

BUSINESSES 'REINVENT' SERVITUDE

Understanding The Status Of Female Migrant Labour
From Odisha In The Tamil Nadu Garment Industry



A study done by
Partners in Change (PiC),
with Support from **READ**, Erode

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February, 2019



Rights Education And Development Centre (READ)
Erode District, Tamil Nadu

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Forward

READ has been working since 2001 with the objective to create a society where every person has the Right to Life and Dignity. We have been front runners in the fight against the *Sumangali* Scheme and campaigning effectively against the *Sumangali* Scheme by collaborating with state and non-state stakeholders and ensured to make positive changes within the textile factories towards better working conditions.

READ has been working with garment workers and has realised that there is an urgent need to understand the situation of migrant workers, especially from Odisha. Therefore, the study on migrant labour was conducted at the source area. The study findings confirm that the still the employers are not ready to ensure the rights and entitlements of women migrant workers despite constitutional promises and labour laws. Therefore, this study would help civil society organizations working for dignity and rights for all migrant workers to come out with an action plan.

We would like to extend our thanks to **Partners in Change** (PiC) for conceiving the research methodology, developing the tool and executing the study. And we would like to thank **TRAID** for their Financial Support.

R. Karuppusamy
Director
Rights Education and
Development Centre (READ)



Forward

As migration becomes an ever-present feature of the global economy, the protection of migrant workers' rights is becoming a central issue to many in the labour rights movement. Millions of people around the world are now living outside their country of origin, many of whom having left their homes in search of opportunities and a better future. In India, recent estimates (2017) say that the magnitude of inter-state migration in India was close to 9 million annually between 2011 and 2016. There are close to 8,000 garment manufacturing units employing around 6 lakh workers in *Tirupur, Erode and Coimbatore* alone.

Migrant workers are particularly vulnerable to exploitation: they often do the same job as local workers but for lower wages and in more precarious conditions. Also, they face specific barriers to articulating and demanding their rights as workers. Abuse of migrant workers in textile and garment supply chains is a growing problem. There has been a dramatic shift from the use of permanent, regular employment to temporary and contract labour, often carried out by vulnerable groups of workers such as migrant workers.

READ - which has been working for better standards of workers in textiles and garment workers realised that there is an urgent need to understand the situation of migrant workers approached **Partners in Change** to undertake the study among migrant workers at the source area (Odisha) as it has been difficult to contact the migrant workers in Tamil Nadu. K. Moulasha from **PRAXIS**, Pragya Shah from **Partners in Change** undertook this study. The study faced a number of challenges in accessing respondents as majority of them

were reluctant to share their experience. Identifying and travelling to various villages put a lot of time-constraint on the study.

This study reveals the condition of migrant workers in terms of recruitment practice, freedom of movement, working and living conditions in the absence of stricture implementation of coherent policy frame work and strategy and its impact on their working condition. Recommendations emphasize need to work under the 'business and human rights' domain, to ensure the state protects the human rights of workers; the businesses respect the human rights and there is a very efficient grievance redressal mechanisms at the level of companies, company associations, state bodies, quasi-state bodies and judiciary.

The PIC team would like to extend its gratitude to all the respondent sand community members who shared their valuable thoughts during the interaction.

We would also like to record our gratitude to the staff of three community based organizations, New Hope India (Bargargh) and Adhivashi Vikas Samanya Samiti (Bolanghir) for their field support.

We would like to extend our sincere appreciation and thanks to Mr. Karuppusamy, Director, READ for entrusting this research to PiC and providing guidance and valuable inputs in finalizing the study.

We would like to extend our thanks to finance and administration team of READ and Partners in Change for their support throughout the field process.

Pradeep Narayanan,

Director,

Partners in Change



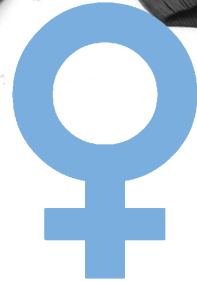
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Section A

Background

1. Introduction

1.1. In Tamil Nadu, the textile industry has the distinction of possessing the largest labour-intensive workforce after agriculture. This is due to the large number of medium and small manufacturing units located in 18 districts of Tamil Nadu. 11% of the country's export earnings in terms of foreign exchange are through textile export (Source: Textile Ministry working group report). In recent years, the migration of workers from North Indian states like Bihar, Odisha, Jharkhand and North Eastern states like Assam is increasing and constitute 15% to 35% of the textile workers. In the Tamil Nadu garment and textile industry, there is a system of contractual employment of young, adolescent girls, mostly aged 16 and upwards. This practice of employing young female workers, known as *Sumangali* (or known by some other names) Scheme, contravenes the international standards, as established in the Palermo Protocol and borders on 'trafficking'. Exporters are strongly denying the existence of *Sumangali* practices in the textile and garment sector, while they admit the presence of the hostel facilities for migrant workers, which is called 'camp *coolie* system'. Whatever be the name, young women workers are often employed virtually under forced labour conditions, as apprentices, but made to work for long hours, not paid the statutory wage, poor working and living conditions and poor health and safety standards.

1.2. Migration, Migrants and Sustainable Development Goals: Sustainable Development Goals (SDGs) has set targets around

addressing problems faced by migrants. Some of these goals and targets are:

SDG

8.8. Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.

- Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status. (8.8.1)
- Level of national compliance with labour rights (freedom of association and collective bargaining) by sex and migrant status. (8.8.2)

10.7. Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

- Recruitment cost borne by employee as a proportion of yearly income earned in country of destination.(10.7.1)
- Number of countries that have implemented well-managed migration policies. (10.7.2)

Other Indicators Specific to Migrants and Migration

- Proportion of ever-partnered women and girls (aged 15-49) subjected to physical and/or sexual violence by a current or former intimate partner, in the last 12 months (5.2.1)
- Proportion of women and girls (aged 15-49) subjected to sexual violence by persons other than an intimate partner, since age 15. (5.2.2)
- Percentage and number of children aged 5-17 years engaged in child labour, per sex and age group (disaggregated by the worst forms of child labour) (8.7.1)

- Percentage of children aged 1-17 years who experienced any physical punishment and violent disciplinary measures, in the past 12 months (16.2.1)
- Number of detected and non-detected victims of human trafficking per 100,000; by sex, age and form of exploitation (16.2.2)
- Percentage of young women and men aged 18-24 years who experienced sexual violence by age 18 (16.2.3)

1.3. State's responsibility to protect human rights of migrant workers.

India is a signatory to UN Guiding Principles on Business and Human Rights, which has three pillars; a) State's responsibility to protect human rights; b) Business responsibility to respect human rights; and c) access to remedy for the victims and survivors. Recently, the Government of India has come out with the Zero draft of its proposed National Action Plan on Business and Human Rights. Interestingly, the report is totally silent on the situation of migrant workers.

Nevertheless the State has Laws and Policies in place. There is Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, which takes care of the internal migration; Contract Labour Act which covers the contract labour; and Social Security Agreements with 18 countries, which were signed by Employees' Provident Fund Organisation (EPFO).

Further, it is not that the Government of India is not aware of the challenges. Recently, Smt. Sunita Sanghi, Adviser (Skill Development, Employment & Managing Urbanization), NITI Aayog stated the following. She stressed on

“internal migration as a bigger problem than outward migration. The challenges that policy makers are facing while trying to meet the SDG targets in terms of ensuring orderly, safe, regular and responsible migration and to eliminate the adverse impact on women and children are loss of identity of migrants, lack of real time data, improper housing facilities,

seasonal migration, unfavorable working conditions and lack of political representation to address the issue of migrants. She further suggested to check the flow of migrants so that right estimation of housing, kind of skill training, medical facility and other issues can be easily addressed. She recommended setting up inter-state and inter-district migration support centres and collecting data on child migration, in order to devise strategies for the benefit of children.”

Similarly, Smt. M. Sathiyavathy, Secretary, Ministry of Labour and Employment, cited some challenges in the migration debate like basic requirement of minimum wages, ensuring minimum working conditions for both immigrants and emigrants, equality of treatment for both people who are employed and those who come on migration, equality of pay for men and women and also need to equally abide by the rules of the country for the local people and for the migrant worker.

**The Interstate Migrant Workmen
(Regulation of Employment and Conditions of Service) Act 1979**

It provides for:

- a) Registration of all principal employers/ contractors employing migrant labour.
- b) Licensing of contractors - no contractor can recruit any migrant labour without obtaining license from the appropriate Government.
- c) Issue of passbook affixed with a passport-sized photograph of the workman indicating the name and the place of the establishment where the worker is employed, the period of employment, rates of wages, etc. to every inter-state migrant workman.
- d) Payment of minimum wages fixed under the Minimum Wages Act, 1948. Principal employer to nominate a representative to be present at the time of disbursement of wages to the migrant workman by the contractor.

- e) Payment of equal wages for inter-state migrant workmen performing similar nature of work along with the local labourers.
- f) Payment of journey allowance including payment of wages during the period of journey.
- g) Payment of displacement allowance.
- h) Suitable residential accommodation.
- i) Medical facilities free of charge.
- j) Protective clothing.

Tamil Nadu (TN) Rules, 1983 have certain significant provisions like:

Rule 37: The contractor should provide free, adequate and necessary medical facility.

Rule 38: Provides for protective clothing due to change of seasons.

Rule 39: Provides for adequate safe drinking water, Latrines, Urinals and washing places.

