"Production Torture"

A Study of the working conditions, including workplace harassment, faced by women garment workers in Bangalore and other districts
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By

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“Production Torture”: A telling phrase from English innovated by garment workers to articulate their daily experiences of the garment factory.
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Introduction

Garment and apparel manufacture industries that supply garments to countries such as Europe, USA, Australia, and Canada are almost entirely based in countries in Asia and South America.

The global supply chain of the garment market worldwide consists of brand companies and retail companies in the western world and its manufacturing units in Asia and South America. Asian manufacturing units based in India, China, Thailand, Sri Lanka, Bangladesh, Pakistan, Indonesia, South Korea, Vietnam, Cambodia, etc. manufacture about 60-70% of the demand for apparel.

The garment industry in India, which started as small apparel manufacturing units in 1970s, has now become the second largest manufacturer and supplier in the global supply chain and has contributed 14% to industrial production and 4% to GDP for the year 2014-15. The industry accounts for nearly 13% of total exports of the country.¹

The garment and apparel manufacturing industry in India is spread over several states, with principal centers being Gurgaon-UP, Mumbai-Maharashtra, Bangalore, and surrounding districts in Karnataka, and Tirupur in Tamil Nadu. Bangalore is known for IT companies and also the export garment manufacturing industry, which has an annual business turnover of thousands of crores. There are small, medium, and large export garment units, employing from 500 to over 50,000 workers. The garment units are spread across locations in the outlying areas of the city such as Peenya, Hosur Road, Mysore Road etc. In recent times, with increasing business and rising costs of running units within Bangalore city, as well as for other reasons that will be elaborated in this report, the industry has spread to districts and towns around the city, such as Ramanagaram, Doddaballapur, Nelamangala, Tumkur, Maddur, Mandya, Shivamogga, Hasan, and even as far as Mysore. According to government estimates, there are 900 recognized garment manufacturing units in the city of Bangalore alone, with a total workforce of 355,000. In reality, there are over 1500 units, small and big, employing more than 500,000 people, out of which over 85% are women, with an overwhelming number working at the shop-floor level.

Typically, the industry employs women who are from rural and urban poor localities, with little educational background. Their need for employment with regular income to manage their families makes the women highly vulnerable to exploitatively low salaries, inadequate facilities, and hostile work conditions in the factories. The workforce in the industry in general and women in particular is subjected to verbal, physical, sexual, and mental harassment along with high levels of pressure for more production, with ever-increasing production targets. The state Labour Department, which is the monitoring agency for workers in all establishments, is more often than not a silent spectator to the management practices against labor in this industry. Deprived of the right to associate or unionize for their rights as workers due to intimidation and reprisals by management, the space for articulation of protest against management harassment and low payment is very limited. The existing unions in the industry have been able to mobilize only a small fraction of workforce due to management tactics that keep unions out.

The garment industry ownership and management, who execute work orders from international fashion brands, do have ‘Code of Conduct’ agreements signed for fair work policies. But the agreements are more on paper than in force at the shop floor level, with little monitoring by the state or brand buyer agencies. The few cases that have been brought to the state and public notice by the trade unions or civil society organizations indicate an urgent need to address the reality of the work conditions for workers in this industry. There is an urgent need to ask why

an industry that enjoys high returns and generates a huge amount of export business cannot ensure fair work practices and create an enabling and safe work atmosphere for its women workforce, just as other export-oriented businesses that Bangalore is famous for—Information and Technology, and Biotechnology, for instance—have created.

**About this study**

Garments Mahila Karmikara Munnade is a membership organization, formed to address the social concerns of women in garment industry such as family violence, social and civic entitlements, education needs of children, and capacity-building trainings etc. for over a decade. In course of this work, it was evident that women in the industry were highly stressed due to workplace pressure, stress that impacted their family and social relations negatively. In 2015, Munnade initiated consultation with other social and human rights organizations for a study to assess the depth of the harassment and abuse of women in garment factories in Bangalore and other centers in Karnataka and for recommendations to reduce the same.

In response to the widespread complaints about abusive conditions faced by women workers in the garment industry in Bangalore, a number of human rights organizations and activists, including People’s Union for Civil Liberties-Karnataka, Alternative Law Forum, Concern-IISc, Garments Mahila Karmikara Munnade, Vimochana, Manthan Law, and National Law School of India University, Bangalore, came together to institute a joint fact-finding inquiry to go into such abuses and their deleterious impact on the workers, and suggest measures for redress of complaints by the state, brand buyer agencies, and other bodies.

As part of this study, 27 interviews and 8 Focus Group Discussions (FDGs) with women garment workers and men garment workers—each of which discussions comprised not less than 20-25 workers—were undertaken. The conversations during the interviews and FDGs revealed various forms of violations and harassment that the garment workers are subjected to. Almost all conversations were unanimous in pointing to the impossible targets set for the workers per day as the primary source of most forms of harassment they faced.

The workers in one voice summed up their anguished feelings about their workplace by giving it a name: “Production Torture”. While we had originally envisaged investigating the issue of sexual harassment of women in garment industry in Bangalore, we concluded that the perception of the women garment workers extended beyond this behavioral dimension, and embraced wider issues of gender violence, worker oppression, and class exploitation. It is for this reason that we have chosen the title “Production Torture” for this report.

While there is an extensive literature on the global supply chain that operates in the garment industry (which we have drawn upon), our focus in this report is on the impact of the global garment production on the working conditions of garment workers, and their lived experiences (on a daily basis) of intimidation, humiliation, and oppression in the workplace. Chapter 1 provides the global background of the garment and textile industry, which, in the specific context of this report, is marked by a number of structural features, such as an iniquitous wage structure, feminization of labor, and informal employment practices. Chapter 2 attempts a brief characterization of a typical woman garment worker in Bangalore, at work and at home, based on the conversations our team had with a large number of garment workers in Focus Group Discussions in Bangalore. Chapter 3, the central chapter of this report, provides details of the working conditions of women workers in garment factories. For the sake of better understanding, these have been divided into the following categories: Lack of amenities; Physical, mental, sexual, and financial harassment and exploitation; Responses of and coping
strategies adopted by the garment workers; and the impact of these violations on them. It needs
be pointed out that the various forms of violations are not mutually exclusive categories, but
are inter-linked and reinforce each other to further subjugate the workers, and render them
vulnerable to exploitation by the management. The second part of this chapter attempts to
show, from the perspective of the women workers, that such abysmal working conditions are
not accidental but inherent in the garment factory system of production. Chapter 4 provides a
critical analysis of four sets of regulations governing garment work, at the global and national
levels—The International Labour Organization (ILO), Indian Labour Laws, Brand Codes, and
International Campaigns and interventions. Chapter 5 discusses the issue of unionization in the
garment industry, the challenges faced by the unions as well as prospects for newer initiatives
in securing collective bargaining rights. Chapter 6 sets forth in detail our Recommendations,
based on the findings in the report, addressed to the State Government, the Brand Buyers, and
Factory Managements.

A significant omission in this report is the issue of migrant women garment workers in
Bangalore. In recent years, garment enterprises in Bangalore have been recruiting young women
workers from Orissa, Assam, and Jharkhand, states which have a predominantly agricultural
background, and are marked by low levels of wages and high levels of unemployment. Despite
our efforts, we were unable to establish contact with them and interview them for our study, due
to their inaccessibility and the severe restrictions placed on their movement outside the factory.
For detailed accounts of this section of garment workers, we refer our readers to a number of
articles and studies that have appeared recently which bring out the serious issues that migrant
women workers face in garment factories, such as irregularity of unemployment; violations of
labour laws governing migrant workers; conditions of forced labour; extreme vulnerability to
exploitation and abuse due to their migrant status; severe restrictions on their movement and
curfew regulations; staying in cramped and unhygienic dorms; language barriers making them
inaccessible and difficult to unionize; and so on. (See Works Cited at the end of this report.)

In bringing out this report, we are profoundly grateful to numerous women garment workers
who opened their hearts and homes to us, and freely shared their joys and sorrows and hopes
to us in the conversations we had with them. And, this report would not have been possible
without the extended discussions we had with union activists and researchers who have done
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Garment workers on their way to the factory
Chapter I
Lined with lies and linen:
Some structural features of the global garment industry

“Sometimes, they pull the chair away from us and we have to stand the whole day and work. They drag us off the floor, they hit us on the head. Men workers are beaten up, and sometimes banged against the wall or a pillar.”

-Workers from Gokaldas Exports, Peenya

Wage structure of global garment industry

The wage structure in the global garment production network is determined by the interlinked factors of low retail prices, brands’ huge profits, reduced prices for Asian manufacturers, and stagnant wages of Asian workers. To focus on the wage factor, in the global garment industry as a whole, output and profits have increased, but wages have not. According to ILO, while the global economy grew at an average of 3.3% between 1995 and 2007, annual wage growth was 1.9%. In Asia, where global garment production is principally located, although the textiles and garment sector is one of the leading manufacturing sectors in terms of its contribution to output, employment, and trade in these economies, the wage levels of this sector have remained stagnant, especially when we consider the substantial inflationary pressures in recent times.

According to the Annual Survey of Industry, 2009-10, during the period 2005-06 to 2009-10, the real wage rate of workers in the Indian garment industry actually went down from Rs. 37809 (annually) to Rs. 35443 (deflated by the Consumer Price Index-Industrial Workers 2001), marking a negative growth rate of (-1.05%) real wages over the years. In contrast, the managerial and supervisory staff has seen high growth of salaries, earning almost 5 times more than the workers in the industry, a wage gap that accentuates the gap between the classes.

A key factor in the stagnant wage growth in the garment industry is competition among suppliers in the global South who, as subcontractors, work with low-profit margins and uncertainty in orders from their principal employers (i.e. global brands), and in order to stay afloat, keep production costs down, driving labour costs further down. According to G. Gereffi and K.F-Stark (2011), for a typical garment such as a shirt manufactured in the global value chain, the FOB cost (the cost till the goods reach the ship’s board, i.e., the transfer from production area to consumer area) is around 22% of the retail price for sourcing from India. The fabric costs are around 12-14%, the supplier factories retain a profit of 1.2% of the total cost, and the labour costs are only 2.8%. The workers earn around 2-3% of the final retail price of the garment.¹

The exploitation of wage labour in the Asian economies is made possible by the existence and growth of an army of surplus labour that the global garment production network draws upon. This large section of latent labour is drawn from non-capitalistic agriculture or the so-called ‘informal sector’, which, under neo-liberal capitalism, keeps growing, leading to extremely irregular employment, low wages, and poor working conditions. According to ILO Global

¹ Gereffi & K. F. Starr, Global Value Chain Analysis: A Primer (Duke University Center, 2011)
Employment Trends 2011, “the number of workers in vulnerable employment is estimated at 1.53 billion workers globally in 2009, more than half of all workers in the world.” Asia holds the largest workforce and represents most of the global working poor. Foreign investment seeks out the most pliant, poor, and undervalued working class, among which women comprise a significant proportion. This new labour that has entered the garment industry is trapped in low-end assembly-line operations in the production process limited to “Cut, Make and Trim” (CMT) or “Stitch up” (primarily stitching up and embellishment of the garment) tasks. Garment work is thus de-skilled and pushed down in the global value chain.

Wages in this informal sector sink below the average level of the working class, in other words, essentially to poverty-level wages. According to a survey by D.V. Whitehead (2014), a vast majority of garment firms in India (81%) underpaid their workers; many firms (45%) paid the workers below the already abysmal minimum wages. The national average number of working hours in Indian garment factories is 69. From 2008-2010, the nominal wage increase (17.10%) was less than the price increase (18%). More than 45% of Indian garment firms keep dual records, one to show the labour inspector and one to keep for their original records.²

In terms of job entitlements, labour in the garment industry is marked by a high degree of precariousness: According to National Sample Survey, 66th Round on Employment 2009-10, more than 95% have no written job contract; only 3.2% have a job contract for more than 3 years, 13.19% are eligible for paid leaves, 89% are not entitled for any social security benefits, 1.31% are eligible for PF, Gratuity as well as health care; only 50.28% of workers get regular monthly salaries; an equal number are paid at piece-rate. Presence of trade unions in garment industry is low at 12.77%, and even where trade unions are present, only 42.42% of workers have taken union memberships. While the situation is marginally better in allied industries like Spinning, Weaving, and Finishing of Textiles and Manufacture of Knitted and Crocheted Fabrics, overall, workers in the textile and garment industry face an overwhelming lack of social and job security and have extremely weak bargaining power.

This low compliance with labour standards is happening at time when the Indian state, under Liberalization, Privatization, and Globalization (LPG), is framing labour policies that favor reduction of state regulation. This change in the state’s attitude is driven by a fear of capital flight in the context of expansion of the global production network. This has perpetuated and even accelerated adverse conditions for labour. Existing laws even for the protected organized sector are not enforced while most of the unorganized sector workers in the garment sector do not come under the preview of labour laws. The Contract Labour Regulation Act has not prevented the mass employment of contract labour who generally earn much lower wages than workers in the organized sector, without any job or social security.

However, the condition of women workers in the garment industry is even worse than that of the contract workers, especially in a state like Karnataka, where women garment workers predominate (69.29% to 26.96% men workers and 1.08% contract workers), and earn significantly lower wages than the contract workers (ratio of wages for women workers to contract workers is 0.52%). In fact, states like Karnataka, Kerala, Tamil Nadu, Andhra Pradesh, and West Bengal employ fewer contract workers than women since they have to pay the women workers far less than the contract workers.

Feminization of labour

The Multi-fibre Trade Agreement (MFA) of 1974 allowed the United States, Europe, and Canada to impose import quotas to protect their domestic garment industries. This was done in light of the increasingly labour competitiveness of developing countries, as it was felt that industries in the developed world needed time to adjust. In 1986, at the Uruguay Round of the General Agreement on Trade and Tariffs (GATT), it was decided that there would be a gradual phase-out of the MFA, the framework for which was given under the Agreement on Textiles and Clothing (ATC). The deadline for the end of the phase out was set for 2005.

While the phase-out of the MFA was ostensibly for the benefit of the developing countries, it is important to keep in mind the changes in the garment industry in the intervening phase-out period, which changed the industry from one consisting of smaller, local manufacturers which sold to local and national retailers, to greater market concentration and outsourcing of production processes. This meant that by 2005, phasing out of the MFA was actually in the interests of the developed world, as it facilitated international sourcing by large retailers by removing complicated quota restrictions.

Today, the garment industry is a highly globalized industry. Brands, sub-contractors, and production are dispersed all across the world, with the Global Commodity Chain (GCC) linking them. This is a buyer-driven commodity chain, i.e., big brands, marketers, and retailers drive the production chain, with the producer having little say in the specifics of production. This is unlike the case in capital-heavy and technology-driven industries such as the automobile industry, which have primarily producer-driven commodity chains, i.e. the manufacturers coordinate production linkages.

Because the buyers (i.e., big brands and retailers) are able to dictate production, buyer-driven production chains give rise to specific kinds of power relations. As explained by Hurley and Miller:

Large buying companies are more likely to have greater power in the supply chain. They get this power from their position in the market—literally, how big they are—and how much their marketing activity contributes to the profit they make. For example, jeans sold with Levi’s brand name costs more than jeans made with a generic brand name, so Levi’s gains power from the profit they are able to make from their brand name.

Brands do not manufacture their products. The eventual role of brands is to market and sell the finished products. Most big brands have gradually over time reduced their manufacturing functions, and are increasingly dependent on other manufacturers. While most large brands now prefer to outsource their manufacturing to large transnational manufacturers, the transnational manufacturers further subcontract to smaller subsidiaries and factories.

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4 In the context of this report, we understand globalization as a process that implies functional integration between internationally dispersed activities.
5 A GCC consists of sets of interorganizational networks clustered around one commodity or product, linking households, enterprises, and states to one another within the world-economy. These networks are situationally specific, socially constructed, and locally integrated, underscoring the social embeddedness of economic organization. See Gary Gerreffi and Miguel Korzeniewicz, Commodity Chains and Global Capitalism. (p. 2)
Therefore, from the point of view of the brand, the supply chain is “flattened” to a single, or a few, transnational manufacturers. However, below the transnational manufacturer are multiple levels of subsidiaries, ending with the individual garment factory worker or home worker.

Almost all major garment brands today are located in the developed north, with the supply chain dispersed across the global south. While the phase-out of the MFA came with the promise that industries in the global south would finally be able to flourish, we find that the power balance in the industry remains firmly in the hands of the global north, more specifically with a few European and North American brands.

In a buyer-dominated industry, brands get to determine production cycles, in order to generate maximum profit for themselves. This has allowed for the flourishing of the phenomenon of “fast fashion.” Large brands like Zara, H&M, and others churn out newer and newer styles more frequently, and the burden of faster cycles and cheaper clothing inevitably falls upon suppliers, and the workers themselves. As described by Barnes and Greenwood,

The key to accomplishing successful retailing, in today’s fashion market, incorporates both accelerated product variation and the mass diffusion of designer fashions…Retailers must therefore have the flexibility to respond quickly to changing consumer demands, having the desired product in store within weeks, sometimes days, before those demands change again, and more importantly, before the competition.8

The pressures of a buyer-driven commodity chain are amplified in fast fashion, where, if the buyer/retailers’ demands for quick response are not met, then they can simply take their business elsewhere. The increasing pressure on suppliers to respond percolates down to the worker in the garment factory, who is under immense pressure to produce more and more garments in shorter periods of time. Big brands are able to use their power in buyer-driven production chains to demand increasingly higher volumes of production at cheaper costs and in shorter production cycles. The garment industry is a labour-intensive industry, and profit margins largely revolve around reductions in labour costs.

How do these characteristics of the garment industry today lead to feminization? Ruth Pearson and Diane Elson in their essay “Nimble Fingers Make Cheap Workers: An Analysis of Women’s Employment in Third World Export Manufacturing” state that many of the export-oriented industries which relocate to the Third World are based on old established technologies, and involve “standardized, repetitious” production processes, involve “little modern knowledge,” and are “highly labour-intensive”.9 Production in the average garment factory rarely involves technology that is more evolved than a standard sewing machine. Why are women so commonly employed in garment factories? The answer, argue Pearson and Elson, must lie in the profitability of employing female labour: The reproduction in world-market factories of the sexual division of labour typical in labour-intensive assembly operations in developed countries must therefore rest upon some differentiation of the labour force which makes it more profitable to employ female labour than male labour in these jobs. Female labour must either be cheaper to employ than comparable male labour, or have higher productivity, or some combination of both; the net result being that unit costs of production are lower with female labour.10

10. Pearson and Elson, (p. 88)
Pearson and Elson further argue that this differentiation is not natural, but a function of, among other things, a belief in certain “innate” capacities and qualities of women. They are considered to be more manually dexterous, easily disciplined, and less inclined to unionizing. Of course, the “innateness” of these qualities is debatable, as the precarity of women’s work, and the domestic duties that almost all women are expected to perform, make it that much harder for them to resist oppressive conditions of work.

