

Apparel Export Promotion Council

(Sponsored by Govt. of India, Ministry of Textiles)



Apparel Export Promotion Council

About AEPC:

- ▶ Incorporated in 1978, sponsored by the Ministry of Textiles, Government of India.
- ▶ It has Head Office in Gurgaon and 9 offices pan India.
- ▶ It is a body of apparel exporters in India having direct membership of over 7000 apparel manufacturers/exporters.
- ▶ AEPC assists Indian exporters as well as importers/international buyers who choose India as their preferred sourcing destination for garments.

Vision:

- ▶ To promote, support and facilitate Indian apparel industry to enhance its competitive advantage and global positioning in a holistic and sustainable way that is beneficial to all stakeholders of the industry.

Mission:

- ▶ AEPC attains the vision by facilitating industry to achieve national targets on export promotion, employment generation, productivity enhancement and brand creation.
- ▶ AEPC is executing its mission in a socially acceptable manner by recognizing the importance of sustainability, transparency, traceability, human welfare, social compliances and global social standards.
- ▶ AEPC execute its mission in a collaborative manner by partnering with like-minded organizations who put emphasis on social accountability and Environmental, Social, and Governance (ESG) aspects.

Efforts of AEPC to tackle the issue of Child Labour:

- ▶ AEPC has done pioneering work towards better awareness, monitoring and eradication of child labour from apparel sector.
- ▶ AEPC constantly requests its members to be careful regarding their compliances and evaluate it time to time.
- ▶ Members of AEPC display sign board on the gates of garment factory premises clearly mentioning that “**Child Labour is Strictly Prohibited in the factory**”.

Survey with NITRA:

- ▶ AEPC had done a survey through Northern India Textile Research Association (NITRA) regarding the Child Labour in Garment Industry.

Key Findings of the Survey	
1	No incidence of child labour, trafficking or forced labour
2	All were aware about child labour laws
3	All workers had healthy and hygienic environment
4	Constant monitoring of subcontractors by government and other agencies including buyers
5	Incidence of child labour in garment industry is almost zero; Significant attitudinal change among industrial units have occurred that would ensure non-recurrence of child labour in the future

Driving Industry towards Sustainable Human Capital Advancement (DISHA) Initiative:

- DISHA was one-of-its-kind, industry owned and driven initiative of a self-regulatory voluntary code of conducts, supported by the Ministry of Textiles. The programme had created awareness and capacity building of apparel clusters across India. Project had more than 125 voluntary participations from industry.

Key components of DISHA	
1	Factory orientation and training
2	Factory audit
3	Development of common compliance code, guidelines and toolkits
4	Supply chain mapping
5	Factory implementation, program monitoring and evaluation

AEPC Advisory:

- ▶ In November 2020, AEPC had also issued an advisory to all of its members on the legal requirements on Child Labour Prohibition in the factories, as also ways to ensure that there is no child labour in the apparel units. The Advisory is appropriately displayed at AEPC's website as well.
- ▶ By implementing AEPC Advisory, it became possible for AEPC Member Units to establish systems to adhere to Indian laws, re-frame policies and better practices aimed at improving social and environmental impacts in their factories.

Key features of the Advisory	
1	A factory shall have a policy on prohibition of child labour
2	A factory shall have a designated person who has been given the responsibility and authority to implement systems and procedures relating to prohibition of child labour and employment of young persons
3	A factory shall have a procedure for training and creating awareness amongst all persons employed specially those employed in recruitment and selection procedure
4	<u>A factory shall have a system for</u> a) screening of visitors to ensure that no child enters the manufacturing areas b) procedure for verifying of the applicant to prevent employment of child labour c) regulating employment of young persons, including conditions of their employment d) identifying potential conditions for employment of child labour or violation of conditions of employment of young persons and taking adequate preventive measures e) detecting if a child is employed inadvertently, and a procedure for remedial action f) maintaining and controlling documents of children and young persons and reporting the same to the management g) periodically reviewing issues arising out of employment of children and young persons by the factory management and implementing procedures for corrective and preventive action for continual improvement

AEPC's other efforts:

- ▶ In 2021, AEPC proactively requested Ethical Trading Initiative (ETI), a forum of international buyers with a good influence on the buyer's community, to bring on board some major global and domestic brands to discuss the issue of child labour/forced labour. ETI held the said stakeholder consultations with the relevant brands, along with NGO Fair Wear Foundation, besides leading brands.
- ▶ In December 2021, AEPC in association with Social Accountability International (SAI), New York organised a webinar on the topic "Enhancing Awareness and Compliance on Sustainability in Global Apparel Industry" connecting apparel buyers and suppliers.
- ▶ On 11th August 2022 a delegation of AEPC led by Chairman held a meeting with the Social Accountability Initiative (SAI), New York to discuss this issue. The delegation briefed the SAI about various initiatives taken by the apparel industry in India and informed them that the apparel export sector of India is child/forced labour free.

Initiatives taken by Government of India for Eradication of Child Labour:

- A. **Child Labour (Prohibition & Regulation) Amendment Act, 2016:** Under Legislative action plan Government has enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force w.e.f 01.09.2016. The Amendment Act, inter alia, provides for complete prohibition on employment or work of children below 14 years and also prohibits employment of adolescents (14-18 years) in hazardous occupations and processes.
- B. **Child Labour (Prohibition & Regulation) Amendment Rules, 2017:** After strengthening the legislative framework through amendment in Child Labour Act, Government has framed the Child Labour (Prohibition & Regulation) Amendment Rules, 2017 which inter alia specifies the duties and responsibilities of State Governments and District Authorities to ensure effective enforcement of the provisions of the Act. Government has also devised a Standard Operating Procedure (SOP) as a ready reckoner for trainers, practitioners and enforcing and monitoring agencies and the same has been forwarded to all States/UTs.

