

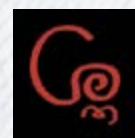
Labour without Liberty

Female Migrant Workers in
Bangalore's Garment Industry



India Committee
of the Netherlands

Clean
Clothes
Campaign



Garment
Labour Union

Colofon

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The photo's used in this report have not been made in the factories that are supplying to the brands that are mentioned.

ICN The India Committee of the Netherlands (ICN) is a Dutch human rights organisation dedicated to improving the lives of the marginalized in South Asia by giving information, awareness raising, advocacy, lobby, networking, research and publicity. Core thematic issues are business and human rights (including the garment and textile sector in India), child labour and education and caste discrimination with a focus on the position of the 200 million Dalits in India. To achieve its goals ICN cooperates with local organisations in India as well as organisations in the Netherlands, Europe and worldwide.

GLU The Garment Labour Union (GLU) is a women-led Indian trade union based in Bangalore, engaged in organizing garment workers and protecting their rights. Leaders of GLU have themselves worked for many years in garment factories in the city. GLU collaborates with other trade unions and civil society organisations to improve the working conditions.

CCC Clean Clothes Campaign (CCC) is an international alliance dedicated to improving working conditions and empowering workers in the global garment and sportswear industries. Since 1989, CCC has worked to ensure that the fundamental rights of workers are respected. CCC educates and mobilises consumers, lobbies companies and governments, and offers direct solidarity support to workers as they fight for their rights and demand better working conditions. Clean Clothes Campaign brings together trade unions and NGOs covering a broad spectrum of perspectives and interests, such as women's rights, consumer advocacy and poverty reduction.

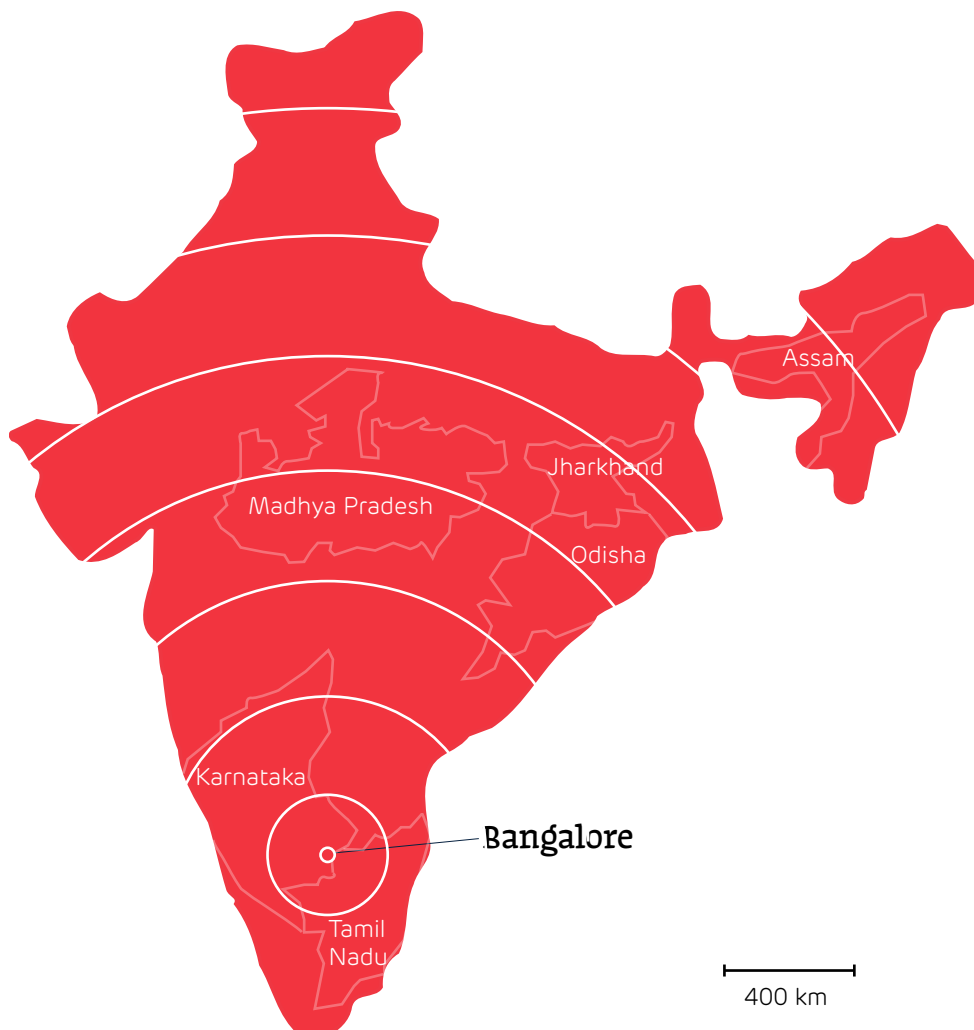
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1. Introduction

1.1 Research background

The state of Karnataka is often referred to as the textile capital of India, being the site of 20% of the national garment production and 8% of all Indian garment exports¹. With its 1200 garment factories, Karnataka's capital Bangalore is one of the main garment producing hubs in the country. The city's garment factories employ about 500,000 workers, of whom 80% are women. The majority of the workforce is made up by female migrants from villages and tribal hamlets in Karnataka and neighbouring states like Tamil Nadu.² Over the last few years, a new recruiting trend has emerged. Large numbers of women workers in their late teens and early twenties are being brought to the garment factories from northern and eastern states like Jharkhand, Odisha, Assam and Madhya Pradesh under government sponsored schemes. Skill development is part of Prime Ministers Modi's 'Make in India' initiative as a way to realise election promise to create 10 million jobs a year. A study published by the India Committee of the Netherlands (ICN) in 2016, *Unfree and Unfair*³, demonstrated that this new trend often results in poor working and living conditions for migrants from distant states. With the development of hostels, concerns regarding restrictions on freedom of movement, exploitation of migrant workers and indicators of forced labour in the supply chains of Western brands have emerged.



1.2 Objective of the study

This study aims to provide more insight into living conditions in Bangalore garment factory hostels and the challenges migrant workers face at the factory and at the hostel. It looks into restrictions on freedom of movement and other indicators of forced labour. Finally, it compares working conditions of local workers and migrants. The research aims to share the experiences of (migrant) workers, who do not have the opportunity to voice their concerns in other ways. At best, auditors interview workers on the work floor, but not at a place where they are free to speak. Access to remedy is virtually non-existent. The ultimate objective of this research, and of the work of the Garment Labour Union (GLU) with female migrants, is to offer women migrant workers opportunities for decent work, and to engage national and state governments, brands and retailers at the buying end in order to achieve this objective.

1.3 Working conditions in the Bangalore garment industry

Several recent reports have documented working conditions in the Bangalore garment industry. All workers except tailors are classified as unskilled, and typically work for low wages just at or below the statutory minimum wage. These wages have risen only marginally over a period of several years, failing to keep pace with the high rates of inflation in the IT metropolis of Bangalore. A joint report by the Dutch Clean Clothes Campaign, the India Committee of the Netherlands and Cividep India found that one-third of workers interviewed in garment factories earned less than the legal minimum wage for unskilled workers, even if they held semi-skilled or skilled positions.⁴ Labourers work overtime hours to support their families, sometimes without the legally required compensation, and occasionally under threat of termination. Harassment by supervisors and floor managers is common, not least because of the low scope for women to rise to positions of authority on the shop-floor. A recent report by the UK organisation Sisters for Change 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, while a startling one in seven had been forced to commit a sexual act or forced to have sexual intercourse at work. In most of the cases of harassment and violence against women, supervisors and floor-in-charge managers are the perpetrators.⁵

1.4 Long-distance migration to the industry

Industrialisation has widened the gap between urban and rural areas and consequently, major population shifts have occurred between urban centres and rural ones, as well as between industrialised states/regions and non-industrialised ones. Although the majority of workers in urban centres like Bangalore still come from the rural areas surrounding it, a growing number of people are travelling a significantly longer distance to find work.⁶

Long-distance migrants usually travel from states with a predominantly agricultural economy and with high unemployment rates, like the eastern states of Odisha, Jharkhand, Chhattisgarh and Bihar⁷. The Bangalore garment industry also sees an influx of workers from Uttar Pradesh, Assam and West Bengal, according to a staff member of an organisation working in garment factories and members of two unions active in the sector. Migrants are predominantly from Scheduled Tribe (ST), Scheduled Caste (SC), or Other Backward Class (OBC) communities, lack much formal educationⁱ, and are generally unskilled.⁸ The caste system is a division on the basis of birth into hierarchical social groups, historically tied to family occupations. It has perpetuated a system of social inequality where dominant groups enjoy the most privileges. The groups occupying the lowest rungs of the hierarchy, who are officially classified as Scheduled Castes and Other Backward Classes, continue to

ⁱ The categories 'below primary education' and 'primary or secondary education' form 71% together among temporary labour migrants in the major states of India in 2007-2008.

face systemic oppression and marginalisation. Scheduled Castes call themselves Dalits, and consist of caste groups at the bottom of the caste hierarchy. Scheduled Tribes is an official classification for specific indigenous peoples, also called Adivasi.ⁱⁱ

Official figures on the number of migrant workers in Bangalore and specifically in the garment industry are non-existent. Trade union leaders from the Karnataka Garment Workers Union (KGWU) and the Garment Labour Union (GLU) estimate that between 15,000 and 70,000 migrant women from northern states are working in the Bangalore garment industry. An employee of Swasti, an organisation working in garment factories, estimates that as much as 30% of the workforce now consists of workers from North Indian states.

According to the unions, long-distance migrant women workers are usually between 18 and 20 years of age. A few are older, but have rarely crossed their early twenties. GLU states that many workers look young enough to be 15 or 16, though they claim to be 18 or older. They have no means of proving this, however, unless they are able to procure the girls' school Transfer Certificates (TC) or grade cards. Factories often bring in doctors to conduct dental examinations and provide age certificates that can be used as legal age proof under Indian law. Previous reports on the textile and garment sector in India have shown medical staff drawing up medical reports with false age details for workers, and recruiters providing falsified medical documents.⁹ GLU has also expressed concerns about this practice. A KGWU leader confirmed that factories were "training" workers to say that they were 18 or older, and that there was no way for the unions to verify this or prove their real age.

Initially most economic migrants were male, but a growing number of young female workers from Scheduled Castes and Scheduled Tribes communities are now moving to urban centres for labour.¹⁰ In the case of the Bangalore garment industry, these women are young, unmarried, and come to the city because of financial hardship and a lack of economic resources and opportunities back home. Most of them belong to SC and ST communities.

Garment factories are increasingly employing migrant workers. According to the industry, this is due to labour shortages. Local workers are more interested in engaging their children in higher paying, high-skill occupations, and are educating them accordingly. Moreover, they are no longer willing to work for low wages, and are, in many cases, organised as members of unions. By contrast, it is much harder to unionise young long-distance migrant workers, who are isolated and lack social capital in Bangalore.

1.5 Report outline

The research methodology is outlined in the first section, followed by a brief legal framework to set in context the practices with regard to the employment of migrant workers. This includes both national law and international conventions and standards. Next, the method employed for review of research findings with brands is outlined. Following a brief description of the three factories surveyed for this study, the main findings are reported. These are divided into two sections – working conditions and living conditions. Working conditions have been further broken down into reasons for migration, the hiring process, wages, documentation, social security, leave, communication gaps and overtime. On each of these subjects, conditions faced by migrant workers and local workers are compared. Living conditions have been divided into hostel conditions, security, rental agreements, restrictions on freedom of movement, and freedom of association. The conclusion is a comparative analysis of the research findings with the commitments on garment factory hostels made by brands in 2015. The final section of the report is devoted to recommendations for brands, manufacturers, and the state governments.

ⁱⁱ Ethnic groups who are the original inhabitants of a given region, in contrast to groups that have settled, occupied or colonized the area more recently. Groups are usually described as indigenous when they maintain traditions or other aspects of an early culture that is associated with a given region.

2. Research methodology and legal framework



2.1 Research methodology

Data for this study was collected through both desk research and field research using questionnaires for individual interviews. Desk research on the wider causes of economic migration, how these relate to migration in the Bangalore garment industry, and the international, national and state legal frameworks for labour migration was carried out between March and August 2016. The field research and data collection for this report began in August 2016, and the final in-depth interviews were concluded in December that year. Interviews were conducted with workers of three factories in Bangalore, which currently supply to some of the largest brands in the world. All interviews with Company 1's migrant workers were held in the Garment Labour Union's Worker Resource Centre (WRC) in Peenya. While some respondents were selected and asked to come to the centre for interviews, others were interviewed when they came to the centre with a larger group of migrant workers. Migrant workers from Companies 2 and 3 were interviewed near their factories and hostels. Some migrants from Company 2 were interviewed at the WRC.

