

Gender Based Violence in the H&M Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018





Asia Floor Wage Alliance (AFWA) was officially formed in 2006 and includes more than 76 organizations, including garment industry trade unions, NGOs, consumer groups and research institutes from more than 17 countries from across Asia, Europe and North America.



The Center for Alliance of Labor & Human Rights (CENTRAL) is a local Cambodian NGO. The organization empowers Cambodian working people to demand transparent and accountable governance for labor and human rights through legal aid and other appropriate means.



Global Labor Justice (GLJ) is a strategy hub supporting transnational collaboration among worker and migrant organizations to expand labor rights and new forms of bargaining on global value chains and international labor migration corridors.



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SLD is a Delhi-based labour rights organisation. SLD promotes equitable development by advocating for the social and economic well-being of workers, with a particular emphasis on women's and migrants' rights and cultural renewal among disenfranchised people. SLD works in the National Capital Region Territory, Haryana, Uttar Pradesh, Bihar, and Jharkhand.



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EXECUTIVE SUMMARY

In India, women workers employed in an H&M supplier factory in Bangalore, India reported physical abuse associated with pressure to meet production targets. Radhika described being thrown to the floor and beaten, including on her breasts:

On September 27, 2017, at 12:30 pm, my batch supervisor came up behind me as I was working on the sewing machine, yelling “you are not meeting your target production.” He pulled me out of the chair and I fell on the floor. He hit me, including on my breasts. He pulled me up and then pushed me to the floor again. He kicked me.

Radhika filed a written complaint with the human resources department at the factory. She described the meeting between herself, the supervisor, and human resources personnel:

They called the supervisor to the office and said, “last month you did the same thing to another lady—haven’t you learned?” Then they told him to apologize to me. After that, they warned me not to mention this further. The supervisor and I left the meeting. I went back to work.

Radhika reported that the harassment from her manager did not stop, but that she continued to work at the factory because she needs the job: “My husband passed away and I have a physically challenged daughter who cannot work. That is why I need the job. I suffer a lot to earn my livelihood.”

Radhika’s experience of workplace violence provides insight into the risk factors that leave women workers in H&M garment supply chains exposed to violence. In the H&M supplier factory where Radhika worked, women are concentrated

in operator roles, as line tailors and helpers in the production department.

The gendered concentration of women workers as machine operators, checkers, and helpers in this H&M supplier factory is a microcosm of gendered hiring practices in garment global production networks. Across Asia, women garment workers make up the vast majority of garment workers. In Bangladesh, Cambodia, Indonesia, and Sri Lanka, women workers represent between 80 and 95% of the garment workforce. In India, women account for at between 60-75% of the garment workforce. Women rarely, however, hold management and supervisory positions.

This report—including interviews with more than 331 workers employed in 32 factories that supply to H&M—documents the experiences of women garment workers at the base of H&M garment supply chains. Concentrated in short term, low-skill, and low-wage positions, they are at daily risk of gender based violence and harassment at work.

Systematically documenting risk factors for violence, this report presents new, in-depth profiles of gendered hiring practices in 6 H&M supplier factories in Bangladesh, Cambodia, and India completed between February and May 2018. It also draws upon [Asia Floor Wage Alliance \(2016\) documentation of rights violations at work in H&M garment global supply chains in Cambodia and India](#).

With 171,000 employees worldwide, H&M currently operates 4,293 stores in more than 35 countries, and is present in 69 store markets and 43 online markets. In 2018 the H&M group plans to open approximately 390 new stores and approximately 170 store closures are planned, resulting in a net addition of approximately 220 stores with new H&M store markets are

Uruguay and Ukraine. Global brands like H&M wield an immense potential to transform working conditions through their supply chains.

As set out in Chapter 1 of this report, from May 28 to June 6, 2018, the International Labour Organization (ILO) is convening a Standard Setting Committee tasked with ending violence and harassment in the world of work. The proposed ILO standard is a timely opportunity to reach an expanded definition of gender based violence and establish a framework within which governments, employers, companies, and unions can take action to tackle the problem.

In October 2016, an ILO Committee of Experts released a report framing the upcoming deliberations. The Committee noted that while violence can potentially affect everyone, specific groups, including women workers, are disproportionately impacted. Accordingly, the Committee called for specific action to address the gender dimensions of violence and an international standard that can respond to new challenges and risks of violence and harassment that arise from changing forms of work and technology (GB.328/INS/17/5, para. 6 Appendix I, para. 2, 11, 18).

The October 2016 Committee of Experts report also presents a detailed set of risk factors for violence and harassment, including risk factors associated with the nature and setting of work as well as the structure of the labour market (GB.328/INS/17/5, Appendix III). The Director-General of the ILO emphasized the need for better data on violence and harassment in the world of work (GB.328/INS/17/5, para. 4).

As outlined in Chapter 3, H&M Corporate Social Responsibility initiatives fall short of decent work standards, are entirely self-monitored, and fail to address risk factors for violence or provide avenues for relief in cases of workplace violence.

Spectrum of gender based violence

According to the Committee of Experts convened by the ILO in October 2016, “violence and harassment” in the world of work includes a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering. Under existing international legal standards, gender based violence includes: 1) violence which is directed against a woman because she is a woman; and 2) violence that affects women disproportionately. Forms of gender based violence include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty (CEDAW, General recommendation 19, article 1).

Women garment workers may be targets of violence on the basis of their gender, or because they are perceived as less likely or able to resist. Comprising the majority of workers in garment supply chains in Asia, women workers are also disproportionately impacted by forms of workplace violence perpetrated against both women and men. For women garment workers, violence, and harassment in the world of work includes not only violence that takes place in physical workplaces, but also during commutes and in employer provided housing. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7-8).

Table 1: Spectrum of gender based violence in H&M garment supply chains

	Gendered aspects of violence, including: 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	• Assault, including pushing to the floor, beating and kicking, gendered aspects (1), 2(b) • Slapping, gendered aspects 2(a) and (b) • Pushing, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive manual tasks lead to chronic health issues, gendered aspect 2(a)
Acts that inflict mental harm	• General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse linked to caste or social group, gendered aspect 2(a) and (b) • Verbal abuse targeting senior women workers so that they voluntary resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	• Sexual advances from management and mechanics and retaliation for reporting, gendered aspect (1), 2(a) • Sexual harassment from management and co-workers, gendered aspect (1) • Unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers, gendered aspect (1) • Rape outside the factory at accommodation, gendered aspect (1)
Coercion, threats, and retaliation	• Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	• Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

Chapter 4 of this report provides detailed accounts of this spectrum of violence, including personal experiences of violence reported by women garment workers in H&M supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. Women described experiences of violence that inflict sexual harm and suffering; and forms of violence characteristic of industrial discipline practices, including physical violence, verbal abuse, coercion, threats and retaliation, and routine deprivations of liberty—including forced overtime.

Risk factors for gender based violence

The experiences of gender based violence in H&M garment supplier factories documented in this report are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in H&M supplier factories that leave women garment workers systematically exposed to violence.

Risk factors in H&M garment supply chains are a by-product of how H&M and other transnational corporations do business. Chapter 2 of this report provides a brief overview of global production networks in general and the garment global production network in particular. It outlines asymmetrical relationships of power between brands and suppliers in garment supply chains, brand purchasing practices driven by fast fashion trends and pressure to reduce costs, and the corresponding proliferation of contract labour and subcontracting practices among supplier firms. These practices have a profound impact on the lives of women garment workers in Asian garment value chains, including in Bangladesh, Cambodia, India, Indonesian, and Sri Lanka.

Labour and employment practices in garment production factories have been described as operatory labour practices (Table 2), referring to the role of workers as basic operators. Operatory labour practices correspond with particular workplace conditions and relationships that expose women garment workers to risk factors for violence.

Chapter 5 of this report documents risk factors for violence documented in the H&M garment supply chain, including use of short term contracts and unrealistic production targets that drive wage related rights abuses, excessive working hours, and unsafe workplaces.

The combination of calorie deficiency and relentless working hours is violent in the wages it withholds and the labour it extracts.

Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, failure to require independent monitoring, and gendered cultures of impunity among perpetrators of violence prevent women from seeking accountability and relief.

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Authority	
Management	- Hierarchical work relations - Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	Anti-union management practices
Workforce demographics	
Education	Illiterate, low literacy and literate
Women	- High percentage of women migrant workers - Concentration in low-skill departments and tasks - Home-workers hired on piece rate
Employment conditions	
Wages and incentives	Below or at minimum wage and piece rate payment
Overtime	High levels of forced overtime
Employment security	Low employment security

Source: Adapted from Nathan, Saripalle and Gurunathan 2016

ILO standards to address violence against men and women in the world of work

How can standards on violence against men and women in the world of work address gender based violence in garment global production networks in Asia?

As detailed in this report, women workers concentrated in low-wage employment at the base of H&M garment supply chains are at daily risk of violence. The structure of production in global production networks (GPNs), involving several companies across multiple countries, allows brands and retailers to dictate sourcing

and production patterns while deflecting accountability for how purchasing practices drive severe violations of rights at work.

Following ILC deliberations on global supply chains at the 105th Session (2016), the ILO Committee on Decent Work in Global Supply Chains, submitted a report with resolution and conclusions for adoption by the Conference (ILC105-PR14-1-En). The Committee noted the significance of the ILO in ensuring decent work in global supply chains:

With its mandate, experience and expertise in the world of work, its normative approach to development and its tripartite structure, the ILO is uniquely positioned to address governance gaps in global supply chains so that they can fulfill their potential as ladders for development (para. 7).

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses risk factors for gender based violence, and provides accessible avenues for relief.

The recommendations that follow seek to inform emerging understanding of violence in the world of work, identify specific risk factors for violence in garment global production networks, and ensure a duty among multi-national corporations (MNCs) and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

Recommendations to ILO

1. Adopt an expansive definition of “worker” and “workplace” to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on ending violence and harassment in the work of work, the term “worker” should cover persons in the formal and informal economy, including “(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants.”

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and

harassment in the world of work should cover situations, including “(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies.”

1.4. The proposed situations should be expanded to include the following situations:

- 1.4.1. employer-provided housing;
- 1.4.2. recruitment sites, including day-labor recruitment sites;
- 1.4.3. home-based work; and
- 1.4.4. export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. As presented in the Proposed Conclusions of Report V(2), “victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public.”

1.6. The proposed definition of “victims and perpetrators” should be expanded to include the following roles:

- 1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.
- 1.6.2. Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more

of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party (“user enterprise”); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high-stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low-wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes

of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) “violence which is directed against a woman because she is a woman”; and (2) violence that “affects women disproportionately” (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

5.1.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

5.1.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

5.1.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention 1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social, and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

6.2.1. Core labour standards for all categories of workers across value chains.

6.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

6.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:



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7.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

7.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

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ABBREVIATIONS AND ACRONYMS

AFWA	Asia Floor Wage Alliance
AFWA-C	Asia Floor Wage Cambodia
AFWA-I	Asia Floor Wage Indonesia
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association Bangladesh Labour Act
BLA	Bangladesh Labour Act
BNPS	Bangladesh Nari Progati Sangha
CATU	Cambodian Alliance of Trade Unions
CBA	Collective Bargaining Agent
CCAWDU	Coalition of Cambodian Apparel Workers Democratic Union
CCC	Clean Clothes Campaign
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CENTRAL	Center for Alliance of Labor and Human Rights
COVC	Code of Vendor Conduct
DIFE	Department of Inspection of Factory and Establishment
DIR	Department of Industrial Relations
DoL	Department of Labour
EPZ	Export Processing Zones
EWAIRA	EPZ Workers Association and Industrial Relations Act
FoA	Freedom of Association
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GMAC	Garment Manufacturers Association in Cambodia
GPN	Global Production Network
GSC	Generalized System of Preference
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	International Labour Conference
ILO	International Labour Organization
ILRF	International Labour Rights Forum
MFA	Multi-Fiber Agreement
MoLE	Ministry of Labor and Employment
MLVT	Ministry of Labour and Vocational Training
RMG	Ready Made Garment
SLD	Society for Labour and Development
TATA	Textiles and Apparel Trade Agreement
TCLF	Textile, Clothing, Leather and Footwear
TNC	Transnational Corporation
TTP	Textile and Textile Products
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organization

METHODOLOGY

This report is based upon 3 years of Asia Floor Wage Alliance documentation of decent work violations and gender based violence in H&M garment supply chains. It includes the results of interviews and focus group discussions with 331 workers employed in 32 H&M supplier factories across Bangladesh, Cambodia, India, Indonesia, and Sri Lanka.

Our most recent investigation of gender based violence in H&M garment supplier factories was conducted between January 2018 and May 2018 in Dhaka, Bangladesh; Phnom Penh, Cambodia; West Java and North Jakarta, Indonesia; Bangalore, Gurgaon, and Tiruppur, India; and in Vavuniya District, Northern Province, Sri Lanka.

Field investigation of gender based violence in H&M factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka was conducted by Development Synergy Institute in Bangladesh; CATU and CENTRAL in Cambodia; Society for Labour and Development in India; Sedane Labour Resource Centre/Lembaga Informasi Perburuhan in Indonesia; and Asia Floor Wage Alliance in Sri Lanka. Field research was coordinated by the research team at the Society for Labour and Development (SLD), the current Secretariat for Asia Floor Wage Alliance (AFWA).

This report also revisits [Asia Floor Wage Alliance \(2016\) documentation of rights violations at work in H&M garment global supply chains in Cambodia and India](#), compiled through survey-based and case study research conducted between August and October 2015 in Guragaon, India; and Bogor, Indonesia.

Research questions:

This research seeks to answer three interrelated questions:

- What are the gendered forms of violence and harassment women garment workers experience in H&M garment supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka?
- How does gender interact with risk factors for violence and harassment articulated by the ILO Experts Committee to expose women garment workers to this spectrum of gender based violence?
- How have trade unions and workers' collectives taken effective action to address gender based violence in global production networks in Asia?

Research phase I:

Preliminary analysis of gender based violence and risk factors

In research phase one, researchers conducted focus group discussions with women workers employed in H&M garment supply chains and trade union leaders engaged in organizing workers in H&M supply chains. The goals of this research phase were both to understand gender based violence and associated risk factors; and to address gender based violence by training women workers to identify and respond to workplace violence.

Focus group discussions sought to identify forms of gender based violence in the workplace and risk factors for violence. In identifying forms of gender based violence, researchers used the definition of gender based violence set out in



Cambodian garment workers in a 'know your rights' training with the Cambodian Alliance of Trade Unions (CATU). The workers pictured are not from factories interviewed for this report. Copyright 2018 Patrick Lee for Asia Floor Wage Alliance

General recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women (CEDAW). Researchers used risk factors identified in the October 2016 Conclusions by the Meeting of Experts on 'Violence against Women and Men in the World of Work' as a benchmark for understanding risk factors for violence in H&M garment supply chains.

Phase one focus group discussions included 80 women workers engaged in H&M supply chains in Bangladesh, Cambodia, India, Indonesia, and

Sri Lanka. This sample includes workers from 16 different H&M supplier factories.

The vast majority of women workers who engaged in focus group discussions worked as sewing machine operators. Women workers interviewed for this study had been employed in the garment industry for up to 20 years. Respondents also included male and female supervisors, helpers, and checkers; women workers employed as helpers in the finishing department; and male workers employed in quality control and as store keepers.

Respondents included women who are members of trade unions or workers collectives and those who are not. In Sri Lanka and Cambodia, all women interviewed for this study reported membership in a trade union or workers collective. In Bangladesh, India, and Indonesia, by contrast, some of the women participants were members of trade unions or workers collectives and others were not.

All focus group discussions were conducted in person with full consent from workers. In order to protect the identity of workers who participated in this study, all individual names have been changed.

Research phase II:
Case and context studies of gender based violence

In research phase two, researchers conducted case and context studies to develop in depth accounts of the forms of gender based violence in the workplace and risk factors for violence identified in research phase one. Research phase two case studies documented incidents of gender based violence in the H&M garment supply chain experienced and recounted by individual women workers, including case studies of sexual harassment, persistent and ongoing verbal harassment, retaliation for reporting sexual violence, and barriers to seeking relief, including management and state inaction in response to complaints. It also includes in depth documentation of a 2018 case of violent retaliation against women garment workers in Bangalore, India who formed a union to call for safe drinking water in the factory, reliable transportation, and living wages.

Worker strategies

In Cambodia, the Cambodian Alliance of Trade Unions (CATU) regularly runs ‘know your rights’ trainings for workers in garment and footwear factories. participants in CENTRAL’s FGDs from H&M suppliers all reported that they did not know what forms of violence in the workplace were against the law. CATU’s trainings aim to inform Cambodian garment workers about their rights under the Law, covering elements of the Criminal Code, the Labour Law and the Law on Trade Unions. Through organising and supporting garment workers and expanding their knowledge of their rights under Cambodian law, CATU is helping to develop a new generation of union leadership in Cambodia.

Research phase two context studies sought to document working conditions that place women garment workers at routine risk of gender based violence. For instance, researchers documented extreme pressure to complete production targets where women face routine physical violence including slapping and throwing large bundles of clothes and smaller sharp projectiles, such as scissors; and verbal abuse. Researchers also documented barriers to reporting workplace violence, including high levels of job insecurity and threats of firing among temporary workers. Finally, by completing detailed “day in the life” accounts, researchers documented deprivations of liberty including being forced to work through legally mandated breaks, forced overtime, and relocation of workers between factories and buildings without prior consent.

Research phase III:
H&M factory profiles and risk factor survey data

In research phase III, AFWA partners completed in-depth factory profiles of 6 H&M factories, including 3 factories from Bangladesh, 2 factories from Cambodia, and 1 factory from India. These factory profiles provide a demographic snapshot of the H&M garment supply chain workforce that demonstrates the concentration of women workers in temporary, low-wage production jobs within the garment supply chain. Factory profiles also sought to understand working conditions, presence of trade unions, and dispute resolution mechanisms.

Due to concerns about retaliation among Asia Floor Wage Alliance partner unions, this report does not name the supplier factories profiled in Bangladesh, India, Indonesia and Sri Lanka.

These factory profiles are contextualized by survey-based and case study research on violations of international labour standards in H&M garment production factories conducted between August and October 2015 in Delhi, India and Phnom Penh, Cambodia. This sample includes structured interviews with 251 workers employed in 16 factories across in Cambodia and India that supplied garments to H&M at the time.

Research challenges

Stigma and retaliation associated with reporting gender based violence

Stigma and risk of retaliation associated with gender based violence leads many women workers to hide their experience of violence. Therefore, it required significant effort from researchers to identify potential respondents. In order to navigate this challenge, where possible, researchers worked in teams including both male and female researchers. They also sought partnerships with AFWA network members in order to facilitate access to engage with women workers. All interviewees were assured that their identity and any identifying case information would remain confidential.

