

BEHIND THE SEAMS

Evaluating The
Effectiveness of
G r i e v a n c e
Mechanisms for
Workers in the
E x p o r t
Garment
Industry

Enhancing Garment Supply Chain Conditions through Awareness & Stakeholder Engagement: A PST Project

ABOUT THE PROJECT

This project aims to facilitate meaningful stakeholder engagement between brands and relevant stakeholders in the textile and garment sector. Undertaken by Cividep in collaboration with civil society organisations of the prominent multi-stakeholder org and prominent multi-stakeholder organisation Partnership for Sustainable Textiles (PST), the project examines PST's role in shaping equitable corporate practices, focusing on its efforts to foster access to remedy and grievance mechanisms.

As part of the project, Cividep prepared a detailed report titled 'Behind the Seams: Evaluating The Effectiveness of Grievance Mechanisms for Workers in the Export Garment Industry'. It looks at various aspects of the existing grievance mechanisms through consultations and

interviews with stakeholders, analyses the gaps, and gives recommendations to PST, which operates under the aegis of the German Federal Ministry for Economic Cooperation and Development. Aligned with international sustainability principles and corporate responsibility frameworks, this endeavour seeks to elevate industry standards.

Author: Cividep India

Disclaimer:

The report's content does not necessarily reflect the views of the German Federal Ministry for Economic Cooperation and Development or of the CSOs in the PST. The project is supported by



with funds from





ABOUT CIVIDEP

Cividep has been working on corporate accountability and workers' rights since the year 2000. Based in Bangalore, and with field offices in other locations in South India, Cividep's work aims to safeguard the rights of communities, especially workers employed in global supply chains. We strive to hold corporate entities accountable for the impacts of their business on workers and the environment.

To this end, Cividep conducts research on working conditions and corporate conduct across a range of export-oriented industries, engages in worker

education, and advocates for policy change. These initiatives are focused on the garment, leather, and electronics industries, on coffee and tea plantations, and in the area of business and human rights.

Cividep is an active member of national and global networks working for the advancement of responsible business conduct and human rights.

For more updates, subscribe to Cividep India's newsletter:

<https://bit.ly/3Kkrs8M>

LIST OF ACRONYMS

AFWA : Asia Floor Wage Alliance
ASK : Association for Stimulating Know How
CCC : Clean Clothes Campaign
CSO : Civil Society Organisations
EBA : Enforceable Brand Agreement
FLA : Fair Labor Association
FWF : Fair Wear Foundation
GLU : Garment Labour Union
GLJ-ILRF : Global Labor Justice-International Labor Rights Forum
HREDD : Human Rights and Environmental Due Diligence
ICC : Internal Complaints Committee
MSI : Multi-stakeholder initiative
NCP : National Contact Points
NCW : National Commission for Women
NHRC : National Human Rights Commission
NJGM : Non-judicial grievance mechanisms
OECD : Organisation for Economic Co-operation and Development
POSH : Prevention of Sexual Harassment Act
PST : The Partnership for Sustainable Textiles
TTCU : Trade Union Coordination Committee

CONTENTS

1. Introduction /Background	8
2. Research Methodology	12
3. Overview of Existing Judicial and Non-judicial Grievance Mechanisms	14
4. Crucial components for functioning grievance mechanisms	44
5. Complaint handling process of the PST	48
6. Contextual Regional Description	50
7. The Usefulness of MSI-Led Grievance Mechanisms	52
8. Challenges of MSI-Led Grievance Mechanisms	54
9. Recommendations for the PST Grievance Process	58
10. Conclusion	70

01 INTRODUCTION

International standards and frameworks unanimously call for companies to provide effective grievance mechanisms for people potentially affected by business decisions that have social and ecological impacts. Grievance mechanisms can range from judicial ones, offered by labour courts and tribunals, to non-judicial ones, hosted by Multi-Stakeholder Initiatives (MSI), intergovernmental bodies, National Human Rights Institutions, or company-led mechanisms as mentioned in the UN Guiding Principles on Business and Human Rights (UNGPs), and the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.

Though there is considerable awareness about judicial mechanisms, the non-judicial grievance mechanisms (NJGMs) remain underutilised. For NJGMs to work, they need to be continuously

fine-tuned based on feedback from the stakeholders. This will not happen unless stakeholders know and trust NJGMs, and use them. **The purpose of this paper is to provide an overview of the existing grievance redressal mechanisms for India's garment industry workers, and to examine the challenges and potentials of MSI-led back-up mechanisms.**

Importance of Non-Judicial Mechanisms

NJGMs supported by MSIs have proliferated in recent times because they have the potential to build long-lasting relationships between companies and surrounding communities. UN Guiding Principles on Business and Human Rights (UNGPs) mention that NJGMs can contribute towards grievance mechanisms in two important ways, i.e. adjudicative (compliance) and dialogue-based (mediation)¹.

Mediation can be transformative, not just for the communities, but for the entire industry. A mediation-based grievance

mechanism can enable companies to identify minor labour disputes before they escalate into unmanageable conflicts. Minor issues that begin at a local level can be handled peacefully by way of mediation before they transform into unmanageable public campaigns, conflicts or violent protests.²

NJGMs have an opportunity to supplement judicial mechanisms and make a meaningful contribution to strengthen corporate due diligence in jurisdictions where judicial mechanisms are ineffective or non-existent.

The labour codes in India have undergone a sea change in the last two years, and this could lead to issues around realisation of labour rights. For instance, the Occupational Safety, Health and Working Conditions Code does not cover violence and harassment faced by garment workers. Even with a revision of laws, women workers in the garment industry might not have any protection from verbal and mental harassment, denial of toilet and lunch breaks, and being subjected to unreasonable production targets that affect their physical and mental health.

Weak Labour Laws

The Industrial Relations Code also potentially weakens the ability and capacity of workers to collectivise. In case there is more than one registered trade union functioning in an establishment, the new Code provides for recognition of a union as 'sole negotiating union' if it has the support of more than 51% of workers. In case no trade union is eligible, a negotiating Council will be formed. Only a handful of unions in India will be able to reach a threshold of 51%.

This requirement coupled with the fact that the law does not clarify how the negotiating Council would actually be constituted weakens the ability of workers to come together.

Under the Wages Code, the central government will fix a floor wage.

Stipulating the prevailing minimum wage is the state governments' responsibility, as long as it is higher than the floor wage. This would likely lead to a race to the bottom between states competing with each other for investment. In such an environment, the contribution of an effective MSI-led grievance mechanism becomes even more relevant.

One of the key areas that MSIs like PST works on is in improving access to remedy and grievance mechanisms in alignment with international agreements and guidelines, and corporate due diligence frameworks. **The findings of the report will go a long way in offering recommendations to PST to improve the grievance process.**

Findings Show Obstacles

The report mapped grievances in Bangalore's export garment factories, assessed access barriers to grievance mechanisms, and also held consultations with garment-worker CSOs, and unions for insights on effective grievance processes.

The findings show how various obstacles, including lack of worker awareness, limited accessibility, and inadequate stakeholder engagement, hamper grievance mechanisms. These discoveries emphasise the need for revitalisation of grievance mechanisms to ensure meaningful impact.

The research team was able to come up with an array of recommendations to tackle the shortcomings and bolster the effectiveness of these mechanisms. The proposals encompass diverse tactics, including refining procedures, amplifying focused communication, cultivating inclusive stakeholder participation, and advancing capacity-building endeavors for both employees and employers, alongside legally binding accords.

02 RESEARCH METHODOLOGY

Apart from giving an overview of judicial mechanisms and mapping effectiveness of NJGMs, the research work also looked at how MSIs can contribute by creating leverage – establish reputational risk to non-compliant companies and put in place industry-wide or cross-company grievance mechanisms.³ To this end, the paper looks closely at the following aspects:

- Map grievances in Bangalore’s export garment factories, assess worker access barriers to mechanisms
- Consult garment-worker CSOs, unions for insights on effective grievance processes, hurdles, and enhancements

- Examine PST’s grievance protocol, its collaborations with MSIs like FWF, and efficacy in redressing issues
- Identify gaps in mandated CSO/union programmes, where PST could extend its assistance.
- Assess diverse successful mechanisms for gaining industry-agnostic insights

The report was written by collating learnings from desk research, interviews with CSOs and trade unions, and consultations. The desk research involved a review of secondary literature to understand the challenges and opportunities of MSIs in hosting grievance mechanisms. There were also physical and online interviews with CSOs/ trade unions to collect information on

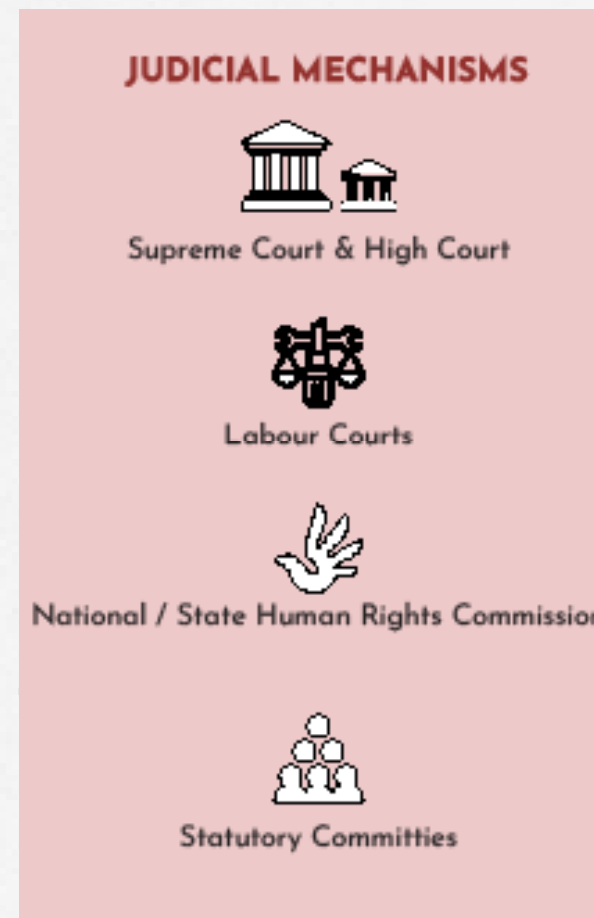
different kinds of grievances reported by garment workers, barriers they face in accessing the mechanisms, and ways to improvise the processes. Learnings were also derived from consultations organised by FEMNET and Cividep.

The first set of consultations had practitioners, trade unionists and other relevant stakeholders engage in discussions regarding complaint mechanisms, essential elements needed for the process, outcomes, and ways to abate challenges.

The next set of consultations attended by CSOs, trade unions and MSIs discussed cooperation and collaboration between MSIs such as FWF, AGT, PST, AMFORI and others on grievance mechanisms.