Rule 40: Provides for 1.1 sq.meters per person as rest room and that rest room should have light and air with drinking water.

Rule 41: Canteen should be provided if more than one hundred are employed on a no profit - no loss basis.

Rule 42: Provides for one latrine for 25 persons.

Rule 43: Provides for an enclosure to take bath and wash and that there should be buckets, tumblers and mugs. It also states that each person should have 20 liters of water per day.

Rule 45: Provides for living accommodation with corridor, kitchen at ten sq.feet per person and one latrine and one bathroom for three people.

1.4. Study Objectives and Methodology

READ, an organization based in *Erode*, Tamil Nadu, approached Partners in Change (PiC) to organize a study on exploitative employment practices of migrant workers, especially young adolescent girls and children, employed in the Tamil Nadu apparel industry with a focus on those recruited from Odisha. READ has been working with garment workers and has realised that there is an urgent need to understand the situation of migrant workers. It has been difficult to contact the migrant workers in Tamil Nadu. Therefore, the study was need to be organised at the source area. The source area identified was two districts in Odisha - Bolangir and Bargarh.

The study had the following objectives:

- i. To understand the working conditions of the interstate migrant workers in Tamil Nadu and whether there is any kind of forced labour or gross exploitation in practice; whether they are properly covered under statutory entitlements like wage, Provident Fund, Employees State Insurance and bonus; their living conditions and freedom of movement of the interstate migrants; and whether there are situations of bonded labour from a trafficking perspective.
- ii. Whether the registration of interstate migrants workers in destination areas follows as per the Interstate migrant work men Act 1979; and whether the interstate migrants are adequately represented in the Internal complaints committee, grievance redressal committee, etc.
- iii. To understand the method of recruitment of the interstate migrants by agents, skill training centres, direct recruitment and others.

The study faced a number of challenges in accessing respondents. The target was to survey around 300 return migrant workers from Tamil Nadu apparel industry in *Bargarh* and *Balangir* districts of Odisha. The blocks covered in *Balangir* were *Loisingha*, *Saintala*, *Belpada* and *Balangir* and in *Bargarh* the team visited *Bargarh*,

Attabirah and Galsilet Block. The research team had a list of 500 returned migrants, who were to be interviewed. It was quite a challenge to locate respondents as per the provided list. The provided list, mostly contained names of the male migrants and in case of female migrants the contact numbers from the list were either not functional or the number was used by some other person, outside the district and outside the state. Therefore, the research team had to visit many remote villages based on the views of those who picked the calls. Once the team reached a village, it would actually identify if the village has adolescent and young women working in Tamil Nadu. Identifying and travelling to various villages put a lot of time-constraint on the study. Most of the identified villages had not more than 4-8 workers, but some of them were still working in Tamil Nadu and would return only post *Diwali*. The team met the available returned migrants in person, according to their convenience and we attempted to reach out the workers at site though phone as it was the only strategy available. The respondent pool was quite scattered.

Moreover, the team realized that using the structured questionnaire affected the responses as most of them were not ready to reveal the names of the company they were currently or had previously worked for. Some family members and relatives were present throughout the interview and cautiously observing the process and ensuring that respondents do not say anything against the company or its wage terms, working and living conditions. Therefore, the team had to use different strategies such as informal chats to elicit responses for crucial questions. It was explicit that respondents were fearful that the given information can be shared with respective company. Our local contact was very helpful in instilling some level of confidence.

In order to reach the desired number of respondents, the research team decided to approach the potential respondents through phone. Respondents who were met in person were requested to share the contact number of their friends working in the Tamil Nadu apparel industry, only if their contact was fine with being interviewed. Majority of them were reluctant to share their friends' contract numbers, quoting that they would not be interested, while some respondents agreed to share the contacts and connected their friends through their phone in our presence. In such a situation, the research

team had to complete the interview in a shorter duration and in case of an incomplete interview, consent was sought, for further calls for clarification. All the respondents, irrespective of whether they were former or current workers, requested anonymity and were not ready to share the name of the company.

In terms of interaction, the team had to rely on informal conversation rather than structured interviews in a majority of the cases. Those responses are arranged in order and reviewed for completeness and in case of incomplete response or refusal to respond for some crucial questions, the research team attempted to contact the respondents by phone more than once. Many times we had to make repeated calls to them as there was no response or poor connectivity. Therefore, transferring of data from different sources into a single format consumed more time than expected.

The research team reached out to 295 respondents (170 were contacted in person and 115 were contacted by phone), of which 70 people refused to be part of the study after the introduction and 25 stopped answering after the start of the interview. Most of those who dropped out stated that they were afraid of the factory management or others finding out about what they said to the researchers. Therefore, 200 respondents were included in the final analysis. Phone interviews with respondents currently working in *Tiruppur* were conducted during weekend holiday breaks and after working hours. Poor quality network affected and interrupted the interview, thus, the researchers had to make calls a few times in order to complete the interview. It should be mentioned that despite the assurance given by the researchers, the workers did not come out openly to share their views on crucial issues.

The second phase was a qualitative survey designed to capture the perspectives of other stakeholder groups on issues affecting the garment industry. The qualitative survey, in the form of an informal conversation and case studies, targeted few stakeholders in the garment sector, including middlemen, skill centre in-charge, male youths, parents of migrant workers and government representatives and workers. A majority of these interviews were in-person and a few were over the phone. Interviewees' responses were written up

in detail after the interview. The interviewers used a set of semi-structured interview guidelines developed by PIC, which were tailored to the different respondent groups. The guidelines were applied flexibly depending on how individual interviews progressed; not all questions could be asked of all respondents, as this would have made the interview too long. The survey was facilitated by three civil society organizations, namely, **New Hope India** (*Bargargh*) and **Adhivashi Vikas Samanya Samiti** (*Bolanghir*). Four field researchers underwent training. Field work for the quantitative and qualitative data collection was organised between August - September 2018.

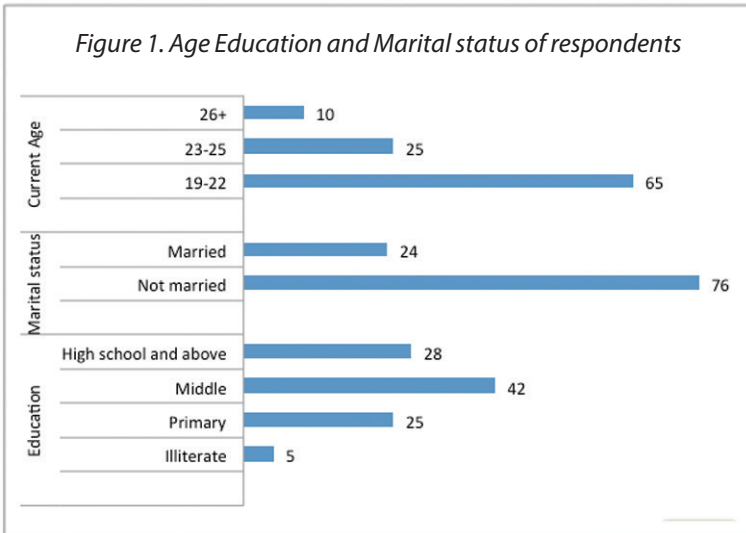


Section B

Profile of the Respondents

All respondents, belonging to two districts of Odisha, are female workers, who were formerly or currently migrant workers in and around *Tirrupur*, and working in the textile industry of Tamil Nadu.

From the Figure below, it is clear that the majority of respondents are currently of age 19-22 years, unmarried and have not studied beyond the middle level. Most of the migrant workers belong marginalized section of the society such as SC and ST.



Section C

Findings: Recruitment Phase at Source

Methods of Recruitment:

There are basically three kinds of methods by which workers get recruited. More than half of them (53%) mentioned, 'Friends & known persons' working in garment factories in TN facilitated their recruitment. "Family members and relatives" are mentioned by one-fourth (25%) of respondents while the other 22% stated that they joined through skill centers. It is interesting to see that, in case of women migrant workers, none of them mentioned "unknown" traditional recruiters such as middlemen/contractors. However, more than 50% of the respondents who were recruited by 'friends and known persons' stated that they have come to know later that some of their friends and known persons acted as recruiting agent, because employers give recruitment incentives to existing workers to recruit other workers from their network of friends, relatives and acquaintances.

Recruitment by Friends and known persons is primary method of recruitment. The return migrants from the neighbourhood fare the reasons for 53% of the respondents migrating to TN. In the group discussion, following observations were made:

- a) Landless, poor and needy families, who are working as seasonal agriculture labours for lesser wages approach the return migrant workers from their village and request them to take them along with them. The migrant worker informs the supervisor or employer, and makes the travel booking on behalf of those who are interested.

- b) Some return migrant workers, at the time of their visit to their village, meet their network of friends, relatives and acquaintances during their stay and share their work life, hostel life, wage, bonus, friends and other aspects about life outside the state. Hearing this some workers expressed their interest to follow them to work in *Tiruppur*.
- c) Majority of the respondents recruited by friends and known persons stated that they have come to know after joining work that employers give recruitment incentives to existing workers to recruit other workers from their network of friends, relatives and acquaintances.
- d) Two respondents working as line supervisors who had taken five girls from her village said that employer told her to bring her friends and known person who are in need of work as the demand for workers is always there in *Tiruppur*. They denied of having received any incentive from employer for recruiting persons. However, one respondent who was recruited by them said that both of them are influential with manager, supervisor and hostel warden and they enjoyed better privilege than other workers, in addition to get incentive for recruitment. Therefore, nothing can be said as certain, although there is enough evidence that 'recruiting new fellow villagers' is incentivized in some way.

