

# A Union at the Frontline of Collective Bargaining in India



*May 2022*

China Labour Bulletin

## About CLB and our partnership in India

China Labour Bulletin is a non-profit organisation based in Hong Kong that supports and actively engages with the workers' movement in China. Our primary objective within China is to hold the official trade union accountable to its members, encourage workers to participate, and thereby transform China's union into a genuinely representative institution. We also aim to foster lasting international solidarity.

In 2015, CLB was introduced to the Foundation for Educational Innovations in Asia (FEDINA) in Bangalore. FEDINA sought to develop the capacity of workers to collectively bargain at the factory level, while CLB had been looking for international partners with whom to share our experience in using collective bargaining to resolve workplace disputes. The two organisations began working together to strengthen the capacity of garment sector workers to collectively voice their demands and exert bottom-up pressure at the source of the global supply chain, bringing the main stakeholders – workers, suppliers and international brands – to the bargaining table, on a path toward sustainable change.

Each locality brings its own challenges in fighting for workers' dignity. By establishing solidarity among workers in the Global South, the complexities of globalisation on local populations become the linkages through which these major challenges can begin to be resolved. Through sharing experiences and ideas on how to achieve common goals, we all learn from each other and can adapt and locally implement the lessons learned in different parts of the world.

## Acknowledgements

This report is the first of its kind for China Labour Bulletin, as we have expanded our work outside China's borders to build international solidarity with workers in India.

We are honoured to have the opportunity to work with our colleagues at the Foundation for Educational Innovations in Asia (FEDINA) in Bangalore, who brought to our attention the challenges the Karnataka Garment Workers Union (KOOGU) was faced with and the opportunities that entailed. We are indebted to them for the valuable experiences we have gained through working together. The continued dedication and commitment of our Indian brothers and sisters inspires us every day.

This report would not have been possible without the contribution of our independent consultant and researcher, Ganga Sekar, who lent us her first-hand experience with training workers in Bangalore. Ganga provided detailed descriptions of worker organising and meticulously gathered and incorporated the voices of union organisers and worker representatives into this report.

We will never forget the contributions of the late executive trustee of FEDINA, Duarte Barreto, who was there to welcome CLB when we first arrived in Bangalore. He passed away on 19 April 2021.

## Table of Contents

<b><i>Introduction: Bottom-up pressure can be replicated for sustainable change</i></b> .....	<b>1</b>
<b><i>The story of a union: From “band-aid approach” of assisting workers in need to a worker-led organisation</i></b> .....	<b>3</b>
A workplace culture of fear and intimidation .....	3
Building solidarity among workers through addressing gender-based violence wherever it occurs .....	4
Empowering workers to overcome the threats, fear and intimidation at the workplace .....	6
A union reorganised: Workers are the union.....	9
Collective bargaining as a step-by-step process.....	12
<b><i>The case of Shahi Unit 8: Multi-pronged approach to union recognition in the workplace</i></b>	<b>17</b>
Unionised workers do not back down after they are assaulted at Shahi Unit 8.....	17
In about-face, management recognises legitimacy of union and institutes company-wide changes through MoU.....	19
Union utilises available legal mechanisms to support worker organising.....	21
Union leverages CSR on international brands sourcing from Shahi Exports .....	21
<b><i>The case of Texport Apparels: A wildcat struggle turns into an organised workforce engaging in dialogue</i></b> .....	<b>24</b>
Workers walk out after repeated gender-based violence on the factory floor .....	24
Union again looks to brands for reinforcement of worker organising .....	27
Texport workers form union to enforce MoU.....	28
<b><i>Assessing the outcomes of worker organising at Shahi and Texport</i></b> .....	<b>29</b>
MoUs lead to immediate improvements in the factories.....	29
Union reclaims existing workplace institutions .....	30
Global pandemic highlights need for continuous worker organising that involves all stakeholders .....	32
<b><i>Conclusion: A new beginning for collective bargaining in the Global South</i></b> .....	<b>35</b>
<b><i>References</i></b> .....	<b>36</b>

## Introduction: Bottom-up pressure can be replicated for sustainable change

The Karnataka Garment Workers Union (KOOGU) signed two consecutive Memoranda of Understanding (MoU) with major Indian suppliers of ready-to-wear garments for global brands, on 25 June 2018 and 3 May 2019, respectively. The first MoU was signed with Shahi Exports, one of India's major garment exporters, employing over 60,000 workers in the state of Karnataka and over 100,000 workers in more than 60 production units spread across India.<sup>1</sup> The second MoU was signed with Texport Apparels LLP, a garment firm in Bangalore<sup>2</sup> that employs over 700 workers and supplies several international brands.

The MoUs between the manufacturers and KOOGU were the first agreements in the garment sector in India. They would not have been possible without the union's organising efforts spanning over years. In both cases, the union had to overcome workers' fear and anger that were a response to very recent incidents. At Shahi, union representatives had been violently attacked by factory management in April 2018 in response to the presentation of workers' collective demands and call for collective bargaining. At Texport, workers had been enduring persistent sexual harassment and abuse by factory management, culminating in a particularly egregious incident in March 2019 which led the union to ensure the factory's promises were kept.

These two very different cases are evidence of how workers voicing their collective demands at the source of the fashion industry's global supply chain are indispensable to putting bottom-up pressure on suppliers and international brands to meaningfully implement their corporate social responsibility (CSR) commitments. In both cases, the top-down design of CSR has proven ineffective at resolving even the most basic workplace demands such as safe drinking water, reliable factory transportation, and a harassment free workplace, let alone a living wage for the workers in the Global South without whom suppliers would have no garments to export and international brands would not have anything to sell to consumers. Yet, these same CSR commitments are opportunities to provide leverage to support the workers' efforts on the ground.

The two cases also illustrate the importance of worker organising in the Global South to achieve collective agreements, in this case MoUs with the suppliers, as the basis to continue pushing for longer term changes toward a more sustainable global supply chain. The process is often incremental and slow and relies on workers gaining experience in core skills necessary to build up union membership, formulate demands, strategize, and negotiate with management. But it is a sustainable approach to ensuring that changes on the workplace level are continuous and built upon over time.

The Covid-19 pandemic highlighted the need for worker organising before crisis strikes. In Bangalore, garment workers had to either risk infection by reporting to work without proper health and safety measures in place or lose the source of income for themselves and their families, incur debt, and suffer hunger. After months of management unilaterally suspending the regular collective bargaining meetings agreed on in the MoU signed before the pandemic began, KOOGU successfully brought Shahi Exports management back to the bargaining table on 16 July 2021. Shahi Exports representatives argued in that session that they could not afford to pay workers full wages for the lockdown period due to their very narrow profit margins – a direct result of the purchasing prices dictated by the international brands – much less give the workers a salary raise that would help bring actual salaries closer to a living wage.

In response, the union promptly invited the brands that source from Bangalore factories to the bargaining table so the main stakeholders in the global supply chain – workers, manufacturers and brands – could negotiate a mutually agreed solution to uphold the brands’ CSR commitments and so that the workers alone do not continue to bear the brunt of the impact brought by the global pandemic. This type of achievement likely would not have been possible if the mechanisms were not in place before the successive lockdowns in 2020 and 2021.

This report serves as a roadmap for worker organising and collective bargaining for workers everywhere facing power imbalances in the workplace and in society more broadly. It may be especially useful to others in the Global South where systemic problems have often been shifted across geographies as a result of changing global economic conditions. This report describes the key developments that led to the signing of the MoUs between KOOGU and the two Indian suppliers of the global fashion industry, the evolution of the union from its establishment in 2009, how years of experience addressing worker grievances led to the adoption of worker organising towards collective bargaining as the union’s main strategy for labour relations conflict resolution in 2016, how these MoUs have been implemented through the unprecedented global pandemic in 2020 and 2021, and, looking ahead, the potential for paving the way towards a fairer global pricing and supply chain model through workers’ continued collective bargaining at the factory level.

## The story of a union: From “band-aid approach” of assisting workers in need to a worker-led organisation

### A workplace culture of fear and intimidation

Rehana is a garment worker and a member of KOOGU’s Central Executive Committee, the union’s leadership body. She recounts working conditions in garment factories in Bangalore during late 1990s and 2000s:

*I have worked in garment factories for two decades now. I joined as a helper when I was 13... It was in the 1990s, we were constantly scolded and abused, called donkeys, dogs, pieces were thrown on our faces. There was rampant sexual harassment, management touching our bodies freely, sexual assault used to take place in godowns [warehouses]... at that time we did not even know what sexual harassment is.*

Workers’ grievances, especially harassment toward women workers, were never addressed and when workers informed the management about it, the harassment only seemed to increase.

“Ultimately the harassed workers quit their jobs in frustration,” Rehana remarked. She said that workers would move on to another factory, where the cycle of harassment would begin again.



**Rehana packs face masks stitched by KOOGU for distribution among garment workers and other informal sector workers (Photo: Ganga Sekar)**

Another common practice was the hiring of “goondas,” or enforcers, to keep workers in check. KOOGU organisers recall one particular pattern in which someone called “Acid Raja” was hired by Great India Fashions and “would walk around with a bottle of acid,” including during disbursement of wages to workers, so that no one raised their voice or questioned anything. Many of these goondas would also benefit significantly from the factory by trading the industrial waste, such as fabric scraps, a profitable ancillary business in the garment industry.

The despotic and controlling labour regime ensured that not only was there no organising activity of any kind in the garment industry, but also it quelled any challenge to the labour rights violations that were rampant in the industry.



