

GARMENT INDUSTRY ABUSES:



EXPLOITATION
OF RURAL
MIGRANTS



SUPPRESSION
OF WORKERS
WHO SPEAK OUT



DISCRIMINATION
BASED ON GENDER
AND CASTE



STITCHED UP

DENIAL OF FREEDOM OF ASSOCIATION FOR GARMENT WORKERS IN
BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

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←  **Cover Photo:** Garment workers stage a demonstration in front of the Department of Labor building in Dhaka, Bangladesh, on November 27, 2023, demanding their due payment. Photo: Getty Images
Illustration by Amnesty International

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ABBREVIATIONS AND GLOSSARY

ABBREVIATIONS

ACTRAV	ILO Bureau for Workers' Activities
BGIWF	Bangladesh Garment and Industrial Workers Federation
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
CEACR	Committee of Experts on the Application of Conventions and Recommendations (ILO)
CEDAW	Convention on the Elimination on all Forms of Discrimination Against Women
CMT	Cut, make and trim; term used to describe the final stages of garment production, after weaving, dying, washing
CSR	Codes of conduct and corporate social responsibility
EPZ	Export processing zone
FTZ	Free trade zone
GFA	Global Framework Agreement
IMF	International Monetary Fund
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
ITUC	International Trade Union Confederation
NCT	National Capital Territory of Delhi
NLAC	National Labour Advisory Council (Sri Lanka)
OSH	Open Supply Hub
RMG	Ready-made garment
SEZ	Special economic zone. Also known as free trade zone (FTZ) or export processing zone (EPZ)
UN Guiding Principles	UN Guiding Principles on Business and Human Rights
WRC	Worker Rights Consortium

GLOSSARY

Buyer	A company, agent or brand which purchases garments or materials for garment production from suppliers.
Employee council	Also known as Worker's Council or Worker Committee or Welfare Committee; a state- or factory-encouraged workers' body that cannot bargain collectively on behalf of the workers and generally acts as an advisory body.
Fast fashion	The modern fashion process whereby cheap clothing is produced quickly in response to consumer trends and demand.
Supplier	Workplaces, businesses or factories which supply products to another business, in this case, a garment ultimately supplied to a fashion brand or retailer. This includes factories producing for agents or other factories supplying end products.
Supply chain	A supply chain describes the chain of production including materials, suppliers, manufacturers and processes used to produce a product to the delivery of the product to the customer. The term is often alternated with "value chain" which refers to the same chain but highlights the activities that add value to a product or service across different countries or processes.



Garment workers block a key intersection as they protest in Dhaka on November 12, 2023, demanding a near-tripling of the minimum wage to 23,000 taka (\$208). Photo: Getty Images

1 EXECUTIVE SUMMARY

“When workers raise their voices, they are ignored; when they try to organize, they are threatened and sacked; and finally, when workers protest, they are beaten, shot at and arrested.”

– Taufiq*, a labour NGO worker in Bangladesh

This report focuses on violations of workers’ right to freedom of association in the four target countries: Bangladesh, India, Pakistan and Sri Lanka. It examines the different ways in which workers are adversely affected by the restrictions on the right to freedom of association by states and by their employers. It addresses the legal and administrative burdens states have placed on workers trying to organize to defend their rights, and the harassment and intimidation they face from factory owners. It also highlights the failure of states to promote the rights of garment workers, and the failure of states to protect these workers from anti-union abuse, harassment and violence by employers. It touches on the role of fashion brands and retailers in failing to support garment workers’ rights to freedom of association, and the impact on workers of the long-standing, daily denial of their rights.

This report, alongside the accompanying briefing *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers’ Rights; Brand Responses to Amnesty International Survey*,¹

investigates and uncovers the impact of these failures and the covert alliance between the state governments of Bangladesh, India, Pakistan and Sri Lanka, brands and retailers, and suppliers. All of these parties have failed to protect freedom of association and significantly improve working conditions in the garment industry, and they continue to enable exploitation and other abuses of labour rights directly and indirectly. The report underscores how the garment industry and its current business model have thrived on the exploitation of a mainly female workforce. These individuals – mostly women – remain grossly underpaid and overworked, with a lack of access to basic rights, and are systematically disenfranchised through informal and insecure contracts, despite their crucial contribution to the economies of South Asia. Indeed, despite clear evidence of endemic human rights abuses and the denial of the basic rights to freedom of association and just and favourable conditions of work in major sourcing countries like Bangladesh, India, Pakistan and Sri Lanka, the garment industry has not properly addressed the denial of these core

¹ Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers’ Rights; Brand Responses to Amnesty International Survey* (Index: ASA 04/8930/2025), 27 November 2025, <https://www.amnesty.org/en/documents/asa04/8930/2025/en>

*Name changed to protect identity

rights and has not properly addressed the impact of poverty wages, systematic discrimination and precarious work.

1.1 OVERVIEW

Today, the garment industry is a trillion-dollar global business² employing almost 100 million people around the world, the majority of them women.³ The industry's importance in the region cannot be underestimated. In Asia, garment and textile workers accounted for 75% of the world's garment workforce in 2019.⁴ In South Asia, workers in the garment industry (including textiles) account for an estimated 40% of employment in manufacturing.⁵

The industry has long been challenged over human rights abuses in its supply chain and in its business model. There have been long-standing complaints of the denial of the right to decent work and a living wage, as well as the right to social protection.⁶ The systemic repression of the right to freedom of association, particularly forming and joining independent trade unions, is also regarded as commonplace.⁷ Poverty pay,⁸ gender-based violence,⁹ harassment, overwork and poor working conditions,¹⁰ including access to health and safety at work,¹¹ have been widely documented by rights groups, unions and international bodies, including the ILO.

Amnesty International's research, combined with that of decades of research by labour rights organizations, women's groups and trade unions, shows that the right to freedom of association and collective bargaining are systematically denied,

that abusive working conditions are the norm for most garment workers in the region, and that there have been no significant improvements in the poverty wages, excessive working hours and gender discrimination faced by South Asian garment workers in the past 30 years since the explosion of outsourced garment production in the region.

Restrictions on the right of workers to organize into trade unions and collectively speak out against human rights abuses at work are a violation of the fundamental right to freedom of association and collective bargaining. According to the UN International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR), everyone shall have the right to freedom of association, including the right to form and join trade unions.¹² At the same time, the ICESCR Committee is clear that "trade union rights, freedom of association and the right to strike are crucial means to introduce, maintain and defend just and favourable conditions of work."¹³

Endemic and structural exploitation of a mainly female garment workforce characterizes the supply chains of major fashion brands and retailers in Bangladesh, India, Pakistan and Sri Lanka – the key garment producers in South Asia. The promise of progressive realization of economic rights for this vast workforce remains a myth, with appalling consequences for millions of underpaid, impoverished and overworked people.

The global garment industry is built on colonial structures that extract cheap and often disposable

² World Metrics, Global Fashion Industry Statistics Market Data Report 2024, <https://worldmetrics.org/global-fashion-industry-statistics/> (accessed 23 September 2024).

³ ILO, "How to achieve gender equality in global garment supply chains", March 2023, <https://webapps.ilo.org/infostories/en-GB/Stories/discrimination/garment-gender#introduction>

⁴ Statista, Key figures in garment employment in Asia, <https://www.statista.com/statistics/1281241/asia-garment-workers-key-figures> 11 September 2024, (accessed 24 August 2024).

⁵ Economic and Social Commission for Asia and the Pacific (ESCAP), *Exploring New Value Chains in Textile and Garments in South Asia: Building Back better from COVID-19*, 31 August 2021, <https://www.unescap.org/events/2021/exploring-new-value-chains-textile-and-garments-south-asia-building-back-better-covid>

⁶ The Conversation, "Debt, wage theft and coercion drive the global garment industry – the only answer is collective action", 24 January 2024, <https://theconversation.com/debt-wage-theft-and-coercion-drive-the-global-garment-industry-the-only-answer-is-collective-action-220924> (accessed 26 August 2024).

⁷ Clean Clothes Campaign, Out of the Shadows: A spotlight on exploitation in the fashion industry, 23 September 2020, <https://cleanclothes.org/news/2020/out-of-the-shadows>

⁸ ILO, Employment, Wages and Productivity in the Asian Garment Sector: Taking stock of recent trends, 24 June 2022, <https://www.ilo.org/publications/employment-wages-and-productivity-asian-garment-sector-taking-stock-recent>

⁹ ILO, "Ending violence and harassment in the garment sector – what will it take?" 6 January 2021, <https://www.ilo.org/meetings-and-events/ending-violence-and-harassment-garment-sector-what-will-it-take> (accessed 26 August 2024).

¹⁰ ILO, Working Hours in the Global Garment Industry, 2016, <https://www.ilo.org/publications/working-hours-global-garment-industry>

¹¹ CCC/WRC/ECCHR, "Factory safety in the garment sector: An assessment of mandatory human rights due diligence obligations of apparel brands (without the Bangladesh Accord)", 2021, <https://www.workersrights.org/wp-content/uploads/2021/08/Factory-safety-in-the-garment-sector.pdf>

¹² UN, International Covenant on Civil and Political Rights (ICCPR), Article 22.

¹³ ICESCR, General Comment 23 (2016): The Right to Just and Favourable Conditions of Work, para. 1, UN doc; and UN, Committee on Economic, Social and Cultural Rights (ESCR), Thirty-fifth session, General Comment 18 (2005): The right to work, para 12 (c),

labour from countries in the Global South to create profits for fashion brand and retailer shareholders in the Global North.¹⁴ This model encourages the devaluation of Asian labour, and particularly the labour of women. Poverty, employment insecurity and unsafe working conditions are not an unexpected by-product of the industry, but an integral part of it. This, coupled with the denial of workers' right to freedom of association by employers and states means that working conditions are not improving.

Freedom of association is key to tackling all these abuses of rights. As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association summarized in his 2016 report, "Without assembly and association rights, workers have little leverage to change the conditions that entrench poverty, fuel inequality and limit democracy. The need to maintain paid work is all-consuming; so many workers toil long hours for low wages in unsafe and unhealthy environments, risking disease, injury and death."¹⁵

1.2 RESTRICTIONS ON FREEDOM OF ASSOCIATION AND UNION ACTIVITY

Freedom of association is both an individual and a collective right. It is both a core human right and an enabling right. Without freedom of association, workers have little power or voice. With the growth in lengthy and complex supply chains and new forms of working, such as zero hours contracts and informal employment contracts, unions increasingly face challenges not only because of employer enmity to unions but because of the challenges in organizing increasingly informalized and contracted workers. This is compounded by government hostility to unions.¹⁶

Amnesty International's research has identified four key areas through which the right to freedom of association and collective bargaining is repressed by these four states.

- **Union busting:** the systematic and extensive

methods used by states and employers to break up unions.

- **Factory retaliation:** the challenges of trade unions to undertake key activities of organizing workers, resolving disputes and where necessary undertaking industrial action such as striking, as well as the potential violence from the state.
- **Obstacles to the right to strike:** the specific barriers to union organizing for garment workers in SEZs.
- **Replacing unions with pro-management bodies:** the mechanisms developed by the state and encouraged by brands to develop parallel means of worker organizing which strips workers of the legal rights of unions.

These failures by the state are compounded by a culture of impunity for employers, the factory owners and managers for their role in repressing freedom of association and encouraging exploitative labour practices.

Workers, and especially women workers, face almost insurmountable challenges in the workplace when they do try and organize. In all four countries, workers told Amnesty International that their biggest practical challenge to worker organization is the fear or threat of repercussions from employers, which makes many workers too afraid to join unions or speak to union officials. Workers in all four countries also shared experiences with Amnesty International of being threatened and harassed by employers in relation to union activities. Indeed, all but two of the 13 workers interviewed in Bangladesh reported a climate of fear in the workplace with threats of retaliation for joining or trying to form a union. All 11 interviewed union organizers in Bangladesh, India and Pakistan provided details of harassment, dismissal, retaliation and threats by supervisors and employers, that they or their colleagues had experienced for belonging to or organizing a union. In Sri Lanka, all 18 labour rights groups and union organizers, including focus groups of union officials from various factories, reported similar threats and instances of retaliation from managers for belonging to, joining or attempting to start a union in garment factories.

14 The Guardian, "The fashion industry echoes colonialism – and DfID's new scheme will subsidise it", 25 August 2020, <https://www.theguardian.com/global-development/2020/aug/25/the-fashion-industry-echoes-colonialism-dfid-new-scheme-will-subsidise-it>

15 UN Special Rapporteur on the Rights to Freedom of Assembly and of Association, Promotion and Protection of Human Rights: Human Rights Questions, Including Alternative Approaches for Improving the Effective Enjoyment of Human Rights and Fundamental Freedom, 2016, UN Doc. A/71/385, para. 11.

16 ITUC, "India - Joint statement from the Indian unions (CTU)", 18 May 2020, <https://www.ituc-csi.org/india-joint-statement-from-the>

The challenges of union registration and membership, as well as state-sponsored restrictions on organizing, compounded by the threat of dismissal, are even harder to overcome for women workers. Indeed, retaliation for union activity is particularly critical for women workers who are often the most at risk from reprisals and sexualized repercussions for union activity, a finding reinforced through Amnesty International interviews. This creates further barriers for women workers, often rural migrants or members of minority castes, in securing better working conditions and organizing.¹⁷

Such retaliation is in breach of human rights and international labour standards which guarantee workers protection from anti-union discrimination, including in relation to hiring, employment and dismissal.¹⁸

1.3 POVERTY WAGES, INSECURE WORK AND HARASSMENT

The global garment industry's outsourcing of production to lower-income countries has enabled brands and retailers to contract out responsibility for workers and working conditions to suppliers. In practice, such outsourcing on this scale has meant that brands and retailers in high income countries manufacture their products in countries with far lower labour costs, weaker labour protections and inspections, weak legislation governing supply chain responsibilities, lower standards of social protection, insurance, and holiday and sick pay rates, and lower pension costs.¹⁹

Because of the structure of the industry and its labour-intensive business model, which has travelled the world in search of low wages in overseas production regions, wages are set as low as possible to attract investment. All four governments have failed to set and protect a living wage to provide

equal pay for all workers within the garment industry. Indeed, in all four states, minimum wage rates, when they are paid, generally do not enable workers and their families to enjoy an adequate standard of living and to earn themselves out of poverty.²⁰ The failure of states to ensure a living wage, means that most workers are forced to work long hours in order to earn enough to sustain their families. Almost all the workers interviewed by Amnesty International said they did not earn enough to cover their living costs.

1.4 GENDER, CASTE, MIGRANT STATUS AND INTERSECTING DISCRIMINATION

Most garment workers across the world are women. The ILO highlights that the garment industry “tends to rely on low-paid female labour to compete and maximize profits in a highly competitive global market”²¹ and its own global estimates in 2019 suggest that 60-80% of the industry's workforce is female.²²

In South Asia, women are under-represented in factory management, with extensive research warning that male managers and supervisors bully, harass and/or sexualize many women workers, especially those of lower social status. These power imbalances in the factory often replicate the patriarchal system outside the factory, as well as existing class, ethnic, religious and caste discrimination. A high percentage of women garment workers in Asia, who are often hired on informal and precarious work contracts, have reported harassment and violence, ranging from verbal or physical abuse to sexual violence, with research showing that many women see harassment as an inevitable extension of “normal” behaviour outside work.²³ A culture of impunity for male perpetrators compounds and enables this cycle of

17 InterPress Service, “The garment industry needs more women leaders”, May 2021, <https://www.ipsnews.net/2021/05/garment-industry-needs-women-leaders> (accessed 14 April 2024).

18 ILO, Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

19 Clean Clothes Campaign, *Fashioning justice: A call for mandatory and comprehensive human rights due diligence in the garment industry*, January 2021, <https://cleanclothes.org/news/2021/fashioning-justice>.

20 Anannya Bhattacharjee and Ashim Roy, “Asia Floor Wage and global industrial collective bargaining”, 2012, *International Journal of Labour Research* 4/11 (2012), p. 74.

21 ILO, *ISSUE BRIEF Understanding the Gender Composition and Experience of Ready-Made Garment (RMG) Workers in Bangladesh*, 3 September 2020, <https://www.ilo.org/publications/understanding-gender-composition-and-experience-ready-made-garment-rmg>, p. 3.

22 Better Work, “Ten ways the ILO has transformed the global garment industry”, 22 January 2019, <https://betterwork.org/2019/01/22/ilo100-ten-ways-the-ilo-has-transformed-the-global-garmentindustry>.

23 Fair Wear Foundation, *Standing Firm Against Factory Floor Harassment: Preventing violence against women garment workers in Bangladesh and India Report*, 2016, <https://api.fairwear.org/wp-content/uploads/2016/06/StandingFirmReportFWF2013.pdf>, p. 9.

inequality.²⁴ The dominantly male management systems in the workplace are compounded by the lack of effective, independent grievance mechanisms which allows harassment to continue and increases the power imbalance between women workers and their employers.²⁵ This lack of voice and access to remedy is entrenched through the denial of women's right to unionize. For many workers, their status based on belonging to a particular race or religion, or migration status, as well as their gender and their terms of employment, all combine to compound the potential for intersecting human rights abuses and challenges in accessing a range of human rights and protections, including the rights to freedom of association and decent work.

Bangladesh: Legal restrictions in Bangladesh deny workers the right to freedom of association in the many Special Economic Zones (SEZs) where some garment production takes place. Instead, workers are encouraged to form welfare associations or committees, which have limited ability to collectively organize and represent workers. Violence by the authorities during worker protests alongside mass charges against worker protestors has weaponized criminal law against workers taking part in largely peaceful protests.

India: In India, our research highlights the extreme levels of informalization and resulting vulnerability of female labour, in the industry. Vast numbers of home workers in the garment industry are often not recognized as employees under Indian labour law and thus not eligible for pensions, other employment-related social protection benefits or union membership.²⁶ In India, most of the informal garment workers belong to poor and often socially marginalized communities. They face numerous barriers in accessing their rights because of the intersecting discrimination they face from caste, class, gender and marginalization. Ongoing and escalating restrictions on the ability of workers to unionize in independent trade unions has seen the number of unions shrink. In some areas like the Delhi region, administrative burdens and a failure to register trade unions have decimated union

membership in the workplace. This denial of the right to organize compounds the structural, cultural discrimination faced by women workers and those from marginalized or scheduled castes like Dalit workers.

Pakistan: Garment workers in Pakistan face daily challenges in accessing minimum wage and work contracts as the government fails to secure even these most basic rights. Underpayment of wages due to a lack of proper contracts, as well as extensive lack of payslips and clear salary calculations, is endemic.²⁷ In addition, the devolution of labour law administration, alongside pervasive anti-union repression, has led to the effective denial of the right to freedom of association for workers in SEZs.

Sri Lanka: Workers in the free trade zones (FTZs) are denied the right to freedom of association through administrative measures which place often insurmountable barriers against union communication and access to workers. Where workers break through the often overly burdensome and complex administrative procedures to form unions, they are harassed, victimized and often dismissed. State authorities have failed to protect these workers from reprisals by factory owners. Draft laws proposed in 2023 suggest moves towards further restricting fundamental rights to collective bargaining and organizing.

1.5 CONCLUSION AND RECOMMENDATIONS

The litany of abuses of garment workers' rights in South Asia has emerged in conjunction with a complex symbiotic relationship between producing states seeking foreign earnings through export and fashion brands, and retailers seeking cheap labour. In the middle of this stand the factory owners who are enabled by states to deny workers their right to freedom of association and who work together to keep wages down. Governments of countries where brands are headquartered have tacitly supported

24 Shikha Silliman Bhattacharjee, "Fast fashion, production targets, and gender-based violence in Asian garment supply chains", *Labor, Global Supply Chains, and the Garment Industry in South Asia*, 2020, https://shikhasb.com/wp-content/uploads/2020/11/Silliman-Bhattacharjee_Fast-fashion-production-targets-and-gender-based-violence-in-Asian-garment-supply-chains.pdf

25 Shikha Silliman Bhattacharjee, *Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast Fashion*, 2019.

26 Berkley Blum Center for Developing Economies, *Tainted Garments: The Exploitation of Women and Girls in India's Home-based Garment Sector*, 2019, p. 5.

27 Labour Behind the Label, *Hanging on by a Thread: Garment Worker Rights Amidst Rising Costs and Wage Violations in Pakistan*, September 2023, <https://labourbehindthelabel.org/report-hanging-on-by-a-thread/#:~:text='Hanging%20on%20by%20a%20thread,Wage%20violations%20were%20also%20rife.>

this extractive and exploitative industry allowing their companies to reap profits from this exploitation without holding them accountable. Ultimately, the workers have suffered with ongoing repression, poverty and vulnerability, despite decades of courageous campaigning.

In Bangladesh, India, Pakistan and Sri Lanka, the economic success of the garment industry has come hand-in-hand with growing restrictions on the right to freedom of association, thereby protecting the interests of factory owners and ultimately the brands and retailers who buy the products. Both factory owners and in turn governments in garment production countries see trade union activity as potential disruptors of economic success. This was clearly seen during the Covid-19 pandemic, when states further repressed union activity to sustain foreign earnings.²⁸

The report concludes that the governments of Bangladesh, India, Pakistan and Sri Lanka have enabled the growth of an industry that is failing its supply chain workers, through the extensive denial of the right to freedom of association and collective bargaining, through the payment of poverty wages, employment relationships that circumvent labour laws, extensive overwork and endemic gender-based violence. The situation for women workers and those from minority or vulnerable groups, including migrants, is one of intersecting human rights violations. Impunity for labour rights abusers confirms these states' failure and lack of respect for workers, who are contributing so much towards the countries' economic progress and export earnings.

Responsibility lies with the governments of Bangladesh, India, Pakistan and Sri Lanka which are failing to protect the rights of workers. This failure is compounded by a culture of impunity for employers, factory owners and managers who play a role in repressing freedom of association and encouraging exploitative labour practices. The role and responsibility of major fashion brands and retailers in the continued denial of basic human rights to freedom of association, living wages and just and favourable conditions of work is addressed in *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights*;

Brand Responses to Amnesty International Survey, Amnesty International's accompanying briefing to this report.²⁹

In light of our findings, Amnesty International makes a series of recommendations to the authorities in Bangladesh, India, Pakistan and Sri Lanka and suppliers. Recommendations to brands and retailers are covered in *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights*; *Brand Responses to Amnesty International Survey*.³⁰

TO STATES

On freedom of association

- Ensure that all workers can exercise their right to freedom of association and collective bargaining, in line with international law, including by being able to form and join trade unions at the factory level, engage in genuine social dialogue with government authorities and factory owners, and enjoy the right to freedom of peaceful assembly and to strike. This includes:
 - o Taking measures to protect all workers from third-party interference in exercise of their right to freedom of association
 - o Urgently revising all laws and regulations which place unnecessary, unduly burdensome or overly restrictive barriers on the enjoyment of freedom of association for workers in the garment industry.
 - o Revising regulations regarding SEZs and EPZs to ensure that all workers are free to form and join trade unions and engage in collective bargaining, and auditors and unions are guaranteed free access to all zones.
 - o Actively supporting and promoting the exercise of the right to freedom of association by all workers, in particular women workers and workers facing intersectional discrimination.
 - o Ensuring that all regulations regarding the

²⁸ Business and Human Rights Resource Centre, *Unpicked Fashion and Freedom of Association*, October 2022, https://media.business-humanrights.org/media/documents/2022_Unpicked_Fashion_and_FOA.pdf

²⁹ Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights*; *Brand Responses to Amnesty International Survey* (previously cited)

³⁰ Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights*; *Brand Responses to Amnesty International Survey* (previously cited)

use and formation of employee councils and similar bodies do not detract, deter or repress the formation of independent factory-level trade unions and collective bargaining.

- o Making sure that regular tripartite social dialogue between the state, unions and employers takes place and includes independent unions, ensuring that labour law reforms are developed with the genuine participation of independent trade unions, and that these reforms progressively protect and respect fundamental rights at work.
- o Ratifying all relevant ILO Conventions including the 11 fundamental instruments.³¹

On the right to freedom of peaceful assembly

- Ensure that all law enforcement agencies uphold their obligations to protect and facilitate the exercise of the right to peaceful assembly, strictly adhering to international law and standards on the use of force, including by recognizing that dispersal should be an exceptional measure, and that firearms and the use of the military are not an appropriate tool for policing assemblies, and must never be used to disperse a protest.

On wages

- Urgently review and raise the current minimum wage for garment workers to ensure it provides a non-discriminatory, adequate living wage according to ILO standards. Wage levels should be reviewed periodically – ideally at least annually – and adjusted based on appropriate up-to-date data such as cost of living and inflation statistics.
- Urgently review wage-setting policies and practices to ensure worker participation in the wage-setting process.
- Strengthen laws and regulations on racial and gender-based equity in pay, promotion, training and access to enforceable grievance mechanisms.

On gender

- Strengthen laws on the elimination of all forms of gender-based discrimination, violence and harassment, including ratification of ILO Convention 190 on Violence and Harassment in the World of Work. This must also include requiring companies to publish and implement inclusion policies and take a zero-tolerance approach to workplace gender-based violence and harassment.
- End the concentration of women and migrant workers in low wage, informal and insecure work, by ensuring women workers have the same access to employment opportunities. This should include stable contracts and social security payments, gender-related benefits and sanitation, and promotion opportunities to supervisory, managerial and human resources roles.
- Reduce the gender pay gap, including through inspections, and by ensuring equal pay for equal work, regardless of ethnicity and/or migration, ethnic or caste-related status.
- Carry out effective and impartial investigations into all workers' allegations of sexual and gender-based violence, harassment, threats and other abuses, and bring those accountable to justice.
- Protect the rights of home-based workers, ensuring their formal status and protection under labour laws.

On informal and precarious work

- Reduce the use of precarious work, agency work and the use of temporary workers in the garment sector, and ensure all workers, including agency, piece-rate and home workers are protected under labour laws.
- Ensure all workers are protected from abusive recruitment practices including opaque and excessive employment agency deductions.
- Ensure that all garment workers are provided with fair and transparent contracts in their own language that stipulate the key working conditions and remuneration.

³¹ Including Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Occupational Safety and Health Convention, 1981 (No. 155); Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

On working conditions

- Effectively implement and enforce national labour legislation. Ensure that adequate resources are given to labour inspections and grievance mechanisms (including labour tribunals).
- Ensure that work pressure, piece rates and excessive targets are reduced in collaboration with suppliers and manufacturers.

On impunity and inspection

- Investigate all potential breaches of labour law, including practices such as underpayment of wages and excessive and underpaid overtime. Where offences are uncovered, penalize employers appropriately, including through prosecutions, and ensure adequate remedy for affected workers.

Remedy

- Provide timely and adequate remedy for all of the abuses detailed in this report, including by reimbursing all workers for loss of wages through union harassment or dismissal, underpaid overtime, unlawful salary deductions and any unlawful fees paid in the course of being recruited to the company, even without proof of payment.

On development

- Affirm its commitment to human rights as a central tenet of sustainable development through the formulation of appropriate national development policies that aim to constantly improve the well-being of all individuals, on the basis of their active, free and meaningful participation in development, and ensure the fair distribution of the benefits resulting from development.³²

On caste³³

- Fully integrate the Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal system and stipulate legislative measures to eradicate descent-based discrimination, including full criminalization of perpetrators of hate crimes against descent-based groups.

- Address descent-based discrimination through confronting broader social norms, perceptions, attitudes and beliefs which perpetuate and reinforce prejudices and stereotypes of hierarchy, and accompanying forms of domination and exclusion that are endemic to caste and descent-based discrimination.

On due diligence

- States should implement and enforce mandatory human rights and environmental due diligence legislation covering companies' global operations and supply chains that ensures companies of all sizes and sectors, as well as investors and public procurement agencies, undertake robust and transparent human rights and environmental due diligence in line with the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises (OECD Guidelines), which go beyond risk-mitigation and require preventative and timely remedial actions alongside meaningful engagement with impacted rights holders, including workers.
- Companies must be required to conduct this due diligence with respect to all human rights risks and impacts, including using an intersectional lens that considers gender and racial justice among other hierarchies and addressing the barriers to accessing justice victims of corporate harm face – in particular those faced by women and girls. The legislation must include the right to an adequate living wage; adequate promotion of the right to freedom of association to combat power inequalities, including the ILO's Declaration on Fundamental Principles and Rights at Work. Under this legislation companies should be required to meaningfully and safely engage with actually and potentially impacted rights holders throughout the due diligence process and include provisions stating that a business can be held liable for harm that they cause, or contribute to, as a result of their failure to carry out adequate human rights and environmental due diligence.
- Link the public funding of companies to respect for human and labour rights, including guaranteeing that a living wage is paid to all workers in the supply chain.

³² UN, Declaration on the Right to Development, Article 2(3).

³³ Amnesty International, "Factsheet on SMART recommendations to address descent and caste-based discrimination" (previously cited).

To the authorities in Bangladesh

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure that all law enforcement agencies uphold their obligations to protect and facilitate the exercise of the right of peaceful assembly, strictly adhering to international law and standards on the use of force. This includes recognizing that dispersal should be an exceptional measure, and that firearms and the military must never be used to disperse a protest.
- Ensure that prompt, independent, impartial and effective investigations are carried out into the numerous allegations of unlawful use of force, by law enforcement officials against protesters in 2023.
- Ensure ratification of all 11 fundamental ILO Conventions.
- Urgently revise laws and regulations which place and remove all arbitrary and excessive obstacles to workers' right to freedom of association.
- Ensure timely and just hearings of the pending cases seeking justice and accountability for the Rana Plaza collapse and the Tazreen Fashions fire, such as the compensation case filed before the Supreme Court.
- Ensure that law enforcement officials use firearms only as a last resort (that is, only when less extreme means are insufficient) and when strictly necessary to protect themselves or others against the imminent threat of death or serious injury; further, the intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life.

To the authorities in India

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ratify all 11 fundamental ILO Conventions including conventions 87 and 98 as a matter of urgency.
- Ensure that trade unions are afforded due

process and support in registration and recognition of trade unions.

- Urgently revise laws and regulations which place arbitrary and excessive obstacles to workers' right to freedom of association.
- Urgently address systemic gender-based violence against women workers in India, including the harassment and violence directed at Dalit workers, particularly in, but not limited to, the state of Tamil Nadu.

To the authorities in Pakistan

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure labour authorities are properly resourced, that labour inspections are timely and thorough, and that the minimum wage is rigorously enforced.
- Ensure that all workers in SEZs have full protection under Pakistan labour law and are afforded the right to freely organize.
- Fully implement the Protection against Harassment of Women at the Workplace Act (with the 2022 amendments).
- Revise existing labour laws that run contrary to international law, such as the Industrial Relations Ordinance that allows for "illegal strikes" to be punished. Reform the National Industrial Relations Commission to make sure that unions are adequately protected and ensure the process of forming and joining unions is gender inclusive.
- Ratify all 11 fundamental ILO Conventions.

To the authorities in Sri Lanka

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure that union busting by suppliers is ended, and that penalties are put in place for employers who discriminate or harass union members and organizers.
- Ensure that ongoing cases alleging union-busting by employers are dealt with in a timely manner,

STITCHED UP: DENIAL OF FREEDOM OF ASSOCIATION FOR GARMENT WORKERS IN BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

and where relevant, workers are compensated for any unjust dismissal or loss of earnings.

- Ensure that trade unions have full access to workers and factories within all SEZs.
- Ratify all 11 fundamental ILO Conventions including 87 and 98 as a matter of urgency.
- Halt the problematic labour reform process towards a new draft labour law.³⁴ Start an alternative process that is transparent, consensus-based, includes all tripartite stakeholders, and meets the established Sri Lankan democratic processes on consultation, translation into both official languages, and publication. This will enable the effective participation of all workers and their representatives to develop a unified labour code that respects international labour rights standards.

To suppliers and factories

- Respect the right to a living wage, going beyond compliance with national regulations where these are not in line with international human rights law and standards,
- Ensure all workers are recognized as workers, including home-based workers, contracted workers, subcontracted agency workers and piece-rate workers. Ensure that all workers are provided with a clear copy of their contracts which includes full terms and conditions of employment in their own language. Work towards permanent employment of workers and away from increasing contract and informal working.
- Publish and implement inclusion policies which also take a zero-tolerance approach to workplace gender-based violence and harassment. This must include ensuring that all female workers are provided with a copy, and an effective and secure mechanism for complaint and redress.
- Support the formation of independent unions in their supplier factories, including supporting worker requests to form and register trade unions.
- Recognize trade unions and enter into genuine bargaining agreements, working to ensure they

are encouraged and implemented.

- Publicly commit to respecting human rights and put in place effective human rights due diligence systems to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations.
- Provide timely and adequate remedy to all current and former workers who faced human rights abuses documented in this report. This should include reinstatement of dismissed unionists and the reimbursement of underpaid overtime and unlawful salary deductions, as well as measures to ensure non-repetition.
- Take action to end any coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse, form or join a trade union.
- Develop, implement and promote company policies on caste and gender discrimination, harassment and abuse, including penalties for abusers. Conduct specific training and awareness campaigns for all staff on intersectional gender and caste-based discrimination.
- Actively ensure that effective, enforceable, transparent and independent grievance mechanisms are open to workers from minority groups and women workers, ensuring that they are specifically made aware of their rights and neither discouraged nor threatened when seeking redress.

1.6 METHODOLOGY

This report is based on research carried out by Amnesty International between September 2023 and August 2024. Between July 2023 and June 2024, Amnesty International researchers conducted 88 interviews (64 workers including 12 with local union leaders and labour rights activists) covering 20 factories. Of these, more than two thirds of the individuals interviewed were women workers and unionists. Included in the 88, Amnesty International also interviewed 14 labour organizers, activists, unions and experts. The names of all the workers interviewed have been anonymized in this report to

³⁴ Ministry of Labour and Foreign Employment, Sri Lanka, “Notice: Call for Inputs on Labour Law Reforms in Sri Lanka”, <https://labourmin.gov.lk/wp-content/uploads/2023/06/ENGLISH-2.pdf> and Amnesty International, Sri Lanka: Open Letter to the Government and Parliament on the Imminent Labour Law Reform, 27 May 2024, ASA 37/7979/2024.

protect their identities due to the risk of reprisals.

Amnesty International also analysed existing research on human rights abuses in the garment sector over the past 30 years conducted by external organizations, including research by local unions, women's groups and community groups. Amnesty International also looked at reports by global NGOs, the UN and the International Labour Organization (ILO) investigating working conditions in garment factories, the challenges for labour organizing and the right to freedom of association.

Amnesty International also sent 21 major brands and retailers based in nine countries a survey in November 2023, requesting information about their policies, monitoring and concrete actions related to freedom of association, gender equality and purchasing practices.³⁵ Of the 21 companies, adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark provided full responses. Marks and Spencer and Walmart provided a summary of policies and commitments relating to freedom of association, internal committees, supplier codes of conduct and purchasing practices. PVH and Sainsbury's stated they could not complete the survey but sent in links to online, publicly available reports and policies. H&M responded and discussed the survey objectives with Amnesty International, but ultimately did not return the survey. BESTSELLER responded with clarifications, but did not return the survey. C&A, Boohoo, Morrisons and Tesco replied to say they did not have the capacity to complete the survey, Amazon was "unable to respond" and Next, "not able to participate". Tesco did send links to external materials. Gap and Desigual did not respond at all. Shein responded but stated that it does not source from any of the four countries surveyed. Right to reply letters were sent to all 21 companies who received the survey along with all factories named by interviewees in the report. Letters were also sent to the relevant Ministries in all four states. Where relevant, information contained in response to these letters has been included in this report.

The results of the survey and an analysis of the survey responses, alongside an analysis of company policies that are publicly available, have been

included in the accompanying briefing to this report: *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey*.³⁶ Some of the key findings with regards to corporate responsibilities, policies and practices which are relevant to the topics covered in this report are included in summary form here.

³⁵ The 21 companies were selected based on their size, geographical location and product range in order to cover a range of both "fast fashion", high street fashion, sportswear and global brands. The full list of companies and their home country headquarters is: adidas (Germany), Amazon clothing (USA), ASOS (UK), BESTSELLER (Denmark), Boohoo (UK), C&A (Belgium/Netherlands), Desigual (Spain), Fast Retailing (Japan), Gap Inc (USA), H&M (Sweden), Inditex (Spain), Marks & Spencer (UK), Morrisons (UK), Next (UK), Otto Group (Germany), Primark (Ireland/UK), PVH (USA), Sainsbury's (UK), Shein (China), Tesco (UK) and Walmart (USA).

³⁶ Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey* (previously cited)



Governments, factories and global fashion brands are guilty of colluding together to profit from the continued repression and abuse of labour rights in Bangladesh, India, Pakistan and Sri Lanka. Photo: Amnesty International

2 METHODOLOGY

This report examines the human rights impact of the garment industry in four South Asian countries: Bangladesh, India, Pakistan and Sri Lanka. Amnesty International's research focused on barriers to the right to freedom of association and investigated their impact as a major impediment to ending human rights abuses in the garment production sector in South Asia.

2.1 FIELD RESEARCH

Between July 2023 and June 2024, Amnesty International researchers conducted 88 interviews, a company survey and an extensive literature review to investigate the working conditions in garment factories, the challenges for labour organizing, and the right to freedom of association.

Interviews, including 64 with workers, and 12 with union leaders and labour rights activists, were conducted in the region covering 20 different factories. The interviewees were identified through outreach to local unions and community groups active in the four countries, while in the case of India and Pakistan, workers were randomly asked for an interview in garment factory areas. The names of all the workers interviewed have been anonymized in this report to protect their identities due to the risk of reprisals. The names of the factories mentioned by workers, except those in specific case studies have been removed to prevent reprisals and potential order losses.

In Bangladesh, nine female and two male workers and union activists were interviewed, along with five female trade union leaders. Interviews took place in and around the Dhaka region of Bangladesh which is a major production hub and includes a special economic zone (SEZ). In India, 12 workers were interviewed, 10 of whom were women along with one trade union leader (and an industry insider (both women) who were interviewed remotely. Interviews

took place in and around the Delhi National Capital Region (NCR), which encompasses Delhi and neighbouring towns, and cities in Uttar Pradesh, Haryana and Rajasthan states. The area is a key hub for garment production for export in the north of India. In Pakistan, we interviewed 10 workers along with four union leaders and activists in Lahore and the surrounding Punjab region. Of them, six were women. The Punjab province is a major garment production hub for export along with Sindh Province in the south. In Sri Lanka, Amnesty interviewed 13 individual women workers and conducted four focus group interviews with a total of 18 unionized workers with a mix of male and female participants. Interviews took place in the capital, Colombo, and areas around the Katunayake free trade zone (FTZ) to the north of Colombo.

In Sri Lanka, Amnesty International also interviewed International Labour Organization (ILO) representatives, a member of a national export manufacturers association, industry representatives, as well as two union leaders, two leaders of women's groups, and staff members of unions and women's groups. The interviews were conducted in person around the Katunayake FTZ, one of the largest and most established FTZs producing garments in the country. In addition, we spoke to 12 global and regional union leaders and labour experts, including academics and activists, using a mix of in-person interviews and online conversations.

2.2 DESK RESEARCH

Amnesty International carried out extensive desk research using information from: civil society organizations, including labour rights and women's rights groups; domestic, international and trade news media; academic journals; the UN and publicly available information on the companies covered in this research. Researchers reviewed laws and

regulations held by each country. We also analysed existing research documenting human rights abuses in the garment sector over the past 30 years to identify patterns of abuse common to Bangladesh, India, Pakistan and Sri Lanka.

On 12 November 2024, Amnesty International shared its findings in letters to relevant government departments in Bangladesh, India, Pakistan and Sri Lanka, but had not received a response by the time of publication.

2.3 COMPANY SURVEY

In November 2023, Amnesty International sent 21 major brands and retailers a survey requesting information about their policies, monitoring and actions focused primarily on freedom of association. The survey contained 66 questions. Survey questions covered purchasing practices, transparency of the supply chain, gender equality, corporate human rights policies; corporate and CEO pay and bonuses, whether the company had specific key performance indicators (KPIs) related to freedom of association and measures taken to monitor suppliers' support for freedom of association, gender equality and the presence of independent trade unions in suppliers in Bangladesh, India, Pakistan and Sri Lanka. The survey also asked if a representative of the company or CEO would be willing to be interviewed by Amnesty International.

The 21 companies were selected based on their size, geographical location and product range in order to cover examples from "fast fashion", high street fashion, sportswear and global brands.

