Examining Ethical Clothing Australia's accreditation program in the context of evolving business and human rights standards and practices.

ethical clothing AUSTRALIA

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Contents

Executive Summary

This report examines the role of Ethical Clothing Australia's (ECA) accreditation program both in Australia and abroad. It explores the program's alignment with emerging standards that demand responsible workplace practices, and its global counterparts involved in improving standards in the textile, clothing and footwear sector (TCF). ECA was developed in collaboration with the Textile, Clothing and Footwear Union, individual business and employer groups, including the Australian Industry Group and the NSW Business Chamber, to protect and uphold the rights of Australian garment workers.[1] The ECA accreditation program focuses on Australian manufacturing and aims to ensure that local TCF workers, including outworkers,[2] receive their legal pay, entitlements and work in safe conditions.

This research is grounded in the context of the evolving regulatory environment at the intersection of human rights and business. This includes emerging laws in multiple countries and regions that mandate human rights due diligence (HRDD), and Australia's Modern Slavery Act which requires increased corporate transparency from reporting entities. This report also considers the comparative position of ECA alongside relevant global counterparts who also focus on TCF accreditation. As part of this project, the research team conducted extensive desktop research, alongside interviews with key stakeholders including union representatives, civil society, representatives from ECA accredited businesses, and others.

ECA accreditation is a beneficial differentiator in the market, a trust factor for public and private risk-averse buyers, and a protective measure against reputational harm. This report demonstrates that ECA stands out and distinguishes itself from other comparative global accreditation schemes in the TCF sector, highlighting three key defining elements. These are:

1. strong union engagement including in governance, auditing and worker engagement;
2. a focus on transparency and remediation; and
3. a model that creates leverage in local supply chains to amplify its influence.

ECA's engagement with the TCF Union grounds accreditation in a contextual understanding of the TCF sector that incorporates a strong worker voice. The involvement of the union as a key audit assessor makes it distinct from all of its other global counterparts. The union's capacity for worker outreach and the surety provided by their sustained and consistent engagement facilitates the normalisation of union contact for workers and raises their profile as a prospective recourse for support. These factors also invariably result in greater transparency and more accurate due diligence assessments, as the trust established through union engagement facilitates more open dialogue amongst stakeholders.

The effectiveness of ECA's accreditation program is also bolstered through a focus on diligent mapping of local supply chains and accreditation being conditional on all issues being remediated. Accreditation requires that businesses ensure compliance in terms of breadth and depth, that is, meeting expectations across the entire local supply chain, and going beyond superficial compliance to ensure genuine, on-the-ground implementation. This transcends the 'on-paper' approach of many other audits. These responsible supply chain expectations create a network of rights-focused suppliers, amplifying ECA's influence through cascading standards and applied leverage.

1. Ethical Clothing Australia

Ethical Clothing Australia (ECA) is a multistakeholder accreditation initiative that focuses on 'protecting and upholding the rights of Australian garment workers and helping local businesses comply with workplace laws'. The organisation operates in collaboration with businesses in the textile, clothing and footwear (TCF) sector, and crucially, was founded with the support of what is now known as the Textile, Clothing and Footwear (TCF) Union, alongside key industry organisations.[3]

To gain ECA accreditation, manufacturers must endorse the ECA Manufacturers Code of Practice.[4] ECA certification is only granted once the independent audit is appropriately satisfied that all relevant workers are 'paid appropriately, receiving all their legal entitlements and working in safe conditions'.[5] This is a rigorous process that includes an annual audit (conducted by the TCF Union) of a business's manufacturing operations, head offices, 'any in-house manufacturing operations and all outsourced locations in Australia'. The breadth of ECA's process means that a multitude of different workers and forms of work are monitored and reviewed. ECA 'encourages companies to view supply chain management as a fundamental part of the business'.[6]
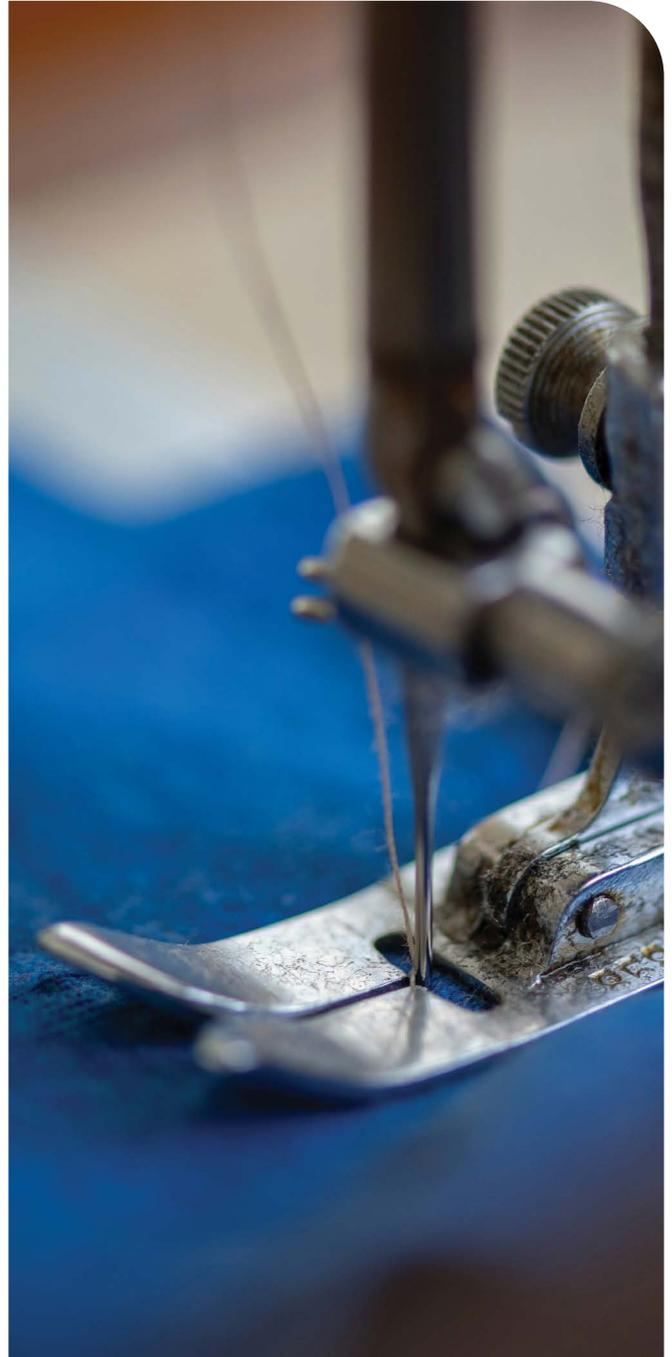
2. Context: Regulation in the TCF Sector

