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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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A STUDY ON PROBLEMS FACING TEXTILES AND GARMENT WORKER IN TAMILNADU

AUTHORED BY - HARIHARAN.K & EZHILARASI.M

ABSTRACT

In Tamil Nadu, 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 fetched through textile export (Source: Textile Ministry working group report). With the increasing domination of giant retailers and brands in textile trade, the production chain is undergoing drastic structural changes. Among the global leaders, there is a race to be big and to sell commodities at the lowest cost, with serious consequences on how labour is deployed and remunerated. New labour practices get tacit government support given the logic of gaining 'investor confidence', while workers are left without any legal or union protection. In Tamil Nadu garment and textile industry, there is a marked shift from the employment of child labour. But the transformation has been to a system of contractual employment of young, adolescent girls. This practice of employing young female workers, known as Sumangali Scheme, contravenes the International standards, as established in the Palermo Protocol and it's trafficking. While Indian law provides a strong regulatory environment, (e.g. The Factories Act (1948); The Bonded Labour System (Abolition) Act (1976); The Child Labour Act (1986), prohibiting the employment of children below the age of 14 in 13 occupations, enforcement is weak, leaving young female workers unprotected and vulnerable.

Exporters are strongly denying the existence of Sumangali practices in the textile / garment sector, while admitting the hostel facilities for migrant workers, which is called as camp coolie system. As Sumangalis/Camp Coolies young women workers are 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.

Introduction

Today, the textile industry plays a significant role in the country's economy and contributes to 14 per cent of industrial production. The Textile Industry of Tamil Nadu is the forerunner in industrial development and in providing massive employment in the State. It is predominantly spinning and garment-oriented. The governments of India and of Tamil Nadu are convinced that the textile industry is the key to growth and development. The textile mills have employed mostly young women because they were docile and could be paid lower wages than male. The female workers are dominated in textile and garments sectors in Tamil Nadu State. The majority of the textile and garment workforce is women and children in Tamil Nadu.

India Garment Workers Report 2014 by FIDH (International Federation for Human Rights) explained that labour rights abuses and grave human rights violations, including bonded labour, is prevailing in India's garment factory work floors. The Tamil Nadu State is home to about 1600 mills that employ up to 400,000 workers, drawing on village labourers, mostly young girls between 13-18 years of age from financially poor and Dalit communities. They are overworked (alternating between Three different shifts, clocking an average of 12 hours a day), intimidated, and also subjected to sexual harassment. The Legal authorities recommend that POCSO Act 2012, Child Labour Amendment Act 2016, Factories Act 1948, and Minimum Wages Act, 1948, The Maternity Benefits Act 1961, The Contract Labour Act 1970, The Bonded Labour System Abolition Act 1976, Industrial Disputes Act 1947, The Workmen Compensation Act 1923 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The above specific acts will help female workers get speedy trial, seek rehabilitation and aid the government to constantly monitor working conditions, human rights abuses and abolish bonded labour system and modern slavery permanently.

Statement of the problem

The adolescent girls and female are engaged in the spinning mills and garment companies from the rural and semi urban (rurban) areas. Tirupur and Coimbatore and other nearby districts of Erode and Dindigul have grown rapidly in recent years which has increased the cost of living and created a labour shortage as the mills and garment factories in those areas compete for workers with other industries. The Other State workers are engaged to combat above situation in spinning and garment

firms in Tamil Nadu.

Hazards in Companies / Mills

Almost 60% of the garment workers belong to Dalit community, the lowest group in western districts like Coimbatore, Tirupur, Erode and Dindigul where the textile and garment industry is mainly located. The Dalit girls are lured with false promises made by the companies. The female workers are facing numerous health problems while working in mills and garments companies. In addition that, the female workers face injuries, occupational hazards, finger cutting, due to not following safety measures by the mills / management. Some of the mills are not supplying safety equipment to wear by the workers.

Health and Psychological Problems of Female Workers

By and large, the female mill workers face forced labour system, compulsory overtime, late night shifts, excessive working hours without rest and leisure, paltry sum for overtime, no weekly holidays, sexual harassment at work place, restriction of free movement and child labour problems and other State workers. There is less provision of safety equipment to the workers in the mills / garments. Most of them suffer from physical illness, psychological problems, poor mental health, and low reproductive health among the female workers. About 84% of the female workers had health problems or other, after working in the mills. The female workers are affected by physical health, mental health and reproductive health due to working conditions in worst mills. About 88.6% of the respondents strongly felt that they have some sort of psychological problems, after started working in the mills. The incidents, accidents, discrimination, interaction of other State workers have affected them badly in these firms.

