



July 2020

THE EMPEROR HAS NO CLOTHES

GARMENT SUPPLY CHAINS IN THE TIME OF
PANDEMIC

Issue - III

INTRODUCTION

The Asia Floor Wage Alliance (AFWA) has been closely assessing the impacts of the COVID-19 crisis on garment workers so as to highlight their concerns. This report series, titled “The Emperor Has No Clothes” is based on information from garment workers, trade unions and labour rights organisations, media reports, circulars and press releases from governments and other stakeholders.

The first issue mapped the initial impact of the pandemic on garment supply chains in Asia and the immediate concerns of workers around wage payment, social security benefits and access to healthcare.¹ The second issue focused on access to employment, including a typology of discriminatory labour market practices that impact access to employment for garment workers.²

This issue with a focus on Cambodia, India, Indonesia and Sri Lanka — highlights the challenges that suppliers, in particular, Micro, Small and Medium Enterprises (MSMEs) face due to the lockdown measures and reduced business activities, and how these challenges translate to increased risk and burden of liability for

garment workers. The sudden cancellation of orders by global fashion brands along with unplanned lockdowns in some countries, pushed MSMEs that employ thousands of garment workers into a great crisis. Suppliers were forced to lay off or cut workers’ wages, with significant impact on a workforce with low savings and limited access to social protection.

The crisis has forced supplier associations to demand both ‘capital-centric’ and ‘labour-centric’ concessions from the state. Capital-centric approaches aim to meet working capital requirements and overcome the liquidity crunch. Labour-centric approaches mostly attempt to increase ‘flexibility’ in labour markets and reverse the gains that workers won through decades of collective struggle—including an eight-hour workday, decent working conditions, freedom of association, and collective bargaining provisions. As a response, labour unions have been organising protests and demanding that their rights be safeguarded, with great personal risk.

This issue brings together discussions of the impact of and response to COVID-19 by suppliers and garment unions. The

report highlights how refusal to honour contractual obligations to suppliers and workers by brands, along with inadequate state responses to address the socioeconomic impacts of the COVID-19 crisis, is jeopardizing the lives and livelihoods of garment workers.

Part I explains the role of supplier firms in garment supply chains,
Part II focuses on the immediate shocks faced by suppliers due to the COVID-19 crisis,
Part III analyses the major demands raised by suppliers and its impact on workers,
Part IV provides an overview of the main demands raised by workers and unions,
Part V provides concluding remarks.

Taken together, these sections not only make a case for brands to ensure greater responsibility and accountability, but also argue that any COVID-19 recovery program by governments in garment producing countries needs to invest heavily in supporting ‘at-risk populations’ like garment workers who are experiencing a high degree of socio-economic marginalisation, while at the same time supporting MSMEs that form the backbone of economies in the Global South.



Photo Caption: READ conducting a Community Support Group Meeting in a village in Tamil Nadu, India
Photo Credits: READ, India

PART I

ROLE OF SUPPLIER FIRMS IN GLOBAL GARMENT SUPPLY CHAINS

The global garment industry functions through hierarchical supply chains where the lead firm/buyer (the global brands) outsource production to supplier firms, predominantly located in countries in Asia that have abundant cheap labour. The garment industry is labour-intensive in nature and has relatively low barriers to market entry due to low requirements of capital outlay for supplier factories. The industry is thus seen as an effective pathway for industrialisation in countries in the Global South that are transitioning to post-agrarian economies.

With the rise of garment production in Asia, brands have outsourced the risks and true cost of production to suppliers who have borne the brunt of integrating into the world market. This occurs through different means like the extremely unrealistic production targets and timelines set by the demands of fast fashion brands, absorbing both downward pressure on prices paid by brands to suppliers and the routine depreciation of domestic currencies vis-à-vis the dollar that impacts profit margins in relation to increasing import costs of raw materials. Suppliers are forced to offload much of these risks and costs onto workers through contractualisation and other regressive labour practices like forced labour and union-busting that perpetuate poverty-level wages, and poor working conditions.