Globally, the TCF sector has long been plagued by allegations of human rights abuses endured by workers. Some of these issues came to global prominence in the mid-1990s when global TCF brands faced allegations of using 'sweatshop labour' in factories throughout Asia. Since that time, reports of TCF workers facing workplace abuses including wage and overtime violations, discrimination and harassment, child labour, forced labour, unsafe working conditions and restrictions placed on the operations of unions have continued.[7]

The TCF sector has long relied on an ad hoc regulatory framework—including soft law (i.e. codes of conduct) and social audits to monitor workplaces—with limited success. In 2013, public attention firmly focused on the TCF sector when the Rana Plaza building in Bangladesh collapsed killing more than 1,130 garment workers. Since that time, despite public attention and a flurry of regulatory initiatives, reports of workplace abuses endured by TCF workers around the world have continued.[8] Mounting pressure on global brands and governments to improve working conditions has forced changes in the sector, with calls for improved practices and increased regulation. The establishment of ECA in 2000 (originally known as the 'No Sweatshop Label'),[9] with a primary focus on protecting the rights of workers and accrediting responsible business practices, was part of this movement. Most recently, the emergence of national and regional laws mandating increased supply chain transparency and responsible business practices is providing impetus for further changes.

Sections 2.1 and 2.2 focus on two of the principal regulatory mechanisms that have been relied on to address workplace abuses in the TCF sector: (private regulation) auditing and accreditation; and (public regulation) emerging legal standards that mandate compliance with human rights. In this context, regulation is understood as the way in which formal and informal rules attempt to intentionally influence or control the behaviour of people and entities.[10] Understood in this way, regulation 'goes beyond legal rules and mechanisms and comprises political, social, economic and psychological pressures'.[11]

2.1. Private Regulation: Auditing

Beginning in the 1990s, many TCF businesses began to adopt codes of conduct to guide responsible business practices. Levi Strauss & Co was the first company in the TCF sector to introduce a code. Other major brands such as Nike, Reebok, Adidas and The Gap soon followed suit. Over time, concerns around the content, legitimacy, and accountability of such codes presaged a trend toward the development of multi-stakeholder initiatives (MSIs) to develop common standards and monitor (audit) workplace compliance.[12]

Some of the earlier MSIs operating in the TCF sector include Social Accountability International (SAI) (1997), the Fair Labor Association (FLA) (1998), the Ethical Trading Initiative (ETI) (1998) and the Fair Wear Foundation (FWF) (1999). Each organisation was—in its own way—an attempt to regulate what was perceived as a (partially) unregulated market. Soon after, a series of initiatives with a stronger industry focus emerged. In the US, the American Apparel Manufacturers Association developed the Worldwide Responsible Accredited Production in 2000. In Europe, the early 2000s saw the creation of the Business Social Compliance Initiative (now amfori BSCI) and the Global Social Compliance Program, now reinvented as the Sustainable Supply Chain Initiative (hosted by the Consumer Goods Forum). Each of these initiatives promulgate a standard of conduct and (mostly) rely on social auditing as the primary means of enforcing their standard.[13]

In recognition of the growing costs and complexity associated with extensive social auditing, several platforms—such as SEDEX, Fair Factories Clearinghouse and the Responsible Sport Initiative, the Sustainable Apparel Coalition and Social & Labour Convergence Program—now facilitate audit sharing amongst businesses.[14]

Generally, social auditing is understood as a mechanism by which supplier compliance with human rights standards is verified, typically set out in a code of conduct. While the precise nature of a social audit will vary depending on the industry in question and the organisation undertaking the audit, it generally involves a physical inspection of a facility, combined with a review of documents and interviews with management and employees. However, the implementation—and thus effectiveness —of social auditing as a process can vary widely. ECA's involvement of the local TCF union as a key audit assessor makes it distinct from all of its other global counterparts. In addition, the fact that it is monitoring to a legal standard makes its accreditation approach more objectively rigorous.

According to some estimates, social auditing accounts for up to 80 percent of ethical sourcing budgets,[15] and amounts to an estimated US$50 billion industry.[16] It is also the most common tool utilised by multi-stakeholder and corporate-led initiatives set up to address human rights risks throughout global supply chains. However, heavy reliance on social auditing has long been criticised and there is a growing body of evidence indicating that social auditing—when conducted in a superficial manner that does not engage workers and their representatives—is an ineffective tool for achieving meaningful and consistent human rights improvements.[17]

Table of key international TCF related audit and regulatory bodies

	Geographical Focus	Union Inclusion	Use of Audits
SAI	International: SA8000 certification is not limited to a particular region. **Third-party reports** have indicated that India and Italy account for the majority of SA8000 certified facilities.[18]	No: SAI notably does not explicitly involve unions. The SA8000 does incorporate freedom of association in its performance criteria and certification of unionised workforces must include union representation in their Social Performance Team.[19]	Yes: Audits are central to SAI accreditation but conducted by independent third-party auditors. These auditing organisations are accredited according to the **SA8000 standard**.
ETI	International: ETI is an international operation and operates in 'more than 40 countries'. Still, it does conduct bespoke programmes in key locales like India, Turkey, Morocco, Bangladesh and more, each with specific contextual outcomes.[22]	Yes: Union involvement plays a key role in ETI's multi-stakeholder operations and **unions were involved in the establishment of the initiative in 1998**. Notably, ETI describes itself as being a '**tri-partite body**' comprised of unions, businesses and non-governmental organisations.	No: ETI explicitly states that they do not conduct audits or '**offer stamps of approval'**. Audits are substituted by yearly reports from members.
FLA	International: FLA operates globally with no specific regional focus. Notably, **previous reports indicate** the vast majority of FLA's 'Independent External Monitoring' (IEM) occurs in East Asia, Southeast Asia and the Americas. Still, this focus is not pre-determined and is the product of a 'risk-based' approach.	No: FLA does specify in its **ten principles of responsible sourcing** that committed companies should consult with unions. **Unions are also referenced as potential users of the FLA's third party complaints mechanism**. Beyond this, union involvement in FLA operations is limited to consultative functions.[23]	Yes: Audits form a key part of FLA's operations. These are conducted by accredited third-party auditors. These audits focus on ensuring compliance with key FLA standards.
FWF	Regional to International: FWF is international, but the organisation has primarily worked with organisations in Europe. Still, FWF also focusses on 11 'priority countries' crucial to the garment supply chain. These include Bangladesh, Bulgaria, China, India, Indonesia, Macedonia, Myanmar, Romania, Tunisia, Turkey, and Vietnam.[27]	Yes: FWF involves unions explicitly in its multistakeholder governance structure, **including on their board**. FWF incorporates union involvement in various stages of its operations and monitoring, as reflected by their guide on '**Freedom of association and the right to collective bargaining'**.	Yes: Audits are a central component of FWF's operations. These are not predicated on pass/fail outcomes, but rather in providing ongoing guidance. FWF conducts both factory audits and '**brand performance checks'**, the latter of which is to evaluate managerial level approaches.
WRAP	International: As with all major competitors, the scope of WRAP's geographical focus is international. This is particularly the case as the certification offered by WRAP is for factory/sites, **resulting in over 50 countries covered by the initiative**.	No: WRAP is an organisation comprised of a team of compliance experts and does not explicitly include unions or CSOs on its Board or explicitly in its operations. While WRAP's substantive expectations of organisations include freedom of participation, unions are not explicitly written into audit or other compliance processes.	Yes: WRAP engages and accredits third-party firms to conduct audits. The auditing firms follow the '**12 WRAP Production Principles**' – set by WRAP.

