Fast Fashion Labour Disciplining and Violence

in the Readymade Garment Industry in Gurgaon

SUMMARY

LABOURING BODIES & VIOLENCE

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Introduction

A number of studies in recent years have reported disturbingly high levels of violence against women workers in the workplace. A European Economic and Social Committee Report (September 2015, Brussels) claims, that across the world, "35% of women fall victim to direct violence at the workplace, and of these between 40% and 50% are subjected to unwanted sexual advances, physical contact or other forms of sexual harassment." A previous ILO study (2012) on the working and living conditions of garment workers in Cambodia reported high levels of discrimination, harassment and sexual abuse in the factories. Additionally, a report by Sisters for Change (2016) reveals widespread sexual abuse suffered by workers in garment factories in Karnataka, India.

Violence affects women's workforce participation and mobility, undermines their dignity, and negates the formal guarantees of gender equality and citizenship. It also works as a means through which gender inequality in the workplace is produced and reproduced. To enhance women's employment and support women workers' right to employment without violence and with dignity, strong workplace policies are required. The garment sector is pivotal in the development of Asian economies, providing employment to large numbers of women while contributing significantly to the GDP and export revenue. If women workers' safety improves in this leading sector, it will impact a majority of the working women and provide a benchmark for women employed in other sectors.

Locating the Garment Industry in the Nation's Economy

India is one of the leading textiles and apparel manufacturing and exporting countries in the world. It has strong vertical integration with a presence in almost all the sub-sectors of the industry - from raw material, yarn, fibre and fabrics to apparel retail and exports. The apparel sector, also known as the Ready-made Garment (RMG) sector, is the final stage of the textile value chain and the maximum value addition takes place at this stage. India produces both natural and man-made fibre-based textile and apparel. The share of cotton garments in India's apparel exports is higher than that of man-made fibre, 51% and 28% respectively, even as global consumption is shifting towards man-made fibre garments.[1] The textile industry contributes to 7% of industry output in value terms, 2% of India's GDP and to 15% of the country's export earnings. With over 45 million people employed directly, the textile industry is one of the largest sources of employment generation in the country.[2]In the apparel sector, "total employment (as measured by NSS) increased to 99.1 lakh by 2011-12, although the pace of employment growth slowed down after the mid-2000s.

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[1] *LiveMint,* 2019

[2] Government of India, 2018.

By 2011-12, the ratio between factory employment (according to ASI) and total employment (as measured by NSS) rose to 9.3 per cent in the garment industry (up from 5.9 per cent in 2004-05)".[3]

However, the industry is facing some challenges, such as increased competition from Bangladesh and Vietnam, slowdown in some markets that it exports to, and changes in the domestic taxation structure. "India's apparel exports are estimated to de-grow by 4-5% in FY2019, following a similar de-growth of 4% in FY 2018 and modest growth rates of 1% and 3% in FY2016 and FY2017 respectively, according to an ICRA report."[4] Another estimate suggests that "at $16.2 billion in FY19, India's apparel exports fell by 1.2% from FY18, which in turn was 4% lower than the previous year. Even the share of apparel exports in the country's total textile exports has fallen sharply from 51% in FY17 to 45% in FY19."[5]

Photo Courtesy: Anita Yadav

The labour-intensive form of production has made this industry a crucial foreign exchange earner for several developing countries such as Bangladesh, Cambodia, China, India, Indonesia, Pakistan and Vietnam. The post-Fordist regime which has massively restructured the production process, has provided emerging economies a platform to shift from simple export-oriented industrialization to higher value activities in the global production networks (GPNs).[6]

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[3] Thomas and Johny 2018, p.11.

[4] *Economic Times,* 2019. ICRA is an investment Information and credit rating agency.

[5] *LiveMint* 2019.

This form of global integration has unfortunately created a 'race to the bottom', a condition where the workers in the lower echelons of the supply chain suffer and their conditions are made worse by those at the upper, managerial end of the supply chain. In addition, the imbrications of social oppressions based on gender, caste, religion among others, with economic exploitation, becomes worse for workers at the bottom of the supply chain. Gender discrimination, patriarchal structure at the workplace[7], exploitative capitalist or neo-liberal workplace structures[8], *'flexibilization'* of production[9], have led to concentration of female workers in the lowest rung of occupation, especially in several low wages, low skill, export-oriented industries, such as the garment industry.

The clusters of Gurgaon, Bangalore, and Tirupur are the three main production centres in the Indian garment value chain. As of November 2012, "these three industrial centres together accounted for nearly 55% to 60% of the total ready-made garment exports from India."[10]

But the gender composition across the three clusters varies, with a clear north-south divide. While in Bangalore and Tirupur female workers comprise nearly 80-90% of the workforce, in Gurgaon they barely comprise 15-20% of the workforce, although it is rising.

