

STITCHED UP

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

Photo: Getty Images

EXECUTIVE SUMMARY

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

— Taufiq*, a labour NGO worker in Bangladesh

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

association, and the impact on workers of the long-standing, daily denial of their rights.

This report, alongside the accompanying briefing *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey*,¹ investigates and uncovers the impact of these failures and the covert alliance between the state governments of Bangladesh, India, Pakistan and Sri Lanka, brands and retailers, and suppliers. All of these parties have failed to protect freedom of association and significantly improve working conditions in the garment industry, and they continue to enable exploitation and other abuses of labour rights directly and indirectly. The report

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

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underscores how the garment industry and its current business model have thrived on the exploitation of a mainly female workforce. These individuals – mostly women – remain grossly underpaid and overworked, with a lack of access to basic rights, and are systematically disenfranchised through informal and insecure contracts, despite their crucial contribution to the economies of South Asia. Indeed, despite clear evidence of endemic human rights abuses and the denial of the basic rights to freedom of association and just and favourable conditions of work in major sourcing countries like Bangladesh, India, Pakistan and Sri Lanka, the garment industry has not properly addressed the denial of these core rights and has not properly addressed the impact of poverty wages, systematic discrimination and precarious work.

1.1 OVERVIEW

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

The industry has long been challenged over human rights abuses in its supply chain and in its business model. There have been long-standing complaints of the denial of the right to decent work and a living wage, as well as the right to social protection.⁶

The systemic repression of the right to freedom of association, particularly forming and joining independent trade unions, is also regarded as commonplace.⁷ Poverty pay,⁸ gender-based violence,⁹ harassment, overwork and poor working conditions,¹⁰ including access to health and safety at work,¹¹ have been widely documented by rights groups, unions and international bodies, including the ILO.

Amnesty International's research, combined with that of decades of research by labour rights organizations, women's groups and trade unions, shows that the right to freedom of association and collective bargaining are systematically denied, that abusive working conditions are the norm for most garment workers in the region, and that there have been no significant improvements in the poverty wages, excessive working hours and gender discrimination faced by South Asian garment workers in the past 30 years since the explosion of outsourced garment production in the region.

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

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

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

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

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

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

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

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

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

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

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

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

favourable conditions of work.”¹³

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

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

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

1.2 RESTRICTIONS ON FREEDOM OF ASSOCIATION AND UNION ACTIVITY

Freedom of association is both an individual and a collective right. It is both a core human right and an enabling right. Without freedom of association, workers have little power or voice. With the growth in lengthy and complex supply chains and new forms of working, such as zero hours contracts and informal

employment contracts, unions increasingly face challenges not only because of employer enmity to unions but because of the challenges in organizing increasingly informalized and contracted workers. This is compounded by government hostility to unions.¹⁶

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

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

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

Workers, and especially women workers, face almost insurmountable challenges in the workplace when they do try and organize. In all four countries, workers told Amnesty International that their biggest practical challenge to worker organization is the fear or threat of repercussions from employers, which makes many workers too afraid to join unions or speak to union officials. Workers in all four countries also shared experiences with Amnesty International of being threatened and harassed by employers in relation to union activities. Indeed, all but two of

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

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

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

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

the 13 workers interviewed in Bangladesh reported a climate of fear in the workplace with threats of retaliation for joining or trying to form a union. All 11 interviewed union organizers in Bangladesh, India and Pakistan provided details of harassment, dismissal, retaliation and threats by supervisors and employers, that they or their colleagues had experienced for belonging to or organizing a union. In Sri Lanka, all 18 labour rights groups and union organizers, including focus groups of union officials from various factories, reported similar threats and instances of retaliation from managers for belonging to, joining or attempting to start a union in garment factories.

