



GARMENT WORKERS PAY SCALE:

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POVERTY WAGES

ABANDONED BY FASHION

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS; BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

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←  **Cover Photo:** Women manufacturing clothes at a garment factory in Bangladesh.

Photo: Getty Images

Illustration: Amnesty International

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GLOSSARY

Action, Collaboration and Transformation (ACT)	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. ¹
Agent	An agency which is hired to undertake the sourcing and direct buying of materials or products for a fashion brand or retailer. A labour agent refers to an agency hiring (directly employing) workers to contract out to factories.
Buyer	The buyer of garment production.
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.
Global Framework Agreement (GFA)	Global framework agreements (GFAs) serve to protect the interests of workers across a multinational company’s operations. GFAs are negotiated on a global level between trade unions and a multinational company. They put in place standards of trade union rights, health, safety and environmental practices, and quality of work principles across a company’s global operations, regardless of whether those standards exist in an individual country. ²
IndustriALL	IndustriALL Global Union represents 50 million workers in 140 countries in the mining, energy and manufacturing sectors, including textile, garment, leather and shoe.
Special Economic Zones (SEZs)	Also called free trade zones (FTZs) or export processing zones (EPZs). These zones have all played a major part in the growth of garment production for export in South Asia.
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.

¹ In response to Amnesty international sharing the draft findings of the report, ACT stated that “The ACT foundation implements the Memorandum of Understanding (MoU) signed between IndustriALL Global Unions and corporate signatories (global brands and retailers) as well as and subsequent decisions of the two parties operationalizing the MoU. ACT is not a multi-stakeholder initiative, but 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.” See also ACT, Annual Report 2023, <https://actonlivingwages.com/app/uploads/2024/06/ANBI-publication-2023.pdf>

² GFAs with IndustriALL are based on IndustriALL Global GFA guidelines: <https://www.industriall-union.org/global-framework-agreements>

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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.

Yellow union

A trade union usually established by company management or heavily controlled or influenced by management, and as such, is not an independent trade union nor is it classed as such by international law.

1. EXECUTIVE SUMMARY

The aim of this briefing is to provide an insight into the policies, commitments and active promotion of the right to freedom of association and collective bargaining in key fashion brands and retailers' supply chains. It identifies the steps that brands can take in order to promote the right to freedom of association, and, at the same time, help mitigate the endemic human rights abuses found throughout the industry, such as low wages, overwork, harassment and systemic gender discrimination and sexual violence.³

This briefing highlights the responsibilities of fashion companies in relation to the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (UN Guiding Principles), and assesses the key ways in which fashion companies compound the failure of states and factory employers to protect workers and respect freedom of association. In this briefing, Amnesty International analyses the areas where fashion companies can work harder to promote freedom of association and decent working conditions across their supply chain in Bangladesh, India, Pakistan and Sri Lanka. We identify how the current model of complex supply chains and privatized auditing in the industry diffuses responsibility and places a low value on the labour of the predominantly female garment workers, solidifying an exploitative business model which fashion companies need to address at its core. We make recommendations for how these companies can play a much larger role in promoting freedom of association for workers in their supply chain.

This briefing is designed to be read alongside Amnesty International's ***Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka***. That report looks in more detail at the human rights violations in Bangladesh, India, Pakistan and Sri Lanka, and the role of states and employers (supplier factories).⁴

1.1 METHODOLOGY

This briefing is based on research carried out by Amnesty International between September 2023 and August 2024. From July 2023 to June 2024, our researchers conducted 88 interviews (64 workers including 12 union leaders and labour rights activists). Of these, over two thirds of the individuals interviewed were women. 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 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 looked at reports by global NGOs, the UN and the International Labour Organization (ILO) investigating the working conditions in garment factories, the challenges for labour organizing and the right to freedom of association.

Amnesty International sent 21 major brands and retailers based in nine countries a survey in November 2023, requesting information about their policies, monitoring and concrete actions

³ Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (Index: ASA 04/8929/2025), 27 November 2025, <https://www.amnesty.org/en/documents/asa04/8929/2025/en/>

⁴ Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (Index: ASA 04/8929/2025), 27 November 2025, <https://www.amnesty.org/en/documents/asa04/8929/2025/en/>

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related to freedom of association, gender equality and purchasing practices.⁵ Of the 21 companies, adidas, ASOS, Fast Retailing, Inditex, the Otto Group and Primark, provided full responses.

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 this briefing. In November 2024, Amnesty International sent the surveyed companies and other stakeholders in the report relevant draft findings. adidas, ASOS, Best Seller, Fast Retailing, Inditex, Marks and Spencer, Morrisons, Next, Primark, PVH, Otto Group, Sainsbury and Shein responded. Action Transformation and Collaboration (ACT), Ethical Trading Initiative (ETI) and IndustriALL also replied with comments. Details of the responses received are included in relevant sections of the report and relevant extracts found in Annex 3.

1.2 FINDINGS

Today the garment industry is a trillion-dollar global business employing almost 100 million people around the world, the majority of them women.⁶ The industry's importance in the region cannot be underestimated with workers in the garment industry in Bangladesh, India, Pakistan and Sri Lanka (including textiles) accounting for an estimated 40% of employment in manufacturing.⁷

The industry has long been challenged over human rights abuses in its supply chain and in its business model. Amnesty International's research found in *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka*, combined with that of decades of research by labour rights organizations, women's groups and trade unions, shows that the rights 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.⁸

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.⁹ At the same time, the International Convention on Economic, Social and Cultural Rights (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."¹⁰

International law and standards, including the UN Guiding Principles are clear that business enterprises must address and mitigate human rights impacts. These include impacts outside of their control, but directly linked to their operations, products or services through their business

⁵ 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 and Spencer (UK), Morrisons (UK), Next (UK), Otto Group (Germany), Primark (Ireland/UK), PVH (USA), Sainsbury's (UK), Shein (China), Tesco (UK) and Walmart (USA).

⁶ 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>

⁷ 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>

⁸ Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

⁹ UN, International Covenant on Civil and Political Rights (ICCPR), Article 22.

¹⁰ ICESCR, General Comment 23 (2016) on the Right to just and favourable conditions of work, para 1; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 18: The Right to Work, 24 November 2005, para 12(c).

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relationships, for example through their supplier factories.¹¹ This duty encompasses the need for both employers – in this case garment factories and garment production units (suppliers) – and businesses (buyers), such as fashion companies which contract out production to the suppliers, to ensure abuses are mitigated and remediated.¹²

In the search for cheaper production and low wages, brands and retailers have developed a highly complex supply chain with global sourcing strategies involving flexible outsourcing from multiple locations, usually with orders placed on commercial and price considerations rather than ethical sourcing decisions.¹³ This model has enabled brands and retailers to contract out responsibility for workers and working conditions, and relies on low-cost, labour-intensive production, predominantly based in regions such as South Asia, that have low wages and low levels of regulation and oversight.

All fashion brands and retailers surveyed had codes of conduct for suppliers, human rights policies or principles, which affirmed the company's commitment to workers' right to freedom of association. However, Amnesty International's findings revealed a limited commitment to implementing these policies at the factory level, especially in proactively promoting union organizing and ensuring human rights commitments and the ability of workers to exercise this right were reflected in their choice of sourcing location. Brands and retailers monitor labour conditions and freedom of association in supplier factories through factory audits (social auditing) while referring to or using their own codes of conduct and policies as the standards required for suppliers to meet. Company codes of conduct, which are voluntarily set and measured by an opaque and business-led social auditing system have not led to significant progress towards freedom of association. Rather, they can be seen as focused primarily on ensuring compliance and managing risk for companies, as opposed to advocating for changes to a fundamentally exploitative industry.

1.3 TRANSPARENCY

Supply chain transparency is a key component of human rights due diligence and provides crucial information for workers and their local trade unions. It enables accurate and timely information of which brand or retailer produces at which factory, helping address and remedy human rights abuses in the supply chain. Without this information, there is little proof to substantiate many brand claims of human rights compliance.

Across the garment industry there is no current mandatory requirement for brands and retailers to publicly report their suppliers' details. While larger numbers of companies provide public lists of their suppliers on a regular basis, listing suppliers remains a voluntary practice and there is no formal oversight. Amnesty International's findings on published details of companies' supply chains confirmed an inconsistent practice and lack of transparency. On a positive note, of the companies we surveyed for this report, 19 do publish some data on at least their tier 1 suppliers (the final production units).

While the public listing of supplier details is the crucial first step, it is key that details on trade unions and collective bargaining agreements are provided in these lists to support claims of compliance with freedom of association. Only a very limited number of companies surveyed provided this information publicly.¹⁴

11 OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (UN Guiding Principles), 2011, Principle 13.

12 UN Guiding Principles, Principle 15.

13 E Arrigo, "Global sourcing in fast fashion retailers: Sourcing locations and sustainability considerations", 2020, Sustainability Volume 12, Issue 2, p. 508, <https://doi.org/10.3390/su12020508>.

14 Amnesty International cross-checked supplier lists and checked company supplier lists available online for the 15 brands that did not respond or fully complete the survey. Only H&M, Marks and Spencer and Next listings provide details of whether the factory has a trade union or worker committee/council. Sainsbury's list provides details of tier 1 factories and details of the existence of either a trade union or a committee but does not distinguish between the two.

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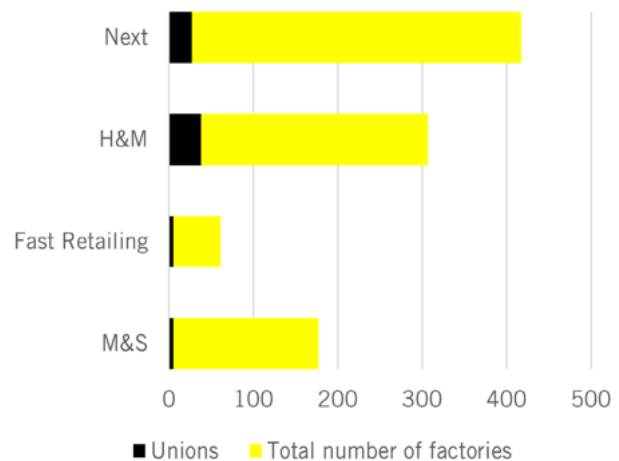
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Amnesty International asked the 21 companies surveyed if they provide public disclosure of functioning and/or registered trade unions at production units and processing facilities. Crucially, we also asked if they distinguish between unions and factory-level worker committees,¹⁵ which in many cases are nominated and coordinated by the employer or management. The promotion of worker committees has been used as a tool by states to replace trade unions with bodies which often have much more limited powers and are often co-opted by factory management. Worker committees can also be seen as a way to provide brands and retailers sourcing from countries which deny freedom of association to workers, a useful mechanism with which to still claim compliance with freedom of association and other fundamental rights.¹⁶

All six brands: adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark, which responded in full, answered that they do monitor the existence of trade unions and/or worker committees. However, only Fast Retailing provided public disclosure of trade unions in their supply list at the tier 1 level – the final garment production 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.¹⁷ adidas stated that it did disclose union status for all suppliers nominated as suppliers for major sporting events.¹⁸

Amnesty International also asked the 21 brands and retailers how they proactively promote the right to freedom of association among their suppliers in India, Bangladesh, Sri Lanka and/or Pakistan outside of belonging to multi-stakeholder initiatives (MSIs), such as the Ethical Trading Initiative, or other such bodies, and outside of any Global Framework Agreements they may have with global trade unions. None of the six brands that responded in full provided detailed evidence of independent proactive promotion and encouragement of the right of workers to freedom of association and collective bargaining, except through training and dissemination of supplier codes of conduct and membership of MSI's, which do not necessarily have clear, public, measurable targets for improving trade union existence.¹⁹

Union rates in four surveyed company factories (Bangladesh, India, Pakistan and Sri Lanka)



Amnesty International asked the 21 brands about the criteria used to identify and maintain a list of preferred suppliers, and if human rights compliance or exceeding compliance was weighted in terms of choosing suppliers. Many of the responses were limited and unclear. While several brands (**Inditex**, **ASOS** and **adidas** provided responses, which detailed how they actively weigh the promotion of trade unions in their supplier factories, no brand was able to provide details of weighting the

15 Also called worker councils or welfare committees.

16 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.

17 In its response to Amnesty International's presentation of our draft findings, Fast Retailing provided a link to its updated (March 2024) supplier lists: <https://www.fastretailing.com/eng/sustainability/labor/list.html>

18 adidas Group, Supplier lists, <https://www.adidas-group.com/en/sustainability/transparency/supplier-lists> (accessed 20 September 2024). For example, the supplier list for the UEFA Euro Cup 2024 includes details of five Pakistan factories producing accessories and apparel, none of which have a trade union, but all of which have "employee elected worker representatives".

19 For example, Inditex referred to collaboration with the ILO Better Work Programme [Better Work Pakistan, <https://betterwork.org/pakistan/our-programme/>], which operates in Pakistan and ETI on its social dialogue and gender programme in Bangladesh. The programme focuses on tackling gender harassment but not the development of trade unions. Inditex, Workers at the Centre 2022, <https://www.inditex.com/itxcomweb/api/media/9235c592-7d6c-4878-b891-36134c402e57/Workers+at+the+Centre+2022.pdf?t=1685097514063>, p.3.

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existence of a union higher than a worker committee. In their response to Amnesty International's draft findings, **adidas** stated that factories with a trade union *or* worker committee both perform better on assessments leading to a higher probability of orders. **ASOS** clarified that, the non-existence of a trade union or committee contributes negatively to the overall score but does not necessarily lead to an overall negative score in the audit while a "higher rating is achieved through having collective bargaining agreements in place which provide benefits that surpass the provisions in the local law"²⁰ **Inditex** stated that in factories with higher grades of compliance the presence of "Employees Councils can replace the existence of trade unions to fulfil the audit marks on freedom of association." This clearly conflates the existence of employee councils, which are often management-led, with independent trade unions.²¹

1.4 IMPACT

Our findings show an extremely low number of actual trade unions in fashion companies' supply chains in all four countries. For example, **Marks and Spencer** had five trade unions among 172 listed clothing suppliers, with 167 worker committees.²² 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.²³

Based on public information, **H&M** had 1,087 suppliers' entries with approximately 145 factories in Bangladesh, including tier 1 and tier 2 (and several accessories and homeware) factories. Of these factories, 29 had trade unions. Of their 31 factories in Pakistan, none had unions; in India 93 factories were listed with eight trade unions. There were no suppliers listed for Sri Lanka.²⁴ **Next** had 23 trade unions in Bangladesh (compared to 134 worker committees) among 167 apparel factories. India had one trade union (and eight worker committees) among 150 apparel factories. Pakistan had no trade unions (and 29 worker committees) among 30 apparel factories. In Sri Lanka, there were three trade unions (and 26 worker committees) among 43 apparel factories. Other brands did not provide details or provide this data on their supplier listings.

1.5 CONCLUSION AND RECOMMENDATIONS

There is clear evidence of endemic human rights abuses and denial of rights to freedom of association and just and favourable conditions of work in Bangladesh, India, Pakistan and Sri Lanka. Yet, fashion companies continue to source without properly acknowledging and addressing these abuses, the impact of poverty wages and the impacts of the industry's own business model and purchasing practices. Through the pursuit of profit and the expansion of the supply chain, fashion companies are in danger of being an invaluable ally for repressive governments that continue to deny workers the right to freedom of association, through their willingness to source in any or all countries around the globe.

Fashion brands reliance on their own codes of conduct and compliance through tick box auditing is failing their workers and is nowhere near enough to lead to any credible respect for freedom of

²⁰ In addition, ASOS also responded that the assessment of the gender pay gap in their suppliers contributes positively to the overall audit score, one of the few cases in the responses where wider workplace factors is weighted in factory assessments.

²¹ See Annex 3

²² Marks and Spencer, [Interactive Supplier Map](https://corporate.marksandspencer.com/sustainability/interactive-supplier-map), <https://corporate.marksandspencer.com/sustainability/interactive-supplier-map>

²³ Fast Retailing reported this as 7% of its 56 tier 1 garment and processing factories located in Bangladesh, India and Pakistan (no production partner in Sri Lanka), <https://www.fastretailing.com/jp/sustainability/labor/excel/FRGarmentProcessingFtyList.xlsx>

²⁴ H&M Group, "Supply chain", <https://hmgroupp.com/sustainability/leading-the-change/transparency/supply-chain/>

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association in the face of state and employer restrictions and violence. The state's denial of freedom of association and the lack of human rights for workers in the four countries, underlines the need for companies sourcing from Bangladesh, India, Pakistan and Sri Lanka to meet their responsibility to undertake ongoing human rights due diligence, with specific attention to these issues, and to take the necessary measures to prevent abuses and provide effective remedy.

Fashion companies' lack of transparency on global supply chains and information about where exactly our clothes are made has meant limited public oversight. The role of auditing and non-binding company codes of conduct has unfortunately further masked the barriers to freedom of association and perpetuates a lack of legislative change in states which deny fundamental human rights to workers. This model for the garment industry enables both governments and brands to profit from a low-cost, predominantly female labour force who are denied the right to raise their collective voice.

International law and standards, including the UN Guiding Principles, require fashion companies to address all human rights impacts throughout their supply chain.²⁵ However, in most states there is a lack of binding legislation requiring companies to conduct such human rights due diligence. This has allowed the abuse of workers' rights to become embedded throughout the supply chains of major companies, with little meaningful action taken to address it.

Purchasing practices, including precarity of orders, low prices and time pressures placed on suppliers, have been clearly shown to negatively impact workers, encouraging precarity and informal employment, low minimum wage levels and excessive work targets. These practices, alongside the fact that significant production takes place in countries with high levels of gender-based violence and discrimination, mean brands must focus more attention on ensuring purchasing practices support progress towards just and favourable conditions of work. Companies must also recognize the particular challenges for women to raise grievances and ensure that intersecting discrimination for women, based on age, rural migration status, caste and descent-based discrimination as well as language are addressed throughout the supply chain.²⁶

The importance of ensuring relationships and long-term dialogue with **local**, regional and national trade unions cannot be overstated. These trade unions understand the dynamics at the factory level and the difference between management controlled yellow unions and genuine trade unions. Working with local trade unions will also support negotiations, enforceable, binding collective agreements and progress on wider issues such as raising the minimum wage or reforming anti-union legislation. Companies should consider entering into Global Framework Agreements with global unions which provide time-bound and public commitments showing concrete progress towards improving freedom of association and the empowerment of women workers in supply chains.

More broadly, brands need to implement sourcing strategies which incentivise genuine worker involvement and the formation of unions. For some brands, this might mean committing to factories outside of production locations or special economic zones which restrict trade unions or ensuring that their supplier factory and its workers have access to trade union representatives in the local areas. Importantly, it also means that brands incentivise states and suppliers committed to freedom of association. Crucially there must be analysis of the risks of employer retaliation against union members, and clear distinction made between independent trade unions and yellow unions, or worker councils. Where unions do not exist, there must be active work to encourage worker organizing – through engagement with local stakeholders but also ensuring that suppliers understand

25 UN Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, <https://www.ohchr.org/en/publications/reference-publications/guiding-principles-business-and-human-rights>

26 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

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the brand is truly supportive of worker organizing in the factory. This could take the place of ensuring longer term and regular orders are placed with those suppliers with functioning independent trade unions – and crucially keeping this relationship while union demands are negotiated and implemented. Short-term and precarious contracts with suppliers mean that there is little motivation for suppliers to support trade union building.

There is an urgent need for mandatory due diligence of brands at both the national and the regional level to hold companies to account and crucially ensure remediation for workers harmed by human rights abuses. Due diligence regulations at the state or regional level must include effective monitoring by the state (which includes participation of workers and their representatives) alongside requirements for all companies to commit to increased transparency and reporting as well as robust legal and financial sanctions for non-compliance.

As brands' human rights due diligence processes develop in response to the introduction of legislation, for example in the European Union (EU), it must be clear that the goal of such due diligence is not to transform human rights violations into a series of risks that only need assessing – but not addressing. The aim is to fundamentally shift the discourse on rights and freedom of association to one that empowers workers and sets brands and retailers on a path towards concrete change in this regard – as well as states.²⁷ Brands and retailers can take immediate steps towards progress by ensuring they account for their progress in commitments to freedom of association, while MSIs hold their members to account.

This briefing contains recommendations for brands and retailers including the following.

1.5.1 ON FREEDOM OF ASSOCIATION

- Take urgent action to end any and all coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse or join a trade union.
- Develop and implement a proactive public strategy on building freedom of association which works with independent local trade unions to concretely strengthen worker organizing.
- Build an ethical sourcing strategy that rewards genuine freedom of association, penalizes its denial, prohibits retaliation against unions, and reconsiders sourcing from any location that denies the right to freedom of association and collective bargaining for workers.
- Ensure that policies, paper commitments and codes of conduct on freedom of association are practically implemented, with time-bound progress monitored and made public.
- Support the formation of independent trade unions at suppliers, ensuring that worker committees and councils are not used to discourage or sidestep worker organizing.
- Negotiate enforceable legally binding agreements with trade unions and suppliers, similar to the International Accord, which operates with the support of the ILO, as well as Global Framework Agreements, making sure that progress is effectively monitored and made public.
- Work with other brands and retailers to develop leverage across suppliers and across countries to promote freedom of association in shared suppliers.
- Work with suppliers, unions and other stakeholders to ensure women workers and representatives are a critical partner and equally represented in social dialogue.

²⁷ T. Brydges and others, “Garment worker rights and the fashion industry’s response to COVID-19”, 2020, *Dialogues in Human Geography*, Volume 10, Issue 2, pp. 195-198.

- Support female-led trade unions in the workplace by genuine engagement, public support for their work, and specific training and awareness campaigns to all staff and suppliers on intersectional gender and caste-based discrimination.

1.5.2 ON DUE DILIGENCE AND HUMAN RIGHTS

- Publicly commit to respecting human rights and put in place adequate systems to identify, prevent, mitigate and – where necessary – provide effective remedy for human rights abuses connected to their operations. This includes assessing suppliers for barriers to *all* workers forming or joining a union of their choice. Conduct effective human rights due diligence on the right to form or join a trade union, and collectively bargain in collaboration with trade unions and other forms of independent worker organizations, including women’s organizations and independent worker committees.
- Review operational practices and policies to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses. This includes ensuring that respect for freedom of association is integrated throughout the company and that specific internal committees are tasked with this responsibility and have the ability to influence sourcing decisions.
- Provide swift and effective remedy where violations of freedom of association and collective bargaining – and other violations that may result from these, including gender-based violence and harassment – occur.

1.5.3 ON AUDITING AND TRANSPARENCY

- Commit to publishing audit reports and measurable human rights targets, disclosing names, addresses and other details of supplier factories, including disaggregated data on wages, gender, the existence of trade unions and collective bargaining agreements, as well as worker committees and all tiers in the value chain.
- Publish and make accessible to workers and national labour inspectorates all audit results, alongside related remediation measures, time-bound corrective action plans and details of brand support for the supplier.
- Regularly review auditing methodologies and ensure that auditing methodologies are gender-sensitive and undertaken in conjunction with other ongoing measures, including effective, enforceable, independent grievance mechanisms, proactive strategies to encourage independent union formation, genuine long-term engagement with local stakeholders, including trade unions, labour groups and women’s groups.

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2. INTRODUCTION

The aim of this briefing is to provide an insight into the policies, commitments and active promotion of the right to freedom of association and collective bargaining in key fashion brands and retailers' supply chains. It identifies the steps that brands can take in order to promote the right to freedom of association, and, at the same time, help mitigate the endemic human rights abuses found throughout the industry, such as low wages, overwork, harassment and systemic gender discrimination and sexual violence.²⁸

This briefing is designed to be read alongside Amnesty International's *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka*. That report looks in more detail at the human rights violations in Bangladesh, India, Pakistan and Sri Lanka and the role of states and employers (supplier factories).²⁹

The garment trade is a key export earning industry in South Asia. It accounts for 45% of Sri Lanka's total merchandise export earnings,³⁰ around 80% of foreign export earnings in Bangladesh,³¹ and employs about 12.9 million formal workers as well as several million informal workers in India.³² In Pakistan, the overall textile industry (including spinning) makes up about 8.5% of GDP and around 54% of export earnings.³³

Amnesty International's research includes an analysis of the ways that fashion brands and retailers (called fashion companies in this report), that source from these countries, reinforce barriers to workers' right to freedom of association. This briefing presents findings from an Amnesty International survey sent to 21 fashion companies and provides insight into the impact of business models and purchasing practices on garment workers in supply chains. This briefing identifies the responsibilities of fashion companies in relation to the United Nations Guiding Principles on Business and Human Rights (UN Guiding Principles) and assesses how these companies play a significant role in compounding the failure of states and factory employers to protect workers and respect freedom of association. It analyses the areas where fashion companies can work harder to promote freedom of association and decent working conditions across their supply chain in South Asia, looking at the root causes of poor conditions in the industry. It identifies how the denial of freedom of association exacerbates human rights abuses for garment workers. And it examines how the current model of complex supply chains in the industry diffuses responsibility and places a low value on the labour of the predominantly female garment workers, solidifying an exploitative business model which fashion companies need to address at its core. Finally, it makes recommendations for how fashion companies can play a much larger role in promoting freedom of association for workers in their supply chain.

Amnesty International's research contained in this briefing and the accompanying report, *Stitched Up*, combined with that of decades of research by numerous labour rights organizations, women's

28 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

29 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

30 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>

31 Asian Center for Development, Haque, A.K. & Bari, Estiaque. (2021). A Survey Report on the Garment Workers of Bangladesh 2020.

32 Berkley Blum Center for Developing Economies, Tainted Garments, The exploitation of women and girls in India's home-based garment sector, 2019. Page 5.

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

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groups and trade unions, shows that abusive working conditions are the norm for most garment workers in the region and that their freedom of association and other rights are systematically denied. Indeed, there has been no significant improvement 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. Endemic and structural exploitation of a mainly female garment workforce characterizes the supply chains of major fashion companies 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 impoverished, underpaid and overworked people.

International law and standards, including the UN Guiding Principles are clear that business enterprises must address and mitigate human rights impacts, including those outside of their control but directly linked to their operations, products or services through their business relationships, for example through their supplier factories.³⁴ This encompasses both the need for employers – in this case garment factories and garment production units (suppliers) – and businesses (buyers), such as fashion companies which contract out production to the suppliers to ensure abuses are mitigated and remediated.³⁵

In the search for cheaper production and low wages, brands and retailers have developed a highly complex supply chain outsourcing different “stages of the production process spread across diverse countries, short lead times and short-term buyer-supplier relationships.”³⁶ Fashion companies, especially those in fast fashion, have been criticized for global sourcing strategies which include flexible outsourcing from multiple locations, often with orders placed on commercial and price considerations rather than ethical sourcing decisions.³⁷ Moreover, the garment industry encourages the search for cheaper production hubs to maximize profits and create competition between production countries whereby Bangladesh, India, Pakistan and Sri Lanka compete to offer the cheapest and most efficient garment production in the region.

This model has enabled brands and retailers to contract out responsibility for workers and working conditions. It relies on low-cost, labour-intensive production, predominantly based in regions such as South Asia that have low wages and low levels of regulation and oversight. The ILO has highlighted that working conditions throughout Asia’s factories are associated with a high risk of human rights and environmental abuses by both private and state actors.³⁸ The growth of fast fashion and reactive sourcing according to consumer demand is increasing insecurity of employment for workers.³⁹

“Instead of being an agent of change for the industry, apparel companies continue to deflect responsibility to anyone and everyone besides themselves: governments in charge of minimum wage levels; factory owners and unions responsible for worker-employee negotiations; consumers responsible for demanding low prices. Meanwhile, the power global brands retain in the market means that governments and employers will do everything in their power to keep prices low in order to keep buyers engaged in production in their country.”

