

**Employment is freely chosen**  
**/ policy and brand guidance**



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# Introduction

## Employment is freely chosen

This is Fair Wear's policy and brand guidance for the labour standard '**Employment is freely chosen**'. The policy falls within the framework of Fair Wear's Human Rights Due Diligence (HRDD) policy, which is designed to help Fair Wear member brands understand the context in which they operate, inform sourcing decisions, and give guidance on what is required to identify, prevent, and remediate forced labour.



➔ Section two provides an explanation of this policy and Fair Wear's broader human rights due diligence framework. In section three, the current situation regarding forced labour prevalence in the garment industry is explored. Finally, section four covers **brands' responsibilities and guidance**, setting out what Fair Wear expects from brands in terms of identification, prevention, mitigation, remediation, and courses of action for when all previous steps fail.

➔ Fair Wear's role is to support member brands in addressing this complex topic in the initial and deeper tiers of their supply chain. Implementation of this policy and guidance is assessed through the **Brand Performance Check**. Fair Wear also supports member brands to improve practices through sharing credible information, access to workers' voices through grievance mechanisms and local multi-stakeholder relations, liaising with other multi-stakeholder initiatives, and lobby and advocacy work in Europe and garment-producing countries.

➔ While Fair Wear focuses on the production stages after fabric production, member brands are expected to take a **proactive zero tolerance approach to the risk of forced labour** in their full supply chain, in line with the human rights due diligence approach.

Annexes I and II include a list of useful resources and identified risks per country.

# 1. The labour standard: 'Employment is freely chosen'.

**ILO Convention 29:** Forced Labour Convention; and **ILO Convention 105:** Abolition of Forced Labour Convention

One of Fair Wear's labour standards is 'Employment is freely chosen'. There shall be no use of forced, including bonded or prison, labour'.

Member companies of Fair Wear have committed to sourcing from production facilities that produce under decent working conditions, in accordance with their code obligations. This responsibility applies globally, including in countries where the government is unwilling or unable to adhere to international labour standards.

In accordance with the Constitution of the International Labour Organization (ILO), countries that are Members of the ILO are required to implement the core Conventions 29 (1930) and 105 (1957), which require countries to end all forms of forced or compulsory labour, even if they have not ratified these conventions.<sup>1</sup>

To supplement Convention 29 and 105, in 2014, the Protocol to the Forced Labour Convention, 1930, was adopted, along with the Forced Labour (Supplementary Measures) Recommendation No. 203. These two instruments are clear and authoritative beacons as countries progress in their fight against forced labour.

<sup>1</sup> A helpful ILO resource for further information regarding the policy and conventions can be found here: <https://www.ilo.org/empent/areas/business-helpdesk/about-us/lang-en/index.htm>



Fair Wear has used both ILO Conventions and the Protocol as the basis for the Fair Wear Code of Labour Practices together with the Universal Declaration of Human Rights, which identifies the elimination of forced labour.<sup>2</sup>

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In line with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, the Fair Wear Human Rights Due Diligence Policy (HRDD), is based on due diligence as the process that businesses should carry out to identify, prevent, mitigate, and account for, how they address actual and potential forced labour risks in their own operations, supply chains, and business relationships. Moreover, all Fair Wear member brands and their suppliers must sign the Code of Labour Practices (CoLP) which states that employment should be freely chosen. This forbids the use of forced labour, including bonded or prison labour.

Concerning forced labour, all standards apply equally, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

In each step of HRDD system, consider that women and men may experience forced labour differently (e.g., women are more often victims of gender-based violence/sexual abuse). As such, remediation would require additional support and compensation forms according to the different lived experiences of the rightsholders.

<sup>2</sup> The "Palermo Protocol" against human trafficking, the ILO Convention 190 on violence and harassment, and the ILO Recommendation 206 set further international standards on forced labour.

## EU LEGISLATIVE PROPOSAL

During the EU State of the Union 2021, European Commission President Von der Leyen announced ‘a ban on products in our [EU] market that have been made by forced labour’. The European Commission (EC) presented a legislative proposal in September 2022. The proposal is likely to include an effective prohibition of the placing of products made by forced labour on the EU market and will cover both EU domestic and imported products. The EC’s ambitions were reinforced by an adopted resolution of the European Parliament on 9 June 2022 calling for an import ban on products produced with forced labour from entering the EU market. The EC’s legislative proposal will complement current proposals on transparency (e.g. Corporate Sustainable Reporting Directive) and due diligence (Corporate Sustainable Due Diligence Directive).

## 2. Situation, facts, and figures

### DEFINITIONS OF SLAVERY AND FORCED LABOUR

**Forced labour** refers to ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.’<sup>3</sup>

**Modern slavery**, as defined for the purpose of the global estimates, comprises two principal components – forced labour and forced marriage. Both refer to situations of exploitation that a person cannot refuse or cannot leave because of threats, violence, coercion, deception, or abuse of power.<sup>4,5</sup>

An estimated 27.6 million people are in forced labour globally. Most forced labour occurs in the private economy. Eighty-six percent of forced labour cases are imposed by private actors – 63% in the private economy in sectors other than commercial sexual exploitation and 23% in forced commercial sexual exploitation. State-imposed forced labour accounts for the remaining 14% of people in forced labour.

Women and girls make up 11.8 million of all forced labour. More than 3.3 million of all those in forced labour are children.<sup>6</sup>

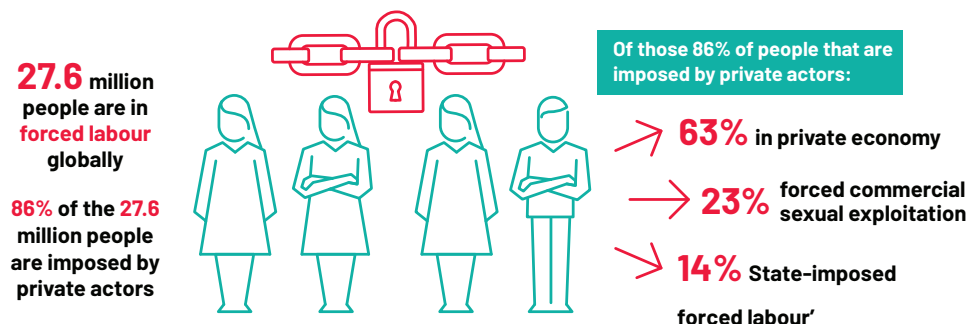
<sup>3</sup> ILO, 1930, “C029 – ILO Forced Labour Convention”, (No.29) Article 2, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)

<sup>4</sup> ILO, September 2022, Walk Free, International Organisation for Migration (IOM), “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage”, [https://www.ilo.org/wcmsp5/groups/public/-/-ed\\_norm/-/-ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/-/-ed_norm/-/-ipec/documents/publication/wcms_854733.pdf), p. 19

<sup>5</sup> The Slavery Act of the UK addresses slavery, servitude, and forced or compulsory labour, <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>6</sup> ILO, September 2022, Walk Free, IOM, “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage”, [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_854733/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang-en/index.htm)

Women are more likely to be victims of forced labour through non-payment of wages, extremely low wages that lead to excessive overtime, and abuse of vulnerability (including sexual abuse), while men are often subject to threats of violence and financial penalties. Women are also more likely than men to be subjected to physical and sexual violence.



