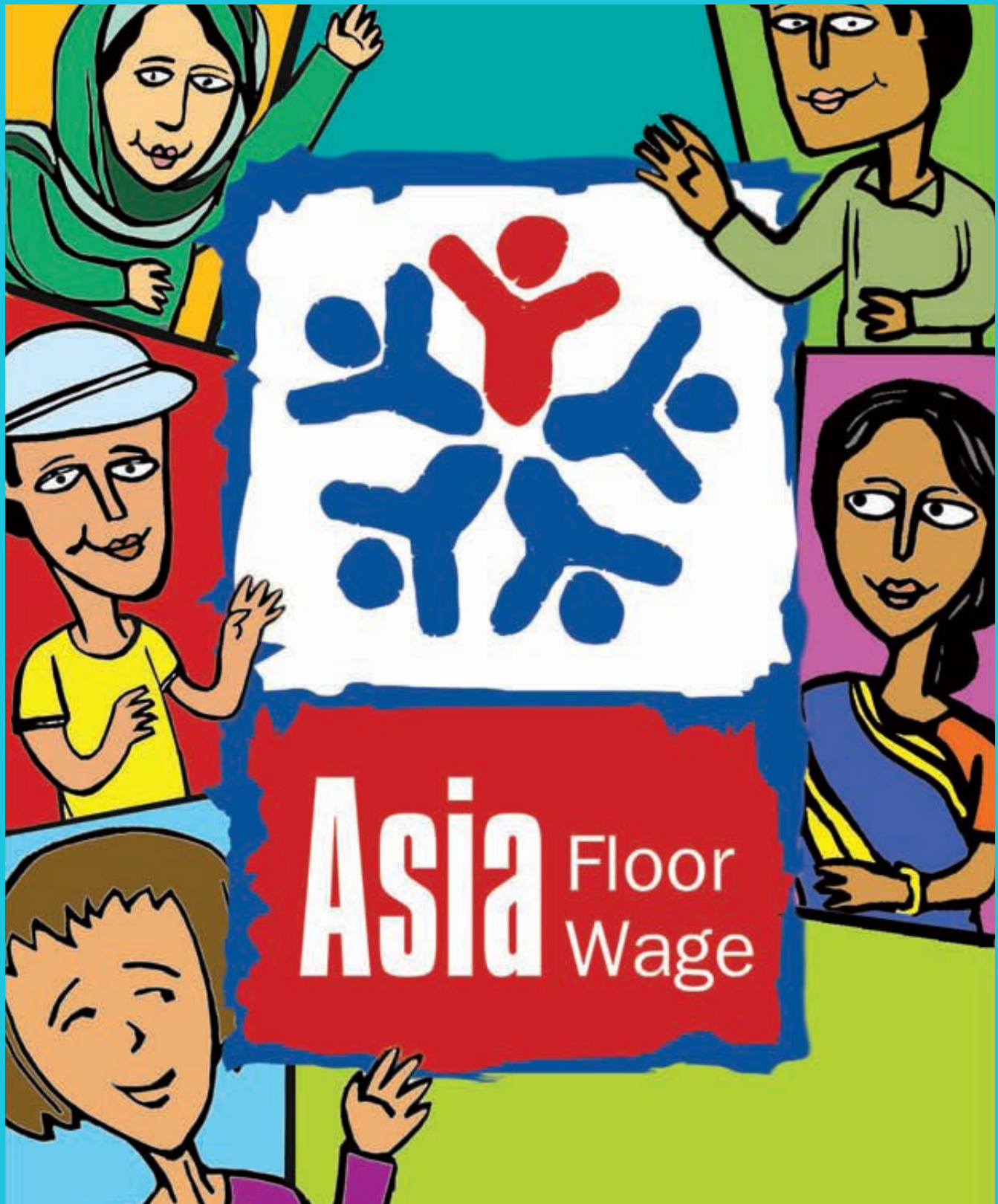


AFWA WAGE THEFT IN THE FASHION INDUSTRY



PREPARED BY

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AWFA OVERVIEW

Founded in 2006, the AWFA includes more than 76 organizations, including garment industry trade unions, NGOs, consumer groups, and research groups from over 17 countries across Asia, Europe, and North America.

The AWFA is an inter-state labour alliance, working to demand living wages for garment workers by addressing poverty level wages, gender discrimination, and freedom of association in global garment production networks. AWFA works primarily in India, Pakistan, Bangladesh, Indonesia, Sri-Lanka, Cambodia.

