





“The Commission is deeply disturbed by rampant non-compliance by garment factories with the statutory provisions related to providing crèche facilities for children of women workers ... and the unhurried efforts of ... [the] Government of Karnataka to guarantee them.

.... [A]t a very basic level there needs to be a better understanding of the need for childcare services and make different options available to workers and study the reasons why they do or do not use factory crèches.”  
(KSCPCR, June 2012)

Since 2009, in Bangalore -- an important garment producing area in the state of Karnataka, India -- a number of organizations have been working to promote compliance with a legal requirement that factories provide childcare facilities on site that offer quality care.

Indian Law requires that crèche (childcare) facilities be provided for all workers' children under the age of six. The Factories Act of 1947 establishes that employers with 30 or more women employees must provide childcare services in factory premises. State governments are mandated to establish specific legal requirements related to childcare provision. The Karnataka Factory Rules (1969) set out standards for the construction and maintenance of factory crèches in the state (including the Bangalore area). Factories are also required to appoint Factory Welfare Officers as part of the Human Resources Department who are responsible for overseeing the childcare centres.

As in many other countries with similar regulations, only a small percentage of factories comply with this requirement. Of the approximately 1,200 garment factories operating in Bangalore, reports consistently estimate that 95% of factories lack functional crèches.

In 2009, an organization representing garment workers filed a complaint with the State Commission on the Protection of Children's Rights (KSCPCR) alleging that “[in] a majority of garment factories in Bangalore, crèches were not being provided for children six years and under as required by law.” Following that complaint, KSCPCR initiated a number of actions, including a review of the existing services, public hearings for workers to speak out, individual and group meetings with factories and brands, etc. in an effort to improve provision and quality of childcare.

In June 2012, the Commission issued a report<sup>1</sup> outlining a series of recommendations to the various government departments, as well as to factories and brands. Recommendations to the department of labour included:

- Conduct a mass survey of women garment workers to understand the needs and requirements of workers.

<sup>1</sup> *Order on Childcare Provisions in Garment Industries* is included as Appendix D in the Cividep study noted in footnote 2 (page 3). The document is available at: [www.fairlabor.org/sites/default/files/appendix\\_d.pdf](http://www.fairlabor.org/sites/default/files/appendix_d.pdf)

- Undertake a time bound enforcement drive to ensure that statutory obligations in regard to the provision for childcare and crèches and break times for nursing mothers are fulfilled.
- Make inspection of crèches a must annually. Set up a monitoring committee comprised of representatives from government, civil society and workers or trade union representatives to monitor compliance.
- Direct factories to establish Workers' Committees, which should include women workers with young children. Such Committees should be empowered to review the functioning of the crèches, childcare services, redress grievances and make recommendations to management.
- Ensure access of every worker to the crèche and childcare facilities for their children as a matter of right.
- Children's right to free and compulsory education must be promoted.
- Promote the idea of area-wide crèches. These would be a collective effort of factories. Include after school programs for older children of workers.

Over the same period – in part prompted by the tragic death of a child in 2011 – a multi-stakeholder working group was set up to work towards both compliance with childcare obligations and provision of quality children care. The main protagonist and coordinator was the civil society organization Cividep. One output from that process was the publication of *Taking Care of Business: Childcare in Bangalore's Apparel Industry*, published in June 2012. Based on interviews with 300 women workers between the ages of 20 and 30 in 60 garment factories, the report examines the provision and quality of legally-mandated childcare in the Bangalore garment industry and the needs and desires of women workers.<sup>2</sup>

The initiative was less active in 2013 and 2014. Over 2015 there was renewed activity, primarily at the initiative of Cividep, which is attempting to reestablish the multi-stakeholder working group to include garment companies, unions and other civil society organizations, state agencies, brands and MSIs (such as the FLA). In May 2015, Cividep convened a consultation attended by 23 representatives of different stakeholder groups, and in July held a meeting with management representatives from 10 garment factories.<sup>3</sup>

As part of this initiative, Cividep carried out and published a new needs assessment study based on interviews with 60 women workers in four unnamed garment factories and focus group discussions with groups of 10-15 workers from each of the four factories. The factories were producing for two major international brands – H&M and C&A.<sup>4</sup>

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<sup>2</sup> *Taking Care of Business: Childcare in Bangalore's Apparel Industry* is available at: [www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry](http://www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry). The key findings of this report are summarized on pages 5-7.

<sup>3</sup> Brief reports on both meetings are available at: [www.femnet-ev.de/index.php/en/our-projects/137-english/558-cividep-bangalore-india](http://www.femnet-ev.de/index.php/en/our-projects/137-english/558-cividep-bangalore-india).

<sup>4</sup> *Needs Assessment for Childcare Facilities in Bangalore's Garment Factories* is available at: [www.femnet-ev.de/images/downloads/cividep/Needs\\_Assessment\\_Report.pdf](http://www.femnet-ev.de/images/downloads/cividep/Needs_Assessment_Report.pdf). The key findings of this report are summarized on page 9.