Table 3: H&M supplier factories investigated between January and May 2018

Dhaka, Bangladesh
• Bangladesh factory 1 (including factory profile), Ashulia, Dhaka, 2,735 workers • Bangladesh factory 2 (including factory profile), Ashulia, Dhaka, 4,281 workers • Bangladesh factory 3 (including factory profile), Ashulia, Dhaka, 2,348 workers • Bangladesh factory 4, Ashulia, Dhaka, 1,100 workers • Bangladesh factory 5, Ashulia, Dhaka, 2,500 workers • Bangladesh factory 6, Ashulia, Dhaka, 1,200 workers
Phnom Penh, Cambodia
• Roo Hsing Garment Co., Ltd. (including factory profile), Phnom Penh, 5,050 workers • Yi Da Manufacturer Co. Ltd. (including factory profile), Phnom Penh, 156 workers
Bangalore, Faridabad, Gurugram (Gurgaon), and Tiruppur, India
• India, Factory 1 (including factory profile), Gurugram (Gurgaon), Haryana, India, 574 workers • India, Factory 2, Faridabad, Haryana, India, 4,500 workers • India, Factory 3, Bangalore, Karnataka, India, 4,000 workers • India, Factory 4, Bangalore, Karnataka, India, 3,000 workers • India, Factory 5, Chinnakarai, Tirupur, approximately 1,300 workers
Bogor and North Jarkarta, Indonesia
• Indonesia factory 1, Nusantara Bonded Zone, Cakung, North Jakarta, 7,000 workers • Indonesia factory 2, Bogor, West Java
Vavuniya District, North Province, Sri Lanka
• Sri Lanka factory 1, Vavuniya District, North Province, Sri Lanka, 840 workers

Note: In Sri Lanka, a significant percentage of women workers employed in H&M supplier factories are employed through “manpower”—or temporary work agencies—as needed. Under this arrangement, the number of workers employed in the factory can differ significantly depending upon the orders that have been received for the day. Accordingly, even trade union leaders familiar with the H&M supplier factories under investigation were unable to provide accurate counts of the number of workers in each department.

As explained by Emelia Yanti. Siahaan, General Secretary of the Indonesia Federation of Independent Trade Unions (GSBI), women workers face surveillance by factory managements even outside the factory gates:

Women workers are afraid to talk to anyone outside the factory about the violence and rights violations they face. Supervisors have been known to pay people living and working in the areas outside the factory to report workers if they are seen speaking to people from outside the factory. I’ll give you an example. I went with a photographer to the

export processing zone in Jakarta. She took a close-up photograph of a woman worker outside the factory. This was reported to the supervisor and the woman lost her job.

Respondents who did engage with the research team were, for the most part, particularly unwilling to discuss instances of sexual violence. Field researchers were trained not to persist with lines of questioning if they recognized any signs that the conversation might re-traumatize survivors. Accordingly, while our research uncovered cases of sexual violence, these cases have not been included in our research findings.

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CHAPTER 1:

Gender based violence in the world of work

Emerging ILO standards on violence and harassment in the world of work

At its 325th Session (October–November 2015), the Governing Body of the International Labour Office decided that in June 2018, the International Labour Conference (ILC) will hold tripartite deliberations to develop standards to address violence and harassment in the world of work. The proposed ILO Convention and Recommendation on violence in the world of work is a timely opportunity to adopt an inclusive definition of violence and establish a framework within which governments, employers, companies and unions can take action to tackle the problem.

The October 2016 report on the outcomes of the Meeting of Experts on ‘Violence against Women and Men in the World of Work’ presents a detailed set of risk factors for violence in the world of work that lends insight into the conditions under which violence is more likely to occur. These include risk factors associated with the nature and setting of work as well as the structure of the labour market.

The Committee acknowledged that while violence can potentially affect everyone, specific groups are disproportionately impacted (GB.328/INS/17/5, para. 6). The 2016 Committee Report highlights that women workers may be particularly at risk (GB.328/INS/17/5, Appendix I, para. 11). Consistent with this acknowledgement, the Conclusions adopted by the Meeting call for specific action to address the gender dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

As articulated by the Report following the 2016 Experts Meeting, a (an) effective instrument(s) will be both sufficiently focused and flexible enough to address different socio-economic realities, different types of enterprises, and different forms of violence and harassment, as well as different contexts. Such (an) instrument(s) should also be able to respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18). In particular, the 2016 Experts Meeting Report points to the need to extend coverage of Occupational Health and Safety (OHS) and other legal protections relevant to violence and harassment in the world of work to excluded workers, groups and sectors by identifying and closing gaps (GB.328/INS/17/5, Appendix I, para. 18).

Finally, the Director-General of the ILO emphasized the need for better data on persistent violence and harassment in the world of work against workers and others (GB.328/INS/17/5, para. 4). Responding to this call, this research aims to contribute up to date evidence on persistent gender-based violence and harassment against women garment workers in H&M supply chains in Bangladesh, Cambodia, India, Indonesia and Sri Lanka, many of whom are also migrant workers.

In addition to the October 2016 Meeting of Experts Report, the International Labour Office released Report V(1) setting out the law and practice in different countries, and a questionnaire that was transmitted to member States in May 2017. A total of 85 governments sent their replies to the Office, with 50 of them indicating that the most representative organizations of employers and workers had been consulted. The Report V(2) and proposed Conclusions were prepared on the basis of the replies received from governments and organizations of employers and workers.



*Garment workers in a Bangladesh garment factory. Workers pictured were not interviewed for this report.
By Mona Mijthab from Wikimedia Commons*

Violence in the world of work, related trends and forms

According to the Committee of Experts convened by the ILO in October 2016, “violence and harassment” include a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering.

Violence and harassment in the world of work encompass violence in the public or private sector, or in the formal or informal economy (GB.328/INS/17/5, Appendix I, para. 4). Violence in the world of work includes violence and harassment that take place not only in physical workplaces, but also in a broader spectrum of sites that reflect the evolution of work contexts, including: commuting, work-related social events, public spaces, teleworking and, in some contexts, the home (GB.328/INS/17/5, para. 8).

Within these spaces, violence can be “horizontal or vertical”; from sources internal to the workplace, or external sources such as clients, other third parties, and public authorities. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7).

The continuum of violence described above includes gender-based violence (GB.328/INS/17/5, para. 7). It has been a consistent recommendation on the part of national and global unions that gender-based violence be given special attention in the proposed ILO standard, since women are disproportionately affected by violence in the world of work (Pillinger 2017: xiii). Changing patterns of work, and particularly

women’s increased participation in the labour market, has in many cases been in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. This makes women especially vulnerable to physical, verbal and sexual harassment and violence. (Pillinger 2017: ix-x).

Gender based violence

The October 2016 report of the Committee of Experts on ‘Violence against women and men in the world of work,’ calls for specific action to address the gendered dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

General recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW) defines gender based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately”, and, as such, is a violation of their human rights” (article 1). Forms of gender based violence named by General recommendation No. 19 include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty.

As explained by General recommendation No. 35 on gender-based violence against women, released on July 14, 2017, for over 25 years the practice of States parties and the opinions of jurists have endorsed the Committee’s interpretation of gender based violence in recommendation No. 19. According to recommendation No. 35, the prohibition of gender based violence against women has evolved into a principle of customary international law (paragraph 2).

General recommendation No. 35 emphasizes that gender based violence is a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (para. 9). The Committee further underscores that gender-based violence against women is one of the fundamental social, political, and economic means by which the subordination of women with respect to men is perpetuated (para. 10).

General recommendations No. 28 and No. 33—on the core obligation of States parties under article 2 of CEDAW and women’s access to justice,

respectively—confirms that discrimination against women is inextricably linked to other axes of discrimination. These include: ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders (No. 35, para. 12).

Indonesian women from the Federation of Independent Trade Unions (GSBI) demonstrate against rights violations in the garment industry. Like many human rights defenders, they are at risk of violent retaliation.



CHAPTER 2:

Garment Global Production

This section aims to situate new empirical findings on gender based violence in H&M factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka within the broader context of global production networks in general and the garment global production network in particular. This basic overview outlines key shifts in employment relationships as production processes evolve to include several companies across multiple countries. It also identifies trends in concentration of control over production processes across various actors in the garment global production network. These features of work in the garment supply chain produce a gendered global labour force with gendered patterns of labour recruitment and discipline that expose women garment workers to risks of workplace violence.

Global production networks

Brands like H&M, headquartered in high-income countries, outsource production to supplier firms in developing countries. The Global Production Network (GPN) is a term that describes these contemporary production systems, characterized by production processes that involve several companies across multiple countries. Companies linked through GPNs are related through various legal forms, with exchanges between firms structured so that multi-national or transnational corporations (TNCs) do not legally own overseas subsidiaries or franchisees but only outsource production to them. The UNCTAD World Investment Report 2013 notes the structure and prevalence of this mode of production:

Today's global economy is characterized by global value chains (GVCs), in which intermediate goods and services are traded in fragmented and internationally dispersed production processes. GVCs are typically

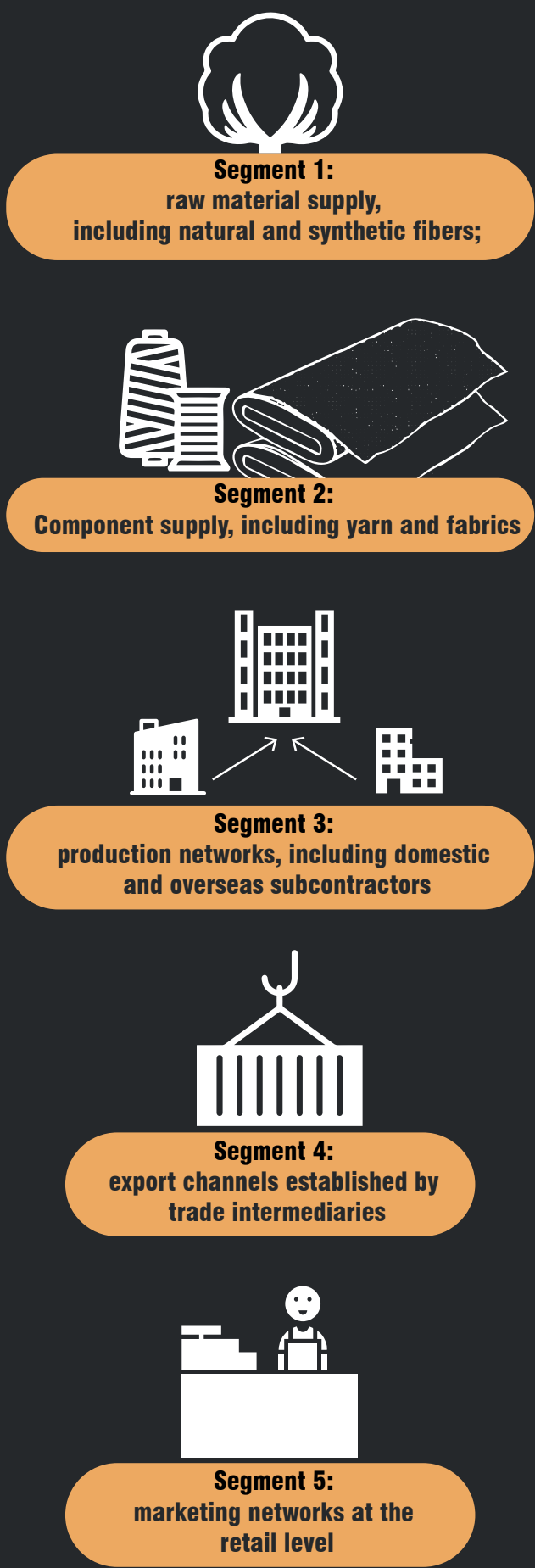
coordinated by TNCs, with cross-border trade of inputs and outputs taking place within their networks of affiliates, contractual partners and arm's-length suppliers. TNC-coordinated GVCs account for some 80 per cent of global trade. (UNCTAD 2013)

As described by UNCTAD, GPNs shift market relationships between firms from trade relationships to quasi-production relationships without the risks of ownership. Within this model, TNCs drive coordinated production of goods while disbursing risk associated with market fluctuations across global value chains.

Garment global production networks

The Textile, Clothing, Leather and Footwear (TCLF) industry is characterized by geographically dispersed production and rapid, market-driven changes (ILO 2016). Brands engage in high-value market research, design, sales, marketing, and financial services. They typically outsource garment production to Tier 1 companies. Tier 1 companies may, in turn, subcontract some or all of the garment production process to manufacturing companies known as suppliers. This production structure allows brands and retailers to drive coordinated production of goods by capitalizing upon new technology, relaxed regulatory frameworks, and a supply of low-wage labour in developing countries (Ghosh 2015). While brands and retailers do not carry out production, they drive sourcing and production patterns overseas. This production model has been characterized as a buyer-driven value chain (Barria 2014).

Figure 1: Structure of garment supply chains



The structure of garment value chains can be divided into five main segments (Figure 1).

- Segment 1: raw material supply, including natural and synthetic fibers;
- Segment 2: component supply, including yarn and fabrics;
- Segment 3: production networks, including domestic and overseas subcontractors;
- Segment 4: export channels established by trade intermediaries;
- Segment 5: marketing networks at the retail level. (Ghosh 2015)

Assembly (segment 3) is typically separated organizationally and geographically from other value-generating aspects of the value chain. Product suppliers and their workers (segment 3) depend upon orders from marketing networks, firms, and brands (segment 5).

Firms that control design, branding, and marketing (segment 5) also control sourcing decisions. Production costs are one significant factor in determining sourcing preferences. Decisions regarding how value addition activities and profits are distributed along the value chain, in turn, have a significant impact upon employers, workers and markets in producing countries. Profit generation by capitalizing upon price differentials between markets has been referred to as “global labour arbitrage”(Roach 2004).

Value created in the garment value chain is substantially captured by brands, while suppliers get only a small share, and workers in supplier firms even less. According to 2016 field work conducted by the Society for Labour and Development, Indian supplier firms and the workers they hire receive a combined 23-34% share of retail prices.

Only 2.9%-4.2% of the share of retail prices are directed toward worker wages (Table 4).

Brand purchasing practices and accelerated work

Business relationships between brands and suppliers are governed by purchasing practices that impact the functioning of supplier firms and, in turn, working conditions in these firms. The ascendance of fast fashion and pressure on brands to reduce costs following the 2008 Great Recession inform contemporary purchasing practices.

While prior to the Great Recession, suppliers report quoting lump-sum costs for orders, today, it is common for suppliers to estimate costs per item and then bargain with brands. Suppliers project

Table 4: Share of retail prices for Indian workers and suppliers

Garment Type	US retail prices	Price paid to Indian supplier factories	Indian share of retail price (%)	Wages as share of Indian factory prices	Indian wages as share of US retail price
Ladies top	25	8.50	34.0	8.05 %	4.2%
Ladies dress	34	11.00	32.3		4.0 %
Kids top	20	5.50	27.5		3.4 %
Kids dress	25	6.50	26.0		3.2%
Ladies skirt	34	8.00	23.5		2.9 %

H&M Fast Fashion

The multi-national Swedish company H&M releases two main collections during the year: Fall and Spring. These main collections generally have longer lead times—anywhere from three to six months— and clothing is typically manufactured in Asian garment factories. This is likely due to comparatively cheap production costs in supplier factories in Asia, facilitating lower cost for larger, long-term production items.

Seasonal launches, however, are distinct across countries and markets. According to the 2017 H&M Annual Report:

To optimise fashion precision, the group buys items on an ongoing basis throughout the season. Fashion is becoming increasingly global, but shopping patterns vary between different markets and sales channels. The start of a season and the length of that season can vary from country to country, for example. Delivery dates and product volumes for the various markets and channels are therefore adjusted accordingly.” (p. 66)

In order to compensate for shifting trends, H&M also releases several sub-collections throughout the year. These sub-collections range from emerging styles—floral print or denim—to partnering with well-known figures and fashion designers such as Ace Tee and Tomas Berdych. Due to the quick turn-around nature of these collections, production typically stays in Europe (close to H&M’s headquarters) with shorter lead times ranging from two to six weeks.



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labour costs based upon minimum wages, rather than living wages; and ten-hour days, including two hours of overtime, rather than eight-hour working days. These projections lend insight into the routine practice by suppliers of paying only normal wages for overtime rather than the double-wage rate required under many labour law regimes (Nathan and Kumar 2016).

Current purchasing practices reflect the rise of fast fashion. Where the norm was previously four style seasons each year, the Zara brand pioneered changing styles monthly, or even every two weeks. Today, it is common for brands to release between eight and ten style seasons each year (Nathan and Kumar 2016). In addition to meeting rapid turnover in styles, suppliers may also receive irregular, repeat orders for items in high demand. Fast fashion accelerates production cycles and shortens lead-time for suppliers. Garment, textile, and leather suppliers report inadequate lead times and routinely face fines for failing to meet order times (Vaughan-Whitehead and Caro 2017).

Accelerated production timelines without adequate lead-time drive worker production targets. Production targets are typically set based upon samples made by highly skilled sample tailors. Regular line tailors may not be able to complete daily quotas (Nathan and Kumar 2016). Short lead times and corresponding high quotas lead suppliers to demand high speed turnover and forced overtime from garment workers (Vaughan-Whitehead and Caro 2017). As detailed in Chapter 5 of this report, attempts by supervisors and line managers to drive worker productivity expose women workers to industrial discipline practices, including verbal and physical abuse.

Reliance on contract labour

Since 2010, garment brand and retail members of the UK Ethical Trading Initiative (ETI) have reported an increasing reliance on contract labour within garment value chains, marked by a growth in the proportion of the workforce that consists of contract workers. Contract workers cost less to employ per unit because they often receive lower wages and rarely receive non-wage benefits, including paid leave and social security benefits. These terms of employment leave contract workers particularly vulnerable to exploitation, with poorer working conditions and a higher risk of serious abuse when compared to directly employed workers (Chan 2013).

Rise in employment of contract workers has been attributed to buyer purchasing practices: downward pressure on the prices paid to suppliers combined with increasingly unpredictable and extreme seasonal variation in production, together, require garment suppliers to employ a flexible, low-wage work force.

Subcontracting

Tier 1 companies holding primary contracts with brands often subcontract production to smaller suppliers. At this level of the value chain, Tier 1 companies compete for contracts with buyers. In a parallel process, subcontractors compete for contracts with Tier 1 companies (Ghosh 2015).

Brands typically draw a distinction between their liability for authorized and unauthorized subcontracts. Unauthorized subcontractors may also be unregistered and therefore outside the purview of government regulation.

