

# IT TAKES EXPLOITATION TO LOOK THIS GOOD: GARMENT WORKERS, MODERN FASHION, AND THE OPPRESSION OF WOMEN

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The fashion industry is one of the most labor-intensive endeavors in the world.<sup>1</sup> The garment workers who make the trillion-dollar fashion industry possible are also some of the most vulnerable workers in the U.S and across the globe.<sup>2</sup> Garment workers are a vital part of apparel and footwear production, yet they are consistently exploited for the benefit of companies and ultimately, consumers. Women make up 80 to 85% of garment workers and are especially vulnerable due to the increased poverty and violence women face, compounding the harms of working in the fashion industry.<sup>3</sup> Exploitation comes in the form of low wages, unsafe factory conditions, and sexual harassment. Only two percent of garment workers in the world are paid wages that cover their basic needs and up to 50% of women in the garment industry have experienced sexual harassment.<sup>4</sup> Hundreds of women have lost their lives in garment factories when unsafe buildings collapsed or caught fire.<sup>5</sup>

The exploitation of garment workers is best understood through an analysis of the past, present, and future. History has shown that progress towards stronger rights for garment workers was slow and difficult and has left modern day garment workers without legal protection both in the U.S. and abroad. Now, with the continued rise of fast fashion pushing almost all western companies to use suppliers in other countries, the exploitation of garment workers has increased. The exploitation just occurs further away from western consumers. Although easily dismissed as the problems of other countries, it is essential that western brands take responsibility for the actions of all parts of their supply chain moving forward. Without improved legal protections for garment workers, increased consumer awareness, and pressure to increase transparency, the fashion industry will continue to harm women for the benefit of consumers and brand owners.

## a. History of Garment Workers' Rights

### i. The 1911 Triangle Shirtwaist Factory Fire

The fight for women's rights in the fashion industry has been a long and brutal process. The Triangle Shirtwaist Factory Fire was a turning point for understanding just how harmful and

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<sup>1</sup> *International Women's Day: Women's rights and the environment in fashion*, FASHION REVOLUTION (2021), <https://perma.cc/VZM6-K379> [hereinafter *International Women's Day*]; Paul Chang, *Protecting Garment Workers from Systemic Abuse*, U.S. DEPARTMENT OF LABOR (Oct. 18, 2021), <https://perma.cc/A82V-V727>.

<sup>2</sup> Chang, *supra* note 1.

<sup>3</sup> *Garment workers' suffering in fashion supply chains*, COLLECTIVE FASHION JUSTICE, <https://perma.cc/3Z4E-3ZPK>.

<sup>4</sup> Emma Hakansson, *5 reasons fashion is a feminist issue*, COLLECTIVE FASHION JUSTICE (Mar. 8), <https://perma.cc/7BEL-PK7T>; *International Women's Day*, *supra* note 1.

<sup>5</sup> *Triangle Shirtwaist Factory*, HISTORY (Oct. 4, 2023), <https://perma.cc/4FTY-RY8T>; Abuses 'still rife': 10 years on from Bangladesh's Rana Plaza disaster, THE GUARDIAN (Apr. 24, 2023), <https://perma.cc/LX75-JALN>.

exploitative factory conditions were, especially for women.<sup>6</sup> Analyzing the efforts of garment workers before and after the fire is a useful way to contextualize the historical landscape on which the workers of today stand. Exploring what worked in the past and what did not will illuminate what is still needed to improve the lives of women working in garment factories.