## Preventable infant deaths

- In September 2011, an 11-month old child died in a childcare centre at Texport Creations factory. The centre was found to be under staffed, with only two workers for 26 children. Staff were improperly trained and had other responsibilities outside the centre and thus were not always present to care for children.<sup>5</sup>
- In July 2014, a child died in a centre at the Gokaldas Exports factory. WRC and FLA investigations found failure to comply with legal requirements regarding trained caregivers and qualified medical staff/facilities at the factory and adequate compensation to the parents of the child.<sup>6</sup>

The publication of these two reports will no doubt shed more light and attention on the need and importance of a thoughtful and transparent implementation of the provision of quality childcare for garment workers.



<sup>5</sup> Final Order, Death of infant in the Creche at Texport Creations, Bangalore: A Case of Culpable Neglect (June 28, 2012) is available at: [www.fairlabor.org/sites/default/files/appendix\\_c.pdf](http://www.fairlabor.org/sites/default/files/appendix_c.pdf).

<sup>6</sup> The WRC and FLA reports are available at: [www.workersrights.org/university/memo/091715.html](http://www.workersrights.org/university/memo/091715.html) and [www.fairlabor.org/report/gokaldas-india-bangalore](http://www.fairlabor.org/report/gokaldas-india-bangalore).

# REPORT SUMMARIES



## TAKING CARE OF BUSINESS: CHILDCARE IN BANGALORE'S APPAREL INDUSTRY

Prepared by Cividep-India with the support of the Fair Labor Association (FLA)

### Report Summary and Recommendations<sup>7</sup>

The report begins by stating that quality childcare is inextricably linked with decent work, which is a key component of corporate social responsibility, but it also emphasizes that childcare cannot be seen as just an enabling mechanism so that women can work, but also is about promoting healthy children.

The principal overall finding of the study was that women workers have few childcare options, especially if they are in a nuclear family household and are the main breadwinner. Although the study focuses on childcare options for children under six years, since the legal requirement for workplace childcare is for children in that age group, it also notes that women with children over six that are attending school do not have access to an after-school program or facility to leave their children.

Some of the findings of their interviews with women workers included:

- Only 25% of workers with children under six currently use workplace or private childcare. This is the result of a number of factors, including lack of centres in many workplaces, despite the legal requirements; existing centres that are small, crowded, and understaffed and provide poor quality care; and difficulty of transporting children to and from the workplace and/or getting them ready in time in the morning.

<sup>7</sup> [www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry](http://www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry).

- Of those who have access to care for their children:
  - 53% currently leave their children at home (or in home villages) while they are at work, where they are cared for by older women relatives in their extended families. A few of these children were left unattended or with a neighbour. In addition to the convenience of this arrangement, it was noted that these women relatives are providing free labour. (The cost of reproductive labour is therefore hidden.)
  - 47% leave their children with a paid childcare worker, either in the community or the workplace.
- The enrollment in the workplace centres was generally very low. Of those mothers whose children used them, one third thought the care was satisfactory, 8% were not satisfied, and 59% didn't know.
- Of those that use workplace childcare, 2/3 of breast feeding women say they are denied time off work to feed their infants at the workplace centre, so the advantage of proximity to the centre is not being realized.
- Of the 91 women workers whose children were in workplace childcare centres, 68% thought the childcare workers were caring and patient with their children, and 15% did not agree. Three fifths of those women reported that their centre employed two full-time staff, a quarter reported there were 3-4 staff members, and 16% reported there was only one full-time staff person in their centre.
- When asked how their workplace centre could be improved to better serve the needs of the workers and their children, most of the women interviewed were reluctant to answer, some appearing to be afraid of employer retaliation, while others demonstrated a lack of confidence in their knowledge. Of those that did answer, most thought the children needed better trained teachers to help prepare them for formal education, followed by a larger space and a separate play area. Some thought hot meals should be provided and that improved cleanliness was needed.
- According to the women interviewed, the main advantage of having access to a workplace childcare centre was that the workers were better able to concentrate on their jobs knowing that their children were safe and cared for. Some women said they had no other option or could not afford another option.
- Over three quarters of the women who used a workplace childcare centre provided by their employer considered it an asset of their job package.

## What kind of childcare do workers prefer?

Working mothers interviewed did not show a clear preference for either family members or paid childcare workers to be the primary childcare providers for their children under six years of age. According to the report, their decision is based on a variety of factors based on their particular circumstances, such as whether they live with a mother or mother-in-law who is not working outside the home, and the distance between their home and workplace and availability of transportation. “More specifically, their childcare decision may be the result of a process of elimination rather than genuine choice.”

The study reveals that grandmothers provide childcare services without pay for more than half the women workers interviewed, and their unpaid work is not being recognized by the employers, the state, or society in general.

The study concludes that the existing “patchwork system of childcare” fails to meet the various needs of the women workers with children.

