

有限責任台灣主婦聯盟生活消費合作社
2019 年度公益金贊助計畫結案報告

清潔成衣運動東亞聯盟 2019 年會 全球供應鏈中的勞動與環境正義

Clean Clothes Campaign East Asia Coalition 2019 Annual Meeting:
Labor and Environment Justice in Global Supply Chains

活動總召：周于萱

Project Coordinator: Yu-Hsuan “Catta”, Chou

執行單位：社團法人台灣青年勞動九五聯盟

Project Executive Institution: Youth Labor Union, Taiwan

執行期間：中華民國 108 年 1 月 31 日至 108 年 6 月 15 日

Period of Project: 2019, 1, 31—2019, 6, 15

印製日期：中華民國 108 年 7 月 29 日

Date of Publication: 2019, 7, 29

目 次

摘要.....	I
第一章.....	1
第二章.....	3
第三章.....	8
第四章.....	11
第五章.....	267
第六章.....	273

摘 要

Abstract

本報告詳述「清潔成衣運動東亞聯盟 2019 年會：全球供應鏈中的勞動與環境正義」之辦理成果，共五章。第一章「活動說明」。第二章「主辦單位簡介」。第三章「活動內容」。第四章「研究成果」。第五章「成效及檢討」。第六章「活動照片」。

第一章 活動說明

一、緣起

清潔成衣運動（Clean Clothes Campaign）是一個於 1989 年成立，總部位在荷蘭阿姆斯特丹的非政府組織，致力改善、提升全球服飾產業工人的勞動條件。而鑑於長年以來，台灣、香港及南韓的資本，於全球成衣代工業一直具強勁實力，且近期，日本服裝零售品牌於國際竄起；2016 年，來自香港、日本、南韓及台灣的勞工團體與 CCC 合作，成立「清潔成衣運動東亞聯盟」（Clean Clothes Campaign East Asia Coalition, CCCEAC）網絡，目前，包含四個國家、地區共十七個團體。CCCEAC 的工作，主要在監督東亞各國服飾品牌及成衣代工資本，在全球各地（尤其是東南亞）的生產行為，確保供應鏈上的工人得到公平、合理對待。除了東亞區域內的串聯、結盟外，也與 CCC 在全球各地的辦公室和網絡有諸多合作。近年，CCC 的工作重點，分別有透明度承諾（Transparency Pledge）、生活工資（Living Wage）、孟加拉消防與建築物安全協議（Bangladesh ACCORD）。

2018 年，台灣青年勞動九五聯盟加入清潔成衣運動東亞網絡，隨後，承接 CCCEAC 2019 年會在台灣的籌辦工作（2016、2017、2018 年會皆於香港舉行）。考量到如今，台灣已從過往的資本輸入發展為資本輸出國，對於全球供應鏈中的勞工及環境保護，負有更大責任；故做為主辦國，本次會議，我們嘗試先從台灣在地出發，然後進一步擴展到東亞範圍，討論、構思區域內各國社會運動，如何應對全球供應鏈的勞動與環境問題，有哪些具體的方法和策略。

二、主辦、協辦及補助單位

主辦單位：清潔成衣運動東亞聯盟（Clean Clothes Campaign East Asia Coalition）

社團法人台灣青年勞動九五聯盟

協辦單位：臺灣專櫃暨銷售人員產業工會

社團法人全國教師會

贊助單位：有限責任主婦聯盟生活消費合作社

財團法人臺灣民主基金會

勞動部

（贊助單位依筆畫順序排列）

三、籌備團隊

姓名	學歷	現職	執掌
周于萱	輔仁大學翻譯研究所碩士班肄	台灣青年勞動九五聯盟理事長 臺灣專櫃暨銷售人員產業工會顧問	行政統籌：協調行政團隊、總管籌備進度。
黃駿祐	東海大學 社會系學士	台灣非營利組織產業工會理事 台灣青年勞動九五聯盟秘書 臺灣專櫃暨銷售人員產業工會秘書	會計出納：主管財務及會議場地（含晚宴、住宿）租借。
陳玟亘	國立政治大學東亞研究所碩士班	台灣青年勞動九五聯盟專案執行 政治大學學生勞動權益促進會成員	人事總務：籌集、調度會議現場所需物資及臨時人力，並聯繫各與會者。

第二章 主辦單位簡介

1. 清潔成衣運動東亞聯盟（Clean Clothes Campaign East Asia Coalition）

清潔成衣運動東亞聯盟成立於 2016 年，由台灣、日本、韓國及香港的工會與勞工組織共同成立，是國際性勞工團體「清潔成衣運動」（Clean Clothes Campaign）在東亞地區的支部。清潔成衣運動是一個總部設於荷蘭阿姆斯特丹的國際勞工團體網絡，致力於提升全球成衣產業勞工的勞動條件與環境，重視勞工自主與集體勞動權益。東亞聯盟除了關注工會自主、勞動權益、職業安全衛生等常見勞動議題，也積極在東亞各國推動企業透明度承諾（Transparency Pledge）、維生工資（Living Wage）等議題，強化東亞各國在此類議題上的國際合作。

I. 維生工資（Living Wage）

維生工資是一個勞工為了支付生活基本開銷，維持生存所需要的最低收入。國際勞工組織（International Labour Organization）將維生工資列為一種基本人權，受《世界人權宣言》保障。在我國雖有基本工資審議制度，然「基本工資」乃是勞資政學多方折衝的結果，有時並未能夠反應勞工的真實需求。維生工資的理念，乃是鼓勵企業根據員工真實的生活成本，例如當地房租、民生必需品物價、交通成本等，估算合理的薪資待遇，讓員工能在有尊嚴的生活狀態下工作。

自清潔成衣運動東亞聯盟成立以來，便一直致力於在東亞各國及其經濟產業鏈相關的國家，推動維生工資概念。台灣、日本、韓國、香港都是以服務業為主的國家或地區，本土成衣工廠大多外移到東南亞或其他開發中國家，或轉型為技術導向的成衣生產。在此背景下，清潔成衣運動東亞聯盟的主要工作，包括在東亞各國普及維生工資理念，呼籲雇主給予成衣零售業勞工合理、足以生存的維生工資；同時也與東南亞國家的勞工團體合作，監督東亞國家成衣零售商的上游供應商。

例如，去年（2018），跨國成衣零售品牌 H&M 有意違背承諾，拒絕或拖延給予該品牌在印尼的工廠工人，合理且足以生存的維生工資。東亞聯盟作為地緣

相近、產業鏈緊密的跨國組織，便跨海聲援印尼勞工團結爭取自身權益，在東亞各國發起抗議行動，呼籲零售商及消費者以商業行動，要求 H&M 履行承諾。

II. 2020 年東京奧運成衣監督行動

2020 年，四年一度的夏季奧林匹克競賽將在日本東京舉行。許多大型成衣零售商已透過政府採購、商業合作、廣告贊助等方式，為選手及工作人員提供運動服和制服。日本與台灣一樣，勞力密集型的成衣工廠早已外移。以知名成衣零售品牌 Uniqlo 為例，其成衣工廠多半設置於東亞南亞國家。

為了監督東京奧運服飾符合公平貿易、勞動權益、環境正義與運動家精神，東亞聯盟計畫針對 Uniqlo 等，與東京奧運有合作關係的成衣零售商展開跨國監督行動。前期工作包括在東亞各國推廣勞動權益理念，讓消費者重視成衣商品背後的貿易網絡，同時也深入印尼、柬埔寨等東南亞國家，與當地成衣產業工會、成衣製造業勞工建立合作關係，爭取改善成衣工人的勞動環境，並拍攝成紀錄片，提供東亞各國民眾參考。

III. 孟加拉國防火及建築安全協議 (*Accord on Fire and Building Safety in Bangladesh*)

2013 年 5 月，全球成衣零售商及勞工團體鑒於該年發生孟加拉大樓倒塌事故，死傷慘重，而簽署《孟加拉國防火及建築安全協議》，跨國成衣零售商必須投入資源、行動，改善孟加拉成衣供應商的工作安全環境。確保孟加拉勞工在品牌商、勞工團體與在地工人三方共同監督下不必再擔心火災、建築物倒塌所導致的悲劇性後果。具體作法包括獨立的建築檢查、合理的採購價格、資訊揭露、監督工廠落實補救措施、職業安全訓練、爭議機制、工會與勞工參與等。

協議實施五年來，有 222 家成衣公司及勞工團體加入協議，保障孟加拉當地超過 1,600 家工廠、兩百萬勞工的職業安全。清潔成衣運動 (Clean Clothes Campaign) 等跨國勞工組織還協助孟加拉當地工會及勞工，針對孟加拉成衣工廠實施超過 2 萬 5,000 次建築結構、電氣系統及消防檢查，並受理超過 2,000 次職

業安全申訴，成果斐然。¹

在全球供應鏈下，孟加拉生產的成衣產品透過跨國成衣品牌銷往世界各地，也包括各個東亞國家。為了保障協議繼續運行，讓東亞消費者買到符合勞動權益的商品，東亞聯盟也參與國際推廣工作，在東亞各國發起宣傳、抗議行動，敦促所在國政府運用外交力量，確保《孟加拉國防火及建築安全協議》繼續維持獨立運作。我國雖與孟加拉沒有邦交，但同為國際社會的一份子。透過台灣青年勞動九五聯盟、臺灣專櫃暨銷售人員產業工會等團體在台灣的勞動教育訓練工作，促進台灣的成衣零售業勞工、消費者的勞動意識與國際關懷。

IV. 組織大事紀

- 2016 年，清潔成衣運動東亞聯盟（Clean Clothes Campaign East Asia Coalition）成立，由台灣、日本、韓國、香港等四個國家及地區的工會和勞工團體組成，致力於整合區域資源，加入國際社會行列，監督全球成衣產業鏈的勞動權益與環境正義。台灣方面「全國自主勞工聯盟」代表參與。
- 2017 年，於香港召開東亞年會，促進區域對話及資源整合。
- 2018 年，「社團法人台灣青年勞動九五聯盟」加入清潔成衣運動東亞聯盟；參與監督 H&M 落實維生工資協議；推動「女性工人培力計畫」（NOVO Program），致力於提升女工的勞動意識及男女同工同酬；抗議孟加拉政府有意取消《孟加拉國防火及建築安全協議》的獨立地位；於香港召開東亞年會，促進區域對話及資源整合。

2. 社團法人台灣青年勞動九五聯盟

2004 年 9 月成立，台灣青年勞動九五聯盟是一個由青年工作者、大專院校學生、學者專家組成，無黨無派、獨立自主的公益非營利組織。從倡議時薪 95 元開始關心台灣打工族的權益，擴展到非典型勞動、建教生權益、青年海外打工

¹ 台灣青年勞動九五聯盟，2019，【新聞稿】支持孟加拉成衣工人爭取改善職安環境及調漲工資。
<https://www.cooloud.org.tw/node/92363>，取用日期：2019 年 2 月 15 日。

等等。工作目標包括：(1)改善台灣（弱勢）青（少）年的勞動處境與生涯發展機會；(2)促進時薪（部份工時）工作者法令上和實際上的勞動保障；(3)鼓勵青年勞動者團結參與公共事務、爭取合法權益；(4)推廣勞動教育與勞動權益觀念。

I. 青年勞動的處境與問題

自 2004 年 9 月成立以來，我們發現，「青（少）年打工族」往往成為了最容易被剝削的一群。或許因為年輕初入職場、或許因為缺乏勞動權益的觀念與知識，諸多可能違法、有問題的工作狀況，時常在他們身上發生。而且這些領取極低薪資的青（少）年打工族，往往其實是家境背景不好、處境弱勢、被迫就讀夜校、為了生活與學業兼職工作的年輕人。礙於其年齡與知識的不足，往往成為勞動市場上的弱勢族群、「廉價勞工」，也不懂得合法地爭取其應有的權益。過低的薪資，也讓這些弱勢青年的生活處境無法改善，甚至有時也因此拖垮了學業，失去了透過知識階級流動的機會。

為了要求有關當局正視這些問題，「青年勞動九五聯盟」成立了。我們透過記者會、座談會、集體行動，要求政府主管機關勞動部，保障青年勞動權益、處罰違法低薪的商家；並且，我們也舉辦勞動權益宣講活動，推廣身為勞動者的基本法律權益觀念；同時，我們也參與討論活動，討論青年所遭遇到的社會問題、教育問題。儘管在官方不積極介入下，問題的改善有限，但九五聯盟的成立，提供了一個平台，讓關心自身和青年勞動權益的年輕人，能夠聚在一起學習和討論，以公民社會中獨立自主的「第三部門」身分，持續要求官方和各界改善這些問題。

II. 面對整體的社會結構和改革

我們漸漸發現，青年打工族遭遇到的問題，不只是個別群體的問題，而是台灣目前整體社會的一個結構性問題。長久以來，台灣勞工的處境即未被政府與社會嚴正地重視，合理的勞動條件、勞工安全、加班費與假日工資...等權益，一直未獲得充足的保障。少數人賺取了足夠的資本，即忙著希望能成為小老闆，再僱傭一群人為其工作。但大部分被僱傭者的勞工權益，始終沒有顯著地改善，台灣

的勞工運動，也因為諸多因素，始終積弱不振；在經濟不景氣狀況的來臨時，勞工往往成為了最先被犧牲的一群，導致貧富差距不斷拉大，社會問題、衝突持續增加。

為了能夠讓台灣社會與青年勞動者的處境持續改善，「治標同時治本」，青年勞動九五聯盟成為常設組織，以非營利組織的運作方式經營，持續推動理念、倡議政策、進行宣傳組織活動、接受申訴，將整體的社會結構問題納入思考，並正式立案成為「社團法人」，設有專職秘書常態性運作團體業務，擴大組織的服務能力與社會影響力。

III. 組織大事紀

- 2004 年 11 月，東海大學、輔仁大學、東吳大學、國立臺灣大學、國立政治大學、國立中興大學等多校學生社團與泛紫聯盟連續發起多場記者會與請願活動，要求行政院勞工委員會針對現階段法律解釋中打工最低時薪僅新臺幣 66 元加以檢討調整，應依據兩週 84 小時的工時規定將每小時工資上修為新臺幣 95 元。
- 2005 年 1 月 19 日，學生代表出席行政院勞工委員會勞動條件處召開的公聽會，會中出席者尚包括台灣連鎖加盟促進協會、中華民國中小企業協會代表，討論調整時薪規定的需要與可行性。會中一致認為時薪新臺幣 66 元規定太低，對於部分工時工作者應依勞動權平等原則與比例原則給予有薪休假。行政院勞工委員會副主任委員在會中承諾，行政院勞工委員會將於三個月內作出評估報告。
- 2005 年 4 月 19 日，學生社團成員前往行政院勞工委員會廣場前抗議承諾跳票，宣布成立青年勞動九五聯盟。
- 2007 年 3 月 8 日，針對基本工資調漲之議題，青年勞動九五聯盟召開記者會公布聯盟調查數據，駁斥行政院經濟建設委員會主任委員何美玥與中華民國經濟部部長陳瑞隆反對調漲基本工資的三大說詞，呼籲行政院勞工委員會調漲基本工資並立即修正時薪計算公式。
- 2007 年 6 月 6 日，行政院會議核定，本年 7 月 1 日起，基本工資調漲 9.09%、時薪調漲為新臺幣 95 元；青年勞動九五聯盟轉型為糾察隊，

呼籲打工族投訴未合法發薪的公司行號。

- 2008 年 3 月 25 日，中華民國內政部「台內社字第 0970051647 號函」許可青年勞動九五聯盟立案。
- 2008 年 8 月 31 日，青年勞動九五聯盟於臺北市政府民政局城鄉會館舉辦立案茶會。
- 2008 年 12 月 25 日，中華民國內政部許可青年勞動九五聯盟之社團法人設立登記。
- 2010 年，聯盟直接處理超過 125 件勞資爭議個案，直接替勞工爭取受損權益超過 100 萬，給予勞工朋友的法律諮詢更是不計其數。
- 2011 年底及 2012 年，聯盟與桃園地方組織合辦台灣國際勞工影展，期待以更多元的形式讓青年勞動者關注勞工議題，同年年底，聯盟會員發生青年海外打工爭議，顯示在全球化的潮流之下，青年打工問題已經不限於國內，甚至延伸到海外打工。
- 2013 年，聯盟持續與兩岸三地勞工團體關注青年打工權益，聲援海外的青年勞工朋友，譴責血汗台商。
- 2014 年，聯盟與海外勞工團體合作，舉辦工會組織工作坊，並且獲美國總工會 AFL-CIO 邀請至美國參加勞工影展策展人大會。
- 2015 年，聯盟積極串連百貨公司及零售業櫃哥櫃姐，舉辦勞動權益講座及實體行動，向櫃位廠商、百貨公司施壓，並且與櫃哥櫃姐共同籌組工會籌備會，準備邁向勞工團結的下一個里程碑。
- 2016 年，承辦 2016 勞工影展；持續與櫃哥櫃姐共同籌組工會；橫向串連參與跨性別勞動議題、派遣工議題、大學周邊薪資地圖等計畫。
- 2017 年，承辦 2017 勞工影展；舉辦年金改革工作坊，與青年討論年金改革方向及設計；舉辦「催生勞動教育法」座談會；輔導成立台灣專櫃暨銷售人員產業工會。
- 2018 年，承辦 2018 勞工影展；承辦 Clean Clothes Campaign 2018 Novo Program（清潔成衣運動 2018 年女性工人培力計畫）；接待香港勞團、合作社成員來台交流；輔導成立台灣非營利組織產業工會。
- 2019 年，繼續承辦 Clean Clothes Campaign 2019 Novo Program（清潔成衣運動 2019 年女性工人培力計畫）

期間，聯盟不忘初衷，每年持續處理近百件勞資爭議個案，然而聯盟認為「受理申訴個案處理」的模式，對打工族權益而言，長久並非有效的發展模式，唯有協助打工族／勞工進一步往「工會化」的道路邁進，讓打工族可以組織代表自身權益的工會與雇主平等地談判協商。

第三章 活動內容

日期：2019 年 6 月 12 日（三）－6 月 15 日（六）

地點：1.台北教師會館（6 月 12、14、15 日）

2.勞工研究資料中心（6 月 13 日）

表 2：議程（6 月 12 日）

時間	環節	主題	講者/主持
9:00-9:30	1	歡迎致詞 熱身活動	
9:30-11:00	2	概述：清潔成衣運動全球網絡和各區域聯盟的發展進程 - 全球網絡架構和運作模式；各區域聯盟的發展狀況 - 全球戰略框架中期評估 - 介紹東亞聯盟治理結構的討論文件	簡報： 蘇湘（清潔成衣運動東亞聯盟）
11:00-12:30	3	清潔成衣運動趨勢背景分析：回顧與討論（一） 趨勢 1 成衣及運動服裝行業的新技術 趨勢 2 新型零售商和品牌（在線）以及新的消費者群體和市場 趨勢 3 外包模式和“近端採購”的變化（包括工廠搬遷）	簡報： 區立行（香港勞工教育及服務網絡）
12:30-14:00		午餐	
14:00-14:40	4	清潔成衣運動趨勢背景分析：回顧與討論（二） 趨勢 4 政治 - 公民行動空間的改變和縮小	簡報： Kit Chan（香港亞洲專訊資料研究中心）
14:40-15:40	5	清潔成衣運動趨勢背景分析：回顧與討論（三） 趨勢 5 商業與人權政策 趨勢 6 環境與社會正義	簡報： 楊政賢（清潔成衣運動東亞聯盟）
15:40-16:00		小休	
16:00-17:00	6	清潔成衣運動趨勢背景分析：回顧與討論（三） 趨勢 7 國際工會的政策 趨勢 8 資金	簡報： 蘇湘（清潔成衣運動東亞聯盟）
17:00-18:00	7	整理適用於東亞的趨勢背景分析要點	全體大會
18:00-18:30		小結	
19:00-21:00		歡迎晚餐	

表 3：議程（6 月 13 日）

時間	環節	主題	講者/主持
9:00-9:30		熱身和回顧	
9:30-10:30	8	報告和討論： 2018 年的 CCC 全球倡導行動回顧	簡報： 楊政賢（清潔成衣運動東亞聯盟）
10:30-12:30	9	報告和討論： 從生產到整個成衣業價值鏈：組織物流和零售工人的經驗	簡報： 張麗霞（香港零售、商業及成衣業總工會） 胡美蓮（香港婦女勞工協會） 周于萱（台灣青年勞動 95 聯盟） 陳品好（香港大學師生監察無良企業聯盟）
12:30-14:00		午餐	
14:00-16:00	10	報告和討論： 預防學生工人/實習生(外勞)剝削：來自各國的經驗	簡報： Stephen Luk（Mekong Migration Network） 甄凱（日本岐阜外國人工會） 劉志洋（台灣少年權益與福利促進會） 陳品好（香港大學師生監察無良企業聯盟）
16:00-16:20		小休	
16:20-18:00	11	報告和討論： CCC 緊急呼籲機制和東亞的緊急呼籲個案	簡報： 楊政賢（清潔成衣運動東亞聯盟）
18:00-18:30		本日摘要和總結	
		註：本日沒有安排共用晚餐	

表 4：議程（6 月 14 日）

時間	環節	主題	講者/主持
09:00-10:00	12	總結回顧前兩天的討論	
10:00-11:15	13	2020 年東京奧運會的戰略工作坊（一） - 東南亞生產國研究結果報告 - 品牌分析報告	簡報： Rita Olivia Tambunan（清潔成衣運動東南亞聯盟） 楊政賢（清潔成衣運動東亞聯盟）
11:15-12:30	14	2020 年東京奧運會的戰略工作坊（二） - 討論製定策略和倡導活動	主持： 蘇湘（清潔成衣運動東亞聯盟）
12:30-14:00		午餐	
14:00-18:00	15	會員/合作夥伴組織環節： 東亞聯盟制定戰略；運作回顧；討論審查章程；選舉	
19:00-21:00		團結晚餐	

表 5：議程（6 月 15 日）

時間	主題	主持及與談人
10：00 12：00	東亞聯盟理事會會議	
12：00 13：00	午餐	
13：00 13：10	開幕致詞	張瓊芳（台灣全國教師會）
13：10 14：40	台資在海外的勞動及環境爭議： 台灣在地聲援外國抗爭的經驗與反思	主持人 孫窮理（台灣焦點事件） 與談人 1. 蔡志杰（台灣全國教保產業工會）：尼加拉瓜年興紡織案、薩爾瓦多台南企業案 2. 張烽益（台灣勞工陣線）：富士康白血病工人跨海抗爭 3. 陳秀蓮（臺灣聲援 Hydis 工人連線）：韓國 Hydis 關廠案 4. 楊品蚊（台灣環境法律人協會）：台塑越南河靜鋼鐵廠污染案 5. 黃月媚（香港全球化監察）：跨國抗議愛迪達及台灣鉅東

14 : 40 14 : 55	休息	
14 : 55 16 : 25	Business and Human Rights 工具箱（一）	<p>主持人 汪英達（台灣桃園市群眾服務協會）</p> <p>與談人</p> <ol style="list-style-type: none"> 1. 黃嵩立（台灣人權公約施行監督聯盟）：人權公約審查機制 2. 李建歡（350 Taiwan）：從化石燃料撤資行動談社會責任投資 3. 潘翰聲（台灣樹黨國際秘書）：股東行動主義在台灣 4. 鄭中睿（臺灣勞動派遣產業工會顧問）：道德採購在台灣
16 : 25 16 : 40	休息	
16 : 40 18 : 10	Business and Human Rights 工具箱（二）	<p>主持人 鄭中睿（臺灣勞動派遣產業工會顧問）</p> <p>與談人</p> <ol style="list-style-type: none"> 1. 楊政賢（清潔成衣運動東亞聯盟）：可強制執行的品牌協議：孟加拉 ACCORD 2. 佐藤和子（Human Rights Now, Japan）：日本律師如何介入供應鍊的人權及勞權議題 3. 岩橋誠（日本 NPO 法人 POSSE）：日本「黑心企業大賞」倡議 4. 曾虹文（台灣綠色公民行動聯盟）：資料與企業行為監督——以「透明足跡」為例
18 : 10 20 : 00	晚餐及綜合討論：CCC 全球戰略與 2020 東京奧運倡議	

第四章 研究成果

一、概述：清潔成衣運動全球網絡和各區域聯盟的發展進程

1. 蘇湘²，〈清潔成衣運動全球網絡和各區域聯盟的發展進程〉

Trend Synthesis Tables

Key trends affecting garment workers' lives and CCC Network activities

Prepared on behalf of the CCC Network Transitional Steering Board, June 2019

**Clear
Cloth
Camp**

Trend	Main Findings	Implications	Linkage
Trend 1: New Technologies for Producing Clothes	<u>Main Findings: Robotic Automation</u> <ul style="list-style-type: none"> Automation in the apparel and footwear industry has remained limited. The sector is still highly dependent on human labour, with automation supporting rather than replacing workers. Slow adoption of automation is likely due to the availability of cheap labour, high cost of technology, complexity of garment production, and difficulties in fabric handling Next generation of automation (fourth industrial revolution) is set to overcome previous technological difficulties, providing companies with the possibility to produce garments and footwear in relatively high-cost production locations at a lower price and reduced time-to-market Automation may be different depending on complexity / type of product Proliferation of automation in the garment sector is not yet a reality and will be contingent on the cost of automation (expenditure and cost saving), consumer demand, and feasibility Organising workers is important to mitigate impacts of automation 	<u>Implications: Robotic Automation</u> <p>What can we learn from earlier waves of relocation to understand whether increased automation may lead to:</p> <ul style="list-style-type: none"> Loss of jobs in (current) production countries for lower-skilled workers; Less opportunities for lower-skilled work / increased competition may reduce wages further; Relocation of production to consumer markets for reduced turnaround (near-shoring); Increased automation for 'simple products' such as knitwear. 	<u>Linkages:</u> Automation Social & Env Justice (Trend 6) Economy and pos
	<u>Main Findings: Data Analytics</u> <ul style="list-style-type: none"> Data analytics (the analysis of raw data) is used to make predictions or optimise processes. For the garment sector, data can be collected and analysed at all stages of production to analyse information on companies, worker conditions, or consumer behaviour Data-driven production is one of the main drivers behind automation and near-shoring (bringing production closer to where the product will be sold) as it enables companies to predict what consumers want 	<u>Implications: Data Analytics</u> <p>Has the potential to:</p> <ul style="list-style-type: none"> Negatively impact freedom of association through monitoring / prediction of behaviours for workers, activists, and trade unions e.g. inclusion on 'blacklists' that are not public Detect issues within supply chain data, such as subcontracting, shifting production, near-shoring 	<u>Linkages: Data A</u> Regime Chan Shrinking Civic (Trend 4) – fr association / mon Funding Context (data analytics t online fundraising
	<u>Main Findings: Transparency</u> <ul style="list-style-type: none"> Major shift towards increased supply chain transparency with company disclosure of, at least Tier 1, factories. Transparency does not change working conditions but 	<u>Implications: Transparency</u> <p>Supply chain transparency is valuable for CCC's work, particularly for:</p>	<u>Linkages: Transp</u> Mandatory Hum Due Diligence (Tr

² 清潔成衣運動東亞聯盟執行統籌。

	<p>enables workers / activists to highlight systemic issues, take action, and seek remedy</p> <ul style="list-style-type: none"> • However, some brands still refuse to disclose, data is often inconsistent, hard to analyse, or not standardized, audit reports are rarely published, and purchasing practices rarely disclosed • Need for mandatory transparency to force resistant brands to publish supplier lists. This may arise from increasing calls and initiatives towards mandatory human rights due diligence • Successful campaigning for transparency by CCC, Transparency Pledge Coalition, Fashion Revolution. Growing inclusion of transparency as a membership requirement in MSIs, like FLA. Push for standardisation and coordination of data through initiatives such as the Open Apparel Registry (Board members from Workers Rights Consortium and CCC). Regulation bodies, national governments, civil society, brands, and donors are other key actors on transparency (targets and allies). • Private initiatives - either commercial or non-commercial - are offering brands or consumers online transparency tools and apps <p><u>Main Findings: Traceability & Blockchain</u></p> <ul style="list-style-type: none"> • For the garment sector, Blockchain (a decentralised digital ledger that records transactions) has the potential to trace products across the supply chain from production to shipping to sale. • Limitations of Blockchain include: economic viability as it is unclear who would pay maintenance costs; potential for inaccurate data either accidentally or purposefully; possibility to change information in Blockchain retroactively; requires a real interest from brands to provide accurate, honest, and transparent records; and does not provide information on working conditions 	<ul style="list-style-type: none"> • Identifying responsibility for rights violations for Urgent Appeal work; • Adding leverage for campaigning on worker safety; • Campaigning for binding regulation for workers' human and labour rights; • Highlighting the wage gap (through DCI project, which links transparency and living wages) • CCC is regarded as a key actor in transparency and has the possibility to influence discussions <p><u>Implications: Traceability & Blockchain</u></p> <p>Traceability comes with many caveats and alone does not improve working conditions; Blockchain is often not the best mechanism to achieve it.</p> <p>Some other uses where Blockchain could be beneficial:</p> <ul style="list-style-type: none"> • Gathering evidence of violations; • As a mechanism of worker reporting that can work across different stakeholders 	<p><u>Linkages: Traceability & Blockchain</u></p> <p>N/A</p>
--	---	--	--

Trend 2: New types of Retailers & Brands	<p><u>Main Findings</u></p> <ul style="list-style-type: none"> • Trade via e-commerce retailers, online marketplaces, search-engines, and logistics companies is surging and expected to continue to increase. from USD 481.2 billion in 2018 to USD 712.9 billion in 2022). • Emerging markets will consume two-third of the world's manufactured goods by 2025. • Almost endless possibilities of comparing prices and fits have led to a significant decrease in brand loyalty. • Most brands are increasingly exposed to gatekeepers. Outside the services of these intermediaries it is becoming difficult to gain access to customers, while access to customers is a key success factor in e-commerce. • Online marketplaces are dominating the search algorithms and offer technological solutions to streamline the shopping experience. In e-commerce 43% of purchases are influenced by personalized recommendations or promotions. • New apps facilitate customers to search for a specific look, eg virtual fitting apps let customers use their smartphone or virtual reality glasses to conduct 3D body scans. • Increasing role of social media influencers to promote fashion brands and trends. • Generational differences influence buying behaviour. Generation Z loves Instagram and Snapchat, while Generation X prefers Facebook. • "New actors" like post offices, warehouses and logistics industry have entered the supply chain. Automated sorting has taken over leading to job loss, and speedy delivery expectation is creating pressure for workers also in these "new" industries. • While trading regulations in many countries require garments to be labeled with the country of origin, there are no such regulations for products posted on an e-commerce platform or online marketplace. • E-commerce has made it possible for disruptor brands to enter the market. • E-commerce has increased the pace of fast fashion, with demand for same day and overnight delivery, through promotion on social media, algorithms that streamline the shopping experience, and personalised recommendations on shopping platforms • Expected shifts towards near sourcing and automation of production in order to increase speed to market 	<p><u>Implications</u></p> <p>The growth of e-commerce and personalised shopping experiences has the potential to:</p> <ul style="list-style-type: none"> • Increase demand for flexibility and speed to market with greater pressure on garment production workers (higher work loads, low wages, job insecurity, overtime etc.) • Decrease transparency of supply chains as there are no regulations to disclose country of origin in product descriptions on e-commerce platforms or online marketplaces • Further increase the use of automated sorting systems in warehouses, as well as exacerbate working conditions, for workers expected to meet unrealistic processing quotas • Lead to increased use of automation / near-shoring with loss of lower skilled jobs • Decrease of brand loyalty and new actors entering the supply chain might provide an opportunity and/or a threat for HR throughout the supply chain. Change working conditions for shop retail workers 	<p><u>Linkages</u></p> <p>New Technology Producing Clothes: – automation ; analytics / transparency</p> <p>Business and Human Rights Policies on due transparency & regulations (Trent)</p>
---	---	---	---

Trend 3 Trends in outsourcing	<u>Main Findings</u> <ul style="list-style-type: none"> • There are no major changes in relationships between brands and factories, most still supplier-buyer model. Both buyers and major suppliers spread risk by internationalizing, major suppliers now almost as flexible as brands in moving production/seeking the cheapest locations (and are integrating production). Race to the bottom continues. • Despite relatively higher wages, China still remains the world's main manufacturer. Because of wages move of production to inland, cheaper countries, countries closer by – also because of risk of Sino-US trade war and strikes/political situation. • Brand are now however looking for more than cheap labour, also short lead times. Production closer by also helps with better image and higher skilled workforce. • Automation plays a role in moving production to higher wage countries closer by. • -North- South model not only trade model anymore South-South trade on the rise, China now biggest apparel market 	<u>Implications</u> <ul style="list-style-type: none"> • workforce in Asia might decrease, there might a bigger scramble for the jobs left as well as an attempt by government and factory owners to hold on to orders by all means, including repression, poverty wages etc -> this will have negative effects for workers and unions • workforce will increase in Europe, North Africa, Central America where CCC network is less developed (NA, CA) and unions are weak (CEE) • if more production moves to Europe need to break through the myth that made in Europe means 'made fair'. As long as that myth exists CCC work might become harder • need to monitor the existing suppliers on issues including 1. whether there is negotiation with workers on factory relocation; 2. whether the workers are given compensation according to local regulations; 3. whether new jobs are created for the dismissed workers. • speed becomes dominant factor again, leading to forced overtime and subcontracting • need for strategies to deal with violations in factories making unbranded garments. • Need to organise workers • Union numbers might decrease if trade union membership is factory based. 	<u>Linkages</u> New Technolo Producing Clothe: – automation transparency New types of R Brands (Trend 2) Regime Change & Civic Space (Tr political influe sourcing trends
--	---	--	---

Trend 4: Regime Change & Shrinking Civic Space	Main Findings <ul style="list-style-type: none"> Increasing number and range of restrictive laws / regulations targeting civil society that curtail their rights, as well as a failure to protect civil space and negative narratives on human rights. Groups such as journalists, HRDs, and those leading protests on the ground are most affected Main causes of shrinking space are: an increase in laws and regulation that limit rights as part of counter terrorism and national security; fear of civil society and mobilisation by political elites; and the influence of global economic shocks / austerity that has increased calls for justice; and a backlash against human rights In 2018, the most violated rights globally were attacks on civil liberties, including the use of violence against workers, erosion of collective bargaining, exclusion of labour rights, and criminalisation of the right to strike (ITUC). Since 2011, 68% of UA cases had FoA violations. Four out of the ten worst countries in the world for workers are major garment producers (Cambodia, Philippines, Bangladesh and Turkey) in the ITUC Global Rights Index. These are amongst 11 garment production countries given the worst scores: 'systematic violations of rights' or 'no guarantee of rights'. 10 countries are in the 'systematic violations' category and a further 10 countries are in the 'regular violations' category. And 3 have 'repeated violations of rights'. There are a number of actors working on combating shrinking civic space, such as Human Rights Watch, Action Aid, ITUC, Actions, and Frontline. 	Implications <ul style="list-style-type: none"> This context has implications for the legality of labour groups and trade unions, organising and outreach to workers, campaigning and solidarity actions and cross border lobby and advocacy / actions. There is also increasingly less chances of governments of most garment producing countries to improve, implement or enforce labour- and labour-related laws Building wider networks is a key way in which HRDs and NGOs can protect themselves against both global and local threats. Countering restrictive space needs a strong community of trade unions, NGOs and a supportive environment for HRDs to work (e.g. UA work) Labour rights and civil society overall need a strong and positive narrative Shrinking civic space has also reduced the inflow of foreign aid through funding restrictions, limiting the ability of organisations to operate Labour rights are low on the agenda in all countries, not just the worst. 	Linkages <p>Funding Context (foreign funds)</p> <p>Human Right Diligence (Trend protections)</p> <p>Countries where t retailers have the manufactured (Tr</p>
---	---	--	--

<p>Trend 5: Business and Human Rights Policies on due diligence, transparency, & binding regulation context paper process</p>	<p><u>Main Findings</u></p> <ul style="list-style-type: none"> • Increase in soft law on corporate responsibility since human rights due diligence (HRDD) was established by the UNGPs. Despite this, accountability remains extremely limited. This has led to calls for mandatory HRDD, which would make regulation enforceable by law and may have a preventive effect if companies know there are sanctions. • Legal action to establish corporate liability within supply chains is limited and produced mixed results. While some case law demonstrates the potential for legal action, there is no robust or coherent approach. • Various stakeholders are lobbying for binding regulation on HRDD: civil society, policy and decision makers, and even businesses. Active lobbying and campaigning has been successful in furthering national initiatives. Civil society is not fully aligned on what these should entail and businesses are likely to push for softer approaches that limit liability • Growing recognition and support of mandatory regulation has resulted in the development of national initiatives on HRDD. These vary in terms of their scope, liability, and rights covered. However, supply chain transparency, which is essential to fulfill HRDD, is missing. An international UN Treaty on mandatory HRDD is also under discussion. 	<p><u>Implications</u></p> <ul style="list-style-type: none"> • Mandatory HRDD has the potential to increase protection, respect, and remedy for workers human rights in the supply chain • Growth of national initiatives within EU will increase the need for the EU to harmonise HRDD regulations for the functioning of the internal market, providing opportunities for lobbying. The international UN Treaty on mandatory HRDD will also provide options for advocating. • Case law and development of national initiatives can provide opportunities for campaigning or strategic litigation. This requires a proper understanding of this developing field • Not all regulation would necessarily benefit the textile and garment sector. Formation of coalitions for joint lobbying efforts by civil society will be necessary. Especially to counter the potential of businesses who may use their influence to push for softer regulation • Supply chain transparency is essential to fulfill HRDD requirements though none of the HRDD initiatives explicitly require transparency. 	<p><u>Linkages</u></p> <p>New Technolo Producing Cloth: – transparency</p> <p>Regime Chan Shrinking Civic (Trend 4) – prc freedom of associ:</p> <p>Social & Env Justice (Trend 6)</p>
--	---	--	--

Trend 6: Social & Environmental Justice	<u>Main Findings: Circular Economy</u> <ul style="list-style-type: none"> The Circular Economy (CE) is the transition from a take-use-dispose linear model to a regenerative and restorative closed loop model (found in natural systems) that focuses on keeping resources for as long as possible, designing out waste and pollution CE requires more labour than a linear economy and has been held up as a solution to unemployment or to informal work, although does not promise to provide better employment. Climate change mitigation can have positive impacts on employment – through the creation of new sectors and new activities – but also negatives, in job substitution/elimination, which if not planned for, could be detrimental to the livelihoods of millions. Labour unions have been largely absent from much of the CE discourse As a major polluter, the garment industry is one focus area in CE discourse. The focus has been primarily environmental, neglecting social and labour rights. This is not only concerning for addressing current violations but also for future risks of other abuses, such as the risk of child labour and modern slavery in new markets for sorting and recycling textile waste. CE practices applied in various sectors can contribute directly and indirectly to achieving 49 out of the 169 SDGs targets, but have a weak link (or no link at all) to the target of eradicating forced labour and end human slavery and child labour. CE currently does not directly address issues facing garment workers either in theory or practice. Risk that a shift to a circular garment industry will elevate environmental needs above social needs and continue to ignore worker rights violations, unless value chain actors have social interests within their business model There are large assumptions behind the current narrative and movement towards a circular garment industry, such as changes in consumer behaviour. It is most likely, however, that any developments will complement – rather than challenge – the fast fashion model. Garment industry / actors are engaging with CE, such as: C&A Foundation CE Theory of Change; Chelsea College of Art and Design; Copenhagen Fashion Summit 2019; Ellen MacArthur Foundation's Make Fashion Circular; and UN Alliance for Sustainable Fashion 	<u>Implications: Circular Economy</u> Potential implications of CE include: <ul style="list-style-type: none"> Reduced consumption of new clothes can result in less demand for garment workers; or workers could be put under less pressure, paid more and work reasonable hours, with the industry producing less, but higher quality/more durable clothes. The industry will have a higher need for collection, sorting and processing of textile "waste" (low-skill, manual jobs) as well as skills for re-manufacture, repair, and recycling (where skills of current workers will be needed) Health improvements through reduced exposure to toxic substances; Near-shoring if CE adopts a high-tech approach; or a new cohort of workers are introduced to manage the new technologies Risk of decreased transparency through new supply chain relationships of collection, sorting, and recycling; Elevation of environmental needs to the detriment of social / labour rights With states beginning to implement Extended Producer Responsibility (EPR), that could mean that the end-of-life stage of a garment becomes the responsibility of the brand. 	<u>Linkages: Circular Economy</u> New Technology Producing Clothes: – automation / tra
	<u>Main Findings: Post-Growth Fashion</u> <ul style="list-style-type: none"> Tackling climate change requires transformation of the economy, and transformation of fashion production is an essential part. Clothing typically accounts for 2-10% of the household environmental footprint (depending on geography). Post-growth fashion model aims to reduce purchase and production of fashion goods. This is tied to the circular economy findings (as above). 	<u>Implications Post-Growth</u> <ul style="list-style-type: none"> Without changes in capitalist economic dynamics (maximum profits, minimum costs), a reduction in consumption of fashion goods is likely to have negative impacts for garment workers, as reduced 	<u>Linkages Post-Growth</u> New Technology Producing Clothes: – automation / tra

	<ul style="list-style-type: none"> • Post-and degrowth economists argue that the relentless pursuit of profits, a model of the firm as cost minimising, and a rapid turnover of goods are behind both environmental degradation and the degradation of working conditions. These same dynamics have all also been identified as drivers of poor working conditions in garment factories. Increases in the costs of production through fairer wages, better health and safety and other improvements could theoretically be passed through to prices. The increase in prices would reduce levels of consumption, bringing environmental benefits, and providing social benefits at the same time. • Research is still very limited on the environmental impacts of reducing the volume of clothing purchases, as well as on the impact of applying such policies on workers and on economies. • Textile recycling typically reduces environmental damage, but it is currently technically and practically challenging, due to fibre mixes, use of components (zips, buttons etc) and lack of technology which result in low quality material, as well as inefficient/low-tech systems of collection and sorting 	<p>consumption intensifies competition between brands,, and cost minimisation negatively impacts wages and health/safety.</p> <ul style="list-style-type: none"> • Increased rates of recycling, repair and re-manufacture may create new jobs. It is assumed that work in these sectors is more labour intensive, therefore generates more jobs. The question is where these jobs will be created, who will have the skills, and what will be the quality of these jobs. • Post-growth and de-growth movements offer opportunities to develop new networks and coalitions with a shared basis to address both environmental and labour issues. CCC could explore how these alternative economic models can be used to improve working conditions. 	
	<p><u>Main Findings: Just Transition</u></p> <ul style="list-style-type: none"> • The Paris Agreement requires parties to the deal to take action on the creation of decent work and quality jobs as per the 'Just Transition', making it legally binding • In 2015, the ILO devised clear guidelines to underpin the Just Transition process with policies that respect and promote fundamental rights at work and take into account gender issues 	<p><u>Implications: Just Transition</u></p> <ul style="list-style-type: none"> • Both the Paris Agreement and ILO guidelines provide increased weight to as well as opportunities to lobby for improving working conditions for garment workers 	<p><u>Linkages: Just Tr</u></p> <p>Mandatory Hum Due Diligence (Tr</p>

Trend 7: Policies of the GUFs	Main Findings	Implications	Linkages
	<ul style="list-style-type: none"> The strategic plans of IndustriALL and UNI have not substantially changed. The key instruments for influencing brands and retailers remain Global Framework Agreements (GFAs) and international agreements such as the Bangladesh Accord (binding and involving NGOs) or ACT (voluntary and not involving NGOs). There has been a shift towards promoting the active participation of local unions in supply chain agreements and working towards their enforceability, with newer GFAs more comprehensive in terms of the fundamental labour rights included, the reach throughout the supply chain, involvement of local unions, and stipulation of monitoring-processes. The GUFs are not actively engaged in (developing) other types of multi-party or triangular supply chain agreements, which include enforceable obligations on the part of actors throughout the entire supply chain, and thereby ensure that lead firm purchasing practices support decent work (such as the Accord). There's several examples of such agreements also in other sectors. IndustriALL, UNI and ITUC, are lobbying for the creation of legally binding mechanisms at intergovernmental level through which brands and retailers can be held to account From the perspective of IndustriALL NGOs and labour support organisations have a complementary role to play through their lobbying and campaigning capacity but when it comes monitoring GFAs the prerogative solely lies within the trade union movement, and they are not supporting more social movement based unionism. ITUC has a slightly diverting view and believes there is a role for organisations such as CCC to play in monitoring the progress of supply chain agreements, especially when local unions are in need of support. Where campaigns and/or urgent appeal cases hold GFA signatory brands to account this creates tension in the cooperation particular when it is in the public domain. This happens where affiliates of the GUFs are also CCC members, but also where the local union is not affiliated. this tension Campaign or pressure work on brands that have not signed a GFA presents less of a problem for cooperation, unless the aim is to engage brands in multi-party/triangular bargaining agreements with local unions. 	<ul style="list-style-type: none"> IndustriALL welcome support from CCC on campaigning for brands to become a signatory to agreements, including pressuring brands to commit to ACT and lobbying the Bangladeshi government to prolong the Accord. There is a (limited) interest from UNI in expanding the work of the Accord beyond Bangladesh. ITUC welcome cooperation following the next ILO Convention to ensure ratification of the convention on gender based violence and harassment in the workplace as well as the endorsement of the declaration on the global labour guarantee by governments. CCC could support ITUC by bringing UA cases before the ILO supervisory mechanism and wish to deeped cooperation on the Transparency Pledge 	<p>Mandatory Hum Due Diligence (Tr</p> <p>Funding Context (</p> <p>New Technolo Producing Cloth: – transparency – campaign</p>

Trend 8: Funding Context	Main Findings	Implications	Linkages
	<ul style="list-style-type: none"> The 2030 agenda for Sustainable Development Goals guides the international funding landscape. Trend within global donor community to focus on projects that shift power to the South, with decentralised decision making and participatory grant making by those directly affected. Increasing unrestricted funding is a debate within the global donor community. As a result of shrinking civil society space, international donors scale back from issues that appear to be sensitive to local power holders or that irritate local sensitivities. However, donors are stepping up their reactions to the closing space problem, but the overall response is still not very strong. Global trends specifically related to the garment sector, like sustainability, fair fashion and circular fashion are essential to consider in terms of fundraising. Three overall types of funders can be distinguished, being 1. Multilateral and bilateral funding, 2. Philanthropy, and 3. Individual donations Multilateral funding generally offers higher amounts and is currently stable but increasingly earmarked and could decline in the near future. Philanthropic funding has potential for more flexibility (project and core funding) but at amounts vary largely Majority of individual donors donate online (influenced by social media) and close to half are enrolled in a monthly giving programme, indicating they are willing to commit to an organisation. Such funding is regularly non-restricted but the yields are relatively lower than multilateral. Civil society still relies heavily on foreign funding. Yet, shrinking civil space has reduced funding possibilities for foreign work that may be regarded as politically sensitive. However, some donors (USAID and EU) have demonstrated a willingness to fund NGOs that do not comply with local registration requirements where excessive or arbitrarily enforced Increased interest in funding projects that address social, economic, and environmental impacts, particularly the CE and sustainable development. From the Human Rights funds allocated by ODA, only 2% is allocated for economic and labour rights. For Philanthropic funds this is 6%. Majority of Human Rights funding goes to women & girls and to Children and Young people for both ODA and Philanthropic funding. Advocacy is the top priority strategy for funding from Philanthropic foundations. 	<p>Implications</p> <p>Main findings suggest that current trends:</p> <ul style="list-style-type: none"> May lead to reduced funding for civil society through shrinking civil space Provide more opportunities for funding at grassroots level Provide opportunities to increase fundraising through linkages to social media / campaigns Require a strong understanding and donor sensitive approach to diversify funding streams and cultivate strong relations with donors Remain focused on project funding as opposed to funds that support organisations. Important to follow or even try to influence the donor community debate on unrestricted funding. Take into account the different type of donors in fundraising strategy, as well as SDGs. Gender is high priority among all donors. 	<p>Linkages</p> <p>Regime Change (Trend 4) – funding</p> <p>Business and Rights Policies (Trend 6)</p> <p>Social & Environmental Justice (Trend 6)</p> <p>New Technology – data analysis fundraising purposes</p>

二、清潔成衣運動趨勢背景分析

2. 區立行³、Kit Chan⁴、蘇湘、楊政賢，〈清潔成衣運動趨勢背景分析〉

Trend 1 New technologies for producing clothes: Paper A: Robotic automation in apparel and footwear

Organizational objectives to protect profitability, to decrease cost, and to manage risk and uncertainty, amid disruptive global shifts stemming from macroeconomic pressures, geopolitical tensions and trade concerns, has encouraged companies to explore innovative sourcing and manufacturing opportunities¹. Moreover, current sales volatility, technological developments and consumer shifts are giving rise to a new demand-led production model that is set to influence the manufacturing processes of fashion brands and retailers in the near future². To succeed in the changing landscape, companies are seeking to increase their nimbleness and speed to market³. Discussions are pointing towards automation as one strategic solution to meet these push and pull factors².

Automation is the process or technique of applying automatic equipment in place of human efforts to execute tasks⁴. Automation is attractive to firms, as it can provide many benefits in relation to productivity and (cost) efficiencies. In some cases, automation technology allows firms to increase the speed of production, thereby boosting agility and reducing time-to-market sensitivity. Furthermore, unlike human workers, robots and other technologies can work 24/7 shifts and in “high risk” work environments. They have the potential to offer consistent quality, eliminate guesswork and reduce waste⁵. Moreover, robots and other technologies can be quicker and more accurate⁶. Therefore, investing in the technology will likely allow firms to easily and quickly respond to rapid changes and on-demand production opportunities^{2,5,6}.

In the apparel and footwear industry, (robotic) automation in manufacturing has been a modest process. During the Industrial Revolution the first (partial) automation was achieved in the textile manufacturing with automated looms such as the Jacquard loom and the power loom⁷. However, over the years limited progress has been made in feasible advancements or widespread adoption of automation technologies⁴.

In some areas of the manufacturing process, such as fabric inspection, fabric spreading and cutting automation, automation technologies have been applied². However, in other key areas such as sewing and pressing advancements in automation has been minimal⁴.

Since the 1980s, various research projects in Europe, Japan and the United States have attempted to automate sewing in garment production. Nevertheless, the results were unsuccessful due to the lack of technologies, the high investment costs and the inability to successfully solve complexity issues in to the sewing process⁴.

To date, application of automation has remained limited, and manufacturing continues to be highly reliant on labour-intensive input from humans, such as material handling where the majority is still done manually⁴. Robotic use has been employed in distribution centres to facilitate operations such as the pick-

³ 香港勞工教育及服務網絡。

⁴ 香港亞洲專訊資料研究中心。

and-ship process and to navigate through warehouses efficiently². Still, application of automation in the industry has been lagged compared to many other industries including the automotive and electronics industries⁸, in addition the application of automation has been mostly to support manual labour rather than replace it.

Likely reasons for the slow adoption are the availability of cheap labour, the high cost of the technology, the complexity of garment production and the difficulties in fabric handling given the nature of clothing textiles^{2,4,8}. Clothing production in particular is not straightforward, because clothing styles change rapidly and require many varying cuts of different forms and sizes. Additionally, fabric behaviour can be unpredictable and demands intricate dexterity in its handling and stitching. Previous automation attempts could not circumvent such issues⁴.

In recent years new interest has arisen in automation and its potential to disrupt the industry, as the next generation of automation technology is set to overcome previous technological difficulties and to decrease production costs in countries that were previously thought to be relatively high-cost production locations².

The next generation of automation technologies is part of the current transformation in manufacturing technologies that is expected to be so significant that it is being called Industry 4.0, or the fourth industrial revolution⁹. This revolution will bring about what is considered the “smart factory”, which will significantly adopt digital technologies such as (autonomous) robots, additive manufacturing (including 3D printing), artificial intelligence, immersive technologies, analytics, and many more, to the manufacturing process¹⁰.

There are concerns over the probability of human job loss due to the technological advancements of automation that may put many manufacturing jobs at risk in the future^{11,12}. For example, few factories in South East Asia countries like Cambodia, Viet Nam, Indonesia and Myanmar have implemented automated cutting machines that eliminate manual labour from the cutting process¹¹. Additionally, fully automated sewing machines (ASMs) are emerging that are capable of replacing entire work lines. The *LOWRY sewbot* and the *Sewbo* robot are just a few examples of such technological advancements coming to market. These sewing robots are being developed to work autonomously, while the human workforce functions as their “supervisors”¹³. What’s more, it takes just “one person to manage four or five robots”⁵.

Furthermore, automation has cost saving potential. The amount saved on cost will differ per production country, and it is likely that developed countries such as the US and countries in Europe will still remain more costly than developing and underdeveloped countries². However, a McKinsey Group study suggests that the cost of production in countries near consumer markets will become competitive. With widespread automation it will become feasible for companies to relocate their production (back) to consumer

markets (i.e. onshoring) or to shores near consumer markets (i.e. nearshoring) at comparable production costs as current production countries. This will benefit brands' turnaround times at comparable costs, but the move may also reduce the need for human jobs in current production countries.

Additionally, the McKinsey Group study also asserts that automation is likely to affect the manufacturing of simple products (e.g. t-shirts, jeans, knitwear and footwear), where full automation is feasible^{2,14}. The study further indicates that it also threatens complex garment manufacturing (e.g. dresses and jackets), but the impact on labour will likely be lower as processes are more likely to be semi-automated rather than fully automated². Adidas' fully automated shoe factory ("Speedfactory") in Germany⁵, Levi Strauss & Co.'s automated finishing laser Project F.L.X.^{2,15}, and Tianyuan Garments Company's fully automated T-shirt production lines in Arkansas¹¹ are examples of how firms are applying fully automated machines to their manufacturing process that require less human involvement than traditional factories.

However, the impact of robotic automation is not only dependent on the technological possibilities of the technology. Economic feasibility will also influence the probability of the adoption of automation and thus its potential to impact employment in garment manufacturing in the future ^{2,11}.

Despite the amount of attention automation has been receiving, in reality the current use of robotic automation in apparel and footwear manufacturing has remained quite limited¹². The decreasing cost of robots will make investing in the technology more affordable¹⁶, but the overall expediency will influence the rate of adoption. Adoption will likely hinge on estimations of capital expenditures and cost saving prospects throughout the production process, which is likely to differ per product (e.g. simple products vs. complex products), per firm (e.g. mass manufacturers vs. craft manufacturing) and per country (e.g. developed countries vs. developing countries) ^{2,12}. In addition, the necessary capital to invest in automation may be difficult to obtain in the least developed countries' economies¹².

Generally, labour compensation appears to be the predominant influence on the deployment of robotic automation, as currently implementation of automation is lowest in labour-intensive manufacturing sectors with low wages¹². Still, as mentioned above, viability will depend on company-specific factors such as the product category being manufactured, consumer demand dynamics, and production capacity of manufacturing firms. Furthermore, country specific macroeconomic and political influences such as regulations and policies that may hinder or encourage adoption as well as economic structures are also likely to influence the actual rate of adoption.

Potential impact on employment and workers' rights

The concern over automation relates to widespread and intensive adoption of automation that may put many jobs at risk. Advanced robots have the capacity to decrease demand for high-skilled workers (e.g. sewing machine

operators), which can lead to more workers losing their jobs, as more tasks are automated¹¹. Reports suggest that current production countries particularly in countries with many low-skilled workers will face extreme difficulties due to automation. An example is presented in a research conducted by the International Labour Organization (ILO), wherein approximately 64%-88% of workers in garment manufacturing are at high risk of job loss in the ASEAN region⁵. Furthermore, some analyst estimate that more jobs will be lost than added to the industry¹⁴.

However according to an United Nations Conference on Trade and Development report, labour-intensive, low wage sourcing and manufacturing is likely to remain for a while, and job reduction is likely to occur only gradually¹². Also, the report suggests that the negative impact from automation will be temporary.

Arguments are made that gradual job displacement will initially force workers to compete for a shrinking amount of jobs, possibly with less pay, or workers will be forced to find employment in entirely different industries^{12,17}. Moreover, even when new jobs are created training and education will be required, and re-education can be costly, sometimes impossible for some workers.

Nonetheless, new opportunities for employment are expected consequences of the gradual adoption of automation in manufacturing¹⁷. It is likely that there will be an increase in demand for higher-skilled operators, technicians and engineers for the technology^{5,17}. Furthermore, looking at the development of the trend of automation in other industries, robots will take over the more dangerous and repetitive tasks. However, growing importance for advanced analytical and interpersonal skills that cannot be replaced by robots, such as cognitive skills, social skills, creative intelligence, emotional intelligence, logical reasoning, dexterity, perception or skill combinations that require great adaptability will remain human jobs^{5,12,18}. This is currently what is occurring in the automotive industry¹⁸. The automotive industry is also showing that excessive automation can have an adverse effect, which may increase problems instead of solve them¹⁸. So, the industry will likely be significantly disrupted by automation, but there may be a balance in its effect on employment.

Thus, as labour costs continue to rise globally, broad application and rapid diffusion of automation may affect employment if economies do not adapt quickly enough to offset the disruption¹². However, both technological and economic feasibility will influence the rate of adoption². Moreover, new opportunities are likely to arise, as the advanced technology is predicted to change the dynamics of the manufacturing process. So, it may not displace all jobs, rather increase the need for more creative and adaptive human input.