## ii. Leading Up to the Fire

The first women's union was formed by Irish immigrants working at large textile mills in Massachusetts. They were being exploited<sup>7</sup> and consistently paid unfairly for their extensive labor.<sup>8</sup> Although their effort to organize did not do much to improve their individual circumstances, it set the stage as the beginning of the fight for garment worker's rights, specifically, female garment worker's rights. When a similar wave of immigrants arrived in New York City, more problems emerged as they faced the same exploitation at the large textile mills.<sup>9</sup> This continued oppression led to the International Ladies Garment Workers Union which paved the way in the early 1900's to address harassment and unsafe working conditions. Nevertheless, little changed for the workers in New York City.<sup>10</sup> The harsh conditions and low pay faced by female garment workers brought national attention with the tragedy in New York City at the Triangle Shirtwaist Factory. Workers at the Triangle Shirtwaist Factory were being paid as little as \$6 a week and were working 12-hour days.<sup>11</sup> The women went on strike, but the owners of the Triangle Shirtwaist Factory were more hostile to the unions than all the other factory owners in the area.<sup>12</sup>

The 1911 Triangle Shirtwaist Factory Fire took the lives of 146 individuals, mostly immigrant women in their teens and 20's when the garment factory was engulfed in flames caused by fabric that caught fire.<sup>13</sup> Garment factories were known to have many hazards but egregiously, the exit doors at the Triangle Shirtwaist Factory had been locked by the male owners to prevent their employees from stealing or taking unauthorized breaks.<sup>14</sup> This left the workers with no way to get out of the burning building.<sup>15</sup> Those killed either died in the fire or jumped out of the building to their deaths.<sup>16</sup>

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<sup>6</sup> Patrick J. Kiger, *How the Horrific Tragedy of the Triangle Shirtwaist Fire Led to Workplace Safety Laws*, HISTORY (Aug. 22, 2023), <https://perma.cc/UR9V-DH5U>.

<sup>7</sup> Alyssa Hardy, *Fashion History Lesson: The Origins and Recent Strides of the U.S. Garment Labor Movement*, FASHIONISTA (Mar. 28, 2023), <https://perma.cc/WA8T-SQMM>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Kiger, *supra* note 6.

<sup>12</sup> *Id.*

<sup>13</sup> Peter Liebholt, *What you may not know about the Triangle shirtwaist factory fire*, SMITHSONIAN (Sept. 5, 2018), <https://perma.cc/8DVU-EX3V>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

Despite the harsh conditions at the Triangle Shirtwaist Factory which led to the fire and loss of human life, the factory, on paper, had not violated any laws or regulations.<sup>17</sup> The Triangle Shirtwaist Factory was not seen as a sweatshop by the public and was actually thought of as a rather modern design for the era.<sup>18</sup> At the time, the New York building codes were outdated and under-enforced, so it was unlikely that an inspection would have stopped the tragedy.<sup>19</sup> The two owners of the Triangle Shirtwaist Factory were put on trial for manslaughter but were found not guilty.<sup>20</sup> A unique factor of this disaster resembles today's current fast fashion trends. Women in the Triangle Shirtwaist Factory made ready-to-wear clothing, which was becoming increasingly popular due to its affordability.<sup>21</sup> The clothes were more affordable because of the low wages that workers were paid, and as consumer desires for the clothes increased, entrepreneurs were incentivized to cut corners.<sup>22</sup>

This tragic accident brought national attention. There were strikes in New York which eventually led to the establishment of the Factory Investigating Commission.<sup>23</sup> This allowed the state government to more seriously investigate factories and enforce safety codes.<sup>24</sup> The outrage over the fire also helped bring support for the New Deal and the idea that the government has a responsibility to ensure workers have a safe place to do their jobs.<sup>25</sup> This allowed for more garment worker unions to fight for stronger regulations on a national level.

### iii. Beyond the Fire

The Fair Labor Standards Act and other current regulations in the U.S. require employers to pay garment workers the federal minimum wage, even if the wage system includes a per piece rate.<sup>26</sup> Overtime pay and the minimum age is also regulated for workers in the U.S.<sup>27</sup> Despite this, many American brands still exploit workers through harsh conditions and low pay because of their supply chain.<sup>28</sup> American brands are able to avoid this liability when they produce their items overseas through subcontractors.<sup>29</sup> The subcontractors then fall beyond the reach of the domestic regulations. This loophole to avoid liability was less of a problem in the 1960's when American households bought approximately 25 garments each year and about 95% of them were

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<sup>17</sup> Kiger, *supra* note 6.

