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**Labor Laws and the Fashion Industry**

Labor laws and policies are fundamental in controlling the endeavors of employers in respective organizational settings. Moreover, they dictate the kind of relationship that stakeholders must perpetuate with their employees at all levels. The formulation of most regulations was centered on the premise of discrimination and inequality, issues that have affected cohesion between individuals in social environments. It is an affirmation that can be justified with reference to the fashion industry where associated entities and personnel consistently report unfair practices that often leads to unnecessary conflicts. Most labor laws and policies seem not to apply in this industry either due to ignorance or lack of knowledge from involved parties. Seemingly, the outlook and integrity of the fashion industry can significantly improve if legal tenets are adopted, implemented and monitored for the sake of protecting workers in the realm.

Exploitation is officially defined by the United Nations as the use of a child in any work for the benefit of older people at the expense of their mental or physical health, education and development (United Nations High Commissioner for Refugees, 2019). For example, manufacturing entities in the fashion industry are known for using minors or children in their workplaces to perpetuate their operations majorly due to their productivity and cheap outlook when it comes to wages. Ideally, this is an affordable means of sustaining a human resource because children do not have same demands, responsibilities or necessities as adults. In reality, this is beneficial for children and their families as they can support themselves instead of going through suffering. Some stakeholders reiterate the need to have universal labor laws and regulations which dictate the recruitment procedures and compensation approaches of organizations in the fashion industry. A critical overview of related laws and dictations in certain countries can provide a comprehensive overview about this matter and offer suggestions on which one that need to be adopted or seem important.

**Current Labor Law Policies**

**Labor Law Policies United States of America**

One of the most relevant labor laws in this country is the Civil Rights Act of 1964. It was fostered during the Civil Rights Movement with the objective of ensuring fairness is demonstrated by employers during the hiring process (The International Comparative Legal Guides and the International Business Reports). Ideally, the regulation reiterates that it is illegal for organizations to discriminate against potential workers or job applicants based on their identity or outlook. Another mandate that relates to this modality is the Disabilities Act, which forbids entities from ignoring the plight or intentions of disabled people that might want to associate themselves with their operations (The International Comparative Legal Guides and the International Business Reports). Currently, there is no federal policy that requires establishments to provide written contracts of employment to employees. However, there are specific local and state regulations that necessitate the same, and it is imperative for stakeholders to confirm this aspect.

The Family and Medical Leave Act ascertain that new mothers are eligible for a job-protected leave of up to 12 weeks per year. Through the same period, they can access all health benefits offered by their employers (The International Comparative Legal Guides and the International Business Reports). However, for a person to qualify for this consideration, they must have worked with an entity for at least one year. Under the Worker Adjustment and Retraining Notification Act, employers are not inherently required to give their employees any form of notice when the organization is sold or absorbed by another firm (The International Comparative Legal Guides and the International Business Reports). It is a mandate that covers specific entities based on the nature of their operations.

**Labor Law Policies in China**

Most employment laws in this country tend to confer stringent and comprehensive rules that cover almost everything that pertains to the relationship between employees and their employers. Ideally, there are regulations that ascertain on termination systems and awards or judgments that infringed parties in a legal case deserve to get (Yang, Zhenghe and Zhou). One of the most interesting labor laws recently adopted in China is the Individual Income Tax Law, a stipulation that objectifies to ensure equal income across all business-related industries (Yang, Zhenghe and Zhou). The law requires employers to conduct special expense deduction for certain situations ranging from education of children, elderly care, treatment of severe illnesses and housing loan. The rationale is to ensure utmost protection for the welfare of employees.

Unlike the United States of America, China has a Labor Contract Law that offers a list of details that organizations should consider when engaging their employees. It specifies actual terms of termination and other statutory clauses that must be respected (Yang, Zhenghe and Zhou). An agreement document must be signed before a person begins formal work with any entity in order to be covered by this law. Any form of modification to the employment contract needs to be ascertained by both the employer and employee and should be made in writing. The Labor Law provides dictations on actual working hours that employees need to achieve. Ideally, they cannot exceed one hour a day, but there are particular circumstances when this mandate can be ignored such as during natural disasters or malfunction of production facilities.

**Labor Law Policies in India**

The Industrial Employment Act was pioneered and adopted with the intention of affording protection to employees from unfair treatment by their employers. It offers a comprehensive description of regulations of employment and aspects linked to employee misconduct. Under this law, an organization is not required to provide a notice of termination if they need to release an employee (Global Legal Insights). However, the regulation protects individuals against arbitrary dismissals, meaning they have the opportunity to explain themselves if accused of misconduct. The Payment of Wages Act is another policy that ensures and regulates the timely compensation of employees (Global Legal Insights). Ideally, an employer is restricted from conducting unlawful or unapproved deductions or delay payment days.

