



## **TAKING CARE OF BUSINESS**

### **Childcare in Bangalore's Apparel Industry**

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Prepared by Cividep-India with the support  
of the Fair Labor Association

June 2012

***Cividep-India***

*Workers' Rights and Corporate Accountability*

## TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>Acknowledgements</b> .....                                  | <b>2</b>  |
| <b>Executive Summary</b> .....                                 | <b>3</b>  |
| <b>List of Tables, Boxes and Figures</b> .....                 | <b>4</b>  |
| <b>Introduction</b> .....                                      | <b>5</b>  |
| <b>Chapter 1: Childcare and the Garment Industry</b> .....     | <b>6</b>  |
| The Difference Quality Childcare Makes .....                   | 6         |
| An Employer’s Social Responsibility .....                      | 7         |
| In the Apparel Industry’s Interest .....                       | 8         |
| <b>Chapter 2: Childcare Policies and Practices</b> .....       | <b>10</b> |
| National Legislation .....                                     | 10        |
| International Agreements .....                                 | 11        |
| Corporate Compliance.....                                      | 11        |
| <b>Chapter 3: Garment Workers’ Childcare Experiences</b> ..... | <b>16</b> |
| Workers’ Profiles .....  | 16        |
| Maternity Benefits and Childcare Options .....                 | 17        |
| Experience of the Factory Crèches .....                        | 20        |
| Implications of the Findings .....                             | 22        |
| <b>Chapter 5: Recommendations</b> .....                        | <b>24</b> |

## ACKNOWLEDGEMENTS

This study would not have been possible without the insightful leadership of K. Parakuni Gopinath who has guided it from a seed of an idea to its current form. We are grateful to leaders of the Garment Labor Union (GLU) and Munnade for conducting the fieldwork. Research assistance provided by Suhasini Singh and Deepa Girish was invaluable in shaping the study. The childcare project has benefitted tremendously from the passionate commitment of Ms. Nina Nayak, a member of the National Commission for Protection of Child Rights and former Chairperson of the Karnataka State Commission for the Protection of Child Rights, and the dedicated collaboration of allies at Samvada. Support from the Fair Labor Association (FLA) provided the necessary impetus for local multi-stakeholder dialogue, which bodes well for our children's growth and development.

## EXECUTIVE SUMMARY

At a time when India is formally acknowledging the need for growth with equity and social inclusion, Cividep's long-standing efforts in support of workers' rights in the garment industry of Bangalore has exposed a serious gap between policy and practice. Every day, women who bear society's responsibility for reproduction and childcare leave their children behind to enter the factory gates and begin their work-day anxious about the safety and security of their young ones. The apparel industry is most prone to this phenomenon due to its largely female workforce at the prime of their reproductive ages. Anxiety about children can translate into lower productivity, absenteeism and worker attrition, making pre-school children's welfare an employment-related concern.

Despite legislative mandates for early childcare at the workplace, children under the age of six years belonging to households of the working poor do not always receive the physical, emotional and intellectual nourishment they require to grow into healthy and capable citizens of tomorrow. Rather than look for targets to blame for this transgression, the subject that needs systematic analysis is how this trend can be reversed for the benefit of children, workers and industry. With the workplace as the centre of inquiry, Cividep launched a study to understand the perspective of women garment workers and their childcare decisions.

The study found that factory crèches<sup>1</sup> were minimally cited as a viable option for working mothers either because they did not exist, the quality of the crèches was poor, or the

commute involved was too inconvenient. Instead, a significant proportion of the women who had mothers or mothers-in-law available to take care of their children relied extensively on them for childcare. Anganwadis (state-run childcare facilities) and child-minding services offered in private homes drew the remainder of the children in the under-six category. The study highlights the special vulnerability of children between three and six years of age, particularly if there was no Anganwadi in close proximity to their home, because they were almost always excluded by management from factory crèches.

The report closes with recommendations for the improvement of childcare to suit the varied needs and circumstances of Bangalore's garment workers. These include:

- enforcing existing laws that safeguard the rights of working parents;
- providing a childcare allowance;
- developing joint employer-owned and operated crèches in industrial clusters; and
- creating community crèches and after-school childcare in workers' residential areas.

An integral part of the study has been to engage manufacturers and brand companies in a meaningful dialogue about the way forward. A working group on childcare has emerged out of a multi-stakeholder round-table jointly organized by Cividep, Samvada and the Fair Labor Association (FLA), and in collaboration with the Karnataka State Commission for the Protection of Child Rights (KSCPCR). It will explore constructive ways to pool together resources in order to exercise collective social responsibility toward India's future.

<sup>1</sup> A childcare facility or nursery.

## LIST OF TABLES, BOXES AND FIGURES

|   |    |
|---|----|
| Table 1: Employment in a garment manufacturing company in Bangalore ..... | 8  |
| Table 2: Women employees by their own age and age of their children.....  | 8  |
| Box 1: Sub-standard crèche turns deadly .....                             | 12 |
| Figure 1: Years employed in the current garment factory .....             | 16 |
| Figure 2: Years worked in the garment industry.....                       | 16 |
| Figure 3: Monthly wage.....   | 16 |
| Figure 4: Number of children.....   | 16 |
| Figure 5: Maternity Leave .....   | 17 |
| Figure 6: Childcare decision for children under the age of 6 years.....   | 18 |
| Figure 7: Given time from work to breastfeed babies.....                  | 20 |
| Figure 8: Number of full time staff employed .....                        | 20 |
| Figure 9: Is the quality of care at the factory crèche satisfactory?..... | 21 |
| Figure 10: Benefits of the factory crèche.....                            | 21 |
| Figure 11: Is the factory crèche an advantage over other workplaces?..... | 22 |
| Box 2: Crèche facility at Gokaldas Images .....                           | 25 |
| Box 3: Kids' Care, a crèche of Naser Bali (Gloves) Private Ltd.....       | 26 |
| Box 4: A community childhood centre proposal by Samvada .....             | 27 |

## INTRODUCTION

This study explores the provision and quality of legally-mandated childcare in Bangalore's garment factories from the perspective of garment workers who are mothers of children under six years of age. Building upon more than ten years of campaigning and advocacy by Cividep-India, the study was initiated on a simple premise: that quality childcare is a necessity not just for the safety and security of the children or simply as a labor welfare measure, but for the stable growth of an industry besieged by great labor turn-over in which young women constitute the bulk of the workforce.

Safe, affordable and accessible childcare is a core component of women's right to livelihood and equal opportunity for socio-economic advancement as enshrined in several national and state policies and laws. Besides employment law, the Indian Constitution and the national Five Year Plans grant women equality and freedom from gender-based discrimination, and have sought to protect women's education, health, employment and welfare. Quality childcare is equally important as an adaptation of children's right to protection and education that various legislations seek to reinforce. The garment industry in Bangalore comes under the purview of the Factories Act (1948) and the Karnataka Factories Rules (1969), both of which require childcare facilities to be provided in workplaces employing thirty or more women (see Chapter 2).

However, the research also seeks to establish an association between childcare provision and the garment industry's interest in having a trained, experienced and loyal workforce. We argue that childcare provision fulfills employers' legal obligation to its employees while simultaneously investing in the long-term stability of the industry. As the National

Commission on Labor affirms: "Childcare is a major investment in the protection and development of human resources."<sup>2</sup>

This research project aims to stimulate a tri-partite collaboration on improving childcare provision for women workers with children under six. To this end, the research addresses the following questions:

1. Does the childcare provision in Bangalore's garment industry meet the needs of women workers?
2. How can different stakeholders – the government, manufacturers, brand companies, trade unions and non-governmental organizations – contribute to the improvement of childcare provision for the benefit of garment workers in Bangalore?

This study is based on a survey of 300 women workers employed at 60 garment manufacturing factories during the months of February and March 2012. The study concentrated on two geographical areas of Bangalore with the highest concentration of garment producing factories. The survey was conducted by leaders of the women's organization *Munnade* and the all-women Garment Labor Union (GLU). Five working mothers with children under the age of six were randomly selected for the survey at each factory. They were approached outside the factories after their work shifts. Only factories with crèches were identified for the study. The factories each employ approximately 500 to 2,000 workers. In each location, workers animatedly responded to the survey, expressing their appreciation for the opportunity to share their sentiments on such an intimately emotional issue. The survey

2 MLE (2002) *The Second National Commission on Labor Report Volume II*, New Delhi: Ministry of Labor and Employment, p. 91. Available at: [http://labour.nic.in/lcomm2/nlc\\_report.html](http://labour.nic.in/lcomm2/nlc_report.html) (accessed 3 May, 2012)

was complemented by visits to two company-based crèches and a private home-based crèche.

To advance the vision of improvements in childcare provision for garment workers in Bangalore, the findings of the study were presented at a multi-stakeholder round-table organized by Cividep, Samvada and the Fair Labor Association (FLA), and in collaboration with the Karnataka State Commission for the Protection of Child Rights (KSCPCR) on June 5, 2012. With seventy participants, the meeting brought together welfare officers at local manufacturers, corporate social responsibility managers at brand companies, the Assistant Labor Commissioner, community activists working for workers' and women's rights, and trade union leaders. In addition to facilitating an exchange of perspectives among the stakeholders, the most significant outcome of the roundtable was the resolution to continue exploring constructive ways to collaborate in a Working Group on Childcare (see Appendix A) which will meet regularly henceforth. Although there have been previous attempts to prompt the stakeholders to action on the specific issue of childcare, the Working Group represents a genuine commitment to confront challenges and devise innovative strategies for the stable growth of the industry with childcare at its center.

