
EXPLORING THE INTERSECTION OF FAST FASHION, SWEATSHOPS, AND LABOR LAW ABUSE

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ABSTRACT

In recent decades, the fashion industry has undergone a transformation driven by the rise of fast fashion, characterized by its rapid production of inexpensive clothing that mirrors current trends. However, behind the shimmering facade of fast fashion lies a darker reality: the exploitation of labour in sweatshops across the globe.

Fast fashion manufacturers sometimes put profit margins ahead of the welfare of their employees, whether through subcontracting production to unregistered vendors or offshore manufacturing in nations with lax labour laws. This leads to dire working conditions, including long hours, meagre wages, and unsafe environments, reminiscent of the sweatshops of the Industrial Revolution.

This article explores the role of inadequate labour laws in perpetuating these injustices. Despite the existence of international labour standards, enforcement mechanisms remain weak, allowing brands to skirt accountability and perpetuate a cycle of exploitation. The absence of transparency in supply chains exacerbates the problem, making it difficult to trace the origins of garments and hold brands accountable for labour abuses.

By analyzing the multifaceted dynamics of fast fashion and sweatshops, this article underscores the urgent need for systemic change. It discusses how fast fashion industries are a new form of slavery. Ultimately, the article aims to empower consumers to demand a fashion industry that prioritizes human welfare over profit.

Keywords: Fast fashion, sweatshops, brand accountability, modern slavery

INTRODUCTION

In an ever-evolving world where trends emerge and fade at lightning speed, the fashion landscape stands as a dynamic reflection of changing times. With the advent of technology and social media, the fashion industry has witnessed a paradigm shift towards immediacy and accessibility. Consumers now expect to stay abreast of the latest trends and to swiftly integrate them into their wardrobes, driving the rise of fast fashion. Fast fashion is growing because consumers increasingly demand to keep up with the newest trends and incorporate them into their wardrobes quickly. Fast fashion encompasses clothing that is rapidly and affordably produced, often imitating styles showcased on high-fashion runways. The garments are priced cheaper to encourage wearing them only a few times and to avoid repeating the same outfit frequently. However, this contradicts sustainability and environmental consciousness. The demand for such quick fashion has resulted in the exploitation of the workers. Sweatshops, often hidden from the public eye, serve as the backbone of the fast fashion industry. A sweatshop is a place where workers, often underpaid and in poor conditions, produce goods like clothing or electronics. These workers endure long hours and unsafe environments to meet demanding production quotas. Sweatshops perpetuate poverty, exploit vulnerable populations, and prioritize profits over human rights. ¹This article aims to delve into the complex relationship between fast fashion, sweatshops, and labour laws, shedding light on the systemic injustices faced by garment workers worldwide.

Fast Fashion's Dependency On Sweatshop Labor

Fast fashion and sweatshops are intricately linked within the global fashion industry. Fast fashion brands often prioritize profit over ethical production. This leads to the exploitation of workers in sweatshops who endure low wages and poor working conditions to meet the demand for quick, inexpensive clothing production. One method employed by fast fashion brands involves outsourcing production to subcontractors, who in turn delegate tasks to countries with lax labour regulations and abundant low-cost labour, such as India, Bangladesh, or Pakistan. These regions provide fertile ground for exploitation due to minimal worker protections and limited oversight.

¹ Rashmila Maiti, *Fast Fashion: The Danger of Sweatshops*, Earth.Org, (March 20, 2022, 9:29 PM), <https://earth.org/sweatshops/>

Fast Fashion Supply Chains: A Type of Slavery

Fast fashion epitomizes modern slavery through its exploitative labour practices prevalent in its supply chains. Workers, often situated in developing countries where production is outsourced, endure gruelling conditions reminiscent of slavery. Many find themselves trapped in cycles of debt bondage, forced to work to repay loans or advance payments, perpetuating their dependence on employers and rendering them vulnerable to exploitation. Children, too, are ensnared in this web of exploitation, with their labour exploited for the sake of profit. They are subjected to hazardous conditions and denied their fundamental rights, including access to education. While the fashion industry may not explicitly label these practices as slavery, they align with the broader definition of modern slavery outlined by international standards.²