This highly-controlled workplace has been a typical worker’s experience in Bangalore. Bangalore, the capital city of the state of Karnataka in Southern India, emerged as one of the leading garment manufacturing hubs in the country soon after the withdrawal of the Multi Fibre Agreements that imposed quotas in the garment industry in 2004.<sup>3</sup> Today, the mostly export-driven ready-made garment industry in India employs over 500,000 workers, of whom about 90% are women.

Workplaces designed a daily atmosphere of fear and intimidation, no doubt with the purpose of making it difficult for workers to speak up, organise, and fight for their rights. Nevertheless, several local labour groups were established since 2000 in Bangalore after noting the pervasively oppressive working conditions in the industry. At their early stages, they were research and rights awareness groups that conducted knowledge-building activities with garment workers. Gradually, these non-governmental organisations (NGOs) paved the way for the establishment of sectoral unions, and Bangalore saw three unions dedicated to garment worker organising registered during the 2000s. This included KOOGU, the Karnataka Garment Workers Union, which was registered in 2009.

### Building solidarity among workers through addressing gender-based violence wherever it occurs

Rathi, who is the current KOOGU President and has been a garment worker for nearly two decades, recalls her experience of the early organising that started in Bommanahalli, one of the garment hubs in Bangalore:

*We had very few members, no money and no office, we would just sit wherever we could to share our pain and violence we faced, whether at home or in the factory.*

She would go house to house, calling workers to gather in a worker’s home, under a tree or by the side of a street to discuss issues they faced at work and at home. These gatherings were mostly initiated by KOOGU organisers, and it was easy for them to connect with workers because, as Rathi stated, “fear ruled workers' lives.”



Rathi holds a poster urging workers to join a state-level protest on 15 May 2021 to demand food distribution and monetary relief during the pandemic lockdown (Photo: FEDINA)



At that time, in the mid-2000s, workers were made to be scared of everything: scared to speak, scared to share their experiences, scared of their husbands finding out about them attending a union meeting, and scared of repercussions at the factory if management also found out. Consequences at home and the workplace included gender-based harassment and violence.

Organisers were also honest about the fact that they were afraid of approaching workers near factories, because goondas were known to pace the factory surroundings to ensure workers left the factory with their heads down, walking quickly behind each other until they reached their homes. Organisers feared the goondas, and they feared consequences for the workers they were trying to reach.

Despite these difficulties, KOOGU organisers found ways to change the prevailing culture of fear. In fact, the gender-based violence at the root of this fear became a point of breakthrough in the organising work.

In an interview with Gender Focus podcast, produced by Portsmouth University, Sebastian Devaraj, the honorary president of KOOGU who goes by “Sebbi,” explained that the pervasive violence that women routinely face – whether at home, in the community, or in the workplace – needed to be addressed for any proposed changes in the workplace to be meaningful.<sup>4</sup>



**Sebbi as guest speaker for Portsmouth University (Photo: Ganga Sekar)**

The union first addressed this violence, and it was a pathway to encouraging and supporting women workers in the garment industry. It became a normal union practice to create a space for women to speak about themselves and share their experiences, and the union created a special group for this purpose. The sharing started small, but the influence of this union group became larger, fostering a strong sense of solidarity among workers.

This small union group on gender-based violence was a foundation for further organising work. Union leaders recall that women would participate in a much more engaged and interactive manner in such meetings, in contrast to meetings on more strictly workplace issues, such as compensation, health and safety, and other matters.

Sebbi admitted that the union was initially sceptical about this small group and the sharing sessions because it was not clear how the topic of domestic violence would move the work of the union forward.

However, as time progressed, the meetings not only addressed the strong need for individual women workers to name and identify the injustices they face and speak out their suffering and experience, but also it fostered strong solidarity among the workers and was the basis for further union building work.

Union organisers and emerging worker leaders spent a lot of time intervening in cases of domestic violence, no matter what time of day. “I would drop whatever I was doing, turn off the stove mid-way cooking when we heard a woman was beaten up and we would show up to support them,” said Rehana.

When women were beaten and thrown out of their homes, even late at night, the union and workers would be there to help. This type of intervention in domestic violence was a way for the union to become more relevant to workers’ lives, and it helped build mutual trust and the worker confidence needed to later bring up issues more directly related to the workplace.

Several of today’s leaders of the union, including Rathi and Rehana, are women who have stood up to violence in their own homes and then gone on to support other women workers in a similar predicament. They both agree that this empowerment gave them strength and belief that unions can make a difference in workers' lives, especially when they extended the scope of violence to the workplace. Workers started to shed their fear and intimidation and open up about other workplace issues once the union became a place where violence against women was recognised as a pervasive problem that would not be tolerated, even in the private home.

Gradually, organisers initiated conversations with workers on other issues, including sexual harassment in the workplace, workplace health and safety, rights under India’s labour laws, and pension funds, among others.

### [Empowering workers to overcome the threats, fear and intimidation at the workplace](#)

Many of the early organising efforts were led by KOOGU organisers. As for garment workers, few were taking the lead. The organising itself was limited to conducting awareness training for workers at the community level. Organisers realised that although they had built mutual aid networks among the workers and organisers, management would not be permissive of union organisation at the workplace level. The factory viewed worker organisation to be against its economic interest and did not treat the union as legitimate.

Freedom of association and the right to independently organise in the workplace are internationally-guaranteed rights under UN and ILO conventions. Further, they are fundamental rights enshrined in Article 19 of the Constitution of India.<sup>5</sup> But for workers in Bangalore in the 2010s, they faced a different reality.

In fact, when KOOGU first initiated factory gate meetings at the Shahi Unit 8 factory in 2011, it was the police, not just managers and goondas, who would routinely make rounds on the factory floor. Law enforcement would be invited by the factory management to enforce workplace discipline and ensure uninterrupted production. Officers would scold, intimidate, and even beat-up workers. This was about hierarchy and status; if a worker spoke up or spoke rudely to a supervisor, not just if they refused or slowed down production, they would face consequences. This was a common practice across the garment industry at the time.

The role of the police authorities in workplace discipline reinforced the idea and the fear in workers' minds that organising was illegal. Or as one organiser recalls, it was "almost a sin."

Moving worker engagement from the homes and to the factory gates was the next big step in organising in the early 2010s. KOOGU decided it should change its strategy after recognising that the oppressive conditions of work and absence of recourse to workers' grievances will not improve on their own. Workers could speak out and listen to others' stories and get some comfort, but they would then have to survive another day of management control in the workplace and violence at home. It was not a good practice for the union to take no action after workers so openly shared in community meetings about the systemic problems.

Therefore, KOOGU moved the awareness sessions directly to factory gates, distributing pamphlets on rights at work, performing street plays and singing songs on gender-based violence, pension funds, and other topics.

It was not easy at first, as Sebbi recalls. Workers would not stand at the gate for even a second or lift their heads up. They would sometimes grab a pamphlet but keep moving. Fear of goondas and their influence over factory management was one of the biggest deterrents. This was the design of the coercive labour process in the garment industry and reflective of the manner in which workers were disciplined on the factory floor.

A breakthrough came from an unexpected incident at Great India Fashions, the same factory where "Acid Raja" ruled. When 80 workers came to the union for help with unpaid wages, despite their fear of the police and goondas, the union took a stand by confronting factory management. In the process of facing up to the goondas, union organisers found out that the bottle of acid was actually only water.

"We slowly worked through the fear," Sebbi said. From that point on, KOOGU was determined to be open and visible rather than hiding and organising away from the sight of the management. The strategic change of moving the site of organising from workers' homes to the factory gates helped the union to achieve a wider reach and more visibility, as well as legitimacy to unionisation.



**Nagarathna poses during a break between union activities (Photo: FEDINA)**

To plant the idea of unionisation in workers' hearts, KOOGU could not limit itself to the community level. The union had to show up in the factory and claim their space. Asserting the right to unionise and turning it into action had already been a decade-long process for the union up to this point, and

it continues to this day, said Nagarathna, the current vice president of KOOGU and president of the factory committee at her workplace.

The union is still fighting to spread this message, as articulated by Nagarathna, to as many workers as possible: “What are you going to lose if you come forward? Are you going to lose your life?”

In the late 2010s, workers faced a high-pressure and hostile work environment. Workers might be targeted, harassed, and reprimanded. For example, managers might watch certain workers more closely and berate them for every mistake. Verbal abuse – the use of vulgar, gender- and caste-based discriminatory language – was common. Managers would make frequent complaints to the human resources department, and workers would be summoned there to be assigned new or different work without reason, or increasing the production target, for example. There was little that workers could do about this at the time.

Rehana encouraged workers to stand up against rights violations after learning about legal rights through union meetings. She asserted that nothing is worth living in fear and indignity. Normally, workers resorted to quitting when conditions became unbearable, but unionisation helped workers to overcome their fear and talk about workplace issues, so that at least individual grievances might be addressed.

The union started to help specific workers after a rights violation occurred. “Wherever a struggle was already taking place, we would intervene – like applying a band-aid – we would resolve the immediate issues of the workers by standing with them,” Sebbi recalled of the early 2010s. “Wherever workers were striking we would land up there and try to collectivise them to get a fair deal,” Sebbi said.

Whenever KOOGU became aware of a worker’s problem, the KOOGU officers and organisers joined workers at the factory gates and filed cases with the labour department. But the “band-aid” approach to problem solving was not enough. The union saw that it must enter into the core of production, the essence of workplace relations, and create positive change before disputes even arise. The method KOOGU focused on was establishing collective bargaining.