In all, 63 workers were interviewed from three companies, all of which employ long-distance women migrants who are accommodated in hostels. At each factory, twenty-one women workers have been interviewed, fourteen of whom are migrants from distant states, while the other seven are local Kannadigas from Bangalore, or settled migrants from rural Karnataka and the neighbouring state of Tamil Nadu. Respondents have been selected with the help of the social organisation Mun-

nade using convenience sampling (where respondents were selected because of their convenient accessibility and proximity to Munnade and GLU) and snowball or referral sampling (where existing study respondents recruited or referred Munnade to future respondents from among their acquaintances). The fourteen migrants from each factory have been divided into two groups to ensure that interviews are not too long, given the limited time available to migrant workers to interact with researchers. While seven migrant workers at each factory have been asked questions on hostel life, the other seven migrants have been asked to talk about their experience of working at the factory. Interviews with local workers aim to compare their experience of working conditions with that of migrants within the workforce.

Other stakeholders were interviewed to corroborate the data obtained in the survey. Office bearers of the Karnataka Garment Workers Union (KGWU) and the Garment Labour Union (GLU), a staff member of Swasti, which has been engaging with migrant workers in garment factory hostels, a General Manager of the skill development organisation Gram Tarang, which trains and secures placements for sewing machine operators from Odisha and Jharkhand, the chairlady of Janodaya and a hostel warden have also been interviewed.

The research team also met a senior official at the Karnataka State Labour Department and the Secretary of the State Women's Commission. The Secretary said that her team had no information about migrant garment workers, while the labour department official said that the department had few records of migrant workers specific to the garment industry. The team also met the Deputy Secretary to the State Department of Women and Child Development, who was unable to lead researchers to a person within the department who could provide information on migrant women garment workers and garment factory hostels.

The photo's used in this report have not been made in the factories that are supplying to the brands that are mentioned.

2.2 Factories

The three factories were selected on the basis of the presence of long-distance women migrants in the workforce, the presence of hostels administered by the employer, and a direct supply chain connection between the factory and one or more leading international apparel brands. The final determining factor for the selection of company hostels was the accessibility of workers for the researchers, without compromising their security or asking for too much of the limited free time that they have outside the hostel.

The identity of interviewees has not been revealed and no factories have been named in this report. This serves the purpose of protecting respondents from retaliation or harassment. Moreover, the study does not intend to target particular suppliers. The intention is to gather information on gaps in the employment conditions of migrant workers, and work with brands to address well-documented issues on long-distance migration within their supply chains.

2.3 Data analysis

The data gathered in the study has been arranged and presented in three ways: firstly, through a basic quantitative presentation; secondly, by extracting qualitative information from the interview responses of the 63 workers; and thirdly, through three in-depth interviews presented as case studies, to fill gaps in broader understanding of hostels and the situation of migrant workers.

As far as qualitative analysis is concerned, responses were matched with the legal norms for migration nationally and locally, to identify gaps between statutory requirements and actual shop-floor practice. The legal framework which this analysis adheres to is briefly described in the next section.

2.4 Research limitations

The main limitations of this research have been considerable time constraints migrant workers have,

and researchers' difficulty in meeting migrant workers because of restrictions on their freedom of movement and spare time outdoors. When workers met researchers, conversations had to be kept short because the women could spend only a limited amount of time unaccompanied outdoors. It turned out to be very challenging to meet and interview 42 migrant workers living in hostels within a reasonable period of time. In-depth interviews, which usually require at least an hour of the worker's time, proved to be even more challenging. Furthermore, workers work overtime on some Sundays. Hardly any wage slips could be collected from migrant workers, which could have been used to verify whether the figures quoted by some of them – all tailors – represent gross monthly earnings. Workers themselves are often unclear about whether they are quoting net or gross figures.

2.5 Review

The following ten brands have been approached to review the report: 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). Only Abercrombie & Fitch did not respond, even after receiving a reminder and a follow-up call. Decathlon states not to source from the Peenya area, where the specific unit of Company 1 is located. Decathlon said that it would investigate if Company 2 was illegally subcontracted by one of its suppliers, or if Decathlon sources from another unit of the same company.

**Abercrombie
& Fitch**

**UNITED COLORS
OF BENETTON.**



**Columbia
Sportswear Company.**

DECATHLON

OLD NAVY

**BR
BANANA REPUBLIC**

H&M



**MARKS &
SPENCER**



Calvin Klein

Besides the brands, the following five CSR initiatives were asked for a review: Dutch Agreement on Sustainable Garments and Textiles, the Ethical Trading Initiative (ETI), Global Organic Textile Standard (GOTS), Social Accountability International (SAI) and Worldwide Accredited Social Production (WRAP). All five provided a somewhat substantive response. GOTS, SAI and WRAP all mentioned the difficulty posed by not knowing the names of the facilities researched, which they said hampered their ability to act on the issues found. For that reason, WRAP provided only a superficial response, while SAI and GOTS shared their policies regarding respectively migrants and hostels.

Since this report does not reveal the names of the production locations, it was not possible for most brands to counter the findings mentioned in the research. Therefore, most brands provided a general response. Several brands, similar to some of the CSR initiatives, explicitly stated that not knowing the suppliers' names made providing detailed feedback difficult.

2.6 A brief outline of the legal framework for analysis

INDIAN LAW

The Indian Constitution provides basic directions regarding conditions of employment, non-discrimination and the right to work. The minimum wage is governed by the **Minimum Wages Act, 1948**. In the Karnataka garment industry, minimum wages are based on the classification of labour as unskilled, semi-skilled or skilled, and on the zone in which the workplace is located (major urban/ industrial centres, other urban/industrial areas and non-urban areas).

The **Factories Act, 1948**, entitles all workers to one day of paid leave for every twenty days of work performed, if they have worked for at least 240 days in the previous calendar year. This amounts to a legal minimum of twelve days of paid leave. No separate provision for sick leave exists.

Social security is available to garment workers through the provisions of the **Employees' Provident Funds and Miscellaneous Provisions Act, 1952**. Through the Employees' Provident Fund Scheme (EPF; also known as PF in common parlance), a state retirement benefit or pension fund was constituted for all salaried employees working at organisations employing more than twenty people. Monthly contributions to an employee's PF are made from his/her salary and from the employer, each at the rate of 12%. PF deductions are thus 12% of the basic monthly wage (including Dearness Allowance or DA). State healthcare is provided through the Employees' State Insurance (ESI) Act, 1948, and Employees' State Insurance clinics and hospitals across India provide free healthcare to employees and their families. Monthly salary deductions for the ESI scheme are made at 1.75% of the gross monthly wage, while the employer contributes 4.75% of the gross monthly wage.

As migrant workers face specific difficulties and constraints, the Indian Parliament passed the **Inter-State Migrant Workmen (Regulation and Conditions of Service) Act** in 1979 to deal with any misconduct associated with the recruitment and employment of migrant workers. The Act protects only inter-state migrants recruited through contractors or middlemen, and those companies that employ five or more such migrant workers.

The Migrant Workmen Act stipulates that a contractor must issue to each migrant recruited a pass-book with a passport-sized photograph of the workman affixed, and indicating in Hindi and English languages (also in the language of the workman if needed) basic data like the name and address of the employer, period of employment, wage and deductions. Furthermore the Act requires agents to pay a displacement allowance.

The **Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) (Karnataka) Rules, 1981** states that establishments employing migrant workmen must register with the relevant authority. In practice, this authority is the Labour Department.

The contractor is also required to provide basic data to the specified authority in the state from which an inter-state migrant worker is recruited, and in the state in which the worker is employed, within fifteen days from the date of recruitment. They are also required to notify the specified authorities of both states when any change occurs.

The loophole of the Inter-State Migrant Workmen Act lies in allowing principal employers to avoid punitive action if they can show that the transgressions were committed without their knowledge.¹¹

INTERNATIONAL STANDARDS

ILO CONVENTIONS AND PROTOCOL ON FORCED LABOUR

The ILO's Forced Labour Convention, 1930 is binding for those countries that have ratified it, which India has. This fundamental convention prohibits all forms of forced or compulsory labour. It was followed by the Abolition of Forced Labour Convention, 1957. In 2014, the ILO adopted a new legally binding Protocol on Forced Labour, which India has not ratified yet. It aims to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate all forms of forced labour, including trafficking in persons. Ratifying countries are required to strengthen the labour inspectorate and other services that protect workers from exploitation. States are also required to punish abusive and fraudulent practices of recruiters and employment agencies.

THE UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The United Nations Guiding Principles on Business and Human Rights (UNGPs) stipulate the responsibility of businesses to respect human rights, and to act with due diligence. Through due diligence, businesses identify, prevent and mitigate their actual and potential harm and negative impacts. Companies are also required to show that they are meeting this responsibility.

2.7 Introduction to the companies

Company 1 is one of Bangalore's largest garment manufacturing companies, with more than twenty units in the city. The company also has manufacturing units in Delhi, Tirupur and Salem. The unit from this research is located in the Peenya Industrial Area. Export dataⁱⁱⁱ show that **Abercrombie & Fitch, Benetton, C&A, Calvin Klein (PVH), Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer** and **Tommy Hilfiger (PVH)** are amongst its buyers. In total 87 buyers were identified. The unit being researched appears on the supplier lists of C&A,¹² H&M¹³ and Marks & Spencer.¹⁴ Other units of the company, although not the researched unit, appear on the supplier lists of Abercrombie & Fitch,¹⁵ Columbia Sportswear,¹⁶ Gap¹⁷ and PVH,¹⁸ the brand to which Calvin Klein and Tommy Hilfiger belong. The supplier list of Benetton¹⁹ is unclear about unit numbers; however a shared audit report does indicate this unit is among Benetton's suppliers. Calvin Klein and Tommy Hilfiger do not publish their own supplier lists, neither does Decathlon. The unit covered in this research and other units of the same manufacturer also appear on the suppliers list of the **Dutch Agreement on Sustainable Garments and Textile**. The unit under research was never certified by SAI's **SA8000** standard. Some of the company's other units used to be certified earlier; however, all certificates were revoked in 2014 and 2015.²⁰ Three units in Bangalore are **WRAP** certified: two are platinum (the highest level, with full compliance for three consecutive audits) and one is gold (full compliance). The unit under research is not WRAP certified.²¹ Furthermore, the company has several **GOTS** certified units, but this is not the case with the unit being researched.²² Both GLU and KGWU confirmed that all units of the company have recently begun recruiting large numbers of long-distance migrant workers, both male and female. The unit under consideration employs around 2,000 workers in all. The company's CSR policy includes initiatives on women's empowerment, vocational skill development, health and nutrition, and environmental sustainability. Company 3 partners with external NGOs for some CSR projects, while others are implemented by its own charities.

Company 2 was incorporated in the 1990s. Its registered office is in Bangalore. This specific unit is located in Peenya and appears on **Levi Strauss's** supplier list²³. It has between 600 and 700 regularly employed workers. The company owned five units in Bangalore till 2016, but two of these have

ⁱⁱⁱ The used export data cover October 2016 and January to April 2017.

now shut down, including the unit researched in this study.²⁴

Company 3 is a large, well-known company in Bangalore, with over forty units in the city. The unit in question is located near the industrial area of Bommanahalli. Export data shows that the company supplies to **Abercrombie & Fitch, Columbia Sportswear, Gap** and **H&M**. The company appears on the supplier lists of **Columbia Sportswear, H&M** and **Gap**. The unit has around 1,500 workers at present. The company website states that its Code of Conduct for labour standards is based on ILO Conventions. Its CSR policy includes a commitment to employees' safety and wellbeing at the workplace, free healthcare centres and services, and health experts. The company is **SA8000** and **GOTS** certified²⁵. Furthermore, the company has gold certification under **WRAP** (full compliance).²⁶



3. Working conditions



This chapter looks at the working conditions at the three units of suppliers of several European and US brands, and differences between migrant and local workers in terms of wage, documentation, social security, leave, overtime and freedom of association. Furthermore, it looks at the reasons migrants choose to begin working in the Bangalore garment industry, the recruitment process, and language gaps or communication problems.

3.1 Reasons for migrating

Most long-distance migrant workers at the three factories are natives of the northern state of Jharkhand and the eastern state of Odisha. Local workers at Company 3 are also aware of the presence of migrants from Maharashtra, while those at Company 2 mentioned young migrant workers from Uttar Pradesh. Most workers come from economically and socially marginalised family backgrounds in impoverished districts. While as many as 33 of the 42 migrants interviewed at the three factories belong to Scheduled Tribes, 5 belong to Scheduled Castes and 2 to the Other Backward Classes category.

Migrants cite poverty and the lack of job opportunities at home as the main reasons for their decision to migrate. Many say that their parents have no regular job or source of income. Some grow

vegetables or other crops, but this does not meet the family's financial needs. A few young women have performed poorly in their high school board exams, and cannot pursue secondary education, which would have been of key importance in securing higher-paying employment. At least one woman got as far as undergraduate college, but dropped out before completing her degree. Like others, she then proceeded to be trained at a stitching centre in a nearby village – which one worker described as training received from the government – before travelling to Bangalore to work in the garment industry. Thus the lack of education plays a vital role in young women's decision to migrate. The majority have been recruited to training centres in Jharkhand or Odisha, and then travelled to Bangalore factories through agents whom they refer to by name. These contractors are likely to be people they know, either directly or through the wider social network in their close-knit communities.

