

Recommendations for dialogue with suppliers in Tamil Nadu on Child Labour and Forced Labour – Working Document

Why this tool?

The businesses and organisations that signed the Dutch Agreement on Sustainable Garments and Textiles (AGT) committed themselves to fighting child labour and forced labour in their supply chain(s). In Tamil Nadu, India, child labour and forced labour are prevalent and therefore present a major social risk. This tool is developed in the course of the collective project titled “*Combatting Child Labour in the Garment Sector*” with the aim to support AGT signatories in their dialogue on child labour and forced labour with suppliers in Tamil Nadu. The suggested topics for discussion and example questions that can be asked of suppliers may also be relevant for other production locations in India, or other countries.

What are the risks on child labour and forced labour in Tamil Nadu?

Risks of child labour and forced labour in Tamil Nadu are especially high in the employment of young workers who often live in hostels at the factory or spinning mill premises, and in cases of outsourcing of production processes or subcontracting to production locations further down the supply chain. Furthermore, child labour and forced labour in Tamil Nadu is strongly related to migration, trafficking and discrimination. The vast majority of the workforce in Tamil Nadu are young migrant women workers who originate from Dalit communities or other socio-economic marginalized communities. People who belong to these communities often experience exclusion and discrimination by other ‘higher’ castes. Box 1 gives an overview of child labour and forced labour risks in Tamil Nadu.

Box 1: Prevalence of child labour and forced labour in Tamil Nadu¹

- Child labour and forced labour in production processes outsourced by direct suppliers to small and medium enterprises or home workers and sub-contracting units, e.g. printing, dyeing and embroidery units.
- Child labour and forced labour in ready-made garment factories (direct suppliers), especially among inter-state migrant workers who migrate from North-Western states with false identity papers, absence of age proof (Adhar cards) or workers who are trafficked.
- Child labour and forced labour among workers employed under Sumangali schemes or similar bonded labour schemes, which are especially prevalent in spinning mills.²
- Child labour and forced labour among workers who are living in hostel accommodation provided by the employer (spinning mills and ready-made garment factories, including integrated production units).
- Indirect forms of child labour among children of adult migrant workers. Due to social norms (including casteism and patriarchy), language and cultural barriers, and absence of identity proof (Adhar cards, which are needed for enrolment in formal schools) among migrant workers, their children do not attend school and/or are involved in paid or unpaid work.

How do you engage with suppliers in Tamil Nadu on child labour and forced labour risks?

Child labour and forced labour are sensitive topics and not easy to openly discuss with suppliers. In addressing these sensitive topics with suppliers, the following is recommended:

- Acquire a good understanding of risks on child labour and forced labour in Tamil Nadu using different information sources. Social compliance audits give very limited information on child labour and forced labour risks. Various reports on child labour and forced labour are available, and news items about these issues are

¹ This list is based on knowledge and experiences of NGOs that are addressing child labour and forced labour in the garment and textile sector in Tamil Nadu.

² SOMO and ICN (2014), [Flawed Fabrics, The abuse of girls and women workers in the South Indian textile industry](#). ICN (2016), [Fabric of Slavery, large-scale forced \(child\) labour in South India's spinning mills](#).

- published regularly in local newspapers. See box 2 for an overview of reports and other information sources on child labour and forced labour in Tamil Nadu.
- Acquire a good understanding of Indian labour laws and regulations in Tamil Nadu on child labour and forced labour. For more information, see the legal framework in annex 1. Also see box 2 for further reading on Indian labour laws.
 - Invest in your relationship with suppliers and build trust through regular and clear communication and collaboration (also see ‘How companies can support suppliers’).
 - In dialogue with suppliers, address topics that indirectly give insight into child labour and forced labour risks. These topics include the composition of the workforce; recruitment policies and practices; sourcing practices; presence and functionality of workers’ committees; and hostel accommodation. Below you will find a set of example questions about these topics, which can be of use for your dialogue with suppliers. For questions on sourcing practices, see the tool with recommendations for dialogue with factory management on supply chain mapping.
 - Verify information deriving from the dialogue with suppliers by conducting interviews with workers (it is recommended that this is done outside the factory premises), labour unions and civil society organisations. Engage with civil society organisations that have expertise in labour rights and the garment and textile sector in Tamil Nadu to obtain more information, network and stay up to date on state and national dialogues and initiatives on combatting child labour and forced labour.

