

The dark side of fashion: An empirical analysis of contemporary slave labor in the fashion industry



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ABSTRACT

Despite the abolition of slavery, slave labor still exists. In a new socio-historical context, the chains and slave quarters have been left behind, and today the workers are lured, subjected to degrading conditions and have their fundamental rights curtailed. Contemporary slave labor has emerged as a research theme in Organizational Studies since the early 2000s, drawing attention to the use of this practice. In Brazil, it is a matter of great concern, justifying itself, after denunciation in the Inter-American Court of Human Rights and confession of

the use of this practice in the XXI century. Contemporary slave labor is found in the most diverse economic activities, from charcoal to textile industries or even trades, whether in urban or rural areas. In this article we will analyze the view of some consumers about consumption in companies that were denounced using slave labor. We adopt the fashion industry as the focus of research because it obscures the reflection of consumers who, when shopping, feel like entering another world: beauty and fantasy, in search of their own satisfaction. Added to this is the fact that the Brazilian fashion industry is one of the largest in the world (ABIT, 2015). This article will use quantitative and qualitative methodology, as well as existing legal literature.

Keywords: Society, Consumption, Contemporary slave labor, Fashion industry.

1 INTRODUCTION

Slave labor or work in conditions analogous to slavery violates personality rights, also called fundamental rights, violating the main legal good to be protected, which is the dignity of the human person.

The decisive criterion for the identification of a violation of dignity, according to Sarlet (2001), becomes the objective of the conduct, that is, the intention to objectify the other.

Our legal system does not have its own concept for slave labor, and it is true that article 149 of the Penal Code typifies the criminal conduct of reducing someone to a condition analogous to that of a slave.

There is an Ordinance issued by the Temer Government that aims to modify the conceptualization of slave labor, which is currently suspended by an injunction decision of the Federal Supreme Court.

The presence of any of the following elements is sufficient to constitute slave labor: forced labor; exhausting working hours; debt bondage; and degrading conditions (MTE, 2015). Estimates of slave labor in the world, according to the Walk Free Slavery Index1 (2014), show that this is a situation



that can no longer be neglected in studies that deal with management and organizations. According to estimates (WALK FREE SLAVERY, 2014), ¹there are 35.8 million men, women and children trapped in modern slavery worldwide, spanning five continents.

As Gustavo Luís Teixeira das Chagas (2012, p. 65) rightly said, the reduction of the human being to a condition analogous to that of a slave permeates the freedom of the human being in its most essential sense: that of being able to be.

Freedom in its essence is riddled with free will, and it is along these lines that protectionist laws were deliberated in the Brazilian State. Suppressing the freedom of the citizen in the 21st century means pruning his own destiny.

According to Miraglia (2011, p. 216), freedom refers not only to the subjective right to come and go, but also to mean, in the collective sphere, the freedom of association and exercise of workers' union activity. In addition, it can be stated that it is also possible to infer from this freedom the right of free will in the choice of the service provided and the right of the worker to terminate the legal relationship at any time.

In the fashion world, we are faced with slave labor in different shades, and it is necessary to question the possible eradication policies and the consequences on consumption.

"How many slaves work for you?" is the question that the SlaveryFootprint app, from the Anglo-Australian Non-Governmental Organization (NGO) Made in a Free World, uses to instigate people to think about the topic. The test consists of eleven questions, which include the acquisition of hygiene products, food, clothing, among others, in order to measure how many slaves can be found along this production chain.

While the Internet user answers the questions, information about slave labor in the world and its relationship with consumption is displayed.

Through awareness, the NGO seeks to make people rethink their purchasing habits and, as a result, discourage the criminal practice of slave labor.

In Brazil, in 2013, the NGO Repórter Brasil developed the Moda Livre (Free Fashion) app, which evaluates large fashion retail groups and lists those in which textile production was caught in cases of slave labor.

Even with so many mechanisms, agencies and legislation that aim to combat slave labor, it is worth noting that Brazil was condemned in 2016 before the Inter-American Court of Human Rights for the practice of this conduct.

It is not uncommon to hear reports of workers being rescued from slave-like conditions.

¹ Report prepared by the Walk Free Slavery International Foundation, "a global organization with a mission to end modern slavery in our generation by mobilizing a global activist movement, generating the highest quality research, attracting business, and raising unprecedented levels of capital to bring about change in those countries and industries that bear the greatest responsibility for modern slavery today" (WALK FREE SLAVERY, 2014)



The proposal is for the consumer to know the conduct of the brands before making the purchase and, thus, become an agent in the fight against slave labor.

