

Programme Report

National Workers Exchange Programme - India

Sub-Event of the 'Play Fair at Olympics Campaign'

(27-29, August 2004, Bangalore)

A National Gathering of Garments and Sportswear Workers to Highlight Working Conditions in the Sector and Discuss Organising Strategies

South India Coalition for the Rights of Garment Workers

Programme Secretariat: Cividep-India, Bangalore, Phone: 25496949, 25498004

Email: cividepindia@rediffmail.com

Table of Contents

Programme Preamble	3
Background	3
Objectives	3
Report Format	4
Recommendations	4
I. DAY 1	5
I.1. Inaugural Session	5
I.2. Session 1: Terms of Employment (Wages, Overtime, Social Security - Sharing by Workers and Organizers)	6
I.2.1. Outcome of the Discussions	8
I.2.2. Additional Comments	8
I.3. Session 2: Safety and Health Issues (Talks and Sharing by Workers)	9
I.3.1. Outcomes of the Discussions	10
I.3.2. Additional Comments	10
I.4. Session 3 - Issues of Concern to Women Workers in the Sector (Sharing by Women Workers)	10
I.4.1. Outcomes of the Discussions	11
II. DAY 2	11
II.1. Session 4: Freedom of Association, Collective Bargaining and Organizing Strategies (Talks and Sharing by Workers, Organizers) ...	12
II.1.1. Outcomes of the Discussions	12
II.1.3. Additional Comments	12
II.2. Session 5: Status of Garment Industry in Bangalore (Presentation of salient points in the draft report and discussions)	12
II.3. Session 6 - Voluntary Codes of Labor Standards	14
II.3.1. Outcomes of the Discussions	15
II.4. Session 7: Action Plan for Networking and Solidarity	15
III. DAY 3: Public Meeting	16

Annexes:

Annex 1:	Programme Background Paper
Annex 2:	Programme Schedule
Annex 3:	Participants List

Programme Preamble

Background

Clean Clothes Campaign (CCC), Global Union and Oxfam International along with partner organizations launched the '*Play Fair at Olympics Campaign*' in January 2004. The Campaign aims to support empowerment of workers in sportswear and garment industry and push multinational manufacturers to improve working conditions in the backdrop of the Athens Olympics 2004 held from August 13-29. CCC together with Asian Monitoring Resource Center (AMRC) hosted a three-day meeting on Olympics Campaign in Cambodia between March 25-27, 2004, attended largely by trade unions and NGOs from Asian countries to discuss campaigning strategies in Asia. The meeting discussed strategies and arrived at specific actions mainly under five heads namely, *May Day Celebrations, Press Releases, Fashion Shows, Website and Workers Exchange*.

Under *Workers Exchange* programme, a *National-level Workers Exchange Workshop* was organized in Bangalore, India from 27th to 29th of August 2004. This workshop is the beginning of a series of such workers exchange programmes in the region to support Olympic Campaign's long-term objective of demanding improvements during the Athens Olympics and consolidating concrete gains for the workers by the time of Beijing Olympics in 2008.

An organizing committee was constituted by the Bangalore groups of South India Coalition for the Rights of Garment Workers to steer the workshop, and, CIVIDEP-India, a Bangalore based NGO functioned as the Secretariat for the Organizing Committee of this workshop. Coalition members of Tirupur and Chennai were also part of the organising committee.

Workers, union leaders, NGOs and organizers from the garment and sportswear manufacturing sector in India from Tirupur, Chennai, Bangalore, Pondicherry, Ahmedabad and Ludhiana met for three days in Bangalore and exchanged information, experiences and strategies, and, also declared solidarity with the Olympics Campaign through a public meeting on the last day of the workshop.

The first two days of the workshop were facilitated through indoor meetings of the workers where workers from each city got opportunities to make presentations on the themes. On the third day, a public programme of garment workers in Bangalore culminated in an auditorium-meeting where workers' representatives from all participating centers spoke briefly on issues of workers in garment manufacturing units and a collective joint statement was adopted on behalf of the entire region in support of the Play Fair at Olympics campaign.

Objectives

The programme seeks to:

- empower workers to assert their right to association and right to collective bargaining

- be involved actively in the improvement of working conditions in the sportswear and garment industry by a sustained exchange of information and solidarity actions.
- seek cooperation of NGOs and trade unions involved with garment workers.

Report Format

The following document contains a summary of the discussion which took place on both days. Informal minutes were compiled from the notes of the documenter and group presentations. Include in this report are three annexes. Annex 1 gives an overview of the programme, Annex 2 provides details of the programme schedule while Annex 3 is the list of participants.

The principal recommendations coming from the workshop are summarized in the following section.

Recommendations

A wide range of discussions were held on the first two days of the workshop on terms of employment – wages, overtime, social security; safety and health issues; issues concerning women workers in the sector, collective bargaining and organizing, and voluntary codes of labor standards. An action plan for networking and solidarity was drawn covering main issues.

Some of the outcomes of each of the discussion sessions are the following:

1. Frame charter of demands for the sector as a whole and regionally so that workers themselves, the industry and government authorities are clear about the demands of workers. The charter of demands would also serve as a bench-mark to assess the achievements of workers organisations and other support groups.
2. Unions and NGOs must encourage workers to form collectives within each factory whether as branches of trade unions, solidarity groups or complaints committees.
3. Workers must demand, as far as possible collectively, at least a recognition of the employer-employee relationship through appointment letters and wage slips.
4. Unions and NGOs must cooperate to conduct workers awareness programmes on labour rights.
5. Unions and NGOs must monitor the Employees State Insurance (ESI) schemes and services and put pressure on the Government to improve them.
6. Good quality crèche services must be demanded wherever there are 25 or more women workers in the factory.
7. Each factory must have a complaints committee to go into issues of sexual harassment.
8. Issues of collective bargaining must be raised with individual and units and industry associations.
9. Unions and NGOs must arrive at some collective mechanism to monitor voluntary codes of conduct in the industry.

