

Advisory on Preventing & Combating Child Labour in the Garment Industry Supply Chain & Implementation of the Labour Compliance standards in the Apparel Sector

Through the AEPC, The Govt. of India herewith forcefully conveys to the Trade its zero tolerance policy on violations in Child Labor standards and other crucial Labor Codes. Industry is hereby required to immediately review their existing employment and work place practices, and initiate immediate steps to diagnose and rectify areas of non-conformity.

Introduction:

The lack of actual implementation of the compliance codes on labour standards and working conditions within the apparel industry poses a serious threat to the image of the country. The engagement of child labour in the supply chain in the apparel industry is prohibited, especially in the process of garment embellishment. This could include bead-work, sequin-work, hand embroidery and numerous types of hand work which add value to the garments. The Govt. of India and AEPC are increasingly concerned.

The recent directives issued by International bodies in this regard are a serious cause of concern and cannot be taken lightly -

In view of these concerns this board re-iterates as follows :-

1. Take stock of your entire supply chain and initiate measures to ensure that Child labour is not engaged in any activity whether directly or indirectly.

2. Apart from the National Laws that govern these issues, also listed below are the related conventions of the ILO which are internationally taken as benchmarks for these critical codes/issues :
 - i) **Freedom of Association - The Trade Unions Act, 1926 / ILO convention - 87** - As per this convention - Considering that the Preamble to the Constitution of the International Labour Organisation declares "recognition of the principle of freedom of association" to be a means of improving conditions of labour and of establishing peace.

ii) **The Right to Collective bargaining - ILO convention - 98** - Workers' and employers' organizations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

iii) **Child Labour - The Child Labour (Prohibition & Regulation) Act, 1986 / ILO convention - 182** - Under the Act , 'child' means a person who has not completed his fourteenth year of age. Any such person engaged for wages, whether in cash or kind, is a child worker. Child labour (as defined herein) is completely unacceptable in the garment industry supply chain.

iv) **Forced and Bonded labour - Bonded Labour System (Abolition) Act, 1976 / ILO conventions - 29 & 105** - This Act seeks to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker section of the people .

v) **No discrimination - The Equal Remuneration Act, 1976 / ILO convention - 111** - As per this convention discrimination means - any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Such practices cannot be accepted.

vi) **Health and Safety in the workplace - Factories Act - 1948 / ILO convention - 187** -
This convention refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

vii) **Wage & Benefits - The Employees' Provident Funds & Miscellaneous Provisions Act, 1952, The Employees' State Insurance Act, 1948, The Minimum Wages Act, 1948, The Payment of Bonus, Act, 1965, The Payment of Gratuity Act, 1972 & The Payment of Wages Act, 1936 / ILO Conventions - 130,131 & 132** - Members shall pay at least the minimum wage required by local law or the prevailing industry wage - when available, whichever is higher, and who provide all legally mandated benefits. In addition to their compensation for regular hours of work, employees shall be compensated for overtime hours at such premium rate as is legally required.

viii) To assist the industry in comprehending and implementing these standards the AEPC proposed to launch an initiative - 'DISHA' (Driving Industry towards Sustainable Human-capital Advancement) under which it will set up a 'Compliance Clinic' and those needing any guidance or assistance in capacity building, on matters of social compliance / implementation of the best practices in factory. The details, including terms of engagement will soon be provided.

General

Advisory is issued in the interest of garment making factories so that they are aware of their lawful obligations.

Disclaimer

The abstract of Acts referred above are merely for the purpose of advisory. The legal text of the Act as amended from time to time and issued by Government of India shall be binding and AEPC shall not take any responsibility whatsoever for any interpretation taken by the member exporter.