



Forced Labour in the Textile and Garment Sector in Tamil Nadu, South India

Strategies for Redress

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About this report series

This report is part of a series produced by the Non-Judicial Human Rights Redress Mechanisms Project, which draws on the findings of five years of research. The findings are based on over 587 interviews, with 1,100 individuals, across the countries and case studies covered by the research. Non-judicial redress mechanisms are mandated to receive complaints and mediate grievances, but are not empowered to produce legally binding adjudications. The focus of the project is on analysing the effectiveness of these mechanisms in responding to alleged human rights violations associated with transnational business activity. The series presents lessons and recommendations regarding ways that:

- non-judicial mechanisms can provide redress and justice to vulnerable communities and workers
- non-government organisations and worker representatives can more effectively utilise the mechanisms to provide support for and represent vulnerable communities and workers
- redress mechanisms can contribute to long-term and sustainable respect and remedy of human rights by businesses throughout their operations, supply chains and other business relationships.




The Non-Judicial Human Rights Redress Mechanisms Project is an academic research collaboration between the University of Melbourne, Monash University, the University of Newcastle, RMIT University, Deakin University and the University of Essex. The project was funded by the Australian Research Council with support provided by a number of non-government organisations, including CORE Coalition UK, HomeWorkers Worldwide, Oxfam Australia and ActionAid Australia. Principal researchers on the team include Dr Samantha Balaton-Chrimes, Dr Tim Connor, Dr Annie Delaney, Prof Fiona Haines, Dr Kate Macdonald, Dr Shelley Marshall, May Miller-Dawkins and Sarah Rennie. The project was coordinated by Dr Kate Macdonald and Dr Shelley Marshall. The reports represent independent scholarly contributions to the relevant debates. The views expressed are those of the authors and not necessarily those of the organisations that provided support.

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We thank the participants in this research for their cooperation and generosity in giving their time.



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Acronyms

ASI:	Anti-Slavery International
BSCI:	Business Social Compliance Initiative
CASS:	Campaign against Sumangali Scheme
CARE-T:	Community Awareness Research Education Trust
CIVIDEP:	Civil Initiatives for Development and Peace
ESI:	Employee State Insurance
ETI:	Ethical Trading Initiative
FOA:	Freedom of association
FLA:	Fair Labor Association
FWF:	Fair Wear Foundation
HWW:	Homeworkers Worldwide
ICN:	India Committee of the Netherlands/Landelijke India Werkgroep
MSI:	Multi-stakeholder initiative
NGO:	Non-government organisation
PF:	Employee Provident Fund
READ:	Rights Education and Development Centre
READ Foundation:	Rural Education and Rights and Development
SAVE:	Social Awareness and Voluntary Education
SOMO:	The Centre for Research on Multinational Corporations/ Stichting Onderzoek Multinationale Ondernemingen
TPF:	Tirupur Peoples Forum

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Executive Summary

This report is about the grievances of young women, predominantly from disadvantaged Dalit and low caste communities, who are recruited from remote and impoverished rural villages to work in textile mills and garment factories (herein the ‘garment sector’) in a number of districts of Tamil Nadu in South India. The report discusses the issues facing these young women, many of whom are employed under bonded and forced labour conditions, commonly referred to as ‘Sumangali’ schemes and ‘camp labour arrangements’. The terms Sumangali, camp labour or camp labour coolies are frequently used interchangeably. The term ‘Sumangali’ is used to refer to a form of bonded labour where young women have a fixed-term contract and a significant portion of the legal minimum wage and/or other payments to which they are entitled are withheld until they have completed the contract. The term ‘camp labour’ refers to arrangements whereby workers live in company-controlled hostels with no freedom of movement so that they will be available to work on call, will not seek work in other factories or mills and will be deterred from joining a union. Both Sumangali and camp labour are forms of forced labour. In this report we use the term forced labour to encompass both practices.

This restriction of these workers’ freedom of movement is commonly associated with other labour rights violations including forced overtime, low pay and poor work conditions. These workers are routinely denied their rights to freedom of association and collective bargaining and they frequently do not receive the minimum employee entitlements stipulated under national and state laws. Child labour is also a common occurrence.

The social and economic disadvantages experienced by these women and the power imbalance in their relationships with their employers are emphasised through recruitment and employment practices based on discrimination of gender and caste. This report considers efforts by civil society actors to bring these ongoing rights violations to an end. We concentrate on three claim-making strategies: social movement campaigns; complaints to national and state judicial and non-judicial institutions; and complaints to an international non-judicial mechanism, the Ethical Trading Initiative (ETI).

Social movement campaign strategies have been successful in raising awareness of these human rights violations amongst local communities in Tamil Nadu, state institutions, global brands, multi-stakeholder initiatives and, to some extent, global consumers. Within Tamil Nadu, local non-government organisations (‘NGOs’) and trade unions have managed to keep the issue in the public mind by organising regular demonstrations and speaking tours, releasing reports documenting labour abuses, and working with journalists interested in covering stories of individual workers’ situations. International NGOs have worked closely with Indian NGOs to raise awareness of the issue among consumers of the garments exported from Tamil Nadu and to highlight the responsibility of international brand-owning garment companies (hereafter ‘brands’) to address labour and human rights abuses in their supply chains.

Indian NGOs and trade unions have also pursued the issue by lodging grievances with Indian judicial and non-judicial institutions, including through legal proceedings in the Madras High Court. While these various proceedings have resulted in some improvements in official policy



A Garment Factory.

Source: Clean Clothes Campaign

regarding working conditions in the industry, there is little evidence of these policy improvements being effectively monitored and enforced by state institutions. Determinations by the Madras High Court on steps that need to be taken to address Sumangali and camp labour issues in the garment sector have been important in policy terms. Yet the failure by employers to comply with the legal requirements established by the High Court highlights the lack of commitment and capacity on the part of the labour inspectorate to enforce legal rules designed to protect vulnerable workers. The Tamil Nadu Government has introduced some safeguards but has failed to ensure implementation of its labour laws or to address broader human rights abuses.

The programme that the ETI developed in response to ongoing rights violations in the sector in Tamil Nadu took several years to design and its key elements were primarily negotiated and agreed among ETI staff and member organisations in London, rather than agreed through close negotiation with civil society groups in Tamil Nadu. The design of the programme reflects the power relationship between the ETI's corporate and civil society members, which (while complex) tends to favour member companies. That is, the ETI's intervention has been based more on the steps that ETI corporate members sourcing from the area are collectively willing to support, than on the preferred strategies of ETI civil society members in the UK and allied civil society groups in Tamil Nadu. As a result the ETI's intervention has been relatively indirect, focusing on raising awareness of labour rights issues in the villages from which the workers recruited, among recruiting agents, and among the textile and mill workers themselves. Arguably,

the ETI would make a more useful contribution to reducing the ongoing rights violations if its member companies used their collective buying power to persuade the mill and factory owners to allow trade unions and other local advocacy organisations to have regular contact with the women working in the garment sector. This would allow those organisations to support those workers to pursue human rights grievances, by raising their cases with state authorities and with the global brands themselves. However, such a strategy would be much more likely to be effective if ETI member companies were willing to reward mills and factories that cooperated, for example by offering higher prices or ‘preferred supplier’ status. The unwillingness of global companies (from the UK and elsewhere) to offer their suppliers genuine incentives to cooperate in human rights initiatives (as opposed to threats to cut orders) significantly limits the effectiveness of voluntary non-judicial mechanisms, including the ETI.

Overall, our research indicates that some progress has been made in addressing the human and labour rights abuses linked to Sumangali schemes in some sections of the industry, but other forced labour practices and other rights violations remain prevalent in many textile mills and garment factories. The various claim-making strategies considered have had minimal impact on global business practices. At the level of individual factories and mills, the failure to address freedom of association violations remains a significant barrier to garment sector workers being able to seek redress.

The report ends by proposing key lessons for various stakeholders, summarised below.

Lessons for non-judicial mechanisms and multi stakeholder initiatives:

A companion report in this series provides a detailed analysis of the ETI’s grievance mechanisms and provides detailed recommendations. In this report we highlight a few lessons that are particularly relevant in the context of the ETI’s Tamil Nadu Programme:

- Ideally the ETI’s tripartite approach should be replicated in the producer countries in which it seeks to implement programme. That is, local civil society organisations should be involved in negotiating the overall design of an ETI programme, rather than only being given the opportunity to influence a programme’s development after the overall nature of the ETI’s intervention has already been determined.
- International initiatives such as the ETI should make freedom of association, security of employment and living wages central goals for all in-country programmes. These rights are both important in themselves and help to address the power imbalance between workers and their employers, which makes it easier for vulnerable workers to assert their rights.
- International initiatives such as the ETI should work to create incentives for improved supplier compliance with key programme goals (such as through preferred supplier programmes). While doing this for suppliers beyond the first tier is challenging, this is where international multi-stakeholder initiatives could really add value, by coordinating pressure from multiple companies.

Lessons for transnational business:

Some brands have indicated they face difficulties in identifying the indirect suppliers in their supply chains and cite this as a reason they cannot exert pressure for improved labour rights performance on textile suppliers as readily as they can in relation to garment suppliers with which they have a direct contractual relationship. However, research by international and local non-government organisations in Tamil Nadu suggest that, while challenging, it is far from impossible to trace the relevant supply chain links.

If brands were to map their entire supply chains and make lists of all their suppliers publicly available then this would increase the brands' accountability for labour conditions below the first tier of their supply chains. There is a particular need for transnational businesses to improve the way they monitor and audit labour conditions among their suppliers beyond the first tier, in addition to the need to improve the ongoing social auditing of direct suppliers.

Transnational businesses also need to consider how they can provide suppliers with incentives to comply with programmes to address human rights grievances. Examples of possible incentives could include increased prices for those suppliers that respect workers' human rights, including their right to freedom of movement; longer production times to reduce the occurrence of forced overtime; and preferred supplier status as a reward for suppliers that allow unions to access the workplace. It would likely be particularly effective if a significant number of global brands committed to only sourcing from those mills and factories that were cooperating in initiatives to ensure respect for workers' rights, particularly if those initiatives were conducted in close collaboration with local trade unions and other civil society groups.

One of the major factors contributing to ongoing rights violation in the garment sector in Tamil Nadu is the repression of freedom of association. There is therefore a need to address this issue in a systemic manner. The Freedom of Association Protocol Initiative in Indonesia, considered in a companion report in this series, provides an interesting model for businesses interested in working with local trade unions and civil society groups to initiate such a process. Strategies for enhancing respect for freedom of association in Tamil Nadu would need to incorporate gender and caste inclusive strategies, in order to address the current representation gap.

Lessons for International NGOs:

The way international and local NGOs and unions have drawn media attention to the ongoing human rights abuses in the sector has been an important driver of those improvements in working conditions that have occurred. In particular, the global campaign pressure on international brands whose goods are implicated in the forced labour schemes has helped reduce the specific instances of 'Sumangali' schemes. It is valuable for international NGOs to continue to play this role, although it is important that they continue to do so in close communication with local civil society groups who understand the local context.

Lessons for local NGOs and trade unions:

The question of the various roles of trade unions and labour rights NGOs in training workers in their rights can be contentious. In our view, in order to reduce the human rights violations in the Tamil Nadu garment sector it is valuable for both trade unions and NGOs with experience

in working with women workers to have access to the mills and garment factories to provide labour rights training and, in the case of the unions, to organise the workers. A number of the labour rights NGOs in Tamil Nadu have extensive experience in conducting training with women workers and these groups appear to understand and support the principle that it is the role of the trade unions to take the lead role in organising workers. Organising women workers from Dalit and low caste groups to assert their rights may require new organising models, and the trade unions may find working together with some of the established labour rights NGOs of considerable assistance in developing such models.

It is therefore positive that at least one brand has persuaded several of its suppliers to allow labour rights NGOs involved in the Tirupur People's Forum to access production facilities to monitor labour conditions and provide workers with training in their rights. If multi-stakeholder initiatives such as the ETI, Fair Wear Foundation, Business Social Compliance Initiative and the Fair Labor Association supported this initiative, and if it was also coordinated with local trade unions, this initiative would have more chance of reducing human rights abuses at a systemic level within the Tamil Nadu garment sector.

Lessons for government

The Tamil Nadu Government needs to prioritise addressing the lack of garment sector compliance with relevant laws. There is a need to examine and address the causes of corruption within the labour inspectorate, which is significantly undermining state efforts to protect labour rights. One means of minimising corruption would be to increase the role of civil society organisations in monitoring and enforcement. A failure to address the ongoing lack of compliance with minimum legal standards will have a negative influence on the reputation of the garment sector in Tamil Nadu.

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Table 1: Summary of the Case

<p><i>Claim-making strategies</i></p>	<p>This report focuses on three claim-making strategies in relation to forced labour practices in the garment and textile sector in South India:</p> <ul style="list-style-type: none"> • social movement activities by Indian and international NGOs, • Indian judicial and non-judicial mechanisms • the Ethical Trading Initiative (ETI).
<p><i>Human rights abuses</i></p>	<p>Bonded and forced labour arrangements, child labour, lack of freedom of movement and freedom of association, gender and caste discrimination, and numerous associated labour rights abuses in textile mills and garment factories in Tamil Nadu, South India.</p>
<p><i>Affected people</i></p>	<p>An estimated 200,000 women are employed in Sumangali or fixed-term schemes and camp labour arrangements in textile mills and garment factories in districts in Tamil Nadu. The majority of the women workers are recruited from among Dalit and other low-caste communities from poor rural villages.</p>
<p><i>Business activity</i></p>	<p>Districts of Tamil Nadu, Tirupur, Coimbatore, Dindigul and Erode are major sites for the production and export of cotton knitwear garments and yarn. Cotton is grown, harvested, spun, woven, bleached and dyed and garments are cut and sewn from the fabric produced within close proximity. Many of the garment suppliers own and operate multiple units (vertically integrated) that include spinning and other associated processes to produce yarn and garment production.</p> <p>Corporate members of the Ethical Trading Initiative (ETI), which source products from Tamil Nadu, include: ASDA/Walmart, C&A, Gap, H&M, Inditex, Marks & Spencer, Mothercare, Next, Otto Group, Primark, Sains-</p>

Introduction and background to the case

The occurrence of forced labour and other human rights violations in the Tamil Nadu garment sector is influenced by characteristics of the global garment industry. The garment industry is dependent on subcontracting and outsourcing of production as a key source of value adding. Global brands are able to assert leverage over suppliers in producer country locations to secure lower prices and short lead times. This arrangement contributes to first tier suppliers, who directly contract to global brands to search for ways to reduce their costs and to recruit workers perceived to be more economically vulnerable and desperate for work and, therefore, more compliant and less likely to make complaints (Phillips, 2011). The reliance on labour sourced from impoverished and disadvantaged communities is a common feature in the recruitment of labour involving the

most extreme forms of deprivation, child, bonded and forced labour, and one of the most common causes of forced labour and labour exploitation in the garment supply chain (ILO, 2013; 2014). Another feature of the global garment industry is the gender segmentation of the workforce. As employment opportunities open up to women, they are forced to accept less pay and less security and to work long hours with limited or no right to form or join unions, which contributes to their lack of individual and collective agency and capacity to raise grievances and seek justice.

The Coimbatore and Tirupur districts of Tamil Nadu are famous for textile and garment production. Coimbatore, the city of textiles, has been the epicentre of textile production in India, whereas Tirupur, known as the T-Shirt city, specialises in the production of knitwear or jersey garments such as T-shirts, nightwear, children's clothes, underwear and sportswear. The textile and garment industry is made up of three key sectors. First, the textile mills that employ large numbers of workers to produce the yarn, and which previously employed a mainly male-unionised workforce but now largely employ young rural women. Second, garment factories, consisting of large and many small-to-medium enterprises that complete specialised tasks, such as cutting or finishing, and are part of the subcontracted supply chain that relies on small workshops and homework. Third, vertically integrated firms¹ which consist of a variety of units that specialise in tasks such as knitting, spinning, weaving, dyeing and garment manufacturing.² Many of the textile mills and garment and integrated firms (referred to herein as the garment sector) employ daily workers, but the majority rely on the recruitment of migrant women who are required to live in company-run hostels and are often employed under Sumangali or fixed-term schemes.

In the past, most of garment and textile production was for national markets and the workforce was mainly male and unionised. The garment industry began to export to global markets in the 1980s, and since the 1990s the push for trade liberalisation has led an increase in the garment sector to become more export oriented (Tewari, 2004). These changes were signalled by relaxed government regulation, which led to the dramatic increase in the number of mills,³ the avoidance of employing male workers, and a change in the use of the apprenticeship scheme. A key aspect of efforts to gain a greater share of export markets has been competition on price. Indian suppliers have improved their capacity to meet international buyer or brand demands in terms of quality, reliability and price point. Brands with considerable buying power have continued to extend their production base and push down the prices they pay to suppliers, which in turn has contributed to the decline in labour standards down the supply chain.

Tirupur and Coimbatore and other nearby districts of Erode and Dindigul have grown rapidly in recent years which has increased the cost of living and created a labour shortage as the mills

¹ The integrated firms commonly operate under different trading names, but are a subsidiary of a larger group, often owned by the firm that contracts garment production to global brands. We use the term garment sector through the report to incorporate all processes, e.g. knitting, spinning, dyeing, garment make up, cutting, finishing and other processes.

² Another part of the sector linked indirectly is the handloom sector, producing woven cloth for the garment industry (mainly for national markets) of which bonded labour is a common feature (Tewari, 2004; De Neve & Carswell 2013).

³ A combination of direct government subsidies and financial incentives were made available to the industry to expand their export capacity in the late 1990s and early 2000s. State-owned banks made low interest loans accessible through the national government's Technology Upgrade Fund (TUF) which led to the establishment of new spinning mills and a significant increase in the number of mills in Tamil Nadu. More recently, industry assistance by the Indian National Government offers similar subsidies and incentives including subsidies for textile apprentice wages (NGO interview, 2015).

and garment factories in those areas compete for workers with other industries. The labour shortage coincided with the push by the industry, with support from the government, to become more competitive and increase its share in export market sourcing to international brands (Narayanaswamy & Sachithanandam, 2010). Documentation from the South Indian Mill Association (SIMA) and Textile Associations Research Association (SITRA) indicates that women workers were considered to be more desirable, more compliant, easier to supervise and less likely to join unions. SIMA initiated a three-point strategy to bring down labour costs, which included: a push against 'militant labour' by reducing the number of men employed; an increase in the employment of women workers; and the introduction of a three-year apprenticeship known as the Sumangali scheme (Kumar, 1999; Neetha, 2002). The feminisation of the workforce in the mills and garment factories came about because poor rural women were identified as a potential pool of workers, and the Sumangali scheme emerged in the late 1990s to meet the employer objectives to recruit more manageable workers (Narayanaswamy & Sachithanandam, 2010; Neetha, 2002).

