
EXTERNAL INVESTIGATION REPORT ON

**THIRD PARTY COMPLAINTS ON LABOUR RIGHT VIOLATIONS IN CARNIVAL
CLOTHING COMPANY, GOKALDAS EXPORTS LTD, MYSORE**

May 2019

Conducted by

GLOCAL RESEARCH SERVICES

HYDERABAD INDIA



Study Team

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1. Context/Background of the Study

On December 10, 2018, the Fair Labor Association (FLA) initiated a **ThirdParty Complaint**¹(TPC) investigation after having received a complaint from the Bangalore-based Garment Labor Union (GLU) concerning allegations of Sexual Harassment and Freedom of Association violations at Carnival Clothing Company, a Tier 1 supplier of Adidas located in Mysore.

Subsequent to receipt of the GLU complaint and before reaching a decision to initiate a formal investigation, FLA staff based in India was in regular contact with both the Adidas and GLU officials. Adidas on 21st Nov 2018 commissioned an internal investigation of the factory that produced an investigation report that in turn was shared with GLU. Following several rounds of discussions among the parties and the FLA's decision to proceed with the TPC mechanism Adidas had engaged with an independent third party entity, **Glocal Research** (a research services organization based in Hyderabad, to conduct the investigation) after consultation with FLA.

Glocal's investigation into the complaint's/allegations was headed by **Dr. Davuluri Venkateswarlu**, joined by Dr. Jacob Kalle, Ms. Meghana, and Ms. Manjushree. The onsite investigation was conducted from 3-7 April 2019 and the team submitted investigation report in May 2019. The report outlines the investigation methodology, including engagement with workers onsite and offsite, with factory management, and additional outreach, as well as a detailed document review.

¹**What is a Third Party Complaint?** : The FLA's Third Party Complaint procedure was established as a means for any person, group or organization to report serious violations of workers' rights in facilities used by any company that has committed to FLA [labor standards](#). It is one of several [Safeguards](#) tools the FLA has available to address such issues.

The process:

When a complaint is lodged, the FLA first verifies whether the factory in question produces for any participating companies or university licensees, and whether the complaint contains specific and verifiable allegations of noncompliance with the FLA's Workplace Code of Conduct. The FLA also considers whether local dispute resolution mechanisms were used to resolve the issues and what results they achieved. If the complaint meets the above criteria, the FLA will accept it for review and contact participating companies sourcing from the factory in question. If warranted, the FLA may engage a third party to investigate the allegations. The investigation report, where appropriate, is expected to recommend corrective actions to the affiliated company, and the company is then required to develop a plan to address any noncompliance issues.

Carnival Clothing Company is a garment manufacturing factory, located in the Bannimantapa Extension, Mysore, Karnataka, India. The factory employs around 820 workers, of whom about 90 percent are women. This Company makes products for brands like Adidas and Decathlon. The following are the complaints/allegations received by FLA:-

(1) **Sexual harassment and abuse.** Smt.Vasantha, a member of the GLU workers' committee, and two other two women workers have alleged that they been subjected to lewd comments by the Finishing Section In-charge- Mr.Umesh:

(2) **Violation of freedom of Association,** Smt.Vasantha's co-workers Mr.Srinivas and Mr.Pradeep are also active members of the GLU workers' committee. It has been alleged that the supervisor have been harassing them and illegally terminating their services;

(3) **Harassment of workers.** If the worker is late by 1 hour, the management is treating that as 2 hours and deducting half a day's salary. Attendance bonus is also being deducted;

(4) **Harassment and abuse.** Smt.Sumitra is also a union member. She had applied for leave officially for her sister's delivery. Her leave was officially granted. However, when she joined back, without any notice, she was asked to leave the tailoring department and join the finishing department;

(5) **Non-convening of a meeting with the factory management.** Despite repeated requests, the management is not open to meet or communicate at all.