Further Reading

1. Manyika, J., Lund, S., Chui, M., Bughin, J., Woetzel, J., Batra, P., Ko, R. and Sanghvi, S. (2017). Jobs lost, jobs gained: What the future of work will mean for jobs, skills, and wages. McKinsey & Company

References

- ¹ Amed, I., Berg, A., Balchandani, A., Andersson, J., Hedrich, S. and Young, R. (2018) *The State of Fashion 2019*. Business of Fashion and McKinsey & Company.
- ² Andersson, J., Berg, A., Hedrich, S., Ibanez, P., Janmark, J. and Magnus, K-H. (2018) *Is apparel manufacturing coming home? Nearshoring, automation, and sustainability – Establishing a demand-focused apparel value chain*. McKinsey Apparel, Fashion & Luxury Group.
- ³ Hunter, E., Marchessou, S. and Schmidt, J. (2018). The need for speed: Capturing today's fashion consumer. [online] McKinsey & Company. Available at: <https://www.mckinsey.com/industries/retail/our-insights/the-need-for-speed-capturing-todays-fashion-consumer> [Accessed 4 Apr. 2019].
- ⁴ Nayak, R. and Padhye, R. (2018). Automation in garment manufacturing. Woodhead Publishing.
- ⁵ Chang, J., Rynhart, G. and Huynh, P. (2016). ASEAN Transformation - Textiles, Clothing, and Footwear: Refashioning the future. International Labour Organization.
- ⁶ Lillington, G. (2017). New autonomous factory with 'Sewbots' set to open in US. [online] Fashionunited.com. Available at: <https://fashionunited.com/news/fashion/new-autonomous-factory-with-sewbots-set-to-open-in-us/2017082817079> [Accessed 4 Apr. 2019].
- ⁷ Selby Soft Furnishings. (2018). The History of the Automated Weaving Loom. [online] Available at: <https://selbysoftfurnishings.com/weaving-fabric-history/looms-textiles/history-automated-loom> [Accessed 26 Apr. 2019].
- ⁸ World Bank (2018) World Development Report 2019: The Changing Nature of Work, World Bank.
- ⁹ Marr, B. (2018). What is Industry 4.0? Here's A Super Easy Explanation For Anyone. [online] Forbes.com. Available at: <https://www.forbes.com/sites/bernardmarr/2018/09/02/what-is-industry-4-0-heres-a-super-easy-explanation-for-anyone/#16ddb1909788> [Accessed 28 Apr. 2019].
- ¹⁰ Küpper, D., Kuhlmann, K., Köcher, S., Dauner, T. and Burggräf, P. (2016). *The Factory of the Future*. [online] <https://www.bcg.com>. Available at: <https://www.bcg.com/en-gb/publications/2016/leaning-manufacturing-operations-factory-of-future.aspx> [Accessed 28 Apr. 2019].
- ¹¹ Chang, J. and Huynh, P. (2016). ASEAN Transformation – The future of jobs at risk of automation. International Labour Organization
- ¹² UNCTAD (2017). *Beyond Austerity: Towards a global new deal*. United Nations Publications.
- ¹³ Peters, A. (2017). This T-Shirt Sewing Robot Could Radically Shift The Apparel Industry. [online] Fast Company. Available at: <https://www.fastcompany.com/40454692/this-t-shirt-sewing-robot-could-radically-shift-the-apparel-industry> [Accessed 6 Apr. 2019].
- ¹⁴ Emont, J. (2018). Rise of the robots: Automation threatens garment workers in poor countries. [online] Business-standard.com. Available at: https://www.business-standard.com/article/international/rise-of-the-robots-automation-threatens-garment-workers-in-poor-countries-118021700112_1.html [Accessed 4 Apr. 2019].
- ¹⁵ Unzipped Staff. (2018). *Project F.L.X. Redefines the Future of How Jeans Are Designed, Made and Sold - Levi Strauss & Co*. [online] Levi Strauss & Co. Available at: <https://www.levistrauss.com/2018/02/27/project-f-l-x-redefines-future-jeans-designed-made-sold/> [Accessed 26 Apr. 2019].
- ¹⁶ Tilly, J. (2017). Automation, robotics, and the factory of the future. [online] McKinsey & Company. Available at: <https://www.mckinsey.com/business-functions/operations/our-insights/automation-robotics-and-the-factory-of-the-future> [Accessed 9 Apr. 2019].

¹ . Manyika, J., Chui, M., Merimadi, M., Bughin, J., George, K., Willmott, P. and Dewhurst, M. (2017). A future that works: Automation, employment and productivity. McKinsey & Company.

² Wilkes, W. (2018). *How the World's Biggest Companies Are Fine-Tuning the Robot Revolution*. [online] WSJ. Available at: <https://www.wsj.com/articles/how-the-worlds-biggest-companies-are-fine-tuning-the-robot-revolution-1526307839> [Accessed 29 Apr. 2019].

Trend 1 New technologies for producing clothes:

Paper B: Transparency and data analytics in the garment industry: trends, risks, opportunities

Transparency

Where we are now?

A major shift has happened over the past few years in supply chain transparency. Thanks to campaigning by CCC and others (Transparency Pledge Coalition, Fashion Revolution, ...) it is becoming the 'new normal' to disclose supplier factories, at least their Tier 1 suppliers. The first multistakeholder initiatives like FLA are starting to make this a requirement for membership. It is expected that more MSI's will follow, which will massively speed up the process especially when member-heavy ones like the Sustainable Apparel Coalition (SAC) follow suit.

Perhaps just as important, the narrative has been successfully shifted. We now have a situation where brand representatives state publicly "if you don't publish your suppliers, the assumption is that you have something to hide".

Fashion industry analysts like McKinsey are also signaling a trend towards "hyper-transparency" (see sources at end): consumers are more and more demanding this, and brands will need to respond to that.

Limitations

That doesn't mean the situation is ideal. There are a number of brands that refuse to publicise where their clothes are made; the data does not extend beyond CMT (Cut, Manufacture, Trim) and raw materials and the data that brands put out is inconsistent, hard to analyze, and not standardized. The update frequency is limited to once per year in some cases.

In addition, brands have a lot more information they need to share. Audit reports are rarely published, and very few brands give any information about their buying practices such as prices paid to suppliers and lead times.

And there are areas where no inroads have been made: unbranded garments/shoes, and brands in upcoming markets (mostly China, but also Indian, African, Latin-American brands).

It is also important to remember that transparency isn't the same thing as changing conditions for workers. Still, it gives campaigners useful information for organising and action.

What next?

There are two major issues that are currently being worked on to resolve some of these limitations. Standardization and coordination of data and how to force all brands to share their supplier lists.

A push is being made for standardization and coordination of data. For instance, the Open Apparel Registry, which has board members from Worker Rights Consortium and Clean Clothes Campaign, is consolidating supplier address data. In just a few weeks since opening in March 2019 it has listed more than 11.000 factories. This only contains address data, but there are indications that major MSIs are starting to cooperate. Other efforts are underway to standardize supplier lists.

Only preliminary discussions have been had on how to force resistant brands to publish supplier lists; current thinking is that it will require mandatory transparency. The chances of that succeeding are dependent on politics. In the EU, the various state-level and state-sponsored MSI's (Buendniss in DE, Covenant in NL, ...) might converge into EU-level rules. In the USA, the current political climate is not conducive, but might succeed on a state level (California) which will have a knock-on effect.

Risks for the CCC Network

Transparency should not become a goal in itself. Transparency is an **enabling factor** for workers and activists to seek remedy, to highlight systemic issues, to see where we need to take action. There is a risk that brands will just publish a pretty map or overview of their suppliers as part of their CSR reporting, and consider that to be all.

This is why standardization is vital. Only when supplier data can be harvested, combined with other data, stored over time and analyzed can it become an actual tool to gather evidence in the struggle for worker rights. Without standardization, it is greenwashing without much actual value.

The landscape of transparency has many actors, of which CCC is only one. There are MSI's, regulating bodies (European Union, United Nations Economic Commission for Europe (UNECE), national governments in various parts of the world), other civil society organisations, brands and funders. The alliances are sometimes shifting, and the various processes happen in different spheres at different times and at different speeds. This requires an agile approach, which can be at odds with CCC internal decision making. It can also be a technical subject, which risks having just a small group of specialists in the know and a knowledge gap towards the rest of the network.

Opportunities for the CCC Network

Solid transparency data can be a very powerful tool to identify responsibility when rights violations occur. Knowing which brands produced at what factory at what time can make the Urgent Appeal work more effective.

Combining supply chain transparency with CCC's other work on worker safety can add leverage to increase the pressure that all garment factories should at least be safe on a structural level. For instance to make sure no production happens outside Accord factories for brands that have signed the Accord

More challenging is the link between transparency and living wages. Yet that is what is for instance being developed in the current DCI (EU funded) project (for more information on the project see link at the end of the document). In the context of that project, transparency data is being connected with wage data to show the wage gap between what brands are saying they want to achieve and what is actually happening for workers. This can help to focus more consumer pressure towards living wages, and force brands into making actual measurable improvements instead of vague promises.

CCC is in a good space to influence the discussions about transparency. Our transparency campaigning work has made us a major voice, and we have made alliances with both traditional CCC allies like GUFs but also actors like Human Rights Watch, environmental activists and the wider Open Data community.

There are opportunities for the CCC as the discussions about transparency are expanded to go deeper into the supply chain: raw materials, chemical and mechanical processing, etcetera.

Finally, there are opportunities to enshrine a certain level of transparency into law or other enforceable form, which is better than relying on industry self-regulation.

Traceability and blockchain

Blockchain is a technology that is often discussed within transparency and traceability discussions. Very often industry analysts claim it is a magical solution for traceability, yet many people don't really understand what it is or how it works.

Most people associate blockchain with crypto-currencies like Bitcoin. Yet, the technology does have other uses.

One of those proposed uses is in traceability to make sure a specific garment could be traced back exactly along the supply chain; from where the cotton was grown or the synthetic fabric was produced, to where it was processed, dyed, spun, woven, made into a garment, shipped, to where it was sold. This is a very different proposition to a supplier list which isn't related to a specific product, which in theory could address the issue of supplier lists going out of date before they have even been published. It would also provide an opportunity for consumers to find out about the factory where their specific garment has been made.

Cutting the mathematics a bit short: A blockchain is a decentralized, distributed and in most cases public digital ledger that is used to record transactions across many computers so that any involved record cannot be altered retroactively, without the alteration of all subsequent blocks. This allows the participants to verify and audit transactions independently and relatively inexpensively.

To break this down: a ledger is a fancy bookkeeping term for keeping records. It will record all transactions, in theory making them transparent, verifiable and immutable (meaning they can't be changed afterwards).

There are various kinds of blockchain: public ones (where everyone can participate), private ones (they can for instance be used in large corporations with very many local stores) and 'cooperative ones' (where a limited number of parties participate)

However, that is not the entire story. First, maintaining a blockchain has maintenance costs. These costs might be distributed differently than traditional bookkeeping, but still costs have to be paid by someone. So there needs to be an incentive for people or organizations to participate in the blockchain. Many proposed 'solutions' by CSR and tech optimists do not answer the basic question of how their solution could be economically viable, and who would take part in maintaining the blockchain.

Second, somehow blockchain has a connotation of *"the truth, the whole truth and nothing but the truth"*. However, there is no magical reason why information in a blockchain should stick to *any* of these three, just because it is encrypted and hip. You can enter **erroneous information**, you can enter **incomplete information**, you can enter **willfully false information**, you can **withhold information**, you can even enter complete nonsense on a large scale to disrupt the blockchain.

Third, it is even possible to change information in a blockchain afterwards, if you control enough of the blockchain.

Finally, having information about where a garment is produced does not give information about working conditions.

So, given this, does it mean blockchain could somehow magically transform the garment industry? Well, only if you believe that brands have a *real interest in 100% accurate, honest, and transparent records*. In other words, if no company would willingly take into account that illegal subcontracting and other shady arrangements are what they actually want, or at least willingly take into account by driving a race to the bottom with their suppliers. That, as we all known, is not the case, to put it mildly.

Note that at this stage, there are only pilot projects for using blockchain in any supply chain (not just garments, but also food and other industries) project. None of these have been seen as successful. Also other projects within the wider development sector have failed. Blockchain has been successful only in crypto-currencies, and in strictly controlled situations such as money transfer between international banks.

Given this skeptical view, are there situations where using blockchain technology could still be useful to workers and workers' rights advocates?

- In some form, company-led traceability efforts that are made public (by making their blockchain verifiable) are preferable to the current situation where there is no traceability at all. We would have to confront these with inspection on the ground by credible, independent actors and ultimately worker-led control. And such efforts would have to be combined with mandatory measures to make sure everybody sticks to the rules, including enforceable sanctions.

- CCC and others could use a cooperative blockchain for evidence-gathering of violations or other worker complaints. It could be used to ensure a uniform mechanism of worker reporting, that can be run by a number of parties that **do not fully or partially trust each other** and that would not want one single party to have full control over the complaint reporting mechanism. So, in theory, this could be run by several different MSI's, CCC, multiple GUFs or trade unions, WRC and one or more regulatory bodies or governments together. Combined with some cryptography, it could protect the worker's anonymity while still allowing to get in touch with the worker.

Some other trends in traceability:

As McKinsey and others repeatedly state, there is strong consumer interest in better traceability. This includes environmental concerns, possible health risks for consumers of chemical processes used in the industry, and an increasing awareness of the carbon footprint of the fast fashion model.

Traceability is a big issue in other sectors. In fact, some major Due Diligence and Modern Slavery laws were partly or mostly based on the lack of traceability in for instance diamonds ("blood diamonds") and the electronics industry ("conflict minerals").

There is increased public interest in the environmental issues and climate change effects of the fast fashion industry. Yet, in the current GSF, we have no position on these.

Major brands do not want to connect environmental issues to social issues; we increasingly see 'eco' collections of organic or recycled material with no effect on wages or working conditions.

Data analytics in the garment industry

Data analytics is a field that is growing very fast, and already has deep implications on all of us. These impacts will only increase in future years.

In essence, data analytics is about using all the very fine-grained information that computer systems deliver, and using various methods like "machine learning" to analyse the data to make better predictions or to optimize processes. In clothing, data can be collected and analysed at all stages from production to transport to bricks and mortar retail shops to online stores. It can be used to analyse data about worker and consumer behaviour as well as about companies.

Data-driven production is one of the main drivers behind near-shoring (bringing production closer to where the product will be sold) and robotization of production. Companies invest large sums in getting more and more data from their consumers. But not only from what consumers are currently buying or the latest from the fashion runways; increasingly they are relying on data like the weather forecast for the next week and detailed demographics including age, income, ethnicity, gender, and other factors. The goal is to predict with increasing accuracy what range of products, and at what price point, they should target to (more or less) each individual separately.

This means a short time-to-market becomes essential. That can mean bringing production closer to where the garment will be sold (near-shoring), an increase in robotizing and/or an increase in half-fabricates that are more or less customized and finished to match the specific individual's needs at the last moment close to where the consumer is. This trend will potentially have massive consequences on the current distribution of the garment sector workers; possibly compensated by a strong growth in inter-Asian garment production. But this trend is explored in another paper.

Data analysis is also playing a role at the end of the production stage, or in the transport between stages of production. When more reliable information is available on exactly how long it takes to ship a container from A to B, companies can cut costs by moving to "just in time" production, as is already

prevalent in the car industry for example. This can lead to increased pressure for overtime, to make deadlines.

One other worrying trend is in 'social scoring'. The best-known example of this is China, which is moving along at a frightening pace towards a system where all citizens are subject to complete scrutiny, both on-line and in the real world. Behavior that the government likes, is rewarded with higher scores, behavior that is deemed bad leads to lower scores.

This model, and the technology behind it, will undoubtedly be exported to other governments. It will also be picked up by the private sector. Where it of course is already known that the big tech giants (Facebook, Amazon, Google) play a highly questionable role here, they at least are kept partly in check by an increasingly critical public, and there are attempts at regulation by for instance the EU.

The real danger lies in large, very unscrupulous but relatively unknown players like Palantir, who have shown that they will willingly and gladly cooperate with just about any regime or private party. They basically sell large-scale spying software to be used against targeted groups of people, aggregating data from social media, government sources, security cameras, mobile phone networks, use of public transport and private vehicles, and various others.

This could have far-reaching implications for workers, worker rights activists, trade union organizers and others. Workers that join a strike could find themselves on blacklists that are not public and do not even exist officially; instead they're provided as a 'worker vetting' subscription service for factory owners, making it harder to appeal against the very existence of these lists.

The movements of trade union activists will be even more monitored, and predictive analysis and machine learning could be used to quell potential protest before it even has a chance to start.

This is a bleak picture, but it is already happening around us and is an imminent threat we will have to confront.

So what does this mean in practice?

- Our understanding of Freedom of Association will have to be updated to include digital rights, and digital dangers. That means strengthening ties with digital rights activists, and updating our own knowledge of these issues. Our current understanding of Freedom of Association does not explicitly include the right to organize *without fear of reprisal*, where the reprisal is more and more taking the form of 'other' sanctions based on digital profiling. These can include travel bans or housing bans rather than an obvious jail sentence.
- Digital security awareness will have to increase. Digital security and safety awareness is no longer a luxury, but a necessity.
- We will need stronger links with other parts of civil society. People that campaign on land rights, environmental issues, anti-corruption activists, people working on feminist and LGBTQ rights, and groups addressing a whole range of other topics are facing the same issues. Solidarity across sector boundaries can be a powerful weapon to counter these worrying trends.

Finally, what can data analytics mean in a positive way for our movement?

- Examining transparency data in a systematic way can highlight problems. If a large number of brands produce at a certain location which couldn't possibly actually produce the volume of garments, that is a clear indication that subcontracting is taking place.
- Comparing supplier lists over time can give evidence of shifting production; to see if brands are moving production to countries or regions with less worker protection and/or lower wage levels; to see if near-shoring is accelerating; to see if production is taking place in regions with high number of vulnerable migrant workers, etc.
- Better analytics of our own campaigns can give hints on what are effective means of campaigning.

Some sources:

- [Transparency Pledge](#): a coalition of nine NGO's and GUF's that has lead the call for more transparency.
- [Open Apparel Registry](#): a non-profit initiative to map garment factories, and uniquely identify them.
- [ODSAS](#): A proposed open data standard, compliant with the Transparency Pledge, to standardize the supplier lists that brands publish
- [McKinsey report on transparency](#)
- [USAID report](#) showing no concrete results from blockchain in the development sector, despite glowing claims
- [Social scoring in China](#) - intro. Already millions have been banned from [traveling](#)
- Palantir: [evil](#) and [disturbing, predictive policing](#)
- DCI project: "Filling The Gap: Achieving Living Wages Through Improved Transparency" is available on [Insite](#)

For a critical, academic perspectives on transparency (*warning, highly academic.language*), see:

See Egels-Zandén, N., Hulthén, K. and Wulff, G. (2015) 'Trade-offs in supply chain transparency: the case of Nudie Jeans Co', Journal of Cleaner Production. Elsevier, 107, pp. 95–104. <https://gup.ub.gu.se/file/183060>

Stefan Gold, Pasi Heikkurinen, (2018) "Transparency fallacy: Unintended consequences of stakeholder claims on responsibility in supply chains", Accounting, Auditing & Accountability Journal, Vol. 31 Issue: 1, pp.318-337
<http://eprints.whiterose.ac.uk/111126/1/Gold%20and%20Heikkurinen%202017%20%28author%20accepted%29.pdf>



JUST TRANSITION: A GENERAL PERSPECTIVE

The imperative of a Just Transition

The Intergovernmental Panel on Climate Change (IPCC) recently released a special report which offers the most comprehensive and authoritative assessment of the impacts of global warming of 1.5°C above pre-industrial levels and the action needed to stay below this threshold. It states that “limiting global warming to 1.5°C would require rapid, far-reaching and unprecedented changes in all aspects of society.”

The report also proves beyond doubt that staying below 1.5°C will significantly reduce the damage of climate change, not just for the poorest and most vulnerable countries.

Extreme weather events are already destroying jobs and livelihoods:

- More than 83 million climate refugees have fled from disaster and have lost livelihoods.
- Climate-related disasters were responsible for thousands of deaths and USD 320 billion dollars in economic losses.
- By 2030, temperature increases will lead to the loss of 72 million jobs

The concept of a Just Transition has its origins in the international labour movement and is pithily summarised by the International Trade Union Confederation (ITUC) campaign slogan: ***No Jobs on a Dead Planet.***

Just Transition is rooted in social dialogue and the participation of those affected, at every stage of the process.

Given the scale of the challenge, it is described by the ITUC’s Just Transition Centre as “an economy-wide process that produces the plans, policies and investments that lead to a future where all jobs are green and decent...”.

Just Transition & the Paris Agreement

The Paris Agreement adopted during the COP21 (December 2015) committed signatory countries to introduce measures that will keep global warming below two degrees Celsius, with a target to reduce the level below 1.5 degrees. The agreement was historic in that it was adopted by 195 and represented the first ever global, legally-binding climate deal.

The agreement was also significant in that it accords the Just Transition concept a key, central role in how states shape their response to climate change and the transition to a low carbon economy.

In fact, the Paris Agreement requires that parties that have adopted the deal to take action on dealing with greenhouse gas emissions, taking into account “the imperatives of a Just Transition of the workforce and the creation of decent work and quality jobs”.

Therefore, Just Transition is not an optional policy extra for the governments, but a legally-binding obligation resulting from the adoption of the Paris Agreement.

Just Transition Guidelines from the ILO

The International Labour Organisation (ILO) – an United Nation body– has devised in October 2015 clear and comprehensive guidelines to underpin the Just Transition process, in member states.

The guiding principles state that “social dialogue has to be an integral part of” official policy formulation in respect of the “transition to environmentally sustainable economies and societies.”

In addition, policies must ‘respect’ and ‘promote’ fundamental rights at work and take into account the “strong gender dimension” of the transition challenge.

Critically, the ILO guidelines demand that a national Just Transition policy framework should “promote the creation of more decent jobs” while also “anticipating impacts on employment, adequate and sustainable social protection for job losses and displacement, skills development and social dialogue, including the effective exercise of the right to organise and bargain collectively.”

The European Trade Union Confederation has also published guidelines on the role for trade unions in building a Just Transition, with numerous examples from across the European Union.

The Spanish example of Just Transition in the coal sector

In July 2012, several hundred Spanish coal miners arrived in Madrid, having completed a march of some 500 kilometers from mining communities in the northern provinces of Asturias, Aragon and Castilla y Leon.

Their epic trek became known as La Marcha Negra (the Black March) and was organised in protest at plans by the then government to slash subsidies considered vital to the survival of the coal industry, the miners’ continued employment and the very existence of their communities.

The miners and their unions had previously agreed a plan to gradually reduce those subsidies over a longer timeframe, allowing the workers and communities the space to prepare for the inevitable transition. But the government reneged on the deal and announced their intention to effectively close down the industry with immediate effect. Their demand was one which trade unions have long championed as the only sustainable response to climate change – the need for a Just Transition to a low carbon economy.

In October 2018, after many years of campaigning (and a change of government) Spanish unions and the authorities announced a new deal that will see up to €250 million invested in the affected communities of Asturias, Aragon and Castilla y Leon, and in developing supports for the mining workers.

The deal has been hailed by the European Trade Union Confederation (ETUC) as a model of Just Transition. As the ETUC noted: “We don’t need to choose between a job and protecting the environment. It is possible to have both.”

Further information:

- ITUC Frontline briefing on Just Transition: https://www.ituc-csi.org/IMG/pdf/frontlines_briefing_climate_cop24_en.pdf
- ACTRAV (workers group to the ILO) report on Just Transition: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_647648.pdf
-

Trend 2 paper: New types of retailers and brands (online) and new consumer groups and markets

Fashion E-commerce: New Markets, New Challenges

I Introduction

This is a paper for circulation in the CCC Network on "New types of retailers and brands (online) and new consumer groups and markets". The paper is based on secondary sources and aims to describe the current situation, the most important trends and to provide an outlook on the issue. Given the author's proximity, the paper includes a focus on Switzerland, as an example of a market with high purchasing power. Due to the vast data available for the US and the EU, a significant share of the paper will revolve around the situation in these regions.

2 Current developments in fashion retail

Worldwide, revenue growth is slowing in the apparel industry.¹ In 2017, more than 1875 fashion focused stores shut down in the USA.² In the apparel sector, store openings the same year did not compensate this decline³ and the downward trend for brick-and-mortar stores seems to continue in 2019⁴. 2017 showed a decline in turnover in the apparel sector of 1.5% in Switzerland; while one year later it declined by a further 8.8%. The employment rate in the Swiss apparel retail sector shrunk more dramatically than in any other segment of retail.^{5,6}

But not all markets have come to reach the limits of their capacity: In India, for example, the curve points in a different direction where the average spending on apparel and footwear rose from \$40 per person in 2007 to \$64 in 2017.⁷ According to current projections, emerging markets will consume almost two-thirds of the world's manufactured goods by 2025. China already accounts for 40 percent of the world's consumption in textiles and apparel.⁸ The country is consuming more of what it produces and exporting an increasingly smaller share though it remains the world leader in garment exports.

The same holds true for India. In 2002, the country exported 35 percent of its

¹ <https://www.shopify.com/enterprise/ecommerce-fashion-industry>, accessed on April 2, 2019.

² <https://www.business-news/financial/retail-store-closures-2017-macys-bcbg-american-apparel-wet-seal-bercrombie-limited-jc-penney-sears-10842214/>, accessed on April 8, 2019.

³ <https://www.chainstoreage.com/store-spaces/report-debunks-retail-apocalypse-as-more-stores-are-opening-than-closing/>, accessed on May 9, 2019.

⁴ <https://www.businessinsider.com/stores-closing-this-year-2019-2>, accessed on May 9, 2019.

⁵ 9% decline in employment in the apparel sector between 2011 and 2016. Credit Suisse AG: Retail Outlook 2019: <https://www.credit-suisse.com/media/assets/private-banking/docs/ch/unternehmen/unternehmen-unternehmer/publikationen/retail-outlook-2019-de.pdf>, accessed on April 8, 2019.

⁶ Credit Suisse AG: Retail Outlook 2018. <https://www.credit-suisse.com/media/assets/private-banking/docs/ch/unternehmen/unternehmen-unternehmer/publikationen/retail-outlook-2018-de.pdf>, accessed on April 5, 2019.

⁷ McKinsey Global Institute (2019). Globalization in Transition: The Future of Trade and Value Chains. McKinsey&Company, January 2019.

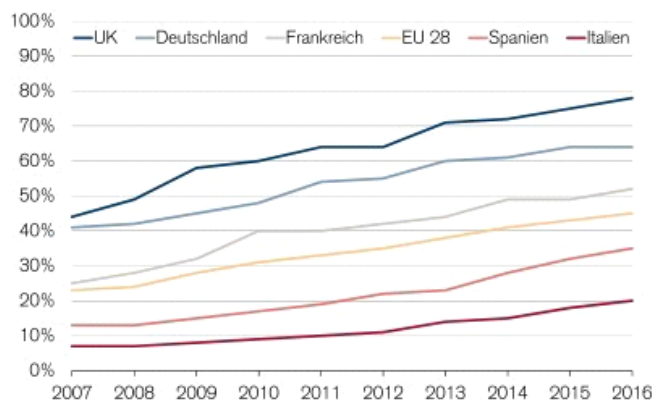
⁸ Ibid.

final output in apparel, but by 2017, that share had fallen by half, to 17 percent, as Indian consumers stepped up purchases. The same trend can be observed for Brazil. Indonesia, Thailand, Malaysia and the Philippines are projected to account for a significant share of global consumption by 2030.⁹

Whereas in 2007, the share of the EU-28 population shopping on the internet was 23%, it had doubled by 2016.¹⁰ The share of online trade continues to rise also in Switzerland: Between 2012 and 2017, the e-commerce volume across all providers rose 53%.¹¹

E-Commerce im europäischen Vergleich

Anteil der Befragten, welche in den letzten drei Monaten vor dem Umfragezeitpunkt im Internet eingekauft haben, in %



Quelle: Eurostat, Credit Suisse

E-commerce in Europe: Percentage of respondents who have shopped on the internet in the last three months prior to the survey (UK, Germany, France, EU-28, Spain, Italy)

The largest market for on-line retail in the world is China. On " Singles Day," a one-day annual frenzy of e-commerce, an estimated USD 30 billion in sales was rung up in 2018, surpassing by far Black Friday and Cyber Monday in the United States.¹² Not surprisingly, the Fashion and Apparel Industry Report, provided by the Canadian e-commerce company Shopify, paints a bright picture when it comes to the expected

⁹ McKinsey Global Institute (2019). Globalization in Transition: The Future of Trade and Value Chains. McKinsey&Company, January 2019.

¹⁰ CreditSuisse AG: Retail Outlook 2018. <https://www.credit-suisse.com/media/assets/private-banking/docs/ch/unternehmen/unternehmen-unternehmer/publikationen/retail-outlook-2018-de.pdf>, accessed on April 5, 2019.

¹¹ Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

¹² McKinsey Global Institute (2019). Globalization in Transition: The Future of Trade and Value Chains. McKinsey&Company,

global revenue of the e-commerce fashion industry and predicts it to rise from USD 481.2 billion in 2018 to USD 712.9 billion in 2022.¹³

According to Magento, another e-commerce software provider, the top e-commerce companies across all sectors in 2019 are Amazon, Alibaba, eBay, Jingdong (JD.com), Zappos, Rakuten, Home Depot, Flipkart, Zalando and Otto¹⁴. The E-Commerce Database provided by Statista¹⁵ declares the following companies ranked highest in terms of revenue in fashion e-commerce (2018): JD.com, VIP.com, macys.com, amazon.com, hm.com.¹⁶

It is of course almost impossible to compare a tech giant like Amazon to a specialized fashion retailer like H&M. Amazon, also dubbed the "everything-store", sells a huge range of products, mostly from third-party sellers, is active in computing services and goes as far as to produce own movies. But fashion retail has undergone dramatic changes in recent years.

I Access to customers

The rise of e-commerce in the fashion industry has led market researchers to investigate what drives online customers. As difficult as it is to pinpoint the psyche of the e-commerce customer, there are some key factors. One factor, industry reports agree on is that the almost endless possibilities of comparing prices and fits have led to a significant decrease in brand loyalty. Customers no longer walk into a store they trust and ask a shop assistant for help. Instead, they research, read reviews, and look for the perfect items to match their personality online.¹⁷

The vastness of information on the internet leaves customers confronted with numerous influences via social media, fashion blogs and search engine results. Most brands are thus increasingly exposed to gatekeepers, such as Google, Facebook, Amazon, Alibaba, JD.com, Tencent or Zalando. Outside the service of such intermediaries, it is becoming difficult to gain access to customers.¹⁸ And the access to the customer is a key success factor in e-commerce.¹⁹

To get customers on their website, fashion retailers must get inventive. Search Engine Optimization (SEO) is essential in e-commerce. But in fashion, SEO does not stop at optimizing keywords that describe pieces of clothing. In a business that revolves around appearances, customers often search for a specific look. New apps facilitate this: For example, they allow people to take pictures of pieces of clothing and then shop similar items straight from their

January 2019.

¹³ <https://www.shopify.com/enterprise/ecommerce-fashion-industry>, accessed on April 8, 2019.

¹⁴ <https://magenticians.com/top-ecommerce-companies-in-the-world/>, accessed on April 23, 2019.

¹⁵ <https://ecommercedb.com/en/ranking/ww/fashion>, accessed on April 23, 2019.

¹⁶ See Annex for company details.

¹⁷ <https://www.linkfluence.com/blog/consumer-insights-for-fashion-industry>, accessed on April 2, 2019

¹⁸ Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

¹⁹ Ibid.

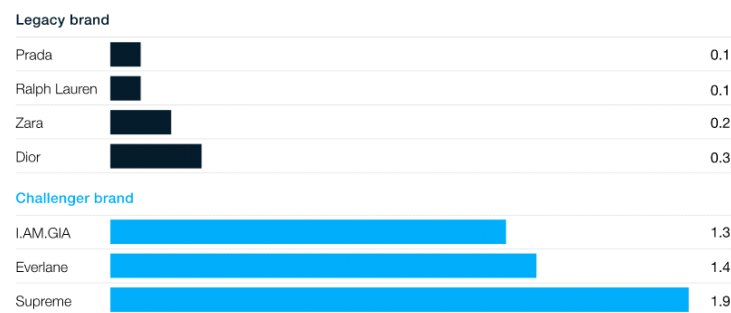
phones.²⁰ Snapchat allows users to identify items as seen through the lens of the mobile phone camera and buy them right away - on Amazon.

The internet is also enabling a new breed of challenger fashion brands. They are – among others - characterized by high social-media fluency. Some employ celebrity endorsers with a high credibility among customers.²¹ In addition, there is an increasing number of 'social media influencers' who use their social media following to promote fashion brands and trends²². Some are paid by brands to attend fashion shows and feature the brands in their posts on Instagram, Youtube or other platforms. According to Forbes magazine, just ten influencers reached more than 30 million people through their social media activity²³.

At Zalando, the biggest fashion e-commerce platform in Europe, there is a high interest in enhancing the "digital experience" users are supposed to have on the site. Videos, fashion blogs and social media postings present a lifestyle that encourages the purchase of entire outfits instead of individual pieces. The goal is to increase customer retention.²⁴

Followers of challenger brands are more active and engaged than are those of legacy brands.

Instagram likes per follower,¹ number



¹Average number of likes on each post in proportion to number of followers over four weeks in August 2018.

McKinsey&Company | Source: McKinsey analysis, based on Instagram data

If performance were measured by social-media engagement, traditional fashion players would be in trouble. Many of the so-called disruptors saw their number of Instagram followers expand at a much higher speed compared to H&M, Zara or Dior. Followers of disruptor brands also tend to engage more actively with the brand on social media than followers of traditional fashion

brands.²⁵

Social media can help in gaining access to customers and it is a prospective business model: Generation Z (currently aged 18-21) spends two to three times more time shopping on social media channels than the average consumer, with Instagram and Snapchat shopping taking the lead. Generation X (currently aged 38-53) tilts toward a Facebook shopping

²⁰ <https://www.mckinsey.com/industries/retail/our-insights/now-or-never-immediacy-and-customer-experience-in-fashion-retail>, accessed on April 2, 2019.

²¹ <https://www.mckinsey.com/industries/retail/our-insights/self-disruption-in-the-fashion-industry>, accessed on April 11, 2019.

²² <https://www.telegraph.co.uk/fashion/people/meet-fashions-super-influencers-the-women-with-the-power-to-char/>

²³ <https://www.forbes.com/top-influencers/fashion/#6ebdfb344552>

²⁴ Zacharias Zacharakis, 7.9.2018. "Bestellen. Zurück. Bestellen. Zurück. Bestellen. Zurück". In: Zeit Online. <https://www.zeit.de/wirtschaft/unternehmen/2018-09/zalando-onlineshop-versandhandel-strategie-retoure>, accessed on April 4, 2019.

²⁵ <https://www.mckinsey.com/industries/retail/our-insights/self-disruption-in-the-fashion-industry>, accessed on April 11, 2019.

preference.²⁶

In 2016, shoppers already did half of their online spending through marketplaces, according to a report released by Forrester Research. The bulk of these transactions is shared between the big players, Amazon, Alibaba, JD.- com and eBay, which account for 75% of purchases on marketplaces. According to the report, the share of marketplaces in e-commerce could rise to two-thirds in five years.²⁷

An online marketplace is a specific type of online platform that focuses on facilitating exchanges between buyers and sellers. It displays the offers of various brands and processes the transactions for a cut of the sales proceeds. In other words, it is an online shop that sells the products from lots of different brands. Delivery and warehousing are either carried out by the marketplace operators or by the brands themselves (so-called drop shipping). Some Marketplaces (as for example Zalando and Amazon) are also selling their own clothing lines.²⁸

In the US, Amazon overtook Walmart as most-shopped apparel retailer in 2018, according to a study conducted by Coresight Research. More than half of people taking the survey reported having bought clothing or shoes on Amazon in 2018, fewer respondents reported having bought clothing or shoes at Walmart in the same year.²⁹ Amazon is feared for its ability to dominate markets and achieve strong customer loyalty. In fact, a poll recently showed that Amazon is the institution most trusted by Americans, right behind the US Army, but way ahead of the government and the press.³⁰

Online marketplaces such as Amazon are not only dominating the search algorithms (meaning that they will appear as first results following enquiries in search engines), they are also the first to offer technological solutions to streamline the shopping experience. For example, in using customer data to personalize the website. They save the browsing and shopping history, offer similar products ("you might also like XYZ"), and make recommendations ("people who bought XYZ also bought XYZ") in order to increase customer loyalty.

According to shopify.com, personalization is a leading factor in e-commerce: 43% of purchases are influenced by personalized recommendations or promotions.³¹ "Personalization and curation based on personal taste will become a lot more important," says Ananth Narayanan, chief executive of Myntra, an Indian fashion e-commerce player acquired by e-commerce

²⁶ <https://www.shopify.com/enterprise/ecommerce-fashion-industry>, accessed on April 2, 2019. (Footnote needs to be verified)

²⁷ <https://www.retaildive.com/news/forrester-half-of-online-sales-occur-on-marketplaces/504913/>, accessed on May 2, 2019

²⁸ <https://fashionunited.uk/news/business/zalando-to-discontinue-private-label-business/2019031542169>, accessed on May 10, 2019 and <https://www.retaildive.com/news/amazons-private-label-apparel-is-struggling/540565/>, accessed on May 10, 2019.

²⁹ <https://sourcingjournal.com/topics/retail/amazon-most-shopped-apparel-retailer-coresight-research-141860/>, accessed on April 2, 2019.

³⁰ <https://www.vox.com/the-goods/2018/10/25/18022956/amazon-trust-survey-american-institutions-ranked-georgetown>, accessed on April 23, 2019.

³¹ <https://www.shopify.com/enterprise/ecommerce-fashion-industry>, accessed on April 2, 2019.

platform Flipkart in 2014. "It's not about having the largest selection; it's about presenting the most appropriate selection to the customer involved."³²

Personalization thus leads to a new kind of loyalty – skewed towards a platform more than a brand. Zalando-CEO David Schneider recently cited the examples of Netflix for movies and Spotify for music in aiming to be the one destination for customers to "fulfill all of their fashion needs". At the time, Zalando's site already had more visits than top fashion retailers like Inditex, H&M, ASOS and Adidas.³³

I Shopping and returning

Shopping recommendations for customers generated by algorithms, in turn, help increase the number of items in the shopping cart. The high cost of logistics means companies press for high number of items per purchase. But due to the higher use of mobile devices, shopping carts are currently shrinking. With the sweep of a thumb, customers are likely to buy individual items, but not to fill an entire shopping cart.³⁴

Once customers have placed their orders, they are confronted with the check-out process. If this process is complicated, it can be a conversion killer – while an easy check-out invites shoppers to buy more. Amazon has made the shopping process completely seamless, using its virtual assistant "Alexa" to process spoken orders. The web is full of anecdotes of people accidentally buying items using "Alexa". As "Der Spiegel" states, it reflects the ideal exchange of goods: effortless, clickless, thoughtless.³⁵ Just recently it has become known that Amazon employs personnel that listens to the conversations recorded with Alexa.³⁶ In general, the personalization of the purchasing process raises some red flags in terms of data privacy.

In fashion e-commerce, the return rates can be as high as 50%, as the example of Germany-based fashion retailer Zalando shows.³⁷ This quota is significantly higher than in other segments of e-commerce, due to the highly complex nature of apparel sizes and fits. Many customers buy items in different sizes, try them on at home and send back items that do not fit.³⁸

Due to the high cost of shipping (free returns have become an industry standard), one of the main goals for retailers in e-commerce is to get customers return fewer items. Thus, it is crucial to get the fitting right from the start. Several start-ups have focused on new fitting technologies. Some enable shoppers to measure the clothes in their closet and compare specific

³² <https://www.mckinsey.com/industries/retail/our-insights/how-indias-ascent-could-change-the-fashion-industry>, accessed on April 2, 2019.

³³ <https://www.reuters.com/article/us-zalando-results/zalando-back-in-style-as-it-bids-to-be-netflix-of-fashion-idUSKCN1QH0NV>, accessed on April 23, 2019.

³⁴ Ibid.

³⁵ Guido Mingels, 22.12.2018: "Alles im Fluss". In: Der Spiegel.

³⁶ <https://edition.cnn.com/2019/04/11/tech/amazon-alexa-listening/index.html>, accessed on April 12, 2019.

³⁷ Zacharias Zacharakis, 7.9.2018. "Bestellen. Zurück. Bestellen. Zurück. Bestellen. Zurück". In: Zeit Online. <https://www.zeit.de/wirtschaft/unternehmen/2018-09/zalando-onlineshop-versandhandel-strategie-retoure>, accessed on April 4, 2019.

³⁸ Ibid. (own translation)

brands and styles to their own³⁹. Virtual fitting apps let customers use their smartphones or virtual reality glasses to conduct 3D body scans. With such scans they aim to ensure the accuracy of size and fit before the purchase.⁴⁰

Sizing tools like True Fit are used by more than 200 retailers, including Macy's and Ralph Lauren. But some apps are targeting the consumers directly, rather than waiting for brands to step up.⁴¹ Zalando on the other hand tries to adjust the declarations on the products: Employees spend days trying on shoes of the same size to adjust the indications of size provided by the brands. The information then gets fed into the algorithm and is merged with the data from previous customer purchases, resulting in personalized size recommendations for customers.⁴²

Even the returns are starting to be personalized: In December 2017, Zalando expanded its process of picking up returns across Germany. It is a service under the customer loyalty program Zalando Plus, for which customers pay 19 euros per year and also receive additional services such as premium delivery or style advice. Customers can place a pick-up order for returns, stick a return label to the delivery and hand it over to the pickup courier, at a place and time of their choosing.⁴³

I Logistics

If delivery times of 10 to 14 days were the standard at times of mail orders via a printed catalogue, one to five days can be regarded as a normal delivery time in e-commerce today.⁴⁴ In Switzerland, the share of Priority deliveries was 5% in 2009 – in 2016 it was 40%.⁴⁵ In some countries, Amazon has established same-day deliveries and has started a kind of "Uber for goods" with "Amazon Flex", in which everyone can act as mailman,⁴⁶ with often grueling working conditions.⁴⁷

As there is almost no way for a company to differentiate itself through faster delivery times anymore, personalization is also entering the delivery options. Customers can already choose between day and evening delivery in some cases other companies offer several delivery time windows to choose from. It has become standard that customers are notified of an upcoming delivery.⁴⁸

³⁹ <https://www.virtusize.com/site/>, accessed on April 11, 2019.

⁴⁰ <https://www.shopify.com/enterprise/ecommerce-fashion-industry>, accessed on April 2, 2019.

⁴¹ <https://www.mediapost.com/publications/article/330084/an-app-to-size-clothes-would-be-fitting.html>, accessed on May 9, 2019.

⁴² Zacharias Zacharakis, 7.9.2018. "Bestellen. Zurück. Bestellen. Zurück. Bestellen. Zurück". In: Zeit Online. <https://www.zeit.de/wirtschaft/unternehmen/2018-09/zalando-onlineshop-versandhandel-strategie-retoure>, accessed on April 4, 2019.

⁴³ Ibid.

⁴⁴ Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

⁴⁵ Credit Suisse AG: Retail Outlook 2018. <https://www.credit-suisse.com/media/assets/private-banking/docs/ch/unternehmen/unternehmen-unternehmer/publikationen/retail-outlook-2018-de.pdf>, accessed on April 5, 2019.

⁴⁶ Guido Mingels, 22.12.2018: "Alles im Fluss". In: Der Spiegel.

⁴⁷ <https://www.businessinsider.com/amazon-delivery-drivers-reveal-claims-of-disturbing-work-conditions-2018-8?r=US&IR=T>, accessed on April 23, 2019.

⁴⁸ Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

Meanwhile, the opposite of personalization happens at post offices and inside the warehouses: Where small shipments were once sorted by hand, automated sorting systems have taken over. This leads to job cuts in post offices⁴⁹ and warehouses.⁵⁰ Where the jobs are not cut, warehouse personnel have reportedly suffered from inhumane working conditions⁵¹, especially in the sales season⁵² or around holidays.

“The demand for same-day delivery and overnight delivery is creating intense pressure for workers”, said an organizer of a workers’ protest in New Jersey in an interview with the Wall Street Journal.⁵³ Warehouse workers are expected to meet unrealistic processing quotas and permanent jobs are increasingly being replaced with temporary work – of course without the same benefits.

Whereas in Europe and the US, the working conditions in warehousing and logistics are well documented⁵⁴, the situation in Asia is largely unknown. This is significant for the growing consumer base in Asia as well as to consumers in Europe and the US. The amount of overseas shipments from Asia to Europe is increasing continuously.⁵⁵

In Switzerland for example, 14 million retail packages arrived from Asia in 2017, up from 9 million in 2016 and 6 million in 2015. The comparably low product prices and the exemption from the import tax and customs duties for small shipments from Asia into Switzerland have led to this increase. In addition, international deliveries from the People's Republic of China enjoy a lower rate for sending parcels, according to the rules of the Universal Postal Union (UPU), an international organization that coordinates rates and standards between nearly every national postal system in the world.⁵⁶

These extremely advantageous conditions for Chinese e-commerce companies are not permanent, as contracts between the members of the UPU can be re-negotiated or member states can exit the Union, as the US did in 2018.⁵⁷ but in this window of time, the companies have the opportunity to expand within Europe, build logistics structures in Europe and gradually increase their level of service. Millions of dollars’ worth of investments have been announced: China based companies JD.com and Alibaba are building their logistics network for Europe from France in the case of JD.com and

⁴⁹ 20 Minuten (2.10.2018): „So schaden asiatische Onlinehändler der Schweiz“. Tamedia.

⁵⁰ <https://qz.com/1419418/uniqlo-cut-90-of-staff-at-one-warehouse-by-replacing-them-with-robots/>, accessed on April 12, 2019.

⁵¹ <https://www.wsj.com/articles/labor-groups-call-for-better-warehouse-working-conditions-in-new-jersey-11544656470>, accessed on April 23, 2019.

⁵² <https://www.cnn.com/2018/11/23/amazon-warehouse-workers-protest-working-conditions-black-friday.html>, accessed on April 12, 2019.

⁵³ <https://www.wsj.com/articles/labor-groups-call-for-better-warehouse-working-conditions-in-new-jersey-11544656470>, accessed on April 23, 2019.

⁵⁴ <https://www.mirror.co.uk/news/uk-news/timed-toilet-breaks-impossible-targets-11587888>, accessed on April 23, 2019.

⁵⁵ https://www.joc.com/maritime-news/container-lines/asia-europe-trade-begins-2019-volatility_20190311.html, accessed on May 10, 2019

⁵⁶ <https://www.scmp.com/news/china/diplomacy/article/2169144/chinas-cheap-shipping-advantage-explained>, accessed on May 10, 2019

⁵⁷ <https://cargofacts.com/winners-and-losers-of-a-us-exit-from-the-universal-postal-union/>, accessed on May 10, 2019

Bulgaria⁵⁸ and Belgium for Alibaba.⁵⁹

The ascent of e-commerce has boosted the logistics and warehousing industry.⁶⁰ In 2018, British warehouse owner Segro's shares hit a decade-high because space-hungry clients, many in online retail and logistics, continued to buy up storage. An equities broker was cited on the industry news website Business of Fashion that he advises clients to buy shares in Kion, a German forklift truck-maker that is automating warehouses for online retailers.⁶¹

To streamline logistics, e-commerce companies are turning to bricks-and-mortar stores. Zalando has started to add inventory items to in-store retailers, to increase product availability and open potential for very quick deliveries.⁶²

I Production and sourcing

The increasing personalization on e-commerce platforms and the processing of customer data enables brands and retailers to increase the profitability of their supply chains with much discussion in the industry press about a potential growth in near sourcing and automation of production in order to increase speed to market. UK-based e-retailers Boohoo and Missguided source at least half of their clothes in the UK⁶³ and whilst there are signs this may become more widespread, in 2019, Asia remains the world's largest exporter of fashion and looks set to remain so for some time.⁶⁴ (See the 'Sourcing' and 'Technology' trends papers for more insights on these.)

The increased demand for flexibility and speed to market caused by e-commerce is likely to put even greater pressure on workers within garment factories. High workloads, low wages, job insecurity and stress are typical for the industry – whether the factories are in Dhaka, Casablanca or Leicester.⁶⁵

Ecommerce also has implications for transparency of supply chains. While trading regulations in many countries require garments to be labelled with the country of origin, there are no regulations to disclose country of origin in the product descriptions posted on an e-commerce platform or online marketplace. A small sample in the context of this report did not reveal a single source of origin for a random selection of garments on some of the largest online marketplaces (Aliexpress, Amazon, Flipkart, Zalando).

Nevertheless, journalists recently brought to attention the case of cotton hand towels advertised as "made in Turkmenistan" on the websites of

⁵⁸ Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

⁵⁹ <https://t3n.de/news/alibaba-mietet-riesiges-1130936/>, accessed on April 2, 2019.

⁶⁰ <https://www.ft.com/content/9a8dfd22-f97e-11e8-af46-2022a0b02a6c>, accessed on May 10, 2019,

<https://www.ft.com/content/c3d9495c-9943-11e8-9702-5946bae86e6d>, accessed on May 10, 2019

⁶¹ <https://www.businessoffashion.com/articles/news-analysis/the-european-companies-surfing-the-e-commerce-wave>, accessed on April 2, 2019.

⁶² Fachhochschule Nordwestschweiz: "E-Commerce Report Schweiz 2018: Digitalisierung im Vertrieb an Konsumenten. Eine qualitative Studie aus Sicht der Anbieter." 10. Ausgabe. 15.Juni 2018.

⁶³ <https://www.ft.com/content/e427327e-5892-11e8-b8b2-d6ceb45fa9d0>, accessed on April 23, 2019.

⁶⁴ <https://www.mckinsey.com/industries/retail/our-insights/fashion-on-demand>, accessed on April 2, 2019.

⁶⁵ Ibid.

Amazon, Walmart, and eBay, despite the fact that the US customs and border protection had previously banned the import of any products containing cotton from Turkmenistan, due to the country's use of forced labor. 45 multinational companies had signed a public pledge⁶⁶ not to knowingly use Turkmen cotton in their products.

While Amazon swiftly removed the towels and similar products from its website after having been contacted by the reporter, Walmart and eBay left the towels for sale online.⁶⁷ The actual seller was a small Virginia-based company. The company subsequently claimed to no longer import cotton from Turkmenistan and removed the references to the country from their website.⁶⁸

There is a general hands-off attitude from online marketplaces when it comes to accountability. But as mentioned earlier, e-commerce has also made it possible for disruptor brands to enter the market. And some of them have a contrasting business model, focusing on sustainability and fair trade, rather than fast fashion.

In India, e-commerce portals are said to have boosted sales of regional apparel. The onset of shopping in the digital age has brought the country's handicraft heritage into the limelight, says an Indian fashion industry platform.⁶⁹ The marketplace Etsy, based in New York, sells handcrafted goods by independent producers, where every producer has a profile to tell their story and can be contacted personally.⁷⁰ At Avocadostore, a German online marketplace for "green" fashion, every supplier is supposed to justify the way in which certain sustainability criteria are met.⁷¹ Of course, these claims have to be met with caution. With missing regulations on transparency in the sector of e-commerce, they can merely be self-declarations.

I Strategies for influencing corporate behavior

The economic power in fashion retail might increasingly shift towards e-commerce-retailers, online marketplaces, search-engines and logistics companies. A recent study by Coresight Research says that global marketplace platform provider revenues are expected to more than double from USD 18.7 billion in 2017 to USD 40.1 billion in 2022.⁷² In conclusion, strategies for influencing corporate behavior through direct (i.e. campaigning, lobbying) or indirect (i.e. through lawmakers, consumers, investors) pressure need to adapt accordingly.

Possible strategies for influencing corporate behavior include:

- **Put pressure brands and retailers through online marketplaces.** Online marketplaces have a sleek and customer-oriented appearance and generate a high amount of trust; thus it could be interesting to de-

⁶⁶ <https://www.sourcingnetwork.org/turkmen-cotton-pledge/>, accessed on April 12, 2019

⁶⁷ <http://news.trust.org/item/20190131140231-5r6g0>, accessed on April 2, 2019.

⁶⁸ www.gozatowels.com, accessed on April 23, 2019.

⁶⁹ <https://www.fibre2fashion.com/industry-article/7511/role-of-e-commerce-in-apparel-fashion>, accessed on April 2, 2019.

⁷⁰ www.etsy.com, accessed on April 23, 2019.

⁷¹ www.avocadostore.de, accessed on April 25, 2019.

⁷² <https://coresight.com/research/quick-take-the-boom-in-marketplace-platform/>, accessed on May 2, 2019

mask these companies, possible linking with other campaign issues such as taxation, climate concerns, etc.

- **Target online marketplaces directly:** Investigate the supply chain of online marketplaces' private label garments.
- **Sharing Economy.** The Internet increases the potential for the resale of products (some analysts predict second hand market will take a larger share than fast fashion within the apparel market⁷³), as well as the finding and booking of services. It could be interesting to research this further.
- **Social Media / Word of Mouth.** Research the impact of social media influencers and explore opportunities to engage with social media communities and target or work with fashion social influencers in campaigns.
- **Missing regulation on country of origin and transparency.** Online marketplaces appear to not have to state the country of origin for garments. It would be interesting to investigate the legal basis of country of origin declarations in different countries.
- **Urgent Appeals and Complaints:** Explore the potential for involving online marketplaces in Urgent Appeal Cases, especially in case when "strategic partnerships" exist between brands and marketplaces. It could also be interesting to explore to what extent complaints could be raised at e-commerce companies for branded goods they sell.

Additional possibilities outside of current CCC Network scope and purpose, that could add leverage or provide new targets

- **Data.** The increased personalization of e-commerce websites has negative effects on data privacy. (See the Technology trend paper on Data Analytics for further discussion.)
- **"Better" brands.** Explore positive potential of e-commerce to create more direct relationships between more sustainable, smaller, or not-for-profit producers and consumers, bypassing the classical brand and retail bottlenecks. This is controversial because working conditions within these brands are not always transparent.
- **Logistics.** There are several labor rights issues regarding warehousing and delivery. While some cases have come to light – mostly in high-income countries – it would be interesting to further investigate the issue, including exploring partnerships with logistic and transportation trade unions and specialized civil society organizations, also in other parts of the world.

⁷³ <https://www.thredup.com/resale>

I Annex: Company details

Company name	Type	Headquarters	Turnover 2018 (USD)	Turnover 2018 (Apparel only, USD)	Turnover 2018 (E-Commerce only, USD)	Number of Employees
Amazon	E-commerce online marketplace, cloud computing platform	Seattle, Washington (USA)	232.887 billion	30 billion (www.pymnts.com)	79.268 billion (2015) (www.nrf.com)	647'500 (2018)
Alibaba Group	E-commerce online marketplace, cloud computing platform	Hangzhou, Zhejiang (China)	93.898 billion			66'421 (as of March 31, 2018)
eBay	E-commerce online marketplace	San Jose, California (USA)	10.746 billion		10.746 billion	14'100 (as of December 2017)
Jingdong (JD.com) (owned by Tencent (20%) and Walmart (15%))	E-commerce online marketplace	Beijing (China)	67.198 billion		26.991 billion (2015) (www.nrf.com)	178'000 (2018)
Zappos	Online shoe and clothing retailer	Las Vegas, Nevada (USA)	1 billion	1 billion	1 billion	1'500
Rakuten	E-commerce online marketplace	Setagaya, Tokyo (Japan)	9.84 billion			14'826 (as of June 2017)
Flipkart (with Myntra)	E-commerce online marketplace	Bengaluru (India)	2.8 billion (2017)		2.8 billion (2017)	30'000 (2016)
Zalando	E-commerce for fashion and lifestyle products	Berlin (Germany)	6 billion	6 billion	6 billion	15'619 (2018)
Otto	Mail order and e-commerce company	Hamburg (Germany)	15.216 billion (2017/2018)		7.181 billion (2015) (www.nrf.com)	51'785 (2017/2018)

Facebook (with Instagram)	Social media and social networking service company	Menlo Park, California (USA)	55.838 billion			30'275 (as of June 30, 2018)
Tencent	Internet-related services and products	Shenzhen (China)	46.365 billion			54'309 (as of December 31, 2018)
Dior	Luxury goods company	Paris (France)	49.3 billion			145'247 (as of June 6, 2018) (Forbes)
Zara	Fast Fashion retailer	Arteixo (Spain)	18.9 billion	18.9 billion		12'589 (2017)
I.AM.GIA	Fashion brand	Australia				
Everlane	Online clothing retailer	San Francisco, California (USA)	40 million (2017)	40 million (2017)	40 million (2017)	
Supreme	Skateboarding shop and clothing brand	New York, New York (USA)	1 billion (2017)	1 billion (2017)		
Snap Inc (with Snapchat)	Technology company, messaging service	Santa Monica, California (USA)	1.18 billion			3069 (2017)
Walmart	Retail corporation	Bentonville, Arkansas (USA)	514.4 billion		> 15 billion (www.ecommerceb.com)	2'200'000 (2018)
Inditex (with Zara)	Clothing company	Arteixo (Spain)	29.106 billion	29.106 billion		162'450 (2016)
ASOS	Online fashion and cosmetic retailer	London (UK)	3.09 billion	3.09 billion	3.09 billion	4386 (2018)
Adidas	Shoes, clothing and accessories manufacturer	Herzogenaurach (Germany)	23.621 billion (2017)	23.621 billion (2017)		56'888 (2017)
Boohoo	Online fashion retailer	Manchester (UK)	745 million	745 million	745 million	2175 (as of April 2018)
Missguided	Online fashion retailer	Trafford Park (UK)				
Etsy	E-commerce online marketplace for handmade and vintage items	New York, New York (USA)	603.7 million		603.7 million	874 (2018)
Avocadostore	E-commerce marketplace for "green" lifestyle	Hamburg (Germany)	> 1.8 million (www.e-commercec e-magazin.de)	> 1.8 million (www.e-commercemagazin.de)	> 1.8 million (www.e-commercemagazin.de)	30 (2018) (www.e-commercemagazin.de)

Source: Wikipedia.org, unless where indicated, accessed on April 25, 2019 and May 2, 2019

Trend 3: Changes in outsourcing and nearsourcing

Abstract

In this paper, we are examining the trend of sourcing behaviours of apparel manufacturers of brands and retailers. We are going to discuss 1. the structure of outsourcing; 2. the geographical change of suppliers; 3. the impact on workers. The sourcing of textiles and other steps in the life chain of garments are not discussed.

Structure of outsourcing

1.1 Supply chain relationship

We do not see major changes in the relationship between brands and suppliers. The followings are typical models of production:

Holding and managing production: While some brands are managing a large portion of production facilities e.g. Prada [1], some other brands are holding high end production lines only e.g. Adidas [2].

Buying shares of suppliers: Some brands are investing on key suppliers to become their shareholders e.g. Fast Retailing bought 160 million HKD (20.4 million USD) of shares of Crystal International Group Limited (2232 HK), in which nearly 40% of production is for Uniqlo [3]. In these circumstances, the brands will be able to gain direct control towards suppliers by taking part of the decision making, while at the same time profiting from the stock market. On the other hand, the suppliers are also benefited because the financial support of brands brings higher confidence of other investors.

Diversifying suppliers and customers: In most situations, the brands are still using suppliers for most of the production. While brands are spreading their production all over the world for different reasons (the geographical trend will be discussed in the next section), large suppliers are also diversifying their customers to reduce the risk of being affected by unexpected changes from particular customers.

1.2 Trend of internationalization

When considering the current trend of suppliers, throughout the past decade, the brands are using suppliers all over the world, in order to optimize production cost, accommodate different kinds of production and markets, and spread risks. With similar reasons, the major suppliers are also spreading their production lines all over the world.

As a result, with the rapid expansion of fast fashion, the major suppliers are also becoming transnational corporations. Besides setting up production facilities all over the world, they are now receiving international financing through public listing (see 1.1), while at the same time investing in other sectors, particularly real estate (see the annual report of major suppliers).

During the process of internationalization of suppliers, it is notable that although the *location* of production is changing, the *ownership* of production barely changes.

Over the past decade, garment manufacturers from Hong Kong, Taiwan, South Korea and China have been setting up factories in China inland, Southeast Asia and South Asia, where the salary of workers is much lower. At the same time gradually closing factories in coastal area of China.

In particular, South Korea and Hong Kong suppliers are setting up production in Bangladesh. In 2016-17, Several South Korean apparel companies have invested over US \$ 111.6 million, representing over 32% of the total FDI in the sector, followed by Hong Kong's US \$ 89.07 million, becoming the top 2 investors of textile and garment industry of the country. To facilitate such investment, the Korean Commerce Minister even underlined that South Korea provides duty-free market access for nearly 500 Bangladeshi products including readymade garments. [4]

As Bangladesh is becoming an important garment export country, the brands are now developing other new manufacturing countries which enable even lower production costs. In recent years, Myanmar is among the fastest growing market, with 1.1 million workers in this sector. From 2012 to 2017, the garment export value increased by 3 times, while Germany and the U.K. are the major customers [5]. Similarly, South Korea and Hong Kong suppliers are setting up garment factories in Myanmar, taking advantage on the low salary which is around 1/4 to 1/3 of a worker in Vietnam or Cambodia [6].