03 OVERVIEW OF EXISTING JUDICIAL AND NON-JUDICIAL GRIEVANCE

The UNGPs create a clear expectation that states and businesses have a collective responsibility to make sure workers have access to effective remedies in relation to human rights, including labour abuses. Workers should be able to access remedy through the courts (judicial remedy) and non-judicial mechanisms.



Judicial Mechanisms

Garment workers in India can approach the High Court under Article 226 of the Indian Constitution or Supreme Court under Article 32 of the Indian Constitution if there is a violation of a fundamental right or a constitutional right. For instance, the judgment in a public interest litigation titled Vishakha vs. State of Rajasthan ruled that sexual harassment violated the fundamental rights guaranteed by Article 14, Article 15, Article 19(1)(g), and Article 21 of the



Indian Constitution. Following the court's ruling, the Sexual Harassment of Women at Workplace (Preventive, Prohibition, and Redressal) Act 2013 was passed to protect and prevent harassment of women.

The State/ National Human Rights Commission (NHRC) set up under the Protection of Human Rights Act, 1993 is also a possible avenue for filing complaints. The denial in realisation of constitutional rights to life, liberty, equality, dignity, and issues related to government welfare schemes and policies become human rights violations

in both the public and private sector. NHRC can be approached for remedy in such cases.

The Labour Department is instrumental in maintaining cordial industrial relations. Its conciliation machinery consists of the Labour Commissioner, Additional Labour commissioner (IR), Regional Joint Labour commissioners, Deputy Labour Commissioner (HQ), District Labour Officers (General), Deputy Labour Officers and Assistant Labour Officers Gr.I. The industrial disputes are settled mainly through the intervention of the conciliation officers through the process of conciliation. If conciliation fails, the dispute is referred for adjudication by Labour Courts/ Industrial Tribunals.

The new Industrial Code provides for statutory Committees to be set up in factories to accept and resolve grievances. **(Table 1)**

Non- Judicial Mechanisms

An NJGM is a structured procedure for addressing disputes, complaints, and

ensuring accountability in situations where individuals, workers, communities, or civil society organisations are facing adverse impacts due to specific business activities and operations. Some of the NJGMs that have worked well in India includes the following:

1. Dindigul Agreement

The Dindigul Agreement, signed in April 2022, is a legally binding commitment to end gender-based violence and harassment at Eastman Factories in Dindigul, Tamil Nadu, India.

In addition, Trade Union Coordination Committee (TTCU), the Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) and Asia Floor Wage Alliance (AFWA) signed a legally binding agreement with H&M, and later US companies Gap Inc., and PVH. The agreement requires brand signatories to support and enforce the TTCU-Eastman Exports agreement, with business consequences for non-compliance. Together, these agreements create the Dindigul Agreement, an enforceable

Legislation	Mandatory Committees	Nature and Role of Committees
Industrial Relations Code 2020	Works Committee	It is designed to 'promote measures for securing and preserving amity and good relations between the employer and workers'
	Grievance Redressal Committee	Applicable to enterprises with 20 or more workers. It is responsible for the 'resolution of disputes arising out of individual grievances'. Adequate representation of women workers no less than the proportion of women workers in the establishment is mandated.
Occupational Safety, Health and Working Conditions Code	Safety Committees (not mandatory)	Applicable to factories employing 500 or more workers, and all hazardous factories employing more than 250 workers. This Committee assists management in implementing health and safety policy, helps in arriving at practical solutions and creating safety awareness amongst workers.
The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	Internal Complaints Committee	Applicable to establishments with 10 or more workers, with at least one-woman employee. It is mandated to prevent and prohibit all forms of sexual harassment. It is responsible for receiving and investigating complaints and recommending actions to management.

Table 1

brand agreement (EBA) that empowers workers and allies in specific factories. Furthermore, this groundbreaking agreement represents the first instance in Asia where brands, supplier factories, local trade unions, and global labour stakeholders have come together to create a legally binding commitment to address gender and caste-based violence.

In 2022, an impressive 98% of the total grievances were resolved, with 96% of the grievances raised by women successfully addressed. The commitment to training and awareness was evident, as over 2,000 workers and management personnel, including senior management, support staff, and contract bus drivers, received training. Additionally, 58 worker shop floor monitors, mostly women workers, underwent additional training. Notably, all 23 GBVH grievances were resolved, and 22 of them were raised to the Trade Union Coordination Committee. Prompt resolution was prioritised, with 163 cases resolved within a week and 178 (96%) resolved within two weeks.

Oversight Committee:

- Representatives from TTCU, AFWA, GLJ-ILRF, Eastman
- Independent Gender and Labour expert
- up to two signatories of fashion companies

Role:

- Supervises execution of Dindigul agreement. Receives any report from the agreement’s independent grievance mechanism in case there are violations by Eastman.

Process Followed:

- Innovative program by women workers and trade unions to prevent and address gender-based violence and harassment (GBVH)
- Recognition of workers’ collective action via “Safe Circle,” prohibiting rights violations
- Shop Floor Monitors - empowered women workers ensuring GBVH protections, taking action
- Regular dialogue between unions and management, survivor-centered remediation, training

- AFWA Safe Circle Approach: Empowering women as change agents, engaging all stakeholders to eliminate GBVH.

Pros of the Agreement

• Independent Grievance

Mechanism: The agreement establishes independent expert assessors to receive and investigate non-compliance complaints. They hold the authority to report to the Oversight Committee, triggering potential business consequences. The internal complaints committee (ICC) is reconstituted and aided by independent assessors, amplifying its investigative capabilities. These assessors conduct independent investigations and address grievances related to freedom of association (FOA) or retaliation, aspects not covered by the Prevention of Sexual Harassment (POSH) Act. Additionally, an Oversight Committee, inclusive of representatives from labour, brands, suppliers, and an independent expert, is formed to ensure comprehensive governance

• **Training:** Granting trade unions access to GBVH and Dindigul Agreement rights training equips management, supervisors, workers, and anyone interacting with the factory. The training contextualises GBVH in relation to caste and migration, making it effective. The strategic implementation of training by the Trade Union Coordination Centre (TTCU), beginning in the village before the factory, ensures a solid foundation. This approach empowers a well-prepared workforce to engage with factories and foster positive labour condition changes.

• Shop Floor Monitoring and

Remediation: The agreement provides training for shop floor monitors, enabling workers to report GBVH incidents and facilitating regular meetings with management. This increases the likelihood of timely intervention and issue resolution.

• Anti-Retaliation Protections:

Inclusion of anti-retaliation provisions safeguards workers participating in or cooperating with the agreement, providing a sense of security to address GBVH concerns.

● **Global GBVH Standards Adoption:**

Alignment with the ILO Violence and Harassment Convention ensures a comprehensive approach to GBVH, covering a wide array of behaviors and harms, acknowledging discrimination's intersectionality.

● **Caste and Migration**

Protections: Explicit prohibition of GBVH at the intersection of caste or migration status offers crucial safeguards for marginalised workers, enabling effective discrimination combat

● **Transparency and Industry**

Learning: The agreement enhances transparency by publicising implementation data. Signatories aspire to implement best practices in clothing and textile manufacturing across Tamil Nadu, India.

● **Women-Led Committees:** ICCs have a majority of women, selected by TTCU

● **Business Consequences Authority:** Independent expert assessors possess the authority to report to the Oversight Committee, potentially triggering business consequences for signatory companies in cases of non-compliance.

Cons of the Agreement

● **Training:** The agreement's requirement for training may face challenges in terms of logistical arrangements, ensuring the availability of trainers, and accommodating training within normal working hours, which could potentially impact its implementation.

● **Access to Monitoring:** The effectiveness of the shop floor monitoring and remediation program depends on the willingness and cooperation of both management and workers, which may vary and could affect the timely resolution of GBVH incidents.

● **Scalability and Replicability:** The Dindigul Agreement's effectiveness is specific to the context of the garment industry in Dindigul. Replicating this agreement in other regions or sectors may face challenges due to the unique circumstances and dynamics of each context. Other grievance mechanisms that operate on a broader scale or industry-wide basis may offer more scalable and replicable models for addressing labour grievances.

● **Lack of Transparency and**

Reporting: The Dindigul Agreement may not have robust mechanisms in place to ensure transparency and public reporting of progress and outcomes. Transparency is vital for building trust and accountability among stakeholders and allowing external scrutiny. Comparatively, other grievance mechanisms that prioritise transparency and public reporting may provide greater visibility into the efforts and impact of the initiatives.

● **Lack of Independent audit:**

Independent monitoring and oversight mechanisms, such as third-party audits or inspections, can provide a more objective assessment of compliance and help address potential conflicts of interest.

2. Organisation for Economic Co-operation and Development (OECD) Mechanism

The OECD Guidelines for Multinational Enterprises provide non-binding

guidance for responsible business conduct globally. Governments adhering to the OECD Investment Declaration must set up National Contact Points (NCPs) to handle issues related to the guidelines. Any entity can submit a request to a NCP if a company is believed to have not followed the guidelines. NCPs cannot impose sanctions or provide compensation, but they issue final statements and may make recommendations to companies. NCPs should be impartial, transparent, and accountable, and they can seek support from various stakeholders.

Key elements:

- The complainant must be named and provide appropriate contact details.
- The company concerned (respondent) must also be clearly identified.
- The alleged contravention must fall within the scope of the OECD Guidelines and be specified in the complaint.
- The complainant must be able to explain its legitimate interest in the issue at hand and file the complaint on a bona fide basis

Process Followed

- The OECD does not have a formal grievance mechanism or a specific procedure for handling complaints related to the OECD guidelines on Multinational Enterprises (MNEs). However, the guidelines do recommend the establishment of NCPs in each member country. NCPs serve as an intermediary for facilitating dialogue and resolving issues related to the implementation of the guidelines
- The role of NCPs can vary from country to country, but they generally serve as a point of contact for stakeholders, including NGOs, trade unions, and individuals, to raise concerns or submit complaints regarding the conduct of multinational enterprises. The NCPs are responsible for promoting the guidelines and facilitating dialogue between parties involved in a dispute or complaint.
- When a complaint is submitted to an NCP, the procedure for handling it can differ depending on the country. NCPs typically aim to facilitate a resolution through mediation and dialogue between the parties involved. They may

conduct fact-finding investigations, engage in consultation with relevant stakeholders, and encourage voluntary dialogue to find a mutually satisfactory outcome.

- It's important to note that the effectiveness of the grievance mechanism largely depends on the individual NCPs and the resources allocated to them. The procedures, transparency, and enforcement mechanisms can vary, leading to inconsistencies in how complaints are handled across different countries.
- Overall, while the OECD guidelines encourage the use of NCPs to address grievances, the specific procedure for handling complaints and the outcomes of such processes are determined at the national level and can vary significantly.

Pros:

- Social Responsible Practice: The guidelines provide a framework for corporations to adopt socially responsible practices, encouraging them to respect human rights and promote corporate accountability.