<sup>18</sup> Liebhold, *supra* note 13.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *The New York Factory Investigating Commission*, U.S. DEP'T OF LAB., <https://perma.cc/UXP6-NJWN>.

<sup>24</sup> *Id.*

<sup>25</sup> Kiger, *supra* note 6.

<sup>26</sup> *Garment Workers' Rights*, U.S. DEP'T OF LAB., <https://perma.cc/UXP6-NJWN>.

<sup>27</sup> *Id.*

<sup>28</sup> *The Exploitation of Garment Workers: Threading the Needle on Fast Fashion*, DEP'T OF LAB., (Mar. 21, 2023) <https://perma.cc/VUM7-DZJF>.

<sup>29</sup> Stephani Watz, *Why America Stopped Making Its Own Clothes*, KQED (May 24, 2013), <https://perma.cc/D6BL-J7P4>.

made in the United States.<sup>30</sup> Today, the average household purchases about 70 pieces of clothes per person each year and only two percent of it is made in the United States.<sup>31</sup>

This shift in American culture began in the 1970's and 1980's when the market began pushing for lower labor costs to increase profits.<sup>32</sup> The 1970's also saw the emergence of large textile mills in China which opened the opportunity for production there.<sup>33</sup> Garment-making jobs began to move overseas as big brands such as Gap Inc. and J.C. Penney stopped making their own clothes and were only designing and marketing them.<sup>34</sup> The 1980's and 1990's saw an even bigger increase in demand for fast fashion which required even cheaper labor to keep prices low.<sup>35</sup> This caused a further deterioration of working conditions for garment makers. The biggest wave of garment work moving overseas did not happen until the 1990's when Americans started consistently choosing cheaper, foreign made products over buying garments made in America.<sup>36</sup> Between 1990 and 2011, about 750,000 apparel manufacturing jobs in the U.S. disappeared.<sup>37</sup>

Despite popular discourse, it was not mainly automation or foreign production that eroded the American garment industry, but the shift in American culture that prioritized wanting clothes cheap and quick, which forced brands to move production to lower cost areas to stay competitive.<sup>38</sup> The average U.S. garment worker makes about 38 times the wage of their counterpart in Bangladesh, making it an easy choice for brands to move production overseas.<sup>39</sup> The demand for quick and cheap clothing options has remained strong in American culture today and has led to the continued use of overseas manufacturers. Currently, the U.S. apparel market comprises about 28% of the global market, yet hardly any of this clothing is made domestically.<sup>40</sup>

## II. Current Wages and Conditions

The fast fashion business model that has become increasingly popular in western countries is specifically reliant on the exploitation of garment workers. Fast fashion thrives on underpaying mostly poor women of color in developing economies and forcing women with limited choices to accept dangerous working conditions. Brands often pressure suppliers to keep production costs low so they can sell trending clothes quickly for a profit. This causes suppliers to limit wages for garment workers even when countries have minimum wage laws. In Bangladesh, a garment worker's average wage is about \$94 a month. It is approximately \$332 in

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Watz, *supra* note 29.

<sup>36</sup> *Id.*

<sup>37</sup> *Fashion*, U.S. BUREAU OF LAB. STAT. (June 2012), <https://perma.cc/MF3G-CADE>.

<sup>38</sup> Haylle Sok, *Why US Garment Manufacturing Moved Overseas*, GLOBALTRADE (Feb. 1, 2017), <https://perma.cc/ZEK9-X5JP>.

<sup>39</sup> Watz, *supra* note 29.

<sup>40</sup> *Id.*

China.<sup>41</sup> Although there is some legal protection in the U.S. for garment workers, enforcement is difficult and unlikely.<sup>42</sup> In some other countries, no laws exist to protect these women from exploitation. Harsh conditions in factories, low pay, and sexual harassment are commonplace for the women currently producing garments for a massive number of popular brands.