In the early 2010s, much of the worker unrest and collective action took place at the time of closure of factories and workers were dismissed without compensation. One example is a 21-day wildcat strike that happened in 2011 at Bombay Rayon Fashions.



**Swamy speaks at a branch committee meeting (Photo: FEDINA)**

Swamy, the General Secretary of KOOGU, who has been a garment worker since the early 2000s, was there at the time. He and 500 co-workers took part in the Bombay Rayon strike after they were forced to resign because management decided to close down production at the unit.

Forced resignation is a common practice in the garment industry, and it is used in various contexts. Here, management wanted to avoid the advance notice of closure to workers and payment of the legally-mandated severance compensation. Swamy explains that the wildcat strike gave the workers a way to express their anguish at the injustice being meted out to them.

“Initially, we did not identify with any union,” said Swamy. “We just landed on the streets after refusing to sign the resignation letter. We trusted one worker leader who was quickly bought off by the employer. The rest of us were slowly divided, with some workers accepting a portion of the compensation and leaving the protest after entering into a compromise with the employer. In the end, there were 9-10 of us left.”

Sebbi feels that the intervention at this stage was weak in terms of a union. This is because they only started to collectivise when the factory was closed, and KOOGU somehow expected the militant action of workers to turn into an organised force.

“At this point, the workers had nothing to lose and would come out strongly against their employer... We would resolve the immediate issues of the workers, but that is all about it, many of the workers we never saw again,” Sebbi said, describing the band-aid approach of KOOGU.

“This short experience did not strengthen the workers in general to take up issues on the factory floor with their employers, also did not establish any channel of solving collective labour disputes in the workplace,” he said.

KOOGU tried to change the unsatisfactory conditions that workers faced from the unlawful closure of the factories, but what was really needed was dialogue with management in an open, transparent manner and with the active leadership of worker representatives. In 2015, the union made its first such attempt when workers from a unit of Gokuldas Exports, one of the major garment producers for the export market, protested against illegal dismissal.

However, since the starting point for the dialogue was the workers’ protest due to factory closure, when the issue of settlement of wages was successfully resolved, there was no more room for dialogue because the factory was already closed and the workers involved in negotiation moved on to new jobs.

The lesson for the union was that factory closure can hardly be a starting point of worker organising. To build worker organising, the workplace must be the starting point, and the process must be ongoing. The union needs a strong base of members during ordinary times, so that when disaster or conflict arises, the union is ready to mobilise to assert its leverage for change within the workplace.

### A union reorganised: Workers are the union

By the end of 2015, KOOGU had made collective bargaining its priority. After several interventions to turn resolution of workers’ grievances into collective strength, KOOGU believed that they had to stop applying “band-aids” to worker’s grievances and move toward strengthening workers’ capacity to assert their rights at the workplace through negotiations with management. KOOGU’s change in strategy led to a change in its decision-making and administrative structure for this type of work, essentially flipping the organisation on its head.



To increase its own capacity and accomplish its goals, KOOGU partnered with Foundation for Educational Innovations in Asia (FEDINA), a labour rights NGO working across five states in South India. Headquartered in Bangalore, FEDINA was established in 1983 and is one of the earliest civil society groups to work to empower those belonging to marginalised groups. Through this partnership, KOOGU's worker trainings were conducted by FEDINA and focused on informal sector workers, including those in the garment sector.

With the support of FEDINA's training team, KOOGU developed its union organisers and worker leaders in the factories. The KOOGU organisers are mostly garment workers who were illegally dismissed or left the sector because of the systemic and unresolved problems. These KOOGU organisers were the first to receive training from FEDINA on how they could then train workers to engage in collective bargaining.

Since its inception in 2009, KOOGU had a top-down structure with a lean membership base. It operated more like an NGO than a union made up of workers. KOOGU meetings were mainly about following up on routine legal cases filed on behalf of workers or during the recurrent protests that broke out. However, after KOOGU leadership attended a series of trainings on collective bargaining conducted by FEDINA and China Labour Bulletin in 2015-2016, their perception of the role of a union changed.



**A KOOGU union poster celebrates the opening of a new branch committee and announces a general body meeting (Photo: KOOGU)**

KOOGU understood that the union had to start identifying and engaging with worker representatives in specific target factories to build a strong democratic base for the union. After this period of building, the workers would have support to push the factories' management to sit across the table from them and – the ultimate goal – to start collective bargaining. KOOGU also thought it was equally important to take initiative to change the perception of the management toward the union and reduce the management's hostility. This meant that the union would no longer default to protests and demonstrations when issues arose. Instead, the union would train workers to bring up for deliberation issues they face within the union and later present them to the management for negotiation.

Prior to these changes, KOOGU had operated with a Central Executive Committee as the sole decision-making body. The re-structured KOOGU is now based at the workplace level, with factory committees

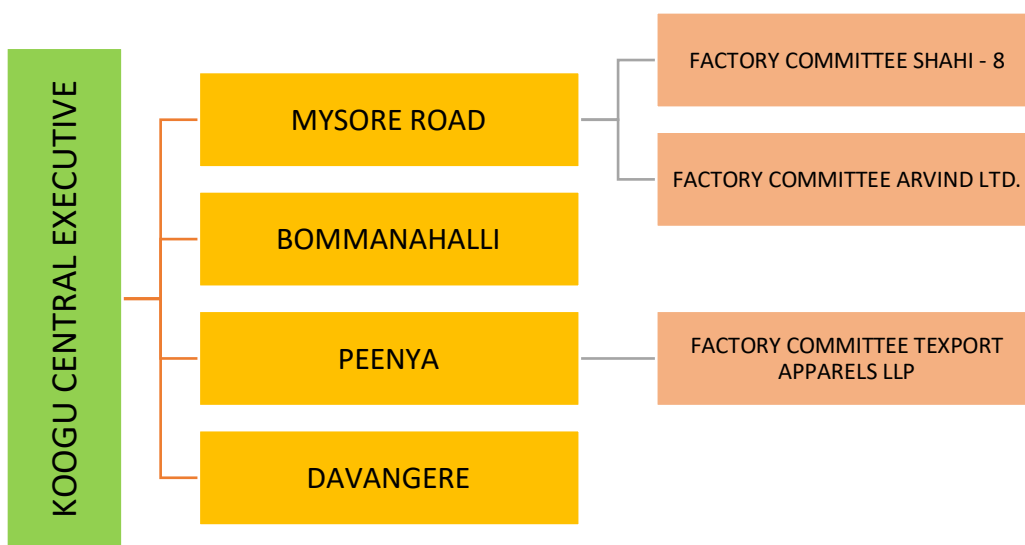
organised under branch offices based on geography, which all report to the Central Executive Committee. This complete reversal now focuses on a bottom-up structure that is worker-led.

The factory committees are led by worker representatives elected by the members of the factory unit. Worker representatives are responsible for building the union membership base within the factory, conducting consultation among members and drafting workplace demands, and communicating with branch committees about progress and needs. Worker representatives regularly receive training from KOOGU and FEDINA.

The four branch committees are staffed by KOOGU organisers, and the offices geographically correspond to the three major garment manufacturing hubs in Bangalore and Davangere, a town about 200 kilometres from Bangalore that is emerging as a new garment hub in Karnataka. The members of the branch committees are elected by members of the factory committees. The branch committees stand ready to respond to incidents that may arise at the nearby factories, including those which do not have established factory committees.

The Central Executive Committee is the main decision-making body of KOOGU, and its members are elected by the members of the branch committees. The Central Executive Committee was last elected in 2018 and the next general body is due to take place in in mid-2022, if the pandemic situation improves to allow such gatherings.

### KOOGU Organisational Structure



Members of the Central Executive Committee noted the significant changes in the manner in which they conducted their proceedings before and after their decision to adopt collective bargaining as their primary strategy. Rehana, a member of the Central Executive Committee, explained that they now take up issues that were not resolved in the branch committees, along with updates on the progress made toward collective bargaining in each factory.

“We go deep into an issue often and untie all the knots in a complicated case no matter how much time one agenda takes. Applying our minds like this, for me was the most important change,” Rehana said. She added that decisions are made only after everyone in the Central Executive Committee has had a chance to express their opinions and come to a consensus, and differing opinions are recorded.

Veteran worker leaders on the Central Executive Committee, like Rathi and Rehana, took to the transition quickly. But other members such as Mahesh, who is newer to KOOGU than the others, took



more time. Mahesh was elected as the Organising Secretary of the KOOGU Central Executive Committee in 2018. He was working in the packing department of a unit of Arvind Mills Pvt. Ltd (Arvind) when he was introduced to the union during one of FEDINA's factory gate awareness drives. He then took part in several collective bargaining trainings before being elected to the factory committee and subsequently joining the Central Executive Committee the same year.



**Mahesh on stage during the South Indian Federation of Trade Unions Labour Day commemoration (Photo: FEDINA)**

Mahesh's experience stands as an example of how this new process and structure helps members learn:

*I was new to the process. When I first joined, even things like setting the agenda and discussing each agenda item was new to me. I and some of the newer members would initially just nod our heads and agree to everything... Senior members like Sebbi kept urging us to read the bylaws, ask questions and express our opinions on each item. I understood that we are representing garment workers all over Karnataka which means I have the responsibility to speak up, ask questions and become an active part of the decision-making process.*

Establishing active factory committees, branch committees, and a change of procedure at the central level have allowed for a democratic functioning to take place in the union, and this has been vital in guiding the members toward the goal of collective bargaining.

The role of each of these levels of the union is illustrated by two important cases discussed the next Parts, those of Shahi Unit 8 and Texport Apparels.

