

STATUS REPORT

MIGRATION IN READY MADE GARMENT INDUSTRY: CAUSES AND IMPACT ON YOUNG WOMEN WORKERS

In Jharkhand and Delhi NCR

Lead Agency



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MIGRATION - THE INDIAN CONTEXT

"The term 'migrant' should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor" (UN. Commission on Human Rights. Working Group of Intergovernmental Experts on the Human Rights of Migrants (2nd session, 10th March 1998). According to Census of India, a 'migrant' is someone "who is enumerated at a different place than his/ her place of birth or place of last residence."

	2001 Census Data Population: 1.02 Bn	2011 Census Data Population: 1.2 Bn
Number of migrants who moved from rural to urban areas	52 Million	78 Million
Share of male rural -to-urban migrants	4.6%	5.7%
Share of female rural-to-urban migrants	5.5%	7.4%

Migrant workers are particularly vulnerable to exploitation. They often do the same job as local workers but for lower wages and in less safe conditions. Also, they face specific barriers to articulating and demanding their rights as workers. They often enter the job market at an early age, have very limited upward mobility and usually remain unskilled and poorly paid.

GARMENT INDUSTRY IN INDIA

The Garment Industry of India is an INR 1 trillion industry. According to Make in India statistics of 2015, India is the 7th largest exporter of garments in the world. The domestic textiles and apparel industry contributes 2.3% to India's GDP and accounts for 13% of industrial production, and 12% of the country's export earnings.

The textiles and apparel industry in India is the second-largest employer in the country after agriculture, providing employment to about 45 million people: of this, 35% are women workers.¹ According to an ILO report on the working conditions of migrant workers in the garment industry in India, migrants are largely employed in the lower end of the industry and suffer because of lack of documentation, job insecurity, non-payment or delayed payment of wages, lack of leaves and restrictions on movement (International Labour Organization, 2017).

STUDY METHODOLOGY

This research study has used a combination of qualitative and quantitative research methods for studying issues related to migrant women workers working in the Ready-Made Garments (RMG) industry. A comprehensive and structured questionnaire was used across Delhi-NCR and Ranchi to interview women migrants working in garment factories. None of these interviews was carried out within the factory premises. Within Delhi-NCR, a special focus was laid on interviewing migrants hailing from Jharkhand

¹ Gladys Lopez-Acevedo and Raymond Robertson. *Stitches to Riches? Apparel Employment, Trade, and Economic Development in South Asia*, World Bank Group, 2016

SCOPE AND LAYOUT OF THE STUDY

This study is one of the components of our project, "Promoting Responsible Migration in Garment Supply Chain" along with other three components viz. training of factory management and workers, awareness programme for community and policy advocacy with key stakeholders.

Although the scope of migration is immense, the study has focused on some key aspects, which are as follows:

1. **Socio-economic background of the respondent:** Includes age, education, marital status and other demographic and socio-economic information.
2. **Living conditions of the respondent:** Includes ownership of identity documents, standard of living, access to schooling for children and medical treatment
3. **Working conditions of the respondent:** Factors such as compensation and salary payment terms, access to social security benefits, leaves and overtime, working environment of the workers, incidence of sexual harassment at the workplace and exposure to any other kind of Gender Based Violence (GBV)
4. **Reasons and compulsions for migration:** Exploration of the various economic, personal, land ownership and family reasons for migration. In addition, analysis of the role of family, relatives, friends, peers, community members and recruitment agents.
5. **Effects of migration:** Information captured on aspirations, expectations, challenges and despair experienced by the women migrants.

FINDINGS OF THE STUDY

RESPONDENT PROFILE

Only 1% of the total respondents were above 35 years which clearly shows that it is only a relatively younger group which works in the RMG sector. About 63% of respondents in Delhi NCR region were married compared to only 5% in Ranchi. In Ranchi, 92% of the respondents were unmarried compared to only 31% in Delhi-NCR region.

Notwithstanding the non-response, at least 34% of the respondents come from the Scheduled Caste (SC) community, 28% from Other Backward Class (OBC) and 12% from the Scheduled Tribe (ST) category. Thus, a total of 74% of the respondents belong to socially excluded groups. This gives an indication that the RMG industry is a major employer for persons belonging to marginalized communities.



