



Internationaal

Position paper by CNV Internationaal
on the garment sector



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Position Paper:

The garment- and textile industry

Introduction

The garment- and textile¹ industry has grown into a fast-paced sector with changing collections, low prices and complex supply chains spread out over different continents. Unfortunately, this growth has led to labour violations that deprive workers of a living wage and their freedom of association. Several factors contribute to the continuation of this situation. Moreover, imbalances in power, a general lack of transparency and union busting are causing difficulties for workers who want to stand up for their rights. Voluntary initiatives have not been able to fix this situation.

The global garment sector employs around 50 million people². Changing the labour conditions in garment supply chains will improve millions of lives worldwide. This paper presents CNV Internationaal's position on the garment

sector, particularly on how to make the sector more sustainable, enhance its resilience to major shocks such as the current COVID-19 crisis, and to ensure decent work for its labourers. It provides recommendations for governments and companies on how to support workers in their mission towards decent work in garment supply chains.

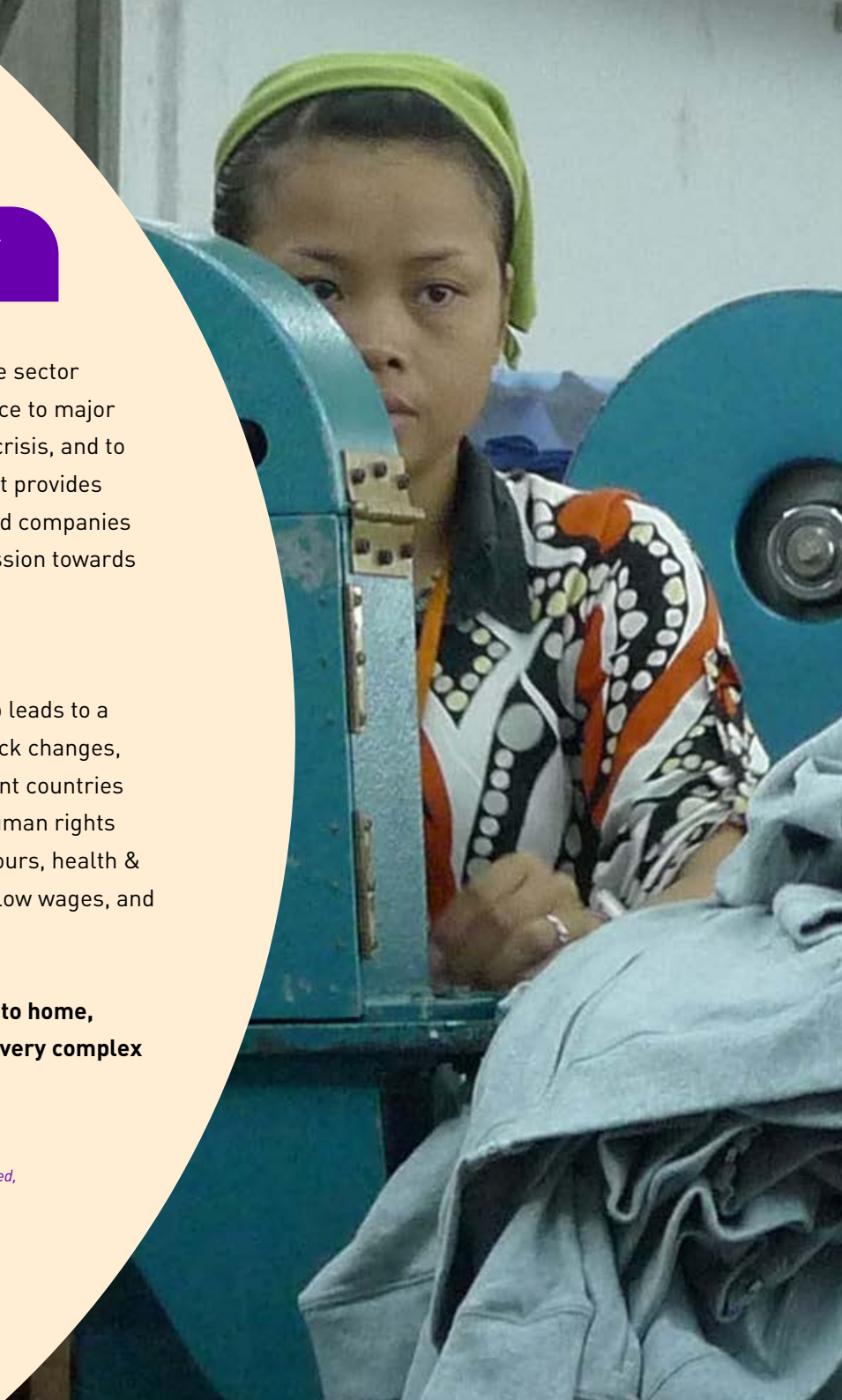
Background

The way the garment industry is set up leads to a race to the bottom with low prices, quick changes, and production spread out over different countries and continents. This causes various human rights violations, such as extreme working hours, health & safety issues, gender-based violence, low wages, and child labour.

As opposed to doing production close to home, garment supply chains are now often very complex and spread over different countries.