This organization's intention for our proposed collaborative project was to utilize our perspective, backed by an arsenal of consolidated concrete research and evidence, to strengthen the strategies and demands of Asian trade union efforts aimed at advancing worker's rights and ultimately enabling systemic change for a just future of work in global supply chains.



PROBLEM/PURPOSE

The AWFA is taking legal action against global clothing brands, arguing for these retailers to be legally considered joint employers—alongside suppliers—in order to ensure that they are held accountable for wage violations during the pandemic.

Over the past few weeks, our team has developed a comprehensive definition of the term "wage theft," as well as highlighted its application in the context of the global garment supply chain and the Covid-19 crisis. By exploring the concept of wage theft from a multitude of perspectives, extrapolating the key learnings from case studies, and assessing the impact of the Covid-19 crisis in both the Global North & Global South, we have been able to make a valuable comparison between the presence of wage theft in more developed countries to the rampant wage theft being experienced by garment workers in the Global South. Our hope is that the takeaways from this comparison will provide the AWFA with insight regarding the strategies used to combat wage theft in the Global North, which may be modified to strengthen their current approach towards government regulation of the global garment labor landscape.

The purpose of this report is to relay the findings of our research in a manner that is readily digestible by the general population, as community engagement increases issue visibility and ultimately plays a crucial role in influencing principal stakeholders to push for policy change.

OUR PROJECT GOALS

DEVELOP THE CONCEPT OF WAGE THEFT

Produce a comprehensive definition of wage theft to enhance union advocacy and bargaining

ANALYZE RELEVANT GLOBAL CASE STUDIES

Link the practices of these global corporations to the persistent wage theft experienced by workers employed in their garment supply chains in Asia

ASSESS STRUGGLES OF US LABOR MOVEMENT

Document key demands formulated by minimum wage struggles in the US and the organizing, campaigning and bargaining strategies that were adopted to do so

CREATE A USEFUL TOOL TO SPREAD AWARENESS OF WAGE THEFT IN THE GARMENT INDUSTRY

Community engagement is crucial in such a large and important movement

"With or without Covid-19, our minimum wage is already too low. Our 2021 wage is reduced, because there is no more sectoral minimum wage."

Worker producing for Nike in Indonesia

BreakingPoint_report_final.pdf

"The clothes you wear are expensive, but the wage we get is low. When we make mistakes or when we are unable to complete it on time or meet the production targets, we get scolded."

Worker producing for H&M in Cambodia

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WAGE THEFT DEFINED

Wage theft can be defined as an employer's failure to pay their employee(s) their rightfully earned wages in full. Per the Economic Policy Institute, wage theft can take the following forms:

- **Minimum wage violations:** Paying workers less than the legal minimum wage
- **Overtime violations:** Failing to pay nonexempt employees time and a half for hours worked in excess of 40 hours per week
- **Off-the-clock violations:** Asking employees to work off the clock before or after their shifts
- **Meal break violations:** Denying workers their legal meal breaks
- **Illegal deductions:** Taking illegal deductions from wages
- **Tipped minimum wage violations:** Confiscating tips from workers, or failing to pay tipped workers the difference between their tips and the legal minimum wage
- **Employee misclassification violations:** Misclassifying employees as independent contractors to pay a wage lower than the legal minimum or to avoid paying overtime

This phenomenon has a major impact on individual workers, their families, and their communities. Low wage workers are disproportionately affected, which means women, people of color, and immigrant workers—those who are more likely than other workers to hold low wage jobs—bear a large share of the burden.



Many cases of wage theft are often overlooked, as wage theft may manifest in seemingly inconspicuous amounts of time. For instance, if a full-time, minimum wage worker earning a minimum wage of \$7.25/hr was to work just 15 minutes off the clock before and after their shift, this would ultimately yield a loss of approximately \$1,400/year for the worker, including the overtime premiums they should have been paid (Mangundayao, I., et al.). For many low-wage workers, this is potentially the difference between being able to afford essential utilities, groceries, rent, or other necessities.

IMPLICATIONS OF WAGE THEFT DURING THE PANDEMIC

WAGE THEFT OF GARMENT WORKERS IN THE GLOBAL SOUTH

With the falling sales and store closures that occurred as a result of the pandemic, many factories in the Global South were forced to close due to an unsustainable number of order cancellations and the overall demand for lower prices from retailers, which caused workers to be dismissed in masses. Within the first thirteen months of the coronavirus pandemic, it is estimated that garment workers globally lost 11.85 billion dollars in income (Pay Your Workers).