— Clean Clothes Campaign, Apparel Insider, Issue 11, Jan. 2020, p. 30-31. [Brands can be ‘agents of change’ in Bangladesh — Clean Clothes Campaign](#)

34 UN, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, 2011. Principle 13.

35 UN Guiding Principles, Principle 15 (previously cited)

36 OECD, Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2018

37 Arrigo E. Global Sourcing in Fast Fashion Retailers: Sourcing Locations and Sustainability Considerations. Sustainability. 2020; 12(2):508. <https://doi.org/10.3390/su12020508>

38 International Labour Office/The Lab, From obligation to opportunity A market systems analysis of working conditions in Asia’s garment export industry, September 2017. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_seed/documents/publication/wcms_628430.pdf8430.pdf

39 McKinsey, Revamping fashion sourcing: Speed and flexibility to the fore, 12 November 2021. <https://www.mckinsey.com/industries/retail/our-insights/revamping-fashion-sourcing-speed-and-flexibility-to-the-fore>

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3. METHODOLOGY

3.1 COMPANY SURVEY

In November 2023, Amnesty International sent 21 major fashion companies a survey requesting information about their policies, monitoring and actions related primarily to freedom of association. The survey had 66 main questions. The extensive use of yes/no questions supported easy answering and was designed to obtain specific answers to specific questions.

The survey questions covered purchasing practices, living wages, transparency of the supply chain, corporate human rights policies, corporate remuneration, 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.⁴⁰ Only adidas, Inditex and Primark were willing to be interviewed by Amnesty International.

The 21 companies were selected to represent large high street fashion brands from Asia, Europe and USA who have a large buying presence in the region, including adidas, BESTSELLER, C&A, Desigual, Fast Retailing, Gap Inc., H&M, Inditex, Marks and Spencer, Next, Otto Group, Primark and PVH. We also included newer fast fashion brands such as ASOS and the Boohoo Group (hereafter Boohoo), and ultra-fast fashion brand Shein. Global "platform" retailers who sell both their own brands and other third-party brands, Amazon and Walmart were included alongside UK supermarkets with significant clothing brands for sale such as Morrisons, Sainsbury's and Tesco. In total, these companies represent at least 74 different fashion brands and retail platforms.⁴¹

The full list of companies and their home country headquarters is:

adidas (Germany)	Desigual (Spain)	Morrisons (UK)
Amazon clothing (USA)	Fast Retailing (Japan)	Next (UK)
ASOS (UK)	Gap (USA)	Otto Group (Germany)
BESTSELLER (Denmark)	H&M (Sweden)	Primark (UK) ⁴²
Boohoo (UK)	Inditex (Spain)	PVH (USA)
C&A (Belgium/Netherlands)	Marks and Spencer (UK)	Sainsbury's (UK)
Shein (China)	Tesco (UK)	Walmart (USA) ⁴³

⁴⁰ The question was "Would your company CEO or Sourcing Director or Buying Director be willing to be interviewed by Amnesty International?"

⁴¹ 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 Cotonniers, 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

⁴² Primark itself is headquartered in Ireland, but is a subsidiary of Associated British Foods (ABF) based in London, United Kingdom

⁴³ Company headquarters were identified through the use of company or brand websites and public information.

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

Of the 21 companies, only six: adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark, provided full responses. adidas and ASOS 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 & 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.⁴⁴ Sainsbury's stated they could not complete the survey, adding: *"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. We tend to give responses through the BRC [British Retail Consortium], as this is our spokesperson and where we collaborate around the approaches we need to take as an industry."*

H&M responded and discussed the survey objectives with Amnesty International, but ultimately did not return the survey.⁴⁵ BESTSELLER responded with clarifications, but did not return the survey. Boohoo, C&A, 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".⁴⁶ Tesco also provided links to publicly available material.⁴⁷ Desigual and Gap Inc did not respond at all. Shein responded but stated that it does not source from any of the four countries surveyed.⁴⁸ Some of the key survey questions and answers have been included in the report in Annex 1.⁴⁹

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. In November 2024, Amnesty International sent relevant draft findings to the companies surveyed and other stakeholders in the report. adidas, ASOS, Best Seller, Fast Retailing, Inditex, Marks & Spencer, Morrisons, Next, the Otto Group, Primark, PVH, Sainsbury's and Shein responded. Details of the responses received are included in relevant sections of the report and relevant extracts found in Annex 3. ETI responded with helpful comments as did ACT and IndustriALL. All responses are analysed in this briefing and reflected in the findings as appropriate.

In addition to analysing responses to the company survey, Amnesty International also reviewed publicly available data, including company reports and updates on sustainability; environmental, social and governance reports; public listings of suppliers available on company websites; and the Open Supply Hub, which lists available data of suppliers in the garment and footwear industry, among others.⁵⁰ Amnesty International also analysed academic and industry reports, research and recommendations on the role of companies and supply chain due diligence.

44 "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."

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

46 All responses are on file with Amnesty International

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

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

49 All responses are on file with Amnesty International.

50 Open Supply Hub, <https://info.opensupplyhub.org/>

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3.2 FIELD AND DESK RESEARCH

As noted above, the survey analysis is part of broader research Amnesty International conducted for an investigation between July 2023 and June 2024, including interviews with 64 workers and 12 union leaders and labour rights activists in the region; 14 global and regional union leaders and labour experts, including academics and activists, using a mix of in-person interviews and online conversations.

Amnesty International also carried out extensive desk research related to barriers to freedom of association in the four countries, using information from research and other reports from labour rights, women's rights and civil society organizations, domestic, international and trade news media, academic journals, the International Labour Organization (ILO) and UN reports. These included reports by local unions and NGOs.

Despite the small number of completed surveys, those that did respond: adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark, represent over 25 brands and several leading online selling platforms. Their answers also provided insight into the different mechanisms that these brands are taking to approach freedom of association, including membership of multi-stakeholder initiatives and agreements with global trade unions. Where relevant, findings from the broader research have been highlighted in this briefing, to provide context and an analysis of the current situation for workers in the four countries surveyed: Bangladesh, India, Pakistan and Sri Lanka, as well as recommendations for change.

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4. LEGAL RESPONSIBILITIES OF FASHION BRANDS AND RETAILERS

4.1 CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

All companies have a responsibility to respect all human rights. This applies wherever companies operate in the world and throughout their operations, regardless of their nationality or size. This is a widely recognized standard of expected conduct as set out in international business and human rights standards, including the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises (OECD Guidelines).⁵¹ The corporate responsibility to respect human rights is independent of a state's human rights obligations and exists over and above compliance requirements with national laws and regulations protecting human rights.⁵² The responsibility to respect human rights requires companies not to cause or contribute to human rights abuses through their own business activities, and to address impacts in which they are involved, including by remediating any actual impacts.

Human rights standards also require companies to seek to prevent or mitigate adverse human rights impacts directly linked to their operations, products or services by their business relationships.⁵³ Crucially, this includes human rights impacts a company has directly caused or contributed to, and those linked to a company's products or services through a business relationship, even if the company has *neither caused nor contributed* to the impact. Human rights due diligence encompasses the entire value chain, both upstream and downstream, and includes the responsibility to respect the rights to freedom of association, assembly and expression."⁵⁴

When identifying a human rights impact, the following factor may be taken into consideration: "the extent to which an enterprise could or should have known about the adverse impact or potential for adverse impact, i.e. the degree of foreseeability".⁵⁵

To meet its corporate responsibility to respect human rights, a company should take proactive and ongoing steps to identify and respond to its potential or actual human rights impacts. Importantly, businesses should implement a due diligence process to identify, prevent, mitigate and account for how they address their human rights impacts that the enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.⁵⁶ When conducting human rights due diligence, a company may identify that it may cause or contribute to – or already be causing or contributing to – a human rights abuse. In

51 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, 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 and Transnational Corporations and Other Business Enterprises, Human Rights Council, Resolution 17/4, 6 July 2011, UN Doc. A/HRC/RES/17/4; OECD Guidelines for Multinational Enterprises, OECD, 2011, <https://www.oecd.org/corporate/mne>

52 UN Guiding Principles, Principles 11 and 13 including Commentary (previously cited)

53 UN Guiding Principles, Principle 11 including Commentary (previously cited)

54 UN Guiding Principles, Principle 12 including Commentary (previously cited).

55 An enterprise "contributes to" an impact if "its activities, in combination with the activities of other entities, cause the impact, or if the activities of the enterprise cause, facilitate or incentivise another entity to cause an adverse impact." OECD, "OECD Due Diligence Guidance for Responsible Business Conduct", 2018, Question 29.

56 UN Guiding Principles, Principle 17 (previously cited).

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these cases, the business enterprise should cease or prevent the impact, and where applicable, use its leverage to mitigate any remaining impact.⁵⁷

The UN Guiding Principles explain that where impacts are outside of the business enterprise's control but are directly linked to their operations, products or services through their business relationships, brands must still address and mitigate these impacts. This encompasses both the need for employers – in this case garment factories and garment production units (suppliers) – and businesses (buyers), such as fashion companies which contract out production to the suppliers to take action. For example, where workers in supplier factories have been denied the right of freedom of association, or have been underpaid, or had other human rights abuses occur within the supply chain of a brand or retailer, the brand or retailer must seek to mitigate the human rights impact by exercising leverage or seek to improve leverage where leverage is limited, including through collaboration if appropriate: “Leverage is considered to exist where the enterprise has the ability to effect change in the wrongful practices of an entity that causes a harm.”⁵⁸ In practice, this means that brands and retailers should work together if needed to mitigate issues at a particular factory or supplier. At the same time, the supplier factory also has the responsibility to prevent such abuses occurring as well as to mitigate and remediate.

The UN Guiding Principles indicate that companies should remedy any human rights abuse to which they have caused or contributed.⁵⁹ Remedy should include guarantees of non-repetition as well as satisfaction,⁶⁰ compensation and other measures of reparation as appropriate.⁶¹ The touchstone of reparation is that it must seek to remove the consequences of the violation and, as far as possible, restore those who have been affected to the situation they would have been in had the violation not occurred.

Additionally, the UN Guiding Principles are clear that when assessing and identifying risks, business enterprises should involve meaningful consultation with potentially affected groups and relevant stakeholders. Businesses must pay special attention to potential impacts on individuals or groups that are at “heightened risk of vulnerability or marginalization, and bear in mind the different risks that may be faced by women and men”.⁶² In practice, this must include dialogue with worker organizations and focus on the negative impacts of the garment industry on women, migrants and workers who are from marginalized communities at increased risk of abuses, such as those from minority religions, caste or ethnicity. The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the ILO Governing Body in 1977 and last amended in 2022 make clear that this process should include genuine dialogue with worker organizations and take “account of the central role of freedom of association and collective bargaining as well as industrial relations and social dialogue as an ongoing process.”⁶³

57 UN Guiding Principles, Principle 17 (previously cited).

58 UN Guiding Principles, Commentary to Principle 19 (previously cited).

59 UN Guiding Principles, Principle 15 (previously cited).

60 Satisfaction covers a broad range of measures which will be applicable as appropriate to the circumstances and includes measures aimed at the cessation of the violations; verification of the facts and full and public disclosure of the truth; a public apology, including acknowledgment of the facts and acceptance of responsibility; and judicial and administrative sanctions against those responsible for the violations. See Principle 22, UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles on reparations), 21 March 2006, UN Doc. A/RES/60/147.

61 UN Basic Principles on reparations (previously cited).

62 UN Guiding Principles, Principle 18 and commentary (previously cited).

63 ILO, Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 2022, 10 (e)

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4.2 STATE OBLIGATIONS TO PROTECT WORKERS AGAINST CORPORATE ABUSE

States have obligations to protect human rights under international human rights law including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Bangladesh, India, Pakistan and Sri Lanka have each ratified all of these treaties.⁶⁴ Article 23 of the United Nations Universal Declaration of Human Rights and the ICESCR provide that everyone has the right to just and favourable conditions of work, the right to equal pay for equal work, the right to just and favourable remuneration and the right to form and to join trade unions.⁶⁵ The Committee on Economic, Social and Cultural Rights' (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 18 states that protection of the right to work includes the right to form trade unions. While in General Comment 23, the ICESCR Committee has emphasized 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."⁶⁶ Additionally, under international human rights law and standards, workers cannot be discriminated against or targeted for participating in trade union activities.⁶⁷ This includes protection against anti-union discrimination and dismissal for participating in union activity.⁶⁸

Under international human rights law, all states have a duty to protect workers against human rights abuses by all actors, including companies.⁶⁹ 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.⁷⁰ 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".⁷¹

States also 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.⁷²

This duty for states extends not only to oversight of the corporate actors within their country, for example garment factories, labour agents and contractors, but also to any fashion companies operating and sourcing from their countries. Under the UN Guiding Principles, while states are not "per se responsible for human rights abuse by private actors", states "may breach their international human rights law obligations where such abuse can be attributed to them, or where they fail to take appropriate steps to prevent, investigate, punish and redress private actors' abuse."⁷³

64 United Nations, Status of Ratification. <https://indicators.ohchr.org/> accessed 24 September 2024

65 United National Universal Declaration of Human Rights, Article 23 and UN, International Convention of economic, social and cultural rights, articles 6-9.

66 ICESCR, General Comment No. 23 (2016) on the Right to just and favourable conditions of work, para 1 and UN Committee on economic, social and cultural rights, thirty-fifth session, The right to work. General Comment No. 18, 24 November 2005. Para 12 (c).

67 ILO Convention No 158, 1982, Article 5.

68 ILO Convention No. 98, article 1.

69 UN Guiding Principles, Principle 1 (previously cited)

70 UN Guiding Principles, Principle 1 (previously cited)

71 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/>

72 United Nations Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework, 2011.

73 UN Guiding Principles, Commentary to Principle 1 (previously cited).

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5. BRAND RESPONSES

5.1 BRAND RESPONSES ON TRANSPARENCY

Transparency is a key component of human rights due diligence. Transparency of the supply chain provides crucial information to workers and their local trade unions about who the main buyers in their factories are. With this information, they can, where necessary, communicate allegations of abuse directly to these buyers. Transparency also enables trade unions operating at the national sectoral level, as well as global trade unions (such as IndustriALL, which represents garment and textile sector unions), to fully understand the issues and risks contained in company supply chains. At the same, this public information enables more public scrutiny of suppliers by stakeholder bodies, such as multi-stakeholder initiatives (MSIs) working on the garment sector as well as labour rights groups.

Transparency allows everyone to have accurate and timely information about which brand or retailer produces at which factory, helping address and remedy human rights abuses in the supply chain. Without this information, there is little proof to show brand claims of human rights compliance.⁷⁴

In the immediate aftermath of the Rana Plaza collapse in Bangladesh in April 2013, many fashion companies quickly denied sourcing from there. Workers and unionists were forced to sort through the rubble to identify the tags and labels of big brands involved.⁷⁵ The resulting spotlight on supply chains, and campaigning for compensation for those affected, ultimately led to increasing numbers of fashion brands publishing lists of their suppliers.⁷⁶ However, while there is a trend towards improving traceability and transparency in the garment and footwear industry, Amnesty International's findings show that there remains a significant lack of public disclosure.⁷⁷

Most large fashion companies do not own their production facilities, instead contracting this work to garment production factories (tier 1 suppliers). This is alongside outsourcing the production of textiles and fabrics, washing, dying and accessories and trims (such as buttons, yarn and zips) to suppliers in tiers 2, 3 and below (cotton farms for example).⁷⁸ Thus, most garment workers produce clothing in factories contracted to 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 as well as those involved in dying, washing, producing fabrics and packing. H&M, for example, has 1,619 facilities linked to them on the Open Supply Hub.⁷⁹ In 2021, Inditex stated that their supply chain encompassed 1,790 direct suppliers in 44 markets using 8,756 factories, with over three million workers.⁸⁰

The subcontracted and complex supply chain brings with it problems of oversight and due diligence in monitoring factory conditions and ensuring human rights abuses are uncovered, addressed

74 Clean Clothes Campaign, Unclear Supply Chains. <https://cleanclothes.org/unclear-supply-chains>

75 Human Rights Watch, A Message to Global Brands from a Rana Plaza Survivor, April 2017. <https://www.hrw.org/news/2017/04/24/message-global-brands-rana-plaza-survivorhrw.org>

76 Fashion United, Eleven years after Rana Plaza, where is the fashion industry in terms of transparency?, April 2024. <https://fashionunited.uk/news/business/eleven-years-after-rana-plaza-where-is-the-fashion-industry-in-terms-of-transparency/2024042475266>.

77 United Nations Economic Commission for Europe / United Nations Centre for Trade Facilitation and Electronic Business Recommendation No. 46: Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector, 2022, 1A.

78 Tier One suppliers are the factories or units which cut, sew, and prepare and ship to the buyer the finished garments. Tiers 2 and 3 are factories or facilities which undertake processes like printing, spinning, embroidery, dying and laundering. Tier 3 is primarily textile mills which transform raw materials into fabric or thread and tier 4 is the raw material source (for example cotton farms).

79 Open Supply Hub, search accessed 12 December 2023. https://opensupplyhub.org/facilities?contributors=5975&sort_by=name_asc

80 Inditex, Our Suppliers, Inditex Annual Report 2021, https://static.inditex.com/annual_report_2021/en/positive-impact/our-suppliers.html

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and remediated. The UN Guiding Principles make clear that companies “need to know and show that they respect human rights” and “showing involves communication, providing a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders.”⁸¹

Across the garment industry there is no current mandatory requirement for brands and retailers to publicly report their suppliers’ details. Increasingly larger numbers of companies provide public lists of their suppliers on a regular basis or provide information to the Open Supply Hub (OSH) a non-profit American organization, previously known as the Open Apparel Registry (OAR) which began mapping suppliers in the apparel sector in 2019.⁸² However, listing suppliers remains a voluntary practice and there is no oversight of how accurate this data is, what is included in the data (such as whether the data should include all processing tiers of the supply chain), and how regularly this data is updated. For example, Inditex does not provide a public list of its suppliers, but did provide data for the OSH in September 2019, although this data does not seem to have been updated in the last five years.⁸³

Amnesty International asked the 21 companies surveyed if they published details of their supply chain. We also analysed the public reporting of supplier locations for all 21 companies we surveyed, using either company published lists available on their own websites or supplier details provided through the OSH, which holds details of supplier locations for the garment industry alongside other key industries.⁸⁴

The findings confirmed an inconsistent practice and lack of transparency. On a positive note, of the companies we surveyed for this report, 19 do publish lists of at least their tier 1 suppliers (the final production units) either on their web pages or through the OSH.⁸⁵ However, far fewer details are available for tiers 2 and 3 – the weaving, washing, dying and processing units.⁸⁶ For example, while the Otto Group publishes an online map and production facilities for its different companies, it has limited details, while just one of its fashion companies, Bonprix, currently publishes additional data.⁸⁷ Desigual publishes only its tier 1 suppliers while several others publish lists showing processing supplier units such as dying and washing (adidas, C&A, Gap Inc., H&M, PVH and Tesco).⁸⁸ Fast Retailing publishes tier 1 and processing supplier units such as washing and printing. Next provides lists of tiers 1, 2 and 3.⁸⁹ Marks & Spencer includes a link to its own interactive map of suppliers in different product categories which includes worker numbers.⁹⁰ Shein and Walmart do not publish any supplier lists or contribute data to the OSH.⁹¹ Where available, company supplier lists are detailed in Annex 2.

81 UNHCHR, “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework” (2011), Commentary to Principle 21 (previously cited).

82 Open Supply Hub, <https://info.opensupplyhub.org/>

83 See OSH search for ‘Inditex’ https://opensupplyhub.org/facilities?contributors=225&sort_by=contributors_desc, accessed 27 October 2024.

84 Open Supply Hub, <https://info.opensupplyhub.org/>

85 Supplier lists and links to company lists in OSH are detailed in Annex 1.

86 Tier One suppliers are the factories or units which cut, sew, and prepare and ship to the buyer the finished garments. Tiers 2 and 3 are factories of facilities which undertake processes like printing, spinning, embroidery, dying and laundering. Tier 3 is primarily textile mills which transform raw materials into fabric or thread and tier 4 is the raw material source (for example cotton farms).

87 The Otto group provided the following links in its response to the presentation of draft findings of the report: See here <https://www.ottogroup.com/de/nachhaltigkeit/lieferkette.php> and here: https://static.ottogroup.com/medien/cached/docs/supplyChain/otto-group_list-of-business-partners-and-factories.pdf. The Group also stated that it “will also publish the supply chain data of other Otto Group companies on the Open Supply Hub from 2025”. See also Bonprix here: https://en.bonprix.de/corporate/fileadmin/user_upload/company/international/our_responsibility/documents/Lieferantenliste_bonprix_Mai_2024.pdf. See Annex 3 for full response.

88 Fashion Revolution, Supplier list. Accessed June 2024. <https://www.fashionrevolution.org/tag/supplier-list/>, The Transparency Pledge. <https://transparencypledge.org/>. Searches of Open Supply Hub, https://opensupplyhub.org/?sort_by=contributors_desc and company survey responses. Many brands publish lists of Tier 1 factories which complete clothing products or undertake cut and trim. Lower tiers are sometimes called processing facilities and include washing, fabric and dying.

89 Next Plc, Our Suppliers, <https://www.nextplc.co.uk/corporate-responsibility/our-suppliers>

90 Marks and Spencer, Interactive supplier map, <https://corporate.marksandspencer.com/sustainability/interactive-supplier-map>.

91 <https://transparencypledge.org/aligned/> and OSH data accessed June 2024.

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Brands which are not already publishing regular supplier lists must do this as an urgent priority in order to ensure effective oversight of all subsequent claims of human rights due diligence and remediation. Information should include at a minimum, the:

- full name and addresses of all authorized production units and processing facilities for all tiers, including raw materials
- supplier parent company
- type of products made
- number of workers (including a gender breakdown of workers)
- wage levels and any gender pay gaps
- existence of an independent union and any collective bargaining agreements.⁹²

5.2 BRAND RESPONSES ON COMMITMENT TO AND PROMOTION OF FREEDOM OF ASSOCIATION

Publication of supplier details is the first step. It is also essential that fashion brands and retailers monitor and publicly report on their monitoring of the existence of trade unions at the factory level. Amnesty International asked the 21 companies surveyed if they provide public disclosure of functioning and/or registered trade unions at production units and processing facilities. The survey specifically requested this data on tier 1 factories, understanding that this tier was the most commonly published.

All six brands which responded in full: adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark, answered that they do monitor the existence of trade unions and/or worker committees. However, only Fast Retailing provided public disclosure of trade unions in their supply list at the tier 1 level – the final garment production units. In March 2024, Fast Retailing, expanded the scope of disclosure and shared information on trade unions at fabric mills in the list of tier 2 partners.⁹³ Inditex stated that it did not publicly report on this but shared this information with relevant unions affiliated to IndustriALL as part of its Global Framework Agreement with IndustriALL.⁹⁴ adidas, ASOS, Otto Group and Primark did not share details. However, adidas reported that it did disclose union status for all suppliers nominated as suppliers for major sporting events.⁹⁵ ASOS further stated that it does collect this information and plans to report on it in the future.

Amnesty International researchers cross-checked supplier lists and checked company supplier lists available online for the 15 brands that did not respond or fully complete the survey. Marks & Spencer's listing of suppliers does provide details of whether the factory has a trade union or worker committee/council. H&M lists its suppliers with details of the existence of a trade union or "the number of democratically elected workers representatives". Sainsbury's list provides details of tier 1 factories and details of the existence of either a trade union or a committee but does not distinguish between the two. Next Plc does distinguish and provides details of the existence of a trade union or "freely elected workers committee" for its tier 1 suppliers (but not for tiers 2 and 3). Amazon, BESTSELLER, Boohoo, C&A, Desigual, Gap Inc., Morrisons, and do not publish any data on unions or committees. Walmart and Shein do not publish any details of suppliers. Information held on the Open Supply Hub does not generally reference to trade union or worker committees. Links to brand supplier lists are contained in Annex 2.

⁹² See also the Transparency Pledge commitments at <https://transparencypledge.org/the-pledge/>

⁹³ In its response to Amnesty International's presentation of its draft findings, Fast Retailing provided a link to its updated supplier lists: <https://www.fastretailing.com/eng/sustainability/labor/list.html>

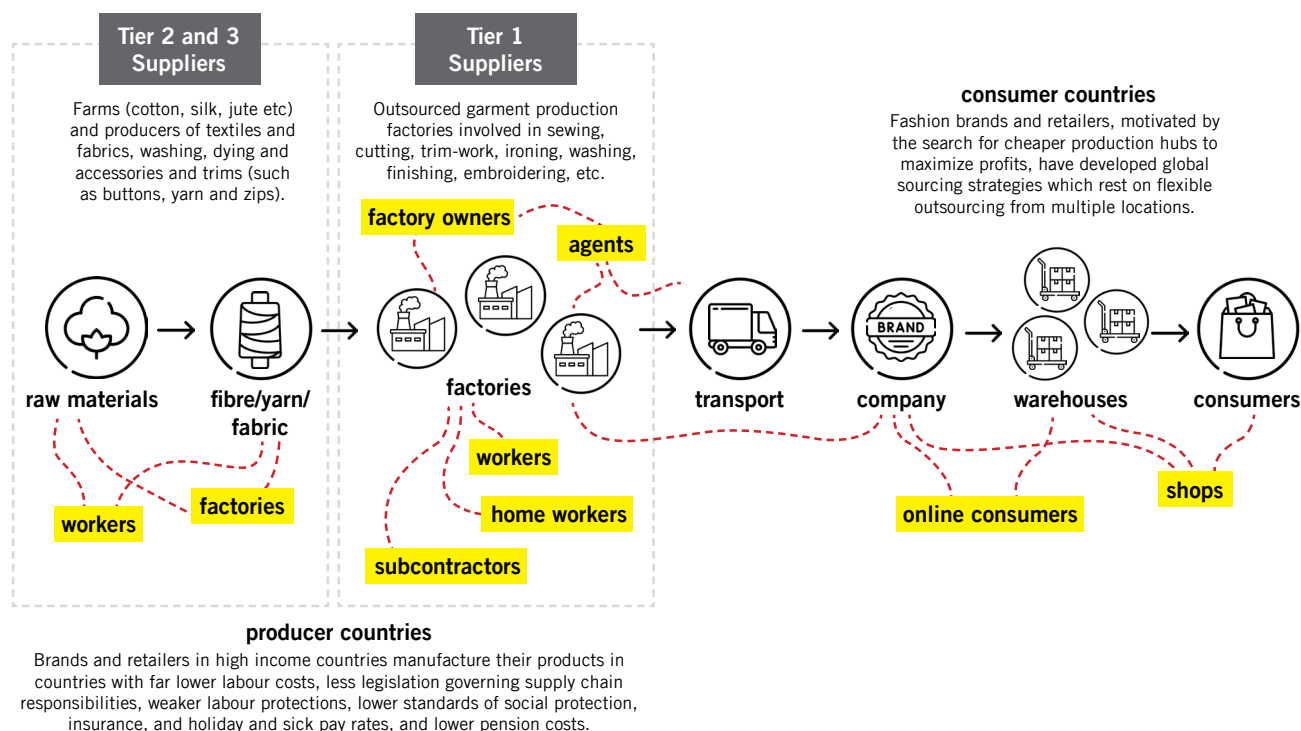
⁹⁴ IndustriALL Global Framework Agreement Inditex, <https://www.industriall-union.org/inditexstriall-union.org>

⁹⁵ adidas Group, Supplier lists, <https://www.adidas-group.com/en/sustainability/transparency/supplier-listsup.com> (accessed 20 September 2024). For example, the supplier list for the UEFA Euro Cup 2024 includes details of five Pakistan factories producing accessories and apparel, none of whom have a trade union, but all have 'employee elected worker representatives'.