Due to diminished government and brand accountability—especially among unregistered suppliers, working conditions among garment subcontractors have been found to deteriorate (Kashyap 2015). Within this structure, employers and workers engaged in assembly operations, including primary stitching and embellishment, have comparatively little negotiating power (Ghosh 2015).

Due to the structure of garment value chains, workers bear the brunt of global uncertainties within the industry. Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production, and downward pressure on wages. Obstacles to freedom of association and collective bargaining further undermine workers’ negotiation power.

Gender based violence in the garment industry

Women workers employment in garment supply chains are overwhelmingly employed in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. Scholarship on gender in the global economy has long documented how gender hierarchies are produced and maintained in relation to transnational circuits of labour mobilization and capital accumulation. In varied, locally specific ways, international capital relies upon gendered ideologies and social relations

to recruit and discipline workers, producing segmented labour forces within and between countries (Mills 2003).

Patriarchal norms that devalue women’s labour reinforce gendered segmentation of the labour force. Gendered patterns of industrial discipline and patriarchal infantilization of women workers conspire to make women especially vulnerable to physical, verbal, and sexual harassment and violence.

The 2017 study on *Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action*, released by the International Labour Office, calls for attention to new and emerging risks in the workplace, including work pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv). The experience of Asia Floor Wage Alliance partners working with low-wage, informal sector garment workers engaged at the base of global production networks reveals that garment workers are subjected to many of the risk factors for violence in the world of work named by the ILO Expert Committee (Table 5).

Gender based violence is a subset of the continuum of violence addressed by emerging conversations on Violence and harassment in the world of work. This research lends insight into how these risk factors conspire to make gender based violence and harassment a regular and lived reality for women garment workers. This approach recognizes that women are disproportionately affected by violence due to the impact of gendered inequalities, discrimination, roles, relations, stereotypes, patriarchy, and unequal power relations (Pillinger 2017; ix).

Enumerated risk factors from Committee of Experts Conclusions, October 2016, para. 9
• Working in situations that are not properly covered or protected by labour law and social protection. • Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing). • Unsocial working hours (for instance, evening and night work)
Additional risk factors Committee of Experts Conclusions, October 2016, para. 10
• High rates of unemployment. • Unrealistic production targets. • Poor labour relations • Discriminatory practices. • Culture of impunity.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 12
• Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education, poverty, disability, HIV status, sexual orientation and gender identity, migrant status and age. • Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups. • Intersecting grounds of discrimination, such as gender and race or disability. • Culture of impunity.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 13
• Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 14
• Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains. • Work in the home where workers are isolated and labour inspectors cannot enter non-traditional workplaces.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 15
• Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates. • Labour inspectorates and occupational safety and health (OSH) systems at different levels not mandated to address discriminatory practices or violence and harassment. • Absence of effective and accessible dispute resolution mechanisms is an additional risk factor.

Table 5: Risk factors identified by the ILO Expert Committee that expose garment workers to violence and harassment

Although economic vulnerability and poverty may prevent women workers from gaining economic independence and leaving situations of domestic violence, presenting yet another link between gender inequality and persistent violence, the impact of wages on violence in the home is outside the scope of this research.

Asian garment value chains

Globally, Asia tops apparel exports worldwide. In 2016, more than 55.4% of the \$443 billion dollars in global apparel exports originated from 7 Asian countries—in order of market share: China, Bangladesh, Vietnam, India, Hong Kong, Indonesia, and Cambodia (WTO 2016).

Due to a range of factors—including poor capacity, limited resources, infrastructural needs and, in some cases, adverse disposition towards protective labour standards—national labour standards in producing countries remain weak. Proclivity toward driving down labour standards, furthermore, is often linked to dominant global policy frameworks that prescribe labour deregulation as a prerequisite to attracting investment capital (Ghosh 2015).

The following sections provide an overview of garment value chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. These country-level overviews provide basic information on market structure and workforce demographics.

Bangladesh

Bangladesh is the second largest exporter of Ready Made Garments (RMGs) in the world—second only to China. Today, the RMG sector is one of the key contributors to the Bangladesh



Figure 2: Garment production hubs in Bangladesh

economy in terms of employment, production, export, and foreign exchange earnings. The RMG currently contributes 17% of the Bangladeshi GDP and accounts for 81% of Bangladeshi export earnings. In 2016-17, export earnings from RMG alone amounted to 28,149.84 million USD (BGMEA 2018). The Bangladeshi RMG industry exports mainly t-shirts, trousers, jackets and sweater to 37 countries worldwide. In 2014-2015, Bangladesh exported 61% of RMG products to EU countries and 21% to the US.

According to information from the Bangladesh Department of Inspection of Factory and Establishment (DIFE), about 4,809 garment factories operated in Bangladesh in 2018 (DIFE 2018). RMG factories are mainly concentrated in two divisions of the country—Dhaka (86.4%) and Chittagong (13.5%). According to government figures another 144 garments factories operate in the export processing zones (BEPZA 2013). According to a June 2015 report by the New York University Stern Center for Business and Human

Rights, however, there are more than 7,000 factories producing for the garment export market (Labowitz 2015).

The RMG sector is also the largest formal sector industrial employer in Bangladesh, generating 59% of total formal sector employment in the country (Hossain 2010). According to DIFE estimates the Bangladeshi RMG industry presently employs around 2.2 million workers (DIFE 2016). The Bangladesh Garment Manufacturers Association (BGMEA), however, places the number of RMG employees higher, at 4 million workers. According to DIFE, workers are 52% female and 48% male—however, researchers, labour unions and activists in Bangladesh estimate that over 80% of Bangladeshi garment workers are female.

This discrepancy between government and other estimates regarding the number of factories and workers engaged in the RMG industry in Bangladesh can be explained by the significant presence of informal, unregistered and unregulated factories. In a June 2015 survey of two sub-districts of Dhaka, researchers found that 32% of the 479 factories surveyed were informal subcontractors. 91% of informal factories surveyed produced for export. Informal factories are entirely outside the ambit of regulation. They do not register with the government, national trade associations of apparel manufacturers or foreign brands (Labowitz 2015).

Informal sector workers are particularly vulnerable to abuse because they fall outside the ambit of regulation. They also work for employers that often operate on such slim margins that they cannot invest in even basic safety precautions. Unauthorized subcontracting also contributes to artificially depressing prices by failing to account for the full cost of production in accordance with minimum labour standards (Labowitz 2015).

H&M in Bangladesh

According to the most recent H&M Supplier List, H&M purchases apparel from 308 garment supplier factories, located in Chittagong, Dhaka, Gazipur, Savar, Tongi, and Valuka.

As of May 2018, H&M had sourced from four confirmed Bangladeshi factories this year. These figures do not, however, account for an additional 182 shipments from Bangladesh to H&M in the USA which could not be tracked to specific factories due to the use of either third party shipping companies, or factories that receive subcontracts from Tier 1 H&M Inc. supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that H&M is most likely producing garments in many more factories than the 4 garment supplier factories confirmed by Asia Floor Wage Alliance researchers.

As of May 2018, confirmed Bangladeshi supplier factories had exported approximately 106,957 kilograms of goods to H&M in the USA. Taken together with the 7,196,122 kilograms of goods which could not be tracked to specific factories, these 7,303,079 kilograms of goods shipped from Bangladesh to H&M in the USA accounts for approximately 5% of Bangladesh's exports to the USA for the period January to May 2018.

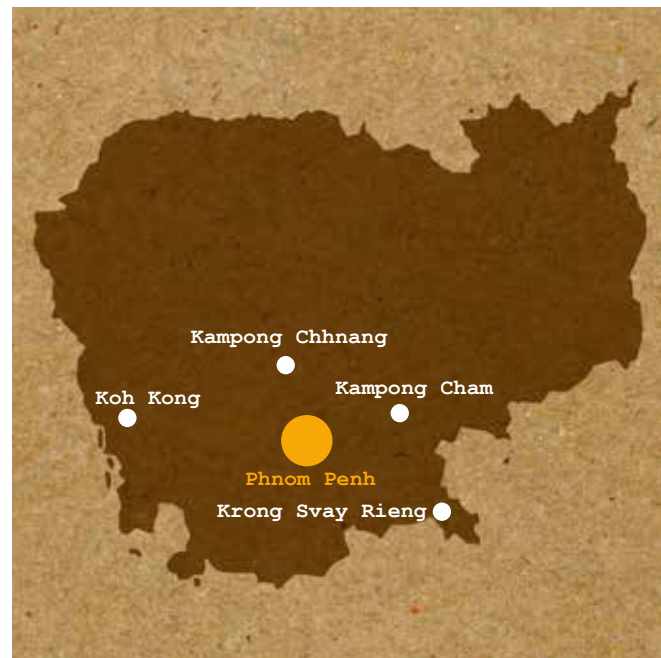
Analysis of shipping data indicated that products produced in Bangladesh for H&M consisted primarily of sweaters, woven pants, t-shirts, jackets and underwear.

Cambodia

Cambodia entered the export-oriented global garment and textile industry in the 1990s with the passage of the 1993 Constitution of the Kingdom of Cambodia which established a free market in Cambodia (CCC 2016a; CCHR 2014). Between 1995 and 2006, bilateral trade agreements with the United States, the European Union and Canada spurred growth in the garment industry. With the exception of a downturn in 2008 during the global economic crisis, the industry has shown consistent growth (Kashyap 2015). Between 1995 and 2014, the sector grew 200-fold (ILO 2015).

Today, garment and textile exports are critical to the Cambodian economy. In 2016, Cambodia's exports totaled \$9.1 billion USD, of which over \$2.3 billion came from the garment and footwear sectors (World Bank, 2017). In 2017, garment exports increased, reaching \$3.3 billion in the first six months of the year (World Bank, 2017).

Figure 3: Garment production hubs in Cambodia



The US, EU, Canada and Japan are the largest importers of Cambodian garments, textiles and shoes (Kashyap 2015). In the first half of 2017, the EU (including the UK) accounted for approximately 45% of Cambodia's garment and textile exports, with the USA and Japan accounting for 25% and 9% respectively (World Bank 2017). At the time of writing, top brands sourcing from Cambodia include H&M, GAP, Levi Strauss & Co., Adidas and Target (CCC 2016a). Other top sourcing brands include C&A and VF Corporation.

The Cambodian garment industry is largely foreign-owned, with Cambodians owning less than 10% of factories (Kashyap 2015). An estimated 85% of garment factories located in Cambodia are foreign controlled, predominantly by investors from China, Hong Kong, Malaysia, Singapore, South Korea and Taiwan (Kashyap 2015; CCC 2016). Foreign owned companies have kept the production processes within Cambodia limited. The majority of factories undertake "cut-make-trim" production functions—manufacturing clothes from imported textiles based upon designs provided by international buyers. This exclusive focus on producing garments circumscribes the range of employment available to firms and workers in Cambodia (Ghosh 2015).

Phnom Penh is a hub for garment factories. However, garment production has expanded to other areas, including the adjoining Kandal province. Smaller hubs exist in Kampong Cham, Kampong Speu, Sihanoukville and Kampong Chhnang. Factories have also been drawn to the creation of Special Economic Zones in border provinces such as Koh Kong and Svay Rieng. In these areas, factories vary in size and operations, ranging from export licensed factories with up to 8,000 workers to small, unmarked factories employing fewer than 100 workers. These smaller factories largely fill subcontracts for

larger suppliers. Outsourcing of production to smaller factories may be either authorized or unauthorized by apparel brands (Kashyap 2015).

H&M in Cambodia

According to the most recent H&M Supplier List, H&M purchases apparel from 51 garment supplier factories located primarily in Phnom Penh, Kandal Province and Kampong Speu Province.

As of May 2018, H&M has sourced garments from at least 7 confirmed Cambodian factories this year, located primarily in Phnom Penh and Kandal Provinces. This figure does not account for factories that receive subcontracts from Tier 1 H&M supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that H&M most likely produces garments in many more factories than the 7 factories confirmed by CENTRAL researchers.

Based upon analysis of 2018 shipping data, more than 291,000 kilograms of goods were exported from Cambodian supplier factories to H&M up until May 2018. Export data and field research suggests that in 2018, H&M production in Cambodia has consisted primarily of women and infants' clothing produced from inexpensive fabrics including cottons and synthetic textiles. Other items produced by H&M in Cambodia include men's shorts and boys' sweaters.

India

Since the adoption of liberalized economic policies during the economic reforms of 1991, the Indian export garment industry has emerged as one of the leading industrial segments in the Indian economy. Export earnings of the apparel industry

alone were valued at USD 15.7 billion in 2014 and combined textile and apparel export earnings were valued at USD 40 billion. In 2013, textiles and clothing contributed 4% to the gross domestic product. In 2014, the Indian textile and garment industry employed 45 million workers. Despite the significant segment of Indian workers employed in the garment industry, national level data on economic and social profile of the garment workforce remain alarmingly thin (Kane 2015).

A majority of workers are migrants who migrate to the industrial clusters from Andhra Pradesh, Bihar, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal (ICN 2016). For instance, up to 80% of garment workers in Bangalore are believed to be migrant workers (Bain 2016). Despite the staggering presence of low wage migrant workers in the unorganized sector and their significant economic contributions, there are large gaps in government and civil society services to protect their rights. For instance, India's Inter-State Migrant Workmen Act, 1979, aims to regulate working conditions but is inadequate and unimplemented, with no gender perspective (Roy 2015).

Modernization of the Indian textile industry has been pursued vigorously since the mid-1980s with the elimination of the licensing regime, quotas, and quantitative restrictions in an attempt to attract state-of-the-art machinery and technology, know-how and skill sets from abroad. The massive drive towards modernizing the textile industry has gone hand-in-hand with firms resorting to widespread informalization of the workforce. Within the textile industry, this trend has been most apparent in the ready-made garment industry, which has become a leading outsourcing destination for TNCs over the past two decades (Sridhar 2014).



Figure 4: Garment production hubs in India

Approximately 60% of garment workers in India are women, although workplace demographics shift depending upon the region (Kane 2015).

H&M in India

According to the most recent H&M Supplier List, H&M purchases apparel from 235 garment supplier factories located in India.

As of May 2018, H&M has sourced garments from at least 53 confirmed Indian factories this year. This figure does not account for factories that receive subcontracts from Tier 1 H&M supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that H&M most likely produces garments in many more factories than the 53 factories confirmed by AFWA researchers.

Based upon analysis of 2018 shipping data, more than 1.6 million kilograms of goods were exported from Indian supplier factories to H&M up until May 2018.

Export data and field research suggests that in 2018, H&M production in India has consisted primarily of women and infants' clothing produced from inexpensive fabrics including cottons and synthetic textiles. Other items produced by H&M in India include men's t-shirts and pants.

Indonesia

Encompassing production of fabric, apparel and leather goods, the Indonesian textile and textile products (TTP) industry accounted for 6.65% of national GDP, with 5.2-5.4% growth in 2017 alone (Okezone September 2017). The third largest industry in Indonesia, TTP employed 2.69 million workers in 2016—17.03 percent of the total



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employment in Indonesia's manufacturing sectors combined (Okezone July 2017).

More than 170 foreign brands and companies are active in Indonesia's garment industry. In 2017, Indonesia accounted for 1.8% of the world market for garment export, placing Indonesia among the top ten garment supplier companies globally (Sindo 2017).

Indonesia's garment industry exemplifies regional integration. Indonesia sources cotton, exports yarn, imports fabrics, and exports garments. Indonesia is ranked 9th for global cotton consumption but produces less than 2% of the domestic cotton demand. This deficit is filled through raw cotton imports from Brazil, the US, and Australia that is then spun in Indonesia and either exported as yarn or further processed into cloth and garments (GBG 2016). The principle buyers of yarn from Indonesia are China and Japan. Indonesia sources the majority of fabric used in garment production from China and South Korea (CCC 2015a). This integrated textile manufacturing base is a draw for brands and investors (GBG 2016).

90% of garment production is concentrated on Java Island, with 55% in the western end of Java Island. Central and eastern Java, however, are increasingly significant production hubs. The Ministry of Industry plans greater onshore cotton warehouses and is promoting the Central Java province as a new textile hub, with a dedicated industrial estate planned on its northern coast. In order to promote the industry, the Economic Ministry is overseeing policy changes to promote special economic zones, new tax holidays, lower nighttime electricity costs, and incentives to buy new machinery (GBG 2016).

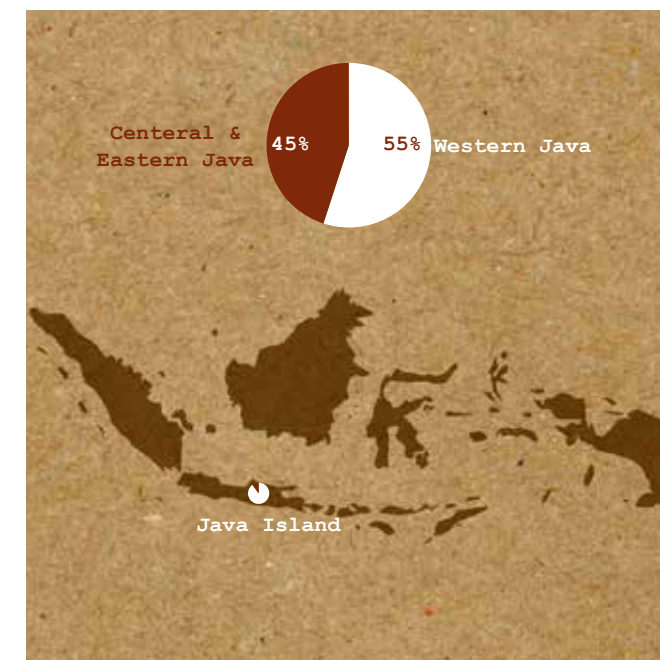


Figure 5: Garment production hubs in Indonesia

According to the Better Work Indonesia Report, 2017, garment, textile and footwear industries have very low levels of compliance with ILO core conventions and national laws. Better Work Indonesia also reports an industry-wide low level of compliance with laws governing overtime pay, provision of social security benefits, and short-term contractual employment relationships. In the 2017 report, Better Work Indonesia reported a non-compliance rate of 64% with regard to correct payment of overtime wages and 67% non-compliance with payment of social security and other benefits. 68% of employment contracts also failed to comply with the law (BWI 2017).

H&M in Indonesia

According to the most recent H&M Supplier List, H&M purchases apparel from 83 apparel supplier factories in Indonesia.

According to 2018 shipping data, as of May 2018, H&M had sourced garments from at least 4

confirmed Indonesian factories this year, located primarily in Jakarta and Central and Western Java. These figures do not, however, account for the 44 shipments found from Indonesia to H&M in the USA which could not be traced to specific Indonesian factories due to the use of third party shipping companies, or factories that receive subcontracts from Tier 1 H&M Inc. supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that H&M most likely produces garments in many more factories than the 4 factories confirmed by researchers.