**Imitation of United States of America Labor Laws and Policies**

With the continued globalization trend defining how countries around the world interact, it is likely that similar laws and policies will be implemented in respective locations (Hughes and O’Neill 6). The fashion industry will significantly benefit from this trend majorly because workers and entities will be able to work in any place that suits their career. Seemingly, it is argued that the United States of American has one of the best labor laws and policies in the entire world, and other nations should adapt their approach when it comes to addressing employer-employee issues. With imitation of their regulations comes greater efficiency from individuals and cohesion in actual workplaces.

A justification that supports the standardization of labor laws and policies relates to the need for promoting freedom of association, equality, and prohibition of forced labor. For example, the Civil Rights Law strives to ensure employers do not discriminate current or potential workers based on their race or identity. However, there is not such modality in other countries meaning consistent violation of the rights of employees in various institutions. Imitating these rules ensures discriminatory trends reduce, and personnel affiliated with the fashion industry will be able to perpetuate their activities without fear of judgment (Ginsburgh and Weber 4).

Another justification for this relates to the fact that labor laws and policies in the U.S. annotate on the relevance of promoting fundamental human rights on individuals. Furthermore, employees who feel that they have been violated can sue their employers while adhering to a dictated legal process (Ginsburgh and Weber 4). For example, the Family and Medical Leave Act is a tenet that can favor models working in the fashion industry. Most of these professionals are afraid to get pregnant because they know that their job status will be threatened, thus difficulty in maintaining their livelihoods. However, implementation of such regulation means such inconveniences will not be apparent, and models will be able to participate in any engagement that requires them to plan or raise a family.

The ethical principle of autonomy stipulates that people have an inherent right to make fundamental decisions that have a probability of impacting their lives. It is imperative to respect the perspective or rationale of others, as this can empower them to become better (Peterson 3). Regarding this, it is unethical to compel other nations to alter their labor laws. Formulation of the tenets always reflects on their right of autonomy, effectively denoting the values or interests considered paramount for the people. Replicating U.S. themed labor laws and policies does not adhere to this analogy. The fashion industry will continue to benefit from originality and any endeavor that strives to sustain this life approach.

A downside of imitating the U.S. themed laws and regulations is that some of the countries will lack a sense of integrity or originality when it comes to dictating their labor norms. Replicating foreign rules means that a nation has to ignore its inherent cultural values, which in most cases are responsible for bringing communities together (Rendtorff 275). The fashion industry might be affected by this matter as creatives might be tempted to borrow or copy ideas from other places and ignore their instinct, all because they have to comply with new foreign laws that do not represent them.

The discussion has elaborated on various labor policies and laws perpetuated in U.S., China, and India. A critical analysis of the mandates reveals a level of authenticity and integrity, something that each nation objectifies to sustain. Regardless, the U.S. regulations seem superior, thus the justification to replicate the associated approach in other countries. However, such a move needs to be done with utmost care to ensure that businesses and personnel in the fashion industry are not affected.

**Blibiography**

Ginsburgh, Victor, and Shlomo Weber. "Linguistic Policies, Disenfranchisement, and Standardization." *How Many Languages Do We Need?*, 2011, pp. 1-7.

Global Legal Insights. "International Legal Business Solutions." 2019, www.globallegalinsights.com/practice-areas/employment-and-labour-laws-and-regulations/india. Accessed 1 Nov. 2019.

Hughes, Owen E., and Deirdre O’Neill. "Business, Government and Globalization." *Business, Government and Globalization*, 2008, pp. 1-18.

The International Comparative Legal Guides and the International Business Reports. "Employment & Labour Law 2019." *International Comparative Legal Guides International Business Reports*, 4 Mar. 2019, iclg.com/practice-areas/employment-and-labour-laws-and-regulations/usa. Accessed 1 Nov. 2019.

Peterson, Martin. "The Autonomy Principle." *Oxford Scholarship Online*, 2017, pp. 1-8.

Rendtorff, Jacob D. "Business Ethics, Strategy and Organizational Integrity." *Handbook of Research on Teaching Ethics in Business and Management Education*, 2012, pp. 274-288.

Yang, Samuel, et al. "Employment & Labour Law in China." *Lexology*, 12 Dec. 2018, www.lexology.com/library/detail.aspx?g=bcb63ee3-6f53-4f08-b566-9f270ff564eb. Accessed 1 Nov. 2019.