Although the majority of brands in the garment industry, and subsequently their suppliers, formally commit to basic labor laws—including laws that ensure unemployment protections like worker severance—the lack of regulation allows them to utilize purchasing practices that put the implementation of these laws in jeopardy. The downward price pressure exerted on suppliers by brands incentivizes suppliers to minimize labor costs, which they are only able to do by neglecting perceptibly extraneous costs of labor like saving for future severance liabilities. As the brands are the supplier's financial beneficiaries, such savings are necessary to ensure factory owners meet their obligations and maintain a profit margin.

Therefore, decreasing the prevalence of labor rights abuse in the global apparel industry is contingent on the implementation of regulation that will effectively enforce brands to pay suppliers enough to make a profit and still be able to adequately provide for their workers in the case economic relief becomes necessary.

To limit production costs as much as possible, over the past couple decades many fashion brands have shifted their production to countries with lower wages; the majority of garment workers live paycheck to paycheck, on a “bare subsistence income” that represents only a small fraction of a living wage (Fired then Robbed). When the pandemic hit and these workers were laid off, their lack of savings and theft of severance left families deprived of basic necessities and led to homes being lost, malnourishment, disruption of education, and a large accumulation of debt that is sure to have negative generational impacts on their communities. According to research being done by the Worker Rights Consortium, there is evidence that 31 export garment factories failed to pay their workers the severance they legally earned. Although some workers received partial payment, others received nothing, yielding a loss of \$39.8 million from 37,637 individuals within these 31 facilities alone. On average, this corresponds to approximately 5 months rent in wages per garment worker (more than \$1000/person) (Fired then Robbed). Brands that contract from these factories include Adidas, Amazon, Nike, and Target.

IN THE CONTEXT OF THE GLOBAL LABOR MIGRATION LANDSCAPE

Large brands, at the top of the global supply chain, profit off of the cheap production of goods afforded to them by the wage theft business model. The lack of overarching jurisdiction over the global labor landscape that allows for firms to take advantage of workers is a major barrier impeding migrant workers from being able to seek justice and reclaim their wages. Migrant workers, like most low-wage workers, are unlikely to file a claim, as they fear it will result in employer retaliation. It can also be very difficult, or even impossible, for them to file a claim without explicit evidence and/or in the case that the worker has already returned to their home country. In the chance that the worker is able to obtain a successful ruling, there is a high probability that they will never receive their wages due to the minimal consequences noncompliance has on employers.

The Covid-19 pandemic amplified the inability of migrant workers to access wage justice, exposing key policy gaps and institutional inadequacy. As businesses were burdened with unforeseen financial pressures, millions of migrant workers (especially those on temporary contracts and those who are undocumented) were repatriated—sent back to their country of origin—without being paid their earned wages. Alternatively, “many became stranded in countries where they typically remain excluded from accessing social protection provisions (International Labor Organization [ILO], 2020d) and thus forced to accept poorer terms and conditions of employment (including reduced salaries), while others faced termination of their work permit and possible deportation” (Mangundayao, I., et al.).



GARMENT WORKER PROFILES



Sangeetha

**Indian Garment worker,
member of Tamil Nadu
Textiles & Common Labour
Union, India**

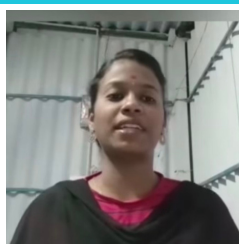
Women who are being celebrated today have no rights. We are unable to speak out about the problems we face, including at the workplace. We, women, are forced to return home by 6:00 pm in the evening. Using the excuse of safety, we are not allowed to go out anywhere. Truly celebrating us requires that we, women, are given freedom and are ensured safety wherever we go. We just want safety and dignity.



Erni Nurlaela

27 year old Indonesian garment worker, Chair of factory-level union, FSB GARTEKS in PT. Busana Indah Global (BIG)

I was terminated by the company on November 31, 2021 when I was 7 months pregnant. I was not granted maternity leave, even though I worked for this garment factory for three years. I wish for pregnant garment workers to be granted maternity leave, rather than being laid off, without any benefits- especially during a global pandemic."



Kalpana

**Indian Garment worker,
member of Tamil Nadu
Textiles & Common Labour
Union, India**

Although the law says that workers must not work beyond 8 hours... Almost all employers make workers work beyond 8 hours. The employers do not care if we women worked more or what work we did— they still pay men more than women. How is this fair? Also there are issues of safety that need to be immediately handled. We need certain basic facilities in the workplace. A safe place to rest for women workers and the availability of sanitary pads... For any higher position, only men are considered. Women are not given equal opportunities in senior roles and are treated like second class citizens. People talk about women empowerment- but it remains as words not actions. Women are always in second place.