Human rights and labour abuses are prevalent across the global garment supply chain as is gender-based violence. Several studies[11] have documented the many kinds of violence and harassment common in garment factories, ranging from shouting, verbal abuse and humiliation, hitting, hair pulling or ridiculing a worker with offensive sexual remarks, to more extreme forms of sexual violence. Women are disproportionately affected by violence and harassment and the perpetrators of violence are almost always male (supervisors, managers, line in-charge, co-workers etc.). Human Rights Watch (2019a) argues that "brands' poor sourcing and purchasing practices are a significant cause for rampant labour abuses in apparel factories, undercutting efforts to hold suppliers accountable for their abusive practices."

Currently, the scale and nature of gender-based violence at the workplace is fairly well known; as is knowledge of the lack of redressal at all levels – from governments to brands to factory management. Social audits and voluntary codes of conduct have proven to be ineffective in capturing and addressing gender-based violence in the global garment supply chain.[12] It is thus important to understand the nature of this impunity, what shapes and sustains it, to address the prevalence of violence, especially gender-based violence, in the world of garment production.

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[6] Jha and Chakraborty 2014.

[7] Siddiqi 2006.

[8] Jekins 2004.

[9] Holstrom 1993.

[10] SLD 2013.

[11] Fair Wear Foundation (2016, 2019), Human Rights Watch, Sisters for Change (2016), PUDR et al (2016), various Asia Floor Wage Alliance reports between 2016-19.

Research Objectives

This research focuses on understanding the routinization of impunity at workplace and impact of cultural and social norms and practices in shaping impunity, including mechanisms of transmission of impunity from family and community to the workplace. Kalpana Kannabiran rightly highlighted that impunity in the world of work is hard to track except with regard to formal law.[13] Tracking impunity is made even harder according to Sujata Gothoskar, because certain forms of violence and discrimination are recognized and acknowledged in law, while some, such as bullying, are not.[14]Vaibhav Raaj[15] underscored the fact that migrant women, who are brought to places of work by agents and subagents, find it hard to hold these same recruiters accountable as they tend to be from the same communities as these women, thus being embedded in extended kinship networks. Kinship and community norms of patriarchy are sustained in the workplace through these kinship-based recruitment practices.

In addition, attitudes of family, community and society, in general, toward working women also shape the culture of violence and impunity. In the words of Kannabiran and Menon (2007) the 'interlocking of public and private patriarchies means that women experience linked or connected forms of violence that extend from the home to the street and on to the battlefield."[16] It starts with the families' strict policing of women's mobility and sexuality and the practice of early arranged marriages which when "coupled with women's economic dependence, more or less guarantees their submission to routinized, everyday violence in the home".[17]Kannabiran and Menon argue that the normalization of violence and systemic cruelty within families is the bedrock on which violence and impunity within families and communities operates. Articulating the internalization of this violence and the forbearance required to bear it, one of the respondents said that this is the tax that women have to pay for being present on this earth ("*dharti par aurat hone ka tax hai ye"*). Sexual abuse within families, son preference, 'honour' killings, dowry deaths and caste panchayat[18] sanctioned violence blur the distinction between private and public, family and community and "strengthen the power of class, caste and community patriarchies and sanction the use of violence in their service."[19] Kannabiran and Menon further demonstrate that the public sphere too mirrors the unequal gender relations of the domestic sphere and the state acquires patriarchal privilege through inaction and non-interference in the 'private' domain of the family and the domestic sphere. Impunity stems from this power to arrogate to themselves the power of being above the law in various degrees. Thus social groups and communities, state agents and custodial institutions, caste groups, and also agents of employers (we would add) have accreted to themselves 'habits of impunity'[20] that various peoples and mass movements continue to struggle against (such as the feminists, labour movement, *dalits, adivasi*, religious minorities' groups). It is with this preliminary understanding that this research attempted to understand impunity at the workplace (especially a factory shopfloor where caste, gender, impunity, labour disciplining system coalesce) and impact women's experience of work and violence.

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[12] Human Rights Watch 2018.

[13] Kalpana Kannabiran, Project Workshop, 23-24 October 2017, New Delhi.

[14] Sujata Gothoskar, Project Workshop, 23-24 October 2017, New Delhi.

[15] Vaibhav Raaj, Project Workshop, 23-24 October 2017, New Delhi.

[16] Kannabiran & Menon 2007, p. 23.

[17] *Ibid*, p. 24.

[18] Panchayat is a village level council, so a caste panchayat is a caste-based council at the village level.

Mezzadri (2017) characterizes garment production as a sweatshop regime to highlight the link between the physical and social materiality and to "capture the process through which the garment industry has been able, across time and space, to always reconstitute itself as a realm of harsh labour conditions and relations", a regime in which "systematic processes of depletion of the labouring body are even too visible".[21] An oft-heard lament has been that nothing seems to change in the system of garment production and the kinds of violence and oppression it engenders.