3.2 The hiring process & **PROMISES** at the time of recruitment

Recruitment is carried out through agents or mediators, whom the girls sometimes already know, or meet through family members working in Bangalore. Workers come to the Bangalore garment industry to help out their families financially. "My parents were growing vegetables in the village, but we were not able to make enough money from it. I joined a training course in the village for two months, and Azad sir helped me come to Bangalore for a job," says a 20-year-old from Jharkhand. Agents typically promise salaries ranging from INR 5,000 (€ 65.36) to INR 8,000 (€ 104.58).^{iv}

A migrant worker from Company 1, a supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger, recounted how she had been recruited by an agent. "The sir at the training centre in our village told us about the job, and came to my house to speak to my parents. He said that it was a good job opportunity, and that after receiving training provided by the government for a period of two months, we would be sent outside for the job. He convinced my father, saying that it was a good way of getting a job. So, we gave him our documents and joined the centre." She had provided her school certificate, caste certificate (proving her Other Backward Class status), and her family's income certificate.

Workers have all received training at home before travelling to Bangalore, usually of 1-3 months' duration. Training is typically imparted in their own village, or at a neighbouring rural centre. Out of 21 migrant workers questioned on skill training, 19 said that they have received training under a government scheme in Jharkhand or Odisha. This was confirmed by union members from GLU and KGWU, who said that the local village councils (panchayats, a form of local government) are in charge of administering these centres. These are a part of the Government of India's National Skill Development Mission, which was launched in 2015 and is currently being implemented at state level. The respondent at Swasti noted that some factories have their own training centres in rural areas, and recruit workers from there.

Agents pay for travel to Bangalore, but no migrant worker mentioned receiving a displacement allowance as stipulated by the Inter-State Migrant Workmen Act. It is very likely that they are completely unaware of this provision, as no agent ever informs recruits about their legal entitlement, and they have no access to other sources of information or legal counsel. A KGWU leader told researchers that agents do pay workers or their families an amount of INR 5,000 – 10,000 (€ 65.36 – 130.73) before they migrate to the city, but it is not clear if this is a displacement allowance or an advance payment. No worker interviewed reported such payments.

^{iv} Exchange rate September 6th, 2017: 1 Euro = 76,4940 INR

Most workers do not pay a commission to the agents, although two workers report they did pay. Agents have direct arrangements with the factory management. GLU noted that factories contact agents or training centres when there is a labour shortage, and remunerate them for their service in recruiting workers.

Workers complained about low wages to researchers, saying that they had travelled long distances to work in Bangalore expecting higher wages.

Migrant workers at all three factories were employed at their workplace for between a few months and three years, and have all been in Bangalore as long as they have been at the factory. This shows that they are less likely to switch factories when expectations are not met or conditions are less than ideal, a form of agency that local workers typically possess. The garment industry is notorious for its high labour turnover.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

The wage that workers receive in their first month at Company 1 is often INR 1,000 - 2,000 (€ 13.07 - 26.15) lower than what was promised. Sometimes, the first month wage is as low as half of what was promised at the time of recruitment. Various hostel-related deductions that workers are not informed of bring net wages down. Agents spread misinformation about the costs of hostel accommodation and food, as a result of which they come to Bangalore expecting to receive INR 1,000 (€ 13.07) more in hand than they finally end up getting.

Two workers at Company 1 said that they had originally been told that hostel accommodation and food would be provided free of cost by the factory, but found that they had to pay INR 500 - 800 (€ 6.54 - 10.46) for their rooms and purchase their own food when they got to Bangalore. Actual wages are also much lower than promised in these cases – as much as INR 1,000 (€ 13.07) less. One worker was told that she would have to pay only INR 300 (€ 3.92) for the hostel facility, but ended up paying INR 800 (€ 10.46).

While training at the skill development centre back home, a worker now employed at Company 1 had been told that she would receive INR 7,500 (€ 98.05) per month. When she first joined, her salary was INR 6,000 (€ 78.44). Promises of free food at the hostel proved to be false. She had to buy her own groceries and cook herself, like all the other women. In the first month, she and five other women bought a gas cylinder and cooking utensils together. It costs them INR 4,000 (€ 52.29). She has to do this work to support her widowed mother, who is an agricultural worker. They own no land of their own, and she has to help her mother run the family. Like most other migrant workers, they belong to a Scheduled Tribe community in rural Jharkhand. There are no work opportunities for women back home, but men can work in construction and other industries.

Company 2, supplier of Levi Strauss

At Company 2, three workers said that they received less than promised in the first month. One woman, who had been promised INR 5,000 (€ 65.36), received just INR 3,000 (€ 39.22) in her first month. However, another worker who had been promised INR 5,000 (€ 65.36) said she had received this amount in her first month at the factory, but subsequently received INR 7,000 (€ 91.51) monthly. Another worker, who had been promised free hostel accommodation and food, found that food is paid for by the factory only in the first month, though accommodation is free. She also received a lower salary in the first month. Two workers had paid an agent for help in coming to Bangalore for work.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

Five migrant workers are receiving salaries that are a little higher than what was promised at the time of recruitment. However, two others, who had been promised INR 7,000 (€ 91.51), were paid only INR 6,000 (€ 78.44) and INR 5,000 (€ 65.36) respectively when they first joined the factory. While one of them now receives INR 7,500 (€ 98.05), the other said that she had received INR 7,000 (€ 91.51) gross (INR 5,600 (€ 73.21) net after deductions).

Unlike what most workers were told, food is not free, though no rent is asked for hostel accommodation. "At the training centre, the trainer told us about the job in Bangalore. He helped us get the job. He said that the hostel and food expenses would be free of cost for the first month, and would be deducted from our salary thereafter. He also said that I would get a salary of around INR 7,000 (€ 91.51), but I got only INR 5,000 (€ 65.36) at first. Later, it increased," says a migrant from Jharkhand. Another worker from Odisha agrees with her. "They [the agents] said the work was easy in the readymade garment factories in Bangalore, the hostel and food were free of cost, and the wages would be INR 7,000 (€ 91.51), but I received only INR 5,000 (€ 65.36)." One 20-year-old said that she has been working at Company 3 since 2006, when she was only 10 years old.



Skill development: an interview with Gram Tarang

Under the aegis of the Government of India's Skill India Initiative, several skill development agencies provide skill training to rural youth in poorer states like Jharkhand, Odisha and Assam. This training aims to enable employment in various industries, including the garment manufacturing sector. Young recruits, most of them women, are trained to work as tailors or sewing machine operators. Researchers interviewed the General Manager of Placements of one such organisation, Gram Tarang. The text below is a reflection of this interview.

Gram Tarang is supported by the Government of India^V and the states from where workers are recruited, State governments support 25% of its budget, while the Central government covers the remaining 75%. Gram Tarang also receives grants from Adani, Tata and NALCO for its sewing division.

Recruitment and training

Gram Tarang recruits sewing machine operators (tailors) from the states of Odisha, Chattisgarh, Jharkhand, Assam and Andhra Pradesh. This happens through word of mouth and through the efforts of Gram Tarang Mobilisers, who approach the parents of prospective trainees. In Odisha alone, around 300 to 500 young people are trained every month, and are placed at factories in Chennai, Bangalore and Tirupur.

Prospective trainees must be 18 years of age or above in order to be recruited. One of the following proofs

of age must be provided at the time of recruitment: a school-leaving certificate, a dentist's certificate proving age, or a birth certificate. Trainees must also hold Below Poverty Line cards in order to be selected for training and placement. In keeping with existing trends in the industry's workforce, 80% of sewing machine operator trainees are women and 20% are men.

Trainees spend two months at the training centre, where they learn the basics of handling a sewing machine. Afterwards, they travel to the destination, where they receive further training for 10 to 15 days from the company, learning the particulars of stitching specific products. Gram Tarang staff travel with trainees from their home states to the destination city. When they reach the factory, trainees are given advice on the basics of managing life in the city, including instructions for reaching the ESI hospital and private hospitals, calling auto and cab services, and shopping for everyday necessities.

A Gram Tarang team undertakes prospective visits to companies in Bangalore and other cities. The team meets HR personnel and visits units to check the company's HR practices, hostels and safety measures for migrant workers. Gram Tarang takes into account several key indicators, such as the payment of minimum wages, the presence of a separate bedroom, a drawing room, and a kitchen in the hostel, the sanitation at the hostel and in its restrooms, the number of persons in one room, and safety measures in place for workers. →

^V Funds come from Deen Dayal Upadhyaya Grameen Kaushalya Yojna (DDU-GKY), a skill development initiative under the Ministry of Rural Development's National Rural Livelihood Mission (NRLM) and from National Skill Development Corporation (NSDC). The National Skill Development Corporation (NSDC) is a Public Private Partnership Company set up with the objective of creating large vocational training institutions, providing patient capital through equity and grants, and creating support systems for skill development, including industry-led Sector Skill Councils. It operates through partnerships with the private sector, Central and State ministries, non-profits, universities, innovation (entrepreneurs) and international collaboration (investment, technical assistance, etc.). <http://www.skilldevelopment.gov.in/nationalskilldevelopmentcorporation.html>

Registration with the Labour Department at Source and Destination

Gram Tarang views the young people recruited as trainees or students, and not as migrant workers, since they receive further training from the company in Bangalore after placement. According to the respondent, Gram Tarang does not register its trainees with the Labour Department for this reason, since it is not a legal requirement to register trainees.

Hostels

While most workers continue to stay at the hostel for up to 5 or 6 years, others choose to move to rented premises independently after six months or a year. “Gram Tarang strongly counsels them to stay in the hostel, because

they are new to the city,” observed the General Manager of Placements. “This is ideal, as the company provides security at the hostel.” If they live outside the hostel, it is difficult to contact them, and it becomes hard to keep track of recruits.

Returning Home

More than 30,000 youths have been trained so far, but every year, many leave and return home. The main motivation is the intention to marry and settle down, often in keeping with parents’ wishes. Others are stopped from returning to the factory by their parents when they go home on annual leave. Some also fall ill because of the long working hours, and are unable to keep up with the 8 hour work day in a garment factory.

3.3 Wages

Minimum wage levels are decided on the basis of skill levels and roles within the garment industry. The following were the legal minimum wages for the financial year from April 2016 to March 2017 for the city of Bangalore:

Designation	Skill Level	Monthly Minimum Wage (Gross Wage/ Net Wage) in INR (Zone I)
Tailor, Cutter	Highly Skilled	INR 7,994.40 (€ 104.51)/ INR 6,895.17 (€ 90,14)
Tailor Grade 1, Cutting Machine Operator	Skilled	INR 7,786.40 (€ 101.79)/ INR 6,715.77 (€ 87,79)
Tailor Grade 2, Checker	Semi-Skilled	INR 7,708.40 (€ 100.77)/ INR 6,648.50 (€ 86,92)
Helper, Packer	Unskilled	INR 7,474.40 (€ 97.71)/ INR 6,446.67 (€ 84,28)

Payments at all factories are made to workers’ bank accounts, and they use ATM cards to withdraw cash. According to GLU, migrant workers sometimes leave their ATM cards behind in the village with their families, so that their dependents can use it to withdraw money. Others keep their cards with them in Bangalore.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

The lowest wage earned by a migrant worker in a regular month is INR 3,300 (€ 43.14), and the highest is INR 7,000 (€ 91.51). The official monthly minimum wage for a helper, the lowest category, is INR 6,446.67 (€ 84,28). The lowest earning worker had been working for only a month at the time of the interview. She said that she had received INR 3,300 (€ 43.14) after all deductions (this includes rent for the hostel and an initial amount paid for a mattress, groceries, etc.). She is unclear about what deductions were involved.

Other migrant workers said that they make between INR 6,000 (€ 78.44) and INR 7,000 (€ 91.51) when there are no deductions for days of leave, including sick leave. One migrant tailor had received INR 5,700 (€ 74.52) after an absence of three days in a month. Yet another migrant tailor

had received INR 6,600 (€ 86.28) one month, and INR 5,470 (€ 71.51) in another, but cannot explain the deductions. The minimum wage for a tailor is INR 7,708.40 (€ 100.77).

All seven migrant workers told that a monthly sum between INR 500 (€ 6.54) and INR 800 (€ 10.46) is deducted from their salaries for accommodation charges, water and electricity. Deductions are also made for ESI and PF.

In the first month of employment at the factory, the salary is usually much less because of various hostel-related deductions. Since workers lack insight on exact amounts for deductions, it is hard to establish exact gross wages. Migrant workers seem to be earning a monthly wage around the minimum wage for unskilled workers, but with one worker more than half of the salary was deducted. Five out of seven local workers receive wages between INR 6,500 (€ 84.97) and INR 7,500 (€ 98.05). Of the other two, one worker receives INR 8,500 (€ 111.12), while another earns as high as INR 9,400 (€ 122.89). Both high-earning local workers are tailors. Two local workers, both tailors, earn salaries higher than the minimum wage for tailors, while the five other local workers earn even less than the minimum wage for unskilled workers.