Rika Anggraeni

**Indonesian Garment worker at
PT. Master Wovenindo Label,
member of Serikat Pekerja
Nasional, Indonesia**

I have worked for almost 18 years and 9 months in this industry. My husband and I were laid off by the factory during COVID-19. Until now, we are both unable to find other full-time jobs. We are surviving on a meagre income that my husband earns by working part time... As a middle-aged woman, it is extremely difficult for me to find another job. I request the employers to please pay our laid off wages, in accordance with the existing legal provisions. Please stop mistreating us.



Nandhini

**Indian garment worker,
member of Tamil Nadu
Textiles & Common Labour
Union, India**

I am a garment worker. Women are not respected. At home, we are treated like slaves. Even at the workplace it's the same. Whether we are educated, or not educated- we are still treated with no respect and dignity. I demand that all women be treated with dignity and respect. Whether we are educated or not we have the right to be treated with the same respect and dignity as a man.






Jeeva M

**Dalit garment worker, General
Secretary, member of Tamil
Nadu Textiles & Common
Labour Union, India**




"We [workers] had to forgo our sleep, our need to eat, our need to use a toilet - just so that brands can have their clothes stitched and ironed, on extremely short timespans, which they unilaterally decide. Yet, after giving our bodies and our entire lives to this industry we were left to starve during a global pandemic - by the very brands that made profit after profit, day after day, month after month, for decades, using our labor."

CASE STUDIES




VIOLET APPAREL

	FACTORY COUNTRY • Cambodia	WORKERS AFFECTED 1,284
	BUYERS • Nike, Matalan, Carter's Inc	AMOUNT OWED AT TIME OF DISMISSAL 2,307,936
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure July 2020	MIN WAGE ESTIMATES US \$192/MONTH LIVING WAGE ESTIMATES US \$588/MONTH




BRILLIANT ALLIANCE THAI GLOBAL

	FACTORY COUNTRY • Thailand	WORKERS AFFECTED 80,000
	BUYERS • Lane Bryant, Victoria's Secret	AMOUNT OWED AT TIME OF DISMISSAL 7,810,000
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure March 2021	MIN WAGE ESTIMATES US \$227/MONTH LIVING WAGE ESTIMATES US \$388/MONTH




HULU GARMENT

	FACTORY COUNTRY • Cambodia	WORKERS AFFECTED 1,000
	BUYERS • Adidas, Amazon, LT Apparel Group, Macy's, Walmart	AMOUNT OWED AT TIME OF DISMISSAL 4,160,000
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure April 2020	MIN WAGE ESTIMATES US \$192/MONTH LIVING WAGE ESTIMATES US \$588/MONTH




SHAHI EXPORTS (47 FACTORIES)

	FACTORY COUNTRY • Karnataka, India	WORKERS AFFECTED 1,284
	BUYERS • Abercrombie & Fitch, Benetton, C&A, Carhartt, Columbia Sportswear, Gap, George (Asda), H&M, Inditex, Kmart Australia, Kontoor Brands, Levi's, Marks & Spencer, Nike, Primark, PVH, Target, Tesco, Uniglo, VF, Walmart	AMOUNT OWED AT TIME OF DISMISSAL 6,400,000
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure July 2020	MIN WAGE ESTIMATES US \$72/MONTH LIVING WAGE ESTIMATES US \$198/MONTH




PT VICTORY CHINGLUH

	FACTORY COUNTRY • Indonesia	WORKERS AFFECTED 5,549
	BUYERS • Adidas, Nike	AMOUNT OWED AT TIME OF DISMISSAL 4,670,000
	DATE OF FACTORY CLOSURE OR DISMISSAL • Dismissal April-May 2020	MIN WAGE ESTIMATES US \$180/MONTH LIVING WAGE ESTIMATES US \$412/MONTH

A-ONE BD LTD.

	FACTORY COUNTRY • Bangladesh	WORKERS AFFECTED 1,400
	BUYERS • Benetton, Next	AMOUNT OWED AT TIME OF DISMISSAL 585,200
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure March 2020	MIN WAGE ESTIMATES US \$94/MONTH LIVING WAGE ESTIMATES US \$443/MONTH

SANGWOO

	FACTORY COUNTRY • Cambodia	WORKERS AFFECTED 2,800
	BUYERS • Gap	AMOUNT OWED AT TIME OF DISMISSAL 6,400,000
	DATE OF FACTORY CLOSURE OR DISMISSAL • Closure July 2020	MIN WAGE ESTIMATES US \$192/MONTH LIVING WAGE ESTIMATES US \$588/MONTH