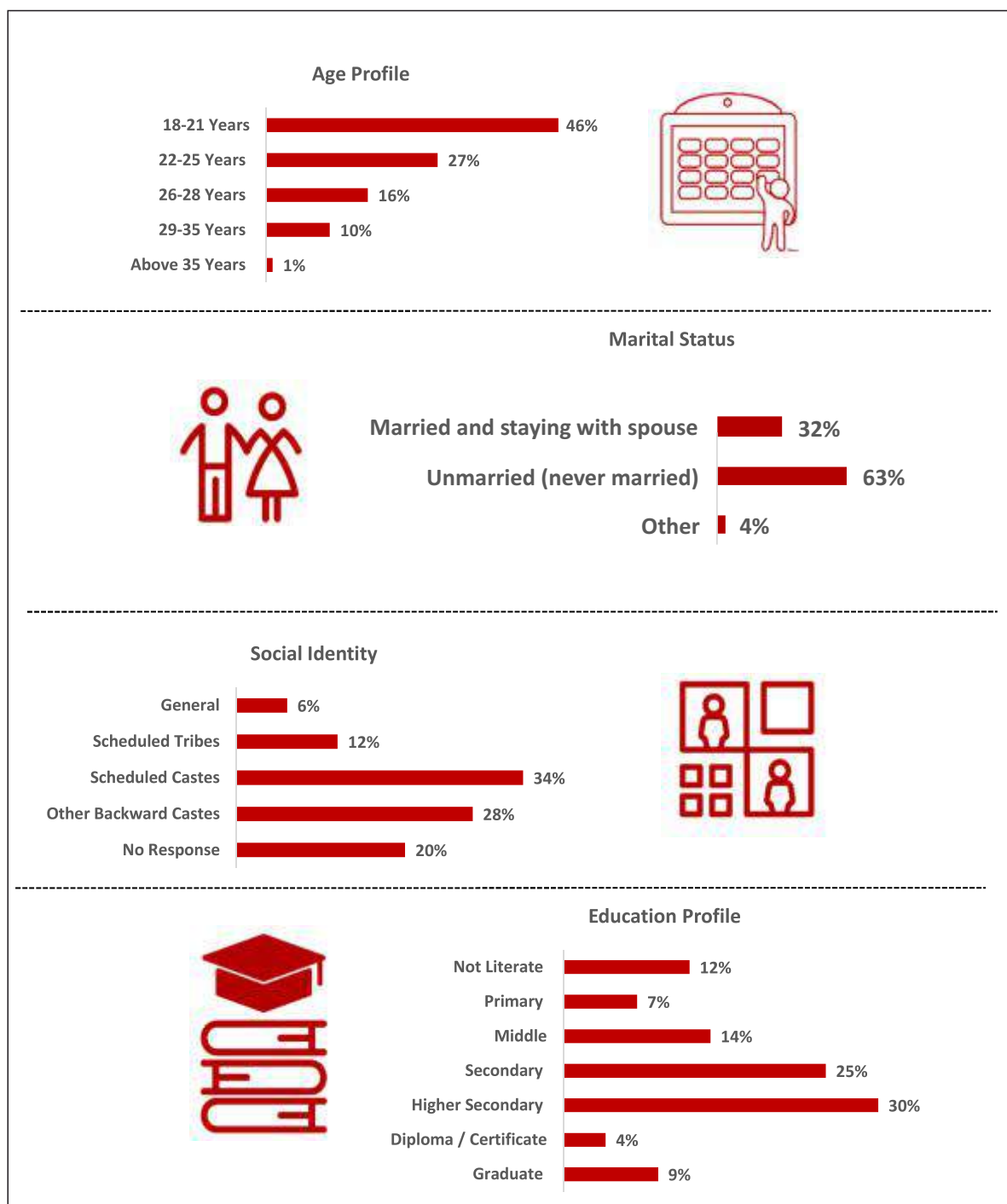
481
Respondents
Interviewed



Delhi-NCR - 228
& **Ranchi - 253**



76 focused group discussions and in-depth interviews conducted in Jharkhand and Delhi-NCR with migrant workers, village officials, panchayat members, HR managers, representatives of garment factory associations, migration experts, NGOs, recruitment agencies, contractors, skill training representatives and governments officials



MIGRATION

The majority of the respondents stated that they belonged to Jharkhand, while the others came from West Bengal, Bihar, Uttar Pradesh and Orissa. The study focus remained on Jharkhand while not neglecting the concerns of migrants from other States.

The duration of migration varied as per the location. Ranchi had more recent migrants with 95% of the migrants stating that they migrated to their current place of residence within the last 24 months. The corresponding figure for Delhi-NCR was 44%.

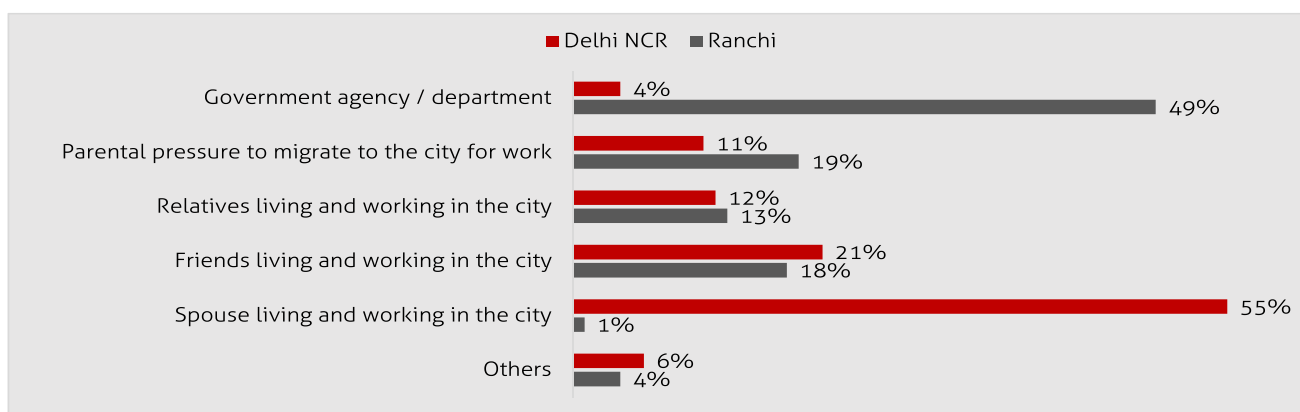
Reasons for migration: There could be multiple reasons for migration and therefore this study has classified the reasons for migration in the quantitative survey into four categories: land, income, family, financial and personal. The prominent reason of migration was poverty; insufficient income from agriculture and lack of other income earning opportunities.

Reasons for Migration

Financial Related	36%
Family Related	63%
Earning Opportunities	73%
Land Related	49%

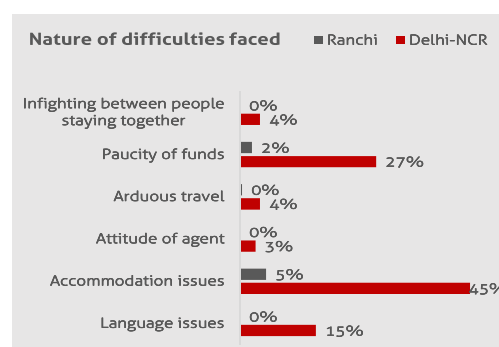
Currently agriculture does not seem to be profitable and alternate employment opportunities that fill the employment gap between crop cycles are fast drying up. The availability of work under the biggest source of such employment -Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), has reduced significantly and the payment of wages for work undertaken under the scheme sees inordinate delays. So far as the migration of youth were concerned, most of the stakeholders said that they were not keen on agriculture and wanted to improve their income earning opportunity. Caste was certainly a factor influencing migration. Even in the demographic profile of workers, we found a predominance of people from the SC and ST communities.

Influencers in migration: In Jharkhand, 49% of the respondents cited Government Department/Agency as the influencing factor responsible for migration, through training centres by Jharkhand State Livelihood Promotion Society (JSLPS).² On the other hand, 55% of Delhi-NCR respondents stated that their spouse working in the city was the primary reason for them to migrate. Other prominent influencers were friends and relatives/other family members who were living in the city or who had worked in the city.



