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THE ROLE OF THE INTERNATIONAL LABOUR ORGANISATION IN SHAPING WORKING CONDITIONS IN THE TEXTILE INDUSTRY

Abstract. Over the years, concerns about working conditions and labour rights within the textile industry have become increasingly prominent. Addressing these issues, the International Labour Organisation (ILO) has played a pivotal role in shaping and improving working conditions across the textile sector. This paper aims to explore the key legal regulations and non-legislative initiatives undertaken by the ILO. The author refers to the texts of the conventions, studies of the ILO and other organisations, as well as the literature on law. The research conducted indicates that the ILO's actions positively impacted the textile industry's labour practices globally. Nevertheless, the author argues that it is necessary to adopt a convention specifically dedicated to labour rights in the textile industry, thereby promoting fair and sustainable practices that benefit workers, businesses, and economies.

Keywords: textile industry, labour rights, ILO, child labour, fair wages, working conditions

ROLA MIĘDZYNARODOWEJ ORGANIZACJI PRACY W KSZTAŁTOWANIU WARUNKÓW PRACY W PRZEMYSŁE TEKSTYLNYM

Streszczenie. Na przestrzeni lat troska o odpowiednie warunki pracy i przestrzeganie praw pracowniczych w przemyśle tekstylnym stała się coraz bardziej widoczna. Międzynarodowa Organizacja Pracy (MOP) odgrywa kluczową rolę w kształtowaniu i poprawie warunków pracy w tym sektorze gospodarki. Niniejszy artykuł ma na celu zbadanie kluczowych aktów prawnych i inicjatyw pozalegislacyjnych podejmowanych przez MOP w tym zakresie. Autorka odwołuje się do tekstów konwencji, opracowań MOP i innych organizacji, a także literatury z zakresu prawa. Przeprowadzone rozważania wskazują, że działania MOP pozytywnie wpłynęły na praktyki stosowane w przemyśle tekstylnym na całym świecie. Niemniej jednak, autorka postuluje przyjęcie konwencji poświęconej prawom pracowniczym w tej gałęzi przemysłu, propagującej uczciwe i zrównoważone praktyki, które przyniosą korzyści pracownikom, przedsiębiorstwom i całej gospodarce.

Słowa kluczowe: przemysł tekstylny, prawa pracownicze, MOP, praca dzieci, godziwe wynagrodzenie, warunki pracy

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1. INTRODUCTION

With a rich history and global prominence, the textile industry plays a crucial role in numerous sectors such as fashion, apparel, home furnishings and technical textiles. It is a diverse and dynamic branch, influencing fashion trends and lifestyle choices as well as employing millions of workers worldwide. Its characteristics – such as global presence, seasonal market dynamics and sustainability concerns – make it a multifaceted industry. However, it is also notorious for its labour rights violations, which have been a long-standing issue. As the world continues to evolve, the textile industry must adapt, innovate, and prioritise sustainability to meet changing consumer demands and contribute to more responsible future.

The phrase “textile industry” encompasses the production, processing, and distribution of fabrics and textile products (PWN n.d.) (Britannica 2023). Sometimes sources also refer to the term “garment industry”, although it is a term with a narrower meaning, focusing on the production of clothing. Textiles, meanwhile, is the processing of raw materials into fibres, fabrics, knitted fabrics, used also for purposes other than clothing. It is also worth mentioning that the abbreviation “TCLF” is used by the ILO, and it stands for the Textile, Clothing, Leather and Footwear sector (ILO 2023) (European Commission n.d.)

There are many aspects worth addressing from the labour law perspective. Nevertheless, in this paper, I would like to focus on the role of the International Labour Organisation (hereinafter: ILO) in shaping working conditions in this sector. The ILO brings together governments, employers and workers’ representatives, and its primary objective is to promote social justice and improve labour conditions. Decent work in the textile industry has become one of the ILO’s priorities, which has played a crucial role in formulating international labour standards that address various aspects of working conditions in this sector. Moreover, the ILO provides technical assistance and expertise to member countries, particularly those with weaker labour standards, and employs various monitoring and reporting mechanisms to address labour rights violations (ILO 2023). Both the ILO’s legal regulations influencing textile industry and non-legislative activities improving working conditions in this sector are presented in this paper. In the end, I consider the idea that it may be necessary to adopt a new convention specifically dedicated to textiles.