93,421 WORKERS AFFECTED
ACROSS **5 COUNTRIES**
\$35,933,136
WORTH OF WAGE THEFT

CASE STUDIES

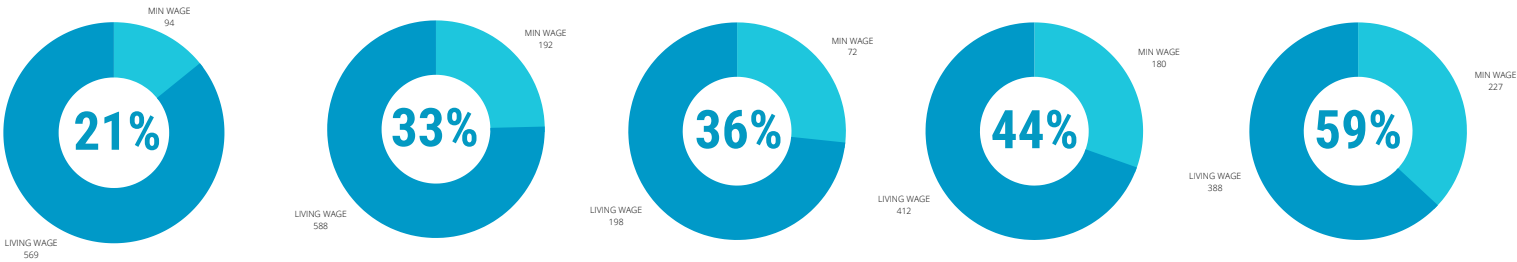
	VIOLET APPAREL	HULU GARMENT	SANGWOO	PT VICTORY CHINGLUH	BRILLIANT ALLIANCE THAI GLOBAL	A-ONE BD LTD.	SHAHI EXPORTS (47 FACTORIES)
COUNTRY	Cambodia	Cambodia	Cambodia	Indonesia	Thailand	Bangladesh	Karnataka, India
BUYERS	• Nike, Matalan, Carter's Inc	• Adidas, Amazon, LT Apparel Group, Macy's, Walmart	• Gap	• Adidas, Nike	• Lane Bryant, Victoria's Secret	• Benetton, Next	• Abercrombie & Fitch, Benetton, C&A, Carhartt, Columbia Sportswear, Gap, George (Adia), H&M, Inditex, Kmart Australia, Kontoor Brands, Levi's, Marks & Spencer, Nike, Primark, PVH, Target, Tesco, Uniqlo, VF, Walmart
DATE OF CLOSURE OR DISMISSAL	• Closure July 2020	• Closure April 2020	• Closure July 2020	• Dismissal April-May 2020	• Closure March 2021	• Closure March 2020	• Closure July 2020
BRANDS COMMITTED TO PAYBACK WAGES	✓	✓	✓	✓	✗	✗	✓
WORKERS AFFECTED	1,284	1,000	2,800	5,549	1,388	1,400	80,000
AMOUNT OWED AT TIME OF DISMISSAL	2,307,936	4,160,000	6,400,000	4,670,000	7,810,000	585,200	10,000,000
MIN WAGE ESTIMATES	US \$192/MONTH	US \$192/MONTH	US \$192/MONTH	US \$180/MONTH	US \$227/MONTH	US \$94/MONTH	US \$72/MONTH
LIVING WAGE ESTIMATES	US \$588/MONTH	US \$588/MONTH	US \$588/MONTH	US \$412/MONTH	US \$388/MONTH	US \$443/MONTH	US \$198/MONTH