The terms Sumangali, camp labour or camp labour coolies are frequently used interchangeably. The term 'Sumangali' is used to refer to a form of bonded labour where young women have a fixed-term contract and a significant portion of the legal minimum wage and/or other payments to which they are entitled are withheld until they have completed the contract.⁴ The term camp labour refers to arrangements whereby workers live in company-controlled hostels with no freedom of movement so that they will be available to work on call, won't seek work in other factories or mills and will be deterred from joining a union. Both Sumangali and camp labour are forms of forced labour. In this report we use the term forced labour to encompass both practices.

Methodology

This report is part of a series based on the findings of a three-year Australian Research Council Linkage Project analysing the effectiveness of non-judicial redress mechanisms in responding to human rights concerns in which transnational business activity is involved. We adopt a broad definition of non-judicial grievance mechanisms, namely, those that are mandated to receive complaints, but are not empowered to produce legally binding adjudications.

Research has sought to shed light on the range of factors that contribute to greater or lesser effectiveness and legitimacy in the functioning of transnational grievance-handling systems. A key objective of the project is to develop recommendations regarding how non-judicial forms of redress can better support communities who are adversely impacted by business operations to access justice and have their human rights respected. These recommendations are primarily

⁴ The Employee Provident Fund (PF) is a social security fund. Employers are required to transfer 12 percent of the employee's salary to this fund and make a match contribution. This money is meant to be transferred to the relevant government department, but many employers keep the money, some transfer the funds when a worker finishes her 3 to 5 year term. A worker that leaves before finishing the contract period may lose the PF money she is legally entitled to claim. NGOs pointed to a major discrepancy between the number of workers employed in the mills and the number registered for PF as evidence that employers are not registering workers under the PF nor making the employer contribution.

aimed at those who participate in these mechanisms, including businesses, affected communities and civil society organisations, as well as staff and other members or stakeholders of grievance-handling mechanisms themselves.

Field research for the project as a whole has focused on human rights grievances in the garment and footwear, agribusiness and extractives sectors, with case studies for each sector drawn from two jurisdictions: India and Indonesia. Ten case study reports examine specific human rights grievances experienced by communities and workers and the strategies employed in their attempts to gain redress in the context of these specific sectors and regulatory environments. Five mechanism reports in this series have been developed to provide a better understanding of the effectiveness of individual non-judicial human rights mechanisms governing transnational business. In addition to these individual case-study and mechanism reports, the project's overall findings are presented in four cross-cutting reports which provide broader comparative analyses across the various case studies we examined.

This case study is the companion to another report in this series, *The Ethical Trading Initiative: Negotiated solutions to human rights violations in global supply chains?*

This case study was selected because it provided us with the opportunity to study a combination of claim-making strategies pursued by a network of civil society actors including: social movement strategies, complaints to Indian national and state judicial and non-judicial institutions and to the Ethical Trading Initiative - a multi stakeholder initiative. The range of claim-making strategies explored in the case provide insights into the benefits and the limitations of each of these approaches and their effectiveness.

The scope of our research in this case is limited in several ways. This report draws on case materials and events that occurred through civil society campaigns and claim-making strategies on forced labour in the garment sector in Tamil Nadu. The detailed examination of the Indian national and state judicial and non-judicial mechanisms and transnational non-judicial mechanism the Ethical Trading Initiative are not necessarily representative of all matters handled by these mechanisms. However, our research provides a detailed analysis of the processes and actions undertaken through these mechanisms in relation to grievances of the young women in the garment sector in Tamil Nadu. Our research offers insights on the effectiveness of the claim-making strategies used in this case, and proposes broader lessons from the case. The claim-making strategies described in this report have occurred over a long period and are ongoing. Our field visits took place between 2011 and 2015 and our analysis primarily focuses on this period, although we do briefly comment on some recent developments.

This report focuses on forced labour in the garment sector and is informed by 72 semi-structured interviews and focus group discussions involving a total of 140 research participants. The research participants were representatives of companies or industry associations, representatives of trade unions or non-government organisations (NGOs), or were workers or former workers in the garment sector in India. Of the company participants, five represented companies that are currently ETI members and the rest were representatives of supplier companies in India. Eight ETI member companies were invited to participate in the research and three ultimately

did participate in research interviews. Of the trade union and NGO participants, ten represented ETI member organisations. Interviews were also conducted with seven ETI staff and one ETI consultant. Some interviews were conducted via Skype or telephone but most were conducted during research trips to India and the UK between December 2011 and July 2015. Additional information is drawn from relevant research, media, civil society and company websites. The report therefore primarily focuses on this period, although some aspects of the analysis have been updated with more recent information. The research also drew from various ETI publications and programme reports, third-party evaluations of ETI programmes and studies that document working conditions in relevant supply chains. A draft of this report was shared with key research participants and their comments were considered when preparing the final version.

The researchers who conducted the research for this report focused particular attention on the extent to which non-judicial grievance processes are addressing violations of the following human rights issues:

- Freedom of association and the right to negotiate or bargain collectively (ILO Conventions 87 & 98, Article 20 Universal Declaration of Human Rights);
- The right to job security and protection against irregular/precarious work arrangements (ILO Convention 158);
- The right to just and favourable remuneration (Article 23(3) Universal Declaration of Human Rights) and a decent living for workers and their families (Article 7(a) International Covenant on Economic, Social and Cultural Rights);
- Elimination of Forced labour (ILO Conventions, 29, 105) and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).
- The rights of women, The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

These human rights issues were prioritised for the garment and footwear case studies in this series because these rights were frequently identified by interviewees as being particularly important rights in the labour context, since each of these rights is fundamental to increasing workers' capacity to achieve more systematic and sustained improvements in working conditions throughout manufacturing supply chains. For example, if there is no freedom to organise and negotiate collectively then workers with few other employment options will rarely, if ever, raise grievances for fear of being victimised. In considering this issue we applied a broader concept of the ability to organise to include non-traditional forms of organising, such as community organising that may include informal and unorganised workers. The right to secure forms of employment is also very important because in all the garment and footwear case studies, precarious work arrangements, contract; temporary and the use of apprenticeship Sumangali schemes are contributing to undermining workers' freedom to organise.

Adequate remuneration is crucial to the empowerment of workers because poorly paid workers live in a highly precarious economic state that makes it difficult for them to engage in advocacy efforts to improve their lives. It is important to note that in most countries that produce goods for companies, legal minimum wages are often well below what is needed for workers and their families to meet their basic needs.

Affected people

The mills and factories recruit young women and girls aged between 12 and 20 from distant poor rural areas where there are few alternative employment options. Many of the young women and girls are engaged under Sumangali or fixed-term schemes and housed in company hostels. Estimates of 200,000 workers are employed in the garment sector districts of Tamil Nadu, with approximately 60% being women from Dalit background, and an estimated one third are employed through Sumangali and fixed-term schemes (ICN and FNV Mondiaal, 2014; READ, 2015).

Over the course of this research we interviewed many young women who had returned from working in mills and factories. We met the young women mainly in their home location, in remote rural villages and tea plantation areas. In one focus group discussion with 20 ex-textile women workers in the Pudukkottai district, the women unanimously responded to the question about how they deal with the harsh conditions. They stated the reason for going away to work was to assist their families, who faced dire economic circumstances. By thinking about the situation of their family, and the fact that they were assisting them, made it more bearable. It was not uncommon for women we interviewed to state that they were preparing to return for another three-year term; they felt they had little option, since it was how they could assist their family (female workers' interviews, 2011, 2012).

The motivation of the young women to assist their families leaves them in a difficult position: they are willing to endure almost anything to get the money to help their family. Over the many interviews conducted for the research project, the women could clearly identify the injustices they experience. They spoke of the negative impact on their health, from dust, fumes, heat, exhaustion due to no rest days, the lack of sleep due to having to constantly work, and lack of access to leave and the restrictions on their movements by not being able to leave the factory premises. The women stated that they missed seeing their family and the lack of care when they were sick. The physical conditions of poor food and limited break times to bathe and access to bathrooms impacted on their quality of life and the capacity to maintain their health. The women became resourceful to address the many inadequacies and lack of care by employers. For example, they used their handkerchiefs as dust masks, put oil in their hair to reduce the impact of heat, and helped each other out when they were sick, borrowing money for medical expenses.

The women workers openly discussed the low wages and poor treatment, and how the hope of securing the lump sum payment kept them going. But for many this did not come about: there were disputes with the employer about leave taken and having to make up time, and some reported that for a few days' leave they were required to work an additional month. Others reported that when they left before completing their three-year contract, they did not receive the payment they were owed. Some families have approached local trade unions for support for individual cases and have won compensation or been successful in extracting their daughters from the company compound.

The main method of resistance by the young women takes the form of leaving their employment. This often occurred at festival times on returning for a time to their village and then not going back to work. They would then find employment in another company, sometimes decid-

ing where to go in consultation with a group of their friends and acting together. Young women have spoken out about conditions at work, sometimes on public platforms and to the media. For example, in 2012, more than a thousand women attended a meeting to discuss the impact of the scheme and work on adolescent girls. Activities coordinated by CASS and TPF frequently involve the young women speaking about their experiences, and telling their stories. In addition, many workers who spoke to us as part of this research were motivated to speak out to prevent other girls having a similar experience; they commented, ‘they cheated me out of wages and the provident fund and I couldn’t get it back, so I don’t want other girls to be treated like me’. (Female worker interview, 2011)

The garment sector in Tamil Nadu has the potential to offer women employment opportunities, if the abuses can be eliminated. Despite the hardships they are forced to endure in the workplace, many of the young women welcome the opportunity to earn a living. In addition to offering an escape from the rural poverty, many of the women we spoke to say that they enjoy going out of the village and travelling alone to places; they make friends and have opportunities to socialise with other women; and they see the urban environment as modern in comparison to village life. When asked what they liked about working in the mills and factories they mentioned learning new skills, experiencing living amongst many girls from different castes and being able to move beyond caste, and realising that many other girls lived in poverty, that they were not the only ones. (Female workers’ interviews, 2011, 2012, 2014)

Human Rights Issues

The young women recruited to work in Tamil Nadu garment factories and textile mills experience a wide range of human rights abuses, from bonded labour through Sumangali schemes to being housed in company hostels with limited freedom of movement. These arrangements enable employers to call on workers to work excessive hours, pay below-minimum wages, and withhold wages. Workers experience limited freedom of movement and no freedom of association, which leaves them fearful and limits any potential for them to pursue grievances related to these labour rights violations.

Bonded labour – Sumangali scheme

The spinning mills and to some lesser extent garment manufacturers in Tirupur and Coimbatore devised the Sumangali or (Marriage Assistance Sumangali scheme), to recruit women workers to the mills and factories. The apprentice -Sumangali schemes were initiated in the late 1990s around the time of large-scale change in the textile industry. Previously apprentices were employed for up to a year and then often became permanent workers. The replacement apprenticeship ‘Sumangali scheme’ was extended to three years; young women and girls were recruited to fill these positions, wages paid were below minimum wage, and wages were withheld and paid as a lump sum payment at the end of the scheme term. The young women and girls, some as young as 12, are employed as trainees or apprentices for up to three years. As apprentices, employed under the Sumangali scheme, they have few rights under the Indian labour law: they are entitled to minimum wages and the minimum age is 15 in India, though those below the age of 18 are not permitted to work in hazardous environments. (ICN & FNV, 2014)

The Sumangali schemes rely on recruitment agents who target families in economically destitute rural areas and promise comfortable and secure living arrangements and lump sum payments (approx. 30 to 50,000 rupees, or USD\$550 to USD\$900) at the end of the three-year term. The schemes are promoted as a means for young women to access a dowry to marry, and to attract rural families who may be heavily indebted, or in need of an income to survive (TPF, 2000; Narayanaswamy & Sachithanandam 2010; SOMO & ICN, 2012). The presence of Sumangali schemes has been reported to be less prevalent in the garment factories, but the presence of similar fixed term scheme arrangements remains widespread in the garment factories textile mills and amongst vertically integrated firms (interviews NGOs, 2015). The women workers commonly complain that they do not receive the promised lump sum payments and other entitlements once they leave the mills and even those women who do receive the lump sum are often being paid less than the (very low) legal minimum wage for apprentices (even when the lump sum is taken into account)⁵. The number of individual grievances pursued is small but growing; for example, some women have written letters to local companies requesting their unpaid wages and, with the assistance of local NGOs, are lodging complaints with the district court.

Forced Labour – camp labour

Workers in mills and factories live in company-controlled hostels in a regime known as ‘camp labour’ or ‘camp coolies’. Hostels are located often within a company-controlled compound and are guarded by security staff. Women workers described harsh work conditions, and poor food and amenities combined with lack of freedom as the main reasons that they found it difficult. One worker describes her experience of working in one of the mills thus:

They recruited me under the three-year scheme; they said they would pay me Rs. 35,000. I did not stay there, the food was not good, the work was too hard, there was no proper bathroom, the rooms were cramped, we were not provided with masks, we were expected to wear handkerchiefs. The managers were not good, we were not allowed to visit our homes during festive seasons, we were not allowed to talk to our parents when they phoned us, we were not allowed to go out even if we wanted to buy some things for ourselves. (Female textile worker, 2013)

Local and international NGOs and unions have extensively documented the harsh work conditions and common worker complaints (see Table 2). Workers in company hostel accommodation are expected to work overtime and double shifts, and to fill staffing gaps; employers consider them to be on call 24–7. Over the period of this research project we spoke to many young women who had worked in the mills and factories, and many spoke of the experience of being woken during the night to work:

At the hostel, it was very difficult, we will be in deep sleep they will wake us up and tell us to get back to work. At times we would have done the first shift and during the second shift the machine would have been idle. If someone is on leave for the night shift, it is we in the hostels that have to work that shift as well. (Female textile worker, 2014)

⁵ Wages described by interviewees varied considerably, some reported receiving a very low amount initially, then it would gradually increase. Women reported monthly wages from Rs 1500 to the highest mentioned being Rs 4500, including a loading for overtime when it was paid.



Meetings with female textile workers in Tamil Nadu.

Photo: Annie Delaney

Most workers are allowed out only on rare occasions, and only when accompanied by a person from the company or a relative. One worker described her work:

They wouldn't allow us to go home for Diwali they would say; we can all join and celebrate Diwali here. If I wanted to buy clothes, they would never let us out, they would bring the clothes to the company at the beginning of the month and we could buy whatever we wanted. Over the five years that I worked in the company, they allowed us to visit the village once every six months. We were only allowed to leave if someone from our home came to pick us up, when we joined the company we were asked to provide the names of three people, any one of them could come to pick us up, but they wouldn't allow us out otherwise. (Female worker interview, 2013)

The women workers' lack of freedom of movement means they have difficulty accessing information about other job opportunities and their restricted movement is an additional barrier to unions trying to make contact with the workers.

Gender discrimination

The garment sector has targeted young women from Dalit and low caste communities in economically depressed areas of Tamil Nadu to work in mills and factories. The employers argue that the young women are not permitted to leave the hostels and factory compounds for their own protection. This means women may have difficulty accessing information about other job opportunities and it is an additional barrier to unions making contact with them to attempt to organise them. The situation of the young women recruited to work in garment factories and

textile mills highlights how the young women's perception of rights and justice is shaped by their experiences in the home and village and how they are treated in the workplace. They move away from their families and are put to work in a harsh environment where they are often required to work around the clock. While their primary reason to go to work is to assist their families, the societal attitudes towards them remain highly discriminatory. The employers deliberately target the young women from economically disadvantaged areas, assuming they are naïve and less likely to complain. As one worker stated, 'The company knew we would not ask questions, we were naïve and the company knew it'. (Female worker interview, 2011)

The concept of the 'Sumangali scheme' or 'happily married' is based on the premise of the dowry system, where a woman's family is required to pay a dowry to the in-law family. The dowry system is illegal in India but still widely practised. The employer motives for promoting the scheme reinforces gender stereotypes of young women subject to their parents and employers will. For example, the justification by employers for keeping the young women confined to the mill or factory compound and restricting their freedom of movement is rationalised around appealing to parents' concern for their welfare.

Employers' justification for lack of freedom of movement of the young women was described by a Dalit organisation READ representative as self-serving; he commented:

Nowadays, the employer says, once they go out maybe they will run away, who will ensure they are safe? I cannot take this responsibility; immediately the rural families say, ok sir, don't allow my daughter outside. There are one or two instances of girls and boys having a love affair, but the factory poses greater danger for the girls, many girls have lost fingers, arms, been sexually harassed, they die. It is more dangerous inside the factory than outside. (Mr Karuppu Samy, READ interview, 2015)

Work conditions are harsh: forced overtime, sexual harassment, verbal and physical abuse, denial of a rest day, poor occupational health and safety protection and substandard food and living conditions have been extensively documented by local and international NGOs and unions.⁶ Worker interviewees we spoke to mentioned the harsh and abusive treatment by supervisors and that sexual harassment was common. The women that experienced sexual harassment were understandably reluctant to discuss the details, but some commented that if supervisors touched women's bodies it meant they could get an easier time, for example being able to sit while working, gaining permission to have leave or to receive some assistance if they were sick.

Discrimination based on caste

The 'Dalit', a term meaning 'the oppressed' and previously referred to as untouchables, are considered outcasts of the Hindu caste system. Dalit communities reclaimed the term as a means to build a self-defined identity and rights-based national movement (Dalit Foundation, 2014). The official term used by the Indian government to refer to Dalit groups is 'scheduled caste' (SC/ST). The scheduled caste encompasses a number of sub-castes, and various reports on the Sumangali scheme identify a specific focus on recruitment of young women and girls from the Arunthathiyar sub-caste, the 'Dalits among the Dalits'. (Narayanawamy & Sachithanandam, 2010; READ, 2015)

⁶ Relevant reports include: SOMO and ICN, 2012a; SOMO and ICN, 2011; CEC, 2010; ASI, 2012; SOMO and ICN, 2012b; Every Child, 2010; FLA and Solidaridad, 2012; TPF, 2008 (see table 2).