The 21 companies were selected to represent large high street fashion brands from Europe, Asia and USA who have a large buying presence in the region,

including adidas, Best Seller, C&A, Desigual, Fast Retailing, Gap, H&M, Inditex, Marks and Spencer, Next, Otto Group, Primark and PVH and. We also included newer fast fashion brands such as ASOS and Boohoo, and ultra-fast fashion brand Shein. Global "platform" retailers who sell both their own brands and other third-party brands, such as Amazon and Walmart, were included alongside UK supermarkets selling significant clothing brands, such as Morrisons, Sainsbury's and Tesco. In total, these companies represent at least 74 different fashion brands and retail platforms.³⁷

The full list of companies and their home country headquarters is: Gap (USA), Inditex (Spain), Fast Retailing (Japan), adidas (Germany), H&M (Sweden), Amazon clothing (USA), Next (UK), Shein (China), ASOS (UK), BESTSELLER (Denmark), Boohoo (UK), Marks & Spencer (UK), C&A (Belgium/Netherlands), Primark (UK)³⁸, PVH (USA), Otto Group (Germany), Desigual (Spain), Tesco (UK), Sainsbury's (UK), Walmart (USA) and Morrisons (UK).³⁹

The companies were asked to answer within two weeks, but extensions were offered and provided when requested. A reminder was sent on 6 December 2023 to those that had not responded.

Of the 21 companies, only six: adidas, ASOS, Fast Retailing, Inditex, Otto and Primark, provided full responses. ASOS and adidas also provided internal material to support their responses. Inditex provided further information and detailed answers to clarifications requested on numbers of trade unions and remuneration. Marks and Spencer and Walmart provided a summary of policies and commitments relating to freedom of association, internal committees, supplier codes of conduct and purchasing practices. Marks and Spencer provided further details of its payment schedules. PVH provided links to external policies and guides.⁴⁰

³⁷ Garment and footwear brands include **Amazon**: Amazon owns multiple brands and private labels including Amazon basics and Amazon essentials, Cable Stitch, Lark & Ro, Mae, Lily Parker, Wild Meadow etc. Currently Amazon is reducing the number of own labels: [In-Depth Study of All 92 Amazon Private Label Brands \(ecomcrew.com\)](#); **ASOS**: ASOS brands include ASOS Design, ASOS Luxe, ASOS Edition, ASOS 4505, Collusion, Miss Selfridge, Reclaimed Vintage, Topman, Topshop; **BESTSELLER**: Jack & Jones, Name it, LMTD, Lil' Atelier, Object, Only, Vera Moda, Villa, JJXX, Noisy May, JDY, Only & Sons, Pieces, Yas, Selected, Mamalicious; **Boohoo**: Boohoo, Boohoo Man, Debenhams, Pretty little thing, Karen Millen; Nasty Girl, Coast, Oasis, Warehouse, Burton London, Misspap, Wallis, DP, **Inditex**: Zara, Massimo Dutti, Zara Home, Oysho, Pull&Bear, Stradivarius, Bershka; **C&A**: Angelo Litrico, Avanti, Clockhouse, Here+There, Palomino, Rodeo, Westbury, Yessica, Yessica Pure, and Your Sixth Sense; **Fast retailing** brands include UNIQLO, GU, Theory, PLST, Comptoir des Cottonniers, Princesse tam.tam, J Brand, and Helmut Lang. "**H&M**: H&M, COS, Weekday, Cheap Monday, Monki, Arket, &Other stories, Singular Society, Afound, Creator Studio, Sellpy; **Primark**: Primark; **PVH**: Calvin Klein, Tommy Hilfiger; **Otto**: relevant brand concepts' and retailers include Bonprix, Heine, Sheego, Witt-Gruppe, Freemans, Quelle, About You, OTTO. See here for full list which including financial services and logistics <https://www.ottogroup.com/en/ueber-uns/konzernfirmen.php>. Retailers **Sainsbury's**: Everbelle, For all the love, Tu; **Tescos**: F&F; **Morrisons**: Nutmeg

³⁸ Primark itself is headquartered in Ireland, but is a subsidiary of Associated British Foods (ABF) based in London, United Kingdom

³⁹ Company headquarters were identified through the use of company or brand websites and public information.

⁴⁰ "For information about our Corporate Responsibility Program and the topics raised in the survey, please see [responsibility.pvh.com](#), where you will find our [A Shared Commitment](#), [Code of Conduct](#), [Corporate Responsibility Supply Chain Guidelines](#), [PVH Supplier Disclosure](#), [2022 CR Report](#), [Living Wage Strategy](#), [Our Approach to CR and Human Rights](#) and other policies related to PVH's approach to protecting workers' rights."

Sainsbury's wrote that they could not complete the survey, stating, **"We are supportive of being transparent and of initiatives that help to move industry forward on human rights. However, we do not tend to respond to new requests on an individual basis and any new asks have to be formally agreed."**

H&M responded and discussed the survey objectives with Amnesty International, but ultimately did not return the survey.⁴¹ BESTSELLER responded with clarifications, but did not return the survey. C&A, Boohoo, Morrisons and Tesco replied to say they did not have the capacity to complete the survey, Amazon was "unable to respond" and Next, "not able to participate".⁴² Tesco did send links to external publicly available documents.⁴³ Gap Inc and Desigual did not respond at all. Shein responded but stated that it does not source from any of the four countries surveyed.⁴⁴ All 21 companies and key stakeholders, including ACT, Ethical Trading Initiative and IndustriALL cited in this report were presented with our findings prior to publication on 11 November and given the opportunity to respond and provide additional information. Of these, Adidas, ASOS, Best Seller, Fast Retailing, Inditex, Marks and Spencer, Morrisons, Next, Primark, PVH, the Otto Group, Sainsbury and Shein responded. Details of the responses received are included in relevant sections and the accompanying briefing.⁴⁵ ETI responded with helpful comments as did ACT and IndustriALL.

The results of the survey and an analysis of the survey responses and right to replies, alongside an analysis of company policies that are publicly available have been included in the accompanying briefing, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey*.⁴⁶ Some of the key findings with regards to corporate responsibilities, policies and practices which are relevant to the topics covered in this report are included in summary form here.

Lastly, Amnesty International attempted to identify all factories referred to in this report, either as case studies or identified by workers through data contained in the Open Supply Hub (OSH), which collates information on garment and footwear production units, as well as other industries.⁴⁷ Once located in OSH, Amnesty International shared our findings with these factories in our letters dated 11 November 2024. Amnesty International has decided not to reveal the names of the factories for fear of potential reprisals and loss of orders.

2.4 ACKNOWLEDGEMENTS

Amnesty International thanks all the organizations and experts who provided their expert input and guidance and liaised with communities to connect Amnesty International to a range of people with lived experience of the harassment, intimidation and violence documented in this report. This includes those who asked not to be identified in the report, for security reasons.

The organizations and individuals who gave consent to be named in the report include: Anti-Slavery International; Kalpona Akter from the Bangladesh Centre for Workers Solidarity, Clean Clothes Campaign; Dabindu Collective's Chamila Thushari, Jayani Fernando, Yasara Weerathunga, Suramyah Yesurajah and other staff; Meena Varma from the Dalit Solidarity Network; Doug Miller; Anton Marcus, Dilakson Suresh, Mathu Mathavan and other staff from the Free Trade Zone and General Services Employees Union; Federation of Garments Workers; Home-based Women Workers Federation; Imtiaz Ahmed Sajal, a labour rights researcher and assistant professor of law at Dhaka International University, Shahnaz Rafique, National Secretary, Indian National Trade Union Congress expressing her personal views; Labour Behind the Label; Khalid Mahmood from Labour Education Foundation in Pakistan; David Hachfeld from Public Eye; Ashila Dandeniya from Standup Movement Sri Lanka; staff from the Women's Centre Sri Lanka including

41 Telephone conversation with H&M and Amnesty International on 19 December 2023.

42 All responses are on file with Amnesty International.

43 Including [Corporate Human Rights Benchmark WBA](#), [Human Rights](#), tescoplc.com/media/lhfmeai0/tes027_modern-slavery-1404.pdf, [Tesco PLC | UN Global Compact](#), and [ACT members continue to support higher minimum wage in Bangladesh - ACT](#)

44 Shein replied that it sources the vast majority of products from China and has also started to source from manufacturing suppliers in Brazil and Turkey.

45 Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey* (previously cited)

46 Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey* (previously cited)

47 Open Supply Hub, <https://opensupplyhub.org> (accessed 12 December 2023).

Padmini Weerasuriya, Gayani Gomes, and Nalina Ranjan; Workers Rights Consortium; Workers United; and War on Want.

Amnesty International acknowledges and values the important work of local trade unions, labour groups and women's rights groups in Bangladesh, India, Pakistan and Sri Lanka who have advocated for workers and garment workers for many years, documenting the human rights abuses that this report builds on.

In addition, Amnesty International thanks the community members and workers who spoke to us as part of this research and who generously shared their experiences and expertise, in their free time, usually after a long shift at their factories. The names of these workers have been anonymised for fear of reprisal. This report would not have been possible without them. Amnesty International hopes that in the future, these workers and their communities will be able to speak out without fear.



Garment workers who belong the the FTZ union participate in an event for the global 16 Days of Activism against Gender-Based Violence. Photo: Amnesty International

3 BACKGROUND

3.1 FREEDOM OF ASSOCIATION AS THE FOUNDATION FOR WORKERS' RIGHTS AND DECENT WORK

The rights to organize in unions, to strike and to collective bargaining have long been contested and are hard-won human rights, which are enshrined in international law [see legal section for more details on the legal framework]. This is because they play an enabling role for workers who are often marginalized. Freedom of association allows workers to form organizations that can improve their workplaces, working hours, working conditions and income. Research also highlights that collective bargaining, and therefore trade union membership, plays a key role in increasing the equality of earnings and that a higher collective bargaining coverage rate is linked with reduced earnings inequality.⁴⁸ Additionally, wage bargaining can support wage growth that is in line with growth in productivity.⁴⁹

Workers as individuals cannot change the workplace given the power of the state, their employers and company buyers. Instead, collective action is needed to demand more stable employment, to reduce the

precarious nature of employment which undermines trade unions. Workers who are unionized enjoy better wages and working conditions.⁵⁰ Trade unions have historically been the organizations that have fought and won legislation and policies against unequal pay, gender discrimination, as well as improvements to working hours, benefits and contract terms.⁵¹

In South Asia, unions are facing relentless pressure from both employers and states as the pursuit of profit in a competitive global market is rapidly shifting away from secure long-term employment towards informal and precarious employment, including zero hours contracts. Even in countries where unionization rates have traditionally been high, union membership is declining.⁵²

A 2022 report on freedom of association in garment factories across Asia, including in Bangladesh, India and Sri Lanka, found that 61% of union and labour activists surveyed reported that repression of freedom of association and collective bargaining had noticeably increased since the Covid-19 pandemic.⁵³ Almost half reported an increase in discrimination, threats and harassment, including the use of false charges and arrests against trade unionists. As a result of the increased suppression, the research revealed a rise in other human rights violations in the workplace, including in gender-based violence, wage and severance pay theft and violence against union leaders, thus highlighting the link between lack of

48 ILO, ILOSTAT, Beyond the numbers: Exploring the relationship between collective bargaining coverage and inequality, April 2023, <https://ilostat.ilo.org/blog/beyond-the-numbers-exploring-the-relationship-between-collective-bargaining-coverage-and-inequality/>, (accessed 10 October 2024)

49 ILO, Global Wage Report 2022–23: The impact of inflation and COVID-19 on wages and purchasing power, 2022.

50 OECD, “A hard day’s night: Collective bargaining, workers’ voice and job quality”, Negotiating Our Way Up: Collective Bargaining in a Changing World of Work, 2019. <https://doi.org/10.1787/55af494d-en>.

51 War on Want, “Ten reasons why unions are important”, 15 February 2023, <https://waronwant.org/news-analysis/ten-reasons-why-unions-are-important>

52 Badigannavar V, Kelly J, Kumar M, “Turning the tide? Economic reforms and union revival in India”, 2021, International Relations, 52. Pp. 364–385.

53 Business and Human Rights Resource Centre, Unpicked Fashion and Freedom of Association, (previously cited).

worker representation and poor working conditions.⁵⁴

The International Trade Union Confederation (ITUC), in its 2023 annual survey of workers' rights in law in 149 countries, stated that around 9 out of 10 countries violated workers' right to strike, and almost 8 out of 10 violated the right to collective bargaining.⁵⁵ Some 73% of countries restricted or impeded the right of workers to register their own unions, while 77% of countries, including India, excluded certain workers from forming or joining unions. Workers were arrested or detained in 69 countries, including trade union leaders in India.⁵⁶ In South Asia, Bangladesh, Pakistan and India were all rated as having "no guarantee of rights" for workers. Sri Lanka was rated as having "systematic violations of rights" for workers in the 2023 survey. The ITUC reported that workers in India, Pakistan and Bangladesh were "beaten by state forces, faced arbitrary arrests and restrictions on the right to form trade unions." According to the ITUC, Bangladesh was among the worst 10 countries for "working people" in 2023 in regard to regressive laws, barriers to union formation and police violence.⁵⁷

3.2 OVERVIEW OF THE GARMENT INDUSTRY

Today the garment industry is a trillion-dollar global business⁵⁸ employing almost 100 million people around the world, the majority of them women.⁵⁹

Since the spread of manufacturing to the Global South, beginning in the 1980s, the industry has regularly come under fire over reports of endemic low wages and poor working conditions. In this section, Amnesty International provides a summary

of established research and data on the sector, including working conditions, wage levels, gendered inequality and unionization. This section also gives an overview of the business model of the industry, and research which has shown how the structure of the garment supply chain contributes to unequal power balances among different stakeholders, resulting in increased potential for human rights violations by the state, abuses by employers and profits for big garment brands and retailers.

3.3 A GENDERED INDUSTRY

“

Women are in this job because they are seen as cheap and disposable.”

– Zehra Khan, General secretary of the Home-Based Women Worker's Federation.⁶⁰

Most garment workers across the globe are women. The ILO highlights that “worldwide, the industry tends to rely on low-paid female labour to compete and maximize profits in a highly competitive global market”⁶¹ and its own global estimates in 2019 suggest that 60-80% of the industry's workforce is female.⁶² Accurate figures for South Asia are hard to establish given the high rates of informal employment, but data from the ILO suggests the proportion of women working in the Bangladesh ready-made garment (RMG) sector is declining from 90% to around 60%.⁶³ In Sri Lanka the proportion is over 70%,⁶⁴ while in India it is around 60%, although this estimate is conservative given the high number of informal and home-based women workers in the Indian garment sector.⁶⁵ Only in Pakistan are

54 Business & Human Rights Resource Centre, “Brand, retailer and supplier responses to BHRRC report on freedom of association in garment supply chains”, 11 October 2022, <https://www.business-humanrights.org/en/latest-news/asia-brand-retailer-and-supplier-responses-to-bhrcc-report-on-freedom-of-association-in-the-garment-supply-chain/> (accessed 24 August 2024).

55 ITUC, 2023 *ITUC Global Rights Index*, https://www.ituc-csi.org/IMG/pdf/2023_ituc_global_rights_index_en-v2.pdf, p. 10.

56 ITUC, 2023 *ITUC Global Rights Index* (previously cited), p. 10.

57 ITUC, Ten years of workers' rights under attack: 2023 ITUC Global Rights Index, <https://www.ituc-csi.org/2023-global-rights-index-en> (accessed 10 November 2024).

58 World Metrics, *Global Fashion Industry Statistics Market Data Report 2024* (previously cited).

59 ILO, “How to achieve gender equality in global garment supply chains”, March 2023 (previously cited).

60 Zehra Khan, General Secretary of the [Home-Based Women Worker's Federation \(HBWWF\)](#)

61 ILO, *ISSUE BRIEF Understanding the Gender Composition and Experience of Ready-Made Garment (RMG) Workers in Bangladesh*, (previously cited), p. 3.

62 Better Work, “Ten ways the ILO has transformed the global garment industry” (previously cited).

63 ILO, *ISSUE BRIEF Understanding the Gender Composition and Experience of Ready-Made Garment (RMG) Workers in Bangladesh* (previously cited).

64 Development Asia, *Securing Women's Place in Sri Lanka's Apparel Industry*, 31 August 2020, <https://development.asia/insight/securing-womens-place-sri-lankas-apparel-industry>

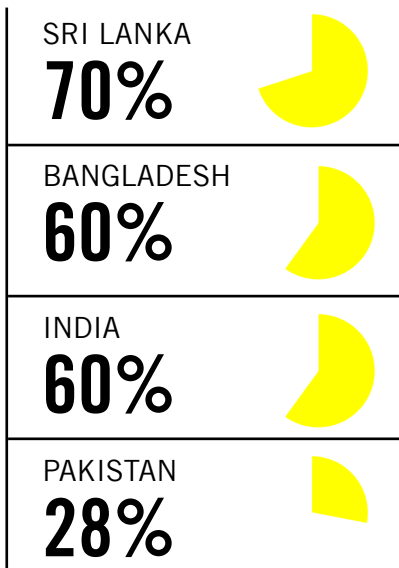
65 Open Global Rights, “From hardship to hope women migrant workers in the Indian ready-made garment industry”, 23 December 2020, <https://www.openglobalrights.org/hardship-to-hope-women-migrant-workers-in-the-indian-ready-made-garment-industry/>

women a minority with about 28% of the garment factory workforce being women. However, this figure is increasing.⁶⁶

FEMALE WORKFORCE IN THE GARMENT INDUSTRY



Globally, 60-80% of the garment industry's workforce is female



The vast majority of garment workers in Bangladesh, India, Pakistan and Sri Lanka are internal migrants, predominantly young women, who have moved from other often rural areas to find employment, frequently in the FTZs.⁶⁷ Many of them are without the support networks found at home and vulnerable to abuses. Many of the women are also living in poverty, often with few educational qualifications and with little job security.

The garment industry was originally, and to an extent continues to be, seen by governments as a path to industrialization through export manufacturing, as well as an opportunity for women to enter the workforce.⁶⁸ Now, women form the cornerstone of the garment workforce and bear the brunt of its unequal and poor working conditions. However, the notion of the industry as a path to female empowerment ignores the reality of working environments. The

multi-stakeholder initiative Fair Wear Foundation has argued: “Hostile working conditions lead to low productivity and high worker turnover” and “limits the potential contributions of millions of women workers to the broader society and economy.”⁶⁹ In South Asia, the business case is often argued that for women, working in the garment industry is better than poverty in their villages, or other poorly paid work alternatives.⁷⁰ Such arguments are a painful reminder of the low expectations of work for women in developing economies.

In South Asia, women are under-represented in factory management, with multiple organizations as well as extensive research warning that male managers and supervisors bully, harass and/or sexualize many women workers, especially those of lower social status. These power imbalances in the factory often replicate the patriarchal system outside the factory, as well as existing class, ethnic, religious and caste discrimination. A high percentage of women garment workers in Asia have reported harassment and violence, ranging from verbal or physical abuse to sexual violence, with research showing that many women see harassment as an inevitable extension of “normal” behaviour outside work.⁷¹ A culture of impunity for male perpetrators compounds and enables this cycle of inequality.⁷²

The dominantly male management systems at the workplace are compounded by the lack of effective, enforceable, independent and confidential grievance mechanisms which allow harassment to continue and increase the power imbalance between women workers and their employers.⁷³ This lack of voice and access to remedy is entrenched through the denial of women's right to unionize.

66 Fair Wear Foundation, Pakistan country study 2021, 2021, P.4, <https://api.fairwear.org/wp-content/uploads/2021/06/2021-CS-PAKISTAN.pdf> (accessed 10 October 2024)

67 Fair Wear Foundation, “How does Covid-19 affect women garment workers?” <https://www.fairwear.org/covid-19-dossier/worker-engagement-and-monitoring/gender-analysis/> (accessed 1 March 2024).

68 SwedWatch, *A Lost Revolution? Empowered but trapped in poverty. Women in the garment industry in Bangladesh wantm*, 2012, https://swedwatch.org/wp-content/uploads/2015/04/swedwatch_-_a_lost_revolution.pdf

69 Fair Wear Foundation, *Standing Firm Against Factory Floor Harassment* (previously cited), p. 8.

70 For example: W.A.S.S. Weerakkody, “Women machinists in garment factories and social success: The case study of garment factories in Katunayake free trade zone, Sri Lanka”, 2021, Proceedings of the 18th International Conference on Business Management, Vol. 18, <https://journals.sjp.ac.lk/index.php/icbm/article/view/5853>

71 Fair Wear Foundation, *Standing Firm Against Factory Floor Harassment* (previously cited), p. 9.

72 Shikha Silliman Bhattacharjee, “Fast fashion, production targets, and gender-based violence in Asian garment supply chains” in Saxena, S. (Ed.), *Labor, Global Supply Chains, and the Garment Industry in South Asia: Bangladesh after Rana Plaza*, 2019, <https://doi.org/10.4324/9780429430039>

73 Shikha Silliman Bhattacharjee, *Gender Justice on Garment Global Supply Chains: An Agenda to Transform Fast Fashion* (previously cited).

DRIVERS OF GENDER-BASED VIOLENCE AND HARASSMENT IN THE GARMENT INDUSTRY

In 2019, a review of the UK Government's development aid initiatives aimed at tackling gender-based violence in the garment sector identified the following key drivers of violence and harassment⁷⁴.

- Precarious work leaves women vulnerable to violence and harassment due to limited protection and power imbalances
- Rudimentary human resource systems make tackling violence and harassment challenging and, in some cases, suppliers do not have systems in place to deal with violence and harassment at all
- Women workers may be at greater risk for harassment, where tight production deadlines require workers to carry out long hours and overtime
- Production incentives for supervisors can encourage abusive behaviour to meet targets.
- The acceptance of workplace harassment can render harassment invisible, with factory managers and supervisors often denying it exists, with underlying gender inequalities and gender roles underpinning harassment.
- Lack of or limited space for unions to represent workers' needs and issues can also drive violence and harassment in the garment sector.

- Approaches to monitoring potential abuses of workers' rights do not sufficiently integrate gender or women's issues, therefore masking the scale of the problem in social audits.
- The absence of comprehensive or effective legislation, as well as effective enforcement, can drive harassment.

When women workers attempt to make their voices heard within the workplace, they face gender discrimination including harassment, sexual violence and abuse. According to the Clean Clothes Campaign, "gender-specific violence and harassment are most common in those industries where many women work in poorly paid positions, where they have little decision-making authority and therefore commonly find themselves in dependency relations with mostly male superiors."⁷⁵

Discrimination takes many other forms too, both direct and indirect. A 2022 ILO study found gender pay gaps throughout the Asian garment sector. On average, male workers in Pakistan earned 41% higher wages per hour than women workers, while in Bangladesh the difference was 22%.⁷⁶ Women and especially female workers from marginalized castes, or religious and linguistic minorities, can face discrimination while seeking employment, during employment and on leaving employment.⁷⁷ For example, the ILO 2022 study showed that in the Asian garment sector, when factories retrench and later rehire workers, women are more likely to be directly and indirectly discriminated against based on gender-biased selection criteria.⁷⁸

74 J. Morris and S. Rickard, *Violence and Harassment, Including Sexual Harassment, in Garment Factories and Supply Chains*, Confidential, WOW Helpdesk Query 22, July 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876230/Query-22-Sexual-Harassment-Garment-Factories.pdf

75 Clean Clothes Campaign, *Wages and Gender-based Violence: Exploring the Connections Between Economic Exploitation and Violence Against Women Workers*, October 2019, https://cleanclothes.org/file-repository/wages_and_gbv_femnet_position_paper.pdf/view

76 ILO, *Employment, Wages and Productivity Trends in the Asian Garment Sector Data and Policy Insights for the Future of Work*, 2022, <https://www.ilo.org/publications/employment-wages-and-productivity-asian-garment-sector-taking-stock-recent>

77 Clean Clothes Campaign, *Developing an intersectional approach to challenge discrimination in the garment industry*, June 2022, https://cleanclothes.org/file-repository/an-intersectional-approach-challenging-discrimination-in-the-garment-industry_lbl_dci-wpc-paper-final.pdf/view

78 ILO/Better Work, "Gendered impacts of COVID-19 on the garment sector", 2020, <https://www.ilo.org/publications/gendered-impacts-covid-19-garment-sector>

THE GARMENT INDUSTRY IN SOUTH ASIA



UNION-BUSTING
CRACKDOWNS



COMPLEX SUPPLY
CHAINS ENABLING
ABUSE OF WORKERS



EXPLOITATION OF
RURAL MIGRANTS



UNSAFE, INHUMANE
WORKING
CONDITIONS

PAKISTAN

Textile industry (including spinning):

- is about **8.5% of GDP**
- **54% of export earning**
- **employs 38% of the workforce** with the readymade garment sector directly employing around **2 millions workers** (not including the informal sector)

BANGLADESH

Textile industry:

- around **80% of foreign export earnings**
- **employs 4.2 million workers**
- ranked among the **10 worst countries for "working people"** in 2023 in regard to repressive laws, barriers to union formation and police violence

INDIA

Textile industry:

- **employs 12.9 million workers** in formal factory settings as well as several million informal workers (according to 2019 estimates)
- **around 90% of the general workforce** is employed in the informal sector without official work contracts

SRI LANKA

Textile industry:

- **contributed 6% in GDP in 2022**, bringing in around **USD 5.3 billion in 2019**
- accounted for **45% of total merchandise export earnings** in 2022

3.4 INTERSECTING EXPLOITATION FOR MANY GARMENT WORKERS

In part, the low status of women's work and a lack of meaningful action to change the appalling conditions of garment workers is due to social, systemic and structural issues in South Asia. The Committee of the Convention on the Elimination on all Forms of Discrimination Against Women (CEDAW) has noted the need for states to address the underlying causes of gender-based violence and discrimination, including traditional and oppressive systems of caste and patriarchal traditions⁷⁹ that see women as second class citizens and subjugate them.⁸⁰ Research from the Ethical Trading Initiative has found intersecting forms of abuse, including violence, harassment, gender-based violence, social discrimination and descent-based discrimination, is endemic for many women, especially those from minority groups, in the workplace.⁸¹

In India, extensive research has also shown that many young rural women, including many from minority castes like Dalits, often seek work in textile mills and garment factories in South India's Tamil Nadu region.⁸² Up to 80% of garment workers in Bengaluru (Bangalore) in India, for example, are rural migrants from other regions.⁸³ In Sri Lanka it is predominantly rural internal migrants who work in the garment-producing FTZs.⁸⁴

The caste system is deeply entrenched in South Asia.⁸⁵ In India and Pakistan, discrimination, harassment and violence are systemic towards the so-called "lower" castes in society, including at work and in low-paying sectors like the garment sector.⁸⁶ This systemic discrimination exacerbates the potential for human rights abuses in the workplace and for greater challenges for minority garment workers to speak out. In Sri Lanka, the majority of workers are Sinhalese, the island's largest ethnic group, but there is a significant number of minority Tamil workers in the FTZs.⁸⁷ In Pakistan, the Christian minority, about 1% of the population, are often relegated to specific occupations within the garment industry – such as cleaning or sanitation work – and they are excluded from many formal employment opportunities.⁸⁸

3.4.1 ENDEMIC LABOUR ABUSES IN THE GARMENT INDUSTRY

The garment industry has long been challenged over human rights abuses in its supply chain and in its business model. Low wages or "poverty pay",⁸⁹ gender-based violence,⁹⁰ harassment, overwork and poor working conditions,⁹¹ including lack of access to health and safety at work,⁹² have been widely documented by rights groups, unions and international bodies, including the ILO. There have been long-standing complaints of the denial of the right to decent work and a living wage as well as the right to social protection.⁹³ The systemic repression of the right to freedom of association, particularly

79 CEDAW, General Recommendation 35: Gender-based violence against women, updating General Recommendation 19, 2017, 30 (a). CEDAW/C/GC/35

80 Ziya Hasan "Gender inequality in South Asia: Tracing impediments to SDG 5 of UN Sustainable Development Goals", Gender Inequality: Issues, Challenges and New Perspectives, 2023, <https://www.intechopen.com/chapters/87908>

81 Ethical Trading Initiative, "Base code guidance: Caste in global supply chains", September 2019, <https://www.ethicaltrade.org/insights/resources/base-code-guidance-caste-global-supply-chains>

82 Somo and ICN, *Flawed Fabrics: The Abuse of Girls and Women Workers in the South Indian Textile Industry*, October 2014.

83 ILO, *Working Conditions of Migrant Garment Workers in India: A Literature Review*, 2017, p. 26. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_554809.pdf

84 Upul Senarath and others, "Health issues affecting female internal migrant workers: A systematic review", 2016, Journal of the College of Community Physicians of Sri Lanka, 21. 4. 10.4038/jccpsl.v21i1.8080.

85 Amnesty International, "Factsheet on SMART recommendations to address descent and caste-based discrimination", (Index: IOR 40/6358/2023), 20 January 2023. Worldwide, an estimated 260 million people are affected by descent-based discrimination with a significant amount of these in South Asia.

86 Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables"*, 1999, <https://www.hrw.org/report/1999/03/01/broken-people> and Siddharth Kara, *Tainted Garments: The Exploitation of Women and Girls in India's Home-Based Garment Sector*, January 2019, <https://blumcenter.berkeley.edu/tainted-garments>.

87 Interviews with trade union leaders, Colombo, Sri Lanka, October 2023.

88 Al Jazeera, "How death and despair haunt Pakistan's Christian minority", April 2023. <https://www.aljazeera.com/features/2023/4/9/how-death-and-despair-haunt-pakistans-christian-minority> (accessed 04 March 2024)

89 ILO, *Employment, Wages and Productivity in the Asian Garment Sector: Taking Stock of Recent Trends*, 2022, <https://www.ilo.org/publications/employment-wages-and-productivity-asian-garment-sector-taking-stock-recent>

90 ILO, "Ending violence and harassment in the garment sector – what will it take?" (previously cited).

91 ILO, *Working Hours in the Global Garment Industry* (previously cited).

92 CCC/WRC/ECCHR, "Factory safety in the garment sector: An assessment of mandatory human rights due diligence obligations of apparel brands" (previously cited).

93 The Conversation, "Debt, wage theft and coercion drive the global garment industry – the only answer is collective action" (previously cited).

forming and joining independent trade unions is also regarded as commonplace in the industry.⁹⁴ The ILO have raised continued concern over the widespread allegations of child labour and extensive forced labour both in textile production and garment production.⁹⁵

While allegations of forced labour and child labour have hit media headlines and prompted wide-ranging action from both brands and rights groups, this focus on extremes often obscures “the broader, more endemic forms of labour exploitation that are central to the industry”.⁹⁶ Everyday stories of underpaid wages and forced overtime have made consumers aware that cheap clothes were probably made in abusive conditions,⁹⁷ yet it has not led to major changes on the ground for most workers. Indeed, as a 2021 report assessing human rights in major manufacturing hubs in global supply chains revealed, abuses such as forced labour, modern slavery and child labour have increased between 2017 and 2021, including in Bangladesh, India, Pakistan and Sri Lanka.⁹⁸ These concerns pre-date the Covid-19 pandemic, which itself exacerbated the decline in workers’ rights in the garment industry.⁹⁹ Manufacturers used the pandemic as a pretext to roll back protections and benefits for garment workers, including payment of full wages and bonuses,

compensation for layoffs and retrenchment and the right to organize. Fashion brands and retailers refused to take responsibility for the impacts of extensive order reductions and subsequent layoffs of workers.¹⁰⁰

94 Clean Clothes Campaign, *Out of the Shadows* (previously cited).

95 ILO, Clear Cotton, *Eliminating Child Labour and Forced Labour in the Cotton, Textile and Garment Value Chain: An integrated approach*, Global Estimates of child labour and Forced Labour, November 2018, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_650173.pdf

96 Open Democracy, “Free to stitch, or starve capitalism and unfreedom in the global garment industry”, February 2015. <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/free-to-stitch-or-starve-capitalism-and-unfreedom-in-global-garment/> (accessed 26 August 2024).

97 A poll published in 2021 of British consumers shows the extent of consumer knowledge about the potential for human rights abuses in the industry by finding over a third felt guilty about buying unethical clothing. See Ethical Marketing News, “British consumers feel ‘disgusted’ and ‘guilty’ about fashion industry abuses but lack money and resources to shop ethically”, 28 September 2021, <https://ethicalmarketingnews.com/british-consumers-feel-disgusted-and-guilty-about-fashion-industry-abuses-but-lack-money-and-resources-to-shop-ethically> (accessed 24 August 2024).

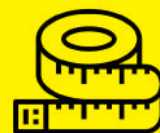
98 Verisk Maplecroft, Human Rights Outlook 2021, and The Business of Fashion, “Human rights violations are increasing in fashion’s manufacturing hubs”, 7 October 2021, <https://www.businessoffashion.com/news/sustainability/human-rights-violations-are-increasing-in-fashion-manufacturing-hubs>

99 Workers Rights Consortium, Commentary, Disastrous Outcome on Wages Made Worse by the Price Workers Are Paying for Speaking Out, November 2023, <https://www.workersrights.org/commentary/disastrous-outcome-on-wages-made-worse-by-the-price-workers-are-paying-for-speaking-out/>

100 Clean Clothes Campaign, “Sri Lankan garment workers suffer during pandemic, while brands and manufacturers continue to make profits”, March 2021, <https://cleanclothes.org/news/2021/sri-lankan-garment-workers-suffer-during-pandemic-while-brands-and-manufacturers-continue-to-make-profits>

101 Clean Clothes Campaign, Developing an intersectional approach to challenge discrimination in the garment industry (previously cited)

GARMENT GLOSSARY



poverty pay

For many workers, employment is no guarantee of being able to rise out of poverty. Low wages – poverty pay – keep many workers from being able to afford a decent standard of living. Sometimes the difference between poverty and working poverty is small with those employed on low wages, insecure contracts and insufficient hours just as likely to be poor as those outside the labour market. The regions with the highest in work poverty are also those with the highest rates of informal work.

Source: See: ILO, The working poor - or how a job is no guarantee of decent living conditions, 2019. <https://ilostat.ilo.org/blog/the-working-poor-or-how-a-job-is-no-guarantee-of-decent-living-conditions/>

For many workers, their race, gender, religion, migration status and finally their terms of employment, all combine to compound the potential for intersecting human rights abuses and challenges in accessing freedom of association and decent work.¹⁰¹

STITCHED UP: DENIAL OF FREEDOM OF ASSOCIATION FOR GARMENT WORKERS IN BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

Perhaps the most egregious symbol of the garment industry's endemic human rights abuses is the Rana Plaza collapse in Bangladesh in April 2013. The Rana Plaza building, which housed several garment factories, collapsed killing over 1,100 garment workers and injuring thousands more.¹⁰² The tragedy was not an isolated event. Five months earlier, a deadly fire in the nearby Tazreen Fashions Factory resulted in the death of at least 112 workers, trapped by blocked fire exits and padlocked factory premises.¹⁰³ On 11 September 2022, an explosion at the Ali Enterprises factory in Karachi, Pakistan, killed over 250 workers unable to exit due to illegal construction, lack of fire alarms and locked exits.¹⁰⁴

All three disasters were examples of business-related human rights abuses, exposing the human cost of systemic lack of regulation of corporate activities.¹⁰⁵ None of the five factories inside Rana Plaza were unionized and, despite workers pointing out cracks emerging in the building the day before the collapse, they were forced by their managers to go to work. Shortly after, the building collapsed.¹⁰⁶

Workers at Tazreen Fashions Factory were also not formally unionized and they were reportedly forced to continue work despite the sound of fire alarms going off.¹⁰⁷ There was also no union at Ali Enterprises and of the estimated 1,293 workers there, only 268 were registered as employed with the social security authorities.¹⁰⁸ Labour rights activists told Amnesty International that if there had been independent trade unions in these factories then the workers would have had a collective voice and may have had the power to resist management orders and leave the building before it collapsed.¹⁰⁹



↑ The burnt Tazreen Fashions Limited garment factory after a devastating fire on the outskirts of Dhaka, Bangladesh. Photo: Getty Images



↑ Workers burned to death or suffocated in the massive blaze that engulfed Ali Enterprises clothing factory in Karachi, Pakistan. Photo: Getty Images

102 Clean Clothes Campaign, "Rana Plaza", <https://cleanclothes.org/campaigns/past/rana-plaza> (accessed 22 August 2024).

103 Clean Clothes Campaign, "Tazreen", <https://cleanclothes.org/campaigns/past/tazreen>

104 Clean Clothes Campaign, *Timeline of the Ali Enterprises Case*, <https://cleanclothes.org/safety/ali-enterprises/time-line-for-the-ali-enterprises-case> (accessed 24 August 2024).

105 Amnesty International, "Bangladesh: Garment workers must receive rights-based compensation and justice immediately", 1 May 2024, <https://www.amnesty.org/en/latest/news/2024/05/bangladesh-garment-workers-must-receive-rights-based-compensation-and-justice-immediately/>

106 Rana Plaza Never Again, <https://ranaplazaneveragain.org/>

107 Human Rights Watch, "Whoever Raises their Head Suffers the Most": Workers' Rights in Bangladesh's Garment Factories, 2015, <https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers-rights-bangladeshs-garment>.

108 Clean Clothes Campaign, *Timeline of the Ali Enterprises Case* (previously cited).

109 Interviews with labour rights activists and local trade union leaders conducted in 2023 and 2024.

UNITED NATIONS INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS – RATIFIED BY BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

3.5 SOUTH ASIAN GARMENT INDUSTRY

“Everything is loaded against these workers”

– Indian labour rights activist¹¹⁰

The industry’s importance in the region cannot be underestimated. In Asia, garment and textile workers accounted for 75% of the world’s garment workforce in 2019.¹¹¹ In South Asia, workers in the garment industry (including textiles) account for an estimated 40% of employment in manufacturing.¹¹²

The garment industry, and in particular fast fashion, relies on low-cost, labour-intensive production. One reason it is predominantly based in regions such as South Asia is the countries have low wages and low levels of regulation and oversight. They are also associated with a high risk of human rights and environmental abuses by both private and state actors.¹¹³

Moreover, the garment industry encourages or creates competition between production countries so that Bangladesh, India, Pakistan and Sri Lanka are all positioning themselves as the location for the cheapest and most efficient garment production. They also face competition from new production locations such as Ethiopia or Madagascar – where wage levels are even lower. In Madagascar, wages

are around US\$40¹¹⁴ per month compared to the 2023/2024 minimum wage in Bangladesh of around US\$113. Ethiopia is currently attracting new fashion brands and retailers and has the lowest minimum monthly wage of any garment-producing country – around US\$21 in 2023.¹¹⁵ Once again, women workers make up the majority of workers in this ultra-low paid industry. In Ethiopia it is around 80% female¹¹⁶ while in Madagascar women make up around 60% of the workforce.¹¹⁷ With the spread of out-sourcing of garment production to countries in the Global South, the fashion industry epitomizes racial capitalism.¹¹⁸

FAST FASHION:

The growth of fast fashion resulted in clothing production roughly doubling between 2000 and 2014, while the average number of times a consumer wore their clothing decreased by 36%.¹¹⁹ Fast fashion has exacerbated the downward trend in prices paid to suppliers and manufacturers as big brands and retailers seek to produce large volumes of clothing at low cost.¹²⁰ It rests on a fast turnaround of orders and an insecure sourcing model that depends on consumer spending. Fast fashion produces cheap and disposable clothing which, by its very nature, is dependent on “low production costs, including low labour costs”.¹²¹

110 Interview with activist with decades of experience in working with vulnerable workers in the global supply chains, August 2023.

111 Statista, Key figures in garment employment in Asia, <https://www.statista.com/statistics/1281241/asia-garment-workers-key-figures> 11 September 2024, (accessed 24 August 2024).

112 Economic and Social Commission for Asia and the Pacific (ESCAP), *Exploring New Value Chains in Textile and Garments in South Asia: Building Back better from COVID-19*, 31 August 2021, <https://www.unescap.org/events/2021/exploring-new-value-chains-textile-and-garments-south-asia-building-back-better-covid>

113 International Labour Office/The Lab, *From Obligation to Opportunity: A Market Systems Analysis of Working Conditions in Asia’s Garment Export Industry*, September 2017 [wcms_628430.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_seed/documents/publication/wcms_628430.pdf) https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_seed/documents/publication/wcms_628430.pdf

114 Wage Indicator Foundation, Madagascar minimum wage 2022-2023, averaged. <https://wageindicator.org/salary/minimum-wage/madagascar/archive/20220501> (accessed 2 June 2024).

115 Statista, “The low wages of garment workers, chart”, 1 December 2022, <https://www.statista.com/chart/17903/monthly-minimum-wage-in-the-global-garment-industry> (accessed 2 June 2024).

116 Solidaridad, “Striving for a sustainable and gender-inclusive garment sector in Ethiopia with Bottom Up!” March 2023, <https://www.solidaridadnetwork.org/news/striving-for-sustainable-gender-inclusive-garment-sector-ethiopia-bottom-up>

117 ILO Better Work, “New joint ILO-IFC programme launched with support of EU in the apparel industry in Madagascar”, November 2021 <https://betterwork.org/new-joint-ilo-ifc-eu-programme-launched-in-the-apparel-industry-in-madagascar>

118 Collective Fashion Justice, “Fast fashion: an industry built on exploitation”, January 2021, <https://www.collectivefashionjustice.org/articles/fast-fashion-built-on-exploitation>.