### [Collective bargaining as a step-by-step process](#)

FEDINA is a labour rights NGO working across five states in South India, mainly with informal sector workers. FEDINA was one of the earliest organisations in Bangalore to pay attention to the exploitation of workers in the garment sector. In 2015, when KOOGU sought to change its organising strategy and move toward collective bargaining at the factory level, FEDINA, in collaboration with China Labour Bulletin, developed a team mainly of former garment workers into trainers to work closely with KOOGU.

Union leaders, like Nagarathna of Shahi Unit 8, played a major role in organising workers at their factories, holding community meetings, and encouraging workers to attend collective bargaining trainings hosted by FEDINA. Bhawana and Soumya were two former garment workers who became FEDINA trainers, and they described the work as “a step-by-step approach to collective bargaining.”



**Bhawana speaks to a group of workers during a training session (Photo: Ganga Sekar)**

The step-by-step approach involves several stages. The first step of the process is to identify target factories that are relatively stable and where the workers have formalised employment contracts. This is to ensure that workers have a legal remedy if they are illegally dismissed for organising at the workplace. Another important factor in selecting a workplace is the presence of worker leaders in the factory. Standing at the factory gates, delivering speeches and distributing pamphlets on the rights of workers, including the right to freedom of association, was a major activity for organisers at this early stage. Many workers would contact the trainers at the phone number listed in the pamphlets, curious to know more. These workers are ideal candidates for future worker leaders.

The second step in the process involves union meetings in workers’ villages and colonies and helping workers to draw out a schematic of their factory, floor by floor. The workers outline the various departments, the management structure, the names and designations of the immediate supervisors and up to the general manager of the factory.

Soumya explained that the process of workers mapping their workplaces was the start of organising itself:

*I have also been a garment worker. I know that we wear blinkers to work like horses, never looking left or right to observe what’s going on around us. Most workers don’t even know the names of any of the management personnel. They go to work, get screamed at by supervisors to finish their targets and rush home. It is important for workers to know basic things like how many workers work in the factory, how many toilets and water coolers are there in each floor, the location of the first-aid room, creche and the HR managers cabins.*

After drawing the schematic of the factory, Soumya said that workers often remarked that they felt like they were looking at their factory for the first time with open eyes. “Without this exercise we would not be able to understand what we are working with, whom to address a letter or approach for grievance redressal,” Soumya said. “Workers are usually under so much production pressure that they

don't even take toilet breaks or drink water. This exercise made them look around and come back to the meetings to complete the schematic.”



**Soumya, centre, speaks with workers during a training activity (Photo: FEDINA)**

The third step involves conducting trainings on collective bargaining for those workers taking keen interest in attending the community meetings. Mahesh, who worked at the Arvind Mills garment factory in Bangalore and led the factory committee before being elected to be KOOGU's Organising Secretary of the Central Executive Committee, recalls that he did not know the term "collective bargaining" as a worker.

*Before attending the meeting, we had not thought that there were possibilities for us to resolve workplace issues through dialogue and that the right to organise within the factory was backed by labour laws.*

The trainings were both an introduction to the idea and possibilities for engaging in collective bargaining, as well as the steps the worker representatives could take to initiate the process in their factories.

Following the trainings, the union would hold a general body meeting and elect the factory committee, which consisted of the worker representatives who are to lead the collective bargaining process in their respective factories. In 2018, three such union factory committees were set up: in Shahi Unit 8, Arvind Mills, and K Mohan Exports.

The FEDINA training team applied a bottom-up approach, conscious that the NGO's role is limited to training and strengthening workers to take lead in factory committees. When it came to the fourth step, drawing up a charter of demands and calling on the management to hold a meeting with the worker representatives, the demands were to be drawn up by representatives themselves in the union factory committee meetings. This meant that each of the factory committees came up with their own unique charter of demands consisting of the pressing issues in their respective factories. In Shahi Unit 8, for example, the issue of clean drinking water was a priority, since workers were frequently falling ill from unsafe drinking water offered in the factory.

"Workers were even getting skin allergies after using the water in the toilets" recalls Tayamma, current joint secretary of the factory committee and worker representative at Shahi Unit 8.



**Tayamma and Deepa join hands (Photo: Ganga Sekar)**

In Arvind Mills, the main concern was verbal abuse faced by the workers every day on the factory floor. Mahesh recalls that supervisors and managers would never even ask or request anything from a worker, but always use verbal abuse.

“They used the choicest of abuses and vulgar language for both men and women,” said Mahesh. “Women were called buffalo, donkey, dogs if they are tired and stand still for even a second, or try to use the toilet. It’s even worse for men sometimes, using vulgar language for our mothers and sisters... the management thinks that only by verbally abusing us we will move fast enough to meet the production targets.”

At this point the trainers would step back, limiting their role to encouraging and guiding the workers in presenting the charter of demands to management while keeping the labour department in the loop.

### **Worker organising steps towards collective bargaining**

- 1) Identify target factories and worker leader candidates. Primary considerations are those where workers have formal employment contracts and financial stability.**
- 2) Workers map their own workplace, including the physical layout, different production lines, and management structure.**
- 3) Conduct union training on collective bargaining for workers. This includes understanding importance of dialogue as path for dispute resolution and maintaining labour relations, and strategic steps to take in collective bargaining negotiations.**
- 4) Hold a union general body meeting at which factory committees are elected. The worker representatives who will present collective bargaining demands to management are selected.**
- 5) Worker representatives develop a charter of collective demands for bargaining. Factory committees prioritise specific worker demands and present formal request for bargaining with management.**

The process of democratically establishing factory committees and bringing the collective voices of workers to the bargaining table described above is the basic building block for resolving workplace issues at the root. Through regular worker-management dialogue, potential labour conflicts can be defused before they even happen. This bottom-up, strategic approach to improving labour conditions gives workers collective power and the legitimacy their employers recognise. As we describe in the next Parts, this process was adapted to two different factories to achieve agreements with management of two suppliers in Bangalore's garment industry, Shahi Exports and Texport Apparels. The MoUs signed between the factory and the union serve as the basis for continued collective bargaining with further implications for the global supply chain.



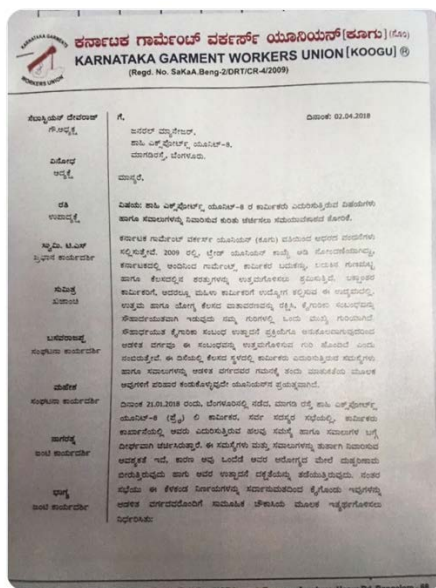
# The case of Shahi Unit 8: Multi-pronged approach to union recognition in the workplace

The MoU that has had the greatest impact we can see to date over the garment industry in the state of Karnataka is that which began at Shahi Unit 8 and was later applied to 45 of Shahi’s factories across India. This Part tells the story of how the Shahi workers organised to bring a set of demands to management, who responded by brutally assaulting the worker representatives. Undeterred, the workers continued organising and called for accountability and a culture change within the company.

The shocking attack was covered in domestic and international media. Management initially denied committing violence against the workers, only to fully acknowledge these actions one year later. Through this egregious incident, workers successfully persuaded management to sign an MoU with them, in which management agreed to hold monthly meetings with the union representatives and to work toward resolving workplace issues. By being persistent, utilising other available dispute resolution channels, and getting the support of the international community, the workers came one step closer to instituting a collective bargaining mechanism.

## Unionised workers do not back down after they are assaulted at Shahi Unit 8

After KOOGU’s restructuring and the establishment of the branch committees, the Mysore Road committee identified Shahi Unit 8 as a prime candidate for worker organising. The factory committee was formed in January 2018. Soon after, on 2 April 2018, worker representatives at the Shahi Unit 8 garment factory presented a list of demands to the factory management: (1) access to clean drinking water; (2) improvement in the workers’ transportation that is provided by the factory; and (3) a modest wage increase.



After presenting the list of demands, a total of 15 workers – mostly worker representatives, but also other workers who tried to stop the violence – were physically assaulted. The workers were attacked by the production manager and other management personnel, as well as by some of their co-workers who were provoked by the managers. The floor-level management of Shahi Unit 8 effected this by claiming that a unionised workforce will result in factory closure.

Deepa, a worker representative who was attacked and who is now a member of the Central Executive Committee, recalls that she was grabbed by her hair and beaten mercilessly, and her clothes were pulled apart in the process.

Tayamma, another worker representative, said she doesn't remember much of anything after suffering a head injury in the assault. She became dizzy and fainted, blacking out.

Immediately after the incident, all worker representatives were terminated from employment and threatened with death if they were seen near the factory premises.



Shahi 8 update: death threats & verbal abuse to our comrade, our union president, from factory building owners do not help build good faith & fails to address legitimate worker concerns. Unlawful behaviour needs to stop, management should sit down at the table with workers!



KOOGU and 8 others  
1:49 pm · 23 Apr 2018 · Twitter for iPhone

After the incident, management claimed that it was simply a quarrel between two groups of workers, instigated by pro-union workers. They said this had nothing to do with management. Management held to their version of events for months. In an article published in *The Guardian* on 19 July 2018, a top executive of Shahi Exports Pvt. Ltd stated, “We were not able to verify or find any proof that these managers made death threats, hit workers, or urged anyone to beat up workers.”<sup>6</sup>

When the worker representatives were called on by visitors from the brand Columbia to verify what had happened in the attack, the management told other workers, “If they open their mouth in front of the buyers, beat them with slippers.”