2 PRESENT?

The central problem of this research focuses on the question about the effectiveness of the use of slave labor in the fashion industry.

Bauman (2008), when describing the transition from a society of producers to a society of consumers, argues that the transformation from a solid society to a liquid society is underway, in which everything is evaluated as a commodity, with detachment, exchange and eternal restarting. The main characteristic of the consumer society is the vision of people in a commodified social space in which everything is transformed into a commodity. This idea is reinforced by the entry into the virtual world, which reflects man as a product in networks that expose people, in a similar way to goods in a catalog, and everything happens quickly (BAUMAN, 2008).

Within this problem issue, we found that the fashion world has an image linked to glamour, beauty and in it there is a strong appreciation of the new. However, in the fashion industry there are ills, among them, the criminal exploitation of workers through slave labor. The brands and concepts of large corporations are carefully created, but the production is passed on to third parties. These, in turn, pay negligible amounts per piece produced, forcing workers to work strenuous hours in order to produce a lot while receiving a minimum wage for survival (REPÓRTER BRASIL, 2012).

The search for better living conditions and the misery that exists in various locations in our country favors the enticement of these workers by the "cats",² who provide places to facilitate the enticement, and those who use slave labor, which are, among other ways, the sewing workshops in the Brazilian State.

It is not uncommon for the names of major brands and major retailers in the fashion industry to be linked to the exploitation of slave labor in these conditions (AYRES, 2012; PRADO, R., 2011; SANTINI, 2014; VERONESE, 2014).

The social justification lies in the fact that, by knowing the arguments used by fashion consumers regarding whether or not they purchase products from companies denounced for using contemporary slave labor, we offer society points for reflection on their own choices.

Thus, society can be stimulated to think about whether their choices contribute to the maintenance of criminal corporate practices against those who are in conditions of inequality in relation to the consumers of the brands for which they produce.

² Cat is the intermediary between the employee and the employer. It is the person who entices workers with promises of excellent wages and living conditions (MIRAGLIA, 2011).



There is a very strong cultural issue in our country regarding slavery, as well as today we can highlight illiteracy, social exclusion, economic abyss that leads to poverty and unemployment. All this is added to the effective absence of the state in all corners of our country that facilitates the enticement of workers.

In addition, the psychological aspect of the enslaved and the fear of reporting to the competent bodies makes it difficult for them to be caught in the act and consequently to free them.

The Brazilian State has before it certain expressions of the social issue that are poverty, social exclusion, illiteracy, unemployment and this social reality benefits the practice of contemporary slavery. Such social symptoms are compounded by the precariousness of labor rights, which are one of the most serious problems today, and the absence of public policies to curb the practice of this crime.

There is a very strong question of dependence between the master who owns the means of production and the slave who owns the labor power.

The struggle for survival on the one hand by the worker and the vision of an exorbitant profit by the employers facilitates the mitigation of costs, the violability of rights and the perpetuation of slave labor.

There are more and more frequent denunciations that raise the flag of social responsibility, respect, ethical behavior and commitment to the truth. They create codes of conduct that contemplate missions, values and principles worthy of a Democratic State of Law and, with this, link their image to probity, decorum and human rights and use slave labor.

It is hard to believe that there is a reality of such cruelty and cowardice so close to us. It is the exploitation of people carried out by renowned and economically solid brands, from which we have probably already purchased products. It is a slavery that goes unpunished, as it is not visible to the eyes of society. Perhaps the best solution to fight this crime is in our hands: consumer power. When we buy, we are putting our vote of confidence in the company and in the way that merchandise was produced. It is necessary to strengthen this awareness and to disgust brands that perform work analogous to slavery.

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3 IMPRESSIONS OF THE PRACTICAL FIELD:

Scientific research aims to ascertain, in a preliminary way, the possibility of its use for the production of scientific legal knowledge. Empirical study is indispensable in the analysis of laws, because reality dictates the needs and creative demands of the legal field. To this end, several authors help us to understand this broad and complex method of research through empirical experimentation.



In this way, Law dialogues with Anthropology, through the ethnographic method that aligns theoretical meanings with practice. As Geertz argues (GEERTZ, 2011; ALVES 2012) "*The vocation of interpretive anthropology is not to answer our deepest questions, but to make available to us the answers that others have given (...) and so include them in the record of inquiries about what the man said*"

According to Bachelard, in the seventeenth century, the most divergent strands of the sciences were allied in at least one aspect, that of the unity of knowledge based on experience. In this sense, if for the empiricists, experience is essentially uniform, since everything comes from sensations, for the idealists, "[...] Experience is uniform because it is impervious to reason." Science, therefore, was configured in a homogeneous bloc. (BACHELARD, 2006, p. 15).

