

Fact Finding Report of Violation of the Rights of Workers at Washing Unit of Fibre & Fabrics International Pvt. Ltd. (FFI), Peenya Industrial Area, Bangalore

Date of interviews: 23-04-2006

Date of draft report: 18-05-2006

Date of Report: 24.08.2006

Executive Summary:

Workers of the washing unit of Fibre & Fabrics International (FFI), a private garment manufacturing company with its establishments in Bangalore, approached the Garment and Textile Workers Union (GATWU) for help, as they were being severely ill treated by the management. The ill-treatment took the form both of physical and verbal abuse as well as denial of their legal entitlements both in terms of wages as well as decent working conditions, it was alleged GATWU's attempts to meet the management to sort out the matter were unsuccessful. The situation of exploitation and oppression continues unabated, the workers report. The fact finding was conceived of to ascertain the veracity of the allegations made by the workers and by GATWU that represents them. A draft of the first report was prepared and sent to the Management of FFI for their comments and reactions. In response, the management team met with the representatives of the management at the factory for a first hand interaction with the management. Our observations on this discussions follow the findings of the report. A copy of the written reply of the management received by us to our draft report, is attached to this report.

Subsequently, the fact-finding team had a second meeting with a group of workers to ascertain the current position and also to ascertain whether the workers felt any changes have happened after the draft report was submitted to and discussed with the management. The observations of this meeting, are given in the concluding part of this report.

Structure of business of Fibre & Fabrics International:

There are two closely held private limited companies - Fibre & Fabrics International (FFI) registered with the Registrar of Companies, Bangalore, and Jeans Knit Pvt. Ltd. (JKPL), which is a 100% undertaking by FFI. For shareholding details see Annexure I to this report. The garment manufacturing process is divided among five units. Out of which three units are owned by FFI directly, and the other two units - are held by Jeans Knit Pvt. Ltd.

Units held by Fibre & Fabrics International Pvt. Ltd. (FFI)

1. Registered Office and Washing unit – No. 21E – 1, IInd stage, Peenya Industrial Area, Bangalore – 560 058.
No. of workers: About 1400 (excluding office staff)
2. Unit I: Cutting and Embroidery Unit – No 34/A, IInd phase, Peenya Industrial Area, Bangalore – 560 058. (Also called JKPL – This unit has two sign boards at the two entrances. For photo of this see Annexure)
No. of workers: About 400.
3. Unit II, Production Unit - No. 125, 5th main road, IInd stage, Yashvanthpur, Industrial Suburb, Bangalore – 560 022.
No. of workers: About 1600.

Units held by Jeans Knit Pvt. Ltd (JKPL)

4. Production unit – 26/A, IInd phase, Peenya Industrial Area, Bangalore – 560 058.

No. of workers: About 1000 (40% are women workers)

5. Finishing unit – 485/2, 13th cross, 4th Stage, Peenya Industrial Area, Bangalore – 560 058

Events that led to the Fact Finding

Workers of the washing unit, made a representation asking for help, as they were facing harassment and abuse from the supervisors and the management of the unit. The situation had reached such a stage that due to ill treatment about 100 workers of the unit were leaving employment every month. The practice of humiliating workers in case of not meeting production targets, even to the extent of stripping and beating them had become too much to bear for the workers.

The Garment and Textile Worker's Union (GATWU) had made two representations to the management in letters dated February 11 and March 24, 2006, asking for a meeting so that violations could be addressed and rectified in an open and transparent manner. GATWU informs that their letters have not received any response.

GATWU requested members of human rights organisations and social activists to conduct fact-finding to ascertain the facts of the allegations. Representations were being made to the activists and organisations since 15th November 2005 from the workers through members and activists of GATWU.