The key may lie as Mezzadri points out in the "broader networks of oppression that exceed (or pre-exist) the constitution of 'labour' and 'labouring' in the sweatshop and that strongly shape them at the same time. …Strongly shaped by social structures, divisions and differences, these networks are mediators of processes of class formation as well as constitutive elements of processes of accumulation."[22] A point also made in other classic studies such as Karin Kapadia (1995), Maria Mies (1982) to name a few.

An insight from Jenkins (2012)[23] is also extremely relevant in understanding women workers' perceptions and fears, especially those coming from the 'field to the factory'. Their "social conditioning is highly relevant to their fear of 'organisation' writes Jenkins, and for the women concerned, there are multiple layers of risk and disadvantage to contend with, beginning with their status on entry to factory work."[24] She correctly identifies that "first generation female rural migrant garment workers…have expectations built around 'feudal-style', gender-based norms of duty, deference and obligation and have most likely been subject to the 'multiple social and gender discriminations' typically associated with the low socio-economic status afforded to women in the poorer sectors of Indian society".[25] In addition, though "wages in the garment sector are low, and effectively below subsistence level, they are better than what women could earn in agriculture or elsewhere in the informal sector. In conditions of poverty, small houses, overcrowding and tensions over having enough food, there is a great deal of inter-marriage conflict, associated with a high incidence of domestic violence as well as desertion of women with children."[26] Several of our informants fit this picture.

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[19] Kannabiran& Menon 2007, p. 26.

[20] *Ibid.,*p. 35.

[21] Mezzadri 2017, p. 3 & 7.

[22] *Ibid.*, p. 3.

[23] Jenkins 2012.

[24] *Ibid.,* p. 5.

Mezzadri's point is also well taken and in fact informs our own understanding of how the continuum of violence, oppression and exploitation shapes the lives of workers,

> …one cannot understand the hardship of India's garment proletariat without considering the garments they produce and the entire set of relations of exploitation, commodification and oppression moulding the sweatshop, as they cross India's factories, workshops and homes, industrial colonies, slums and villages. (5)

The context for focusing on impunity in the workplace was to understand 'workplace violence' from the perspective and experiences of female (and male) respondents in the context of barriers to women's employment as these barriers are shaped by not just economic factors but also social, cultural practices and multiple forms of inequalities. As Mezzadri (2017) points out, integration within the global commodity chain "has not attenuated the social regulation of the workforce; rather, it has placed a further premium on it, as a way to boost India's competitive edge in the global economy, and reinforce its comparative advantage in multiple, distinct forms of cheap labour."[27] Our field research reveals a complex interplay between various axes of vulnerability (anchored in different forms of dispossession, migration, social identities, social relations and social oppressions), and the ability of workers, especially female workers, to withstand or resist in various ways the multiple forms of violence they encounter across the continuum of home, commute and workplace.

We were interested in examining factors that enable or prevent women from accessing paid employment outside or within homes; how does violence and its stigma as well as structural vulnerabilities shape women's decisions or choices of employment and their incorporation into global production networks; and linkages, if any, between nature of work and sexual harassment and/or violence at workplace. What are the factors that make women more susceptible to sexual harassment and/or violence (age, marital status, ability, community, migrant status etc.)? Are there linkages between workplace violence (especially sexual harassment and/or violence) and other sites and forms of violence against women (domestic violence, intimate-partner violence or sexual harassment at public spaces)? How does each site of violence and the violence it creates and/or promotes affect a woman’s ability to negotiate through the other spaces?

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[25] *Ibid.,* p. 6.

[26] *Ibid.,* p. 5.

[27] Mezzadri 2017, p. 38.

Research Overview

Sources of Data

To obtain information, both primary sources and secondary data were used with a focus on primary qualitative data to better understand the *experience* of violence and the imbrications of violence across different spaces occupied by the female worker – home, community, public spaces, workspaces. Semi-structured individual interviews were conducted with the workers at a site that they were comfortable with. These included their homes; a temporary field office established for the few months of field work in one of the working-class colonies at Kapasedha border where many garment workers live; at homes of neighbours, at labour chowks (labour markets located at street corners) ; at a local temple. It is important to note that many of the public sites such as labour chowks and temples were chosen by some of the workers because a meeting with strangers could be camouflaged in case their male family members or neighbours happened to spot them. The longer case-study interviews were primarily conducted in the worker's homes as they worked or rested (in the case of one worker who was also a victim of severe domestic abuse). Several times, if male members (husbands, teenage sons) happened to come home while the interview was being conducted, they would interrupt the interview and sometimes even ask the researcher to leave, while reprimanding the wife/mother for talking to strangers, or they would sit in the same room and answer for the woman.
In such cases, the researchers would diplomatically stop the interview and return on another day when it was ascertained that the interviewee would be alone. Case-study interviews had to be conducted over a couple sessions for these reasons.

Secondary information was obtained from a review of existing literature.

