



ADVANCING GENDER JUSTICE ON ASIAN FAST FASHION SUPPLY CHAINS POST COVID-19

Learning from ILO's Convention 190 on its
First Anniversary

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FORWARD

One year ago, on June 21, 2019, the General Conference of the International Labour Organization adopted the ILO Violence and Harassment Convention, 2019 (C190) and Recommendation 206 (R206). Women trade unionists, workers, and allies from around the world celebrated this landmark standard, articulating the rights of all workers to be free from violence and harassment—including for the first time in ILO history, the substantial problem of gender based violence and harassment (GBVH). The sustained momentum of organizing to expose and eliminate GBVH globally across formal and informal sectors has had a significant impact in elevating and prioritizing the effect of workplace GBVH in the global human rights arena. In turn, the ILO standard setting process on violence and harassment in the world of work catalyzed a groundswell of organizing around the world to win the international standard, provide legitimacy to transform workplaces, and bring together labor and women’s organizations in new and important ways.

On the first anniversary of the ILO’s adoption of C190 and its accompanying recommendation, we are now grappling with seismic shocks to economic security, public health, and freedom of association and assembly caused by the global COVID-19 pandemic. The focus of this report is that women workers have been disproportionately affected by this crisis and a gender lens on worker issues—and more broadly—is a perspective that has been absent from major employer and government responses.

Across the global economy, women have long been concentrated in insecure, lower-paid, part-time and informal employment, with little or no income security or social protection, such as health insurance. Low wage women workers are least likely to have access to limited social safety nets, and most earn wages too low to save. As economies contract and millions of workers are fired, older women are among the first to lose their jobs.

The unprecedented impacts of COVID-19 are deep and far-reaching, affecting the health and livelihoods of more than 150 million workers in global supply chains and 40 million workers in fast fashion supply chains—a workforce largely made up of women. Government and corporate responses to COVID-19 have exposed vast structural inequalities created by supply chain production models. Predating COVID-19, workers who produce garments on fast fashion production lines have lived from paycheck to paycheck, without access to healthcare and social protection systems. Lead firms have reaped financial benefits from extracting labor from workers at the lowest possible

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cost—paying below living wages and sidestepping contributions to national social protection schemes by driving states to compete through deregulation. In short, lead firms on fast fashion supply chains have systematically created and benefited from the precarious conditions of supply chain workers. They are responsible for eroding individual and social safety nets, precipitating the humanitarian crisis facing millions of workers in the wake of the COVID-19 pandemic.

Global supply chains also created incentives for and took advantage of increasing numbers of women entering paid employment in the formal sector—albeit employment based on subminimum wages and working conditions and contingent employment structures like contract labor. Profit margins for suppliers and brands were reliant on the profits that came from squeezing women workers and their lack of alternative choices. Notwithstanding these realities, women’s employment changed household budgets which became dependent on this income—especially but not only in women headed households.

The impact of the COVID-19 pandemic and resulting contraction in employment will disproportionately affect women’s employment, exacerbating existing vulnerabilities for women workers. Suppliers have used the excuse of COVID-19 to retrench women trade unionists as a form of union busting. Older women and pregnant workers are being retrenched and replaced by younger women workers. This leaves new young women workers without access to their seniority and tacit experience in responding to GBVH and therefore more vulnerable. Women headed households as well as households dependent on women’s income are increasingly at risk. With more than half of the world’s population under lockdown conditions by early April, emerging data shows that reports of violence against women—and particularly domestic violence—have increased as financial worries skyrocket within cramped and confined lockdown conditions.

In order to address gendered labor market, economic, and health inequalities, government and corporate responses to COVID-19 must have a gender lens that interrogates power dynamics, relative access to resources, and examines how power relations are interconnected with gender inequality. C190 and R206 recognize economic harm as a form of violence and lay out a gender inclusive approach to addressing violence in the world of work. The COVID-19 reality underscores the urgent need for the hard-won principles laid out in ILO C190. Brands must enact human rights due diligence that foregrounds these specific risk assessments and adhere to an accountability framework to address them across their supply chains.

This is in stark relief to the public relations approach that elevates a flat commitment to sustainability and equality without a commitment to actually increase women workers’ agency and economic stability.

C190 is the first international labor standard to lay out a gender-inclusive approach to addressing violence in the world of work and measures to end GBVH, including addressing risks associated with discrimination, unequal relationships of power and occupational health and safety. These protections apply to all workers, including temporary, contract, home based, and apprentice workers. They extend beyond the workplace to cover commutes and migration for employment. C190 also recognizes links between domestic violence and the world of work, and recognizes the interconnection between the world of work and regulations and policies that govern not only labor, but also non-discrimination, migration, and criminal law. If broadly ratified, C190 can play a part in supporting women workers and their organizations to demand a world of work free from physical, psychological, sexual and economic harm.

This report reviews the gendered impact of COVID-19—and the need for a transformational approach to prevent and end GBVH using guidance from C190—in the context of Asian fast fashion supply chains which produce primarily consumer apparel and footwear. The report highlights the persistent risk factors for violence that both predate and are exacerbated by COVID-19. It provides detailed guidance for fast fashion lead firms on steps they can take to uphold C190 obligations to address violence on garment supply chains in context of the global public health crisis and the economic shocks caused by the COVID-19 pandemic. While this report focuses on fast fashion supply chains, the guidance for corporate accountability to achieve violence free workplaces provides an important roadmap across global supply chain sectors.

Women’s leadership and organizing that led to the historic adoption of ILO C190 one year ago highlights that meeting the challenges posed by C190 in the COVID-19 context requires the leadership of women in trade unions and civil society organizations. Women workers and trade union leaders are rising to this challenge, leading demands for accountability and gender justice. On fast fashion supply chains, women workers, trade unionists, and leaders have called for brands to end the economic violence facing women workers by paying in full for orders completed and in production; and supply chain relief contributions (SRCs) to compensate for the income loss resulting from suspension of work for various reasons, including quarantine and order cancellation. Now, more than ever, we need to advance C190 protections for women workers who are identifying and addressing GBVH at work. Violence free workplaces are a precursor to upholding freedom of association and fundamental rights at work.

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INTRODUCTION

One year ago, women trade unionists, workers, and allies from around the world celebrated adoption of the ILO Violence and Harassment Convention, 2019 (C190) at the ILO Centennial Anniversary. C190 broke new ground in several ways. C190 recognizes the rights of all people to work free from violence and harassment. It defines violence and harassment to include behaviors and practices that result in physical, psychological, sexual, economic, or verbal harm. Together with Recommendation 206, it also creates a gender-inclusive framework for action to prevent and address violence and harassment in the world of work.

One year later, COVID-19 has created a new terrain. Government and corporate responses to the global pandemic have exposed structural inequalities created by supply chain models of production. Within the fast fashion industry — consumer apparel, footwear, and home textiles — the pandemic revealed how current supply chain models widen inequality and create a race to the bottom for workers, small suppliers, and the governments of countries that rely on garment production as a major private export sector.

