

Gender Based Violence in the GAP Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018





Asia Floor Wage Alliance (AFWA) was officially formed in 2006 and includes more than 76 organizations, including garment industry trade unions, NGOs, consumer groups and research institutes from more than 17 countries from across Asia, Europe and North America.



The Center for Alliance of Labor & Human Rights (CENTRAL) is a local Cambodian NGO. The organization empowers Cambodian working people to demand transparent and accountable governance for labor and human rights through legal aid and other appropriate means.



Global Labor Justice (GLJ) is a strategy hub supporting transnational collaboration among worker and migrant organizations to expand labor rights and new forms of bargaining on global value chains and international labor migration corridors.



Sedane Labour Resource Centre/Lembaga Informasi Perburuhan Sedane (LIPS) is a non-governmental organization in labor studies. LIPS works to strengthen the labor movement by documenting knowledge through participatory research and developing methods of popular education in labor groups and unions.



SLD is a Delhi-based labour rights organisation. SLD promotes equitable development by advocating for the social and economic well-being of workers, with a particular emphasis on women's and migrants' rights and cultural renewal among disenfranchised people. SLD works in the National Capital Region Territory, Haryana, Uttar Pradesh, Bihar, and Jharkhand.



Garment workers in Cambodia travel to work. By CENTRAL for Asia Floor Wage Alliance (AFWA)

EXECUTIVE SUMMARY

In May 2017, 25-year-old Piya took a job as a sewing machine operator in a Gap garment supplier factory in Dhaka, Bangladesh. Piya described noticing early on that a female co-worker, Apa, received special treatment: “Unlike the rest of us, she had flexible work hours, she was allowed to take leave.” Three months after she began working at the supplier factory, Apa approached Piya on behalf of the manager charged with sample garment production:

Apa leaned over my machine table and said, “Hey, you are a lucky one. The Sample Manager likes you and wants to go out with you. You will get a promotion if you go out with him.”

In the weeks that followed, Piya refused repeated requests for dates from the Sample Manager. When the harassment did not stop, Piya reported the issue to human resources at the factory. Human resources did not take any action and the harassment persisted: “He kept asking me out. He would insist. This went on for months.”

In October 2017, Piya went to the Ashulia Police Station to report the harassment she faced and seek relief. Piya described her experience with the police:

The police refused to file my case. They told me, “It is only a proposal.” When I returned to work the next day, I was fired from my job. I learned later that the police had informed the Sample Manager that I went to file a case.

This example shows how women in Piya’s position have no avenue for relief from ongoing sexual harassment at work. When Piya refused to go out with the Sample Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability.

Piya’s experience of workplace violence provides insight into the risk factors that leave women workers in Gap garment supply chains exposed to violence. In the Gap supplier factory where Piya worked, women are concentrated in operator roles, as line tailors and helpers in the 2520-person production department.

The gendered concentration of women workers as machine operators, checkers, and helpers in this Gap supplier factory is a microcosm of gendered hiring practices in garment global production networks. Across Asia, women garment workers make up the vast majority of garment workers. In Bangladesh, Cambodia, Indonesia, and Sri Lanka, women workers represent between 80 and 95% of the garment workforce. In India, women account for at least 60% of the garment workforce. Women rarely, however, hold management and supervisory positions.

This report—including interviews with more than 215 workers employed in 21 factories that supply to Gap—documents the experiences of women garment workers at the base of Gap garment supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. Concentrated in short term, low skill, and low-wage positions, they are at daily risk of gender based violence and harassment at work.

Systematically documenting risk factors for violence, this report presents new, in-depth profiles of 9 Gap supplier factories in Bangladesh, Cambodia, and India completed between February and May 2018. It also draws upon [Asia Floor Wage Alliance \(2016\) documentation of rights violations at work in Gap garment global supply chains](#) in India and Indonesia, based upon field work conducted between August and October 2015.

As set out in Chapter 1 of this report, from May 28 to June 6, 2018, the International Labour Organization (ILO) will convene a Standard Setting Committee tasked with ending violence and harassment in the world of work. The proposed ILO standard is a timely opportunity to reach an expanded definition of gender based violence and establish a framework within which governments, employers, companies, and unions can take action to tackle the problem.

In October 2016, an ILO Committee of Experts released a report framing the upcoming deliberations. The Committee noted that while violence can potentially affect everyone, specific groups, including women workers are disproportionately impacted (GB.328/INS/17/5, para. 6; Appendix I, para. 11). Accordingly, the Committee called for specific action to address the gender dimensions of violence, and an international standard that can respond to new challenges and risks of violence and harassment that arise from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 2, 18).

The October 2016 Committee of Experts report also presents a detailed set of risk factors for violence and harassment, including risk factors associated with the nature and setting of work as well as the structure of the labour market (GB.328/INS/17/5, Appendix III). The Director-General of the ILO emphasized the need for better data on violence and harassment in the world of work (GB.328/INS/17/5, para. 4).

The daily working conditions for women workers in Gap garment supply chains and other global production networks are determined by key shifts in employment relationships as production processes evolve to include several companies across multiple countries. Chapter 2 of this report

details how the nature and setting of work and the structure of the labour market in garment supply chains produce a gendered global labour force, including through gendered patterns of labour recruitment and discipline, and expose women garment workers to risks of workplace violence.

As outlined in Chapter 3, Gap Corporate Social Responsibility initiatives fall short of decent work standards, are entirely self-monitored, and fail to address risk factors for violence or provide avenues for relief in cases of workplace violence.

Spectrum of gender based violence

This report provides an empirical account of the spectrum of gender based violence and risk factors for violence women workers face in Gap garment supply chains. Chapter 4 of this report presents new research on gender based violence in Gap garment supplier factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka collected through interviews and focus group discussions with 48 women workers employed in Gap supply chains between February and May 2018.

According to the Committee of Experts convened by the ILO in October 2016, “violence and harassment” in the world of work includes a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering.

Under existing international legal standards, gender based violence includes (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women

Table 1: Spectrum of gender based violence in Gap garment supply chains

	<p>Gendered aspects of violence, including:</p> <ol style="list-style-type: none"> 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	<ul style="list-style-type: none"> • Slapping, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive operator tasks, leading to chronic leg pain, ulcers, and other adverse health consequences, gendered aspect 2(a)
Acts that inflict mental harm	<ul style="list-style-type: none"> • General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse targeting senior women workers so that they voluntarily resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	<ul style="list-style-type: none"> • Rape outside the factory at accommodation, gendered aspect (1) • Sexual harassment, gendered aspect (1) • Pursuit of sexual relationships with women workers by managers and supervisors offering benefits including salary increases, promotions, and better positions. Women who refuse risk being fired in retaliation, gendered aspect (1)
Coercion, threats, and retaliation	<ul style="list-style-type: none"> • Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	<ul style="list-style-type: none"> • Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

disproportionately. Forms of gender based violence include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (CEDAW, General recommendation 19, article 1).

Women garment workers may be targets of violence on the basis of their gender, or because they are perceived as less likely or able to resist. Comprising the majority of workers in garment supply chains in Asia, women workers are also disproportionately impacted by forms of workplace violence perpetrated against both women and men. For women garment workers, violence and harassment in the world of work includes not only violence that takes place in physical workplaces, but also during commutes and in employer provided housing. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7-8).

Asia Floor Wage Alliance document a spectrum of gender based violence in Gap garment supplier factories (Table 1).

Chapter 4 of this report provides detailed accounts of this spectrum of violence, including personal experiences of violence reported by women garment workers in Gap supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. Women described experiences of violence that inflict sexual harm and suffering; and forms of violence characteristic of industrial discipline practices, including physical violence, verbal abuse, coercion, threats and retaliation, and routine deprivations of liberty—including forced overtime.

Risk factors for gender based violence

The experiences of gender based violence in Gap garment supply chains documented in this report are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in Gap supplier factories that leave women garment workers systematically exposed to violence.

Risk factors in Gap garment supply chains are a by-product of how Gap and other transnational corporations do business. As explained in Chapter 2 of this report, asymmetrical relationships of power between brands and suppliers in garment supply chains, and brand purchasing practices driven by fast fashion trends and pressure to reduce costs, has led to a proliferation of contract labour and subcontracting practices among supplier firms. These practices have a profound impact on the lives of women garment workers in Asian garment value chains.

Labour and employment practices in garment production factories have been described as operatory labour practices (Table 2), referring to the role of workers as basic operators. Operatory labour practices correspond with particular workplace conditions and relationships that expose women garment workers to risk factors for violence.

Chapter 5 of this report documents risk factors for violence documented in the Gap garment supply chain, including use of short term contracts and unrealistic production targets that drive wage related rights abuses, excessive working hours, and unsafe workplaces.

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Authority	
Management	<ul style="list-style-type: none"> Hierarchical work relations Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	<ul style="list-style-type: none"> Anti-union management practices
Workforce demographics	
Education	<ul style="list-style-type: none"> Illiterate, low literacy and literate
Women	<ul style="list-style-type: none"> High percentage of women migrant workers Concentration in low-skill departments and tasks Home-workers hired on piece rate
Employment conditions	
Wages and incentives	<ul style="list-style-type: none"> Below or at minimum wage and piece rate payment
Overtime	<ul style="list-style-type: none"> High levels of forced overtime
Employment security	<ul style="list-style-type: none"> Low employment security

The combination of calorie deficiency and relentless working hours is violent in the wages it withholds and the labour it extracts.

Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, failure to require independent monitoring, and gendered cultures of impunity among perpetrators of violence prevent women from seeking accountability and relief.

ILO standards to address violence against men and women in the world of work

How can standards on violence against men and women in the world of work address gender based violence in garment global production networks in Asia?

As detailed in this report, women workers concentrated in low-wage employment at the base of Gap garment supply chains are at daily risk of violence. The structure of production in global production networks (GPNs), involving several companies across multiple countries, allows brands and retailers to dictate sourcing

and production patterns while deflecting accountability for how purchasing practices drive severe violations of rights at work.

Following ILC deliberations on global supply chains at the 105th Session (2016), the ILO Committee on Decent Work in Global Supply Chains, submitted a report with resolution and conclusions for adoption by the Conference (ILC105-PR14-1-En). The Committee noted the significance of the ILO in ensuring decent work in global supply chains:

With its mandate, experience and expertise in the world of work, its normative approach to development and its tripartite structure, the ILO is uniquely positioned to address governance gaps in global supply chains so that they can fulfil their potential as ladders for development (para. 7).

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses risk factors for gender based violence, and provides accessible avenues for relief.

The recommendations that follow seek to inform emerging understanding of violence in the world of work, identify specific risk factors for violence in garment global production networks, and ensure a duty among multi-national corporations (MNCs) and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

Recommendations to ILO

1. Adopt an expansive definition of “worker” and “workplace” to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on ending violence and harassment in the world of work, the term “worker” should cover persons in the formal and informal economy, including “(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants.”

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and harassment in the world of work should cover situations, including “(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies.”

1.4. The proposed situations should be expanded to include the following situations:

- 1.4.1.** employer-provided housing;
- 1.4.2.** recruitment sites, including day-labor recruitment sites;
- 1.4.3.** home-based work; and

- 1.4.4.** export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.
- 1.5.** As presented in the Proposed Conclusions of Report V(2), “victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public.”
- 1.6.** The proposed definition of “victims and perpetrators” should be expanded to include the following roles:
- 1.6.1.** Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.
- 1.6.2.** Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party (“user enterprise”); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.
- 2.** Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.
- 2.1.** Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts

convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high-stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low-wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) “violence which is directed against a woman because she is a woman”; and (2) violence that “affects women disproportionately” (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

- 5.1.1.** Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.
- 5.1.2.** Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.
- 5.1.3.** Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social, and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

- 6.2.1.** Core labour standards for all categories of workers across value chains.
- 6.2.2.** Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.
- 6.2.3.** Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

- 7.1.** The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.
- 7.2.** Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

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ABBREVIATIONS AND ACRONYMS

AFWA	Asia Floor Wage Alliance
AFWA-C	Asia Floor Wage Cambodia
AFWA-I	Asia Floor Wage Indonesia
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association Bangladesh Labour Act
BLA	Bangladesh Labour Act
BNPS	Bangladesh Nari Progati Sangha
CATU	Cambodian Alliance of Trade Unions
CBA	Collective Bargaining Agent
CCAWDU	Coalition of Cambodian Apparel Workers Democratic Union
CCC	Clean Clothes Campaign
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CENTRAL	Center for Alliance of Labor and Human Rights
COVC	Code of Vendor Conduct
DIFE	Department of Inspection of Factory and Establishment
DIR	Department of Industrial Relations
DoL	Department of Labour
EPZ	Export Processing Zones
EWAIRA	EPZ Workers Association and Industrial Relations Act
FoA	Freedom of Association
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GMAC	Garment Manufacturers Association in Cambodia
GPN	Global Production Network
GSC	Generalized System of Preference
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	International Labour Conference
ILO	International Labour Organization
ILRF	International Labour Rights Forum
MFA	Multi-Fiber Agreement
MoLE	Ministry of Labor and Employment
MLVT	Ministry of Labour and Vocational Training
RMG	Ready Made Garment
SLD	Society for Labour and Development
TATA	Textiles and Apparel Trade Agreement
TCLF	Textile, Clothing, Leather and Footwear
TNC	Transnational Corporation
TTP	Textile and Textile Products
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organization

METHODOLOGY

This report is based upon 3 years of Asia Floor Wage Alliance documentation of decent work violations and gender based violence in Gap garment supply chains. It includes the results of interviews and focus group discussions with 238 workers employed in 23 Gap supplier factories across Bangladesh, Cambodia, India, Indonesia, and Sri Lanka.

Our most recent investigation of gender based violence in Gap garment supplier factories was conducted between January 2018 and May 2018. Researchers investigated Gap supplier factories in Dhaka, Bangladesh; Phnom Penh, Cambodia; West Java and North Jakarta, Indonesia; Bangalore, Gurugram (Gurgaon), and Tiruppur, India; and Biyagama, Gampaha District, Sri Lanka.

This investigation employed qualitative social science methodologies as well as Participatory Action Research (PAR) approaches that emphasize community participation and action to address barriers to accessing rights and entitlements.

Field investigation of gender based violence in Gap factories in Bangladesh, Cambodia, India, Indonesia and Sri Lanka was conducted by Development Synergy Institute in Bangladesh; CATU and CENTRAL in Cambodia; Society for Labour and Development in India; Sedane Labour Resource Centre/Lembaga Informasi Perburuhan in Indonesia; and Asia Floor Wage Alliance in Sri Lanka. Field research was coordinated by the research team at the Society for Labour and Development (SLD), the current Secretariat for Asia Floor Wage Alliance (AFWA).

This report also revisits [Asia Floor Wage Alliance \(2016\) documentation of rights violations at work in Gap garment global supply chains](#), compiled through survey-based and case study research conducted between August and October 2015 in Gurugram, India; and Bogor, Indonesia.

Research questions:

This research seeks to answer three interrelated questions:

- What are the gendered forms of violence and harassment women garment workers experience in Gap garment supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka?
- How does gender interact with risk factors for violence and harassment articulated by the ILO Experts Committee to expose women garment workers to this spectrum of gender based violence?
- How have trade unions and workers collectives taken effective action to address gender based violence in global production networks in Asia?

Research phase I:

Preliminary analysis of gender based violence and risk factors

In research phase one, researchers conducted focus group discussions (FGDs) with women workers employed in Gap garment supply chains and trade union leaders engaged in organizing workers in Gap supply chains. The goals of this research phase were both to understand gender based violence and associated risk factors; and to address gender based violence by training women workers to identify and respond to workplace violence.



Cambodian garment workers in a 'know your rights' training with the Cambodian Alliance of Trade Unions (CATU). The workers pictured are not from factories interviewed for this report. Copyright 2018 Patrick Lee for Asia Floor Wage Alliance

FGDs sought to identify forms of gender based violence in the workplace and risk factors for violence. In identifying forms of gender based violence, researchers used the definition of gender based violence set out in General recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women (CEDAW).

Researchers used risk factors identified in the October 2016 Conclusions by the Meeting of Experts on 'Violence against Women and

Men in the World of Work' as a benchmark for understanding risk factors for violence in Gap garment supply chains.

Research phase one FGDs included 65 workers engaged in Gap supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka; and 4 trade union leaders/women's activists from workers organizations. This sample includes workers from 19 different supplier factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka.

The vast majority of women workers who engaged in FGDs worked as sewing machine operators. Women workers interviewed for this study had been employed in the garment industry for up to 20 years. Respondents also included male and female supervisors, helpers, and checkers; women workers employed as helpers in the finishing department; and male workers employed in quality control and as store keepers.

Respondents included women who are members of trade unions or workers collectives and those who are not. In Sri Lanka and Cambodia, all women interviewed for this study reported membership in a trade union or workers collective. In Bangladesh, India, and Indonesia, by contrast, some of the women participants were members of trade unions or workers collectives and others were not.

All FGDs were conducted in person with full consent from workers. In order to protect the identity of workers who participated in this study, all individual names have been changed.