2. LABOUR RIGHTS CHALLENGES IN THE TEXTILE INDUSTRY

In order to understand what major labour law problems the textile industry faces, one must first pay attention to its specific characteristics and the socioeconomic conditions under which it develops. It is inherently linked

to fashion, characterised by great diversity and vulnerability to change. The textile industry experiences notable seasonal market dynamics, leading to varying demands and production patterns. With the globalisation of fashion, this industry has become dispersed and moved to developing countries. Owing to lower production costs, clothing has become more affordable for consumers, and for the countries producing it, exports of textile products have created numerous jobs and caused economic growth. Countries such as China, Bangladesh and India have traditionally dominated the production side. In contrast, developed countries still thrive on design, marketing, and retailing. This global nature of the textile industry fosters a complex supply chain with numerous stages involved from raw material production to finished product distribution, requiring coordination between suppliers, manufacturers, distributors, and retailers (ILO 2022, 7–8). Despite the apparent benefits, the textile industry in this form contributes to significant social inequality, which is felt primarily by workers. Compared to other businesses, it is distinguished by the high involvement of human labour, provided by workers all over the world, and this, in turn, creates many social, economic and legal problems. These are mainly due to the lack of sufficient legal protection and the employment structure, which is dominated by women and children.

One of the primary concerns in the textile industry is the prevalence of exploitation and inadequate wages. Due to intense competition and cost pressures, many textile companies prefer to outsource production to countries with low labour costs (ILO 2023a, 26). This practice often leads to paying workers considerably low wages and denying them fair compensation for their efforts (Berik, Rodgers 2010, 70).

Many textile factories operate in substandard facilities, lacking proper safety measures and putting workers' health at risk. Long hours, inadequate breaks, and no access to clean water or sanitation facilities are also common concerns (Kabir et al. 2022, 4–7). These conditions undermine the physical and mental well-being of workers and inhibit their ability to lead healthy lives (Karanikas, Hasan 2022). The 2013 Rana Plaza building collapse in Bangladesh, which claimed the lives of over 1,100 workers, is a horrific example of the severe consequences of inadequate working conditions (BBC News 2013). Moreover, harmful factors present in the textile industry, such as cotton dust, are the cause of increased incidence of respiratory and skin diseases (Islam 2022, 8).

Child labour is another major labour rights issue that persists in the textile industry (ILO 2019, 18). Despite international conventions and efforts to eradicate the practice, children continue to be exploited and forced to work in the textile industry due to poverty, the lack of education, and weak enforcement of labour laws (ILO 2018). The presence of child labour in the textile industry not only violates the rights of these children, but as well perpetuates a cycle of poverty and illiteracy.

Gender-based inequalities and sexual harassment are also present in this sector of industry. The majority of garment workers are women, equaling to 35 million in the Asia and the Pacific region, which makes 27.9% of all women working in the manufacturing sector in this region (ILO 2020, 2). Although the industry is female-dominated, women are vastly underrepresented in managerial posts and particularly vulnerable to harassment (ILO 2019, 19; 2022a, 33–35). Moreover, they are discriminated against in terms of wages or access to training (ILO 2019a, 3–6; Berik, Rodgers 2010).

