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## **BEYOND LABELS: JUSTICE AND GOVERNANCE IN FAST FASHION GLOBAL SUPPLY CHAIN**

AUTHORED BY - SRISHTI SATISH JADHAV & MRINANGINI GURUNG

### ***Abstract***

*The fast fashion industry is the best illustration of a paradox of modern capitalism in a globalised economy where accessibility and affordability of some is achieved at the exploitation of many others. This research interrogates the question: How does fast fashion perpetuate inequality, labour exploitation, and environmental harm, and what legal and governance reforms can promote accountability, sustainability, and justice? The study situates the fast fashion supply chain in the context of the wider discussion of global inequality, the North-South divide, and the crisis of corporate responsibility. It highlights how transnational and multinational corporations headquartered in the Global North constantly capture disproportionate profits of this industry while the Global South is left to borne systemic exploitation, weak enforcement and fragile labour protections and environmental degradation. This reflects and deepens the North South Divide.*

*The research problem lies in the absence of effective transnational legal mechanisms to hold corporations accountable for human rights and environmental violations occurring beyond territory. Despite existing frameworks such as the UN Guiding Principles on Business and Human Rights, voluntary adoption has failed to provide tangible justice to the workers or protect the ecosystems. This paper, therefore, seeks to provide the legal and governance reforms necessary to ensure fairer allocation of benefits, safeguard the rights of workers and environmental sustainability of global supply chains.*

*The study adopts a qualitative and doctrinal methodology that attempts to make a normative legal analysis of the problematic gradient of fast fashion supply chains. The study uses a critical analysis of the new international tools such as the Corporate Sustainability Due Diligence Directive (CSDDD) of the EU, the Duty of Vigilance Law (2017) of France, and country-based schemes as the CSR and BRSR regimes of India and evaluates their ability to establish enforceable accountability.*

*This study ultimately proposes that meaningful reform should go beyond borders establishing binding global standards to integrate human rights due diligence, extended producer responsibility, and worker-driven social responsibility. The research aims to address the gaps between trade, law, and ethics by re-imagining the sphere of fast fashion governance in terms through a justice based lens, in which the idea of sustainability must be seen not only as a market trend but as a legal and moral imperative.*

### **Introduction to Global Inequality**

Fast Fashion is indeed the paradox of Globalisation. Behind the facades of aesthetic shop fronts and advertising, is a succession of injustice and exploitation. The clothes are produced in the Global South at incredibly fast and cheap rates. However, justice for the exploited workers and harmed natural environments is typically non-existent. On the other side of the same coin, Global North enjoys cheap trends.

The volatility of this industry's market thrives on unsustainable fuels labour exploitation, wage inequality, and environmental degradation. The central challenge we face today is to ensure that globalisation becomes a positive force for all the world's people. Its benefits are unevenly shared, while its costs are unevenly distributed.<sup>1</sup>

The fashion industry is valued at over 2.5 trillion dollars globally, the lowest-paid are its apparel workers who earn less than 2% of the retail price of one piece of clothing item. A garment worker in countries like Bangladesh or Vietnam typically earns an amount that is 3 times lower than the estimated living wage in these regions. Wages stagnate in Bangladesh and India, 80% of world's clothing export waste is dumped in Ghana and Chile, and factors like unbearable heat as effects of climate change adds new strains on an already stressed labor force.. The ill effects of globalisation are consistently pushed downwards, while value is captured at the top. This is the real face of inequality in fast fashion. It is an institutionalised system where affordability for some is built on exploitation for many.

#### ***North South Divide***

Profits concentrate in the Global North. Brands are headquartered in Europe and North America that capture the lion's share of profits through design, branding, and retail. The disproportionate

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<sup>1</sup> Arie M. Kacowicz, *Globalization, Poverty, and the North-South Divide*, 9 Int'l Stud. Rev. 565 (2007).

cost of this supply chain is dumped in countries in the South with low margin productions, weak protections and even weaker bargaining power. The pressurized factories in Dhaka and Tiruppur face the pressure to minimize prices but Intellectual property and profits are concentrated in metropolis in London, New York or Paris. This is not merely commerce, it is structural inequality. It is a supply chain being designed to make the North richer at the expense of the externalisation of sociopolitical, economic and environmental costs to the most vulnerable participants, i.e. the Global South.

