



“Unmasking the Unfair Labour Practices in the Indian Garment and Textile Industry”

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I. INTRODUCTION

The Indian Textile and Fashion Industry has witnessed an impressive surge, propelling it to a significant role in the global market. Over time, India's textile and fashion domain has evolved from its traditional and localized origins into a vibrant and influential global entity. The worldwide consumption of clothing has escalated to 80 billion pieces annually, marking a fourfold increase from just two decades ago. Unfortunately, around 85% of these textiles find their way to landfills each year, serving as an indicator of the extensive consumer demand and rapid turnover in trends. In 2014, the average individual purchased clothing exceeding their year 2000 counterparts by 60%; however, the retention period for each clothing item halved. This trend can be largely attributed to the proliferation of fast fashion, micro-trends, and the employment of inexpensive and exploitative labour that facilitates this phenomenon.

The Indian textile sector displays a significant degree of fragmentation, with dominance held by the unorganized segment as well as small and medium enterprises. The unorganized sector, infamous for hiring a substantial portion of India's workforce, exposes these workers to the risks of inadequate wages, absence of employment stability, and exploitation within the workplace.

One of the primary motivations behind fashion companies' eagerness to establish their subsidiaries in countries like Vietnam, India, and Bangladesh stems from the lack of oversight in the actual textile manufacturing process. Many brands deliberately opt for limited control over various stages of the supply chain to prevent exposing themselves to substantial legal liabilities. Brands permit their subsidiaries to operate with minimal regulation as this absolves them of accountability for the unethical methods employed to produce clothing at exceptionally low costs. This paper seeks to unveil the array of unjust labour practices prevalent in the Indian Textile and Garment

Industry while assessing the effectiveness and execution of existing legislations in addressing this issue within the industry.

II. UNFAIR LABOUR PRACTICES: TYPES AND MANIFESTATIONS

Contractual workers in the country are typically individuals who have migrated from impoverished backgrounds and marginalized communities in rural regions. These labourers face frequent violations of their worker rights and endure some of the most degrading working conditions. Due to the lack of proper regulation of their contracts, there exists a sense of job insecurity among contract workers, making it relatively easier for employers to hire and dismiss them. A survey conducted by the International Labour Organization (Dasgupta, 2017) among labourers in the garment industry reveals that more than half of these workers sometimes contemplate or frequently consider leaving their current factory or even exiting the garment sector altogether. The primary reason cited for this inclination is inadequate wages. Other contributing factors encompass demanding production targets, unfavourable working conditions, and strained relationships between management and workers.

Women labourers in India are encountering heightened mistreatment within the workplace due to the behaviours exhibited by global fashion brands during the pandemic. Since the onset of the pandemic, there has been a rise in feelings of fear and mistreatment among women garment workers (Cernansky, 2022). Researchers have linked this increase directly to the amplified pressure that suppliers have been subjected to by brands throughout the Covid-19 pandemic. In one particularly severe incident, Jeyasre Kathiravel, a 20-year-old Dalit garment worker employed by an H&M supplier called Natchi Apparels in Tamil Nadu, was discovered deceased on January 5th in farmland near her residence (Cernansky, 2022). Allegedly, she was killed by her supervisor after



enduring months of sexual harassment and coercion.

Throughout the pandemic, we have observed a general regression in labour rights along the entire garment supply chain. These rights, which were hard-won over decades, have seen a decline in adherence. Women have recounted instances where they were compelled to remain at the factory well into the evening, striving to meet the benchmarks set by global fashion brands. This extended work time kept them away from their domestic obligations, subsequently leading to an increase in incidents of domestic abuse (Thomas, 2023). These women have been compelled to work overtime when their suppliers receive orders that need to be fulfilled, leaving them feeling unable to voice opposition to the brands' demands. This not only jeopardizes workplace safety if workers feel pressured to take shortcuts, but it could also result in them violating lockdown measures. Such violations could render them susceptible to police intervention or harassment and prevent them from returning home in time to attend to their regular household responsibilities. Rarely do these extra efforts result in compensatory increases in income to mitigate the associated risks.

CASE STUDY: TIRUPUR TEXTILE INDUSTRIES

About a decade ago, the proprietors of textile businesses in Coimbatore established the **Sumangali scheme** (Veeravalli, 2010). This initiative is said to appeal particularly to girls aged 16 to 20, particularly those from underprivileged backgrounds who are unmarried. Under this scheme, girls are offered a contract of at least three years and are assured a fixed payment of Rs 30,000 to 50,000 upon fulfilling the contract term. Upon finishing a 3-month training, the contract commences. The rationale for enlisting young women is their obedience, minimal labour-related issues, and strong commitment to their tasks. These individuals show deep concern for their families' predicaments, even sacrificing sleep to work extra hours in order to save more money. Their docile nature renders them less disruptive and more susceptible.