Recruitment Process by Skill Centres is emerging as another important method: Discussion with the workers placed by skill centres revealed that they have come to know about the skill centers through the community mobilizer (CM) from their neighbouring village. CM visited the households with adolescent and young girls and explained their family about the role of skill centres in providing free training and placement outside the state with decent salary.

A migrant worker from *Tiruppur*, recounted how she had been recruited by an community mobilizer from DDU-KGY.

“CM visited our village and told us about the training centre which provide two-three months tailoring training with free food and accommodation. We would be placed with good company outside the state after the training. Our family

members and I were convinced as I have just completed my matric schooling and occasionally working as agriculture labour for lesser wage. I moved to the training centre at *Bhuvaneshwar* with required certificates such as school certificate, caste certificate (proving her SC status), and my family's income certificate. I was given hostel facility and food as mentioned. In my batch, there were 50 persons. The training went on very well. After the training, the center in charge took the responsibility of placement. Travel arrangement to *Tiruppur* by train was made by the centre and one staff from the centre accompanied us to the destination. We were taken to the factory and later to the hostel and also briefed about the nature of work. We were told that we would be paid Rs. 7500 with free food and accommodation”.

Targetted Age for recruitment

About 71 percent of respondents stated that they were recruited between the age 16 to 20 years, with 12 percent being less than 18 years at the time of recruitment.

Re-Migrants, already had first hand experience of migrant work

About 80 percent of the respondents were the first time migrants. 40 persons (20%) stated that they have had experience of working outside the state before this work. Of them, 22 worked in garment factories in *Tiruppur* itself; and rest worked in Bangalore or Kerala.

Exposure to Experiences of other Migrants

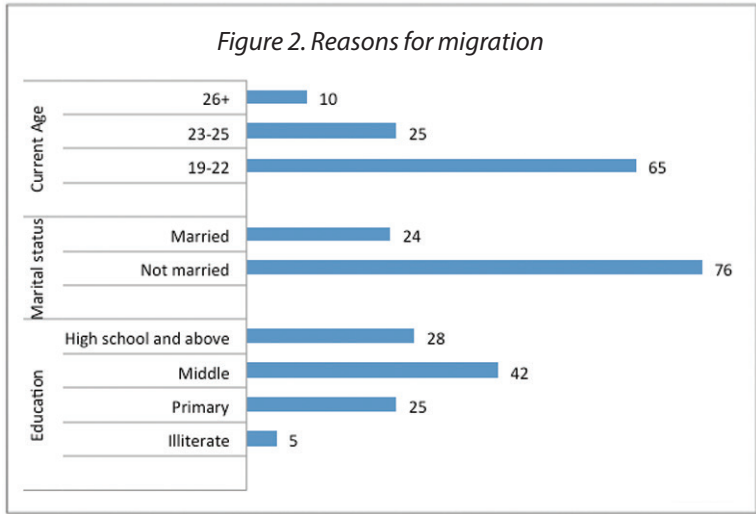
While 80% were the first time migrants, two-third (66%) stated that they have met people from their village having worked in Tamil Nadu.

Among those who reported that they have met people from their village worked in Tamil Nadu, two thirds (65%) thought that the migrant workers had a “somewhat good experience”, as they could earn regular income, support their family, repair their house, save some money for their marriage and were able to partially repay the loan taken by their parents from money lenders. Further, they also stated that women had to work outside the state as it is the only

option available for the poor in the absence of livelihood locally, besides poverty, landlessness, semi-literate and unskilled people from the rural villages. However, there were 10% who mentioned that the migrants known to them had “bad experiences” as some developed health issues such as neck pain, back pain and joint pain due to the repetitive and sedentary work, for longer working hours, lesser wage and non-compliance social security contributions without any contracts. Lack of rest affected the health of people in the long run. The rest (25%) said that they did not know about the experience of those migrants.

Reasons for Migration

Lack of livelihood opportunities, poor wages and insufficient incomes were stated by 75 to 90% of the respondents. To pay off Debt was reason for about 40%. While only 30% stated dowry as the reason, it was observed that the dowry-burden was under-reported as most were in the age that they just wanted some source of livelihood options.



The Focused Group Discussions provided the following observations:

- a) A large number of women are resorting to migration because of poverty, illiteracy, landlessness, lack of livelihood, irregular work,

lack of opportunities for advancement, absence of alternative works, failure of agriculture, low wages and mechanization of farming and influx of migrant labors from Jharkhand and Bihar.

- b) The key reason for women joining work in factories was economic. Landlessness, lack of livelihood, poor wages, financial crunches at home, insufficient income of head of the households, leads women to take up work outside their homes. Women too feel that had the income in their family been sufficient they would not have stepped out of their homes. Some women said that other factors such as household loans and debts or the practice of dowry made them work for a certain period of financial crisis. Working has now become a necessity for survival. Many women stated that it ensured a better future for their family. With the money they earned, these women felt that they were able to secure support from the family members and pull them out of poverty that they face. Some of them said that the younger women expressed ambition to work well and move up the rungs at the factory. A handful of the women that the team interacted with, who were in their early twenties, spoke about their work and roles with passion and pride.
- c) Most workers belonged to *dalits* or *adivasis* and they were able to associate their being landless and illiterate to being socially marginalized, but they were not able to relate migration to their being dalits and adivasis.

Returning Home: Stated Reasons

Almost 78% of the migrants return to their villages temporarily. They stay in the destination for 6-9 months and return home every year during festival and farming season. The number of months every year that they stay in the village varies between 3-4 months and most of them get engaged as agriculture daily wage labourers during that time. Discussion with them found that it is not necessary that they have to return to the same factory. Primary reasons for returning often include “on leave” (35%), ‘Marriage or engagement’ (22%) and “farming season” (18%).

Key Concluding Points

1. In the villages, that were part of the study, from the two districts, it is clear that migration to Tamil Nadu for garment work is rampant, and has become a normal process. Poverty, illiteracy, lack of livelihood opportunities and low wages and income in source areas are some of the reasons, which are pushing female workers to TN Garment industry.
2. The factories have created a self-sustaining model of recruitment- the current workers returning to the village temporarily recruit their friends and relatives. Often they act as agents and some of them do get commissions. Further, the skill centers also have community mobilisers, who ensure placements for these girls and women.
3. There is a popular narrative that has successfully been created in the village that 'all is fine' with migration, especially when the current workers are recruiting the new workers. Given that there is incentive in recruiting new workers, the narrative aerated is also about "all is well". Irrespective, there is an accepted belief that any kind of situation during migration would still be better than what is currently there in the two districts affected by drought.

Section D

Findings: Working Conditions at Destination (Tamil Nadu)

1. Roles and experience of working in the Textile Industry in Tamil Nadu

Of the 200 respondents, 45% had more than 1-year experience, whereas 13% had less than 3 months experience. **Interestingly 37% are working in the current worksite for more than a year.** Although 12% had totally moved out of the textile industry, there was more or less an equal representation of currently working as helpers (28%), checkers (30%) and tailors (25%). Interestingly 5% of them were line supervisors.

2. Appointment order/ contract is seldom given

Workers do not formally know what they are signing up for. About 78% of reported of not receiving any written appointment order; and in fact, 28% of them just stated that they joined the company through their family members and relatives. In fact, those 22%, who stated that they have seen the order, indicate that it is a short letter of employment without any detail about job description or any terms and conditions.

It was stated that in *Tiruppur*, most of the companies recruit the migrant workers as daily wages or contract workers, as they can be paid lesser wages for the same working days. Further, it is relatively easier to hire and fire them since recruitment of daily wages are not properly regulated. Migrant Workers do not insist on contract letters

due to lack of awareness or because of the desperation to get some livelihood opportunity.

In the absence of any signed contract with the employer, the only document they possess is an electronic identity card issued by the factory. Companies issue electronic identity cards to all the workers after one to two months of work. The company to calculate working hours, salary, overtime work and deductions uses these cards.

3. Working Hours longer than prescribed.

Around two-thirds of respondents stated that they are working 12 hours, while others work between 11-12 hours, which is longer than prescribed working hours. All workers said that they are given one hour of leisure time for having lunch (30 minutes) and two times tea (15 minutes each). In *Tiruppur*, most of these industries adopt one and half shifts i.e. 12 hours, with one hour break. More than 90% of Respondents stated that they work 6 days a week. Except weekly off, none of the leave system is maintained in the industries and the workers are unaware of taking such leaves.

“I have come all the way from Odisha, not to take rest or enjoy, therefore I would prefer to work extra hours whenever possible, so that I can earn some additional money”.

“It will be too tired to work overtime after 10-12 hours regular hectic work, what to do, because I am not sure whether I would get chance to work additional hours next day or week”.

“If I work more, I can send more money to my home and also I can save some for my marriage”.

“It will very difficult to do overtime work, I want to take up as much as over time work, so that, I can save money to repair our house and settle the loan taken by my father”.

Thus, most workers work for 60 to 72 hours a week. They are unaware of any other leave other than the weekly off day. Workers placed by the skill centers stated that they were instructed by the centres, themselves, to work at least 10 hours a day with two days off in a month.