Only one migrant worker among those interviewed has worked long enough at the factory to receive a bonus. Five out of seven local workers said that they had not received an annual bonus, but three of them had joined the factory after the last Dussehra festival, when the bonus is given to workers.

Company 2, supplier of Levi Strauss

Migrants are unclear about their wages before and after deductions, though all of those employed for more than two or three months receive pay slips. Some quoted their gross salary, from INR 8,000 - 8,500 (€ 104.58 - 111.12), while others quoted lower figures at INR 6,500 - 7,500 (€ 84.97 - 98.05) - their net salary after deductions. Six migrant tailors said that they earned between INR 6,500 (€ 84.97) and INR 8,500 (€ 111.12). One migrant helpers interviewed at Company 2 said she earns INR 7,000 (€ 91.51). Two migrant tailors earn well below minimum wage.

Local workers earn monthly wages between INR 7,000 (€ 91.51) and INR 9,620 (€ 125.76). Overall, local workers are more likely to have been at the factory for a longer time than long-distance migrants, and this reflects in their salaries.

The annual bonus is paid at the time of the Diwali holiday, which is usually around late October or early November. Migrant workers said that they had received between INR 3,000 (€ 39.22) and INR 6,000 (€ 78.44) the previous year as bonus. Local workers corroborated these figures. This falls short of the amount required by law which is a month's salary.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

Migrant workers at Company 3 said that they earn between INR 7,000 (€ 91.51) and INR 7,700 (€ 100.66). One migrant worker – a tailor – explicitly stated that her gross salary is INR 7,000 (€ 91.51), and that her net wage after deductions is a mere INR 5,600 (€ 73.21). The minimum wage for a semi-skilled tailor is INR 7,708.40 (€ 100.77). Another migrant loses as much in deductions. "In total, INR 2,000 (€ 26.15) is deducted from my salary for the hostel, electricity, water, ESI and PF," she says. No other worker from the unit mentioned a hostel charge.

Local workers designated as tailors earn a somewhat stable monthly income of INR 7,500 (€ 98.05) to INR 8,500 (€ 111.12). Thus, local workers seem to earn at par with or a little higher than the minimum wage.

Migrants who have been employed at Company 3 for over a year say that they had received an annual bonus in 2015 – a tailor who earned INR 7,300 (€ 95.43) per month had received a bonus of INR 6,000 (€ 78.44). Unlike migrant workers, local workers at Company 3 were far clearer about the annual bonus due to them, and stated unanimously that a month's salary was paid out as bonus at the time of the Dussehra (Diwali) festival in October.

“Fifteen” slipped out of her mouth when we asked her age .’

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The story of a teenager at Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

While interviewing workers from Company 1, researchers met one woman who turned out to be very young. “Fifteen” slipped out of her mouth when we asked her age, but this was quickly corrected by her companions, who reminded her that she was 18. She agreed hastily. We later got in touch with her for an in-depth conversation, and this time, she admitted that she was indeed 15. She could not, however, say this openly.

She met the researchers in December. The women at Company 1 said they were stitching dresses for H&M and six or seven other brands at the time. A new style meant a new target, and an incentive of INR 800 (€ 10.46) to stitch 1,000 pieces in a day. The target for both local and migrant workers is 100 per hour, but sometimes she tries to stitch more for the extra money.

She comes back to the hostel at 6 p.m. after a long day at work, and is obliged to do domestic chores. She feels tired and unwell. Some of the older girls split their work with others, but she prefers to do hers on her own. The supervisor has never shouted at her, but she has seen him rebuking other migrant workers. Some supervisors know Hindi, but others don't, so she and others take the help of co-workers who speak some Kannada to understand what they are saying. She is not talkative and cries at work sometimes. The supervisors sometimes ask her why she is sad.

She has been at the factory for six months, and has not received a wage slip yet. Some workers have received wage slips, but she has not received any despite having asked for them. She does not know how much is deducted for each item, but knows that ESI and PF deductions have begun in the very first month of employment and that INR 700 is deducted every month for rent, electricity and water at the hostel.

Her wages were very low when she joined, but have since increased slightly. She had been promised INR 7,000 - 8,000 (€ 91.51 - 104.58) by the agent who recruited her, but received only INR 3,300 (€ 43.14) in the first month. He had assured her that accommodation and food would be free of cost, but after arriving in Bangalore, she found that this was not the case.

She is sad in Bangalore. In the village, she played with her friends and helped her mother. She can no longer play – all she does is work in the factory and do chores in the hostel. Her initial fears around language have been somewhat allayed, as she has now picked up the meaning of some words with the help of her hostel mates. She misses her parents and siblings, her school days and her friends.

She is supporting her family. She keeps INR 1,500 (€ 19.61) from her salary for herself each month and sends the rest home to her parents.

3.4 Documentation - contracts, passbooks and pay slips

According to the Inter-State Migrant Workmen Act, 1979, a contractor is required to issue a pass-book to every worker, containing the workers' information and details of payments, allowances and deductions. They are also required to provide the particulars prescribed in the Act to the specified authority in the State from which an inter-state migrant worker is recruited, and in the state in which the worker is employed. Many corporate Codes of Conduct require their suppliers to provide contracts.²⁷ The ETI Base Code, which all ETI members must adopt, states that all workers shall be provided with written and understandable Information about their employment conditions, and that working hours, excluding overtime, shall be defined by contract.

A senior official at the state Labour Department told researchers that very few migrants have had their details registered with the Department. This is because most claim to have come to Bangalore on their own, and therefore, do not require registration. This shows that few contractors follow legal procedure to register their recruits with the department. For those inter-state migrants who are registered with the department, there are no clear records indicating the industries which these workers have joined.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

Four out of seven migrant workers interviewed at Company 1 have signed contracts, but none have a copy in their possession. Three did not understand the contents at all, while one had a vague idea. According to three women, the document was in English, while the fourth had signed a document in Kannada. The only one of the four with any understanding of the document stated that it mentioned her native place and age, but did not know what other information was in the document. None of the migrant workers have been given a passbook. **Five out of seven local workers have signed a contract, but none of them possess a copy.** While three workers said that the document was in English and Kannada, one said it was only in English, and another was not sure what language it was in.

All seven local workers receive pay slips. In contrast, only two out of seven migrant workers receive pay slips currently. A third had received pay slips in her first two months at the factory, but was later told by a local worker that the company did not give pay slips to migrants.

Company 2, supplier of Levi Strauss

Five of the seven migrant workers interviewed had not been given any document by the factory or contractor. Only two migrant workers from Company 2 said that they had signed a document, but neither had a copy in their possession. Both workers initially stated that it was in Hindi, but one later contradicted her earlier statement to say that she had not understood the contents, which were in English. The other had signed after going through the Hindi contents, which she could comprehend. "I have not signed any document, but they have taken my signature for the bank account form and the ESI card," said another migrant worker. According to GLU Company 2 did not register with the Labour Department as required by the Inter-State Migrant Workmen Act. It could not obtain any information about migrant workers at Company 2 from the labour department. **All workers receive pay slips. Four out of seven local workers have signed employment contracts, and have a copy of the same.** The contract is in Kannada according to some, while according to another worker, it is in both Kannada and English.

‘..Most of the women were being paid
INR 265 (€ 3.46) per day.’

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Migrant workers at Levi Strauss supplier left without wages

Company 2, a supplier of Levi Strauss, had around 200 young migrant women workers from northern states, mainly Jharkhand and Odisha, by early 2016. Around May 2016, the payment of salaries became irregular. This situation persisted for the next few months. Workers finally resorted to a three-day strike in front of the factory. The management announced that the factory was running at a loss, and they were unable to pay them their full salaries. The unit would be winding down operations in the coming months. Only a part of the due wages could be paid out, but at a later date. At the hostel, migrant workers were told that whoever resigned would receive a settlement for their PF, bonus and gratuity dues, but those who chose to remain could no longer be paid salaries or other benefits.

The migrants took the help of a co-worker to write their resignation letters in Kannada. They signed these letters without understanding a word of the content. Later, they discovered that the letters stated they had resigned voluntarily because of the absence of proper water facilities at the hostel, and the factory's failure to pay them on time. Fifteen days after their resignation, they were asked to vacate their hostels. Their hostel warden was able to secure jobs for 57 migrant workers at a nearby factory, henceforth referred to as Factory 4. Factory 4 produces for the local market. At least ten workers returned to their villages in Jharkhand without receiving settlements.

At Factory 4, most of the women were being paid INR 265 (€ 3.46) per day or INR 6890 (€ 90.07) monthly. This was less than they earned at Company 2. However, twenty women were paid the same wages at Factory 4 as they had received at Company 2.

On September 30, 2016, Company 2's management announced the closure of the unit on account of extensive losses incurred by the company. By this time, around hundred migrant workers had been forced to resign from their jobs.

47 migrant workers contacted the Garment Labour Union for assistance with securing settlements from the factory. The union held a negotiation with the management, requesting them to settle workers' dues with immediate effect. On November 25, 2016, the management gave workers post-dated cheques that would gain validity between March 2017 and September 31, 2017. Those able to deposit their cheques so far have found that they have bounced. GLU met with Levi in May 2017, which was the only known buyer at that time. Levi promised factory management would work with the union and ensure all settlements would be paid in the following months. Of the 47 cases that were raised with GLU, 15 cases were still pending early January 2018. The rest of the cases are closed and workers have got their settlements as well as their PF payments, but only after GLU had met with factory management and Levi's on several occasions.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

No migrant worker from Company 3, a supplier of H&M and Gap has signed or received a document of any kind – either an employment contract or a passbook. Similarly, five out of seven local workers at Company 3 said that they have not signed any employment contracts or appointment letters. The two did sign a contract do not possess a copy themselves. While one of the women said that her appointment letter is in Kannada, the other does not know what language hers is in. Both local workers and migrant workers receive pay slips.

3.5 Social security - ESI and PF

The two salient social security schemes workers are entitled to are Employee State Insurance (state-provided healthcare, henceforth referred to as ESI) and the Employees' Provident Fund (EPF, known as PF), a retirement benefit scheme for salaried employees.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

At Company 1, three migrant workers said that they have neither an ESI registration nor a PF account. Four said that they have both and that deductions are made monthly, but they did not know how much they were. Comparatively, **all local workers have PF accounts and only one among the 7 local respondents does not have an ESI card.**

Company 2, supplier of Levi Strauss

All seven migrants interviewed at Company 2 have both ESI cards and PF accounts, as do all seven local respondents.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

All but one migrant respondent at Company 3 have ESI cards. All seven migrants reported having PF accounts. The situation is similar among local workers. Only one woman said that she does not have an ESI card, but all seven have PF accounts.

3.6 Leave

According to the Factories Act, 1948, workers are entitled to a minimum of twelve days of earned leave.

Migrants typically travel home once in a year, for around a month. Most said that they can take paid leave for around fourteen days during this period (their total paid leave allowance for the year), while the rest of the days off entail deductions from their salaries. Others said that they can take as many as twenty to thirty days off without loss of pay. As revealed in a union interview and in-depth interviews with migrant workers, migrants often have to re-join the factory after returning from the annual leave/break in their native village, resulting in a break in service.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

At Company 1, both local and migrant workers have different ideas on the leave they are entitled to, varying between twelve and fifteen days. However, a different reality emerged from some of the in-depth interviews. "We are not provided with wages while on leave, but can take one month off," said one migrant worker. "We resign from the job (while going on leave)."

Company 2, supplier of Levi Strauss

While three migrants thought that they have twelve or thirty days of paid leave, three others said that they get fourteen days off. A seventh worker said that she had gone to her village for a month

without any deductions from her wages. Among local workers, two are not aware of their leave allowances, while four quote different figures. The last local worker interviewed said that she had taken ten days off, but had not received pay for these days of leave.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

At Company 3, six migrant workers either said that they can take twenty paid days off or take thirty days of paid leave. One woman explained that she is entitled to fourteen days off, but had been paid a full month's wage when she went home for an entire month. In-depth interviews revealed a different story. "We get thirty paid leaves per year in order to go home, but if we come back later than thirty days, we are made to resign and rejoin as a new appointment," said one 21-year-old from Jharkhand. Her 18-year-old co-worker repeated this statement.

Among local workers, five said that they have twelve days of paid leave, one has fourteen days, and one was not aware of her leave entitlement at all.

3.7 Language barriers and ill treatment by supervisors

Language is a major problem, since most supervisors speak only Kannada, which migrants do not understand. Only a few supervisors use any Hindi. Documents used during training are often unintelligible to migrant workers who do not know Kannada. HR officers and supervisors ask migrants when they plan to learn the language, so that they can convey instructions to them more easily. This is not easy, since Kannada belongs to a different language family than any of their native languages. Migrant workers often cannot understand the Kannada abuse directed at them, but can gauge the anger from supervisors' raised voices.