Research phase II:

Case and context studies of gender based violence

In research phase two, researchers conducted case and context studies to develop in depth accounts of the forms of gender based violence in the workplace and risk factors for violence identified in research phase one. Research phase two case studies included documentation of incidents of gender based violence in the Gap garment supply chain experienced and recounted by individual women workers, including case studies of sexual harassment, persistent and ongoing verbal harassment, retaliation for

Worker strategies

In Cambodia, the Cambodian Alliance of Trade Unions (CATU) regularly runs ‘know your rights’ trainings for workers in garment and footwear factories. Participants in CENTRAL’s FGDs from Gap suppliers all reported that they did not know what forms of violence in the workplace were against the law. CATU’s trainings aim to inform Cambodian garment workers about their rights under the Law, covering elements of the Criminal Code, the Labour Law and the Law on Trade Unions. Through organising and supporting garment workers and expanding their knowledge of their rights under Cambodian law, CATU is helping to develop a new generation of union leadership in Cambodia.



Garment worker in a garment factory in Bangladesh. Woman pictured was not interviewed for this report.

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reporting sexual violence, and barriers to seeking relief, including management and state inaction in response to complaints.

Research phase two context studies sought to document working conditions that place women garment workers at routine risk of gender based violence. For instance, researchers documented extreme pressure to complete production targets where women face routine physical violence including slapping and throwing large bundles of clothes and smaller sharp projectiles such as scissors; and verbal abuse. Researchers also documented high levels of job insecurity and threats of firing among temporary workers that undermined reporting workplace abuses. Finally, by completing detailed “day in the life” accounts, researchers documented deprivations of liberty including being forced to work through legally mandated breaks, forced overtime, and relocation of workers between factories and buildings without prior consent.

Research phase III:

Gap factory profiles and risk factor survey data

In research phase three, AFWA researchers completed in-depth factory profiles of 9 Gap factories, including 3 factories from Bangladesh, 4 factories from Cambodia, and 2 factories from India. These factory profiles provide a demographic snapshot of the Gap garment supply chain workforce that demonstrates the concentration of women workers in temporary, low wage production jobs within the garment supply chain. Factory profiles also sought to understand working conditions, presence of trade unions and dispute resolution mechanisms.

Due to concerns about retaliation among Asia Floor Wage Alliance partner unions, this report

Table 3: Gap supplier factories investigated between January and May 2018

Dhaka, Bangladesh	
• Bangladesh factory 1, Ashulia, Dhaka,	2,735 workers
• Bangladesh factory 2, Ashulia, Dhaka,	4,281 workers
• Bangladesh factory 3, Ashulia, Dhaka,	2,348 workers
Phnom Penh, Cambodia	
• Cambo Handsome Ltd, Phnom Penh,	6,379 workers
• Roo Hsing Garment Co., Ltd., Phnom Penh,	5,050 workers
• Yi Da Manufacturer Co. Ltd., Phnom Penh,	156 workers
• YTC Corporation, Phnom Penh,	2,680 workers

India

- India factory 1, Haryana, India, 1,237 workers
- India factory 2, Gurugram, Haryana, India, 379 workers
- India factory 3, Gurugram, Haryana, India, number of workers 3,500-4,000
- India factory 4, Tiruppur, Tamil Nadu, India, number of workers 1,300
- India factory 5, Bangalore, Karnataka, India, number of workers 4,000

Indonesia

- Indonesia factory 1, 1,100 workers
- Indonesia factory 2, Nusantara Bonded Zone, Cakung, North Jakarta, 7,000 workers
- Indonesia factory 3, Cakung, North Jakarta, 2,450 workers
- Indonesia factory 4, Bekasi, Kalimalang, North Jakarta, 3,582 workers
- Indonesia factory 5, Bogor, West Java, 972 workers
- Indonesia factory 6, Karawang, West Java, at least 435 workers

Gampaha, Sri Lanka

- Sri Lanka factory 1, Biyagama Zone, Gamapa District, Sri Lanka
- Sri Lanka factory 1, Biyagama Zone, Gamapa District, Sri Lanka
- Sri Lanka factory 1, Biyagama Zone, Gamapa District, Sri Lanka
- Sri Lanka factory 1, Biyagama Zone, Gamapa District, Sri Lanka

Note: In Sri Lanka, a significant percentage of women workers employed in Gap supplier factories are employed through “manpower”—or temporary work agencies—as needed. Under this

arrangement, the number of workers employed in the factory can differ significantly depending upon the orders that have been received for the day. Accordingly, even trade union leaders familiar with the Gap supplier factories under investigation were unable to provide accurate counts of the number of workers in each department.

These factory profiles are contextualized by survey-based and case study research on violations of international labour standards in Gap garment production factories conducted between August and October 2015 in Delhi, India; and Bogor, Indonesia. This sample includes structured interviews with 150 workers employed in 8 factories across in Indonesia and India that supplied garments to Gap at the time of investigation.

Research challenges

Stigma and retaliation associated with reporting gender based violence

Stigma and risk of retaliation associated with gender based violence leads many women workers to hide their experience of violence. Therefore, it required significant effort from researchers to identify potential respondents. In order to navigate this challenge, where possible, researchers worked in teams including both male and female researchers. They also sought partnerships with AFWA network members in order to facilitate access to engagement with women workers. All interviewees were assured that their identity and any identifying case information would remain confidential.

Respondents who did engage with the research team were, for the most part, particularly unwilling to discuss instances of sexual violence. Field researchers were trained not to persist with lines of questioning if they recognized any

signs that the conversation might re-traumatize survivors. Accordingly, while our research uncovered 4 cases of sexual violence, including rape, in Gap supplier factories in Cambodia, these cases have not been included in our research findings.



CHAPTER 1:

Gender based violence in the world of work

Emerging ILO standards on violence and harassment in the world of work

At its 325th Session (October–November 2015), the Governing Body of the International Labour Office decided that in June 2018, the International Labour Conference (ILC) will hold tripartite deliberations to develop standards to address violence and harassment in the world of work. The proposed ILO Convention and Recommendation on violence in the world of work is a timely opportunity to adopt an inclusive definition of violence and establish a framework within which governments, employers, companies and unions can take action to tackle the problem.

The October 2016 report on the outcomes of the Meeting of Experts on ‘Violence against Women and Men in the World of Work’ presents a detailed set of risk factors for violence in the world of work that lends insight into the conditions under which violence is more likely to occur. These include risk factors associated with the nature and setting of work as well as the structure of the labour market.

The Committee acknowledged that while violence can potentially affect everyone, specific groups are disproportionately impacted (GB.328/INS/17/5, para. 6). The 2016 Committee Report highlights that women workers may be particularly at risk (GB.328/INS/17/5, Appendix I, para. 11). Consistent with this acknowledgement, the Conclusions adopted by the Meeting call for specific action to address the gender dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

As articulated by the Report following the 2016 Experts Meeting, a (an) effective instrument(s) will be both sufficiently focused and flexible enough to address different socio-economic realities, different types of enterprises, and different forms of violence and harassment, as well as different contexts. Such (an) instrument(s) should also be able to respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18). In particular, the 2016 Experts Meeting Report points to the need to extend coverage of Occupational Health and Safety (OHS) and other legal protections relevant to violence and harassment in the world of work to excluded workers, groups and sectors by identifying and closing gaps (GB.328/INS/17/5, Appendix I, para. 18).

Finally, the Director-General of the ILO emphasized the need for better data on persistent violence and harassment in the world of work against workers and others (GB.328/INS/17/5, para. 4). Responding to this call, this research aims to contribute up-to-date evidence on persistent gender based violence and harassment against women garment workers in Walmart supply chains in Bangladesh, Cambodia, and Indonesia, many of whom are also migrant workers.

In addition to the October 2016 Meeting of Experts Report, the International Labour Office released Report V(1) setting out the law and practice in different countries, and a questionnaire that was transmitted to member States in May 2017. A total of 85 governments sent their replies to the Office, with 50 of them indicating that the most representative organizations of employers and workers had been consulted. The Report V(2) and proposed Conclusions were prepared on the basis of the replies received from governments and organizations of employers and workers.

Violence in the world of work, related trends and forms

According to the Committee of Experts convened by the ILO in October 2016, “violence and harassment” include a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering.

Violence and harassment in the world of work encompasses violence in the public or private sector, or in the formal or informal economy (GB.328/INS/17/5, Appendix I, para. 4). Violence in the world of work includes violence and harassment that take place not only in physical workplaces, but also in a broader spectrum of sites that reflect the evolution of work contexts, including: commuting, work-related social events, public spaces, teleworking and, in some contexts, the home (GB.328/INS/17/5, para. 8).

Within these spaces, violence can be “horizontal or vertical”; from sources internal to the workplace, or external sources such as clients, other third parties, and public authorities. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7).

The continuum of violence described above includes gender based violence (GB.328/INS/17/5, para. 7). It has been a consistent recommendation on the part of national and global unions that gender based violence be given special attention in the proposed ILO standard, since women are disproportionately affected by violence in the world of work (Pillinger 2017: xiii). Changing patterns of work, and particularly

women’s increased participation in the labour market, has in many cases been in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. This makes women especially vulnerable to physical, verbal and sexual harassment and violence. (Pillinger 2017: ix-x).

Gender based violence

The October 2016 report of the Committee of Experts on ‘Violence against women and men in the world of work’ calls for specific action to address the gendered dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

General recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW) defines gender based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately”, and, as such, is a violation of their human rights” (article 1). Forms of gender based violence named by General recommendation No. 19 include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

As explained by General recommendation No. 35 on gender based violence against women, released on July 14, 2017, for over 25 years the practice of States parties and the opinions of jurists have endorsed the Committee’s interpretation of gender based violence in recommendation No. 19. According to recommendation No. 35, the prohibition of gender based violence against women has evolved into a principle of customary international law (paragraph 2).

General recommendation No. 35 emphasizes that gender based violence is a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (para. 9). The Committee further underscores that gender based violence against women is one of the fundamental social, political, and economic means by which the subordination of women with respect to men is perpetuated (para. 10).

General recommendations No. 28 and No. 33—on the core obligation of States parties under article 2 of CEDAW and women’s access to justice, respectively—confirms that discrimination against women is inextricably linked to other

axes of discrimination. These include: ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders (No. 35, para. 12).

Indonesian women from the Federation of Independent Trade Unions (GSBI) demonstrate against rights violations in the garment industry. Like many human rights defenders, they are at risk of violent retaliation.



CHAPTER 2: Garment Global Production

This section aims to situate new empirical findings on gender based violence in Gap factories in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka within the broader context of global production networks in general and the garment global production network in particular. This basic overview outlines key shifts in employment relationships as production processes evolve to include several companies across multiple countries. It also identifies trends in concentration of control over production processes across various actors in the garment global production network. These features of work in the garment supply chain produce a gendered global labour force. Gendered patterns of labour recruitment and discipline expose women garment workers to workplace violence.

Global production networks

Brands like Gap, headquartered in high-income countries, outsource production to supplier firms in developing countries. The Global Production Network (GPN) is a term that describes these contemporary production systems, characterized by production processes that involve several companies across multiple countries. Companies linked through GPNs are related through various legal forms, with exchanges between firms structured so that multi-national/transnational corporations (TNCs) do not legally own overseas subsidiaries or franchisees but only outsource production to them. The UNCTAD World Investment Report 2013 notes the structure and prevalence of this mode of production:

Today's global economy is characterized by global value chains (GVCs), in which intermediate goods and services are traded in fragmented and internationally dispersed production processes. GVCs are typically

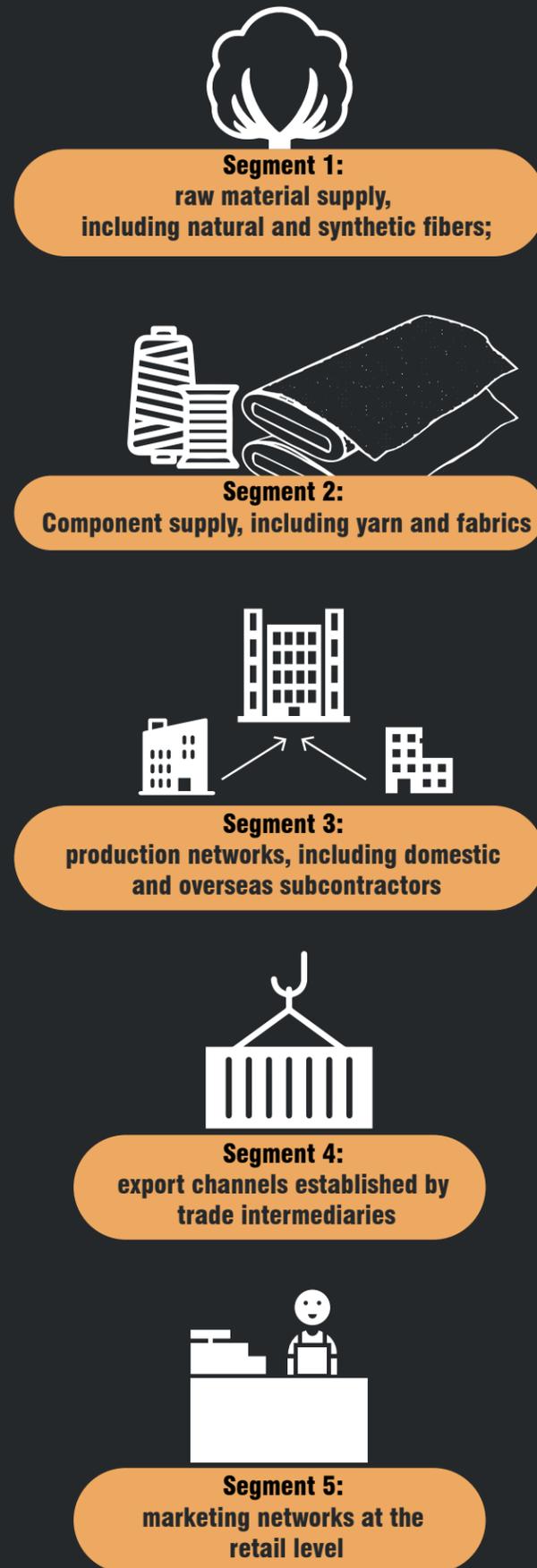
coordinated by TNCs, with cross-border trade of inputs and outputs taking place within their networks of affiliates, contractual partners and arm's-length suppliers. TNC-coordinated GVCs account for some 80 per cent of global trade. (UNCTAD 2013)

As described by UNCTAD, GPNs shift market relationships between firms from trade relationships to quasi-production relationships without the risks of ownership. Within this model, TNCs drive coordinated production of goods while disbursing risk associated with market fluctuations across global value chains.

Garment global production networks

The Textile, Clothing, Leather and Footwear (TCLF) industry is characterized by geographically dispersed production and rapid, market-driven changes (ILO 2016). Brands engage in high-value market research, design, sales, marketing, and financial services. They typically outsource garment production to Tier 1 companies. Tier 1 companies may, in turn, subcontract some or all of the garment production process to manufacturing companies known as suppliers. This production structure allows brands and retailers to drive coordinated production of goods by capitalizing upon new technology, relaxed regulatory frameworks and a supply of low-wage labour in developing countries (Ghosh 2015). While brands and retailers do not carry out production, they drive sourcing and production patterns overseas. This production model has been characterized as a buyer-driven value chain (Barria 2014).

Figure 1: Structure of garment supply chains



The structure of garment value chains can be divided into five main segments (Figure 1).

- Segment 1: raw material supply, including natural and synthetic fibers;
- Segment 2: component supply, including yarn and fabrics;
- Segment 3: production networks, including domestic and overseas subcontractors;
- Segment 4: export channels established by trade intermediaries;
- Segment 5: marketing networks at the retail level. (Ghosh 2015)

Assembly (segment 3) is typically separated organizationally and geographically from other value-generating aspects of the value chain. Product suppliers and their workers (segment 3) depend upon orders from marketing networks, firms, and brands (segment 5).

Firms that control design, branding, and marketing (segment 5) also control sourcing decisions. Production costs are one significant factor in determining sourcing preferences. Decisions regarding how value addition activities and profits are distributed along the value chain, in turn, have a significant impact upon employers, workers and markets in producing countries. Profit generation by capitalizing upon price differentials between markets has been referred to as “global labour arbitrage”(Roach 2004).

Value created in the garment value chain is substantially captured by brands, while suppliers get only a small share, and workers in supplier firms even less. According to 2016 field work conducted by the Society for Labour and Development, Indian supplier firms and the workers they hire receive a combined 23-34% share of retail prices.

Only 2.9%-4.2% of the share of retail prices are directed toward worker wages (Table 4).

Brand purchasing practices and accelerated work

Business relationships between brands and suppliers are governed by purchasing practices that impact the functioning of supplier firms and, in turn, working conditions in supplier firms. The ascendance of fast fashion and pressure on brands to reduce costs following the 2008 Great Recession inform contemporary purchasing practices.