2. Objectives

The investigative agency undertook the task with the following objectives:

- ❖ To understand the nature and dimensions of five complaints from the workers received in regarding to Harassment and Abuse, Sexual Harassment, Violation of Freedom of Association, etc.
- ❖ To understand the practices and gaps in safeguarding the rights of the workers in the company, by conducting onsite and off-site interviews.

3. Methodology

For undertaking this study, a purposive sampling method was used to select the respondents. The four members team had conducted investigation through unscheduled visits to the company from 03rd to 07th April 2019.

The team followed a set of ethical guidelines for conducting the fieldwork. Harassment and abuse with sexual inclinations are very sensitive issues and many women hesitate to share such experiences. It is important to have the gender-sensitive ways to identify the issues. Hence, two experienced women researchers who were conversant with the vernacular language were involved in conducting the individual interviews with women workers.

The respondents were informed about the objectives of the interviews. Further, prior consent was obtained from the respondents for conducting interviews. Due to the low education levels of the respondents and their inability to understand complex concepts (such as harassment and abuse) the team had to use the simple vernacular language and a variety of methods like asking them cross questions and also giving them various examples on what constitutes sexual harassment and abuse. They were also assured that their identity and the information provided by them would be kept confidential.

Since the factory works as per 6 days week schedule, the team had to conduct off-site interviews both in the evening and also on weekends, by visiting the workers community. In regarding to methods, focus group discussions, followed by one on one on-site and off-site personal interview were conducted with some workers. The workers and supervisors were randomly picked up from batch wise list provided by the factory management.

In the light of the above specific complaints, the study team reviewed the available information and records regarding the factory's payroll, working hours, Human Resources (HR) policies and procedures including records / documents of various committees such as IC committee etc. The team conducted a factory walk-through, on-site and off-site interviews with workers/supervisors from sewing section, the cutting section, finishing section, and security department, as well as the factory's HR team, Industrial Engineer, and other factory management representatives.

Table 1: Personnel covered under the Study

	Description of Parties Interviewed	No of Persons Interviewed
1	Complainants <ul style="list-style-type: none"> ➤ Smt.Vasantha, ➤ Smt. Sumitra and ➤ Mr.Srinivas 	3
2	Management <ul style="list-style-type: none"> ➤ V.P – HR, ➤ G.M – Compliance, ➤ G.M- HR, ➤ G.M-Operation, ➤ Manager- HR, ➤ Asst.Manager- L&D, ➤ Production Manager ➤ Executive – Industrial Engineer 	8
3	Members of the various Committees <ul style="list-style-type: none"> ➤ Works/Grievance Committee ➤ Canteen Committee ➤ Internal Committee ➤ EHS Committee 	29
4	Worker Interviews covering (both on-site and off-site) A Batch - B Batch C Batch D Batch E Batch F Batch G Batch H Batch Finishing/Cutting/ Packing	76
5	Supervisors	6
6	GLU Union Members/workers	11

4. Findings of the Investigation Study

Table2: Allegation wise Findings and Corrective Action Plan

Details of the Allegation/complaint	Documents Reviewed /Parties Consulted	Findings	Sustainable Corrective Action Plan
<u>1) Allegation/Complaint -Violation of freedom of Association.</u>			
Smt.Vasantha 's co-workers, Mr.Srinivas and Mr.Pradeep, are also active GLU workers committee members. The supervisor has been harassing them and illegally terminating their services			
<i>a) The case of Mr. Pradeep (Tk.No.4545)</i>			
1) It is alleged that on 12-01-2017, around 8.40 AM, Pradeep, the employee of CCC-1, Mysore came to Euro Clothing Company-2 situated at Srirangapatnam, illegally trespassed and barged into the shop floor of the factory. When the security guards tried to stop him, Pradeep abused Smt.Shashikala, Security Guard and Mr.Shesharaju, Security Officer in vulgar and filthy language. Later, he entered into an argument with Supervisors Madan Naik (Murali), Mr. Adarsh, Mr. Subramanya Assistant Production Manager and, Mr. Raghavendra , Factory Manager and	A. Parties met: a) 8 Officers from Management, and b) GLU members B. Documents Reviewed: 1.Copy of the Show-cause notice and Suspension order dated.12-01-2017 to Pradeep 2.The charge Sheet dated 04-03-2017 3.Revocation of Suspension and transfer of Pradeep to Corporate office at Bangalore letter dt.21-03-2017 in English & dt.28-03-2017 in Kannada 4.Findings and Report of the	After examination of all the records, appreciation of the evidence and also interviews with all the parties, we have arrived at the following findings: 1. Being a Responsible union member, Pradeep did not use the appropriate channels available in the factory for reporting the grievances. Instead, he resorted to other means which attracts the different disciplinary clauses/ provisions of the Certified Standing Orders of the Company. 2. The enquiry proceedings are	1. Pradeep's case LD No.248/18 is pending with the Industrial Tribunal, Bangalore and the hearing is scheduled for 28-05-2019. Hence, both the parties need to adhere to the final judgment of the Tribunal in due course of time. However, the management is advised to pay attention to the following issues: (a) Creation of proper awareness on the

