

Labour without Liberty

- Abstract -

Female Migrant Workers in
Bangalore's Garment Industry



India Committee of the Netherlands, Clean Clothes Campaign and the Garment Labour Union, January 2018

An increasing number of migrants are being employed in India's garment factories, supplying to big international brands including Benetton, C&A, GAP, H&M, M&S and PVH.

They are more vulnerable and are treated differently than local workers, as new research into working conditions in three Bangalore garment factories reveals.

Uma came from a small village like many of her young colleagues. She was recruited and trained to go work into one of the 1200 factories in Bangalore, the 'textile capital' of India. Uma used to go to school and help her mother, now she stitches dresses and sportswear for H&M, Benetton, C&A, Calvin Klein and many other big international brands. Six full days a week. The target is 100 pieces per hour. For a minor like she is - her mates reminded her she was 18, but she turned out to be only fifteen - work at the factory in a faraway city is difficult. She misses her family and friends, who are thousands of kilometres away. Like the many other young female migrant workers, Uma has to support her family with the money she earns in the textile factory. But the monthly salary of 91 euros, minus the pay for rent, electricity and water, is less than the recruiting agent had promised her. He also falsely promised that board and food would be free, but it is not. Freedom of movement outside factory hours is severely restricted. As a young female migrant, not speaking Kannada, the local language, she is isolated and vulnerable to abuse.

Migrant workers in Bangalore: vulnerability and abuse

Uma, her name is changed for safety reasons, was one of the workers interviewed during a new investigation into the working and living conditions of migrant workers in the Bangalore garment industry. This city's garment factories employ about 500,000 workers, of whom about 80% are women. Bangalore is good for about 20% of national garment production and 8% of all Indian garment exports. This research, conducted between March

and August 2016, looked specifically into the situation of migrant workers.

The majority of the workforce still consists of female migrants from rural areas surrounding Bangalore. But in recent years, an increasing number of young females are being brought from northern and eastern states like Jharkhand, Odisha, Assam and Madhya Pradesh. Factories are interested in

these migrant women as they face a shortage of labour. But employers also see other advantages in employing young migrant women. Their background, mostly from poor and tribal communities, puts them in a very disadvantaged position towards their recruiters and employers. Their mobility can be easily controlled as migrants are often accommodated in hostels. They are hardly aware of their legal rights and entitlements and being females in a patriarchal society further increases their vulnerability. In short, migrants are much less likely than local workers to switch to other factories when working conditions are undesirable. And without relevant connections in an alien city they are much harder to unionise too. This all benefits employers in an industry with a very high turnover rate.

As such, the research revealed a discrepancy in the treatment of migrants and local workers. From recruitment till accommodation, indicators of exploitation, restricted freedom and forced labour in the supply chains of Western brands were identified. In total 63 workers, including 42 migrants, in three factories, as well as representatives of labour unions, NGOs and a few government officials, were interviewed. All the buying brands of these factories were approached as well.



India's textile and apparel market is one of the oldest industries of the country. With an estimated value of US \$120 billion now, the sector has become the second largest employer of the country, after agriculture, employing about 45 million people directly. It contributes to approximately 4% to GDP and 13% to India's total exports, mainly to the EU, USA, UAE, China & Bangladesh. The country has a huge and ever growing domestic market as well.

The sector is expected to further grow the coming years (but estimates differ a lot). To optimise its capacity and remain ahead of fast emerging Asian competitors, the Indian government set up a number of export promotion policies and programs to upgrade labour skills.

Fuelled by consumer demand, the cheap 'fast fashion' industry is growing, accelerating production to get new catwalk products into the shops. Between 2000 and 2014, clothing production worldwide doubled, the number of new collections per brand increased from two to five per year. This negatively impacts the environment and labour conditions. The short turnaround time due to rapid fashion cycles means more over-time (often unpaid), high intensity of work and overall exhaustion of the workers due to overwork and frayed tempers at the work-floor giving rise to harsh behaviour from supervisors and managers towards the workers.

Reasons for migration

Most long-distance migrant workers at the three factories cited poverty and lack of jobs in their home town as key reasons for migration. Their parents have no regular source of income and the food they grow does not allow for the family's basic needs. The northern and eastern states, where they come from, have a predominantly agricultural economy and high unemployment rates. Migrants usually lack much formal education and are generally unskilled.