These four factories, up to May 2018, have exported 612,476 kilograms of goods to H&M this year. Taken together with the weight of shipments which could not be tracked to individual Indonesian factories, there have been 1,313,140 kilograms of goods exported from Indonesia to H&M in the USA.

Export data and field research suggests that in 2018, H&M production in Indonesia has consisted primarily of men's shorts and sweaters, as well as girls and women's jackets and shirts. Other items produced by H&M in Indonesia include women's underwear and socks, as well as swimwear and dresses.

Sri Lanka

Entirely privately owned, Sri Lanka's garment export industry is a significant contributor to global garment production networks. Clothing exports from Sri Lanka initially increased after the liberalization of the Sri Lankan economy in 1977 and the termination of the Multi-Fibre Agreement in 2005 (MFA). By 2014, the garment industry contributed 7.4% of the Sri Lankan GDP. In 2017 the manufacturing industry accounted for



Figure 6: Garment production hubs in Sri Lanka

15.7% of Sri Lanka's GDP, with apparel and textiles exports growing by 4.7 and 2.3% respectively to a value of just over USD \$3 billion (Central Bank of Sri Lanka 2018).

Over 19% of Sri Lanka's population are employed in manufacturing (Central Bank of Sri Lanka 2018). Sri Lanka's garment industry largely employs young, unskilled workers who migrate from rural areas to Sri Lanka's export processing or free trade zones. Women are significantly overrepresented in the Sri Lankan garment industry, with 85% of workers being women, compared to a share of 35% in the overall national labour force as of 2015 (Madurawala 2017). A large proportion are also internal migrants with significant numbers migrating from rural communities to work in factories in Gampaha, and Kalutara regions that account for 90% of Sri Lanka's total garment exports.

H&M in Sri Lanka

According to the most recent H&M Supplier List, H&M purchases apparel from 24 garment supplier factories in Sri Lanka, located primarily in Ratnapura, Galle, Colombo and the wider Western Province.

Due to the usage of third party shipping companies, it is impossible to track 2018 active Sri Lankan suppliers to H&M in the USA.

Based upon analysis of 2018 shipping data, H&M shipments from Sri Lanka to the US and Canada totaled just under 30,000 kilograms for the period January – May 2018. Export data and field research suggests that in 2018, H&M production in Sri Lanka has consisted primarily of women's swimwear and underwear.

Based upon AFW analysis of 2018 shipping data, more than 291,000 kilograms of goods were exported from Cambodian supplier factories to H&M between January and May 2018.



CHAPTER 3:

H&M Corporate Social Responsibility

Brand and retail Corporate Social Responsibility (CSR) codes of conduct establishing social and environmental principles have developed in response to labor, anti-sweatshop, and consumer-driven accountability movements in Europe and the United States (Barria 2014).

H&M's CSR commitments are set out in the [H&M Group Sustainability Report 2017](#). The company claims to have 30 experts working in its Global Sustainability Department, with another 150 working specifically in sustainability across 20 production markets.

H&M's CSR measures may look good on paper, but as detailed in Chapters 4 and 5 of this report, they are far from sufficient to address workplace harassment, violence, and violations of decent work standards. Moreover, research shows CSR alone is an insufficient approach because it does not address power imbalances and fear of retaliation among workers who are critical to monitoring and reporting incidents of gender based violence and ultimately transforming workplace practices and culture (Finnegan 2014). As this report also shows, H&M and other brands must also address structural pressures including price-points and contract timelines to remove the pressures that incentivize discriminatory and coercive workplace practices at the factory level.

Like other CSR initiatives, H&M CSR not only falls far short of social dialogue and freedom of association required by decent work standards, but is also entirely self-monitored. Research demonstrates that such self-monitored CSR commitments fail to either address risk factors for violence or provide avenues for relief in cases of workplace violence (Finnegan 2014).

Furthermore, while H&M standards for sustainability initially encompassed fair labour practices and environmental safety, recent

interviews, reports and company press releases emphasize environmental protection over worker protection. Progress on implementing living wages remains miniscule while H&M focuses on renewable energy strategies. This approach marks a shift in the H&M Sustainability Commitment towards environmental sustainability and away from implementing living wages and ensuring safe working environments. Ultimately, transformative environmental shifts also require living wages and decent work. H&M environmental commitments should extend to investing in sustainable living environments for low wage workers that produce garments for H&M in urban industrial production hubs.

Public Disclosure

H&M is one of several brands to publicly disclose its [supplier list](#). As many labor and human rights activists have recognized, supplier disclosure is an important first step in transparency and accountability for labor rights abuses. As explained by the [International Corporate Accountability Round Table \(ICAR\)](#), opaque supply chains, unequal distribution of risk and profit throughout the supply chain, brand purchasing practices, and the failure of home governments to require brand accountability leave workers vulnerable to a range of abuses, including violence and harassment.

While trying to identify shipments to H&M, their volume, and corresponding supplier factories in Bangladesh, India, Indonesia, and Sri Lanka, however, researchers identified shipments to H&M that could not be traced to disclosed supplier factories. Shipments to H&M also included third party shipping companies and factories that receive contracts from Tier 1 H&M supplier factories.

Standards for suppliers

H&M supplier standards are explicitly limited to addressing Tier 1 companies and formal subcontractors. As set out by [H&M CSR Code of Conduct for suppliers](#), the CSR code of conduct applies to direct operations and subcontractors of Business Partners which have a contractual business relation with H&M.

Put another way, H&M acknowledges that they may have non-direct “business partners” in the supply chain, but does not commit to ensuring that these partners uphold standards for suppliers.

Instead, according to H&M:

It is the responsibility of H&M’s suppliers and other business partners to inform their subcontractors about H&M’s Code of Conduct and Policy for Homework, and to ensure that these are implemented in every factory and workplace that produces, finishes packs or otherwise handles goods or performs services for H&M.

Accordingly, Tier 1 disclosure is only the first step toward transparent supply chains since H&M garments and apparel continue to be manufactured by third-party subcontractors that are not included in H&M supplier lists. These practices undermine supply chain transparency, obscure critical information, and create obstacles to external monitoring and review.

Wage standards

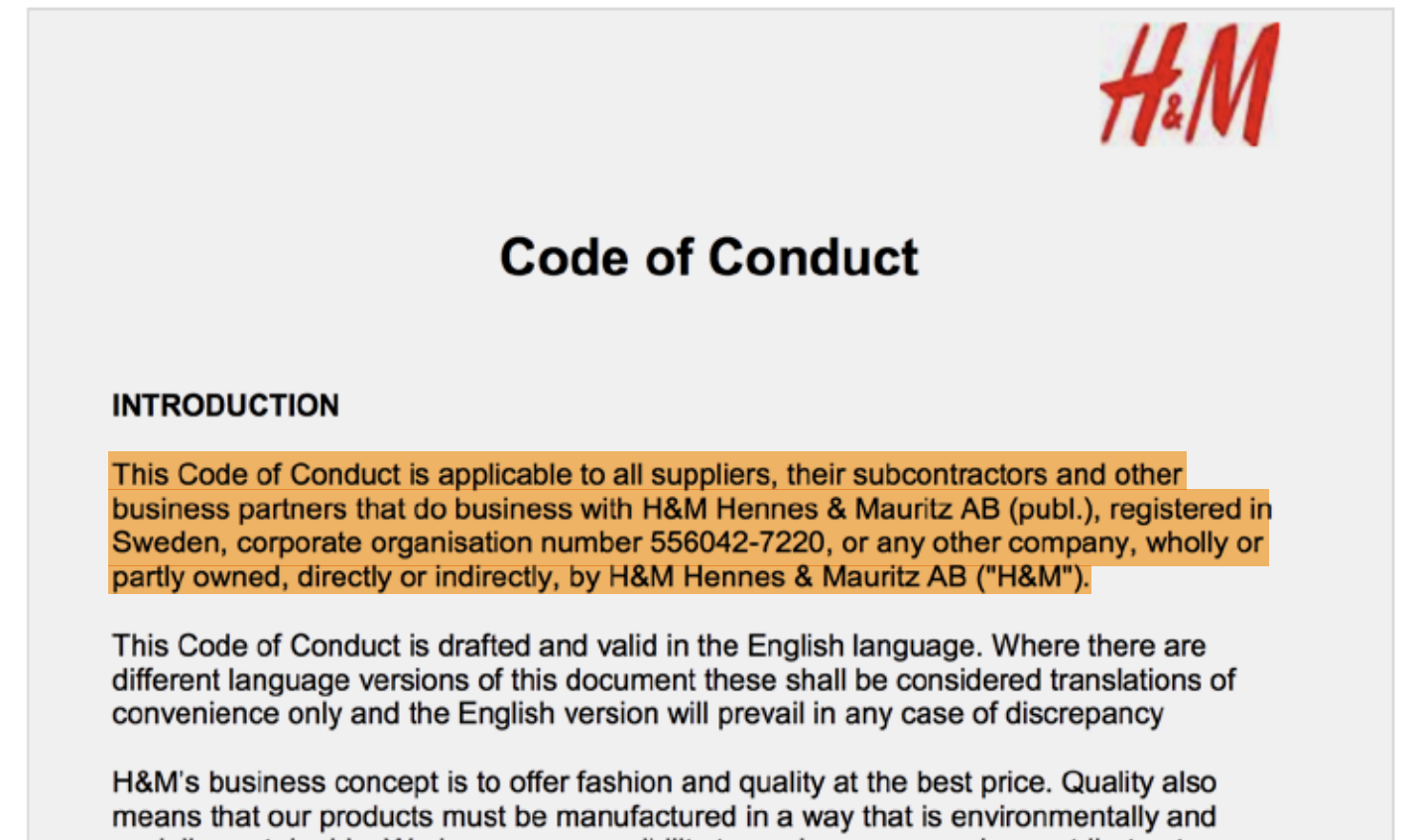
In 2013, H&M released its roadmap towards a fair living wage which articulated a powerful narrative about fairness and respect. Attracting broad publicity, H&M committed to ensure that a fair living wage is possible for workers in their supply chain, and it explicitly referred to 850,000 textile workers who could expect a fair living wage by 2018. H&M explains their vision of a fair living wage in the following terms:

It has always been our vision that all textile workers should be able to live on their wage. We are focusing on our strategic suppliers to start with. Our goal is that all of them should have improved pay structures for fair living wages in place by 2018. (H&M 2016a)

The strategic suppliers referenced by H&M produced 60% of H&M’s product volume at the time the original living wage commitment was made.

The term “fair living wage” promised by H&M in 2013 references and combines two distinct wage standards: a living wage standard and a fair wage standard. A living wage is protected under Article 23.3 of the Universal Declaration of Human Rights and defined as a wage on which a worker and her family can live with dignity.

H&M supplier standards are explicitly limited to addressing Tier 1 companies and formal subcontractors. Put another way, H&M acknowledges that they may have non-direct “business partners” in the supply chain, but does not commit to ensuring that these partners uphold standards for suppliers



While the term living wage refers to the amount that allows a family to live with dignity, the term fair wage refers to wage system within a factory. As defined by the Fair Wage Network, fair wages entail three conditions: (1) compliance with national wage regulations, including minimum wage standards, regular payment, overtime payments, provision of paid holidays and social insurance; (2) proper wage structures within a company, including appropriate wages for skill level and individual and collective performance; and removal of gender pay gaps; and (3) structures that facilitate collective bargaining (McMullen 2016; FWN 2016).

With a name that integrates these standards—without, however, referencing the fair wage paradigm—H&M used the following definition of a fair living wage:

A fair living wage should at the very least cover the worker and their family’s basic needs and a discretionary income. This wage should be reviewed annually and negotiated with democratically elected trade unions. (H&M 2016a)

However, as detailed by a [May 7, 2018 press release from the Clean Clothes Campaign](#):

Back in 2013 H&M announced that 850,000 workers would be paid a fair living wage

Bangladeshi garment workers. The workers pictured are not from factories interviewed for this report. By Solidarity Center licensed under CC 2.0



by 2018. Instead of that materializing on workers' pay slips, however, the goal itself has disappeared from H&M's corporate communication, just as the original documents have disappeared from the brand's website. H&M corporate communication now refers only to the introduction of the Fair Wage Method by supplier factories. The 850,000 workers and their actual incomes are no longer a part of the picture.

H&M has now shifted their focus to marking the difference between the minimum wage – which is nowhere near any credible living wage benchmark – and the higher average wage at H&M supplier factories. According to the Clean Clothes Campaign, there is no information on whether those wages include various bonuses, but research conducted at H&M's suppliers in Cambodia in 2016 revealed that almost all

compensation beyond the minimum wage is related to conditions such as working overtime on Sundays and public holidays (CCC 2018). Anannya Bhattacharjee of Asia Floor Wage Alliance (AFWA), warned against taking H&M's wage figures for granted:

Based on my contacts with workers, I think that H&M's figures are inflated and misrepresented. They likely include payments that should not be a part of the wage calculation.

Bhattacharjee also pointed out that AFWA unions approached H&M in 2016: "The idea was to meet and negotiate an arrangement for progressive payment of a living wage. Instead of acting on that initiative, H&M opted for hiding behind non-transparent experiments of their own." (CCC 2018)

H&M's Sustainability Commitment requires suppliers to pay wages and benefits that meet at least the minimum provided in national laws or collective bargaining agreements. Whilst the Sustainability Commitment states that a fair living wage "should" always be enough to meet the basic needs of workers along with some discretionary income, there is no requirement for suppliers to pay such a living wage.

The May 7, 2018 press release from Clean Clothes Campaign explains that even if the figures published by H&M are taken as a reference point, it is clear that workers' earnings are a fraction of what would constitute a living wage:

In Cambodia, for instance, workers are paid on average 199 USD according to H&M, and that is above the national minimum wage. However, a living wage according to the AFWA benchmark would be 475 USD. In Indonesia H&M reports the average wage of 177 USD, while AFWA living wage estimate is 422 USD. In Bangladesh, H&M's reported figure is 95 USD, but a living wage would be nearly five times as high (448 USD). In Bangalore, India's garment industry hub, workers reportedly take home 133 USD per month, while AFWA estimate of a living wage is 335 USD.

Freedom of association

The H&M Sustainability Commitment establishes that all employees have the right to form or join associations of their own choosing and to bargain collectively. Accordingly, the [H&M CSR Code of Conduct for suppliers](#), section 4.1.4, indicates that H&M does not accept disciplinary or discriminatory actions from employers against employees who choose to peacefully and lawfully organize or join an association.

As part of its "Turn Around H&M" campaign, the Clean Clothes Campaign (CCC)— a global network dedicated to improving working conditions in the garment industry —is currently circulating a petition demanding that H&M remains true to its commitment to pay living wages and guarantee fair employment conditions throughout its global supply chain.

According to the Clean Clothes Campaign, "hundreds of thousands of workers behind H&M's products are still earning poverty wages and working in poor conditions."

The 'living wage' demand seeks to ensure that wages earned in no more than 48 hours per week allow garment workers to afford food for herself and her family, pay rent, healthcare, clothing, transportation and education expenses and allow for a small amount of savings.

As detailed in Chapter 5 of this report, H&M supplier factories blatantly violate these standards.

Grievance channels

H&M's Sustainability Commitment requires suppliers to ensure that workers have means to report grievances in a manner which also provides protection against retaliation for reporting. As explained in Chapter 5 of this report, however, despite these requirements, workers from H&M supplier factories reported that in practice there are no good ways for them to report violence and seek relief and there are serious restrictions on freedom of association.

Audit process

H&M proports to assess supplier compliance with the Sustainability Commitment through its Sustainable Impact Partnership Programme (SIPP) (H&M Sustainability Report 2017). SIPP has five components:

- Minimum Requirements,
- Self-Reporting,
- Validation,
- Capacity Building, and
- Case Handling.

Before entering into a working relationship with a supplier, H&M claims to conduct a 'minimum requirement assessment'.

After this initial assessment, however, H&M reports that further monitoring takes place through supplier self-assessment. H&M proports to require suppliers to self-assess their sustainability performance annually. Self-reports

are then scored by H&M, using a Sustainability Index score from zero-100 that reflects both H&M criteria and the Higg Index—an assessment mechanism that aims to assist brands in measuring environmental impacts of their supply chain (H&M Sustainability Report 2017, p. 83).

According to the H&M CSR Code of Conduct for suppliers, Section 8.4 on Corrective Action, H&M's role in remediating violations of its Sustainability Commitment is extremely limited. If H&M confirms a case of non-compliance with minimum requirements by a supplier, H&M will send a letter of concern and require a corrective action plan from the supplier. At best, H&M will provide capacity building support to the supplier factory to guide implementation of the corrective action plan. H&M does not work directly with suppliers to remediate violations.

This approach violates the principles of due diligence articulated in the UN Guiding Principles on Business and Human Rights establishing that the responsibility to respect human rights requires business enterprises to:

- Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts (Article 13).

In order to meet even international due diligence standards, H&M must take an active role in addressing violations of decent work in their supply chains.

In Kapashera, Gurugram (Gurgaon), India, Migrant workers and their families live packed, side by side, in single rooms, under the strict control of unregulated landlords. In this workers housing unit, more than 70 families share 8 toilets. Lacking sanitation and waste disposal, human waste and garbage collect in an open stream less than 10 meters away from workers' homes. Transformative environmental shifts also require living wages, decent work, and sustainable living environments for low wage workers that produce garments for H&M in urban industrial hubs.



Rajan Zaveri for Society for Labour and Development 2016

CHAPTER 4:

Spectrum of gender based violence in H&M garment supply chains

Table 1: Spectrum of gender based violence in H&M garment supply chains

	Gendered aspects of violence, including: 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	- Assault, including pushing to the floor, beating and kicking, gendered aspects (1), 2(b) - Slapping, gendered aspects 2(a) and (b) - Pushing, gendered aspects 2(a) and (b) - Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) - Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) - Long hours performing repetitive manual tasks lead to chronic health issues, gendered aspect 2(a)
Acts that inflict mental harm	- General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) - Verbal abuse linked to gender and sexuality, gendered aspect (1) - Verbal abuse linked to caste or social group, gendered aspect 2(a) and (b) - Verbal abuse targeting senior women workers so that they voluntary resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	- Sexual advances from management and mechanics and retaliation for reporting, gendered aspect (1), 2(a) - Sexual harassment from management and co-workers, gendered aspect (1) - Unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers, gendered aspect (1) - Rape outside the factory at accommodation, gendered aspect (1)
Coercion, threats, and retaliation	- Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) - Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) - Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	- Forced to work during legally mandated lunch hours, gendered aspect 2(a) - Prevented from taking bathroom breaks, gendered aspect 2(a) - Forced overtime, gendered aspect 2(a) - Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

This section provides examples and cases of the spectrum of violence reported by women garment workers in H&M supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. Consistent with the international legal standards discussed in Part 1, these qualitative accounts include:

- forms of violence that are gendered because women workers are singled out for violence and harassment; and
- forms of violence that disproportionately impact women workers because they not only comprise the majority of workers in garment production factories, but are also underrepresented among supervisors and managers and disproportionately concentrated in subordinate operator roles.