Frequency of Audits	Accreditation	Publication of Reports
Regular surveillance audits are conducted every 6 months (throughout the duration of a 3-year certification period). Additionally, one unannounced audit will be conducted throughout the period. Additional audits may be conducted at discretion.[20]	No: SAI does not accredit any businesses or worksites directly. Rather, SAI accredits so-called 'Certification Bodies' that in turn apply their SA8000 standard – a voluntary standard applied by third-party auditors.[21]	No: SAI, potentially due to its removed relationship to audits and certification, does not publish reports on the outcomes of certification or audits.
N/A	No: ETI does not offer certification. Rather, its value proposition rests upon knowledge exchange through multi-stakeholder collaboration and soft standards.	Yes: Supplementing audits, ETI requires that members provide yearly reports documenting progress in implementing ETI standards.
FLA conducts initial accreditation audits as part of a multi-year process, which includes annual social compliance audits on a percentage of their Tier 1 factories. Following accreditation, FLA conducts annual evaluations to verify compliance with FLA standards. Operating on a three-year cycle, a different set of principles are evaluated each year. Additionally, FLA conducts internal audits to measure corporate monitoring, as well as verification audits to ensure compliance with corrective action plans.[24]	Yes: FLA accreditation applies to companies – not to specific products or sites. Therefore, the accredited company must demonstrate consistent commitment to FLA's focus on fair labour practices.[25]	Yes:[26] FLA publishes reports on each participating company and outlines how they are working to implement their relevant code of practice, in addition to a comprehensive annual report and auxiliary metrics for measuring performance or non-compliance. They also receive reports from their IEMs. Specifically, FLA publishes: public reports on company compliance, annual reports on FLA activities, reports from IEM monitoring, 'Milestone 5 Post-Accreditation Reports' (**in pilot stage**), investigation reports, reports on complaints, and public factory lists.
FWF audits are conducted randomly or according to risk assessments/potential non-compliance.[28] Member companies may be audited by FWF as part of a 3-year verification process, where FWF audits 10% of a member's factories, or when complaints arise.[29]	No: FWF does not directly provide accreditation to companies or products.[30] Rather, it provides verification services to guide members in improving labour conditions. These include audits, training and performance checks. As mentioned, audits are not graded according to pass/fail, reinforcing the absence of certification.	Yes: FWF publishes their '**Brand Performance Check Reports**' which assess social compliance for member companies. Additionally, member companies submit their own annual reports to FWF to document their progress.
Following an initial certification audit, WRAP employs a largely spontaneous approach to conducting audits, with some including initial audits.[31]	Yes: WRAP accredits auditors who in turn certify production facilities according to WRAP principles.[32]	No: While WRAP receives reports regarding its processes, limited information is made public on companies.

2.2. Emerging Legal Standards

Developments by certain countries to legislate increased transparency and/or human rights due diligence in global supply chains have led to growing scrutiny of global business practices, including TCF workplaces. Although the laws described below are not specifically targeted at the TCF sector, given the sector's historical connection with human rights abuses, such laws will be used to influence changes in work practices.[33]

2.2.1. Reporting Requirements

The United Kingdom (UK), Australia and Canada have all adopted laws which require relevant entities to report on the risk of modern slavery in their supply chains.[34] The assumption in this model of disclosure-based regulation is that the increased public visibility of supply chain risks will incentivise business to address human rights abuses. Crucially, the schemes render businesses accountable not for adverse human rights impacts, but for the procedural failure to report. These laws do not mandate any requisite human rights due diligence (HRDD).

However, civil society and academia are increasingly questioning whether this regulatory approach will reduce substantive human rights abuses in supply chains.[35] An independent review of the UK Modern Slavery Act in 2019 highlighted the shortcomings of the UK compliance framework and recommended establishing a more ambitious enforcement model.[36] Similar critiques are also reflected in the 2023 review of the Australian Modern Slavery Act, which was tasked with considering the effectiveness of the law in its first three years of operation.[37] The review acknowledged widespread views that 'there is no hard evidence that the Modern Slavery Act in its early years has yet caused meaningful change for people living in conditions of modern slavery'.[38]

2.2.2. Mandatory Human Rights Due Diligence

More recently, three European countries and the European Union (EU) have established mandatory obligations for corporations that go beyond reporting on responsible business practices to require businesses to act. These obligations solidify the central role that HRDD plays in improving respect for human rights.[39] The concept of HRDD was introduced in the UN Guiding Principles on Business and Human Rights in 2011 as a mechanism by which businesses might discharge their responsibility to respect rights.[40]

A key feature that distinguishes HRDD from traditional corporate due diligence is that HRDD focuses primarily on detecting the risks that the business may impose on others, as opposed to risks to the business itself. As such, HRDD is designed to be an ongoing interactive mechanism that keeps the business apprised of its impact on workers, the community and a broader set of stakeholders. It is now considered the 'main game in town' in the global business and human rights field, and these new European laws could also influence the practices of Australian businesses (see Section 2.3).

In 2024, the EU passed the Corporate Sustainability Due Diligence Directive (EU CSDDD) which sets out mandatory HRDD obligations for businesses, together with a civil liability regime to enforce compliance with requisite obligations. The details of the directive remain in negotiation within the EU,[41] but the core requirements mandate relevant businesses to take specific steps to fulfil their obligation of HRDD including to:

1. integrate due diligence into their policies and risk management systems;

2. identify and assess actual or potential adverse impacts;

3. take appropriate measures to prevent and mitigate potential adverse impacts and bring actual adverse impacts to an end;

4. provide remediation to actual adverse impacts;

5. carry out meaningful engagement with stakeholders;

6. establish and maintain a complaint procedure;

7. monitor effectiveness; and

8. publicly communicate their due diligence activities.

Understanding these requirements is useful when considering ECA's accreditation program which can itself be seen as demonstrating HRDD practices.

2.2.3. National TCF Schemes

It is also useful to understand the positioning of ECA as compared to other domestically based TCF initiatives. Two examples of domestically based (non-binding) schemes developed specifically for the TCF sector are the 2016 Dutch Agreement on Sustainable Garments and Textiles[42] and the German 'Green Button' (Grüner Knopf) certification standard. Although both were developed as non-binding agreements, they have led to—or now work in concert with—laws mandating HRDD in the Netherlands and Germany that extend beyond national borders.