The Fact Finding Team

The following representatives of various social, human rights and women's rights organizations and social activists undertook a fact finding mission on 23rd April 2006, by speaking with some of the workers in the Washing Unit of FFI located at No.21, E-1, IInd phase, Peenya Industrial Estate, Bangalore 560058:

- Sebastian Devraj (Fedina, Bangalore)
- Anuja (Alternative Law Forum, Bangalore)
- Geetha Menon (Sthree Jagruthi Samithi, Bangalore)
- Shakun Mohini (Vimochana, Bangalore)
- Bobby Kunhu (National Law School of India University, Bangalore)
- Nagarathna (Human Rights Law Network, Bangalore)
- Vishvesh (Advocate, Bangalore)
- Praveen Kamat (Social Activist, Bangalore)
- Anita and Edwin (Open Space, Bangalore – assisted report compilation)

The fact-finding team was provided the following information by GATWU to begin with in their letter of request:

- FFI and its associate unit JKPL are engaged in manufacture of garments comprising mainly of jeans, which are washed, stained, brushed and appropriately damaged (for the torn-look that is trendy) and packaged for export to Europe and to the USA. Altogether FFI and JKPL have five units in Bangalore employing totally over 5000 workers.
- A representation that we meet the workers of the Washing Unit, who have alleged that they are being harassed and abused at the workplace.
- If the production is not completed employees are beaten by supervisors, and they are not allowed to go home until the production is completed.

- There is no fixed time for lunch and often the half an hour lunch break is cut short.
- Toilets are kept locked except at certain hours.
- Workers have to carry heavy bags of garments within the factory weighing 50 to 75 kilograms which many of the workers find difficult.
- Supervisors and managers use foul language and shout at the workers
- If workers make even small mistakes in work, supervisors and managers kick them with booted legs.
- While joining work the management obtains the signatures from workers on blank paper.
- If workers question these harassments, they are shunted to the midnight shift, and on the way to home, on some occasions, the workers are assaulted by musclemen alleged to be paid by the management.
- If workers question the management, they are dismissed without any notice or warning or being given any opportunity to explain themselves.

In view of the above allegations, the fact-finding team decided that it is necessary to ascertain the facts of the ill treatment and harassment by meeting with the workers of the washing unit.

Fourteen workers of the washing unit gathered at a meeting held with members of the fact-finding team. In the group that spoke to us, there were workers ranging from two months' work at the Unit, to four years. There were helpers, workers from all sections of the Unit, assistants and supervisors. They were all male, migrants to Bangalore from rural Karnataka and Andhra Pradesh, of ages between 19 to 28 years, and many of them have High School education. This we were informed was the general demographic nature of the workforce in the Unit.

Findings

Following information was gathered from our exchange with the workers:

It was clear for the fact finding team that the workers were desperate to seek help as they faced physical and verbal abuse, low payments and hazardous work with minimum protection and the danger of losing their job, if they spoke against the ill-treatment. They spoke to us willingly and there were several moments when members of the team felt outraged at the extent of violence against these young men who have left their home and come to the city only to work for their living and to support their families. It was obvious that at the heart of all their problems was the lack of an organisation that could represent their issues and obtain their legitimate entitlements.

1. Physical and verbal abuse

- Beating occurs whenever there are even minor faults in work and when workers cannot meet production targets that are unreasonably high. The targets keep getting increased gradually and if the workers fail to meet them, they are treated with beatings and scolding. Workers are beaten using sticks and bare hands, slapped, kicked with booted legs on any whichever part of the body by the supervisors and the Manager, Ramesh Chauhan. In the brushing section, the target was 70 pieces in 8 hours, but now it has been increased to 90 pieces in 8 hours per worker.
- The Supervisors are compelled to take harsh measures against the workers, as they were pressurized by the floor-in-charges and the manager. Supervisors are driven to even beating the workers and they are themselves beaten by the floor-in-charges and the manager on several occasions.
- In October 2005, a boy was stripped and beaten in front of all the workers in the shift. Recently, in the brushing section, a worker was beaten mercilessly by a supervisor. This was done to make a show of the punishment. Obscenities were shouted and workers were warned that they would meet with the same fate if they do not obey.
- Musclemen are paid to beat up the workers outside the factory. The ingenious way this is done is to put the more vocal workers in the night shift and when they return home during

midnight, attacking them. Sometimes the muscle men search out the homes of the workers and they are assaulted even there.