All workers complained of harassment when they are unable to meet demanding production targets. Where it exists, the communication gap adds to the pressure of demanding work targets and hostel chores.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

Communication difficulties with supervisors and HR personnel are cited as a major problem by migrant workers at Company 1. According to most migrant workers, the majority of supervisors speak only Kannada, while a few know a little bit of Hindi. Two migrant women said that they can understand their supervisors. One worker mentioned a production manager who can speak Hindi fluently and is easy to communicate with. Most migrant workers reported being shouted at by supervisors. Migrants are constantly pushed to work faster and are often confused by instructions to stitch in different ways. This slows them down, inviting more verbal abuse. Errors invite rebuke; the mistake only becomes clear when the supervisor is able to explain in Hindi. At other times, migrants remain in the dark about where they have gone wrong.

One migrant woman, who has been at the factory for three months, said that she has never been shouted at because she is new. However, she has witnessed supervisors shouting at other migrants, who have been at the factory for a longer time.

All seven local workers said that supervisors treat migrants badly, and five said that the women do not understand what is being shouted at them because it is in Kannada. A local worker said that migrant girls often cry when this happens. A second said that supervisors use vulgar words to insult migrants, while a third observed that words like 'donkeys' have been hurled at them.

However, some supervisors exhibit kindness and empathy in their interactions with migrant workers. One migrant recounted how a male supervisor came to her aid when she was ill: "once when I was not well, I told my supervisor and he asked me to go take rest. I rested for some time and came

‘She was going to school back in the village, but family responsibilities soon caught up with her.’

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A worker’s story at Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

Migrants usually fail to understand abuse directed at them in Kannada by supervisors. One of the workers we met from Company 1 told us about the treatment she had received from a bilingual supervisor. When she was new to the factory, she was often at the receiving end of such harassment; however, this has now reduced in frequency. If she paused for a moment, he would ask her what she was thinking about during working hours, and would accuse her of not concentrating on work. “Are you mental?” he asked her once, to which she retorted that she would not have come to work at the factory if she had been ‘mental’.

The production target of 120 pieces per hour is challenging. The supervisor summons the entire batch for a scolding if group targets are not met. She says that she worked slowly at first, but is faster now. A hundred pieces are manageable, and there are incentives for completing five to six pieces more every hour. This practice of incen-

tivating higher production was started in December. When there are pieces pending, she goes to the factory ten to fifteen minutes early in the morning to clear the backlog. However, she does not consider this to be OT work, and told us that she had not done any OT in the past year.

She feels bored and listless after she returns to the hostel in the evenings. When she first came to the factory in 2015, she felt so alienated that she wanted to go back home. Now, she feels that she is gradually learning new things, and knows a little more about Bangalore.

She was going to school back in the village, but family responsibilities soon caught up with her. She misses her family and feels like her soul is in her village with them, while her body labours in Bangalore. “I always feel alone,” she says sadly.

back to work. The supervisor was sitting in my place and completing my production target.” Workers sometimes stitch a greater number of pieces than the hourly target for the incentive this fetches them. “The production target is 120 pieces per hour, but I stitch 140 pieces per hour,” said the same migrant worker. “We get incentives if we stitch more pieces.”

Company 2, supplier of Levi Strauss

By contrast, most migrant workers at Company 2 reported that their supervisors know Hindi, and are able to communicate with them quite easily. Treatment on the shop-floor was reported to be better than at Company 1, though failure to meet production targets sometimes invites rebuke. “We have to do 80 pieces in one hour. If we do not reach this target, the supervisors scold us,” said a migrant tailor who has been at the factory for two years. Some workers have also picked up some Kannada, and are able to understand their supervisors.

While three local workers at Company 2 thought that supervisors behave well with them and that there is no difference in treatment between migrants and themselves, two said that migrants are scolded. One said that this happened when migrants cannot meet targets. One local worker said that there is a language problem between supervisors and migrants, but there are no other issues in the way they are treated.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

The situation at Company 3 is similar to that at Company 2. Some supervisors know Hindi, and migrants are of the opinion that the way they are treated on the shop-floor is not too bad, though pressure is exerted when they fail to achieve production targets on time. “The supervisors scold us and make us work after working hours,” complained one migrant. “We do not know the (local) language. Sometimes, we do not understand what the supervisor is shouting about, and are not able to communicate our problems,” said another.

One local worker was of the opinion that migrants are scolded more than local workers. However, four local workers reported being severely scolded by supervisors if they failed to meet targets as well. One noted that they have to work fifteen minutes extra after 5.30 p.m. if they do not reach the target on time. Another said that local workers are told not to come to work by their supervisors if they cannot manage the target.

3.8 Overtime

According to the Factories Act, 1948, any worker who works in a factory for more than nine hours in any day, or for more than forty-eight hours in any week, must be paid overtime wages at the rate of twice the ordinary rate of wages. Workers often work a little longer to meet their (high) targets, but do not consider this overtime.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

Some workers at Company 1 reported occasionally working overtime for 1 to 1.5 hours, but this does not exceed 3 hours of overtime in a week. However, all workers interviewed, including locals, agreed that when there is 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. While two migrant workers said that the OT rate is INR 60 (€ 0.78) per hour, three said that it is double the hourly rate. Two migrants do not know what the overtime rate is. “The OT rate is double the normal rate. Sometimes it is paid to us, and at other times, we are not paid for OT at all. We have to ask for it repeatedly,” said one worker. Local workers are all aware of the overtime rate due.

Sometimes, workers stay back after 5.30 p.m. to finish pending pieces and meet their production

target for the day, but this is not considered as overtime and is consequently unpaid. One migrant said that she usually has to stay back to finish her target once or twice a month.

Company 2, supplier of Levi Strauss

At Company 2, overtime is rare. However, some workers reported doing two hours of overtime in a week occasionally. Three migrants said that they will be scolded if they refuse overtime work. Three others said that there is no OT to refuse, one migrant worker explicitly reported that supervisors said it was okay when she refused OT. All workers said that they earn double the normal rate for each hour of overtime labour. 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.

Local workers said that when there is a large order, they have to do overtime, and that they do not refuse in these cases. Two local workers said that if they refuse, they will be scolded.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

Similarly at Company 3, overtime is not common, but is occasional in nature. Local workers said that they do not usually refuse OT, and will be scolded by supervisors if they do. However, working extra to meet targets is not considered as overtime work. "If there are pieces pending, we do it the next morning, [by starting work] 15 minutes before working time," said one migrant worker. Another worker repeated the statement. "Working hours are between 9 a.m. and 5.30 p.m. We start stitching 15 minutes early to finish the previous day's pending pieces."

3.9 Freedom of association

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

Migrant workers at Company 1 were unaware of both unions and the works committees at their factory. Some local workers at Company 1 said they were interested in joining a union, and one said that she was already a member of GLU. Other local workers have no interest in joining a union because their families do not want them to, or because their work is too tiring and difficult and leaves little scope for union activities.

Company 2, supplier of Levi Strauss

Four migrants from Company 2 could name the grievance committee at their unit, but to their knowledge no migrant worker was member of the committee. Three migrant workers said that they would be interested in joining a union now that they were aware of one. "We didn't know [about unions] earlier, but we do now after you distributed pamphlets amongst us," according to one migrant. "I would like to join a union, but we [migrants] don't know how soon we will be going back to our native villages," another said. One local worker showed interest in joining a union, while another was wary of the fact that the factory management would scold her if they found out she had joined one. One worker explicitly stated she was not interested, while the others did not have any awareness of unions. Five out of seven locals were also not aware of factory works committees, or could not name them, while one was able to name the anti-sexual harassment committee.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

At Company 3, only one migrant could name the First Aid committee, and none of the young women knew of any other committee, nor expressed interest in joining a union. Two local workers said that they were interested in joining a union, but one of the two said she was afraid that the factory management may come to know. None of the seven local workers were aware of any works committees at the factory.

4. Living conditions



Factory girls' dorm, foto Andrea Bruce / NOOR

4.1 Hostel Conditions

Hostels are usually buildings consisting of several identical units, each of which consists either of a dorm-like hall or two-three rooms (a hall and one or two bedrooms), a kitchen, and one or two bathrooms. The Swasti staff member said that though his organisation had not researched hostel conditions, they were quite bad.

Promises regarding free food and accommodation are often not met. Union leaders told us that if food is initially provided by factories, it had not been to migrants' tastes, since they are used to a different cuisine in their part of the country. Quantity and hygiene were also unsatisfactory. Consequently, migrants started preparing their own food. In most cases, groups of three to four women take turns to cook together, leading to the formation of queues for use of kitchens.

Workers complained about the lack of mobility and restrictions on free movement outside the hostel, inconvenience caused by poor maintenance of toilets, restrictions on mobile phone use and the poor behaviour of wardens and security staff. However, many workers are happy with the safety the hostel

gives them, and the money they save by living in the hostel. There are usually no TVs, newspapers, magazines, or other sources of news and entertainment available to workers in hostels. In one establishment, the warden's room has a TV, but this is rarely accessible to workers. Only Company 2's hostel had a TV.

Many Bangalore neighbourhoods face acute water shortages throughout the year. GLU members told us how water runs out at the hostels on Sundays, when the occupants take advantage of the weekly day off to do their laundry. Union leaders confirmed that hostels usually have poor hygiene, and are small and cramped.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

At Company 1's hostel, each unit contains two rooms, and is occupied by twelve to sixteen residents. One room is usually shared by six to eight workers. In some cases, the number is higher. There are two bathrooms and two kitchens for each suite - one for each room. INR 500 - 700 (€ 6.54 - 9.15) is deducted monthly for the rental facility. The first month's deduction goes towards the purchase of a woven plastic mat (called a chatai), a gas stove, kitchen equipment and initial provisions. For one worker from the factory no less than INR 1,200 (€ 15.69) was deducted from her salary in the first month, for, among other things, a mat, utensils, vegetables, cooking oil, rice and soap. Workers sleep on these mats, and have no access to cots or mattresses. Water and electricity charges are included in the monthly deduction. Cooking gas cylinders are refilled at workers' expense.

Several workers felt that their quarters are not spacious enough. Ventilation was thought to be sufficient by most. In one unit, one of the two toilets had been broken for some time and had not been repaired, as a result of which fifteen women are forced to share a single bathroom. Since there are not enough toilets, workers struggle to use the bathroom and showers in the morning before going to work.

Meals are cooked by workers themselves, and they must clean their own space. "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, which sometimes feels good (holding some responsibilities and doing domestic work)," said one 19-year-old woman. The usual meal consists of roti (flatbread), rice and vegetables. "We clean our rooms ourselves," added another teenage worker.

When asked why they choose to stay in the hostel, a worker mentioned financial constraints. "Our salaries are low, so it is too expensive to rent a flat or house outside," she said. "We just cannot afford it." Safety is also a concern. "We were told that there is no one to look after us outside the hostel," said another worker. "We have no other option, since it is a new place," said a third woman.

Company 2, supplier of Levi Strauss

At the hostel of Company 2, fifty to seventy women sleep in a large hall/dormitory, a fact corroborated by their warden. The hostel for Company 2 consists of two such halls, housing a total of seventy workers. Most workers thought that the dormitory did not have enough ventilation. There are no deductions from workers' wages for hostel accommodation. Workers do not pay for electricity usage and water, but only for the food they purchase and cook themselves.

Lunch is not served at the factory, and workers come back to the hostel at noon for lunch. They must cook twice a day, at morning and again at night. Groups of five or six migrants cook together when it is their turn to use the kitchen. Hostels and kitchens are cleaned by workers themselves – usually once a day, in the morning or evening.

The warden admitted that the Aquaguard water filter at the hostel was out of order, and workers have to carry drinking water back with them from the factory every day. Workers have to either pay for any accidental damage caused to the Aquaguard filter, or bear the inconvenience.

"We prefer to stay in the hostel for safety. Second, the hostel facility is free of cost, so we can save some money," said a 23-year-old woman from Jharkhand.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

Around fifteen women share a unit at the hostel of Company 3. Each unit contains two bedrooms, a kitchen and a bathroom. Similar to Company 2, workers do not pay for the hostel, but have to purchase their own food and cook their own meals. "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," said a 21-year-old worker. "We cook ourselves (at the hostel), in a group of five or six girls. We eat different vegetables, and sometimes we have fruits."

The hostel is said to be poorly maintained, repairs of faulty taps, kitchen sinks and toilets are often not timely. "My friends are the best thing at the hostel, as they support me in doing all the work," said one 30-year-old woman.

4.2 Security

Hostels are supervised by female wardens, who either live in the hostel or go home in the evening after spending the day at the hostel. Security guards are usually male, and work in day and night shifts. Wardens and security personnel are usually company employees.

Most workers felt that they could ask wardens for help under some circumstances, but could not always depend upon an adequate response. Overall, their responses did not display confidence in the hostel staff during times of personal emergency, or in the ability to depend on them for any kind of help. Wardens are able to converse in Hindi, so communication gaps were not flagged as a major concern.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

The warden and security guard at the hostel of Company 1 carefully manage workers' free time outside the hostel. Returning late has its repercussions. "The security guard shouts at us and the warden demands to know the exact reason why we are late. She warns us not to do it again." They speak in both Hindi and Kannada. Another worker thought that the warden was the main disciplinarian. "She scolds, but does not abuse us. The guard doesn't talk much."