## CHAPTER 1: CHILDCARE AND THE GARMENT INDUSTRY

Healthy children are a strong sign of the well-being of a nation. Children under the age of six constitute 13.1 percent of the population in India and 10.3 percent of the population in Bangalore. Yet there has been virtually no policy in India oriented specifically to the welfare of this age group. The draft national Early Childhood Care and Education (ECCE)

Policy released in early 2012 by the Ministry of Women and Child Development, Government of India acknowledges the “indispensable foundation” that proper care and education during the first six years of life lays for human development. It stresses the important role that industry and civil society can play to ensure that the quality of life in India rises rapidly with better care and educational opportunities for the country's children.

This chapter puts forward the argument that quality childcare is inextricably linked with decent employment, which is a key component of corporate social responsibility. These conceptual associations serve as a background to the need for better childcare provision in the garment industry, discussed in the following chapters.

### THE DIFFERENCE QUALITY CHILDCARE MAKES

“A crèche is not just an enabling mechanism so mothers can work, but central to the battle against malnutrition, low birth-weight and infant mortality.”<sup>3</sup>

India has poor child well-being indicators, with nearly half of its children being undernourished, anemic and not fully immunized. As expressed by CIRCUS [Citizens' Initiative for Right of Children Under Six], all who are concerned with child development recognize that, “the first six years of life (especially the first two years) have a decisive and lasting influence on a child's health, well-being, aptitudes and opportunities.”<sup>4</sup>

3 Singh, D. (2006) “Crèches: Are they worth the investment?” in CIRCUS [Citizen's Initiative for Right of Children Under Six] *Focus On Children Under Six*, Abridged Report New Delhi: Right to Food Campaign. p. 9. Available at: [www.righttofoodindia.org/data/rtf06focusreportabridged.pdf](http://www.righttofoodindia.org/data/rtf06focusreportabridged.pdf) (accessed 26 May, 2012).

4 CIRCUS [Citizen's Initiative for Right of Children Under Six] *Focus On Children Under Six*, Abridged Report New Delhi: Right to Food

Devika Singh (2006: 9) expresses the problem succinctly:

*“Scientists say 90% of the brain develops by the age of five. Economists tell us that prevention is more effective than cure. Child specialists know the early years are foundational to development. Yet we ignore the evidence and neglect our young. We continue to lose 6 percent of our new-borns before their first birthday, 50 percent of our toddlers to malnutrition and a whole generation to poor health, low skills and poverty. Can we afford to ignore the role that crèches play in the survival, development and well-being of young children?”*

The CIRCUS report cited above speaks of two broad kinds of interventions required to remedy the situation: First, the structural roots of child deprivation, including mass poverty, social discrimination, lack of education and gender inequality need to be addressed. Second, there is a need for immediate protection of children under six, by integrating them in an effective system of child development services that leaves no child behind. A committee set up to study child malnutrition in Karnataka reported that only about 55 percent of children under six are covered under the Integrated Child Development Service (ICDS) with coverage in urban areas — like Bangalore — as low as 12 percent.<sup>5</sup> It recommended a re-survey of severely malnourished children. Systematic efforts to extend coverage of childcare facilities would go a long way to tackling malnutrition and promoting healthy development in children.

5 Bageshree, S. (2012) “Malnutrition: panel suggests ways for better coordination,” *The Hindu* 21 February, available on <http://www.thehindu.com/news/cities/bangalore/article2913769.ece#.T9LdOOAivlY.gmail> (accessed 9 June, 2012).

## AN EMPLOYER'S SOCIAL RESPONSIBILITY

A child's health is heavily influenced by the mother's health, access to healthcare, and economic status. The report of the Working Group on Child Rights for the 12th Five Year Plan (2012 - 2017) notes that one-seventh of the female population in the country are the primary workers of their households.<sup>6</sup> Since paid work is a huge part of poor women's lives, the mother's workplace is a critical site where early intervention can boost children's nutrition, immunity to preventable diseases, education and overall development. The lives and the rights of women and children are intertwined in the first six years of life, and children's health is intimately connected with the conditions under which their mothers work.

Maternity entitlements, such as paid leave and healthcare during pregnancy, breaks to nurse babies and a crèche, intimately affect the primary conditions for the survival and growth of children, including their right to breast milk, safety, care and security. According to the 2003 survival series published in *The Lancet*, “breastfeeding can prevent 13-16 percent of all child deaths” (CIRCUS, 2006: 8). Breast milk is the first most important weapon in the fight against malnutrition and disease. However, the prime requirement to enable breastfeeding is the proximity of mother to child for the first six months of life, if not longer. Maternity entitlements and a decent crèche create an environment that allows breast-feeding to take place and therefore are essential to the realization of children's right to food, survival and development.

6 Report of the Working Group on Child Rights for the 12th Five Year Plan (2012-2017), New Delhi: p. 28. Available at: [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep\\_child.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep_child.pdf) (accessed 31 May, 2012).

Raising healthy children must be seen as a social responsibility, not restricted to the family but also extended to the employer and the workplace. Provision of quality, professional childcare that is accessible to parents who share a workplace or work in the same industry raises the probability that children will benefit. Not only does it address the limitations placed on individual households by poverty, powerlessness, family break-downs and lack of knowledge, it also generates positive peer pressure to reach higher standards of nutrition, immunization and pre-school education among working families.

### IN THE APPAREL INDUSTRY'S INTEREST

Two fundamental features of Bangalore's apparel industry make it a prime focus of efforts to improve early childcare provision. First, Bangalore is estimated to have the highest share of women workers in the garment industry among all the manufacturing centers of India (such as Delhi, Bangalore, Chennai and Tirupur). Nearly 90 percent of the 550,000 workers in Bangalore are women and a number of issues typically associated with first-generation women industrial workers in a low-wage industry, are present in the apparel sector here.

Second, the vast majority of the female workforce in Bangalore's apparel industry is of the prime reproductive age, i.e. between 20 and 30 years of age. For example, a leading garment producer in Bangalore employs approximately 10,800 workers of which 8,100 are women. Table 1 shows the distribution of the company's 2012 employment figures by age groups.

Over half of the female workforce, nearly 52 percent, is between 20 and 30 years old.

**Table 1: Employment in a garment manufacturing company in Bangalore**

| AGE GROUP    | TOTAL NO OF FEMALE EMPLOYEES | PERCENTAGE OF FEMALE EMPLOYEES |
|--------------|------------------------------|--------------------------------|
| 18-20        | 1595                         | 19.65                          |
| 20-25        | 2286                         | 28.16                          |
| 25-30        | 1917                         | 23.61                          |
| 30-35        | 1711                         | 21.08                          |
| 35-40        | 152                          | 1.87                           |
| 40 & above   | 457                          | 5.63                           |
| <b>Total</b> | <b>8118</b>                  | <b>100</b>                     |

Table 2 shows that women between the ages of 18 and 30 have an overwhelming majority of the children below six years of age, making employment-related social security benefits critical to support a healthy start for families.

**Table 2: Women employees by their own age and age of their children**

| AGE GROUP    | AGE OF CHILDREN |            |            |             |             |             |            |             |
|--------------|-----------------|------------|------------|-------------|-------------|-------------|------------|-------------|
|              | <1 yr           | <2 yrs     | <3 yrs     | <4-6 yrs    | 6-12 yrs    | 12-15 yrs   | 15-17 yrs  | 17- 21 yrs  |
| 18-20        | 77              | 109        | 50         | 0           | 0           | 0           | 0          | 0           |
| 20-25        | 78              | 265        | 222        | 294         | 182         | 35          | 28         | 46          |
| 25-30        | 37              | 95         | 248        | 510         | 674         | 242         | 51         | 58          |
| 30-35        | 16              | 36         | 163        | 376         | 947         | 582         | 322        | 153         |
| 35-40        | 5               | 0          | 14         | 47          | 385         | 426         | 252        | 476         |
| 40 & above   | 0               | 0          | 0          | 20          | 46          | 61          | 88         | 546         |
| <b>Total</b> | <b>213</b>      | <b>505</b> | <b>697</b> | <b>1247</b> | <b>2234</b> | <b>1346</b> | <b>741</b> | <b>1279</b> |

Another reason to focus on the garment industry in Bangalore as a key social player in early childcare provision is the paradox of very high labor turnover coupled with considerable labor shortage that the industry faces. Manufacturers and government authorities regulating labor practices admit that the attrition rate of women workers in the sector is 12 to 15 percent per annum. The reasons for the mobility of women workers from factory to factory are unclear as they do not gain any obvious advantages such as higher wages or better working conditions from the shifts. On the contrary, a new

workplace often entails several challenges, such as adjusting to a new shop-floor and new set of supervisors; having to shift their homes; changing schools for their children; finding new routes to commute to work; and various re-adjustments to their daily existence. Yet it is fairly common for women workers to work in five or more different factories in as many years.

Most of them cite impossibly high production targets and abusive supervisory practices as the main 'push' factors to change jobs. They are not turned away when they appear at the gate of a new factory as the industry in Bangalore faces a labor shortage, mainly due to the management policy of avoiding recruitment of male workers as far as possible. Factory owners do not consider it a priority to study systematically the causes for high-turnover and to take remedial measures. Instead, managers resort to arbitrary measures such as firing a supervisor or a production manager, distributing sweets and clothing during festivals, and even taking the workers on pilgrimages and sight-seeing tours, in order to retain them.