- About four months back, in the production unit (not in the washing unit), a worker was called out of the factory while on duty by about midnight and the next day his dead body was found near the railway track. GATWU is enquiring with the local police for more details of the incident.
- Verbal abuse was stated by the workers as most demoralizing and demeaning. Some of the abusive terms used by the manager and shift-in-charges are 'loafer', 'nanna magane', 'laude ka bal', 'maadiga', 'nanna makkala', 'hajaama', 'amman', 'akkan', 'chappalliyalli hodithene', etc. These are all unprintable abusive terms in Kannada language referring to low caste status of the workers, morality of mothers and sisters, threats of assaults and lewd suggestions of sexual organs. Workers felt that what bothered them most about the atmosphere of the factory was the loss of dignity.
- Workers are also harassed during physical check at the time of entry into the factory.
- Workers are forced to leave employment by making them do operations that they are not familiar with or have any training in. Inability of performing those tasks is then given as excuse to terminate their employment.

2. Arbitrary termination of employment

- Employment is terminated immediately without any notice or enquiry if workers express any protest or difficulty in meeting the unreasonably high production targets.

3. Unpaid over time

- If the target for the day is not met workers are subjected to harsh punishments, which could even be physical at times.
- Even though the workday is 8 hours, frequently, the workers are asked to stay back and do extra work, which is not counted for payment of overtime wages. The workers in the day shift invariably put in about four hours unpaid overtime work while the night shift workers work at least one extra hour without wages.
- Workers do not get any extra benefits for working in night shifts. This shift starts at 11 p.m. to 7 a.m. but the workers are allowed to go out only after 9 a.m.
- It was also disclosed that proper statements of overtime worked was not maintained and when they enquired about the 'mistakes' of unrecorded overtime, they were asked to accept it or leave it.
- After the regular 8-hour shift, when unpaid overtime work is demanded, workers are not allowed to punch their own time cards. Their cards are taken by the security guards and punched after eight hours of work so that the unpaid overtime is not recorded.
- If a worker talks back or questions this treatment, he is instantly ordered to quit the job. Workers feel that it is easy for the company to replace any number of workers, since there is a steady stream of persons asking for jobs in the factory. The turnover of workers continues to be heavy as many workers, tend to leave due to bad conditions. This is especially true of the brushing section, where the work is hard and cumbersome. In this section, few workers stay beyond a month. Nearly 100 workers leave employment every month unable to bear the torture and abuse.

4. Non -issue of appointment letters

- No worker is given an appointment letter and even those who have put in four years of service had no appointment letters and had no idea of their terms of employment except what they were informed when they first joined work. Identity cards are also not issued.
- The supervisor who was at the meeting said that he joined as a helper and after three years, the manager told him orally that he was promoted to the supervisor's post. But he received no order to confirm the same. He felt that in his elevated position, he was 'staff' and not a worker but still subjected to abuse.

5. Wage related issues

- The daily wages is Rs.98 to Rs.104 depending upon the category of skill. These categories are sometimes decided arbitrarily by the manager.
- The workers were told that their increments were Rs.115 per annum when they joined, but were actually given an increment of only Rs.105 on completion of a year's work.
- In the first two or three months after joining work, the new recruit is paid through cheques. However, the new employees often do not have bank accounts. On the 7th of each month, moneylenders wait outside the premises to discount the wage-cheques of workers who do not have bank accounts. Money lenders discount these cheques at the rate of 5% commission exploiting the ignorance of workers.
- Signatures of workers are taken on blank papers as well as official forms that may be used to create records that dues are settled.

6. Weekly holiday

- The weekly holiday is Sunday but many a times workers are made to work on Sundays too. Workers who take two or three days of leave continuously are expelled without enquiry.

7. Military-like work atmosphere

- Workers are not allowed to speak to each other at any time during work. Even the exchange of a mere word would be punished.
- If the pressure of work is high, the lunch break too is cut short and is often less than 30 minutes. No tea breaks are given.
- Workers cannot use toilets freely as they are kept locked.