Interviews were conducted with utmost attention to security and confidentiality. Researchers conducted the initial data collection by first seeking consent from the respondents. Most respondents were wary of signing consent forms, in which case their verbal consent was noted by the researchers. If the respondent agreed to an audio recording, their verbal consent was first recorded, and then the interview was conducted. Otherwise, the researchers made notes only with pen on paper. There was no use of video recordings. In both cases, researchers typed up detailed notes of the interviews. Transcriptions were done only for some case-studies.

Methodology

For this research, mixed qualitative research methodology was used. Four techniques were deployed to collect qualitative data - individual interviews with workers (female and male), community members and other stakeholders; FGDs (focus group discussions) with workers (female and male), community members and other stakeholders; short questionnaire survey with female workers; and case-studies with women workers.

Short surveys were useful in getting a broad overview of the working women's lives and experiences with violence in various spheres of their lives. Qualitative methods such as, semi-structured interviews, focus group discussions and case studies were used to understand in greater depth the intensity, implications and real life experiences of the workers as well as their own understanding of their experiences.

Three areas were chosen for fieldwork of the research –(1) Gurgaon (2) Manesar Industrial area, also known as IMT Manesar. (3) Working class neighbourhoods around these two areas.

200 stakeholders were contacted. 108 semi-structured interviews were conducted which included 76 workers (45 female; 31 male). Of these 68 were garment workers (37 female; 31 male) and 8 were workers in other sectors (all female). 10 FGDs were conducted with 64 respondents (38 female, 24 male) which included 44 workers (25 female; 19 male) and 18 other stakeholders (13 female, 5 male). 30 female workers were contacted via short surveys.

Workers were interviewed from across ten garment factory departments (of which 4 were all male departments). In addition, fabricators; skill centres proprietors; subcontractors; home based workers were interviewed.

Site Selection - Areas of field work

Within the Gurgaon-Manesar industrial belt there are 3 clusters of factories, at Udyog Vihar (at the Haryana-Delhi border), Khandsa road (in Gurgaon town) and IMT Manesar (an integrated manufacturing township in Gurgaon district, about 25 kms from Gurgaon town on the national highway that cuts through Gurgaon district). Interviews were spread across these 3 locations and their surrounding areas and villages where workers live: Udyog Vihar – villages of Kapasheda, Dundahera and Mullahera; Manesar – villages of Navada, Naharpur, Bassgaon, Bhangrola, Kakrola, Aliyar, Kasan and Khogaon. We focused only on workers from companies manufacturing for the export market since it is understood that working conditions and salaries would be better in these production units as compared to units that cater to the domestic market. In addition, it was also our understanding that integration of export production units in the garment global supply chain results in pressures transmitted to the production system, the shopfloor, the labour disciplining systems, wages and working conditions and its relationship to violence as a disciplining mechanism – all of which need to be understood.

In addition, interviews were also conducted with fabricators, subcontractors, daily wage workers and home-based workers. Most of the older workers were migrants from Uttar Pradesh and Bihar, while the newer migrants are from Bengal, Orissa, Madhya Pradesh, Himachal Pradesh, and the Northeast indicating a widening of the migration stream.

Respondents

The study utilized a purposive network and snowball sampling to identify respondents. Key interviewees were identified and recruited through the following mechanisms:

1. Informal discussions with community members living in areas where garment workers were known to live;
2. Informal discussions at labour chowks, areas where workers and subcontractors congregated in mornings and evenings;
3. Informal discussions in the industrial areas where garment factories are located, with workers as they left the factories after their shift to walk home;
4. Snowball sampling, which occurred if a key informant recommended interviewing other individuals as part of the study. If a key informant shared possible subjects to include in the research, the researchers would then include the prospective individual on a list of individuals to approach for a potential interview;
5. Contacts given by local unions, NGOs or grass roots women’s organizations.

Table 1: Sampling Structure

Gurgaon-Manesar Industrial Area *Focus:* How impunity is shaped on the shopfloor; impact of cultural and social norms and practices in shaping impunity.	**108 semi-structured interviews:** **76 workers** (45 female; 31 male) • 68 garment workers (37 female; 31 male) • • 8 workers in other sectors (all female) **Other stakeholders: 32** (16 female, 16 male)	**10 FGDs:** **64 respondents** (38 female, 24 male) – • 44 workers (25 female; 19 male) • 18 other stakeholders (13 female, 5 male)	**30 surveys :** All females	**200 :** **Industry 165** 150 workers (95 female; 55 male) Fabricators 3; Skill Centres 4; Subcontractors 3; male guards:5; **Others stakeholders: 35** govt officials 9; company officials 2; industry official 1; NGO 5; INGO 2; women’s org 3; community radio 2; community women: 11;

Categories of workers interviewed

150 workers (95 female, 55 male), 3 fabricators, 3 subcontractors, 4 skill centre proprietors, and 5 male guards were interviewed. Female workers were concentrated in only three departments - handwork, thread-cutting and machine operations/tailoring. A couple female checkers were also interviewed. Male workers were mainly machine operators/tailors including some master

tailors, 2-3 helpers, pressmen, quality control and quality assessment, supervisors, floor in-charge, one fusing operator.

