



**Recommendations for brands to  
reduce sexual harassment in the  
Indian garment industry**

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## Introduction

From June to December of 2018, Fair Wear Foundation commissioned International Resources for Fairer Trade (IRFT) to conduct a study in India of the Sexual Harassment of Women at Workplace (Prevent, Prohibition and Redressal) Act, 2013. It was commissioned in the context of the Strategic Partnership for Garment Supply Chain Transformation and was funded by the Dutch Ministry of Foreign Affairs. The study aimed to investigate awareness of the Act and highlight gaps in its implementation in Indian garment factories. This document outlines the main recommendations for brands, based on the study results in order to reduce sexual harassment in the sector.

Fair Wear is an international multi-stakeholder non-profit organisation that works with clothing companies and their supply chains to improve working conditions in the garment industry. Reducing sexual harassment in the workplace is a key Fair Wear priority as part of its focus on gender equality and violence prevention.

## Recommendations at a glance

**Recommendation 1: Set up accountability mechanisms to ensure adherence to legislation that addresses sexual harassment.**

### 1.1 Leverage influence to make reduction of violence and sexual harassment a priority.

Brands must leverage their economic influence with suppliers to highlight the importance and follow through on improving conditions to prevent and address sexual harassment in the workplace.

### 1.2 Ensure a safe reporting environment for sexual harassment complaints.

A safe reporting environment with clear complaint reporting channels are necessary conditions for the Act's successful implementation. A number of factors inhibit victims from coming forward. Brands can support improvements by monitoring how complaints are dealt

with, in particular reducing the threat of job loss as a result of reporting, as well as checking their supplier factories publicly circulate their internal anti-harassment policy. Encourage women in leadership roles through supervisory training or access to promotions - as female workers indicate being more comfortable reporting to female supervisors.

### **1.3 Ensure functional Internal Committees are operating at supplier factories.**

Brands should hold suppliers accountable for implementation of the Act, through checking on the presence of an effective internal complaints mechanism, namely a functioning Internal Committee (IC). Currently, many factories either have a poorly functioning IC or none at all.

## **Recommendation 2: Support targeted efforts to raise awareness of the Act and ensure its implementation to reduce sexual harassment.**

### **2.1 Train factory management and supervisors to prevent and address violence in the workplace.**

Through investing in training, brands should ensure all levels of management at supplier factories are aware of risk factors for violence and sexual harassment in the workplace and their mitigation, as well as specifics regarding awareness of the Act and its implementation.

### **2.2 Ensure workers are aware of, and can enact, their rights in relation to sexual harassment.**

Brands should support awareness efforts in factories to ensure all workers are aware of the Act, their rights, and redressal procedures when faced with violence and sexual harassment.

# Background

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013<sup>1</sup> was passed by the Lok Sabha (the lower house of the Indian Parliament) on 3 September 2012.

Despite positive developments in Indian legislation related to human rights and labour law, effective implementation of laws and the allocation of financial resources to support their execution adequately are often lacking.

From January 2015 to October 2018, the National Commission for Women (NCW) reportedly received 2,383 complaints of sexual harassment occurring in the workplace, with the number increasing annually.<sup>2</sup> The sum-total of sexual harassment cases dealt with by corporate India is likely much higher, as these are only those reported to the NCW.

An Internal Committee (IC) where these complaints can be reported and followed up on is mandatory in every public and private organisation with 10 or more employees. Yet, over a third of Indian companies and a quarter of multinationals do not have an IC, while half the companies that do indicate that their IC members are not legally trained.<sup>3</sup>

In the garment industry sector, Fair Wear recognised the need to address the legislation-implementation gap to reduce sexual harassment and ensure safer workplaces. Fair Wear commissioned a study to IRFT to investigate awareness of the Act and identify ways to improve its implementation.

The study outcomes showed that both the awareness and implementation of the Act were low in the Indian textile- and garment sector. As a result, recommendations have been developed for various actors (such as government and brands). The recommendations that follow are specifically focused on ways that purchasing brands can address gender-based violence, especially sexual harassment predominantly targeting female workers, and ensure a safe and dignified world of work for women.

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<sup>1</sup> Referred to throughout this document as 'the Act'.

<sup>2</sup> Complaints reported to NCW per year: 522 in 2015, 539 in 2016, 570 in 2017, and 752 in 2018 (up to October). 'Sexual harassment complaints made to NCW witness spike this year', *Money Control News*, 20 October 2018, <https://www.moneycontrol.com/news/india/sexual-harassment-complaints-made-to-ncw-witness-spike-this-year-report-3102091.html>.