**Sexual division of labour in the garment factory**

Given below is the organizational chart of a typical garment factory in Bangalore showing the placement of senior and junior managers as well as workers in different occupational tasks on the factory floor.

![Organizational chart of a garment manufacturing company](image)

What this chart of a typical garment factory shows is the complete subordination of women to men in the garment factory system. This gendered hierarchy is reproduced in the way the various jobs are categorized in terms of skill, pay, and responsibility. Below are brief job descriptions for various workers in the garment factory.

In terms of production operations, there are two main departments in the garment factory: **Cutting Department and Production/Tailoring Department**.

The Cutting Department, the first in the priority of tasks, consists of Fabric Inspectors, Layers, Markers, Numberers, and Sorters. The first task in the cutting operation, fabric inspection, is done by Fabric Inspectors who are placed in the skilled category. Next, there are Layers (placed in the Helper category) who spread the fabric and get it ready for cutting (in large factories only). Next, there are Markers, who mark the fabric for cutting, and are placed in the skilled category, followed by Numberers (unskilled, always women) engaged in numbering the different parts of the garment (1, 2, 3, etc.) so that they can be assembled together by Sorters (also unskilled), each into a bundle.
The Production or Tailoring department, where the workers are classified as A grade, B grade, or C grade, depending on the level of stitching skills involved. A grade tailors are subdivided into A, A+ (skilled), A++ (this last category is paid the highest). For instance, stitching collars, being a sensitive part of the garment, requires a lot of skill. Hence, this category of tailors is put in A+/A++ grade. In fact, A+/A++ grade workers are competent enough to do any part of the garment work and are paid the highest. This is followed by B++ (occasionally seen as skilled) and B+ (semi-skilled); C grade tailors involved in stitching simple parts (e.g., insides of cuffs) are placed in the helper category. Then there are Kaja button operators who stitch buttons and button holes. These were originally regarded as helpers, but due to GATWU's intervention, they have also been placed into the semi-skilled category.

At the lowest level of Production Line, there are three kinds of workers: Ironers, Trimmers, and Checkers. Ironers are involved in the final finishing stage (end operation) or in the Batch operation (i.e., those who iron pockets collars and cuffs), the latter being placed in the helper category. Trimmers remove loose threads of finished garments and are placed in the unskilled category. Checkers either measure whole garments (Measurement Checkers, placed in the semi-skilled category) or check for stains, stubs, and stitching quality (Quality Checkers). In the Production Department also, there are Ironers and Checkers for various stitched parts and assembled parts.

Then there are Feeding Helpers, whose job is to identify for the management recalcitrant workers who don't meet hourly targets and who are reported to the management. So, Feeding Helpers face the wrath of both the Supervisors and the workers. For this unenviable task, the garment factory usually employs young women with some education, yet categorizes them as unskilled workers.

Semi-skilled workers generally operate the machines, whereas Helpers don't. Nowadays, the tendency is to reduce the number of Helpers in the factory, due to increasing mechanization as well as the factory resorting to cost-cutting measures in order to stay in competition.

Interestingly, while women workers form the majority in the Production Line on the factory floor, there are two other Departments, the Finishing Department and the Packing Department, which employ a majority of men. Men are in the majority in the Finishing Department because of the hectic pace of the work, which goes on practically throughout the night. They get Double Overtime (OT). The Packing Department, too, employs a majority of men as Packers, who are placed in the Helper category.

In conclusion, the Production Line on the factory floor reflects the basic features of feminization of labour in export-oriented production, a feminization, as pointed out earlier, not only in terms of sex but as a discursive process, operating equally on a majority of female workers (60 to 70% of workers in the factory) and a minority of male workers, all engaged in repetitious and labour-intensive operations, which are variously categorized as skilled, semi-skilled, and unskilled, yet sharing the same precarious conditions of work intensification and poor pay.

**Formal-informal character of the garment sector**

The informal economy has been characterized by the ILO as one where workers face considerable deficits in terms of security of income, security of employment, safety in employment, representation, and the ability to gain skills. Many of these factors adversely
affect the garment industry labour force. Most workers do not have a written job contract or are entitled for any social security benefits. Trade union presence is low, and trade union membership is low. Although the garment industry belongs to the organized sector, its labour force is subject to many of the disadvantages of the informal sector. The high attrition rate of the labour force puts the workers at a disadvantage to begin with, facilitating a hostile working environment. This hostile environment is buttressed with a strong surveillance system that makes the workers feel like they are always being watched. The oppressive nature of the factory again contributes to a high turnover rate in the labour pool ensuring that workers neither can build skills within the sector nor are left with any infrastructure with which to organize.

This creates a vicious cycle that makes the garment sector similar to the informal economy. Workers are utterly dependent on the factories for their livelihood with no guarantee that they will have this livelihood available to them in the coming days. Being in such a vulnerable state, they are incapable of organizing to better their situation through collective action, or making use of any formal mechanisms that could support them in cases of physical assault, sexual harassment, or improving the conditions of their entitlements. Since the work environment is heavily watched and policed, the workers have no scope to unionize. Low levels of unionization in the industry are also due to lack of job security, victimization of union workers, and fears of dismissal—factors that are discussed in detail in this report. Garment workers are more likely to see the work environment that they inhabit as temporary and thus have less motivation to unionize. This creates a situation which is practically indistinguishable from that of the informal economy, where income security, job security, work security, representation, security, and skills reproduction security are systematically denied to them.

Most workers leave their employ within a few years of joining, and as such, they will be willing to accept lesser wages than their experience entitles them to. The lower average wage of an employee and the backbiting among the employees create a system of favors with management that reduces the bargaining power of labour in general, so even workers who have been around longer are less likely to receive annual increments in salary based on experience. The high turnover rate in the labour pool effectively recreates an economic environment that is structurally similar in many ways to a footloose economy. The excessive supply of mobile labour, limitations of resistance, high turnover rate, and the risk of the flight of capital from the local factory all contribute to this.

In some ways, the factory is even less secure in terms of representation than the informal economy as labour is denied any ability to organize owing to the lack of intervention by the state as well as the culture of surveillance inside the factory. Women as workers in the informal economy can individually and collectively negotiate with their employers, if only in a limited way, whereas the workers in a garment factory do not even have that, as any attempt to even socialize, let alone organize or collectively express grievance, is watched and crushed to prevent them from even beginning to demand changes on the factory floor.

Thus, in sum, the garments and textile sector is a classic case of gender inequality in work, in terms of wages, social and job security, and working conditions.
Women are considered to be more manually dexterous, easily disciplined, and less inclined to unionizing.
Production in the average garment factory rarely involves technology that is more evolved than a standard sewing machine.
Chapter II
Her needle breaks:
Profile of a typical garment worker

“I have no time for my family. My work is so stressful, that I go home in a bad mood and many times I end up scolding my husband/children for even the smallest of issues.”
-A woman worker from Wonderblue factory, Mysore Road
(Based on our Focus Group Discussions with the workers)

Who is the garment worker we speak of in this report?

Based on our conversations with the garment workers in Bangalore, the garment worker we are talking about is a woman aged between 18 and 45 years, and likes to wear colorful clothes and flowers every day. She wanted to study, but could not continue after school. She was married before she was 18 years and has one or two children who are in their pre-school or middle-school. She joined a garment factory in Bangalore or Mysore or Maddur soon after marriage to make both ends meet. Being the main earner in the family, with a husband whose income is lesser or irregular, she’d prefer to work elsewhere as she feels that a woman working in a garment factory has no respect in society. Her in-laws or husband do not object to her work, but are nasty when she is late or unable to complete her household work. Her household work includes caring for her children or aged family members, cooking and cleaning. It’s her sole responsibility to run the house.

In the factory, production targets are what stress her the most—as she is often targeted by the Production Manager or Supervisor and has to bear their insults or threats if she doesn’t meet her targets. She is often reduced to tears (at least once or twice a month) due to the humiliating comments she receives. Her health is poor as her meal times are irregular. She has ESI facilities and services, but it is so basic that it doesn’t meet the demands of her body. She does not answer back at work as she is afraid of losing her job or a reduction in increment.

Due to this, she is irritable and often has angry outbursts at home against her children, husband, and family. Her husband feels neglected and so do the children, as she has no time to spend with them, except at night during dinner. She has no time to supervise her children’s school work. And on holidays, she likes to catch up on lost sleep, or episodes of a TV series she’s been watching. More often than not, she has to catch up on her social duties such as visiting relatives, going to the temple, etc. She often thinks of meeting her friends from school or neighborhood—but, often has not time to do these. She has loans that she had incurred for family emergencies, to celebrate festivals, or to pay her children’s school fees, and tries to earn extra by doing small household jobs like tailoring, as much as she can.

A day in the life of a garment factory worker

Her day starts at 4 am, with the next three hours being spent to cook for the day for her husband and children. She gets ready for work, does her daily pooja and starts for the factory at about 7.30 am. She reaches the factory after taking a bus and then a private tempo van by 9 am. She has to run the last few yards to not be late. The gate checking finishes at 9.30 am and she can enter the batch room.

On days when she is late, she has to stand at the security for an hour or so, till the HR Manager permits her to enter and start work. On such days, she has to make up for the lost hour by missing her lunch or doing extra time after work hours to finish the given target for the day. At 5.30 pm, she hurries out of the factory and starts her long journey back home. On the way, she stops to finish her daily shopping for groceries and provisions. She reaches home after dark, sometimes at about 8 or 9 pm. She then prepares dinner, finishes the leftover household work, eats dinner with family, prepares for morning breakfast, and gets ready to sleep by 11 pm or midnight.
Sakamma’s faith keeps her going

Getting ready for work
Road outside, after the factory closes.
Garment workers buying vegetables after work

Mallige prepares dinner for her family at home.
Sakamma’s coffee after work
Preparing for the next day
The sewing machine still runs after work. Mallige works as the tailor in the neighborhood for additional income.
Chapter III
Where the cloth never tears but dignity lies in tatters: Working conditions of the garment factory

"From the men's bathroom you are able to look into the ladies' bathroom if one is able to reach a little higher. The men can hear everything the women say and the women can hear everything we say"
- Workers from Shahi Exports at Maddur

Lack of amenities and consequences

There is a marked lack of amenities in the factories that the garment workers we spoke to highlighted. This lack of amenities leads to physical health problems as well as contributing to mental harassment for the garment workers. Since provision of basic amenities is the duty of the management of the concerned factories, the details below indicate that the management has abdicated its responsibility to provide the same, resulting in inhuman and hostile working conditions for the garment workers.

1) Lack of Clean Drinking Water
Workers from all factories spoke about the failure to ensure the provision of clean drinking water. Two garment workers from Wonderblue unit in Mysore road reported that the water from the factory well was not fit for consumption, and there was no other water source, and yet they were prohibited from carrying their own bottle of water. Garment workers from Shahi Exports in Maddur reported that they were compelled to drink water from unclean tanks while the management drank packaged water. A garment worker from Gokaldas Exports at Gorguntepallya reported that the drinking water was highly polluted. Others reported that though there was no express prohibition on drinking water, the water was stored in places far away from their work stations, and as they have the sword of production pressure hanging over their heads, they could not afford to waste time to drink water.

2) Lack of clean toilets
While there were many toilets in the factory, many complained that the latches to the toilets were broken and were not repaired despite repeated complaints in this regard. During an FGD with garment workers from a factory on Mysore Road, we were told that when a woman goes to use the washroom, a security person is sent behind her to note the timings and make sure she comes back soon. If she does not, the matter is reported to the management and a warning is issued. Further, the manager's and supervisor's offices are located opposite the bathroom so that they can keep a check on the amount of time spent on a bathroom break. In an FGD with male garment workers at Shahi Exports at Maddur, the workers stated as follows:

- We have two toilet basins and two toilets for 150 men, the toilets are in a terrible condition, they do not clean the toilets properly, it is blocked, and is overflowing but we still have to make do with it. The toilets are not completely separated completely, there are no doors, we have to pass the Ladies Toilet and they have to pass us. From the men's bathroom you are able to look into the ladies' bathroom if one is able to reach a little higher. The men can hear everything the women say and the women can hear everything the men say.
3) Absence of proper commute to factory

Complaints of lack of transport facilities, and at best provision of overcrowded and unsafe transport, were commonly heard from the workers. Many workers face difficulties with commuting to and from the factory. A woman worker from Shahi Exports at Maddur reported that she had to walk over one kilometer after changing two buses to reach the factory, and was often shouted at if she reported late for work. Workers from a factory on Mysore Road reported that the transport provided by the factory is usually overcrowded and sometimes meets with accidents, and in such cases of accidents, if the workers are injured, the Management refuses to accept responsibility or even take care of medical reimbursements. A garment worker from Gokaldas Exports (Trayangle Apparels) at Gorguntapalya, Tumkur Road, reported that though the factory bus was a two-seater, it was extremely overcrowded, compelling four women to share two seats. This often led to a mad rush for seats after work, leading to physical injuries and verbal exchanges between the workers, she said.

4) Poor crèche facilities

Crèche facilities should have trained ayahs and nurses according to the Factories Act. Norms governing a crèche are that it should not be near machinery or fire hazards or loud music and should be situated away from the factory. There should be a separate toilet and facilities with toys for children. Most important of all, no child should be turned away and the crèche should admit any child between 3 months and five years. The crèche should be hygienic and provide milk and biscuits, though they do not need to provide meals. But in most cases, these provisions are flouted (70-80% of factories don’t follow these norms).

Crèches are often situated near hazardous areas, the staff is untrained, and only a select number of children are admitted. Crèche facilities were reported to be satisfactory at some factory sites and poor at others. For example, in an FGD conducted with workers of Shahi Exports at Maddur, they reported that, childcare facilities were being provided for children between 9 months and 5 years, and that the childcare facility could accommodate around 30 children. The children were given biscuits, milk, and boiled water regularly. Lactating mothers require and are given the prior permission of the HR Welfare Officer to take breaks for feeding their infants. However, this was not so at Gokaldas Export (CCC-1) in Mysore. A garment worker employed at this factory reported that she had been forced to discontinue her job till her child was two years old, as the crèche refused to take care of children below the age of two. She resumed work after her child was two years old. She said that although her child, who was five years old at the time of the interview, went to the crèche after his school, she was prohibited from meeting the child during the lunch hour and was allowed to meet him only after the day's work was completed. A woman garment worker working with Unitex factory at Sumanahalli reported that the crèche in the factory did not take good care of children—the children are often scolded and beaten up, hence she felt that the crèche is not safe place for children.

5) Unsatisfactory medical facilities

Garment workers are prone to health problems like backache, headache, knee pain, asthma, menstrual problems etc., which are occupational health hazards, caused by the hazardous nature of work performed by them. This requires them to take regular medical treatment. Although it is mandatory for the factory which employs more than 500 workers to ensure the provision of a
nurse, doctor, and ambulance, the same are not provided. Workers from Shahi Exports at Maddur reported that although a nurse was present at the factory, very few medicines were available with her, and for any ailment, only pain killers were issued. No ambulance, doctor, or other emergency health assistance was available. Despite the availability of a resting room, the nurse discourages the workers from using it beyond ten minutes. A garment worker from Gokuldas Exports (Triangle Apparels) at Gorguntpalya, Tumkur Road, reported that the nursing room in the factory had no medicines; she has witnessed workers collapsing from exhaustion and fever on the floor, yet they were given no medical treatment but were sent back home, losing their day’s wages. Further, workers also spoke about the difficulties faced by them in accessing treatment under the Employees State Insurance Scheme (ESI). Most women garment workers reported that the ESI hospitals did not function properly, as a result of which they were forced to seek medical assistance from private hospitals, and bear the expenses of the same. In the experience of a woman garment worker working with Unitex factory at Sumanahalli, who frequented the ESI Hospital on Mysore Road, medical facilities at ESI hospitals were time-consuming; since many did not stock up on medicines, she was forced to travel to another ESI Hospital for the same.

6) No communication with family/the outside world

Once workers enter the factories, they are required to cut themselves off from all contact with the external world, even in case of emergencies. Most factories whose workers we interviewed prohibit the workers from carrying mobile phones into the workplace. Upon a violation of the rule, some confiscate the mobile phone, others impose a fine, and some others compel the worker to give a written apology and guarantee that she will henceforth not carry the phone into the workplace. Many workers surreptitiously carry their phones into the factory and keep them on a silent mode, as they wish to be contacted at a time of emergency. The landlines in most factories were reported to be non-functional, and in those that were functional, we were informed that the supervisor or floor-in-charge conveyed the information to the concerned worker only after the day’s work is completed, even in case of an emergency.

7) Sub-standard safety equipment

The work performed by garment workers being noise intensive and under constant exposure to dust requires the provision of ear plugs, eye guards, masks, gloves, and rubber mats. However, those provided to the workers are often defective leaving them vulnerable to health risks, both short-term and long-term. Defective ear plugs provided to the employees in the Khaja Button section (where the machines make very loud noise) of the factory were a frequent source of headache and nausea. The eye-guards provided were also of poor quality and often blocked their clear vision, resulting in accidents where fingers got cut in the machine, according to a woman who showed us the wound on her finger from such a cut. Garment workers from Texport Creation reported that fire hazard precautions and safety material are brought out only when the buyers visited the factory, after which they are promptly taken away to make space to move around.

8) Absence of measures of health amenities

Garment workers from Shahi Exports in Maddur reported that there were problems with the temperature and dust within the premises at their workplace. There was hardly any ventilation and no fans or air conditioner. Only the supervisors and managers have fans, while the “employees do their work while sweating all the time.”
Mental harassment

The garment workers we spoke are subjected to both subtle and more tangible forms of mental harassment, over a prolonged period of time. The forms of mental harassment, most recurring while reaching production targets, take on a very serious dimension striking at the very dignity of the worker.