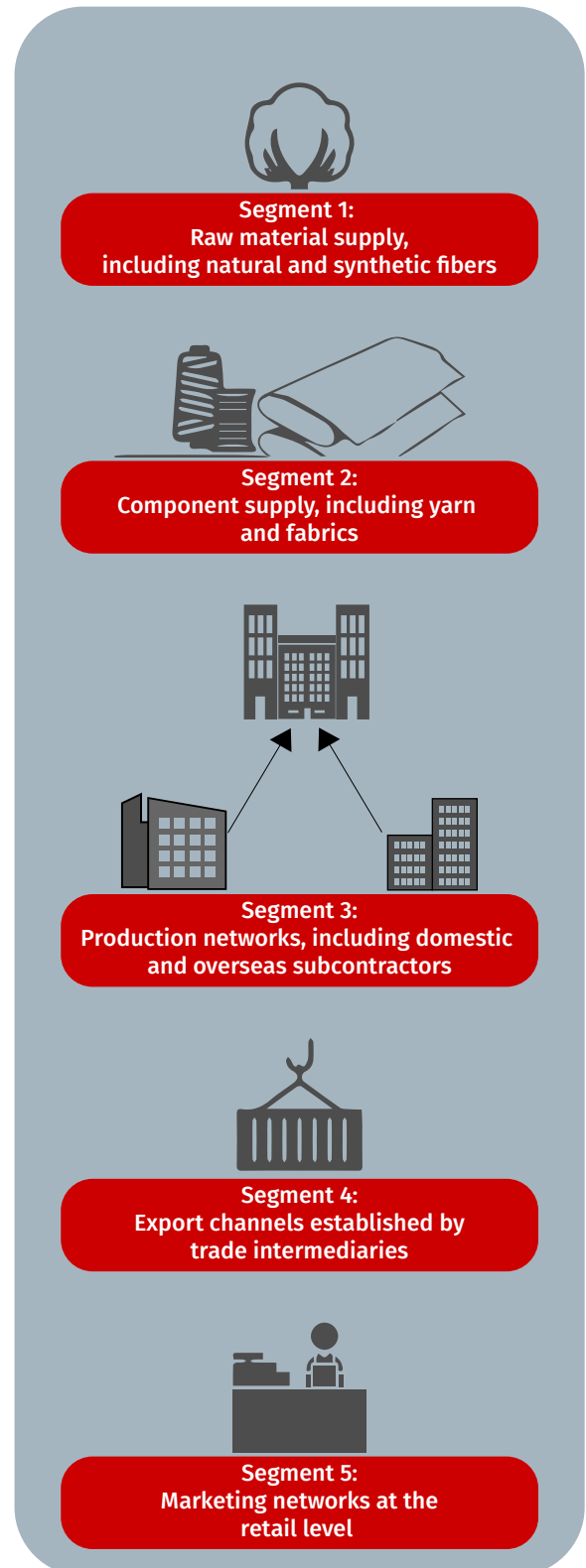


Figure 1: Structure of garment supply chains

Defining Medium, Small and Micro Enterprises (MSMEs)

Table 1:
Micro, small and medium-sized enterprises,
as defined by the International Finance Corporation (IFC)⁵

Firm Class Size

INDICATORS	MICRO	SMALL	MEDIUM
EMPLOYEES	<10	10<50	50<300
TOTAL ASSETS	< \$100,000	\$100,000 < \$3 million	\$3million < \$ 15 million
TOTAL ANNUAL SALES	<\$100,000	\$100,000< \$3 million	\$3million < \$15 million

Though MSMEs are ubiquitous in the Global South, there is no consensus on a definition since countries have different statistical approaches to measurement and classification based on their economic situation. The International Finance Corporation (IFC) definition, based on the number of employees, the total assets and total annual sales, is commonly used. As per this classification, an enterprise is included in a specific category if it meets the relevant criteria under at least two of the three indicators. Also, self-employed workers are excluded from the category of micro-enterprises.

Despite limitations in these definitions that exclude entire segments of the informal economy, we use this definition of MSMEs as a benchmark to distinguish Micro, Small and Medium Enterprises. Notably, empirical studies on small and medium-sized enterprises (SMEs) in developing and emerging countries tend to exclude or provide only limited coverage of micro-enterprise, due to difficulties in identifying and surveying these units.⁶

Supplier firms vary in terms of investor profile, scale of employment generation, investment outlay and degree of formality. Despite this variation, a significant majority of the firms in the Asian garment industry are MSMEs that operate on limited

working capital. Within MSMEs, micro enterprises constitute the largest segment and employ the largest number of workers.³ These units have faced the brunt of integration into a hypercompetitive world market since the withdrawal of the Multi-Fibre

Agreement in 2005 that did away with global quota limits on garment production. Once quotas on export to the US and EU were dismantled, a few large firms due to their economies of scale were in a better position to meet the rising global demand,⁴ while at the same time cornering and outsourcing production to smaller firms and home-based enterprises.

In many cases, export-oriented tier-I supplier firms outsource their orders to MSMEs, including home based enterprises, through informal arrangements. In some production countries, micro and small enterprises that cater to the global market are started with little investment by workers themselves, employ family labour, and operate with little savings. Thus, even within the so-called organised manufacturing sector, the extent of informality has been rapidly growing.

It is in these MSMEs that a vast majority of the garment workforce, predominantly women and migrant labour are employed. Child and family labour are also common in micro enterprises, especially home-based

micro enterprises. Garment workers in micro enterprises tend to be marginalized and excluded from social safety nets due to their informal status. Accordingly, they constitute some of the most vulnerable segments of the garment labour force.

The lack of transparency among fashion brands with regard to their supply chains makes it difficult to hold brands accountable for exploitative practices in these smaller units. Even brands that do disclose tier-I and even medium suppliers typically do not even trace, let alone disclose, subcontracts from suppliers to micro and small enterprises.

In the COVID-19 scenario, weak demand, cancellation of orders and tight credit has forced many MSMEs to shut down and lay off workers, adversely affecting some of the lowest paid workers in the industry. This has also significantly reduced opportunities for women to seek employment. Hence, a post-COVID recovery plan must include significant measures to revive the MSME sector which is a critical source of employment and output.



Photo Caption: Garment workers in Cambodia protesting to demand compensation after factory closure
Photo Credits: CATU, Cambodia

PART II

SHOCKS FACED BY SUPPLIERS DUE TO COVID-19 CRISIS

“There has only been talk of ‘help’ from the government, no actual relief has reached us. Production has been halted during the summer season when orders are generally very high. We have not even received payments for orders we already produced from the large companies [export factories]. We are unhappy at the quantum of relief being provided and at the sheer amount of time it is taking the government to come up with any concrete plans to announce a meaningful relief package for the textile industry. We have paid wages for workers for March and we are now providing Rs 2000 per month for them. Our business is in severe loss over the last two months and if things do not change, we will have to lay off workers. We need the government to lower GST (Goods and Services Tax) and defer all tax and loan repayments for a year.”

A factory owner from Coimbatore, India on conditions of anonymity. His factory employs around 200 workers, mostly women.

COVID-19 has accentuated the structural crisis in the global garment industry by exposing the inequities of the supply chain model where global brands reap billions in profits by pitting suppliers against one another in bidding wars, deploying predatory purchasing practices, and fostering a race to the bottom in terms of workers' well-being.

Supplier firms faced four major shocks in garment producing countries due to the COVID-19 pandemic.