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

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

1.3 POVERTY WAGES, INSECURE WORK AND HARASSMENT

The global garment industry's outsourcing of production to lower-income countries has enabled brands and retailers to contract out responsibility for workers and working conditions to suppliers. In practice, such outsourcing on this scale has meant that brands and retailers in high income countries

manufacture their products in countries with far lower labour costs, weaker labour protections and inspections, weak legislation governing supply chain responsibilities, lower standards of social protection, insurance, and holiday and sick pay rates, and lower pension costs.¹⁹

Because of the structure of the industry and its labour-intensive business model, which has travelled the world in search of low wages in overseas production regions, wages are set as low as possible to attract investment. All four governments have failed to set and protect a living wage to provide equal pay for all workers within the garment industry. Indeed, in all four states, minimum wage rates, when they are paid, generally do not enable workers and their families to enjoy an adequate standard of living and to earn themselves out of poverty.²⁰ The failure of states to ensure a living wage, means that most workers are forced to work long hours in order to earn enough to sustain their families. Almost all the workers interviewed by Amnesty International said they did not earn enough to cover their living costs.

1.4 GENDER, CASTE, MIGRANT STATUS AND INTERSECTING DISCRIMINATION

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

In South Asia, women are under-represented in factory management, with extensive research warning that male managers and supervisors bully, harass and/or sexualize many women workers, especially those of lower social status. These power imbalances in the factory often replicate the patriarchal system outside the factory, as well as existing class, ethnic,

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

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

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

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

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

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

religious and caste discrimination. A high percentage of women garment workers in Asia, who are often hired on informal and precarious work contracts, have reported harassment and violence, ranging from verbal or physical abuse to sexual violence, with research showing that many women see harassment as an inevitable extension of “normal” behaviour outside work.²³ A culture of impunity for male perpetrators compounds and enables this cycle of inequality.²⁴ The dominantly male management systems in the workplace are compounded by the lack of effective, independent grievance mechanisms which allows harassment to continue and increases the power imbalance between women workers and their employers.²⁵ This lack of voice and access to remedy is entrenched through the denial of women’s right to unionize. For many workers, their status based on belonging to a particular race or religion, or migration status, as well as their gender and their terms of employment, all combine to compound the potential for intersecting human rights abuses and challenges in accessing a range of human rights and protections, including the rights to freedom of association and decent work.

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

India: In India, our research highlights the extreme levels of informalization and resulting vulnerability of female labour, in the industry. Vast numbers of home workers in the garment industry are often not recognized as employees under Indian labour law and thus not eligible for pensions, other employment-related social protection benefits or union membership.²⁶ In India, most of the informal

garment workers belong to poor and often socially marginalized communities. They face numerous barriers in accessing their rights because of the intersecting discrimination they face from caste, class, gender and marginalization. Ongoing and escalating restrictions on the ability of workers to unionize in independent trade unions has seen the number of unions shrink. In some areas like the Delhi region, administrative burdens and a failure to register trade unions have decimated union membership in the workplace. This denial of the right to organize compounds the structural, cultural discrimination faced by women workers and those from marginalized or scheduled castes like Dalit workers.

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

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

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

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

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

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

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

1.5 CONCLUSION AND RECOMMENDATIONS

The litany of abuses of garment workers' rights in South Asia has emerged in conjunction with a complex symbiotic relationship between producing states seeking foreign earnings through export and fashion brands, and retailers seeking cheap labour. In the middle of this stand the factory owners who are enabled by states to deny workers their right to freedom of association and who work together to keep wages down. Governments of countries where brands are headquartered have tacitly supported this extractive and exploitative industry allowing their companies to reap profits from this exploitation without holding them accountable. Ultimately, the workers have suffered with ongoing repression, poverty and vulnerability, despite decades of courageous campaigning.

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

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

countries' economic progress and export earnings.