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COMPLEX SUPPLY CHAIN OF GARMENT INDUSTRY



While the public listing of supplier details is the crucial first step in providing some level of transparency within a supply chain, it is vital that details on trade unions collective agreements and worker committees is provided in these lists to support claims of compliance with freedom of association. Only a very limited number of companies surveyed provided this information publicly.

5.3 TRADE UNION EXISTENCE IN SUPPLIER FACTORIES

Amnesty International also asked what percentage of their suppliers in Bangladesh, India, Pakistan and Sri Lanka have an independent trade union.

Unlike unions, worker committees and similar structures do not always have the legal right to be collective bargaining agents and in many cases are nominated and coordinated by the employer or management. Worker committees also enable brands and retailers sourcing from countries which deny freedom of association to workers a useful mechanism with which to still claim compliance with freedom of association and other fundamental rights, while continuing to source from these states.⁹⁶ Research shows that many of these committees have been co-opted by management, states and ultimately large fashion brands and retailers to circumvent the establishment and power of independent trade unions.⁹⁷

Bangladesh, India, Pakistan and Sri Lanka have all established special economic zones (SEZs) or free trade zones which curtail labour rights either in practice – through barriers to effective organizing in Sri Lanka – or through regulations reducing the rights of workers to form trade unions

⁹⁶ British Journal of Industrial Relations, Mark Anner, CSR Participation Committees, Wildcat Strikes and the Sourcing Squeeze in Global Supply Chains, March 2018. pp. 75–98.

⁹⁷ Business and Human Rights Resource Centre, just for show: Worker representation in Asia's garment sector & the role of fashion brands & employers, June 2024 and Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

in Bangladesh, India and Pakistan.⁹⁸ Amnesty International's research has found that these form key barriers to the right of freedom of association for workers, either through creating disproportionate hurdles for worker organizing, reducing union access to workers or curtailing the right to industrial action.⁹⁹ Brands and retailers however have continued to source in these zones by allowing the formation of worker committees over independent unions without effectively challenging the diminishment of worker rights.

Of the six brands that responded in full, **Fast Retailing** reported that as of 2024, of the 56 factories located in Bangladesh, India and Pakistan (no production partner in Sri Lanka), 7% have a trade union.¹⁰⁰ **adidas** stated that 9.5% of the suppliers in Bangladesh, India and Pakistan have independent trade unions (they also had no production partner in Sri Lanka).¹⁰¹ **ASOS** stated that the information is collected, and it aims to begin reporting on the presence of independent trade unions in their supply chain in the future. Otto Group responded that "there is currently no centralized or accumulated data available. However, this information is reported in [amfori] audits and interested parties can inquire about the specifics for each facility individually."¹⁰²

In its response to Amnesty International's presentation of the draft findings of the report, **BESTSELLER** acknowledged the gaps in transparency and stated that they are committed to "expanding the scope of data disclosed on trade unions, gender equality, and freedom of association" as well as "publishing more detailed factory assessment methodologies".¹⁰³

Inditex has a Global Framework Agreement (GFA) with the global trade union IndustriALL and most of Inditex's answers are seen through the lens of that agreement. Inditex's initial response provided no figures but stated that within the "framework of the GFA, we establish mechanisms that strengthen the role of local trade unions and move towards a better understanding of the needs of workers in our supply chain, including these markets" and "that suppliers and manufacturers effectively respect workers' freedom of association" through the use of this mechanism.¹⁰⁴

Inditex also stated that suppliers which have an independent trade union are monitored under the GFA with IndustriALL which enforces freedom of association and collective bargaining agreements. Within the framework of the GFA, a Global Union Committee aims to continue to increase participation of workers' representatives. This includes union representatives "that cover India, Sri Lanka and Bangladesh manufacturers". Amnesty International followed up, asking Inditex to detail the numbers of unions and how the GFA has increased the numbers of trade unions, but no exact figures were provided.

Primark responded that at "the present time, we do not disclose this information" and referred to its supplier code of conduct and supply chain human rights policy, stating: "all workers have the right to join or form trade unions of their own choosing and to bargain collectively".¹⁰⁵ Primark's supplier list does not hold details of the existence of either unions or worker committees.¹⁰⁶

An analysis of the six responses, from adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark,

98 Lorenzo Cotula, Liliame Mouan, Journal of International Economic Law, Volume 24, Issue 2, June 2021, Pages 341–360, Labour Rights in Special Economic Zones: Between Unilateralism and Transnational Law Diffusion. <https://academic.oup.com/jiel/article/24/2/341/6219919>.

99 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

100 Response of Fast Retailing to the presentation of the draft findings and here <https://www.fastretailing.com/jp/sustainability/labor/excel/FRGarmentProcessingFtyList.xlsx>

101 Fast Retailing Garment Factory and Processing Factory List, September 2024, <https://www.fastretailing.com/jp/sustainability/labor/pdf/FRGarmentProcessingFtyList.pdf> and <https://www.fastretailing.com/jp/sustainability/labor/pdf/RCoreFabricMillAuxiliaryMaterialFtyList.pdf>

102 All responses on file with Amnesty International.

103 See Annex 3 for the full response from BESTSELLER.

104 Response on file with Amnesty International.

105 Response on file with Amnesty International.

106 Primark, Primark Global Sourcing Map, last updated October 2023. <https://globalsourcingmap.primark.com> accessed 2 October 2024.

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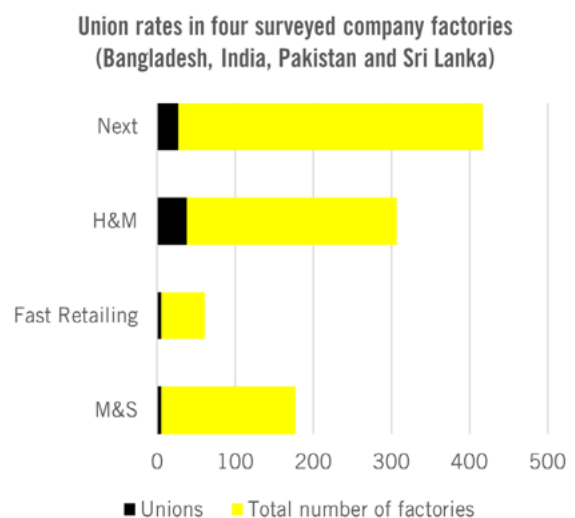
alongside an analysis of the other surveyed brands' publicly available supplier lists (which include details of the existence of trade unions), shows that there is an extremely low number of actual trade unions in all four countries. For example, **Marks and Spencer** had five trade unions out of 172 listed clothing suppliers with 167 worker committees.¹⁰⁷ No unions were present at factories in India or Pakistan. **Fast Retailing** did not list the existence of worker committees. Based on the September 2024 list, out of the 56 tier 1 garment and processing factories located in Bangladesh, India and Pakistan (no production partner in Sri Lanka), there were a total of five trade unions. In Bangladesh out of 32 factories there were three unions. In India, out of 23 factories there were two unions and in their single Pakistan factory there was no union.¹⁰⁸

H&M had 1,087 suppliers' entries with approximately 145 factories in Bangladesh, including tier 1 and tier 2 (and several accessories and homeware factories). Of these factories, 29 had trade unions. Of the 31 factories in Pakistan, none had unions. In India, 93 factories were listed with eight trade unions. There were no suppliers listed for Sri Lanka.¹⁰⁹

Next had 23 trade unions in Bangladesh (compared to 134 committees) out of 167 apparel factories. In India there was one trade union (and eight committees) out of 150 apparel factories. In Pakistan, out of 30 apparel factories there was no trade union and 29 worker committees. In Sri Lanka, out of 43 apparel factories there were three trade unions and 26 worker committees.

Inditex does not make this data public but stated that: *"Information of number of unions at factory level is not disclosed in the Annual Report. In this particular, what we check during audits is whether or not FOA rights are enjoyed by the workers (see page 218 of the 2022 Inditex Annual Report), which is not necessarily related with the number of unions at supply chain level."* According to their Annual Report, over 90% of active factories of Inditex suppliers with purchases in 2022 in Asia complied with the code of conduct relating to freedom of association and collective bargaining.¹¹⁰ However, this figure applies to factories successfully passing Inditex's auditing and monitoring on the code of conduct. Without further details and noting the low rates of union existence in South Asia and widespread denial of the right to freedom of association, these statements on compliance do not necessarily reflect workers' ability to exercise their right to freedom of association at the factory level.

These findings provide a very stark indication of the low levels of unionization within the supply chains of major fashion companies in South Asia. They reveal the impact of the 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 association. Our research shows how all four states have effectively denied this right to garment workers, including by creating disproportionate or arbitrary barriers to registration, unionization and strike action, and by failing in their responsibility to protect workers, union members and officials from corporate abuse including discrimination, harassment and dismissal.¹¹¹



107 Interactive Supplier Map | Marks and Spencer (marksandspencer.com)

108 Fast Retailing reported this as 7% of its the 56 Tier 1 garment and processing factories located in India, Pakistan and Bangladesh (no production partner in Sri Lanka), <https://www.fastretailing.com/jp/sustainability/labor/excel/FRGarmentProcessingFtyList.xlsx>

109 H&M, Supply Chain, <https://hmgroup.com/sustainability/leading-the-change/transparency/supply-chain/>

110 Inditex Group, Annual Report 2022, https://static.inditex.com/annual_report_2022/pdf/Inditex-group-annual-report-2022.pdf, p218.

111 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

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In all four states, the rate of union membership is in general low but especially in the garment sector. In Bangladesh in the garment production sector, the rate of unionization is estimated to be 2.25%.¹¹² In India, the overall union density is around 19% according to ILO figures¹¹³ but is only 5% in garment manufacturing.¹¹⁴ Recent economic policy changes including the growth of SEZs, limited enforcement of labour laws, and the casualization of employment across India means that less than 10% of the entire workforce is covered by key labour laws including on wages and unionization.¹¹⁵ In Sri Lanka, the rate of unionization is low with only around 9.5% of the total workforce in unions. Only 18% of unions are in the private sector compared to around 54.5% in the public sector, such as government officials, teachers, and so on.¹¹⁶

5.4 PROMOTING INDEPENDENT WORKPLACE TRADE UNIONS

In South Asia, the promotion of worker committees was established to provide some form of worker representation in the absence or denial of trade unions. These committees do not have the same legal rights as trade unions, they cannot represent their members in the same way as trade unions and for the most part cannot negotiate a binding collective agreement that covers all the different aspects of working life. Genuine respect for freedom of association cannot be replaced by worker committees and companies must ensure they work towards progress on the formation of independent worker-led trade unions.

It is also crucial for companies to assess the independence of existing trade unions who may be management-led or management-formed yellow unions.¹¹⁷ This must be done through working with local stakeholders. This monitoring must include transparent reporting to ensure oversight and accountability.

To assess whether companies recognized the crucial difference between genuine trade unions and worker committees, Amnesty International asked brands if they distinguish between factory level trade unions or worker representative committees/employee councils. Of the six companies that responded in full (adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark), adidas, ASOS, Fast Retailing and Inditex replied that they do, while Primark does not distinguish.

In its response to Amnesty International's draft findings, **Primark** stated that *"While we do not have a policy that differentiates between worker committees and unions, we do require our approved supplier sites to make sure **all** mechanisms for worker representation remain free from interference as set out in our Supplier Code of Conduct.¹¹⁸ Ensuring worker's rights to freedom of association, the free formation of unions and the unhindered election of workers' representatives are central to this, and we recognise the importance of supporting workers' freedom to organise in a way that reflects their preferences".¹¹⁹* It should be noted however, that where a state denies workers the right to form trade unions or places excessive burdens on union formation, this is certainly not a preference or a choice.

The Otto Group added that currently, it is "not able in a systematic way to distinguish". For the

112 Khan, M. A., Brymer, K., & Koch, K. (2020). The production of garments and textiles in Bangladesh: trade unions, international managers and the health and safety of workers. *South Asian Journal of Human Resources Management*, 7(2), 276-292.

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

114 Fair Wear Foundation, India Country Study 2019, page 12.

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

116 ILO, Workers and Employers Organizations in Sri Lanka and the Maldives. <https://www.ilo.org/regions-and-countries/asia-and-pacific-deprecated/ilo-sri-lanka/areas-work/workers-and-employers-organizations-sri-lanka-and-maldives>. Accessed 21 June 2024.

117 Business and Human Rights Resource Centre, Just for show: Worker representation in Asia's garment sector & the role of fashion brands & employers, June 2024. (previously cited).

118 Primark, Supplier Code of Conduct, <https://corporate.primark.com/en-gb/primark-cares/our-approach/our-supplier-code-of-conduct>.

119 See Annex 3 for relevant sections of Primark's response.

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other brands, data was only available for Marks and Spencer which did distinguish in its public data on suppliers¹²⁰ as does H&M¹²¹ and Next Plc. Sainsbury's does not distinguish between unions and committees.

The acceptance of worker committees in the place of genuine trade unions – which have legal rights to represent workers individually and collectively – has meant many states are able to get away with numerous restrictions in law and in practice which greatly limit the right to freedom of association, as our research has shown in Bangladesh, India, Pakistan and Sri Lanka.¹²² At the same time, brands which continue to conflate worker committees with trade unions enable union busting to continue while claiming compliance with the core ILO Conventions on freedom of association.¹²³

Public disclosure of trade unions and worker committees	Providing details of trade unions or worker committees (without distinguishing)	Providing no details of either unions or committees	Providing limited information	Providing no public disclosure of any supplier details
Fast retailing (tier 1 and 2) M&S H&M Next	Sainsbury	ASOS, Otto Group, and Primark did not share details PVH Boohoo Tesco's Morrisons BESTSELLER C&A Amazon Desigual GAP	adidas reported that it discloses union status for all suppliers nominated as suppliers for major sporting events ¹²⁴	Walmart Shein

5.5 TIME-BOUND COMMITMENTS

In order to ensure that there is progress towards greater worker representation and union membership in the global supply chains of garment companies, it is key to ensure that specific targets, goals and indicators are established to measure the improvement of worker representation. In its survey, Amnesty International asked the 21 brands if they had “published measurable, time-bound and long-term commitments, targets or goals on improving freedom of association?” Of the six brands providing full responses, **Fast Retailing** responded yes, but gave links only to their supplier code which does not contain measurable time-bound commitments.¹²⁵ **adidas, Otto Group** and **Primark** responded no.

Inditex replied yes, stating this was through their GFA with the global trade union for the sector,

120 Marks and Spencer, Interactive Supplier Map, <https://corporate.marksandspencer.com/sustainability/interactive-supplier-map>

121 H&M Group, Supply Chain, Supply chain - H&M Group (hmgroup.com), <https://hmgroup.com/sustainability/leading-the-change/transparency/supply-chain/>

122 See Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited), section 4.5 and 4.6.

123 Business and Human Rights Resource Centre, Just for show: Worker representation in Asia's garment sector & the role of fashion brands & employers, June 2024.

124 adidas Group, Supplier lists, <https://www.adidas-group.com/en/sustainability/transparency/supplier-listsup.com> (accessed 20 September 2024). For example, the supplier list for the UEFA Euro Cup 2024 includes details of five Pakistan factories producing accessories and apparel, none of whom have a trade union, but all have 'employee elected worker representatives.

125 Fast Retailing, Code of Conduct for Production Partners. www.fastretailing.com/eng/sustainability/labor/coc.html (accessed 3 September 2024).

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IndustriALL, and through membership of the Action, Collaboration and Transformation (ACT) initiative,¹²⁶ adding that “*within the framework of our relationship with IndustriALL, we facilitate the monitoring of our supply chain by different means, such as the access to factories in our supply chain, provided to IndustriALL and its local affiliates or the extensive information we share on the manufacturers and suppliers...This provides an insightful knowledge on our supply chain which feed different KPIs monitored by IndustriALL, specially on Freedom of Association.*”¹²⁷ Neither the GFA between Inditex and IndustriALL nor ACT have published measurable, time-bound targets on improving freedom of association.¹²⁸ However, a new protocol signed in 2022 establishes new mechanisms for cementing the role of the local unions, introduces a joint work plan and continues progress on a new workplace access protocol.¹²⁹

In October 2024, the Inditex global union committee, formed as part of the renewed GFA signed in 2019, passed several resolutions. These included calling on Inditex to continue its long-term commitment to Bangladesh and to ensure that workers are paid for periods of unrest, that Inditex does not penalize suppliers for order delays as a result of such factory closures or other barriers to normal production and transportation, and that Inditex continues to place orders with Bangladeshi suppliers to help build confidence in the economic and political future of the country. The resolutions also urge Inditex to make its supplier list public in order to ensure transparency.¹³⁰

In its response to Amnesty International’s presentation of draft findings of the report, ACT did not provide details of any measurable time-bound targets but did state that: “*Despite its importance as a fundamental worker right and due diligence obligation, the respect for Freedom of Association is among the most difficult measures. Clear indicators are needed to measure the implementation of due diligence responsibilities on freedom of association in the supply chain. As we know from the ILO supervisory mechanisms, the simple number of workers being organized in trade unions, or the number of trade unions, does not mean that they are recognized as bargaining agents for collective bargaining. Rather than presence of trade unions or workplace committees at factory level, the actual number of collective bargaining agreements in the supply chain should be taken into account as an indicator*”, as well as wage related data.

Collective bargaining agreements are clear evidence of progress towards freedom of association and crucially, evidence of potential progress towards workers’ ability to change their working conditions. Given the huge power imbalance between employers and brands on the one hand and workers on the other, collective agreements are clear indicators of progress. It is crucial that collective agreements signed between fashion brands, retailers and global unions, or within initiatives such as ACT, ensure that the brands engage directly with local unions representing the workers employed by their

126 ACT stands for Action, Collaboration and Transformation. “ACT is an agreement between trade unions and both global brands and retailers to transform the garment, textile and footwear industry and achieve living wages for workers.” ACT aims “to achieve living wages for workers through collective bargaining at industry level, freedom of association and responsible purchasing practises.” Current members include IndustriALL Global Union, Asos, BESTSELLER, Big W, C&A, Cotton On Group, Esprit, G-Star Raw, H&M Group, Inditex, Kmart, Lidl, New Look, Next, Pentland, Primark, PVH, Sainsbury’s, Tchibo, Tesco and Zalando. See <https://actonlivingwages.com/> (accessed 24 September 2024). In response to the draft findings presented to ACT for comment, ACT stated that ACT is not a multi-stakeholder initiative “but 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...Trade unions are represented through IndustriALL Global Union and their national affiliates. All programmes, interventions and organisational strategies and goals are negotiated between brands and trade unions. Contrary to multi-stakeholder initiatives, ACT does not rely on consultation or advisory boards, but the entire programmatic work itself is negotiated and agreed between the participating Trade Unions and brands.”

127 Response provided on 21 December 2023.

128 IndustriALL, Global Framework Agreements, <https://www.industrialall-union.org/global-framework-agreements> and ACT (Action, Transformation and Collaboration), <https://actonlivingwages.com/>

129 IndustriALL, On the 15th anniversary of their Global Framework Agreement, Inditex and IndustriALL reaffirm commitment with a new protocol, 3 October 2022, <https://www.industrialall-union.org/on-the-15th-anniversary-of-their-global-framework-agreement-inditex-and-industrialall-reaffirm>.

130 In addition, a call was made asking that Inditex “live up to its public commitments and sign an agreement to support collectively bargained wages in the garment, textile, footwear and travel goods industry in Cambodia. IndustriALL, Global union committee advances workers’ rights in Inditex’ supply chain, 17 October 2024. <https://www.industrialall-union.org/global-union-committee-advances-workers-rights-in-inditex-supply-chain>.

suppliers (and with legitimate labour rights groups working with them where unions are effectively restricted. Brands should also support suppliers in signing access agreements, create a positive environment for freedom of association and negotiate collective agreements between the employers and factory level unions. This progress includes commitments to measured and time-bound results.¹³¹

ASOS also referred to its GFA with IndustriALL.¹³² Both GFAs are voluntary agreements, as is the GFA signed in 2015 between **H&M** and IndustriALL. This agreement recognizes the importance of unions and the respect for freedom of association and collective bargaining by H&M throughout its supply chain. While it details the development of national monitoring committees, it does not give clear targets.¹³³ However, the 2023 H&M Sustainability Disclosure Report states that the percentage of tier 1 supplier factories with trade union representation grew from 32% in 2020 to 37% in 2023.¹³⁴

Amnesty International's research into public documents for the 15 brands that did not respond to its survey did not uncover any public time-bound and measurable targets for improving freedom of association.

The lack of such commitments and targets for improving freedom of association highlight the low levels of attention that major fashion companies give to this key enabling right. While most fashion companies have a clear commitment to freedom of association in their code of conduct or human rights policy, there are very few, if any, targeted strategies with indicators of progress produced in order to resolve the low level of actual unionization within South Asian supply chain workers. Little regard has been given to publicly accounting for how fashion companies seek to improve freedom of association in these four countries.

In part, this is because in the fashion industry, the lack of trade unionization is caused by many factors, often outside of their control. It is also in part because of global antipathy towards trade unions from businesses.¹³⁵ Successful trade unions and the exercise of freedom of association

Does your company have “published measurable, time-bound and long-term commitments, targets or goals on improving freedom of association?”		
	Yes	No
Six brands provided full responses		
adidas		
Otto Group		
Primark		
Fast Retailing		gave links only to their supplier code which does not contain measurable time-bound commitments
Inditex		through GFA and ACT which have no published measurable, time-bound and long-term commitments, targets or goals on improving freedom of association
ASOS		through GFA which have no published measurable, time-bound and long-term commitments, targets or goals on improving freedom of association

131 ACT has recently concluded a legally binding agreement by brands and retailers to support Collective Bargaining Agreements in the garment and footwear sector in Cambodia ACT, Ground-breaking Binding Agreements Signed Between Apparel Brands and IndustriALL Global Union to Support Collectively Bargained Wages for Garment Workers, Cambodia, May 2024. <https://actonlivingwages.com/where-we-work/cambodia/>. In its response to Amnesty International's draft findings PVH stated that “in partnership with ACT, IndustriALL Global, and member brands, [PVH] has signed individual binding agreements to support a collective bargaining agreement in Cambodia to enable higher wages, better working conditions, and sourcing commitments from brands.

132 ASOS, Global Framework Agreement with IndustriALL, <https://asos-12954-s3.s3.eu-west-2.amazonaws.com/files/1116/3231/4360/asos-industriALL-gfa.pdf>

133 IndustriALL, IndustriALL Global Union and H&M sign global framework agreement, <https://www.industriall-union.org/industriall-global-union-and-hm-sign-global-framework-agreement>.

134 H&M, H&M Group Sustainability Disclosure 2023, <https://hmgroupp.com/wp-content/uploads/2024/03/HM-Group-Sustainability-Disclosure-2023.pdf>. P.62.

135 Harvard Business Review, How Businesses Should (and Shouldn't) Respond to Union Organizing, January 2023. <https://hbr.org/2023/01/how-businesses-should-and-shouldnt-respond-to-union-organizing>.

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enables workers to form organizations that can improve their workplaces, working hours, working conditions and income, while attempting to equalize power dynamics in the workplace. Research shows 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.¹³⁶ Indeed, as ACT stated in its response to Amnesty International's draft findings, "**collective bargaining agreements are legally binding on suppliers**" and binding agreements between unions and brands can be "profoundly different from what the global garment industry has seen in the past, as they can ensure that benefits and responsibilities can be equitably distributed among brands, employers, and workers".¹³⁷

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, such as in Europe, where unionization rates have traditionally been high, union membership has been declining.¹³⁸

5.6 PROMOTING FREEDOM OF ASSOCIATION

In reality, workers' ability to organize and bargain collectively depends on local and global factors that often are beyond the influence of any single brand. Nevertheless, brands still have a critical role to play in individual factories — as well as in global efforts that contribute to an enabling environment for promoting freedom of association and collective bargaining.

Increasingly, companies are understanding that their responsibility to respect fundamental human rights includes adopting pro-active policies and commitments which encourage prevention and identification of, and remedy for, human rights abuses, in line with the UN Guiding Principles. However, the denial of freedom of association in many of the key garment production countries has not yet been properly addressed by companies, who continue to see the issue as a matter of individual supplier risk management and not as one of the core underlying reasons for the endemic abuses within the sector and in South Asia.

Amnesty International's research shows the close link between the denial of the right to freedom of association and the abusive working conditions endemic throughout Bangladesh, India, Pakistan and Sri Lanka. Without an effective voice and the ability to organize, workers are unable to push for the systemic changes needed to protect themselves, raise wages, and push back against gender-based violence, union busting, harassment, long working hours and arbitrary dismissal.¹³⁹

The majority of large fashion companies, including all 21 companies surveyed by Amnesty International, have adopted codes of conduct or a series of principles for their operations and for their suppliers based on ILO Conventions and on the ILO Declaration on Fundamental Principles and Rights at Work. These codes all commit to the right to freedom of association. However, although company codes all commit to this, in practice many production states maintain repressive legislation which fundamentally undermines enjoyment of this right. As such, fashion company codes effectively enable companies to continue sourcing from such countries while claiming to uphold the highest standards.

136 ILO, ILO Stat, Beyond the numbers: exploring the relationship between collective bargaining coverage and inequality, April 2023.

137 ACT response to Amnesty International's presentation of draft findings. Full response in Annex 3

138 Statista, Annual labor union density for G7 and OECD 1960-2020, <https://www.statista.com/statistics/1357189/labor-unions-density-g7-oecd> and Statista, Countries with the highest percentage share of their workforce being members of labor unions worldwide as of 2020, <https://www.statista.com/statistics/1356735/labor-unions-most-unionized-countries-worldwide>, accessed 2 November 2024. International Relations, Badigannavar V, Kelly J, Kumar M. Turning the tide? Economic reforms and union revival in India. 2021; 52: 364–385.

139 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

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Garment brands and retailers can and should play a much larger role in promoting freedom of association for workers in their supply chain. While human rights policies and codes of conduct, for the most part, all refer to the need for suppliers to uphold freedom of association and collective bargaining, the extensive barriers to freedom of association and other widespread human rights abuses experienced by many workers in production states indicates more needs to be done. Codes of conduct requiring suppliers to uphold freedom of association are meaningless in a place where the state denies these rights – in practice or through repressive legislation.¹⁴⁰

Indeed, our research found that all the workers interviewed who had been involved in attempting to form or join a newly established trade union at their workplace faced repercussions ranging from harassment and threats to dismissal. This paints a very different picture to the one where brands report all suppliers allow workers the right to freedom of association and collective bargaining.¹⁴¹

FASHION COMPANIES SUPPORTING LEGISLATIVE PROGRESS

The need for binding due diligence legislation has also been recognised by several fashion brands and retailers. For example, in 2023, in the wake of the Covid-19 pandemic, 50 companies, investors, business associations and initiatives operating in the UK, published an open letter calling on the UK government to “introduce a new legal requirement for companies and investors to carry out human rights and environmental due diligence.” The letter’s signatories included key UK fashion brands and retailers including ASOS, Morrisons, Primark, Sainsbury’s, and Tesco’s. The letter recognised the impact of the pandemic on global supply chain workers and communities in demonstrating the “fragility of global supply chains, and the vulnerabilities this creates and exacerbates”. It went further in recognising the governance gap in supply chains by stating that

“Mandatory human rights and environmental due diligence is key to ensure that efforts by companies that respect people and the planet, both during and after the COVID-19 recovery, are not undercut by the lack of a uniform standard of conduct applying to all business actors. Some companies are already taking steps to implement due diligence processes in line with the corporate responsibility to respect human rights as outlined by the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. However, more companies need to assess, act and report on their potential and actual impacts on human rights and the environment.”