3. THE ILO'S LEGAL INSTRUMENTS INFLUENCING TEXTILE INDUSTRY

The ILO has implemented several legal acts to improve working conditions, including in the textile industry, with the ILO's Constitution at the forefront. A special position should be given to the ILO Declaration on Fundamental Principles and Rights at Work for several reasons. Firstly, it reinforces the commitment of the ILO's Member States to respect and promote the core principles, such as freedom of association, collective bargaining, the elimination of forced labour, the abolition of child labour, and the elimination of discrimination in employment. These principles apply to protecting the rights of workers also in the textile industry. Secondly, the Declaration stipulates that all ILO Member States, regardless of the conventions they have ratified, have – by virtue of their membership – an obligation to respect, promote, and implement these core labour standards (Góral, Tyc 2019, 74–75). Thirdly, the Declaration is a “living” instrument, as evidenced by the 2022 amendment which added a safe and healthy working environment as a fifth principle and right. This is particularly important for the textile industry, where health risks are still present and the appropriate legal instruments are often missing, as many member states involved in textiles production have not ratified the conventions promoting occupational health and safety.

Over the years, the ILO has maintained and developed a system of international labour standards by adopting conventions and recommendations. All conventions considered by the ILO as fundamental are significant to the regulation of working conditions in the textile sector, as they deal with issues such as abolitions of forced labour, freedom of association and right to collective bargaining, the effective abolition of child labour, and the elimination of discrimination with respect to employment and occupation. As mentioned, in 2022, safe and healthy working environment was added as the fifth principle, extending at the same time the list of core conventions by the Occupational Safety and Health Convention (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). What is noticeable is that these legal instruments apply to all workers in all branches of economic

activity, therefore addressing concretely all working women and men in the textile industry across the world.

The other group of conventions – namely the technical ones – can also be applied. As an example, one can mention the Violence and Harassment Convention (No. 190), adopted in 2019. However, it should be noted that there is currently no convention nor recommendation relating to working conditions strictly in the textile industry. The ILO prepared a draft Reduction of Hours of Work (Textiles) Convention (No. 61) in 1937, aiming to apply the principle of a forty-hour week by international agreement to the textile industry. The draft also provided possible derogations from the application of this principle and the rules for granting allowance of overtime, defining the series of operations used in this branch. This legal instrument, however, was withdrawn by decision of the International Labour Conference in 2000 as, after questioning governments and preparing reports, it turned out that the draft had lost its purpose and no longer made a useful contribution to attaining the ILO's objectives (ILO 2000). The exact rationale for this decision is not known to me, but one can discuss whether indeed such a convention would not have been necessary, of course, after updating it to current realities. After all, many states have not ratified the 1935 Forty-Hour Week Convention (No. 47) to this day.

These are just some of the legal regulations implemented by the ILO to improve working conditions in the textile industry. Their strength lies in flexibility, a unique legislative process involving representatives of governments, workers and employers from throughout the world, and “double discussion” procedure so that the final version of the instrument is as responsive as possible (ILO 2023b). Nevertheless, their implementation varies across member states and the enforcement mechanism tend to be insufficient (Peksen, Blanton 2017, 90–91). Therefore, continued efforts, including non-legislative activities, are needed to ensure compliance and enforcement.

4. THE ILO'S NON-LEGISLATIVE ACTIVITIES IMPROVING WORKING CONDITIONS IN THE TEXTILE INDUSTRY

In addition to legal acts, the ILO has taken several non-legislative measures to improve working conditions in the textile industry. These can be grouped into the following categories:

- employees training and capacity building,
- social dialogue and tripartism,
- research and knowledge sharing,
- transparency building and supervision,
- collaboration (ILO 2023).

First, the ILO recognises the importance of empowering workers and employers with the necessary skills and knowledge to improve working conditions. To achieve this, the organisation has undertaken various initiatives to provide training and capacity building programmes developing national labour laws, promoting social dialogue, and providing guidance on implementing international labour standards (ILO 2022b). One such initiative is the Better Work Programme, which aims to enhance compliance with labour standards through factory-level assessments and training programs. Through this programme, the ILO works closely with textile industry stakeholders to implement best practices, enhance the productivity and quality of work, and eradicate discrimination (Better Work 2023).