On the other hand, recent reports published by Worker Rights Consortium [7] and New York University Stern Center for Business and Human Rights [8] revealed the situation in Ethiopia, which another emerging destination for suppliers to invest on, particularly Chinese and Turkish suppliers. It was found that, in a state-owned industrial park which employed 40,000 garment workers, the salary is just 1/12 of a Chinese garment worker.

1.3. Chinese manufacturers turning to domestic market

A common narrative from factory owners on relocation from China is that the increasing salary and social insurance requirement of workers in China adds extra production cost, therefore they are moving to countries where salary is much lower.

Though it is true that the salary in China is 2-5 times higher than salary in nearby countries (which actually means workers in those countries are *more severely underpaid*), such narrative missed a lot of important facts. First, although the export *volume* and *percentage share* [9] of China is declining, it is still the top among the garment exporting countries. On the other hand, its *market size* of apparel is the largest in the world and is keep expanding [10]. It turns out that 1. China is still the production center for brands (Table 1); 2. Chinese producers are just reducing production for export, while they are producing more for the expanding local market, facilitated by the fast growing e-commerce platforms (referring to Trend 2). In short, the decline in export of garment could only imply *a shift of customers* instead of the decline of the industry as a whole.

1.4 Integration of suppliers

As the suppliers are undergoing internationalization, they employ different strategies to operate in other countries. Besides setting up directly owned factories, they are also acquiring local companies in the target countries as a stepping stone to enter local market. They do not limit themselves to acquiring manufacturers. Wholesalers, retailers, yarn manufacturers and even cotton plantations are also the targets of acquisition.

Such practice is not an innovation because, in Chinese context, garment and textile manufacture, or even cotton plantation are not separated industries. As Chinese companies are expanding overseas, they continue this style of vertically integrated model such that they will be able to control the whole supply chain. For example, Shenzhou International (02313 HK) [11] has been acquiring wholesalers in North America to enter local market. The Esquel Group, while having production sites in various countries, is upholding a slogan ‘from seed to shirt’, emphasising on having a complete supply chain to produce garment [12]. Both companies are suppliers of important brands.

On the other hand, in recent years, Chinese state enterprises are trying to set up completely new garment supply chain overseas as part of the overseas investment project. There are projects in Sudan which not only buying cotton but investing on cotton related industries, eventually developing textile and garment production [13].

Geographical changes in sourcing

2.1 China is still the dominating manufacturer

In recent years, there are a lot of discussions on factory relocation in China. However, one must avoid overemphasis on this narrative because, although factory relocation or even closure is frequent, China is still the dominating manufacturer of garment (33.7% in 2017), textile, shoes

and other products (e.g. consumer electronics and household utilities). This could be illustrated in Table 1.

Table 1. Top producing countries for top apparel brands 2018-19

Brand	Global number of suppliers*	Countries with most suppliers/ number	Countries with 2nd most suppliers/ number	Countries with 3rd most suppliers/ number	Global market share (2017)	Date of data release
Nike [14]	527	China/116	Vietnam/99	Indonesia/39	2.8	Nov 2018
Adidas [15]	682	China/129	Vietnam/82	Korea/69	1.8	Jan 2019
H&M [16]	1269	China/248	Bangladesh/151	India/74	1.4	Not specified
Inditex [17]	1824	China/393	India/131	Morocco/121	1.0	Not specified
Uniqlo [18]	242	China/128	Vietnam/44	Bangladesh/24	0.7	Apr 2019

As a remark, though Table 1 provides some idea on the distribution of production, one must note that the number of suppliers in a particular country may not accurately reflect the *quantity, types of products* and *value* produced in that country. It will need more detailed analysis on business data to estimate these figures. The internationalization of suppliers adds further complication on this analysis when we are going to compute these figures by *the countries of suppliers by ownership* instead of *the countries of suppliers by location*. The former will be helpful when discussing the legal framework to regulate corporates by their home countries (e.g. the modern slavery laws).

2.1 Nearsourcing

With the majority of manufacturing remaining in Asia, there is a noticeable trend for brands to source nearby suppliers, namely nearsourcing. Suppliers in Eastern Europe were sourced for the European market while suppliers in Central America were sourced for the North American market. From 2009 to 2014, the annual apparel production in Bulgaria and Romania raised by 40% and 23%, respectively [19].

Speed is the key motivation of nearsourcing. With 20% extra production cost comparing to Bangladesh, products in Turkey can reach Europe within a 3-6 days, while shipping from Bangladesh takes one month. The math is similar when comparing Asian to Central American suppliers for brands in North America [20]. The brands will enjoy much higher flexibility on quantities and designs, because a shorter transportation distance means that the producers do not need to ship a large batch of product [21]. A shorter distance also means shorter travelling time and elimination of troubles with time zone for managerial staff to monitor production.

The absence of tariff barrier between certain regions also encourage nearsourcing. This factor is getting more important as the Sino-U.S.A. trade war, though not including major garment products, does alarm brands and suppliers on producing in China. As a result, both the brands and suppliers are looking for production sites out of China to avoid potential threats on unexpected increase in export cost. There are analysis discussing possibilities that the trade war will boost garment production in Bangladesh [22] and Latin America [23], and suppliers (even the Chinese ones) are now telling investors that it is their strength to have production sites outside China [24].

In particular, Turkish suppliers are now investing in Balkan countries. 20 factories owned by Turkish companies were built or under construction in 2017 [25].

Other factors mentioned by analytics include higher skill level of Eastern European workers and poor public image brought by factory disasters in developing countries as push factors for brands to nearsource suppliers in Europe. Low wages in some parts of Europe are also a factor in sourcing choices.

Up to now most of the sources the author gathered are discussing the nearsourcing trend in Europe. While there is not much discussion on the actual changes in investment behaviour in Central America.

2.1 Automation

Automation of garment industry is accompanying the discussion about a ‘back home’ trend of suppliers. Since 2016, Adidas is investing fully automated factories called *speedfactories* in the USA and Germany. However, such move of automation does not necessarily imply a sharp cut of manual labour, because fully automated production lines are unlikely to be deployed overseas for the production of basic products. Instead, the brands are developing high end products for specific uses in smaller quantities with the aid of fully automated production [26]. More observation will be needed to understand the upcoming trend (see Trend 1 papers).

2.2 Considerations on local politics

Local politics is always an important factor when considering investment. There are several significant changes among suppliers which is largely related to new situations in local politics.

First, Taiwan manufacturers are moving out from China to Vietnam. It is partly a result of the massive Yu Yuan strike in 2014, in which 30,000 Chinese workers employed by the Taiwan shoe factory strike for 26 days for missing pension insurance, and many of them do got compensation successfully. As a result, Yu Yuan and other Taiwanese companies quickly

relocated their production to Vietnam to avoid collective actions of this kind. On the other hand, the increasing tension between Beijing and Taiwan regimes is another reason for Taiwan companies to leave, in order to avoid becoming a 'hostage' in politics.

Both Chinese Taiwan factories received another wave of angry workers in Vietnam in May 2014. Though it is widely regarded as driven by nationalistic sentiment over territorial dispute in South China Sea, labour researchers regarded it as a result of prolonged exploitation, while territorial dispute is only a trigger of action [27]. However, even though there is massive workers' protest (sometimes violent), investment in production in Vietnam is still increasing.

On the other hand, though having an expanding garment sector, World Bank analysis suggested that domestic challenges and a deteriorating geopolitical environment have negatively impacted Turkish exports, investment, and growth. And according to several sources, there are signs that the economy is faltering. [28]

See trend paper4 for further discussion.

Impacts on workers' right

In previous sections, the changes in the structure and geographical distribution of garment suppliers are discussed. How would these trends affect working condition and freedom of association?

One of the potential threat to workers in Asia affected by the shift of production site is a sudden drop of income or even massive job loss and large scale closure of factories. It will be crucial to monitor the existing suppliers on issues including 1. whether there is negotiation with workers on factory relocation; 2. whether the workers are given compensation according to local regulations; 3. whether new jobs are created for the dismissed workers.

Considering the nearsourced countries, as speed is the dominating push factor for brands to nearsource their suppliers, it becomes necessary to check whether the notorious situation of fast fashion suppliers in Asia will reappear in the nearsourced countries. There were reports on Chinese suppliers imposing extreme working hours with low piece rate and high production requirements to cope with fast changing designs and tight shipping schedules [29]. Another report on mass fainting in Cambodian suppliers shows that harsh working condition deteriorate the health of workers [30]. The CCC research on suppliers in Turkey and Bulgaria reveals that similar issues are present in the nearsourced suppliers [31]. This information will set a foundation to plan for possible works on monitoring and organizing in the newly emerging garment producing countries.

The European Commission issued a series of directives over workers' right, freedom of association and occupational safety and health issues [32][33]. It will be beneficial to explore existing regulation because, with the trend of nearsourcing, there will be more cases in which both the brands and suppliers are within EU jurisdiction.

On the other hand, it is equally important to know about the situation in Honduras and El Salvador, which the author has little information.

Rise of south-south trade

The supply chain under analysis in this paper is more or less under 'the South supplying the North' model. However, as the economy in Asia is expanding rapidly, it becomes necessary to explore the supply chains in other directions. In 2015 the global South generates 31.9% of global GDP. Also in 2015, the value of South-South trade is approaching 30%, while the North-North trade is dropping to below 40%. On the other hand, the value of South-North and North-South trade are both around 20% [34]. the South-South trade. [35].

It implies that there are new brands and new suppliers in the developing countries, supplying both the international and their local markets. In particular, the 'non-branded' clothing from China is an important consumer product for low income groups in China and other developing countries.

Considering market size, China is now the biggest apparel market (284,405 million USD in 2017), surpassing the USA (267,473 million USD). Including China, 7 countries in the global South are among the top 20 apparel markets in the coming decade [36]. A discussion on the trend of garment industry will not be completed without more understanding on these emerging markets.

Reference

1	Prada, Annual Report 2018 https://www.pradagroup.com/content/dam/pradagroup/documents/Shareholderinformation/2019/inglese/e-Annual%20Report%202018.pdf
2	Adidas, Speedfactory https://www.adidas.com/us/speedfactory
3	Crystal International Group Limited, Annual Report 2018

5	South Korea eyes Myanmar investments in manufacturing, infrastructure https://www.mmtimes.com/news/south-korea-eyes-myanmar-investments-manufacturing-infrastructure.html
6	Hong Kong: The Silent Investor in Myanmar https://www.mmbiztoday.com/articles/hong-kong-silent-investor-myanmar
7	Ethiopia is a North Star: Grim Conditions and Miserable Wages Guide Apparel Brands in the Race to the Bottom https://www.workersrights.org/wp-content/uploads/2019/03/Ethiopia_isa_North_Star_FINAL.pdf
8	Made in Ethiopia: Challenges in the Garment Industry's New Frontier https://issuu.com/nyusterncenterforbusinessandhumanri/docs/nyu_ethiopia_final_online
9	WTO, World Trade Statistical Review 2018 https://www.wto.org/english/res_e/statis_e/wts2018_e/wts2018_e.pdf
10	Statistics: Global Apparel Market 2018-2022 https://shenglufashion.com/2018/02/18/statistics-global-apparel-market-2018-2022/
11	Texhong Textile Group Limited (2678 HK): Factories in Vietnam and Niagara help avoiding risks from trade war (in Chinese) http://www.aastocks.com/tc/stocks/news/aafn-news/NOW.889578/2
12	The Esquel Group https://www.esquel.com/
13	21Jingji: People who are building cotton supply chain in Sudan (in Chinese) https://m.21jingji.com/article/20170428/02c6c43e9d7fdef5d5152be0ae26bba9.html
14	Nike, Manufacturing map http://manufacturingmap.nikeinc.com/
15	Adidas, Global factory list https://www.adidas-group.com/en/sustainability/compliance/supply-chain-structure/
16	H&M, Supplier list https://sustainability.hm.com/en/sustainability/downloads-resources/resources/supplier-list.html
17	Inditex, Around the world https://www.inditex.com/about-us/inditex-around-the-world#continent/000
18	Fast Retail, Partner factory list https://www.fastretailing.com/eng/sustainability/labor/list.html
19	McKinsey, Is apparel manufacturing coming home? October 2018 Report https://www.mckinsey.com/industries/retail/our-insights/is-apparel-manufacturing-coming-home
20	Bussiness of Fashion, Is 'Nearshoring' the New Offshoring? https://www.businessoffashion.com/articles/global-currents/is-nearshoring-the-new-offshorin

2	https://www.textiletoday.com.bd/impact-trade-battle-us-china-apparel-industry/
2	QCR, US-China Trade War May Boost Mexico, Central America Apparel Makers
3	https://qcostarica.com/us-china-trade-war-may-boost-mexico-central-america-apparel-makers
2	Ibid. 7
4	
2	Reuters, Spurned by EU investors, Balkans looks to eager Turkey
5	https://www.reuters.com/article/us-balkans-turkey/spurned-by-eu-investors-balkans-looks-to-eager-turkey-idUSKCN1IJ20Y
2	Ibid. 2
6	
2	Inmedia, Anti-Chinese protest is the result of class conflict instead of territorial dispute (in
7	Chinese)
	https://www.inmediahk.net/node/1023148
2	Just Style, Turkish textile and clothing exporters in bullish mood
8	https://www.just-style.com/analysis/turkish-textile-and-clothing-exporters-in-bullish-mood_id133412.aspx
2	Students and Scholars Against Corporate Misbehavior, Reality Behind Brands' CSR
9	Hypocrisy: An Investigative Report on China Suppliers of ZARA, H&M, and GAP
3	Danwatch, Mass faintings afflict the women who sew our clothes
0	https://danwatch.dk/en/undersogelse/mass-faintings-afflict-the-women-who-sew-our-clothes
3	Turnaround H&M, H&M: fair living wages were promised, poverty wages are the reality
1	https://turnaroundhm.org/static/hm-wages-september2018-full-107815e8a7bc3bd4ffbfeca3426f1dcd.pdf
3	European directives on safety and health at work
2	https://osha.europa.eu/en/safety-and-health-legislation/european-directives
3	Working Conditions - Working Time Directive
3	https://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=205
3	Rory Horner and Khalid Nadvi, Global value chains and the rise of the Global South:
4	unpacking twenty-first century polycentric trade
	https://onlinelibrary.wiley.com/doi/epdf/10.1111/glob.12180
3	UN Economic analysis and policy division, Development Issues No. 7: Global context for
5	achieving the 2030 agenda for sustainable development: International trade
	https://www.un.org/development/desa/dpad/publication/development-issues-no-7-global-context-for-achieving-the-2030-agenda-for-sustainable-development-international-trade/
3	Ibid. 5
6	

Trend 4: Regime Change and Shrinking Civic Space

I. What is the governmental context in the main garment production and consumer countries for worker and campaign-oriented organisations?

Purpose of the paper:

This paper looks at the following questions: What is the governmental context in the main garment production and consumer countries for worker and campaign-oriented organisations? How do government policies impact the civic space of our partners and how are trade union rights being affected? What allies can we work with? What does it mean for our partners? What other organisations are working on creating space for human rights defenders?

The paper is for our network to give background on the space for activists and the exercise of labour rights. It is designed as a background paper and not as a strategy paper. It can be used as a starting point for strategising, but the network will need further information and analysis on a regional, national and global level to do more. This paper sets out the context but has not drawn specific conclusions for strategy as this is impossible in a short document.

The reason we focus on the governmental context – which includes regimes and changing governments as well as legal, political and cultural restrictions on our activity and that of civil society in general is that this is essential to developing our responses and strategy for change. Governments are often the ones which we rely on/demand from for enforcement of labour laws, improvements and related labour/human rights protection.

The paper looks at two related aspects. Firstly how workers are able to exercise their right to freedom of association and expression (for example can they form unions, go on strike and get members freely?) as well as how their supporters in civil society – including worker led movements – can exercise their rights to freedom of association and expression (can unions and their supporters hold protests, lobby brands or governments or hold solidarity actions etc?). It therefore focuses on production focused countries where workers often face limitations in their ability to protect and promote labour laws **and** their rights to voice their opinions and freedoms *as well* as more consumer focused countries which may have better labour rights, but may have increasingly limited civil space to express support for workers and labour rights in their own and other countries.

Context

Repression, harassment and criminalisation have always been used by states and non-state actors (like corporations, militia etc.) against civil society, including trade unions - especially when they act against state policies or interests. What is significantly different in the current climate is the increasing number and range of restrictive laws and regulations limiting the work of civil society, the increasing frequency with which civil society groups are being criminalised and stigmatised and finally the apparent ease with which – in some contexts – society accepts this. So-called democratic and authoritarian governments are both enacting restrictive measures opposing democracy and rights.

The UN Special Rapporteur for Human Rights Defenders, noted (2016) “the *recent trend of restrictive legislation aimed at curtailing civil society activities and their funding in more than 90 States, and the measures taken to restrict significantly the freedoms of expression, peaceful assembly, association and movement in more than 96 States.*”¹

HRDs, NGOs and unions are being stigmatized by states as a way to gain tacit or overt support from society for repression of civil society. For example, environmental groups have been labelled as anti-development or against national security while labour rights HRDs have been classified as undermining the economic interest of the state. Human rights defenders (HRDs) calling for social

¹ A/HR/31/55, P6

justice or reparation and an end to human rights violations are accused of dividing society. This stigmatisation extends to their supporters like journalists, academics and lawyers (for example lawyers in China taking on labour rights cases). As a result, public opinion can see civil society as destabilising and illegitimate.

On the ground there are three key ways in which the current climate threatens civil society:

- 1. Curtailment of rights:** tightening of regulations governing core rights such as freedom of expression, association and assembly.
- 2. Targeting of NGOs and unions:** increasing use and growth of restrictive laws which includes the increased use of criminal law
- 3. Negative narratives:** negative stereotyping of human rights and civil society and a related fall in public support for HRDS, civil society and human rights in general

Governments can support or lead this repression by either itself tightening civic space (passing legislation etc.) and/or by simply not protecting civil society from vested interests (like big business) and others. Both can limit space but often the repercussions and impacts (as well as resulting responses and strategies are different). For example, the difference between China (new restrictions on the work of civil society) and Bangladesh (allowing police and factory owners to ignore laws)

Key Causes of shrinking space

1. National Security: Counter Terrorism and the war on terror: Since 2001 there has been a huge increase in government preoccupation with national security and counter-terrorism. Led by states in the west there has been a rapid increase in the number and scope of counter-terrorism regulations including laws on funding, protests (national security), civil society organisations and communication (again national security interests). A recent example of this are proposed labour law changes in Sri Lanka on the pretext of counter terrorism.

2. Fear of civil society/mobilization: The way in which a political elite reacts to the power of civil society and its impact on domestic politics has a dramatic influence on the life of civil society. The reasons behind a particular reaction lie in both the state's stability, its political climate, its relationship to civil society and to an extent how powerful civil society and public pressure is. There is a big difference in the perceived threats to a state by organised NGOs, HRDs and public protest. Along with increasing repression, there is increasing numbers and varieties of protests taking place recently, especially after the 2008/9 global financial crisis. There is also increasing repression of these protests – one major study ² analysed almost 900 protests between 2006 and 2013. Repression was documented in over 50% of the protests. This repression was not only in 'non-democratic' states. The study found that the protests that generated the most arrests were in Iran, the UK, Russia, Chile, Malaysia, US, Canada and Cameroon.

3. The influence of global economic shocks and austerity: Since the global economic crisis of 2008, there has been an overall marked decrease in standards of living, wages and public spending and poverty and rates of inequality have markedly increased. Gini scale measures of inequality have increased in most developed countries with Latin America as the most unequal. Protests and calls for economic justice have grown- threatening government stability. This also corresponds to the ever-growing economic power of large corporations.

4. Backlash against Human Rights: There are two aspects to this - firstly a distrust in human rights mechanisms and language as useful concepts to resolve and eradicate human rights abuses. Secondly a rise of distrust in human rights and more traditional NGOs – including trade unions - as useful tools to resolve the most pressing issues facing society – notably social justice.

² Otiz et al; World Protests 2006-2013; Initiative for Policy Dialogue and Friedrich-Ebert-Stiftung New York Working Paper No. 2013 (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2374098)

Targeted Groups

According to research from the watchdog CIVICUS, the attack on civic space does not affect all civil society groups in the same way or to the same degree. Groups such as journalists, human rights defenders (HRDs) and those leading protests on the ground are likely to most affected. However, other groups, especially women, including groups advocating for women's rights and women HRDs, are the group most commonly affected in all regions except Africa, where cases involving groups representing labour were most. Labour groups, including trade unions, feature in 14% of all posts on the CIVICUS Monitor. Other groups regularly mentioned include LGBTI groups (9%) and environmental groups (8%).³

Methodology: Before developing this paper, a separate background study was done to:

a) collect data on the number of individuals (all 'workers') working the garment industry of all major production countries

b) collect data for each of these countries, as well as for certain 'consumer-focused' countries. On how they score against commonly used indexes to assess civic space.

* The full background study, called "Assessments of civic space restrictions in garment producing and consumer focused countries" can be found [here](#)⁴

* The full dataset can be found [here](#)⁵ for the garment producing countries, and [here](#)⁶ for the consumer-focused countries.

In the background paper, the ratings and rankings of the countries were evaluated in the light of three major indexes commonly used to assess civic space: Freedom House, the Economist Intelligence Unit (EIU) Democracy Index and the ITUC Global Rights Index 2018⁷. None of these rankings are perfect and except for the ITUC index they cover a wide range of human rights issues. But taken together they provide a snapshot of the conditions in which our partners and members work in.

In this paper, we have taken information from the background paper, and combined it with information from Civicus⁸. Results have been compiled into a table on page 6, which also shows the number of UA cases and priority issues for selected countries.

We have tried to give some quantitative data as well as individual examples. There is not enough space to do a lot of context analysis for every country and every type of repression occurring – country – and regional analysis will be needed to build on this paper. In the background study/

Below the findings according to the *ITUC index* are given in detail. Also given below is the review of the performance of the consumer-focused countries compared to the EIU and the Freedom House index.

Assumptions: We find that most major production countries have ITUC scores of 5 or 4 meaning serious violations of labour rights. Four out of the ten worst countries in the world for workers (ITUC) are major garment producers (Cambodia, Philippines, Cambodia and Turkey). In general, most (21) of the garment production countries in the table below (chosen on size of industry and

² <https://www.civicus.org/documents/PeoplePowerUnderAttack.Report.27November.pdf>

⁴ https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/20190504_assessments-of-civic-space-restrictions-in-garment-producing-countries-and-consumer-focused-countries.odt/view

⁵ Sometimes it is not easy to read documents on Insite, but you can easily open them in an online version of a programme which is like Word and Excel. This online (cloud) programme is called OnlyOffice. In Only Office, you can read and edit documents. To open documents, at the top of the page you will see three dots. Next to these 3 dots is a small square with an arrow pointing from bottom left to bottom right. Click on this square and the document will open in OnlyOffice (see image).



⁶ https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/consumer-focused-countries-x-civic-space-indexes-sheet-final-version.ods/@@onlyoffice_edit and https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/garment-producing-countries-x-civic-space-indexes-final-2.ods/@@onlyoffice_edit

⁷ For the 2018 report, see: <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>

⁸ https://www.civicus.org/documents/reports-and-publications/SOCS/2019/state-of-civil-society-report-2019_executive-summary.pdf

region) are in ITUC rank 5 or 4. Only one (Italy) is ranked 1. Fourteen countries have a CIVICUS score of 4 or 5. Many countries have similar scores for both ITUC and CIVICUS – scoring similar in terms of overall freedoms and labour rights freedoms. To make more conclusions – about whether there is a link between low scoring countries and the probability of apparel production – we would need to undertake more analysis and data gathering. For the most part producing countries are also in the global south and as such are statistically more likely to have a lower score etc.

Some research has shown that the enforcement of transnational standards and business codes of conduct can be inversely related to the space allowed for civil society and dissent. Social compliance in the apparel sector may actually appear to be enforced more in repressive political environments where civil society (including unions) are limited. Where “open contention is suppressed or submerged, auditors are more likely to quickly and easily designate a particular site of production as compliant”. This may mean that the ongoing denial of labour rights is a predictable outcome of deliberate sourcing choices by international brands.⁹

Garment producing countries according to the ITUC Index

The International Trade Union Confederation (ITUC) collects data on labour rights abuses. The ITUC Global Rights Index ranks 142 countries against internationally recognised indicators ‘to assess where workers’ rights are best protected, in law and in practice.’ The methodology is grounded in fundamental rights at work standards, particularly, the right to collective bargaining, right to strike and freedom of association. The information¹⁰ is grouped in 5 categories: Fundamental civil liberties; the right to establish or join unions; trade union activities; the right to collective bargaining; and the right to strike.

Countries are rated from 1 to 5 depending on their compliance with labour rights:

1. Sporadic violations of rights
2. Repeated violations of rights
3. Regular violations of rights
4. Systematic violations of rights
5. No guarantee of rights
- 5+. No guarantee of rights due to the breakdown of the rule of law

The 2018¹¹ edition is based on events over the course of the previous 12 months and found that the most violated rights in 2018 were: attacks on civil liberties (including use of violence against workers); arbitrary arrest, detention and imprisonment; exclusion of certain categories from labour rights; erosion of collective bargaining; and the criminalisation of the right to strike.

The index identified the continuation of the use of violence, mass arrests and discrimination against workers in **Bangladesh**, including garment workers. Violence, intimidation and reprisals were also identified issues in **Cambodia**, in addition to repressive laws and limitations on the right to strike.¹² In **Turkey**, arrest of union leaders and discrimination and dismissal, were quoted as critical issues. Workers and trade unionists in the **Philippines** also encountered suppression of their civil liberties, having been met with violence and intimidation. Overall, these four countries were included in the *top ten worst countries for workers* in 2018.¹³

In addition to these ‘worst countries’, **India, Indonesia, China, Pakistan, Mexico, Ukraine** and **Honduras** rank as **‘5 - No guarantee of rights**. This rating covers countries where legislation may

⁸ See for example Rules without Rights: Land, Labor, and Private Authority in the Global Economy. Tim Bartley. 2018. Oxford, UK: and reviewed by J. Jenkins in Journal of World Systems Research. ISSN: 1076-156X | Vol. 25 Issue 1 | DOI10.5195/JWSR.2019.916

⁹ The source for the ITUC Index consists of qualitative information compiled through questionnaires, which are sent to national unions worldwide. Information is then coded. The complete list of indicators can be found at page 50-53 of the 2018 Index. < <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>>. Description of ratings available at <https://survey.ituc-csi.org/IMG/pdf/description_of_ratings.pdf>.

¹⁰ The report does not contain any information of Nicaragua, reason why the country is not mentioned here.

¹¹ ITUC, ‘ITUC GLOBAL RIGHTS INDEX: Worst Countries for Workers’ (2018) <<https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>> pages 22, 23.

¹² Ten worst countries for workers (2018): Algeria, Bangladesh, Cambodia, Colombia, Egypt, Guatemala, Kazakhstan, the Philippines, Saudi Arabia and Turkey.

allow certain rights, but workers have no effective access to their rights and are 'exposed to autocratic regimes and unfair labour practices.' Therefore, they are still within the broader group of *worst* countries for workers.

Other Countries, such as **Brazil, Bosnia, Ethiopia, Haiti, Kenya, Romania, Thailand, Tunisia, Serbia** and **Vietnam**, were ranked '**4 - Systematic violations of rights**'. Workers in these countries are subjected to serious efforts of companies/governments to crush their voices. Worker's fundamental rights are systematically breached and under threat. The increased use of violence trend was witnessed in **Brazil**, with the murder of trade unionists, and also the brutal repression of garment workers, including women, in **Haiti**.

Bulgaria, El Salvador, Hungary, Macedonia, Madagascar, Morocco, Nepal, Poland, and Sri Lanka are amongst countries rated "**3 - Regular violations of rights**". This rank covers regular interference of governments and companies in collective labour rights, as well as the failure to fully secure important aspects of these rights and where certain practices and deficiencies in the law allow for frequent violations to occur. The garment manufacturing countries with the best ratings are **Czech Republic, Dominican Republic** and **South Africa**. However, ranked as '**2 - Repeated violations of rights**', workers in South Africa have certain rights under repeated attacks by companies or the government.

REPEATED VIOLATIONS OF RIGHTS (2)	South Africa, Dominican Republic, Czech Republic
REGULAR VIOLATIONS OF RIGHTS (3)	Bulgaria, Hungary, Macedonia, Madagascar, Morocco, Nepal, Poland, Sri Lanka, El Salvador
SYSTEMATIC VIOLATIONS OF RIGHTS (4)	Brazil, Ethiopia, Haiti, Kenya, Romania, Thailand, Tunisia, Vietnam, Bosnia, Serbia
NO GUARANTEE OF RIGHTS (5)	India, Indonesia, Honduras, China, Pakistan, Mexico, Ukraine, Bangladesh, Turkey, Cambodia, the Philippines
NO GUARANTEE OF RIGHTS DUE TO BREAKDOWN OF LAW (5+)	Burundi

Overall, 11 countries (31,43%) countries and Burundi, received the worst rates possible. With the exception of South Africa, Czech Republic and Dominican Republic, the reminder have either fallen into the 'systematic violations' category (10 countries, 28,57%) or have received the 'regular violations' rating (also 10 countries).¹⁴ Lastly, 4 countries (Jordan, Madagascar, Poland and Vietnam) have improved their scores in comparison to the 2017 findings, whereas 3 (Haiti, Kenya, Macedonia) have received lower rates.

In Europe, the 2016 ITUC Index showed that the protection of trade union and labour rights was greatest in Europe and some countries in Central Asia. However, in Europe the level of deterioration of those rights was highest with a *"clear erosion of laws and institutions which previously guaranteed rights and democratic workplaces."* In many European states, austerity measures are used to limit labour laws and trade union rights (e.g. Greece, Bosnia, Serbia etc.)

Evaluation of consumption focused countries using the EIU Democracy Index and Civicus Index.

For the purposes of this study, 15 countries were chosen: Australia, Austria, Belgium, Denmark, Finland, France Germany, Italy, The Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom and the United States. These countries can be categorized as countries which can show high levels of solidarity action for workers in other countries and ones where we have CCC national coalitions or partners. In the EIU Democracy Index, all countries are considered 'full democracies', except US, France, Belgium and Italy, were classed as 'flawed democracies. Out of these, Italy and Belgium have lower overall scores, whereas Norway, Sweden and Denmark were at the top of

⁷ Percentages over a total of 35 countries, considering that Nicaragua is not mentioned in ITUC's Index.

the rank. Most states showed no change in ranking except Italy, Austria and the US received lower scores than before. Three countries had their status changed. **Hungary**, previously *free*, was downgraded to a *partially free* status as the government continued tightening space. **Nicaragua** also changed status to now considered *not free*. Because of the government's repression of opposition movements, culminating on the death of over 300 individuals and a decline of political freedoms and civil liberties. **Serbia** was downgraded to 'partially free', mainly because of the deterioration in the conduct of elections and government efforts to undermine independent media.

Ethiopia was one of few improving countries after the ruling party began to loosen its grip in response to three years of protests and the lifting of a state of emergency, the release of political prisoners, and the creation of space for more political public discussion. In addition, **Sri Lanka** also increased its average level of freedom during 2018, as the judiciary showcased its independence by blocking unconstitutional actions.

Using the [Civics Index](#), which divided the world's conditions for civil society to operate into Closed, Repressed, Obstructed, Narrowed and Open. Civic space is defined as the respect in law and practice for the freedoms of association, peaceful assembly and expression. Built into each of the three core freedoms is the understanding that a state has a duty to protect civil society and must go beyond simply refraining from interfering in citizens' enjoyment of their rights. In the selected countries below, using the rating of 5 as Closed and Open as 1, we found that only China and Vietnam were classed as 5 (Closed). Ten countries were classed as 4 (repressed). 16 were obstructed (3) and 9 were narrowed (2). Only the Czech Republic was open (1). Of the top ten garment producing countries, seven were classed as closed or repressed, with three obstructed.

Urgent Appeals: Of the UA cases since 2011, 77 of 114 (68%) reported FoA violations. 31 of these related to violence (CCC classification, FoA: Violence/arrest/jail due to union activities (including strikes) and 47 related to union busting (CCC classification, FoA: Denial of the right to organise/union busting/ repression including discrimination and harassment against union members).

(Top ten countries (workers in apparel) in green)

Country	Workers: apparel, leather, textile ¹⁵	ITUC rank (where 1 is good)	Civics Rank (where 1 is good)	UA cases	ITUC 1 year trend	Priority Challenge
India	16774600	5	3	32	-	
China	6243200	5	5	17	-	
Bangladesh	4937900	5	4	81	-	
Pakistan	4241800	5	4	11	-	
Indonesia	4217100	5	3	73	-	
Vietnam	3468600	4	5	4	↓	
Brazil ¹⁶	1180525	4	3		-	
Thailand	997600	4	4	36	-	
Myanmar ¹⁷	1100000	4	4		↓	
Turkey	997315	5	4	22	-	
Cambodia	748900	5	4	47	-	
Sri Lanka	618300	3	3	29	-	
Philippines	610900	5	3	27	-	
Nepal	20473	3	3		-	
Africa M.East						

⁷ Figures taken mainly from ILO data where possible. For full list of sources see original excel file at https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/20190504_assessments-of-civic-space-restrictions-in-garment-producing-countries-and-consumer-focused-countries.odt/@@onlyoffice_edit

⁸ Brazil's production is mainly destined to national consumption,

⁹ <https://investmyanmar2019.com/garment-industry-cmp/myanmars-garment-industry/>

Madagascar	405036	3	3		↓	
Ethiopia	404427	4	4		-	
Tunisia	245700	4	3		-	
Morocco	180076	3	3		-	
Kenya	95895	3	3	2	↑	
South Africa	90187	2	2		-	
Lesotho	46500 ¹⁸	3	3	5	↓	
Jordan	36723	3	3		↓	
Latin America						
Mexico	224808	5	4	7	-	
El Salvador	104166	3	3	6	-	
Honduras	87065	5	4	4	-	
Nicaragua	58252	-	4	3		
Haiti	52950	4	3		↑	
Europe						
Italy	381178 ¹⁹	1	2		-	
Romania	242555	4	2	1	-	
Poland	187600	3	2		↓	
UK	156000 ²⁰	3	2		↓	
Bulgaria	102344	3	2		-	
Ukraine	78000	5	3		-	
Serbia	64146	4	2	1	-	
Czech Republic	57128	2	1		-	
Hungary	54500	3	3		-	
Bosnia	31889	4	2		-	
Macedonia	40605	3	2		↑	

I. How do government policies impact the civic space of our partners and how are trade union rights being affected

Impact on Civic space

This is well mapped by others including the ITUC, Human Rights Watch, and CIVICUS. The CIVICUS report [People Power Under Attack 2018](#), shows that nearly 6 in 10 countries are seriously restricting people's fundamental freedoms of association, peaceful assembly and expression, reflecting a global crisis facing civil society organisations and activists. Civicus has defined the key impacts for civil society in this table.

Section IV provides a list of the most important

TOP 10 GLOBAL CIVIC SPACE VIOLATIONS



Based on analysis of 1,433 civic space updates published on the CIVICUS Monitor since 24 October 2016. The numbers above represent the number of times this violation was referenced in one report. Based on this we see that attacks on journalists are referenced in over one quarter of all reports published on the CIVICUS Monitor in this period.

1. Impact on legality (registration requirements, blacklisting etc)
2. impact on organizing and reaching out to workers
3. impact on campaigning and solidarity actions
4. impact cross-border lobby & advocacy/actions

In addition, there are also more general **Gender Specific impacts**: Religious intolerance and increasing conservative/authoritarian laws and political climate can result in women in organizing and leadership roles being doubly stigmatized for their activism – firstly as an undesirable activist and secondly as a female breaking cultural norms/expectations. Cultural shifts and related political impacts such as school funding, child care, wages etc. can also impact on women's ability to develop/continue as union/labour activists.

1. Impact on Legality: How unions and labour groups are stopped from existing or restricted

- legislative and regulatory restrictions: re-registration of (inter)national organisations and/or their offices, punitive tax rules, punitive tax rules, requirements for MoU's prior to working in certain areas, revoking licenses or permits
 - restrictions on receiving foreign funding
 - arbitrary searches of offices and seizure of information and staff possessions
 - Labelling Groups as 'political', 'terrorist' or 'foreign'. Often linked to restrictions on funding
- new laws limit the ability of certain groups to undertake activities – often specifically targeting human rights work because of alleged links to political parties or foreign groups (through funding or political affiliations etc.).

Example: Registration of NGOs – complex measures and hoops for civil society groups to go through before they can register as 'official' groups limits the number of successfully registered groups. In line with the increased registration burdens there is often a rise in penalties (criminal and administrative) for groups operating as unregistered entities further restricting and criminalising groups and individuals. Once registered groups may then have to undertake excessively burdensome reporting processes and restrict activities to certain types of work or issues deemed 'non-political'.

UA Example: The Al-Karam UA case (trade union activists charge under anti-terrorism laws) or a case in the Action Aid report could also be referenced here

2. Impact on organizing and reaching out to workers: How unions and others are stopped from carrying out their work in practice and in law

- Restriction on freedom of assembly
- Suspension of meetings
- Legal and regulatory restrictions (including on right to strike)

Example in Bangladesh – criminal laws on unnamed strikers; Restrictions and laws on registering organizations in China. For example, new labour laws in Cambodia (not sure if adopted) making it harder for uneducated (i.e. often female) workers to become union leaders through a ruling on literacy.

- Harassment and criminalization of union leaders, members and activists personally

Example, criminalisation includes the selective use of criminal and legal means, the unequal application of laws (for example the selective prosecution of cases filed against HRDs compared to the slow processing of claims put forward by HRDs) and penalties (both financial and criminal) to deter HRDs from their work, and render their work (and often their existence as civil society groups) as illegal. Additionally, women leaders or activists may be deterred from activism due to harassment or pressure from conservative groups.

UA Example: Arrests of labour activists UA case in China where arrests were made on public order offences

3. impact on campaigning and solidarity actions: Making it harder for others to show support for labour rights

In-country

- Restriction of freedom of speech:

Example: Restrictions on protests in Nicaragua - criminalization of protests

- Enhanced legislation on criminal defamation, blasphemy etc.;
- Limited access to information and public records/statistics, secrecy & privacy
- Restricted access to the internet etc.
- Decreased media reporting and independence, media & information technology,

UA Example: The Magliere legal case, I think this was about the arrest of a Romanian journalist

Overseas Support

For example, in Spain new Citizens security law restricts protests

1. impact cross-border lobby & advocacy/actions

- Restrictions on international linking with IGOs – resulting in prosecutions or blacklisting of ‘subversive’ organisations
- Restrictions on foreign NGOs/IGOs (including global unions) on meeting or travelling or operating offices in particular countries
- Restrictions on receiving or sending funding or penalties for receiving funding from overseas (e.g. Russia, India)

1. Examples of measures taken in response

Differences in impact are necessary to quantify and analyse in order to begin to develop steps to both protect HRDs and to implement preventative measures on both a local and global level. Protection International has a categorisation of the different types of responses needed to successfully build preventative actions in context. Others ([Van der Borgh and Terwindt](#)) have developed a framework to distinguish between factors that have an impact on the overall negative impact of repression on NGOs and those that influence their different responses. They categorised three key factors in how the shrinking space could impact responses as firstly the local political environment, secondly the specific mix of pressures and threats affecting the NGOs and thirdly the characteristics of NGOs themselves.

There are also clear differences in responses between those that are ‘offensive’ measures (e.g. new forms of association / local funding / camouflage as service organizations etc.) and ‘defensive’ reactions (e.g. opposing new laws etc.)

In-country responses

- Rapid legal responses – seeking help from lawyers’ associations /
 - Digital security trainings and other capacity building for security
 - Other media & communications actions aimed at documenting & exposing the violations
 - Legal, financial, security and psychosociological support for staff
 - Seeking support from friendly allies in government (not necessarily central government).
- However, in many cases while there is a need for more lobby and advocacy this becomes increasingly impossible
- Alliance & coalition building – with different types of allies or groupings (e.g. environmental groups can be seen as less ‘sensitive’ or mass movements can overcome administrative burdens of establishing formal NGOs/unions)

Overseas responses

- Coordinated solidarity and media campaigns
- Alliance & coalition building – with different types of allies or groupings (e.g. environmental groups can be viewed as less ‘sensitive’ or mass movements can overcome administrative burdens of establishing formal NGOs/unions)
- Financial support and funding (including working to reduce burdens of reporting)

- Public lobby & advocacy (aimed at governments, corporations, UN bodies and others although there may be increasingly few 'supportive' government representatives in-country)

- a. Direct engagement (with governments, embassies, corporations etc.)
Embassies of countries with relatively good HR/CS ranking
Corporations – willing to be engaged in some (select) instances

Think tanks/others – raise profile of case and /or undertake research

- b. Indirect engagement (with individuals, often the real power-holders)

Governments are increasingly either a. in favour of repressive laws or b. turning a blind eye to repression by other actors. Differentiating between these will result in a better analysis of power holders and their potential willingness to engage. Local and regional analysis will be needed for proper strategizing. Actors include security forces, local councils, trade officials, tax offices as well as the more 'traditional' actors like corporations, diplomats etc.

I. Allies and Partners

In this section we aim to identify major other organisations who are working on combatting shrinking civic space and creating space for human rights defenders that we as CCC Network can work with. It focuses on organisations presently not CCC Network members/partners.

a) Those where already engagement is already taking place:

Human rights watch: Focus on research and lobby on shrinking Space.

Actions: joint lobby work on corporate accountability, gender and transparency; and at country level in for example Bangladesh and Cambodia in research and reporting.

Action Aid: Focus on specific trends, research and supporting its global partners.

Actions: In the Netherlands member of FGG alliance with CCC IO, working on shrinking space lobby to Dutch government

ITUC: Focus on documenting abuses for labour rights/members. Lobby work at ILO level for partner organisations

Actions: engaged as possible global partner, work at country level (Bangladesh) and (past) Olympics and Soccer campaigns

Frontline: Focus on documenting HRD cases, providing digital security trainings etc. Possible work on UAs

b) Those where engagement is not yet taking place:

Civicus: Focus on research and documentation. Analysis of responses. Possible work on individual countries

TFJ: Focus on supporting journalists and media freedom. Possible work on labour journalists and supporting trade unions more broadly

Amnesty International: Focus on research and lobby work at global and regional level. Some local work possible with local Amnesty groups. Has large union network.

c) Groups or others undertaking research or potentially useful work into shrinking space

UN Special rapporteur on Human Rights Defenders (UNSR-HRDD): Utilise this mechanism and other SRs

ILO FoA committee – opportunities to raise specific cases and/or present trends on shrinking space and/or garment issues

Tax justice movements: Potential allies working on social justice, financial systems and economic inequality to address some of the cross-cutting issues at their source. For example, several global movements work globally to counter undemocratic economic decision making, highlight inequality in trade agreements and expose the underlying power of both financial institutions and corporations (along with related state bodies). These can be useful allies in

addressing key drivers of the rising threat to civil society, especially when it comes to unions etc. who face the challenges of economic power most directly in their work. It could be argued that core causes of human rights abuses – linked to underlying economic and political systems – must be addressed at their heart rather than NGOs continuing to act on the symptoms. While their expertise is on trade – their research and lobby experience may be useful as well as some campaigns on corporations and tax (e.g. work on brands)

Mass movements: Despite the shrinking space for the legitimate activities of NGOs, there has been a growth in mass movements which have given 'everyday' people a voice in their societies. Such diffuse movements and protests often 'serve to indicate a problem, rather than propose a solution' but can mobilise.²¹ In some countries or regions, the CCC Network works with these groups but not in others. In some instances, these movements – such as Occupy and the Greek Aganaktismeni (the Indignant) movement as well as more recently Extinction rebellion - have captured public imagination and gained support while more traditional, focused and hierarchical rights groups have faltered. Given their momentum there is a need for more established NGOs and IHROs to engage better with these movements.

Labour HRDs and corporate actors: Assess further linkages between different HRDs working on socio-economic, environmental and political rights. Media coverage and protection mechanisms for HRDs often focus disproportionately on those working on civil and political rights despite the fact that there are increasingly more HRDs working on socio-economic rights. One potential area for further work is therefore to foster widely inclusive definitions of the term 'human rights defender' to actively seek out and include activists working on corporate abuses – including trade unionists. Economic, environment (including climate change and land) HRDs and related groups are increasingly utilizing other frameworks to defend and promote civil society space and engagement in practice including at bilateral, regional and global investment treaties, emerging norms for corporate compliance (e.g. UNGP, Extractive Industry Transparency Initiatives etc.) as well as lobby at regional levels (OECD etc.).

a) **A list of groups which the UA network** already work with is given in [this table on Insite](#). Using data gathered from the UA work.

IV: Conclusions and further thinking

The restriction on rights and civil society is not taking place in a political or social vacuum. We need to understand how it connects with other trends, which shape how it is playing out: technology (the rise of social media), demographic (rising literacy, urbanization), new forms of politics (e.g. right-wing populism) and of course, counter-terrorism and security. Below are some thoughts on possible conclusions for the way forward – these could be explored further.

1. The importance of increased collaboration and networking: Building wider networks is a key way in which HRDs and NGOs can protect themselves against both global and local threats. Part of the overall repression we are seeing relies on its ability to exacerbate differences within society and cast certain NGOs and parts of society as the 'other'. To counter this, civil society, targeted HRDs and their communities could build greater alliances and stronger connections as an enabling tool to present a coherent and unified voice.²² See above for examples.

2. Building a resilient community: Countering restrictive space needs a strong community of trade unions, NGOs and a supportive environment for HRDs to work (for example building on our work in urgent appeals). We need to simultaneously build capacity to defend ourselves (for example a focus on strengthening the long-term security and resilience of activists and NGOs. E.g. data protection, legal protection, accounting/auditing and governance), but also by exploring how to foster the survival and resilience of movements.

⁷ Lettinga and Kaulingfreks, 2015. <https://academic.oup.com/jhrp/article-abstract/7/3/343/2412341>.

⁸ Also note the possible stumbling blocks to collaboration and networking are. For example, competition in funding, distrust amongst CSOs, ideological cleavages, lack of solidarity for minority issues (e.g. rights of non-citizens, LGBTI rights, women's rights), geographical distance and isolation, etc.

1. Narratives: Labour rights and civil society overall need a strong and positive narrative. It is clear that the use of antagonistic and invalidating framing of HRDs and civil society and especially for those in opposition to state or elite interests plays a key role in the current shrinking space. HRDs are increasingly threatened and alienated by negative messages developed by states, refined, elaborated and propagated by the media and internalised by many parts of society.

2. Role of the media: Compounding the stigmatization of HRDs is the increasingly important role of the media in negatively portraying human rights and those that promote and defend them. This has exacerbated by the limited role played by independent media in many countries. ²³Even in states where there is relatively free media that media may not act as a watchdog but may also perpetuate state messaging (Kim et al, 2004).

3. Funding: In the last twenty years, 39 of the world's 153 low and middle-income countries have adopted laws restricting the inflow of foreign aid to domestic NGOs. In many cases funding restrictions have had a clear impact on the ability of NGOs and others to operate. See the [Trend paper number 8 on Funding Context](#) for more information.

QUESTIONS FOR THE NETWORK

When reading this paper, please do add your comments. The reference group feels that to take this paper forward regional and national context is needed. We are thinking of undertaking some more analysis and getting more detailed input from partners all over the world and may do a separate follow up survey. For now, it would be very helpful if you could look especially at:

1. What are the top three or top priority areas where you have seen restricted in your own country? Can you give examples. For instance, in Cambodia is the problem new labour laws that restrict the actual practice of trade unions (e.g. making it harder for unions to register or for members to join?).
- 2: What responses have you undertaken in your country and why? Look through for other partners and allies, but also put together what they are actually working on. Say more exactly what they are doing/expertise/possible impact.
3. What organisations would be good to add. Not just the name, but also the entry point or expertise, or focus and how they are related to us.

²³In part this is due to the global trend of concentration of media ownership and media convergence but also because in tandem with increased restrictions on the work of NGOs there has been a similar rise in restrictions on media freedom and independence.

ANNEXES

Annex One: Number of workers per country. See full dataset

here: https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/garment-producing-countries-x-civic-space-indexes-final-2.ods/@@onlyoffice_edit

We have sourced the table as detailed as possible, and used official statistics corrected by partners where possible, but more work is needed to make sure the figures are consistent and correct. We welcome all feedback.

COUNTRY	YEAR	TOTAL	APPAREL	TEXTILES	LEATHER GOODS
BANGLADESH	2013	4937900	2996900	1850300	90700
BOSNIA	2016	31889	11038	5948	14903
BRAZIL	2015	1180525	612675	248485	319365
BULGARIA	2018	102344	79014	11775	11555
BURUNDI	2013	316	n/a	n/a	316
CAMBODIA	2012	748900	614500	67900	66500
CHINA	2015	6243200	2494800	2059100	1689300
CZECH Republic	2018	57128	25351	26687	5090
DOMINICAN REP.	2018	41370			
EL SALVADOR	2005	104166	89777	9931	4458
ETHIOPIA	2015	404427	10830	46588	347009
HONDURAS	2010	87065			
HAITI	2018	52950	n/a	n/a	n/a
HUNGARY	2017	54500	n/a	n/a	n/a
INDIA	2011-12	16774600	7903400	7724100	1147100
INDONESIA	2016	4217100	2238200	1197100	781800

COUNTRY	YEAR	TOTAL	APPAREL	TEXTILES	LEATHER GOODS
MADAGASCAR	2006	405036	191784	193712	19540
MEXICO	2017	224608	140045	21312	63251
MOROCCO	2015	180076	127231	32111	20734
NEPAL	2011-12	20473	2431	16595	1447
NICARAGUA	2016	58252	n/a	n/a	n/a
PAKISTAN	2014-15	4241800	2274800	1755000	212000
PHILIPPINES	2016	610900	384500	144500	81900
POLAND	2016	187600	100000	60100	27500
ROMENIA	2017	242555	136252	42749	63554
SERBIA	2018	64146	37116	12679	14351
SOUTH AFRICA	2016	90187	39545	36899	13743
SRI LANKA	2013	618300	486300	110100	21900
THAILAND	2015	997600	571800	280200	145600
TUNISIA	2018	245700	n/a	n/a	n/a
TURKEY	2018	997315	525146	413041	59128
UKRAINE	2017	78000	n/a	n/a	n/a
VIETNAM	2016	3468600	2035600	276200	1156800
TOTAL		47.994.218	24.332.286	16.695.531	6.406.966

Annex Two: countries against civic space indexes.

See full report here: https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-4-regime-changes-and-shrinking-civic-space/20190504_assessments-of-civic-space-restrictions-in-garment-producing-countries-and-consumer-focused-countries.odt/view

COUNTRY	FH INDEX	EIU DEMOCRACY INDEX	GLOBAL RIGHTS INDEX
Bangladesh	Partially Free	Hybrid Regime	No Guarantee of rights
Bosnia	Partially Free	Hybrid Regime	Systematic Violations
Brazil	Free	Flawed Democracy	Systematic Violations
Bulgaria	Free	Flawed Democracy	Repeated violations
Burundi	Not Free	Authoritarian Regime	No guarantee of rights due to the breakdown of the law
Cambodia	Not Free	Authoritarian Regime	No Guarantee of rights
China	Not Free	Authoritarian Regime	No Guarantee of rights
Czech Republic	Free	Flawed Democracy	Repeated violations
Dominican Republic	Partially Free	Flawed Democracy	Repeated violations
El Salvador	Free	Hybrid Regime	Regular Violations
Ethiopia	Not Free	Authoritarian Regime	Systematic Violations
Haiti	Partially Free	Hybrid Regime	Systematic Violations
Honduras	Partially Free	Hybrid Regime	No Guarantee of rights
Hungary	Partially Free	Flawed Democracy	Regular Violations
India	Free	Flawed Democracy	No Guarantee of rights
Indonesia	Partially Free	Flawed Democracy	No Guarantee of rights
Jordan	Partially Free	Authoritarian Regime	Regular Violations
Kenya	Partially Free	Hybrid Regime	Systematic Violations
Macedonia	Partially Free	Hybrid Regime	Regular Violations
Madagascar	Partially Free	Hybrid Regime	Regular Violations
Mexico	Partially Free	Flawed Democracy	No Guarantee of rights
Morocco	Partially Free	Hybrid Regime	Regular Violations
Nepal	Partially Free	Hybrid Regime	Regular Violations

COUNTRY	FH INDEX	EIU DEMOCRACY INDEX	GLOBAL RIGHTS INDEX
Philippines	Partially Free	Flawed Democracy	No Guarantee of rights
Poland	Free	Flawed Democracy	Regular Violations
Romania	Free	Flawed Democracy	Systematic Violations
South Africa	Free	Flawed Democracy	Repeated violations
Serbia	Partially Free	Flawed Democracy	Systematic Violations
Sri Lanka	Partially Free	Flawed Democracy	Regular Violations
Thailand	Not Free	Hybrid Regime	No Guarantee of rights
Tunisia	Free	Flawed Democracy	Systematic Violations
Turkey	Not Free	Hybrid Regime	No Guarantee of rights
Ukraine	Partially Free	Hybrid Regime	No Guarantee of rights
Vietnam	Not Free	Authoritarian Regime	Systematic Violations

Annex Three: Ariadne: [Key levers for Change](#)

This overview from the Ariadne Network of human rights funders divides key areas where civil society space can fight back against the closing space.

Annex Four: [Protection International: Recommendations regarding the criminalisation of HRDs](#)

This extract is taken from a report which aims to provide responses to protection challenges for criminalised HRDs, civil society organisations and rural communities. This extract is from a report which illustrates the interplay among legal instruments, socio-political contexts, practices by state authorities and non-state actors, which altogether contribute to stigmatise, delegitimise and criminalise HRDs.

The extract gives a summary of criminalisation are also discussed in the report together with a number of concrete recommendations to push back against the criminalisation of activists and NGOS. This may be a useful starting point for future strategy.

Annex Five: Key Resources for Shrinking Civic Space

Annual overviews:

ITUC's annual survey of violations of trade union rights can be found here: <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>

How to respond

EU http://www.europarl.europa.eu/doceo/document/A-8-2017-0283_EN.html

Oxfam - <https://oxfamblogs.org/fp2p/what-is-really-going-on-within-shrinking-civil-society-space-and-how-should-international-actors-respond/>

TNI: has produced a paper attempting to deconstruct the 'shrinking space' narrative by explaining what it means and unpacks some of the problems inherent in the concept.
<https://www.tni.org/en/publication/on-shrinking-space>

Action Aid conducted a survey among its members on impact and responses:
http://www.actionaid.org/sites/files/actionaid/sps_position_paper.pdf

Funding related:

This report from the Carnegie Endowment considers the impact on funding, and proposes responses by funders:
https://carnegieendowment.org/files/CP_258_Carothers_Closing_Space_Final.pdf

The Ariadne Network and for example - <https://www.transparency-initiative.org/civic-space-compendium/>

Trend 5 Paper: Business and Human Rights Policies on due diligence, transparency, & binding regulation context paper process

1. Summary

The following paper outlines the background and key features of human rights due diligence (HRDD), the emerging trends resulting from this, and the engagement of stakeholders on the subject. The main findings can be summarised as follows:

- The United Nations Guiding Principles (UNGPs) established HRDD and built-upon existing soft law in the field of corporate responsibility towards human rights. Despite the growing wealth of soft law instruments, the gap in accountability towards global garment workers remains.
- Existing case law on corporate liability within supply chains is limited and complex. While there have been several attempts to take legal action against companies for violations occurring by their suppliers or subsidiaries, there is no robust or coherent legal standards.
- As a result of continued corporate impunity, there have been calls from a variety of stakeholders for the development of binding regulation on HRDD. The main proponents of this are civil society, although policy and decision makers, as well as businesses, have also lobbied for the creation of such laws.
- The growing recognition and support of mandatory regulation has resulted in the development of national initiatives on HRDD. These vary in terms of their scope, liability, and rights covered. In general, three main generations of laws are observable in this field – reporting obligations, HRDD obligations, and civil or criminal liability.
- The aforementioned developments are a positive steps for corporate responsibility towards human rights violations occurring within global supply chains. However, this is not only a complex and emerging field but also a divisive one. Indeed, civil society lacks alignment and businesses in favour of mandatory HRDD are likely to push for softer approaches that limit their liability.

2. Introduction

The unanimous endorsement of the United Nations Guiding Principles (UNGPs) in 2011 established the first global standard to address human rights abuses occurring from business operations.¹ The UNGPs state that all companies have a responsibility to respect human rights (Pillar II), meaning they should avoid any negative impacts on such rights and address them when they occur. The concept of human rights due diligence (HRDD) was introduced as the strategy to achieve this.

In addition to the UNGPs, there are several other soft-law standards for business and human rights, such as the OECD Guidelines for Multinational Enterprises, which was updated in 2011 to align with the Guiding Principles.² The guidelines require adhering governments to establish National Contact Points that can assist with the resolution of corporate abuses. The OECD has also produced Due Diligence Guidance for Responsible Business Conduct (2018) and industry specific guidance, including Due Diligence for Responsible Supply Chains in the Garment and Footwear Sector (2017). The updated ILO Tripartite Declaration (2017) also mirrors UNGPs concepts, such as HRDD for ILO Conventions.

¹ United Nations, Guiding Principles on Business and Human Rights, 2011. Available at: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

² The Guidelines were updated in 2011 for the fifth time since they were first adopted in 1976

However, the UNGPs go a step further than the OECD Guidelines and the ILO Tripartite Declaration, recommending states implement and enforce laws that aim to, or have the effect of requiring, all business enterprises to respect human rights (Principle 3a). This notion of HRDD has now become a central concept in debates on corporate social responsibility and business and human rights, including influencing the policy debate globally. This paper will outline the key features of HRDD, the emerging trends resulting from this, and the engagement of stakeholders on the topic.

1. Human Rights Due Diligence

HRDD is defined as a risk management process to identify, mitigate, and account for adverse impacts on human rights that arise from business activities. Adverse impacts refer to 'potential' issues that may occur and 'actual' harms that have occurred or are occurring. The concept differs from other business due diligence practices that focus on risks to the company. The UNGPs outline four core components for HRDD, which are applicable to all industries: 1) identification and assessment of actual or potential adverse impacts; 2) integration of findings into policies and strategies; 3) tracking and measurement of HRDD processes to determine their effectiveness; and 4) communication on how adverse impacts are addressed.³

The OECD Guidance stresses that public reporting is part and parcel of a company's HRDD process.⁴ Companies are therefore required to 'know and show' that they are fulfilling these criteria on HRDD.⁵ This information is not only important for investors and consumers, but also for workers, who should be able to know which policies are in place to protect them and what to do if their rights are breached. The OECD Guidance further specifies that such reporting should be accessible to these audiences and demonstrate whether a company's actions are adequate to address and prevent abuses. Transparent disclosure by businesses is therefore vital for HRDD.

