

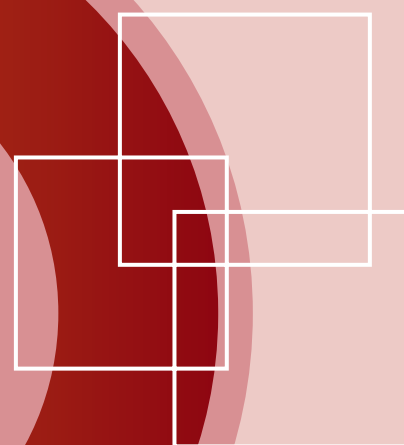


International
Labour
Organization



WORKING CONDITIONS OF MIGRANT GARMENT WORKERS IN INDIA

A literature
review





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Fundamental Principles and Rights at Work Branch (FUNDAMENTALS)
International Labour Organization (ILO)



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INTRODUCTION

In the early 1990s, as the process of economic liberalisation was initiated in India, there was a shift towards increasing de-regulation of economic activities, more emphasis being laid on private and foreign investment, and greater integration with the global economy. The move helped India secure a higher growth rate, but it had limited success when it came to expanding employment opportunities. While the organised manufacturing sector has been characterised by ‘jobless growth’ in the post-reform period, new jobs created in the informal sector continue to be poorly paid and offer little or no social protection (Raveendran & Kanan, 2009; Papola & Sahu, 2012). In fact, as noted by Srivastava (2012), there has been increasing informalisation and flexibilisation of labour in recent years, as the ‘formal is becoming informal’ in numerous ways. There has been informalisation of regular work in the non-agricultural sector, even as there has been a revival of self-employment and putting-out work. The growth of the garment and textile sector has been characteristic of this trend.

The post-reform period has seen the Indian garment industry and its exports expand at an unprecedented rate. Currently India occupies an important position in the global garments industry, and was ranked as the 7th largest exporter of garments in the world in 2014. Domestically, the textile and garments industry contributes to 4% of India’s GDP and is the second largest employer after agriculture, employing nearly 51 million people directly and 68 million people indirectly in 2015-16 (Make in India statistics, 2015). Though the number of jobs available in the sector has increased in the past few decades, questions continue to arise about the nature of employment generated and its implications for workers in the sector. Moreover these developments are not particular to India and similar trends have been observed in other garment exporting developing countries. The increasing integration of these countries in global garments supply chains has transformed their structures of production and the nature of underlying labour processes.

In this light, the paper below presents a literature review of the state of employment in the Indian garment sector in the context of changing institutional and production structures. Section 2 of the paper elaborates upon how production has evolved in the sector and become increasingly more fragmented and informalised. There has been a rise in contract workers in the formal sector even as the unorganised sector¹ has been expanding. Work is constantly subcontracted from larger to smaller enterprises, from formal to informal sectors through a complex network of subcontracting arrangements. Section 3 deals with the implications these changes have for the working conditions of garment workers. Employment in the sector

1 ‘Unorganised sector, as defined by the NCEUS, refers to “all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers”





is characterised by excessive overtime, low wages, poor access to social security provisions, verbal and sexual harassment and occurrence of forced labour like conditions. The last section deals with issues of unionisation and organisation of labour. In spite of poor working conditions, unionisation has been extremely low and other avenues for resolving issues or grievance redressal are practically non-existent in the sector.





Structure of production

With the advent of globalisation in mid-twentieth century, new forms of industrial production and international divisions of labour emerged. Under the ‘new’ international division of labour², labour intensive processes were exported to parts of the developing world where labour was significantly cheaper and more ‘flexible’, resulting in the rise of global production networks (Elson & Pearson, 1981). As a result, developing countries started manufacturing goods for export to advanced industrial countries; goods which had hitherto been produced in advanced industrial nations. This helped generate millions of jobs in developing countries. But increases in employment were accompanied by structural shifts in production, characterised by increasing informalisation, lower wages and deteriorating work conditions.

1.1 The global garment industry and political economy of the supply chain

The trend may be best understood by looking at the global garments industry and its evolution since the late 1950s. The industry has seen a series of geographical shifts as capital has migrated from one region to another in search of the lowest costs and the most ‘flexible’ forms of labour available. This was also done in adherence to the quota restrictions under the Multi Fibre Agreement (MFA)³, so as not to exceed the quota limit of a particular country. These relocations were aided by advances made in communication and technology during the time, even as governments in third world countries set up the required infrastructure to accommodate these new businesses (Elson and Pearson, 1981) Consequently more and more countries were drawn into producing for the global garments industry. The first migration happened from the Western countries to Japan and other East Asian countries (namely South Korea, Taiwan and Singapore) in the late 1950s. But increasing labour costs in East Asia in the 1970s, determined a second geographical shift - first towards Southeast Asian, East Asian, and Latin American countries, then towards China and South Asia (LIPS Sedane, CLEC, & SLD, 2015).

This global reorganisation of labour has been articulated by Gereffi et al (2011) as a system of production chains or global value chains which connected the core (i.e. developed countries) where consumption took place to the periphery (i.e. developing countries) where production

2 The ‘new’ international division of labour may be differentiated from the ‘old international division of labour wherein advanced industrialised countries specialised in the production and export of manufactured goods while developing nations produced and exported primary commodities (Kabeer, 2000; Mies, 1998).

3 The MFA refers to an international trade agreement that was operational from 1974 to 2004. It regulated the quantity of yarn, fabric and clothing that could be exported by a country through the imposition of quotas.





took place. The supply chain describes the full range of activities that firms and workers perform to bring a product from its conception to end use. The international apparel sector, being a labour intensive industry, is a classic example of a buyer driven supply chain. The structure of garment supply chains can be divided into five main segments:

- raw material supply, including natural and synthetic fibres;
- component supply, including yarn and fabrics;
- production networks, including domestic and overseas subcontractors;
- export channels established by trade intermediaries and;
- marketing networks at the retail level (Bhattacharjee, Roy, Bhardwaj, & Ghosh, 2015).

Firms that are responsible for the design, branding and marketing of garments (segment 5) also control sourcing decisions for the product. It is the sourcing practices of brands and retailers that co-ordinate these supply chains, as they decide when, where and how specific parts of the production process will take place (Bhattacharjee, Roy, Bhardwaj, & Ghosh, 2015). In doing so, lead firms control where value is extracted and to whom profits accrue at each stage, essentially determining how basic value-adding activities are distributed along the value chain (Fernandez-Stark, Frederick, & Gereffi, 2011). Consolidation and growth of this segment of the supply chain in the past few decades have resulted in almost the entire market being controlled by a handful of retailers (Anner, Blair, & Blasi, 2013).

On the other hand, production networks based in developing countries (segment 3) have become increasingly more fragmented, resulting in multiple layers or tiers of production. The most advanced large factories (Tier 1) have direct commercial relationships with international brands and carry out design, fabrication, and delivery to the sales point. Tier 1 companies often subcontract to labour contractors and little-known subcontracted factories, which in turn subcontract to workshops and almost anonymous home-based workers (Tier 4) (LIPS Sedane, CLEC, & SLD, 2015). As production is outsourced to smaller enterprises, different production processes are separated organisationally and geographically from other value generating parts of the supply chain. Increasing use of subcontracting along the supply chain is usually accompanied with more precarious working conditions and also, reduces scope for social and economic upgradation along the value chain (Bhattacharjee, Roy, Bhardwaj, & Ghosh, 2015).

The phasing out of MFA in 2005 and increased trade liberalisation have allowed lead firms / retailers indiscriminate access to cheap labour from developing countries without bothering about quota limits (LIPS Sedane, CLEC, & SLD, 2015). This has triggered a “race to the bottom” of sorts as both countries and factories within countries compete to remain cost efficient, resulting in downward pressure on workers’ wages and a general worsening of working conditions in the industry (Bhattacharjee, Roy, Bhardwaj, & Ghosh, 2015). Advancements in technology, lean retailing and “fast fashion” have further shortened lead time and increased volatility in the sector. At the same time, unit prices of clothing paid by buyers in developed countries like the US have been falling in recent years (Anner, Blair, & Blasi, 2013). These changes vis-à-vis the growing power of retailers has meant that the onus of supplying quality cheap garments on time falls on the suppliers in developing countries. The suppliers, in turn, pass on this burden onto the workers who have the least negotiating power in the entire supply chain.





1.2 Garments industry in India

In the past few decades, India has emerged as a major garment exporter and has been progressively integrated into the global garment supply chain. But this “success” may be owed to India’s unique industrial trajectory based on small-scale, regionally specialised production. Garment production for exports in India are mostly based out of a number of production hubs scattered all across the country; each cluster specialising in a particular product and having a distinctive social composition of labour (Mezzadri, 2014). Garment clusters include Delhi, Noida, and Gurgaon (together called the National Capital Region or NCR for short), Ludhiana and Kanpur in northern India, Kolkata in eastern India, Mumbai and Gujarat in western India, and Chennai, Bengaluru, and Tirupur in southern India (LIPS Sedane, CLEC, & SLD, 2015). Each of these clusters has had its own unique historical trajectories and routes of entry into garment production and export. While the northern clusters (e.g. Delhi and Jaipur) have capitalised on their craft legacy, southern clusters (e.g. Tirupur, Chennai and Bengaluru) have exploited their geographical advantage of being situated near major cotton centres. It is of no surprise then that northern clusters specialise in embellished products for niche markets and southern clusters, in volume based production of basic products for exports (Mezzadri & Srivstava, 2015).

There has also been an unprecedented surge in demand for readymade garments in the domestic market in the past few decades. As noted by Mezzadri et al (2015), there has been an increase in domestic organised production and the number of large domestic retailers to cater to this demand. Since 2005, exporters have been increasingly engaging with domestic markets, as these markets emerge as viable options for expanding their sales and profit opportunities. Thus, various actors in garment export networks and domestic supply chains often overlap and interact with each other. Exporters with medium and small production capacities also use the domestic market as a supplementary outlet for their products, which helps cushion them against economic shocks and volatility in the international markets.