With the seismic shocks to economic security and public health caused by the global COVID-19 pandemic, C190 offers direction on how to apply a critical gender lens towards humanitarian responses, maintain ongoing employment, and transform the economy through structural change for redistribution in supply chains. Building on the May 2020 International Labour Organization (ILO) guidelines on the role of C190 in guiding COVID-19 response and recovery, this report focuses on the relevance of C190 for response, recovery, and transformation on Asian fast fashion supply chains.

Section 1 What Did We Achieve? What Is the Framework of C190?

explains the international legal framework under C190, and its role in redefining corporate accountability for addressing the humanitarian crisis facing Asian fast fashion production line workers. This section analyzes the fast fashion supply chain and exposes the ultimate responsibility of fast fashion brands, Amazon and other platform retailers to come to the table with worker organizations, lead firms, supplier factories, and the state; commit to enforceable, binding agreements that mitigate the gendered humanitarian impact of the COVID pandemic; and put in place steps to eliminate all forms of GBVH, including economic violence and occupational health and safety risks during the COVID-19 pandemic and in its aftermath.

Section 2 **Where Are We Now? What is the Post COVID-19 Pattern and Practice of Gender Based Violence and Harassment?** highlights the gendered experiences of Asian fast fashion supply chain workers post-COVID, using an innovative model developed by Global Labor Justice (GLJ) and Asia Floor Wage Alliance (AFWA) for mapping the spectrum of violence faced by women garment workers, and understanding brand accountability in relationship to the widespread presence of risk factors for GBVH on fast fashion supply chains. This analysis, grounded in the C190 legal framework, shows the gendered impact of violence in the wake of COVID-19. Some women production line workers are locked out of supply chain employment due to government lockdowns, layoffs, furloughs, and refusal of global brands to pay for existing contracts and orders; other women workers are locked into supply chain employment in order to feed themselves and their families. Whether locked out or locked in, women workers on Asian fast fashion supply chains face a spectrum of violence rooted in risks associated with brand purchasing practices, concentration of a majority woman workforce in the lower tiers of supply chain production, and working conditions in supplier factories.

Section 3 **Where Do We Go From Here? At the One Year Anniversary, What Direction and Momentum Can We Take from C190 To Improve the Conditions of Working Women?** lays out critical actions needed from Brands and Governments going forward to mitigate the human rights impact in the short term and transform supply chains going forward. As workers, suppliers, and brands work together to rebuild supply chain capacity in the fast fashion sector, we must create a new era of supply chains where brands and their investors are held accountable for responsible business practices that fundamentally shift the imbalance of power and massive inequalities that have long plagued the global fashion industry.

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ABBREVIATIONS AND ACRONYMS

AFWA	Asia Floor Wage Alliance
C190	ILO Convention 190 on Violence and Harassment in the World of Work
CEDAW	Convention on the Elimination of Discrimination against Women
GLJ	Global Labor Justice
GBVH	Gender based violence and harassment
GPN	Global production network
IFI	International Financial Institution
ILO	International Labour Organization
ITUC	International Trade Union Congress
MENA	Middle East and North Africa
PPE	Personal protective equipment
R206	ILO Recommendation 206 on Violence and Harassment in the World of Work
SMEs	Small and medium enterprises
SRC	Supply Chain Relief Contribution
TCLF	Textile, Clothing, Leather and Footwear
TNC	Transnational corporations
UNGPBHR	United Nations Guiding Principles on Business and Human Rights

Section 1 WHAT DID WE ACHIEVE? WHAT IS THE FRAMEWORK OF C190?

ILO C190 and R206 represent a framework for realizing a shared commitment among workers, employers, and states to end workplace violence, including GBVH. This alignment and consensus on achieving violence free workplaces among trade unions, governments,

economic actors, and across civil society represents momentum to change behavior, consequences and priorities across institutions, now codified in international law. At this time last year, on the 100th anniversary of the ILO, as we celebrated the consensus around C190, we anticipated an ambitious agenda of implementation through ratification campaigns, collective bargaining, and enforceable brand agreements.

COVID-19 has intervened in unanticipated ways in all sectors, with devastating impacts for the women workers who dominate the Asian fast fashion sector. Across Asia—which accounts for 60% of the 40 million garment workers worldwide—fast fashion production line workers have been left in desperate circumstances requiring immediate and long term responses. Workers live paycheck to paycheck with no income security or social protection. Factories are closing or cutting back on production due to national lockdowns, abruptly severed contracts from fast fashion lead firms, and supply side constraints (AFWA April 2020b). Garment workers are losing their jobs or are being coerced into accepting wage cuts while reporting to work despite risks of contracting COVID-19.

Trade unions working in garment producing countries have sounded an alarm:

Garment workers in Asia, who produce most of the world's clothing, find themselves in desperate circumstances as the COVID-19 pandemic becomes global and pervasive. These workers, who in the best of circumstances, survive under high-risk, poverty-level working and living conditions are least equipped to bear the brunt of this enormous disaster. It is a moral imperative to respond to the humanitarian crisis faced by these garment workers, who produce for the lucrative global fashion industry year round, but themselves live in poverty (AFWA April 2020a).

Governments and brands have failed to avert and relieve this urgent humanitarian crisis and specifically have failed to include a gender lens even in limited responses. According to the UN Global Health Crises Task Force (GHCTF), experience from past outbreaks shows the importance of incorporating a gender analysis into preparedness and response efforts to improve the effectiveness of health interventions and promote gender and health equity goals (UN GHCTF 2017). Despite these guidelines, the

Gender and COVID-19 working group—a global group of researchers, health practitioners, policy actors and advocates engaged in monitoring policy responses to COVID-19 (CWG 2020)—reports being unaware of any gender analysis by governments in affected countries or in preparedness phases (Wenham 2020).

Although women make up an estimated 85% of production line workers on fast fashion supply chains, responses to COVID-19 by brands and retail platforms¹ have failed to even articulate a gender-responsive approach to addressing the humanitarian crisis facing millions of workers. In a sample survey of statements and commitments released by 15 fast fashion brands and retail platforms between March and June 2020, GLJ was unable to find even one reference to the gendered consequences of COVID-19.

Not only are government and brand responses failing to address the gendered effects of COVID-19, according to the ILO, it is unclear whether macroeconomic policies and measures will even reach the textile, clothing, leather, and footwear industry—and even less certain if small and medium enterprises (SMEs), and in turn, garment workers will be able to access financial assistance (ILO 2020(a)). The ILO has also expressed concern

¹ *Our survey included analysis of statements released by the following brands and retail platforms with fast fashion supply chains in Asia: Adidas, Amazon, Arcadia, H&M, Inditex/Zara, Lululemon, PVH, Next, New Balance, Nike, Primark, Target, Under Armour, UNIQLO, Victoria's Secret (L Brands).*

ILO Role in Advancing Social Justice During COVID-19 and Beyond

The ILO was founded in 1919, 25 years before the United Nations. As the global community reckoned with the aftermath of the First World War and rising fascism, the birth of the ILO testified to a shared understanding that labor peace is integral to broader peace and security, economic interdependence between countries would continue to grow, and workers, employers, and government have a shared interest in advancing social justice. This commitment to social justice principles, jointly negotiated by workers, employers, and states, addresses the power imbalance in labor relationships beyond the restitution of rights.