<p>abused them in filthy language over the issue of Smt. Varalakshmi stating that they are forcing his friend Varalakshmi to work up to 6.30 pm</p> <p>2. The Management received complaint letters dated 12-01-2017 from Mr.Madan Naik, Mr.Shesharaju and Smt.Shashikala.</p> <p>3. Charge Sheet dated 04-03-2017 was issued against Pradeep</p> <p>4. Pradeep contended that due to his joining union, the management has foisted false allegation and case against him to victimize him - and hence the charge sheet.</p>	<p>Enquiry officer dated 22-03-2018</p> <p>5. Second Show-cause notice issued and posted through RPAD to Pradeep with original report of the Enquiry officer dated 04-04-2018</p> <p>6.Petition No.CR-33/2017-18 dated 14-07-2017 was filed by Pradeep under Sec 12 r/w Sec.2 (K) of ID Act before the Assistant Labor Commissioner and Conciliation Officer, Bangalore</p> <p>7. Documents submitted by GLU (2) : The case LD No.248/18 in the Court of the Industrial Tribunal , Bangalore with regard to Industrial Dispute between Pradeep and the Management of Gokaldas for adjudication under Sec.10 (1) (d) of the ID Act. Scheduled for appearance of the parties before the Tribunal on 28-05-2019.</p>	<p>supposed to take place at the work place of the Charge Sheeted Employee. However, in this particular case, the domestic enquiry proceedings took place at a distant place, i.e.Bangalore, which cause innumerable difficulties to all parties associated with this case.</p> <p>3. The timing of revocation of suspension and transfer of Pradeep to Bangalore does not suit the situation</p> <p>4. As part of the Enquiry proceedings, Pradeep informed the Enquiry Officer that he has no knowledge of the Certified Standing Orders of the company.</p> <p>5. Based on the outcome of the domestic enquiry, the factory has terminated Pradeep. However, as per the ID Act, they are supposed to inform the developments on the dispute to the Industrial Tribunal, Bangalore, since the case is pending</p>	<p>Certified Standing Orders of the Company among the workers² in the vernacular language.</p> <p>(b) It is observed that there is a long gap between the date of the incident, i.e., 21-01-2017 and date of charge sheet, i.e., 14-03-2017, which is a cause of concern.</p>
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²he word 'Workers' means all the workers', supervisors', floor in charge personnel and Production managers and so on