A number of workers are in fact, even willing to work overtime after these 11-12 working hours or to work on Sundays. In case of occasional overtime work, especially when orders have to be delivered quickly, workers are informed well in advance and sometimes they are asked to work even during the Sundays. Overtime work is often voluntary but the supervisor expects that everyone should be present. However, they exempt a worker with severe sickness/ ill health or any other emergency. Regarding payment for overtime work, 30% stated that they are promised double the wage while others (70%) did not know the rate as they have not worked overtime in the recent past.

However, overtime is not very common as export and production has come down after demonetization, which resulted in lesser overtime work for workers. Further, over the period of time, this standardisation of extracting longer hours of regular work from workers has reduced the need for 'overtime'.

4. Monthly Wage: Less than Statutory Minimum Wage

Many respondents were not able to tell the exact wages per month. They neither have any written contract nor receive any lump sum amount every month from the employer. The table 4.1 provides an approximate figure, which the workers provided. It is an approximate monthly wage (before deduction of EPF and ESI) by number of working hours for different work and also for the workers living in the factory hostel. The wage mentioned in the table is on the higher side. Most workers do not necessarily get this wage, as often a deduction is made for leave and absence.

Some key observations are:

- a) The wages paid to Packers/ Helpers, Quality Control/ Checker range from Rs. 7000 to Rs. 10,500 a month according to the working hours. Similar variation is observed among machine operators and supervisors as well.
- b) Majority of the workers (65%) mentioned working a minimum of 12 hours daily while others worked for 11-12 hours. In *Tiruppur*, it is normal for all workers to work for minimum of

Table 4.1 Approximate Monthly Wage Before Statutory Deductions for 26-days Month, Based on Responses from 79% respondents

	Local workers or Those Not provided Accommodation by the Employer				Workers staying in the accommodation provided by the employer			
	Packers/Helpers Quality Control/Checker		Machine Operator/Supervisor		Packers/Helpers Quality Control/Checker		Machine Operator/Supervisor	
	Statutory Minimum Wage (Rs. 7957 to Rs. 8490 for 8 hours work)		Statutory Minimum Wage (Rs. 8190 to Rs. 8490 for 8 hours work)					
Monthly Wage (approx.)	Min	Max	Min	Max	Min	Max	Min	Max
12 hours	9600	10400	9600	10400	8100	8900	8400	9200
8 hours	7000	7500	7500	8000	5500	6000	5500	6500

Note: 21% respondents did not want to share the information on the wage. Amount mentioned are approximate.

12 hours. Those who stay in the company accommodation said that if they do not work for 12 hours, it would be difficult for them to substitute the deduction of Rs. 1500 towards food, accommodation and EPF.

- c) Those who live in the hostel, receive approximately Rs. 1500 lesser, as the money deducted towards food and accommodation.
- d) Most of the workers stated that they do not necessarily know the wages being paid to male workers or to the local workers, but they

said at the level of line supervisors, the male supervisors surely get an additional amount of Rs. 1000 to Rs. 2000 per month.

- e) Two workers from *Bargargh* district, placed by skill development center stated that, they were told by the skill center in-charge that they would be paid Rs. 8000 a month for 8 hours of work, 6 days in a week. When she joined, she found her salary to be Rs. 7500 and she had to work minimum of 10 hours a day, with only two days leave in a month. Promises of 8 hours work time, 6 days work, free food and accommodation proved to be false. One worker from *Bolangir* stated that “Migrant workers do not protest even though they are not being paid as per the prescribed wage agreement, as they compare the salaries they get in *Tirupur*, *Erode* and *Coimbatore* with what they got in their native places.”

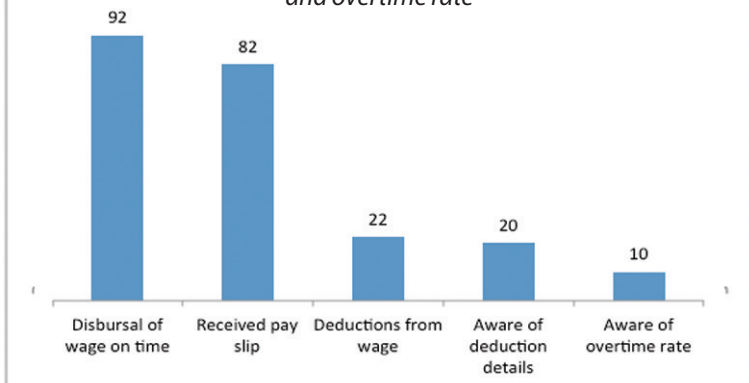
To sum up,

- i) If wages are calculated based on 8 hr working day calculation, none of these workers are paid the statutory minimum wage. Some of the workers are told that they are being paid as per hosiery industry minimum wage calculation. However, even then the wage is less than the minimum wage.
- ii) Most workers get pay slips, but they do not have any awareness of their wage calculation or calculation of deductions being made.
- iii) Even those who are aware may not necessarily stand up for their minimum wage, for they feel they have consented to the wage; and the lack of alternative option make them very vulnerable. Further, all factories uniformly pay less than minimum wage, so even if they move out they would not get any better option.

5. The good news is that Wage-Payment is rarely delayed.

Despite the lack of written contracts, wage payments were always or most often made “regularly and on time”. Most of them (92%) said that their salary was paid twice, on fixed dates, every month. Of all the respondents, only 8% said that only sometimes their payment was delayed.

Figure 3. Disbursal of wages, deductions, awareness of deductions and overtime rate



Payments at all factories are made to workers' bank accounts and the workers use ATM cards to withdraw cash. Bank accounts are opened for workers within one to two months after their joining using *Aadhar* card mostly submitted as age proof by workers. Until the ATM card is issued, their wage is paid through cash. Some migrant workers (10%) said that their wage was paid only through cash.

Interestingly, most of them (82%) stated that they were issued a printed or written slip with details of payment. However, they stated that they could not understand it. Only 22% stated they understood deductions from wages towards EPF, ESI, food and accommodation being made.

6. Access to Social security - ESI and EPF

The two salient social security schemes workers are entitled to are Employee State Insurance (state-provided healthcare) and the Employees' Provident Fund (EPF, known as PF), a retirement benefit scheme for salaried employees. Normally, a company in India has to start paying ESI and EPF within 15 days of hiring a new worker.

Some workers prefer to look for factories where statutory deductions like ESI and EPF will not be withdrawn from their earnings. They prefer a higher take-home wage. "We ask at the office gate if deductions are compulsory. We look for employers where deductions

are negotiable”. They stated that ‘there was a Government Order (Labour Ministry’s amendment in 2016) which barred employees from withdrawing the EPF before the age of 58 years”. Further, “we also do not know whether employers are actually contributing”.

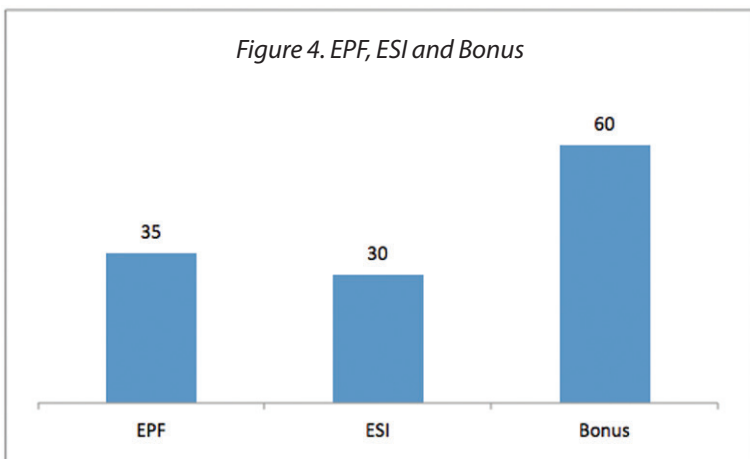
However, little more than one-third of respondents (35%) said that employers have enrolled their name for EPF scheme, while 25% said that they are not sure about it. However, no one among those who mentioned EPF were able to specify how much money is deducted towards EPF or their EPF account number or new Universal Account Number (UAN). In case of ESI, 30% of them said that their name is registered for ESI scheme. Again, none of them were able to mention either the amount deducted from their wage for ESI or their ESI account number.

To sum up,

- i) Workers themselves feel that their wages are so meager that they would prefer higher take home, rather than go for any deductions, especially if the withdrawal from PF is going to be difficult.
- ii) About 60% of workers have stated that they know about EPF deductions. Of them, 35% workers are aware that their names have been enrolled in EPF, while 25% said they are not sure about it. In case of ESI, only 30% of workers knew that their names have been registered against ESI scheme.
- iii) None of them are aware of any calculations with respect to these deductions.

7. Bonus: No common Understanding among workers

As mentioned earlier, workers were told at the time of recruitment that those who work at least three months continuously would become eligible for bonus, but in practice, those who have completed 6 months or more only become eligible for receiving bonus. Discussion with respondents found that there is no common understanding among the workers on bonus. Some said that the bonus amount vary between 6-10% of the cumulative salary of last



12 months according to seniority, however, some said that they received consolidated amount of Rs. 2000 to Rs. 4000.

Among the workers, only 40% reported receiving a bonus. Respondents expressed concern that every year the lack of clarity in fixing bonus amount and its disbursal affects a large number of workers in *Tirupur, Erode* and *Coimbatore*. The workers feel that the tendency of paying the bonus at the 11th hour, practised by majority of the units every time, spoils the festive mood.

