



DINDIGUL AGREEMENT

YEAR 1 PROGRESS REPORT

2023

Dindigul Agreement: Year 1 Progress Report

ABOUT THE AUTHORS



Asia Floor Wage Alliance (AFWA) is an Asian labor-led global alliance of labor and social movement organizations for addressing poverty-level wages, gender discrimination, and freedom of association in global garment production networks.



Tamil Nadu Textile and Common Labour Union (TTCU) is an independent, Dalit women-led trade union of textile workers organizing to end GBVH, wage theft, and caste-based violence in garment factories.



Global Labor Justice-International Labor Rights Forum (GLJ-ILRF) is a non-governmental organization that works transnationally to advance policies and laws that protect decent work; to strengthen freedom of association and workers' ability to advocate for their rights; and to hold corporations accountable for labor rights violations in their supply chains.

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The Dindigul Agreement Oversight Committee chair Krishanti Dharmaraj and Oversight Committee members reviewed the findings.

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- Anannya Bhattacharjee, Asia Floor Wage Alliance
- Jennifer (JJ) Rosenbaum, Global Labor Justice-International Labor Rights Forum
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Foreword

Jeeva M, General Secretary, TTCU

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It is with great pride that we mark the successful completion of one year of implementation of the Dindigul Agreement to Eliminate Gender-based Violence and Harassment (GBVH) – a milestone for the Asian garment labor movement. The remarkable progress that has been made in the space of one year is truly impressive and stands as a shining example of what can be accomplished when initiatives center true empowerment of women workers and strategically counteract power imbalances in the factory.

Several important impacts are expanded on in this report and readers are encouraged to read these pages attentively to extract the intended lessons. However, there is a larger story being told that is not written in these pages. This is a story exemplary of how a collective of women workers united and steadfast in their shared purpose, with courage to challenge the status quo, and unwavering determination can rewrite history. Indeed, it was one local independent majority-Dalit trade union led by women, in a rural district in Southern India, who along with sister allies in India and across the globe, managed to hold some of the biggest global fashion brands accountable for gender and caste-based violence. In doing so, they have managed to radically alter their work environment, with the potential to catalyze a shift in the industry as we expand the Agreement to other parts of Tamil Nadu and beyond.

This report also comes after more than two years since we lost 21-year-old Jeyasre Kathiravel to a heinous act of violence at the hands of her supervisor. If not for the culture of fear, routine repression, and impunity of perpetrators in an industry fraught with systemic violence, the loss of our sister could have been prevented. It is with this solemn truth in mind that we reflect not only on the struggles, but also on the triumphs that have brought us to this point in our collective history.

Let us not wait for another tragedy to strike a sister. We are now keenly aware of the immense good that emerges when intention and unwavering commitment converge. For the women who fought and won the Dindigul Agreement, it was the greatest fight. Let it be a catalyst, propelling us toward even greater heights in India and across Asia.

Executive Summary

This report, released one year after the signing of the historic Dindigul Agreement to Eliminate GBVH, documents the major impacts of this unique and precedent-setting multi-party collaboration across the garment supply chain.

Labor stakeholders, Eastman Exports, and global brands committed to joint accountability to end gender and caste-based violence and harassment at Eastman Exports factories in Dindigul, Tamil Nadu, India, in April 2022.

Labor stakeholders are the Indian women- and Dalit-worker-led Tamil Nadu Textile and Common Labour Union (TTCU), the Asia Floor Wage Alliance (AFWA), and Global Labor Justice-International Labor Rights Forum (GLJ-ILRF). Eastman Exports Pvt Ltd, the Indian garment supplier, along with the global fashion brands Gap Inc., H&M, and PVH Corp., are the other stakeholders in the Agreement.

After one year, the positive impacts for women workers in Eastman Exports, Dindigul, have surpassed even the bold predictions by the committed parties in meaningful and measurable ways, as the documentation shows.

Building on internationally recognized concepts of freedom of association (FOA) and prohibitions on discrimination based on caste and migration status, the Dindigul Agreement relies on national and international labor standards and best practices, including International Labour Organization (ILO) Convention No. 190 (Violence and Harassment Convention), Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention) and Convention No. 98 (The Right to Organise and Collective Bargaining Convention); the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector; the national law of India, strengthening workplace committees required by the 2013 Prevention of Sexual Harassment (POSH) Act; the UN Guiding Principles on Business and Human Rights; and best practices from the AFWA's "Safe Circle Approach to Prevent GBVH."

The rigorous union and worker-led processes in the Agreement, combined with the strong incentives and consequences for supplier participation and cooperation, make the Dindigul Agreement a model for investors, brands, and suppliers committed to preventing gender-based violence and promoting the agency and empowerment of women garment workers. It also demonstrates best practices in a regulatory environment shifting towards serious mandatory human rights due diligence and import bans on goods made where forced labor practices are present.

The effectiveness of the Dindigul Agreement to remediate GBVH and other workplace issues and the positive impacts these processes are having on the business all suggest that the Dindigul Agreement is a model that should be expanded and replicated.

The Dindigul Agreement and its Extraordinary Impact after One Year

The Dindigul Agreement is a set of interlocking enforceable supply chain agreements including the following signatories:

Fashion Brand Buyers

- H&M Group (H&M) (owns H&M, COS, Arket, Monki, & Other Stories)
- Gap Inc.
- PVH Corp. (including Calvin Klein and Tommy Hilfiger)

US and Asia regional allies

- Asia Floor Wage Alliance (AFWA) and
- Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)

Union

- Tamil Nadu Textile and Common Labour Union (TTCU)

Supplier

- Eastman Exports Global Clothing Pvt. Ltd. (Eastman Exports)

The Dindigul Agreement has successfully transformed workplace culture by creating roles for brands, the supplier, and the union including the innovative “Safe Circle Approach” developed by AFWA; the development of the worker-led shop floor monitoring (SFM) system which uses a problem-solving model based on how work is structured; a shared stakeholder commitment to protections against caste- and migration status-based discrimination and retaliation; an independent grievance mechanism with business consequences; transparency and industry learning; and the inclusion of freedom of association (FOA) and the right to form and join unions. Reports from workers and data included in this report show that the Dindigul Agreement changed conditions where due diligence alone and other efforts led solely by fashion brands and suppliers fell short. The Dindigul Agreement’s impact includes better jobs that promote equity and democratic workplace culture; prevention of rights violations; joint problem solving; meaningful remediation as defined by women workers; and appropriate roles for unions, suppliers, and fashion brands.