¹ This paper focusses on both the garment- and textile sector but will mention garments only for shortness. Where 'garments' is mentioned, one can also read 'textiles'

² <https://static1.squarespace.com/static/59242ebc03596e804886c7f4/t/5e8b668d557b8b3687f6afff/1586194077410/Principles+for+a+supply+chain+bailout+package+during+COVID-19+pandemic.pdf>



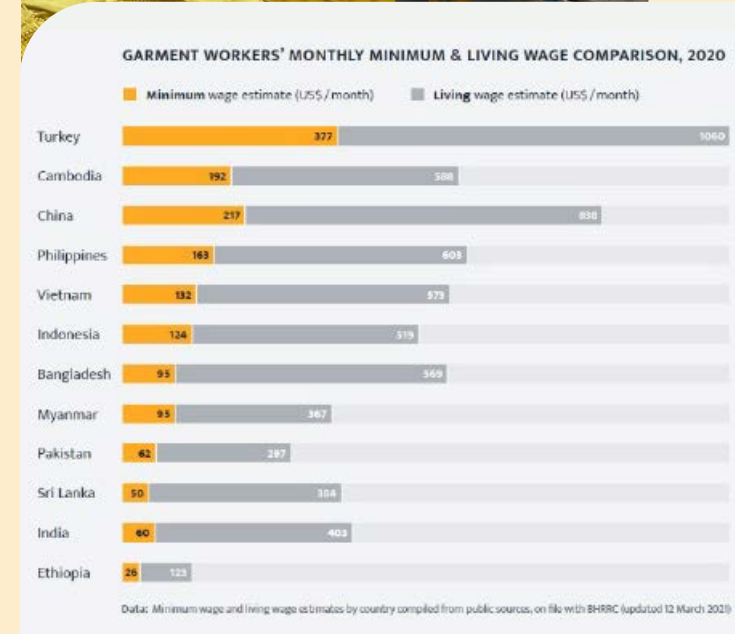
The system of using widespread production locations and changing between sourcing locations has made it difficult to know where garments are made and under what conditions. The number of companies that publish their production locations is growing but most of the industry does not communicate openly about their production locations and conditions³. 40% of garment brands publishes information about their direct suppliers, but only 7% shares information about the raw products used, and only 5% gives information about the wages of workers in the supply chain⁴.

Garment production continues to increase while prices are dropping. Consumers expect on-trend garments at the lowest price. Spring/summer and fall/winter collections have become a continuous cycle of new collections. To achieve this, great pressure is placed on garment factories through requesting discounts, unrealistically short lead times, last-minute changes to orders, or squeezing suppliers on price⁵. The average prices paid by

buyers has decreased over time. For example, the average price of a piece of garment in Bangladesh dropped almost 8%, from US \$5.03 in 2011 to US \$4.64 in 2016⁶. The garment sector is built on searching for the lowest price⁷.

Governments that depend heavily on garment and textile export for their economy, are reluctant to raise the legal minimum wage, fearing garment brands might relocate to cheaper countries. The minimum wage in 12 major apparel exporting countries is, on average, a quarter of the wage needed for a decent living⁸.

Recent studies indicate that 95% of garment workers do not receive a living wage, which leads to other human rights violations⁹. A living wage is a right in itself, but it is also connected to other fundamental rights. Low wages often cause severe problems to the health of workers. In Cambodia, factory workers consume just half of the recommended caloric intake and one third of them are medically underweight¹⁰. Low wages also result in people working excessive



³ See Fashion Revolution's Transparency Index (<https://www.fashionrevolution.org/about/transparency/>) for more information

⁴ Fashion Revolution's Transparency Index 2021 (<https://www.fashionrevolution.org/about/transparency/>).

⁵ Khambay, A. and Narayanasamy, T. (2021) 'Wage theft and pandemic profits'

⁶ Khambay, A. and Narayanasamy, T. (2021) 'Wage theft and pandemic profits'

⁷ Khambay, A. and Narayanasamy, T. (2021) 'Wage theft and pandemic profits'

⁸ Khambay, A. and Narayanasamy, T. (2021) 'Wage theft and pandemic profits'

⁹ Bryhe, A. (2019) 'Tailored Wages'

¹⁰ <https://laborrights.org/issues/living-wage>

overtime to make ends meet. Working excessive hours in hazardous situations leads to hand numbness, back problems, and eye strain when sewing¹¹. Respiratory issues, skin disease, burns, and even death can occur due to working with toxic chemicals¹². Low wages also mean that parents do not have the resources to pay for their children's education, which in turn, increases the risk of child labour. Children who do not go to school often end up working in low wage positions when they grow up, creating a vicious cycle of poverty¹³.

Around 75% of garment workers are women¹⁴. They face additional challenges such as lower wages, discrimination, and intimidation. Often there is a pay gap between male and female workers. In Vietnam, female workers' salaries are 85% of their male counterparts¹⁵. In addition, women face both physical and verbal forms of violence and psychological intimidation in the workplace, such as suggestive comments,

assault and rape, dismissal in the event of pregnancy, and promotion in exchange for sexual acts¹⁶. In Vietnam, 58% of women have experienced physical, sexual, and/or emotional violence¹⁷.

Freedom of association and collective bargaining are basic rights that help prevent other human rights violations. However, workers who try to stand up for their rights, often face harsh consequences. In 2021, 87% of countries denied workers the right to strike. 79% of countries violated the right to collective bargaining. 74% of countries refused workers the right to establish or join a trade union¹⁸. In Cambodia for example, one of the countries where CNV Internationaal is active, trade union leaders were among high profile arrests¹⁹. A year earlier, our partner Ath Thorn, President of the Cambodian Labour Confederation, faced charges of incitement to commit a crime because of activities connected to his position within the trade union²⁰.



