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Brief and recommendations in relation to the 2021 UN Forum on Business and Human Rights

Dalit women face violence and harassment in India's garment industry – time to act

The rape and murder of a 20-year-old Dalit factory worker has attracted attention to poor working conditions and caste- and gender-based inequalities in India's garment industry.

On New Year's Day 2021, Jeyasre Kathiravel, a 20-year-old Dalit garment worker from Tamil Nadu, India, was summoned to work by her supervisor at a local textile factory, Natchi Apparels. Four days later, her dead body was discovered in a field near her home village.

Allegedly, the supervisor, Thangadurai, had taken Jeyasre to his friend's house where he raped and subsequently strangled her together with his accomplice. Jeyasre's family named him as a suspect in her disappearance when they reported her missing on 2 January. Her colleagues had told them that Thangadurai had been harassing her sexually for a long time.

Due to heavy rains during the first days of January, Jeyasre's body was in a state of decomposition when it was found. Hence, it was virtually impossible to obtain forensic evidence. At first, Thangadurai denied any involvement, but he has since confessed to the crimes of rape and murder.

A history of harassment

According to testimonies given by women workers at Natchi Apparels, the factory has a history of sexual harassment and other forms of gender-based violence. The culprits are male supervisors like Thangadurai as well as managers, who almost exclusively belong to dominant caste groups.

Their victims are female workers who are usually migrants from poor families and are often Dalit. They are vulnerable to harassment and discrimination as they are poor and afraid of losing their jobs. They state that CCTV cameras are used to control employees when they enter the factory or take bathroom breaks, but that the cameras are not placed in the workplace where all the harassment happens.

"So, there is never any evidence of the sexual and physical harassment that women workers suffer on the factory floor. Managers use this opportunity to torture us," one woman worker told the local trade union.

Workers also report that they have no faith in the factory's Internal Complaints Committee. Its existence has not prevented male supervisors from harassing female employees.

A factory worker told the Guardian newspaper: "When we try to complain about inappropriate behaviour from our supervisors, the [senior] management also tells us this is how working conditions are in a garment factory and that our role is only to 'come to the factory, finish our work, take our salary and leave'."

Natchi Apparels is owned by one of India's largest textile exporters, Eastman Exports Clothing Company. The Dalit-led Tamil Nadu Textile and Common Labour Union (TTCU) has worked to shed light on working conditions at Natchi Apparels and has provided support to Jeyasre's family who has accused the company of threats and intimidation in the months following her death.

Exploitation of Dalit labour

The conditions at the factory demonstrate the violent consequences of intersectional caste and gender-based discrimination in India's garment sector. The situation at Natchi Apparels is by no means an isolated case. In some parts of the industry, working conditions are akin to modern slavery. The garment industry in Tamil Nadu disproportionately relies on Dalit women for cheap and coerced labour and is therefore rife with caste-based inequalities.

Suppliers tap into the marginalisation of Dalit communities to pay low wages and push workers to meet the high production targets demanded by big brands. The modern garment sector and fashion brands reap huge profit from these conditions in garment factories in caste-affected countries like India, whether knowingly or unknowingly.

Serious exploitation of Dalit workers also takes place in spinning mills and home-based garment production which form part of global supply chains. Dalit girls and women recruited for work in the mills under the so-called 'Sumangali Scheme' suffer multiple rights violations, e.g. 68-hour working weeks without contracts. They are locked inside compounds, and their freedom of movement is restricted to such an extent that the conditions amount to forced labour.

Other sectors relevant to global supply chains where caste-based exploitation is rampant include carpet weaving, leather manufacturing, stone and mineral mining, agriculture, and construction. In all these sectors, Dalits face poor and hazardous working conditions, and the practice of forced and bonded labour also involves children.

IDSN has previously called on global businesses to "take serious targeted action to address the discrimination underpinning the systematic and systemic exploitation of labour in India."

Justice for Jeyasre

The Tamil Nadu Textile and Common Labour Union (TTCU) is campaigning for better labour conditions in Tamil Nadu's garment industry, and against exploitation and discrimination. Almost 60 per cent of its 11,000 members are Dalit women. Only women are accepted into the union, as the leaders of other labour unions are almost entirely male, leaving little opportunity to mobilise them to fight against gender-based violence.

The union played an important role in exposing the illegal use of pills at garment factories to enable employees to work through menstrual cramps – in violation of labour laws. And when TTCU consistently demanded accountability for Jeyasre's murder, it succeeded in gaining compensation for her family.

According to TTCU general secretary, Jeeva, little attention would have been paid to Jeyasre's death without the involvement of the union: "She's Dalit. They'd have just closed the case saying it's some lover's tiff, despite our involvement," she told The News Minute. "Even NGOs that got involved in the case were asking if we knew 'the nature of the relationship between Jeyasre and the supervisor'. Would they have dared to say that if she was from another community?"