Root Causes Of Exploitative Working Environments

The prevalence of modern slavery among workers is often attributed to underlying factors such as poverty and inadequate legal safeguards. Vulnerable individuals, including those experiencing financial hardships or lacking legal documentation, are particularly susceptible to exploitation within various industries. The emergence of crises like the Covid-19 pandemic exacerbates existing vulnerabilities, further heightening the risk of exploitation.³ While anyone can fall victim to forced labour, individuals facing precarious circumstances, such as debt and problems in running a family. These systemic vulnerabilities underscore the urgent need for comprehensive reforms to address root causes and protect the rights of all workers.⁴

Labour Abuse And Working Environments In Fast Fashion Supply Chains

Labour exploitation is pervasive within the textile industry, particularly in the realm of fast fashion. Workers often face egregious violations of their fundamental rights, including fair compensation, safe working conditions, reasonable work hours, and protection from discrimination and harassment.

² Global Estimates of Modern Slavery Forced Labour and Forced Marriage, International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), Geneva, 2022, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf

³ What is modern slavery?, Antislavery.org, (March 20, 2024, 10.30 PM) <https://www.antislavery.org/slavery-today/modern-slavery/>

⁴ Modern Slavery, International Labour Organization, (March 21, 2024, 6.16 PM) https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_855019/lang--en/index.htm

Bare Minimum Wages

The set minimum wage in many countries that produce clothing frequently is insufficient to pay for needs like food and housing. For example, Bangladesh's minimum salary for textile workers is only \$94 per month, far less than the estimated \$569 per month living wage. Similar to this, gender-based wage discrimination is still widely practised in Pakistan, where women are sometimes assigned tasks with lower piece rates or paid less for equivalent labour than their male counterparts.⁵ The 'Tainted Garments' report, which includes research from the University of California, Berkeley, highlights the vulnerability of women and marginalized communities in the garment industry. In this sector, workers lack written contracts and trade unions, leaving them with no formal means of addressing issues.⁶

No Secure Employment

The lack of written employment contracts leaves workers susceptible to exploitation, as there is no documented proof of their employment terms and conditions. A quantitative survey revealed that merely 38% of current workers in the garment industry had received written contracts, with less than half fully understanding their contents.⁷ Similarly, among former workers, this pattern persisted. In India, where the workforce is predominantly comprised of marginalized women and girls, the absence of trade unions and written contracts deprives them of avenues to address unfair or abusive treatment.⁸

Sexual Assault and Harassment

Female garment workers are disproportionately subjected to various forms of abuse. The Guardian's investigation into conditions for workers in Lesotho in 2020 revealed a disturbing reality where women endured persistent harassment and sexual assault in their pursuit of

⁵Alex Crumbie, Workers' rights in the clothing industry and what consumers can do, Ethical Consumer, (March 21, 2024, 7.15 PM) <https://www.ethicalconsumer.org/fashion-clothing/workers-rights-clothing-industry-what-consumers-can-do>

⁶Economics of Indian Sweatshops: The Need For Sturdy Labour Laws, GNLU Journal of Law and Economics, (March 21, 2024, 8.22 PM), <https://gjle.in/2020/07/21/economics-of-indian-sweatshops-the-need-for-sturdy-labour-laws/>

⁷Insights into working conditions in India's Garment Industry, International Labour Organization(ILO), (March 21, 2024, 8.46 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_379775.pdf

⁸Rebecca Ratcliffe, Major western brands pay Indian garment workers 11p an hour, The Guardian, (March 21, 2024, 10.30 PM) <https://www.theguardian.com/global-development/2019/feb/01/major-western-brands-pay-indian-garment-workers-11p-an-hour>

meagre daily wages, highlighting the pervasive nature of gender-based violence within the industry.⁹

Impediments To Trade Union Participation

In India, where the majority of garment workers are marginalized women and girls, the absence of trade union representation exacerbates their vulnerability. Without union membership or written contracts, these workers lack avenues to address unfair treatment. Additionally, the precarious nature of their employment deters organizing efforts, as they risk termination or being denied future employment if they attempt to mobilize.