While prior to the Great Recession, suppliers report quoting lump-sum costs for orders, today, it is common for suppliers to estimate costs per item and then bargain with brands. Suppliers project

Table 4: Share of retail prices for Indian workers and suppliers

Garment Type	US retail prices	Price paid to Indian supplier factories	Indian share of retail price (%)	Wages as share of Indian factory prices	Indian wages as share of US retail price
Ladies top	25	8.50	34.0	8.05 %	4.2%
Ladies dress	34	11.00	32.3		4.0 %
Kids top	20	5.50	27.5		3.4 %
Kids dress	25	6.50	26.0		3.2%
Ladies skirt	34	8.00	23.5		2.9 %

Gap Inc. Fast Fashion

Fast-Fashion at Gap Inc.—including Old Navy, Gap, and Banana Republic brands—has taken the form of “Limited Edition Collections” and “Campaigns.” Campaigns tend to follow more traditional fashion cycles—Back to School/Fall, Holiday/Winter, Spring, and Summer—while the Limited Edition Collections partner with celebrities and popular themes to drive demand. Limited Edition Collections, released every few months, seemingly aim to increase demand during seasonal lulls.

According to CEO Ted Peck who took the reins at Gap Inc. in 2015, these strategies have led to sales increases in 2017. As reported by Fortune, Peck attributes the promising sales trend to “nimbleness” in its supply chain that has allowed it to “jump on trends more quickly”—an area where Gap had previously lagged behind rivals like H&M and Zara. According to Peck, roughly one-third of Gap Inc.’s merchandise can now be manufactured within a quarter, rather than the 9 months it used to take many apparel makers (Fortune 2017).



labour costs based upon minimum wages, rather than living wages; and ten-hour days, including two hours of overtime, rather than eight-hour working days. These projections lend insight into the routine practice by suppliers of paying only normal wages for overtime rather than the double-wage rate required under many labour law regimes (Nathan and Kumar 2016).

Current purchasing practices reflect the rise of fast fashion. Where the norm was previously four style seasons each year, the Zara brand pioneered changing styles monthly, or even every two weeks. Today, it is common for brands to release between eight and ten style seasons each year (Nathan and Kumar 2016). In addition to meeting rapid turnover in styles, suppliers may also receive irregular, repeat orders for items in high demand. Fast fashion accelerates production cycles and shortens lead time for suppliers. Garment, textile, and leather suppliers report inadequate lead times and routinely face fines for failing to meet order times (Vaughan-Whitehead and Caro 2017).

Accelerated production timelines without adequate lead time drive worker production targets. Production targets are typically set based upon samples made by highly skilled sample tailors. Regular line tailors may not be able to complete daily quotas (Nathan and Kumar 2016). Short lead times and corresponding high quotas drive suppliers to demand high speed turnover and forced overtime from garment workers (Vaughan-Whitehead and Caro 2017). As detailed in part five of this report, attempts by supervisors and line managers to drive worker productivity expose workers to a verbal and physical abuse.

Reliance on contract labour

Since 2010, garment brand and retail members of the UK Ethical Trading Initiative (ETI) have reported an increasing reliance on contract labour within garment value chains, marked by a growth in the proportion of the workforce that consists of contract workers. Rise in employment of contract workers has been attributed to buyer purchasing practices: downward pressure on the prices paid to suppliers combined with increasingly unpredictable and extreme seasonal variation in production, together, require garment suppliers to reduce production costs.

Contract workers cost less to employ per unit because they often receive lower wages and rarely receive non-wage benefits, including paid leave and social security benefits. These terms of employment leave contract workers particularly vulnerable to exploitation, with poorer working conditions and a higher risk of serious abuse when compared to directly employed workers (Chan 2013).

Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production, and downward pressure on wages.

Subcontracting

Tier 1 companies holding primary contracts with brands often subcontract production to smaller suppliers. At this level of the value chain, Tier 1 companies compete for contracts with buyers. In a parallel process, subcontractors compete for contracts with Tier 1 companies (Ghosh 2015).

Brands typically draw a distinction between their liability for authorized and unauthorized subcontracts. Unauthorized subcontractors may also be unregistered and therefore outside the purview of government regulation. Due to diminished government and brand accountability—especially among unregistered suppliers, working conditions among garment subcontractors have been found to deteriorate (Kashyap 2015). Within this structure, employers and workers engaged in assembly operations, including primary stitching and embellishment, have comparatively little negotiating power (Ghosh 2015).

Due to the structure of garment value chains, workers bear the brunt of global uncertainties within the industry. Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production and downward pressure on wages. Obstacles to freedom of association and collective bargaining further undermine workers' negotiation power.

Gender based violence in the garment industry

Women workers in garment supply chains are overwhelmingly employed in non-standard and precarious forms of employment, typified by informal, low-paid, and poorly protected work. Scholarship on gender in the global economy has long documented how gender hierarchies are produced and maintained in relation to

transnational circuits of labour mobilization and capital accumulation. In varied, locally specific ways, international capital relies upon gendered ideologies and social relations to recruit and discipline workers, producing segmented labour forces within and between countries (Mills 2003).

Patriarchal norms that devalue women's labour reinforce gendered segmentation of the labour force. Gendered patterns of industrial discipline and patriarchal infantilization of women workers conspire to make women especially vulnerable to physical, verbal and sexual harassment, and violence.

The 2017 study on *Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action*, released by the International Labour Office, calls for attention to new and emerging risks in the workplace, including work pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv). The experience of Asia Floor Wage Alliance partners working with low-wage, informal sector garment workers engaged at the base of global production networks reveals that garment workers are subjected to many of the risk factors for violence in the world of work named by the ILO Expert Committee (Table 5).

Gender based violence is a subset of the continuum of violence addressed by emerging conversations on violence and harassment in the world of work. This research lends insight into how these risk factors conspire to make gender based violence and harassment a regular and lived reality for women garment workers. This approach recognizes that women are disproportionately affected by violence due to the impact of

Enumerated risk factors from Committee of Experts Conclusions, October 2016, para. 9

- Working in situations that are not properly covered or protected by labour law and social protection.
- Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing).
- Unsocial working hours (for instance, evening and night work)

Additional risk factors Committee of Experts Conclusions, October 2016, para. 10

- High rates of unemployment.
- Unrealistic production targets.
- Poor labour relations
- Discriminatory practices.
- Culture of impunity.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 12

- Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education, poverty, disability, HIV status, sexual orientation and gender identity, migrant status and age.
- Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups.
- Intersecting grounds of discrimination, such as gender and race or disability.
- Culture of impunity.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 13

- Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 14

- Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains.
- Work in the home where workers are isolated and labour inspectors cannot enter non-traditional workplaces.

Additional risk factors Committee of Experts Conclusions, October 2016, para. 15

- Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates.
- Labour inspectorates and occupational safety and health (OSH) systems at different levels not mandated to address discriminatory practices or violence and harassment.
- Absence of effective and accessible dispute resolution mechanisms is an additional risk factor.

Table 5: Risk factors identified by the ILO Expert Committee that expose garment workers to violence and harassment

gendered inequalities, discrimination, roles, relations, stereotypes, patriarchy, and unequal power relations (Pillinger 2017; ix).

Asian garment value chains

Globally, Asia tops apparel exports worldwide. In 2016, more than 55.4% of the \$443 billion dollars in global apparel exports originated from 7 Asian countries—in order of market share: China, Bangladesh, Vietnam, India, Hong Kong, Indonesia and Cambodia (WTO 2016).

Due to a range of factors—including poor capacity, limited resources, infrastructural needs, and, in some cases, adverse disposition towards protective labour standards—national labour standards in producing countries remain weak. Proclivity toward driving down labour standards, furthermore, is often linked to dominant global policy frameworks that prescribe labour deregulation as a prerequisite to attracting investment capital (Ghosh 2015).

The following sections provide an overview of garment value chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. These country-level overviews provide basic information on market structure, workforce demographics, and brand activity.

Bangladesh

Bangladesh is the second largest exporter of Ready Made Garments (RMGs) in the world—second only to China. Today, the RMG sector is one of the key contributors to the Bangladesh economy in terms of employment, production, export, and foreign exchange earnings. The RMG sector currently contributes 17% of the



Figure 2: Garment production hubs in Bangladesh

Bangladeshi GDP and accounts for 81% of Bangladeshi export earnings. In 2016-17, export earnings from RMG alone amounted to 28,149.84 million USD (BGMEA 2018). The Bangladeshi RMG industry exports mainly t-shirts, trousers, jackets and sweaters to 37 countries worldwide. In 2014-2015, Bangladesh exported 61% of RMG products to EU countries and 21% to the US.

According to information from the Bangladesh Department of Inspection of Factory and Establishment (DIFE), about 4,809 garment factories operated in Bangladesh in 2018 (DIFE 2018). RMG factories are mainly concentrated in two divisions of the country—Dhaka (86.4%) and Chittagong (13.5%). According to government figures another 144 garments factories operate in the export processing zones (BEPZA 2013). According to a June 2015 report by the New York University Stern Center for Business and Human Rights, however, there are more than 7,000 factories producing for the garment export market (Labowitz 2015).

The RMG sector is the largest formal sector industrial employer in Bangladesh, generating 59% of total formal sector employment in the country (Hossain 2010). According to DIFE estimates the Bangladeshi RMG industry presently employs around 2.2 million workers (DIFE 2016). The Bangladesh Garment Manufacturers Association (BGMEA), however, places the number of RMG employees higher, at 4 million workers. According to DIFE, workers are 52% female and 48% male—however, researchers, labour unions, and activists in Bangladesh estimate that over 80% of Bangladeshi garment workers are female.

This discrepancy between government and other estimates regarding the number of factories and workers engaged in the RMG industry in Bangladesh can be explained by the significant presence of informal, unregistered, and unregulated factories. In a June 2015 survey of two sub-districts of Dhaka, researchers found that 32% of the 479 factories surveyed were informal subcontractors. 91% of informal factories surveyed produced for export. Informal factories are entirely outside the ambit of regulation. They do not register with the government, national trade associations of apparel manufacturers, or foreign brands (Labowitz 2015).

Informal sector workers are particularly vulnerable to abuse because they fall outside the ambit of regulation. They also work for employers that often operate on such slim margins that they cannot invest in even basic safety precautions. Unauthorized subcontracting also contributes to artificially depressing prices by failing to account for the full cost of production in accordance with minimum labour standards (Labowitz 2015).

Gap in Bangladesh

According to the September 2017 Gap Inc. Factory List, Gap purchases apparel from 51 garment supplier factories, located in Chittagong, Dhaka, Gazipur, Savar, Tongi, and Valuka.

Asia Floor Wage Alliance analysis of shipping data indicates that Gap had sourced from six confirmed Bangladeshi factories this year as of May 2018. These figures do not, however, account for factories that receive subcontracts from Tier 1 Gap Inc. supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that Gap most likely produces garments in many more factories than the six factories confirmed by researchers.

As of May 2018, Bangladeshi supplier factories had exported approximately 17,000 kilograms worth of goods to Gap. Analysis of shipping data indicated that products produced in Bangladesh for Gap consisted primarily of sweaters, woven pants, and jackets.

Posing significant challenges in tracking sourcing patterns and volume from Gap supplier factories in Bangladesh, public shipping data is surprisingly uneven. For instance, available shipping data on shipments to Gap from Bangladesh between May 2017 and May 2018 reflects the following discordant pattern:

- May - November 2017: Gap Inc. receives approximately 2,600 shipments exported from Bangladesh, peaking with 746 shipments in October 2017.
- November 2017: Zero shipments exported from Bangladeshi suppliers to Gap Inc.
- December 2017: Three shipments exported from Bangladeshi suppliers to Gap Inc.
- January-May 2018: 11 shipments exported from Bangladeshi suppliers to Gap Inc.

These extreme spikes and troughs in shipping patterns suggest either rapid fluctuation in purchasing practices or indirect shipping to Gap Inc. retail distribution centres. Unlike in other Asian garment production hubs, such as Cambodia, where items are generally shipped directly to brand distribution centres, Asia Floor Wage Alliance researchers found that Bangladeshi Gap supplier factories also ship garments and apparel to alternate distribution centres in the USA. For instance, most of the exports from Bangladesh produced by the Ananta group of Gap supplier factories appear to be shipped to their distribution centre in Texas. While the Ananta group website lists Gap as one of their US buyers, Asia Floor Wage Alliance was not able to track these shipments via shipping data.

Cambodia

Cambodia entered the export-oriented global garment and textile industry in the 1990s with the

Figure 3: Garment production hubs in Cambodia



passage of the 1993 Constitution of the Kingdom of Cambodia which established a free market in Cambodia (CCC 2016a; CCHR 2014). Between 1995 and 2006, bilateral trade agreements with the United States, the European Union, and Canada spurred growth in the garment industry. With the exception of a downturn in 2008 during the global economic crisis, the industry has shown consistent growth (Kashyap 2015). Between 1995 and 2014, the sector grew 200-fold (ILO 2015).

Today, garment and textile exports are critical to the Cambodian economy. In 2016, Cambodia's exports totaled \$9.1 billion USD, of which over \$2.3 billion came from the garment and footwear sectors (World Bank, 2017). In 2017, garment exports increased, reaching \$3.3 billion in the first six months of the year (World Bank, 2017). The US, EU, Canada, and Japan are the largest importers of Cambodian garments, textiles and shoes (Kashyap 2015). In the first half of 2017, the EU (including the UK) accounted for approximately 45% of Cambodia's garment and textile exports, with the USA and Japan accounting for 25% and 9% respectively (World Bank, 2017). At the time of writing, top brands sourcing from Cambodia include H&M, GAP, Levi Strauss & Co., Adidas, and Target (CCC 2016a). Other top sourcing brands include C&A and VF Corporation.

The Cambodian garment industry is largely foreign-owned, with Cambodians owning less than 10% of factories (Kashyap 2015). An estimated 85% of garment factories located in Cambodia are foreign controlled, predominantly by investors from China, Hong Kong, Malaysia, Singapore, South Korea, and Taiwan (Kashyap 2015; CCC 2016). Foreign owned companies have kept the production processes within Cambodia limited. The majority of factories undertake "cut-make-trim" production functions—manufacturing clothes from imported textiles based upon designs

provided by international buyers. This exclusive focus on producing garments circumscribes the range of employment available to firms and workers in Cambodia (Ghosh 2015).

Phnom Penh is a hub for garment factories. However, garment production has expanded to other areas, including the adjoining Kandal province. Smaller hubs exist in Kampong Cham, Kampong Speu, Sihanoukville, and Kampong Chhnang. Factories have also been drawn to the creation of Special Economic Zones in border provinces such as Koh Kong and Svay Rieng. In these areas, factories vary in size and operations, ranging from export licensed factories with up to 8,000 workers to small, unmarked factories employing fewer than 100 workers. These smaller factories largely fill subcontracts for larger suppliers. Outsourcing of production to smaller factories may be either authorized or unauthorized by apparel brands (Kashyap 2015).

Gap in Cambodia

According to the September 2017 Gap Inc. Factory List, Gap Inc. purchases apparel from 52 garment supplier factories in Cambodia. According to CENTRAL 2018 shipping data, as of May 2018, Gap Inc. had sourced garments from at least 20 confirmed Cambodian factories this year, located primarily in Phnom Penh, Kampong Speu and Kandal Provinces. These figures do not, however, account for factories that receive subcontracts from Tier 1 Gap Inc. supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that Gap most likely produces garments in many more factories than the 20 factories confirmed by CENTRAL researchers.

Based upon analysis of 2018 shipping data, Gap Inc. shipments by weight accounted for

21.05% of total Cambodian exports to the United States up until May 2018. Export data and field research suggests that in 2018, Gap production in Cambodia has consisted primarily of women, children and infants' sleepwear and clothing and ladies' undergarments produced from inexpensive fabrics including cottons and synthetic textiles. Other items produced by Gap in Cambodia include men's sleepwear, simple tank tops and ladies' cardigans, pants and skirts.

India

Since the adoption of liberalized economic policies during the economic reforms of 1991, the Indian export garment industry has emerged as one of the leading industrial segments in the Indian economy. Export earnings of the apparel industry alone were valued at USD 15.7 billion in 2014 and combined textile and apparel export earnings were valued at USD 40 billion. In 2013, textiles and clothing contributed 4% to the gross domestic product. In 2014, the Indian textile and garment industry employed 45 million workers. Despite the significant segment of Indian workers employed in the garment industry, national level data on economic and social profile of the garment workforce remain alarmingly thin (Kane 2015).

A majority of workers are migrants who migrate to the industrial clusters from Andhra Pradesh, Bihar, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal (ICN 2016). For instance, up to 80% of garment workers in Bangalore are believed to be migrant workers (Bain 2016). Despite the staggering presence of low wage migrant workers in the unorganized sector and their significant economic contributions, there are large gaps in government and civil society services to protect their rights. For instance, India's Inter-State



Figure 4: Garment production hubs in India

Migrant Workmen Act, 1979, aims to regulate working conditions but is inadequate and unimplemented, with no gender perspective (Roy 2015).