Box 2: Information on child labour and forced labour in Tamil Nadu

Reports on child labour and forced labour in Tamil Nadu

- READ, Partners in Change (2019) [‘Businesses ‘Reinvent’ servitude, understanding the status of female migrant labour from Odisha in the Tamil Nadu garment industry.](#)
- ICN (2016), [Fabric of Slavery, large scale forced \(child\) labour in South India’s Spinning mills.](#)
- Dr. Annie Delaney, RMIT University & Dr. Tim Connor University of Newcastle (2016), [Forced Labour in the Textile and Garment Sector in Tamil Nadu, South India Strategies.](#)
- FWF (2015), FWF guidance for members: [The Sumangali Scheme and India’s Bonded Labour System.](#)
- SOMO & ICN (2014), [Flawed Fabrics. The abuse of girls and women workers in the South Indian textile industry.](#)
- SOMO & ICN (2012), [Maid in India. Young Dalit Women Continue to Suffer Exploitative Conditions in India’s Garment Industry.](#)
- FWF (2010), [Sumangali scheme and bonded labour in India.](#)

Newspaper articles on child labour and forced labour in Tamil Nadu in 2018 and 2019

- 26 September 2018, Indian Express; Violation continues ‘Many women’s’ hostels remain unregistered, see annex 2.
- 26 November 2018, Indian Express; Even educated women are unaware, see annex 2.
- 11 December 2018, Mills of woes twist the fabric of happiness for minor girls, see annex 2.
- 21 December 2018, Indian Express; 106 women workers committed suicide at textile units in the past 4 years, see annex 2.
- 7 January 2019, Scroll India; [Depression, loneliness, addiction: The inner demons torturing many of India’s migrant labourers.](#)
- 18 March 2019, Times of India; [Four men from Bihar say they were treated like bonded labour in TN coir pit unit.](#)
- 19 March 2019, Indian Express; Seven kangayam coir mills workers rescued, see annex 2.

Labour laws in India

- Legal framework (see annex 1)
- Action Aid (2015), [India’s Labour Law Changes. Toward advancing principles of rights, inclusion and employment security.](#)

Other sources

The [Tamil Nadu Alliance](#), an alliance of networks of civil society organisations in Tamil Nadu regularly makes relevant documents available on its website. See the section on [reading materials](#).

Recommendations for dialogue with suppliers on child labour and forced labour

➤ Who are the workers at your supplier(s) and sub-supplier(s)?

Composition of the workforce

Insight into the composition of the workforce is useful for determining the likelihood of certain risks. The garment and textile sector in Tamil Nadu is known for employing mainly young women workers who live in hostel accommodation provided by employers. Since so-called 'hostel workers' depend on their employers for both work and housing, they are vulnerable to exploitation, including forced labour. Furthermore, in cases where a supplier hires both male and female workers and female workers are not employed in supervisor or management positions, gender-based discrimination and sexual harassment will be a serious risk (also considering that these are common problems in India). Issues of sexual harassment may be difficult to detect, because women often do not feel comfortable exposing such incidents given the risks of defamation and possible feelings of shame.

Example questions

- How many workers are working in this factory/unit?
- How many male and female workers are employed?
- How many men/women/migrant workers are employed in supervisor, middle management and top management positions? Why are there no women employed in management positions?
- How many of the workers are temporary and permanent workers? Why are there so many/few temporary/permanent workers?
- What is the average age of the workers?
- How many young workers (15 to 17 and 18 to 24) are employed? Why are there so many/few young workers employed?
- What is the place of origin of the workers? Which districts, states and countries?
- How many workers originate from states other than Tamil Nadu?
- How many languages are spoken in the factory?
- What is the social and economic background of the workers?
- When looking at the composition of the workforce (e.g. many female workers, young workers, migrant workers, socio-economic background), are there specific challenges that you face?

➤ How are workers at your supplier(s) and sub-supplier(s) recruited?

Below you will find two sets of example questions on recruitment, the first on recruitment in general and the second specifically on recruitment of migrant workers. If migrant workers are employed by your supplier, please see take into account both sets of example questions.

Recruitment of workers

The stage of labour recruitment is crucial to prevent the employment of children, forced labourers and victims of human trafficking. For this reason, it is important for suppliers and sub-suppliers to have clear recruitment policies and practices in place, including a solid age-verification system. Furthermore, it is essential that those responsible for labour recruitment and interviewing are knowledgeable about child labour, forced labour and human trafficking, and can detect risks at an early stage, prior to the employment of workers.

