

**Specific activities and programmes
for undertaking projects related to
SUMANGALI**

India-2016



Temple located in one of the towns visited in Tamil Nadu

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As part of the work plan designed for this year, 2016, in relation to IndustriALL Global Union's Global Framework Agreement (GFA) with INDITEX, we planned a new visit to India with the objective of developing its application, consolidating the projects that are being carried out by Inditex with regard to **Sumangali** ("happily married women" in the Tamil language), along with different social organisations in the country, in the different areas affected by this serious problem that amounts to a brutal violation of human rights.

This was an important matter included in our agenda and the visit was established for May 1 to 6, to several areas in the south of India.

On this occasion, the trade union delegation in representation of IGU was made up of Víctor Garrido Sotomayor, of CCOO-Industry, as General Coordinator of the GFA, and the business delegation was led by Antonio Yanes, of Inditex's Central Sustainability Department, along with Mayank Kaushik, the person in charge of the department in India and also Gangamma K C, as the person in charge of Sumangali projects in Inditex's area.

1. **SUMANGALI**

India has a serious problem of child and adolescent exploitation affecting approximately 12.6 million boys and girls (60 million according to non-governmental organisations in 2010). The World Labour Organization (WLO) defines, in the 138th article of its Convention, child labour as work carried out below the age of 15, while indicating the need for indispensable special protection for "young workers" up to the age of 18.

One of its expressions is the brutal and abhorrent practice of **Sumangali**, which is used as a hiring system, mostly (in around 80% of cases) in the production of cotton fabric and yarn. It is essentially practiced in these sectors because other industrial sectors are a lot more qualified, which means that they require more specialised labour and cannot use these girls.

In the southern state of Tamil Nadu alone, with 72 million inhabitants in an area of 130,000 km, there are around 1,800 factories employing around 400,000 workers, most of which are spinning mills. The practice of Sumangali takes place mainly in these factories, although it is applied in others, including the garment industry (a minority of cases); it involves under-16s, especially girls, starting at the age of 12. It is estimated that it currently affects more than 250,000 girls, who endure terrible workdays, sometimes exceeding the "normal" workdays of the factories' other workers; some of them do not have a contract and are paid less than the minimum wage established by Indian legislation. The girls live isolated in onsite hostels and dormitories far from city centres. Their meagre income is divided into three parts, two of which are approximately the same: the first, almost half, is sent to the parents or family tutors by means of the agents or "contractors" that hired them, the other half is kept and given to the girls when they finish their contract (normally three years) and will serve as their "dowry," so that they can get married. The third, practically nothing, is for personal use.

These practices exist in the southern Indian state of Tamil Nadu, where this hiring model is formally forbidden (as established by the Supreme Court of Chennai –the capital of Tamil Nadu– in 2009) but is used to designate labour systems involving young girl workers, mostly from the caste of the **Dalits**, "pariahs" or "untouchables." It has been denounced for years by some NGOs (with the collaboration of some international companies) and international trade unions. When we detected, in our last trip to the country, a direct relationship between Inditex supplier factories and spinning mills that do not seem to apply Sumangali, we decided to examine the matter in more depth.

The Indian State claims that it is trying to end these practices by banning them, but this is proving to be fairly inefficient due to the lack of efficient control regarding the problem. In the case of the state of Tamil Nadu, the government has established several programmes for the underprivileged, particularly for girls and their marriage. Several of these schemes are also present in other states. For example, the state of Tami Nadu offers parents 4 grams of gold and between 25,000 and 50,000 rupiahs so that their daughters can study instead of working.

2. The Textile and Garment Sector in India.

Textile, garment and spinning sectors are the main industrial ones in India. They employ around 36 million people, with numerous workshops and factories, a great majority of which work for important international brands as part of their worldwide supply chains.

This sector features two realities, with notable differences, that have to be taken into account for trade union work:

2.1 In the north, around Delhi, Gurgaon, etc.:

- ❖ This is an area with a high demand for workers.
- ❖ There is a high percentage of migrants, who come from rural areas in search of jobs in the simplest industrial sectors, including textile sectors.
- ❖ There is not a direct relationship between owners and workers, which favours the existence of so-called contractors or agents, with the following results:
 - Companies pay them about 5% of the wages of the workers that they have “given” to the company.
 - They hire the workers, who become part of their personal “workforce” with an initial wage equal to that of the other workers.
 - This method is used in more than 50% of the workforce of the factories in this area.
 - The contractors’ workers are also represented in “workers’ committees.”
- ❖ This favours job insecurity, as well as high turnovers, with up to 15% of workers giving up their job every month.
- ❖ Many go back to the countryside after periods of high production and, after a short time, come back to the industry, to the same factory or different ones, according to the contractors’ requirements. This results in intense and constant renewal of the workforce, with production peaks between October and March.
- ❖ Compared to the south, the north manufactures garments of greater quality (almost entirely “fashion” products), being more seasonal in nature.
- ❖ The most frequent type of contract lasts for three to six months, according to the fashion sector’s specific production requirements.
- ❖ Although both types of contract exist, those lasting for a certain number of months and permanent ones, the latter are very scarce.