11 Delaney A., Burchielli, R. and Connor, T. (2015) 'Positioning women homeworkers in a global footwear production network: how can homeworkers improve agency, influence and claim rights?' 57:4 *Journal of Industrial Relations* 641

12 Bengsten, P. and Danwatch (2012) 'Toxic chemicals used for leather production poisoning India's tannery workers' *The Ecologist* [online]. <<https://theecologist.org/2012/oct/26/toxic-chemicals-used-leather-production-poisoning-indias-tannery-workers>>

13 SOMO Fact Sheet: Child labour in the textile & garment industry, March 2014

14 CNV Internationaal (2021) *The Importance of Freedom of Association and Collective Bargaining for Brands*.

15 Fashion Revolution, 80% exhibition. Available at <https://www.fashionrevolution.org/asia-vietnam-80-percent-exhibition/>

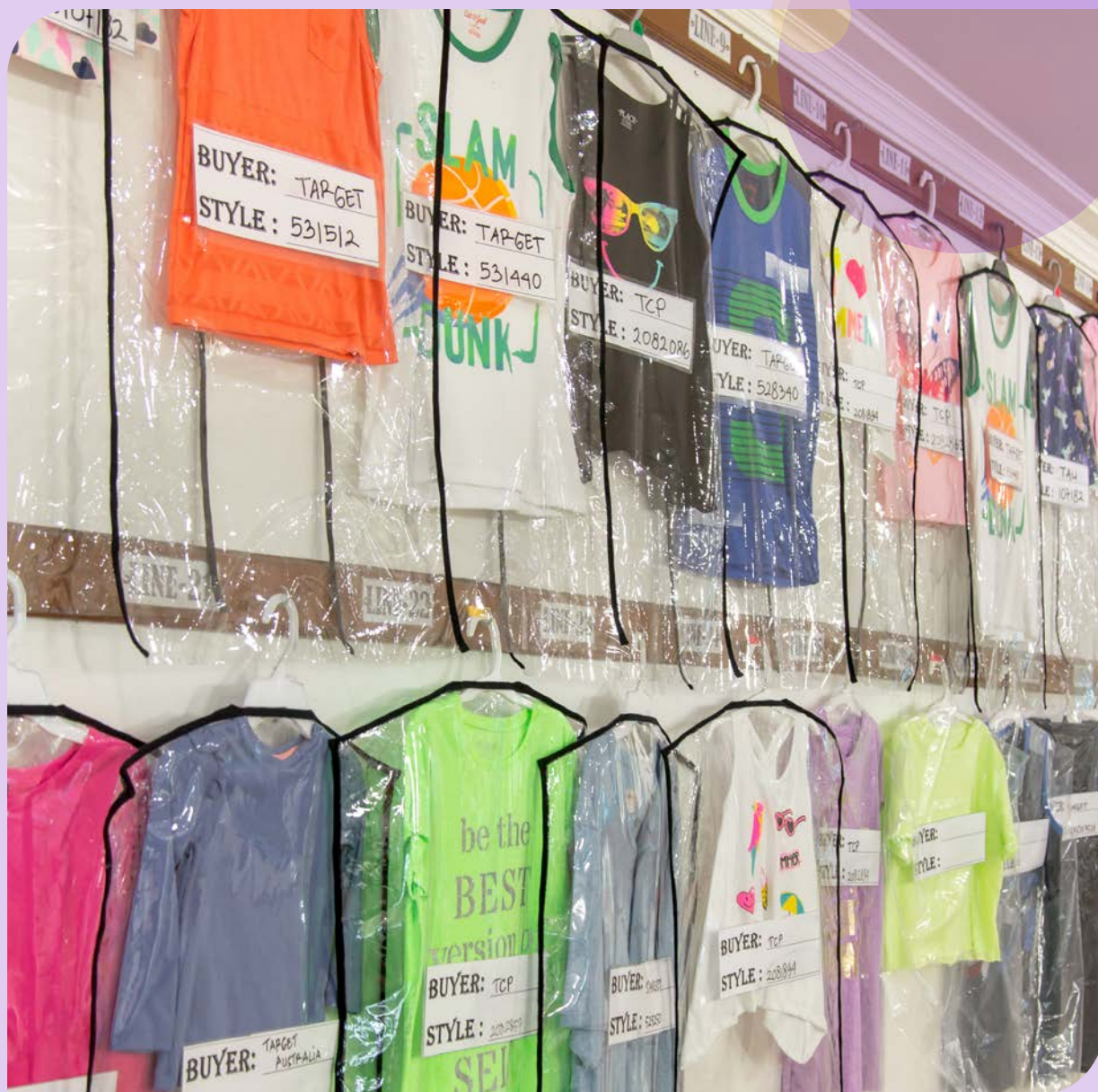
16 CNV Internationaal (2016) *Violence at work is not part of the job: a guide to end and prevent violence against women at work*

17 CNV Internationaal (2016) *Vietnam country study: labour standards in the garment supply chain*

18 International Trade Union Confederation (ITUC) *Global Rights Index 2021*

19 International Trade Union Confederation (ITUC) *Global Rights Index 2021*

20 International Trade Union Confederation (ITUC) *Global Rights Index 2020*



While we have known about these problems in the garment sector for a long time, the **COVID-19 pandemic has made the situation even worse.** Due to the crisis, many garment brands have cancelled their orders, orders which had already been through production. This has left suppliers with huge debts and some have gone out of business completely. Many garment workers lost their jobs without getting paid for months' worth of work. They have been left in poverty, with no savings or governmental support.