119 Ellen MacArthur Foundation, *A New Textiles Economy: Redesigning Fashion’s Future*, 2017, p. 18. <https://www.ellenmacarthurfoundation.org/a-new-textiles-economy>

120 Better Buying Institute, <https://betterbuying.org/what-we-do/>

121 ILO, “How to achieve gender equality in global garment supply chains”, March 2023, <https://www.ilo.org/infostories/en-GB/Stories/discrimination/garment-gender#deficits>

3.5.1 ECONOMIC IMPORTANCE AND PRECARITY

The importance of the industry in the region can be seen in the reliance of South Asian economies on garment production and the rapid development of SEZs, also known as Export Processing Zones (EPZs) or FTZs. These have been established by governments in all four countries to create regions for garment production which facilitate easy export and import of goods and attract foreign investment through a variety of tax breaks. In most cases, SEZs are often governed by separate oversight bodies, such as national investment boards. The majority of SEZs across South Asia also have exemptions to local laws regarding taxation but also labour protections and access to trade unions.¹²²

Today, the garment industry is worth USD 2.5 to 3 trillion, representing around 2% of global Gross Domestic Product (GDP).¹²³ The Sri Lankan Manufacturers Association reported that the garment industry contributed around 6% of Sri Lanka's GDP in 2022,¹²⁴ bringing in around USD 5.3 billion in 2019 and accounting for 45% of Sri Lanka's total merchandise export earnings, particularly significant given the country's economic crisis and foreign currency deficit.¹²⁵ In Bangladesh, the industry contributes an estimated 80% of foreign export earnings and employs up to 4.2 million workers.¹²⁶ In India, the industry as a whole employs around 12.9 million workers in formal factory settings as well as several million informal workers, including

home workers, according to 2019 estimates.¹²⁷ In Pakistan, the overall textile industry (including spinning) makes up about 8.5% of GDP and around 54% of export earnings. The industry employs 38% of the workforce with the readymade garment sector directly employing around 2 million workers¹²⁸ (this does not include the high number of informal workers in the sector).

In India, around 90% of the general workforce is employed in the informal sector without official work contracts.¹²⁹ This means that only one in 10 workers in India is covered by labour laws, including minimum wage laws.¹³⁰ In Sri Lanka, estimates suggest that over 30% of women garment workers are informal compared to 13% of men.¹³¹ Labour activists reported to Amnesty International the increasing use of informal workers in the EPZs.¹³² In Pakistan, around three-quarters of garment workers are employed informally¹³³ with many of these women.¹³⁴

Given their lack of legal protection, documentation and stable contracts, informal and agency workers, often employed on a daily basis through labour agencies or contractors, are at greater risk of exploitation, heightening the need for worker organizing. In a recent report, Labour Behind the Label highlighted ongoing underpayment of wages due to a lack of proper contracts as well as extensive lack of payslips and clear salary calculations in Pakistan.¹³⁵ In India, the vast numbers of home

122 A. Aggarwal *Special Economic Zones in South Asia: Structural Change, Competitiveness and Growth* (1st ed.), 2024.

123 The Business of Fashion & McKinsey, *The State of Fashion 2017*, 2016, <https://www.mckinsey.com/~media/McKinsey/Industries/Retail/Our%20Insights/The%20state%20of%20fashion/The-state-of-fashion-2017-McK-BoF-report.pdf> and Fashion United, Global fashion industry statistics, 20 April 2016, <https://fashionunited.com/global-fashion-industry-statistics%20> (accessed 20 March 2024).

124 The Island Online, "Sri Lanka Garment export revenue increased by 30% in May 2022", 23 July 2023, <https://island.lk/garment-export-revenue-increased-by-30-in-may>, (accessed 13 July 2023).

125 As result of Covid-19 order cancellations and deferment/nonpayment by buyers, in 2020 the export income had reduced to USD 4.1 billion. Sri Lanka Export Development Board (EDB), *Industry Capability Report Sri Lankan Apparel Sector*, August 2021, <https://www.srilankabusiness.com/ebooks/apparel-2021.pdf>

126 Asian Center for Development, Haque, A.K. & Bari, Estiaque, *A Survey Report on the Garment Workers of Bangladesh 2020*, 2021, [A Survey Report on the Garment Workers of Bangladesh 2020](https://www.asiancenterfordevelopment.org/publications/a-survey-report-on-the-garment-workers-of-bangladesh-2020)

127 Berkley Blum Center for Developing Economies, *Tainted Garments: The Exploitation of Women and Girls in India's Home-based Garment Sector*, (previously cited), p. 5.

128 IGC, "Phase I – Research on garments industry in Pakistan", <https://www.theigc.org/collections/phase-i-research-garments-industry-pakistan> (accessed 24 August 2024).

129 ILO, *Employment Policy Department Working Paper No. 254, Informal Employment Trends in the Indian Economy: Persistent informality, but growing positive development*, 2019, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_734503.pdf

130 IMF, *7th Statistical Forum, Session II: Traditional Estimation Practices: Determining the Level and Growth of the Informal Economy*; S. V. Ramana Murthy, *Measuring Informal Economy in India – Indian Experience*, 14-15 November 2019, <https://www.imf.org/en/News/Seminars/Conferences/2019/03/25/7th-statistical-forum> (accessed 2 April 2024).

131 Groundviews, "Is Sri Lanka's apparel sector prepared to face pathogen X?", March 2024, <https://groundviews.org/2024/03/12/is-sri-lankas-apparel-sector-prepared-to-face-pathogen-x>

132 Interviews with various union leaders in Sri Lanka, October 2023.

133 Interview with Khalid Mahmood, Labour Education Foundation, Pakistan, online in December 2023.

134 Human Rights Watch, "No Room to Bargain" *Unfair and Abusive Labor Practices in Pakistan*, 2019, <https://www.hrw.org/news/2019/01/23/pakistan-garment-workers-rights-risk>

135 Labour Behind the Label, *Hanging on by a Thread* (previously cited).

workers in the garment industry are often not recognized as employees under Indian labour law. Consequently, they are not eligible for pensions and other employment-related social protection benefits.¹³⁶ In most cases, home workers are unable to join trade unions. In India, most of the informal garment workers belong to poor and often socially marginalized communities and face numerous barriers in accessing their rights to social protection or other benefits because of the intersecting discrimination they face based on their caste, class, gender and religion. For example, the global network, Women in Informal Employment: Globalizing and Organizing (WIEGO), revealed that many home workers faced starvation, due to being ineligible for government benefits or Covid-19-related aid during the pandemic.¹³⁷

3.5.2 ABUSES OF WORKERS' RIGHTS WITHIN INCREASINGLY COMPLEX SUPPLY CHAINS

Companies, including those at all stages in the garment industry supply chain, have a responsibility to respect all human rights wherever they do business.

The responsibility of companies to respect human rights is independent of the jurisdictions where they operate and exists above and beyond compliance with the national laws and regulations of the host state. In other words, if state regulations are weak, it is not enough for companies to say they comply with national laws. They are expected to respect the principles of internationally recognized human rights to the greatest extent possible.¹³⁸ The responsibility of companies to respect human rights is laid out in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles).¹³⁹

This responsibility requires companies to avoid causing or contributing to human rights abuses through their own business activities and to address

adverse impacts with which they are involved, including by remediating any actual impacts. It also requires them to seek to prevent or mitigate adverse human rights impacts directly linked to their operations or services, for example through a relationship with a supplier.¹⁴⁰

Primarily, this means that businesses must implement a human rights due diligence process to identify, prevent, mitigate and account for how they address adverse human rights impacts that they may cause or contribute to through their own activities, or which may be directly linked to its operations, products or services by its business relationship with, for example, its partners and suppliers.¹⁴¹ This means therefore that it is the responsibility not only of garment factory owners, but also the brands that buy their products, to address human rights harms that occur in the factories.

The garment industry usually involves a highly complex supply chain, and most large fashion brands do not own their own production facilities. Instead, they outsource production to garment production factories (known as 'tier 1 suppliers'), alongside outsourcing the production of textiles and fabrics, washing, dying and accessories and trims (such as buttons, yarn and zips) to tier 2 and 3 suppliers and below (cotton farms for example). Most garment workers produce clothing in factories that fulfil specific orders from the brands or their agents (buyers). Many larger brands and retailers have thousands of different suppliers in a considerable number of countries producing ready-made clothes and others involved in dying, washing, producing fabrics and packing. H&M, for example, has 1,619 facilities linked to them on the Open Supply Hub, which collates information on garment and footwear production units.¹⁴² Fashion brands and retailers, motivated by the search for cheaper production hubs to maximize profits, have developed global sourcing strategies which rest on flexible outsourcing from multiple locations. Given

136 Berkley Blum Center for Developing Economies, *Tainted Garments: The Exploitation of Women and Girls in India's Home-based Garment Sector*, (previously cited), p. 5.

137 WIEGO, "Why brands should pay compensation to informal garment workers in their supply chains", 1 March 2021, <https://www.wiego.org/blog/why-brands-should-pay-compensation-informal-garment-workers-their-supply-chains>.

138 UN Guiding Principles, Principle 11 including Commentary.

139 This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles on Business and Human Rights (UN Guiding Principles), and on 25 May 2011 when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See Human Rights Council, Human Rights and Transnational Corporations and other Business Enterprises, Resolution 17/4, UN Doc A/HRC/RES/17/4, 6 July 2011, daccess-ods.un.org/tmp/638279.914855957.html ; OECD Guidelines for Multinational Enterprises, 2011, OECD Publishing, oecd.org/corporate/mne/.

140 UN Guiding Principles, Principle 13.

141 UN Guiding Principles, Principle 17.

142 Open Supply Hub (previously cited).

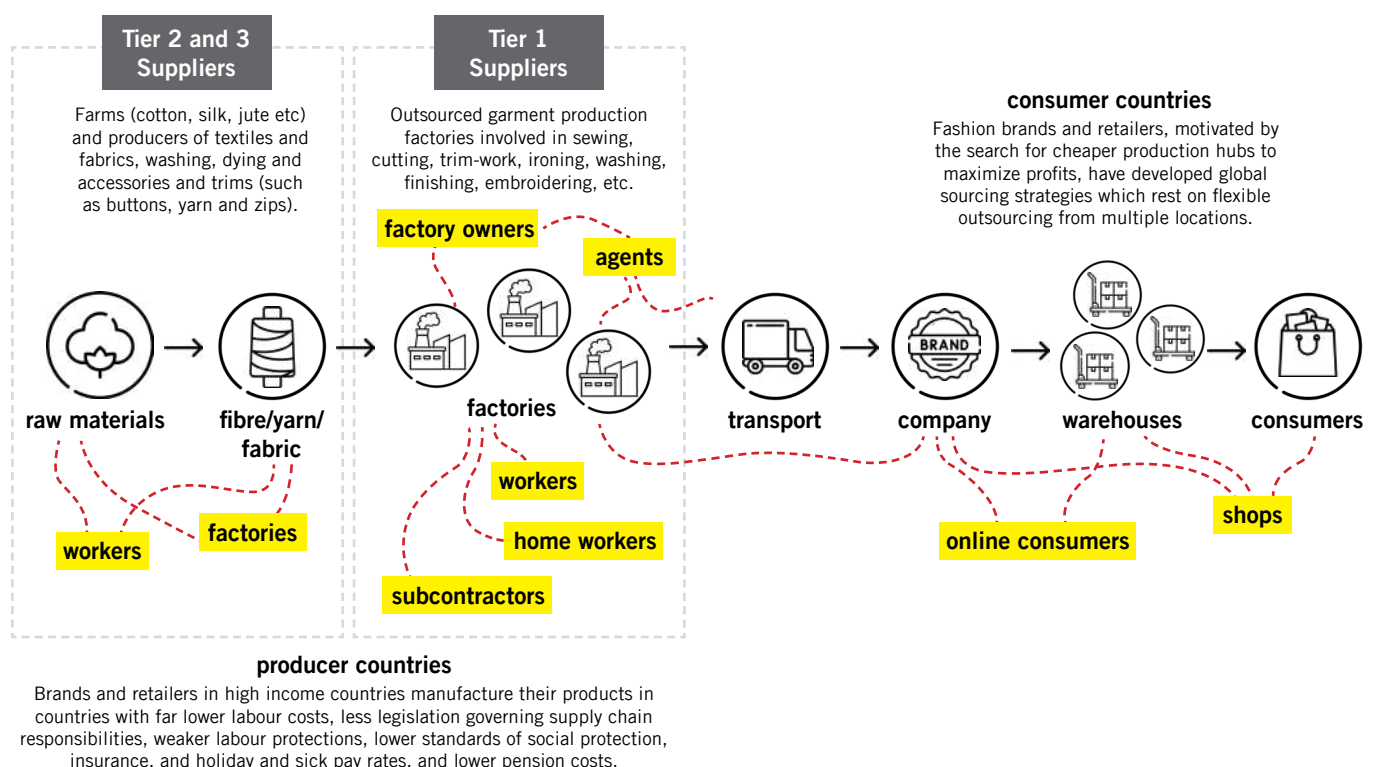
the increasingly fast fashion business model, their relationships with suppliers are often temporary and focused on price considerations over ethical sourcing decisions.¹⁴³ Global fashion brands' supply chains are characterized by having different "stages of the production process spread across diverse countries, short lead times and short-term buyer-supplier relationships."¹⁴⁴

This outsourcing model has enabled brands and retailers to contract out responsibility for workers and working conditions to these suppliers. In practice, outsourcing on this scale has meant that brands and retailers in high income countries manufacture their products in countries with far lower labour costs, less legislation governing supply chain responsibilities, weaker labour protections, lower standards of social protection, insurance, and holiday and sick pay rates, and lower pension costs.¹⁴⁵

Brands and retailers used to argue that what happens in their supplier factories is not their responsibility as they are not the direct employers

of the workers. Companies now – as a rule – accept that they are responsible, at least in part, for their supply chain. International standards, including the UN Guiding Principles, require fashion brands and retailers to address and mitigate human rights impacts throughout their supply chain.¹⁴⁶ However, there is a lack of effective and binding legislation in most states to ensure brands are fully held accountable for supply chain due diligence and respect for human rights throughout production chains. This has allowed abuse of workers' rights to become embedded throughout supply chains. Meanwhile the subcontracted and complex supply chain increases problems of oversight and due diligence in monitoring factory conditions and ensuring human rights abuses are uncovered and remediated.¹⁴⁷

COMPLEX SUPPLY CHAIN OF GARMENT INDUSTRY



143 E. Arrigo, *Global Sourcing in Fast Fashion Retailers: Sourcing Locations and Sustainability Considerations*. Sustainability, 2020, 12(2), p. 508.

144 OECD, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, 2018, https://www.oecd-ilibrary.org/governance/oecd-due-diligence-guidance-for-responsible-supply-chains-in-the-garment-and-footwear-sector_9789264290587-en

145 Clean Clothes Campaign, *Fashioning Justice: A Call for Mandatory and Comprehensive Human Rights Due Diligence in the Garment Industry*, January 2021, <https://cleanclothes.org/news/2021/fashioning-justice>.

146 UN Guiding Principles, Principle 15.

147 G. LeBaron and others, "The ineffectiveness of CSR: Understanding garment company commitments to living wages in global supply chains", 2021, *New Political Economy*, 27(1), pp. 99–115, doi: 10.1080/13563467.2021.1926954.



① ↑ **Women manufacturing clothes.** The ready-made garment (RMG) industry in Bangladesh is now a mainstay of this economic success story. Today, Bangladesh is one of the world's largest garment exporters, with the RMG sector accounting for 84 percent of Bangladesh's exports. On August 29, 2022 in Dhaka, Bangladesh. Photo: Mustasinur Rahman Alvi/Eyepix Group/Future Publishing via Getty Images

4 FINDINGS

“ I learned something beautiful: that I had the right to organize. These people were depriving us of our rights. The following morning when I went to the factory, I could feel the butterflies in my stomach. I wanted to share what I’d found with everyone there.”

– Kalpona Akter, a former garment worker from Bangladesh and now the founder and executive director of the Bangladesh Center for Workers Solidarity.¹⁴⁸

4.1 OPPRESSIVE RESTRICTIONS ON FREEDOM OF ASSOCIATION

Freedom of association is both an individual **and** a collective right that is enshrined in international treaties ratified by – and therefore binding of – the four states featured in this report. It covers the right of an individual to join or leave a group or a union voluntarily, and the right of the group or union to take collective action in the interests of its members. Thus, freedom of association is both a core human right and an enabling right. Without freedom of association, workers have little power or voice within their workplace or in wider society.

There are significant challenges in developing and maintaining smooth industrial relations between workers and employers, not least because of the inherent conflict of interest. This is complicated by the increasingly complex nature of employment relations in modern production chains, whereas noted above, direct employment of workers by companies is outsourced to contracted suppliers and often again to manpower agencies or factory agents. The complex supply chain is compounded

by production state governments’ hostility to unions who often see unions as a barrier to their income.¹⁴⁹ However states are failing to protect workers through effective legislation, while also receiving profits from industry.¹⁵⁰

Our findings identify **four** key areas of repression:

1. Union busting: the systematic and extensive methods used by states and employers to break up unions.
2. Factory retaliation: the challenges of trade unions to undertake key activities of organizing workers, resolving disputes and where necessary undertaking industrial action such as striking, as well as the potential violence from the state.
3. Obstacles to the right to strike: the specific barriers to union organizing for garment workers in SEZs.
4. Replacing unions with pro-management bodies: the mechanisms developed by the state and encouraged by brands to develop parallel means of worker organizing which strips workers of the legal rights of unions.

We also highlight the negative impact of these

148 Kalpona Akter, Bangladesh trade union activist, Bangladesh Centre for Workers Solidarity (BCWS) as quoted in British Vogue, “For one woman, defending the rights of garment workers is the fight of her life”, 8 March 2022, <https://www.vogue.co.uk/fashion/article/kalpona-akter-garment-workers-living-wages>

149 ITUC, “India - Joint statement from the Indian unions (CTU)”, 18 May 2020, <https://www.ituc-csi.org/india-joint-statement-from-the>

150 ITUC, India - Joint statement from the Indian unions (CTU) (previously cited).

failures to respect and protect workers' rights through an analysis of the intersectional abuses faced by workers, in particular women, rural migrants and informal workers.

Restrictions on the right of workers to organize into trade unions and collectively speak out against human rights abuses at work is a violation of the fundamental right to freedom of association and collective bargaining. According to the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh, India, Pakistan and Sri Lanka are all parties, everyone shall have the right to freedom of association, including the right to form and join trade unions.¹⁵¹ Garment workers in these four countries bear the brunt of this repression in their workplaces and in wider society. This chapter examines the different ways in which workers are adversely impacted by the restrictions on the right to freedom of association by states and by their employers.

In all four states, the rate of union membership is low. In Bangladesh's garment production sector, the rate of unionization is estimated to be 2.25%.¹⁵² In India, the overall union density is around 19% according to ILO figures¹⁵³ but is only 5% in the RMG sector.¹⁵⁴ Recent economic policy changes such as the growth of SEZs, limited enforcement of labour laws, and the casualization of employment across India mean that less than 10% of the entire workforce is covered by key labour laws, including on wages and unionization.¹⁵⁵ In Sri Lanka, the rate of unionization is low with only around 9.5% of the total workforce in unions and predominantly in the public sector, such as government officials, teachers and so on etc.¹⁵⁶

Amnesty International's research, along with an analysis of national laws and a review of the extensive academic and grassroots research, clearly shows how the right to freedom of association is practically and legally restricted in a multitude of different and often overlapping ways for workers, particularly women, in the garment sector in all four

countries studied. This is despite human rights law guaranteeing this right, and national constitutional and legal guarantees in all four states.

All four states deny the right to freedom of association by:

- introducing repressive legal and administrative measures which limit the formation and activities of unions.
- failing to ensure just and favourable conditions of work which encourages and empowers worker organizing.
- failing to protect workers from harassment and repression by employers; and
- ultimately failing to protect workers from state repression and violence.

These failures by the state are compounded by a culture of impunity for employers, the factory owners and managers who all play a role in repressing freedom of association and encouraging exploitative labour practices.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association summarized the failure of states to protect, promote, facilitate and fulfil the rights to freedom of association by highlighting the fact that states "place obstacles, both in law and practice, that restrict workers' rights or fail to enforce laws protecting those rights", resulting in a "precipitous decline" in workers' ability to exercise their rights.¹⁵⁷ In South Asia, both the ILO and ITUC have raised concerns about the labour legislation and regulations governing trade unions in India, Bangladesh, Sri Lanka and Pakistan. In particular, the:

- excessive number of workers needed to form a union;
- restrictive registration processes;
- lack of protection for union members and union officials in practice;

151 ICCPR, Article 22.

152 M. A. Khan and others, "The production of garments and textiles in Bangladesh: Trade unions, international managers and the health and safety of workers", 2020, South Asian Journal of Human Resources Management, 7(2), 276-292.

153 ILO, ILOSTAT, Statistics on social dialogue: Trade union density rate, <https://ilostat ilo.org/topics/industrial-relations/#> (accessed 28 June 2024).

154 Fair Wear Foundation, *India Country Study* 2019, p. 12.

155 V. Badigannavar and others, "Turning the tide? Economic reforms and union revival in India", 2021, Industrial Relations, Volume 52, pp. 364-385.

156 ILO, Opportunities and Challenges in Formation and Functioning of Trade Unions in Sri Lanka, 2020, https://www ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-colombo/documents/publication/wcms_735679.pdf (accessed 21 June 2024).

157 UN Special Rapporteur on the Rights to Freedom of Assembly and of Association, *Promotion and Protection of Human Rights* (previously cited), para. 58.

- lack of effective remedy or case resolution in a timely manner (with many complaints regarding employer interference with union formation);
- low penalties for non-compliance by workplaces as well as the state; and
- hostility of private actors towards and repression of union activities.¹⁵⁸

THE IMPORTANCE OF TRADE UNIONS

A trade union is an organization with members who are usually workers or employees. It looks after worker interests at the workplace, including negotiating agreements with employers on pay and conditions, discussing changes like large-scale redundancy, raising specific concerns with employers, and representing individual members with disciplinary and grievance issues.

The purpose is to protect workers' rights and improve people's pay and conditions of employment. Trade unions can be at the workplace or individual factory level and joined together in either a company-level trade union (for example in a large supply chain business) or in sectoral federations – like the garment industry. Often sectoral federations of small unions join in national unions. Globally, national level sectoral unions also join global sectoral trade unions, as in the case of the garment industry IndustriALL, based in Geneva. Trade unions also undertake campaigning for laws and policies which will benefit working people. They may or may not be affiliated with particular political parties.

States which have ratified key ILO and UN Conventions have the duty to “take such action as may be necessary to make effective the provisions” of a ratified Convention. This means ensuring their implementation in practice, as well as giving them effect in law or other means.

ILO Convention 87 (Article 3) states that

workers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes.¹⁵⁹ The State must refrain from any interference which would restrict this right or impede the lawful exercise thereof.

States have a duty to recognize the formation of trade unions and create legislation and regulations which enable trade unions to form, unionize and undertake key work such as collective bargaining.

This includes the need for the State to:

1. Develop formal mechanisms to recognize trade unions and protect them from political or employer interference.
2. Develop formal mechanisms for members to join unions and pay union fees.
3. Develop a framework of laws regulating the work of unions, including enabling collective bargaining, legal status of union representatives, provisions of remediation and grievance mechanisms for union/ employer interests.

Many States also include regulations on union involvement in cases of redundancies and relocation of enterprises. Most States have developed specific trade union regulations that run parallel to labour laws and detail the exact regulations for unions to follow. They provide for labour tribunals or labour courts to hear and assess labour-related cases as well as trade union complaints.

The State also has a responsibility for ensuring that the employers of workers support these regulations by implementing rules for union recognition at the workplace, deduction of membership fees, protection of union members and leaders from dismissal, space and time for union meetings and activities, as well as detailed regulations protecting the right to undertake industrial action (including strikes), and regulations on mediation and remediation.

¹⁵⁸ ITUC, *2023 ITUC Global Rights Index* (previously cited). and ILO, *Employment, Wages and Productivity in the Asian Garment Sector: Taking Stock of Recent Trends*, 2022.

¹⁵⁹ ILO, *Handbook of Procedures Relating to International Labour Conventions and Recommendations, Centenary Edition*, 2019, p. 29; ILO Convention 87.



Attempts by an employer to prevent the establishment of a trade union or remove an existing union, such as by firing union members, challenging unions in court, or by forming a yellow union.



A union set up and/or controlled by the employer to prevent the establishment of a genuine trade union.

30% of workers must be union members before a workplace union can be formed.¹⁶⁰ In India, trade unions must have at least 10% of the workers or 100 workers, whichever is less.¹⁶¹ In Sri Lanka, a trade union can only be recognized if it represents over 40% of the workforce. In Pakistan, unions need over a third of the workforce to be union members to be certified as agents for collective bargaining with the employer if they are the sole union at the workplace.¹⁶² These quotas contradict international law and ILO Conventions, under which states cannot unduly restrict union formation or interfere in its activities. Union organizers in all four countries shared with Amnesty International cases where these regulations are used by factory employers to dispute claims that the membership threshold has been reached, or to undermine calls for a ballot, all the while carrying out anti-union harassment, delaying voting and sacking union activists.¹⁶³ An additional challenge in Bangladesh is that the law restricts union membership to workers currently employed in the establishment.¹⁶⁴ This means union members can be dismissed while registering a union, which cancels their membership. They can only rejoin the union once they have been reinstated, which sometimes requires a court action that can take

years given the delays in Bangladesh's labour court proceedings, most of which are from the garment sector.¹⁶⁵

Union busting is an attempt by an employer to prevent the establishment of a trade union or remove an existing union. Violent repression of workers and unionists by the state is often compounded by a myriad of overly restrictive regulations and employer behaviours which challenge workers' ability to form and register unions as well as undertake union activities.

All four states have numerous restrictions on how a union can be formed, when it can be recognized and when it can bargain on behalf of workers. For example, all require a high percentage of workers to join an emergent union before it can be recognized. Unless a trade union is first registered and then recognized by the workplace, it is unable to negotiate legally binding collective agreements or officially represent its members. In Bangladesh, at least

160 Bangladesh, Labour Act 2006, <https://www.ilo.org/resource/bangladesh-labour-act-2006>, Section 179(2).

161 India, Industrial Relations Code, 2000, https://labour.gov.in/sites/default/files/ir_as_passed_by_lok_sabha.pdf, Chapter III, 6 (2).

162 Pakistan, Industrial Relations Act, 2012, <https://pakistancode.gov.pk/english/UIY2FqJw1-apaUY2Fqa-apaUY2FqaZk%3D-sg-jjjjjjjjjjjj>, Section III, 19 (1).

163 Conversations with union organizers in all four countries confirmed these practices.

164 Bangladesh, Labour Act 2006 (previously cited), Section 180

165 Dhaka Tribune, “Labour court: Over 17,000 cases pending in seven tribunals”, May 2019. <https://www.dhakatribune.com/bangladesh/court/175788/labour-court-over-17-000-cases-pending-in-seven>

CASE STUDY:

COLLECTIVE BARGAINING AGREEMENT SIGNED AT NEXT MANUFACTURING LIMITED

On 22 October 2021, a collective bargaining agreement (CBA) was signed between the trade union branch office of the Free Trade Zone and General Service Employees Union (FTZ&GSEU) at Next Manufacturing Limited (NML) and factory management – one of the first such agreement in Sri Lanka’s largest FTZ. The agreement holds parties to collective discussions on issues and demands raised by the union, provides the union with time to hold meetings and provides training for workers in the factory. It was the result of a long campaign by the union and global allies beginning in January 2021 when the union was first formed to win back unpaid bonuses.

This case shows how difficult it is, even when major brands and global NGOs are involved, for a union to be recognized and an agreement signed. The NML factory in Sri Lanka is owned directly by the UK-based Next Group PLC (Next), meaning that the company has direct influence over the factory, unlike most subcontracted units. Worker groups contacted Next directly to request union recognition, after local NML management failed to recognize it. In a response to correspondence by the UK labour rights groups War on Want and Labour Behind the Label, Next wrote that it supported freedom of association but added: “We would also want to involve our Next Manufacturing Limited employees and the Joint Consultative Council, so that we can assess whether union involvement at Next Manufacturing Ltd is generally desired by our employees and is in the best interests of the workforce”.¹⁶⁶ Workers’ requests to form a union should not be assessed by management and should not be influenced by the Joint Consultative Committee, which is an unelected body.

Workers reported widespread harassment, and intimidation from management who at first refused to recognize the union. Next however said there was “no union busting” and there were “regular discussions taking place with the newly formed branch union and workers council (JCC).”¹⁶⁷

However, workers told Amnesty International that management still tell them that if they complain too much about working conditions, then orders will be moved and work decreased, lowering their wages.¹⁶⁸

Other workers told us that the NML management had tried to include the Workers Council in the CBA, arguing falsely that “the workers council must be added according to BOI [Board of Investment] guidelines. This is not true”.¹⁶⁹

“Next NML agreed to recognize our union as the sole bargaining agent of the employees at the Katunayake FTZ plant. This... shows that when workers are determined to organise collectively with other workers, nationally and internationally, they will not be defeated.”¹⁷⁰

Next Plc responded to Amnesty International’s draft findings and confirmed that the “collective bargaining agreement has been in place since October 2021 and was successfully renewed in October 2023 for another 2 years”.

¹⁶⁶ War on Want, “Why union-busting must go out of fashion at Next”, 12 March 2021, <https://waronwant.org/news-analysis/why-union-busting-must-go-out-fashion-next>

¹⁶⁷ Business and Human Rights Resource Centre, *Unpicked Fashion and Freedom of Association* (previously cited), pp. 38-39.

¹⁶⁸ War on Want, “Why union-busting must go out of fashion at Next” (previously cited)

¹⁶⁹ Worker interviews in Sri Lanka, October 2023.

¹⁷⁰ Labour Behind the Label, “A win for Next workers in Sri Lanka!”, 17 June 2001, <https://labourbehindthelabel.org/a-win-for-next-workers-in-sri-lanka/>

Often, authorities simply deregister unions. In Pakistan, the National Industrial Relations Commission can unilaterally dissolve, suspend or deregister unions for various “infringements” or if they obtained less than 10% or 15% of votes in an election for the union as a collective bargaining agent. This decision cannot be appealed in court.¹⁷¹

China Rahman, the General Secretary of the Federation of Garments Worker (FGW) in Bangladesh told Amnesty International: “When unions register, some officials are corrupt and ask for money while giving unreasonable excuses why a union cannot register. We also know that other officials disclose the list of union members and organizers to the employers – this means the employers start harassing these members to not register the union.” She added that in many cases, the process of registering is slow, and officials drag their feet in registration, meaning unions trying to form are left without official approval for too long, slowing down worker momentum and timely resolution of disputes.¹⁷²

The restrictions and endemic use of reprisals against workers forming or joining unions by employers and in some cases the state mean that unionization rates are extremely low (as noted above). For example, in Pakistan, a 2023 investigation found that only 8% of the surveyed 273 male and female workers were members of a union, and almost 80% of workplaces had no unions among surveyed workers and workplaces. Some 71% of workers said employers resisted attempts to form a union.¹⁷³

“

We organized a union and 80% of workers joined but there were lots of challenges – management even got a group of workers to assault union members. We asked for a referendum to recognize the union, and the labour department agreed. But the management made the referendum day a holiday so when workers went to the factory gate, police did not let them in to vote. This meant the union lost the vote. After support from the local federation there was an investigation, and the factory was told to recognize the union. They didn’t and the foreign owner sold the factory in 2020.”

– Focus group of union members and workers interviewed at Katunayake, Sri Lanka, in October 2023

RESTRICTIONS ON FORMING, JOINING AND REGISTERING UNIONS

IN BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

High number of workers needed to form a union



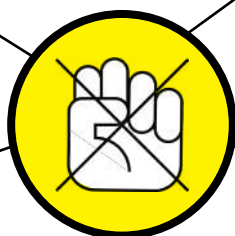
Excessive requirements for registration



State interference in union activities



Arbitrary or unduly controlling registration process



171 Pakistan, Industrial Relations Act, 2012 (previously cited), Sections 11(1)(a), (d), (e) and (f) and 59 .

172 China Rahman, General Secretary, Federation of Garments Worker (FGW) interviewed in Dhaka, Bangladesh in July 2024.

173 Labour Behind the Label, *Hanging on by a Thread* (previously cited), *Hanging on by a Thread*, p. 12. (273 workers were surveyed with 249 of the workers interviewed working in factories exporting to the UK, EU or USA, covering 62 workplaces.).

IMPACT FOR WORKERS: UNIONS UNABLE TO REGISTER

Bangladesh: Between 2010 and 2020, new trade union applications in the garment sector increased sharply after the collapse of the Rana Plaza factory in 2013. Research using data collected from unions and union federations in Bangladesh revealed that the international scrutiny on garment production in Bangladesh led to increased union activity supported by international campaigning. For example, there were only 10 and 12 new union applications in 2011 and 2012 respectively, jumping to 158 in 2013 and 392 in 2014. However, this figure then steadily decreased, with only 19 new applications in 2020 with over a third of those rejected. This decline reflects an anti-union backlash, the waning of public scrutiny on brands and the resurgence of retaliation and, according to The Solidarity Centre, “threats, intimidation and violence against trade union leaders and active members, unlawful dismissals or forced resignations of union activists, the arrest of union activists on unfounded criminal charges, time-consuming and complex union registration procedures and arbitrary rejection of trade union registration applications.”¹⁷⁴

India: Since 2020 new laws, which unions claim have not been properly discussed with unions and other stakeholders¹⁷⁵ have amended the registration process for trade unions and resulted in many unions unable to re-register. The Recognition rules have also been criticized for inconsistency and for vesting employers with oversight of the verification process recognizing a trade union.¹⁷⁶ For example, an analysis of the National Capital Territory of Delhi (NCT) government’s list of unions in the

region showed approximately 4,150 registered unions but of these of, 3035 had had their registrations cancelled.¹⁷⁷ Eight unions listed as garment unions were registered, of which six had had their registrations cancelled. One trade union leader, Shahnaz Rafique told Amnesty International that in Jharkhand and Bihar, more than 16,000 union licences had been cancelled.¹⁷⁸ An industry expert who had worked in the sector in India since the 1980s told Amnesty International that they had never seen a union in any factory they had visited in the National Capital Region (NCR) of Delhi,¹⁷⁹ even though the NCR has an estimated 2,000 garment factories.¹⁸⁰

4.3 FACTORY RETALIATION

Workers, especially women workers, face almost insurmountable challenges in the workplace when they do try and organize. In all four countries, workers told Amnesty International that their biggest practical challenge to organizing is the fear or threat of repercussions from employers, which makes many workers too afraid to join unions or speak to union officials. This includes the fear of dismissal, harassment at work (such as being demoted or not given overtime) as well as fear of violence and beatings. This is particularly true for women workers who are often the most at risk from reprisals and sexualised repercussions for union activity.

Such retaliation is in breach of human rights and international labour standards which guarantee workers protection from anti-union discrimination, including in relation to hiring, employment and dismissal. Article 1 of ILO Convention 98 is clear that “workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment”.¹⁸¹

174 Solidarity Center, Bangladesh, *RMG Trade Union Organizing 2010-2020* (as of 12/31/2022), <https://www.solidaritycenter.org/wp-content/uploads/2021/03/Bangladesh.Union-registration-information.December-2020.pdf>

175 Newsclick, “Central Trade Unions boycott government meeting over labour rules, call consultation”, 24 December 2020, <https://www.newsclick.in/central-trade-unions-boycott-government-meeting-labour-rules-call-consultation-farce>

176 Impact and Policy Research Institute, “A critical analysis of the Trade Union Recognition (Central) Rules, 2021”, May 2021, <https://www.impriindia.com/insights/a-critical-analysis-of-the-trade-union-recognition-central-rules-2021/>

177 Government of NCT New Delhi, New Delhi Labour Commissioner, Registered Trade Unions, (accessed 10 May 2024), https://labour.delhi.gov.in/sites/default/files/generic_multiple_files/trade_union_modi_0.pdf

178 Shahnaz Rafique, interviewed in December 2023 in India.

179 Indian industry expert (anonymised), interviewed in February 2024.

180 Apparel Resources, “Are factories in Delhi-NCR saying NO to women workers”, 30 May 2022, <https://apparelresources.com/business-news/sustainability/factories-delhi-ncr-saying-no-women-workers/>

181 Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The challenges of union registration and membership as well as administrative hurdles to organizing, compounded by the threat of dismissal are even harder to overcome for women workers. As noted above, for the most part, factory owners, supervisors and often human resource managers are male, a fact reinforced through Amnesty International interviews. This is especially the case in India and Pakistan, where such workers are all male and usually come from the racial, religious or caste majority, making the challenges for rural migrant women or those from lower castes even more difficult.¹⁸² The lack of support and lack of female managers, along with pervasive stereotyping of female workers strengthens the idea that employment in garment factories for women is temporary,¹⁸³ and therefore that wages and working conditions in the sector are not priorities. This, coupled with the insecure employment for most women, results in further barriers to women workers raising complaints or securing better working conditions.

Jayasree*, a woman worker and union member at factory in Gazipur, Bangladesh, told us: “The general manager of the factory told me twice not to join the union and threatened me with losing my job.”¹⁸⁴

The fear of being fired for joining a union was raised by workers who were interviewed in all four countries. In Pakistan, all union activists interviewed spoke of the retaliation against or dismissal of union members and organizers. Mehnoor, a union organizer in Punjab told us: “Factory owners have always kept workers in fear with the threat that if they organize, they will be sacked. I know many workers who have been sacked from jobs due to union organizing.”¹⁸⁵

Mehnoor also told Amnesty International of the struggles he encountered when registering his union: “We faced lot of challenge to organize and motivate workers to join. There is a lot of negative propaganda against unions in Pakistan.” He added that managers had previously pursued false charges against him in 2009 due to organizing workers at different factories.¹⁸⁶

In Sri Lanka, a woman worker at a now unionized FTZ factory explained: “Many people who joined the union got dismissed so I am too scared to join... managers shout at us that if we join the union, we will also be sacked.”¹⁸⁷ Workers at other factories in Sri Lanka shared similar concerns. Chathuni*, a woman machinist at a factory in Katunayake, Sri Lanka, explained: “I would like to start a union but if anyone knows I was going to do that or even was thinking about it then I would be sacked.”¹⁸⁸ Another worker, from the Katunayake FTZ, Sri Lanka, said: “Most workers are scared of losing their job. If human resources find out that you are a union member, then you can lose your job.”¹⁸⁹

The fear of reprisals from managers, and especially the fear of losing employment is a huge factor in creating an environment that stifles worker organizing, represses worker voice and deters workers from even raising complaints or grievances. This is especially true for women where working in the garment industry is one of the few avenues for employment.¹⁹⁰ Many women workers, especially rural migrant workers, are often the sole wage earner in their family, providing much needed cash for rural farming families.¹⁹¹ Given the low wages, most garment worker families are dependent on their wages for both everyday living and for unexpected items like paying for medical care or education. Unexpected dismissal in these circumstances can mean facing debt, homelessness and hunger.

Workers in Bangladesh reported facing pressure from employers to prevent them joining a union. Lipi*, a worker at a factory in Mirzapur reported: “The employer thinks the workers who want to form a union are their enemies – they consider our organizing efforts as a conspiracy against the factory. I myself have been told by many from management not to engage in union activity, but I want to for the betterment of the workers.”¹⁹² Workers interviewed in the Delhi region, who came from 14 different factories all reported that there

182 InterPress Service, “The garment industry needs more women leaders” (previously cited).

183 Daily FT, “Why are Sri Lanka’s free trade zone unions unable to fight for better working conditions”, 19 March 2021, <https://www.ft.lk/columns/Why-are-Sri-Lanka-s-Free-Trade-Zone-Unions-unable-to-fight-for-better-working-conditions/4-714969>

184 Jayasree*, not her real name, a worker interviewed in Gazipur, Bangladesh, in December 2023.

185 Mehnoor*, not his real name, General Secretary of a provincial trade union, interviewed in December in Pakistan.

186 Mehnoor*, not his real name, General Secretary of a provincial trade union, interviewed in December in Pakistan.

187 Interview with workers in Katunayake FTZ, Sri Lanka, October 2023.

188 Chathuni*, not her real name, interviewed in Katunayake, Sri Lanka, in October 2023.

189 Interview with workers in, Colombo, Sri Lanka, October 2023.

190 Clean Clothes Campaign, *Tailored Wages: The State of Pay in the Global Garment Industry*, 2019, <https://cleanclothes.org/file-repository/tailoredwages-fp.pdf/view>

191 Asia Floor Wage Alliance (AFWA), *A Stitch in Time Saved None: How Fashion Brands Fuelled Violence in the Factory and Beyond*, December 2021.