- Alignment with existing standards: The guidelines are aligned with international standards and conventions, such as those of the ILO and the UN, reinforcing their credibility and relevance.
- Basic principles for corporate conduct: The guidelines outline fundamental principles that promote social and corporate responsibility, including respect for human rights and environmental sustainability.
- Awareness and promotion: The guidelines have helped raise awareness about corporate responsibility and have been used as a reference point by NGOs and communities in advocating for their rights.
- National Contact Points: NCPs established in OECD member countries provide a mechanism for addressing grievances and facilitating dialogue between stakeholders, potentially leading to resolution and improved corporate conduct.

Cons:

- Lack of representation: The guidelines were primarily drafted by OECD countries, potentially leading

to a bias in favor of the interests of corporations from these countries and a lack of representation of perspectives from production countries.

- Conflict of interest: The close relationship between corporations and political leaders, along with corporate lobbying, may undermine the impartiality and effectiveness of the guidelines.
- Voluntary nature: The voluntary nature of the guidelines means that compliance is not mandatory, allowing corporations to choose whether or not to adhere to them without facing significant consequences.
- Limited enforcement: NCPs only exist in OECD member countries, leaving non-member countries without a similar mechanism for addressing grievances related to multinational corporations' actions.
- Inadequate accountability: Some NCPs have been criticised for denying or refusing to accept cases, creating a lack of accountability and leaving affected communities with limited recourse. In addition, in Germany and other countries, it is not allowed to inform the public about the process

of negotiation which is a hindrance for NGOs which need the support from the public. We only can report after the negotiation has finished and a final statement has been made.

3. Clean Clothes Campaign (CCC) (Urgent Appeal System)

Urgent appeal mechanisms enable workers and unions to report labour rights violations in a factory, which the CCC and WRC raise with the brands sourcing from that factory. If brands fail to address the violations, public consumer campaigns are launched to hold them accountable. These campaigns often use public pressure, including 'naming and shaming' tactics, to advocate for workers' rights in the brands' supply chains. Through the Urgent Appeal System, the CCC engages in various activities such as writing protest letters to companies or public authorities, organizing public campaigns through emails, expressing solidarity with workers and their organisations through letters, and raising awareness through events like

speakers' tours, press conferences, and demonstrations.

The CCC's Urgent Appeal System aims to put pressure on brands, companies, and governments to address labour rights violations, improve working conditions, and ensure the protection of workers' rights. It operates based on the principles of worker autonomy, international solidarity, risk assessment, and collaboration with local stakeholders. Overall, the Urgent Appeal System serves as a vital tool for the CCC to advocate for justice, accountability, and systemic change in the garment and textile industry.

Process Followed

- Requests for action are received by the CCC through its International Secretariat or individual national-level CCCs.
- The CCC staff carefully verifies and clarifies these requests, augmenting the initial case information using their extensive network of local contacts in the country where the rights violation occurred.
- Each national-level CCC appoints

a dedicated contact person who oversees urgent appeals work within their respective coalition. Depending on the circumstances of each case, different organisations within the CCC coalitions may participate in conducting case-related activities based on their specific expertise or focus.

- In situations where multiple CCCs are involved, a case coordinator is selected to serve as the central point of contact for the overall campaign efforts pertaining to the case.
- Urgent appeals activities include writing protest letters, launching campaigns, showing solidarity, and conducting awareness events to address rights violations.
- In case rights violations are not addressed by the concerned brand(s), the case is made public

Pros

- Worker autonomy: The CCC believes in empowering garment workers to decide if they want international support in cases where their rights have been violated. This approach respects their agency and allows them to make informed decisions.

- International solidarity: The CCC's urgent appeal mechanism facilitates international solidarity by mobilising consumers, labour rights activists, and organisations to take action in support of workers' rights. This collective effort can exert pressure on brands and governments to address labour rights violations.
- Risk assessment: The CCC acknowledges the risks involved in drawing public attention to rights violations at the international level. By considering the potential consequences, workers can make informed decisions about whether or not to seek international support.
- Local context expertise: Workers and their representatives are considered the best judges of the local context of their cases. Their involvement in determining the need for international action and developing strategies ensures a more nuanced and effective approach.
- Advocacy for systemic change: The CCC's urgent appeals contributes to advocating for systemic change in the garment industry. By highlighting specific cases of rights violations,

the CCC can draw attention to the broader issues of exploitative working conditions and promotes the need for comprehensive reforms.

- **Collaboration and coordination:** The urgent appeal mechanism involves collaboration between CCC, trade unions, NGOs, and other stakeholders. This collaborative approach enhances the effectiveness of the advocacy efforts and strengthens the collective response to labour rights violations.

Cons

- **Limited enforcement power:** The CCC lacks the authority or legal mandate to enforce compliance with labour rights standards. This can make it challenging to ensure that brands take concrete actions to rectify violations and improve working conditions.
- **Dependence on public pressure:** The success of Urgent Appeals often relies on public awareness and pressure campaigns to influence brands. However, this approach may not always be effective, especially if the brand is not responsive to public opinion or has

a strong market position.

- **Time constraints:** Urgent Appeals aim to address immediate labour rights violations, but the process can be time-consuming. This may delay the resolution of urgent issues and hinder the timely protection of workers' rights.
- **Reliance on accurate information:** The success of Urgent Appeals depends on the accuracy and verifiability of the information provided. Inaccurate or insufficient information can undermine the effectiveness of the appeals and hinder the CCC's ability to advocate for change
- **Lack of accountability mechanisms:** The CCC's Urgent Appeal mechanism does not have strong mechanisms in place to hold brands accountable for their actions or lack thereof. This can limit the overall impact of the mechanism in ensuring lasting change.
- **Risk of reprisals:** Workers who speak out about workplace conditions and rights violations may face discrimination, job loss, or blacklisting from future employment. This creates a challenging environment for workers

to exercise their rights and seek international support.

- **Limited capacity:** Due to limited resources, the CCC may not be able to follow up on all requests for action. This constraint can result in some cases not receiving the necessary attention and support they require. The cases taken up in CCC urgent appeals are often complex and they do not always end successfully.
- **Geographic preference:** The prioritisation of cases based on their connection to specific coalitions or markets may lead to disparities in the level of support provided. Cases with less direct ties to a particular coalition or market may receive less attention.
- **Referral dependency:** In cases where the CCC is unable to take action, referring requests for assistance to other organisations might not guarantee the same level of support. This reliance on external organisations can introduce uncertainties in the outcome of the cases.
- **Resource prioritisation:** The CCC's limited resources require prioritisation of cases based on their capacity

to undertake effective action. This ensures that resources are utilised where they can have the most impact, focusing on cases connected to their coalition or market.

4. INTERNATIONAL ACCORD FOR HEALTH AND SAFETY IN THE TEXTILE AND GARMENT INDUSTRY

The International Accord brings together various stakeholders in the textile and garment supply chain, including brands, trade unions, factories, and workers, with the aim of achieving three primary objectives:

- **Cultivating a culture of workplace safety:** The Accord emphasises the importance of promoting a culture of safety by providing training to Safety Committees. It encourages workers to actively identify, address, and monitor safety hazards within factories, fostering a proactive approach to safety.
- **Preventing safety accidents:** To prevent accidents related to fire, electrical issues, structural integrity,

and boilers, the Accord implements an inspections and remediation program. This program is led by independent engineers who specialise in safety standards, ensuring that factories meet the necessary requirements to maintain a safe working environment.

- Establishing a trusted avenue for raising safety concerns: The Accord recognises the significance of providing a reliable platform for workers to voice their safety concerns. It establishes an independent complaints mechanism, allowing workers to report safety issues without fear of reprisals. This mechanism ensures that workers' concerns are taken seriously and addressed in a timely manner.

Who can make the complaint?

Through All Employee Meetings, everyone working in Accord-covered factories is given access to a phone number to raise occupational safety & health complaints. These also cover GBVH issues.

The complaint is to be addressed to independent complaints handlers inside the Accord-covered factory.

Key elements:

- The complainant can be anonymous.
- The complaints handlers are trained to assess and process each complaint.
- The complaints mechanism is operated on behalf of Accord signatories by independent complaints handlers who are trained in protecting confidentiality.

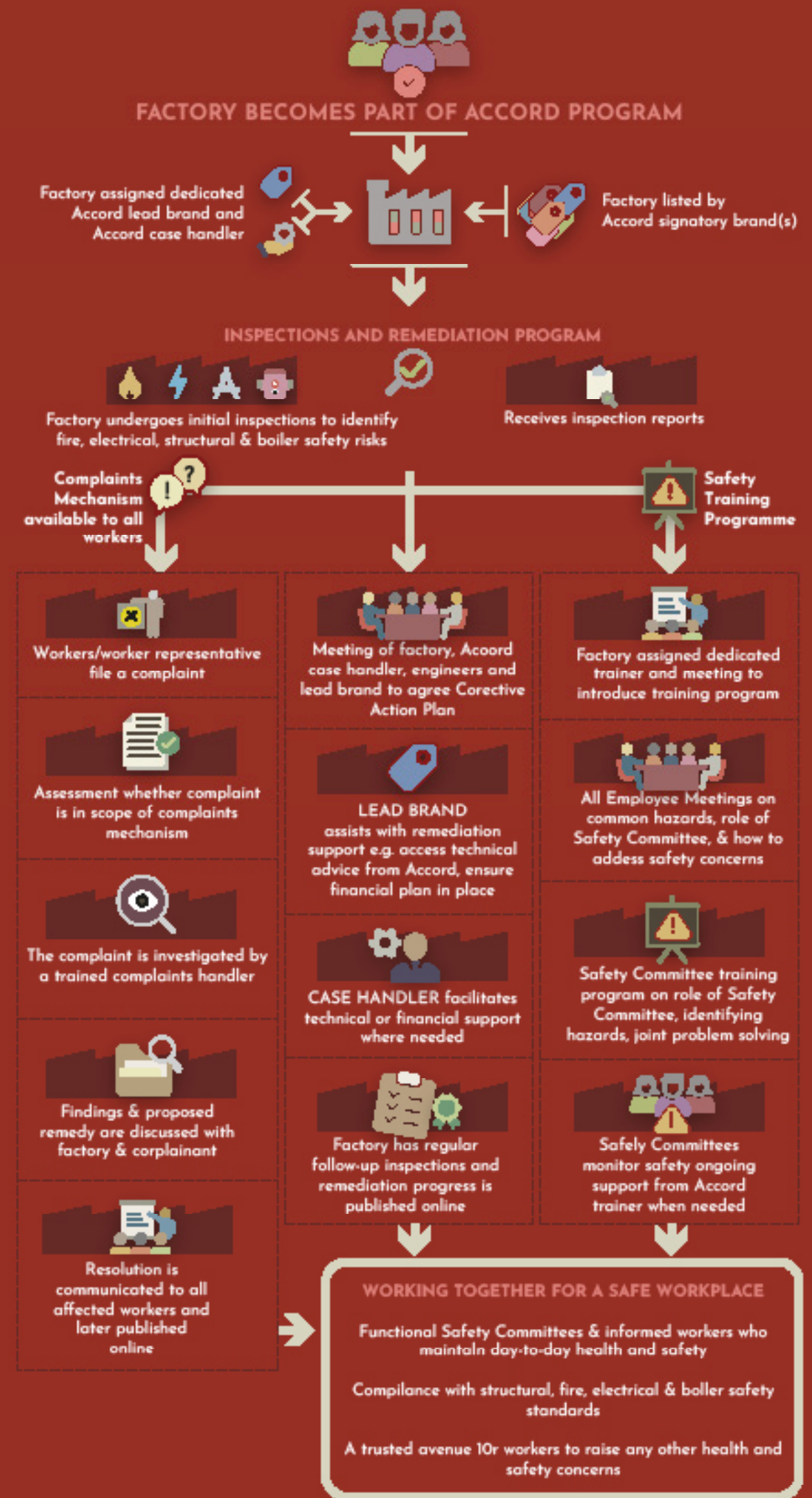
How factories are integrated into the Accord programs