1) Corporal punishment and use of humiliation of workers

Workers are subject to several forms of corporal punishment, including the following:

a) Being scolded in public at the shop floor in the presence of all other workers, or through the public address system so that all the workers in the entire hall come to know about who is being scolded;

b) Being scolded privately in the manager's cabin;

c) The Supervisor forcibly switches off the machine and compels the worker to stand at the shop floor for long in front of other workers, which is humiliating;

d) Being made to stand outside the work place/gate of the factory for a long period of time for taking leave without prior permission or for reporting for work a few minutes late;

e) Being denied a new needle until the worker searches for the broken needle point of the old needle, leading to a loss of production time and contributing to further mental stress;

f) If workers face any technical problems with their machines, it's their responsibility to get it repaired by approaching factory mechanics. They are made to wait for the mechanic for a long time, leading to a loss of production time and a consequent delay in completion of the day’s work till the production target is met.

g) When a woman garment worker goes to the toilet, the Supervisor sends someone to follow her to ensure that she does not waste time.

2) Threats of corporal punishment

A common form of harassment is to keep the worker waiting and compelling her to stand in the presence of the supervisor/other garment workers for a long time without assigning her any work.

3) Corporal punishment

Forms of corporal punishment include: compelling workers to stand aside for flouting rules, making them stand outside the gate for coming late from morning till evening for minor infractions, or making them wait outside the HRD department if they go to file a complaint.

4) Verbal abuse

Verbal abuse has become an everyday aspect of the lives of workers.

a) The male supervisors and floor in charges, including managers, call the women workers by abusive and sexually offensive names, such as dog, pig, loose, goobe, munde, putkosi, loafer, loafer munde, bewarisimunde, suvar, guggu, kachadagala, bewarsi gala, loudekebal, monkey, etc., and cast aspersions on their character. The woman worker is often scolded by asking her if she ate food or shit, whether she is a woman who lives on the streets, and asking her why she was late to work— which lodge did she go to, an innuendo suggesting that she is a sex worker.
5) Refusal to grant workers earned leave

a) Workers are deprived of their basic rights, including leave, and even when leave is granted, they are forced to endure humiliation for the same;
b) Being compelled to beg the supervisor to sanction leave, even when there are exigencies due to health or family;
c) Summary and routine rejection of leave applications by the management, with threats of dismissal or wage cuts;
d) Being compelled to give a written letter of apology for taking an emergency leave without permission;
e) Women workers also reported being harassed when they have health problems and have to go to an ESI hospital—the supervisor refuses to sanction them leave, alleging that they were “doing a drama” or lying to avoid work, and threaten the worker that she would be terminated from her job.

6) Creating an atmosphere of fear amongst workers

a) Constant efforts are made to create an atmosphere of fear amongst workers that also actively disincentives any effort to collectivize.
b) Prohibition from talking to other workers: Since the shop floors are arranged one behind another, it prevents any form of interaction between the workers except during the 15-20 minutes’ lunch break—this prevents any form of cohesion among the workers.
c) Extreme pressure to reach the production targets sometimes led to poor quality of the garment stitched; however, the workers are expected to meet both the quantity and quality, failing which they face humiliation and insults from the supervisor.
d) Repeated threats of termination of job;
e) Threats of deduction of production bonus or termination of the job for mistakes committed by other batch mates, leading to hostility among the workers;
f) Giving higher and higher production targets to reach in a day, that are close to impossible;
g) Targeting those workers who are members of trade unions for severe mental harassment.

Physical harassment

The forms of physical harassment faced by the garment workers include:

1) Assault

Physical harassment of the women garment workers is often accompanied by physical assaults, including flinging the garment at the worker’s face (most frequently reported by the workers), slapping the woman worker on her back, dragging her out from her workstation, and forcing her to stand away from it. A woman worker from Shahi Exports in Maddur reported that once the floor in-charge became so angry when she questioned him that he intentionally dragged a chair over her foot in order to cause injury. A woman garment worker working with Unitex factory at Sumanahalli reported witnessing several instances when workers who protested against the inhumane working conditions were physically dragged away from the working floor. In the FGD held with garment workers from Gokaldas Exports in Peenya, the women stated as follows:

As a punishment chairs are kicked away from under us to make the point that we should work harder. Sometimes, they pull the chair away from us and we have to stand the whole
day and work. They drag us out of the floor, they bash us on the head. Men workers are beaten up, and sometimes banged against the wall or a pillar. But Supervisors fear assertive men workers and steer clear of them since they can take revenge outside the factory gates. Women workers face crude abuse. They single out some women for special praise and some for condemnation. Pretty women are treated lightly whereas less pretty women get cruelly abused.

2) Refusal to permit workers to use the toilet

The women workers are allowed very few toilet breaks; many reported that if they exceeded two minutes, security officers summon the workers to hurry up. Further, during a toilet break, the work must temporarily be assigned to a colleague. In order to avoid going to the toilet, the workers considerably reduce their consumption of water; a worker reported that she had seen many women faint inside the factory due to dehydration; a woman garment worker from Gokaldas Exports (CCC-1) in Mysore reported that she had contracted urinary infection due to being prevented from drinking water.

a) The women garment workers are not allowed any breaks during menstruation. They told us—"we learn to control our urge to use the toilet or to change sanitary napkins." A woman garment worker from Texport Creations on Mysore Road reported that she found it embarrassing to ask for time to change her sanitary pad. The workers either had to pay Rs.5 for a sanitary pad at the nursing room or obtain factory waste cloth. Further, she found it difficult to get away from her work station even to change her sanitary pad due to the continuous production line.

3) Refusal to provide for adequate lunch breaks

Although the lunch break is officially for 30 minutes, in effect, the workers have only 15-20 minutes for lunch. This is due to various reasons:

a) In Shahi Exports at Maddur, the workers reported that they have to go down to collect their lunch bags from the Security on the ground floor and then climb to the 2nd floor to the canteen.

b) In Gokuldas factory at Mysore, a worker reported that they are not allowed to immediately break for lunch when the bell rings, and are instructed to work for the first 10 minutes of the lunch break.

c) In a factory on Mysore Road, the garment workers reported that due to the pressure set by high production targets, they often skip lunch or barely eat anything.

4) Harassment of pregnant workers

The law on maternity benefits is blatantly violated and no concessions are given for women garment workers during advanced stages of pregnancy in most factories. A worker at Wonderblue on Mysore Road reported that she has seen women working even till the commencement of their labour pains. A woman garment worker at Shahi Exports in Maddur reported that a six-month pregnant woman had labour pains due to standing at work continuously throughout the day, leading to a miscarriage, and that other women have been forced to resign without any benefits upon the sixth month of pregnancy. A woman from Gokaldas Exports in Peenya reported that women in advanced stages of pregnancy are compelled to work throughout the day standing, and not provided a chair to sit on. At an FGD with workers from Shahi Exports, we were told that pregnant women are typically asked to discontinue working at the factory from the sixth or seventh month, and that hardly any maternity benefits are provided. However, a woman
garment worker from Gokuldas Exports at Gorguntepalya, Tumkur Road, reported that due to her intervention, women in an advanced stage of pregnancy in the factory were being given lighter work that they can sit down and undertake.

5) Exhausting and repetitive work
A garment worker from a factory on Mysore Road reported that at least out 5-6 workers faint every month due to exhaustion or sheer repetitive work, and that though there are nursing facilities, rest room etc., the work pressure deters them from using such facilities.

6) Targeting workers
Workers who protest against pressure tactics from the supervisors are singled out and targeted. “Punishment transfers” were reported to be common. A group of male garment workers at Shahi Exports in Maddur said that both men and women are routinely subjected to punishment transfers to the Boiler and Washing departments where the conditions of work are abysmal; they routinely work in areas permeated with dust, acids, and other harmful chemicals with little or no protection, often with bare hands. This is particularly so in the case of employees who are very active in the trade union, or are vocal in their opposition to the management practices. When the workers request safety equipment, they are told to go someplace else and find a job if they needed safety equipment. Due to the conditions of work, workers are reported to have frequently quit the job. This practice was also reported by garment workers from Shahi Exports in Maddur, where workers associated with trade unions are given ‘punishment’ jobs.

Sexual harassment

The garment factories employ a disproportionately large number of women workers. The supervisors, floor-in-charge, production managers, mechanics, and HRD personnel are mostly men. The women garment workers we conversed with reported rampant incidents of sexual harassment at the factories where they worked. Forms of sexual harassment reported by the garment workers interviewed for this study included the following:

1) Verbal abuse of a sexual nature;
2) Sexually colored remarks and jokes;
3) Commenting on the woman’s appearance, figure and/or her clothes;
4) Leering at a woman worker; making obscene threats, such as saying that chilli powder will be applied on the woman’s vagina if she did not work efficiently;
5) Making sexual advances towards the women with innuendos such as “if you are not happy, should I come to you?”
6) Constantly touching/colliding against a woman worker;
7) Inappropriately touching a woman worker’s hand/shoulder while pretending to pass something, and making the touch seem accidental while it is actually deliberate;
8) Scolding the garment worker using sexual expletives;
9) Threatening to harm the woman garment worker or others close to her if she did not comply with his demands for sex;
10) Withholding benefits or entitlements (leave/bathroom token/bonus other benefits) as punishment for not meeting the “sexual favours” of the supervisor, production manager, or other superiors;
11) Unwelcome invitations to the woman worker to go out for an outing;
12) Contacting the woman worker by phone/text message/letters outside hours of work,
with sexual messages; (the supervisors/floor managers/production managers have the phone numbers of all garment workers and are able to do this)

13) Offering to promote a worker or assign her less strenuous work with more income if she meets the sexual demands of the superior;

A woman garment worker from Shahi Exports at Maddur reported to us two incidents of sexual harassment. In her words:

In my presence, once a male colleague approached my floor-in-charge and asked for a punching machine. My floor-in-charge asked him with a vulgar gesture – what do you want to pinch or squeeze with it? I felt disgusted and walked away from there. I had tears of anger and felt helpless...In many instances, the floor-in-charge and male supervisors pass comments with double meaning like “Pataki odithini” when I or other women are around. This makes me feel very uncomfortable.

At an FGD we conducted, women garment workers recalled a recent incident where a girl working in a factory on Mysore Road committed suicide as she was asked for sexual favors from her supervisor, and another girl was forced to quit her job while her superior who had a relationship with her at the factory continued to work at the same. They explained that women workers do not report about sexual harassment to higher authorities, either out of a fear that they would lose their job, or that they would not be believed, and be labeled as a liar. It is equally impossible for the women to report at home about such harassment in the factory, as they not only have to face the blame of instigation but also demands from husband or the family to quit the job.

It is worth noting that the usual perpetrators of sexual harassment in the factory are male floor Supervisors who came up from the ranks of garment workers. This harassment is partly due to the patriarchal mindset of Supervisors who, on assuming authority, carry out ‘production torture’ on their erstwhile female colleagues, but also because the Supervisors also face the threat of dismissal if they don’t meet the factory production targets.

**Financial exploitation and harassment**

As mentioned in the earlier part of this report, most of the women garment workers come from a modest financial background, where they are either the sole breadwinner of their families, or where their income plays a substantial part of the family income. Hence their job at the garment factory gains utmost importance despite the hostile working environment, making the workers more vulnerable to various forms of harassment, including financial exploitation and harassment.

Forms of financial harassment and exploitation include the following:

1) **Failure to pay wages on time**

Financial difficulties caused by delayed payment of salary—many women reported that they were earlier paid on the 5th of each month, but now they receive their salaries only by 10th or 15th of the month.

2) **Failure to pay for higher production**

A worker from Texport Creations on Mysore Road reported that each time a new design has to
be produced, the workers are asked to produce five extra pieces without any additional financial benefit; upon refusal, they are threatened that they would be pulled out physically from the production line and their increment cut.

3) **Failure to pay for over-time work done**

The practice of being compelled to do O.C. (overtime without any financial compensation) rather than O.T. (overtime with pay) for inability to reach impossible production targets in a day was reported across most factories, a practice which illegally extends the working hours from the regular 8 hours a day to 11-12 hours a day. The modus operandi used by the factories is to compel the women workers to punch in their exit at the end of 8 hours, and then re-enter the factory for the extra hours of work. In this manner, the extra hours of work put in by the workers remain off the record and unaccounted for. The Gokuldas Export (CCC-1) at Mysore reportedly follows this abhorrent practice, while women from other garment factories reported similar practices.

4) **Denial of promotions despite several years of work at the same factory**

5) **Refusing promotion to workers active in union activities**

Providing increments and promotions selectively to those women workers who comply with superiors' demands and are docile, while penalizing women who assert their rights and question the management about harassment, by denying them increments and promotions. For example, a woman worker from Wonderblue on Mysore road reported that she was given very few increments because she was assertive and protested against the harassment meted out to her. Another worker from Gokuldas Export (CCC-1) on Mysore Road said that in the last two years, she had received no increments at all, and prior to that, she received only Rs. 10/- as an increment while all her colleagues received Rs. 20/-. She said that none of them dared question the ad hoc manner in which increments were being given for fear of losing their jobs.

6) **Denial of profit-sharing based bonus to the garment workers, which they have a right to receive**

7) **Forcible leave without pay**

When the factory gets reduced orders or no new orders, the workers are forcibly compelled to take a day off, and are not paid for the said day; when there are urgent orders and the production targets are high, they are compelled to work even on their holiday, again without pay, setting off against the day they were given off. In addition to the financial exploitation involved in this practice, they are told only when they are leaving at the end of their day of work about the next day being an off day or an OC day – this prevents them in planning their personal life and commitments.

8) **Frequent threat of dismissal from work**

9) **Blackballing**

Owing to a nexus among factory owners, if a worker leaves a factory on a bitter note, they find getting a new job at another garment factory very difficult.
Reactions to the harassment

Most women interviewed as part of this study reported that they felt a range of emotions and reactions to the various forms of harassment meted out on them. These include:

1) Anger
2) Frequently crying in the factory
3) Emotional breakdowns
4) Contemplating to leave the job
5) Helplessness at inability to leave the job (due to lack of skills etc.)
6) Thinking about suicide
7) Attempting to commit suicide
8) Humiliation and shame at being scolded at the factory, and
9) Dejection at being looked down upon, due to work at the garment factory.

Coping mechanisms

The most common coping strategy was to ventilate one’s feelings with a friend/co-worker. Most women garment workers expressed an inability to share such feelings with their husbands, as they feared that the husband would compel the woman to leave the job, which she desperately needs to financially support her family. In a few instances, though, where the woman reported the harassment to her husband, who then confronted the superior, resulted in the harassment being stopped.

A few women workers have individually protested against the harassment meted out to them, and have confronted the harasser—the supervisor, in most instances. However, this was not always a successful strategy. They reported that this often led to increased targeting and victimization, including being assigned “punishment work” which involves more hardship. For example, a woman garment worker from Texport Creations on Mysore Road --whose supervisor flung the garment she had stitched on her face, not once but repeatedly--felt insulted, protested against the treatment, and asked him to behave properly. However, there was no change in his behavior subsequently, she said.

Most women reported that when one woman is being humiliated or harassed, all other workers who witness the incident remain quiet as they fear that they will lose their jobs. Similarly, if one woman protests the treatment meted out to her, she does not get the support of her colleagues, as all of them are in a financially vulnerable position and do not want to risk losing their job. Many regretted the fact that when they are individually harassed, no one speaks up. Some also said that their colleagues had advised them not to protest, question or “back answer” the floor-in-charge and the supervisor, so that she does not have to face their wrath. In one instance, the colleague to whom the harassed woman confided in sneaked the information to the superiors in order to win a favor with them.

Being associated with a trade union seems to have brought reprieve to some, as they are able to vent their grievances at the union meeting, and take advice and suggestions on how to address the various forms of harassment they face. In extreme forms of harassment, the trade union has also provided legal assistance. A woman worker who worked with Gokaldas Export (CCC-1) in Mysore explained:
When I was scolded very badly, saying that I am fit only for standing on streets, I have no self-respect ("maana, mariyadailla"), I was angry and humiliated. I returned home and shouted at my husband, as I was being subjected to all this humiliation only because he wasn't able to earn adequately. He called up the Product Manager and shouted at him. I was then made to leave the job by deceptive means. I was tricked into writing an out-pass, and was compelled by the superiors to sign on blank paper. I approached the trade union (GATWU) and with their help, I have filed a case against the supervisor, floor manager, and production manager, among others, in the Labour Court. I took this step as I do not want any other woman to be subjected to mental harassment the way I was. When the management received the court summons, they wrote a letter to me, falsely accusing me of theft, and of not reporting for work without giving notice of leave, asking me to immediately re-join work. I have decided not to do so as I do not want to be mentally harassed again, and I will try to earn a livelihood independently as a tailor.

Many women workers reported that once the management came to know that they were members of a trade union, they were targeted for further harassment on a day-to-day basis, assigned more difficult tasks with impossible production targets, and never sent to speak to buyers during brand audits. As a result, many women workers resorted to concealing the fact that they were members of a trade union. Some reported that all garment workers were frequently told that the union cannot solve any problems, and that the solution was for the workers to abide strictly by the instructions given and targets set by the management.

Some expressed the opinion that they try to treat the violations, the violence, and the harassment as a part of their job, while some others have unsuccessfully tried to forget about the incidents, in an effort to cope with the ill-treatment.

**Impact of the Violations**

Impact of the violations and harassment was felt on three fronts: at the workplace, on the physical and mental health of the woman, and on their personal and family lives.

1) **At the workplace**

Almost unanimously, the women workers interviewed reported that the factories they worked in were extremely hostile due to workplace violence. Reflecting on the various forms of harassment, lack of amenities, and the hostile working environment they faced, they felt that the impact on their work and workplace was as follows:

a) Decreased level of co-worker trust  
b) Decreased morale  
c) Decreased productivity  
d) Decreased sense of safety/security  
e) Increased absenteeism  
f) Increased fear  
g) Increased stress levels  
h) Greater concern for work/life balance
2) On their physical and mental health

Physical health issues faced by women include:

a) urinary infection (due to inadequate consumption of water)
b) gastritis (due to irregular intake of food)
c) headache (due to lack of sleep and the high noise level in some departments of the factories)
d) problem with eyesight (due to straining the eyes continuously for 8-10 hours a day) pain in the legs, knee and arm joints, shoulder, and back (due to the posture of work); acute dust allergy and chest congestion (as they are provided unclean/defective masks at the factory)
e) They spend long days at work in the factory and at home, and are often deprived of adequate rest.

f) Many women reported that it was a common sight to see many women crying and weeping in the factory on a day-to-day basis. This indicates the level of mental stress and agony that they would be undergoing. Many women complained of being severely depressed, frustrated, edgy, emotional, and faced mood swings. Many workers complained of sleeplessness, and of having nightmares about the work atmosphere during their sleep. Some workers admitted contemplating suicide, more than once. A woman working at Gokaldas Exports (CCC-1) on Mysore said:

Several times, I have felt like committing suicide; I also attempted suicide once last year as I was facing extreme mental harassment both at home and at work, and I felt that life is not worth living.