Distinctions must also be made between production of textiles i.e. spinning, weaving and making of fabric and, the manufacture of textile products and garments. The textile industry is technologically very diverse and is for most part capital intensive, as opposed to the garments industry which is highly labour intensive. Linkages between two industries are crucial, as the textile industry provides raw materials for the garments sector. This is evident in the case of the Southern garment clusters like Tirupur, which owes its existence to the spinning mills located in Coimbatore, Salem, Erode and other adjoining cities. Since the 1990s, there has been an increasing integration between the two segments through forward and backward linkages in some of the larger firms. In Tamil Nadu, for example, several mills and cotton yarn merchant operations have established sales depots at Tirupur to meet the demand for raw material on ex-stock basis, (Mezzadri & Srivstava, 2015; Verite, 2010).

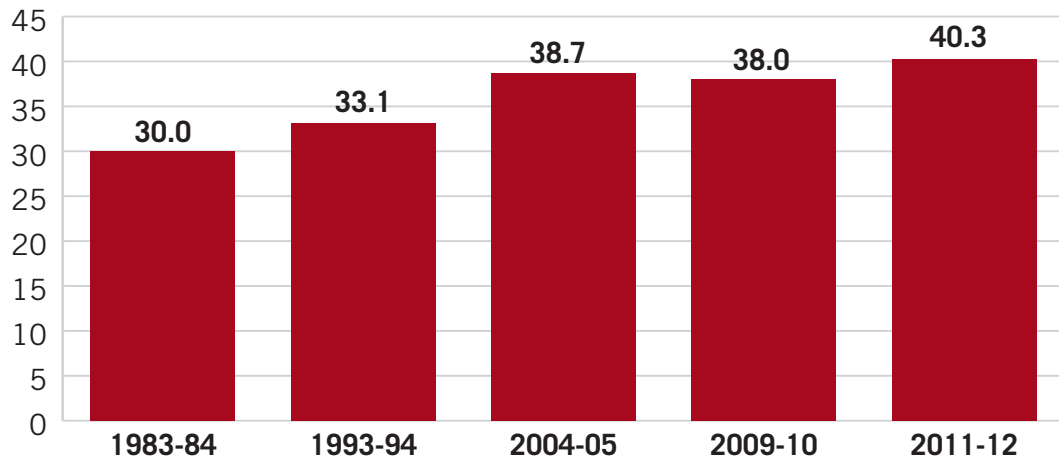
Coming to composition of labour, India has largely balked the trend of greater feminisation, otherwise observed in the global garment industry. In most parts of the world, expansion of global supply chains and increases in employment opportunities in the developing world have been closely associated with ‘feminisation of work’, wherein not only did the percentage of women working in the labour force increase, but also rose faster than that of their male counterparts (Standing, 1999). According to NSS estimates, men accounted for about 60% and women only 40% of employment in the Indian garment sector in 2011-12 (Mezzadri & Srivstava, 2015). But the number of women workers in the sector has been consistently





increasing, often overtaking the rate of increase of male employment (See Figure 1). The gender composition of the sector also tends to vary greatly across the different garment clusters in India.

Figure 1: Percentage Share of Women Workers in Garment Manufacture



Source: Mezzadri & Srivastava, 2015

The northern clusters employ mostly male circular migrants, largely from Bihar and Uttar Pradesh, who work out of factories and workshops. However there may be a small sub-regime of female workers in home-based work and some of the larger factories (Mezzadri, & Srivastava, 2015). The National Capital Region (i.e. Okhla, NOIDA, Gurgaon and Faridabad) which specialises in production of women and children’s woven garment is a case in point (LIPS Sedane, CLEC, & SLD, 2015). NCR has a composite and complex industrial cluster, formed by a combination of industrial, formal and informal, factory-based and non-factory-based, workshop and home-based units (Mezzadri, 2014). Exporters own multiple units and use numerous subcontractors (Verite, 2010). Garment production is organised in multiple tiers: garment export units (first tier); processors specialising in activities such as washing, printing, dyeing etc. which have usually been outsourced (second tier); and ancillary craft based activities (such as embroidery for ladies wear) which are usually carried out in karkhane (workshops) and home based enterprises (third and fourth tiers). Contract workers make up a significant portion of the workforce and are employed along all segments of the garment supply chain in the NCR (Mezzadri, 2014; Verite 2010). According to a study by Society of Labour and Development (SLD) (2013^b) which covered 200 garment workers spread across different export oriented companies in the NCR, 55% of the workers were found to be working on a contract basis in such companies.





In contrast, the southern clusters such as Chennai (specialises in production of men's wear), Bengaluru (specialises in men and women's readymade garments) and Tirupur (specialises in T-shirts, hosiery and knitwear) are comparatively more 'feminised'. In Bengaluru and Chennai, women workers represent around 80-90 per cent of the workforce, and mainly come from nearby areas and villages (Fair Wear Foundation, 2016). Production in Bengaluru is relatively better organised as compared to other garment centres, being centred mostly around factory based production (Roy Chowdhury, 2005). On the other hand, Tirupur's commercial success can be attributed to a well-integrated system of small and medium enterprises, wherein the units perform various individual phases of the supply chain-from spinning and knitting to bleaching, dyeing, embroidery and stitching. Thus, rather than banking upon scale, Tirupur relies on a highly flexible production system constituted of a multitude of small individual units which are able to handle production orders of varying sizes (Verite, 2010). Tirupur, or T-shirt city as it is often called, initially had a stronghold in production of knitwear based on local same caste based solidarities, but later started specialising in readymade garments. This made way for the rapid entry of female workers from surrounding areas as well as distant districts in Tamil Nadu and nearby states (Mezzadri, 2014).

1.3 Implications for garment workers

The consolidation of retail power with the simultaneous fragmentation of production processes has several implications for garment workers, mainly in the form of: (1) flexible job contracts and unemployment (2) downward pressure on wages and lack of social security (3) obstacles to unionisation (AFWA, 2016). According to National Commission on Enterprises in the Unorganized Sector Report (NCEUS, 2007), hiring regular workers is on the decline; instead employers favour employing casual and contract workers in the formal sector. Along with an increasing number of 'informal workers in the formal sector', work is also often subcontracted out to workers in non-factory enterprises (such as workshops and home-based work) to augment production capacity during peak seasons, for repetitive unskilled jobs or for ancillary craft based activities (Mezzadri 2014). This is especially true of the NCR region where 60-80% of the workers are contract workers (Chan, 2013). Contract and casual workers are often paid lower wages and lack job security, social security and freedom of association (AFWA, 2016). Real wages in the sector has only increased moderately from 2001-11, but are far from ensuring a decent standard of living for its workers (Worker Rights Consortium, 2013). Wage theft practices abound, overtime work often underpaid and social security benefits are rarely provided to the workers in the sector. Given the highly unorganised and segmented nature of the workforce, unionisation is low amongst garment workers. Union activities are also quickly suppressed by the management wherever they do arise. These factors have been discussed in greater detail in the subsequent sections.





Working conditions of garment workers

2.1 Recruitment and contracting in the garment industry

2.1.1 Recruitment

There are principally three methods by which workers get recruited: (1) direct recruitment by the employing company (2) labour contractors or recruiting agencies (3) informally through personal connections (4) vocational skills training providers, accredited by NCVT (providing skilling under govt. schemes) or unaccredited/informal training providers (range from informal training centres to karkhanas/workshops where training is held). But there are marked differences in the way which workers are recruited in the North and the South according to a survey conducted by ILO (2015) for garment workers in the NCR and Bengaluru region. Most workers in the Bengaluru are recruited directly by the company (70%), while in NCR, the most popular method is through personal connections (42%). Employment through contractors is also much more common in the NCR (25%) than it is in Bengaluru (1%). But not all Southern garment clusters may be the same; recruitment by contractors is fairly common in Tirupur. In Tirupur, contractors are mostly used to recruit distant inter-state migrants (Mezzadri & Srivastava, 2015). In addition, sometimes workers double up as informal contractors, to recruit other workers from their network of friends, relatives and acquaintances (Verite, 2010).

2.1.2 Contract labour

Generally, as defined by Theron et al (2005), labour contracting refers to the 'triangular employment relationship' where the legal employer is separate from the person for whom the work is carried out (Barrientos, 2011). There is no commonly agreed definition for the term "contract worker". A contract worker usually refers to a worker employed by a third party contractor, who is different from the principal employer (Chan, 2013; SLD, 2013^a). Similarly, given the heterogeneity in the kind of contractors found in India and the range of functions they perform, there may not be a set definition for contractors in the literature. The attempt in this paper has been to encompass all kinds of employer-worker relationships, especially the ones existing in the more informal settings. Hence the terms "contract workers" and





“contractors” in the paper have been used in their broadest interpretations to include all kinds of contract workers and contractors.

Global supply chain and the role of labour contracting

As discussed in Section 2, global sourcing patterns and the expansion of global supply chains have resulted in a downward pressure on wages and increasing flexibility of labour in the garments sector. There is a requirement for flexibility in the number of workers employed, tasks performed and wages paid so that retailers’ production orders may be fulfilled in a timely fashion at a lower cost. But at the same time, the quality of the product must be maintained. To circumvent this problem, firms typically employ a core regular labour force along with a casual irregular force. The former provides the requisite skill and experience to ensure the consistency and quality of the product, while the latter helps to account for variations in output at a cheaper rate. Since it is difficult for employers find an easy supply of casual workers on demand, they rely on contractors to bridge this gap (Barrientos, 2011).

Specifically, contracting labour serves the following functions:

- i)** Reducing costs, as they often receive lower wages than directly employed workers and are often not given non-wage benefits such as social security provisions and paid leave⁴
- ii)** Increasing access to suitable labour, as contractors use their extensive network to find workers with different skills at different times according to the production order placed
- iii)** Reducing transaction costs, as a third party (contractors) takes up the responsibility of recruiting, training, managing and dismissing workers.

In addition, contractors tend to be poorly regulated and labour laws not properly implemented in the case of contract workers. Contract workers are also one of the most poorly unionised set of workers, which makes it easier for the contractors to hire, fire and manage them at will (Chan, 2013).

With the fragmentation of the supply chain, the demand for contract labour has only increased in recent years. Take the case of the garment centre in NCR for example. The manufacturing process in the NCR is highly irregular, informal and fragmented with multiple tiers of production, enterprises of different sizes and several categories of workers. A piece of garment may move across several sites of production, from factories to home based enterprises. In such a situation, it is the labour contractors (or thekedars) who ensure the smooth and efficient production of the piece within a fixed time period by co-ordinating between the different enterprises. As such the contractors play two main roles in ensuring production in the supply chain: (1) arranging production of garments between different units and (2) managing the disparate workforce that carries out the production in each of these units (Verite, 2010).