I. DAY 1

I.1. Inaugural Session

Welcome: Dr. Duarte Barretto, Fedina, Bangalore

Guest Speakers:

- Mr. G. Manjunath, Assistant Labor Commissioner
- Mrs. B. B. Kaveri, Member Secretary, Karnataka State Commission for Women

Vote of Thanks:

- Mrs. Sheela Ramanathan, Advocate, Human Rights Law Network, Bangalore

Some of the participants sang a welcome song to inaugurate the workshop.

Dr. Duarte Barretto welcomed participants to the National Workers Exchange Programme as part of the *Play Fair at Olympics Campaign*. He provided a background to the workshop, outlining the efforts of the committee constituted to organise the programme.

Multinational companies, mostly in the manufacturing sectors, are entering into developing countries as labor is cheap here. Countries in Asia like Thailand, India and China compete increasingly to attract foreign investment in industry and other businesses. The raise to cut cost of production is forcing multinationals to curtail labour costs and to turn a blind eye to labour rights and labour welfare. The main aim of the workshop is to discuss labour conditions in the ready-made garment sector and to share experiences in this regard. We need to work collectively to improve working conditions of all garment workers in the country.

Dr. Barretto welcomed Mr. G. Manjunath and Mrs. B.B. Kaveri, the guest speakers of the first session.

Mr. Manjunath, Assistant Labour Commissioner, briefly discussed the legal provisions to protect labour rights, the workshop objectives and expected outputs. He emphasized the need for collective action to improve all dimensions of labour standards such as legal provisions of industrial law, internationally accepted labour standards, issues of wages and social security. He discussed in detail the role of the labour Department of the State Government in protecting workers' rights. He went into the specific responsibilities of labour officers in relation to garment factories. He said that the support of civil society organisations was important in the protection of labour rights, especially of women worker in the garment sector.

Ms. B.B. Kaveri, Member Secretary of Karnataka State Commission for Women talked about the mandate of the statutory body. She said that the Commission has received complaints related to atrocities on women workers in garment factories. She explained on how the Commission intervenes in workplaces such as garment factories, which violate labour laws and where instances of sexual harassment occur. As for the private sector,

she observed that there is uncertainty regarding the Jurisdiction of the Department of Labour and Women's Commission. The ambiguity is about who is responsible to monitor issues related to sexual harassment. If individual complaints of sexual harassments are lodged, the practice has been that the Commission intervenes. Ms. Kaveri also explained how awareness can be built within private factories on the Supreme Court guidelines, on sexual harassment so that affected women workers in garment factories are enabled to use the complaints procedure.

Ms. Sheela Ramanathan, Advocate, Human Rights Law Network thanked all who have put in their efforts to organise this programme. She also thanked Mr. Manjunath and Ms. Kaveri for sharing what the authorities could do to improve labour conditions and the work environment of workers in the garment industry. She also thanked participants for their enthusiasm in attending the workshop and wished everybody three fruitful days of discussions and debates.

I.2. Session 1: Terms of Employment (Wages, Overtime, Social Security – Sharing by Workers and Organizers)

Moderator: Mr. A. J. Srinivasan, Advocate

Mr. A J Srinivasan explained about the fundamental sources of labour rights. He also discussed the concept of terms of employment and social security provisions like the Employees Provident Fund. Mr. Srinivasan thanked the organizers for creating a platform for exchange of experiences and information and for giving an opportunity to workers in garment industry, trade union leaders and NGOs to discuss the problems associated with the sector. He explained in detail the various components of terms of employment – wages, overtime, hours of work and social security.

He said that the basic instrument of terms of employment is an appointment letter, which is a contract or agreements between the employer and employee. He suggested that if the workers form unions or join an existing union, the union as an institution can take up issues related to the violation of basic rights of workers. Individual cases can be filed directly in the courts of justice particularly on termination of employment. Improvement of working conditions cannot be individually espoused as disputes. He also emphasized only collectives of workers can effectively demand improvement in salaries, benefits and working conditions.

Even on issues related to payment of minimum wages collective action will have more impact. If the legal action is initiated by an individual, he or she may not be able to bear the legal costs. It is easier for collectives of workers to seek justice under the Minimum Wages Act. The Labour Department has the mandate to enforce the Act and they can also require companies to issue pay slips and appointment letters, which are the two minimum documents to prove the employee-employer relationship

Terms of employment in the Garment Sector in Tirupur

Knitting is the major activity in Tirupur. There are about 3000 factories, which employ about 150,000 workers directly and another 250,000 workers are in related industries such as printing, dying and packing. A total of 400,000 workers are employed in the garment sector, out of which only about 10,000 are members of unions. Workers are employed as daily wage laborers. For tailoring cutting and packing, the daily wage agreed upon through negotiation is Rs. 136. However, it is only those in unions who are being paid the negotiated wage. Rest of the large majority of workers is paid only Rs. 70 per day. The employers do not hire, as a rule, workers who are union members. Competition leads to reduction of production cost and therefore reducing labour cost by increasing productivity seems to be the only way to cut down the cost of production. A recent trend in Tirupur is that most garment manufacturers are replacing manual labour with more sophisticated machinery to reduce cost of production and increase productivity. At the moment, in Tirupur, only men and women workers who are members of trade unions are active in the struggle to claim labour rights. Organising workers into unions is a daunting task. Modernization in Tirupur in the industrial processes of cutting, packing, processing and bleaching also has affected workers unfavourably. For instance, in cutting, about 360 pieces can be an average worker's productivity whereas the more advanced machines can cut 1500 pieces in the same duration.

- Union Leader from Tirupur

In case of violation of the provisions of the Payment of Gratuity Act, ESI Act or PF Act, a writ petition can be filed in the High Court if the case warrants such action. Prior to such a step the authorities of these statutory bodies may be approached. If these authorities are not responsive, the Labour Court may be approached. The Medical Appellate Tribunal under Labour Department enforces the legal provisions related to disablement. He cautioned that in the Labour Courts matters tend to delay interminably. Wage increase is better achieved through collective bargaining with the employer through trade unions.

