

Intersectional Discrimination and Exploitation Within the UK Fast Fashion Industry

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Abstract

'Fast Fashion' is the term for clothing businesses which create clothes at a quick rate and sell them at low prices, often following the latest microtrends in fashion. While multi-million-pound companies within the United Kingdom (UK) such as PrettyLittleThing and Boohoo are what society sees as the face of this industry, it is really made up of garment workers, 80% of which are women of colour, who are discriminated against and exploited behind the scenes inside and outside of the UK. The legislation that governs how UK companies treat their workers, such as the Modern Slavery Act 2015 and the Companies Act 2006, as well as the Government's weak response to non-compliance with the national minimum wage, allows this discrimination and exploitation to continue, leading to impunity for employers. The fact that most of these workers are women of colour from non-western cultures highlights that this is an intersectional issue. This article argues that the UK Government is not producing effective legislation that protects workers' rights, specifically, women of colour garment workers in the fast fashion industry. Overall, tougher legislation must be put in place to ensure that employers and businesses work to eradicate intersectional discrimination and exploitation of garment workers within the fast fashion industry.

Keywords: Intersectionality; Fast Fashion; Exploitation; Modern Slavery; Race; Gender; National Minimum Wage

1. Introduction

Since the wake of the Suffragette movement in 1903, female workers' rights have substantially developed in the United Kingdom.¹ This is largely due to feminist

¹ UK Parliament, 'Start of the Suffragette Movement' <<https://www.parliament.uk/about/living-heritage/transformingsociety/electionsvoting/womenvote/overview/startosuffragette-/>> accessed 7 April 2021.

movements and the influence that they have had on attitudes changing. The idea of intersectionality came with the third wave of feminism, and it investigates how intersecting personal characteristics such as race, gender, class, age, sexuality, etc, influence individual experiences in everyday life.² This has begun to make feminism more inclusive for women from all backgrounds.³

Intersectional discrimination and exploitation are both evident problems within the fast fashion industry, an industry that is known for its quick turnaround of the latest trends at the cost of violating the human rights of garment workers. These workers are predominantly women of colour from very patriarchal, developing countries such as Bangladesh.⁴ Their intersecting identity markers of gender, race, culture and economic status make them particularly vulnerable to discrimination and sustained abuse by the UK fast fashion industry for excessive gain.⁵ Such discrimination is allowed to continue under the current legislation, such as the Modern Slavery Act 2015 (MSA) and the Companies Act 2006, and the government's approach to non-compliance of the payment of the national minimum wage (NMW).

This article therefore will assess the above-mentioned legislation and governmental approach, arguing that the current laws surrounding the fast fashion industry are not suitable and in fact uphold such a discriminative and exploitative industry. The article proposes that the UK Government must implement stronger legislation and tougher implementation strategies of the NMW to ensure businesses and employers allow good and equal working conditions for garment workers in the UK.

This article will first outline the concept of intersectionality before considering intersectional discrimination and exploitation within the fast fashion industry and its prime targets: women of colour. It will then review the Government's efforts to ensure compliance with the NMW, assess the Modern Slavery Act 2015 and the Companies Act 1998, and summarise the Government's response to proposals for reform.

² Patricia Hill Collins and Sirma Bilge, *Intersectionality* (2nd edition, Polity Press 2020).

³ Susanne Hochreiter, 'Race, Class, Gender - Intersectionality Troubles' (2014) 4 *Journal of Research in Gender Studies* 401, 401-402.

⁴ Kalkidan Legesse, 'Racism is at the Heart of Fast Fashion – It's Time for Change' *The Guardian* (11 June 2020) <<https://www.theguardian.com/global-development/2020/jun/11/racism-is-at-the-heart-of-fast-fashion-its-time-for-change>> accessed 26 March 2021.

⁵ Marija Jovanovic, 'What is Exploitation in the Context of 'Modern Slavery'? A Legal Proposal' *openDemocracy* (4 December 2020) <<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/what-is-exploitation-in-the-context-of-modern-slavery-a-legal-proposal/>> accessed 28 April 2022.