8. Promises at the time of Recruitment: Mostly unfulfilled.

Firstly, it was found that most of the workers, irrespective of mode of recruitment, did not remember much about the promises made to them. In fact, even of the day of joining, the supervisor or the manager did not make any promises in written form. Majority of workers (60%) reported of mostly believing what the family members, friends and skill centers in-charges told them on wage, working hours, overtime, hostel facilities with food and bonus. In fact 40% of respondents refused to answer this question, stating that they did not remember anything.

A summary table 4.2 is presented below, based on responses from rest of the respondents.

	Promises Made by Employer or Recruiter	Actually what they received	Whether discrepancy exists
Food & accomm- -odation	Highly subsidized food and accommodation	Money (Rs.1500-2000) deducted for food/ or respondents cook their food	Yes
Working hours	8 to 10 hours of work	10-12 hours	Yes
Wage & deduction	Packers/ helpers/ quality check Rs. 7000 - 8000 for 8 hours work with food & accommodation	Same	No
	Machine Operator/ supervisor Rs. 8000 - 9000 for 8 hours work with food & accommodation	Same	No
Eligibility for bonus	Those who completed 3 - 4 months of work	Those who completed 6 - 9 months of work	Yes
Bonus	One month salary	Less than one month salary. Bonus amount calculated based on the total basic amount earned in last financial year. The % varies between 6 - 10	Yes
Working days (in a week)	6 days work in a week	6 days work in a week	No
Payment for over time work	Double rate for over time	Lesser than double rate or regular rate	Yes

Public holidays	Not mentioned	Only one or two public holidays day (Pongal & Diwali).	Yes
Transport	Free transport for local migrant workers staying with family	Free transport	No
Note: Only 60% of the respondents were able to recollect the detail on offers made at the time of recruitment.			

Workers' Perception: Discrepancy between promises made and actually practised

"We are aware that we are underpaid and expected to work longer hours. We are not educated enough to get such work in our village, therefore we keep quite and adjust with it for the sake of our family".

"We do not have any special skills, who will give us work? Even the educated are unable to get work in Orissa, how can we? Therefore, we accept this work, living condition and wages."

"Rich people can bribe and get work in Odisha, what will poor people like us do? We are happy with what we earn here".

"I joined the company through my father-in-law after marriage. We are five people working and saving money. Issues like exploitation of workers and poor wages is everywhere. But here we receive our salary on time. So we are happy".

"We are not blaming anyone for the discrepancy between offered and actual promises. We did not ask for such detail when we desperately approached friends, know persons and relatives for helping us to find work in Tiruppur. If we like the working terms, we will continue with same company, or else, we can move out to any company. No one can stop us".

9. Physical and Sexual abuse and harassment: Not ready to talk about them.

According to the research team, workers seemed to be afraid to talk about any abuse they faced. They avoided answering these questions in affirmative or negative. Therefore, this section is largely based on informal discussions with workers to understand their views on abuse, harassments, committees and supervision.

- i) **Complaints of Abuse:** Among the surveyed respondents, none of them reported having undergone any physical, sexual, violence and harassment ever in the work premises or in the living places. Most avoided the question. They surely fear trouble if they speak about the issue of abuse.

Further, regarding the discrimination against migrant workers, none of them ever felt that the workers from outside of the state are treated worse than local workers either in the hostel or work site by anyone associated with the factories.

- ii) **Supervisors:** When the workers were asked about their opinion on their supervisors, more than three fourth said that their supervisors are good as a person and wanted to skip a further probe by the researcher. The workers highlighted that there are both male and female supervisors in the worksite and most of them lean towards the management.

Workers stated that generally supervisors become tense and shout at workers

- a) When the workers are not attentive at work or fail to complete the daily quota. Those workers who keep talking or gossiping during the work time are given warnings.
- b) When Workers taking leave without prior intimation or approval. Such workers are verbally abused and issued threats of sacking from the work.
- c) Workers faced harassment, in terms of verbal abuse, when they were unable to meet production targets.

- d) Supervisors generally intimate the workers about overtime work in advance and everyone is compulsorily “expected” to report for the work, despite it being called ‘voluntary’. Absenteeism of workers without prior approval at the time of overtime work.
- e) Similarly, there are female supervisors, who keep eye on female workers to ensure discipline and punctuality in the work place. Monotonous work in a standing position for long hours makes the workers tired, causing them knee pain, back pain and ankle pain. To relieve the pain many workers go to the toilet on some pretext. Therefore, female supervisors keep an eye on women workers and ensure that they do not visit the toilet in the first three hours.

Workers denied they having faced any sexual harassment or physical abuse by the supervisors. No worker had heard of any supervisor sexually harassing workers. Even the verbal abuse, most workers accepted them as ‘normal’. Majority of the workers do not take the verbal abuse and intimidation of supervisors as an infringement of their rights in the name of ensuring the production target. However, they did say that if “poor treatment continues, they change to another job.”

“There are good workers and bad workers, similarly there are good supervisors and bad supervisors. Some female supervisors are supportive of us if we have any personal problem, they sort out any misunderstanding among us in hostels or worksites”, a worker from Attabira Village, Bargargh.

- iii) **Grievance Redressal and Internal Complaints Committee:** The 1947 Industrial Disputes Act provides for the establishment of a workers committee for any factory with 100 or more workers and a grievance redressal committee for factories with 20 or more workers. Similarly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, provides for the creation of an Internal Complaints Committees (ICC) in factories with more than 10 employees, for receiving

complaints from women who have faced sexual harassment at the work place.

Only 60% of FMWs were aware of Grievance redressal committee and 45% were aware of Internal complaint committee in the factory. Those who were aware of GRC and ICC said that the committees do consist of migrant workers. However, despite their awareness of these two committees, none of the respondents had ever approached them with any complaint. Most workers preferred taking up any issue they have with the hostel warden or supervisors/manager. Female supervisors and hostel wardens, play a major role in sorting out the issues faced by the workers both at hostel and worksite.

To sum up, it seems that the committees largely remain in paper.



Section E

Findings: Living Conditions at Destination (Tamil Nadu)

Hostel facilities

About 75% of respondents reported living in an employer-provided hostel at the time of survey. The workers were provided information on hostel accommodation by their friends and known persons and also by skill centers at the time of recruitment. Accommodation was either located within factory premises or at walking distance from the work place. According to the migrants, the hostel condition was “good”, despite the fact that they are congested with more number of occupants.

- a) **Room space:** Facilities in the hostels vary by the companies, in some places dormitory with bedding and bunk cot facilities accommodated 100-125 persons while in some other places 8 to 14 persons stayed in a single room with bunk cot facilities.
- b) **Bathrooms and toilets:** Around 10-15 workers have to share bathrooms and toilets with their co-workers. Only 35% of respondents ranked the condition of toilets as “good”.
- c) **Room amenities:** Overall, living places were equipped with electricity, light and fan. In case of other facilities, majority of them said that their hostels had basic amenities such as furniture, storage facilities, beds and mattresses and common television kept in the hall for the entertainment. Most of the hostels provided a space for watching television during leisure time.

- d) **Kitchen:** Most of the hostels have separate kitchen facilities while in few other hostels the workers have to cook their own food in the kitchen facility in the hostel. Irregular water supply is another issue pointed out by them, which affects their ability to cook food. Water supply becomes considerably worse in most of the hostels, during summer. Therefore, many hostels provide limited water for daily use during the summer.
- e) **Food:** Most of the hostels have mess facilities and the food is served to the workers three times a day. The workers stated that the food served was mostly rice and dal, which is common to their food habits. Sometimes, they are served South Indian dishes like *Idli*, *dosa* and *sambhar* and North Indian dishes like *chapattis*, *dal* and rice. Some of the units have also set up a kitchen for such workers as they are not comfortable eating the typically South Indian *sambar* or *idli*. According to the 50% respondents, quality of the food is “good”, as the mess managements was sensitive to the taste of Orissa migrant workers and prepare the food accordingly. Some factories that have sizable number of workers from Odisha ensured Odisha food is available in the hostel. Workers said that they are served the “curry”, without much spice and “*imli*”.

Medical Facilities

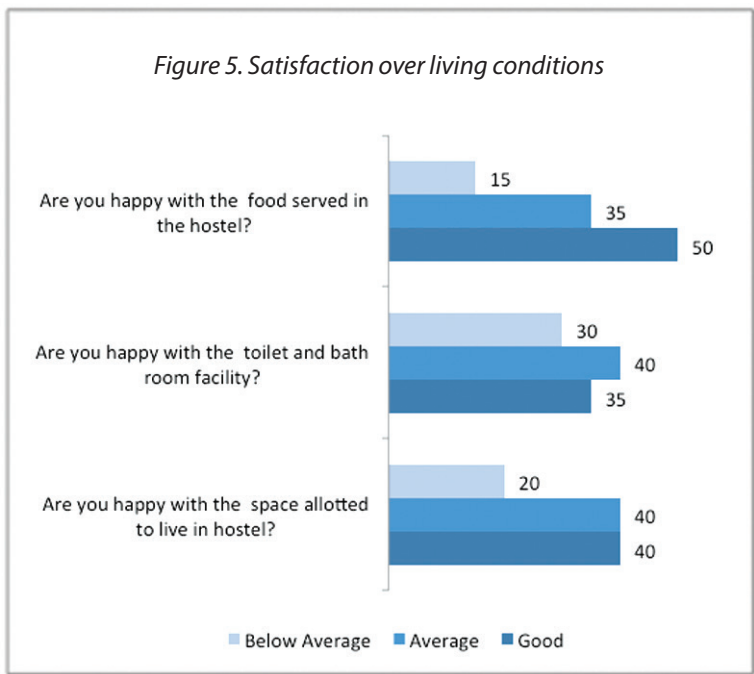
Garment workers are exposed to a number of occupational hazards due to the nature of work in the garment industry, associated with long hours of work, focused attention, fixed postures and exposure to dust and particle pollution as well as frequent verbal and psychological abuse (Mezzadri & Srivastava, 2015). As a result, workers are susceptible to posture related problems such as body pain and backache, respiratory diseases, skin allergies and eye strain, headaches and mental stress, urinary diseases due to limited access to toilets and unclean water. Therefore an attempt has been made to understand the arrangement made in hostel and worksite in case of sick.