## FORMS OF FORCED LABOUR

We can distinguish between different types of forced labour. Some types of forced labour are strongly linked to supplier practices, such as debt bondage linked to recruitment fees. Other types of forced labour can be linked to governments, such as prison labour.<sup>7</sup>

The ILO indicators of forced labour can give brands an indication of the risk of existence of forced labour and can be found in the scoping exercise (step 2 of the brand guidance below).

<sup>7</sup> Labour extracted from prison workers is not generally considered forced labour under international law. However, 'involuntary work performed by prisoners who have not been convicted in a court of law and whose work is not supervised by a public authority is considered forced labour. Similarly, involuntary work performed by a prisoner for the benefit of a private undertaking is also considered forced labour.' See OECD (2017) Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, p. 129, with reference to ILO (2015) Combatting Forced Labour: A Handbook for Employers and Business.

## Examples of forced labour in the garment industry (on their own or in combination with other forms):

- State-orchestrated programmes imposing forced labour of administratively detained persons, prisoners in pre-trial detention, political prisoners, persons detained for trade union activity or peaceful assembly.
- Debt bondage, e.g. linked to recruitment fees and/or in the context of trafficking in human beings. One example is the garment factories and spinning mills in India, where young girls (15-17 years old) and recently also young boys are recruited at job fairs organised by factories and contractors, and where practices include withholding wages, restriction on freedom of movement, excessive overtime, etc.
- Reliance on "labour discipline" for production, i.e. an obligation to work as a sanction for violating company rules or failing to complete the production quota.
- Restrictions of the ability of workers to change employers or to leave the host country without permission of the employer.
- Restrictions of the movement of workers coupled with other coercive measures (e.g. threat or use of force).
- Use of irregular, delayed, deferred, or non-payment of wages to bind employees to employment.
- Forcing workers to work more overtime hours than allowed by national law or (when relevant) collective agreements under the menace of penalty.<sup>8</sup> In the garment industry, low wages and tight delivery schedules are often causes of excessive involuntary overtime. Brands' purchasing practices have a big impact on wages and overtime.
- "Forced cropping": compulsory cultivation that ties farmers to their land and forces them to sell their produce to a mandatory concession holder.

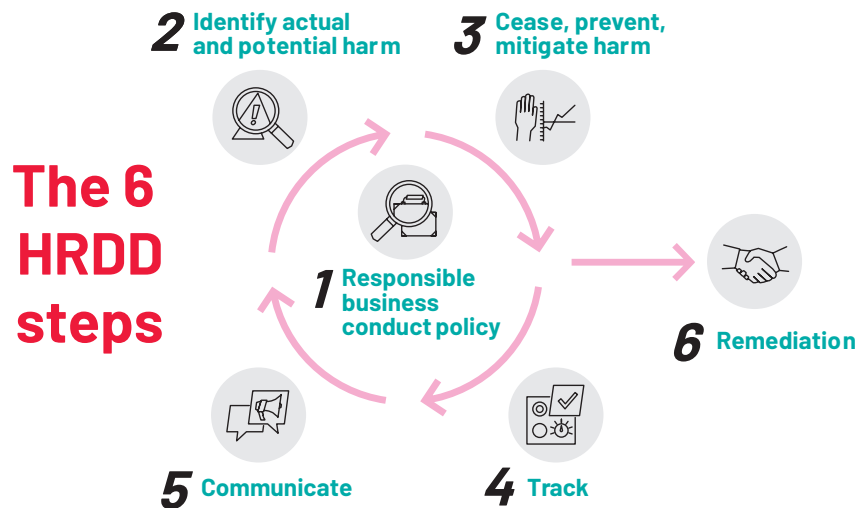
<sup>8</sup> European Union, 12th July 2021, "Guidance on due diligence for EU business to address the risk of forced labour in their operations and supply chains", p 2

### 3. Brand responsibilities and guidance

The below brand guidance serves to guide Fair Wear member brands on how to implement the required adherence to the policy ‘employment is freely chosen’. It refers to the different steps in the HRDD cycle where we expect member brands to act in relation to the risk of forced or bonded labour in their supply chains.<sup>9</sup>

As mentioned in Chapter 2, this guidance on forced labour with all standards and remediation is equally applicable, regardless of gender or sexual orientation, age, or any other factors. Gender (e.g. vulnerability of young women and girls) and discrimination (e.g. based on religion, ethnicity, caste, descent, or (internal) migration status) are strongly linked with forced labour.

Fair Wear members will be required to implement the following in order to identify and prevent the risk of forced labour.



<sup>9</sup> Fair Wear, 2021, “Fair Wear Human Rights Due Diligence Policy”



#### STEP 1: FORCED AND BONDED LABOUR IN RESPONSIBLE BUSINESS CONDUCT (RBC) POLICY

As mentioned in the Fair Wear HRDD policy, members need to establish their own RBC policy for all the Code of Labour Practices, including forced labour. In the RBC policy, extra attention should be paid to clarifying the member brand’s commitments regarding its own activities and articulate its business partners’ expectations – including suppliers, licensees, and intermediaries – across the full length of its supply chain.’

Forced labour should be a zero-tolerance issue in the member brand’s value chain, influencing its sourcing strategy. The RBC policy will include whether its sourcing strategy privileges countries with low risk of forced labour or how it accounts for sourcing in countries with high risk of forced labour. The member brand will describe how to act promptly to investigate and use its leverage to resolve cases pertaining to forced labour. The member brand will communicate that it will disengage if violations are severe, irremediable, not remedied, or persist.

Member brands’ transparency about the production locations they use is a precondition to adequately identifying and addressing forced labour.



#### STEP 2: SCOPING EXERCISE

Following the Fair Wear HRDD policy, **the first step in identification and prevention** is to include the risk of forced labour in a scoping exercise. Member brands should scope the risk of forced labour on various levels, such as **the country, sector, business model, sourcing model, and product level** to identify the most significant risks of harm in their supply chain and involve the impacted workers and/or their representatives (NGO’s and Trade Unions) as much as possible.<sup>10</sup>

<sup>10</sup> In some cases of forced labour, rights holders are not able to speak up freely regarding their situation and brands will need to rely on external representatives.