The trend in the garment industry shows that termination of workers for various untenable reasons is very high. Even a frivolous reason is enough for employers to terminate workers. As a result, workers are under constant pressure to turn out high productivity in uncongenial circumstances with low returns. Job security for garment workers is very low and they work under constant threat of suspension or termination. If employment is terminated on unfair grounds, workers can file a case against the employer under Criminal Law also.

Mr. Srinivasan emphasized that organizing workers into unions is the only way to prevent victimisation. Constant follow-up on legal process is necessary as it is slow and using different approaches would help in getting justice. He pointed out that although NGOs can help in claiming workers rights, ultimately workers unions themselves should raise their voice for labour rights.

Mr. Srinivasan drew the attention of participants to some of his observations in the course of his experience as an advocate on behalf of workers.

- The rate of success of cases of workers who are terminated is a bear 3-5% in the courts.

- Managements often get vouchers, partially filled and signed by workers, which are later used as evidence for having paid dues.
- Unions should educate workers about their entitlements through awareness programmes. Documents signed by workers without knowledge of its contents can be misused in the court by employers.
- Many a times problems of garment workers are brought to advocates at the terminal state i.e., when they have already been dismissed from their jobs. However, problems related to working conditions are not brought to the court's notice while workers are still in employment.
- Most garment manufacturers follow the policy of "hire and fire" without any concern for the consequences of loss of job for workers.

"Our union has an all India strength of nearly 5,600,000 through our union branch in Tirupur 24 companies have been brought to the discussion table to resolve disputes with workers. Only one dispute remained intractable and had to be taken to court in the recent past. About 500 manufacturing companies in Tirupur have direct contractual relationship with buying companies and most of them pay wages prevalent in the market. However, nearly 2,500 manufacturing units who are sub-contracts do not even pay the minimum wages. We have seen that direct negotiations with the management helps in reaching agreements faster. We have to note that such negotiation is possible only in the case of a few factories where unions are active. The managements are wary of trade unions do their best to discourage unionisation within their premises. This is the most important reason for low labour standards within the sector.

- Mr. T Kaliraj, Hind Mazdoor Sabha

1.2.1. Outcome of the Discussions

Participants felt that workers and organizers should focus on the following areas to improve terms of employment and working conditions of garment workers:

- Collectives of workers must be formed within each factory either as unions or as solidarity groups
- Appointment letters and wage slips must be demanded wherever possible.
- Charters of demands must be framed and managements must be urged to accept that.
- Unions and NGOs must conduct awareness programmes on workers entitlements like provident fund, overtime wages etc.

1.2.2. Additional Comments

- o Workers must be realistic in their expectations from the government machinery. Government departments take time to work on complaints and they have to be pursued incessantly. Results will be forthcoming in due course of time.
- o If the unions and NGOs work together workers problems can be addressed more effectively.
- o There must be some degree of cohesion between the Labour Department and the Women's Commission to address problems of women workers.
- o Very few factories have set up complaints committees in their premises to deal with sexual harassment complaints.

- As regards the sexual harassment complaints committees, the Labour Department has an obligation to provide safe environment for women workers within the factories and the department too must encourage formation of such committees.
- The Labour Department should have a complaints cell exclusively to cater to issues of women workers.
- Lobby must be strengthened in cooperation with unions and NGOs to get fresh legislations promulgated in the interest of labour.
- Media exposure of the problems of garment workers is necessary to build public support for their issues.
- As far as possible, negotiation must be the approach to settlement of disputes and litigation must only be a final option.

The organizers thanked Mr. Srinivasan for sharing information, knowledge and experiences related to terms of employment and for moderating the discussions.

I.3. Session 2: Safety and Health Issues (Talks and Sharing by Workers)

Moderator: Dr. Bobby Joseph, Associate Professor, Department of Community Health, St. John's Medical College, Bangalore

Dr. Bobby Joseph moderated this session and also shared knowledge of occupational health problems faced by the garment workers. He said that St. John's Medical College worked with ten garment factories in Bangalore helping them improve safety and health conditions. He said that head-ache, ache in the leg, particularly in the feet because of constant pedaling and back pain were commonly reported cases. He stressed that the management should be made aware of the fact that more rest and better working conditions would increase the productivity of workers.

Dr. Bobby Joseph then asked the participants to share their occupational health problems for which he gave remedial suggestions. The initiatives to improve the situation must come from the managements as well as workers and their organisations.

Problems	Remedial Action
Back ache	Demand ergonomically designed chairs. Sit in the right position so that blood flows to the brain – sit straight, and the back rest should touch the lower portion of the spine.
Skin ailments - rashes developed after touching pigments	Use gloves while working. Most employers do not encourage gloves as productivity will reduce (due to the non-deftness of fingers) in which case, use soap and wash the hands regularly every one or two hours. (leather factory workers to go for complete check up every six months as skin allergy reactions is common)
Bleeding is more during menstrual periods or increase in white discharge	The increase in bleeding is not due to working in the garment factory, but most women have it. If white discharge smells, then treatment should be taken immediately through consultation with a Gynecologist
Throat irritation due to inhalation of dust particles	Use kerchief as mask to close mouth and nose if masks are not provided. Knit wear industry is more dust prone as is the cutting section.
Eye strain	Wear glasses, if there are tears. Test eyes once a year.