Modernization of the Indian textile industry has been pursued vigorously since the mid-1980s with the elimination of the licensing regime, quotas, and quantitative restrictions in an attempt to attract state-of-the-art machinery and technology, know-how and skill sets from abroad. The massive drive towards modernizing the textile industry has gone hand-in-hand with firms resorting to widespread informalization of the workforce. Within the textile industry, this trend has been most apparent in the ready-made garment industry, which has become a leading outsourcing destination for TNCs over the past two decades (Sridhar 2014).

Approximately 60% of garment workers in India are women, although workplace demographics shift depending upon the region (Kane 2015).

Gap in India

According to the September 2017 Gap Inc. Factory List, Gap Inc. purchases apparel from more than 121 factories including in Bhiwadi, Rajasthan; Chennai, Coimbatore, Erode, Hosur, and Kancheepura, and Tiruppur, Tamil Nadu; Elamanchili, Andhra Pradesh; Gurugram (Gurgaon) and Faridabad, Haryana; Bangalore, Mysore, Shivamogga and Tumkur, Karnataka; and Noida, Uttar Pradesh.

As of May 2018, Gap has received 2,735 shipments of goods sourced from Indian factories weighing a total of 2,657,769 kilograms. Analysis of shipping data indicates that this accounts for approximately 5.5% of India's total exports to the USA and Canada up until May 2018.



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Export data suggests that products primarily produced in Indian Gap supplier factories encompasses the full gamut of apparel categories, with men's, women's and infants' clothing and shoes exported in 2018.

As in Bangladesh, Asia Floor Wage Alliance researchers faced significant challenges in tracking sourcing patterns and volume from Gap supplier factories in India. While trying to identify shipments and their volume from Gap supplier factories, Asia Floor Wage Alliance found that shipping information is either left entirely blank or the named shipper is a logistical company rather than the Gap supplier factory.

Indonesia

Encompassing production of fabric, apparel and leather goods, the Indonesian textile and textile products (TTP) industry accounted for 6.65% of national GDP, with 5.2-5.4% growth in 2017 alone (Okezone September 2017). The third largest industry in Indonesia, TTP employed 2.69 million workers in 2016—17.03 % of the total employment in Indonesia's manufacturing sectors combined (Okezone July 2017).

More than 170 foreign brands and companies are active in Indonesia's garment industry. In 2017, Indonesia accounted for 1.8% of the world market for garment export, placing Indonesia among the top ten garment supplier companies globally (Sindo 2017).

Indonesia's garment industry exemplifies regional integration. Indonesia sources cotton, exports yarn, imports fabrics, and exports garments. Indonesia is ranked 9th for global cotton consumption but produces less than 2% of the domestic cotton demand. This deficit is filled

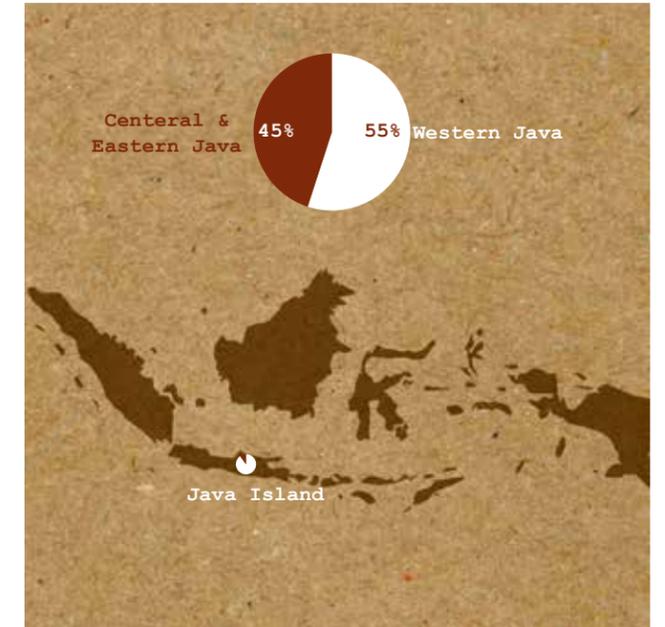


Figure 5: Garment production hubs in Indonesia

through raw cotton imports from Brazil, the US and Australia that is then spun in Indonesia and either exported as yarn or further processed into cloth and garments (GBG 2016). The principle buyers of yarn from Indonesia are China and Japan. Indonesia sources the majority of fabric used in garment production from China and South Korea (CCC 2015a). This integrated textile manufacturing base is a draw for brands and investors (GBG 2016).

90% of garment production is concentrated on Java Island, with 55% in the western end of Java Island. Central and eastern Java, however, are increasingly significant production hubs. The Ministry of Industry plans greater onshore warehousing of cotton and is promoting the Central Java province as a new textile hub with a dedicated industrial estate planned on its northern coast. In order to promote the industry, the Economic Ministry is overseeing policy changes to promote special economic zones, new tax holidays, lower nighttime electricity costs, and incentives to buy new machinery (GBG 2016).

According to the Better Work Indonesia Report, 2013, garment, textile and footwear industries have very low levels of compliance with ILO core conventions and national laws. Better work Indonesia also reports an industry-wide low level of compliance with laws governing overtime pay, provision of social security benefits, and short-term contractual employment relationships.

Gap in Indonesia

According to the September 2017 Gap Inc. Factory List, Gap Inc. purchases apparel from 77 apparel supplier factories in Indonesia, located in Kabupaten Wonogiri, Semarang, Solo, Sukoharjo, and Wonogiri, Jawa Tengah; Bandung, Bekasi, Bogor, Jawa, Karawang, Majalengka, Purkawarta, Semarang, Cianjur, Subakumi, and Subang, Jawa Barat; Jakarta and Jakarta Utara, Jakarta Raya; Batambak, Jawa Timur; Jakarta Timur, Jakarta Special District; Tangerang, Banten; and Semarang and Wonogiri, Central Java.

According to 2018 shipping data, as of May 2018, Gap Inc. had sourced garments from at least 38 confirmed Indonesian factories this year, located primarily in Jakarta and Central and Western Java. These figures do not, however, account for factories that receive subcontracts from Tier 1 Gap Inc. supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that Gap most likely produces garments in many more factories than the 38 factories confirmed by researchers.

These 38 factories, up to May 2018, have exported 496,143 kilograms of goods to Gap this year. Additionally, researchers found 1,459 other shipments comprising 4,931,251 kilograms worth of goods which could not be tracked to individual factories due to the use of third-party shipping companies.

Export data and field research suggests that in 2018, Gap production in Indonesia consisted primarily of women, children and infants' sleepwear and clothing and ladies' undergarments produced from inexpensive fabrics including cottons and synthetic textiles. Other items produced by Gap in Indonesia include men's sleepwear, simple tank tops and ladies' cardigans, pants and skirts.

Sri Lanka

Entirely privately owned, Sri Lanka's garment export industry is a significant contributor to global garment production networks. Clothing exports from Sri Lanka initially increased after the liberalization of the Sri Lankan economy in 1977 and the termination of the Multi-Fibre Agreement in 2005 (MFA). By 2014, the garment industry contributed 7.4% of the Sri Lankan GDP. In 2017 the manufacturing industry accounted for 15.7% of Sri Lanka's GDP, with apparel and textiles exports growing by 4.7% and 2.3% respectively to a value of just over USD \$3 billion (Central Bank of Sri Lanka 2018).

Over 19% of Sri Lanka's population are employed in manufacturing (Central Bank of Sri Lanka 2018). Sri Lanka's garment industry largely employs young, unskilled workers who migrate from rural areas to Sri Lanka's export processing or free trade zones. Women are significantly overrepresented in the Sri Lankan garment industry, with 85% of workers being women, compared to a share of 35% in the overall national labour force as of 2015 (Madurawala 2017). A large proportion are also internal migrants with significant numbers migrating from rural communities to work in factories in Gampaha, and Kalutara regions that account for 90% of Sri Lanka's total garment exports.

Gap in Sri Lanka

According to the September 2017 Gap Inc. Factory List, Gap Inc. purchases apparel from 48 garment supplier factories in Sri Lanka, located primarily in Ratnapura, Galle, Colombo and the wider Western Province.

Based upon analysis of 2018 shipping data, Gap Inc. shipments from Sri Lanka to the US and Canada totaled just under 7.2 million kilograms for the period January – May 2018. Export data and field research suggests that in 2018, Gap production in Sri Lanka has consisted primarily of men's clothing and underwear as well as women's shirts, jackets, and underwear.

As in Bangladesh and India, Asia Floor Wage Alliance researchers faced significant challenges in tracking sourcing patterns and volume from Gap supplier factories in Sri Lanka. While trying to identify shipments and their volume from Gap supplier factories in Sri Lanka, Asia Floor Wage Alliance found that shipping information is either left entirely blank or the named shipper is a logistical company in Sri Lanka rather than the Gap supplier factory.



Figure 6: Garment production hubs in Sri Lanka

CHAPTER 3:

Gap Inc. Corporate Social Responsibility

Brand and retail Corporate Social Responsibility (CSR) codes of conduct establishing social and environmental principles have developed in response to anti-sweatshop and consumer-driven accountability movements in Europe and the United States. Gap's stated commitments to social and environmental responsibility are set out in the Global Sustainability Report, 2015-16 (Gap 2016). Gap claims to have Global Supply Chain and Supplier Sustainability teams working in thirty countries globally (Gap 2018b).

Gap Inc. CSR measures may look good on paper, but this research shows they do not sufficiently address workplace harassment, violence, and violations of decent work standards. CSR initiatives not only fall short of social dialogue and freedom of association required by decent work standards, but are also entirely self-monitored. Accordingly, research shows that in general they are insufficient to either address risk factors for violence or provide avenues for relief in cases of workplace violence (Finnegan 2014).

Managing risk in the Gap supply chain

Gap claims to have conducted a materiality analysis to ensure that the company's strategy and reporting is focused on the most important current and future economic, environmental, and social impacts on the people and communities involved with the company (Gap 2018a). Despite this, in assessing risk, Gap's Global Sustainability team assess only "the importance of potential social and environmental risks and opportunities"

to business and external stakeholders such as suppliers (Gap 2018c).

Gap explicitly excludes industry-related risks and supplier-related risks in their risk assessment calculus. Put another way—according to the information publicly available, in assessing supply chain risk, Gap considers only the potential social and environmental impacts on its business and suppliers and neither assesses particular risks associated with the industry; nor risks associated with particular suppliers.

This approach violates the principles of due diligence articulated in the UN Guiding Principles on Business and Human Rights establishing that the responsibility to respect human rights requires business enterprises to:

- Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts (Article 13).

Gap's failure to assess industry and supplier related risks in their supply chain prevents Gap from taking any measures to avoid adverse human rights impacts among their producers. Further, by failing to make these critical assessments, Gap turns a blind eye to adverse human rights impacts directly linked to their products.

Gap's reliance on corporate social responsibility in the place of binding written agreements with worker organizations also limits the effectiveness of these efforts.

Standards for suppliers

Gap is one of several brands to publicly disclose its [supplier list](#). Supplier disclosure is an important first step. However, as detailed by country in the Chapter 2, Asia Floor Wage Alliance researchers faced challenges in tracking sourcing patterns and volume from Gap supplier factories in Bangladesh, India, Indonesia, and Sri Lanka. Indirect shipping patterns detailed in Chapter 2, however, suggest that while Gap supplier lists may be representative of some suppliers, these lists do not comprehensively account for factories receiving subcontracts from named suppliers.

Gap sets out expectations for suppliers in their Code of Vendor Conduct. According to Gap Inc., these standards apply to all suppliers and their facilities—including subcontracting and packaging facilities. The vendor code, however, is entirely self-monitored by Gap.

Gap claims that its Supplier Sustainability Assessment Manual, which it uses to assess and remediate issues related to labour or working conditions within its supplier factories, is based on “industry best practices” (Gap 2018b). This is difficult to verify or analyse, as Gap has not published this manual.

Wage standards

The vendor code requires all Gap suppliers to pay wages and overtime rates in compliance with applicable national laws. The vendor code states that suppliers are “encouraged” to provide workers with wages and benefits which are sufficient to cover their basic needs and some discretionary income.

In 2015-16, Gap Inc. reported that according to their corporate research, 28.3%, 20% and 10% of Gap supplier factories in Bangladesh, Indonesia and Cambodia respectively did not pay overtime and other benefits as required in 2016 (Gap 2016c).

More recently, Gap Inc. claims to have conducted studies of its supply chain “multiple times” and found that wages in its supplier factories “met minimum wage requirements and in many cases exceeded local norms” (Gap 2018d). Gap has not, however, published any data to substantiate this claim.

The Gap CSR Code of Vendor Conduct (vender code) states that suppliers must not “modify or terminate worker contracts (including the signing of a series of short-term contracts in immediate succession)” for the sole purpose of avoiding wage requirements (Gap 2016a). Additionally, suppliers are forbidden from modifying or terminating “work contracts, work schedules or location” for the purpose of avoiding wage requirements.

It is important to note that there is nothing specifically in the vender code which forbids the usage of short-term, or repeated short-term, contracts that may not be in immediate succession. This creates a loop hole in protection under Gap Inc. CSR standards, leaving workers functionally unprotected from hiring practices designed to circumvent wage and benefit requirements.

Freedom of association

Gap’s Code of Vendor Conduct requires suppliers not to discriminate on the basis of union membership (Gap 2016). The vender code also requires suppliers to recognize and not interfere



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with or threaten workers’ freedom of association. The vender code forbids suppliers from permitting or engaging in all forms of violence and instructs suppliers to have proper grievance channels in place. Similarly, the vender code forbids suppliers from terminating, demoting or cutting the pay of workers on the basis of pregnancy.

As detailed in Chapter 5, however, Gap garment supplier factories blatantly violate these standards.

Grievance channels and retaliation

Gap claims to require suppliers to ensure that workers have means to report grievances confidentially and anonymously to management. All such grievance mechanisms are required to provide for protection against retaliation for reporting the grievance.

As detailed in Chapter 5 of this report, despite these requirements, all of the women workers from Gap supplier factories interviewed in research phase one—across locations—agreed that there were no good ways for them to report cases of violence.

Audit process

Gap states that its audit process rates supplier factories based on “clear criteria” within five categories: Compliance with Laws, Environment, Labor Standards, Occupational Health and Safety, and Management Systems. These criteria are not published by Gap. Any violations found are subsequently input into a system which categorises them by their level of severity: ‘critical’, ‘severe’, ‘key’ and ‘noncompliant’. The amount of violations contributes to the colour-coded rating given to facilities, ranging from green for facilities with no critical or few violations to red for facilities with more significant violations. In 2017, Gap reported that 5% of its supplier factories had received red ratings, down from 16% in 2016 (Gap 2018d). 58.1% of facilities received a yellow rating, up from 48.9% in 2016.

Gap claims that it takes an active role in remediating violations of its vendor code through specific, time-bound corrective action plans to address assessment findings (Gap 2018b). Progress is monitored through follow-up assessments and Gap claims that if issues remain outstanding, its Supplier Sustainability and Global Supply Chains initiatives escalate further intervention. If issues remain unresolved, Gap states that it “may halt future order placement or discontinue the supplier relationship” (Gap 2018b). Data provided by Gap reports that there were 1,593 open vendor code issues in Gap supplier factories as of February 1, 2016, which had reduced to 246 by February 1, 2017 (Gap 2018b).

These claims, however, are entirely unverifiable since neither the Supplier Sustainability manual, nor the details of violations and their remedies are published by Gap Inc.

Bangladeshi garment workers. The workers pictured are not from factories interviewed for this report. By Solidarity Center licensed under CC 2.0



CHAPTER 4:

Spectrum of gender based violence in Gap garment supply chains

Table 1: Spectrum of gender based violence in Gap garment supply chains

	<p>Gendered aspects of violence, including:</p> <ol style="list-style-type: none"> 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	<ul style="list-style-type: none"> • Slapping, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive operator tasks, leading to chronic leg pain, ulcers, and other adverse health consequences, gendered aspect 2(a)
Acts that inflict mental harm	<ul style="list-style-type: none"> • General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse targeting senior women workers so that they voluntarily resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering (including sexual harassment, abuse, assault, and rape)	<ul style="list-style-type: none"> • Rape outside the factory at accommodation, gendered aspect (1) • Sexual harassment, gendered aspect (1) • Pursuit of sexual relationships with women workers by managers and supervisors offering benefits including salary increases, promotions, and better positions. Women who refuse risk being fired in retaliation, gendered aspect (1)
Coercion, threats, and retaliation	<ul style="list-style-type: none"> • Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	<ul style="list-style-type: none"> • Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

This section provides examples and cases of the spectrum of violence reported by women garment workers in Gap supply chains in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka. Consistent with the international legal standards discussed in Part 1, these qualitative accounts include:

- forms of violence that are gendered because women workers are singled out for violence and harassment; and
- forms of violence that disproportionately impact women workers because they not only comprise the majority of workers in garment production factories, but are also underrepresented among supervisors and managers and disproportionately concentrated in subordinate operator roles.