(Figure 1) →

Complaint Mechanism Available to all workers

The independent workers representative file a complaint

- Initial assessment of whether the complaint falls within the scope of the Complaints Mechanism
- The complaint is investigated by a trained complaints handler
- The findings and remedy required are presented to the factory and complainant(s)



- The resolution is communicated to all the involved workers in the factory and later published online

Pros

- Legally binding nature: Unlike commercial social auditing, brand-led programs, and unenforceable multi-stakeholder initiatives, the Accord is legally binding. This means that all signatory companies must comply with its provisions, and trade union signatories can initiate procedures against non-compliant companies.
- Bi-partite governance: The Accord has a unique governance structure with representation from both brands and unions on the Steering Committee. This ensures that brands and worker representatives can work together at a large scale and on an equal footing.
- Brands' collective leverage: The Accord leverages the collective power of participating brands to drive change in the garment industry. This collective leverage enhances the effectiveness of the initiative in addressing safety issues.
- High levels of transparency and disclosure: The Accord emphasises transparency and disclosure, which promotes accountability and enables stakeholders to assess the progress made towards a safer industry. This transparency sets it apart from other programs.
- Financial support for remediation: Signatory brands under the Accord have an obligation to financially support the remediation efforts in factories. This groundbreaking aspect integrates the costs of maintaining a safe workplace into the business relationship between brands and factories, contributing to more sustainable sourcing practices.
- Independent complaints mechanism: The Accord's complaints mechanism is widely trusted by workers. Unlike many voluntary multi-stakeholder initiative (MSI) mechanisms, it has demonstrated effectiveness in preventing accidents and ensuring the reinstatement of workers who raised safety concerns.

Cons

- Membership concerns: Some of the Accord's member brands, such as Inditex group and Adidas, are accused of benefiting from forced labour of Uyghurs in Chinese factories. This raises questions about the credibility and ethical standing of the brands involved in the Accord.
- Tiered fee system: The Accord's fee structure is based on a fixed fee that does not consider the turnover of companies. This system is seen as more favorable to large groups and unfair to small and medium-sized companies. Small or medium-sized companies may end up paying the same flat rate as larger companies, despite having lower turnovers, which can create financial burdens for smaller players.
- Limited geographic coverage: Currently, the Accord only covers factories in Bangladesh, where significant improvements regarding safety issues have been made. However, the responsibility of brands in other countries is not addressed by the Accord. This limited scope raises concerns about the overall impact and effectiveness of the initiative.
- Inclusive nature: The fixed fee structure and the participation of large groups are seen as strategies to make the Accord more inclusive and encourage the involvement of big companies. However, it is argued that without the adherence of these big groups, the Accord may not have achieved its broad reach. This approach may prioritise inclusivity over holding larger brands accountable for their practices.
- Leaned more towards safety issues: The Accord primarily emphasises safety concerns, such as building integrity, fire safety, and worker protection from accidents. While these are undoubtedly critical aspects of ensuring a safe work environment, the Accord does not comprehensively address broader labour rights issues. Labour rights encompass a wide range of concerns, including fair wages, working hours, freedom of association (FOA), collective bargaining rights, and protection against discrimination and harassment and workers' health.

5. FAIR LABOR ASSOCIATION (FLA)

Fair Labor Association (FLA) addresses and resolves grievances related to labour rights violations and workplace issues in the supply chains of affiliated companies. The FLA is an organisation that works with companies, universities, and civil society organisations to promote fair labour practices and protect workers' rights. The FLA grievance mechanism provides a structured and formal process for workers, labour rights advocates, and other stakeholders to report and seek resolution for grievances.

The FLA ensures accountability to its Workplace Code of Conduct for all participants involved in the manufacturing and marketing process. This includes holding those individuals and entities at every stage of the process, from manufacturing to marketing. The FLA sets and upholds standards outlined in its Code of Conduct, which participants are expected to adhere to. By doing so, the FLA promotes ethical and fair labour practices throughout the supply chain.

The FLA plays a role in accrediting independent monitors, verifying companies' compliance with the code of conduct, and acting as an information source for the public. The FLA grants accreditation to external organisations that serve as independent monitors. These monitors conduct investigations to ensure adherence to the FLA code within the supply chains of member companies. This involves conducting factory inspections and submitting detailed reports on their findings.

Procedure Followed

- **Complaint Submission:** Workers or stakeholders can submit complaints through various channels, such as hotlines, email, or in-person. The FLA ensures that multiple avenues are available to encourage workers to come forward with their concerns.
- **Initial Assessment:** Upon receiving a complaint, the FLA conducts an initial assessment to determine the validity and relevance of the complaint. This involves verifying the identity of the complainant, reviewing the details

provided, and assessing whether the complaint falls within the FLA's jurisdiction.

- **Avoid Duplication:** FLA also considers whether local dispute resolution mechanisms were utilised to address the issues and the outcomes achieved through those processes.
- **Investigation Planning:** If the complaint is deemed valid, the FLA initiates an investigation. This involves developing a comprehensive investigation plan that outlines the scope, objectives, and methodologies to be used. The plan considers factors such as the nature of the complaint, the resources required, and the parties involved.
- **Field Investigation:** The FLA conducts on-site visits to the factory where the complaint originated. During the investigation, the FLA team conducts interviews with workers, management, and other relevant stakeholders to gather information and evidence. They also assess the working conditions, review documents, and collect any additional data necessary to evaluate the complaint.

- **Analysis and Report:** After collecting and analyzing the information, the FLA prepares a detailed report that documents the findings of the investigation. The report includes an assessment of the alleged violations, identification of root causes, and recommendations for remedial actions.
- **Remediation and Corrective Actions:** The FLA collaborates with the factory management, brands, and other stakeholders to develop and implement appropriate remedial actions. A company has 45 days to conduct an assessment and develop a remediation plan. If warranted, FLA may intervene by engaging a third party to investigate the allegations and recommend corrective action. The company must then develop a plan to address items not in compliance.
- **Follow-up and Monitoring:** The FLA conducts regular follow-up visits and monitoring to assess the progress of remedial actions. This involves revisiting the factory, engaging with workers, and verifying the implementation of corrective measures. The FLA continues to

monitor the situation to ensure sustained compliance with labour standards.

- Reporting and Transparency: The FLA maintains transparency by publicly reporting on the grievance process. They share information about the number and types of complaints received, investigation findings, and outcomes. This transparency helps hold accountable the factories and brands involved and promotes awareness of the FLA's efforts to address grievances.

Pros

- System Led Approach: it focuses on addressing labour issues within the broader system of global supply chains. Instead of solely focusing on individual company compliance, the FLA recognises that systemic change is necessary to achieve sustainable improvements in labour conditions. For this, FLA provide targeted guidance for companies working to achieve FLA Accreditation and ongoing training for accredited companies. This accreditation focuses on systemic change to the areas that FLA is focused

on. They are also undertaking a lot of strategic projects since 2004.

- Code of Conduct and Standards: The FLA has established a comprehensive Code of Conduct that sets forth labour standards and principles to be followed by participating companies. This Code covers a wide range of issues, including forced labour, child labour, discrimination, health and safety, freedom of association, and working hours. By adhering to these standards, companies demonstrate their commitment to fair labour practices.
- Membership Obligations: As part of the membership-driven approach, FLA members have obligations to uphold the FLA's principles and adhere to the Code of Conduct. They are expected to engage in ongoing efforts to improve labour conditions within their supply chains, participate in assessments, implement remediation plans, and contribute to the transparency and reporting requirements of the FLA.
- Independent Monitoring and Verification: The FLA conducts independent monitoring and verification of participating companies'

supply chains to ensure compliance with the Code of Conduct. This independent assessment adds credibility and transparency to the process, as it is conducted by external experts who assess labour conditions on the ground.

- Remediation and Capacity Building: When violations of the Code of Conduct are identified, the FLA facilitates remediation efforts to address the issues and improve labour conditions. This includes working with participating companies to develop corrective action plans and providing support and capacity building to help them implement sustainable improvements.
- Public Reporting and Transparency: The FLA is committed to transparency and publicly reporting its findings and progress. This transparency allows stakeholders, including consumers, civil society organisations, and workers, to hold companies accountable and track the progress made in improving labour conditions.
- In November 2021, the Fair Labor Association (FLA) received a complaint

from the Garment Labour Union (GLU) regarding allegations of Freedom of Association (FOA), Harassment and Abuse, and Health and Safety violations at Shahi Exports Private Limited, Unit 26. The FLA initiated a Third-Party Complaint Investigation in April 2022. The investigation was conducted by the Association for Stimulating Know How (ASK) in collaboration with FLA and Nike.

- Continuous Improvement: The FLA is dedicated to continuous improvement and learning. It regularly evaluates its own performance, seeks feedback from stakeholders, and adjusts its strategies and programs accordingly. This commitment to learning and adaptation allows the FLA to evolve and enhance its impact over time.

Cons

- Revenue Threshold: FLA works with companies which has certain revenue threshold leaving other organisations out of the scope
- Limited knowledge and transparency: Many stakeholders, including factory workers and

managers, have limited awareness of the FLA and its activities. It is also because FLA does not give a lot of attention to training programmes. Lack of transparency in decision-making processes and information sharing, such as factory locations and audit reports, contributes to this limited knowledge. There is a need for improved dissemination of information to stakeholders, particularly workers in producing countries.