Years of campaigning for better working conditions in the garment sector and studying various aspects of the industry has convinced Cividep that the neglect of childcare in the industry points to a wider malady that is associated with the vulnerability of workers and the precarious nature of their employment. A safe, secure and supportive workplace which meets the economic, social and occupational aspirations of the workers is essential for stability in the sector and to achieve greater productivity. Better childcare facilities on the factory premises would be an important part of an overall strategy for manufacturers to retain their female

workforce and enhance their productivity. The National Commission on Labor has noted that childcare provision results in up to a 50 percent rise in the productivity of women workers as well as a decrease in children's morbidity rate and an enhancement of children's growth.<sup>7</sup> While progress towards a living wage is urgent and very important, improved childcare would be another strong factor for women workers to stay at the factory.

An industry whose great majority of workers are young mothers with children under six — with wages bordering on poverty levels — has an exceptional responsibility to provide proper childcare. Indeed, supporting the family responsibilities of working mothers is in the interest of garment manufacturers as it would contribute to the retention of a trained, experienced and loyal workforce. In public fora, captains of industry often acknowledge their social responsibility beyond narrow compliance with legal provisions and increasingly, the responsibility is sought to be realized through various voluntary mechanisms.

This study attempts to understand the extent and quality of childcare provided by the apparel industry in Bangalore both within the ambit of legal provisions and also in compliance with voluntary codes of brands and multi-stakeholder initiatives (MSIs). The study also examines the extent to which brands and MSIs themselves have prioritized childcare in policy and practice, which is the subject of the next chapter.

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7 MLE (2002) *The Second National Commission on Labor Report Volume I*, New Delhi: Ministry of Labor and Employment, p. 973. Available at: [http://labour.nic.in/lcomm2/nlc\\_report.html](http://labour.nic.in/lcomm2/nlc_report.html) (accessed 3 May, 2012).

## CHAPTER 2: CHILDCARE POLICIES AND PRACTICES

Policy at the international and national levels has recognized the significance of childcare and maternity entitlements in human development. So have the corporate codes of conduct of many multinational corporations that import garments from India other countries. These reflect women's fundamental right to equality and to livelihood. For example, Article 11(2) of the United Nations' (UN) Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) clearly recognizes the period from pregnancy and birth to early childcare as special. It calls for maternity protection and other essential measures to end discrimination and promote women's right to equality at work.<sup>8</sup>

### NATIONAL LEGISLATION

In India, the provision of early childhood care and education to children below the age of six has been acknowledged as a role of the government in Article 45 of the Constitution (Eighty-Sixth Amendment) Act, 2002. Crèche facilities at workplaces are mandated by various pieces of legislation, namely the Factories Act 1948, Plantation Labor Act 1951, Mines Act 1952, Beedi and Cigar Workers' Act 1966, Contract Labor Act 1970, Inter-State Migrant Workers' Act 1980, Building and Construction Workers' Act 1996, and the National Rural Employment Guarantee Act (NREGA) 2006. All of these require that employers provide space and support so that their employees' children are cared for adequately.

The Factories Act 1948 (see sidebar) and the

<sup>8</sup> <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article11> (accessed 12 May, 2012)

### THE FACTORIES ACT 1948

#### Section 48 Crèches

- (1) In every factory wherein more than thirty women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.
- (2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.
- (3) The State Government may make rules
  - (a) prescribing the location and the standards in respect of construction, accommodation; furniture and other equipment of rooms to be provided, under this section;
  - (b) requiring the provision in factories to which the section applies, of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;
  - (c) requiring the provision in any factory of free milk or refreshment or both for such children;
  - (d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals.

Karnataka Factories Rules, 1969,<sup>9</sup> in particular, outline the basic standards that crèches must meet in workplaces where thirty or more women are employed. These include standards on cleanliness and hygiene of the space allotted for childcare, the number and qualifications of staff, and age-appropriate toys and learning tools. It is important to note that the garment industry is one of the 15 categories of factories in which the government has allowed women workers to work until 10 p.m., with one of the conditions being that the hours of operation of canteen and crèche facilities, if these are available in the factory, also be extended.<sup>10</sup>

<sup>9</sup> [http://labour.kar.nic.in/fandb/f\\_legislations.htm](http://labour.kar.nic.in/fandb/f_legislations.htm)

<sup>10</sup> [http://labour.kar.nic.in/fandb/f\\_legislations.htm#FACT](http://labour.kar.nic.in/fandb/f_legislations.htm#FACT) (accessed 10 May, 2012)

## INTERNATIONAL AGREEMENTS

Two conventions of the International Labor Organisation (ILO) address collective responsibilities toward working parents. The Workers with Family Responsibilities Convention (No. 156), aimed at creating equality of opportunity and treatment for men and women workers, requires national governments: “(a) to take account of the needs of workers with family responsibilities in community planning; and (b) to develop or promote community services, public or private, such as childcare and family services and facilities.”<sup>11</sup>

The Maternity Protection Convention, 2000 (No. 183) entitles a woman worker to at least 14 weeks of maternity leave during pregnancy, to include six weeks compulsory leave after childbirth. Although India has not ratified Conventions 156 and 183, as a member country of the ILO it is required to ensure compliance. The Maternity Benefit Act, 1961 and Rules (see sidebar) sets domestic standards comparable to the ILO convention.

## CORPORATE COMPLIANCE

Garment manufacturers that produce in Bangalore are a part of the global supplier networks of large multinational corporations that market clothing items produced in India to the rest of the world. Due to their massive power as corporate ‘buyers’ to set the price and conditions under which the products are manufactured, name-brand retailers must share responsibility for wage and benefits packages offered in local factories. A cursory look at the corporate codes of conduct adopted by the brands that source their clothing goods from Bangalore shows that they are general statements about the company’s position on workers’ rights and

<sup>11</sup> [www.ilo.org/ilolex/cgi-lex/convde.pl?C156](http://www.ilo.org/ilolex/cgi-lex/convde.pl?C156) (accessed 10 May, 2012)

### Maternity Benefit Act 1961 and Rules<sup>1</sup>

Main provisions envisaged under the Act:

1. Any woman worker who has worked for minimum of 80 days in a factory is eligible to claim the benefit under the Act by her employer;
2. The benefit consists of payment of twelve weeks paid holidays (six weeks prenatal and six weeks postnatal);
3. A medical bonus of Rs. 250/- is also eligible by the woman worker;
4. No employer shall employ any woman in the factory before six weeks immediately following the day of her delivery;
5. Women workers are restricted to perform hazardous jobs during the pregnancy period;
6. The amount of maternity benefit for the periods preceding the day of her expected delivery can be made in advance subject to production of proof and subsequent payment shall be paid by the employer within 48 hours of production of such proof that woman has delivered the child;
7. The woman availing this benefit shall give her claim application in the prescribed form which has to be supplied by her employer.

<sup>1</sup> [http://labour.kar.nic.in/fandb/f\\_payact.htm#MATERNITY](http://labour.kar.nic.in/fandb/f_payact.htm#MATERNITY) (accessed 10 May, 2012)

labor relations but say little or nothing about maternity benefits or childcare provision. Some of the most prominent brands’ codes are discussed below.

### Gap

Gap Incorporated, one of the world’s largest specialty retailers, operates four recognized apparel brands in the world market — Gap, Banana Republic, Old Navy and Piperlime. Its Code of Vendor Conduct begins with the condition that:<sup>12</sup>

*“Factories that produce goods for Gap Inc. shall operate in full compliance with the laws of their respective countries and with all other applicable laws, rules and regulations.*

<sup>12</sup> Available at: [http://www.gapinc.com/content/dam/csr/documents/COVC\\_070909.pdf](http://www.gapinc.com/content/dam/csr/documents/COVC_070909.pdf) (accessed 6 June, 2012)

*A. The factory operates in full compliance with all applicable laws, rules and regulations, including those relating to labor, worker health and safety, and the environment.*

*B. The factory allows Gap Inc. and/or any of its representatives or agents unrestricted access to its facilities and to all relevant records at all times, whether or not notice is provided in advance.”*

The latter point implies that the Brand has the authority to pursue complaints from workers or the concerned public with the full cooperation of its supplier, the local manufacturer. Under Monitoring, Enforcement and Compliance Management, the code further states:

*“...If Gap Inc. determines that any factory has violated this Code, Gap Inc. may at its discretion either terminate its business relationship and/or require the factory to implement a corrective action plan. If corrective action is advised but not taken, Gap Inc. will suspect placement of future orders and may terminate current production.”*

Thus, there is ample opportunity for Gap and its supplier to work together to implement an action plan.

Such collaboration to remedy a legal violation has yet to be proven in practice. On the contrary, Gap has refused to accept any responsibility in one case in which investigation into the death of a child in the factory's crèche revealed egregious misconduct on the part of Gap's Bangalore-based supplier (see Box 1).

This case highlights the shared culpability of the different statutory agencies as well as the manufacturer and the brand company, each of which has a mandated responsibility to maintain basic standards of child protection. It illustrates, through the indefensible death

### Box 1: Sub-standard crèche turns deadly<sup>1</sup>

During an inspection of seven factory crèches in February 2011, following complaints lodged by Munnade, a women's organization, the Karnataka State Commission for the Protection of Child Rights (KSCPCR) found that the crèche facilities at Texport Creations was managed and administered under “deplorable standards” in clear violation of the law.