MINIMUM WAGE

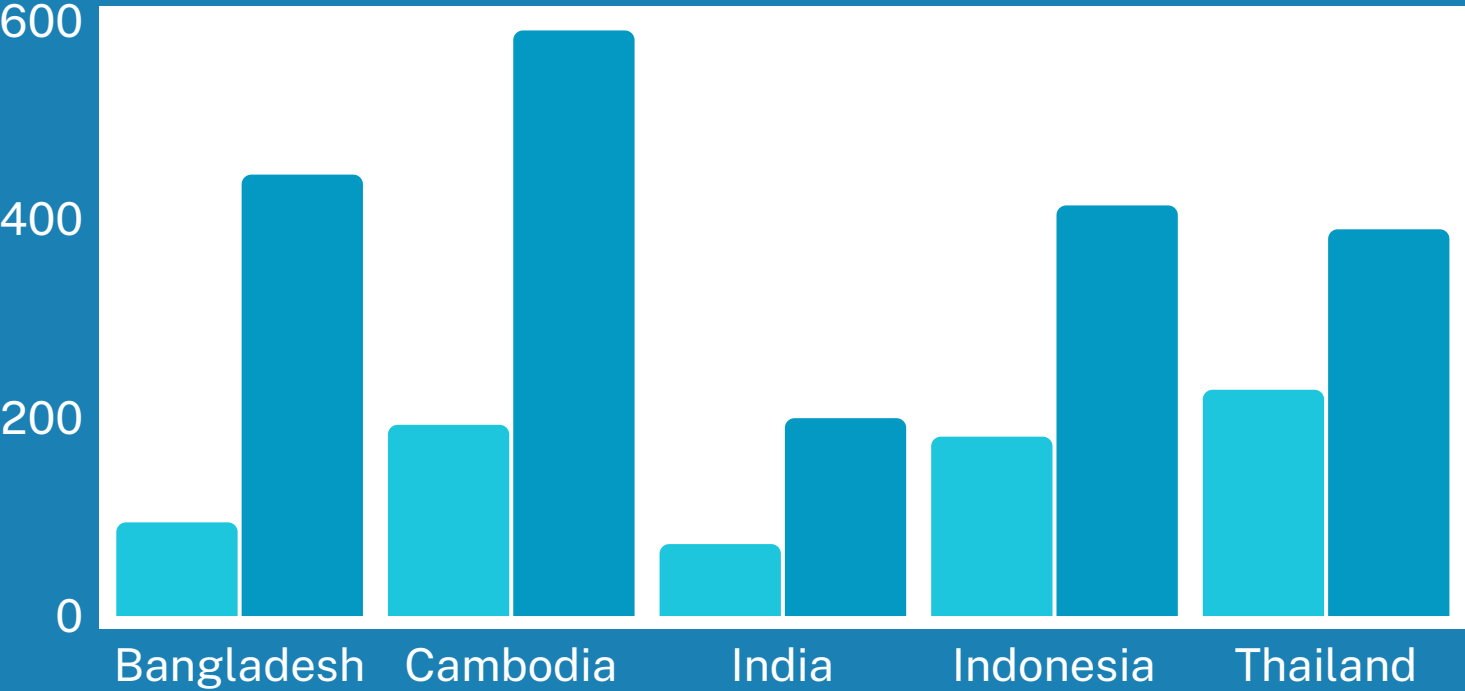
VS

LIVING WAGE

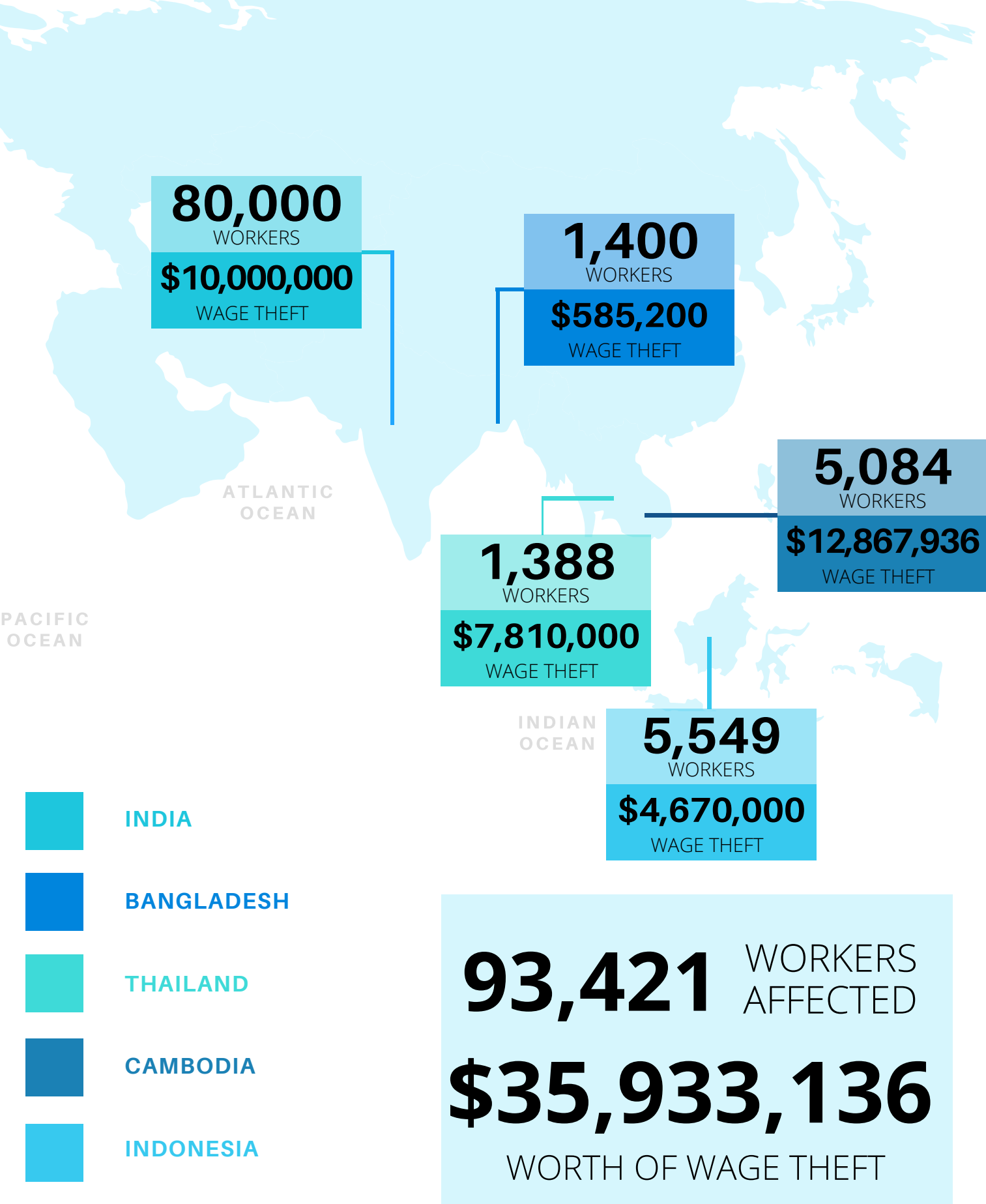
Bangladesh Cambodia India Indonesia Thailand