		before the Industrial Tribunal, Bangalore.	
(b) The case of Mr.Srinivas (Tn. No.3879)			
<p>1.Mr.Umesh has been working in factory for 6 years. He was the finishing in-charge at the time of the incident. Mr. Srinivas R was working as Helper in the Dispatch section.</p> <p>It is alleged that on 24-03-2018 when the finishing section in-charge Umesh was informing all the workers in the finishing section about overtime work scheduled for the next day, i.e., 25-03-2018 (Sunday) to meet an urgent shipment requirement, Srinivas came to the finishing section and dissuaded workers by stating that Umesh was lying and that the employees would get only compensatory-off instead of overtime. They got into some argument. In the process, it is alleged that Srinivas pulled Umesh by his shirt collar and abused him in vulgar and filthy language and threatened him: “Come outside in the evening after 5.30 pm I will see you there”. Threatening a colleague with dire physical consequences amounts to serious</p>	<p>A. Parties met: a) 8 Officers from the Management , b) GLU union members c) workers of the Finishing Section d) Telephonic Interview with Mr. Srinivas</p> <p>B. Documents Reviewed: 1. The charge sheet dated 14-04-2018 and 2. Proceedings of the Enquiry dated 16-07-2018 3.Final order-cum-Termination letter dated 07-11-2018</p>	<p>1. The views expressed by parties interviewed differ. 2. An altercation took place between the Mr.Srinivas R and Mr.Umesh, in regarding to whether the Sunday’s work, i.e., 25-03-2018 was in lieu of overtime, or compensatory off. It appears that there was some room for confusion among some workers as to working on Sunday could be considered as over time or compensatory off. One of the reasons for this could be lack of clear and proper communication from HR on this.</p> <p>3. The evidence clearly indicates that Srinivas had picked up an argument with Umesh which led to altercation between them. In the process Srinivas seems to have lost temper and used abusive language This was endorsed by many workers.</p> <p>4. In the entire episode, it appears</p>	<p>The management is advised to pay attention to the following issues: 1. The HR department needs to put a communication system in place whereby advance information on overtime/compensatory off schedule is provided to workers so as to avoid miscommunication and issues thereof.</p> <p>2. The management needs to create proper awareness among the workers on the formal grievance channels available in the factory for reporting different grievances for redressal.</p>

<p>misconduct as per the standing order of the company.</p> <p>2. Umesh submitted his complaint to the HR vide letter dated 28-03-2018.</p> <p>3. The Enquiry was concluded on 16-07-2018.</p> <p>4. Srinivas lodged a complaint with the police against Umesh. But he has produced the details like police complaint, police complaint acknowledgement, medical certificate and scanning report to the enquiry officer on 18-07-2018 after completion of the proceedings on 16-07-2018.</p>		<p>that Srinivas did not follow appropriate channel to raise his grievance on the issue. He also lodged a police complaint against Umesh about an incident that took place in the factory.</p> <p>5. There is no clear evidence available to argue that the management was vindictive towards Srinivas in the past.</p>	
<p><u>2) Allegation/Complaint -Sexual harassment and abuse</u> Smt.Vasantha, who is a GLU workers’ committee member, along with other two women workers have been abused in lewd language by the Finishing Section In-charge, Mr. Umesh</p>			
<p>Smt.Vasantha Kumari, working as a Tailor in the Sewing Department assisted Srinivas in the enquiry proceedings as a co-worker. According to Vasantha, Umesh developed grudge against her for assisting Srinivas and started passing comments like “What you and Srinivas can do to me?” He</p>	<p>A. Parties met: a) 8 Officers from the management. b) GLU union members c) Vasantha and her witness d) Workers of the finishing Section B. Documents Reviewed: 1.</p>	<p>1. The views expressed by parties interviewed differ. 2.Vasantha is one of the defence witnesses in the domestic enquiry against Srinivas. 3. The worker interviews indicate that following the incident in the</p>	<p>1.As per the sexual harassment of women at workplace (prevention, prohibition and) Act, 2013, any complaint related to sexual harassment needs to be placed before the IC</p>