- **Lack of Quality Investigation Officers:** Finding investigation officers with the necessary expertise and qualifications in labour rights, supply chain dynamics, and investigation techniques can be challenging. It requires individuals who have a deep understanding of local labour laws, cultural nuances, and the specific challenges faced by workers in that particular context. Also, it is essential to identify investigation officers who are independent and impartial.
- **Inadequate influence:** Core stakeholders, such as workers, have limited ability to sanction the FLA or participating companies for code violations or decisions that

affect them. Internal enforcement mechanisms, like decertification of delinquent companies, have minimal worker influence. Third-party complaint mechanisms, while available, often require high-profile campaigns by activists for effective resolution. The Central American Ombudsman initiative, designed for worker complaints, has not been widely successful due to its small scale and lack of broader stakeholder engagement.

- **Weak stakeholder representation:** Structures for stakeholder representation within the FLA are weak. While US labour and human rights NGOs indirectly represent worker interests on the FLA Board, there are no direct representation systems for individual stakeholders to select, sanction, or communicate with board members. Concerns of factory managers are also largely unrepresented.
- **Limited stakeholder deliberation:** While stakeholder consultations have been organised by the FLA, they are irregular and lack institutionalisation. The impact of these consultations

on shaping strategic priorities or policies of the Association is unclear. Deliberative processes within the wider public domain, influenced by activist criticism, have played a more significant role in shaping FLA decision making. Worker input has been indirect, primarily through transnational activist networks.

6. FAIR WEAR FOUNDATION (FWF) GRIEVANCE MECHANISM

The Fair Wear complaints procedure is designed to address grievances related to working conditions and violations of the Fair Wear Code of Labour Practices in factories supplying to Fair Wear member companies. The procedure operates under several guiding principles:

- **Factory-level resolution:** Ideally, complaints should be resolved at the factory level through existing processes such as human resource procedures, trade union negotiations, or legal systems in each country.
- **Support for social dialogue and trade unions:** The system aims to strengthen

local mechanisms and create an enabling environment for constructive social dialogue. It does not replace or undermine existing functional mechanisms, particularly the role of trade unions.

- **Transparency:** The procedure strives to provide transparency in terms of process and outcomes. Public reporting on complaints promotes learning and showcases examples of problem resolution. Anonymity protection is ensured when necessary.
- **Shared responsibility:** The system is based on the principle of shared responsibility between member brands and factories. Member companies commit to implementing the Code of Labour Practices and responding adequately to complaints.
- **Access to effective remedy:** The complaint mechanism aims to facilitate access to effective remedy for workers by leveraging the influence of Fair Wear member companies at factories. However, full remedy cannot always be guaranteed due to limitations in mandate and influence.

Elements of FWF Mechanism

- Brands inform production locations about the FWF helpline and conduct training on the complaint mechanism.
- Local complaints handlers gather complaints through various communication channels.
- Independent investigations are conducted to assess the validity of the complaints.
- Member brands and production locations collaborate with complainants to develop a corrective action plan, including remediation and prevention measures.
- Corrective action plans (CAPs) are based on root cause analysis and reflect on the brand's purchasing practices.
- Fair Wear local teams provide advice and may be involved in remediation activities.
- Evaluation with the complainant is conducted to assess the effectiveness of the grievance process.
- The performance of the brand(s) is

assessed, and the findings are shared with stakeholders.

The process of complaints handling



Pros

- **Empowering Complainants:** The grievance mechanism of Fair Wear Foundation empowers complainants by ensuring their safety and providing a platform for their voices to be heard. Anonymity safeguards against retaliation, and regular updates and input opportunities give complainants a sense of involvement and agency in the resolution process.
- **Worker-Centric Approach:** The mechanism places the interests and well-being of workers at the forefront. It enables them to assert their rights, voice their concerns, and seek redress for labour violations, fostering a much more equitable and inclusive working environment.
- **Continuous Improvement:** Fair Wear Foundation actively seeks feedback and input from stakeholders to improve the effectiveness of the grievance mechanism. This iterative approach allows for ongoing refinement and adaptation to address emerging challenges and meet evolving needs.
- **Systemic Change:** By addressing

grievances at the root cause level, the mechanism aims to drive systemic change within member brands' supply chains. It encourages brands to assess their purchasing practices and implement sustainable strategies that promote fair and safe working conditions.

- **Industry Influence:** Fair Wear Foundation's reputation and network of member brands provide an opportunity to influence broader industry practices. By showcasing successful remediation efforts and promoting best practices, the mechanism can inspire other companies to adopt similar standards and create a positive ripple effect across the industry.

Cons

- **Time-Consuming Process:** Resolving grievances through the mechanism can be a time-consuming process, involving investigations, collaborative planning, and implementation of corrective actions. This may delay the resolution of complaints and impact the timeliness of worker remedy.

- **Limited Scope of Authority:** Fair Wear Foundation operates within its own mandate and influence, which may be limited compared to legal or regulatory bodies. This limitation can restrict the mechanism's ability to enforce compliance and ensure full remedy in all cases.

- **Cultural and Language Barriers:** The grievance mechanism operates in diverse cultural and linguistic contexts, which can present challenges in effective communication and understanding. Overcoming these barriers requires ongoing efforts to promote cultural sensitivity and provide adequate language support.

- **Resource Intensiveness:** The successful operation of the mechanism relies on dedicated resources, including financial and human resources, to handle complaints, conduct investigations, and support remediation efforts. Securing and sustaining these resources can pose challenges, particularly for smaller brands or organisations.

During the period from 2021, the Fair Wear Foundation's grievance mechanism

received a total of 12 complaints. Among these, 7 were inquiries seeking information. Out of the 12 complaints, 4 were successfully resolved, indicating effective remediation efforts.

Additionally, 14 complaints were closed during the year, which included cases that were received before 2021 and subsequently resolved through follow-up. Currently, 5 complaints remain in progress, showing ongoing efforts to address worker grievances. Geographically, the complaints were distributed as follows: 2 in Delhi NCR, 5 in Tirupur, 1 in Bangalore, and 4 in other regions of India.

Effectiveness of local complaints mechanisms in India

- **Women's Commission:** The National Commission for Women (NCW) and State Women's Commissions in India play a crucial role in addressing women's issues and complaints. These commissions have been instrumental in providing a platform for women to voice their concerns, seek justice, and obtain redressal. The effectiveness

of Women's Commissions may vary across states due to differences in resources, infrastructure, and the level of commitment from the respective governments. In some states, Women's Commissions have successfully intervened in high-profile cases, conducted investigations, and recommended actions to ensure justice for women.

- **ESI and PF:** While the Employees' State Insurance (ESI) and Provident Fund (PF) schemes in India primarily focus on providing employee benefits, they indirectly contribute to addressing certain complaints. For instance, in cases where employers fail to make the required contributions to these schemes, employees can approach the concerned authorities to lodge complaints. However, it's important to note that these programs are primarily designed for benefit administration and may not be the primary mechanism for addressing broader workplace grievances.

- **Welfare officers, HR personnel (inside factory):** Factories in India are mandated to appoint welfare officers and have HR personnel responsible

for addressing employee grievances. The effectiveness of these internal mechanisms can vary based on factors such as training, independence, and responsiveness of the personnel. In some cases, the effectiveness may be limited due to challenges such as inadequate training, a lack of impartiality, or fear of reprisals. Employees may hesitate to raise complaints internally if they perceive the system as being biased towards the management.

- **Labour department:** The labour departments at the central and state levels in India are responsible for enforcing labour laws and regulations. These departments have the authority to handle complaints related to labour rights violations, wage disputes, and other workplace issues. However, the effectiveness of labour departments can be influenced by factors such as the availability of resources, the caseload they handle, and the level of enforcement. In some cases, the responsiveness and efficiency of labour departments may vary, and addressing complaints may take time due to administrative processes and backlog of cases.

- Workers' helpline number: The establishment of workers' helpline numbers in India, such as the National Helpline for Bonded Labour and state-specific labour helplines, aims to provide a platform for workers to report grievances and seek assistance. The effectiveness of these helpline numbers depends on factors such as their accessibility, responsiveness, and the training provided to the personnel handling the calls. While well-implemented helpline systems with trained professionals can offer an effective channel for reporting and resolving complaints, the overall impact may be influenced by factors such as the reach of the helpline, the timely follow-up on complaints, and the availability of appropriate redressal mechanisms.
- Labour courts: Labour courts and industrial tribunals in India have the authority to adjudicate labour-related disputes and provide legal remedies. These courts play a crucial role in ensuring access to justice for workers and employers alike. However, the effectiveness of labour courts can vary based on factors such as the backlog of cases, procedural complexities, and delays in the judicial process. In some instances, the lengthy legal proceedings and associated costs may deter workers from pursuing complaints through the court system. For eg: The Supreme Court expressed concern in May 2023, over the lack of committees in government departments to address workplace sexual harassment allegations and emphasised the urgent need for robust implementation of the Prevention of Sexual Harassment (PoSH) Act. The court criticised the serious lapses in enforcing the Act, calling it a sorry state of affairs reflecting poorly on all involved. Proper constitution of internal complaints committees (ICCs) and local committees (LCs) is crucial for effective inquiry into complaints. The court stressed the importance of strict enforcement and a proactive approach to ensure a dignified and respectful workplace for women employees.
- Internal Complaints Committee: Applicable to establishments with 10+ workers, at least one-woman employee. Prevents and prohibits sexual harassment, investigates

- complaints, recommends actions to management. Lapses in implementation highlighted by the Supreme Court of India.
- Grievance Redressal Committee: Applicable to enterprises with 20+ workers. Resolves individual grievances, mandates representation of women workers. Often ineffective, fails to address worker grievances.
- Works Committee: Promotes employer-worker relations, lacks power for collective bargaining. Deals with lighter issues, not wage increments. Mainly for compliance, members lack negotiation power.
- Safety Committees: Applicable to factories with 500+ workers or hazardous factories with 250+ workers, it assists in implementing health and safety policies, raises awareness. Formed for compliance, members lack negotiation power. Addresses minor injuries and major safety issues.

It's important to note that the effectiveness of local complaints mechanisms can be influenced by systemic challenges, regional variations,

and the commitment of authorities to address labour issues effectively. Workers and individuals facing grievances are advised to seek guidance from local resources, labour rights organisations, and legal professionals to navigate the specific mechanisms available in their jurisdiction and to determine the most appropriate approach to address their complaints more effectively.

04

CRUCIAL COMPONENTS FOR FUNCTIONING GRIEVANCE MECHANISMS

- **Multi-stakeholder Approach and Collective Action:** Adopting a multi-stakeholder approach involving brands, suppliers, trade unions, NGOs, and workers' representatives can lead to better-designed mechanisms that address a wide range of issues and ensure accountability.
- **Awareness and Education:** Workers should be educated about their rights, the grievance process, and the mechanism available to address their concerns. This includes providing information on how to identify and

report labour rights violations, ensuring workers are aware of the mechanism's existence, and conducting regular awareness campaigns.