8. Inadequate safety measures for hazardous processes

- Workers who are working in the washing unit are regularly in contact with acids, caustic soda, metallic scrubbers etc. But the management gives only masks, no safety spectacles, shoes etc. In sections like Brushing, though masks are provided once a week, several workers work without them as they are of bad quality and uncomfortable to use. The chemicals used are harmful to the skin, causes itching and infections. Workers are not issued safety gear like gloves regularly. It is only during social audits that these are provided. Large numbers of workers fall ill due perhaps to the unsafe use of chemicals during operations.
- There is a company doctor but he does not speak Kannada and so, communication with workers is not effective. He also appears to be ineffective in providing medical help to the workers.

9. Social Security

- The workers stated that the factory provides for Employees State Insurance (ESI) and Provident Fund (PF) facilities after 6 months, but the workers do not know if they are confirmed or not, as they do not get any appointment letters. Every month the management deducts contributions for the ESI and PF from the salary. The workers also are unaware of the percentage that is deducted from their salaries for PF and ESI. The amounts of deduction differ sometimes from month to month. Hardly any worker utilises the ESI benefits because the hospital is very far from the factory

10. Welfare

Workers say with the low wages they get they are just about managing their personal and family expenses. Most workers in the washing unit are not married and four or five of them live together cooking and eating. They are unable to save enough money to support their parents.

- Workers in different operations are not rotated among the sections and hence they learn only one particular operation like brushing or spraying. This restricts their skill acquisition and therefore future employability.
- Workers who are mostly aged between 19 to 28 years, had little time for any social activities. Only one boy said that he belonged to a youth group in the community which only celebrated

the day of the formation of Karnataka State.

12. Non-availability of avenues for grievance redressal.

- There is a HRD Manager called Sridhar Murthy, but the workers have neither seen him nor met him.
- The workers only knew that the owner of the factory was living in Italy and visited the factory occasionally – they did not know when he visited and only a few had seen him.
- They felt that the labour inspectors from the Labour Department might be visiting the factory, but they do not know when their visits are scheduled and have never had a chance to speak to any of the inspectors.

The Workers' Demands

The workers demand that they must be provided a good working condition and all their rights as individuals and workers must be respected. The wages and benefits are highly inadequate to live a decent life. Their demands are:

- Stop the atrocities, oppression and exploitation.
 - Reduce production targets to a humanly possible level. There must be definite work schedules and unpaid overtime work must be stopped forthwith.
 - Workers must not be dismissed at the whim of the management. There must be an established procedure to enquire into misconduct and workers must be given an opportunity to be heard.
 - Workers must be issued appointment letters which clearly state the terms of employment.
 - Workers must be allowed to form organisations within the factory. This is the only long-term solution to problems as workers organisations can negotiate fair working conditions with the management.
 - Ending all forms of verbal and physical abuse of workers and of supervisors by superior officers.
-

Violations of Domestic Laws

Offenses under the Criminal Law (Indian Penal code):

Harassment of workers, including in particular severe physical harassment of workers in the washing unit is an offense under Indian criminal law and the offenders, production manager Ramesh Chauhan, Supervisors, Prasad, Devendra and other Supervisors involved can be charged under the Indian Penal Code. At present they continue perpetrating these offenses with impunity as the workers are neither organized, nor do they have the financial capacity to avail of legal remedies.

The criminal offenses that the management could be held guilty as per the law (Indian Penal Code) are as follows:

- **S. 323, IPC** - 'Voluntarily causing hurt'. All acts of slapping and beating by Chauhan and supervisors causes bodily pain and hence attracts this section which entails punishment of up to 1 year imprisonment or fine up to one thousand rupees or both.
- **S. 325, IPC** - 'Causing grievous hurt'. If Chauhan's actions have resulted in a fracture of any bone or tooth this section would be attracted.
- **S. 355, IPC** - 'Assault or criminal force with intent to dishonour a person other than on grave and serious provocation'. The act of stripping a worker and then beating him in front of other workmen would amount to assault with intent to dishonour him and hence Supervisor Devendra can be held liable for his act under this section and be punished with imprisonment for a term extending up to two years.
- **S. 503, IPC** - 'Criminal intimidation'. Ramesh Chauhan's actions of threatening workers with injury to their person amounts to criminal intimidation and if convicted this carries a penalty of imprisonment up to two years. These same provisions of criminal law apply to acts committed by the muscle men hired by management to beat up workers to keep them in line.
- If the allegation of the death of a worker in production Unit 2 has any substance, those responsible will have to be charged with provisions related to murder under **S. 302**. If it is proved that the management had instigated this act, they will be guilty of 'abetment' under **S. 107** and can be punished under **S. 109**. Even if there were no orders to murder the worker, death could be a probable consequence of severe beating and hence the management could be liable for the offense of murder, along with the actual perpetrators of the crime under **S. 111**.

