



Investigation Report on the Status of Workplace Harassment: Parvati Fashion

NOTE:

The report is an outcome of an investigation follow-up visit commissioned by Madness, for the purpose of gathering information and status on the nature of workplace harassment, based on the 2016 complaint received via Fair Wear Foundation helpline number and subsequent interventions undertaken. This report is a joint property of Madness, Parvati Fashion and Etico Consultancy, and can be shared only with the consent of these three parties.

Report By: **Dr. Rituparna Majumdar**
Principal Head, Etico Consultancy New Delhi

BACKGROUND:

Madness is a member affiliate of Fair Wear Foundation (FWF), a non-profit organisation that works with brands, factories, trade unions, NGOs and government to verify and improve workplace conditions for garment workers. As part of the FWF process, complaints procedure, via its regional helpline number, form an integral part of its verification system and brand performance checks.

On 16th September 2016, FWF regional representative received a complaint from two workers working in Parvati Fashion, a readymade garment manufacturing firm located in Noida, Uttar Pradesh. Parvati Fashion has been sourcing for Madness since 2011. It's a partnership company owned and managed by Mr. Naresh Bajaj and his father Mr. Mulk Raj Bajaj.

The worker complaints were received from two female workers (their names have not been mentioned keeping the confidentiality of the characters in mind, however the concerned organizations are aware of the details).

THE COMPLAINT: SEPTEMBER 2016

The worker complainant (Worker 1) claimed that she, along with her other female co-worker (Worker 2) and a male helper, were asked by a supervisor to go to a factory storage unit (located in a basement), which is a few blocks away from the main factory site. This happened on 7th September 2016 at 11AM. They worked until 1PM to sort some raw materials and then took a lunch break until 2PM. During this time, the male worker was called back in the factory and was asked to close the basement. The ladies were slightly concerned but continued to work. After lunch, one of the managers came to Worker 2 and tried to tweak her cheeks, touch her arms and motioned her to sit with him and see something on his phone. When she refused, he got angry and asked her to leave the premises, which she did. Meanwhile, Worker 1 remained in the basement. The second manager held her from the back and tried to molest her. During that time, Worker 2 returned because she was worried about her co-worker. They somehow managed to free themselves and run away from the storage unit.

After this incident, they called up their respective husbands who advised them to complain to the owner. Both went to their supervisor in the factory and narrated the whole incident. He asked them to not raise this issue with anyone, as they may lose job. The two workers then approached the HR person, who also threatened stating the same, saying if they go to the owner or the police, they shall never be allowed to work. They could not meet the owner since he was not present in the factory.

They stayed in the factory until 6PM on that day and continued to work in the thread cutting department as there was a bus provided by the factory at that time. Also, they were hoping for a chance to talk to the owner and did not want to get dismissed because they left work early. During the end of the day, they were being given the final payment for 7 days of work and asked to leave the employment permanently. No notice or retrenchment pay was given. They came home and shared the incident with their husbands and then decided to complain to FWF. During their complaint with FWF, the workers further added that the two managers have had sexual relationships with several other female workers of the factory in exchange for favours (like paid leave or casual leave) and tried to initiate such a relationship with them as well at that day.

FWF FOLLOW-UP AND INTERVENTION: SEPTEMBER 2016 – SEPTEMBER 2018

Madness was notified about the incident on 19th September, 2016, after a detailed investigation was conducted by FWF representatives. The complainants were interviewed outside the factory premise, and the management representatives and document review was conduct in the factory prior to 19th September. An overview of the interventions conducted by FWF / Madness is enunciated below.