Problems related to Hostellers and Other State Workers

The hostels, where these young girls stay, are poorly equipped and the maintenance of the hostels has not been up to the standards. The toilet facilities, adequate water supply and proper arrangements for napkin disposal are very important for their personal hygiene and health, especially at the time of menstruation period, but that had been neglected by the management. A recent survey of 743 spinning mills across the region, found more than half of the mills were illegally restricting the free movement of resident workers (Hostellers). The Inmates / Hostellers/ Hostel based workers are facing

more problems than workers from home / native. Their rights are denied, and comparing welfares are denied / unable to attain from the companies / mills. The Other State workers are getting low pay from the management. Due to this Our native workers also made commitment for low pay. This social research study focuses to know about conditions of female mill /company workers in Erode district, Tamil Nadu. The female workers are facing multi-dimension problems like health, Rights, and employee's benefits.

Objectives of the study

- To know personal profile of the female mill / company workers
- To understand working environment and its conditions of female workers in the selected mills and companies
- To study about physical health, mental health, reproductive health of female workers in the selected mills and companies
- To describe status of contract system, labour benefits, compensation, and rights of labours in the mills /companies
- To analysis status of other States' workers in the selected mills and companies
- To elicit child labour method and other labour methods in the selected mills and companies

Selection of the Study Area, Respondents and Methodology

The study has covered the female workers who is residing in blocks of Sathyamangalam, Gobichettipalayam, Bhavani Sager, Thalavadi, Perundurai, TN Palayam, Nambiyur, in Erode district, Tamil Nadu State, About 70 spinning mills, 110 garment companies are included. About 550 Female workers (Currently working and worked / Ex-workers) added as respondents. The study team has finalized the interview schedule after pre-test of study tools. About 10% of the respondents were interviewed to finalize interview schedule. The data collection period was Three months. The study followed Descriptive Research Design to discuss the conditions of Dalit female mill workers. Moreover, the formulated objectives and results were described in details.

Results and Discussion

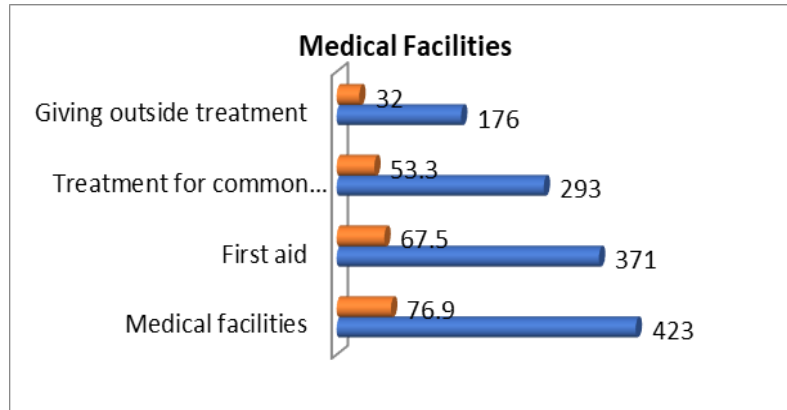
Profile of the Respondents: About 36.2% of the respondents are the age group of 18-20 years and

31.5% are belonged to age group of 21-23 years in this study. According to UNCRC below 18-year person considered as children. therefore 10.5% of the children are working in these mills. Half of the female workers are unmarried (50.2%) and 48.7% are married. The majority of the respondents (68.7%) are nuclear family, whereas 28.4% are extended family. Majority of the respondents (85.3%) are working in Garment Company, whereas 14.7% are spinning mills in this study. About 56.5 % of the respondents are ex-workers whereas 43.5 % are currently working in mills / companies. The study has included ex-workers as respondents to know real situation of working condition and its impact.



Working conditions: About 59.1% of the respondents (female workers) are engaged in Day- Shift method, whereas, 37.6% are engaged in Day and Night Shift method. The Majority of the female workers (64.4%) are engaged for 8 to 12 hours and, 12 hours duty/job reduces the wellness of health and mind of the female workers. The female workers are doing tailoring work (34.4%) in the garment companies, helper (27.1%), and checking (16.5%). The majority of the respondents (80.9%) are working from their home and native places and 19.1% of the female workers are hostellers.

Medical Facilities: About 49.6% of the respondents reported that their salary amount was deducted for treatment by the management. The study found that availability of medical facility (76.9%) in the mills or companies. About 48.4% of the respondents (workers) expressed that medical expenses are not compensated by the mills / companies.