2. Key Developments & Emerging Trends

4.1 Legal Proceedings

Despite an absence of laws that establish corporate liability for human rights abuses occurring within global supply chains, legal action has been used to clarify corporate responsibility in terms of human rights abuses. Indeed, there are several prominent court cases that have demonstrated the potential for legal recourse. It is important to note, however, that the rulings in these cases vary and thereby do not create clear or robust legal standards. This is an emerging field that will be further shaped by the development of (inter)national laws on HRDD. An overview of the most notable cases on parent company liability are outlined below to provide a basic understanding.

Chandler v Cape plc. is one of the most influential cases on establishing liability for harm caused by a subsidiary. Chandler suffered from negative health effects as a result of exposure to asbestos during his employment with Cape Building Products Ltd, a subsidiary of Cape plc. The court ruled in favour of Chandler and was the first time that a parent company was held responsible for the health and safety of a subsidiary's employees. The decision was based on the assumption that the parent company had sufficient responsibility and knowledge over the operations of its subsidiary.

In 1998, **Marc Kasky** filed a lawsuit against **Nike** claiming that the brand made false statements regarding the working conditions in its overseas supplier factories. Nike claimed that the lawsuit was barred by the US Constitution's First Amendment guarantee of free speech. Both the Califor-

¹ United Nations, Guiding Principles on Business and Human Rights, 2011. Available at: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

² OECD Due Diligence Guidance for Responsible Business Conduct (2018)

³ United Nations, Guiding Principles on Business and Human Rights, 2011. Available at: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

nia Lower Court and the Court of Appeals agreed with Nike's statements, only to be overturned by the California Supreme Court, which qualified Nike's statements as commercial speech and thus not subject to Constitutional protection. After an unsuccessful appeal to the US Supreme Court, Nike and Kasky agreed to settle the case for USD \$1.5 million.

In 2010, the **Hamburg Consumer Protection Agency** filed a lawsuit against discount retailer **Lidl**, following an advertising campaign that opposed child labour and other human rights violations. The Agency alleged that the working conditions in Bangladeshi textile plants in Lidl's supply chain did not comply with ILO standards, claiming that employees worked excessive and unpaid overtime, and therefore the advertisement was misleading. Lidl responded by withdrawing its public claims.

During 2014, in France, a complaint was filed by **Sherpa** against the multinational retailer **Auchan**. Labels of Auchan products were found in the rubble at Rana Plaza and the complainants argued this was at odds with the labour conditions outlined in Auchan's public statements and thus likely to mislead the French consumers.⁶ An investigation was opened in May 2014, but the state prosecutor decided to close it in January 2015 citing a lack of evidence to support criminal prosecution.

Another key case on liability, but this time with a supplier, is **Jabeer et al. v Kik**, which concerned the death of 250 workers due to a factory fire in Baldia, Pakistan on 11 September 2012. In 2015, four plaintiffs filed a compensation claim against the German textile corporation, KiK. They alleged that KiK, a buyer of 70% of the textiles produced by the factory, owed a duty of care and thus shared a responsibility for the fire safety deficiencies in the factory and the death of the workers. In November 2018, the Dortmund lower court ruled that the statute of limitations had passed and therefore did not review the merits of the case. The claimants are in the process of filing an appeal.

The case of **Das et al. v George Weston** also involved the death of workers. On 24 April 2013, over 1,110 workers died following the collapse of Rana Plaza in Bangladesh. One of the factories in the building was producing goods for Loblaw's. Four Bangladeshi citizens took class action in Ontario against Loblaw's and Bureau Veritas, an auditor used by Loblaw's to conduct a 'social audit' of its supplier. The plaintiffs argued that both defendants were liable for the negligence that resulted in the death of the workers. The case was dismissed but the claimants have filed an appeal.

From these cases, two main trends are observable. The first, is the use of tort (or civil) law. The case of *Chandler v Cape* established that, under certain conditions, a parent company can be liable for harms caused by its subsidiary. Such legal responsibility along the supply chain is in line with increasing public pressure to look beyond a single company to establish liability for harm caused as well as the growing (soft-law) recognition of a responsibility to undertake HRDD to 'identify, prevent,

4.1 State-backed initiatives

As part of the state obligation to protect human rights under Pillar I of the UNGPs, states are encouraged to develop, enact, and update a **National Action Plan (NAP)**. Through this, governments should outline their expectations towards companies for addressing adverse impacts linked to business activities. The creation of NAPs therefore have the possibility to increase accountability for states and companies. However, only 21 countries have developed and approved NAPs so far, and of these, no NAP has delivered a robust business and human rights agenda.⁷ The majority of NAPs also fail to sufficiently explore regulatory options in line with Principle 3(a) to ensure adequate human rights protection or address access to remedy. Only the German, Italian, and Dutch NAPs have made modest reference to the possibility of considering legislation in the future.

In addition to the NAPs, both **Germany** and the **Netherlands** have developed state-backed, multi-stakeholder initiatives on business and human rights in the garment sector.⁸ Both the German Textile Partnership and Dutch Agreement on Sustainable Garment and Textiles expect companies to conduct due diligence assessments of their supply chains, develop an action plan to address problems, report on progress, and participate in collective activities on key HRDD themes. The Dutch Agreement also requires member companies to provide their supplier lists and disclose an aggregate overview of supplier locations. These instruments rely on voluntary participation by companies, but include some limited measures of accountability and possible enforcement. However, the role of the state is not to regulate but to act as a convener.

In June 2018, **Canada introduced an ombuds-person** that potentially had the power to investigate allegations of abuse occurring within the global supply chains of Canadian companies in certain industrial sectors. However, such powers have yet to transpire and the ombuds-person currently acts as a special advisor within the International Trade Department.

4.2 Regulation

Since the UNGPs were established, there have been several national and EU level initiatives to strengthen HRDD and even crystallize the concept into hard law. These developments are largely driven by a failure of voluntary and incentive-driven measures to adequately protect and remediate human rights violations. The European Coalition for Corporate Justice (ECCJ) claims that three generations of regulation are observable: 1) reporting obligations; 2) full HRDD obligations, including risk identification, mitigation, tracking, and reporting; and 3) HRDD linked to existing liability at the national level (civil, corporate, or criminal).⁹ In addition, a number of anti-trafficking, slavery, and forced labor statutes apply equally to all entities (including corporations) who profit from such crimes. A succinct overview of the regulations in relation to the four generations is provided below.

4.4.1 Reporting Obligations

In 2004, Brazil launched its *lista suja* or '**dirty list**'.¹⁰ Enacted by the Ministry of Labor and Employment, Decree No. 540/2004, the dirty list is a register of employers (both people and legal entities) caught exploiting workers under abusive and coercive conditions. Between 2004 and 2014, 300 companies were included on the list. Once included, an employer will be monitored for two years. If during that time the offence does not occur again and all fines are paid, the employer's name may be removed from the list.

⁷ ECCJ, A critical assessment of National Action Plans on Business and Human Rights, 2017. Available at: <http://corporatejustice.org/news/2245-a-critical-assessment-of-national-action-plans-on-business-and-human-rights-2017-update>

⁸ While Clean Clothes Campaign (CCC) is party to the German partnership, CCC is not party to the Dutch agreement.

⁹ ECCJ, Key Features of Human Rights Due Diligence Legislation, June 2018. Available at: http://corporatejustice.org/eccj-position-paper-mhrdd-final_june2018_3.pdf

¹⁰ A Feasley, 'Deploying Disclosure Laws to Eliminate Forced Labour: Supply chain transparency efforts of Brazil and the United States of America', Anti-Trafficking Review, issue 5, 2015. Available at: <https://d1r4g0yjjvcc7lx.cloudfront.net/wp-content/uploads/135-279-1-PB.pdf>

In 2014, the EU introduced the **Non-Financial Reporting Directive (NFRD)**, in line with the UNGPs (Pillar I) obligation of states to promote business respect for human rights.¹¹ NFRD establishes general disclosure requirements for large public-interest entities with more than 500 employees and has been in effect since 2018. Companies are required to report annually on their principal risks, including on environmental and social issues, as well as their due diligence strategies. Unfortunately, the disclosure obligation does not extend to whether adverse impacts occurred within a company's supply chain. While the directive outlines the main components of HRDD, no standard reporting framework is specified, which has led to significant variation in the quality of reporting.¹²

The United Kingdom's **Modern Slavery Act (2015)** is another law that outlines reporting obligations.¹³ The Act requires companies that are domiciled or conducting business in the UK, with an annual turnover of at least £36 million, to publish a yearly statement, disclosing whether they have undertaken due diligence measures to prevent slavery or human trafficking in their supply chains. If a business fails to produce a statement, the Secretary of State may seek an injunction to require the company to comply. However, the law has been criticised for its lack of transparency and for failing to penalise for non-compliance. Additional sanctions have been recommended, such as fines set by a percentage of turnover.¹⁴

In November 2018, the Australian Parliament approved the **Modern Slavery Act**, modelled on the aforementioned UK law. The Act applies to companies headquartered or with operations in Australia with a turnover of more than AUD \$100 million. Similar to the UK law, the Act requires companies to submit a 'modern slavery statement', although imposes more onerous, mandatory reporting requirements in a central registry. Similarly as in the UK, the law has been criticised for not including financial penalties for non-compliant companies.

On 1 January 2012, the **California Transparency in Supply Chains Act** went into effect. Under the law, large manufacturers and retailers who do business in California (who have a global receipt of more than USD \$100 million) are required to disclose their efforts to eradicate slavery and human trafficking within their supply chains.

4.4.1 Full HRDD Obligations

An example of the second generation of full HRDD obligations is the **EU Timber Regulation (2010)**, which prohibits illegally harvested timber and its products from entering the EU market.¹⁵ As part of its due diligence, companies are expected to maintain records of suppliers and customers throughout the supply chain to determine the source of timber and its legality. Companies that fail to comply could be subject to penalties, including fines, suspension of authorisation to trade, or seizure of assets. However, the regulation has no direct reporting obligations and does not cover human rights issues related to timber, even those linked to local communities, who are often harmed by logging practices.¹⁶

In addition to HRDD provisions on timber, the EU introduced **Conflict Minerals Regulation (2017)**.¹⁷ This provides due diligence obligations for the entire supply chain, in line with the OECD

⁹ Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1531748853298&uri=CELEX:32014L0095>

¹⁰ ECCJ, A Human Rights Review of the EU Non-Financial Reporting Directive, 2019. Available at: http://corporatejustice.org/eccj_ccc_nfrd_report_2019_final.pdf

¹¹ UK Modern Slavery Act 2015, Provision 54, Transparency in Supply Chains. Available at: <http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted>

¹² Reuters, Lawmakers urge UK to punish big companies that fail to tackle modern slavery, 2019. Available at: <https://www.reuters.com/article/us-britain-slavery-lawmaking-business/lawmakers-urge-uk-to-punish-big-companies-that-fail-to-tackle-modern-slavery-idUSKCN1PG26P>

¹³ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1531748721509&uri=CELEX:32010R0995>

¹⁴ Business & Human Rights in Law, Key Developments. Available at: <http://www.bhrinlaw.org/key-developments>

¹⁷ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas. Available at: <https://eur-lex.europa.eu/legal-con->

Due Diligence Guidance, for minerals from conflict-affected and high-risk areas, and applies to firms that import tin, gold, tungsten, tantalum, and other ores into the EU. As part of companies' obligations, importers are required to identify and assess risks of adverse impacts in their supply chains and adapt strategies to respond to these risks. Transparent disclosure is required from companies and member states are responsible for setting out penalties for those that fail to comply.

Similar to the EU regulation on conflict minerals, the U.S. introduced Section 1502 of the **Dodd-Frank Wall Street Reform and Consumer Protection Act (2010)**.¹⁸ Under Dodd-Frank, public companies listed on US exchanges with products that contain tantalum, gold, tin, or tungsten, have a disclosure requirement to determine whether their products contain conflict minerals from the Democratic Republic of Congo and surrounding areas by carrying out supply chain due diligence.

4.4.1 HRDD with Civil / Criminal Liability

The French '**Duty of Vigilance**' (2017) was the first national law to link HRDD obligations with civil liability.¹⁹ The law, which applies to French companies with over 5,000 employees, or companies with worldwide operations based in France with more than 10,000 employees, requires businesses to publish, implement, and report on an annual vigilance plan. The plan must outline measures to adequately identify risks and prevent serious harms to health, safety, human rights, and to the environment. The law only applies to 'established suppliers' within the supply chain and businesses that fail to comply can face periodic penalty payments and civil liability action.²⁰

The Italian **Legislative Decree No. 231/2001** introduces criminal liability against companies and legal entities.²¹ The scope of the law has been amended several times and now covers human rights abuses and environmental crimes that occur within the supply chain, provided the parent company participated in the commission of the crime and did so in the interest or to the advantage of the company. The law therefore establishes parent company liability and places the burden on companies to prove they have acted with due diligence. Criminal liability is enforced through disqualification measures and fines.²²

In 2000, the US Congress adopted the **Trafficking Victims Protection Act** outlawing human trafficking and modern slavery. Later in 2003, it adding a civil cause of action, and in 2008, it added a provision that outlaws those who stand to benefit from and are in knowledge of, or should have known, of such trafficking offences.

In 2005, **Article 273f** was added to the **Dutch Criminal Code** and established criminal liability against legal entities, including companies, who either commit human trafficking and modern slavery or profit from such crimes. The unique feature of this law is that it does not only sanction entities who are committing trafficking and forced labour, but also those who knowingly (or ought to have known that they) profit from such crimes.

tent/EN/TEXT/?uri=CELEX%3A32017R0821. Also see an overview of the regulation here: <http://ec.europa.eu/trade/policy/in-focus/conflict-minerals-regulation/regulation-explained/>

¹⁸ Business & Human Rights in Law, Key Developments. Available at: <http://www.bhrinlaw.org/key-developments>

¹⁹ Law number 2017-399 from 27 March 2017, concerning the duty of vigilance of parent companies and ordering companies

²⁰ Brabant & Savourey, A Closer Look at the Penalties Faced by Companies, 2017. Available at: https://www.business-humanrights.org/sites/default/files/documents/French%20Corporate%20Duty%20of%20Vigilance%20Law%20-%20Penalties%20-%20Int%2527%20Rev.Compl._%20%26%20Bus.%20Ethics.pdf

²¹ HRIC, Italian legislative Decree No. 231/2001, July 2017. Available at: https://docs.wixstatic.com/ugd/6c779a_ae42b0a57aad4620ba65b9708836f3ef.pdf

²² Business & Human Rights in Law, Key Developments. Available at: <http://www.bhrinlaw.org/key-developments>

4.4.1 Overview

Title of Law	Disclosure Obligation	HRDD Obligation	Civil Liability	Criminal Liability
Italian Legislative Decree No. 231/2001 (2001)				x
Brazilian MTE Decree No. 540/2004	x			x ²³
Dutch Criminal Code (2005)				x
US Trafficking Victims Protection Act (2008)			x	x
Dodd-Frank Wall Street Reform and Consumer Protection Act (2010)	x	x		
EU Timber Regulation (2010)		x		
California Transparency in Supply Chains Act (2012)	x			
EU Directive on Disclosure of Non Financial Information (2014)	x			
UK Modern Slavery Act (2015)	x			
EU Conflict Minerals Regulation (2017)	x	x		
French Duty of Vigilance (2017)	x	x	x	
Australia Modern Slavery Act (2018)	x			

4.5 Emerging Initiatives

Next to existing legislation, it is important to note that several national campaigns are under way to ask for HRDD legislation. These are almost always campaigns led by civil society, such as in the UK²⁴, Austria²⁵ and Luxembourg²⁶, although some do cooperate with business, such as in Finland²⁷ and Belgium.²⁸ The Luxembourg campaign has already obtained the consideration of HRDD legislation as part of the 2018 coalition agreement. Perhaps, the most advanced campaign is the Swiss Popular Initiative for Responsible Business where the state legislature has considered draft legislation that would mandate parent company liability as a result of the civil society campaign.²⁹

Policy makers themselves have also undertaken several initiatives. In 2016, members of parliaments in eight Member States launched a 'Green Card', asking the European Commission to initiate a legislative procedure to ensure corporate accountability for human rights abuses. In 2017, the lower chamber of the Netherlands adopted the Child Labour Due Diligence Bill. However, due to political opposition, the law was stalled in the Senate. In March 2016, parliamentarians of the German Green Party requested an EU Directive on transparency in the production of textiles³⁰, and in 2019, the German Minister for Development Cooperation has proposed a draft law on HRDD.

In addition to the national and EU level initiatives, an **international legally binding instrument** on business respect to human rights is currently under discussion. In July 2018, a 'Zero Draft' of the UN instrument was published, which outlined potential approaches to make companies responsible for adverse impacts occurring within their supply chains, including establishing a duty of care or

²³ Contains companies convicted of exploiting workers but list itself is not a conviction

²⁴ <https://corporate-responsibility.org/uk-ngos-unions-call-new-law-curb-multinationals-global-abuses/>

²⁵ <http://corporatejustice.org/news/9090-austrian-civil-society-calls-for-mandatory-human-rights-due-diligence>

²⁶ Business & Human Rights in Law, Key Developments. Available at: <http://www.bhrinlaw.org/key-developments>

²⁷ <https://finnwatch.org/en/news/573-companies-pushing-for-finland-to-adopt-mandatory-human-rights-due-diligence-legislation>

²⁸ <http://www.schonekieren.be/doe-mee/campagnes/276-open-brief-aan-de-partijvoorzitters> & <http://www.schonekieren.be/doe-mee/campagnes/277-bedrijven-zelf-vragende-partij-voor-wetgeving>

²⁹ <https://corporatejustice.ch/>

³⁰ <https://www.bundestag.de/dokumente/textarchiv/2016/kw48-pa-recht-481036>

mandatory HRDD.³¹ A first review of the Zero Draft was held in October 2018, with continued discussion planned for 2019. However, international engagement on the instrument has been mixed, with its key backers being traditional host countries, Ecuador and South Africa, and limited participation from home countries such as the US, Canada, and EU.³²

1. Different positions

Politicians, policy-makers, civil society, and businesses have been increasingly engaging on the issue of HRDD. However, the preferred scope and type of HRDD measures vary significantly. For instance, stakeholders are divided on: whether HRDD should be voluntary or mandatory; if it should be sector-specific for high risk industries or applicable to all; if and what liabilities should be attached; which rights should be covered; and if all companies – small and large – should be subjected to such measures? A summary of the different debates and positions is provided below.

Civil society has been the main proponent of mandatory HRDD, believing that voluntary measures alone are unable to address the accountability gap for corporate abuses. While there is consensus largely on the need for more stringent measures, there is no clear agreement on how mandatory HRDD should operate. Despite this, there is positive engagement by civil society towards policy makers as mentioned in relation to the development of binding regulation on HRDD.

While institutional opinion differs on whether HRDD should be legislated upon, there have been several calls from within the EU parliament to introduce mandatory HRDD. In 2017, the Report on the EU Flagship Initiative for the garment sector demanded the Commission propose binding legislation for supply chains.³³ Similarly, the Report on Global Value Chains and on Sustainable Finance called for an overarching mandatory HRDD framework, including a duty of care.³⁴ The European Commission and the Council have not responded to the repeated requests for HRDD legislation.

One of the main adversaries to binding HRDD are, unsurprisingly, businesses. Greater accountability would come with increased risks and potential loss of profit. However, a number of companies have publicly supported and even called for legislation. Legal uncertainty, increased operational complexity to navigate different national systems, and a desire to create a level playing field that rewards ethical business conduct, are some of the underpinning factors. Indeed, in Finland,³⁵ 32 companies joined a campaign calling for mandatory HRDD legislation, in Germany companies such as KiK and Tchibo³⁶ have spoken out repeatedly for legislation, and Dutch companies signed an open letter in support of the Dutch Child due diligence bill in 2017.³⁷

2. Conclusion

The paper outlines an emerging trend for codification of HRDD into hard law. However, a few elements are of particular note:

1. The development of legislative processes in various EU member states is a good step forward. With this, there will increasingly become a need for the EU to harmonise disparate HRDD regulations into a coherent set of company obligations in order to operate within the single EU market.

²⁴ Business & Human Rights Resource Centre, Binding Treaty. Available at: <https://www.business-humanrights.org/en/binding-treaty>

³² Although some of the Member States, such as France and Belgium, have been engaging on the Treaty

³³ <http://www.europarl.europa.eu/news/en/press-room/20170424IPR72039/textile-imports-meps-push-for-eu-rules-to-curb-worker-exploitation>

³⁴ ECCJ, Evidence for Mandatory HRDD Legislation, 2018. Available at:

<http://corporatejustice.org/news/9189-evidence-for-mandatory-human-rights-due-diligence-legislation-in-europe>

³⁵ ECCJ, Companies, Civil Society and Unions call on Finland to adopt mHRDD legislation, 2018. Available at: <http://corporatejustice.org/news/9039-civil-society-and-companies-call-finland-to-adopt-mandatory-hrdd-legislation>

³⁶ <https://blog.tchibo.com/aktuell/unternehmen/fairness-in-unfairen-zeiten-oder-das-ende-der-nachhaltigkeit/>

³⁷ Joint business letter in support of the Dutch Child Labour Due Diligence Bill [English translation], 2017. Available at: https://www.business-humanrights.org/sites/default/files/documents/171002%20Joint%20Business%20letter%20in%20support%20of%20Dutch%20child%20labour%20HRDD%20law_EN.pdf

1. Although the UNGPs (and OECD Guidelines) establish a broad range of responsibility for companies, the few laws enacted (or in progress of becoming law someday) have a narrower scope. Although the creation and number of laws being developed are welcomed, some elements of existing and proposed regulation would not necessarily benefit human rights in the Textile and Garment sector. For example, the Swiss RBI focuses on Parent Company Liability but its section on Due Diligence does not foresee any liability for harm caused by suppliers. The French 'duty of vigilance' bill foresees such liability for 'established' suppliers, but has a high threshold³⁸ for a company to be liable. Moreover, none of the initiatives explicitly require supply chain transparency, which is essential to fulfill HRDD requirements.

2. Civil society has yet to fully align on its demands for mandatory HRDD. While a number of important civil society players have pushed for binding regulation, others criticise the potential 'process' approach and would prefer to seek stricter forms of liabilities. Additionally, civil society are divided on issues such as scope, coverage, and liability for laws governing corporate abuses within supply chains.

3. Support from businesses on mandatory HRDD is useful in order to push policy and decision-makers. However, it is expected that business will quickly try to remove, render inaccessible, or minimise any liability provisions attached to such a law and ask for safe-harbor clauses. While civil society is good in influencing the 'public' part of the political agenda (e.g. Parliament), it has proven to be less effective in advocating for secondary regulation.

4. The existence of laws on modern slavery and forced labour can provide possible opportunities for access to remedy and campaigning on behalf of workers as, in some cases, the violations may fall under such laws e.g. wage theft, sexual harassment, and forced or unpaid overtime. It is therefore important for civil society better to enhance its understanding of this emerging legislation as it may provide options for strategic litigation.

7. Additional Resources

- **Amnesty International, Creating a Paradigm Shift, 2017.** Available at: <http://www.bhrinlaw.org/documents/amnestyinternational.creatingaparadigmshiftpol3070372017english.pdf>
- **Business & Human Rights in Law: Glossary.** Available at: http://www.bhrinlaw.org/glossary_2.pdf
- **Business & Human Rights in Law, Key Developments.** Available at: <http://www.bhrinlaw.org/key-developments>
- **Business & Human Rights Resource Centre, Binding Treaty.** Available at: <https://www.business-humanrights.org/en/binding-treaty>
- **Clean Clothes Campaign, Position Paper on Human Rights Due Diligence, 2016.** Available at: <https://cleanclothes.org/resources/publications/position-paper-on-human-rightsdue-diligence/view>
- **ECCJ, Evidence for Mandatory HRDD Legislation, 2018.** Available at: <http://corporatejustice.org/news/9189-evidence-for-mandatory-human-rights-due-diligence-legislation-in-europe>
- **ECCJ, French Duty of Vigilance Law: Frequently Asked Questions, February 2017.** Available at: <http://corporatejustice.org/news/405-french-corporate-duty-of-vigilance-law-frequently-asked-questions>

³⁸ Namely, 5,000 employees in France or 10,000 employees worldwide

- **ECCJ, Key Features of Human Rights Due Diligence Legislation, June 2018.** Available at: http://corporatejustice.org/eccj-position-paper-mhrdd-final_june2018_3.pdf
- **Essex Business & Human Rights Project, Improving Paths to Business Accountability for Human Rights Abuses in the Global Supply Chains, 2017.** Available at: <http://www.bhrinlaw.org/improving-paths-to-accountability-for-human-rights-abuses-in-the-global-supply-chains-a-legal-guide.pdf>
- **Friends of the Earth & others, Removing Barriers to Justice: How a Treaty on Business and Human rights Could Improve Access to Remedy for Victims, 2017.** Available at: http://www.bhrinlaw.org/documents/removing-barriers-to-justice_aug2017_ictur.pdf
- **Sherpa, Vigilance Plans Reference Guidance, 2019.** Available at: <https://www.asso-sherpa.org/vigilance-plans-reference-guidance-legal-analysis-on-the-duty-of-vigilance-pioneering-law>

Trend 6: Social and environmental justice

Paper A: Circular Economy: What About the Workers?

An Introduction to the Circular Economy and its Relationship to Employment in the Garment Industry

Joanna Howarth and Patrick Schröder (IDS) for Clean Clothes Campaign: April 2019

With 11.5 years left to address runaway climate change (IPCC 2018), it is no great surprise that states and businesses alike are increasing focus on alternative approaches: approaches to growth, approaches to development, approaches to the status quo. One alternative that has gained traction in the last few years is that of the Circular Economy (CE), whereby we move from a take-use-dispose linear model to regenerative and restorative closed loop models that are founded on sustainable design concepts such as biomimicry (Ellen MacArthur Foundation 2015).

The garment industry is estimated to be one of the biggest polluters on planet earth (annual greenhouse gas emissions exceed that of international flights and maritime shipping combined) (Ellen MacArthur Foundation 2017), and one of the greatest producers of waste with three out of five of the 100 million garments made in 2018 ending up in landfill within a year (Siegle 2019). Every node of the garment value chain (from materials, manufacture, transport, retail, use and end of life) impacts on the environment—perhaps one of the reasons it has, as an industry, begun to grasp the concept of the CE so boldly¹.

For too long, environmental, economic, and social issues have been addressed in silo (Rosemberg 2010). Under the CE, environmental and economic issues are converging, but questions remain as to whether the CE is truly embracing the seminal opportunity it has to not only redesign the system to reduce waste, but also design out poverty and inequality. If not, there is a risk that in the CE, the fashion industry is pushing for a model that is blind to labour rights, exploitation, and inequality.

The aim of this paper is to act as an introduction to the CE², summarising and highlighting the potentials of circularity for the garment sector—namely to reduce waste, save resources and minimise pollution—while drawing attention to shortcomings of current practices. It serves to flag risks for labour within the garment industry, that may emerge as unintended consequences of this system shift. As a relatively nascent concept, there is little empirical or theoretical evidence of how such changes are impacting on employment or working conditions for garment workers; as such, this paper hypothesises what some of these production changes *could* mean for workers. The paper also presents an example from Bangladesh of how the organisation *Ella Pads* is applying the principles of CE in an inclusive way with positive results for female garment workers' health, well-being and new economic opportunities.

1. What is the Circular Economy?

While there is not one fixed definition, there is broad consensus across the literature that the CE is the decoupling of economic growth and natural resource extraction and environmental impacts. This is achieved by replacing the linear and extractive take-use-dispose model, with circular approaches that keep resources, and their value, in use for as long as possible³. It is needed for multiple reasons, including climate change, diminishing natural resources, and a rapidly growing population that will

¹ We must not assume that conscience is the only driving force however—consumer pressure, profit margin, regulation, and reputation of course all have a role to play in the industry looking for alternatives.

² See Section 5 for some CE areas that need deeper exploration than this paper can achieve within its scope.

³ It is important to note that the CE is not a new phenomenon—it has its roots deep in schools of thought like cradle to cradle, biomimicry, and the blue economy

demand more resources. The Ellen MacArthur Foundation's perspective on the CE (Ellen MacArthur Foundation 2015) is the one with the most traction in fashion, proposing three main **principles**: designing out waste and pollution, keeping products and materials in use for as long as possible, and regenerating and restoring natural systems.

Common to most schools of thought is that the CE includes the 3R framework⁴ (reduce, reuse, recycle) and even up to 9Rs (refuse, reduce, reuse, repair, refurbish, remanufacture, repurpose, recycle and recover energy) (van Buren 2016). So far, in the mainstream CE discussions and application by industry, including the major fashion brands, most attention has only been on recycling, while other important CE approaches such as reduce, redesign and repair have received too little attention.

CE and Development: Emphasis in the CE literature that such an approach will be good for society and development, has led academics to look at whether CE practices are relevant to attainment of the Sustainable Development Goals (SDGs). Schröder, Anggraeni and Weber (2018) conclude that CE practices applied in sectors such as water and sanitation, energy, urban development and waste management can contribute directly and indirectly to achieving 49 of the 169 targets. Of those most relevant to the garment industry are targets 4.4 (technical skills and decent jobs), and 8.5 (full and productive employment, and decent work for all). It is notable that target 8.7 (eradicate forced labour and end human slavery and child labour) has a weak link, or no link at all, to CE practices in the current literature. This blind spot in the current CE is important for the global garment industry as there is the danger that increased collection and sorting of textile waste for recycling could involve child labour and modern slavery.

CE and Employment: Academics and CE advocates generally agree that the transition to CE across many sectors will generate new employment opportunities due to increased economic productivity (Preston and Lehne 2017), increased spending as prices drop across sectors (Ellen MacArthur Foundation 2015), and the CE principles will require more labour than a linear economy does, as it takes more labour to (for example) remanufacture and repair than to make from scratch (Preston and Lehne 2017). These jobs are also expected to be better because they will cut across society due to the diversification of skills the CE will call for (*ibid.*) They may however be more gig economy focused, with fewer benefits, less security, and fewer promotion opportunities (*ibid.*). According to Gower and Schröder (2016) the CE should focus more on improving employment and working conditions for those in hazardous industries, e.g.: those working with e-waste dismantling and recycling or toxic dyes. To reduce negative health impacts on workers and communities, the introduction of CE practices requires additional efforts focusing on occupational health and safety training, providing protective equipment to workers, and reducing exposure to toxins through cleaner technologies and better environmental management standards.

A critique of the current thinking around the CE is that circularity is being held up as a solution to unemployment and to formalise those in the informal economy⁵, but not necessarily better employment for those *already* in work. Stevis and Felli (2015) highlight that labour unions have been largely absent from much of the CE discourse until recent strides by UNEP to bring organisations like the ITUC and ILO into their discussions on climate change, green jobs, and a just transition—a crucial argument for why labour rights and advocacy organisations should be addressing this topic.

Standing back to look at the bigger picture of climate change mitigation, Rosemberg (2010) considers that *“job losses are not an automatic consequence of climate policies, but the consequence of a lack*

⁴ Notable within the R framework is that the 'R's' are listed in hierarchy, which in the 3R and 4R frameworks starts with reduce (Kirchher, Reike and Hekkert, 2017)

⁵ There is a lot written for example on informal waste collectors in low-income countries. The role they are playing is already of a circular nature, yet it is not formalised.

of investment, social policies and anticipation". Climate change mitigation can have positive impacts on employment—through the creation of new sectors and new activities—but also negatives, in job substitution and job elimination, which if not planned for, could be detrimental to the livelihoods of millions.

1. How is the Garment industry embracing the CE?

The garment industry is engaging with the CE in a number of ways; some examples of which are:

C&A Foundation CE Theory of Change⁶: The C&A Foundation want to support the transition to a CE by nurturing and scaling innovative solutions that change the way clothes are made, used, and reused. Their theory of change will, over time, be measured on enabling innovations, open-access data, and government policies creating an enabling environment for the CE.

CEO Agenda 2019⁷: Established by the Global Fashion Agenda and launched at Davos 2019, industry CEOs have committed to four core priorities for immediate implementation, and four transformational priorities for fundamental change, in order to improve sustainability in the industry. One of the transformational priorities is a circular fashion system.

Chelsea College of Art and Design⁸: The college launched the *Centre for Circular Design* in 2017 to be the leading voice in academic design research and knowledge exchange on circularity in the industry.

Copenhagen Fashion Summit 2019⁹: Sustainability features heavily in the May-2019 two-day agenda, with circularity and the CEO Agenda both up for discussion.

Forum for the Future's 'Circular Leap Asia'¹⁰: An 18-month innovation programme that the sustainability non-profit perceives can increase the agency of apparel manufacturers in Asia to lead the adoption and scaling of circular solutions. This has been developed in recognition of the gap between innovation among brands and retailers, and implementation capacity among manufacturers.

Make Fashion Circular¹¹ was launched in 2018 by the Ellen MacArthur Foundation, as an initiative to drive collaboration between industry leaders and other key stakeholders to create a textiles economy fit for the 21st century. Their widely cited report, *A New Textiles Economy*, is covered under Section 3.

Mistra Fashion Research¹²: A research programme, launched in 2011, with the goal of promoting closed-loop thinking within the Swedish fashion industry.

Textile Sustainability Conference¹³: An annual conference from the Textile Exchange, offering attendees the chance to discover trends and opportunities in textile sustainability, and engage in workshops and round tables to discuss and design a more sustainable fashion future.

UN Alliance for Sustainable Fashion¹⁴: An alliance of UN agencies and allied organisations contributing to the SDGs through coordinated action in the fashion sector. While they don't have a specific focus on the CE, this industry wide alliance will be searching for implementation approaches to be recommending and embracing.

The results of these initiatives remain to be seen—it is not yet clear in which ways the CE will be taken up by international brands, and if they will include social issues, and labour rights¹⁵.

⁶ www.candafoundation.org/impact/circular-fashion

⁷ www.globalfashionagenda.com/ceo-agenda-2019/#circularSystem

⁸ <https://circulardesign.org.uk/>

⁹ <https://copenhagenfashionsummit.com/>

¹⁰ www.forumforthefuture.org/circular-leap-asia

¹¹ www.ellenmacarthurfoundation.org/our-work/activities/make-fashion-circular

¹² <http://mistrafuturefashion.com/>

¹³ <https://textileexchange.org/2019-conference/>

¹⁴ <https://unfashionalliance.org/>

¹⁵ A number of fashion brands are engaging with the CE, including: C&A, H&M, Nudie Jeans, Mud Jeans, Patagonia, Levi's, Nike, Stella McCartney, among others. It is worth noting that few are embracing *all* CE principles, with the majority focusing on issues of recycling and sourcing more sustainable fabrics.

1. What does the CE look like in the garment industry: actual and projected?

The recent Ellen MacArthur Foundation report *A New Textiles Economy* has identified practical ways in which the whole industry can (and in some cases already has) embrace CE principles. These are outlined below, along with hypothesised impacts that such approaches could mean for garment workers. It is noteworthy that the report, *A New Textiles Economy*, woefully overlooks garment workers—their abuses are highlighted under the current status of the industry, but not adequately addressed within the CE vision. It is suggested that CE is a win-win for workers without any in-depth discussion about the structural changes required for this to happen.

Consumer behaviour: Change how consumers buy and engage with clothes, focusing on short-term rental, subscriptions rental, sale of highly durable clothes, repair and resale of old clothes. What might this mean for workers? This practice may mean fewer clothes being produced in the first place, and so there could be less demand for garment workers—their skills would be needed elsewhere, e.g.: within repair and resale of clothes. Or workers could be put under less pressure, paid more and work reasonable hours; the industry could keep the same number of workers, but produce less and higher quality and more durable clothes, in comparison to today's fast fashion.

Textiles: Change how we use and create textiles, using less environmentally damaging agriculture-based textiles such as Pinatex, and diverting waste fabric/offcuts from landfill by turning it into new items and using recycled materials. What might this mean for workers? There would potentially be new employment opportunities for workers within the upcycling of waste-fabric sector. Outside of the garment factories, there could be issues relation to working conditions for those involved in making the materials.

Harmful substances: Phase out substances of concern within the value chain, such as organic production of materials, and using safe dyes and chemicals during manufacturing, dyeing, bleaching, processing and finishing—meaning clothes create less toxins in the environment, natural materials could in theory be composted after use, and less toxins in landfill and textile recycling processes. What might this mean for workers? A large benefit of this would be improved health for workers with reduced exposure to toxic substances. In addition, it has potentially positive implications for communities in the vicinities of textile manufacturing sites through reduction of water pollution.

Technology: Use of new and emerging technologies that support the reuse and recycling of clothes would have environmental benefits and replace virgin material production. For example, technology that can unravel yarns, and Near Infrared (NIR) Technologies to sort garments based on colour and material for reuse and recycling. What might this mean for workers? If the CE in the garment sector takes the high-tech path, it could shift its main sites on the globe to places where higher skilled workforce is available. In current manufacturing locations in Asia there would still be a need for garment workers, but potentially fewer of them and they would need to be re-skilled to handle new technologies. There could also be a risk that a new cohort of workers are introduced to manage the technologies, rather than absorbing the existing workforce.

and designs, as increasingly all buyers would be demanding them. They may not be paid commensurately for the demands placed on them either. On the other hand, if workers are highly skilled in a certain approach or technology, they would be able to serve a wide range of clients and companies.

Policy and regulation on textiles: States are beginning to implement Extended Producer Responsibility (EPR), an example being the EU Member States. Currently the focus is packaging, but EPR applied to garments would mean the end-of-life stage of a garment becomes the responsibility of the brand. In the UK, the Environmental Audit Committee Report (UK 2018) includes a recommendation for a Penny Tax, with 1p attached to every item of clothing to help with the cost of clothes on the environment—there is debate as to whether this is a big enough disincentive for brands. What might this mean for workers? EPR policies would not directly impact garment workers in current supplier countries, but would require new reverse logistics operations and it would need a workforce to sort and recycle garments closer to consumer markets.

In sum, these CE approaches mean that the industry would be seeing more need for collection, sorting and processing of textile ‘waste’ (low-skill, manual jobs) as well as skills for remanufacture, repair, recycling, and technology handling. However, the way CE is currently adopted by the fashion brands will not necessarily lead to a decrease in garment manufacture. So far CE initiatives are not concerned with reducing the volume of production and consumption of garments, which is increasing year on year.

There are some large **assumptions** that sit behind the current narrative and movement towards a circular garment industry, many of which need to be unpacked to determine the impacts on garment workers. These include assumptions around a change in behaviour, predominantly with the consumer (that they would re-use items and then return items for repair and recycling). How realistic it is that this behaviour change will occur without vast incentives or nudging remains to be seen. With such behaviour change, buyers would need to generate efficient reverse logistics (to handle the collection of materials for sorting) and new supply-chain relationships with collection, sorting, and recycling facilities—and in turn get those recycled materials to production facilities. Within all of this, the supply chain becomes more complex, risking even less transparency. Assumedly, buyers would also need to bring repair services and re-sale opportunities into their supply chains¹⁶.

A somewhat less explicit assumption is that circularity might reduce quantities produced for first consumer markets, however it is most likely that this will complement the fast fashion business model, rather than challenge it. This would prevent the CE from changing the system. Another assumption that needs exploring (to understand how it will be realised) sits within the C&A Foundation Theory of Change, that a circular business model protects and enhances livelihoods. At the core of the Ellen MacArthur Foundation CE literature is emphasis that a system that is distributive by design, means that value is circulated among everyone; this means reducing the vast inequalities within firms. It is

1. CE and Bangladesh's garment industry

An article by Mostafiz Uddin (owner of Denim Expert Ltd., founder of the Bangladeshi Apparel Industry, and a champion of the CE for Bangladesh's garment sector) proposes two ways that Bangladesh's ready-made garment industry can embrace CE: (1) by innovating with brands and buyers on new and biodegradable fabrics, and (2) by becoming a deposit hub for brands' returned clothes to be upcycled and sold directly to consumers (Uddin 2018). The May 2019 Bangladesh Denim Expo will include a panel discussion titled '*Circularity: What it means for the Bangladesh RMG industry, their customers and end consumer*', with diplomats, Multinational Corporations, exporters and buyers on the panel.

From this paper we can see that the CE currently does not directly address issues facing garment workers either in theory or practice, including abuses of rights, trafficking, and child labour. The current models do not take workers into account in any meaningful way. There is therefore a very evident risk that a shift to a circular garment industry will elevate environmental needs above social needs and continue to ignore worker rights violations, *unless* value chain actors have social interests within their business model¹⁸. One example of an inclusive CE approach which puts worker wellbeing and gender equality at the forefront, is *Ella Pads* in Bangladesh.

Ella Pads (<https://ellapad.org/>) uses textile waste off-cuts from the Zahara Fashion Ltd. factory in Dhaka (Bangladesh) to produce low-cost sanitary towels for female garment workers. The organisation aims to tackle issues of environmental waste (the Bangladeshi garment industry releases over 1 million bales of solid garment waste per annum), while simultaneously addressing social barriers that garment workers face. Garment workers miss on average 3-4 days of work and income every month as many factories do not have sanitary facilities for women and they lack access to sanitary products. Ella Pads are made by female workers, owned by female workers and used by female workers—they aim to produce pads for all four million women working in Bangladesh's garment industry. Launched in 2015, they have already expanded into underwear and reusable sanitary towels, with a goal to employ 1,000 women by 2020. The Ella Alliance supports public/private partnerships and leading private sector companies to promote the low-cost sanitary solution (UNITAR, n.d.).

Ella Pads are not alone in using waste to create new products while ensuring worker rights—see *Tonlé* in Cambodia, *Kapdaa—The Off Cut Company* in India, and *Zero Waste Daniel* in the US.

2. Topics requiring a deep-dive focus

The intention of this paper is to start the conversation on how the CE, as it is being proposed in the garment industry, could affect workers. This is only scratching the surface however, and a series of future papers from the Clean Clothes Campaign intend to do a deep-dive into issues including:

- Considering the majority of garment workers are women, how can the CE address **gender** imbalances?
- What will **automation** mean for garment workers?
- **Nearshoring**, and whether this addresses environmental concerns, or a quest for economic gains

¹⁸ For more on this, see Vincent Moreau's 2017 paper *Coming Full Circle: Why Social and Institutional Dimensions Matter for the Circular Economy* which links the CE with the social and solidarity economy, as well as Alex Lemille's inclusion of humans within the CE at www.linkedin.com/pulse/circular-economy-20-alex-lemille/ (accessed 25 April 2019)

1. References and Resources

- Ella Pads, <https://ellapad.org/>, (accessed 25 April 2019)
- Ellen MacArthur Foundation and McKinsey Center for Business and Environment (2015), *Growth Within: A Circular Economy Vision for a Competitive Europe*
- Ellen MacArthur Foundation and McKinsey Center for Business and Environment (2017), *A New Textiles Economy: Redesigning Fashion's Future*
- Gower, R., and Schröder, P. (2016) *Virtuous Circle: How the Circular Economy can create jobs and save lives in low- and middle-income countries*, Teddington: Tearfund
- IPCC Special Report (2018), *Global Warming of 1.5°C*, <https://www.ipcc.ch/sr15/> (accessed 25 April 2019)
- Kirchherr, J., Reike, D., and Hekkert, M., (2017) 'Conceptualizing the circular economy: An analysis of 114 definitions', *Resources, Conservation, and Recycling* 127, 221-232
- Lemille, A. (2016), 'Circular Economy 2.0', www.linkedin.com/pulse/circular-economy-20-alex-lemille/ (accessed 28 March 2019)
- Moreau, V., Sahakian, M., van Griethuysen, P., and Vuille, F., (2017), 'Coming Full Circle: Why Social and Institutional Dimensions Matter for the Circular Economy', *Journal of Industrial Ecology* 21: 3, 497-506
- Preston, F., and Lehne, J. (2017) 'A Wider Circle? The Circular Economy in Developing Countries' *Chatham House Briefing*, London: Chatham House
- Schröder, P., Anggraeni, K., and Weber, U. (2018), 'The Relevance of Circular Economy Practices to the Sustainable Development Goals', *Journal of Industrial Ecology Volume 23, No. 1*, 77-95
- Siegle, L. (2019) *Fast Fashion Slow Down*, BBC Radio 4, Costing the Earth, aired 27 March 2019, www.bbc.co.uk/programmes/m0003jj9 (accessed 28 March 2019)
- Stevis, D., and Felli, R. (2015), *Global Labour Unions and Just Transition to a Green Economy*, Int Environ Agreements 15: pp 29–43
- Rosemberg, A. (2010). 'Building a Just Transition: The linkages between climate change and employment', *International Journal of Labour Research*, Vol 2, Iss 2, pp125-161
- Uddin, M. (2018) *Circular Fashion: Why and How Bangladesh could take the lead*, The Daily Star, 25 July 2018, www.thedailystar.net/opinion/perspective/circular-fashion-why-and-how-bangladesh-could-take-the-lead-1610374 (accessed 25 April 2019)
- UNITAR (no date) *Ella Pad: Innovative Solution to Waste Reuse To Make Low-Cost Sanitary Napkin for Garment Workers in Bangladesh*, www.unitar.org/about/news-stories/stories/ella-pad-innovative-solution-waste-reuse-make-low-cost-sanitary-napkin-garments-workers-bangladesh (accessed 25 April 2019)
- Van Buren, N., Demmer, M., van der Heijden, R., and Witlox, F., (2016) *Towards a Circular Economy: The Role of Dutch Logistics Industries and Governments*, Sustainability 2016, 8, 647.

Additional to those cited in this paper, resources that may be of interest include:

- Environmental Audit Committee *Fashion Sustainability Report*
- ILO Working Paper No. 326: *The future of work in textiles, clothing, leather and footwear*
- Kate Raworth (2015) *Doughnut Economics: how to think like a 21st Century Economist*
- Forum for the Future, *Fashion Futures—the prequel to Circular Leap Asia*

Trend 6: Social and environmental Justice

Paper B Post Growth Fashion

Dr Simon Mair and Dr Jacquetta Lee

Centre for Environment and Sustainability, University of Surrey, Guildford, UK.

25/4/2019

In recent years various high profile studies have documented the dramatic loss of insect, animal and plant life. 40% of insect species, 25% of mammals and 20% of plant species are now estimated to be at risk of extinction (Kew, 2016, IUCN, 2019, Sánchez-Bayo and Wyckhuys, 2019). Linked to this is the continuing rise in average global temperature, driven by anthropogenic climate change. Currently, the earth is approximately 1°C warmer than pre-industrial levels, a figure that will rise without drastic action (IPCC, 2018). We are currently on track to reach temperatures higher than at any point in the last 350 thousand years of human history (Burke et al., 2018). These and other ecological crises threaten to destabilise our planetary system, and our economy with it.

Tackling these environmental crises requires transformation of the economy. Transformation of fashion production is an essential part of this. This transformation will have social impacts, particularly for current garment workers in poorer countries.

The Environment and the Fashion Industry

Production of clothing goods is a substantial contributor to a number of global environmental challenges.

Clothing typically accounts for between 2-10% of the household environmental footprint in affluent countries (Tukker and Jansen, 2006, Tukker et al., 2006). A footprint is a measure of the total environmental impact required to directly and indirectly support some activity. Druckman and Jackson (2009) attribute 11% of UK household carbon footprint in 2004 to clothing and footwear. Using data for European households in 2007 Ivanova et al., (2015) report that clothing contributes 3.5% of the carbon footprint; 4.3% of the land footprint; 4.7% of the material footprint; and 5% of the water footprint. This scale of environmental impact makes clothing production for affluent country markets a larger driver of environmental impact than healthcare, communication, education, restaurants and hotels, and recreation (Tukker et al., 2006).

In addition, clothing production raises local environmental challenges, particularly in the workplace. Recent studies highlight the impact on workers via exposure to carcinogens, airborne particulates (including cotton dust and fibres), and other toxins (Sultana et al., 2012, Mohammed et al., 2019, Zamani et al., 2018). Such exposure negatively impacts worker health (Sultana et al., 2012, Mohammed et al., 2019).

Because of the global nature of fashion supply chains, most of the work and most of the environmental pressures in producing clothing for wealthy nations occurs in poorer nations (Steinberger et al., 2009, Carbon Trust, 2011, Andrew and Peters, 2013, Mair et al., 2016, Zamani et al., 2018). If consumption patterns change or production methods shift how will this impact the workers employed in current supply chain setups?

Reducing Consumption in the Fashion Industry

Some attempts to reduce impacts of the fashion industry on the environment focus on reducing the volume of clothes that are produced and purchased.

There are very few studies examining the environmental impacts of reducing the volume of clothing purchases, but two examples do suggest this could reduce environmental pressures. The core logic is that if fewer clothing goods are made there will be fewer impacts associated with production. For instance, Allwood et al. (2006) find that if the average lifespan of a viscose blouse could be extended such that demand for viscose blouses in the UK is reduced by 20%, this would reduce the associated climate and waste impacts by around 15% each. Similarly, Roos et al. (2016), find that doubling the life of a garment could reduce the carbon footprint and water use by ~65% each. If extension's in garment life translate into fewer sales and less production these are substantial reductions in environmental impact. However it is important to be aware that although increased clothing lifespan *could* support lower levels of production it is *not* a guarantee of it.

In general studies are supportive of the principle of textile recycling, finding that it typically reduces some environmental damage. However, it is currently technically and practically challenging to recycle clothing to create new textiles due to fibre mixes, use of components such as zips and buttons, and a lack of technology to recycle materials that result in materials that are often of low quality. Most recycled polyester comes from recycled plastic bottles and research is underway into how to chemically recycle cotton which would have higher quality outputs but this is not yet commercially widely adopted. In addition, the systems for the collection and sorting of textiles are inefficient and low-tech and alongside the relatively heavy chemical and energy costs to recycle materials, there is a physical limit to the number of times an item can be recycled. Finally, critics remain sceptical of just how effective textile recycling measures actually are in practice (Brodde, 2017, Farmbrough, 2018). Specifically it is unclear if takeback schemes actually reduce overall production or consumption, largely because they do not discourage people from reducing the amount of clothes they buy. That is, they do not challenge the core fashion business model based on high volume sales through which consumers are encourage to buy more and more.

Many recycling and repair-type initiatives are best understood as an attempt to make consumer capitalism less environmentally damaging. Advocates for the circular economy, for example, regularly make a 'business' case for it, arguing that it can drive innovation, enable companies to capture 'lost' value, and improve growth (MacArthur et al., 2015, WRAP, 2019). In this way recycling and other repair initiatives often do not seek to disrupt the core dynamics of the capitalist economy. Production is still profit oriented, prioritising growth in consumption and cost reduction. Often the attempt is to refine these dynamics to make them more environmentally less damaging.

However, recycling and repair also have key roles to play in movements more critical of the current economic system. Notable among these are the degrowth and post-growth communities. Their shared aim is to redirect the purpose of the economy away from the production of profits and towards provision of social needs (Mair et al., 2018, Jackson, 2019, Stuart et al., 2019, Pirgmaier and Steinberger, 2019). The key argument of these movements is that many of the pressures for growth drive negative social as well as environmental impacts (Kallis, 2017, Klitgaard, 2017). They understand growth (or the forces driving growth) as undermining current attempts at reducing environmental impact by recycling and repair. Additionally, these movements believe there are limits to the amount of any material recycling that is practically possible (including in textiles, as outlined above). Nonetheless, recycling and repair have key roles to play within degrowth or post-growth futures. Increased levels of repair, for example, could facilitate an overall reduction in consumption. The key difference between 'critical' environmental perspectives and those that are more accepting of the current system is how much emphasis is placed on efficiency. For the degrowth and post-growth communities it is important that products are produced in an efficient manner. But the key question

is 'do we need this product in the first place?' What is its social purpose? (Francesco and Jackson, 2019). Only once this has been answered in the affirmative, should the question of efficiency be raised.

Implications for Employment and Workers Rights.

Reductions in the purchase and production of fashion goods for consumers in the global north could have a wide variety of impacts depending on the wider social context they sit in. With no changes in capitalist economic dynamics, a reduction in consumption of fashion goods in affluent economies is likely to have negative impacts for garment workers. Without any other changes to the existing production systems, there is no incentive to employ workers that are not needed. Likewise, voluntary reductions in consumption could spur firms to further cost cutting measures in an effort to boost consumption again. Without broader economic changes, this could lead to both poorer social and environmental production performance. However, prescriptions that aim to reduce consumption often also aim to change economic structures.

Studies of the employment impacts of increased rates of recycling, repair, and remanufacture have found that these initiatives could increase employment (Wijkman and Skanberg, 2016b, Wijkman and Skanberg, 2016a). This is typically a net effect. Some jobs are lost as demand for output from that sector shrinks, but there is an overall increase because output from other sectors increases. Specific to clothing, WRAP find that reusing clothing in the UK could generate additional jobs, due to the employment associated with reuse infrastructure (collection, distribution etc.) (Fisher et al., 2011). One of the underlying assumptions here is that work in repair, remanufacture, and recycling is more labour intensive than work in the original manufacturing process and therefore generates more jobs. However, there is still the question of where these jobs will be created, who will have the requisite skills to take them up, and the quality of the work itself.

Much academic and policy discussion has a focus on national and regional issues within the global north. Studies that find increases in employment under the circular economy tend to use models that abstract from the global nature of supply chains and focus on European nations (Fisher et al., 2011, Wijkman and Skanberg, 2016a, Wijkman and Skanberg, 2016b). Most labour in clothing production takes place in Asia, particularly in European clothing supply chains (Mair et al., 2016, House of Commons Environmental Audit Committee, 2018). The risk that these garment workers lose out is largely unaccounted for in the literature.

The risk of workers in the global south losing out is reinforced by the fact that there is political desire to use increased recycling to generate jobs within Europe. The UK Government Environmental Audit Committee (2018) note that there is substantial specialist textile recycling capacity in the UK and suggest this could be expanded. More generally, the European Commission frames its circular economy policy as an attempt to grow employment in recycling and other sectors within Europe (Gregson et al., 2015).

That said, there are reasons to believe that the talk of local jobs is largely aspirational. Economies in Western Europe and North America, are increasingly service oriented (e.g. Timmer et al., 2013). Garment repair and recycling arguably has more in common with garment manufacture than the kind of work that dominates the northern economies. Indeed much recycling is currently diverted out of the EU to countries with lower wage rates for further reprocessing because it is not profitable to hand sort to the required level for high grade recycling in the EU (Gregson et al., 2015). This means either outsourcing sorting or creating jobs in the illegal economy within the EU.

In general the literature on how environmental movements and policy in wealthy nations will impact workers in poorer nations is scarce. However, there are some studies that suggest ways forwards. A

number of studies argue that that increasing the costs of production of clothing could be used to reduce its environmental impacts and improve working conditions (Clift et al., 2013, Fletcher, 2007). This is potentially politically difficult – consumer studies are mixed in terms of consumer actions with respect to clothing price increases (Prasad et al., 2004, Tully and Winer, 2014). But the core idea is that increases in the costs of production through fairer wages, better health and safety and other improvements could be passed through to prices. The increase in prices would reduce levels of consumption, bringing environmental benefits, and providing social benefits at the same time.

There is relatively little work exploring the consequences of this, but Mair et al. (2019) suggest that using this approach with wages could have a positive impact. They estimate the employment and carbon effects of paying a living wage to workers in Brazil, Russia, India and China (BRIC) in the Western European clothing supply chain. In their model, Western European consumers reduce their consumption in response to higher prices. This reduces both global carbon emissions (by 5-10%) and hours worked in the BRIC countries (by 5-15%). However, those BRIC workers that keep their jobs have their wages doubled. This additional income combined with the fact that production in BRIC is more labour intensive leads to an overall increase in BRIC hours worked (35-60%). The additional spending in BRIC increases carbon emissions, but does not override the reductions caused by the initial reduction in Western European spending – the intervention is approximately carbon neutral. Although encouraging, there are important caveats. Notably, this may still lead to reductions in garment sector employment, and the study assumes that all retailers pass on all costs and do not attempt to shift production to cheaper regions.

There is also little work looking at how workers' rights and the quality of work might be impacted by attempts to reduce consumption. Based on the dynamics of current fashion supply chains, prospects do not look good. Reductions in purchases would likely lead to powerful retailers competing evermore fiercely with one another for larger shares of a smaller market. Under such circumstances, it is possible that in an effort to minimise costs retailers would place additional pressure on their suppliers, undermining wages and health and safety expenditure. This again underlines the need for reductions in the consumption and production of fashion goods to be accompanied by much broader social change. Socially equitable pro-environmental change requires challenging the profit-maximising and cost-minimising logics of capitalist fashion.

One way to take this work forward is through either economic modelling or Life Cycle Assessment (LCA). Of particular interest are consequentialist approaches that seek to understand how changes in social conditions impact different groups (Lagarde and Macombe, 2013). A consequential approach allows 'what if' scenarios to be evaluated more accurately. These types of studies look at the marginal costs or impacts of interventions in supply chains, such that it is possible to evaluate the effect of scale in proposed market changes. For example, a 2% decrease in demand for new clothing could result in the local workforce facing worse working conditions and pay, whereas a 5% decrease could force the creation of a new system that has better conditions for the workers.

Building Coalitions

Movements to reduce purchase of clothes in wealthy economies opens new challenges for garment workers. However, they may also open new opportunities for struggle and new coalitions of interests. Specifically, the slow fashion and other post-growth initiatives are interested in resetting economic goals in ways that may enable stronger worker protections. Although there are likely to be tensions and divergences within the aims of the two groups, there may be sufficient shared ground to build new networks and coalitions.

A promising starting point for debate and discussion between fashion industry workers' groups and environmentalists is through a shared analysis of the drivers of environmental and social degradation. Post-and degrowth economists argue that the relentless pursuit of profits, a model of the firm as cost minimising, and a rapid turnover of goods are behind both environmental degradation and the degradation of working conditions (Jackson, 2017, Kallis, 2017, Klitgaard, 2017, Moreau et al., 2017, Mair et al., 2018, Pirgmaier and Steinberger, 2019) These same dynamics have all also been identified as drivers of poor working conditions in garment factories (Taplin, 2014). There is common ground in developing an approach to fashion that emphasises its potentially social transformative context.

Another way to build solidarity and shared purpose across critical environmental movements and garment workers may be through connecting global and local environmental struggles. Workers in the global south are often on the frontline of local environmental degradation caused by the same economic forces that drive global challenges. Setup by members of the degrowth community, the Global Environmental Justice Atlas¹ maps local environmental struggles (Temper et al., 2018). It already contains a number of garment related struggles. For example, the collapse of the natural drainage system around Dhaka city in Bangladesh, estimated to have cost the local clothing industry substantial amounts of money². Also in Bangladesh, it reports a number of industries including two dying and knitting firms, are implicated in causing droughts affecting 5 villages³. Raising the profile of these local struggles, and linking them to worker wellbeing could be a path to shared resources and campaigns.

Working together activists in the environmental movements and garment workers' rights organisations may be able to bring additional pressure on retailers in the global north to achieve their common goal of shifting the focus of production from profits to a wider set of social and environmental values.

Moving forwards.

In this paper we have argued that the fashion industry must be transformed as part of a broader push to stop ecological crisis. However, this push must be accompanied by wide ranging economic change if it is to be equitable. Reductions in the purchasing of clothing goods, or more widespread recycling and repair of clothing products are likely to negatively impact garment workers unless they simultaneously challenge the dominant economic model. However, to date there is very little work exploring such challenges in depth. We suggest that a fruitful way forward is to build a network of environmental and worker's rights activists based on a shared understanding that the current economic dynamics degrade both the environment and working conditions. In light of this we suggest the following areas of further work particularly relevant to the Clean Clothes Campaign:

- Building of a network of environmental groups who are critical of the capitalist economy.