- **16th September 2016:** FWF receives complaint from two female workers on workplace harassment against two HR officials of Parvati Fashion.
- **18th September 2016:** FWF local representatives visited the factory to investigate. A personal meeting with female workers, outside the factory premise, was arranged.
- **20th September 2016:** FWF local representatives visited the factory to interview the factory management, including HR, supervisors, accused individuals. A document check was conducted as well. Several phone calls with the two women were done to cross-check information. It was not possible to interview the male worker, who accompanied the women to the storage unit, as he had returned to his village and left the factory (according to management). It could however not be determined, if he was asked to leave.
- **September 2016 onwards:** FWF has been engaging with its local partner MARG to receive guidance on workplace harassment from a legal perspective, and to share this information with Madness and Parvati Fashion.
- **October 2016 onwards:** Parvati Fashion approached FWF for recommendation for an external expert / consultant who could guide the factory on social compliance standards. The external consultant was hired to help them establish internal systems and procedures (on all code elements, with focus on harassment).
- **March 2017:** The same consultant was later commissioned by Madness to ensure continuous engagement with the factory to ensure that the compliance standards are implementation. The external expert Ms. Padmaja Pai is the Director of Link Ethical Trade Consulting. The expert consultant has been working in the field of labour rights and ethical trading since the past 25 years and has multiple industry experience on worker rights issues.
- **2017-2018:** Ms. Yogita Bajaj (wife of owner Mr. Naresh Bajaj) was appointed to join the regular functioning of the factory activities. She regularly engages in worker-management dialogue and follows-up on issues concerning harassment, health, safety and documentation.
- **20th May, 2017:** The management instituted a WWC (Worker Welfare Committee) which combines grievance handling committee (a legal requirement under Industrial Dispute Act) and internal complaints committee (a legal requirement under Sexual Harassment of Women at Workplace Act). The WWC substitutes as ICC. The management explained that it is done because the factory is small with limited workers and therefore they have combined the two committees. The committee was formed on 5th April 2017. The committee, when constituted was not functional and would not be monitored by management. Now,
 - The committee has a total of 6 representatives – 5 male members and 1 female member.
 - There is also a factory helpline number (of external consultant Ms. Pai), which workers are expected to call, in case they face issues concerning harassment.
 - The management has also informed workers about FWF helpline and government national helpline number 1091 (Government of India initiative, a helpline for action against workplace harassment).
- **27th / 28th September, 2018:** Fair Wear Foundation, under their 'Workplace Education Programme' conducted training on workplace harassment and grievance handling with management staff and workers.
 - A total of 18 workers, which included all 6 women workers and 12 male workers, participated in the training programme. The workers who attended the training are still part of the active workforce.
 - A total of 7 managerial staff participated in the training which included 2 management representatives and 5 supervisors.
- **Every quarter, COC training:**
 - Separate training on code of conduct training is conducted, every three months, by an external trainer. The training which encompasses code standard training also contains information dissemination on workplace harassment and grievance handling.

- The last COC training was conducted on 16th July, 2018. Although the WEP was conducted in September 2018, the factory shall continue to impart the COC training as scheduled. The next training is scheduled for October 2018.
- According to the management, code of conduct training is imparted to all workers once every three months. The last training was conducted in July 2018, while the next one is scheduled for October 2018.
- Separate meeting with WWC (Worker Welfare Committee) is conducted only with the member representatives, with emphasis on code standards, workplace harassment and grievance handling.
- **6th October 2018:** A meeting was conducted on the day of the follow-up visit with committee members, to showcase the modus operandi of the committee meetings and strengthening worker-management dialogue.

CASE CLOSURE - FINAL FOLLOW-UP INVESTIGATION BY THIRD PARTY INVESTIGATOR HIRED BY MADNESS: OCTOBER 2018

Madness hired an external independent agency Etico Consultancy, a knowledge organization, based in New Delhi, working in the field of decent work and social compliance standards in trading industries since 2011, to conduct the visit. The visit was conducted on 6th October 2018 (one-day visit). The agenda of the meeting was to review factory policies and procedures concerning workplace harassment, conduct interviews with management staff, workers, accused individuals (based on the complaint received) and provide the status of the workplace harassment to the FWF affiliate.

This report is the outcome of the factory visit and provides information gathered during October 2018.