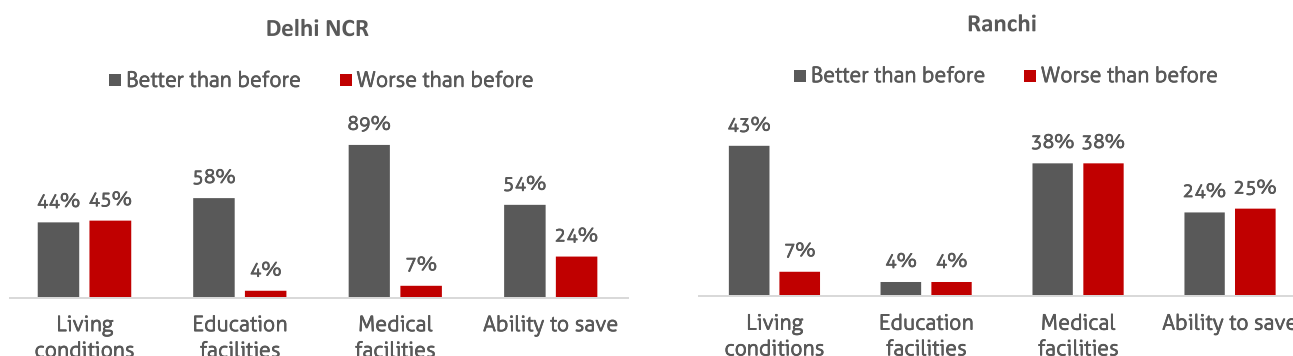
Difficulties in migration 28% of the respondents mentioned facing difficulties while migrating. This translated into 53% of respondents in Delhi-NCR and only 6% in Ranchi. Among respondents in Delhi – NCR, the difficulties faced included accommodation issues, paucity of funds and language-barrier.

28% reported facing difficulties in migration
53% in Delhi NCR & 6% in Ranchi

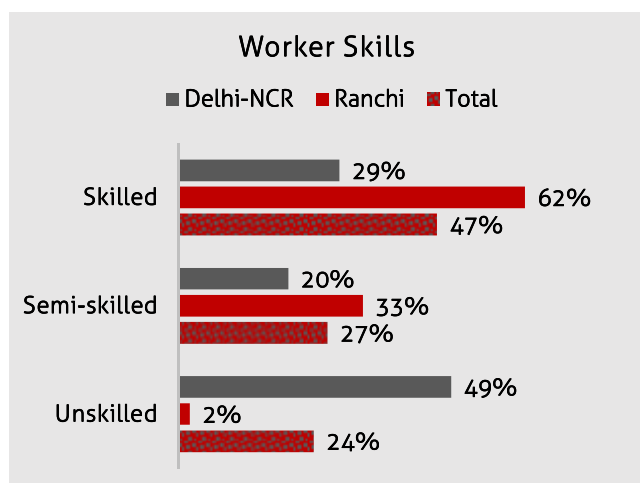


² The Rural Development Department of Government of Jharkhand (GoJ) has established a separate and autonomous society named as Jharkhand State Livelihood Promotion society(JSLPS) which works as a nodal agency for effective implementation of livelihood promotion in the state.

Satisfaction with Migration: The level of satisfaction in the two locations were highly varied. For migrants to Delhi-NCR, better medical and educational facilities and ability to save, as compared to their place of origin, are the big gains from migration. Living conditions were better for 44% of the respondents but worse for 45% of respondents. In case of migrants to Ranchi, the number of respondents citing their living conditions to be worse than before was only 7%, but their satisfaction in other areas was less than the respondents in Delhi-NCR.



WAGES AND BENEFITS



Worker Skills: There appears to be a vast difference in the percentage of skilled and unskilled workers in Delhi-NCR compared to Ranchi. A far greater percentage, that is 49% of Delhi-NCR respondents identified themselves as unskilled as compared to only 24% of Ranchi based respondents.

Salary and payment terms: In Ranchi, all the respondents were on monthly salary basis, whereas in Delhi, 87% were on monthly salary basis. All Ranchi respondents said that they were directly employed and thus were on the factory rolls. In contrast, only 36% of Delhi respondents said that they were directly on the rolls of the factory while another 57% were on the rolls of the contractor although employed in the factory. Since respondents in Ranchi were directly employed by the factory, the number of respondents who stated that they received wage slips along with their wages and are paid the same wage as was promised at the time of employment was higher as compared to Delhi NCR.

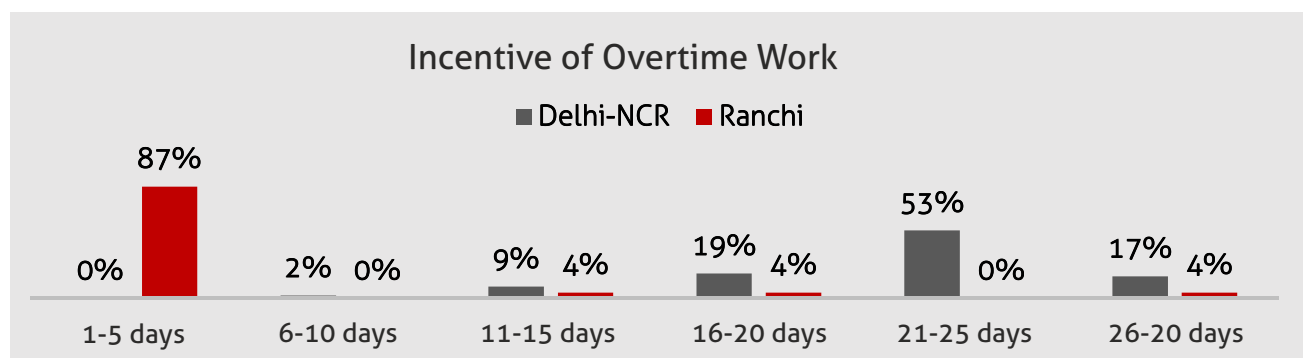
	Delhi NCR	Ranchi
Workers on factory rolls	36%	100%
Receive wage slips	33%	98%
Paid the same wages as promised at time of employment	60%	83%

¹ Gladys Lopez-Acevedo and Raymond Robertson. *Stitches to Riches? Apparel Employment, Trade, and Economic Development in South Asia*, World Bank Group, 2016

Overtime: While 87% of respondents in Delhi NCR reported working overtime, only 9% of respondents in Ranchi stated so. The following graph shows the incidence of overtime as reported.