Dalit girls and women face specific forms of discrimination. Dalit organisation READ reported that the rooms in the hostels are allotted according to caste and that Dalit girls are taunted if they complain about poor conditions in the hostel. With regard to the situation at the workplace much of the heavier work and cleaning tasks are given to Dalit girls. They also reported that Dalit girls are forced to do extra work during night shifts, when there is a shortage of workers (READ interview, 2015). Several cases involving sexual abuse and death of young Dalit women occurring in Mills have been registered under the SC/ST Atrocities Act (READ, 2014).

Poor labour standards

Basic rights such as payment of minimum wage, rest days and regular leave, sick leave and overtime payments are denied to many workers. Reports of poor health were common amongst women we spoke to; many workers entered the workplace from school, being of a young age with no previous work experience; long hours and poor nutrition led to deterioration of their health. Workers reported contracts for varying length of time and payments, and the women or their parents were asked to sign blank pages, leaving the women with little knowledge of the work contract arrangement (TPF, 2004; SOMO/ICN, 2012; Narayanaswamy and Sachithanandam, 2010; SAVE, 2014). Further to the poor conditions in the spinning mills, incidents of sexual harassment and victimisation have been documented as a contributing factor to a number of young women's deaths. (NGO representatives SAVE interview, 2014; CARE T, 2014; TPF, 2014 & READ, 2015)

Child labour

Many young women recruited to work in the mills and factories were under 14 at the time of commencing their employment. Amongst the women we interviewed as part of this research many reported joining the workforce as young as 12 years through a Sumangali scheme. The NGOs in Coimbatore and Tirupur have frequently organised raids with government inspectors to rescue young girls in mills and factories⁷. In 2012, Tirupur Peoples Forum (TPF) estimated that most of the young women and girls that make up the workforce are less than 18 years and many younger than 14 years. The children working in the mills were required to work 12-hour shifts, and those who lived in hostels were not allowed to leave and could not visit their homes nor have visits from family members.

According to ILO international standards the minimum age is 18 years. The Indian government recent *Child and Adolescent Labour (Prohibition and Regulation) Act 2016 (CLPR)*, aims to prevent children (those aged up to 14 years) from being engaged in any occupation and adolescents (those above 14 years and under 18) from being employed in hazardous work. Critics of the amended Act state that there are limits to what is defined as hazardous work and the list of hazardous work will be subject to government discretion (Gupta, 2016)⁸. Under the CLPR Act 2016, no persons under the age of 18 would be permitted to work in the garment sector (an occupation listed in the Factory Act).

⁷ Media outlets in India reported that on 15 and 16 October 2012 a total of 138 children working in spinning mills in Tamil Nadu were rescued by state officials. In the Erode district officials rescued 27 child labourers, 17 of them boys and 10 girls, from a spinning mill in Karungalpalayam found over 60 workers, mostly teenagers.

⁸ NGOs have criticised the CLPR Act 2016, for permitting children (those under 14) to work in family enterprises in the home if after school hours.

Recruitment practices

Employment agents or brokers recruit workers for the factory employers, the women then move to the mill locations to work, and the companies provide hostels which are purported to provide a safe living environment for young women, without which parents are unlikely to allow their daughters to move away from home. From the young women's perspective, the economic circumstances of their family is one of the key reasons why they agree to go to the mills and garment factories:

I have two older sisters and one brother; both my sisters went to work because of the family situation. They supported my brother and I to complete our education; I completed college. Now they are both married and we are unable to run the household so we went to work at the mill. (Female textile worker interview, 2014)

The mills recruit workers through recruitment visits to rural villages, as one worker described:

These agents just choose the poorest villages and they'll just concentrate on our community, you know, schedule caste and most backward caste. Because they know there is more suffering and we need the money more. (Female textile worker interview, 2011)

The recruitment flier from a large textile firm distributed amongst rural areas lists numerous conditions available to workers, such as Employees Provident Fund (PF) and Employee State Insurance (ESI)⁹. The promise of an ongoing job, paid leave and national holidays, access to a library, clean water and hot water for bathing, a swimming pool, free medical care, computer training, a beauty parlour, meditation, yoga classes and ongoing educational assistance are all listed as benefits for mill workers (recruitment flier, 2013)¹⁰. However, none of the workers we spoke to stated that any of these benefits were ever available to them. In addition to the deliberate recruitment of young women and girls from Dalit and other low caste groups, such as in Tamil Nadu, a recent development has been young women and men being recruited from much poorer states in north and eastern states of India such as Odisha, Jharkand, Bihar, Chathisgarh and West Bengal where there are very few job opportunities, extreme poverty and where the minimum wages are much lower. (NGOs interviews, 2012, 2013, 2015)

Freedom of Association

The workers in the mills and garment factories are largely unorganised – it has been very difficult for unions to even make contact with the young women in the hostels. Hence it is difficult for the women working in the mills and garment factories to participate in any form of collective representation or bargaining. The owners of the mills and factories have implemented a range of measures to prevent unions gaining access to workers, such as the presence of security guards, walled compounds, transporting workers to and from the workplace, and preventing workers from leaving the compound unguarded. These measures combined with changes to the Trade Union Act of 1926, in 2001, that a union must represent 100 workers or ten per cent of the workforce or whichever is less, has the consequence of being a deterrent to freedom of association. In addition, there is no legal obligation on private sector employers to recognise unions or to collectively bargain, which further deters freedom of association and union organising.

⁹ A social security and health benefits scheme to which employees and employers co-contribute payments. Both of these benefits are legal requirements that employers provide to workers.

¹⁰ Many recruiters/agents are paid by employers a commission for each girl they recruit; NGOs reported amounts between Rps 1000-3000 per worker were reported being paid to agents. Some agents received ongoing payments for as long as the worker remained working at the mill (NGOs interviews, 2012, 2013).



Meetings with female textile workers in Tamil Nadu.

Photo: Annie Delaney

Occupational health and safety

The hazards associated with textiles has been well documented, although many of the studies base their assessment on the average male as per their weight and physical conditions. Many of the young women complained of respiratory and stomach problems some of which were caused by dust from cotton. Women workers reported working twelve-hour shifts, being forced to work overtime, and being required to work double shifts. The effect of long hours with little rest time is particularly gruelling on the young women and girls. Compounding this, many workers reported poor quality of food and unhygienic conditions, which contributed to making them feeling unwell and fatigued.

Numerous cases documented by Tamil Nadu NGOs highlight a lack of responsibility by employers for the welfare of workers. Instances of death by suicide triggered by sexual harassment and abuse by male supervisors are not uncommon. There are many examples of employers covering up any links to injured or ill young women workers. Several instances of cover-ups related to cause of death have been recorded, particularly when suicide was attributed as cause of death.¹¹ In one case a young women worker was raped and murdered by a supervisor and co-workers, but the employer told parents the young woman died from choking (READ, 2014). The practice of employers sending critically ill women home to die was mentioned by a number of NGOs.

¹¹ In addition to NGO reports of young women suicides and deaths, there have been several media reports around suspicious circumstances of the deaths of young women in mills and hostels, for example, The times of India 28 September, 2013, "Girl kills herself in textile mill hostel, kin suspect foul play".

Overview and evaluation of claim-making strategies

Our analysis indicates that garment sector workers have very limited access to grievance processes through suppliers, transnational brands, and MSIs. The multiple claim-making strategies initiated by local and transnational NGOs and unions have focused on the systemic issues in the sector that affect the young women workers. Primary to this is the widespread use of forced and bonded labour and other types of labour rights abuse linked to this practice, which severely limit the women workers' capacity to initiate a claim or to raise their grievances.

A number of NGOs and trade unions in Tamil Nadu have been campaigning for many years for an end to bonded, forced and child labour and for improved wages and greater respect for workers' labour rights in the garment and textile industry in that state. As summarised in Table 2 below, the bonded labour 'Sumangali schemes' and forced labour arrangements have been the subject of cases in the Madras/Chennai High Court and of complaints to the National Human Rights Commission and the Tamil Nadu Women's Commission. The use of a combination of non-judicial and judicial grievance strategies has increased the awareness around the issues and influenced some change in government policy, but has had limited impact on local and transnational business behaviour.

International NGOs and social movement campaigns have worked with local Indian groups to document the problems experienced by Sumangali and camp labour workers and identified the links to international brands. The numerous reports have highlighted the situation of women workers in the textile and garment industry in Tamil Nadu, especially in relation to Sumangali schemes, and extensively documented the labour rights abuses, and in many instance identified the mills engaging in forced labour practices and the international brands sourcing from these mills (SOMO/ICN 2010, 2012, 2014). The reports have triggered national and worldwide media attention and public debate and resulted in discussions and initiatives by a number of international non-judicial mechanisms, including Social Accountability International (SA 8000), Ethical Trading Initiative (ETI), Fair Labour Association (FLA), Fair Wear Foundation (FWF) and the Business Social Compliance Initiative (BSCI).

The gendered nature of the workers' labour is entrenched in the local and international social relations of the supply chain. This is evidenced through the way international brands and suppliers justify the confined hostel accommodation as being necessary due to cultural factors; the local firms reinforce the stereotyped views of the women being a compliant and passive workforce; and their family justify sending them to work as a means of income, or for funds to marry them off. The women have little say in their lives, and many accept that their families are facing economic hardship and they can assist by going out to work.

Multiple barriers to seeking redress are evident in this case. Foremost are the power inequalities between the parties. There are vast inequalities in power between the women workers and the textile and garment employers and their associations and the government and these inequalities impact in various ways on the capacity of the women workers to seek redress. The recruitment of mainly Dalit young women, many under 18 years, to work long hours with no freedom of movement and no freedom of association deliberately curtails any opportunity to make com-



plaints or seek redress. The direct recruitment of groups that are socially, economically and politically marginalised in Indian society further disadvantages any possible access to grievance. The women workers experience a significant representation gap that limits their potential to develop leadership and collective agency to voice their grievances. Prominent male leaders of NGOs, unions and government institutions can be paternalistic towards the young women, and government agencies ignore their plight, particularly when abuse of Dalit girls and women is involved. The potential for the women workers to access unions responsive to their needs could assist them to raise grievances to employers and transnational business.

To date the ETI is the non-judicial mechanism with the most advanced programme in relation to the sector in Tamil Nadu. The ETI's intervention has been relatively indirect, focusing on raising awareness of labour rights issues in the villages from which the workers recruited, among recruiting agents, and among the textile and mill workers themselves. In this report we argue ETI member companies could more effectively combat forced labour if they used their collective buying power to persuade mill and factory owners to allow trade unions and other local advocacy organisations to have regular contact with the women working in the sector.

The claim-making strategies examined in this case relate to social movement activities, non-judicial and legal strategies and the non-judicial mechanism the ETI, but we find the impact on global and local business practice has not eliminated forced labour practices. The following section, summarised in Table 2, details the events and claim-making strategies around forced labour in the Tamil Nadu garment sector, and is followed by a discussion of each of the claim-making strategies.

Summary of claim-making strategies

The range of claim-making strategies discussed in the following section highlights how awareness of the problem has increased amongst Indian government, industry and civil society, and similarly amongst the international community of NGOs, unions, international brands and various industry and multi-stakeholder initiatives such as the Ethical Trading Initiative (ETI). However, we find that little progress has been made to end such practices, which remain widespread in the sector. Table 2 provides a timeline of key events and the initiating entity.

Table 2: Summary timeline of claim-making strategies and events 1998-2016

Date	Initiative	Actor
1998	<p>Introduction of the Sumangali scheme recruitment strategy focused on recruiting young girls and women, mainly from Dalit communities in rural villages of Tamil Nadu.</p> <p>Hostel accommodation established to house young women working in textile mills and garment factories, the hostels are commonly in the mill/factory compound, but may be located outside factory compounds.</p>	<p>Employers: Mill and some garment factory owners in Tirupur, Coimbatore, Dindigul and Erode districts of Tamil Nadu.</p> <p>Employers: Mill and garment factory owners.</p>
2000-2002	<p>Report 2002: A case study on SA 8000 Standards in Tirupur Garment industry.</p>	<p>SAVE</p>
2003-2009	<p>Report 2011: Captured by Cotton, finds widespread abuses in Industry exposes Sumangali schemes in Tamil Nadu, Mills and factories</p> <p>Report 2012: Slavery in Indian Garment Manufacturer</p> <p>Report 2013: Maid in India, finds Sumangali scheme and forced labour common in global brand supply chains</p> <p>Report 2013: Bonded (child) Labour in the South Indian Garment Industry, finds child labour extensively used</p> <p>Report 2012: Slavery on the high street/complaint to ETI, finds forced labour common in UK brand supply chains</p> <p>Report 2012: Precarious work in India, finds brands not doing enough to address forced and bonded labour</p> <p>Training: Labour rights training conducted in some mills after SOMO/ICN reports name mills and brands</p> <p>Report 2012: Understanding the characteristics of the Sumangali scheme</p> <p>Campaign activities: Caravan against Sumangali scheme</p> <p>Establishment of ETI UK Working group: Tamil Nadu Multi-Stakeholder Group</p> <p>ETI office established in Coimbatore and field workers employed</p>	<p>TPF</p> <p>TPF</p> <p>Madras/Chennai High Court</p> <p>Trade union initiated case in Tamil Nadu</p> <p>Tamil Nadu Govt.</p> <p>Tamil Nadu Spinning mills vs. Tamil Nadu Govt.</p> <p>Tamil Nadu Govt./Labour Ministry</p> <p>TPF</p> <p>TPF</p> <p>Madras High Court</p>
2010-2012	<p>ETI Programme 2013: ETI three-part programme announced in UK</p> <p>Labour rights training & sexual harassment awareness training conducted in several integrated companies by SAVE</p> <p>Monitoring at KPR: NGOs conduct monitoring in large textile mill</p> <p>Report 2014: Small steps - Big Challenges, reports some progress following local NGOs conduct labour rights inspections in textile mill</p> <p>Meetings: Brands (C&A, H&M & Primark) meet in Netherlands to discuss living wage and responses to Sumangali-camp labour issues</p> <p>Report 2014: Behind the Showroom, finds labour abuses continuing</p> <p>Report 2014: Flawed Fabrics, finds a prevalence of 'Sumangali' type schemes and forced labour continue to be present in global brand supply chains</p> <p>Lobbying by TPF to Tamil Nadu labour Ministry to increase minimum wage for textile apprentices.</p> <p>Government announces minimum wage increase for all workers in garment sector (Dec. 2014)</p>	<p>SOMO/ICN (2011)</p> <p>CEC</p> <p>SOMO/ICN (2012)</p> <p>SOMO (2013)</p> <p>ASI (2012)</p> <p>IndustriALL (2012)</p> <p>SAVE</p> <p>Solidaridad (2012)</p> <p>CASS/TPF</p> <p>ETI</p> <p>ETI</p>



Meetings with female textile workers in Tamil Nadu.

Photo: Annie Delaney

<p>2013-2014</p>	<p>ETI Programme 2013: ETI three-part programme announced in UK</p> <p>Labour rights training & sexual harassment awareness training conducted in several integrated companies by SAVE</p> <p>Monitoring at KPR: NGOs conduct monitoring in large textile mill</p> <p>Report 2014: Small steps - Big Challenges, reports some progress following local NGOs conduct labour rights inspections in textile mill</p> <p>Meetings: Brands (C&A, H&M & Primark) meet in Netherlands to discuss living wage and responses to Sumangali-camp labour issues</p> <p>Report 2014: Behind the Showroom, finds labour abuses continuing</p> <p>Report 2014: Flawed Fabrics, finds a prevalence of 'Sumangali' type schemes and forced labour continue to be present in global brand supply chains</p> <p>Lobbying by TPF to Tamil Nadu labour Ministry to increase minimum wage for textile apprentices.</p> <p>Government announces minimum wage increase for all workers in garment sector (Dec. 2014)</p>	<p>ETI</p> <p>SAVE- FairWear Foundation</p> <p>SAVE, Care T, READ</p> <p>FNV Mondiaal & ICN (2014)</p> <p>ICN/SOMO</p> <p>ICN/SOMO</p> <p>FIDH (2014)</p> <p>SOMO / ICN (2014)</p> <p>TPF</p> <p>Tamil Nadu Government</p>
<p>2015-2016</p>	<p>Multi-stakeholder initiative – NGOs in Tamil Nadu form a new forum aimed to directly work with unions, mill & factory owners, industry associations & international brands</p> <p>Complaint to the ETI about forced labour at suppliers of ETI brand members ASDA/Walmart and Sainsbury</p>	<p>TPF</p> <p>HWW and ICN</p>

The use of grievance management strategies

This section discusses the elements of grievance management strategies as summarised in Table 2. In relation to forced labour in the garment and textile sector we identify three types of grievance management strategies:

1. Social movement campaigns
2. The use of national and state judicial and non-judicial institutions
3. The non-judicial mechanism the Ethical Trading Initiative (ETI).

Women workers in the textile and garment sector have been party to complaint processes through local and transnational NGO campaign activities, the Tamil Nadu women's commission and legal avenues in India. We consider social movement campaigns as a grievance strategy consistent with a broad understanding of grievance, since this is often an effective and immediate way for local communities to articulate a grievance. The research identified the activities of local NGOs having led the activities and being the mainstay of transnational NGO campaign activities.

The reporting of the events related to this case are ongoing, and through the final field visit in 2015 we attempted to identify what impact, if any, the claim-making strategies have had on the women workers' human rights violations. We evaluate the strategies and outcomes of each of these approaches to grievance, and the impact on business behaviour. Each of the claim-making strategies is discussed in turn, and the report is structured around the role played by key stakeholders, their activities and responses to these strategies.

Claim-making strategies through social movement campaigns

Well-organised, sustained campaign strategies have been conducted in India over the last two decades. The work conditions in the mills and garment factories in the Tamil Nadu districts of Coimbatore, Tirupur, Erode and Dindigul have been extensively documented by local civil society organisations. Local (Tamil Nadu) NGOs, trade unions and civil society coalitions such as the Tirupur Peoples Forum for Protection of the Environment and Labour Rights (TPF) and Campaign Against Sumangali Scheme (CASS) have been campaigning on the issue of forced labour in the garment sector since the early 2000s.