Safety concerns are easy to dismiss when the biggest garment factory tragedy in the U.S. was over one hundred years ago, but similar problems continue to arise globally now that most clothes sold in the U.S. are made in other countries where these issues are still prevalent. A recent example of such a tragedy occurred in 2013 at the Rana Plaza garment factory in Bangladesh, just eleven years ago.<sup>43</sup> The Rana Plaza building was deemed unsafe, but workers were forced to continue sewing in it.<sup>44</sup> On April 24, 2013, the building collapsed and killed 1,134 people and injured 2,600 more.<sup>45</sup> The clothing made at this factory was sold across the world including to western consumers.<sup>46</sup> Brands such as J.C. Penney, Walmart, The Children's Place, and Iconix, were linked to the Rana Plaza.<sup>47</sup>

An even more recent example of poor conditions for garment workers have been seen in the supply chains of Temu and SHEIN. Temu, a Chinese e-commerce company, launched in the U.S. in 2022 and has rapidly grown to be one of the most popular shopping apps on the App Store.<sup>48</sup> Ads for Temu have even been aired during the Super Bowl in recent years, allowing Temu to gain an even stronger hold over the American consumer specifically. A variety of products, including apparel and shoes, that are produced by companies on the Temu app were found to have been produced in Xinjiang, a western province of China, in breach of a ban that forbids goods from the region being sold in the U.S. due to Xinjiang's links to forced labor.<sup>49</sup> Reports from researchers and advocacy groups have found that the province of Xinjiang has detention camps where over one million people are held, then forced and coerced to perform labor in fields and factories.<sup>50</sup> The Chinese government states that the camps are for reeducation purposes.<sup>51</sup> The House Select Committee on the Chinese Communist Party said that Temu has "lax compliance programs" and there is an "extremely high risk that Temu's supply chains are

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<sup>41</sup> Aruna Kashyap, *Is Your Brand Paying Its Share to Reduce Bangladesh Workers' Wage Despair?*, HUM. RTS. WATCH (Nov. 16, 2023), <https://perma.cc/29PR-L82G>.

<sup>42</sup> Chang, *supra* note 1.

<sup>43</sup> Elizabeth Paton, *A Grim Anniversary for Survivors of the Rana Plaza Disaster*, NYTIMES (April 24, 2023), <https://perma.cc/99NP-UPY8>.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Who paid up and who failed to take responsibility?* CLEAN CLOTHES CAMPAIGN (May 2015), <https://perma.cc/8GYY-ZG32>.

<sup>48</sup> Sheridan Prasso, *Most-downloaded app in App Store sells products linked to forced labor in China, analysis shows*, LA TIMES (June 15, 2023), <https://perma.cc/F6KU-5JBT>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

contaminated with forced labor.”<sup>52</sup> With the immense popularity of Temu in the U.S, many American consumers are likely currently wearing clothes and using items made by forced labor.

SHEIN is another Chinese e-commerce company that has had a variety of allegations made against them for harsh conditions and poor wages. Undercover investigations at SHEIN showed workdays of up to 18 hours a day with only one day off per month.<sup>53</sup> Many of the workers earn a commission of just about two cents for each garment they make.<sup>54</sup> After these reports, SHEIN stated that all of this goes against their code of conduct, which is supposedly based on International Labor Organization conventions and local laws.<sup>55</sup> Despite this, there were still many claims of Chinese labor law violations including people working in unsafe workshops which lacked safety protocols like windows and emergency exits.<sup>56</sup> Even after all of these reports, consumers in the west have continued to purchase from SHEIN and Temu.