At Company 1, a worker had had her money stolen, "The first time, INR 400 (€ 5.23) was stolen, but the next evening, INR 2,900 (€ 37.91) was missing."

Company 2, supplier of Levi Strauss

Company 2's hostel is managed only by women wardens and security guards, and there are no male guards. Most workers have conflicting opinions about whether matrons and security personnel are approachable or helpful, and some think that approachability and helpfulness vary according to time, circumstance and the individual's mood. Late-coming usually elicits rebuke. "Sometimes, they tell us that if we are late, they are not going to allow us into the hostel," said one resident. "When we are late, the guards scold us, and the warden scolds loudly while all the other girls watch," added another. The warden described how she had struggled with Hindi at first, but had later managed to pick it up and communicate with workers. Language does not seem to be a problem in communications between workers and the warden and security staff.

While wardens are usually described as strict and harass workers for coming back to the hostel late or speaking on the phone, researchers spoke to a warden who told that in case of medical issues, she is in charge of taking workers to the hospital and informing Human Resources. When workers require financial support in the form of loans, she says she is willing to give them an advance which they repay after receiving their salaries. In one instance, migrant workers informed her that young men had been harassing them near the factory. She said that she had interrogated the men and even slapped some of them. She had made four or five trips to the police station to complain about the issues, after which police had also begun monitoring the scene. The young men stopped harassing the workers.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

Workers at Company 3 are unhappy with the warden and security personnel's constant scolding. "The warden scolds us (when we are late). If we repeat it again, she makes us stand outside for some hours." "The warden says that we will not be allowed into the hostel again, and we are made to stand outside for one hour if we are late," agreed another worker. Out of the seven residents interviewed, five said that they are made to stand outside for up to an hour if they return to the hostel late.

4.3 Rental agreements

Except one worker at Company 1, none of the 42 long-distance migrant women interviewed have signed a rental agreement, or possess a copy of one. The one worker who has a rental agreement, says the contract was in Kannada, which she does not understand.

Only Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger, collects rent through deductions. The other companies provide hostel accommodation for free, though one worker from Company 3 mentioned a deduction for hostel accommodation.

4.4 Restrictions on freedom of movement

At the time of recruitment, agents assure parents that their daughters will be safe, and workers often come to believe what they are told – that restrictions on their freedom of movement ensure safety in an alien city, and are therefore for their own good. Many, however, cite this as one of the major problems with hostel life in Bangalore.

Workers leave the factory for the hostel at 5.30 p.m., or in some cases, at 5.45 p.m. The hostel is at a walking distance from the factory, and the women walk in groups of two or three with their friends and roommates. On Sundays, there is only enough time for a short, casual walk and the purchase of groceries and other essentials; usually toiletries. Workers complained that a film or other entertainment is out of the question because of the curfew hour. At most, they have time for snacks outside while they shop. The women usually go out with their co-workers, who are also friends and hostel mates.

Company 1, supplier of Abercrombie & Fitch, Benetton, C&A, Calvin Klein, Columbia Sportswear, Decathlon, Gap, H&M, Marks & Spencer and Tommy Hilfiger

At Company 1, a factory employee keeps track of their movement and often walks them back from the factory, or walks slightly ahead and meets them near the hostel. Stepping out of the hostel on weekday evenings is not allowed, and workers purchase vegetables on their walk back from vendors who sit with their wares along the way. "From Monday to Saturday, we come back to the hostel from the factory by 6 p.m. in the evening," said one worker. We asked another worker what she would do if she wanted to step out for tea on a weekday evening. She responded that this was not allowed for more than five minutes; that too, within visible distance from the hostel. They must make their own tea indoors.

Leaving the hostel for purposes other than work is allowed only on Sundays. "On Sundays, we can go out after 2 p.m. in the afternoon. From 11 a.m. to 2 p.m., we are not allowed to go out because no shops are open at that time," said a 19-year-old from Jharkhand. However, Company 1 curbed outdoor hours from 4 hours to 3 hours and changed their timings while the interviews were being carried out (workers were allowed out from 4 to 7 p.m. instead of 2 to 6 p.m. late June 2016 onwards). Free time outdoors is mostly spent shopping for essentials and monthly supplies. They are not accompanied by hostel staff, even though bhaiyya (elder brother in Hindi) monitors their time outside from a distance, usually via a few phone calls. The man in question may be a factory employee or a security guard from the hostel. Interviews with women from Company 1 were conducted at the GLU Worker Resource Centre, a fifteen minute walk from the hostel. Researchers noted that workers were in a hurry to leave the centre (where the interviews were held) by 6 or 6.30 p.m., as the factory employee, who was waiting a short distance away, was urging them to leave so that he could escort them back. Workers complained that the warden stops them from going outside for entertainment on weekday evenings, when they ask her for permission.

Company 2, supplier of Levi Strauss

At Company 2 women are allowed out between 2 and 6 p.m. on Sundays. There does not seem to be a chaperone monitoring their movement outdoors. "I like the fact that the hostel is safe for us, but I dislike the fact that the warden refuses when we ask for permission to go outside for entertainment," one worker said. "Being inside the hostel all the time and not being allowed outside is bad," said another. "There isn't enough time to watch a film or for other entertainment," said a third worker. "We buy groceries and shop for necessities. There is no time for movies, walking around or shopping casually." Other than the limits on time outside the hostel, there are no particular complaints about the hostel. The warden said that she is strict with workers because they are women. "They should be managed strictly, and should take permission to go outside." She claimed that they are also allowed outdoors on Wednesdays between 6 and 8 p.m., but this statement was not backed up by workers. She also stops them from using their mobile phones after 10 p.m. Mobile phone use is restricted on factory premises, as well.

Company 3, supplier of Abercrombie & Fitch, Columbia Sportswear, Gap and H&M

At Company 3 workers can go outside for three hours only on Sundays, between 12 p.m. and 7 p.m. "On Sundays, we go out for three hours, and on all other days we must be back at the hostel before 7 p.m.," shared one 21-year-old woman. Hostel authorities do not allow parents into the hostel when they come to meet their daughters, a fact that is deeply resented. "I like staying with my friends, but I don't like the fact that they are so strict that even my parents are not allowed into the hostel when they come to see me," complained one woman. The common refrain is that there are far too many restrictions in place. Mobile phone use is only allowed for an hour between 8.30 and 9.30 p.m. One worker said that she cannot receive her parents' calls if they call at any other hour to share something with her. "I miss my parents and my native village," lamented one worker, "so I call my parents every day on the phone."

‘While most workers were promised before employment that their accommodation would be accounted for, rent is deducted from their salaries.’

Janodaya is an Indian NGO from Karnataka, that focuses on poverty alleviation, job skilling, and women empowerment. In 2010, the government asked Janodaya to set up a hostel for working women in the industrial area Peenya. The first garment factory approached Janodaya after conditions at its hostels were badly reviewed in a research report. The factory handed over management of its two hostels to Janodaya and then more companies followed; currently Janodaya manages 47 hostels, for 13 companies. Some of which the NGO calls ‘Residential Facilities’ (RF), if residents pay rent for their stay. Research findings were discussed with Janodaya’s chairlady Ms. Santosh Vas, since the hostel of Company 1 is such a residential facility.

While most workers were promised before employment that their accommodation would be accounted for, rent is deducted from their salaries. According to Ms. Vas, the responsibility for this lies with the contractors and thus with the company, so therefore it is not her position to address it. As soon as new residents arrive at a hostel, all the rules are clarified. This includes the payment of rent, which is deducted from the women’s salary. Ms. Santosh Vas felt it is misplaced for residents to complain, because everything is explained upon their arrival and because they only pay half of the amount their accommodation actually costs. The rest is paid for by Company 1, through a charity that funds Janodaya. The name of the charity was not shared and Ms. Santosh Vas was unaware if there are any other sources, such as brands, funding this charity.

Ms. Santosh Vas dismissed the indicated restricted freedom of movement in the hostel of Company 1. She stated that residents create the rules about movability themselves, through the committees that are present in every hostel. These rules are laid down in several documents, which workers sign when they move into the hostel.

Furthermore, the local police department forbids workers to go out at night, which Ms. Santosh Vas defended by saying it is for their own security. According to her, 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.”

For the women to earn some extra money Janodaya wishes to bring in extra work for the women, such as stitching people’s torn clothes, but Company 1 does not allow workers a second job. Ms. Santosh Vas described that garment workers start feeling tired within 2 years after the beginning of their employment; they lose their energy and become sick more often.

Janodaya sends a monthly report to the factory management about maintenance, medical health of the women, absence numbers etc. The government does not check conditions of the hostels on-site.

5. Analysis of brands' responses



Brands' collective actions

In January 2016, ICN published the research paper *Unfree and Unfair: Poor Living Conditions and Restricted Freedom of Movement of Young Migrant Garment Workers in Bangalore*. This research gives evidence of appalling living conditions and restricted freedom of movement of young migrant garment workers in the Indian city of Bangalore. C&A, GAP, H&M and PVH (Calvin Klein & Tommy Hilfiger) in their responses made some concrete commitments to address the plight of young female migrant workers in the Bangalore garment industry. C&A and H&M initiated a collaborative effort which involved Inditex as well. With this collaborative approach they aimed to ensure freedom of association and to empower migrant workers with training and a grievance handling system, supported by a social entrepreneurial initiative called Gram Tarang. The joint effort of C&A, H&M and Inditex furthermore aimed to review curfew regulations at hostels and "evaluate the dichotomy between freedom of movement and ensuring the workers' safety". Based on the reviews of C&A and H&M to the current report, research was conducted and meetings were held, but concrete improvements in the situation of migrant workers have yet to be achieved. Almost two years after the findings of *Unfree and Unfair* were shared, plans are still being developed.

The brands commissioned a scoping study, which Swasti has conducted. According to C&A, "this scoping study was conducted between April and July 2016 in 10 factories in and around Bangalore. The study covered the domain areas of Health & Safety, Gender Equity, Financial Inclusion, Social Protection, Life Skills and Career Path. The study gave special emphasis on migrant specific issues, including living conditions. The key findings were in line with the findings of the report *Unfree and*

Unfair which was referring to the lack of system approach of factories to address the issues of migrant workers, language barriers, hygiene of hostels etc.” The scoping study has not been made public, nor has it been shared with research organisations.

Furthermore, these brands organised a Supplier Round Table with 26 suppliers of three brands “in order to explore a sustainable and scalable strategy for worker wellbeing, based on the findings of the scoping study”. Brands decided to focus on creating guidelines for migrant workers on sexual harassment and living quarters, which are now being developed according to C&A.

Benetton, C&A, GAP, Marks and Spencer (M&S), and PVH (Calvin Klein & Tommy Hilfiger) refer to the Brands Ethical Working Group (BEWG), where brands have discussed the situation of migrant workers. The Brands Ethical Working Group is an informal meeting of brands and retailers in India that aims to address sector specific challenges. There is no public information available on membership, objectives and strategies, nor are stakeholders involved. PVH, coordinator of BEWG since February 2016, says it hopes to develop an industry-wide code on hostels and dormitories within the BEWG. Due to the lack of transparency of BEWG, it is impossible to verify claims made by brands on activities taking place within the BEWG, or to monitor its outcomes. Brand responses (see below for response per company) show that members of BEWG have differing views of issues at stake. While C&A acknowledges that the research commissioned by C&A, H&M and Inditex found similar concerns, other brands deny the issues.

Besides referring to the BEWG, C&A, Gap and M&S also refer to ETI in their responses. ETI is in the process of setting up a tripartite platform in South India, which will facilitate dialogue between ETI member brands, trade unions, civil society, and where appropriate, government. Furthermore, ETI says it was involved in facilitating discussions in the UK and India about hostel standards in Bangalore, the conditions of young women and restrictions in their freedom of movement. It calls upon member companies to adapt the Tirupur Stakeholders Forum’s ‘Guidance for migrant women workers in hostel & the recruitment process’ for the whole of India. This guidance has been developed in 2011 in Tamil Nadu in a multi-stakeholder setting. Four major stakeholder groups took part, including the BEWG. The document, which has not been updated since 2011, is intended as “a guide and recommendation only” for factories owning hostels. It entails guidelines for recruitment of workers, training, working conditions and hostel conditions. Guidelines concerning hostels are quite extensive.

The Dutch Agreement on Sustainable Garments and Textiles states that it includes the issues as described in this report in its priority themes. The Agreement linked ICN to a member sourcing from Company 1, although from a different unit than the one in the research. This Agreement member promised to address these risks with its Bangalore-based suppliers and reach out to GLU. The other member sourcing from Company 1 is C&A, which responded individually. The Agreement is developing guidance on how companies can identify the risks described in the report.

In its response, Social Accountability International (SAI) states that SA8000 auditors are trained to closely examine the treatment and practices towards migrant labourers in SA8000-certified facilities and to recognise issues such as forced, bonded and child labour. This includes, for instance, review of documentation, wage records and interviews with both local and migrant workers as well as other local stakeholders. The latest version of the SA8000 standard requires certified facilities to set up a Social Performance Team, which should be made up of a balanced representation of the workforce, including migrant workers.