The TPF was established in 2006, in response to the increase in labour rights violations and exploitation of migrant and women workers and child labour in the garment and textile industries. The TPF also addresses environment issues and has been active in lobbying for industry to be held to account for extensive polluting of rivers and their disruption to agricultural land and the resulting displacement of communities. The TPF is a coalition of over 40 NGOs. SAVE, one of the founding members of the TPF, galvanised support amongst key NGOs, unions and international supporters to research, publish, campaign and lobby for legal reform around the Sumangali and camp labour issues. The work of local NGOs in the area, such as SAVE and other members of the TPF, has focused on raising awareness of the harsh conditions and labour rights abuses linked to the Sumangali scheme and forced labour linked to factory hostel accommodation experienced by the women workers.

In a key report titled *Women Workers in a Cage*, the TPF convenor at the time and the director of SAVE, Mr A. Aloysius, says in the preface: 'I hope the outcome of this study will be useful in the emancipation of women workers in the garment industry in this region' (TPF, 2007:3). The author of the report and director of CARE-T, Mr S. M. Prithiviraj, took over the role of TPF convenor in 2013. The two leaders and their respective organisations have played a significant role in the progress of campaign activities in Tamil Nadu. Alongside the research and documentation of the numerous difficulties the women workers face, NGO members of the TPF have actively lobbied and campaigned to address systemic change through engagement with state and national institutions, international NGOs, brands and non-judicial industry and multi-stakeholder initiatives (e.g., ETI, FLA & BSCI).

Key campaign activities have included conducting seminars and workshops to bring NGOs, unions and government officials together to develop a common understanding of the problems, to discuss policy implications and to gain agreement on future strategies. TPF liaises with a union Joint Action Committee (JAC), made up of five trade unions that work in the textile and garment industry, based in Coimbatore, Tirupur and surrounding districts. In addition, the TPF and various members have lobbied political parties and collected witness statements from women workers for high court hearings and the Women's Commission inquiry, discussed later in this report.

Over time the NGOs have developed a range of measures and interventions to improve awareness of the extreme conditions many women and child workers face. An intervention by NGOs to establish of a hotline to rescue child labourers from garment and textile factories is an example of such activities. Over a seven-month period between July 2012 to March 2013, 115 young girls from garment factories and 164 from textile mills were rescued. Of these 279, the majority were under 14 years of age (TPF, 2014; The Hindu, 2012). Many deaths have been reported, mostly suicides resulting from sexual harassment; two hostel workers from a garment factory died from hanging themselves, other women were sent home due to poor health without any medical assistance and subsequently died (SAVE, 2013; ASI, 2013). Many families have sought inquiries and staged public protests following the deaths of their daughters and the secrecy in which the factories have surrounded the women's deaths (SAVE, 2014). In 2012, CASS members conducted a caravan against Sumangali campaign across the state of Tamil Nadu, raising awareness amongst parents and the community of the problems with the Sumangali and fixed-term schemes and the associated labour rights abuses, which culminated in a large protest with young women and their parents participating (SAVE, 2013).

The campaign activities by NGOs around Sumangali and camp labour frequently call for the scheme to be abolished and campaign materials and activities discourage young women in villages from going to the mills and factories. Some NGOs have initiated rehabilitation and training programmes to support women to move to other employment opportunities, but this remains limited in how many women they can reach (Care-T, 2014). Overall the women have little choice, since the families' economic circumstances determine their return to the mills. Contact with the women workers is limited once they enter the workplace; therefore, many of the NGOs can contact the women only when they return to their villages. The curtailment of freedom of association in the workplace and the lack of representation and organisation outside the workplace raise concerns about the how the women workers' own interests and demands can be best

represented. NGOs have been effective in gaining women workers' testimonies and impact statements as victims of the Sumangali schemes and work arrangements, but there is less evidence of the women taking any lead roles in such activities or the building of labour rights organising and leadership amongst the women.

The TPF has coordinated civil society responses to engage in both judicial and non-judicial mechanisms as much to create pressure on the Tamil Nadu government to more effectively regulate labour rights in the mills and garment factories as to directly seek outcomes for particular groups of workers. SAVE, the largest NGO in the TPF, has played a lead role in the campaigns against Sumangali and other labour abuses and has worked in collaboration with many companies on specific labour rights issues. TPF secretariat and NGO member key activities are summarised in Table 3.

Table 3: A summary of TPF activities

Date	Key Areas	Activities
2006-2010	Identifying and documenting labour issues in textile, garment industry Lobbying state government Lobbying industry	Lobbying state government
2011-2013	Community awareness and campaigning	Collaborating with international NGOs SOMO-ICN Raising complaints through women's commission, supporting evidence in high court cases Ongoing lobbying the Labour minister in Tamil Nadu regarding labour inspectorate, minimum wages, child labour Encouraging key actors – state institutions, unions to address labour rights abuses Liaising with ETI, FLA & BSCI Conducting training and awareness raising amongst village communities about the labour and other abuses at the mills
2014-2015	Lobbying, campaigning and monitoring Initiating local MSI Key Demands –	Developed key demands to Tamil Nadu govt, industry, global brands and ETI to address labour rights abuses Initiating local multi-stakeholder initiatives with Indian employer groups, unions, NGOs and global brands <ul style="list-style-type: none"> • All persons under 18 are children; • A labour contract should be in place and include all legal entitlements; • The government should reduce apprenticeship period from 3 years to 6 months; • A grievance mechanism should be in place in every workplace.

Local NGOs' engagement in training and monitoring labour rights

NGOs have become involved in training and labour rights monitoring as a result of the campaign activities. SAVE has developed comprehensive training programmes on workers' rights, including prevention of violence against women, implemented in some factories as part of a sexual harassment project coordinated by the Fair Wear Foundation (FWF). Since 2012 it has been a requirement under Indian law that each workplace has sexual harassment committees, and this therefore has opened the opportunity for the establishment of these committees and training of workers and managers on the issue. Following the release of reports from SOMO and ICN (2011, 2012 & 2014) SAVE has been invited by several owners of garment factories and integrated (textiles, spinning and garment production) facilities to conduct training with workers and managers across all integrated units. In some instances, this has involved training thousands of workers; in 2014 SAVE estimated they had trained over 10,000 workers (SAVE interview, 2014). Most of these factories are direct suppliers of the one UK garment company, which has responded to the public reports regarding forced labour in Tamil Nadu by insisting that several of its first-tier suppliers allow SAVE to conduct regular visits to conduct monitoring and labour rights training (brand interview, 2013). SAVE asserts that labour rights training and sexual harassment awareness raising activities are essential for workers to better understand their rights and feel more confident to raise complaints. (SAVE, interview, 2014)

In 2013 one large mill, KPR Mills Ltd, invited SAVE to work with it to monitor and assist in improving conditions in the mill and other work units. SAVE, with local NGOs, READ and CARE-T, participated in this collaboration. The NGOs stated that the impetus came after the mill lost significant orders following the publication of the SOMO/ICN report *Captured by Cotton* in 2011. The report featured a number of suppliers including KPR Mills Ltd, which highlighted examples of poor labour practices in multinational brand supply chains. The consequence for KPR being named in the report was immediate: six brands continued to conduct business with KPR, but, three brands that accounted for a high percentage of orders with KPR did not, which led to a significant drop in production and over 2000 workers temporarily lost their jobs before orders stabilised.

Interviews with the three NGO organisations over 2014 and 2015 detailed the monitoring process and subsequent outcomes with KPR Mills Ltd. KPR employs 5615 workers across six units, of which 5400 women aged 18 to 25 are housed in hostels within the workplace grounds. The monitoring and collaboration between the NGOs and KPR included monitoring of records, extensive inspections and interviews with workers and management and identification of areas that would require further improvement. The monitoring work led to the improvement in wages and payments to workers; elimination of Sumangali/fixed-term schemes; and the payment of PF and ESI to workers. A further commitment to address ongoing concerns indicates that local stakeholders were able to facilitate improvements for the women workers over 12 months, a relatively short period of time. The NGOs reported substantial improvements have been achieved in a number of areas, but suggest that there remains further room for improvement. The NGOs issued a joint public report detailing the outcomes of the monitoring and believe that the framework introduced at KPR offers a model that could be implemented in other mills. (Care T and SAVE interviews, 2014)

KPR has benefited through reputation recovery amongst the buyers/brands and is now considered by the TPF NGOs to be one of the top 20 companies in the sector (NGOs interviews, 2014, 2015). Other suppliers named in the 2011 SOMO/ICN report appear to have not lost orders as a consequence of reports of poor labour practices and managed their situation with the brands without introducing and any changes (TPF interview, 2014). The NGOs involved in this monitoring, worker training and collaboration with KPR expressed cautious optimism that improvements for the workers could be achieved but would require follow-up and there were many other mills where no progress had been made. (SAVE, CARE-T, READ interviews, 2015) A summary of the activities of the NGOs and KPR is detailed in Table 4.

Table 4: A Summary of Joint Activities of NGOs and KPR

Labour rights abuses identified	Outcomes
Workers not allowed phones and contact with relatives	Workers allowed mobile phones and free to contact and meet with relatives
Workers not allowed phones and contact with relatives	ESI, PF paid to all workers Workers paid minimum wage Workers receive wages in bank account, workers receive pay slip
3-year Sumangali schemes where money withheld Child labour	Sumangali/ fixed term scheme arrangements eradicated No workers under 18 found in workplaces
Hostel accommodation – poor food & conditions Lack of freedom of movement	Improvement in facilitates, food and health services Health and counselling services available 24 hours Workers able to go out after work, on weekends in the day time, on their own
No freedom of association	No union able to enter workplace Workers receive training on labour rights from SAVE Six workplace committees established: food; work; anti-sexual harassment; welfare and grievance and health and safety No collective bargaining or freedom of association

Transnational NGO campaign activities

Extensive media coverage in India and globally associated with national and international campaigning has generated considerable campaign pressure on international brands and local manufacturers and suppliers. In response to the SOMO/ICN reports on the Sumangali and camp labour issues, a number of MSIs, industry initiatives and brands have made public responses on their websites, in the media and through third-party organisations (SOMO and ICN, 2010, 2012, 2014; BSCI, 2012; Apparel resources, 2013; Asos, Bestseller, C&A, Grupo Cortefiel, Next, H&M, Mothercare, Primark and Tesco, 2012).

Several international NGOs have produced reports on the Sumangali issue, some having more impact than others. The reasons for lesser impact in part may be attributed to one-off reports without investment in any ongoing relationship with local NGOs and unions. While the degree of direct support and collaboration with local NGOs, in particular, TPF, SAVE, Care T and READ, has varied, there is no question that the international reports have had a significant impact on brands and the various MSI and industry initiatives (SOMO/ICN 2010, 2012, 2014; ASI, 2012; FLA & Solidaridad, 2012).

A strategy initiated by SOMO & ICN to provide a draft report to the brands and seek their responses has been effective in increasing industry-wide recognition of the depth of human rights and labour rights abuses occurring in the garment industry in Tamil Nadu. The biannual reports produced by SOMO & ICN are now highly anticipated by MSI's, brands and suppliers. One NGO commented that following the release of the 2014 SOMO/ICN report *Flawed Fabric*, one of the largest brands in the UK stated, 'we have two years to get our act together before the next SOMO report'. (NGO interview, 2015)

While the campaign activities have been effective there remains considerable work to be done, and campaigning will remain an important tool to maintain community, brand and industry attention on this issue.

Social Movement relationships – local to transnational

A strategic alliance of TPF and some NGO members with key international NGOs has influenced methods utilised to collect data and map and document work conditions in supply chains of global brands. The alliance between TPF, SOMO and ICN in the Netherlands demonstrates a mutually beneficial and collaborative relationship. The local NGOs have been effective in maintaining their campaign activities, and information provided by local NGOs has assisted SOMO and ICN to produce high profile reports and maintain pressure on global brands and Indian suppliers. The trust established in this collaboration has strengthened the capacity of NGOs locally and internationally to maintain the campaign momentum.

The consequence of this relationship and the information provided by local NGOs has enabled international reports to demonstrate the failure of brands to conduct due diligence in their supply chains. The ease with which local NGOs have been able to visit and document almost all factories/mills in the three districts has highlighted flaws in the brand argument that the supply chain is complicated and they cannot locate the suppliers beyond the direct supplier, often the garment producer.

The local NGOs' campaign activities have led to engagement with multiple types of mechanisms, including judicial, non-judicial such as the ETI, and government institutions. The diversity of activities utilised suggests that their approach has been successful in maintaining pressure on international brands, MSIs (ETI, FLA) and Business initiatives (BSCI), Indian employers and government agencies while continuing to highlight to the public the extent of exploitative practices in the mills and factories.

Interviews with TPF NGO members, SOMO and ICN over 2014 indicate that they have established a close working relationship based on mutual respect. SOMO is respected by the local NGOs and civil society organisations, and similarly SOMO and ICN respect the knowledge and expertise of local NGOs. Reflecting on the consequence of the 2011 SOMO/ICN report and the naming of suppliers such as KPR that led to some brands cutting and running and the temporary loss of work, NGOs did not blame SOMO, rather they noted that even without the SOMO report brands are cutting and running (TPF, 2014; SAVE, 2014).

In contrast to the developed relationship with SOMO and ICN, the TPF commented that some international NGOs ignore the specialised knowledge and campaign and advocacy work the TPF has achieved and bring in outside NGOs from their own networks to write reports or collect information. One example mentioned, was of an international NGO that hired an organisation from Delhi, the Delhi based NGO travelled to Tamil Nadu, meet with NGOs and then wrote a report for the international NGO campaigns to put pressure on brands about the Sumangali issue, but there was no follow up concerning the campaign activities or monitoring what was happening on the ground. The NGO commented 'they came, took some photos, did some meetings and they went'. (NGO interview, 2014)

In addition to campaign activities there are a number of international NGOs that support broader activities more focused around issues of representation and labour rights, with greater emphasis on Dalit and women workers. Some international NGOs felt that there should be more emphasis on supporting the women workers to improve conditions in the factories, rather than painting them all as victims in need of rescue (NGO interview, 2014). Similar concerns were raised by another international NGO, which felt there should be more representation by the women workers and the women should be encouraged and supported to develop leadership skills, to increase the likelihood for collective organising to occur in the workplaces and amongst village communities. While the international NGOs supporting labour rights activities are supportive of the campaign activities, they believe there should be more emphasis on building representative organisations through existing unions, new unions or NGO labour groups. The campaign activities fall short of addressing the representation gap experienced by the women workers, such as building union membership and assisting the women workers to become leaders and participate in the campaign activities. One reason for this gap may be that when funds become available to NGOs in Tamil Nadu, it is either for the purpose of gathering information for campaigns or training workers on issues related to rights and sexual harassment. We are not aware of any funding going toward union or NGO activities to support worker organising.

Freedom of association – union and NGO relationships

The barriers to organising young women in the hostels where there is no freedom of movement are significant and this may have discouraged unions from trying to organise them. The unwillingness of the factory owners to allow unions into workplaces remains a significant barrier to the workers gaining collective representation.

The lack of freedom of movement is recognised by the NGOs and unions we spoke to as being the main reason how employers prevent workers organising:

Once a union is formed it can be effective – the union operates as a grievance strategy for workers, any problems that arise the union can discuss the workers' issues, and make a complaint directly to the factory management. A union can resolve the workers' issues, but these suppliers to brands are not giving workers this opportunity. (NGO interview, 2015)

The unions have been proactive in initiating and challenging the human rights issues in the Indian courts. They have collaborated with NGOs campaigning around the issue and frequently speak at joint forums and participate in campaign activities. They stated that they have helped young women who approached them for assistance but did not attempt to mobilise workers living outside the hostels (textile union 1 interview, 2014). However, at least one union we spoke to stated that it intended to organise young women employed as camp labourers in the mills (CITU interview, 2014). Some state and local unions have well-developed women's sections with training capabilities; this resource could contribute to increasing the local unions' willingness to address the textile women workers. Some unions advocated for women workers on specific claims, usually on an individual basis; one union gave an example of assisting parents to rescue their daughter from a mill, following concern for her welfare. (CITU interview, 2014)

In other interviews some participants raised concerns about whether the unions operating in the garment and textile sector in Tamil Nadu had the skills and motivation to organise the young Dalit women in the mills, since many of the unions are dominated by higher caste and men who are opposed to work being done by people under 18. Some individual union regulations prevent workers under 18 joining, but in Indian law the legal minimum age is 15 and does not prevent anyone under 18 from joining a union. Some of the trade union representatives we interviewed in Tamil Nadu stated clearly that it was inappropriate to try to organise girls under 18, taking a principled position that this would amount to supporting child labour (unions interviews, 2014). There remain a number of issues concerning the reasons women do not or cannot join a union. A number of NGO interviewees raised concerns that most unions are male-led and some formed along caste lines, and that this remains an obstacle for organising the women workers. (NGOs interviews, 2013, 2014, 2015)

While it is important that the unions are able to access the workplaces and talk to the workers, there remains a significant opposition from employers and the textile associations to allowing unions into workplaces. Unions had previously relied upon conducting gate meetings at the mills and factories, but union leaders interviewed commented that this was no longer possible and that employers actively prosecuted unions that conducted meetings within 300 metres of the workplace. Two factory owners we spoke to for this research both stated that they would agree to the request from an international brand to allow NGOs into their workplace to conduct training; they could accept this, but they would not allow any union presence.



Meetings with female textile workers in Tamil Nadu.

Photo: Annie Delaney

NGOs active in the TPF and involved in training workers and monitoring labour conditions in the mills and factories insist that the unions need access to the mills and factories and the workers' right to freely associate to be able to organise. The NGOs perceive their work as contributing to women workers' familiarisation about labour rights and joining unions, and insisted that it should be the unions that take on the responsibility. Their commitment to the unions' role and responsibility to organise workers is realistic, in that they acknowledge that the unions need to adapt and become more relevant to the women workers and they are hopeful that some of them will.

Union campaign activities to date have focused on legal cases to secure minimum wages for apprentices and the negotiation of the dearness allowance (the cost of living allowance calculated annually).¹² Garment unions in Tamil Nadu continue to have a formally recognised role in tripartite negotiations, and such negotiations have occurred in Tirupur. Though there remain discrepancies around the actual minimum wages paid, and concern about the ineffectiveness of the district labour inspectorate in enforcing such standards. Interviewees suggest that while wage negotiations in the garment industry have occurred, the tripartite board for the textile industry, which is overseen by the Tamil Nadu labour inspectorate, has not functioned effectively. Two NGOs we spoke to stated that any increase in the garment sector minimum wage has been

¹² The dearness allowance negotiations in the garment factories occur through tripartite negotiations, though they may vary between 3 to 5 years in regard to negotiation rounds. Negotiations have not occurred specific to the textile mills.