MANAGEMENT INTERVIEW	<ul style="list-style-type: none"> ▪ There is now a general understanding and sensitisation among management representatives about what constitutes workplace harassment, the legal requirements and implications and what steps would they have to undertake, if faced with another complaint in future. They shared the following process: <ul style="list-style-type: none"> ○ They shall call the committee members and discuss the case. ○ They shall involve the expertise of external consultant. ○ They shall then call the complainant / victim and gather all relevant details. ○ They shall also talk to witnesses, if available. Once they gather the background information, they shall then talk to the accused / culprit to corroborate the information. ○ They shall also simultaneously check previous record of the accused, to oversee any previous complaints being raised. This exercise is to check if the accused is a repeated offender.
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	<ul style="list-style-type: none"> ○ The management aims to address the issue within 30 days (although the law provides them more time). ○ In addition, the management shall also check CCTVs which has now been installed at every major location of the factory. This initiative has been undertaken after the sexual harassment complaint raised with FWF. ▪ The FWF complaint led to the reviving of committee in the factory, which talks about issues concerning harassment and other working conditions. ▪ Regular meetings are conducted with the committee members and there is constant hammering of information on workplace harassment ▪ Now workers are open to share issues concerning working conditions, however no issues of workplace harassment have been brought up
<p>WORKER INTERVIEWS</p> <p>[Total workers present = 40 Female workers present = 6 Interviewed (female) = 6 Male workers present = 34 Interviewed (male) = 5]</p>	<ul style="list-style-type: none"> ▪ Workers did not raise any concern on workplace harassment. ▪ Workers believe that post the sexual harassment complaint, which came to light few years ago (with reference to the complaint raised with FWF), multiple changes have taken place in the factory <ul style="list-style-type: none"> ○ There is some activity on workplace harassment every two months in the factory. ○ There is awareness among workers that if there is any discomfort owing to their working relationship with male colleague, they shall first report the matter with Ms. Yogita Bajaj (management). In case she is unavailable, she shall call the external consultant Ms. Padmaja Pai. ○ There is an addition of women employee in top management (reference to Ms. Yogita Bajaj) which makes the workers feel safe. As they believe that their concerns shall be heard. ▪ The women workers were also aware about the FWF complaints handler number (shared by FWF auditors during the last audit). It has been also posted on the notice board. The women workers were also aware about 24-hour national helpline number 1091. ▪ Most workers, especially women workers stated that they feel confident to address issues concerning workplace harassment with management now. ▪ There is a greater sense of self-control and co-worker discipline now. Women workers believe that they now

	<p>have the confidence to discipline male workers, if they feel insecure from their gesture or body language.</p> <ul style="list-style-type: none"> ▪ Earlier, they would look lower in the ground and not make eye contact with male colleagues or males at public places. But now they make eye contact with male colleagues and that gives them a sense of confidence. ▪ There is still no clarity of what actions are to be taken by the committee if the top management is the harasser / accused. ▪ Male workers who are part of the committee are aware about the workplace harassment issue, what it constitutes and what they must do to address it / control it at workplace. Non-committee workers had less awareness about what workplace harassment constitutes. Male workers relate sexual harassment to rapes only. ▪ There was less awareness about the roles and responsibilities about these committees among male members. ▪ Male workers do not share the information learnt from the workplace with the family members.
POLICY AND PROCEDURE	<ul style="list-style-type: none"> ▪ Policy on workplace harassment (in English) has been developed by management (formulated on 5th April, 2017). There is no policy established in Hindi, which can be understood by majority of the workers. ▪ Training records are now maintained, however there are some recommendations suggested. ▪ Record of the committee proceedings are maintained, however there are some recommendations suggested.

WORKER VOICES

Some interesting conversation points made by women workers during the interview.

Today I have a happy and safe workplace and it leads to more economic freedom at home. The learning from the factory is something I share with my daughters-in-law, so they too can have a safe workplace. Safe workplace means my daughters-in-law can go out and work and earn money and be independent. I earn INR 10,000 a month, and so does my daughters-in-law. Which means, we women contribute INR 30,000 in our family income, which does not make us poor anymore – Female worker

Earlier we had plenty of comments from our male co-workers which were subtle and therefore we never reported them. But now it has stopped. Because men workers have realised that if they say something insensitive, we women workers shall raise complaints with the management immediately – Female worker

First of all, the complaint which was raised two years ago, did not happen in this premise but in a different location, so we don't know whose fault was that. When it is harassment, a woman worker is equally responsible as is a male worker. I am not saying who is wrong or right, but we have had so many interventions post that incident, that everyone is suddenly very cautious about what is spoken in the factory premise. Every two months, there is some discussion on harassment, there are external visits from Madam (reference to Ms. Pai), or auditors or people like you. No one dare say us anything now. And if they do, we shall fight our rights. We are confident now – Female worker