“UK legislation with clear accountability should harmonise expectations towards companies, irrespective of where they operate; provide access to remedy for victims; and ultimately bring change of the necessary scale and speed to positively contribute to the lives of people and the planet.”

— Calling for a New UK Law mandating human rights and environmental due diligence for companies and investors, August 2022, https://media.business-humanrights.org/media/documents/UK_BUSINESS_STATEMENT_MHREDD_Aug22_BxsbbeA.pdf

Brands can use their immense power and leverage to encourage production countries to adapt laws to support freedom of association. Currently, there are no penalties from fashion brands and retailers for those states choosing to deny the right to freedom of association in their countries. Instead, this denial is marked as a risk which the brands address through a series of often ineffective monitoring measures like social audits, or worked around through the creation of worker committees, which

140 Clean Clothes Campaign, *Out of the Shadows A spotlight on exploitation in the fashion industry*, 2020.

141 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

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cannot replace genuine worker trade unions.¹⁴²

One way companies could use their power is by advocating for changes to domestic law in dialogue with the production states, which can promote legislative changes as the authorities realize that companies are serious about rewarding progress.¹⁴³ This should be coupled with a commitment to stable orders for those suppliers and areas which promote independent worker organizing, as reforms may impact profit margins, such as raising the minimum wage. Incentivising and rewarding suppliers and states which respect and promote freedom of association can send a powerful message to other states that reforming legislation to comply with human rights laws and standards is both a human rights necessity and a requirement for continued business investment.¹⁴⁴

The recent Corporate Sustainability Due Diligence Directive (CSDDD), passed in May 2024, sets human rights standards for large companies operating in the European Union (EU), compelling member states to bring the directive into their national legislation. While the legislation fails to cover smaller companies, it should, if robustly implemented, be a step towards preventing the abuse of workers involved in making products for sale in the EU.¹⁴⁵ But much more needs to be done at both the national level and in terms of changing company practices. Companies can also support efforts in their own countries to push for binding due diligence legislation. For example, in the USA, several brands have expressed support for the New York Fashion Sustainability and Social Accountability Act which seeks to introduce binding legislation and financial penalties for brands failing to improve due diligence measures.¹⁴⁶ In the UK, similar support has been shown for similar legislation [see box on page 30]. In its response to Amnesty International's presentation of the draft findings of the report, BESTSELLER wrote: *"we support Amnesty's call for greater accountability and systemic change in the garment industry. We advocate for and welcome mandatory human rights due diligence legislation, which would create a level playing field and enhance accountability across the industry."*¹⁴⁷

5.7 BRAND RESPONSES ON PROACTIVELY PROMOTING FREEDOM OF ASSOCIATION

Amnesty International asked 21 brands and retailers how they proactively promote the right to freedom of association in their suppliers in Bangladesh, India, Pakistan and Sri Lanka. In order to assess individual company commitment and actions, we specifically asked them how they did this outside of belonging to MSIs, such as the Ethical Trading Initiative, or other bodies such as ACT, and outside of any GFAs they may have [of the surveyed brands, ASOS, H&M and Inditex have GFAs with IndustriALL]. This is primarily to assess individual actions that take place outside of voluntary and often opaque MSIs that can be primarily company-led.¹⁴⁸ Criticism of some MSIs by trade unions and labour rights groups has included the use of MSI membership as a mechanism to deflect

¹⁴² Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

¹⁴³ Clean Clothes Campaign, *Fashioning justice A call for mandatory and comprehensive human rights due diligence in the garment industry*, January 2021.

¹⁴⁴ Fairwear Foundation, *Brand Guide 2021 Freedom of Association*, 2021, <https://api.fairwear.org/wp-content/uploads/2021/04/Fairwear-Freedom-of-Association-Brand-Guide-2021.pdf>.

¹⁴⁵ Amnesty International, *Europe: New EU due diligence law governing big business is a landmark advance for human rights*, 24 May 2024. <https://www.amnesty.org/en/latest/news/2024/05/new-eu-due-diligence-law-governing-big-business-is-a-landmark-advance-for-human-rights/>

¹⁴⁶ Fashion United, *Challenges of New York's Fashion Act and those helping to prepare for it*, March 2024. <https://fashionunited.com/news/business/challenges-of-new-york-s-fashion-act-and-those-helping-to-prepare-for-it/2024031258849ted.com>.

¹⁴⁷ See Annex 3 for the full response from BESTSELLER.

¹⁴⁸ However, as the Ethical Trading Initiative responded in its comments to the draft findings, "it is important to distinguish between genuinely tripartite organisations, including ETI, and some others. ETI is fully tripartite, being comprised of companies, trade unions and NGOs, throughout the organisation from our governance through to agreeing of priorities through to monitoring of progress."

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individual responsibility as well as the lack of transparency on concrete progress.¹⁴⁹

None of the six brands that responded in full – adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark – provided detailed evidence of independently, proactively promoting and encouraging the right of workers to freedom of association and collective bargaining, except through training and dissemination of supplier codes of conduct and membership of MSI's such as the Ethical Trading Initiative or joint agreements such as ACT and GFAs.¹⁵⁰

For example, **adidas** reported that it provided training on freedom of association to existing and newly onboarded suppliers, as well as ensuring that suppliers train workers, display company policy and procedures on factory notice boards and work areas, post banners at the factory areas and ensure relevant freedom of association information is included in the employee handbook. Such measures are a long-established part of brand promotion of codes of conduct which the majority of brands undertake. However, the existence of a paper code of conduct on a factory wall should be seen as an absolute minimum and cannot substitute for active support in worker organizing, such as working directly with local trade unions, or working with factories that can show the existence of a trade union. This is especially the case in countries like Bangladesh, India, Pakistan and Sri Lanka with high levels of factory retaliation for union organizing.

ASOS, Fast Retailing, and Primark referred to their codes of conduct.

ASOS also referred to its Freedom of Association and Collective Bargaining policy. **ASOS** is one of the few fashion brands to have a separate freedom of association and collective bargaining policy, in addition to their supplier code of conduct. This policy states that *"it is mandatory for all suppliers of ASOS branded goods for resale... to ensure compliance with the International Labour Organisation's Conventions 87, 98, 135 and 154 relating to Freedom of Association and Right to Collective Bargaining"*. It adds that *"ASOS recognizes that both a Worker's right to organize and bargain collectively are the foundations for the realization of other labour rights and is therefore a signatory of the Global Framework Agreement with IndustriALL Global Union."*¹⁵¹ While ASOS recognizes the enabling role and importance of worker organizing and collective bargaining for ensuring worker access to human rights, including just and favourable conditions of work, is not clear to what extent this policy commitment is actively promoted or prioritized to build a sourcing strategy which ensures that sourcing takes place only in countries where the right to freedom of association can be protected and promoted.

In its response to Amnesty International's draft findings, Primark also provided further information on its work with MSIs such as Ethical Trading Initiative, its work with IndustriALL and ACT, and *"an initiative called Industrial Relations in Bangladesh, which encourages worker representation through democratically elected bodies across 26 participating factories. This initiative provides training to suppliers and factory management on dispute resolution, relationship building, and promoting a positive working environment."*¹⁵²

Companies need to ensure that workers fully understand their right to discuss, form, join and participate in trade unions and are protected when exercising these rights. This means providing workers with guarantees of non-retaliation (this could be in the form of specific contract terms), it

149 SOMO, A piece, not a proxy The European Commission's dangerous overreliance on industry schemes, multi-stakeholder initiatives, and third-party auditing in the Corporate Sustainability Due Diligence Directive, November 2022.

150 For example, Inditex referred to collaboration with the ILO Better Work Programme [Better Work Pakistan, <https://betterwork.org/pakistan/our-programme/>], which operates in Pakistan and ETI on its Social dialogue and gender programme in Bangladesh, which focuses on tackling gender harassment but not the development of trade unions. Inditex, Workers at the Centre, page 3. <https://www.inditex.com/itxcomweb/api/media/9235c592-7d6c-4878-b891-36134c402e57/Workers+at+the+Centre+2022.pdf?t=1685097514063>. The Otto Group, in its response to the draft findings stated "the Otto Group is publicly committed to promoting freedom of association, as articulated in both the Human Rights Declaration and the amfori Code of Conduct."

151 ASOS, Freedom of Association and Collective Bargaining Policy, https://asos-12954-s3.s3.eu-west-2.amazonaws.com/files/3116/4424/5454/ASOS_Freedom_of_Association_and_Collective_Bargaining_Policy.pdf

152 See Annex 3

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means rigorous monitoring of trade union activity and any repercussions by the managers – including assessing signs of harassment and discrimination. As we discuss later in the report, these issues are not clearly seen in most audit procedures, which is why brands should build long-term relationships with local and national trade unions and involve other external stakeholders like women’s groups or labour groups.

Companies should consider entering into GFAs with global unions which provide fuller monitoring and broader commitments. However, GFAs should be transparent agreements, which offer time-bound and public commitments by the companies showing concrete progress in improving freedom of association and supporting the empowerment of women workers. This will help prevent brands from hiding behind such agreements while making no progress. Commitments can include ensuring sourcing decisions highlight human rights in sourcing regions, mapping union activity, tracking numbers of collective bargaining agreements, increasing dialogue with stakeholders, and responsiveness to union-busting cases.

Of the brands Amnesty International surveyed, **ASOS**, **H&M** and **Inditex**, have GFAs with the global trade union IndustriALL. As IndustriALL clearly states, “Global framework agreements contain agreed mechanisms for implementation including establishment of global joint company-union structures and monitoring by the affiliated organizations in close coordination and communication with the General Secretary.” All the GFAs within the sector have specific monitoring mechanisms.¹⁵³ All GFAs must include references to Conventions 87 & 98. They “guarantee” a:

“commitment from the company to treat unions positively, and refrain from all anti-union activities, and to remain strictly neutral concerning employee preference to join, remain with, transfer, or abandon their relationship with a union organization. Further, the GFAs include access language that guarantees union representatives reasonable access to the workplace. GFAs contain an effective mechanism for implementation, enforcement, and a procedure for binding dispute resolution”.

In case of “complaint or violation of the provisions of a global framework agreement, along with agreed mechanisms, IndustriALL Global Union’s Charter of Solidarity in Confronting Corporate Violations of Fundamental Rights shall be applied”.¹⁵⁴

At the same time, brands can enter into enforceable binding agreements, such as the International Accord for Health and Safety in the Garment and Textile Industry, which places a legally binding responsibility on company signatories.¹⁵⁵ The International Accord commits company signatories to:

1. Disclosing all factories producing for them in countries with International Accord programmes.
2. Ensuring all listed factories participate in the inspection, remediation and safety training programmes.
3. Supporting factories to ensure remediation is financially feasible.
4. Contributing to the operational costs of International Accord programmes.¹⁵⁶

¹⁵³ Specific agreements. <https://www.industriall-union.org/global-framework-agreements> Within the TGSL, IndustriALL global union has GFAs with the following brands – Inditex, Mizuno, Asos, H&M, and Tchibo. <https://www.industriall-union.org/global-framework-agreements>

¹⁵⁴ In its response to Amnesty International draft findings, IndustriALL further stated that “GFAs are tools for IndustriALL trade union affiliates to increase union density within a company’s supplier factories. We do not view Freedom of Association as a time-bound issue. This is the work of trade unions and one cannot characterize this fundamental right of workers as “time-bound.” See <https://www.industriallunion.org/industriall-charter-of-solidarity>.

¹⁵⁵ International Accord, About us, <https://internationalaccord.org/about-us> (accessed 10 October 2024)

¹⁵⁶ The International Accord began as the Accord on Fire and Building Safety in Bangladesh in 2013 in the aftermath of the April 2013 Rana Plaza collapse. It has since developed into two separate Accords – Bangladesh and Pakistan. International Accord, <https://internationalaccord.org/signatories>. ASOS, BEST SELLER, Boohoo, C&A, Fast Retailing, Gap, H&M, Inditex, M&S, Morrisons, Next, Otto Group, Primark, PVH, Sainsbury’s and Tesco’s have signed both the Bangladesh and the Pakistan Accord. Amazon, Shein, Desigual and Walmart have signed neither.

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Company and union relationships built either through transparent GFAs or enforceable binding agreements or local dialogue are key to enabling workers to fully understand their rights and be able to exercise them with local support, as opposed to employer-mandated training, which may or may not include trade union representatives.

The lack of active engagement by brands with local unions and pro-active policies that identify, measure and report on progress towards freedom of association is echoed by Know the Chain's findings measuring company engagement with trade unions, which assesses human rights due diligence in several key areas. Know the Chain's 2022 report assesses 65 companies in the apparel and footwear sector, including 11 of the brands surveyed by Amnesty International.¹⁵⁷ Of the 65 brands surveyed, only 12% of companies disclosed even partial information on the percentage of their supply chains covered by collective bargaining agreements. Only Inditex provided a breakdown by region and only two companies, H&M and Lululemon, provided aggregate data for all tier 1 suppliers. Only 22% reported engaging with local or global unions to improve freedom of association in their supply chains. 29% however did disclose one or more instances of informal or formal engagement with a local union or global union federation. 28% of companies disclosed having a GFA, another enforceable labour rights agreement with a union, or participation in a sector initiative as part of which they have concluded an agreement with a global union federation.¹⁵⁸ Only 8% of companies (ASOS, Fast Retailing, Gap Inc., H&M and PVH) disclosed mechanisms that involve workers or their representatives in the design or performance of a grievance mechanism available to supply chain workers and their representatives.

5.8 MECHANISMS USED TO PROMOTE PROGRESS ON FREEDOM OF ASSOCIATION INTERNALLY

Current sourcing strategies and human rights due diligence guidance assesses the denial of freedom of association as a "risk" for human rights due diligence and not as an absolute barrier to sourcing. According to the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector for example, "national laws that may restrict the right to establish or join a trade union and representative organizations of the workers' own choosing can be considered a red flag", as can laws that "place extensive prohibitions on bargaining, or that ban strikes altogether".¹⁵⁹ "Laws that permit government interference, for example, by allowing the government to dissolve unions without legal recourse, to impose burdensome union registration procedures, limit the formation of national unions, prohibit or limit multiple unions within a single plant (including minority unions), or restrict who may serve as a union member" and "laws that restrict freedom of association for certain workers, e.g. migrant workers" are also "red flags". Within the OECD Guidance, these risks must be identified and clearly understood, with in-depth supplier assessments carried out "to identify whether anti-worker policies and practices are being promoted by the supplier".¹⁶⁰

However, the guidance is less clear when it comes to addressing state-level and country-wide denial of freedom of association and assessing if and when risks are too severe to continue to source or when sourcing conditions will inevitably result in workers not being able to exercise their fundamental rights.

¹⁵⁷ Brands surveyed by both Amnesty International and by Know the Chain are adidas, Amazon, ASOS, Boohoo Group, Fast Retailing, Gap, H&M, Next, Primark, PVH and Walmart. Know the Chain/Business and Human Rights Resource Centre, 2023 Apparel & Footwear Benchmark Findings Report, 2023, p52-3.

¹⁵⁸ Know the Chain/Business and Human Rights Resource Centre, 2023 Apparel & Footwear Benchmark Findings Report, 2023. <https://knowthechain.org/benchmark/>.

¹⁵⁹ OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2018, Module 6, Trade unions and collective bargaining.

¹⁶⁰ OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, 2018, Module 6, Trade unions and collective bargaining.

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The reporting framework for the UN Guiding Principles are clear that human rights benchmarks and respect for a robust human rights due diligence must be embedded throughout a company, including at a senior level. This includes ensuring that company staff responsible for human rights performance are able to influence business decisions that might have significant human rights implications, which includes sourcing decisions.¹⁶¹ It also makes clear that assessment and performance-related incentives linked to human rights risk management are included in evaluations of staff whose roles affect human rights-related issues.¹⁶² The Office of the UN High Commissioner for Human Rights further recommends “embedding human rights into management systems, including responsibilities in job descriptions and performance appraisals”.¹⁶³ However, final decisions on sourcing are usually taken by the buying and sourcing teams within a company, with input from the human rights or social responsibility and ethical teams, who may provide input, assessments and guidance, but who generally do not make final decisions on buying locations.

Brands need to ensure that respect for freedom of association is integrated through their corporate structure. CEOs and senior management should be incentivised to promote union growth through clear reward structures and performance indicators.

To investigate the reality of human rights due diligence commitments at a senior level, Amnesty International asked the 21 brands what internal mechanisms they used to encourage support for and incentivise management and CEOs to make progress on freedom of association, for example, through clear reward structures and performance indicators. Of the six brands providing full answers (adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark), **Fast Retailing, Primark, Otto Group and Inditex** stated that they have “Agreed and transparent Environmental social and governance or corporate social responsibility performance indicators (ESG/CSR KPIs) which influence annual bonuses”. **Primark** stated that in 2024, it introduced “key performance indicators linked to bonus remuneration for senior Directors in Primark, including those running the Ethical Trade and Environmental Sustainability team. The details of these KPIs are not public”.¹⁶⁴

adidas, ASOS, Fast Retailing, Otto Group and Primark all have internal committees working on human rights issues, with Inditex also having a separate specific committee focused on freedom of association.

Internal processes, such as the establishment of internal reward schemes for progression on human rights issues such as those at Fast Retailing, Inditex, Otto Group and Primark and internal human rights committees such as those at adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark are a positive step. Other major companies, including several who did not respond, have similar committees, including for example Marks and Spencer which has a Human Rights Steering Group and a human rights Practitioner Committee.¹⁶⁵ Overall, there are far fewer public details on internal rewards and performance indicators related to freedom of association which influence annual bonuses, suggesting that these schemes, which are a very visible form of ensuring time-bound progress, are much more limited.

161 UN Guiding Principles, Embedding Respect for Human Rights, UN Guiding Principles Reporting Framework, A2 1-5, (previously cited).

162 UN Guiding Principles, Embedding Respect for Human Rights, UN Guiding Principles Reporting Framework, A2 3 (previously cited).

163 Office of the UN High Commissioner for Human Rights, Guide for Business How to Develop a Human Rights Policy, Chapter six, page 24

164 See Annex 3

165 Marks and Spencer, Our Approach to Human rights, 2017, page 11, <https://corporate.marksandspencer.com/sites/marksandspencer/files/marks-spencer/human-rights-and-our-supply/Our%20Approach%20to%20Human-rights-report-2017.pdf>.

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5.8.1 INCENTIVISING THE EXISTENCE OF TRADE UNIONS IN SOURCING AND ORDERING DECISION-MAKING

To protect and promote fundamental human rights, companies need to ensure that commercial sourcing decision making is taken hand in hand with human rights considerations and not seen as an add-on. This would mean that sourcing strategies take into account a state's respect for freedom of association and collective bargaining, and that states promoting genuine freedom of association are assessed positively. This would include rewarding suppliers who have supported and protected workers' right to unionize, as evidenced by independent worker-led trade unions, as well as rewarding regions where this right is respected (or indeed where progress is being made) with increased supplier relationships, orders and long-term contracts.

Without commitment from brands to support change, continuing to source heavily in states which deny the right to independent worker organizing enables and tacitly condones ongoing repression and underlines the paper-thin commitments of brands to freedom of association.

Amnesty International asked the 21 brands, "What criteria is used to identify and maintain a list of preferred suppliers?" and "Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source?"

adidas did not use the existence of a trade union or a worker committee in its criteria for a preferred supplier list but stated that its "Workplace Standards detail clear rules of conduct for our business partners regarding core human rights expectations, including environmentally sound, safe and healthy working conditions, fair wages and benefits, freedom of association, prohibition of excessive overtime, forced and child labour, and protection against harassment and discrimination. The Standards help us to select business partners that have workplace standards and business practices consistent with our values, and to reject those that do not. Thus, all new suppliers must be authorized by adidas' Social & Environmental Affairs (SEA) department before any sales samples can be produced or before any production orders can be placed with a supplier.¹⁶⁶ Adidas added: "factories which are identified to have a zero-tolerance issue will be disqualified from doing business with adidas".¹⁶⁷

ASOS stated that the existence of a union and/or a worker committee would contribute to the overall audit score and that "supplier scorecards are used to inform sourcing decisions. These scorecards are not publicly available but human rights compliance is actively weighted."¹⁶⁸

Fast Retailing did not provide details, instead stating: "*Fast Retailing has built long-term relationships of trust with a relatively small number of factories that not only meet technical and quality criteria but also share the values described in the "Production Partner Code of Conduct (COC)". UNIQLO has had business relationships with major factories for more than 20 years. Provisions on compliance with the "Code of Conduct for Production Partners (COC)" as well as on COC compliance audit are incorporated into supplier contracts. In addition, the signing of the COC is mandatory to the contract process, and we only sign contracts with factories that pledge to comply with the COC*".

Fast Retailing also replied that it does actively weigh human rights compliance or exceedance of compliance in its sourcing policy, stating: "*We conduct due diligence on any potential new partner prior to commencing business with them. This process ensures potential partners comply with our Code of Conduct for Production Partners. We only do business with those partners confirmed to meet*

¹⁶⁶ See Annex 1.

¹⁶⁷ Adidas response to Amnesty International's draft findings. See Annex 3.

¹⁶⁸ See Annex 1.

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standards for commencing new business relationships. Factories that had a zero-tolerance issue are eligible to start business with us only once corrections are confirmed in a follow-up audit.”¹⁶⁹

Otto Group stated that “some group companies have preferred suppliers (‘strategic suppliers’), which are chosen by Commercial reasons, Technical/material reasons, Sustainability criteria, Low factory risk rating based on audit, Positive Human rights audit ratings.” Otto Group did not mention if the existence of a trade union or workers committee impacted this choice, however Otto Group further stated that it “consider[s] human rights compliance or the potential for non-compliance in our sourcing policy and decision-making process. In countries where there is a heightened likelihood of human rights violations, we mandate heightened human rights due diligence (HRDD) measures for sourcing. If HRDD measures cannot be applied or human rights risks cannot be adequately addressed, sourcing will not proceed. We are consistently working to integrate human rights compliance into sourcing decisions. For example, we collaborate with our buying teams to develop a Supplier Scorecard that incorporates human rights aspects, thereby enhancing our commitment to ethical sourcing practices”.¹⁷⁰ When Amnesty International provided the Otto Group with the draft findings, Amnesty International also asked for clarification as to whether the existence of a trade union/workers committee in a factory impacted the choice of preferred suppliers. The Otto Group responded that there was an indirect impact “as the existence of unions and worker committees can be part of a social Audit, which has influence on the selection of preferred suppliers”.¹⁷¹ This response does not provide clarity as to the level of weighting that evidence of respect and promotion of freedom of association has on the choice of supplier.

“Codes of conduct and voluntary multi stakeholder initiatives have stood in the way of meaningful change for workers in the garment industry. They provide a smokescreen behind which brands and retailers can hide to defend themselves when labour rights abuses are inevitably exposed in their supply chain. They do not hold companies meaningfully to any standard because they are run by and controlled by those companies themselves”.

— Interview with Theresa Haas, Workers United, July 2023

Primark did not include the presence of a trade union or worker committee as a criterion in selecting preferred suppliers but did state that “Any new factories proposed by our buyers to make products for Primark must go through a rigorous onboarding process, including a social audit from our ETES team. No orders are placed in a supplier factory until they are approved to make Primark products. Approval is provided on the basis of satisfactory results from a Primark Ethical Trade Audit with reference to Primark Supplier Code of Conduct. We are highly selective about who we work with, and we aim to build long-standing and trusted relationships with suppliers – our longest supplier relationship is 24 years. Our supplier Code of Conduct is the backbone of our Ethical Trade programme, and our suppliers commit to compliance with this Code as a condition of working with us. They actively work with us to uphold the standards we expect, something we monitor closely by our own Ethical Trade audit programme as well as other worker-centric interventions. Our supplier Code of Conduct includes elements of workers’ rights such as minimum wage and wage benefits, freedom of association and collective bargaining, in addition to compliance with local labour regulations as a minimum”.¹⁷²

Primark was asked if it could clarify if the existence of a trade union impacts the choice of preferred suppliers or if the existence of a trade union or workers committee impacts the choice of preferred

169 See Annex. Fast Retailing also provided the following link. More details are available here: <https://www.fastretailing.com/eng/sustainability/labor/partner.html#:~:text=annual%20assessment%20process.-,Due%20Diligence%20for%20New%20Production%20Partners,-Monitoring%20Potential%20New.>

170 See Annex 1

171 See Annex 3 for full response.

172 See Annex 1 and here <https://primark.a.bigcontent.io/v1/static/Primark-Code-of-Conduct-2023-English.>

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suppliers. In its response to our draft findings, it did not provide clarification but stated: “Any non-conformance to our Supplier Code of Conduct found during audit, including those related to freedom of association or collective bargaining – for example failure to comply with a collective bargaining agreement, failure to recognise activities of a union or worker committee, or interference with union or worker committee decisions – will affect audit scores. Audit scores in turn inform our ‘supplier scorecard’ and therefore our decision making around supplier selection.”¹⁷³

In its response to the presentation of draft findings, **BESTSELLER** responded that “While we cannot directly change governmental policies or economic competition among countries, we do not solely consider price when sourcing from suppliers. Before being approved for production, factories must meet our social and environmental requirements. We also have a public target of placing at least 75% of our orders with suppliers rated highly in our sustainability evaluation, which includes FOA support as a key criterion.”¹⁷⁴

In the responses to Amnesty’s survey, several brands (**adidas**, **ASOS** and **Inditex**) provided responses, which detailed how they actively weigh the promotion of trade unions in their supplier factories, but no brand was able to provide details of weighting the existence of a union higher than a worker committee. In their response to Amnesty International’s draft findings, **adidas** stated that factories with a trade union or worker committee both perform better on assessments leading to a higher probability of orders. **ASOS** clarified that this contributes negatively to the overall score but does not necessarily lead to an overall negative score in the audit. This actually weighs the presence of unions and worker committees equally. However, a “higher rating is achieved through having collective bargaining agreements in place which provide benefits that surpass the provisions in the local law”.¹⁷⁵

Inditex stated that in factories with higher grades of compliance the presence of “Employees Councils can replace the existence of trade unions to fulfil the audit marks on freedom of association.” This clearly conflates the existence of employee councils, which are often management-led, with independent trade unions.¹⁷⁶

Amnesty International’s research has found the existence of one worker committee (in Pakistan) formed by workers (and thus subsequently shut down by management) and has also noted the existence of yellow – management led – unions.¹⁷⁷ While it is difficult for fashion companies to assess potential differences between an independent functioning workers committee and a potentially management union, it is also clear that promoting freedom of association and collective bargaining means supporting the formation of trade unions and not simply enabling a system which is a poor imitation of independent worker organizing.