<p>used to stare at her from top to bottom whenever she went for punching the biometric attendance near the Finishing Section. This continued for many days' Finally she gave a written complaint to HR vide her letter dated 30-08-2018. Vasantha's friends Smt. Suma and Smt. Prema were the eye-witnesses for the acts of Umesh. She contended that management has targeted her through Umesh. Further, she also contended that the management had instigated the Finishing Section workers against her for helping Srinivas in the enquiry proceedings.</p>	<p>Vasanth's complaint letter against Umesh dated 30-08-2018 2. Umesh Resignation Letter dated 23-11-2018 3. Annual Returns of the factory for the year 2018, under Section 21 of the Prevention of the Sexual Harassment at the Workplace Act 2013</p>	<p>Finishing Section, some sort of enmity could have developed between Umesh and others who supported Srinivas in the enquiry proceedings. According to them, probably, this could have led to Umesh passing comments and behaving inappropriately with Vasantha. On the question of sexual harassment, except her co-union workers, other workers interviewed have not endorsed that the accused was habitual of such behaviour. Further, Umesh was not available for conducting personal interview. 4. But, Vasantha's complaint was not placed before the IC committee of the factory where the incident took place. Further, no charge-sheet was issued to Umesh on the complaint. 5. There was no mention of this complaint in the Annual Returns of the factory submitted for the year 2018 under POSH Act 2013.</p>	<p>committee constituted for this purpose. But, the factory had not placed it before the IC committee. Factory need to ensure and follow the law and any complaints received in regarding to sexual harassment should be placed before the IC Committee. 2. In the light of Umesh resignation from the factory, the factory management must take all necessary and reasonable steps to assist the aggrieved person, if she wants to pursue this case further. 3. The factory management needs to address and redress complaints in a time-bound manner as per the Act.</p>
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		<p>6. As per the management, since it was a sensitive issue they wanted to handle the case directly from the head office. They had called Umesh to Bangalore for the enquiry. In the meantime, Umesh has resigned from service stating personal grounds vide his letter dated 23-11-2018.</p>	
<p><u>3) Allegation/Complaint - Harassment and abuse.</u> Smt. Sumitra is also a union member. She applied for leave officially for her sister's delivery Her leave was officially granted. However, when she joined back, without any notice, she was asked to leave the Tailoring Department and join the finishing department</p>			
<p>1. Smt. Sumitra C (No.1598) has been working as a Tailor with CCC-1 with effect from 24-04-2011.</p> <p>2. She proceeded on leave from 3-10-2018 to 20-03-2018 and returned to work on 22-10-2018. She worked in the G batch on 22-10-2018 as per the instructions of the PM.</p> <p>3. It is alleged that she refused to work in G Batch on 23-10-2018 and sat in protest stating that she would resume work only when she was assigned the work in her earlier Batch, i.e., E Batch, where she used to work prior to her proceeding on leave.</p>	<p>A. Parties met:</p> <p>a) 8 Officers from the Management.</p> <p>b) GLU union members</p> <p>c) Sumitra and other workers</p> <p>B. Documents Reviewed:</p> <p>1. Show cause notice issued to Sumitra dated 29-10-2018</p> <p>2. Sumitra's written explanation dated 05-11-2018</p> <p>3. Mr. Mallikarjuna GM HR letter dated 22-11-2018</p> <p>4. The second charge-sheet cum show cause notice dated 28-12-2018 issued to Sumitra</p>	<p>1. Both management and Sumitra have differed on the facts of the issue.</p> <p>2. The management issued a show cause notice dated 29-10-2018 to Sumitra as per the provisions of the Certified Standing orders. She had submitted her written explanation to the management vide her letter dated 05-11-2018 wherein she had mentioned that she was ready to work and requested the management for an internal transfer.</p> <p>3. Later, following a conciliation</p>	<p>The factory management needs to consider the request of the workers if they request for a written internal transfer order.</p>