Texport Creations is a garment manufacturer which produces exclusively for Gap, Inc. The only two full-time crèche staff, a sweeper and a cook, were illiterate and untrained to care for children. In addition to taking care of the needs of 26 children enrolled in the facility, they had to make tea in the crèche kitchen and serve it to the office staff. This meant that they were not always present in the crèche and the children may have been left unsupervised from time to time.

Seven months later, an eleven-month-old baby girl named Shrusti died under mysterious conditions in the crèche. When interrogated by the KSCPCR about its audit compliance report, recommendations and other documents related to the crèche at Texport Creations, Gap refused to participate in the Commission's inquiry by denying any responsibility for the conduct of Texport Creations as they were, according to Gap, separate legal entities. This response directly contradicts clause I (A) and (B) of the company's policy which state that Gap's vendors are required “to operate in full compliance with the laws” and that it would allow Gap and its representatives “unrestricted access” to its facilities and records at any time.

KSCPCR's 2011 investigation had documented Texport Creations' violations of the Factories Act 1948 and the Karnataka Factory Rules 1969. If Gap's social auditors had ensured that Texport Creations complied with the law, they would have flagged crucial areas for remedial action. Not only did Gap's apparent inaction allow Texport Creation's lackadaisical operation of its crèche, which put children's lives in danger, but Gap's outright denial of responsibility in Shrusti's death is a damning indictment of its pledge to protect workers' human rights.

<sup>1</sup> See Appendix C for details.

of a child, that Gap's Code of Vendor Conduct may be a mere promise lacking substance. This can be likewise inferred of other company codes, which have yet to be tested.

### **Marks & Spencer**

Britain's clothing and food retailer, Marks & Spencer, invested 29 million pounds (approximately Rs. 230 crore) in a joint

venture with Reliance Retail, holding a 51 percent stake in the new Marks and Spencer Reliance India Private Ltd. In its two-page Global Sourcing Principles, the company states:<sup>13</sup>

*“Together with each supplier, we establish a set of standards which includes specifications appropriate to the industries and countries manufacturing the products. It is the supplier’s responsibility to achieve and maintain these standards.”*

This puts the onus on the local manufacturer, which may not have the capacity to fulfill its legal obligation, in competition with other low bidders within the company’s supplier network. On workforce rights, the company specifies the following:

*The people working for our suppliers are to be treated with respect, and their health, safety and basic human rights must be protected and promoted. Each supplier must strive to comply with the ETI base code and with all relevant local and national laws and regulations, particularly with regard to: Minimum age of employment; Freely chosen employment; Health and Safety; Freedom of association and the right to collective bargaining; No discrimination; Discipline; Working hours; Rates of pay; Terms of employment.*

Since the company refers to the Ethical Trading Initiative (ETI) code, the latter is discussed later.

### **Hennes & Mauritz AB (H&M)**

The Swedish clothing company H&M has a presence in more than thirty countries. Its

<sup>13</sup> Available at: [http://corporate.marksandspencer.com/documents/how\\_we\\_do\\_business/global\\_sourcing\\_principles.pdf](http://corporate.marksandspencer.com/documents/how_we_do_business/global_sourcing_principles.pdf) (accessed 6 June, 2012)

six-page Code of Conduct states:<sup>14</sup> “Our general rule is that all our suppliers and other business partners must, in all their activities, follow the national laws in the countries in which they operate” (p. 1). In order to convey the serious nature of its expectations, the company code explains its policy on monitoring as follows:

*“We reserve the right to make unannounced visits to all units producing goods or services for H&M, at any time. We also reserve the right to appoint an independent third party of our choice to conduct audits in order to evaluate compliance with our Code of Conduct. H&M is a member of the FLA, which randomly carries out unannounced audits on behalf of H&M. During audits we require unrestricted access to all areas of the premises, to all documents and to all employees for interviews. We also demand the right to provide employees with contact details for H&M” [p. 5].*

The non-discrimination clause states:

*“4.1.5 No employee shall be discriminated against in employment or occupation on the grounds of sex, race, colour, age, pregnancy, sexual orientation, religion, political opinion, nationality, ethnic origin, disease or disability. (Refer to ILO Conventions 100 and 111)” (p. 3).*

The code does not specifically acknowledge maternity leave in the section on ‘wages, benefits, working hours and leave’ (p. 3).

### **Fair Labor Association (FLA)**

The Preamble to the FLA Workplace Code of Conduct and Compliance Benchmarks states: “Companies affiliated with the FLA are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed

<sup>14</sup> Available at: [http://about.hm.com/content/dam/hm/about/documents/en/CSR/codeofconduct/Code%20of%20Conduct\\_en.pdf](http://about.hm.com/content/dam/hm/about/documents/en/CSR/codeofconduct/Code%20of%20Conduct_en.pdf) (accessed 6 June, 2012)

and to implement the Workplace Code in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard.” The preamble explicitly stresses upon compliance with all laws and regulations, including those that may not be globally prevalent or detailed in the Benchmarks, but are relevant for implementation.

Childcare is featured in the FLA's code of conduct within the section on health, safety and environment (HSE), in the following words:<sup>15</sup>

*HSE.27.1 Childcare facilities shall not physically overlap with production areas and children shall not have access to production areas. ...*

*HSE.27.3 Children must not visit parents in workplace areas.” (p. 30).*

It is apparent that childcare here is seen in the broader context of protecting workers' and their children's health and safety at the worksite, with a tacit assumption that childcare facilities exist in the first place.

Under its Non-Discrimination clause, the FLA code states its position on maternity benefits as follows:

*“ND.8 Protection and Accommodation of Pregnant Workers and New Mothers*

*ND.8.1 Employers shall abide by all protective provisions in national laws and regulations benefitting pregnant workers and new mothers, including provisions concerning maternity leave and other benefits; prohibitions regarding night work, temporary reassignments away from work stations and work environments that may pose a risk*

*to the health of pregnant women and their unborn children or new mothers and their new born children, temporary adjustment of working hours during and after pregnancy, and the provision of breast-feeding breaks and facilities.*

*ND.8.1.1 Where such legal protective provisions are lacking, employers shall take reasonable measures to ensure the safety and health of pregnant women and their unborn children.*

*ND.8.1.2 Such measures shall be taken in a manner that shall not unreasonably affect the employment status, including compensation of pregnant women.*

*ND.8.2 If not provided by law, employers must provide protection to workers who allege discrimination with regard to implementation of provisions protecting and accommodating pregnant workers and new mothers” [p. 15-16].*

Furthermore, it prohibits employer retaliation in cases of legitimate requests for leave in the following section:

*“Employers shall not impose any sanction on workers for requesting or taking any type of leave, such as annual, sick, or maternity, in line with all applicable rules and procedures” [p. 33].*

Three other codes were examined for their attention to maternity benefits and childcare facilities. The **Mothercare** Group's Responsible Sourcing Code of Practice and Implementation Policy also does not have any condition that local laws be followed.<sup>16</sup> The **Ethical Trading Initiative** (ETI) Base Code is a model for UK-based multinational

<sup>15</sup> Available at: [http://www.fairlabor.org/sites/default/files/fla\\_complete\\_code\\_and\\_benchmarks.pdf](http://www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf) (accessed 6 June, 2012)

<sup>16</sup> Available at: [http://www.mothercareplc.com/download/Mothercare\\_Responsible\\_Sourcing\\_Code\\_of\\_Practice\\_Implementation\\_Policy\\_Final.pdf](http://www.mothercareplc.com/download/Mothercare_Responsible_Sourcing_Code_of_Practice_Implementation_Policy_Final.pdf) (accessed 6 June, 2012).

Brands.<sup>17</sup> It is based on the conventions of the International Labor Organisation (ILO) and is an internationally recognized code of labor. However, this code does not mention maternity benefits or childcare provision. The one-page **Li & Fung** Supplier Code of Conduct covers “universally accepted fundamental principles and local laws,” but not maternity benefits or childcare, except to forbid discrimination “in hiring, compensation or discipline on the basis of gender, ... [or] pregnancy...”<sup>18</sup>

Although none of the codes explored for this study makes childcare provision a condition for their suppliers, the companies that specify strict monitoring and engagement with suppliers for compliance can reasonably be expected to investigate cases when workers' experiences contradict the brands' expectations. However, it is rare that complaints from the factory shop-floor reach the multinational buyers in the absence of scrupulous monitoring. Formal complaints about the low quality and in most cases, the lack of childcare have been registered by the community women's group Munnade with the Karnataka State Commission for the Protection of Child Rights (KSCPCR), which has pursued these complaints with investigations, reports and round-table meetings with employers since 2007 (see Appendix B).

Following several meetings and assurances of action on this issue from manufacturers

<sup>17</sup> Available at: <http://www.ethicaltrade.org/eti-base-code> (accessed 6 June, 2012).

<sup>18</sup> Available at: <http://www.lifung.com/eng/csr/lfcoc.pdf> (accessed 6 June, 2012).

and brands, without success, the KSCPCR conducted a survey at the end of 2011 on corporate compliance with the childcare provision clause of the Factories Act and Karnataka State Rules in the garment industry.<sup>19</sup> It found that 92 percent of the sample factories reported providing a crèche but that the facilities represented “extremely poor coverage” considering the number of factory crèches in relation to the number of mothers in individual factories. Furthermore, only 5.57% of the total number of parents (32,830) in all sample factories used employer-provided crèches. Crèche usage was highest in the factories employing less than 100 women workers and lowest in units employing more than 1,000 women. In fact, 13% of the sample factories reported non-functional crèches, i.e. facilities that were not used by any employee.

