



**Submission to the UN Special Rapporteur on Contemporary Forms of Slavery  
on the Role of Workers' Organizations in Preventing and Addressing  
Contemporary Forms of Slavery in India's Garment Sector**

*Submitted by the Asia Floor Wage Alliance (AFWA), Tamil Nadu Textile and Common Labour Union (TTCU), and Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)*

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This submission focuses on the role of a trade union's organizing efforts and in monitoring and implementing the Dindigul Agreement to Eliminate Gender-Based Violence and Harassment (GBVH), an enforceable agreement to promote freedom of association and address rampant GBVH, caste-based violence, and other forced labor indicators at a supplier factory in the garment manufacturing sector in Tamil Nadu, India.

In the following, we outline the critical role of workers' rights to freedom of association and collective bargaining in addressing GBVH and promoting freedom of association and bargaining rights to eliminate forced labor conditions. The analysis draws on the one-year progress report on the impact of the Agreement, in combination with testimonies and independent reports from labor stakeholders, information on the implementation of the agreement

### **Background**

The pattern of serious labor rights violations and abuses at the Eastman Export facilities covered by the Dindigul Agreement (the Agreement) included conduct that constitutes indicators of forced labor, in particular: abuse of vulnerability; physical and sexual violence; intimidation and threats; abusive living and working conditions; and restrictions on freedom of movement. In April 2022, the Indian women- and Dalit-worker-led Tamil Nadu Textile and Common Labour Union (TTCU)<sup>1</sup> signed a historic agreement with

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<sup>1</sup> Tamil Nadu Textile and Common Labour Union (TTCU) is an independent, Dalit women-led trade union of textile workers organizing to end GBVH, wage theft, and caste-based violence in garment factories, <https://www.linkedin.com/company/tamil-nadu-textile-and-common-labour-union-ttcu/>.

clothing and textile manufacturer Eastman Exports to end gender-based violence and harassment (GBVH) and ensure freedom of association at Eastman factories in Dindigul, in the southern state of Tamil Nadu in India.<sup>2</sup> At the same time, TTCU, Asia Floor Wage Alliance (AFWA),<sup>3</sup> and Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)<sup>4</sup>, also signed a legally binding agreement, subject to arbitration, with multinational fashion company H&M, that acknowledges the role of all actors in the supply chain to work together to eradicate GBVH. US companies Gap Inc.<sup>5</sup> and PVH Corp.,<sup>6</sup> which did not source from the Dindigul factories covered under the Agreement, but which have a business relationship with Eastman Exports, also signed similar agreements later in 2022.

The Agreements with brand signatories require the brands to support and enforce the TTCU-Eastman Exports agreement. Under the terms of that Agreement, if Eastman Exports violates its commitments, brand signatories are obligated to impose business consequences on Eastman Exports until Eastman comes into compliance. **These interlocking contracts are known together as the The Dindigul Agreement to End Gender-Based Violence and Harassment - an “enforceable brand agreement” (EBA) in which multinational companies legally commit to labor and allies to use their supply chain relationships to support a worker- or union-led program at certain factories or worksites.** The Dindigul Agreement is the first EBA in India, where clothing manufacturing is the second largest employer for women after agriculture. The Agreement is also the first EBA in Asia with a specific focus on addressing gender and caste discrimination and violence.

## Question 2:

- a. TTCU has 11,000 textile worker members and champions dignity, safety, decent work, and social justice for garment workers in global fashion supply chains. The majority of workers at the Eastman Exports facilities covered by the Dindigul Agreement are women and are caste-oppressed, and the majority are Dalit, born into the lowest rung of Hinduism’s caste system and subject to severe discrimination. Many are young, just 18-22 years old, and many

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<sup>2</sup> Landmark Dindigul Agreement to Eliminate Gender-Based Violence and Harassment at Eastman Exports Natchi Apparels with the Support of Global Allies; <https://laborrights.org/releases/landmark-dindigul-agreement-eliminate-gender-based-violence-and-harassment-eastman-exports>.

<sup>3</sup> Asia Floor Wage Alliance (AFWA) is an Asian labor-led global alliance of labor and social movement organizations for addressing poverty-level wages, gender discrimination, and freedom of association in global garment production networks. <https://asia.floorwage.org/>.

<sup>4</sup> Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) is a non-governmental organization that works transnationally to advance policies and laws that protect decent work; to strengthen freedom of association and workers’ ability to advocate for their rights; and to hold corporations accountable for labor rights violations in their supply chains, <https://laborrights.org/>, <https://globallaborjustice.org/>.