WRAP states that the confidentiality of the suppliers’ identities makes it difficult to comment on the veracity of the claims made. WRAP does not refer to any policies/concrete steps specifically targeting migrant workers and the risks they face.

Several units of the companies under research are certified by the Global Organic Textile Standard (GOTS), although not the specific units mentioned. In its response GOTS points out that its certification includes criteria on social compliance. On-site inspection includes interviews with workers and verifying records related to their wages, age, overtime etc. Off-site worker interviews are not in the scope of GOTS. The social criteria also apply to hostel/residential facilities provided by the employers. Section 3.6 of GOTS Standard states that “accommodation, where provided, must be clean, safe, and meet the basic needs of the workers”. GOTS does not have separate criteria for migrant workers as “the robust social compliance criteria are applicable to ALL [sic] workers”. As follow-up to the report, GOTS will share the findings with all its certifiers, especially the ones working in Bangalore and other parts of India.

Brands’ individual actions

Benetton, Columbia, H&M and M&S gave brief or general responses to the review, while C&A, Decathlon, Gap, Levi, M&S and PVH (Calvin Klein & Tommy Hilfiger) provided more elaborate responses. Abercrombie & Fitch did not respond at all, even after receiving two reminders via email and a follow-up call. Abercrombie & Fitch publishes a statement on its website as required per the ‘California Transparency in Supply Chains Act’, in which the company states that it rigorously monitors its suppliers by third party audits and has a zero-tolerance stance on human trafficking and forced labour. Since the company provided no response, nor provides any transparency on its supplier base and their monitoring practices, it is impossible to verify this claim.

Out of the brands that did respond, seven out of nine brands refer to (third party) audits/assessments that takes place regularly at their suppliers. While some brands, especially C&A, acknowledge the limitations of audits in identifying and addressing issues like forced labour, intimidation, discrimination and harassment, other brands like Benetton, Decathlon, Levi, M&S, seem to fully rely on the audit methodology. C&A, Gap and PVH (Calvin Klein & Tommy Hilfiger) take additional steps to address these concerns, which are described below.

Benetton was most transparent about its audits, as it shared its audit reports. The company expressed its surprise about our findings since audit reports did not find any concerns at their supplier, Company 1. On the contrary, the supplier scored 96 out of 100. According to the audit findings, there are no migrant workers in the factories, since all workers are Indian. Furthermore, the audit reports state that the factory does not own hostels. In its response, Benetton quotes Company 1, which says that “for more than two years Janodaya has been running the residential facilities independently. Company 1’s role is limited to monitoring the compliance aspect”.

Levi’s also states: “according to our records, the supplier and its factories do not provide any hostel accommodations for workers”. Furthermore, Levi’s states that its audits did not identify workers that are hired through agents, noncompliance regarding bonus payments or non-payment of minimum wages. The company’s Terms of Engagement, with which its factories must abide, includes an elaborate section on foreign migrant workers, although there is no mention of internal migrants. The Terms of Engagement also set rules for residential facilities provided by suppliers to their workers, which include the prohibition of restriction of movement. If and how hostels are monitored is unclear. After the unit of Company 2 under research closed during the research period, there have been concerns regarding payment of due wages and PF payments, which GLU has addressed with Levi’s on several occasions. Levi’s ignores this concern in its response.

Besides Levi’s, Benetton, C&A, Decathlon, H&M and GAP include specific policies on migrants or dormitories in their respective Code of Conducts. Benetton’s CoC states that migrants should be treated the same as non-migrant workers. C&A refers to migrants in its CoC in relation to their vulnerable position. Dormitories should be “clean, safe, and meet the basic needs of workers” and “suppliers must be cooperative and transparent during an assessment, and provide unrestricted access

to workers, records, work areas, and to dormitories, if applicable". The CoC of Decathlon states that "Decathlon Suppliers must ensure that dormitories are safe, clean and meet the basic needs of the personal. They can be freely accesses [sic] at any time". There is no explicit mentioning of policy on any type of migrant worker. Gap's Code of Vendor Conduct requires equal treatment of foreign migrants. It states that "migrant workers are not subject to any form of forced, compulsory, bonded, or indentured labour". Furthermore, the CoC also includes rules about living conditions in dormitories, among which free access is included. H&M prescribes the same [financial] entitlements for migrant workers as for local workers.

In its review, M&S refers to its human rights reporting, which addresses concerns on recruitment of migrant workers in their Indian supply chain. So far, M&S has issued two annual reports, both sharing multiple case stories about actions taken that involve protecting migrant workers in different sectors in different countries. Both reports do not mention anything related to migrant workers in India. The Global Sourcing Principles for suppliers state that as part of their responsibility to enforce M&S's standards in their own supply chain, suppliers must be aware of vulnerable groups, among which are migrant workers, "and have adequate measures in place to ensure the rights of these groups are upheld".

PVH (Calvin Klein & Tommy Hilfiger) says that it has developed and distributed a separate set of guidelines among vendors, based on international standards and local regulations. These guidelines do not appear in its Code of Business Conduct and Ethics.

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 its response, C&A explicitly acknowledges the limitations of social audits and states that the company is committed to searching for alternatives. C&A works to equip suppliers with "systems and tools to work proactively for their social sustainability and monitor their supply chain for noncompliance". Gap says it is working on setting up 'Works Committees', in which workers are represented, in order to identify and address workplace related issues. PVH (Calvin Klein & Tommy Hilfiger) states that it delivers trainings on working conditions, management systems and employment practices, and says that it supports its vendors to manage human rights risks better in their factories. Furthermore, PVH (Calvin Klein & Tommy Hilfiger) refers to a global hotline the company is currently rolling out, where workers can report workplace concerns. In all these efforts, trade unions and workers' representatives, are not involved, except for some occasional consultations.

Decathlon, GAP and PVH (Calvin Klein & Tommy Hilfiger) explicitly state that they also monitor hostels. Gap has encouraged suppliers to set up hostel committees. Benetton, C&A, Decathlon and Gap refer to the hostel of Company 1 being managed by the NGO Janodaya. While ensuring that factory management does not directly control hostels seems to be a positive step, in practice, the hostel of Company 1 is the one that restricts workers' Freedom of Movement the most. Decathlon states that Janodaya is appointed by the supplier to manage the hostel. According to C&A, this appointment of the day-to-day management is a result of the ongoing dialogue with brands. PVH (Calvin Klein & Tommy Hilfiger) is the only brand that responded to the case study of the girl who turned out to be 15. Although formally a teenager above 14 is allowed to work, the combination of her age and indicators of forced labour raise concerns about the worst form of child labour. PVH (Calvin Klein & Tommy Hilfiger) will follow-up with GLU on this specific case and will try to engage other brands identified as buyers from Company 1.

H&M's reply is stated in such general terms that it seems that the company does not take any individual steps besides the initiative in cooperation with C&A and Inditex.

6. Conclusion and recommendations



Garment workers are returning to their hostels at the end of the work day

The concluding chapter compares the research findings to indicators of forced labour as stipulated by the ILO. Furthermore, it compares the working conditions of migrants to that of local workers. Lastly, it assesses the responsibilities of the government of India and state governments and international brands and retailers.

6.1 Indicators of Forced Labour

The ILO identifies 11 indicators of forced labour, namely abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions and excessive overtime. This study has found that five of these indicators exist in the Bangalore garment industry.

Abuse of Vulnerability

The young women workers in this research come from poor, mostly tribal communities in North India (referred to as scheduled tribes), which puts them at a disadvantaged position towards recruiters and employers. Being women within a patriarchal society further increases their vulnerability. Age is another factor contributing to the aforesaid vulnerability. The majority of migrant workers are in their late teens or early twenties, and one worker at Company 1, a supplier of H&M and C&A, was found to be a minor who was instructed to say that she is eighteen. Local workers tend to be older women in their twenties and thirties, or even older. GLU expects more migrant workers to be under 18 years of age and working with falsified age documents. Having to lie on behalf of your em-

ployer also makes female minors vulnerable as they feel you are illegally working. Strictly it is legal to work when aged 14 or older, but brands and retailers require workers to be 18. When indicators of forced labour apply to underaged workers it constitutes a worst form of child labour. This vulnerability manifests itself in the lack of awareness of their legal rights and entitlements, and enables their exploitation. Their lack of comprehension of the local language Kannada creates a major communication gap, adding to their isolation and vulnerability within the factory and the larger community. The failure on the part of skill development agencies and employers to train inter-state migrants in the basics of spoken Kannada becomes a barrier in developing independence. No steps are taken to encourage and promote self-reliance and mobility by training them in the local language and fostering interaction with local workers.

Deception

Indicators of modern slavery or forced labour occur in existing recruitment practices, in the form of deception and/or false promises by agents. Most of the migrant workers interviewed receive a minimum wage or just below it, but expected higher wages on the basis of statements or assurances made by recruiting agents. They were also promised that accommodation and food would be free of charge. When either of these is not provided, the assurance constitutes a false promise. As a result of such false promises, deductions for hostel accommodation (at Company 1) and expenses for sleeping mats, utensils, cooking gas and groceries are not anticipated, and create a shortfall in expected earnings. Migrants find themselves earning less in Bangalore than they had agreed to come and work for.

Restriction of Movement

Restriction of movement represents a strong indicator of forced labour. Employers present the restrictive rules of hostel life as the way to keep young women safe. Migrant women are not permitted to go outside the hostel after they return from the factory in the evening, and can only leave the hostel for 2 to 4 hours on Sundays. In the case of Company 1, they are escorted on their way to and from the factory, and are monitored on how they spend their free time. Restrictions imposed on women migrants' mobility and ability to move about freely in the city further isolates them.

Intimidation and Threats

Local workers largely felt that migrants were more vulnerable to harsh treatment from supervisors than they were, though both groups face harassment regarding production targets. Language is an added burden for migrant workers, who often cannot understand the angry or abusive words directed at them in Kannada by their supervisors. This creates further stress and anxiety.

Abusive working and living conditions

The garment sector is known for its high work pressure and high production targets. Supervisors scold workers to make sure to complete the production targets and if they failed to do so, workers sometimes work after hours, or before working hours the next day. This labour is unpaid, as it is not considered to be overtime.

Several workers indicate that they are very tired after work. The chairwoman of Janodaya stated that many workers leave after a couple of years because they cannot manage the workload. At the same time wages are so low that she wanted to help them make extra money.

Migrant workers live in cramped facilities that are often poorly maintained.

Differential Treatment between Long-Distance Migrants and Local Workers

Local workers seem to earn a slightly higher wage than migrants, although individual migrant workers reported far lower wages. It is hard to establish the exact wages earned, since workers often do not know their exact gross and net wages and do not have a clue about the deductions made. Generally most workers earn just about or a little less than the minimum wage for unskilled workers. The legal minimum wage falls far short of a living wage.

More local workers have far more access to legal documentation, in the form of written contracts and pay slips, than migrant workers. Out of 21 local workers, 11 had signed contracts and 7 possess copies, while only 6 out of 21 migrants signed a contract and none of them possessed copies of the same. Local workers have their social security provisions in place, while at Company 1, 4 young migrant workers do not have ESI (Employee State Insurance, a public health insurance) cards and PF accounts (Provident Fund, a pension saving scheme). 4 migrant workers at Company 1 do not receive wage slips. This contributes to vulnerability. The example of migrant workers at Company 2, who were made to sign resignation letters which they did not understand and terminated without the company disbursing settlements, illustrates the vulnerability of migrant workers.

In many cases, migrant workers were not aware of the various workers committees at their factories that intend to offer avenues for remedy. Amongst the respondents, the number of migrants who have considered joining a union is even lower than that of local workers who have done so. Migrants have less knowledge of available avenues for access to remedy.

Migrants are much less likely to switch factories when expectations are not fulfilled or working conditions are undesirable. It is harder to find another job if one is isolated from the surrounding society and does not speak the language. Furthermore, if migrants change jobs they also lose their housing. Changing jobs is a form of agency that local workers typically possess. The fact that migrant workers do not change factories is striking in an industry with a high employee turnover rate.

Labour 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. Domestic responsibilities and unpaid care work frequently prevents women from taking membership or participating in union activities. Organising female migrant workers is particularly difficult for unions like GLU because of the language barrier. Very few migrant workers speak Kannada, which is the only language most union leaders can communicate in. Moreover, meeting migrant workers turns out to be a challenging task for union members. Gate meetings are difficult to conduct because of the paucity of time (migrants' movement outside the hostel is restricted) and the watchfulness of chaperones. In one case, workers were monitored on their way back from the factory to the hostel. The restrictions on the Freedom of Movement migrant workers face makes it impossible for them to join a union meeting or training. These factors have contributed to migrant women workers remaining isolated, vulnerable and dependent.

Long-Distance Migration and the Government

The majority of women migrant workers interviewed for this study have come to Bangalore from states like Jharkhand and Odisha through government-funded skill development programmes. Training and recruitment take place through private skill development agencies involved in implementing these initiatives with the financial support of government departments. While the aim is to find a sustainable livelihood to support poverty-stricken families, these young women workers often find themselves in a situation of exploitation because of deceptive or patently false promises at the time of recruitment, and restrictive working and living conditions in Bangalore. This reveals a failure on the part of State and Central governments to monitor and audit skill development and recruitment processes.