Multinational corporations, as carriers of technology, capital, and skilled labor between states, have reinforced the negative effects of foreign capital penetration by creating enclave economies within the host countries, which are characterised by small pockets of economically developed regions, in contrast to the larger peripheral areas that exhibit extreme poverty and little progress, thus enlarging the gap between the rich and the poor.<sup>2</sup> Production is deliberately shifted to regions with the weakest enforcement onto the most vulnerable states where wages are suppressed and environments degraded. This reflects the North South Divide.

The internationalisation and globalisation of macro-economic policies transforms poor countries into open economies and "reserves" of cheap labor and natural resources.<sup>3</sup> For instance, it has been claimed that since the early 1980s, the "macro-economic stabilisation" and "structural adjustment" programs negotiated among the IMF, the World Bank, and some developing countries have led to the impoverishment of hundreds of millions of people. This divide may be attributed to several and interrelated reasons according to scholars. First, without capital, you cannot gain from economic integration. The poor have next to no capital, partly due to lack of entitlement rights and destitution. Second, due to uneven development, globalisation exacerbates social and economic gaps within and among states by reinforcing a process of "creative destruction."<sup>4</sup>

### ***Labour Exploitation***

Every single garment carries with it a trail of exploitation and injustice and at its core lie the

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<sup>2</sup> Thomas L. Friedman, *Answers Needed to Globalization Dissent*, *Houston Chronicle*, Feb. 8, 1996, at 30.

<sup>3</sup> Michel Chossudovsky, *The Globalization of Poverty: Impacts of IMF and World Bank Reforms* (Zed Books 1997).

<sup>4</sup> Erich Weede, *The Impact of Globalization: Creative Destruction and the Prospect of a Capitalist Peace* (paper presented at the 18th World Congress of the International Political Science Association, Quebec City, Can., Aug. 2000).

workers who endure ungodly long hour shifts, gender-based violence, harassment, and pervasive union busting akin to modern slavery. The global fast fashion industry employs approximately 75 million garment workers. However, fewer than 2% earn a living wage. Only 1% of brands disclose how many of their garment workers receive a living wage. Some 3000 people a day die from work-related accidents or disease. Take into consideration Bangladesh, a nation where garment manufacturing contributes 16% of GDP and 84% of national exports and yet, only 91% of its garment workers cannot afford sufficient food, and 25% experience some or another form of abuse.

It also has been asserted that states feel compelled to ease labor standards, modify tax regulations, and relax other standards to attract foreign investment, seen especially in the export production zones (EPZs) where employment may be plentiful, but working conditions poor. Labor unions claim that EPZs are sometimes designed to undermine union rights, deny or restrict rights to free association, expression, and assembly. There are some twenty-seven million workers employed in such zones worldwide.<sup>5</sup>

This industry is not only economically exploitative but is also deeply gendered. Women account for 80% of garment workers, aged between 18 and 35 years who endure verbal, physical, and sexual harassment too often in factories with no oversight.

Globalisation is a particular issue for women which is exacerbated by economic restructuring, deregulation, and privatisation. Investors have demonstrated a preference for women in the "soft" industries such as apparel, shoe and toy-making, data-processing, and semi-conductor assembling- industries that require unskilled to semi-skilled labor, leading women to bear the disproportionate weight of the constraints introduced by globalization.<sup>6</sup>

Fast fashion's bargain price is a mirage. The true cost is borne by the workers, particularly women working for subsistence - unprotected, and unseen.

### ***Environment Degradation***

The industry is being operated on a linear take-make-dispose model not only increasing the

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<sup>5</sup> V.N. Viswanathan, *Human Rights in a Globalized World: The Indian Experiences*, 69(1) *Indian J. Pol. Sci.* 49 (Jan.-Mar. 2008).

<sup>6</sup> *Id.*

rate of resource depletion, but also externalising waste and pollution to the Global South Only around 1% of the textiles are recycled into other garments, and most of them are downcycled, burnt, or placed into landfills. This points out a major disconnect between sustainability discourse and industrial reality.

80% of clothing exports in the world originate from developing countries. However, the same regions suffer the consequences of the textile waste. Millions of tonnes of textile waste are disproportionately dumped in Ghana's Kantamanto Market or dumped in Chile's Atacama Desert. This phenomenon is what scholars have called "waste colonialism".

In terms of regulation, eco-design requirements, more extensive producer responsibility and increased waste management requirements (EU Textile Strategy, 2022) promise a transition towards binding environmental control. India, on the contrary, lacks holistic legislative measures on the waste in the textiles making the strategy is more of a voluntary and fragmented measure.