And if that was not bad enough, a new wave of COVID-19 has hit Asia during the summer of 2021, and again, millions of workers have been left without their earnings when production locations were shut down. Some governments and garment suppliers are further abusing the situation to rid themselves of critical trade union activists by dismissing them under the guise of the health crisis. **COVID-19 continues to have a global impact and it clearly shows how we are all connected. More than ever, international solidarity is needed to tackle these fundamental problems long present in this system we know as the garment sector.**



Fundamental problems

Several factors contribute to the continuation of the current problems in the garment sector. There is a large disbalance in power and the sector's lack of transparency means that consumers do not see the working conditions as they really are. Moreover, workers do not know what brands buy the clothes they make, and they often are unaware of their rights. The workers who are aware and want to stand up for these rights are hindered in multiple ways. Voluntary initiatives have not been able to fix this situation. Several legislative initiatives are being undertaken to address these issues on national, European, and international levels.

Both governments and the garment industry prevent trade unions from doing their work properly. Blacklists set up by factory management are used to scare people from joining a union. These lists feature the names of people who have been dismissed because of their trade union activities and who will not be hired by other companies. Company-influenced unions, also known as yellow unions, are sometimes set up in garment factories.

Members of yellow unions are not usually critical towards company policies. Company management might even use such yellow unions to implement (unfavourable) changes and decisions. If there is a maximum number of unions allowed in a factory, yellow unions can prevent true democratic unions from being established in a factory. To be able to establish an independent trade union, it has to be formally registered. This registration process is sometimes used by governments to control or prevent establishment of independent unions by making the administrative work for registration very difficult or rejecting their registration completely. For example, almost half of the union registration in Bangladesh between 2010 and 2019 was rejected²¹. In other countries, there might only be one government union in place and that union is not an independent one. We see this, for example, in China and Vietnam.

Few garment factories have collective bargaining agreements (CBAs) which have been truly negotiated. Most CBAs are merely duplications of the labour law and function as

a means to prevent improvements. If there is a CBA in place, employees are often unaware of its existence, its contents, or how they can obtain a copy. In many countries, workers move from rural areas to the city in search of work. Sometimes the culture and language in the cities differ greatly from that of their home provinces. This makes it even more difficult to collectively bargain for better working conditions.

Pressure from Western brands can help improve working conditions, but workers often do not know the names of the companies that buy the products they make and brands do not share this information. Because the brand label is the last part to be sewn into a garment, few workers know what brand a delivery is for. Sometimes the sewing in of the label is in a different location. Many workers have difficulty reading and writing so even if they have seen the label, they might not be able to read the name. Brands themselves are reluctant in publishing information on their production locations.

²¹ International Trade Union Confederation (ITUC) Global Rights Index 2020

²² The circle (2017) 'Fashion focus: the fundamental right to a living wage'

²³ <http://labourbehindthelabel.net/wp-content/uploads/2019/06/TailoredWagesUK-FP-updated.pdf>

Corporate initiatives have not been able to solve these problems.

We have seen how certification mechanisms can fail in detecting real problems²² and have been unable to raise wages²³. For example, auditors might check whether there is a CBA in place, but not examine the validity and quality of the CBA. Many audits check to see if there is a trade union present at the factory, but do not investigate whether that union is independent and effective. Many garment companies have a code of conduct in place, which states their commitment to creating improvements in the workplace. However, the auditors who monitor the implementation of these standards, work for profit²⁴. The monitoring agencies are thus financed by the same company that they have to assess, creating a dangerous incentive to deliver a positive report²⁵. As a result, corporate monitoring systems fail to be effective in monitoring and enforcing working conditions and wages²⁶.

Voluntary initiatives alone are not enough²⁷. In the Netherlands, a broad coalition of businesses



and civil society organisations, including CNV Internationaal, has signed an agreement on international responsible business conduct in the garment and textile sector. The aim is to improve working conditions, prevent pollution, promote animal welfare, and increase environmentally friendly practices in production countries. The Agreement on Sustainable Garments and Textile (AGT) has stimulated improvements such as higher transparency and compliance and better collaboration and capacity building²⁸. However, it only covers

a small percentage of the garment industry. Companies that want to improve working conditions through this agreement are held back by companies that continue to use unfair trading practices. Collaboration on wages between garment brands is further complicated because rules are unclear on how wage discussions fit into competition law. Taking further steps requires a level playing field for companies with an intelligent mix of legislation and partnerships.

²⁴ Kelly, I. and others (2019) 'Figleaf for fashion'

²⁵ Terwindt, C. and Saage-Maass, M. (2016) 'Liability of Social Auditors in the Textile Industry' and Kelly, I. and others (2019) 'Figleaf for fashion'

²⁶ Terwindt, C. and Saage-Maass, M. (2016) 'Liability of Social Auditors in the Textile Industry' and Kelly, I. and others (2019) 'Figleaf for fashion'

²⁷ Aguirre, D. (2004) 'Multinational Corporations and the Realisation of Economic, Social and Cultural Rights'

³⁵ California Western International Law Journal 1; KIT Royal Tropical Institute (2020) 'Evaluation of the Dutch RBC Agreements 2014-2020'; Burcu, O. and others (2021) 'EU law. Global impact: A report considering the potential impact of human rights due diligence laws on labour exploitation and forced labour'; Bryher, A. (2019) 'Tailored Wage UK'; Business & Human Rights Resource Centre (2021) 'Wage theft and pandemic profits'

²⁸ Sociaal Economische Raad (2020) 'Samen naar duurzame ketenimpact'



CNV Internationaal's position



Even though steps have been taken over the past few years to improve working conditions in garment supply chains, more work is needed. This is a shared responsibility for the garment industry, consumers, trade unions, and governments. The goals should be specifically formulated and translated into concrete actions which are then implemented to improve the equity, sustainability, and resilience of the garment sector. For CNV Internationaal, strengthening the position of workers is key to ensure improvements in the garment industry.