In order to fully assess the existence of genuine freedom of association, companies must ensure that their monitoring of freedom of association is robust enough to properly distinguish between management-led yellow unions and worker committees, and independent trade unions. Emphasis should be on incentivising independent unions.

The current promotion of worker councils by both brands and states alike has become a sticking plaster to mask the lack of freedom of association and low levels of genuine union participation. Thus, many worker committees are simply encouraging the status quo. Brands should involve local worker groups and unions to help assess existing trade unions and ensure worker-led unions are supported and encouraged in supplier factories.

¹⁷³ See Annex 3 for more details

¹⁷⁴ See Annex 3 for more details

¹⁷⁵ In addition, ASOS also responded that the assessment of the gender pay gap in their suppliers contributes positively to the overall audit score, one of the few cases in the responses where wider workplace factors is weighted in factory assessments.

¹⁷⁶ See Annex 2

¹⁷⁷ Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

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5.9 AUDIT METHODOLOGY ASSESSING FREEDOM OF ASSOCIATION IN SUPPLIERS

Most codes list standards and principles covering core human rights such as the right to freedom of association, the right to a living wage, as well as occupational health and safety, which brands expect suppliers to conform to, in addition to specific contract terms between supplier factories and the companies.¹⁷⁸ The burden of responsibility for adherence and remediation rests primarily on the supplier factories, not on fashion companies themselves.¹⁷⁹ According to critics, such as the Clean Clothes Campaign, they have become increasingly complex, top-down and primarily focused on ensuring compliance and managing risk for companies, as opposed to advocating for changes to a fundamentally exploitative industry.¹⁸⁰

Brands and retailers monitor labour conditions and freedom of association in supplier factories through factory audits (social auditing) while referring to or using their own codes of conduct and policies as the standards required for suppliers to meet. The social audit industry has evolved into a global multi-million dollar industry primarily led by private companies.¹⁸¹ Critics argue that company codes of conduct, which are voluntarily set and measured by an opaque and business-led social auditing system have become a mechanism to shield brands and retailers from negative criticisms over human rights abuses in supply chains rather than a binding mechanism to mitigate and prevent abuses.¹⁸² Indeed, as our research shows, there has been little evidence of actual progress towards the realization of worker rights in terms of union organizing and collective bargaining.¹⁸³

“The audit system in Pakistan is meaningless – everyone knows it.”

— Fashion brand representative

CONTEXT: Academic and industry research has shown that auditing suppliers for compliance on codes of conduct and other voluntary standards has been found to help improve outcome related issues – like fire safety or washroom facilities – but has not been shown to support long-term process outcomes such as worker involvement or empowerment.¹⁸⁴ Indeed, one of the key beneficiaries of human rights due diligence has been the proliferation of social auditing companies, MSIs and human rights impact assessment companies with little or no transparency.¹⁸⁵

In addition, because of the influence of factory management and pressure on auditors (usually private companies who seek to win and keep client brands) to provide positive feedback to the brand or retailer, there is a risk of misleading or corrupt audits. Transparency International

178 Katherine E. Kenny, Code of Conduct: Whether Wal-Mart's Code of Conduct Creates a Contractual Obligation between Wal-Mart and the Employees of Its Foreign Suppliers, 27 Nw. J. Int'l L. & Bus. 453 (2006-2007) <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1652&context=njilb>

179 Clean Clothes Campaign, Fig Leaf for Fashion: How social auditing protects brands and fails workers, 2019. <https://cleanclothes.org/file-repository/figleaf-for-fashion-brief.pdf/view>

180 Clean Clothes Campaign, Fig Leaf for Fashion: How social auditing protects brands and fails workers, 2019 (previously cited).

181 Clean Clothes Campaign, Fig Leaf for Fashion: How social auditing protects brands and fails workers, 2019 (previously cited).

182 Egels-Zandén, Niklas, and Jeroen Merk. “Private Regulation and Trade Union Rights: Why Codes of Conduct Have Limited Impact on Trade Union Rights.” Journal of Business Ethics 123, no. 3 (2014): 461–73. <http://www.jstor.org/stable/42921505> and Rahim, Mia & Kuruppu, Sanjaya & Islam, Md Tarikul. Social auditing in the supply chain: business legitimisation strategy rather than a change agent. Meditari Accountancy Research. 31, 2022

183 Business of Fashion, Brands Face New Pressure on Labour Rights, July 2021. <https://www.businessoffashion.com/articles/sustainability/brands-face-new-pressure-on-labour-rights>

184 Egels-Zandén, Niklas, and Jeroen Merk. “Private Regulation and Trade Union Rights: Why Codes of Conduct Have Limited Impact on Trade Union Rights.” (previously cited).

185 Friedrich Ebert Stiftung, Policy Paper, Liability of Social Auditors in the Textile Industry, 2016. https://www.ecchr.eu/fileadmin/Publikationen/Policy_Paper_Liability_of_Social_Auditors_in_the_Textile_Industry_FES_ECCHR_2016.pdf.

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has stated that corruption in global supply chains remains an endemic issue, with bribery and kickbacks representing one of the most common forms of integrity risks.¹⁸⁶

Secondly, social auditing has been criticized for only providing a sanitized snapshot of conditions with little focus on remediation or worker voice.¹⁸⁷ Audits have also been shown to fail to identify as well as remediate underlying and ongoing human rights abuses including harassment, discrimination and denial of the right to freedom of association.¹⁸⁸ An analysis of over 21,041 social audit reports between 2011 and 2017 across different sectors, including garments, revealed that these audits generated a low number of findings on issues including child and forced labour, discrimination, freedom of association, harassment and abuse.¹⁸⁹ Furthermore, adding to concerns related to the lack of transparency in the garment sector, discussed above, audit reports belong to the brand and are often not shown to the factory in question. In the overwhelming majority of cases, they are never made public.¹⁹⁰

Social audits are a voluntary mechanism, with the majority conducted by independent third-party companies. The audits are requested by the fashion companies with the results of the audits designed to provide verification of compliance with a company code of conduct or supplier code. As a result, in most cases, audit companies have no financial or legal accountability for any inconsistencies in audits or failure to identify human rights abuses. In its research identifying potential legal strategies to hold social audit companies to account, the Business and Human Rights Resource Centre highlights the need for “auditor liability to third parties (that is, individuals other than the auditor’s client) to address conflicts of interest and to incentivise due diligence equally toward all those affected by the audit process. Holding social audit firms liable for harm thus sits within wider strategies to ensure responsible business practices and equal access to remedy.”¹⁹¹ A 2016 analysis of the audit industry by the European Center for Constitutional and Human Rights highlighted that “Privatization of governance without liability has created a system without proper oversight over the quality of social audits. In addition, it leaves workers in the textile industry without a remedy.”¹⁹² Increasingly, unionists see audits as primarily linked to mitigation of reputational risk and not necessarily as a mechanism for positive change.¹⁹³

There are also long-standing concerns of the failure of audits to properly understand and report on worker views, with workers pressurized by factory managers to provide the “correct” answers.¹⁹⁴ Industry experts have raised similar concerns. Professor Muhammad Azizul Islam, University of Aberdeen, told Amnesty International researchers: “Auditors are essentially protecting the interests of retailers, and workers don’t share their concerns with auditors. They are scared. When auditors share reports, they only share with managers and not workers, so workers have no idea what is happening.”¹⁹⁵

186 OECD Forum / Transparency International Germany, Bribery and corruption due diligence in the apparel supply chain 13 February 2019, [OECD-Garment-Forum-2019-session-note-Five-FAQs-on-Bribery-and-corruption.pdf](#)

187 Clean Clothes Campaign, Fig Leaf for Fashion, 2019 (previously cited).

188 HRW, Obsessed with Audit Tools, Missing the Goal: Why Social Audits Can’t Fix Labor Rights Abuses in Global Supply Chains, November 2022. <https://www.hrw.org/news/2022/11/15/social-audits-no-cure-retail-supply-chain-labor-abuse>.

189 Sarosh Kuruvilla and Jinsun Bae, “Chapter 4: Has Private Regulation Improved Labor Practices in Global Supply Chains?” in Sarosh Kuruvilla, Private Regulation of Labor Standards in Global Supply Chains: Problems, Progress, and Prospects (Ithaca: Cornell University Press, 2021). The sectors included agriculture, apparel, accessories, electronics, food, footwear, furniture, hard goods (other), jewellery, kitchenware/housewares, toys, and other soft goods.

190 Business and Human Rights Resource Centre, Social audits in the textile industry: How to control the controllers, February 2-19. <https://www.business-humanrights.org/en/blog/social-audits-in-the-textile-industry-how-to-control-the-controllers>.

191 Business and Human Rights Resource Centre, Social audit liability Hard Law strategies to redress weak social assurances, 2021, page 6. https://media.business-humanrights.org/media/documents/2021_CLA_Annual_Briefing_v4.pdf.

192 Friedrich Ebert Stiftung, Policy Paper, Liability of Social Auditors in the Textile Industry, 2016 (previously cited). n

193 Clean Clothes Campaign, FIG LEAF FOR FASHION How social auditing protects brands and fails workers, 2019 (previously cited)

194 Transparentem, Hidden Harm: Audit Deception in Apparel Supply Chains and the Urgent Case for Reform, 2021

195 Professor Muhammad Azizul Islam, University of Aberdeen interviewed in August 2023

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Reliance on auditing has meant that pro-active policies and practices designed to actively promote just and favourable conditions at work, alongside freedom of association, have been ignored in favour of brands shifting responsibility for protecting and promoting human rights onto their suppliers, without addressing the impact on suppliers of their wider policies and practices.¹⁹⁶ Research suggests that the audit industry has in fact discouraged other avenues for improving working conditions, such as increased transparency and the growth of worker participation, as well as binding commitments to remediation.¹⁹⁷

However, despite their obvious failings, audits remain the prime tool used to monitor factory conditions, given the expenses and resources issues involved in moving towards comprehensive due diligence and remediation.¹⁹⁸

5.10 BRAND RESPONSES ON AUDIT METHODOLOGY ASSESSING FREEDOM OF ASSOCIATION IN SUPPLIERS

Amnesty International asked the 21 companies what questions are asked during auditing and if the presence of trade unions (or not) was recorded and weighted in the audit assessments carried out on behalf of the brands and how the brand assessed this data. All companies responding to the survey included questions in their audits on the existence of trade unions and the right of workers to join and form independent trade unions.

adidas stated that the non-existence of a union or worker committee leads to a negative score in your auditing processes, while “factories with a trade union or worker committee therefore perform better on assessments leading to a higher probability of orders”. Adidas also stated that they “evaluate not only the existence of a union but the quality and level of functioning of the union as part of our social compliance program”.

ASOS stated that the non-existence of a trade union contributes negatively to the overall score but does not necessarily lead to an overall negative score in the audit. The audit methodology weights the presence of unions and worker committees equally. The higher rating is achieved through having collective bargaining agreements in place which provide benefits that surpass the provisions in the local law.¹⁹⁹

ASOS provided its full internal list of questions covered in audits, which touch on various aspects of union presence and activities, including management’s influence, discrimination or retaliation against union members, and collective bargaining agreements.” ASOS further stated any clear violation of the above-mentioned components of freedom of association is considered as a zero-tolerance issue and results in negative assessment that requires remediation to start immediately.²⁰⁰

Inditex referred to its social auditing which assesses suppliers’ compliance with their Code of Conduct for Manufacturers and Suppliers, including its requirement for the respect for freedom of association and collective bargaining as well as “any local legislation that may be applicable”. This assessment includes 38 specific questions on freedom of association and collective bargaining.

196 Clean Clothes Campaign, Fig Leaf for Fashion, 2019 (previously cited).

197 Clean Clothes Campaign, Fig Leaf for Fashion, 2019 (previously cited).

198 Kumi, Challenges with social auditing in garment supply chains. <https://kumi.consulting/insights/challenges-with-social-auditing-in-garment-supply-chains/>

199 ASOS response to draft findings of the report on file with Amnesty International.

200 ASOS provided internal information which is on file with Amnesty International and clarifications to the draft findings.

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Inditex also responded that if it can be “proved” that “union representatives have been dismissed or more generally, burdens to the free association of the workers exist” and the case is not resolved, the factory “would be blocked in our system, banning any production with that factory.” Inditex further said that any breaches of collective bargaining would “penalize” the factory rating. It is not clear in this case however, if “burdens to the free association of workers” includes legislative and state sanctioned barriers which effectively deny this right to workers.²⁰¹

In its response to the draft findings of this report, **Inditex** wrote that in order to ensure respect for freedom of association and collective bargaining, it carries out continuous due diligence, among other initiatives such as the Inditex social compliance programme and the GFA with IndustriALL, which “*set the conditions to ensure the free decision of workers to form/join a trade union if this is their willingness, and consequently that there is no infringement of point 4 (respect for freedom of association and collective bargaining) of our Code of Conduct for Manufacturers and Suppliers*” and “*during our social audits, we assess our suppliers’ compliance with our Code of Conduct for Manufacturers and Suppliers, including its requirement for the respect for freedom of association and collective bargaining, and any local legislation that may be applicable in this regard.*”

It is clear that Inditex, in its GFA with IndustriALL and its various programmes and relationships with other global unions is working towards deeper relations with trade unions.²⁰² However, these assessments do not appear to fully deal with suppliers based in regions or free trade zones which actively deny workers the right to freedom of association. It is also not clear to what extent there is a sourcing strategy which actively reaches out towards suppliers who have recognized trade unions or collective bargaining agreements and are based in locations where legislation promotes these rights. For example, in 2023, Inditex in collaboration with the Ethical Trading Initiative worked on a 6-factory project in Bangladesh. This was aimed at enhancing knowledge of social dialogue among factory management and employees and boosting the knowledge, trust and capacity of those serving on management and workers’ representation committees. The project included training on management and worker social dialogue, training for management on “*understanding roles and responsibilities as members of Worker Participation Committees*” as well as specific “*training for managers and workers serving on Worker Participation Committees*”, and “*training for women members of these committees concerning women’s rights and responsibilities*”.²⁰³ While laudable in its aims, the project still does not address the core issue of the exclusion of trade unions and the Bangladesh government’s denial of workers’ rights to freedom of association.

Fast Retailing answered that they use an assessment tool developed by the ILO Better Work and Social Labour Convergence Program (SLCP). This is a multi-stakeholder programme, which provides a standard assessment framework in their auditing.²⁰⁴ It includes extensive questions on the ability of workers to form or join trade unions of their choosing as well as management interference, discrimination, harassment, collective bargaining, and existence or requirements around worker committees.²⁰⁵ It was not clear from their answers if negative scoring on these questions leads to negative overall ratings and what impact this has on orders. In its response to Amnesty International’s presentation of draft findings, Fast Retailing stated that if “*a zero-tolerance issue is*

201 Inditex response on file with Amnesty International.

202 See Inditex Workers at the Center 2023, <https://www.inditex.com/itxcomweb/api/media/9a6f7a1e-8f5e-49bb-ac24-4fd2e70a6ed2/Workers+at+the+centre+2023.pdf?t=1714034057961>

203 Inditex Workers at the Center 2023, page 31. <https://www.inditex.com/itxcomweb/api/media/9a6f7a1e-8f5e-49bb-ac24-4fd2e70a6ed2/Workers+at+the+centre+2023.pdf?t=1714034057961>

204 Social Labour Convergence Program. ia-uk.com/services/social-accountability/slcp-verifications/ And ILO Better Work Global Compliance Assessment Tool, <https://betterwork.org/reports-and-publications/better-works-global-compliance-assessment-tool-cat>

205 For questions covered on Freedom of Association, please see “FOA&CB” section of “SLCP Data Collection Tool 1.5” sheet of “Data Collection Tool v1.5: all questions visible (including conditional) ENGLISH”: <https://slcp.zendesk.com/hc/en-us/articles/6808698730780-Download-Data-Collection-Tool-which-questions-are-included-in-the-Tool->

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found, or a same serious issue is found at two assessments in a row without remediation progress, the matter is escalated to the Business Ethics Committee, which determines whether to terminate or review our business relationship. Zero-tolerance and serious issues include those related to freedom of association, such as violation of the right to establish/join organizations of their own choosing or to bargain collectively, failure to implement provisions in CBAs, use of physical or psychological violence, threats, intimidation, retaliation, harassment, or abuse against union representatives and workers for their union membership or activities, and illegal or unjustified dismissal of workers on strike."²⁰⁶

However, in terms of assessing and rewarding the existence of trade unions in suppliers, it is still not clear if suppliers going beyond mere compliance in actively supporting independent trade union formation is actively weighed in the choice of suppliers.

Otto Group responded that they use auditing assessments aligned with several common audit methodologies, (amfori BSCI, SA8000²⁰⁷) as well as Otto Group Assessments. The amfori audit section on freedom of association covers a similar range of questions to the SLCP audits but also includes questions on gender and equal access of women to freedom of association and one question on the equality of treatment towards different trade unions by management.²⁰⁸ Crucially however the key questions relating to the ability of workers to “establish and join workers’ organizations of their own choosing” does not distinguish between unions and workers’ committees, which as noted above, may result in the denial of the right to independent trade unions as opposed to the right to form a workers’ committee.²⁰⁹

adidas provided a list of 13 audit questions covering factory obstruction of union formation, existence of a union, transparency and discrimination. Importantly, it also covered questions on equality of treatment to different trade unions by management as well as collective bargaining and factory-level policies on “the coexistence of multiple unions in the factory and lawful strikes and slow-downs. These questions are used to identify if the factory has reached a potential red flag during the audit”.

Primark responded that all new factories undergo an internal audit before any orders are placed and once approved, Primark carries out their own social audits to monitor factory standards against the Primark Supplier Code of Conduct, including assessing freedom of association and collective bargaining. Factories are required to provide evidence, including “a list of committee members and minutes of meetings; election procedures, and registers of any grievance or suggestion boxes”.²¹⁰ Primark however stated that the existence or non-existence of a union or committee does not impact on the audit scores at all.

Information on audit questions, methodology and the weighting of audit questions and criteria for selection of new suppliers is not readily available publicly so the potential for wider comparisons between different fashion companies is limited.

²⁰⁶ For full response see Annex 3.

²⁰⁷ amfori BSCI, (amfori Business Social Compliance Initiative), provides a standard methodology for auditing and due diligence assessments - [amfori BSCI - amfori](https://sa-intl.org/programs/sa8000). SA8000 is social certification methodology provided by the Social Accountability International - <https://sa-intl.org/programs/sa8000>.

²⁰⁸ Amfori, amfori BSCI System Manual, BSCI Auditing Interpretation Guidelines, 2022. <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prd.amfori-services.k8s.amfori.org/05/amfori-bsci-system-manual-part-3-english.pdf>. Pages 30-32.

²⁰⁹ Amfori, amfori BSCI System Manual, BSCI Auditing Interpretation Guidelines, 2022. <https://s3.eu-west-1.amazonaws.com/www-php-media-files.prd.amfori-services.k8s.amfori.org/05/amfori-bsci-system-manual-part-3-english.pdf>. Pages 30.

²¹⁰ Primark’s Code of Conduct: <https://corporate.primark.com/en-gb/primark-cares/our-approach/our-supplier-code-of-conduct>. Primark also provide the following links for further information:

2023 Modern Slavery Statement, page 31: (Primark-Modern-Slavery-Statement-2023-Final (bigcontent.io) and Primark Sustainability and Ethics Progress report 2022/ 2023, page 8 (<https://primark.a.bigcontent.io/v1/static/primark-sustainability-and-ethics-progress-report-2022-23>.)

ABANDONED BY FASHION:

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CONTEXT:

PRIVATIZATION OF AUDITS AND LABOUR MONITORING UNDERMINING STATE OVERSIGHT

As well as the inability of current auditing models to properly identify and remediate human rights impacts, human rights groups point to the negative impact that this privatized system of labour rights monitoring is having on state-led mechanisms and state remedy. According to Human Rights Watch, the audit industry has systematically undermined the state system of labour inspections, by using private auditing companies to assess supplier compliance with domestic law and human rights standards.²¹¹ In turn, this has decreased states' willingness or motivation to develop state-level factory monitoring, which means that state labour inspectorates in many production countries are woefully underfunded, compounding the state's failure to promote just and favourable conditions at work and protect workers and trade unionists from anti-union harassment.²¹² A 2019 Human Rights Watch report on Pakistan estimated that in 2017, there were 547 labour inspectors for the then over 350,000 factories and of these, only 17 were women.²¹³ This is in contrast to ILO recommended figures suggesting that the number of labour inspectors in relation to workers should be approximately 1/10,000; in rapidly industrializing economies: 1/15,000; in transition economies: 1/20,000; and in least developed countries: 1/40,000.²¹⁴ While in India, over a decade ago the ILO warned that labour laws and in particular the Special Economic Zone Act of 2005 has "facilitated a process of privatization of monitoring of labour rights" and reduced the effective monitoring and use of sanctions against employers.²¹⁵ As early as 2016 an analysis of the audit industry suggested that "Real monitoring of working conditions requires the organization of workers in trade unions in combination with effective state inspections."²¹⁶

It is key that states ensure that labour monitoring and oversight is strengthened. It is also key that brands, and consumers do not confuse audits, given their serious failings, as the solution for ending systemic human rights abuses on the ground and that private audits do not replace the role of government responsibilities.

In particular, audits cannot be used in place of genuine protection and promotion of freedom of association for workers in supply chains, nor can they replace the human rights obligations of states to protect and promote human rights. Social auditing of supplier factories has a role to play in ensuring compliance with key responsibilities alongside company requirements but must be used as part of a wider obligation from both the state, the employer and the buyers to implement proper measures to respect and promote rights. They must ensure audit methodology and findings are integrated into wider policies and programmes of mandatory due diligence, with enforceable commitments, broad transparency and crucially a genuine commitment to promoting worker organizing.

211 HRW, Obsessed with Audit Tools, Missing the Goal': Why Social Audits Can't Fix Labor Rights Abuses in Global Supply Chains, November 2022 (previously cited).

212 For example, in Bangladesh; Bangladesh Department of Inspection for factories and establishments, The Labour Inspection in Bangladesh 2014-2018, 2021 and Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

213 HRW, "No Room to Bargain": Unfair and Abusive Labor Practices in Pakistan, 2019. <https://www.hrw.org/report/2019/01/23/no-room-bargain/unfair-and-abusive-labor-practices-pakistan>

214 ILO. (2006a). Labour Inspection. Report III (Part 1B) - Third item on the agenda of the 95th Session of the International Labour Conference. International Labour Office. <https://webapps.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-iii-1b.pdf>, page 66

215 ILO, India Trade unions and special economic zones in India, 2012, page 21.

216 Friedrich Ebert Stiftung, Policy Paper, Liability of Social Auditors in the Textile Industry, 2016 (previously cited).

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SHAHIDUL ISLAM

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 Islam had been talking to workers and management at the factory in an attempt to mediate settlements of unpaid wages and bonuses since December 2022.



Prince Jacquard Sweater Ltd. Had reportedly undergone social audits by two well-known third-party social audit programmes, amfori and SEDEX. In June 2023, Human Rights Watch wrote to amfori and SEDEX. Both confirmed that the factory had been audited in the past using their programmes. A SEDEX representative replied to HRW stating that they could not share a summary of the audit findings owing to the confidentiality of “specific details” of audits; amfori also cited confidentiality but provided a brief summary stating that the audits had detected some wage-related problems.²¹⁷

Following the murder, the authorities charged 14 people in connection to 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.²¹⁸ No information has been made available about whether audits or brands commissioning the audits have identified, uncovered or noted any concerns over either the wage issues or the conflicts between the independent trade unions and management led yellow unions.²¹⁹

The Clean Clothes Campaign (CCC) reported that it has identified key fashion buyers sourcing from the factory and have asked them to contribute compensation for the family. According to the CCC, only one brand contributed to compensation to the family, amounting to a mere 2% of what the family should receive.²²⁰ The CCC estimates minimum compensation for Shahidul Islam’s family should amount to 24,934,830 BDT (ca. 212k USD) to replace his expected lifetime earnings in line with ILO Convention 121.²²¹

217 Bangladesh: Social Audits Shortchange Workers | Human Rights Watch (hrw.org) / <https://www.hrw.org/news/2023/09/14/bangladesh-social-audits-shortchange-workers>

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

219 HRW / <https://www.dhakatribune.com/bangladesh/court/340377/labour-leader-shahidul-murder-what-is-in-the>

220 Clean Clothes Campaign, Justice for Shahidul Islam, <https://cleanclothes.org/campaigns/shahidul>

221 Clean Clothes Campaign, One year since trade unionist’s murder, brands fail to take responsibility, June 2024, <https://cleanclothes.org/news/2024/one-year-since-trade-unionists-murder-brands-fail-to-take-responsibility>

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FAILURE OF AUDITS: RANA PLAZA

The Rana Plaza building in Savar, on the outskirts of Dhaka, Bangladesh, which housed several garment factories, collapsed killing over 1,100 garment workers and injuring thousands more.²²² Five months earlier, a deadly fire in the nearby Tazreen Fashions Factory resulted in the death of at least 112 workers,²²³ trapped by blocked fire exits and padlocked factory premises. In Pakistan, a 2012 explosion at the Ali Enterprises factory in Karachi, killed over 250 workers unable to exit due to illegal construction, lack of fire alarms and locked exits.²²⁴

The cases of Rana Plaza collapse and the Tazreen and the Ali Enterprise fires clearly reveal the failure of auditing and the impact of denial of freedom of association in the sector. Both Ali Enterprises and Rana Plaza, had been audited in the weeks or months before the tragedies occurred and were deemed 'safe'. The Clean Clothes Campaign also alleges that in the case of Ali Enterprises, this "assessment was made by auditors who reportedly had never even visited the building."²²⁵ In 2013, the Centre for the study of Multinational Corporations condemned auditors for the deaths of 400 workers in the Ali Enterprise and Tazreen fires, stating that the two cases "reflect systemic flaws on the level of government protection of human rights and a gross disrespect shown by the garment industry for workers' rights."²²⁶ In both cases, workers were unorganized and unable to report freely about safety conditions.



↑ Heavy machinery clears the debris on the site of the collapsed Rana Plaza garment building on the outskirts of Dhaka. Photo: Getty Images

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

223 Clean Clothes Campaign, Tazreen fire: fight for compensation, <https://cleanclothes.org/campaigns/past/tazreen>

224 <https://cleanclothes.org/campaigns/past/tazreen>; Clean Clothes Campaign, Timeline of the Ali Enterprises Case. <https://cleanclothes.org/safety/ali-enterprises/time-line-for-the-ali-enterprises-case>.

225 Clean Clothes Campaign, how social auditing protects brands and fails workers, 2019, page 4 citing Ali Enterprises Factory Fire Affectees Association (AEFFAA) et al. 2018, 11.

226 SOMO, Companies' blind faith in failed auditing model resulted in more than 400 deaths. <https://www.somo.nl/companies-blind-faith-in-failed-auditing-model-resulted-in-more-than-400-deaths-SOMO>

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Income for the super-rich, including owners of fashion brands and retailers, has grown, with company directors the world over enjoying significant rises in income. Analysis by Oxfam and ActionAid of the world's largest corporations found an **89% jump in profits in 2021 and 2022** compared to the 2017-2020 average.²²⁷



In January 2023, Labour Behind the Label calculated that it would take **just 28 minutes** for the average CEO of a major fashion brand to earn what a **Bangladeshi garment worker earns in a year**.²²⁸



Amnesty International's calculations based on the 2021-2022 salary of the CEO of Inditex found that he earns **in one hour** the same as almost **five Bangladesh garment workers earn in a year**.²²⁹

BREAKDOWN OF COSTS OF A T-SHIRT



Source: Clean Clothes Campaign, 2012 (<https://cleanclothes.org/image-repository/wages-vs-profit.png>)

227 Oxfam, Inequality Inc.: How corporate power divides our world and the need for a new era of public action, January 2024. page 22. <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621583/bp-inequality-inc-150124-en.pdf> page 22

228 Labour Behind the Label, Facebook post 6 January 202

229 Amnesty calculations based on figures from Inditex Annual remuneration report 2021. https://static.inditex.com/annual-report_2021/en/documents/annual-report-remuneration-2021.pdf and a minimum wage of 8,000 Taka per month with a 40-hour week.