Two key questions emerged from this study: 1) why were working mothers choosing alternative childcare arrangements when their employers provided crèches on the factory premises? Were there ‘push’ (inadequacy of the crèches) or ‘pull’ (better conditions offered elsewhere) factors prompting their choices?; and 2) What were the alternatives available to women garment workers? These questions have been explored through a survey of women workers' perspectives on childcare, discussed in the following chapter.

<sup>19</sup> KSCPCR (2012) *Childcare Provision in Bangalore's Garment Industry: Employers' Views*, Bangalore: Karnataka State Commission for the Protection of Child Rights (KSCPCR)

## CHAPTER 3: GARMENT WORKERS' CHILDCARE EXPERIENCES

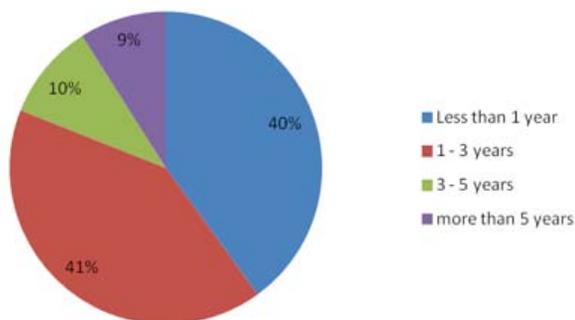
A total of 300 women garment workers employed at 60 different factories participated in Cividep's survey. All of the women were between the ages of 20 and 30 and almost all were married.

### WORKERS' PROFILES

The charts in this section show that the typical garment worker has worked for the same company for less than three years but may have worked in the industry for three to five years; receives a monthly salary of Rs. 3,000 to Rs. 5,000; and has one or two children.

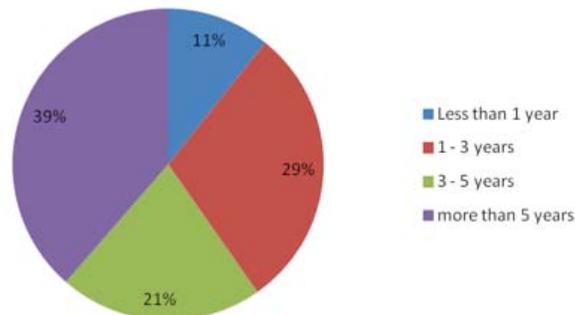
A vast majority of the women (81 percent) have been employed in the current garment factory for three years or less, and nearly half (40 percent) for less than a year. Only 9 percent of the respondents have worked at the same factory for more than five years.

Figure 1: Years employed in the current garment factory



Meanwhile, as the figure 2 shows, 60 percent of the women have worked in the garment industry for more than three years with 39 percent of the total having worked for more than five years.

Figure 2: Years worked in the garment industry



Taken together, the two charts underscore the mobility of experienced workers from one factory to another in search of a better deal within the industry.

Over half of the workers earned between Rs. 4,000 and Rs. 5,000 per month, and 30 percent earned a monthly wage of Rs. 5,000 to Rs. 6,000. Twelve percent of the respondents earned Rs. 3,000 to Rs. 4,000 and only 6 percent earned more than Rs. 6,000 per month.

Figure 3: Monthly wage

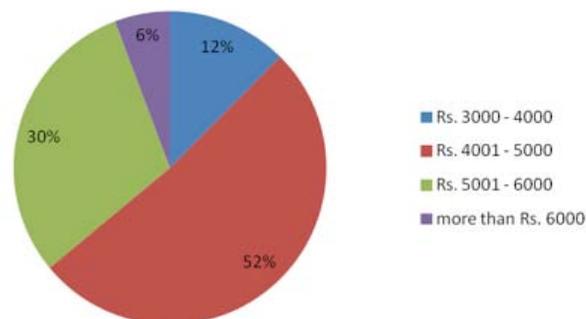
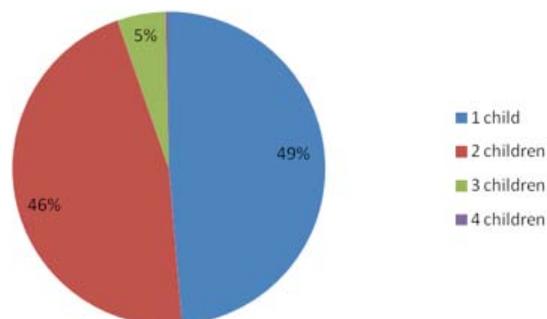


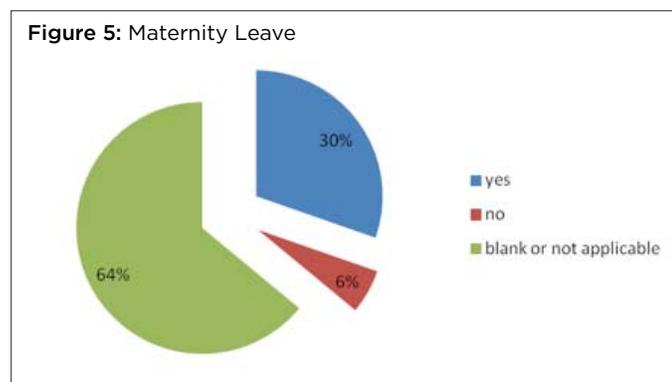
Figure 4: Number of children



Of the 300 women surveyed, 49 percent had one child and 46 percent women had two children. Only 5 percent of the women had three children and one woman had four. The total number of the respondents' children was 471, with 390 (83 percent) of the children being below the age of 6 years and 81 (17 percent) above.

## MATERNITY BENEFITS AND CHILDCARE OPTIONS

Since maternity benefits and children's development are closely linked, as discussed in the first chapter, it is important to explore the extent to which garment workers receive their entitlement of paid leave. Of the 300 respondents, 38 percent were working in a garment factory while pregnant and 61 percent were not. Three women chose not to answer the question.



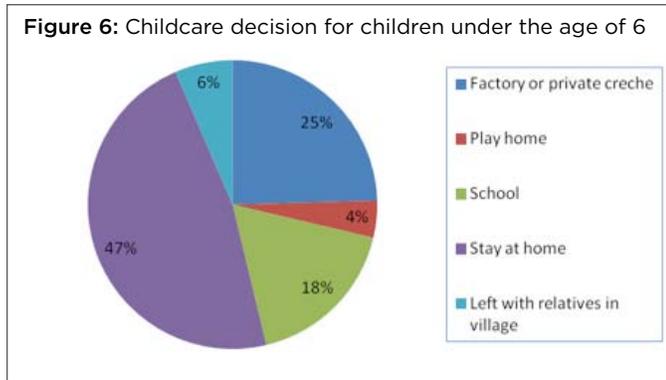
Out of the 300 women surveyed, 30 percent received paid leave during maternity while only 6 percent did not. However, three of those who did not receive paid leave said that they had resigned during the pregnancy and rejoined after childbirth, which could be the case with others as well. It is not clear from the survey whether or not they had requested and been explicitly denied paid maternity leave.

The majority of the workers who received paid maternity leave had the statutory three months leave, while a few had less. Although many reported that they received time off for medical examinations, the experience of one worker is typical — she that her pregnancy made *“no difference in my work [load or duties]. I was allowed to take time off for medical check-up but my wage was deducted.”*

Garment workers have few options for childcare, especially if they are in a nuclear family household and are the main breadwinner of the family. A large number of the women with children above six years of age and who attended school did not have access to an after-school program or facility to leave their children. Some of these children stayed at the school in the care of the *Ayah*<sup>20</sup>, who is paid to mind the children until they are picked up by working parents. It must be noted at the outset that nearly all the mothers in the sample with children above six years of age were left with little choice for after-school childcare. Many reported leaving their children to play unsupervised near the home or watch television in a neighbor's house. A mother of three, the youngest of whom is five years old shared: *“I am worried about the children as they stay at home by themselves.”* A mother of an eight-year-old and a six-year-old, who stay by themselves after school and Anganwadi (government-run crèche and pre-school), confessed: *“The younger one is a girl child. So I am scared.”*

This report focuses on children under six years of age because factory crèches are legally mandatory for this category of children.

<sup>20</sup> A nursemaid.

**Figure 6:** Childcare decision for children under the age of 6

Of the total number of children under 6 years of age (390) reported in the survey sample, only 25 percent were enrolled in either a factory crèche or a private crèche. This low figure corresponds to data obtained from company reports (see KSCPCR, 2012 mentioned in the previous chapter). At Gokaldas Images, for example, there are approximately 2,662 children of women employees who are below the age of six years. Of these children, 9 percent use the crèche provided at the company's factory sites.<sup>21</sup>

Nearly half of the children under six years (47 percent) were left at home with extended family, either mothers, mothers-in-law or in rare cases, the fathers. A few of these were also left unattended or in the care of a neighbor. An additional 6 percent of the children were left with elderly grandparents in their native villages. While 18 percent of the children were enrolled in the local Anganwadi, 4 percent were cared for in a private home-based child-minding facility.