192 Lipi*, not her real name, interviewed in May 2024 in Gazipur, Bangladesh.

was no union at their workplace, and several did not understand what a union was. Others reported that they had heard stories of unions and strikes but had never encountered them in their work.¹⁹³ Shahnaz Rafique, from the Delhi region, confirmed to Amnesty International that this region was particularly hostile to grassroots unions and while federations exist, the hostility and increase in both union and civil society repression has led to a decimation of workplace unionization in factories.¹⁹⁴ Labour CSO organizers in India told us that because the government and employers are often hostile, and labour law enforcement is lacking, even if some workers succeed, “where the workforce is fragile and very vulnerable it’s very, very hard to collectivize and organize”.¹⁹⁵

In all four countries, but particularly Bangladesh, antagonism towards trade unions by factory owners is compounded by the close ties between successful manufacturers and politicians.¹⁹⁶ A study in 2018 by the Centre for Policy Dialogue found that 97.5% of RMG factories in Bangladesh did not have trade unions. At the same time, one-third of Bangladesh’s MPs were garment factory owners.¹⁹⁷ Fifteen garment factory owners in Bangladesh were elected to the new parliament in January 2024. Among them was the president of the Bangladesh Knitwear Manufacturers and Exporters Association and the former president of the BGMEA, the country’s most powerful group of factory owners in the industry.¹⁹⁸ According to labour activists, at least half of the MPs and policy makers in the country had at that time, extensive ties with the garment trade, influencing pro-employer legislation and ensuring that wages remained low.¹⁹⁹ According to a Financial Post website article:

“How Bangladesh remains so competitive is, in part, the story... of a government that stifles labour activism both to protect the country’s economic lifeline and to please business magnates who have become part of the political and social establishment.”²⁰⁰

Workers in all four countries also shared experiences of being threatened and harassed in relation to union activities. Indeed, all but two of the 13 workers interviewed in Bangladesh reported a climate of fear in the workplace with threats of retaliation for joining or trying to form a union, while all 11 union organizers interviewed in Pakistan, Bangladesh and India provided details of harassment, retaliation and threats they or their colleagues had experienced for belonging to or organizing a union.²⁰¹ In Sri Lanka, all 18 labour rights groups and union organizers, including those who took part in a focus group of union officials from various factories, reported similar threats and instances of retaliation for belonging to, joining or attempting to start a union in garment factories.²⁰²

Arfah*, a union member at a unionized factory in Faisalabad, Pakistan, alleged that, “Almost all of our co-workers in the factory were threatened and harassed at the time of formation of the union.”²⁰³ In Bangladesh, 18-year-old Susmita*, a machine operator who has been working in garment factories since she was 12, told Amnesty International, “I was a union member in my previous factory, but I left because despite having five years’ experience, I have never been given a promotion – because of my union engagement.”²⁰⁴

International human rights laws request states to take action to protect union members and officials from workplace retaliation for union work. Despite these obligations and despite national legislation

193 Interviews with workers in the Delhi region in December 2023.

194 Shahnaz Rafique interviewed in July 2024.

195 A Bangalore based activist with decades of experience working with vulnerable workers in the global supply chains, interviewed in August 2023.

196 Recent government changes including the formation of an interim government in Bangladesh following the resignation of Prime Minister Sheikh Hasina amid mass protests in summer 2024 may reduce the influence of the garment industry on government policies and legislation.

197 New Age, “No trade unions in 97.5pc Bangladesh RMG factories: CPD”, 30 August 2018, <https://www.newagebd.net/article/49447/no-trade-unions-in-97.5pc-rmg-factories-cpd-in-bangladesh>

198 Dhaka Tribune, All the RMG owners elected to the 12th National Parliament, 9 January 2024, <https://www.dhakatribune.com/business/336333/all-the-rmg-owners-elected-to-the-12th-national>; Textile Today, “15 RMG entrepreneurs become members of parliament”, 10 January 2024, <https://www.textiletoday.com.bd/15-rmg-entrepreneurs-become-members-of-parliament>

199 Financial Post, “How textile kings weave a hold on Bangladesh as retailers reap the rewards”, 3 May 2013, <https://financialpost.com/news/retail-marketing/how-textile-kings-weave-a-hold-on-bangladesh-as-retailers-reap-the-rewards>

200 Financial Post, “Bangladesh: How factory owners keep wages low, get away with lax safety”, 3 May 2013, <https://financialpost.com/news/retail-marketing/how-textile-kings-weave-a-hold-on-bangladesh-as-retailers-reap-the-rewards>

201 Trade union leaders and labour rights group organizers interviewed between December 2023 and July 2024.

202 Interviews in Bangladesh, India, Pakistan and Sri Lanka undertaken between October 2023 and July 2024.

203 Arfah* not her real name. Interviewed in December 2023 in Faisalabad, Pakistan.

204 Susmita*, not her real name, interviewed in Dhaka, Bangladesh, in June 2024.

protecting against anti-union discrimination on paper, in all four countries, states have failed to protect union members and officials from discrimination, unfair dismissal, transfer or harassment as a result of their membership or union activities. Rather, workplace harassment, verbal, physical and sexual intimidation especially towards women members, and the sacking of union members and officials, are commonplace, according to workers and unionists interviewed for this report from all four states. Trade unions in Sri Lanka also highlighted the lack of penalties and sanctions applied to employers when unions or workers made complaints. They further noted the lack of successful prosecutions for employers engaging in unfair labour practices.²⁰⁵

In an example that reveals the concrete failure of the state to protect workers from dismissal for union activities and the failure of the state to penalize employers who do dismiss union activists, union members and workers at a factory in Katunayake FTZ, Sri Lanka, told Amnesty International:

“We were promised our bonuses, but we never got them. Management said they would discuss it, but they never did, so we went on strike in December 2020. Because of that the union president, the secretary and 22 other union members were dismissed. While other workers went back to work, we filed a case for unfair dismissal of the union leaders, and this has not yet been resolved.”²⁰⁶

Most of those dismissed were women workers.

In India, the challenges of trying to speak up against abusive working conditions in the absence of a collective voice was highlighted by Sahana*, a Dalit worker who spoke of the lack of grassroots collective bargaining and the threats of dismissal and factory closures in response to worker demands:

“If protesting is the only way of resolving challenges, then the factories will shut down and people like me will have to return to cleaning toilets in *kothis* [bungalows of rich people].”²⁰⁷

“The main problem is of course freedom of association. The fact that workers don’t have a voice. They’re not able to organize because they are weak. They are weak because they cannot organize. Part of this reason is because the majority of garment workers are young women from rural areas, they don’t know labour laws, they don’t know about their rights, they don’t know about the role of unions. They’re very isolated.”

— Anton Marcus, Joint Secretary, Free Trade Zone and General Service Employees Trade Union, Sri Lanka²⁰⁸

In exercising their right to freedom of association, women workers face additional barriers, including their ability to organize and speak for themselves in male dominated societies. The ILO has categorized four additional challenges women workers face:²⁰⁹

- their voices are silenced in the face of societal and workplace hierarchies;
- their work and time are undervalued by both the state and their employers, resulting in unequal pay;
- they are still expected to do most of the housework and childcare; and
- they encounter violence and everyday discrimination in ways that men who work generally do not.

²⁰⁵ Workers and trade union leaders interviewed in October 2023 in Katunayake FTZ, Sri Lanka.

²⁰⁶ Workers interviewed in October 2023 in Katunayake FTZ, Sri Lanka. In follow-up interviews with the Clean Clothes Campaign, this case has now been partially resolved. The factory has recognized the trade union, but the 23 dismissed workers have not yet been reinstated.

²⁰⁷ Sahana* not her real name, interviewed in Delhi region, India, in December 2023.

²⁰⁸ Anton Marcus, interviewed in Colombo, Sri Lanka, in October 2023

²⁰⁹ ILO, How to achieve gender equality in global garment supply chains, March 2023, <https://webapps.ilo.org/infostories/en-GB/Stories/discrimination/garment-gender#the-global-garment-industry-a-bird's-eye-view-1>.

Women face intersecting barriers to speaking out and a raised risk of sexual intimidation and violence when they do. For example, a 2020 Bangladesh Centre for Workers Solidarity study of Bangladesh factories revealed that around three-quarters of over 642 interviewed workers, 484 female, 158 male, reported regular gender-based violence at work and more than three-quarters were regularly victims of sexual harassment.²¹⁰ For many women, the stigma of harassment or abuse, coupled with fear of reprisals means they do not report it to managers or during factory audits.²¹¹

The unequal bargaining position of women workers is exacerbated by both their employment status (as they tend to be contract or informal workers) and their gender which results in often precarious employment according to marital status, child rearing and family responsibilities.²¹² Women workers, especially women workers from minority groups as explained earlier, are acutely at risk of abuse such as wage theft as well as repercussions for organizing and attempting to voice concerns.²¹³ At the same time, given their low social status and the male domination of the workplace, when they do speak out, they are more likely to be ignored or threatened.²¹⁴

Some of the largest production countries for garments also have the highest levels of gender discrimination, further exacerbating challenges for worker organizing and freedom of association.²¹⁵ Sexual harassment and sexual threats are also commonly used against female workers trying to organize.²¹⁶ Throughout South Asia, Amnesty International's research shows that the reality for many women and girls is one of systemic discrimination and violence, with reports of high numbers of incidents of harassment and violence, including rape and other sexual violence.

Accountability is rare and in India, research highlighted the high number of incidents of sexual violence against Adivasi, Dalit, and Kuki women by members of dominant castes.²¹⁷ Indeed, for many women in the garment industry, "violence and harassment in the world of work, takes place not only in physical workplaces, but also spills over to other spaces."²¹⁸ Ingrained gender discrimination, is one of the key reasons why the garment industry's abuses of women workers, such as discriminatory labour practices and gender-based violence, are both well-known and tolerated.²¹⁹

One labour rights academic working with grassroots groups in South Asia described the endless struggle for workers, especially women workers, to organize in these words:

“Despite the power of the employer and the wider supply network, they [women workers] have the capacity to celebrate the value of small victories at the local level, while never losing sight of their desire for major change and a better world. These activists are in struggle for a lifetime, not for a campaign.”²²⁰

210 Bangladesh Centre for Workers Solidarity and Femnet, *Break the Silence: Stop the Violence, Gender-based Violence in the Garment Sector of Bangladesh*, 2020.

211 Clean Clothes Campaign, *Wages and Gender-based Violence: Exploring the Connections Between Economic Exploitation and Violence Against Women Workers* (previously cited), p. 2.

212 Jean Jenkins, "Struggle in the garment sector, Theory and Struggle", 2020, Cardiff University, ORCA, 121, <https://orca.cardiff.ac.uk/id/eprint/132272/1/Struggle%20in%20the%20garment%20sector%20ORCA.pdf>, pp. 68-77.

213 ILO, *Sexual Harassment at Work: Insights from the Global Garment Industry*, 2019, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_dialogue/%40sector/documents/publication/wcms_732095.pdf.

214 Garrett Brown, "Women garment workers face huge inequities in global supply chain factories made worse by COVID-19", 2021, New Solutions, A Journal of Environmental and Occupational Health Policy, Volume 31, Issue 2, pp. 113-124.

215 AFWA, *A Stitch in Time Saved None: How Fashion Brands Fuelled Violence in the Factory and Beyond* (previously cited).

216 Human Rights Watch, "'Whoever raises their head suffers the most': Workers' rights in Bangladesh's garment factories", 2015, http://features.hrw.org/features/HRW_2015_reports/Bangladesh_Garment_Factories

217 Amnesty International, *The State of the World's Human Rights* (Index: POL 10/7200/2024), 23 April 2024, pp. 40-45.

218 AFWA, *A Stitch in Time Saved None* (previously cited), p. 21.

219 Several labour rights activists and academics interviewed by Amnesty International in Autumn 2023.

220 Jean Jenkins, "Struggle in the garment sector, Theory and Struggle" (previously cited), pp. 68-77.)

TAMIL NADU TEXTILE AND COMMON LABOUR UNION (TTCU) INDIA AND THE DINDIGUL AGREEMENT

Tamil Nadu is one of India's key garment and textile production regions. Factories there employ predominantly young migrant women, the majority of whom are from the Dalit community, while supervisors are predominantly from the dominant castes creating massive power imbalances within the workplace. According to the TTCU, existing unions, led by male workers, were reluctant to address human rights abuses which have the largest impacts on women, such as gender-based violence and harassment. Women workers began to organize themselves into the TTCU which was one of the first female-led trade unions in the region, formed in 2013.²²¹ The union has combated both apathy from the traditional male-dominated unions and inherent discrimination towards Dalit women.²²²

“Management and line leaders are men of the upper castes. It is not easy for them to listen when a Dalit worker says, ‘You are doing this wrong.’ That is something they find really hard.”

– Thivya Rakini, president of the Tamil Nadu Textile and Common Labour Union²²³

In January 2021, Jeyasre Kathiravel, a Dalit woman and member of the TTCU, was murdered by her supervisor at Natchi Apparels, owned by Eastman Exports Global Clothing Pvt Ltd, following months of sexual harassment. The death of Jeyasre sparked a global campaign, “Justice for Jeyasre”, both to win compensation

for her family but also to eradicate gender-based violence in the factory where at least 25 other women came forward after Jeyasre's death to file reports of sexual harassment and violence.²²⁴ The incident felt like a “breaking point”. Thivya Rakini added, “the general tendency to fall back to self-blame was not there[...] It was like whatever happens, we don't care, we're going to fight. It was that ‘Me Too’ moment, you know, for factory workers.”²²⁵

The TTCU reported several incidents of union busting, including intimidation of Jeyasre's family and a refusal to allow the TTCU to support in representing Jeyasre's family.²²⁶ After extensive campaigning and global pressure on Eastman Exports, and fashion brands and retailers sourcing from Eastman Exports, in April 2022, an historic binding agreement was signed. The **Dindigul Agreement to Eliminate Gender-based Violence and Harassment** includes as signatories not only Eastman Exports but also fashion brands and retailers, as well as the TTCU, union groups and supporters. Crucially the agreement binds brands and retailers to support and monitor the agreement which ensure the factory allow union access to train workers and build unionized workers ability to monitor gender-based violence and harassment and expressly prohibits retaliation. The agreement enables the imposition of commercial consequences for Eastman Exports in the event of non-compliance.²²⁷

In 2023, a report revealed that 98% of the grievances filed by workers were resolved, that women spoke out more, raising 96% of all complaints. The agreement led to union-management grievance meetings as well as trainings, and a survivor-centred process to identify and remedy grievances of gender-based violence.²²⁸ Rakina said, “In one year,

221 TTCU, Solidarity letter to PVH Corp, 5 February 2021, <https://globallaborjustice.org/wp-content/uploads/2021/02/TTCU-solidarity-letter-PVH-Feb.5.2021.pdf>

222 UN Population Fund, “Women garment workers organize against gender-based violence”, 2024, <https://www.unfpa.org/swp2024/stories/garment-workers>

223 UN Population Fund, “Women garment workers organize against gender-based violence”, 2024, (previously cited)

224 Guardian, “Female workers at H&M supplier in India allege widespread sexual violence”, 9 March 2021, <https://www.theguardian.com/global-development/2021/mar/09/female-workers-at-hm-supplier-in-india-allege-widespread-sexual-violence>

225 UN Population Fund, “Women garment workers organize against gender-based violence”, 2024, (previously cited)

226 TTCU, Solidarity letter to PVH Corp, 5 February 2021, <https://globallaborjustice.org/wp-content/uploads/2021/02/TTCU-solidarity-letter-PVH-Feb.5.2021.pdf>

227 Fact Sheet: The Dindigul Agreement to End Gender-Based Violence and Harassment <https://asia.floorwage.org/wp-content/uploads/2023/01/Dindigul-Agreement-Fact-Sheet.pdf>

228 Global Labour Justice, “One year after signing of Dindigul Agreement, workers report major improvements in combating workplace GBVH”, 8 June 2023, <https://laborrights.org/publications/one-year-after-signing-dindigul-agreement-workers-report-major-improvements-combating>

we have made the workers understand that we are for them” and “now the top management also understands that we are not for the workers alone. We are also for the business.”²²⁹

In its response to Amnesty International’s draft findings, Eastman Exports Global Clothing Pvt Ltd stated that it is “proud to be a signatory of the Dindigul Agreement, the first legally binding initiative in the region aimed at eliminating gender and caste-based violence. This collaboration, involving brands, local trade unions, and global labour stakeholders, has been widely applauded. Regular visits from TTCU officials and strengthened grievance reporting mechanisms have resulted in numerous positive developments. These progressions are documented in independent reports published over the past two years.”²³⁰ It added that, “We are dedicated to maintaining a safe, respectful, and harassment-free working environment. All employees are afforded freedom of association and expression, and their rights are neither restricted nor compromised in any way.”

“When I started working in garment industry, I saw women workers were harassed a lot. I was touched physically and abused verbally. No one in management would listen to my complaints then I asked other women to organize. I was threatened with dismissal many times. When I asked other workers to join the union, I raised the sexual harassment with management. They then started some trainings on sexual harassment, but the supervisors were not allowing women workers to join the trainings as well.”²³²

Women also face challenges in communicating sensitive issues like sexual harassment, sexual threats and specific issues like the need for break times for menstruating women with male managers, supervisors and male trade union leaders. Maira*, a union official from Faisalabad, Pakistan, told Amnesty International that it is crucial that a workplace union is made up of women because only then do the issues most important to women workers get resolved. She stated that “when talking about gender-based violence, women are only comfortable talking about it to me, because I am a woman, and they are very shy”.²³³

Ashila Dandeniya, Director of Standup Movement Lanka informed Amnesty International that more unions needed to support women workers better. She asked:

“How can male unions be changed to support women? Our union is totally run by women. We have found that often male union leaders do not allow the women to engage in national or international work. When we speak at protests, it is always the men who go forward and speak and always the women do not speak. My strategy is to fight for the microphone and then pass to other women.”²³⁴

The challenges for Dalit women are much greater as the caste system also divides grassroots workers. “Many dominant caste women were reluctant to attend union meetings led by Dalit women,” explained Theivanai Maruthai, a woman Dalit leader of the Tamil Nadu Textile and Common Labour Union (TTCU). “They appreciated the benefits of a union but did not want to be seen with Dalit women

4.3.1 WOMEN AND UNDER-REPRESENTATION IN TRADE UNION LEADERSHIP

Unions have traditionally been male dominated, as were workplaces. For many women, this means they have to struggle to get their voices heard within a traditional union and for management to take them seriously. The women organizers we spoke to in all countries stressed the challenges for women unionists as well as their crucial role in improving the industry. Sumaayaa*, a union organizer from Lahore, Pakistan, told Amnesty International researchers that women were often excluded from workplace training, even those initiated after complaints by female workers.²³¹

229 UN Population Fund, “Women garment workers organize against gender-based violence”, 2024, (previously cited)

230 Asia Floor Wage Alliance, Dindigul Agreement, Year 1 Progress Report, 2023. <https://asia.floorwage.org/reports/dindigul-agreement-to-eliminate-gbvh-year-one-progress-report/> and Cornell ILR Global Labor Institute, Dindigul Agreement, Year 2 Progress Report, 2024, <https://asia.floorwage.org/wp-content/uploads/2024/09/Dindigul-Year-2-Final-9-4-24-1.pdf>

231 Sumaayaa*, not her real name, interviewed in Pakistan in December 2023.

232 Sumaayaa*, not her real name, interviewed in Pakistan in December 2023.

233 Maira* not her real name, interviewed in Pakistan in December 2023.

234 Interview with Ashila Dandeniya, executive director, Stand Up Movement Lanka, Katunayake, Sri Lanka, October 2023.

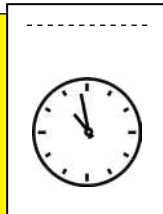
because they thought they would be disowned by their families.”²³⁵ The TTCU is a Dalit-majority independent trade union representing over 12,000 women textile workers.

On a very practical level, there is often little time, especially for women workers, to undertake union activities. Since most are forced to work long hours in order to earn enough to live, and many have childcare and housework responsibilities, they simply do not have time to organize, attend meetings or even attend a stand-alone protest because it often means missing a day's worth of wage, which they cannot afford. A woman worker and union activist told Amnesty International:

“It is harder to join and start a union as a woman. You have to get permission from your husband or your children. Also, there is lots of homework and chores for women so it's much harder to find the time. But somehow, we overcome, and we join in the actions.”²³⁶

Chathuni²³⁷, woman worker at a factory in Katunayake, and a mother of two, described her typical day:

“I work from 7.30 in the morning to 5.30 in the evening... When I get home, I have to first pick up the children. I then cook and feed the children. I put them to sleep and then clean the room. Then my husband comes home about 11pm. I sleep at 11. I get up at 4.30am. I cook lunch for the children and my husband. I take my first child to school and then the other to day care... It is then 20 minutes to walk to the factory. My husband doesn't help. He watches his TV and browses his phone.”



4.4 OBSTACLES TO THE RIGHT TO STRIKE

“Freedom of association is the key to unlocking change in the industry.”

— Khalid Mahmood from Labour Education Foundation, Pakistan²³⁸

The right to strike is a principal means by which workers and their associations may legitimately promote and defend their economic and social interests.²³⁹ The ICESCR Committee has emphasized in two General Comments that “trade union rights, freedom of association and the right to strike are crucial means to introduce, maintain and defend just and favourable conditions of work.”²⁴⁰

The ILO has also confirmed that:

- strike action is a right that workers and their organizations are entitled to enjoy;
- the categories of workers that can be deprived of this right must be minimized;
- legal restrictions on the exercise of the right to strike must be minimized; and
- the legitimate exercise of the right to strike should not be met with anti-union discrimination.²⁴¹

The ILO recognizes that certain categories of workers, namely those employed in the public sector who exercise the authority of the state or those in strictly limited essential services may face restrictions on the right to organize. It further recognizes that the right to strike may also be limited in exceptional circumstances, namely acute state emergencies.²⁴² According to ILO guidance, when regulating the right to strike, a state may require trade unions to meet certain requirements before

235 Behanbox, “How this young Dalit union leader found her place in the union”, July 2024, <https://behanbox.com/2024/07/09/how-this-young-dalit-union-leader-found-her-place-in-the-union/>

236 Interview with workers from two unionized factories in Katunayake FTZ, Colombo, Sri Lanka, October 2023.

237 Chathuni*, not her real name, interviewed in October 2023 in Katunayake, Sri Lanka

238 Khalid Mahmood, Pakistan labour leaders public meeting, London, 13 December 2023.

239 ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, Fourth (revised) edition, paras 473- 475.

240 ICESCR, General Comment 23: The Right to Just and Favourable Conditions of Work, 2016, UN E/C.12/GC/23 para. 1; and UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 18: The Right to Work, 24 November 2005, UN E/C.12/GC/18 para. 12 (c).

241 ILO Principles Concerning the Right to Strike, 1998, updated 2000.

242 ILO Principles Concerning the Right to Strike (previously cited).

they can call a strike, for example, providing prior notice of a strike, reaching a certain quorum or majority of workers when voting for a strike, and the obligation to undertake conciliation or arbitration *provided* such measures are timely, adequate and impartial. Such obligations may then be used by the state to decide if a strike is considered legal or illegal.²⁴³ However, when states regulate industrial action – such as strikes – in national legislation, the ILO is clear that this should not be a “substantial limitation” on lawful strike action.²⁴⁴ Further, the legislation must not “be such that the exercise of the right to strike becomes very difficult, or even impossible in practice.”²⁴⁵ In addition, sanctions against workers who participate in peaceful strikes, even if deemed “illegal” should be proportionate and “no one should be deprived of their freedom or be subject to penal sanctions for the mere act of organizing or participating in a peaceful strike.”²⁴⁶ The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has confirmed that restrictions on the right to strike and freedom of association more generally “should be the exception rather than the rule.”²⁴⁷ However, states are found to restrict these rights in a myriad of different ways and “attempts to erode the right to strike take place both at the multilateral and national levels”.²⁴⁸

According to the ILO, the most common excessive restrictions globally on the right to strike include:

- the imposition of penal sanctions for organizing or participating in strikes;
- the requirement of an excessively large majority in a strike vote as a condition for the legality of a strike;

- a ban on strikes by public servants who do not exercise authority in the name of the State;
- the power to requisition striking workers;
- a ban on strikes in certain non-essential services.²⁴⁹

Amnesty International’s review of legislation shows that all four countries studied for this report, use all of these restrictions to limit strike action by workers, and utilize extensive and overly restrictive definitions of what is classified as an “illegal” strike.

Across Bangladesh, strikes, even if approved, can be banned if they continue beyond 30 days (when the strike is referred to the Labour Court for adjudication), involve certain public services or are considered a threat to the national interest. Regulations also provide broad provisions restricting worker representatives from “interfering in workplace administration or production and normal activities”.²⁵⁰ Rule 350 of the Bangladesh Labour Rules gives the Director of Labour sweeping powers to enter union offices to inspect the premises, books and records; to question anyone; and to seize all such records for up to 30 days.²⁵¹

In Pakistan, employers or the authorities have the power to shut down, prohibit, limit or stop a strike if it continues for over 30 days or if authorities are “satisfied that the continuance of such a strike is causing serious hardship to the community or is prejudicial to the national interests”.²⁵² Striking workers can be replaced during a lawful strike, meaning that workers are often too scared to strike, especially as sanctions can include dismissal for not calling off a strike.²⁵³ Pakistan also restricts unions’ right to organize their administration. The

243 ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, paras 500-558, 586.

244 ILO Principles Concerning the Right to Strike section 7, p 42, which state: “the conditions that have to be fulfilled under the law in order to render a strike lawful should be reasonable and in any event not such as to place a substantial limitation on the means of action open to trade union organizations”.

245 ILO Principles Concerning the Right to Strike (previously cited), Section 4, p.29 and ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (previously cited), para. 498.

246 ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (previously cited), para. 601.)

247 UN Special Rapporteur on the Rights to Freedom of Assembly and of Association, *Promotion and Protection of Human Rights* (previously cited), para.68.

248 UN Special Rapporteur on the Rights to Freedom of Assembly and of Association, *Promotion and Protection of Human Rights* (previously cited), para.79.

249 ILO Principles Concerning the Right to Strike (previously cited), section 9, p.54.

ILO Principles Concerning the Right to Strike (previously cited), section 9, pp. 49-56.

250 Bangladesh, Labour Rules, 2015, https://bef.org.bd/wp-content/uploads/2021/08/Bangladesh-Labour-Rules-2015-English_Unofficial.pdf, Chapter XVIII, 202.

251 Bangladesh, Labour Rules, 2015 (previously cited), Chapter XVIII, 350. f.

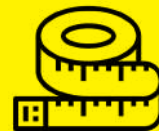
252 Pakistan, Industrial Relations Act, 2012 (previously cited), Chapter VII, 44 (7)(1).

253 Labour Behind the Label, *Hanging on by a Thread* (previously cited),.

authorities can disqualify any union office bearer from holding any union office, both for the unexpired term of their office and for the following term, if they violate an order to stop a strike. The right to strike is strictly regulated with restrictions on the type of strikes allowed. For example, regulations appear to categorize “go-slows” as an unfair labour practice and not as a form of industrial action.²⁵⁴ The ILO is clear that a “go-slow”, where workers perform their tasks in such a way that may reduce efficiency or productivity (for example, working slower than usual) is a protected form of industrial action.²⁵⁵ In Pakistan, the employer has the power to refer a dispute to a labour court for arbitration before, during or after a strike.

In India, new consolidated labour laws in 2019 and 2020 were brought in, ostensibly to standardize the laws and regularize benefits and worker protections.²⁵⁶ However, in practice they have been used by the government and employers to create barriers to workers’ organizations, including putting limitations on unions and promoting employer-friendly “flexible” working.²⁵⁷ For example, the new Code on Industrial Relations removes businesses with fewer than 300 workers from its provisions, making it easier to retrench workers.²⁵⁸ Unions also now need to give 60 days’ notice to strike and a further 60 days’ notice after the conclusion of any tribunal proceedings.²⁵⁹ In Indian SEZs, a minimum 45-day strike notice period is required for a strike to be considered legal.²⁶⁰ Unions say the laws are employer-friendly and anti-worker, making it harder for workers to negotiate and win better working conditions, and repressing strike action.²⁶¹ Indeed, the new Code allows for the dismissal or lay-off of

GARMENT GLOSSARY



go slow

When workers perform their tasks in such a way that may reduce efficiency or productivity (for example, working slower than usual).

Source: ILO, Labour Legislation Guidelines

workers without compensation if it is due to a strike or go-slow by workers in another part of the business, further penalizing workers financially for taking part in a strike, legal or otherwise.²⁶²

Shahnaz Rafique, a trade union leader, interviewed in the Delhi region of India, said that the new laws have “significantly eroded the right to strike due to the introduction of numerous hurdles and timelines. Strikes are harder to be classed as legal and there are significant penalties against so-called “illegal” strikes which further repress workers and trade unions.”²⁶³

Further, in India, both the state and employers can refer disputes and potential strikes to compulsory arbitration or conciliation. In practice, employers push for multiple conciliation processes to discourage union action, and government interference can be excessive.²⁶⁴ The ILO has previously stated that legislation must not require compulsory conciliation or arbitration before a strike

254 Pakistan, Industrial Relations Act, 2012 (previously cited), Chapter V, 32 (1e).

255 ILO, Labour Legislation Guidelines, Chapter 5, Substantive provisions of labour legislation:

The right to strike, Definition of strike action that is protected, <https://webapps.ilo.org/static/english/dialogue/ifpdial/llg/noframes/ch5.htm>

256 Code on Wages, 2019, No. 29 of 2019; Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020; Code on Social Security, 2020, No. 36 of 2020; Industrial Relations Code, 2020, No. 35 of 2020; Code on Wages (Central Advisory Board) Rules, 2021; Bringing into effect the provisions of the Code on Wages, 2019, relating to Central Advisory Board; and New Labour Code for India, https://labour.gov.in/sites/default/files/labour_code_eng.pdf

257 India Development Review, “How the new labour laws deny workers their basic rights”, September 2020, <https://idronline.org/denying-workers-their-rights-labour-law-reform-bill-codes/>

258 India, The Industrial Relations Code, 2020, https://labour.gov.in/sites/default/files/ir_gazette_of_india.pdf, paras 28 (1) and 77 (1).

259 India, The Industrial Relations Code, 2020 (previously cited), para. 62 1 (a) and (e).

260 India, New Labour Code for New India: Biggest Labour Reforms in Independent India, https://labour.gov.in/sites/default/files/labour_code_eng.pdf; and The Wire, “The industrial relations code’s system of recognising trade unions needs a rethink”, February 2023, <https://thewire.in/labour/the-industrial-relations-codes-system-of-recognising-trade-unions-needs-a-rethink>

261 Scroll India, “Why trade unions are pushing back against India’s proposed industrial relations code”, 7 January 2020, <https://scroll.in/article/949030/why-trade-unions-are-pushing-back-against-indias-proposed-industrial-relations-code>

262 India, The Industrial Relations Code, 2020 (previously cited), para. 69.

263 Shahnaz Rafique, interviewed in July 2024.

264 Centre For Labour Laws, “Dispute resolution in IR code and ID Act – Analysis of differences and their impact”, April 2023, <https://cll.nliu.ac.in/dispute-resolution-in-ir-code-and-id-act-analysis-of-differences-and-their-impact/>; and ITUC, *Survey of Violations of Trade Union Rights*, India, <https://survey.ituc-csi.org/India.html?lang=en>

and, although a strike may be temporarily restricted by law to provide for negotiation, conciliation and arbitration, such a restriction should be accompanied by adequate, impartial and speedy conciliation and arbitration proceedings.²⁶⁵ The Industrial Relations Code that India introduced in 2020 requires a proposal for strike action to be paused for conciliation and sets out periods prohibiting strikes during these proceedings and around any tribunal hearings. As a result, strike action can be prohibited for over 60 days.²⁶⁶

Similarly, in Sri Lanka, compulsory conciliation and arbitration enables employers to bypass and delay collective bargaining, and the Minister of Labour can refer even “minor” disputes to arbitration.²⁶⁷ Amendments to the Sri Lankan Emergency Regulations in 2005 gives authorities the power to declare any service “essential”, thus in theory allowing for the dismissal and sanction of a striking worker categorized as essential under the emergency legislation.²⁶⁸

4.4.1 CRIMINALIZATION OF STRIKING WORKERS

Despite ILO guidance requiring governments not to subject workers to imprisonment or penal sanctions for organizing or participating in a peaceful strike, regardless of its “legality”,²⁶⁹ all the four countries surveyed have laws that penalize workers who undertake, organize or call for strikes – both those deemed “illegal” and those permitted. In India, for instance, workers in various states risk fines or up to six months’ imprisonment if they participate in an “illegal” strike. Organizers can be imprisoned for up to a year.²⁷⁰ In Pakistan, the Industrial Relations Ordinance penalizes “misconduct”, which includes “striking work or inciting others to strike in contravention of the provisions of any law, or rule having the force of law”. Potential punishments

include fines; withholding an increment or promotion for a specified period not exceeding one year; and demotion or dismissal without compensation in lieu of notice.²⁷¹ Similarly, in Sri Lanka, workers participating in “illegal” strikes can also be imprisoned for a year and/or fined.²⁷² In Bangladesh, strikes can be banned for renewable periods of three months, while participation, instigation or inciting others to participate in illegal strikes or go-slows can be punished by a prison sentence of up to a year along with a financial penalty.²⁷³

The main outcome of these punitive regulations is a chilling effect on strike action. The regulatory barriers to strike action, alongside the real threat of imprisonment and financial sanctions mean that many workers are dissuaded from taking action or barred from action. This increases the power imbalance between employers and the state on the one hand, and workers on the other. “The people whose rights are violated would like to change the situation, but they cannot freely organize. They are sometimes violently prevented from fighting for their rights.

“

We are not talking about passive victims but about people who would like to change the situation but cannot.”

— David Hachfeld, labour rights expert with Public Eye²⁷⁴

Confirming the deterrent effect of the criminalization of union activities, a worker at a factory in Mirpur, Dhaka, informed Amnesty International that trying to organize a workplace union was risky and organizing took place at weekends: “Joining later once a union

265 ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (previously cited), paras 500-501. <https://learning.itcilo.org/iilo/jur/en/bibl/Decisions.pdf> (accessed 10 March 2024).

266 India, The Industrial Relations Code, 2020, para 62.

267 Sri Lanka, Industrial Disputes Act, 1951, <https://www.srilankalaw.lk/revised-statutes/alphabetical-list-of-statutes/491-industrial-disputes-act.html>, Part II, Article 4.

268 Sri Lanka, Regulations Amending the Emergency (Miscellaneous Provisions and Powers) Regulations, No. 1 of 2005, <https://www.refworld.org/legal/decrees/natlegbod/2006/en/49007>, Chapter 40

269 ILO, Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO (previously cited), paras.671-672.

270 India, Industrial Disputes Act, 1947, https://www.indiacode.nic.in/bitstream/123456789/17112/1/the_industrial_disputes_act.pdf, Article 25U; and India, Essential Services Maintenance Act, 1981, <https://www.indiacode.nic.in/SpentActFileOpenServlet?sfilename=A1981-40.pdf> Servlet, Articles 5 and 6.

271 Pakistan, Industrial Relations Ordinance, 1968, nirc.gov.pk, s. 15(2).

272 Sri Lanka, Industrial Disputes (Amendment) 1 Act, No. 39, 2011, [https://www.srilankalaw.lk/YearWisePdf/2011/INDUSTRIAL_DISPUTES_\(AMENDMENT\)_ACT_NO_39_OF_2011.pdf](https://www.srilankalaw.lk/YearWisePdf/2011/INDUSTRIAL_DISPUTES_(AMENDMENT)_ACT_NO_39_OF_2011.pdf).

273 Bangladesh Labour Act, 2006 (XLII of 2006), 211 (3,4,5), <https://www.doulah.net/bdlaws/Bangladesh%20Labor%20Act,%202006.pdf>, paras 294-296.

274 Online interview with David Hachfeld, textiles expert at Public Eye Switzerland, 26 July 2023.

is recognized may not be a serious issue for reprisals, but organizing and forming one is.”²⁷⁵

4.4.2 VIOLENCE BY THE STATE

All four states have unlawfully used force against workers, union members and union officials. The lack of trade unions representing workers means that there are few avenues for workers to voice their concerns on issues like nation-wide low wages. However, when workers demand or protest for higher wages or better conditions, they are often met with state violence and repression, and malicious prosecutions.

As Taufiq*, a labour NGO worker in Bangladesh said: **“When workers raise their voices, they are ignored; when they try to organize, they are threatened and sacked; and finally, when workers protest, they are beaten, shot at and arrested.”**

In Bangladesh, the last two minimum wage rises in late 2018-19 and 2023 were met by extensive protests by workers, both men and women, calling for a significant wage rise. Amnesty International documented the unlawful use of force against them by state authorities. At least four workers died between 30 October and 8 November 2023 – three killed by law enforcement using lethal force and one as a result of a factory fire.²⁷⁶ During these protests, Babul Hossain, the general secretary of Bangladesh Garment Workers Solidarity was arrested and detained for 69 days in November 2023 in Gazipur on charges of vandalism and assault.²⁷⁷ At least 131 people were arrested, including several key trade union leaders. Most were released on bail but several, including trade union leader Amzad Hossen Jewel, were repeatedly denied bail for weeks.²⁷⁸

In addition, at least 35 criminal cases were filed

against 161 named garment workers and an estimated 35,900 to 44,450 unnamed workers for taking part in the protests. Twenty-five of these 35 cases had been filed by factories believed to sell to major global fashion brands and retailers, while 10 have been filed by the police and others.²⁷⁹ Factory owners also responded to the protests with threats and violence. One media report described the beating of workers, including a 22-year-old seamstress at Dekko Knitwear in Mirpur.²⁸⁰ The impact of criminal charges, arrests, job losses and injuries can have long-term effects. One woman injured in the protests spoke of having to leave work to recuperate and as a result of this, is having to consider finding employment for her 14-year-old son to help pay bills.²⁸¹

Union leaders told Amnesty International that citing thousands of unnamed protesters in criminal cases was used as a blanket threat for grounds for dismissal to further intimidate factory workers.²⁸² The tactic is also used to deny potential claims for injury or compensation by workers during the protests. Aamin Haq*, a Bangladesh labour activist, told us: “Year after year, the protesting workers, if and when named, are required to give attendance in courts [due to the criminal cases] ... failure to do so may result in bail cancellation... [resulting in] the loss of wages as well as putting their jobs in jeopardy. The financial implications are enormous.”

Amnesty International was provided with case files for three of the 10 cases filed by local police stations against protestors. Our analysis of these cases reveals charges that included “unlawful blockades”, “vandalizing vehicles”, “unlawful assembly while carrying local weapons, interrupting government duties, beating with the intent to kill, setting fires, using threatening and criminal force”, and assault

275 Three workers at the same factory in Dhakka, interviewed in April 2024.

276 [The three killed include](#) Russell (Rasel) Howlader, Jalal Uddin and Anjuara Khatun. See Amnesty International, *Bangladesh Must Stop Violating Labour Rights and Uphold Corporate Accountability* (Index: ASA 13/7525/2023), 12 December 2023, <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>

277 Frontline Defenders, “Bangladesh: Arrest of labour and human rights defender Babul Hossain”, November 2023, <https://www.frontlinedefenders.org/en/case/bangladesh-arrest-labour-and-human-rights-defender-babul-hossain> ; and Daily Star, “RMG union leader Babul walks out of jail after 69 days”, 23 January 2024, <https://www.thedailystar.net/news/bangladesh/rights/news/rmg-union-leader-babul-walks-out-jail-after-69-days-3526471>

278 Clean Clothes Campaign, “Industry statements about Bangladesh crackdown belie fashion brands’ abject failure to protect their garment workers”, 19 March 2024, <https://cleanclothes.org/news/2024/bangladesh-crackdown>

279 Clean Clothes Campaign, “Industry statements about Bangladesh crackdown belie fashion brands’ abject failure to protect their garment workers” (previously cited)

280 The Guardian, “Bangladesh garment workers fighting for pay face brutal violence and threats”, 15 November 2023, <https://www.theguardian.com/global-development/2023/nov/15/bangladesh-garment-workers-fighting-for-pay-face-brutal-violence-and-threats>

281 HRW, “Ahead of Black Friday, support Zoya and other Bangladesh garment workers”, 23 November 2023, <https://www.hrw.org/news/2023/11/23/ahead-black-friday-support-zoya-and-other-bangladesh-garment-workers>

282 Conversations with labour activists in Bangladesh, November and December 2023.

with “intent to kill”.²⁸³ This last charge (section 307 of the 1860 Penal Code) carries a possible life term in prison.²⁸⁴ Amnesty International’s analysis of the case files indicate the use of unlawful force by police against workers in breach of international human rights standards.²⁸⁵ For example, in one case reviewed by Amnesty International, the Konabari police station in Gazipur charged eight named workers and 2,500 to 3,000 unnamed workers with vandalism, unlawful assembly, obstruction of government duties and assault on 26 October 2023. They made these charges after dispersing a protest and road block with a total of 215 shotgun rounds, 127 tear gas rounds and 52 rounds of sound grenades.²⁸⁶ In another case from 29 October 2023 reviewed by Amnesty International, the police charged 29 named workers and 850 to 900 unnamed workers with unlawful assembly. The documents indicate that the police fired 118 shotgun rounds, along with tear gas and sound grenades.²⁸⁷

Under international law, authorities must protect the right to peaceful assembly and if protests turn violent, they are obliged to exhaust non-forceful means and then use only the minimum and proportionate force needed to disperse protesters. Even less lethal weapons such as tear gas shells should only be used as a last resort, following a verbal warning and after adequate opportunity has been given for protesters to disperse. In only one of the three case files reviewed did the police issue such a warning.²⁸⁸ These case files clearly suggest the use of unlawful force by the police while dispersing protesters, in breach of international human rights standards.