The public concern given to issues experienced by garment workers has often depended on their location and, in turn, their race or ethnicity.<sup>57</sup> Many garment workers are women of color who work in conditions that would never be acceptable for white people.<sup>58</sup> For example, poor work conditions were reported at a supplier of the brand Boohoo in Leicester, U.K.<sup>59</sup> Almost immediately, consumers were outraged and retailers who sold Boohoo dropped the brand.<sup>60</sup> This gave a clear signal to other brands that the market had a lack of tolerance for unethical treatment of garment workers in the United Kingdom. On the other hand, when news of poor conditions during COVID-19 came from suppliers in Bangladesh, there was no immediate financial consequence for the brands involved.<sup>61</sup> There was some public outrage through high profile media campaigns, but bad press does not have the same impact as immediately pulling a brand from the shelves. This shows a bias and prejudice against the workers in countries such as Bangladesh who are further from home for western brands and consumers. Any brand reportedly linked to unethical practices and worker exploitation at any level of their supply chain, no matter where it occurs, should face consequences similar to Boohoo.

### III. Sexual Harassment and Modern Slavery

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<sup>52</sup> Haleluya Hadero, *Temu is planning to open up its marketplace to U.S. and European sellers*, THE ASSOC. PRESS, (Jan. 25, 2024) <https://perma.cc/728Q-4UR2>.

<sup>53</sup> Sarah Jackson, *Shein factory employees are working 18-hour days for pennies per garment*, BUSINESS INSIDER (Oct. 16, 2022), <https://perma.cc/G8YZ-KSVF>.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Jackson, *supra* note 47; Astha Rajvanshi, *Shein Is The World's Most Popular Fashion Brand*, TIME (Jan. 17, 2023), <https://perma.cc/G2C8-EBPE>.

<sup>57</sup> Brooke Roberts-Islam, *Why Does The Fashion Industry Care Less About Garment Workers In Other Countries?*, FORBES (Jul. 30, 2020), <https://perma.cc/HSB3-F8MV>.

<sup>58</sup> *Garment workers' suffering in fashion supply chains*, COLLECTIVE FASHION JUST., <https://perma.cc/24GL-JQHR>.

<sup>59</sup> Roberts-Islam, *supra* note 51.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

Up to 50% of women in the garment industry have experienced sexual harassment and millions do not have legal protection against this abuse.<sup>62</sup> Garment workers have also reportedly been denied maternity leave and been fired for being pregnant.<sup>63</sup> In Cambodia, one in three women experience sexual assault, harassment, and violence in garment factories.<sup>64</sup> Brands that have manufacturing plants in Cambodia include Nike, Ralph Lauren, Michael Kors, and Reebok.<sup>65</sup> In Bangladesh, 28% of garment workers face similar issues.<sup>66</sup> Tommy Hilfiger, Calvin Klein, and H&M are amongst the well known brands produced in Bangladesh.<sup>67</sup> Reporting this type of violence becomes difficult when women are unlikely to have managerial or higher-paying roles in garment factories.<sup>68</sup> In addition to reporting challenges, women are often exploited and abused by men in managerial positions.<sup>69</sup> An example of this occurred at Natchi Apparels in India, a supplier to H&M, where worker, Jeyasre Kathirvel, was reportedly sexually harassed multiple times by a supervisor.<sup>70</sup> She was then allegedly raped and murdered.<sup>71</sup> Many countries such as India and Pakistan have specific laws governing sexual harassment at work, but they are often not implemented in a meaningful way.<sup>72</sup> Fifty-nine other countries do not have any specific legal remedies for sexual harassment at work.<sup>73</sup> There are also concerns of human trafficking when it comes to outsourcing production of garments to other countries. Living wages are crucial for protecting against human trafficking, and with only two percent of garment workers earning a living wage, factories become a breeding ground for exploitation.<sup>74</sup> Because of this, the fashion industry is the second-highest risk category for modern slavery.<sup>75</sup>

Issues of sexual harassment and human trafficking are predominantly faced by women, especially women of color and those living in poverty. Because most garment workers are women, these are essential issues that fashion brands must take accountability for even when it occurs further down in their supply chain or in other countries.

## IV. Changes Moving Forward

### a. Legal Action

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<sup>62</sup> *International Women's Day*, *supra* note 1.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Fashion waste from Nike, Clarks, and other top brand's suppliers burnt in toxic kilns employing modern-day slavery in Cambodia*, GREENPEACE (Aug. 8, 2022), <https://perma.cc/7S8S-TNKE>.