4 In a study conducted of workers in the NCR regions, Mezzadri et al (2015) found that there was actually not much difference between the remunerations provided to contract workers and directly hired workers. But, factories still continue to employ contract workers so to maintain flexibility of labour, keep transaction and supervision costs low, prevent unionisation and exercise greater control over the labour force.





Prevalence of contract labour in India

Contract labour is pervasive in all the Indian garment clusters. In the north (NCR), estimates for the share of contract workers in the total workforce ranges from 60 to 80 percent. While in the South (Tirupur), estimations vary significantly from 20-30 per cent to 70-80 per cent of the workforce. But the general consensus is that contract labour in all the centres has only been increasing in the past years (Chan, 2013). This is in spite of some of garment centres like the NCR experiencing some consolidation and formalisation in recent years (Mezzadri & Srivastava, 2015).

In India, it is the *Contract Labour (Regulation and Abolition) Act of 1970* that regulates the employment and working conditions of contract workers. But the Act has often been criticised by trade unionists and workers' rights activists; they claim the Act encourages the prevalence of contract labour over direct employment and is not comprehensive enough to ensure the rights of contract workers (Verite, 2010). In addition, the provisions of the Act are flouted almost on a regular basis by contractors. A study conducted by SLD in Gurgaon found that contractors were illegally employing workers in "core" activities and supplying more workers than they were permitted under their license. Accountability of contractors was also poor due to weak and insufficient inspection by the labour department, incomplete reporting by the contractors and poor record keeping by the employing companies (SLD, 2013^a).

Types of contractors

In India, "the" labour contractor does not exist as labour contractors perform a host of different functions in a variety of different settings along the garment supply chain. Contractors may be recruitment agencies, but could also as easily be garment workers or supervisors who act as contractors on the side. Thus lines delineating the roles of employers, contractors and workers often get blurred in India. Contractors not only help supply labour but also manage the actual production undertaken by the worker; they function as labour contractors, job contractors or both (Verite, 2010). In fact, there is a large spectrum of functions that Indian contractors may perform as:

- i)** Labour suppliers, which includes scouting and hiring workers according to the needs of the user enterprise/factory
- ii)** Wage payers i.e. payment of wage and non-wage benefits to contract workers
- iii)** Supervisors responsible for managing the contract workers under them
- iv)** Owners of subcontracting units which undertake work outsourced from factories and ensure their completion (Chan, 2013; Verite, 2010)
- v)** SLD workshop – also found out that the some of these contractors also doubled up as 'trainers' and had unpaid apprentices who would do the job work along with paid workers

Hence in the Indian context, the role of a contractor changes according to his/her location in the supply chain. At first tier factories, contractors may simply supply labour as it does in Tirupur where there is a shortage of labour. The task is often performed by former or current workers who double up as contractors and help scout workers from their group of acquaintances, many times from their own villages or districts. In contrast, in the NCR, contractors are not involved in recruitment of workers but the actual production of garments.





Contractors act as management personnel, supervising workers and paying their wages. The role played by contractors change as one moves along the supply chain to second and third tier enterprises. Contractors usually own these units and oversee the entire production process undertaken, assuming the role of both owners and supervisors. Lastly, contractors also help mediate production between home based units and factories/fabrication units, the latter outsourcing work (mostly embroidery, sequencing and zari work) to the former. They transfer garments from factories to fabrication units and homebased units and back, often supervising the actual production. Thus, contractors and their versatility are essential for the successful functioning of the garment supply chain.

Implications for contract workers

Contract workers in India are typically migrants from impoverished backgrounds and marginalised communities in rural areas. In the NCR, contract workers are mostly adult male migrant workers who migrate to the city on a seasonal basis, returning to their home states after each production cycle (Verite, 2010; Mezzadri & Srivastava, 2015). In Tirupur, migrant workers are predominantly male as well. However in recent years, there has been an increase in the recruitment of female migrants as the readymade garment industry has expanded in Tirupur. Contract workers are employed as piece rate workers, daily wage workers and helpers, all along the garment supply chain-from large factories to small home based units (Verite, 2010).

The very reasons that led to an increase in contract workers in the sector (i.e. flexibility and lower labour costs) are the reasons why contract workers are subject to frequent worker rights' abuses and work under some of most dehumanising working conditions. In the more extreme cases, contract workers may even be induced into forced labour like conditions as in the case of adolescent girls under the Sumangali scheme in Tamil Nadu (See Forced labour). Almost all contract workers are subject to:

- i)** *Insecurity of work*, as contract workers are relatively easier to hire and fire since contractors are not properly regulated. The status of contract workers allows contractors to frequently terminate workers without the due process and adequate compensation that formal workers are entitled to. Contract workers who work on a piece rate basis are especially vulnerable as they are often unable to secure work (SLD, 2013^a)
- ii)** *Lack of proper contracts and proof of employment*, even though all workers are entitled to receive a copy of a signed contract (Verite, 2010). This only exacerbates the nature of irregularity and informality of contracting arrangements.
- iii)** *Underpayment and delayed payment of wages*, as contract workers are often paid below minimum wages. For example, Verite (2010) highlights how wages in the NCR are below minimum wages, even before illegal deductions. Wage thefts are also prevalent as a study by SLD (2013^a) on contract workers in Gurgaon indicated.
- iv)** *Absence of social security and other benefits*, even though contract workers are eligible for Provident Funds and health benefits by law (Chan, 2013). In some cases the deductions for social security benefits are never made from the workers' wages, while in others they may be made but not deposited in the accounts of the workers (SLD, 2013^a)





- v) *Lack of paid leave*, in spite of being entitled to the same under the law
- vi) *Restrictions on freedom of association*, given their insecurity of tenure and frequent movement from one site of production to another (Chan, 2013)

2.2 Hours of work

The 1948 Factories Act provides for a 48 hour work week (or 8 hours per day for 6 days a week) with total hours of work not exceeding 60 hours of work in a week and subject to a maximum of 50 hours of overtime over a period of three months. But excessive overtime work seems to have become an institutionalised phenomenon in the Indian garment industry. Workers in the industry take up overtime work so as to supplement their meagre basic wages and secure a decent standard of living. Moreover in certain garment clusters, overtime seems to have been normalised and garment workers have little choice but to comply in the fear of transfer or termination. A study which looks at wage practices in three garment clusters, finds that the situation is the worst in NCR. In Gurgaon, the working day is already extended to 9 hours as opposed to the stipulated length of 8 hours. But garment workers are also expected to work overtime in both lean and peak production periods for 5-6 hours over their normal working hours. The situation is slightly better in Bengaluru. Here, overtime for garment workers is mostly restricted to peak periods during which workers have to stretch for about two hours over their normal working day. Workers are, however, required to work overtime in case they are not able to complete the assigned production targets in the stipulated time period. Overtime in Tirupur is minimal and restricted to hour an hour in a day or 15 hours in a month maximum (Ganguly, 2013).

2.3 Wages and other remunerations

2.3.1 Basic wages

The Indian garment industry has a highly complex wage structure. This may be attributed to the Minimum Wage Act, 1948, which maintains that minimum wages may be set by both the Centre and the State Government. The upshot of the Act is that there exists no standard minimum wage that may be applicable across the entire country. Instead there exists a multiplicity of wages varying across states, provinces, industries and even, across different occupations and skill levels within the same industry. Minimum wages are estimated by taking into account basic wages of the workers along with the cost of living index (Ganguly, 2013).

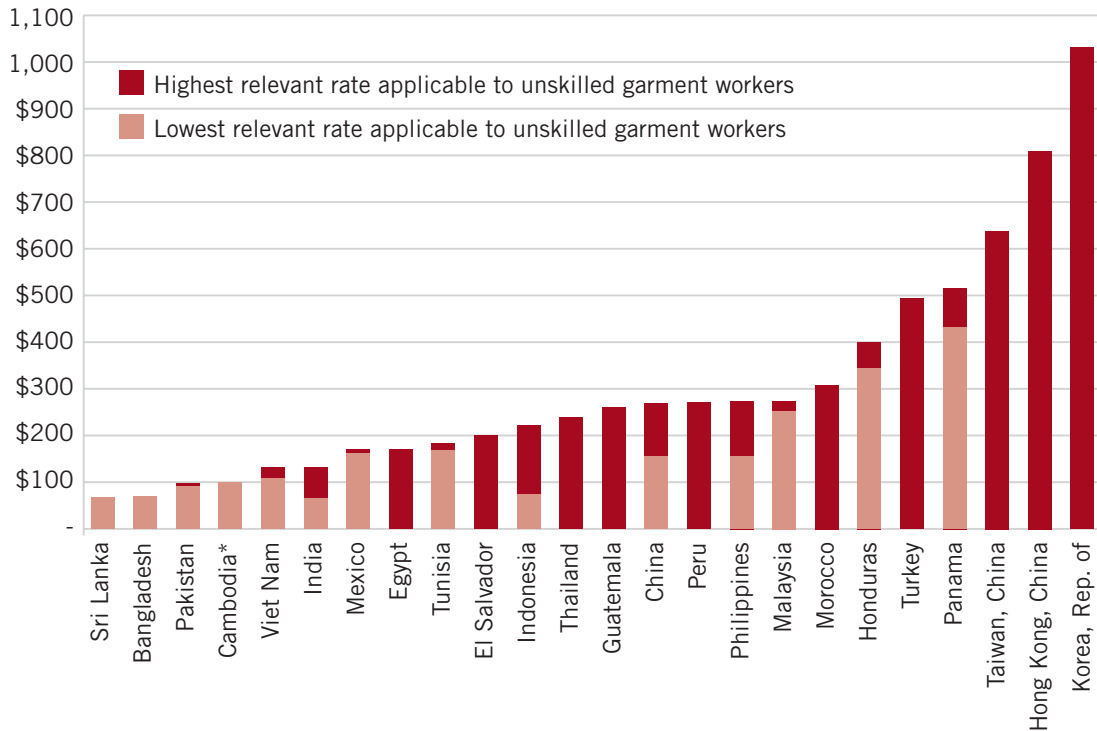
Living, minimum and prevailing wages

India, at a monthly minimum wage of \$70 (upper bound: \$106), has one of the lowest minimum wages amongst the group of top garment exporting countries in the world (Fair Labour Association, 2016; Luekbeker, 2014) (See Figure 2).