Violence against a woman because she is a woman

Women workers reported being targets of explicitly gendered violence, including verbal abuse linked to gender and sexuality, sexual harassment, and threats of retaliation for refusing sexual advances. Women workers also, however, reported being targets of violence because they are less likely to seek redress for violence than male co-workers.

For instance, although the industrial discipline practice of throwing bundles of clothes and papers at workers is common, women workers reported submitting to this abuse for fear of retaliation. However, a male worker at a Gap supplier factory in Sukabumi, West Java, Indonesia, described a different response from male workers who faced this type of abuse:

I saw a supervisor throw a bundle of clothes at a worker. He threw the materials back at the supervisor.

By contrast, a male worker from a Gap supplier factory in Biyagama, Gampaha District in Sri Lanka explained that women face ongoing harassment because they are unlikely to report these violations:

Girls are harassed by male workers in the factory. I have seen supervisors and mechanics pull their hair, hit their buttocks, and touch their shoulders. Most of the women don't react. I think this is why men take advantage of them.

Gender is not the only factor that informs whether or not women report or resist violence. As described in this section, women workers who are members of trade unions or workers collectives both had a strong understanding of their rights and were more likely to resist violence.

Violence that disproportionately impacts women

Women are disproportionately impacted by patterns of violence in garment supply chains because they make up the vast majority of garment workers. In Bangladesh, Cambodia, India, Indonesia, and Sri Lanka, women workers represent the vast majority of the garment workforce:

- **Bangladesh:** Women comprise 80% of the garment workforce (World Bank 2018).
- **Cambodia:** Women between the ages of 18

Figure 7 a: Gendered production roles in GAP supplier factories in Bangladesh, Cambodia and India

Note: This model was developed based upon detailed factory profiles in Bangladesh and Cambodia

Factories and number of workers by department					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Bangladesh Factory 1	25 workers	82 workers	26 workers	2520 workers	19 workers
Bangladesh Factory 2	10 workers	146 workers	37 workers	4050 workers	38 workers
Bangladesh Factory 3	9 workers	105 workers	18 workers	2025 workers	191 workers
Cambodia Factory 1	6379 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)			Researchers from CENTRAL in Cambodia reported being unable to get clear information on the number of workers in each department. Workers reported being regularly moved between departments and hired and fired from roles with significant frequency that they did not have a grasp of the structure of their workplace. They did, however, provide insight into the gendered distribution by department as reported below.	
Cambodia Factory 2	5,050 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)				
Cambodia Factory 3	2,680 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)				
Cambodia Factory 4	156 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)				
India Factory 1	5 workers	115 workers	16 workers	1,153 workers	358 workers
India Factory 2	6 workers	16 workers	NA	120 workers	185 workers

and 35 dominate the Cambodian garment production sector, comprising an estimated 90-95% of the industry's estimated 700,000 workers (Barria 2014; Kashyap 2015).

- **India:** Approximately 60% of garment workers in India are women (Kane 2015).
- **Indonesia:** An estimated 80% of workers in garment and textile production are women (Oktaviani 2017).
- **Sri Lanka:** 85% of garment workers are women, compared to a share of 35% in

the overall national labour force as of 2015 (Madurawala 2017).

- **India:** 60-75% of garment workers in India are women (Kane 2015; Mohan 2017).

These numbers, moreover, do not include women engaged in seasonal, home-based garment work (Finster 2015; Kashyap 2015).

Figure 7 b: Gendered production roles in GAP supplier factories in Bangladesh, Cambodia, and India

Gendered hiring by department, range across factories					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Management	Manager male	Supervisor male/female	Supervisor male	Supervisor 0-100% male 0-100% female	Supervisor 90-100% male 0-10% female
	In-charge male	Quality Control 60-100% male 0-40% female		Quality Control 0-100% male 0-100% female	Quality Control Male/female
	Supervisor male			Line In-Charge 70-100% male 0-30% female	
Specialized roles	Store Keeper male	Sticker Master 0%-100% male 0-100% female	Fusing machine Operator 20-100% male 0-80% female	Record Keeper 0-100% male 0-100% female	
	Fabric recorder male	Cutting Machine male Layer Man Male/female			
Checkers		Checker 0-100% male 0-100% female		Checker 0-100% male 0-100% female	
Machine operators		Button Machine 0-100% male 0-100% female		Line Tailor 0-100% female 0-40% male	
Helpers		Helper Male and female workers in varied proportions, including all male and all female departments	Helper 30-70% male 30-70% female	Helper 20-30% male 70-80% female	Helper Male and female workers in varied proportions, including all male and all female departments

Note: This model was developed based upon detailed factory profiles in Bangladesh, Cambodia, and India

In Bangladesh, Cambodia, India, Indonesia, and Sri Lanka, the garment industry has been a major source of employment for young women from rural areas who migrate for employment to garment production hubs. For instance, all but one of the Cambodian workers interviewed by CENTRAL who worked in Gap supplier factories had migrated from a rural province due to high unemployment in their home provinces.

Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions in their factories and unions. Detailed factory profiles reveal that at the factory level, women workers are concentrated in the production department, in subordinate roles as machine operator, checkers, and helpers in other departments.

Departments, largely segregated by gender, are also spatially separate, creating multiple and different working environments within the same factory. Women workers from a Gap supplier factory in Indonesia described gendered segregation by department:

The first floor is for production and warehouse. Production workers mostly are women. A production line consists of 38 workers. Supervisors are men and women. Warehouse for final products are mostly men and warehouse for accessories are mostly women. Second floor is for cutting. The cutting unit has mix workers men and women. Supervisors are men and women.

In Sri Lanka, a significant percentage of women workers employed in Gap supplier factories are employed through “manpower”—or temporary work agencies—as needed. Under this arrangement, the number of workers employed

in the factory can differ significantly depending upon the orders that have been received for the day. Accordingly, even trade union leaders familiar with the Gap supplier factories under investigation were unable to provide accurate counts of the number of workers in each department.

Women workers who face heightened risk of violence

Women workers employed in Gap production factories in Sri Lanka report that workers hired through “manpower”—or temporary work agencies—are particularly vulnerable to abuse. As one male worker explained:

Girls who come through manpower agencies do not have permanent work in the factories. Supervisors make sexual advances and tell women that if they agree, they will give them a permanent job in the factory.

Sri Lankan women also identified young, unmarried girls as particularly vulnerable to sexual harassment:

Young unmarried girls are targeted for sexual harassment because they are single. Male co-workers ask young women for their phone numbers. They call late at night. Most single women face harassment in the factory.

In Bangladesh and Indonesia, women workers reported that elder women and widowed women are targeted or face heightened levels of violence. Women workers in an industrial laundromat and coloring service within the Gap supply chain in Indonesia reported that widows were targeted for harassment, including inappropriate touching, poking, pinching, or squeezing their buttocks.

In Bangladesh, women workers report being targeted when they reach a level of seniority that entitles them to employment benefits. They report facing heightened verbal abuse and harassment aimed at driving them to resign voluntarily prior to receiving earned benefits and promotions.

Within India, low income women from marginalized communities travel to urban industrial hubs in search of employment in garment factories. These migrant women include a large proportion of Scheduled Caste, Scheduled Tribe, and Muslim women. Due to entrenched structures of discrimination, their intersecting status as migrants, women, and members of marginalized communities both increases risk of exploitation and exclusion from decent work, and undermines the ability to seek accountability through formal legal challenges.

In Cambodia, all participants who worked in Gap supplier factories stated that they had migrated to Phnom Penh (or neighbouring Kandal Province) for work. Workers at both Roo Hsing and Cambo Handsome reported migrating for reasons of poor opportunity in their home provinces, family debt and unsustainable farming land. All these women also stated that they felt discriminated against because they were a migrant and that they had less power in their workplace because they were a woman.

Acts that inflict sexual harm or suffering

During interviews and focus group discussions, researchers identified four cases of sexual violence, including a rape case. These cases included sexual harassment from male colleagues

and coercion from senior management either tying sexual engagement to employment, or threatening to retaliate if cases were reported. Women faced sexual violence from supervisors and managers outside the factory as well, including at home. We did not cover these cases in detail due to concerns by women workers and trade unions that reporting extreme cases of sexual violence could elicit stigma and workplace retaliation.

Forms of sexual harassment documented in this study include sexual comments and advances, inappropriate touching, pinching, pulling hair, and bodily contact initiated by both managers and male co-workers. These cases provide insight into relationships of power in the workplace that expose women workers to violence and harassment.

In Bangladesh, women employed in Gap supplier factories reported that it is common for supervisors and managers to pursue sexual relationships with women workers by offering benefits including salary increases, promotions, and better positions. Women who refuse these offers face retaliation, including being fired from the workplace.

For instance, in May 2017, 25-year-old Piya took a job as a sewing machine operator in a Gap garment supplier factory in Dhaka, Bangladesh. Piya described noticing early on that a female co-worker, Apa, received special treatment: “Unlike the rest of us, she had flexible work hours, she was allowed to take leave.” Three months after she began working at the supplier factory, Apa approached Piya on behalf of the manager charged with sample garment production:

Apa leaned over my machine table and said, “Hey, you are a lucky one. The Sample

Manager likes you and wants to go out with you. You will get a promotion if you go out with him.

In the weeks that followed, Piya refused repeated requests for dates from the Sample Manager. When the harassment did not stop, Piya reported the issue to human resources at the factory. Human resources did not take any action and the harassment persisted: “He kept asking me out. He would insist. This went on for months.”

In October 2017, Piya went to the Ashulia Police Station to report the harassment she faced and seek relief. Piya described her experience with the police:

The police refused to file my case. They told me, “It is only a proposal.” When I returned to work the next day, I was fired from my job. I learned later that the police had informed the Sample Manager that I went to file a case.

This example shows how women in Piya’s position have no avenue for relief from ongoing sexual harassment at work. When Piya refused to go out with the Sample Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability.

Piya’s experience of workplace violence provides insight into the risk factors that leave women workers in Gap garment supply chains exposed to violence. In the Gap supplier factory where Piya worked, women are concentrated in operator roles, as line tailors and helpers in the 2520-person production department.

Women from Gap suppliers also reported unwanted physical touch from supervisors.

In India women face unwanted physical touch on the production line during work. One woman described:

The line manager leans on me when he gives instructions, instead of standing straight. I have asked him not to: I said, “Masterji, if you move back, I can see what you are explaining.” He stayed leaning on me with his elbow touching my breast. I lost my temper and told him: “Stand properly! Keep your hands away!”

According to women workers, unlike their male co-workers, they are uniquely subjected to physical touch from supervisors:

The supervisor in charge knocks into us as they pass by. They pretend it is accidental, but it is not an accident if it happens all the time, with most of us women. If it was really an accident, wouldn’t it happen to men?

In Sri Lanka, women working in Gap supplier factories reported that they are at risk of sexual harassment from male mechanics tasked with fixing their machines. One woman recounted:

I was approached by a machine mechanic. He asked me to spend the night with him. I refused. When my machine stopped working, I asked him to come and repair it. He refused. First, he refused, and then he asked me to spend the night with him. He said if I agreed, he would fix my machine. That day, I left the job.

According to women garment workers in Gap supplier factories in Sri Lanka, such encounters often take place in the hallway on the way to the bathroom.

Women workers employed in a Gap supplier factory in Cakung, North Jakarta, also described

unequal relationships of power between women machine operators in production departments and the mechanics they rely upon to meet their production targets:

Male mechanics require us to pay a “tribute” payment in order to ensure that they immediately fix your broken sewing machine. If they are late in fixing the machine, I won’t make the production target.

Cambodian workers employed at Gap clothing supplier, Yi Da Manufacturer, reported routine sexual harassment from male co-workers. One worker reported having her “sensitive areas touched without my consent”. Workers at Cambodian Gap supplier factory, Cambo Handsome, similarly, reported sexual harassment from male staff.

Women workers employed in a Gap supplier in Biyagama, Gampaha District in Sri Lanka are particularly vulnerable to harassment at the beginning and end of the day as they stand in line to clock-in and clock-out using biometric fingerprinting machines.

Girls are harassed by male workers in the factory. I have seen supervisors and mechanics pull their hair, hit their buttocks, and touch their shoulders. This happens a lot when they wait in line to use finger-print machines.

These women workers, are subjected to routinized sexual harassment at the beginning and end of the day. Literally marking their passage into and out of the factory, harassment in the daily cue marks entry and exit into the factory as a site of harassment and violence.

Marking their passage into and out of the factory, harassment in the daily cue marks entry and exit into the factory as a site of harassment and violence for women garment workers.



Authority	
Management	<ul style="list-style-type: none"> • Hierarchical work relations • Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	<ul style="list-style-type: none"> • Anti-union management practices
Workforce demographics	
Education	<ul style="list-style-type: none"> • Illiterate, low literacy and literate
Women	<ul style="list-style-type: none"> • High %age of women workers • Concentration in low-skill departments and tasks • Home-workers hired on piece rate
Employment conditions	
Wages and incentives	<ul style="list-style-type: none"> • Below or at minimum wage and piece-rate payment
Overtime	<ul style="list-style-type: none"> • High levels of forced overtime
Employment security	<ul style="list-style-type: none"> • Low employment security

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Industrial discipline practices

Cambodian workers from all Gap supplier factories investigated for this report described working under harsh conditions with strict line leaders, tough supervisors and abusive management practices. Workers reported ongoing verbal abuse and frequent threats and physical violence. Sweatshop discipline practices correspond with particular relationships of authority, workforce demographics, employment relationships, and employment conditions.

Labour practices in garment production factories have been described as operatory labour practices, referring to the role of workers as basic operators. Operatory labour practices correspond with particular working relationships (Table 2). These labour and employment practices among garment suppliers expose workers to risk factors for violence.

These labour practices may also correspond with the structure of the global labour market. For instance, in Cambodia, in situations where local workers are managed by Chinese managers, women workers reported that physical and verbal abuse escalated due to frustration communicating across language barriers.

Physical violence

Under international law gender based violence includes acts that inflict physical harm. While both women and men reported working in physically violent contexts, these modes of discipline are gendered because they disproportionately impact women workers due to their concentration in machine operator roles and as checkers and helpers in production departments.

Examples of physical violence reported by workers interviewed for this study include hitting and slapping workers. Workers at Gap supplier, Cambo Handsome in Phnom Penh, Cambodia, reported being beaten by foreign management. A woman worker from Cambo Handsome, recounted: “There is violence in the factory. Chinese managers beat workers during working hours.”

Workers reported that physical discipline practices spiked after second tier management came out of meetings with senior management driving production targets. Workers at Gap supplier factories, YTC and Yi Da Manufacturer, also reported suffering physical violence directly at the hands of Chinese managers.

Women workers at Gap suppliers, Yi Da Manufacturer and YTC, reported that in addition to being beaten, Chinese managers hurl bundles of clothes at them. Women workers report that these bundles may weigh between 2 and 4 kilograms—a projectile that is approximately the weight of a brick, but unlikely to leave visible marks that would allow the victim to seek redress.

Women workers also reported physical violence, including slapping and pinching, from male colleagues. At Roo Hsing, another Gap supplier in Phnom Penh, Cambodia, women reported that there was no action taken against male workers who inflicted violence against female colleagues.

Physical toll of garment work

On August 4, 2017, Meas Sreyleak, a 25-year-old Cambodian woman employed at Gap supplier, Yakjin (Cambodia) Inc. died on her way from the factory to the hospital after she fainted at work and hit her head on the sewing table. Women who worked with Sreyleak at Yakjin reported that she had been feeling unwell on the day that she died. She had a sore throat, but was made to work two hours overtime. Her family received \$1,000 from the factory to help pay for funeral expenses following her death.

Due to exposure to high temperature and chemical substances, exacerbated by poor ventilation and inadequate nutrition, episodes of mass fainting are a regular occurrence in Cambodian garment factories.

In 2017, the Cambodian National Social Security Fund identified 1,603 cases of fainting across 22 factories, including Gap suppliers. 1,599—or 98%—of these cases were women.

As detailed in Chapter 5, covering unsafe workplaces as a risk factor for violence, the working conditions in Gap garment supply chains that cost 25-year-old Meas Sreyleak her life have been documented since as early as 2002. Extended exposure to heat, noise, dust and chemicals also leads to chronic conditions among women garment workers. For instance, exposure to cotton dust irritates the upper respiratory tract and bronchi. With prolonged exposure, this slowly progresses to chronic, obstructive pulmonary disease.

Bangalore, India: Woman worker in Gap supplier factory assaulted for failing to meet production targets

In India, women workers employed in a Gap supplier factory in Bangalore reported physical abuse associated with pressure to meet production targets. Radhika described being thrown to the floor and beaten, including on her breasts:

On September 27, 2017, at 12:30 pm, my batch supervisor came up behind me as I was working on the sewing machine, yelling “you are not meeting your target production.” He pulled me out of the chair and I fell on the floor. He hit me, including on my breasts. He pulled me up and then pushed me to the floor again. He kicked me.