- A. Shortage of raw materials
- B. Cancellation of orders, delays in payment, and demand for discounts
- C. Imposition of COVID-19 pandemic lockdowns
- D. Weak demand and global recession

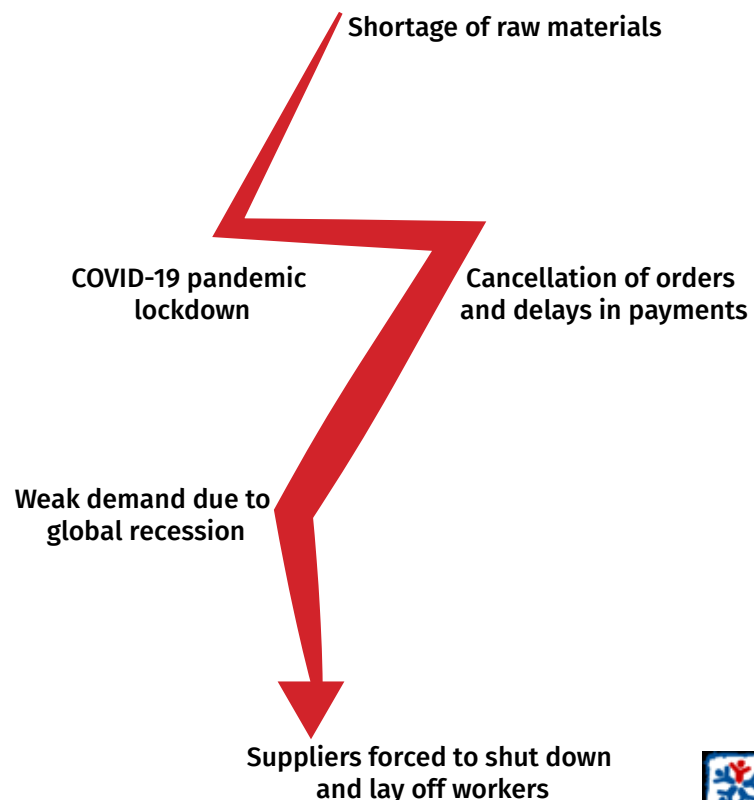


Figure 2: Cascading shocks to garment producing MSMEs and garment workers

The shocks to supplier firms closely mirror the spread of COVID-19. However, these did not occur in a linear fashion. While initially there was a shortage of raw materials (A), the delay in payments, cancellation of orders and demand for discounts (B) and the imposition of lockdowns (C) occurred simultaneously or in quick succession in most production countries in Asia. The global recession (D) arose as a result of the cascading effects of several distinct macro-economic trends including a disruption of global demand and supply, trade, and finance. These are explained in detail below.

A. Shortage of Raw Materials

The first shock to supplier firms came around February 2020 in the form of a shortage of raw materials from China, during the initial stages of the pandemic. This affected production in countries like Cambodia, Indonesia and Sri Lanka that depend on imports of raw materials from China. During this crisis, brands penalised suppliers for late deliveries.⁷ This problem, however, did not greatly affect Indian suppliers as internal sourcing of raw materials was possible to a large extent.

Once the supply of raw materials from China was restored, the restrictions on transportation within domestic economies due to the COVID-19 lockdowns caused disruption to supply chains, which in turn impacted garment production.

B. Cancellation of Orders, Delay in Payments and Demand for Discounts

In the second stage, shocks to suppliers came in the form of cancelled orders, delays in payments for goods that were produced or were currently in production and/or through demand for discounts by brands to suppliers. Due to lockdowns in various parts of the world, goods that were being transported were either suspended midway or were left uncollected in ports (Figure 1, Segment 4). Goods that were produced, but not transported are stored in factories in production countries which also exacerbate the risk of factory fires.⁸

Brands commonly refused to honour contractual obligations, with some of them unjustifiably invoking Force Majeure clauses. In many cases, orders that were completed and transported were not accepted by brands, which led to widespread uncertainty, with costs displaced onto garment workers through wage cuts and layoffs. Some brands “indefinitely” suspended payments to suppliers for existing stock,⁹ while other brands demanded retroactive price reductions or large rebates of up to 90 percent from suppliers.¹⁰ These unfair practices seem to have been curtailed to some extent due to public pressure and organizing by worker organizations and their allies and some brands have stepped forward to ‘commit’ to paying existing orders.¹¹

For the MSMEs, the increased payment delays on already completed orders and high inventory levels eviscerated their working capital and impacted their liquidity, affecting their ability to pay wages and prevent layoffs. The waiting period for payments for many MSMEs in regions like Tiruppur, Ludhiana and Ahmedabad in India has risen by over 90 days.

The impunity with which the brands were able to penalise suppliers for late deliveries initially and cancel orders later lays bare the power inequalities in garment supply chains. Brand relationships with suppliers vary from long term established relationships with some firms, to short term engagement with others. In either instance, mobility of brands and capital together with the surplus of labour in Asia gives brands the bargaining leverage to dictate terms of trade in the global garment supply chain.

However, there are a few exceptions to this with the rise of large tier-I supplier firms in countries like India and China. Such firms have the scale to cultivate strategic partnerships with brands and have been relatively better-placed to withstand the crisis, although they are also experiencing the financial shocks of COVID-19. Due to the pressure from garment labour unions, some of these firms especially in regions like Karnataka in India where governments have been relatively more responsive to labour issues, have paid wages to workers

during the lockdown period. However, they have also fostered exploitable dependencies where workers are made to feel that wages are paid due to the benevolence of employers.

C. Imposition of COVID-19 Pandemic Lockdowns

The third shock that occurred simultaneously with the second came in the form of state-administered lockdowns, involving total or partial shutdowns of production in garment producing countries. This was particularly harsh in India, where an ill-conceived lockdown with no prior intimation forced all enterprises to completely close down. The Stringency Index developed by the University of Oxford found India had one of the strongest lockdown measures in the world, with India's lockdown reaching a stringency level of 100 (highest possible).¹² The lockdown caused millions of workers to lose their jobs and revenue streams and did not 'flatten the curve' due to minimal testing. This can be compared to the lockdown in Sri Lanka, which is considered to have had one of the most successful immediate responses to tackling COVID-19 due to its well-funded public health care system and safety nets for workers.¹³

Cambodia and Indonesia, on the other hand, imposed large scale social restrictions for some regions, without a complete shutdown of industries. Starting from late May,

the Indonesian government has been implementing the New Normal policy to stimulate growth and reduce unemployment.¹⁴ This approach is being heavily criticised for downplaying the scale of infections and deliberately holding back on mass-testing. Moreover, this premature approach to economic recovery risks exposing Indonesians to further outbreaks and deeper, longer-term economic disruptions.