The ILO brings together tripartite constituencies- governments, employers and workers of the now 187 member States, to set labor standards, develop policies, and devise programs promoting decent work for all. This bold vision for a shared forum to advance social justice is more relevant than ever during the COVID-19 pandemic and its aftermath, which has led to a public health crisis, skyrocketing unemployment, food insecurity, deepened global economic inequality, an increase in the number of working poor, and the rise of authoritarianism.

that financial responses may disproportionately cushion employers (ILO 2020(a)). In short, current approaches stand to deepen gendered labor market, economic, and health inequalities for women garment workers. The COVID-19 reality underscores the urgent need for ratification and implementation of the hard-won international labor standard set out in ILO C190 and R206.

Protections for Fast Fashion Supply Chain Workers under ILO C190 and R206

C190 and R206 recognize economic harm as a form of violence. These legal standards call for a gender-sensitive approach to addressing violence in the world of work and measures to end GBVH, including addressing risks associated with discrimination, unequal relationships of power, and occupational health and safety. These protections apply to all workers, including temporary, contract, home based, and apprentice workers. They extend beyond the workplace to cover commutes and migration for employment. C190 also recognizes links between domestic violence and the world of work, and recognizes the interconnection between the world of work and regulations and policies that govern not only labor, but also non-discrimination, migration, and criminal law. If broadly ratified, C190 can play a part in developing institutions and practices capable of ending physical, psychological, sexual, and economic harm.

C190 creates binding legal obligations for governments (Art. 4), including to adopt laws and regulations requiring employers to prevent GBVH and other forms of violence in the world of work (Art. 9). C190 also affirms the fundamental role of freedom of association and collective bargaining in eliminating violence and harassment in the world of work (Art. 5) and recognizes the complementary roles of workers, employers, and their trade unions and organizations in adopting and implementing a comprehensive framework of action to end violence and harassment, including GBVH (C190 Art. 8(b), 9(a), 11(b), R206 Para. 7).

C190 and R206 Language Directing COVID-19 Response, Recovery, and Transformation on Asian Fast Fashion Supply Chains

1. Take a gender-responsive approach to addressing violence in the world of work (C190 Art. 4)
2. End violence and harassment, including behaviors and practices that result in physical, psychological, sexual, or economic harm (C190 Preamble)
3. Take specific measures to address GBVH, including addressing risk factors for GBVH that include discrimination and unequal relationships of power (C190 Preamble, Arts. 1, 4, 5, and 10; and R206 Paras. 16-18)

4. Assess and take action to address occupational safety and health and related risks (C190 Art. 9)
5. Protect all workers on supply chains, including temporary, contract, home based, and apprentice workers (C190 Art. 2)
6. Extend protections from GBVH and other forms of violence to the entire world of work, including not only the workplace but also commutes to and from work (Art. 3)
7. Protect workers and other persons belonging to vulnerable groups that may be disproportionately affected by violence and harassment (C190 Art. 5; and R206 Paras. 10-13)
8. Ensure that all workers fully enjoy freedom of association and the right to collective bargaining as a means of preventing GBVH and other forms of violence in the world of work (R206 Para. 3, 4)
9. Address violence in the world of work through regulations and policies governing not only labor, but also non-discrimination, occupational health and safety, migration, and criminal law (C190 Art. 4; R206 Para. 2)
10. Mitigate the impact of domestic violence in the world of work, including by considering risks of domestic violence in workplace risk assessments (C190 Art. 10)

How can we implement legal protections under C190?

Ratify C190 and R206

Ratification of C190 and R206 refers to the formal commitment by a State to be bound to uphold the terms of the convention and recommendation. When a state ratifies C190 and R206, it agrees to apply the convention and recommendation in law and practice, and be accountable to this commitment through regular reporting and engagement with ILO supervisory bodies to address gaps in implementation.

Uruguay's central union PIT-CNT was actively involved in achieving the first ratification of C190 by Uruguay on December 17, 2019. In November 2019, IndustriALL Global Union launched a campaign to encourage trade union affiliates to ensure ratification of C190 and incorporation into domestic law (IndustriALL 2019).

The governments of Argentina, Belgium, Finland, France, Namibia, and Spain have committed to ratifying C190, and the Prime Minister's office in Jordan has indicated that they would look into ratifying C190. C190 will enter into force one year after two states ratify the convention.

Around the world, trade unions have called for the ratification of C190. The momentum of the global movement to end GBVH and all other forms of violence in the world of work has an important role to play in transforming supply chains in the COVID-19 context and beyond.

Collective bargaining to implement C190 protections through enforceable agreements negotiated between brands, suppliers, and trade unions

Trade unions and their allies are critical actors in establishing meaningful corporate accountability for workers' rights in global supply chains. Trade unions on fast fashion supply chains can require brands and platform retailers to uphold C190 obligations to end GBVH and other forms of violence in the world of work by negotiating legally binding, enforceable agreements between brands and trade unions that cover GBVH and freedom of association in the operations of brands' third-party suppliers. These agreements, which are often referred to by their proponents as “enforceable brand agreements” or “EBAs”, raise the bar for protection of labor rights in supply chains by replacing brands' voluntary corporate social responsibility (“CSR”) programs that have failed to end abuses (SPERI 2019) with legally enforceable obligations to require and ensure that suppliers respect workers' rights.

Application of C190 and R206 through harmonization of national laws and protection of freedom of association

Application of C190 and R206 refers to making sure that laws, policies, and practices within the State align with the convention and recommendation. C190 requires the State to uphold the following obligations in applying the standard:

- **Use a gender-responsive approach** to end violence in the world of work through regulations and policies governing not only labor, but also non-discrimination, occupational health and safety, migration, and criminal law (C190 Art. 4; R206 Para. 2)
- **Work with trade unions and employer organizations** to develop and implement an inclusive, integrated and gender-responsive approach to prevent and eliminate violence and harassment in the world of work (C190 Art. 4)
- **Protect freedom of association and collective bargaining** (C190 Art. 5)
- **End employment discrimination** including for women workers and other vulnerable groups (C190 Art. 6)

Fast Fashion Brand and Amazon Supply Chain Accountability under C190 to Address the Humanitarian Crisis Facing Asian Fast Fashion Production Line Workers

The norm of corporate accountability for labor standards in global supply chains is increasingly prominent within transnational governance, including international regulation, market-based, civil liability, and domestic regulation regimes (LeBaron and Ruhmkorf 2017; Feasley 2016). Transnational regulatory initiatives include the 2011 United Nations Guiding Principles for Business and Human Rights and revised OECD Guidelines for Multinational Enterprises. Dozens of states have passed legislation addressing corporate accountability for labor standards in global supply chains, including 55 pieces of national legislation ordering mandatory disclosure of labor rights issues in supply chains since 2009 (LeBaron and Ruhmkorf 2017; Phillips et al. 2016).

This emerging custom in international law establishes the obligation of brands and platform retailers like Amazon to act in both immediate and long terms ways to uphold human rights and labor rights across their supply chains. This includes new international obligations under C190 that call for urgent action to prevent violence and harassment in the world of work, in consultation with workers and their representatives (C190 Art. 9). These obligations include collaboration with worker organizations to identify hazards, assess the risks of violence and harassment, and take measures to prevent and control these risks. C190 explicitly envisions the role of not only national laws and regulations in upholding employer accountability, but also collective agreements in achieving violence free workplaces (C190 Art. 4).