Shortly before publication, it was announced that the government had finally dropped all cases and charges against the workers.²⁸⁹

The violent repression workers face when they protest against working conditions or low wages is the ultimate weapon that the state uses in its struggle to contain worker organizing. Indeed, this recent crackdown mirrors similar repression in 2018 and 2019 in Bangladesh, when the minimum wage for the garment sector was also revised. Protests erupted and at least one worker was killed while thousands were sacked for their part in demonstrations.²⁹⁰ Other reports of unlawful force include the dispersal and shooting by police of workers from various factories in Mirpur and Azampur (near Dhaka). Most of these factories were producing clothes for major fashion brands during a protest over wages in 2022.²⁹¹

During the mass student protest movement in Bangladesh which took place from July to August, many garment factories closed leaving workers unpaid. Despite discussions between the interim government, the garment exporters association (BGMEA) and garment trade unions, workers are still struggling to obtain unpaid wages and employment security. For example, in September and October 2024, at least two workers were killed during clashes with police and several injured, including two child workers aged 15 and 17.²⁹²

In Sri Lanka, the then President imposed a state of emergency on 6 May 2022 in response to widespread protests and a general strike calling for his resignation in the midst of a political and

283 Case files provided to Amnesty International.

284 Bangladesh, The Penal Code, 1860, (ACT NO. XLV OF 1860) <http://bdlaws.minlaw.gov.bd/act-11/section-3138.html>

285 Amnesty has reviewed several of the case documents filed by police, in the aftermath of the wage-related protests. We found the use of unlawful force by the police while dispersing protesters, in breach of international human rights standards. See Amnesty International, “Bangladesh: Garment workers must receive rights-based compensation and justice immediately” (previously cited).

286 Case, filed on 26 October 2023.

287 Case, filed on 30 October 2023.

288 Amnesty International, “Bangladesh: Garment workers must receive rights-based compensation and justice immediately” (previously cited).

289 Clean clothes Campaign, “Victory! 48,000 Bangladeshi workers freed from the threat of imprisonment!”, 23 October 2025, <https://cleanclothes.org/news/victory-48-000-bangladeshi-workers-freed-from-the-threat-of-imprisonment> (accessed 31 October 2025)

290 Clean Clothes Campaign, “A year after crackdown on wage protests in Bangladesh, hundreds of workers still face retaliatory charges”, <https://cleanclothes.org/news/2020/a-year-after-crackdown-on-wage-protests-in-bangladesh-hundreds-of-workers-still-face-retaliatory-charges>

291 New Age, “Police attack RMG workers”, 7 June 2022, <https://www.newagebd.net/article/172576/police-attack-rmg-workers>. Using data from the Open Supply Hub (previously cited), these factories are known to supply or have supplied major fashion brands and retailers (accessed 18 January 2024).

292 Reuters, “Garment workers’ protests leave one dead in Bangladesh”, 30 September 2024, <https://www.reuters.com/world/asia-pacific/garment-workers-protests-leave-one-dead-bangladesh-2024-09-30/>; BD News24, “Garment worker Champa dies of injury after Ashulia clash”, 27 October 2024, <https://bdnews24.com/bangladesh/c823216cd057>; Straits Times, “Bangladesh garment workers clash with police, two wounded”, 31 October 2024, <https://www.straitstimes.com/asia/south-asia/bangladesh-garment-workers-clash-with-police-two-wounded>; and Daily Star, “RMG factory closure: 2 workers shot during clash with law enforcers”, 1 November 2024, <https://www.thedailystar.net/news/bangladesh/crime-justice/news/rmg-factory-closure-2-workers-shot-during-clash-law-enforcers-3741291>

economic crisis.²⁹³ Military forces were deployed in the FTZs to disperse worker protests in response to the crisis.²⁹⁴ This was far from the first use of the military in response to peacefully protesting workers in the country. In 2018, the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted: "several peaceful strikes were violently suppressed by the police and the army in 2016 and 2017, leaving many workers injured, and alleging incidences of intimidation and threats of physical attacks, in particular against workers in Free Trade Zones."²⁹⁵ The Committee also noted with concern the observations of the ITUC that the police and army violently suppressed several peaceful strikes in 2016 and 2017, injuring many workers. The Committee alleged incidents of intimidation and threats of physical attacks, in particular against workers in FTZs, and asked the government "to take the necessary measures to ensure that the use of excessive violence in trying to control demonstrations is prohibited, that arrests are made only where serious violence or other criminal acts have been committed, and that the police are called in a strike situation only where there is a genuine and imminent threat to public order."²⁹⁶

The military should not be used to police peaceful assemblies. The UN states that authorities should strictly refrain from deploying the army or any military-type units, tactics or equipment or other units outside the official law enforcement chain of command in the context of peaceful protests.²⁹⁷

CASE STUDY: A LIFETIME OF HARASSMENT AS A WOMAN TRADE UNIONIST*²⁹⁸

"When I started the job in garment industry, I saw that women workers were harassed a lot and [asked] for dinners and dates. I was being harassed and blamed falsely by my supervisors. Overtime was forced upon women and that was also being used as a harassment tool by the supervisors and managers. I was touched physically and abused verbally. No one in the managers [would] listen to me. I could not find a way out, then I asked other women to organize..."

"I raised these issues with management of my factory in Lahore. The management after seeing my complaint started some trainings on sexual harassment, but supervisors were not allowing women workers to join the trainings as well.

"The union at this factory was a yellow union [pro-management]. That is why I did not join

that union and tried to form an independent union. I was harassed due to talking about my rights and asking workers to organize. They installed CCTV cameras after my complaints on sexual harassment. The compliance department took notice and starting some efforts to make situation better. They tried to move me to another work department, but I refused so they forced me to do more overtime and put lot of pressure on me. They finally served notice on me for talking false things on the factory matters..."

"I then joined another factory. In my department I was the only female worker. I was harassed there as well and did the job only for four months. I went to HR department to complain, but they did not allow me to launch a complaint and said that this will not happen here. I tried to inform the union leader at the factory also but as that was a yellow union, they did not listen to me. Now I work with an NGO supporting workers doing awareness trainings on labour rights."

293 Amnesty International, "Sri Lanka: Emergency regulations must not lead to further crackdown on human rights" 20 July 2022, <https://www.amnesty.org/en/latest/news/2022/07/sri-lanka-emergency-regulations-must-not-lead-to-further-crackdown-on-human-rights/>

294 ITUC, "Sri Lanka", 2023 ITUC Global Rights Index, <https://www.ituc-csi.org/ituc-global-rights-index-2023> See also Amnesty International, "Sri Lanka: Unlawful use of weapons in policing of protests", 10 April 2024, <https://www.amnesty.org/en/latest/news/2024/04/sri-lanka-unlawful-weapons-protests/>

295 ILO, CEACR, Observation (CEACR) - adopted 2018, published 108th ILC session 2019, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3960346

296 ILO, CEACR, Observation (CEACR) - adopted 2018 (previously cited).

297 UN, Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protest, Human Rights Council Fifty-fifth session 26 February–5 April 2024, A/HRC/55/60 para 30.

298 Interview with Sumaaiyaa*, not her real name, a union activist, Pakistan, December 2023

4.4.3 SPECIAL ECONOMIC ZONES²⁹⁹

All four countries analysed – as in many other production locations – have developed pro-business policies and employment reform obstructing the growth and sustainability of workers' organization. These policies include privatization and low resourcing of labour inspections, encouragement of “flexible” employment which exclude workers from the oversight of labour laws, minor penalties for non-compliance of labour laws by business owners, and a lack of investment in legal avenues for worker remedy. The disadvantages of such policies for workers are well illustrated in the examples of the wide range of labour law exemptions for special economic zones and foreign investors.³⁰⁰ According to experts in this field, “These policy changes have weakened the position of organized labour and have resulted in increased casualization of employment across the economy.”³⁰¹

All four countries have established SEZs, also known as FTZs, EPZs or other names, to attract investors by offering tax incentives and usually curtailed labour rights. This, in essence, formalizes the repression of labour rights for workers in SEZs.³⁰² SEZs cover a variety of locations, including business zones, industrial parks and free ports. Production facilities, including garment production which takes place primarily in industrial zones in SEZs, are generally given tax or export benefits, and are excluded from certain state labour laws such as those that provide for maximum working hours, and limit workers' right to organize and strike. The ILO has made it clear that “Workers in export processing zones – despite the economic arguments often put forward – like other workers, without distinction whatsoever, should enjoy the trade union rights provided for by the freedom of association Conventions”.³⁰³

In India, while the SEZ Act of 2005 does not explicitly prohibit unions in SEZs or explicitly disregard the application of labour laws in SEZs,³⁰⁴ it does enable state governments to make changes by notifications and other administrative means, in effect modifying labour laws in SEZs. Authorities in Gujarat, Haryana, Madhya Pradesh, West Bengal, Tamil Nadu, Uttar Pradesh and Punjab in particular have developed their own set of rules, according to ACTRAV, the ILO Bureau for Workers' Activities.³⁰⁵ This has resulted in workers' right to freedom of association in SEZs being unduly limited. As Shahnaz Rafique, “There is a common pattern: trade union activity is frequently outlawed and non-existent in economic zones.”³⁰⁶ In the New Delhi region, SEZs have been exempted from most labour laws.³⁰⁷ Shahnaz explained:

“Workers must put in long hours for no minimum pay to achieve tight criteria. Employees are fired from their jobs without reason or pay, suffer from illnesses connected to their jobs, and are not given maternity or paternity leave. Trade union activity has frequently been restricted under SEZ restrictions, in addition to enticements for potential investors such as reductions from import duties on machinery and temporary tax exemptions.”³⁰⁸

Workers in Indian SEZs face further restrictions on organizing. Although the Trade Unions Act, 1926, and the Industrial Disputes Act, 1947, legalize the right of workers to form unions and bargain collectively, notwithstanding restrictions, in practice, SEZs restrict the right to organize for collective bargaining.”³⁰⁹ ACTRAV has raised concern that Section 23 of the SEZ Act curtails the powers of labour courts in Indian SEZs, which means that in effect “the labour and civil court does not have the jurisdiction to hear a dispute arising in the SEZs”.³¹⁰ This creates a legal vacuum for workers who have

299 Also known as Free trade Zones or Export Processing Zones.

300 Lorenzo Cotula and Liliane Mouan, “Labour rights in special economic zones: Between unilateralism and transnational law diffusion”, June 2021, *Journal of International Economic Law*, Volume 24, Issue 2, pp. 341-360, <https://doi.org/10.1093/jiel/jgab012>

301 V. Badigannavar and others, “Turning the tide? Economic reforms and union revival in India” (previously cited).

302 Lorenzo Cotula and others, “Labour rights in special economic zones (previously cited).

303 ILO, *Compilation of Decisions of the Committee on Freedom of Association*, 2018 (sixth edition), p. 73 (see the 2006 Digest, para. 264; 346th Report, Case No. 2528, para. 1446; 360th Report, Case No. 2745, para. 1056; 364th Report, Case No. 2745, para. 995; 370th Report, Case No. 2745, para. 673; and 371st Report, Case No. 2908, para. 290.)

304 India, *Special Economic Zones Act, 2005*, section 49, <https://faolex.fao.org/docs/pdf/ind193547.pdf>.

305 ACTRAV, *India Trade Unions and Special Economic Zones*, March 2012, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_221002.pdf

306 Shahnaz Rafique interviewed in December 2023.

307 Legal Service India, “Impact of trade unions on labor in the special economic zones in India”, <https://www.legalserviceindia.com/legal/article-11027-impact-of-trade-unions-on-labor-in-the-special-economic-zones-in-india.html>

308 Shahnaz Rafique interviewed in December 2023.

309 Interviews with union leaders in India in December 2023.

310 ACTRAV, *India Trade Unions and Special Economic Zones*, (previously cited), p. 22.

complaints against employers. Some states in India have also used SEZs to exempt certain types of workers from the labour laws, including contract workers.

More generally, as several trade unionists told Amnesty International, there are serious practical challenges for unions to gain entry to SEZs, including restricting entry to everyone except workers and those with appointments with businesses. Equally, factory bosses tell workers not to speak to unions after work or in residential areas.³¹¹

“Clearly human rights violations are happening every day, in every factory,” an activist based in Bengaluru (Bangalore) told us. “The factory is also a kind of a jail. You cannot speak to workers outside the factory gate because the factory guards, the henchmen, come to intimidate. The workers are completely caught, and they don’t want to go inside to work.”³¹²

In Pakistan, there is some differentiation between EPZs and SEZs. The Special Economic Zones Act, 2012, states that “all labour and employment laws of Pakistan shall be applicable to SEZ in the same manner as they are applicable to all territories within Pakistan,”³¹³ but in reality, exceptions occur frequently and labour inspection and monitoring of working conditions is minimal resulting in excessive working hours, bullying and threats.³¹⁴ For example, Sumaaiyaa*, a labour activist, recounted her time working at a factory in the Allama Iqbal Industrial City (AIIIC) SEZ in Faisalabad:

“When I joined the factory as a trainee the working conditions were miserable. We were not even allowed to the washrooms during duty time; it was only allowed in break time. We worked from 7am until after 5pm and were verbally abused by the trainer. When I asked him not to shout, he asked me to leave. The other women asked me

to not do this as they felt they may also lose their jobs. My break time was taken away and I was not allowed lunch. In the end the trainer told me to leave again and so I lost this job.”³¹⁵

In addition, specific export processing zone regulations passed in 1982 ban strikes and go-slows for workers in EPZs.³¹⁶ The 1982 regulations exempt EPZs from a wide range of labour laws, including those in the Industrial Relations Ordinance, 1980, as well as those relating to social security, wages and benefits.³¹⁷ The ILO’s CEACR and the Committee on Freedom of Association have stressed that this is not compatible with the requirements of ILO Conventions 87 and 98.³¹⁸ After the ILO’s criticism, the government stated that new rules were to be developed that would allow workers in EPZs the full range of constitutional rights, including the right to organize. In 2019, it informed the ILO that proposed regulations – EPZ (Employment and Service Conditions) Rules, 2009 – had been finalized and would be submitted to the cabinet for approval. However, the government also noted that the “proposed rules were shared with the investors of the EPZ Authority as any change in the incentive package under which an investment/scheme has been sanctioned in a zone shall not be made except where such change is more advantageous to the investors and is also accepted by them.”³¹⁹ Thus, any change in the EPZ Authority law would involve formal endorsement by the EPZ Authority board followed by parliamentary approval. Essentially, the government has given the final decision on granting a core human right to an investment board.

In response, the CEACR said: “Recalling that for the past 13 years, the Government has indicated that it is in the process of drawing up rules that would grant the right to organize to EPZ workers, the Committee **deeply regrets** the lack of progress in this

311 Interviews with union leaders in Sri Lanka in October 2023.

312 An activist with decades of experience working with vulnerable workers in the global supply chains, interviewed in August 2023.

313 Pakistan, Special Economic Zones Act, 2012, <https://pakistancode.gov.pk/pdf/files/administrator7e37c324f9824083835cd0079ba3e12a.pdf>, Article 30

314 Human Rights Watch, “No Room to Bargain” *Unfair and Abusive Labor Practices in Pakistan* (previously cited).

315 Sumaaiyaa *, not her real name. Interviewed in Lahore, Pakistan, in December 2023.

316 Pakistan, Export Processing Zones (control of Employment) Rules, 1982, <https://epza.gov.pk/wp-content/uploads/2020/07/sros-1.pdf>, Article 4.

317 Notification S.R.O. 1004(I)/82, dated 10-10-1982 relating to exemption of Export Processing Zones from various labour laws. MINISTRY OF INDUSTRIES ISLAMABAD, the 10th October, 1982 EXPORT PROCESSING ZONES (CONTROL OF EMPLOYMENT) RULES, 1982, p. 23, S.R.O.1004(1)/82: “the Federal Government is pleased to exempt the export processing zones from all the provisions of the following laws, namely:- (1) The Workmen’s Compensation Act, 1923 (VIII of 1923); (2) The Factories Act, 1934 (XXV of 1934); (3) The Payment of Wages Act., 1936 (IV of 1936); (4) The Minimum Wages Ordinance, 1961 (XXXIX of 1961); (5) The Provincial Employees’ Social Security Ordinance, 1965 (W.P. Ordinance No. X of 1965); (6) The West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 (W.P. Ordinance No. VI of 1968); (7) The Industrial Relations Ordinance, 1969 (XXIII of 1969); (8) The West Pakistan Shops and Establishment Ordinance, 1969 (W.P. Ordinance No. VIII of 1969); and (9) The Employees’ Old-Age Benefits Act, 1976 (XIV of 1976).” <https://epza.gov.pk/wp-content/uploads/2020/07/sros-1.pdf>

318 ACTRAV, *Trade Union Manual on Export Processing Zones*, 2014, p. 32.

319 ILO, CEACR, Observation (CEACR) - adopted 2018 (previously cited).

regard.” In its 2023 session, the CEACR noted that the Pakistan government had indicated that the EPZ (Employment and Service Conditions) Rules, 2009 had been finalized and that workers in EPZs could enjoy the rights guaranteed under the Convention accordingly. However, no copy has been provided to the ILO and the rules have not been made public.³²⁰ Labour rights activists told Amnesty International that in fact the situation for EPZ workers remains the same and there is no change to the prohibition of unions and collective bargaining in EPZs.³²¹ Other challenges in Pakistan include blocking unions from accessing workers in EPZs, similar to Sri Lanka. In most cases, unionists are denied permission to enter EPZs. Amnesty International was told of instances of union leaders being invited to the EPZs by factory managers who then called the police and filed trespassing charges against the leaders.³²²

A separate legal framework under the Bangladesh Export Processing Zone Authority governs labour rights in the EPZs. The EPZ Workers Association and Industrial Relations Act, 2019, allows the government to exempt any industry, worker or group of workers from the application or enforcement of any of the regulations contained in the Act.³²³ The EPZ Workers Association and Industrial Relations Act, 2010 and 2019, specifies limited rights to freedom of association and bargaining rights for “worker welfare associations” [discussed below on pages XX] elected by the workers, such as the rights to bargain collectively and represent their members in disputes.³²⁴

Susmita*, a former child worker who is now working in the Dhaka SEZ, told Amnesty International about her experience of moving to work there without union support:

“I was a union member in my last factory – I joined when we found that the employer was not giving us our overtime allowances. But now I am working in the SEZ, I cannot form a union. In my old factory, the union upheld the legally mandated working hours and pressurized the employer to recover the unpaid overtime allowances for all the workers.”³²⁵

In autumn 2020, the ILO’s CEACR adopted comments criticizing Bangladesh’s “broad legislative restrictions on the exercise of the right to freedom of association... insufficient protection in law and in practice against acts of anti-union discrimination and interference, restrictions on collective bargaining and limitations on independent inspection in export processing zones and special economic zones.”³²⁶ Evidence of concrete progress towards ensuring the rights of SEZ workers was requested from the Bangladesh government, but had not been forthcoming by January 2024 and once again the case was postponed for further discussion pending more details from the government.³²⁷ Indeed, despite limited assurances from the Bangladesh state to the ILO, there appears to be no movement towards allowing unions to exist in EPZs. In June 2023, the state minister for foreign affairs reportedly confirmed that workers will not be permitted to form trade unions in factories within the EPZs because “foreign investors in the EPZ have invested under specific terms, including the prohibition of trade union activities, which cannot be violated.”³²⁸

EPZ regulations in Bangladesh also allow an employer, with prior approval from the local authorities, to close down wholly or partially in response to an “illegal” strike and to withhold wages from any strikers in the event of closure.³²⁹ The threat of factory managers closing in retaliation for

320 ILO, CEASR, Observation (CEACR) - adopted 2022, published 111st ILC session (2023), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:4118635

321 Interview with Khalid Mahmood, Labour Education Foundation, October 2023.

322 Legal Services India, “Impact of trade unions on labor in the special economic zones in India”, <https://www.legalserviceindia.com/legal/article-11027-impact-of-trade-unions-on-labor-in-the-special-economic-zones-in-india.html>, (accessed 10 May 2024).

323 Bangladesh, S.R.O. No.257-Law/2021, Bangladesh EPZ Labour Act, 2019, Article 184. https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/c0e8021e_5e8f_4ede_9050_f2faf351c2ad/25.%20EPZ%20Labour%20Act%2C%202019.pdf

324 Bangladesh, S.R.O.No.257-Law/2021, Bangladesh EPZ Labour Act, 2019, chapter 4.

325 Susmita*, not her real name, 18-year-old garment worker at a factory located in an SEZ in Dhaka, interviewed in Dhaka, May 2024.

326 ILO, Governing Body 341st Session, Complaint concerning non-observance by Bangladesh of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), March 2021, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_771787.pdf. In particular, directed at the Bangladesh Labour Act, 2006, as amended; the Bangladesh Labour Rules, 2015 and the Bangladesh EPZ Labour Act, 2019.

327 ILO, Minutes of the 347th Session of the Governing Body of the International Labour Office, June 2023, <https://www.ilo.org/resource/record-proceedings/gb/347/minutes-347th-session-governing-body-international-labour-office>

328 Apparel Resources, “Bangladesh EPZ workers barred from forming trade unions, states Foreign Affairs Minister”, 12 June 2023, <https://apparelresources.com/business-news/sustainability/bangladesh-epz-workers-barred-forming-trade-unions-states-foreign-affairs-minister/>

329 Bangladesh, S.R.O. No.257-Law/2021, Bangladesh EPZ Labour Act, 2019, Article 12.

union activity is common with workers not entitled to wages during any closure, even pre-emptive closure.³³⁰

Susmita* told Amnesty International that **“workers are always in fear. Workers are not even talking with each other freely. They think these are foreign companies within a special area, so we cannot do everything that we would do in other factories outside the zone”**.³³¹

In addition, under the 2006 Bangladesh Labour Act, which covers industrial action outside of the EPZs, strikes are not permitted in any new workplace, or any workplace owned by foreigners (including in a joint partnership) for a period of three years.³³²

The situation is such that workers, even when they want to unionize, cannot. “I want to join a union, but I can’t as I work in an EPZ.” explained Aarvi*, a worker at a factory belonging to a major manufacturing company in Dhaka. **“As we have no option to form a trade union, whenever we see a problem at the factory, we try to talk with the management. But when there is a serious problem, we have to seek advice from the nearby union that supports us– even though we cannot join.”**³³³

In Sri Lanka, although regulations do not ban outright freedom of association in FTZs, in practice union formation is severely curtailed by regulations on access to the zones as well as management antagonism. FTZs are generally only open to those working in the zone or those with invitations to visit. Visitors need to obtain passes, which are issued at the discretion of the factories and the Sri Lankan Board of Investment, the body responsible for FTZs in Sri Lanka. This lack of access is formidable and means that neither unions nor indeed labour inspectors can enter unless they have prior authorization. Trade union officials cannot enter unless their union is explicitly recognized within an enterprise in that zone and they have obtained

the approval of the factory and obtained an entry permit from the Board of Investment.³³⁴ Once inside the zone, they are only allowed to visit that specific enterprise. This makes it “impossible for trade unions to make initial contact with workers within the zones”.³³⁵ When speaking to Amnesty International, trade union officials and staff from labour rights groups complained that they cannot enter to support workers or to organize, and instead work outside the zones.³³⁶

Although workers in Sri Lankan FTZs theoretically have the right to unionize, as a concrete impact of the measures outlined above³³⁷ unionists are clear that the majority of factories in FTZs are not unionized (official figures are unavailable).³³⁸ In 2016, over 3,000 members of independent trade unions in Sri Lanka demonstrated against severe anti-union discrimination in FTZs, including the refusal to recognize unions, discrimination, and escalating threats and intimidation against union members by employers.³³⁹

“Workers in export processing zones – despite the economic arguments often put forward – like other workers, without distinction whatsoever, should enjoy the trade union rights provided for by the freedom of association Conventions”.

ILO, Compilation of decisions of the Committee on Freedom of Association, 2018 (sixth edition), page 73 (see the 2006 Digest, para. 264; 346th Report, Case No. 2528, para. 1446; 360th Report, Case No. 2745, para. 1056; 364th Report, Case No. 2745, para. 995; 370th Report, Case No. 2745, para. 673; and 371st Report, Case No. 2908, para. 290.)

330 Dhaka Tribune, “Garment sector unrest lingers, raises fresh concerns for factory owners”, 4 October 2024, <https://www.dhakatribune.com/bangladesh/360735/garment-sector-unrest-lingers-raises-fresh> (accessed 8 October 2024).

331 Susmita*, not her real name, 18-year-old garment worker interviewed in Dhaka, May 2024.

332 Bangladesh Labour Act, 2006 (XLII of 2006), para 211 (8), <http://bdlaws.minlaw.gov.bd/upload/act/2022-01-31-10-23-59-49.The-Bangladesh-Labour-Act.-2006.pdf>

333 Aarvi*, not her real name, interviewed in Dhaka in May 2024.

334 Sri Lanka, Board of Investment, *Manual on Labour Standards and Employment Relations*, 2020, s. 9(a), II, <https://investsrilanka.com/wp-content/uploads/2020/11/manual.pdf>

335 ITUC, *Union View, Sri Lanka: Trade Unions Hard at Work*, October 2008.

336 Conversations with several union and CSO staff in Sri Lanka, October 2023.

337 Sri Lanka, Board of Investment, *Manual on Labour Standards and Employment Relations* (previously cited), Policy Statement, p. ii.

338 Interviews with staff from the FTZGSEU union in Sri Lanka, October 2023.

339 IndustriALL, “Sri Lanka: thousands protest against anti-union discrimination at FTZs”, 7 July 2016, <https://www.industriall-union.org/sri-lanka-trade-unions-protest-against-anti-union-discrimination-at-ftzs>

4.5 REPLACING UNIONS WITH PRO-MANAGEMENT BODIES

In their attempts to undermine or sideline independent trade unions, employers and the authorities of the four countries have been creating and encouraging ineffective “yellow unions”. These are employee councils or committees which replace worker organizations and often work on behalf of the employer. This is in contravention to ILO Convention 98 which expressly forbids any actions which seek to place any worker organizations under the control of employers or employer organizations.”³⁴⁰

In all four countries studied, interviewees and local unions said that many of the registered unions are “yellow unions” established by employers or closely linked to manufacturers or political parties. Yellow unions are established either to show to auditors, brand buyers or local authorities that a union exists or in response to workers organizing themselves. Once there is a yellow union it is more difficult for workers to get a second union recognized, as there are significant membership requirements needed for multiple unions, especially when they are seeking to be recognized as collective bargaining agents.³⁴¹ In Pakistan for example, multiple trade unions in one workplace need at least 20% (one fifth) of the workforce to register.³⁴² This can be difficult for new independent unions to achieve, especially if the management union is powerful. For brands, although there are challenges to assess whether a union is independent, the failure of most monitoring mechanisms and audits undertaken by companies, as evidenced in the accompanying briefing to identify the difference between types of unions or worker councils adds to the problem.³⁴³

The problem of how management promoted trade unions can undermine the efforts of independent worker organizing is highlighted in lone case in

Bangladesh, where a pro-management union was specifically established at Dekko Designs Ltd., a factory in Dhaka region, Bangladesh by management in order to halt workers’ attempts to register a union in 2021. An affiliate union of the Bangladesh Garment and Industrial Workers Federation (BGIWF), itself affiliated to the global union, IndustriALL, the Dekko Designs Ltd Sromik Union formed an organizing committee at Dekko Designs and applied for recognition on 12 December 2021. However, the Department of Labour rejected its union registration application alleging there were insufficient members after a government audit. The proposed office bearers of the union were dismissed by the factory management in January 2022. The same union again applied in January 2023 and this application was again rejected on the grounds of insufficient membership of workers. The union then discovered that a management union had been established in its place. According to Business and Human Rights Resource Centre, management had established its own union which applied for registration on 6 February 2022. The Department of Labour accepted this only weeks later on 7 March 2022 and reportedly without performing a full audit.³⁴⁴ BGIWF alleges that management used workers’ names and personal information without consent to include them as members of the pro-management union with the result that the application by Dekko Design Ltd Sromik Union was denied as these workers were already technically members of the other pro-management union. Thus, the independent union’s application was rejected on the ground of insufficient membership. The dismissed officials were only reinstated after support from the IndustriALL Global Union. IndustriALL contacted the factory buyers in November 2022 after BGIWF raised a complaint through the Action Transformation Collaboration initiative (ACT).³⁴⁵ As a result of the pressure from the global union and ACT facilitated negotiations, an MOU was signed between Dekko Designs Ltd and the

340 ILO, C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Article 2.

341 See for example Human Rights Watch, Bangladesh: Social Audits Shortchange Workers, 2023, <https://www.hrw.org/news/2023/09/14/bangladesh-social-audits-shortchange-workers>

342 Pakistan, Industrial Relations Ordinance 1968, s. 15(2), Section 8, 2b.

343 Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers’ Rights; Brand Responses to Amnesty International Survey (Index: ASA 04/8930/2025), 27 November 2025, <https://www.amnesty.org/en/documents/asa04/8930/2025/en>

344 Business and Human Rights Resource Centre, *Just for Show: Worker Representation in Asia’s Garment Sector & the Role of Fashion Brands & Employers*, June 2024, https://media.business-humanrights.org/media/documents/2024_FoA_report.pdf

345 ACT is a foundation based in the Netherlands which aims to “achieve living wages for workers in the global garment industry through collective bargaining at industry level. The ACT foundation implements the Memorandum of Understanding (MoU) signed between IndustriALL Global Unions and corporate signatories (global brands and retailers) as well as subsequent decisions of the two parties operationalizing the MoU. ACT is a bipartite agreement governed at parity by the corporate signatories (50%) and local and global trade unions through IndustriALL Global Union (50%) to jointly set the strategic and programmatic priorities.

union in November 2023.³⁴⁶ After this the dismissed workers were finally reinstated and, according to the Business and Human Rights Resource Centre. BGIWF has filed a case against the Department of Labour, which remained pending at the time of research.³⁴⁷ The pro-management union has been disestablished.

In 2022, the Bangladesh Apparel Workers Federation and BGIWF denounced the pervasive anti-union climate in the garment sector, claiming that independent trade unions were not allowed to register and that over half of the unions that registered after the Rana Plaza tragedy were inactive “yellow unions”.³⁴⁸ Talking to Amnesty International, Kalpona Akter, President of the BGIWF, said that yellow unions emerged after Rana Plaza when employers saw them as a way to counter the rise of independent unions and they remain a serious challenge.³⁴⁹

In Pakistan, the problem of management-formed yellow unions is also prevalent. Managers establish unions in factories with the express aim of preventing workers from forming or registering their own unions.³⁵⁰

In June 2023, Shahidul Islam, President of the Gazipur branch of the Bangladesh Garment and Industrial Workers Federation, was killed as he was leaving a factory operated by Prince Jacquard Sweater Limited in a FTZ in Tongi, Gazipur.



In June 2023, Shahidul Islam, a trade union organizer of 25 years for the Bangladesh Garment and Industrial Workers Federation (BGIWF) was brutally murdered as he was leaving a factory owned and operated by the Prince Jacquard Sweater Ltd in Gazipur,

Bangladesh. It was claimed that several assailants, reportedly from a local yellow union operating in Gazipur beat Shahidul to death. Shahidul had been talking to workers and management at the factory in an attempt to mediate settlements of unpaid wages and bonuses since December 2022.

Following the murder, the authorities charged 14 people in connection with the murder. A least one of the defendants is a management official from the factory. According to reports, some of those involved have been previously accused of intimidating and harassing workers at the factory after they raised their demands.³⁵¹

4.6 WORKER COMMITTEES / EMPLOYEE COUNCIL

Another widespread practice used by companies and encouraged by the state in the four countries featured in this report is the formation of alternative committees or councils. These are known variously as worker committees, welfare associations or committees, work councils or employee committees or councils. Some of these address specific topics such as occupational health and safety or gender discrimination, while others are more general. In South Asia, governments promote these employee councils but, unlike unions, they do not have the legal right to be collective bargaining agents, and in many cases are nominated and coordinated by the employer or management. The formation of worker committees was seen as a way to encourage some form of worker participation and voice in factories in response to the long-standing reports of human rights violations and poor working conditions. Historically this exception was formed to repudiate claims of garment companies benefiting from the state-wide ban on independent trade unions in China, and was an attempt to produce some form of genuine worker representation in one of the largest and first mass garment production

346 IndustriALL, “Bangladesh: Dismissed workers reinstated with ACT interim dispute resolution mechanism”, December 2023, <https://www.industrial-union.org/bangladesh-dismissed-workers-reinstated-with-act-interim-dispute-resolution-mechanism>

347 Business and Human Rights Resource Centre, *Just for Show* (previously cited).

348 ITUC, *2023 ITUC Global Rights Index* (previously cited), p. 29.

349 Kalpona Akter, President, Bangladesh Garment and Industrial Workers Federation, interviewed in July 2024.

350 Human Rights Watch, “No Room to Bargain” *Unfair and Abusive Labor Practices in Pakistan* (previously cited).

351 Solidarity Centre, *Justice Delayed: One Year Since the Murder of Shahidul Islam*, June 2024.

countries.³⁵² However, the use of these committees in countries which do, in theory, respect and promote independent trade unions, undermines freedom of association and collective bargaining, and independent trade unionism.

Worker committees also provided brands and retailers a useful way to claim compliance with commitments to freedom of association all the while continuing to source from countries which denied – in practice or theory – freedom of association to workers.³⁵³ However, research now shows that these worker committees are often co-opted by management, the authorities and often fashion brands and retailers in order to circumvent the creation of independent trade unions. In practice they remove power from unions and discourage union formation.³⁵⁴

Under ILO Convention 135, worker committees and similar structures can be legitimate worker representative bodies, as long as they are “freely elected”, and crucially as long as they are “not used to undermine the position of the trade unions concerned or their representatives” and that the worker representatives are protected against any prejudicial act, “based on their status or activities as a workers’ representative”.³⁵⁵ Union organizers told Amnesty International that employers use the existence of these committees and councils to claim there is worker representation and no union is therefore needed. Indeed, many brands and retailers do not distinguish between trade unions or workers committees and help support the exclusion of independent unions in the place of committees.³⁵⁶

Organizers also reported that most councils are not freely elected. In the rare cases where they are, they are seen as antagonistic and shut down.³⁵⁷

In Pakistan, Wasim* stated that at his factory, in Lahore, there was previously a workers committee, but it was formed by workers themselves and tried to operate on behalf of the workers. As a result, “the factory has sacked most of the members from their jobs and now there is only a yellow union operating”.³⁵⁸

The encouragement of alternative bodies to trade unions effectively undermines the emergence of independent organizing. For example in Sri Lanka, the establishment in 1994 of employees’ councils in Sri Lanka, encouraged by employers and the Board of Investment, is “hampering the creation of free and independent trade unions and the exercise of the right to bargain collectively”, according to the ILO.³⁵⁹ For example, legislation requires employers to provide facility time for employee councils but not for unions.³⁶⁰ The councils were set up without consultation with unions, are under the control of the Board of Investment and their members are not freely elected.”³⁶¹ In 2018, the ILO’s CEACR further asked the Sri Lankan authorities to indicate the measures taken to ensure that employees’ councils do not undermine the position of trade unions.”³⁶² These requests were repeated in successive comments and in 2021, the government provided further details.³⁶³ The CEACR noted the positive introduction of five EPZ facilitation centres for trade unions and the Board of Investment’s ability to cancel any employees’ councils that undermine trade unions. However, the CEACR “observes once again that the number of employees’ councils in operation in EPZs are significantly higher than the number of trade unions and that there is no substantial increase in the number of collective agreements concluded.” The CEACR further requested that the government intensify efforts to promote collective bargaining in

352 Human Rights in China, *China and the Anti-sweatshop Movement*, 2003. <https://www.hrichina.org/sites/default/files/PDFs/CRF.1.2003/ChinaandtheAmerican1.2003.pdf>

353 Mark Anner, “CSR participation committees, wildcat strikes and the sourcing squeeze in global supply chains”, March 2018, British Journal of Industrial Relations, pp. 75–98, <https://doi.org/10.1111/bjir.12275>

354 Business and Human Rights Resource Centre, Just for Show (previously cited).

355 ILO Convention 135, Workers’ Representatives 1971, Articles 1 and 5.

356 Link to brand report

357 Union organizers and workers in all four countries, interviewed in 2023 and 2024.

358 Wasim*, not his real name, interviewed in Pakistan in December 2023.

359 ILO, A. Sivananthiran, *Promoting Decent Work in Export Processing Zones (EPZs) in Sri Lanka*, <https://webapps.ilo.org/public/french/dialogue/download/epzsrilanka.pdf>

360 Sri Lanka, Employees’ Councils Act 1979, s.32, <https://www.srilankalaw.lk/revised-statutes/alphabetical-list-of-statutes/332-employees-councils-act.html>

361 ACTRAV, *Trade Union Manual on Export Processing Zones* (previously cited), p. 39.

362 ILO, CEACR, Observation (CEACR) - adopted 2018 (previously cited).

363 Government statistics provided on the garment and textiles sector indicate (i) there are 14 EPZs in total as of 30 April 2022 with 275 enterprises employing 147,683 workers; (ii) there are 107 operational employees’ councils and 40 trade unions (of which 19 enjoy check-off facilities); (iii) as of 30 April 2022, five collective agreements were concluded by trade unions covering 2,098 workers (1.4% of the EPZs workers) from five enterprises (1.2% of the enterprises); and (iv) the number of employees in the clothing and textile sectors total 88,480 as of 31 March 2022.

EPZs, including by establishing worker facilitation centres in all EPZs. The CEASR also asked the government to provide further information on cases of council cancellation in favour of trade unions, and details of collective agreements concluded in entities having both employees' councils and trade unions.³⁶⁴

In Pakistan, laws require every factory or workplace with over 50 employees to have a "works council" which is a form of worker committee, comprising representatives of management and workers.³⁶⁵ Where there is a trade union recognized as the collective bargaining agent in the factory, the trade union should select worker representatives for council positions. These councils are designed to cover issues of welfare, including for agency workers (who are not covered by other labour laws), training, resolution of disagreements, productivity and the maintenance of "continuous sympathy and understanding between the employer and the workmen".³⁶⁶ Management are asked to consult with the councils prior to taking major decisions.³⁶⁷ Where there is no trade union, management effectively forms the councils and chooses worker representatives themselves.³⁶⁸

The unequal power dynamics of the worker-employer relationship generally mean that workers' representatives go along with management. Several of the labour groups and unions interviewed for this report said workers who resist union membership are rewarded with better jobs or benefits.³⁶⁹ Arfa* from Pakistan told Amnesty International that "when our union was formed, I was harassed, I was threatened and then they also tried to bribe me if I resisted joining the union."³⁷⁰

Councils also allow soft worker/employer dialogue without workers having the power, independence and legal guarantees of a union – including the right to take industrial action and collective bargaining. Many workers interviewed by Amnesty International pointed out that these councils and committees lacked real participation and relevance

for workers, and some workers did not know if there was a council in their workplace or what it did. For instance, a worker at a now unionized factory in Sri Lanka, said: "There is a worker's council. I'm not sure what it does. Maybe some people get benefit from it, but I don't know. I don't get anything from it."³⁷¹

In Bangladesh, the majority of workers interviewed did not have a union at work, only a workers committee or participation committee. As Polly* a female worker from Dhaka told Amnesty International: "Before we formed a union there was a participation committee, but it just served the interest of the employer. The union serves the interest of the workers."³⁷² In Pakistan, most workers were not sure if there was a workers' committee or not. Less than half of those workers we interviewed knew of such a committee existing in their factory with all stating that these committees were chosen by management and not by workers.

While Amnesty International was only able to speak to a small number of workers in each country, their experiences resonate with findings from other research and ILO commentaries. For example, recent research by the Business and Human Rights Resource Centre into alternative worker representation surveyed unionists from six countries in South and Southeast Asia, including Bangladesh, India, Pakistan and Sri Lanka (alongside Cambodia and Indonesia). In all surveyed countries, interviewees stated that management heavily influenced both the composition and the role of the committees. Management also reportedly handpicked who would join the committees or attempted to influence elections through various mechanisms, such as bribing workers, to ensure that the elected representatives were their choice.³⁷³ According to a survey of labour and women's rights groups and unionists in the six countries, 82% agreed or strongly agreed with the statement: "Employers prefer to engage and bargain with other bodies, such

364 ILO, CEASR, Observation (CEACR) - adopted 2022, published 111st ILC session (2023) (previously cited).

365 Pakistan, Industrial Relations Act, 2012, Chapter IV, 25.F.

366 Pakistan, Industrial Relations Act, 2012, Article 26.

367 ILO, *National Labour Law Profile: Islamic Republic of Pakistan*, 2011, <https://www.ilo.org/resource/national-labour-law-profile-islamic-republic-pakistan>; and Pakistan, Industrial Relations Act, 2012, <https://pakistancode.gov.pk/pdf/files/administrator964ce81cc171ed5dcd0960630e922422.pdf>, Chapter IV, 25-27.