In the case of India, Clothing Manufacturers Association of India (CMAI) reports that the majority of their member firms were able to pay wages in March, but did not have the funds to pay wages in April and May.¹⁵ This disproportionately affected workers with little savings who depend on daily wages to meet their basic needs. Without adequate social protection from the state, workers went through an unprecedented period of uncertainty and misery. Migrant workers returned en-masse to their villages by foot. Once the lockdown restrictions were eased, reports indicate that suppliers in some areas are facing a shortage of labour as workers are not willing to return.¹⁶

D. Weak Demand and Global Recession

The fourth shock to supplier firms came in the form of a loss of business in general with dim prospects of recovery in upcoming months. This arose as a consequence of all the factors identified hitherto, and has

to do with limited orders being placed by global brands.

The economic impact of the pandemic has plunged the global economy into a severe contraction, which according to the World Bank would be the deepest recession¹⁷ since the Second World War. McKinsey estimates that the revenues of the global fashion industry will contract by –27 to –30 percent in 2020¹⁸. Widespread store closures, consumer pessimism about the economy, increasing numbers of insolvencies and uncertainties about the resurgence of COVID-19 in economies that are opening up are dramatically affecting demand for garments.

There are three distinct immediate and anticipated long-term global trends that stand to impact all supplier firms, including Tier-1 firms and MSMEs. Firstly, retail stores are currently indulging in deep-discounting so as to dispose of unsold inventory.¹⁹ For this, brands are demanding discounts from suppliers despite the fact that the price paid by the brands does not cover the true cost of production. Secondly, there have been increased concerns about the unpredictable risks associated with offshoring production that may lead to restructuring of supply chains in the medium and long term. There have been renewed calls for brands to ‘digitalise’ and ‘nearshore’ production²⁰, so that they can retain greater control over the process. Thirdly, the looming macroeconomic

recession in garment producing countries due to inadequate stimulus by the state also hinders the prospects of revival for supplier firms.

Some supplier firms are trying to innovate by producing face masks, gloves, gowns, coveralls, etc. for the domestic as well as foreign market. In export markets, they are trying to take advantage of the immediate demand as well as the temporary relaxation by the EU and the US of certification requirements for medical Personal Protec-

tive Equipment (PPE). However, this is not a viable strategy in the long run because of the potential oversupply and decline of demand for non-medical/generic PPE that would drive prices down as well as the high costs of obtaining certifications and approvals for medical PPE once the temporary relaxation of rules is withdrawn.²¹ Since the core competency of these enterprises is in the garment industry, suppliers' fortunes are intricately tied to the revival of global demand.



Photo Caption: Home-based garment production unit in Tiruppur, India
Photo Credits: Nandita Shivakumar

Impact of COVID-19 on MSMEs and workers

The lack of diversification in economic activities, weak financial structure, and a heavy dependence on credit with limited financing options has always made MSMEs extremely vulnerable during any crisis. Delays in payments along with a fall in orders, followed by an inability to access credit, compounded through delayed or ill-conceived government policies affected an MSME sector which was already under stress. This has led MSMEs to ask workers to accept lower wages and take unpaid leave/furloughs, and has precipitated widespread layoffs.

High dependence on subcontracting in garment supply chains creates ripple effects when there is non-payment by brands to Tier- I suppliers. Any slight disruption in the purchasing practices of brands not only affects workers employed in supplier factories, but also those in 'hidden' subcontracted units including home-based enterprises that produce indirectly for the brands.²²

Also, in times of crisis, when demands from global brands fall, Tier-I suppliers reduce outsourcing of orders to MSMEs and prefer to increase production targets for their permanent workforce, as they are legally bound to pay them minimum wages, even during lean season. This also leads to a steep fall in revenue for MSMEs.

For unregistered MSMEs, credit comes from informal sources and the efforts of

governments, even if limited, to push more liquidity has had a limited impact. The poor outlook for such enterprises during the COVID-19 pandemic has also prevented informal creditors from lending them money, severely reducing the ability of MSMEs to access short-term financing.

Prior to the COVID-19 pandemic, MSMEs in countries like India were under severe distress due to declining revenues and low utilization of their capacity. This can be attributed in part to government policies like demonetisation that reduced market liquidity, and the poor implementation of the Goods & Services Tax (GST).

COVID-19 response policies have also been inadequate to mitigate the structural stress on MSMEs. For example, the recent tweaking/enlargement of the definition of MSMEs as part of the COVID-19 relief package in India, in effect corners smaller enterprises by bringing larger firms within the ambit of medium enterprise. This effectively dilutes the focus on micro-enterprises that employ the largest number of workers²³.

Government policies being announced for MSMEs have not been time-bound and have not been developed in consultation with social partners through tripartite dialogue, limiting their effectiveness in many instances. Policies to help cover fixed operating costs for MSMEs have had limit-

ed impact as program delivery mechanisms have failed to take into account the challenges of reaching informal enterprises through conventional channels.

Thus, with revenue generation on hold and several fixed expenses, surveys in countries

like India indicate that most MSMEs will not be able to survive more than 90 days if the pandemic continues without any concrete policies to mitigate the economic blow.²⁴ In this context, we examine the demands made by supplier firms, including MSMEs below.

The case study from India, discussed below, demonstrates how COVID-19, the resultant lockdown and cancellation of orders by fashion brands affects micro units, especially in the lack of immediate concrete relief measures. However, the experiences of MSMEs can vary across countries, especially on the basis of government policies and this is an important area for further research and study.