Radhika filed a written complaint with Human Resources. She described the meeting between herself, the supervisor, and human resources personnel:

They called the supervisor to the office and said, “last month you did the same thing to another lady—haven’t you learned?” Then they told him to apologize to me. After that, they warned me not to mention this further. The supervisor and I left the meeting. I went back to work.

Radhika reported that the harassment from her manager did not stop, but that she continued to work at the factory because she needs the job: “My husband passed away and I have a physically challenged daughter who cannot work. That is why I need the job. I suffer a lot to earn my livelihood.”

Women garment workers employed as machine operators in a Gap supplier factory in Tiruppur reported ulcers and piles from long hours sitting hunched over machines. Women working as checkers reported getting varicose veins as a result of long hours standing and checking garments.

Across the industry, health consequences faced by women garment workers include respiratory illnesses— including silicosis from sand blasting and tuberculosis; ergonomic issues such as back pain; reproductive health issues (irregular period and excessive bleeding); and mental health problems including depression and anxiety. Minor incidents such as puncture wounds from needles are a daily occurrence.

According to a randomised survey conducted by India’s Employees State Insurance Corporation in 2014, 60.6% of garment workers surveyed were anemic and 80% of all tuberculosis cases registered in 2009 were from garment workers. Garment workers, largely internal migrants between the ages of 18 and 45 years with lower socioeconomic status, faced difficulties accessing medical attention (Ceresna-Chaturvedi 2015).

Women are also subjected to physical harm associated with long hours performing repetitive manual tasks in unsafe working environments. A woman tailor from a Gap supplier factory in Gurugram (Gurgaon) described the physical consequences at working at a sewing machine for 9 hours a day:

We spend all day sitting there and working continuously on the sewing machine. Our legs are swollen from keeping them on the machine pedal for so many hours.

Women garment workers in Gap supplier factories may work days on end without a break. A woman

tailor from a Gap supplier factory in Gurugram (Gurgaon) described having to work 21 days continuously without a break:

I have been working for the last three weeks, every day, without Sundays off. I did not get time to rest. Today I finally got a holiday, so I was sleeping before this meeting. I took days off for Holi [Indian festival] so I had to work for three Sundays to make up those days. My entire body aches at the end of the day. I have constant pain in my legs. There is nothing I can do, though. I cannot take breaks. I have to meet my targets.

The combination of calorie deficiency and relentless working hours inflicts violence upon the bodies of women garment workers, both in the wages it withholds and the labour it extracts.

Verbal abuse

Women workers in Gap suppliers in Bangladesh described constant and relentless verbal abuse that continues from the beginning to the end of their shift.

Women workers employed in four different Gap supplier factories—Cambo Handsome, YTC, Roo Hsing, and Yi Da Manufacturer—all reported being yelled at and verbally abused by production line managers on a daily basis for falling short of production targets or making mistakes in their work.

An Indonesian woman worker at a Gap production facility described the pace of work she faced daily:

I can achieve my target if I work non-stop, but it is not possible. Sometimes I have to break to

go to the rest room, or to drink water. If I do, I won't meet my target.

In this Indonesian Gap supplier factory, failure to meet production targets not only provokes verbal abuse but also intimidation and threats of firing. One woman described the daily barrage of yelling and mocking from her supervisor, driving her to meet production targets:

If you miss the target, all the workers in the production room can hear the yelling:

“You stupid! Cannot work?”

“If you are not willing to work, just go home!”

“Watch out, you! I will not extend your contract if you cannot work.”

“You don't have to come to work tomorrow if you can't do your job!”

They also throw materials. They kick our chairs. They don't touch us so they don't leave a mark that could be used as evidence with the police, but it is very stressful.

Cambodian women workers at Gap supplier factory, Cambo Handsome, also reported facing abuse for taking breaks. One woman worker described facing verbal abuse for taking breaks to use the toilet. “When I go to the toilet, my team leader yells at me when I return to get back to work.”

Cambodian workers from Gap garment suppliers, YTC and Roo Hsing factory, reported that verbal abuse spiked after second tier Khmer management came out of meetings with Chinese senior management driving production targets. One worker at YTC described the escalation of verbal abuse:

The Chinese section leader calls all Cambodian team leaders to a meeting and afterwards the [Khmer] leaders would start shouting at the workers.

Another worker employed at Roo Hsing confirmed a similar pattern:

Chinese managers pressure the Cambodian team leaders to shout at the workers to make them work faster. We are called stupid and lazy. Sometimes they beat workers.

Workers at Roo Hsing also report being verbally abused directly by Chinese managers and forced to work harder to meet production targets.

Verbal abuse centered around production targets was also reported by Cambodian women workers at Gap garment supplier, Yi Da Manufacturer.

In Sri Lanka, women workers employed by a Gap supplier in Biyagama, Gampaha District reported being abused if they did not work fast enough or made mistakes. Abuses range from references to women by their body type to disparaging comments about a woman's background. According to one woman, being overweight can result in women being targeted for harassment:

A friend of mine is a bit fat. If she makes a mistake, the supervisor says: “You're not fit for this work. All you can do is overeat and get fatter.”

Women reported that constant harassment from supervisors and male co-workers makes them dread going to work. One woman explained:

Sometimes, I decide I won't go to work the next day. I always change my mind. This work is the only way for my family to have an income.

These sentiments were echoed by another woman in the group:

I never want my girl children to have to work in a garment factory.

Coercion, threats, and retaliation

Job insecurity and fear of reporting workplace violence

Women workers reported feeling unable to report cases of violence.

Workers at Roo Hsing, a Gap supplier in Phnom Penh, Cambodia, reported repeated threats to their employment contracts if production targets were not reached. Workers at Roo Hsing also said they feared requesting to take leave or refusing to work overtime because of subsequent retaliation by supervisors, often by relocating their work areas. Workers at Yi Da, another Gap supplier located in Phnom Penh, were threatened with contract termination over failures to “follow instructions.” One worker reporting that she was threatened that she would be forced to resign if she requested sick leave.

Routine and ongoing threats of employment termination discourage women workers from seeking relief in cases of violence. For instance, one worker at YTC, yet another Gap supplier in Phnom Penh, explained that she did not report the Chinese team leader who threw heavy bundles of clothes at her. Afraid of retaliation for reporting the violence, she kept quiet.

In Bangladesh, women workers employed in Gap supplier factories reported that they feared losing their jobs if they reported violence and other rights violations. Furthermore, this threat of retaliation extends beyond the workplace where the violation takes place. As one woman explained:

Once a worker makes a complaint, she won't be able to get a job in any of the factories. She will be blacklisted.

Women workers in an industrial laundry and dying service within the Gap supply chain in Karawang, West Java, Indonesia, reported that they are warned by the managers not to report working conditions. One worker explained:

We are briefed. We are told that if we want to work at the company, then we cannot provide any information to anyone who asks about the company.

Researchers reported that the four women workers interviewed from this industrial laundry repeatedly answered questions by responding, “I don't know” or “I will only give answers if I know something well.”

A woman worker from a Gap supplier in Cakung, Jakarta described why the near daily threat of being fired was so stressful: “Every morning, there are many people who are looking for jobs in Cakung.”

Firing pregnant women

Workers from four Gap supplier factories in Gurugram (Gurgaon), India reported that women are routinely fired from their jobs during their pregnancy. Permanent workers report being forced to take leaves without pay for the period of

their pregnancy. Contract, piece rate, and casual workers reported that although most of the time they are reinstated in their jobs after pregnancy, they receive completely new contracts that cause them to lose seniority.

Since garment factory workers in Cambodia are predominantly women, lack of access to adequate reproductive and maternal health services is a significant issue. As early as 2012, workers organizations began reporting that pregnant women were regularly threatened with dismissal from garment manufacturing jobs. This led many women to terminate pregnancies in order to keep their jobs. Women also force themselves to work until the very last day before the delivery, putting their own lives at risk. Most women on FDCs do not get their contracts renewed after they go on maternity leave (CCHR 2014; Nuon 2011).

In a 2015 report, “Work Faster or Get Out”: Labour Rights Abuses in Cambodia’s Garment Industry, Human Rights Watch documented reports of discrimination in hiring and denial of maternity benefits to workers within the Gap supply chain (Kashyap 2015).

In Sri Lanka, by contrast, trade union leaders reported that permanent women workers are able to access maternity leave. However, due to reliance on workers hired through “manpower” or temporary agencies, many women are excluded from these benefits.

Deprivations of liberty

Women garment workers reported being forced to work through lunch and overtime. They described relocation from one factory building to another without notice or consent. They also reported being unable to take legally mandated sick leave.

In Bangladesh, women employed in Gap production factories reported being forced to work overtime and during holidays. Workers also reported being prevented from taking toilet breaks.

Women workers in a Gap supplier factory in Cakung, North Jakarta, Indonesia reported that if they missed work due to menstruation, they have to provide a doctors notice or they will be considered to have taken unpaid leave. This is in violation of Indonesian Labour Law (No. 13/2003, article 81) that entitles women workers to two days of menstruation leave each month without a doctors’ notice. The doctors’ notice requirement further prevents women from taking leave because they must bear the costs associated with the doctors’ appointment. In another Gap supplier factory, women workers reported that they did not take their menstruation leave because they were paid double to work through this legal leave period.

High production targets also prevent workers from observing religious practices. Indonesian garment workers employed in Gap supplier factories, a majority of whom are Muslim, reported that they were unable to take a break to pray. If they do, they will be unable to make their production targets.

In Cambodia, forced overtime is a characteristic management practice. Women workers employed in four Gap supplier factories—Cambo Handsome, YTC, Roo Hsing, and Yi Da Manufacturer—reported working in excess of 50 hours a week. Women workers at Roo Hsing factory reported working 60 hours per week on average. As explained by a woman worker employed at Roo Hsing, working extended hours is required if workers want to keep their job:

Workers are forced to do overtime when demands are high. If they don’t do it they are threatened to have their contracts terminated. If workers ask to take leave they are threatened with termination.

Workers from a Gap supplier factory in Manesar, India, for instance, reported that overtime hours for most workers amount to a minimum of 3 hours per day and are routinely stretched till late at night. If they are given Sunday off, workers report being made to work till 4 am on Saturday night. In the event of a working Sunday, workers are required to work till 2 a.m. on Saturday and then come to work at 9 a.m. the next day. While legal standards require workers to be given compensation for food during overtime work hours, this Gap supplier factory provides a mere Rs. 79 [USD 1.22] to workers who engaged in overtime late into the night.

In all of the Gap supplier factories investigated for this study, workers reported that they are forced to do overtime—that they cannot refuse it.

Workers from the Garment and Allied Workers Union (GAWU) protest the termination and transfer of union leaders from a Gap supplier factory. Due to pressure on Gap, management negotiated and the workers retained their jobs. Society for Labour and Development 2013.



Reported penalties for refusing overtime include dismissal from work and physical and verbal abuse.

Gap’s code of vendor conduct forbids suppliers from imposing punitive measures or taking disciplinary action against workers for refusing overtime. Suppliers are instructed to “support workers refusal of overtime without any threat of penalty, punishment or dismissal” (Gap 2016a).

Forced overtime is most common during the height of the garment high season, which overlaps with Cambodia’s hottest season. From April–August, workers report being forced to work up to 14 hours a day—as well as on Sundays and national holidays—in sweltering heat, without adequate supply of clean drinking water or any breaks. As discussed in the subsequent section of this report on risk factors for violence, including unsafe workplaces, these conditions have led to mass fainting episodes among Cambodian women garment workers in Gap garment supplier factories.

CHAPTER 5:

Risk factors for violence in the Gap supply chain

This section documents risk factors for violence in the Gap garment supply chain, including use of short term contracts, production targets, industrial discipline practices, wage related rights abuses, excessive working hours, and unsafe workplaces. Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, and failure to require independent monitoring—promote a culture of impunity among perpetrators of violence and prevent women from seeking accountability and relief. The risk factors documented in this empirical section are presented thematically in order to surface the patterns of rights violations in Bangladesh, Cambodia, India, Indonesia, and Sri Lanka

Working conditions

1. Short term contracts

Women workers employed under short-term hiring contracts are at constant risk of being fired. Threats of non-renewal undermine workers' ability to report workplace violence.

Temporary and contract employment relations are common employment relationships across global production networks. Short-term contracts make it easier to hire and fire workers and therefore save on labour costs during cycles when production wanes, or as factory units shift location within and across national borders.

For instance, at the time of investigation in May 2018, a Gap supplier factory in Bekasi was planning to move the plant to either Garut or Sukabumi, West Java, where minimum wages are significantly lower.

Table 6: Distinct minimum wages across locations in Indonesia

Location	Minimum wage for 2018
Bekasi	IDR 3.837.939,63
Garut	IDR 1.672.947,97
Sukabumi	IDR 2.583.556,63

Accordingly, between 2015 and 2018, this Gap supplier factory had reduced its workforce from 6000 permanent and contract workers to 1500 permanent workers, with all other workers retained as contract workers.

Termination can be costly for workers who may have to pay initial bribes to get a job within a factory. Women workers employed at an industrial laundry and coloring service for garment factories that supply to Gap and other brands, in Karawang, West Java, Indonesia reported that they had to pay local paramilitaries, involved in factory discipline, in order to get a job:

The company works with local thugs to recruit and discipline the workers. A person has to pay some money from IDR 500,000-1,000,000 to the local thugs so they can work at the company. There was a case when a person sold her livestock to pay the thugs to get a job. She then hired by the company and lasted only for a week. The company dismissed her with a reason: she could not meet the target.

In Indonesia, non-permanent work agreements facilitate termination and changes in employment status based upon employers needs and concerns—including shifting work orders, avoiding paid holidays, and retaliation for union activity. Women workers employed at an industrial laundry and coloring service in Karawang, West Java, Indonesia reported that they were only called to work if they had laundry and coloring orders. A woman worker explained:

*Workers of the garment industries in Bangladesh.
By Ashfil Hacque licensed under CC 2.0.
The workers pictured are not from factories
interviewed for this report.*

We work if we get a call from the management. If the company receives orders from other factories, the management will call us to work.

Women from this industrial laundry explained that short term contracts are also used to prevent them from forming a union. One worker explained:

There was a union here, but the management ended the contract for workers who were union officials by saying, “there is no order.” The company promised them it would call them if they got an order, but they never received the call. Their co-workers later told them that they would have to resign from the union if they want to get their job back.

Workers from a Gap supplier factory in Sukabumi, West Java, Indonesia reported that they are unlikely to get contract extensions in the month prior to Eid because under Indonesian law, the company has to pay up to one month salary as a festival bonus. Instead, workers are fired prior to the festival season and rehired after the bonus period has ended.

In India, all four of the Gap supplier factories investigated in Gurgaon in 2015-2016 employed a non-standard workforce, including short-term contract workers, daily wage workers and workers who work on piece-rate. Workers on short-term contracts may work for the same factory for many years, but without permanent status or benefits. A woman worker employed as a helper at a Gap supplier factory in Gurgaon explained that for eight years she has returned to the same factory, sometimes after extended breaks:

I am going home on Wednesday after one and a half years. I will take leave of one-and-a-half

months, when I come I will try to rejoin the company. They will give me work since I have worked there for the last eight years.

For instance, one Gap supplier factory in Manesar, an industrial town in Gurgaon, India, employed a total of 700 workers in 16 production lines, in 2016. Almost all of these workers were contracted from one contractor operating from Gurgaon. The contractor ensures that no worker is employed for a continuous period of five years to avoid paying gratuity. Instead contracts are terminated upon reaching four years and then renewed, making workers rejoin with a new start date. Loss of seniority impacts workers’ right to receive social security benefits.

In this Gap supplier factory in Manesar, conditions of work varied for different categories of workers:

- Contract and casual workers reported working longer hours and receiving fewer leaves when compared to permanent workers;
- Contract and casual workers reported receiving single rather than double overtime payment;
- Contract and daily wage workers reported that a deduction of the Provident Fund amount was taken from their wages but not deposited in their Provident Fund Account. Employers also failed to make their legally mandated Provident Fund contribution.
- Piece-rate workers did not receive social security benefits.

In Indonesia, women workers employed in production departments within Gap supplier factories reported being hired on year-long contracts that can be extended for one more year. If a worker has been working for two years consecutively, however, they will not be extended. In order to resume work at the factory, they have to apply again after a month with

zero experience. These hiring practices prevent workers from receiving benefits associated with having permanent status. Under Indonesian Labor Law No.13/2003 article 59, a worker has to be promoted as permanent worker at the third contract; if they have been contracted two times consecutively; or if they have been working for two years.

Under the Cambodian Labour Law, factory owners can either engage workers on undetermined duration contracts (UDCs) or on fixed duration contracts (FDCs) that specify a contract end date. Factory managers can issue FDCs and renew them one or more times for up to two years. Approximately 40% of workers at Gap supplier factories interviewed by CENTRAL were on short-term contracts, with the rest on either long-term or undetermined duration contracts.