Under labour laws, these provisions are not being complied with by Management:

- The management of FFI washing factory is guilty of Unfair Labour Practices which is defined under of the **Industrial Disputes Act, S. 2(ra)**, and further elaborated upon by the Supreme Court in the Ever Ready Flashlight company case. According to which an Unfair Labour Practice is any action of the management by which workers are deprived of their rights and entitlements. In this case, management has deprived workers of their lawful dues including termination of service without following due process, non payment for over time work, non issue of appointment letters, inadequate safety gear and equipment while engaging in hazardous processes, no welfare provisions as per the Factories Act.
- Managements indulging in acts of force or violence is also considered an unfair labour practice as per clause **14 of Schedule V** of the **Industrial Disputes Act**.
- Non-payment of any overtime payment for overtime work that the employees are made to do; Workers are not compensated for this overtime work put in at the double rate specified under

the Factories Act under **S. 59**.

- Arbitrary termination of the services of workers without following the due legal process is invalid. In case termination of a workman is done on grounds of a misconduct, he cannot be dismissed without an inquiry being held. No inquiry proceedings are conducted by the management of FFI. In the landmark Supreme Court judgment of D K Yadav vs. M/s J.M.A. Industries Ltd. It was held that such a termination without holding an inquiry goes against the principle of Natural justice. Workers are therefore entitled to reinstatement. Even if the worker is retrenched, as per the conditions under **s. 25 F** of the Industrial Disputes Act, notice or pay in lieu of notice, and retrenchment compensation have to be given.
- Absence of a letter of employment to all employees; these are violations under Industrial Employment Standing Orders Act, **Schedule I- B**.
- No provision of leave with wages book to each employee; this contravenes **Rule 121** of the Karnataka Factories Rules, 1968, Which provides that this book shall be provided by the management to each worker who has become entitled to leave and, and it shall be the property of the worker. The management shall not demand it except to make entries of holidays or interruptions in service, but cannot keep it for more than one week.
- No crèche, rest room and canteen facilities covering all the employees as are provided for in **Secs. 42-50** of the Factories Act;
- Absence of proper safety measures, especially in the washing unit; Under the Factories Act, **S. 41-C**, every occupier of the factory has the responsibility of seeing that workers are protected from hazardous substances. Dye and dye stuff are considered as 'hazardous substances' as per the Act. As per secs. **41B, 41-C, and 41 H** of the factories act, failure to comply with precautions against hazardous processes and substances entail imprisonment up to 7 years and fine up to Rs. 2 Lakhs.
- Lunch breaks are not regular. This contravenes **s. 55** of the Factories Act which states that no worker shall work more than five hours without a break of at least half an hour.

Annexure I

Ownership details

1. Fibre & Fabrics International

Company registered under Registrar of companies

Registration No. FFI -30686 dt 17.6.2002 (Company is existing since 1990)

Directors details :	Anupam Kothari No. 18, RMV II stage, I block , Ashwath nagar, Dollors colony, Bangalore – 560 080	No. of shares holding 9999
	Mahammed Ghaise No.482, 100 ft. Road, I stage, Indira nagar Bangalore – 560 038	No. of shares holding 0001

2. Jeans knit pvt. Ltd

Company registered under Registrar of companies

Registration No. JKPL-34722 dt 22.09.2004

Directors details ;	Anupam Kothari MD	No. of shares holding - 1
	Mohammed Ghaise	No. of shares holding - 1
	Kuria Kose , No. 58, 33/1, 4 th Cross, Brindavan nagar, Chikkadugodi Tavarekere, Bangalore	No. of shares holding - 9999

(Kuria kose is working as production manager, in ffi)

RESPONSE FROM MANAGEMENT OF FFI:

A copy of the draft report was sent to the management of FFI on the 21st June 2006 along with a request for a meeting of representatives of the fact-finding team (FFT) with the management. Thereafter, three of us – Geetha Menon, Shakun Mohini and Nagarathna met with the following representatives from the management side:

The Management Team (MT):

Mr. Sridhara Murthy, HR Manager, FFI

Mr. Mohammed Ghaise, Director, FFI

Ms. Premila Nesargi, Legal Consultant to the FFI group

During the discussion that followed, the management team agreed to send their response to the points raised in our report, in a written submission. The legal advisor to the company, did most of the talking on behalf of the company.