¹ <https://ejatlas.org/>

² <https://ejatlas.org/conflict/disappearing-of-canals-of-dhaka-city-bangladesh>

³ <https://ejatlas.org/conflict/groundwater-lifting-by-industries-leading-to-water-scarcity-in-5-villages>

- An exploration of how alternative economic dynamics (such as those proposed by the degrowth and postgrowth movements) could be used to both reduce environmental degradation and improve garment workers' employment and working conditions.
- Empirical and conceptual work that provides a deeper understanding of the current political economy of environmental policy, and how garment workers' might be impacted.

References

- Allwood, J. M., Laursen, S. E., Rodriguez, C. M. and Brocken, N. M. P. 2006. Well dressed? The present and future sustainability of clothing and textiles in the United Kingdom. Cambridge, UK, University of Cambridge Institute for Manufacturing.
- Andrew, R. and Peters, G. (2013) *Optimal Carbon Policy for Supply Chain Analysis*. Available at: http://www.rug.nl/research/ggdc/workshops/eframe/papers/session8_andrew_paper.pdf (Accessed: 22/05/2014).
- Brodde, K. (2017) *Why is H&M burning new clothes?* Available at: <https://www.greenpeace.org/archive-international/en/news/Blogs/makingwaves/hm-burning-new-clothes-fast-fashion-incineration/blog/60640/> (Accessed: 17/4 2019).
- Carbon Trust (2011) *International Carbon Flows: Clothing*. Available at: <http://www.carbontrust.com/media/38358/ctc793-international-carbon-flows-clothing.pdf> (Accessed: 26/05/2014).
- Clift, R., Sim, S. and Sinclair, P. (2013) 'Sustainable consumption and production: quality, luxury and supply chain equity', in Jawahir, I., Sikdar, S. & Huang, Y. (eds.) *Treatise on Sustainability Science and Engineering*: Springer, pp. 291-309.
- Farmbrough, H. (2018) *H&M Is Pushing Sustainability Hard, But Not Everyone Is Convinced*. Available at: <https://www.forbes.com/sites/heatherfarmbrough/2018/04/14/hm-is-pushing-sustainability-hard-but-not-everyone-is-convinced/#d0d14bd7ebd6> (Accessed: 17/4 2019).
- Fisher, K., James, K. and Maddox, P. (2011) *Benefits of Reuse Case Study: Clothing*: WRAP. Available at: http://www.wrap.org.uk/sites/files/wrap/Clothing%20reuse_final.pdf (Accessed: 09/05 2016).
- Fletcher, K. (2007) 'Slow Fashion', *The Ecologist*.
- Gregson, N., Crang, M., Fuller, S. and Hollmes, H. (2015) 'Interrogating the circular economy: the moral economy of resource recovery in the EU', *Economy and Society*, 44(2), pp. 218-243.
- House of Commons Environmental Audit Committee (2018) *Fixing Fashion: clothing consumption and sustainability*. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1952/1952.pdf> (Accessed: 08/04 2019).
- Jackson, T. (2017) *Prosperity Without Growth: Foundations for the Economy of Tomorrow*. 2nd edn. London and New York: Routledge.
- Jackson, T. (2019) 'The Post-growth Challenge: Secular Stagnation, Inequality and the Limits to Growth', *Ecological Economics*, 156, pp. 236-246.
- Kallis, G. (2017) 'Socialism Without Growth', *Capitalism Nature Socialism*, In Press.
- Klitgaard, K. (2017) *The Struggle for Meaningful Work*. Boston: Great Transition Initiative. Available at: <http://www.greattransition.org/publication/meaningful-work> (Accessed: 16/01/2017).
- Lagarde, V. and Macombe, C. (2013) 'Designing the social life cycle of products from the systematic competitive model', *International Journal of Life Cycle Assessment*, 18(1), pp. 172-184.
- MacArthur, E., Morlet, A., Bleriot, J., Webster, K., Sukhdev, A., Sutchley, M., Enkvist, P., Rosse, M., Vanthournout, H., Vincent, A. and Defruyt, S. (2015) *Growth Within: A Circular Economy Vision for a Competitive Europe 2017*. Available at: https://www.ellenmacarthurfoundation.org/assets/downloads/publications/EllenMacArthurFoundation_Growth-Within_July15.pdf (Accessed: 13/02).

- Mair, S., Druckman, A. and Jackson, T. (2016) 'Global Inequities and Emissions in Western European Textile and Clothing Consumption', *Journal of Cleaner Production*, 132, pp. 57-69.
- Mair, S., Druckman, A. and Jackson, T. (2018) *The Future Of Work: Lessons from the History of Utopian Thought*. CUSP Working Paper Series. Online: CUSP. Available at: <https://www.cusp.ac.uk/themes/aetw/wp13/> (Accessed: 18/07 2018).
- Mair, S., Druckman, A. and Jackson, T. (2019) 'Higher wages for Sustainable Development? Employment and carbon effects of paying a living wage in global apparel supply chains', *Ecological Economics*, 59, pp. 11-23.
- Mohammed, A., Sherif, M., Hasan, A., Makrahy, B. and Hasan, N. (2019) 'Toxic effects of chronic exposure to dyes among workers of synthetic textile industries', *Egyptian Journal of Hospital Medicine*, 74(4), pp. 744-751.
- Moreau, V., Sahakian, M., van Griethuysen, P. and Vuille, F. (2017) 'Coming Full Circle: Why Social and Institutional Dimensions Matter for the Circular Economy', *Journal of Industrial Ecology*, pp. (In Press).
- Pirgmaier, E. and Steinberger, J. (2019) 'Roots, Riots, and Radical Change—A Road Less Travelled for Ecological Economics', *Sustainability*, 11(7), pp. 2001.
- Prasad, M., Kimeldorf, H., Meyer, R. and Robinson, I. (2004) 'Consumers of the World Unite A Market-based Response to Sweatshops', *Labor Studies Journal*, 29(3), pp. 57-79.
- Roos, S., Zamani, B., Sandin, G., Peters, G. and Svanström, M. (2016) 'An LCA-based approach to guiding an industry sector towards sustainability: the case of the Swedish apparel sector', *Journal of Cleaner Production*, 133, pp. 691-700.
- Steinberger, J., Friot, D., Jolliet, O. and Erkman, S. (2009) 'A spatially explicit life cycle inventory of the global textile chain', *International Journal of Life Cycle Assessment*, 14, pp. 443-455.
- Stuart, D., Gunderson, R. and Petersen, B. (2019) 'Climate Change and the Polanyian Counter-movement: Carbon Markets or Degrowth?', *New Political Economy*, 24(1), pp. 89-102.
- Sultana, R., Ferdous, K., Hossain, M., Zahid, M. and Islam, L. (2012) 'Immune Functions of the Garment Workers', *International Journal of Occupational and Environmental Medicine*, 3(4), pp. 195-200.
- Taplin, I. (2014) 'Who is to blame? A re-examination of Fast Fashion after the 2013 factory disaster in Bangladesh', *critical perspectives on international business*, 10(1/2).
- Temper, L., Demaria, F., Scheidel, A., Bene, D. and Martinez-Alier, J. (2018) 'The Global Environmental Justice Atlas (EJAtlas): ecological distribution conflicts as forces for sustainability', *Sustainability Science*, 13(3), pp. 573-584.
- Tukker, A., Huppes, G., Guinée, J., Heijungs, R., de Koning, A., van Oers, L., Sangwon, S., Geerken, T., Van Holderbeke, M., Jansen, B. and Nielsen, P. (2006) *Environmental Impact of Products (EIPRO): Analysis of the life cycle environmental impacts related to the final consumption of the EU-25* Available at: http://ec.europa.eu/environment/ipp/pdf/eipro_report.pdf (Accessed: 10/03/2015).
- Tukker, A. and Jansen, B. (2006) 'Environmental Impacts of Products: A Detailed Review of Studies', *Journal of Industrial Ecology*, 10(3), pp. 159-182.
- Tully, S. M. and Winer, R. S. (2014) 'The Role of the Beneficiary in Willingness to Pay for Socially Responsible Products: A Meta-analysis', *Journal of Retailing*, 90(2), pp. 255-274.
- Wijkman, A. and Skanberg, K. (2016a) *The Circular Economy and Benefits for Society: A study pertaining to Finland, France, the Netherlands, Spain and Sweden*: Club of Rome. Available at: <https://www.clubofrome.org/wp-content/uploads/2016/03/The-Circular-Economy-and-Benefits-for-Society.pdf> (Accessed: 04/05 2016).
- Wijkman, A. and Skanberg, K. (2016b) *The Circular Economy and Benefits for Society: A study pertaining to the Czech Republic and Poland*: Club of Rome. Available at: <http://www.clubofrome.org/wp-content/uploads/2016/10/The-Circular-Economy-Czech-Republic-and-Poland.pdf>.
- WRAP (2019) *WRAP and the circular economy*. Available at: <http://www.wrap.org.uk/about-us/about/wrap-and-circular-economy> (Accessed: 10/4 2019).
- Zamani, B., Sandin, G., Svanström, M. and Peters, G. (2018) 'Hotspot identification in the clothing industry using social life cycle assessment—opportunities and challenges of input-output modelling', *The International Journal of Life Cycle Assessment*, 23(2), pp. 536-546.

Trend 7: Policies of the GUFs by Zjos Vlaminc

Introduction

This summary report outlines the strategies adopted by three Global Union Federations (GUFs): IndustriALL Global, UNI and ITUC¹². More specifically it hopes to outline: the strategic plans of GUFs towards garment producing brands; how the GUF's work on global framework agreements (GFAs) and other union brand agreements may impact CCC; and GUF strategies for building networks of unions and labour movements. The paper is the outcome of stakeholder interviews with present and former GUF staff.

The 2013 Rana Plaza disaster in Bangladesh shook the world up, by dramatically exposing the abysmal working conditions of garment workers in developing countries³. As The negative impact on the image of brands and retailers in the garment industry was of such extent that it created a momentum for the global labour movement including for collaboration. A number of GUFs (notably IndustriALL and UNI) joined forces with CCC and allies (notably WRC, ILRF and MSN) in pushing through the first international, legally binding agreement in the garment supply chain: the Bangladesh Accord on Fire and Building Safety⁴⁵. In its aftermath, the GUFs used the relations forged to further open negotiation spaces between companies in the garment industry and global trade unions. As a result there are now several GFAs in the sector covering supply chain workers, and not (only) workers employed by subsidiaries, along with other international initiatives such as the ACT Memorandum of Understanding. As explained during one of the interviews, the GFAs and ACT differ from the Accord in the sense that they are not legally binding contracts. Whilst violations of the Accord can be brought to the Permanent Court of Arbitration (PCA) in The Hague and have mandatory commercial consequences, GFAs and ACT (at present) are voluntary agreements with no such legal framework in case of violations leaving issues to be resolved through social dialogue. In what follows we will elaborate on the existing tools used by GUFs to influence brands and retailers in the sector and shed light on the roads ahead, which strategic plans are being developed and how CCC could collaborate in these processes.

IndustriALL Strategies

IndustriALL has four core strategies which relate to brands and retailers in the garment industry: (1) knowledge dissemination and sensibilisation; (2) Global Framework Agreement (GFAs) and other international agreements such as the Bangladesh Accord; (3) the ACT Memorandum of Understanding; and (4) lobbying for a legally binding global framework on human rights and MNCs.

Brands and companies engaged by IndustriALL

Due to the fact that GFAs require service costs – the agreements need to be monitored, updated when necessary and coordinated to ensure effective implementation etc., – IndustriALL has decided to invest in quality rather than quantity, hence they at present have (only) 6 GFAs with brands and retailers in the garment industry.

¹ From this point forward when mentioning IndustriALL it refers to IndustriALL global as opposed to IndustriALL Europe.

² On regional and national levels some affiliates of these GUFs as well as unions that are not affiliated to these GUFs are members and partners of the CCC Network.

³ Ross, R. (2016) 'The Twilight of CSR: Life and Death Illuminated by Fire', in: Appelbaum, R.P. & N. Lichtenstein (eds.) Achieving Worker Rights in the Global Economy, IRL Press, Ithaca and London

⁴ See <https://cleanclothes.org/resources/background/history-bangladesh-safety-accord/view> for a more detailed description of the history behind the Bangladesh Accord.

⁵ http://bangladeshaccord.org/wpcontent/uploads/2013/10/the_accord.pdf

According to IndustriALL GFAs are more than agreements but should be seen as collaborated processes between brands/retailers, their suppliers, IndustriALL and most importantly local unions. The targeting of companies is not done through campaigning, instead, GFAs are signed with companies with whom IndustriALL has a long standing relationship and shared vision of unionized workplaces, living wages and OHS. Furthermore, local affiliates should be able to manage the implemented GFAs, they have to be able to monitor their process, identify problems, resolve labour disputes etc. Although IndustriALL has linked-up all the companies with whom they have GFAs into national fora, so that their affiliates do not necessarily have to deal with all signatory brands separately, increasing the number of GFAs does require a significant amount of economic and human resources.

When it comes to other agreements such as the Bangladesh Accord as well as the ACT Memorandum of Understanding the idea is however to have as many signatories as possible⁶.

Next strategic steps for IndustriALL

At present IndustriALL is putting all its strength into pressuring Gap, Puma, Nike, Adidas, Uniqlo, Levi's and VF to commit to the ACT process in Cambodia and if the negotiations succeed also in other countries. The Cambodian employers' association has stepped out of negotiations about an industry level minimum wage due to the fact that not enough international companies have committed to ACT. The employers need to be ensured that a significant amount of companies will keep sourcing from the country after a collective agreement would be reached which would set an industry-wide minimum wage.

In general lobbying more companies to sign ACT remains a key strategy for IndustriALL in the future. According to one of the respondents interviewed ACT is the only way forward and an instrumental tool to effectively and sustainably change the rules of the game in the garment industry. It links companies purchasing practices to the setting of industry wide minimum wages in supplier companies. CCC's support in this process would be highly appreciated because ACT will only work if a critical mass of brands in the garment sector commit to it. IndustriALL has the impression that many organizations are waiting to see whether ACT will be effective before openly supporting it but in fact the initiative will only take off if it has the leverage of both the labour movement, NGOs and other CSOs in the sector. IndustriALL urges all partners in the fight for decent work in the Garment Industry to join forces on getting as much brands to sign ACT as possible instead of investing in parallel similar initiatives. According to IndustriALL, the existence of various initiatives leaves room for brands to opt-out of committing to ACT, which, with its requirement to ensure an industry-wide minimum-wage is the one that will have the most significant structural impact on the sector and its workers.

The following information was added by CCC: Another recent development has been the EU funded project in six South-Eastern European garment producing countries which is being led by IndustriALL Europe in close collaboration with IndustriALL Global⁷. CCC representatives have been present at all country-level seminars which hoped to be a first step towards opening-up negotiations with brands such as H&M, ASOS, ESPRIT on industry-wide minimum wages, following the ACT-logic. It is understood that one IndustriALL Europe aims is to create cooperation between TUs and labour rights' organisations such

⁶ You can find a list of signatories of the Bangladesh Accord here: <https://bangladeshaccord.org/signatories> and of the ACT MoU here: <https://actonlivingwages.com/members/>

⁷ You can find more information on the project here: <http://www.industrialunion.org/improved-cooperation-means-better-conditions-for-600000-workers>

as CCC. However in some cases the relations are still strained, such as in Albania where one trade union at first refused to take part in the seminar due to presence of NGOs which according to the union are “stealing” well-needed-donor funding from the trade union movement⁸. If CCC can have a role beyond sharing opinions and expertise during the country seminars is an open question.

According to the information available, there are presently no new GFAs in the pipeline and no other big campaigns were mentioned although a respondent from ITUC mentioned a joint campaign with IndustriALL targeting Amazon’s business model.

Possible areas of cooperation between IndustriALL and CCC

For IndustriALL there are very **clear distinctions between the roles organizations such as CCC can play and those that can be taken up by trade unions and GUFs**. Although NGOs, labour support organizations and campaigning networks such as CCC and the global trade union movement (incl. trade unions (TUS), national TU federations, GUFs) complement each other in the struggle for a just and sustainable garment industry these divisions of labour must be mutually understood and accepted. For IndustriALL, CCC is a special case as it represents various actors both from within and outside the trade union movement. Based on the interview, CCC, from the perspective of IndustriALL, is in the first place a campaigning network, which, due to its loose structure, is sometimes difficult to read. The fact that CCC also serves as a collaborative space between trade unions, NGOs and other labour support organisations does not seem to be acknowledged by IndustriALL or at least the collaboration that exist within the network is seen to be of no significance to them and their work.

IndustriALL would very much appreciate and is open to discuss areas in which CCC can support their activities **through campaigning and lobbying activities**. More concretely they would very much welcome the support of CCC in pressuring Gap, Puma, Nike, Adidas, Uniqlo, Levi’s and VF to commit to the ACT process to be able to re-open negotiations over an industry-wide minimum wage in Cambodia. Of-course lobbying other companies to sign ACT is also very welcome. In addition, increasing the **pressure on the Bangladeshi government** to agree to the prolongation of the Bangladesh Accord is essential for sustaining and deepening the progress made in health and building safety in garment factories in the country. CCCs campaigning power is essential to this mission.

They also believe CCC has a role to play in **raising awareness** among its partners on existing GFAs. However they do not think CCC or NGOs should engage in the monitoring existing GFA, this is according to one of the respondents, a responsibility that solely lies with the national trade unions with capacity-building support from GUFs or the ITUC. Even in cases where national unions are relatively weak, it is believed not to be empowering to let NGOs take over monitoring activities, as the idea is trade unions should be capacitated to take up this role. In this sense NGOs or networks such as **CCC have no roles to play within the National Monitoring Committees (NMCs)**, such as those set-up under the H&M GFA. It are the national affiliates of IndustriALL with whom H&M signed the agreement that have the sole responsibility to monitor the GFAs implementation through the NMCs, if these affiliates happen to be part of the CCC network they can of course be part of the NMCs but not as representatives of CCC.

Furthermore, IndustriALL is **open to discuss strategies with CCC** in order to delineate where cooperation can be possible but it will not adapt its strategies in line with CCCs approach or agenda. Some of CCCs’ campaigns, such as the H&M campaign, are

⁸ Interview with Jyrki Raina (former Secretary General of IndustriALL Global)

perceived to be counterproductive. Instead of focusing on the commitments that H&M is still not fulfilling she believes it would be more effective to put pressure on brands which have not yet committed to anything.

However, as a member of CCC's reference group for this trend analysis added: "*the debate is not only about the roles CCC can play, it is also about the composition/membership of CCC and IndustriAll Global/Europe.*" The membership of CCC and IndustriAll Global/Europe overlap in some cases and in others IndustriAll affiliates are not part of CCC or vice-versa. This dynamic was also raised by the GUFs, where it was mentioned that the funding relations between some of the CCC members and partners with selected unions was limiting inter-union cooperation and unity, as unions end up competing over donor funding. This is why IndustriAll is not in favour of organisations outside of the trade union movement representing workers or supporting trade unions financially in their organizing efforts. CCC reference group members note that this is not limited to NGOs, as there are similar funding streams between individual global North and global South unions, but recognize the importance of transparency and coordination. In this light the Trade Union Solidarity Organisations (or TUSOS) are of importance, several of whom are or were active members of national CCC coalitions in the global North.

ITUC Strategies

ITUC's current strategic framework (2018-2022), as relevant for the Garment Industry focuses on: (1) creating a more conducive international environment by lobbying for a convention on global supply chains and a universal labour guarantee at the ILO, a UN treaty on Business and Human Rights and national due diligence laws; (2) campaigning against slavery; (3) campaigning for the respect of migrant workers' rights; and lobbying for a new social contract which serves as an umbrella for all of the above strategies⁹.

Next Strategic Steps for ITUC

The ILC (108th) in June 2019 will be an important moment for the ITUC and the entire global movement as the convention on gender-based violence at the workplace and a declaration on a universal labour guarantee will hopefully be adopted^{10,11}.

Another strategic plan of the ITUC which is related to the work of the CCC is their planned campaign against Amazon. Although ITUC does not aim to especially target Amazon's operations in the garment industry but will attack the overall dubious business model of the corporate giant the campaign might give leeway to the CCC to zoom in on the impact of the company in the garment industry through a parallel and reinforcing campaign.

Possible areas of cooperation between ITUC and CCC

According to the ITUC, CCC has an important **campaigning role** to play in all of the above mentioned strategic pillars. In contrast to IndustriAll, they also believe CCC could be included in the monitoring of GFAs and other supply chain agreements, in cases where national trade unions could use the support.

⁹ See https://www.ituc-csi.org/IMG/pdf/2019-03_ituc_frontlinesandpillars_report-en.pdf for more details on ITUC's Strategic Framework 2019

¹⁰ See <https://www.ituc-csi.org/gender-based-violence-at-work-583?lang=en> for more information on the ITUC's campaign on gender-based violence

¹¹ The universal labour guarantee is one out of 10 recommendations made by the ILO's Global Commission on the Future of Work of which the ITUC was an active member (ILO, 2019). The Universal Labour Guarantee protects fundamental workers' rights, an adequate living wage, limits on hours of work and safe and healthy workplaces. You can find the commissions' full report here: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_662410.pdf

It was stressed that the cooperation with CCC for the ILC (June 2019) will be of important to ensure ratification of the convention as well as the endorsement of the declaration (as above).

As mentioned above ITUC also believes CCC could be part of the global campaign against Amazon.

In addition ITUC could support CCC by bringing cases of MNCs/government's misconduct which have been flagged by CCC or its members before **the ILO supervisory mechanism**.

Finally, ITUC and CCC could deepen their cooperation in **the Transparency Pledge**, which aims to reach a common minimum standard for supply chain disclosures by getting companies to publish standardized, meaningful information on all factories in the manufacturing phase of their supply chains¹².

UNI Strategies

UNI's current strategies relevant to the garment sector are: (1) lobbying for the extension of the Bangladesh Accord; (2) establishing GFAs; (3) lobbying for responsible business models and a more just global framework through the Global Compact and other international fora.

Next strategic steps for UNI

Will be added after interview with Alke or Mathias

Possible areas of cooperation between UNI and CCC

Needs to be confirmed in interview with Alke or Mathias

In line with the areas of cooperation mentioned under ITUC and IndustriALL CCCs role within UNI's strategies towards brands and retailers could be complementary through their campaigning and lobbying efforts. In the area of global governance perhaps a more precise joint strategy could be developed wherein CCC complements UNI's lobby agenda with a focus on the Garment Industry?

Depending on the outcome for the Bangladesh Accord, expansion of the Accord work and model to other countries in the region in which UNI has expressed an interest could be another area where CCC and UNI (and IndustriALL), can continue collaboration.

A member of the CCC reference group added that: *"the Belgian CCCs have done extensive awareness raising work and capacity building of retail workers together with UNI affiliates. The approach included the ability of worker representatives to raise questions and demands during works council meetings."*

Mapping of Global Framework Agreements

Global Framework agreements (GFAs) are negotiated agreements between MNCs including brands and retailers, Global Union Federations (GUFs) and (sometimes) local unions. Although there is much diversity among existing GFAs, they can be generally seen as social arenas for applying core labour standards and the basic principles of labour relations through collective bargaining and social dialogue.

GFAs are generally more difficult to establish in fragmented buyer-driven supply chains, such as the garment industry, which depend on small-scale producers in low- or middle

⁹ <https://www.hrw.org/content/301844>

income countries (Verbrugge & Huyse, 2019: 27-28). In most garment industry supplier countries, monitoring and implementation of GFAs is also particularly challenging due to low levels of unionization and lack of a social dialogue culture. One important improvement in the GFAs is the fact that national trade unions are more actively included in the creation and monitoring of the GFAs (before the GUFs held most of the ownership). In a recent study by HIVA the following general strengths and weaknesses have been identified.

Table 4 Strengths and Weaknesses of GFAs

Strengths	Weaknesses
Bilateral and negotiated character increases legitimacy	Limited sectoral and geographical reach
Emancipatory potential due to strong focus on 'enabling rights' and mechanisms for promoting worker participation and social dialogue	Focus on MNC's own operations, limited attention for suppliers
Joint mechanisms for compliance monitoring	Implementation hinges upon effective worker representation

SOURCE: VERBRUGGE & HUYSE (2019: 27)

Despite the existing structural hurdles a number of GUFs (notably IndustriALL and UNI) have signed GFAs with brands and retailers in the garment industry, as shown in the table.

Table 5 Mapping of GFA in the Garment Sector

Signing parties	Year	Number of suppliers/ stores	Number of workers represented
Carrefour - UNI ⁹	2001 and renewed in 2015	11.900 stores	380,000
H&M - UNI ¹⁰	2004	3700	93,351
Inditex - ITGLWF ¹⁵	2007	1800 suppliers and 7000 factories	Approx. 1,5 million
Mizuno Corporation – ITGLWF – Mizuno Workers' Union – UI Zensen ¹⁶	2011	425 suppliers (295 producing apparel & footwear) ¹⁷	/
Metro Group – UNI Metro - UNI ¹⁸	2014 2017	/	219,678 (2015/16)
H & M Hennes & Mauritz AB –	2015	1.900 factories	Approx. 1,6 million

⁹ <https://www.uniglobalunion.org/es/node/35014>

¹⁰ <https://www.uniglobalunion.org/es/node/35014>

¹⁵ <http://www.industrial-all-union.org/sites/default/files/uploads/documents/GFAs/Inditex/inditex-gfa-english.pdf>

¹⁶ <http://industrial.all-considers.se/sites/default/files/uploads/documents/GFAs/Mizuno/mizuno-gfa-english.pdf>

¹⁷ <https://corp.mizuno.com/en/csr/partner/supply.aspx>

¹⁸ <https://www.uniglobalunion.org/es/node/35014>

IndustriALL and IF Metall ¹⁹			
Tchibo - IndustriALL ²⁰	2016	Approx. 190 manufactures	Approx. 100.497
ASOS - IndustriALL ²¹	2017	192 suppliers, 498 brand factories,	
ESPRIT - IndustriALL ²²	2018	1.100 suppliers	
Inditex - UNI ²³		1824 suppliers and 7210 factories	Approx. 1,5 million

SOURCE: CREATED BY AUTHOR

Apart from increasing brands and retailers' responsibility over their supply chain and workers within it, the newer GFAs serve a second function which is the empowerment of the national trade unions. By giving them ownership over the monitoring of the GFAs (in the case of the H&M GFA through National Monitoring Committees) the objective is for national unions to gain confidence and have a clear agenda through which they can organize more members²⁴.

According to IndustriALL local trade unions have expressed their positive experience with working through the MNCs as they no longer have to rely on IndustriALL headquarters when an issue arrives but can solve labour disputes directly on the ground. Nevertheless the literature points out that because GFA are *"not enforceable in the way most national collective bargaining agreements are and do not directly involve national employers' associations GFAs do not replace social dialogue or collective bargaining at the country level"* (ILO, 2018:14).

Other Supply Chain Agreements

Although most of the literature focuses on GFAs when addressing cross-border social dialogue approaches and GUFs also use them as flagships for demonstrating progress in their efforts to make supply chains more sustainable and just, they are only one out of many different types of supply chain agreements. In a comprehensive ILO study on *"multiparty bargaining, involving representatives of workers, their direct employers, and lead firms or other entities above the direct employers in the supply chain,"* Blasi & Blair (2019: 6-7) have identified the following types of supply chain agreements:

- comprehensive industrial agreements that include specific terms of employment, such as wage levels and benefits, in a range of substantive areas;
- thematic agreements designed to prospectively advance particular worker rights issues, such as worker safety and freedom of association, through ongoing labour-business structures

¹⁹ http://www.industrialall-union.org/sites/default/files/uploads/documents/GFAs/hm-industrialall_gfa_agreed_version_09-09-2015.pdf

²⁰ http://www.industrialall-union.org/sites/default/files/uploads/documents/GFAs/Tchibo/tchibo_gfa2016_eng.pdf

- remediation agreements aimed at addressing discrete violations, such as a failure to pay legally required wages and compensation schemes for victims of workplace disasters; and
- global framework agreements²⁵

Many of the examples cited in the report come from the garment industry, as shown in the table below (examples of GFAs have not been included as they are included in the section 4 of this report).

Table 6 Examples of Supply Chain Agreements in the Garment Industry

Example from the Garment Industry	Geographic scope	Participants	Enforcement
Comprehensive agreements			
ILGWU Jobbers Agreements Period: 1930's-1980s	U.S. regional	Domestic union with associations of lead firms and direct employers	Mediation and binding arbitration
Alta Gracia Project Period: 2010 - current	Single plant in Dominican Republic	Domestic union federation and university-backed NGO with U.S.-based lead firm; CBA with factory-level union	Enforceable contract
Thematic Agreements			
Bangladesh Accord on Building and Fire Safety Period: 2013 - present	Bangladesh	GUFs and domestic unions, plus NGO and labour support organisation witnesses, with lead firms, requiring compliance by suppliers	Mediation and binding arbitration
Indonesia Freedom of Association Protocol Period: 2011 - present	Indonesia	Domestic unions, lead firms, and direct employers	Mediation; potential court enforcement
Fruit of the Loom Freedom of Association Agreements Period: 2009	Honduras and El Salvador	Domestic union federation with U.S.-based lead firm/direct employer; parallel agreement between lead firm and university-backed NGO	Mediation and binding arbitration
ACT Framework Agreement on Industry-wide Bargaining Period: 2015 - present	Implementation at country level, countries TBD (first country-level negotiations have started in Cambodia)	GUFs with lead firms; the country commitments are implemented through industry-wide collective bargaining between national trade union, employers' organization and government representatives	None publicly identified
Remediation Agreements			
Workplace Disaster Compensation Funds Sector: apparel Period: 2005 - present	Single worksites (Rana Plaza, Tazreen, Ali Enterprises, Spectrum)	Lead firms, in concert with government and NGOs	Typically public reporting
Minimum Wage Remediation Cases Sector: apparel	Haiti, India	Lead firm pledges to require compliance by suppliers	Public reporting; enforceable contracts between

²⁵ See Blasi & Blair (2019:8-9) for examples of the different types of supply chain agreements

Period: 2010, 2014			unions and suppliers (Haiti)
Various Freedom of Association Remediation Cases Period: 2000- current	Single worksites	Lead firms require remediation by suppliers, leading to bargaining between suppliers and factory-level unions	Typically public reporting
Overtime and Terminal Compensation Remediation Cases Period: 2002 - present	Single plants, various countries	Lead firm, requiring compliance by supplier	Typically public reporting; in some cases binding arbitration (e.g. Nike/Honduras)

SOURCE: DEVELOPED BY AUTHOR BASED ON BASI & BLAIR (2019: 8-9)

These examples are all results of multiparty or “triangular” bargaining which at best establish *“enforceable obligations on the part of actors throughout the entire supply chain, and thereby ensure that lead firm purchasing practices support decent work”* (Basi & Blair, 2019: 6). In addition, the above demonstrates that multiparty bargaining is not necessary the exclusive terrain of trade unions but other members of civil society such as NGOs, can also be included. Furthermore, when it comes to monitoring compliance with made agreements third parties such as independent non-profit organizations or mutually agreed upon arbitrators are preferable according to Basi and Blair (2019).

According to the study, successful agreements have at least one of the following elements (ibid.):

- The agreements require lead firms to change their sourcing decisions in ways that make providing decent work in the economic interest of suppliers through both “carrots” (e.g. sourcing exclusively or preferentially, and on a long-term basis) and “sticks” (e.g. suppliers losing access to orders).
- The agreements oblige brands and retailers to help fund the improvements suppliers must take to provide decent work by: (1) increasing prices paid by brands/retailers or by paying a premium on top of their regular payments for products or services, with a portion or the entire premium passed on by the suppliers to workers as a supplement to their wages.
- In some cases brands/retailers are required to use their own financial resources to allow for decent work conditions in supplier factories or to provide necessary financial relief
- Some agreements reverse outsourcing, by causing brands/retailers to formerly hire outsourced workers directly or acknowledge a joint employment relationship.

Conclusion

What are the strategic plans of IndustriALL, UNI and ITUC towards garment producing brands?

The strategic plans of IndustriALL and UNI have not substantially changed. The key instruments for influencing brands and retailers remain Global Framework Agreements and other international agreements such as the Bangladesh Accord or ACT. There has been a shift in thinking towards promoting the active participation of local unions in supply chain agreements and working towards their enforceability. In this sense the texts of newer GFAs differ somewhat from their predecessors as they are more comprehensive in terms of the fundamental labour rights included, the reach throughout the supply chain, involvement of local unions and stipulation of monitoring-processes. They serve to make

brands responsible for the workers throughout their supply chain by committing to core labour standards and (in some cases) adapting their purchasing practices as outlined in the GFA text.

The key weakness of GFAs is the fact that they are not legally binding but both respondents from IndustriALL and ITUC have expressed their desire to make new GFAs legally binding (UNI has not yet responded to our request for an interview). Their combined lobby efforts at the UN, OECD and ILO are steps in this direction.

It remains an open question, possibly for follow-up research, in which countries the GUFs prioritise for their GFAs, which countries have National Monitoring Committees, and what the GUF strategy is for violations in non-NMC countries for a GFA brand, and what the strategy is towards non-GFA brands sourcing from the same supplier, and non-GFA brands in general.

IndustriALL, UNI and most importantly ITUC, are also lobbying for the creation of a more conducive international framework. This strategy is simultaneously taking place within 3 international fora: (1) the UN with the lobby for a UN treaty on Business and Human Rights; (2) the ILO with the lobby for a declaration on a Global Labour Guarantee and a convention on global supply chains; and lastly, (3) the OECD where ITUC together with the GUFs are working towards nationally mandated due diligence frameworks vested in national legislation²⁶. Although these lobbying activities do not directly target brands and retailers, their outcome hopes to change the rules of the game by providing an international governance framework for legally binding mechanisms through which brands and retailers can be held to account for misconduct.

How will their work on GFAs, and other union-brand agreements impact CCC and its members and partners, and where can we collaborate?

GFAs will have the same impact on CCC and its members as they have had before. The only change might be that local trade union affiliates of IndustriALL and UNI (some of which are CCC members) will be more actively involved in the implementation and monitoring of such agreements. The situation may become more complex in cases where local unions who are not GUF affiliates, but are CCC members, are active at suppliers of GFA brands, either as the only union, or together with IndustriALL affiliates. According to the GUFs interviewed for this study, GFAs provide CCC with campaigning tools. The key question is how CCC wishes to use them. They can either use them as carrots for attracting more brands to sign such agreements by applauding brands which have committed themselves to respecting labour rights through GFAs. Or they can use them as sticks to hold signatory brands to account for not implementing the commitments made in the GFAs. Or, of course, CCC can use both strategies in parallel. From the perspective of GUFs, naturally, they would prefer CCC to opt for the first option as one of the core reasons why brands decide to sign GFAs is to improve their public image. Having signatory brands still being the target of critical and negative campaigns is seen as a disincentive for other brands to sign GFAs. From the CCC perspective though, if violations of labour rights reported by a member union do not get resolved through the GFA process, campaigning is a necessary step for solidarity work. According to the GUFs interviewed, the impact of the ACT initiative on CCC runs along the same line, as it can also be used as a campaigning tool, again, either as a carrot or a stick. To gain a deeper understanding of the impact of GFAs and other supply chain agreements on CCC and its members, further research/impact analysis based on insights from CCC members would be worthwhile.

²⁶One of the reference group members questioned the extent to which the OECD could drive this forward, and not for example the EU

A CCC reference group member suggests that as first step further research is required to map out in what countries there are established NMCs and under which GFAs. Clarity on this would be helpful for addressing the larger strategic question, as well as on a tactical Urgent Appeal case management (see section 4).

What are their strategies for building networks of unions and for relating to labour support groups and NGOs, and for building a labour movement?

GUFs support their national affiliates through capacity building and skills development²⁷. The idea is to give them as much ownership as possible over international agreements with brands and retailers in order to empower them and attracting more members. The specific union building/strengthening strategies differ from country to country and case to case but local ownership is key in all their processes. More in depth research would be needed to unpack the relation between the organizing, capacity building and GFA strategy.

According to CCC, the affiliate base of IndustriALL in most countries is quite broad, including the more activist and progressive unions that also are members of CCC as well as more mainstream or conservative unions, many inherited from the ITGLWF in the merger process. It has been part of the strategy to try and unite them in national level IndustriALL councils (where then also the metal and chemical worker unions are brought in). These councils are also used for the GFA capacity building. According to the GUFs, GFAs furthermore give GUFs the opportunity to build networks of unions representing workers in the different supplying factories to a specific brand. These networks have increased intra-union solidarity and enforced the national labour movement in the supplier countries. In addition networks are also created across the various GFAs so that unions can learn by example from each other.

ITUC does not actively engage in capacity building or network building in supplier countries as this is the mandate of GUFs. They can provide technical/informational support to GUFs in these efforts when needed.

The relation to labour support groups and NGOs, including CCC, is more complex. NGOs and campaigning organisations, such as CCC, have played historically important roles in the garment industry, especially in supplier countries where for a long time union presence was very low. When IndustriALL was founded and started organizing garment workers more actively (with mixed-results) finding a balance and a new division of labour between trade unions and NGO's was at hand. From the perspective of CCC there also was a need to find balance between affiliates and CCC member unions: in several production countries the IndustriALL councils were getting developed in parallel to the CCC coalitions at national and regional level. It seems as though this balancing exercise is still in process today and now also includes other GUFs which are active in the sector such as UNI.

The relations between IndustriALL and CCC has known ups and downs. The ups involve the joint efforts put into reaching the Bangladesh Accord the downs are often (indirectly) related to their different organizational structure and culture. According to the GUFs, as membership-based organisations TUs and GUFs are accountable to their members and affiliates who expect to see results. The logic of industrial relations implies that these are often negotiated results between workers, TUs, companies and governments and therefore require compromise from all stakeholders. So pragmatism guides GUFs' strategies to a large extent. CCCs on the other hand as a loose network is not bonded by compromise embedded in the social contract between workers and companies. This allows them, to a certain extent and in specific cases (such as due diligence), to be more

²⁷ It was raised by a members of the CCC reference group that the affiliation of yellow unions by IndustriALL is problematic specifically in the context of capacity building.

idealistic. If we translate these organizational philosophies to their activities related to brands and retailers, GUFs prefer to reach as many pragmatic successes as possible. In other words they prefer to have more brands and retailers partially doing the “right” thing, than less ticking of all the boxes. Whilst CCC believes brands and retailers should tick off all the boxes (especially when they have committed to do so).

From the perspective of IndustriALL NGOs and labour support organisations have a complementary role to play in the fight for decent work in the Garment Industry through their lobbying and campaigning capacity but when it comes to organizing and representing workers as well as monitoring GFAs the prerogative solely lies within the trade union movement and in the first place with the local trade unions in the garment industry. Therefore it seems as though IndustriALL is not a supporter of social movement unionisms, which implies a more structural relationship between trade unions and other members of civil society. Instead, for IndustriALL NGOs and networks such as CCC play complementary but clearly distinct roles to those of trade unions. ITUC has a slightly diverting view and believes there is a role for organisations such as CCC to play in monitoring the progress of supply chain agreements, especially when local unions are in need of support. If done currently, according to the ITUC, the support in this regard does not necessary mean local trade unions will be undermined. Crucial in such cooperative processes, according to the ITUC, is the existence of clear agreements between CCC, local unions and GUFs on who does what, with which end goal.

One of the reference group members pointed out that on the ground local unions, including but not limited to IndustriALL and UNI affiliates, are already actively cooperating within the CCC network in outreach to brands and retailers through the CCC’s ‘Urgent Appeals System’ (which has over 400 cases by now) but also by filing complaints with multistakeholder initiatives, or governmental organisations. It is during this outreach to brands that tension occurs, especially when it concerns a GFA brand.

Key challenges to cooperation from the GUF’s perspective²⁸

The unclear leadership structure of CCC makes it difficult for GUFs to know which person to talk to. The loose organizational structure gives the impression that not all CCC members are always on the same line. It is unclear to the GUFs when they make agreements with person/organization if they will be endorsed by the entire network or not.

It was mentioned repeatedly by representatives of GUFs included in the study that they have difficulties comprehending CCC’s agenda, as different members in the network sometimes seem to have distinctive approaches. From the point of view of the respondents CCC lack a clear and unified strategy.

GUFs and CCC have a different organizational structure and mandate and therefore cannot always adopt the same strategy. When it comes to GFAs for instance, CCC can push for the ideal whilst for GUFs, GFAs are outcomes of long negotiations which inevitable require compromise. After completion GUFs cannot actively lobby against the signatory brand, with the risk of them stepping out of the GFA all together whilst CCC can be (and are) critical of signatory brands (e.g. CCC’s H&M campaign).

²⁸ A member of the CCC reference group added the following challenges: (1) internal connection and disconnection between different levels of CCC and GUFs: how to ensure workers are involved from bottom to top or from top to bottom; (2) gender streamlining

There is no shared and mutually recognised division of labour or joint strategy between GUFs and CCC. Discussions happen ad-hoc when the need or an issue arises.²⁹

Resource list

Please see separate document here on Insite for an extensive reading list divided into topics

<https://insite.cleanclothes.org/workspaces/gsf2020/development-gsf-2021-2025/trend-7-policies-of-the-gufs/t7-resource-list.pdf/view>

Bibliography

Arengo, E. (2019). Future of Fashion: Worker-Led Strategies for Corporate Accountability in the Global Apparel Industry. Washington.

Blasi, J., & Bair, J. (2019). An analysis of multiparty bargaining models for global supply chains (Conditions of work and employment series). Geneva.

Fairbrother, P., & Nikolaus, H. (2005). Global Unions: Past Efforts and Future Prospects. *Industrial Relations*, 60(3), 405–431.

ILO. (2018). International Framework Agreements in the food retail, garment and chemicals sectors. Geneva.

Müller, T., Platzer, H., & Rüb, S. (2010). Global Union Federations and the Challenges of Globalisation. Berlin.

Sydow, J., Fichter, M., & Helfen, M. (2014). Implementation of Global Framework Agreements : towards a multi-organizational practice perspective. *Transfer*, 20(4), 489– 503. <https://doi.org/10.1177/1024258914546270>

Verbrugge, B., & Huyse, H. (2019). Toward sustainable supply chains? Belgian companies' approaches to human rights and working conditions in their supply chains. Leuven

Trend 8 – Funding Context Paper

1. Introduction

Clean Clothes Campaign (CCC) is a grass root network of more than 200 organisations dedicated to structurally improving working conditions and empowering workers in the global garment and sportswear industries. We envision a world in which all people working in the global garment and sportswear industries enjoy and exercise their human rights at work and in the community. The network exists of trade unions and NGOs both in garment producing and consumer countries, covering a broad spectrum of perspectives and interests. As a grass root network we identify local problems and objectives and transform them into global action. We

- Educate, raise awareness and mobilize consumers to undertake individual and collective action;
- Lobby companies and governments to take responsibility to ensure that the rights of workers in the global supply chain are respected and implemented;
- Work in solidarity with organised workers throughout the global supply chains fighting for rights and take action on concrete cases of violations of the rights of workers and activists;
- Explore judicial mechanisms and lobby for legislation to protect workers' rights and hold companies accountable
- Work together to develop the network and strengthen the global alliance for workers' rights.

In 30 years of its existence, the CCC International Office has received funds from a variety of donors existing of mainly bilateral donors, and foundations. Responsibility for funding is shared by everyone in the CCC Network. With the exception of the Strategy Board, each entity within the CCC Network is responsible for its own funding through donations, external funds, joint fund- raising etc. This does however not exclude coordinated efforts to finance particular activities at the national, regional or international level. In this paper we will be describing the funding trends at a global level as well as its possible impact on our strategies and activities. The methods used to develop this paper are desk research and interviewing grant makers and experts.

2. Global trends and funding topics

The 2030 Agenda for Sustainable Development guides the international funding landscape for development. This is especially the case for multilateral and bilateral funding, but to a large extent also for other funding streams. The vision and mission of the Clean Clothes Campaign is connected to a number of these SDGs, like SDG1: No poverty, SDG5: Gender Equality, SDG8: Decent Work and Economic Growth, SDG10: Reduced inequalities, SDG12: Ensure responsible consumption and production, and SDG16: Peace, justice and strong institutions.

When identifying trends, we need to be aware that we are talking about a huge number of funding organisations as well as individual donors around the globe, each with different priorities, processes and histories. Any attempt to identify “trends” within this space is necessarily partial. There are however some trends that are worthwhile mentioning in this paper.

Within the global donor community we see a trend aiming to **shift power to the South**. - shift closer to the ground, giving the people agency to act on their own. Funders introduce decentralized decision making within their own organizational structure, and also try to apply participatory grant making which seeks to involve those directly affected by the issue in decision making about where that money goes. It can be a more effective way of reaching people and addressing issues of power. Power in the South is one of the unique selling points (USPs) from the Clean Clothes Campaign.

Most international grants from bilateral donors, multilateral donors and foundations support specific projects despite continued calls from non-profit leaders to increase general support grants. A growing body of research suggests **unrestricted funding** is critical to the effectiveness and sustainability of civil society organizations. This is because general support grants allow organizations to cover the full costs of doing their work, which improves their overall financial sustainability by allowing them to be nimble and responsive to changing contexts that impact their work, without seeking funder approval. The grant makers that have been interviewed for this paper acknowledge that this is a debate within the global donor community, and might lead to changes in future funding.

Recent years have witnessed an alarming rise in restrictions placed on civil society's ability to operate. This trend has encompassed a range of repressive measures by governments. The situation is particularly acute in some of the world's poorest countries. A survey and series of interviews undertaken in 2016 by the European Foundation Centre suggests that while international development and humanitarian funders and INGOs are aware that **shrinking civil society space** is a problem, many do not see this as a fundamental threat to their overall missions and actions. Whereas a small number of philanthropic development organisations engage in advocacy to challenge shrinking space, most do not. Conscious of sensitivities around foreign funding for work that might be seen as political, donors encourage the trend of channelling resources away from local civil society advocacy towards results-based, targeted projects says the report by the Funder's Initiative for Civil Society. The report by the Carnegie Endowment for international peace confirms that many funders have scaled back work they believe might be politically sensitive. The scaling back includes staying away from issue areas that appear to be most sensitive to local power holders; not funding particular groups or individuals that irritate local sensitivities; stepping up the less political side of civil society programming, such as educational or health work; and replacing political advocacy programming with service delivery support. The report is however slightly more positive about alternative ways of funding. The funding community is increasing quick-action financial assistance available to civil society groups that come under attack.

Some funders, such as the U.S. government and the European Union, have stated a willingness to fund nongovernmental organizations that do not comply with local registration requirements, primarily in circumstances where they believe that registration requirements are excessive or arbitrarily enforced to such a degree as to constitute a violation of freedom of association for local activists. A regional variation on national NGO platforms is the ongoing effort funded by USAID and the Swedish International Development Cooperation Agency (SIDA) to support the establishment of a set of "regional hubs" in Africa, Asia, Latin America, and the Middle East that will support civil society against closing space pressures through knowledge provision, research, convening, and other means. Various aid organizations are increasingly talking about the need to work more with social movements rather than traditional NGO partners, with the idea that social movements may have stronger local roots, as well as less formalized organizational forms, which may facilitate giving support that gets around restrictions on NGO funding. Looking at the different lines of response, it shows that many aid providers are stepping up their reactions to the closing space problem and engaging on multiple levels. Progress is being made in elaborating different lines of action relating to closing space problems, but the overall response is still not very strong. Only a small number of official donors, notably Canada, the European Union, Sweden, and the United States, have engaged significantly at the policy level or through major aid initiatives. Most other official donors have yet to come to grips with the issue. Funders are rarely able to establish clear lines that would apply across time and across different regions about what sorts of activities are too sensitive.

Civil society still relies heavily on foreign funding. From 1993 to 2012, 39 of the world's 153 low and middle-income countries passed new **restrictions on foreign funding** to locally operating NGOs. More have imposed restrictions since then. Funding from private foundations, like the Ford Foundation and the Open Society Foundations, as well as sundry national aid agencies was once welcomed warmly, but no longer. No matter how sincere local activists, their heavy reliance on external aid means that they are "foreign agents" advancing the interests of other countries. These critics generally see foreign government funding of local NGOs as more pernicious than funding by foreign private individuals or foundations.

In addition to these, there are some global trends specifically related to the garment sector that are essential to consider in terms of fundraising. The dominant business model in the fashion sector is that of "fast fashion", whereby consumers are offered constantly changing collections at low prices, and encouraged to frequently buy and discard clothes. Funders acknowledge the trend is responsible for a plethora of negative social, economic and environmental impacts. The garment sector is the 2nd worst polluting industry in the world. In response, 10 different United Nations organizations established the UN Alliance for Sustainable Fashion, launched during the 2019 UN Environment Assembly. **Sustainability** encompasses social issues, such as improvements in working conditions and remuneration for workers, as well as environmental ones, including the reduction of the industry's waste stream, and decreases in water pollution and contributions to greenhouse gas emissions. Also the concept of **circular fashion** has seen significant increase in interest over the past few years and is continuing to gain steady momentum, also for funding. The concept 'circular fashion' is based on the main principles of circular economy and sustainable development.

1. Global trends and type of funder

As mentioned before, there are many different types of funders around the globe, each with different backgrounds, priorities, and processes. Below we will briefly touch upon some specifics in relation to the different type of funders.

3.1 Official Development Assistance (ODA) / Multilateral and bilateral funding

Official development assistance (ODA) is defined as government aid designed to promote the economic development and welfare of developing countries. Aid may be provided bilaterally, from donor to recipient, or channelled through a multilateral development agency.

A multilateral organisation is an international organisation whose membership is made up of member governments, who collectively govern the organisation and are its primary source of funds. Examples of multilateral organisations are the various agencies in the United Nations, the World Bank and the Asian Development Bank. The Agenda 2030 calls for inclusive partnerships of a wider range of stakeholders around a unified agenda, while the multilateral development system is not as inclusive and representative as it would need to be and its ability to engage with partners beyond governments remains limited. **Multilateral funding is stable but increasingly earmarked and could decline in the near future** because of rising mistrust in multilateralism. Much of the current discontent and mistrust around multilateralism derives from the fact that too many people have missed out as a result of the policy prescriptions emanating from the current multilateral system. Discussions about earmarked funding versus core funding are already held among DAC countries to improve the overall impact of resources deployed. Compared to bilateral funding, the data show that multilateral development partners, a) channel more of their financial support

through country governments; b) are increasingly implementing programmes in fragile contexts delegated by bilateral development partners, particularly for **humanitarian assistance**; b) allocate greater shares of their portfolios to **private sector development** than most bilateral development partners, particularly for infrastructure, and b) **mobilise more private finance** for development compared to bilateral development partners, at least in terms of overall volumes of financing provided.

Donors gave \$153 billion in Official Development Assistance (ODA) in 2018 or 0.31% of their combined gross national income. Preliminary data show that net bilateral ODA from DAC countries to the group of least developed countries, which had been on a falling trend before rebounding in 2017, fell by 2.7% in real terms to reach USD 27.6 billion in 2018. Sweden (1.0%), Luxembourg (0.98%), Norway (0.94%), Denmark (0.72%) and the U.K. (0.7%), were the only DAC members to meet the UN target of spending 0.7%. The largest donors by volume were the US, Germany, UK, Japan, and France. Many countries are redirecting their aid — which is meant to fight poverty — toward covering the costs of refugees they are hosting.

From 2011 till 2015 Multilateral and bilateral funding dedicated USD 3,6 billion annually for Human Rights programs (source: Advancing Human Rights). Top funders for human rights are Sweden, United States, European Union Institutions, Norway, Canada, United Kingdom, Germany, Switzerland, Denmark and Spain, and top 5 human rights issues funded are:

Issue	%
Civic and political participation	15 %
Human Rights general	15%
Freedom from Violence	13%
Equality Rights and Freedom from Discrimination	12%
Health and Well being Rights	9%

While 2% of the funds go to economic and labour rights.

Majority of human rights funds from multilateral and bilateral funders are allocated to women & girls (26%) and Children & Youth (23%).

3.1 Philanthropy (Foundations, Major donors, Charities)

Within the philanthropy there is a huge range of different organisations with different ambitions and different ways of working. However, the UK Association of Charitable Foundations has identified recent trends reflecting debates in the field and overall, commitment to the continuous process of self-examination, improvement and collaborative reflection characterises philanthropic funding at its best. Although the philanthropic landscape is very diverse, community philanthropy is on the rise. Community philanthropy aims to shift power closer to the ground. Also based on the premise that all communities have their own assets (money, skills, knowledge, networks, etc.). The rise of community philanthropy can be linked to four wider trends in foundation practice: a) a surge in “place based funding”, where resources are concentrated in a specific geographic location or community; b) a growing interest in re-distributing power from external donor institutions to

community philanthropic organisations and people in the communities, and the acceptance that people affected by the issues a funder is looking to address are likely to be experts in knowing what they need and how to resolve the challenges they face; c) the view that for foundations to support a community or fund effectively in a place, they need to be both situated in and reflective of that place and people, which is becoming more mainstream, and d) foundations are increasingly interested in making the most of all their assets, not just their grants programme, but using their own voice, amplifying the voices of those they support, convening, mission aligning their endowments.

From 2011 till 2015, Foundations funded USD 1,8 billion annually for human rights programs (source: Advancing Human Rights). Top Foundation funders for human right are Ford Foundation, Nationale Postcode Loterij, National Endowment for Democracy, The Susan Thompson Buffet Foundation, The Atlantic Philanthropies, Anonymous, The Oak Foundation. W.K. Kellogg foundation, Vanguard Charitable Endowment Program, and the NoVo Foundation. The top 5 issues funded by Foundation funders are:

Issue	%
Equality Rights and Freedom from Discrimination	12%
Health and Well being Rights	12%
Human Rights general	10%
Social and Cultural Rights	9%
Sexual and Reproductive rights	9%

While 6% of the foundation funding is dedicated to economic and labour rights.

Comparable to multilateral and bilateral funding, the majority of human rights funds from foundations are allocated to women & girls (23%) and Children & Youth (20%).

The top 3 strategies funded by Foundation funders are:

Strategy	Description	% of total foundation funding 2011-2015

Wile coalition building and collaboration strategies received 5% of the total foundation funding and 3% went to grass roots organizing.

Corporate Funding

Although corporate funding and corporate partnerships are on the rise, this type of funding will not be elaborated in this paper. Corporate funding has been described in chapter 8 of the Model for the Structure of the CCC Global Network, and in the Handbook. It is on the agenda for the Fundraising WIG.

3.1 Individual donations

The 2018 Global Trends in Giving Report indicates that 54% of individual donors worldwide prefer to **give online** with a credit or debit card. They are less likely to give through mobile apps/wallets (4%). Increased access to online and mobile giving technology in Africa, Asia, and South America will likely grow these numbers significantly in coming years. 29% of the individual donors say that **social media** is the tool that inspires them to give. Of those inspired by social media, 56% say that Facebook inspires them the most, closely followed by Instagram, and Twitter. Social media fuels smaller donations. In fact, the 2018 Global Trends in Giving report found that social media inspired 40% of all donations under 100, and 29% of all donations between \$101 and \$1,000. Email was the catalyst for 33% of all donations over \$1001, and social media only fuelled 13% of donations over \$10,000.

In a matter of only a couple of decades, **crowdfunding** has grown to a multibillion dollar industry as new technology makes it easier than ever for home innovators to bring their ideas to market. With the rise of new platforms and the growth in popularity amongst millennials of this fundraising methodology, The World Bank estimates that by 2025 the global crowdfunding industry will be worth upward of \$95 billion. However in order to be successful, you need to do your research right and be informed on the rules and regulations surrounding crowdfunding, choose the right platform to connect to your target audience, have more than just an idea, know your target audience, set goals, create marketing materials, offering something in return for your supporters makes a more successful campaign, get personal, and follow through on your promise.

Not surprisingly, there are differences in the way each generation likes to give. We learn from the 2018 report that crowdfunding campaigns are more popular with **Millennials¹ and Generation X² than Baby Boomers³**. However, Boomers are much more likely to donate to a Facebook campaign than Millennials. Millennials, Gen Xers, and Baby Boomers all prefer to give online and digital communications significantly influence their giving. While the baby boomers were once the backbone of the donor base for the past few decades, members of Generation X are now the most charitable, volunteer-inclined supporters. The key is to appeal to them—and truly meet them where they are. These generations appreciate things like learning the impact of their gift, connecting online, and the ability to give easily and/or automatically such as through a recurring giving

¹Born between 1977 and 1995

²Born between 1965 and 1976

³Born between 1946 and 1964

program. Although the **Gen Z4** members have not entered the workforce yet, understanding them will be critical for the future fundraising.

Close to half of all individual donors are enrolled in a **monthly giving program**. It indicates that many donors are willing to commit to an organization they care about on a long term basis.

Religious individual donors are more likely to give to charitable organizations that provide basic needs and support the causes of children and youth, health and wellness, and hunger and homelessness. Non-religious donors are more likely to give to the causes of animals and wildlife, human and civil rights, and international development and relief. The trends indicate that today's donors aren't just looking to support change; **they want to be a part of it**. They're making concerted efforts to do their part.

32% of individual donors in **Africa** prefer to give cash. **Asian** individual donors are primarily driven by digital communications. 51% prefer to give online and 41% are enrolled in a monthly giving program. Email (29%), social media (26%), and an organization's website (21%) inspire the most giving. At 75%, donors in **Australia & Oceania** attend fundraising events more than any other region, and at 21%, they are also the most likely to create peer-to-peer fundraising campaigns to benefit organizations. **European** individual donors are the most likely to give through bank/wire transfer at 20%. 52% are enrolled in a monthly giving program, the highest of any region. European donors are the most likely to give to international development and relief (12%), and are unique in that they give more to human and civil rights (9%) than other any region. 60% of donors in **North America** prefer to give online with a credit or debit card, the highest of any region. North America also has the highest rate of Baby Boomer donors (41%) and donors who have charitable giving in their last will and testament (20%). Donors in **South America** are unique from other regions in that they are more likely to be inspired to give by Instagram (30%), give the most to support the cause of animals and wildlife (17%), and only 6% have created a peer-to-peer fundraising campaign.

Individual donors are bombarded with messages on a near-constant basis. They hear from other non profits, brands, and people; all of them asking to *"look at what we're doing," "buy our product," "look at me."* To stand out, non profits need to look past mass marketing and focus on spreading word organically through community-driven fundraising. When you engage your supporter base to inspire, activate, and rally others to get involved, you're mobilizing others to grow your community.

Peer-to-peer fundraising is a popular community-driven fundraising technique. Peer-to-peer fundraising is a method of fundraising that leverages your supporters to fundraise on your behalf. Peer-to-peer fundraising is a great way to get new donors and reach new networks of people.

Legacy fundraising is another trend, as leaving a gift to a charity in a will is likely to be the largest donation an individual ever gives to charity. Fundraising for legacy gifts is often built on establishing a long-term relationship between the potential legator (the person who leaves a gift in their will) and the charity or charities that they choose to donate to. It can also be a challenging area of work – legacy fundraising will by its very nature lead to some sensitive topics and conversations with an individual and potentially his/her family or next of kin. It's also a complex area because of

⁴Born in 1996 and later

the regulatory and legal considerations of leaving wills and the administration of estates. This means charities have to take care to ensure they are acting appropriately.