<sup>5</sup> Gap Inc. Capability Building Programs; <https://www.gapinc.com/en-us/values/sustainability/esg-resources/human-rights-and-labor-issues/capability-building-programs>.

<sup>6</sup> PVH Signs Landmark Dindigul Agreement to Address Gender-Based Violence and Harassment in Tamil Nadu India; <https://pvh.com/-/media/Files/pvh/responsibility/CR-Dindigul-Agreement.pdf>.

are migrants from neighboring States who live in management-owned dormitories and do not speak the local language.

TTCU was the driving force of the efforts to secure brand commitment to the Agreement, in partnership with AFWA and GLJ-ILRF. The Agreement arose through a collective bargaining process based on demands developed by TTCU, which had been organizing around GBVH and other abuses at the factory. When TTCU member Jeyasre Kathiravel, a young Dalit woman and TTCU member who was organizing for better conditions at Natchi Apparel, an Eastman Exports facility, was killed by her supervisor in January 2021 after facing months of harassment, Natchi Apparel management did not immediately engage in dialogue, but instead retaliated against TTCU and Jeyasre's family for publicizing the case.<sup>7</sup> In 2021, things began to change as TTCU, together with global allies, raised the alarm on GBVH at Natchi Apparel as part of a strategy to negotiate and win remediation for forced labor. With confidence in the support of TTCU, AFWA, and GLJ-ILRF, two dozen women workers at Natchi Apparel came forward to allege GBVH and to demand total remediation of GBVH and other indicators of forced labor.

- b. The Dindigul Agreement recognizes that GBVH can only be prevented when workers have the right to speak with a collective voice, and prohibits any violation of workers' rights to form and join unions and engage in collective bargaining under ILO standards on freedom of association. Building on internationally recognized concepts of freedom of association and prohibitions on discrimination based on caste and migration status, the Dindigul Agreement relies on national and international labor standards and best practices, including International Labour Organization (ILO) Convention No. 190 (Violence and Harassment Convention), Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention) and Convention No. 98 (The Right to Organise and Collective Bargaining Convention), Convention No. 29 (Forced Labour), and Convention No. 105 (Abolition of Forced Labour); the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector; the national law of India, strengthening workplace committees required by the 2013 Prevention of Sexual Harassment (POSH) Act; the UN Guiding Principles on Business and Human Rights; and best practices from the AFWA's "Safe Circle Approach to Prevent GBVH."<sup>8</sup>

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<sup>7</sup> The resulting campaign, Justice for Jeyasre, organized multiple campaign actions, including a Global Vigil attended by more than 1,000 people from 33 countries as well as a Justice for Jeyasre speaking tour across the U.S., covering more than 10 cities, to build global solidarity for the binding agreement to address GBVH at Eastman Exports' Dindigul facility. See <https://justiceforjeyasre.com/>.

<sup>8</sup> The AFWA Safe Circle Approach is a bottom-up approach to ending GBVH by engaging women workers as agents of change at the production line level. This approach involves not only potential victims, but also bystanders and perpetrators in regular face-to-face, small-group engagement processes designed to address behavioral violence on production lines in garment factories. See: *Safe Circle Approach: AFWA's Step-by-Step Approach to Prevent Gender-Based Violence*, <https://asia.floorwage.org/safe-circle-approach-afwas-step-by-step-approach-to-prevent-gender-based-violence/>.

- c. Freedom of association is central to remediation of GBVH, which can be an indicator of forced labour, and has direct consequences on preventing forced labor. TTCU recognizes that GBVH and other forced labor indicators can only be prevented when workers have the right to speak out with a collective voice, and prohibits any violation of workers' rights to form and join unions and engage in collective bargaining under ILO standards on freedom of association. Under the Agreement, this is practically implemented through weekly union-management dialogues between TTCU and Eastman Exports to resolve grievances of workers. This prevents the escalation of gendered bullying practices into more aggressive GBVH.

The Dindigul Agreement uses a multi-layered survivor-led reporting and remediation mechanism based on GBVH Escalation Ladder approach, which is premised on how gendered bullying, when unchecked, can escalate to more violent forms of GBVH. The Agreement also draws from AFWA's Safe Circle Approach, which employs worker-led shop floor monitoring and an independent grievance mechanism to address GBVH. Each shop floor monitor (SFM) is responsible for supporting groups of 15-20 workers to access the grievance reporting and remediation mechanism.<sup>9</sup> Most SFMs come from vulnerable communities; many are single-mothers, Dalits, and migrants. Some of the SFMs have themselves been victims of GBVH. They serve as the first point of contact for workers for raising grievances and proactively monitoring conditions on their production line. SFMs are selected by TTCU and they receive the basic training as well as an advanced specialized training on grievance remediation.