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6. CONCLUSION

Amnesty International's research and analysis contained in *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* and this briefing highlights the failure of the garment industry, including brands and retailers, to actively promote freedom of association in their supply chain and the failure to incentivise progress towards freedom of association in their suppliers and production countries.²³⁰

Amnesty International's research has confirmed the systematic denial of the right to freedom of association and collective bargaining for garment workers in South Asia through restrictive legislation, restrictions of the right to strike and form unions – especially for workers in the SEZs – as well as challenges to union registration.²³¹ Compounding this is a climate of threats, harassment, fear of dismissal and ultimately the violent repression of worker protests. The governments surveyed in *Stitched Up* all fail to protect workers from reprisals for union activities, despite the extensive international human rights law upholding the state's obligation to protect against this.²³² The situation for women workers and those from minority or groups particularly vulnerable to abuse, is one of intersecting human rights violations.

In the face of the state's denial of freedom of association and the lack of human rights protections more broadly in working conditions in the four countries, workers, especially women, face a high risk of human rights abuses at work. Such a context underlines the need for companies sourcing from Bangladesh, India, Pakistan and Sri Lanka to meet their responsibility to undertake ongoing human rights due diligence, with specific attention to these issues, and to take the necessary measures to prevent abuses and provide effective remedy.

There is clear evidence of endemic human rights abuses and denial of rights to freedom of association and just and favourable conditions of work in Bangladesh, India, Pakistan and Sri Lanka. Nevertheless, fashion companies continue to source without properly acknowledging and addressing these abuses, the impact of poverty wages and the impacts of the industry's own business model and purchasing practices. Through the pursuit of profit and the expansion of the supply chain, fashion companies are in danger of being an invaluable ally for repressive governments that continue to deny workers the right to freedom of association, through their willingness to source in any or all countries around the globe.

Fashion company's lack of transparency on global supply chains and information about where exactly our clothes are made has meant limited public oversight. The challenges of accessing information to properly scrutinize and assess company claims is revealed in the limited response from brands to Amnesty International's survey and, in terms of public data available, the limited information publicly available from companies who did not respond.

The role of auditing and non-binding company codes of conduct has further masked the barriers to freedom of association and perpetuates a lack of legislative change in states which deny fundamental human rights to workers. This model for the garment industry enables both governments and brands to profit from low-cost, predominantly female labour who are denied the right to raise their collective voice.

230 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

231 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

232 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited).

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International law and standards, including the UN Guiding Principles, require fashion companies to address all human rights impacts throughout their supply chain. However, in most states there is a lack of binding legislation requiring companies to conduct such human rights due diligence. This has allowed abuse of workers' rights to become embedded throughout the supply chains of major companies, with little meaningful action taken to address it.

Purchasing practices, including precarity of orders, low prices and time pressures placed on suppliers has been clearly shown to negatively impact workers, encouraging precarity and informal employment, low minimum wage levels and excessive work targets, which in turn discourages union formation. These practices alongside the fact that significant production takes place in countries with high levels of gender-based violence and discrimination, mean brands must focus more attention on ensuring purchasing practices support progress towards just and favourable conditions of work.

6.1 LOOKING FORWARD

“

If buyers do not intervene [soon] this industry will get worse. Because the people cannot survive at this [payment] rate. Workers cannot survive, if workers do not have food twice or three times a day continuously how can they survive? The government does not help. Suppliers do not help. If the buyers do not take their responsibility how can the industry continue?”

– Ashila Dandeniya, Stand Up Movement Lanka²³³

All fashion companies need to recognize that they must fulfil their responsibility towards the promotion and protection of freedom of responsibility under business and human rights standards throughout the supply chain, for all workers. This means moving towards a much stronger commitment and active promotion of freedom of association and collective bargaining, taking concrete steps towards progress throughout their supply chain.

Brands need to move away from placing all the responsibility for freedom of association on suppliers, especially in locations where freedom of association is actively restricted or discouraged by states. Supplier “compliance” with freedom of association standards included in brand codes of conduct will remain paper thin when there is no concrete evidence of genuine brand commitment and recognition that workplace organizing is taking place in state-wide conditions which discourage respect for fundamental human rights and threaten workers. Assessing compliance must recognize that workers do not benefit from a paper code, but active sponsorship of their rights.

Brands must recognize the impact of their own business model. This means ensuring that prices are high enough to progress towards a living wage, that factories are financially able to cover potential improvements to wages, working hours, and employment relations that may negatively impact short-term profits.²³⁴ Longer term supplier relationships also mean that brands can support long-term employment and a stable workforce, reducing the numbers of short-term contracts and informal or agency workers, building trust and knowledge among the workers of the benefits of trade unions.²³⁵

²³³ Interview with Ashila Dandeniya, Executive Director, Stand Up Movement Lanka, Katunayake, Sri Lanka, October 2023.

²³⁴ Clean Clothes Campaign, Wages and Gender Based Violence, Exploring the connections between economic exploitation and violence against women workers. October 2020.

²³⁵ For examples Marks and Spencer, in its response to the draft findings noted that “We are very proud to have strong, long-term relationships with our clothing suppliers—over 70% have worked with us for more than ten years and these relationships are built on trust and respect”. See Annex 3 for full response.

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Indeed, it is important to emphasize that “respect of freedom of association and collective bargaining rights in the supply chain are non-negotiable due diligence requirements that global brands need to ‘include in purchasing prices as itemized costs.’”²³⁶

The importance of ensuring relationships and long-term dialogue with local, regional and national trade unions cannot be overstated. These trade unions understand the dynamics at the factory level and the difference between yellow unions and genuine trade unions. Working with local and national trade unions will also support negotiations and progress on wider national issues such as raising the minimum wage or reforming anti-union legislation.

Brands should engage directly with the local unions representing the workers employed by their suppliers, ensure suppliers sign access agreements for unions and labour organizers, create a positive environment for freedom of association, and support negotiations and collective agreements at the factory level between suppliers and trade unions. This is key to ensuring that brand commitments signed at a global level are actually implemented, as human rights standards, including the right to freedom of association can be deeply antagonistic to the realities of the country, including the existence of anti-union legislation and the objectives of the political and economic actors such as factory owners or governments. Indeed, “to focus on top-down regulation without enabling capacity for labour to shape working conditions” overlooks the grassroots realities and barriers for worker organizing.²³⁷

More broadly, brands need to implement sourcing strategies which incentivise genuine worker involvement and the formation of unions. Importantly, it also means that brands incentivise states and suppliers committed to freedom of association. Where unions do not exist, there must be active work to encourage worker organizing – through engagement with local stakeholders but also ensuring that suppliers understand the brand is supportive. This could take the place of ensuring longer term and regular orders are placed with those suppliers with functioning independent trade unions – and crucially keeping this relationship while union recognition and collective bargaining agreements are negotiated and implemented. Short-term and precarious contracts with suppliers mean that there is little motivation for suppliers to support trade union building unless brands can commit to seeing progress through.

This might mean committing to factories outside SEZs which restrict trade unions or ensuring that their supplier factory and its workers have access to trade union representatives locally. Given the extensive restrictions on access to factories in SEZs, brands must ensure that suppliers allow visits by local unions and labour groups.

The social auditing model needs to ensure genuine involvement of workers and their trade unions both in making assessments about factory compliance and in promoting change. This includes monitoring of the existence of trade unions and an investment in adequate investigation of existing unions and worker committees in place in a factory. Brands must build broader due diligence mechanisms into their audit methodology and a commitment to ensuring genuine and effective worker representation. As a minimum, social audits should be made visible – increased transparency of both the audit methodology and the actual assessment made are crucial in claims of due diligence by companies as well as evidencing any progress made. One of the key recommendations from this research is the urgent need for mandatory due diligence of brands at both the national and the regional level to hold companies to account and crucially ensure remediation for workers harmed by human rights abuses. Due diligence regulations at the state or regional level must include effective monitoring by the state (which includes participation of workers and their representatives) as well as

236 ACT Global Purchasing Practices Commitment No.1 taken from ACT response to Amnesty International’s presentation of draft findings. Full response in Annex 3.

237 Safak Tartanoglu Bennett, Nikolaus Hammer, J. Jenkins, Rights without remedy: the disconnection of labour across multiple scales and domains, Work in the Global Economy, 1 October 2021. <https://orca.cardiff.ac.uk/id/eprint/145117/3/final%20word%20version.pdf>

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the requirement that all companies commit to increased transparency and reporting alongside robust legal and financial sanctions for non-compliance.

As brands' human rights due diligence processes develop in response to the introduction of legislation, for example in the EU, it must be clear that the goal of such due diligence is not to transform human rights violations into a series of risks that only need assessing – but not addressing. The aim is to fundamentally shift the discourse on rights and freedom of association to one that empowers workers and sets brands and retailers on a path towards concrete change in this regard – as well as states. This means that the corporate language of compliance must be underpinned with efforts to adapt the fundamental business model which has normalized poverty wages and the lack of freedom of association.²³⁸

Brands and retailers can take immediate steps towards progress by ensuring they account for their progress in commitments to freedom of association. This includes ensuring public visibility of audit reports and public monitoring and accounting for workplace trade unions. Brands can also ensure that MSIs to which they belong, as well as GFAs, make progress towards commitments and how they hold members to account publicly.

Crucially there must be analysis of the risks of employer retaliation against union members, and clear distinction made between independent trade unions and yellow unions or worker councils.

Women workers make up most of the workforce in the garment industry and are also the workers most impacted by short-term precarious contracts, informal work and unequal pay, with widespread gender-based violence, systemic discrimination and inequality throughout the supply chain.²³⁹ Amnesty International's research found that women workers in the garment sector are also heavily impacted by patriarchal power structures in wider society, reducing the confidence of women to speak freely and to organize. At the same time, as the workers in the most informal employment, they are the most at risk of reprisals such as dismissal or violence.²⁴⁰ This lack of voice 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.

Given the widespread gender discrimination, harassment and violence towards female workers, brands must work alongside women-led trade unions and women's groups in identifying, preventing, mitigating and remedying gendered human rights abuses, including harassment, unequal pay and contract terms and sexual violence. The ILO has emphasized that in addressing gender inequality, brands must ensure that suppliers are offering decent work, with stable contracts alongside proper social protection, ensuring women are able to balance their work and family commitments.²⁴¹ Social audits must also place a critical focus on gender and as a basic step ensure monitoring and public visibility of disaggregated data on female workers, their pay rates as well as employment status, promotion and involvement in any trade unions.

Amnesty International also found that local trade unions may not always include women representatives, and it is important that companies and suppliers support women workers, women-led trade unions and women's groups to develop leadership structures which are gender-balanced.

238 Brydges, T., & Hanlon, M. (2020). Brydges, T., & Hanlon, M. (2020). Garment worker rights and the fashion industry's response to COVID-19. *Dialogues in Human Geography*, 10(2), 195-198.

239 Clean Clothes Campaign, Developing an intersectional approach to challenge discrimination in the garment industry, 2022 (previously cited).

240 Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited)

241 ILO, how to achieve gender equality in global garment supply chains, March 2023 (previously cited).

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Companies must ensure that women's empowerment is reflected in promotion and training opportunities, recognize the particular challenges for women to raise grievances, and ensure that intersecting discrimination against women, based on age, rural migration status, caste, descent and language are addressed throughout the supply chain.²⁴²

In summary, brands and retailers must address the recommendations contained in this report and take urgent collective action to ensure that their sourcing strategies, their business model and their lack of focus on freedom of association does not continue to perpetuate and encourage the continued repression of their workers.

RECOMMENDATIONS

TO FASHION BRANDS AND RETAILERS:

On freedom of association:

- Develop and implement a proactive public strategy on building freedom of association.
- Build an ethical sourcing strategy that rewards genuine freedom of association, penalizes its denial and prohibits retaliation against unions – at the supplier level but also when taking sourcing decisions across the whole supply chain.
- Engage constructively and in long-term relationships with trade unions at the local, national, regional and global level, enabling direct communication with workers and unions and timely remediation of union busting cases.
- Ensure that policies, paper commitments and codes of conduct on freedom of association **and** collective bargaining are practically implemented, with time-bound progress monitored and made public, providing examples of good practice.
- Work with independent local trade unions to concretely strengthen worker organizing through, for example, making public commitments locally alongside practical support and engagement with suppliers.
- Work with other brands and retailers to develop leverage across suppliers and across countries to promote freedom of association in shared suppliers, to jointly respond to union busting cases and to influence improvements in wages and working conditions.
- Support the formation of independent trade unions at suppliers, ensuring that worker committees and councils are not used as a way to discourage or sidestep worker organizing.
- Where an independent trade union has been formed by workers, in accordance with ILO conventions 87 and 98, fashion companies will ensure that supplier recognizes the union(s) as worker representatives and carries out any negotiations in good faith, including requests to negotiate and sign a collective agreement.
- Negotiate binding agreements with trade unions and states and suppliers, similar to the International Accord, as well as GFAs, making sure that progress is effectively monitored and made public.

²⁴² Clean Clothes Campaign, Developing an intersectional approach to challenge discrimination in the garment industry, June 2022 (previously cited).

- Take action to end any and all coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse or join a trade union.
- Publicly support worker movements and trade unions, in the supply chain but also those directly employed, in their struggles around wages, working conditions and fight against union busting.
- Ensure that all suppliers, including those in SEZs, allow independent and unannounced inspections alongside confidential access to workers without management interference.
- Reconsider sourcing from any location that denies the right to freedom of association and collective bargaining for workers.

On due diligence and human rights

- Publicly commit to respecting human rights and put in place adequate systems to identify, prevent, mitigate and – where necessary – provide effective remedy for human rights abuses connected to their operations, including assessing suppliers for barriers to *all* workers forming or joining a union of their choosing.
- Conduct effective human rights due diligence on the right to form or join a trade union and collectively bargain. This should be done in collaboration with trade unions and other forms of independent worker organizations, including women's organizations and independent worker committees, and the findings should be published so workers and unions can respond.
- Distinguish between independent trade unions and employee councils, encourage and monitor collective bargaining agreements.
- Develop company policies and staff/management remuneration that rewards the promotion of freedom of association and collective bargaining throughout the company and the supply chain.
- Review operational practices and policies to ensure the company does not commit, or materially assist in the commission of, acts that lead to human rights abuses. This includes ensuring that respect for freedom of association is integrated throughout the company and that specific internal committees are tasked with this responsibility and have the ability to influence sourcing decisions.
- Consult with all stakeholders, including rights holders, in relation to actual and potential human rights risks arising from its activities and from the activities of those with whom it has business relationships.
- Provide swift and effective remedy where violations of freedom of association and collective bargaining – and other violations that may result from these, including gender-based violence and harassment – occur. This must include taking an active, transparent role in industrial disputes, even in the absence of pressure from the international labour movement and consumers, and regardless of ongoing legal actions.

On auditing

- Publish and make accessible to supply chain workers and national labour inspectorates all audit results. Translate them into local languages, in a timely manner, alongside related remediation measure, time-bound corrective action plans and details of brand support for the supplier.
- Regularly review company auditing methodologies and ensure that they are gender-sensitive and adapted to the local context to identify abuses that are often overlooked, such as union busting, discrimination and sexual harassment.

ABANDONED BY FASHION:

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS;
BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

- Social auditing must be undertaken in conjunction with other ongoing measures, including effective, enforceable, independent grievance mechanisms, proactive strategies to encourage independent union formation, genuine long-term engagement with local stakeholders, including trade unions, labour groups and women's groups.
- Audits must raise awareness of the importance of gender-based assessments with the suppliers and ensure that auditors are trained to identify gender-related concerns, that auditors include female auditors, and that women workers are independently and sensitively interviewed.
- Audit methodology must be adapted to identify and remediate issues that are currently unreported, including workplace harassment of union members, harassment and gender-based violence, including gender, caste and religious discrimination on wages, employment contracts and other terms and conditions.

On gender and caste

- Work with suppliers, trade unions and other stakeholders to ensure women workers and their representatives are a critical partner and equally represented in social dialogue and negotiations.
- Ensure public time-bound targets for suppliers for equality on pay, recruitment, contract terms and promotion as well as investing in training, undertaken alongside local groups and unions within their supply chains.
- Publish and implement supply chain inclusion policies, including taking a zero-tolerance approach to workplace gender-based violence and harassment through working with local stakeholders and assessing and reducing risks. Reduction of risks includes monitoring contract terms, producing disaggregated gender data, and monitoring male to female management ratios. It also includes working with local stakeholders to robustly assess how complaints are dealt with and what barriers there are to women worker complaints. This must include ensuring all female workers are provided with effective, timely and secure mechanisms for complaint and redress.
- Ensure that zero-tolerance approaches in the supply chain do not result in the dismissal or layoffs of workers. A responsible exit strategy should include adequate remediation and should not negatively impact those workers raising cases or making complaints through order losses that lead to job losses. A decision to exit should only be taken after a credible human rights impact assessment has been conducted to ensure that such an approach does not cause further adverse impacts to workers.
- Support progress towards gender-inclusive trade unions in the workplace by genuine engagement and public support that is evidenced by concrete indicators.
- Ensure all workers are recognized, 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 in their own language. Work towards permanent employment of workers and away from increasing contract and informal working.
- Undertake specific training and awareness campaigns for all staff and suppliers on intersectional gender and caste-based discrimination.
- Actively ensure that grievance mechanisms are open to Dalit female workers, ensuring that they are made specifically aware of their rights and not discouraged or threatened when seeking redress, including by knowing the company policies on caste and gender discrimination, harassment and abuse.

ABANDONED BY FASHION:

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS;
BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

On transparency

- Commit to disclosing names, addresses and other details of supplier factories, including disaggregated data on trade unions, collective bargaining agreements as well as worker committees and all tiers in the value chain.
- Commit to transparency throughout supply chains, including on wages paid and worker rights. There should also be transparency around the existence of independent trade unions, collective bargaining agreements, gender rights and on the human rights' due diligence process, methodology and assessments. This data should be disaggregated at minimum by gender and employment status.
- Increase transparency on product labelling to include information on production locations, wages and other work conditions.
- Publish the wage levels in their domestic operations and along their supply chain, and with awareness of risks and rights all the way down the supply chain.
- Commit to publishing audit reports and auditing details in a timely and regular manner.

On wages

- Ensure that all workers in supply chains are provided with a living wage, going beyond compliance with national regulations on minimum wage, and including guarantees of a living wage within supplier contracts.
- Ensure fair business, pricing and purchasing practices are implemented regardless of financial concerns, which provide suppliers with the stability and financial capacity to pay living wage levels that ensure an adequate standard of living for workers and their families. This should include:
 - o ensuring prompt payment of orders;
 - o fair pricing and ring-fencing of labour costs;
 - o reliable and timely forecasting and lead times to enable secure employment;
 - o clear and transparent penalties for suppliers; and
 - o limits on the use of unilateral discounting or order cancellation, including “force majeure” clauses.²⁴³
- Monitor and make public: wage data disaggregated by gender, share of migrant workers and contract types, including the lowest wage level paid by each supplier.
- Adopt a public, concrete and measurable action plan to ensure living wages for all workers in the supply chain within a reasonable period.

²⁴³ As used during the Covid19 pandemic when brands and retailers unilaterally cancelled orders with suppliers. See Amnesty International, *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* (previously cited), section 5.3.

ABANDONED BY FASHION:

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS;
BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

TO INTERNATIONAL STAKEHOLDERS, INCLUDING STATES WITH MAJOR FASHION COMPANY'S HEADQUARTERS

- 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 that 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.
- Use all available bilateral, multilateral and regional platforms to urge authorities to protect and facilitate the right to freedom of peaceful assembly.
- Condition the disbursement of public funds to private companies with respect of human rights, including the guarantee of payment of living wages to all workers in the supply chain.
- Amend customs-related regulations to ensure supply chain disclosure at factory and product-levels namely: all parties that import goods are required to disclose details such as information on traceability, social and human rights impacts as well as the name and address of the manufacturer and other parties (including supply agents) involved to the relevant customs' authorities and make this data publicly available.

ABANDONED BY FASHION:

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS;
BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

ANNEX 1: SELECTED COMPANY RESPONSES

adidas

Question	adidas [adidas AG, Adi-Dassler-Strasse 1 91074 Herzogenaurach Germany. Brands: adidas]
What criteria is used to identify and maintain a list of preferred suppliers? If you do not have preferred suppliers, please answer no.	
* Commercial reasons	Yes
* Technical/material reasons	Yes
* Sustainability criteria (such as location or water saving technology etc.)	Yes
* Low factory rating risk based on country	No
* Low factory risk rating based on audit	Yes
* Low number of complaints	No
* Presence of a trade union	No
* Presence of an employee's council/committee	No
* Positive Human Rights audit ratings	Yes
Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source? Please provide link if public or more details if you can share criteria used.	Yes. Our Workplace Standards detail clear rules of conduct for our business partners regarding core human rights expectations, including environmentally sound, safe and healthy working conditions, fair wages and benefits, freedom of association, prohibition of excessive overtime, forced and child labour and protection against harassment and discrimination. The Standards help us to select business partners that have workplace standards and business practices consistent with our values, and to reject those that do not. Thus, all new suppliers must be authorized by adidas' Social & Environmental Affairs (SEA) department before any sales samples can be produced or before any production orders can be placed with a supplier.
Does your company proactively promote the right to freedom of association in its suppliers in India, Bangladesh, Sri Lanka and/or Pakistan (OTHER than a GFA/ACT or other MSI membership)? How?	Yes. We provide training on FOA as part of adidas Workplace Standards to our suppliers and put it as one of the core elements on Welcome Kits for newly onboarded suppliers. At the factory level, all of our suppliers promote FOA to the workers through various ways including: providing training to raise awareness on FOA to existing and newly joined workers; displaying company policy and procedures on FOA on the notice boards and work areas; posting banners on FOA at the factory areas and also putting the FOA information in the employee handbook.
Does your company proactively promote the right of women to join, form and lead trade unions? How?	Yes - As part of our programs on gender equality in the supply chain, we actively promote women's participation in leadership roles in factories and encourage equal representation in worker representative committees and trade unions.
In India, Sri Lanka, Pakistan or Bangladesh, has your company ever:	
* Been contacted about repression of freedom of association in one of your suppliers?	Yes
* Intervened in an alleged union busting case in a supplier?	No
* As a result, has your company ever encouraged or demanded a supplier to allow a union to be formed or registered?	No
If your company has ever been involved in a case involving a trade union/union busting specified above, can you provide details, including your action and the factory name?	N/A

Fast Retailing

Question	Fast Retailing [Fast Retailing Co.Ltd., 10717-1 Sayama, Yamaguchi City, Yamaguchi 754-0894, Japan. Brands : Uniqlo, GU, Theory, PLST, COMPTOIR DES COTONNIERS, PRINCESSE tam-tam]
What criteria is used to identify and maintain a list of preferred suppliers? If you do not have preferred suppliers, please answer no.	Fast Retailing has built long-term relationships of trust with a relatively small number of factories that not only meet technical and quality criteria but also share the values described in the “Production Partner Code of Conduct (COC)”. UNIQLO has had business relationships with major factories for more than 20 years. Provisions on compliance with the “Code of Conduct for Production Partners (COC)” as well as on COC compliance audit are incorporated into supplier contracts. In addition, the signing of the COC is mandatory to the contract process, and we only sign contracts with factories that pledge to comply with the COC.
* Commercial reasons	
* Technical/material reasons	
* Sustainability criteria (such as location or water saving technology etc.)	
* Low factory rating risk based on country	
* Low factory risk rating based on audit	
* Low number of complaints	
* Presence of a trade union	
* Presence of an employee's council/committee	
* Positive Human Rights audit ratings	
Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source? Please provide link if public or more details if you can share criteria used.	Yes. We conduct due diligence on any potential new partner prior to commencing business with them. This process ensures potential partners comply with our Code of Conduct for Production Partners. We only do business with those partners confirmed to meet standards for commencing new business relationships. Factories that had a zero-tolerance issue are eligible to start business with us only once corrections are confirmed in a follow-up audit. More details are available here: Fast Retailing, Monitoring and Evaluation of Production Partners https://www.fastretailing.com/eng/sustainability/labor/partner.html.
Does your company proactively promote the right to freedom of association in its suppliers in India, Bangladesh, Sri Lanka and/or Pakistan (OTHER than a GFA/ACT or other MSI membership)? How?	Under our Code of Conduct and Workplace Monitoring system, interference with unionization is considered as a ‘zero-tolerance’ item. When such violations are found, factories are required to remedy the matter immediately. More details: https://www.fastretailing.com/eng/sustainability/labor/partner.html
Does your company proactively promote the right of women to join, form and lead trade unions? How?	We actively support the establishment of worker representation committees, and as part of these activities, we encourage our partners to ensure the percentage of female representatives should reflect the percentage of women in the factory.
In India, Sri Lanka, Pakistan or Bangladesh, has your company ever:	Yes. In October 2023, we received letters from Bangladesh trade unions regarding the revision of minimum wages in Bangladesh and respect for freedom of association. These letters did not relate to any specific incident involving a supplier but were received in the context of a nationwide effort by workers to increase the minimum wage in Bangladesh. We published the following statement on the matter. More details: https://www.fastretailing.com/eng/sustainability/news/2310301700.html
* Been contacted about repression of freedom of association in one of your suppliers?	
* Intervened in an alleged union busting case in a supplier?	
* As a result, has your company ever encouraged or demanded a supplier to allow a union to be formed or registered?	
If your company has ever been involved in a case involving a trade union/union busting specified above, can you provide details, including your action and the factory name?	Please refer to answer above

Inditex

Question	Inditex [Industria de Diseño Textil, S.A, Edificio Inditex, Avda. de la Diputación s/n, 15143 – Arteixo, A Coruña – Spain. Brands: Zara, Massimo Dutti, Zara Home, Oysho, Pull&Bear, Stradivarius, Bershka]
What criteria is used to identify and maintain a list of preferred suppliers? If you do not have preferred suppliers, please answer no.	Through our regular audits, at Inditex we are able to assess and rate supplier compliance with our requirements. Their ranking informs our buying teams commercial decisions, influencing the purchasing process. In this regard, a variety of issues are assessed, including human rights as well as environmental topics. In this sense, apart from commercial reasons, breaches with sustainability polices can drive to blockage of suppliers
* Commercial reasons	The respect of human rights is an essential requirement for all our suppliers. For that reason, and to ensure that only those that meet our social and environmental standards belong to our supply chain, we carry out an initial verification of compliance with our requirements by all new suppliers and manufacturers, through pre-assessment audits before they even commence their business relationship with us. Only those that are ranked as approved may receive orders from Inditex. Once a factory passes the pre-assessment, social audits are conducted periodically and regularly at each supplier and factory in our supply chain to verify compliance with the Code of Conduct, which encompasses human rights requirements. In the event of identifying non-compliances, Corrective Action Plans are launched. At Inditex we believe that responsible purchasing management implies accompanying our suppliers in improving their social and environmental performance. However, our commitment to compliance with our standards entails a zero tolerance policy with those who do not show a willingness to improve, so that if, once the plan has been completed, the verification audit still reveals serious non-compliance, the factory or supplier will be blocked and will not be able to continue working for Inditex. Additionally, based on the regular audits carried out, suppliers and manufacturers are rated in accordance with their degree of compliance with our policies, codes and requirements, including those on the protection and promotion of human rights. Their performance is made available to all our buying teams through our management systems, encouraging the commercial relationships with best-rated suppliers. Please, refer to Inditex Annual Report 2022, p. 217-219, 227.
* Technical/material reasons	
* Sustainability criteria (such as location or water saving technology etc.)	
* Low factory rating risk based on country	
* Low factory risk rating based on audit	
* Low number of complaints	
* Presence of a trade union	
* Presence of an employee's council/committee	
* Positive Human Rights audit ratings	
Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source? Please provide link if public or more details if you can share criteria used.	The respect of human rights is an essential requirement for all our suppliers. For that reason, and to ensure that only those that meet our social and environmental standards belong to our supply chain, we carry out an initial verification of compliance with our requirements by all new suppliers and manufacturers, through pre-assessment audits before they even commence their business relationship with us. Only those that are ranked as approved may receive orders from Inditex. Once a factory passes the pre-assessment, social audits are conducted periodically and regularly at each supplier and factory in our supply chain to verify compliance with the Code of Conduct, which encompasses human rights requirements. In the event of identifying non-compliances, Corrective Action Plans are launched. At Inditex we believe that responsible purchasing management implies accompanying our suppliers in improving their social and environmental performance. However, our commitment to compliance with our standards entails a zero tolerance policy with those who do not show a willingness to improve, so that if, once the plan has been completed, the verification audit still reveals serious non-compliance, the factory or supplier will be blocked and will not be able to continue working for Inditex. Additionally, based on the regular audits carried out, suppliers and manufacturers are rated in accordance with their degree of compliance with our policies, codes and requirements, including those on the protection and promotion of human rights. Their performance is made available to all our buying teams through our management systems, encouraging the commercial relationships with best-rated suppliers. Please, refer to Inditex Annual Report 2022, p. 217-219, 227.