Some female workers had quit the garment industry and switched to other work but were willing to share their experience. Some female sub-contractors were also interviewed. Among male workers, interviews were done across departments such as sampling, quality control, production, washing, press, cutting, fusing, packaging, and designations such as supervisors, masters, line-in-charge, quality checker, pressman, sampling master. Some fabricators and contractors for home based work were also interviewed to understand the reach of the supply chain into smaller fabrication units and home based work.

Key findings

The research in India focused on understanding how impunity is shaped on the shopfloor and how community cultural norms influence gender interactions on the shopfloor as well as the construction of a gendered labour disciplinary system in the factory, given that recruitment is kinship based and supervisors are often from similar backgrounds and geographical locations as the workers themselves.

Home and community:

- Gender norms, stereotypes and patriarchal cultures shaped women's experiences particularly with respect to waged work.
- Several women interviewed faced some level of domestic violence – due to a variety of factors such as alcoholic and abusive spouses, suspicions because women stepped outside homes to work, perceived neglect of domestic work due to long working hours and overtime.
- Other restrictions that women faced included restriction on use of mobile phones – phones were owned/used only by male members (husbands and sons), restriction on talking to 'strangers' including the researchers who went to interview them, restriction on mobility outside the home.
- Victims of domestic violence were often derided and isolated by other family members and neighbours, many of whom were also women.
- Caste equations influenced access to housing and toilets. In one instance, a tiny number of upper caste families had reserved the use of 1 toilet for themselves while leaving only 2 toilets to be shared by the rest of the nearly 20 families on the pretext that "those *Biharis* are dirty and can't keep toilets clean" with *Bihari* indexing the darker skin colour and caste location of other families living in the same housing tenement.
- Migrant status of most workers and their families put them at a disadvantage which was then mitigated or aggravated to some extent by caste, social status and gender.

Being migrant, female and of a lower caste or Muslim religion, often placed them at the bottom of the privilege pyramid; making them most vulnerable and most unable to speak up or fight back.

- In north India, work in the garment industry continues to have some lingering stigma attached to it. There is an assumption the permeates the community and hangs in the air invisibly that women working in garment factories don't engage in 'honourable' work, but do 'other' work in the garb of a garment job. Some workers were immune to it, others commented that they would not let their daughters or wives work in the garment factories both due to the stigma as well as due to the harassment, especially sexual harassment, which women workers face in the factories.
- *Majboori* (compulsion) was voiced by several women as the reason they stepped out of their homes to work in the first place and therefore it was a *majboori* to bear with some amount of violence and harassment in order to earn a livelihood.
- On the other hand, some women did not disguise the pleasure they get from going out to work, they shared that they like going to work, don't like sitting at home, feel bored and stuck at home.
- Patriarchy and resistance was noted – some women reported not being allowed to work full-time by their husbands who want their wives to be home to serve them lunch or go to work only on some days and not others. A woman, who had gotten married young, did not get along with her husband and would actively seek daily wage labour on the days her husband was home. Several women workers shared that they had to seek *permission* from their male family members (fathers, husbands, in-laws) in order to step out of their homes to work. Some shared that it took months of persuasion before they were granted permission. But this was *a double-e*dged sword, since any 'slip-up' in domestic chores would result in abuse and taunts asking the woman to stop working for a wage and concentrate on her 'real' work which was to take care of the household.
- Given the general taboo against women's waged work outside the home that permeates North Indian culture, many women had to hide their working status from the extended family that resided in the village from where they had migrated. On days there was a family member or acquaintance visiting from the village, the woman had to stay at home in order not to reveal that she was a working woman. Sometimes this led to women losing their jobs due to absence from the factory; adding to their precarity and vulnerability.
- Women also shared that their personal and social relations were often strained due to lack of time, anxiety, health problems due to overwork and stress.

Perceived identities and entering the job market:

- Sexualization of recruitment at the labour chowk[28]); younger women are preferred; women who dress up and apply make-up are preferred; older more experienced women barely get any work. Male co-workers endorse that young women are preferred "as they are fast and efficient".
- Several women left work as they got older as there was no scope for promotion, no matter how educated or skilled they were. Almost no opportunity of promotion in the same company for the women working.
- Gender, regional and caste biases are rampant among co-workers.
- Rhetoric of policing of women's sexuality is rampant along with referring to a woman as a prostitute by other workers if she takes up work at below market rate at the labour chowk. The use of the word prostitute is derogatory to both occupations and hence it is used.