Key Findings

Time period: April - December 2022

98%

182 of 185 total grievances resolved

100%

23 of 23 GBVH grievances resolved,
22 of which were raised to TTCU

96%

177 of 185 grievances raised by women

88%

163 cases resolved within a week and
178 (96%) resolved within two weeks

Over 2,000 workers and management trained, including senior management, support staff and contract bus drivers, and 58 worker shop floor monitors undergoing additional training

Over 30 union-management meetings to resolve grievances held at the worksite

Reduced fear of retaliation for reporting grievances and increased management accountability for GBVH, including caste-based discrimination

“I was one of the first women who used the grievance redressal mechanism of the Dindigul Agreement to report gender-based violence; and I did that because I believed, for the first time in my life, I might receive justice.”

- Amalajyothi, garment worker

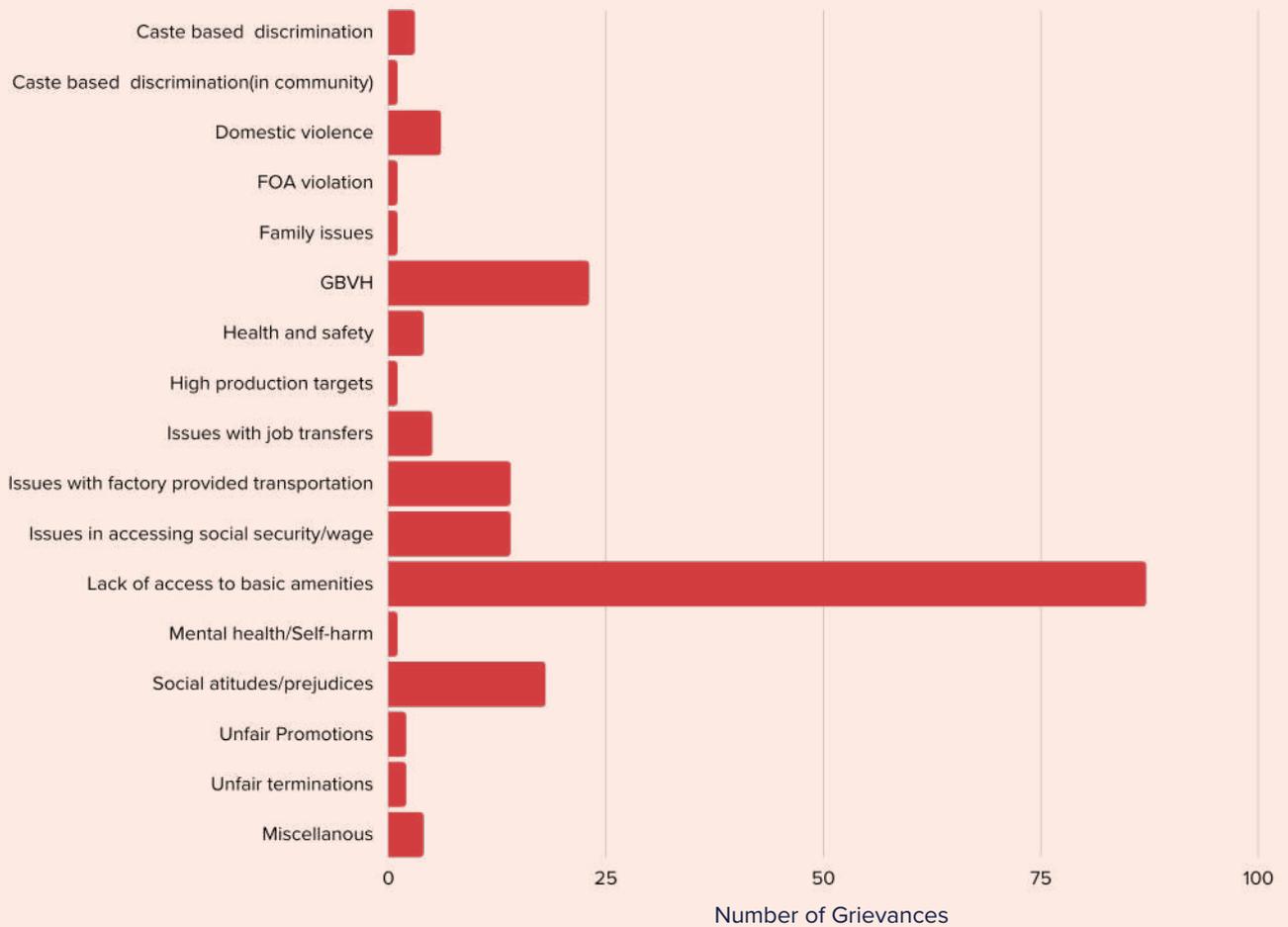
“From the woman who was scared to look at the face of my manager, I have today become unafraid to look into the manager’s eyes boldly and speak about our issues.”