368 Interviews with trade union representatives in Sri Lanka, October 2023.

369 This was mentioned anecdotally by workers, organizers and union officials in Bangladesh, Pakistan and Sri Lanka as another way of discouraging workers to join members.

370 Arfa*, not her real name, interviewed in Pakistan in December 2023.

371 Interview with workers in Katunayake FTZ, Sri Lanka, October 2023.

372 Polly, not her real name, interviewed in Dhaka in April 2024.

373 Business and Human Rights Resource Centre, *Just for Show* (previously cited).

as yellow unions and worker committees, instead of the independent trade union.”³⁷⁴

Even when there is a union or workers try to form a union, management may still try to work through councils. For example, workers at one factory in Katunayake FTZ in Sri Lanka have a long history of attempting to form a union at the factory and to get union recognition. In 2014, after years of struggle, the factory finally reinstated 31 trade union office bearers and activists who were previously dismissed for their participation in a strike in 2011 to get union rights and payment of wages owed to them.³⁷⁵ Workers finally registered a workplace union in 2018, but management refused to recognize the union until 2023 when negotiations started. Even then, management continued to try to weaken the union’s position. One worker at the factory in Sri Lanka told Amnesty International:

“Managers only agreed to bargain with the trade union last month. The employee’s council is still very important at the factory. Both respond to managers and talk to management, but the managers only respond to the employee’s council. They refuse to put out updates from the union and only communicate to workers what the council wants to say.”³⁷⁶

Prior to 2014, workers in Bangladesh had no representation at all in EPZs. After the Rana Plaza collapse, a new law was introduced in 2014 allowing workers to form welfare associations which could discuss workplace matters such as wages and working hours with employers. This situation has continued under the Bangladesh EPZ Labour Act 2019, which has amended the role of the welfare associations. As noted above, there remains no scope to form and run any trade union in the factories located inside the EPZ areas. However, to replace unions in SEZ workplaces, the Workers’ Welfare Associations can be established with a minimum 20% membership of permanent workers in a factory, and they do have limited collective bargaining power. Workers wishing to register a Workers’ Welfare Association must establish a constitution and then apply to the executive chairman of Bangladesh

Export Processing Zones Authority who has the discretionary power to accept or reject such an application.³⁷⁷

Workers in Bangladesh SEZs continue to struggle to organize collectively. “There is no union in our factory as we are not permitted to have one,” said Abesh*, a worker at a factory in a EPZ in a Dhaka EPZ. “There is no workers’ welfare association either. I hope one day there will be a change in the law and we can have independent unions everywhere. For now, I seek support from unions outside of the zones.”³⁷⁸

In practice, through the Bangladesh EPZ Labour Act 2019, the state encourages EPZ workers to join a workers’ welfare association that has only limited legal right to represent workers in collective bargaining. It cannot perform all the functions of a union, including supporting and campaigning on wider worker rights concerns, effectively denying EPZ workers the opportunity for wider social dialogue and participation. More concretely, although a welfare association has the right to call a strike, a lengthy process is then started including compulsory arbitration followed by a vote by the welfare association’s Executive Council (which can only be formed and voted for by permanent workers). The EPZ’s executive chairman has the right to prohibit any strike lasting over 30 days, or if “satisfied that such strike or lock-out is causing serious harm to productivity or is prejudicial to public interest or national economy, he may, by order in writing, prohibit a strike”.³⁷⁹ The executive chairman also has the right to reject or accept any request to form a welfare association. These conditions, alongside the widescale influence of factory owners on welfare associations mean that strike action is almost impossible in practice.

374 Business and Human Rights Resource Centre, *Just for Show* (previously cited), p. 11.

375 Clean Clothes Campaign, “Victory: Settlement with underwear factory Bratex”, July 2014, <https://cleanclothes.org/news/2014/07/29/victory-settlement-with-underwear-factory-bratex>

376 Interview with workers and union members factory, October 2023.

377 Bangladesh, EPZ Labour Act, 2019, https://legislativeportal.gov.bd/sites/default/files/files/legislativeportal.gov.bd/page/c0e8021e_5e8f_4ede_9050_f2faf351c2ad/25.%20EPZ%20Labour%20Act%2C%202019.pdf, Chapter IX, 94-100.

378 Abesh, not his real name, interviewed in Dhaka in May 2024.

379 Bangladesh, EPZ Labour Act, 2019, Chapter X, 124-129.

THE BANGLADESH EPZ LABOUR ACT, 2019: MEMBERSHIP AND ACTIVITIES OF WORKERS' WELFARE ASSOCIATION (102)

(1) “Any worker shall be entitled to be a member of only such Workers’ Welfare Association of the enterprise in which he is employed.

(2) The activities of the Workers’ Welfare Association shall be limited within the area of the concerned enterprise.

(3) The responsibility of each member of the Workers’ Welfare Association shall be to discharge his duties during working hours, to inculcate and develop sense of belongingness to the enterprise among the workers and employers, to [make] aware the workers of their commitments and responsibilities to the enterprise, to endeavour to promote mutual trust and faith, understanding and cooperation among the employers and the workers, to foster a sense of discipline and to fulfil production target, increase productivity and prevent wastage”.

In Bangladeshi factories outside the EPZs, factories with over 50 workers should establish a participation committee unless there is a trade union.³⁸⁰ However, in practice, even when a trade union is formed, these committees continue to exist in tandem and managers continue to communicate with the committees and not with the unions.³⁸¹ These committees should be made up of equal numbers of workers and management representatives. Their main functions are to raise awareness in workers “of their commitments and responsibilities to the establishment”, to “foster a sense of discipline” as well as work on issues like health and safety, training, education, welfare and crucially to “fulfil production target, increase productivity, reduce

production cost, prevent wastage and raise quality of products”.³⁸² This remit is quite obviously far removed from the role and responsibilities of a trade union and does not include the possibility of collective bargaining on behalf of workers.³⁸³ As Morium Akter, General Secretary, Bangladesh National Labour Federation told Amnesty International; “There must be an independent union in the factory and the Participation Committee (PC) cannot continue to be seen as an alternative. In the Committees, the worker’s voice is not represented properly”.³⁸⁴

In India, regulations require or recommend a variety of committees depending on the size of the factory or workplace.³⁸⁵ Workplaces with over 100 workers should establish a works committee including both worker and employer representatives.³⁸⁶ These committees cannot undertake collective bargaining and cannot discuss wider issues around wages, but focus on issues like welfare benefits and informal conciliation. As Sebastian Deveraj, Honorary President of the Karnataka Garment Workers Union stated: “Management uses union-busting techniques to keep union membership numbers low, thus trying to suggest to workers that committees are more effective than unions, and that unions are controlled by outsiders.”³⁸⁷

The use of worker committees in place of genuine trade unions – which have legal rights to represent workers individually and collectively – has meant that legal restrictions on the rights of workers to freedom of association are effectively sanctioned and change has been limited. At the same time, conflating worker councils and committees with trade unions allows buyers and suppliers within the supply chain to claim compliance with the core ILO Conventions on freedom of association.³⁸⁸ This is further discussed in LINK TO briefing³⁸⁹

Our research has confirmed key failures of the governments of Bangladesh, India, Pakistan and Sri Lanka to protect and promote garment workers’ rights in relation to the right to freedom of

380 Bangladesh, Labour Act 2006, Chapter XIII, 205 -206.

381 Trade union activists interviewed in Bangladesh in June 2024,

382 Bangladesh, Labour Act 2006, Chapter XIII, 205.

383 Bangladesh, Labour Act 2006, Chapter XIII, 202-203.

384 Morium Akter, General Secretary, Bangladesh National Labour Federation (BNLF), interviewed in Bangladesh in July 2024.

385 Fair Wear Foundation, *Worker Management Dialogue in Indian Legislation*, June 2018, <https://api.fairwear.org/wp-content/uploads/2019/01/Worker-management-dialogue-in-Indian-legislation-a-guidance-document.pdf>, p. 5.

386 India, Industrial Disputes (central) Rules 1957, s.38-57.

387 Business and Human Rights Resource Centre, *Just for Show* (previously cited), p. 16.

388 Niklas Egels-Zandén and Jeroen Merk, “Private regulation and trade union rights: Why codes of conduct have limited impact on trade union rights”, 2014, *Journal of Business Ethics*, <http://www.jstor.org/stable/42921505>, Volume[?] 123, Issue[?] 3, pp.461–73..

389 Link to briefing

association, including by creating disproportionate or arbitrary barriers to registration, unionization and strike action. All four states fail in their responsibility to protect workers, union members and officials from corporate abuse including discrimination, harassment and dismissal. All four states have punitive approaches to “illegal” strikes and worker protests which criminalize attempts at union organizing. At the same time, all restrict the right of thousands of garments workers to organize in EPZs, and all promote alternatives to independent unions that effectively deny workers the right to freedom of association.

The right to freedom of association is especially vital for workers who face daily human rights abuses when workers are struggling under multiple sources of oppression. This next chapter explores in more detail the current situation inside factories producing for major fashion brands and retailers and highlights the urgent need for union organizing.

WHAT BRAND DATA SAYS ABOUT WORKER COMMITTEES AND UNIONS

As part of the research for this report, Amnesty International also sent 21 major brands and retailers based in nine countries a survey in November 2023, requesting information about their policies, monitoring and concrete actions related to freedom of association, gender equality and purchasing practices. This report from here on in will contain some of the relevant brand data gathered. Full details are in Abandoned by Fashion (ASA 04/8930/2025).

Amnesty International asked the brands if they monitor the existence of trade unions or worker committees.

All six brands which responded in full answered that they do. However, only Fast Retailing provided public disclosure of trade unions in their published supply list at the tier 1 level – the garment production or CMT units. In March 2024, Fast Retailing expanded the scope of disclosure and provided information on trade unions for fabric mills in the list of tier 2 partners Inditex stated that it did not publicly report on this but shared this information with unions as part of its Global Framework Agreement (GFA) with the IndustriALL Global Union. ASOS, adidas, Otto and Primark did not share any public details. However, adidas reported that it did disclose union status for suppliers to major sporting events. ASOS further stated that it does collect this information and plans to share in the future.

Of the 15 brands that did not complete the full survey, our analysis of public information revealed that Next and Marks and Spencer’s listing of suppliers provides details of whether the factory has a trade union or worker committee/council, while H&M lists its suppliers with details of the existence of a trade union or “democratically elected workers representatives”. Sainsburys does not distinguish in its list between trade unions and employee councils. Amazon, BESTELLER, Boohoo, C&A, Desigual, Gap, Morrisons, PVH and Tesco, do not publish any data on unions or committees. Shein and Walmart do not publish any public supplier list at all.

We also asked brands what percentage of their suppliers in Bangladesh, India, Pakistan and Sri Lanka have an independent trade union. Of the six brands that responded in full, Fast Retailing reported that of the 50 factories located in Bangladesh, India and Pakistan, 10% have a trade union. adidas stated that 9.5% of the suppliers in Bangladesh, India and Pakistan have independent trade unions. ASOS stated that this information is collected but not yet reported on. Otto responded that “there is currently no centralized or accumulated data available”. While Primark stated that at “the present time, we do not disclose this information”. Inditex provided no figures, stating that “suppliers and manufacturers effectively respect workers’ freedom of association” and suppliers which have an independent trade union are monitored under the Global Framework Agreement with the global trade union IndustriALL.

An analysis of public data available which differentiates between independent unions and employee councils shows that in terms of the number of actual trade unions there is an extremely low number in all four countries surveyed. For example, **Marks and Spencer** had five trade unions among 172 listed clothing suppliers, with 167 worker committees. No unions were present at factories in India or Pakistan. Based on the latest published list (September 2024) from **Fast Retailing**, among the 56 tier 1 garment and processing factories located in India, Pakistan and Bangladesh (no production partner in Sri Lanka), there were a total of five trade unions: three unions among 32 factories in Bangladesh, two unions among 23 factories in India, and no unions at their single factory in Pakistan. H&M had six trade unions out of 126 listed suppliers and 100 worker committees.

The 21 companies and their home country headquarters are: adidas (Germany), Amazon clothing (USA), ASOS (UK), BESTSELLER (Denmark), Boohoo (UK), C&A (Belgium/Netherlands), Desigual (Spain), Fast Retailing (Japan), Gap (USA), H&M (Sweden), Inditex (Spain), Marks & Spencer (UK), Morrisons (UK), Next (UK), Otto Group (Germany), Primark (UK), PVH (USA), Sainsbury’s (UK), Shein (China, currently headquartered in Singapore), Tesco (UK) and Walmart (USA). More details on the disclosure of trade unions is available in Abandoned by Fashion (ASA 04/8930/2025).



Garment workers work at a factory during a countrywide lockdown to try to contain the spread of Covid-19 on July 5, 2021 in Dhaka, Bangladesh. Photo: Getty Images

5 POVERTY, WORKING CONDITIONS AND REPRESSION

“ I have to borrow money from my relatives or get financial support from others every month to survive.”³⁹⁰

— Azra*, a woman garment worker at a factory in Lahore, Pakistan

This section explores the current human rights abuses occurring in the workplace in Bangladesh, India, Pakistan and Sri Lanka. Amnesty International’s research looks particularly at the ongoing poverty wages paid to workers, as well as the precarity of employment for most garment workers, as key human rights abuses which workers attempt to counter through union organizing. These abuses have particular impact on workers facing additional intersecting identities such as informal workers, female workers and marginalized workers. The normalization of gender-based violence and harassment, coupled with long working hours and job insecurity, affect all women workers and place a heavy burden on their physical and mental well-being.³⁹¹

Freedom of association is key to tackling all these abuses of their rights. As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association summarized in his 2016 report, “Without

assembly and association rights, workers have little leverage to change the conditions that entrench poverty, fuel inequality and limit democracy. The need to maintain paid work is all-consuming; so many workers toil long hours for low wages in unsafe and unhealthy environments, risking disease, injury and death.”³⁹²

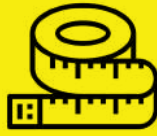
Trade unions are formed by workers, formed of workers and are aimed at improving conditions at work. Although union organizing will not resolve the endemic causes of exploitation which, as discussed above, lie with the state and the garment industry itself, workers have little chance of expressing their needs and their demands without effective representation. In 2018, the industry was described by the Organisation for Economic Co-operation and Development (OECD) as a sector where “human rights and labour abuses and harm to the

³⁹¹ Interview with Azra*, not her real name, in Lahore, Pakistan, December 2023.

³⁹¹ Women Win, *Understanding Drivers and Prohibitors of Women Garment Workers’ Mental Health & Wellbeing*, February 2024, https://www.womenwin.org/win-win-strategies/wp-content/uploads/2024/03/Women-Win_Women-Garment-Workers-Mental-Health-Brief.pdf

³⁹² UN Special Rapporteur on the Rights to Freedom of Assembly and of Association, Report: *Promotion and Protection of Human Rights* (previously cited), para. 11.

GARMENT GLOSSARY



living wage

- the wage level that is necessary to afford a decent standard of living for workers and their families, taking into account the country circumstances and calculated for the work performed during the normal hours of work;
- calculated in accordance with the ILO's principles of estimating the living wage;
- to be achieved through the wage-setting process in line with ILO principles on wage setting."

Source: ILO , ILO reaches agreement on the issue of living wages | International Labour Organization, 2024, <https://www.ilo.org/resource/news/ilo-reaches-agreement-issue-living-wages>

environment by enterprises are prevalent throughout the supply chain".³⁹³

Research comparing human rights risks across 11 key sourcing countries, including Bangladesh, India, Pakistan and Sri Lanka in 2021 showed a declining score and increased risk in eight key labour rights risks compared to 2017.³⁹⁴ The same report highlighted Dhaka (Bangladesh), Mumbai (India) and Karachi (Pakistan) as three of the cities at highest or most extreme risk, indicating widespread human rights violations across multiple issues, alongside pervasive poverty.³⁹⁵ All three are major garment production cities.

The close link between poor working conditions and repression of the right to organize is shown clearly in

the findings of a 2022 report highlighting increasing abuses at factory level during a crackdown on union organizing in South and Southeast Asia during and just after the Covid-19 pandemic as workers tried to protect themselves from dismissals, unpaid wages and unsafe factories.³⁹⁶ The report revealed that in line with the increased restrictions on union activities, union organizers reported an increase in both gender-based violence and harassment in factories, as well as an increase in unpaid wages and severance payments.

5.1 SYSTEMIC DENIAL OF THE RIGHT TO A LIVING WAGE

“

Before the union was formed in our factory, the situation of workers was very bad. Workers were not registered for social security; our salaries were lower. Factory management did not allow us breaks for offering prayers, there were no bonuses and there were no medical facilities. These were the reasons why I and other workers started organizing the union.”

— Muzir*, member of a factory union in Faisalabad, Pakistan³⁹⁷

The ILO has clearly articulated the right to a living wage. This right is protected under the ICESCR, which requires states to guarantee fair wages that ensure a decent standard of living for an individual and their family. Unions are vital in negotiating this.³⁹⁸ In its recent Meeting of Experts Report on wage policies, the ILO reaffirmed the need for collective bargaining and tripartite wage-setting that includes the state, worker representatives and employers, and the importance of taking the needs

393 OECD, *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*, 2018, https://www.oecd.org/en/publications/2018/03/oecd-due-diligence-guidance-for-responsible-supply-chains-in-the-garment-and-footwear-sector_g1g89b0b.html

394 Verisk Maplecroft, *Human Rights Outlook 2021*, https://go.maplecroft.com/Verisk_Maplecroft_HRO_2021_p.7 (accessed 2 September 2024).

395 Verisk Maplecroft, *Human Rights Outlook 2021* (previously cited), p. 22.

396 Business and Human Rights Resource Centre, *Unpicked Fashion and Freedom of Association*, (previously cited), p. 4. The report focused on Bangladesh, Cambodia, India, Indonesia and Sri Lanka.

397 Muzir*, not his real name, interviewed in Lahore, Pakistan, in January 2024.

398 ILO Constitution Preamble; ICESCR, Article 7 and 11; ICESCR General Comment 23, para. 18.

of workers and their families into account, including through acknowledging current costs of living in the specific country in question.³⁹⁹ The report goes further in re-emphasizing that the right to a living wage needs to be “operationalised” in accordance with key objectives, like the closure of the gender pay gap, to ensure the progression from a minimum wage to a living wage.⁴⁰⁰

All four governments have failed to set and protect a living wage to provide equal pay for all workers within the garment industry. Indeed, in all four states, minimum wage rates, when they are paid, generally do not enable workers and their families to enjoy an adequate standard of living and to earn themselves out of poverty.⁴⁰¹ Regional wage growth in the Asia-Pacific region in 2017-2020 (before the Covid-19 pandemic) fell to 1.5% or less, and in 2020 fell to 1% or a negative figure. After a short recovery in 2021, real term wages fell due to inflation.⁴⁰² For example, according to ILO figures, in Sri Lanka both nominal and real wages decreased between 2020 and 2022 by 47.5%.⁴⁰³

However, because of the structure of the industry, its labour-intensive business model and reliance on cheap female labour, which has taken it across the world in search of low wages in overseas production regions, wages are set as low as possible by the state, with pressure from employers, in order to attract investment. In turn, wages have not significantly increased in real terms and a significant gender pay gap continues, which means women workers are most negatively impacted by low wages. Buyers’ demand for low prices compounds the situation, resulting in suppliers trying to reduce costs as much as possible, including by paying low wages.⁴⁰⁴ Profit margins for many suppliers are

estimated at around 2%, while for many retailers the profit margins are between 15-30%. This further discourages production states from raising minimum wage requirements.⁴⁰⁵ A global survey by the ILO of almost 1,500 suppliers in 87 countries, including Bangladesh, India, Pakistan and Sri Lanka, confirmed that wages are directly influenced by purchasing practices between the brands and suppliers.⁴⁰⁶

With little or no protection of the right to freedom of association, garment workers, predominantly internal migrants and women, are forced to continue to accept these stagnant wage levels. Thus, academics describe a highly profitable production model based on a “disposable’ third-world woman whose labour-depleting body produces global commodities.”⁴⁰⁷

399 ILO Governing Body 350th Session, Employment and Social Protection Segment, Report of the Meeting of Experts on wage policies, including living wages, 5 March 2024, pp. 7-9.

400 ILO Governing Body 350th Session, Employment and Social Protection Segment (previously cited), pp. 4,8,9. The need to ensure that the needs of workers and their families, as well as cost of living and economic factors be taken into consideration when setting minimum wages was recognized in ILO Convention 131 - Minimum Wage Fixing Convention, 1970, articles 2 and 3. W

401 Anannya Bhattacharjee and Ashim Roy, “Asia Floor Wage and global industrial collective bargaining”, 2012, International Journal of Labour Research Volume 4 Issue 1, p. 74.

402 ILO, *Global Wage Report 2022-23: The Impact of Inflation and COVID-19 on Wages and Purchasing Power*, 2022, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_862569.pdf, pp. 50-51.

403 ILO, *Global Wage Report 2022-23*, Evolution of nominal and real minimum wages, selected countries, 2015–22 (previously cited), p. 67, figure 3.9.

404 Joint Statement released by AFWA and Focus on Global South at the World Economic Forum, 2022, “Protecting workers’ rights in garment global supply chains as an important strategy for economic development in the global South”, May 2022.

405 Vogue, “What is the right price for fashion? Three designers share their thoughts”, 29 June 2020, <https://www.vogue.com/article/what-is-the-right-price-for-fashion>; Better Buying, “Learning to say no”, <https://betterbuying.org/learning-to-say-no/> and *The Fashion Law*, “Kering revenue tops \$20 billion in 2021, boosted by growth from Gucci, 17 February 2022, <https://www.thefashionlaw.com/kering-revenue-tops-20-billion-in-2021-boosted-by-growth-from-gucci/>

406 ILO, *Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey results*, 2017, <https://www.ilo.org/publications/purchasing-practices-and-working-conditions-global-supply-chains-global>

407 M. Dutta, “Becoming ‘active labour protestors’: Women workers organizing in India’s garment export factories”, 2021, <https://doi.org/10.1080/14747731.2021.1877972>, Volume 18, Issue 8, pp. 1420-1435. _

LIVING WAGE VS MINIMUM WAGE IN SOUTH ASIA

PAKISTAN

USD 279.95

PKR 67,200

Living wage estimate
(AFWA) 2022

USD 119.3

PKR 34,284

Living wage estimate (Anker)
2023 (*urban Pakistan*)

USD 87-111.6

PKR 25,000 -32,000

Actual minimum
wage 2023

BANGLADESH

USD 708.96

BDT 53,104

Living wage estimate
(AFWA) 2022

USD 234.87

BDT 25,497

Living wage estimate
(Anker) 2023 (*Dhaka*)

USD 113/4

BDT 12,500 (Dec 2023)

Actual minimum
wage 2023

INDIA

USD 429.42

INR 33,920

Living wage estimate
(AFWA) 2022

USD 224.94

INR 18,529

Living wage estimate
(Anker) 2023
(*Tirupur, Tamil Nadu*)

USD 119.93-127.69

INR 9,875-10,514

Actual minimum
wage 2023

SRI LANKA

USD 260.26

LKR 94,400

Living wage estimate
(AFWA) 2022

USD 356.77

LKR 113,987

Living wage estimate
(Anker) 2023

USD 50.08

LKR 16,000
(private sector
workers)

Actual minimum
wage 2023
(*Figure includes
govt relief*)

Sources:

Anker Research Institute, "Anker methodology", <https://www.ankerresearchinstitute.org/anker-methodology> (accessed 9 August 2024).

Living wage estimates 2022 for Pakistan, India, Bangladesh and Sri Lanka: AFWA, Living Wage Figures, <https://asia.floorwage.org/living-wage> (accessed 28 December 2023)

Living wage estimate 2023 for Sri Lanka: Global Living Wage Coalition, "Anker reference value annual update 2023, Urban Sri Lanka", https://www.globallivingwage.org/wp-content/uploads/2023/07/Update-report_SriLanka_Urban-RV_2023_JUNE-1.pdf

Living wage estimate 2023 for Pakistan: Global Living Wage Coalition, "Living wage for urban Sialkot", <https://www.globallivingwage.org/living-wage-benchmarks/urban-pakistan>

Living wage estimate 2023 for Bangladesh: Global Living Wage Coalition, Living Wage Update Report: Dhaka and Satellite Cities, Bangladesh, 2023, https://globallivingwage.org/wp-content/uploads/2018/05/Update-report_Bangladesh_Dhaka-and-Satellite-Cities_-2023_JUNE.pdf

Living wage estimate 2023 for India: Global Living Wage Coalition, Living Wage Update Report: Tirupur, Tamil Nadu, India 2022, https://www.globallivingwage.org/wp-content/uploads/2018/05/Updatereport_India_UrbanTiruppur_Tamil-Nadu_2022_29042022.pdf

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BRANDS AND THE GENDER PAY GAP

Amnesty International asked the 21 brands to provide details of any public monitoring and reporting of gender pay gaps in their suppliers. No brand responding provided figures on gender pay gaps. ASOS responded that it monitors this information in all tier 1 and 2 factories but does not publish this information. ASOS added that the assessment of the gender pay gap in a factory contributes positively to the overall audit score given by ASOS auditors, and that audits also assess the presence of active women's committees supported by independent women's organizations.⁴⁰⁸

On other gender-related data, publicly available supplier lists of adidas, Boohoo, Fast Retailing, H&M, Marks and Spencer, Next, Primark and Sainsbury's provide data on the gender breakdown of workers in each listed supplier. Of the other brands, Amazon, BESTSELLER, C&A, Desigual, Gap, Inditex, Morrisons, Otto (only publishes the brands Bonprix), PVH and Tesco do not provide any gendered worker numbers or pay gap data. Shein and Walmart do not publish at all.

In addition to the low minimum wage rates set for garment workers, another significant problem is the infrequent revision of the minimum wage.⁴⁰⁹ For example, in Sri Lanka, In March 2024, the minimum wage was increased from LKR 12,500 (USD 43) (LKR16,000 (USD 55) with relief payments) to LKR

17,500 (USD 60) (LKR 21,000 including budgetary relief (USD 72)).⁴¹⁰ The figure of LKR 12,500 was fixed in 2021 despite core inflation rates for consumer prices of up to 50% in 2021 and 2022.⁴¹¹ A worker at a factory in Katunayake, Sri Lanka, said: "It has been a long time since garment workers have seen an improvement. The cost of living has increased but salaries have not increased. Before they could build a house, educate their kids but now after the crisis they cannot. They are just living month to month."⁴¹² In July 2024, trade unions called for a minimum wage of at least LKR50,000 (USD 172).⁴¹³

In India, minimum wages for garment workers are set centrally, however, different states can adjust the levels. Reviews can operate under various timelines and apply to different sectors but should at least be revised every five years. In reality, this does not always happen.⁴¹⁴ The government also revises the variable dearness allowance twice a year according to consumer price indexes with the latest increase on 1 October 2024.⁴¹⁵ Wage rates and changes vary enormously depending on level of skill, sector and area, for example in February 2024, workers in Tamil Nadu protested about the lack of implementation of the last minimum wage review in the state in 2014.⁴¹⁶

In Pakistan, minimum wages are set and adjusted provincially.⁴¹⁷ For example, in June 2023, the monthly minimum wage for "unskilled workers" was increased to PKR 32,000 (USD 115) in Sindh province but remained at PKR 25,000 (USD 90) for Punjab province, another key production region.⁴¹⁸ In June 2024, the minimum wage for unskilled workers was increased to a proposed PKR 37,000 (USD

408 ASOS, Policy on Gender in the Supply Chain, https://asos-12954-s3.s3.eu-west-2.amazonaws.com/files/8516/7111/5298/ASOS_Policy_on_Gender_Equality_in_the_Supply_Chain.pdf

409 Minimum wage setting can vary from sector to sector as well as from region to region or city, even within a province or a country. See <https://wageindicator.org/salary/minimum-wage/> for examples.

410 Daily Mirror, "Cabinet nod to increase national minimum wage to Rs. 17,500", 27 March 2024, <https://www.dailymirror.lk/business/Cabinet-nod-to-increase-national-minimum-wage-to-Rs-17-500/215-27966717> (accessed 10 November 2024).

411 Central Bank of Sri Lanka, Consumer Price Inflation, <https://www.cbsl.gov.lk/en/measures-of-consumer-price-inflation> (accessed December 2023).

412 Interview with workers from a factory in Katunayake, Sri Lanka, October 2023.

413 Business Time, Workers demand Rs.50,000 basic wage, 14 July 2024, <https://www.sundaytimes.lk/240714/business-times/workers-demand-rs-50000-basic-wage-563740.html> (accessed 26 November 2024)

414 Wage Indicator Foundations, "Minimum wage regulations, Bangladesh", <https://wageindicator.org/labour-laws/labour-law-around-the-world/minimum-wages-regulations/minimum-wages-regulations-bangladesh>; India <https://wageindicator.org/labour-laws/labour-law-around-the-world/minimum-wages-regulations/minimum-wages-regulations-india> (accessed 26 February 2024).

415 TrakIndia, "Minimum wage in India is now Rs 783/day under new rules", 15 November 2024, <https://trak.in/stories/miniimum-wage-in-india-is-now-rs-783-day-under-new-rules/> (accessed 17 November 2024).

416 IndustriALL, "Indian garment workers protest delay in wage increase", February 2024, <https://www.industriall-union.org/indian-garment-workers-protest-delay-in-wage-increase>

417 Wage Indicator Foundations, "Minimum wage regulations, Pakistan", <https://wageindicator.org/labour-laws/labour-law-around-the-world/minimum-wages-regulations/minimum-wages-regulations-pakistan> (accessed 26 February 2024).

418 Labour Behind the Label, *Hanging on by a Thread* (previously cited).

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133) in line with record inflation.⁴¹⁹ Living wage estimates for 2022 and 2023 are still far above this minimum wage.⁴²⁰ These estimates do not take into account the current sky-rocketing cost of living due to inflation, estimated to be almost 30% year on year between January 2022 and January 2023, and around 28% between 2023 and 2024.⁴²¹

In-work poverty is intensified in Pakistan where many employers fail to pay even the minimum wage. In 2023, research showed that just over one third of 273 workers surveyed by Labour Behind the Label were paid less than PKR 25,000 (USD 90) per month.⁴²² This study echoes a 2017 study by the ILO that found over half of workers in the Pakistan garment and textiles industry do not receive the minimum wage.⁴²³ Khalid Mahmood, from the Labour Education Foundation in Pakistan stated that in reality, **“All brands know that minimum wages are not paid, that overtime is not paid properly.”**⁴²⁴ Further studies show a systematic failure by the federal and provincial government to undertake factory inspections and monitor compliance with the laws.⁴²⁵

In Bangladesh, wages for the garment sector are revised every five years, with an increase on a base amount implemented annually.⁴²⁶ The minimum wage revision in 2018 raised the monthly wage of the lowest skilled garment worker to BDT 8,000 (USD 66) while the most recent revision in late 2023 raised this to BDT 12,500 (approximately USD 104).⁴²⁷ Unions had been calling for up to BDT 23,000 (approximately USD 200), which

would still not have met half the Asia Floor Wage Alliance living wage estimate for 2022.⁴²⁸ Calculations suggest that with the current rate of inflation, within three years workers in Bangladesh will be making, in real terms, less than they do currently. Similar calculations showed that the 2018 increase was eroded by rising living costs within five years.⁴²⁹ Garment unions criticized the exclusion of genuine union representation and the lack of transparency over how the final decisions on wage levels were reached, and stated that their proposal of a minimum wage of BDT 23,000 (USD 200) per month was developed using criteria including analysing the cost of living prescribed by both the Bangladesh Labour Act and ILO Conventions, unlike the method used for the counter-proposal by the employers’ BGMEA.⁴³⁰

In November 2024, nation-wide protests led to the 5 August resignation of Bangladesh’s Prime Minister Sheikh Hasina and the installation of a new interim government, it was announced that a committee, headed by the Ministry of Labour and Employment, is preparing a review of the current minimum wage which may result in an increase in April 2025.⁴³¹ At the same time, it was announced that the majority of garment factories had implemented the minimum wage and resolved recent wage arrears.⁴³² This follows discussions between unions and interim government officials over wages and working conditions in the sector amid ongoing protests.⁴³³

419 Pakistan Observer, “Pakistan raises minimum wage to Rs37,000 in Budget 2024-25”, 12 June 2024, <https://pakobserver.net/pakistan-raises-minimum-wage-to-rs37000-in-budget-2024-25/> (accessed 10 November 2024) and Wage Indicator, “Pakistan minimum wage”, <https://wageindicator.org/salary/minimum-wage/pakistan>

420 AFWA put a decent family basic income at PKR 67,200 [USD\$ 241] in 2022; Global Living Wage Coalition put it at between PKR 49,677 and PKR 52,749 [USD\$178 – USD\$200]

421 Pakistan, Bureau of Statistics, “Consumer Price Index inflation for month of January”, January 2023 and January 2024, https://www.pbs.gov.pk/sites/default/files/press_releases/2023/CPI_Press_Release_Jan_2024.pdf (accessed 10 November 2024.), https://www.pbs.gov.pk/sites/default/files/press_releases/2023/CPI_Press_Release_January_2023.pdf

422 Labour Behind the Label, *Hanging on by a Thread* (previously cited).

423 ILO, *Pakistan’s Hidden Workers’ Wages and conditions of home-based workers and the informal economy*, 2017, <https://www.ilo.org/publications/pakistans-hidden-workers-wages-and-conditions-home-based-workers-and>

424 Interview with Khalid Mahmood, Labour Education Foundation, Pakistan, online in December 2023.

425 Human Rights Watch, *“No Room to Bargain” Unfair and Abusive Labor Practices in Pakistan* (previously cited).

426 Wage Indicator Foundations, Minimum Wage regulations, Bangladesh

427 Amnesty International, *Bangladesh Must Stop Violating Labour Rights and Uphold Corporate Accountability*, (Index: SA 13/7525/2023), 11 December 2023, <https://www.amnesty.org/en/documents/asa13/7525/2023/en/>

428 AFWA, Living Wage Figures (previously cited).

429 Workers Rights Consortium, “Disastrous outcome on wages made worse by the price workers are paying for speaking out”, November 2023, <https://www.workersrights.org/commentary/disastrous-outcome-on-wages-made-worse-by-the-price-workers-are-paying-for-speaking-out/sortium>

430 Clean Clothes Campaign, “Bangladesh government proposes new poverty wage of 12,500 BDT (D 113) per month, ignoring the workers’ desperate calls”, <https://cleanclothes.org/news/2023/bangladesh-minimum-wage-announcement>

431 The Daily Star, “Decision on new wage for RMG workers by April”, 11 November 2024, <https://www.thedailystar.net/business/news/decision-new-wage-rmg-workers-april-3749751> (accessed 17 November 2024).

432 The Daily Star, “Decision on new wage for RMG workers by April” (previously cited).

433 Bangla News, “Govt, BGMEA agrees to meet all demands of workers”, 24 September 2024, <https://www.banglanews24.com/english/national/news/bd/156778.details> (accessed 17 November 2024)

BRANDS RESPONSE TO WAGE INCREASES

In terms of supporting fair remuneration, crucially, when wages do go up, prices paid by fashion brands and retailers to suppliers often do not reflect this. As a result, factories cut their workforce or the benefits workers receive, or pay below the minimum wage. For example, a 2023 report on Pakistan reported that what usually happens after the minimum wage is increased, is that workers were asked to resign or sent for a few days off and then re-employed as cheaper piece-rate workers.

According to one worker interviewed “There used to be 7,000 workers working in our factory, but now only 4,000 are working as salaried workers. The rest have been fired and most of these were rehired on a piece rate. It happens every time there is an increase in the minimum wage. Workers protested outside the factory but to no avail.”⁴³⁴

In Bangladesh, after the recent wage increase took effect in December 2023, suppliers have complained that buyers have not been increasing the prices paid to them to cover the increased wages. One supplier was quoted in the local media, saying: “Buyers are yet to increase the product prices by a single penny despite our implementation of the new wages.”⁴³⁵

Importantly, while ILO Conventions 26 and 131 on Minimum Wage Fixing specifies that worker representation must be included in the wage-setting mechanisms, in most countries this is either ignored, bypassed or excludes independent union involvement.⁴³⁶ In order to ensure adequate wage

levels and importantly progress towards a living wage, it is crucial that workers and their trade unions are involved in the setting of wage levels and that power is shared in order to develop an effective incremental progress towards a living wage.⁴³⁷ As the ILO affirms, “social dialogue, including collective bargaining, contributes to the fair distribution of the gains generated through value added along global supply chains.” It is a key part of ensuring economic equality and respect for human rights in global supply chains.⁴³⁸

For those workers who are socially and economically vulnerable for reasons of gender, poverty, migration, language, class, religion or caste, the situation is even worse. Their lack of power at work means they are even more unable to speak out.

For example, a recent study found that over 90% of female fashion homeworkers interviewed in India, Nepal and Pakistan reported earning below the minimum wage.⁴³⁹

The real impact of such low wages and intersecting discrimination was stark in interviews conducted for this report. For example, in India, Amnesty International interviewed Sahana*, a woman helper in a factory close to Delhi and member of the Dalit community. She described her living conditions in the Delhi region: “We do not have any toilets in our hut. We go out to the nearby jungle or railway tracks to ease ourselves. For bathing, we have a makeshift area covered with hessian cloth where women and children bathe... The area of the slums where we live is where all the Dalits live.”⁴⁴⁰ Research of around 2,000 garment workers in Bengaluru in 2019 revealed that around 64% of workers belonged to what is called “Other Backward Classes” or “Economically Weaker Sections”. These are “considered socially, educationally and economically

434 Footnote: Labour Behind the Label, *Hanging on by a Thread* (previously cited).

435 Footnote: The Business Post, “RMG wages now up, where is buyers’ support”, 18 December 2023, <https://businesspostbd.com/economy/rmg/rmg-wages-now-up-where-is-buyers-support>

436 ILO, Convention 26: Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Article 3. Ratified only by India and Sri Lanka. ILO, Convention 131: Minimum Wage-Fixing Machinery Convention, 1970, Article 4, ratified only by Sri Lanka. Progress towards a living wage or increments to minimum wages is often called a wage ladder.

437 Oxfam, “Paying the living wage isn’t just good for the world – it’s also good for business. Here’s how to do it”, 13 July 2022, <https://views-voices.oxfam.org.uk/2022/07/paying-the-living-wage/#:~:text=Good%20for%20workers%20-%20and%20for%20business%20too&text=In%20short%2C%20paying%20a%20living,in%20a%20cycle%20of%20poverty>

438 ILO, Meeting of experts on wage policies, including living wages Geneva, 19 - 23 February 2024, p.4, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_918126.pdf

439 HomeNet South Asia, *Working From Home: The Decent Work Deficit of Homeworkers in Selected Cities in South Asia*, February 2023, <https://www.homenetinternational.org/launch-of-report-on-the-decent-work-deficit-of-homeworkers-in-selected-cities-of-south-asia-on-international-womens-day/>

440 Sahana*, not her real name, interviewed near Delhi in December 2023.

backward”.⁴⁴¹ Over 50% of them reported no access to running water at home, 95% had no refrigerator and almost 50% no fan.⁴⁴²

According to the UN Global Compact, “working poverty in supply chains is at odds not only with companies’ values and those of their employees, but also with the potential to secure resilient supply chains and to grow consumer markets”.⁴⁴³ It is estimated that in the majority of garment production, particularly for fast fashion, the proportion of costs spent on production labour costs will rarely exceed 3% of the final retail price.⁴⁴⁴

Changing in-work poverty for millions of garment workers is possible and indeed, the World Economic Forum’s Annual Meeting in 2023 concluded that a “globally implemented living wage could generate US\$4.6 trillion in additional GDP each year through increased productivity and spending”.⁴⁴⁵

It is important to locate the failings of the garment industry within the context of the global economy and the claims of the industry – including both production states and brands – that it is promoting economic development and female empowerment. Despite some financial independence for women that has emerged with their employment, it is well recognized that the financial and social empowerment meant to be brought about by the growth of the industry in South Asia has not benefited the vast majority of women who remain trapped in a cycle of poverty and are unable to gain stable economic benefits from the industry.⁴⁴⁶ Indeed, as one labour rights organizer said: “the conditions of the workers have in fact become worse, not better”.⁴⁴⁷

In June 2008, the ILO adopted the landmark Declaration on Social Justice for a Fair Globalization.⁴⁴⁸ This recognized that globalization has enabled increased economic growth for some countries while for others it has increased job insecurity, inequality and vulnerability to competition.”⁴⁴⁹ Since then, globalization, economic fluctuations and pro-business policies have increased inequality worldwide with the ILO, estimating that in 2020 half of workers who earn less than the global median account for a mere 6% of total labour income, while the top 10% earn almost half of global income.⁴⁵⁰

“

A transition to a more just and sustainable world is ... only possible through the payment of living wages for supply chain workers. It is only then a fundamental redistribution of wealth happens and without it, a just transition is not possible.”