Example questions

- Do you face any challenges with regard to human resources? If yes, what are the main challenges?
- How is your record on retention of workers? For how many years are workers generally employed in this factory? Why do few/many workers leave the factory after xx years?
- Is it challenging to recruit sufficient workers and retain them?
- Who is responsible for recruitment and has oversight of the recruitment process?
- How are workers recruited? (e.g. by the HR department; and/or directly by middle managers; through formal/informal agents; labour supply agencies)

- Do you have a complete overview of the sourcing agencies and contractors/middlemen who are recruiting workers?
- In case a middlemen/ labour recruiter is responsible for recruiting workers, is this person employed by the factory and do they have an employment contract? If yes/no, why?
- How is the person responsible for recruitment and/or the recruitment agent/agency selected? What skills and knowledge were expected/required?
- Do you have a recruitment policy? If yes, what does the policy include? What is included in the policy to prevent the employment of children, trafficked persons or conditions of forced labour?
- What does the factory do to prevent the employment of children, trafficked persons or conditions of forced labour?
- Is the person responsible for recruitment trained on child labour, forced labour, human trafficking and other issues that may come up during recruitment? If yes, how?

Recruitment of (inter-state) migrant workers

In Tamil Nadu, migrant workers can be divided into three different categories: 1) workers who originate from remote districts in Tamil Nadu (intra-state migrants); 2) workers who originate from other states, mainly North-Eastern states like Orissa, West-Bengal and Jharkhand, and speak other languages (so-called inter-state migrant workers); 3) workers from other countries, like Nepal and Bangladesh, who speak other languages.

Migrant workers face specific challenges which make them vulnerable to labour exploitation. Since friends and family often live far away, they do not have a social network to rely on when facing problems. Inter-state migrants and migrants from other countries do not speak the local language, and the local culture and habits are often new to them. Migrant workers are often not aware of their rights and do not know where and how to address grievances.

To protect inter-state migrant workers, the Indian Parliament passed the **Inter-State Migrant Workmen (Regulation and Conditions of Service) Act** in 1979, which has been translated into state level rules.

Example questions

- Why does the factory hire migrant workers/workers from other states or countries?
- How are workers from other states recruited? (By the factory or through external agents/labour supply agencies).
- Does the supplier have a complete list of labour recruiters providing migrant workers, including all relevant names and contact information?
- How is your relationship with the sourcing agencies and contractors/middlemen who are recruiting migrant workers?
- Does the supplier know whether migrant workers at the factory have paid a fee to the labour recruiter? How much did they pay and what do these fees cover?
- Do you have insight into the policies and practices of the sourcing agencies and contractors/middlemen? (What promises are made to workers during recruitment? Is training provided by the sourcing agency prior to employment? Are wage advances paid by the sourcing agency? Is transport from home villages/states to the workplace arranged by the sourcing agency?)
- What are the relevant laws and regulations with regard to hiring (inter-state) migrant workers? Does the factory have a system in place to ensure that it stays up-to-date on new legal and regulatory developments concerning migrant workers?

- How and where are migrant workers registered? (As per Indian labour law inter-state migrant workers should be registered.)
- In what language are employment contracts drafted? In case migrant workers speak another language, are contracts drafted in a language they understand? In case a worker cannot read, how is the employment contract explained to the worker?
- Are workers given a copy of the contract? What is the average duration of contracts for migrant workers?
- Are particular risks involved in employing (inter-state) migrant workers?
- Do you take specific measures regarding the employment of (inter-state) migrants (e.g. training for migrant workers and measures to overcome language barriers)?

For more practical guidance on the recruitment of migrant workers and questions you can ask factory managers, labour recruiters and migrant workers, see the [Fair Hiring Toolkit](#) by Verité. Also see the ILO's set of [Operational indicators of trafficking in human beings](#).

Age verification during recruitment

If supplier(s) and sub-supplier(s) have a clear and solid age verification system in place, child labour can be detected at an early stage and employment of children can be prevented. The minimum age for employment in India is 14 years. Employment of a child under 14 years of age is strictly prohibited in any establishment.³ The employment of young workers (16-18 years) is only allowed under specific conditions, and it is prohibited to employ them in hazardous occupations and processes (e.g. chemical handling). Furthermore, young workers are only allowed to work 4.5 hours per day and are prohibited to work between 7.00 pm and 8.00 am (Factories Act 1948).⁴ See the legal framework in annex 1 for more information.