Figure 2: Monthly minimum wages in the garment industry for the top 25 apparel-exporting countries, in US\$ as of 1 January 2014 (lowest and highest relevant rate applicable to unskilled workers)



Source: Luekbeker, ILO (2014)

This is true inspite of real wages having increased in the sector over the past decade. As shown by a study conducted by Worker’s Rights Consortium(2013), India has been one of the few amongst a group of top 21 exporting countries wherein wages have actually increased in the period 2001-2011. But increases in wages have been moderate, having risen in real terms by a mere 13% which translates to an annual gain of less than 2% during the period. This increase has in no way been sufficient so as to ensure “living wages” for the workers or in other words, a level of wage that could secure a decent standard of living for the workers and their family. From 2001 to 2011, prevailing wages in India, as a fraction of living wages increased only from 20% to 23%; at this rate it would take India more than a century before workers can earn living wages in the country. Since there is not one set definition of what constitutes “living wages”, various methodologies for calculating the same have been conceived. One such methodology that has been gaining traction in the ongoing debate between living and minimum wages is that of “Asian Floor Wages” (AFW). AFW is an initiative of the Asian Floor Wage Alliance which constitutes of trade unions and labour rights activists from key garment exporting countries in the area. Using a common formula based on consumption needs, AFW seeks to set a industry-wide living wage for garment industries located in key garment exporting Asian countries⁵. In 2014, the average minimum

5 Asian Floor wage=2 *FC*30 *3 where ‘FC’ refers to daily cost of food incurred and is doubled to cover non-food expenditure, ‘30’ signifies the number of days in a month and ‘3’ accounts for number of family members which is then converted into purchasing power parity dollars(Barria, 2014)





compensation in the Indian garment industry was INR 4,268.2⁶ as compared to the required living wage of INR 16,123.4, though it must acknowledge that minimum wages were closer to living wages in India than in Bangladesh⁷.

While existing minimum wages levels may already be insufficient in ensuring a life of dignity for workers, many garment workers are not even able to secure minimum wages in the industry. As per Cowgill et al (2016), non-compliance with minimum wages⁸ was found to be strikingly high amongst Indian garment workers with 50.7% of the workers' wages not complying with the existing minimum wage norms; the results becoming even more skewed when one looked at female garment workers (74% non-compliant). Low minimum wage compliance continues due to absence of proper inspectorates controlling workplaces, poor certification and inspection procedures and the widespread use of contract labour that have blurred the responsibilities of employers vis-à-vis workers (Klaveren, 2016). The degree of compliance may also vary considerably across clusters. Non-compliance was found to be considerably high in the NCR region (amongst all workers in Delhi and unskilled workers in Gurgaon and Noida) but less so in the Tirupur (Ganguly, 2013; Mezzadri & Srivastava, 2015).

Variations across prevailing wages

Like minimum wages, prevailing wages tends to vary across different garment clusters, firms, occupations and skill levels within the industry. A primary survey by Society of Labour Development (Ganguly, 2013) across three major garment clusters in India namely, Gurgaon, Bengaluru and Tirupur found wide variations in the average wages observed in these clusters. Out of these clusters, Tirupur had the highest average wage across all categories of workers⁹. This may be attributed to the Tirupur tripartite agreement which provided for staggered wage increases for the period between 2007 to 2010 (Fair Wear Foundation, 2006)¹⁰. On the other hand, Bengaluru had the lowest prevailing wages across all categories according to the same study. This made it hard for the workers to survive in the city given the high cost of living in Bengaluru. For example, the average monthly wage of a skilled worker like a tailor was INR 7,310 in Tirupur as compared to compared to INR 6,500 in NCR and INR 5,915 in Bengaluru (Ganguly, 2013).

Besides location, wage differentials tend to depend on a host of other factors such as status of employment (formal and informal), education, work experience, gender and caste. On the basis of NSS data, Mezzadri et al (2015) find that average wages tend to be significantly higher in the formal sector as compared to the informal sector and for regular workers as compared to casual workers. A primary survey in the NCR by the same study reveals that work experience as not educational qualifications tends to have a larger impact on worker' wages in the sector. Another hugely important factor that seems to play a part in determining

6 Values converted from euro to INR as per the exchange rate given on 31/03/2014 i.e. 1 EUR = 82.5572 INR

7 Average minimum wage in Bangladesh was an equivalent of INR 4,091.5 as compared to its living wage of an equivalent of INR 21,448.3 (Merk, 2014). Prospects seem especially grim in Bangladesh considering real wages have actually declined between 2001 and 2011, albeit at an annual rate of 2.37 per cent (WRC, 2013).

8 In the paper, provincial unskilled minimum wages have been used. For provinces that specify different minimum wages based on industry, the most relevant industry figures have been used. Where applicable, 'dearness allowance' has also been included. Minimum wages in the paper are as per the Ministry of Labour and Employment, *Report on the Working of the Minimum Wages Act 1948 for the Year 2011, Government of India*.

9 It should be noted that statutory minimum wages in the NCR region tend to be generally higher than that of Tirupur.

10 The Tirupur Tripartite Agreement has been renewed for a period of four years starting from April 2016 onwards. The Agreement however excludes workers employed in the hosiery.





workers' wages is their gender-women workers tend to be paid much lower on average than their male counterparts. The male-female wage gap in the garment sector is one of the highest in India at 34.6%. This is largely because women tend to be mostly concentrated in low-pay less skilled jobs as compared to men, though they may also often receive lower wages for the same job. (Huynh, 2016).

Underpayment, non-payment and delayed payment of wages

In a primary survey carried out by Klaveren for more than a 100 suppliers in Asia, it was found that underpayment of wages was an acute problem in India and was observed for 82% of the enterprises covered. Delayed payment of wages was also fairly common, found in 27.3% of the enterprises, while non-payment of wages did not really seem to be an issue in these particular enterprises (Klaveren, 2016). All these could be seen to be forms of "wage theft", which refers to *non-payment, underpayment and delayed payment* of wages to the workforce as well as illegal arbitrary wage deductions. Other factors contributing to the prevalence of "wage theft" in the sector include non-payment of legal overtime rates and social security thefts (Barria, 2014; Ganguly, 2013).

2.3.2 Overtime wages

While under the law, overtime work is to be remunerated at double the standard wage rate, workers are often paid less. According to an SLD study) which looks at wage practices of garment workers, in the NCR three wage rates apply for overtime: a) double wage rate for every hour of overtime; b) single wage rate for every hour of overtime and; c) double wage rate for the first two hours and single rate thereafter. In contrast, in Bengaluru, most workers are usually paid at the stipulated rate of double the standard rate for all hours of overtime (Ganguly, 2013). The discrepancy in the mandated overtime hours and rate, and actual practice is usually covered up by forging pay slips or through double book keeping (Barria, 2014; Merk, 2014). In a primary survey carried out for more than a 100 suppliers across Asia, around 45% of the enterprises in India were found to keep double records (Klaveren, 2016).

2.3.3 Social security and other benefits

Provisions for social security have been made under several Indian laws¹¹. The Employees State Insurance Act, 1948 (ESI) is a contributory medical insurance and sickness benefit scheme available for all workers (permanent, contract, casual/temporary) in factories and establishments with 10 or more workers. The ESI Act requires a contribution of 1.75 per cent of wages from the worker and 4.75 per cent from the employer. Similarly under the Employees Provident Fund & Miscellaneous Provisions Act, 1952 (EPF), which is applicable for permanent and contract workers in factories and establishments with 20 or more workers, contributions of 12 per cent are made on the behalf of both workers and employers. The ESI and EPF are subject to income ceilings of INR 21, 000 and INR 15, 000 respectively. The unorganised sector, however, is not covered by these schemes.

¹¹ Social security is provided to workers in the garments sector through five central acts: the Workmen's Compensation Act, 1923; the Employees' State Insurance Act, 1948(ESI); the Employees' Provident Funds & Miscellaneous Provisions Act, 1948(EPF); the Maternity Benefit Act, 1961; and the Payment of Gratuity Act, 1972 (Fairwear Foundation, 2016).





In spite of social security benefits being mandated by the law, access to these provisions for workers, especially contract workers, remains very limited. In some cases the deductions for social security benefits are never made from the workers' wages, while in others they may be made but not deposited in the accounts of the workers (SLD, 2013^a; Chan, 2013). According to NSS estimates (as quoted in Mezzadri & Srivastava, 2015), in 2011-12, a staggering 96.1% of workers did not receive any benefit or at least denied knowledge of any such contribution. Even in the formal sector, this figure was 77 per cent. What is more alarming is that the number of workers not receiving any benefits has actually increased over the years (See Table 1). According to Mezzadri et al (2015), this could be attributed to the increasing employment of casual and piece-rate workers, and use of contractors to hire workers.

Poor access to social security provisions was found to be true even for larger factories in major export oriented garment clusters, albeit the figures may be slightly better. A survey of 200 workers in export oriented factories conducted by SLD in NCR, found that only 44 per cent were enrolled under the provident fund (PF) organisation and got account numbers for PF. Similarly, only 41.5 per cent of the workers were enrolled at the ESI corporation and had ESI cards (SLD, 2013^b). Another study by SLD which looked only at contract workers in such companies, found that employers provision for social security of such workers remained dismally low as wage deduction for social security were often not made. Using half-yearly reports submitted by contractors to licensing officers, it was revealed that 67 per cent and 65 per cent of the amount that should have been paid towards the workers' PF and ESI respectively had not been paid. The situation might be worse as the above figures do not account for situations where deductions have been made but the amount not deposited in the workers accounts (SLD, 2013^a).