Fast fashion brands, Amazon, and other platform retailers' C190 obligations

- Come to the table with worker organizations, lead firms, supplier factories, and the state
- Commit to enforceable, binding agreements that mitigate the gendered humanitarian impact of the COVID-19 pandemic
- Put in place steps to eliminate all forms of GBVH, including economic violence and occupational health and safety risks during the COVID-19 pandemic and in its aftermath

Accountability for GBVH and other forms of violence on garment production lines is informed by the structure of fast fashion supply chains and retail practices.

- **Fast fashion brands** engage in high value market research, design, sales, marketing, and financial services. They typically outsource garment production to Tier 1 supplier companies in production countries. Tier 1 supplier companies may, in turn, subcontract all or some of the production process to smaller supplier factories. While brands and retailers do not carry out production, they drive sourcing and production patterns overseas. Fast fashion purchasing practices from suppliers dictate wages, working conditions, and risk factors for violence for production line workers (AFWA-GLJa-c). This production model has been characterized as a buyer-driven value chain (Barria 2014).
- **Amazon** is currently estimated to be among the largest apparel and footwear retailers in the US, second only to Walmart—including \$3.9 billion in sales from Amazon brands, and \$26.1 billion in sales from third party brands in 2018. In the same year, clothing and apparel retail accounted for an estimated 21% of Amazon product sales, and 13% of total revenue. Morgan Stanley estimates that the Amazon e-commerce platform will account for 19% of the US apparel industry by 2020 (CNBC 2018; Clark 2016).

The Amazon Marketplace for third party sellers orchestrates a race to the bottom on prices between third party sellers, including fast fashion brands. As the first destination for more than half of internet shoppers, Amazon exerts significant power over pricing in the garment industry—and in turn, over wages and working conditions for production line workers.

Fast fashion brands and Amazon have a fundamental role to play—along with suppliers, unions, and governments—to use their economic leverage and control to ensure that steps to prevent violence on their supply chains are prioritized and effective. Upholding C190 obligations, moreover, is integral to upholding the United Nations Guiding Principles on Business and Human Rights (UNGPR), calling for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts (Article 17).

Section 2 WHERE ARE WE NOW? WHAT IS THE POST COVID-19 PATTERN AND PRACTICE OF GENDER BASED VIOLENCE AND HARASSMENT?

The humanitarian crisis facing 40 million garment workers and their families in the wake of the COVID-19 pandemic is a predictable outcome of the structure of risk distribution across fast fashion supply chains. Industrial uncertainty caused by brand purchasing practices is displaced upon workers through flexible work contracts, periods of unemployment when production demand decreases, and low wages. Women garment workers—both those who have returned to work and those who are unable to do so—face a spectrum of GBVH, including forms of violence that inflict physical, mental, sexual, and economic harm. Spectrums of violence are locally and contextually specific (AFWA and GLJ 2018a-c; GLJ 2019; Silliman Bhattacharjee 2020).

Due to the contextual specificity of violence, women garment workers are experiencing distinct forms of violence during the COVID-19 pandemic, including in relation to whether workers are locked into or locked out of supply chain work.

This section highlights the gendered experiences of Asian fast fashion supply chain workers post-COVID-19 using an innovative model for documenting spectrums of GBVH on fast fashion and other supply chains. This framework for analysis was developed through extensive research conducted by AFWA and GLJ mapping the spectrum of violence women garment workers face due to avoidable risk factors associated with brand purchasing practices and workforce demographics. The mode of analyzing patterns and structures of GBVH on garment supply chains builds upon five years of research conducted by AFWA and GLJ (2015-present), and ten years of organizing by AFWA, including establishment of the only Asian-led alliance of workers and allies, widespread legitimacy around a regional living wage for Asian garment workers, and the role of trade unions in bargaining for brand accountability. Conducted between 2015 and 2018, this first of its kind body of empirical research included perspectives from 898 workers employed in 142 garment supplier factories across Asia (AFWA and GLJ et al. 2018a-c).

This section uses the spectrum of violence analytic framework to understand the gendered impact of violence in the wake of COVID-19 based on analysis of reports from workers organizations and news media outlets between March and May 2020. Grounded in C190 legal obligations, the spectrum of violence presented in this report provides a framework for understanding brand accountability in relationship to the widespread presence of risk factors for GBVH on fast fashion supply chains.

Locked out/locked into supply chain employment

Spectrums of Violence During COVID-19

Some women production line workers are locked out of supply chain employment due to government lockdowns, layoffs, and refusal of global brands to pay for existing contracts and orders; other women workers are locked into supply chain employment in order to feed themselves and their families. Whether locked out or locked in, women workers on Asian fast fashion supply chains face a spectrum of violence.

Locked out of employment on supply chains

Government responses to COVID-19 in Asian garment-producing countries have varied widely both in the length and scope of state mandated lockdowns. Government approaches to lockdown have included the following range of responses:

- Total national lockdowns where all services except essential services are suspended
- Partial national lockdown where certain services, including garment and other production factories are permitted to operate in select regions
- Localized lockdown where particular cities, states, or regions have a lockdown in place but this does not correspond with a national policy
- Partial localized lockdown where some services are suspended but factory work may still be permitted
- Lockdown (total, partial, or localized) including border closure, where national or state governments have closed at least one territorial border

Between March and May 2020, governments in Asian garment production countries commonly shifted between this range of lockdown approaches—requiring workers to respond to rapidly evolving contexts. In both India and Sri Lanka, migrant garment workers were left stranded in production hubs, neither earning wages to support themselves and their families nor able to return to their homes (AFWA May 2020). In the Free Trade Zones (FTZs) in Wathupitiwela and Katunayake, Sri Lanka, thousands of women workers

were stranded in boarding houses and residential quarters for weeks before being released and transported home (Colombo Page 2020). In India, migrant workers and their families walked hundreds of kilometers in sweltering heat, without access to food and water to reach their villages (Sharma and Khanna 2020).

In lockdown scenarios, garment workers have faced layoff patterns that reflect existing structures of social discrimination. AFWA has identified a range of factors that inform current employment status for garment workers during the COVID-19 crisis, including nature of contract, spatial proximity to factories, age, gender, union membership, minimum wage level, and religion (AFWA April 2020b).

Government lockdowns, moreover, are just one of the many factors that have left production line workers locked out of employment. Workers have also been locked out of employment due to brand disengagement that has precipitated factory closure and downsizing.

Women workers locked out of supply chain employment workers face a spectrum of violence (Table 1).

