

Childcare Facilities and Maternity Benefits in Bangalore's Export-Oriented Apparel Industry, Report 2017: Summary

The south Indian readymade apparel sector is one of India's most globalized manufacturing industries. Bangalore, the capital of the south Indian state of Karnataka, is a major hub of garment manufacturing, with nearly 1200 units tied to hundreds of companies. Bigger companies often own at least ten units; the largest have thirty, or even more. Production is mainly geared to export demands, supplying merchandise for international fast fashion giants like H&M, C&A and Inditex.

Employers generally prefer to hire women, often young and inexperienced, because of social perceptions regarding their skills, natural abilities and propensity to obey male superiors. They are considered to be 'cheaper' labour than men: not only in terms of wages, but also lack the ability to lay claim to rights and organize. Since most of the female workforce is in the reproductive age group, reproductive and parental rights and the compulsions of child-rearing and care labour form a major rights issue for the group as a whole.

A study of the Karnataka State Commission for the Protection of Child Rights, conducted in 2011 and 2012, found that most of Bangalore's garment factories lack functional and high quality crèches.¹ In the light of these findings, Cividep India undertook a project to improve the quality of crèches in Bangalore's garment factories in 2015 in cooperation with FEMNET Germany.²

Building on the 2015 report, which involved four garment factories in Bangalore, this new study aimed to considerably expand the original sample and undertake a rigorous examination of childcare and maternity benefits at 20 export-oriented garment factories in and around Bangalore. For the study, 200 workers with young children were sought to be interviewed and focus group discussions were conducted at seven factories with 7 to 15 women workers participating in each.

¹ Order on Childcare Provisions in Garment Industries, 23-02-2012, Karnataka State Commission for Protection of Child Rights, KSCPCR: Garment Industries: 2011-12

² Needs Assessment for Childcare Facilities in Bangalore's Garment Industry, Cividep India, 2015

The results of the study 2017 have shown slight improvement in childcare standards. However, many of the problems highlighted in previous studies persist. Furthermore, the study found inadequate implementation of maternity protection laws.

The Karnataka Rules for the Factories Act, 1948 states that all factories with 30 or more regularly employed women workers must have a crèche within the factory premises for children six years of age and under, unless exempted under certain special circumstances. The new Maternity Benefits (Amendment) Act, 2017 mandates that establishments with 50 or more employees must have a crèche.

In reality, most factory crèches exclude infants and children below the age of one and over the age of four. When factories refuse to take in young infants, women are forced to break service to fulfil their caregiving roles. In some cases women prefer to keep their child at home with neighbors or relatives or even alone at home, where they are more vulnerable. When women resign from work this means a break in the women's career, and they incur a major financial loss in the form of a loss of gratuity. Gratuity is a loyalty reward paid for continued service with a company for a period of five years. They also lose interest on their Provident Fund (PF) accounts. Moreover, women miss out on crucial social security in the form of Employee State Insurance (ESI) healthcare benefits during their absence from employment, which in normal circumstances would extend to cover their children, spouses and other immediate family members. A functional crèche at the factory would allow women to return to work after three months of maternity leave, and would allow their breastfeeding requirements to be accommodated. This would also prevent them from being forced to surrender benefits such as ESI coverage and gratuity.

Children brought to the crèche often receive inadequate care in terms of insufficient infrastructure, including toys, study material, food and qualified care staff. Ayahs (attendants) who work in the crèches often call children's mothers to clean up when their wards soil themselves. In 6 out of 20 factories, women reported that teachers threatened children with beating or punishment as a disciplinary measure. Due to this fact, children's physical and mental development is hampered.

Factories often do not allow mothers to take enough breaks for nursing. Though factories purportedly provide nursing breaks, workers' ability to actually take them depends on a number of factors. They often cannot take breaks when they choose to because of high production targets, and are forced to use their lunch breaks to visit their children instead. In

some cases, women reported being harassed by their supervisors for taking breaks. Often, mothers are not allowed to visit their children during the day because the latter start crying when they leave the crèche. The management usually believes that this would adversely affect workers' ability to meet production targets.

These are all reasons why women workers cannot or even do not want to leave their child in the crèches. The results show that there is a strong need for improvement in the quality of services provided at factory crèches, both with regard to crèche staff and available infrastructure. This will ensure that early childhood development and protection needs are adequately met. Well-functioning crèches are important because women cannot afford to resign from work, as they are in most cases the main breadwinners in their family.

Another important gap identified by the study is the fact that most factories have inadequate implementation of maternity protection rules. The Maternity Benefits (Amendment) Act 2017 is a central government law that applies to every factory employing more than 10 persons on any day in the preceding twelve months. It increased the duration of paid maternity leave from 12 to 26 weeks, and of maximum pre-natal leave within this period to eight weeks from six. However, the revised benefits can be availed for only two surviving children. Women with more than two living children can only avail 12 weeks of paid maternity leave. Employers are required to inform their female employees of their rights under the Act at the time of appointment.

Though 15 factories have implemented the new maternity leave rules, most of the 20 garment manufacturing units surveyed did not explicitly tell the workers about the new law and about their entitlements under it. 70% of female workers report that an extension of maternity leave without pay was unlikely, or that they feared termination of employment in such cases. As a result, women do not make use of the paid maternity leave available to them and often resign without being paid, which has serious financial consequences for their families and unborn children.

Moreover, the majority of factories do not provide free pre- and postnatal care to pregnant women workers, although this is legally required of the employer. In case they do not provide care free of charge, the women are legally entitled to a medical bonus of INR 1000 from their employer. However, the study found that women do not receive a medical bonus in any of the 20 factories.

While workers have the right to form unions (the Trade Union Act, 1926), factory management is not legally required to recognize a works council/union within its business premises. As a result, there are almost no factory unions for textile workers in Bangalore, which was further confirmed by this 2017 study (none of the 20 factories had a trade union).

These findings show that a lack of knowledge concerning maternity protection laws, coupled with the absence of functional crèches providing a high standard of care, leads women workers to resign from their jobs for extended periods of time in order to take care of their children, leading to the loss of financial benefits and medical support.

Women Workers that have been interviewed find it difficult to spend enough time with their young children at the factory, and feel that they cannot get adequate care. This is a reason why they resign or keep their child with relatives at home or in the village. Some respondents said that workers would choose to return to the factory instead of resigning after 6 months of paid maternity leave if only the factory crèche began admitting 6 month old infants and allowed them to take enough nursing breaks. Many of them would be satisfied if a crèche in factory would ensure good quality of care so that they could be in close proximity with their child. They also find it helpful to bring their children to the factory crèche because it allows the women to get to work on time in the morning, and have better concentration at work through the day.

The findings of the study highlight the need for companies to move beyond mere compliance, and to take proactive steps towards making workplaces easier to negotiate for workers with new born children and children under the age of 6 by strengthening the implementation of maternity benefits rules and improving in-house childcare facilities.

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