Responsibility lies with the governments of Bangladesh, India, Pakistan and Sri Lanka which are failing to protect the rights of workers. This failure is compounded by a culture of impunity for employers, factory owners and managers who play a role in repressing freedom of association and encouraging exploitative labour practices. The role and responsibility of major fashion brands and retailers in the continued denial of basic human rights to freedom of association, living wages and just and favourable conditions of work is addressed in *Abandoned by Fashion: The Urgent Need for Fashion Brands to Champion Workers' Rights; Brand Responses to Amnesty International Survey*, Amnesty International's accompanying briefing to this report.²⁹

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

TO STATES

On freedom of association

- Ensure that all workers can exercise their right to freedom of association and collective bargaining, in line with international law, including by being able to form and join trade unions at the factory level, engage in genuine social dialogue with government authorities and factory owners, and enjoy the right to freedom of peaceful assembly and to strike. This includes:
 - o Taking measures to protect all workers from third-party interference in exercise of their right to freedom of association
 - o Urgently revising all laws and regulations which place unnecessary, unduly burdensome or overly restrictive barriers on the enjoyment of freedom of association for

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

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

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

workers in the garment industry.

- o Revising regulations regarding SEZs and EPZs to ensure that all workers are free to form and join trade unions and engage in collective bargaining, and auditors and unions are guaranteed free access to all zones.
- o Actively supporting and promoting the exercise of the right to freedom of association by all workers, in particular women workers and workers facing intersectional discrimination.
- o Ensuring that all regulations regarding the use and formation of employee councils and similar bodies do not detract, deter or repress the formation of independent factory-level trade unions and collective bargaining.
- o Making sure that regular tripartite social dialogue between the state, unions and employers takes place and includes independent unions, ensuring that labour law reforms are developed with the genuine participation of independent trade unions, and that these reforms progressively protect and respect fundamental rights at work.
- o Ratifying all relevant ILO Conventions including the 11 fundamental instruments.³¹

On the right to freedom of peaceful assembly

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

On wages

- Urgently review and raise the current minimum wage for garment workers to ensure it provides a non-discriminatory, adequate living wage according to ILO standards. Wage levels should be reviewed periodically – ideally at least

annually – and adjusted based on appropriate up-to-date data such as cost of living and inflation statistics.

- Urgently review wage-setting policies and practices to ensure worker participation in the wage-setting process.
- Strengthen laws and regulations on racial and gender-based equity in pay, promotion, training and access to enforceable grievance mechanisms.

On gender

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

On informal and precarious work

- Reduce the use of precarious work, agency work and the use of temporary workers in the garment

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

sector, and ensure all workers, including agency, piece-rate and home workers are protected under labour laws.

- Ensure all workers are protected from abusive recruitment practices including opaque and excessive employment agency deductions.
- Ensure that all garment workers are provided with fair and transparent contracts in their own language that stipulate the key working conditions and remuneration.

On working conditions

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

On impunity and inspection

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

Remedy

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

On development

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

fair distribution of the benefits resulting from development.³²

On caste³³

- Fully integrate the Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal system and stipulate legislative measures to eradicate descent-based discrimination, including full criminalization of perpetrators of hate crimes against descent-based groups.
- Address descent-based discrimination through confronting broader social norms, perceptions, attitudes and beliefs which perpetuate and reinforce prejudices and stereotypes of hierarchy, and accompanying forms of domination and exclusion that are endemic to caste and descent-based discrimination.

On due diligence

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

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

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

impacted rights holders throughout the due diligence process and include provisions stating that a business can be held liable for harm that they cause, or contribute to, as a result of their failure to carry out adequate human rights and environmental due diligence.

- Link the public funding of companies to respect for human and labour rights, including guaranteeing that a living wage is paid to all workers in the supply chain.

To the authorities in Bangladesh

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

To the authorities in India

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ratify all 11 fundamental ILO Conventions including conventions 87 and 98 as a matter of urgency.
- Ensure that trade unions are afforded due process and support in registration and recognition of trade unions.
- Urgently revise laws and regulations which place arbitrary and excessive obstacles to workers' right to freedom of association.
- Urgently address systemic gender-based violence against women workers in India, including the harassment and violence directed at Dalit workers, particularly in, but not limited to, the state of Tamil Nadu.