Table 1 Locked out of supply chain employment—Spectrum of violence faced by production workers who cannot work due to government lockdown, and layoffs caused by brand disengagement

- Hunger and malnutrition among workers and their families' due to layoffs, furloughs, non-payment of wages (Bangladesh, Cambodia, India, Indonesia, Sri Lanka, Thailand) (AFWA 2020b, Nyan 2020), and unpaid mandatory quarantine following festivals (Cambodia: David 2020)

- Mental health consequences including anxiety, depression, and suicidal ideation due to extreme economic security and uncertainty (AFWA ground reports, June 2020)

- Severe health consequences for unemployed migrant workers traveling home, including dehydration and death (India: The Wire 2020)

- Retaliation against workers who call for wage and other forms of economic relief
 - Physical harm from police use of batons and tear gas in response to workers protest calling for salary during lockdown (Bangladesh: Daily Star 2020)

- Domestic violence exacerbated by financial worries and cramped and confined lockdown conditions (UN Women 2020)

Locked into employment on supply chains

While some fast fashion production line workers are facing violence associated with being locked out of employment, others, due to urgent economic need, are working despite occupational health and safety risks.

Fast fashion production line workers report working in both lockdown and partial lockdown scenarios. As documented by AFWA (AFWA April 2020), during partial and even total national lockdowns in India and Sri Lanka, some garment factories operated formally with state permits to produce Personal Protective Equipment (PPE) kits and hazmat suits for healthcare workers. AFWA also documented violations of these policies. For instance, in Bengaluru, India, a garment factory continued producing garments under a permit for PPE production until it was forced to shut down following police detection.

Workers locked into work by the absence of personal and social safety nets are facing a distinct spectrum of violence (Table 2).

In addition to these forms of violence specific to the COVID-19 context, workers who are locked into supply chain employment are susceptible to a spectrum of GBVH on garment production lines, including physical, mental and sexual violence, deprivations of liberty, and coercion, threats, and retaliation. The forms of GBVH experienced by women garment workers both predating COVID-19 and during this global pandemic are rooted in risk factors for violence that are systemic to fast fashion supply chains (AFWA and GLJ 2018a-c; GLJ 2019; Silliman Bhattacharjee 2020).

Risks

The 2017 study on *Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action*, released by the International Labour Office, directs attention to new and emerging risks in the workplace, including work pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv). The experience of AFWA, working with low-wage, informal sector garment workers engaged at the base of global production networks, reveals that garment workers are subjected to many of the risk factors for violence in the world of work named by the ILO Expert Committee. GBVH is rooted in risks associated with brand purchasing practices, the concentration of a majority woman workforce in the lower tiers of supply chain production, and working conditions in supplier factories.

Table 2 Locked in—Spectrum of violence faced by production workers who are required to work during COVID-19 pandemic due to economic need

- ▶ Lack of Personal protective equipment (PPE) and social distancing protocols, exposing workers and their families, including young children, to COVID-19 in the workplace and during commutes to work (Bangladesh: Wiggins 2020)
 - ▶ Workers test positive for COVID-19 after requests for masks are denied by supplier factory management (India: Colney 2020)

- ▶ Deprivations of liberty by factory management
 - ▶ Locking migrant workers into factories during COVID-19 lockdown without providing basic necessities (India: AFWA 2020b)
 - ▶ Mandatory extension of workday to 10/12 hours without overtime pay to make up for limited workforce amidst lockdown (India: AFWA 2020b)

- ▶ Forced labor
 - ▶ Recruitment of young women workers from marginalized communities and requiring them to work during lockdown conditions (India: AFWA 2020b)

- ▶ Hunger and malnutrition among workers and their families' due to reduced wages (Asia: AFWA 2020a)

- ▶ Retaliation against workers who call for personal protective equipment and/or paid leave due to COVID-19 occupational health and safety risks
 - ▶ Threats of layoff and layoffs for exercising the right to freedom of association and engaging in protests (Myanmar: Frontier 2020)
 - ▶ Deprivations of liberty, including arrest and imprisonment of labor union leaders on criminal charges (Myanmar: Frontier 2020; Cambodia: Paton 2020, Saks 2020)
 - ▶ Physical harm to workers who surrounded employers' car demanding unpaid wages (Myanmar: Frontier 2020)
 - ▶ Firing of long term union members under pretext of COVID-19 layoffs and hiring non-union workers to replace them (Myanmar: Saks 2020)
 - ▶ Physical assault perpetrated by factory owner against workers who demand personal protective equipment (India: Colney 2020)
 - ▶ Firing workers who request legally mandated bonus payment (Sri Lanka: WSW 2020)

- ▶ Domestic violence exacerbated by financial worries and cramped and confined lockdown conditions (UN Women 2020)

Risks Related to Brand Purchasing Practices

In the wake of COVID-19, fast fashion brands and suppliers have disengaged from business relationships on garment supply chains—whether from financial distress due to decreased sales or perceived opportunities to receive discounted rates from working with alternate supplier factories (WRC March 2020, CGWR 2020). Many fast fashion brands facing demand-side shocks have breached contracts; and cancelled, suspended, amended or postponed orders that had already been made or planned (SOMO, ECCHR, PAX 2020).

Supply-side shocks in the COVID-19 crisis have included inability of suppliers to meet contractual commitments to deliver products because factories have been forced to close by government-imposed lockdowns or delay in raw materials. In these scenarios, brands have refused to pay for orders they have not received or alternately terminated the relationship in order to find another supplier that can deliver the project (SOMO, ECCHR, PAX 2020).

Disengagement in each of these forms—leading to widespread layoffs across production countries—has had severe consequences for garment workers and their families. Workers on production lines live paycheck to paycheck due to industry practices of paying below living wages. Poverty level wages eclipse the possibility for individual and family savings. Due to national practices in garment producing countries of subsidizing foreign investment and export processing zones (EPZs), while privatizing health care and gutting social safety nets, workers also do not have access to social protection in times of crisis. The result: millions of garment workers—mostly women—have been left facing severe food, housing, education and healthcare insecurity during this time of global pandemic.

Additionally, not only do brand production contracts have such low margins that suppliers were left without funds to retain workers or provide subsistence support, but supplier factories—and in turn, production line workers—absorbed the financial impact of external shocks to the supply chain. These financial impacts include penalties by brands for late orders due to raw material delays from China beginning in January, unplanned cost hikes for raw materials due to COVID-19, delayed payments for complete orders, and cancellation of raw material orders from raw material supplier factories (CGWR 2020).

Risks Associated with Gendered Workforce Demographics

Women are disproportionately impacted by patterns of violence in garment supply chains in part because they make up the vast majority of fast fashion production workers. Global supply chains created incentives for and took advantage of increasing numbers of women entering paid employment

Table 3 Risk factors for GBVH related to brand purchasing practices

ILO Expert Committee	AFWA and GLJ (2018a-c)
<ul style="list-style-type: none"> ➤ Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment (para. 13) ➤ Unrealistic production targets (para. 10) ➤ Unsocial working hours (for instance, evening and night work) (para. 9) ➤ Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing) (para. 9) ➤ Working in situations that are not properly covered or protected by labour law and social protection (para. 9) ➤ Poor labour relations (para. 10) 	<ul style="list-style-type: none"> ➤ Fast fashion purchasing practices that accelerate production cycles and shorten lead time ➤ Pressure on suppliers to reduce costs and corresponding failure to pay a living wage ➤ Low levels of job security among women workers heightens fear of retaliation, undermines GBVH reporting, and reinforces impunity. ➤ Inadequate public disclosure of supplier factories, undermining brand accountability for GBVH in their supply chains. ➤ Low wages ➤ Excessive working hours

in the formal sector. Profit margins for suppliers and brands were reliant on the profits that came from squeezing women workers and their lack of alternative choices. Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions in their factories and unions (AFWA and GLJ 2018a-c, GLJ and AFWA 2019).