- d. The Agreement covers the women workers' hostel.
- e. TTCU trains SFMs, who are union-selected workers who help their co-workers report GBVH. The training covers multiple topics including the content of the Agreement, freedom of association, and GBVH prevention and remediation. It covers all workers, contractors, and management staff including drivers, security guards, and hostel wardens. The training is conducted during work hours in multiple languages such as Tamil, Oriya, Hindi, and English. From April-December 2022, over 2,000 workers and management, including senior management, support staff and contract bus drivers, and 58 worker shop floor monitors were trained through the program.<sup>10</sup>
- f. The Agreement prohibits retaliation against any worker for participating in or cooperating with the Agreement. SFMs have heightened protections from retaliation. India's 2013 Sexual Harassment of Women at Workplace Act requires workplaces to create Internal Complaints Committees (ICCs) to receive, investigate and recommend remediation of complaints of GBVH connected to work. The Agreement strengthens these committees at the covered facilities in several ways. An Oversight Committee (OC) supervises the execution of the Agreement,

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<sup>9</sup> *Dindigul Agreement 1 Year Progress Report*, AFWA, TTCU, GLJ-ILRF, 2023, [https://laborrights.org/sites/default/files/publications/DINDIGUL%20AGREEMENT%20YEAR%201%20PROGRESS%20REPORT%202023\\_0.pdf](https://laborrights.org/sites/default/files/publications/DINDIGUL%20AGREEMENT%20YEAR%201%20PROGRESS%20REPORT%202023_0.pdf), p.75.

<sup>10</sup> [Dindigul Agreement Year 1 Progress Report](#), p.17

composed of an independent gender and labor rights expert and representatives from TTCU, AFWA, GLJ-ILRF, Eastman, and up to two signatory fashion companies (if additional fashion companies join the Dindigul Agreement). The Implementation Committee consists of TTCU, Eastman management, and AFWA. It meets quarterly to review overall progress in the implementation of the Agreement and to solve any issues that TTCU and Eastman's lower management cannot resolve in their weekly dialogue. The Dindigul Agreement establishes a roster of independent expert assessors, appointed by the Oversight Committee, to directly receive, investigate, and make findings on complaints of Eastman non-compliance with any aspect of the Dindigul Agreement, including Eastman's failure to implement any ICC-recommended remedy for GBVH. Independent expert assessors have the power to report to the OC if Eastman fails to comply with any aspect of the Agreement, which can trigger business consequences from brand signatories unless Eastman comes into compliance.

An evaluation of the Agreement's impact from April-December 2022 highlights key achievements including:

- i. Over 30 union-management meetings to resolve grievances held at the worksite.<sup>11</sup>
- ii. Eastman Export has increased worker efficiency by 16% and has reduced attrition rate by 67% between 2021 and 2022.<sup>12</sup>
- iii. 98% of grievances were resolved.<sup>13</sup>
- iv. 88% grievances were resolved within a week.<sup>14</sup>

### **Question 3:**

The Dindigul Agreement marked a collaboration between workers' organizations, businesses/employers' organizations and civil society organizations to address GBVH and other conditions that can amount to forced labor in the garment supply chain through collective bargaining and freedom of association, which in turn has direct implications for addressing forced labor. Binding agreements between corporations and worker organizations establishing worker-monitored supply chains provide for effective complaint and remediation mechanisms.<sup>15</sup> Worker-driven monitoring is highly effective. According to experts, workers, who are the most familiar with worksites "tend to give much more accurate accounts of working conditions and are better equipped to spot and address forced labor," especially when supported by freedom of association protections and an effective grievance mechanism.<sup>16</sup> Key characteristics of such agreements include that they are:

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<sup>11</sup> *Dindigul Agreement 1 Year Progress Report*, p.17.

<sup>12</sup> *Dindigul Agreement 1 Year Progress Report*, p.94.

<sup>13</sup> *Dindigul Agreement 1 Year Progress Report*, p.17.

<sup>14</sup> *Dindigul Agreement 1 Year Progress Report*, p.17.

<sup>15</sup> Genevieve LeBaron, Andreas Rümke, Jessie Brunner, Luis C.deBaca, Vivek Soundararajan and Priscilla Fisher, *Forced Labour Evidence Brief: Social Auditing and Ethical Certification*, Re-Structure Lab (Vancouver: Stanford, Simon Fraser and Yale Universities, 2022). Available at: [https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/62d746146f5dc5205a17621c/1658275349325/ReStructureLab\\_SocialAuditingandEthicalCertification\\_July2022.pdf](https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/62d746146f5dc5205a17621c/1658275349325/ReStructureLab_SocialAuditingandEthicalCertification_July2022.pdf).