¹³ Tamil Nadu government gazetted an increase in the minimum wage in the garment sector in December 2014; one report noted that the minimum wage increased by 64% though there had been no increase in the minimum wage for ten years. In 2015 the dearness allowance was Rs 2,299, bringing the monthly wage of a machine operator to Rs 7409 (AUD\$127, EUR 89, GBP£75, USD\$120). There are up to eight scheduled wage categories for various parts of the industry: cotton ginning, pressing and waste cotton, handloom and weaving, handloom silkweaving, hosiery, silk twisting, tailoring and apprentices.

due to direct lobbying of the Labour ministry rather than through the tripartite process¹³. These TPF members stated they have led the lobbying effort and subsequent government announcements of minimum wage increases in the sector. (NGOs interviews, 2015)

Local and regional unions and NGOs reported having a longstanding relationship. TPF NGOs interviewed were very supportive of the union role to organise workers; they spoke of valuing the ongoing relationship and they hope unions will organise the workers. SAVE, one of the NGOs conducting labour rights training in a number of workplaces, stated they have a good working relationship with the unions and promote unions in the worker training, but it's up to the unions to organise the workers. (NGOs interviews, 2012, 2013, 2014; SAVE, 2014, 2014)

The NGOs recognise employer strategies that inhibit trade union organising and representation activities in the textile and garment workplaces, yet when asked what would it take for unions to be able to organise workers in the textile garment sector, a number of NGOs suggested that it would take generation leadership change before the unions were able to organise women workers in the textile garment sector. (NGOs interviews, 2014, 2015)

Some tensions exist between unions and NGOs. NGO interviewees suggested that a state union representative in Tamil Nadu involved in the ETI discussions was hostile to NGOs' initiatives such as labour rights training in the workplace. Unions we interviewed remarked that the union representative at the ETI did not consult with any local unions or NGOs. It appears that local and state unions working in the garment sector in Tamil Nadu have not reached a joint position with the NGOs involved in the TPF on the question of whether it is ever appropriate for NGOs to provide worker rights training at workplaces, or whether that is solely the role of trade unions.

The potential for unions to work collaboratively with NGOs to utilise NGOs' access to workplaces, to establish women leaders and develop union membership, to date has not occurred. Nonetheless, funds and projects for labour rights monitoring is currently only being offered to NGOs. Some small NGOs in Tamil Nadu have registered new unions, but we could find no evidence of active organising having occurred amongst these new unions. A recent development by Bangalore-based, women-led union Garment Labour Union (GLU), involves an initiative where they have sent a Tamil-speaking experienced organiser to be based in Tamil Nadu to begin organising amongst textile and garment workers in Tamil Nadu. The move by GLU into Tamil Nadu could potentially improve the options available to women workers to collectively organise and join a union. In addition, GLU has assumed a global advocacy role, having in 2015 submitted to the ILO comment on the application by the *Indian Government in regard to Forced Labour Convention 1930 (C 29)* and requesting urgent intervention to stop Sumangali and bonded labour practices in Tamil Nadu,¹⁴ but there has been no outcome of this process as yet.

Supplier – operational level responses to Sumangali and forced labour campaigns

At the operational level, the responses from textile mill and factory owners and the associations have focused on defending legal cases around apprenticeship minimum wages and matters concerning Sumangali schemes. There is little evidence of initiatives by companies or industry associations SIMA or TEA to address the extensive labour rights abuses documented by NGOs

¹⁴ The GLU submission to the ILO specifies comment in relation to the Indian Government application of the *Bonded Labour System (Abolition) Act 1976*, *The Forced Labour Convention 1930 (C 29)*, *the Hours of Work (Industry) Convention 1919 (C 01)*, *The Minimum Wage Fixing Machinery Convention 1928 (C 26)*, and the *Discrimination (Employment and Occupation) Convention 1958 (C 111)*.

and recognised by the Madras High Court. Despite an estimated 1500 mills in the Tamil Nadu districts only a handful have engaged constructively with issues raised by local and international initiatives over the years. The industry associations and employers have been aggressive in defending the employment arrangements in place, since they are accustomed to having influence with government and do not accept being held accountable by NGOs and unions. Industry employer associations dismiss the campaigns documenting widespread abuses and state that the Sumangali and fixed-term schemes are gone. Claims of a labour shortage appear empty since they could as easily employ men into the spinning mills and garment factories, instead they maintain large-scale recruitment of young girls and women from poor rural areas in Tamil Nadu, and more recently extended recruitment to poorer eastern states of India, again focussing on young women and some men. (NGOs interviews, 2011, 2012, 2013; TPF, 2014, 2015)

As noted above, factory units owned by KPR experienced a decline in brand orders following the release of the SOMO/ICN report (2011). The NGOs involved in the follow-up monitoring of KPR reported improvements concerning workers' minimum wages being paid; unfortunately, evidence of the take-up of similar initiatives is extremely rare, indicating that there has been little change in attitudes of employers in the textile mills. Even in workplaces where there is evidence of some improvement in wages and conditions, obstacles such as freedom of association and collective bargaining remain barriers to workers raising grievance in the workplace. As stated previously, suppliers interviewed indicated that they will do most things the brands ask of them except allow unions into their factories. Nominal workplace committees are being established by employers, and in some instances, workers are elected to the committees, yet such committees are being promoted by suppliers to brands as equal to freedom of association. (Suppliers interviews, 2014) There is a concern that workplace committees established by the employers are being recognised by brands and MSIs as equivalent to workers having freedom of association, which they are clearly not.

Suppliers and industry participants that we spoke to stated that after the SOMO/ICN report (2011) some suppliers lost orders from international brands; they stated that the same brands took these orders to Bangladesh. (Suppliers and industry associations interviews, 2012, 2013) The implication is that the brands moved their orders from their factories to avoid media attention on the Sumangali issue, but the conditions in Bangladesh were much worse, and that the same yarn produced in Tamil Nadu was being exported for use in these Bangladesh factories. On the other hand, the response by brands is possibly about deflecting media attention; however, the suppliers and industry associations were reluctant to accept any responsibility to address the systemic human rights issues across the garment sector.

Transnational business responses to social movement campaigns on forced labour

A few international brands have responded more positively than others to the campaign reports identifying labour and human rights abuses in their supply chains. One UK garment brand has encouraged some of its direct suppliers in Tamil Nadu (both garment factories and integrated facilities) to cooperate with SAVE and other local NGOs and this has resulted in important improvements in respect for labour rights in some of these facilities.

Representatives of another international garment brand reported in a research interview that in response to the campaign reports, they conducted their own investigation into the Sumangali issue in Tamil Nadu. This involved sending two company representatives to investigate all levels of the supply chain; they visited spinning mills, garment factories and the villages where the women were recruited. This particular brand's response to the issue has also focused on suppliers in the first tier of its supply chain:

The suppliers that we have some capacity to influence, the small [garment]ones, we ensured, that at least the supply chain was Sumangali free. (Brand interview, 2013)

In the same interview, representatives of this brand argued that no international brand could improve respect for labour rights in lower tier suppliers, nor in large first tier suppliers with multiple buyers, unless it increased its leverage by working closely with other international brands. Later in this report we consider attempts to achieve this under the umbrella of the ETI multi-stakeholder initiative.

A common response from brands has been to emphasise the difficulties they have in identifying and influencing suppliers beyond the first tier; moreover, they frequently attributed labour rights issues to the social problems particular to India. Overall there has been a lack of evidence of progress in mills to address the forced labour and lack of freedom of movement. As one brand confirmed, the issues of lack of freedom of movement of the women workers remains prevalent:

If the factory has hostels within its premises, or hostels which they are controlling, even if the garment manufacturers tell you that they do not have a problem with freedom of movement, I'll tell you they have a problem with freedom of movement. Most of my factories that have hostels have this problem of freedom of movement. (Brand interview, 2013)

Some brands have reported that there has been no identification of Sumangali schemes in their garment supply chain, while others have erroneously reported that Sumangali-like fixed-term scheme arrangements have been eradicated. There have been reports of the reduction of Sumangali schemes in the garment factories. Reasons for this are unclear, it could be the result of audits by international brands or because brands have greater influence on these suppliers, since they are first tier suppliers, and can threaten to stop their orders. (Suppliers, NGOs interviews, 2012;2013)

The current practice by brands is to focus their attention on the first tier suppliers, usually the garment manufacturer they directly subcontract work to, without taking responsibility for addressing the substantial labour rights abuses further along the supply chain. Many other brands have made public responses to the campaigns and reports, including statements about supporting the end to forced and bonded labour (Asos, Bestseller, C & A, Grupo Cortefiel, Next, H&M, Mothercare, Primark & Tesco, 2012),¹⁵ but few have provided details on how they intend to go about this, the time frames or how any change will be evaluated.

¹⁵ ASOS, Bestseller, C&A, Grupo Cortefiel, H&M, Mothercare, Next, Primark, & Tesco, Response to SOMO/ICN/ CASS report.

The primary emphasis of these brand initiatives has been on the Sumangali schemes: other rights violations, including other forms of forced labour, are rarely addressed. Some local and International NGOs also expressed concern that the ETI programme's focus on eradicating the Sumangali schemes had not been matched by efforts to ensure respect for other rights set out in the ETI Base Code (Local and international NGO interviews, 2013, 2014, 2015).

Following the most recent report from SOMO & ICN (2014), *Flawed Fabrics*, H&M, Primark and C & A were implicated by suppliers in their supply chain in being linked to poor labour practices, in particular issues of child labour, forced overtime and excessive hours in some instances leading to young women committing suicide (SOMO/ICN, 2014). These brands have attempted to publicly differentiate themselves from others in relation to their response to the SOMO & ICN's report and indicated that they will blacklist recalcitrant suppliers or initiate programmes to implement fair labour practices (Kilcooley-O'Halloran, 2014). In 2015 these brands joined in discussions with ICN and Solidaridad, Gerard Oonk from ICN explained:

In 2015, ICN joined with Solidaridad, SOMO and a group of brands including e.g. Primark, C&A and H&M in discussions around increasing joint leverage of brands in Tamil Nadu, in the so-called Amsterdam Coalition. But by the beginning of 2016, the brands decided to join up with the OECD without us, because they need political backing to achieve impact I guess. So the Amsterdam Coalition did not continue, but we keep in touch to see what comes out of it and urge them to consult local NGO's, still to use their joint corporate influence and keep us informed on their plans. (ICN email, 2016)

Some brands have been responsive to labour rights abuses in their supply chain, but they have been slow and focused on areas perceived by them to have greater reputational risk. For example, in response to child labour they have required supplier companies to introduce age verification documentation to avoid workers under 18 years being employed and they have pushed for -free supply chains and a focus on fire safety requirements following the Rana plaza collapse in Bangladesh. (Supplier interviews, 2015; NGO, 2015) Others, demonstrated a lack of due diligence being undertaken, since even when labour rights abuses have been documented in their supply chain, they indicated they were not aware of the companies where these abuses occurred. The response to eliminate Sumangali schemes has not prevented other fixed-term scheme arrangements similar to Sumangali emerging. Despite brand claims of supply chains being 'Sumangali free', NGO advocates estimate that Sumangali or fixed-term bonded labour schemes remain prevalent in up to 30% of vertically integrated workplaces and even higher in spinning mills. (NGO interview, 2015) Despite the widespread documentation of barriers and opposition by suppliers to freedom of association and collective bargaining, this has not been a focus of attention for brands.

Efforts by a few brands to address some of these issues, such as facilitating worker training in their supplier workforce, and to address Sumangali schemes in their supply chain highlight the failure of initiatives where brands are individually working to effect change in their supply chain. Given that most local mills and factories sell to multiple buyers, there is potential value in the greater leverage which brands combined, or with MSIs like the ETI, would obtain by working not only with its own member companies but also with the member companies of other initiatives (e.g. FWF, FLA and BSCI) and with local stakeholders to establish a joint programme which is of a sufficient scale to generate systemic change.

Social movement grievance strategies: impact on business practices

Our analysis indicates that it is difficult to accurately measure progress in relation to ensuring respect for freedom of association or to identify progress or lack of progress in reducing labour rights abuses, especially, forced labour, and child labour, the failure to implement the minimum wages, working hours, the reduction of forced overtime and other labour rights abuses. Social auditing is compromised as a measure for assessing progress since workers are systematically warned to lie to social auditors or risk losing their jobs, therefore it is difficult to assess the accuracy of claims by brands that fixed-term Sumangali schemes have been eliminated from their supply chain.

Nonetheless, the focus of campaigns and non-judicial mechanism responses have been on Sumangali schemes rather than forced labour. Local NGO representatives reported that there has been some impact in reducing Sumangali schemes in garment factories and some spinning mills, but little impact on other forced labour practices and other human rights issues facing textile and garment workers.

The TPF has led campaign and lobbying activities and instigated a local multi-stakeholder initiative aimed to establish local control around responses to the forced labour issue (see Table 3 for summary of activities). Alongside this the TPF have engaged with various international non-judicial mechanisms including the ETI, as discussed later in this report. Interviews with representatives of key Tamil Nadu NGOs in 2013 and early 2014 indicated a deep frustration with how the ETI was responding to them. In those interviews NGOs repeatedly mentioned the ETI's failure to include the TPF and member NGOs in its formal decision-making processes or to take NGOs proposals seriously. In 2014 the ETI did establish a small tripartite working group in Tamil Nadu to advise on implementation of the ETI programme. That working group includes a local NGO representative and a local trade union representative (and an alternate for each) but recent email communication with several local Tamil Nadu labour rights organisations indicates that they continue to feel they have limited ability to influence the direction and nature of the ETI Programme.

The lack of deep collaboration with local NGOs and unions by ETI (and other MSIs working on the issue) has limited the impact on local and transnational business behaviour. There are many examples of NGOs in Tamil Nadu working cooperatively with individual brands and local mills and factories to access the workforce, conduct labour rights training and monitor conditions to address fundamental labour rights abuse of workers. The example of NGO labour rights monitoring at KPR suggests that this approach can be effective in reducing some labour law violations, but has had limited impact in addressing the employers' failure to respect freedom of association. The success stories are isolated. While a few brands have been willing to work with individual NGOs in Tamil Nadu to address some of the labour rights violations in parts of their supply chains, arguably it would be more effective if they worked collectively with local and transnational NGOs and unions as partners, not just with individual NGOs on isolated projects. NGOs mentioned lessons from the Bangladesh Accord and the FOA Protocol in Indonesia as examples that could assist to develop new approaches to address the realities in Tamil Nadu. (NGO interview, 2015). Ideally, MSIs could assist to facilitate and increase the number of brands working collectively to build leverage and address systemic human rights abuses across the sector, but to date this has not occurred.

A key demand of local NGO groups has included establishment of a local grievance process, a demand which representatives of NGOs involved in the TPF reported that transnational businesses, the ETI and other industry and non-judicial mechanisms have ignored (NGO interviews, 2013, 2014, 2015).

Our analysis suggests that the social movement grievance management strategies have been effective in raising public awareness of the systemic human rights issues prevalent in the global garment supply chains, and bringing those issues to the attention of judicial and non-judicial mechanisms. So far campaign organisations in Tamil Nadu and their allies in other countries have not managed to persuade multiple local and transnational businesses to work together with them to address broader systemic change. The TPF is seeking to develop a multi-stakeholder forum that involves local NGOs, suppliers, unions, and transnational business. If this is successful, then participation of transnational business through the ETI and other non-judicial mechanisms would certainly strengthen this initiative.

Claim-making through Indian judicial and non-judicial institutions

India has an extensive range of national and state labour laws, and violations of labour laws have been reported in relation to the spinning mills and garment factories that employ workers under -type Sumangali schemes and/or camp labour arrangements. NGOs have identified over fifteen Indian laws that are commonly violated, including: *Minimum Wages Act 1948*, *Weekly Holidays Act 1942*, *Employees State Insurance Act 1948*, *Employees Provident Fund Act 1952*, *Payment of Bonus Act 1965*, *Factories Act 1948*, *Bonded Labour System (Abolition) Act 1976*, *Apprenticeship Act 1961*, *Contract Labour (abolition and regulation) Act 1970*, *Child Labour Prohibition Act 1986 & 2016*. The Factories Act states that no child who has not completed fourteenth year of age shall be required or allowed to work in any occupation in a factory, and that no one under 18 should work in hazardous industries.

Documented breaches in relation to these laws include employers forcing workers to work longer than 12 hours, double shifts and to wake during the night and go to work (a situation that arises because the workers are close by in the hostels, and considered by the employers to be available). Workers reported contracts for varying length of time and payments, and that the women or their parents were asked to sign blank pages, leaving the women with little knowledge of their work contract arrangement (TPF, 2004; SOMO/ICN, 2012; Narayanaswamy & Sachithanandam, 2010; SAVE, 2014). In addition, the Indian Factory Act was amended following lobbying from the mill and garment employers to allow women to work night shifts. This opened the way for workers to legally work night shifts, but it also made them vulnerable to employers pressuring them to work at any other time they demanded.

Lack of freedom of movement demonstrates the most extreme disregard for the rights of workers, since the women describe being under constant surveillance and are not able to leave the hostel accommodation. Workers in hostels or camp labour workers who have no time outside the factory or hostel unless accompanied by a factory official also face restrictions on phone access and visits from family members and commonly refer to the arrangement as like living in a prison.

The second grievance management strategy we discuss involves complaints made in relation to forced labour and Sumangali schemes in the garment and textile industry, to the Tamil Nadu State Women's Commission and the National Human Rights Commission. The Tamil Nadu State Women's Commission is a non-judicial grievance mechanism, one of eighteen state women's commissions in the country¹⁶. The National Human Rights Commission is a statutory authority with independent powers to investigate violation of human rights, usually initiated via a petition filed by a victim or by a person on his/her behalf.

Complaint to the Tamil Nadu State Women's Commission (TNWC)

A complaint was taken to the Tamil Nadu State Women's Commission (TNWC) in 2008-2009 by the TPF. Hearings by the TNWC were jointly organised by the TNCW and NGOs involved in TPF. Several NGOs supported women workers to give statements to the TNWC hearing and make claims for compensation. The complaint to the Women's Commission included lodging a number of individual grievances as well as raising the issue as a systemic problem. Individual women have also been supported to lodge complaints in local courts to secure unpaid wages and police have been informed about evidence of child labour and forced labour in particular mills.