<p>4. She continued to sit in the office premises in protest on the subsequent days. It is also alleged that she went around and also disturbed the co-workers, while they were attending to their duties.</p> <p>5. HR Manager, Mr. Shankar informed her that her services are essential and every single day of absenteeism will affect the production of the factory and her act of wilful insubordination amounts to gross indiscipline and it has seriously impacted the disciplinary environment of the factory.</p> <p>6. Subsequently, a show cause notice was issued on 29-10-2018</p>	<p>5. Closure of the proceedings letter submitted by Sumitra dated 16-03-2019</p> <p>6. Pre-closure of the domestic enquiry dated 21-03-2019</p>	<p>meeting with Mr.Mallikarjuna, GM-HR on 07-11-2018, she started working in the G batch with effect from 09-11-2018. But,the second charge sheet cum show-cause notice was issued to Sumitra vide letter dated 28-12-2018</p> <p>4. Later, Sumitra submitted a letter to the enquiry officer for closure of the enquiry proceedings and pleaded guilty of all charges levelled against her as per the charge sheet. Accordingly, the enquiry officer pre-closed the domestic enquiry on 21-03-2019.</p> <p>5. The management also paid salary for the period (i.e., 14 days) she protested without attending the work</p> <p>6. After looking into all the circumstantial evidences, it appears that Sumitra was under pressure to resume the work, given her financial condition and the job in the factory is the only source of her livelihood and she is a widow with two school going children. Finally she has mentioned that there are no issues now and doing her regular work.</p>	
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<u>4) Allegation/Complaint - Harassment of workers.</u>			
If the worker is late for 1 hour, they are calculating 2 hours and deducting half a day salary. Attendance bonus is also being deducted			
<p>If the worker is late for 1 hour, they are calculating 2 hours and deducting half a day salary. Attendance bonus is also being deducted</p>	<p>A. Parties met: a) 8 Officers from the Management b) GLU union members/Workers c) on-site and off-site worker interviews</p>	<p>1. The management informed that they generally deduct the half day salary only when workers come late by more than two hours or close to half a day. Further, they have stated that the workers also availing out pass for 2 hours once in a month as per rules in vogue. 2. Both on-site and off-site interviews with the workers indicate that the management is not deducting wages if the workers come late by 1 hour. Similarly, many workers reported that supervisors shout at them on some occasions in connection with completion of production targets. 3. No evidence has been produced by the GLU workers on the alleged half day salary deductions for late coming to the factory.</p>	<p>The team did not find any evidence to corroborate the allegation about harassment of workers and deduction of half day salary if the workers come late by 1 hour.</p>
<u>5) Allegation/Complaint -Non-convening of formal meetings with Unions.</u>			
The union have been communicating with the factory management about a meeting, but they refused. The management is not open to meet or communicate at all.			
<p>It was alleged that the union (GLU)</p>	<p>A. Parties met:</p>	<p>1. The GLU members informed that</p>	<p>1. Some workers from</p>

<p>have been communicating with the factory management about a meeting, but they refused. The management is not open to meet or communicate at all.</p>	<p>a) 8 Officers from the Management. b) GLU union members /workers</p> <p>B. Documents Reviewed:</p> <p>1. Written complaint letters from factory workers submitted to GLU against some supervisors on the issues of scolding, lewd comments, sexual harassment, and so on.</p>	<p>they have been sending some or other communication to the management with regard to workers' issues. However, the management never had a formal communication with them. Most of the time, they call for informal meetings at some hotels.</p> <p>2. The management side stated that they are communicating with the Union and updating them on the factory's efforts on the grievances related to workers. The management had 4 to 5 meetings with the Union.</p>	<p>Carnival Clothing Company have approached the GLU seeking help in regarding to complaints on supervisors such as scolding, passing lewd comments, sexual harassment, and so on. The pertinent question in this context is: why the workers are approaching GLU, instead of the formal channels available in the factory for redressal of their grievances.</p> <p>2. The management needs to proactively engage with the third party unions when they approach the management with any complaints/ representations with regard to the workers' issues.</p>
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5. Summary of Findings and Sustainable Corrective Action Plan

The findings and recommendations made in this study have relevance beyond this factory and assume significance in the larger context of the garment and other industries.

5.1. Summary of the Findings

1. Freedom of Association: The complaints are interrelated

Despite the merits and demerits of the individual complaints, the complaints are interrelated to each other. For instance, Srinivas and Vasantha were among the defense witnesses in the domestic enquiry proceedings against Pradeep and Srinivas respectively. Further, Vasantha Kumari has also assisted Sumitra as a co-worker in her enquiry proceedings. One common identity among all of them is that they are the members of the GLU. It appears that active and vocal members of the union are involved in all these complaints. In few cases, it is clearly visible that the Union members have not approached the formal grievance reporting channels.