The majority of migrants (33 of the 42 interviewed workers) belong to the officially designated Scheduled Tribes and a few to Scheduled Castes (or Dalits). These are groups of historically disadvantaged people in India, often making up for the poorest and marginalised groups in society.

Official statistics on the number of migrants are non-existent, but trade unions estimate that there are between 15,000 and 70,000 migrant women from northern states working in the Bangalore garment industry. According to estimations of NGO Swasti, that has been working with women migrants in hostels, as much as 30% of the workforce consists of long-distance migrants.

According to the unions, long-distance migrant women workers are usually between 18 and 20 years of age, slightly younger than local workers. However, many workers, although claiming to be 18 or older look young enough to be 15 or 16. Concerns are that recruiters provide falsified medical, including dentist, documents.

The researched factories and their buyers

The three factories in the research belong to the largest garment manufacturing companies in Bangalore. Together they employ more than 4000 workers in various units in the country. According to export data these are their buyers:

Company 1: Abercrombie & Fitch, Benetton, C&A, Calvin Klein (PVH), Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer, Tommy Hilfiger (PVH)

Company 2: Levi Strauss

Company 3: Abercrombie & Fitch, Columbia Sportswear, Gap, H&M

Most of these brands have Code of Conducts that do not allow forced labour, child labour and other labour rights violations. Some of the units have been certified by for example SA8000 or WRAP. However, this research reveals a discrepancy between what's written on paper and what's happening on the factory floors.

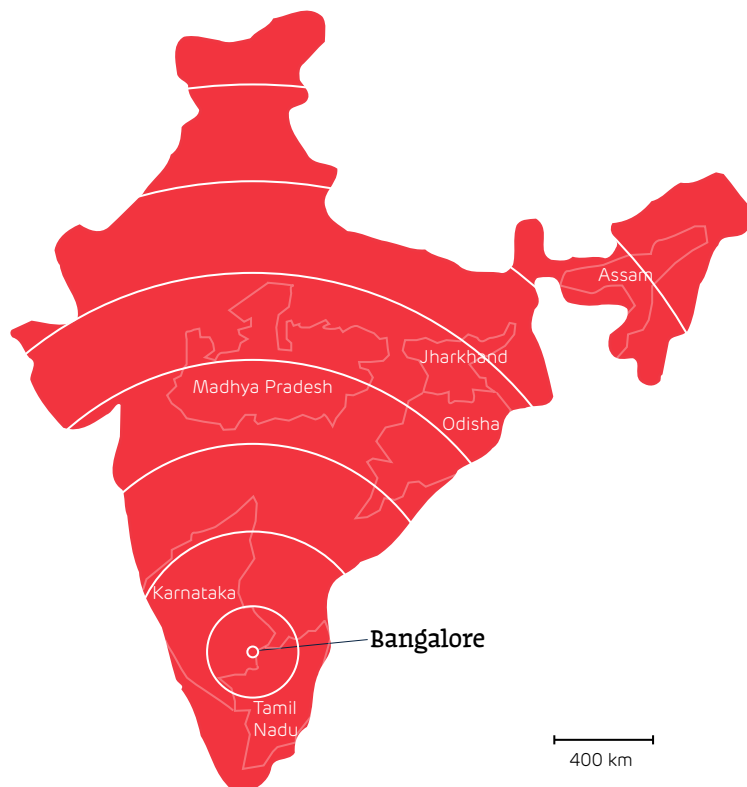
Government sponsored recruitment and false promises

"The sir at the training centre in our village told us that the job was a good work opportunity. He came to my house to speak to my parents and convinced them. So, we gave him our documents and joined the skill training centre." Recruitment of workers is carried out through agents or mediators, who have direct arrangements with the factory management in Bangalore. The girls know them or make their acquaintance through family members working in Bangalore. Before travelling to the factories, they are trained in skill development centres in Jharkhand or Odisha.

These centres are often part of government sponsored schemes which fall under Skill India. Skill enhancement is one of the pillars of 'Make in India', prime Minister Modi's major initiative to create employment opportunities and stimulate economic growth. However, as these centres do not employ Kannada language and don't teach migrants the language basics, the programs fail to encourage and promote their self-reliance.

Recruitment agents are known for not informing recruits about their legal entitlements. They promise salaries ranging from about € 65 to € 105 and other benefits like free accommodation and food. But upon arrival in the factories, these promises

often appear to be false. Migrants find themselves earning less than they were told, having to pay for accommodation and food for themselves. False promises and deception are indicators of forced labour, which occur in existing, mostly government sponsored, recruitment practices.