The TNWC conducted public hearings and heard testimony from the women workers. The commission heard evidence from one young woman:

Shanti and her sister to A.G. Spinning Mill, Coimbatore, to be contracted under the 'Sumangali Thittam'. They were assured Rs. 30,000 each at the end of three years, a monthly salary and could draw on the provident fund amount at the end of the period. They worked there for two-and-a-half years until Shanti lost her hand (from the wrist downwards) working on a spinning machine. Her employers treated her at a hospital and sent her home, telling her that her contract amount had been exhausted by paying her medical bills. (The Hindu, 2009)

According to representatives of SAVE, the jury panel declared the Sumangali scheme amounted to bonded and forced labour and called on the Government of Tamil Nadu to abolish it. They also called on mill owners to respect the freedom of movement of women living in the hostels and working in the mills.

The TNWC described how the Sumangali scheme amounts to forced labour, as defined by Article 23 of the Indian Constitution which prohibits slavery and all forms of forced labour. The TNWC identified violations of numerous laws, for example the *Bonded Labour System (Abolition) Act 1976*, the *Apprentice Act*, the *Health, safety and welfare of apprentices S.14 of the Act*, provisions of the *Workmen's Compensation Act*; the *Equal Remuneration Act 1976*. The TNWC reported:

The Sumangali scheme is a clear case of bonded, exploitative and abusive scheme, and against the Indian Constitution, Labour Rights, Women's Rights and Children's Rights. It necessitates the need to look at the whole system and appropriate actions including validity/legality of the scheme to be reviewed (TNWC, 2009).

Chairperson of the State Commission for Women (TNWC) and another TNWC member were among members of the 'jury' panel of a public hearing in relation to the scheme: a retired judge

¹⁶ The Tamil Nadu Women's Commission is one of the two SWCs that do not have statutory powers.

of the Madras High Court was also on the panel (The Hindu, 2009). However, newspaper articles at the time lend support to the NGOs' claim that under chairperson Dr (TMT) K. M. Ramathal, the Commission put pressure on the industry to end forced labour and violations of freedom of movement in the mills (*The Hindu*, 2009). The panel established by the Women's Commission recommended that 19 of the women workers whose cases were heard in the public hearing should receive specific amounts of compensation, and nine of the women subsequently received that amount of compensation from their former employers. For the other ten cases the mill owners refused to pay and the matters had to be pursued through the arbitration/court process.

When the three-year term of the chairperson finished she was replaced by Mrs. Sarguna Pandian, who was less willing to put public pressure on the textile and garment industry to improve conditions and who was much more sympathetic to industry. NGOs suspect that industry lobbying was behind this appointment. Local NGOs suggested that the new chairperson was very close to industry and described Pandian's successor as another political appointee. The subsequent TNWC chairperson Dr Visalakshi Nedunchezian in a comment to the media stated that she had ordered an investigation into alleged labour violations under the sumangali scheme at local factories, but advises caution in interfering with a vital sector: "It is an ongoing crisis. We will take action if violations are found, but we cannot abolish such schemes that provide employment to people" (DPA, 2015).

Calls for improvements to the TNWC reinforce the perception that the TNWC lacks effectiveness and has been influenced by political appointees. Ms. Renuka Bala of the Centre for Women's Development Research commented:

The TN State Women's Commission has been less and less active in the last decade, chaired by political appointees who have rarely reached out to women's groups and other parts of civil society. (The PSW Weblog, 2016)

Similarly, Praynya PSW community established an online petition in May 2016 calling on the Tamil Nadu Chief Minister to appoint a person to the TNWC chairperson role. They stated:

This is why it is important to us and to our colleagues to see that when the newly re-elected Tamil Nadu Chief Minister makes that appointment, she appoints the right person, someone we defined in our petition as 'sensitive to gender issues, and has concretely contributed towards women's empowerment'¹⁷ (Praynya PSW, 2016)

NGOs we spoke to stated that they would consider it a waste of time to pursue a complaint with the women's commission unless there was a change of chairperson; they stated there was a need for an independent chairperson, not a government political appointee, someone that could be sympathetic to the situation of women workers. (NGO interviews, 2013, 2014)

¹⁷ Recent outrage resulted following the TNWC chairperson publicly endorsing the Madras High Court order that granted bail to a convicted rapist to seek reconciliation with a young woman he raped, and who had subsequently given birth. In May 2015 the chairperson of the TNWC, Dr Visalakshi Nedunchezian, stated, 'We would be very happy to see the criminal and the affected girl get together'. <http://www.ndtv.com/chennai-news/rapist-victim-should-get-together-tamil-nadu-womens-panel-chiefs-shocker-775338> Accessed 18 September 2016.

National Human Rights Commission Complaint

In March 2007, a complaint was made to the NHRC regarding bonded labour in Textile Mills in Tamil Nadu. Complaints to the NHRC can be made online and be anonymous. The NHRC issued a notice to the Tamil Nadu government, asking them to investigate and report back (FLA and Solidaridad, 2012). In June 2007, after receiving the NHRC notice, the Tamil Nadu government extended the number of districts for which it established district-monitoring committees from 3 to 17 (Madras High Court, 2009). In 2009 the same court described the state government's decision to extend the monitoring committees to a further 14 districts as being a response to the NHRC's notice. Appeals to the Human Rights Commission and Women's Commission have increased the media profile of the issue without necessarily translating into more effective government action. After investigating a complaint, the NHRC makes recommendations to the relevant government authorities to take action. In 2012 following a petition from human rights activist Radhakanta Tripathy, the NHRC issued a notice to the Chief Secretary of Tamil Nadu to 'free the enslaved girls absorbed by spinning mills under the Sumangali scheme in Tirupur'(The New Indian Express, 2012). While such NHRC recommendations may well prompt government action, the barriers to effective state action described above (lack of political will, corruption) tend to undermine ultimate effectiveness. Information from NGOs in Tamil Nadu suggest the minimum wage for apprentices is often ignored in practice, that the district monitoring committees have so far been largely ineffective and responses by the labour inspectorate in Tamil Nadu have been inadequate. (NGOs interviews, 2014, 2015)

Judicial Indian state institutions

In 2000 the Madras High Court issued extensive guidelines (to be enforced by the labour inspectorate) for protection of women workers' welfare and prevention of sexual harassment during night shifts in textile mills, including confidential complaint committees (headed by women) and constant monitoring by two female wardens/welfare assistants per night shift (FLA and Solidaridad, 2012). In 2007 the same court, in response to a public interest petition filed by trade unions, indicated it was prima facie persuaded the Sumangali schemes amounted to bonded labour. In 2009 the same court rejected the industry's petition and endorsed the Tamil Nadu government's introduction of minimum wages for apprentices in textile mills (FLA and Solidaridad, 2012):

Prima facie, we are satisfied that the 'Camp Coolie System' which is also known as 'Sumangali Marriage Scheme' is per se illegal and amounts to bonded labour and the authorities are bound to take steps to abolish the system and regularize the services of the female workers working under the 'Camp Coolie System' and ensure that they receive wages as per the law throughout their employment with the concerned employers. (Madras High Court, 2009)

Another example of the Madras High Court's independence from corporate influence was evident in its decision in February 2011 to shut down 700 dyeing and bleaching units until they could bring their operations into line with pollution regulations (SOMO & ICN, 2012). Court decisions establishing rules for the treatment of camp labourers have helped lend credibility to union and NGO campaigns. The court has demonstrated a high degree of independence from the garment sector in relation to cases concerning Sumangali camp labour.

Worker complaints to employers, government agencies and labour courts

A baseline requirement for workers to lodge claims through labour courts is evidence of employment, a contract, pay slips and other documentation. In many instances workers have no such documentation. The first two interviews conducted for this research involved two young women who wrote to the company they had worked for 12 and 18 months, respectively, requesting pro rata payment of their scheme fund. Both received letters from the company stating that they had never worked for them and they had no claim. Even when workers may possess evidence that they worked for a company, the process is complex, slow and costly, and most workers cannot navigate the labour courts or conduct direct negotiations with employers without union or NGO advocacy. Many workers have sought to claim their PF payments and NGOs have been active in supporting workers to make these claims. An obstacle to successful claims is a lack of any written contract, no identification of having worked at the mill or factory, and no evidence of payment, such as a pay slip.

State Government responses

In 2007, in response to a report and notice from the national human rights commission alongside civil society lobbying, the state established district monitoring committees made up of key government labour officials tasked with identifying mills where young girls worked as apprentices, examining working conditions and taking steps to end exploitative work practices (FLA and Solidaridad, 2012). In 2008 the state government introduced a minimum wage for apprentices in textile mills in Tamil Nadu with the goal of ending exploitation of girls employed in the mills as apprentices. The Madras High Court noted in its summation that the NHRC notice influenced this decision (Madras High Court, 2009).

We interviewed representatives of five different trade unions in January and February 2014 and all reported that the labour department continued to be ineffective in policing labour rights in the mills and garment factories because of high levels of corruption among labour inspectors. The problems associated with the Sumangali schemes involve the widespread failure to pay the lump sum payments due to workers at the end of the term. Other problems have arisen because companies fail to provide copies of contracts or any evidence of employment, such as pay slips or evidence of provident fund and ESI payments. As mentioned earlier there are numerous violations of a range of laws that are not being addressed by the state labour inspectorate.

Impact of complaints to Indian non-judicial and judicial mechanisms on business practices

Both the courts and non-judicial institutions have demonstrated their independence and preparedness to uphold key principles based on the evidence presented and investigations they conducted. The state women's commission and the NHRC both conducted inquiries in response to complaints lodged by NGOs, but equally there is evidence that the women's commission has been subject to political influence.

The Tamil Nadu Government has introduced some safeguards but has failed to ensure implementation of the labour laws and address broader human rights abuses. The lack of progress and willingness by state labour officials to monitor and act upon the extensive violations of a

number of national and state laws is a concern and reveals an institutional weakness. The consequence of this weakness is that suppliers to global brands are not being held accountable for the most basic labour rights in their workplace and supply chains. This has broader implications for how transnational business is conducted, the enforcement of labour laws and the accountability of the local suppliers and transnational brands.

The human rights violations are widespread and actions by judicial and non-judicial institutions in Tamil Nadu and India have not been effective in enabling the women workers to seek redress for the abuses identified. There are serious implications for how the state can ensure that the laws are monitored and workers seek redress. The lack of action by the Tamil Nadu government disadvantages the women workers and reinforces the women workers' perception that the human rights abuses they experience have limited avenue for redress.

Claim making at the Ethical Trading Initiative

The Ethical Trading Initiative (ETI) is a UK multi-stakeholder initiative that aims to enhance respect for the labour rights set down in the ETI code of conduct (known as the ETI Base Code) in the supply chains of ETI member companies. ETI members include some of the largest retailers in the UK, along with UK trade unions and UK development and human rights organisations. A companion report in this series provides a detailed description and analysis of the ETI's grievance mechanisms. Here we focus on the way the ETI has responded to allegations of forced labour in garment and textile production in Tamil Nadu. Since 2011 ETI has adopted a 'programme approach', which aims to 'drive sustained change for workers within a limited number of strategic supply chains' (ETI, 2012a: 3). The ETI's programme in Tamil Nadu forms one of nine programmes established so far under this programme approach, so it is a significant focus of the organisation's activity.

The initial response – the Joint Statement of Intent versus the Industry Response

Before it became the focus of one of ETI's programmes, the issue was raised within the ETI in November 2010 by ETI member Anti-Slavery International (ASI). ASI had just completed (but not yet released) a major report on the issue, and ASI wrote to both the ETI and the non-ETI companies implicated in the report's findings, proposing a meeting to discuss how to stop the labour abuses identified by ASI's research. The ETI then facilitated the establishment of a multi-stakeholder working group to address the issue, the Sumangali Bonded Labour Group (SBL). Approximately 20 international brands (not all of which were ETI members) took part in the SBL, as well as a number of UK civil society organisations (trade unions and NGOs) that were members of the ETI.

Over the ensuing six months the companies and civil society groups involved in the SBL negotiated a *Joint Statement of Intent* (hereafter the *Joint Statement*). According to ASI (2012: 29), just before the *Joint Statement* was due to be published, most of the companies who had been involved suddenly and unexpectedly indicated they were no longer willing to sign, including 'several who were deeply involved in discussions and negotiations of the text'. As a result, only four of the companies who had been participating in the SBL negotiations actually signed the *Joint Statement*. Sixteen other companies instead signed a document titled *Response to Anti-Slavery International Report* (hereafter the *Response*), which they had drafted outside of the negotiations with civil so-

ciety groups. These latter companies included prominent ETI members C&A, H&M, Gap, Inditex, Mothercare, Next, Primark and Tesco. Two other ETI member companies, Marks & Spencer and Asda (owned by Walmart), did not sign either the *Joint Statement* or the *Response*.

ASI subsequently characterised the companies' withdrawal from the *Joint Statement* as a 'repudiation of the multi-stakeholder approach that Anti-Slavery has advocated and ETI has facilitated' and described the *Response* as 'a cynical effort to articulate the minimum concern that may deflect public attention from the fact that many of these companies appear to knowingly profit from the slavery of children' (ASI, 2012: 30). The difference between the two documents is worthy of note, since the programme that the ETI has put in place to address the issue of forced labour in Tamil Nadu has so far more closely resembled the *Response* than the *Joint Statement*, and most civil society criticisms of that approach are based on its failure to embody some of the key principles set out in the *Joint Statement*. Both documents recognised that forced labour, child labour and exploitative apprenticeship Sumangali schemes are unacceptable and that workers should have access to appropriate means of raising grievances and having them resolved. However, the *Joint Statement* went further by emphasising the importance of workers being paid a living wage and included a specific commitment to 'financial support for local trade unions and NGOs to work directly with workers in order to better understand their perspectives and develop independent and democratic forms of worker representation' (ASI, 2012). The *Joint Statement* also required its signatories to commit to transparent collective action plans with clear goals and milestones. In contrast, a number of research participants from ETI member organisations that we interviewed in 2013 criticised the ETI's response to the issue of forced labour in Tamil Nadu on the grounds that at that stage the ETI response lacked clear goals and milestones. These participants also argued that the ETI response had focused too narrowly on ending the Sumangali (three-year apprenticeship) schemes, giving a low priority to ensuring freedom of association and living wages and even to preventing other forms of forced labour.

Developing the ETI's Tamil Nadu programme – long negotiations in London

The development of the ETI programme in Tamil Nadu took a significant amount of time. In the second half of 2011 the ETI began implementing a new 'programme' approach, which involved working intensively on advancing respect for labour rights 'within a limited number of strategic supply chains' (ETI, 2012: 3). Garment and textile production in Tamil Nadu was selected as one of these strategic supply chains and many of the NGOs, unions and companies who had been negotiating about how to respond to the ASI complaint formed the basis of the working group established to design that programme. The ETI contracted the services of a consultant in India, Vinita Singh, to assist with programme design. In a research interview in October 2013, Singh estimated that over the previous two years she had spent approximately five days a month working on the programme. Singh is based in Gurgaon, North India, and largely worked on the project in a remote capacity, although she made a number of visits to Tamil Nadu to meet with relevant stakeholders, including individual consultations in October and November 2011 (Vinita Singh, ETI Consultant, interview, October 2013).

Following Singh's initial consultation meetings, in March 2012 the ETI worked with the Fair Labor Association and local Indian groups to hold a meeting in Tamil Nadu to discuss the forced labour issue. This meeting was attended by a range of stakeholders, including: state government representatives; representatives of local NGOs and trade unions; international garment brands sourcing

from Tamil Nadu; and local mill owners and garment manufacturers and their industry organisations. A similar multi-stakeholder meeting involving several brands and key local stakeholders had been convened by the Tirupur People's Forum (TPF) 12 months earlier, in March 2011.

In our research interviews with ETI staff, they emphasized the value of meetings such as this, on the basis that bringing different stakeholders together to hear each other's perspectives can create the impetus for addressing issues. According to an ETI staff member who was involved in the meeting, while stakeholders did not necessarily agree on steps forward, the meeting created space to articulate their different perspectives and to try to identify the root causes of the problem (ETI staff member interview, 2014). ETI Director, Peter McAllister, commented:

We got them to stay there for a day to have conversations that were carefully structured so that there wasn't much opportunity for them to get into a confrontational situation. Given the lack of trust the process focused on trying to explore the common ground ... the team that did that, I was in charge of only one part, had really well-developed skills. These things are not easy to do. (Peter McAllister interview, January 2014)

However, in subsequent research interviews, local Indian NGOs involved in the campaign to end forced labour in the garment and textile industry in Tamil Nadu expressed disappointment that the ETI had failed to capitalise on the impetus for change created by the March 2012 meeting in Tirupur. In particular, that meeting created an expectation among those local groups that in the ensuing months they would play a significant role in designing any intervention by the ETI. But in interviews we conducted during 2013 and early 2014, representatives of civil society organisations based in Tamil Nadu expressed high levels of frustration with the lack of information they had received from the ETI regarding the programme design process, and with the limited opportunities they had been given to contribute to that design (e.g. S. M. Prithviraj, Executive Director, CARE T, interview, January 2014; Viyakula Mary, SAVE, interview, January 2014).

One representative of a Tamil Nadu NGO with a long history of campaigning against forced labour reported in a February 2014 interview that the ETI had engaged in a lot of initial consultation with the TPF (and with TPF members such as SAVE) in the lead-up to the meeting in March 2012, but then there had only been occasional meetings or other contact with ETI representatives over the following 22 months. Over that time NGOs involved in the Tirupur People's Forum conveyed several concrete recommendations regarding strategic interventions to which the ETI could contribute, but this NGO representative was not confident that the ETI had given serious consideration to those recommendations:

When a tripartite body comes and we engage in marathon discussions and after that nothing happens, we naturally get annoyed. Most members of TPF don't like the way ETI has treated us, from the beginning to now. (Representative of a Tamil Nadu NGO involved in the TPF, interview, 2014)

Pauline Overeem of SOMO, a Dutch research NGO that has been analysing the occurrence and background of forced labour in Tamil Nadu for a number of years, also expressed the view that the 'frequency, depth and seriousness' of the ETI's engagement with trade unions and NGOs in Tamil Nadu had been very limited (Pauline Overeem, SOMO, interview, March 2014).