Violence against a woman because she is a woman

Women workers reported being targets of explicitly gendered violence, including verbal abuse linked to gender and sexuality, sexual harassment, and threats of retaliation for refusing sexual advances. Women from H&M supplier factories who engaged in this study named male branch managers, mechanics, supervisors, and co-workers as perpetrators of violence and harassment.

Women workers also, however, reported being targets of violence because they are less likely to stand up for themselves than male co-workers. A woman worker employed in an H&M supplier factory in Gurugram (Gurgaon), India:

Our slightest mistake becomes a reason to be fired from work. All we have to do is to work with our eyes and ears closed in the factory.

They can't do the same thing to a man. The manager, supervisor, floor-in-charge, master—if they go after a man, they fear being beaten by them after work.

Not all women workers, however, reported submitting to abuse for fear of retaliation. Women workers who are members of trade unions or workers collectives both had a strong understanding of their rights and reported resisting workplace violence and harassment.

Violence that disproportionately impacts women

Women are disproportionately impacted by patterns of violence in garment supply chains because they make up the vast majority of garment workers. In Bangladesh, Cambodia, India, Indonesia, and Sri Lanka, women workers represent the vast majority of the overall garment workforce:

- Bangladesh:** Women comprise 80% of the garment workforce (World Bank 2018).
- Cambodia:** Women between the ages of 18 and 35 dominate the Cambodian garment production sector, comprising an estimated 90-95% of the industry's estimated 700,000 workers (Barria 2014; Kashyap 2015).
- India:** 60-75% of garment workers in India are women (Kane 2015; Mohan 2017).
- Indonesia:** An estimated 80% of workers in garment and textile production are women (Oktaviani 2017).
- Sri Lanka:** 85% of garment workers are women, compared to a share of 35% in the overall national labour force as of 2015 (Madurawala 2017).

Figure 7 a: Gendered production roles in H&M supplier factories in Bangladesh, Cambodia, and India
Note: This model was developed based upon detailed factory profiles in Bangladesh, Cambodia, and India

Factories and number of workers by department					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Bangladesh Factory 1	25 workers	82 workers	26 workers	2520 workers	19 workers
Bangladesh Factory 2	10 workers	146 workers	37 workers	4050 workers	38 workers
Bangladesh Factory 3	9 workers	105 workers	18 workers	2025 workers	191 workers
Cambodia Factory 2	5,050 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)			Researchers from CENTRAL in Cambodia reported being unable to get clear information on the number of workers in each department. Workers reported being regularly moved between departments and hired and fired from roles with significant frequency that they did not have a grasp of the structure of their workplace. They did, however, provide insight into the gendered distribution by department as reported below.	
Cambodia Factory 4					
India Factory 1	6 workers	50 workers	14 workers	445 workers	59 workers

These numbers, moreover, do not include women engaged in seasonal, home-based garment work (Finster 2015; Kashyap 2015).

In Bangladesh, Cambodia, India, Indonesia, and Sri Lanka, the garment industry has been a major source of employment for young women from rural areas who migrate for employment to garment production hubs.

Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions in their factories and unions. Detailed factory profiles reveal that at the factory

level, women workers are concentrated in the production department, in subordinate roles as machine operator, checkers, and helpers in production departments.

Departments, largely segregated by gender, are also spatially separate, creating multiple and different working environments within the same factory. Women workers from an H&M supplier factory in Indonesia described gendered segregation by department:

Gendered hiring by department, range across factories					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Management	Manager male	Supervisor male	Supervisor male	Supervisor 80-100% male 0-20% female	Supervisor 90-100% male 0-10% female
	In-charge male	Quality Control 60-100% male 0-40% female		Quality Control 20-100% male 0-80% female	Quality Control Male
	Supervisor male			Line In-Charge 70-100% male 0-30% female	
Specialized roles	Store Keeper male	Sticker Master 40%-80% male 20-60% female	Fusing machine Operator 20-100% male 0-80% female	Record Keeper 20-100% male 0-80% female	
		Cutting Machine male			
		Layer Man male			
Checkers		Checker 30-100% male 0-70% female		Checker 70-100% male 0-30% female	
Machine operators		Button Machine 40-100% male 0-60% female		Line Tailor 70-90% female 10-30% male	
Helpers		Helper 70-100% male 0-30% female	Helper 20-70% male 30%-80% female	Helper 0-20% male 80-100% female	Helper 0-30% male 70-100% female

Figure 7 b: Gendered production roles in H&M supplier factories in Bangladesh, Cambodia, and India
Note: This model was developed based upon detailed factory profiles in Bangladesh, Cambodia, and India

The first floor is for production and warehouse. Production workers mostly are women. A production line consists of 38 workers. Supervisors are men and women. Warehouse for final products are mostly men and warehouse for accessories are mostly women. Second floor is for cutting. The cutting unit has mix workers men and women. Supervisors are men and women.

Women workers in an H&M supplier factory in Gurugram (Gurgaon), India described women workers being further separated by age:

As we enter the factory, we are asked to form two separate lines: one of young girls and another of elder women. They keep us segregated. Young girls work on a different floor than the older ladies. So, in the end, we have no idea how they behave with these young women workers.

Women workers who face heightened risk of violence

Daily-wage contract workers

Women workers employed in H&M production factories in Sri Lanka report that workers hired through “manpower”—or temporary work agencies—are particularly vulnerable to abuse. Sri Lankan trade union leaders reported that since women employed through manpower agencies face routine sexual advances from supervisors who making hiring contingent upon receiving their sexual advances.

In Sri Lanka, a significant percentage of women workers employed in H&M supplier factories are employed through “manpower”—or

temporary work agencies—as needed. Under this arrangement, the number of workers employed in the factory can differ significantly depending upon the orders that have been received for the day. Accordingly, even trade union leaders’ familiar with the H&M supplier factories under investigation were unable to provide accurate counts of the number of workers in each department. When Asia Floor Wage Alliance researchers approached the district labor department, the commissioner refused to provide information without a formal letter of request.

Migrant women

In Cambodia, all of the women workers interviewed for this study migrated to Phnom Penh or neighbouring Kandal Province for work. Workers at Roo Hsing reported migrating to these garment production hubs due to lack of opportunity in their home provinces, family debt, and inability to sustain themselves and their families through farming. These women migrant workers reported feeling that they had less power in the workplace due both to their status as migrants and their status as women.

Single women

Sri Lankan women also identified young, unmarried girls as particularly vulnerable to sexual harassment:

Young unmarried girls are targeted for sexual harassment because they are single. Male co-workers ask young women for their phone numbers. They call late at night. Most single women face harassment in the factory.

In Bangladesh and India, women workers in the H&M supply chain reported that elder women and

widowed women are targeted or face heightened levels of violence.

One woman who worked in an H&M supplier factory in Bangalore recounted being abused both for being a widow, and for being elder:

My supervisor came to my workspace at 5:30 pm. He told me to get up from the chair and not to come to work from the next day onwards. “Go and die at home,” he shouted. Another staff member joined in and asked, “Why do you come to work if you are so old?”

Women from socially marginalized communities

Within India, low income women from marginalized communities travel to urban industrial hubs in search of employment in garment factories. These migrant women include a large proportion of Scheduled Caste, Scheduled Tribe, and Muslim women. Due to entrenched structures of discrimination, their intersecting status as migrants, women, and members of marginalized communities both increases risk of exploitation and exclusion from decent work, and undermines the ability to seek accountability through formal legal channels.

Acts that inflict sexual harm or suffering

During interviews and focus group discussions, researchers identified cases of sexual violence, including a rape case. We did not cover these cases in detail due to concerns by women workers and trade unions that reporting extreme cases of sexual violence could elicit stigma and workplace retaliation.

Sexual advances from management and retaliation for reporting

In Bangladesh, women employed in H&M supplier factories reported that it is common for supervisors and managers to pursue sexual relationships with women workers by offering benefits including salary increases, promotions, and better positions. Women who refuse these offers face retaliation, including being fired from the workplace. These cases provide insight into relationships of power in the workplace that expose women workers to violence and harassment.

Piya

In May 2017, 25-year-old Piya took a job as a sewing machine operator in an H&M garment supplier factory in Dhaka, Bangladesh. Piya described noticing early on that a female co-worker, Apa, received special treatment: “Unlike the rest of us, she had flexible work hours, she was allowed to take leave.” Three months after she began working at the supplier factory, Apa approached Piya on behalf of the manager charged with sample garment production:

Apa leaned over my machine table and said, “Hey, you are a lucky one. The Sample Manager likes you and wants to go out with you. You will get a promotion if you go out with him.”

In the weeks that followed, Piya refused repeated requests for dates from the Sample Manager. When the harassment did not stop, Piya reported the issue to human resources at the factory. Human resources did not take any action and the harassment persisted: “He kept asking me out. He would insist. This went on for months.”

In October 2017, Piya went to the Ashulia Police Station to report the harassment she faced and seek relief. Piya described her experience with the police:

The police refused to file my case. They told me, “It is only a proposal.” When I returned to work the next day, I was fired from my job. I learned later that the police had informed the Sample Manager that I went to file a case.

This example shows how women in Piya’s position have no avenue for relief from ongoing sexual harassment at work. When Piya refused to go out with the Sample Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability.

Sulatana

Women employed in lower management positions also reported sexual harassment and retaliation for reporting sexual harassment. For instance, In January 2018, Sulatana, a skilled garment worker with 10 years of experience, was hired as a production-line manager by an H&M supplier located in Dhaka, Bangladesh. Her position as a woman production-line manager is highly unusual since the majority of women workers in Bangladesh are employed in subordinate roles as machine operators, helpers, and checkers. In the weeks that followed, the General Manager of the factory made frequent advances. Sulatana recounted:

He flirted with me, he would touch me on the shoulder or touch me on the head. I tried to ignore him. I thought if I showed no interest, he would stop. It didn’t work. On April 11, three days before Bengali New Year, the General Manager called me to his office and

asked me to go out with him on the holiday. I gently refused. The next day, the Production Manager approached me and asked, “What is wrong with you? Why don’t you spend some time with the boss?” I refused again and explained that I was spending the holiday with my five-year old son.

On April 17, 2018, the first working day after the three-day New Year holiday, the Production Manager approached Sulatana again:

He pressured me to agree to the General Manager’s proposal. He offered me a salary increase and a promotion if I agreed. When I did not, he threatened to fire me. I was anxious and afraid. I skipped work the next day.

On April 19, Sulatana went to the Ashulia police station to file a complaint. The police refused to receive the complaint on the grounds that Sulatana had no authentic proof. A few days later, on April 22, the General Manager called her to his office and asked her to resign immediately. When Sulatana approached Human Resources, she was informed that the General Manager’s decision was final.

Sulatana had no avenue for relief from ongoing sexual harassment at work. When Sulatana refused to spend time with the General Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability. At the time of interview, nearly three weeks later, Sulatana was still searching for a new job.

Sulatana’s experience of workplace violence provides insight into the risk factors that leave women workers in H&M garment supply chains

exposed to violence. Notably, Sulatana is a highly skilled garment worker who was employed in a management position at an H&M supplier factory. Unlike Sulatana, the majority of women garment workers at the base of H&M garment supply chains are concentrated in short term, low skill, and low-wage positions, increasing their risk of gender based violence at work.

Women workers employed in an H&M supplier factory in Gurugram (Gurgaon) described being moved around from line-to-line depending upon the desires of male supervisors. One woman explained:

If the supervisor liked a particular girl who is working under another supervisor—and if he has some influence over floor in-charge—then he will ask the floor in-charge to shift that girl

under his supervision. If she refuses she will be fired. They will blame her for being unable to achieve her targets. Women workers has no say in these arrangements.

Women workers at this H&M supplier factory explained that managers, supervisors-in-charge, floor-in-charge, and “masters” within a factory are often relatives. This interconnected web of male supervision further undermines avenues for relief for women who are targets of sexual advances.

In Tiruppur, India, women workers at an H&M supplier factory reported that supervisors may use their control over working hours to make sexual advances after long night shifts. One woman explained:



Garment workers in a Bangladesh garment factory. Workers pictured were not interviewed for this report. By Tareq Salahuddin licensed by CC 2.0

It is like a trap. If a supervisor is interested in a woman, he can make her work the half-night shift which gets over at midnight. Then, he may offer to drop her home on his bike. She may not have any other option to reach home at that time of night. In this situation, it is easy for the supervisor to exploit the woman he has targeted.

Like Piya and Sulatana, women workers in Tirippur reported that if they resist these advances, they will be targeted:

If a woman worker does not meet the sexual desires of the supervisor, she may get more overtime hours. She may not be allowed to take her break. The supervisor will start to find fault with everything she does. She won't be able to take leave.

Women workers also described unwanted sexual advances from male workers in the factory. Manju described resigning from her job at an H&M supplier factory in Gurugram (Gurgaon), India after learning that a co-worker was vocal about his interest in a relationship with her due to concern that this would impact her marriage.

This was the reason why I left my job. One of my co-workers lived near my house. We started commuting together every day, and we became friends over our walks home together. We exchanged our mobile numbers. Then, one day one of his friends who also worked with us in the factory told me that my friend likes me and wishes to marry me. I said, "he knows I am already married. How can he even think of marrying me?" I thought, if my husband comes to know about this he will not let me work anymore. So, I decided to resign quietly without telling anyone anything.

Forced to navigate unwanted sexual overtures at work, Manju left her job rather than face repercussions from her husband—in this case, she feared not being allowed to work outside the home. In deeply patriarchal societies, sexual advances in the workplace may have significant consequences for women beyond the impact of violence, including social stigma and restrictions on their mobility dictated by the men in their families. These consequences also undermine reporting. Manju explained:

I have not told this to anyone, but today I am sharing it with you. I did not report in the factory because it is the woman who is blamed, ultimately. No one sees the man as at fault. Rumors spread, they share between male colleagues. This is very common where I worked.

Unwanted physical touch

Forms of sexual harassment documented in the H&M supply chain include inappropriate touching, pinching, pulling hair, and bodily contact initiated by both managers and male co-workers.

In Sri Lanka, women working in an H&M supplier factory in Vavuniya District, North Province, reported that they are at risk of sexual harassment from male mechanics tasked with fixing their machines. One woman recounted:

When girls scold machine operators for touching them or grabbing them, they take revenge. Sometimes they give them machines that do not function properly. Then, they do not come and repair it for a long time. After that, supervisors scold us for not meeting the target.

Sri Lankan women from this factory reported that they are most frequently harassed in the hallway on the way to the bathroom.

Workers at Yi Da Manufacturer reported sexual harassment from male staff. One worker reported having her "sensitive areas touched without my consent".

Women workers employed in an H&M supplier factory in Cakung, North Jakarta, also described unequal relationships of power between women machine operators in the production departments and the mechanics they rely upon to meet their production targets:

Male mechanics require a "tribute" payment in order to ensure that they immediately fix your broken sewing machine. If they are late in fixing the machine, I won't make the production target.

Women workers employed in an H&M supplier in Vavuniya District, Northern Province, Sri Lanka are particularly vulnerable to harassment at the beginning and end of the day as they stand in line to clock-in and clock-out using biometric fingerprinting machines.

Girls are harassed by male workers in the factory. I have seen supervisors and mechanics pull their hair, hit their buttocks, and touch their shoulders. This happens a lot when they wait in line to use finger-print machines.

These women workers, are subjected to routinized sexual harassment at the beginning and end of the day. Literally marking their passage into and out of the factory, harassment in the daily cue marks entry and exit into the factory as a site of harassment and violence.

As detailed in the discussion of ineffective grievance mechanisms in Chapter 5 of this report, all participants stated that there were no good ways for them to report cases of violence in their workplace.

Industrial discipline practices

Workers from all H&M supplier factories investigated for this report described working under harsh conditions with strict line leaders, tough supervisors and abusive management practices. Workers reported ongoing verbal abuse and frequent threats and physical violence. Sweatshop discipline practices correspond with particular relationships of authority, workforce demographics, employment relationships, and employment conditions.

Labour practices in garment production factories have been described as operator labour practices, referring to the role of workers as basic operators. Operator labour practices correspond with particular working relationships (Table 2). These labour and employment practices among garment suppliers expose workers to risk factors for violence.

These labour practices may also correspond with the structure of the global labour market. For instance, in Cambodia, in situations where local workers are managed by Chinese managers, women workers reported that physical and verbal abuse escalated due to frustration communicating across language barriers.

Authority	
Management	• Hierarchical work relations • Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	• Anti-union management practices
Workforce demographics	
Education	• Illiterate, low literacy and literate
Women	• High %age of women workers • Concentration in low-skill departments and tasks • Home-workers hired on piece rate
Employment conditions	
Wages and incentives	• Below or at minimum wage and piece-rate payment
Overtime	• High levels of forced overtime
Employment security	• Low employment security

Source: Adapted from Nathan, Saripalle and Gurunathan 2016

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Physical violence

Under international law gender based violence includes acts that inflict physical harm. While both women and men reported working in physically violent contexts, these modes of discipline are gendered because they disproportionately impact women workers based upon their concentration in machine operator roles and as checkers and helpers in production departments. Women are also subjected to physical harm associated with the very nature of garment work: long hours performing repetitive manual tasks in unsafe working environments for below living wages.

Physical abuse

Examples of physical abuse reported by workers interviewed for this study include slapping workers and throwing heavy bundles of papers and clothes at workers, especially during high-stress production times. Workers reported that physical discipline practices spiked after second tier management came out of meetings with senior management driving production targets.

In India, women workers employed in an H&M supplier factory in Bangalore reported physical abuse associated with pressure to meet production targets. Radhika described being thrown to the floor and beaten, including on her breasts:

On September 27, 2017, at 12:30 pm, my batch supervisor came up behind me as I was working on the sewing machine, yelling “you are not meeting your target production.” He pulled me out of the chair and I fell on the floor. He hit me, including on my breasts. He pulled me up and then pushed me to the floor again. He kicked me.

Radhika filed a written complaint with Human Resources. She described the meeting between herself, the supervisor, and human resources personnel:

They called the supervisor to the office and said, “last month you did the same thing to another lady—haven’t you learned?” Then they told him to apologize to me. After that, they warned me not to mention this further. The supervisor and I left the meeting. I went back to work.