- ❖ This model is promoted not only by employers and/or family agents but even by the workers themselves; after these breaks from industrial activity, they often prefer to change factory in search of a lesser workload and better wages.
- ❖ Some companies do not hire workers that are trade union members.
- ❖ In the case of individual migrants, they are generally lodged in so-called “hostels” (onsite dormitories), in which male and female workers have to share crowded spaces most of the time.



Women being transported in typical Indian style

2.2 In the south, Bangalore, Chennai, etc. ... :

- ❖ Production is continuous and stable.
- ❖ There are no production peaks.
- ❖ Production is fairly simple, basic fashion, such as T-shirts, etc.
- ❖ Contractors and/or agents also exist, but with some differences that are discussed below.
- ❖ The area has spinning mills but it is very difficult to monitor their production, since the Indian cotton that is spun and woven here (India is one of the world’s main exporters of cotton yarn and fabric) is distributed by means of companies from all over the world that are also supplied by other countries. And many of the area’s garment factories acquire cotton fabric from the international market.
- ❖ Sumangali is also used as a recruiting system, basically in spinning mills, which is linked to the problem of onsite hostels or dormitories.
- ❖ There is also migration, but to a lesser degree than in the north, from other provinces where there have often been natural disasters such as earthquakes, tsunamis, etc.

3. Projects related to supply chains in India, especially to deal with SUMANGALI.

In our previous trip we highlighted several problems that arise in this country, including the matter of Sumangali. All the brands manufacturing here should therefore examine their supply chains to see if such problems exist therein and, in this case, establish measures to eradicate practices involving violations of basic labour rights.

In India there is currently a cooperation group called BEWG, which encompasses 54 brands and was formed to deal with problems in their supply chains. In 2012, the ETI (Ethical Trade Initiative) initiated a series of projects that were originally designed to last for three years; these began in 2013 and involved three lines of work.

The three parts of the TNMS (Tamil Nadu Multi Stakeholder Initiative) project are in fact: grassroots outreach, factory monitoring (including hostels and dormitories if such exist therein) and recommendations for the Government, in order to establish channels of dialogue and promote specific initiatives with and by the corresponding institutions to alleviate these problems.

3.1 Labour initiatives by social organisations.

There are different initiatives by social organisations that are directly related to the ETI project and coordinated with the Joint Trade Union Action Committee established by the seven main trade unions operating in the area; along with IGU, the committee monitors the initiatives set in motion by Nordic and British trade unions. It has the objective of providing training, aimed at different groups (of workers, as well as business managers, local institutions and trade unions), in relation to labour rights (health, hiring, etc.) and with express reference to the necessary eradication of Sumangali practices.

Different projects have been derived from the aforementioned TNMS:

- Initiative by several social organisations in the Tamil Nadu area. This is a programme carried out by around 10/12 NGOs, with visits to communities, towns or villages, educating girls in order to prevent Sumangali.
- They also inspect hostels to ascertain their living conditions. They have published a guide to inform the people living there about hostel conditions.
- 1. Project called NALAM, which is carried out in spinning mills in order to check their labour, health and safety conditions, as well as their hiring system. It is currently being carried out in 6 spinning mills, with the possibility of including another one, which are selected by the association encompassing them; also in 2 footwear factories.

It is being implemented by ETI (two persons supported by external consultants) without the participation of IGU or local trade unions. It is divided into two sections:

- NALAM 1: Refreshing worker training in Health and Safety.
- NALAM 2: Rights and responsibilities of companies with regard to their workers, based on proposals regarding working conditions set forth by local trade unions, apart from those suggested in the initial project.

The idea is to include another 20 spinning mills in this project, but the employers' association of these factories is showing some reluctance.

2. The ETI's agenda includes working with the local government, but the situation is at a deadlock, which indicates the difficulty of overcoming the pressure exerted by the spinning mills' lobby.