However, one year later, the Shahi company blog detailed the incident of 4 April 2018, owning up to the worker representatives' version of events and admitting their response to worker organising was wrong:<sup>7</sup>

*We acknowledge that the factory management's initial response, based on internal reports, was not appropriate to the gravity of the situation and our senior management has since taken serious steps to remedy the situation for the affected workers and undertake wide-scale preventative actions. In the year since the incident happened, Shahi has reflected, investigated and made bold decisions and changes across the organisation to prevent such incidents happening in future.*

What caused the management to turn around from denial to acknowledgement and ultimately to sign an MoU with workers? Three key factors, explored in the next section, are in play: 1. The persistence of worker representatives; 2. Use of available legal tools; and 3. Bringing the international brands into the process.

### In about-face, management recognises legitimacy of union and institutes company-wide changes through MoU

Swamy, the General Secretary of KOOGU, attributes the swift attitude change of the Shahi management first and foremost to the commitment of the worker representatives:

*Workers were unshakable in their commitment and belief in the union. When workers did not back down with the threats, they were offered money, promotions, support for their children's educations and many other things in exchange for withdrawal of the cases – they refused all of that. They sent back any representative of the management who approached them, saying the only thing they want from the management is to sit and talk to them about the issues they had raised in their letter.*

The strong commitment and belief in the unionisation process and in the need for collective bargaining did not happen overnight. The previous two years of intense meetings and trainings built up workers' confidence and understanding of worker organising. The formation and first election of a 12-member factory committee at Shahi Unit 8 was on 21 January 2018 and took years of effort to get to that point.

Nagarathna, president of the Shahi Unit 8 factory committee, recounted years of experience with the union and preparation before being ready to present the charter of demands:

*I have been involved with the union since 2011. I had slapped a supervisor after he repeatedly made comments about my body. I refused to apologise and was fired from my job because of this. After the union intervened, a case was filed in the labour department and I was reinstated... When we decided to move towards collective bargaining in 2016, we organised meetings and engaged co-workers from my factory frequently. We met almost every Sunday and holiday we could find. It took us two years before we were prepared to approach the management in the factory, hand over our charter of demands and invite them to sit and talk to us.*

Tayamma, one of the 12 worker representatives of the Shahi Unit 8 factory committee, described how their team was united and worked together not just before submitting the charter of demands but also in supporting each other after the violent response of the management. None of them backtracked on their goal to get the management to sit down and talk to them.



**KOOGU**  
@koogu\_kgwu

...

No fear: Shahi 8 worker representatives distributed thousands of pamphlets to colleagues at the factory, who expressed gratitude for their hard work despite management reprisals. The struggle for decent labour conditions continues!



4:26 pm · 7 Jun 2018 · Twitter for iPhone

Tayamma said they had already come a long way and grown a lot as organisers:

*Before Nagarathna introduced me to the union, I only knew how to cry. I never dared to speak in front of the management. With every meeting I attended, I learnt to speak up and today I don't keep quiet about any injustice to workers in my factory.*

After the attack on 4 April 2018, the factory committee continued to meet frequently, discussing each issue and deliberating how to move forward. When they could not decide on a matter, they brought it to the notice of the Central Executive Committee for discussion.

Mahesh, the Organising Secretary of the Central Executive Committee recalled:

*The worker representatives from Shahi 8 were very angry after the attack. Some of them were so angry that they wanted to retaliate against those who assaulted them. When the debate got too heated at the factory committee, they brought it up for deliberation before the Central Committee. We discussed the matter in detail, how retaliation would reduce them to the level of management's irrational response. We may have to even forgive some of the co-workers and staff who assaulted us if the management in return offers to commit to freedom of association and agrees to enter collective bargaining with the Union. It helped to remind each other what we were aiming for. It was a learning for all of us to channelise our anger.*

The positive impact of the restructuring of the union is evident in this example of organising at Shahi Unit 8, wherein the higher-level unions bodies provided strategic advice that was led and informed by the voices of the workers affected. By keeping their eyes on the goal, the union channelled workers' voices into productive outlets for sustainable change that addressed root causes and, as will be shown in the next Part, had a ripple effect within the sector.

## Union utilises available legal mechanisms to support worker organising

Another important factor in achieving the MoU was the KOOGU support that ran parallel to the steps the worker representatives undertook. KOOGU made good use of India's labour laws and departments to back up the workers' efforts in the factory.

The union's legal documentation demonstrates a commitment to openness and transparency. The charter of demands sent to the management was also sent to the labour department. In fact, the labour department, although playing a limited role during this process, was kept in the loop with the developments in the case. After the violent attack, the incident was reported and the matter was called for conciliation, which resulted in the signing of the MoU between the parties in the presence of the Deputy Labour Commissioner. This was an important strategic move without which the attack on the worker representatives could not have been clearly linked to the attack on the right to freedom of association.

Immediately after the workers were attacked, the union helped workers make a police complaint and register a medical-legal case file of all the injured workers at the nearest hospital. Although these may seem like obvious steps to take, they require a level of organisation and familiarity with the procedures that may not be available or common knowledge to the affected workers. KOOGU's access to a legal team that acted quickly supported the workers' claims to management in the factory. Nagarathna recalls that the management initially attempted to turn them into instigators of violence and even accused them of assault and molestation. Without timely legal documentation, chances were that the management may have succeeded in pushing their version of the incident to cover up the facts.

## Union leverages CSR on international brands sourcing from Shahi Exports

KOOGU understood that involving the international brands was another way to hold the factory accountable. Many workplace abuses are unfortunately commonplace or dismissed as isolated incidents perpetrated by rogue actors. But at Shahi Unit 8, the egregious attack and the management responsibility were a solid basis for calling on international brands to intervene.



The independent investigation<sup>8</sup> undertaken by the Worker Rights Consortium (WRC) soon after the violent attack was essential to getting the attention of international actors. WRC is a U.S.-based independent organisation that stands up to the exploitation of workers across the garment supply

chain, particularly the companies that U.S. universities use to source their collegiate apparel. WRC interviewed 30 workers as part of its investigation, which it only made public after Shahi failed to remedy the situation.

In 2017 and 2018, Shahi Unit 8 was a dedicated unit for Columbia Sportswear, which makes athletic jerseys for a variety of universities in the U.S. WRC published its investigative report on 22 May 2018. The report contained a clear chronology of events both before and after the attack on the worker representatives at Shahi Unit 8. *The Guardian*<sup>9</sup> and other international media<sup>10</sup> picked up on the report and drew attention to what was happening at Shahi Unit 8. The WRC report was an independent source of legitimacy for the workers' version of events, as opposed to the management denial. The report and the international attention acted as a leverage for workers to pressure the international brands to step in and ensure that their supplier Shahi complies with the brands' corporate social responsibility commitments.

Prior to WRC's investigation, local, state and national media in India had covered the incident. However, after the WRC report was published, an English-language daily newspaper in India withdrew their article about the Shahi incident, likely because of pressure from the supplier of international brands. In the withdrawn article, the attack was alleged to be an assault by management on pro-union workers.

KOOGU's Twitter presence was also a factor. KOOGU created a tweet thread that it periodically updated to report on developments in the case. This social media presence helped loop in several other international rights organisations such as Clean Clothes Campaign, Asia Floor Wage Alliance, Fashion Revolution, and China Labour Bulletin, among others who also pressured the brands to act.



10:12 pm · 21 Jul 2018 · Twitter for iPhone

These different actors illustrate a multi-pronged approach to supply chain issues, in which various actors have different roles that contribute to a common goal. It was always the workers and the union taking the lead in articulating what they were aiming to achieve and defining the types of support they needed from these various organisations.

In a letter dated 23 April 2018, circulated to various international organisations, KOOGU's honorary president Sebbi clarified what the union expected from these international organisations:

*Please bear in mind that workers at Shahi Exports PVT Ltd. (Unit 8) dearly value their job, both for themselves and their family. Therefore, our goal is not to see international brands pull out their orders and put the survival of suppliers in jeopardy. On the contrary, our aim is to work together with factory management, company owners and international brands to establish a collective bargaining system in which all parties are treated equally and with respect. Ultimately, workers' rights will be more comprehensively protected, business will thrive for Shahi Exports PVT Ltd. as well as for the brands, and the reputation of all will be enhanced.*

After the incident gained widespread attention, the resulting pressure from the brands is what ultimately pushed the management of Shahi Unit 8 to acknowledge and respond to the attack. Subsequently, the management personnel involved in the attack were fired, the dismissed worker representatives were re-hired with back wages, and a series of announcements were made in the factory affirming that the management stands by the workers' right to exercise freedom of association.



**Shahi-KOOGU memorandum of understanding: all 12 workers have been reinstated, INR. 5,000 reimbursement for medical expenses, all personal valuables snatched during the violent incident on 4 April to be returned or compensated for.**

7:16 pm · 26 Jun 2018 · Twitter for iPhone

An MoU between Shahi Exports and KOOGU outlining the management's corrective measures and commitment to hold monthly meetings with union representatives to resolve workplace issues was signed on 25 June 2018.

In the Texport case that follows in the next Part, a commonality is a violent attack on workers. However, in the Texport case, the union organising occurred after the fact rather than before the attack. But because the Texport workers had heard about organising at Shahi Unit 8, they reached out to KOOGU who again took the opportunity to turn a blatant violation of workers' dignity into an opportunity for sustainable change through dialogue.