— Nadiya, shop floor monitor

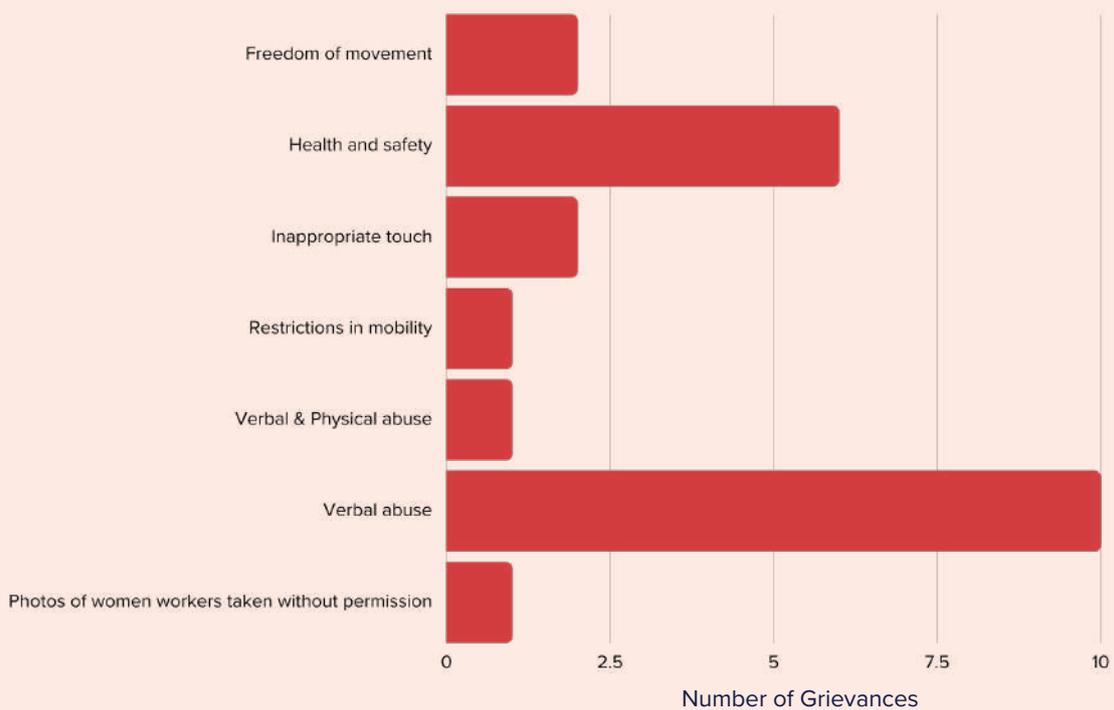
Data Highlights

Time period: April - December 2022

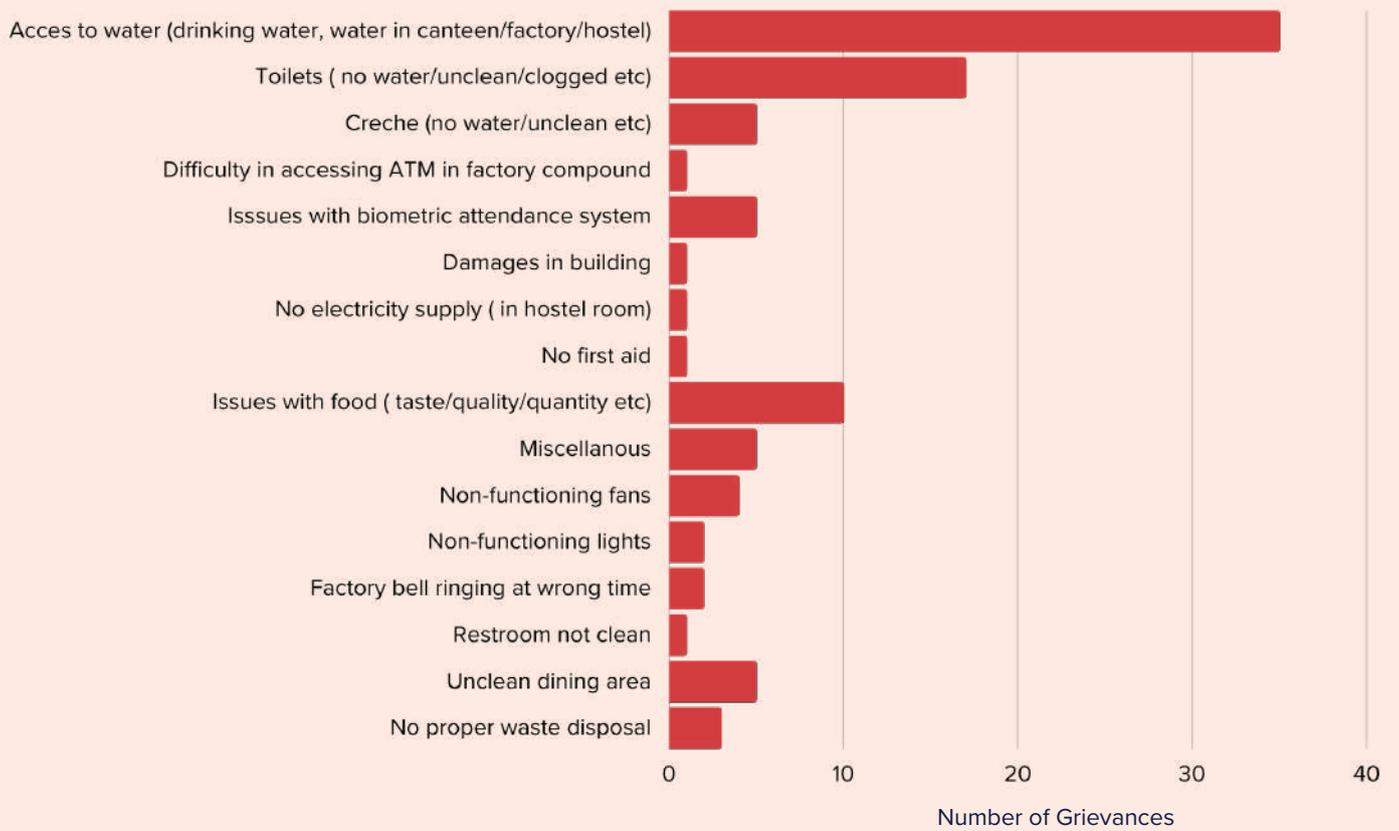
Types of grievances received



Types of GBVH-related grievances



Issues in accessing basic amenities



Grievances per month



The U.S. Government recognized that the Dindigul Agreement strengthened supply chain accountability and provided meaningful remediation from forced labor Indicators

In September 2022, the U.S. Customs and Border Protection (CBP) removed the Natchi Apparel garment factory, owned by Eastman Exports, from its list of manufacturers banned from importing goods into the U.S. for evidence showing forced labor indicators. In lifting the ban, CBP acknowledged that the Dindigul Agreement provided full remediation of forced labor indicators as defined by the International Labour Organization (ILO).

Enforceable brand agreements including independent unions significantly reduce the risk of and may provide a “safe harbor” from import bans based on forced labor because they meaningfully prevent forced labor and advance FOA. Likewise, they also help companies meet the emerging environmental, social, and governance (ESG) criteria for businesses, in both garment production and consumer countries. The Dindigul Agreement and similar supply chain agreements are also increasingly being seen as a strong risk mitigation measure by investors both in multilateral development banks and private capital markets.