Does your company proactively promote the right to freedom of association in its suppliers in India, Bangladesh, Sri Lanka and/or Pakistan (OTHER than a GFA/ACT or other MSI membership)? How?	Within the framework of our Workers at the Centre strategy and in particular through the GFA with IndustriALL, we carry out several projects focused on the promotion of the right to freedom of association. In particular, as part of the “Worker participation” Priority Impact Area we develop initiatives such as the Better Work programme to improve working conditions and respect for labour rights in Bangladesh, Cambodia, Pakistan or Vietnam, among others. In Bangladesh, we also collaborate with the Ethical Trading Initiative in the Social dialogue and gender programme, which seeks to strengthen worker representation structures at factory level. It should also be highlighted the different activities developed within our Global Framework Agreement with IndustriALL. In Bangladesh, for example, training activities have been carried out to raise awareness about the ILO Convention 190 and grievance mechanisms. Please, refer to the Workers at the Centre 2022 report to find out more information on the initiatives carried out in this regard (https://www.inditex.com/itxcomweb/api/media/9235c592-7d6c-4878-b891-36134c402e57/Workers+at+the+Centre+2022.pdf).
Does your company proactively promote the right of women to join, form and lead trade unions? How?	Aware of the importance of ensuring that the voice of women workers is heard, we carry out several initiatives focused on women empowerment within the framework of our “Workers at the Centre” strategy. For example, in collaboration with ETI, we have developed the “Social dialogue and gender programme” in Bangladesh. This project seeks to strengthen worker representation structures at factory level, create gender-aware workplaces through campaigns and training sessions; to empower women workers through increased knowledge and leadership skills; and to increase the capacity of factories to give them effective reporting mechanisms against gender based violence. In fact, “Gender, diversity and inclusion” is one of the priority impact areas identified in the contexts of our “Workers at the Centre” strategy. To address it, three strategic action lines were defined: health, protection and empowerment. Though the projects designed on the latter one, we seek to involve female workers in programmes related to finance, leadership, and empowerment. One of those projects is HER respect in Bangladesh. This initiative is implemented in collaboration with BSR through the local NGO Mamata Bangladesh to improve gender relations in the workplace through skills development, awareness raising and policy formulation. Furthermore, Inditex is part of the Board of RISE, an initiative that fosters gender equality in apparel global supply chains (https://riseequal.org/). For more information on this and other projects carried out in 2022, see our Workers at the Centre 2022 report (https://www.inditex.com/itxcomweb/api/media/9235c592-7d6c-4878-b891-36134c402e57/Workers+at+the+Centre+2022.pdf).
In India, Sri Lanka, Pakistan or Bangladesh, has your company ever:	In Inditex we have established a communication channel with IndustriALL Global Union and its affiliates, including the countries you mention where we receive any allegation with regards breaches in our Code of Conduct and in particular those that are related with freedom of association and collective bargaining in our supply chain. These allegations are tackled in order to provide answer or proper remediation when needed. In order to reinforce this channel, and as part of our Global Framework Agreement with IndustriALL Global Union, in 2022 the Global Union Committee was created. This tool aims to share best practices across the industry in promoting the freedom of association and the right to collective bargaining and increase local unions’ involvement in the application of the GFA. Additionally, Inditex relies on the Ethics Committee and the whistleblowing channel it supervises, the Ethics Line. The Ethics Line is a strictly confidential channel through which all Group employees, manufacturers, suppliers or third parties with direct dealings or legitimate commercial or professional interest can report any perceived breach of the Group’s codes of conduct and/or other internal policies and conduct rules. Contact information of this Channel is publicly available in our corporate website. Inditex has a dynamic communication channel between Inditex and IndustriALL Global Union and its affiliates through the Global Framework Agreement signed in 2007, which provides us with a valuable insight on the respect of freedom of association in our supply chain and which could be used for the communication and solving any breach of FOA Inditex policy in the supply chain. As part of our Global Framework Agreement with IndustriALL Global Union, the Global Union Committee was created in 2022. This body allows local unions’ involvement in the application of the GFA and aims to share best practices across the industry in promoting the freedom of association and the right to collective bargaining.
* Been contacted about repression of freedom of association in one of your suppliers?	
* Intervened in an alleged union busting case in a supplier?	
* As a result, has your company ever encouraged or demanded a supplier to allow a union to be formed or registered?	
If your company has ever been involved in a case involving a trade union/union busting specified above, can you provide details, including your action and the factory name?	

OTTO Group

Question	Otto Group [Otto Group Campus, Werner-Otto-Strasse 1-7, Hamburg, Baden Wurttemberg, 22179, Germany. 30 corporate groups including major clothing brands and platform: Bonprix, Heine, Sheego, Witt-Gruppe, Freemans, Quelle, About You, OTTO. Retailers including Baur Group, FGH, Frankonia, Lascana, Limango, Manufactum, Otto Austria Group. Service companies include Logistics such as Hermes and financial services like EOS Group.
What criteria is used to identify and maintain a list of preferred suppliers? If you do not have preferred suppliers, please answer no.	Some group companies have preferred suppliers ('strategic suppliers'), which are chosen by * Commercial reasons * Technical/material reasons * Sustainability criteria * Low factory risk rating based on audit * Positive Human rights audit ratings.
* Commercial reasons	
* Technical/material reasons	
* Sustainability criteria (such as location or water saving technology etc.)	
* Low factory rating risk based on country	
* Low factory risk rating based on audit	
* Low number of complaints	
* Presence of a trade union	
* Presence of an employee's council/committee	
* Positive Human Rights audit ratings	
Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source? Please provide link if public or more details if you can share criteria used.	Yes, we consider human rights compliance or the potential for non-compliance in our sourcing policy and decision-making process. In countries where there is a heightened likelihood of human rights violations, we mandate heightened human rights due diligence (HRDD) measures for sourcing. If HRDD measures cannot be applied or human rights risks cannot be adequately addressed, sourcing will not proceed. We are consistently working to integrate human rights compliance into sourcing decisions. For example, we collaborate with our buying teams to develop a Supplier Scorecard that incorporates human rights aspects, thereby enhancing our commitment to ethical sourcing practices.
Does your company proactively promote the right to freedom of association in its suppliers in India, Bangladesh, Sri Lanka and/or Pakistan (OTHER than a GFA/ACT or other MSI membership)? How?	Via social audits and initiatives such as amfori and ACCORD.
Does your company proactively promote the right of women to join, form and lead trade unions? How?	No
In India, Sri Lanka, Pakistan or Bangladesh, has your company ever:	Our company has received two reports in 2022. There were two cases in Bangladesh brought to our attention through the ACCORD. The investigation and remediation processes are currently underway, and we are actively addressing the situation.
* Been contacted about repression of freedom of association in one of your suppliers?	
* Intervened in an alleged union busting case in a supplier?	
* As a result, has your company ever encouraged or demanded a supplier to allow a union to be formed or registered?	
If your company has ever been involved in a case involving a trade union/union busting specified above, can you provide details, including your action and the factory name?	See above

Primark

Question	Brand: Primark [Primark, under ownership of ABF - Associated British Foods, Arthur Ryan House, Dublin, 1, County Dublin, Eire. Brands: Primark]
What criteria is used to identify and maintain a list of preferred suppliers? If you do not have preferred suppliers, please answer no.	
* Commercial reasons	Yes
* Technical/material reasons	Yes
* Sustainability criteria (such as location or water saving technology etc.)	
* Low factory rating risk based on country	
* Low factory risk rating based on audit	Yes
* Low number of complaints	
* Presence of a trade union	
* Presence of an employee's council/committee	
* Positive Human Rights audit ratings	Yes
Does your company actively weigh human rights compliance or exceedance of compliance in your sourcing policy or decision to source? Please provide link if public or more details if you can share criteria used.	Any new factories proposed by our buyers to make products for Primark must go through a rigorous onboarding process, including a social audit from our ETES team. No orders are placed in a supplier factory until they are approved to make Primark products. Approval is provided on the basis of satisfactory results from a Primark Ethical Trade Audit with reference to Primark Supplier Code of Conduct. We are highly selective about who we work with, and we aim to build long-standing and trusted relationships with suppliers – our longest supplier relationship is 24 years. Our supplier Code of Conduct is the backbone of our Ethical Trade programme, and our suppliers commit to compliance with this Code as a condition of working with us. They actively work with us to uphold the standards we expect, something we monitor closely by our own Ethical Trade audit programme as well as other worker-centric interventions. Our supplier Code of Conduct includes elements of workers' rights such as minimum wage and wage benefits, freedom of association and collective bargaining, in addition to compliance with local labour regulations as a minimum. We take every allegation against any factory or supplier we are made aware of very seriously. Should we uncover any risks in a suppliers' factory, remediation will begin, and we will work closely with the factory to ensure the issues are resolved. In high-risk situations, no orders will be placed with the factory until full remediation is complete. We work hard to resolve any issues rather than ceasing our partnership with a factory or supplier. Should we need to stop working with a factory or supplier, exits are managed by our Sourcing and ETES teams in line with the expectations of responsible business conduct laid out by the OECD and as set out in our Supply Chain Human Rights Policy, in addition through our active membership of Action, Collaboration and Transformation (ACT). See: Primark Supplier Code of Conduct: https://primark.a.bigcontent.io/v1/static/Primark-Code-of-Conduct-2023-English See Primark Supply Chain Human Rights Policy: https://primark.a.bigcontent.io/v1/static/supply_chain_human_rights_policy.
Does your company proactively promote the right to freedom of association in its suppliers in India, Bangladesh, Sri Lanka and/or Pakistan (OTHER than a GFA/ACT or other MSI membership)? How?	Primark's Supply Chain Human Rights Policy outlines our commitment to human rights due diligence (HRDD) in our supply chain, the foundation of which is underpinned by the United Nations Guiding Principles on Business and Human Rights (UNGPs). Central to our approach to HRDD is our Supplier Code of Conduct which sets out the standards we expect of our suppliers in relation to freedom of association and collective bargaining agreements. For more information, please see here: Supply Chain Human Rights Policy (supply-chain-human-rights-policy (bigcontent.io)) Supplier Code Of Conduct (https://corporate.primark.com/en-gb/primark-cares/resources/our-supplier-code-of-conduct)

Does your company proactively promote the right of women to join, form and lead trade unions? How?	We have partnered with the Ethical Trading Initiative on their Social Dialogue program from 2016-2023 to help strengthen the capacity of worker participation committees in Bangladesh. [See Primark, Powering her Up: https://corporate.primark.com/en-gb/a/primark-cares/people/powering-her-up]. The programme includes training specifically for women to help them to engage with unions and working participation committees. The programme also trained elected workers and management on the committee's purpose, how it should function and the roles and responsibilities of committee members. Workers and management were also trained to support committee members on how to understand labour law; how to handle grievances; problem solving; formal meeting procedures, effective communication, and how to address issues such as sexual harassment allegations. This project was conducted in 18 of Primark's factories between 2016 and 2023. The project was newly implemented in 5 factories in 2023. We have observed that worker committees within the programme have been able to address workplace issues such as disbursement bonuses, holidays, compensatory leave etc. An in-depth review of project results will be undertaken in 2024. In February 2023, we started an Industrial relations project in Bangladesh training participants from 20 suppliers. We have worked with our partners Just Solutions, to develop training content and a Training of the Training (ToT) programme. The ToT is delivered by Just Solutions to direct suppliers, who are then in turn responsible for delivering training to the factories they own or contract for production (Primark's indirect suppliers). Training was focused on all workers, but 52% (183,695) workers are women in our factories in Bangladesh. The training content includes the: • Principles of Sound Industrial Relations: principles of resolving disputes; the difference between conciliation and arbitration; and the role and functions for trade unions. • How to handle Lay-offs and Retrenchments: correct procedures in accordance with the law and best practices. • Discipline and Grievance Procedures. Following this roll-out, our team is now working to review policy revisions made by factories and if these are adequate. In response to challenges we have observed, we are now providing additional support to three suppliers whose facilitation skills were found to be weak. Additionally, we found that some factories require further support to undertake a complete review of their policies. In some cases, additional training was required in some factories. We are currently supporting these factories to ensure they are best equipped to deliver the information to their workers. Primark is also a partner member of the ILO Better Work programme which operates in key sourcing countries. Central to Better Work is the establishment of factory committees to support worker-manager communication. Women are highly encouraged to join the committees and at least 50% of members must be female. Better Work has designed a programme to help female workers deal with situations in the workplace and develop leadership skills that they use to better represent themselves and their colleagues. Read more in our 2023 Modern Slavery Statement, pages 11,12, 46 (Primark-Modern-Slavery-Statement-2023-Final (bigcontent.io)) Supplier Code of Conduct (https://corporate.primark.com/en-gb/primark-cares/resources/our-supplier-code-of-conduct) Supply Chain Human Rights Policy (supply-chain-human-rights-policy (bigcontent.io))
In India, Sri Lanka, Pakistan or Bangladesh, has your company ever:	
* Been contacted about repression of freedom of association in one of your suppliers?	Yes
* Intervened in an alleged union busting case in a supplier?	Yes
* As a result, has your company ever encouraged or demanded a supplier to allow a union to be formed or registered?	Yes
If your company has ever been involved in a case involving a trade union/union busting specified above, can you provide details, including your action and the factory name?	We do not disclose confidential information between ourselves and our suppliers. Where we identify risks in our supply chain, remediation is put in place and suppliers/factories follow a Corrective Action Plan.

Compiled responses on auditing relevant to freedom of association

Question	Primark	adidas	Fast Retailing	Inditex	Otto Group
When undertaking audits, can you specify			In audits, auditors check about unions, collective bargaining agreements and worker committees, and some items, such as the existence of worker committees, will be reflected in audit results.	During our social audits, we assess our suppliers' compliance with our Code of Conduct for Manufacturers and Suppliers, including its requirement for the respect for freedom of association and collective bargaining, and any local legislation that may be applicable in this regard. Specifically, social audits can be failed in case it is proven that union representatives have been dismissed or more generally, burdens to the free association of the workers exist. In this sense, in case breach is not solved, factory would be blocked in our system, banning any production with it. With regards to rights of collective bargaining, these are protected in our Code of Conduct (and included in the assessment) as well as in the GFA with IndustriALL. In this sense, breaches with compliance of collective bargaining applicable penalize social rating of factories assessed.	Our auditing process on Freedom of Association encompasses inquiries aligned with amfori BSCI, SA8000, and our own Otto Group Assessments. A comprehensive list of all auditing questions, including crucial questions where a negative response significantly impacts the Performance Area score and overall results, can be found on page 30 through the following link: https://s3.eu-west-1.amazonaws.com/www-php-media-files-prd.amfori-services.k8s.amfori.org/05/amfori-bsci-system-manual-part-3-english.pdf .
Does the nonexistence of a union or workers committee lead to a negative score in your auditing processes?		Yes			
Does your company ask about collective bargaining agreements in audits		Yes			
Does the existence of a union lead to a positive score or rating in an audit		Yes			
Does union existence in a factory lead to a higher rating or proposal to place orders in that factory		Yes			
None of the above	None of the above				

Compiled brand responses on trade union and worker council numbers

Question	adidas	Fast Retailing	Inditex	Otto	Primark
What percentage of suppliers in India, Sri Lanka, Pakistan, Bangladesh have an independent trade union?	9.5% of the suppliers in India, Pakistan and Bangladesh have independent trade unions. ("We do not have a sourcing presence in Sri Lanka) Currently, there are 42 T1 and T1 Subcon suppliers under direct coverage in Pakistan, Bangladesh and India. Of these, only 4 have an independent trade union active in the factory."	Of 50 factories located in India, Pakistan and Bangladesh (no production partner in Sri Lanka), 10% have a trade union.	Our approach is to promote the freedom of association among the workers across our supply chain, so we have mechanism to verify that suppliers and manufacturers effectively respect workers' freedom of association. The suppliers that have an independent trade union is covered and monitored under the GFA with IndustriALL Global Union which enforces freedom of association and collective bargaining agreements rights to be applicable within the Inditex supply chain. Additionally, within the framework of our GFA with IndustriALL, the Global Union Committee was created: a body of representation of IndustriALL local affiliates which aims to continue increasing worker's representatives participation and the coordination between Inditex and IndustriALL Global Union and their local affiliates. In particular this committee has union representatives that covers India, Sri Lanka and Bangladesh manufacturers.	There is currently no centralized or accumulated data available. However, this information is reported in amfori audits, and interested parties can inquire about the specifics for each facility individually.	At the present time, we do not disclose this information but our commitment to ethics and human rights through our Supplier Code of Conduct and Supply Chain Human Rights Policy state that all workers have the right to join or form trade unions of their own choosing and to bargain collective.
What percentage of suppliers in India, Sri Lanka, Pakistan, Bangladesh have a collective bargaining agreement?	Approximately 5% (4.7%) of the suppliers in India, Pakistan and Bangladesh have collective bargaining agreement. We do not have a sourcing presence in Sri Lanka Currently, there are 42 T1 and T1 Subcon suppliers under direct coverage in Pakistan, Bangladesh and India. Of these, only 2 have a CBA in place."	3% (1/50)	See above		At the present time, we do not disclose this data, but we are a member of ACT and as such we are collaborating to transform the garments, textiles and footwear industry by supporting collective bargaining and responsible purchasing practices. More information can be found here: https://actonlivingwages.com/app/uploads/2021/04/ACT-Collective-Bargaining-at-Industry-Level-1.pdf

Compiled brand responses on payment of a living wage

Question	Brand	
How many of your suppliers were paying their stated living wage in 2022	adidas	In 2020 we conducted benchmarking in over 60% of our selected strategic suppliers in 3 countries: Cambodia (8 factories), Indonesia (8 factories), and Vietnam (11 factories). The benchmarking for these suppliers compared and tracked factory wage data against wage ladders composed of various wage benchmarks in line with the FLA's Living Wage Public Reporting Guidance. In our initial benchmarking, this included: the applicable legal minimum wage; World Bank international poverty line, Global Living Wage Coalition (GLWC). As our living wage benchmark, we have selected the GLWC benchmark, whenever available, but the GLWC is not available in Cambodia and Indonesia at this time, and only available for limited zones in Vietnam. While we are still working towards an evaluation against living wage amounts, the benchmarking demonstrated that all 27 suppliers surpassed the minimum wage". It also noted: "For information on our overall approach to ensuring that workers earn enough for themselves and their families' basic needs and have income remaining to cover discretionary spending as well as savings is outlined on our website: https://www.adidas-group.com/en/sustainability/social-impacts/workers-in-the-supply-chain/#/fair-compensation/ ".
	Fast Retailing	Fast Retailing recognizes a living wage as a worker's right and strives to not only ensure a legal minimum wage for workers in our supply chain, but also a living wage that provides workers with a comfortable standard of living. We are currently working with FLA to analyze wage compensation data at our partner factories to identify gaps between worker wages and a living wage, seeking solutions to any gaps we identify. More details are available at: https://www.fastretailing.com/eng/about/frway/pdf/LivingWageCommitment_eng.pdf
	Inditex	Inditex subscribes the definition of living wages given by ACT, namely: "the minimum income necessary for a worker to meet the basic needs of himself/herself and his/her family, including some discretionary income. This should be earned during legal working hour limits (i.e. without overtime)." In this sense, at Inditex we believe that supply chain workers, and its legitimate representatives, should lead the way on defining what is a living wage able to cover their and their families' needs. For that reason, Inditex considers that living wages are those resulting from collective bargaining agreements between employers and workers. From our standpoint, time has proven that one of the most effective and sustainable ways of working to achieve living wages is by promoting collective bargaining between the workers' representatives and the employers' organisations. Accordingly, we actively promote workers' freedom of association and their right to free elections to elect their representatives. Indeed, the Code of Conduct of Manufacturers and Suppliers (of mandatory compliance in order to hold business relationships with Inditex) encompasses among its provisions the respect for freedom of association and collective bargaining. In addition, we implement several measures to guarantee the right to collective bargaining, as well as capacity building sessions for workers and employers, providing them with the necessary tools to defend their rights, especially the right to a living wage. Inditex Annual Report 2022, pp. 227 (https://static.inditex.com/annual_report_2022/pdf/Inditex-group-annual-report-2022.pdf); Inditex Workers at the Centre 2022 report, pp. 35-46 (https://www.inditex.com/itxcomweb/api/media/9235c592-7d6c-4878-b891-36134c402e57/Workers+at+the+Centre+2022.pdf?t=1685097514063) Inditex Code of Conduct of Manufacturers and Suppliers, p. 4 (https://www.inditex.com/itxcomweb/api/media/8cd88d29-0571-43d5-a6c3-a6c34671e4c1/inditex_code_of_conduct_for_manufacturers_and_suppliers.pdf?t=1655306501225)
	Otto Group	We monitor this information on an individual basis and can provide the following details: In India, Bangladesh, and Pakistan, around 30 per cent were reported to pay a living wage according to social audits.
	Primark	We currently don't have this information.

ANNEX 2: BRAND AND RETAILERS SURVEYED SUPPLIER LISTS (WHERE AVAILABLE)

These lists were gathered during public searches of the company websites in 2024 and/or provided in answers to Amnesty International. They may not represent the most up to date supplier data at the time of publication. Some lists are undated.

adidas: Supplier lists at <https://www.adidas-group.com/en/sustainability/transparency/supplier-lists/>

Amazon: via OSH https://opensupplyhub.org/facilities?contributors=1078&sort_by=contributors_desc

ASOS: Supply chain at <https://www.asosplc.com/fashion-with-integrity/our-supply-chain-1/>

BESTSELLER: Public factory list at <https://bestseller.com/supply-chain/our-supply-chain-partners/public-factory-list>

Boohoo: Global manufacturing list at [global-manufacturing-list-15-04-24.pdf](https://www.boohooplc.com/global-manufacturing-list-15-04-24.pdf) (boohooplc.com)

C&A: via OSH: https://opensupplyhub.org/facilities?contributors=6750&sort_by=name_asc

Desigual via OSH: https://opensupplyhub.org/facilities/?contributors=8267&sort_by=contributors_desc

Fast Retailing tier 1 - Garment factory and processing factory list at <https://www.fastretailing.com/jp/sustainability/labor/pdf/FRGarmentProcessingFtyList.pdf> and <https://www.fastretailing.com/eng/sustainability/labor/list.html> (March 2024)

Gap Inc: via OSH: https://opensupplyhub.org/facilities/?contributors=6941&sort_by=contributors_desc

H&M: Supply chain at <https://hmgrouppublic.com/sustainability/leading-the-change/transparency/supply-chain>

Inditex: via OSH based on information provided in 2018: https://opensupplyhub.org/facilities?contributors=225&sort_by=contributors_desc

Marks and Spencer: Interactive supplier map at <https://corporate.marksandspencer.com/sustainability/interactive-supplier-map>

Morrisons: <https://www.morrisons-corporate.com/globalassets/corporatesite/corporate-responsibility/ethical-trading/nutmeg-factory-list-2021.pdf>

Next tier 1: <https://www.nextplc.co.uk/~media/Files/N/Next-PLC-V2/TIER%201%20PLC%20LIST%20AUGUST%202024.pdf>

Otto Group: Supply chain at <https://www.ottogroup.com/de/nachhaltigkeit/lieferkette.php> https://static.ottogroup.com/medien/cached/docs/supplyChain/otto-group_list-of-business-partners-and-factories.pdf

Otto Group (Bonprix): https://en.bonprix.de/corporate/fileadmin/user_upload/company/international/our_responsibility/documents/Lieferantenliste_bonprix_Mai_2024.pdf

Primark: Global sourcing map at <https://globalsourcingmap.primark.com/>

PVH: Supplier disclosure at <https://pvh.com/responsibility/resources>

Sainsburys: Tu tier 1 factory list March 2023 at <https://www.about.sainsburys.co.uk/~media/Files/S/Sainsburys/CRS%20Policies%20and%20Reports/Tu%20Tier%201%20Factory%20List%20March%202023.pdf>

Tesco: Clothing factories which Tesco works with at <https://www.tescoplac.com/media/392248/clothing-factories-which-tesco-works-with.pdf>

Walmart and Shein do not publish supplier lists.

ANNEX 3: BRAND AND STAKEHOLDER RESPONSES TO DRAFT FINDINGS

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 and given the opportunity to respond and provide additional information. Of these, adidas, ASOS, BEST SELLER, Fast Retailing, Inditex, Next, Morrisons, Marks and Spencer, Primark, Pvh, the Otto Group, Sainsbury, Shein as well as ACT, ETI and IndustriALL replied with comments. Details of the responses received are included in relevant sections of the report and relevant extracts are found below.

A. FASHION BRANDS AND RETAILERS

adidas

adidas provided clarifications on specific questions and the following comment on our overall findings and analysis:

adidas has a relatively small number of suppliers producing apparel in South Asia. For example, we have two active suppliers in Bangladesh, one of which produces for a licensee, and no production in Sri Lanka. We have a larger number of domestic and export suppliers located in India and in Pakistan, which includes apparel manufacturing but also the manufacture of footwear and accessories & gear.

Irrespective of the scale of our sourcing activities in the region, we are committed to protecting workers' right to form and join trade unions of their own choosing and we will take direct action in cases where workers are denied their Freedom of Association, or face discrimination or intimidation when exercising that right. Local unions are encouraged to reach out to us directly if there are supplier issues or complaints that they would like to see addressed. We also welcome opportunities to collaborate, where this helps strengthen due diligence processes, drive remedies and improve workers lives. The Pakistan Accord is a good example of the benefits of collective action, through a multi-stakeholder partnership, which can advance workers' rights and strengthen collaboration between brands and trade unions.