This means these steps must include and ensure:

- Freedom of association (to form trade unions) under all circumstances.
- Social dialogue between trade unions, the garment industry (both factories and brands), and government institutions, including the process of collective bargaining.
- Living wages for workers to improve the livelihoods of workers (and their families) and to prevent other human rights violations.
- Transparency within the global garment sector to inform and empower trade unions to defend their rights (as stated above) on their own.
- Gender equality and women's rights.
- Combinations of legislation and voluntary initiatives regarding human rights due diligence.

Freedom of association

Workers are the best advocates for their own rights. In order to claim their rights, they need the power to negotiate. When workers can join together and raise their voices about their working conditions, this can shift the power balance between management and the

workers. When freedom of association is in place, workers can address issues according to their own priorities, whether this concerns working hours, equal pay, or other labour conditions. Trade unions also defend the interests of their members in cases of dismissal and reorganisation, and they can give their members legal support and advice. In addition to benefiting the employees, trade unions also provide benefits for employers. The right to association increases employee involvement. This leads to long-lasting work relationships and a lower turnover of workers. Moreover, it is always good for an employer to know what happens on the work floor²⁹.

Advantages of trade unions

Trade unions are different than worker committees, although their work sometimes seems similar. Management sometimes uses statutory committees (such as committees on health & safety or anti-sexual harassment) to undermine the work of trade unions by stating that there are “too many committees” and that workers already have a form of representation.

29 CNV Internationaal (2017) *Trade Union Freedom Guide: Analysis, practices and solution*



However, there are benefits to a trade union in comparison to workers committees:

- Trade unions are part of a bigger system that defends workers' rights at sectoral, regional, or national level. This gives them support and bargaining power.
- Trade unions can help with complaints. Generally, trade unions have more legal mandate than worker's committees. If not at factory level, then at the federal level.
- Trade unions can give legal advice and training on labour rights.
- Trade unions can negotiate collective bargaining agreements³⁰.

Social dialogue

Social dialogue can take place at different levels and in various forms. A social dialogue is

adopted based on the local circumstances and is diverse in its legal framework. Therefore, the process might vary from country to country. Distinctions are usually made between bipartite and tripartite social dialogue. Bipartite social dialogue involves consultation between trade unions and employers on economic and social issues. Tripartite also includes government representatives. The dialogue is not a one-time action, but a continuous process and it can take different forms:

- 1) Consultation:** Enables an exchange of opinions on a certain topic. The result can be a formal agreement among participants.
- 2) Negotiation:** In-depth dialogue by the involved parties to agree upon certain goals, conditions, or plans. The result can be a collective bargaining agreement.

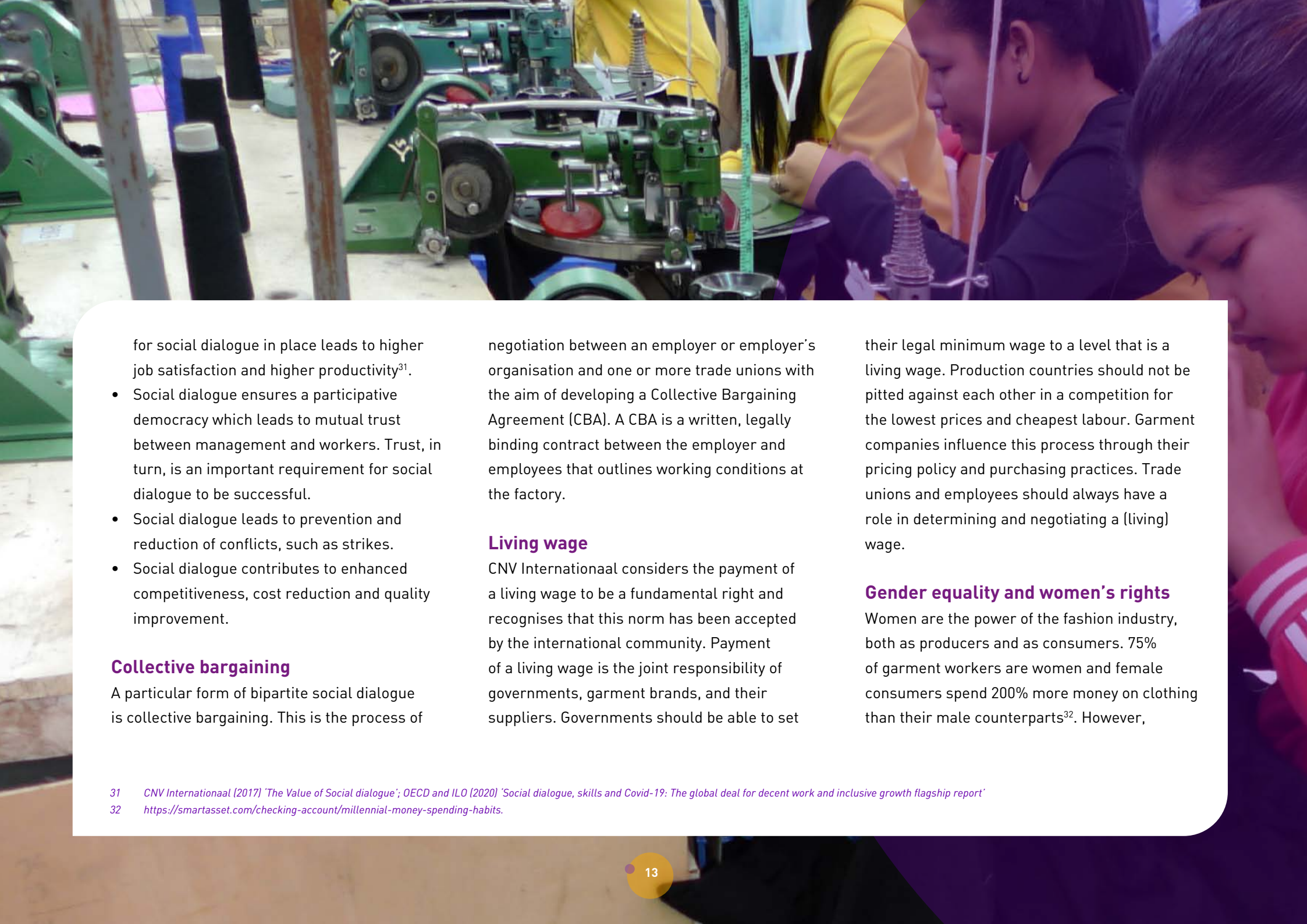
3) Sharing of information: This is the foundation of social dialogue. The result does not have to be a concrete action, but it enables decision making.