“There has been a 100 % fall in orders from April 2020. We had bought six second-hand sewing machines and started this unit only in October 2019. We were having orders from various factories until February. From March, the orders started falling. The contractor has not paid us for orders we completed in February, so how are we to pay the workers who worked for us?”

I myself used to also work as a piece-rate worker in a garment export factory till March while my wife managed this unit. All of our savings had been invested in purchasing the sewing machines. Though the government says there are low-interest loans for us, they are not easy to access. We took a loan from the moneylender to set up this unit and he is now constantly threatening us to make repayments. How are we to repay without any work? We can't even find any work in MGNREGA.¹

The workers who worked in our unit are mostly women from the neighbourhood and they understand that our plight is worse than theirs. They know we are not in a position to pay wages until the contractor pays up.”

Raju, an owner of a home-based garment unit in Tirupur, India which employs around 6-8 workers.

1. MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) is an Indian labour law and social security measure that aims to guarantee the 'right to work' by providing at least 100 days of wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work.

PART III

MAJOR DEMANDS RAISED BY SUPPLIERS

The section relies on circulars and press releases, as well as newspaper reports that relate to leading garment supplier associations in four countries.

Cambodia : Garment Manufacturing Association in Cambodia (GMAC),

India : Clothing Manufacturers Association of India (CMAI),

Indonesia : Asosiasi Pertekstilan Indonesia/Indonesian Textile Association (API)

Sri Lanka : Joint Apparel Association Forum (JAAF)

The section that follows highlights key demands and issues faced by the domestic garment suppliers in these countries and the impact of these demands on workers.

The apex industry bodies representing garment manufacturers in Asian garment producing countries have been making appeals to their members and demands to the governments and global brands to sustain the industry during these times of uncertainty. There have been collective appeals by supplier associations to brands to fulfil contractual obligations and not unilaterally cancel orders or defer payments. A joint statement by supplier associations from six countries has called upon brands to pay a “fair compensation (100% FOB) if production or delivery is suspended or stopped, or offer salaries directly to workers.”²⁵

Due to pressure from both suppliers and labour rights organisations, few brands

have ‘committed’ to payment of existing orders. But delays in payments substantially impact small supplier firms that operate on wafer-thin margins.

For brands, it is a matter of a decline in profits, but for millions of garment workers who work in small supplier firms with no considerable savings, delay in payment of wages is a matter of survival.

Supplier associations have been demanding concessions of various kinds from governments rather than push for fairer terms of trade in global garment supply chains. This is can be attributed to two significant factors:

1. the ‘buyer-driven’ nature of garment supply chains where suppliers exercise relatively little power; and
2. the considerable political clout wielded by supplier associations in home countries, largely due to the scale of employment generation.

This points to the nature of power relations in global garment supply chains where global brands, through their predatory purchasing practices, are able to outsource risks to supplier firms with little to no liability or investment.²⁶ Supplier associations by virtue of their ability to generate domestic employment and economic growth find it easier to seek concessions from the state rather than challenge brand practices. Thus, both supplier firms and governments in garment producing countries are compelled to meet costs that should actually be borne by lead firms.

The nature of supplier association appeals to their governments and brands, to some extent, depends on the nature of shutdown and restrictions on production. In Indonesia, API had appealed to the government to

keep production going despite the pandemic due to the integral role that the garment industry plays in the domestic economy and so as to avoid an industry-wide collapse.²⁷ In Sri Lanka, JAAF had campaigned for relaxations of curfew restrictions on apparel production citing how international competitors like Bangladesh, Cambodia, Vietnam, and Indonesia were open for business throughout the pandemic.²⁸ In India, CMAI issued moral appeals to brands and suppliers to cooperate and not to engage in cut-throat practices and mass layoffs, so as to avoid collapse of businesses.²⁹

In terms of concrete demands for stimulus made by suppliers to the state, we can broadly categorise them as (a) capital-centric and (b) labour-centric.

For brands, it is a matter of a decline in profits, but for millions of garment workers who work in small supplier firms with no considerable savings, delay in payment of wages is a matter of survival.



Photo Caption: Garment workers in Cambodia continue to travel in crowded trucks despite COVID-19.
Photo Credits: CENTRAL, Cambodia

Capital-Centric Demands

Capital-centric demands pertain to incentives to restart and support production for firms that have been affected by the lockdowns. As stated before, the pandemic has left small-scale firms in a liquidity crunch, unable to finance working capital requirements and the lack of sales—especially

during the festive season—has left them with a complete loss of revenue. The capital-centric demands are made with a short to mid-term view, aiming at the recovery of an industry that is currently in the doldrums.



Figure 3: Types of capital-centric demands from supplier associations

Supplier firms and governments in garment producing countries are compelled to meet costs that should actually be borne by lead firms.

These demands are of five types across Cambodia, India, Indonesia and Sri Lanka:

- In all countries, industry bodies have demanded easier access to **credit** by reducing interest rates for borrowing and introducing debt moratoriums for a period of 3-6 months.
- In all countries, there was a demand to review **electricity and water charges**, and consider waivers for short-term without penalties for delay in payment.
- In Cambodia, industry bodies demanded a relaxation of **rent** payment for work areas leased for factory production for three months.³⁰
- In India and Indonesia, CMAI³¹ and APINDO³² demanded **tax incentives** involving primarily a reduction of tax rates, deferment of tax collections, and relaxation in penalties for delay in tax payment. These demands were met to some extent by the respective governments by granting concessions to support production.
- Supplier associations have been calling for **protectionist** measures of various kinds. In India, CMAI demanded an import levy for a year on all garments and fabrics from all countries, especially from Bangladesh, including those with Free Trade Agreement (FTA) and zero duty agreements to protect the domestic industry.³³ In Indonesia, API has asked for non-tariff measures like standardising labelling mechanisms for clothes that are imported from China and sold in Indonesia.³⁴ In Cambodia, GMAC has requested the EU to postpone by 12 months the partial withdrawal of the Everything but Arms (EBA) benefits that allows tariff preference for textile and footwear imports, so as to allow businesses to recover.³⁵

The governments have provided some concessions in tune with the capital-centric demands in terms of easing credit and fee waivers. However, the quantum of relief is inadequate and the implementation has been less than satisfactory primarily due to the delay in implementation. A major concern is how the vast majority of small-scale suppliers that find difficulty accessing credit will be able to meet their working capital requirements. Moreover, even if such supply-side incentives when effectively implemented may keep businesses afloat in the short-term, it is uncertain whether this will actually safeguard garment workers from layoffs and wage cuts, because of the extent of the industry's dependence on market conditions.

