

The Impact of Fast Fashion and International Law on Workers and the Environment



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Abstract

Fast fashion culture is creating an unsustainable practice of churning out new styles every other week. This industry creates unsafe workplaces, a decline in domestic manufacturing, and a decline in quality. Cheap fashion comes at a cost to workers; they are underpaid, overworked, and put in unsafe conditions. There are currently no federal United States laws that regulate offshore outsourcing. Lowering labor standards can encourage low wages, low skills, and high employee turnover; these things will all prevent a country from developing high skilled employment in the long run. Fast Fashion uses an open loop production cycle that actively pollutes water and land. The relationship between the fast fashion industry and international law is actively harming workers and the environment. Retailers can move towards sustainable fashion by agreeing to pay workers a livable wage, enforcing safety standards in factories, slowing down production, switching to more sustainable fabrics, and advocating for international laws and regulations to be put in place.

I. Introduction to Fast Fashion

Fast fashion has become commonplace around the world and especially in the United States. In recent years, globalization and technology transformed the fashion industry. Customers now expect cheap and fashionable clothing to be available every other week because clothing has a short life-cycle. Clothing should be affordable, but at what cost to others? Fast fashion culture is creating an unsustainable practice of churning out new styles every other week. This industry creates unsafe workplaces, a decline in domestic manufacturing, and a decline in quality. Cheap fashion comes at a cost to workers; they are underpaid, overworked, and put in unsafe conditions. Many people, including children, are being exploited by the fashion industry overseas. Many of the international laws put in place to protect business brought harm to these workers. Although outsourcing proved beneficial to many countries by allowing developed countries to manufacture their products cheaper and bringing work to developing countries, it harmed many innocent workers. United States' laws do not regulate offshore outsourcing in any way, but this business practice is highly protected by the North American Free Trade Agreement and other international treaties.

Fast fashion is not a sustainable practice for any country. Despite its allure, more regulations and laws are necessary to combat this trend. The fashion industry can afford to pay workers a livable wage and this needs to be a requirement under any offshore outsourcing agreement. Yes, these factories or "sweatshops" in developing countries have helped the countries develop and created jobs, but these workers deserve the same rights that are expected in every developed nation, including more regulations and laws. As global citizens, we must explore if the relationship between international law and the fast fashion industry is actively

harming workers and the environment or if this relationship is working to fix this broken industry.

II. Workers' Rights and Working Conditions

The fast fashion industry actively exploits workers in developing countries. Low wages, dangerous conditions, and long hours are staples of the textile industry, especially overseas. Large companies in developed countries outsource their production to smaller developing countries to take advantage of cheap labor and lack of regulations. According to Sherman (2016), 97% of all clothes sold in the United States are imported from offshore manufacturing centers.

The Clean Clothes Campaign (2020) reports that 93% of brands are not paying workers a living wage. The minimum wage in the fast fashion industry is known to be from half to a fifth of a living wage. In Cambodia, India, and Bangladesh workers are paid less than one U.S. dollar an hour. These low wages require workers to work overtime to survive. This results in laborers working 14-16-hour days, seven days a week, many of them children. The International Labor Organization estimates that 170 million children are engaged in child labor around the world. The United Nations defines child labor as, "work for which the child is either too young- work done below the required minimum age- or work which, because of its detrimental nature or conditions, is altogether considered unacceptable for children and is prohibited." Many countries have laws making child labor illegal, but governments may ignore these rules and regulations in developing nations, because most families have few other options for survival. These emerging markets are exploited the most by the fast fashion industry, because there are not many other options for unskilled work, besides the textile factories.

Dangerous conditions have resulted in deaths throughout history in clothing factories. History remembers the Triangle Shirtwaist Factory fire because it resulted in many laws and

regulations aimed at the protection of workers. After this incident, fire-prevention and factory inspection laws were created to make working conditions safer and the International Ladies' Garment Workers' Union was founded to protect workers. These were the results of just one fire that tragically killed 140 people in the United States. In contrast, in 2013, 1,134 people died in the collapse of a garment factory in Bangladesh. Since that time, no regulations have been created to protect future workers, because smaller developing countries are ignored on the world scale. The Fashion Law (2021) reports that building inspections of 1,106 factories used by Western fashion brands were completed after this tragedy. These inspections found 80,000 safety-related problems; 20 of the factories in Bangladesh were found to be at a risk of collapsing and 110 were found to have large structural issues. Yet nothing was done to fix any of these safety problems; incidents similar to the one above will continue to happen around the world if nothing is done.

Western companies do not appear to care about the conditions or the people working in their factories abroad. Workers deserve to be better protected; livable wages, safe conditions, and fewer hours scheduled should be a staple for this industry. The only way for this to happen is to enhance international laws regarding offshore outsourcing in the fashion industry.