	Delhi NCR	Ranchi
Workers who work overtime	87%	9%



Leaves: While Ranchi respondents reported getting the mandatory weekly holiday, only 49% of Delhi-NCR respondents reported so. About 13% of Delhi NCR respondents stated they do not get leaves on national holidays and festivals. Not a single Delhi-NCR respondent reported getting earned leave and only 1% reported getting casual leave; 77% did not even get paid sick-leave. It seems benefit of sick leave, casual leave and earned leave was unavailable for a large number of Ranchi respondents also, but the situation was still better than respondents in Delhi-NCR.

Maternity benefits: There were very few respondents – 5% across both locations - who reported getting maternity benefits. Only 8 respondents – all of them in Ranchi – mentioned receiving these benefits. This appears to be not in compliance with Maternity Benefit (Amendment) Act 2017.

	Delhi NCR	Ranchi
Weekly off	49%	100%
National holidays and festivals	87%	100%
Casual leave	1%	31%
Sick leave	23%	33%
Earned leave	0%	42%

WORKING CONDITIONS

	Working Conditions	Delhi NCR	Ranchi	Total
	Worked in the factory between 9 pm and 6 am	15%	33%	25%
	The company provides drop facilities for women employees if it gets late in the night	11%	82%	48%
	Factory has a crèche facility for women with young children	23%	34%	28%
	Separate toilet facilities for men and women	100%	100%	100%
	Toilets are clean and hygienic	89%	89%	89%
	Adequate toilets for the number of women in the factory	96%	79%	87%

Working hours: Overall, 25% of total respondents said that they had worked in the factory between 9 PM and 6 AM in the factory. This worked out to be 15% of the respondents in Delhi-NCR and 33% of the respondents in Ranchi. In Ranchi, government has allowed to work night shifts in factories, currently restricted upto 10 7PM and employers are required to ensure their workplace safety and drop facility to their homes. In Delhi-NCR it is, although, not allowed to employ women at night (beyond 7PM) unless permission has been taken from labour department.

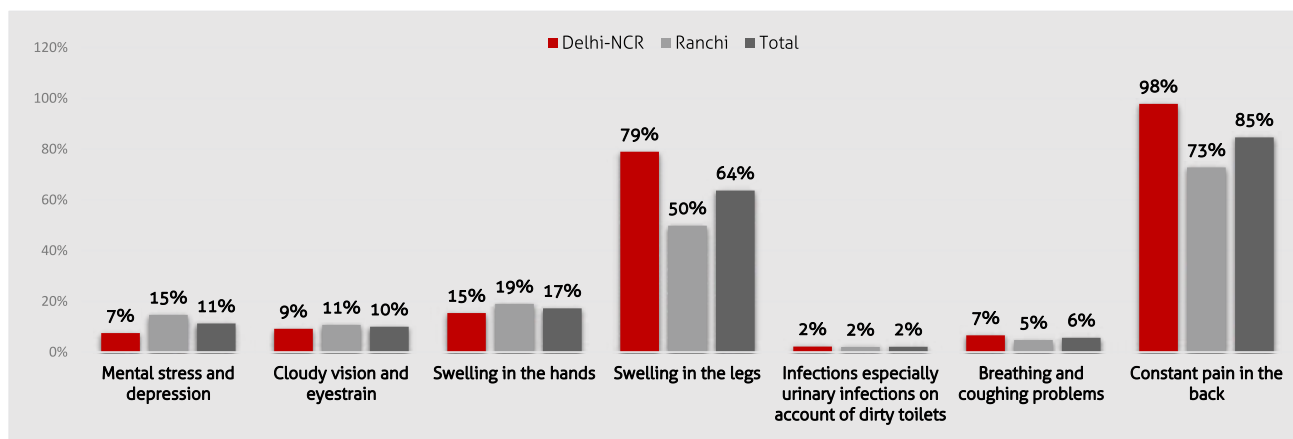
Creche facilities: Only 28% of respondents said that the company had a creche facility. This was only 23% of the respondents in Delhi-NCR and 34% of the respondents in Ranchi. For all practical purposes, given the higher percentage of women who were married in Delhi-NCR, each factory should have had a crèche facility to cater to children below 6 years. The non-provision of crèche facilities specially in Delhi-NCR where the predominant working population consisted of married women is a clear violation of the Factories Act 1948 and Maternity Benefit (Amendment Act) 2017

Toilet facilities: It appears that factory management is quite proactive in both locations as all respondents, barring one, stated that there were separate toilets for men and women. 89% of respondents in both locations said that the toilets were clean and hygienic. The satisfaction with the adequacy of toilets, however, was more for Delhi-NCR respondents with 96% of the respondents saying they were adequate, compared to only 79% of respondents saying so Ranchi.

OCCUPATIONAL HEALTH HAZARDS

With long hours and working conditions, the question remains whether it results in poor occupational health for workers. As part of the survey, questions were put forward to the workers to know whether they suffered from some medical conditions. Almost all workers seemed to suffer from one ailment or the other. The predominant ones were related to swelling in the legs and constant pain in the back. 79% of respondents in Delhi-NCR and 50% of respondents in Ranchi reported swelling in the legs. Even worse was the constant pain in the back where 93% of respondents in Delhi-NCR and 73% of respondents in Ranchi reported suffering from it.