## Recommendations

Rather than promoting one childcare option over another, the report recommends an expansion and improvement of flexible childcare options, including:

- Enforcement of existing laws requiring childcare facilities in the workplace for children under 6 years old, with improved and enforced childcare standards in those facilities, as well as professional training for childcare workers. (An option raised is for employers in an industrial zone to jointly own larger centres for children of workers in that zone.)
- A child allowance paid by the employer for workers who for various reasons find it difficult to bring their children to workplace centres. This could also be a temporary measure in cases where employers are in the process of setting up workplace facilities, though it should not be seen as a substitute for complying with the legal requirements.
- Creation of more community childcare centres for workers who find it difficult to bring their young (under 6) children to workplace centres and for older children between school hours and end of workday.



# NEEDS ASSESSMENT FOR CHILDCARE FACILITIES IN BANGALORE'S GARMENT INDUSTRY

Prepared by Cividep India, 2015<sup>8</sup>

## Report Summary and Recommendations

This assessment is based on interviews with 60 women workers in four unnamed garment factories and focus group discussions with groups of 10-15 workers from each of the four factories. The factories were producing for two major international brands – H&M and C&A. All four of the factories produced for H&M, while three of the four also produced for C&A.

The aims of the study were two-fold – to:

- Gain a general idea of workers' childcare needs and the quality of existing crèches – with a focus on conditions specific to the four factories studied and with the aim of improving conditions so that these may be models which can later be replicated at other factories.
- Initiate fresh dialogue among stakeholders about improving childcare provisions at the worksite for children under the age of six.

The main findings of the report are that women workers are suffering economically and losing employment security because of the lack of affordable, accessible and quality childcare options. It emphasizes the importance of linking the issues of maternity leave and availability of high-quality and affordable childcare, since most women interviewed were unable to return to work after the completion of the maternity leave period and therefore suffered financially due to a break in employment. Even in the factories where workplace childcare facilities do exist, many women are reluctant or unable to place their children in those facilities because of concerns about the quality of care and/or the lack of well-trained caregivers, as well as transportation issues, and limits on the ages and number of children per worker allowed to make use of the crèches. However, the vast majority of the workers interviewed said they would continue working at their current factory if the standard of childcare was improved.

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<sup>8</sup> [www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry](http://www.fairlabor.org/blog/entry/taking-care-business-childcare-bangalores-apparel-industry).



Findings on **women's childcare needs** included:

- All workers interviewed said that three months maternity leave is not sufficient. Most of those surveyed did not return to work or had quit their jobs in order to care for their children at home. As a result, they lost benefits, seniority and access to health care for themselves and their family members during their break in employment. The majority of those interviewed had stayed away from work for more than three months.
- At the factory with no crèche, all the women interviewed had stayed away from work for one year or more after having a child. Almost all those interviewed said they leave their children with their grandparents when they work, some in their home villages, because private childcare in the city is too expensive. Some reported their children are left alone at home after school.
- Factories without crèches pay parents small subsidies. In one factory parents were provided the equivalent of US\$3.02 monthly, "not even enough to cover the cost of milk and snacks."
- Many workers reported having to take days off work to deal with childcare obligations. At one factory, women workers reported having to take one or two days off work every month, others said 3-12 days in a year, to care for their children. At another factory, women had taken 4-6 leaves in the past year because of their children; some had taken 10-15 days leave.
- All women interviewed had worked in multiple factories and the primary reason cited for this was the birth of their children.
- A surprising number of the women interviewed were not aware that their employers were legally obligated to provide childcare facilities.

Findings on **problems in factory crèches** included:

- A major problem is the lack of well-trained teachers equipped to deal with the developmental needs of young children. One crèche was run by the factory nurse, assisted by a helper, who divided her time between the crèche and the first aid room.
- In some of the crèches, toys are not made available to the children, and they spend their days sitting idly or sleeping. In one crèche, it was rumoured that children were given sleeping pills to make them sleep. There were also complaints of mistreatment of children by the helpers.
- Most of the crèches only provide the children two glasses of milk and biscuits a day, and the mothers must pack lunches for their children.
- Distance and/or inadequate transportation are key reasons why workers don't bring their children to factory crèches. Some suggested a factory-run or factory-assisted community crèche as a solution to this problem.

## Recommendations ■ ■ ■ ■ ■ ■ ■ ■ ■ ■

- There is an immediate need for well-trained teachers to staff the workplace crèches, as well as proper training for HR staff and welfare officers so they can effectively monitor the crèches.
- Systematic awareness raising with workers is needed so that they are conscious of their legal entitlement to a crèche at their workplace.
- Where transportation is an issue, factory-supported community centres should be made available.
- Both options – community and workplace childcare – should be available to women workers, based on their needs, convenience and preference. For breast-feeding mothers, access to workplace childcare is particularly important.
- The legal obligation of employers to provide high-standards of childcare must be met.

The report notes that high worker turnover rates are a major problem in the industry, and high quality childcare would go a long way to reducing this rotation in an industry where the vast majority of workers are women of reproductive age. It concludes that “the significance of women in the workforce cannot be ignored, nor can their interests or those of their children be compromised.”