“This modification not only reflects the critical role of CBP, but it is also a testament to the important advancements made by trade unions, worker rights organizations, and workers themselves who are bravely organizing to improve their working conditions.”

– U.S. Secretary of Homeland Security Alejandro N. Mayorkas



Information on FOA & rights of workers' to access trade unions being put on the notice board of Eastman Exports by TTCU representatives in late 2022.

01

Introduction

“After the Dindigul Agreement came into being, the sense of dread and fear – which I used to have before I left for the factory every day morning – is no longer there.

I feel lighter in my mind and I feel like I want to work for this company.

I look forward to work – which is something I have not felt in my 5 years in this industry.”

— Malar, a woman worker in the cutting department of Eastman Exports (Dindigul) garment unit

In April 2022, the Indian women- and Dalit-worker-led Tamil Nadu Textile and Common Labour Union (TTCU) signed a historic agreement with clothing and textile manufacturer Eastman Exports to end gender-based violence and harassment (GBVH) at Eastman factories in Dindigul, in the southern state of Tamil Nadu in India.

At the same time, TTCU, Asia Floor Wage Alliance (AFWA), and Global Labor Justice-International Labor Rights Forum (GLJ-ILRF), also signed a legally binding agreement,¹ subject to arbitration, with multinational fashion company H&M, that acknowledges the role of all actors in the supply chain to work together to eradicate GBVH.

US companies Gap Inc.² and PVH Corp.,³ which did not source from the Dindigul factories covered under the Agreement, but which have a business relationship with Eastman Exports also signed similar agreements later in 2022.

The Agreements with brand signatories require the brands to support and enforce the TTCU-Eastman Exports agreement. Under the terms of that Agreement, if Eastman Exports violates its commitments, brand signatories are obligated to impose business consequences on Eastman Exports until Eastman comes into compliance.

These interlocking contracts are known together as the **The Dindigul Agreement to End Gender-Based Violence and Harassment** - an “enforceable brand agreement” (EBA) in which multinational companies legally commit to labor and allies to use their supply chain relationships to support a worker- or union-led program at certain factories or worksites.

The Dindigul Agreement is the first EBA in India, where clothing manufacturing is the second largest employer for women after agriculture. The Agreement is also the first EBA in Asia, with a specific focus on addressing gender and caste discrimination and violence.

The Dindigul Agreement includes the following signatories:

- **Union — Tamil Nadu Textile and Common Labour Union (TTCU)**
- **Supplier — Eastman Exports Global Clothing Pvt. Ltd. (Eastman Exports)**
- **Fashion brands — H&M Group (H&M, which owns H&M, COS, Arket, Monki, & Other Stories), Gap Inc., and PVH Corp. (including Calvin Klein and Tommy Hilfiger)**
- **Regional and US allies — Asia Floor Wage Alliance (AFWA) and Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)**

I. Scope of the Agreement

The Dindigul Agreement covers all workers at Eastman’s Exports’ facility in Dindigul, which has a capacity of over 5,000 workers. Most workers at these units are women and are caste-oppressed. The majority are Dalit, born into the lowest rung of India’s caste system and subject to severe discrimination. They are mostly young women, generally aged between 18 and 25 years. A significant proportion of the workers are migrants from neighboring states who live in management-owned dormitories and do not speak the local language.

The duration of the Dindigul Agreement is three years with the possibility of renewal.

Units Covered by the Agreement at Eastman Exports’ Dindigul Facility



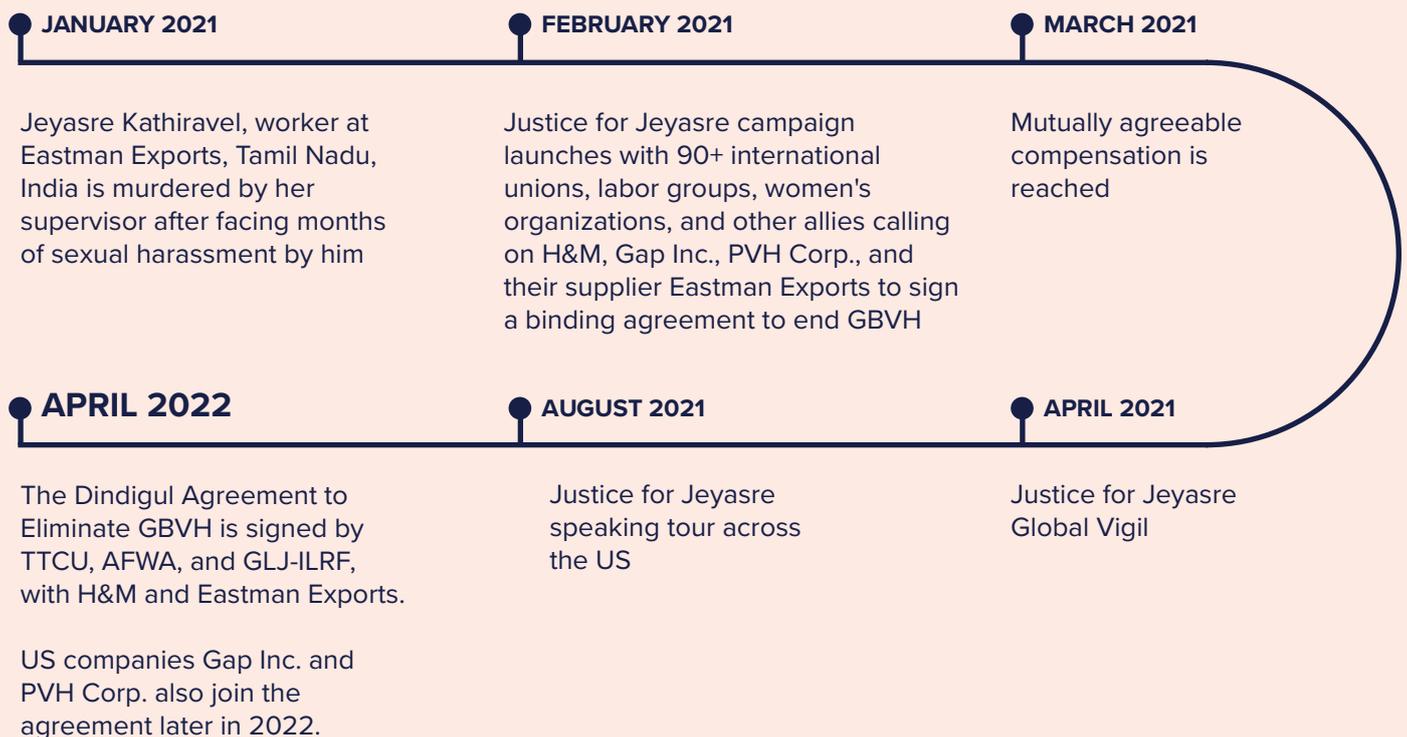
The Dindigul Agreement relies on national and international labor standards and best practices, including International Labour Organization Convention 190 (Violence and Harassment Convention), Convention 87 (Freedom of Association and Protection of the Right to Organize Convention) and Convention 98 (The Right to Organize and Collective Bargaining Convention); the OECD Guidelines for Multinational Enterprises and the OECD’s garment and footwear sector guidance; the national law of India (strengthening workplace committees required by the 2013 POSH Act (Prevention of Sexual Harassment)); and best practices included in the AFWA Safe Circle Approach.⁴