Piles	Piles are largely due to bad eating practices. One should eat food with more fibre content. Piles do not occur due to long hours of sitting.
Losing hair	Use caps (particularly in leather and wool factories, fungus on the scalp will result in baldness)

After recommending remedial actions to be taken by the garment workers, Dr. Bobby Joseph went on to explain some of the minimum requirements of environmental conditions that a factory should be required to put in place for its workers -

- a) Water to be ensured of good quality
- b) Exhaust pipes for fumes to be dissipated into atmosphere
- c) Sufficient number of clean toilets
- d) Sufficient number of windows/good ventilation
- e) An ambulance room with a nurse and first aid in all factories of/or more than 500.
- f) ESI facility should be used as far as possible
- g) Good chairs with back rest must be demanded
- h) Masks must be made compulsory
- i) Good lighting is necessary to protect eyes

1.3.1. Outcome of the Discussions

Participants were of the unanimous opinion that safety and health conditions in garment factories leave much to be desired. Managements must take much more responsibility for the safety and health issues of workers. The Labour Department, especially inspectorate of factories, needs to be pressurized to follow what is prescribed in the Factories Act diligently.

- The Employees State Insurance (ESI) services need to be improved
- Voluntary codes must be used effectively to improve safety and health conditions.
- Workers must demand crèche within the factory premises if 25 or more women are employed.

1.3.2. Additional Comments

It was reported that 74 employees of a garment factory in Bangalore were admitted in July 2004 to hospitals because of poisoning allegedly after drinking contaminated water. One young woman worker was reported to have died. A fact finding committee has been instituted by the South India Coalition for the Rights of Garment Workers. The Coalition has been approaching authorities to institute a thoroughgoing investigation into the matter and take necessary action.

1.4. Session 3 – Issues of Concern to Women Workers in the Sector (Sharing by Women Workers)

Moderator: Ms. Geeta Menon, Sthree Jagruthi

Ms. Geeta Menon, while moderating the session, said that an increasing number of women are finding employment in the garment industry in the City and in the six or seven manufacturing centers in India. Women workers do not articulate their demands and this helps the manufacturers to maintain low labour standards thereby cutting costs and increasing profits in a highly competitive industry. She also mentioned that the

garment sector has become the second largest employer after agriculture as far as women workers are concerned.

She briefly talked about globalisation and the informalisation and feminization of work. Globalisation is characterized by increased exports and production processes are geared to this end. Casualisation of labour has increased the insecurity of workers. Production processes are changing and production takes place in scattered locations. In their attempt to cut costs, the logic adopted by manufacturing units is that 'if not men, then employ women, and if not women, then employ children'.

The garment industry in India claims that they are exporting large volumes, earning more foreign exchange and are creating more jobs. Working under insecure employment conditions and unsafe environments, women are not allowed to form unions or any other collectives. Women are exploited in both ways – not only as labor but as women as well. Women are denied decent working conditions and stable terms of employment.

Participants shared the issues of women workers in the garment industry from their own experiences and from what they have observed.

- Employers get away with providing bad working conditions as women do not raise their voice.
- Many women are heads of their households as a number of men are unemployed for various reasons.
- Women are torn between their work place and household responsibilities.
- Men are given supervisory positions and women workers have to work as subordinates. Wherever operations on machines are involved, men are preferred and women are assigned manual labour. Even in tailoring, though a large majority of tailors are women, machine maintenance, a more remunerative and technical job is given to male mechanics.

1.4.1. Outcome of the Discussions

- Women workers must form collectives within factories as well as at the industry level.
- Women workers must be helped to build leadership capacities so that they can represent their issues to the management and to authorities.
- Women workers must be involved at a collective dimension in the implement of voluntary codes of conduct in the factories. Collectives of women workers must be involved in monitoring the functioning of the codes and in social auditing.
- Trade unions must play an active role in worker education.
- Women workers organisations must address both labour rights and also women's rights within a human rights framework.
- Trade unions must actively promote union leadership and membership among women.

II. DAY 2

The day began with welcome songs from the participants in Kannada and Tamil.

Two more participants representing Hind Mazdoor Sabha (HMS) Ludhiana unit joined the second day's workshop proceedings. The second day's discussions centered around four agenda points – bargaining and organizing strategies; status of garment industry in Bangalore; voluntary codes of labor standards; action plan for networking and solidarity.

II.1. Session 4: Freedom of Association, Collective Bargaining and Organizing Strategies (Talks and Sharing by Workers, Organizers)

Moderator: Mr. K P Gopinath, CIVIDEP-India, Bangalore

Using a discussion exercise, participants were divided into three groups – one group of trade union leaders and NGO activists and two groups of workers to discuss issues related to collective bargaining and organizing strategies. The following questions were put to the participants for discussion within their groups and to come out with an action plan to guide collective activities in future.

- How to form collectives to exercise the freedom of association? Are workers free to organize within factories?
- What can we do to institutionalize collective bargaining?
- What can participants at this workers exchange programme and the South India Coalition for the Rights of Garment Workers collectively do to assert labour rights of the workers?

Each group discussed the questions above and presented what was felt relevant to their concerns :

Group 1 (Trade union leaders and NGO activists)	Group 2 (Workers)	Group 3 (Workers)
<p>Charter of Demands:</p> <ul style="list-style-type: none"> - Appointment letters - Eight-hour working day - Living wage or at least minimum wage - Stop fudging attendance registers - Adherence to tea and lunch breaks - Compulsory ESI and PF coverage - More attention to occupational health safety measures and general health issues - Adequate medical benefits, regular medical check-up and medical leave - Maternity benefits - Prevention of and punishment for sexual harassment - End discrimination in treatment of men and women workers - Freedom to form unions or other collectives - Stop recruitment of men for higher posts wherever women with suitable education and experience are available - Productivity linked bonus - Involvement of workers in monitoring 	<p>Hurdles to form unions and associations in garment units:</p> <ul style="list-style-type: none"> - Even if two or three people talk casually with each other in the factory, the management tries to break them up - Even if somebody negotiate on behalf of other workers when some issues crop up, those who display leadership will be terminated on some grounds - There is very little time for interactions among workers, which can lead to the formation of associations or unions - Because the supply of labour is very high, managements can resort to termination at will - Payment of salaries on time must be ensured - Unions and NGOs must create awareness of rights among all workers 	<p>Suggestions to help formation of unions:</p> <ul style="list-style-type: none"> - Even a small group of ten workers can form an association which can be converted into a union later on - Workers must not be afraid of losing their jobs. When organising efforts are undertaken at mass level, the industry is compelled to recruit workers even if they are active in unions. - Continuous follow up activities are necessary to strengthen the collectives. - Unions will be able to channelise the grievances of workers and bring them to the attention of the management - Sexual harassment cases can be taken up by the unions and the management will have to take action

health and safety standards - Women working in night shifts must be provided adequate security	- Collective effort to promote unions amongst workers - Even family members must be convinced of the usefulness of unions	- Unions can ensure that legal provisions to protect workers are adhered to within the factory
---	--	--