MINIMUM WAGE LIVING WAGE



WAGE THEFT BY COUNTRY



WHAT IS THE US DOING TO TARGET WAGE THEFT?

The covid-19 pandemic exacerbated the already extreme inequalities evident within the US economy, with “the number of individuals with household weekly earnings below the poverty line [rising] to 65.1 million, a 28% increase from February to June 2020,” while “CEO pay rose by nearly 19% in 2020”(Mangundayao, I., et al.). The rise in poverty and pay inequality is compounded by wage theft, shifting the employers’ cost of labor to the taxpayers and ultimately having a negative impact on the community and the economy.

On a high level, US solutions to wage theft consist of increasing funding for enforcement agencies, developing better enforcement strategies, implementing significant civil monetary penalties (CMPs) to deter violations, and introducing labor law reform.



Examples of California Law Reform

SB 62 Act: The Garment Worker Protection Act

Signed into Law by Governor Newsom, The Garment Worker Protection Act makes California the first state to require hourly wages for garment workers. This bill serves to promote brand-accountability, prohibits piece-work (a practice allowing for manufacturers to pay their workers per garment-resulting in salaries lower than \$6/hr), and penalizes both brands and their suppliers for instances of wage theft (Solá-Santiago).

Assembly Bill 1003

Effective January 1, 2022, Assemblywoman Lorena Gonzalez’s bill establishes that the intentional theft of wages or tips by employers of an amount greater than \$950 for one employee, or \$2,350 for two or more employees, is punishable as grand theft (Ingram).

RACE TO THE BOTTOM IN THE GARMENT INDUSTRY

A simplified version of why the US firms decided to engage in the wage theft

Tenser competition

Cost-cutting strategies

To increase the profits they address the cost side by keep on cutting the costs, primarily at the expense of paying sufficiently to the suppliers, who in return barely does not have much to pay the workers

**Weak management practices/
lack of robust managerial skills**

Therefore, the current wage theft is a consequences of the lack of practises like Lean or Agile or even what’s so-called Leagile (combination of both Lean and Agile)



Rising consumer demand

Reducing profits

Alternative management strategies

instead of reducing the costs associated with inefficient production or addressing the other component of the profit equation, sales, the management boards of the US firms opted for the easiest cost-cutting method.

Outcome: increased risk of wage theft or another unjust labour practise

Because the management board did not manage to execute alternative, robust strategies, they decided to engage in the easiest, most unfair practise

GOVERNMENT INTERVENTION ON A GLOBAL SCALE

Given that there is no one overarching entity with the power to regulate business on a global scale, the responsibility to regulate supply chains and eliminate worker exploitation falls on the governments of the countries in which operations are taking place.