III. Offshore Outsourcing

There are currently no federal United States laws that regulate offshore outsourcing, because business contracts are regulated by the state. Lowrie (2017) states that Morrison Foerster, a global law firm, reports that state and federal lawmakers continue to propose policies to regulate offshore and domestic outsourcing, even though most of these bills die at the committee level and never become legislation. California was able to pass an act that gives

contract preference to companies that continue to operate in the United States. These international business contracts have the ability to choose which country's law applies and in what court and manner any disputes will be heard in. This means that companies can choose legal systems that are more lenient or have less regulation to govern their contracts. Steinberg (2018) reports that no permits, licenses, or approvals are required for a company to outsource abroad. This makes it simple for companies to send their production abroad for cheaper labor, less product costs, and even tax breaks. The North American Free Trade Agreement had the negative side effect of making offshore outsourcing easier for American companies, but does not regulate the practice. The U.S. Labor Department reports a loss of more than 950,000 American jobs due to the outsourcing that was created by this agreement. The United States textile and apparel manufacturing industries continue to lose jobs to the lack of demand for U.S. made textiles. Lu (2018) reports that in 2017 the textile industry lost 4,100 jobs and the apparel manufacturing industry lost 10,100. This continues to be a downward trend and jobs in these industries are down by over 50% since 2008 due to offshore outsourcing in the fashion industry. The federal No Tax Breaks for Outsourcing Act was introduced in Congress in 2019. According to Doggett (2019) if passed, this bill "will eliminate deductions for a domestic corporation's foreign-derived intangible income and global intangible low-taxed income". This bill will make offshore outsourcing less desirable for many companies and will bring production back to the United States.

IV. Current International Laws

Internationally, only a few programs and laws specifically apply to outsourcing and the fashion industry. The Sustainable Clothing Action Plan aims to reduce wastefulness and limit international business deals to countries that have established strict labor regulations. This plan

has been signed by 80 different clothing manufacturers that want to make a difference in the industry. The United States does not currently have a free trade agreement with any of the countries that are best known to house fast fashion manufacturing facilities including China, Vietnam, and Bangladesh but the U.S. is beginning to create agreements with other developing countries. The Central America and Dominican Republic Free Trade agreement is strengthening worker's rights and working conditions, through enforcement of labor protections that these workers are entitled to under their countries' national laws. Some countries, like China, will reject trade deals and offers like these, because they contain enforceable labor standards. By insisting on labor standards and attempting to empower workers, developed countries have to pass on creating trade pacts that would be beneficial to their own producers and consumers.

Low income countries have a competitive advantage in manufacturing apparel and textile, so these trade deals are desired by large developed countries. Although the Declaration of Philadelphia (1944) recognized that the international community agreed that labor is not a commodity and cannot be negotiated for the highest profit or lowest price, this treaty has failed to fix the problem. More recently, the United Nations general assembly in September of 2015 released four pillars on labor: employment creation, social protection, rights at work, and social dialogue. At this time, they also developed the Sustainable Development Agenda 2030 that promotes inclusive and sustainable economic growth and full and productive employment and decent work for all. This is an initiative to improve working standards across the globe. International framework like explained above creates equality in the global economy and helps countries to avoid the temptation of lowering labor standards to gain a competitive advantage in international trade. Lowering labor standards can encourage low wages, low skills, and high

employee turnover; these things will all prevent a country from developing high skilled employment in the long run.

V. Environmental Impact

Fast fashion has had a massive negative impact on the environment. Textile production contributes more to climate change than international aviation and shipping combined. The reason for this is due to the fashion industry's production cycle that involves creating new styles biweekly. According to Amed (2021), from 2000 to 2014, clothing production doubled and consumers now buy 60% more articles of clothing every year. This has caused a higher rate of production and a significant amount of more waste going into landfills. The Clean Clothes Campaign (2020) reports that three out of five of the 100 billion fast fashion items made in 2018 will end up in a landfill within a year. Some brands are even burning their unsold stock; in 2018 luxury label Burberry destroyed products worth £28.6 million to keep these items out of the hands of thieves and resellers.

Fast Fashion uses an open loop production cycle that actively pollutes water and land. This means that the water used in production is not cleaned and reused, they simply dispose of the dirty water outside. The Clean Clothes Campaign (2020) also reports that the dyeing and treatment of garments makes up around 17-20% of all industrial water pollution. The textile sector is also known to make up for 10-20% of pesticide use through the growing of cotton. This has created a serious threat to the environment and agricultural workers. The UN Alliance for Sustainable Fashion (2019) reports that fast fashion is responsible for 8% of carbon emission as well. This is from irrigation, harvesting, and transporting the crops that are then made into fabric. These statistics all represent that fast fashion is having a negative impact on the environment, due to the sheer number of garments that are being produced every single day.