II.1.1. Outcome of the Discussions

- Action plans to carry forward the process of organising workers must be evolved over a period of time through interactions like the present one.
- Issues of collective bargaining must be identified.
- Trade unions and the South India Coalition must provide a platform for sharing of strategies among workers.

II.1.3. Additional Comments

The history of the formation of workers union in Tirupur was discussed briefly amongst the participants – the struggles, disappointments, and success stories were shared. Several trade unions joined together to form a joint working group and at present seven groups units of the unions are together in this group. All trade unions are working towards implementing minimum wages and other benefits and the battle is still going on. We need to seek ways to strengthen these processes and this workers exchange programme would give a boost to such activities.

II.2. Session 6: Status of Garment Industry in Bangalore (Presentation of salient points in the draft report and discussions)

The South India Coalition for the Rights of Garment Workers had set up various committees to take up specific areas of work related to the labour rights of garment workers and one among them was the study committee. Mohan Mani of the Center for Workers Management and Geeta Menon of Sthree Jagruthi have been active in this committee. The present study sought to understand labour standards in the garment industry in Bangalore. Data collection was done by the constituents of the South India Coalition for the Rights of Garment Workers. An interim report has been prepared and the same was discussed at this session. Among the garment manufacturing units 30 factories situated in Mysore and Hosur Road were selected for the survey. The following are salient points of the interim report:

- For the year 2002, 729 units garment manufacturing units exist in Bangalore out of 788 in the state as per the Labour Department, Karnataka.
- On an average, factories employ 700 workers each.
- The maximum number of workers in one factory is about 4,000
- About 70 per cent of the workforce are women
- A majority of workers are in the age group of 19-35
- In 13 factories out of the sample tailors are paid below the minimum wages
- On an average, a worker pays Rs.750 per month as house rent, which is nearly 1/3rd of the monthly wages

- Dearness Allowance (DA) is merged with the basic salary every year and there is no real increase in minimum wages
- Every week on an average a worker works three to six hours of over time without being paid double the hourly rate as stipulated.
- To avoid payment of gratuity workers are terminated in their fifth year and are reappointed as completion of a continuous service of five years is mandatory to qualify for payment of gratuity.
- Production Supervisors hardly have any managerial experience or qualifications.
- Disciplinary procedures either do not exist or are not adhered to in most factories.
- Occupational health and safety issues are not taken care of adequately
- Lack of avenues for collective bargaining is a key issue
- Sexual harassment at workplace is prevalent.

Participants were of the opinion that the study needs to be further deepened and similar studies must be undertaken in other garment manufacturing centers. Meanwhile, the current report may be circulated by the Coalition as an interim report of the study.

II.3. Session 5 – Voluntary Codes of Labor Standards

Moderator: Ms. Reshmi Sarkar, Advocate, Human Rights Law Network, Bangalore

Ms. Reshmi Sarkar briefly described the various names under which voluntary codes of labor standards are implemented. The most commonly used term, she said, is social auditing. Voluntary codes of labour standards are commonly known as ‘buyers’ inspection’ in the factories. In her opinion, the voluntary codes exist mainly to satisfy consumer movements and the conscious general public, who demand social standards in the countries from which the retailers outsource.

The concept of corporate social responsibility places importance on three aspects, people, profits and protection of environment. She said while buying companies conduct their business and earn profits, they have to ensure that the environment is protected, resources are not overexploited and workers’ rights are respected and their welfare given due consideration.

Multinational companies began to adopt Corporate Social Responsibility (CSR) as public scrutiny into their actions became stronger. Some of the salient elements of the codes of conduct for the apparel industry which is also relevant to the sportswear units are below:

- Freedom of association
- Right to collective bargaining
- No discrimination
- No child labor
- Regulated work hours
- Living wage
- Security of employment
- Health and safety issues

Ms. Reshmi felt optimistic that although social audits have not been very effective international brands will have to eventually negotiate with workers and manufacturing units to discuss labour standards. Social audits, as a tool, would continue to gain relevance. One problem has been that the codes do not specify whether they apply to direct employees, employees of sub-contractors or suppliers. Awareness on voluntary codes of conduct amongst the workers is as essential for them as an understanding of legal provisions related to minimum wages etc. Workers need to cooperate with social audits because at some point action will be initiated in the supply chain. However, workers must attempt to obtain a definite role in the social auditing process.

A case presentation of US Court jurisdictional case in Mexico...

In Dec 1994, 118 women employees of EMOSA, Tijuana in Mexico filed a claim in Los Angeles court against US Parent Company, American United Global/National O-Ring on three counts – sexual harassment, illegal firing, and denial of severance pay. This was the first time that Mexican workers sued a TNC in US courts for violations of Mexican Labor Law. In an unprecedented move, the judge accepted jurisdiction and ordered implementation of basic laws.

- Ms. Reshmi Sarkar, Advocate, Human Rights Law Network, Bangalore

Ms. Reshmi opined that company codes are targeted at individual workers and their welfare and not at collectives, which is another weakness in their approach. Uniformity of codes of conduct should be aimed at and then implementation and monitoring would become more efficient.