2. Intersectionality

Feminism itself is not a recent idea and women have worked for centuries to tackle gender inequality. As Samuels and Ross-Sheriff explain,⁶ although the idea of intersectionality is relatively more recent than the origins of feminism, the fundamentals of different kinds of women being treated differently have always existed. Intersectionality was first introduced by women of colour during the 1960s and 1970s and it presented the need to consider how a woman's context and background such as race, class, culture, etc, can intersect to understand how she experiences the world. This can mean, for example, that a woman of colour suffers to a high extent due to the intersecting characteristics of gender and race. Christine Littleton highlights this stating that inequality has kept "white women at home and black women invisible".⁷ Furthermore, intersectionality has introduced the idea that gender cannot be used alone to analyse and truly understand the experiences of every woman. It must be considered together with the broader circumstances of each individual woman.⁸ Although there is no direct definition for the theory of intersectionality. Kimberlé Crenshaw- one of the most influential theorists in the area- has defined intersectionality.⁹ She states that:

consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction and it may flow in another. If an accident happens at an intersection, it can be caused by cars travelling from any number of directions and, sometimes from all of them. Similarly, if a black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination.¹⁰

Different campaigns for anti-discrimination historically remained separate and did not intersect. For example, the original Suffragette movement did not consider the

⁶ Gina Miranda Samuels and Fariyal Ross-Sheriff, 'Identity, Oppression, and Power: Feminisms and Intersectionality Theory' (2008) 23 (1) *Journal of Women and Social Work* 5, 5.

⁷ Christine A Littleton, 'Reconstructing Sexual Equality' (1987) 75 *California Law Review* 1279, 1290.

⁸ Samuels and Ross-Sheriff (n6) 5-6.

⁹ Joanna Conaghan, 'Intersectionality and UK Equality Initiatives' (2007) 23 (2) *South African Journal on Human Rights* 317, 319.

¹⁰ Kimberlé Crenshaw, 'Demarginalizing the Intersection Between Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Antiracist Politics' (1989) *University of Chicago Legal Forum* 139, 149.

additional discrimination that women of colour faced.¹¹ Intersectionality highlighted that feminism was based on the experiences of white women and challenged this exclusionary basis.¹² However, as gender equality law has developed in the UK, concern with intersectionality has also become more apparent.¹³ It has become evident that it is necessary to consider the way in which personal circumstances intersect to shape outcomes for women in the workplace.¹⁴ Gender discrimination is rife; however, it works alongside, transphobia, ageism, ableism, fatphobia, and in the case of this research, racism, sexism, culture and classism. This means that the law needs to be reformed in a way that understands the intersectional aspect of discrimination to eradicate all forms of discrimination that different kinds of women face and that drive their exploitation, including but not only, in the workplace.

Furthermore, equality and good working practices are important issues for any business. However, the fast fashion industry in the UK in particular employs mainly women of colour who face many challenges related to their wellbeing and labour rights, contributed to that is intersecting characteristics of sex, race, culture, and economic status.¹⁵ The following section will discuss this in more detail, outlining the reasons why these specific women are exploited in the ways that they are.

3. The Fast Fashion Industry: the High Social Cost of Cheap Clothes

As mentioned above, fast fashion describes clothing businesses and companies that, in response to the latest trends and customer demand, creates clothing at a rapid rate and at low prices.¹⁶ To achieve this rapid response for consumers, the UK fast fashion industry has relied on the exploitation of garment workers, especially women of colour in factories inside and out of the UK.¹⁷

Outside the UK, fast fashion businesses can exploit women of colour in countries such as Bangladesh and Cambodia. This is mainly due to the cheap labour, poor workers'

¹¹ Iyiola Solanke, 'Putting Race and Gender Together: A New Approach to Intersectionality' (2009) 72(5) *Modern Law Review* 723, 723.

¹² Hochreiter (n3) 401-402.

¹³ Conaghan (n9) 318-319.