**Table 1: Share of Paid Workers in the Garment Industry, with and without Any Form of Social Security**

TYPES OF BENEFITS	2004-05	2009-10	2011-12
1. ORGANISED SECTOR			
Any retirement benefit	15.9	13.9	10.8
Any retirement and health care benefit	11.7	8.6	11.5
Only health care benefits	2	1.6	0.7
Not eligible for any social security	64.4	67.8	71.9
Not reported/not known	5.9	8.1	5.1
Total	100	100	100
2. UNORGANISED SECTOR			
Any retirement benefit	0	0.4	0.1
Any retirement and health care benefit	0.2	0.2	0.4
Only health care benefits	0.2	0.	0
Not eligible for any social security	16.6	99.5	18.4
Not reported/not known	83	0	81
Total	100	100	100
3. ALL WORKERS, INCLUDING UNCLASSIFIED			
Any retirement benefit	2.3	1.9	1.7
Any retirement and health care benefit	2	1.1	2.1
Only health care benefits	0.4	0.2	0.1
Not eligible for any social security	24.1	93.6	26.3
Not reported/not known	71.2	3.3	69.8
Total	100	100	100

Source: Mezzadri & Srivastava, 2015

The law also mandates that maternity benefits be given i.e. paid maternity leave for a period of 12 weeks along with a medical bonus. As with other parameters the degree of compliance or rather non-compliance, of enterprises varies greatly across the country. According to a SLD study which covers garment workers in tier 1 factories, maternity leave of only one month without pay is usually granted in enterprises the NCR¹². The situation is slightly better down South. Garment workers in Bengaluru are usually granted maternity leave for 1 and a half months with pay while those in Tirupur are given maternity leave for two months with pay. Bonuses are rarely given. In the NCR, garment workers are usually given a yearly bonus

¹² According to another study by SLD (2013^b) in the NCR, women workers were not granted any maternity leave at all. Instead they were fired or forced to resign after getting pregnant.





which amounts to one-fourth their basic wages. In Tirupur, workers often get festival bonuses along with an annual bonus amounting to 8.3% of their basic wage. Non-regular workers are also often dismissed after 240 days of work as after that employers are mandated to pay them bonus or gratuity by law. Paid leaves are not usually granted and are limited to one and a half days per month or 15-18 days in a year for all clusters (Ganguly, 2013).

2.4 Forced and child labour in the garment sector

The ILO Forced Labour Convention, 1930 (No. 29) defines forced or compulsory labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Prohibition of forced labour is enshrined in the Indian Constitution. In addition, the Bonded Labour System (Abolition) Act, 1976 prohibits any pledging of labour against debt or advances taken, but the implementation of the law leaves much to be desired. (Fair Wear Foundation, 2016). A particularly striking example is that of workers recruited under the Sumangali scheme in Tamil Nadu. Under the scheme, girls mostly between the ages of 14-21 and sometimes even younger are recruited on time-bound contracts (usually of three years), after which they receive a lump sum amount of INR 30,000-50,000. The money is to be used for their dowry and hence the name ‘sumangali’, signifying a soon-to-be-married young girl. Though mostly prevalent in the spinning mills located in districts such as Erode, Coimbatore and Dindigul, it has been found to exist in several garment factories of Tirupur as well. Girls recruited under the scheme usually come from economically disadvantaged families and may often belong to marginalised communities. They are recruited from various districts in Tamil Nadu, the neighbouring states of Kerala and Andhra Pradesh, and sometimes even from more distant areas, such as Uttar Pradesh, Odisha, and Gujarat (Verite, 2010; Fair Wear Foundation, 2015; Coninck, Theuws, & Overeem, 2011).

Practices under the Sumangali scheme exhibit many of the exploitative conditions that are usually associated with forced labour—deception about nature of work, withheld pay, compromised freedom of movement, and threats of violence. Contractors recruit these girls, after often lying to their parents about the specificities of the scheme and the conditions that the girls would be working under. By law, the girls are supposed to be recruited only as ‘apprentices’, who are provided training and then evaluated for permanent employment. They are not supposed to be given overtime work. But these safeguards are almost never complied with (Verite, 2010). Instead the girls are subject to verbal abuse, sexual harassment, discrimination, long working hours (12-15 hours a day), unsafe working conditions, inadequate leaves, non-payment of wages and benefits, restricted freedom of movement and isolation from their family and the outside world. The Sumangali scheme is also closely associated with the child labour and exploitation of juvenile workers (Verite, 2010; Fair Wear Foundation, 2015).

In fact, **child labour** seems to be fairly pervasive in the Tirupur garment cluster, according to a study conducted by ASK-Verite (2010). Children between the ages of 8 to 14 work as helpers in many of the subcontracting units in Tirupur. These children usually work to supplement their meagre family earnings, but their average incomes are much below the daily rate for adult workers, at INR 15-30 a day. Hours of work are excessive at up to 12-14 hours a day and sometimes, even 18 hours a day.





According to the same study, child bonded labour was fairly common in the NCR. Contractors (who were often workers themselves) were paid by factory owners to provide child workers between ages of 8-14 from their village/districts which were located mostly in Bihar and U.P. Parents of children were paid advances in exchange for their children working in the factories for one to two years. In lieu of this advance, children worked as bonded labour in lower tier and fabrication units. They were made to initially undergo an apprenticeship period during which they were not paid any wages. In fact, money was paid only after the child had fulfilled her/his contract. The children were kept under constant surveillance and subjected to verbal, physical and sexual abuse; long working hours; poor working conditions and severe restrictions on their freedom of movement. Child workers are also present in the home based units and adda centres of the NCR. As per a report by an NGO Save the Children (2014), there were over 8,000 children engaged in garment related activities in households (84 per cent) and addas (13 per cent) of Delhi; 69 per cent of the child workers in households were girls.

Another form of forced labour that seemed to arise in the NCR regions on occasion amongst adult migrant workers was the practice of advance-taking and a consequent obligation on the part of workers to work excessive hours to deduct wages against the advances. If one takes into account the more recent understanding of forced labour as given by ILO in 2005, menace of penalty (as given in the definition of forced labour) need not always be physical but may take subtler forms- economic penalties, loss of wages or threats of dismissals if workers refuse to work overtime. Jan Breman (2009), a scholar who has studied bonded labour in India, has elaborated upon the various forms that bonded labour may take. According to him, *“the severity of bondage is very heterogeneous, with a continuum running from relatively “mild” forms to practices that are much more brutal”*. Thus, “mild forms” of bonded labour exist, wherein workers are relatively free to move and physical violence is uncommon. One such example is that of **overtime** work that seems to exist across all phases of the supply chain and across all centres. Workers are paid minimal wages and have to supplement their meagre earnings through overtime work. According to a primary survey conducted by ILO (2015) in the NCR and Bengaluru (covering around 500 interviewees), 80% of the workers reported to working 6 days a week with 25% claiming to work more than 10 hours a day. In some centres like Gurgaon, overtime was so institutionalised that the workers had no choice but to take it up in fear of dismissal (Ganguly, 2013). Almost all workers, as per the ILO survey, were subject to some kind of **penalty** for not meeting the targets or doing the required overtime- in the form of verbal abuse and threats from supervisors/manager and rarely even, physical abuse.

In India, interpretations of bonded labour also go much beyond traditional understandings of bondage based on debt. In the People’s Union for Democratic Rights v. Union of India, 1982 (or the Asiad Workers’ case), for example, the Supreme Court ruled that paying workers less than minimum wages falls within the ambit of forced labour as ‘force’ may also be in the form of dire economic conditions which leave workers no choice but to accept the exploitative working conditions offered by their employers¹³. By this interpretation, a significant share of

13 According to People’s Union for Democratic Rights v. Union of India, (1982) 3 SCC 235, paragraphs 259-260, the word force may be *“constructed to include not only physical or legal force but also force arising from the compulsion of economic circumstance which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage”* and as such *“where a person provides labour or service to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words ‘forced labour’”*.





workforce in the garment sector may be considered ‘forced’, given that around 51% of the garment workers in India are paid less than minimum wages (Cowgill & Huynh, 2016).

According to Breman (2009), the emergence of “neo-bondage” was connected to the increasing casualisation and the informalisation of employment. In the absence of any form of social protection, workers often end up depending on a single employer or contractor, especially in the context of higher unemployment rates and volatility of labour demand. At the other end of the supply chain, the sourcing practices of retailers results in a model of production that is constantly seeking to cut labour costs. As a result, exploitative practises of forced labour arise- sometimes in harsher forms such as the Sumangali scheme and sometimes in the subtler forms of inadequate wages, overtime and economic penalties.

2.5 Violence in the garment sector

According to ILO (2016), the term “violence” in the world of work should be broadly interpreted to encompass violence in all its forms-physical, psychological and sexual. While physical violence may be the most visible form of violence, psychological violence is quickly emerging as one of the priority concerns in the workplace. Psychological violence, also referred to as “emotional violence”, includes verbal and non-verbal abuse, psychological and sexual harassment, bullying, mobbing and threats. Violence in any form threatens the dignity, security, health and well beings of workers (ILO, 2016).

Violence especially in the form of verbal abuses and threats, and on occasion physical violence, are not uncommon in the garment sector. In fact, violence is often used as a tool by employers and contractors to force workers into submission and work overtime to meet the high production targets that are prevalent in the sector. According to an ILO study surveying garment factory workers in Bengaluru and NCR, only one-fifth of the workers surveyed reported to have never seen or heard about any threats or abuses in their factory. Out of the 432 workers surveyed in the Report, 169 workers reported verbal abuse in the form of foul language and scolding; 104 workers reported being forced to work when unwell; 88 workers reported physical violence in the form of beatings, having cloth thrown at them or being locked in the workplace and; 45 workers reported sexual violence and harassment (ILO, 2015). Physical intimidation by employers and police violence to control unionisation and protesting workers was also not uncommon in the garment sector (Fair Wear Foundation, 2016; Ganguly, 2013).

Violence may also be seen through the lenses of gender, caste, class, race and other such discriminatory social structures. Physical, psychological and sexual violence can be gender-based, especially if it stems from unequal power relationships between men and women (WHO, 2009, page 3) as is often the case in a highly patriarchal society like India. Gender based discrimination manifests in different forms at the workplace: differential wages, poor quality of jobs, limited access to facilities and benefits (such as sanitary facilities, drinking water, health care and transportation) and, sexual harassment of women workers(Sankaran & Madhav , 2011). In the garment sector, women workers are often remunerated at less than minimum wages and at rates much lower than their male counterparts. They are usually relegated to low skilled and precarious work, where dismissals for time off taken due to pregnancy and illness are common. Discrimination in the sector is structural as is evident from the all-male management structure, recruitment practices which employ young female migrant workers from far off rural places and hostel facilities that rob women workers of their





privacy and freedom of movement (Sisters for Change and Munnade, 2016). Such unequal working conditions not only have a psychological impact on the women workers, but the precariousness and exploitative conditions of their jobs reduce their leverage in the sector and increase their vulnerability to other forms of physical, psychological and sexual violence (Siddiqui, 2003).