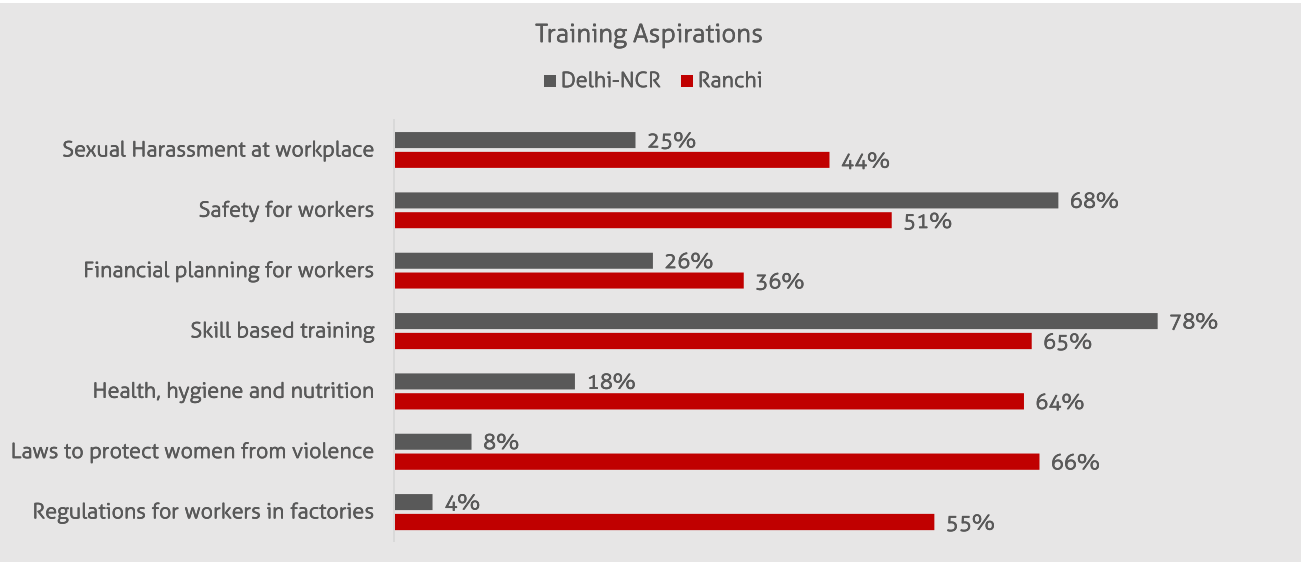
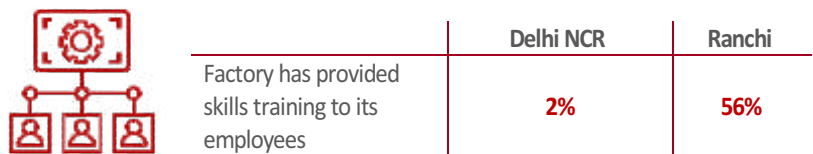
Surprisingly, 15% of respondents in Ranchi reported having mental stress and depression higher than 11% of Delhi-NCR respondents. 19% of Delhi-NCR respondents reported swelling in their hands as compared to 15% of Ranchi respondents. Other ailments included cloudy vision, eyestrain, infections, breathing and coughing problems.



coughing and breathing problems. Above findings show that workers are facing occupational health issues. We have also analyzed that the work involves long hours, few breaks, stressful work conditions and inadequate facilities in their workplace.

TRAINING PROVISION AND ASPIRATIONS

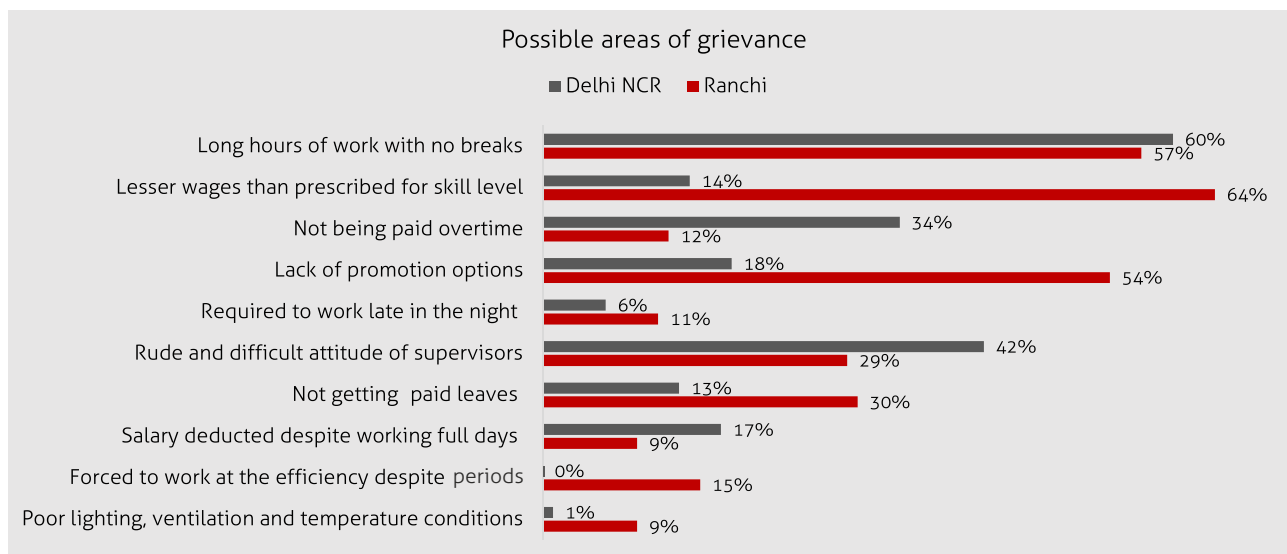
Only about 30% of the total respondents said they were provided training by the management. The breakup of figures however suggests that only 2% of respondents in Delhi-NCR said that they received any kind of skill training. On the other hand, 56% of respondents in Ranchi said that the factory has provided skill training.