Working conditions in the Bangalore garment industry

Earlier research already documented hazardous and exploitative working conditions in the garment industry in India. A joint report by the Dutch Clean Clothes Campaign, the India Committee of the Netherlands and Cividep India (from September 2016) found that one-third of garment workers interviewed earned less than the legal minimum wage. Besides, they work overtime hours, often without the legally required compensation, and sometimes under threat of job termination. Harassment and intimidation by supervisors and floor managers is common. A recent report by the UK group Sisters for Change (June 2016) found that over 60% of the female garment workers interviewed had been intimidated or threatened with violence. One in fourteen women had experienced physical violence. A startling one in seven had

been forced to commit a sexual act or to have sexual intercourse at work.

Wages, documents and social security

Generally most workers earn around the legal minimum wage for unskilled workers. However, the wages migrant workers receive in their first month is often lower than promised by the recruiters, sometimes even half of it. This is due to various hostel-related deductions, as recruiters' promises of free food and accommodation often prove to be false. Deductions are also made for social security arrangements. Since workers lack insight on exact amounts for deductions, it is hard to establish exact gross wages.

More local workers than migrant workers have received written proofs of employment, such as a contract or an appointment letter. At company 3 hardly any worker has signed a contract or appointment letter. The few who did sign a contract or appointment letter don't possess a copy themselves. Migrant workers are made to sign documents in Hindi or English, languages they do not understand. At company 1 only two interviewed migrant workers receive payslips, while all seven local workers do. In the other companies, all workers receive payslips.

Workers are entitled to social security schemes as the Employee's State Insurance (state-provided healthcare, ESI) and the Employees' Provident Fund (a retirement benefit scheme, EPF). At company 1, three migrant workers said that they neither have an ESI registration nor a PF account. Comparatively, all local workers have PF accounts. Lack of access to formal documents and social security contributes to financial and physical vulnerability of migrants in particular.

Migrant workers at Levi Strauss supplier left without wages

Company 2, a supplier of Levi Strauss, employed around 200 young migrant women workers from northern states. Around June 2016, the payment of salaries became irregular and workers resorted to a three-day strike in front of the factory. According to the management, the factory was running at a loss and the unit would be winding down operations in the coming months. Full salaries could not be paid anymore. Migrant workers who were told that they would receive a settlement for their EPF, bonus and gratuity dues upon resignation, took the help of a co-worker to write their resignation letters. The workers did not understand the content as it was written in the Kannada language and they discovered that the letters stated they had resigned voluntarily.

When on September 30, 2016, the management announced the closure of the unit, around hundred migrant workers were forced to resign from their jobs. More than half of the 57 migrant workers who could get a new job in a nearby factory earned even less than they did at Company 2. At least ten workers returned to their parental villages without receiving settlements.

The labour union GLU met several times with the company's management and with Levi Strauss, the only known buyer. At first management gave workers post-dated cheques that would gain validity in 2017. Those able to deposit their cheques found that they bounced. Only after new rounds of meetings by the union with management and Levi's, most cases were settled. As of January 2018, still 15 cases are pending.

This story illustrates the vulnerable position of migrant workers, fuelled by language barriers and a lack of access to formal documents and social security.

Language barriers, miscommunication and ill treatment

Language is a major problem for migrant workers, especially at Company 1 where most supervisors only speak Kannada, the local language in Bangalore. Few speak Hindi. Hence, migrants usually fail to follow instructions directed at them by the supervisors. Kannada is also the language used in most of the documents during training and therefore unintelligible for the migrant workers. The communication gap adds to the pressure of demanding work targets and hostel chores. Many workers complained of harassment when they are unable to meet demanding production targets.

Most migrant workers at Company 1 reported being shouted at by supervisors. They are constantly pushed to work faster and are often confused by instructions to stitch in different ways. As abuse is also often directed to them in Kannada, they remain in the dark about their mistakes. This slows them down, inviting more verbal abuse. Errors invite rebukes. This was confirmed by all seven local workers, who observed that supervisors treat migrants badly and insult them using vulgar words. According to them, migrant girls often cry when this happens.

One of the workers of the company told the researchers about the treatment she had received from a bilingual supervisor, especially when she was new to the factory.