Labour-Centric Demands

Labour-centric demands from suppliers pertain to those that directly affect workers and are primarily to ease the financial burden on suppliers in terms of labour costs. This noticeably takes five forms.



Figure 5: Types of labour-centric demands from supplier associations

Most of these labour-centric demands by suppliers go against the interests of the garment workers, except for a few demands like wage subsidies. However, governments have shown limited interest in providing wage subsidies, while they continue to push for labour reforms which dismantle existing worker rights (including minimum wage legislations), without any consultation with workers or unions.

- In India, CMAI demanded 50% **wage subsidy** up to Rs. 5,000/- per month for 5 months from March 2020 to July 2020. This is following a CMAI survey in March that found that 92% of its members had paid salaries for March, while only 32% had funds to pay salaries in April and just around 8% for May.³⁶

- In India, CMAI demanded the government to pay **provident fund** (retirement benefits scheme) as well as employer and employee **insurance contributions** from March to May, 2020.³⁷
- In Sri Lanka, JAAF has called for a suspension of Employee Provident Fund (EPF) and Employees Trust Fund (ETF) for six months for employers and employees to increase workers' income and aid working capital.³⁸
- In Indonesia, API requested permission to legally cut or postpone **festive bonuses** (Eid) and other bonus payments to workers.³⁹
- In Sri Lanka, JAAF demanded that the government **extend overtime (OT)** work hours from the legally permitted 60 hours per month to 90 hours per month for four months from June.⁴⁰
- In Cambodia, GMAC has called for suspending **minimum wage** negotiations that were planned to commence in July.⁴¹ The industry has argued that profitability of the sector has been hit and any attempt to hike wages will adversely impact the prospects of recovery.

Many garment producing countries want to project 'cheap' and 'flexible' labour as their competitive advantage to attract foreign investment in the post COVID-19 period and this can lead to a further race to the bottom in terms of wages and working conditions for workers. This is despite the fact that minimum wages are already at poverty-levels and only meet a fraction of the costs of living. In this context, suspending festive bonuses in Indonesia and mini-

mum wage hikes for 2021 in Cambodia traps workers in a condition of intense precarity.

Moreover, there is no compelling evidence that such labour reforms attract investment⁴², while the converse is true - investing in improving human development increases productivity, and fostering freedom of association and collective bargaining safeguards political and social stability.



Photo Caption: Protest organised by KOOGU in Bengaluru, India against non-payment of wages and lack of transport facilities in a garment factory.

Photo Credits: KOOGU, India

PART IV

WORKERS' CONCERNS AND DEMANDS BY UNIONS

"I worked for a garment factory for almost 5 years. Now they have informed me not to come to the factory anymore as all their orders have been cancelled. I do not know what to do. I go to the Free Trade Zone every morning and see if any of the manpower agencies will hire me as a daily wage worker. I need a job so that I can feed my four children".

Rashmi, a garment worker in Sri Lanka

The pandemic has exposed once again the fault-lines of a system that treats workers as “disposable tools in the pursuit of profit.”⁴³ The brunt of uncertainty in the global market is borne by workers who have been hitherto paid poverty level wages with little to no social security in a highly flexible labour market. In this context garment workers and unions have stated four major issues that require urgent attention. They have also recommended broad policy actions that States and brands must take up to address these concerns.

Healthcare for Workers

Demand: Ensure affordable and easily accessible public health care systems and maintain occupational health standards in factories and workplaces for COVID-19.

The pandemic has exposed the weakness of public healthcare systems and the adverse consequences of decades of neglect and underfunding. This impacts the working class who are compelled to depend on private providers incurring catastrophic health expenditures. As COVID-19 cases keep rising, there are great risks of community transmission in countries like India

and Indonesia with workers unable to access good quality and affordable healthcare.

As lockdown restrictions have eased in most countries, workers' families and communities are at a greater risk of contracting the virus. Though safety protocols (including provision of facemasks, sanitisers and

implementation of physical distancing norms) were initially followed in many factories in Cambodia, India and Indonesia, they were severely compromised with time. Garment factory floors are notorious for not implementing basic safety norms pertaining to ventilation and sanitation, and this has accentuated the spread of COVID-19 among workers in garment factories. Workers at some factories in Tamil Nadu have complained that they were not provided paid sick leave even when they showed symptoms of cold and cough.

Unions also report lapses in health inspections, despite government mandates. AFWA's partners in Tamil Nadu report that migrant workers from Chennai who

reached spinning mills in Dindigul wilfully avoided quarantine as they were wary of the poor condition of the quarantine facilities arranged by the government, which they said lack clean toilets and provide only one meal a day. Issues like these led to an outbreak of several COVID-19 cases in textile factories and areas around small-scale textile units and workers' communities. The local health inspectors were not willing to ensure safety protocols in factories as they were concerned that they would contract the virus by entering the factory premises. These incidents should not be read solely as the negligence of a few workers, but it reveals how larger institutional failures adversely impact the working poor.

Socio-Economic Support from the Government

Demand: Design, implement, and scale up universal cash and food transfer programmes along with immediate suspension of all loan repayments for workers. This must be combined with adequate investments in rural and urban employment guarantee schemes, so as to provide for alternative employment opportunities.