The work schedule is incredibly demanding. There are long working hours and instead of providing tea breaks, tea is served on-site to prevent time wastage. Within working hours, the girls endure verbal and sexual abuse from higher-ranking staff. They are accommodated in a cramped 10 ft x 10 ft room, housing 10-12 girls along with their belongings. Bedding is absent, and

they rest on floor mats. The provided food lacks taste and nutrition. The girls' situation is so dire that even their correspondence is closely monitored. Health issues such as sleep deprivation, physical and mental exhaustion, fatigue-related health problems, inadequate and low-calorie nutrition, menstrual cycle irregularities, and headaches prevail among them.

Despite the presence of labour laws that have traditionally advocated for workers' well-being, the Sumangali Scheme has failed to adhere to the standards outlined in Industrial Welfare Acts. Even the officials designated under these Acts and the overseeing government bodies have not effectively carried out their responsibilities to ensure the safety and welfare of these girls. This indicates an ongoing pattern of exploitation of women in the Coimbatore, Erode, and Tirupur districts, while government agencies either neglect this grave issue or adopt a lenient stance towards it.

III. THE INDIAN GARMENT INDUSTRY: A CONTEMPORARY OUTLOOK

In the Indian garment industry, where more than 12 million people labour in factories, a separate workforce of millions more operates from their residences. These individuals contribute to multiple phases of garment production, from button attachment to intricate embroidery and final details. The ostensibly attractive affordability of apparel and the robust profits enjoyed by global retailers are paradoxically derived in part from the meagre wages and exploitation endured by these Indian labourers. They are a vulnerable demographic whose vulnerability is exploited directly by subcontractors and the garment industry as a whole. In addition to being denied minimum wages, these home-based employees have no recourse against abusive or unfair working conditions. An alarming trend has emerged in which industries have expanded their operations into the residences of their employees to avoid the scrutiny of government bodies and international certification agencies, which typically concentrate on factory inspections. Brands and auditors are frequently oblivious of outsourced work, which is exacerbated by the absence of monitoring mechanisms (Bhandari, 2021).

The female labour in these garment factories reside in rural regions of South India that are afflicted by poverty. Action Aid, a charitable organisation that assists over 1,300 women workers in 46 villages in this region, discovered that forced



overtime, verbal and physical abuse, and substandard working conditions were prevalent in the workplace. These allegations extend beyond the boundaries of the apparel industry. India's history of poor wages and lenient labour regulations has made it an attractive outsourcing destination for foreign companies. The lack of union presence (private sector specifically), makes unorganized and contract labourers disproportionately vulnerable.

Numerous women interviewed by the BBC (Damle, 2019) described a climate of dread within the Ralph Lauren factory. Instead of providing advance notice of overtime, managers allegedly threatened employees with termination if they refused to stay late. There were also reports of verbal and emotional abuse, which created a profoundly disquieting environment. The anecdotes recounted by these women suggest possible violations of India's Factories Act, which stipulates that a worker cannot work more than 48 hours per week (or 60 hours with overtime) and nine hours per day. The law also specifies nocturnal duties for women, with an emphasis on voluntary participation.

Another example of this is seen when the fire that killed 13 people at a leather jacket factory on the outskirts of New Delhi (Veeravalli, 2010) less than two weeks ago brought international attention once again to the terrible circumstances under which millions of garment workers in India and other South Asian countries toil. On the fringes of the city, over 1200 factories employ over 500,000 people, 90% of whom are women. Women have been exploited at these industries for decades, with the minimum salary being as low as INR 4000 each month.

In essence, the prevalence of unfair labour practises, coupled with lax enforcement and inadequate labour laws, has created an environment in which vulnerable workers bear the burden of exploitation and inequity, especially in industries such as the garment industry.

IV. CRITICAL ANALYSIS

Many aspects of India's textile and garment manufacturing business remain unregulated by the government, reflecting the informal nature of the sector as a whole. The government's recent efforts to codify labour rules might be seen as a response to this supposition.

The textile sector in India is a major economic force, accounting for around 14% of total industrial output, 4% of GDP, and 27% of total foreign exchange inflows. It is the greatest single

source of employment, second only to agriculture, with over 45 million direct employees (Tripathi, 2023). The readymade garment (RMG) industry, a major source of employment and economic activity in metropolitan areas, has experienced a transition over the past two decades, shifting from a focus on informal, home-based production to one centered on formal, factory-based production. Processes that require a lot of human effort have been crucial to this development.

Labour issues are crucial to the competitiveness and sustainability of the sector. The capacity of an industry to recruit and retain qualified personnel, the availability of a skilled labour force, the cost of living in major cities, and the quality of life for workers all play significant roles. The textile industry and its employees are often overlooked in legislation despite the sector's obvious importance to the economy. The Factories Act of 1948 instead applies to this industry. As a result, every company in the textile sector follows the rules set forth in this law.

According to a statement released by the Working People's Charter, the proposed Labour Codes show a lack of knowledge of the complex nature of the informal sector and its legal requirements. The minimal benefits that labour standards and Codes of Conduct give in India's textile industry may be nullified by hasty and insufficient implementation of unclear labour regulations.