Charities also need to be mindful about privacy rights which a growing concern for individual donors. In Europe the General Data Protection Regulation (GDPR) is a limiting factor. The GDPR is a regulation in EU law on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. It also addresses the export of personal data outside the EU and EEA areas. No personal data may be processed unless it is done under a lawful basis specified by the regulation, or unless the data controller or processor has received an unambiguous and individualized affirmation of consent from the data subject. The data subject has the right to revoke this consent at any time.

1. Closing

In this paper we tried to describe some of the important global trends and provided insight in the funding landscape that is relevant for a network like the Clean Clothes Campaign. We identified three main sources of funding and for an organization to be financial healthy and not dependent on one source of funding it is important to diversify funding sources. Where Official Development Assistance is highly project related with intensive reporting requirements, Philanthropic funding has more potential in respect to flexible use of funds for project and core funding, while individual funding is regularly non-restricted. We should however also acknowledge that available funding from ODA remains relative high, while funding from foundations varies largely, and individual donations are often relative low.

The funding landscape requires a donor focused fundraising approach that is sensitive both to the donor perspective and in diversifying funding streams from a non profit organization perspective. Understanding what drives giving patterns can help a network like ours to cultivate strong relationships with donors and proactively plan for the years ahead. There is a wide range of donors all with their own priorities and processes. With respect to ODA funding and Philanthropy funding, IO is developing a database with donor intelligence of funders that match our mission. It remains important to connect to donors that fit us, instead of "fitting ourselves" to the donor, and to be mindful to a donor retention program.

With regard to individual fundraising we see that individual donors in different countries and from different generations have different preferences. Overall, the potential of online fundraising is huge. In order to facilitate online fundraising there might be an opportunity to connect to the network's campaigns and social media outreach. In many cases, new supporters learn about our cause from their friends and family on social media. For online giving it is important to ensure online giving methods (donation page, online fundraising websites, "donate" buttons) are all in working order and easy to access, including mobile optimization, limited fields, and safe, secure payment processing. In case of individual giving it is extremely important to have an individual donor retention program, and to be compliant with privacy regulations.

The information in this paper will hopefully be of help in the strategizing phase, and in translating global trends to the characteristics of each region, each country, as well as each organisation's capacity and ambition.

Sources:

- Carnegie Endowment for International Peace (2015) “The Closing Space Challenge, How are funders responding?” | https://carnegieendowment.org/files/CP_258_Carothers_Closing_Space_Final.pdf
- Foundation Centre (2018) “The state of global giving by US Foundations” | <https://www.cof.org/content/state-global-giving-us-foundations-2011-2015>
- Funders’ Initiative for Civil Society (2017) “Why shrinking civil society space matters in international development and humanitarian action” | <http://efc.issuelab.org/resources/29212/29212.pdf>
- Goddard, K. (2018) “How can charitable foundations ensure that they are spending their money effectively? Keiran Goddard explores some of the models for giving that have developed in recent years” | <https://dafne-online.eu/wp-content/uploads/2018/09/Goddard-article-Charity-Finance-Sept-2018.pdf>
- Indiana University Lilly Family School of Philanthropy (2018) “The Philanthropy Outlook 2018 & 2019” | http://martsandlundy.com/wp-content/uploads/2018/03/Philanthropy_Outlook_2018_2019_RS.pdf <http://www.oecd.org/newsroom/development-aid-drops-in-2018-especially-to-neediest-countries.htm>
- Multilateral Development Finance (2018) “Towards a new pact on multilateralism to achieve the 2030 Agenda together” | https://read.oecd-ilibrary.org/development/multilateral-development-finance_9789264308831-en#page1
- Nonprofit Tech for Good (2018) “2018 global trends in giving report” | <https://givingreport.ngo/>
- Organisation for Economic Co-operation and Development (OECD) (2019) “Development aid drops in 2018, especially to neediest countries”.
- Interviews with grant makers.

Web sources:

- EDGE Funders Alliance | <https://edgefunders.org>
- Ariadne, European Funders for Social Change and Human Rights | www.ariadne-network.eu
- Human Rights Funders Network | <https://www.hrfn.org/community-voices/where-are-the-gaps-opportunities-and-challenges-comparing-funding-trends-from-the-womens-funds-community/>
- Civil Society | www.civilsociety.co.uk
- Advancing Human Rights | www.humanrightsfunding.org
- European Fundraising Association | <https://efa-net.eu/features/special-focus-5-trends-influencing-giving-in-europe>
- UN News | <https://news.un.org/en/story/2019/03/1035161>
- OECD | <http://www.oecd.org/newsroom/development-aid-drops-in-2018-especially-to-neediest-countries.htm>
- Donor Tracker | <https://donortracker.org/>
- Devex | www.devex.com
- FundsForNGOs | www.fundsforngos.org
- AWID | <https://www.awid.org/news-and-analysis/why-we-need-feminist-funding-ecosystem>

三、從生產到整個成衣業價值鏈：組織物流和零售工人的經驗

1. 周于萱，〈從生產到整個成衣業價值鏈：組織物流和零售工人的經驗〉⁵



⁵ 台灣青年勞動九五聯盟理事長。

報告大綱

- 九五聯盟
- 2008 九五大戰八五
- 2016 專櫃暨銷售人員工會
 - 血汗百貨-違反職安法的百貨規則
 - 颱風假（防災假）立法
 - 勞動教育
 - 百貨公司 - 櫃商 - 勞工的三方關係

台灣青年勞動九五聯盟



由青年工作者、大專院校學生、學者專家組成，獨立自主的公益非營利組織。

我們的目標包括：

1. 改善台灣弱勢青年的勞動處境與發展機會。
2. 促進非典型勞動者法令上和實際上的勞動保障。
3. 鼓勵青年勞動者團結參與公共事務、爭取權益。
4. 推廣勞動教育與勞動權益觀念。

2008年 95戰85

2007年7月1日

月薪 15840 -> 17280

時薪 66 -> 95

2008年95大戰85



2015年-現在 專櫃暨銷售人員工會 Sales Workers



Photo: LTN 2015/06/14



Photo: PTS 2016/09/13

2015年抗議百貨血汗勞動

- 月工時長達200至240小時
- 「禁坐」「禁水」
- 34%與68%的櫃姐分別表示有腳底筋膜炎以及靜脈曲張的狀況
- 30%的櫃姐指出站櫃時不能飲用水
- 違反上述規定則可能被公司罰以500至1,000元不等的罰金



違反《職業安全衛生法》的百貨規定



- 問卷調查
- 密集召開記者會
- 向（中央）勞動部、（地方）勞工局申訴

颱風假（防災假）



- 問卷調查
- 記者會
- 連署
- 社會倡議



防災假立法

- 國民黨立法院黨團、
- 民進黨立法院黨團、
- 親民黨立法院黨團、
- 時代力量立法院黨團
- 7個防災假法案



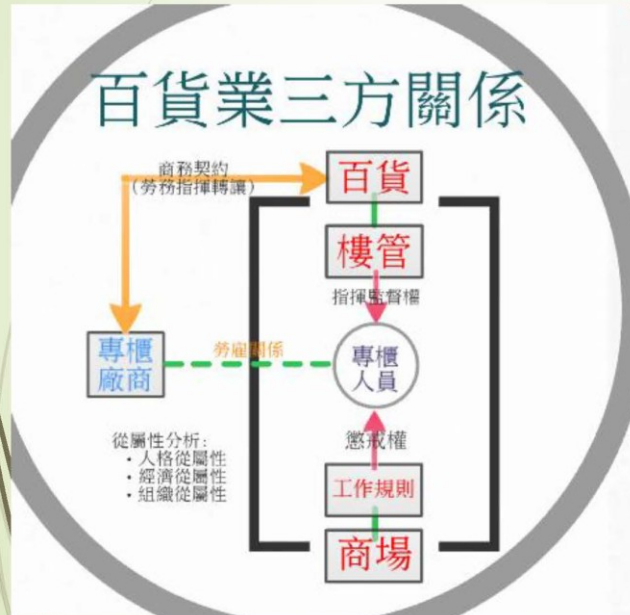
* 2020總統大選-立法院屆期不連續

勞動教育



- 職場權益手冊
- 網路文宣
- 工會幹部教育

百貨公司 - 櫃商 - 勞工



- 出勤管理 (颱風天)
- 工作管理 (罰單)



又見誇張惡罰單 遲到五分罰千六



至於罰款的部分，勞工局指出，A小姐是精品專櫃公司員工，非受雇百貨，百貨公司開罰款承受單位是專櫃公司，其實A小姐並沒有繳付義務，若專櫃把不合理的罰款從A小姐薪資扣除，就違反上述規定。然而本案A小姐是直接付款給百貨，導致返款困難。不過，勞工局認為，廣三收了這筆錢，應視同對於專櫃的罰款，該局將引述勞資關係條例中「不得將公司的罰款轉嫁員工」的相關規定，儘量輔導要求專櫃退款給員工。

f 櫃姐der靠北

2. 胡美蓮，〈Experience on organizing casualized workers in retails〉⁶

服裝零售業的就業趨勢 WORK SITUATION

- 漸趨零散化：
- 零售業工時長，婦女難以全職工。品牌公司都會將工作零散化，聘用兼職或零散工。
- 零散的兼職主要返星期五、六、日，最繁忙的日子。但每日工時與全職工一樣長。
- Informalization (Casualized worker)
Retail work is long working hours for full time work, and many informalized work for women.
Casualized work included time-time, mainly at weekend, the most busy workload period.
The workload of casualized worker is same as full time worker



服裝零售業的僱用模式：零散/非正規 INFORMALIZATION OF RETAIL WORK

- 零散聘用形式：
- (1) 兼職：由品牌公司直接聘用做兼職/臨時工。
- (2) 派遣工：由代理公司聘用，再派遣到各代理品牌在百貨店做產品推廣，員工與品牌公司無僱傭關係
- Employment pattern:
(1) part-time: employed directly by brand company.
(2) dispatched work: employed by agent, sent by agent to workplace of brands in SuperStore

⁶ 香港婦女勞工協會。

零散就業-推廣員 INFORMAL WORKER: PROMOTER

- 零售業全職一般稱為售貨員，而零散就業的稱為“推廣員”
 - 如一間百貨公司，全職售貨員和兼職推廣員大約的比例可以是3:7
 - 推廣員是會被調配到不同百貨店工作。但工作時間是與全職員工一樣，工作內容也一樣。
 - 只是福利和保障也不同
- “Promoter” usually employed informal, but the work is same as fulltime sales.
 - Proportion of full time workers with promoters usually 3:7
 - Promoter sent to different workplace, usually for 3 to 15 days.
 - Work is same but work benefit is different, as casualized worker do not have same welfare by labour law in HK

零售業薪金制 WAGE STSYEM CREATE PRESSURE

- 員工工資包括：
 - 底薪+公佣+私佣
 - 或 底薪+私佣
 - (最低工資<底薪<生活工資)
 - 公佣：每個分店設定營業額指標，超額便可有佣金分配，佣金按人數、職級、崗位而定
 - 私佣：按個人營業額達標之外而計佣金
- Wages system:
 - = basic salary + company allowance +individual allowance
 - Min wage<basic salary< living wage
 - If basic salary + allowance may sometime over living wage
 - But allowance is much pressure to workers

零售業薪金制 WAGE SYSTEM CREATE PRESSURE

零售業的佣金制

- ✖ 對員工造成壓力，因為其他同事會給壓力和要求
- ✖ 零散就業員工只計私佣，但是成績也影響全職員工的公佣，所以，壓力也很大。是造成工人的分化

Basic salary of promoter is really close to Min-wage level. If add up allowance, close to living wage.

Allowance is calculate by whole sales of store. It create self-monitor among workers, as other will urge yo to work hard because you will influence others income

推廣員職安健 OCCUPATIONAL SAFETY & HEALTH

- ✖ 長期站立，腿部靜脈曲張
- ✖ 不准許坐下，即使沒有顧客
- ✖ 當旺季零售，工作忙至無時間去廁所或食飯，腸胃毛病普遍
- ✖ Long time to stand still in counter, cause very serious varicose veins
- ✖ When sale in top season, no time to tailor or to eat.
- ✖ Pressure increase in season sale



推廣員是百貨店的二等勞工

- ✧ 品牌產品在百貨店銷售，是要向百貨店租場。然後派出員工。
- ✧ 這些派遣的勞工，不單要守公司的規矩，也要額外受百貨店的指使和守額外的規矩。
(例如打風，自己公司通知可以收工，但百貨店不放人、要等所有顧客離場才可下班....)

如品牌公司在百貨店租場是沒有額外存倉，而銷售員也要同時做倉務、搬貨、執貨的工作...



推廣員及零散工工會

- ✧ 工會在2014年成立
- ✧ 組織對象：產品推廣員 (包括：百貨店專櫃的產品推廣員、及在超級市場的產品推廣員、以及食店的啤酒推廣員)
- ✧ “推廣員”是以非全職聘用的，有些是派遣勞工、或兼職聘用



組織策略：

1. 持續到工作場所探訪，需要大量義工，如：實習學生
 2. 到學校展覽宣傳
2. 推廣政府一些小恩小惠的福利，然後協助申請，大批接觸員工。(如申請交通津貼、低收入家庭津貼...)

組織者到工作點提供協助，聯系到的各公司的零散工。



組織策略

- (4) 結連其他產品推廣員，調查超級廣場/百貨店對推廣員的不合理對待，並舉行記者發佈會



組織策略

(3) 關注“性騷擾”問題

2018年之前，性騷擾條例只是有僱傭關係的，如推廣員受百貨店其他人性騷擾是不受法例障...



性騷擾條例未能回應零散就業趨勢？

1. Promoter的僱主、百貨公司場主負責人的責任如何界定？
2. 法例規定：“僱主要為性騷擾行為承擔「轉承責任」
如遇問題，promoter應向場主還是僱主投訴？
3. 顧客被即場投訴性騷擾，誰有權留下其個人資料作日後跟進？

政策倡議

(5) 針對政府勞工法例，倡議修例保障零散工



倡議：就業權益

聯合行動

調查主題：

- ✖ 零散工作面對的不合理對待？
- ✖ 零散工對勞工法例修訂的意見



關注性騷擾，及倡議修例

- ✖ 2014-15進行推廣員的性騷擾問題調查，發現推廣員也會遇到。
- ✖ 更因當時性騷擾條例不包括非僱傭關係之內的性騷擾。
- ✖ 因此調查並爭取
- ✖ 2017修訂《條例》通過，擴大保障至被顧客性騷擾、或同場工作員工的騷擾也受保障
- ✖ 但條文仍有漏洞
- ✖ 而且也要宣傳教育，及接觸個案



通訊圖片化用WHATSAPP 傳遞



政府對香港服裝業投入更多資源

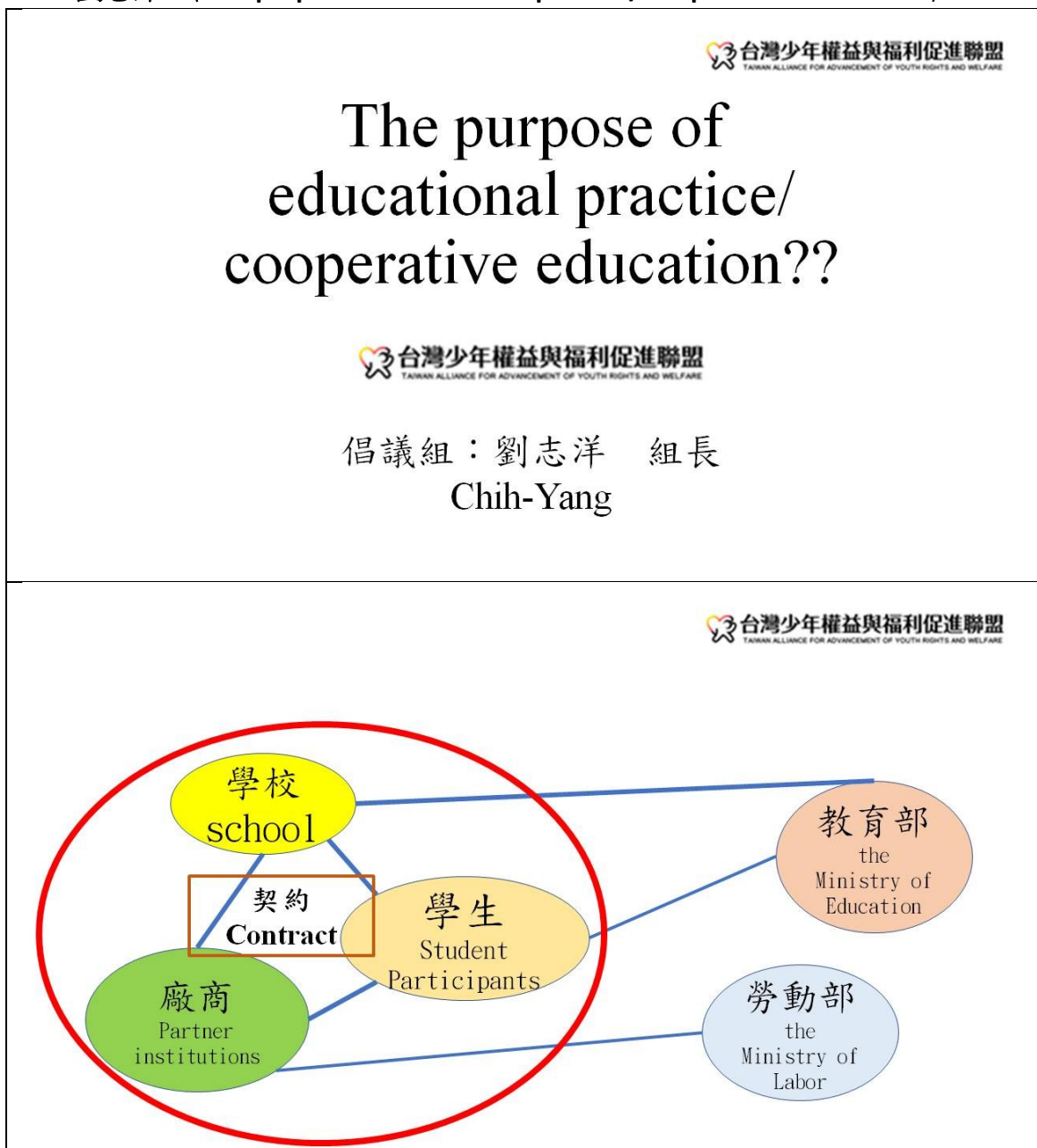
- ✖ 香港政府界定時裝業包括：紡織、服裝、皮草及鞋類產品的製造、貿易、測試及零售的公司。
- ✖ 在2018年10月政府表研究支援和推動發展時裝業“再工業化”，意思是會利用高科技振興，使傳統製造業現代化，重新建立先進和高附加值的細分市場。

網上購物對實體店的衝擊

- ✕ 淘寶上的連衣裙為例，平均平台上連衣裙類目有2000 萬件商品，但如果想要找一個特別的領子，一個特別的花紋，或者一種很特別的款式，依然無法準確地找到

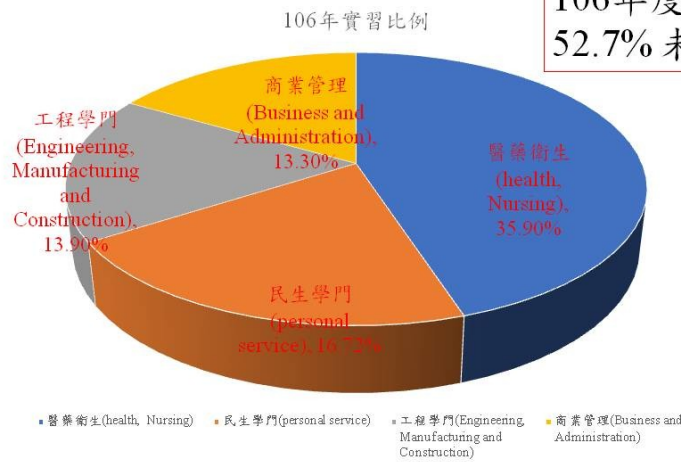
四、從生產到整個成衣業價值鏈：組織物流和零售工人的經驗

1. 劉志洋，〈The purpose of educational practice/ cooperative education?〉⁷



⁷ 台灣少年權益與福利促進聯盟倡議組長。

Some facts



106年度有16萬的實習生
52.7% 未領任何津貼

What's happening?

- 1) 實習的目的 (the purpose)：學生的主體、教育、培育國家人才、職涯發展、
- 2) 雙重身分(dual role)：勞工or學生or都是
- 3) 多元學科的實習屬性差異，是否能擺在同一套標準？(one standard for diversity department)
- 4) 一般型？工作型？
- 5) 工作優先？學習優先？ Priority work/study
- 6) 政府的角色：審查、申訴機制、有足夠人力可以審查嗎？
- 7) 如何處理爭議how to cope with dispute
- 8) 境外實習生／血汗勞工？
- 9) 規定太嚴沒有廠商願意合作？

2. 甄凱，〈The purpose of educational practice/ cooperative education?〉⁸

预防技能实习生受剥削的经验谈

甄 凯
ZHEN KAI

自我介绍

- ▶ 在日主要从事技能实习生维权工作
- ▶ 现是岐阜一般劳动工会：专职人员
- ▶ 岐阜一般劳动工会第二外国人支部：支部长
- ▶ NPO法人 外国人劳动者救济支援中心：所长
- ▶ 自2004年开始从事此项工作，到现在已经15年了

⁸ 日本岐阜外國人工會專員。

新的技能实习生制度

日本技能实习生制度自2018年起，
在日技能实习期限从三年改成了五年。

问题点

- ▶ 不能自己选择调换工作单位。
- ▶ 由于语言不能沟通等现实问题，实习生们一切受到雇主、接受组合以及派遣公司的控制。
- ▶ 技能实习3号，再入国的技能实习生无法重新选择新的企业，依然摆脱不了原来企业的控制。

如何维护实习生的合法权益

- ▶ 在企业内部成立工会

2010年成立外国人第二支部

- ▶ 以NPO法人的方式帮助受害实习生

2015年10月成立避难所，至今入居者243人

第二外国人支部活动 (家族慰安会)



借地种菜



区域垃圾收集



支援企业劳动者交流会



包粽子、摇元宵



Research Draft: Labour Right Violations Faced by TITPs in Japanese Garment Workshops (部份譯文)

工廠

三家使用實習生的工廠都違反勞動法規。它們透過剝削將利潤最大化，其中實習生受害最深。但這三家工廠都拒絕承認過失及賠償。因為工廠的資料難以取得，我主要透過訪問這些實習生分析它們的運作。雖然資料的準確性可能受到質疑，但我相信這些實習生最了解他們工作的工廠。至於 Kuriyama 相關的資料則從其網頁取得。

Akatsuka Shish ū

May 在一家稱為 Akatsuka Shish ū 的工廠工作，這間工廠專門生產長褲。在其違法行為被舉報后，這間公司申請破產，逃避支付拖欠實習生的工資。可是，老板再開了一間新公司，由相同的人持有，在相同的地方營運——唯一的分別是換了公司名稱和法人代表。

公司架構

在 May 與另外兩個實習生加入之前，廠里有 4 名中國實習生，加起來有 7 人，亦即全廠所有人力。不久，再有 3 名中國實習生加入。這些實習生按留在日本的年期分成兩組工作。工廠由日本人擁有，沒有日本雇員參與生產。

生產過程

Akatsuka Shish ū 從專門裁切布料的公司取得切好的布料，然后由工人制成長褲，之后再送到另一間工廠熨及加工。該工廠只聘用了兩名柬埔寨實習生。

Nao

Nao 雇用了兩名柬埔寨實習生。代表兩名實習生的工會邀請東主出席談判，東主拒絕。

公司架構

與 May 的工廠不同，Nao 有一名日本雇員，但他是東主的親戚，因此東主對他及柬埔寨實習生的待遇完全不同。這間廠雇用實習生的規律為頭一年兩人，第二年四人，第三年兩人，如此類推。

生產過程

這間廠主要為產品進行熨及加工，處理裙、褲、外套等產品。平均來說他們每天處理三種產品，訂單來自不同的品牌，但我們不清楚 Nao 是直接取得訂單還是從外包公司接到訂單。很有可能是后者。

工廠的客戶生產中至高端產品，售價連稅由¥8,500（78.5 美元）至¥52,900（488.3 美元）以上。工廠每日最高產量為二千件。

Kuriyama

公司架構

Candy 的廠有 4 名實習生。他進廠的時候，他跟另一名中國實習生是全廠僅有的實習生。一周后另外兩名中國實習生進廠。廠里有一名日本雇員，但 Candy 不清楚他的職責，因為他每天只露面 2-4 小時。

生產類型

2018 年的情況是，Kuriyama 主要接縫紉訂單，最低消費為 300 件，制作的產品類型包括女裝襯衫、外套、連衣裙，以及學校運動服。接到訂單后，Kuriyama 會向採購商提供一個樣本，確認后開始生產，一個月內完成。若工廠已有所需的物料，生產期可縮短至兩星期。

品牌

PAL GROUP Holdings CO., LTD

公司規模與架構

PAL GROUP 是一家大企業，主要業務是成衣。在 2018 年 3-8 月，成衣貿易占集團的 72%，擁有 947 間店鋪（PAL GROUP holdings 2018b）

PAL GROUP 在 1973 年 10 月成立，有 11 家子公司，旗下 60 個品牌，主要經營成衣業務，聘用超過 1,000 人。集團在英國、上海和新加坡都有子公司。

產品

根據截至 2018 年 8 月 31 日的半年度財務報告，PAL GROUP 在 6 個月內新開 18 間店鋪，營業額及利潤均有所增加。我們發現，這個集團其中 3 個品牌的產品外包給上述 3 間工廠生產。這 3 個品牌為 GALLARDAGALANTE、un dix cors 及 RIVE DROITE。這個供應鏈出現了剝削實習生的情況。

GALLARDAGALANTE

這個品牌針對中產女性客戶，裙和褲的售價為¥11,800（108.7 美元）至¥51,840（477.7 美元）在 38 種褲子當中，47.4%在網上銷售時沒有說明生產地點。余下的商品當中，42.1%在日本生產，其他則在中國生產。較便宜的商品的產地基本上都沒有被提及。較昂貴的商品當中，半數在日本生產，其余的產地不明。另外有 10 種裙子在日本生產，1 種在中國生產。最便宜和最昂貴的 10%產品都沒有標明產地。

un dix cors

另一品牌 un dix cors 同樣把生產外包給使用實習生的工廠。它的產品針對上班族，褲子售價由¥6,372（58.7 美元）至¥48,600（447.9 美元），裙子售價由¥11,880（108.8 美元）至¥

16,200（109.3 美元）褲子的主要生產地是中國，生產 93.3%的款式，其中中國生產較便宜和較昂貴的款式。裙子的主要生產國是日本，生產 71.4%（5 種）款式，另外 2 種最便宜的款式在中國生產。

RIVE DROITE

RIVE DROITE 是另一女裝品牌，56.7%褲子款式和 81%裙子款式都在日本生產。其最便宜的褲款在中國生產，次便宜的兩款在日本生產，較貴的褲款產地各占一半，最貴的褲款在日本生產。褲子的價格由¥6,372（58.7 美元）至¥24,840（228.9 美元；裙子的價格由¥12,960（119.4 美元）至¥20,520（189.1 美元）

企業社會責任

PAL GROUP holdings 關注產品質素。它會就質量欠佳的產品道歉及退款，亦會對於網頁資訊錯誤道歉，反映一定透明度。它亦鼓勵其夥伴參與植樹活動。可是看不到有關注勞動條件的內容，因此不見得這個品牌會關注外包工人的情況。

品牌與生產商

受訪的實習生都為 PAL GROUP 旗下品牌工作，負責不同的工序。其中 Akatsuka Shish ū 及 Kuriyama 做縫紉，Nao 做熨和加工。

TSI HOLDINGS CO., LTD.

公司規模與架構

TSI 的主要業務是時尚衣着。在 2018 年 3-8 月，服裝業務占其營業額的 93.1%。它擁有 33 間子公司，包括海外公司；旗下有 81 個品牌，包括作為海外代理 的品牌。TSI 聘用超過一千員工。未來 TSI 計劃拓展海外市場（TSI HOLDINGS. 2018b）

Akatsuka Shish ū 發現 TSI 旗下品牌 Human Woman 一種標籤為“日本制造”的產品。Akatsuka Shish ū 負責縫紉，亦即最重要的工序。我認為透過外包以及強調“日本制造”為產品的利潤最大化，可是實習生無法享受這樣的利潤。

產品

Human Woman 是 SANEI-INTERNATIONAL CO., LTD. 旗下品牌，在 1998 年成立，針對 30 多歲的女性（SANEI-INTERNATIONAL 2015）其中 60%客戶重複購買產品（TSI HOLDINGS 2018a）它售賣各種產品，“最低價”類別的售價由¥12,960（119.4 美元）到¥28,000（257.9 美元）因此我認為這個品牌的目標客戶為高消費力的女性。根據 TSI 年報（TSI HOLDINGS 2018a）2018 年是品牌成立 20 周年，希望借此機會吸引更多客戶。

Human Woman 推出 165 種產品，比上述提到的品牌都多。其中 53.9%在中國制造，24.2%在越南制造，只有 12.7%產品聲稱在日本生產。不奇怪地，較便宜的產品都在中國生產。最昂貴的產品當中，過半在日本生產，其余在中國生產。

企業社會責任

TSI 有企業社會責任政策。根據網頁，TSI（TSI HOLDINGS 2018c）其中一個社會責任關注點是人權，因此我相信 TSI 會正面面對改善生產線工人勞動條件的要求。

品牌與生產商

Akatsuka Shish ū 為品牌 Human Woman 進行縫紉。它從專門裁切布料的公司取得切好的布料，然後按客戶要求制衣，之后再送到另一間工廠熨及加工。我們不確定訂單直接來自品牌還是 外包公司。

City Hill.CO.,LTD .

規模與公司架構

City Hill 的規模較上述公司小，只有 4 個品牌，沒有子公司。可是這些品牌相當受歡迎。在 2018 年 City Hill 雇用超過 760 人，開設 143 間分店，其中 44 間在海外。2017-18 年度的銷售額為 ¥13,700,000,000（126,267,281 美元）（City Hill 2018a）。公司的主要品牌是 MAJESTIC LEGON，針對女性大學生和畢業生。

產品

另一品牌 Perle Pêche 針對成熟女性，強調產品質素，其中我相信“日本制造”是品牌標榜的質素保證。這個品牌將生產外包給 May 工作的工廠。其中被歸類為“便宜”類別的 51 種產品當中，49 種在日本制造，2 種在中國制造。這個類別的售價由 ¥10,692（98.6 美元）至 ¥18,360（169.3 美元）。

企業社會責任

City Hill 的網頁沒有提到企業社會責任，但其企業理念提到，希望所有雇員“高生產力”（高い生産性）人性化（深い人間性）及“參與社會”（広い社会性）（City Hill 2018a）。換言之，它期望影響社會，在維持高生產力同時對人負責，因此有可能有興趣發展企業社會責任政策。

品牌與生產商

Akatsuka Shishū 生產 Human Woman 及 Perle Pêche 的產品，負責縫紉，亦即制衣最重要的工序。由於我們只找到有限的資料介紹企業外包政策，我們無法確定訂單是否直接來自品牌。

聯合國工商企業與人權指導原則（BHR）

上述案例說明，日本品牌慣常將生產外包給生產商，亦少有關注這些生產商的勞動條件。可是生產線上的工人直接創造這些品牌的利潤，因此有必要關注他們的勞動條件及人權。

我在這裡簡介《聯合國工商企業與人權指導原則》，作為規範及保障實習生較好的做法。這份文件說明國家與企業有責任確保整個供應鏈當中的工人的人權。

在國家層面，文件的基本原則為：

國家必須保護在其領土和/或管轄範圍內人權不受第三方，包括工商企業侵犯。這就要求採取適當步驟，通過有效政策、法律、條例和裁定，防止、調查、懲治和補救此類侵犯行為。

目前可見日本政府有努力改善技能實習制度。可是政策及立法的改動成效不大，因為技能實習制度法律通過後侵犯權利的情況持續。

企業方面，基本原則提到工商企業有責任防止其營運當中出現任何侵犯人權的情況：

工商企業應尊重人權。這意味着它們應避免侵犯其他人的人權，並應在自身卷入時，消除負面人權影響。

成衣業實習生的問題並不直接來自品牌。可是根據上述原則，品牌需為外包生產商的生產過程，包括實習生的勞動條件負責。因此它們需就此向生產商施壓。

結論

勞動基準監督官的報告指出，70%企業侵犯勞動權利，反映情況嚴重。因此對實習生的保障亦成疑。

從上述案例可見，技能實習制度，尤其在成衣行業，變相令實習生變成前線工人。他們為“日本製造”的品牌工作。我們調查的 3 間工廠都只有實習生在進行生產。這些工廠負責縫紉、熨和加工，都是制衣重要的工序。這說明由於日本勞動力短缺，沒有實習生的話，日本的成衣業不可能運作。可是我們在這些工廠都發現剝削的情況。

品牌方面，我們調查的 3 個品牌都把生產外包給生產商，卻沒有監管這些生產商的用工狀況。《聯合國工商企業與人權指導原則》指出，品牌有責任規管其直屬及合作企業的人權狀況。因此我們要求品牌履行責任，定期巡查這些外包公司，確保當中前線工人的勞動權利。

根據其中兩個品牌的網頁，它們正在發展其企業社會責任政策。因此我們有條件透過品牌向生產商施壓。另一個品牌則看不到有企業社會責任活動，因此只能透過其對外公布的企業理念，指出企業需要注重員工。

是次研究的限制及下一步跟進

小型研究

這是一個只聚焦在 3 個個案的小型研究，但已揭示技能實習制度存在剝削，並發現一些大品牌透過母公司或子公司外包工作，同時討論透過品牌向生產商施壓的可能性。大型研究可能可以讓不熟悉這個領域的讀者較全面地了解這些問題。

生產商與品牌

在這個研究當中，我集中了解實習生的情況，因為他們負責制衣，最熟悉整個生產流程。同時，他們面對勞動權利被侵害的情況。可是我們難以釐清品牌與生產商的關係，因為不容易找到相關的人和文件。未來，我希望可以集中關注品牌，看看它們能否改善制衣工人的勞動條件。

3. 陳品妤，〈“Student” as Low-cost Labour – Student Intern in China’s Electronic Manufacturing Sector〉⁹

“STUDENT” AS LOW-COST LABOUR – STUDENT INTERN IN CHINA’S ELECTRONIC MANUFACTURING SECTOR



SACOM' S MODEL



⁹ 香港大學師生監察無良企業聯盟專員。

CAMPAIGNS AGAINST APPLE SINCE 2009

Year	Campaign
2009	
iPhone 3G	"WINTEK exploits its workers in Taiwan and Chin"
2010	"Dying Young: Suicide & China's booming economy"
iPhone 3GS	"Apple Owes Workers and Public a Response over the Poisonings"
	"More Workers are Poisoned by Apple"
2011	"Foxconn and Apple Fail to Fulfill Promises: Predicaments of Workers after the Suicides"
iPhone 4	
2012	"Sweatshops are good for Apple and Foxconn, but not for workers"
iPhone 4S	"New iPhone, Old Abuses: Have working conditions at Foxconn in China improved?"

CAMPAIGNING AGAINST APPLE SINCE 2009

Year	Campaign
2013	"Apple fails in its responsibility to monitor suppliers"
iPhone 5	"Foxconn (2038.HK) ignores the demand of democratic trade union"
2014	"Worker-Intellectual Unity: Trans-Border Sociological Intervention in Foxconn"
iPhone 5S	"iSlave 6 : Harsher than Harsher! Still Made in Sweatshops!"
2015	"Throw Away the Bad Apple – Labour groups call for ethical production!"
iPhone 6	
2016	"Blood and Sweat Behind the Screen of iPhones – Another Investigative Report on Apple's Largest Display Screen Supplier"
iPhone 7	

'Treated like slaves': Overseas students claim they're underpaid, overworked, threatened

Student Interns Exploitation as a Global Problem

23/10/2018 Michael Morrah



One of two companies implicated has launched an investigation. Credits: Newshub

A group of overseas students, who paid thousands to come to New Zealand to complete internships, say they're being "treated like slaves".

Italy school students 'strike' over work experience

© 13 October 2017



The protests were organised by student unions on social media

Thousands of Italian school students are protesting nationwide over work placements which they say contribute little to their future job prospects.

The students are calling it a "strike" in 70 cities. Student unions organised the protest via social media.

Top Stories

- Huawei sues US government over product ban
- Zuckerberg pledges 'privacy-focused' Facebook
- IS militants 'caught escaping last enclave'

ADVERTISEMENT

The collaborative organisation

How to avoid resource challenges while boosting productivity

PAID & PRESENTED BY CPA

Features

NEWS, CRIME

TAIWANESE UNIVERSITIES ACCUSED OF FORCING INDONESIAN STUDENTS TO WORK IN FACTORIES UNDER GUISE OF 'INTERNSHIP PROGRAM'

By Coconuts Jakarta Jan. 3, 2019



Photo of Indonesian students working at a contract lens factory, shared by legislator Ko Chih-en as part of her investigation into alleged abuses in the country's student-internship program. (Via Taiwan News)

JAPAN IMMIGRATION

Foreign interns in Japan flee harsh conditions by the thousands

Expat houses Vietnamese ex-trainees who faced brutal hours but
can't go home

EUGENE LANG, Nikkei deputy editor
AUGUST 06, 2018 16:00 JST



KEY DEVELOPMENTS OF CHINESE ELECTRONICS MANUFACTURING

- 2010 Serial Suicides in Shenzhen Foxconn
- 2012 Zhengzhou Foxconn was built
- Problems found following the relocation of electronics manufacturing from coastal to inland: lower minimum wages / weaker law implementation



ABUSIVE USAGE OF STUDENT INTERNS IN ELECTRONIC INDUSTRY

- Actors Involved: Factories, Vocational Schools, Local Governments
- "Administrative Provisions Regarding Internships for Vocational School Students" was implemented in 2015
- How student interns have become low-cost labour?

2017'S STUDENT INTERN CAMPAIGN

- In Sep 2017, SACOM initiated the international campaign “iSlave at 10” to disclose Apple’s repetitive labour right violations in its supply chain. An investigative report named “[Apple Watch 3 – Exploit Student Workers Further](#)” was published to unveil series of student workers violations found in Quanta Chongqing, a new Apple Watch manufacturer in an inner province of China. Receiving intensive social attention, SACOM soon worked with Financial Times to unveil similar student violations found in Foxconn Zhengzhou, another Apple factory in Nov 2017.
- Under great pressure from international NGOs and the general public, Apple admitted the violations and promised to carry out correction measures.
- In our revisit to Foxconn Zhengzhou in 2018, the recruiting department of student intern in Zhengzhou Foxconn was dissolved and no student interns were used.





CASE STUDY: QUANTA COMPUTER



QUANTA COMPUTER INC.

- Three Plants: Shanghai, Changshu, Chongqing
- Quanta relocated its Apple Watch assembly lines from coastal cities to Chongqing in 2017
- Revenue: US\$ 33.5 Billions (2017)
- Rank 345th in Fortune 500 (2018)
- Apple Watch's Exclusive Manufacturer
- Over 72,000 workers in China



STUDENT INTERNS PROBLEMS IN THE CHONGQING PLANT

- **Irrelevant Majors:** over 80% are in non-electronics major
- **Absence of educational elements:** no training provided
- **Forced labour:** not allowed to receive grad/ cut of welfare
- **Unlawful shift arrangements:** illegal overtime work (12 hours a day) and night shifts
- **Unlawful Recruitment:** Year 1 students were also sent.

What are the campaign tools in hands?

The newly released regulations on vocational school students' internship program; code of conduct

On October 23rd 2018, SACOM released an investigative report on student intern issues in Apple Watch Exclusive Supplier Chongqing Quanta



CNN BUSINESS

Apple investigates report that Chinese students were forced to make its watches

By Sherisse Pham, CNN Business
Updated 1145 GMT (1945 HKT) October 29, 2018



'We are like robots': Apple investigates Chinese factory using forced student labour

Supplier under fire after vocational degrees were withheld unless students undertook factory work



果对其供应链展开调查。

Agence France-Presse
14:16 Tue 30 October 2018

Apple is investigating a factory in southern China, French media claim, after reports of student labour abuses.



the guardian

Chinese factory supplying major laptop brands accused of student labour abuses

Watchdog claims Chinese factory supplying Sony, HP, Acer and others makes funding and graduation of student interns contingent on working 12-hour shifts



FINANCIAL TIMES

Apple Inc + Add to myFT

Apple's iPhone X assembled by illegal student labour

Interns say they were 'forced' to work at Foxconn plant in China in order to graduate



Bloomberg Technology

Markets Tech Pursuits Politics Opinion Businessweek

Sign In
Subscribe to Businessweek

Apple Finds Foxconn Interns Worked Illegal Overtime on iPhone X



October 23, 2018
 Apple Investigating Claim from a Hong Kong Human Rights Group that Quanta is Illegally Hiring Students for Apple Watch Production



It's being reported today that Apple has launched an investigation into its supply chain after a workers' rights group alleged that one of its suppliers was illegally employing students in China to make Apple Watches, according to Financial Times report.

The report noted that "The Silicon Valley giant opened the probe last week after SACOM, a Hong Kong-based human rights group, alleged that a Taiwanese Apple supplier, has been illegally employing student interns to assemble Apple Watches in the Chinese city of Chongqing."

QUANTA CAMPAIGN IMPACT

- On October 23rd 2018, SACOM released an investigative report on student intern issues in Apple Watch Exclusive Supplier Chongqing Quanta
- One day after SACOM's report, 194 Student Interns in Quanta's Apple production line were sent back to school
- In the end of October, Apple initiated an urgent investigation and admitted that student interns were used in Apple's assembly line and students did work for illegal overtime and night shifts



Raising the Bar in Labor and Human Rights Compliance



CAMPAIGN IMPACTS:

Practice Change:

194 Student Interns in Quanta's Apple production line were sent back to school one day after the release of SACOM's report

The dissolve of student intern recruiting department in Zhengzhou Foxconn

Policy Change:

New regulation imposed in Apple's Supplier Responsibility 2018

Limitations:

10% Cap is not pointing to the origin of the problem (Casualization of labour as a result of slimming profitability)

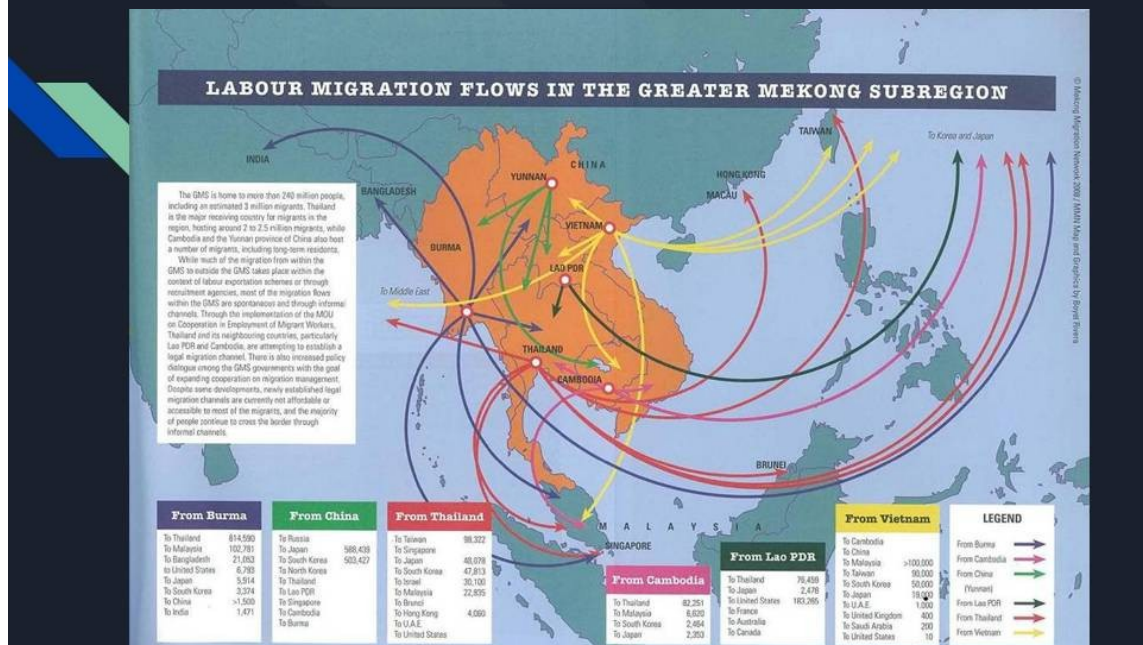
What about other brands' production lines? (Lack of legal binding)

How to campaign under trade war dispute?


4. Steven Luk , 〈 The Migration from the Greater Mekong Subregion to East Asia: Trends and Issues 〉 ¹⁰

The Migration from the Greater Mekong Subregion to East Asia: Trends and Issues

Mekong Migration Network



¹⁰ Mekong Migration Network .



Statistics in Vietnam

Destination	Number of Regular Migrants
Taiwan	170,000
Japan	148,000
Korea	50,000
Malaysia	50,000
Thailand	50,000



Statistics in Thailand

Destination	Number of Regular Migrants
Taiwan	59,947
Korea	21,000
Japan	7297



Statistics in Cambodia

Destination	Number of Regular Migrants
Thailand	458,927
Korea	48,670
Malaysia	30,063
Japan	6,717
Singapore	851

Statistics in Myanmar

Destination	Number of Regular Migrants
Thailand	1,214,688
Malaysia	138,492
Korea	35,000
Japan	6,144
Singapore	30,000-40,000 (irregular)

What is the TITP

“the purpose of the Technical Intern Training Program is to transfer technical skills, techniques and knowledge (hereinafter referred to as “technical skills, etc.”) to Myanmar, to contribute to the human resource development by which the development of the economy of Myanmar would be led and thus to promote international cooperation.”


What is the TITP

“the purpose of the Technical Intern Training Program is **to transfer technical skills, techniques and knowledge** (hereinafter referred to as “technical skills, etc.”) to Myanmar, to contribute to the human resource development by which the development of the economy of Myanmar would be led and thus to promote international cooperation.”



What is the TITP

“the purpose of the Technical Intern Training Program is **to transfer technical skills, techniques and knowledge** (hereinafter referred to as “technical skills, etc.”) to Myanmar, **to contribute to the human resource development by which the development of the economy of Myanmar would be led** and thus to promote international cooperation.”



Factors that make migrants vulnerable to abuse and exploitation at the pre-migration stage

1. The Selection of Private Recruitment Agencies;
2. High recruitment fees and migration costs; and
3. Quality of Pre-departure training.



The Situation on site-

1. Degree of skill transfer?
2. Exploitation and abuse leads to migrants leaving their jobs.



The New “Specified Skilled Workers” visa category

1. Direct hiring;
2. Change of employer in the same field.

Will it lead to better protections?



What is the TITP

“the purpose of the Technical Intern Training Program is **to transfer technical skills, techniques and knowledge** (hereinafter referred to as “technical skills, etc.”) to Myanmar, **to contribute to the human resource development by which the development of the economy of Myanmar would be led** and thus to promote international cooperation.”

五、2020 年東京奧運會的戰略工作坊

1. Rita Olivia Tambunan¹¹、楊政賢¹²，〈 International Campaign - Tokyo 2020 Olympic 〉

Clean Clothes Campaign



International Campaign - Tokyo 2020 Olympic

June 14, 2019



Objective for Today

- ❖ To learn and reflect on global campaign in the past
- ❖ To Learn how to develop a strategy
- ❖ To discuss and strategize the 2020 Tokyo Olympic Campaign



¹¹ 清潔成衣運動東南亞聯盟代表。

¹² 清潔成衣運動東亞聯盟緊急呼籲及倡議統籌。

The 2004 & 2008 Play Fair Campaign

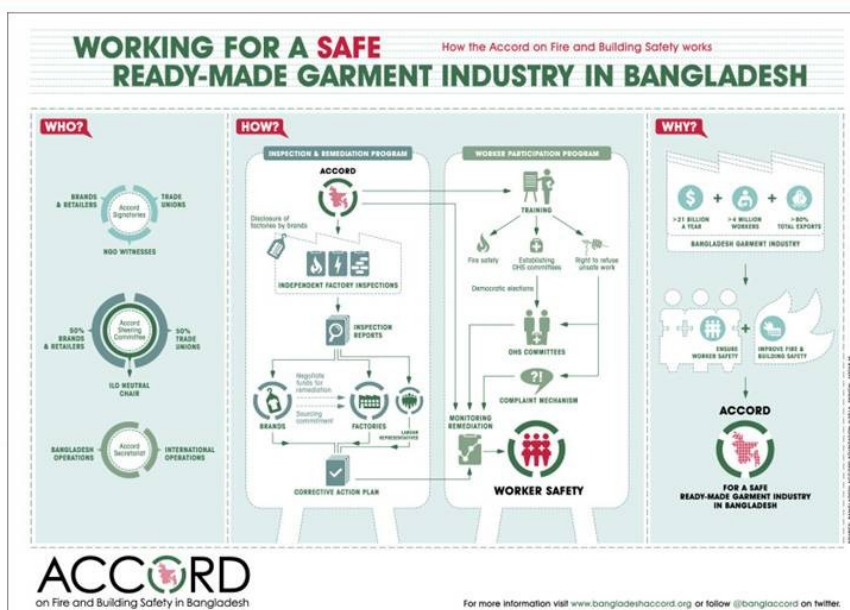


Enforceable Brand Agreement



A large, blue, cloud-like mascot character with a white face and pink mouth, sitting on a yellow sewing machine. The machine has a 'SWEATSHOP' label and is surrounded by colorful, patterned fabric strips.

A large crowd of people is gathered around a massive pile of rubble and debris from a collapsed building. The scene is set in an urban area with other buildings visible in the background. The debris includes large concrete slabs, twisted metal, and various personal belongings. People are standing on the rubble, some looking down at the wreckage, while others are talking or moving through the debris. The scale of the destruction is evident from the height and volume of the collapsed structure.

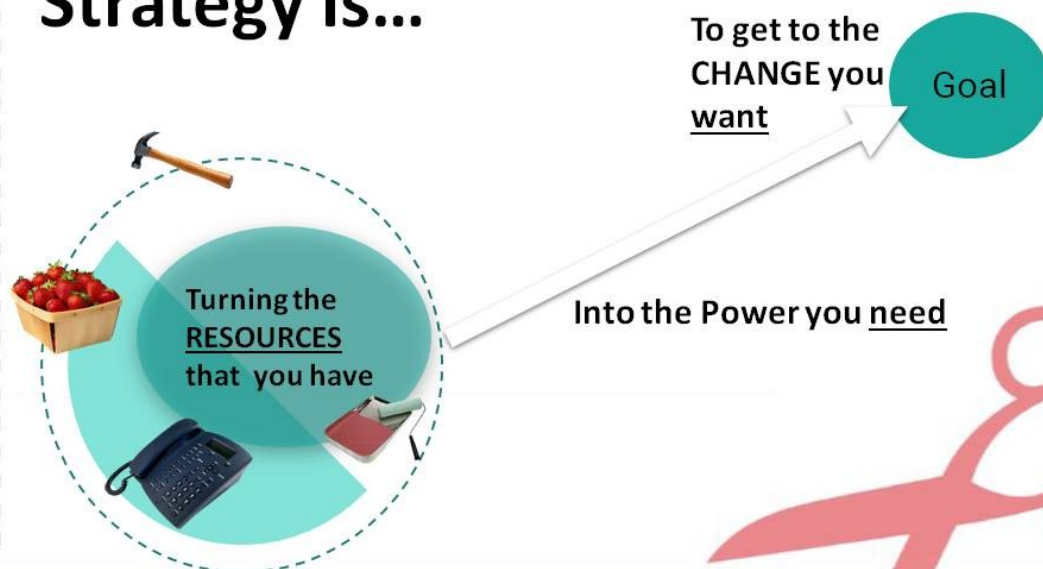


Nike, Adidas, ASICS and Mizuno

Discussion – Vision of the Tokyo 2020 Campaign

- ❖ What would critically improve workers' lives (both strategic and tangible)?
- ❖ Through what ways and mechanism could the target fulfill these demand?
- ❖ How do we adjust global audiences to the said demand?

Strategy is...



Strategy is turning
the **RESOURCES** you have into
the **POWER** you need to get
the **CHANGE** you want

Our theory of change



What change
do we want?

Who has the
resources to
make this
change?

What
resources do
we have?

What do they
want?



Brand Analysis – Resources we have

Adidas	Nike	ASICS	Mizuno
Germany	US	Hyogo, Japan	Osaka, Japan
Netherland	Hong Kong	Shibuya, Tokyo, Japan	Taiwan
Hong Kong	Taiwan	Taiwan	France
	Netherland	Indonesia	UK
	UK; Indonesia	US	

Brand Analysis – Resources we have Where the brands sourced

Adidas

Bangladesh	Honduras	Nicaragua
Brazil	India	Pakistan
Cambodia	Indonesia	Philippines
China	Jordan	Sri Lanka
Colombia	Madagascar	Taiwan
El Salvador	Mauritius	Thailand
Georgia	Mexico	US
Guatemala	Myanmar	Vietnam

Nike

Argentina	Bangladesh	Sri Lanka
Brazil	India	Taiwan
Cambodia	Indonesia	Thailand
China	Jordan	TURKEY
Egypt	MALAYSIA	Vietnam
El Salvador	Mexico	HONDURAS
GUATEMALA	NICARAGUA	Pakistan

Brand Analysis – Resources we have Where the brands sourced

ASICS

Brazil	Malaysia	Sri Lanka
Cambodia	India	Vietnam
China	Colombia	Indonesia

Mizuno

Cambodia	Indonesia	Vietnam
China	Myanmar	
EL Salvador	Thailand	

Brand Analysis – What do they want?

Organisation	Type	Member since	Status
Apparel and Footwear International RSL Management (AFIRM) Working Group	Industry Association	2004	Founding member and participating company.
Better Cotton Initiative (BCI)	Multi-Stakeholder Organisation	2004	Founding member and participating company.
European Outdoor Group (EOG)	Industry Association	2009	Member and participating company; interim Vice Chair of the sustainability working group.
German Partnership for Sustainable Textiles	Government-led multi-stakeholder initiative	2015	Participating company; member of the Review and Chemicals working groups
International Chemical Secretariat (ChemSec) Business Group	Non-profit environmental organisation	2015	Participating company
Fair Factories Clearinghouse (FFC)	Non-Profit Organisation	2006	Founding member (Reebok) and participating company; Board seat.
Fair Labor Association (FLA)	Non-Profit Organisation	1999	Founding member and participating company; Board seat.
ILO Better Work	Tripartite Organisation	2012	Participating company.
Leather Working Group (LWG)	Industry Association	2005	Founding member and participating company.
Parley for the Oceans	Collaboration Network	2015	Founding member with seat in the steering committee
Sustainable Apparel Coalition (SAC)	Industry Association	2010	Founding member and participating company; member of the Governance Committee, Version 1 Eco-Index Committee, and Social and Labour Committee.
The Bangladesh Accord on Fire and Building Safety	Independent, binding agreement between brands and trade unions	2013	Participating company
World Federation of the Sporting Goods Industry (WFSGI)	Industry Association	1985	Founding member and participating company; Chair of CSR Committee.
Zero Discharge of Hazardous Chemicals (ZDHC)	Industry Association	2011	Founding member and participating company.