3.2 Labour initiatives promoted by Inditex to deal with Sumangali problems.

India is a very important country in Inditex's supply chain. In 2015, it worked with up of 134 suppliers that used 219 garment factories and 110 other factories, which employed around 130,000 workers and did not work exclusively for the Group.

Sumangali is a problem in India, although it is located in the south, specifically in the state of Tamil Nadu. Therefore, and due to the limitations pointed out in the projects underway, we have agreed with Inditex to work in increasing the traceability of cotton items manufactured in India.

In 2009, Inditex's sustainability department implemented a specific labour plan, mentioned in previous reports, aimed at solving the country's main problems in its production chain; this included fully guaranteeing the eradication of forced labour, and child labour, as well as eliminating and preventing sexual harassment. In addition to this plan, in 2013 the ETI started implementing the initiatives mentioned above.

All of this, as well as the fact that some of Inditex's garment suppliers claimed in our previous trip that they bought cotton fabric directly from Indian spinning mills, and that the latter did not apply Sumangali, led to our examining in detail with Inditex's office in India its participation in the different projects.

The following projects feature Inditex's participation and leadership:

- I. TNMS project, shared with ETI, aimed at 10,000 families in the state of Tamil Nadu and which Inditex reinforces by means of its own project promoted directly along with the NGO called SAVE ("Social Awareness and Voluntary Education." This is a non-governmental organisation that is highly respected in the Tamil Nadu area; it carries out a project featuring visits to the localities and villages in the Nagapattinam area (one of the areas affected the most by the 2004 tsunami) with a labour plan that started in 2011:
 - It began with an initial 9-month project in the Tirupur area, establishing an office there for 3 persons.
 - They meet at least once a month with the local trade union in order to coordinate their activities. Sometimes trade union members act directly in the towns.
 - The objective is to ascertain how and why the recruitment of the women/girls working in cotton spinning mills takes place, explaining the consequences of this hiring system in order to avoid it.

Their conclusions can be summarised by the fact that women/girls use the Sumangali system to get a job, in order to obtain a dowry, and also to escape from their parents. They also have the hope of improving their standard of living by leaving their villages.

Many of these localities have experienced natural catastrophes and their living conditions are very bad.

- It was restarted at the beginning of 2013, as a continuation and development of what had already been carried out, and called project Sowbhagyam (which means “one with good luck” in the Tamil language).
- In 2015 it involved:
 - 3 sections or areas of affected towns and villages, encompassing 9 districts, with 577 villages visited and 6,310 participants, with 48 programmes in schools
 - With 155 female volunteers and,
 - With a special training programme for 55 of the areas’ regular agents and/or contractors.
 - All of this affects 137 factories.

- II. Project with Freedom Fund supervised by ETI, in which the brands work together.
- III. Project AMCO (Amsterdam Coalition), in which several brands have been participating since 2015, promoted by IndustriALL Global Union in order to coordinate all of these actions and make them more efficient.
- IV. Project with the SWASTI NGO, founded in 2002 and based in Bangalore, which deals with gender policies and women’s rights. Inditex began working with SWASTI in 2014, with the objective of training suppliers and manufacturers regarding gender sensitivity and the importance of setting up mechanisms to prevent sexual harassment or discrimination, including the establishment of a gender committee in factories.
 - ❖ As a result of the January 2016 report, by the ICN (Indian Committee of the Netherlands, established by the local trade union GAWTU and CIVIDEP, an NGO from Bangalore), with regard to the deplorable living conditions in the hostels where factory (mainly spinning mill) workers live, Inditex extended its collaboration with SWASTI. Its objective was ascertaining the reality of the hostels in its supply chain and assessing other situations of precarious labour that may exist in factories. Ten factories were originally selected for the study (6 provided by Inditex, 2 by C&A and 2 by H&M).
 - ❖ As part of this extension, work was carried out on gender problems with the “sexual harassment prevention committees,” involving training initiatives with managers and workers. It is important to remember that India is the only country where such committees are compulsory in factories; their members include a person from an NGO.

Sexual harassment is a problem that has had serious consequences in recent years. In 2014 alone, more than 35,000 women were reported to have been raped. Although the establishment of these committees is a deterrent, their activity has to be boosted.

 - ❖ This project involving sexual harassment prevention committees is currently being carried out in three areas of India, with 24 factories, and there are plans to extend it to Inditex’s entire supply chain.