The reasons for the choices varied. A few mothers of children under three years of age reported that they could not carry their children to the factories because they had long walks with no buses available. Others criticized the factory crèches for being too small and cramped, as one woman of a 2.5

year old explained: *"The factory crèche space is very small. Children need more space to grow up so I leave my child with my mother."*

A number of women were more critical of the factory crèches. A mother of a 2.5-year-old child said: *"I heard that the Ayah beats and shouts at children. So I didn't want to send my child to hell."* A mother of a 2-year-old child described her experiences with the factory crèche in the following words:

*I left my child in factory crèche for four days. They were not giving food or water. We need to go to clean them. They did not put on any underpants on the children. My child got sick in just those four days. I immediately stopped taking him to the crèche.*

A mother who left her child in a neighborhood child-minding facility explained her choice in the following words:

*If the factory crèche was good, I would have brought my child here itself. But it's very bad. I spend half of my salary just for the sake of my child. I feel if they [private crèches] get some money, they will take care of the child well.*

Many women pointed out that their factory crèches had an age restriction which made their children ineligible for its services. The age restriction varied from factory to factory, but nearly all the factory crèches in the sample accepted only children below three years of age. From the management perspective, the age restriction serves the interest of accommodating as many children in the crèche as their existing capacity allows, based on the assumption that parents have the option of an *Anganwadi* or private pre-school after their child reaches the age of three years.<sup>22</sup> In contrast, the mothers surveyed pointed out that this is a false assumption, corroborating the findings of

<sup>21</sup> Interview, 8 May, 2012

<sup>22</sup> Interview, 8 May, 2012

a ground-breaking study on malnutrition in children under the age of six years, which found that the ICDS coverage in cities like Bangalore is as low as 12 percent.<sup>23</sup> Very few factories, only four or five of the sample, accepted children up to six years of age.

Some children between three and six years went to local pre-schools in the morning and attended the factory crèches from 3 p.m. until the end of their mothers' work shifts. This patch-work system of childcare could put the children at risk of malnourishment, road accidents, and so on as they move from one location to another. They are also at an age when simply assuring physical safety is not sufficient for their overall development. Children in this category face bleak prospects if both their parents work and they do not have access to a factory crèche.

The age restriction at the factory crèche may be practiced to keep the numbers of children manageable but leave working women with very limited options. One mother shared her situation: *"Children should be with us but because of age restriction [at the factory crèche] we have left our child in the village."* Another mother of a 5- and 2-year-old explained: *"Every month we go to the village to see our children and come back. We support our mother with Rs. 1,000 every month."* A Human Resources Manager said that employee absenteeism noticeably shoots up just before or after a long weekend because parents return to their villages to visit their children.<sup>24</sup> Factory crèches, seen in this light, could reduce worker absenteeism.

Several women indicated positive reasons for leaving their children at home with relatives. For example, one opined that: *"in the factory crèche, they will not take care [of*

*our children] like we would."* Another woman shared: *"Before, my children were not healthy but now with the help of my mother-in-law, they are fine."* A mother of a 1.5-year-old pointed to a practical issue of getting children ready on time: *"The baby is very young. He is usually still asleep when I have to leave for work. I don't need to worry when I have my mother [to look after him]."*

In sum, the survey findings suggest that the difficulties of distance and lack of transport in using factory crèches inhibit women from using those facilities where they exist. Age restrictions imposed by the factories exclude many children under the age of six who are left unsupervised or with inadequate care. Working mothers who have relatives at home or kind neighbors to pitch in with free or low-cost childcare opt to leave their children at home as they perceive this as more convenient and better than the quality of childcare offered at the factory crèches. Others resort to make-shift arrangements with the school *ayah*, where applicable, or leave their children in their native villages with elderly parents.

When asked whether or not they were satisfied with their choice of childcare, 88 percent responded affirmatively and only 12 percent responded negatively. It is worth bearing in mind that nearly half of the children under six were taken care of by extended family, which tends to be free of cost and more flexible than paid childcare in terms of timing, an important criterion for workers who have daily production targets and unforeseen over-time duty. As revealed in the workers' comments above, there are other factors of convenience and accessibility, rather than quality, that are taken into consideration when workers assess their childcare options.

<sup>23</sup> Bageshree, S. (2012)

<sup>24</sup> Interview, 8 May, 2012

Those who were unhappy with their choices shared different areas of concern. One mother of a child attending a private crèche and an Anganwadi said: I want to be with my children but have to earn a living. Another mother of a 3-year-old in a crèche and a 5-year-old in an Anganwadi admitted: *"I am worried about my children."* A mother of two (9- and 3-year-olds), who leaves her children with a neighbor, went further to admit that this form of childcare caused her "more stress." A mother of two children under six (and expecting a third) who went to the neighbor's house to watch television after attending the Anganwadi described her childcare situation as "very risky." A mother of two children under six left at home with either their father who is a street vendor or the neighbor admitted: *"We are worried because they play near the home; they can fall down and can be beaten by someone."* One mother of two young children is forced to leave her 2-year-old child with her 12-year-old niece while her older child, who is 3, is at the factory crèche. *"I'm not happy as I left my elder child with my 12-year-old niece."*

### EXPERIENCE OF THE FACTORY CRÈCHES

More than half of the respondents (59 percent) were aware that the provision of a crèche by their employers was legally mandated. Only 30 percent, or less than one-third, of the 300 survey respondents have enrolled their children in the factory crèches. Their experiences with this form of childcare are discussed below.

Of the 91 women workers with children at factory crèches, 68 percent thought that the crèche staff was caring and patient with the children while 15 percent did not agree. The rest did not know or did not respond to the question. However, the experience was significantly different in relation to time off work to feed babies in factory crèches.

Figure 7: Given time from work to breastfeed babies

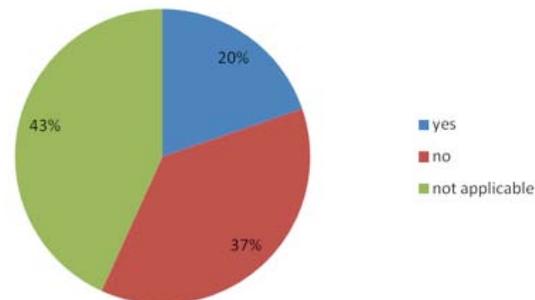
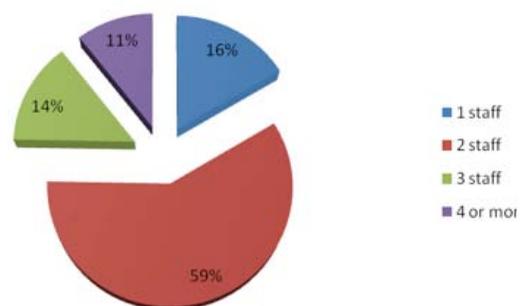


Figure 7 illustrates that almost two-thirds of the breast-feeding mothers were denied time from work to feed their babies who were in the factory crèches. It appears that enrolling breast-fed babies at the factory crèche may not offer mothers the advantage of proximity to continue feeding them.

Figure 8 shows that nearly three-fifths of the women surveyed reported that the crèches employed two full-time staff members, and 16% reported one staff member in their crèches.

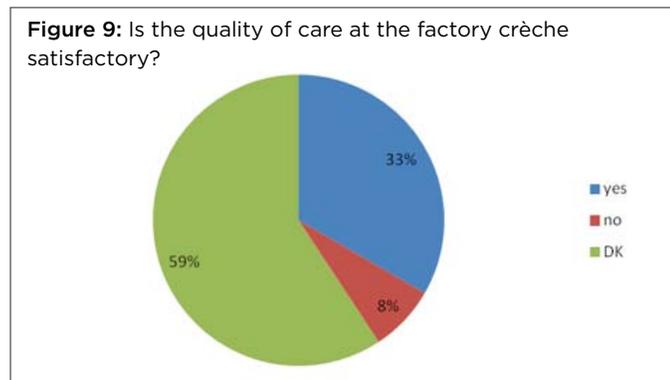
Figure 8: Number of full-time staff employed



A quarter of the respondents reported that their crèches employed three to four staff members.

Independent of the number of staff members employed, Figure 9 shows that 59 percent of the women were not aware of the quality of care provided at the crèche, implying that childcare quality was not the primary reason why they enrolled their children at the crèche.

Bearing in mind that factory crèches had a very low enrolment of children, one-third of the women with children in these crèches found the care provided there satisfactory while 8 percent were not satisfied.

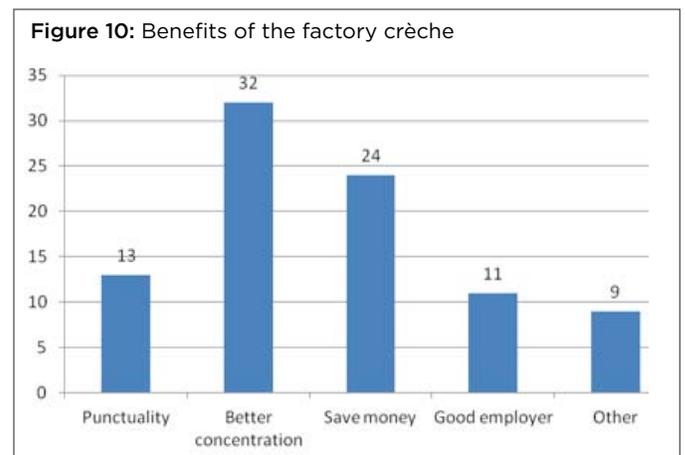


In response to the question about how the factory crèche could be improved to better suit the worker and their children’s needs, one woman worker replied: *“They have given [us] the job. If we ask for anything else they will fire us.”* Her words indicate the fear of reprisal that may be widespread, inhibiting workers from asserting their rights for better childcare facilities. Others demonstrated a lack of confidence in their knowledge about what would be good for their children and were modest in their expectations of their employers.

Some did share a few ideas on what could be improved at the crèches that their children attended. The most common suggestion was the need for a trained teacher at the crèche so that the children could better prepare themselves for formal education. This was followed by the need for larger space and a separate play area for the children. At one factory, there seemed to be no water facility for the children and they were not provided any snacks. Some workers thought that hot food needed to be provided at the crèche and that an improvement in cleanliness was essential.