II. Background to the Dindigul Agreement

The Dindigul Agreement is a result of the Justice for Jeyasre campaign organized by TTCU, AFWA, and GLJ-ILRF in 2021. Jeyasre Kathiravel, a 21-year-old Dalit garment worker at Eastman Exports’ Dindigul facility, was murdered by her supervisor from the factory in January 2021. The Justice for Jeyasre campaign organized multiple campaign actions, including a Global Vigil attended by more than 1,000 people from 33 countries as well as a Justice for Jeyasre speaking tour across the U.S., covering more than 10 cities, to build global solidarity for the binding agreement to address GBVH at Eastman Exports’ Dindigul facility.

Labor and brand stakeholders jointly requested the Worker Rights Consortium (WRC) to conduct an investigation on GBVH at the factory in March 2021. Their investigation⁵ found that there was an environment of pervasive GBVH in the factory, exacerbated by other coercive and abusive practices. In view of these violations, the WRC also recommended the creation of a comprehensive, worker-led program of action, via binding agreements among Eastman, fashion brands, and worker representatives.

As a result of all these efforts, Jeyasre’s parents received a mutually agreed-upon compensation, and the Dindigul Agreement to Eliminate GBVH was signed by Eastman Exports and H&M with the labor stakeholders in April 2022. Similar agreements were signed later in the year with Gap Inc. and PVH Corp.



III. Outline of Report

Implementation of the Dindigul Agreement began immediately after its signing a year ago. This report, developed by the labor stakeholders of the Agreement, describes the key outcomes from the first year of the implementation of the Agreement. The second chapter provides an overview of the Agreement and elaborates upon the key principles driving the Agreement and its components. The third chapter describes the implementation of the anti-GBVH program of the Agreement and the impact of the Agreement on women's empowerment, worker well-being, and business. The fourth chapter provides concluding remarks and the way forward, based on the experiences of implementation in Year 1.



Workers in Eastman Exports garment facility.

02

***Guiding Principles
and Components of the
Dindigul Agreement***

The Dindigul Agreement is rebalancing power in the supply chain and in the workplace. TTCU's Agreement with garment and textile manufacturer Eastman Exports creates a framework for women workers – accompanied and supported by TTCU – to exercise a collective voice and build the leadership needed to identify, report, remediate, and prevent GBVH in their workplace and beyond. The fashion companies' agreements, also called brand agreements, fortify workers' collective power as well as monitor and enforce the terms of TTCU's agreement with Eastman, creating an effective and efficient system that drives GBVH prevention through true empowerment and incentivization of good faith cooperation from all levels of management – a pathway for ending impunity and creating accountability for GBVH at work.

The Dindigul Agreement is based on years of work led by AFWA to identify and propose worker-led solutions for GBVH in garment and textile manufacturing throughout South and Southeast Asia. Reflecting the experience of AFWA and its member unions, the Agreement expresses and is built on certain principles. These principles are informed by evidence-based research on the problem and barriers to reporting and remediation. The components of the Dindigul Agreement assign appropriate roles and actions to supply chain actors to give life to the principles, with the various structures and processes mutually reinforcing each other. This chapter summarizes these key guiding principles and the corresponding components in the Agreement and refers to how they are actualized in the implementation described in chapter 3.

These guiding principles are grouped by category below:

- I. A strategic understanding of GBVH
- II. GBVH remediation together with freedom of association (FOA) as essential for mature industrial relations (IR)
- III. Bottom-up, multi-tier, and survivor-led GBVH remediation
- IV. The capacity of suppliers to positively transform
- V. Proper brand incentivization
- VI. Workplaces as sites for social change

As the table on the next page shows, these principles are realized in the full text of the Agreement between TTCU and Eastman Exports, which is available in Annex 1.



Mapping the Principles and Components of the Agreement

Principles Guiding the Agreement	Components/Elements in the Agreement
I. Strategic Understanding of GBVH	
A. Intersectionality of GBVH	<ul style="list-style-type: none"> • Expressed as shared principles between TTCU, Eastman, brands, AFWA, and GLJ-ILRF in each agreement • In definition of GBVH • In typology of violations & remedies
B. AFWA GBVH Escalation Ladder Approach key to effective GBVH remediation	<ul style="list-style-type: none"> • In typology of violations • States the importance of addressing GBVH in all rungs of the ladder
II. GBVH Remediation & FOA are Central to Mature Industrial Relations	
A. FOA as essential to GBVH remediation	<ul style="list-style-type: none"> • Expressed as shared principles between TTCU, Eastman, Brands, AFWA, and GLJ-ILRF in each agreement • Statement of cooperation and refraining from acts of retaliation, discrimination, or interference • Joint union-management public ceremony announcing TTCU-Eastman Agreement at all floors of all workplace facilities to all workers and management • In definition of GBVH • In typology of violations & remedies
B. GBVH remediation with FOA is central to mature IR	<ul style="list-style-type: none"> • Emphasis on meaningful cooperation between union and management for all activities • Regular remediation meetings between union and management, including worker Shop Floor Monitors, as needed
III. Multi-tier Survivor-led Grievance Reporting & Remediation	
A. Bottom-up, survivor-centered approach for all workers	<ul style="list-style-type: none"> • Shop Floor Monitor (SFM) system for grievance reporting and supporting of remediation • In definition of GBVH • In defining the purpose of remedies • In typology of violations & remedies