In my village, I was going to school but family responsibilities soon caught up with me. When I first came to the factory in 2015, I felt so alienated that I wanted to go back home. If I paused for a moment, the supervisor would ask me what I was thinking about during working hours, and would accuse me of not concentrating on work. He once asked me whether I was "mental", which I'm not. The production target of 120 pieces per hour is challenging. I used to work slowly, but I'm faster now. The supervisor summons the entire batch for a scolding if group targets are not met. When pieces are pending, I go to the factory ten to fifteen minutes earlier in the morning to clear the backlog, but I don't consider this to be overtime work.



I feel bored and listless after returning to the hostel in the evenings. I miss my family and always feel alone. My body labours in Bangalore but my soul is in my village with my family.

The situation at Company 2 and 3 seems to be better as most migrant workers reported that their supervisors know Hindi. They feel treated not too bad, though pressure is exerted when they fail to achieve production targets on time. However, all workers complained about being scolded at when they fail to meet production targets.

Overtime

While local workers leave the factory exact at 17.30, migrant workers often work a little longer to meet their (high) targets, but do not consider this overtime. At Company 1 working overtime happens occasionally and does not exceed 3 hours per week. However, all interviewed workers agreed that in times of a high-pressure order – referred to as an 'emergency' – they are obliged to work a full day on Sundays, which is the only day of rest. Local workers are aware of overtime rate due which is twice the ordinary wage. Some migrants don't know the rate, others say its only paid after repeated requests. At Company 2 and 3 overtime is rare, but some workers say they can't refuse overtime work, and that they will be scolded if they refuse. Extra time spent on completing pending targets is not considered overtime. "If the target has not been met, we are supposed to work after working hours without any pay", noted one migrant worker at Company 2.

Freedom of association

Unions find it difficult to organise garment workers, most of whom are women. Unionisation is often blocked by husbands and other male family members, who exercise control over women workers' choices. Also, domestic responsibilities and unpaid care work frequently prevents women from taking membership or participating in union activities. In addition, workers are often afraid to lose their job or become the target of more verbal abuse when their employer knows they are member of a union.

Organising migrant workers is even more difficult because of the language barrier on the one hand and the fact that meeting migrant workers is a challenge due to their restricted mobility. Hence, unionisation was found to be nearly non-existent amongst migrant workers, but also local workers did not show much interest in joining a union. Their families do not want them to, or their work is too tiring and difficult, leaving little scope for union activities. This accounts for all three companies. However, the number of migrants who have considered joining a union is even lower than that of local workers who have done so. Their awareness of labour rights and existence of unions, works- or grievance committees is poor. Migrants, thus, have less knowledge of available avenues for access to remedy.

Hostel life: poor conditions and restriction of movement

Migrant workers mostly have no other option than to stay in a hostel. They can't afford to rent an apartment and safety is a concern to young women in an alien city. At the time of recruitment, agents assure parents that their daughters will be safe. While many workers appreciate the alleged safety and the money they save, many also complain about the poor living conditions and restrictions on free movement outside the hostel.

Poor living conditions

Hostels usually are buildings consisting of several identical units, each of which consists either of a dorm-like hall or two to three rooms, a kitchen, and one or two bathrooms. Except one, none of the 42 migrant women said having signed a rental agreement. At Company 1, rents are collected through deductions from the salary and the workers also have to buy mats and cooking utensils themselves. Workers of Company 2 and 3 do not pay for the hostel, but have to purchase their own food and cook their own meals.

Hostels usually are small and cramped, and have to be cleaned by the workers themselves. When toilets, water filters, taps or kitchen sinks are broken, due to poor maintenance, reparation takes

Factory girls' dorm, foto Andrea Bruce / NOOR



a long time, with long queues as a result. The girls have to do all the chores themselves, in their spare time outside factory hours. "At home, I used to go to college in the morning and then come back home. My mother would do all the domestic work, including the cooking, but here all responsibilities are upon us. We must do all our own work," said one 19-year-old woman at company 1. A 21-year-old worker at Company 3 added: "I feel too tired to do any work at the hostel after coming back from the factory. Sometimes, I feel like I don't even need any food, and just want to go to sleep." According to the chairwoman of the NGO Janodaya, that manages 47 residential hostels for 13 companies including Company 1's hostel, Ms. Santosh Vas, workers start to feel tired within two years after the start of their job. They lose their energy and become sick more often.