It was not until early 2014, more than three years after the issue had been raised by ASI, that the

ETI began implementing programme activities in Tamil Nadu. In February 2014 the ETI held formal meetings with stakeholders in Tamil Nadu to brief them about the programme and invite participation in its further design and implementation. In a research interview the ETI's Head of Programmes, Debbie Coulter, explained that the reason for the delay was the complexity of the situation in Tamil Nadu, including tensions between NGOs and between NGOs and trade unions:

But unfortunately for some of these longer programmes we are talking about a two-year lead and if there are no established relationships and there are all these different groups and different messages and this very, very complex state of affairs, then this is the length of time it takes. (Debbie Coulter interview, October 2013)

While Coulter's comments about the complexity of stakeholder relationships in Tamil Nadu are certainly accurate, other interviewees reported that in the period between March 2012 and early 2014 a great deal more of the time and energy of ETI staff and member organisations was taken up with resolving differences in London regarding the proposed Tamil Nadu project than was devoted to engaging with interested stakeholders in Tamil Nadu.

The ETI's Tamil Nadu Programme – three categories of actions

The ETI's Tamil Nadu Programme started to be implemented in 2014. It involves three categories of actions: actions focused on mills and integrated facilities in ETI member supply chains; actions focused on the rural communities from which young female workers are recruited and to which they return after working in the mills and garment factories; and actions focused on policy change. The actions focused inside mills and integrated facilities have taken the form of a 'worker peer group programme'. In the first few years of implementation (2014 to early 2016) this involved peer-to-peer health and hygiene education for workers inside a number of mills, using the training programme HER (Health Enables Returns) Project, (herein HER Project) which had been designed by Business for Social Responsibility and was already being implemented in a number of factories supplying ETI companies.

For the second category of actions – those focusing on some of the rural communities in Tamil Nadu from which young women workers are recruited to work in the textile mills – the ETI is working with local organisations in a number of these communities to educate young women who may be recruited (or may return) to work in the mills about their legal rights and about the means to seek legal redress. The ETI has also sought to build relationships with the recruitment agents who assist the mills to find workers, with the goal of persuading the recruitment agents to adopt ethical recruitment practices.

The third category of actions has involved seeking to influence government policy and implementation in relation to the mills' recruitment practices, including advocating for reform to the law that allows apprenticeship arrangements to last for three years.

Analysing the ETI's Tamil Nadu Programme

In 2013 some ETI member NGOs shared a draft of this programme design with NGOs in Tamil Nadu. SAVE wrote a critique of the draft design and shared it with ETI member NGOs, arguing that it looked more like a charitable development project than a labour rights initiative. In SAVE's analysis the programme design failed to take advantage of the most important contribution that the ETI could bring to the issue: pressure from international buyers to push garment

manufacturers and mill owners to allow trade unions and human rights groups to access mills and garment factories to provide workers with training on their rights and support to claim those rights, including their right to join or form trade unions.

SAVE recommended that the ETI establish a multi-stakeholder forum involving international brands, local employers, government officials, trade unions and civil society organisations, with a sub-committee of this forum to function as a grievance mechanism with the power to initiate redress measures. The director of CARE-T also called on the ETI to establish a local complaints mechanism that could directly involve the brands as well as local stakeholders. In interviews with representatives of Care-T and SAVE in January and February 2014, both reported it was still unclear whether or not the ETI was interested in facilitating the development of such a complaints mechanism, even though NGOs involved in the TPF had been lobbying the ETI to take up such a proposal for some time. As of July 2016 this has not been an option that the ETI has actively pursued.

Of the three categories of actions in the ETI's Tamil Nadu programme, at least in principle the inclusion of actions aimed at achieving government policy change is the least contentious. Some civil society actors we interviewed in Tamil Nadu were not comfortable with the idea of foreign organisations or companies trying to tell Indian governments what to do (particularly in the light of India's colonial history); however, most believed the ETI could and should support local campaigns for policy change in relation to labour rights in Tamil Nadu, as long as this was done in a respectful and consultative manner. The ETI has certainly not been outspoken or 'imperialist' in advocating for policy change on this issue. Still, a number of civil society groups with a long history of campaigning to persuade the Tamil Nadu government to act to prevent exploitation of textile and garment workers expressed disappointment that the ETI has not coordinated its advocacy towards the government with their existing local campaign initiative to build extra pressure. These groups also questioned how much effort the ETI had put into lobbying the Tamil Nadu government. One representative of a labour rights NGO based in Tamil Nadu reported to us in 2016 that although the ETI had initially put some effort into its own advocacy for policy reform, that advocacy effort appeared to have ground to a halt.

As for the ETI's activities in source communities, there was debate among the Indian and international NGOs that we interviewed as to whether the ETI should become involved in such activities at all. Some of the NGOs in Tamil Nadu who were already carrying out such programmes saw value in this. Other NGO representatives argued that, while such projects can be valuable, funding this kind of work could be done by any aid donor and indeed similar programmes were already being implemented in some source communities, funded by international aid organisations. These more critical NGO representatives argued that, rather than moving into funding development work, it would be more useful if ETI focused on its point of difference: the ability to mobilise global companies to use their supply chain leverage to put pressure on the owners of textile mills and garment factories not to violate workers' rights. They argued that if the ETI had genuinely engaged with local civil society to find a solution to the labour abuses then the ETI programme would have been much more focused on achieving direct change within the mills and factories. They pointed out that, given the size and wide geographic spread of the potential target communities available to the mills and factories, it was not possible to prevent forced labour by focusing on education and support programmes in a

few source communities in some districts of Tamil Nadu, since employers could respond by finding workers in other communities. This is a legitimate concern; trade union and NGO representatives we interviewed in Tamil Nadu in 2013 reported that significant numbers of workers were already being recruited to the Tamil Nadu mills from poorer states in central, northern and north-eastern states of India.

With regard to the ETI's work with recruitment agents, NGOs in Tamil Nadu and Europe recognised that recruitment agents do deceive workers and trick them into working in exploitative forced labour arrangements. However, in research interviews and other communication, several NGO representatives questioned whether working with recruitment agents was a strategic use of the ETI's time and energy. They noted that if particular recruitment agents started to become advocates for workers' rights, then the mills and garment factories could just stop using them. In an interesting blog post on the ETI website, ETI staff person Hedvees Christopher reports the following about a training meeting with 17 recruiting agents in the Dharmapuri district in June 2015:

The agents had doubts over such an initiative, or being lectured to by NGOs. They also feared it would negatively impact on their relationships with the mills and garment factories ... They are aware of the challenges that the young women face in mills, but they continue to recruit because they get paid a commission and the young women's parents demand employment for their daughters. The agents summarised some of the harsh conditions facing young women workers in the mills: severe limitations on their freedom of movement; deductions from salaries for medicines; no payments for working overtime; harsh treatment by supervisors and limited access to parents and the outside world. Even with awareness of these issues, they felt powerless to bring about any change. (Christopher, 2015)

The blog post describes how ETI's trainers responded to the agents' pessimism by reframing the agents' role from 'agent' to 'employment guides for young women' since 'in a situation where mills are struggling to recruit workers, the agents have a powerful role to represent the views of young women workers'. The blog post also notes there are 150 recruitment agents operating within the Dharmapuri district and that the 17 agents who attended that training each agreed to bring two more agents to the next meeting, on the basis that no major changes could be expected unless the majority of the 150 agents in the district became part of the ETI's initiative. While it is theoretically possible this initiative could result in improvements in the mills, it appears to be quite an indirect and uncertain way of seeking to achieve that goal. Even if it turns out to be possible to persuade all of the recruitment agents in that particular district to advocate for the interests of young women workers, any impact of this could potentially be undermined by the mills switching to other recruitment agents, including those who can recruit workers from poorer states in other parts of India.

Most of the NGO and trade union representatives working on the forced labour issue that we interviewed in 2013 and 2014, both in Tamil Nadu and Europe, argued that the ETI's programme should focus more directly on the workers inside the mills and factories where the labour abuses are occurring and workers' freedom of movement is curtailed. In this regard there was significant disappointment with the ETI's decision to initially model the content of the worker peer group training programme on the HER Project, with its focus on educating young women about how to access health services and maintain their health. These groups were also concerned that the ETI chose to employ the PSG Institute of Medical Sciences and Research ('PSG') to implement

the training, as the organisation had close ties to the textile industry. Many of these groups feared that basing the work inside the mills on the HER project might ultimately undermine rather than enhance efforts to improve labour rights in textile mills and garment factories in Tamil Nadu. These groups believed that the focus on providing personal health advice to women working in the mills, rather than on ensuring that their labour rights were respected, would only bring limited benefits to those women and that it would allow participating companies to deflect public criticism by being able to say they were working with the ETI to address the forced labour issue, thus undermining efforts to achieve more effective solutions. For example, Pauline Overeem of SOMO described the ETI's initial decision to model the programme inside the mills on the HER project as 'very soft' and explained what she meant in a subsequent email:

Without knowing all the ins and outs of the HER project, it seems that this project ... is safely focusing on women's health, hygiene and nutrition issues without explicitly making the link to occupational health and safety risks and issues. The problem is that the HER project seems to get stuck at this soft phase ... The HER project lacks the intention to address actual workplace health and safety issues and does not really work towards organising women workers. The HER project does not have a rights approach, that's what makes it too soft. (Pauline Overeem, SOMO, email, June 2016)

In contrast, the ETI staff and consultants we interviewed indicated that the HER project was part of a longer-term strategy to build a relationship with the mills, which would allow ETI to subsequently raise other labour rights issues. According to Singh it was necessary for ETI to focus initially on workers' health in order to get access to spinning mills:

SINGH: But the big issue with the textile industry is about access. It is extremely difficult to get access to spinning mills ...

INTERVIEWER: So would you say that by addressing the health issues first that that is also an easier way for you to start to be able to get better access?

SINGH: Yes absolutely. I mean it is a non-threatening way but it is also something that most people accept is an issue, but if you get on to start talking about wages as the first thing it is going to be difficult for us to get access. You see politically the spinning industry is far more powerful than the apparel industry. (Vinita Singh, ETI Consultant, interview, October 2013).

Eventually, in early 2016, the ETI did obtain permission from a number of mills to run a new training programme, which goes beyond simply providing young women workers with advice on personal hygiene and how to maintain their health. This new training module instead provides information to workers on a range of rights protected under Indian law, including rights to freedom of movement and association and legal minimum wages (although it does not mention the living wage commitment in the ETI Base Code). Rather than PSG, this training programme is being implemented by another NGO, the Centre for Responsible Business (CRB), and Indian NGO whose headquarters are in New Delhi.

Some of the ETI member organisations we corresponded with in 2016 saw this new training programme as a positive development. Other NGOs, both within the ETI and outside of it, thought the 'worker peer group programme' was still fundamentally flawed. For example, a representative of an Indian NGO who attended an ETI consultation meeting in Tamil Nadu in March 2016 described the ETI's Tamil Nadu programme as 'muddled'. This observer expressed

disappointment at the previous focus on training workers in personal hygiene and health since it ‘seems to put the onus on workers who are so young and vulnerable’. The same person argued that, on its own, providing women workers with training in their labour rights would not result in any change, since it would not address the ‘big power difference between the management and the young workers’. According to this observer, young Indian women trapped in forced labour situations need more than education about their rights, they also need advocacy support and, ideally, the opportunity to join trade unions and collectively voice their rights (Indian NGO representative, email, 2016).

Even the ETI NGO representatives who were relatively positive about the potential of the ETI’s Tamil Nadu programme to contribute to addressing the forced labour issue in Tamil Nadu were disappointed by the length of time it took (and effort, led by NGOs) to reach agreement on a concrete longer-term plan to go beyond health training in terms of direct work in suppliers’ facilities. As one ETI member NGO representative commented in 2016:

[We] need the purchasing power and influence of the garment retailers if we are going to change conditions in the Tamil Nadu garment sector ... I think the ETI approach is going to change things and is probably one of the few initiatives that is going to be able to change the situation ... What we are seeking is access for trade unions into the mills, and the frustration has been that there hasn’t been a clear map; there hasn’t been a well-articulated ETI strategy. For a long time it was all ‘ok we are going to spend a year doing health programmes for young women in bonded labour and the second year we are going to start talking about rights’, but there was no explicit timetable for this, nor a longer-term strategy for winning over suppliers, and creating an alliance for social dialogue and advocacy. (Representative of an ETI member NGO, email, 2016)

Based on the interviews and focus groups we conducted with young women who had worked in forced labour situations in textile mills and garment factories in Tamil Nadu, we share the view that, on its own, receiving training regarding their employment rights is unlikely to bring about much positive change in the mills and factories. Even when they have freedom of movement, it is very difficult for young rural women from Dalit communities to overcome discrimination in order to assert their rights; when they are not free to communicate with the outside world unless escorted by their employers’ security it becomes even more difficult for them to assert their rights. In our assessment, for there to be progress on respect for labour rights in the mills, trade unions and NGOs with a history of labour rights advocacy need to be able to get access to the mills and build relationships of trust with the young women, so that they can both advocate on their behalf and support them as they organise to advocate on their own behalf.

Does the ETI have sufficient leverage to push for a more direct approach?

In research interviews, ETI secretariat staff reported that they were not confident that pushing mill owners to immediately allow NGOs and trade unions to access mills to conduct workers’ rights training would work, arguing that ETI member companies did not have the necessary leverage over those mills that were not first tier suppliers of ETI companies. Debbie Coulter, the ETI’s Head of Programmes noted that while some of the textiles produced in mills in Tamil Nadu were sold to local factories that exported garments to the UK and Europe, most of the textiles produced in Tamil Nadu are exported to other countries (Debbie Coulter interview, October 2013). Another local textile industry representative (who preferred to remain anonymous) suggested that local garment exporters consume only 7–8% of the yarn from mills in Tamil Nadu: the majority of yarn from Tamil Nadu is exported to Bangladesh, China, Turkey and Korea.

Certainly the research interview we conducted in February 2014 with a representative of SIMA (the Southern Indian Mills Association) did not give the impression that SIMA felt at all threatened by ETI. Dr K. Selvaraju of SIMA had no objection to supporting the worker peer group programme based on the HER project, which was to be implemented by PSG, since PSG has close links with the textile industry:

I said [to ETI representatives] we can join and do it, PSG and SIMA, because one of PSG's managing trustees, former managing trustees, was my chairman ... You will find two past chairmen from the PSG Institution, they were captains of this association [i.e. of SIMA]. So I said 'we have no problem'. (K. Selvaraju interview, February 2014)

However, Dr Selvaraju expressed the strong opinion that there was no way that SIMA would ever support allowing NGOs or trade unions to visit the mills, irrespective of what requests came from ETI or anywhere else. He argued it was unnecessary to let unions or NGOs have access to the mills because only a very small minority of mills were engaging in forced labour practices and the government's enforcement activities were adequate to bring that minority of mills to account.

On this question of ETI's leverage in relation to textile mills, several research participants argued that ETI companies would have more influence over mill operators if they were to trace the companies' supply chains back to the mills. A considerable proportion of the yarn from Tamil Nadu is exported to other global manufacturing centres in China, Turkey and Bangladesh and it is likely a significant proportion of the yarn ends up in the supply chains of global brands such as those in the ETI. If ETI companies traced their supply chains through suppliers in those countries back to the mills in Tamil Nadu, it would increase the ETI's leverage since ETI brands could threaten that their suppliers in China and Bangladesh would stop ordering yarn from mills in Tamil Nadu that refused to cooperate in addressing the forced labour issue. In an email exchange following a research interview, Pauline Overeem commented that SOMO has been calling on global apparel brands to do this for some time:

SOMO wants to mobilise brands so that they effectively take responsibility over their entire supply chain. This starts with a mapping of and public transparency about their supply chains down to the level of the spinning mills and eventually beyond, to the level of the cotton plantations, etc. Transparency is not an end itself, but it helps workers to understand the globalised context they are working in and gives them 'ammunition' to demand their rights. Conscious consumers need to know where the clothes they buy come from, to be able to take informed purchasing decisions. For civil society, transparency is also a means to hold brands accountable. (Pauline Overeem, SOMO, email, June 2016).

An ETI staff member involved in the Tamil Nadu programme observed that the tripartite ETI working group had looked into the possibility of tracing ETI company supply chains back to the mills in order to enhance leverage, but the working group had not prioritised this approach because there was so much work involved in tracing those supply chains. Moreover, the ETI tripartite working group confirmed that the approach that the Tamil Nadu project has taken, involving direct engagement with local government, civil society and the textile industry to develop the programme described above, was a more comprehensive and sustainable approach than a solely top-down approach based on tracing ETI member companies' influence through supply chains. (ETI staff member interview, 2014)

This question of whether ETI NGOs and civil society groups supported the overall design of the ETI's Tamil Nadu programme was one on which different research participants had different views. The ETI staff member cited in the previous paragraph noted that when the ETI was designing the programme it established a strategic working group comprised of two trade union, two NGO, and two company representatives, specifically to ensure that the perspective of the companies did not dominate the decision-making process. However in research interviews and subsequent correspondence representatives of some ETI member NGOs indicated that, even so, ETI member companies had significantly more influence over the design of the programme than ETI civil society groups. For example, as noted above, the ETI Worker Peer Group programme initially focused exclusively on providing health advice. Several ETI NGO representatives reported that ETI civil society groups had argued that if the Worker Group Peer Group programme went ahead it should at least include a focus on occupational health and safety issues *and* be part of a clearly defined plan to subsequently address other labour rights concerns within the mills. While as of 2016 the programme had at least been broadened to include labour rights training that went beyond health issues, representatives of ETI member NGOs felt that their views had been ignored, at least in the first few years of the ETI Programme implementation (Participants from ETI member NGOs, emails, 2016).

As to the question of whether ETI companies should be tracing their supply chains back to mills in Tamil Nadu in order to enhance leverage, one ETI NGO representative commented that:

We [i.e., ETI member NGOs] have always said that the main strength of the ETI in its work in Tamil Nadu is in the fact that it brings a large number of retailers together with potentially substantial leverage on their supply chains and that this should be the key focus of the work. (Participant from an ETI member NGO, email, 2016).

The same person noted that, although most if not all ETI companies had traced their supply chains back to the mills in Tamil Nadu, this data had not been made available to ETI member NGOs and trade unions. For example, it was not clear whether the ETI companies' supply chain mapping included their entire supply chains (including garments from factories in China, Bangladesh and other countries that sourced their cotton in the Tamil Nadu mills) or whether they had just mapped the supply chain for clothes from Tamil Nadu (participant from an ETI member NGO, email, 2016). This is an important distinction, because if a significant number of the Tamil Nadu mills' customers in China and Bangladesh sell clothes to ETI companies then it would substantially increase the ETI's leverage in relation to the mills. Of course, ETI civil society organisations cannot work with ETI companies to use that leverage to try and benefit workers in Tamil Nadu unless the ETI companies are willing to share the information.