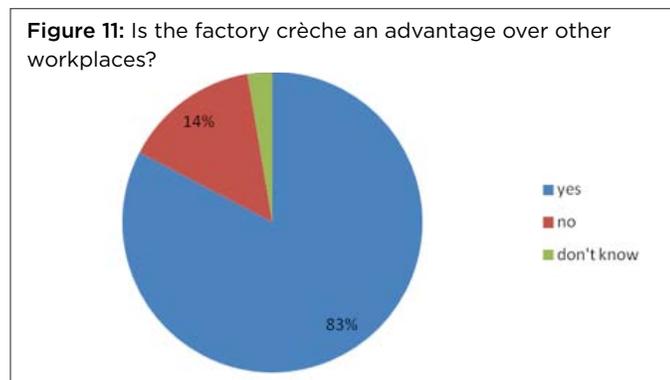
When asked whether the crèches were inspected by external agents, nearly half of the women who have children at the factory crèches responded that they did not know. This implies that the women were either not well informed about the quality assurance procedures and processes in place at the factory crèche, or that external assessment is not a criterion that is a high priority for them. Twenty percent responded in the affirmative, that their factory crèche had been inspected by a brand company or a government agency, whereas 31 percent of the women responded in the negative. Although the latter does not mean that the factory crèches have not been inspected, it could be indicative of a communication gap between the factory management (the “service provider”) and the women workers (“service consumers”). With the exception of 4 percent of the respondents, nearly all (94 percent) the women who use the factory crèche confirmed that they were not charged any fees for the factory-based childcare.

In order to assess the difference that factory crèches make in the lives of workers, the women were asked to identify the benefits factory crèches provide to them.



As reported by the workers surveyed, the top advantage of having an accessible crèche at the workplace was that the workers were able to concentrate better on their jobs knowing that their children were safe and cared for. One worker said: *"I'm relaxed because my child will be in front of me."* Better concentration of workers on the job has positive implications for the company, as confirmed by studies showing a 50 percent rise in workers' productivity as a direct consequence of childcare provision (see Chapter one).

A mother who claimed that the factory crèche helped her save money and that she would be more inclined to stay in her job said: *"if I put my child in another day care centre they would charge very high and I cannot afford that."* Four other women pointed out that they had no other option.



Over three-fourths of the women considered the factory-based childcare offered by their employer as an asset of their job package. This implies that women value the workplace childcare very highly on their list of criteria while assessing their employment options within the industry. Thus, work-based crèches could stem employee attrition and help companies maintain a stable workforce.

## IMPLICATIONS OF THE FINDINGS

One of the most important findings of the study is that factory crèches are critical for women workers' right to a livelihood and children's right to protection. From the workers' perspective, there is no doubt that factory crèches need to be increased in number, expanded in capacity, and improved in quality. Women may temporarily consider other options more viable than factory crèches due to factors like transportation difficulties and vulnerable age of the child (e.g., under three years). This may especially be true for lactating mothers whose feeding schedules are not always accommodated by management. Yet, women workers overwhelmingly believe that having a crèche at their workplace gives them peace of mind, knowing that their children are nearby under trusted care. Crèche facilities at work give employers an edge over competitors. With the benefit of crèche facilities, workers are less likely to move around within the garment industry, which will subsequently benefit from a more stable workforce.

Childcare options available to the sample of women workers can be broadly divided along the 53 - 47 percent line. The survey shows that 53 percent of the children below six are cared for by elderly family members, either in the home of the worker (47 percent) or in her native village (6 percent), while 47 percent are under the care of paid workers elsewhere. The latter are: crèches (25 percent), *Anganwadis*<sup>25</sup> (18 percent), or home-based child-minders (4 percent). Of these, the crèches clearly play a prominent role; however, due to either poor quality, age restrictions at the factory crèches or other inconveniences (distance, lack of transport, etc.), women rely on the latter two options. Leaving young children unattended at home

<sup>25</sup> A government sponsored child-care and mother-care center in India. It caters to children in the 0-6 age group.

or with their families in their native villages is a choice of desperation, as the women themselves admitted, since they had no other form of support nearby. Many women spoke emotionally about being driven to take this step and got sentimental about being separated from their young ones.

Excluding the 6 percent of children growing up away from their parents in villages, which was considered the least desirable option, the percentage of children in different types of paid childcare facilities is equivalent to the percentage of children in the care of extended family members at home. Several conclusions can be drawn from these figures. One is that the women in this sample of working mothers do not show a clear preference for either family members or paid child-minders to be the primary care-takers of their children below six. Their decision is related to a variety of factors based on their circumstances. More specifically, their childcare decision may be the result of a process of elimination rather than genuine choice. For example, a woman who cannot afford to stay at home with her child, does not live with her mother or mother-in-law, and works too far from home to bring her child with her to the factory crèche is forced to enroll her child at an Anganwadi or find a home-based child-minder close to her home, if one exists. By implication, it means that the more work-based crèches that were geographically easier for garment workers to access would expand their options.

The second conclusion that emerges from this data, which shows that grandmothers are the primary care-givers to more than half of the sample population of children under six, is the need to recognize the work that women past the child-bearing age are engaged in. The study shows that the older generation of mothers (i.e., current grandmothers) is complementing the labor

input of the contemporary female workforce in the garments industry; as without them the younger generation of women would find it almost impossible to work in the factories.

This system of family-based childcare subsidizes the garment industry, as it does other sectors of the economy, since the labor involved in care-taking of children is not being paid for by the employers. Because parents with children cared for by extended family or other forms of childcare are not benefitting from factory crèches, the employers could demonstrate their social and legal responsibility by transferring their savings into financial compensation to workers for whichever childcare arrangements they find most suitable. This could take the form of a "Childcare Fund" that is administered jointly with the state government in ways parallel to the Pension Fund.

A related conclusion is the need to raise the quality of childcare and professionalism of the care-takers, whether they are paid (home-based and institutional) childcare workers or unpaid family members. The findings of the study indicate that the degree of choice that women workers have in relation to their childcare decisions is highly limited; decisions are made not based on the quality of care but on its mere availability and affordability. Professional training of childcare workers, regular informational inputs, and monitoring and accreditation of factory crèches, Anganwadis, pre-schools and home-based facilities would raise the overall standards of childcare provided to working-class families. Women workers would subsequently be empowered as discerning 'consumers' of childcare facilities to make their decisions based on value. Over time, the professionalization of childcare would create a healthier, more stable foundation for children's development and integration into formal education.

## CHAPTER 5: RECOMMENDATIONS

From the survey findings discussed in the previous chapter, it is clear that a single solution would be inadequate to address the varied circumstances and childcare needs of women garment workers in Bangalore who are (or will be) mothers. Although the study has focused primarily on children under six, after-school childcare for children above six has also emerged as an important issue demanding intervention. To reiterate, the data from the study imply that garment workers need more quality crèches that are accessible and affordable. In recognition of childcare as a social responsibility (see Chapter one), employers and the state could collaborate to raise healthy, well-educated children by financing quality childcare for garment (and other) workers and providing accredited training for childcare workers.

The three-pronged agenda that Cividep puts forward in this chapter is as follows: 1) an expansion of flexible childcare options for women workers that take into consideration their extendable work-shifts, daily commutes and household composition; 2) a demonstration of employers' social responsibility for raising future generations of productive citizens; and 3) a call to different levels and branches of the government to prioritize the needs of working families and stable industrial growth above corporate incentives and subsidies. These three agenda items are reflected in the following practical recommendations that have emerged from the study.

**Enforcement of existing laws that safeguard the rights of working parents:** If enforced strictly, the Factories and Boilers Act, which requires crèche facilities at workplaces where 30 or more women are employed, would make a tremendous difference to mothers

with children under six as their options of affordable childcare would be expanded. A key point that deserves reinforcement is that factory crèches must be open to all children under six without any age restriction within that category to cover all those who do not have access to *Anganwadis* or private pre-schools. Moreover, the National Commission on Labor has recommended a modification of the law to require employers of 20 or more workers, irrespective of their gender, to provide workplace crèches in recognition of the shared parenting responsibility of both parents and the growing numbers of children needing proper care (MLE, 2002: 91).

There are a few exemplary crèches that are already in operation at some industrial units. See for example, the case studies in Box 1 and 2 below, from a Bangalore-based garment manufacturing company and a leather goods manufacturing factory in Tamil Nadu, respectively. These serve as possible models to be expanded and replicated for greater coverage within the garment industry. Standards of quality for childcare facilities will be specified and all childcare providers will be held accountable to these under the purview of the National Early Childhood Care and Education Policy (ECCE), 2012. It states: <sup>26</sup>

*The current laissez faire situation in all sectors with regard to ECCE will not be allowed to continue. A Regulatory Framework for ECCE to ensure basic quality inputs and outcomes, across all service providers/ sectors undertaking such services, will be progressively developed/evolved at the national level and shall be implemented by states, with appropriate customization, in the next five years.*

<sup>26</sup> [http://wcd.nic.in/schemes/ECCE/National%20ECCE%20Policy%20draft%20\(1\).pdf](http://wcd.nic.in/schemes/ECCE/National%20ECCE%20Policy%20draft%20(1).pdf) p. 9 (accessed 6 June, 2012).