### **Literature Review**

The question, "Who really pays the price?" for cheap, fashion-driven clothes needs an investigation into the fast-fashion system, revealing a landscape of social and environmental costs, extensive and recorded in a number of leading scholarly and journalistic volumes. This question places the fast-fashion crisis in the macro-environment of globalization, which, as *Arie M. Kacowicz* discusses in "*Globalization, Poverty, and the North-South Divide*"<sup>7</sup>, is either alleged to foster inequality or alleviate poverty. The continuing existence of Third-World rural poverty is validated as a burning moral, political and economical challenge to the international community and requires questioning the systems that benefit off this widening global gap.

#### ***I. The Economic Architecture: Speed, the Price Squeeze, and Exploitation***

The engine which drives the hidden costs of fast fashion is found in the very structure thereof. *Annamma Joy, John F. Sherry, Jr, Alladi Venkatesh, Jeff Wang and Ricky Chan*, in "*Fast Fashion, Sustainability, and the Ethical Appeal of Luxury Brands*"<sup>8</sup>, describe the practice as low-cost lines of clothing that imitate current luxury trends and have the ability to bridge the

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<sup>7</sup> *Kacowicz, supra note 1, at 1*

<sup>8</sup> *Annamma Joy, John F. Sherry, Jr., Alladi Venkatesh, Jeff Wang & Ricky Shukla Chan, Fast Fashion, Sustainability, and the Ethical Appeal of Luxury Brands, 16 Fashion Theory 273 (2012).*

gap between catwalk and consumer in only a few weeks. The authors point out that this model is unsustainable in nature, spurred by the expediency of prototyping and obsolescence.

This urgency and volume impose dire financial strains that culminate in systematic exploitation, a major theme explored by *Mohammad Jasim Uddin, Fara Azmat, Yuka Fujimoto, and Farhad Hossain* in *“Exploitation in Bangladeshi ready-made garments supply chain: a case of irresponsible capitalism?”*<sup>9</sup> The main process that makes this possible is the price squeeze, in which large multinational brands (MNCs) have asymmetrical, overpowering influence on suppliers in the Global South, and can dictate minimum prices. The owners of the factories are therefore forced to speed up manufacturing and pass this financial burden directly to the workers in the form of reduced wages and mistreatment of the labor.

*V. N. Viswanathan*, in *“Human Rights in a Globalized World”*<sup>10</sup>, emphasizes that non-state actors, such as MNCs, threaten state sovereignty and even have greater resources than most states. This unquestioned corporate influence tends to push human rights safeguards to the wind, especially when policies set by international financial institutions (like the World Bank and IMF) place economic/financial law squarely in opposition to human rights law in the producing countries.

## ***II. The Social Cost: Production Targets and Gendered Violence***

The economic pressures that are inherent in the fast-fashion model have a direct translation to acute labor exploitation with a disproportionate impact on women workers who are the majority of the production floors. *Shikha Silliman Bhattacharjee*, in her chapter, *“Fast fashion, production targets, and gender-based violence in Asian garment supply chains”*<sup>11</sup>, critically examines this connection, saying that gender-based violence (GBV) is not an issue at the factory level, but a direct by-product of the business model of multinational brands.

Her writing illustrates the fact that the relentless demand to achieve unrealistic production goals, which are necessitated by the faster production time lines and the need to reduce costs,

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<sup>9</sup> *Mohammad Jasim Uddin, Fara Azmat, Yuka Fujimoto & Farhad Hossain, Exploitation in Bangladeshi Ready-Made Garments Supply Chain: A Case of Irresponsible Capitalism?, Int'l J. Logistics Mgmt. (2022)*

<sup>10</sup> *Viswanathan, supra note 5, at 3*

<sup>11</sup> *Shikha Silliman Bhattacharjee, Fast fashion, production targets, and gender-based violence in Asian garment supply chains, in Labor, Global Supply Chains, and the Garment Industry in South Asia (Sanchita Banerjee Saxena ed., Routledge 2019)*

is an identified factor that contributes to violence and harassment in Asian garment supply chains. This strain and tension on the supervisors is channeled to the female workers as harassment that involves coercion and abuse to achieve targets.