<sup>3</sup> 'Fostering safe workplaces: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', FICCI, <http://ficci.in/spdocument/20672/Fostering-safe.pdf>.

# Study sample and methodology

## FACTORY SELF-ASSESSMENT QUESTIONNAIRES (35 RESPONDENTS)

A self-assessment questionnaire was sent by IRFT to all 7,637 garment factories registered with the Apparel Export Promotion Council (AEPC). Of these, only 35 (0.45%) factories responded. The low response rate may reflect that only those with an anti-sexual harassment mechanism in place chose to respond. This in turn sheds light on how factories (do not appear to) prioritise the issue of GBV esp. sexual harassment and it had an impact on the study results.

### Study sample: Data collection from workers (150 women, 75 men) and other stakeholders

	Tirupur	Delhi/NCR	Bangalore
Female workers	50	50	50
Male workers	25	25	25
Factory management	4	1	2
Trade unions	0	1	1
NGO	1	1	1

Data was collected in the south (Tirupur and Bangalore) and the north (Delhi NCR) of India, where the main textile and garment sector hubs are located. A garment workforce sample of 150 female and 75 male workers were drawn from the community living near the factory area, using a convenient sampling method. Visits and interviews were conducted with factory management and NGOs in each area.

## DESK RESEARCH: FAIR WEAR COUNTRY STUDY AND 37 FACTORY AUDITS

Desk research was conducted using the Fair Wear India Country Study 2019,<sup>4</sup> and 37 Fair Wear factory audits from 2016 to 2018. Of these, 19 audits were completed in the north (most in Delhi/NCR), 13 in and around Tirupur, and five in Bangalore.

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<sup>4</sup> Fair Wear, India Country Study 2019, <https://www.fairwear.org/resource/india-country-study-2019/>.

# Recommendations and research data

## RECOMMENDATION 1: SET UP ACCOUNTABILITY MECHANISMS TO ENSURE ADHERENCE TO LEGISLATION THAT ADDRESSES SEXUAL HARASSMENT

Brands should hold suppliers accountable for preventing and addressing sexual harassment through implementation of the Act, including ensuring that a safe reporting environment and an effective internal complaint mechanism with clear reporting channels are in place for victims to come forward and be taken seriously.

### 1.1 Leverage influence to make reduction of violence and sexual harassment a priority

First, it is vital that brands leverage their economic influence to highlight and follow through on the importance of improving conditions to prevent and address sexual harassment in the workplace. In this study, most factories did not consider sexual harassment a factor that could result in loss of buyers, while some were concerned with how their reputation could negatively affect business if they registered complaints. Meaning cases may go unaddressed as suppliers fear showing 'weakness' in this area and/or do not face any reputational risk.

#### Data from research:

- Of all factory respondents, 89% (31) believed sexual harassment in the workplace could affect their business prospects. Of these, 34% (12 factories) stated the most common way it could affect their business was through 'low employee morale'. However, 'loss of buyer' did not appear a factor at all. This suggests that factories either hide instances from brands or perceive a certain level of tolerance for sexual harassment from brands. Four factories (11%) did not believe sexual harassment of their female workforce would affect their business at all.
- In one interview, factory management stated that if buyers see sexual harassment cases in their Internal Committee (IC) report, it would affect the goodwill and reputation of the factory, and they might lose orders. Supporting this idea, female workers interviewed in Tirupur said: *'Management tells us clearly that factory reputation is very important and anything that can spoil the reputation will be dealt with and so they will ask us to leave the job if we complain. So, we keep silent.'*

- Other factories shared that their image with buyers and the business implications of their measures to prevent sexual harassment in the workplace is important to them. Implying that buyers can exert some influence on improvements in this area.
- One-third of factories said their buyers neither actively monitor implementation of anti-sexual harassment policy nor encourage related training of management and workers.

### 1.2: Ensure a safe reporting environment with clear channels for sexual harassment complaints

A safe reporting environment with clear complaint reporting channels are necessary conditions for the Act's successful implementation. Supervisory training for women should also be supported as female workers indicate being more comfortable reporting to female supervisors. The study found victims often do not come forward with complaints due to fear of job loss, social stigma, not knowing where to report a complaint, and/or not reporting within the correct timeframe.<sup>5</sup> Brands can support improvements by monitoring complaint handling, support suppliers in addressing sexual harassment in particular reducing the threat of business loss, job loss, as well as checking their supplier factories publicly circulate their internal anti-harassment policy in line with the Act.