As the number of working women has been increasing in the Indian economy, there has been an attempt to upgrade the supporting institutions at the same pace so as to safeguard their rights and safety. One such attempt has been that of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹⁴. The Act addresses sexual harassment in the workplace, in transportation to and from work and in dwelling places. Under the Act, there is also a provision for the creation of Internal Complaints Committees (ICC) in factories with more than 10 employees, for receiving complaints from women who have faced sexual harassment at the work place.

However physical, verbal and sexual harassment of female workers continue to be pervasive in the sector. According to a report published in 2016 by Sisters for Change/Munnade on sexual harassment amongst women garment workers in Karnataka, around 14 per cent of the women workers reported to have been raped or forced to commit a sexual act, 6 per cent had experienced physical abuse and around 40-50 per cent had experienced humiliation and verbal abuse. The perpetrators were in most cases supervisors and contractors, and enjoyed impunity as they commanded significant power over the victims. Around 61 per cent of the women claimed they had been silenced and prevented from reporting due to threats from the perpetrators. There also seemed to be no functioning grievance mechanism or ICC in place to deal with complaints of sexual harassment in the workplace as was reported by 75 per cent of the workers.

2.6 Other issues in the garments sector

2.6.1 Health and safety conditions in the garment industry

The Factories Act, 1948 also deals with occupational safety and health conditions at work. Under the Act, employers are required to take adequate measures to ensure the safety and health of workers, including prevention of occupational risks and provision of proper training and the necessary protective equipment. The Act is applicable in factory settings, but is not applicable for enterprises with less than 10 workers (Fair Wear Foundation, 2016).

Garment workers are exposed to a number of occupational hazards due to the nature of work in the garment industry, associated with long hours of work, focused attention, fixed postures and exposure to dust and particle pollution as well as frequent verbal and psychological abuse (Mezzadri & Srivastava, 2015). As a result, workers are susceptible to posture related problems such as body pain and backache, respiratory diseases, skin allergies and eye strain, headaches and mental stress, urinary diseases due to limited access to toilets, unclean water, and malnutrition. In Bengaluru, a large section of workers are involved in the production of denim clothing and use chemicals (such as in sand blasting of jeans) without

¹⁴ In 1997, in the landmark case of Vishaka v. State of Rajasthan, the Supreme Court provided guidelines for preventing sexual harassment at the workplace as well as punitive measures that may be taken against those found guilty. The ruling formed the basis for the Sexual Harassment of Women at Workplace Act of 2013.





proper protection, leading to lung problems and silicosis (Ceresna-Chaturvedi & Kumar, 2015; Fair Wear Foundation, 2016). Women and adolescent girls employed in the garment and textile industry also had a higher chance of developing menstrual irregularities (Joseph and Angeline, 2016). In addition, work related accidents often occur and are usually related to hand cuts and puncture wounds from needle piercings. Worker deaths due to factory fires and electrocutions still occur, especially in the Northern clusters.

Many garment workers are provided with some semblance of an emergency facility at work in the form of health rooms and first-aid box. They may also be provided with occasional health check-ups. But such practices are more common in the larger factories rather than smaller factories and workshops (Mezzadri & Srivastava, 2015). Fire and first aid management was also found to be more effective in the Southern factories than in the North. It is mostly the formal workers in larger factories who are registered with ESI, excluding many contract workers and workers belonging to smaller enterprises who are otherwise eligible for insurance under the law. Restrooms, even in the larger factories, lack soap, towels and hygienic conditions. Workers may be prohibited from using toilets more than twice due to high production targets. Safe drinking water may also not always be readily available (Ceresna-Chaturvedi & Kumar, 2015).

2.6.2 Informality

According to the Report on *Conditions of Work and Promotion of Livelihoods in the Unorganised Sector* released by the National Commission of Enterprises for the Unorganised Sector (NCEUS) (2007), there are two different ways in which the Indian workforce may be informalised in the post liberalisation era. The first is through the continued existence of the unorganised sector¹⁵ which has mostly informal workers, and the second, is by increasing the number of informal workers (i.e. workers without contracts and social security) employed in the organised sector. This rings true of the garment sector as well. As production processes have become more decentralised and segmented, the push for greater flexibility and lower labour costs have transformed the Indian garment sector. As a result the sector has experienced both, an expanding unorganised sector as production shifts to workshops and home-based units as well as an increase in informal employment in the organised sector through contractualisation and casualization of labour (Mezzadri & Srivastava, 2015; Singh, Kaur & Kaur Sapra, 2004).

The former can be corroborated by the data collected under the National Sample Survey in its quinquennial round on *Employment and Unemployment*. While employment has increased both in the formal and informal sector from 2004-05 to 2011-12, the unorganised sector (4.2%) has grown at a faster rate than the organised sector (3.2%). In 2011-12, the share of the workforce employed in the organised sector and unorganised sector were 13.7 per cent and 84.1 per cent respectively (See Table 2). Thus liberalisation and de-reservation of the sector have not resulted in an increase in employment in the formal sector. Rather the unorganised sector has expanded as the supply chain has become more fragmented, subcontracting increased, and work outsourced from factories to jobbers and smaller establishments (Mezzadri & Srivastava, 2015). This is especially true of the garment centres

¹⁵ According to NCEUS (2007), "the unorganised sector consists of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers"





in the NCR and Tirupur region. Bengaluru in contrast, is slightly more organised as workers operate mostly from factories. (Roy Chowdhury, 2005)

Table 2: Share of workers in different segments of the garments sector

SECTOR	SHARE OF WORKERS IN % (2004-05)	SHARE OF WORKERS IN % (2011-12)	CAGR (2004/11)
Organised	14.2	13.7	3.3
Unorganised	82.3	84.1	4.2
Unknown	3.4	2.1	-2.9

Source: Mezzadri & Srivastava, 2015

In addition, conditions for workers in the formal sector have worsened as there has been an increase in casual and piece rated workers and workers hired by contractors. Majority of the workers are not given any written contracts at the time of employment. A large share of the workers in the formal sector also does not receive any social security benefits. According to NSS estimates, in 2011-12 around 77 per cent of the workers did not receive any social security benefit or were not aware of received any (Mezzadri & Srivastava, 2015). These trends have been observed across all garment centres.

2.6.3 Home based work

Home based workers refers to “*the category of workers who carry out remunerative work in their own homes or adjacent grounds or premises*” (Raveendran, Sudarshan, & Vanek, 2013: pp 2). They are usually classified as ‘self employed’ as they are not directly supervised by an employer and carry out production in their own workspace. However, in reality homeworkers¹⁶ are considerably dependent on contractors who provide them with design, work orders, raw materials and payment through sale of their finished good. Thus homeworkers lie somewhere between being completely independent self employed workers and fully dependent employees (Raveendran, Sudarshan, & Vanek, 2013).

In India, home based work has a rich history, being centred mainly around craft-based based production and artisanal clusters. “Modern production” has not dispelled these traditional modes of production. Instead they have been incorporated into global supply chains to supplement manufacturing capacity and carry out ancillary activities for labour intensive processes (Mezzadri & Srivastava, 2015). Homebased work, or the modern putting out system as it is often called, has several advantages over factory based production from an industry perspective. The appropriate task when contracted out to homeworkers, helps cut down on expenditures related to supervision of workers, infrastructure, electricity, health and safety at work and social security benefits (Ghosh, 2004 and; Raveendran, Sudarshan, & Vanek, 2013). Homeworkers constitute the bottom most layer of any supply chain and are fairly invisible, being far removed from the lead firms whose production orders they carry

¹⁶ Homebased work here refers only to the work carried out in the supply chain for export oriented industries and as such excludes independent self-employed workers who take entrepreneurial risks





out. As a result homebased work is often associated with low wages, irregular work and poor working conditions.

Home based work has also proven to be an important source of employment for women throughout history, and this segment of the value chain is considerably feminised in any sector. Home based work allow women to support their families while fulfilling their domestic responsibilities and finding work within private spaces, a feature often preferred by the male members of the family (Raju, 2013). Preference for home based work is the highest amongst young married women with children. In 2011-12, wearing apparel was the second largest employer (after tobacco products) of female home based workers in the manufacturing industry, employing 25.7 per cent of the women in home based manufacturing and having risen from a mere 6.2 per cent in 1999-00 (Raveendran, Sudarshan, & Vanek, 2013).

The term 'home-based production' encompasses a multitude of different forms of organising labour in household enterprises, ranging from micro family units to more individualised forms of homeworking (Mezzadri & Srivastava, 2015). In addition, one must also take cognisance of other related forms of "*peripheral labour*" that exist in the Indian garment sector in the form of fabrication units and workshops which are informal production units with 20 or less workers (Mezzadri & Srivastava, 2015; Verite, 2010). Such forms are especially prevalent in the NCR, which has a rich heritage in artisanal and detail-oriented work carried out by tailors and *darzis* in *karkhanas* (Singh, Kaur & Kaur Sapra, 2004).

Currently, the NCR specialises in highly 'embellished' women's garments. Once the main structure of the garment is completed in factories, they are outsourced to home based units for specialisation-embroidery, adda work (intricate sewing performed on a loom), zarzodozi work (gold or silver metallic thread work), and moti work (beading). Workshops often act as intermediates between first and second tier factories and, home based enterprises. As such, there is large degree of overlap between tasks undertaken by workshops and factories in the form of cutting and tailoring; fabrication units may also undertake specialised jobs such as stone washing of jeans as well as some of the same tasks carried out by home based enterprises (Verite, 2010; Mezzadri & Srivastava, 2015). In addition some of their work is also outsourced outside Delhi to centres such as Bareilly which have a long tradition in intricate embroidery work.