Forced Labour

In the report titled "Insights into Working Conditions in India's Garment Industry," by the International Labour Organization, the survey reveals that an overwhelming 99.2% of workers experienced forced labour conditions according to Indian legislation, resulting in wages significantly below the legally mandated minimum.¹⁰ In the majority of cases, workers received only a fraction, typically one-tenth, of the minimum wage. It makes economic sense to factory owners.¹¹

Child Labor

In the fast fashion industry, the demand for cheap and trendy clothing often leads to exploitative labour practices, including the use of child labour. Children, particularly in developing countries, are vulnerable to being forced into labour to meet production quotas and keep costs low. Children trapped in forced labour, whether through trafficking, debt bondage, or exploitation in conflict zones, face unimaginable abuses. Better data and investment in

⁹ Annie Kelly, Fashion's dirty secret: how sexual assault took hold in jeans factories, *The Guardian*, (March 22, 2024, 6.30 PM) <https://www.theguardian.com/news/2020/aug/20/fashion-industry-jeans-lesotho-garment-factory-workers-sexual-violence>

¹⁰ Insights into working conditions in India's Garment Industry, International Labour Organization (ILO), (March 22, 2024, 6.45 PM) https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_379775.pdf

¹¹ Faure, J. (2015, October). *Forced Labour: Does it Make Economic Sense?* United Nations University | UNU/SIPA Junior Research Fellowship Paper Series, 1. (March 22, 2024, 7.13 PM) https://collections.unu.edu/eserv/UNU:3293/JRF01_ForcedLabour.pdf

identification and protection measures are needed to address this crisis.¹²

Case Studies Of Labour Exploitation

Reports from Indian factory workers supplying supermarket chains Marks & Spencer, Tesco, and Sainsbury's, along with fashion brand Ralph Lauren, reveal exploitative conditions. Female employees at a Ralph Lauren supplier disclosed being compelled to work overnight, sometimes resorting to sleeping on the factory floor to meet production demands. Workers expressed concerns over relentless work schedules and disregard for their well-being by management, highlighting systemic labour rights violations.¹³

Workers producing clothing for major British high street brands have revealed harrowing accounts of abuse, threats, and meagre wages. In Indian factories, many employees earn so little that even a month's wages cannot afford a single item they manufacture. Instances of physical and verbal abuse are common, with female workers facing derogatory remarks and impossible production targets. Despite enduring long hours to support their families, workers allege they are often cheated out of their rightful earnings by employers. These allegations, heard at a human rights tribunal in Bengaluru, raise concerns for well-known brands like Gap, H&M, Next, and Walmart, prompting scrutiny of widespread human rights violations in the garment industry.¹⁴

Tragedy At Rana Plaza: The Deadly Collapse And Corporate Accountability

In 2013, a catastrophic event unfolded in Dhaka, Bangladesh, when the Rana Plaza garment factory collapsed, claiming the lives of over 1,100 workers and causing numerous injuries. This marked the deadliest disaster in the history of clothing manufacturing. Investigations revealed that the building was constructed using substandard materials and in violation of safety regulations, with approval granted under dubious circumstances by the city's mayor. Despite warnings from engineers about its unsafe conditions, workers were ordered to return to the

¹² Modern Slavery, International Labour Organization, (March 22, 2024, 7.30 PM)

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_855019/lang--en/index.htm

¹³ Rebecca Ratcliffe, Major western brands pay Indian garment workers 1p an hour, The Guardian, (March 22, 2024, 8.30 PM) <https://www.theguardian.com/global-development/2019/feb/01/major-western-brands-pay-indian-garment-workers-1p-an-hour>

¹⁴ Gethin Chamberlain, India's clothing workers: 'They slap us and call us dogs and donkeys', The Guardian, (March 22, 2024, 8.56 PM) <https://www.theguardian.com/world/2012/nov/25/india-clothing-workers-slave-wages>

factory the following day, resulting in a devastating loss of lives. Notably, companies including Walmart, Gap, and Adidas were implicated in the manufacturing operations at Rana Plaza.

The International Labour Organization (ILO), facilitated the distribution of financial assistance to the injured workers and families of those who lost their lives. Overall, the Rana Plaza tragedy spurred significant reforms and initiatives aimed at enhancing worker safety, promoting corporate accountability, and improving the overall working conditions in the global garment industry.¹⁵

Accountability Of Major Brands In The Supply Chain

While major brands may not directly oversee factories in India, their pursuit of cheaper production costs indirectly impacts working conditions. According to an anonymous clothing supplier interviewed by the BBC, pressure from brands to reduce costs can force suppliers to compromise on labour standards to meet demands. The supplier emphasized that brands' profit-driven motives often necessitate exploitative practices within the supply chain, highlighting the complex dynamics of accountability in the garment industry.¹⁶

Labour Laws In India

In recognition of the rights and well-being of these workers, labour laws have been instituted. These legislations are pivotal in safeguarding the interests of employees and promoting a fair and conducive work environment. Several crucial labour laws apply to the fashion industry