- **Accessibility:** The mechanism should be easily accessible to all workers, regardless of their position, background, or language. It should provide clear information on how to file a grievance and offer multiple channels for submission, including in-person, online, as well as anonymous options.
- **Worker Representation:** Involve worker representatives, such as trade unions or worker organisations, in the design and functioning of grievance mechanisms. Their involvement can enhance the effectiveness and legitimacy of the process.
- **Worker empowerment and agency:** Several points emphasise the importance of worker autonomy, informed decision-making, and the involvement of workers in determining actions and strategies.
- **Power to Worker:** Giving more power to workers can indeed help in reducing fear within the workplace.

When workers have a greater say in decision-making processes, more control over their work, and increased autonomy, it can lead to a reduction in fear, apprehension, and fear of the management.

- **Floor Monitoring systems via Independent Assessors:** Independent assessors are appointed to conduct inspections and audits of factories to assess compliance with the health and safety standards as outlined in the various mechanisms
- **Legally binding nature:** Legally binding nature of these agreements in Bangladesh, Pakistan, and the Dindigul agreement provides a strong foundation for driving positive change in the respective industries. It ensures that commitments are not merely voluntary but backed by enforceable provisions, ultimately leading to improved labour standards, worker safety, and social sustainability
- **Timeliness and Efficiency:** The grievance mechanism should have clear timelines for addressing and resolving grievances. It should prioritise prompt investigations, provide regular updates

to complainants, and ensure that decisions and actions are taken within a reasonable timeframe. Standard operating procedures for actions should be established.

- Dialogue Communication and interaction between managers, supervisors and workers: It should facilitate constructive dialogue and engagement among these stakeholders to address systemic issues and promote sustainable solutions.
- Alignment with international standards: The guidelines and agreements mentioned are aligned

with international standards and conventions, reinforcing the importance of adhering to established principles and norms.

- Transparency and accountability: Transparency is emphasised through the public disclosure of implementation data and the power to impose business consequences for non-compliance. The mechanism should maintain transparency by providing information on the number and nature of grievances received, actions taken, and outcomes achieved. It should be accountable to workers and other

stakeholders by regularly reporting on its activities and results.

- Protection against Retaliation: It is crucial to have safeguards in place to protect workers from retaliation when they file grievances. Legal protections against retaliation and measures to maintain complainants' confidentiality are necessary to create a safe environment for workers to come forward without fear of reprisals.
- Oversight Committee: The mechanism should be independent of management influence and have impartiality in investigating and

addressing grievances. This can be achieved by having a dedicated grievance committee or ombudsman that consists of impartial members with expertise in labour rights and workplace issues. An oversight committee could be established to monitor the implementation of the mechanism and to ensure compliance by signatory companies. The committee may include representatives from different stakeholder groups, such as labour organisations, NGOs, and industry experts.

05 COMPLAINT HANDLING PROCESS OF THE PST

The Partnership for Sustainable Textiles (PST) supports its members in setting up or participating in effective complaints mechanisms along their supply chain. The PST currently has a complaint handling procedure where companies have caused negative impacts or contributed to them through their suppliers as well as through their business and purchasing practices. PST has also entered into an agreement with FWF and AMFORI, with the objective of creating a jointly usable grievance mechanism/ system that gives access to remedy in supply chains of companies that are members of an MSI.⁴

When a complaint is communicated to the PST Secretariat it follows the following process:

- The Partnership Secretariat informs the affected member and the Steering Committee and checks whether other MSIs might be involved
- The member is given the opportunity to submit a response.
- The Steering Committee deals with the case at its next regular meeting and agrees on written reply to both the sender and the member.
- If necessary, the Partnership Secretariat assists in coordinating an initial exchange between the parties concerned as well as identifying possible external partners (e.g. alternative complaints procedures and/ or dispute resolution options).
- The Partnership Secretariat enquires from the member which results have been reached and if the case has been resolved. Depending on how the case develops, the Steering Committee may take up the case again.

06

CONTEXTUAL REGIONAL DESCRIPTION

An understanding of the major production centers in India and their peculiar characteristics is relevant, as it provides contextual understanding of the garment sector and enables us to critically analyse any mechanism in its relation.

With the advent of globalisation, the global garment industry has seen many geographical shifts chasing low costs and the most 'flexible' forms of labour available. This has helped generate millions of jobs in developing countries like India, but is accompanied by labour abuse, increasing informalisation, lower wages, social identity (like gender and caste) based discrimination, long working hours and deteriorating working conditions. The textile and garment supply chain in India is complex and fragmented and exhibits serious breaches of fair labour practices. These not only relate to child labour and forced labour, but also to worker

health and safety and gender impact. The labour conditions in different stages of production entails different forms due to fragmentation, diversity in conditions, form of employment and size of industry.

The largest readymade garment manufacturing centers in India include Bangalore (Karnataka), Tiruppur (Tamil Nadu) and the National Capital Region (NCR). Each of these different production centers in India is characterised by specific workers' demographics, means of production and labour issues. The NCR region is characterised by a predominant male migrant worker population, who are subject to seasonal contracts consisting of cyclical lay-off and re-hire practices.⁵ It is also known to employ a huge number of female homeworkers and migrant child labourers, who are part of the unorganised workforces employed in home based units⁶. Apart from that, the industry is marred with exploitative working conditions, occupational safety and health risks, deceptive recruitment, low wages and harassment.⁷ The two garment hubs, Bangalore and Tiruppur, in South India, are again

distinct in nature. Bangalore's garment sector, which employs more than half a million workers, is known for low wages, high production targets, and workplace harassment. Women make up 85-90% of Bangalore's garment sector workforce, with the vast majority in the age range of 18 to 45.⁸ These women are employed in factories with semi-permanent contracts and catering to the export market.⁹ Men who are employed in the industry typically occupy superior management or supervisor positions. There is therefore a significant imbalance of power, with women encountering exploitative conditions that are general throughout the workforce, as well as on account of gender dynamics that emerge from this very imbalance.

The industry in Tamil Nadu is a major production hub for yarn, fabrics and garments, supplying many big clothing brands in Europe and the USA. It is home to approximately 1600 mills, with a workforce of more than 4,00,000 workers. 60% of the workforce is constituted by women.¹⁰ Majority of the garment workers come from the lowest social ranks of the society, are young and migrant in nature. "

07 USEFULNESS OF MSI-LED MECHANISMS

Different MSIs may have different approaches but the common denominator between the diverse initiatives is that they are 'interactive processes in which business, CSOs and possibly other stakeholder groups interact to make business processes more socially and/ or environmentally stable'.¹² Where national governments lack the power to regulate international markets, or civil society organisations and trade unions are unable to pressurise companies that may be causing violations, MSIs could respond to these various challenges.

Looking at MSI's role in grievance mechanisms, it is observed that non-judicial grievance mechanisms hosted

by MSIs have become relevant in recent times because workers can be provided with a safety net if local mechanisms or judicial mechanisms cannot be used or are ineffective. These grievance mechanisms are not designed to replace internal grievance mechanisms in factories or undermine the role of trade unions or judicial mechanisms. Instead, it is to be used as a back-up in case primary channels are not functional or unable to protect the complainant. It can also be used to strengthen the existing mechanisms.¹³

MSIs could also make significant value addition by way of creating leverage. MSIs have the ability to identify and exploit opportunities for coordinated action towards implementing due diligence requirements by companies. A position paper making recommendations to MSIs provided examples on how leverage could be used by MSIs and it included identification of common challenges in due diligence implementation, development of joint measures to tackle challenges, development of standards for Human Rights and Environmental Due

Diligence (HREDD) implementation, implementation of joint pilot projects and establishment of industry wide or cross-company grievance mechanisms.

However, non-judicial mechanisms hosted by MSIs have received a lot of criticism due to their inability to resolve complex labour rights issues despite their power and positioning.¹⁴

08

CHALLENGES OF MSI-LED MECHANISMS

Recommendations for improvement can be provided when the loopholes and potential improvement areas have been identified. Our consultations and desk research revealed issues that the MSIs should aspire to improve through incremental changes. There are several challenges that limit the effectiveness of such grievance mechanisms.

1. Inability to take on complex labour rights issues: Complex labour rights issues such as overtime, low wages, forced labour, sexual harassment, GBVH and restrictions on freedom of association are rampant in the garment industry and yet, most non-judicial grievance mechanisms rarely touch these issues.¹⁵ They stay at the

surface and tackle low-hanging issues relating to canteen, toilet, first-aid box etc. There is a need for these urgent issues to be acted upon.

2. Voluntary nature of MSIs: The voluntary nature of MSIs is one of its main limitations.¹⁶ Companies that are part of MSI led grievance mechanisms have to spend additional resources than their counterparts who are not part of such arrangements. Other limitations include the lack of binding agreements between companies and MSIs and low threshold of expectation from the companies in an MSI.

3. Lack of sufficient resources to support CSOs and limited involvement of CSOs in the global South: The success of these grievance mechanisms is greatly dependent on the support provided by civil society organisations in contributing towards knowledge of sector and country specific human rights problems and the perspective of rights holders. These pose a three-fold problem:

3.1 Stakeholders (trade union

representatives, civil society organisations and workers) from producer countries are insufficiently involved and consulted in the process and its implementation.¹⁷

3.2 Civil society organisations and trade unions get little to no support in terms of resources to carry out this additional work

3.3 Stakeholders in the global south are sometimes inadequately capacitated to contribute and there is an inherent power imbalance

4. Absence of records/ Failure to register complaints: Many organisations indicated that even if there are mechanisms set up by MSIs or brands, factories do not register the complaints or enter it in records. READ (Rights Education and Development center), an NGO based in Erode, Tamil Nadu, states, “where committees exist, and issues arise, management prevents them from being recorded in official meeting records as there is the fear that these records will be scrutinised during audits.” CSED indicated how a factory

had a toll-free number for workers to collect complaints. It promoted the number and also put up a notice for workers' knowledge. But eventually when workers complained, no one answered the calls. Interviewees also informed that factories fear that brands will pressurise or blacklist suppliers who have complaints registered against them by workers. And so, they decide not to register complaints at all.

5. Lack of awareness about the mechanisms: A report that analysed the functioning of Complaints and Dispute committee, a body affiliated within Dutch Agreement on Garments and Textiles, indicated that the mechanism was hardly used for raising grievances because stakeholders in production countries are oblivious of the procedure. The additional layer of routing the complaint through the AGT

Secretariat poses a hurdle to raising complaints.¹⁸ Grievance mechanisms fail to be effective from the outset because of insufficient communication about the existence of the mechanism to potentially affected rights holders and workers.¹⁹

6. Risk of reprisal: The risk of reprisals against complainants prevents use of such mechanisms. Even where complainants are represented by a third party (e.g CSO, trade union), the lack of procedures on handling data on the complainant or providing adequate mechanisms in place to ensure a complainant is not at risk, prevents affected rights holders to utilise the mechanism.²⁰

7. No guarantee on outcome or remedy: The voluntary nature of these processes and the distinct power imbalance mean that complainants are not guaranteed an outcome, much less a remedy. MSIs

either have a dialogue-based process or adjudicate-based process for providing remedy. In case of dialogue-based processes, complainants lack the knowledge and power to arrive at a settlement that is appropriate to the harm caused. Adjudication-based processes often just lead to an investigative and findings report. The absence of sanctions or an order to carry out corrective measures renders the mechanisms futile.