### ***III. The Environmental Debt: Global Burden Shifting and Waste***

*Rachel Bick, Erika Halsey, and Christine C. Ekenga elaborate on the environmental debt in their commentary, "The global environmental injustice of fast fashion"<sup>12</sup>, they state that the adverse externalities such as the consumption of water-intensive resources and chemical pollution are externalized to low- and middle-income countries (LMICs), which are under-resourced. The environmental impact is vast: textile manufacturing contributes to the total pollution of clean water about 20 per cent of the global pollution (largely due to chemical-intensive dyeing process), and the industry causes approximately 10 per cent of the annual emission of carbon, surpassing the combined emissions of all international flights and maritime shipping.*

The issue stretches down to the disposal where the industry promotes consumers to perceive clothing as something that can be discarded. In his article, *"Fast Fashion Is Creating an Environmental Crisis"<sup>13</sup>, Alden Wicker points to the immense volume of waste, indicating that in 2012, 84% of unwanted garments in the United States found their way into landfills or incinerators*

Moreover, *Francesca Bonelli, Rocco Caferra, and Piergiuseppe Morone, in the article, "In need of a sustainable and just fashion industry"<sup>14</sup>, label this geographical division of consumption and consequence as neocolonial environmentalism. This phenomenon of chemical-based production and textile waste disposal to the Global South is fueled by the exploitation of the inexistence of strict environmental regulation in Southern countries, and the disadvantaged population is thus the one disproportionately facing the destruction of the environment.*

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<sup>12</sup> Rachel Bick, Erika Halsey & Christine C. Ekenga, *The Global Environmental Injustice of Fast Fashion*, 17 *Environ. Health* 92 (2018)

<sup>13</sup> Alden Wicker, *Fast Fashion Is Creating an Environmental Crisis*, *Newsweek* (Sept. 1, 2016)

<sup>14</sup> Francesca Bonelli, Rocco Caferra & Piergiuseppe Morone, *In Need of a Sustainable and Just Fashion Industry*, *Discover Sustainability* (2024), *Sci. Rep./Discover Sustainability* (2024)

#### ***IV. Governance Failures and Pathways to Systemic Reform***

In their article, “*Governance gaps in eradicating Forced Labor*”, Andrew Crane, Genevieve LeBaron, Jean Allain and Laya Behbahani<sup>15</sup> point out that the regulatory emphasis has been excessively placed on forced labor in the context of Global Value Chains (GVCs), thereby leaving a conceptual vacuum on the dynamics of exploitation in domestic supply chains that are centrally established within national borders. The resulting system of governance, that is fragmented and incapable of addressing complex modern slavery, provides an indication of the underlying requirement that policymakers shift beyond monolithic approaches to develop an operative form of governance that actively engages with local variation.

The asymmetric power of the multinational buyers directly capitalizes on this failure. The study by Mohammad Jasim *et al.*<sup>16</sup>, affirms that MNCs and powerful actors in the country form a nexus that manipulates local contextual conditions, including weak regulations, inadequate governance, and economic reliance of the country on the garment industry.

To reach a systemic reform and break down this architecture of exploitation, Ramona Vijayarasa and Mark Liu, in “*Fast Fashion in 2030: Using the Pattern of the Sustainable Development Goals (SDGs) to Cut a More Gender-Just Fashion Sector*”<sup>17</sup>, insist on the application of the holistic Sustainable Development Goals (SDGs) framework, arguing that sustainability and gender justice are two aspects that cannot be separated.

The suggested SDG model demands accountability to evolve beyond mere full employment to outcomes such as attaining a living wage and focusing on Responsible Consumption. In essence, accountability should be extended to developmental responsibilities in which firms will be bound to provide employees with access to holistic welfare, such as affordable housing, water, sanitation, and healthcare, within and outside the factory environment. This mechanism directly outcomes the structural price squeeze by making externalization of social costs financially unsustainable for brands.

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<sup>15</sup> Andrew Crane, Genevieve LeBaron, Jean Allain & Layla Behbahani, *Governance gaps in eradicating forced labour*, 13 *Regulation & Governance* 86 (2019)

<sup>16</sup> Mohammad Jasim Uddin, Fara Azmat, Yuka Fujimoto & Farhad Hossain, *Exploitation in Bangladeshi Ready-Made Garments Supply Chain: A Case of Irresponsible Capitalism?*, *Int'l J. Logistics Mgmt.* (2022) (DOI: 10.1108/IJLM-12-2021-0565)

<sup>17</sup> Ramona Vijayarasa & Mark Liu, *Fast Fashion for 2030: Using the Pattern of the Sustainable Development Goals (SDGs) to Cut a More Gender-Just Fashion Sector*, 7 *Bus. & Hum. Rts. J.* 45 (2022)

This integrated strategy is seen as the ultimate way to change things systemically, forcing brands to either move more slowly in production or invest seriously in the surrounding communities of workers.