Radhika reported that the harassment from her manager did not stop, but that she continued to work at the factory because she needs the job: “My husband passed away and I have a physically challenged daughter who cannot work. That is why I need the job. I suffer a lot to earn my livelihood.”

Workers at Yi Da Manufacturer, an H&M supplier factory in Phnom Penh, Cambodia, reported suffering physical violence at the hands of Chinese managers, including having bundles of clothes thrown at them and being beaten.

One worker at Yi Da Manufacturer reported that a translator slapped a female worker and later claimed he was joking. No action was taken against the perpetrator.

In addition to these more extreme forms of physical abuse, women workers also reported being handled roughly by male supervisors on a routine basis. One woman worker from an H&M supplier factory in Gurugram (Gurgaon) described being physically pushed to work:

The supervisor and master push us by our shoulder or shake it abruptly and roughly with their hand ordering us to work, if they find us somewhere else other than our allotted workplace.

Women workers also reported physical violence, including slapping and pinching, from male colleagues. At Roo Hsing, another H&M supplier in Phnom Penh, Cambodia, women reported that there was no action taken against male workers who inflicted violence against female colleagues.

Physical toll of garment work

Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation

Due to exposure to high temperatures and high levels of chemical substances, exacerbated by poor ventilation systems and inadequate nutrition among workers, episodes of mass fainting are a regular occurrence in Cambodian garment factories. In 2017, the Cambodian National Social Security Fund identified 1,603 cases of fainting across 22 factories, including H&M suppliers. 1,599—or 98%—of these cases were women.

Workers, trade unions, and their allies have long documented these severe health consequences in H&M supply chains. In 2017, four separate instances of fainting due to calorie deficit, heat,



On September 1, 2017, the Khmer Times reported that according to the Chom Chao commune deputy police chief, Sao Sarith, 64 workers fainted at the Berry Apparel Factory, <https://www.khmertimeskh.com/5080989/100-factory-workers-faint-two-days/>

and inadequate air circulation were reported at H&M supplier factories in Cambodia. Two women workers lost their lives.

Neom Somol worked at Anful Garments Factory (Cambodia) Ltd in Phnom Penh. On July 6, 2017, another worker at the factory fainted. Somol attempted to help her colleague get to a medical clinic but in the process of doing so fainted herself. Her head hit a wall when she fainted and she died at the factory. Anful Garments was a supplier to H&M and at the time and has supplied to H&M as recently as March 13 2018.

At Berry Apparel (Cambodia) Co., Ltd., 150 workers fainted over two days on the 30th and 31st of August 2017. The workers fainted due to exhaustion. Berry Apparel is currently listed as a supplier on H&M's website as of May 2018 and most recently supplied to H&M on November 4, 2017.

28-year-old Phon Saran, was employed at H&M supplier factory Star Fuyu Garment Co., Ltd. in Phnom Penh. On September 12, 2017 she arrived at work and fainted after scanning her ID card to



On September 12, 2017, The Khmer Times reported that 28-year-old garment worker, Phon Saran, died the previous day after fainting on her way into the Star Fuyu Garment Company, <https://www.khmertimeskh.com/5082522/garment-worker-dies-heart-attack/>

enter the factory. She was sent to the hospital but died before arriving due to a heart attack. Friends of Saran stated that she always chose to save her meagre wages instead of spending them on food. Star Fuyu is listed as a supplier on H&M's website.

Long hours performing repetitive manual tasks lead to chronic health issues

Women are also subjected to physical harm associated with of long hours performing repetitive manual tasks in unsafe working environments. Women garment workers employed as machine operators in an H&M supplier factory in Tiruppur reported ulcers and piles from long hours sitting hunched over machines. Women working as checkers in the same factory reported getting varicose veins as a result of long hours standing and checking garments.

Women workers from an H&M supplier factory in Gurgaon described severe pain in their legs from standing and working, or sitting and working:

Standing and working, the whole day standing, causes leg pain. The back becomes stiff. The calf and the heel pain very much. It is continuous.

Working using the machine the whole day, for 12 hours, with only half-an-hour of break leaves my legs swollen. By evening it is very difficult to walk with that pain in my leg. I cannot even stand up for a while and take a walk, stretch my legs. I just have to complete my target.

Across the industry, health consequences faced by women garment workers include respiratory illnesses— including silicosis from sand blasting and tuberculosis; ergonomic issues such as back pain; reproductive health issues (irregular period and excessive bleeding); and mental health problems including depression and anxiety.

Extended exposure to heat, noise, dust and chemicals leads to chronic conditions among women garment workers. For instance, exposure to cotton dust irritates the upper respiratory tract and bronchi. With prolonged exposure, this slowly progresses to chronic, obstructive pulmonary disease.

According to a randomised survey conducted by India's Employees State Insurance Corporation in 2014, 60.6% of garment workers surveyed were anemic and 80% of all tuberculosis cases registered in 2009 were from garment workers. Garment workers, largely internal migrants between the ages of 18 and 45 years with lower socioeconomic status, faced difficulties accessing medical attention (Ceresna-Chaturvedi 2015).

Verbal abuse

Women workers in H&M supplier factories in Bangladesh described constant and relentless verbal abuse that continues from the beginning to the end of their shift.

Women workers employed in two H&M supplier factories in Phnom Penh, Cambodia—Roo Hsing, and Yi Da Manufacturer—all reported being yelled at and verbally abused by production line managers on a daily basis for falling short of production targets or making mistakes in their work.

An Indonesian woman worker at an H&M production facility described the pace of work she faced daily:

I can achieve my target if I work non-stop, but it is not possible. Sometimes I have to break to go to the rest room, or to drink water. If I do, I won't meet my target.

In this Indonesian H&M supplier factory, failure to meet production targets not only provokes verbal abuse but also intimidation and threats of firing. One woman described the daily barrage of yelling and mocking from her supervisor, driving her to meet production targets:

If you miss the target, all the workers in the production room can hear the yelling:

"You stupid! Cannot work?"
"If you are not willing to work, just go home!"
"Watch out, you! I will not extend your contract if you cannot work."

They also throw materials. They kick our chairs. They don't touch us so they don't leave a mark that could be used as evidence with the police, but it is very stressful.

Workers at Roo Hsing also reported being verbally abused directly by Chinese managers and forced to work harder to meet production targets. One worker at Roo Hsing recounted:

Chinese managers pressure the Cambodian team leaders to shout at the workers to make them work faster. We are called stupid and lazy. Sometimes they beat workers.

Verbal abuse focused on meeting production targets was also reported by women at Yi Da Manufacturer.

Women workers in H&M supplier factories in Faridabad and Gurugram, India reported that abuses range from references to women by their body type to disparaging comments about a woman's background. One woman worker provided an example:

Supervisors call women with small breasts transgender. They make comments, like “look, a man has come to work here.”

Women also reported that the type of language used with them is distinct from the language used with male colleagues. One woman worker, employed in an H&M supplier factory in Gurugram explained:

It's very common for supervisors to say, “finish the target or I will . . .” —using any number of sexual connotations. They say, “I will fuck you if you do not work on time.” This is very common language used with women by the in-charge, manager. They cannot say this to men. This treatment is just for us.

Coercion, threats, and retaliation

Job insecurity and fear of reported workplace violence

Women workers from Bangladesh, Cambodia, India, Indonesia, and Sri Lanka all described fearing retaliation if they complained about any violations of rights at work, including but not limited to gender based violence. One woman worker from an H&M supplier factory in Gurgaon (Gurugram) described:

Whoever speaks against any injustice is fired from their job. Once I, along with others, went to the manager because our wage was not being paid properly. They did not remove us all together, but slowly, slowly, within ten days, they used some reason or another to remove us.

Women workers reported being under constant threat of being fired. Cambodian women workers at H&M supplier factory, Roo Hsing, reported repeated threats not to renew their employment contracts if production targets were not reached. Workers at Roo Hsing also said they feared requesting leave or refusing to work overtime. Consequences for asserting these legal rights under Cambodian law can be severe, including relocating workers to alternate factories without consultation or consent.

Women workers at Yi Da, another H&M supplier located in Phnom Penh, were threatened with contract termination over failures to “follow instructions.” One worker reporting that she was threatened that she would be forced to resign if she requested sick leave.

In Bangladesh, women workers employed in H&M supplier factories reported that they feared losing their jobs if they reported violence and other rights violations. Furthermore, this threat of retaliation extends beyond the workplace where the violation takes place. As one woman explained:

“Once a worker makes a complaint, she won't be able to get a job in any of the factories. She will be blacklisted.”

A woman worker from an H&M supplier in Cakung, Jakarta described why the near daily threat of being fired was so stressful: “Every morning, there are many people who are looking for jobs in Cakung.”

Firing pregnant women

Workers from all of the H&M supplier factories in Bangladesh, Cambodia, India, and Indonesia reported either witnessing or experiencing termination of employment during pregnancy. In Sri Lanka, by contrast, trade union leaders reported that permanent women workers are able to access maternity leave. However, due to reliance on workers hired through “manpower” or temporary agencies, many women are excluded from these benefits. Workers from H&M supplier factories in Gurugram (Gurgaon), India reported that women are routinely fired from their jobs during their pregnancy. Permanent workers report being forced to take leaves without pay for the period of their pregnancy. Contract, piece rate, and casual workers reported that although most of the time they are reinstated in their jobs after pregnancy, they receive completely new contracts that cause them to lose seniority.

Since garment factory workers in Cambodia are predominantly women, lack of access to adequate reproductive and maternal health services is a significant issue. As early as 2012, workers organizations began reporting that pregnant women were regularly threatened with dismissal from garment manufacturing jobs. This led many women to terminate pregnancies in order to keep their jobs. Women also force themselves to work until the very last day before the delivery, putting their own lives at risk. Most women on FDCs do not get their contracts renewed after they go on maternity leave (CCHR 2014; Nuon 2011).

Deprivations of liberty

Women garment workers reported being forced to work through lunch and overtime. They described relocation from one factory building to another without notice or consent. They also reported being unable to take legally mandated sick leave.

Women workers employed in H&M supplier factories in Gurugram (Gurgaon) and Faridabad described daily restrictions on their mobility at work:

If the piece is urgent, our lunch hour is shifted. The in-charge says tells us to finish the urgent pieces and then have lunch. We are not allowed to go to the toilet, the targets are so high. The in-charge things like, “if you go to the toilet, who will do the work? Who is going to complete the target? Go to work and finish it.”

If I take even a bit too long returning from bathroom, the supervisor will take away my machine coil. I have to go and ask him for it. Then I have to tell him why it took me so much time in the bath room.

In Bangladesh, women employed in H&M production factories reported being forced to work overtime and during holidays. Workers also reported being prevented from taking toilet breaks.

Women workers in an H&M supplier factory Cakung, North Jakarta, Indonesia reported that if they missed work due to menstruation, they have to provide a doctors' notice or they will be considered to have taken unpaid leave. This is in violation of Indonesian Labour Law (No. 13/2003, article 81) that entitles women workers to two days of menstruation leave each month without a doctors' notice. The doctors notice requirement further prevents women from taking leave because they must bear the costs associated with the doctors' appointment. In another H&M supplier factory, women workers reported that they did not take their menstruation leave because they were paid double to work through this legal leave period.

High production targets also prevent workers from observing religious practices. Indonesian garment workers employed in H&M supplier factories, a majority of whom are Muslim, reported that they were unable to take a break to pray. If they do, they will be unable to make their production targets.

In Cambodia, forced overtime is a characteristic management practice. All workers in H&M supplier factories interviewed by CENTRAL reported working in excess of 50 hours a week. Workers at Roo Hsing factory all reported working 60 hours per week on average. One worker at Roo Hsing told CENTRAL:

Workers are forced to do overtime when demands are high. If they don't do it they are threatened to have their contracts

terminated. If workers ask to take leave they are threatened with termination.

These working hours, documented in H&M supplier factories, violate H&M's Sustainability Commitment requires overtime to be voluntary and not to exceed 12 hours per week. Employers are required to ensure that workers do not work in excess of 48 hours per week on a "regular basis" (H&M 2016).

Forced overtime is most common during the height of the garment high season, which overlaps with Cambodia's hottest season. From April-August, workers report being forced to work up to 14 hours a day—as well as on Sundays and national holidays—in sweltering heat, without adequate supply of clean drinking water or any breaks.

These conditions have led to mass fainting episodes among Cambodian women garment workers resulting from over exertion exacerbated by inadequate nutrition. Such episodes of mass fainting have occurred in factories from which H&M supplies.



In 2013, as H&M launched their latest 'conscious' collection, the Clean Clothes Campaign hits back with its own spoof campaign highlighting the plight of thousands of garment workers suffering from malnutrition who work in factories supplying H&M, amongst others. Five years later, these dangerous conditions persist for women workers in H&M garment supply chains.



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CHAPTER 5:

Risk factors for violence in the H&M supply chain

This section documents risk factors for violence in the H&M garment supply chain, including use of short term contracts, production targets, industrial discipline practices, wage related rights abuses, excessive working hours, and unsafe workplaces. Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, and failure to require independent monitoring—promote a culture of impunity among perpetrators of violence and prevent women from seeking accountability and relief. The risk factors documented in this empirical section are presented thematically in order to surface the patterns of rights violations in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka.

Working conditions

1. Short term contracts

Temporary and contract employment relations are common employment relationships across global production networks. Short-term contracts make it easier to hire and fire workers and therefore save on labour costs during cycles when production wanes, or as factory units shift location within and across national borders. Illegal use of short-term contracts is common in the Bangladeshi, Cambodian, Indian, Indonesian, and Sri Lankan garment industries (LeBaron et. al. 2018; SLD 2012)—including in H&M supply chains.

Women workers employed under short-term hiring contracts are at constant risk of being fired. Threats of non-renewal undermine workers' ability to report workplace violence.

While the H&M Sustainability Commitment states that obligations to employees shall not be avoided through the use of “labor-only contracting, fixed-term contracts or through apprenticeship schemes,” there is nothing specifically in the Sustainability Commitment which forbids the usage of short-term, or repeated short-term, contracts. Rather, suppliers limiting the usage of fixed-term contracts is included only as an ‘aspirational’ requirement (H&M 2016).

In Indonesia, women workers reported that non-permanent work agreements facilitate termination and changes in employment status based upon employers’ needs and concerns—including shifting work orders, avoiding paid holidays, and retaliation for union activity.

Contract labour in Gurugram (Gurgaon), Haryana, India

Use of contract labour is pervasive in Gurgaon, Haryana—an urban industrial hub within the Delhi, National Capital Region. An estimated 60-80% of the garment workforce is employed as contract workers. Casual and contract workers lack job security, social security benefits, and freedom of association. This facilitates sidestepping of statutory obligations by employers and creates a constant state of insecurity for workers (Chan 2013).

In H&M supplier factories in Gurugram (Gurgaon), India, within a single factory, workers are employed by different contractors responsible for particular production lines. Line contractors may also function as supervisors. Many workers employed on these lines are hired as daily wage workers. High levels of labor mobility between factories within the garment sector in India undermines freedom of association and collective bargaining.

H&M supplier factories in Haryana fire and rehire workers to avoid paying benefits associated with seniority.

In Khandsa, Haryana, workers experienced sudden layoffs in September 2015. At the time of investigation, this H&M supplier held 6 production units in Khandsa, Haryana—identified as Plots number 7, 293, 342, 344, 365 and 704.

In September 2015, Plot 7 was shut down due to low orders. All workers employed at Plot 7 were terminated and given their dues. Just 25 days later, this H&M supplier reopened Plot 7 and hired workers from Plot 342 in place of terminated workers. Plot 342 workers joined Plot 7.

As a result of this manipulation, Plot 7 workers lost their seniority and gratuity and the corresponding ability to seek wages corresponding with their tenure within the company. Plot 7 workers who had formed a union were scattered, disrupting their capacity to exercise their right to freedom of association and engage in collective bargaining.

Workers employed by this factory also reported that through various manipulations, they are routinely required to terminate employment after 8-10 months and rejoin as new workers. This process—a form of wage theft—systematically denies workers access to benefits associated with seniority, including raises and gratuity.

Asia Floor Wage Alliance investigations conducted between August and October 2015, found that in all four H&M supplier factories surveyed in the Delhi, National Capital Region in India employed contract workers. For instance, in one silver-rated H&M supplier factory in Gurugram, (Gurgaon), Haryana, India, the vast majority of workers are hired as contract workers. Of the 14 production lines, no more than 4 lines are comprised of salaried workers. The remaining 10-11 lines are filled by workers hired through intermediary labour contractors and paid by piece rate. Workers report that these employment practices facilitate arbitrary termination that deprives workers of job security, pension, healthcare, seniority benefits and gratuity. Arbitrary termination or high turnover seriously interferes with exercise of freedom of association.

Abusive use of Fixed Duration Contracts (FDCs) in Phnom Penh, Cambodia

Under the Cambodian Labour Law, factory owners can either engage workers on undetermined duration contracts (UDCs) or on fixed duration contracts (FDCs) that specify a contract end date. Factory managers can issue FDCs and renew them one or more times for up to two years. Approximately 70% of workers at H&M supplier factories interviewed by CENTRAL were on short-term contracts, with the rest on either long-term or undetermined duration contracts.

Cambodian workers have challenged the abusive use of FDCs in collective disputes before the Arbitration Council. The Council has consistently ruled that according to article 67 of the 1997 Labour Law, factories cannot engage workers on FDCs beyond two years and that if they do, such workers are entitled to the same benefits and protections as workers on UDCs. The Garment

Manufacturers Association in Cambodia (GMAC) has contested this interpretation of the 1997 Labour Law.

Asia Floor Wage Alliance investigations, conducted between August and October 2015, found that among the 11 H&M supplier factories in Phnom Penh surveyed for this study, 9 continued to employ workers on fixed duration contracts. Out of 42 workers employed on fixed duration contracts, 28 did not receive social security, maternity or seniority benefits.

On March 18, 2015, H&M issued a new internal policy for suppliers: all fixed duration contracts for Cambodian workers with at least two years seniority would be converted to contracts of limited duration by the end of 2015. If enforced, CENTRAL estimated that this new policy would stand to benefit 57,979 workers in 31 factories (AFW- Cambodia 2015). However, according to CENTRAL, as of December 2015, 31 out of 72 H&M suppliers continued to use illegal contracts.

The ILO Termination of Employment Convention, 1982 (No. 158) and Termination of Employment Recommendation, 1982 (No. 166) govern the use of short-term contracts. These instruments call upon states to ensure that contracts for specific periods are not used to diminish protection against unfair termination. Instead, fixed-term contracts should be limited to conditions where the nature of work, circumstances, or interests of the worker require them. In instances where short-term contracts are renewed one or more times, or when they are not required, states are instructed to consider fixed-term contracts as contracts of indeterminate duration (R166, Art. 3).

