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**In a historic move, the Sri Lankan Labour Commissioner has ordered an inquiry into a complaint filed by labour unions against the irresponsible purchasing practices of global fashion brands (Levi's Strauss & Co., PVH Corp., ASICS, Columbia Sportswear, and G-III Apparel Group Ltd.) that directly resulted in labour rights violations in their supplier factory Hirdaramani Mercury Apparel.**

*Last month, labour unions in Sri Lanka filed a [complaint](#) with the Labour Commissioner to conduct an inquiry into the non-payment of wages and bonuses, and illegal terminations without adequate compensation, in Hirdaramani Mercury Apparel (Pvt) Ltd, Katunayake. Using a novel legal strategy, they demanded that global fashion brands sourcing from the supplier factory be held jointly liable, along with their supplier, for the labour rights violations faced by workers.*

The labour unions had demanded that the irresponsible purchasing practices of global fashion brands, which led to several months of extreme hardship for over 1400 garment workers employed in Hirdaramani Mercury Apparel during the pandemic, be investigated by the Labour Commissioner, in order to hold brands jointly liable for compensating the economic losses suffered by workers. This complaint has been accepted by the Labour Commissioner for further investigation.

The unions representing workers in Hirdaramani Mercury Apparel congratulated the Labour Commissioner for this landmark move. ***It is for the very first time that an inquiry will be conducted within the national jurisdiction of a garment production country into the actions of global fashion brands that led to adverse impacts for workers in their supply chains.***

“The inquiry by the Labour Commissioner is a welcome move for addressing the extreme exploitation of garment workers in Sri Lanka. Given that the supplier is completely economically dependent on the global fashion brands in order to provide employment to workers and pay them legally mandated wages, it is important that the inquiry focuses on the practices of brands that cause labour exploitation in their supply chains,” remarked Ashila Dandeniya from Stand Up Movement, one of the unions filing the complaint.

In their complaint, labour unions have argued that Hirdaramani Mercury Apparel and the global fashion brands sourcing from the factory must be considered *joint employers* of workers as per national laws, making the brands legally liable towards workers when the supplier fails to comply with basic labour standards.

“We are extremely pleased that the Labour Commission will undertake a historic inquiry to investigate the role of brands in pushing workers in the factory to the brink of survival. There is ample evidence that points towards Hirdaramani Mercury Apparel being an agent of the brands, who provide the production capacity, including labour, for producing the products of the brand,” says Swasthika Arulingam, lawyer who is representing the unions in the case.

In their complaint, labour unions have requested that the Labour Commission investigate long term manufacturing contracts between the brands and Hirdaramani Mercury Apparel, through which the brands are able to establish control over the production and work process, and determine wages, benefits, terms of employment, and work conditions of workers in the factory. They have argued that a contract for production cannot exist without an employment contract, even where it is not explicit. The factory's production capacity, including workers, are exclusively dedicated to the production of the garments that are owned, sold and marketed by brands, while the brands are dependent on the workers in the factory to perform the core business activity of manufacturing.

It is through this relationship of control and inter-dependence with the supplier, that brands make profits, while refusing to fulfil their responsibilities towards workers. Labour unions expect that the inquiry will reveal this concealed relationship between the brands and the supplier, and establish the brands as joint employers, who are jointly liable towards workers in Hirdaramani Mercury Apparel.