ASICS

Organisation	Type	Member since	Status
ILO Better Work	Tripartite Organisation	2014	Participating company.
Sustainable Apparel Coalition (SAC)	Industry Association	N/A	Participating company – SACHigg Index
Caux Round Table (CRT)	NGO	2016	Participating company
The World Federation of the Sporting Goods Industry (WFSGI)	Industry Association	N/A	Gold member

Brand Analysis – Their messaging

Adidas	Nike	ASICS	Mizuno
Impossible is Nothing	Just Do it	Innovation in Motion	Never Settle
	It's only crazy when you do it	I Move Me	Reach Beyond
CSR			
Reduction of Plastic Waste in 2019	Renewable energy in supply chain RE100	Reborn Wear Project (ARWP) – use of recycled fibers to make sportswear	Hexathlon – promote physical education in Vietnam
She Breaks Barriers – Gender equality and women's sport	Made to Play – support physical education in China	Right to Play – donation to refugee child in Lebanon	Marathon Relay – Mizuno sponsored it for years

Our Turns

ORGANIZING SENTENCE

We are organizing (WHO - constituency)
 towards (WHERE – purpose/vision)
 to achieve (WHAT - Strategic Goal)
 through (HOW – Theory of Change)
 by (WHEN - timeline)
 using (WHICH - tactics)

TIMELINE

- Seminar to reach out to Japanese orgs: Nov-Dec 2019
- International conference: Dec 2019 - March 2020
 - Conference inviting multi-stakeholders including brands, global unions and etc.
- Workers' Decathlon: March-May 2020
 - And should connect with local orgs to arrange visits
 - Question is EA do not have much budget on campaign activities.
- Korean-Japanese Unions exchange activity; May 2020
 - Phil informed that in 2020, KCTU will be exchanging to Japan, and it is possible to mobilize them for the Olympics Campaign
- Women Worker Leaders Festival, June 2020
 - Before the Global Forum, 2-3 days event in Indonesia

Lesson learnt from the 2008 Play Fair Campaign

Event	Success	Rooms for improvement
2012 PlayFair	<ul style="list-style-type: none">- Speaker Tour engage with grass-root audiences effectively- Engagement with students and cross-sectional support is vital- It's effective to request other brands to apply same leading standard in the industry	<ul style="list-style-type: none">- Need to find ways to engage with unions that are not in steering committee- Need a sophisticated media plan- The Olympic Committee is slow in responding complaints, and delayed report gave excuse to the OC not to act

六、台資在海外的勞動及環境爭議：台灣在地聲援外國抗爭的經驗與反思

1. 蔡志杰¹³，〈三邊聯盟的概念仍然適用嗎？從年興及台南企業案的國際串聯行動談起〉

1998 至 2004 年間，兩家台灣的紡織成衣業公司：年興紡織(Nien-Hsing Textile)與台南企業(Tainan Enterprises)，其位於中美洲的工廠，接連發生勞資爭議。經由一些國際聯繫，台灣若干團體參與了這兩件跨國勞資爭議的國際聲援行動。當時我分別是在敬仁勞工中心及苦勞工作站工作，這篇簡短的報告，是對於當年聲援行動的若干整理與回顧。

一、事件經過

1. 年興紡織

年興於尼加拉瓜設立的正太廠(Chentex)，其工人於 1998 年 1 月申請成立工會，第二天，發起名單中的 90 位工人馬上被開除。不過當天全廠 1500 名工人中，有 1200 位工人發起罷工抗議資方打壓。資方最後讓步了，工會得到承認，被開除的工人得以復職。這個工會的名字為「桑定正太廠工會」(CST)。當自主工會成立後，資方馬上成立另一個黃色的「中央工會」(CTN)，顯然資方成立黃色工會的目的在於瓦解 CST。

由於工資太低，因此 CST 要求每小時加薪 8 美分（等於 2.6 元台幣）。沒想到正太廠主動幫 CTN 的工人加薪，CST 馬上展開罷工表示抗議。之後，先是 CST 理事遭到暴力攻擊，接著資方利誘工人退出 CST 不成後，又解雇了 500 名左右的自主工會會員。CST 工會幹部的姓名都登上加工出口區的黑名單，他們在加工出口區內永遠找不到工作。

2000 年底開始，勞資雙方各自向對方提出法律訴訟，並且展開多次協商。年興駐尼總經理不是缺席就是反悔，甚至單方面推翻勞資談判所達成的協議，沒有一絲一毫解決問題的誠意。但是經過 CST 在當地自己的努力，加上美國及台灣勞工

¹³ 全國教保產業工會執行秘書。

團體的施壓聲援，首都馬那瓜市（Managua）上訴法庭於 2001 年 4 月 4 日終審判決，確定了年興因勞資爭議解雇工會幹部是非法行為，要求年興無條件恢復其職位，並償付所有積欠工資。

這個判決終於使年興公司低頭，5 月 10 日正太廠資方與 CST 正式簽署了協議，年興必須恢復若干工會幹部及會員的職務，其餘被解雇的幹部，將領到雙倍的法定資遣費和雙倍的爭議期間積欠工資。跨國的國際聲援行動，終於為這場勞資爭議帶來勝利。

但是，最核心的工會幹部並沒有獲得復職、在爭議事件告一段落之後無法入廠進行後續組織工作，這造成工會後來的弱化。有些參與國際聲援行動的美國團體批評，主導聲援行動的美國團體太過注重在美國的媒體宣傳，相對忽視尼國當地勞工的組織強化，這使得後來爭議雙方簽署的協議，並沒有為工會發展爭取到最大的空間。

美國方面的聲援行動

「全國勞工委員會」（National Labor Committee）、「尼加拉瓜網絡」（Nicaragua Network）及「勞動人權運動組織」（Campaign for Labor Rights），他們不僅透過網站發布消息，更藉此呼籲全球人士參與聲援行動，發動大家寄抗議信到年興公司及台灣政府機構，以對年興施加壓力。值得一提的是，因為年興是 Lee 及 Levi's 等牛仔褲大廠牌的代工廠，年興的產品還供應美國許多服飾連鎖店，因此，在美國當地的聲援行動乃訴諸消費者拒買血汗工廠的產品，迫使美國大廠商也向血汗工廠施加壓力，希望這些代工廠改善勞動狀況。

2000 年 12 月 5 日，「全國勞工委員會」偕同美國眾議員布朗（Sherrod Brown）和麥琪妮（Cynthia McKinney）召開記者會，因為美國軍隊中的福利社販賣年興製造的衣服，他們要求美國國會調查年興涉嫌血汗工廠的問題。美國「憲法權利中心」（Center of Constitution Rights）、「美國鋼鐵工會」（United Steelworkers of America）和紡織成衣業工會「團結」（UNITE!）等三個勞工團體，代表被剝削勞工向法院控告正太工廠和年興紡織違反國際勞工權利法規。

台灣方面的聲援行動

參與國際聲援行動的團體與個人，組成「台灣聲援尼加拉瓜勞工工作小組」(Taiwan Solidarity With Nicaraguan Workers)，2000 年 11 月 8 日，本小組約十餘人突襲年興於證券交易所舉辦之投資人說明會拉布條，戳破年興從九月起，一直向投資人拍胸脯保證其工廠未有勞資爭議的謊言，並散發文宣提醒投資人小心年興已經被國際發起抵制，如再不恢復 CST 幹部與會員的工作權，將危及投資人的利益。

2001 年 1 月 2 日，本小組與立法委員於立法院召開「年興公司勞動人權」公聽會，邀請勞工團體、外交部、勞委會與年興公司共同參與討論。會中達成共識如下：一、希望勞委會密切關注年興在台工廠無工會組織之問題，必要時請勞工團體協助籌組工會。二、要求勞保局在審議勞保基金投資年興股票時，將年興勞資爭議事件納入審核項目，以避免勞保基金受到牽連、遭受不當虧損。三、要求外交部關切年興在尼國的勞動人權問題，若有影響我國國際形象之事由，應停止予以補助。四、希望年興公司在農曆年前（1 月底）能回應工會訴求。

2001 年 4 月 16 日，本小組成員數人赴「紡拓會」(Taiwan Textile Federation)，突襲「中美洲投資台商協會」（年興董事長陳榮秋任理事長）成立大會、及「台灣紡織成衣業者赴中美洲參展團暨策略聯盟投資合作考察團說明會」會場，舉標語並喊口號抗議。

2. 台南企業

台南企業的薩爾瓦多廠（分為一廠及二廠），其工人於 2001 年 2 月在廠內成立 STIT 工會的支部，兩名工會幹部被台南解雇，兩人隨即向 Gap 提出申訴，於是台南於 3 月 19 日承認了雙方的雇傭關係，但不准兩人進入廠區，只是在門口發給兩人薪水。7 月間薩國勞工部承認了 STIT 在台南廠內成立的工會支部，為了迫使公司讓兩名工會幹部進入廠內，工會於 8 月 26 日發起第一次罷工。10 月 17 日，台南宣布解雇若干工人，特別針對工會成功組織的部門，以作為對工會的警告。

在美國總工會（AFL-CIO）及工運團體如「美洲勞工教育計劃」（US/LEAP）等的壓力之下，薩國政府開始介入台南的勞資爭議。11 月 30 日，台南與工會簽署協議承認兩位工會幹部的資格。經過短暫的平靜之後，2002 年 3 月，台南宣布解雇更多工人。同一個月，工會在二廠已經招募到超過總勞工數一半以上的會員，依

法可以向資方提起簽訂團體協約的要求。4月5日，台南副董吳道昌宣稱因為品牌商下的訂單不足、薩爾瓦多廠處於虧損狀態，所以在二廠開除更多工人。4月22日這項宣布擴大至一廠。其實這是在為關廠做準備，薩爾瓦多廠後來關閉。

第二輪談判在11月21日舉行。STIT秘書長與台南副董吳道昌在美國舊金山（Gap總公司所在地）正式簽署協議，台南承諾為前薩爾瓦多廠勞工設立一個新廠，並為上了黑名單的工會會員撥出一筆補償基金。新廠的董事會由工會與台南各推一人組成，但廠內的實際營運交給工會主持。這個新廠將從100名工人的規模開始，然後視往後的發展來擴大營運。台南答應會提供前六個月的薪水給新廠勞工。

這個新廠命名為 **Just Garments**，**Just** 代表著正義（**justice**）、指還給勞工一個正義。它是我們所知中美洲地區第一個由工會自主營運的工廠，另外，為了確保新廠能夠永續經營，國際的支援團體還說服了 **Gap** 等品牌商，使他們答應提供持續性的訂單給這個新廠。

但薩爾瓦多反動的統治階級並未就此放過騷擾工會的機會，地主們的杯葛使得新廠無法在自由貿易區內租得廠房，當新廠於貿易區外找到一個適合的地點時，貿易部又在程序上拖延原有的機器從貿易區內運至新廠房的程序，一直到2003年的8月。因為與品牌商的交涉及生產技術上的支援問題，又花了新廠八個月時間。2004年4月19日，「美國紡織成衣工會」（**UNITE-HERE**）會同 **Gap** 在舊金山召開記者會，宣布新廠開始營運。我們可以說，台南企業薩爾瓦多勞資爭議案至此落幕，從台南宣布關廠開始，已過了兩年的光景。

然而，經過整整三年的營運，2007年4月，**Just Garments** 卻宣布關門了。這件勞資爭議的達成協議，從一開始便受到薩國當地資產階級及國際跨國資本的暗中杯葛，**Just Garments** 成立後仍沒改變，使得這家工廠不容易得到一般的訂單。台南企業承諾的資金及技術投入，並不足以使 **Just Garments** 有能力做完成衣的全製程，另一方面，台南企業最大的品牌客戶 **Gap** 原先答應要持續提供訂單，後又以 **Just Garments** 的製成品質不符合需求為由，以一筆十二萬四千美元的設備改善捐款，取代了原先的訂單承諾。從此，**Just Garments** 得自尋生路。

後來 **Just Garments** 的主要生意來自北美的「無血汗」（**sweat-free**）相關品牌成衣訂單，但「無血汗」品牌的成衣市場仍在發展中、而且相當破碎，還是不足以撐

起 Just Garments 全部成員的生計。於是，Just Garments 開始接外包訂單，這些外包訂單所能獲取的利潤當然比客戶直接下的單更少。Just Garments 陷入債務纏身的困境，越來越多成員被迫得離開另尋穩定收入的工作，某些不諒解的成員還對 Just Garments 提起積欠工資的勞資爭議。2007 年 4 月，在付不出租金的情況下，工廠房東強硬鎖上了廠房，Just Garments 終於躲不掉關門的結局。在各方團體的協助奔走之下，最近 Just Garments 發放了所有成員的積欠工資與資遣費，為 Just Garments 劃上一個負責任的句點。Just Garments 結束後，工會 STIT 繼續以合作社的形式，在工會會所開辦了一個更小規模的成衣工場。

美國方面的聲援行動

從台南薩爾瓦多廠的爭議一開始，勞工團體這邊便與台南的主要客戶們維持密切地聯繫，尤其是與 Gap、Ann Taylor 及 the Limited。美國總工會（AFL-CIO）的「勞工團結中心」（Solidarity Center）及「美洲勞工教育計劃」（US/LEAP）敦促品牌商必須要求台南改正他們違反勞動人權的錯誤，這些施壓動作並不是要品牌商切斷所有訂單，而是要迫使台南尊重勞工的權益。大部分的品牌商同意這項原則，並且告訴台南他們非常關切在薩國的勞資爭議。只有 Ann Taylor 不在意這些事情，所以在國際串聯聲援行動日當天，美國的勞工團體「勞工權利運動」（Campaign for Labor Rights）在全美各大城市的 Ann Taylor 連鎖門市外發起了同步抗議活動。

台灣團體的聲援行動

台灣主要的聲援團體，是由若干團體成員與個人組織的「關注全球化資訊中心」（Focus On Globalization）。其主要任務，是蒐集有關台南企業的資料，並弄清台南負責人的社會背景，以尋求施壓的管道。我們發現台南企業董事長楊清峰是長老教會中的積極份子，於是我們向教會提出了申訴書，請求教會展開對楊董的事業違反勞動人權的調查，這項舉動動搖了楊董在教會中的地位。

透過網路，我們還在苦勞網上發起了連署，以支持薩國勞工的抗爭，並同時對社會大眾進行反對血汗工廠的宣傳。我們向媒體發布了有關台南薩爾瓦多爭議的報導，以影響台南的股價，並要求台南立即與薩國工會進行協商。在國際串聯聲援行動日當天（台灣時間是 2002 年 6 月 12 日），「關注全球化資訊中心」與工會幹部、學生社團等數十人在台南企業台北辦事處樓下舉行了抗議活動，使得台南在抗議行

動之後立即派出代表與抗議群眾進行溝通。

其他的國際聲援行動

柬埔寨有一個自主工會 FTUWKC，這個工會在台南企業柬埔寨廠內有一個支部。FTUWKC 理事長在 2002 年 6 月 28 日給台南資方的一封公開信上說：

我們想要表達清楚，台南企業薩爾瓦多廠的勞資爭議非但不是單一事件，反而反映了資方對待勞工的總體態度。我們工會在全球化脈絡下，承諾保障柬埔寨勞工的權益，而且我們不會讓資方把我們當工賊使用。作為全球工會運動的一份子，我們將持續參與國際聲援行動，FTUWKC 工會要求台南應該立即在薩爾瓦多復廠。

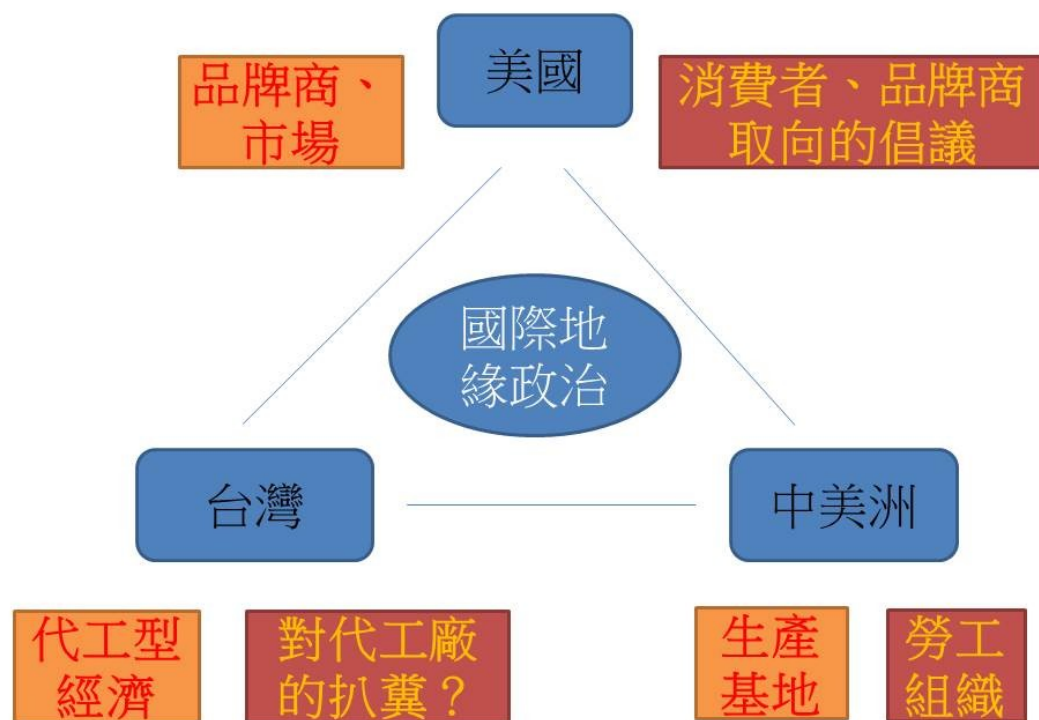
接著四個印尼自主工會（台南企業在印尼也有工廠），包括 FSPTSK、FNPBI、GSBI 及 SBSI-GARTEKS 組成了「印尼工會聲援台南企業勞工連線」，在 7 月 10 日聯合發表聲明，對台南資方提出了相同的要求。

二、國際地緣政治

台商為何到中美洲投資？首先是，中華民國的邦交國不多，中美洲是其中一個邦交國集中的區域，為了鞏固邦交，台灣政府會獎勵台商到中美洲投資。

其次是，美國作為世界最大的市場，美國政府制定了若干措施，針對若干區域給予貿易優惠，其中一個就中美洲及加勒比海區。美國在 1983 年通過「加勒比海經濟振興法案」(Caribbean Basin Economic Recovery Act)，提供中美洲以及加勒比海區域 24 個國家某些產品關稅減免等優惠待遇，包括紡織、成衣、及糖類產品，而這個計劃被稱為「加勒比海盆地方案」(Caribbean Basin Initiative, CBI)。

三、三邊聯盟的概念



國際貿易的三角分工關係→ 勞工國際串聯的三角聯盟

四、回顧與反省

1. 國際串聯聲援行動及其侷限：如何反饋至生產地的基層勞工組織
2. 國際串聯聲援行動可以對台灣本地的勞工組織產生什麼效益？
3. 國際貿易的三角分工關係仍然適用嗎？勞工國際串聯的三角聯盟概念仍然適用嗎？

延伸閱讀：

1. [跨國團結反剝削：台灣聲援尼加拉瓜勞工工作小組勞教手冊](#)（PDF 檔）
 2. [跨國工運圍堵落跑工廠：論台南企業薩爾瓦多關廠事件中的勞工三邊聯盟](#)（PDF 檔）；英文版：[International Solidarity against the Runaway Factory: On Labor's Tri-Continental Linkage in Tainan Enterprises Campaign](#)（PDF）
2. 張烽益¹⁴，〈2015 台港聲援富士康白血病勞工行動〉

¹⁴ 台灣勞動與社會政策研究協會執行長。

2015台港聲援富士 康白血病勞工行動



報告人:張烽益(台灣勞動與社會政策研究協會執行長)

2015國際反科技血汗行動週(6.22~26)



6/22《公民講堂》:台商血跡地圖
6/24《控訴記者會》:科技血汗大揭密,
控訴冷血富士康
6/25《抗議行動》:車拼鴻海股東會
6/26《勞動文化座談》:富士康工人的生
活:從社區工作的視野

發起團體:流水線上·血汗企業監督平台、大學師生監察無良企業行動(SACOM)、中國勞動透視(LAC)
協辦團體:台灣勞工陣線、自主工聯、職業衛生安全連線、工作傷害受害人協會、桃園群眾服務協會、政
大種子社、師大人文學社(陸續邀請中)



2015.6.23夜間 台北三創大樓的抗議行動



2015.6.24「科技血汗大揭密」記者會 會，公佈富士康白血病員工



富士康集團員工血友病個案

- 1. 易龍（男，已死）、2. 馮宏剛（男，已死）、3. 譚在波（男，已死）、4. 黃平陽（男，已死）、5. 馬露（女，已死）、6. 喬貴（男，已死）、7. 曾怡昕（男，在生）、8. 楊丹（女，在生）、9. 郭志為（男，生死未明）、10. 唐某（男，生死未明）、11. 梁某（男，生死未明）。
- 確診白血病集中在2010年8月至2011年10月。



2015. 6.25 抗議謀財害命、終 結血汗科技行動

【行動訴求】

1. 請郭董出面協商。
2. 成立專案小組，處理白血病工人權益與廠內勞動條件違法事項。
3. 建立富士康獨立工會。

終結血汗科技、還我幸福社會

不賺血腥錢、拒當劊子手

郭董面對、不要落跑

兩岸工人團結、監督血汗台商

政府別再耍廢、監督血汗台灣

主要參與團體

- 發起團體:
- 流水線上-血汗企業監督平台
- SACOM 大學師生監督無良企業行動
- LAC 中國勞工透視



- 協辦團體
- 桃園市群眾服務協會
- 工作傷害受害人協會
- 台灣勞工陣線
- 自主工聯
- 台灣職安連線

工作傷害受害人協會



自主工聯旗幟





隔天2015.6.26的新聞報導

【自由時報】

鴻海股東會上，有英國基金業者提到鴻海員工罹患白血病的問題，郭台銘對此生氣地表示，他非常痛恨英國小報，因為他們付錢給香港勞工團體，5年來一直盯著鴻海、蘋果，無非是要打擊蘋果、中國製造以及鴻海富士康。

郭台銘指出，不要以英國、白人的高傲，利用自以為是的香港、台灣勞工團體、自以為是的勞工團體，舉著看似正義的旗幟來替中國員工要錢，痛批他們是「垃圾、走狗」。

郭台銘也表示，他的弟弟郭台成就是死於白血病，他為此在台灣設立醫療中心，對員工照顧無微不至。

郭台銘認為，蘋果對鴻海的監督，可以跟全世界的工廠相比，而且全世界沒有任何一個醫院，能證明白血病是鴻海造成的。郭台銘更表示，「如果你覺得我們公司不好，請你不要來買我們的股票。」

英國每日郵報 DAILY MAIL



- 創立於1896年
- 在太陽報之後，英國第二大報
- 每日銷售151萬份(2016)



行動反思

- 三階段媒體戰的成功 → 三創裸體行動開場衝擊、室內記者會受害者柔性影像、股東會的衝突張力，郭董飆罵十分鐘：垃圾走狗
- 港台組織的日常性串連不足
- 個案事件爆發或整體監督？
- 台灣NGO的切入點？

3. 陳秀蓮¹⁵，〈TIWA 台灣國際勞工協會簡介〉



¹⁵ 台灣國際勞工協會研究員。

在台移工的處境

{



20名外勞在行政院門前高喊「反剝削！反奴役！」。下月11日將大遊行，勞委會允查雇主有無違法。

【記者李若蘭、台北報導】20名
將昨天在行政院門口會談的群眾
「我們人口政策專案小組」，主
息時間將在明去。平時有嚴厲人
具申開會前的門役：「make up the

【本報記者黃育龍、台北報導】20名海外僑生在台北政大門口參加國際民主主辦的「每月工作16小時」義賣活動，每人每天工作16小時，遇到週末分發，每週休息兩天，遇到其他工作（夜學）還要多休息兩天。他們工酬每月1600元至1800元，參加者需承諾：「每月內繳交一篇論文，參加者需承諾：『每月內繳交一篇論文』」。

台灣國際勞工工會指出：高學歷的僑生到台灣工作，只是賺一桶金，許多外勞還不如到台灣當勞務的，因為外勞是賺一桶金，而高學歷的僑生只是賺一桶金，而高學歷的僑生只是賺一桶金。

台灣國際勞工工會指出：高學歷的僑生到台灣工作，只是賺一桶金，許多外勞還不如到台灣當勞務的，因為外勞是賺一桶金，而高學歷的僑生只是賺一桶金。

台灣國際勞工工會指出：高學歷的僑生到台灣工作，只是賺一桶金，許多外勞還不如到台灣當勞務的，因為外勞是賺一桶金，而高學歷的僑生只是賺一桶金。

[illegible]

這兒時間停在兩年前。平時有藏族人負責開會的人說「make up the minutes」(離來，去工作)。「沒人來開會。(因為不去就扣薪)」。

沒人的空屋，小箱藏進地獄。

學公司(小箱)的中文薪資表。阿陳(王主任)說：拿黃軍地的錢，扣除罰款、得到他的總統知道。」王則對我說：我拿到的只是1840元，但為何只收到幾千十

富家科技投資人林先生說：上層幹部在工廠加班，他自己每星期不到小時，也有可能是他沒空。他當否認公司在工廠決事，只有兩個創立的工廠工作。記者電話訪問益品酒廠：公司人員與經理人員各一個，傳來如下：



11



外學團體進行社區推廣

作

[illegible]

参考文献

1. 1997. *Journal of the American Veterinary Medical Association*, 261: 1025-1026.

100

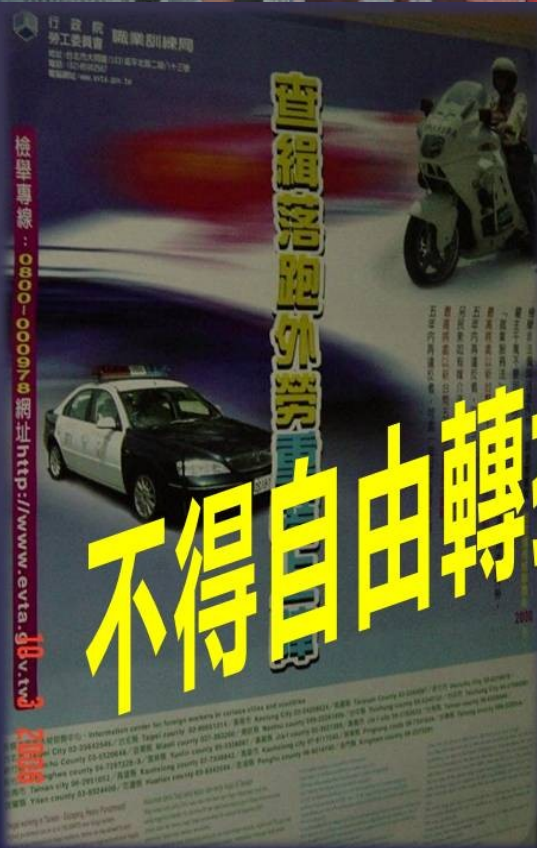
[illegible]

加班明細表

日期：2016/06/01~2016/06/30 部門編號：TNSF~TNSF 列印日期：07/08/2016 頁次：1

工號	姓名	日期	分類	開始時分	結束時分	前段	後段	假日	合計	是否 補休
部	門	運轉	基	部						

06/01/2016	假日班	07:50	23:45	0.0	0.0	14.0	14.0	N
06/03/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/04/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/05/2016	假日班	07:49	16:48	0.0	0.0	7.5	7.5	N
06/07/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/09/2016	假日班	07:49	23:45	0.0	0.0	14.0	14.0	N
06/10/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/12/2016	假日班	07:52	23:45	0.0	0.0	14.0	14.0	N
06/13/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/15/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/18/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/19/2016	假日班	07:54	23:45	0.0	0.0	14.0	14.0	N
06/21/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/22/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/24/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/25/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/27/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
06/30/2016	正常班	16:45	23:45	2.0	4.5	0.0	6.5	N
部門合計:		26.0	58.5	63.5	148.0			
總計:		26.0	58.5	63.5	148.0			



外勞轉換 不明不白被轉回鄉

雇主惡性關廠 女性外勞二度轉換 被安排到吃重工作 遭不適任強制遣返

【本報綜合報導／台北報導】台灣國際勞工協會昨天舉行記者會，指在菲籍女性外勞轉換過程中，指在菲台工作遇到雇主性騷擾，事後又在官方安排下，轉換雇主，有人被安排到體力吃重的磚廠工作，在雇主無法雇用情況下，最後被以「不適任」強制遣返。

勞委會昨天承認，這些外勞轉出過程的確有值得檢討之處，勞委會將立即深入調查，若需要二度轉換，會盡速協助處理。

月餘前關廠的飛盟電子廠，廠內雇員一百一十二位菲籍女性外勞，在二月二十日由三重就業服務站以抽籤方式，協助集體轉換雇主，結果有的被轉介到台中鋼鐵廠，有的到沙士木泥磚廠，有的到林口鋼鐵廠，還有雇主一見女性外勞就說：「怎麼會是女生？」結果兩天後就被轉介到磚廠工作，結果兩天後就被轉介到磚廠工作。

台灣勞工協會理事長陳宏哲昨天指控，仲介公司的做法分明是在鑽法律漏洞，因為這類轉換雇主的過程，不管男女、國籍，不論是否適用，雇主只要抽到手了，不好用立即遣返，雇主就多了一個外勞配額，可以重新申請引進，仲介也多了一個與海外仲介公司抽成引進的賺錢機會，被推主又沒定的外勞勞工，平白損失了高额的仲介費，一身負債地返回祖國。

勞工協會要求，外勞轉換業，應讓外勞有選擇權，協會將繼續協助外勞配額及關外勞轉申請二度轉換雇主。

就業服務法
第53條 (第四項)
受聘僱從事第四十六條第一項第八款至第十一款規定工作之外國人，不得轉換雇主或工作，但有第五十九條第一項各款規定之情事，經中央主管機關核准者，不在此限。

藍領移工得自由轉換雇主



轉換雇主 陷阱處處

台灣國際勞工協會昨天在立委陪同下舉行記者會表示，多名原本從事電子主機板組裝的女性外勞，在不知情下被外勞仲介業者轉換到高度勞力的水泥磚磚場與鋼鐵廠工作，並強迫住進男工宿舍。

記者陳易辰／攝影

女傭控逼簽本票扣薪 月僅領6千元

仲介削150印傭2千萬

業代代仲介出
元仲介費六千
薪僅六千元
百元美金
元本票
分要台
交萬資
仲介

【本報訊】一名在菲籍女性外勞，指在菲台工作遇到雇主性騷擾，事後又在官方安排下，轉換雇主，有人被安排到體力吃重的磚廠工作，在雇主無法雇用情況下，最後被以「不適任」強制遣返。

勞委會昨天承認，這些外勞轉出過程的確有值得檢討之處，勞委會將立即深入調查，若需要二度轉換，會盡速協助處理。

月餘前關廠的飛盟電子廠，廠內雇員一百一十二位菲籍女性外勞，在二月二十日由三重就業服務站以抽籤方式，協助集體轉換雇主，結果有的被轉介到台中鋼鐵廠，有的到沙士木泥磚廠，有的到林口鋼鐵廠，還有雇主一見女性外勞就說：「怎麼會是女生？」結果兩天後就被轉介到磚廠工作，結果兩天後就被轉介到磚廠工作。

台灣勞工協會昨天指控，仲介公司的做法分明是在鑽法律漏洞，因為這類轉換雇主的過程，不管男女、國籍，不論是否適用，雇主只要抽到手了，不好用立即遣返，雇主就多了一個外勞配額，可以重新申請引進，仲介也多了一個與海外仲介公司抽成引進的賺錢機會，被推主又沒定的外勞勞工，平白損失了高额的仲介費，一身負債地返回祖國。

勞工協會要求，外勞轉換業，應讓外勞有選擇權，協會將繼續協助外勞配額及關外勞轉申請二度轉換雇主。

私立就業服務機構收費項目及金額標準 (第六條)
曾利就業服務機構接受外國人委任辦理從事本法第四十六條第一項第八款至第十款規定工作之就業服務業務，得向外國人收取服務費。
前項服務費之金額，第一年每月不得超過新臺幣一千八百元，第二年每月不得超過新臺幣一千七百元，第三年每月不得超過新臺幣一千五百元。但曾受聘僱工作二年以上，因聘僱關係終止或聘僱許可期間屆滿出國後再入國工作，並受聘僱於同一雇主之外國人，每月不得超過新臺幣一千五百元。前項費用不得預先收取。

強制國對國直接聘僱

NIYA (左) 與表妹NITA出示本票，指控誠鼎剝削薪水，讓她們每月只領到六千元。余思維攝



就業服務法 (第四項及但書)

受聘僱之外國人於聘僱許可期間無違反法令規定情事而因聘僱關係終止、聘僱許可期間屆滿出國或因健康檢查不合格經返國治療再檢查合格者，得再入國工作。但從事第四十六條第一項第八款至第十款規定工作之外國人，應出國一日後始得再入國工作，且其在中華民國境內工作期間，累計不得逾十二年。

取消聘僱年限、~~取消三年需離境一日~~





2013反血汗長照



本地工人連結 關廠工人



蘋果即時

本地工人連結



國道收費員

在地連結與跨國串連



台灣國際勞工協會 TIWA

台灣聲援HYDIS工人連線



我們為什麼必須跨國跨界串連



- 1、跨國連結
- 2、面對國族挑戰
- 3、工人運動不可避免的趨勢

4. 楊品奴¹⁶，〈台塑越南河靜鋼鐵廠污染案〉

台資在海外的勞動及環境爭議：
台灣在地聲援外國抗爭的經驗與反思

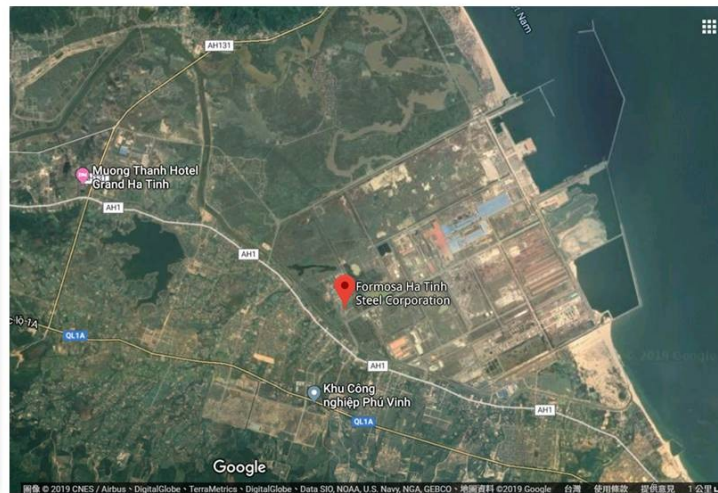
台塑越南河靜鋼鐵廠污染案

環境法律人協會理事 楊品奴

1

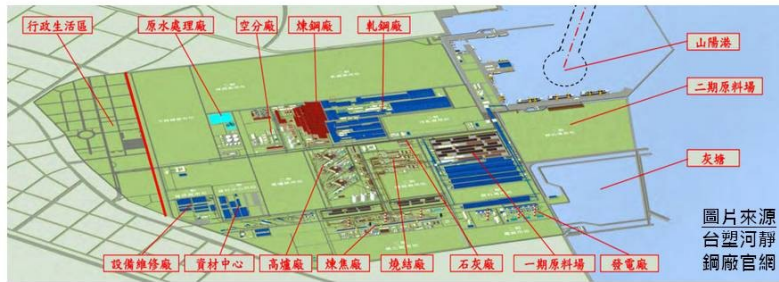
台塑河靜鋼鐵廠基本資料

- **位置**：越南中北部，越南河靜省永安經濟區
- **面積**：總面積約3,300公頃，陸域約2,000公頃，海域約1,300公頃



¹⁶ 台灣國際勞工協會研究員。

台塑河靜鋼鐵廠基本資料



- **投資金額**：第一期99億美元，第二期270億美元，為越南目前最大的國外直接投資案。
- **股東持股比例**：台塑集團70%、中鋼25%、日本JFE鋼鐵企業5% (死魚事件發生當時)
- **產量**：第一期的年產鋼胚710萬噸，最終鋼胚產能規模2,250萬噸，將成為東協最大的一貫作業煉鋼廠，越南亦將成為東協最大鋼鐵生產國。
- **產品**：熱軋鋼捲、線材、小鋼胚、扁鋼胚等。
- **重要性**：鋼廠投產前，越南鋼鐵產能僅達40%市場需求，高級鋼源完全依賴進口→台塑河靜鋼廠改善此現象。

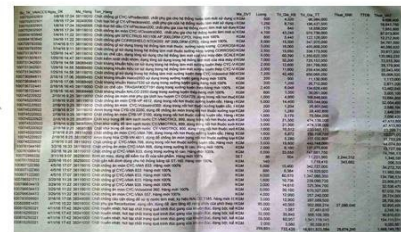
事情是怎麼發生的



- 2016/4/6 河靜省沿海(紅圈)開始有魚隻死亡。
- 2016/4/17 廣平省沿海(橘圈)報導魚群死亡。
- 2016/4/21 河靜省漁民發現海底大排水管由廠區延伸至海洋，管線長度約1.5公里，直徑1.1米。
- 2016/4/24 一位潛水員Le Van Ngay於台塑河靜鋼鐵廠近海域潛水後死亡。
- 2016/4/25 台籍副處長朱春帆說：「養魚蝦或建鋼廠，人民只能二選一」，引爆越南民眾不滿。
- 2016/4/27 越南自然資源及環境部副部長武隆仁指出，**赤潮(red tides)**及**廢水中有毒化學物**為大量魚群死亡的兩個主要原因。
- 2016/5/1 越南人民開始上街抗爭。(相近時期並於社群網絡上發起「我要魚」活動。)

2016/6/16、6/17記者會

- 台灣環團與越南團體於6月17日在**台塑股東大會**要求台塑：
 1. **確保**河靜鋼廠不會破壞越南海洋生態，讓越南人持續有乾淨海水、活魚
 2. 負起企業社會責任，**公布**與死魚、潛水員死亡事件相關的下列資訊：
 - 河靜鋼廠自2015年開始進口至越南的300多種化學物質及其毒性
 - 河靜鋼廠的製程、廢水處理流程
 - 河靜鋼廠廢水水質自動監測系統自使用以來的監測數據
 - 製程產生的空汙、廢水所含毒物種類與數量，及其對海洋生態的影響
 3. 盡速組成調查團，調查團成員應至少包括學者、公民團體等。以具有公信力的方式針對死魚、潛水員死亡事件進行**調查**，公布相關檢測與調查結果。
 4. 與拒絕搬遷的當地居民進行誠懇協商，並且**不得以違反《經濟社會文化權利國際公約》保障適足住房權規定的方式強迫河靜廠區當地居民搬遷**。
- 台塑董事長林健男在股東大會上承諾「有調查結果的話，一定會公佈。」



急轉直下-2016/6/30鋼廠道歉、同意賠償

- 越南政府在6月底完成調查報告，台塑河靜鋼鐵廠於6月30日向越南社會公開道歉、承認汙染，並同意支付越南政府美金五億元的金額。
- 台塑未向大眾公佈任何調查報告，反而又爆出非法傾倒有毒事業廢棄物之行為，被越南官方查獲違法傾倒高達390公噸含氰化物（Cyanide）的有害事業廢棄物。
- 台化纖（台塑河靜鋼鐵廠股東）副董事長洪福源於7月中拿出4月23日、5月5日河靜廠廢水檢驗紀錄表明該廠檢測符合標準。



影片圖片來源

<https://www.youtube.com/watch?v=PU5O6TifXU0>

6

運動困境-

- 越政府的威權特性→僅是要安撫越南人民但並未想要查明真相
台塑的受害者形象→台灣人民感覺台塑是被越南政府勒索
消失的越南受害人民→要關廠而非補償；5億美金如何補償？
距離汙染現場遙遠→資訊、證據取得困難，未有任何資訊可供釐清汙染原因，包括因果關係及損害皆難以證明
- 唯一突破：讓廠區周遭的孩童於兩年後重回校園

7

加入更多關於台灣制度改革的訴求-

- 2016/12/6拜會立法院，請求蘇院長支持：
 1. 督促台塑公司**公布**其針對此次有毒物質排放原因的內部調查及相關證據資料，並保證未來在越南的營運及生產都會安全進行。
 2. 要求台塑越鋼**建置**完整透明且符合社會及環境品質的監控系統，善盡維護地球村的世界公民責任。
 3. 監督台塑越鋼的二大投資者，台塑和中鋼確實執行與越南政府的協議，以確保受影響的越南人民能得到合理的**補償**和環境生態的**復育**。
 4. 強烈要求台塑公開其公司跟越南政府完整清楚的**契約內容**。
 5. 強烈要求台灣政府修改法律，防止台灣公司在國外設廠時，因為當地環境法律的缺乏而任意汙染。
 - ① 由立法院力促財政部推動八大公股銀行盡速簽署**赤道原則**。
 - ② 修正《**產業創新條例**》第22條，將主管機關**應不予核准**國外投資及**事後得廢止**已核准之國外投資的構成要件明列於《產業創新條例》中。



8

由中鋼下手要求相關證據未果-

- 2016/12/30立法院永續會公聽會，希望藉由中鋼作為台塑河靜鋼鐵廠的股東身分，來向中鋼要求提供死魚事件相關資料證據，因此2016年底由立法院永續會舉辦公聽會要求中鋼說明。但中鋼僅提供事件發生後去參訪河靜鋼鐵廠的簡要報告，對於釐清死魚事件並無幫助。
→顯現中鋼刻意自我限縮股東權力

9

2017/3/15-駐臺北越南經濟文化辦事處

- 向越南在台辦事處提出疑問、要求：
 - 1) 為何台塑賠償五億美金後，受害的越南人民遲遲無法獲得賠償？
 - 2) 2月14日由義安省天主教神父阮廷淑帶領民眾至河靜省遞交對台塑的訴訟文件卻遭警方毆打，事後是否有任何警察因不當毆打陳情民眾而被懲處？，因批評時政與聲援河靜鋼鐵廠居民而遭受逮捕的越南人(例如越南當地有名部落客Mother Mushroom)應被釋放。



10

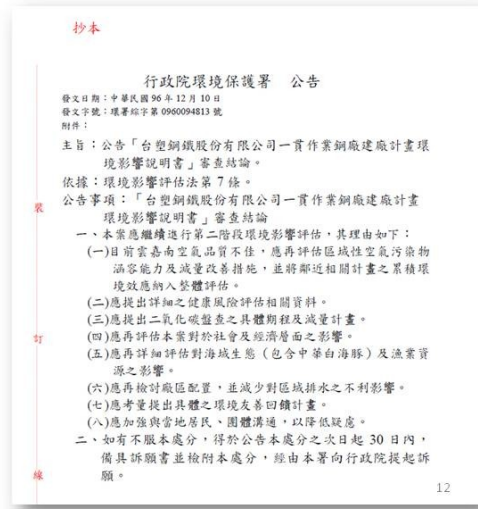
2017產創條例修法未果-

修	正	條	文	現	行	條	文
第二十二條	公司從事國外投資者，應於實行投資前，向中央主管機關申請核准。但投資新臺幣十五億元以下金額者，得於實行投資後，報中央主管機關備查。	第二十二條	公司從事國外投資者，應於實行投資前，向中央主管機關申請核准。但投資新臺幣十五億元以下金額者，得於實行投資後，報中央主管機關備查。	第二十二條	公司從事國外投資者，應於實行投資前，向中央主管機關申請核准。但投資新臺幣十五億元以下金額者，得於實行投資後，報中央主管機關備查。	第二十二條	公司從事國外投資者，應於實行投資前，向中央主管機關申請核准。但投資新臺幣十五億元以下金額者，得於實行投資後，報中央主管機關備查。
國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：	國外投資有下列情形之一者，主管機關應不予核准：
一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。
二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。	二、對國家經濟發展有不利影響。
三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。	三、違反國際條約或協定之義務。
四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。	四、侵害智慧財產權。
五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。	五、違反勞基法引發重大勞資糾紛尚未解決。
六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。	六、破壞國家形象。
七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。	七、對投資所在地之社會或環境有潛在重大不利或涉及多樣、不可逆或前所未有之影響。
前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。	前二項國外投資之方式、出資種類、申請期限、申請程序及其他相關事項之辦法，由中央主管機關定之。
第二十二條之一	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國投資之其他公司因此所受之損害，負賠償責任。	第二十二條之一	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國投資之其他公司因此所受之損害，負賠償責任。	第二十二條之一	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國投資之其他公司因此所受之損害，負賠償責任。	第二十二條之一	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國投資之其他公司因此所受之損害，負賠償責任。
經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。	經核准國外投資之公司，若其國外投資有前條第一項各款情形之一者，應對該核准於該被投資國之人民因此所受之損害，負賠償責任。
(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：	(團體提出但未受立案採納) 經核准國外投資之公司，若其國外投資有下列各款情形之一者，由中央主管機關處相當於核准國外投資金額之罰鍰，並得連帶處罰：
一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。	一、影響國家安全。
二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。	二、嚴重侵害被投資國之勞工或人民權益。
三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。	三、破壞國家形象。
四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。	四、對投資所在地之社會或環境造成重大不利或涉及多樣、不可逆或前所未有之影響。
中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。	中央主管機關疏於執行前項規定時，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民，得敘明疏於執行之具體內容，以書面告知中央主管機關。中央主管機關於書面告知送達之日起六十日內仍未依法執行者，經核准於同一外國投資之其他受影響公司、公益團體或權利受損之國外人民得以中央主管機關為被告，對其怠於執行職務之行為，直接向行政法院提起訴訟，請求判令其執行。

11

反思-產業及環境污染的國際化

- 台塑河靜鋼鐵廠原先為欲於台灣雲林離島工業區興建之一貫作業煉鐵廠，2006年進入台灣環評審查程序，因為用水量、二氧化碳排放量大、空氣汙染、破壞生態及影響鄰近養殖漁業等問題，於2007年第160次環評大會時作出進入二階環評審查之結論，但台塑後來撤案，並轉向越南投資設廠，並於2008年開始動工。
- 從當初台灣的環評審查，即足見一貫作業煉鐵廠本身的高污染性質，而台塑河靜鋼鐵廠又比原先欲建於雲林離島工業區的煉鐵廠更大，則其衍生的環境問題又更加嚴峻，自然是可以想像的，亦可見環境污染問題沒有國界。



反思-在台訴訟?



5. 黃月媚¹⁷，〈Cross-Border Solidarity〉

Cross-Border Solidarity

May Wong
Globalization Monitor
15 June 2019 CCC-EAC-AGM

Golf Ball Drivers -Dynamic Casting,
Adidas supplier



¹⁷ 香港全球化監察代表。

Hand-Arm Vibration Syndrome(HAVS)

- 110 workers diagnosed as HAVS (no cure)



- 3 women workers diagnosed as Benzene poisoning

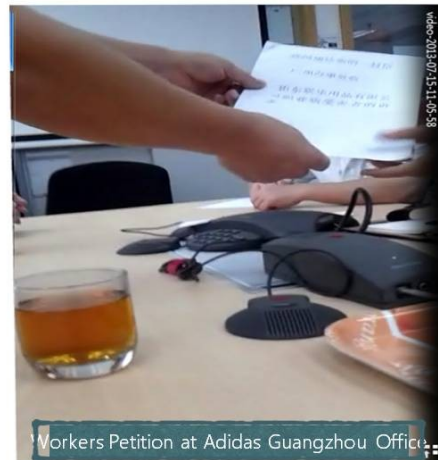
Strategies on the struggle

- Workers were lack of organizing experience at the beginning.
- Mainland organisers supported the workers and
- Fact-finding research.
- Collaborated with local and international partners (WRC (USA), GSBI (Indonesia), National Federation of Independent Trade Unions (Taiwan) and a few pro-labor scholars)
- Petitions at Adidas' AP office
- Rounds of negotiations & communication with Adidas CSR Head, etc.

Workers complained about Dynamic Casting unsafe working conditions...



Cross-border Protest in 4 regions (15 July 2013) – Guangzhou, China



Cross-border Protest in 4 regions (15 July 2013) – Hong Kong



四区(香港,台灣,广州和印尼)劳工团体同一天抗议Adidas毒害生产其产品工人 (20-6-2014)



Cross-border Protest in 4 regions (15 July 2013) – Taiwan



Cross-border Protest in 4 regions (15 July 2013) – Jakarta, Indonesia



Met with CEO of Adidas AP Office in Hong Kong (18-10-2012)



Petition HK- CSR Head, Adidas AP Office (20-6-2014)



Workers Petition at Adidas Guangzhou Office



Hong Kong



Tai Wan



Jakarta

Achievements

- More than 100 male workers with HAVS have been compensated
- At least 3 women workers with Benzene poisoning received treatment and compensation.
- Multi-lateral/Cross-border Solidarity Network has been trying to develop
- More exchange among cross-border partners to support workers

七、Business and Human Rights 工具箱（一）

1. 黃嵩立¹⁸，〈Implementation of UN Human Rights Conventions in Taiwan: its Relevance to Business & Human Rights〉

Implementation of UN Human Rights Conventions in Taiwan: its Relevance to Business & Human Rights

Song-Lih Huang
Convener, Covenants Watch

¹⁸ 台灣人權公約施行監督聯盟。

The UN Core HR Conventions

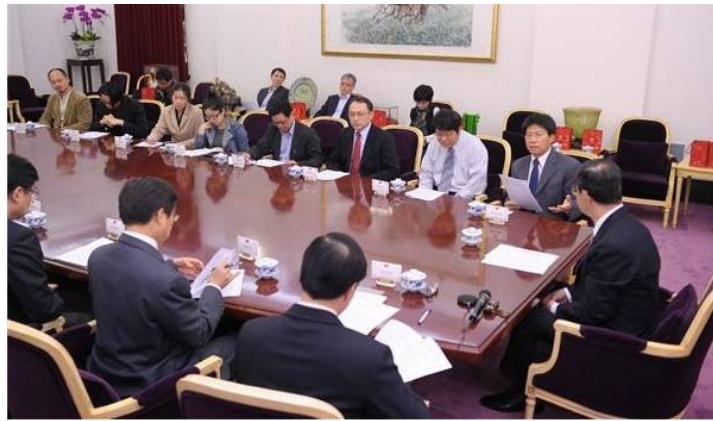
Name of Covenant & Convention (year of adoption by the UN)	Implementation Act (year)
ICERD 消除一切形式种族歧视国际公约 (1965)	1970 State Party
ICCPR 公民与政治权利国际公约 (1966)	2009
ICESCR 经济社会文化权利国际公约 (1966)	2009
CEDAW 消除对妇女一切形式歧视公约 (1979)	2011
CAT 禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约 (1984)	2019?
CRC 儿童权利公约 (1989)	2014
ICMW 保护所有移工及其家庭成员权利国际公约 (1990)	?
CRPD 身心障碍者权利公约 (2006)	2014
ICED 保护所有人免遭强迫失踪国际公约 (2006)	?

2

Act to Implement the ICCPR and ICESCR

- **Article 2**
Human rights protection provisions in the two Covenants have **domestic legal status**.
- **Article 3**
Applications of the two Covenants should **make reference to** their legislative purposes and **interpretations by the Human Rights Committee of the Covenants**
- **Article 6**
The government should set up human rights **reports system** in accordance with the two Covenants.
- **Article 8**
... All laws, regulations, directions and administrative measures **incompatible** to the two Covenants should be amended within two years

2012/3/27
Meeting
with VP



Civil society reps met with the Chairman of the “The Presidential Office Human Rights Consultative Committee”, then vice President Siew, requesting that the review of the State HR Reports be conducted by independent international experts in an UN-format.

Art. 6 of Implementation Act The review of State Report



International Review of the Initial Human Rights Report, Feb. 25-27, 2013, Taipei



NGO representative commenting on the human rights state report





- Deputy Minister Chen, Ministry of Justice, received Concluding Observations from the two chairmen of the international review panels

**Review of the Initial Reports of the Government of Taiwan on the
Implementation of the International Human Rights Covenants**

**Concluding Observations and Recommendations Adopted by the
International Group of Independent Experts
Taipei, 1 March 2013**

General issues

- National human rights commission
- Other human rights treaties, CAT, CRC, CRPD
- Judicial implementation of covenants
- HR education and training
- Transparency and participation
- Transitional justice
- Non-discrimination
- Rights of indigenous peoples

Issues relating to the ICESCR

- **Corporate responsibilities**
- Forced eviction, land expropriation
- Right to housing
- Minimum wage
- Indigenous peoples' rights to land and culture
- Length of maternal leave
- Trade union system
- Social participation of persons with disabilities
- Migrant workers
 - Compulsive screening for HIV and deportation
- LGBT rights

Issues relating to the ICCPR

- Death penalty
- Prohibition of torture
- Overcrowding of prison
- Pre-trial detention
- Review of sentence by a higher tribunal
- Right to privacy
- Freedom of expression
- Freedom of assembly

2017 Review Committee: ICESCR Panel

- Chair: Eibe Riedel (Germany)
- Members:
 - Virginia Bonoan-Dandan (Philippines)
 - Heisoo Shin (Korea)
 - Jannie Lasimbang (Malaysia)
 - Miloon Kothari (India)



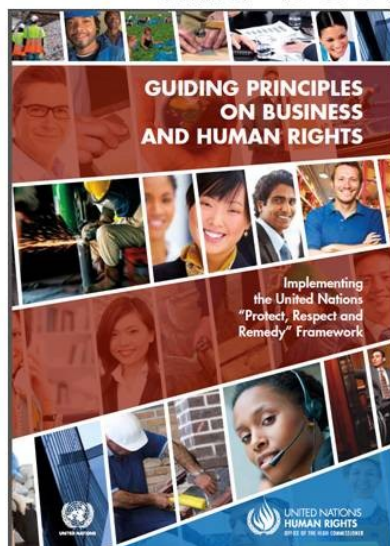
Shadow Report

- 2012-3 | 68 NGOs + individual contributors
- 2015-6 | 10 executive editors, 80 NGOs
- Covenants Watch



14

Corporate Human Rights Responsibilities and Duties of the State



United Nations

E/C.12/GC/24

Economic and Social Council

Distr.: General

10 August 2017

Original: English

Committee on Economic, Social and Cultural Rights

General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities *

I. Introduction

1. Businesses play an important role in the realization of economic, social and cultural rights, inter alia by contributing to the creation of employment opportunities and — through private investment — to development. However, the Committee on Economic, Social and Cultural Rights has been regularly presented with situations in which, as a result of States' failure to ensure compliance, under their jurisdiction, with internationally recognized human rights norms and standards, corporate activities have negatively affected economic, social and cultural rights. The present general comment seeks to clarify the duties of States parties to the International Covenant on Economic, Social and Cultural Rights in such situations, with a view to preventing and addressing the adverse impacts of business activities on human rights.

Review on the two Covenants, 2013

22. In a **statement** adopted by the UN Committee on Economic, Social and Cultural Rights in May 2011, the Committee called on States to include in their initial and periodic reports challenges faced and measures taken in relation to the role and the impact of the **corporate sector** on the realization of economic, social and cultural rights. This may affect labour conditions, trade union rights, housing rights, the position of female workers and migrant workers, but also land rights and environmental rights, **domestically and extraterritorially**.

23. The Experts recommend that the Government pays all due attention to the issue of corporate responsibility, including the need for binding legislation providing for monitoring and control, and include further information on developments relating to this issue in any subsequent review reports.

Review on the two Covenants, 2017

16. The Review Committee reiterates its previous recommendation that the Government pay all due attention to the issue of corporate social responsibility, including the need for binding legislation providing for monitoring and control. The Committee reminds the Government of its obligation under international human rights law to ensure that Taiwanese corporations, whether operating in Taiwan or abroad, as well as foreign corporations operating in Taiwan, respect all human rights. In particular, these business activities affect labour conditions, the position of female and migrant workers, trade union rights, housing rights, land rights and environmental rights.

Difficulties in pursuing corporate HR duties

- Corporates as duty bearers in international HR: developing
 - Limited circumstances under which the state will be held responsible
 - The state duty to protect
- Jurisdiction through international cooperation?
 - Corporate registered in a third country?
 - Waiving jurisdiction of the exporting country?
 - A special license/permission in the country where HR violations occurred
 - The judicial independence and performance at the local level
 - Civil, criminal, or administrative responsibilities?
- Interest of the corporations and interest of the exporting countries?
 - Judicial assistance by the exporting country
 - Denied admission to Taiwan (Ha-Ching, Hydys)

The special situation of Taiwan: access to international legal actions

General Comment 24, ICESCR

- In accordance with international law, States parties may be held directly responsible for the action or inaction of business entities:
- (a) if the entity concerned is **acting on that State party's instructions or is under its control or direction ...**, e.g., public contracts;
- (b) when a business entity is **empowered under the State party's legislation to exercise elements of governmental authority...**; or
- (c) if and to the extent that **the State party acknowledges and adopts the conduct as its own.**

Civil Society Actions

- Connection between NGOs in two countries
- Asking for revision of
 - Ministry of Economic Affairs: Investment Review Board and Standards
 - Statue for Industrial Innovations
 - Review laws compatibility with Equator Principles (esp. financial institutions involving public funds)
- National Human Rights Action Plan on Business and Human Rights
- International Cooperation on monitoring: environment and health impacts
- The UN human rights regime
 - Universal Period Review on Vietnam (2019)
 - Treaty bodies

2. 李建歡¹⁹，〈從化石燃料撤資行動談社會責任投資〉

全球 350.org 網絡都在執行三項訴求：快速且公平正義的邁向 100%再生能源、停止任何新化石燃料開發案、不再投資給化石燃料產業。「責任投資」指的是作為一個有資金的個人或企業，是否能夠對自己選擇的投資負責「撤資」，是把資金從本來（想）投注的地方抽離。這邊說的是對化石燃料產業的撤資如果認為該企業、產業對社會環境有害，自然不該投資他們，化石燃料產業造成氣候變遷問題，理當不該投資：

- 案例 1：美國銀行 Amalgamated 在 2016 年撤資，決定將其 40 億美元的商用資產撤離化石燃料產業；
- 案例 2：澳洲非營利組織 Market Forces 調查在澳洲約 130 家銀行，發現有超過 50 家銀行已不與化石燃料產業有金融往來，並發表聲明，對股東與顧客負責
- 案例 3：德國安聯人壽（Allianz）在 2015 年便宣布改變投資準則，不再投資燃煤相關企業與案件。為配合巴黎協議。

350 台灣整理德國環境與人權組織 Urgewald 的報告中發現在 2014 至 2017 年間，臺灣 31 家金融單位投資化石燃料的狀況，金融模式包括貸款、投保、股份持有與債捲持有，投資標的有國內也有國外，前五名：中華開發金控、資本集團、永豐金控、元大金控、元富證券。

整體而言，組織希望台灣各單位、尤其是金融單位與政府，可以檢視其資金的投資，不再資助化石燃料產業，加劇氣候變遷問題。

¹⁹ 350 Taiwan。

3. 潘翰聲²⁰，〈在股東會與資本家對話〉

一、理念

1.1 股東會是資本家最脆弱的一天。

雖然大股東和經營階層通常可以牢牢掌握一家公司，但股東會當天還是必須面對大大小小所有股東，這是法律規定的重要程序，也就是最關鍵的槓桿點，特別是董監改選那一年。

就像選舉投票日是政治人物最脆弱的一天，他們必須在這一天取得權力和統治的正當性，人民的力量再怎麼微小，仍然是民主國家的主人。

平常，勞工、消費者、利害關係人，都不能與公司掌權者平起平坐的對話，甚至根本見不到面，股東會這一天，他必須聽我們說話，直接面對我們的質疑。

許多「職業股東」懂得，以議事拖延會議進行的威脅，在這一天對公司經營階層予取予求，謀取個人私利。環保的綠色小股東，或是爭取勞動權益的紅色小股東，則是爭取公共利益。

1.2 股東會的媒體效果。

金融市場的投資人(法人代表或小額投資人)，會在股東會尋求與公司經營高層對話。

有些公司會在這一天安排公司重要的公關活動，發表對市場的展望與公司發展策略。

公司經營高層的發言，本來就是媒體關注的新聞熱點。若股東會當天，公司經營者與小股東有所對話，不論衝突或平和都具有新聞性，平常很難透過媒體報導的議題，可在這個場合/舞台/劇場曝光。

²⁰ 樹黨國際秘書。

1.3 股東行動主義，撤資運動

許多企業的公司治理不夠透明而弊端叢生，在金融市場的投資人因而主張「股東行動主義」，股東應該更積極參與公司，而不是消極、被動的領取股利。尤其是標榜企業社會責任投資的共同基金和退休基金，都必須關注企業治理，而不是單純提高賺錢的報酬率。

很多時候，企業在市場的活動，對於社會生活的影響常常比政治部門來得深遠。公民社會的行動者，在進行社會改革運動時，對企業施壓便是不得不介入的戰場，消費者在日常的杯葛行動，被稱作是收銀機前的投票，更進一步就會要求企業的投資行為應有企業社會責任的考量。1960 年代，全球反對南非種族隔離政策，各地公民要求大企業自南非撤資的行動，產生了巨大的實質影響。人權運動，經常要求企業自人權紀錄不良的國家撤資，以免資助獨裁政權壓迫受害人民，避免成為幫凶，近年環保運動要求企業，特別是金融業和各種共同基金、退休基金，從高污染高排放的企業撤資，以從源頭減緩氣候變遷。

要求企業主改變的對話，可能影響法人投資代表的態度，甚至鼓勵他們從惡名昭彰的公司撤資，進而在市場上拋售持股。當爭議議題可能導致股價下跌風險，也會影響小股東的態度。

1.4 企業社會責任已寫入《公司法》

過去勞工和環保要求企業負起應有的責任，資本家常常舉出的藉口是，企業以營利為目的，經營者必須極大化股東利益。近年企業社會責任的呼聲愈來愈高，但是對大多數公司而言，仍是僅止於道德勸說，或是公司形象上的漂白或漂綠(green wash)。

我國《公司法》在 2018 年完成全盤翻修，在第一條公司設立宗旨，特別將企業倫理、社會責任入法，這是小股東在股東會值得上綱上線的尚方寶劍。

二、案例

2.1 環保議題

中鋼

2 次，七股漁民和綠黨在股東會前炸蚵仔，董事長王鍾淪與小股東潘翰疆握手並傾聽訴求。要求撤銷台南七股濱南工業區大煉鋼廠的投資設廠案，以免破壞瀕臨絕種的黑面琵鷺棲息地。該開發案原本是燁隆所投資，因財務危機轉賣給中鋼，改組為燁聯集團。

台塑

3 次。

(1)王永慶生前最後一次主持股東會，當時柬埔寨汞汙泥運回台，卻堆在高雄港不處理，綠色陣線協會主導此議題，王當場怒批「都給錢了為什麼還來抗議」，媒體大幅報導，數日後汞汙泥即運回該公司廠區。

(2)台塑鋼鐵在雲林的投資設廠案，台灣環境行動網協會與綠黨主導，未發採訪通知突襲式輪番發言，媒體大幅報導。日後，台塑主動撤銷建廠案。

(3)台塑美國德州廠附近居民自救會代表來台，台灣蠻野心足生態協會結合多個環保團體、雲林地方居民共同行動，股東會上頒發國際環保團體之黑星球獎給台塑，媒體大幅報導。

友達

1 次。

龍潭廠霄裡溪汙染案、中科三期設廠環評案、中科四期環評案。農民被拒絕入場，董事長李焜耀失控怒罵，「我們找你談你都不談，卻來股東會鬧」，媒體大幅報導。日後，龍潭廠具體做到廢水零排放，中科三期環評被撤銷，和解金成立環境權保障基金會，中科四期取消設廠。

正隆

1 次

杭州南路幸町百年老榕樹都市更新建案，近期變更至較適當之移植地點，並更換移植廠商。

亞泥

1 次

原住民場外抗議，因取得小股東身份者太少。目前立法院正在進行《礦業法》修法協商。

2.2 勞工議題

台橡-美國廠大陸碳煙勞資爭議案件

年興紡織-中美洲海外廠勞資抗爭案件

鴻海-中國血汗工廠事件，多個團體聯合場外抗議。

2.3 其他

法輪功成員，前幾年針對中國投資比重高的各家公司，在股東會上要求撤資。

三、作法

3.1 取得小股東身份

只要買一股的小錢(大多數公司市價僅幾十元)，就可以永久取得該公司股東會出席權利。

非股東藉由取得股東出席委託書，也可出席股東會，但依法必須提前將委託書寄回公司，行動可能提前為公司所掌握，也可能當天被技術干擾，妨礙出席。

至券商開戶，銀行現在也多兼營券商業務。最好加開電子交易戶，降低交易成本，因為零股交易對券商人工交易櫃台稍微麻煩。

交易單位是零股的一股，下單後在收盤後撮合。請注意，正常交易是一張/一千股，交易金額為數萬元以上，將暴露於公司營運所帶來之股價波動風險。

須在股東會最後交割日擁有持股，是股東會前一個月，建議預留數日緩衝提早購入。股東會在上半年(6 月底之前)召開，各公司通常有其日期區間的慣性，可在證交所「公開資訊觀測站」或各大財經入口網站查詢。

3.2 股東會當日行動

盤點參與當天行動的人數，包含本身擁有持股者，及委託書出席者。確認持有股東會開會通知，加速股東會當日辦理報到。因公司可以不主動寄發開會通知給零股股東，建議提早向該公司之股務代理業務的券商，要求補寄開會通知。

分配現場工作(發言、分發傳單和新聞稿、秩序維護、攝影、直播、法人關係與新聞聯絡人…)，及發言論點和棒次。

準備論述、新聞稿、提案單、發言條、小傳單。

熟讀議事規則，進行多套劇本之沙盤推演。

(1)媒體模式: a.事先預告發採訪通知，b.完全無預警突襲。

(2)開會模式: a.積極對話，b.徹底杯葛會議，拖延會議時間，阻撓董監改選等重大議程。

很多公司的奧步:

(1)將會議地點選在郊區的工廠，讓小股東和媒體不便參加。

(2)故意和許多公司選在同一天召開，讓小股東分身乏術，並分散媒體注意力。

(3)動員公司員工參加股東會，作為鼓掌部隊，並對不利於公司派的小股東以噓聲心理戰。

3.3 爭奪詮釋權

熟悉你的對手。熟讀公司年報、研究報告、各方新聞報導，以了解

(1)我們所訴求的議題，與公司短中長期發展策略、方案的關聯性，特別是控
股關係揭露。

(2)公司所面臨的重大問題，有無明顯的財務弊端、公司治理的問題。

(3)公司的創辦人、高層經營者，過去所發表過的言論，特別是形象包裝、正
面承諾。

爭取投資人支持。訴求精簡，能轉譯為數字化的投資語言，比理念更能打動到
場的投資人。

爭取媒體輿論支持。建立多樣性盟友的統一戰線互相聲援。投書媒體。經營自
媒體。

4. 鄭中睿²¹，〈道德採購在台灣〉

道德採購在台灣 ETHICAL PROCUREMENT IN TAIWAN

鄭中睿 (RayCheng) @ CCCEAC 2019 AGM

認識的起點 (2007) : 政大外包清潔工

BEGAN TO KNOW THE ISSUE (2007):
OUTSOURCED JANITORS AT NCCU



²¹ 臺灣勞動派遣產業工會顧問。

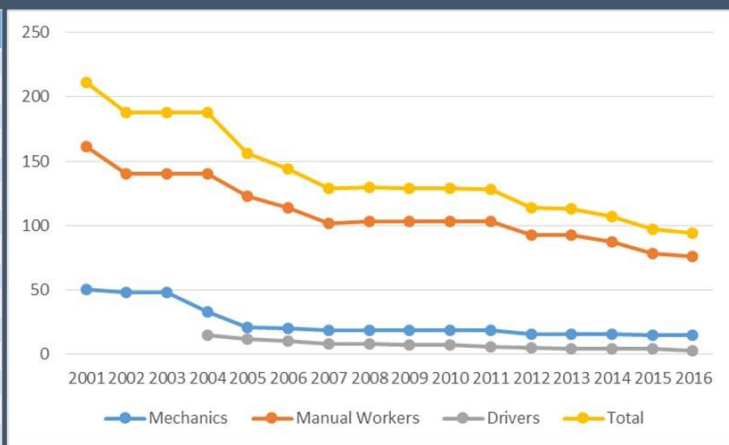
政大清潔業務外包歷程 THE HISTORY OF OUTSOURCING AT NCCU

· 1993年，行政院「行政革新計畫」開啟台灣「政府改造」運動。在配套的員額精簡與業務委外政策下，政大從2001年開始，工友遇缺不補，大規模將清潔業務外包。
In 1993, the Executive Yuan implemented the "Administrative Reform Program" which started the "government reform" movement in Taiwan. Under the constituting policies of staff reduction and outsourcing, the National Cheng-Chi University (NCCU) stopped hiring new manual workers such as janitors and outsourced the vacant jobs largely since 2001.