4. Meetings held during our visit.

During this time, we met with some of the social organisations involved in these projects, including the NGOs SWASTI and SAVE, whose projects and actions are mentioned above; we also spoke with volunteers that work with these organisations and with agents/contractors that participate in the process of recruiting and hiring the women/girls that work in cotton spinning mills¹. These conversations gave us a better knowledge of what Sumangali involves and how brutal it is.

4.1 Hiring agents, “contractors.”

We met with 15 (only one woman) of the 44 people that work as hiring agents in the towns and villages of the aforementioned areas, and who are participating in the NGO SAVE’s training project. The objective was to obtain first-hand knowledge of their viewpoint regarding these hiring practices. They defended these practices as “normal,” claiming that they were “necessary” for the companies. They also commented that they will not only continue but will keep on increasing at the present rate of around 20 to 25% per year.

Our conversations with the agents (contractors) revealed the following characteristics and conditions in which this “human trafficking” is carried out:

- ❖ The agents are people that live in these towns and villages, or in their surroundings, and are very familiar with their customs.
- ❖ They are “commercial” agents dealing in people. The one that best “sells himself,” or makes the best impression on the parents, is the one that obtains more workers. To that end, they promise a better life, wages and money for the dowry, etc.
- ❖ They meet with village leaders and teachers, and with the girls’ parents.
- ❖ Only two of them had worked in this type of factory.
- ❖ They have been doing this work for 2 to 16 years.
- ❖ They say that they work on their own, without any organisation.
- ❖ They select the villages that they know, where they live, or the surroundings, poor areas that are generally within a 400-km radius of the factory, but can reach up to 2,500 km.
- ❖ Factories request their intervention by means of a network of different contacts.
- ❖ The factory supervisors or owners call them every week to inform them about their needs. Some months there are no requests, while in other cases they can ask for between 50 and 100 people. They are picked up in the villages by buses and taken to the factories, and are brought back when their “contract” is over.
- ❖ They receive a percentage or commission, but they did not want to specify the amount (they say that it depends on the number of workers). They are paid by transfer or cash in hand (again they did not want to specify the amount). It seems that they can earn up to € 12 per “contract.”
- ❖ It is often the family itself that arranges matters with these “recruiters.”
- ❖ They normally recruit girls between 14 and 16 years old, but there are also cases of girls between 12 and 14, although they claim that they never select girls under 16. They mentioned

¹ The practices described below are taken from conversations with “contractors” participating in the NGO SAVE’s training project; we cannot link such practices with the spinning production used by any specific local or international textile brand.

the possibility of “improvement,” hiring older girls, ages 18 and above, under the supervision of NGOs. They also commented on the difficulty of ascertaining the girls’ exact age since most of them do not have ID documents.

- ❖ They claim that they could receive more training and knowledge regarding the factories and their working conditions, of which they appeared to know nothing.
- ❖ The girls have to work three years in order to receive the “dowry” (the wages that the employer withholds from them).
- ❖ They receive meagre wages, from which up to €20 is discounted to pay for food and lodgings in the factory hostels, with 6 to 10 bunk beds in each room, according to the interviews we held, in buildings far from city centres and with few, if any, authorised leaves of absence.
- ❖ They receive part of the wages during the months of work, mostly around 50% of the apprentices’ salary. The other 50% is paid, at the end of this period, to the parents through the agents in order to pay for the girls’ wedding dowry.
- ❖ If any of the girls (due to the poor conditions in the factories, abuses or failure to adapt) decides to stop working, they do not receive the wages withheld by the employer. Around 60% of the girls do not complete this period.
- ❖ They are not allowed to leave the factories, and there are no weekends or public holidays. There are normally no holidays and if the girls do go on holiday (a maximum of 10 days per year), they have to make up the free days at the end of the three years.
- ❖ They are not considered employees and either have no contract or an apprentice contract. They do not have any labour rights and no social security contributions are paid for them; they do not receive any economic assistance in the case of accidents, maternity, etc.
- ❖ The agents commented that the girls work a maximum of 60 hours per week, although it seems (as we were later told by the NGO) that they actually work between 12 and 14 hours daily, including weekends. This results in 96 hours (up to 110 hours in some cases) per week and they are never paid overtime.
- ❖ The girls are normally recruited in the district of Nagapattinam (80%), in their towns and villages, and they belong to the lowest caste (Dalits).
- ❖ They give priority to hiring girls in the most precarious situations; some of them are orphans and others have parents with serious economic problems.
- ❖ I asked them about the continuous suicides that take place and they admitted that this is the case; the girls often take poison in order to abort. They explained that this is due to the shame that they would feel in their villages and families because of the unwanted pregnancies, which are the result of continuous abuse on the part of male workers and supervisors. There were 250 known suicides in 2015 and 50 in the last two months, according to the NGO’s own data. Some agents claimed that most cases are “due to love,” thus showing a complete lack of sensitivity.
- ❖ Many girls return home after 2-3 months, since they cannot bear the constant abuse.
- ❖ On the other hand, they commented that the girls are not safe in their own villages either, due to mistreatment and abuse (also of a sexual nature) from their fathers, poor living conditions in their villages and houses, no future.
- ❖ There are also serious health and safety problems at work due to inhaling suspended cotton dust, labour accidents with workers getting trapped in the machines due to ignorance, lack of training, long workdays without any rest (loss of fingers, stomach and menstruation problems, etc.).
- ❖ The agents told us that they send the girls to safe places and that they supervise these factories and their surroundings to check their “safety.” However, after repeatedly