To the authorities in Pakistan

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

To the authorities in Sri Lanka

- Adopt a non-discriminatory minimum monthly wage that complies with international standards and ensures that workers can adequately support themselves and their dependents to enjoy a decent standard of living.
- Ensure that union busting by suppliers is ended, and that penalties are put in place for employers who discriminate or harass union members and organizers.
- Ensure that ongoing cases alleging union-busting by employers are dealt with in a timely manner, and where relevant, workers are compensated for any unjust dismissal or loss of earnings.
- Ensure that trade unions have full access to workers and factories within all SEZs.
- Ratify all 11 fundamental ILO Conventions including 87 and 98 as a matter of urgency.
- Halt the problematic labour reform process towards a new draft labour law.³⁴ Start an alternative process that is transparent, consensus-based, includes all tripartite stakeholders, and meets the established Sri Lankan democratic processes on consultation, translation into both official languages, and publication. This will enable the effective participation of all workers and their representatives to develop a unified labour code that respects international labour rights standards.

To suppliers and factories

- Respect the right to a living wage, going beyond compliance with national regulations where these are not in line with international human rights law and standards,
- Ensure all workers are recognized as workers, including home-based workers, contracted workers, subcontracted agency workers and piece-rate workers. Ensure that all workers are provided with a clear copy of their contracts which includes full terms and conditions of employment in their own language. Work towards permanent employment of workers and away from increasing contract and informal working.

- Publish and implement inclusion policies which also take a zero-tolerance approach to workplace gender-based violence and harassment. This must include ensuring that all female workers are provided with a copy, and an effective and secure mechanism for complaint and redress.
- Support the formation of independent unions in their supplier factories, including supporting worker requests to form and register trade unions.
- Recognize trade unions and enter into genuine bargaining agreements, working to ensure they are encouraged and implemented.
- Publicly commit to respecting human rights and put in place effective human rights due diligence systems to identify, prevent, mitigate and – where necessary – redress human rights abuses connected to their operations.
- Provide timely and adequate remedy to all current and former workers who faced human rights abuses documented in this report. This should include reinstatement of dismissed unionists and the reimbursement of underpaid overtime and unlawful salary deductions, as well as measures to ensure non-repetition.
- Take action to end any coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse, form or join a trade union.
- Develop, implement and promote company policies on caste and gender discrimination, harassment and abuse, including penalties for abusers. Conduct specific training and awareness campaigns for all staff on intersectional gender and caste-based discrimination.
- Actively ensure that effective, enforceable, transparent and independent grievance mechanisms are open to workers from minority groups and women workers, ensuring that they are specifically made aware of their rights and neither discouraged nor threatened when seeking redress.

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

1.6 METHODOLOGY

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

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

Amnesty International also sent 21 major brands and retailers based in nine countries a survey in November 2023, requesting information about their policies, monitoring and concrete actions related to freedom of association, gender equality and purchasing practices.³⁵ Of the 21 companies, adidas, ASOS, Fast Retailing, Inditex, Otto Group and Primark provided full responses. Marks and Spencer and Walmart provided a summary of policies and commitments relating to freedom of association, internal committees, supplier codes of conduct and purchasing practices. PVH and Sainsbury's stated they could not complete the survey but sent in links to online, publicly available reports and policies. H&M responded and discussed the survey objectives with Amnesty International, but ultimately did not return the survey. BESTSELLER responded with clarifications, but did not return the survey. C&A, Boohoo, Morrisons and Tesco replied to say they did not have the capacity to complete the survey,

Amazon was "unable to respond" and Next, "not able to participate". Tesco did send links to external materials. Gap and Desigual did not respond at all. Shein responded but stated that it does not source from any of the four countries surveyed. Right to reply letters were sent to all 21 companies who received the survey along with all factories named by interviewees in the report. Letters were also sent to the relevant Ministries in all four states. Where relevant, information contained in response to these letters has been included in this report.

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

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

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