The Dutch Agreement—which ended in 2021—was a sector-specific approach signed by industry associations, Dutch businesses, the Dutch government, trade unions and NGOs. Under the agreement the parties agreed to work together to identify and address human rights (and other) impacts. The sector-wide agreement was a means of encouraging HRDD and was one of a series of sector specific agreements developed in the Netherlands that acted as a precursor to the development of 2019 Child Labour Due Diligence Act (not yet in force).

In 2019, the German Government launched a 'Green Button' certification standard for the textile industry. This is a government certification scheme open to businesses producing or selling textiles and has been developed by the German Federal Ministry for Economic Cooperation. Businesses volunteer to comply with 26 social and environmental requirements. Auditors, approved as part of the government scheme, monitor compliance. Government research indicates that brand awareness of the 'Green Button' is growing but—as of November 2024—only about 60 businesses had items with the Green Button label.[43] The development of the German Corporate Due Diligence in Supply Chains Act (2021) is arguably indicative of the need for a multiplicity of approaches including mandated HRDD that can exist alongside and complement voluntary standards.

2.3. Australia's Modern Slavery Act

In 2018, Australia adopted the Modern Slavery Act 2018 (Cth) ('Australian MSA') which took effect on 1 January 2019. Modern slavery is defined in the law to include practices such as: human trafficking, slavery, servitude, forced labour, debt bondage, forced marriage and the worst forms of child labour.[44] Put simply, it describes situations where coercion, threats or deception are used to 'exploit victims and undermine their freedom'.[45] The Australian MSA requires business entities with an annual consolidated revenue of more than AUD$100 million (including the Australian Federal Government), to report annually on the risks of modern slavery in their operations and supply chains, as well as the actions taken to address these risks. There are now more than 11,000 modern slavery statements published on the government's Modern Slavery Register.[46]

As noted above, reliance on corporate reporting as the primary regulatory mechanism to tackle the complexities of modern slavery is significantly limited. HRDD is not a requirement under the Australian MSA. While Section 16(1)(d) mandates that reporting entities disclose their due diligence processes, it does not include an obligation to conduct HRDD. The independent review of the Australian MSA acknowledged 'support for a stronger due diligence framework' and recommended that businesses have a due diligence system in place.[47] However, the 2024 Australian Government response to the review did not immediately adopt this recommendation, instead noting the issue as one for further inquiry.[48]

However, HRDD is continuing to pick up traction globally and Australian business may be impacted by developments such as the EU CSDDD, one of the most significant responsible business reforms in recent years. Australian businesses could be caught up in the obligations of the EU CSDDD either directly (by being an in-scope entity) or indirectly (by being majority owned by an in-scope entity, or by supplying goods or services to an in-scope entity). As such, HRDD remains relevant for Australian businesses and ECA's accreditation program could provide business with assurance that supports their implementation of HRDD practices (as relevant to their Australian supply chain).

n the interim, ECA's accreditation acts as a risk mitigation framework that reporting entities can utilise in responding to the MSA requirements. The primary focus of the Australian MSA is on prevention by asking businesses to identify and understand workplace risks relevant to modern slavery, including those conditions that may be precursors to the occurrence of modern slavery.

> *There are clear indicators of what makes workers more vulnerable to falling victim to modern slavery: limited language skills and knowledge of rights, gender (women are overrepresented), migration status and factors such as financial hardship or a history of unemployment.[49]*

It is these types of conditions that ECA's accreditation program aims to address by conducting audits and worker engagement processes (led by the TCF Union) in accordance with ECA's Code of Practice.[50]

3. Assessment of the ECA Program

## 3.1. Effectiveness of ECA's accreditation program

ECA accreditation provides an effective mechanism for ensuring that TCF workers—particularly those in precarious positions, such as outworkers—receive at least the legal minimum of wages, entitlements, and safe working conditions. This report finds that there are three key elements that make ECA's approach stand out in contrast to other auditing and certification schemes. ECA's program might be described as a process that is 'beyond auditing'.

3.1.1. Union engagement

The TCF Union's direct involvement in the audit combined with its outreach, industry-specific knowledge and capacity to follow-up and rectify any breaches, ensures the effectiveness of the ECA accreditation process. Interviewed stakeholders consistently noted that ECA's partnership with the TCF Union is the linchpin of the program and suggest union engagement enables a more rigorous process when compared to other third-party auditors. The TCF Union has comprehensive knowledge about the sector and holds statutory right-of-entry powers under Australia's industrial relations laws to facilitate monitoring.[51]

Critically, the union's role is not a one-time inspection. Through annual and spot checks and worker engagement interviews, the union is able to build trust with workers that supports individuals to voice concerns and receive support in a sensitive and expedited fashion. The union's cultural and linguistic expertise and ongoing (and legally mandated) presence encourages workers—especially migrant workers or outworkers— to speak candidly about potential issues. Union staff may share the same language as the workers and often have TCF experience themselves. The development of a relationship of trust also facilitates remediation and repeat site visits (including, as needed, to an outworker's home) to respond to ongoing worker concerns. Additionally, outreach programs for outworkers also enhances trust, with visits from community engagement officers from similar linguistic or cultural backgrounds who visit neighbourhoods and attend local events.

The presence and role of the union within ECA's accreditation program also 'normalises' union contact—even in non-unionised workplaces—and provides workers with an avenue to raise issues about pay, safety, or intimidation without fear of reprisal. In other certification schemes, worker interviews can be superficial or may occur in the presence of management.[52] This rigorous and on-the-ground approach that is built around union engagement aids in identifying and providing a voice to 'invisible' workers who might not otherwise readily report exploitation.
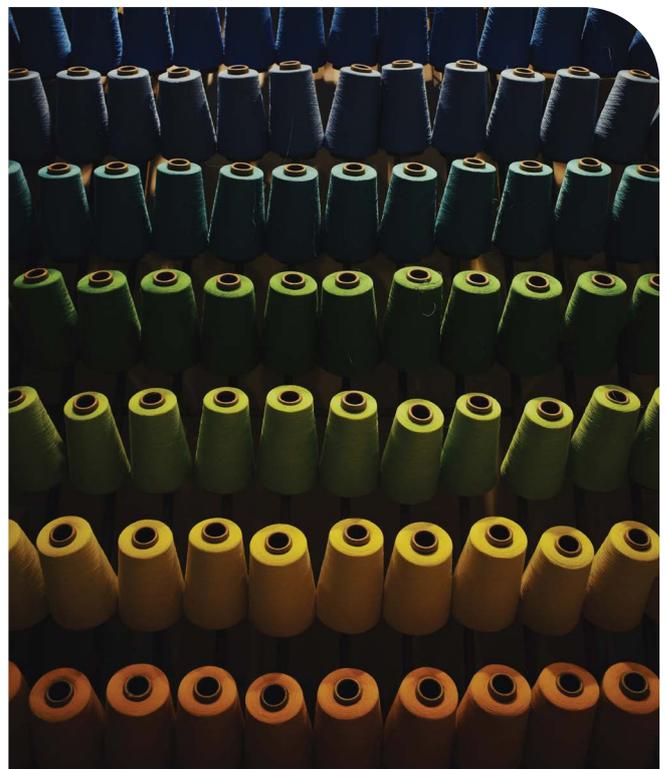
3.1.2. Transparency and Remediation

The accreditation process requires thorough mapping of local supply chains, including all outworkers, in turn bringing previously 'hidden' supply chain segments into the light. While many certification schemes promise end-to-end auditing, ECA's accreditation effectively compels a business to disclose its entire local manufacturing chain. Compliance officers not only verify the main supplier's factory conditions, but also audit other stakeholders in the supply chain annually (such as subcontractors) and any auxiliary processes, such as embroidery or finishing.