Workshops are largely male dominated and are constituted mostly of migrant workers (Singh, Kaur and Sapra, 2004). In contrast, in home enterprises, the tasks are often performed by women workers and sometimes, by children as well. They are usually not migrant workers, but have been in the NCR for a long period of time (Mezzadri, 2015). Women workers in home based enterprises remain mostly invisible in the value chain workers (Singh, Kaur & Kaur Sapra, 2004). Even though it is the decorative elements which allow firms to charge a high price for these garments, the women working on them are one of the lowest paid in the entire value chain¹⁷ (Verite 2010). In addition, homeworkers are paid on a piece rate basis and are paid only after their work has been completed. If the quality of work for a garment does not meet the standards set by the contractors, they are not paid for that piece. Homeworkers have no access to any form of social security provisions. Unionisation and collective bargaining are almost non-existent amongst these workers, though some women workers were aware of SEWA (Mezzadri & Srivastava, 2015).

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17 According to Mezzadri et al(2015), homeworkers are paid at par with the workers in the organised sector; though women continued to be paid less at INR 1000-1600 per month.





Home based work is also prevalent in Tirupur, comprising activities such as embroidery, sequencing and *zari* work, as well as some packing and trimming work. When work is available, workers' daily wages may vary from INR 84-165 per day, paid on a piece rate basis. But availability of work is quite irregular in the centre. Thus workers are often unable to secure work from the factories and consequently, unable to earn any income for long periods of time. Like Delhi homeworkers, they too have no access to social security provisions (HWW, 2012).

2.6.4 Migrant workers in the garment sector

A significant portion of the workforce in the garment industry is composed of migrant workers. Most of these migrants come from poor, impoverished families in rural areas and often belong to lower castes, tribals and minority groups. They are usually first generation migrants and belong to the age group of 18-35. The reasons most often cited for migration are lack of employment opportunities in the agricultural sector, higher wages offered by the garment sector (especially when compared to agricultural wages) and the need to pay off dowries (Verite, 2010). Reasons for migration are usually different for female migrants who often migrate for associational reasons, to be with their husbands or family members. This is especially true of the Northern clusters which retain strong patriarchal values. Things may be slightly different in the Southern centres like Bengaluru where a large number of young unmarried women migrate every year to work in the garment factories. Moreover migration decisions for women are usually family based, while male workers are more likely to have taken the decision of their own accord and often move without their families (Mezzadri & Srivastava, 2015)

In the North, garment workers mostly comprise circular male migrants. According to a study conducted by Mezzadri et al (2015) of garment workers in Delhi, around 90 per cent of the workers come from Bihar and Uttar Pradesh and rest 10 per cent from Jharkhand, Uttarakhand, Haryana, Odisha and West Bengal. These migrants have strong ties with their native places and many return regularly at the end of each production cycle. The workforce in the South is much more feminised, especially in Bengaluru and Chennai. In Bengaluru, around 80 per cent of the garment workers are migrants from other regions in Karnataka, while some other workers belong to Andhra Pradesh and Tamil Nadu. Recently there has also been an influx of young girls from Odisha, Madhya Pradesh, Jharkhand and Maharashtra (ICN, 2016). In contrast, in Tirupur, the initial surge of migrants into the area was composed of mainly males with female workers coming in only later as the readymade garment industry expanded. Around 70 per cent of the workforce in Tirupur consists of migrant workers. These workers migrate from Andhra Pradesh, Uttar Pradesh, Orissa, Bihar, Assam, and West Bengal; as well as from other districts within Tamil Nadu (Verite, 2010).





There is a strong association between rising employment of migrant workers and increasing flexibility of the workforce in the sector. In the NCR, male workers work only for a limited period in the garment sector every year, after which they go back to their native villages. In the South, women migrants too work for a limited span of time as life cycle issues and societal norms restrict their participation in the workforce. This keeps the workforce flexible, informal and segmented, while making unionisation difficult for workers (Mezzadri & Srivastava, 2015). Migrant workers are also more amenable to lower wages and poorer working conditions as they come from poor, impoverished backgrounds, have limited job opportunities in the rural sector, and are thus, desperate to find work in urban areas. This section of the workforce is vulnerable to increased contractualisation and precariousness of work, low vertical mobility and high turnover rates (Verite, 2010).

Migrants from outside states are especially vulnerable, as they are often unfamiliar with the language and culture of the place. Contracts are usually written in English or the local language which many of these migrant workers are unable to understand (Verite, 2010). Language barriers also limit the nature of interactions between migrant workers and, their managers and co-workers at the workplace. This makes interstate migrant workers even more prone to exploitation. For example, in Bengaluru it was found that garment factories often had different hostel arrangements for North Indian migrants and local workers wherein monthly rent for accommodation and food was significantly higher in the hostels for the former as compared to those for the latter (ICN, 2016).

Where hostel facilities are provided by factories, like they are sometimes in Bengaluru and Tirupur, workers are subject to cramped and poor living conditions. Hostels are either located within factory premises or at walking distance from the factories where the workers work. Separate accommodation is provided for male and female workers. Workers in these hostels have to share rooms and toilets with their co-workers. The number of workers sharing a room and toilet may range from five to fifteen workers per room. Conditions are considerably worse in some of the hostels provided by the textile mills and garment factories in Tamil Nadu; rooms and toilets are sometimes shared by 35-40 workers in a hostel. All hostel facilities also seem to lack basic amenities such as proper furniture, storage facilities, beds and mattresses (Theuws et al, 2010; ICN, 2016). A study conducted by ICN (2016) for women workers in Bengaluru garment factories, found that the conditions were especially bad for women migrant workers who faced severe restrictions on their freedom of movement; they were required to go back to their hostels immediately after work and were allowed to leave their hostel only for two hours, once a week. Similarly in Tamil Nadu, women living in such factory owned hostels were not allowed to leave the hostel on their own, while male workers could easily do so. These workers hardly had any outside contact and were even prohibited cell phones. They were permitted to go out only twice a month, accompanied by the hostel warden (Theuws et al, 2010). The Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act seeks to regulate such hostels and the living conditions therein.





Unionisation and collective bargaining amongst garment workers

Unionisation in the garments sector remains dismally low at less than 5 per cent of the workforce (Mani, 2011). This is even lower than the average union density of the Indian workforce, which is around 10 per cent of the entire workforce. Not only are workers rarely union members, but there is also poor awareness of unions amongst workers (Fair Wear Foundation, 2016). For example, a study undertaken by ILO (2015) for 500 garment workers in the NCR and Bengaluru found that only 23 % of the workers were aware of unions. It is of no surprise then that India is classified as category 5 i.e. “no guarantee of rights”, by the International Trade Union Confederation (ITUC) Global Rights Index. The ITUC index ranks 139 countries against 97 internationally recognised indicators to assess how well workers’ rights are protected in law and practice (Fair Wear Foundation, 2016).

3.1 Reasons for low unionisation

Low unionisation in India can be attributed to a number of factors:

- i) *Legal impediments*, in the form of inadequacies in the Trade Union Act, 1926. The Act regulates the rights of workers to unionise. But puts several restrictions on workers in that it mandates that unions may be formed only if there are 100 workers (or 10% of workers), limits the number of outsiders in the union executive committee and requires no compulsory recognition of trade unions on the part of employers (Fair Wear Foundation, 2016).
- ii) *Structural impediments* which refers to the fragmented nature of production and segmented work force in the sector. As mentioned in the previous sections, the garment supply chain has become increasingly more dispersed especially in the NCR and Tirupur region. Workers are distributed over multiple enterprises connected through a complex system of subcontracting. There has been a move from permanent directly employed workers to contract workers, and from fixed wages to piece rated work (Mani, 2011). In addition, the workforce employed by the garment sector is composed largely of migrants or women workers, two groups that have high turnover rates and are considered particularly difficult to unionise (Mezzadri & Srivastava, 2015).





- iii) *Union busting activities by the management* as collective bargaining is resisted by employers at any cost. This could range from actual physical intimidation and police violence to dismissing any worker associated with unions (Fair Wear Foundation, 2016; Ganguly, 2013). These factors heavily influence a worker's decision to join a union. For example, in a study conducted in NCR by Mezzadri et al(2015) in the NCR garment sector, it was found that nearly half of the workers surveyed did not join unions out of fear of the consequences if they did.
- iv) *Negative perception and lack of awareness about unions* as many workers are unconvinced of the effectiveness of unions in resolving their issues. This may be partly due to unions having difficulty organizing migrant workers especially when work is sub-contracted and informal. Intimidation, threats and negative comments about unions made by employers have also prevented workers from looking favourably at unions. In many cases, workers are not even aware of unions and look to alternative measures for solving their problems (Ganguly, 2013; Mani, 2011)

3.2 Unionisation across different garment sectors in India

The factors stated above manifest in different ways to result in low union density across all garment clusters in India. The situation is perhaps the worst in the NCR, where unionisation is minimal. This could be attributed largely to the fragmented nature of production in the region, increased use of contractor and a floating workforce which is composed mainly of circular migrants. These migrants work only for a limited period of time every year and return to their native villages after every production cycle. Unionisation is also resisted aggressively by employers and contractors through physical intimidation and threats (Mezzadri, 2016). Most unions operate at the state level and efforts to establish unions within garment factories have seen limited success. However a study done by SLD concedes that efforts of independent garment unions like GAWU have been effective in the formation of factory based workers organisation to some extent (Ganguly, 2013).

Conditions are slightly better in Tirupur, where there is more distinct history and presence of labour unions. While there may be no trade unions at the firm level, workers may have representation at the district level. Central trade unions have played a significant role in negotiating minimum wages for workers in the past. One such successful example is that of the Tirupur Tripartite Trade Agreement which negotiated for staggered wages increases for the workers from 2007-2010. Besides associations of exporters such as the Tirupur Exporters Association, there are associations representing knitting units, printers and dyers, compacting and calendaring units, yarn merchants, collar-stitching units, button makers, and so on. There are six major trade unions that take part in the district-level negotiations: CITU, AITUC, INTUC, MLF, LPF, and ATP (LIPS Sedane, CLEC, & SLD, 2015).