In view of Bachelard's premise, I decided in my bank research to structure the thesis, to do qualitative research to understand how Brazilian consumers observe and behave in the face of slavery perpetrated by companies in the fashion market in Brazil.

The structure of our empirical observation:

Quantitative	8 people
Sex	Female
Age	From 18 to 55
Schooling	No criteria ³

*Table prepared by the author

Various types of answers were provided by the interviewees, those who are astonished, and shocked to learn. And those who don't bother and don't show any kind of reaction, as well as those who prefer to stay silent. Therefore, the qualitative research that I intend to do throughout my thesis is embryonic, but it already gives some signs regarding the interviews already collected with some consumers in the fashion market. See:

Interviewee 1 – Fashion "blogger".

Look! I didn't know that! "But, I don't stop buying because the clothes are beautiful and they fit me very well."

Interviewee 2 – Physician.

"Slave labor is a global problem, which governments should take care of, the fact that I don't buy clothes from Zara, does not prevent slave labor in the fashion market from continuing."

Interviewee 3 – store employee:

"I don't have an opinion on that."

Interviewee 4 – language teacher:

³ Only one of the interviewees did not have higher education. The others were either graduates or were already attending a university.



"Modern slavery is an endemic event worldwide, in several segments, as a result of economic inequality and the globalizing phenomenon. Even in the face of numerous international complaints, it continues to exist, and people continue to buy products from this workforce, because they do not make this association. In other words, when you buy clothes here, you are buying a lifestyle, a pleasure, and you never think that you are contributing to a market of human exploitation."

These four interviews highlight something that I already assumed before researching this topic, but what I thought does not really correspond to the factual reality. However, on the other hand, I also obtained interviews, in which the interviews behaved in the opposite direction. See:

Interviewee 5 – housewife

It's been a while since I consumed fast-fashion, I'm trying to live with less and with better things, no fads. Since I heard about this wave of slave and child labor, I have never bought clothes from these stores that are being sued, but I know that most people don't care about that.

Interviewee 6 – lawyer

I am concerned about these issues, as I am active in this area in my work. I'm not going to tell you that I don't buy anything at Zara, but I avoid going in there and consuming any product as much as possible. This reality of slave labor is very serious and will be even more asserted in today's Brazil, after the labor reform.

Interview 7 – maid

I don't buy clothes there because I don't have money, but if I did I wouldn't buy them now that I know this, I have a sister who was once almost a slave in an apartment in the south zone, it's the greatest humiliation and sadness you can have in a person's life.

Interviewee 8 – digital influencer

I work directly with image and with trends, everyone thinks that I must be beautiful and well dressed every day, because it's more I think about a sustainable and creative economy, and besides I'm vegan, I don't consume products tested on animals, and much less clothes from slave labor. I also encourage my friends not to buy from brands that we know are involved in these scandals.

We realize, then, that qualitative research aims to obtain data aimed at understanding the attitudes, motivations and behaviors of a certain group of people. It aims to understand the problem from the point of view of this group in question. It is important to realize that it is a type of research that considers only subjective aspects that cannot be translated into numbers.

Ethnography, in its broadest sense, can be understood as the art and science of describing a culture or group: Ethnographic research encompasses the description of events that occur in the life of a group (with special attention to the social structures and behavior of individuals as members of the group) and the interpretation of the significance of these events for the culture of the group. Thus, we



aim to make our study in the fashion market based on the dialogue between anthropology and legal sociology.

In this case, there is an interaction between, for example, Law and Sociology:

"[...] Legal sociology can be a fundamental lever [to denaturalize the certainties produced by Law], insofar as it encourages the adoption of an "epistemology" posture that sows the seed of doubt that eliminates the obstacles to a more open and questioning discussion. [...]" (VARELLA, 2008, p. 90 apud LUPETTI; KANT DE LIMA 2010, p. 10).

In this way, it is possible to work with law as a science, which is transformed through social research, and builds knowledge. Always remembering the need to value local knowledge.

4 OR FUTURE?

It is observed in field research that there are consumers who believe that society can and should promote changes. These consumers consider the social consequences of their act of consumption, or use the boycott as a way to promote change or even favor companies that show greater social or environmental responsibility (WEBSTER JR, 1975).

According to Crane (2013), there is a moral legitimacy that consists of minimal acceptance in the institutional field, such as, for example, from clients and the local community, which provides the perpetuation of this practice. In this sense, the arguments about the boycott being a way to promote change are in line with the position of Crane (2013), as this is an action that does not sustain and does not share this practice.