The Payment of Wages Act (1936): This statute regulates the timely and equitable disbursement of wages to workers, underscoring the significance of fair compensation for their efforts.¹⁷ The Industrial Disputes Act (1947): Addressing conflicts and grievances between employers and employees, this act serves as a mechanism for resolving disputes effectively, fostering harmonious workplace relations.¹⁸ Minimum Wages Act (1948): Ensuring that workers receive a minimum level of remuneration for their labor, this law plays a crucial role

¹⁵Jim Yardley, Report on Deadly Factory Collapse in Bangladesh Finds Widespread Blame, The New York Times, (March 22, 2013, 9:34 PM) <https://www.nytimes.com/2013/05/23/world/asia/report-on-bangladesh-building-collapse-finds-widespread-blame.html>

¹⁶ Rajini Vaidyanathan, Indian factory workers supplying major brands allege routine exploitation, BBC News, (March 23, 7:15 PM) <https://www.bbc.com/news/world-asia-54960346>

¹⁷ The Payment of Wages Act, 1936, No 4, Acts of Parliament, 1936 (India).

¹⁸ The Industrial Disputes Act, 1947, No 14, Acts of Parliament, 1947 (India).

in preventing exploitation and promoting economic stability among employees.¹⁹ Maternity Benefits Act (1961): Recognizing the unique needs of pregnant women in the workforce, this legislation grants them essential benefits such as paid maternity leave, prioritizing their health and well-being during and after pregnancy.²⁰ Equal Remuneration Act (1976): Promoting gender equality in the workplace, this act mandates equal pay for equal work, irrespective of gender, thereby addressing wage disparities and discrimination based on gender.²¹ Sexual Harassment of Women at Workplace Act (2013): This act prohibits and addresses instances of sexual harassment, ensuring a safe and respectful work environment for women employees.²² Despite the existence of labour laws aimed at protecting workers' rights and well-being, their effective implementation often falls short due to inadequate supervision and enforcement mechanisms.

Global Efforts To Prevent Worker Exploitation

Globally, several international laws and conventions, such as those developed by the International Labour Organization (ILO) and the Universal Declaration of Human Rights (UDHR), aim to prevent the exploitation of workers, including those in the fashion industry, by establishing standards for labour rights.

Recommendations

Empowerment Programs: Implement programs to educate garment workers about their rights and provide avenues for them to report violations without fear of retaliation.

Written Contracts and Understanding: Ensuring that all workers receive a written contract before starting their job is vital. This step promotes transparency and clarity in understanding employment terms, particularly crucial for illiterate workers. By having a clear understanding of their contracts, workers can confidently assert their rights and protections.

Regular Public Inspections: Conducting periodic and surprise public inspections of garment factories is crucial for monitoring labour law compliance and collective agreements. These

¹⁹ The Minimum Wages Act, 1948, No 11, Acts of Parliament, 1948 (India).

²⁰ Maternity Benefit Act, 1961, No 53, Acts of Parliament, 1961 (India).

²¹ Equal Remuneration Act, 1976, No 49, Acts of Parliament, 1987 (India).

²² The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013, No 14, Acts of Parliament, 2013 (India).

inspections act as a proactive measure to deter labour rights violations and ensure the welfare and safety of workers. By holding factories accountable through unannounced visits, authorities can better protect workers' rights.

Freedom to Resign and Settlements: Employers must allow workers to resign freely within their contract provisions and provide timely settlements. Granting workers the freedom to resign without fear of retaliation is essential for upholding their rights and dignity. Timely settlements ensure workers receive fair compensation for their labour, fostering a more respectful and equitable work environment.

Conclusion

In conclusion, the intricate relationship between fast fashion and modern slavery demands immediate attention and decisive action. The exploitation of vulnerable workers underscores systemic failures within the fashion industry, where profit often takes precedence over human rights. Enhanced regulatory oversight, stringent enforcement of labour laws, and greater transparency throughout the supply chain are imperative to ensure the well-being and dignity of garment workers worldwide. Furthermore, fostering a culture of ethical consumption and promoting sustainable practices within the fashion industry are essential steps towards creating a more equitable and humane global workforce. By prioritizing the well-being and dignity of workers, we can strive towards a future where exploitation and modern slavery have no place in the fashion industry, promoting a more equitable and sustainable global community.