<sup>16</sup> *Id.*

1. Legally binding and enforceable;
2. Independent;
3. Worker-centered, including having workers as monitors,<sup>17</sup> since opportunities for worker organizing is critical to improving wages and working conditions and “dismantling discriminatory patterns that have been historically used to justify labour exploitation—including slavery—in the first place.”<sup>18</sup>
4. Provide inclusive mechanisms and funding for remedy;
5. Transparent, especially as to consequences and remediations for violations;
6. Democratic.

The rigorous union and worker-led processes in the Agreement, combined with the strong incentives and consequences for supplier participation and cooperation, make the Dindigul Agreement a model for investors, brands, and suppliers committed to preventing forced labor and GBVH and promoting the agency and empowerment of workers. It also demonstrates best practices in a regulatory environment shifting towards serious mandatory human rights due diligence and import bans on goods made where forced labor practices are present.

#### **Question 4:**

TTCU is an independent Dalit women-led trade union of textile workers working to end GBVH, wage theft, and caste-based violence in garment factories. TTCU was founded in 2013 and is a state-level trade union registered in Tamil Nadu. TTCU has 11,000 members, most of whom are Dalit women. Eighty percent of its members work in the textile industry, and 20% are agricultural workers. TTCU is present in 13 of 38 districts in Tamil Nadu, including all the major textile hubs of Tamil Nadu, and its strongest presence is in Dindigul district and Pudukkottai districts. TTCU recruits members at the village level: TTCU has village level committees of ten or more members in villages throughout Tamil Nadu, who then constitute Block Level, District level, and ultimately State level bodies; there are local committees of office bearers at each level. TTCU’s strategy is based on whole worker and community-based organizing, addressing issues of women workers related to work, family, and society. TTCU has autonomy and decision-making at village level units to address village level issues for workers — issues resolved in the past include pollution of a local water body by a factory, and recruitment of young girls from a village under conditions of debt bondage. At the district level, TTCU has paralegals to document and address worker issues. The most frequent grievances TTCU handles are GBVH at local factories and hostels, wage theft, domestic violence, and workplace accidents. TTCU was instrumental in conceiving of the systems of worker- and union-led remediation. TTCU leads implementation of the main components that identify, remediate, eliminate and prevent GBVH as described above.

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<sup>17</sup> Jessie Brunner, Remi Edwards, Genevieve LeBaron, Luis C.deBaca, *Forced Labour Evidence Brief: Labour Share and Value Distribution*, Re:Structure Lab (Sheffield: Sheffield, Stanford, and Yale Universities, 2021). Available at:[https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/61d5d81de83cf8390ca5a915/1641404446025/ReStructureLab\\_LabourShareandValueDistribution\\_December2021.pdf](https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/61d5d81de83cf8390ca5a915/1641404446025/ReStructureLab_LabourShareandValueDistribution_December2021.pdf).

<sup>18</sup> *Id.* at p. 24.

Question 6.

Stakeholders, including governments, businesses, and investors should use their influence to promote and/or join worker-led enforceable supply chain agreements to enable workers' organizations to effectively prevent and address forced labor. Key hallmarks of such agreements include that they are:

- a. Legally binding and enforceable;
- b. Independent;
- c. Worker-centered, including having workers as monitors,<sup>19</sup> since opportunities for worker organizing is critical to improving wages and working conditions and “dismantling discriminatory patterns that have been historically used to justify labour exploitation—including slavery—in the first place.”<sup>20</sup>
- d. Provide inclusive mechanisms and funding for remedy;
- e. Transparent, especially as to consequences and remediations for violations;
- f. Democratic.

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<sup>19</sup> Jessie Brunner, Remi Edwards, Genevieve LeBaron, Luis C.deBaca, *Forced Labour Evidence Brief: Labour Share and Value Distribution*, Re:Structure Lab (Sheffield: Sheffield, Stanford, and Yale Universities, 2021). Available at:[https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/61d5d81de83cf8390ca5a915/1641404446025/ReStructureLab\\_LabourShareandValueDistribution\\_December2021.pdf](https://static1.squarespace.com/static/6055c0601c885456ba8c962a/t/61d5d81de83cf8390ca5a915/1641404446025/ReStructureLab_LabourShareandValueDistribution_December2021.pdf).

<sup>20</sup> *Id.* at p. 24.