Advantages of social dialogue

For CNV Internationaal, social dialogue is not only a fundamental objective, but also an instrument to achieve important goals. Engaging in social dialogue has several advantages:

- Agreements which are reached through social dialogue have proven to be more sustainable. This is because all stakeholders contribute to the outcome of the negotiations.
- Social dialogue is good for business. Research has shown that having a system

³⁰ <https://cornell.app.box.com/s/zzg1c5n43lj0c3atrsnl72jrbnj0gn2q> and <https://www.ilr.cornell.edu/new-conversations-project/research/social-dialogue-21st-century-project>.

A photograph of a garment factory. In the foreground, a green industrial sewing machine is in focus. In the background, several workers, including women, are seated at sewing machines, working on garments. The scene is brightly lit, and the workers are focused on their tasks.

for social dialogue in place leads to higher job satisfaction and higher productivity³¹.

- Social dialogue ensures a participative democracy which leads to mutual trust between management and workers. Trust, in turn, is an important requirement for social dialogue to be successful.
- Social dialogue leads to prevention and reduction of conflicts, such as strikes.
- Social dialogue contributes to enhanced competitiveness, cost reduction and quality improvement.

Collective bargaining

A particular form of bipartite social dialogue is collective bargaining. This is the process of

negotiation between an employer or employer's organisation and one or more trade unions with the aim of developing a Collective Bargaining Agreement (CBA). A CBA is a written, legally binding contract between the employer and employees that outlines working conditions at the factory.

Living wage

CNV Internationaal considers the payment of a living wage to be a fundamental right and recognises that this norm has been accepted by the international community. Payment of a living wage is the joint responsibility of governments, garment brands, and their suppliers. Governments should be able to set

their legal minimum wage to a level that is a living wage. Production countries should not be pitted against each other in a competition for the lowest prices and cheapest labour. Garment companies influence this process through their pricing policy and purchasing practices. Trade unions and employees should always have a role in determining and negotiating a (living) wage.

Gender equality and women's rights

Women are the power of the fashion industry, both as producers and as consumers. 75% of garment workers are women and female consumers spend 200% more money on clothing than their male counterparts³². However,

³¹ CNV Internationaal (2017) 'The Value of Social dialogue'; OECD and ILO (2020) 'Social dialogue, skills and Covid-19: The global deal for decent work and inclusive growth flagship report'

³² <https://smartasset.com/checking-account/millennial-money-spending-habits>.

the unionisation rate of women is low and they are underrepresented in social dialogue structures³³. Special attention is needed for their position. Governments, brands, and trade unions need to take action. It is important for female workers to be able to represent themselves, as they might have different needs than their male colleagues. Unions with adequate female representation will think more about childcare facilities, clean toilets, hygienic conditions, maternity benefits, and a safe working environment. In June 2019, a binding treaty was concluded by the International Labour Organization, ILO convention 190. In this treaty, agreements have been made about the protection of employees against violence and intimidation in the workplace. Member States that subscribe to the convention are bound to creating legislation to prohibit violence and intimidation. CNV International campaigned for years for an internationally binding treaty and now urges governments to ratify the convention.

Transparency

Transparency is vital to our collective efforts to improve labour conditions. If every stakeholder has access to correct information, change can be

achieved more quickly. This includes information on production locations, audits, work plans, and complaints.