Understanding workspaces and shaping of impunity on the shopfloor:

- Women workers are concentrated in only 3 out of 65 tasks identified in an RMG factory.
- Skill centres are a source of training and placement of workers in factories. Their network/reach is through masters and line-in-charge who take care of the workers placed via their network and shepherd them through the initial hiccups and thereafter as well.
- Multiple exclusionary mechanisms are used on the shopfloor to isolate assertive women workers who speak up for their rights or against violations of any kind – hazing, boycotting, humiliation, withdrawal from employment – general and sexualized, are some tactics.
- Male domination is asserted by co-workers, supervisors, masters, line-in-charge, managers with a sense of power and mastery and familial and cultural linkages bring patriarchal values onto the shopfloor.
- Sexualized labour strategies to survive substandard wages of paid employment.
- Gendered construction of the workplace and only few 'lighter' tasks are fit for women. Women themselves believe or are made to believe 'work that requires lot of brain' or 'knowledge' (of chemicals, for example, for washing) should be done by men.
- A factory owner even justified this by saying that we are doing this to take care of our female workers as we know they have to go home and work again on domestic and household chores.

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[28] Labour chowk is a street corner which turns into a labour recruitment zone for a few hours a day to recruit daily wage workers or temporary workers.

Recommendations

It is well known that the agency of workers and their unions (where they exist) are deeply constrained because of the power of companies, even as we acknowledge that the power of manufacturing companies in global production networks is constrained due to the power of the brands and retailers. However addressing local institutional and regulatory conditions to support the agency and voice of workers and their unions would be a good starting point to address the iniquitous power balance.

Our main recommendation is that both government and industry should act with urgency to ensure formalization of recruitment and employment contract. Secondly, both industry and government should ensure that there is zero-tolerance of all abuse, bullying, intimidation and predatory practices that create an environment of fear in the workplace. Thirdly, both industry and government should encourage union formation instead of attacking the right to freedom of association and collective bargaining. All other recommendations will fail to improve the condition of workers unless grounded in these fundamental rights.

Garment Sector Employers and Industry Associations

- ***Formal mechanisms:*** Create formal channels of recruitment and ensure that workers have formal employment contracts, decent wages, no age or gender discrimination (or any kind of discrimination for that matter) and where workers are continually trained for skilling up.

  There is anecdotal evidence from factories that in the aftermath of sexual harassment complaints, they were forced by brands to organize workshops to make workers aware of their rights and how to access the various grievance redressal mechanisms in the factory – women from these factories reported a change in their self-perception. Once they started seeing themselves as rights-bearing workers/persons, not only were they more confident and assertive in the workplace but also in public spaces and at home. Such initiatives need to be replicated and scaled-up, even supported by the local and national industry federations and the apparel export council.
- ***Right to Unions and Collective Bargaining:*** Encourage and respect the right to freedom of association and collective bargaining.
- ***Right to work environments free of sexual violence/harassment:*** Make sincere efforts to create a safe and non-hostile working environment by making all sexually-laced comments, jokes, and innuendos immediately punishable at all levels – from recruiters and co-workers to top management.
- Implement the sexual harassment and labour laws meaningfully and not superficially.

  There is already evidence of this from one of factories of the top exporting firm in India where women workers say that because the management does not tolerate 'any loose talk' and takes action immediately, they feel safe and enjoy their work. However, the same firm does not follow the same system in all the factories it owns where workers complained of violence and *rampant sexual harassment, extreme stress and unhappiness. Rather than having one show-case factory that is compliant with all laws, employers should ensure that all their units/factories are compliant.*

- ***Training and skill based development toward promotions:*** Out of 65 tasks that we mapped in a garment factory in North India, women are employed in only 3 – thread cutting, handwork (like embroidery etc) and machine operators (tailors). While the first two which are lower paying jobs, employing 99.9% women, the tailoring department which pays a little more, employed only 15-25% women and all the supervisors and managers were male. This means that the incorporation of women continues to be at the lowest rungs and lowest paying jobs even though women are increasingly coming out to work. Businesses and governments will have to step up to do their bit to support the women, through training and skill development of the women workers and ensuring they move up the jobs and supply chain.
- Hire more women and promote them to supervisory positions. Several companies that worked with organizations like the Fair Wear Foundation and Cividep in Bangalore to train women workers as supervisors, saw nearly 75% of these women workers get promoted with an average salary hike of 30-50%, with one of the top exporters reporting that promotions resulted in higher self-regard, which increased the women workers'/supervisors' productivity and efficiency by up to 50%.

  A surprising consequence of increased recruitment of women in nearby factories was reported in one location which is a newer industrial area, where the local community women shared that because of the increasing presence of migrant working women in public spaces and the interaction between male and female migrants in public spaces, they experienced a change in the attitudes of their own menfolk and community (who are deeply conservative and patriarchal) towards the women in their families. They felt an easing up of the restrictions on their mobility and interactions with outsiders (non-family members). The women from the community welcomed the presence of migrants which was quite the opposite from the older industrial area 25kms away where the local community was hostile to migrants.
- ***Ensuring safe living and working conditions*****:** Create a robust local grievance redressal system at the factory level along with a brand-level grievance redress mechanism where women workers and union leaders can give confidential feedback or lodge complaints. Invest in workshops and trainings where the workers become aware of these avenues of redress and how to access them.
- Constitute functional Internal Committees (ICs), as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. All workers should be in possession of this IC members' contact number. The ICs must be open to monitoring/auditing, as the case may be, by the relevant State authority, unions and buyers.
- No restrictions on mobility of workers, especially women workers, during breaks and in hostels.