Many garment workers are provided with some semblance of an emergency facility at work in the form of health rooms and first-aid box. The same is kept in hostel as well. Respondents were asked

what would happen if someone gets sick, and whether they are given medical attention. All respondents answered affirmatively with ‘yes’ for both the questions.

In case of common cold, fever, headache or body ache inmates are provided with any paracetamol tablets by the warden or hostel in charge. If it is not cured, they are taken to local or in-house health facilities. In case of any major health issue, based on the advice by the medical professionals, the workers are sent back to home or informed their family. Although care is given by the hostel authority or employer, when someone get sick, they are not allowed take leave with payment. However, the respondents did not come across any person sent home due to health issues

Level of satisfaction with the living conditions



Section F

Findings: From the lens of Bonded Labour and Trafficking, including on Children of Migrants

1. Registration of Migrant Workers at the Place of Destination

According to Interstate Migrant Workmen Act 1979, labour departments are duty-bound to register migrant labourers both in the source area and the place where they have come for work. If the workers get registered, they are entitled for Provident Fund, Employees' State Insurance, access to health care, which includes mental health and minimum wages as prescribed by the government.

- a) Awareness of Interstate Migrant Work-men Act, 1979 is completely nil among the workers. Workers responses on registration of their details at the place of destination showed that none of them were aware of any such act and requirement. Nor were they aware if their employer had registered with the concerned authority at *Tiruppur* or not. This could be due to the fact that most workers claimed to have come to *Tiruppur* on their own along with their family members or friends and therefore, do not require registration.
- b) In the case of skill centres, they view the young people recruited as trainees or students and not as migrant workers. Therefore, skill centres also do not register its trainees with the Labour Department at the place of destination, since it is not a legal requirement to register trainees.

- c) Discussion with District Social Welfare Officer and Labour Commissioner of *Bolanghir* and *Bargargh* found that voluntary and scattered migration by labours is a big challenge as there is no way to find out when and where a labourer is migrating and no mechanism has been put in place for keeping a record of migrants workers to *Tiruppur*. There is a need for registration of migrating workers at the *Gram Panchayat* level and need to sensitise migrant workers on registering themselves before leaving the district for work. Therefore, lack of data on workers migrating to work in *Tiruppur* garment factories, prevent them from taking appropriate measure to register them at the source place and address their vulnerability to bondage situation.
- d) The Government of Odisha concerned about the prevalence of exploitative labour practices including bondage situation in brick manufacturing activities that engage poor and vulnerable migrant workers in Andhra Pradesh. The garment workers, who often migrate from one state to another, become vulnerable due to non-recognition of their rights as workers in the source as well as destination areas.

2. Status of migrant children or children of migrants

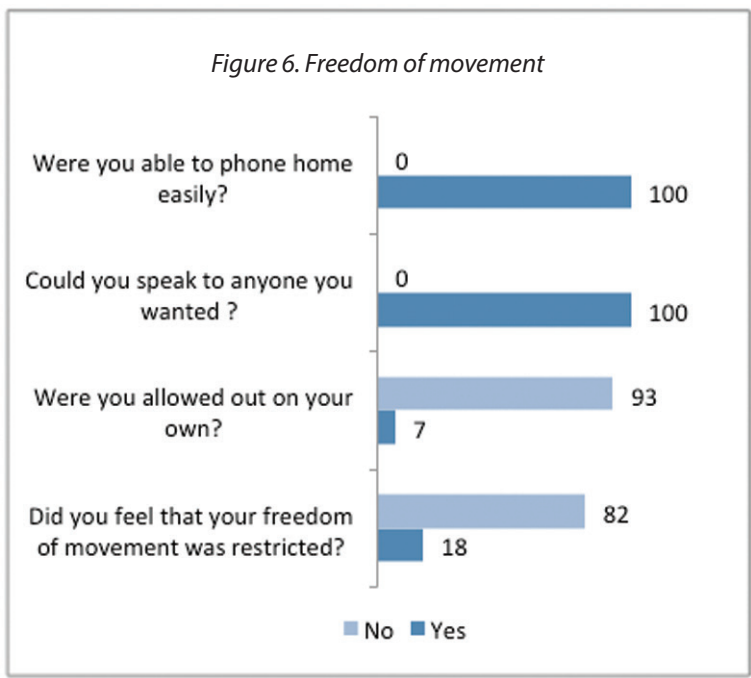
The study did not investigate whether young people aged 15-17 years were engaged in any hazardous activities which would jeopardize their health, safety or morals, or other “worse forms” of child labour in the factories. Discussion with the workers found that none of them had seen or heard of children below 15 years of age either in the work place or in the hostel. They said that children below 15 years of age are not allowed to work in garment factories. However, they still stated that “due to poverty and family pressure, some workers produce fake ID cards and Birth Certificate to claim 18 years of age”. In that case it would be difficult to identify who was a ‘child’.

Discussions with the workers living with their families in *Tiruppur* revealed that when the family migrates to Tamil Nadu, most of the parents leave their children below 15 years of age back home with their grandparents or relatives to continue their education. Some respondents living with the families said that children above 15 years of age are sent to work in home-based small units until they reach

18 years of age by the parents to economically support the family. Workers could not give more information on migrant children as they had not come across any.

3. Restrictions on freedom of movement

Even though the workers staying in hostels are allowed to contact their family and friends via phone, their freedom of movement is restricted to some extent. All the hostels have female warden. Women workers are allowed to leave the hostel once a week or twice in a month, which is usually for a few hours on Sundays and given time to buy personal items. They can only leave the hostel after registering with the security guard and in some cases the hostel warden gives the responsibility to one of them to ensure their safe outing and returning on time. (Figure 11)



Regarding the restriction, a majority of the migrant workers agreed with it, as they felt that such restrictions on their freedom of movement ensured safety in an alien city, and were therefore for their

own good. All the respondents said that there was no restriction in the hostel for speaking to anyone and calling family members after the working hours.

“It is always better to go outside as a group, as suggested by the warder or hostel in-charge. They are saying this for our safety. We do not speak Tamil, therefore, it is not advisable for the girls to move around alone”.

4. Bonded Labour

The Bonded Labour System Abolition Act (1976) of India is quite extraordinary in that it recognises a) the overlap between forced labour and bonded labour in customary relationships, and also b) the manifestation of these relationships in contract labour and inter-state migration, and c) considers the nature of restraints suffered by the labourer as a result of the bonded/ forced labour relationship, and makes all of these illegal. Further, the Supreme Court clearly states, “... *when a person provides labour or service to another against receipt of remuneration which is less than the minimum wage, he is acting under some force of some compulsion which drives him to work though he is paid less than what he is entitled under law to receive.*”¹

Denial of Minimum Wage An average female migrant worker works for 10 hrs a day for 26 days. According to the minimum wage calculation, even at the lowest rate, would be:

Minimum wage = Rs. 7957/- at 8 hrs a day for 26 days a month, that is, Rs. 38.25 per hour.

For additional two hours a day, she should be paid at Rs. 76.50 per hour. She should be paid a monthly wage of Rs. 7957 plus Rs. 3978, equal to Rs. 11935.

Most workers are paid a wage between Rs. 8000/- and Rs. 8600/-. The denial of the minimum wage has become a norm.

¹ ILO (2005), *Bonded Labour in India: its Incidence and Pattern*. Available at https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081967.pdf

Denial of Holidays None of the workers are provided with any kind of holidays other than one weekly-off day and a festival day of *Pongal*. They are not provided any paid leave.

No Proper Contract provided Most of the workers are denied any written contract.

Most common form of bonded labour usually entails an advance of lump sum amount. However, in the current context, none of the respondents claimed of receiving any advance or lumpsum amount to the worker prior to the work or after joining the work. Many workers said that, there is no provision for taking salary advance from the company. When the research team asked if they had ever taken a salary advance, they had not faced any such situation so far and managed among themselves.

Nevertheless, the textile industry has 'created a 'acilitating environment' for bonded labour primarily out of the supply factors, that is, there has been a streamlined process of 'fellow workers recruiting other workers from the same village belonging to marginalised sections from poor families'. Therefore, there is no need for demand-side 'force', especially by individual companies. Further, the way in which all the factories work in tandem, that they do not provide any competitive worker-friendly environment. Every factory provide almost similar kind of terms and conditions, that workers do not have much of a choice, and the worker 'consents' to the deprived working conditions. Owing to this, it looks like the worker is not in a bonded situation.