Malfunctioning age-verification systems, informal employment, the lack of Adhar cards (identity cards) and the use of false Adhar cards by workers all contribute to the employment of under-aged workers in the garment and textile sector in Tamil Nadu.

Example questions

- How is the age of newly recruited workers verified? What steps are taken to verify the age of workers in the recruitment process?
- What type of age verification documentation was verified during the hiring process?
- What does the person responsible for recruitment do in case an underaged worker/child applies for a job (e.g. is the government or a local civil society organisation contacted to make sure this child will not be employed in another factory)?
- What does the responsible person for recruitment do in case he/she thinks the provided identity card/documents are falsified or do not belong to the job applicant?
- Why does the factory hire young (women) workers (in case the vast majority of workers are young (women) workers)? And what risks are involved in this?
- How do you ensure that young workers do not work more hours than allowed (in case young workers are employed)? Are there specific shifts for young workers?

For more practical guidance on age verification see the [Guidance on age verification at garment factories in Myanmar](#), by FWF.

³ However, a child (under 14 years) can help his family or family enterprises in a non-hazardous occupation/enterprise, after his school hours or during vacations. A child may also work as an artist in an audio-visual entertainment industry, advertisement, films, television serials or any other such entertainment or sports activities, except the circus. In both cases, the law requires that permission is subject to conditions and safety measures and that such work does not affect the education of the child.

⁴ The number of hours of work for adolescents shall be fixed by the medical practitioner as approved by the government, and decided on consideration of adolescent as an adult or child. The child should, however, not be allowed to work for more than 4-1/2 hours on any day (Minimum Wages Act, 1948).

➤ Are worker-management committees in place and functioning?

Workers committees

The Indian labour laws and policies prescribe several worker-management committees that should be set up in factories, including garment and textile factories. These committees serve as grievance redressal mechanisms at the factory level. The [Guide on worker-management dialogue in India Legislation – a guidance document](#) by FWF explains which committees are required under various laws, their specific functions, constitution and mandate.

In many factories and spinning mills in Tamil Nadu the worker-management committees exist only on paper: there are many factories where no complaint has ever been filed or handled by the worker-management committees, which is clear indication that the committees are not functioning. As mentioned in the FWF guide, worker-management committees can support worker-management dialogue, the motivation and commitment of employees, create a better working environment and increase productivity. Box 3 gives an overview of indicators of functioning committees. Annex 3 gives an overview of complaints on sexual and physical abuse and how these were addressed. It is important to notice that the worker-management committees are not a substitute for freedom of association and collective bargaining.

Example questions

- Are worker-management committees (as prescribed by Indian labour law) established? If so, what type of worker-management committees? (e.g. Works or Grievance Committee; Safety Committee; Internal Committee; Canteen Committee)
- Do you have a grievance redressal mechanism/complaints mechanism in place? If yes, what type of mechanism?
- Do you have policies against sexual harassment? What is included? Is it aligned with the Indian and Tamil Nadu law?
- Have you submitted a yearly report to the Local Committee at the district office? If yes, can you share a copy of the report? (As per the law, factories should report to the Local Committee at the district office on a yearly basis.)
- Do you have a health and safety policy? If so, what is included? Is it aligned with the Indian and Tamil Nadu law?
- If yes, ask about the functionality of the worker-management committees:
 - o How are the committee members elected/selected?
 - o Who are the members of the committee? (In the internal committee, the factory management should not be represented, while in the works committee the management should be represented).
 - o How often and for how long do the committees meet?
 - o How are the committees functioning?
 - o What are the responsibilities of the committee members? How are they trained?
 - o What changes are observed in the factory since the committees have been in place?
 - o What kind of complaints are filed through the committees?
 - o How many complaints are filed?
 - o What steps are taken when a complaint is filed with a committee?
 - o What steps are taken by the management when, for example, a worker or supervisor has harassed a colleague or a case of sexual harassment occurs?
 - o What measures were taken by the Internal Committee to prevent sexual harassment at the workplace?
- If there are no complaints according to the supplier:
 - o Why have no complaints been filed and handled by committees?
 - o What mechanisms have been developed in the factory that prevent grievances or address complaints?
 - o How is the mechanism communicated throughout all (middle) managers, supervisors, staff, HR staff etc. in the factory?
 - o How is the company/factory management addressing complaints filed by the committees?
- If there are no policies and procedures developed at the factory level:
 - o Are you willing to evaluate/improve the functionality of the complaint mechanism?