#### Data from research:

- Female workers in Tirupur and Bangalore reported being afraid of making sexual harassment complaints, as complainants often get fired and receive no support from police or local authorities to address their cases. Nine (18%) female workers in Delhi stated they would not report due to fear and the threat of losing their job. While 35 respondents (70%) in Bangalore were aware of female workers who left their job due to sexual harassment.
- Migrant female workers in Tirupur interviewed in the residential -accommodation provided by the factory stated: *'We are locked inside at 8:30pm when the shift ends and the management has access to our residential quarters, coming in as they please.'* None of them were aware of the option to report to a female officer or the IC.
- Social stigma also significantly affects reporting. Tirupur respondents strongly believed that: *'If a young woman complains about her personal experience [with sexual harassment], it will cause shame to her family and, if she is unmarried, she would never get a groom in the future.'*

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<sup>5</sup> The current legislation only allows for filing complaints within three months of the incident, with possible extension up to six months. Fair Wear and its CSO partners are lobbying the government for an extension. Brands can also use their influence in the private sector to exert pressure for change here.

- Most female workers interviewed were not aware that complaints could be reported with the IC. Only seven (14%) women from Tiripur and three (6%) women from Bangalore knew about their IC's existence. Those who were aware had never lodged a complaint.
- Only four (8%) female respondents in Bangalore stated they would feel comfortable reporting a complaint, and only with a senior female employee. Men usually hold senior positions, making reporting less likely.
- In Bangalore and Tirupur, male workers indicated not wanting to help a victim of sexual harassment, saying: *'Why should we risk losing our jobs when we are clearly told by the management not to interfere with the women or their issues? So, we ignore all such talk and stories.'* When they tried to intervene on behalf of a victim, five (of 25) male respondents in Bangalore reported they were abused, insulted, and forced to work overtime without wages.
- The Act calls for wide dissemination by the employer of an internal policy for the prohibition, prevention, and redressal of sexual harassment in the workplace, intended to promote gender-sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women. However, only 61% (22) of factory respondents' policy included defined grievance channels and remediation procedures. Even where they were in place, there appeared to be a lot of gaps.

### 1.3 Ensure functioning Internal Committees are operational at supplier factories

Brands should hold suppliers accountable for implementation of the Act, through checking on the presence of an effectively functioning Internal Committee (IC)<sup>6</sup>. Currently, many factories either have a poorly functioning IC or none at all.

#### Data from research:

- None of the factories visited had set guidelines written by factory management for IC members about their roles and responsibilities, and IC members interviewed were not well informed of the reason behind their appointment, their role, or the complaint redressal process. IC members are often appointed by management and chosen from among 'loyal' workers. An IC presiding officer said: *'Even though I am the presiding officer, I have never attended a single IC meeting in the last two years. The management chooses a new recruit or a*

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<sup>6</sup> Under the Act, an employer is legally required to comply with certain statutory requirements. One of these is the constitution of an Internal Committee ('IC'), a body envisaged to receive complaints on sexual harassment at the workplace from an aggrieved woman, as well as to inquire into and make recommendations to the employer on the action required pursuant to its inquiry of such complaint made.

*submissive woman worker to attend the IC meetings so that no complaints are registered or minuted [sic] in meetings.'*

- When asked about their complaint processes, IC members said they reported complaints to their direct superior instead of the IC presiding officer. They were also unaware that their employer needs to submit IC reports to the district officer.
- Interviews with factory management reveal that often both harasser and victim, or only the victim, are dismissed. These 'addressed' cases are not reviewed in IC meetings or reported.
- The self-assessment data from the factory respondents demonstrated non-compliance with the mandatory provision of annual IC reporting to the district officer, while they had not incurred any legal/penal consequences.<sup>7</sup> Only 12 of 35 factories respondents were even aware of the government authority to which should be submitted. In addition, 10 factories did not consider the IC to be an instrument that keeps a check on sexual harassment in the workplace.
- External IC members are usually selected from a small handful of NGOs, which creates a monopoly situation.<sup>8</sup> In Tirupur, for example, a local NGO was an external IC member in 300 factories.
- NGOs interviewed stated that ICs are generally set up and paperwork is kept for factories to appear compliant to buyers, but they do not address worker complaints. As a result, NGO Cividep states that complaints of sexual harassment are filed with trade unions, and these only include the gravest issues, as most abuses are considered normalised.
- In all three hubs, male worker respondents also believed the IC was simply set up to look good on paper but was ineffective: *'If a woman worker complains about sexual harassment, she is forced to leave her job the very same day. In some cases, a woman has to leave without even clearing her dues and payments for the period employed.'*
- In the self-assessment, 21 (60%) factories stated that their anti-sexual harassment policy includes defined grievance channels and remediation procedures. However, factory visits to all three regions found that little was done to raise worker awareness. For example, details of IC members, the nodal officer, the district officer, and awareness posters on sexual harassment were not posted in the factory common areas as mandated by law.