Restrictions on freedom of movement

Hostels are supervised by female wardens, who either live in the hostel or go home in the evening. Security guards are usually male, who work in day and night shifts. Wardens and security personnel are usually company employees and their task is to manage workers' free time outside the hostel. Free time is limited, as the workers are in the factory from Monday till Saturday till 5.30 pm or 5.45 pm. Leaving the hostel on week-day evenings is not allowed. Only at Sundays they are allowed two to three hours take a walk and purchase groceries and toiletries. In the case of Company 1 the girls reported to be escorted on their way to and from the factory and monitored on their Sundays out. The restricted mobility is for the women's own security, according to the chairwoman of Janodaya. In her words: "If there are no rules at all, women

might run away and possibly end up in prostitution. There is quite a lot of freedom for women in Karnataka, but the girls from North India are vulnerable because of the language barrier and because they are from lower caste."

Returning late comes with repercussions. "Sometimes, they tell us that if we are late, they are not going to allow us into the hostel," said one resident at Company 2. At Company 3 the workers said they were made to stand outside for up to an hour if they return to the hostel late. At Company 3 hostel authorities do not allow parents into the hostel when they come to meet their daughters, a fact that is deeply resented.

Restriction of movement not only isolates the workers, it represents a strong indicator of forced labour. Employers present the restrictive rules of hostel life as the way to keep young women safe. The warden at Company 2 said that she is strict with workers because they are women. "They should be managed strictly, and should take permission to go outside."

Strikingly, Company 1 had handed over accommodation responsibilities to this NGO Janodaya after negative reviews in the ICN report *Unfree and Unfair*, but this has apparently not improved conditions. On the contrary workers are least satisfied about this hostel, the freedom to move outside is most severely restricted and it is the only hostel where workers have to pay rent.



Conclusion: indicators of forced labour

This study has found that five ILO indicators for forced labour (out of eleven) exist in the Bangalore garment industry, namely abuse of vulnerability, deception as a result of false promises regarding wages and benefits, restriction of movement in the hostel, intimidation and threats and abusive working and living conditions.ⁱ Some of these aspects are also felt to a certain extent by the local workforce, but are more strongly experienced by migrant workers.

Brands' responses, individual and collective actions

All brands (including Abercrombie & Fitch, Benetton, C&A, Columbia Sportswear, Decathlon, Gap (Old Navy and Banana Republic), H&M, Levi Strauss and Co. (Levi), Marks & Spencer (M&S) and PVH (Tommy Hilfiger and Calvin Klein)) have been approached to review and react on the approach.

Since this report does not reveal the names of the production locations, brands could not countercheck the facts given in the research. Therefore, most of them provided a general response. Several brands, similar to some of the CSR initiatives, explicitly made clear that not knowing the suppliers' names complicated detailed feedback. Only Abercrombie & Fitch did not respond and responses from Columbia Sportswear, H&M and M&S were so general or brief that it is impossible to establish if companies have taken these findings seriously. The others responded more elaborately. C&A, Gap and PVH (Calvin Klein & Tommy Hilfiger) describe additional steps to address some concerns. However, C&A, H&M, GAP and PVH made strong commitments after the 2015 report *Unfree and Unfair* (ICN, 2015), but these still have to be fulfilled.

Limited audit methodology

Most of the brands that did respond refer to external audit/assessments that regularly take place at their suppliers. Only Benetton shared these reports with the researchers. Benetton expressed

ⁱ 'ILO indicators of Forced Labour', International Labour Organisation, 2012. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf

its surprise about our findings since audit reports did not find any concerns at their supplier, Company 1. On the contrary even, the supplier scored very well with 96 points out of 100. According to the audit findings, there are no migrant workers in the factories since all workers are Indian. The audit reports also state that the factory does not own hostels and that instead the NGO Janodaya is managing the accommodation with a limited role for the company. Levi's stated that their supplier did not provide hostel accommodation. Both statements are contrary to the findings of the research. Other responses indicate as well that problems like intimidation, recruitment with false promises and restrictions of movements are not identified in the audits. Several brands seem to fully rely on the audit methodology, despite the known shortcomings of audits, which are confirmed by this study. For example, none of the agencies mentioned that offsite workers interviews took place. Interviewing workers within the workspace limits the opportunity for workers to speak freely about their employment conditions.