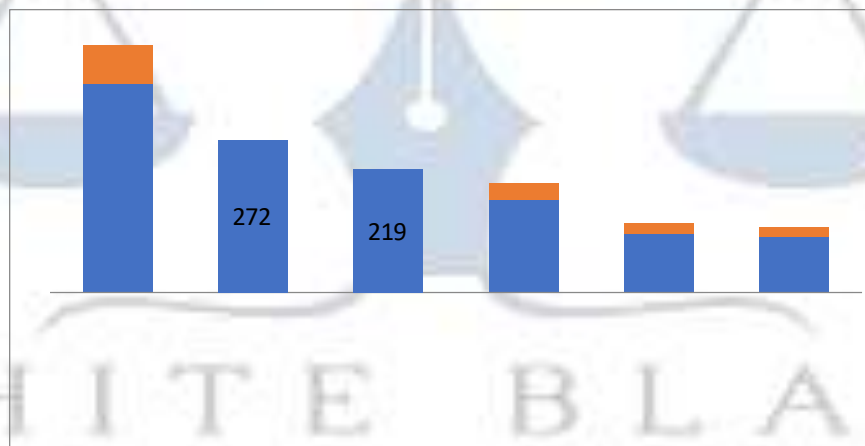
Internal Compliant Committee: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 is having ICC to resolve sexual harassment issues for female workers. ICC is playing a bridging role between the management and workers who affected by problems and disputes. By and large, 35% of the respondents had knowledge, and its availability, complaining (reporting) system in the working place. Therefore, 65% of the respondents are unaware of ICC functions. The industrial disputes act 1947 expresses need of grievance redressal committee to solve workers problem.

Over Time and Process: About 57.1% of the female workers are regularly getting over time. Sometimes it is compulsory doing over time work. About 45.5% of the workers regularly getting over time work for 1-3 days per week and 17.6% are getting OT work for 4-6 days per week. In addition that, only 35.8% of the respondents are getting double salary / wage for overtime work. Among 35.8% of the respondents only 27.6% are getting amount of double wage from the mills or companies. The Minimum Wage Act 1948 insist double wages for OT work.

Salary / Wage: Majority of the workers (71.7%) are getting Rs. 150-250 per day, whereas 28.3% of the respondents are getting Rs. 251-350 per day as their wage. The study suggests that to follow The Minimum Wages Act 1948 norm for female workers in spinning mills and garment companies. While asking sufficient of salary, the respondents, (70.7%) replied that salary / wage was not sufficient to them. The study concluded that half of the respondents (54.7%) are getting cash payment only. it should be avoided by the companies. By and large, only 29% to 35% of the workers had training for their safety. The study suggested that 65% to 71% of the workers have to get safety

training like first aid, and fire prevention training. About 69.8% of the respondents have submitted some important documents. It will be useful to know about the workers who came from the Other States of India.

Health Status of the Respondents: About 67.6% of the respondents are affected by health problems while working period due to heavy work load, bus travel, and poor economic condition and so on. About 58% of the respondents are felt that their health condition/status was affected due to the working environment. Moreover, 28.9% of the workers are seriously affected by health problems. About 23.3% of the female workers are not having rest in between working hours. Rest is compulsory in between hours. By and large, the majority of the respondents (75%) expressed that lack in facilities and its usage in during the rest hours. Here, 21.1% of the female workers are unable to take leave from the company / mills. About 20.7% of the respondents are expressed that they were insisted / pressed to do work when illness.



Psychological Status: The female workers (46%) had affected by psychologically. There is need programme for removal of psychological problems through Counselling, recreational activities, Life skill education and psychosocial care. The study found that nearly 20% of the female workers are not sharing their emotions / feelings with others. The psychological problems should be rectified with various interventions through counselling, recreational events for emotional intelligence development. In another side, the study found that 25.3% of the workers are faced psychological impact due to their working conditions.



Discrimination: All the respondents are Dalit workers. They faced some discriminated actions by the supervisors and others. The study found that below 15% of the Dalit female workers faced stigma and discrimination in the working place.

Reproductive Health: About 20% of the respondents expressed that out the management was not allowed to take rest and forced to do work during mensuration period. There is need to ensure reproductive health of female workers among the respondents (30%).