Forced labour is complex, takes many forms, and is hidden by nature. A single on-site assessment is unlikely to provide adequate information for the enterprise to determine whether forced labour is being prevented. For the scoping exercise, multiple sources need to be consulted to gain insight into risks of forced or bonded labour in particular parts of the supply chain. Furthermore, effective ongoing monitoring is a crucial component of due diligence in high-risk areas for forced labour.

Enterprises are encouraged to consult and cooperate with governments, international organisations, and credible institutions, including civil society organisations, stakeholders, labour rights organisations, suppliers, and experts to design an effective monitoring mechanism and to identify materials and production processes associated with forced labour, as well as sourcing areas which have been flagged as higher risk for forced labour. Trade unions themselves can act as effective monitors of forced labour. Civil society and community members can likewise act as important informants of forced labour. However, community awareness is necessary for community-level monitoring to be effective. Enterprises across the sector are encouraged to identify gaps in data collection and work towards improved coordination and collection of information.<sup>11</sup>

## ILO indicators of forced labour

To identify whether forced labour may be taking place, ILO has created a set of indicators which are included as a framework for assessment in this policy. The indicators represent the most common signs or “clues” that point to the possible existence of a forced labour case. Member brands should include the following risk indicators for forced labour in their scoping exercise.

Please read the ILO indicators of forced labour<sup>12</sup> for a detailed explanation.

<sup>11</sup> OECD, 2018, “OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector”, [https://www.oecd-ilibrary.org/governance/oecd-due-diligence-guidance-for-responsible-supply-chains-in-the-garment-and-footwear-sector\\_9789264290587-en](https://www.oecd-ilibrary.org/governance/oecd-due-diligence-guidance-for-responsible-supply-chains-in-the-garment-and-footwear-sector_9789264290587-en), p. 126-127

<sup>12</sup> ILO indicators of forced labour [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_203832/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm)

- › Abuse of vulnerability
- › Deception
- › Restriction of movement
- › Isolation
- › Physical and sexual violence
- › Intimidation and threats
- › Retention of identity documents
- › Withholding of wages
- › Debt bondage
- › Abusive working and living conditions
- › Excessive, involuntary overtime<sup>13</sup>

The presence of a single indicator may, in some cases, imply the existence of forced labour. However, in other cases you may need to look for several indicators which, taken together, point to a forced labour case. Overall, the set of eleven indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether an individual worker is a victim. There is a wealth of information and guidance on how to use the indicators in practice and how brands can discuss this with their suppliers.<sup>14</sup> Annex III provides an explanation of the ILO indicators.

<sup>13</sup> Excessive overtime is always a violation of one of the Fair Wear CoLP, even if it is paid.

<sup>14</sup> SEDEX, June 2017, “Guidance on Operational Practice & Indicators of Forced Labour,” <https://www.sedex.com/wp-content/uploads/2016/03/Sedex-Guidance-on-Operational-Practice-and-Indicators-of-Forced-Labour.pdf> IMVO Convenanten, “Legal Framework and indicators on Forced Labour,” <https://www.imvoconvenanten.nl/-/media/imvo/files/kleding/child-labour/9-framework-indicators-forced-labour.pdf> IMVO Convenanten, Accessed 2022, “Guidelines for improving policies and practices on Child Labour and Forced Labour”, <https://www.imvoconvenanten.nl/-/media/imvo/files/kleding/child-labour/d-child-labour-forced-labour.pdf> Fair Labor Organization, July 2019, “Forced Labor Guidance Update July 2019”. <https://www.scribd.com/document/520493376/Forced-Labor-Guidance-Update-July-2019> ILO, 2012, E-learning tool for identifying and investigating cases of forced labour: Training: “Identifying and investigating cases of forced labour and trafficking”, [https://www.ilo.org/global/topics/forced-labour/events/WCMS\\_173345/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/events/WCMS_173345/lang-en/index.htm) .2017. [https://www.ilo.org/global/topics/forced-labour/events/WCMS\\_546184/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/events/WCMS_546184/lang-en/index.htm)



Members of the European Parliament agreed that what counts as a product of forced labour should be measured against International Labour Organization indicators as mentioned above. Public authorities should detain and seize the goods at the EU borders if there is “sufficient evidence” that the goods were made or transported by forced labour.

### Country/regional risk indicators (see Annex II for country-specific risks)

- › Countries that have not ratified the ILO fundamental conventions<sup>15</sup> or have a weak record of implementation;<sup>16</sup>
- › Countries in which there does not exist freedom of association in law or in practice nor an effective right to collective bargaining;
- › Countries with state-orchestrated programmes including but not limited to:
  - › mass mobilisation for large-scale national development programmes (particularly in centrally planned economies);
  - › labour and/or vocational programmes targeted at persons belonging to minorities (e.g. ethnic or religious);
- › Legal regimes outlawing peaceful strike action;
- › Countries with prison labour policies and programmes;
- › Inability to conduct in-depth risk assessments, for example due to threats or enforced presence of government, employers, etc.

### Pay extra attention to risk indicators linked to migration and informality

- › Employment of migrant workers, in particular irregular migrant workers;
- › Workers recruited via third parties including government recruiters;

<sup>15</sup> ILO, Ratifications per country, <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO> (Accessed 2022)

<sup>16</sup> ILO, <https://www.ilo.org/dyn/normlex/en/f?p=1000:11000::NO> (Accessed 2022)

- › Workers in on-site accommodation, or off-site accommodation linked to the employer;
- › Presence of informally employed workers;
- › Absence of written employment contracts and wage slips;
- › Presence of children and adolescents in the workplace, in particular hazardous environments;
- › Young women workers;
- › Workers from indigenous communities or minority groups or that do not speak the local language;
- › Workers with disabilities.

### Risk indicators linked to presence of debt risk factors

- › Existence of credit arrangements and debt schemes for workers;
- › Restrictions on the ability of workers to freely dispose of their wages (e.g. a disproportionate portion of their wages is deducted for accommodation and food);
- › Workers do not have free access to their identity and residency documents;
- › Forcing workers to work more overtime hours than allowed by national law or (when relevant) collective agreements under the menace of penalty;<sup>17</sup>
- › Incidence of physical or psychological abuse, violence, or harassment.

### DUE-DILIGENCE SOURCING DIALOGUE

After the scoping exercise, brands should engage in sourcing dialogues with suppliers. Be transparent with suppliers and make clear that there is zero tolerance for forced labour. Explain how you as a brand will act if forced labour is found or suspected. Start with the signed and returned questionnaire with the Code of Labour Practices (CoLP) before the first (bulk) orders are placed.