## The case of Texport Apparels: A wildcat struggle turns into an organised workforce engaging in dialogue

Texport Apparels LLP (Texport) is a garment factory in Bangalore employing about 800 workers. Although not a target factory for KOOGU organising immediately after the union restructured, it was located near to KOOGU's Peenya Road branch committee. In March 2019, a quarter of the Texport workforce staged a walkout following the general manager's verbal and physical abuse of a woman worker. Texport workers, who were familiar with KOOGU's role at Shahi Unit 8, asked KOOGU to help in insisting that the general manager face repercussions. The union responded by organising workers to press for accountability. Building on similar tactics as in the Shahi case, KOOGU filed complaints with the local authorities and called on international brands to intervene. The brands sent representatives to Texport, and these visits resulted in the management agreeing on holding a dialogue with the workers. An MoU was signed on 3 May 2019, and workers held their first democratic factory committee election in August of the same year.

### Workers walk out after repeated gender-based violence on the factory floor

On 12 March 2019, a small group of workers in Texport's cutting section walked out in protest of one of their colleagues, Pramila, being abused by management. Pramila had been called to the office of the general manager, where she was surrounded by male supervisors and verbally abused for refusing instructions from her new supervisor. When the general manager gestured that he would beat Pramila with his shoes, she resisted and tried to escape from the office.

The commotion and Pramila's screams reached her co-workers, and then they could see as Pramila ran that she had marks on her arm from the supervisors who grabbed her as she tried to get away. Quickly, the news spread across the factory: a worker in the cutting section was assaulted. One after another, workers pushed past the factory floor security and gathered outside the factory, refusing to go back to work that day. Over the course of the day, 200 workers joined the protest outside the factory.



Yesterday Texport Industries GM verbally & physically abused a female worker, then 20 men surrounded her and pulled her clothes apart. Today colleagues display exemplary solidarity.



4:26 pm · 13 Mar 2019 · Twitter for iPhone

“We didn’t think about it too much,” said Savitha, one of the workers who walked out that day and later became a worker representative. “We were angry. We had only one demand – that the General Manager should be sacked immediately.”

The next day, the workers again met at the factory but refused to go in to work. But, not knowing how to move the protest action forward, they called on KOOGU. One of the Texport workers had previously worked at Shahi Unit 8 and remembered Nagarathna, the vice president of KOOGU. The KOOGU organisers and FEDINA representatives immediately showed up and joined the protest. KOOGU urged the workers to hold their ground and not give up their demand.

Day and night, for the next three days, the workers refused to move from the factory premises until the management addressed them. They held meetings, ate together, and slept on the factory floor for the next two nights.



**Texport update: Workers on strike have elected their representatives and have a list of clear demands in order to resume work and go back to normal life. It's management's turn to reciprocate.**



1:54 pm · 15 Mar 2019 · Twitter for iPhone

Through their interactions with the protesting workers, KOOGU learned that the protest against Pramila’s assault was in fact the culmination of months of frustration and anger over rampant sexual harassment by the new general manager. The workers had dropped hundreds of complaints in the complaints box of the factory, but these all went unheard. No action was taken by Texport against the general manager, showing that the factory-level internal grievance mechanisms, although existing on paper, had failed the workers.

Swamy, the general secretary of KOOGU, noted that this incident presented an opportunity to steer the energy of the workers toward organising for wider systemic change. With KOOGU’s recent experience of entering into dialogue with Shahi and coming out with a signed MoU, this idea of negotiating beyond this one incident was put forward to Texport workers. As with the Shahi case,



KOOGU mobilised its resources to document the incident, contact relevant government departments, and identify international brands.

Texport management was adamant in refuting workers' experiences and insisted in siding with the general manager. By the end of the second day of the protest, management called a meeting that included a group of protesting workers and KOOGU representatives, only to inform them it was not possible to suspend the general manager. Several such meetings were called by management during the first three days of the protest, and management continued to protect the general manager rather than show concerns for the welfare of the workers.

Seeing no change in the management's attitude, workers approached the Karnataka Women's Commission on the third day of protest. They managed to have a meeting with the chairperson of the Women's Commission, who promised to visit the factory and initiate a formal inquiry. Although workers left the protest that evening after the assurance of the chairperson, they still refused to work on the day of the visit. The chairperson visited the factory and announced to the workers that she had met with management and ensured the general manager's immediate suspension. Management asked the workers to return to work the next day, assuring them that the general manager would not be present at the factory.

Meanwhile, another delegation of workers had reached out to the Labour Department with a petition listing the factory's violations and seeking remedy. Management was summoned on the fourth day of the protest and agreed to the demands of the union in the presence of the workers and KOOGU representatives.



According to the agreement, the general manager would be suspended effectively immediately, pending an official inquiry by the factory's internal committee, which is a committee required under India's *Prevention of Sexual Harassment Law*. This inquiry was to be completed within 30-45 days in a transparent manner. Further, fresh complaints at Texport would be accepted and dealt with fairly, and management would respect workers' freedom of association.

The weeks following the protest were tumultuous for workers. Despite the agreement to respect workers' freedom of association, workers who took the lead in the protest were identified and removed from the factory. Over 80 workers were asked to resign.

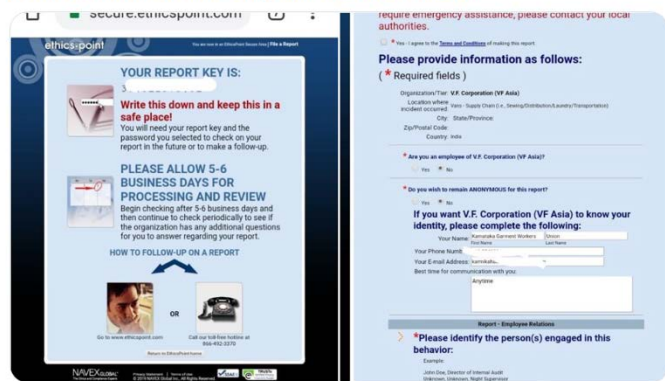
"We did not want to quit," Savitha, one of the dismissed workers, recalled. "They isolated us, called us into their cabin and spoke to us for hours that quitting was our best option. We felt we did not have a choice."

Considering the backlash against the workers, KOOGU felt there was no other means to resolve the matter but to push the management for dialogue.

### Union again looks to brands for reinforcement of worker organising

As soon as KOOGU was alerted about the workers' protest at Texport, the union collected information about the factory's brand clients. At that time, Vans and Nautica emerged as the two leading brands whose products were being manufactured at the factory. As the management retaliated against workers after the conciliation meeting on 16 March 2019, KOOGU filed a complaint to Ethics Point, a platform to report human rights abuses in the Vans supply chain by those directly affected or by third parties. KOOGU's complaint was filed on 18 March 2019 and it detailed the abuses at the factory and included local media coverage of the issue.

On 3 April 2019, as KOOGU representatives attempted to distribute pamphlets to inform the workers that the management had agreed to respect freedom of association in the conciliation meeting, they were attacked by some management personnel and physically assaulted outside the factory. KOOGU updated Ethics Point on this incident.



3:07 pm · 18 Mar 2019 · Twitter for iPhone

Vans started an internal inquiry that did not include KOOGU in the process. However, workers and KOOGU representatives saw a palpable change in attitude of the management after this process began. The management agreed to meet the union to talk about the possibility of mutually resolving the issues through dialogue.

After a series of meetings among management, dismissed workers and KOOGU representatives, an MoU between Texport Apparels and KOOGU was signed on 3 May 2019. The MoU stated in clear terms that the dismissed workers would be reinstated, that an inquiry would be conducted against the suspended general manager, that the inquiry would be conducted in a transparent manner, and that the management and union would regularly hold meetings to resolve workplace issues. Further, management agreed to uphold freedom of association and make such an announcement in the factory.

The emerging worker leaders who led the Texport protest in solidarity with the assaulted worker returned to the factory following the signing of the MoU.

### Texport workers form union to enforce MoU

The multi-day protest of workers at Texport, followed by the complaint made to the labour department and the women's commission, was enough pressure on the factory that the immediate demand of the workers was fulfilled: the general manager was held under suspension pending inquiry for sexual harassment among other abuses. The complaint to the brands put further pressure on the management to stop retaliating against the workers who had participated in the protest. But KOOGU saw that more lasting changes were attainable through worker organising in the wake of this incident.

With the recent experience of Shahi Unit 8, KOOGU was able to ensure that Texport management did not get away with platitudes and quick fixes and was instead committed to actually implementing freedom of association at the workplace by signing an MoU. The next step for the union was to ensure that a worker representative committee was elected to lead the ongoing dialogue with the management.

A general body election of Texport workers was conducted on 25 August 2019. Over 25% of the workforce participated in the election of a nine-member representative committee. In KOOGU's experience, this was the first instance of a spontaneous walk out resulting in the union signing an MoU with management, followed by workers being democratically elected to represent their colleagues in a factory committee. However, this meant that the trainings for collective bargaining and the rights awareness work of the union had to be conducted *post hoc*.

"The challenge for us to keep the momentum going and to ensure the enthusiasm of workers to organise themselves means active participation in union meetings and training," said Swamy.

The Texport case shows how broader cultural changes and changing attitudes and awareness toward gender-based violence empowered workers to take a stand. These workers had not received training on organising and collective bargaining with KOOGU, but once they made contact with the union and recognised their collective power, they were receptive building on their desire for broader change through the process of organising in their factory.