8. Independence: Rights Holders or stakeholders suspect that there is an inherent conflict of interest because the same institution that promotes the activity is also responsible for providing remedy. A report indicated that complaints are not properly dealt with in non-judicial grievance mechanisms because the process does not guarantee independence.²¹

9. (ix) Receipt of grievances from other brands: Grievance

mechanisms set up by brands or MSIs receive complaints from workers not associated with suppliers working for that particular brand. There is thus a need for industry level grievance mechanisms so that grievances can be resolved.

10. Substandard working conditions in lower-tier suppliers: Labour rights violations often occur in lower-tier suppliers or subcontractors, where working conditions can be particularly challenging to monitor and regulate. These suppliers may operate in remote locations, have limited resources, and face less scrutiny, making it difficult to address grievances effectively.

11. Complex supply chains: The garment industry often has complex and fragmented supply chains, involving numerous stakeholders across different countries.

09 RECOMMENDATIONS FOR THE PST

Non-judicial grievance mechanisms supported by MSIs, have an opportunity to provide an accompanying instrument to legal regulations and make a meaningful contribution to strengthen corporate due diligence if they are effectively designed and implemented. These mechanisms will only be successful when it is accessible to workers, and workers are able to voice their concerns and receive an effective remedy. With a view to the multitude of MSI-led back-up mechanisms, it is advisable to unite and harmonise. Following are some of the suggestions to strengthen the existing mechanism

- 1. Establish (or join) an operational grievance mechanism:** Merely stating that the PST (and its member companies) is open to receiving

complaints or grievances is not enough. It is crucial to develop an operational grievance mechanism that allows various stakeholders to voice their concerns about the issues related to responsible business conduct.

- **Key components of an operational grievance mechanism:** The mechanism should define the types of complaints it covers and the available mechanisms for lodging complaints. Clear communication of available outcomes and awareness-raising through multiple channels are essential. Additionally, escalation protocols need to be defined to ensure the effective handling of grievances.
- **Quality guarantees for an operational grievance mechanism:** Companies are recommended to consider key quality guarantees for their grievance mechanisms, that are in addition to the effectiveness criteria outlined in the UN Guiding Principles on Business and Human Rights.
- **Importance of informing stakeholders:** Efforts should be made to inform various stakeholders,

including workers, clients, suppliers, local communities, trade unions, and NGOs, about the existence of the grievance mechanism and also about the outcome of filed GM. Tailoring communication to the local culture, language, and capacities is crucial.

- **Encouraging first-tier suppliers to establish grievance mechanisms:** Companies can encourage their direct suppliers to set up their own grievance mechanisms. This enables suppliers to obtain information for their own due diligence. Incorporating the requirement for a grievance mechanism in the supplier Code of Conduct and monitoring its existence and effectiveness through assessments or audits can be considered.
- **Capacity-building for suppliers:** Companies can support suppliers in building their capacity to operate in line with ethical standards. This includes helping suppliers create effective human resources systems capable of handling grievances at all levels, with clear escalation protocols. Suppliers should be familiar with and committed to the company's Code of Conduct and ethical policies.

2. Protection from retaliation:

There should be appropriate measures taken for protection from retaliation or reprisal. THOZHI Network informed that workers fear retaliation so much that they do not call from their own phone number to register complaints. Cases such as this emphasise the importance of protecting workers from retaliation. Failure to protect workers will undermine the accessibility of the process by discouraging workers from using it. Effective non-retaliation policy and strict monitoring and implementation will help build trust of workers. Asia Floor Wage Alliance indicated that grievance mechanisms can be effective in the garment factory setting when trade unions are involved and are present to protect workers from retaliation. Processes and mechanisms like these also become popular through word of mouth. Garment Labour Union pointed out that: "Labour unrest is a common phenomenon in most factories when faced with an issue. Workers are faced with severe retaliation from the management

when they voice their concerns. When situations like these aggravate, it also ends up in factory closure." Lessons can be learnt from the recent Dindigul agreement where shop floor monitors and workers selected by unions are trained to report complaints. These people receive higher protection from retaliation and in case of adverse actions, a presumption is made in their favour.

3. Strict timeline and regular updates:

The participants in the consultation unanimously opined that workers lose interest in the grievance when the time taken for resolution is too long. Munnade Social Organisation mentioned that workers either learn to live with the issues when it goes unresolved for too long or leave the factory if it becomes unbearable. Since most of the problems like wages, harassment, overtime, harsh production targets are sweeping issues witnessed across the industry, even when they go to another factory, they are faced with the same problems again. The solution to this vicious cycle is to provide speedy resolution to

the grievance and provide regular updates to the concerned worker and the CSO or trade union supporting the worker. An update on the case will enable the worker to know that the case is active and is being pursued. That might give him the strength and incentive to continue in the same factory. Therefore, it is crucial to establish a clear timeline for the dialogue process, beyond which parties can disengage if necessary, but commit to focusing their efforts on the dialogue. This timeframe can be extended if parties believe that progress is being made and an agreement is within reach. The agreement on the timeframe can be facilitated by a mediator or facilitator at the outset of the engagement.

4. Collaborating with specific factories or suppliers in production countries and collaborating with brands:

Small and medium brands often lack the leverage of scale / order size to influence their partners to take action around workers' rights issues. Often small-scale brands also lack resources, or an on-ground team to provide technical

assistance to their suppliers even if there is willingness on part of suppliers. Thus, MSIs have the ability to use the leverage and influence suppliers to collaborate on grievance mechanisms. These collaborations can encourage suppliers to receive and remediate grievances. ROPE, an organisation based in Salem expressed their frustration on how they have been trying to form an Internal Complaints Committee (ICC) in factories for many years. But there has not been much success. If MSIs like PST, collaborate with suppliers, a lot can be attained. READ also thinks that suppliers will become more serious about making grievance mechanisms available to workers if they are pressurised by brands.

5. Supporting existing mechanisms mandated by law:

PST can support or facilitate the functioning of Committees mandated under the law. The new Industrial Relations Code includes provisions for formation of Committees, to resolve grievances of workers through bipartite forums at factory level. The Works Committee is recognised as an authority

under the Industrial Disputes Act to resolve day-to-day grievances arising between production workers and management, rather than directly reaching out to the labour department for conciliation-adjudication. Research indicates that compliance with these provisions is rarely observed. A study by Fair Wear indicated that only factories that underwent frequent social audits by brands or third parties ran these Committees mandated by law. Jayam Trust mentioned that the constitution of ICCs is flawed since the factory management carefully elects members who are pro-management. CSED, Tiruppur had filed applications under the Right to Information Act to find out about the status of ICCs functioning in the factories of Tamil Nadu. They indicated that less than 1% of factories have a functioning ICC. There have been efforts made by several NGOs and trade unions to make these Committees functional in factories. Garment Labour Union advises its union members to get elected in Committees, raise grievances and advises them in

negotiating with the management. The Multi Stakeholder Initiative Tamil Nadu (MSI-TN) has facilitated the formation of Committees. As a result, complaints raised have considerably risen during the project period. MSIs like PST should work with companies and suppliers for having a neutral representative who can ensure that ICCs fairly elect worker members who can voice and resolve their grievances effectively. The mechanism can also support workers in participating meaningfully in existing mechanisms mandated by law. No mechanism can be effective if it doesn't place workers at the center in raising grievances, finding solutions and helping the management implement the proposed solutions.

6. Strengthening the position of trade unions: PST can potentially strive to help strengthen the position of trade unions in the grievance redressal eco-system in India. The new Industrial Relations Code places several restrictions on trade union activity and limits worker protection. While the law does not explicitly

prohibit informal or contract workers to unionise, worsening of employer-employee power dynamics, non-enforcement of legal provisions and restriction of trade union activities renders these rights largely aspirational. It is also important to note that inspections for ensuring implementation of the law have been paralysed by the recent change in labour law. The recent law restricts the power of labour inspectors, requires notice before inspection and promotes self-certification, thereby diluting regulation and monitoring.

7. Negotiating and signing an enforceable binding agreement (EBA) with a brand and supplier:

EBAs can be a very powerful tool to support a worker or union-led programme at a factory or worksite. We borrow learnings from successful mechanisms like the International Accord for health and safety in the Textile and Garment Industry ("International Accord"), which is a successor to the Accord on Fire and Safety in Bangladesh ("Bangladesh Accord"). Over 220 companies

signed the five-year Accord, and by May 2018, the work of the Accord had achieved significant progress for safer workplaces that covered millions of Bangladeshi garment workers. With the participation of the brands, trade unions and the Bangladesh government, the Bangladesh Accord was multi-stakeholder oriented from the beginning. The Accord outlined a complaint mechanism by which workers could anonymously report potential violations at their factory. It also included an enforcement mechanism by which legal action could be brought against non-compliant signatories. Failure by suppliers to remediate within the timelines set by an independent Accord Chief Safety Inspector triggered a notice and warning procedure which ultimately led to the supplier being made ineligible to produce for Accord brands. Global union federations were able to bring charges against brands and retailers that failed to fulfill commitments under the Accord, which led to two cases being brought to the

Permanent Court of Arbitration, and resulted in multi-million dollar settlements to upgrade factory remediation. The Accord has turned out to be a successful model for the remediation process according to the criteria set by transnational observers. Another recent success in the sphere of EBAs is the Dindigul Agreement to End Gender-based Violence and Harassment. AFWA says that the success of the mechanism can be gauged by the fact that over hundred (100) complaints have been received in the last six (6) months and they are resolved within fourteen (14) days. They believe that strong unionizing efforts on the ground, strong protection measures from retaliation, independent grievance mechanisms and presence of union members in ICCs have been vital for making the mechanism effective.

8. Making the mechanism gender-sensitive: It is important to view the mechanism from a gendered lens and a gender-sensitive monitoring should be used regularly to assess the mechanism. Women face entirely

different violations in factories. In Bangalore, systemic discrimination and problematic business practices in the industry are known to have a long-term detrimental impact on the physical and mental well-being of workers. The same risks can affect men and women differently. A study carried out by Cividep in 2015 threw light on several imperceptible effects of these working conditions on women, such as reproductive health problems that include excessive bleeding, irregular periods, white discharge and poor nutritional status. In addition to this, exposure to cotton dust causes irritation in the upper respiratory tracts and bronchi, which, following prolonged exposure, progresses to chronic obstructive pulmonary disease. The detrimental impact of this work on women workers' mental health is also significant, with many experiencing hypochondriasis, symptoms of anxiety, social impairment, and feelings of dejection.