The effort that fashion companies put into sustainable production measures has been decreasing. The Boston Consulting Group (2019) reports that the 2019 Pulse Score, a number developed with the Sustainable Apparel Coalition, has shown that the fashion industry has improved its social and environmental performance since 2018, but at a slower rate than years past. They also state that despite improvement, the fashion industry is far from sustainable.

VI. What can be done

i. Workers' Rights

The laborers of the fast fashion industry deserve a safe work environment and adequate wages. This will not happen unless the fashion companies that are creating these offshore outsourcing agreements step in to make a change. These brands have the power to change the industry, they just have to choose to do so. It is a competitive market and factories will improve if companies choose to not use them due to the working conditions.

The International Labor Organization is the sole enforcer for labor standards and it has adopted 187 labor conventions and has since identified eight essential conventions or core standards on human rights:” 1) freedom of association and protection of the right to organize (1948), 2) right to organize and collective bargaining (1949), 3) forced labor (1930), 4) abolition of forced labor (1959), 5) minimum age (1973), 6) worst forms of child labor (1999), 7) equal remuneration (1951), 8) discrimination (1958).” (subheading 2) These conventions cover subjects that are identified by the ILO as being fundamental principles and rights at work. The majority of the 186-member countries have ratified all 8 conventions, but the United States and eight other member countries have only ratified two: abolishing forced labor and child labor. According to Greene (2007) as a member of the ILO, the United States, “is obliged to respect, promote, and realize the principles of the ILO declaration.”, but is only legally obligated to

follow the conventions that have been ratified. It is essential for the United States and other member countries to ratify all eight of these standards to better protect workers at home and abroad. Developing nations must be held to the same standards. All countries that wish to be given access to the world's market should be required to enforce labor rights and extend fundamental human rights. If the world's largest markets including the European Union and the United States required tough labor standards to enter their markets, then more workers around the world would be provided their basic human rights. Worldwide there has been slow progress toward human rights, because nations are choosing to keep their workers politically powerless and stuck in poverty.

ii. Laws and Regulations

The only way to significantly change the fast fashion industry is for laws to be put in place. To start, every country that is a member of the ILO should ratify the eight core conventions on labor. The three countries where fast fashion manufacturing mostly exists (China, Vietnam, and Bangladesh) are all member countries, but have not ratified all of these core conventions. Due to the ILO being unable to enforce labor standards that have not been ratified, these countries are not breaking any laws. Clearly the domestic laws of the developed countries where fashion companies are headquartered are not helping to regulate this industry either. Domestic laws should be put in place in every developed nation that restrict trade and offshore outsourcing with the countries that have not adopted or do not enforce the core labor standards. This will put pressure on the nations that refuse to enforce labor standards and give them an incentive to better protect their workers. The laws in these developing countries are lax and are, for the most part, ignored by factory owners and workers, but pressure and lack of resources from developed nations would pressure them into enforcing labor standards.

The industry will continue to grow and international regulations have to keep up to make it safe. International labor standards are created to ensure that the world remains focused on improving life and dignity of people. With good labor standards, companies will improve performance and reduce staff turnover, as well as reducing expensive accidents and costs on healthcare. Many opposers of labor standards believe that enforcing labor standards can have a protectionist impact, but the president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) John Sweeney (Burtless 2016), “denies that enforcing labor standards can have a protectionist impact. The ILO standards, he notes, are designed to protect the interests of workers in low-income as well as high-income countries. The WTO and United States strongly defend intellectual property (IP) rights and enforce trade penalties when developing countries violate those rights. Extending the same protections to workers’ rights, he reasons, cannot be protectionist.” (subheading 5) This shows that failing to enforce labor standards, not only has a negative impact on workers, but also gives countries an unfair trade advantage. It is difficult for developed countries to accuse smaller developing countries of exploiting their workers without harming these workers, but there will be no meaningful change if developed nations do not intervene.

iii. Environment

The first step in subduing the environmental impact of fast fashion, is for these companies to slow down production. It is not moving in a sustainable direction. This industry is expected to increase by 60% by the year 2030. This upward trend in production is not a positive trend and needs to be slowed, for the planet to survive. In order to offset the environmental impact of the fast fashion industry, brands must start using sustainable fabrics. These fabrics include: natural fibers like cotton, organic hemp, and organic linen or innovative fabrics like

Tencel (a light cellulose fabric made with wood pulp), Piñatex (made from pineapple leaf fiber), Econyl (made from recycled plastics), and Qmonos (synthetic spider silk). Another step in protecting the environment is to abolish the open loop production cycle. A closed loop production cycle would involve using material waste created during production to produce more products. In this industry, water used in production could be recycled and cleaned to reuse repeatedly; this would only add one additional step to the production cycle.