I have now new-found confidence about addressing issues on harassment, which I didn't have before. Of course, with so many interventions in the factory, in the past 2 years, we have seen the changes and we believe that management is extra cautious about maintaining safe working condition. I now like my factory. I want to contribute more, since my management takes so much care for us – Female worker

I don't feel any pressure of fear to talk to women, but I do understand that it is important to respect them and also respect others. I like being part of the committee as it makes me feel good that I am in-charge of something, in this factory. My kids are small and therefore I don't share anything about harassment with them yet, but when they grow up, I will. I do share the learnings with my wife sometimes and how she should behave when we travel in public transport. She must be careful and also attentive to her surroundings – Male worker

RECOMMENDATIONS

- There is a need to translate the policy on workplace harassment in local language for the workers' knowledge.
- There is a need for more consistency with the policy and the committee (WWC/ICC) in practice. The policy states that the member constitutes shall be 4 females and 2 males, however in practice there are 6 female members and 3 male members.
- There is a need to rectify few points under the policy (which the management has already been informed about) and that needs to be consistent with the actual practice of the factory.
- The policy and procedures, in English and Hindi, must be posted on the notice board. All workers must be informed about the policy and procedure.
- There is a need to maintain more information on training and committee documents. For example, there is a need to mention details of management / worker / supervisor profile in the file (who attended training on WEP).
- There is a need to maintain details pertaining to content of the training session conducted with the management (under WEP / committee meetings) and also with workers. There is a need to outline the training outcomes.
- The feedback of the workers should be taken and maintained in the file. Management does not undertake any evaluation nor gathers any feedback from workers, to help understand if the workers or supervisors have understood the contents of the training.
- There is a need of consistency in maintaining the 'worker welfare committee' (WWC). Law requires the establishment of two separate committees – grievance committee and internal complaints committee. The roles and responsibilities of the two committees are different and it is therefore recommended that two separate committees are formed. Although the justification provided by management could be considered acceptable (the workforce is smaller) but there is always an argument from the legal perspective. And this could be raised during audit process as well.
- There is a need of further consistency in maintaining documents – some documents states WWC while some documents state ICC. While in practice, management states that WWC and ICC are merged, but there is lack of consistency on policy, practice and procedure.
- On one of the documents reviewed, it was observed that there is only 1 female member in WWC whereas there must be a 50% representation of women (if that is treated as ICC). To avoid all the confusion related to the committees, it is recommended that 2 separate committees are established. And the member constituents are formed as per the legal requirement.
- Women workers have a fair knowledge about workplace harassment and steps to address it. However, there is a need to explain the women workers of the system, when the top management could be the harasser / accused.
- It is recommended that the management also addresses gender stereotyping with both male and female workers, during trainings. Although addressing gender stereotyping (for example, when few women workers stated "women consume tobacco and therefore they invite harassment, or if a woman doesn't behave a certain way, she would be harassed by men" is not management responsibility at all times since most of the stereotyping also comes from nurturing, family and society. Therefore, it is just a recommendation that if they can help address gender stereotyping during committee

meetings, it could help address more gender biases. And this factory could also pose as a model factory for other FWF factories.

- It is recommended that more training attention is now also diverted to non-committee male workers of the factory. There is a need to address their gender stereotypes, more emphasis on workplace harassment (and that it is not just about rape), sense of denial and policies and procedures.

CONCLUSION

Based on the interviews conducted with management and workers, it can be concluded that there has been a major improvement in the awareness among management and women workers about issues concerning workplace harassment. There is more confidence to address the issue and handle if any cases are brought up. However, there is a need to shift the focus to male workers, who still lack a complete understanding of the issue and its legal requirements. In addition to that, there is a need to make consistent documentation and include more information in document for the purpose of audit and assessment.

It can also be concluded that there is no workplace harassment reported by workers in the factory, post the complaint raised by workers in 2016. There is no evidence to suggest that any worker has been subjected to harassment or asked for sexual favours in exchange for any promises made. There is a general assurance among women workers that if faced with any issues in future, they are confident to address it a, along with the support from the management.