II.3.1. Outcomes of the Discussions

Some workers said that they are aware of buyers' inspections. Consultants hired by buyers come to check production facilities. They give instructions to put up windows, provide clean toilets and drinking water. They sometimes also check salary registers and other documents. However, implementation of the voluntary codes is not up to the mark because there is no regular follow up to check whether their suggestions and recommendations have been implemented.

- In many cases the buyers' pay for the social audits and it is only natural that they are more interested in prompt delivery schedules and not so much in maintaining social standards.
- The transparency of social audits is always a question and those who administer the codes need to take concrete measures to improve the situation.
- Voluntary codes of conduct are not enforceable in the court of law. The non-judicial nature of the codes is an inherent weakness.

II.4. Session 7: Conclusion - Ideas for Networking and Solidarity

Participants spoke about their impressions of the workshop and gave various suggestions to carry forward the momentum in organising work created by the workers exchange programme. Most of them commented that it was a unique experience in all their years of being workers and felt that such meetings would help to consolidate the collective

strength of workers. Though workers themselves are primarily responsible for the assertion of their rights the help and assistance of various civil society organisations are necessary to safeguard these rights. This is especially relevant in times when production systems are undergoing rapid change due to the dynamics of the global economy.

It was felt that workers exchange programmes must be a regular feature in organising efforts, especially in the garment sector. Trade unions and NGOs must cooperate in these efforts and a common charter of demand must be drawn up. We have to collectively press towards a Framework Agreement covering the entire sector and guaranteeing minimum labour standards. Initially, workers need to be mobilized in each of the garment manufacturing centers in India. Unions have the capacity to bargain on the basis of industrial laws. NGOs have inherent strength to interact with the community. Hence, these two strengths need to be combined to build a strong organisation force on behalf of the garment workers.

There can be two broad thrust to the organising efforts. One is through campaigning and the other is through bargaining with the industry. The capabilities and expertise required to do these are different and unions, workers themselves and NGOs have to pool their strength to achieve common objectives. Our understanding of the industry itself needs to be deepened. A strong capacity for collective bargaining has to be built up at various levels of worker organisations. Advocacy and lobbying with the government is another area where broad based cooperation needs to be ensured.

However, all these efforts must derive inspiration from grassroots mobilization and worker education. There has to be a special emphasis on organising women workers and developing sensitivity to their special needs as workers and caregivers at home. It is to be noted that the low labour standards in the industry affect women workers far more than men. The double burden of productive work in the industry and reproductive responsibilities at home and in the community make the position of women workers very vulnerable. Organisers must keep this aspect of the lives of women workers in mind in all their mobilising efforts. Unions and NGOs must establish efficient communication systems which must also include workers groups at the grassroots so that organising strategies are shared and solidarity actions take place every time workers' rights are challenged.

III. Day 3: Public Meeting

(The following is a verbatim reproduction of a news report published in **The Hindu**, Bangalore edition, of August 30, 2004)

The Labour Minister, Tanveer Sait, said on Sunday that the Government was working on framing laws to protect the interests of unorganized workers.

Addressing over 500 garment workers at the national workers' exchange programme of the South India Coalition for the Rights of Garment Workers, Mr. Sait assured them of better facilities and strict implementation of welfare measures.

“The Government is not aware of the problems faced by the garment workers as we have not received any official complaints on the issue. This is the first time that workers from this sector have come together to fight for their rights”, he said.

“Now we know that you people have problems relating to health, safety and minimum wages and are exploited. I assure you that the Government will hold talks with manufacturers and make efforts to improve your working conditions”, he said. He assured the workers of setting up women’s cell in the Labour Commissioner’s office to exclusively help solve problems relating to women workers.

Earlier, seven women workers from various garment factories spoke of the problems they faced at workplace. They requested the Minister to initiate measures to give them better facilities. The All India Trade Union Congress State President, M C Narismhan and Hemalatha Mahishi, advocate, appreciated the garment workers’ efforts in organising the programme.

“This is the first time that garment workers have united. When pourakarmikas can come together and fight for minimum wages, why can’t you people do so,” Ms. Hemalatha asked.

Ashim Roy of the Mill Mazdoor Panchayat of Ahmedabad said the national workers exchange programme was a sub-event of the “Play fair at Olympics Campaign” launched globally in the wake of Athens Olympics 2004.

“This programme aims at supporting the empowerment of workers in the sportswear and garment industry and to push local manufacturers and multinational enterprises to improve working conditions.

When Olympics can be of so much importance, why should the Government not improve the working conditions of those who stitch sportswear,” he asked.

Tara, Kannada actress, was present. Workers from throughout India participated in the exchange programme.

There were 780 garment factories and over 3.5 lakh garment workers in the City.

Annex 1

National Workers Exchange Programme - India

Sub-Event of the Play Fair at Olympics Campaign

(27-29, August 2004, Bangalore)

Introduction

Clean Clothes Campaign, Global Unions and Oxfam International along with partner organizations, have launched the 'Play Fair at Olympics Campaign' in January 2004. The Campaign aims to support the empowerment of workers in the sportswear and garment industry and to push multinational manufacturers to improve working conditions in the backdrop of the Athens Olympics 2004 to be held from August 13-29. The CCC together with the Asian Monitoring Resource Center (AMRC) hosted a three-day meeting on the Olympics Campaign in Cambodia between March 25-27, 2004, attended largely by trade unions and NGOs from Asian countries to discuss campaigning strategies in Asia. The meeting discussed strategies and arrived at specific actions mainly under five heads namely, May Day Celebrations, Press Releases, Fashion Shows, Website and Workers Exchange. This programme is being organised in the context of the decisions of the Cambodia meeting and aims to hold a National level workers exchange programme between the 27th and 29th of August 2004 at Bangalore, India. It must be mentioned here that Center for Education and Communication (CEC) and central trade unions have already organised several events in India in support of the Play Fair at Olympic Campaign.