Governments around the world must acknowledge that wage theft is systemic and accept their role in implementing regulation, particularly in regards to holding lead firms in supply chains accountable for the wage theft occurring lower down in the supply chain. Joint liability for wage nonpayment between firms and their suppliers will ensure that businesses are not able to turn a blind eye to the labor violations of their contractors, as it gives them no choice but to take on the burden of production oversight.

The improvement of the adjudication process for wage claims must also become a priority for governments, as it is currently inaccessible to many workers and wholly ineffective in enforcing payment by firms. Investing in the development of technological systems to identify and relay evidence of wage theft—requiring employers to electronically track worker hours, provide workers with pay stubs, and then relay this information to the government—could also be a strong step in streamlining the adjudication process. Furthermore, to ensure compliance of firms, governments must impose substantial penalties to businesses that ignore judgements on wages. This could include temporary license revocation, establishing a rapid accrual of noncompliance penalties, prohibiting the transportation of goods across internal and international borders, and/or giving workers access to commercial assets to fulfill wage claims until wages are paid (Berg & Farbenblum).

MOVING FORWARD

Summing up our team's work, here is our vision AFWA to help the garment industry workers secure both to prevent the wage theft in the first place and strive for a more adequate payment.

Profesional Brand shaming



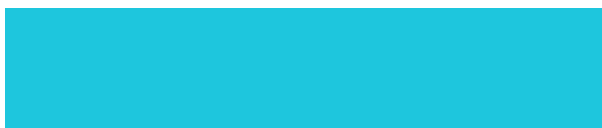
Given our work, we believe in calling out fashion brands on the playing field that might be sensitive to them: **professional working prestige**. By running campaigns that depict the and contrasting to successful competitors, we hope to address the brands in the language which matters to them. Thus, pressuring them and the associated suppliers within the professional business landscape might be the way to move. An example can be spreading the messages of how inefficient their supply chains are, showing their lack of data-driven decisions and how they lose profits and market share,

Offer brands the joint vissions to earn



Similar to the previous suggestion, another messaging strategy key is to articulate the clear financial gains which brands and/or suppliers can achieve by stopping the wage theft / investing in the living wages. As a recent study shown, looking holistically at the business operations, for brands it is worth investing in better payment and human development schemes of the factory workers to capture higher profits.

Developing partnerships



AFWA is not the only player addressing the current labor injustices. there are few other organizations that could help address the complex system.

1) The Clean Clothes Campaign which is a worker-orientated research and advocation organization that helps with its resources to a few hundred organizations.

2) Global Living Wage Coalition (GLWC) can be the right partner for AFWA to work in the future on the campaigns for living wages. We have briefly touched upon the importance of the living wage and AFWA has also expressed an interest to develop in this area. GLWC uses Anker's methodology to calculate the living wage, which was successfully used by Patagonia's board.

Moving Forward: *Can the AFWA modify strategies of the Global North to target wage theft against garment workers in the Global South?*



Due to the lack of an overarching conglomerate and regulation of the labor market on a global scale, many of the techniques utilized in the global north to decrease wage theft are not easy to bring to the Global South and garment industry as a whole. However, it may be valuable for the AFWA to advocate for the creation of a global severance fund to provide workers with a safety net in the case that their factory is unable to provide severance. Additionally, by developing strong partnerships with other organizations interested in improving global labor conditions, the AFWA will gain increased visibility for the issues they are working to solve.

Advocate for the Creation of a Global Severance Fund

Many labor unions and advocacy groups on a global scale are advocating for a Global Severance Guarantee Fund, financed by mandatory payments from signatory brands and retailers (Fired then Robbed). In the case that a factory supplying a signatory company fails to pay severance, the fund will be able to quickly come to the rescue of workers.

Developing Partnerships

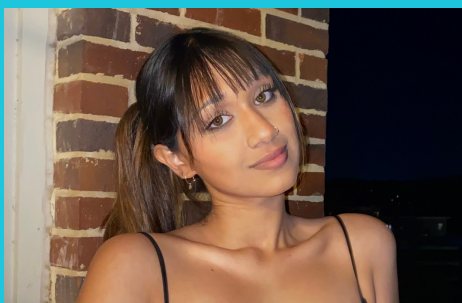
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ACKNOWLEDGEMENTS



Alexis Mullard



Zenia Lakhani



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Julie Kuenneke Julie Kuenneke is a freelance writer and content creator with a passion for thrifting the latest trends and discovering the holy grail items buried beneath the rubbish. She's slightly addicted to coffee and alway, et al. "How Much Do Garment Workers Make? Why Brands Need to Do Better." Remake, 9 Aug. 2021, remake.world/stories/news/how-much-do-garment-workers-make-why-brands-need-to-do-better/.

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