– The Tamil Nadu Textile and Common Union, India⁴⁵¹

441 The categories listed were category II and III of the Karnataka caste lists (Cat-IIA, Cat-IIB, Cat-IIIA and Cat-IIIB) in K. Suresha, “Employment pattern of garment women workers in India: Issues and challenges”, 2019, International Journal of Social Science and Economic Research, Volume 4, Issue 1. These categories are explained in Khojhal.com as being classed as [Other Backward Classes](#) (OBC) or [Economically Weaker Sections](#) (EWS) and can include certain categories of Dalit workers. See Khojhal, “Karnataka caste list 2024, Cat-1, 2a, 2b, 3a and 3b, SC ST, EWS & general caste”, September 2024, <https://www.khojhal.com/karnataka-caste-list/> (accessed 24 October 2024).

442 Suresha, “Employment pattern of garment women workers in India: Issues and challenges” (previously cited).

443 UN Global Compact, Improving wages to advance decent work in supply chains, <https://livingwages.unglobalcompact.org/#section2> (accessed 28 August 2024).

444 Clean Clothes Campaign, “When I buy a garment, what portion of the cost goes to the workers?” <https://cleanclothes.org/faq/price> (accessed 28 August 2024).

445 World Economic Forum, “Explainer: What is a living wage and how is it different from the minimum wage?”, April 2024, <https://www.weforum.org/agenda/2024/04/ilo-living-wage-explained>

446 Garrett Brown, “Women garment workers face huge inequities in global supply chain factories made worse by COVID-19” (previously cited).

447 Interview with staff and workers at Stand Up Movement Lanka, Katunayake, Sri Lanka, October 2023.

448 ILO, Declaration on Social Justice for a Fair Globalization and Resolution on Strengthening the ILO’s Capacity to Assist its Members’ Efforts to Reach its Objectives in the Context of Globalization, 2008, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_094186/lang-en/index.htm

449 ILO, Declaration on Social Justice for a Fair Globalization and Resolution on Strengthening the ILO’s Capacity to Assist its Members’ Efforts to Reach its Objectives in the Context of Globalization (previously cited).

450 ILO, *World Employment and Social Outlook Trends* 2020, p. 19.

451 War on Want, *Fashioning the Future*, August 2023, p. 34.

CONTEXT OF PURCHASING PRACTICES ON WAGES AND WORKING CONDITIONS

Understanding the power of brands is a crucial first step to understanding the dynamics of the global garment industry. While companies have effectively tried to outsource responsibility by outsourcing production, they still hold the power. The power imbalance between suppliers and major brands and retailers is a critical factor in perpetuating the poor working conditions and labour rights abuses documented in this chapter. As seen in the context of Covid-19, discussed above, it manifests in negotiations for low purchase prices from suppliers, with some suppliers forced to sell at a loss, with no action from states or major brands to protect or ring-fence adequate wage levels.

A 2017 ILO global survey of purchasing showed that in around a quarter of suppliers in a range of industries, including textiles and garments, the main buyer took over half of the supplier's production while around half of suppliers had a main buyer that took at least 35% of their production.⁴⁵² In both cases, the suppliers are highly dependent on orders from that buyer and thus have little choice but to accept low prices and other poor purchasing terms. The global survey found suppliers based in countries with a low Human Development Index, including Bangladesh, India, Pakistan and Sri Lanka, are at higher risk of dependency contracts compared to suppliers in countries with a high Human Development Index.⁴⁵³

Because of the high competition between suppliers for brand and retailers' orders, brands can negotiate low prices for purchase orders. At times these prices fall well below the actual cost of production. For example, a study of 1,000 Bangladeshi garment factories producing for major brands reported that 76% of the surveyed

factories were selling to some buyers at the same price in December 2021 as they were in March 2020, with 70% of buying brands paying the same price for goods produced in December as they were in March 2020 despite rises in production costs and wages.⁴⁵⁴ Some 9% of brands were buying garments at below the cost of production. This is despite a huge rise in inflation in Bangladesh as well as massive rises in the cost of energy locally and globally.⁴⁵⁵

Anton Marcus, Joint Secretary, Free Trade Zone and general service employees trade union in Sri Lanka told Amnesty International that because of the current economic crisis, factories have less orders and *"at the same time brands are often asking for discounts – this means factory owners lay workers off and smaller suppliers face closure, leaving workers without wages or compensation."*⁴⁵⁶

5.2 EXCESSIVE WORKING HOURS AND OVERTIME

The failure of states to ensure a living wage means that most workers are forced to work long hours in order to earn enough to sustain their families. Almost all the workers interviewed by Amnesty International said they did not earn enough to cover their living costs. Most needed to support elderly relatives, which they increasingly found impossible. Only one, Vainavi*, a woman worker at a specialized factory in Sri Lanka, said she could save. Her salary was based on working approximately 70-80 hours a week as she worked six days a week from 7.30am to 5.30pm followed by one or two hours of compulsory overtime as well as compulsory overtime all day Saturday.⁴⁵⁷

In India, Mayank*, a male machinist working at a factory near New Delhi, told Amnesty International:

452 ILO, *Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey results, 2017*, <https://www.ilo.org/publications/purchasing-practices-and-working-conditions-global-supply-chains-global>

453 ILO, *Purchasing Practices and Working Conditions in Global Supply Chains: Global Survey results* (previously cited), p. 8.

454 University of Aberdeen Business School, *Impact of Global Clothing Retailers' Unfair Practices on Bangladeshi Suppliers During Covid-19*, 2023, https://www.abdn.ac.uk/news/documents/Impact_of_Global_Clothing_Retailers_Unfair_Practices_on_Bangladeshi_Suppliers_During_COVID-19.pdf

455 Al Jazeera, "Bangladesh's garment sector faces energy, demand crises", August 2022, <https://www.aljazeera.com/economy/2022/8/2/bangladeshs-garment-sector-faces-energy-demand-crisis>

456 Anton Marcus, interviewed in Colombo, Sri Lanka, in October 2023

457 Vainavi*, (not her real name), interviewed in Katunayake FTZ, Sri Lanka, in October 2023.

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"I work 12 hours a day. But I do not work all six days. I get tired and then skip work for a day or two once in two weeks... If we do not work for this long, we will not be able to make the money we need to support our families back home."⁴⁵⁸

Ishita*, a woman machinist working at a factory in Mirpur, Dhaka, Bangladesh, said: **"I get around BDT 14,000 (USD 116) a month which is not enough to survive on as I have to support my family. I usually do two to three hours overtime a day, sometimes even more depending on the orders and workloads. We have no other option except to do this whenever required by the employer."**⁴⁵⁹

The impact on workers working long hours has been shown to result in numerous health issues including respiratory diseases, musculoskeletal problems such as back ache as well as mental health strain and anxiety.⁴⁶⁰ For women workers, working long hours, in addition to family responsibilities and stress, have also been shown to increase the risk of domestic violence at home.⁴⁶¹

All four states have labour laws providing increased wage rates for overtime worked and all require such overtime to be voluntary, as required by ILO conventions and other international labour standards.⁴⁶² However, our research showed that a significant number of workers interviewed were not receiving their stated overtime rates, or their employers were applying different rates for overtime differently. For example, several workers interviewed in Pakistan said that overtime was either forced, with workers being told to work or lose their jobs, and unpaid or paid only at the normal hourly rate, with informal workers generally receiving a lower rate. Azra* a worker in Lahore said: "Permanent workers get double overtime in the factory, but contract workers get a single rate of overtime. Workers are asked by management not to tell anybody else about what they get paid for overtime."⁴⁶³

458 Mayank* (not his real name), interviewed in the Delhi NCR in December 2023. Mayank did not want to name his factory but stated that his factory makes clothes for major fashion brands.

459 Ishita*, not her real name, interviewed in Dhaka in April 2024.

460 Raphael Kanyire Seidu, Emmanuel Abankwah Ofori and others, "A systematic review of work-related health problems of factory workers in the textile and fashion industry", January-December 2024, Journal of Occupational Health, Volume 66, Issue 1, , <https://doi.org/10.1093/joccuh/uiae007>

461 AFWA, *A Stitch in Time Saved None* (previously cited).

462 ILO, Hours of Work (Industry) Convention, 1919 (No. 1).

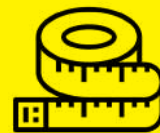
463 Azra*, not her real name, interviewed in Lahore, Pakistan, in December 2023.

464 Worker interviews did not specifically raise the issue of fines and deductions but workers in Pakistan and Sri Lanka all offered examples of these issues in daily work.

465 Ahmed*, not his real name, interviewed in Lahore, Pakistan, in December 2023.

466 Calculated on the basis of a 24-day month working 10 hours day making an hourly rate of PKR 156.25 (USD 0.5); 37,500 divided by 240 hours)

GARMENT GLOSSARY



wage theft

Wage theft occurs across the globe by employers failing to pay wages or provide the correct benefits owed to a worker. It includes failing to pay promised bonuses or overtime at the correct rates, failing to pay the minimum wage levels, the non-payment of holiday pay, annual leave and redundancy payment as well as illegal or excessive deductions from salaries (such as penalties for toilet breaks) . Wage theft also includes classifying workers as independent contractors or casual workers to avoid paying proper benefits such as holiday pay and social security payments and non-payment of full wages to migrant workers.

Workers also reported disproportionate and punitive salary deductions for being late or failing to meet production targets.⁴⁶⁴ Ahmed*, a male machine operator at the same factory as Azra, in Lahore, Pakistan, works on average 9 to 11 hours a day, earning a monthly wage of PKR 37,000 to 38,000 (USD 133-136). He told Amnesty International: "If I am late 5 or 10 minutes, they deduct PKR 120 to 250 (USD 0.42-0.88) each time. We also get fines if the pieces are made incorrectly."⁴⁶⁵ This is equivalent to between 45 and 90 minutes paid work each time.⁴⁶⁶

“WORST WAGE THEFT IN HISTORY”

In India’s Karnataka state, in April 2020, the government implemented an increase in the living allowance paid to workers [on top of the basic minimum wage] which is designed to reflect inflation. The increased allowance was INR 417 (USD 5.60) per month. However, suppliers in the region refused and over 1,000 supplying factory owners employing around 400,000 garment workers did not pay this allowance, leading to what the Workers’ Rights Consortium (WRC) estimates to be an underpayment of over USD 58 million.⁴⁶⁷

The suppliers had refused to pay the increase because of a proclamation by the Ministry of Labour & Employment suspending the minimum wage increase in April 2020 during the Covid-19 pandemic. In September 2021, the Karnataka high court ruled that the minimum wage, including all arrears, must be paid to workers regardless of any other court proceedings.⁴⁶⁸ Suppliers continued to refuse to make the additional payments despite a major campaign by the local trade union, Garment and Textile Workers’ Union (GATWU), and global labour solidarity networks like the WRC and the Maquila Solidarity Network calling on sourcing brands and retailers to pressure their suppliers to pay the proper wages.⁴⁶⁹ Eventually, in 2022, the vast majority of suppliers, agreed to pay both the back pay and the minimum wage moving forwards.⁴⁷⁰

5.3 UNORGANIZED WORKERS EXPOSURE TO MARKET CHANGES, FACTORY PRESSURE AND BRAND ORDERS

Because of the low wages most garment workers earn, they are unduly dependent on the number of hours they can work in order to survive. This means that fluctuations in international orders by buyers from their factories can significantly impact their earnings, if not their survival. The precarious and changeable nature of fast fashion orders from brands and retailers means that often workers are either forced to work excessive overtime to fulfil an order or at the opposite end, to cut hours because of an economic downturn or lack of orders.

The inability of unorganized workers to push back against worsening conditions, coupled with the lack of economic safety nets caused by years of low income was clearly shown during the Covid-19 pandemic. During the initial lockdowns in China, workers in other countries were forced to work long hours to make up for orders that couldn’t be met by Chinese factories. A second shock wave occurred when lockdowns were established in consumer countries, meaning that many brick-and-mortar fashion brands and retailers were forced to close. Major fashion brands immediately cancelled existing orders, often using force majeure clauses, including for orders already in progress as well as orders that had been finished but had not yet been delivered. These cancellations were compounded by huge unilateral discounts buyers imposed on manufacturers which they had to accept in order to obtain any form of payment.⁴⁷¹ The crisis made visible the power held by the brands who passed

467 Worker Rights Consortium, Reversing the Mass Wage Theft in Karnataka, <https://www.workersrights.org/our-work/wage-theft-in-karnataka/> and Sourcing Journal, “India wage theft ‘worst’ fashion has seen”, 7 January 2022, <https://sourcingjournal.com/topics/labor/karnataka-india-wage-theft-hm-inditex-gap-worker-rights-consortium-321732/>

468 Business & Human Rights Resource Centre, “India: Brands & retailers respond to ‘worst wage theft’ documented in garment industry in Karnataka, India”, January 2022, <https://www.business-humanrights.org/en/latest-news/india-garment-workers-in-karnataka-struggle-to-make-ends-meet-after-suppliers-refuse-to-pay-legally-mandated-wage-increase>

469 Maquila Solidarity Network, “Garment workers in Karnataka, India owed millions in unpaid wages”, February 2022, <https://www.maquilasolidarity.org/en/garment-workers-karnataka-india-owed-millions-unpaid-wages#>

470 Sourcing Journal, “India wage theft ‘worst’ fashion has seen” (previously cited).

471 Business and Human Rights Resource Centre, “Major apparel brands delay & cancel orders in response to pandemic, risking livelihoods of millions of garment workers in their supply chains”, 24 March 2020, <https://www.business-humanrights.org/en/latest-news/major-apparel-brands-delay-cancel-orders-in-response-to-pandemic-risking-livelihoods-of-millions-of-garment-workers-in-their-supply-chains/>

the financial consequences of the pandemic onto suppliers who, in turn passed the consequences to their workers by laying them off, denying wages and bonuses and cracking down on any worker challenges to these impacts.⁴⁷²

As a result, many workers lost their jobs or were not paid for months. In Bangladesh, the Bangladesh Institute of Labour Studies put the figure of job losses at between 400,000 and 476,000.⁴⁷³ In India, local media reported that 40% of the 500,000 garment workers in Karnataka, lost their jobs after the first lockdown,⁴⁷⁴ while estimates for the Delhi region suggest approximately 212,000 garment workers lost their jobs.⁴⁷⁵ Detailed figures are unavailable, but it is estimated that around 712,000 garment workers lost their jobs in India from March 2020 to May 2021.⁴⁷⁶ In Sri Lanka, the Sri Lanka Apparel Exporters Association estimated that up to 100,000 garment workers had lost their jobs by September 2020.⁴⁷⁷ The vast majority of these workers are believed to have been forced to accept dismissal and have not been paid compensation or not been paid in full.⁴⁷⁸ The Clean Clothes Campaign estimated that during the pandemic between March 2020 and April 2021, garment workers were underpaid by around USD 31.5 million in Sri Lanka, USD 8,446 million in Bangladesh, an estimated USD 10 million in India, and over 4 million USD in Pakistan.⁴⁷⁹ Governments in the region provided some furlough schemes, offered half wages or called for factories not to dismiss workers. However, with the absence of trade unions and strong labour monitoring systems, as

well as the high levels of informal employment, and internal migration, safety net provisions often failed, with many informal and migrant workers unable to access aid.⁴⁸⁰ Guidelines for employers in India to pay their employees during an initial lockdown in spring 2020 were simply not complied with.⁴⁸¹

The impact of the pandemic on workers has also impacted prices paid to suppliers with research highlighting that by autumn 2020, brands had dropped prices paid to suppliers by 12% compared to 2019 and almost doubled the payment times, further squeezing suppliers.⁴⁸² The global economic downturn and energy crisis that followed Covid-19 and decreased orders coincided with varying levels of economic decline in all four countries. The continued economic downturn has meant that orders have decreased, leaving many factories with less work for their workers or reduced hours.⁴⁸³ At the same time, high inflation stalks South Asia, particularly in Sri Lanka, with rates of around 70% in 2022.⁴⁸⁴

Workers interviewed also reported that the economic crisis and related inflation has undermined their wage levels and increased pressure and targets at work. Staff and workers at the Stand Up Movement, Katunayake, Sri Lanka, told us:

“Factory owners always use the economic crisis as an excuse for deducting things and reducing facilities. Because of the increase in electricity, factory owners pack two days’ work into a single day and give leave the second day. This means workers must work a very

472 Clean Clothes Campaign, “Still un(der) paid: How the garment industry failed to pay its workers during the pandemic”, 21 July 2021, <https://cleanclothes.org/file-repository/ccl-still-underpaid-report-2021-web-def.pdf/view> and Clean Clothes Campaign, “Covid crisis”, <https://cleanclothes.org/covid-crisis>

473 Bangladesh Institute of Labour Studies-BILS, *The Impact of COVID-19 on Employment in Bangladesh: Pathway to an Inclusive and Sustainable Recovery*, September 2020; Clean Clothes Campaign, “Still un(der) paid” (previously cited). (

474 The Hindu, “Estimated 40% of garment workers in Karnataka have lost jobs: unions”, 26 June 2020, <https://www.thehindu.com/news/cities/bangalore/estimated-40-of-garment-workers-in-karnataka-have-lost-jobs-unions/article31926772.ece> (accessed 1 August 2024).

475 Clean Clothes Campaign, “Still un(der) paid” (previously cited).

476 Clean Clothes Campaign, “Still un(der) paid” (previously cited), p. 37.)

477 Fibre2fashion, “Interview with Rehan Lakhany”, August 2020, <https://www.fibre2fashion.com/interviews/face2face/srilanka-apparel-exporters-association/rehan-lakhany/12597-1/>, (accessed 1 August 2024).

478 Clean Clothes Campaign, “Still un(der) paid” (previously cited), p. 50.)

479 Clean Clothes Campaign, “Still un(der) paid” (previously cited), p. 10.)

480 P. Jha & M. Kumar “Labour in India and the COVID-19 Pandemic”, 2020, *The Indian Economic Journal*, Volume 68, Issue 3, pp. 417-437, <https://doi.org/10.1177/0019466220983494>; The Hindu, “96% migrant workers did not get rations from the government, 90% did not receive wages during lockdown”, April 2020, <https://www.thehindu.com/data/data-96-migrant-workers-did-not-get-rations-from-the-government-90-did-not-receive-wages-during-lockdown-survey/article31384413.ece>

481 Stranded Workers Action Network, *No Country for Workers: The COVID-19 Second Wave, Local Lockdowns and Migrant Worker Distress in India*, 2021, <https://casi.sas.upenn.edu/sites/default/files/uploads/SWAN%202021%20Report%2C%20No%20Country%20for%20Workers%20-%20Anindita%20Adhikari.pdf>

482 PennState Center for Global Workers’ Rights, *Leveraging Desperation: Apparel Brands’ Purchasing Practices during Covid-19*, October 2020, <https://www.workersrights.org/wp-content/uploads/2020/10/Leveraging-Desperation.pdf>

483 McKinsey, “Redesigning apparel manufacturing in Asia”, 31 May 2023, <https://www.mckinsey.com/industries/retail/our-insights/redesigning-apparel-manufacturing-in-asia-a-pattern-for-resilience>

484 BBC News, “Sri Lanka: Inflation rate jumps to 70.2% in August”, 22 September 2022, <https://www.bbc.co.uk/news/business-62990385#>

long day but are only paid for one standard work day. Production targets are increased twice or thrice.”⁴⁸⁵

Staff at the Dabindu Collective,⁴⁸⁶ a local women’s rights group working in the sector, highlighted similar issues around rising work pressure and management harassment, especially towards women workers, giving the example of increased work targets at a factory in Katunayake.”⁴⁸⁷ Chathuni*, a woman worker from another factory in Katunayake, Sri Lanka, added: “Before the economic crisis, targets for work were not that bad but now it has got really hard. If you don’t meet your target three times you get dismissed.”⁴⁸⁸

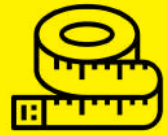
Workers face threats of dismissal when they try to complain and are extremely vulnerable to potential dismissal for speaking out at a time when all income is desperately needed.

“There is a lot of competition to find a job now, so, factory owners use this to get workers to work more.”⁴⁸⁹

– Ashila Dandeniya, Stand Up Movement, Sri Lanka

Other workers interviewed in Sri Lanka reported that the current decline in orders coupled with inflation⁴⁹⁰ means they face a steep decline both in wages and purchasing power. One worker told us that they used to earn LKR 37,000 (USD 124) a month with overtime, but now, without that overtime they were barely surviving on LKR 28,000 (USD 94) per month.⁴⁹¹ Chathuni* had been dependent on overtime, and she explained her previous salary was at least one third higher before the crisis due to overtime of over 2.5 hours a day (the maximum overtime limit per week is 12 hours according to Sri Lankan law).⁴⁹²

GARMENT GLOSSARY



triple squeeze

To make goods for as little as possible, as fast as possible, with short-term contracts

As a result of rising costs for both workers and suppliers as well as order reductions, factory owners seek to pass the burden of a squeeze on profits to the workers by reducing staff numbers while also increasing production targets. Again, most workers, without any form of workplace representation, struggle to push back against the resulting excessive workloads and their physical and psychological impacts. For example, staff at the Dabindu Collective in Sri Lanka told Amnesty International: “Targets have increased. Before Covid it was 40-50 units (parts of clothing) per hour and now it is 140 or 180. We know of workers who are taking ice [crystal methamphetamine] or heroin to meet targets and block out the pressure...It numbs them.”⁴⁹³

Another labour rights group in Sri Lanka said that “workers must work so hard with no time to go to the washroom, so they do not drink water. They don’t use their lunch break because if they did, they wouldn’t reach their targets.”⁴⁹⁴ Women workers also raised concerns to Amnesty International about issues with personal hygiene and the need for breaks during their menstrual cycles but being unable to take this time due to factory pressure.⁴⁹⁵

Research from Human Rights Watch noted that male

⁴⁸⁵ Interview with staff and workers at Stand Up Movement, in Katunayake, Sri Lanka, October 2023.

⁴⁸⁶ Dabindu Collective is a non-profit organization that protects and promotes the rights of women workers in the free trade zones of Katunayake and Biyagama, as well as industrial areas in Kilinochchi and Vavuniya in the Northern Province, <https://www.dabinducollective.org/who-we-are/>

⁴⁸⁷ Interview with staff and workers at the Dabindu Collective in Katunayake, Sri Lanka, October 2023.

⁴⁸⁸ Chathuni*, not her real name, interviewed in Katunayake, Sri Lanka, in October 2023.

⁴⁸⁹ Interview with Ashila Dandeniya, Executive Director, Stand Up Movement Lanka, Katunayake, Sri Lanka, October 2023.

⁴⁹⁰ Fibre2Fashion, “Sri Lanka’s garment exports ease 17% to D 1,769.9 mn in Jan-Apr 2023”, 3 June 2023, <https://www.fibre2fashion.com/news/apparel-news/sri-lanka-s-garment-exports-ease-17-to-1-769-9-mn-in-jan-apr-2023--287974-newsdetails.htm>

⁴⁹¹ Interview with workers and union leaders in Katunayake, Sri Lanka, October 2023.

⁴⁹² Chathuni*, not her real name, interviewed in Katunayake, Sri Lanka, in October 2023. See also Salary.LK, Workmen’s Compensation for Overtime, Night Shift Work in Sri Lanka, <https://salary.lk/labour-law/compensation>

⁴⁹³ Interview with staff and workers at Dabindu Collective in Katunayake, Sri Lanka, in October 2023.

⁴⁹⁴ Interview with staff and workers at Stand Up Movement, Katunayake, Sri Lanka, October 2023.

⁴⁹⁵ Several interviewed workers alongside women’s group staff made these complaints during interviews.

supervisors frequently made sexualized verbal threats against their mainly female workers to maintain work speed.⁴⁹⁶

5.4 PRECARIOUS WORK AND ITS IMPLICATIONS

Another key challenge facing union organizers is the informality and precarity of work in the industry. Many garment workers are employed on short-term contracts, or through an agency. Others are not given a copy or do not understand their work contracts. Interviewees for this research reported that the growing prevalence of precarious jobs and informal employment is adding to the barriers workers face in establishing workplace unions.

In many countries globally, there is extensive lobbying of governments by the private sector for more “flexible” employment relations, which generally increases worker insecurity and employment precarity. Garment factories want to fire and rehire workers at will and for the lowest possible cost. This takes the form of employing workers as day labourers, agency workers and home workers as well as on fixed-term contracts thus reducing payments of benefits and compensation in case of dismissal.⁴⁹⁷ The flexibility that suppliers crave is directly related to the pressures they face from their buyers, especially in fast or ultra-fast fashion where buyers provide little or no forecasting for orders, short lead or production times and low prices.⁴⁹⁸ This is the so-called “triple squeeze”: to make goods for as little as possible, as fast as possible, with short-term contracts.⁴⁹⁹ A 2017 ILO Global survey identified the textile and garment manufacturers as one of the industries with the most inadequate (too short) lead

times.⁵⁰⁰ The resulting employment changes have made the garment industry workforce more transient, and isolated, impeding union formation and reducing the ability of workers to voice complaints because of the precarious nature of their employment.

“

Although the garment industry in Sri Lanka provides an unprecedented number of jobs to women in the rural poverty line of Sri Lanka, contributing to economic growth and positive balance of payments in the country, it has come at a price – and it is the workers who are paying it.”⁵⁰¹

– Dabindu Collective, Sri Lanka

Economic and political reforms in South Asia and particularly India have increased the number of informal workers in the formal economy, including in manufacturing. For example, informal work grew by 55.36% in the manufacturing sector from 2004 to 2012.⁵⁰² Official statistics revealed that garment production and retail employed the greatest number of workers in informal enterprises with the number of informal businesses growing between 2022 and 2023.⁵⁰³ This particularly affects women workers, who are seen as more dispensable. For example, during the Covid-19 pandemic, across South Asia, women, particularly older women and women temporary workers, were the first to be dismissed and last to be re-hired once production grew back.⁵⁰⁴ The shedding of women workers during Covid, with little regard for their welfare, highlights the attitude

496 Human Rights Watch, “Combating sexual harassment in the garment industry”, 2019, <https://www.hrw.org/news/2019/02/12/combating-sexual-harassment-garment-industry>

497 Centre for Global Workers Rights, *Sourcing Dynamics, Workers’ Rights, and Inequality in Garment Global Supply Chains in India*, 2019, <https://ler.la.psu.edu/wp-content/uploads/sites/4/2021/11/CGWR-Garment-Sourcing-and-Workers-Rights-in-India-Nov.-15-2019.pdf>

498 Mark Anner, “Power relations in global supply chains and the unequal distribution of costs during crises: Abandoning garment suppliers and workers during the COVID-19 pandemic”, October 2021, *International Labour Review*, Volume 61, Issue 1, <https://onlinelibrary.wiley.com/doi/abs/10.1111/ilr.12337?msocid=05636ef53c6f621823107a073d1b631d> rs and workers during the COVID-19 pandemic

499 Shahnaz Rafique, interviewed in Delhi region, India, December 2023.

500 ILO, “Purchasing practices and working conditions in global supply chains: Global Survey results”, 2017, <https://www.ilo.org/publications/purchasing-practices-and-working-conditions-global-supply-chains-global>

501 Dabindu Collective, “Delegation meeting on minimum wage issues in Sri Lanka – January of 2022: A narrative to the apparel sector in Sri Lanka”, 24 January 2022, <https://www.dabinducollective.org/delegation-meeting-on-minimum-wage-issues-in-sri-lanka-january-of-2022-a-narrative-to-the-apparel-sector-in-sri-lanka/>

502 V. Badigannavar and others, “Turning the tide? Economic reforms and union revival in India” (previously cited).

503 Apparel Resources, “Retail, apparel among the largest in informal sector, employ most workers”, 6 July 2024, <https://apparelresources.com/business-news/manufacturing/retail-apparel-among-largest-informal-sector-employ-workers/>

504 The University of Aberdeen and the Modern Slavery and Human Rights Policy and Evidence Centre Islam, *The Impact of Covid-19 on Women Workers in the Bangladesh Garment Industry*, January 2022.

of employers and states towards women as second-class expendable labour.⁵⁰⁵

The use of agency workers, short-term contract or manpower workers, is growing. Many do not receive wage slips or contracts and are not considered part of a factory's workforce, effectively excluding them from any organizing as well as their rights to social security and other labour protections.⁵⁰⁶

“

No contract was given to me. The factory told me that I will only get a factory card and health card after six months of work.”

– Afia*, an internal migrant working in a factory in Lahore, Pakistan⁵⁰⁷

This is especially true in Pakistan despite regulations, for example, the Sindh Factories Act of 2015 makes it illegal to use contract or agency labour to perform production work,⁵⁰⁸ and yet research shows rising numbers of workers are employed through labour contractors, often to avoid direct responsibility to ensure workers' rights.⁵⁰⁹

Research published in September 2023 by Labour Behind the Label highlighted the increase in contract and piece-rate work for workers in Pakistan, primarily used by factories as a way to cut wage costs.⁵¹⁰ Piece-rate workers are paid according to the number of items they complete, resulting in increased productivity for the employer but increased work stress for the workers, who are especially vulnerable to unilateral drops in the compensation paid for each piece.⁵¹¹ The ILO found that the endemic underpayment of wages in Pakistan is to a large extent caused by indirect and informal employment.⁵¹²

In Sri Lanka, agency workers told Amnesty International that they worked without any form of written or verbal contract. Onisha*, a worker in Katunayake said, “Each day the salary differs. The agency employs workers temporarily and take a percentage of wages... When it is LKR 2,500 (USD 7.7) they deduct around 200 (USD 0.6) ... If it is LKR 10,000 (USD 30.8) then it is 800 (USD 2.46).”⁵¹³

Other workers said they had no idea how much the agency took, and simply accepted what was given to them by the agency representative. For example, Nurveena*, a single mother and agency worker also in the Katunayake area said her day started by going to the agency office and asking if there was any work that day. She continued:

“The manpower agency person takes some money... I take home about LKR 1,000 (USD 3.4) or so a day. I don't know how much he takes exactly. Nothing is written down. It is a very informal arrangement... In the current situation we have no choice but to go to work for any amount. Conditions are very strict. From 7am to 7pm at night.”⁵¹⁴

While the ILO and international human rights law requires the protection and access to remedy for all workers employed, regardless of employment status or contractual basis⁵¹⁵ informal workers and those without contracts face challenges in obtaining redress. Challenging wage theft, obtaining pension benefits or countering unfair dismissal have been raised in numerous studies.⁵¹⁶ Union and labour rights organizers explained to Amnesty International, that without a contract, workers struggle to obtain redress for unpaid wages or even to prove an employment relationship in the event of dismissal or factory closure.⁵¹⁷

505 AFWA, *A Stitch in Time Saved None* (previously cited).

506 AFWA, *Threaded Insecurity: The Spectrum of Informality in Garment Supply Chains*, 2024, https://asia.floorwage.org/wp-content/uploads/2024/03/AFWA_Threaded_Insecurity.pdf

507 Afia*, not her real name, interviewed in Lahore, Pakistan, in January 2024.

508 Provincial Assembly of Sindh Province, Pakistan, the Sindh factories Act, 2015, Sindh Act no. XIII of 2016, 2(n), <https://www.ilo.org/dyn/natlex2/natlex2/files/download/102141/PAK102141.pdf>

509 Human Rights Watch, “No Room to Bargain” *Unfair and Abusive Labor Practices in Pakistan* (previously cited), p. 22.

510 Labour Behind the Label, *Hanging on by a Thread* (previously cited).

511 ILO, *Piece Rate, Productivity, and Occupational Health in the Global Economy: Mixed Method Evidence from Cambodian Garment Factories*, 2021, <https://researchrepository.ilo.org/esploro/outputs/encyclopediaEntry/Piece-rate-productivity-and-occupational-health/995218648402676>

512 ILO, *Pakistan's Hidden Workers' Wages and conditions of home-based workers and the informal economy*, (previously cited).

513 Onisha*, not her real name, interviewed in Katunayake, Sri Lanka, October 2023

514 Nurveena, not her real name, a former agency garment worker, Sri Lanka, interviewed in October 2023.

515 ILO, Recommendation No.196 on the Employment Relationship, 2006

516 See for example Cardiff University, Operationalising Labour Rights: Access to Remedy at the Workplace. <https://gtr.ukri.org/projects?ref=ES%2FS000542%2F1r1.org>

517 Interviews with workers and union leaders interviewed in all four countries.

Nonetheless, even those who are employed with contracts are often not provided the information they need to understand their wages, rights and benefits. Most of the workers interviewed by Amnesty in India and Pakistan stated that they did not receive a copy of their contract; several said they were not shown a contract; and some said the contract was in English and that they could not understand it but signed it anyway.⁵¹⁸ Several stated that they could not read or write properly so simply signed a document after it was explained to them verbally.⁵¹⁹

5.5 INCREASING INFORMALIZATION

Worker organizers and unionists interviewed by Amnesty International in India said that informal work and home working was increasing because of the lack of permanent jobs in factories.⁵²⁰ In India, the majority of garment workers work in factories that are not officially registered.⁵²¹ Shahnaz Rafique, a trade union leader in India, said, “there is a place in South Delhi called Hauz Rani where I have seen small outfits with six to 10 stitching machines producing garments with labels of a major high street brand. Due to the lack of other employment opportunities, informal and home-based workers work here.”⁵²² A lack of effective labour inspection means that many of these small garment workshops do not get inspected and working conditions and wages are not properly monitored.⁵²³

An industry expert in Delhi reported that the informalization of work coupled with the crackdown on unions meant that labour rights organizers “find it extremely difficult to penetrate and build trust with workers.”⁵²⁴ Often, the small scale of factories operating with informal workers, makes it much harder to encourage workers to join unions out of

fear of direct retaliation and job losses.

One report, investigating homeworkers in South Asia, found that most lack access to unionization or the means to negotiate with employers.⁵²⁵ However, underlying the endemic nature of abuses in factories, despite earning less money, many homeworkers still preferred home work, due to family and caring commitments, over the working conditions faced by garment factory workers.

Homeworkers are very rarely members of trade unions principally due to their insecure and informal employment and are invariably in very weak positions with little bargaining power to discuss pay and conditions. In Pakistan, an ILO study revealed the inability of home workers to push back against abuse from their employers (usually agents but also factory contractors). It found that only 11% of the 406 households employed as home workers had refused a job order and most were unable to negotiate better rates for their work. Most workers who attempted to negotiate with their contractors did so individually and while half had attempted to negotiate better rates, only 8% had been successful in doing so. Around 35% of the workers who had attempted to negotiate increases reported retaliation, including threats of job losses, decreases in work ordered and decreases in wages paid.⁵²⁶

In India, research indicates that while women only make up 23% of those employed in India’s informal sector, some 91% of women in paid jobs are in informal work.⁵²⁷

Informal work, usually without contracts leads to poor working conditions, exclusion from the protection of labour laws, exclusion from official forms of social protection and pensions, as well as exclusion from labour organizing.⁵²⁸ One trade union leader in India said that while the Indian garment industry is supposed to be a “women-led

518 Interviews in India and Pakistan in December 2024

519 Interviews in Pakistan in December 2024

520 Interviews with trade union leaders and industry experts in December – June 2024

521 The Economist, How India can compete in labour-intensive manufacturing, 26 September 2024, (economist.com) <https://www.economist.com/asia/2024/09/26/how-india-can-compete-in-labour-intensive-manufacturing>

522 Shahnaz Rafique, interviewed in Delhi region, India, December 2023

523 The Hindu, Factory accidents, a pointer to rusty inspection reform, 4 July 2024. <https://www.thehindu.com/opinion/op-ed/factory-accidents-a-pointer-to-rusty-inspection-reform/article68364037.ece>

524 Industry expert in Delhi who did not want to be named, interviewed online in December 2023

525 HomeNet South Asia, Working from home: The Decent Work Deficit of Homeworkers in Selected Cities in South Asia, February 2023 (previously cited)

526 ILO, *Pakistan’s Hidden Workers’ Wages and conditions of home-based workers and the informal economy*, (previously cited), p. 34.

527 Scroll.in, “In India’s informal economy, crores of women face gender bias and insecurity”, April 2021, <https://scroll.in/article/990984/in-indias-informal-economy-crores-of-women-face-gender-bias-and-insecurity>

528 BSR, *Empowering Female Workers in the Apparel Industry: Three Areas for Business Action*, 2017.

development, I don't see it. In my experience, 80% of women workers are in the informal sector."⁵²⁹ She added that the increasing trend of informalization of jobs and home working increases the fear of dismissal felt by women workers if they joined a union, further consolidating job insecurity, stress and poverty.

IMPACT OF LOW WAGES ON THE RIGHT TO ADEQUATE HOUSING

Amnesty International visited a local boarding house, similar to most in the area, where there are 100 rooms for rent taken by garment workers at the local Katunayake FTZ in Sri Lanka. Each room can accommodate a single person and there are some larger rooms for families making a total of around 150-200 residents. Many residents are workers from different factories, including Next Manufacturing Ltd and Star Garments.⁵³⁰ Workers we spoke to reported that the complex is unsafe for young girls, including the daughters of workers who live there, with unwanted male attention while women and girls are washing at the open bathing facilities. There are only 10 toilets for more than 100 rooms, exacerbating the spread of diseases and increasing risks for women.⁵³¹

As a party to the ICESCR, Sri Lanka is obliged to protect the right of everyone to "an adequate standard of living", including food, clothing and housing, and to "the continuous improvement of living conditions" (Article 11). The ICESCR specifies in Article 6 that the right to work means a right to decent work that provides a sufficient income. It also makes clear that the enjoyment of the right to just and favourable conditions of work is a prerequisite for the enjoyment of other Covenant rights, for example, an adequate standard of living. Remuneration must be sufficient to enable the worker and his or her family to enjoy rights such as social security, health care, education and those rights outlined in Article 11, among others.

With the low wages provided by the garment industry, the majority of garment workers in Bangladesh, India, Sri Lanka and Pakistan are not able to exercise this fundamental right to decent work. See General Comment 23 (2016) on the right to just and favourable conditions of work (Article 7 of the ICESCR), 2016 and General Comment 18 (Article 6 of the ICESCR) 2005.

Amnesty International wrote to both Next Plc and Star Garments. Next responded that "The employees are free to select their individual boarding accommodation, and as a business we do not stipulate where they need to reside, it is a private arrangement."



Photo shows an open bathing facility at a local boarding house for garment workers in Sri Lanka.

529 Shahnaz Rafique interviewed in December 2023 in India.

530 Open Supply Hub, <https://opensupplyhub.org/facilities/LK20211466TB3NA?q=star%20garments>, (accessed 20 December 2023).

531 Visit to garment workers boarding house and interviews, Katunayake, Sri Lanka, October 2023.

5.6 GENDER-BASED VIOLENCE IN THE WORKPLACE

“

Violence especially in the form of verbal abuse and threats, and on occasion physical violence, are not uncommon in the garment sector. In fact, violence is often used as a tool by employers and contractors to force workers into submission and work overtime to meet the high production targets that are prevalent in the sector.”⁵³²

– ILO

The risks in factory settings where women and minority workers are at the bottom of the hierarchy are compounded by the lack of worker organizations and the state’s failure to protect them from abuse. The Asia Floor Wage Alliance has highlighted the “convergence of risk factors for gender-based violence in supplier factories that leave women garment workers systematically exposed to violence.”⁵³³ These risks include male dominated management and human resources departments, lack of unionization and access to remedy, as well as normalized sexual harassment and discrimination. For example, the Bangladesh Centre for Workers Solidarity report showed that just under two thirds of the female workers interviewed said they faced production pressure and a third had been beaten by superiors as a result.⁵³⁴

In parts of Pakistan, the Christian minority, about 1% of the population, are often relegated to specific occupations within the garment industry and excluded from many formal employment opportunities.⁵³⁵ Aisha*, a Christian who said

she worked as a machine operator for a factory making clothes for major fashion brands, said that discrimination against Christians often means many are tasked with the lowest paid and lowest status janitorial jobs; “Since I belong to a religious minority, I face discrimination. Christians are offered janitorial jobs or tasks that have low wages. My supervisor does not discriminate on basis of my religion, but some other supervisors do that in the factory. Overtime is mandatory and that is extremely unfair. They take our IDs card and then threaten to fire if we refuse to work” Aisha added that “in my factory we have 5 toilets for women workers on each floor and around 300 women work on each floor.”⁵³⁶

These patterns were confirmed by Amnesty International’s interviews with women workers from minority groups and unionists working with minority groups. For example, in Sri Lanka, most garment workers are from the majority ethnic Sinhalese population, but trade union leaders told us there is a significant number of minority Tamil workers from both the north and Malaiyaha Tamil workers from the central parts of Sri Lanka who can face discriminatory and sexualized verbal and physical abuse. This abuse includes shouting, slapping and taunts to make them meet targets.⁵³⁷ Staff at the Dabindu Centre reported two recent cases in factories in northern Sri Lanka. One of those interviewed said:

“The Tamil workers couldn’t reach their targets as they didn’t understand the Sinhalese instructions and the manager then took off his trousers and showed his genitals to the workers. Workers complained to the owner of the factory but not to the police as they were too scared to contact the Sinhalese-speaking police. The manager was warned and taken off duties for a short time but then came back. He is still there.”⁵³⁸

532 ILO, *Working Conditions of Migrant Garment Workers in India: A Literature Review*, 2017, <https://researchrepository.ilo.org/esploro/outputs/encyclopediaEntry/Working-conditions-of-migrant-garment-workers/995219072502676>, p. 21.