Some, especially C&A, acknowledge the limitations of these social audits. They commissioned an additional study, that according to C&A largely confirmed the research findings. C&A says it is committed to search for alternatives in addition to auditing.

Policies on migrants and hostels

Not all brands have developed policies on migrant workers and factory-controlled hostels yet, nor do they include hostels in their audit and monitoring systems. Those companies that do have policies on migrant workers limit them to foreign migrants, and do not include internal migrants or acknowledge the fact that these migrant face similar vulnerabilities.

Capacity building

C&A, GAP and PVH (Calvin Klein & Tommy Hilfiger) elaborate on their work beyond auditing, which they label as 'capacity building' or 'supplier engagement'. In all these efforts, trade unions and labour NGOs are not involved, except for some occasional consultations.

Specific actions and reactions

PVH is the only brand that responded to the fact that a minor worker (15) was identified. Although formally a teenager above 14 is allowed to work as long as it doesn't harm the child, however the combination of her age and indicators of forced labour raises concerns on forced child labour. PVH said it will follow-up with GLU on this specific case and will try to engage other buyers from Company 1 too. So far the other brands sourcing from Company 1 ignored this case study. GLU engaged with Levi Strauss on the wages due of workers at its supplier (Company 2) that was closing down.

Follow up on earlier promises

After the publication of *Unfree and Unfair* (ICN, 2015), C&A and H&M amongst others expressed willingness to take concrete steps to tackle the highlighted issues. Despite additional research and a meeting with the labour union, concrete improvements have not yet materialised. In addition, concerns are that workers and their representatives are not engaged. Sometimes good intentions have adverse impact, as is the case with the transfer of the management of the hostel of Company 1 to the NGO Janodaya. This didn't improve conditions at all.

Transparency

Most brands are member of various collective initiatives to improve labour conditions, such as the Brands Ethical Working Group, ETI and the Dutch Agreement. Especially on this level transparency on brands' actions is missing. It is not even known which brands are member of the Brand Ethical Working Group, which is an informal group of brands and important vehicle to address concerns. It's often not clear which activities they undertake to address the plight of migrant workers. Whereas the one brand is more transparent than others, overall full transparency and accountability on brands' suppliers base, working conditions at those suppliers and remediation is still lacking.

Recommendations

- 1 The Government of India is the main financier of programs that train young migrants to work in the garment industry of South India. The government should ensure that the job opportunities provided under these programs meet Indian labour laws and criteria for decent work. Furthermore it should prevent workers being recruited with false promises by government sponsored agencies.
- 2 Skill training centres and factories must provide training in basic spoken Kannada to long-distance migrant workers.
- 3 Factories should ascertain the age of inter-state migrant workers through proper documents (birth certificates or school certificates) to make sure to only hire workers aged 18 or older.
- 4 Factories should ensure the freedom of movement of migrant workers.
- 5 To ensure the proper functioning of hostels, the Karnataka Department of Labour should monitor living conditions in hostels, including the freedom of movement.
- 6 In their codes of conducts, brands and multi stakeholder initiatives should include migrant workers, both inter-state and intra-state migrants. Living conditions in hostels should be covered by their codes of conduct as well.
- 7 Brands and retailers need to implement a process of human rights due diligence in their supply chains, in accordance with the United Nations Guiding Principles on Business and Human Rights. If there are indicators for violations of (migrant) workers' rights, brands and retailer companies should use their leverage to remedy the situation, and take steps to prevent such violations in the future. Brands and retailers should communicate openly about their due diligence, monitoring and steps taken to mitigate issues found.
- 8 Auditing alone, as a tool to detect non-compliance with labour standards, is insufficient to detect indicators of forced labour. Audits should include off-site worker interviews, so that workers can speak freely without fear for reprisals. The presence of migrant workers and the lodging of these workers in factory hostels should be 'red flags' during audits. Brands and multi stakeholder initiatives involve unions and labour NGOs in efforts to improve labour conditions at their suppliers.
- 9 Brands should increase transparency and make audit findings, corrective action plans and suppliers lists public.
- 10 The EU and its individual members states should draft legislation on mandatory due diligence for the companies under the jurisdiction of its member states. This should explicitly include the rights of domestic migrant workers and remediation of human rights violations. Such a mandatory due diligence should also include transparency involving the publication of suppliers lists, audit reports and corrective action plans.

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