<p>B. Incentivize timely reporting of grievances and prevent suppression of grievances</p>	<ul style="list-style-type: none"> • SFM system for grievance reporting and supporting of remediation • Regular remediation meetings between union and management for timely detention and redressal • Provision for SFMs to attend union-management meetings as needed
<p>C. Multi-tier reporting & remediation system commensurate with the GBVH Escalation Ladder Approach</p>	<ul style="list-style-type: none"> • SFM system for grievance reporting and supporting of remediation • Union-management dialogue • Internal Committee (IC) • Assessors' independent investigation
<p>D. An independent monitoring & remediation support system</p>	<ul style="list-style-type: none"> • Internal Committee (IC) • Assessors' independent investigation • Oversight Committee with brands, labor, supplier, and independent expert chair

IV. Suppliers' Transformative Capacity

<p>A. Building local capacity and facilitating sustainable organizational transformation</p>	<ul style="list-style-type: none"> • Regular trainings on multiple relevant topics for all workers, supervisors, and managers, including diverse contractors and service providers as well as the Internal Complaints Committee members • Regular remediation meetings between union and management, including SFMs as needed • Redressal of grievances by union and management prior to escalation • Shared principles on developing a culture of mutual respect and institutionalized acceptance of this Agreement and the Program at Eastman Exports • Joint union-management public ceremony announcing TTCU-Eastman Agreement at all floors of all workplace facilities to all workers and management
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V. Business Leverage

A. Brands must use their business leverage to create violence-free workplaces

- TTCU-Eastman Agreement backed and reinforced by Brand-Labor Stakeholders Agreement
- Explicit commitment in brand agreements of brands using financial incentives and commercial leverage with supplier to facilitate cooperation
- Oversight Committee with brand representatives
- Consistent with best practices in human rights due diligence

VI. Positive Impact on Business & Society

A. Connection between respect for human and labor rights and business conduct in supply chain

- Joint commitment of union and supplier to further business outcomes that has a positive impact on continuous employment of workers
- Expressed as shared principles between TTCU, Eastman, Brands, AFWA, and GLJ-ILRF in each agreement
- Brands commit to take into account Eastman's compliance with brand agreements in deciding order levels from Eastman.

B. Workplace must be an instrument for social change

- Intersectionality and FOA expressed as shared principles between TTCU, Eastman, Brands, AFWA, and GLJ-ILRF in each agreement
- Intersectionality and FOA in definition of GBVH
- In defining the purpose of remedies
- SFM system for grievance reporting and supporting of remediation



I. Strategic understanding of GBVH

Gender-based violence and harassment in the world of work is complex and expansive in nature. Conceptual frameworks, including intersectionality and AFWA's GBVH Escalation Ladder, are strategically applied to account for the intersecting risk factors and behaviors that lead to more severe forms and institutionalized practices of GBVH.

A. Intersectionality of GBVH

GBVH risk factors are heightened when gender intersects with other dimensions of social inequality and identity-based discrimination. As a consequence, caste-oppressed and migrant women workers are at greater risk of experiencing GBVH and need additional legal protections

Addressing intersectional forms of social discrimination as connected to GBVH is expressed as a shared principle among the parties in both agreements.

Due to the intersectional nature of GBVH, the definition of GBVH in the Dindigul Agreement goes beyond one-dimensional legally defined parameters. Addressing intersectional forms of social discrimination as connected to GBVH is also expressed as a shared principle among the parties in both agreements. The typology of violations and remedies identifies the risks and appropriate corrective action relating to different social and political identities.

The systemic nature of caste-based and gender-based discrimination along with migration status exacerbates GBVH.

Garment factory workers are often caste-oppressed and/or migrant women while managers and supervisors are typically men from higher castes. This reproduces and reinforces social discrimination that workers face both in and out of the workplace and creates an environment where managers feel entitled to harass and abuse women production line workers. Caste-based oppression also limits workers' opportunities in education, employment, and social mobility, making them more economically vulnerable, as they have few alternatives. Caste-based discrimination and language barriers due to migration status make it difficult to access justice in the legal system. Migrant women are often socially isolated inside factory dorms that are easily accessed by local supervisors and managers who are usually the perpetrators. Addressing these complex issues requires shifting power to caste-oppressed and migrant workers and providing additional legal protections as well as tackling deeply ingrained social attitudes and beliefs.

B. AFWA GBVH Escalation Ladder Approach is key to effective GBVH remediation

The GBVH Escalation Ladder⁶ builds on extensive scholarship on workplace bullying and the experiences and documentation of AFWA member unions showing how GBVH escalates in intensity and volume over time and encompasses a complex spectrum of behaviors and manifestation levels. More covert forms of gendered bullying⁷ on production lines by supervisors to workers leads to more aggressive and severe forms of behavioral GBVH, including physical and sexual violence as well as verbal and mental abuse. When left unaddressed, such behaviors also increase in volume, becoming more widespread and institutionalized GBVH-based employment practices; these include coercion, threats, retaliation, and deprivations of liberty. This dynamic is consistent with scholarship on workplace bullying and sexual harassment across sectors.

The prevention and remediation process of the Dindigul Agreement is grounded in an understanding of the GBVH Escalation Ladder developed by AFWA.

The Dindigul Agreement states the importance of addressing GBVH in all rungs of the Escalation Ladder. The Agreement draws on the “escalation ladder” concept and lays out GBVH behaviors and prohibited practices along with their corresponding corrective action in the typology of violations and remedies to ensure responsiveness to the severity of violations and level of harm.⁸ The prevention and remediation process is grounded in an understanding of the Escalation Ladder in that more commonly accepted forms of GBVH are identified and addressed before they escalate. The process engages workers and supervisors at the location where escalation occurs (i.e., production lines) through the installation of union-selected worker Shop Floor Monitors who are equipped to tackle more covert and initial forms of GBVH before they escalate (see chapter 3).