¹⁴ Ashleigh Shelby Rosette and others, 'Intersectionality: Connecting Experiences of Gender with Race at Work' (2018) 38 *Research in Organizational Behaviour* 1, 1.

¹⁵ Giorgia Miotto and Sandra Vilajoana-Alejandre, 'Gender Equality: A Tool for Legitimacy in the Fast Fashion Industry' (2019) 8 (2) *Harvard Deusto Business Research* 134, 134.

¹⁶ House of Commons, Environmental Audit Committee, 'Fixing Fashion: Clothing Consumption and Sustainability' (19 February 2019) 6.

¹⁷ Legesse (n4).

rights,¹⁸ and the way the specific culture within that country treats and perceives women. A study into gender inequality in Bangladesh found that “women...have always been considered subservient to men” and that “they have less scope to go out...for employment”.¹⁹ In other words, the UK fast fashion industry takes advantage of these women because it can.²⁰ For example, some women are expected to work almost twenty-four hours at a time with breaks as short as one hour, while receiving extremely little pay, often equivalent to £65 per month.²¹ These women are further expected to bear other responsibilities such as childcare and domestic chores.²² This leaves them with little to no time or support to attempt to improve their working conditions. The lack of viable alternatives can create coercive environments that entrap workers, making it possible for the fast fashion industry to exploit them and their labour for commercial gain, effectively subjecting at least some of them to modern slavery.

Inside the UK, that can also happen. For example, women of colour garment workers are exploited for work in UK cities such as Leicester where over 10,000 garment workers are employed and have been found to receive wages far below minimum wage, working long hours without contracts in unsafe, exploitative conditions.²³

Evidently, considering that 80% of garment workers are women of colour,²⁴ the discrimination within the fast fashion industry hits an intersection of race and culture, gender, and economic status, meaning that ultimately, the fast fashion industry is upholding intersectional discrimination on a large scale. UK fast fashion retailers and consumers are benefiting from the exploitation of women of colour in countries across the globe without facing any responsibility.²⁵ To improve the working conditions and lives of garment workers and to prevent intersectional discrimination, relevant laws and governmental attitude towards the fast fashion industry need to be reviewed.

¹⁸ Harriet Green, 'Is "Fast-Fashion Feminism" an Oxymoron?' (2020) 8 Critical Reflections.

¹⁹ Md Asaduzzaman and others, 'Gender Inequality in Bangladesh' (2015) 3-4 Journal of Women's Entrepreneurship and Education 54, 57.

²⁰ Labour Behind the Label, 'Gender' <<https://labourbehindthelabel.org/our-work/gender/>> accessed 26 March 2021.

²¹ Green (n18).

²² Labour Behind the Label (n20).

²³ Environmental Audit Committee (n16) 16.

²⁴ Legesse (n4).

²⁵ Ibid 12.

4. The UK's Ill-efforts at Tackling Labour Exploitation

The fast fashion industry specifically, fails its workers mainly through extreme underpayment and modern slavery in the form of labour exploitation. Therefore, it is important to discuss two core issues here: the Government's efforts to prevent the non-compliance of paying the national minimum wage and legislation that governs modern slavery, that is the Modern Slavery Act and the Companies Act.

In June 2018, the Environmental Audit Committee (EAC) issued a House of Commons report called 'Fixing Fashion: clothing consumption and sustainability.'²⁶ The report contained a review of the environmental and human rights issues that come from fast fashion, as well as reviewing legislation such as the Modern Slavery Act 2015 and the Companies Act 200. The report concluded that legislation does not efficiently assess supply chains and the government are not acting adequately in response to the clearly damaging effects of fast fashion. In another report Sir David Metcalf, the Director of Labour Market Enforcement, offered some key recommendations for stronger enforcement of the National Minimum Wage.²⁷ These reports are key when challenging the UK Government on their response to intersectional discrimination and exploitation in the fast fashion industry. The following will discuss key aspects of the above-mentioned reports and legislation.