The ILO Termination of Employment Convention, 1982 (No. 158) and Termination of Employment Recommendation, 1982 (No. 166) govern the use of short-term contracts. These instruments call upon states to ensure that contracts for specific periods are not used to diminish protection against unfair termination. Instead, fixed term contracts should be limited to conditions where the nature of work, circumstances or interests of the worker require them. In instances where short-term contracts are renewed one or more times, or when they are not required, states are instructed to consider fixed term contracts as contracts of indeterminate duration (R166, Art. 3).

Under international labour standards, in order to curb arbitrary dismissals, states are required to implement safeguards including written warnings followed by a reasonable period for improvement. Where an employer needs to terminate a worker due to economic, technological, structural or other like considerations, these decisions should

be made according to pre-defined criteria that consider the interests of the worker as well as the employer (R166, Arts. 8, 23).

The Gap CSR Code of Vendor Conduct (vender code) states that suppliers must not “modify or terminate worker contracts (including the signing of a series of short-term contracts in immediate succession)” for the sole purpose of avoiding wage requirements (Gap 2016a). Additionally, suppliers are forbidden from modifying or terminating “work contracts, work schedules or location” for the purpose of avoiding wage requirements.

It is important to note that there is nothing specifically in the vender code which forbids the usage of short-term, or repeated short-term, contracts. This creates a loop hole in protection under Gap Inc. CSR standards, leaving workers functionally unprotected from hiring practices designed to circumvent wage and benefit requirements.

2. Production targets

Use of production targets and piece rate wages create sustained pressure among workers to meet targets at the expense of taking breaks to rest, using restrooms, and even drinking water. Across Asian global value chains, workers in divisions ranging from sewing, trimming excess thread, quality checking and packaging are routinely assigned production targets. Many are also paid by piece rate.

Production targets vary by garment type, but routinely require workers to be accountable for producing one or more items per minute.

- **Cambodia:** Workers at Roo Hsing described standard production targets as being 230 pieces per hour per line, with one line made

up of 59 workers, but noted that this target may vary depending on the product. Workers at Cambo Handsome described a standard production target being 380 pieces per hour per line, with one line made up of 38 workers. They explained that prior to the recent increase to the minimum wage in Cambodia there had been up to 50 workers per line, but this had now decreased to 38.

- **India:** Women workers explained that a typical target is usually 30-40 pieces per hour. During routine overtime stretches, however, they are required to complete 100 pieces every two hours. Women described being unable to meet these overtime targets. At a maximum, they reported being able to produce 90-95 pieces per hour.
- **Indonesia:** Workers employed in a Gap supplier factory in Indonesia reported that they were required to produce 90-120 pieces every 25 minutes, with timed intervals to determine if targets were met. Workers reported that they were not allowed to leave the factory until their production targets are met, extending the working day for another 1-1.5 hours.
- **Sri Lanka:** Workers employed in a Gap supplier factory in Sri Lanka described production targets of 200-250 pieces every thirty minutes. Workers who do not complete their target are prevented from taking their lunch break.

Bangladeshi and Sri Lankan workers from Gap supplier factories interviewed for this study described feeling that there were not enough workers to meet their unrealistic production demands. Bangladeshi workers in one FGD said that 70 workers typically handle the work that 100 workers could reasonably carry.

Cambodian women workers who participated in focus group discussions and were employed

at Gap garment suppliers agreed that they felt that their production targets were not realistic. Workers at both Roo Hsing and Cambo Handsome stated that the sewing section was the most stressful section to work in because of production targets which increase daily. Workers at Roo Hsing reported being the victims of shouting and pushing from supervisors if these targets were not reached.

Production targets appeared to be a significant underlying source of violence at Cambodian Gap supplier, Roo Hsing. Workers reported being forced to work through lunch, as well as overtime late into the night, in order to reach production targets. Workers who failed to reach production targets reported being belittled by, often foreign, management and viciously abused.

Workers at Cambodian Gap supplier, Cambo Handsome, also reported being yelled at daily and insulted for failures to reach production targets. One worker interviewed by CENTRAL stated: “I am always yelled at and insulted by my team leader every day that I am a slow worker”.

All of the women we spoke to from Cambodian Gap supplier, Yi Da Manufacturer, reported experiencing verbal abuse and threats of contract termination from team leaders and management stemming from high production targets.

In Cambodia, with increasing competition from regional neighbours with lower wages such as Myanmar (World Bank 2017) factories are under significant pressure to maintain their competitive edge. This manifests in targeting workers with verbal abuse and insults in an attempt to impel them to reach constantly-increasing production targets.

While Gap establishes standards for suppliers with regard to overtime and leave, the vender code also explicitly permits use of production targets. The vender code forbids suppliers only from setting production quotas or piecework rates “at such a level that workers need to work beyond regular working hours (excluding overtime) to earn the legal minimum wage or prevailing industry wage” (Gap 2016a). Under the vender code, any production target set must be “reasonable for workers to meet within a regular shift” (Gap 2016a).

As detailed in this section, however, production targets in Gap suppliers investigated for this study are not only unreasonable, they may even be impossible for workers to meet within a regular shift.

3. Failure to pay a living wage

Women workers employed in factories in the Gap supply chain reported that they did not always receive regular wages. Women workers employed at an industrial laundry and coloring service for garment factories that supply to Gap and other brands, in Karawang, West Java, Indonesia reported being hired as daily wage workers, but not receiving regular wages. Employed without a written working contract, they have little redress if the management delays or withholds payment.

Not only do garment suppliers fail to pay living wages, in some production hubs, they are also able to access legal exemptions from paying minimum wages. For instance, a Gap supplier in Bogor, West Java pays IDR 3 million—10% less than the minimum wage in Bogor which is set at 3,483,667.39 (USD 246.15).

This Gap supplier factory was also one of 30 companies that requested the Bogor local government to suspend the requirement of paying minimum wages in 2018.

While this exemption was approved for 20 companies in Bogor, this Gap supplier was deemed ineligible for exemption by the Bogor government.

Failure to pay a living wage has significant physical consequences for women garment workers. For instance, malnutrition is prevalent among Cambodian garment workers. Data gathered by tracking monthly food purchases by 95 workers employed in a range of garment factories in Cambodia, compared with recommended amounts and workers’ Body Mass Index (BMI), revealed that workers were found to intake an average of 1598 calories per day, around half the recommended amount for a woman working in an industrial context (McMullen 2013).

In a February 2012 hearing before the Permanent People’s Tribunal held in Phnom Penh Cambodia, Asia Floor Wage Alliance-Cambodia (AFWA-C) reported health problems associated with poor working environments and exacerbated by poverty-level wages:

Women workers are forced to base their nutrition on food with a totally insufficient caloric content, many hours of overtime work become practically mandatory, thus making much worse the chronic exposure to the harmful environment (Barria 2014).

According to the Gap Inc. vender code, suppliers are required to ensure that workers are paid directly and at least monthly. Suppliers are required to display legal minimum wage rates,

Worker strategies

The Asia Floor Wage Alliance (AFWA), a global coalition of trade unions, workers' rights and human rights organizations, provides a detailed formula for calculating living wages across national contexts. The AFWA definition of a living wage specifies that living wage calculations must include support for all family members, basic nutritional needs of a worker and other basic needs, including housing, healthcare, education and some basic savings.

The Asia Floor Wage Alliance living wage calculation is based on the following considerations (Figures 8 and 9):

- A worker needs to support themselves and two other consumption units. [One consumption unit supports either one adult or two children]
- An adult requires 3000 calories a day in order to carry out physically demanding work in good health.
- Within Asia, food costs amount for half of a worker's monthly expenditure.

Based upon these assumptions, the Asia Floor Wage is calculated in Purchasing Power Parity \$ (PPP\$). This fictitious World Bank currency is built upon consumption of goods and services, allowing standard of living between countries to be compared regardless of the national currency. Accounting for high inflation, Asia Floor Wage figures are calculated annually. As explained by AFWA Coordinator, Anannya Bhattacharjee:

The gap between the minimum wage and the cost of living has widened in recent years. High inflation has sent the cost of living soaring in many Asian countries, but starting salaries remain unchanged—often for several years.

In order to calculate annual Asia Floor Wage figures, the AFWA carries out regular and ongoing food basket research (AFWA 2016a). AFW annual PPP\$ wage figures are then calculated annually based upon up to date national food basket research. For instance, the 2017 Asia Floor Wage figure is PPP\$ 1181. These wage figures are then converted into local currency (Table 6)(AFWA 2017).

The AFW wage calculation method provides an instructive model for Gap and other brands in setting living wages that correspond to workers needs and considers rising costs of living.

Country	conv. factor	Asia Floor Wage in local currency
Bangladeh	31.90	37661 Takas
Cambodia	1642.9	1,939,606 Riel
India	19.98	23588 Rupees
Indonesia	4985.7	5,886,112 Rupiah

Table 6: Asia Floor Wage Figure in local currencies



Figure 8: Basic needs included in Asia Floor Wage calculations



Figure 9: Asia Floor Wage Alliance, financial dependents and worker responsibility

overtime rates and wage calculation prominently throughout the facility in the local language.

Gap also “encourages” suppliers to provide wages that meet local industry standards and that are sufficient to meet workers’ basic needs and provide some discretionary income for workers and their families (Gap 2016a).

Beyond vague encouragement, Gap should mandate living wages in their supply chain consistent with up to date Asia Floor Wage Alliance calculations.

4. Excessive hours of work and inadequate rest

Encouraging violation of international labour standards governing hours of work, production targets and piece rate systems incentivize excessive hours of work and inadequate periods of rest. These conditions damage workers’ health, increase the risk of workplace accidents, pose risks to workers who must commute late at night and early in the morning, and infringe on freedom of association.

According to the ILO Convention No. 1 regarding hours of work, working hours should not exceed eight hours in a day and forty-eight hours in a week. Under Convention No. 1, working hours may not exceed 56 per week except in cases of processes carried on continuously by a succession of shifts (ILO Convention1, Article 4). Additional hours must be set on a case by case basis after consultation with organizations of employers and workers (ILO Convention 1 Article 6.2).

A woman worker employed in a Gap supplier factory in Cakung, North Jakarta, Indonesia described her nearly 11-hour work day:

7:15 am	We go through a body check before entering the factory. We have to be in the factory and clean our work spaces.
7:30 am	First shift
11:30 am	Lunch hour
12:15 pm	Second shift
4:30 pm	Second shift ends but if the target is not met, we stay until 6pm
6 pm	We go through a body check to leave the factory

A woman worker from a different Gap supplier, also in Cakung, North Jakarta, reported a similar schedule for the day, but was required to report to work by 6:45 in order to start the first shift by 7 am.

Women workers employed at an industrial laundry and coloring service for garment factories that supply to Gap and other brands, in Karawang, West Java, Indonesia reported working 12 hours every day, including on Sunday. In this 84 hour work week, women workers are not paid overtime for the 44 hours of work they perform over the forty-hour week protected under international labour standards.

Workers from Bangladesh, Cambodia, India, Indonesia and Sri Lanka all reported that they are forced to work overtime when orders

increase. Low wages, as discussed in the previous section, lead workers to prolong working hours. Others report that they do not refuse overtime assignments because refusal could cost them their jobs.

The Indonesian women workers interviewed for this study are union members, and know their legal wage entitlement. They explained, however, that many workers do not know how to calculate their overtime work in order to ensure that they are given legal overtime advances.

Of the Cambodian workers who participated in this study from Gap supplier factories, all reported that their typical work-week exceeded 50 hours per week (in many cases 60 hours per week)—and that these overtime hours are not optional. Cambodian workers reported that they were not allowed to leave the factory before overtime hours are over. Others reported fearing that they would lose their jobs if they did not work overtime.

Cambodian women workers at Gap supplier factory, Roo Hsing, all reported working 60 hours per week on average. One worker at Roo Hsing told CENTRAL:

Workers are forced to do overtime when demands are high. If they don’t do it they are threatened to have their contracts terminated. If workers ask to take leave they are threatened with termination.

Workers also reported being required to work when they are ill. One worker at Yi Da Manufacturer recounted to CENTRAL:

When workers ask permission for sick leave, the administration officer threatens to force them to submit a letter of resignation instead.

This can be particularly damaging to their health during the hot season which lasts from March through May. Workers at Roo Hsing stated that this time of the year was particularly bad as the working temperature in the factory is extremely hot and dusty. Workers at Cambo Handsome claimed that the wet season in Cambodia, from May to October, is particularly bad as it is difficult for them to get to work on account of wet and dirty unsealed roads.

The ILO prohibits excessive hours of work and inadequate periods of rest on the grounds that such conditions damage workers’ health and increase the risk of workplace accidents. Long working hours also prohibit workers attending to family and participating in the community. ILO standards on working time provide a framework for regulating hours of work. Relevant standards include: the Hours of Work (Industry) Convention, 1919 (No.1); Weekly Rest (Industry) Convention, 1921 (No. 14); Holidays with Pay Convention (Revised), 1970 (No. 32); Night Work Convention, 1990 (No. 171); and Part-Time Work Convention, 1994 (No. 175).

The Gap vender code requires suppliers to comply with all local laws pertaining to labour hours, including limits on hours worked. However, Gap standards set a limit of 48 hour workweeks with 12 overtime hours permitted to a maximum of 60 hours (Gap 2016a)—this ceiling extends beyond the reasonable hours of work prescribed by ILO standard and many national laws.

Gap also specifies that overtime work should not be mandatory and that suppliers may not use coercive behavior to influence workers regarding overtime hours, nor impose any punitive

measures or disciplinary action against workers who refuse to work overtime. Suppliers are also required to maintain accurate documentation to enable workers to calculate their regular working and overtime hours. Finally, suppliers are required to uphold laws pertaining to rest days and provide workers with at least one scheduled rest day of at least 24 hours continuous rest per 7 calendar days.

Asia Floor Wage Alliance documentation, however, demonstrates that vendor code standards pertaining to mandatory overtime hours are entirely insufficient to protect workers from these abusive practices.

Violence during late commutes

Especially during high order periods, women workers are made to work the night shift. Without safe transportation options, women workers reported facing harassment, robbery and other crimes on their way home.

Workers at Cambodian Gap supplier factories, Roo Hsing, Yi Da, and YTC, reported having to stay at work very late and therefore having to travel home in the dark by motorbike. One worker at YTC reported to CENTRAL that when she and other workers rode home late at night, they risked being attacked. Workers at both Roo Hsing and Cambo Handsome reported living in accommodation within one kilometer of the factory, with many workers walking to and from work. Along with a lack of safety in travelling at night, workers at both of these factories reported significant security issues at their accommodation. Workers at both factories stated that they had been the repeated target of thieves breaking their doors and stealing their belongings.

Women workers employed in a Gap supplier factory in Biyagama, Gampaha District, Sri Lanka also reported both working late into the night and risking harassment and robbery on their way home. One worker recounted:

Supervisors require us to work in the night, but we do not get transport to go home. People from the factory take advantage of women in this position. We are harassed by men who wait outside the factory gates at night, especially younger women. A friend of mine was robbed. They took all of the jewelry she was wearing.

To protect women as well as adolescent from non-standard working hours, the ILO has provided specific provisions on night duty restriction. Women cannot be required to work during the night in any public or private industrial undertaking (ILO Convention No. 89).

5. Unsafe workplaces

Garment workers employed in Gap supplier factories are at risk of physical harm due to both industrial accidents and daily working conditions that create severe health hazards, including poor ventilation and excessive heat.

Industrial accidents

In India, discussions with workers and union organizers, verified through desk research, revealed occupational hazards in Gap supplier factories, including workers who received electric shocks in supplier facilities—in one instance, even resulting in death.

Industrial safety in garment factories in Cambodia is also a pressing concern. The Better

Factories Cambodia 2017 Annual Report reported that 14.94% of the factories monitored did not have a fire detection or alarm system and 15.44% did not have adequate fire-fighting equipment, putting workers at risk of death in the event of a fire. 24.81% failed to conduct periodic emergency fire drills and 47.34% had obstructed access paths (BFC 2017)

These industrial safety risks are widely known by Gap Inc. On April 24, 2013, the Rana Plaza, an eight-story commercial building, collapsed in Savar sub-district in the Greater Area of Dhaka, Bangladesh. The Rana Plaza industrial factory fire that killed 1,139 workers and injured 2,500 more is considered the most serious fatal accident to have occurred in a textile factory in modern history.

Following the devastating collapse of Rana Plaza, 200 brands signed the 2013 Accord on Fire and Building Safety in Bangladesh—Gap did not.

The Accord is a legally-binding agreement that commits signatory brands and retailers to require their factories to undergo essential safety renovation, provide financial assistance to factories to conduct renovations as needed and stop doing business with factories that fail to undertake renovations according to deadlines established by the Accord's independent inspectorate. Accord inspections are undertaken by qualified safety engineers with in-depth expertise in fire, building and electrical safety.

Just months after Rana Plaza, eight workers were killed during a fire at the Aswad factory in Bangladesh, a known Gap supplier. Gap denied having a relationship with the company despite documents clearly showing their involvement (CCC 2014a).