II. GBVH remediation & Freedom of Association are central to mature industrial relations

GBVH remediation and access to FOA are mutually reinforcing because they both support the creation of safe and equitable workplaces and serve to empower workers individually and collectively. This in turn builds trust between workers and management, fostering a more collaborative work environment and mature industrial relations (IR). This is a core principle enshrined in ILO C190, which recognizes the interconnection, within discrimination, between violence and harassment and FOA.

A. Access to FOA is essential to GBVH remediation

GBVH is an interpersonal experience underpinned by unequal power relationships in the workplace. When the employer's institutional responses allow harm to continue unchecked, that contributes to a culture of fear that discourages reporting. FOA counteracts

this power imbalance, allowing women to exercise a collective voice in demanding remediation and eliminating workers' fear of retaliation. This is demonstrated in the increased reporting of grievances, in particular, of less severe forms of GBVH and other violations, that were quickly resolved (see chapter 3, section II).

The Dindigul Agreement acknowledges FOA as a necessary condition to address GBVH in the definition and as a shared principle between TTCU, Eastman, Brands, AFWA, and GLJ-ILRF in each agreement. In the TTCU-Eastman Agreement, it is also stated that all parties agree to fully cooperate and refrain from acts of retaliation, discrimination, or interference. The agreements also protect FOA explicitly in the typology of violations and remedies. Importantly, this was reinforced to workers and management during a joint union-management public announcement of the agreement at all floors of all workplace facilities to all workers and management. This assurance of FOA, backed by powerful business consequences and projected visibly, has built women workers' confidence of their safety at the workplace, leading to increased and timely reporting. Additionally, the top-level management commitment to FOA protections, backed by strong business consequences for the supplier, has contributed to a shift in management openness and has led to the quick resolution of low-level grievances, thus preventing dangerous escalation.

B. GBVH remediation with FOA is central to mature industrial relations

Mature IR is characterized by respect for workers' rights to form and join unions and collectively bargain; increased cooperation between managers, workers, and unions; reduction in conflicts between management and workers; and strengthened social dialogue.⁹ These conditions are precipitated through individual and collective empowerment of workers, as well as collective bargaining agreements. In sectors like garment manufacturing where GBVH is widespread, GBVH remediation is central to mature IR. Where fear of reporting GBVH is eliminated, workers are more likely to confidently report a variety of grievances, including labor violations, lack of access to basic amenities,

occupational safety and health violations, and productivity issues. This creates a greater sense of collaboration and recognition of the importance of workers' role in the production process, as shown in chapter 3, section II.

The systems created through the Agreement, such as regular remediation meetings, emphasize meaningful cooperation between workers, union, and management for all activities.

The Dindigul Agreement creates core structures important to achieving mature IR. The systems created through the Agreement, such as regular remediation meetings, emphasize meaningful cooperation between workers, union, and management for all activities. Workers' increased confidence and access to space for dialogue leads to timely identification of problems on production lines that are co-resolved directly between workers and management staff, through Shop Floor Monitors, or in regular remediation meetings between union and management (see page 78).



III. Multi-tier survivor-led grievance reporting & remediation

At the heart of effective and sustainable implementation of anti-GBVH work is collaboration between workers, union, and management. While the systems created through the Dindigul Agreement reflect the experiences of survivors, center their empowerment, incentivize reporting, and take a measured and graded approach to remediation, they are, on the whole, union-management driven, with brand accountability to assure success. This emphasis ensures collaborative solutions and, importantly, a shift in workplace culture, leading to more sustainable, effective, and efficient solutions to workplace issues.

A. Bottom-up, survivor-centered approach for all workers

Incorporating survivors' perspectives into anti-GBVH policies and programs as agents of change at the production line level is one of the most important components of effective remediation based on the principle that people are the experts of their own lives. Analysis of survivors' lived experiences provides nuanced understandings of GBVH that must be reflected in the work of addressing GBVH. Such analysis must account for systemic power imbalances and inform grievance mechanisms that emphasize counteracting

power asymmetries. For example, in too many garment and textile factories, evidence has shown that the management who are responsible for solving workplace issues are also most often the perpetrators, and third-party advocates brought in to help address the issues are unaware of the nuances and dynamics of the local context or how their own power and privilege may impact the vulnerability of the complainant. A survivor-led approach challenges these power dynamics by prioritizing survivors' empowerment – not by providing training and education, but by building space for the structural power of workers themselves at the workplace – as necessary to advance gender justice.

The Dindigul Agreement centers survivors in the typology of violations and remedies, whose purpose is expressly stated as “to provide remedy that is rehabilitative and survivor-guided both in process and outcome: in process by providing survivors an opportunity to voice their preferences regarding remedy and in outcome by providing a range of options that can be combined to tailor a remediation plan that makes the worker whole.” (see Annex 1) Further, the Shop Floor Monitor (SFM) system for grievance reporting and supporting of remediation develops the leadership of women workers from marginalized backgrounds – many who themselves have experienced GBVH. For further detail, see chapter 3.

B. Incentivize timely reporting of grievances and prevent suppression of grievances

As AFWA's research has shown, timely reporting of grievances is essential to prevent dangerous escalation of GBVH behaviors. Many women workers who have experienced GBVH choose not to report out of fear of further harm or due to the lack of trust in redressal processes. Women workers fear retaliation from employers – such as termination, demotion, reduction in hours, or increased harassment – and lack trust that their grievances will receive fair resolution. All are common occurrences in the garment industry. Counterintuitively, an increase in reporting is a positive indication that suppression is being prevented and fear of harm and lack of trust have declined. Thus, increased reporting in the initial implementation phase is a central goal: zero suppression is prioritized over zero grievances.¹⁰

Regular remediation meetings between the union and management allow for timely detection and redressal, sending a strong message that GBVH and other violations will not be tolerated, which in turn leads to behavioral change.

The Dindigul Agreement promotes reporting of GBVH, which leads to timely and increased reporting during the initial phase, as demonstrated in chapter 3, section II. The SFM system for grievance reporting and support of remediation is key in that SFMs are located where GBVH behaviors and escalation occurs on production lines and these women worker-leaders are trained in how to handle grievances before they escalate. Regular remediation meetings between the union and management allow for timely detection and redressal, sending a strong message that GBVH and other violations will not be tolerated, which in turn leads to behavioral change. The Agreement also contains the provision for SFMs to attend union-management meetings as needed, so that workers' voices that are closest to the incident of violation are represented in dispute resolution with senior management.