The campaign for Jayasres' family has also made other female factory workers come forward. Their testimonies have brought to light widespread abuse in the garment industry – including inadequate toilet breaks, insufficient access to drinking water, verbal abuse, sexual harassment, and exhaustingly long shifts.

Together with its international partners, the Asia Floor Wage Alliance and Global Labor Justice-International Labor Rights Forum, TTCU is now trying to get Eastman Exports and their business partners in the global market to sign a binding agreement to end gender-based harassment and violence in the garment industry. Union treasurer Poongudi said that such an agreement would be a form of justice for Jeyasre and “survivors of gender-based harassment and violence in garment factories.”

Such an agreement would only be the second of its kind in the world following a landmark initiative in Lesotho where leading clothing brands, a major supplier, a coalition of labour unions and women's rights advocates agreed to combat gender-based violence and harassment in that country's garment sector. The Lesotho agreement is enforceable to the extent that an independent body has the power to dismiss abusive managers and supervisors.

In India, an agreement of this kind should encompass caste as Dalit workers in garment factories will always face specific risks of violence and harassment, linked to their caste status, unless specific enforceable mechanisms are put in place to counter caste-based discrimination.

IDSN fully supports this effort by the TTCU and includes it in the following recommendations to eliminate caste- and gender-based violence and discrimination in India's garment industry.

Recommendations

⇒ **An enforceable and binding agreement between companies, brands, labour unions, women worker-led associations/rights advocates to address gender and caste-based violence and sexual harassment.**

The following steps should be taken by all Indian garment suppliers that have not yet addressed caste- and gender-based discrimination:

1. Sign a binding agreement to end caste and gender-based violence, discrimination and sexual harassment in the garment sector.
2. make these agreements public and available for [Dalit] female workers and the community at large.
3. Take action to end any and all coercion or retaliation against workers and community members who speak out, attempt to improve conditions in the workplace, report abuse or join a trade union.
4. Organise specific training and awareness campaigns to all staff on intersectional gender and caste-based discrimination and use the [Ethical Trading Initiative Base Code Guidance on Caste in Global Supply Chains](#) to start taking action to end this discrimination.
5. Actively ensure that grievance mechanisms are open to Dalit female workers, ensuring that they are made specifically aware of their rights and not discouraged nor threatened when seeking redress, including by knowing the company policies on caste and gender discrimination, harassment and abuse.

6. Ensure caste and gender diversity in the workforce at all levels and include Dalit women in shaping policies to address caste and gender discrimination and in the implementation of these policies.

Transnational corporations that source from Indian garment suppliers should take the following steps:

1. Ensure that suppliers in countries where caste is prevalent are taking the steps outlined above
2. Follow the recommendations (where applicable) to eliminate caste discrimination in businesses and supply chains made in the [Ethical Trading Initiative Base Code Guidance on Caste in Global Supply Chains](#).
3. Check compliance at regular intervals and support suppliers in their efforts to create changes and tackle caste and gender discrimination.
4. Ensure full transparency and disclosure of suppliers used at all tiers of the supply chain including where relevant informal sector and home-based workers.

Recommendations for Governments and multilateral bodies

1. Ensure that caste and gender discrimination are specifically addressed in **national, international and regional mandatory human rights due diligence legislation** and guidelines for implementation.
2. Include specific wording on caste and similar forms of discrimination in the **revision of the OECD Guidelines** for Multinationals and **the UN Guiding Principles on Business and Human Rights** (UNGPs) on the basis as gender discrimination and other forms of discrimination seriously affecting the rights of large groups of people in numerous countries.
3. **Address caste specifically in UN SDG 8 related targets** and implementation frameworks.
4. States should make sure that their **duty to protect human rights in the context of the UN Guiding Principles on Business and Human Rights** also deal with the structural violations of the rights of Dalits in global supply chains. This should include caste and gender discrimination as a crucial topic in laws and regulations relating to the responsibilities of companies.
5. The UNGPs-based **National Action Plans (NAPs)** on business and human rights should include guidelines to combat intersecting caste and gender discrimination in businesses and global supply chains.
6. Include a caste analysis, followed by corresponding measures to prevent and redress caste and gender discrimination in all **bilateral aid and economic programs** aimed at the promotion and development of business relations and cooperation with countries where caste is prevalent.
7. Governments and relevant international organisations should **promote the inclusion of the fight against caste-based discrimination in the codes and policies of multi-stakeholder initiatives on business and human rights**. The [ETI Guidance on Caste in Global Supply Chains](#) is a tool that can be used as an example.