Consequences on workers’ health

To supplement our understanding of the consequences, we spoke with health care providers in the area who had worked in Health Camps run by the Garment factories. They reported to us some of the common health problems that workers face.

1) Poor hydration

The most common problem was heat caused by working under an iron ceiling. Combined with lack of access to safe drinking water and infrequent toilet breaks, this causes poor hydration leading to gynecological problems.

2) Varicose veins

Varicose veins are enlarged veins that appear on the legs as a result of standing for long periods of time, often 6 hours or more a day. These veins are dark in color and can lead to ulcers, blood clotting, and bleeding which is dangerous later in life. This is usually seen in about one in eight of the women.

3) Swollen joints

Swollen joints was said to be likely caused by long hours of manual work, which if untreated, could lead to arthritis in the legs and hands later in life.

4) Fevers and headaches

Many women complained about frequent fevers and headaches most likely caused by poor quality drinking water or stress. Many women who suffered headaches take recourse to low-cost poor-quality painkillers as they could not make time or afford better quality medication or
treatment. These alleviate symptoms in the short run, but cause other complications in the long run for the kidney and liver.

5) Pneumonia
Other common health problems women faced were pneumonia caused by constantly inhaling dust from the fabric, and eye problems caused by constantly focusing for hours on end.

Also troubling was that the people who conducted the health camps said that they were under pressure to give good reports to make the factories look good, and that the cost of conducting the camps was not taken from the factories, but from the women's ESI.

Consequences on their personal and family lives

The long hours of work, coupled with commuting time and responsibilities at home, takes a toll on the social lives of the garment workers. Many reported that they were unable to attend social functions or meet their friends, as they had no time, energy, or leave.

The abysmal conditions at the garment factories adversely impact the relationship that the women garment workers share with their children and partner. Many said that they are not sanctioned any leave for attending the monthly Parent-Teacher Meetings held at their children's schools, as a result of which they are unable to keep track of their children's studies, or help them with their studies. They also reported getting very little quality time with their children. Many reported venting their anger and frustration on their husbands and children, which led to a strain in their relationships.

A woman worker from the Wonderblue factory on Mysore Road said:

I have no time for my family. My work is so stressful, that I go home in a bad mood and many times I end up scolding my husband/children for even the smallest of issues. My relatives think I am money minded since I do not have time to attend any social functions.

Safeguards and their effectiveness

Although there are various safeguards that exist for preventing and redressing forms of harassment at the workplace, the women workers reported that most such avenues for redress were dysfunctional.

For example, although the workers are required to report threats and violence at the workplace to the management, most do not do so due to fear of being disbelieved and/or losing their job. In the experience of many women, the Human Resource Department sides with the management rather than taking care of the workers' welfare.

In Shahi Exports at Maddur, there is a woman welfare officer who is expected to address issues related to the workers' welfare. However, the women workers we interviewed said that she always supported and sided with the HRD, supervisor and floor-in-charge, and hence they had no confidence in her to air their grievances regarding harassment and violence.

A complaint box is kept in the factory for the workers to anonymously send in their complaints. However, in their experience, the HRD has taken no visible action to complaints in the past, and hence, most workers do not use the complaint box even if they have grievances. Some fear a backlash/ retaliation, while others say that they have witnessed the complainant being targeted.
for further harassment once the HRD comes to know her identity. A woman worker from Gokaldas Export (CCC-1) in Mysore said:

Yes, there is a procedure to report to the HR Manager. But the HR Manager sides with the other supervisors and does not intervene on behalf of the workers. Retaliation is sure. Other than reporting to HR Manager, there is a suggestion box. Whoever makes a complaint and puts it in the suggestion box is personally scolded and insulted for doing so. Also, Factory Inspectors visit the factory but we are unable to complain to them—they are bribed by the factory owner. Police has sometimes come into the factory and made rounds. I am not aware of the purpose for which the police came into the factory; I have seen the police being bribed…I know that some committees exist, but I do not know their names. I know that the employers do not allow the committees to function properly.

Although the law requires prohibition against sexual harassment at the workplace to be displayed on notice boards prominently, and the management is duty-bound to take proactive steps to prevent and redress sexual harassment, such legal provisions seem to have been flouted. For example, a garment worker from Shahi Exports in Maddur was emphatic that no policies and programs exist in her factory to prevent and redress workplace violence and harassment. A woman garment worker from Wonderblue on Mysore Road reported that she has seen an announcement on the notice board about sexual harassment, but was not aware of policies and programs that existed for preventing violence and harassment at the workplace. Most women do not know if an Internal Complaints Committee existed, and if so, who the members were. A few women reported that they had been called for meetings which created awareness about sexual harassment at the workplace, but the supervisor/floor in charge would compel the workers to complete the target even if they were participating in the meetings for an hour. For example, a woman worker from Texport Creations on Mysore Road said:

I was called for a training, to recognize, prevent and deal with workplace violence—but did not go, since the Supervisor insisted that in spite of losing one hour for training, I will still have to reach the target.

A worker from Wonderblue on Mysore Road also confirmed this observation. Often, they were not given permission to attend the meetings, or the women workers themselves decided not to go for the same, due to the high production targets. Clearly, not only is the management flouting the legal provisions, but is also creating conditions that would deter the women garment workers from effectively participating in these meetings that would help them assert their rights. The HRDs, floors-in-charge, supervisors, production managers, and all other superiors require to be made aware of the legal provisions and strictly warned about not impeding the women from participating in the meetings.

The routine practice when brand audits take place or when buyers visit the factory for inspection is that the management picks and chooses the workers that the buyers can converse with. Reportedly, only the docile and submissive workers are chosen, and they are tutored in advance about what to say to the buyers. In this manner, brand audits are made a farcical exercise that cover up the various forms of harassment meted out to the workers by the management. In the exceptional instances when the garment worker has managed to report about harassment to the buyer, she says that no action was taken. For example, a garment worker from Shahi Exports at Maddur did manage to converse with a buyer, and complain about sexual and physical harassment by the floor in charge, but she says that no action was taken, and hence, she decided to refrain from complaining afterwards.
A woman garment worker from Shahi Exports at Maddur said that when buyers visited the factory for inspection, announcements were made on the Public Announcement system, asking the workers to complain about any misconduct or harassment they have faced. She said that this was only for the buyer’s benefit, to create a façade of fairness, while none existed. She and her colleagues have refrained from making any complaints to the buyers as they would face retaliation from the management subsequently.

**The Garment Factory—A view from below**

It is important to see that the features we have noted above are not merely accidental, but part of a larger system of production where torture is an inevitable outcome. This system is marked by the following features:

**Architecture of the workplace**

The spatial organization of the factory itself is designed to separate the workers from the middle and higher levels of management physically, and therefore socially. It isolates the workers in order to turn them into a subservient work-force, and creates a feeling of hopelessness and discourages workers from speaking with anyone except their immediate supervisors. Many respondents say that they cannot access HR managers working in remote areas of the factory, and, in any case, in times of complaints, the latter side with the immediate supervisors. The resulting culture is one of hierarchy, power, and distance. As there is no association between the management and workers, complaints get ignored, and the management often goes against worker, leading to reprisals against the worker. Protest can lead to punishment, and further complaints against worker.

**Shaming and Abuse**

Social segregation can have a dual effect. If workers are made to feel that they are separate from the management, then they can also come to feel that they are united. To prevent this eventuality, the management enforces social isolation of the individual worker from other workers as a tool to keep the entire workforce subservient. Shaming of the worker in front of the others on the factory floor is a common tool of discipline. For example, a worker is sometimes made to stand aside for an hour as punishment before the assembly. This often reduces the humiliated worker to tears. Equally, this isolation of worker from the assembly of the workers, who look on helplessly and silently, makes all of them feel lost and incapacitated.

Shaming has physical, social, and economic dimensions. Workers have complained about being physically dragged from their work station, being scolded on the public announcement system, facing threats of dismissal, and being made to write apology letters. Some are body searched while leaving. Coercion, forced labour, verbal and physical abuse, and corporal punishment are all built into the working day of the woman garment worker.

**Gendered nature of the workplace**

Women are often seen as a more malleable workforce. Many women who work do so due to financial problems in the family, and can often be threatened on multiple levels. Conversely, the “male ego” often allows men workers to negotiate better work conditions for themselves and makes tactics of worker humiliation less effective. Hence, management in garment industry takes advantage of the relative vulnerability of women garment workers in order to harass and exploit them financially as well as in other ways, and generally, to fashion a more disciplined, and hence cheaper workforce of women.
In this manner, when women work in the factory, the effect of disciplinary tactics can be harsher. The culture of discipline affects the workers' home life, and, equally, the home life affects the workplace. Women garment workers, when they go home at the end of a stressful working day, have household responsibilities that they have to perform, which in turn makes the work place more stressful. Finishing factory work and meeting the set targets within the work period becomes crucial for the worker. This affects the work culture in two ways.

1) Women are forced to work longer hours than stipulated, and more intensively, in order to get their quotas over with, sometimes producing 2-3 times the amount they normally would. This can be used by the management to coerce them to meet increased targets or work unpaid overtime.

2) The stress can cause them to quit and be replaced with new workers who are easier to manipulate.

**Favoritism**

For the management, it is important to ensure that a certain culture of worker favoritism prevails in the factory. We could not ascertain specifics from the worker testimony, but many women do claim that some women workers get favored and gain sympathy and benefits by being nice to management. Acts of favoritism can be quite capricious and arbitrary, and keep workers in a constant feeling of indebtedness to the management for any sense of relief. This creates a hostile environment where workers either compete against fellow workers for the favors of the management, or, feeling disgusted, decide to leave.

**Worker Surveillance**

On top of the nominal supervision, there is a system of continuous surveillance of the workers. When they are not found at their work stations, workers are consistently questioned about their whereabouts. Even toilet and canteen visits are monitored by security.

**Production targets**

Production targets have their own logic, being often unattainable and expanding. Targets are pegged to wages through the piece per hour and wage per hour. This allows for two levels of manipulation. One, the number of pieces per hour can be increased to maximize returns, though the number of hours remains the same. Second, targets are set through a time study, with the machine acting as the pace setter. The machine-time effectively determines the pace of the workers. Targets are changed arbitrarily. Orders come from above, and are not explained. The intensity of the work can be very high, and sometimes the workers collapse due to sheer exhaustion. On the work floor, the targets end up having a coercive dimension. When a worker falls behind, she is often threatened with dismissal.

The stress causes many workers to quit, which makes the environment even more coercive. When a worker quits, often she is not replaced, and her work load is shifted to the rest of the workers in the section, in turn increasing the intensity of the work for all.

**Role of Human Relations Department (HRD)**

In theory, this department is designed to play a key role in resolving major issues between workers and management. It should function as a mediator between the garment workers and
the management and resolve the grievances of the workers to their satisfaction. To this end, it should encourage workers to express their grievances freely before the management as well the brand buyers during brand visits. It should create conditions to enable the workers to effectively participate in these meetings and help them to assert their rights. More specifically, it is required under law to take proactive steps to prevent and redress sexual harassment in the factory by initiating policies and programs in the factory for this purpose.

In actuality, however, the work of HRD managers in most garment factories in Bangalore is limited to taking attendance of workers, releasing the monthly salary, and sorting out PF matters. The work of HRD—appointing workers, attending to workers’ grievances, and dismissal—is often carried out by Production Manager and Factory Manager. In fact, HRD works under the authority of these two managers, as a part of the factory bureaucracy. As pointed out in the previous section, most women garment workers reported to us that they find the HR managers quite remote and unapproachable. They not only cannot access HR managers but, also, in times of conflict, the latter side with the immediate supervisors. In many factories, either there are no Internal Complaint Committees (ICC) for prevention of sexual harassment, or else, the workers are not made aware of such committees. Often, women workers are not allowed by the Supervisor to attend ICC meetings unless the worker completes her production target. Policies and programs regarding sexual harassment in the factory are not displayed prominently. During brand visits for inspection, instead of facilitating free interaction of women workers with the buyers, the HRD picks workers of its choice, usually workers that are docile and submissive, and tutors them beforehand about what they should tell the buyers. During these visits, announcements are made in the Public Announcement system asking the workers to complain about any misconduct or harassment. But this is done only to create a facade of fairness whereas in reality the workers would face reprisals from the management subsequently. All this reduces brand audits in many factories to a farcical exercise that cover up the various forms of harassment and exploitation meted out to the workers by the management.

**Impact of the work environment**

The result of such a hostile environment is that the factory becomes a harsher place to work in. Toilet breaks, lunch timings, and tea breaks are often cut to make workers meet targets. The working conditions, workforce composition, and even the basic layout of the factory are designed to create a subservient labour force.

The women, at the end of a hostile working day, often carry home the hostile environment of their work place, compounded of feelings of harassment, discouragement, and hostility with them, thereby affecting their personal life. Many workers reported experiencing spells of forgetfulness, sleeplessness and nightmares, and constant bickering and fights at home.

**Summary**

Garment workers are predominantly women workers. There is constant effort at every level to break the workers’ morale, on the one hand, by ever-increasing production targets, and on the other hand by constantly creating an atmosphere of fear, humiliation, and shaming the worker, and punishing any effort to unionize. The HRD whose stated role is to look at the concerns of the workers, in reality becomes a tool for oppression by the management, who also use it to identify and punish workers who stand up to such oppression. The factory becomes a place of complete oppression where all forms of physical, sexual, and mental assault are carried out daily.
in the name of production targets. In sum, production targets lead to a rigid and impersonal hierarchy in the workspace, which in turn leads to an intimate and hostile relationship with immediate supervisors and a feeling of distance and remoteness from the HRD. This in turn allows the HRD to shirk its responsibility and side with the management and deny workers their legitimate rights, while allowing their immediate supervisory staff to enact cruel forms of punishment. Workers are actively discouraged from expressing their grievances, even in silent whispers, let alone organize to take legal action or join a union. In this context, workers are deprived of any hope of help, while at the same time they are induced to leave. The feeling of desperation leads to a hostile work environment which breeds gender violence, sexual harassment, continuous surveillance, humiliation, and even corporal punishment. The high rate of worker turnover produces a malleable and subservient workforce, which unwillingly accepts existing work conditions because it lacks the history to negotiate effectively with the management. This culture of subservience prevents any scope for intervention on behalf of workers by visiting inspectors, either from brands or from the state, who rely on worker’s testimonies to evaluate factory conditions.

Violence against women garment workers in Bangalore: Some cases documented by Garments Mahila Karmikara Munnade

(Note: There has been some resolution due to union intervention to some of the cases, and hence the related company name or brand names are not mentioned.)

1) Garment worker hangs herself in factory

A tragic incident where a young woman garment worker named Ammu, about 25 years committed suicide by hanging herself in the toilet of the factory on Saturday the 10th of February 2007 came to light in Bangalore on Tuesday the 13th of February. The Bangalore daily newspaper Vijaya Karnataka, dated 14th February, alleged that Ammu committed suicide due to sexual harassment in the factory. Another daily newspaper Prajavani reported that one of the employees of the factory has been incessantly harassing Ammu. On Sunday the 11th and Monday the 12th February, the factory had not functioned and the body was discovered only on Tuesday.

Ammu was a resident of Nandini Layout living in a tenement belonging to the Slum Clearance Board along with her mother and two children. Ammu was the sole bread-winner of the family.

Workers say that on the day of the incident, one male employee who is a floor-in-charge abused Ammu in vulgar language at about 2.30 p.m. mainly compelling her to work more rapidly to meet production targets.

Disconcerted by the harassment and abuse, Ammu expressed her inability to work at such a pace, took the exit pass from him and went to the Production Manager. He also abused her, refused to sign the exit pass, and ordered Ammu to resume work. Workers say that she had written on her palm and on the exit pass that she was forced to take this extreme measure of suicide due to the harassment meted out to her.

Following this incident, civil society organizations conducted fact-finding missions and the Joint Action Committee for the Rights of Garment Workers submitted a memorandum to the then Labour Minister to take necessary measures to provide overall protection, safety, and security to garment workers.
2) Assault, intimidation, illegal confinement of woman worker

A most shocking case of criminal assault against a worker and barbaric behavior by company officials was reported in June 2004. Mrs. Sakamma was assaulted by the Production Manager of Texport Creations while she was at work on June 6, 2005.

Sakamma, about 35 years, was working in the factory for over six years as a tailor. On Saturday the 4th of June 2005, she and a few other workers were detained in the factory after work hours to finish the day's production targets. At about 6.30 p.m. the Assistant Production Manager, the floor in-charge and a supervisor, all men, abused Sakamma using indecent and offensive language because they alleged that she was slow at work. Sakamma was suffering from some ill-health only a week back. She protested and told them that she would complain to higher management.

On June 6, as soon as she entered the factory at about 9 a.m. Sakamma went to the Production Manager Mr. Nagaraj to complain about the behavior of his subordinates on Saturday. Mr. Nagaraj flew into a rage, using foul language, held her neck and pushed her away shouting that it is not only his juniors but he himself would abuse her if she did not behave. One woman security guard dragged Sakamma away by her hand and pushed her into the shelter of the security guards. She was surrounded by four other male security guards for the whole day. She was denied water and food even as she begged the guards to be allowed to meet other workers. Those workers who protested were shouted down by the management using the public address system in the factory.

At about 5.00 p.m. salaries were distributed and Sakamma was also given the pay packet within the guard’s shelter and was asked not to come back to the factory the next day. The guards attempted to detain her further, but when workers were leaving after the day’s work, she struggled with the guards and ran out. Other workers gathered around Sakamma who was exhausted and shocked and later in the evening she was taken by fellow workers to the Byatarayanapura Police Station and a complaint was lodged. She vomited at the police station and seeing this, the police took her to the Victoria Hospital for medical checkup. The First Information Report (FIR) filed by the police in this case is numbered 188/2005 under the Indian Penal Code, Section Numbers 342 and 509.