Buyers (International Brands and Retailers)

- Make the supply chain public and transparent.
- Fast Fashion and onerous contracts with supply companies are the main cause of high, unachievable targets which in turn, is a core reason for violence on the shopfloor. The industry as a whole, led by key brands and retailers should review its purchasing practices and make public, a plan to transition into ethical buying practices.
- Encourage right to freedom of association and collective bargaining. The best auditing tools are unions.
- Third party audits are unable to detect non-compliance with labour standards and especially unable to detect violence at the workplace. Brands should require auditing to include off-site worker interviews, so that workers can speak freely without fear for reprisals. Audits of hostels and recruitment chains should be included. Audit findings, corrective actions and timeframe should be made public.
- Brands should develop standards for hostels that apply to all suppliers in India. These standards should at the very minimum meet the standards contained in the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014 and be part of the brands' Code of Conduct.
- Brands should engage with stakeholders and attempt to establish a Delhi NCR or North India Garment Round Table along the lines of the Bangalore Garment Round Table which is considered a good practice within the industry, as it facilitates dialogue between employers and workers' representatives.
- Encourage supplier companies to pro-actively adhere to the standards of the recently adopted ILO Convention 190 and Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (2019) even if the government of the supplier country is yet to align domestic laws with the Convention.
- Support the establishment of a binding *United Nations Treaty on Business and Human Rights* that requires businesses to adopt and apply human rights due diligence policies and procedures; has a strong focus on access to effective judicial recourse for victims of human rights violations; and a basis for "parent-based extraterritorial jurisdiction", which will allow workers to have access to justice in the home countries of multinational companies.

Government

- Create formal channels of recruitment and ensure that workers have formal employment contracts, decent wages, no age or gender discrimination (or any kind of discrimination for that matter) and where workers are continually trained.
- Encourage formation of unions either at factory level or sectoral level and expedite registration of unions once applications are submitted. Unions provide the best social audit and monitoring service.

Voluntary codes of conduct and third party social audits are ineffective, as shown by a recent Human Rights Watch survey and report. In addition, the strength and confidence that women gain from working in groups, sharing comradeship and friendships and learning to recognize themselves as rights bearing citizens/persons, has far reaching benefits for their dignity, safety and security as well as economic empowerment. Focusing on economic empowerment in isolation has proven to be ineffective.

- Exempt garment factories from the ease-of-doing business inspired transparent inspection policies and reinstate mandatory and regular inspections by the labour department.
- Make it mandatory for skill development agencies to register long-distance migrant garment workers with the labour departments in both the state of origin and destination in compliance with the Inter-State Migrant Workmen Act, 1979; and allocate labour department staff to monitor the labour conditions of these migrants at both the workplace and in hostels.
- Build and operate working women's hostels in industrial areas so that women have safe and affordable housing options as per the 2015 Vision, Strategy and Action Plan of the Ministry of Textiles.[29]In addition, formulate guidelines for hostels that regulate the living conditions in hostels and guarantees freedom of movement, along the lines of the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.
- Increase investment in safe, reliable and affordable transportation in industrial areas.
- Ensure that pathways leading from industrial areas to housing colonies are well-lit and not isolated. Invest in police patrolling (that should include women police officers too) to ensure safety of women workers.
- Improve the functioning and monitoring of the Local Committees that are supposed to function under the Prevention of Sexual Harassment law.
- Local government should partner with local industry associations and community based organizations to organize training camps in working class colonies to educate workers about their rights, especially the sexual harassment law and the grievance redressal provisions at factory and district level.
- Paid leave has been sanctioned for government employees by the national government, should an employee require leave to deal with violence or sexual harassment at the workplace. Similar leave should be legislated and extended to women in the private sector too.
- In the post-Covid 19 pandemic world, the Central and State governments should consult with industry and worker/union representatives to formulate and implement policies to ensure that the chaos and destruction of health and livelihoods of 2020 is avoided in the future, especially since global health experts are predicting the emergence of several pandemics in the times to come.

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[29] Government of India, 2015, pp. 10-11.