Instead of signing the Accord, Gap together with Walmart, founded the Alliance for Bangladesh Worker Safety. Unlike the legally binding 2013 Accord on Fire and Building Safety, the Alliance for Bangladesh Worker Safety is a voluntary measure rather than a contractual commitment. To date, Gap has refused to make a contractual commitment to work with their suppliers and local and international trade unions to ensure that repairs are made and workers have the right to refuse dangerous work.

Due in no small part to this egregious refusal to join the Accord, in 2014 Gap earned the Public Eye Jury Award from the Berne Declaration and Greenpeace Switzerland—an award that aims to shine a light on the current and most serious cases of human rights violations and disregard for environmental protection and sustainability (CCC 2014a).

Poor ventilation and excessive heat

In 2017, the Cambodian National Social Security Fund identified 1,603 cases of fainting across 22 factories, including Gap suppliers. 1,599—or 98%—of these cases were women. The working conditions in Gap garment supply chains that cost 25-year-old Cambodian garment worker Meas Sreyleak her life, described in Chapter 4, have been documented by workers and their allies since as early as 2002. Workers at both Roo Hsing and Cambo Handsome factories noted that their factories were excessively hot and dusty.

In 2002, the Union of Needletrades, Industrial and Textile Employees (UNITE) released a study on working conditions in Gap factories, highlighting health and safety conditions and linking these to wages insufficient to make ends meet (Vance 2006). This initial report has been followed by numerous widely publicised reports, of fainting in Gap production units.

Ekala, Sri Lanka, March 19, 2018: 52 workers collapse in a Gap supplier factory from breathing toxic fumes

This mass fainting was no surprise to the Ceylon Mercantile, Industrial and General Workers' Union (CMU). On March 15, 16, and 17, workers in this Gap supplier factory, with the support of the CMU Branch Union Secretary, had reported a foul odor.

The Assistant Factory Manager attributed the smell to machine maintenance and the smell of burning oil. No action was taken by this Gap supplier factory to address worker complaints.

On March 19th, the Branch Union Secretary advised workers to leave the workplace if they felt they were in danger. Instead, workers continued to experience difficulty breathing, nausea, stinging eyes, and vomiting. Despite these physical symptoms, workers continued to work.

At 10:40 am, workers began collapsing. 52 workers were rushed to the hospital.

Workers were not provided transportation home from the factory. Some women made their way back to the factory which was closer to the hospital than their homes. They found that their usual transport home was not available.

On March 20, the Group Human Resource Manager informed workers that they should report to work as usual. 11 workers remained under observation at the Ragama Hospital.

Concerned for worker safety, CMU leadership attempted to visit the factory to intervene and request a full inspection before workers returned to work. CMU leadership was met at the factory gates by armed riot police. The Branch Secretary was warned “not to try and fish in troubled waters.”

CMU lodged a complaint with the police, resulting in the factory closing down until April 4, 2018.

When workers returned to work after April 4, 2018, they faced verbal abuse and harassment from managers and human resource personnel. One woman recounted:

They blamed us for the money lost when the factory closed. They went after the workers who fainted. The management tried to present the whole incident as a drama by the workers and the union.



At 10:40 am on March 19, workers collapsed on the factory floor. 52 workers were rushed to the hospital.



Workers evacuated the factory based upon difficulties breathing, nausea, stinging eyes, and vomiting.



Upon reaching the hospital, women workers waited—8 women to a bed—for treatment.

- In 2011, Gap began receiving reports of workers fainting in their factories. In October 2011, 32 workers at Sangwoo Cambodia Co. Ltd.—a Gap supplier—fainted in quick succession. Then Provincial health director Or Vanthen confirmed that the 32 workers fainted because of a combination of factors including hunger, exhaustion, poor health and working in a building with poor ventilation (Yuthana 2011).
- In 2012, Clean Clothes Campaign highlighted the serious health impacts associated with inability to afford adequate nutrition. For instance, Rom Sokha, a 33-year old woman who, at the time, worked at Yung Wah Industrial Co.—a Singaporean-owned factory that manufactured shirts, jackets and pants for Gap, Old Navy and Banana Republic—reported that she suffers from serious stomach, colon and heart problems due to malnutrition (Zimmer 2012).
- In 2014, two workers employed at factories outside Phnom Penh died at the end of July in the Korean-owned Sangwoo factory where she had spent four years making clothes for Gap and Old Navy (Chua 2014).

Despite these significant occupational health and safety concerns, Gap refused to attend the People's Tribunal on Living Wage as a fundamental right of Cambodian Garment Workers, held from February 5th-8th, 2012 in Phnom Penh.

The ILO addresses occupational health and safety in the Occupational Safety and Health Convention, 1981 (No. 155) and its Protocol of 2002, as well as in more than 40 standards that deal with occupational safety and health. Convention No. 155 requires each member state, in consultation with workers and employers, to formulate, implement and periodically review a coherent national policy on occupational

safety, occupational health and the working environment.

The Gap vender code requires all suppliers to comply with all applicable national laws regarding working conditions. Suppliers are also required to establish health and safety committees, but only if they are legally mandated. Suppliers are also required to implement training programs that “support effective implementation” of legal and vender code requirements (Gap 2016a). The vender code requires facilities to comply with all applicable national laws regarding machine and equipment safety, building structural safety and fire safety. All workers must be provided with personal protective equipment at no extra cost.

All suppliers are required to have an emergency response system and team with defined responsibilities. Suppliers must ensure evacuation drills are conducted and properly recorded. There must be sufficient, marked exits and clear routes from all areas of the facility. Appropriate firefighting equipment must be provided in sufficient number and maintained in functional condition. The facility must also be equipped with a functional and well-maintained alarm system for early warnings.

Barriers to accountability

1. Unauthorized subcontracting

Tier 1 companies routinely engage subcontractors to complete orders from brands. Subcontracting funnels work from regulated facilities to unregulated contractors where employees typically work longer, for less and usually in worse conditions.

Subcontracting practices make chains of accountability more difficult to establish. Brands typically establish contracts with Tier 1 or parent companies and list these companies exclusively when disclosing production units. In instances where brand labels are sewn in by the parent company, workers in subcontracting facilities may not even know the brand they are producing for (Finster 2015).

As explained by CCAWDU Vice President, Athit Kong, a former garment worker: “It is the multinational brands who extract by far the largest profits from the labour of Cambodian garment workers, yet they hide behind layers of outsourcing and subcontracting to avoid responsibility” (Finster 2015).

Gap has acknowledged the impact of subcontracting upon workers’ rights in global supply chains. When asked by Human Rights Watch to explain Gap policies on addressing unauthorized subcontracting, Gap responded:

If we find a case of unauthorized subcontracting (UAS), the Monitoring and Remediation Specialist (MRS) escalates the incident to the Vendor Engagement & Monitoring manager and director in accordance with our Issue Escalation Policy for High Risk Incidents. The local MRS advises the factory to immediately stop production and ensures all goods (finished or unfinished) are returned to an approved Gap Inc. factory, segregated and held until the issue is resolved. An investigation is conducted at the factory to determine whether there are any critical issues.

While Gap reported dealing with cases of unauthorized subcontracting on a case by case basis, Gap did not report any mechanisms to

protect whistle blowers or ensure that reporting mechanisms were accessible to workers. In recent years, moreover, researchers have identified cases in which Gap has not taken action to defend the rights of workers producing Gap products in facilities that subcontract from Tier 1 companies. Although Gap has blacklisted unauthorized contractors, this approach does not constructively address the violations faced by workers.

Within India, for instance, production processes are routinely contracted from large suppliers to subcontractors commonly known as fabricators. Subcontracting to fabricators is frequently associated with rights violations that remain largely undocumented and unaddressed.

This study also found that management in large supplier factories uses the threat of subcontracting to coerce workers into unfair working conditions. For instance, in 2016, researchers at the Society for Labour and Developments identified an Indian factory supplying garments to Gap that paid piece-rate workers only Rs. 1.20 per piece—lower than the prevailing rate of Rs. 1.50 per collar. When workers refused to work for a lower rate, they were threatened that the entire order would be given to a subcontractor.

2. Denial of freedom of association and collective bargaining

Denial of fundamental rights to freedom of association and collective bargaining forecloses an important pathway for redress for women workers. By preventing workers from responding collectively to violence and risk factors for violence, barriers to freedom of association and collective bargaining in Gap supplier factories

fosters a culture of impunity around violence. Women working in a Gap supplier factory in Cakung, North Jakarta described hiding their union affiliation to avoid retaliation:

We are members of a union, but we hide our identity as union members because we are afraid the company will intimidate us. We will wait until we are strong enough, until we get more members. Until then, if the company finds out, they will make it uncomfortable for us to work here.

The very structure of work in Gap supplier factories prevents freedom of association. Long working hours deny workers opportunity to engage with one another. High turnover rates as workers are hired and fired also undermine worker solidarity and collective action.

In a Gap supplier factory in Manesar, Gurgaon, India, workers are prevented from engaging with one another during breaks in the workday. Workers are also not allowed to leave factory premises—even during their tea and lunch breaks—and are required instead to eat at the canteen inside the unit. Prohibitions on leaving the factory for breaks during working hours, combined with extended working hours—at times up to 17 hours a day—functionally eclipses the potential for workers to exercise their fundamental rights to freedom of association and collective bargaining.

Workers and union organizers report that this Gap supplier factory in Manesar, which hires short term workers through one contractor, uses short-term contracts to undermine freedom of association. By hiring workers on short-term contracts, the contractor and the factory can

easily fire workers in retaliation for engaging in union activities.

Similarly, in Gap supplier factories in Indonesia, workers and union organizers explained that high turnover prevents workers from forming a union. Within these production units, very few workers hold continuous employment for more than a year. Workers report being terminated for a period of one month before being rehired. The constant threat of termination, trade union leaders explained, creates a significant barrier to organizing.

Women workers employed at an industrial laundry and coloring service for garment factories that supply to Gap and other brands, in Karawang, West Java, Indonesia reported that workers who joined a union or engaged in collective action had to contend with local paramilitaries hired by the factory:

The company works with local thugs to recruit and discipline the workers. A person has to pay some money from IDR 500,000-1,000,000 to the local thugs so they could work at the company. The thugs spread words that the workers should not join a union or event protest against the company. They should be thankful they could work at the company. Most of the workers are from local community, so the local thugs know where we live. They also know where our families live.

In Bangladesh, none of the women workers from Gap supplier factories who participated in research phase one, were union members. Women from one Gap supplier factory in Dhaka reported that the factory management pays some workers to report worker collective action:

They pay other workers to report any signs of complaint or protest. You can be reported for raising your voice on an issue, making contact with trade unions or workers organizations, or even speaking about workers' rights in the factory.

Union leaders in CATU, which have a union presence (but not Most Representative Status under the Law on Trade Unions which would give them the right to collectively bargain for better conditions and represent workers in collective labour disputes) in both Cambo Kotop and Cambo Handsome, reported that when they attempt to register their unions, their applications are rejected by the Ministry of Labour and Vocational Training for minor grammatical mistakes or spelling errors. Use of the Law on Trade Unions to reduce the influence and status of independent unions in the Cambodian garment sector impedes workers' ability to collectively bargain for better contracts.

Even in workplaces where workers do manage to form and register unions, across the Asian garment industry, trade union leadership is overwhelmingly male. Accordingly, trade union leaders may not adequately attend to gender based violence in the workplace.

Violations of freedom of association and collective bargaining, core labour rights protected under the Declaration on Fundamental Principles and Rights at Work, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

The ILO Declaration on Fundamental Principles and Rights at Work recognizes the right to organize as one of four fundamental rights to be upheld by ILO member states. Together, the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No.98) outline the right to join a trade union and the right to organize.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) calls upon states to prevent discrimination against trade unions; protect employers' and workers' organizations against mutual interference; and undertake measures to promote collective bargaining. The Right to Organize and Collective Bargaining Convention, 1949 (No. 98), protects workers who are exercising the right to organize; upholds the principle of non-interference between workers' and employers' organizations; and promotes voluntary collective bargaining. Freedom of association and collective bargaining are integral to the protection of other labour rights.

3. Ineffective grievance procedures

All respondents, including women workers from Bangladesh, Cambodia, and Indonesia, stated that there were no good ways for them to report cases of violence in their workplace. Even where there may be formal mechanisms in place, workers described these as ineffective.

For instance, Bangladeshi women workers employed in a Gap supplier in Dhaka described the complaint box in their factory as useless. One woman explained:

The factory has a complaint box and an appointed "Welfare Madame" to resolve

complaints from women workers. The Welfare Madams work for the Managers. They don't take our complaints seriously. The complaint box is useless.

Women workers in a Gap supplier factory in Cakung, North Jakarta also described factory grievance processes as ineffective:

If we have a complaint, we are told that the company provides a suggestion box. We don't know if they read the suggestion, but we know the problems are still there.

Women workers in Gap supplier factories in India reported that not only are grievance procedures ineffective, but use of grievance mechanisms can also lead to retaliation:

If workers raise their voices against any form of injustice or their rights, they are humiliated and immediately fired. Three months ago, we complained to Priya-madame, the Welfare Lady, about one supervisor-in-charge. He abused us. He used very bad words with women workers. We reported that he was targeting women workers with good reputations in the factory for working hard and working well. We gave one woman's name as an example. Priya-madame called a meeting with the manager, floor-in-charge, and the supervisor-in-charge. When the meeting ended and Priya-madame left, the woman worker we named was called and scolded by the floor in-charge and manager for complaining. She was asked to leave the job that very day, even though she had not even been the one to complain against the supervisor in-charge.

Absent freedom of association, workers who face retaliation for bringing grievances have little if

any recourse. None of the factories Gap supplier factories investigated by Asia Floor Wage Alliance had a mechanism for settling disputes and none of the workers interviewed could recall any strike or collective action that had taken place in the factory where they work.

4. Lack of independent monitoring

Workers and labour rights activists have voiced concerns about factory monitoring methods, coverage and transparency. For instance, Human Rights Watch revealed that in Cambodia, workers reported being coached by factory management and being unable to engage with brand representatives, external monitors, government officials or ILO Better Factory Cambodia (BFC) monitors. As one worker reported to Human Rights Watch:

Before ILO comes to check, the factory arranges everything. They reduce the quota for us so there are fewer pieces on our desks. ILO came in the afternoon and we all found out in the morning they were coming. They told us to take all the materials and hide it in the stock room. We are told not to tell them the factory makes us do overtime work for so long. They also tell us that is [we] say anything we will lose business.

Workers in Cambodia called for mechanisms to report violations of rights at work to BFC monitors of site without fear of surveillance or retaliation by management. Confirming this narrative, BFC experts reported to Human Rights Watch that their monitors were aware of factories coaching workers and that they attempted to mitigate the impact of coaching as much as possible. Labour rights activists reported that the efficacy of BFC is further undermined because factory inspection reports are made available to managers and

brands but not to workers or unions without prior factory authorization (Kashyap 2015).

Gap refuses to involve trade unions in independent monitoring. Gap was invited to engage with workers at the People's Tribunal on Living Wage as a fundamental right of Sri Lankan garment workers, held from March 17-28, 2011 in Colombo; Cambodian garment workers, held from February 5-8, 2012 in Phnom Penh, Cambodia; Indian garment workers, held from November 22-25, 2012 in Bangalore; and Indonesian garment workers, held from June 21-24, 2014 in Jakarta. Gap denied invitations to engage with workers at each of these tribunals, despite being notified of persistent rights violations in their supplier factories (Butler 2012; Barria 2014).

The experiences of gender based violence in Gap garment supply chains documented in this report are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in Gap supplier factories that leave women garment workers systematically exposed to violence.

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses risk factors for gender based violence, and provides accessible avenues for relief.

The recommendations that follow seek to inform emerging understanding of violence in the world of work, identify specific risk factors for violence in garment global production networks, and ensure a duty among multi-national corporations (MNCs) and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

RECOMMENDATIONS

1. Adopt an expansive definition of “worker” and “workplace” to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on Ending violence and harassment in the work of work, the term “worker” should cover persons in the formal and informal economy, including “(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants.”

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and harassment in the world of work should cover situations, including “(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies.”

1.4. The proposed situations should be expanded to include the following situations:

1.4.1. employer-provided housing;

1.4.2. recruitment sites, including day-labor recruitment sites;

1.4.3. home-based work; and

1.4.4. export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. As presented in the Proposed Conclusions of Report V(2), “victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public.”

1.6. The proposed definition of “victims and perpetrators” should be expanded to include the following roles:

1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.

1.6.2. Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party (“user enterprise”); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation, and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses, and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) “violence which is directed against a woman because she is a woman;” and (2) violence that

“affects women disproportionately” (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

5.1.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

5.1.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

5.1.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention 1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

6.2.1. Core labour standards for all categories of workers across value chains.

6.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

6.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

7.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

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7.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

8. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

8.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

8.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

By failing to require suppliers to undergo independent inspections under the 2013 Accord on Fire and Building Safety, Gap turns a blind eye to adverse human rights impacts directly linked to their products.



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