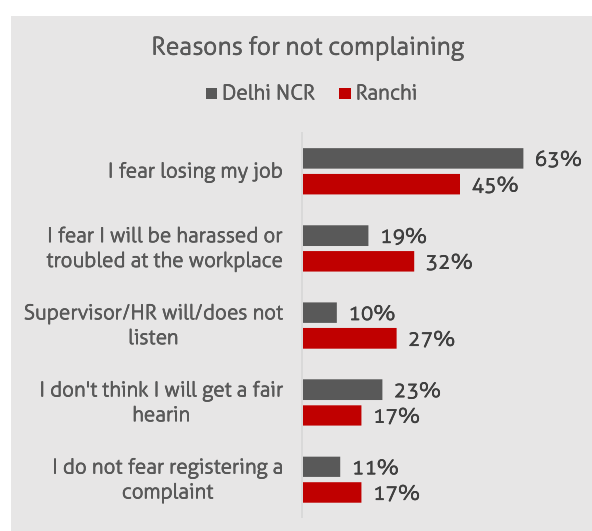
There appears to be a big difference in the training aspirations among workers at the two locations. Respondents in Ranchi appeared keener to learn about regulations for workers in factories (55%), laws to protect women from violence (66%), health, hygiene and nutrition (64%), sexual harassment at workplace (44%), and financial planning for workers (36%). Delhi-NCR respondents, on the other hand, seem to be more interested than the Ranchi respondents in skill- based training (78%) and safety for workers (68%). The four areas of training that workers at both locations are interested in are skill- based training, safety for workers, sexual harassment at workplace and financial planning.

GRIEVANCE AND REDRESSAL

With the assumption that the respondents may not be comfortable with direct questions regarding their issues with the factory management, they were instead asked about possible areas they would like to complain against if they had a choice. It is clear that long working hours with no breaks and rude and difficult attitude of supervisors, lack of promotion facilities, not getting the required number of paid leaves were common factors in both areas.



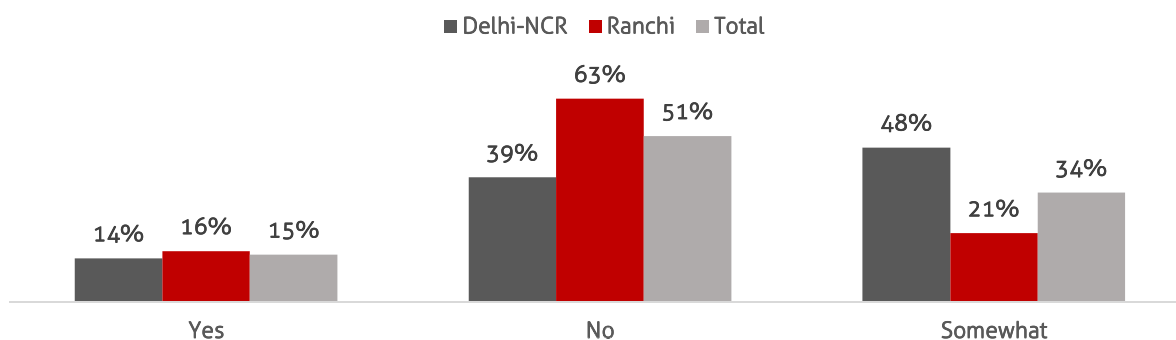
It appears that the complaint mechanism is not as robust as desired and even if present, the mechanisms are not being used because of fear of reprisal. Ranchi respondents are far more apprehensive about complaining with 45% respondents stating that they do not complain because they fear losing their job. About 32% of the respondents in Ranchi also fear that they will be harassed or troubled at their workplace. In case of respondents in Delhi NCR, only 11% of respondents said they do not have any fear about making a complaint, 63% of them had concerns about losing their job, 19% had apprehensions on possible harassment if they complained. However, a high percentage that is 23% felt that they will not be given a fair hearing.



SEXUAL HARASSMENT - AWARENESS AND EXPERIENCE

When asked whether they were aware of sexual harassment at the workplace, a very low percentage of respondents at both locations responded in the affirmative. In Delhi-NCR, 48% of the respondents were somewhat more aware of sexual harassment as against only 21% of respondents in Ranchi.

AWARENESS ON SEXUAL HARASSMENT AT WORKPLACE



Spontaneous responses were elicited from the respondents as to what, according to them, is sexual harassment at workplace. The non-response percentage among Ranchi respondents is far higher than that of Delhi-NCR respondents. 76% of Ranchi respondents did not respond compared to only 39% of Delhi-NCR respondents.

	Delhi NCR	Ranchi	Total
No Response	39%	76%	58%
Whistling or staring, inappropriate glances	34%	8%	21%
Showing pornography, derogatory posters and other visual forms of harassment	10%	17%	14%
Sexually coloured remarks, jokes about appearance, gender-based comments, inquiries about sexual experiences	29%	11%	19%
Demand or request for sexual favours	2%	5%	3%
Unwelcome physical contact and advances	38%	15%	26%

In order to arrive at an assessment of the incidence of harassment at the workplace, respondents were asked a series of questions on whether a particular type of incident happened at the workplace - either with the respondent themselves or with someone else at the workplace.

The percentage of respondents having experienced or being witness to someone else experiencing any type of sexual harassment was less than 10% of the respondents in each location. There's a strong likelihood of under-reporting of such incidents, as can be seen from the responses in the Grievance and Redressal section earlier.

Types and Incidence of Harassment Suffered at the Workplace

	Delhi-NCR	Ranchi	Total
Shouting or threats of termination of employment	43%	2%	21%
Calling you multiple times to discuss something in a room when no one is around and making small talk	39%	2%	19%
Refusing leave and cutting wages if you report sick	34%	4%	18%
Unwelcome physical contact and advances such as touching, brushing, pinching or standing too close	7%	12%	10%
Staring constantly and inappropriate glances	7%	5%	6%
Sexually loaded comments or double entendre	3%	8%	5%
Cracking sexually loaded jokes and comments in a group loud enough for women to hear	9%	1%	5%
Derogatory remarks about caste, religion or the state of the worker	7%	1%	4%
Unwelcome comments on appearance or attire	2%	6%	4%
Someone following you on the way to or back from work	1%	1%	1%
Demand or request for sexual favours	4%	1%	2%
Showing pornography, derogatory posters, sexually oriented drawings, display of suggestive objects	1%	0%	0%
Physical intimidation or threat	2%	1%	1%

Prevention of Sexual Harassment – Legislation and Implementation



	Yes (% of responses)		
	Delhi NCR	Ranchi	Total
Are you aware of any law that protects women from sexual harassment at the workplace?	12%	12%	6%
Have you received any training on prevention of sexual Harassment at workplace?	2%	22%	12%
Does an Internal Committee on Sexual Harassment exist in the factory?	20%	51%	36%
If yes, are the contact details of the IC members communicated to you? <i>(from among those who stated that there is an IC in the factory)</i>	13%	64%	51%
Have you ever registered a complaint for sexual harassment?	2%	0%	1%

The awareness of any legislation that pertains to sexual harassment at workplace is low. Only 27 respondents or 6% of total respondents were aware of any legislation regarding sexual harassment. Of those 27 respondents, only 18 were able to point out the legislation correctly.