4.1 *The National Minimum Wage*

The National Minimum Wage (NMW) is the minimum pay per hour that almost all workers are entitled to. However, non-compliance with the NMW has been an ongoing issue within the fast fashion industry. Sir David Metcalf in his report, notes that penalties for employers who do not comply with the NMW are around £110 per worker and that there have only been 14 minimum wage related prosecutions since 1999. The report used the low number of penalties and prosecutions compared to the estimated 342,000 jobs in 2017, that were paid below the NMW, as a justification for proposed recommendations for enforcement methods of NMW. the recommendations consisted of a deterrence approach for deliberate violations of the NMW Act, which

²⁶ Environmental Audit Committee (n16) 55.

²⁷ David Metcalf, 'United Kingdom Labour Market Enforcement Strategy 2018/2019' (May 2018) <<https://www.gov.uk/government/publications/labour-market-enforcement-strategy-2018-to-2019>> accessed 13 June 2022.

included a “significant increase in the size of civil penalties” and greater use of prosecutions.²⁸

Despite the evidence put forward in Sir David Metcalf’s report including the number of businesses not complying with the NMW and the low number of punishments given in comparison to the illegalities occurring. The government rejected the calls for increased penalties and prosecutions,²⁹ stating that there is not adequate evidence to justify this.³⁰ The government’s response highlights its reluctance to impose stricter enforcement methods to protect workers from being underpaid, more specifically the women of colour working for the fast fashion industry.

Recent cases of non-compliance with the NMW further highlight that the Government’s response has not improved. For example, in 2020, there were concerns regarding the wages for garment workers in factories in Leicester. Leicester contains 700 factories employing 10,000 workers,³¹ the majority of them are women of colour, who have been found paid around £3 an hour, far below the UK’s current minimum wage which is £9.50 for 23-year-olds and above.³² Furthermore, despite concerns, only 36 HM Revenue and Customs (HMRC) investigations into payment of the NMW were conducted in the last 4 years, resulting in a mere 10 penalties issued.³³ Unless the Government begins to take on board suggestions such as those of Sir David Metcalf, garment workers will continue to be underpaid and intersectional discrimination will continue to be upheld.

4.2 *The Modern Slavery Act (MSA) 2015*

Modern Slavery is an extreme human rights violation that is defined in the Bellagio-Harvard Guidelines as “[possessively] controlling a person in such a way as to significantly deprive that person of individual liberty, with the intent of exploitation

²⁸ Ibid 6-8.

²⁹ Environmental Audit Committee (n16) 21.

³⁰ UK Labour Market Enforcement Strategy 2018 to 2019: Government Response (December 2018) para 61 <<https://www.gov.uk/government/publications/labour-market-enforcement-strategy-2018-to-2019-government-response>> accessed 13 June 2022.

³¹ Environmental Audit Committee (n16) 16.

³² Annie Kelly, ‘National Shame: MP Sounds Alarm Over UK Fast Fashion Factories’ *The Guardian* (23 January 2020) <<https://www.theguardian.com/global-development/2020/jan/23/national-shame-mp-sounds-alarm-over-uk-fast-fashion-factories>> accessed 4 April 2021.

³³ Sarah Butler, ‘Revealed: ‘Shocking’ Lack of Regulation at Leicester Garment Factories’ *The Guardian* (30 August 2020) <<https://www.theguardian.com/uk-news/2020/aug/30/revealed-shocking-lack-of-regulation-at-leicester-garment-factories>> accessed 9 June 2021.

through the use, management, purchase, sale, profit, transfer or disposal of that person. ... [U]se of a person may include the derived benefit from the services or labour of that person. In such cases, a person might be used by working for little or no pay”.³⁴ Victims of modern slavery are kept in situations of slavery through force, coercion, deception, or abuse of vulnerability.³⁵ The abuse of the vulnerability as a method to maintain conditions of slavery is particularly relevant to women and marginalised people.