<sup>66</sup> *International Women's Day*, *supra* note 1.

<sup>67</sup> Tamim Shikder, *The Top 15 International Made in Bangladesh Clothing Brands*, MY APPAREL SOURCING (Aug. 13, 2023), <https://perma.cc/Z34Z-R2LY>.

<sup>68</sup> *International Women's Day*, *supra* note 1.

<sup>69</sup> *Id.*

<sup>70</sup> *Garment Worker Raped & Killed in H&M Supplier Factory in India*, REMAKE (Feb. 3, 2021), <https://perma.cc/UGU9-AUBR>.

<sup>71</sup> *Id.*

<sup>72</sup> *Combating Sexual Harassment in the Garment Industry*, HUM. RTS. WATCH (Feb. 12, 2019), <https://perma.cc/SW7M-ZTPY>.

<sup>73</sup> *Id.*

<sup>74</sup> *International Women's Day*, *supra* note 1.

<sup>75</sup> *Id.*

The Garment Worker Protection Act, SB62, was passed in September 2021 in California and provides significant protection for garment workers in the state.<sup>76</sup> Provisions in SB62 require workers to receive hourly pay as opposed to the pay per piece wage systems which are often used to exploit women in garment factories.<sup>77</sup> SB62 also holds fashion companies accountable for labor violations by their contractors which aims to stop brands from avoiding liability by using subcontractors at every step of manufacturing.<sup>78</sup>

At the federal level, the FABRIC Act has been introduced multiple times to both the U.S. House of Representatives and the Senate.<sup>79</sup> The FABRIC Act is based on the principles of SB62 and includes a nearshoring tax credit to incentivize American brands to bring production back to the U.S.<sup>80</sup> The FABRIC Act was most recently introduced to the House and Senate of the 118th Congress.<sup>81</sup> Another federal law called the ProAct, which aims to protect worker's right to organize, has also been introduced to the House and Senate of the 118th Congress.<sup>82</sup> The right to organize has been essential to the history of garment workers pushing for increased protections and is needed to continue to provide safe and fair work environments for these women.<sup>83</sup> The passage of federal laws such as these that provide further protections to garment workers is essential to ending the human right violations experienced daily by women in garment factories. The most important provision for any U.S. legislation would be to ensure that U.S. brands can be held liable for the actions of their subcontractors even if they are functioning in other countries.

With human trafficking and forced labor being a major concern within garment factories, efforts to mitigate the risk of modern-day slavery are also crucial. Initiatives should include legislation requiring businesses to establish better mapping of their supply chain and increased due diligence. The California Transparency in Supply Chains Act, which was signed into law in 2010, is a great example of what such legislation could look like.<sup>84</sup> Other countries followed suit by enacting the UK Modern Slavery Act, the French Devoir de Vigilance Law, the Australian Modern Slavery Act, and more recently, the American Uyghur Forced Labor Prevention Act.<sup>85</sup> Beyond legislation focused on modern slavery in the supply chain, living wage legislation is vital for reducing the possibility of human trafficking in the garment industry. Legislation focusing on wages, work conditions, the right to organize, and modern slavery will substantially improve the lives of garment workers and women.

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<sup>76</sup> Dhani Mau, *Protection For Long-Exploited California Garment Workers Is Finally Signed Into Law*, FASHIONISTA (Sep. 28, 2021), <https://perma.cc/TD5L-AT3B>.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> Chelsey Sanchez, *The First Federal Bill That Could Protect U.S. Garment Workers Is Heading to Congress*, BAZAAR (May 13, 2022), <https://perma.cc/PK2R-TVMX>.

<sup>80</sup> *Id.*

<sup>81</sup> FABRIC Act H.R.5502, 118th Cong. (2023); FABRIC Act S.2817, 118th Cong. (2023).

<sup>82</sup> S.567, 118th Cong. (2023); H.R.20, 118th Cong. (2023).

<sup>83</sup> Hardy, *supra* note 7.