## Assessing the outcomes of worker organising at Shahi and Texport

When KOOGU restructured, it set out to empower workers to organise and bargain on their own by establishing factory-level unions and advocating for a collective bargaining mechanism that can address pressing worker grievances and result in improved workplace conditions. How have the Shahi and Texport cases measured up? Workers have shed their fear of organising, and they know their rights. Factory committees have been established, and worker representatives were democratically elected in both workplaces. In addition, the MoUs between management and the union have provided the foundations for a continued collective bargaining process. In addition to recognising the legitimacy of the union at the workplace, the MoUs explicitly guarantee workers the right to freedom of association and regular meetings between worker and management representatives to discuss workplace issues. In this section, we analyse changes in workplace conditions for workers at Shahi and Texport after the signing of the MoUs.

### MoUs lead to immediate improvements in the factories

Workers' rights to freedom of association at the workplace and collective bargaining were guaranteed by the factories in the MoUs. Unfairly dismissed workers were immediately reinstated and compensated, and management personnel who attacked and harassed workers were reprimanded and even dismissed. The manufacturers acknowledged the disconnect between their social corporate responsibility commitments and the reality for workers at the factory. In response, both companies pledged to rectify the abusive managerial style and work toward minimising worker harassment at production facilities.

Worker representatives are now respected when conducting their consultations with colleagues. Workers, both union representatives and members, have shed their fear of repercussions and openly identify as a unionised workforce. Workers even ran and won democratic factory committee elections. In the case of Shahi Exports, the change in factory committee elections extended to 45 factories.

At Shahi Unit 8, two of the three demands of the worker representatives were immediately fulfilled after signing of the MoU in June 2018. First, clean drinking water was provided to workers, and they even received short rest periods in which to drink it.



**Deepa intervenes in a KOOGU meeting (Photo: FEDINA)**

Deepa was one of the worker representatives at Shahi. She said, “Drinking water was the first change. Then we got hot water during our periods. Before, they didn't even let us rest during our periods or take 5 minutes to break if we were unwell.”

Along with this change, the overall workplace atmosphere changed, now that the union was recognised in the workplace. The workers who were attacked were compensated and their employment was reinstated. The management also became more respectful to the workers and worker representatives, and the workers were less afraid to voice their concerns.

Tayamma, another Shahi worker representative, said, “There is more respect than before. Most importantly, the cruel treatment of workers and the extreme abuse has very much reduced. Workers used to not even speak before, but now they speak up and come to us with issues.”

Although the climate has changed, the problems did not completely stop. Tayamma said that workers continue to be targeted if they speak up. But after the signing of the MoU, workers have been less reluctant to be identified as union members and representatives.

The worker representatives also became active in raising concerns voiced by workers and in stopping verbal abuse by managers. Deepa described this as well:

*Later on, they [managers] would always look out for the union. We were in all four sections from the production line and even during lunch in the canteen there was any one of us [representatives] around. If they [management] used any vulgar language, workers would look out for the union. The management had that fear in them. Whether was Tayamma, Nagarathna or myself we would immediately say “alright you said this, why did you say it?” We did not let anything slide. Even if it was a small issue, we took it up with the management and told them that they were not to use that language on anyone... We didn't yell and scream right there, we also had some sense. There was a committee, so we took it to our committee or we took the workers into the management cabin and spoke. This is how we were solving problems. It had changed a lot.*

Worker representatives in Texport similarly saw positive changes. One worker representative who wished not to be named said that things changed a lot immediately after the signing of the MoU with the management. The worker said, “We had regular meetings. We were also enthusiastic. Workers, especially the union representatives were respected like never before in the factory.”

### Union reclaims existing workplace institutions

In the longer term, the MoUs are a starting place for fostering collective bargaining. The documents provide for continued dialogue between workers and management representatives, and these discussions serve as the basis for ongoing collective bargaining. The union hoped the process of dialogue would increase workers' confidence and assert their right to freedom of association. The union also hoped to change the management's attitude toward unions. Contrary to management's beliefs and sayings, the union is not detrimental to the interest of business or productivity. A unionised workforce does not mean factory closure. The management should not use such excuses to attack the union.

In fact, labour laws in India mandate the formation of four worker-management committees. These are the works committee, grievance committee, safety committee and canteen committee. Each of these committees must have representation both by management and by worker representatives, in



equal proportion. A fifth committee, the internal committee, is required under the *Prevention of Sexual Harassment in the Workplace Act*.

Although Shahi had these committees, workers described that after the MoU was signed, this was the first time in their experience that elections were conducted fairly and that openly-unionised worker leaders were elected to these committees.

Although these committees exist on paper in most garment factories, workers describe them as a farce. Savithri, a member of the works committee and the president of the KOOGU Texport worker representative committee, describes the functioning of these committees prior to union organising in the factory,

*Before, committee members were who they [management] liked. Before, supervisors would choose committee members and they would say workers chose them. The management would enquire from the supervisors who among the workers talk a lot, are bold, and then would choose who speaks the least and works quietly. These names were given to the management and they would become committee members. Now, after the union started in the factory, a strong committee was formed, chosen by workers.*

This change to democratically functioning committees is another development and outcome of the dialogue initiated by the union. A year after the violence against workers in Shahi Unit 8, management adopted some remedial steps. These were taken across the entire company, not just in Unit 8. In an article entitled, “A year on from Unit 8: What we’ve learned” on the official blog of Shahi Exports,<sup>11</sup> the company notes these elections and the strengthening of the committees:

*What preventative actions is Shahi taking for the future?... Elections and strengthening of worker committees has been conducted in 45 factories. We follow a five-step process to strengthen worker committees: Elections, Documenting process, Training on roles/responsibilities, Measuring effectiveness, General awareness within the factory.*

In factory elections held in July 2021, several union leaders, including Nagarathna and Tayamma, were elected to these committees. Nagarathna describes this as a testament to the growing influence and trust built within the factory by the union among their fellow workers since the signing of the MoU in 2018.



**Savithri stands on stage during a Labour Day commemoration hosted by the South Indian Federation of Trade Unions (Photo: Ganga Sekar)**

Worker representatives recognise that winning factory elections, while presenting an opportunity for the union to reclaim space and resolve workplace issues, will not automatically lead to effective change. Savithri said that merely conducting fair elections for the factory committees is insufficient: “Members (of the committee) need to be given responsibilities and power. If workers cannot even approach me with their problems and are stopped and scolded for approaching me, then what is the use of me becoming a committee member?”

The union believes that even the management-led factory committees can be leveraged to further workers’ rights in the factory. After all, this is the intended purpose of the factory committees under India’s legislation. However, the union realises that it must step up and train the committee members, rather than waiting on management to provide support. Indeed, as of December 2021, the elected worker members had not yet been trained by management on their committee work.

### Global pandemic highlights need for continuous worker organising that involves all stakeholders

Tayamma, one of the worker representatives at Shahi Unit 8, described the regular meetings with management as a learning experience for workers. She said, “We did not know how to take it forward initially. We were still angry about the management attacking us.” It took time and several meetings before they were ready to present solutions and negotiate.

In the nearly four years since the signing of the MoU with Shahi, the clause on continued collective bargaining meetings is still being followed. However, worker representatives expressed frustration that management stalled on this during the COVID-19 pandemic.

The pandemic has had a profound impact on workers in Bangalore. Workers’ salaries and welfare at the factories declined significantly during the government-imposed lockdowns. For the two factories with MoUs, union meetings as well as meetings with the management were suspended since the pandemic began, which was less than a year after the signing of the MoU in the case of Texport. Even when collective bargaining meetings were resumed in 2021 at Shahi Unit 8, management refused to pay full wages, let alone agree to a wage increase, and claimed that their profit margins were too low to do so.

Despite this resistance, KOOGU worked to ensure the survival of workers, resume collective bargaining to recover the salaries workers were owed from the lockdown periods, and negotiate with the suppliers and the international brands for a new global supply chain pricing model. KOOGU’s aim has been “to protect the income and livelihoods of the workers who have worked hard for the industry and also to save the industry itself.”<sup>12</sup>

When the first wave of infections hit India in 2020 and a national lockdown was announced on 24 March, factories in Bangalore indefinitely suspended childcare facilities and factory transport.<sup>13</sup> Workers with children – and especially women workers and those who could not arrange day care for their children – had to stay home, and all those who could not report to work would not be paid.

In a survey<sup>14</sup> of 82 garment workers in the Ramanagara, Mandya and Mysore districts of Bangalore, 63 percent of the respondents had not received their April 2020 salary, and the only way for them to get paid was to make their own travel arrangements to the factory.<sup>15</sup> Most workers live in outlying districts, sometimes over 100 kilometres away from the factory, and they rely entirely on factory buses to get to and from work.



Even for those who could make it to work, management forced them to work one to three hours overtime each day and even forgo public holidays to make up for lost time and production.<sup>16</sup> Even as the lockdown was lifted, many factories failed to restore transport arrangements.

In a second wave of infections in April 2021, factories in the state of Karnataka remained open or quickly resumed production, often disregarding basic workplace health and safety measures.<sup>17</sup> Workers with obvious Covid-19 symptoms were continuing to report to work as they feared being laid off. Those who had lost their incomes had to sell assets, borrow money and cut down on the most basic expenses like food.

Shahi and Texport even packaged workers' wages as "loans" or "advances." WRC uncovered in December 2021 that over 1,000 garment factories in the Bangalore area and the state of Karnataka "are continuing to violate minimum wage laws."<sup>18</sup> Workers had been owed 22 months of their Variable Dearness Allowance, a legally-mandated, inflation-based payment that is adjusted annually as part of the minimum wage.