Of the 40.3million estimated victims of modern slavery worldwide, 24.9 million are trapped in situations of forced labour.³⁶ Forced or compulsory labour is defined by the 1930 Forced Labour Convention as “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”.³⁷ The Bellagio-Harvard Guidelines emphasise that “[f]orced labour amounts to slavery when, in substance, there is the exercise of the powers attaching to the right of ownership”, of possessive control.³⁸ This is what many garment workers in the fast fashion industry are facing.

In 2019, there were 10,000 people referred to the UK authorities as potential victims of modern slavery in the workplace. The actual number is estimated to be much higher.³⁹ The MSA was passed in 2015 with the hope to tackle modern slavery within the workplace. The then Home Secretary, Theresa May, labelled this a “historic milestone”.⁴⁰ However, modern slavery has been a continuing issue in many industries since the introduction of the MSA.

To address the issue of modern slavery, the MSA aims to improve enforcement of correct treatment of workers within businesses by encouraging transparency on their modern slavery policies,⁴¹ with the hope of a resultant avoidance of modern slavery

³⁴ Bellagio-Harvard Guidelines <https://glc.yale.edu/sites/default/files/pdf/the_bellagio-harvard_guidelines_on_the_legal_parameters_of_slavery.pdf> accessed 28 April 2022

³⁵ Elizabeth Such, Claire Laurent and Sarah Salway, ‘Modern Slavery and Public Health’ <<https://www.gov.uk/government/publications/modern-slavery-and-public-health/modern-slavery-and-public-health>> accessed 12 February 2022.

³⁶ Stop the Traffic, ‘Let’s Talk about Labour Exploitation’ (2021) <<https://www.stopthetraffic.org/lets-talk-labour-exploitation/>> accessed 25 April 2022.

³⁷ Forced Labour Convention 1930.

³⁸ Bellagio-Harvard Guidelines (n34).

³⁹ Anti-Slavery, ‘Slavery in the UK’ (2020) <<https://www.antislavery.org/slavery-today/slavery-uk/>> accessed 12 February 2022.

⁴⁰ Home Office, Karen Bradley and Theresa May, ‘Historic Law to End Modern Slavery Passed’ (26 March 2015) <<https://www.gov.uk/government/news/historic-law-to-end-modern-slavery-passed>> accessed 17 February 2022.

⁴¹ Rae Lindsay, Anna Kirkpatrick and Jo En Low, ‘Hardly Soft Law: The Modern Slavery Act 2015 and the Trend Towards Mandatory Reporting on Human Rights’ (2017) 18 Business Law International 29, 30.

within companies. However, this has arguably not been achieved due mainly to weaknesses with the relevant policies. A fundamental issue with the UK Government's response to modern slavery is regarding what is considered as slavery under the MSA.⁴² Under 'Transparency in Supply Chains: A Practical Guide' a situation where "someone may choose to work for less than the national minimum wage, or in undesirable or unsafe conditions...without being forced or deceived",⁴³ may not be considered modern slavery. In other words, unless their employer exercises possessive control over the garment workers, which some of them do not, the fast fashion industry can potentially avoid modern slavery charges. The fact that the Government has outlined that some situations which are clear exploitation do not amount to modern slavery highlights its ignorance of the fact that economic coercion can still be a sign of modern slavery. The Government is clearly disregarding the power that businesses like those in the fast fashion industry hold over workers and how they should use that power to ensure appropriate treatment to their employees.⁴⁴

A further issue with the MSA lies in section 54 of the Act which contains a Transparency in Supply Chains clause. The clause requires companies with a turnover of over £36 million to prepare a slavery and human trafficking statement that outlines what steps, if any, have been taken to ensure slavery and human trafficking is not taking place in any of its supply chains or its own businesses.⁴⁵ However, section 54 does not impose any obligation on a business to take genuine action to put steps in place to guarantee effective outcomes. Thus, businesses are required to report what they are or are not doing. As such, businesses that simply state that they are taking no steps regarding modern slavery, would be considered as complying with the legislation.⁴⁶

Furthermore, the MSA does not put enough pressure on businesses to even provide these 'required' statements. For example, from the introduction of the Act in 2015 to October 2017, the Public Accounts Committee (PAC) reported that the Modern Slavery Registry had received less than a third of all statements from businesses that

⁴² Eliah English, 'Section 54 of the Modern Slavery Act 2015 and the Corporation' (2019) 6 SOAS Law Journal 87, 95.