The UN reports that during the Ebola outbreak in 2014, more people in West Africa died from the interruption of social services than the virus itself.⁴⁴ To prevent this from happening during the COVID-19 crisis, governments must initiate large-scale socio-economic responses

that protect people and livelihoods. For a universal crisis, the governments' adherence to neoliberal policy frameworks have once again become blueprints for targeted and conditional programmes of relief that cause exclusion errors and push workers to further uncertainty.

Conditional relief

In Indonesia, for workers affected by the COVID-19 crisis, the government is providing a pre-employment card scheme where each recipient is entitled to a benefit package of IDR 3,550,000, where the amount is transferred only if the worker completes certain online training programmes. Unions and workers have been critical of the government for imposing such conditionalities and allocating a huge portion of the non-wage support for online courses at a time when workers are struggling for food and other basic necessities.

Moreover, targeting and fairness of beneficiary selection is also a major issue in Indonesia, with allegations that government officials are mainly distributing welfare schemes for their supporters. Also, service delivery has been uneven across regions, with islands like Java, which have higher voter density doing better than remote regions in eastern Indonesia like Papua and Maluku.¹⁴

Inadequate relief for family survival

Many workers in Tamil Nadu, India have informed that the cash transfers of Rs. 1000-2000 (US\$13- US\$27) provided by the government are grossly inadequate to meet the demands of a family of four or five, where all working-age members are unable to find employment due to the crisis.

In Indonesia, some families have received cash transfer of 600,000 rupiah (US\$42) per household per month for three months between April and June. They will receive 300,000 rupiah (US\$21) for the next three months until September. This amount is also considered to be insufficient to meet the basic needs of a family.

Garment workers are also reporting multiple institutional failures such as delays in payment for work done under employment guarantee schemes. Cambodian unions state that the distribution of the government's relief has been too slow and the application process is too complicated. Workers in Indonesia have also been demanding greater transparency involving unions as stakeholders in the relief packages.

Workers in India complained that some of them fell sick after consuming the rations distributed by the government. Poor quality of food is also adversely affecting pregnant and lactating women.

The effects of an ill-conceived economic response to COVID-19 are compounded in countries like Cambodia, where the government has also delayed the 2019-2020 seniority payments for workers in all sectors.⁴⁵ Additionally, Cambodian workers are reeling under high levels of debt as those out of work struggle to pay back existing microloans which leave them incapable to meet essential costs like food, accommodation and healthcare.⁴⁶ Workers are coping

by eating less food, selling off their land, and taking even more credit to repay the debt. Instead of a sector-specific debt relief programme, there has been a further expansion of the bloated microfinance sector which traps garment workers in a vicious cycle of debt.

In countries like India and Indonesia, the sudden spread of digital education due to COVID-19 is also forcing workers' families to incur additional expenditure to purchase smart phones and internet packages for their school-going children, thus straining family budgets more.



Protecting Workers' Rights

Demand: Ensure proper compensation for workers during layoffs, ensure freedom of association and safeguard collective bargaining mechanisms, along with enforcing strict action against firms that resort to forced labour practices.

Freedom of association

As noted in the second issue of the Emperor Has No Clothes, there is a tendency among supplier firms to use the pandemic as an excuse to clamp down on unions by selec-

tively dismissing workers who are union members, at times with explicit verbal and physical violence as seen in Cambodia and Myanmar. In certain cases that received international attention due to fierce protests, suppliers were willing to negotiate

and reinstate fired workers. Thus, despite the odds, garment labour unions have been fighting to safeguard their rights that were won through years of collective struggle.

Accelerated work and reduced compensation

As subcontracting to home-based enterprises has fallen, workers in tier-I factories are reporting increased production targets. AFWA's partners report instances of arbitrary wage cuts of 30-70% in informal enterprises and mandatory overtime without pay even on Sundays, especially in spinning mills. Workers engaged in the ironing departments of garment factories complain of severe leg pain as they are forced to stand for around eight to ten hours, six to seven days a week. Many workers have complained that working conditions have deteriorated with workers complaining that even lunch breaks have reduced to 10-15 minutes in some factories.

Workplace violence

Unions report that workers are also facing severe verbal and physical abuse for even simple questions like "Is there overtime today?" and "Can I not do overtime today, as my child is unwell?" along with constant threats of layoffs and wage cuts. These changes have also caused severe mental distress for many workers, with some even saying that they feel suicidal. In some cases, young migrant women are facing greater risks of physical and sexual abuse as contractors and employers take advantage of their vulnerabilities.

Loss of employment

Unions are demanding that employers release data on the company's financial condition and that employers must discuss and negotiate with unions and workers before engaging in layoffs, or wage cuts.



Photo Caption: Garment workers in Cambodia protesting against unpaid wages.
Photo Credits: CENTRAL, Cambodia

Rollback of labour rights protections

A chief concern that many unions have is that labour law changes may be implemented unilaterally by governments during this period, without any consultation with

unions. This would weaken the collective power of the working class and unions across countries are vehemently protesting against such measures. The demand is that channels of social dialogue and multi-stakeholder discussions should be fostered so as to mitigate the adverse effects of the pandemic.

Addressing COVID-19 Induced Discriminatory Factors in Employment

Demand: Ensure systems of support and grievance redressal for workers facing COVID-19 induced discriminatory practices in layoffs and wage cuts.

Impact of COVID-19 lockdowns and restrictions on movement

A key factor that has affected employment outcomes for garment workers during the pandemic has been spatial proximity to factories, which was discussed in detail in the second issue of this report series. Under the present conditions, many factories give preferential treatment to workers who stay nearby or are willing to reside in factory hostels. The management is unwilling to arrange transportation for workers, and in the absence of public transportation due to state-imposed restrictions, the workers are compelled to rely on private means to get to work, which is often expensive. This has a discriminatory impact on workers who stay far away from their place of work.