During the pandemic, management unilaterally suspended the regular meetings with the workers that were required by the MoU. The worker representatives took it upon themselves to build the momentum for these meetings again, particularly after pandemic restrictions let up and face-to-face meetings were more common.



**Swamy and a group of workers hold an impromptu meeting outside the labour department in Bangalore (Photo: FEDINA)**

At a meeting between Shahi management and KOOGU on 16 July 2021, the union demanded workers be paid full wages for the lockdown period. On the other side of the bargaining table, Shahi argued that their profit margins were too narrow to allow them to do so, and that the purchasing prices were dictated by the international brands.

The union realised that even if collective bargaining was guaranteed by the CSR commitments of the brands, negotiations on salaries would effectively come to a dead end unless those brands participate in the negotiations. The brands are the primary accumulators of profit in the global supply chain of the fashion industry, and they are the ones who effectively decide workers' wages, as they set the

purchasing prices and therefore the profit margins for each manufacturer. Without the international brands at the bargaining table, workers are left alone to bear the brunt of the impact brought by the pandemic.

KOOGU sent invitations to eight of the international brands sourcing their garments from Bangalore, requesting that they join the union and the supplier at the bargaining table to negotiate a solution through dialogue. KOOGU invited Abercrombie & Fitch, Benetton, Carhartt, Columbia, Decathlon, H&M, Tommy Hilfiger and Vans, but only three – Carhartt, Decathlon and H&M – responded. Although their responses varied, none agreed to directly join the ongoing negotiations.<sup>19</sup>

The fact that only three brands responded and that none of them would join in the negotiations between KOOGU and Shahi shows that despite the strong CSR commitments to the general public and consumers, international brands are reluctant to incur responsibility when workers take initiative to call on these brands to fulfil their promises.

From this point on, the bargaining process has focused squarely on salary increase negotiations for 2022. Garment workers in the state of Karnataka, who have been owed their full salaries through the pandemic, have not had a salary increase since 2019.

The collective bargaining process is ongoing by design, but the fact that workers at Shahi and Texport were both able to organise and establish regular collective bargaining meetings with management before the pandemic hit set them up for greater success when lockdowns left workers without health and safety guarantees at work and, in many cases, without their livelihoods. The pandemic laid bare the role of all stakeholders along the supply chain and made concrete the need for CSR commitments to be upheld during crises. Moving forward, as discussed in the Conclusion, KOOGU has bigger plans for changing how workers engage across the supply chain.

## Conclusion: A new beginning for collective bargaining in the Global South

The story of KOOGU's decades-long work in India's garment industry demonstrates the effects of various worker organising and collective bargaining strategies. The situation for workers can be improved through individual case resolution and intervention in domestic violence cases and protests at factory shutdowns; however, it is union organising and the establishment of collective bargaining at the workplace that can bring about the most significant and long-term improvements in workers' livelihoods and their dignity. The signing of the MoUs with management and the ongoing efforts in ensuring their meaningful implementation are crucial in continuing collective bargaining.

The plight of workers in the pandemic has shown that the most important promises made by factories often go unfulfilled in times of crisis, when these guarantees are needed most. At Shahi and Texport, regular bargaining meetings were suspended under the pretext of limiting infection, leaving workers even more vulnerable. Continuously organising workers has been essential in pressuring the management to come back to the bargaining table through the repeated waves of infection and changing government policies.

Another lesson learned is that even when collective bargaining is implemented at the factories, workers' salaries and benefits are severely limited by the profit distribution mechanism in the global supply chain. International brands effectively set salary levels for workers in the Global South when they set the purchasing prices, while simultaneously taking the largest cut of profits. Therefore, workers negotiating their fair share with management at the source of the supply chain is all but impossible without the global brands' participation at the bargaining table.

Under the exceptionally difficult circumstances of the pandemic, the union managed to resume collective bargaining with the management in the summer of 2021. In the process, they have not only agreed on the need to bring the brands into the ongoing negotiation to make a significant breakthrough, but they also set the basis for a new collective bargaining mechanism which leaves no more grey areas on the role of the brands as a stakeholder in the process.

As shown through KOOGU's experience, collective bargaining among all stakeholders is the best path towards a sustainable future, and the absence of any major party at the table prevents any real resolution. Persistent inequalities in the global supply chain can only be resolved when its main stakeholders – workers, manufacturers and global brands – sit together. KOOGU has already done its part, and now it is time for the brands to take responsibility and act on their commitments.

## References

- <sup>1</sup> “About,” *Shahi*, last visited 17 April 2022, <https://www.shahi.co.in/about/>.
- <sup>2</sup> Throughout this report, the city is referred to as “Bangalore” rather than its official name, “Bengaluru.” This reflects how our partners and the workers we interact with refer to their city.
- <sup>3</sup> See Robert Antoshak, “The impact and unforeseen implications of the MultiFiber Arrangement,” *Fibre2Fashion*, <https://www.fibre2fashion.com/industry-article/6319/the-impact-and-unforeseen> (last visited 27 April 2022).
- <sup>4</sup> “Addressing Violence to Catalyse Empowerment Ft. FEDINA,” *Gender Focus Podcast*, 12 December 2021, <https://genderfocus.org/2021/12/gender-focus-podcast-addressing-violence-to-catalyse-empowerment-ft-fedina/>.
- <sup>5</sup> Article 19 states,  
Protection of certain rights regarding freedom of speech, etc.—  
(1) All citizens shall have the right—  
(a) to freedom of speech and expression;  
(b) to assemble peaceably and without arms;  
(c) to form associations or unions [or co-operative societies];  
(d) to move freely throughout the territory of India;  
(e) to reside and settle in any part of the territory of India; [and]  
\* \* \* \* [sic]  
(g) to practise any profession, or to carry on any occupation, trade or business.  
*Constitution of India*, 9 September 2020, available at <https://legislative.gov.in/constitution-of-india>.
- <sup>6</sup> Steven Greenhouse, “US watchdog uncovers violence against pro-union workers at Indian factory,” *The Guardian*, 19 July 2018, <https://www.theguardian.com/world/2018/jul/19/india-clothing-factories-shahi-exports-wrc-watchdog>.
- <sup>7</sup> “A year on from Unit 8: What we’ve learned,” *Shahi Blog*, 4 June 2019, <https://www.shahi.co.in/blog/a-year-on-from-unit-8-what-weve-learned/>.
- <sup>8</sup> “Shahi Exports Pvt. Ltd.,” *Worker Rights Consortium*, last updated 2018, <https://www.workersrights.org/factory-investigation/shahi-exports-pvt-ltd/>.
- <sup>9</sup> Steven Greenhouse, “US watchdog uncovers violence against pro-union workers at Indian factory,” *The Guardian*, 19 July 2018, <https://www.theguardian.com/world/2018/jul/19/india-clothing-factories-shahi-exports-wrc-watchdog>.
- <sup>10</sup> See, e.g., Marc Bain, “H&M, Columbia, and others are accused of ignoring disturbing abuses at a large Indian supplier,” *Quartz*, 25 June 2018, <https://qz.com/1313585/hm-gap-bercrombie-and-others-are-accused-of-ignoring-disturbing-abuses-at-a-large-indian-supplier/>.
- <sup>11</sup> “A year on from Unit 8: What we’ve learned,” *Shahi Blog*, 4 June 2019, <https://www.shahi.co.in/blog/a-year-on-from-unit-8-what-weve-learned/>.
- <sup>12</sup> See “Garment workers’ union in India calls on international brands to fulfil their commitments,” *China Labour Bulletin*, 21 January 2022, <https://clb.org.hk/content/garment-workers'-union-india-calls-international-brands-fulfil-their-commitments>.
- <sup>13</sup> “The Karnataka Garment Workers Union, Bengaluru: A case study,” *China Labour Bulletin*, 16 November 2020, <https://clb.org.hk/content/karnataka-garment-workers-union-bengaluru-case-study>.
- <sup>14</sup> “Press Note: 24.5.2020: Garments Mahila Karmikara Munnade and Alternative Law Forum,” *Alt Law Forum*, 25 May 2020, [http://altlawforum.org/wp-content/uploads/2020/05/engpress\\_note\\_garments\\_study\\_working\\_hours.pdf](http://altlawforum.org/wp-content/uploads/2020/05/engpress_note_garments_study_working_hours.pdf).
- <sup>15</sup> “Bangalore garment workers fight for basic rights as production resumes after lockdown,” *China Labour Bulletin*, 18 June 2020, <https://clb.org.hk/content/bangalore-garment-workers-fight-basic-rights-production-resumes-after-lockdown>.
- <sup>16</sup> “The Karnataka Garment Workers Union, Bengaluru: A case study,” *China Labour Bulletin*, 16 November 2020, <https://clb.org.hk/content/karnataka-garment-workers-union-bengaluru-case-study>.
- <sup>17</sup> “India’s workers devastated by deadly second wave of Covid-19,” *China Labour Bulletin*, 13 May 2021, <https://clb.org.hk/content/india's-workers-devastated-deadly-second-wave-covid-19>.
- <sup>18</sup> “Update on Massive Minimum Wage Violation in Karnataka, India,” *Worker Rights Consortium*, 2 December 2021, <https://www.workersrights.org/communications-to-affiliates/update-on-massive-minimum-wage-violation-in-karnataka-india/>.
- <sup>19</sup> “Garment workers’ union in India calls on international brands to fulfil their commitments,” *China Labour Bulletin*, 21 January 2022, <https://clb.org.hk/content/garment-workers'-union-india-calls-international-brands-fulfil-their-commitments>.