Some examples are cited here.

- a) Some respondents stated that as recruitment practices and wage terms were more or less the same in a majority of the garment factories, in the absence of a contract, migrants too can change the companies as their wish. According to the workers, there are hundreds of companies in *Tiruppur* which have work for many migrants and those who have networks such as friends and known persons working in other companies move easily.

- b) Further, many respondents want to work for between six to nine months, and then return to their villages. “Returning home was not a big issue as they could go back any number of times and at any time as they decide”. Hence, the workers do not necessarily find this system of ‘no-contract’ uncomfortable.
- c) The situation with the workers placed by skill centres is little different for the first six months. They would contact the skill centre incharge, who would act as intermediary between the worker and company in the first six months. Other workers placed by skill centres, working above six months do not follow this process nor the skill centres intervene in any of their decisions.
- d) **The workers are not provided any paid leave, therefore, they can take leave any number of days with prior notice.** Among the respondents, nearly everyone visited their hometown during farming season and stayed back 3-4 months before they returned. It should be mentioned that it is not necessary for them to return to the same factory.
- e) However, they also stated that everytime they return from their village, they are treated as new workers which make them to lose their seniority and other benefits such as annual increment.

Interestingly, for the companies, there is a regular supply of workers, so they do not resort to a practice of no-exit bondage. Rather, the companies get the benefit of supply of old workers, back as new workers, which means they do not have to spend additionally on annual increment and such other benefits required to be given for permanent workers.

Satisfied	Not Satisfied
<ul style="list-style-type: none"> ● Relatively better household amenities ● Guaranteed food ● Salary assurance ● Meeting friends ● Sense of pride ● Economic independence ● Happy to support families 	<ul style="list-style-type: none"> ● No contract or appointment letter ● Lesser wages ● Longer hours of work & less rest ● Occasional verbal abuse ● Joints and body pain ● Lack of social security (EPF/ESI) ● Lesser payment for overtime ● No paid leave

5. Trafficking perspective

None of the workers covered under the study perceived that they been trafficked or tricked into the work by anyone. As mentioned earlier, all workers stated that they joined the factory ‘voluntarily’ through family members, relatives, friends and skill centres. Further they said that, they could quit the work or change the factory as they desired, by informing the supervisor or manager one or two weeks in advance. According to workers, none of the companies can retain the workers forcefully as they had not signed any contract or paid any lumpsum payment to the workers.

However, the research team observed certain aspects that need to be further studied to classify the work as trafficking:

- a) **Companies pay recruiters:** Majority of the respondents recruited by friends and known persons stated that they have come to know after joining work that employers give recruitment incentives to existing workers to recruit other workers from their network of friends, relatives and acquaintances. Two respondents, who were recruited by current workers, requesting anonymity stated, that their recruiter is very influential and did enjoy better facilities and privilege than other workers, in addition to getting monetary incentives from employer.
- b) **Recruiters make false promises at the time of recruitment:** Further, most respondents felt that they do not get everything that was promised by ‘friends and known persons’ who facilitated their recruitment. Similarly, some of the migrant workers placed by skill centres, stated that the agents said that work is easy, food and accommodation will be covered by the company but money was deducted from their wage.
- c) **Workers consent under duress owing to vulnerable economic circumstances:** The ‘consent’ by the workers to migrate based on their own free will could be challenged, because they do not get what they had been promised and secondly, often their economic circumstances are do poor, that they do not have much of choice. So the consent is probably not a free-will and definitely not an informed decision.

Section G

Conclusion and Recommendation

1. Migration is inevitable. The kind of a demand that exists in Tamil Nadu for 'workers, who are vulnerable' is very high. The kind of a supply of 'workers, who are desperate for any kind of livelihood options' is very high. Textile industry, in this case, is targeting female work force, to reap the additional gender-based vulnerabilities - contented with lower wage, looking for freedom from four walls in terms of mobility and satisfied with living in poorer living conditions. A number of female workers are now migrating from two districts of Odisha to Tamil Nadu and most of the returning migrants is facilitating a few more workers to move to Tamil Nadu. At this point of time, there is a system of self-driven recruitment through friends, family members and relatives in these villages, which actually makes 'recruitment cost' very low for employees, although the cost is in the form of denied minimum wage.
2. Today, there is a 'business-case' that exists already for textile companies, owing to which they are targeting migrant workers rather than local workers. They feel migrant workers are less demanding, less collectivized and can be kept as 'captive', and that too, in the present case, almost perceived as 'voluntarily' by workers. A lot of efforts by local CSOs to create awareness among women workers in the 10 garment industry districts of Tamil Nadu had ensured that the local women know about their rights and entitlements. A theory of change that if women workers collectively demand for entitlements and stand up for rights of each other seemed to work, with companies started

behaving responsibly and refrain from the *Sumangali* scheme being implemented. However, now it is clear that the industry has taken another route - to get women workers from poorer states at even a lower wage rate. While there is now a business case for migrant women workers, there is still no business case for workers-friendly business.

3. Women workers from Odisha have made the following things very clear: a) they are looking forward for working in the textile industry in Tamil Nadu; b) despite knowing that wages are low, work hours being long and several other hardships, they would still return to work in Tamil Nadu primarily because they do not have better livelihood options; and c) the work has given them a sense of self-esteem and pride, and has been able to help the family come out of certain debts or have prevented them from getting into debt-bondage.
4. The states of Tamil Nadu as well as Odisha have shown no administrative or political willingness to address the situation. There are number of laws which could be used to make the situation of workers good in terms of working conditions as well as living conditions. But clearly, none of the laws are being implemented with a force that is needed. The prominent ones are: Inter-state migrant workmen Act, Minimum Wage Act, Bonded Labour Act, the Factory Act and even the Sexual harassment at workplaces act.
5. The companies have, consciously or unconsciously, woven a working environment, that ensured that this kind of work practice could not be classified as bonded labour or trafficking. As stated in the findings, while there are number of aspects that could categorise them as bonded labour and even trafficking, in the garb of 'consenting workers' and allowing 'free' entry and exit, it has made explicit terming of the activity as bonded labour challenging. There is clearly a need for proactive intervention from responsible businesses to create good models of worker-friendly environment, so that workers have some choice for better working conditions in other 'free-entry/exit' occupation.

6. There is a need to work under the “business and human rights’ domain, to ensure the state protects the human rights of workers; the businesses respect the human rights and there is a very efficient grievance redressal mechanisms at the level of companies, company associations, state bodies, quasi-state bodies and judiciary.



Government - District Level

Directorate of Industrial Safety and Health:

- Effective Implementation of Interstate Migrant Workmen Act is the need of the hour to protect the rights of the Migrant labourers.
- Monitoring the Working condition of Migrants in all forms of labour should be done regularly.
- Ensure the Migrants participations in Internal Complaints Committee (ICC), Workers Grievance Redressal Committee (WGC) and other committees.
- Details of Interstate Migrants should be registered by the state authorities regularly.
- Minimum Wage and Overtime wages for Migrant workers should be ensured in all forms of labour they involved in.
- Almost all the migrant labourers are under contract system only. There are no standard procedures in terms of fixing them as labourers. Hence the Contract System should be regularised.
- Conduct seminars about Interstate Migrant Workmen Regulation Act.
- Ensure suitable assistance measures in case of accident or occupational disease; (e) measures to secure the health and safety of migrant workers in their places of employment
- Special or additional training or instruction needed to migrant workers on the prevention of accidents and risks to health in places of employment when, on account of lack of familiarity with processes, language difficulties or for other reasons.

District Social Welfare Department:

- Effective Implementation of The Tamil Nadu Hostels and Homes Regulation Act is first and foremost task to be done to protect the rights of the Migrant labourers.

- The living condition of Migrant workers including in the workplace should be monitored regularly and the reports should be made public.
- Ensure the Migrants participations in Internal Complaints Committee (ICC), Workers Grievance Redressal Committee (WGC) and other committees.
- It is the duty of the department to conduct regular seminars about Sexual Harassment of Women at Workplace Act to the labourers, mill owners etc.,

Other Departments:

- Under the Right of Children to Free, Compulsory, Quality Education Act 2019, the state government should ensure the Education of Migrant Children.
- The health facilities to the migrants should be ensured at all levels.

State Level:

- State level mechanism of creating help desk at the key places for Migrant workers and Children should be done immediately.
- Ensure the effective and proper implementation of The Tamil Nadu Hostels and Homes Regulation Act and Interstate Migrants Regulation Act.
- Review meetings with all district officers for implementation of above acts and protection of the rights of the migrants should be conducted at regular intervals.
- The government should be responsible for ensuring the establishment of satisfactory housing conditions for migrant workers. It should define the minimum standards of accommodation and exercise strict control over the enforcement of these standards.
- Gender-responsive migration policies would help address existing inequalities between men and women migrants, while at the same time improve their health.

- Government while recruiting migrant labourers through skill India and other such programmes should strictly adhere to the labour standards and recruit labourers according to them.
- Nowadays labourers are migrating to other states for employment through the respective state governments where they belong to. The concerned state governments while selecting and sending the workers to other states should ensure that all the labour standards are followed.