Crucially, ECA's accreditation goes beyond paper-based audits. The combination of document checks and on-site (home-based, for outworkers) visits allow auditors to uncover breaches. When violations arise, such as unpaid superannuation, sub-award wages, or the denial of entitlements, there is a clear process to remediate. Stakeholders from both the union and accredited businesses mentioned that workers quickly and reliably received remediation of outstanding wages or superannuation. Furthermore, accreditation emphasises rechecks and spot checks, with the union's ongoing presence fostering a sustained degree of accountability. Following annual audits or spot checks, accredited businesses noted that ECA is methodical in providing remedial instructions, setting deadlines for fixes, and scheduling follow-up visits—if needed. This approach to remedying noncompliance makes it easier for accredited businesses to budget time and resources to support compliance, rather than waiting in limbo for an official pass/fail verdict.

This approach contrasts with more common auditing practices of noting issues and moving on after making recommendations, possibly leaving many problems unaddressed.[53] During such so-called 'checklist' audits, visits occur infrequently and with limited to zero on-the-ground worker engagement. An ECA audit is not a one-time, box-ticking exercise. ECA accreditation is renewed annually, the union can make unannounced visits or conduct spot checks, and there is a standing outreach program to find and protect at-home or 'invisible' outworkers. In effect, ECA accreditation is an ongoing relationship with both workers and businesses, rather than a pass/fail inspection.

3.1.3. Cascading leverage and norm diffusion

ECA's 'relationship model' creates leverage to build supplier capacity, facilitate long-term connections and support the development of a stable, local and ethical supply chain that normalises the idea of goods being ethically made in Australia.

The ECA compliance process 'maps the entire Australian TCF supply chain of each company applying for accreditation from design to dispatch.'[54] As such, the accreditation process begins with an initial onboarding and extends to longer-term ongoing oversight including an annual audit. Formally, the audits 'assess legal compliance with industrial relations requirements and workplace health and safety requirements to ensure all workers are paid and treated fairly and are safe at work. The audits include assessment of all relevant documentation, inspections of factories and places of work, and meetings with all workers.'[55] In practice, this requires businesses to disclose their local manufacturing chain and build connections with suppliers, often involving written agreements stipulating cooperation with the ECA's audits—including site visits. By embedding transparency obligations in contracts and monitoring remediation of any breach, the ECA's model nudges accredited businesses to be more proactive, selective, and supportive in managing their suppliers and subcontractors. Some stakeholders suggested that accreditation reduces exploitative 'pop-up' operations in supply chain and instead supports the development of a stable, local ecosystem of suppliers. Within such an ecosystem, businesses with recurring breaches either rectify problems or effectively screen them out, helping to level the playing field for compliant businesses.

In practice, this expanded visibility in the supply chain forces accredited businesses to be more selective about whom they choose to collaborate with, preferring suppliers that can verify compliant working conditions. This approach is underpinned by authorisation from the Australian Competition and Consumer Commission (ACCC). [56] Several stakeholders noted that 'cascading' requirements that aligns ECA's oversight with legal requirements creates strong leverage over second- and third-tier suppliers. If a supplier refuses to provide wage records or fix breaches, the principal business risks losing accreditation. As a result, the principal businesses become more (pro)active in engaging their smaller partners. This marks a pivot from informal or price-driven subcontracting to a more engaged, continuous relationship with suppliers. Upstream businesses might help downstream suppliers understand pay scales or establish better record-keeping systems. This results in a win–win situation: the supplier moves toward compliance, and the accredited business reduces risk. While more work upfront, a carefully vetted supplier pool reduces hidden issues and fosters stable, longer-term relationships.

In the ECA process, every noncompliance issue (inconsistent with the Code of Practice) uncovered must be remedied before accreditation is finalised. In other schemes, audits commonly stop at the first tier and may only recommend corrective action but fail to follow up. When an accredited business' supplier resists participating, the business must either bring them into the program or remove them from the chain. Awareness of ECA's existence and its procedures has pushed those outside the program to consider improving their practices, especially if they seek larger contracts or contracts with an accredited business and/or governments. Stakeholders recounted instances where the principal businesses compelled non-accredited sub-suppliers to adhere to ECA standards as a condition for continuing business. In some cases, stakeholders noted that suppliers did this voluntarily. As such, ECA's approach reduces the space for ultralow-cost subcontractors that profit from underpayments or unsafe conditions.

There is also a more subtle effect of ECA accreditation on the TCF industry. With ECA highlighting concrete cases of efficient back-pay settlements and safer factory conditions, the scheme offers a model of how rigorous local labour oversight can work. As a principal business discovers that labour-compliant supply chains can effectively align profits with labour compliance, stakeholders reported that a small but growing set of businesses are emphasising fair labour verification in their own marketing or purchasing. Interviewed stakeholders indicated that ECA's advocacy and trademark recognition contributes to the normalisation of the idea of goods being ethically made in Australia.

3.2. Risk mitigation

The ECA accreditation process supports risk mitigation in three key ways: through effective knowledge exchange with businesses, building brand awareness to raise industry standards, and facilitating alignment with existing and emerging workplace standards.

3.2.1. Supporting knowledge exchange with businesses

The businesses interviewed described ECA's role in supporting them through the accreditation process as constructive and collaborative, albeit with some administrative challenges. Overall, principal businesses felt consistent support, ranging from day-one advice on regulations to step-by-step audit guidance and post-accreditation follow-ups: making the ECA process more constructive than that of many traditional social audits. Stakeholders credited ECA with making compliance clear and fostering a more open, problem-solving dynamic.

Some stakeholders mentioned that the process can have a steep learning curve including understanding and responding to the administrative requirements of the audit and facilitating increased transparency to obtain accreditation that demonstrates legal compliance with the relevant workplace laws. However, ECA and the union compliance officers were perceived as approachable and quick to respond to questions, which is valuable for smaller or first-time applicants less familiar with wage classifications, outworker provisions, and other legal intricacies. Stakeholders noted the process involves effective knowledge exchange about legal compliance including relevant documentation and supply chain requirements such as mapping out subcontractors or outworker engagements. Businesses stated that this educational approach eased anxiety around compliance and supported effective remediation.