⁴³ Home Office, 'Transparency in Supply Chains: A Practical Guide' (2015) <<https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide/transparency-in-supply-chains-a-practical-guide>> accessed 13 June 2022.

⁴⁴ English (n42) 96.

⁴⁵ Environmental Audit Committee (n16) 23.

⁴⁶ Lindsay, Kirkpatrick and Low (n41) 31.

should be reporting according to the MSA.⁴⁷ For example, as of 2018, UK retailers such as Valentino and Foot Locker did not produce modern slavery statements.⁴⁸ Therefore, it is evident that the MSA is not strong enough to execute what it intended resulting in businesses being able to avoid taking the necessary steps to abolish modern slavery, and the Government is failing to hold anyone accountable.

Due to the flaws in section 54 of the MSA, it is suggested that the Government introduces due diligence into the MSA. This would mean that businesses not only have to report their engagement in eradicating modern slavery,⁴⁹ they would also have to proactively look at their supply chains and establish potential risks regarding modern slavery.⁵⁰ By doing this, the Government would hopefully illustrate that slavery-like exploitation of women of colour garment workers is not something that will be tolerated.⁵¹

In general, the MSA has been criticised for “lacking clarity” and “accountability” and that it does not adequately support victims.⁵² This seems an appropriate conclusion to make considering the number of businesses that do not report their steps to end modern slavery, and the ability for businesses to avoid taking any steps at all. Therefore, the MSA gives minimal support to women of colour experiencing exploitation that can amount to modern slavery in their employment as garment workers in the fast fashion industry in the UK.

4.3 The Companies Act 2006

Like the MSA, the Companies Act 2006 is crucial legislation when it comes to prevention for modern slavery. Section 414C(7)(iii) of the Companies Act aims to avoid human rights abuses in the workplace by requiring companies to produce a statement on human rights related issues “to the extent necessary for an understanding of the development or position of the company’s business”.⁵³ The Act, however, does not mention supply chains or modern slavery. This arguably means

⁴⁷ Environmental Audit Committee (n16) 24.

⁴⁸ Ibid.

⁴⁹ Hinrich Voss and others, ‘International Supply Chains: Compliance and Engagement with the Modern Slavery Act’ (2019) 7 *Journal of the British Academy* 61, 63.

⁵⁰ Environmental Audit Committee (n16) 25.

⁵¹ Virginia Mantouvalou, ‘The UK Modern Slavery Act 2015: Three Years On’ (2018) 81(6) *Modern Law Review* 1017, 1018.

⁵² Ibid.

⁵³ Section 414C(7)(iii) Companies Act 2006.

businesses are enabled to choose what to report, or even evade reporting important details on modern slavery, and avoid being transparent about what occurs in their supply chains. In other words, similar to the MSA, the Companies Act relies too much on a voluntary system that does not enforce due diligence on companies to report necessary information to avoid modern slavery in the workplace.⁵⁴ Thus, the 2018 EAC report has recommended that the Companies Act be improved to specifically refer to modern slavery within their reporting and that statements become mandatory and due diligence is enforced.⁵⁵ Doing this will create positive steps towards ensuring garment workers are no longer victims of exploitation that might amount to modern slavery.

4.4 The Government's Response

The EAC's recommendations on how the fashion industry can work towards supporting its workers were informed by experts and specialists in the area and based on strong evidence that exists on the risks and real dangers in the fashion industry.⁵⁶ However, the Government, in a formal response, rejected these recommendations,⁵⁷ stating that what has already been done is enough. By doing so, it dismissed all evidence of the voluntary reporting system not being effective enough and merely stated that: "the Transparency in Supply Chains provision in the Modern Slavery Act 2015 has led to thousands of businesses publishing statements setting out the steps they are taking to address slavery in their global supply chains".⁵⁸ Committee Chair Mary Creagh MP has accused the Government of being "out of step" with the public mindset for denying this evidence and rejecting recommendations to provide workers with equal and good working conditions that do not violate their human rights.⁵⁹ Indeed, the UK Government seems reluctant to accept that the current voluntary system is not enough, and to act upon recommendations to intervene with a stricter response to labour exploitation to improve the lives of women of colour garment

⁵⁴ Environmental Audit Committee (n16) 24.