Mills:

- All the Mills should be directed strictly to register their hostels under Social Welfare department.
- Registration of Migrant workers in Directorate of Industrial Safety and Health department should be done immediately.
- All the mills should ensure the effective functioning of Internal Complaints Committee (ICC), Grievance Redressal Committee (WGC) and other committees.
- Mills should ensure the participation of migrants in Internal Complaints Committee (ICC), Grievance Redressal Committee (WGC) and other committees.
- They should create better working and living conditions for migrants.
- As mandated by the Interstate Migrant Workmen Act and other labour laws, Minimum wage, Overtime wage, PF and ESI should be provided to Migrants on time.
- In most of the cases the UAN number is not provided to the migrant labourers. It should be done immediately.
- All the mills and industries should adhere to the policy that they should recruit any migrant labour above 18 years only.
- As mandated by the Protection women from Sexual Harassment Act at Workplace Act, in the internal complaints committee an NGO should be made as a representative.

Brands:

- Any company or country which is buying the products from the mills/industries should ensure that all the entitlements including proper wages, PF, ESI and compensation in case of accidents are duly paid for Migrants who are working there.
- They should increase their visits to the factories to ensure the better working conditions for migrant labourers.
- They can also have a say on the recruitment system also.
- In the auditing, the civil society Organizations who are working for the protection of rights of the migrant labourers should be included.

NGOs:

- Ngo's should be involved in creating awareness about Sexual Harassment of Women at Workplace Act, Interstate Migrant Regulation act and other Labour related acts.
- They should be proactive in conducting fact finding investigation while there is any violation of rights of migrants.
- Necessary legal Intervention should be done.
- Ngo's should assist/ facilitate the migrant labourers in claiming their PF money.

Appendix Tables

**Appendix Table 1:
Minimum wages prescribed by Government**

Monthly Wages (Includes Variable Dearness Allowance)	Tailoring Industry notification (TN G.O (2D) No. 59 Dated 10.10.2014)	Hosiery Industry Notification (G.O (2D) No 5, Dated 27.01.2016)	Bilateral wage agreement in sample distric (2016)
Tailors/ Operators	Rs. 8170 - Rs. 8340	Rs. 7109	Rs. 8970
Cutter	Rs. 8340 - Rs. 8490	Rs. 7109	Rs. 8970
Packing	Rs. 7957	Rs. 7109	Rs. 8970
Checking	Rs. 8340 - Rs. 8490	Rs. 5309	Rs. 6864
Labeling	Rs. 7957	Rs. 5009	Rs. 6604
Fold and tie assistance	Rs. 7957	Rs. 4709	Rs. 5486
Apprentices/ Trainee	Rs. 7957	Not defined	Not defined
All other categories	Rs. 7957	Not defined	Not defined

Appendix Table2: Profile of respondents

Current Age	%	N
19 - 22	65	130
23 - 25	25	50
26 +	10	20
Education	%	N
Illiterate	5	10
Primary	25	50
Middle	42	84
High school and above	28	56
Mode of recruitment	%	N
Skill centres	22	44
Family & Relatives	25	50
Friends & others	53	106
Age at the time of recruitment	%	N
16 - 17	12	24
18 - 20	59	118
21 - 24	23	46
25 +	6	12
Reasons for Migration (Multiple Reasons)	%	N
Lack of livelihood	90	180
Poverty	85	170
Poor Wages	75	150
Insufficient household income	75	150
Household Debt	40	80
Saving for Dowry	30	60

Has anyone else done like this in the family or that you know	%	N
Yes	100	200
Is it common for girls to go to TN for work in your village	%	N
Yes	75	150
Do not know	25	50
Is their experience good, bad, medium, don't know	%	N
Good	65	130
Bad	10	20
Do not know	25	50
Reasons for returning	%	N
On leave and will go back	30	60
Visit my parents	12	24
Health reasons (Self)	8	16
Parents/ family not well	10	20
Personal work / Family farming	18	36
Marriage/ Engagement (Not returning)	22	44
Current work status	%	N
Tailors	25	50
Helpers	28	56
Checkers	30	60
Line supervisors	5	10
Stopped/ not working	12	24
Number of years worked in garment sector	%	N
Less than 6 months	25	50
6 - 12 months	20	40

1 - 2 years	33	66
More than 2 years	22	44
Marital status	%	N
Not married	75	150
Married	15	30
Engaged	10	20
How many years/months you have been working in TN from the beginning? (in months)	%	N
Less than 3 months	13	26
3 - 6 months	23	46
6 - 12 months	19	38
12 - 18 months	21	42
19 months and above	24	48
How long you have been working in TN with current worksite? (in months) (25 deduct)	%	N
Less than 3 months	15	26
3 - 6 months	26	46
6 - 12 months	22	38
12 - 18 months	20	36
19 months and above	17	30
Work experience outside the state before this work	%	N
Yes	21	42
No	79	158
Has anyone else moved out of the state like you in the family/relative or that you know?	%	N
Yes	66	132
Yes, but do not know the numbers	34	68

Appendix Table 3: Figures

Figure 7. Exposure to migration, age and mode of recruitment

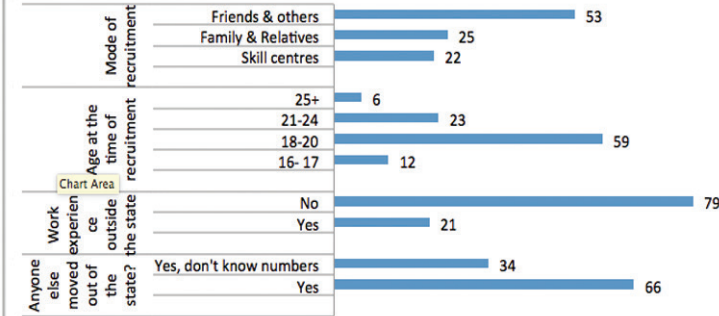


Figure 8. Current work status and working experience in Tamil Nadu

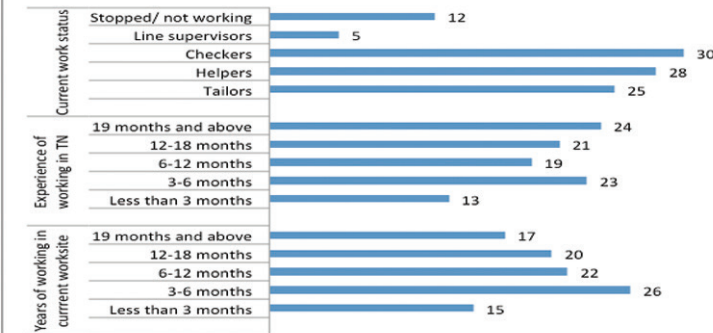


Figure 9. Working hours

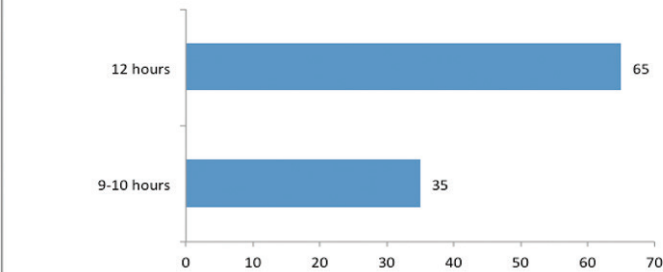


Figure 10. Reasons for returning home

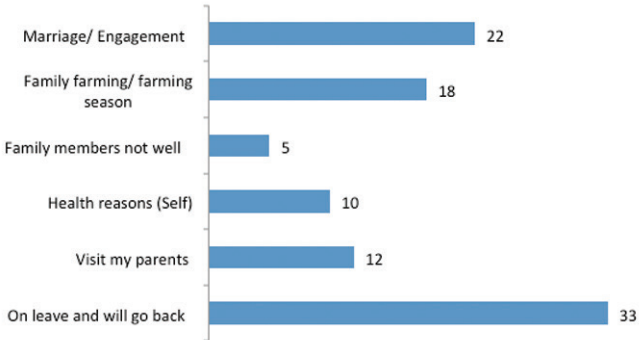
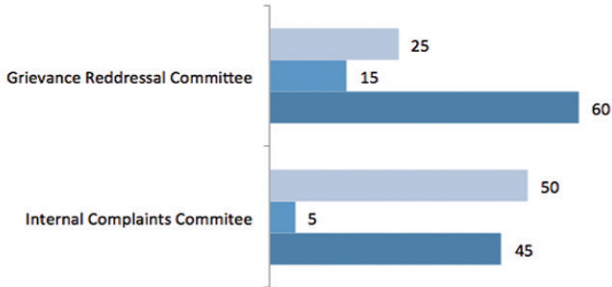


Figure 11. Awareness about grievance redressal committee and internal complaints committee





In recent years, the migration of workers from North Indian states like Bihar, Odisha, Jharkhand and North Eastern states like Assam is increasing and constitute 15% to 35% of the textile workers. In the Tamil Nadu garment and textile industry, there is a system of contractual employment of young, adolescent girls, mostly aged 16 and above. This practice of employing young female workers, known as **Sumangali** (or known by some other names) Scheme, contravenes the international standards, as established in the Palermo Protocol and borders on 'trafficking'. Exporters are strongly denying the existence of Sumangali practices in the textile and garment sector, while they admit the presence of the hostel facilities for migrant workers, which is called 'camp coolie system'.

READ - which has been working for implementation of better standards of workers in textiles and garment workers, realised that there is an urgent need to understand the situation of migrant workers, approached **Partners in Change** to undertake the study among migrant workers at the source area (Odisha) as it has been difficult to contact the migrant workers in Tamil Nadu.



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