Applying the experience that exists within the Working Group on Childcare, members could assist factories to establish childcare facilities and proactively set standards for these facilities ahead of the implementation phase of the ECCE policy. The KSCPCR has made detailed suggestions on quality standards for factory crèches which could be followed in the interim, as well as recommendations for amendments to the Factories (Karnataka Amendment) Rules 2002 to tighten protective measures for working mothers, caretakers and children (see Appendix D).

#### **Childcare allowance for working parents:**

Although the legal requirement of crèche provision acknowledges childcare as the shared responsibility of the employer, most working parents in Bangalore's garment industry do not have access to an employer-provided facility either because their factory is not equipped with a crèche or because there is an age restriction at the crèche. Given this scenario, employers must provide a childcare allowance to employees for each of their children under the age of six years, if the child is not cared for at a workplace crèche. This would ensure that working mothers can choose the best childcare option for their children without worrying about its cost. It is understood that the childcare allowance would come from the savings to the company when parents do not enroll their under-six children at the factory crèche for different reasons. The childcare allowance is a basic remedial action if there is no crèche facility provided at the workplace. However, it must be a temporary, stop-gap measure not to be used in lieu of the provision of a crèche at the workplace, which is still the employer's basic legal responsibility.

#### **Box 2: Crèche Facility at Gokaldas Images (GI)**

GI's crèche provision began in the 1970s with a simple room with a cradle. A paradigm shift occurred when the management felt that the crèche was a tool to attract and retain their female workforce. Since then, the company has tested its own myths and overcome fears about childcare at the workplace and provides a full-fledged child development centre for its employees.

According to company policy, an ideal crèche needs to be in a separate building from the production areas. It should contain a cot and cradle section for infants and toddlers; private space allocated for breast-feeding; a play and learning area for children above two; and a space for rest. In addition to these basic interior features, the crèche must provide:

- 24-hour supply of water and electricity
- A bathroom with soap and towel
- A wash basin with soap and towel within the reach of a child
- A toilet with a flush within the reach of a child
- A well-ventilated kitchen
- A storeroom and/or cupboards to store raw materials
- A place separate from the bathroom to wash dishes and clothes

Some of the activities that take place at the crèche to promote healthy habits and create a positive, stimulating environment for the children are:

- Regular parents' meeting to communicate about the children's development
- Non-formal education
- Supplementary feeding
- Growth monitoring, i.e. height, weight, head circumference
- Regular medical check-ups
- Immunization follow-up
- Exercise
- Cultural programmes for an appreciation of pluralism and diversity

The company crèches involve the workers in maintaining personal hygiene of the children and also in learning about child development. There are mothers' committees that have a monitoring role for all the crèches. Committee members bring up problems related to the crèche and discuss improvements that may be required. The management encourages the mothers to give importance to the further education and development of the children after the crèche days are over.

### **Joint employer-owned and operated crèches in industrial clusters:**

One of the most common reasons that employers neglect childcare provision for their employees is the associated costs of setting up and running a crèche facility. However, Samvada's experience suggests that the operational costs of a crèche are not as high as commonly imagined (see Box 3). Nevertheless if costs are the inhibiting factor, a common crèche could be jointly established and operated by employers located in geographical clusters, with a proportionate contribution from the local governing body. There are several public-private partnership (PPP) modalities under which these could be administered along with free or subsidized transportation for workers travelling with children.<sup>27</sup> The establishment of crèches meets the priority area of 'infrastructure development' that the central and state governments have identified for PPPs.

### **Community crèches and after-school childcare in workers' residential areas:**

These facilities address working mothers' need for childcare that is accessible from home without a long commute in crowded public transport with babies or small children. They would also be accessible to older children between the ages of six and 14 years of age who could be provided a safe space for recreation, skills-building, homework assistance and character development. Such crèches could be run with participation from companies in neighborhoods where garment workers are geographically concentrated. See Box 4 for a proposal of a residential childcare centre designed by Samvada who work with youth for development education.

There are a few private childcare facilities run by women who charge nominal rates to provide basic child-minding services

#### **Box 3: Kids' Care, a crèche of Naser Bali (Gloves) Private Ltd.**

With the engagement of Samvada, a non-governmental organization (NGO) in Bangalore, the company framed a policy to establish a workplace crèche as an early childcare and education centre and has encouraged its employees to bring their children below six years of age regularly to the crèche. The company childcare policy expresses the care needed to foster children's physical, social, emotional and mental development, and reflects the company's aspiration to develop social, communication and intellectual skills in the children.

Consistent with its policy and statutory requirements, the company crèche is located near the work site, accessible to mothers. It is free from fumes, dust and noise, with adequate lights and ventilation. Besides a separate room with cradles for infants, the crèche consists of ample space for children to rest and play both indoors and outdoors. The kitchen is equipped with a gas stove, a microwave oven, refrigerators and a sterilizer. Toilets are specially designed for children with half-doors, small commodes, and separate wash area with a hot water facility. Other equipment that the crèche contains are: a first aid box, a fire extinguisher, and a notice board.

A nurse, 2 assistant teachers and an *ayah* have been appointed at the crèche. The nurse is employed full-time in the crèche to take care of children's health. All staff members have been specially trained to supervise and oversee the well-being and physical safety of the children in their charge. Mothers are expected to provide a set of clean clothes, lunch and feeding bottles, if necessary, from home. Food is fed by the crèche staff and bottles are sterilized in the crèche before use. Mothers and the crèche staff communicate daily about the health and mood of their children when they drop off and pick up their children from the crèche.

A variety of age-appropriate play materials and toys are provided to enhance children's recreation and learning experiences. Free play and group activities are conducted according to age groups. A daily timetable based on the bio-rhythmic needs of children has been designed to ensure their comfort and healthy development, and is displayed on the notice board. Milk and biscuits are provided twice a day with clean drinking water available all day. The crèche remains open during over-time and children are provided with light refreshment.

The crèche maintains various records of the quality of childcare provided: individual child's profile, an attendance register, daily activities record, monthly progress report of the children and the crèche, stock register, minutes book of the committee meetings, observation reports by the Human Resources (HR) team, crèche staff and mothers, and a visitor's book.

The crèche is regularly monitored by the HR department to ensure that the policies and procedures are efficiently and effectively followed. A crèche monitoring committee consisting of two mothers, two crèche staff members and two HR staff members has been constituted for the smooth running of the crèche. The committee discusses the day-to-day running of the crèche and introduces new ideas which help the crèche to move forward with its responsibilities.

<sup>27</sup> See [www.pppinindia.com/](http://www.pppinindia.com/) for details.

in their homes. Some of these are run by former garment (and informal sector) workers, and could be upgraded with training and institutional support to raise the standards of care offered and to be managed professionally. This is especially important for the care of children between three and five years of age who are excluded, in practice, from factory crèches and may not have an Anganwadi within proximity of their homes. At this age, children need pre-school formation to develop their social and intellectual capabilities for formal education. If they are simply provided a safe place where their physical needs are met, they will be unprepared to take advantage of the opportunities for growth and development afforded by schools.

Affordability of childcare remains an elusive goal for the majority of working parents when the mere availability of childcare is limited. Cividep's study has found that both the quantity and quality of childcare needs to be raised. This chapter has outlined several ways forward based on the experience of employers and NGOs. Working models of factory crèches demonstrate the benefits of childcare provisions to employers, including higher productivity of workers, lower employee attrition, and a happier and loyal workforce. These advantages will have positive ripple effects within the garment industry as more and more employers are encouraged and supported to establish childcare facilities within their premises. Working together, garment manufacturers, brand companies, the government and NGOs can pursue various forms of childcare facilities, either jointly or solely financed, in industrial clusters or residential neighborhoods. With the formation of the Working Group on Childcare, the role of the government has to expand beyond

#### **Box 4: A community childhood centre proposal by Samvada**

A community-based childhood centre would fulfill the most favored (by companies) and most needed (by society) corporate social responsibility (CSR) option: that of primary and pre-school education. The centre will be located near serving for children of garment workers.

The centre would provide: Pre-school programmes for children of ages three to six years from 9 am to Noon; and after-school care for children between six and twelve years. To carry out activities serving 25 children in each of the above categories, the centre will employ one senior teacher and manager, two teachers, and two helpers. Each will work in eight-hour shifts. A monitoring committee comprising four mothers and the manager of the centre would meet on a monthly basis to review the practical functioning of the centre. For the overall governance of the centre, a committee of CSR staff from brands and two childcare experts could meet once a quarter to review the quality of childcare services provided based on feedback from mothers, human resource management and budgetary considerations.

Samvada suggests that brand companies could focus on community childhood centers as their CSR activity while manufacturers provide statutory crèche facilities at the workplace. From a childcare fund of Rs. 75 lakh to be raised among brand companies, the centre's infrastructure and staffing needs could be covered with a low one-time investment of Rs. 5 lakh and the remainder Rs. 70 lakh invested in a Corpus/Trust Fund to ensure annual interest earnings of Rs. 6.5 lakh. The centre's administration can be handed over to a credible and competent organization which could run the centre according to clear guidelines. A memorandum of understanding (MOU) would specify the operation of the centre within the approved annual budget of Rs. 6.5 lakhs and contain a clause that revenue from fees collected will be invested in the fund to cover teachers' bonuses and regular increases in salary.

regulation, which has proven to be weak, to being facilitative for the benefit of the more than half-a-million garment workers in Bangalore. Members of the Working Group on Childcare can be assured their efforts to improve childcare provisions would not only go a long way to support the right to decent employment for the current workforce in the apparel industry, but also to boost the chances of social and economic justice for future generations.