Labour laws intended to protect migrant workers' interests have mostly remained confined to paper, as is evident from the implementation of the Inter-State Migrant Workmen Act, 1979. Few workers are registered with the state labour department. Classifying migrant garment workers as 'trainees' allows employers and recruitment agencies to circumvent the obligations under the Inter-State Migrant Workmen Act, 1979 to register migrant workers with State labour departments. This failure on the part of recruiters and employers to ensure that workers are duly registered with the labour department has led to a gap in the data on the number of inter-state migrants. As a result, migrant workers remain below the radar of state labour departments and women's commissions which prevents proper monitoring and control of migration and migrants' living and working conditions. Furthermore, the fact that migrant workers are not documented and have few formal proofs of employment restricts their access to legal protection.

Do brands and retailers take actions to improve migrant workers working and living conditions?

One brand, Abercrombie & Fitch, did not respond to our request for review at all. 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 risks seriously.

After *Unfree and Unfair* was published in 2015, C&A, H&M and Inditex expressed willingness to take steps aimed at tackling the issues highlighted in the report.

As a concrete step, these brands commissioned a study into conditions at factory controlled hostels at their supplier factories. According to C&A, this study confirms findings described in *Unfree and Unfair*, but this study has not been made public. C&A, GAP and PVH acknowledge the need for steps 'beyond auditing' to address the issues internal migrant workers face, especially freedom of movement. These steps include trainings, setting up works committees, etc. Although these steps may have a positive impact, the concern that workers and/or their representatives have not been involved remains. Brands rely on their own staff or hire consultants or implementing organisations for the purpose of such initiatives. In Karnataka, GLU was contacted once by C&A, but the two parties did not come to a follow-up strategy. The case of Company 1 shows that hiring an implementing NGO (through the supplier) to manage the hostel is not sufficient to guarantee improvements; on the contrary workers, are least satisfied with this hostel, the freedom to move around outdoors is most severely restricted here, and it is the only hostel where workers have to pay rent. Based on brands' responses, the transfer of the management of the hostels of company 1 to Janodaya is the only concrete outcome at work floor level of brands' dialogue with their suppliers so far.

Besides management of the hostel being transferred to the NGO Janodaya, corrective steps to mitigate risks identified by GLU and ICN in *Unfree and Unfair* seem to be limited to exchanging information, raising the migrant worker issue with suppliers, and research. Brands do not report concrete results at the work floor level.

Transparency on brands' actions, especially at the collective level, is missing. It is not even known which brands are member of the Brands Ethical Working Group, an informal group of brands that seems to be brands' most important vehicle for addressing these issues at the moment. The other, formalised, CSR initiatives provide more transparency on either membership (ETI, the Dutch Agreement), or certified facilities (SAI, GOTS, WRAP), but still provide only general information about their activities (ETI and the Dutch Agreement), or do not undertake initiatives specifically aimed at migrant workers and hostels. The Dutch Agreement is the only initiative that publishes a list of suppliers of its members. At the brand level, transparency varies greatly. Benetton, C&A, Gap, H&M, M&S, & Levi's provide transparency about their first tier suppliers, but detailed information about working

conditions and corrective actions at these suppliers is missing. At best, information about the grading of the supplier (e.g., gold and silver) is provided. Abercrombie & Fitch, Columbia and Decathlon do not publish any information on their suppliers. When brands do not publish their suppliers list, it is only possible to find these details by buying export data or having workers identify labels. Overall, full transparency and accountability on brands' supplier base, due diligence process, working conditions at those suppliers' factories, and remediation is still lacking.

The review identified a few brands (like Benetton and Levi's) who seem to rely solely on their audit findings, and based on those findings claim that the problems do not exist. Audit findings that have been shared with us by Benetton reveal that only foreign migrants are considered migrant workers. Although worker interviews seem to be part of the audit procedures, not one instance is mentioned where interviews with workers took place off-site. Interviewing workers within the workspace limits the opportunity for workers to speak freely about their employment conditions. Furthermore, only Decathlon, GAP and PVH explicitly state that hostels are being monitored.

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.

PVH is the only brand that reacted to the fact that a minor worker (15) was identified to work in conditions that indicate forced labour - a situation that might constitute the worst form of child labour - and engaged with GLU to remediate. Other brands sourcing from Company 1 - Abercrombie & Fitch, Benetton, C&A, Columbia Sportswear, Decathlon, Gap, H&M and Marks & Spencer - ignored this case study in their responses. While brands have an obligation to remediate human rights violations under the UNGPs, most choose to ignore it.

Overall it can be said that only few companies have done a thorough risk analysis as part of their due diligence process when it comes to inter-state migrants. Most companies still rely only on audits for their due diligence, although limits of auditing are well-known. The brands that did a risk analysis, have not yet managed to prevent and mitigate of human rights risk for migrant workers in the Bangalore garment industry. Communication with stakeholders working with migrant workers in the Bangalore garment industry and public reporting about due diligence, both requirements of the UNGP, are lacking.

Recommendations for the Government of India, State Governments in the State of Origin and the State of Destination (Karnataka)

- 1 The Government of India is the main financier of programs that stimulate 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 from being recruited with false promises by government sponsored agencies.
- 2 Skill development agencies fail to register long-distance migrant garment workers with the Labour Departments in the state of origin and the destination state. The respective State governments and the Union government must ensure that all trainees at skill development agencies implementing the Skill India Initiative are registered both in the state of origin and the destination state (Karnataka), in compliance with the Inter-State Migrant Workmen Act, 1979.
- 3 The state of Karnataka government must formulate guidelines for hostels that regulate the living conditions in hostels and guarantee freedom of movement. An example of such legislation is the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.
- 4 To ensure the proper functioning of hostels, the Karnataka Department of Labour should monitor living conditions in hostels, including the freedom of movement.
- 5 The Karnataka Department of Labour must ensure that all factories intending to recruit five or more inter-state migrants register themselves with the Department, in compliance with the Inter-State Migrant Workmen Act, 1979 and monitor the labour conditions of these migrants.

Recommendations for supplying companies

- 1 The company must provide training in basic spoken Kannada to long-distance migrant workers, or delegate this task to the skill development agency as a part of its curriculum. At the same time, at least one supervisor/floor manager in each section where migrants are employed should be conversant in Hindi and/or Oriya, Assamese, etc, while hostel wardens as well should be able to converse with migrant workers.
- 2 Factories must 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.
- 3 Companies/factories must ensure the freedom of movement of migrant workers. This should be open to monitoring by buyers, unions and the Labour Department.
- 4 The supplying company/factory must implement the Inter-State Migrant Workmen Act and maintain records showing that the hiring contractor/agency has registered migrant workers in their native State (Odisha, Jharkhand, Assam, etc.), and in the State in which the worker is employed (Karnataka). It must also issue pass-books to every inter-state migrant worker employed by it, as per the same act.
- 5 Buyers, unions and the Labour Department must be able to interact independently with inter-state migrant workers in order to monitor grievances. Factories management must be receptive to the grievances of migrant workers, and must provide an atmosphere conducive to raising them.

- 6 For this purpose, the factories must constitute functional Internal Complaints Committees, as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. At least one worker-member must be conversant in Hindi. This member will be the contact point for long-distance migrants in the factory. All migrants should be in possession of this ICC member's contact number. The ICCs must be open to monitoring/auditing, as the case may be, by the relevant State authority, unions and buyers.
- 7 When migrant workers return from their annual break in the village, they must not be compelled to re-join their job at the factory, imposing a false break in service. Continuity of service should be preserved, so that workers qualify for gratuity at the end of the legally ordained period of employment.
- 8 Workers mostly do not have access to sources of entertainment or information, such as newspapers and TVs. Factories must provide workers in the hostel the means to receive about the outside world and to entertain themselves. These can include Hindi language newspapers, magazines and TVs with cable connections.

Recommendations for buyers (international brands and retailers)

- 1 In their codes of conducts brands and multi stakeholder initiatives should include migrant workers, both inter-state and intra-state migrants. Their specific needs in terms of their attaining their rights should be specified. Living conditions in hostels should be covered by the Code of Conduct as well.
- 2 Auditing alone, as a tool to detect non-compliance with labour standards, is insufficient to detect indicators of forced labour. They should include off-site worker interviews, so that workers can speak freely without fear for reprisals. Brands and multi stakeholder initiatives should work with suppliers on the basis of long-term engagement and involve unions and labour NGOs in these efforts.
- 3 Buyers must audit the hostels at their supplier factories and recruitment agencies every three months on compliance with applicable laws. In particular, audits must pay attention to the provisions of the Inter-State Migrant Workmen Act, 1979. Based on the results of the first audit, brands must – if needed - formulate a corrective plan of action to work with their suppliers towards improving hostel conditions. Independent hostel committees that involve workers should be part of this process.
- 4 Audit findings, corrective action plans and suppliers should be made public, and must include a review on hostels, migrant workers and recruitment practices in relation to buyers' codes of conducts.
- 5 Brands must work with their suppliers to ensure that their contractors/agents do not use false promises or other forms of deception to recruit prospective workers in less developed areas.
- 6 Brands must work together with relevant local stakeholders in order to make considerable progress in addressing issue related to migrant labour. Cooperating with local trade unions and worker representatives is essential in enhancing freedom of association, while local NGOs have expertise in worker empowerment and in addressing workers' grievances. In Bangalore, local stakeholders, including manufacturers, trade unions, labour NGOs, the ILO, and international brands, previously met regularly to address labour concerns in the Bangalore garment indus-

try. This Bangalore Garment Sector Roundtable can be considered a good practice within the industry, since it facilitated dialogue between employers and workers' representatives. Brands should engage with the stakeholders involved and investigate possibilities to revive the Bangalore Garment Sector Roundtable.

- 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. The presence of migrant workers and the lodging of these workers in factory hostels should be 'red flags' during audits. If there are indicators for violations of (migrant) workers' rights, brands and retailer companies must mitigate adverse impacts for these workers by using 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.

Recommendations for the European Union and its member states

- 1 The EU and its member states, which are home to many of the brands on top of the supply chain, should raise the poor living and working conditions of India's internal migrants with the Indian government with the aim to jointly work towards compliance with Indian laws and regulations as well as with international standards. Special attention should be paid to tackling situations that indicating forced labour.
- 2 The EU and its individual members states should work towards 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, corrective action plans and their results.
- 3 Governments like those in Germany and The Netherlands, who are party to (national) initiatives for sustainable garments, should ensure that these initiatives adequately address the position of migrant workers in the Indian garment and textile industry and other , sourcing countries.

Notes

- ¹ Eliminating violence against women at work (Sisters for Change & Munnade, Jun 2016); source: http://sistersforchange.org.uk/wp-content/uploads/2016/06/SFC_WomenatWork_FullReport_25June2016.pdf
- ² 80 p.c. garment workers come to Bangalore for sheer survival (The Hindu, Sep 15, 2012); source: <http://www.thehindu.com/news/national/karnataka/80-pc-garment-workers-come-to-bangalore-for-sheer-survival/article3898214.ece>
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- ⁵ Eliminating violence against women at work (Sisters for Change & Munnade, Jun 2016); source: http://sistersforchange.org.uk/wp-content/uploads/2016/06/SFC_WomenatWork_FullReport_25June2016.pdf
- ⁶ The changing pattern of internal migration in India: Issues and challenges (Mahapatro, S., [in: European Population Conference, Stockholm, Stockholm University], 2012)
- ⁷ Socioeconomic determinants of temporary labour migration in India (Keshri, K. & Bhagat, R.B. [in: Asian Population Studies, 9(2), p 183], 2013).
- ⁸ The changing pattern of internal migration in India: Issues and challenges (Mahapatro, S., [in: European Population Conference, Stockholm, Stockholm University], 2012)
- ⁹ For example: Maid in India: Young Dalit Women Continue to Suffer Exploitative Conditions in India's Garment Industry (SOMO/India Committee of the Netherlands, Apr 2012); source: <http://www.indianet.nl/MaidInIndia.html>
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- ¹² <http://sustainability.c-and-a.com/supplier-list/>, page retrieved August 15, 2017
- ¹³ <http://sustainability.hm.com/en/sustainability/downloads-resources/resources/supplier-list.html>, retrieved August 15, 2017
- ¹⁴ <https://interactivemap.marksandspencer.com/?parentFolderPiD=56c35a8072529b-06981917ce&categoriesPiD=clothing>, retrieved August 15, 2017
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 C&A's Code of Conduct: http://materialimpacts.c-and-a.com/fileadmin/user_upload/materialimpacts/C_A_Code_of_Conduct_2015_-_English.pdf
 Gap's Code of Conduct: http://www.gapinc.com/content/dam/gapincsite/documents/CodeofVendorConduct_FINAL.pdf
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 Levi Strauss' Code of Conduct: http://www.levistrauss.com/wp-content/uploads/2014/01/LSCO-Sustainability-Guidebook-2013_-_December.pdf
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