Facilitating Group

The Bangalore groups of the South India Coalition for the Rights of Garment Workers in association with the Coalition members of Tirupur and Chennai would host the event and would seek the cooperation of NGOs and trade unions involved with garment workers. An organising committee has been constituted by the Bangalore groups to steer the programme. Civedep-India, an NGO based in Bangalore and which was represented by its Coordinator at the Cambodia meeting, will function as the Secretariat for the Organising Committee for this programme.

Objective

The programme seeks to empower workers to assert their right to association and right to collective bargaining and also to be involved actively in the improvement of working conditions in the sportswear and garment industry by a sustained exchange of information and solidarity actions. The proposed programme is only the beginning of a series of such workers exchange programmes in the region in support of the Olympic Campaign's long-term objective of demanding improvements during the Athens Olympics and consolidating concrete gains for the workers by the time of Beijing Olympics 2008. Workers and their organizers from garment and sportswear manufacturing centers in India such as Tirupur, Chennai, Bangalore, Ahmedabad and Ludhiana etc. would meet

for three days in Bangalore and exchange information, experiences and organising strategies and also declare solidarity with the Olympics Campaign.

Structure of the Programme

The major elements of the programme are:

- i. Exchange of information about working conditions and wages in the garment and sportswear industry in the respective manufacturing centers.
- ii. Pooling of organizing strategies used by trade unions and NGOs to mobilize workers in each of the centers.
- iii. Sharing of individual and collective experiences of women workers in their struggle to cope with the double responsibilities of industrial worker and home-maker.
- iv. Identifying various multi-stakeholder labour standards monitoring programmes prevalent in the garment industries of these production centers and evolving a collective approach to them in the interest of workers.
- v. Establishing continuous and sustained information exchange systems and solidarity actions in support of each other during negotiation/confrontation with the industry or government agencies.
- vi. Interaction with labour authorities, other government agencies, trade union activists, NGO activists, women's organizations, elected people's representatives and others who are supportive of the rights of garment workers.
- vii. Interaction with media through press conferences to highlight the issues of garment workers in the context of the Athens Olympics and the Play Fair at Olympics Campaign.
- viii. Participation in public programme by the garment workers of Bangalore city in support of their demands and to draw the attention of the public and the media to the labour standards in the garment industry and particularly the pressure on women workers and adopting a joint statement by all participating workers.

Some of the components would be facilitated through indoor meetings of the workers and facilitators where workers from each city would get opportunities to make presentations on the themes. Press conferences would be arranged and individual media persons would interview workers and their collectives for more detailed stories. A public programme of garment workers in Bangalore would culminate in an auditorium-meeting where workers' representatives from all participating centers would speak briefly and a collective joint statement would be adopted on behalf of the entire region and in support of the Play Fair at Olympics campaign.

Output and Conclusion

The concrete outputs of the Workers Exchange programme would be:

- A joint statement by all participating workers and their organizations representing their common demands from the industry and the state and declaring solidarity and support with the Play Fair at Olympics Campaign.

- A plan of action for the continuance of workers exchange programmes in the Country.
- An action plan for establishing continuous and sustained information exchange systems and solidarity actions in support of each other among workers of the country and region.
- A detailed report of the workers exchange programme with evaluation to be circulated among participants and other associates of the Olympics Campaign.

Annex 2

National Workers Exchange Programme

Sub-Event of the 'Play Fair at Olympics Campaign'

A National Gathering of Garments and Sportswear Workers to Highlight Working Conditions in the Sector and Discuss Organising Strategies

(27-29, August 2004, Bangalore)

Organisers: South India Coalition for the Rights of Garment Workers

Venue (Accommodation and Discussion Meetings): SCM House, No. 29, 2nd Cross, CSI Compound, Mission Road, Bangalore – 27, Phone No: 22223761

Venue (Public Meeting on Sunday the 29th, 10.30am to 1.00pm): ADA Rangamandira, J.C.Road, Opposite Ravindra Kalakshetra.

Programme Schedule

Friday the 27th, August 2004

- 10.00am – 11.00am : **Inaugural Session**
Welcome: **Dr. Duarte Barretto**, Fedina, Bangalore
Guest Speakers:
- **Sri. G. Manjunath**, Assistant Labour Commissioner
- **Smt. B. B. Kaveri**, Member Secretary, Karnataka State Commission for Women
Vote of Thanks: **Smt. Sheela Ramanathan**, Advocate, Human Rights Law Network, Bangalore
- 11.15am – 01.00pm : **Session 1** – Terms of Employment (Wages, Overtime, Social Security – Sharing by Workers and Organisers)
Moderator: Sri. A. J. Srinivasan, Advocate
- 02.00pm – 03.45pm : **Session 2** – Safety and Health Issues (Talks and Sharing by Workers)
Moderator: Dr. Bobby Joseph, Associate Professor, Department of Community Health, St. John's Medical College, Bangalore
- 04.00pm – 05.45pm : **Session 3** – Issues of Concern to Women Workers in the Sector (Sharing by Women Workers)
Moderator: Smt. Geeta Menon, Sthree Jagruthi

Saturday the 28th, August 2004

- 9.30am – 11.00am : **Session 4** – Freedom of Association, Collective Bargaining and Organising Strategies (Talks and Sharing by Workers, Organisers)
Moderator: Sri. K P Gopinath, Cividep-India, Bangalore
- 11.15am – 01.00pm : **Session 6** – Status of Garment Industry in Bangalore (Presentation of salient points in the draft report and discussions)
Moderator: Sri. Mohan Mani, Center for Workers Management, Bangalore
- 02.00am – 03.00pm : **Session 5** – Voluntary Codes of Labour Standards
Moderator: Kum. Reshmi Sarkar, Advocate, Human Rights Law Network, Bangalore
- 03:15pm – 04:15pm : **Session 7** – Action Plan for Networking and Solidarity
Moderator: Smt. Sujata Mody, New Trade Union Initiative, Chennai

Public Meeting of Garment Workers

Date and Venue: Sunday the 29th, 10.30am to 1.00pm, ADA Rangamandira, J.C.Road, Opposite Ravindra Kalakshetra.