Rise in employment of contract workers on fast fashion production lines has been attributed to buyer purchasing practices. Downward pressure on prices and increasingly unpredictable seasonal variation in production, require garment suppliers to employ a flexible, low-wage workforce. Contract workers cost less to employ per unit, often receive lower wages, rarely receive non-wage benefits, including paid leave and social security, and can be fired according to shifting employer needs (GLJ and AFWA 2019). These terms of employment leave women contract workers particularly vulnerable to exploitation when compared to directly employed workers (Chan 2013).

With few exceptions, women workers on fast fashion production lines hold low-wage, temporary positions. In many countries, internal or international labor migrants make up the majority of the workforce. Migrant women workers enter the labor market in order to contribute resources to financially distressed households. International, interstate, and inter-district migrants incur costs associated with migration for employment, which may include costs associated with transportation, housing in production areas, and caring for children, elderly, and unwell members of the household.

Notwithstanding these realities, women's employment changed household budgets which became dependent on this income-especially but not only in women headed households. In short, fast fashion production workers are particularly financially vulnerable due to their socioeconomic status, costs associated with migration, and concentration in low wage temporary work that pays below living wages and precludes the possibility of savings. These risk factors for extreme financial vulnerability have compounded the impact of COVID-19 on production line workers who have faced extreme financial distress with no personal or social safety net, or have alternately persisted in working despite COVID-19 related occupational health and safety risks (RTL 2020; Haiti Support Group 2020).

Life-stage related risk factors for GBVH during COVID-19

Prior to and during the COVID-19 crisis, older women face higher risks of termination and economic violence associated with loss of livelihood. It is common practice across the industry to fire women workers before they are eligible for seniority benefits (AFWA and GLJa-c). Older women may also be unable to maintain the rigor of extremely high production targets, furthering the preference among supplier factory management for young women workers. Due to the unprecedented scale of layoff during COVID-19 and in its aftermath, it is likely that older women workers will be largely excluded from the production line workforce. Families typically rely on the incomes of older women within the family as an established resource stream, while younger women who enter the workforce will bring in a new income stream.

Widespread layoffs of senior women workers may have significant consequences for the workforce at large: an erosion of tacit industrial knowledge within the workforce that stands to increase the vulnerability of young women workers to labor exploitation and abuse. Suppliers have also used the excuse of COVID-19 to retrench women trade unionists as a form of union busting.

Whereas older women workers are being forced out of supply chain employment, young girls are increasingly entering the workforce due to school closures, inability to pay school fees, and limitations in accessing

digital education in resource-poor households. AFWA reports from the ground confirm increased recruitment of young girls and requirements that they remain locked into factory hostels.

Younger, unmarried women are particularly vulnerable to sexual harassment from both male managers and coworkers. In factories where majority male supervisors and line-managers oversee an overwhelmingly female workforce, male monopoly over authority can contribute to a culture of impunity around sexual violence and harassment. Daily wage contract workers, migrant women, single women, and women from socially marginalized communities may be at increased risk of violence within the factory (AFWA and GLJ et al. 2018a-c; Silliman Bhattacharjee 2020[SS1]).

Mothers of young children have also experienced heightened financial distress during COVID-19. In some regions in India, they have been unable to return to work since legally mandated child care facilities have been temporarily stopped. This loss of employment threatens the economic security of the family (AFWA 2020b).

Table 4 Risk factors for GBVH associated with gender in the garment sector

ILO Expert Committee	AFWA and GLJ (2018a-c)
<ul style="list-style-type: none"> ➤ Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains (para. 14) ➤ Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education, poverty, disability, HIV status, sexual orientation and gender identity, migrant status, and age (para. 12) ➤ Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups (para. 12) ➤ Intersecting grounds of discrimination, such as gender and race or disability (para. 12) ➤ High rates of unemployment (para. 10) 	<ul style="list-style-type: none"> ➤ Majority woman workforce ➤ Inadequate representation of women workers in supervisory positions ➤ Concentration of women workers in subordinate roles as machine operators, checkers, and helpers in production departments under male supervision ➤ Multiple and different gender segregated and spatially separate working environments within the same factory ➤ Inadequate representation of women in leadership positions within their unions ➤ Daily wage contract workers, migrant women, single women, and women from socially marginalized communities may be at increased risk of violence within the factory ➤ Gendered social hierarchies ➤ Gendered industrial discipline practices ➤ Performance of repetitive manual tasks under exposure to heat, noise, dust and chemicals. ➤ Retaliation for reporting GBVH, including further targeting, loss of employment, social ostracizing, and personal and professional reputational harm

Section 3 WHERE DO WE GO FROM HERE? AT THE ONE YEAR ANNIVERSARY, WHAT DIRECTION AND MOMENTUM CAN WE TAKE FROM C190 TO IMPROVE THE CONDITIONS OF WORKING WOMEN?

In response to AFWA and GLJ research exposing a spectrum of GBVH in Asian garment supply chains, on June 5, 2018, H&M and Gap publicly declared support for a binding ILO Convention on workplace violence, including gender based violence in garment supply chains. Gap later engaged in good faith dialogue with the AFWA Women’s Leadership Committee (WLC).

Consistent with the actions taken by Gap and H&M, garment brands should publicly support ratification of ILO Violence and Harassment Convention, 2019 (C190) and uphold binding accountability for C190 obligations through enforceable brand agreements and collective bargaining agreements on their supply chain.

For business enterprises, accountability for human rights

impacts includes identifying, preventing, mitigating, accounting for, and remediating Gender Based Violence and Harassment (GBVH) in business supply chains. The roadmap for corporate accountability to end GBVH described in the sections that follow is consistent with the approach laid out in the United Nations Guiding Principles on Business and Human Rights (UNGPRBHR), calling for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts (Article 17).

As detailed in Part 2, women workers on fast fashion supply chains are facing violence associated with being **locked out of supply chain** employment due to government lockdowns, layoffs, and factory closures, and **locked into supply chain** employment in order to feed themselves and their families. This section provides a roadmap of steps fast fashion brands should take in order to mitigate the human rights impact in the short term and transform supply chains going forward. As workers, suppliers, and brands work together to rebuild supply chain capacity in the fast fashion sector, we must create a new era of supply chains where brands and their investors are held accountable for responsible business practices that fundamentally shift the imbalance of power and massive inequalities that have long plagued the fashion industry.