- Improving transparency means brands take responsibility for their due diligence obligations. Transparency makes it easier to signal problems in their supply chains.
- Often a brand is only one of many companies sourcing from a factory. The bigger the order, the bigger the bargaining power. Collaboration is key and transparency is a pre-condition to identify other buyers and facilitate collaboration.
- Without transparent systems, buyers are often unaware of previous misconduct. Garment brands often pull out of a factory when its management is not open to making necessary improvements. When little or no information is available to the public, a new brand might inadvertently collaborate with a “questionable” factory. Being unaware of the factory’s history of misconduct, they continue the cycle of labour violations.
- When garment workers know who they produce for, it is easier to hold that company accountable and use grievance mechanisms (when in place).



- Third parties, like trade unions, NGOs, journalists, and consumers need transparency to do their work responsibly. Currently, many parties are starting to better understand their responsibility in the process of improving working conditions. Clear and correct information needs to be readily available. CNV Internationaal is often an ally here. One example is how a partner trade union in Asia recently contacted CNV Internationaal in regard to labour rights violations at a factory. The union wanted to know what garment brands were active in order for them to apply pressure on the factory. Being able to access such information helps their cause immensely.

³³ CNV Internationaal (2021) *The Importance of Freedom of Association and Collective Bargaining for Brands*



Legislation

CNV Internationaal advocates a smart mix of interventions, including both mandatory and voluntary measures. The combination of legally binding regulations and joining forces through partnerships leads to the greatest impact in the chain to prevent risks for people and the environment from tackling them. Legislation raises the bar for all companies and creates a level playing field. Implementing national legislation can have a positive impact on the forthcoming European regulations. The role of trade unions should be securely enshrined in future legislation. Freedom of association and collective bargaining are enabling rights. With these rights secured, there will be a positive and sustainable impact on wages and gender related violence.

Legal basis

CNV's vision is rooted in several international agreements, conventions, and guidelines, such as the following:

- ILO Convention 87 protects the right of workers to form and join the trade union of their choosing.
- ILO Convention 98 protects workers' right to bargain collectively with their employers and to remain free of employer interference and dominance.
- ILO Convention 131 on minimum wage fixing
- ILO Recommendation 135 on minimum wage fixing.
- ILO Convention 100 on Equal Pay for Men and Women for Equal Work
- ILO Convention 111 on Equal Opportunities and Treatment in Work and Employment
- ILO Convention 156 on Employees with Care Responsibilities
- ILO Convention 183 on Pregnancy Protection
- ILO Convention 190 against Violence and Aggression in the Workplace
- International Covenant on Civil and Political Rights.
- United Nations Guiding Principles on Business and Human Rights
- OECD Guidelines on Multinational Enterprises

How CNV Internationaal works



CNV Internationaal is a strategic partner to local trade unions in low income countries, garment brands, and governments. CNV Internationaal works to ensure the rights of textile workers in the production countries Vietnam, Cambodia, Indonesia.



Support trade unions

CNV Internationaal supports partner organisations through capacity strengthening, exchange, and solidarity. Areas of expertise include:

- **Capacity strengthening, training, and research**
 - CNV Internationaal provides support and strategic advice for its union partners in bargaining, lobbying and advocacy, and building leadership skills and capacity.
 - CNV International advises and supports partner unions to prevent violence in the workplace and works to strengthen the leadership positions of women, both within the trade union movement and in the workplace.
- **Exchange, networks, linking, and learning**
 - CNV Internationaal connects brands with trade unions active in their supply chain to help set up a social dialogue and/or complaints mechanism.
- **Solidarity, international lobby and advocacy**
 - CNV voices the concerns of international trade union members through lobby and advocacy campaigns, for example,

through lobbying for the ratification of ILO convention 190 and as a member of IDVO (Initiatief Duurzaam en Verantwoord Ondernemen), a coalition of companies and organisations that campaign for Dutch legislation on international sustainable supply chains.

Support brands

CNV Internationaal advises brands on country-specific, labour-related issues and helps them promote freedom of association and social dialogue with their suppliers. The approach is based on the conviction that although workers and employers may have different interests, they share a common goal: The continued success of the business or organisation. In 2021 for example, CNV Internationaal co-organised a seminar bringing together European garment brands and their Cambodian suppliers. The seminar led to more mutual understanding and emphasised commitment to stimulate social dialogue. As a result, several brands contacted their suppliers on social dialogue, and some started mapping the trade unions present at their suppliers. CNV Internationaal also offers practical tools and

trainings such as:

- A questionnaire that can be used to examine the status of freedom of association at a supplier.
- Country-specific freedom of association factsheets.
- A practical manual on corporate social responsibility.
- Booklet on the value of social dialogue.

STITCH

CNV Internationaal advises governmental representatives at various levels. In the Netherlands, CNV Internationaal is part of a strategic partnership with the Dutch Ministry of Foreign Affairs, called STITCH: the Sustainable Textile Initiative: Together for Change. This is a consortium of six organisations (labour unions, multi-stakeholder organisations, and companies in production countries) with the collective goal to achieve an industry where garment workers can exercise their right to freedom of association and have access to safe, dignified, and properly paid employment. CNV Internationaal advises the Dutch Ministry of Foreign Affairs on labour

related issues in specific countries and, together with employers, on the building blocks for due diligence legislation. Consultation with the Ministry of Social Affairs and Employment takes place about ILO C 190. At European level, CNV Internationaal works together with the European Trade Union Confederation (ETUC) to inform European officials on due diligence legislation, trade policies, and labour rights conditions in specific countries. In the international arena, CNV Internationaal is a partner for several embassies working on labour issues and takes an active role in improving the Domestic Advisory Groups so that civil society has a greater influence on trade agreements.