In order to curb arbitrary dismissals, states are required to implement safeguards including written warnings followed by a reasonable

period for improvement. Where an employer needs to terminate a worker due to economic, technological, structural, or other similar considerations, these decisions should be made according to pre-defined criteria that consider the interests of the worker as well as the employer (R166, Arts. 8, 23).

2. Production targets

While H&M establishes standards for suppliers with regard to overtime and leave, the Sustainability Commitment makes no mention of production targets. In this sense, there is nothing in H&M’s Sustainability Commitment preventing suppliers from setting unrealistically high production targets for workers.

Use of production targets and piece rate wages create sustained pressure among workers to meet targets at the expense of taking breaks to rest, using restrooms and even drinking water. Across Asian global value chains, workers in divisions ranging from sewing, trimming excess thread, quality checking and packaging are routinely assigned production targets. Many are also paid by piece rate.

Women workers from across the H&M garment supply chain described high production targets measured across short time intervals:

- **Cambodia:** Workers at H&M supplier factory, Roo Hsing, described standard production targets as being 230 pieces per hour per line, with one line made up of 59 workers, but noted that this target may vary depending on the product.
- **Indonesia:** Workers employed in an H&M supplier factory in Indonesia reported that

they were required to produce 90-120 pieces every 25 minutes, with timed intervals to determine if targets were met. Workers reported that they were not allowed to leave the factory until their production targets are met, extending the working day for another 1-1.5 hours.

- **Sri Lanka:** Workers employed in an H&M supplier factory in Vavuniya District, Northern Province, Sri Lanka described production targets of 150-200 pieces every hour.

Production targets vary by garment type, but routinely require workers to be accountable for producing one or more items per minute (Table 6). Production targets also vary for different categories of workers. A woman worker from an H&M supplier factory in Gurugram (Gurgaon), India, described:

I work as contract labor. They give us huge targets—much higher than we can complete. Even the permanent workers do not support us. They compare their targets with ours. They get paid more than us, and still we have higher targets.

Bangladeshi and Sri Lankan workers from H&M supplier factories interviewed for this study described feeling that there were not enough workers to meet their unrealistic production demands. Bangladeshi workers in one FGD said that 70 workers typically handle the work that 100 workers could reasonably carry.

Cambodian women workers employed at H&M garment supplier factories agreed that they felt that their production targets were not realistic.

Production targets were a significant underlying source of violence at Roo Hsing, an H&M supplier factory in Cambodia.

Garment production operation	Pieces produced/ hour (worker account)	Pieces	Piece rate in INR	Total earning per hour in INR	Total earning in 8-hour day (INR)	Total earnings in 8-hour day (USD)	Total earnings in 8-hour day (EUR)
Neck gather	50	400	1	50	400	6.16	4.99
Elastic joint	50	400	1	50	400	6.16	4.99
Attach shoulder	50	400	1	50	400	6.16	4.99
Fold frill	25	200	3	75	600	9.23	7.48
Frill gather	25	200	3	75	600	9.23	7.48
Attach sleeve	25	200	3	75	600	9.23	7.48
Sleeve overlay	50	400	1.5	75	600	9.23	7.48
Neck bend	50	400	1.5	75	600	9.23	7.48
Neck finish	50	400	1.5	75	600	9.23	7.48
Fold	50	400	1.5	75	600	9.23	7.48
Skirt side overlay	25	200	3	75	600	9.23	7.48
Side pin stitch (panel)	50	400	1.5	75	600	9.23	7.48
Bottom fold	50	400	2	100	800	12.31	9.98
Wash/ care label attachment	25	200	3	75	600	9.23	7.48
Skirt gathering	50	400	2	100	800	12.31	9.98
Top skirt belt attachment	50	400	1	50	400	6.16	4.99
Wait belt	50	400	1.25	62.5	500	7.69	6.24

Table 6: Piece-rate targets and earnings for contract workers, by type of production operation, in an H&M supplier factory in Gurugram (Gurgaon), India

Women workers at H&M supplier factory, Roo Hsing, stated that the sewing section was the most stressful section to work in because of production targets which increase daily. Women workers at Roo Hsing reported that supervisors will shout at them and push them if targets are not met.

Women reported being forced to work through lunch, as well as overtime late into the night, in order to reach production targets. Workers who failed to reach production targets reported being belittled by, often foreign, management and viciously abused. One worker recounted at Roo Hsing recounted to CENTRAL:

I personally saw the manager abuse workers and force them to work harder to meet the target.

All participants from Yi Da Manufacturer reported experiencing verbal abuse and threats of contract termination from team leaders and management stemming from high production targets. One worker at H&M supplier factory in Cambodia, Yi Da Manufacturer recounted:

Team leaders pressure workers to work harder to reach the target. The team leader threatens to end their contract if they do not.

In Cambodia, increasing competition from regional neighbours with lower wages such as factories are under significant pressure to maintain their competitive edge (World Bank 2017). This manifests in targeting workers with verbal abuse and insults in an attempt to impel them to reach constantly-increasing production targets.

3. Failure to pay a living wage

The continued failure by H&M suppliers to pay a living wage – despite H&M having committed in 2013 to changing this fact – exposes women garment workers to risks of violence in numerous ways.

Low wages bind women to grinding production targets and excessive overtime hours—and, even then, they may not earn enough to meet basic nutritional requirements for themselves and their families.

In a focus group discussion with researchers from the Society for Labour and Development, women employed at an H&M supplier factory in Gurugram (Gurgaon), India discussed the challenges they faced in purchasing nutritional food and affording decent housing on the wages they earn:

“We buy low quality food products and dresses that are cheaper. We usually cook potatoes with flat bread. Milk products, meat, and fish are far from our reach.”

“We carry some of the food grains from our native place so that we can save money on food. Even basic food items are much costly over here.”

“We buy things in small quantities. Our income is low and we do not space to keep anything in our one room. There is no kitchen. We have no ventilation for fresh air.”

In Tirippur, India, a woman worker employed at an H&M supplier factory reported that she didn’t even earn enough to buy food from the canteen at the factory where she worked:

Our salary is so low that I can’t afford the food that is available in the factory canteen. Even that is out of my reach. I carry my own lunch box.

Malnutrition due to inadequate wages and gender disparity in employer provided meals

The combination of calorie deficiency and relentless working hours inflicts violence upon the bodies of women garment workers, both in the wages it withholds and the labour it extracts.

In an H&M supplier factory in Vavuniya Distrit, Northern Province, Sri Lanka, women workers reported paying for the food they receive at lunch time, but being given less food than male workers. One woman explained:

Our food portions are different according to our gender. At lunch in the company canteen, male co- workers and supervisors get more food than we do.

Malnutrition due to inadequate wages and excessive hours of work has significant physical consequences for women garment workers. For instance, malnutrition is prevalent among Cambodian garment workers. Data gathered by tracking monthly food purchases by 95 workers employed in a range of garment factories in Cambodia, compared with recommended amounts and workers’ Body Mass Index (BMI), revealed that workers were found to intake an average of 1598 calories per day, around half the recommended amount for a woman working in an industrial context (McMullen 2013).

In a February 2012 hearing before the Permanent People’s Tribunal held in Phnom Penh Cambodia,

H&M supplier factories seek exemptions from paying national minimum wages

Not only do garment suppliers fail to pay living wages, in some production hubs, they are also able to access legal exemptions from paying minimum wages. For instance, an H&M supplier in Bogor, West Java pays IDR 3.2 million—10% less than the minimum wage in Bogor which is set at 3,483,667.39 (USD 246.15). This H&M supplier factory was also one of 30 companies that requested the Bogor local government to suspend the requirement of paying minimum wages in 2018.

The exemption for this H&M supplier factory was approved together with requests from 19 other companies by the Regent of Bogor. This application for this H&M supplier factory was subsequently rejected by the Governor of West Java Province, a higher-level authority.

For H&M a commitment to minimum wage must include insisting that supplier factories pay minimum wages, and paying for orders at a rate that ensures financial backing to this commitment.

Worker strategies

The Asia Floor Wage Alliance (AFWA), a global coalition of trade unions, workers’ rights and human rights organizations, provides a detailed formula for calculating living wages across national contexts. The AFWA definition of a living wage specifies that living wage calculations must include support for all family members, basic nutritional needs of a worker and other basic needs, including housing, healthcare, education and some basic savings.

The Asia Floor Wage Alliance living wage calculation is based on the following considerations (Figures 8 and 9):

- A worker needs to support themselves and two other consumption units. [One consumption unit supports either one adult or two children]
- An adult requires 3000 calories a day in order to carry out physically demanding work in good health.
- Within Asia, food costs amount for half of a worker’s monthly expenditure.

Based upon these assumptions, the Asia Floor Wage is calculated in Purchasing Power Parity \$ (PPP\$). This fictitious World Bank currency is built upon consumption of goods and services, allowing standard of living between countries to be compared regardless of the national currency. Accounting for high inflation, Asia Floor Wage figures are calculated annually. As explained by AFWA Coordinator, Anannya Bhattacharjee:

The gap between the minimum wage and the cost of living has widened in recent years. High inflation has sent the cost of living soaring in many Asian countries, but starting salaries remain unchanged—often for several years. (Pasariello 2013)

In order to calculate annual Asia Floor Wage figures, the AFWA carries out regular and ongoing food basket research (AFWA 2016a). AFW annual PPP\$ wage figures are then calculated annually based upon up to date national food basket research. For instance, the 2017 Asia Floor Wage figure is PPP\$ 1181. These wage figures are then converted into local currency (Table 6)(AFWA 2017).

The AFW wage calculation method provides an instructive model for H&M and other brands in setting living wages that correspond to workers needs and consider rising costs of living.

Country	conv. factor	Asia Floor Wage in local currency
Bangladeh	31.90	37661 Takas
Cambodia	1642.9	1,939,606 Riel
India	19.98	23588 Rupees
Indonesia	4985.7	5,886,112 Rupiah

Table 6: Asia Floor Wage Figure in local currencies



Figure 8: Basic needs included in Asia Floor Wage calculations



Figure 9: Asia Floor Wage Alliance, financial dependents and worker responsibility

Lockstich Lives: Migrants in the Megacity

Migrant workers and the New Urban Agenda

In the lead up to UN Habitat III, the Society for Labour and Development and HELM Studio launched Lockstich Lives – Migrants in the Megacity, a 360-degree interactive documentary which transports a user to the neighborhoods of Gurgaon, to learn the rugged daily realities of scores of migrant families.

Enter Lockstich Lives (www.lockstichlives.org). Venture into the homes where migrants live and listen to their stories as they describe the challenges they face in accessing clean water and sanitation facilities, navigating relationships with landlords and keeping themselves safe from violence at home and at work. These experiences are deeply personal, unique to the Delhi, NCR — and are also reflective of the living and working conditions faced by migrant workers in megacities across the globe.

Over the last two decades, hundreds of thousands of workers have moved to Delhi's National Capital Region, spurred on by India's uneven development. The city of Gurgaon has transformed into one of the world's largest industrial hubs and migrant workers have been integral to this transformation. Held at an arm's length by the city, they live deprived of even the most basic entitlements.

Using 360-degree multimedia, Virtual Reality, photography and video, Lockstich Lives provides deep insight into the living and working conditions of these workers communities, and aims to deliver their voice and struggle palpably and honestly.

The New Urban Agenda — a global strategy around urbanization that will guide global strategy around urbanization for the next two decades. Like the UN Sustainable Development Goals, the New Urban Agenda has the potential to inform programmatic and funding priorities for years to come. The New Urban Agenda must speak for the needs of millions of working families, to bring dignity to the industrial sectors of India.

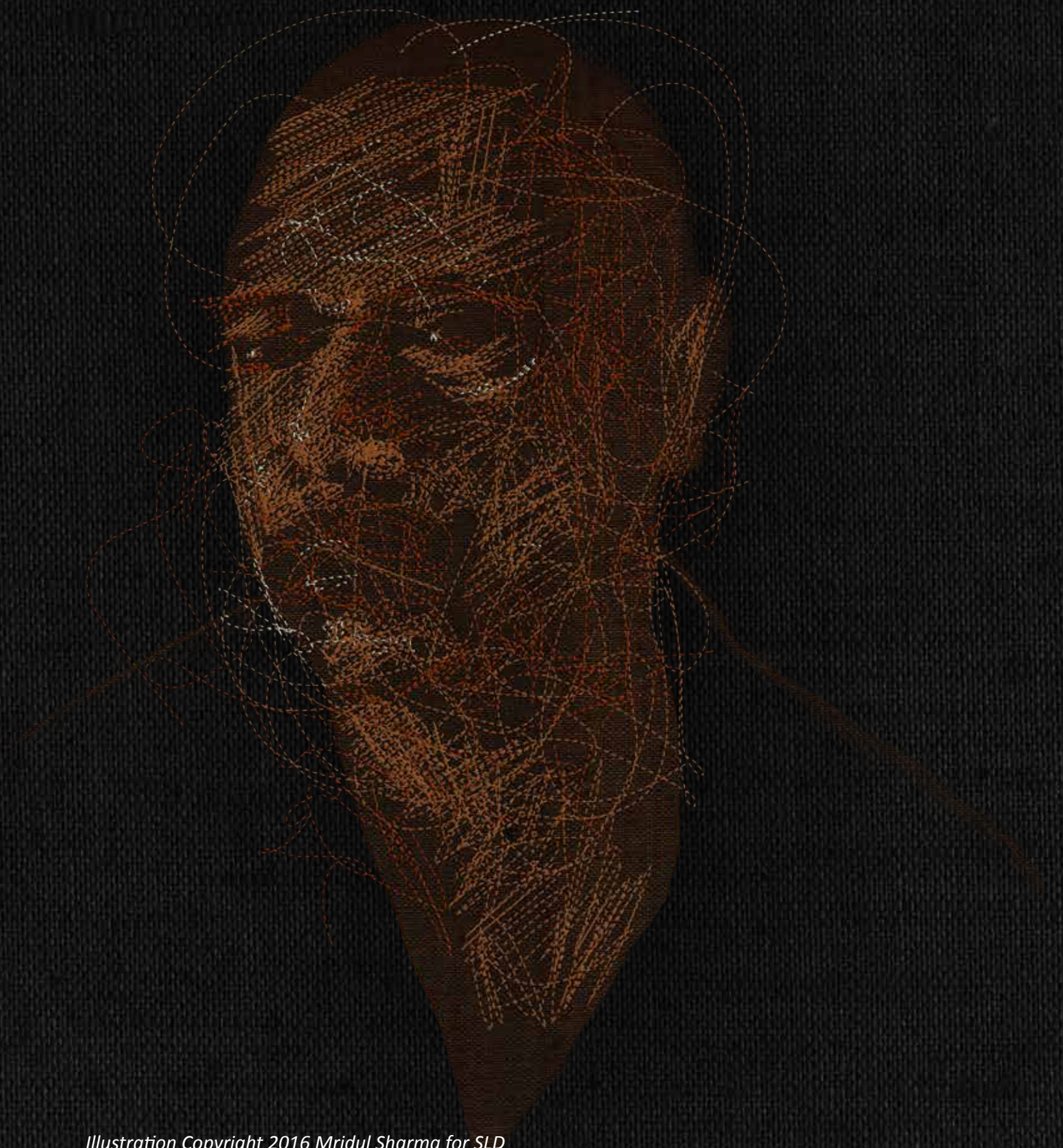


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Country	conv. factor	Asia Floor Wage in local currency
Bangladesh	31.90	37661 Takas
Cambodia	1642.9	1,939,606
India	19.98	23588 Rupees
Indonesia	4985.7	5,886,112 Rupiah

Table 7: Asia Floor Wage Figure in local currencies

Asia Floor Wage Alliance-Cambodia (AFWA-C) reported health problems associated with poor working environments and exacerbated by poverty-level wages:

Women workers are forced to base their nutrition on food with a totally insufficient caloric content, many hours of overtime work become practically mandatory, thus making much worse the chronic exposure to the harmful environment (Barria 2014).

Whilst H&M states that a fair living wage “should” be enough to meet the basic needs of employees and their families and provide some discretionary income, the only requirements for suppliers with respect to wage levels are that they meet at least the minimum national legal level or that set in collective bargaining agreements, whichever is the higher (H&M 2016).

H&M’s Sustainability Commitment requires suppliers to pay wages and benefits that meet at least the minimum provided in national laws or collective bargaining agreements. Whilst the Sustainability Commitment states that a fair living wage “should” always be enough to meet the basic needs of workers along with some discretionary income, there is no requirement for suppliers to pay such a living wage.

However, as detailed in Chapter 3, the actual wages paid, which are nowhere near a living wage, even based on H&M’s own figures.

4. Excessive hours of work and inadequate rest

Long hours

Encouraging violation of international labour standards governing hours of work, production targets and piece rate systems also incentivize excessive hours of work and inadequate periods of rest. These conditions damage workers’ health, increase the risk of workplace accidents, pose risks to workers who must commute late at night and early in the morning, and infringe on freedom of association.

According to the ILO Convention No. 1 regarding hours of work, working hours should not exceed eight hours in a day and forty-eight hours in a week. Under Convention No. 1, working hours may not exceed 56 per week except in cases of processes carried on continuously by a succession of shifts (ILO Convention1, Article 4).

The H&M Sustainability Commitment requires weekly working hours, including overtime hours, to comply with national law, ILO conventions, or collective agreement, whichever affords the greater protection for workers. The Commitment further states that employees shall not be required to work more than 48 hours per week on a regular basis. H&M also specifies that overtime work should be voluntary and not exceed 12 hours per week.

Our research suggests, however, that these standards are routinely violated by supplier factories.

A woman worker employed in an H&M supplier factory in North Jakarta, Indonesia described her regular work day that stretches for nearly 11-hours a day, six days a week:

7:15 am	We go through a body check before entering the factory. We have to be in the factory and clean our work spaces.
7:30 am	First shift
11:30 am	Lunch hour
12:15 pm	Second shift
4:30 pm	Second shift ends but if the target is not met, we stay until 6pm
6 pm	We go through a body check to leave the factory

Workers from Bangladesh, Cambodia, India, Indonesia and Sri Lanka all reported that they are forced to work overtime when orders increase. Low wages, as discussed in the previous section, lead workers to prolong working hours. Others report that they do not refuse overtime assignments because refusal could cost them their jobs.

The Indonesian women workers interviewed for this study are union members, and know their legal wage entitlement. They explained, however, that many workers do not know how to calculate their overtime work in order to ensure that they are given legal overtime advances.