### Conclusion

The exemplary case of the fast fashion industry is the paradox of globalisation, where convenience and affordability to specific consumers are predetermined by exploitation and invisibility of the other million. This paper has shown that the asymmetrical power relations existing between the Global North and Global South have supported the existence of the fast fashion, thus, allowing multinational corporations to accumulate profit at the expense of shifting the social and environmental costs of production. The output is a most unfair system wherein cheap clothes are financed off low wages, unsafe working conditions, and environmental harm.<sup>18</sup>

The *Tiruppur dyeing* litigation and the *Rana Plaza* collapse in 2013 are examples of incidents that demonstrate the failure in the framework of governance.<sup>19</sup> Although voluntary mechanisms such as the United Nations Guiding Principles on Business and Human Rights (UNGPs)<sup>20</sup> and other country-specific policies on corporate social responsibility (CSR) can exist, accountability is mostly aspirational. Corporations can pass on the responsibility through fragmented supply chains because there is no binding legal obligation. As a result, the law is out of touch with the activity of the market, and justice is not accessible to the subjects of the most direct impact.

The crisis of fast fashion is, therefore, not confined to the realms of the economy or the environmental sphere, but it is a crisis of governance and morality. The division in the trade, human rights and environmental law allows exploitation to continue internationally. This is the governance gap the modern legal systems have to tackle to close, that is, to ensure enforceable obligations of care, transparency, and restitution are enshrined in the supply chain as a whole. In this regard, justice should include the redistribution of the benefits as well as the restoration of dignity and rights to employees and society.

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<sup>18</sup> Arie M. Kacowicz, *Globalization, Poverty, and the North–South Divide* (Cambridge Univ. Press 2007)

<sup>19</sup> *Vellore Citizens Welfare Forum v. Union of India*, A.I.R. 1996 S.C. 2715 (India); Human Rights Watch, *Whoever Raises Their Head Suffers the Most: Workers' Rights in Bangladesh's Garment Factories* (2015)

<sup>20</sup> U.N. Hum. Rts. Off. High Comm'r, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (2011)

## **Recommendations**

The fast fashion industry must be changed to a fair and sustainable one using a multi-level reform strategy.

### ***Accountability on an International Binding Level***

An international business and human rights treaty should be embraced to transform soft-law systems into legally binding. Human rights and environmental due diligence should become a mandatory practise and be harmonised across the globe, like the European Union Corporate Sustainability Due Diligence Directive (CSDDD). A cross-border remedy would allow the enforcement of basic labour standards across borders in cases when one country fails to do so, through an International Garment Workers Tribunal of the International Labour Organisation (ILO).<sup>21</sup>

### ***National Level -Enhanced Domestic Enforcement***

Legislative due diligence and liability regimes inspired by the *French Duty of Vigilance Law* (2017)<sup>22</sup> should be enacted in the producing countries like India and Bangladesh. Environmental and labour control should be brought together to solve the dual evil of exploitation and pollution. The constitutional rights, to which the courts should give meaning, like the right to life in Article 21 of the Indian Constitution, ought to encompass the right to safe and humane working conditions.<sup>23</sup>

### ***Corporate Governance -Reevaluating Accountability***

The brands should cease to rely on symbolic CSR and embrace *Worker-Driven Social Responsibility* (WSR)<sup>24</sup> systems that allow the unions and community watchdogs to ensure adherence to them. The purchasing agreements ought to include the payment of living wages and gender-equity promises. The laws on *Extended Producer Responsibility* (EPR) are required to make the brands responsible for post-consumer wastes to address the rising problem of waste colonialism.<sup>25</sup>

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<sup>21</sup> Int'l Lab. Org. [ILO], *Decent Work Agenda* (2019)

<sup>22</sup> Loi 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre [Law No. 2017-399 of Mar. 27, 2017, on the Duty of Vigilance of Parent and Ordering Companies] (Fr.)

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### ***Consumer and Civil Society Role- Ethical Demand***

Social pressure creation in favour of sustainable production is impossible without consumer awareness and advocacy. Demand towards accountability can be supported through campaigns that promote slow fashion that will lead to purchasing behaviour being consistent with environmental and ethical values.

### **Closing Reflection**

Jurisdiction in the fast fashion supply chain is, ultimately, a moral endeavour, as it is a legal one. Sustainability that lacks equity is just a mere sham and profit without accountability is mere exploitation. In order to go beyond the labeling, the global community needs to re-brand fashion as not a disposable consumption model but rather a communal ecosystem of dignity, rights and accountability; where every single sewing thread holds justice.

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