Civil Society organizations and trade unions came together to publicly condemn the atrocity against the worker and to urge appropriate action by the authorities. The South India Coalition for the Rights of Garment Workers also wrote to the company management. Coalition organizations met with Mr. Saratchandra, Additional Police Commissioner, and apprised him of the incident. Mr. Thulasi Krishna, Legal Advisor of the Company met with the Coalition organizations, but the meeting was inconclusive. Sakamma has gone on to file a complaint on July 6, 2005 with the Labour Court alleging refusal of employment.

3) Harassment, intimidation and abuse of women workers

In a letter dated July 31, 2003, addressed to the Member Secretary, Karnataka State Commission for Women, some affected women workers of Vidya Creations made several allegations against the management of violations of labour rights and human rights. The main allegations of the workers made by workers in the letter of complaint were as follows:

a) Forcing workers to work over time without paying the stipulated overtime wages.
b) Denial of leave to which workers are entitled.
c) One woman worker who was pregnant and who had been working as Feeding Helper in the Production Department was shifted to the Ironing Department in punishment for taking one day’s leave.
d) One worker was punished allegedly for not being able to complete the arbitrarily fixed production target by forcing her to remain standing in the Production Department facing all the workers continuously during working time for three full days.
e) The Production Manager was in the habit of threatening the workers that Labour Department officials, police officers, and local hooligans were ‘in his pocket’ and workers should beware of complaining against him.
f) Non-payment of eligible bonus.
g) Workers quoted many unprintable words routinely used by the Production Managers and Supervisors aimed to violate the modesty of the women workers.

Following the complaint, on August 11, 2003, the Deputy Labour Commissioner Mr. Nanjundaiah and the Member Secretary of the Women’s Commission, Mrs. B. B. Kaveri, inspected the factory and among other investigations, interviewed the workers. Subsequently, during meetings with the Women’s Commission, the management gave assurances of taking remedial actions and two months later, the offending Production Manager left the employment of the factory.

4) Worker injured by electric shock

Ms. H. N. Nagaratna was working as a tailor at Texport Creations. On November 19, 2004 she suffered a severe electric shock at about 4.30 p.m. She fell unconscious on the shop floor. She was admitted to a private hospital called Sharavati Hospitals Pvt. Ltd. and she was treated as in-patient for about three days. She was discharged, but the treatment was continued and she was not able to use the right hand which suffered worst from the shock.

Nagaratna went on leave for about a month and then when she reported back for work, she was not admitted to the factory. Instead, she was forced to sign a resignation letter.

The Garments Mahila Karmikara Munnade on June 16, 2005 complained to the Chief Inspector of Factories, citing the cases of Nagaratna and Sakamma and demanded proper enquiry and action. The Inspectorate investigated the cases and concluded that there was not enough evidence to support the workers’ charges. Munnade again provided additional information to the Inspectorate upon which a second inspection was done by the Inspectorate and it instructed the factory to install safe switchgears and other electrical equipment. It is to be noted that the hospital has certified that Nagaratna had indeed suffered an electric shock (certificate available). Moreover, the company has admitted in the action report filed with the Employees State Insurance (ESI) Corporation that Nagaratna had suffered electric shock.

This hapless worker of just 23 years has almost lost the use of her right hand and has been perhaps disabled for life. The company continues to misrepresent facts about the safety and health provisions in the factory and to cover up accidents.

5) Denied leave, worker delivers baby near garment factory gate

Mrs. R, about 27 years, a fully pregnant garment worker, gave birth to her baby a few yards from the factory gate on March 29, 2007. By the time R managed to bundle the newborn in the ‘sari’
she was wearing, crawl into an auto rickshaw and reached home, the baby had died. The factory produces garments almost exclusively for global brands including one that produces baby-wear. It’s a disturbing irony that R who worked to produce clothes for the babies of the world, had to lose her newborn baby due to the gross negligence of the factory management.

R was in an advanced stage of pregnancy. She has been working in the factory for about 9 years. She complained to her fellow workers of severe pain while working at the factory at about 11 a. m. The supervisor asked her to request the Production Manager to let her go. He also advised her to go out in the company of any woman colleague.

Despite R struggling in pain, the Production Manager did not provide her with medical help. Nor did he allow any other worker to accompany her at a moment when she needed help. Moreover, he wasted precious time by insisting that R fill up her leave application and get the signatures of other officials in the factory. There was no doctor or nurse in the hospital and not even an ambulance.

By the time R completed the leave sanction procedures, it was already about 12.45 p. m. and she went out of the factory in a dazed state, workers reported. No sooner had she walked a few paces (about 40 feet) from the factory gate, she collapsed, and delivered the child. A passer-by helped her to board an auto rickshaw.

Activists of the Garments Mahila Karmikara Munnade took R to the Employees State Insurance (ESI) hospital where she was provided medical help. She complained about the gross neglect of the factory towards her condition to Vimochana, a reputed women’s rights organization in Bangalore, who in turn forwarded the complaint to the Karnataka State Women’s Commission, a statutory body. The company later paid an amount in compensation to the loss of life of the newborn.

Some successful interventions by GATWU

1) Euro Clothing Company (ECC – a unit of Gokuldas Exports in Srirangapatnam): workers were being harassed, by means of corporal punishment for union workers. This was stopped by GATWU when they approached two brands, H&M and GAP; international organizations (Workers’ Rights Consortium, International League for Brands Responsibility). Corporal punishment came to an end in this factory. Illegally retrenched workers were taken back, and unpaid OT was stopped.

2) Carnival Clothing Company – unit of Gokuldas – was also guilty of the same practices. GATWU approached the same organizations and it stopped.

3) Shahi Exports – Maddur 2B: same as above

4) Texport Creations Bangalore: same as above

These practices were stemmed to an extent by GATWU’s intervention. GATWU would like to take legal routes (courts, Labour Department etc.), but it is such a long drawn-out process that they have to settle for such intervention. Unions in the organized sector go through a long drawn-out process seeking legal intervention – replying to memos, going to labour courts, etc. unlike unorganized workers unions who do not have recourse to these measures.
Several women think that harassment is part of their work. Even though she doesn’t accept it, she is too afraid to raise questions about it with her co-workers or management.

Her job is at risk; but it is also her only security.
Workers travel long distances to get to the factory, with their children. In most factories, there are no crèches in factory for mothers with infants and toddlers. Children have to wait for their mothers to finish work in vacant places outside the factory.
Workers are not allowed to access their phone when they are in the factory. The first thing she does when she gets out, is to check on home.
A long walk, after an exhausting day
Chapter IV
Stitch by stitch:
Reclaiming rights and protecting garment workers

"When the management received the court summons, they wrote a letter to me, falsely accusing me of theft, and of not reporting for work without giving notice of leave, asking me to immediately re-join work. I have decided not to do so as I do not want to be mentally harassed again, and I will try to earn a livelihood independently as a tailor."

- A woman worker who worked with Gokaldas Export (CCC-1), Mysore

A critical analysis of regulations governing garment work

Despite the elaborate panoply of labour rights enshrined in the Indian Constitution and international conventions, Indian women garment workers, as we have seen in this report, continue to fall through their safety nets, and experience precarity of employment. In this chapter, we will critically analyze four sets of regulations governing garment industry: A. ILO Conventions, B. Indian labour laws, C. Global brands’ Codes of Conduct, and D. International campaigns against labour violations in the industry as well as Multi-Stakeholder Initiatives (MSIs). In each section, we will consider a) the responsibilities spelt out in each set of regulations, and b) to what extent does each set of regulations protects or fails to protect core labour rights of women garment workers bearing the triple burden of productive, reproductive, and domestic work as well as gender discrimination in the workplace. We will note how the current political climate of neoliberal reforms is a major challenge since it has had a uniformly deleterious impact on each of these sets of regulations.

A) International Labour Organization (ILO)

The ILO was established in 1919 in the aftermath of the First World War, a period marked by massive social unrest and revolutionary movements, culminating in the October Revolution in 1917 in Russia. Its founding by the Western big powers had a double motivation: to stabilize their crisis-ridden economies and to secure the loyalty of the labour force to the prevailing capitalist economic order. In the words of Guy Rider, the current ILO Director-General, the ILO adopted ‘an orderly, constructive and bureaucratized approach to tackle the organization of social justice.’

The ILO was conceived as the world’s labour standards setter by setting guidelines for governments to deal with relations between employers and employees. It was believed that internationalizing labour standards would have a transformative character. While the traditional model of labour standards regulation has been, for most of history, within-country, this model may not be appropriate when competitors in a product market are located in different countries or jurisdictions with dissimilar labour standards. For this purpose, the ILO created a series of Conventions and Recommendations to be adopted voluntarily by governments with widely different orientations. The intent of such standards was to protect basic worker rights, enhance workers’ job security, and improve their terms of employment on a global scale. ILO’s standards represent benchmarks that enabled governments to introduce national systems of regulation.
The ILO functions by a tripartite framework representing governments, employers, and workers. It espouses organized collective bargaining at national and industrial sectoral levels. Its ambit calls for investigating cases of non-compliance of standards through representations, filed by employer or worker organizations, followed by recommendations by an internal committee on steps the concerned government may take to address the complaint. The ILO’s process of collective bargaining has its strengths and limitations: With its checks and balances, it made for effective dialogue and debate and initiated new discourses about labour across the globe, but it also lends a lowest-denominator quality to the Conventions (avoiding specificity in wording and including flexibility in labour standards) as well as obsolescence in the face of social and political change.

The ILO has instituted a large number of Conventions (181) and Recommendations (188) for the states to ratify, implement, and enforce—or not. Some states (though not all) have a self-executing statute in regard to Conventions: as soon as the govt ratifies a Convention, it becomes a law. While ILO’s Recommendations provide guidelines to member states to regulate their industries, ILO’s Conventions, are, in principle, binding on the member countries that voluntarily ratify them.

Compliance with ILO’s Conventions

Determining an effective method of ensuring compliance with ILO’s labour standards has been difficult, and is an area that is highly contested. Most states have been wayward and selective with regard to ILO Conventions, adopting a Convention when it suits them and rejecting them when it does not. Many third world countries have not ratified most Conventions which they claim are beyond their capacity to implement. Many states refuse to ratify the standards or their full implementation by referring to their national sovereignty or their ‘cultural traditions.’ The move to link labour standards with trade policy in ILO initiated by Western countries was opposed by developing countries as an attempt to take away one of their few comparative advantages (i.e., abundant and cheap labour) vis a vis richer countries. The linkage was finally rejected at the WTO Conference in 1996. The US in the 1990s has had a notorious record of leaving and rejoining the ILO according to how it promotes or restricts US commerce.

India’s Record

According to a study by Fair Wear Foundation, while India has ratified ILO Conventions concerning forced labour and discrimination in employment, it has yet to ratify several other Conventions pertaining to child labour, payment of a living wage, occupational safety and health, working hours and social security, maternity protection, and migrant workers. Most importantly, India has not ratified ILO Core Conventions on Freedom of Association and Collective Bargaining (87, 98, and 135). These Conventions are limited by the 1926 Trade Union Act, which has no provisions for compulsory recognition of unions and for collective bargaining imposed on the employers. (Fairwear Foundation Code 2016).

ILO and Labourism

During its earlier decades, ILO’s mandate was encapsulated in the Philadelphia Declaration in the 1940s: ‘Labour is not a commodity’. In response to the changing character of work and labour in the globalizing market, the ILO attempted measures to reduce the commodity character of labour relationships and to give protection to employees from market forces and labour abuses. The outcome of this principle of Labourism was Employment Policy Convention (No. 122), which committed ratifying countries to ‘ensuring full, productive, and freely chosen employment.’
Such commitment is, however, conspicuously missing in many countries which since the 1970s have seen widespread unemployment, under employment, and substandard employment. Numerous employers regularly violate the ILO Conventions and the concomitant policies, especially those concerning the freedom of association. Intimidation, persecution, imprisonment, deportation, and even murder of trade unionists, are rampant without any prosecution by the concerned governments.

**ILO and Gender Equality**

Early women's movement largely focused on social rights for women (benefits such as sick leave, unemployment benefits, and pensions), rather than on economic rights (job security, work safety and health, maternity benefits and disability). Following suit, ILO standards during its first two decades were concerned with a) hours of work, night work, and holidays with pay; and b) protective measures relating to women, youth, and children.

The approach to women's labour was paternalistic, protecting women from hazardous jobs (e.g. night work, mining)—whether they wished to be so protected or not. Since the 1990s, under pressure from women trade union representatives from developing countries, more attention is being paid to the informal sector where women predominate. Hence the emergence of a host of Conventions on House work (1977, 1996), Part-time work (1994), on women workers with family responsibilities, and an Associated Recommendation providing a framework for work-based and community child care. Most importantly, two of the most ratified Conventions (but least enforced) are the Convention on Equal Pay for Equal Work (1950) and Convention on Discrimination in Employment and Occupation (1958). Even more elusive (though vigorously pursued by women activists) is a Convention on Affirmative Action for Women. A Convention on Sexual Harassment at the Workplace has been on the anvil for quite some time, but it is yet to see the light of day.

**Evolution of ILO—Shifting Trends**

In the 1990s, there has been an ideological shift in ILO from its traditional role of standard setting, industrial relations, and labour regulation and labour inspection to promulgating Codes of Conduct, Corporate Social Responsibility, and 'social dialogue'. The current emphasis is on negotiating cooperation and collaboration between labour and management. Guy Standing, a noted critic of ILO, has made a sharp critique of ILO’s changing role in the emerging global order. His main points:

1) The ILO has retreated into a non-confrontational mode that sidelines equality while espousing vague references to 'decent work', 'fairness,' and 'social dialogue,' which have replaced the constitutional rights of freedom of association, collective bargaining, and social rights.

2) The idea of 'Decent Work', which has come to dominate all ILO pronouncements, is inherently vague and incoherent, and no efforts have been made to measure decent work, or to evaluate mainstream labour policies by decent work criteria.

3) The ILO has moved from advocating public works on an international scale in order to reduce unemployment to accepting high unemployment today as an inescapable reality.

4) "The ILO quietly ceased to be an international body attempting to redress structural inequality and became one promoting employment equity."
5) The formulation of 8 Core Conventions and 4 Core Standards is inconsistent with the principle established by the 1948 Universal Declaration of Human Rights that human rights are indivisible and interdependent.

6) While the framing of Conventions on Gender Equity, such as the Convention on Discrimination (Employment) and Equal Remuneration Convention is laudable, it focuses on horizontal rather than vertical redistribution (which calls for the transfer of income from capital to labour), a policy shift that the ILO was compelled to undertake under pressure from the employers' organizations and the developed capitalist countries. (Guy Standing, 'The ILO: An Agency for Globalization?' (2008))

**Labour regulation as a globalizing phenomenon: Current challenges**

ILO's ambition has been to internationalize labour regulation in the modern era. Yet, in the era of globalization, nation states have little regulatory control over the informal sector where the worst labour abuses (forced labour, bonded labour, child labour, human trafficking, and prostitution) occur. Real control over informal labour vests with large corporations that make decisions about the production process as well as about every other aspect of the working conditions as well, which affect large populations across the globe. As we have seen in our report, many of the violations occur at the end of the global supply chain in garment factories where long-term employment has been replaced with sub-contracted or contractual labour, curtailing union membership. A seeming exception is the voluntary code of companies like Levi Strauss and Reebok who, under pressure from the media and ethical activists, have been compelled into auditing the compliance of their international suppliers with labour standards—with mixed results. (See section on Brands' Code of Conducts below)

**B) Indian labour laws**

Under the Indian Constitution, the state, at the national and local levels, is obligated to institute labour legislation to guarantee protection of worker rights of wage and job security, safe and healthy working conditions, especially for women workers, as well as trade union rights of freedom of association and collective bargaining. It must ensure that precarious forms of employment are not used to undercut the legal rights and benefits to which permanent employees are entitled. In addition, it must establish mechanisms of enforcement of the laws—the Labour Department, Labour Courts, Conciliation processes etc. In the context of the garment industry, it needs to put in place a legal framework that holds international brands and local suppliers responsible for workers' rights violations. It must also ensure that national labour legislation (Central and state laws) upholds international labour standards (including the ILO Conventions).

Indian labour laws for women workers fall under 3 broad heads:

1) Laws in regard to health, safety, and welfare for women
2) Laws in regard to social security measures for women, and
3) Laws ensuring wage protection for women workers as well as freedom of association and collective bargaining.

(It may be pointed out that many of these laws provide protective measures for workers at large but also contain special provisions for the welfare of women workers, while other laws are exclusively for women workers.)
The major legislations under each of these heads are briefly described below, keeping in mind the context of our discussion on garment workers.

1) Laws in regard to health, safety and welfare for women

Factories Act 1948

This legislation seeks to bring about uniformity in the number of working hours and leave with wages as well as to ensure safe and healthy working conditions for workers. Recognizing that women formed a particularly vulnerable group of workers and needed special protection, the Factories Act 1948 fixed the maximum permissible hours of work for women at 9 hours per day, 48 hours a week in factories, with entitlement of 12 days of paid leave. The Act prohibits employment of women beyond the specified working hours, and in hazardous occupations and dangerous operations. It provides for health and safety measures such as separate toilets for men and women and their regular maintenance, mandatory first-aid facilities, adequate light and ventilation cleanliness of factory premises, as well as welfare measures like provisions of canteens in factories employing more than 250 workers, and crèches in factories employing more than 30 women. The Karnataka Factories Rules (1969) provides the standards that crèches must meet in factories employing more than 30 women.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013)

This Act provides for the establishment of Internal Complaints Committees (ICC), including employee representatives, in factories with more than 10 employees, where victims of sexual harassment can file complaints.

2) Laws in regard to social security measures for women

Employee Provident Fund and Miscellaneous Provisions (EPF) Act, 1952

The Employee Provident Fund is a social security measure that provides timely monetary assistance to the workers in case of contingent family needs and expenditure. The EPF Act 1952 covers organizations employing more than 20 workers. The Act is operationalized through the Employees' Provident Fund Organization (EPFO) that offers 3 Schemes—EPF Scheme 1952, Employees' Deposit Linked Scheme 1976, and Employees' Pension Scheme 1995. These schemes, which have been amended from time to time, offer provident fund, pension benefits on completion of 20 years of service, and gratuity benefit after 5 years of service. Enrollment in the EPF scheme is compulsory for employees earning less Rs 6500 at the time of joining. Monthly contributions to an employee's PF are made at the rate of 12% equally by the employer and the employee.