The interviews with the workers clearly indicate that Freedom of Association is respected by the factory, and workers can choose to join or not to join a union. Some GLU workers are also members of the Grievance and Canteen committees in the factory. As part of the on-site interviews, few workers approached the investigation team and produced their GLU membership cards, which is really a welcome sign.

In the light of the above fact, the factory management needs to acknowledge the changing environment in regarding to the increased presence of union activities and proactively engage with them in resolving the grievances in the factory.

2. Lack of Awareness on Sexual Harassment

The interviews with the workers clearly indicates that majority of them are not aware of which type of actions constitutes sexual harassment. Hence, Factory need to ensure that appropriate and formal training need to be provided to all workers, especially female workers on the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and which type of actions constitutes sexual harassment.

3. Reporting of Complaints to IC and Submission of Annual Audit Report

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013, mandates the constitution of the Internal Complaint committee (ICC) and the filing of an audit report on the number of complaints received and action taken at the end of the

year. However despite the fact that the Carnival Clothing Company -1 has been in existence for many years, the Company has not submitted the Annual Audit report on IC, except for the year 2018. Further, Vasantha's complaint against Umesh submitted on 28-08-2018 was not reported in this annual audit report.

4. Lack of Trust in the formal Grievances Complaining Channels

Some workers are approaching the GLU with complaints against some supervisors and seeking the help/intervention of the GLU to resolve these. The pertinent question in this context is: why the workers are approaching GLU, instead of the formal channels available in the factory, for redressal of their grievances. As reported by the workers, the main reason for under-reporting and un-reporting of many abuse or harassment issues is primarily due lack of awareness and lack of trust in the grievance redressal cells. For instance, factory did not register the complaint of Vasantha in factory's IC committee where the incident took place; instead, the management chose to address the issue at Head Office. Initiation of appropriate and timely action on complaints/allegations as per the legal provisions is prerequisite for building trust in the workers. Hence, the management should focus on strengthening the IC Committee, to win the confidence/trust of the workers.

5. Capacity building of all the Committee members

The investigation team interacted with the members of different committees constituted for redressal of the grievances in the factory. Except a few, many of the members are not aware of their roles and responsibilities as members of particular committees. Therefore, the management needs to conduct regular trainings and orientation programs to the members of different committees.

6. Lack of Awareness on the Rights and Entitlements

As per the Industrial Employment (Standing Orders) Act, 1946, the employer is required to formally define the conditions of employment and to make the said conditions known to the workers employed by him/her. However, majority of workers in the factory do not have proper awareness on the certified standing orders of the factory and a substantial proportion still have a lack of legal literacy and basic awareness on their rights and entitlements.

7. Men Supervisors

Women constitute about 95% of the total workforce in the factory. However, presently there are only 3 women supervisors out of the total 16 supervisors across 8 batches in the factory. Hence, the management needs to upgrade some of the women workers to supervisor level. Such a development will, in turn, will address many issues in the factory.

8. Working Conditions

Many of those interviewed workers have stated that working conditions such as production targets, congested environment without proper space and ventilation, lack of proper water facilities, shortage of wash rooms, and lack of facilities for storage of personal belongings of the workers are negatively impacting their health. Further, majority of the workers are demanding for enhancement of the daily wages beyond the existing legal minimum wages by considering the service they put on.

5.2. Sustainable Corrective Action Plan

This Section will discuss some measures that can help to eliminate violence and harassment in the factory floors as suggested by the workers

- **Mr. Pradeep's Case:** The matter is sub-judice in case of Pradeep (LD No.248/18 is pending with the Industrial Tribunal, Bangalore). Hence, both the parties need to adhere to the final judgment of the Tribunal in due course of time.
- **Mr.Srinivas's case:** The HR department needs to put proper communication channels in place whereby advance information on overtime/compensatory off schedule is provided to the workers in order to avoid miscommunication/confusion and grievances thereof. The factory has 16 members Grievance Redressal Committee including 3 members from the employer, but the members from the workers have little awareness on the role and functions of the committee.
 - The management needs to impart capacity building training to the members of the Grievance Redressal Committee on their roles and responsibilities and functions of the committee.
 - Further, there is a need to create proper awareness among the workers (including Supervisors, floor in-charge and production staff) on the roles and functions of the

Grievance Redressal Committee and encourage/motivate them to approach this committee for reporting any grievances.