Following is a gist of our discussions with the management representatives and the written submissions given by the company on each point in the report. The MT was well prepared with photocopies of appointment letters, wage slips etc. Whether the seriousness indicated by the management in addressing the issues of verbal and physical abuse raised in the report will be followed by action remains to be seen. On all other points, they have denied any wrong doing on any count by the company.

The reply of the management of FFI is attached to this report (*Annexure-1*).

1. Physical and Verbal Abuse of the Workers:

The MT insisted that no instances of physical or verbal abuse had been brought to the notice of the management and had any instances had been reported, proper action would certainly have been taken. They orally assured FFT that they would conduct a “discreet” enquiry to find out if such incidents had taken place. The legal advisor as well as the HR manager insisted that in case of Ramesh Chauhan (against whom representatives of GATWU and NTUI had complained to the management) the matter would be sorted out within one month and indicated that Mr. Ramesh Chauhan would not be retained in the position, as they wanted to ensure that there would be no scope of doubting the management’s intention of seeing that there is no physical or verbal abuse of workers. However, in the written reply (*Annexure-1: Query-2*) the management has taken the stand that their “discreet” in-house enquiry did not reveal any evidence of such abuse. The management appears to be satisfied that since no worker has come forward to complain to the management, such abuse did not happen at all.

2. Non-issue of Appoint Letters / ID Cards and Promotion letters

The MT presented copies of duplicate appointment orders issued to the workers of all sections. While the MT held that the appointment orders had been given to all workers with all terms of appointment, it is possible that the workers do not attach much importance to the same and could have misplaced the original orders.

MT pointed out that ID card issue was a must; since no worker can enter the factory, swipe attendance, generate the pay slip, use canteen facilities etc., without an ID card and that the date of appointment is clearly shown in the card.

The company held that workers are promoted after completion of a certain period of service which is notified to the worker and the pay slip indicates increase in salary. However, notifying the workers of their promotion does not indicate giving a promotion order and could be oral information only.

3. Unpaid Overtime Work:

Copies of wage slips showing OT paid were shown to us. MT held that OT was well within the permitted limit of 16 hrs per moth and 60 hrs per quarter. They maintained that there was no

practice of unpaid OT. They also denied that ID cards of workers were taken away and they were made to work without punching the right time of finishing the work. MT felt that workers wanted to do more OT as it would get them more payments. However, this point remains workers statement made to us as against contradictory stand of the management.

4. High Attrition Rate;

The question we posed to the MT was, if all conditions of work are exemplary in the factory, then why is there a high attrition rate in the company, as admitted by the HR manager? To this, the Director Mr. Ghaise replied that workers look for greener pastures and leave and that once they find that FFI is a better employer many return and seek re-employment. The Company has strictly ruled against re-employment of workers who leave. He claimed that now, 3-4 workers leave per month as against 15-20 earlier.

5. Pressurising Workers to meet high Production Targets

The management held that they use GSD (Garment Sewing Data software) for labour costing and this is considered to be a best practice in the industry. Their total production is about 8000 – 10000 pieces per day working out to roughly 10 – 12 pieces per worker per shift (in brushing unit, they admitted that the targets are at maximum of 30 pieces per worker per shift) and therefore, the allegation of production targets of 70-90 pieces in 8 hrs cannot be true. There is no question of seasonal pressure, as orders are continuous.

However, the workers' grievance as stated to us is that workers are made to work continuously for more than one shift, then the target of 30 pieces per worker for the day would be doubled or trebled.