The second aspect of the ILO's commitment to improving working conditions is encouraging open social dialogue between employers, workers and governments to facilitate the development of joint solutions. These very often address issues such as wages, working hours and occupational health and safety. Tripartism creates a platform for identifying and implementing sustainable solutions that meet the mutual interests of all stakeholders (ILO 2023c). As an example, a comprehensive and coordinated programme to promote decent work and inclusive industrialisation in Ethiopia, called SIRAYE, has been developed in cooperation with tripartite partners (ILO 2019b).

Thirdly, to understand and effectively respond to the new challenges, the ILO increasingly spreads awareness of the latest trends as well as leads discussions on the future of work. It conducts extensive research on labour issues to gain a deeper understanding of the challenges faced by workers in the textile industry (Better Work 2022). By sharing this knowledge with industry actors, policymakers and academics, the organisation strives to facilitate evidence-based decision-making and promote informed dialogue. The ILO's reports, publications, and online databases allow stakeholders to access comprehensive information on best practices, innovative approaches and emerging trends, e.g. occupational health and safety (ILO 2022c).

Consequently, the ILO recognises the importance of transparency and accountability in improving working conditions and emphasises the sharing of information and promoting responsible business practices. By encouraging transparency, the ILO enables stakeholders – including consumers, investors, and civil society organisations – to exert pressure on companies to improve their working conditions. As an example, Better Work's Compliance Assessment Tool (CAT) is used by Better Work Enterprise Advisors to assess compliance with core international labour standards and national labour law (Better Work 2023a).

Finally, the ILO actively seeks partnerships and collaboration with other entities, which can leverage their combined expertise, resources and networks to address systemic issues. Collaboration with international organisations, national governments, non-governmental organisations, trade unions and employers' associations facilitates the development and implementation of more

effective strategies and initiatives. These actions aim to promote responsible business practices, encourage transparency across supply chains, and prevent labour rights abuses. As an example, the ILO has worked with the Bangladeshi government to assess structural, fire and electrical safety issues in 1,549 garment factories as a reaction to the Rana Plaza collapse (ILO 2018a). Also significant are joint activities with Employment and Social Development Canada (ESDC). They were directed, among other things, at strengthening the capacity of the trade unions and supervisory authorities in textile sector in countries such as Indonesia, Jordan, and Cambodia (ILO 2023d).

While conventions and recommendations in force do play a vital role in improving working conditions in the textile industry, the efforts of the ILO encompass a wider range of non-legislative actions. Through the initiatives pointed above, the ILO aims to bring about sustainable improvements and contribute to the development of a fair and decent textile industry.

5. THE URGENCY TO ADOPT THE WORK IN TEXTILES CONVENTION

As mentioned above, the textile sector faces significant challenges, including unethical labour practices, poor working conditions and human rights violations. Addressing these issues is crucial to safeguarding the rights and well-being of textile workers globally. This is why one could argue that a convention specifically dedicated to workers in the textile industry may need to be adopted by the ILO soon, and there are several arguments why such a solution would be desirable.

Firstly, despite the fundamental conventions already in place, the problems described continue to occur in this sector of industry in high intensity. This means that the existing solutions are not fully effective and new ones shall be applied. The revenue of the global textile industry is significant to the world economy – it amounted to 1.53 trillion USD in 2022 (Smith 2023). The sector provides 85 million jobs at the production stage, including both formal and informal employment (ILO 2020, 2). Some sources indicate that global employment in the industry stands at 300 million people along the whole value chain, including those working in design, distribution, and retail divisions (FashionUnited n.d.). Moreover, 75% of all garment sector workers at the production stage worldwide are employed in the Asia and the Pacific region (ILO 2020, 2), where the level of legal protection is not sufficient. Given these figures and the fact that the ILO should strive as much as possible to ensure decent working conditions and improve the application of conventions, a convention of a technical nature should be adopted, as the ILO has already done for other professional groups (e.g. fishers, nursing personnel, domestic workers, workers employed within hotels and restaurants). Secondly, it can be concluded that workers in the textile sector – due to the risks they face and their severity, as well as the dynamics of the industry and