- The management needs to follow the provisions of the Industrial Dispute Act³1947 while constituting Grievance Redressal Committee.
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- **Smt.Vasantha's Case:** The IC Committee is in existence and it has 7 members, including 2 women representatives from an NGO. Though the committee has been constituted as per the Act, the representatives from workers have little understanding on their roles and responsibilities. As per the act, the factory management need to place all the complaints received in regarding to sexual harassment before the IC committee and redress the complaints in a time-bound manner. However, neither Vasantha's complaint was placed before the IC committee, nor a charge sheet was issued to Umesh on the complaint, which is a clear violation of the provisions of the Act. Instead, management had called Umesh to Bangalore for the enquiry and in the meantime, Umesh has resigned from service. Further, there was no mention of this complaint in the factory's Annual Returns for the year 2018, submitted to District Commissioner.
 - The management should initiate appropriate and timely action on the complaints/allegations as per law for building trust in the workers.
 - In the light of Umesh resignation from the factory, the factory management must take all necessary and reasonable steps to assist the aggrieved person, if she wants to pursue this case further.
 - The factory should take necessary steps for filing of annual audit report of the IC Committee to DC on a regular basis as per the Section 21 of the Prevention of the Sexual Harassment at workplace Act, 2013.

³**Industrial Disputes (Amendment) Act, 2010, clause 9C of CHAPTER IIB: (1)** Every industrial establishment employing twenty or more workmen shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances. **(2)** The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen. **(3)** The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year. **(4)The total number of members of the Grievance Redressal Committee shall not exceed more than six:** Provided that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.

- There is a need to empower and strengthen the IC Committee members by conducting regular orientation and training programs on the role and functioning of the IC Committee.
- Mere constitution of the committees and conducting meetings will not make them functional in the true spirit of different Acts. Hence, the management needs to empower the committee members by conducting regular orientation and training programs on the role and functions of the different committees and also need to create awareness on the committees among the workers (including supervisors, floor in-charge persons, HR managers and other production staff). Any committee which is trained in terms of skills and capacity is critical for building trust of the workers in the factory.
- In the light of increasing presence of the union activities, the management needs to proactively engage with the third party unions when they approach the management with any complaints/ representations with regard to the workers' issues.
- The factory management needs to create awareness among the workers on the factory's Certified Standing Orders covering aspects like workers legal rights, entitlements and also on the terms and conditions of their employment.
- In order to safeguard the genuine rights of the workers, the management needs to introduce the written communication system on internal transfers of workers across different factories under the management.
- Periodic skill and voice modulation trainings need to be provided to the supervisors, floor in-charge persons, production managers and HR managers to equip them with positive motivational techniques to use in place of verbal abuse. Workers are more productive if one explains things to them in a proper manner. This training would help them to learn about what behavior constitutes harassment and how to adjust their ways of managing and communicating with workers to avoid harassment.
- Sexual harassment is a very sensitive issue and the victims fear about discussing and reporting their experiences. Hence, the management needs to conduct regular and mandatory training to all workers including supervisors, floor in-charge and production

team on what constitutes sexual harassment, anti-sexual harassment policy of the factory and how to seek help within the factory. In order to deal fairly and confidentially with complaints of sexual harassment, the factory management may explore the idea of handing out cards with the helpline information to all workers.

- Since majority of the workers interviewed complained about the working conditions and facilities in the factory, the management needs to take appropriate steps to create conducive working conditions with proper space and ventilation, improve the facilities in regarding to drinking water& wash rooms and provide storage space for keeping the personal belongings of the workers.