors involved in the garment sector must collaborate to develop a joint effort (De Neve & Prentice, 2017; Minney, 2017, p.7).

### Fast-fashion Companies

A shift in business leaders' thinking is the focal point of what needs to happen initially. Enterprises need to understand that exploitative working conditions directly affect their operation (Minney, 2017, p.156). Companies should comply with ILO standards and apply them in their operations to prevent exploitative practices (Sánchez Caldentey, 2018; Brunn & Scherf, 2017). Companies, moreover, need to publish details of their supply chains, such as production locations. In this way, consumers shall be more aware of what is happening in the production process. Together with good government policy, clothing enterprises can tackle the root causes of labour abuses, ensuring that human rights are respected throughout their whole supply chains (Sánchez Caldentey, 2018; Minney, 2017, p.6).

### Governments

Governments have the responsibility to promote accountable business. For this purpose, in cooperation with other states, they need to invest in the supply chain's bottom tier. In order to do so, governments shall create job opportunities in rural areas (Minney, 2017, p.30). Alongside that, the implementation of a living wage is required to support development, gender equality, and education and reduce the difference in manufacturing costs between the global North and South (Minney, 2017, p.44).

Right now, the minimum need is for governments and law enforcers to wreak all existing regulations to prevent human rights violations. By strengthening regulatory bodies, local policymakers must boost international efforts to treat labour exploitation as a severe infringement (Brunn & Scherf, 2017; Minney, 2017, p.156).

### NGOs, Activists, and Advocacy Networks

Transnational advocacy networks may consist of several actors, such as NGOs, churches, and other non-profit foundations. Considering that collaboration with brands, governments, and trade unions is the key to achieving their goals, these groups have the power to liberate victims of labour rights violations. Subsequently, activists and non-profit organizations can increase consumers' awareness of the garment-production conditions and the usual causes of severe industrial accidents (Minney, 2017, p.6; Garwood, 2005).

### Consumers

All of us have both the responsibility and the power to change companies' production practices.

It is crucial for consumers to change their attitude and be better aware of how their consumption methods affect workers. They need to know under which conditions their clothes are made and guarantee that their products are made sustainably and free of exploitation. Their buying patterns and their voice can directly target well-known brands (Minney, 2017, p.6 & p.40; Brunn & Scherf, 2017).

People have to encourage businesses to perform ethical values throughout their operations. Human life is worth more than any profit margin. That is the focal point that all enterprises must primarily take into account (Minney, 2017, p.156). The time has come to quit mindless shopping, care, buy less, and consider the impacts of our practices (Thomas, 2019, p.230).

## Conclusion

The fast-fashion industry experiences a rapid growth, making it stand out among the most profitable companies globally (International Labor Office, 2014). Huge clothing companies opt to move their production to developing countries, where labour costs are meager, while the need for work is imperative. In this way, fashion brands undertake design and marketing duties, whereas they distance themselves legally from their suppliers as they do not own any factories (Cline, 2013, p.126).

International Organizations protect workers under a wide range of conventions that legally bind the ratifying member-states. Particularly, the International Labour Organization (ILO) has adopted several legal instruments, including conventions and recommendations, to ensure that workers in all businesses enjoy fundamental rights. Nevertheless, the reality in garment factories is different, and human rights abuses dominate. Long working hours, poverty wages, the inability to create labour organizations, and unsafe workplaces compose the cornerstone of human rights violations in the garment sector that several researchers have reported. Additionally, child and forced labour, and gender-based violence are rife across all the production points. Hence, disasters such as the Ali Enterprises factory fire and the Rana Plaza collapse were just expected (Siddiqui & Uddin, 2016). Today, the novel coronavirus disease (COVID-19) pandemic has exacerbated pre-existing inequalities in the global clothing industry. Lack of adequate protection measures leaves all workers at risk of economic insecurity and an environment of constant fear due to the virus threat (ILO & Better Work, 2020).

As demonstrated throughout this thesis, comprehensive laws at the international level exist, but they are not enforced in most clothing factories (Minney, 2017, p.55). In fact, fashion companies are only required to publish a statement on the steps they are taking to prevent labour workers' exploitation (Minney, 2017, p.22). Thus, clothing enterprises present to consumers the ethical principles that govern their operations through codes of conduct.

The fast-fashion human rights violations do not simply arise from governments, retailers, and factories' failures. The whole issue of labour abuses raises questions about our collective responsibility as people/customers who actively support the industry (Hobson, 2013). Our buying behavior has the strength either to reinforce exploitation or promote progress in a way that respects human dignity (Garwood, 2005). Innovative and foremost ethical practices can only shape steps towards a sustainable world. Therefore, can we consciously continue to support businesses that workers give their lives for?

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