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<sup>7</sup> Of 35 factories, 23 had not filed an annual report, even though IC annual reports are mandatory. The members claimed they did not file one because they had not received any complaints.

<sup>8</sup> Secondary research data from CARE-T and READ cited in the Fair Wear India Country Study 2019.

## **RECOMMENDATION 2: SUPPORT TARGETED EFFORTS TO RAISE AWARENESS OF THE ACT AND ITS IMPLEMENTATION TO REDUCE SEXUAL HARASSMENT**

Brands should support efforts to both raise awareness of the Act and equip factory management, supervisors, and workers to prevent and address sexual harassment in the workplace.

### **2.1 Train factory management and supervisors to prevent and address violence in the workplace.**

Through investing in training, brands should ensure all levels of management at supplier factories are aware of risk factors for violence and sexual harassment in the workplace and their mitigation, as well as specifics regarding awareness of the Act and its implementation.

#### **Data from research:**

- All 35 factories in the self-assessment stated that no sexual harassment cases had occurred, even informally, in 2015-2017. Only one factory responded that the reason for a lack of complaints could be: *'Workers being afraid of negative consequences if they raised a complaint'*. All others stated it was because incidents do not happen in their factories. However, 44% of female worker respondents in Tirupur and 70% in Bangalore knew of female employees leaving or being fired for reporting sexual harassment.
- Of all factory respondents, 19 (54%) stated having 100% knowledge about the Act and its implementation. However, their incorrect responses on the self-assessment regarding details related to the Act highlighted their lack of awareness. For example, only 12 factories (36%) knew the main purpose of the IC, while 64% (23 factories) of respondents were unclear.
- Most of the factories visited had not conducted any relevant capacity building training for their IC members. Factory managers were also not aware of the mandatory establishment of an IC at every factory. In addition, factory managers in all factories visited were unaware of responsible local government officials as per the Act, including the district officer, nodal officer, and members of the local committee in their area.
- Worker respondents in Delhi and Bangalore emphasised that training was necessary for management. One shared: *'They (management) do as they wish and are not accountable to anyone. It is the only business that is of interest to them and workers are of least importance to*

*them. If both of us are trained on the sexual harassment act, they would have some fear that we also know about it.'*

- Line supervisors should also be a significant focus of training, as anecdotal evidence from female workers suggests sexual harassment is mostly committed by line supervisors and sometimes by male co-workers.
- Most factories (self-assessment respondents) did say they used several methods to train their staff on sexual harassment. Most common is 28 factories (80%) training line supervisors through the HR manager or other factory management staff (28 factories), while some factories mentioned posting notifications on notice boards, public posters, or training by external experts.

## **2.2 Ensure workers are aware of and can enact their rights in relation to sexual harassment.**

Brands should support training efforts to ensure both male and female workers are aware of the Act, their rights, and redressal procedures when faced with violence and sexual harassment.

### **Data from research:**

- Workers across all three textile and garment hubs stated not being aware of the Act.
- All male workers interviewed in Tirupur were aware of what constitutes sexual harassment, while 15 (60%) were not aware that it is a punishable offence. They had not received any anti-sexual harassment training. In Bangalore, awareness of the Act was limited to five male respondents (20%). In Delhi, most male respondents were aware it was an offence, but stated: *'In reality this does not happen, in fact, if the harasser is sacked from the factory, he gets re-appointed after a while'*. They also said, *'preferential treatment is given to managers, because the management does not want to lose skilled and qualified employees.'*
- In Tirupur, 30 female respondents (60%) said they did receive the supposed training on sexual harassment. However, this was focused on women's moral behaviour, like how to dress, how to talk and behave in front of male workers, and cleanliness and hygiene practices. Similarly, in Bangalore, all 50 women respondents shared they had been trained on how to dress decently and not share contact details with men but no training on dealing with sexual harassment had occurred.
- None of the factories interviewed involved training institutes or relevant materials developed by the Ministry of Women and Child Development. Generally, if there was training, it was offered by an external IC member, not by a gender or legal expert.

- In Bangalore, all 50 female respondents were aware of their presiding officers, however, none of them knew about their IC members and their roles. The presiding officers in Bangalore said they are never informed when the formal IC meetings are held.

In conclusion, by leveraging their influence to prioritise the reduction of violence and sexual harassment on the factory floor, supporting a safe reporting environment for victims with clear effective complaint handling mechanisms, and investing in related training of their supplier brands at all levels, brands can contribute to significant improvements of working conditions for women in the Indian garment industry.