533 AFWA, *Violence Against Women and Men in the World of Work*, 2018, <https://asia.floorwage.org/wp-content/uploads/2019/10/Executive-Summary-of-2018-Research-and-Recs-toILO-2018.pdf>, p. 10.

534 Clean Clothes Campaign, *Wages and Gender-based Violence: Exploring the Connections Between Economic Exploitation and Violence Against Women Workers* (previously cited).

535 Al Jazeera, “How death and despair haunt Pakistan’s Christian minority”, 2023, <https://www.aljazeera.com/features/2023/4/9/how-death-and-despair-haunt-pakistans-christian-minority> (accessed 4 March 2024).

536 Aisha*, not her real name, a machinist in Pakistan, interviewed in February 2024.

537 Interviews with trade union leaders, Colombo, Sri Lanka, October 2023.

538 Interviews with staff at the Dabindu Collective, Katunayake, Sri Lanka, October 2023.

DRIVERS OF GENDER-BASED VIOLENCE AND HARASSMENT IN THE GARMENT INDUSTRY

In 2019, a review of the UK government's development aid initiatives aimed at tackling gender-based violence in the garment sector identified the following key drivers of violence and harassment.⁵³⁹

- Precarious work leaves women vulnerable to violence and harassment due to limited protection and power imbalances.
- Rudimentary human resource systems make tackling violence and harassment challenging and, in some cases, suppliers do not have systems in place to deal with violence and harassment at all.
- Women workers may be at greater risk of harassment, where tight production deadlines require workers to carry out long hours and overtime.
- Production incentives for supervisors can encourage abusive behaviour to meet targets.
- The acceptance of workplace harassment can render it invisible, with factory managers and supervisors often denying it exists, and with underlying gender inequalities and gender roles underpinning harassment.
- Lack of or limited space for unions to represent workers' needs and issues can also drive violence and harassment in the garment sector.
- Approaches to monitoring potential abuses of workers' rights do not sufficiently integrate gender or women's issues, thereby masking the scale of the problem in social audits.
- The absence of comprehensive or effective legislation, as well as effective enforcement, can drive harassment.

One of the women workers at a factory in the Katunayake FTZ in Sri Lanka told us:

"There is sexual harassment in the factory and at the boarding houses. Sexual harassment takes place by the supervisors and some of the co-workers. People are too scared for repercussions, so they do not complain. They keep quiet. If they complain they do not get any benefit from it."⁵⁴⁰

Another woman added:

"There is both verbal and physical abuse and harassment going on. For example, lots of unwanted touching. Everybody knows this – even the boss, everyone. It happens in every factory. All the time."⁵⁴¹

The lack of female supervisors and factory owners increases the potential for harassment and the threat of sexual violence.⁵⁴² Reshma*, a worker in Mirpur, Bangladesh, confirmed the lack of female supervisors in her factory, adding: "In the factory, women workers have to face different types of sexual harassment by the supervisors and other male colleagues. Only if the woman's husband is working in the same factory is she safe from such abuse."⁵⁴³

A 2022 report that covered interviews with 91 women workers in 31 factories in Indian production regions found that every single woman had experienced or witnessed gender-based violence by male supervisors and managers, primarily to push the women to meet targets.⁵⁴⁴ Action Aid International's 2019 report revealed that 81% of 200 workers interviewed in Bangladesh had either witnessed or experienced gender-based abuse.⁵⁴⁵ An ILO study surveying garment factory workers in Bengaluru and Delhi region found only one in five workers who had never known of threats or abuses in their factory."⁵⁴⁶ Research in 2016 surveying 148 women Dalit garment workers in Bengaluru factories found that 7% had experienced violence while 14% had either been raped or sexually assaulted. In 90% of these cases, the perpetrators were the male supervisors.⁵⁴⁷

539 J. Morris and others, *Evidence Mapping: Sexual Harassment in the Garment Sector*, WOW Helpdesk Query No. 22, . https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876230/Query-22-Sexual-Harassment-Garment-Factories.pdf

540 In person interview with workers from a Factory in Katunayake FTZ, trade union offices, Sri Lanka, October 2023.

541 In-person interview with workers from a factory in Katunayake FTZ, trade union offices, Sri Lanka, October 2023.

542 ILO, "How to achieve gender equality in global garment supply chains", March 2023 (previously cited).

543 Reshma*, not her real name, interviewed in June 2024 in Mirpur, Dhaka, Bangladesh.

544 Business & Human Rights Resource Centre, AFWA and Society for Labour and Development, *The Fashion Industry and Widespread Abuse of Female Garment Workers in Indian Factories*, 2022, https://media.business-humanrights.org/media/documents/2022_GBVH_Briefing_final_je2K7Ei.pdf

545 Action Aid International, "80% of garment workers in Bangladesh have experienced or witnessed sexual violence and harassment at work", 2019, <https://actionaid.org/news/2019/80-garment-workers-bangladesh-have-experienced-or-witnessed-sexual-violence-and>

546 ILO, *Working Conditions of Migrant Garment Workers in India: A Literature Review* (previously cited), p. 21.

547 Sisters for Change, *Eliminating Violence Against Women at Work: Making Sexual Harassment Laws Real for Karnataka's Women Garment Workers*, 2016, <https://www.sistersforchange.org.uk/sfc-uk-reports-and-briefingnotes-2/#1600892902366-04f24997-7ce5>

For most Dalits in India, working in a garment factory alongside women from other castes is considered the exception, and often Dalits are employed as “helpers” or cleaners.⁵⁴⁸ The majority of Dalits in the industry however are home-based workers outside of formal employment. Meena Varma from the International Dalit Solidarity Network explains the problems facing women and Dalit women especially in speaking out about workplace abuse in the garment sector:

“There is legislation on anti-discrimination, but the problem is that there’s impunity for the perpetrators and no implementation of that legislation. Access to justice is minimal generally for women and this is doubly so with Dalit women. If women report abuse – if they go to a police station for example, then the chances are the police will also abuse them sexually in one way or another. So, cases are very, very rarely reported.”⁵⁴⁹

In Sri Lanka, ethnic Sri Lankan Tamil workers comprise the majority of garment workers in the northern factories near Vavuniya where Tamils dominate and where activists report much higher levels of gender- and ethnicity-based violence and verbal abuse.⁵⁵⁰ In the key FTZ of Katunayake, close to the capital Colombo, several workers described discrimination against Tamil speakers, both Sri Lankan Tamils and Malaiyaha Tamils, partly because of a lack of Tamil-speaking supervisors and workplace announcements that many Tamil workers cannot understand. Because of this, Tamil workers make mistakes and are then punished. There is no dispensation given for using Tamil in the factories, despite Tamil being an official language. Labour activists in one focus group meeting also reported that manpower agencies often pushed Tamil workers to work on weekends and at other inconvenient times.⁵⁵¹

A member of staff at the Women’s Centre in Colombo described the impact of caste discrimination on women workers trying to organize:

“We had a Tamil woman who went on one of our labour rights training exchanges. When she returned, the factory had found out about her training and harassed her in an attempt to make her leave. She was Tamil and they put her in a line with Sinhalese workers she didn’t know.

They isolated her from her friends. Management told her that something bad would happen to her if she did not leave. She was harassed mentally and verbally until she could not stand it any longer and eventually, she left. Because she left voluntarily, she did not receive any compensation.”⁵⁵²

The combination of caste and ethnic discrimination, harassment and violence towards these women workers compounds systemic gender discrimination at home and in the workplace. Indeed, the garment industry, particularly in regions like Tamil Nadu in India “tap into the marginalization of Dalit communities to pay low wages and... reap huge profit from these conditions in garment factories in caste-affected countries like India, whether knowingly or unknowingly.”⁵⁵³

548 Meena Varma from the International Dalit Solidarity Network, interviewed in September 2023.

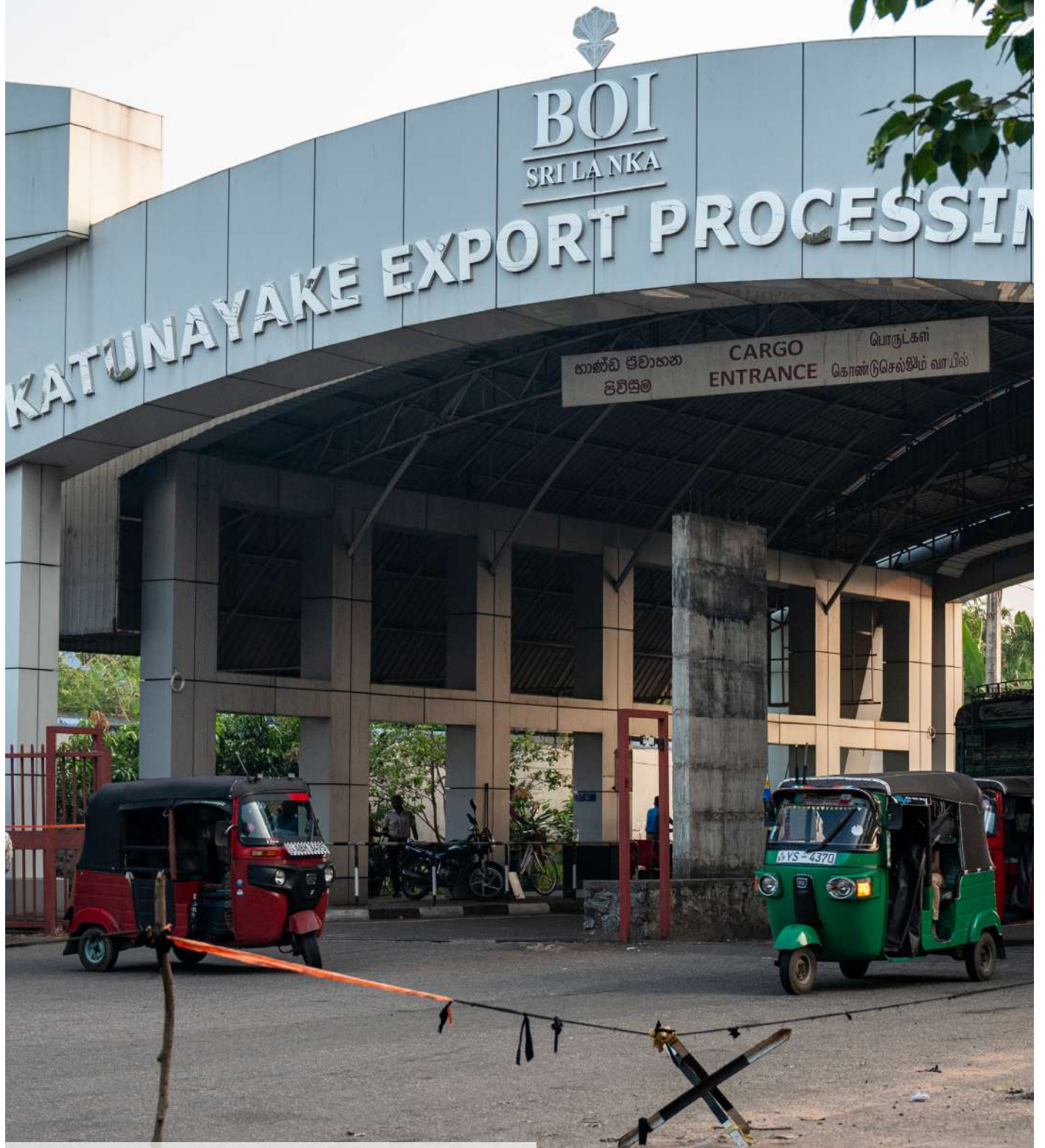
549 Meena Varma from the International Dalit Solidarity Network, interviewed in September 2023.

550 Interviews with trade union leaders, Colombo, Sri Lanka, October 2023.

551 Interview with staff and workers at Women’s Centre, Katunayake, Sri Lanka, October 2023.

552 Interview with staff and workers at Women’s Centre, Katunayake, Sri Lanka, October 2023.

553 International Dalit Solidarity Network, *Dalit Women Face Violence and Harassment in India’s Garment Industry – Time To Act: Brief and Recommendations in Relation to the UN Forum on Business and Human Rights*, 29 November-1 December 2021.



↑ Governments, factories and global fashion brands are guilty of colluding together to profit from the continued repression and abuse of labour rights in Bangladesh, India, Pakistan and Sri Lanka. Photo: Amnesty International

6 LEGAL FRAMEWORK

6.1 STATE OBLIGATIONS TOWARDS WORKERS AND THE RIGHT TO FREEDOM OF ASSOCIATION

6.1.1 INTERNATIONAL HUMAN LAW AND STANDARDS

All four states have obligations to protect human rights under international human rights law and each is a state party to the ICCPR and the ICESCR, as well as CEDAW.

The right to decent work, including adequate wages and the right to freedom of association is enshrined in the ICESCR, ratified by all four states as well as Article 23 of the UN Universal Declaration of Human Rights. Article 7 of the ICESCR protects the enjoyment of just and favourable conditions of work which ensure, in particular, fair wages and equal remuneration for work of equal value, a decent living for themselves and their families, safe and healthy working conditions, equal opportunity for promotion, rest, leisure and reasonable limitation of working hours, paid holiday and periodic holidays with pay, as well as remuneration for public holidays. Article 8 affirms the right of everyone to form trade unions and join the trade union of their choice.⁵⁵⁴

Article 22 of the ICCPR, which all four states have either acceded to or ratified,⁵⁵⁵ also states:

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.⁵⁵⁶

These key human rights obligations, reflected in the ILO's Declaration on Fundamental Principles and Rights at Work, commit all member states, including Bangladesh, India, Pakistan and Sri Lanka, to four categories of principles and rights:

- freedom of association and the right to collective bargaining;
- the elimination of compulsory labour;
- abolition of child labour; and
- the elimination of discrimination in respect of employment and occupation.⁵⁵⁷

These are supported by 11 fundamental or core ILO Conventions.⁵⁵⁸ These Conventions cover freedom of association and the right to organize, collective bargaining, forced labour, minimum working age, equal remuneration, discrimination and occupational health and safety. Sri Lanka has ratified nine of the 11 fundamental ILO Conventions, including Conventions 87 and 98 that relate to freedom of association and collective bargaining. Bangladesh

⁵⁵⁴ ICESCR, Articles 7 and 8.

⁵⁵⁵ Bangladesh ratified in 2000, India in 1979, Pakistan in 2010, Sri Lanka in 1980.

⁵⁵⁶ ICCPR, Article 22.

⁵⁵⁷ ILO, Declaration on Fundamental Principles and Rights at Work (1998) (as amended in 2022).

⁵⁵⁸ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Occupational Safety and Health Convention, 1981 (No. 155); Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). See http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:C111:NO (accessed 10 May 2024)

has ratified nine and Pakistan eight, including Conventions 87 and 98. India has only ratified six and has not ratified Conventions 87 and 98.⁵⁵⁹ By virtue of its membership of the ILO, India must nonetheless uphold these fundamental labour principles and rights.

All four states are also required to provide remedies when the rights of those living or working on their territory are violated. The right to remedy, as well as being widely recognized as a customary rule of law, is guaranteed by various international human rights treaties, some of which have been ratified by the four states in question, and it encompasses the victim's right to equal and effective access to justice, and adequate, effective, and prompt reparation for the harm suffered.⁵⁶⁰

The ICESCR Committee's General Comment No. 23 (2016) recognizes the right of everyone to the enjoyment of the right to just and favourable conditions of work as "a prerequisite for, and result of, the enjoyment of other Covenant rights, for example, the right to the highest attainable standard of physical and mental health, by avoiding occupational accidents and disease, and an adequate standard of living through decent remuneration."

The ICESCR Committee has emphasized in two General Comments that "trade union rights, freedom of association and the right to strike are crucial means to introduce, maintain and defend just and favourable conditions of work" (General Comment 23). General comment 18 states that protection of the right to work includes the right to form trade unions.⁵⁶¹ Additionally, under international human rights law and standards, workers cannot be discriminated against or targeted for participating in trade union activities.⁵⁶² This includes protection against anti-union discrimination and dismissal for participating in union activity.⁵⁶³

Both ILO Conventions and the ICESCR also make clear that payment of fair wages is fundamental to the right of everyone to enjoy just and favourable conditions of work. General Comment 18 on the

ICESCR states that work:

"as specified in article 6 of the Covenant must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment."⁵⁶⁴

It also provides that states' employment strategies must take particular account of the need to eliminate discrimination in access to employment and "respect and protect employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the Covenant."⁵⁶⁵

While the ICESCR recognizes the major constraints that many states have in the realization of economic rights, it asks states to ensure that they work progressively and continuously, using the resources they have at their disposal, to improve the fulfilment of economic, social and cultural rights. In terms of wage development and the right to a living wage and a dignified life, the garment industry has been seen as a potential for economic development within major producing countries in Asia. However, this promise has not been realized.⁵⁶⁶

Additionally, CEDAW, ratified by all four states, notes that states must take all appropriate measures to eliminate discrimination against women in the field of employment, including the right to equal remuneration, employment opportunities, the right to promotion, job security, training, social security, and maternity pay.⁵⁶⁷

All four states are also obligated to provide remedies when the rights of those living or working on their territory are violated. The right to remedy, as well as being widely recognized as a customary rule of law, is guaranteed by various international human rights treaties, some of which have been ratified by the four states in question. It encompasses the victim's

559 ILO, Ratifications of fundamental instruments by country, https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY.P10011_CONVENTION_TYPE_CODE:1.F (accessed 10 May 2024).

560 ICCPR, Article 2.

561 ICESCR, General Comment 23 (2016) on the Right to Just and Favourable Conditions of Work, para. 1; and UN Committee on ESCR, 35th session, The Right to Work, General Comment 18, 24 November 2005, para. 12(c).

562 ILO Convention No.158, 1982, Article 5.

563 ILO Convention No. 98, Article 1.

564 ICESCR, General Comment 18 (2016) The right to work, para. 7.

565 ICESCR, General Comment 18 (2016) The right to work, para. 44.

566 ICESCR, Article 2, para. 1.

567 CEDAW, 1979, Article 11.

right to equal and effective access to justice, and adequate, effective and prompt reparation for the harm suffered.⁵⁶⁸

Crucially, governments must not only protect and respect the rights of workers, but must also protect these rights from abuse by private actors.⁵⁶⁹

6.1.2 STATE OBLIGATIONS TO PROTECT WORKERS AGAINST CORPORATE ABUSE

Under international human rights law, all states have a duty to protect people against human rights abuses by all actors, including companies.⁵⁷⁰ States are required to take appropriate measures to prevent human rights abuses by private actors and to respond to these abuses when they occur by investigating the facts, holding the perpetrators to account and ensuring effective remedy for the harm caused.⁵⁷¹ The pivotal principle of this duty is that states must protect individuals and communities from the harmful activities of corporate actors through “effective policies, legislation, regulation and adjudication”.⁵⁷²

States have a duty under the first pillar of the UN Guiding Principles to ensure that businesses – regardless of size – operate with respect for human rights. The UN Guiding Principles make clear that states must protect against human rights abuse within their territory and/or jurisdiction by third parties, including businesses. This means taking appropriate steps, including legislation, to prevent, investigate, punish and redress abuse through effective policies, legislation, regulations and adjudication. This includes ensuring that freedom of association and collective bargaining are respected within factories and businesses operating in their jurisdiction or territory.⁵⁷³

NEW LAWS ENCOURAGING INCREASED “FLEXIBILITY” OF WORKERS

In the first half of 2023, the Sri Lanka Labour Ministry introduced the draft Employment Act, without first following national regulations on tripartite consultations (between representatives of the government, employers and workers’ unions) and without publishing the full draft in both Sinhala and Tamil.⁵⁷⁴ The details of the process made clear that the consolidation of Sri Lankan labour laws into a “unified” code would water down existing protections and pave the way for greater use of casual labour. In May 2023, the government abruptly removed four unions that had been long-standing members of the National Labour Advisory Council, the tripartite body.⁵⁷⁵ After a court ordered the return of at least one of the suspended unions in August 2023, the council was not convened or consulted. Previously, unions had complained that only certain unions were selected to join the Council. At time of writing, an official draft had only been shared in Sinhala (seen by Amnesty), but not in English or Tamil as the law prescribes, and even the Sinhala version had not been made available on official government websites.⁵⁷⁶

Local trade unions have extensively criticized the draft law, saying it increases factory management’s power over workers by removing protections against excessive overtime and arbitrary dismissal, and weakening workers’ right to freedom of association.⁵⁷⁷ Amnesty, along with the Clean Clothes Campaign and Human Rights Watch, issued an Open Letter to the Sri Lankan government on the issue in May 2024, highlighting that the draft as it stood contained clauses that threaten Sri Lanka’s compliance with international law, including ILO Conventions No. 1, 30, 87, 98, 144 and 190.⁵⁷⁸

568 ICESCR, Article 2.

569 Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/70/361, 2015, <https://undocs.org/A/70/361>, Council of Europe, Protection of Whistleblowers, Recommendation CM/Rec(2014)7 and Explanatory Memorandum (2014), p. 15; General Comment 23 (2016) on the Right to Just and Favourable Conditions of Work, para. 31.

570 OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UN Guiding Principles), 2011, Principle 1.

571 UN Guiding Principles, Principle 1.

572 See generally, Amnesty International, *Injustice Incorporated: Corporate Abuses and the Human Right to Remedy* (Index: POL/30/001/2014), 7 March 2014, <https://www.amnesty.org/en/documents/pol30/001/2014/en>

573 UN Guiding Principles

574 The Diplomat, “Workers worry as Sri Lanka begins reforming labor laws again”, 7 June 2023, <https://thediplomat.com/2023/06/workers-worry-as-sri-lanka-begins-reforming-labor-laws-again/>

575 IndustriALL, “Attack on trade union rights in Sri Lanka”, 31 May 2023, <https://www.industrial-union.org/attack-on-trade-union-rights-in-sri-lanka>

576 Sri Lanka Labour Ministry, Call for Inputs on Labour Law Reforms in Sri Lanka, June 2023. <https://labourmin.gov.lk/wp-content/uploads/2023/06/ENGLISH-2.pdf>

577 Sunday Times Sri Lanka, “Government bypasses NLAC to bring in new labour law”, 12 November 2023, <https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20231112/281900187930452>

578 Amnesty International, Open Letter to the Government and Parliament of Sri Lanka on the Imminent Labour Law Reform, (Index: ASA 37/7979/2024), 27 May 2024, <https://www.amnesty.org/en/documents/asa37/7979/2024/en/>



Dabindu Collective members participate in an event for the global 16 Days of Activism against Gender-Based Violence. Photo: Amnesty International

7 CONCLUSION AND RECOMMENDATIONS

This report builds on decades of research by local trade unions and labour rights groups, and highlights the role played by states, brands and retailers in suppressing freedom of association for workers, thereby propagating and tacitly encouraging appalling working conditions and the oppression and exploitation of workers.

Amnesty International's research has confirmed the systematic denial of the right to freedom of association and collective bargaining for workers in the industry. This is done through a myriad of interconnecting mechanisms including restrictive legislation for union organizers, restrictions of the right to strike and form unions – especially for workers in the SEZs – as well as challenges to registration at the grassroots factory level and at the state level. Compounding this is a climate of threats, harassment, fear of dismissal and ultimately the violent repression of worker protests. The four governments surveyed in this report all fail to protect workers from reprisals for union activities, despite the extensive human rights laws upholding states' responsibility to protect against repercussions for union work.

The global garment industry is built on colonial structures that extract cheap and often disposable labour from countries in the Global South to create profits for fashion brand and retailer shareholders in the Global North.⁵⁷⁹ This model encourages the devaluation of Asian labour, and the labour of women. Poverty, employment insecurity and unsafe working conditions are not an unexpected by-product of the industry, but an integral part of it. This model, coupled with extensive denial of the right to freedom of association by workers, employers and states means that working conditions are not improving.

The traditional argument is that the garment industry, which is highly flexible and does not require the massive initial investment of other heavy manufacturing, can support a country's economic development by attracting foreign investment. The model suggests that low wages attract buyers from overseas and the economy develops. This development model has failed the workforce, especially the majority female workforce. Falling and stagnant wages coupled with repression of freedom of association have meant that “apparel manufacturing in most leading garment-exporting nations has delivered diminishing returns for its workers... garment workers still typically earn only a fraction of what constitutes a living wage – just as they did more than 10 years ago”.⁵⁸⁰

The governments of Bangladesh, India, Pakistan and Sri Lanka have enabled the growth of an industry that is failing its supply chain workers, through the payment of poverty wages, employment relationships that circumvent labour laws, extensive overwork and pervasive gender-based violence. The situation for women workers and those from minority or vulnerable groups, including migrants, is one of intersecting human rights violations. The impunity for labour rights abusers confirms the states' failure and lack of respect for workers, who are contributing so much towards their country's economic progress and export earnings.

States have enabled and encouraged the exploitation of their workforce, in particular women workers, in order to satisfy fashion brands' and retailers' quest for profits and to meet the demands of consumers.

The garment industry and its current business model have thrived on the exploitation of a mainly

⁵⁷⁹ The Guardian, “The fashion industry echoes colonialism – and DfID's new scheme will subsidise it”, <https://www.theguardian.com/global-development/2020/aug/25/the-fashion-industry-echoescolonialism-dfid-new-scheme-will-subsidise-it>

⁵⁸⁰ Worker Rights Consortium, *Global Wage Trends for Apparel Workers, 2001–2011*, 2013, <https://cdn.americanprogress.org/wp-content/uploads/2013/07/RealWageStudy-3.pdf>

female workforce that remains grossly underpaid, overworked with a lack of access to basic rights. This workforce is systematically disenfranchised through informal and insecure contracts, despite their crucial contribution to the economies of South Asia. There is clear evidence of endemic human rights abuses and the denial of the basic rights to freedom of association and just and favourable conditions of work in major sourcing countries like Bangladesh, India, Pakistan and Sri Lanka. Yet, the garment industry has not properly addressed the denial of these core rights and has not properly addressed the impact of poverty wages, systematic discrimination and precarious work. The role of brands and retailers, along with recommendations for change are covered in *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey*.⁵⁸¹

“As a young human rights activist, I know that when women workers stand up for their rights, they confront deep-rooted, systemic forces that seek to isolate and silence them. True empowerment means building an unbreakable network of solidarity that stands firm against all pressures. Only through unwavering unity, relentless advocacy, and collective strength can we drive the progress needed to secure equality and dignity for every woman in the workplace.”

— Gayani Gomes, Women's Centre, Sri Lanka⁵⁸²

States must work to address labour rights abuses within factories, including by ensuring proper oversight and rigorous enforcement of existing legislation protecting workers from unfair labour practices. Action must be taken to bring vulnerable workers, such as contract workers, informal workers and homeworkers into the protection of labour laws. This includes ensuring equality of employment and freedom of discrimination for women and those facing intersectional discrimination.

States must also immediately repeal legislation that unduly restricts, or specifically denies in the case of SEZ workers, the ability to form independent trade unions. This includes encouraging improved state/union dialogue and promoting unions in workplaces, regardless of employer pushback.

Production states need to include, involve and listen to workers when developing regulations and policies on the industry – including on wage setting. Governments in the region should work together to resist the downward price pressure of brands and support those most affected by abusive purchasing practices. Until workers are empowered, encouraged and enabled to voice their demands and understand their role, there can be no sustainable economic growth. South Asia must ensure it supports international standards on freedom of association and the right to just and favourable work. Without the empowering nature of worker organizing there can be no progress towards a sustainable industry which respects and promotes decent work and fundamental human rights.

7.1 RECOMMENDATIONS

7.1.1 TO STATES

On freedom of association

- Ensure that all workers can exercise their right to freedom of association and collective bargaining, in line with international law, including by being able to form and join trade unions at the factory level, engage in genuine social dialogue with government authorities and factory owners, and enjoy the right to freedom of peaceful assembly and to strike. This includes:
 - o Taking measures to protect all workers from third-party interference in exercise of their right to freedom of association
 - o Urgently revising all laws and regulations which place unnecessary, unduly burdensome or overly restrictive barriers on the enjoyment of freedom of association and collective bargaining for workers in the garment industry.
 - o Revising regulations regarding SEZs and

581 Amnesty International, *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey* (previously cited)

582 Gayani Gomes, Project Manager, Women's Centre Sri Lanka, interviewed in October 2023, Sri Lanka.

EPZs to ensure that all workers are free to form and join trade unions and engage in collective bargaining, and auditors and unions are guaranteed free access to all zones.

- o Actively supporting and promoting the exercise of the right to freedom of association by all workers, in particular women workers and workers facing intersectional discrimination.
- o Ensuring that all regulations regarding the use and formation of employee councils and similar bodies do not detract, deter or repress the formation of independent factory-level trade unions and collective bargaining.
- o Making sure that regular tripartite social dialogue between the state, unions and employers takes place and includes independent unions, ensuring that labour law reforms are developed with the genuine participation of independent trade unions, and that these reforms progressively protect and respect fundamental rights at work.
- o Ratifying all relevant ILO Conventions including the 11 fundamental instruments.⁵⁸³

On the right to freedom of peaceful assembly

- Ensure that all law enforcement agencies uphold their obligations to protect and facilitate the exercise of the right to peaceful assembly, strictly adhering to international law and standards on the use of force, including by recognizing that dispersal should be an exceptional measure, and that firearms and the use of the military are not an appropriate tool for policing assemblies, and must never be used to disperse a protest.

On wages

- Urgently review and raise the current minimum wage for garment workers to ensure it provides a non-discriminatory, adequate living wage according to ILO standards. Wage levels should be reviewed periodically – ideally at least annually – and adjusted based on appropriate up-to-date data such as cost of living and inflation statistics.

- Urgently review wage-setting policies and practices to ensure worker participation in the wage-setting process.
- Strengthen laws and regulations on racial and gender-based equity in pay, promotion, training and access to enforceable grievance mechanisms.

On gender

- Strengthen laws on the elimination of all forms of gender-based discrimination, violence and harassment, including ratification of ILO Convention 190 on Violence and Harassment in the World of Work. This must also include requiring companies to publish and implement inclusion policies and take a zero-tolerance approach to workplace gender-based violence and harassment.
- End the concentration of women and migrant workers in low wage, informal and insecure work, by ensuring women workers have the same access to employment opportunities. This should include stable contracts and social security payments, gender-related benefits and sanitation, and promotion opportunities to supervisory, managerial and human resources roles.
- Reduce the gender pay gap, including through inspections, and by ensuring equal pay for equal work, regardless of ethnicity and/or migration, ethnic or caste-related status.
- Carry out effective and impartial investigations into all workers' allegations of sexual and gender-based violence, harassment, threats and other abuses, and bring those accountable to justice.
- Protect the rights of home-based workers, ensuring their formal status and protection under labour laws.

On informal and precarious work

- Reduce the use of precarious work, agency work and the use of temporary workers in the garment sector, and ensure all workers, including agency, piece-rate and home workers are protected under labour laws.

⁵⁸³ Including Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol); Abolition of Forced Labour Convention, 1957 (No. 105); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Occupational Safety and Health Convention, 1981 (No. 155); Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

- Ensure all workers are protected from abusive recruitment practices including opaque and excessive employment agency deductions.
- Ensure that all garment workers are provided with fair and transparent contracts in their own language that stipulate the key working conditions and remuneration.

On working conditions

- Effectively implement and enforce national labour legislation. Ensure that adequate resources are given to labour inspections and grievance mechanisms (including labour tribunals).
- Ensure that work pressure, piece rates and excessive targets are reduced in collaboration with suppliers and manufacturers.

On impunity and inspection

- Investigate all potential breaches of labour law, including practices such as underpayment of wages and excessive and underpaid overtime. Where offences are uncovered, penalize employers appropriately, including through prosecutions, and ensure adequate remedy for affected workers.

Remedy

- Provide timely and adequate remedy for all of the abuses detailed in this report, including by reimbursing all workers for loss of wages through union harassment or dismissal, underpaid overtime, unlawful salary deductions and any unlawful fees paid in the course of being recruited to the company, even without proof of payment.

On development

- Affirm its commitment to human rights as a central tenet of sustainable development through the formulation of appropriate national development policies that aim to constantly improve the well-being of all individuals, on the basis of their active, free and meaningful participation in development, and ensure the fair distribution of the benefits resulting from development.⁵⁸⁴

On caste⁵⁸⁵

- Fully integrate the Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal system and stipulate legislative measures to eradicate descent-based discrimination, including full criminalization of perpetrators of hate crimes against descent-based groups.
- Address descent-based discrimination through confronting broader social norms, perceptions, attitudes and beliefs which perpetuate and reinforce prejudices and stereotypes of hierarchy, and accompanying forms of domination and exclusion that are endemic to caste and descent-based discrimination.

On due diligence

- States should implement and enforce mandatory human rights and environmental due diligence legislation covering companies' global operations and supply chains that ensures companies of all sizes and sectors, as well as investors and public procurement agencies, undertake robust and transparent human rights and environmental due diligence in line with the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises (OECD Guidelines), which go beyond risk-mitigation and require preventative and timely remedial actions alongside meaningful engagement with impacted rights holders, including workers.
- Companies must be required to conduct this due diligence with respect to all human rights risks and impacts, including using an intersectional lens that considers gender and racial justice among other hierarchies and addressing the barriers to accessing justice victims of corporate harm face – in particular those faced by women and girls. The legislation must include the right to an adequate living wage; adequate promotion of the right to freedom of association to combat power inequalities, including the ILO's Declaration on Fundamental Principles and Rights at Work. Under this legislation companies should be required to meaningfully and safely engage with actually and potentially impacted rights holders throughout the due diligence process and include provisions stating that a business can be held liable for harm that

⁵⁸⁴ UN, Declaration on the Right to Development, Article 2(3).

⁵⁸⁵ Amnesty International, "Factsheet on SMART recommendations to address descent and caste-based discrimination" (previously cited).

they cause, or contribute to, as a result of their failure to carry out adequate human rights and environmental due diligence.

- Link the public funding of companies to respect for human and labour rights, including guaranteeing that a living wage is paid to all workers in the supply chain.
- Amend customs-related regulations to ensure that all companies that import goods are required to disclose the name and address of the manufacturer to the relevant customs' authorities and make this data publicly available.

7.1.2 TO THE AUTHORITIES IN BANGLADESH

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure that all law enforcement agencies uphold their obligations to protect and facilitate the exercise of the right of peaceful assembly, strictly adhering to international law and standards on the use of force. This includes recognizing that dispersal should be an exceptional measure, and that firearms and the military must never be used to disperse a protest.
- Ensure that prompt, independent, impartial and effective investigations are carried out into the numerous allegations of unlawful use of force, by law enforcement officials against protesters in 2023.
- Ensure ratification of all 11 fundamental ILO Conventions.
- Urgently revise laws and regulations which place and remove all arbitrary and excessive obstacles to workers' right to freedom of association.
- Ensure timely and just hearings of the pending cases seeking justice and accountability for the Rana Plaza collapse and the Tazreen Fashions fire, such as the compensation case filed before the Supreme Court.
- Ensure that law enforcement officials use firearms only as a last resort (that is, only when less extreme means are insufficient) and when strictly necessary to protect themselves or others against the imminent threat of death or serious injury; further, the intentional lethal use of firearms is only permissible if strictly unavoidable

in order to protect life.

7.1.3 TO THE AUTHORITIES IN INDIA

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ratify all 11 fundamental ILO Conventions including conventions 87 and 98 as a matter of urgency.
- Ensure that trade unions are afforded due process and support in registration and recognition of trade unions.
- Urgently revise laws and regulations which place arbitrary and excessive obstacles to workers' right to freedom of association.
- Urgently address systemic gender-based violence against women workers in India, including the harassment and violence directed at Dalit workers, particularly in, but not limited to, the state of Tamil Nadu.

7.1.4 TO THE AUTHORITIES IN PAKISTAN

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure labour authorities are properly resourced, that labour inspections are timely and thorough, and that the minimum wage is rigorously enforced.
- Ensure that all workers in SEZs have full protection under Pakistan labour law and are afforded the right to freely organize.
- Fully implement the Protection against Harassment of Women at the Workplace Act (with the 2022 amendments).
- Revise existing labour laws that run contrary to international law, such as the Industrial Relations Ordinance that allows for "illegal strikes" to be punished. Reform the National Industrial Relations Commission to make sure that unions are adequately protected and ensure the process of forming and joining unions is gender inclusive.
- Ratify all 11 fundamental ILO Conventions.

STITCHED UP: DENIAL OF FREEDOM OF ASSOCIATION FOR GARMENT WORKERS IN BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

7.1.5 TO THE AUTHORITIES IN SRI LANKA

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure that union busting by suppliers is ended, and that penalties are put in place for employers who discriminate or harass union members and organizers.
- Ensure that ongoing cases alleging union-busting by employers are dealt with in a timely manner, and where relevant, workers are compensated for any unjust dismissal or loss of earnings.
- Ensure that trade unions have full access to workers and factories within all SEZs.
- Ratify all 11 fundamental ILO Conventions including 87 and 98 as a matter of urgency.
- Halt the problematic labour reform process towards a new draft labour law.⁵⁸⁶ Start an alternative process that is transparent, consensus-based, includes all tripartite stakeholders, and meets the established Sri Lankan democratic processes on consultation, translation into both official languages, and publication. This will enable the effective participation of all workers and their representatives to develop a unified labour code that respects international labour rights standards.

7.1.6 TO SUPPLIERS AND FACTORIES

- Respect the right to a living wage, going beyond compliance with national regulations where these are not in line with international human rights law and standards,
- Ensure all workers are recognized as workers, including home-based workers, contracted workers, subcontracted agency workers and piece-rate workers. Ensure that all workers are provided with a clear copy of their contracts which includes full terms and conditions of employment in their own language. Work towards permanent employment of workers and away

from increasing contract and informal working.

- Publish and implement inclusion policies which also take a zero-tolerance approach to workplace gender-based violence and harassment. This must include ensuring that all female workers are provided with a copy, and an effective and secure mechanism for complaint and redress.
- Support the formation of independent unions in their supplier factories, including supporting worker requests to form and register trade unions.
- Recognize trade unions and enter into genuine bargaining agreements, working to ensure they are encouraged and implemented.
- Publicly commit to respecting human rights and put in place effective human rights due diligence systems to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations.
- Provide timely and adequate remedy to all current and former workers who faced human rights abuses documented in this report. This should include reinstatement of dismissed unionists and the reimbursement of underpaid overtime and unlawful salary deductions, as well as measures to ensure non-repetition.
- Take action to end any coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse, form or join a trade union.
- Develop, implement and promote company policies on caste and gender discrimination, harassment and abuse, including penalties for abusers. Conduct specific training and awareness campaigns for all staff on intersectional gender and caste-based discrimination.
- Actively ensure that effective, enforceable, transparent and independent grievance mechanisms are open to workers from minority groups and women workers, ensuring that they are specifically made aware of their rights and neither discouraged nor threatened when seeking redress.

⁵⁸⁶ Ministry of Labour and Foreign Employment, Sri Lanka, “Notice: Call for Inputs on Labour Law Reforms in Sri Lanka”, <https://labourmin.gov.lk/wp-content/uploads/2023/06/ENGLISH-2.pdf> and Amnesty International, Sri Lanka: Open Letter to the Government and Parliament on the Imminent Labour Law Reform, 27 May 2024, ASA 37/7979/2024.

STITCHED UP

DENIAL OF FREEDOM OF ASSOCIATION FOR GARMENT WORKERS IN BANGLADESH, INDIA, PAKISTAN AND SRI LANKA

This report focuses on violations of workers' right to freedom of association in the four target countries: Bangladesh, India, Pakistan and Sri Lanka. It examines the different ways in which workers are adversely affected by the restrictions on the right to freedom of association by states and by their employers. It addresses the legal and administrative burdens states have placed on workers trying to organize to defend their rights, and the harassment and intimidation they face from factory owners. It also highlights the failure of states to promote the rights of garment workers, and the failure of states to protect these workers from anti-union abuse, harassment and violence by employers. It touches on the role of fashion brands and retailers in failing to support garment workers' rights to freedom of association, and the impact on workers of the long-standing, daily denial of their rights.

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