6. Dissatisfaction of Workers;

MT held that workers who were disgruntled or those who were dismissed for being caught stealing production goods were behind the complaints and spreading dissatisfaction. They claimed that about 50 lakhs of stolen goods were recovered from the houses of some workers and they were subsequently dismissed. However, MT's contention that their not registering complaint was out of humanitarian consideration for the poor workers needs to be looked at in the light of the poor opinion they expressed regarding the reliability of workers, considering that they had totally denied every allegation of abuse and harassment of the workers summarily.

7. Inadequate safety measures for hazardous processes and Health standards

Management held that conditions of safety were of highest standards in the company. They felt that some workers might prefer not to use protective equipment like gloves.

The management also stated that apart from having a fully equipped medical facility at the premises, they maintained that they have set up a tie up with private hospitals as well as extended ESI facilities to the staff.

8. Steps Taken for setting up Mechanisms for redressal of Grievances

The MT informed that the company has Grievance Committee, Canteen Committee and a Sexual Harassment Complaints Committee and that all committees were functioning. They also maintained that there was no necessity of an outsider in the grievance committee or the SH committee (The Supreme Court guidelines of 1997 specifically state that an independent person with experience must be a part of the SH committee). They also showed the minute's book of grievance committee meetings and of the Canteen Committee meetings. Both were from February 2006 onwards. However, the fear that the workers have of a vindictive management will deter lodging of individual complaints either with the committee or with any part of the management.

9. Other Issues Stated in management's written response:

In their written reply, the company has made the following charges –

- a. Jayaram, VP of GATWU has stage-managed the allegations with the agenda of

- getting GATWU recognition by FFI.
- b. The allegations made by GATWU that there was sexual harassment of female workers in the Industry, implicating FFI were repeated in an article in dutch magazine Trouw
 - c. In December 6th in a letter from Clean Clothes Campaign to GStar claimed that GATWU represents workers in FFI, when this is not a fact.
 - d. The legal counsel of FFI has made enquiries with the local police station regarding any complaints against the company for abuse or harassment or the implied murder of an employee referred to in the report of FFC and got a confirmation that there were none.
 - e. The reference to murder of an employee in the fact-finding team report has caused serious repercussions for the company.
(Our Note: The said reference in our report, under Violations under Domestic laws, the para referred to in the FFI reply reads :
"If the allegation of the death of a worker in production Unit 2 has any substance, those responsible will have to be charged with provisions related to murder under **S. 302**. If it is proved that the management had instigated this act, they will be guilty of 'abetment' under **S. 107** and can be punished under **S. 109**....."
It is clear that this is not an "allegation of murder" as stated in the FFI's written reply but saying that if true, legal liability will be a possibility.

SECOND MEETING WITH WORKERS OF FFI:

Subsequent to receiving the management's reply, the fact-finding team met with a group of 19 workers from the FFI on 30th July, to ascertain whether any changes have taken place in working conditions. Several workers had their ID cards with them and showed us the same.

The following changes and pending issues were reported by the workers:

- The continuous duty (OT or otherwise) hours have been discontinued.
- Physical beating with sticks etc. has been stopped
- Verbal abuses of workers, such as calling them by caste name have stopped.
- First Aid facility is now available as well as the services of a health care centre.
- Complaints committee has been formed. But, the members are not free to act independently. They were not allowed to raise the issue of work without OT or wages after end of the shift that was a practice earlier.
- In the brushing unit, only masks are being given, there are not enough gloves.
- Getting leave sanctioned remains a difficulty even when the workers are entitled to the same. In some cases workers taking leave for some necessity, were re-appointed on fresh basis when they returned to work. Many workers are unaware of this fact that they have been re-appointed.
- There have been some punishment transfers of people who raise questions, to brushing work. This is a difficult work and people do not like to work here because one has to work with harmful chemicals and if done with bare hands, the skin gets affected.

CONCLUSION:

In conclusion, we would like to reiterate that being from organisations working on issues relating to human rights, women's rights, by bringing out this report, our hope is that the management of FFI initiates steps towards creating a free and fair work atmosphere for the workers and also that the palpable sense of suspicion towards the workers is replaced by a genuine recognition of their legal and labour as well as human rights.