All the respondents were then asked questions about trainings provided to them about sexual harassment or the presence of the Internal Committee(IC). Though HR managers were categorical in stating that they had fulfilled all the requirements of the Prevention of Sexual Harassment (PoSH) Act 2013. In their respective factories, only 2% of respondents in Delhi-NCR and 22% in Ranchi stated receiving any training on PoSH.

About 20% of the respondents in Delhi-NCR responded in the affirmative to the question about presence of an internal committee on sexual harassment in the factory; far lower than 51% of respondents in Ranchi. Among the respondents in Delhi-NCR who said that there was an Internal Committee (IC) in the factory, only 13% (6 respondents) said that the contact details of the IC members were communicated to them. In Ranchi, out of the 128 respondents who mentioned the presence of the IC at the workplace, 64% (82 respondents) said that the contact details of the IC members were made available to them.

KEY FINDINGS

- Poverty, hardship and lack of earning opportunities are the primarily driving forces for migration for these women
- The women also migrate due to poverty, marriage, peer or family pressure or at times encouraged by a skill development centre set up by government
- The employment often involves going through agent contracted by garment factories. They act as middle men and a recruiting channel. They also sometimes perform the role of third-party employer, in which case the wages and benefits are low, with high possibility of economic or social exploitation
- Unregulated overtime work is common and payment for such overtime work is less than the amount stipulated under law
- There are restrictions on the frequency of use of toilets at workplace by employing various mechanisms and even inadequate provisions of toilets in some cases, which can cause health related issues
- Women work for long hours, get less number of leaves, face unrealistic deadlines, get low wages and rarely move up in career
- The women workers in these factories face occupational health problems especially ophthalmological, respiratory problems, joints or muscular ailments and mental health
- Low awareness of both workers and communities on legal statutes and laws in India governing factory employment, safety, health, social protection and safe migration
- Many women have low awareness or understanding about sexual harassment and the regulations for protecting the workers such as Government of India's enactment of Sexual Harassment (Prevention, Prohibition and Redressal) at Workplace Act of 2013. Besides the possibility of exploitation of the ignorant, sufferers also abstain from reporting incidents for fear of losing their jobs.

Our experience shows that no one particular institution alone can ensure achievement of the outcomes for these women migrant workers as envisaged in various guidelines and frameworks. We require all the key stakeholders affected by or working on issues related to migrant women to make a concerted effort and with a common purpose. Only then, we can hope to create a positive environment for the women migrant workers of India.

POLICY CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of the report, here are some policy recommendations for stakeholders that have interest in and influence on the lives and working conditions of migrant workers:

Ministry of Labour and Employment:

1. The "Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979" ^{*}should have strong and periodic monitoring mechanisms and reporting by the department on its strict compliance.
2. The state level Inter-State migrant cells and grievance redressal mechanisms of the labour departments should be strengthened so as to enable safe and responsible migration
3. The Inter State Migrant Workmen Act should be amended to cover other vulnerable workers as well who are not on contract roles, as of now the act is limited to only contractual workers. Act should include special provisions for women migrant workers at source, transit and destination. on migration are backed by credible data and evidence.
4. The ministry should try to ensure that workers get their social security benefits and factories comply with the Inter-State Migrant Workmen Act 1979, Factories Act 1948, and other legislations relating to employment of contractual workers.
5. The ministry should engage with expert agencies and Civil Society Organisations (CSOs) to support workers' facilitation centres at source areas
6. The ministry should endeavour to have processes, systems and technology in the areas of documentation, data and policy development vis-à-vis migrant labour. These can include support centres for migrant workers in specific industry clusters, compulsory registration, and processing of paperwork and in a broader sense, more training across skill domains and opportunities of skill development
7. The ministry should encourage implementation of internal and external monitoring mechanisms in factory premises to ensure that working conditions are safe and hygienic and that all facilities, as mandated under different legislations, such as separate toilets, creches and canteens, are in place
8. As per the findings of this study, the role of agents appears to be miniscule in the case of recruitment in garment factories. However, their role is critical in other industries, especially brick kilns, which employ sizeable numbers of migrant workers. There is a pressing need to enforce strict guidelines on the role of agents in industries that rely heavily on migrant labour.
9. The government needs to focus on obtaining good quality data on migration and migrant workers through multi-state research and mapping of migrant workers so that policies and programmes on migration are backed by credible data and evidence.

Other Ministries:

1. Factory policies and practices on forced, labour, must have stringent monitoring by the by the competent authorities.
2. The Ministry of Corporate Affairs can consider taking up greater engagement with businesses through policy interventions, training and capacity building to align factories with the broader national and international human rights and gender equality initiatives.

^{*}The Interstate Migrant Workers (Regulation of Employment and Conditions of Service) Amendment Bill, 2011 is proposed to make this Act gender neutral by amending its title and replacing the word 'workman and workmen' by the words 'worker and workers' respectively

3. Ministry of Skill Development & Entrepreneurship along with civil society organisations has a role in building a bridge between factories and workers, through training, skill building and knowledge dissemination.

Factory Management:

1. Factories should implement and monitor all legal requirements such as provisions under Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Factories Act 1948, Maternity Benefit (Amendment) Act 2017 and other applicable laws both in letter and spirit.
2. Factories employing contractual labour should establish and implement clear guidelines and oversight mechanisms on the role of contractors in order to ensure that workers are paid on time, at the prescribed rates and social security provisions in place.
3. Factories should articulate clear policy on its hiring, recruitment and termination practices. Alongside, they should also have transparent documentation processes for its policy commitments.
4. There are noticeable gaps in the training and grievance redressal mechanisms at the factory level. Factories should have robust and regular training programmes on Prevention of Sexual Harassment (PoSH) at workplace, women empowerment, occupational safety, career advancement and women empowerment,
5. Factories should take the lead in creating good working facilities including adequate lighting, ventilation, safe working temperature, toilet, water and canteen facilities as well as regular breaks.
6. Workers need to be given more freedom and opportunities to form workers union. Unionisation, from the perspective of factory management, appear to have a detrimental impact. However, it remains one of the most effective mechanisms for management - workers cooperation.
7. Factories should map and report migrant workers and their needs and challenges to develop policies and programmes that are need based and effective.