C. **CONSTITUTIONAL PROVISIONS:**

Article 21 A : Right to Education The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

Article 24 : Prohibition of employment of children in factories, etc. No child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

Article 39 : The State shall, in particular, direct its policy towards securing:- The health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Salient Points	Relevant Section of Applicable Act
The Factories Act, 1948	
No child who has not completed fourteenth year of age shall be required or allowed to work in the factory	Section 67
Where certificate of fitness is obtained/renewed, it is valid only for a period of twelve months	Section 69
Persons who have completed fourteenth, but not eighteenth, year of age are not employed in hazardous or dangerous operations	Section 87
Where certificate of fitness is issued to “work as a child” (for a person who has completed fourteenth year, but not fifteenth year of age), the person shall not be employed or permitted to work during the night, and not beyond 4 1/2 hours during the day.	Section 71
NO female young person shall be required or allowed to work in any factory except between 8:00 AM and 7:00 PM	Section 71 (5)
Where certificate of fitness is issued to “work as an adult”, the young person (who has completed fifteenth year but not eighteenth year of age) is allowed a full day’s work. A person who has completed fifteenth year but not seventeenth year of age shall not be allowed to work from 7:00 PM to 6:00 AM	Section 71 (1A)
No young person shall be required or allowed to work in any factory on any day on which the person has already been working in another factory	Section 71(4)
Register of Child Worker	Section 73

D. Other Laws and Regulations:

- ▶ **Bonded Labour System (Abolition) Act, 1976 (BLA):** The provisions the BLA suggest that there are four important stipulations that need to be satisfied to be bonded labour as per the Act. First, there should be an advance. Second, the worker should be doing work in lieu of that advance. Third, the wages paid are less than the minimum wage prescribed by the competent authority. Fourth, worker loses the right to move freely through out the country.
- ▶ **The Juvenile Justice (Care and Protection of children) Act, 2000:** This act defines a child as a person who has not completed 18 years of age. The act demands protection of child employee against mental and physical exploitation which in the given conditions is by all means not followed. It also prohibits the exploitation of a juvenile or child employee (Sec. 26) and is a cognizable offence.
- ▶ **The Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:** The act asks for registration of all establishments which hires more than five workmen and restriction on hiring migrant worker by any unregistered unit.
- ▶ **Ratification of ILO Conventions:** In June 2017, India ratified the two core ILO Conventions regarding admission of age to employment (Minimum Age Convention, 1973, No. 138, and on the worst forms of child labour (Worst Forms of Child Labour Convention, 1999, No 182).

Issue of Child Labor & TVPRA:

- ▶ The AEPC and apparel export industry is extremely conscious of the social and environmental impact and a majority of industry in the apparel hubs are ensuring all environmental compliances. The apparel industry is continuously working towards more sustainable production processes, production technologies and circularity.
- ▶ The apparel sector provides direct employment to approximately 14.5 million people and out of this 70% are women workers and migrant labourers. This sector has predominantly MSME units which is more than 70%.
- ▶ List of Goods Produced by Child Labour or Forced Labor - The Bureau of International Labor Affairs (ILAB) maintains a list of goods and their source countries, as required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations. The List of Goods Produced by Child Labor or Forced Labor comprises 156 goods from 77 countries, as of September, 2022. In the 2022 TVPRA List by Country, in India's Child Labour & Forced Labour section there are products - **Garments & Embellished Textiles** mentioned.
- ▶ Indian apparel products have been listed in the TVPRA list since 2012. Since then AEPC has been constantly requesting the US DOL to remove Indian apparel products from the TVPRA list insisting that no child labour is involved in the Indian apparel industry.
- ▶ AEPC had reviewed the Bibliography published in the 2021 and 2022 list of goods produced by child labour or forced labour. It had been observed that in the 29 Bibliography under Embellished Textiles and 23 Bibliography under Garments used for TVPRA listing, all are very old and outdated.

Embellished Textiles (29 bibliography)	All published before 2012 while some are dating back to 2001
Garments (23 bibliography)	1 media news is from 2017 and all other reports and media news are from before 2015 while some are dating back to 2002
Review has been done for the bibliography as given at: https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoodsBibliography2021.pdf	

- ▶ AEPC is constantly keeping a close look at the developments related to TVPRA and taking proactive actions in sensitizing its members.
- ▶ AEPC had submitted a dossier on 26 November, 2012 to the Bureau of International Affairs, USA requesting to remove garments from the TVPRA list. The Dossier has been updated.
- ▶ A delegation from AEPC had gone to the USA and gave a presentation to the US DOL in 2012. During the meeting, the Chairman highlighted the Concerns of the industry with regard to reputational risk because of Indian textiles and garments listed in the US TVPRA list. It was informed that since 2011 Indian garments have been listed in the US TVPRA list. This does not have any implication on the normal exports to brand, retailers and buyers. However, it impacts the federal government purchases from India and more importantly it has an adverse reputational impact on India as a sourcing destination, which can impact the buyer's decision to source from India.
- ▶ On 16 August 2022, SG, AEPC had written a letter enclosing revised Dossier to the Indian Embassy in USA to submit it to US DOL with a request to remove Indian apparel products from the TVPRA list.

AEPC's Request:

- ▶ AEPC request that Indian apparel products should be removed from the TVPRA list urgently as there is absolutely no child labour in the apparel industry in India.
- ▶ AEPC also request US Department of Labor and US Embassy in India to collaborate with AEPC on social, environmental and sustainability issues so that Indian apparel industry is acknowledged as an ardent follower of global social norms.

Thank you



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