The ethical consumer forges a new culture of consumption, expressing his social worldview and his ethics. These consumers consider the consequences of their consumption and take responsibility for social issues (FONTENELLE, 2007, 2010). In this context of the emergence of socially responsible consumer figures and other ways of thinking about consumption, such as ethical, green, conscious, political consumption, among other denominations (CRAIG-LEES AND HILL, 2002, MALPASS ET AL, 2007; MICHELLETTI ET AL, 2003), who draw attention to the importance of consumption as a psychological and social process.

The arguments center on the idea that, in Brazil, contemporary slave labor is an illegal and criminal practice, however, companies, in order to profit more, break the laws, becoming illegal and criminal, however, this does not intimidate them. On the other hand, consumers who purchase these products become complicit, encouraging this criminal practice to perpetuate itself and become a management practice, morally legitimizing it (CRANE, 2013).

The need and reputation of brands as purchase motivators have revealed that there are consumers who seek to avoid consumerism, looking for rational and responsible behavior. These consumers indicated that they are inserted in the production chain and are aware of the social



consequences of the act of consuming, seeking to use 89 of their purchasing power to promote social change, either through the consumption of products from responsible companies or the boycott of those that do not behave in a way that is compatible with the social vision of consumers (WEBSTER JR, 1975).

Finding consumers with this behavior indicates that there is room for conscious consumption, however, this space is perceived by organizations as important for the growth of a market, as criticized by Barros et al (2011), Fontenelle (2007) and Sampaio (2013). It is through consumption that people express their thoughts, their ideals, and their ethics. Conscious consumption is a new culture of consumption forged for this public (FONTENELLE, 2007, 2010), which assumes responsibility for organizational crimes, under the notion that if there were no consumption, there would be no supply of products derived from criminal practices. The more visibility the practices of organizations, whether they are good practices or harmful, the more consumers will be able to position themselves and make rational choices, according to their ideals.

Finally, it can be said that the history of labor in Brazil did not begin with industrialization or the CLT, but with slave labor, which persisted as a legal activity for more than three centuries, beginning with the exploitation of indigenous labor and consolidated with the slave trade and exploitation of African labor (ROCHA; GÓIS, 2011).

The struggle for survival on the one hand by the worker and the vision of an exorbitant profit by the employers facilitates the mitigation of costs, the violability of rights and the perpetuation of slave labor.

The dynamics of the process revolves around the capital and power rooted in the Brazilian State, whether in the behavioral, political, psychological, regional aspects, among others.

5 CONCLUSION

Precarious work, and specifically contemporary slave labor, interferes negatively in the development of the individual, since living for work hinders the education of workers and their families, not only because of the possibilities of ascension promoted by education, but also because of the cultural and intellectual change that education produces. To accept that people work without guaranteeing education is to condemn them to these precarious conditions. Education, by itself, may not transform society, but "without it society does not change either" (FREIRE, 2000, p.67), but this is a topic for another discussion.

The contributions of this research are of a theoretical and social nature. As a theoretical contribution, we entered the discussions about contemporary slave labor, we were able to relate organizations, culture and society to the theme, showing the relevance of the theme for the area of Organizational Studies. The social contribution was to show society and consumers, the existence of



contemporary slave labor and the participation of each individual in the fight or maintenance of this criminal practice, as well as their perceptions on the subject.

Major brands fly the flag of social responsibility, respect, ethical behavior and commitment to the truth. They create codes of conduct that contemplate missions, values and principles worthy of a Democratic State of Law and, with this, link their image to probity, decorum and human rights. They have an audience that is loyal to the brand and the lifestyle that corresponds to it. However, a cruel and poignant reality is masked: cheap and degrading production. The production chain is intensely pulverized: it is contracted and subcontracted, dissipating the risks of the activity. The provision of services is negotiated under the label of strictly commercial relations. You pay little, very little: the limit necessary to guarantee maximum profit. (CAVALCANTI, 2013).

Added to this is a culture of fear that is established to avoid denunciations of the existence of slave labor in the workplace. To combat the practice of contemporary slavery, it is necessary to denounce it. Through the complaints, the Public Prosecutor's Office, the Ministry of Labor and the Federal Police initiate a process of investigations and inspections.

Despite all efforts, the existence of contemporary slave labor in our national territory remains in the 21st century.

Therefore, it is hard to believe that there is a reality of such cruelty and cowardice so close to us. It is the exploitation of people carried out by renowned and economically solid brands, from which we have probably already purchased products. It is a slavery that goes unpunished, as it is not visible to the eyes of society.

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