Benefits and Holidays: Majority of the respondents (64.5%) did not get any appointment order from the company. By and large, the study found that below 42 % of the respondents expressed that accident are happening the company and only 15% claimed compensation. Remaining 27% did not have any claim and compensation. The study suggested that the management has to give compensation and welfare measures according to the density of accident. About 38.4% were not having voice against rights and benefits. They had some inabilities while raising voice on deduction of the salary (7.3%) and fear on loss of job (22.4%). About 12% of the female workers are not having willingness in working in the company, due to family burden, other family commitment in the mills / companies. Moreover, 25.6% of the workers answered that, their companies are not having national festival and there is no leave for company. About 56% of the workers supposed that there was no leave during national holidays. About 69.6% of the respondents did not have any medi-claim benefits. About 13% to 15% of the female workers had faced caste discrimination (15%) and discrimination by other labours (13.6%). ICC has to find solutions to avoid and stop discrimination in these companies. About 7.1% of the respondents are contract labour in their companies. Moreover, among this 2.5% of the workers are received contract job appointment order.

Workers Mobility: Among the hostel respondents, the majority of the respondents (93.3%) replied that there was not ease to go outside and their mobility was restricted by the management. The study concluded that the management is having more control among female workers who are in the hostel. Due to this control the female workers face mental / psychological related problems.

Status of Other State Workers: About 61% of the female workers replied that Other State workers are working in these mills / garments. About 52% of the workers expressed that Other State workers

are staying in the company and working. About 26.8% of the respondents expressed that more number of Other State workers are staying and working. While analysis the total number of Other State in these firms about 39.3% workers reported that below and 100 Other State workers were in those mills and 12.7% reported that 101 to 500 Other State workers are working in these firms.

Labour system: About 26.4% of the female workers reported that there was child labour system in the companies / mills and 21% of the female workers reported that below 50 child labours are working in these companies and mills. By and large, 36.7% of the companies / mills are following any one form of non -legal labours system either bonded labour non-force labour/child labour in their companies. There is need to follow the Child Labour (Amendment) Act 2016 aspects.



Suggestions and Recommendation

Based on the study findings the following suggestions and recommendation are given below to various sectors such as management, ICC, government, NGOs and respondents.

Management / Company / Mill / Brands

- About 37.6% of the female workers are working day-night shift. The mills
- /companies have to avoid night shift work. The management has to facilitate welfare measures to the workers.
- About 64.4% of the female workers are engaged for 8 to 12 hours works. If workers do more than 8 hours, there is need benefits. OT should be compensated through double wages,

statutory benefits, and health benefits

- Nearly half of the workers (49.6%) reported that the amount was deducted for rendering medical treatment. According to the Company Act and benefit concern, the NGO, and trade union have to raise voice against deduction of amount for medical expenses.
- By and large, 8% of the female workers are not getting amount / wages for overtime work. While imparting workers education, the workers have to be sensitized to get amount for overtime work otherwise, to regulate the mechanism for paying OT amount. The negotiation and campaigning should be made for welfare of the female workers.
- According to The Minimum Wage Act, each worker / employee get Rs.320 per day / shift. Here, 71.7% of the workers are getting Rs.150 to Rs.250 / day. It should be rectified.
- About 54.7% of the workers are getting salary by cash payment. The cash payment may lead to misuse and exploitation. It should be totally avoided by the management.
- By and large, 29% to 35% of the workers had training for their safety. The study suggested that 65% to 71% of the workers have to get safety training like, first aid, and fire prevention training.
- Taking leave / weekly off is a basic right of each worker / employee in the mills / companies. Here 21.1% are unable to take leave due to hard rules of the mills / companies. It should be regulated through proper orientation and mechanism.
- By and large, 46% of the female workers are affected psychologically due to various causes. Moreover, 20% of the respondents are not sharing emotions and psychological related feelings with others. There is a need to extend psychological care and support through counselling, recreational activities, celebration of personal days, award activities, tours / picnics, emotional ventilation activities / games.
- Nearly 30% of the female workers are facing problems related to the reproductive health system. There is a need for immediate medical interventions, treatment for reproductive health and health education to sustain their fertility.
- One third (64.5%) are not getting proper appointment order from mills / companies. There is a need to issue of appointment order to get benefits / compensation also.
- The mills / companies have to follow anti-discrimination policy to protect dalit female workers in the working place.
- The mills / companies have to issue an identity card (ID card) to each worker. This document

helps to claim benefits after relieving from the company.

- Each mill and company have to implement EPF, ESI, and other relevant benefits to all the workers according to the Minimum Wage Act 1948 and the Maternity Benefit Act 1961.
- The brands have to allow NGOs and voluntary organization to orient worker rights and employee welfare in the process of supply chain.
- Most of the companies are running company-based hostel with in company compound. According to Tamilnadu Government Hostel and Homes Regulation Act 2014, each company / mill hostel should be registered in District Social Welfare office. It is compulsory one for welfare of inmates / hostellers in the company.
- The Interstate Migrant Workmen Regulation Act 1979 insist to register all other state workers. It should be followed by all the mills and companies who are engaging other state workers.