Addressing GBVH requires a multi-faceted approach that incorporates prevention, training, grievance channels, access to remedy, and protection from retaliation. C190 building blocks for this approach to brand accountability are as follows:

- Engage in human rights due diligence that identifies gendered spectrums of violence and risk factors for GBVH using the C190 framework and take actions to mitigate adverse impacts
- Protect and promote women workers' associational agency, including their ability to join trade unions at supplier factories and negotiate to address GBVH through collective bargaining and enforceable brand agreements
- Publicly support ratification of ILO Violence and Harassment Convention, 2019 (C190) and uphold binding accountability for C190 obligations by entering enforceable agreements across fast fashion supply chains
- Contribute to maintaining social protection floors in all production countries

Brands should use this roadmap for corporate accountability to meet their legal obligations to achieve violence-free workplaces as part of their responsibility to respect human rights in their supply chains. This includes making sure their conduct does not create conditions of economic violence violate workers' rights to safe and healthy working conditions and to freedom from discrimination on the basis of gender. These rights must be understood in light of C190 obligations.

3.1 Engage in human rights due diligence that identifies gendered spectrums of violence and risk factors for GBVH using the C190 framework and take actions to mitigate adverse impacts

The UN Guiding Principles on Business and Human Rights (UNGPBHR) call for business enterprises to carry out human rights due diligence to identify, prevent, mitigate, and account for how they address their adverse human rights impacts (Article 17). This responsibility includes internationally recognized human rights, including the right to be free from GBVH which has evolved as a principle of customary international law under CEDAW, and has been applied to the world of work under ILO Convention 190/ Recommendation 206.

In order to take action to prevent and mitigate GBVH and other forms of violence on their supply chains, brands and platform retailers must adequately document, analyze, and understand GBVH and risk factors for GBVH across supply chains. To uphold their supply chain obligations, brands

and platform retailers should work with trade unions at the factory, local, national, regional, and global levels to identify and aggregate contextually specific spectrums of violence and associated risk factors, including risk factors associated with brand purchasing practices and workforce demographics.

Social dialogue and meaningful engagement with trade unions and worker organizations is not only required by decent work standards, but also essential to ensuring that initiatives to end GBVH on garment supply chains are informed by worker experiences, accountable to workers, and ensure pathways to redress in cases of retaliation. Accordingly, initiatives that do not include a role for trade unions and worker organizations are not sufficient to catalyze critical transformations of workplace culture.

Criteria for analyzing spectrums of violence and associated risk factors

1. Adopt a definition of GBVH that is sufficiently broad. Specifically, use the international legal frameworks established in CEDAW, General recommendation 19, article 1 for defining the parameters of GBVH.

General recommendation No. 19 on violence against women, adopted by the CEDAW Committee, defines gender based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately, and, as such, is a violation of their human rights” (art. 1). Forms of gender based violence named by General recommendation No. 19 include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty.

2. Identify underlying risk factors for GBVH related to both brand purchasing practices and industrial practices in supplier factories.

3.2 Protect and promote women workers’ associational agency, including their ability to join trade unions at supplier factories and negotiate to address GBVH through collective bargaining and enforceable brand agreements

C190 affirms the fundamental role of freedom of association and collective bargaining in eliminating violence and harassment in the world of work (Art. 5) and recognizes the complementary roles of workers, employers, and their trade unions and organizations in adopting and implementing a comprehensive framework of action to end violence and harassment, including GBVH (C190 Art. 8(b), 9(a), 11(b), R206 Para. 7).

In the COVID-19 context, women workers and their trade unions have responded with collective action and urgent demands for earned wages, paid leave, and personal protective equipment— and met with retaliation. Instances of retaliation against trade union leaders, members and other workers who engage in collective action covered by English media include:

- In Bangladesh, workers demanding wages during lockdown were assaulted by police with batons and teargas (Daily Star 2020).
- In Cambodia, dozens of union workers, including one woman who was six months pregnant, were fired from a leatherwear factory in Phnom Penh. The president of the union wrote about these actions on Facebook. She was forced by factory management to take down her post, make a thumbprint on a warning letter accusing her of defamation and removed from the factory floor. She has been charged with posting fake information on social media and is now in jail (Paton 2020).
- In India, workers who demanded personal protective equipment were assaulted by the factory owner after working hours in the area where they lived (Colney 2020).
- In Myanmar, workers were laid off for exercising their rights to freedom of association and engaging in protests. Union leaders were arrested and imprisoned on criminal charges. At least 300 union members were fired under the pretext of COVID-19 cutbacks and replaced by non-union workers. Workers demanding their wages surrounded their employers' car when the employer was leaving failed negotiations. Four workers were physically injured (Frontier 2020, Saks 2020).

In Myanmar, in response to widespread national and international attention and organizing, there has been an agreement to immediately reinstate 25 union leaders, and in June and July to further reinstate another 50 workers that joined the union protests in April and were immediately dismissed. The 545 union members that had taken compensation under pressure to resign will be evaluated for priority hiring once business increases. The agreement will be monitored by an independent third party, to be agreed upon with the union (CCC 2020).

Freedom of association is fundamental to advancing social justice amidst rising authoritarianism, state violence, and economic recession. Accordingly, it has never been more urgent for brands to take active measures to safeguard fundamental rights to freedom of association and collective bargaining. Social dialogue and meaningful engagement with trade unions and worker organizations is not only required by decent work standards, but also essential to ensuring that initiatives to end GBVH on fast fashion supply chains are informed by worker experiences, accountable to workers, and ensure pathways to redress in cases of retaliation.

THE AFWA SAFE CIRCLE APPROACH

Women workers and their trade unions are essential to ending GBVH on fast fashion production lines. The AFWA Safe Circle Approach takes a bottom-up perspective to

ending GBVH by engaging women workers as agents of change at the production line level. This approach involves not only potential victims, but also bystanders and perpetrators in face-to-face, regular, small group engagement processes designed to address behavioural violence on production lines in garment factories.

Consistent with UN Women and ILO recommendations (2019), Safe Circles seek to develop and sustain a positive organizational culture on garment production lines, co-produced by workers and management to advance the shared goal of preventing GBVH. This process is designed to complement existing training approaches.

The AFWA Safe Circle approach is guided by the following core principles:

1. Support proactive engagement in preventing GBVH among front-line (production line) workers who are targets of violence
2. Empower women workers to have a constructive voice at work
3. Facilitate on-going interaction and consensus-building among workers and supervisors who work together at the frontlines (production lines)
4. Design and achieve measurable and observable goals and outcomes
5. Increase communication/behavioral competence among supervisors and others in hierarchical positions of authority

Improved communication and collaboration between workers and supervisors on GBVH has the potential to achieve the following objectives:

1. **Change supervisory relationships and practices at the level of the production line**
2. **Identify and address more covert forms of gendered bullying before they escalate and manifest in more aggressive forms of violence**
3. **Increase reporting among targets of violence by promoting a “feedback rich” environment where middle managers are trained to respond to complaints and issues in an emotionally intelligent way, and where people feel comfortable speaking up and listening**

For details on operationalizing this approach, see Asia Floor Wage Alliance’s Step-by-Step Approach to Prevent Gender-Based Violence at Production Lines in Garment Supplier Factories in Asia (2019).

Trade unions and allied organizations have issued three levels of demands to fast fashion brands, retailers, and platforms to address the humanitarian crisis faced by millions of garment workers.