Businesses noted ECA's relationship model as one that is ongoing rather than being confined to a single audit cycle, providing additional support for compliance. For example, stakeholders recalled contacting ECA officers between annual accreditations for advice on OHS or industrial relations changes. Even those who had previously viewed union involvement sceptically found interactions constructive over time. A few described the ECA approach as 'firm but fair'. While businesses generally welcomed ECA's support, some found the repeated submission of detailed paperwork burdensome each year.

3.2.2. Building brand awareness

Building stronger brand awareness of ECA remains a work-in-progress. ECA can and should become an important signifier of local best practice. ECA's focus on engagement and remediation can support early identification of issues that are addressed before escalating into a potential legal or reputational crisis and be a competitive advantage. Stakeholders described the reputation boost as a slow burn rather than an overnight change. As high-profile brands incorporate ECA accreditation into their messaging, and as the government mentions accreditation in its procurement preferences,[57] the scheme is gaining clout.

ECA accreditation can provide a competitive edge. Some stakeholders reported that proof of ECA accreditation strengthened their bid when tendering for government contracts. Others described referencing ECA accreditation to successfully assure larger businesses that their factories and subcontractors were compliant. Principal businesses with direct-to-consumer business models should cite ECA accreditation in their marketing materials or on-product tags, as accreditation is a talking point that resonates with ethically conscious shoppers. Stakeholders noted, however, that the broader public is not deeply familiar with ECA, so the brand boost tended to matter more in select fashion or social enterprise niches. In some instances, ECA's data on persistent abuses (such as underpayment of wages or forced subcontracting) has been used to support policy change, including bolstering the case for strengthening outworker protections. The upshot is that ECA accreditation has the potential to be used as a 'seal of approval' to support risk mitigation.

While stakeholders were realistic that ECA has not revolutionised the TCF sector on its own (as some smaller or less visible operators remain noncompliant), ECA is having a material ripple effect. ECA's existence and rigorous processes are creating pockets of stronger compliance, raising expectations of ethical labour standards, and offering a credible model of how to regulate local supply chains effectively.

One such example is the Victorian Government's notable shift in procurement policy; more heavily weighting local and ethical criteria through the introduction of its Local Jobs First' policy.[58] Stakeholders viewed ECA's consistent advocacy—and its demonstration of a working accreditation model— as key factors in Victoria's willingness to back a requirement tying public contracts to evidence of fair labour practices.[59] Victoria's requirement (via the Ethical Supplier Register) for local uniform or PPE contracts to use ECA-accredited businesses further normalises a standard of ethical production. While the Victorian policy is not uniformly enforced, stakeholders said that simply being on a government-approved list can bolster a business's reputation, urging non-accredited peers to consider the program.

Thus, ECA accreditation can nudge procurement officials and businesses to think more about supply-chain transparency. Even in states or at agencies where ECA accreditation is not a must, stakeholders suggested that ECA's standard reportedly spurred some procurement officers to revisit criteria around ethical production. Stakeholders indicated that ECA's presentations to parliamentary committees and submissions to government inquiries has raised awareness among policymakers. Consequently, explicit social compliance clauses in tender documents or referencing ECA accreditation are becoming increasingly common in requests for proposals.

3.2.3 Alignment with emerging and existing standards, including the Modern Slavery Act

The ECA is closely aligned with Australia's existing industrial relations and workplace laws and its purpose is to ensure legal compliance. While legal protections for outworkers trace back decades, stakeholders mentioned that ECA's annual audits provide positive reinforcement to outworker provisions in the *Textile, Clothing, Footwear and Associated Industries Award 2020* and the scheme has potential for providing explicit formal external assurance for the reporting obligations mandated by the Australian MSA which are focused on identifying risks of modern slavery.

The interviews make clear that ECA's model boosts the practical exercise of associational rights in the TCF industry far more effectively than typical social audits or certification frameworks that do not incorporate union engagement. As the TCF Union has deep industry knowledge and (as needed) right-of-entry powers, it can inspect more thoroughly than generic commercial auditors. Even small adjustments, such as providing a dedicated meal space or adequate heating and cooling were highlighted by stakeholders as direct consequences of on-site and in-home checks. Any improvement in workplace conditions can significantly enhance workers' day-to-day experiences. ECA's outreach programs boost workers' knowledge of their rights, from outworkers learning how superannuation works to factory machinists understanding break entitlements.

ECA accreditation is relevant to the fulfilment of obligations imposed on entities under the Australian MSA with a particular focus on identifying risk as a key component of preventing modern slavery. ECA accreditation can be an effective mechanism for identifying and reducing the risk of modern slavery and conditions that may be precursors to such risks.

'[M]odern slavery should be viewed as part of a continuum of exploitation. Such an outlook recognises that people can be exposed to working conditions that gradually worsen, sometimes leading to slavery or slavery-like conditions...There are clear indicators of what makes workers more vulnerable to falling victim to modern slavery: limited language skills and knowledge of rights, gender (women are vastly overrepresented), migration status, and factors such as financial hardship or a history of unemployment.'[60]

As such, ECA's accreditation program is well placed to directly support Australian businesses address the risk of modern slavery. Stakeholders described ECA as a solid 'floor' for preventing exploitation domestically. It is used to help demonstrate sound labour practices in their Australian operations and on occasion —and where applicable —referenced in businesses' modern slavery statements. The Australian MSA emphasises reporting obligations and encourages supply chain transparency. It references the utility of HRDD but, in contrast to the emerging legislation in Europe, does not mandate it.

HRDD is the new 'lingua franca' of business and human rights and many Australian businesses will need support in understanding and meeting emerging global legal requirements. The rigour of ECA's accreditation process, including strong engagement with workers, means that it is well placed to provide meaningful support not only in meeting reporting requirements under the Australian MSA but also for future mandated HRDD efforts. However, while ECA accreditation currently delivers a high degree of confidence in meeting Australian labour standards, including verifying local TCF operations, the program does not address a business's extended human rights risks, and businesses seeking comprehensive coverage and to provide fulsome reporting under the Australian MSA, must currently look beyond ECA to monitor risks in their overseas supply chain.

Notes

1   The current accreditation program of Ethical Clothing Australia traces its origins to the establishment of 'No Sweatshop Label' which was officially launched in 2001. In 2010 the program was rebranded as Ethical Clothing Australia. See, 'Shaping an Ethical Industry in Australia – Ethical Clothing Australia's History', *Ethical Clothing Australia* (Webpage) <https://ethicalclothingaustralia.org.au/about/history/>.

2   Ethical Clothing Australia provides a definition of an outworker: 'Outworkers or homeworkers conduct their work outside of a formal work environment. Homeworkers usually work from home or at a location not normally classified as a business premises (for example a garage attached to residential premises).' See, 'Frequently Asked Questions', *Ethical Clothing Australia* (Webpage) <https://ethicalclothingaustralia.org.au/about/faqs/>.