Garment workers in Bengaluru have also had limited success in unionisation, though still better than NCR. The workforce in Bengaluru garments sector comprises of female migrant workers whose participation in the workforce is limited due to life cycle issues and societal constraints (Mezzadri & Srivastva, 2015). Though independent unions like GATWU, GLU and KGWU exist along with central unions like INTUC, these unions have not been able to make much progress in establishing unions in factories. There have also been instances where when unions have gained power in factories, the factories have been shut down and relocated. (Ganguly, 2013).





3.3 Other methods of dispute settlement

The 1947 Industrial Disputes Act provides for the establishment of a works committee for any factory with 100 or more workers and a grievance redressal committee for factories with 20 or more workers. However, audits conducted by Fair Wear Foundation between 2012 and 2015, found that there was no functional grievance mechanism available in 79% of factories in north India and 64% in south India. Where the committees did exist, they were employer dominated in spite of being composed of both workers and employers. Discussions in these committees were also limited to minor issues (for example broken toilet taps), rather than the larger issues of low wages, overtime, and sexual harassment. Factories in the south often had collective bargaining agreement (CBA) policies. But the CBAs did not largely exceed legal requirements and workers were mostly unaware of the agreement.

In recent years, there has also been a shift in the nature and thrust areas of labour activism as there has been an effort to 'organise the unorganised'. Rather than adopting a directly antagonistic relationship with management around issues of wages and working condition, workers now rally around community based issues such as housing, health, education, street lighting, water and sanitation. This has been found to be especially common amongst women garment workers in the unorganised sector. These women are mostly employed in home based work, far removed from their direct employers and are thus not directly exposed to an exploiter-exploited relationship. Most labour initiatives for such workers are around self-help groups, credit, entrepreneurship and related themes. Examples include SEWA (Ahemdabad), WWF (Madras) and Munnade (Bengaluru) (RoyChowdhury, 2005). But unionisation and collective bargaining are not the only forms of resistance used by workers to show their discontentment with the current scheme of things. There have been several occurrences of spontaneous strikes and protests breaking out across different garment centres in NCR, Bengaluru, Chennai and Tirupur. Recently, there was a massive protest in Bengaluru against the amendments made in the Provident Fund (PF) provisions, which proposed to disallow workers from withdrawing their entire PF amount before 58 years of age. On 18th and 19th April, 2016, thousands of garment workers, majority of whom were women, blocked highways and disrupted vehicular movement in a seemingly "spontaneous", "leader-less", non-unionised movement against the changes made. Eventually the labour ministry had no choice but to withdraw the proposed amendments (The Hindu, 2016; Yadav, 2016).





CONCLUSION

The current paper attempted to present a comprehensive literature review on the working and living conditions of garment workers in India. However there remain several research gaps in the literature review presented, which may be looked into to further augment our understanding of the issue. Firstly most studies included in the review are concerned with workers in export oriented units; little attention has been paid to the domestic garment sector and the nature of its relationship with the export sector. Secondly, except for a few studies on home based work (HWW, 2013; Mezzadri & Srivastva, 2015 and Raveendran, 2013), majority of the literature on the garment sector tends to concentrate on the organised sector. This is in spite of the fact that around 84 per cent of the garment workers are employed in the unorganised garment sector. Moreover as pointed out by Mezzadri et al(2015), the unorganised sector is not just limited to home based work but also encompasses other forms of “peripheral labour” employed in small workshops and fabrication units. But discussions on the latter have been limited in the literature. Even when the organised sector is covered, comparisons between different categories of workers (i.e. permanent, contract and temporary) is difficult as most studies either deal exclusively with contract workers (See for example, SLD, 2013^a or Chan, 2013) or do not distinguish between permanent, contract and temporary workers when discussing a particular parameter (such as wages, access to social security etc.) in the sector (See for example, ILO, 2015 and Ganguly, 2013). Other issues that have not been comprehensively covered in the literature include living conditions of migrant workers, working condition in Special Economic Zones (SEZ) and, occupational health and safety conditions in the garment sector.

Some of the relevant features of the issues discussed above have been enumerated in the table below.





ISSUE	RELEVANT LEGISLATION	ALL INDIA	NCR	TIRUPUR	BANGALORE
Product specialisation		Each garment centre specialises in a particular product	Women and children's wear which are often embellished	T-shirts, hosiery and knitwear	Readymade garments for men and women
Structure of production		Production based on small-scale, regionally specialised production centred around a few garment clusters	highly irregular, informal and fragmented with multiple tiers of production, enterprises of different sizes, numerous subcontractors and several categories of workers	Small number of large factories at the top of the supply chain, with a multitude of smaller individual production units below	Relatively more organised and mainly centred around factory based production
Social composition of labour		Migrants; male migrants in the North and female migrants in the South	Male circular migrants, mostly from UP and Bihar	Both male and female migrants (male migrants in larger numbers), from other areas in Tamil Nadu and some from neighbouring states	80 per cent female workers, mostly from other areas in Karnataka
Recruitment		Three methods: (a) direct (b)contractors (c)personal connections Skills Training providers	Recruited mostly through personal connections, recruitment by contractors not very uncommon	Recruited by contractors who mostly recruit instate migrants	Mostly recruited directly, recruitment by contractors not very common
Contracting	Contract Labour (Regulation and Abolition) Act, 1970	Considerably high share of contract workers in the workforce across all centres; share has been increasing in recent years	(a) Estimates for contract workers range from 60-80 per cent of the workforce (b)contractors used less for adult recruitment and mostly for managing production of garments	(a) Estimates for contract workers range from 20-30 per cent to 70-80 per cent of the workforce (b)contractors function as labour suppliers and job contractors	
Working hours	The Factories Act, 1948	Excessive overtime seems to be institutionalised in the sector	(a)9 hours of normal work day (b) average overtime of 5-6 hours daily	(a) 8 hours of normal work day (b) rare instances of overtime, usually not exceeding 1.5 hours a day or 15 hours a month	(a) 8 hours of normal work day (b) overtime of 2 hours during peak periods; workers are also made to work overtime if they are unable to meet production targets during a normal working day





ISSUE	RELEVANT LEGISLATION	ALL INDIA	NCR	TIRUPUR	BANGALORE
Wages	Minimum Wages Act, 1948	(a) Minimum wages(as of January, 2014): INR 4653-7046	(a) Minimum wages (Haryana, as of January, 2013):INR 5211-5861 (b) Average wages (Gurgaon, as of January, 2013): INR 5500-6500	(a) Minimum wages (as of January, 2013):INR 3706-5820 (b) Average wages (as of January, 2013): INR 5750-7310	(a) Minimum wages (as of January, 2013): INR 5031.5-5221.32 (b) Average wages (as of January, 2013): INR 5200-5915
Overtime payments	The Factories Act, 1948	Workers are to be paid at double rate for overtime but compliance varies	Three rates for overtime exist: (a) double rate (b) single rate (c) double rate for the first 2 hours and single rate thereafter	Double rate for overtime	Double rate for overtime
Social security (PF/ESI)	Employees State Insurance Act, 1948; Employees Provident Fund & Miscellaneous Provisions Act, 1952	12% and 1.75% of workers' wages to be deducted for PF and ESI respectively; compliance extremely low as 96.1% of workers did not receive any benefits or denied knowledge of any such scheme			
Paid leave	The Factories Act, 1948	15-18 days per year; much lower for contract workers	15-18 days per year; much lower for contract workers	15-18 days per year; much lower for contract workers	105-18 days per year; much lower for contract workers
Maternity benefits	Maternity Benefits Act, 1961	Paid maternity leave for 12 weeks by law, but compliance varies	Unpaid leave for 1 month	Paid leave for 2 months	Paid leave for 1.5 months
Forced labour	Bonded Labour System (Abolition) Act, 1976	Ranges from harsher forms such as the Sumangali scheme to subtler forms of overtime and economic penalties	Advance-taking by parents leading to occasional debt bondage / bonded child labor; overtime, verbal and sexual abuse	Adolescent girls under the Sumangali scheme, overtime, verbal and sexual abuse	overtime, verbal and sexual abuse





ISSUE	RELEVANT LEGISLATION	ALL INDIA	NCR	TIRUPUR	BANGALORE
Violence	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	Physical, verbal and sexual harassment of female workers pervasive with no proper avenues for addressing complaints and grievance in spite of the existence of law			(a) 14% of the women workers faced sexual harassment and 40-50% had experienced verbal abuse. (b) no functioning grievance mechanism or ICC in place as reported by 75% of the workers.
Health and safety conditions	The Factories Act, 1948	(a)occupational hazards such as backaches, lung diseases and eye problems (b) Few factories have emergency facilities at work; factories in the South better equipped than those in the North (b) Lack of hygienic toilets and potable drinking water			
Informality		Informality in the sector has been increasing due to” (a) increase in informal workers in the formal sector due to contractualisation (b)expansion of the unorganised sector (from 82% to 84% in 2004-11)			





ISSUE	RELEVANT LEGISLATION	ALL INDIA	NCR	TIRUPUR	BANGALORE
Homebased work		Apparel is the second largest employer of women homeworkers in the manufacturing industry (25.7% of women home workers)	(a) Prominent for embroidery, adda, zardosi and moti work (b) Significant proportion are women workers (c) Piece rate workers; low paid; no access to social security benefits	(a) Prominent for embroidery, adda and zari work as well as cutting and trimming (b) Significant proportion are women workers (c) Piece rate workers; low paid; irregular work; no access to social security benefits	
Migrant workers		(a) Mostly from impoverished families in rural areas (b) Work as contract workers, low paid, poor working and living conditions	male circular migrants- 90% from Bihar and U.P.; 10% from Uttarakhnad, Haryana, Orissa and West Bengal	Initial surge of migrants were male but lately increase in the number of female; migrants from other districts in Tamil Nadu as well as Andhra Pradesh, U.P., Orissa, Assam, Bihar	80% of workers are female migrants from other regions in Karnataka, some from Andhra Pradesh and Tamil Nadu
Unionisation	Trade Union Act, 1926	Less than 5% of the workforce	Minimal to non-existent due to segmented nature of production, floating nature of the workforce and physical intimidation by employers	Slightly higher union presence; one of most successful example of collective bargaining has been that of the Tirupur Tripartite Wage Agreement	Limited success of unions, better than NCR; majority of workers are women and have lower tendency to unionise





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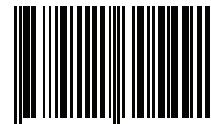
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