Box 3: When is a worker-management committee functional?⁵

- The committee has policies and procedures in place
- Committee meetings are held regularly and documented
- Discussions in the meetings are relevant to the purpose the committee serves and to labour rights issues that are addressed and prevented by the respective committee
- Workers have sufficient knowledge of the committee, their rights, and issues around violence and harassment (sufficient knowledge among workers enables workers to identify rights violations and harassment)
- Workers file a significant and proportional number of complaints with committees
- The complaints are relevant and contain both minor and serious cases
- The committee has addressed the filed cases in a consistent and proactive manner
- Committee members can explain how they investigate cases, create an action plan and carry out the action plan
- The committee has clear communication with workers and the factory management
- There is a system in place to replace committee members in case a member quits
- Clear policies and procedures are in place that describe the steps for remediation for different complaints (and are part of the overall workplace policy of the factory)

➤ **Are workers living in hostel accommodation provided by suppliers?**

Hostel accommodation

In Tamil Nadu, especially in spinning mills but also in ready-made garment factories, many young women workers live in hostel accommodation provided by employers. In most cases, these workers are young female migrants from poor socio-economic communities. They are single and work in spinning mills and garment factories to save money for their dowries and/or to support their families financially. Forced and bonded labour schemes, like Sumangali, are especially prevalent among young female hostel workers. Previous research by SOMO and ICN shows that a substantive part of the workers are adolescents and even children.⁶ Furthermore, hostel workers have reported excessive overtime (working days of 12 hours are standard), and intimidation and threats, including sexual harassment, often by male supervisors and managers.

For a decade, local civil society organisations have been campaigning against bonded labour schemes, and raising awareness in communities to prevent recruitment of workers under such schemes. This has resulted in awareness of the adverse impacts of bonded labour schemes in Tamil Nadu and measures taken by the government, civil society organisations and employers to address bonded and forced (child) labour in Tamil Nadu. In 2014, The Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act was adopted by the Tamil Nadu government to regulate the functioning of hostels for women workers.

Example questions

- Where do workers live (e.g. close by or far away from the factory, in rental houses, own houses or accommodation provided by the employer)?
- Do you provide housing/accommodation to workers? If yes, to all workers or specific workers (age, migratory status, gender)?
- Where are hostels located? At the factory premises or outside the factory premises?
- Is the hostel registered as prescribed in The Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014? If yes, can you share a copy of the registration?
- Who is responsible for the maintenance and running of hostel accommodation (e.g. the factory itself or is this outsourced to another entity?) If outsourced, how is this agency selected? Were specific guidelines taken into account when selecting the agency?
- What facilities are provided inside the hostel accommodation? How many toilets/showers are available? Is there adequate space, hygiene, light, ventilation?
- Are there specific rules for workers living in factory hostels? What kind of rules?
- How often do workers leave the factory/hostel premises? What do they do when leaving the factory/hostel premises?

⁵ Fair Wear Foundation (2018) [Breaking the Silence](#).

⁶ SOMO and ICN (2014), [Flawed Fabrics, The abuse of girls and women workers in the South Indian textile industry](#). ICN (2016), [Fabric of Slavery, large-scale forced \(child\) labour in South India's spinning mills](#).

- Are workers free to leave the factory/hostel premises whenever they want?
- Can family members and friends visit hostel workers? Is this allowed? How/when?
- How can workers communicate with friends and family outside the hostel premises? Are hostel workers free to keep and use mobile phone whenever they want?
- How much does hostel accommodation cost? How is this paid for?
- How are wages paid to workers living in hostel accommodation?
- Do you face any challenges in running the hostel facility? If yes, what kind of challenges?
- Cases of suicide in spinning mills/hostels in Tamil Nadu are regularly reported in media. What do you do to prevent such cases in your factory/spinning mill? Do workers know what to do if they are unhappy or face emotional or mental struggles?

For more information on workers accommodation, including indicators to consider if workers' accommodation is provided by suppliers, see the [Guidance for migrant women workers in hostel & the recruitment process – spinning – garmenting factories](#), by the Tamil Nadu Alliance; fact sheet on [Worker's housing](#) by the ILO; and [Worker's Accommodation, processes and standards](#), by IFC and EBRD.

For further questions on child labour and forced labour and other social risks in Tamil Nadu and suggestions for improving this tool, contact Arisa (info@arisa.nl). Arisa is party to the Dutch Agreement on Sustainable Garments and Textile.