3   See *Ethical Clothing Australia* (n 1).

4   'Ethical Clothing Australia's Code of Practice, incorporating Homeworkers: Manufacturers Agreement', *Ethical Clothing Australia* (Webpage, June 2021) <https://ethicalclothingaustralia.org.au/code-of-practice/>.

5   'About Ethical Clothing Australia', *Ethical Clothing Australia* (Webpage, March 2016) <https://ethicalclothingaustralia.org.au/about/>.

6   'About Ethical Clothing Australia', *Ethical Clothing Australia* (Webpage, March 2016) <https://ethicalclothingaustralia.org.au/about/>.

7   For example, see: Human Rights Watch, *"Paying for a Bus Ticket and Expecting to Fly": How Apparel Brand Purchasing Practices Drive Labor Abuses* (Report, 2019); Vaibhav Raaj, Shashi Kant Prasad, Anton Pieper, *Walk a Mile in Their Shoes – Workers' Rights Violations in the Indian Leather and Footwear Industry* (Change Your Shoes Report, August 2016); Clean Clothes Campaign, Ilona M. Kelly, Christie Miedema, Ben Vanpeperstraete, Ilana Winterstein, *Fig Leaf for Fashion. How social auditing protects brands and fails workers* (Clean Clothes Campaign Report, September 2019); Asia Floor Wage Alliance, *Precarious Work in the Walmart Global Value Chain in Workers Voices from the Global Supply Chain: A Report to the ILO 2016.*

8   The Clean Clothes campaign notes that between 2021-2023, 245 workers died and over 800 were injured working in the global TCF sector: 'Deaths and injuries in the global garment industry', *Clean Clothes Campaign* (Webpage) <https://cleanclothes.org/>.

9   See *Ethical Clothing Australia* (n 1).

10   Black, Julia, 'Critical Reflections on Regulation' (2002) 27 *Australian Journal of Legal Philosophy* 1, 25; Parker, Christine and John Braithwaite, 'Regulation' in P Cane and M Tushnet (eds), *The Oxford Handbook of Legal Studies* (Oxford University Press, 2003) 119, 119–120.

11   Charlesworth, Hilary, 'A Regulatory Perspective on the International Human Rights System' in Peter Drahos (ed), *Regulatory Theory: Foundations and Applications* (Australian National University Press, 2017) 357, 361.

12   MSIs bring together a multiplicity of stakeholders and may include representatives from groups as diverse as civil society, consumer groups, unions, investors, business, and governments.

13   Although the ETI does not itself conduct audits, its members have typically relied on auditing to implement the ETI code throughout their supply chains. However, it should be noted that the ETI acknowledges the limits of social auditing and has signaled a move away from the social audit model: ETI, 'ETI Perspective 2020: A Five Year Strategy' (7 December 2015) <http://www.ethicaltrade.org/resources/eti-perspective-2020-five-year-strategy>.

14   See, 'About Us', Sedex (Webpage) <https://www.sedexglobal.com/about-us/>; 'Decent working conditions in global supply chains', *Social & Labor Convergence Program* (Webpage) **https://slconvergence.org/**; *World Federation of the Sporting Goods Industry* (Webpage) <https://wfsgi.org/>; *Fair Factories* (Webpage) <http://www.fairfactories.org/>.

15   ETI, *The Benefits of ETI Membership* (Report) <https://www.ethicaltrade.org/sites/default/files/shared_resources/The%20Benefits%20of%20ETI%20Membership-GM22.pdf>.

16   LeBaron, Genevieve, Jane Lister and Peter Dauvergne, 'Governing Global Supply Chain Sustainability through the Ethical Audit Regime' (2017) 14(6) *Globalizations* 1, 8.

17   LeBaron, Genevieve, Jane Lister and Peter Dauvergne, 'Governing Global Supply Chain Sustainability through the Ethical Audit Regime' (2017) 14(6) Globalizations 1, 8; Locke, Richard M, *The Promise and Limits of Private Power: Promoting Labor Standards in a Global Economy* (Cambridge University Press, 2013); Ford, Jolyon and Justine Nolan, 'Regulating Transparency on Human Rights and Modern Slavery in Corporate Supply Chains: The Discrepancy Between Human Rights Due Diligence and the Social Audit' (2020) 26 *Australian Journal of Human Rights* 27, 27–45.

18   'SA8000® Standard', *Social Accountability International (*Webpage) <https://sa-intl.org/programs/sa8000/>.

19   Ito, Erika, Kaylena Katz and Chris Wegemer, *Social Accountability International (SAI) and Social Accountability Accreditation Services* (SAAS) (UCSB Report, 2014) <https://labor.history.ucsb.edu/sites/secure.lsit.ucsb.edu.hist.d7_labor/files/sitefiles/CSR_Research_Files/SAI%20and%20SAAS%20Summary.pdf>.

20   Social Accountability Accreditation Services, *SA8000 System Agreement (*Form 435-4, 11 September 2018) <https://sa-intl.org/wp-content/uploads/2021/10/SAAS_Form_435-4_v8_Sept.2018_0.pdf>.

21   Ito, Katz and Wegemer (n 19).

22   Ethical Trading Initiative, *Realise the potential of your ethical trade programme* (Report, ETI 01/17) <https://www.ethicaltrade.org/sites/default/files/shared_resources/ethical_trade_and_the_sdgs_0.pdf>

23   Fair Labor Association, *Building a fair labor future 25 years of the Fair Labor Association* (Report, 2024), <https://www.fairlabor.org/wp-content/uploads/2024/12/Building-a-Fair-Labor-Future_25-years-of-FLA.pdf>.

24   Fair Labor Association, *Charter Document* (As amended, 5 February 2021), <https://www.fairlabor.org/wp-content/uploads/2022/03/fla-charter_revised_feb_2021.pdf>.

25   See e.g., Fair Labor Association, *Puma Post-Accreditation Report* (2023–2025 Cycle), <https://www.fairlabor.org/wp-content/uploads/2024/05/PostAccreditation_PUMA_FINAL.pdf>.

26   Fair Labor Association (n 24).

27   Fair Wear, *Member Guide V8* (Document, 2019) <**https://www.fairwear.org/resources/fair-wear-member-guide**>.

28   Fair Wear (n 27).

29   Fair Wear (n 27).

30   Fair Wear, 'FAQ', *Fair Wear Foundation* (Webpage) <**https://www.fairwear.org/**>.

31   PQSmitra, *WRAP: Worldwide Responsible Accredited Production* (Information Guide, 2019).

32   Worldwide Responsible Accredited Production, 'Certification explained - WRAP Compliance', WRAP (Webpage) <*http://www.wrapcompliance.org/en/home*>

33   The New York Fashion Act, or the Fashion Sustainability and Social Accountability Act, was introduced in 2021 and remains under consideration by the NY legislature. It specifically targets the fashion sector and propose sustainability requirements for the fashion industry and retail sellers. The law mandates fashion brands generating over $100 million and selling in New York to disclose impacts and conduct environmental and social due diligence.