⁵⁵ Ibid.

⁵⁶ Charlotte Turner, 'Government Rejects Recommendations of Fixing Fashion Report' (*Eco-Age*, 2019) <<https://eco-age.com/resources/government-responds-fixing-fashion-report/>> accessed 1 April 2021.

⁵⁷ Sarah Young, 'UK Government rejects calls for fast fashion retailers to address impact on the environment' *The Independent* (18 June 2019) <https://www.independent.co.uk/life-style/fashion/fast-fashion-government-environmental-audit-committee-labour-waste-a8963226.html>

⁵⁸ House of Commons, Environmental Audit Committee, 'Fixing Fashion: Clothing Consumption and sustainability: Government Response to the Committee's Sixteenth Report' (4 June 2019) 5.

⁵⁹ Young (n57).

workers. Importantly, improvement of the Modern Slavery Act and the Companies Act would put more pressure on businesses to comply with the legislation and to ensure accountability and punishment for non-compliance.⁶⁰

5. Conclusion

Women of colour working in the UK fast fashion industry are facing intersectional discrimination and the Government fails to implement legislation that effectively tackles their exploitation. Some of the leading reports in the area, including the EAC, has provided the Government with “evidence that it has failed to stop government workers in this country being criminally underpaid”,⁶¹ and provided evidence that the current legislation regulating the fashion industry is failing to protect workers from exploitation. The Government is actively choosing to not commit to the cause of helping women of colour garment workers, highlighting an evident problem with intersectional discrimination and exploitation that can amount to modern slavery in current UK law.

On one hand, the Government’s weak response to ensure a nation-wide compliance with the NMW contributes to businesses underpaying their workers a living wage. Reports, including by David Metcalf, has called for more proactive enforcement methods of the national minimum wage, and that the UK Government must implement stricter penalties and prosecute those who do not comply with the NMW.⁶²

On the other hand, report discussing the current legislation, also concludes that the legislation is not effective in protecting workers from exploitation. It is evident that some dangerous exploitation can take place, but it cannot be labelled modern slavery unless it amounts to an exercise of possessive control over a person. Furthermore, section 54 of the MSA does not put enough pressure on businesses to actively comply with the requirement to take steps towards tackling modern slavery, as such reports stating that they are taking no steps would still be complying with the legislation. Similarly, section 414C (7)(iii) of the Companies Act provides that a statement must be made on issues regarding human rights in a company’s annual report but only “to

⁶⁰ Turner (n56).

⁶¹ Ibid.

⁶² Metcalf (n27) 7-8.

the extent necessary”,⁶³ and there is no requirement to mention modern slavery or supply chains. Therefore, it is the choice of the business as to what details they include in their report, resulting in a high amount of non-reporting of serious modern slavery issues in businesses. Both Acts lack effective accountability mechanisms and place too much reliance on businesses to self-disclose.⁶⁴

The Government has responded to both David Metcalf’s and the EAC’S report, rejecting most of their recommendations. This highlights the reluctance of the Government to take the necessary steps to improve legislation to assure workers equality and safety, resulting in persistent intersectional discrimination and exploitation in this industry. The Government needs to adapt current legislation in these areas, to put more pressure on businesses and employers, through due diligence and stricter penalties and prosecutions. This will hopefully result in more respect for the human rights of women of colour garment workers, eradicating intersectional discrimination, exploitation, and modern slavery in the fast fashion industry.

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⁶³ Environmental Audit Committee (N 16) 24

⁶⁴ Ibid

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