



# Ethics in Labour: Hidden Human Rights in the Fast-Fashion Industry

Master in Human Rights & Migration Studies

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# Historical Framework

18th Century  
Industrial Revolution

19th Century  
“Sweatshop Culture”

1960-2005  
LTA & MFA

Global North ->  
Global South



New machine tools  
and the development  
of the factory system

Employees are hired by  
factories, offering  
cheap labour while  
working in unsafe  
conditions

Efforts to control the  
clothing industries by  
limiting the quantity of  
clothing exports from  
developing countries  
into industrialized ones

Companies began to  
move their production  
to overseas factories  
searching for low-cost  
labour



## 3 Components of Fast-Fashion

1. A fashionable product design
2. Short production time
3. Low prices

# Legal Framework

## Important Guidelines & Declarations

### **1976 - OECD Guidelines:**

Recommendations to companies on how to conduct in areas, such as human rights, environment, and how to avoid engagement in exploitation.

### **1977 - ILO Tripartite Declaration of Principles concerning Multinational Enterprises -> 2017 Revision (MNE Declaration):**

Influenced by the Universal Declaration of Human Rights (1948).

### **1998 - ILO Declaration on Fundamental Principles and Rights at Work:**

Represents the Universal Declaration of Human Rights.

### **2011 - United Nations Guiding Principles on Business and Human Rights (UNGPs):**

Apply to all States and to all business enterprises, which have a duty to carry out human rights across their operations.

# Four Critical Subjects & their ILO Fundamental Conventions

Freedom of association and the effective recognition of the right to collective bargaining

**Conventions  
No.87 and 98**

Elimination of all forms of forced or compulsory labour

**Conventions  
No.29 and 105**

Effective abolition of child labour

**Conventions  
No.138 and 182**

Equal remuneration and the elimination of discrimination in employment

**Conventions  
No.100 and 111**

# Freedom of Association & the Right to Collective Bargaining

Workers have the right to form organizations to claim their rights

- UDHR (art. 20.1, 23.4)
- ICESCR (art. 8)
- ILO Conventions No. 87 & No. 98

In Bangalore, India, none of the 500,000 garment workers had signed a collective-bargaining agreement with a trade union, until 2017 (Minney, 2017).



India violates article 8 of ICESCR



# Equal Remuneration & Non-discrimination in Employment

In 2017 women's employment in the garment factories reached 36.4 percent in Bangladesh. Bangladeshi women workers are often young, unmarried, and employed in the production sector, working as dressmakers, receive low pay, and have highly insecure employment.



Bangladesh violates CEDAW & ILO Conv. No. 100 & 111

- UDHR (art. 2, 23.2)
- ICESCR (art. 3, 7.a)
- CEDAW
- ILO Conventions No. 100 (Equal remuneration) & No. 111 (Discrimination in Employment & Occupation)





# Mistreatment

*'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)*

ILO 'Convention on Violence and Harassment' and its non-binding recommendation:  
Not enforce in any state.

*'Everyone has the right to a world of work free from violence and harassment' (C190, art. 4.1)*

# Forced or Compulsory Labour

## Forced or compulsory labour:

*"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"*

- Forced Labour Convention (No. 29) and its Protocol
- Abolition of Forced Labour Convention (No. 105)

In China, forced labour within garment factories is expressed through excessive overtime work. As 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.



China has not ratified any of the ILO Conventions (Co. 29 & C105)





- CRC (art. 32.1)
- ICESCR (art. 10.3)
- Minimum Age Convention (C138)
- Worst Forms of Child Labour Conventions (C182)

# Child Labour

Approximately 17 million children work in South Asia, and nearly 10 million are under 15. As in women's case, children constitute cheap labour because their wages are meager.

In Bangladesh children between the age of 16 and 18, are allowed to work in a garment factory, but legally no more than five hours.



Bangladesh violates article 32 of CRC, article 10 of ICESCR & ILO Convention No. 182

## PAY GARMENT WORKERS A LIVING WAGE



A worker should  
be able to afford:



- UDHR (art. 23.3)
- ICESCR (art. 6.1, 7.1)
- Protection of Wages Convention (No. 95)
- Minimum Wage Fixing Convention (No. 131)
- Protection of Workers' Claims (Employer's Insolvency) Convention (No. 173)

# Wages

According to a 2014 Research from the ILO Regional Office for Asia and the Pacific in Pakistan and Cambodia, the highest minimum wage applicable to unskilled garment workers is almost \$100 per month, whereas, in Bangladesh, this rate is 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 (Luebker, 2014).



An insufficient wage deprives of workers the right to education, adequate food, clothing, housing, and the right to improve living conditions.

# Working Hours

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 (Co. 1).

- UDHR (art. 24)
- ICESCR (art. 7)
- Hours of Work (Industry) Convention (No. 1)
- Weekly Rest (Industry) Convention (No. 14)
- Forty-Hour Week Convention (No. 47)
- Holidays with Pay Convention (No. 132)
- Reduction of Hours of Work (No. 116)
- Night Work Convention (No. 171)

In 1997, workers at Quality Factory in Cambodia 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, 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.



Cambodia violated art. 7 of ICESCR, although it was ratified in 1992



- UDHR (art. 22)
- ICESCR (art. 9)
- Convention No. 102 (Social Security (Minimum Standards) Convention)
- Equality of Treatment (Social Security) Convention (C118)
- Maintenance of Social Security Rights Convention

# Social Security

The most usually violated human rights governing social protection within the clothing-production workplace include maternity-based discrimination, informal contracts, lack of health-care protection, and work-based injuries.

As garment workers have essentially short-term contracts or work irregularly, they do not receive any compensation that must be given for workplace damages.

# Migrant Workers

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- International Convention on the Elimination of All Forms of Racial Discrimination (art. 5.i,ii)
- Migration for Employment Convention
- Migrant Workers (Supplementary Provisions) Convention' No. 143

In Chinese garment production, workers at almost all the points, from bosses to sewing-machine operators, are migrants (Cline, 2013, p.144).

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.





- ICESCR (art. 7)
- Promotional Framework for Occupational Safety and Health Convention' of 2006 (No. 187)
- Occupational Safety and Health Convention' of 1981 (No. 155) and its Protocol of 2002
- Occupational Health Services Convention' (No. 161)

# Occupational Safety & Health

In 2011 the Ranas decided to build two additional floors in their apparel factory , called Rana Plaza, in Bangladesh. Rana Plaza contained several clothing-production floors manufactured for fast-fashion companies such as the British chain Primark, and the Italian Benetton.

On 24 April 2013, the eight-story factory dropped, resulting in the loss of over 1.100 lives and about 2.500 serious injuries, most of whom were women and children.

In this case government authorities ignored not only the extra floors' illegal establishment but also the crack marks in the building the day before.



# Let's talk about Responsibility

The Effects of  
Globalisation

The Responsibility of  
the Production  
Countries

Corporate  
Responsibility



# Main Conclusions

- **Comprehensive laws at the international level exist, but they are not enforced in most clothing factories**
- **Fashion companies are only required to publish a statement on the steps they are taking to prevent labour workers' exploitation.**

*Our buying behavior has the strength either to reinforce exploitation or promote progress in a way that respects human dignity*

# Thank you!

Do you have any questions?

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**Who  
made  
my  
clothes?**

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