<sup>17</sup> While not all overtime is considered forced labour; forced labour does occur if overtime is compulsory and exceeds the weekly or monthly limits allowed by laws, irrespective of the reasons for such overtime'; see OECD (2017) p. 129 and ILO (2015).

Apart from the general onboarding, check whether forced/prison labour might be an issue by asking questions and requesting related factory policies and workforce data. For example, how much the production capacity is compared to the number of workers in the factory.

Check what factories have written in their policies. Does it include zero-tolerance on forced labour and forced prison labour? Did they sign the customer's Code of Conduct or the Fair Wear CoLP standard where this is included?

## ONBOARDING WORKERS AND MANAGERS

Apart from engaging in sourcing dialogue. Upon the start of the business relationship, members should:

- › Raise awareness with the workers and the management on human rights in the language understood by the worker and the management;
- › Stress the importance of gender-representative social dialogue (with democratically elected worker representatives);
- › Assess whether there is an effective operational-level grievance mechanism established through social dialogue with workers;
- › Establish the Fair Wear helpline as a safety net.

## CONDUCTING A RISK ASSESSMENT (LINKING THE SCOPING EXERCISE TO FACTORY LEVEL)

The outcome of the scoping exercise serves as input to the risk assessment of individual factories. The risk assessments should start with collecting data from the factory to determine whether the general risks (from the scoping exercise) are present at the factory. That means, for example, collecting workforce data and supplier policies and operations to look at adverse human rights impacts. If urgent high risks for forced labour are found in the risk assessment, the brand should conduct an in-depth risk assessment.

Considerations when carrying out **in-depth risk assessments** of specific high-risk suppliers or supply chain segments:

- › Strengthen checks where the risk is higher, for example, carry out in-depth assessments of recruitment agencies used by suppliers or of “choke points”, such as commodity traders that source raw materials or operate upstream in high-risk areas.
- › Carry out extensive stakeholder engagement in areas with heightened risk. For example, with trade unions, civil society, or other experts. In absence of trade unions, workers’ representatives should be consulted. Map who your stakeholders are and actively include involvement of rightsholders early on, where possible, and the organisations representing them.
- › Enhance training for staff, agents, and suppliers in high-risk areas and establish stronger prequalification processes for suppliers.
- › Ensure independent and unannounced access to the worksite and workers to collect information and carry out workplace assessments. Brands cannot rely on auditing only for detecting forced labour.
- › Interview workers in a secure environment and off-site, to avoid presence and interference of their managers, with the assistance of an interpreter if necessary (e.g. in case of migrant workers or workers belonging to national minorities).
- › When interviews and consultations are conducted, it is critical to include women’s voices and women’s representatives (if any).

Special considerations when dealing with risks of **state-imposed forced labour**<sup>18</sup>:

- › Before communicating with a supplier, it is important to understand whether suppliers or business partners have the autonomy to choose, and if they receive benefits from participating in state-sponsored labour programmes.
- › In such situations, it will be difficult for brands to meet their human rights responsibility; worker interviews and audits will in general not generate reliable information.

<sup>18</sup> Forced labour imposed by state authorities, for example: prison labour; as punishment for the expression of political views; for the purposes of economic development; as a means of labour discipline; as a punishment for participation in strikes; as a means of racial, religious, or other discrimination.

It is also important to consider steps that can be taken to communicate to governments responsible for state-imposed forced labour policies, through direct communications, such as letters from industry associations, worker representatives and/or democratically elected unions, NGOs, and other MSIs. Such communications may include:

- » An expression of grave concern over reports of forced labour;
- » A request for information and transparency, including information on site level production, trade, type of employment, contracts, and freedom of movement;
- » A request for independent access for auditors and assessors;
- » A request for the government to engage with international observers and relevant multilateral organisations, such as the United Nations or the International Labour Organization.

When the risk assessment finds or suspects existing harm and adverse impact of forced labour, the member brand should take immediate action to remediate and stop the existing impact (see step 3 and 6 on ceasing and remediation).

### STEP 3: CEASE, PREVENT, OR MITIGATE HARM IN THE SUPPLY CHAIN



Member brands should develop and implement their own plan to seek to prevent or mitigate any future harm of forced labour in their supply chain. Such a plan should detail what actions the member brand will take with clear timelines for follow-up. Moreover, if a member brand identifies that it has contributed to harm it should provide for or co-operate in the remediation of harm (see step 6).

Due to the nature of forced labour, extensive stakeholder engagement is required to determine the most appropriate methods to prevent forced labour.

Member brands are encouraged to apply the recommendations and practices from the *OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector*<sup>19</sup> and guidance published by credible organisations such as the ILO.

The following actions to cease, prevent, or mitigate the risk of forced labour can be taken:

- » Require suppliers to inform workers about their rights at the start of their employment in the language understood by the employee.
- » Support factory-level freedom of association or social dialogue in line with Fair Wear's CoLP, providing workers' representatives, including women, with the necessary means to develop effective collective agreements.
- » Take joint action with other brands, industrial groups, and/or other stakeholders, and share the experiences with Fair Wear. Sometimes governments or CSOs may already have plans in place to tackle forced labour. In those cases, we encourage member brands to align their plans to stop forced labour.
- » When forced labour is suspected, member brands should put in place a system to report forced labour to local authorities, to external experts, or organisations and other brands involved. It must not discourage suppliers or staff from reporting the risk or instances of forced labour, and instead provide a clear procedure of how any reported risks will be addressed and, if needed, escalated. Clarify that suppliers and staff will not face reprisals for reporting risk or instances of forced labour. Where they have caused or contributed to forced labour, brands should cooperate with local authorities (if possible) to help provide appropriate forms of remedy.

<sup>19</sup> OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, <https://www.oecd-ilibrary.org/docserver/9789264290587-en.pdf?expires=1661761765&id=id&accname=guest&checksum=AD37CF6B759F1FA9F60FFFA56F574C8,p.130-132>



If prevention, mitigation, or remediation (step 6) of forced labour is not possible, according to the Fair Wear HRDD policy, member brands' disengagement from a business relationship is appropriate in line with [responsible exit strategy](#).

**Member brands' actions will depend on the type of risk of forced labour, for example:**

- ▶ If forced overtime is found at a supplier and/or its subcontractors, corrective action can be undertaken<sup>20</sup> and the brand should stay engaged to prevent or mitigate the adverse impacts of forced labour practices: by compensation, changing purchasing practices, or in terms of influencing government policy and factory (hiring) practices.
- ▶ In the case of state-imposed forced labour and prison labour, it may not be possible to remediate, and the only option is to disengage or exit this supplier and avoid the identified risks of forced labour.