Employees' State Insurance (ESIC) Act, 1948

The Act provides for medical benefits for the employee and her family, and cash benefits in cases of sickness and maternity, and employment injury (including while commuting to and from work). Under the Act, ESI Hospitals, clinics, and dispensaries are established to provide free health care to employees and their families. The Act is applicable to factories employing 10 or more than employees, and to employees drawing more than Rs 21000 per month. Monthly salary deductions for the ESI are made at 1.75% of the gross monthly wage, while the employer contributes 4.75%, with no contribution from either the central or the state government.
Maternity Benefit Act

The Maternity Benefit Act provides leave and cash benefits for pregnant workers with at least one year of service, and for those who are covered under the ESIC Act. The benefits are provided after the employee is certified for benefit by a medical officer attached to the ESI Hospital. The leave benefit covers confinement after 26 weeks of pregnancy, miscarriage, and sickness arising out of pregnancy. It is available for 12 weeks in case of confinement or after delivery, 6 weeks in case of miscarriage, and an additional one month in case of premature delivery. The maternity benefit is linked with the average daily wage payable to the woman worker for her period of absence. In addition to leave benefits, the worker is also entitled to a medical bonus fixed by the government from time to time. In addition, the employer should not require a pregnant worker to do arduous work involving long hours of standing which is likely to interfere with her pregnancy or her health and also the health of the fetus. After delivery of her child, every woman worker who returns to work shall be allowed two work breaks for nursing the child.

3) Laws ensuring wage protection and collective bargaining for women workers

Minimum Wages Act (1948, revised 1950,1953, and 1963)

This Act provides guidelines to determine statutory minimum wages, along with variable DA (fixed on the basis of Consumer Price Index (CPI) for industrial workers for the year) and overtime wages to be paid to workers, fixation of pay and periodical revision of minimum wages; to detect violations of minimum wage laws; and to provide specific penalties, including fines and imprisonment for defaulters. The Minimum Wages Act requires the appropriate government to periodically revise the statutory minimum wage and announce Minimum Wage Notifications at intervals not exceeding five years. Statutory minimum wages are fixed on the advice of the State-level Minimum Wages Advisory Board, comprising members of both employees and employers. In Karnataka, minimum wages in the garment industry are classified on the basis of unskilled, semi-skilled, skilled, and highly skilled workers, and on where the workplace is located (major urban industrial centers, other urban/industrial and non-urban areas). The statutory minimum wage in garment industry in Bangalore, as per the state Minimum Wage Notification in 2013, was fixed in the range of Rs150-250 (depending on the category of workers and location of workplace) for an 8-hour working day.

The Equal Remuneration Act 1967

This Act gives effect to Article 14 of the Constitution which enunciates the principle of equality before law, and provides for payment of equal remuneration to women workers on par with men workers for the same or similar nature of work ('Equal pay for Equal work'), and for the prevention of discrimination on the ground of sex against women in the matter of employment. It seeks to ensure that employers do not discriminate against women workers in matters of wage fixing, transfers, or promotion. Successive judgments by the Supreme Court have held that equal wages will be payable even to temporary or casual workers when they are doing the same work as regular or permanent employees.

Industrial Disputes Act 1947

This Act addresses dispute redress and conflict resolution through the tripartite system of negotiations, involving the Labour department, trade unions, and employers. It provides mechanisms of negotiation and conciliation, such as Board of Conciliation, Labour Courts, and Industrial Tribunals. Disputes that cannot be resolved at the tripartite level are referred to labour courts. The Act has sections that cover unfair labour practices, including lockouts and strikes or wage discrimination or wage
denial, on the part of employers and employees. It also provides compensation to retrenched workers. Labour practices are governed by Industrial Disputes Rules (Standing Orders) which provide for the establishment of a mechanism to receive complaints regarding unfair treatment or wrongful dismissal within the factory. The Rules are framed separately by the Centre and the states, including Karnataka.

_The Trade Union Act (amended in 2001)_

This Act provides for registration of trade unions with a view to enable organization of labour for collective bargaining. Under the Act, any employee is entitled to join any union; 7 workers can form their own union; 100 workers are needed to join and affiliate with other unions; more than 10 workers can submit a Charter of Demands to the employer. The Act provides the right of the union to conduct negotiations with the employers on behalf of the workers; gives protection to engage in collective action to secure improvement in working conditions; and enables the union to represent labour in conciliation, mediation, arbitration, before employer, courts and tribunals, and labour departments. Importantly, it provides the right to collective bargaining, i.e., for all the employees in carrying out negotiations and dealings with the management, and to secure civil rights for the workers. However, the Act does not provide for compulsory recognition of unions and for collective bargaining imposed on the employer.

In the context of the working conditions of the garment workers detailed in our report, the question arises: do the panoply of Indian labour laws adequately redress the numerous violations of labour rights in the garment factory? The table below lists the typical violations discussed in the report in order to show the mechanisms available under national and state labour legislations with reference to the ILO Conventions and Recommendations they embody.

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<th>Sl. No.</th>
<th>Conduct</th>
<th>National &amp; State Legislations</th>
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<td>(Reference to ILO conventions plus year of adoption by International Labour Conference. With asterix (*) means convention ratified by India plus year of ratification. In some cases, reference is being made to ILO Recommendations.)</td>
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<tr>
<td>Sl. No.</td>
<td>Conduct</td>
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<td>3.</td>
<td>Approximately 8 hour long official work day with only one half an hour break for lunch – that is turned into a 20 minute break.</td>
<td>Factories Act, 1948 – Section 44, Section 55</td>
<td>Convention 1 Hours of Work (Industries), 1919 * (1921) Convention 14 Weekly Rest (Industries), 1921 * (1923)</td>
</tr>
<tr>
<td>4.</td>
<td>No proper segregated sanitation options available.</td>
<td>Factories Act, 1948 Karnataka Factory Rules</td>
<td>Convention 120 Hygiene (Commerce and Offices), 1964. Strictly speaking, this is not applicable to factories. However, R. 120 in paragraph 39 states: ‘Separate sanitary conveniences should be provided for men and women, except, with the approval of the competent authority, in establishments where not more than five persons or only members of the employer's family are employed. One can easily argue this can be expanded to any workplace having x number of employees.’</td>
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<td>5.</td>
<td>Promotions based on looks and relationship with the owner/Manager.</td>
<td>Article 14, 15, 19(1)(G) of the Constitution</td>
<td>Sexual Harassment Act Convention 111 Discrimination (Employment and Occupation), 1958 * (1960)</td>
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<td></td>
<td>Management picks only workers who are submissive and docile and those who are not part of the Union and those who do not speak up.</td>
<td>Article 14, 15, 19(1)(G) of the Constitution Unfair labour practice under the Industrial Dispute Act</td>
<td>Convention 98 Right to Organize and Collective Bargaining, 1948</td>
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</table>
|12. | Crèches – not available | Factories Act, 1948  
Karnataka Factories Rules, 1969 | Convention 156 Workers with Family Responsibilities, 1981 |
|13. | Transfers to harass | Article 15 of the  
Constitution  
Industrial Disputes  
Act – Unfair Labour  
Practice | Convention 98 Right to  
Organize and Collective  
Bargaining, 1948  
Convention 183 Maternity  
Protection, 2003 |
Termination of  
Employment, 1982 |
|15. | No access to drinking water and toilets | Article 19(1)(g) of the  
Constitution,  
Factories Act | Convention 120 Hygiene  
(Commerce and Offices), 1964  
Convention 167 Safety and Health in Construction  
Convention, 1988 (both  
Conventions make references to drinking water) |
|16. | Absurd restrictions in housing facilities | Article 14 and 15 of the  
Constitution | Convention 29 Forced Labour, 1930 * (1954)  
Convention 95 Protection of Wages, 1949 |
|17. | Non-provision of maternity benefits | Maternity Benefits Act | Convention 183 Maternity  
Protection, 2003 |
As the table shows, the basic framework of Indian labour laws is sufficient, in principle, to fully ensure workers' rights protection and security. However, the legal enactments, especially with regard to job security and wage protection, are implemented cursorily, if at all, in the garment industry. This is primarily because the garment industry, though belonging to the formal sector of the economy, is, as we have seen, marked by infiltration of irregular employment practices in the work place, which have brought down wage levels and increased job insecurity. Our report has brought out, in compelling detail, the rampant labour rights abuses that take place on a daily basis in every area of work. To list a few of the typical violations of labour laws (mentioned above) that we've documented:

1) Most cases of sexual harassment, physical, and verbal abuse go unreported and ignored by the Internal Complaints Committee (ICC) provided under the Sexual Harassment Act. Worker representation is a token measure, and workers feel helpless in taking complaints to the Committee. Further, the Labour Department is not involved in the ICC since the Act doesn't provide for it. In such a scenario, given the high offer of jobs in the industry, garment workers often prefer to change jobs rather than raise a complaint.

2) The grievance redressal/works committees provided under the Industrial Disputes Act in factories with 20 or more workers are either not functioning, or when present, they often discuss minor issues related to working conditions (e.g. broken taps) rather than focus on the main issues of concern for garment workers, such as wages, overtime, or sexual harassment.

3) The determination of the minimum wage is regulated by the Minimum Wages Act. However, the actual process of minimum wage determination by the government in organized industries like the garment industry, in many instances, is in violation of provisions of the Act. (See the 'Short Note on the Recent Minimum Wage Notification' appended at the end of this chapter.) Even after the minimum wage is notified, violation of the notification at individual factory/company level, and even at region/industry level is not uncommon.

4) Implementation of the Minimum Wages Act is also marked by unfair labour practices such as non-recognition of wages according to the category of skill, non-payment of over time when workers are forced to stay back after working hours when they do not reach daily production targets fixed arbitrarily by the management; non-compliance with overtime payment rates and underestimation of wage deductions for PF and ESI, and failure to deposit such deductions in the workers' social security account.

5) The industry witnesses numerous cases of forcible dismissal of workers without prior notice as hire-and-fire based on seasonality; dismissal of workers under various pretexts, such as coming late to work or refusal to work overtime; workers being forced to accept a lower wage increase under threat of dismissal.

6) Migrant women workers in the industry are at greater risk of discrimination because of their social vulnerability and lack of support networks; when a worker makes a mistake in their work, punishments are typically more humiliating for women than for men. Women workers are more susceptible than men to labour rights abuses which have a bigger impact on the former, partly due to the ubiquitous nature of gender discrimination in society but also because of their being placed precariously and insecurely in labour markets.
7) The most blatant violation related to freedom of association occurred during the garment workers’ protest in Bangalore in April 2016 involving the arbitrary and abusive use of the police force on hundreds of striking women workers and their arrest, leading to their dismissal by the factory managements.

8) Underlying all these violations of labour rights is the fundamental failure to recognize unionization and collective bargaining for women workers in the garment industry. As one of the largest and fastest growing industries enjoying state protection and support, the garment industry is uniquely placed to fulfill the central promise of industrial law: Ensuring harmonious relations in the industry by creating conditions under which the rights and obligations of the employers and the employees are mediated through a contract of employment between the two. While state intervention is needed to ensure fulfillment of statutory laws like Minimum Wages Act and Factories Act, it is only collective bargaining between the employers and the employees that can provide workers economic and social justice and ensure industrial harmony. However, in the garment industry, unlike in other organized industries in the formal sector, there are no instances of wages fixed by collective bargaining between the employers and the employees and their union representatives. This is primarily because unionization levels in the garment sector are very low due to lack of job security, victimization of union workers, and fears of dismissal (as we’ve mentioned in the report). Consequently, workers have very little bargaining space. In the absence of collective bargaining, garment workers have to settle for statutory minimum wages which is mandated by the state but never implemented in letter and spirit by the garment manufacturers. Collective bargaining in the present conditions of prosperous growth of the garment industry would ensure the right to a decent wage enunciated in the Universal Declaration of Human Rights: ‘Everyone has the right to a standard of living, adequate for the health and wellbeing of oneself, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of livelihood or circumstances beyond one’s control.’

In all these and other cases of labour rights violations, we need to critically examine the role of state agencies, such as the Labour Department, Labour Courts, and Conciliation mechanisms which are invested with the responsibility for enforcement of labour laws and labour rules in the workplace. The Labour Department plays a major role in this process since it can provide legal remedies through mechanisms of conciliation and arbitration, and also has quasi-judicial powers and services in respect of wages, gratuity, and pension. In her research study, Mapping and Assessment of Social Dialogue and Labour Administration Frameworks at State Level: Karnataka State, 2015, Supriya Roy Chowdhury has examined the working of the Labour Department in detail. Her main critical findings are as follows:

1) In practice, processes of dispute settlement and conciliation are prolonged, taking up to 4 years and, in the absence of settlement between the employer and the employees, adjudication by the labour courts takes another year or more. Such time-consuming processes benefit the employer and negatively impact the workers who can’t afford the legal route.

2) The machinery for inspection and enforcement of the Labour Department is inadequate and ineffective. The limited infrastructure of the Labour Department does not allow for effective surveillance of the factories, and hence complaints of unfair labour practices are not
attended to in time, leaving the workers with the non-viable option of going to labour courts for redressal. Again, due to lack of infrastructure, the Labour Department is forced to rely on self-inspection by companies, for which there are no clear rules and standards.

3) More importantly, under existing laws, the conciliation process is not mandatory, hence when the conciliation process is initiated, the management feels free not to appear. The penal provisions of labour enactments are no deterrent to the employers.

4) There has been a paradigm shift in the Labour Department from enforcement of laws to working on social welfare schemes, registration of unorganized workers, and so on, with targets fixed for achievement. Consequently, enforcement of laws has come down considerably, and 95% of the time of labour officials is now spent on the unorganized sector, which now employs over 90% of the work force.

5) In recent years, there has been a dilution of powers of the Labour Department. The policy of regular inspection of the factory in order to ensure that the Standing Orders defined by the management are being strictly followed has been discontinued, and restrictions on factory inspection have been introduced: inspection is to be done only if there is a complaint; there is a change in the role of the Labour Officer, who was earlier an enforcement officer overseeing implementation of labour laws, and is now deputed to carry out welfare measures; the power of the Labour officer to issue orders under the Workmen Compensation Act has been suspended; the IT sector is altogether exempt from any action by Labour Department; workers can now only go the Civil Courts to seek redressal of wage-related issues. As a result of these restrictions, the number of factory inspections has come down to once or twice a year.

**Conclusion**

Thus, while the basic legal framework for worker rights protection remains largely unchanged, many of the earlier measures are being withdrawn under pressure of structural adjustment policies, with frequent amendments of labour laws to make them more pliant with the labour market. It is not surprising, therefore, that the International Trade Union Confederation (ITUC) has classified India as Category 5, ‘no guarantee of rights’, in its ranking of 139 countries against internationally recognized indicators of protection of workers’ rights, in law and practice.

**C) Global brands’ Codes of Conduct**

Codes of Conduct are a public commitment by international companies of ensuring that their suppliers (manufacturing companies) comply with global labour standards. This is a part of their Corporate Social Responsibility (CSR), which in recent years has become critical (under the glare of international media campaigns) to the reputation of a global brand company and the market value of its brands. Accordingly, most global brands have each established Codes of Conduct that commit themselves and their suppliers to decent work conditions, adequate job security, freedom of association and collective bargaining, giving voice to workers’ concerns, fair business practices, and so on. These voluntary Codes of Conduct, which are loosely based on the ILO Conventions, are widely publicized by companies to establish their brand credibility. As spelled out by the organization Clean Clothes Campaign in their study *Cashing In*, the responsibilities of global brands, are generally seen as under:
1) Adopt a Code of Conduct at every level of supply chain
2) Verify compliance with the Code through regular inspections (called social audits)
3) Active engagement with unions and labour rights. Promote access to freedom of association for workers to join unions and engage in collective bargaining
4) Ensure a living wage
5) Eliminate gender-based discrimination
6) Prohibit their suppliers from using precarious forms of employment to undercut workers’ legal rights and entitlements.

But, as our report brings out in compelling detail, the working conditions in garment factories fall well short of these standards. In factory after factory, it is found that women garment workers work excessive hours for below-minimum wages; bear the brunt of work pressure imposed by unreasonable work schedules; and face threats of dismissal and hire-and-fire tactics when they give expression to their concerns. All this work exploitation and abuse in factories which carry out brands’ work orders shows that brands are either unable or unwilling to bring pressure on their suppliers to follow the standards they have prescribed for their suppliers. This points to some fundamental limitations in the mechanism of Codes of Conduct as initiated by global brands in the industry, which are listed below:

1) Codes of Conduct are not arrived at by consultation or negotiation with the workers they are intended to protect, and without the knowledge of the workers. Usually, the Codes are displayed, if at all, unobtrusively on the factory Notice Board (and that too, in English), and are not disseminated among the workers. The garment workers we spoke to had, at best, a cursory knowledge of the Codes of Conduct and what it meant for them. Equally, the Codes don’t reflect the priorities of workers. This is especially true for women garment workers who face problems not recognized by the Codes—issues such as prevalence of sexual and physical abuse in the factory, irregularity of working hours, compulsory overtime, the rights of pregnant women and mothers, job security and so on.

In fact, Codes of Conduct are developed mostly in the North and don’t apply to workers in the South, where most of these factories operate. As Stephen Frost, a labour researcher and activist, puts it:

Corporate Codes of Conduct are not written for workers. They are written about workers, for an audience elsewhere—in shopping malls, on university campuses, or in cyberspace...in a language that engages protest movements and consumer action groups. (CCEIA Journal, Fall 2000).

2) Codes of Conduct, like the ILO Conventions they are based on, are not recognized by courts as legally binding, and hence the brands and their suppliers feel free to adopt or violate the Codes at will.

3) Codes of Conduct are often not followed rigorously, but in a perfunctory manner. When they place their orders with the suppliers, brand companies require the latter to sign up for their Codes of Conduct, but factory managements feel free not to adhere to them and conduct business as usual. Labour violations in the factory are rampant, and, during their inspections, brands often turn a blind eye to them. For example, all the brand codes prohibit gender discrimination against workers, including physical, verbal and sexual abuse. But, as our report shows, gender-based harassment and abuse is pervasive in garment industry and
is regularly used as a tool of work intensification, to make workers keep to a highly intensive work schedule. In fact, the Codes by themselves are worthless; there’s no evidence to show that having a code necessarily brings in improved corporate behavior. Research done by the Clean Clothes Campaign showed that for the brands, ‘the gap between the rhetoric of codes and reality of life was accepted, not a problem to be addressed.’