Marijn Peepercamp of the India Committee of the Netherlands also questioned global apparel companies' claims that tracing supply chains was excessively complex. She noted that global apparel brands already had influence over other aspects of mill operations, such as the kind of yarn that is produced, and suggested that it was lack of motivation, besides inherent complexity, that is preventing global apparel brands from tracing and revealing their complete supply chains (Marijn Peepercamp interview, March 2014).

Punishments versus Rewards – is threatening to cut orders effective?

Threatening to withdraw orders is the primary means by which international companies seek to persuade their suppliers to comply with codes of conduct. While such threats can be effective in certain circumstances, basing leverage entirely on threats to withdraw orders relies on several questionable assumptions. One such assumption is that code compliance is the norm and that moving orders away from non-compliant factories will retain supply chain ‘purity’. This is a questionable assumption. Lack of respect for workers’ human rights (particularly violations of freedom of association) is the norm in the global garment and footwear industry and so if it moves its orders to another supplier the brand will likely be moving to another non-compliant facility. In interviews in Tamil Nadu a number of industry representatives argued it was unfair that their mills and garment factories were being targeted by local and international campaigns and subjected to international non-judicial grievance processes when conditions in mills and garment factories in China, Bangladesh and other competitor countries were receiving very little scrutiny. They noted there were costs associated with improving labour conditions and that their customers would potentially move their orders to other countries if the cost of buying from Tamil Nadu mills increased. For example, Dr Selvaraju of SIMA stated:

And today, Tamil Nadu mills, particularly SIMA members, we provide much, much better facilities than what the government prescribes, than what is normally given in other places including China, many of the competing countries. This is what I told even four years back, at Tirupur in a stakeholder’s forum ... I gave one open challenge at that time:

‘You are criticizing say five, six mills a year. Let us form a 10-member committee. You NGOs, ETI, FLA, me and government. You organise for a visit to the five best mills in China. You organise a visit to the five best mills in Bangladesh, in Pakistan ... If you can show me one mill which provides better labour facilities, welfare facilities to the labourer, then I’ll agree to whatever you say.’

There was no response for that ... No response from the ETI, no response from FLA, no response from NGOs. They continue to say ‘No, no, no, our brands are purchasing here; we will continue to hammer you on this’. That’s not fair. (K. Selvaraju, SIMA, interview, February 2014)

This is a challenge for the ETI’s ‘programme’ approach. While focusing the ETI’s limited resources on particular supply chains in nine geographic areas makes sense, if they have a choice (that is, if they are able to identify other customers) suppliers in those areas are unlikely to make potentially expensive changes in their way of doing business if there is no reward for doing so and their competitors in other parts of the world are not subject to the same expectations. When ETI companies demand higher ethical performance without being willing to pay extra for it, it is just as (if not more) likely to lead suppliers to change customers as to lead them to improve their labour rights practices. In a research interview, ETI’s Head of Programmes, Debbie Coulter, said:

Sometimes you look at some of these issues and find it very frustrating that we can’t use our collective strength to have any influence. I think partly it is a recognition that our influence is really minimal. So both in Tamil Nadu in the mill industry and Rajasthan sandstone is a classic example that if ETI members called off tomorrow and stopped sourcing there wouldn’t be a dent. People really wouldn’t notice our absence and would attend to the domestic market ... We just had the same response from – we are doing a project in Vietnam with wooden furniture and you will get suppliers when they are pressed too quickly, too fast, too hard, they will say: ‘Do you know what, it is not

worth the hassle. We can supply to the domestic market or the American market or any market where we don't get this intense pressure about how ethically we are trading' (Debbie Coulter interview, October 2013)

However, if ETI brands were willing to provide suppliers in targeted areas with incentives to cooperate in programmes that genuinely improve labour conditions for workers then it would likely result in a very different dynamic. For example, if textile mills in Tamil Nadu were given preferential status (such as being paid higher prices or receiving longer-term orders) if they cooperated in a grievance mechanism involving local NGOs and trade unions, that would significantly increase the attractiveness of such a proposition for them. ETI companies could for example instruct all their suppliers in India (and other countries that source cotton from India) to only source cotton from mills that cooperate in such an initiative. Such an approach would likely be more effective than simply threatening to cut orders from particular suppliers. Such an approach would potentially increase the price of yarn though (since it would reduce the number of potential suppliers) and, as for other comparable initiatives, ETI companies have not been willing to significantly increase their costs in order to achieve labour rights compliance.

Update on recent developments: formal complaint to the ETI

In October 2016, as this report was being finalised, we received permission to include information about another internal ETI complaint regarding forced labour in Tamil Nadu. In 2015 ETI member Homeworkers Worldwide (HWW) and the Netherlands-based NGO the India Committee Netherlands (ICN) made a formal complaint to the ETI. This complaint was based on HWW's research into labour conditions in SP Apparel, a Tamil Nadu supplier to an ETI member company. The complaint also drew on research conducted for the ICN/SOMO 2014 report *Flawed Fabrics: The abuse of girls and women workers in the South Indian textile industry*. The complaint focused specifically on two ETI brand members and alleged the existence of forced labour and bonded labour in those companies' supply chains.

Both NGOs expressed frustration at the lack of a serious response to the complaint by the brands concerned and at the lack of any urgency from the ETI Secretariat to press the companies to respond appropriately. The NGOs recognised that serious labour and human rights abuses cannot be remedied immediately, but they expressed concern that the lengthy delays and the lack of transparency in relation to the grievance resolution process left them open to doubting the accountability of the companies and the credibility of ETI (ICN, assessment of the ETI complaints mechanism, 2016). Since we received this information at such a late stage it was not possible to seek the ETI's perspective on this complaint, nor that of the companies concerned. The ultimate outcome of this complaint process will be a valuable indicator of the ETI's capacity to respond effectively to such allegations.

Evaluating access to remedy

Social movement campaigns and access to remedy

Local campaign activities have focused on influencing state institutions and broader awareness raising activities from 2000 to the present. Our analysis indicates that the various campaign strategies have been effective in bringing about widespread awareness across key stakeholder

groups, including extensive media reporting, state and national institutional investigations and a number of court decisions, which have all contributed to building a comprehensive picture of the level of labour and human rights abuses in the sector.

Campaign strategies have directly impacted on policy initiatives, some of which emerged from the High Court findings and recommendations, such as the establishment of district monitoring committees by the Tamil Nadu government. Certainly the high level of exposure of problems in the sector influenced state institutional inquiries and outcomes from the State Women's Commission and the National Human Rights Commission have further validated the campaign claims.

The range of NGO activities and focus on the labour and human rights abuses have been effective in shifting public opinion, improving understanding in the affected rural communities of the problems in the mills, and shifting judicial and government responses to be more responsive to the workplace and labour rights challenges faced by the women workers.

International campaign strategies have built upon the community awareness activities begun by local NGOs. Importantly the close working relationship between international and local NGOs has been successful in consolidating the local knowledge to leverage maximum pressure on international brands.

The local campaign focus has continued to develop understanding and document the problems and at the same time international campaigns have endeavoured to complement and support the local NGO work. They have demonstrated support and respect for local NGOs' depth of knowledge, proximity and capacity to develop viable solutions and jointly conducted steering around the international strategies.

While unions and the NGOs involved in TPF do seem to have a relatively good relationship and are in frequent communication, both sides could benefit from closer cooperation. For example, some of the textile unions have traditionally only organised male workers and may need to adapt their strategies to engage more effectively with young women workers. Such unions could potentially benefit from cooperating more closely with some NGOs who have experience in working with young female workers.

The campaign strategies have highlighted the power inequalities between the women workers and textile and garment employers which are evident by the multiple levels of abuse experienced by the women workers. The power inequalities that exist prevent the women workers gaining any personal and collective agency and therefore leave them with very limited capacity to form or join a union or NGO labour organisation. This suggests an interrelationship between recruitment strategies and exploitative labour practices, for example forced overtime and the limited freedom of movement facilitated by hostel accommodation conditions. Such a power imbalance is reinforced through deliberate recruitment of the women workers drawn from an economically and socially vulnerable group. This has the effect of making the women more vulnerable due to their poverty, gender and caste, and more isolated due to the employers preventing access to unions and others to assist workers to make any claim directly to their employer, the judicial process or through MSIs discussed in this report.

There remains a significant representational gap for the women workers: the strong resistance by employers to prevent unions in the workplace is significant, and goes some way to explain this. In addition, the lack of sensitivity to gender-specific issues remains a substantial barrier to the women workers improving their capacity to play a more central role in campaign activities and to gain support to take on leadership positions to improve their advocacy and agency. The predominance of male leaders in NGOs and unions and their lack of attention to addressing this representational gap remains an obstacle to this changing.

Brand responses are more attuned to international campaign reports; the SOMO/ICN reports solicit responses from brands prior to being published, which appear to maximise the impact. The effectiveness of the international campaign organisation ICN has been strengthened through having a close and trusted working relationship with local campaign group TPF. This has ensured that they not only have the most up-to-date developments, they have strong links with the local NGOs which has improved their responsiveness to monitor any improvements and ongoing labour rights abuses. In contrast many international NGOs have contracted reports to be written and published, but the lack of ongoing relationships with local NGOs and subsequent lack of accountability of the international NGO in how they follow up the issues raised in the report lessens any potential impact or benefits to workers.

State judicial and non-judicial mechanisms and access to remedy

Both the courts and non-judicial institutions have demonstrated their preparedness to uphold key principles based on the evidence presented and investigation they conducted. The TNWC and the NHRC both conducted inquiries in response to complaints lodged by NGOs, but there is evidence that the women's commission has been subject to political influence.

The Tamil Nadu Government has introduced some safeguards but has failed to ensure implementation of the labour laws and address broader human rights abuses. The lack of progress and willingness by state labour officials to monitor and act upon the extensive violations of a number of national and state laws is a concern and reveals a clear institutional weakness.

The human rights violations are widespread and no actions by judicial and non-judicial institutions in Tamil Nadu and India have been effective in enabling the women workers to seek redress for the abuses identified. There are serious implications for how the state can ensure that the laws can be monitored and workers can seek redress. While some claim-making strategies through the TNWC have had direct benefits for a few individual women workers in securing compensation. For the thousands engaged through Sumangali schemes arrangements and camp labour there has been limited impact in relation to these broader systemic issues being addressed. The court decisions and commission inquiries indicate that the broader definitional issues concerning the conditions of work around bonded and forced labour are clear. There remains limited application and ineffectiveness by the government labour inspectorate to implement these.

The Ethical Trading Initiative (ETI) and access to remedy

Our research into the ETI's Tamil Nadu programme indicates that it is a programme whose design process was very time consuming, overly London-centric and marked by significant internal conflict between ETI members as to the programme's scope and goals. The ETI has not attempted to use ETI companies' supply chain leverage to persuade mill owners to allow local trade unions

and labour rights groups to access the mills to investigate alleged rights violations, organise workers and monitor compliance. Instead its work inside production facilities has involved working with more ‘business friendly’ NGOs, including initially with one that has close ties to the textile industry, to provide workers with training and information. While this training may be of some benefit, it is hard to see how it and the other aspects of the ETI’s Tamil Nadu programme will make it possible for the young women employed in the mills to overcome the power differential between themselves and management in order to claim the rights set out in the ETI Base Code, including the rights to freedom of movement, freedom of association and living wages.

Further, as discussed in the relevant companion report in this series, some civil society groups in Europe and India fear that ETI’s Tamil Nadu programme may actually undermine attempts to achieve more far-reaching solutions. These groups have been working for many years to document and publicise forced labour and other human rights issues in mills and garment factories in Tamil Nadu, in an effort to pressure international retailers and the Tamil Nadu government to take steps to ensure workers’ rights are properly respected. These groups are concerned that the ETI’s programme will dissipate rather than increase pressure on ETI companies and mill owners to cooperate in allowing local trade unions and labour rights organisations to get access to the mills, since ETI companies are able to mitigate any negative publicity associated with the forced labour issue by pointing to their participation in the ETI programme as evidence that they are taking the issue seriously and seeking to address it.

Of course, this is not to suggest that it would be easy for the ETI or any organisation to persuade textile mill owners and factory owners in Tamil Nadu to allow local trade unions or labour rights organisations to have regular contact with their employees. The textile industry in that state is very powerful, has a close relationship with the state government and is strongly opposed to allowing such access. However, as noted in the relevant companion report at least one ETI member company has persuaded one of its direct suppliers in Tamil Nadu (an integrated textile mill and garment production facility) to allow local labour rights organisations to monitor conditions and have regular contact with workers. This is obviously easier to achieve with a first tier supplier than with mills further down the supply chain. However, as noted in the relevant companion report, most of the ETI companies that source from Tamil Nadu have so far refused to share detailed supply chain information with ETI NGOs and trade unions or to use the associated leverage to try and persuade suppliers to cooperate in more extensive labour rights programmes (either by rewarding compliant suppliers or punishing those that refuse to comply). Unless and until ETI companies are willing to cooperate in such an exercise, the exact extent of their potential leverage in relation to the textile mills in Tamil Nadu will remain unclear.

Lessons for key stakeholder groups

Lessons for MSIs such as ETI:

A companion report in this series provides a detailed analysis of the ETI’s grievance mechanisms and makes a significant number of recommendations. Rather than repeating those recommendations here, we would like to highlight a few of those lessons that are particularly apt in the context of the ETI’s Tamil Nadu Programme:

- Ideally, international initiatives that hope to bring about change in particular countries should work with local organisations in those countries with a long history of working

on the same goals, and should treat them as genuine partners. Specifically for the ETI, ideally its tripartite approach should be replicated in the producer countries in which it seeks to implement programmes, so that local civil society organisations are genuinely involved in negotiating the design of the programme.

- International initiatives should make freedom of association, security of employment and living wages central goals of all in-country programmes. These rights are both important in themselves and help to address the power imbalance between workers and their employers, which makes it easier for vulnerable workers to assert their rights.
- Ideally international initiatives should work to create incentives for improved supplier compliance with key programme goals (such as through preferred supplier programmes). While doing this for suppliers beyond the first tier is challenging, this is where international multi-stakeholder initiatives could really add value, by coordinating pressure from multiple companies.

Lessons for transnational business/brands

Due diligence: Some brands have indicated they face difficulties in identifying the indirect suppliers in their supply chains and cite this as a reason they cannot exert pressure for improved labour rights performance on textile suppliers as readily as they can in relation to garment suppliers with which they have a direct contractual relationship. However, research by international and local non-government organisations in Tamil Nadu suggest that, while challenging, it is far from impossible to trace the relevant supply chain links.

Supply chain transparency: If brands were to map their entire supply chains and make lists of all their suppliers publicly available then this would increase the brands' accountability for labour conditions below the first tier of their supply chains.

Accountability and monitoring: There is a particular need for transnational businesses to improve the way they monitor and audit labour conditions among their suppliers beyond the first tier, in addition to the need to improve the ongoing social auditing of direct suppliers.

Incentives: Transnational businesses also need to consider how they can provide suppliers with incentives to comply with programmes to address human rights grievances. Examples of possible incentives could include increased prices for those suppliers that respect workers' human rights, including their right to freedom of movement; longer production times to reduce the occurrence of forced overtime; and preferred supplier status as a reward for suppliers that allow unions to access the workplace. It would likely be particularly effective if a significant number of global brands committed to only sourcing from those mills and factories that were cooperating in initiatives to ensure respect for workers' rights, particularly if those initiatives were conducted in close collaboration with local trade unions and other civil society groups.

Freedom of association: One of the major factors contributing to ongoing rights violation in the garment sector in Tamil Nadu is the repression of freedom of association. There is therefore a need to address this issue in a systemic manner. The Freedom of Association Protocol Initiative in Indonesia, considered in a companion report in this series, provides an interesting model for businesses interested in working with local trade unions and civil society groups to initiate

such a process. Strategies for enhancing respect for freedom of association in Tamil Nadu would need to incorporate gender and caste inclusive strategies, in order to address the current representation gap.

Lessons for International NGOs:

Campaign strategies: The way international and local NGOs and unions have drawn media attention to the ongoing human rights abuses in the sector has been an important driver of those improvements in working conditions that have occurred. In particular, the global campaign pressure on international brands whose goods are implicated in the forced labour schemes has helped reduce the specific instances of ‘Sumangali’ schemes. It is valuable for international NGOs to continue to play this role, although it is important that they continue to do so in close communication with local civil society groups who understand the local context.

Support for worker organisation: Existing and new unions in Tamil Nadu need support to begin to prioritise strategies to collectively women workers in the garment sector. This would contribute to improve agency and leadership among the women workers and potentially assist the union to be more responsive to women and Dalit worker concerns.

Lessons for local NGOs and trade unions:

The question of the various roles of trade unions and labour rights NGOs in training workers in their rights can be contentious. In our view, in order to reduce the human rights violations in the Tamil Nadu garment sector it is valuable for both trade unions and NGOs with experience in working with women workers to have access to the mills and garment factories to provide labour rights training and, in the case of the unions, to organise the workers. A number of the labour rights NGOs in Tamil Nadu have extensive experience in conducting training with women workers and these groups appear to understand and support the principle that it is the role of the trade unions to take the lead role in organising workers. Organising women workers from Dalit and lower castes to assert their rights may require new organising models, and the trade unions may find working together with some of the established labour rights NGOs of considerable assistance in developing such models.

It is therefore positive that at least one brand has persuaded several of its suppliers to allow NGOs involved in the Tirupur People’s Forum to access production facilities to monitor labour conditions and provide workers with training in their rights. If multi-stakeholder initiatives such as the ETI, Fair Wear Foundation, Business Social Compliance Initiative and the Fair Labor Association supported this initiative, and if it was also coordinated with local trade unions, this initiative would have more chance of reducing human rights abuses at a systemic level within the Tamil Nadu garment sector.

Lessons for government

The Tamil Nadu Government needs to prioritise addressing the lack of garment sector compliance with relevant laws. There is a need to examine and address the causes of corruption within the labour inspectorate, which is significantly undermining state efforts to protect labour rights. One means of minimising corruption would be to increase the role of civil society organisations in monitoring and enforcement. A failure to address the ongoing lack of compliance with minimum legal standards will have a negative influence on the reputation of the garment sector in Tamil Nadu.

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