questioning them, most admitted that they had never visited the factories and onsite hostels, and did not know what the working conditions were like.

- ❖ The only female agent that we interviewed also works as a supervisor in a spinning mill in Coimbatore. She told us, with amazing tranquillity, that that is a completely “normal” process and that she herself was recruited at the age of 13 to earn her dowry and be able to get married, that the girls need it in order to get married and have a future.



Our meeting with the contractors

The NGO SAVE is beginning a very complicated task with these agents. They have only been able to have two meetings with them since the start of the project, in September and in May. They only received training from SAVE once, during one day in September, basically with regard to migration and the girls’ bill of rights as employees, which is clearly absolutely insufficient.

4.2 NGO (SAVE) volunteers

We met with 25 volunteers that work with the NGO SAVE, which gave us valuable insight into the problem as well as the project’s current situation.

- ❖ The NGO’s workers look in affected communities for volunteers to help them.
- ❖ All volunteers are women/girls between 18 and 25 years old, with a total of 155 volunteers.
- ❖ Most of them had NEVER worked in any of the spinning mills. The ones that had, described the problems in more detail.
- ❖ One of the them told us about her experience that lasted one year and ended when she escaped with the help of a local politician, because the factory owner refused to let her go. Another escaped after two months because the work atmosphere was unbearable.
- ❖ They receive three months of preliminary training from the NGO. They are trained to go and speak with parents and contact them in villages or schools, as well as with village leaders.
- ❖ Their work consists in going to the villages to visit schools and houses from 9.30 am to 5.30 pm. The only economic remuneration that they receive is a travel and food allowance.
- ❖ The other personnel usually work 60 hours/week, in view of the special monitoring that is carried out with regard to the women that can do the most basic jobs in the factories at any time, according to those in charge of the NGO.
- ❖ The volunteers told us that it is necessary to build up a good relationship with the workers and to understand the girls’ personality before sending them to these factories, assuming

that they are hired by means of the Sumangali system, because some of them are very weak and would not be able to bear it, according to the volunteers.

- ❖ Trade unions do NOT have access to these factories and, on the other hand, these girls cannot join a trade union until age 18, according to the information provided by the NGO.
- ❖ They believe that a good communication network is required in order to constantly monitor the girls and keep in touch with them.
- ❖ They told us that under-18s should never work in these factories.

5.- Trade union assessment and future scope. -

This visit has given us further insight into the different problems that coexist in India's labour situation and how Indian society is handling possible solutions. Trade union monitoring of the international brands' production chains will continue to be an essential tool, in order to improve working conditions in the world and particularly in India. In the latter case, one of the main themes is the eradication of Sumangali practices. To that end, brands must be fully aware of the traceability of their supply chain, sharing information thereof with global and local trade unions, and demanding that their suppliers do not purchase cotton yarn or fabric from factories that still practice Sumangali.

This work gives new impetus to our trade union participation in the application of the GFA with Inditex, in order to eradicate any possibility of the existence of such processes and everything related to such in its Indian production centres. The starting point of this new phase of our work will be our visit to several spinning mills, in order to ascertain the situation regarding everything that has to do with Sumangali. This should serve as a reference and impetus for other projects in the area, in order to extend this experience to other brands by means of organised trade unions.

We are therefore preparing a specific project with Inditex in India, for both the northern and southern areas, with an upcoming visit in November to several spinning mills that supply Inditex's garment suppliers, as well as visits to several hostels.

This general coordination work, with the support of IndustriALL Global Union's regional offices, will be reinforced by the contribution of trade union experts, coordinated with Inditex's local teams and in application of recent agreements established in this regard as part of the Framework Agreement. This is planned for different regions in the world, including India.

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