Civil Society Organisations (CSOs), Brands and Industry Associations:

1. Gaps in all aspects relating to living and working conditions of migrant workers need to be effectively and consistently highlighted by CSOs. Further follow up with governments, policy makers and factory management are critical so that correct and timely measures are taken.
2. CSOs should engage with business and government on various issues such as both in hiring of workers, role of agents, grievance redressal mechanisms, receipt of social security benefits, women-friendly working conditions and adherence to all requirements of applicable Acts.
3. CSOs and industry associations should play a key role in establishing facilitation centres for workers in collaboration with the government, factories and apparel brands. These facilities will not only help the current and prospective factory workers but also their family members and the larger migrant communities.
4. Industry Associations can work in close collaboration with each other to ensure better conditions for migrant workers, making it easier for factories to understand and implement policies, and work out collaborative arrangements for training, placement of workers and providing them with decent and dignified living and supporting arrangements. They can also undertake knowledge building and capacity building initiatives regarding human rights of workers and implementation of ethical trading practices.
5. Industry association and apparel brands should establish mechanisms and systems to integrate responsible migration and human rights issues as part of their commitment to transparency in their supply chains.
6. Industry associations and CSOs can establish reward and recognition programmes that encourage factories to have proactive and progressive policies and programmes

Business and Human Rights, and Migrant Workers

There is a wide recognition that businesses have a legitimate role in the well-being of its workers, both through multiple national legislations and calls from brands and CSOs for responsible practices in supply chains. The current study and its respondents conform to the ongoing wider business and human rights (BHR) discourse. Therefore, the study would like to delve into the opportunities, as detailed hereafter, for advancing the cause of women migrants within the business and human rights framework.

Responsible Business Conduct and Human Rights

One of the most significant developments in the field of responsible business conduct is the introduction of Human Rights as one of its core aspects. This was achieved through the release in 2011 of the United Nations Guiding Principles on Business and Human Rights (UNGP).

In the same year, the Ministry of Corporate Affairs (MCA) took cognizance of this international development and included a Principle on Human Rights in the National Voluntary Guidelines on the Social, Environmental and Economic Responsibilities of Business (NVG). NVG was updated in 2019, as the National Guidelines for Responsible Business Conduct (NGRBC), and the Human Rights Principle was aligned with the precepts of the UNGP, with the additional responsibility of promoting human rights in value chains.

Notably, the NVG also contained a Business Responsibility Reporting (BRR) Framework based on its Nine Principles which, in 2012, was mandated by the Securities Exchange Board of India (SEBI) as a submission of an Annual Business Responsibility Report (ABRR) by the top 100 listed companies (this was later expanded first to top 500 and currently stands applicable for top 1000 listed companies). It is pertinent to note that SEBI will need to update the BRR framework to be in sync with the NGRBC, and that this provides an opportunity for:

- a) The advocacy for and development of sector-specific commentaries or guidelines based on the NGRBC, and,
- b) Inclusion of questions pertaining to migrant workers.

The above developments have been given further momentum with official announcement in 2019 of India's commitment to join a growing list of nations in the development of a National Action Plan (NAP) for Business & Human Rights. The Ministry of Corporate Affairs or MCA is the nodal ministry for the NAP in India, and is being provided technical support by the United Nations Development Programme (UNDP).

The issue assumes urgent consideration given the MCA's intent to release the NAP in 2020, and the opportunities that it presents to advocate for the inclusion of human rights issues of migrant workers in the garment and other sectors. It is the collective view of the contributors of this study to follow the UNGP-guided Business & Human Rights approach to policy advocacy in highlighting issues of migrant workers in garment industry. We have identified the following actions as the way forward for advocacy opportunities on issues of women migrant workers in the framework of NAP:

1. Solicit content inputs from CSO, garment industry, workers union, a National Commission for Women (NCW), International Labour Organisation (ILO), Ministry of Labour and Employment and project partners and associates on articulating the rationale for inclusion of women migrant workers issues and outlining those that are most important from a human rights perspective.

2. In developing the submission for the NAP, our view is that recommendations pertaining to State duties, business responsibilities and access to remedy are made against each of the three respective pillars of the UNGP;

➤ **Pillar 1: The State duty to protect human rights**

- a) Take cognizance of the State's separate roles vis-a-vis business: as a regulator, partner, implementer etc, and as a procurer (including of garments) and its attendant obligations under UNGP Pillar 1 to integrate human rights clauses in its commercial relationships with the private sector;
- b) Recommendations are specifically addressed to Central and State Governments as per jurisdiction governing migrant workers related issues, and further addressed to specific ministries and government bodies in respect of their duties and jurisdictions;
- c) Recommendations for modification to the Inter State Migrant Workmen Act 1979, particularly from a human rights lens, may be submitted as well.

➤ **Pillar 2: The corporate responsibility to respect human rights**

- a) Recommendations are aligned with Principle 5 (respect and promote human rights) and Principle 3 (employee well-being) of NGRBC;
- b) Recommendations include reference to supply-chain transparency and responsibilities
- c) Recommendations include specific reporting and disclosure questions that can be incorporated into the ABRR;
- d) Recommendations are made according to key business processes including recruitment, transportation, workplace and living conditions issues and highlight the adverse impacts of human rights abuses or violations in the processes.

➤ **Pillar 3: The need for greater access to effective remedy**

- a) Recommendations be made to the specific authorities and bodies (Ministry of Women and Child development- National Women Commission (NCW), State Human Rights Commission, labour Tribunals, etc.) responsible for different rights-holders, at Central and State levels
- b) Work towards bringing businesses within the ambit of access to effective remedy in line with the UNGP and NGRBC.

ABOUT CHANGE ALLIANCE

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