## STEP 4 & 5: TRACK AND COMMUNICATE

Brands should follow steps 4 and 5 in the Fair Wear HRDD policy to monitor, evaluate progress, and publicly report on the risk of forced labour. In addition to the general guidance, brands should be aware that forced labour is often hidden and therefore difficult to identify. A single on-site assessment is unlikely to provide adequate information for the enterprise to determine whether forced labour is being prevented. Ongoing monitoring is crucial component of due diligence in high-risk areas for forced labour.

Being transparent about production locations is a precondition to adequately track, assess, and eliminate forced labour.

<sup>20</sup> Fair Wear, 2020, "Addressing excessive overtime through better purchasing practices." <https://api.fairwear.org/wp-content/uploads/2021/11/Fair-Wear-Fair-Working-Hours-Guide-vDEF2.pdf>

## STEP 6: PROVIDE FOR OR CO-OPERATE IN REMEDIATION WHERE APPROPRIATE



When finding or addressing forced labour and/or identifying that the brand has caused or contributed to adverse impacts, it should address such impacts by providing for or cooperating in remediation. Brands must try to restore the affected person(s) to the situation they would be in if the adverse impact had not occurred and enable remediation proportionate to the significance and scale of the adverse impact.

**The following actions to address forced labour can be taken:**

- ▶ Consult and engage with impacted rights holders (workers) and their representatives to determine the appropriate remedy;
- ▶ Support, including appropriate financial support if needed, for suppliers and business partners to implement agreed corrective action plans;
- ▶ Stakeholders should continuously be given feedback in the process of remediation.

# Annex I – Reading list

- › ILO Convention 29: Forced Labour Convention. [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029)
- › ILO, P-029. Protocol of 2014 to the Forced Labour Convention, 1930. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029)
- › ILO Convention 105: Abolition of Forced Labour Convention. [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C105](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105)
- › ILO, Forced Labour (Supplementary Measures) Recommendation, 2014 (No.203) [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:R203](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R203)
- › ILO indicators of Forced Labour. [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_203832/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm)
- › United Nations Guiding Principles on Business and Human Rights. 2011. [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)
- › European Union. Guidance On Due Diligence for EU Businesses to Address the Risk of Forced Labour in their Operations and Supply Chains. 2021. [https://trade.ec.europa.eu/doclib/docs/2021/july/tradoc\\_159709.pdf](https://trade.ec.europa.eu/doclib/docs/2021/july/tradoc_159709.pdf)
- › Organisation for Economic Co-operation and Development (OECD) Guide-lines for Multinational Enterprises (MNE). 2011. <https://www.oecd.org/daf/inv/mne/48004323.pdf>
- › OECD Due Diligence Guidance for Responsible Business Conduct. 2018. <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>
- › OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector. 2018. <https://www.oecd.org/industry/inv/mne/responsible-supply-chains-textile-garment-sector.htm>
- › International Labour Organisation (ILO) Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. 2017. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

- › Fundamental ILO Conventions <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>
- › International Training Centre of the ILO, Turin, Italy. Training courses on using the ILO indicators in practice and identifying and investigating cases of forced labour. (2012) [https://www.ilo.org/global/topics/forced-labour/events/WCMS\\_173345/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/events/WCMS_173345/lang-en/index.htm)
- › (2017) [https://www.ilo.org/global/topics/forced-labour/events/WCMS\\_546184/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/events/WCMS_546184/lang-en/index.htm)
- › FAQs on Business and Forced Labour, [https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS\\_DOC\\_ENT\\_HLP\\_FL\\_FAQ\\_EN/lang-en/index.htm](https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_FL_FAQ_EN/lang-en/index.htm)
- › ILO, 2015, Combatting Forced Labour: A Handbook for Employers and Business, International Labour Organisation, Geneva. [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_101171/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang-en/index.htm)
- › ILO, Walk Free, International Organisation for Migration, September 2022, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/docu-ments/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/docu-ments/publication/wcms_854733.pdf)
- › ILO; OECD; IOM; UNICEF, 12 November 2019, Ending child labour, forced labour and human trafficking in global supply chains. Alliance 8.7 report. [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/docu-ments/publication/wcms\\_716930.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/docu-ments/publication/wcms_716930.pdf)
- › ILO Global Business Network on Forced Labour, 13 September 2022. Eradicating forced labour: What works in practice. <https://fbusiness.network/what-works/> (Provides practical ideas what has worked in addressing each of the 11 indicators. The ILO's Global Business Network on Forced Labour brings together businesses of all sizes and sectors, and their networks, from around the globe to eradicate forced labour. Its members and partners work to engage smaller enterprises, develop resources and tools, and devise local solutions that help shape national frameworks to create lasting change.)
- › ILO, December 2022, ILO Forced Labour Observatory. <https://www.ilo.org/flodashboard/>

# Risks and policies per country

The country risks and policies mentioned on the next pages are non-exhaustive.

## Annex II – Risks and policies per country

### Bangladesh

Bangladesh has ratified ILO Conventions 29 (1972) and 105 (1972).

Common country risks & violations	Examples (Description)
Systematic forced labour on production targets.	There is an increasing practice in the ready-made garment (RMG) sector of setting a production target and not allowing workers to leave the factory until they have fulfilled the target.
Workers do not get one day off per week.	Friday is considered a weekly day off in Bangladesh, but in many cases, workers have to work on Friday, without the factory ensuring an alternative day off. The national law allows for workers to work on Friday if there is an urgent need, but factories should ensure an alternative day off within a short time after the occurrence.
Overtime is not voluntary, not announced in advance, and it exceeds the legal limit.	The Bangladesh Labour Agreement 2006 permits two hours of overtime each day. However, working hours often exceed the legal limit. Excessive overtime occurs more frequently in knit factories. During emergency shipments, there is often a need to continue overtime at night; it is often not voluntary and not announced in advance.



## China

The People's Republic of China approved the ratification of ILO Conventions 29 and 105.

Common country risks & violations	Examples (Description)
Forced overtime: Workers are forced to work overtime under threat of penalty.	Forced overtime is a common occurrence, especially in peak season, with workers often not receiving overtime premiums. However, since most workers are paid a piece rate, they are often willing to accept the overtime to increase their salary.
Non-approval of resignation by withholding wages.	A key problem that occurs on the manufacturing side of the garment industry is the withholding of wages to prevent workers from leaving an employer. It remains common practice for employers to offer workers who want to leave a choice between voluntary departure (zi-li) and resignation (ci-gong). Voluntary departure without management approval, in most cases, results in the worker forfeiting all unpaid wages. Written resignation provides full back pay but requires the worker to be fully informed of the procedure and management approval, which is often not forthcoming. This situation may continue to increase as it is one way that employers can attempt to retain a shrinking workforce.
Involuntary prison labour: Inmates are forced to work in prison under threat of penalty.	Regular reports of alleged use of forced prison labour in the garment industry continue. It has proved almost impossible to verify the facts behind these reports.