Trade Unions

- Trade unions must insist on a zero-tolerance policy towards abuse, bullying and intimidation, sexual harassment and violence at the workplace in order to build a dignified and non-hostile workplace.
- Implement a strategy to map commonly used sexually laced words and phrases in garment factories and negotiate with company management to prohibit use of the same in their premises.
- Trade unions must innovate strategies to have hostile workplaces recognized as unfair labour practice under the industrial relations code of the country.
- Trade unions need to be creative in order to organize garment workers all along the supply chain, down to the last homebased worker, while recognizing the precarious nature of employment as well as the fact that industry and government are hostile to union formation or collective bargaining in general, especially in this sector.
- Trade unions should be at the forefront of addressing issues of skill development, occupation and wage discrimination in the garment industry, ensuring equal wage for equal value of work, leadership training and promotion for higher waged tasks as well as supervisory roles for women garment workers, and the provision of reproductive healthcare and childcare.
- Trade unions should be at the forefront and undertake cultural campaigns so that the working men recognize women's unpaid work and participate in the struggle for socialization of domestic work and enable participation of the women of their families in trade union activities.
- Trade unions should focus on increasing women's participation in unions, especially leadership within trade unions.
- Trade unions can innovate by ensuring that not just economic rights, but workers' families and their rights are also part of the trade union mandate and action, including alcoholism and domestic violence.
- Trade unions must advocate with the governments and industry to address the challenges of migrant workers, who form the bulk of the labour force in the garment industry.
- In the post-Covid 19 pandemic world, trade unions must engage with industry and government to advocate policies which ensure that the chaos and destruction of health and livelihoods of 2020 is avoided in the future, especially since global health experts are predicting the emergence of several pandemics in the times to come.

Conclusion

The findings of this report focused on understanding how impunity is shaped on the shopfloor.

It also focuses on how community cultural norms influence gender interactions on the shopfloor and the construction of a gendered labour disciplinary system in the factory because recruitment is kinship based and supervisors are often from similar backgrounds and geographical locations as the workers themselves. Social and cultural responses across these spaces normalize everyday violence which in turn shapes the gendered labour disciplinary system on the shopfloor and concomitant impunity of contractors, supervisors and management. Social identities inform the axes of vulnerability and violence that women face in their communities, public spaces and workplaces.

The context for focusing on impunity in the workplace was to understand 'workplace violence' from the perspective and experiences of female (and some male) respondents in the context of barriers to women's employment. These barriers are shaped not just by economic factors but also social and cultural practices and multiple forms of inequalities. Our field research reveals a complex interplay between various axes of vulnerability and inequalities (anchored in different forms of dispossession, migration, social identities, social relations and social oppressions), and the production of 'cheap labour'.

The implicit construction of labour-management relations in the mould of master-slave relations continues to inform managerial imaginations and practices and feeds into the normalization of various kinds of violence at the workplace – from verbal abuse to psychological stress, supposedly to enhance speed of work and worker productivity; viewing payment of wages as an act of charity, rather than a right ; extra-economic coercion in the form of fear of loss of employment; gender or identity based harassment (migrants, minorities) or both in order to keep wages low; high work pressure; and blocking assertion of demands by workers.

Informality of employment, i.e. the practice of not employing a regular workforce (which is given appointment letters with clear terms of employment), is the primary form of economic violence which renders workers vulnerable. Without formal proof of employment, workers are unable to access either their statutory rights or meaningfully resist exploitation.

However, it is also clear, that where company management has the will to implement simple policies of zero-tolerance for loose talk, innuendos, abuse, bullying and intimidation by co-workers, supervisors and managers, and makes adequate and timely payments without a fuss and without workers having to curry favours with contractors/ supervisors/ managers, it results in a dignified, safe, pleasant work environment where workers can concentrate on the job on hand instead of expending energies on fending off unwanted advances, exploitation, humiliation, and stress. Workers gain by engaging in pleasant dignified work and the company gains in productivity and quality that happy workers produce. At one level, it really is that simple!

The question then is – why don't all managements implement these simple policies across their company owned factories? Why does garment manufacturing on slim margins for fast fashion have to rely on extra-economic coercion of various kinds (where caste, gender, impunity, labour disciplining system coalesces) in order for fast turnaround of orders and to extract profit?

Some of the answer surely lies with the predatory procurement practices of brands and retailers located in developed countries that has been the focus of several studies and reports. Another factor is the role of financialization of capitalism and "forms of value extraction based on squeezing labour costs and revenues, [which] exacerbates work insecurity and intensification and strengthens punitive performance regimes".[30] These lines of inquiry were beyond the scope of our field work, but are important for a holistic understanding of the driving forces of fast fashion, labour disciplining, and violence at the workplace.

But some of the answers also lie in the industry's reliance on low and semi-skilled inter-changeable labour without a commitment to building the skills and capacity of the labourforce, where industry exploits pre-existing social structures and systems of social oppressions to enforce a gendered and sexualized labour disciplining system. Some answers also lie with the state and lack of political will to regulate industry and employment relations.

Reliance on 'cheap labour', produced on the basis of economic and extra economic coercion, can be neither a successful industrial strategy nor a strategy of industrialization of a country. This realization and efforts to address it can be a starting point for reducing violence in the world of work.

Therefore we reiterate our main recommendations that both government and industry should – act with urgency to ensure formalization of recruitment and employment contract; ensure that there is zero-tolerance of all abuse, bullying, intimidation and predatory practices that create an environment of fear in the workplace; and, encourage union formation instead of attacking the right to freedom of association and collective bargaining.

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[30] Todd et. al. 2018, p. 8.

LBV

LABOURING BODIES & VIOLENCE

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