9. Engaging Technology: Utilising technology can streamline and

enhance the functioning of grievance mechanisms. Digital reporting platforms, mobile applications, and other technological tools can simplify the reporting process, facilitate communication, and improve the tracking and monitoring of grievances.

10. Collaboration with Civil Society Organisations (CSOs):

• Seek Expertise and Guidance:

Collaborate with CSOs to leverage their knowledge and expertise in labour rights, supply chain dynamics, and effective grievance mechanisms. Engage in dialogue and consultations to gain their valuable insights and recommendations.

• Ensure Independent Oversight:

Emphasise the importance of independent oversight by involving CSOs in the design and implementation of grievance mechanisms. Their presence can enhance transparency, accountability, and fairness in addressing labour grievances.

• Support Capacity Building:

Work with CSOs to provide training

and capacity building initiatives for both workers and companies. These programs should focus on raising awareness about labour rights, grievance processes, and responsible business practices, empowering all stakeholders involved.

• Foster Mediation and Facilitation:

Collaborate with CSOs to establish mediation and facilitation processes within grievance mechanisms. CSOs can act as neutral mediators, facilitating dialogue and negotiation so as to resolve disputes and find mutually acceptable solutions.

• Advocate and Raise Awareness:

Partner with CSOs to advocate for workers' rights and raise awareness about labour issues. Collaborate on campaigns, events, and initiatives that highlight the importance of strong grievance mechanisms and call for policy changes to protect labour rights.

• Promote Collaboration and

Networking: Encourage collaboration and networking among CSOs, labour unions, industry associations, and other stakeholders. Foster platforms for information sharing, coordination of

efforts, and joint advocacy to amplify the impact of grievance mechanisms.

- **Support Data Collection and Research:** Collaborate with CSOs to gather data, conduct research, and evaluate the effectiveness of grievance mechanisms. This data-driven approach can inform evidence-based strategies, policies, and continuous improvement of the mechanisms.
- **Advocate for Policy Change:** Partner with CSOs to engage with governments, institutions, and industry stakeholders to advocate for policy changes that strengthen labour rights and improve the regulatory environment. Work towards the adoption of international standards and other best practices in the garment sector.

II. Establish and Evaluate Key

Performance Indicators (KPIs):

Collaborate with the Stakeholder or Worker-Management Committees to identify relevant KPIs that can enable the company and other stakeholders to assess the effectiveness of the grievance mechanism and understand any areas for improvement.

Measuring the success of the grievance mechanism goes beyond simply tracking the number of grievances resolved, although that is certainly an important component. As mentioned earlier, other essential factors include the perceived legitimacy of the process and the extent to which aggrieved parties feel they are being treated with due respect. While some of these factors may be subjective and qualitative in

nature, efforts should be made to capture them as comprehensively as possible. A recommendation that came from Thozhi Network was that it is important to see the number of complaints received and resolved by MSI-led mechanisms, and that is a good indication of its success. Any mechanism or programme like this is labour and capital intensive, and thus an analysis should be made of the different avenues or projects possible for the MSI, and pick the one which will benefit the workers the most. Here are the suggested indicators for assessing the effectiveness of the grievance mechanism, along with their interpretations:

- **Number of grievances settled:** This indicator measures the quantity of grievances that have been successfully

resolved through the mechanism.

A higher number suggests a more effective grievance resolution process.

- **Perceived legitimacy of the process:** This indicator assesses the extent to which stakeholders, particularly aggrieved parties, perceive the grievance mechanism as fair, unbiased, and trustworthy. It reflects the confidence and trust placed in the process by those involved.
- **Stakeholder satisfaction levels:** This indicator gauges the satisfaction levels of various stakeholders, including both the aggrieved parties and other involved parties, such as workers, management, and external stakeholders. Higher satisfaction levels would indicate a more effective grievance mechanism.

- **Timeliness of grievance resolution:** This indicator measures the speed and efficiency with which grievances are addressed and resolved. A shorter resolution time implies an effective and efficient process.
- **Compliance with corrective actions:** This indicator evaluates the extent to which the company or organisation has implemented corrective actions as a result of the grievance mechanism. Higher compliance rates suggest a more effective mechanism for driving meaningful change.
- **Improved employee morale:** This indicator assesses the impact of the grievance mechanism on employee morale and satisfaction. It looks at whether the mechanism contributes to a positive work environment and fosters trust and engagement among its employees.
- **Repeat grievances:** This indicator examines the occurrence of repeat grievances from the same individuals or departments. A lower number of repeat grievances suggests that the mechanism is effectively resolving issues and also preventing recurring problems.
- **External recognition or certifications:** This indicator considers any external recognition or certifications that the grievance mechanism has received, such as certifications for adherence to recognised standards of best practices. External recognition would indicate the credibility and effectiveness of the said mechanism.

70 CONCLUSION

In conclusion, this in-depth evaluation of grievance mechanisms for workers in the export garment industry has provided valuable insights into their effectiveness and presented thought-provoking findings that call for significant enhancements. The study has shed light on the complex realities faced by workers and the limitations of existing mechanisms in addressing their grievances adequately.

Through our analysis, we have uncovered critical challenges that impede the functionality of grievance mechanisms, including low awareness and accessibility among workers, insufficient stakeholder representation and participation, and a lack of capacity to effectively handle and resolve grievances. These findings underscore the urgency of taking proactive measures to revitalise these mechanisms and ensure their meaningful impact.

Building upon these findings, a set of comprehensive recommendations has been proposed, offering a pathway towards addressing the identified limitations and enhancing the efficacy of grievance mechanisms. These recommendations encompass a range of strategies, such as clarifying procedures and scope, implementing targeted communication and outreach campaigns, fostering inclusive stakeholder engagement, and investing in capacity-building initiatives (for both workers and employers) and in legally binding agreements.

Moreover, this report emphasises the critical importance of establishing clear escalation protocols, and robust monitoring and evaluation mechanisms to track progress and identify areas for improvement. This approach allows for continuous learning and adaptation, ensuring that grievance mechanisms remain responsive and impactful in addressing the ever evolving needs of workers.

However, we must recognise that the journey towards effective grievance mechanisms is not without its challenges. It demands collective commitment and collaborative efforts from all stakeholders, including garment manufacturers, brands, governmental bodies, and civil society organisations. Meaningful change can only be achieved through a shared responsibility and a collective determination to create a fair and just industry that respects the rights and dignity of its workers.

This evaluation serves as a catalyst for transformation, compelling stakeholders to reevaluate their roles and actively contribute to the implementation of the proposed enhancements. By embracing these recommendations and forging a united front, we have the opportunity to shape an export garment industry that thrives on principles of fairness, accountability, and human rights.

REFERENCES

- 1** SOMO, 'The Patchwork of Non-Judicial Grievance Mechanisms: Addressing the limitations of the current landscape', SOMO Briefing Note, January 2015, page 3.
- 2** Herz, S., La Vina, A. and Sohn, J. (2007) *Development Without Conflict: The Business Case for Community Consent*. World Resources Institute, Washington DC.
- 3** 'Requirements for effective multi-stakeholder initiatives to strengthen corporate due diligence, Recommendations from the perspective of civil society', *Corporate Accountability*, VENRO, Forum MenschenRechte, October 2020, page 11.
- 4** Partnership for Sustainable Textiles, <https://www.textilbuendnis.com/en/beschwerden-effizienter-bearbeiten/>, accessed on 27 February, 2023, 11:40 IST.
- 5** Mezzadri, 2010.
- 6** Save the Children India, *The Hidden Workforce: A study on child labour in the Garment Industry in Delhi*, June 2015.

- 7** Insights into working conditions in India's garment industry, International Labour Office, *Fundamental Principles and Rights at Work*, Geneva: ILO, 2015.
- 8** Ray P and Pepper Camp M, India Committee of the Netherlands, *Clean Clothes Campaign and Garment Labor Union, Labor without Liberty- Female Migrant Workers in Bengaluru's Garment Industry*, 2018.
- 9** Raju S and Jatrana S, *Women workers in Urban India*, Cambridge University Press, 2016
- 10** Martje Theuws & Pauline Overeem, *Flawed Fabrics: The abuse of girls and women workers in the South Indian textile industry*, SOMO Centre for Research on Multinational Corporations and India Committee of the Netherlands, October 2014.
- 11** Fair Wear Foundation, 2019, *India Country Study 2019*.
- 12** Mariette van Huijstee, SOMO Centre for Research on Multinational Companies, *Multi Stakeholder Initiatives: A strategic guide for civil society organizations*, March 2012.
- 13** CorA Corporate Accountability, VENRO and Forum Menschenrechte, *Recommendations for effective*

- Multi-Stakeholder Initiatives to Strengthen Corporate Due Diligence: Recommendations from the perspective of civil society*, page 11.
- 14** See Case closed, problems persist: Grievance mechanisms of ETI and SAI fail to benefit young women and girls in the South Indian textile industry, *Homeworkers Worldwide*, Indian Committee of the Netherlands, Centre for Research on Multinational Corporations- SOMO, June 2018; *The Patchwork of Non-Judicial Grievance Mechanisms: Addressing the limitations of the current landscape*, SOMO Briefing Note, January 2015.
- 15** Case closed, problems persist: Grievance mechanisms of ETI and SAI fail to benefit young women and girls in the South Indian textile industry, *Homeworkers Worldwide*, Indian Committee of the Netherlands, Centre for Research on Multinational Corporations- SOMO, June 2018
- 16** CorA Corporate Accountability, VENRO and Forum Menschenrechte, *Recommendations for effective Multi-Stakeholder Initiatives to Strengthen Corporate Due Diligence: Recommendations from the perspective of civil society*, page 8.

17 CorA Corporate Accountability, VENRO and Forum Menschenrechte, Recommendations for effective Multi-Stakeholder Initiatives to Strengthen Corporate Due Diligence: Recommendations from the perspective of civil society, page 9.

18 Avance Impact (2019): Agreement on Sustainable Garments and Textile - Midterm Evaluation

19 Ergon Associates, Labbura Curtze and Steve Gibbons, 'Access to Remedy- Operational Grievance Mechanisms, An Issues Paper for ETI', October 2017, page 29.

20 OECD, Alignment of Industry and Multi-Stakeholder programmes with the OECD Garment and Footwear Guidance- Assessment of the Dutch Agreement on Sustainable Garment and Textile, page 38.

21 Case closed, problems persist: Grievance mechanisms of ETI and SAI fail to benefit young women and girls in the South Indian textile industry, Homeworkers Worldwide, Indian Committee of the Netherlands, Centre for Research on Multinational Corporations- SOMO, June 2018.



Cover & Layout: HELM Social Design Studio