34   *Modern Slavery Act* 2015 (UK), *Modern Slavery Act* (Cth) 2018 (Australia) and the *Fighting Against Forced Labour and Child Labour in Supply Chains Act* 2023 (Canada). Also, California has the *Transparency in Supply Chains Act* 2010.

35   Amy Sinclair and Freya Dinshaw, 'Paper Promises? Evaluating the Early Impact of Australia's Modern Slavery Act', Human Rights Law Centre (Report, 3 February 2022) <**https://www.hrlc.org.au/reports-news-commentary/2022/2/3/paper-promises-evaluating-the-early-impact-of-australias-modern-slavery-act**>; Freya Dinshaw, Justine Nolan, Christina Hill, Amy Sinclair, Shelley Marshall, Fiona McGaughey, Martijn Boersma, Vikram Bhakoo, Jasper Goss and Peter Keegan*, Broken Promises: Two Years of Corporate Reporting under Australia's Modern Slavery Act* (Report, 16 November 2022) <https://www.hrlc.org.au/reports-news-commentary/broken-promises>; and John McMillan, *Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years (*Report, 2023).

36   Frank Field, Maria Miller and Baroness Butler-Sloss, *Transparency in Supply Chains* (Second Interim Report, 2019) para 2.5.2.

37   McMillan, 2023 (n 35).

38   McMillan, 2023 (n 35).

39   *French Duty of Vigilance Act 2017* (Devoir de Vigilance Loi), the *German Corporate Due Diligence in Supply Chains Act 2021, the Norwegian Transparency Act 2021*, and the *Directive (EU) 2024/1760 of 13 June 2024 on Corporate Sustainability Due Diligence and Amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859* OJ L 1760. Also note the Dutch Child Labor Due Diligence Act (Wet Zorgplicht Kinderarbeid), passed 14 May 2019 (not yet in force).

40   Office of the High Commissioner for Human Rights*, Guiding Principles on Business and Human Rights* (2011) UNGP 15(b),13–17 <**http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf**>.

41   The EU CSDDD was negotiated as part of the EU political process from 2021 to 2024 and the directive officially entered into force in July 2024. In 2024, the European Commission announced that a key priority for its 2024–2029 mandate would be enhancing the EU's global competitiveness, including reducing regulatory and administrative burdens on businesses. As part of this initiative, the Commission introduced an Omnibus package in February 2025, which proposes changes to the EU CSDDD, amongst other sustainability laws and remains under negotiation. See, 'Questions and answers on simplification omnibus I and II', *European Commission* (Webpage, 2025) <https://ec.europa.eu/commission/presscorner/detail/en/qanda_25_615>.

42   Agreement on Sustainable Garment and Textile, Dutch Government, civil-society organisations, trade unions and industry organisations, signed 9 March 2016 (Agreement) <https://www.oecdguidelines.nl/binaries/oecd-guidelines/documenten/publication/2016/3/09/agreement-on-sustainable-garment-and-textile/160309-agreement-sustainable-garment-textile.pdf>.

43   German Federal Ministry for Economic Cooperation and Development, *The Green Button* (Webpage, 2023) <https://www.bmz.de/en/issues/green-button>.

44   See *Modern Slavery Act 2018* (Cth), s12.

45   See Australian Government Attorney General's Department, 'Modern Slavery Act', *Modern Slavery* (Webpage) <https://www.ag.gov.au/crime/people-smuggling-and-human-trafficking/modern-slavery#modern-slavery-act-2018>.

46   'Modern Slavery Statements Register' Australian Government (Webpage) <https://modernslaveryregister.gov.au/>.

47   McMillan, 2023 (n 35).

48   Commonwealth, Australian Government Response to the Review Report of the Modern Slavery Act *2018 (Cth)* (Report, 2 December 2024) <https://www.ag.gov.au/crime/publications/australian-government-response-review-report-modern-slavery-act-2018-cth>.

49   Nolan, Justine and Martijn Boersma*, Addressing Modern Slavery*, 2019, UNSW Press, 11.

50   *Ethical Clothing Australia* (n 4).

51   'Right of entry', *Fair Work Ombudsman* (Webpage, 2024) <https://www.fairwork.gov.au/employment-conditions/right-of-entry>.

52   LeBaron et al (n 16).

53   Ingrid Landau, 'Human Rights Due Diligence and the Risk of Cosmetic Compliance' (2019) 20 *Melbourne Journal of International Law* 222, 222–247.

54   See, 'Ethical Clothing Australia's Compliance Audit Explained', *Ethical Clothing Australia* (Webpage) <https://ethicalclothingaustralia.org.au/ecas-compliance-audit-explained/>.

55   *Ethical Clothing Australia* (n 54).

56   The Australian Competition and Consumer Commission (ACCC) authorises the operation of ECA's Homeworkers Code of Practice, and noted in 2018, 'The ACCC examined the possibility that the code could lead to anti-competitive detriment such as increased costs for businesses seeking accreditation but concluded that this risk of detriment is limited because the code is voluntary.' See, 'Code for ethical treatment of clothing workers reauthorized', *Australian Competition & Consumer Commission* (Webpage) <https://www.accc.gov.au/media-release/code-for-ethical-treatment-of-clothing-workers-reauthorised>.

57   'Guide to procuring uniforms and personal protective equipment', *Victorian Government* (Webpage, 2024) <https://www.buyingfor.vic.gov.au/guide-procuring-uniforms-and-personal-protective-equipment>.

58   'Local jobs first policy compliance', *Victorian Government* (Webpage) <https://www.vic.gov.au/tafe-toolkit-local-jobs-first-policy-compliance>.

59   Mia Consulting, 'What Victoria's Social Procurement Framework means for suppliers', *Business Victoria* (Webpage, 29 May 2019) <https://business.vic.gov.au/learning-and-advice/hub/what-victorias-social-procurement-framework-means-for-suppliers>.

60   Nolan and Boersma (n 49) 10.

Appendix 1: Methodology

This report evaluates the effectiveness of the Ethical Clothing Australia (ECA) Accreditation Program. The report combines doctrinal and empirical research methods. The research team conducted desk research on emerging global human rights and workplace standards and analysed comparator organisations that focus on TCF accreditation globally. The goal was to provide ECA with up-to-date research on schemes globally; provide an independent assessment of ECA's accreditation program and better understand how ECA aligns with Australian Government's Modern Slavery Act.

In addition to analysing the existing literature, the research team conducted 16 interviews with key stakeholders: union and civil society representatives; workplace experts; and business representatives (ECA accredited businesses) using a semi-structured method. Ethics approval was obtained from the Ethics Committee at the University of Sydney (confirmed by UNSW Sydney) for conducting the stakeholder interviews.