The Factories Act of 1948 is one of India's early labour regulations and focuses solely on factory workers' rights and protections (Bhasin, 2017). The Act provides comprehensive protections for the health, safety, and welfare of the workforce. The safety and working conditions of manufacturing workers have improved significantly, but there are still some major issues to be resolved.

The Minimum Wage Act from 1948 was also passed to guarantee workers were paid fairly. Even with this legal framework in place, many employees in India (especially those in the unorganized sector, which employs the majority of the country's workers) continue to struggle with low pay.

The Trade Unions Act of 1926 is also important since it guarantees employees the freedom to join together in unions to lobby on their behalf. While this law has helped give workers more agency, problems still exist. Only some types of employees are under its purview; those in the informal economy are not included. It is also ineffective since not enough people are aware of their rights to form a union.



The Industrial Disputes Act of 1947 creates a legal structure for settling disagreements between businesses and their employees. It has been essential in conflict resolution, although it struggles with complexities. Certain sorts of conflicts, such as those involving contractual workers, go unresolved because of the process's difficulty and length.

The government need a sector-tailored and all-encompassing strategy that prioritizes workers' rights, migration, and well-being. A strategy like this has to prioritize people's rights and consider everyone's interests. A comprehensive policy framework that accounts for the needs of all parties is necessary to prevent the exploitation of migrants inside employment institutions.

V. SUGGESTIONS AND RECOMMENDATIONS

Despite the current laws, there's a clear need to expand central legal remedies due to the rise in casual employment across organized and informal sectors. This shift, coupled with weakened trade unions, has led to a rise in unfair labour practices, making the expansion of legal solutions imperative. Several recommendations that can be implemented to reduce the prevalence of unjust labour practices include:

- Manufacturers should furnish understandable written agreements and offer verbal explanations if necessary for workers who cannot read. Labor contractors and employers need to ensure that the terms established during recruitment and in the contract, encompassing pay rates and working hours, are actually followed.
- Employees should have a tangible guarantee to establish or join workers' associations without obstruction. Manufacturing facilities should acknowledge established Trade Unions and remain receptive to dialogues and bargaining. Any form of bias tied to union involvement or membership must be firmly disallowed.
- Employers need to establish and rigorously implement a policy of zero tolerance toward verbal abuse, threats, sexual harassment, and any type of workplace violence. It's crucial to transform the factory floor culture, which currently lacks respect for workers of all genders as individuals entitled to human dignity.
- The legally mandated minimum wages should be periodically assessed to match the cost of living, ensuring sufficient income for a

respectable living standard for workers and their families, without requiring excessive overtime.

- Employers should permit workers to resign without constraint within the terms of their contract and promptly provide appropriate settlements. Workers should not be denied their Provident Fund and other entitled benefits upon leaving their job. Employers should not coerce workers into resigning against their wishes to forfeit these benefits.
- Individuals between 15 and 17 years old should be involved in tasks appropriate for their age and growth, avoiding tasks detrimental to their well-being. Employers have the option to create a government-endorsed paid apprenticeship or vocational training program for young individuals. Employers should meticulously verify identification documents of young employees to identify any fabricated records. In cases where underage workers were mistakenly hired, utmost endeavours should be undertaken to assist their secure and just departure from employment.
- Garment industry manufacturers and factory proprietors should enhance professionalism within the sector. This involves dedicating resources to staff training, including supervisors, mapping out pathways for internal career advancement, upholding occupational health and safety norms, establishing robust HR systems, and furnishing legally mandated facilities for workers, such as on-site childcare and breastfeeding amenities. Additionally, provisions for transportation, especially for women workers at the end of late shifts, need to be provided.

VI. CONCLUSION

There are several issues in the textile sector, but the government has shown no interest in addressing them. The Indian Ministry of Textiles' stance proves that it prioritizes profit over the safety of its employees. Clearly, India benefits more from the textile industry in terms of revenue and foreign currency, therefore improving productivity in this sector requires prioritizing the safety and well-being of workers. Results cannot be achieved by ignoring the importance of workers in favor of a narrow focus on capital investment.

Women workers, in particular, are particularly vulnerable to exploitation in this industry. The demands from big fashion firms on



their suppliers only got worse during the epidemic. Women employees were subject to longer work hours, more housework, and greater risk of sexual harassment or assault.

Long hours, abuse, and substandard facilities are just some of the issues that young women face in the case study of the Sumangali Scheme in the Tirupur Textile Industries. There are labour rules in place, but exploitation is nevertheless common since they are not strictly enforced.

Therefore, it can be concluded that unfair labour practices persist across many sectors, and that existing regulations are adequate for combating these practices; nevertheless, implementation must be laser-focused. Consequently, it is clear from the preceding discussion that any form of unfair labour practice disrupts and leaves an influence on the industrial relation, which in turn disrupts the industrial peace and eventually affects industrial productivity. It has ties to the neighborhood at large as well as the company and its workforce. Therefore, it is imperative that unfair employment practices be curbed for the benefit of society as a whole.