- 10.30am : Cultural Event by Garment Workers
- 10.50am : Welcome Address
- 11.00am : Statement by Garment Workers
- 11.15am : Address by Guest Speakers
- *Smt. Dr. Hemalatha Mahishi (Advocate, Karnataka High Court)*
- *Sri. V.J.K. Nair (Secretary, CITU, Karnataka)*
- *Sri. Ashim Roy (Mill Mazdoor Panchayat, Ahmedabad)*
- *Kum. Tara (Kannada Film Artiste)*
- 12.00pm : Address by the Chief Guest
- *Sri. Tanveer Sait (Honourable Minister for Labour, Karnataka)*
- 12.15pm : Presidential Address
- *Sri. M. C. Narasimhan (President, AITUC, Karnataka)*
- 12.30pm : Vote of Thanks

Annex 3**List of Participants**

Sl. No.	Name	Organisation
1.	Sanjeev Pathak	Hind Mazdoor Sabha (HMS), Ludhiana, Punjab
2.	Bakshish Singh	- do -
3.	S Rukumani	Marumalarchi Labour Front (MLF), Tirupur, Tamil Nadu
4.	I Selvi	- do -
5.	S Sampath	Center for Indian Trade Unions (CITU), Tirupur
6.	S Mayil Samy	LPF, Tirupur, Tamil Nadu
7.	T Kalliraj	Hind Mazdoor Sabha (HMS), Tirupur, Tamil Nadu
8.	A P Srinivasan	Indian National Trade Union Congress (INTUC), Tirupur, Tamil Nadu
9.	M Durai Samy	ATP Union, Tirupur, Tamil Nadu
10.	P Venkatesan	All India Trade Union Congress (AITUC), Tirupur, Tamil Nadu
11.	G Aiyappan	SAVE, Tirupur, Tamil Nadu
12.	P Savundary	Garment Worker, contact of Resource Institute of Social Education (RISE), Pondicherry
13.	S Selvi	- do -
14.	O Poongodhai	- do -
15.	V Shanthi	- do -
16.	V Suresh	Resource Institute of Social Education (RISE), Pondicherry
17.	N Vaitheeswaran	- do -
18.	M Geetha	- do -
19.	B Parimala Jayanthi	Penn Thozilalargal Sangham, Chennai, Tamil Nadu
20.	B Vennila	- do -
21.	V Menaka	- do -

22.	Glory Vasantha	- do -
23.	Mohsina	Garment worker, contact of Cividep, Bangalore
24.	Mary Violet	
25.	Lakshmi	- do -
26.	Yamuna	- do -
27.	Tulasi	- do -
28.	Soubhagya	- do -
29.	Vedha	- do -
30.	Soumya	- do -
31.	Shantha Lakshmi	- do -
32.	Lalitha	- do -
33.	Asha (Vidya Creations)	- do -
34.	Asha (Kalyani Exports)	- do -
35.	Chandrika	- do -
36.	Neela S R	- do -
37.	Vishalakshi	- do -
38.	Shivamma (Vidya Creations)	- do -
39.	Shivamma (Prakash Garments)	- do -
40.	Ratnamma	- do -
41.	Nagamani	- do -
42.	Sunanda	- do -
43.	Bhuvana	- do -
44.	Shobha	- do -
45.	Jayalakshmi	- do -

46.	Hema	- do -
47.	Sarala	- do -
48.	Saroja	- do -
49.	Mangala	- do -
50.	Sofiya	- do -
51.	Rukmini	- do -
52.	Savithri	- do -
53.	Nazeera Begum	Garment worker, contact of FEDINA and YDF, Bangalore
54.	Mohsin Taj	- do -
55.	Shabeena Taj	- do -
56.	Firdose Begum	- do -
57.	Chandramma	- do -
58.	Asma Taj	- do -
59.	Kareem Khan	FEDINA and YDF, Bangalore
60.	Santosh George	FEDINA, Bangalore
61.	Catherine	FEDINA, Bangalore
62.	Shakuntala	Sthree Jagruthi, Bangalore
63.	Chitra Balakrishnan	Advocate, Bangalore
64.	Anuja Mirchandani	Alternative Law Forum, Bangalore
65.	Mussarath Unnisa	CIVIDEP -India, Bangalore
66.	Jayaram K R	- do -
67.	Mangala Nayak	- do -
68.	Prathibha R	- do -
69.	Usha M V	- do -

70.	Saraswathi S	- do -
71.	Yashodha P H	- do -
Facilitators		
72.	Duarte Barretto	Fedina, Bangalore
73.	G. Manjunath	Asst. Labour Commissioner, Bangalore
74.	B B Kaveri	Member Secretary, Karnataka State Commission for Women
75.	Sheela Ramanathan	Human Rights Law Network, Bangalore
76.	A J Srinivasan	Advocate, Bangalore
77.	Bobby Joseph	Associate Professor, St. John's Medical College, Bangalore
78.	Geeta Menon	Sthree Jagruthi, Bangalore
79.	K P Gopinath	CIVIDEP -India, Bangalore
80.	Reshmi Sarkar	Human Rights Law Network, Bangalore
81.	Mohan Mani	Center for Workers Management, Bangalore
82.	Kasturba (Documentation)	-
83.	Jyothi (Translation)	-
84.	Aroky Das (Translation)	-
Guest Speakers at Public Meeting		
Tanveer Sait		Minister for Labour, Government of Karnataka
M C Narasimhan		President, All India Trade Union Congress (AITUC), Karnataka
V J K Nair		Secretary, Center for Indian Trade Unions (CITU), Karnataka
Hemalatha Mahishi		Advocate, Karnataka High Court
Ashim Roy		Mill Mazdoor Panchayat, Ahmedabad, Gujarat
Tara		Kannada Film Artiste
Note: Nearly 1,000 workers, a large majority of them women, participated in the public meeting on Sunday the 29 th of August 2004, which concluded the National Workers Exchange Programme		