Internal Complaints Committee (ICC)

- Nearly half of the workers (49.6%) reported that the amount was deducted for rendering medical treatment. According the Company Act and benefit concern, the NGO, and trade union have to raise voice against deduction of amount for medical expenses.
- About 18% of the respondents (female workers) are unable to avail medical facilities. The ICC and management have to ensure availability basic medical facilities and health welfare measure to the female workers.
- About 48.4% of the workers expressed that medical expenses are not compensated by the management. There is need serious action to frame the company policy to compensated medical expenses by the management not by workers. There is need monitoring in compensation of medical expenses. While imparting workers' rights education, medical expenses points to be added for the welfare of workers.
- About 65.3% of the female workers faced to register their complaints to ICC. The ICC, Management and other committee jointly have to take actions effective functioning of ICC. Moreover, ICC has to facilitate the workers in solving labours disputes, compensation, and welfare benefits. There is need to display information about functions of ICC and its role against workers disputes. ICC information should to be visible to all the workers in the company or mills. The management has to conduct ICC meeting once in a three-month period. It is mandatory for workers welfare.

- Totally three fourth (50% to 79%) of the workers are facing physical health problems due to working environment. The management / mills have to do health interventions such as regular medical check-up, specialized health camps, supply of native based nutrition, referral services, paying amount for health expenses, health insurance, accident insurance scheme and other welfare schemes are to be tapped / channelized for the welfare of the female workers.
- ICC should be formed in all mills / companies. the formation of ICC is mandatory in the mills, which having 10 and more than 10 employees in the mills. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 insist to establish ICC in each mills / company.
- ICC is a blend of management and other system like civil society, NGOs and Legal authorities. Therefore, the management should include local civil society / NGOs in ICC. It should be compulsory.

Government

- About 64.4% of the female workers are engaged for 8 to 12 hours works. If workers do more than 8 hours, there is need benefits. OT should be compensated through double wages, statutory benefits, and health benefits
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Policies

- Totally three fourth (50% to 79%) of the workers are facing physical health problems due to working environment. The management / mills have to do health interventions such as regular medical check-up, specialized health camps, supply of native based nutrition, referral services, paying amount for health expenses, health insurance, accident insurance scheme and other welfare schemes are to be tapped / channelized for the welfare of the female workers.
- Most of the mills / companies are engaging Other States Workers and migrated workers. There is need relevant policies to protect working environment for the welfare of Other State Workers
- Some of the mills / companies are following child labour, bonded labour and forced labour systems. It should be avoided. There is need close monitoring to eradicate above labouring system.

NGOs

- Nearly half of the workers (49.6%) reported that the amount was deducted for rendering medical treatment. According the Company Act and benefit concern, the NGO, and trade union have to raise voice against deduction of amount for medical expenses.
- About 48.4% of the workers expressed that medical expenses are not compensated by the management. There is need serious action to frame the company policy to compensated medical expenses by the management not by workers. There is need monitoring in

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- About 65.3% of the female workers faced to register their complaints to ICC. The ICC, Management and other committee jointly have to take actions effective functioning of ICC. Moreover, ICC has to facilitate the workers in solving labours disputes, compensation, and welfare benefits. There is need to display information about functions of ICC and its role against workers disputes. ICC information should to be visible to all the workers in the company or mills. The management has to conduct ICC meeting once in a three-month period. It is mandatory for workers welfare.
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- About 38.4% of the female workers are unable to raise their voice in the mills / companies, the rights-based approach is needed to ensure workers' rights.

Respondent / Mill workers

- By and large, 8% of the female workers are not getting amount / wages for overtime (OT) work. While imparting workers education, the workers have to be sensitized to get amount for overtime work otherwise, to regulate the mechanism for paying OT amount. The negotiation and campaigning should be made for welfare of the female workers.
- Nearly 30% of the female workers are facing problems related to reproductive health system. There is need immediate medical interventions, treatment for reproductive health and health education to sustain their fertility.
- About 38.4% of the female workers are unable to raise their voice in the mills / companies, the rights-based approach is needed to ensure workers' rights.

Conclusion

The young women and girls are facing numerous problems / issues physically, psychologically, familial and socially. In another side, they gained only less benefits and welfare from the companies. There is need law enforcement like the Minimum Wage Act to regulate their wages and legal measures with support of ICC and management. The Companies / Mills have to arrange common facilities to the residential workers / hostel-based workers. Most of the workers are girls and unmarried, their health and reproductive health should be protected for fertility and good personal hygiene. The meaningful NGOs intervention is essential to ensure welfare of dalit mill workers in Erode district, Tamil Nadu.

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