VII. Conclusion

Fast fashion benefits retailers and consumers but harms the environment and workers. The fast fashion trend must end, before it is too late. Acres of land have been destroyed and thousands of workers have been killed, yet there are few regulations and international laws to stop this destruction of life. The benefits of fast fashion do not outweigh the costs in any way. The relationship between the fast fashion industry and international law is actively harming workers and the environment. As evidenced by the incapability of the ILO to enforce the core labor standards, international law does little to fix this industry and protect workers, but there is still time to change this. Fast fashion companies must start working towards sustainable fashion at a quicker rate or face the devastating consequences. Retailers can move towards sustainable fashion by agreeing to pay workers a livable wage, enforcing safety standards in factories, slowing down production, switching to more sustainable fabrics, and advocating for international laws and regulations to be put in place. Together, these fashion retailers can change the industry for good by simply doing the right thing and forgoing some profits to make the industry as a whole more sustainable and ethical. It is necessary for the fashion industry to take initiative and make a change for themselves, because trade agreements and legislation move much slower.

Developed countries can help in this initiative by continuing to push for laws and regulations that protect workers, while still helping these smaller countries to develop economically. The concept of sustainable fashion is capable of replacing fast fashion, but international lawmakers and fast fashion companies must come together to make this happen.

References

- Amed, I. (2021, February 16). The state of fashion 2021: In search of promise in perilous times. Retrieved April 06, 2021, from <https://www.mckinsey.com/industries/retail/our-insights/state-of-fashion#>
- Boston Consulting Group. (2019). Pulse of the industry. Retrieved April 06, 2021, from <https://www.globalfashionagenda.com/publications-and-policy/pulse-of-the-industry/#:~:text=Pulse%20of%20the%20fashion%20industry%202018&text=The%20Pulse%20Score%20is%2038,it%20improved%20by%20six%20points.>
- Burtless, G. (2016, July 28). Workers' rights: Labor standards and global trade. Retrieved April 08, 2021, from <https://www.brookings.edu/articles/workers-rights-labor-standards-and-global-trade/>
- Clean Clothes Campaign. (2019, September 02). Fashion's Problems: Waste and pollution. Retrieved April 06, 2021, from <https://cleanclothes.org/fashions-problems/waste-and-pollution>
- Clean Clothes Campaign. (2020). FashionChecker: Wages and transparency in the garment industry. Retrieved April 06, 2021, from <https://fashionchecker.org/>
- Doggett, L. (2019, March 13). H.R.1711 - 116th Congress (2019-2020): No tax breaks for Outsourcing Act. Retrieved April 08, 2021, from <https://www.congress.gov/bill/116th-congress/house-bill/1711?q=%7B%22search%22%3A%5B%22h%2Bcon%2Bres%2B169%22%5D%7D>
- The Fashion Law. (2021, January 13). Fast fashion. Retrieved April 06, 2021, from <https://www.thefashionlaw.com/resource-center/fast-fashion/>
- Greene, A. (2007, April). Issue Analysis: U.S. Ratification of ILO Core Labor Standards. Retrieved April 12, 2021, from https://www.uscib.org/docs/US_Ratification_of_ILO_Core_Conventions.pdf
- International Labour Office. (2013). Making Progress Against Child Labour. Retrieved April 06, 2021, from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_221513.pdf
- International Labour Organization. (n.d.). Conventions and recommendations. Retrieved April 13, 2021, from <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>
- Lowrie, L. (2017, November 21). Laws on outsourcing companies. Retrieved April 08, 2021, from <https://smallbusiness.chron.com/laws-outsourcing-companies-75951.html>

- Lu, S. (2018, February 12). US continues to lose textile and apparel manufacturing jobs in 2017. Retrieved April 13, 2021, from <https://shenglufashion.com/2018/02/11/us-continues-to-lose-textile-and-apparel-manufacturing-jobs-in-2017/>
- Moulds, J. (n.d.). Child labour in the fashion supply chain. Retrieved April 08, 2021, from <https://labs.theguardian.com/unicef-child-labour/>
- Sherman, L. (2016, November 07). Unravelling the myth Of 'Made in America'. Retrieved April 08, 2021, from <https://www.businessoffashion.com/articles/news-analysis/the-myth-of-made-in-america-ttp-agreement>
- Steinberg, J., Benson, J., Cook, F., Ganz, J., Grundman, J., Khalaj, M., . . . Zeltser, V. (2018, December 03). Outsourcing in the USA. Retrieved April 08, 2021, from <https://www.lexology.com/library/detail.aspx?g=b64643cc-429d-4794-a7dc-a07a8720cebe>
- UN Alliance for Sustainable Fashion. (2019, March 14). UN alliance for sustainable Fashion Addresses damage of 'fast fashion'. Retrieved April 06, 2021, from <https://www.unep.org/news-and-stories/press-release/un-alliance-sustainable-fashion-addresses-damage-fast-fashion>