<sup>84</sup> Madeline Schulz, *Modern slavery is on the rise. Fashion's role remains steady*, VOGUE BUSINESS (May 25, 2023), <https://perma.cc/8Y8G-FL8N>.

<sup>85</sup> *Id.*



## **b. Brand and Consumer Action**

In general, raising awareness is not enough to truly change the circumstances and working conditions of garment workers, as bad press has not proved to be a large enough deterrent for brands engaging in bad behavior<sup>86</sup>. Additional steps that brands can take to improve their reputation as an ethical company include listening and allowing local unions to organize at their factories abroad and providing living wages and safe workplaces. Specific benefits such as onsite nurseries to support working mothers, increased reporting procedures for sexual harassment, improved gender equality in leadership, and training and employment for people who have experienced trafficking are also necessary to support women's rights domestically and abroad.<sup>87</sup> In order to ensure that brands are following through with their commitments to these programs, transparency is paramount.

The Fashion Transparency Index ("FTI") is a tool that both consumers and brands can use to ensure they are not wearing or producing clothes that is made by women in exploitative environments.<sup>88</sup> The FTI shows that in 2023, only one percent of major fashion brands reported the number of workers in their supply chains who are being paid a living wage.<sup>89</sup> In 2023, only 52% of the major fashion brands disclosed their first-tier supplier lists, 32% disclosed one step deeper to the brand's processing facilities, and only 12% reported the raw material suppliers that were used.<sup>90</sup> Nearly half of the brands that were investigated reported little to nothing in regard to traceability of the suppliers.<sup>91</sup> Consumers must begin to demand that brands disclose more information than they currently do, so that consumers can make more informed decisions about who they purchase from. The power that consumers have through their choices of what brands to give their money to must not be underestimated. This power can be used to require brands to treat garment workers properly if they want the money of the consumer.

Consumers can take other steps as well to stop the egregious treatment of garment workers domestically and internationally. Taking time to further educate oneself on the general issues that garment workers face in the supply chains of brands is a big step towards being a more conscious and ethical shopper. Even simply checking the tag inside of clothes before purchasing can make immense changes in the lives of women suffering poor treatment at the hands of fashion brands. If a piece of clothing is made in a country where garment workers are often taken advantage of, doing some quick additional research on the brand before purchasing can help consumers stop the flow of money from going to the brands who are responsible for these basic human right violations. Consumers can also make powerful changes by researching their favorite brands specifically and seeing if there is information on the brand's supply chain including worker's wages, factory conditions, and environmental concerns. The FTI can be used as a persuasive reference point before purchasing clothes to see if the brand can prove that their supply chain is ethical and supportive of women. Writing to brands to demand more transparent

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<sup>86</sup> Roberts-Islam, *supra* note 51.

<sup>87</sup> *Fashion's role in fighting human trafficking, reducing vulnerability, and uplifting humanity*, FASHION REVOLUTION, <https://perma.cc/U2AW-NLP4>.

<sup>88</sup> *Fashion Transparency Index 2023*, FASHION REVOLUTION, <https://perma.cc/Y3HG-4EVC>.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

supply chains and better treatment of garment workers is an additional step that can be taken which does not even require any financial means.

Especially for brands such as Temu and SHEIN, where there is little transparency on the supply chain of the products that they sell and known horrific treatment of garment workers, it is critical to stop purchasing from them entirely. As for brands that are known for having an ethical supply chain, it is essential to buy directly from the brand instead of through a third-party seller such as Amazon to ensure consumers receive authentic and ethical goods, as opposed to counterfeit goods made under poor conditions.

History has shown how many lives can be lost when garment worker's rights are not protected, and modern data indicates how horrific the exploitation within the fashion industry still is. Fashion brands must take accountability for the wellbeing, security, and livelihood of individuals producing their clothes even when it occurs further down the supply chain or in other countries. Improved legal protections, increased consumer awareness, and brand pressure to increase transparency are all needed to ensure a safer future for women in garment factories.