4) While all brands have uniformly established Codes of Conduct committing them to respect trade union rights, in reality, workers in their supply chains experience repression when they try to exercise these rights.

5) In the absence of freedom of association in the factory, Codes of Conduct don’t serve their purpose since they are used by the brands themselves as a ploy to evade the enforcement of collective bargaining by the workers. This often reduces the Codes of Conduct to no more than a public relations exercise.

6) Codes of Conduct often don’t reach workers at the end of a complex supply chain with multiple layers of subcontracted production. Global retailers sit at the top of the subcontracting pyramid and hold the most power in this system as they decide what garments to sell and at what price they will purchase them from the suppliers. Often, it is difficult to trace the connection between the factory and the buying company, and the Codes fail to reach the very workers who are most in need of support. Women garment workers are thus mostly invisible from the standpoint of retail and brand-naming companies. Equally, workers in smaller factories are often unaware of who they are producing garments for, and are even less likely to know about any Codes of Conduct whereas workers higher in the supply chain are more likely to be aware of their rights and fight for them. Codes of Conduct work best in those factories where the bulk of production is for just one or two buyers who have Codes and are serious about implementing them. In fact, according to the organization Asian Floor Wage Alliance 2005, many brands and retailers have, under pressure from labour activists, reduced their number of suppliers in order to be able to ensure compliance with international labour standards. It remains to be seen whether this development will translate into improved working and living conditions for women garment workers.

7) Subcontracting is part of an overall process of informalization of women’s work which means that even in established factories, regular workers don’t have the status of permanent employees and can be dismissed without notice. This results in increased job insecurity, overwork, long hours, compulsory overtime during peak periods of production (July-Dec.), low pay and long stretches of no pay at all (July-August), health hazards, and sexual harassment, and so on. Brands’ Codes of conduct have yet to engage meaningfully with this reality of informalization of production.

8) Underlying all these limitations and violations of Codes of Conduct is the structure of global supply chain and its accompanying business model which requires low prices, tight delivery schedules, and seasonality of orders, all of which makes it impossible for the factory managements to meet the brands’ Codes—even if they intend to. Thus, the brands’ public commitment to labour rights is at complete variance with their business model described above.

Given these limitations, many established trade unions dismiss this form of self-regulation by brands as a public relations tool rather than working for the benefit of employees, which merely
puts a human face on exploitative capitalism. Yet many other unions (especially those who are working with informal labour) and labour activists feel that at a time when labour is under threat everywhere, Codes of Conduct, properly used by workers' organizations, afford a provisional tool for protecting workers' rights. Codes of Conduct can strengthen the power of unions to negotiate with the factory managements when the Codes provide minimum standards for job security, freedom of association, and the right to collective bargaining. Further, since one of the limitations of the Codes is that they are imposed from above and have little or no relation with the concerns of the workers, brands can be prevailed upon to develop their Codes of Conduct from the perspective of workers, addressing priority issues such as provisions for a living wage, special protection for pregnant women and mothers, prohibition of discrimination, improved health and safety practices, and the right to organize. Equally important is effective monitoring of the implementation process by unions and other labour activists. Compliance of the Codes by retailers and suppliers depends upon the interaction of workers, local activists, government leaders, and others. While Codes of Conduct have the potential to protect worker rights, governments and international bodies like the ILO should regulate brand companies through national and international legislation. And, it cannot be gainsaid that Codes of Conduct can only be used to support unions' efforts, and not take over their role. In the final analysis, only unions can stand up for workers' rights.

D) International initiatives by civil society

In the context of challenges due to the complex and shifting nature of the globalized garment industry, there has been a felt need for newer initiatives by global civil society working on issues of labour and social justice. These initiatives have involved labour advocacy groups, social movements, and consumer groups in the global North, and local community organizations mobilizing around issues of religion, ethnicity, gender etc. This has led to the formation of international networks who are engaged in communication, information sharing, solidarity, coordination, and resource mobilization. These campaigns have had a measure of success, but they also face formidable challenges.

Modus operandi of international campaigns

1) Monitoring and verification of Codes of Conducts of brands and retailers

To ensure that Codes of Conduct are more than a public relations exercise, a number of groups have emerged that work with brand companies to independently monitor the implementation of brand codes throughout their supply chains. They conduct factory audits, establish Internal Complaints Committees, and conduct training programs for workers and managements. Such groups ensuring code compliance take up the slack where the brands leave off. Essentially, they're a global Code of Conduct movement holding brands accountable to their promises by bringing instances of code violation to their attention, and making their findings public. Two notable examples of monitoring groups are Fair Labour Association (FLA) and Fair Wear Foundation (FWF). A typical monitoring group for the garment industry is Ethical Trading Initiative (ETI) (established in UK in 1998), a 'multi-stakeholder organization', comprising representatives of companies, NGOs and trade unions, which purports to: introduce ethical recruitment and employment practices; empower and strengthen women workers; strengthen industrial relations; build community awareness; and support legislative reform. ETI has established a Base Code, based on ILO Conventions, which includes the rights to organize
and job security. Garment retailers and brands who join ETI must sign up to this Base Code and proactively implement it or else face public exposure. ETI includes, among its members, the organization Women Working Worldwide (WWW), which takes up women workers’ issues in Bangladesh, India, Pakistan and Sri Lanka. It conducts educational workshops to familiarize garment workers about company codes. A structural limitation of such initiatives is that owing to the representation of brand companies in such organizations, information about code violations is limited to what the member company is willing to make public. Basically, audits by corporate audit firms or by multi-stake holder organizations are vitiated by the fact that they’re funded by the same companies that they are auditing, and thus have to play to the tune of their funders.

2) Conduct action research on working conditions in the informal sector
Women Working Worldwide (WWW), UK and Union Research Group India, are two groups that undertake action research on conditions of garment workers worldwide. They work with labour movements and trade unions on unorganized workers’ rights in supply chains. Their work has illuminated the links between the informal economy and the formal economy (including office workers, transport and distribution workers, designers etc.). Hence, they enable established trade unions in the formal sector to identify the existence of brands’ codes of conduct in various informal workplaces and use this information in organizing industry-wide public campaigns.

3) Build public campaigns in the North targeting global brands
United Students against Sweatshops (USAS) is part of an anti-sweatshop movement in US campuses that in the last two decades has been actively campaigning against inhuman working conditions in the global garment industry. USAS pressures universities in the US to demand basic labour standards for the factories where their university brands are manufactured. As a result, a large number of colleges and universities have adopted their own code of conduct for their apparel, and have demanded of their brand licensees to adopt the university code of conduct, or else, lose their contact. Most brands have signed. USAS is also a part of Workers Rights Consortium (WRC), an activist monitoring group which allows consumers to unite and launch targeted campaigns in areas such as college apparel production. It works in close partnership with workers and gives them an outlet to report labour violations in supplier companies. It punishes brand companies through consumer boycotts of brands and giving wide publicity for violations such as mass layoffs.

4) Naming and shaming campaigns
A variant of student campaigns is launching ’naming and shaming campaigns’ against well-known brands such as Levi Strauss and GAP in order to compel them to accept responsibility for working conditions in their suppliers’ factories. The campaigns typically focus on egregious cases of employee discrimination through public disclosure of scandalous practices, arousing public opinion (‘mass publics,’ or large audiences of citizens, not necessarily ideologically committed, coming together to express a common concern), followed by filing cases in courts, or forming anti-discrimination tribunals. In a number of cases, brands and retailers have felt pressured by media exposure and public disclosure into ensuring the compliance of their international suppliers with established labour standards. Most garment companies have realized that it is in their interest to work with NGOs and trade unions in resolving labour grievances. Policy makers in national governments have also been compelled to address
issues of concern in their countries. A notable example of a successful ‘naming and shaming campaign’ was the public disclosure of the employment of Chinese prison labour by a supplier of Levi Strauss in 1992—resulting in the brand company establishing a regime of Code of Conducts on labour standards that apply to all the company’s chains. Other brand companies followed suit, and by 1990s, Code of Conducts had become the standard response to the demands of activists and consumers.

For a variety of reasons, many established trade unions view the international initiatives described above with suspicion: No single organization speaks authoritatively for the international community; the labour activists are not elected by workers, but belong to NGOs funded by grants from foundations, often corporate foundations; labour advocacy is limited to those that do not exceed the risks that the funders are willing to take. In fact, many established trade unions in the global South feel that the Codes of Conduct movement and NGOs have effectively taken over the role of the unions and prevented the working out of collective agreements between the employers and the workers.

From the point of view of the international organizations described above, working out alternative mechanisms of negotiation and dispute resolution with retailers and brands has often seemed the only way to achieve basic labour standards and some measure of worker protection in the current phase of global garment industry. Some of these initiatives have even successfully contributed to the establishment of local trade unions (affiliated with NGOs or national trade unions) on a limited scale among garment workers in Mumbai and Bangalore. However, such initiatives have taken place in workplaces relatively higher up in the supply chains, and not in small informalized workplaces, such as many garment factories in India.

**A Short note on the recent Minimum Wage Notification in Karnataka**

Despite the stipulation in the *Minimum Wages Act* that the minimum wages should be revised once in every five years, the Karnataka government failed to do so after the last notification in March 2009. Even after the notification, the garment industry refused to comply with it for a year, without being prosecuted for it. After GATWU took the matter to the High Court, the Labour Department, Government of Karnataka, issued a revised notification on 3 March 2010, which, at the behest of the garment manufacturers, diluted the provisions of the 2009 notification, claiming ‘a clerical error.’ (This spurious action followed an earlier instance of dilution on grounds of ‘defective notification’ in March 2001.) In March 2013, the High Court held the change in the revised notification as unjustified and wrong. Accordingly, a tripartite committee was formed, and the Labour Department issued a Final notification on 21.2.2014, revising minimum wages for the Tailoring Industry, but without retrospective effect. This was followed by draft notifications by the Labour Department in February 2018, under Section 5(1)(b) of the Minimum Wages Act, 1948 expressing its intention to revise the minimum wages for the Tailoring industry.

This was followed up by the State Government issuing Final Notifications on 1.1.2018 (bearing No. KE 21 LMW dated 22.3.18) for Spinning Mills Industry, Cloth Dyeing Industry, and Textiles (Silk) Industry under Section 5(1)(b) of the Minimum Wages Act, 1948. The workers in the three scheduled industries were required to be paid the wages as per the Final notifications.
In April 2018, the union GATWU submitted their objections to the draft notification stating that, considering the vulnerable conditions of garment workers, the proposed revision is inadequate and demanding a higher revision of wages. The Final notification for the Tailoring (Tailor) scheduled employment was also due to be issued after consideration of the objections received to the draft notification, including that filed by GATWU.

However, after the issuance of the Final notifications by the government of Karnataka for the three scheduled industries, managements of two industrial establishments filed objections to the Final notifications with the Minister of Labour. On 17.1.18, *Ms/ Shahi Exports Pvt. Ltd.* filed objections to the Final notification, and filed a letter dated 22.01.2018 seeking withdrawal of the Final notifications. *Ms/ Himatsingka Seide Limited* also filed two letters dated 19.01.2018 and 24.01.2018 seeking withdrawal of the Final notifications.

As pointed out by GATWU in its rejoinder, the industry’s objections are baseless since one of the reasons cited by the two managements is that due to the competitiveness in the international market, the rise in minimum wages would stunt the growth of the industry in the state. This is contrary to facts. The minimum wage levels in China are around twice the Indian garment minimum wages, and yet, China has much a higher share of the global garment trade (33.4% compared to India’s 3.8% in 2016-17). Clearly, the quantum of wages is not the sole determinant of competitiveness in the international market. In Indian garment industry, while the workers work in very difficult conditions being exploited with minimal wages, these enterprises are making large profits. Thus, there is no shortage of resources to ensure that the workers are paid living wages. In fact, the garment industry shows continuing growth, as evidenced by the fact that *Ms/ Shahi Exports Pvt. Ltd.* has itself stated that it invested Rs. 700 crores in Karnataka during 2017-18. Hence it is fallacious to argue that the garment industry is experiencing difficulties in paying minimum wages.

On the basis of the representations submitted by the two enterprises, the Principal Secretary, Department of Labour, called for a report from the Labour Commissioner in respect of the objections filed by the establishments, following up with a reminder on 01.02.2018. On the same day, i.e. 01.02.2018, the Labour Commissioner issued a report rejecting the grievance of the two managements that the wages are higher compared to other states in view of the law laid down in *Mangalore Ganesh Bidi and Allied Bidi Factory Works Association vs. State of Karnataka and Ors [2003 (5) Kar L] 26*. The Labour Commissioner suggested that the State Government withdraw the said notifications and constitute a committee under section 5(1)(a).

Thereafter, *Ms/ Shahi Exports Pvt Ltd* and *Ms/ Himatsingka Seide Limited* submitted identical representations, both dated 28.02.2018, seeking withdrawal of the Notification issued by the State Government in respect of four scheduled employments, namely, Tailoring, Spinning, Textiles (Silk), and Cloth Printing and Dyeing. Further, the two representations asked for the constitution of ‘a common tripartite committee’ as per Section 5(1) of the *Minimum Wages Act, 1948* and proposed certain members to be constituted in the ‘common tripartite committee,’ including GATWU and the Tailoring Association (an association that has no connection with the tailoring industry) but excluding the central unions.

Acting on this representation, the Labour Minister and the Labour Secretary immediately issued the impugned Notification on 23.3.2018 withdrawing the Final Notifications and formed a tripartite committee as desired by the industry. It cited the following grounds for the impugned
Notification:

1) There is variation in the minimum wage rates of the four scheduled industries, which will create disharmony in the industry.

2) The management is finding it difficult to provide wages at this level.

The first statement is completely false since the minimum wages in the four scheduled industries are identical and there is no wage disparity. The intent of the false assertion is to justify the government’s intention to withdraw both the draft Notification and the Final Notifications for the four scheduled industries in order to favour the powerful managements of the garment industry.

It is also important to note that the two objections to the Final Notification were filed by the industry subsequent to the issuance of the Final notification, which had already settled the right to revise minimum wages on the workers in the garment industry, and hence ought not to have been considered by the government. In its petition to the Labour Minister and the Labour Secretary challenging the withdrawal of the Notification, GATWU submitted that once the Final notification has been issued, the State Government does not have the power to withdraw the notification, and such withdrawal has been clearly made unilaterally, without any consultation done with the garment union, and without jurisdiction or power, or any application of mind. It is thus in clear violation of the principles of natural justice, and is a gross betrayal of the interests of the garment workers.

It is pertinent to note that the impugned orders were issued in undue haste by the Labour Commissioner on the very same day that a reminder was issued by the Labour Secretary, without seeking the views of the workers or their representatives, or placing it before the Karnataka State Minimum Wage Advisory Board, which is the appropriate authority for this purpose.

The issuance of these impugned orders was solely motivated by the representations given by powerful managements of only two garment industries whereas there are thousands of garment establishments in Karnataka, and none of them have raised any objection to the Final notifications revising the minimum wages. Further, the Clothing Manufacturers Association was also a member of the Advisory Board that has approved these revised wages. This, in itself, demonstrates the non-application of mind and malafide exercise of power in the impugned Notification.

Moreover, the minimum wage rate for the industry was not fixed arbitrarily but was based on the Shantappa Committee Report. While the minimum wage rates are insufficient to meet the needs of a dignified existence for the garment worker, it is false to state, as mentioned earlier, that the minimum wage rates are beyond the capacity of the managements to pay. In fact, the Supreme Court, in Workmen Represented BY Secretary vs. Management of Reptakos Brett and Ors (1991), held that “The employees are entitled to the minimum wage at all times and under all circumstances. An employer who cannot pay the minimum wage has no right to engage labour and no justification to run the industry.” In Karnataka, on the basis of the Shantappa Report, Final Notifications have already been issued in respect of 62 scheduled industries (out of 76 industries).

Further, it is important to note that in respect of Spinning Mills Industries and Textiles (Silk) Industry, the last revision of minimum wages took place on 01.04.2011, and the period of five years came to an end on 31.03.2016, when the revision under Section 5 ought to have been made. Instead of ensuring the revision of wages at the appropriate time and ensuring the implementation of the Minimum Wages Act retrospectively, as mandated under the law,
the government has withdrawn the Notification, further violating their fundamental rights. The Kerala High Court in Association of Planters of Kerala Vs. State [ILR 1996(3) Kerala 451] has held that a) ‘Minimum wage is not contractual but statutory. Failure to fix or revise is not only a statutory violation but is a breach of fundamental right enshrined in the Constitution of India.’; b) The failure of the government to revise the minimum wages as mandated under Section 3(b) would be illegal and amount to workers working below the rate of minimum wages, which would amount to forced labour, prohibited under Article 23 of the Constitution.

The purpose of the Minimum Wages Act, 1948 is to prevent sweat labour as well as exploitation of unorganised labour, and hence it is the duty of the State to see that at least minimum wages are paid to the employees, irrespective of the capacity of the industry or unit to pay the same. The fixing of minimum wages is just the first step in the realization of its mandate under Article 43 of the Constitution. It is an accepted fact that the minimum wage does not mean wage just sufficient for bare sustenance, and includes not only the wage sufficient to meet the bare sustenance of an employee and her family, but also includes expenses necessary for her other primary needs, such as medical expenses, expenses to meet some education for her children, in some cases transport charges etc.

Further, the VII Central Pay Commission has determined that after considering all relevant factors, it is of the view that that a National Minimum Wage of Rs.18,000 per month, w.e.f. 01.01.2016, “is fair and reasonable and one which, along with other allowances and facilities, would ensure a decent standard of living for the lowest ranked employee in the Central Government.”

The withdrawal of the draft and Final Notifications for minimum wage revision by the Karnataka government is going to hit hard about seven lakh garment workers who are employed in these four scheduled industries. As our report has brought out, most of these workers are women from socially and economically backward sections of society and constitute more than 90% of the total workforce. Their wages are solely determined by the statutory minimum wages declared by the governments since these workers are largely unorganised and there are no instances of wages being fixed by collective bargaining.