In India and Indonesia, workers who reside in red zones or containment zones are unable to get to work for no fault of their own. They are in a precarious situation as they do not get paid without reporting to

work and government support has been limited. The stringent restrictions on travel on one side, and the lack of secure and affordable travel options on the other, have become a double whammy to several workers. The lack of suitable transport means also poses hurdles to many women workers who have limited freedom of mobility due to patriarchal norms. Unions have been demanding that this concern be addressed at the earliest.

Lack of creche facilities

In Bangalore, creche facilities in garment factories were a result of a long struggle by women workers and trade unions. Due to the COVID-19 crisis, the creche facilities have been closed down, making it impossible for young mothers to return back to work. This is putting many women in deep financial and emotional crises. Unions are willing to negotiate with suppliers and governments to find alternative mechanisms to provide child care facilities for these women so that they can return to work.



DEMANDS BY UNIONS

Socio-Economic Support from the Government

Design, implement, and scale up universal cash and food transfer programmes along with immediate suspension of all loan repayments for workers. This must be combined with adequate investments in rural and urban employment guarantee schemes, so as to provide for alternative employment opportunities.

Addressing COVID-19 Induced Discriminatory Factors in Employment

Ensure systems of support and grievance redressal for workers facing COVID-19 induced discriminatory practices in layoffs and wage cuts.

1

Healthcare for Workers

Ensure affordable and easily accessible public health care systems and maintain occupational health standards in factories and workplaces for COVID-19.

2

3

Protecting Workers' Rights

Ensure proper compensation for workers during layoffs, ensure freedom of association and safeguard collective bargaining mechanisms, along with enforcing strict action against firms that resort to forced labour practices.

4

PART V

CONCLUDING REMARKS AND RECOMMENDATIONS

The report highlighted that a majority of the supplier-firms in Asia are not in a financial position to remain operational and pay wages due to the COVID-19 crisis. The impact of the COVID-19 crisis can be attributed to a broad range of state and supply chain market practices.

Existing mechanisms of governmental support are either inadequate or face considerable delays in implementation. The industry depends on subcontracting at multiple levels, benefiting from flexibility and lack of labour protections associated with informality in garment producing countries and nurtured through predatory purchasing practices of global brands.

Micro and home-based enterprises that take considerable risk by investing in machinery and paying utility bills have been pushed to the wall with little savings, increased inability to obtain short term financing and weak demand. This has led to layoffs and closures of these enterprises, adversely affecting the livelihoods of thousands of garment and textile workers in Asia. The non-payment for orders by brands to Tier-I suppliers has fostered ripple effects across entire supply chains and economies. The further one moves

down the garment supply chain, the greater is the extent of oppression and exploitation based on caste, class, ethnicity, gender and migrant status.

Unlike demands made by supplier associations that blatantly harm the interests of workers, most demands raised by workers and unions take into consideration the deep financial crisis that suppliers are facing and focus on putting responsibility on governments that are obligated to protect the interests of workers and brands that have helped create and nurture this crisis.

The few supplier firms that have the financial wherewithal to pay workers during this crisis have been doing so with conditions of overtime, increased workload with workers

suffering severe verbal, physical and sexual abuses in many instances. Some suppliers are fostering exploitable dependencies, whereby workers are made to feel that wages are paid out of the benevolence of the employers, transgressing their fundamental rights and perpetuating regressive labour practices. Also, most of the labour-centric demands raised by large suppliers' associations in Asian countries to overcome this crisis actively go against the interests of workers and call for the dismantling of existing worker rights, including minimum wage legislations. In many ways, this reflects the worst excesses of what is called 'corvée labour'⁴⁷, a form of unfree and unpaid labour reminiscent of feudalism.

The misery of the working poor is also compounded by the neoliberal policy frameworks adopted by governments. Instead of investing in scaling up and expanding resilient and pro-poor social protection systems, many governments are actively using the COVID-19 pandemic to

dismantle labour laws, smash unions through detaining labour organisers and curbing tripartite mechanisms of dispute resolution. This is accompanied by the rise of authoritarian politics that quell dissent and civil liberties. Labour unions have demanded concerted interventions in healthcare, immediate socioeconomic relief, safeguarding of workers' rights and ensuring systems of grievance redressal. Unions have also been at the forefront of the struggle to secure the basic tenets of political democracy.

Unlike demands made by supplier associations that blatantly harm the interests of workers, most demands raised by workers and unions take into consideration the deep financial crisis that suppliers are facing and focus on putting responsibility on governments that are obligated to protect the interests of workers and brands that have helped create and nurture this crisis.

Photo Caption: Protest organised by GLU in Bengaluru, India against anti-worker labour policies.
Photo Credits: GLU, India



Recommendations

Brands

The most immediate response from brands must not be limited to the full payment for existing orders but also should also include the payment of at least 60 days of wages for all garment workers in their supply chain during the lockdown period. To meet this, AFWA demands global brands to pay suppliers an additional 2% of their past annual sourcing cost as a Supply-Chain Relief Contribution (SRC) that is directly payable to all workers.⁴⁸ It is the responsibility of brands to make sure that suppliers do not resort to mass layoffs, wage cuts and union-busting. In the short to medium term, brands must commit to paying a fair price that can ensure the payment of a living wage to all workers and increase transparency in supply chains.

Governments

There needs to be drastic changes in state policy as well. On an urgent basis, governments should ensure universal food support as well as debt relief, and scale up investments in rural and urban employ-

ment guarantee schemes. Governments must establish affordable and easily accessible public healthcare systems and ensure that occupational health standards are met in factories and workplaces. There must be mechanisms that ensure systems of support and grievance redressal for workers facing COVID-19 induced discriminatory practices in layoffs and wage cuts.

In the short to medium term, governments must abandon policies that dilute social protection so as to attract foreign investment. Governments must hold brands responsible for upholding labour and environmental standards, fair costing and securing social safety nets.

The right to freedom of association and collective bargaining must be safeguarded to uphold the interests of the working class. For this to happen, neoliberalism as an ideological project needs to be abandoned by governments to move to a labour-centred conception of development.⁴⁹

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