The use of subcontracting reduces visibility into the labour standards of the supplier, thus increasing the risk of forced labour.

One of the main problems within the textile, garment, and leather industry is the fragmented structure of the production locations. Most of the main suppliers are working with small, undetermined subcontractors.

Juveniles (16-17 years old) work as apprentices with long hours, with little pay, and no medical checks received.

Student labour (apprentices) for juveniles through work-study programmes and apprenticeships, including extensive overtime with little pay, is found often and they mostly do not receive the required health checks.

Forced labour risks for migrant/minority workers: Migrants/minorities are forced to work and/or work long hours under threat of penalty.

The Global Slavery Index estimated that there were over 3.8 million people living in conditions of modern slavery in China in 2018.<sup>21</sup> There have been various reports on forced labour all over China, like, the policy brief "Uyghurs for Sale" by the Australian Strategic Policy Institute, that indicated that international companies in China run a high risk of having or having had forced labour by the Uyghur people and other minorities in their supply chain. Brands have been asked to join the 'call to action' from the Coalition to End Forced Labour in the Uyghur Region.<sup>22</sup>

In April 2019, the Leiden Asia Centre published a report stating international companies working with Chinese companies near Dandong City in Liaoning Province run 'a very high and very real risk of having (had) North-Korean forced labour/contemporary slavery in their supply chains.'<sup>23</sup>

<sup>21</sup> Global Slavery Index. "China Country Data, 2018." <https://www.globallslaveryindex.org/2018/data/country-data/china/>

<sup>22</sup> Coalition to End Forced Labour in the Uyghur Region, <https://enduyghurforcedlabour.org>

<sup>23</sup> Breuker, Remco and van Gardingen, Imke, Leiden Asia Centre, "Tightening Belts: Two Regional Case Studies on Corporate Social Responsibility," April 2019, [https://www.universiteitleiden.nl/binaries/content/assets/geesteswetenschappen/lia/onderzoek-breuker-ea--tightening-belts--two-regional-case-studies-on-corporate-social-responsibility.pdf?mc\\_cid=7a7b1f866a&mc\\_eid=adbaf4ba31](https://www.universiteitleiden.nl/binaries/content/assets/geesteswetenschappen/lia/onderzoek-breuker-ea--tightening-belts--two-regional-case-studies-on-corporate-social-responsibility.pdf?mc_cid=7a7b1f866a&mc_eid=adbaf4ba31)

# Eastern Europe

ILO Conventions 29 (Forced Labour Core Convention) and 105 (Abolition of Forced Labour Core Convention) are ratified laws on forced and compulsory labour in Bulgaria, North Macedonia, and Romania. In addition, Recommendation 203 - Forced Labour (Supplementary Measures) is ratified and in all three countries' constitutions forced labour is explicitly prohibited.

The most common risks for all three Eastern European countries are presented in this table below.

Most common country risks & violations	Examples (Description)
Overtime is often not voluntary. Workers are forced to work overtime under threat of penalty.	In most the textile factories in Eastern Europe, Saturday is considered a regular working day. It is often not considered by the workers as overtime, and it is rarely voluntary. Workers are informed that Saturday is a regular working day without consent. Working on Saturday leads to overtime of (at least) 8 working hours above the legal limits for a regular working week. <sup>24</sup> If workers are asked to stay longer after working hours during the working week, workers seldom use their right to refuse the management's decision. Overtime is not considered as an option to choose. There is pressure for workers to accept overtime. If workers refuse to work overtime, they can be reported, resulting in earning less than the legal minimum wage and penalties can be applied. There are reported cases where workers have been discriminated against and verbally harassed under threat and penalty due to their rejection of working overtime.

<sup>24</sup> Legally prescribed working hours are 40 hours in one working week.

Workers are not free to terminate their employment with reasonable notice or leave when their contracts expire.	In some factories in Romania, the practice of unreasonable notice period requirements has been identified, as well as financial penalties for resigning (for example, having to pay back transportation costs incurred by the company in the 3-12 months prior to their resignation).
Required leaves are not provided to workers.	Workers are not allowed to use their entitled holidays, according to their personal needs. Many cases have been reported where workers are not allowed to take entitled days off and/or they have to compensate on a Saturday. Workers are not given paid or unpaid leave for extraordinary family events or for personal reasons.

Please consult the "[Practical guide to supply chain risks in North Macedonia](#)" for North Macedonia on more risks.

## India

India has ratified the following ILO conventions:

- » ILO Forced Labour Core Convention No. 29 (ratified in 1954), but India has not ratified its Protocol;
- » ILO Abolition of Forced Labour Core Convention No. 105 (ratified in 2000);
- » ILO Minimum Age Core Convention No. 138 (ratified in 2017);
- » ILO Worst Forms of Child Labour Core Convention No. 182 (ratified in 2017);
- » ILO Hours of Work (Industry) Convention No. 1 (ratified in 1919);
- » ILO Weekly Rest (Industry) Convention No. 14 (ratified in 1923).

Most common country risks & violations	Examples (Description)
Increasingly high presence of inter-state migrant workers in the garment industry.	The percentage of migrant workers employed in the garment industry in Delhi NCR is rising, with some indications now showing that migrant workers constitute 70% of workers in the sector. Further information can be found in Fair Wear's Sumangali <sup>25</sup> scheme guidance document (2015) <sup>26</sup> , as well as the Fair Wear country study <sup>27</sup> and a more recent report regarding debt bondage by SOMO and Arisa. <sup>28</sup>

<sup>25</sup> Due to the bad name the Sumangali Scheme<sup>[9]</sup> earned in the last decade, the name Sumangali is currently not used anymore.

<sup>26</sup> Fair Wear. Fair Wear Guidance on Sumangali Scheme and India's Bonded Labour System, 2015

<sup>27</sup> Fair Wear country study, <https://api.fairwear.org/wp-content/uploads/2019/06/CS-INDIA-2019.pdf>, p. 38

<sup>28</sup> SOMO and Arisa, "Spinning around workers' rights. International garment companies linked to forced labour in Tamil Nadu textile mills," <https://arisa.nl/persbericht-210527/?lang=en>, May 2021

Child labour	Although child labour is not visible in garment factories, <sup>29</sup> it is present in illegal sweatshops in and around Delhi, where, according to the Global March Against Child Labour, an estimated 100,000 children work for more than 14 hours a day.
Discrimination	Caste discrimination plays a role in the living dynamics, with migrant workers often belonging to lower castes. For example, upper caste workers reserve one bathroom in the quarter for their caste's use only, resulting in low caste workers spending more time in queues for the few remaining restrooms.
Very low unionisation	Unionisation of workers is virtually non-existent and there are no collective bargaining agreements. There have been a few incidences of tensions between workers and factory management erupting in unorganised strikes, which have included violence, police intervention, and the arrest of workers.
Involuntary overtime	Workers are often requested to work overtime for which they cannot say 'no'. Forced overtime is often given to workers who stay in a hostel in the factory premises or to migrant workers that are often more vulnerable. Often they are doing double shifts or one and half shift straight.