Now, by virtue of the impugned notifications, the workers will be paid the wages that they were drawing on 01.04.2011, which are paltry and insufficient to take care of themselves and their families. The effect of the impugned notifications is that there will be no revision for a period of seven years. Managements have now gone to court to ask for similar withdrawal of notifications for revision for all the 62 scheduled industries. This will mean endless delays, and the workers being affected the most will be the most vulnerable section of the industry, namely the women garment workers and their families. Even when the revision notification is issued and carried out, the workers will have foregone the revised wages that should have accrued to them from the date of revision. Despite the fact that the garment industry is the largest organized industry in Karnataka, employing the largest women workforce, and enjoying high growth rates, these workers have not enjoyed the benefits of such growth. While labour laws are supposed to provide the right to collective bargaining for permanent workers, there are practically no instances of bargained wages in the garment sector. Unlike other sections of the organized working class, women garment workers, despite being appointed as permanent workers, have not been able to bargain for fair wages, and worse still, they have to wage an uphill struggle to obtain their constitutional right to obtain minimum wages for bare sustenance.
Production and Wages are not at par.
Workers’ invisibilization is systemic, laws are like false promises.
No one from outside can enter the factory gates. To discourage unionizing and public interaction, workers are closely monitored inside the factory. The industry thrives on an environment of fear.
Chapter V
Unionization in garment industry

“\textit{I was called for training, to recognize, prevent and deal with workplace violence-but did not go, since the Supervisor insisted that in spite of losing one hour for training, I will still have to reach the target.}”

-A woman worker from Texport Creations, Mysore Road

Bangalore witnessed a historic uprising by lakhs of women garment workers in April 2016 when they went on a spontaneous, sudden, and unplanned protest against an anti-worker legislation of Employees’ Provident Fund (EPF) scheme by the Modi government, which threatened to deny workers’ access to their own savings. The strike action brought the city to a grinding halt and was lauded across the country as a victory for workers’ rights. As our earlier report on the garment workers’ protest shows, the unions acknowledge that the strike was successful not due to conventional union action but due to unplanned mass resistance. However, the garment workers’ protest was one of a kind and didn’t develop into a larger movement, nor did it spread amongst other sections of the working class. The garment workers in Bangalore have repeatedly gone on mass protests (in 1995, 2002, and 2016) solely on the issue of PF since it is their social security cover, and provides the only lump sum savings they can draw upon. But, on the twin fundamental issues of low wages and exploitative working conditions in the garment industry, they have been unable to organize themselves as a whole and force factory managements to enter into collective bargaining with the workers.

The garment workers’ protest action raises issues of challenges faced by the unions in organizing garment workers in Bangalore as well as prospects for newer initiatives in securing collective bargaining rights.

A major challenge facing the unions has to do with the nature of labour in garment industry in Bangalore, which is largely drawn from rural and semi-rural areas, having strong connections with their rural roots. Despite the hardships and exploitation they face in the factory, the workers, being first-generation workers, have little experience of collectivism, and don’t readily recognize unions as a remedy for their ills. For this reason, they tend to approach the unions only for welfare benefits, and after obtaining the benefits, they don’t often renew their memberships. According to Supriya Roy Chowdhury, they are structurally and politically isolated from labour struggles in Bangalore, both in the declining small-scale manufacturing sector (to which the garment industry belongs) and in the growing service sector (hospitality, retail, powarakarmikas, and so on). Due to this structural isolation, demands for minimum wages and social security are the weakest in the garment industry—the average garment factory wage in Bangalore is about 15-20% of the wage earned by the workers in the IT industry. Within the garment industry itself, as our report shows, the women workers face formidable difficulties—employer intimidation and threat of dismissal, work intensity, precarity of working conditions, and so on. All this leads to worker demoralization and a high labour turnover—it has been estimated that on an average, there is a complete turnover of the workforce in a factory once in every two years.

It is clear that the difficulties described above severely inhibit collective bargaining, and explain the low levels of unionization in the garment industry (3-5%, according to a study by the labour researcher Mohan Mani). There is almost complete absence of collective bargaining in the industry, and, as mentioned above, on the basic issues of wages and job security, no factory or

\footnote{Thread and Tension: An account of the historic uprising of garment workers in Bengaluru – a fact finding report by PUCL and WSS, April 2017}
company-level settlement between the factory managements and the unions has taken place so far—except for obtaining redress on local grievances in the factory. Unions report that hostility to unions by factory managements (including threats of dismissal for those who want to unionize) and the state agencies is relentless, and is a severe constraint on worker unionization.

In addition, there are several external factors as well as internal limitations of trade unions that impede unionization. To begin with, under globalization, the informalization of the labour market and the rising level of unemployment have weakened the labour movement, and made union mobilization that much more difficult. Further, in the current political climate, where governments, especially in the global South, are competing to attract international capital investment, the Indian state is unwilling to intervene to protect labour rights, and union rights.

The trade union movement was slow to recognize this emerging reality and the challenges it posed to the unions of organizing the emerging constituencies of labour existing outside trade union frameworks and structures. Hence, for a long time in the 1990s, there was very little involvement of national-level trade unions in the garment industry, with a few signal exceptions (like CITU, NTUI, National Centre of Labour, and SEWA—see below). Underlying their conservatism was a simplistic judgment, based on gender-based stereotypes, that women garment workers were simply un-organizable. There was also a preoccupation with 'grand campaigns' seeking nation-wide working class solidarity that came at the expense of building a grass-roots base. Equally, local unions in Bangalore, having a limited geographical reach and little access to macro-level structures, have been unable to come together to mobilize garment workers in the industry as a whole against severe labour exploitation. For instance, on the issue of minimum wages, the garment unions have failed to launch a common struggle against the industry which for years refused to comply with the provisions in the law mandating periodic revisions to the minimum wage. To some extent, this weak organizing is also due to fragmentation and distrust among the unions, which inhibits industry-wide labour mobilization.

Given these formidable difficulties, how have the unions responded to the challenges of mobilizing women garment workers in Bangalore? At the national level, there has been a significant initiative by unions like National Centre of Labour (NCL), New Trade Union Initiative (NTUI), and SEWA to organize unorganized labour by actively paying attention to three growing components of the informal labour market, namely women, casual/contract workers, and poor urban self-employed. For example, NCL brought together a large number of workers from different sectors such as fish workers, forest workers, women domestic workers, and construction workers. Instead of agitating against employers, NCL's strategy has been to pressure the state through grass-roots mobilization.

National labour unions in India like CITU, AITUC and HMS were initially not interested in taking up issues of smaller unions in the garment industry, but over the years have associated themselves with the latter. In 1997, CITU in Bangalore organized garment workers of Ashoka Exports. Now, two local garment unions in Bangalore, GATWU and GLU (affiliated to NTUI and HMS respectively), have been admitted to ALL, though in terms of union membership, these two unions are quite small and not sufficiently representative of labour in the factories they are involved with; KGWU, the third local union, is not affiliated to any national-level union. Most trade unions in their public campaigns are now actively engaged in prioritizing issues of women, contract/casual, and unorganized workers. They are also forming social coalitions with civil society groups, including NGOs and social movements, in order to launch broad public campaigns on labour issues. These coalitions have led to the passing into law of important labour legislations like NREGA and Unorganized Workers' Social Security Act (2008). Further, as pointed out elsewhere in this report, international interventions by organizations like Workers Rights Consortium (WRC) and Clean Clothes Campaign (CCC) have enabled unions to put pressure on factory managements to obtain results in specific struggles. In their micro level organizing, local unions like GATWU are leveraging the triangular relationship obtaining in the garment industry between brands, suppliers,
and consumer groups to redress local grievances. For example, as reported by Mohan Mani, GATWU in 2013 brought pressure from brands to force garment manufacturers to extend provisions of DA to workers with wages above the minimum wage level—a permanent measure that will be difficult for manufacturers to deny in future.

All these initiatives by unions have brought some successes at the local level. Over the years, garment unions in Bangalore have fought managements on unfair labour practices in the factory, resulting in some permanent benefits. Consequently, most garment workers now have access to social security benefits like PF, bonus, and ESI. Our interviews with union leaders have revealed that the garment workers’ protest in 2016 has produced a degree of politicization among workers and a greater determination to fight for their rights, a change that is reflected in an increase in union membership.

But garment unions face new major challenges in organizing as well. In recent years, garment manufacturers have been recruiting migrant women workers from other states where wages are low as well as piece-rated male workers to balance out production demands. By dividing the workforce, these newer employment practices threaten to bring down wage levels and increase job insecurity.

Another major issue for the unions is that the Karnataka government has pegged the statutory minimum wage at a low level, Rs 8112 (and a little less in rural areas), for all workers, irrespective of years of service. This minimum wage barely covers the average family expenditure on food, housing, education, and health care whereas the normative level of family expenditure on these items would amount to Rs 19840. This is a demand that the garment industry refuses to accept, claiming that the proposed amount is beyond its capacity to pay, and would make garment production prohibitively expensive, forcing it to relocate. The state has supinely accepted this threat and has refrained from revising the statutory minimum wage. Further, the state government in Karnataka has ignored the stipulation in the Minimum Wages Act that minimum wages should be revised once in 5 years after due notification, delaying the process of notification or even diluting the provisions for notification. This is done at the behest of the garment manufacturers associations who, on their part, effectively stall the notification in courts or simply refuse to comply with the notification, with the Labour Department failing to take action. In an unprecedented step, the Karnataka Government in January 2018 withdrew its earlier notification in Dec. 2017 issued, under union pressure, to revise minimum wages. This action of withdrawing a long-overdue notification to revise minimum wages is blatantly illegal and unethical and shows its craven surrender to corporate interests. (See ‘A short note on the recent Minimum Wages Notification in Karnataka’)

Finally, a fundamental challenge to union organizing is that under existing Indian laws, management is not mandated to recognize unions. Ultimately, worker exploitation can only end when genuine and full freedom of association is established through law. While the Trade Union Act (1926, amended in 2001) prohibits discrimination against union members and organizers, the law does not provide for compulsory recognition of unions and for collective bargaining imposed on the employer. It further limits the number of ‘outsiders’ (those not employed in the enterprise) allowed to sit on a union executive meeting, which adversely impacts the union’s right to organize their administration. The Bombay Industrial Relations Act states that if a certain percentage of the workforce are members of the union, then the management has to recognize the union, which can then engage in collective bargaining on behalf of the workforce. But at the national level, the Industrial Disputes Act has no such provision. (If such a provision becomes law, the floor of representation should be kept low in the case of an industry like the garment industry which has a high labour turnover, as well as a growing proportion of migrant workers.) In the absence of such a provision, unions cannot promise the workers that they will deliver certain benefits if workers become members of the union. It is a truism that garment workers’ unions do not have sufficient membership. But if women garment workers realize that with sufficient membership, their recognized union will be able to deliver benefits, then they will also join unions in large numbers.
Workers mobilising workers to join the union, outside the factory: the only way to resist violations and violence in the factory.

Union members distributing pamphlets to strike.
Union leader explaining the need to protest while she circulates a questionnaire on their experiences in the factory and makes them aware of the law.
Chapter VI
Our recommendations

“I had tears of anger and felt helpless...In many other instances, the floor-in-charge and male supervisors pass Comments with double meaning like ‘Pataki odithini’ when I or other women are around. This makes me feel very uncomfortable.”

-A woman garment worker from Shabi Exports, Maddur

The State Government

1. Revision of minimum wages to fix it at a normative level that covers the average family expenditure on food, housing, education, and health care.

2. The Labour Department should be given powers to take action against garment manufacturers who refuse to comply with the notification of the minimum wages as stipulated under the Minimum Wages Act.

3. Similarly, the Labour Department should be given powers to take action against garment manufacturers who refuse to follow the provisions of the Factories Act and Factory Rules regarding paid leave, working hours, compulsory lunch break and periodical work breaks to ensure the health of the workers.

4. Mandate the conciliation process involving both the management and the workers.

5. Audits and checks by the Brands as well as Labour Department of the Government should be conducted regularly and must include inspection of facilities provided at the factory such as—canteen, rest room for women, medical support room, crèche for children of workers, transport needs of workers, sanitation and drinking water and so on.

6. Strengthen the infrastructure of the Labour Department for regular factory inspection in order to ensure that the Standing Orders by the management are strictly followed.

7. De-link the Labour Department from the additional responsibility of implementing social welfare schemes for unorganized workers, a policy that weakens its primary mandate to ensure that labour laws are being followed by the management.

8. Reinstate the powers of the Labour Officer to issue orders under the Workmen Compensation Act.

9. Discontinue the practice of self-inspection by the companies, a measure that lacks all credibility.

10. The Industrial Disputes Act should be amended to provide for compulsory registration of unions representing a requisite percentage of the workforce. The provision should be kept low in the garment industry which has a high labour turnover as well as a growing proportion of migrant workers.

11. A Living Wage Tribunal must be immediately constituted for the garment industry by the
State to curb the exploitative financial practices of the management, such as extracting unpaid work, often beyond the working hours, and not accounting for this extra work, overtime without compensation—all of which is in fact nothing but wage theft; arbitrary sanction and withholding of increments; denial of promotion, denial of performance-based bonus, delayed payment of salary, and so on.

12. Regarding the critical issue of sexual harassment in the workplace, the state government must set up an industry-wide employment tribunal, as suggested by the Justice Varma Committee (2013), to receive and adjudicate all complaints regarding sexual harassment. This becomes necessary since the Internal Complaints Committees (ICC) set up in garment factories under the 2013 Act are merely in-house arrangements that are often subverted by the management and hence discourage garment women workers from filing complaints. The employment tribunal could hold the management of the factory liable for permitting an environment where sexual misconduct becomes widespread and systemic. The company would also be liable to pay compensation to the complainant.

13. Underlying the exploitation and harassment of women in the garment industry is the fact that rural distress and decreasing of agricultural work is driving more and more women in rural areas to exploitative work in urban areas. The state needs to address this fundamental economic issue and create conditions for women workers to make a dignified choice regarding where they want to take up employment.

14. The State must upgrade ESI facilities provided for workers by ensuring up-to-date diagnostic and treatment facilities. The ESI hospitals must be inspected regularly by the Health Department as well as the Labour Department, to ensure staff attendance and extension of services to the workers.

15. Ensure that factory does not practice unfair labour practices and take action against factories and establishments that threaten union activities.

16. Ensure the provision of profit sharing bonus to all workers.

**Brand Buyers and their Local Representatives**

1. Brands must take primary responsibility for the worker harassment that occurs in any factory of the manufacturers they deal with, irrespective of whether a specific factory of the manufacturer is manufacturing the brand’s product or not, since the manufacturer in question has violated the code of conduct that the brand has stipulated for its products manufactured across the world.

2. To avoid collusion during brand audits between the management of the manufacturing unit and visiting representatives of foreign brands, surprise audits must always be conducted with representatives of both foreign brands and workers of the manufacturing unit participating in the audit in equal measure.

3. During buyer audits, the brand representatives/buyers would do well to exercise more circumspection, and independently choose the workers to converse with, and speak to them in a private space without the presence of superiors, in order to obtain a clearer picture of the extent of compliances. They should also act with due diligence, and intervene after hearing the complaints and grievances. Extra care would need to be taken to ensure that the
women workers face no backlash or retaliation from the management for having aired their grievances to the brand representatives/buyers in confidence.

4. Audits and checks by the Brands as well as Labour Department of the Government, should be conducted regularly and must include inspection of facilities and the running of provided at the factory such as canteen, rest room for women, medical support room, crèche for children of workers, sanitation, and drinking water.

**Factory Managements**

1. Since a lot of the harassment seems to arise out of pressure on the worker to meet unattainable production targets, a sample section of workers must be included in fixing targets through a scientific, fair, and transparent method that is selected through a democratic process. The present system of fixing production targets arbitrarily and at unreasonably high levels that causes havoc with the workers’ physical and mental health must be replaced with one where targets are fixed realistically in regular consultation with the workforce taking into account various factors at work on the factory floor at any given time.

2. Medical care and transport must be made more feasible and must be included as a part of the contract of such workers.

3. Entry-level and periodic training for supervisory and management level staff on gender sensitivity, laws governing well-being of women, work-related laws and human relations must be a part of training policy and not just for workers.

4. Monetary and non-monetary Incentives system for supervisory staff for good behavior and non-abusive healthy relations with workers must be a part of HRD initiatives to ensure a safe and enabling work atmosphere.

5. Mandatory Committees for worker benefit such as Canteen Committee, Complaints Committee, Sexual harassment Complaints Committee etc. must have representation of women workers selected for their aptitude for committee work. The committees must be allowed to function fairly, independent of management interference and for the benefit of workers.

6. Restrictions on toilet breaks and short breaks must be removed because it affects the health of the workforce. Lunch breaks must be compulsorily enforced, irrespective of production targets and deadlines.

7. In all workplaces, women workers must be provided with a rest room and clean toilet facilities, safe drinking water, and canteen.

8. Complaints procedures should be clearly displayed in all sections of the factory in English and Kannada. Care should be taken to see that women are not intimidated by staff at supervisory or management levels against making complaints for better facilities or on harassment / abuse. There should be a clear policy for handling complaints and post-complaint harassment/discrimination of women complainants must be strongly made punishable.

9. Mothers of children in the factory crèche, must be allowed to visit their children in cases when the child is ill, or is being breastfed by the mother. The staff in the crèche must be selected for their ability to handle children with gentle care.
Bread And Roses
James Oppenheimer

As we come marching, marching, in the beauty of the day,
A million darkened kitchens, a thousand mill-lofts gray
Are touched with all the radiance that a sudden sun discloses,
For the people hear us singing, 'Bread and Roses, Bread and Roses.'

As we come marching, marching, we battle, too, for men-
For they are women's children and we mother them again.
Our lives shall not be sweated from birth until life closer-
Hearts starve as well as bodies: Give us Bread, but give us Roses!

As we come marching, marching, unnumbered women dead
Go crying through our singing their ancient song of Bread;
Small art and love and beauty their drudging spirits knew-
Yes, bread we fight for—but we fight for Roses, too.

As we come marching, marching, we bring the Greater Days-
The rising of the women means the rising of the race-
No more the drudge and idle-ten that toil where one repose—
But sharing of life's glories: Bread and Roses, Bread and Roses!

“"This poem, written by James Oppenheimer, to celebrate the movement of women's rights, and was published in Americas Magazine in 1911, and is closely associated with the Lawrence Textile Mill Strike of 1912. During the strike, which was in protest of a reduction in pay, the women mill workers carried signs that quoted the poem reading, "We want bread, and roses, too." The poem received a new lease of life with the resurgence of the women's movement in the late 1960s and the interest in the role played by women in trade union history."
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