· 2001年，政大清潔業務的勞務採購金額為新台幣8,863,560元；2015年，成長至35,017,036元，漲幅近四倍。目前，委外的人數規模，約在100人上下。
The amount that NCCU spent on purchasing cleaning service increasing nearly 4 times from 8,863,560 TWD at 2001 to 35,017,036 at 2015. The number of the outsourced workers are about 100 people now.

政大技工工友員額變化 (2001-2015) THE CHANGE OF THE NUMBER OF MECHANICS AND MANUAL WORKERS AT NCCU (2001-2015)

Year	Mechanics	Manual Workers	Drivers	Total
2001	50	161		211
2002	48	140		188
2003	48	140		188
2004	33	140	15	188
2005	21	123	12	156
2006	20	114	10	144
2007	19	102	8	129
2008	19	103	8	130
2009	19	103	7	129
2010	19	103	7	129
2011	19	103	6	128
2012	16	93	5	114
2013	16	93	4	113
2014	16	87	4	107
2015	15	78	4	97



政大技工工友薪資與清潔勞務採購支出合計 (2001-2015) THE SUM OF THE DIRECTLY EMPLOYED WORKERS' SALARY AND THE OUTSOURCING PRICE (2001-2015)

Year	Price (TWD)	Salary (TWD)	Sum (TWD)
2001	8,663,560	58,444,375	67,107,935
2002	8,498,160	51,206,856	59,705,016
2003	18,344,095	51,604,552	69,948,647
2004	18,784,260	48,765,310	67,549,570
2005	20,352,500	51,575,244	71,927,744
2006	21,699,059	48,975,659	70,674,718
2007	23,489,934	51,484,965	74,974,899
2008	26,824,500	44,871,454	71,695,954
2009	27,254,384	44,364,615	71,618,999
2010	25,198,577	43,865,531	69,064,108
2011	26,360,000	41,277,131	67,637,131
2012	28,879,506	40,386,095	69,265,601
2013	30,761,857	37,485,642	68,247,499
2014	31,964,088	35,453,056	67,417,144
2015	35,017,036	33,210,511	68,227,547



勞務委外造成的問題 PROBLEMS CAUSED BY OUTSOURCING

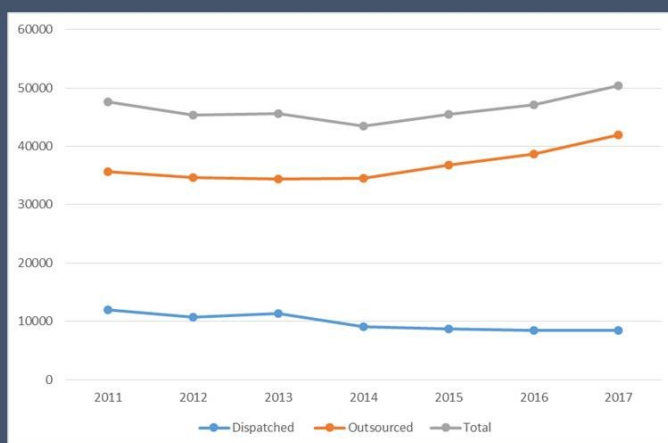
- 承包商獲利模式：竭力壓低成本（以人事支出佔絕大宗），盡可能增加與價金間差額，榨取最大利潤。
Contractors' tip for making money: Costing down as much as possible (personnel expenditures account for the vast amount) to maximize the surplus out of the contract price as profit.
- 後果：廠商浮報人數、不足額聘僱，使清潔人員工時拉長、勞動強度增加，且勞動條件常態性違法；主要違法樣態，為高薪低保、休假短少、積欠加班費、年資中斷。
The consequence: Contractors always hire less workers than the requirements of contracts. Which brings long working hours, high labor intensity and the regularly illegal working conditions such as underreporting income, short of day offs, no overtime pay and cutting off seniority.

政大清潔外包商獲利推估 (2005-2015) ESTIMATED PROFITS OF THE OUTSOURCERS OF NCCU (2005-2015)

Year	Price (Yearly) (TWD)	Supposed to Hire	Actually Hired	Salary Each (Monthly) (TWD)	Equipment Costs (Monthly) (TWD)	Estimated Profit (Yearly) (TWD)
2005	20,352,500	95	(70)	17,960	--	5,266,100
2006	21,699,059	99	(70)	17,990	--	6,587,495
2007	23,489,934	108	71	18,025	--	8,132,643
2008	26,824,500	98	(70)	19,952	101,000	8,852,820
2009	27,254,384	100	(70)	20,324	135,852	8,552,000
2010	25,198,577	91	(70)	20,329	144,801	6,384,605
2011	26,360,000	90	(70)	20,927	144,801	7,043,708
2012	28,879,506	93	(70)	23,223	140,000	7,692,186
2013	30,761,857	100	(70)	23,223	144,945	9,515,197
2014	31,964,088	97	(70)	24,261	137,498	9,934,872
2015	36,876,864	90.5	70	25,944	410,000	10,163,904

台灣中央政府派遣、承攬勞工人數統計 (2011-2017) DISPATCHED AND OUTSOURCED WORKERS IN TAIWANESE CENTRAL GOVERNMENT (2011-2017)

Year	Dispatched	Outsourced	Total
2011	11,930	35,680	47,610
2012	10,715	34,628	45,343
2013	11,275	34,360	45,635
2014	9,023	34,491	43,514
2015	8,687	36,800	45,487
2016	8,477	38,674	47,151
2017	8,458	41,886	50,344



解決方式 THE SOLUTIONS

- 恢復直接僱用。(困難：《中央政府機關總員額法》限制且工運實力不足。)
Restoring direct employment. (Difficulties: The restriction of “Central Government Agency Personnel Quota Law” and the weakness of Labor Movement.)
- 改革政府採購。(侷限：未根本解決公部門非典型僱用問題。但成效不限勞務採購，還擴及工程、財物。)
Reforming government procurement. (The limit: Which doesn't eliminate irregular employments in government. However, it does effect not only on service procurement, but also property and construction work.)

台灣政府採購統計

STATISTICS ON TAIWANESE GOVERNMENT PROCUREMENT



台灣《政府採購法》有關CSR的規範

CSR RELATED REQUIREMENTS IN TAIWAN'S "GOVERNMENT PROCUREMENT ACT"

第96條

機關得於招標文件中，規定優先採購取得政府認可之環境保護標章使用許可，而其效能相同或相似之產品，並得允許百分之十以下之價差。產品或其原料之製造、使用過程及廢棄物處理，符合再生材質、可回收、低污染或省能源者，亦同。

其他增加社會利益或減少社會成本，而效能相同或相似之產品，準用前項之規定。

前二項產品之種類、範圍及實施辦法，由主管機關會同行政院環境保護署及相關目的事業主管機關定之。

Article 96

An entity may provide in the tender documentation that preference shall be given to a product which has been permitted to use a label of environment protection approved by the government, and in addition has the same or similar functions. The said preference may include a price preference of not exceeding ten percent. Such preference shall also be given where a product or its raw material is manufactured, used, and disposed of in such manner that conform to recycled materials, returnable products, low pollution, or energy-saving requirements.

The preceding paragraph shall apply mutatis mutandis to other products which either increase social benefits or reduce social costs, and have the same or similar functions required.

The categories and coverage of products referred to in the two preceding paragraphs and the implementing regulations thereof shall be jointly prescribed by the responsible entity, the Environmental Protection Administration of the Executive Yuan, and other competent entities.

台灣《政府採購法》有關CSR的規範

CSR RELATED REQUIREMENTS IN TAIWAN'S "GOVERNMENT PROCUREMENT ACT"

第101條

機關辦理採購，發現廠商有下列情形之一，應將其事實、理由及依第一百零三條第一項所定期間通知廠商，並附記如未提出異議者，將刊登政府採購公報：

八、查驗或驗收不合格，情節重大者。

十二、因可歸責於廠商之事由，致解除或終止契約，情節重大者。

十四、歧視性別、原住民、身心障礙或弱勢團體人士，情節重大者。

Article 101

Where a procuring entity finds that a supplier has any of the following circumstances, the entity shall notify the supplier of the facts and reasons related thereto, and indicate with a note in the notification that it will be published on the Government Procurement Gazette if the supplier does not file a protest:

8. where an inspection indicates any serious non-conformity with the contractual requirements;

12. where a contract is rescinded or terminated for causes attributable to the supplier;

14. where the supplier seriously discriminates women, aborigines, or personnel of disadvantaged groups.

政府採購評選項目 廠商企業社會責任指標

The Evaluation Indicators on CSR for Selecting
Suppliers in Government Procurement

採購評選委員會(評審小組)評選(審)委員評分表						範本(新制)
(評選項目含廠商企業社會責任指標)						
評選(審)項目	配 分	各應徵廠商得分				
		A	B	C	D	
一、廠商企業社會責任(CSR)指標：						
(一)為員工加薪						
1. 近一年內曾替員工普遍性加薪。	2分					
說明事項：(1)普遍性加薪，係指事業單位80%以上員工獲得加薪。(2)配合勞動部公告之基本工資依法調升者亦屬加薪。						
證明文件：(1)加薪公文或公告、團體協約、勞資會議紀錄、工資清冊等，足以證明事業單位內勞工加薪文件。(2)調整勞務投訴薪資資料亦屬證明文件。						
給分標準：加薪幅度4%以上者，得分2分；加薪幅度2%以上未達4%者，得分1分；加薪幅度未達2%者，得分0.5分。						
2. 於投標文件載明「履歷」應約期間給與全職從事本採購案之員工薪資（不含加班費）至少新臺幣(下同)3萬元以上。	2分					
說明事項：給與全職從事本採購案之員工薪資，係指該等員工之平均薪資，包含獎金及額外津貼。						
證明文件：工資清冊、投標文件內載有人員薪資之報價清單等，足以證明事業單位內勞工薪資文件。						
給分標準：員工薪資「達3萬元以上」，並依提供員工薪資之高低，給予0-2分。						
(二)提供員工「工作與生活平衡」措施						
說明事項：相關措施項目如：改善家庭措施、員工協助方案、企業托兒、健康促進、彈性工時與工作安插措施（如上下班時間、中途接小孩及因事必須親自處理者等以員工需求為主之彈性調整工作時間及多元休假等）。						
證明文件：勞動契約、工作規則或公告、團體協約、勞資會議紀錄，或其他足以證明之文件。						
給分標準：依提供相關措施項目之數量多寡及內容優劣，給予0-1分。						
二、其餘評選(審)項目……						

台灣政府採購要求、規範CSR的不足之處

THE INSUFFICIENT REQUIREMENTS ON CSR
IN TAIWANESE GOVERNMENT PROCUREMENT

- 在法律條文對廠商的資格限制中，極低度要求、規定CSR表現。亦即，一般來說，廠商違反勞動、環境及人權法規的紀錄無論再嚴重，皆不影響其投標資格與得標機會。

The neglect of suppliers' CSR behaviors in law. Which means that generally it doesn't affect a bidder to win a government contract no matter how badly its record violating labor and environmental laws.

- 目前所有拒絕往來廠商中，因違反《採購法》101條第1項第14款而被納入者：0。

On the Government Procurement Gazette, there is none supplier been prohibited from participating tendering for violating Article 101, Item 1, Section 14 of the "Government Procurement Act" presently.

台灣政府採購要求、規範CSR的不足之處

THE INSUFFICIENT REQUIREMENTS ON CSR IN TAIWANESE GOVERNMENT PROCUREMENT

近五年20大營造廠承攬公共工程金額

※ 有過重大工安意外

排名	金額	排名	金額
1.中鼎工程 *	837.9億	11.榮工工程 *	1045.9億
2.大陸工程 *	850.6億	12.齊裕營造 *	-
3.亞翔工程	305.2億	13.新亞建設 *	725.6億
4.互助營造 *	407億	14.根基營造 *	216.2億
5.麗明營造 *	116.3億	15.潤弘精密 *	24.3億
6.漢唐集成	-	16.聯網營造工程 *	283.6億
7.聖曜工程科技	0.15億	17.瑞助營造 *	316.6億
8.達欣工程 *	268.1億	18.建國工程 *	110.8億
9.中宇環保	29.8億	19.洋基工程	5.1億
10.中華工程 *	973.1億	20.泛亞工程建設 *	511.6億

· 以公共工程來說，廠商發生重大職災的紀錄，多半不妨礙其得標公共工程。（報導者〔2018.7.10〕，〈20大營造廠5年違規逾500件，職災累犯卻工安獎入袋〉）

· 2013.11.30~2018.11.29，承攬公共工程發生職業災害，遭提報拒絕往來廠商5件（第3款1件、第8款3件、第12款1件）。

· 2014.1~2016.5，政府公共工程計發生77起重大職災，死亡79人。

台灣政府採購要求、規範CSR的不足之處

THE INSUFFICIENT REQUIREMENTS ON CSR IN TAIWANESE GOVERNMENT PROCUREMENT

Year	Includes CSR	Most Advantageous	Total
2016	4,089	44,739 (9.14%)	180,336 (2.28%)
2017	4,343	48,980 (8.87%)	187,089 (2.32%)

開放個別採購機關、人員，自願選擇是否於最有利標評選中，納入廠商CSR表現指標。但，指標內容貧瘠且鑑別力低落，採用件數亦極為稀少。（根本問題：採購人員及評選委員，普遍缺乏對CSR之瞭解及運用能力。）

Allowing individual procurement staffs adopt indicators on CSR behaviors voluntarily in most advantageous tenders. However, the indicators are poor and adopted in very few cases. (The fundamental problem is that the procurement staffs and committees are unknowledgeable with CSR issues generally.)

改革方向

REFORM DIRECTIONS

· 負面排除：明訂廠商違反勞動、環境及人權法規達特定標準，即列入拒絕往來名單，或至少於評選時減分。

· 正面促進：訂定更積極、全面的可靠指標（如果可能），於評選時，予CSR表現良好之廠商加分。或者，提供政策優惠（例：限制性招標、價差優惠、押標／保證金減免），鼓勵、協助某些種類的廠商（例：合作社、非營利組織〔現行：原住民合作社、身心障礙團體〕），承包特定類型標案（例：照護、托育）。

具體方式

REFORM PROJECTS

- 修正《政府採購法》，就勞動、環境及其它各人權面向，明確規定CSR行為標準，廠商未達標準即不具投標資格，或至少於評選時扣分。
- 透過行政命令及指導，規範或鼓勵採購機關，於招標文件、評選指標、採購契約、驗收標準中，納入CSR之相關內容，在不修法的情況下獲致成效。
- 以法令或政策方案，鼓勵、優惠合作或非營利屬性廠商承接政府標案，扶植合作、社會經濟部門。

推動策略

REFORM STRATEGIES

- 以社運團體為核心、主導，結合相對進步的商業組織和政治人物，形成倡議、遊說聯盟，打造論述正當性及輿論氛圍。
- 引入外部經驗並提供訓練、指引，與行政體系協作，培養採購人員知能並改變其行為。
- 機會：SDGs風尚、外商投資台灣熱潮（綠電已見助力）。

八、Business and Human Rights 工具箱（二）

1. 岩橋誠²²，〈Young workers in Japan〉



²² 日本 NPO 法人 POSSE 諮詢專員。

AS LABOR UNION

- Formed a labor union in 2014. Members are mostly in 20s, 30s. Many women workers due to the industry we work in (service).
 - Employees of "black companies": Black Companies (Workers) Union
 - Private school teachers: Private School Teachers' Union
 - Daycare/Eldercare workers: Care Workers' Union
 - Beauty Salon workers (massages, etc)
 - Web designers
 - Family members who lost relatives to karoshi (overwork)
 - Students on part-time jobs: Black Arbeit Union.

ANALYSIS OF HOTLINE CASES

Figure 2.

Issues (checks all that apply)	Cases
Issues with wages	457
Harassment or bullying	319
Forced Resignation	40
Firing	108
Unemployment benefits	4
Social insurance	20
Workplace injury	47
Long work hours	233
Sexual Harassment	27
Worker wants to quit the job	78
Bait-and-switch job offers	157
Others	372
Mental Illness	211

Figure 3.

Industry	Cases
Mining, Construction	30
Manufacturing	86
Electricity, gas, heat supply, and water	8
Information and communications	82
Transport and postal activities	39
Wholesale and retail trade	161
Finance and insurance	11
Real estate agencies, lessors and managers	20
Scientific and development research institutes	10
Accommodations, eating and drinking services	90
Living-related and personal services and amusement services	117
Education, Learning Support	126
Medical services, Social insurance and social welfare	299
Compound services	3
Services	27
Public services	4
Total	1113

Figure 4

Gender	cases
Male	518
Female	508

Figure 5

Age group	cases
15-24	195
25-34	289
35-44	233
45-54	149
55-64	33
65-	13

Figure 6

Employment type	cases
Regular, permanent	572
Irregular, temporary	97
Dispatch workers	34
"Arbeit"	167
Part-time	99
Others	32

CASES

- Workers restocking vending machines
 - Company A: 5am to 8-9pm.
 - Monthly Pay: 280,000 Yen (approximately 82,000TWD) but with a base salary of 165,000 Yen + 115,000 Yen for 96 hrs of overtime.
- Private High School Teachers
 - Precarious (one-year contracts), low pay, overtime not paid.



CASES 2

- Madhouse Inc. (animation studio, famous for Cardcaptor Sakura, Death Note, One-Punch Man)
 - A production assistant worked 37 consecutive days, totaled 393 hours during that month.
- Perform Investment Japan (operates subscription video streaming service DAZN)
 - 119 hours/month of overtime



STRIKE CASES

- Strike cases
 - Beverage workers: Multiple strikes within 1.5 years. Almost all workers in the industry know of our union.
 - Private high school teachers: Demanding contract renewal, no unpaid overtime, pay back unpaid wages.

Teachers at private high schools on strike/protesting



OUR STRATEGY

- A worker brings up a case
- Empowering the worker/a group of workers to exercise rights.
 - Right to Collective Bargaining, Strike
- Publicize the case: focusing on issues that are common in the same trade/industry, which makes them think the issues presented are also their problems as well.
 - Black Corporation Award in collaboration with other unions, labor NGOs.
 - Many cases nominated here are the cases we fought.
- A new group of workers contact our union.

2. 曾虹文²³，〈透明足跡：推動公民監督與對話的行動計畫〉



²³ 台灣綠色公民行動聯盟研究員。

對話前要先上桌—
上桌的條件是什麼？

大眾

企業

NGO

資料Data
肯認彼此的議程

品牌/母集團

政府



台塑石化股份有限公司麥寮三廠

透明足跡

2017	2016	2015	2013	展開	違反法令	裁罰金額
報處時間	管轄 縣市	報處書字 號	違反時間			
2016/11/30	雲林 縣	20-105- 110023	2014/07/15	空氣污染防制法第20條第1項		NT\$300,000

工廠違規事實大公開
過去無法看到的 現在終於可以看到了

台塑石化股份有限公司麥寮三廠

裁罰日期	縣市	法規、裁罰理由	裁罰費用
2016-11-30	雲林	空氣污染防制法第20條第1項 貴公司麥寮三廠輕油裂解程序 (M01) 製程設備元件編號7V712_F1003LV07 之淨檢值為26,263.58ppm (大於10,000ppm), 已違反空氣污染防制法第 20條揮發性有機物空氣污染管制及排放標準第29條第1項第2款之規定。	300,000



台塑六輕 25211 筆超標數據、 262 個違法事件， 為何都「消失」了？

透明足跡 綠色公民行動聯盟
Green Citizens Action Alliance



管制編號	設備編號	監測項目	監測值	n/a	監測時間	標準值
P5802421	P05A	【均值】二氧化硫	36	0	3/2/16 20:00	25
P5802421	P05A	【均值】二氧化硫	58	0	3/2/16 21:00	25
P5802421	P05A	【均值】二氧化硫	57	0	3/2/16 22:00	25
P5802421	P05A	【均值】二氧化硫	54	0	3/3/16 0:00	25
P5802421	P05A	【均值】二氧化硫	53	0	3/3/16 1:00	25
P5802421	P05A	【均值】二氧化硫	52	0	3/3/16 2:00	25
P5802421	P05A	【均值】二氧化硫	51	0	3/3/16 3:00	25
P5802421	P05A	【均值】二氧化硫	49	0	3/3/16 4:00	25
P5802421	P05A	【均值】二氧化硫	48	0	3/3/16 5:00	25
P5802421	P05A	【均值】二氧化硫	47	0	3/3/16 6:00	25
P5802421	P05A	【均值】二氧化硫	46	0	3/3/16 7:00	25
P5802421	P05A	【均值】二氧化硫	45	0	3/3/16 8:00	25
P5802421	P05A	【均值】二氧化硫	36	0	3/3/16 9:00	25
P5802421	P05A	【均值】二氧化硫	108	0	3/3/16 10:00	25
P5802421	P05A	【均值】二氧化硫	92	0	3/3/16 11:00	25
P5802421	P05A	【均值】二氧化硫	101	0	3/3/16 12:00	25
P5802421	P05A	【均值】二氧化硫	69	0	3/3/16 13:00	25
P5802421	P05A	【均值】二氧化硫	86	0	3/3/16 14:00	25
P5802421	P05A	【均值】二氧化硫	57	0	3/3/16 15:00	25
P5802421	P05A	【均值】二氧化硫	65	0	3/3/16 16:00	25
P5802421	P05A	【均值】二氧化硫	81	0	3/3/16 17:00	25
P5802421	P05A	【均值】二氧化硫	93	0	3/3/16 18:00	25
P5802421	P05A	【均值】二氧化硫	97	0	3/3/16 19:00	25
P5802421	P05A	【均值】二氧化硫	99	0	3/3/16 20:00	25
P5802421	P05A	【均值】二氧化硫	101	0	3/3/16 21:00	25
P5802421	P05A	【均值】二氧化硫	102	0	3/3/16 22:00	25

監測值

監測時間

監測值

監測時間

管制編號	廠名	管位編號	表名
P5802421	彰化第一廠	P05A	105年SOX 小時值
3月1日	5	4	4
3月2日	4	4	4
3月3日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月4日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月5日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月6日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月7日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月8日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月9日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月10日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月11日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月12日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月13日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月14日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月15日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月16日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月17日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月18日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月19日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月20日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月21日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月22日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月23日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月24日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月25日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值
3月26日	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值	固定污染源暫停運轉時監測設施之量測值

修訂《空氣污染防制法》、 《固定污染源空氣污染物連續自動監測設施管理辦法》

透明足跡促環署補洞 六輕燃燒塔自動監測 最快9月全公開

◎ 建立於 2017/07/10

▲ 上稿編輯：賴運鴻

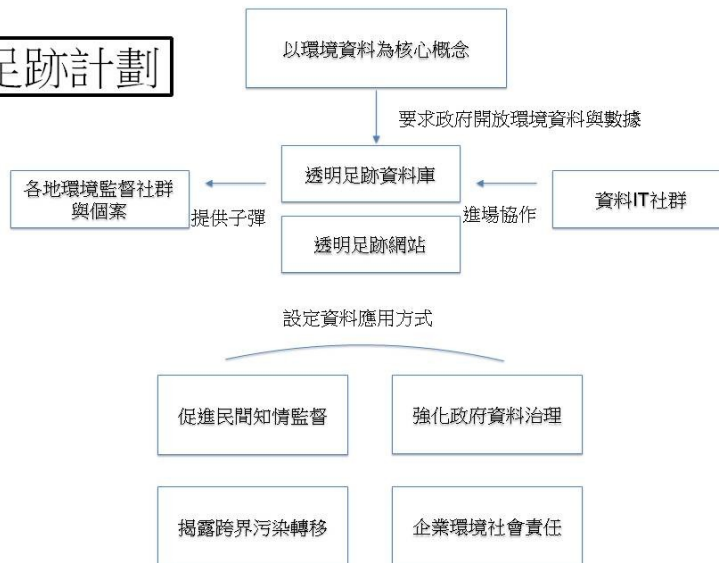


本報2017年7月10日台北訊，賴品瑀報導

環團綠色公民行動聯盟2016年1月展開「透明足跡」計畫，以電腦程式紀錄了10個月間，全台316根工廠煙囪的自動監測數據，也路過台塑六輕疑似刻意隱瞞了2萬5000筆超標紀錄，此舉促環保署補漏洞，10日空保處發出預告，將要修正「公私場所應設置連續自動監測設施及與主管機關連線之固定污染源」與「固定污染源空氣污染物連續自動監測設施管理辦法」，將來六輕所有燃燒塔，一共44座的自動監測數據，將全面公開。



透明足跡計劃



透明足跡

資訊公開透明，污染無所遁形

環境地圖 Map 依企業查詢 Search 依集團查詢 Group 最新資訊 News 支持本專案 Support 環境小知識 Knowledge 關於 About 通報污染 Report

環境地圖



單位基本資料

空污即時排放監測

P101煙道

> 裁罰依據

> P101 - [均值]二氧化硫

> P101 - [均值]氮氧化物

> P101 - 不透光率

> 其他監測項目

P201煙道

裁罰紀錄

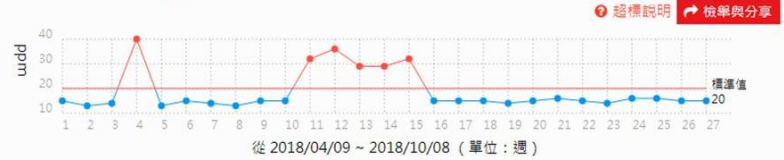
空污即時排放監測

P101煙道

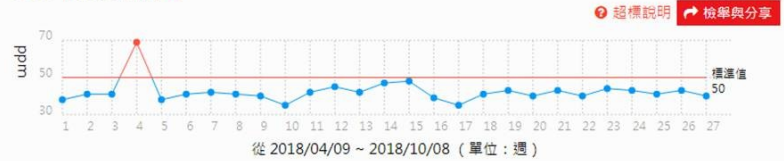
裁罰依據

按照法規，排放超標可開罰的標準是氣狀污染物（如二氧化硫、氮氧化物、一氧化碳、氯化氫）的小時均值，以及粒狀污染物6分鐘一筆的即時監測值

P101 - [均值]二氧化硫



P101 - [均值]氮氧化物



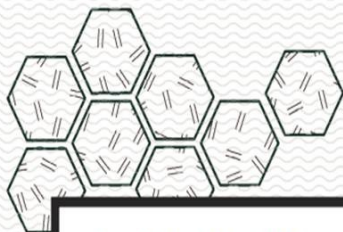
透明足跡彙整開放的環境資料

已經建立 **30566** 家公司, 共 **73527** 家工廠的基本資料

其中 **21536** 家工廠有違規被開罰的記錄,

共開罰了 **68674** 筆

以及 **121** 家空氣污染與 **376** 家水污染的即時監測數據



永續的發展，
讓企業負起環境社會責任



可持续发展与商业实践 2015 绿色供应链论坛

SUSTAINABLE DEVELOPMENT AND BUSINESS PRACTICES
2015 GREEN SUPPLY CHAIN FORUM

主办单位 Organizers



環境金害獎頒獎典禮

國家品質 偷排獎	 宏全國際股份有限公司	飲料包材製造龍頭，獲得國家品質獎，繞管偷排廢氣。
I'm lovin' 偷排獎	 基富食品股份有限公司	麥當勞最大供應商，埋管偷排廢水。
永續企業的 環境不永續獎	 中華紙漿股份有限公司	台灣造紙業龍頭的子公司，獲得台灣企業永續獎，空污、水污嚴重超標。
否認到底 金害獎	 台灣化學纖維股份有限公司	六輕 向來否認排放污染的違法行為，台化違反空污法 7 次，六輕違反空污法 29 次。
國營事業 帶頭污染獎	 台灣中油股份有限公司	國營事業 帶頭使壞，沒有裝置應裝置的污染防制設備，且空污、水污雙雙入圍。
最佳 眼不見為淨獎	 東碱股份有限公司	最大的 硫酸鉀製造商，排放有毒氣體，廠內粉塵堆積，又有大量生產設備沒申請操作許可。

開放集團

關於專案

揭開集團隱形的社會責任

揭開集團企業的關係結構，看見集團應負的社會責任，找出讓企業行為改變、讓環境與生活共好的新道路。

辨認母集團的社會責任－OPEN集團計劃

分析

10390

份財報與董監事資料

包含

26648

個台灣與海外公司

彙整

1487

個公開集團

整合

71336

筆環境裁罰記錄

2016年集團搜尋

集團或公司名稱

公司股票代號

公司統一編號

查詢



POWERED BY
GOV

台塑廣越集團 共1592個開罰紀錄

台塑 / 廣越 / 南亞科 / 南亞塑膠 / 麥寮汽電 / 南電 / 台塑石化 / 福懋興業 / 台化 / 台勝科 /

興富發集團 共422個開罰紀錄

興富發 /

台泥中橡集團 共217個開罰紀錄

台泥 / 中橡 /

正隆山隆通運集團 共197個開罰紀錄

正隆 / 山隆通運 / 大園汽電 /

永豐餘華紙集團 共189個開罰紀錄

永豐餘 / 華紙 / 元太科技 / 先豐通訊 / 太景*-KY / 永豐金控 /

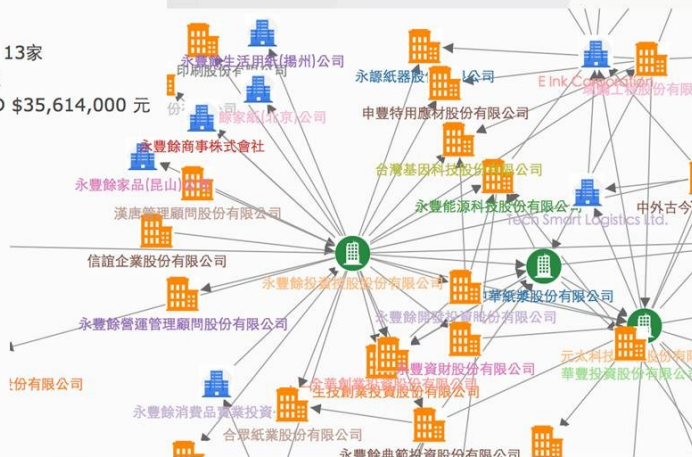
統一統一實業集團 共170個開罰紀錄

統一 / 統一實業 / 大統益 / 興能高 / 統一證券 / 台灣神隆 / 德記 / 統一超 /

永豐餘華紙集團

集團基本資料

- 集團公司總數: 220家
- 於台灣環境是否有裁罰記錄: 是
- 於台灣環境有裁罰記錄公司總數: 13家
- 於台灣環境裁罰紀錄總數: 189次
- 於台灣環保署裁罰金額總數: NTD \$35,614,000 元



觀點投書：環保衛生紙真的環保嗎？廠商的污染記錄報你知

曾虹文 2018-03-07 06:10 45493人氣

簡

分享 3,842

👍

f

...

公司	品牌
金百利克拉克	舒潔、可麗舒、可立雅
金盛世	倍潔雅、唯潔雅、優活、緻柔、特惠牌
永豐餘	五月花、柔情、得意、百花
正隆	春風、情人、雪柔、絲嵐、蒲公英、家樂福牌、大潤發牌、淨世代
正大	百吉牌、滿柔

綠色公民行動聯盟從環保署污染源裁處的資料中，整理這五大公司2014-2017年的違規裁處記錄，發現正隆的違規記錄遠高於其他家，四年共裁處127次，裁處金額高達4996萬8000元，其次是永豐餘，再來是正大，第四是金百利克拉克，完全查不到裁處記錄的是金盛世。

公司	違規類別	裁處記錄總計
正隆	空污98次4710萬元 水污14次270萬4000元 廢棄物15次16萬4000元	127次4996萬8000元
永豐餘	空污11次120萬元 水污7次116萬元 廢棄物7次5萬元	25次241萬元



透明化 & 符合民間需求
政府環境數據

民間環境資料庫

民間公民科技監測數據



以「民間」為視角的环境治理議程

3. 佐藤和子²⁴，〈BHR Practices in Japan〉

BHR Practices in Japan

Attorney-at-Law Akiko SATO

© 2019 Akiko Sato

Introduction

- 2006 Sophia University Faculty of Law, LL.B., International Law and Legal Studies
- 2009 Hitotsubashi University Graduate of Law, JD
- 2010 Nagoya University the Research and Education Centre for Japanese Law in Phnom Penh, Cambodia, Part-time Lecture Japanese Laws
- 2012-2015 Sakaguchi Law Office, Attorney-at-Law
- 2016 International Institute of Social Studies, The Hague, the Netherlands, MA in Development Studies
- 2017 UNDP Asia Pacific Regional Office, Bangkok, Thailand, Business and Human Rights Project, Governance and Peacebuilding Team
- 2018.4 Kotonoha Law, Attorney-at-Law

© 2019 Akiko Sato

²⁴ Human Rights Now 専職律師。

Human Rights Due Diligence (HRDD)



Accountability
Transparency

} Key for achieving effective HRDD
Go beyond CSR

© 2019 Akiko Sato

Human Rights risk = Business risk?



© 2019 Akiko Sato

Roadmap for NAP in JAPAN

2016.11	Commitment to NAP in Geneva
2018.3-8	Consultations with multi-stakeholders were conducted by MoFA on various topics
2018.12	Baseline study was released
2019.4	Consultation commenced
Autumn 2019	The draft will be released
2020	The NAP to be launched (Tokyo Olympic!)

© 2019 Akiko Sato

Human Rights Now

- Publishing the report on human rights violations
 - Garment factories in China, Cambodia and Myanmar
 - Chicken factories in Thailand
- Conducting engagement with companies
- Questionnaire for specific industry
 - Apparel industry
- Seminars for raising awareness of including ESG in civil society



© 2019 Akiko Sato

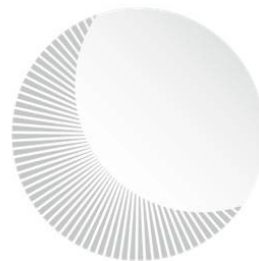
Practices as a lawyer

- Providing advice on HRDD from an international human rights perspectives for Japanese companies
 - Mapping human rights risks
 - Reviewing human rights policies including a statement required by regulations such as UK Modern Slavery Act
- Speaking at internal seminars
 - Facilitating stakeholder engagements in SEA
- Creating e-learning on BHR for lawyers
- Engaged in NAP consultation
- Expanding the network abroad through numerous occasions

© 2019 Akiko Sato

Cont'd

- ▶ BHR Lawyers Network Japan
 - Established in 2018
 - Steering committee comprising of not only lawyers but also those from academia
 - Aiming to meet the gap among lawyers and promote BHR
- ▶ Developing guidelines
 - Engagement and Remedy Guidelines for Promotions of Responsible Business Conduct and Supply Chains
 - Grievance Centers Guideline
 - Basic Action for Engagement and Remedy Guideline



Business and Human Rights Lawyers
Network Japan

© 2019 Akiko Sato

Some features in Asia relevant to supply chain management

Challenge	Strength
<ul style="list-style-type: none">▶ Weak state governance<ul style="list-style-type: none">• Corruption• Access to Justice▶ Domestic policies for leading investments▶ Cultural and social diversity<ul style="list-style-type: none">• Gender minority• Indigenous people• Religion	<ul style="list-style-type: none">▶ Pressure from outside such as EU▶ "Healthy Competition"▶ Increasing interests in SDGs, social impact investment▶ Social media

© 2019 Akiko Sato

The way forward...

- How to embed the idea of 'Human Rights' in our culture?
- How to enhance the awareness and attention from civil society and consumers?
- How to ensure accountability and transparency of HRDD?
- What type of regulations we should aim?
- How to move the government forward?
- How to give effective remedy for extraterritorial cases?
- How can we take an advantage of emerging new technology such as blockchain or big data?

© 2019 Akiko Sato

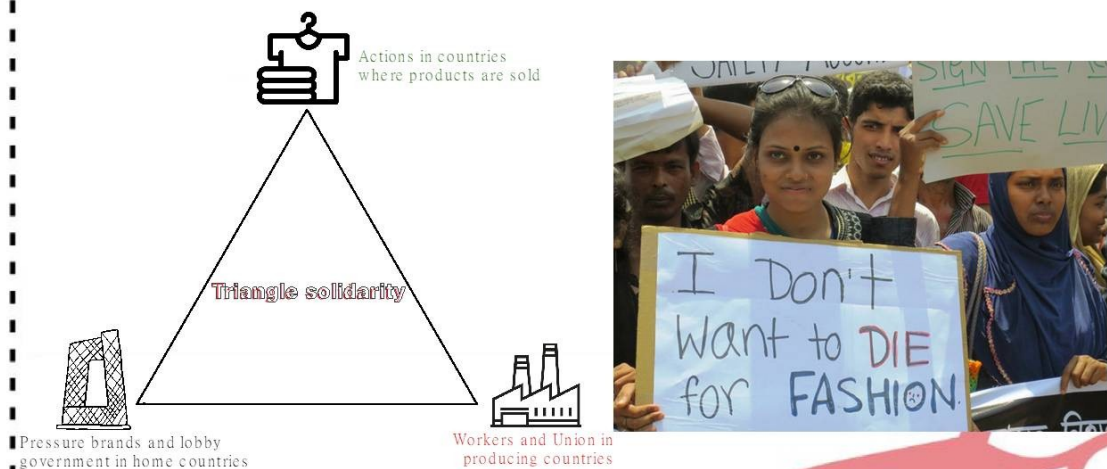
4. 楊政賢，〈 Enforceable Brand Agreement - Worker-led strategies for brand accountability 〉

Clean
Clothes
Campaign

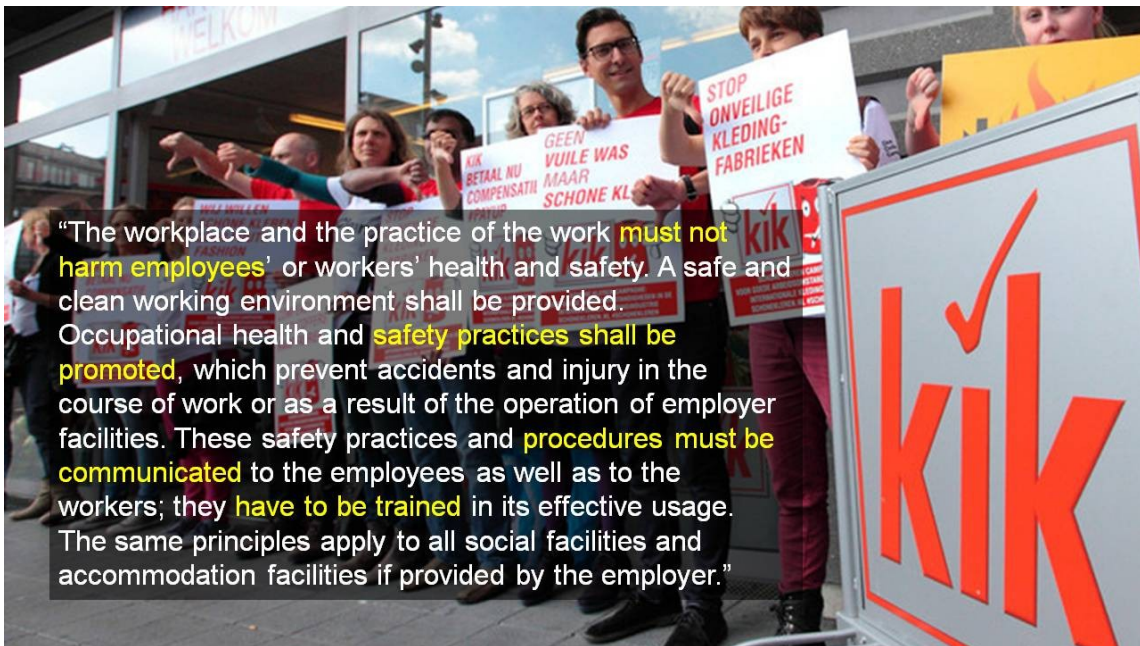
Enforceable Brand Agreement - Worker-led strategies for brand accountability

Speaker: Johnson, Ching-Yin Yeung (楊政賢)
Urgent Appeal Coordinator, CCCEA 清潔成衣行動東亞聯盟緊急呼籲協調員

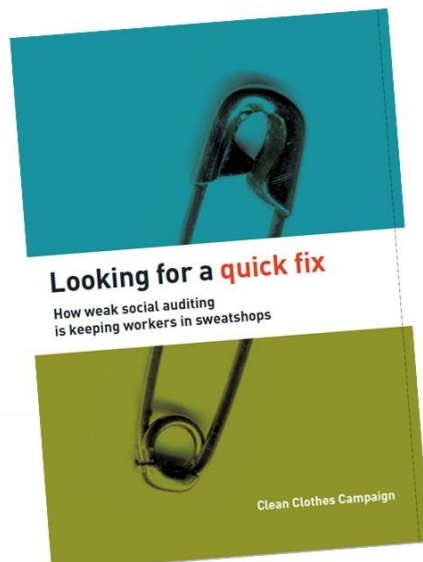
The CCC Urgent Appeal Model







Weakness of social auditing



- ✗ Workers participation at factory level
- ✗ NGOs and labor unions’ participation
- ✗ Remedy after inspection

✗ ☐ Box Ticking Social Audit



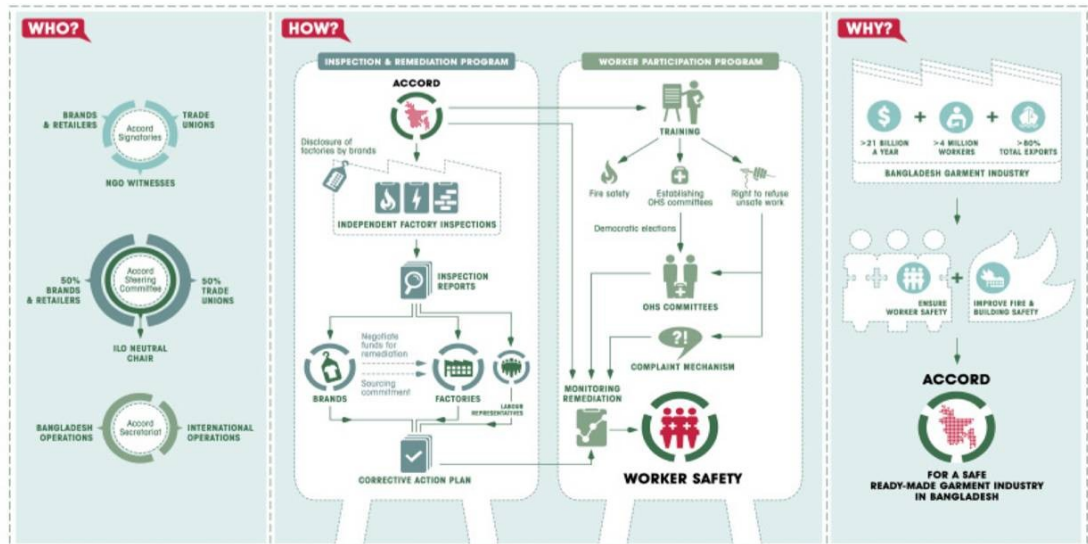
Rana Plaza



Prevention; Transparency,
disclosure of information; worker

Enforceable Brand Agreement

Bangladesh Fire and Safety Accord



ACCORD
on Fire and Building Safety in Bangladesh

For more information visit www.bangladeshaccord.org or follow @bangladeshaccord on twitter.

<p>1600 factories inspected & undergoing remediation</p>	<p>>28,000 follow up safety inspections</p>	<p>1000+ Safety Committees in training</p>
<p>#RanaPlazaNeverAgain</p> <p>PROTECTPROGRESS</p> <p>If the Accord's safety inspection program is expelled from Bangladesh, there will be limited assurance that factories in the country are safe.</p>	<p>#RanaPlazaNeverAgain</p> <p>PROTECTPROGRESS</p> <p>If the Accord's safety inspection program is expelled from Bangladesh, there will be limited assurance that factories in the country are safe.</p>	<p>#RanaPlazaNeverAgain</p> <p>PROTECTPROGRESS</p> <p>If the Accord's safety inspection program is expelled from Bangladesh, there will be limited assurance that factories in the country are safe.</p>

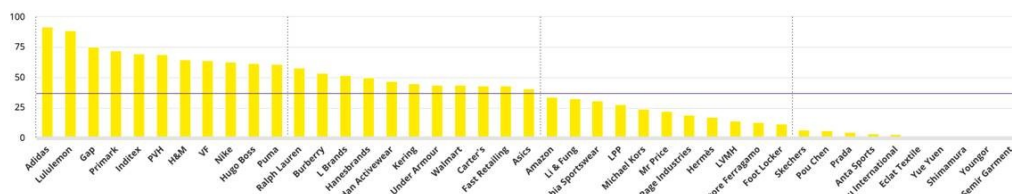


Fruit of the Loom Honduras Agreement

- recognize the union and engage in collective bargaining.
- labor disputes that are not resolved through good-faith



2018 Apparel & Footwear BENCHMARK



2018 Information & Communications Technology BENCHMARK



**Clean
Clothes
Campaign**
East Asia ✂

 /realCCCEA

 cleanclothescampaign_ea

 @CCCEastAsia

第五章 成效及檢討

一、成果效益

1. 舉辦 3 天、15 場次非公開工作坊，每場次平均 25 人參與，15 場約 375 人次參與（見簽到表）。

● 6 月 12 日

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018 年 6 月 12 日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
JINC-W	張凱				
	王雅				
	So Tomoko Wada				
CSC-10	Tammy de Goo				
03	王雅				
Aekashi Shinya	STEFAN LUK				
GM	SHEP Wai Tin				
	Kenji Cheung				
WE	蘇曉華				
RCCGU	法麗霞				
Posse	Makoto Iwashashi				
ESN	區立行				
CLSN	Johnnie So	Whatsapp +852 9278 0997			
HKWNA	邱美蓮				
No Claims	Doris Lee				
GM	May Wong				

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018 年 6 月 12 日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
AMRC - SPA/95	K. Chan	k.tchan@amrc.org.hk	✓	✓	
	何英達	yd.wong@gmail.com	✓	✓	
YAR	Yokohama-arc	yokohama-arc@ja.apc.org	✓	✓	
	Sophie	sophie.c.pmy@gmail.com	✓	✓	
YLU95	李十春		✓	✓	
YLU95	陳曉雲	verassst@gmail.com	✓		
KHLS	Alan	velean@univ.ac			21
lead researcher	Rita Tambunan	rotambunan@gmail.com	✓	✓	
SE-CCC	陳永偉	chankwan33@gmail.com	✓	✓	
LAC					

● 6 月 13 日

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018 年 6 月 13 日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
KHLS	Alan	velean@univ.ac	-		
-	Rita Tambunan	rotambunan@gmail.com	✓	✓	
	leni Cheung	leni19@ipc.nyu.edu.hk	✓	✓	
AKWWD	Melin	melin@hk-wpa.org.hk	✓	✓	
GM	PY Shek	pyshk@globalwpa.org.hk	✓	✓	
岐豐服裝店	張 華	092-8496-7668	✓	✓	
AMRC	Kir Chan	k.chan@amrc.org.hk	✓	✓	
YR	Tomoko Wada	tomokowada@ja.apc.org	✓	✓	
	Tomoko Wada	josemarti210@gmail.com	✓	✓	
CCCEA	So SHEUNG		✓	✓	
Posse	Makoto Iwada	miwada@21by.com	✓	✓	
No Chains	Doris Lee	lenifish@gmail.com	✓	✓	
CCSN	Julian	laiha@hkcc.org.org	✓	✓	
Meikang Migration	Stefan HX	stefan@mekangmigration.org	✓	✓	
Labour Action China	Chan Kwan	chankwan33@gmail.com			

RCOGU

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018年6月13日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
JTC-W	Oidon		✓	✓	
SACOM	Sophie	sophie.cpmx@gmail.com	✓		
CCU 10	Tanne	tanne@cleanclothes.org			
IESN	An	an@iesn.org	✓		
GM	May	maywong@globalmon.org.hk	✓		
SPA	王美蓮	ydwong@gmail.com	✓	✓	
95	梁永仁	heavenofire@gmail.com	✓		
TWI	陳啟榮	sanshiarso@gmail.com			
OSH Link	黃子金				
GCA	陳偉傑	peabobai@gmail.com			
Youthlabar Union	陳曉霞	vera3554@gmail.com			

● 6月14日

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018年6月14日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
KICS	HANWUN		✓	✓	
LAC	chan kwai		✓	✓	
自立工聯	劉 偉		✓		
CCC-10	Tanne		✓	✓	
	Tomoko Wada		✓	✓	
YAR	Tono Haruki		✓	✓	
	胡曉雅				
JNIC-W	王... ..		✓	✓	
山支學一般	張... ..		✓	✓	
NMN	Stefan Luk		✓	✓	
RCCGN	張... ..		✓	✓	
WE	張... ..		✓	✓	
W... ..	王... ..		✓		
GM	May Wong		✓	✓	
HKWWD	胡美蓮		✓	✓	
IESN	區... ..		✓		

East Asia

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期：2018 年 6 月 14 日

2. 舉辦 1 天、3 場次公開研討會，3 場總計 132 人次參與（見簽到表）。

East Asia

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期：2018年6月15日

2. 32. B. C

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018年6月15日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
	蔡志杰			✓	
AMRC	Kit CHAN	k.chan@amrc.org.hk			
CEC-ID	Tanner		✓	✓	
	Hsueh	khlsuq@gmail.com			
Posse	Makoto Iwahashi				12 ✓
HKWWB	melin wu				
WE	蔡嘉銘			✓	
MO GE	May Wong		✓	•	
YAR	Toko Harkhi		✓	✓	
CCCEA	Johnson Yau		✓	✓	
"	So SHUNG		✓	✓	
YUYS	郭中書		✓	✓	
YAR	喬伊 1234				15 ✓
-	Leni		✓	✓	18 ✓

Clean Clothes Campaign

East Asia

Sign Up Sheet / 簽到表

Date/ 簽到日期: 2018年6月15日

Org / 機構	Name / 姓名	Email / 電郵	Lunch Together / 一起午餐	Stay for Dinner / 一起晚餐	Remark / 備註
(口譯) 七和	李和文				28 ✓
SPA	王美玲	yetway@gmail.com	✓	✓	
OSH Link	黃子軒			✓	2 ✓
350 Taiwan	Martin				
由交事件	林靖豪				
九和	陳曉雲			✓	27 ✓
JTNC-W	O'don			✓	13 ✓
山溪一和	黃志			✓	19 ✓
家樂福	吳燕內				
人約盟	黃富立				
聖賢工會	林名哲				18 ✓
RCCGA	江明俊				16 ✓
自主工聯	劉 育				4 ✓
威爾斯	張自強	davinca2008@gmail.com			5 ✓

- 提升台灣工人運動、勞工研究社群，瞭解全球供應鏈道德問題、國際社會運動策略和經驗，及日、韓、港三地社會運動發展狀況，與各國工運因應之行動、策略，供台灣在地借鑑。

4. 促進台、港、日、韓工運交流並發展跨國聯繫網絡，以強化東亞地區勞工及消費者團結，合力遏止區域內，跨國或在地企業使用血汗原物料、半成品，間接助長發展中國家勞工處境、人民生活和自然環境惡化。

二、檢討建議

1. 會議討論主題廣泛，未來如再舉辦，可擴大邀請我國相關領域學者專家、實務工作者參與，增進討論深度。

第六章 活動照片

- 6月12日



清潔成衣運動東亞聯盟執行統籌蘇湘發表

「概述：清潔成衣運動全球網絡和各區域聯盟的發展進程」



清潔成衣運動東亞聯盟主持工作坊討論



清潔成衣運動東亞聯盟主持工作坊討論

● 6月13日



清潔成衣運動東亞聯盟緊急呼籲及倡導統籌楊政賢發表
「CCC 緊急呼籲機制和東亞的緊急呼籲個案」



工作坊成員合照

● 6月14日



清潔成衣運動東亞聯盟主持
「2020 年東京奧運會的戰略工作坊」



「2020 年東京奧運會的戰略工作坊」
清潔成衣運動東南亞聯盟研究員 Rita Olivia Tambunan 報告

● 6月15日



香港全球化監察代表黃月媚發表
「跨國抗議愛迪達及台灣鉅東」



全國教保產業工會執行秘書蔡志杰發表
「三邊聯盟的概念仍然適用嗎？從年興及台南企業案的國際串聯行動談起」



台灣國際勞工協會研究員陳秀蓮發表



台灣勞動與社會政策研究協會執行長張烽益發表



環境法律人協會理事楊品紋發表
「台塑越南河靜鋼鐵廠污染案」



桃園市群眾服務協會主任汪英達主持
「Business and Human Rights 工具箱（一）」



350 Taiwan 研究員李建歡發表
「從化石燃料撤資行動談社會責任投資」



台灣青年勞動九五聯盟理事鄭中睿發表
「道德採購在台灣」



清潔成衣運動東亞聯盟緊急呼籲及倡導統籌楊政賢發表
「可強制執行的品牌協議：孟加拉 ACCORD」



Human Rights Now 律師佐藤和子發表
「日本律師如何介入供應鍊的人權及勞權議題」



日本勞動協會（POSSE）諮詢專員岩橋誠發表
「日本『黑心企業大賞』倡議」



綠色公民行動聯盟研究員曾虹文發表
「資料與企業行為監督——以『透明足跡』為例」



清潔成衣運動東亞聯盟緊急呼籲及倡導統籌楊政賢主持
「CCC 全球戰略與 2020 東京奧運倡議」