<sup>29</sup> Stakeholder interviews with Labouring Women and Violence on 26 November 2018 and GNP Studies on 28 November 2018



## Indonesia

- Indonesia has ratified the eight Fundamental ILO Conventions, Forced Labour Conventions (No.29), and the Abolition of Forced Labour Convention (No.105).
- Indonesia issued a new Job Creation Law No. 11/2020 that made significant changes in labour-related regulation, including the stipulations on wages, overtime, severance payments, unemployment benefits, and contracts. With the new law and Covid-19 context, job status has become more flexible, with shorter terms of contract.

Most common country risks & violations	Examples (Description)
Wage payment below the minimum wage.	Payment below minimum wage is allowed if the worker agrees. However, due to power relations and the need to have an income, workers are more likely to accept whatever the employer offers.
Unpaid overtime premiums.	Even though factories have strict attendance systems that can document the check-in and check-out of workers, the actual working hours can be different in practice. For example, workers may work until 8pm but in the system, it can be only recorded until 6pm.
The use of third party, including homeworkers.	When part of the work is outsourced, e.g. washing, embroidery, sewing, etc., the risk of forced labour practices is higher. For example, low wages, long working hours, lack of occupational health and safety, and no legal written contract.

## Myanmar

Since the coup in February 2021, the situation in Myanmar has deteriorated.<sup>30</sup> Myanmar ratified three of the eight core ILO Conventions which cover forced labour, freedom of association, and child labour. Forced Labour Convention C-29 was ratified in 1955 and constituted in the 2008 Constitution, but there is still high risk of violation on forced labour due to a lack of or weak implementation. Therefore, according to the UNOPS, in 2015, **one in six workers in low-skilled employment** was in a situation of forced labour due to multiple gaps in existing labour protection frameworks. The Abolition of Forced Labour Convention, 1957 (No. 105) was not ratified by Myanmar.

Most common country risks & violations	Examples (Description)
Wage payment below the minimum wage.	Workers' salaries are being withheld or reduced during resignation.
Forced overtime	Production planning can be disrupted due to the political unrest in the country and that can cause unannounced or mandatory overtime at work. Factories do not always provide leaves (casual, annual, sick, or without pay) to unionists or workers who have joined democratic movements or a union. Workers are not provided with at least one day off in a seven-day period or public holidays as required by law. Working hours change and the demand to work excessive overtime including on Sunday or during official holidays is higher, without the provision of overtime compensation as per the labour laws. Production targets have increased without overtime compensation or bonuses. Workers are punished when they do not meet production targets.

<sup>30</sup> ILO, 1 August 2022, "New ILO estimates show Myanmar remains deeply affected by job losses in first half of 2022," [https://www.ilo.org/asia/media-centre/news/WCMS\\_852675/lang-en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_852675/lang-en/index.htm) UNDP, 15 September 2022, "Livelihoods Hanging by a Thread: A Survey of Garment Workers and Firms," <https://www.undp.org/myanmar/publications/livelihoods-hanging-thread-survey-garment-workers-and-firms> ETI, 12 September 2022, "Myanmar enhanced due diligence sectoral assessment," <https://www.ethicaltrade.org/resources/myanmar-enhanced-due-diligence-sectoral-assessment>

Freedom of association and social dialogue	Since the coup, workers are not able to join a union or democratic movement and workers' leaders have been arrested.
Abusive working conditions	Due to the political instability and lack of rule of law, safe and healthy working conditions are not provided, and safety and Covid-19 measures are not followed. Workers are forced to work in risky working conditions, such as not providing Covid-19 PPE safety equipment and safety guidelines are not followed. The working atmosphere in factories has become more abusive, there are more cases of (sexual) harassment.
Legally binding employment contracts	Employment contract types have changed from permanent to daily wage workers as well as not providing an extension of employment contracts after probation. Workers' ID cards and other education documents are being kept by employers.
Increasing the use of internal and external migrant labour since 2020 due to Covid-19 and in 2021 due to the military coup.	Migrant labourers have a higher risk for child labour, forced labour, non-compliance with wage legislation, and sexual harassment. Workers (mostly internal migrants) must pay additional fees to the military, e.g. for a residence permit, guest registration fees, or other penalties.
Risk of child labour	Child labourers are more vulnerable to forced labour. No minimum wages are paid, and they do not receive the appropriate medical checks and certificates.

## Tunisia

Tunisia ratified ILO Convention 29 on Forced Labour as well as Convention 105 concerning the Abolition of Forced Labour, but it is yet to ratify the 2014 Forced Labour protocol Po19.

### Nationally, several legislations prohibit and sanction forced labour:

The Penal Code (Art.104 and Art.250) prohibits forced and compulsory labour and provides penalties of up to ten years imprisonment for anyone who captures, arrests, detains, or confines a person for the purpose of forced labour.

The Labour Code further grants workers the freedom to change jobs and the right to exit (Art.14) and limits the maximum working hours (Art.79). Tunisia has recently made efforts in combating trafficking, an issue closely connected with forced labour.

The Organic Law No.2016-61 on preventing and combating the trafficking of persons, was adopted in 2016. The law represents a milestone as it provides a clear definition to trafficking, accounting for sexual exploitation as well as all forms of economic exploitation involving forced labour or services. In comparison with the Labour Code, the law on trafficking also provides special prosecution procedures for trafficking, including economic exploitation, and establishes a protective framework and assistance to victims of human trafficking including forced labour.

Most common country risks & violations	Examples (Description)
Involuntary overtime	It has been reported that sometimes factories do not have clearly defined policies on overtime work.

## Turkey

Turkey ratified the Forced Labour Convention (No.29) in 1998 and the Abolition of Forced Labour Convention (No.105) in 1961.

Most common country risks & violations	Examples (Description)
Informal employment	The garment industry is known for its informal employment. The ratio of unregistered workers changes according to public and/or civil society data. The data ranges from 1.5 million to 4 million. Almost 70% of all workers in the industry are unregistered and most unregistered workers are women. Workers employed in informal enterprises are particularly vulnerable to forced labour, notably debt-induced forced labour.
Overtime work is not done voluntarily, nor is it announced in advance.	Long working hours and excessive overtime are common aspects of the industry in Turkey. Trade unions underline that most workers gladly accept these conditions, since the regular wages are insufficient for providing a decent living. This was observed in almost every factory. Overtime is usually compulsory. Workers are often informed last-minute that they are expected to work extra hours. Workers are threatened with termination and subjected to penalties as well as verbal abuse if they refuse to work overtime. Migrant workers are particularly vulnerable to mandatory overtime.