Brands must do the following :

- ▶ End the economic violence facing women workers by paying in full for orders completed and in production
- ▶ Pay supply chain relief contributions (SRCs) to compensate for the income loss resulting from suspension of work for various reasons, including quarantine and order cancellation
- ▶ Address terms of layoff in context of any future cases of downsizing, retrenchment, and closure by engaging in tripartite negotiations including trade unions, suppliers, and lead firms

3.3 Publicly support ratification of ILO Violence and Harassment Convention, 2019 (C190) and uphold binding accountability for C190 obligations by entering enforceable agreements across fast fashion supply chains

Corporate social responsibility (CSR) approaches to addressing GBVH on fast fashion supply chains are not sufficient to address violence and harassment in the world of work. A 2019 study on CSR commitments to living wages and their progress—a commitment that directly addresses a significant risk factor for GBVH—conducted by the Sheffield Political Economy Research Institute (SPERI), lends insight into the limitations of non-binding CSR approaches. SPERI found that corporate commitments to living wages have, for the most part, failed to translate into meaningful action nor results. The study found little evidence that corporations effectively defined, benchmarked, or enforced the payment of living wages to the workers in their global supply chains. Instead, corporations used the rhetoric of living wages to improve public perception of their labor practices while the reality of low-wage work persists on the ground (SPERI 2019).

Meaningful corporate accountability requires brands and retail platforms to uphold C190 obligations to end GBVH and other forms of violence in the world of work by negotiating legally binding, enforceable agreements between brands and trade unions that cover GBVH and freedom of association in the operations of brands' third-party suppliers. These agreements, which are often referred to by their proponents as “enforceable brand agreements” or “EBAs” raise the bar for protection of labor rights in supply chains by replacing brands' voluntary corporate social responsibility (“CSR”) programs that have failed to end abuses with legally enforceable obligations to require and ensure that suppliers respect workers' rights.

Supply Chain Relief Contribution (SRC): Brands Pay 2% of Total Annual Sourcing Towards Immediate Relief for Supply Chain Workers

On March 23, 2020, AFWA issued a statement calling for a humanitarian and urgent crisis response from brands to put forward a specific relief contribution to alleviate the impact of COVID-19 on garment workers:

“In the immediate term, Asia Floor Wage Alliance proposes that income loss resulting from suspension of work for various reasons, including quarantine and order cancellation, must be urgently addressed. Governments’ and suppliers’ efforts must be supported and under-written by global brands who benefit most, with minimum risk, from the current global supply chain structure.

AFWA proposes a method by which fashion brands respond to this urgent humanitarian crisis through a one-time brand Supply-chain Relief Contribution (SRC) that would partially mitigate the harmful impact of COVID-19 on supply chain workers, most of whom are women. AFWA’s quantification of this one-time brand contribution is based on a methodology that is in keeping with the brands’ scale and share in the supplier factories’ turnover in Asia.

Building from the premise that the average workers’ income loss, by June end, 2020, can be estimated as 60 days of wage loss, we propose that brands make a one-time Supply-chain Relief Contribution for each worker in their supplier factories, as a requirement of responsible business practices. Based on the existing data on labour cost, we propose brands calculate their Supply-chain Relief Contribution as an additional 2% of the total sourcing by the brand from the preceding 12 months at the respective factory.

The SRC should be structured as a pass through from the brands to the suppliers, payable directly to the workers. If brands honour this Contribution for their supplier factories, each worker would get a modest but important Contribution to help them mitigate the most extreme effects of the COVID-19 crisis.

AFWA supports and reinforces the demand of global labour and human rights organisations, unions, and suppliers that brands honour their obligations and long-term commitment regarding orders to the suppliers. The SRC is a relief contribution and in no way substitutes brands’ existing and ongoing supply chain obligations to pay for orders given and produced, to not cancel orders, to not seek discounts in an already under-costed supply chain, and so on. It also does not substitute for obligations to pay severance contributions in cases of downsizing, retrenchment and closure”.

<https://asia.floorwage.org/wp-content/uploads/2020/04/Brand-SRC-for-Garment-Workers-Impacted-by-COVID-19.pdf>

3.4 Contribute to maintaining social protection floors in all production countries

In fast fashion and other supply chains, emerging economies subsidize brands, retail platforms, and consumers at the cost of workers and the environment in manufacturing countries. As governments in production countries compete to expand their production base and maintain foreign exchange earnings, the organization of fast fashion supply chains allows brands and retail platforms to sidestep responsibility for the impacts of high quality low cost products on workers and the environment (Swaminathan 2020). Lead firms sidestep accountability for upholding working standards and contributing to social protection frameworks by locating production in free trade zones and paying wage standards that fall below living wages. These long standing business practices erode both personal and social safety nets for workers by leaving production line workers living paycheck to paycheck without supporting personal savings, and transferring the onus of maintaining social protection to production countries.

State ratification of C190, R206, and other international legal standards can help to counteract this race to the bottom for workers and the environment by creating a level playing field across countries and sectors to protect workers, promote a fair globalization, social justice and sustainable development.

Social protection and the right to social security have been integral elements of the International Labour Organization's (ILO) mandate since its creation in 1919. The right to social security has been articulated in the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the more recent Social Floors Recommendation, 2012 (No. 202). These long standing commitments are not only particularly urgent in our contemporary context of rising global inequality in the wake of COVID-19, but have also gained increasing traction in global initiatives including the Sustainable Development Goals (SDGs) and the ILO Future of Work, which emphasizes the importance of investing in people's capabilities, including by strengthening social protection (World Social Protection Report 2017-2019).

In 2017, the ILO and the International Trade Union Confederation (ITUC), in collaboration with members of the Global Coalition for Social Protection Floors, initiated the Social Protection, Freedom and Justice for Workers Network aimed at advocating for and defending social protection. The ILO Flagship Programme on Building Social Protection Floors for All, brings together public and private partners, including foundations, enterprises and the public to support governments, workers and employers in the design and implementation of adequate and sustainable social protection systems worldwide (ILO Social Protection and ILO Social Protection Floors).

The ITUC is calling for an immediate response to COVID-19, including assisting countries in equitably containing the pandemic and economic crises while beginning to think about an effective strategy for recovery once the virus abates. Their call for a Global Fund for Social Protection, led by the ILO and UN Agencies, is directly in line with the ITUC's vision for a new social contract.

"Almost a decade ago, the world's leaders, through the UN, endorsed the call for Universal Social Protection. Today, **55% of people have no access to social protection**, and a further 20% have little coverage of essential services or income measures central to the promised social protection floors in **Sustainable Development Goal 1**.

While many of the best government policies in response to Covid-19 have drawn on existing social protection programmes, the pandemic has exposed the gaps in many countries. The lack of paid sick leave, and high levels of informal workers – including workers who rely on platform business, freelancers, contractors and the self-employed with no employment contract – make income security so precarious.

This is not isolated to one or two countries: 60% of the global workforce are working informally without rights. And there is no social protection for the 38% of the world's population who lack public health care, and only 21% of the global population are covered with unemployment benefits."

-Sharan Burrow, General Secretary, ITUC

In order to uphold C190 and due diligence obligations on their supply chains to prevent economic violence, brands must restructure wealth distribution across their supply chains. This includes making sure their conduct does not create conditions of economic violence by paying living wages and contributing to social protection floors.

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