BESTSELLER

Firstly, we recognise the importance of these issues and share Amnesty's concerns and commitment to improving conditions for workers throughout the global garment industry.

We acknowledge the systemic challenges that persist in the garment sector, including the suppression of freedom of association (FOA), gender-based discrimination, and the prevalence of low wages. These issues undermine workers' rights and dignity, and addressing them requires sustained collective efforts from brands, suppliers, worker representatives, governments, and civil society.

BESTSELLER's approach to FOA

We agree that the suppression of FOA denies workers their fundamental right to organise and advocate for their interests, increasing the risks of exploitation and unsafe working conditions. The lack of collective bargaining agreements or effective social dialogue also perpetuates wage disparities and substandard labour practices, undermining workers' dignity and economic well-being.

In our supply chain, we aim to ensure that all workers are employed under conditions that respect and uphold their FOA. Extensive details about our process for this are detailed in our Supply Chain Due Diligence Report, but to summarise, our approach includes:

- **Clear Expectations:** Respect for FOA is embedded in our Code of Conduct, and its violation

is strictly prohibited amongst our suppliers and their contracted factories.

- **Factory-Level Monitoring:** Regular in-person assessments, conducted by trained human rights specialists, which include interviews with workers across demographics.
- **Local Engagement:** Our social and labour teams work closely with local worker representatives and human rights experts to stay informed of risks and best practices for addressing them at a factory level.
- **Training and Awareness:** We engage both factory management and workers in training to build understanding of FOA rights and effective social dialogue.
- **Remedial Action:** When FOA violations are identified, we act swiftly to address and remediate the situation, and report publicly on these cases in our annual reporting.

Promoting Ethical Sourcing Beyond Price

While we cannot directly change governmental policies or economic competition among countries, we do not solely consider price when sourcing from suppliers. Before being approved for production, factories must meet our social and environmental requirements. We also have a public target of placing at least 75% of our orders with suppliers rated highly in our sustainability evaluation, which includes FOA support as a key criterion.

Gender Equality and Addressing Discrimination

We recognise and are working to address the unique challenges faced by female workers in the garment sector. Women make up 41% of the workforce in our Tier 1 factories in the countries referenced in your report. Key actions include:

- Developing gender-sensitive risk assessment to better tailor or due diligence processes to address unique or overlooked instances of discrimination, harassment, and gender-based violence within the supply chain.
- Engaging regularly with gender-focused human rights organisations to understand risks, and where relevant develop gender-focused social impact initiatives. Please see our regular reporting on the programmes developed and implemented in partnership with local specialists in Pakistan, India, and Bangladesh.

Supply Chain Transparency

Transparency is essential for accountability. While we have made progress in publishing supply chain information, we acknowledge the gaps noted in your report. We are committed to:

- Expanding the scope of data disclosed on trade unions, gender equality, and FOA.
- Publishing more detailed factory assessment methodologies.

We support Amnesty's call for greater accountability and systemic change in the garment industry. We advocate for and welcome mandatory human rights due diligence legislation, which would create a level playing field and enhance accountability across the industry.

Conclusion

At BESTSELLER, we are committed to continuously improving our practices and addressing the systemic challenges highlighted in your report. While there is much work to be done, we believe that transparency, collaboration, and sustained action are essential to achieving meaningful progress.

We welcome the opportunity to engage further on these issues and are open to sharing additional documentation or examples of our initiatives.

Fast Retailing

Fast Retailing provided comments and clarifications which have been incorporated into the report. In addition:

Fast Retailing has a zero-tolerance policy for issues that seriously violate human rights. If a zero-tolerance issue is found, or a same serious issue is found at two assessments in a row without remediation progress, the matter is escalated to the Business Ethics Committee, which determines whether to terminate or review our business relationship. Zero-tolerance and serious issues include those related to freedom of association, such as violation of the right to establish/join organizations of their own choosing or to bargain collectively, failure to implement provisions in CBAs, use of physical or psychological violence, threats, intimidation, retaliation, harassment, or abuse against union representatives and workers for their union membership or activities, and illegal or unjustified dismissal of workers on strike.

<https://www.fastretailing.com/eng/sustainability/labor/partner.html#:~:text=Major%20zero%2Dtolerance%20issues>

<https://www.fastretailing.com/eng/sustainability/labor/partner.html#:~:text=Corrective%20Action%20Measures>

Inditex

At Inditex we are deeply committed to comprehensive and effective due diligence concerning human rights in a global supply chain. This entails robust policies, tools and practices designed to identify, prioritize and mitigate the impacts on people, which include the commitment of Inditex to the respect for the rights of freedom of association and collective bargaining, the core of both our Code of Conduct for Manufacturers and Suppliers and our Global Framework Agreement (hereinafter GFA) with IndustriALL Global Union.

Inditex GFA is one of our most advanced tools to ensure the respect for the rights of freedom of association and collective bargaining, and consequently to ensure that workers are free to join/form a trade union if this is their willingness. This aim is implemented, among other initiatives, through the role of the Global Union Committee²⁴⁴ of the GFA, whose purpose is to continue increasing worker's representatives' participation and the coordination between Inditex and IndustriALL Global Union and their local affiliates. In particular this committee includes union representatives that cover India, Sri Lanka and Bangladesh Inditex's production clusters.

We would like to highlight also the work of the Better Work program to ensure social dialogue and workers participation at local and industry level in countries covered by this program. Inditex is partner of Better Work since 2007.²⁴⁵

To ensure the respect for the rights of freedom of association and collective bargaining, we carry out continuous due diligence, among other initiatives in our supply chain, under the Inditex Social compliance program and the Global Framework Agreement with IndustriALL Global Union. This means that we set the conditions to ensure the free decision of workers to form/join a trade union if this is their willingness, and consequently that there is no infringement of point

²⁴⁴ <https://www.industrialunion.org/sites/default/files/uploads/documents/2019/SWITZERLAND/INDITEX/industrial%20inditex%20gfa%20english.pdf>

²⁴⁵ Please refer to the 2023 Workers at the Center (pages 27-34), https://www.inditex.com/itxcomweb/api/media/9a6f7al_e-8f5e-49bb-ac244fd2e70a6ed2/Workers+at+the+centre+2023.pdPt=1714034057961 and <https://www.inditex.com/itxcomweb/api/media/8cd88d29-0571-43d5-a6c3a6c34671e4cl/inditex%20code%20of%20conduct%20for%20manufacturers%20and%20suppliers.pdf>

4 (Respect for freedom of association and collective Bargaining) of our Code of Conduct for Manufacturers and Suppliers'.²⁴⁶

We also reiterate our proactive approach to promote the rights of workers to freedom of association and collective bargaining. Under the ACT, Ethical Trading Initiative (a tripartite organization with presence of Brands, Unions and NGO's) or our GFA, there are specific projects to promote social dialogue and the continuous respect for the right to freedom of association and collective bargaining, which involve the participation of IndustriALL Global Union and their affiliates on the ground along with Inditex²⁴⁷ in all activities related with our GFA and ACT.

Regarding our compliance model, as we commented in our previous letter, at Inditex we are able to assess and rate supplier' compliance with our requirements. Their ranking informs our buying teams commercial decisions, influencing the purchasing process. In this regard, a variety of issues are assessed, including human rights as well as environmental topics. In this sense, apart from commercial reasons, breaches of sustainability policies can lead to suppliers being blocked.

During our social audits, we assess our suppliers' compliance with our Code of Conduct for Manufacturers and Suppliers, including its requirement for the respect for freedom of association and collective bargaining, and any local legislation that may be applicable in this regard.

Specifically, social audits can be failed in case it is proven that union representatives have been dismissed or more generally, burdens to the free association of the workers exist. In this sense, in case breach is not solved, factory would be blocked in our system, banning any production with it.

With regards to rights of collective bargaining, these are protected in our Code of Conduct (and included in the assessment) as well as in the GFA with IndustriALL. In this sense, breaches with compliance of collective bargaining applicable penalize social rating of factories assessed..

Hence, our social audits evaluate the compliance with our Code of Conduct for Manufacturers and Suppliers (including section 4: Respect for freedom of association and collective bargaining) and, consequently, factory rating also takes into account the compliance with this section.

We would like to refer to the reporting section within our website where you can find our most updated information, namely in the following reports: the "2023 Statement of Non-Financial Information"²⁴⁸ and "2023 Workers at the Centre"²⁴⁹ These reports include updated information about several topics mentioned in our previous letter, such as it is the case of your question number 17, including, updated information related the number of suppliers, factories and workers in our supply chain.

Marks and Spencer

In 2024, in order to share our data collaboratively and in a standardized manner with others across the industry, we can confirm that we disclosed our tier 1 supply base through Open Supply Hub. We have also embedded OSH onto our corporate website and our latest disclosure

²⁴⁶ https://www.inditex.com/itxcomweb/api/media/8cd88d29-0571-43d5-a6c3-a6c34671e4c1/inditex_code_of_conduct_for_manufacturers_and_suppliers.pdf and please be referred to the most recent public information in the page 348 of the 2023 Inditex Statement of Non-Financial Information

²⁴⁷ Please refer to 2023 Workers at the Center (pages 27-34). <https://www.inditex.com/itxcomweb/api/media/9a6f7al e-8f5e-49bb-ac244fd2e70a6ed2/Workers+at+the+centre+2023.pdf?t=1714034057961>

²⁴⁸ <https://www.inditex.com/itxcomweb/api/media/cc6b203a-de08-4fD-8989e0ca52e03472/Statement of Non-Financial Information 2023.pdPt=1710759711321>

²⁴⁹ <https://www.inditex.com/itxcomweb/en/sustainability#reporting>

is here on our website, which includes the same fields as our previous interactive map (including worker representation and gender).²⁵⁰

For the latest information on M&S' internal governance relating to ESG and human rights, please refer to our 2024 ESG Report.²⁵¹

Ethical trade is a core part of how M&S does business and we are very proud to have strong, long-term relationships with our clothing suppliers — over 70% have worked with us for more than ten years and these relationships are built on trust and respect.

Our first-tier production sites are required to have an annual ethical audit based on the ETI Base Code and International Country Laws. The ethical audit process, including grading, escalation and audit follow-up activity, is managed by our specialist compliance teams located in our Sourcing Offices in Turkey, India, Sri Lanka, Bangladesh, Pakistan, China, Cambodia and Vietnam. We pair our compliance monitoring with worker impact projects to address our salient issues and create positive change for workers. You can read more about this approach in our 2024 ESG report.²⁵²

Regarding the countries we source from, we conduct regular risk assessments, using primary data from our compliance teams on the ground as well as information from our partnerships and memberships, and external consultancies. The ethical trade team sits within M&S' sourcing department, which enables integration of ethical considerations into sourcing decisions. Ethical requirements are also incorporated into M&S' approval process for new factories, and into supplier performance management scorecards.

We regularly liaise with our suppliers on purchasing practices and ethical compliance requirements. This includes gathering their feedback through Better Buying™, Supplier ethical compliance workshops in our sourcing regions, and sourcing summits with suppliers and wider M&S Sourcing teams. Furthermore, in recognition of the role that purchasing practices can play in impacting the supply base, this year we have implemented training for internal teams on the impact of purchasing decisions on factories' ability to comply with compliance requirements for and the corresponding impact to workers.

Our Global sourcing Principles,²⁵³ set out the minimum requirements and expectations of how we and our supplier partners conduct business to uphold human rights along with labour, environmental, ethical and legal requirements in their own operations and their supply chains. Our supplier partnerships are built on open and transparent discussion, with a shared culture of continuous improvement which goes beyond basic legal compliance. We work continuously with our supplier partners to raise standards and improve working conditions as our business relationships develop.

The Principles cover 16 areas of Human Rights & Ethical standards including but not limited to employment conditions, wages, recruitment, health & safety, gender harassment & discrimination as well as respecting freedom of association & grievances, highlighting our commitment to our supply chain responsibilities.

Our commitment to our customers and stakeholders is very clear: we will always treat people in our business and supply chain fairly. We continuously review and improve our practices to ensure we have the most effective responses to prevent and remediate any negative impact on human rights. 'Doing the right thing' means acting with integrity and doing what we said we

250 <https://corporate.marksandspencer.com/sustainability/interactive-supplier-map>

251 https://corporate.marksandspencer.com/sites/marksandspencer/files/2024-06/ESG_Report_2024.pdf

252 https://corporate.marksandspencer.com/sites/marksandspencer/files/2024-06/ESG_Report_2024.pdf

253 https://corporate.marksandspencer.com/sites/marksandspencer/files/marks-spencer/human-rights-and-our-supply/Global%20Sourcing%20Principles%20Jan_2023.pdf

would. Reporting transparently on our supply chain practices and operations is central to our approach to sourcing.

These Principles are reviewed regularly – in partnership with our supplier partners and external organisations – to ensure they are fit for purpose and up to date. We know that to be successful, together with our supplier partners, we must constantly seek to improve how we do business; with fairness, ethics and environmental impact at the forefront of our decision-making.

In light of this review process, we will continue to assess our due diligence taking into account the conclusions and recommendations in your report/document on the key areas of Freedom of Association, Due diligence and human rights, Audits, Gender, Transparency, Wages & Purchasing Practices. And we will take necessary measures to prevent abuse and support remedy if these issues are brought to our attention.

Morrisons

We take the issues raised very seriously at Morrisons and recognise the responsibility we share with our suppliers to buy, produce and sell our products in an ethical manner. Our Ethical Trading Policy is at the heart of this commitment and includes a detailed code of conduct that all our primary suppliers must commit to follow. This code is based on internationally recognised best practice and covers areas such as safe working conditions, wages and working hours, discrimination and freedom of association.

Suppliers covered by our policy are assessed based on a number of factors, and higher risk suppliers are required to provide an independent, third-party ethical audit to demonstrate that they meet our requirements on human rights and working conditions. This is a baseline requirement of all suppliers based in South Asia. We are members of a number of organisations which help elevate our programme to ensure issues difficult to detect during audit are covered in deep dives or through educational, capacity building programmes.

Morrisons are members of the Ethical Trading Initiative (ETI), and we have partnered with them on their gender and responsible purchasing programmes. Our membership with Reimagining Industry to Support Equality (RISE) focuses on their respect programme. This promotes gender and tackles gender-based violence and harassment in the workplace, home and communities. We are actively involved with the Accord and have welcomed their enhanced worker voice tool in our Bangladesh supply chain. The Reassurance Network (TRN) conducts thorough assessments throughout our supply base that unearth the root causes of non-compliances. They equip factories with the essential tools, framework and expertise for successful remediation and deliver actionable recommendations to strengthen human rights due diligence.

We recognise the need for proper representation of workers. By law, where trade unions are not present, sites must have a workers committee to ensure they can collectively bargain their rights up the chain.

As members of Sedex, we have access to site level data utilising their analytics tool. Morrisons have been actively involved in reviewing the methodology for the SMETA scope. The development of the new SMETA 7.0 scope has created a new finding category - Collaborative Action Required. These issues are for auditors to raise against fixed workplace requirements. Using this methodology promotes stakeholder engagement for areas such as gender sensitive issues, union busting, discrimination and sexual harassment among others.

Morrisons acknowledges that UK retailers cannot solve these problems alone, but we remain committed to supporting our suppliers to drive positive change and will provide regular updates in our Corporate Responsibility and Modern Slavery reports.

Next

Next provided clarifications on worker interviews for the *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* report and provided the following comment on our overall findings and analysis:

Our directly employed ethical team, based in multiple countries around the world, monitors our contracted supply chain against our ethical standards. In instances where we do identify systemic human rights breaches taking place, we work collaboratively with all relevant stakeholders within the ethical space to enable an environment of change that would help protect human rights of people employed in our supply chains.

We welcome comments/ feedback/ recommendations from external stakeholders and will review them internally within our organisation to further strengthen and improve our approach towards protection of human rights.

The Otto Group

Otto Group provided clarifications and the following comment on our overall findings and analysis:

Safe and fair working conditions along our supply chains and for our own employees are our goal. This includes compliance with social standards, environmental protection and occupational safety, which are set out in a Code of Conduct. The Otto Group offers capacity development measures and in the supply chains and takes measures to counteract discrimination, unfair payment, and child labor, for example.

Every year, we report on our progress in the Annual Report and regularly check whether our measures are taking effect or need to be adjusted.

The people with whom we work and interact should feel safe and treated fairly. This applies to our own employees, to our business partners, to the employees along our supply chains, to our service providers and, of course, to our customers. People are always at the center of everything we do. In our Human Rights Declaration, we have defined our approach to human rights in our companies and the value chain. It expresses our values and our attitude.

Primark

Primark provided clarifications and the following comments:

Primark's Supply Chain Human Rights Policy²⁵⁴ and our Supplier Code of Conduct²⁵⁵ lays out our approach and the standards we expect from our suppliers, but this is not the only way we promote the right of workers to freedom of association and collective bargaining.

We engage and work directly with trade unions and other relevant stakeholders to resolve specific issues and grievances. We have developed a strong relationship with global union IndustriALL and continue to work with them to identify and manage risks relating to freedom of association in our supply chain.

We support an initiative called *Industrial Relations* in Bangladesh, which encourages worker representation through democratically elected bodies across 26 participating factories. This initiative provides training to suppliers and factory management on dispute resolution, relationship building, and promoting a positive working environment.

254 <https://primark.a.bigcontent.io/v1/static/supply-chain-human-rights-policy-english>

255 <https://corporate.primark.com/en-gb/primark-cares/our-approach/our-supplier-code-of-conduct>

We participated in the Ethical Trading Initiative's Social Dialogue project in Bangladesh from 2016-2023. The programme was designed to strengthen the capacity of worker participation committees and help workers and management to better understand their rights and responsibilities.

We are also a partner member of the [ILO Better Work](#) programme which strengthens and builds the capacity of workers and management to understand and participate in mature industrial relations and social dialogue.

We are a founding member of [Action, Collaboration, Transformation \(ACT\)](#), an agreement between 20 global brands and IndustriALL Global Union in pursuit of living wages for workers in textile and garment supply chains.

We have an internal mechanism, known as our 'supplier scorecard', which is used as our decision-making tool around supplier performance based on adherence to our [Supplier Code of Conduct](#). Any non-conformance to our Supplier Code of Conduct found during audit, including those related to freedom of association or collective bargaining - for example failure to comply with a collective bargaining agreement, failure to recognise activities of a union or worker committee, or interference with union or worker committee decisions - will affect audit scores. Audit scores in turn inform our 'supplier scorecard' and therefore our decision making around supplier selection.

Primark pays for all social and structural audits in our supply chain to reduce the possibility of conflicts of interest. Audits are carried out by our Ethical Trade and Environmental Sustainability team, made up of more than 130 team members working across 10 key sourcing countries, or by carefully selected third party auditors.

Any critical breaches to our Code of Conduct will result in the immediate suspension of any new orders being placed with the factory until the issue is remediated to Primark's satisfaction.

Primark statement to the report

We continue to strive for decent work in our supply chain. Our suppliers are expected to strictly adhere the [Primark Supplier Code of Conduct](#), which includes requirements around freedom of association and collective bargaining. We take any claims of violations to this seriously and will always investigate and take action where needed. Our local teams in many of our sourcing markets, including Bangladesh, India and Pakistan, monitor for issues locally and work closely with factories to create better working conditions. Our team in India manage our supply base in Sri Lanka and carry out audits with the support of carefully selected third parties.

We actively engage and collaborate with trade unions and worker representatives through IndustriALL and other forums like ACT and the Ethical Trade Initiative to support better working conditions for workers in our supply chain.

We are saddened by the analysis of our sector but do not think it reflects the reality of our supply chains. We will review the findings of the report carefully, and always welcome information from any third party that can help us bring decent work to workers in our supply chains.

SHEIN

SHEIN has stated that it does not source from Bangladesh, India, Pakistan and Sri Lanka, but provided the following comment:

SHEIN affirms that it has not signed on to the International Accord for Health and Safety in the Garment and Textile Industry or the Addendums since these pertain to countries with a Country-Specific Safety Program (i.e. Bangladesh and Pakistan presently) and we do not have Tier 1

or 2 suppliers from these countries. Nevertheless, SHEIN has developed and implemented a robust set of supply chain management policies and programs, which takes guidance from international standards such as the United Nations' Universal Declaration of Human Rights, the core conventions of the International Labour Organisation, and the United Nations Guiding Principles on Business and Human Rights, as well as industry best practices.

We also conduct due diligence on suppliers of SHEIN-branded products, through our social compliance audit program, where suppliers are regularly audited by in-house auditors and/or third-party verification agencies such as Bureau Veritas, Intertek, Openview, SGS, TUV and QIMA. This helps SHEIN to identify possible human rights risk areas, engage with suppliers to address these risks, and implement robust measures designed to better prevent, detect and remediate violations of our supply chain policies.

For more information on our supply chain policies, governance measures, and progress made, please refer to our 2023 sustainability and social impact report (<https://www.sheingroup.com/our-impact/reports/>), and our UK Modern Slavery Statement (<https://www.shein.co.uk/SHEIN-Modern-Slavery-Statement-a-1067.html>)

B. STAKEHOLDERS

Action Transformation and Collaboration (ACT)

ACT secretariat response to Amnesty International re: TO EUR 35/2024.6256

Comments on Section 1): ACT reference by Brands and ACT description in Glossary

The ACT foundation implements the Memorandum of Understanding (MoU) signed between IndustriALL Global Unions and corporate signatories (global brands and retailers) as well as and subsequent decisions of the two parties operationalizing the MoU. ACT is not a multi-stakeholder initiative, but 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.

Trade unions are represented through IndustriALL Global Union and their national affiliates. All programmes, interventions and organisational strategies and goals are negotiated between brands and trade unions. Contrary to multi-stakeholder initiatives, ACT does not rely on consultation or advisory boards, but the entire programmatic work itself is negotiated and agreed between the participating Trade Unions and brands.

In Cambodia, ACT has facilitated first of its kind legally binding agreement by brands and retailers to support Collective Bargaining Agreements in the garment and footwear sector.

Comments on Section 3): Comments on conclusions and recommendations in relation to retailers' commitments on freedom of association

Through ACT, member brands and IndustriALL have agreed to take a systematic approach to the structural challenges of freedom of association, wages and purchasing practices in the supply chain that no actor can effectively address alone due to competitive pressure.

Freedom of Association and purchasing practices are fundamental building blocks for ACT to transform the global garment and footwear industry in a way that delivers for all participants in the supply chain. ACT is the only initiative that connects freedom of association and collective bargaining rights to brand purchasing practices by bringing brands, trade unions and employers together to reflect their respective priorities, roles and responsibilities in concrete agreements with negotiated monitoring and accountability mechanisms.

In Myanmar, between 2019 and 2021 (before the military coup), ACT was the first ever initiative to facilitate the negotiation of a binding standard on Freedom of Association in line with International Labour Standards. Negotiated between employers and trade unions in the country, it became a binding standard for all ACT brand suppliers in the country including a negotiated Dispute Resolution Mechanism at industry level.

Recognizing the importance of long-term business relationships, corporate signatories of ACT explicitly committed to “work to ensure that their respective purchasing practices support long-term partnerships with manufacturers in support of ethical trade” (ACT MoU).

Equally, all corporate signatories have committed to “ensure that their purchasing practices facilitate the payment of a living wage” as defined in the ACT MoU.

However, it is important to acknowledge that responsible purchasing practices, including fact-based cost negotiations which can ensure wages and labour cost increases are reflected in prices, do not automatically lead to improvements in wages and working conditions.

In order for this to happen, brand purchasing practices reforms need to be connected to a mechanism that delivers actual wage increases for workers in a predictable, measurable and economically sustainable way. Only collective bargaining between employers and trade unions in the supply chain can deliver this. As such, ensuring respect for the right to bargain collectively is not only a fundamental human rights obligation under due diligence regulation, but it is also the mechanism to achieve actual wage increases in the supply chain.

Since collective bargaining agreements are legally binding on suppliers, ACT has facilitated legally binding agreements between brands and IndustriALL Global Union which outline the brands’ responsibilities to support collective bargaining through their purchasing practices in Cambodia.

These agreements are profoundly different from what the global garment industry has seen in the past, as they can ensure that benefits and responsibilities can be equitably distributed among brands, employers, and workers.

From the ACT perspective, it is important to emphasize that freedom of association is not a “burden” placed upon suppliers. The respect of freedom of association and collective bargaining rights in the supply chain are non-negotiable due diligence requirements that global brands need to “include in purchasing prices as itemised costs” (ACT Global Purchasing Practices Commitment No. 1).

Specifically, this means that brands need to reflect “increases in negotiated wages in the labour components of costing (ACT Global Purchasing Practices Commitment No. 1, Implementation measure d).

Despite its importance as a fundamental worker right and due diligence obligation, the respect for Freedom of Association is among the most difficult measures. Clear indicators are needed to measure the implementation of due diligence responsibilities on freedom of association in the supply chain.

As we know from the ILO supervisory mechanisms, the simple number of workers being organized in trade unions, or the number of trade unions, does not mean that they are recognized as bargaining agents for collective bargaining. Rather than presence of trade unions or workplace committees at factory level, the actual number of collective bargaining agreements in the supply chain should be taken into account as an indicator, as well as the extent to which the increase in direct and indirect labour costs resulting from collective bargaining agreements are incorporated into the brand’s costing calculations as outlined above.

In terms of wage setting, as the ILO (p. 5) has pointed out, “national governments and social partners should be in the driving seat when it comes to identifying actions and measures that can contribute towards achieving living wages. National wage setting institutions, such as minimum wage commissions or collective bargaining mechanisms, should be strengthened and empowered in the process. This also implies that living wage benchmarks or estimates, where they exist, should serve to inform - not replace - evidence-based social dialogue, including collective bargaining, and facilitate the setting of wages considered as adequate by the parties involved.”

As such, the development of cost-of-living evidence is important to inform discussions on wage adequacy within collectively negotiated wage setting processes. The definition and setting of wages including eventually living wages should however happen through collective bargaining between the employers and trade unions in production countries.

IndustriALL and **Ethical Trading Initiative** provided helpful comments and clarifications which have been incorporated into this report.

ABANDONED BY FASHION

THE URGENT NEED FOR FASHION BRANDS TO CHAMPION WORKERS' RIGHTS; BRAND RESPONSES TO AMNESTY INTERNATIONAL SURVEY

This briefing highlights the responsibilities of fashion companies in relation to the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UN Guiding Principles), and assesses the key ways in which fashion companies compound the failure of states and factory employers to protect workers and respect freedom of association.

In this briefing, Amnesty International analyses the areas where fashion companies can work harder to promote freedom of association and decent working conditions across their supply chain in Bangladesh, India, Pakistan and Sri Lanka. We identify how the current model of complex supply chains and privatized auditing in the industry diffuses responsibility and places a low value on the labour of the predominantly female garment workers, solidifying an exploitative business model which fashion companies need to address at its core. We make recommendations for how these companies can play a much larger role in promoting freedom of association for workers in their supply chain.

This briefing is designed to be read alongside Amnesty International's *Stitched Up: Denial of Freedom of Association for Garment Workers in Bangladesh, India, Pakistan and Sri Lanka* which looks in more detail at the human rights violations in Bangladesh, India, Pakistan and Sri Lanka, and the role of states and employers (supplier factories).

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