### The restriction of the usage of toilets

Factories may restrict the use of toilet breaks. Some install swipe card systems on toilets situated near the factory floor. This system can record how many times a worker went to the toilet and how long he/she stayed there. There is usually a notice on the doors of toilets regarding the restriction of going to toilets within the regular working hours. Facility owners emphasise that this practice is aimed at collecting statistical data on how frequently the workers use the toilet, how long they stay there, and how this affects their performance, even though there is no performance monitoring system established in the factory. Females are particularly affected by this restriction.

### Withholding of mobile phones.

Workers are not allowed to keep cell phones with them during work and can only make phone calls with the permission of the supervisors.

### Restriction of movement to leave factory premises during breaks.

Workers are not allowed to go outside the factory during their breaks.

### The use of subcontracting reduces visibility into the labour standards of the supplier, thus increasing the risk of forced labour.

One of the main problems within the textile, garment, and leather industry in Turkey is the fragmented structure of the production locations. Most of the main suppliers work with small, undetermined subcontractors.



Child labour	Child labour in Turkey continues to be a domestic issue for the country. Despite Turkish and international community efforts to establish policies and initiatives to prevent child labour and protect the interests of children, child labour persists. The arrival of Syrian refugees in Turkey increased the risk of child labour in the garment and apparel factories. According to stakeholder estimates, almost two million children are currently subjected to child labour in Turkey, most of them unregistered and in non-secure jobs. In 2021, 62 child workers (21 of them younger than 15 years old) have lost their lives because of work connected reasons. During the first three months of 2022 the number of children who lost their lives is 6 (one of them younger than 15 years old). Child labourers are more vulnerable to forced labour. Often minimum wages are not paid, and they do not receive the appropriate medical checks and certificates.
Forced labour for migrant workers	According to an ILO report on the labour market situation of Syrian workers in Turkey, using data from the TurkStat Household Labour Force Survey from 2017: out of two million Syrians of working age, 930,000 were part of the labour force and 813,000 were employed, largely informally (including 130,000 self-employed). The vast majority was working informally with limited job security. According to the trade unions, refugees working in agriculture often must pay a commission of up to 25% to middlemen for shelter and other needs. There is a new sub-contractor system in fields and worksites across the country where local workers are getting Syrians to do their jobs, while paying them a fraction of their wage to do so. Research on unethical recruitment practices is quite limited in Turkey. There is a similar risk of unethical recruitment practices and the risk of exploitation for Syrians working in the garment industry.

## Vietnam

- ▶ Vietnam ratified the ILO's Forced Labour Convention (No.29) in 2007 and the Abolition of Forced Labour Convention (No.105) in 2020.
- ▶ The revised Labour Code which came into effect on 1 January 2021 defines forced labour as 'the use of force, the threat to use force, or other means to induce a worker to work against their will'.
- ▶ "Forced labour" is one of the prohibited acts in the labour sector (Article 8).
- ▶ Freedom from forced labour is a worker right: (Article 5. 1. a) 'To work; to freely choose their work, workplace and occupation; to freely participate in vocational training and to improve their occupational qualifications; and to be free from discrimination, forced labour and sexual harassment at the workplace';
- ▶ 'The right of an employee to unilaterally terminate the employment contract (Article 35): An employee shall have the right to unilaterally terminate the employment contract without reason, but the employee must notify the employer for a period of 45 days/30 days/ three days depending on his/her type of employment contract. There are seven exceptions where prior notice is not required of an employee, namely when they: (a) have been assigned the incorrect job; (b) have not been paid in full or on time; (c) have been abused or beaten by the employers, have been the victim of abusive acts that affect their health, dignity or honour, **have been forced into labour**; (d) have been sexually harassed; (đ) have been prescribed termination of work by a doctor, for example, in case of pregnancy; (e) have reached the prescribed retirement age, unless otherwise agreed by both parties; (g) or have been provided with dishonest information by the employer regarding the implementation of the labour contract.'

Most common country risks & violations	Examples (Description)
Overtime is often involuntary: Workers are forced to work overtime under threat of penalty.	Supervisors pressure workers to sign overtime consent forms, which are legally required to be voluntary. Supervisors have been found to manipulate workers to accept overtime, whether they want it or not.
Violation of the right of a worker to unilaterally terminate an employment contract	Often factory supervisors and managers do not accept resignation requests from workers. In such cases, though it is not exactly forced labour, workers must continue working if they want to earn an income, instead of following a resignation process that would allow them to look for another position elsewhere. Thus, these situations also contradict the Labour Code stipulations on freely chosen employment.
Restriction of toilet access	There is no formal limit to toilet access, but workers must have permission from supervisors to go to the toilet or use a toilet card. To ensure the productivity of whole lines, the supervisors do not always allow workers to leave. Some garment companies complain that workers go to the toilet too often and for too long, severely affecting production. Females are particularly affected by this restriction.
Restriction of movement	Workers are not allowed to move around the factory or leave the factory premises if they do not have approval from their supervisor even if their normal working hours have been completed.
Late payment or withholding of wages	Some factories do not pay full wages and bonuses for the workers before they leave for Lunar New Year.

## Annex III

The ILO came up with a set of Indicators of Forced Labour. The indicators are representations of the most regularly seen signs that indicate the potential existence of a forced labour case.

### The indicators are:

- › Abuse of vulnerability
- › Deception
- › Restriction of movement
- › Isolation
- › Physical and sexual violence
- › Intimidation and threats
- › Retention of identity documents
- › Withholding of wages
- › Debt bondage
- › Abusive working and living conditions
- › Excessive overtime”<sup>31</sup>

Please find the full publication [here](#).

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<sup>31</sup> International Labour Office, issued in 2012), “ILO indicators of Forced Labour.” [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_203832/lang-en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm)



## Acknowledgements

This document is authored by Annemiek Smits and Eveline de Wael. Many thanks to Jesse Bloemendaal, Fair Wear's Management Team, Committee of Experts and Board of Directors and others whose research and expertise have contributed to this document. Design by Buro RuSt.

© 2022 Fair Wear Foundation is an international multi-stakeholder non-profit organisation that works with clothing companies—and their supply chains—to improve working conditions in the garment industry. By becoming a member of Fair Wear, a company commits to implementing the Fair Wear Code of Labour Practices throughout its supply chain. Currently over 150 brands have joined. Fair Wear strives to increase awareness about working conditions and workers' rights in textile factories.

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