Of the Cambodian workers who participated in this study from H&M supplier factories, all reported that their typical work-week exceeded 50 hours per week and, in many cases, 60 hours per week—and that these overtime hours are not optional. Cambodian workers reported that they were not allowed to leave the factory before overtime hours are over. Others reported fearing that they would lose their jobs if they did not work overtime.

Women workers at H&M supplier factory, Roo Hsing, reported working 60 hours per week on average. One worker at Roo Hsing explained:

Workers are forced to do overtime when demands are high. If they don’t do it they are threatened to have their contracts terminated. If workers ask to take leave they are threatened with termination.

Workers also reported being required to work when they are ill. A Sri Lankan woman worker, employed in an H&M supplier factory in Vavuniya District, Northern Province, Sri Lanka, described the consequences of resting, even when she is sick:

Even if we are sick, still we have to finish our work on time. We have a room to rest if we are sick, but if I use that room, I will be blamed by my supervisor for missing the target. Our supervisors don’t like us even opening the door of the room. If we get rest there, we won’t be able to finish our tasks.

Cambodian women workers described even harsher consequences for resting while ill. A woman worker from H&M supplier factory, Yi Da Manufacturer, said:

When workers ask permission for sick leave, the administration officer threatens to force them to submit a letter of resignation instead.

As discussed in the subsequent section in this Chapter on unsafe workplaces, this can be particularly damaging to their health during the hot season which lasts from March through May. Workers at Roo Hsing stated that this time of the year was particularly bad as the working temperature in the factory is extremely hot and dusty.

Violence during late commutes

During high order periods, women workers are made to work the night shift. Without safe transportation options, women workers reported facing harassment, robbery, and other crimes on their way home.

A woman worker from an H&M supplier factory in Gurugram(Gurgaon) described the walk home after dark

After 10 pm at night it's really scary to come alone on that road. It is not well lit. There are some street lights, but they are placed far apart. There are dogs everywhere and they bark. Theft and purse snatching is also common. Last week, one of my friends was robbed. Her purse was stolen. We are also teased by men on the street as we walk home from work.

Workers at H&M supplier factories in Phnom Penh, Cambodia, Roo Hsing and Yi Da, reported having to stay at work very late and therefore having to travel home alone in the dark by motorbike.

Women workers employed in an H&M supplier factory in Vavuniya District, North Province, Sri Lanka also reported both working late into the night and risking harassment and robbery on their way home.

The ILO prohibits excessive hours of work and inadequate periods of rest on the grounds that such conditions damage workers' health and increase the risk of workplace accidents. Long working hours also prohibit workers attending to family and participating in the community. ILO standards on working time provide a framework for regulating hours of work. Relevant standards include: the Hours of Work (Industry) Convention, 1919 (No.1); Weekly Rest (Industry) Convention, 1921 (No. 14); Holidays with Pay Convention (Revised), 1970 (No. 32); Night Work Convention, 1990 (No. 171); and Part-Time Work Convention, 1994 (No. 175).

To protect women as well as adolescents from non-standard working hours, the ILO has provided specific provisions on night duty restriction. Women without distinction of age are not to be employed during the night in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed (ILO Convention No. 89).

5. Unsafe workplaces

Poor ventilation and excessive heat

The H&M Sustainability Commitment states that workplace safety and the health and safety of employees must be a priority at all times and mandates the provision of a safe and hygienic working environment, including adequate ventilation. This Commitment, however, requires enforcement.

Due to exposure to high temperatures and high levels of chemical substances, exacerbated by poor ventilation systems and nutrition among workers, episodes of mass fainting are a regular occurrence in Cambodian garment factories.

In 2017, the Cambodian National Social Security Fund identified 1,603 cases of fainting across 22 factories, including H&M suppliers. 1,599—or 98%—of these cases were women.

Despite these significant occupational health and safety concerns, H&M refused to attend the People's Tribunal on Living Wage as a fundamental right of Cambodian Garment Workers, held from February 5th-8th, 2012 in Phnom Penh.

In this February 2012 hearing before the Permanent People's Tribunal held in Phnom Penh Cambodia, Asia Floor Wage Alliance-Cambodia (AFWA-C) reported health problems associated with poor working environments. Workers and their representatives testified to working conditions described as "humid and hot, noisy, poorly lit, with scarce if any ventilation, the uncontrolled and uninformed use of chemicals, excessive dust, lack of preventative education and little availability of personal protective equipment."

The ILO addresses occupational health and safety in the Occupational Safety and Health Convention, 1981 (No. 155) and its Protocol of 2002, as well as in more than 40 standards that deal with occupational safety and health. Convention No. 155 requires each member state, in consultation with workers and employers, to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

The H&M Sustainability Commitment states that workplace safety and the health and safety of employees must be a priority at all times and mandates the provision of a safe and hygienic working environment. Minimum requirements for this include the compliance with all applicable national laws and regulations and no unsafe buildings or exposure to hazardous machines, equipment or substances. There must be adequate fire safety equipment and regular training and evacuation drills held for workers. Clean drinking water and toilet facilities must be provided.

Barriers to accountability

1. Unauthorized subcontracting

Subcontracting practices make chains of accountability more difficult to establish.

- Brands typically establish contracts with Tier 1 or parent companies and list these companies exclusively when disclosing production units.
- Tier 1 companies, however, engage subcontractors to complete orders from brands.

Subcontracting funnels work from regulated facilities to unregulated contractors where employees typically work longer, for less and usually in worse conditions. In instances where brand labels are sewn in by the parent company, workers in subcontracting facilities may not even know the brand they are producing for (Finster 2015).

For instance, in September 2014, Full Fortune, a Cambodian subcontractor to Dignity Knitters—a publicly listed H&M supplier—dismissed 27

workers for exercising their right to join a union. The dismissed workers had to collect H&M garment tags to prove that Full Fortune produced for H&M at the time of the dispute.

As explained by CCAWDU Vice President, Athit Kong, a former garment worker: “It is the multinational brands who extract by far the largest profits from the labour of Cambodian garment workers, yet they hide behind layers of outsourcing and subcontracting to avoid responsibility” (Finster 2015).

Even when workers have demonstrated that H&M sources from abusive subcontractors, H&M has not taken steps to rectify these violations.

For instance, in response to allegations of rampant labour and human rights abuses in textile mills in Tamil Nadu, H&M blacklisted Super Spinning Textile Mills. Within this facility, women and young girls were found working under conditions that amounted to forced labour. In this case, workers reported being lured from their homes by false promises, engaging in work as young as 15 years old, working 60 hours weeks and living in rooms with shared bathrooms that accommodated up to 35 workers. Workers also reported that they did not have contracts. Monthly salaries ranged from USD 25 to USD 65 per month.

Although H&M blacklisted Super Spinning Mills, prohibiting suppliers from ordering yarn from them for H&M orders, the company denied responsibility, claiming that they were only tangentially connected to the mill through a supplier in Bangladesh. H&M did not take any further action to rectify rights abuses faced by workers in the mill (Gustafsson 2014).

2. Denial of freedom of association and collective bargaining

Denial of fundamental rights to freedom of association and collective bargaining forecloses an important pathway for redress for women workers. By preventing workers from responding collectively to violence and risk factors for violence, barriers to freedom of association and collective bargaining in H&M supplier factories fosters a culture of impunity around violence.

Women working in an H&M supplier factory in Cakung, North Jakarta described hiding their union affiliation to avoid retaliation:

We are members of a union, but we hide our identity as union members because we are afraid the company will intimidate us. We will wait until we are strong enough, until we get more member. Until then, if the company finds out, they will make it uncomfortable for us to work here.

The very structure of work in H&M supplier factories creates obstacles to freedom of association. Long working hours deny workers opportunity to engage with one another. High turnover rates as workers are hired and fired also undermine worker solidarity and collective action.

For instance, in one H&M supplier factory in Gurugram (Gurgaon), Haryana, India, workers engaged in piece rate work—often working up to 17 hours per day—have no time to exercise their fundamental rights to freedom of association. Further undermining freedom of association, piece rate workers tend to be an unstable workforce as their extremely high targets rapidly wear them out physically, resulting in exceedingly high turnover.

In another H&M supplier factory in Gurugram (Gurgaon), Haryana, India, union organizers reported that workers were under threat of losing their jobs if they openly joined a union. Within this factory, as a result of sudden layoffs in September 2015, workers who had formed a union were scattered, disrupting their capacity to exercise their right to freedom of association and engage in collective bargaining.

In H&M supplier factories in Indonesia, workers and union organizers explained that high turnover prevents workers from forming a union. Within these production units, very few workers hold continuous employment for more than a year. Workers report being terminated for a period of one month before being rehired. The constant threat of termination, trade union leaders explained, creates a significant barrier to organizing.

In Bangladesh, none of the women workers employed in H&M supplier factories were union members. Women from one H&M supplier factory in Dhaka reported that the factory management pays some workers to report worker collective action:

They pay other workers to report any signs of complaint or protest. You can be reported for raising your voice on an issue, making contact with trade unions or workers organizations, or even speaking about workers’ rights in the factory.

Union leaders in CATU, reported that in H&M supplier factories in Phnom Penh, Roo Hsing and Yi Da, when they attempt to register their union in a factory, their applications are rejected by the Ministry of Labour and Vocational Training for

minor grammatical mistakes or spelling errors. As a result, CATU has a union presence in these factories, but not Most Representative Status under the Law on Trade Unions which would give them the right to collectively bargain for better conditions and represent workers in collective labour disputes. Use of the Law on Trade Unions to reduce the influence and status of independent unions in the Cambodian garment sector impedes workers’ ability to collectively bargain for better contracts.

Even in workplaces where workers do manage to form and register unions, across the Asian garment industry, trade union leadership is overwhelmingly male. Accordingly, trade union leaders may not adequately attend to gender based violence in the workplace.

Violations of freedom of association and collective bargaining, core labour rights protected protected under the Declaration on Fundamental Principles and Rights at Work, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Contention, 1949 (No. 98).

The ILO Declaration on Fundamental Principles and Rights at Work recognizes the right to organize as one of four fundamental rights to be upheld by ILO member states. Together, the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No.98) outline the right to join a trade union and the right to organize.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) calls upon states to prevent discrimination against

April 2018: Violent crackdown on KOOGU elected representatives in an H&M supplier factory in Bangalore, Karnataka, India

In April 2018, the Karnataka Garment Workers Union (KOOGU) Union presented a letter to the General Manager of an H&M supplier factory in Bangalore, India requesting a discussion of three demands: inclusion of an elected worker on the factory health committee to address the quality of water available to workers at the factory, irregular transportation to the factory, and payments below living wages. Rather than calling a meeting, two days later, the elected representatives of the union were assaulted by management. Leaders were dragged, abused, and insulted—some women workers, they were insulted and demeaned along caste lines. A KOOGU press release following the incident described the violence that unfolded:

They provoked other innocent workers and forced them to beat up their own elected leaders. They were dragging the leaders, shouting at them, abusing them and insulting them in front of their colleagues. Some of them who belonged to the Scheduled castes and tribes were told that they will be shown the place they belong to. They shouted at them that “it was a mistake to give employment to such low caste people.” Even after the police arrived, the worker leaders were beaten in their presence. The Office bearers of the Union were not allowed to enter the factory while the assault was conducted.

A 31-year old woman who was employed as a tailor in the factory, and elected as a leader of the union, described the violence she faced:

[The floor-in-charge] was yelling at me saying “these whores are trying to close down the company”. I turned back and looked at him, and he said “keep walking, you will get to know what they will do now.” When I went downstairs, the human resources manager said “. . . this is Beena, hit her, kill her.” The production manager joined in—he said “hit her.” The sample tailor held me by my hair and starting hitting me left and right. . . The second-floor assistant production manager tore off

my clothes. . . The third floor in-charge hit me more, again, pulled away my Thali and chain from my neck, and snatched my LENOVA mobile phone. I heard the quality-in-charge saying, “you lower caste women . . .your caste people should not have been given jobs like this.” The floor in-charge said, “you whore, your caste people should be kept where the slippers are kept.” While beating me up, the outsider Mr. Panchakshari and a few more local rowdies abused me using foul language saying “you whore, fuck your mother’s caste.” I was scared. There was no reaction from the Policeman. Then my friend pulled me from that place where I was surrounded and she took me outside.

Five workers required hospital treatment, with one of them was admitted as an inpatient for severe injuries.

The workers and union office bearers went to the Madanayakanahalli Police Station to lodge a complaint. The Sub-Inspector of Police refused to register individual cases. Finally, hours later, at 10.30 pm the police registered a single First Information Report.

At the time of writing, 15 workers facing retaliatory firing were still outside of the factory, without their jobs.

KOOGU, Asia Floor Wage Alliance, and Global Labor Justice call on H&M to immediately address worker demands:

1. Reinstate all 15 workers who were fired in retaliation for union activity;
2. Terminate employment for all factory managers and senior staff involved in the attack;
3. Meet with KOOGU to discuss the original three demands: inclusion of an elected worker on the factory health committee to address the quality of water available to workers at the factory, irregular transportation to the factory, and payments below living wages.

trade unions; protect employers' and workers' organizations against mutual interference; and undertake measures to promote collective bargaining. The Right to Organize and Collective Bargaining Convention, 1949 (No. 98), protects workers who are exercising the right to organize; upholds the principle of non-interference between workers' and employers' organizations; and promotes voluntary collective bargaining. Freedom of association and collective bargaining are integral to the protection of other labour rights.

Absent freedom of association, workers who face retaliation for bringing grievances have little if any recourse. None of the factories H&M supplier factories investigated by Asia Floor Wage Alliance had a mechanism for settling disputes and none of the workers interviewed could recall any strike or collective action that had taken place in the factory where they work.

3. Ineffective grievance procedures

All respondents, including women workers from Bangladesh, Cambodia, and Indonesia, stated that there were no good ways for them to report cases of violence in their workplace. Even where there may be formal mechanisms in place, workers described these as ineffective.

For instance, Bangladeshi women workers employed in an H&M supplier in Dhaka described the complaint box in their factory as useless. One woman explained:

The factory has a complaint box and an appointed "Welfare Madame" to resolve complaints from women workers. The Welfare Madams work for the Managers. They don't take our complaints seriously. The complaint box is useless.

Women workers in an H&M supplier factory in Cakung, North Jakarta also described factory grievance processes as ineffective:

If we have a complaint, we are told that the company provides a suggestion box. We don't know if they read the suggestion, but we know the problems are still there.

Women workers in H&M supplier factories in India reported that not only are grievance procedures ineffective, but use of grievance mechanisms can also lead to retaliation:

If workers raise their voices against any form of injustice or their rights, they are humiliated and immediately fired. Three months ago, we complained to Priya-madame, the Welfare Lady, about one supervisor-in-charge. He abused us. He used very bad words with women workers. We reported that he was targeting women workers with good reputations in the factory for working hard and working well. We gave one woman's name as an example. Priya-madame called a meeting with the manager, floor-in-charge, and the supervisor-in-charge. When the meeting ended and Priya-madame left, the woman worker we named was called and scolded by the floor in-charge and manager for complaining. She was asked to leave the job that very day, even though she had not even been the one to complain against the supervisor in-charge.

None of the factories surveyed had a mechanism for settling disputes and none of the workers interviewed could recall any strike or collective action that had taken place in the factory where they work.

4. Lack of independent monitoring

Workers and labour rights activists have voiced concerns about factory monitoring methods, coverage and transparency. For instance, Human Rights Watch revealed that in Cambodia, workers reported being coached by factory management and being unable to engage with brand representatives, external monitors, government officials or ILO Better Factory Cambodia (BFC) monitors. As one worker reported to Human Rights Watch:

Before ILO comes to check, the factory arranges everything. They reduce the quota for us so there are fewer pieces on our desks. ILO came in the afternoon and we all found out in the morning they were coming. They told us to take all the materials and hide it in the stock room. We are told not to tell them the factory makes us do overtime work for so long. They also tell us that is [we] say anything we will lose business.

Workers in Cambodia called for mechanisms to report violations of rights at work to BFC monitors of site without fear of surveillance or retaliation by management. Confirming this narrative, BFC experts reported to Human Rights Watch that their monitors were aware of factories coaching workers and that they attempted to mitigate the impact of coaching as much as possible. Labour rights activists reported that the efficacy of BFC is further undermined because factory inspection reports are made available to managers and brands but not to workers or unions without prior

factory authorization (Kashyap 2015).

H&M refuses to involve trade unions in independent monitoring.

H&M was invited to engage with workers at the People's Tribunal on Living Wage as a fundamental right of Sri Lankan garment workers, held from March 17-28, 2011 in Colombo; Cambodian garment workers, held from February 5-8, 2012 in Phnom Penh, Cambodia; Indian garment workers, held from November 22-25, 2012 in Bangalore; and Indonesian garment workers, held from June 21-24, 2014 in Jakarta. H&M declined invitations to engage with workers at each of these tribunals, despite being notified of persistent rights violations in their supplier factories (Butler 2012; Barria 2014).

The experiences of gender based violence in H&M garment supply chains documented in this report are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in H&M supplier factories that leave women garment workers systematically exposed to violence.

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses risk factors for gender based violence, and provides accessible avenues for relief.

The recommendations that follow seek to inform emerging understanding of violence in the world of work, identify specific risk factors for violence in garment global production networks, and ensure a duty among multi-national corporations (MNCs) and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and

RECOMMENDATIONS

1. Adopt an expansive definition of “worker” and “workplace” to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on Ending violence and harassment in the work of work, the term “worker” should cover persons in the formal and informal economy, including “(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants.”

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and harassment in the world of work should cover situations, including “(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies.”

1.4. The proposed situations should be expanded to include the following situations:

- 1.4.1.** employer-provided housing;
- 1.4.2.** recruitment sites, including day-labor recruitment sites;
- 1.4.3.** home-based work; and
- 1.4.4.** export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. As presented in the Proposed Conclusions of Report V(2), “victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public.”

1.6. The proposed definition of “victims and perpetrators” should be expanded to include the following roles:

1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.

1.6.2. Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party (“user enterprise”); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation, and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

- 2.3.8.1.** complaint and investigation mechanisms at the workplace level;
- 2.3.8.2.** dispute resolution mechanisms external to the workplace;
- 2.3.8.3.** access to courts or tribunals;
- 2.3.8.4.** protection against victimization of complainants, witnesses, and whistle-blowers; and
- 2.3.8.5.** legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) “violence which is directed against a woman because she is a woman;” and (2) violence that

“affects women disproportionately” (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

5.1.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

5.1.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

5.1.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention 1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

6.2.1. Core labour standards for all categories of workers across value chains.

6.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

6.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

7.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

7.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

May 28, 2018: Packed opening session in first ever international labor standard setting on gender based violence at the International Labour Conference in Geneva. Unions from around the world gather to negotiate a binding agreement to address violence and harassment in the workplace.



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