Recommendations





Ensuring freedom of association, social dialogue, transparency, and living wages is the shared responsibility of governments, the garment industry, brands, trade unions, and consumers. CNV Internationaal calls for the current collaboration between stakeholders to be intensified and to focus on the following key aspects.

Government

Governmental representatives have the opportunity to support workers in their efforts to improve labour conditions in garment supply chains. Dutch politicians and policy makers can take steps at the Dutch and European level. Dutch embassies in production countries can influence the situation on the ground in their own way.

Actions for the Dutch government

- Implement legislation on mandatory human rights due diligence (see box).
- Ratify and implement core ILO Conventions and other Human Rights Conventions, including C190 and support producing countries to do the same.
- Support ratification and implementation of core ILO Conventions and other Human Rights Conventions by other countries.

Human Rights Due Diligence (HRDD) legislation

Voluntary initiatives alone are not sufficiently effective to remove the systematic problems that underly the garment industry. Legislation is needed. Dutch legislation is an effective steppingstone toward ambitious European legislation. This legislation should include the following point:

- Give trade unions a central place in policy development, consultation, and monitoring initiatives.
- Improve workers' access to the courts.
- Make freedom of association and collective bargaining an integral part of the due diligence process.
- Ensure that both multinationals and SMEs active in the EU market are covered by the legislation.
- Let companies know that complying with the due diligence steps will not absolve them of liability.

- Implement diplomatic efforts to support governments of production countries in creating and/or strengthening conditions to ensure freedom of association and collective bargaining.
- Create policy which supports/establishes social dialogue and regulates its processes.
- Provide safe spaces and/or funding to activists under threat.
- Implement diplomacy in cases of labour rights violations.

Actions for the European Union

- Implement legislation on mandatory human rights due diligence (see box).
- Increase transparency by requiring brands to disclose their production locations as a condition to access the European market. Establish (have the sector establish) a publicly available, mandatory database that provides information on the production locations and working conditions.
- Ban unfair trading practices in garment and textile supply chains.
- Inform companies on the fact that they are allowed to collaborate on payment of living wages under competition law.
- Make sure trade agreements are

transparent, that labour and trade union rights have a central place in the agreement, and that participation of trade unions is guaranteed.

- Establish an EU standard for fair and sustainable garments. This standard should actively involve worker representatives and trade unions from production countries and include a thorough complaint filing mechanism.

Actions for Embassies

- Share tools and resources on labour conditions, freedom of association (see also), social dialogue, and living wages with Dutch companies doing business in the country. For more CNV materials, please check the resource page on our website.
- Connect relevant stakeholders within the supply chain. For example, bring Dutch garment brands into contact with trade unions in the production country.
- Support social dialogue between the government, suppliers, and trade unions. For example, host a meeting at the embassy.
- More tools for embassies can be found in the factsheet of CNV Internationaal that is

currently being developed and is expected to be published in April 2022.

Responsibilities of the garment industry

The purchasing practices of brands, such as sourcing decisions, contracting conditions, and pricing decisions, directly influence working conditions. Companies should promote responsible purchasing practices, which include the following steps.



These recommendations are applicable to both brands and garment factories. Many actions need to be done collectively to be most effective.

Freedom of association

- Get to know the trade unions or worker representatives at the factory and receive regular updates.
- Make it much clearer that investments come with non-negotiable principles. Brands need to make sure that companies and governments in their production countries know that they are committed to rights; like freedom of association and collective bargaining.
- Make sure workers know their rights by:
 - Making sure workers receive information on their rights in their own language.
 - Encouraging training programmes.
 - Having the concluded agreements available in the language(s) of the employees.
- Set up a grievance mechanisms. When workers know their rights, make sure there is an independent mechanism in place that

employees can turn to if their rights are violated. Publicise incoming complaints and their solutions. Make sure the mechanism is gender sensitive.

- Support trade union activities by allowing union meetings to take place during working hours with continued payment of wages.

Social dialogue

- Have the garment industry create the conditions necessary for a real and effective social dialogue with representatives from the trade unions. Ensure a living wage to reduce the current vulnerability of workers.
- Monitor the implementation of the agreements reached through social dialogue.
- Set up an action plan to improve social dialogue on the work floor. Plans should include a time bound roadmap with concrete actions. Annual reports, which include how these goals have been reached, should be published and publicly accessible.

General

- Establish long-term contracts between brands and suppliers. This will provide the

financial stability needed to secure freedom of association and set up a social dialogue system.

- Create a roadmap towards living wages, together with trade unions. There are several benchmarks that calculate a living wage per country³⁴ and tools are available to integrate a living wage into a brand's pricing policy³⁵. Insights on wage information should be shared publicly.
- Review and reinforce existing policies on gender-based violence, in accordance to C190. Then implement a gender-based risk and impact assessment and train workers about the issues involved in gender-based violence.
- Give garment worker representatives a seat at the board, both within the garment factory and within the board of a garment brand.
- Create more openness and transparency within the brand by having them share the exact locations of their suppliers throughout the supply chain. They should also share their audits publicly.
- Encourage brands to support the call for human rights due diligence legislation, for example, by joining the IDVO coalition³⁶.

³⁴ Such as the Asia Floor Wage and the Anker method.

³⁵ See for example the Labour Minute Costing method of Fair Wear Foundation.

³⁶ See www.idvo.org for more information.



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