the growing consumer demand that can continuously reinforce these risks – are a group that requires special protection. Recognising the special conditions under which work is carried out, it is desirable to supplement the general standards with ancillary entitlements specific for this group of workers to enable them to enjoy their rights fully. International standards are characterised by flexibility, which makes them suitable for wide application. The adoption of an ILO convention could establish additional standards especially for fair wages, age limits, women's rights, reasonable working hours and adequate health and safety conditions. The convention should emphasise the principles of fair remuneration, ensuring that every textile worker receives wages that are sufficient to provide them and their families with a decent standard of living. It should also explicitly condemn and prohibit child labour and forced labour in any form or circumstance. It could require appropriate age verification mechanisms and stipulate robust penalties for violations, aligning with international instruments already in force. A potential convention would also safeguard the rights of women, who constitute the majority of workers, guaranteeing them equality and maternity protection, among other things. Such a convention could set clear guidelines regarding working hours, adapting them to the needs of the production process. Providing workers with protective equipment, implementing fire safety measures, and conducting regular risk assessments and safety audits are also essential steps to be incorporated. Thirdly, such a legislative initiative would be the culmination of efforts to date and the ILO would make clear its commitment to the cause. Moreover, as studies show, the ILO can influence domestic labour regulations already during the preparatory process of conventions, which proves the importance of the ILO's actions (Koliev 2022, 376–377). Lastly, by adopting a dedicated ILO convention, members can establish a level playing field and create fair competition among their textile industries. This will motivate businesses to invest in sustainable practices, attracting conscientious consumers and encouraging responsible sourcing. Enhanced worker rights can also lead to increased productivity, better worker retention rates and a positive reputation, all of which offer long-term economic benefits to businesses in the sector.

Should the convention be introduced, it would be crucial to ensure that key actors in the textile industry – meaning both states involved in production as well as those ordering it – are willing to ratify it. In this context, the non-convention measures described in the earlier section of this paper will be relevant. In addition, the convention itself should make it mandatory to perform supplier audits, keeping transparent supply chains and incorporating ethical sourcing requirements into procurement policies, so that its application will also be extended in practice to other actors involved in the production and distribution process, regardless of the ratification of the potential convention.

6. CONCLUSIONS

Labour rights challenges are still present in the textile industry and to address them, a multifaceted approach is required. International collaboration is essential to hold governments accountable for enforcing labour laws and ensuring compliance with international labour standards. Strengthening trade agreements to include labour rights provisions can also encourage compliance within the industry. Furthermore, engaging with workers' organisations and trade unions can also empower workers to demand their rights and improve their working conditions. The International Labour Organisation has played a vital role in improving working conditions in this sector globally by encouraging all these activities. Through the establishment of international labour standards, technical assistance, monitoring mechanisms, and collaborative partnerships, the ILO has been relentless in advocating for social justice and fostering decent work. Nevertheless, ongoing efforts are necessary to ensure the sustainable improvement of working conditions in the textile industry, with the ILO continuing to play a critical role as a global leader in labour standards.

Adopting the Work in Textiles Convention is imperative to address the widespread challenges that workers face in this sector. By fostering fair labour conditions, the convention would protect their rights, promote economic stability, encourage sustainable practices, and enhance collaboration among various stakeholders. The convention offers an effective mean to align ethical standards with market demands, ultimately shaping the future of the global textile industry, contributing to economic growth and social progress. The International Labour Organisation should, therefore, recognise the urgency of this matter and lead the way towards a more just and sustainable textile industry. Together with non-legislative supporting measures, such a technical convention could achieve the desired results; yet, this should be preceded by adequate discussion as well as awareness, commitment, and the preparation of those playing a key role in this industry sector. For this time, in my opinion, it would be advisable to adopt at least a recommendation that would draw attention to the risks arising in this industry sector. Nevertheless, given the extent of the problem and the fact that the most vulnerable groups of workers are exposed, I believe that the convention is the most appropriate legal instrument.

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