C. Multi-tier reporting & remediation system commensurate with the GBVH Escalation Ladder approach

The process of organizational transformation requires an approach to addressing GBVH that is grounded in an understanding of the GBVH escalation ladder. Overall, a best practice in remediation of workplace grievances is graded tiers for reporting and remediation that includes an option for initial dialogue, as well as opportunity for escalation.¹¹ AFWA has found this is especially critical in the context of GBVH where remediation is effective when it is done in a way that is responsive to where on the GBVH Escalation Ladder abuse has occurred. In AFWA's Safe Circles approach, also reflected in the Dindigul Agreement, the role of worker SFMs builds leadership skills, including problem-solving and negotiation, strengthening worker empowerment and collective voice. It also improves management capacity, catalyzes behavioral change among management, and promotes union-management dialogue contributing to an overall culture shift towards accountability.

Compliance with the recommendations of the ICs is further reinforced by the Oversight Committee and business consequences imposed by brands.

The Dindigul Agreement provides for practical implementation of multi-tiered reporting and remediation. The SFM system for grievance reporting and remediation support can be accessed early on, thus having a preventive function. Union-management dialogue during regular meetings serves as another track to discuss and remediate any unresolved grievances. The Agreement also requires that the Internal Committee (IC) under India's POSH Act is reconstituted in all production facilities. The IC can receive cases of GBVH, and independent Assessors are appointed to conduct independent investigations as needed. Compliance with the recommendations of the ICs is further reinforced by the Oversight Committee and business consequences imposed by brands. These components of the multi-tier reporting and remediation system are explained in depth in chapter 3, section II.

D. An independent monitoring & remediation support system

While the importance of an approach driven by union-management to GBVH prevention and remediation cannot be overstated, an independent monitoring and remediation support system is needed to access special expertise, conduct investigations as needed, make determinations and appropriate remediations, and provide overall monitoring and oversight. Social dialogue is supported by independent monitoring and remediation by providing more diverse and objective perspectives, facilitating communications and collaborative problem-solving, and encouraging transparency and building trust by holding all parties accountable.

The assessors support and strengthen the IC's investigative capacities, conduct independent investigations, and make findings on grievances related to FOA or retaliation not covered under the POSH Act.

In support of the union-management-driven approach foregrounded in the Dindigul Agreement, independent monitoring and remediation is provided through reconstitution of the IC and Independent Assessors. These assessors support and strengthen the IC's investigative capacities, conduct independent investigations, and make findings on grievances related to FOA or retaliation not covered under the POSH Act. An Oversight Committee is constituted under the Brand-Labor Stakeholders Agreement, comprised of representatives from labor, brands, supplier, and an independent expert, for overall governance and to ensure compliance (see chapter 3, section III).



IV. Suppliers' transformative capacity & brand leverage

Brands and suppliers have an important role to play in transforming the industry by working with labor stakeholders. They must lead by example to support and promote effective initiatives that prioritize the voice of labor, build local capacity to positively transform workplace culture, and in doing so create meaningful and sustainable change locally and globally in garment supply chains.

A. Building local capacity and facilitating sustainable organizational transformation

Building and transforming the local capacity of the workers, trade union, and management to handle GBVH must be a priority, so that efficient, cost-effective, sustainable, and long-term organizational and industrial practices as well as a culture shift take root. By building local capacity, efforts to address GBVH become more sustainable over time. Rather than relying on external support or intervention, local actors are better equipped to take ownership of solving workplace issues,

driving change from within, and avoiding additional costly architecture. Supporting local capacity to address GBVH also leads to a long-term culture shift in management, having broader implications for tackling deeply ingrained social attitudes.

Building and transforming the local capacity is most sustainable and cost-efficient.

The Dindigul Agreement builds local capacity through regular trainings on multiple relevant topics for all workers, supervisors, and managers, including diverse contractors and service providers, as well as the IC members. It also creates systems that enable workers, the union, and management to co-create real solutions through regular remediation meetings between the union and management and redressal of grievances by union and management prior to escalation. Sustainable organizational transformation is promoted in the shared principles of developing a culture of mutual respect and through the joint union-management public ceremony announcing the agreement on all floors of all workplace facilities to all workers and management, signaling institutionalized acceptance of the Agreement and the anti-GBVH program at Eastman Exports.

B. Brands must use their leverage to create violence-free workplaces

Suppliers operate on thin profit margins and are highly dependent on maintaining business relationships with brands. Brands wield immense market power and suppliers face the constant threat of being outcompeted by another supplier with lower costs and so on. At the same time, brands face pressure from consumers or other stakeholders to ensure their supply chains are ethical and socially responsible and may sever business relationships over concerns of GBVH, forced labor, and other violations. Severing ties without responsible interventions that also prioritize the voice of labor is particularly devastating for workers who have few alternative job opportunities. At the same time, such practices incentivize suppliers to suppress workers from reporting GBVH as factories with more reports appear to be more of a liability than factories with fewer. As noted above, zero grievances may be a signal of

high repression and lack of transparency.

Brands do have a responsibility to ensure that their supply chains are ethical and socially responsible and must work with suppliers and labor representatives to address any issues or challenges that arise, rather than cutting ties. Effective and inclusive frameworks must recognize the incentives suppliers have to suppress reporting and neglect behaviors that escalate into severe and aggressive forms of GBVH, and brands must constructively leverage their power to incentivize effective monitoring, reporting, and remediation to create GBVH-free workplaces.

The Agreement helps brands fulfill their obligations to human rights due diligence as enshrined by due diligence laws and frameworks.

The Dindigul Agreement sets a precedent in Asia for brands using their leverage to create violence-free workplaces and fulfill their obligations to human rights due diligence as enshrined by due diligence laws and frameworks. While the TTCU-Eastman Exports agreement lays out the anti-GBVH program and its implementation at the factory level, crucially, it is backed and reinforced by the Brand-Labor Stakeholder agreement, lending significant weight to the program's credibility and the union's authority to implement it. It also requires brand representatives to sit on the Oversight Committee, underscoring the importance of brand involvement in oversight of the Agreement. Finally, at the crux of ensuring compliance, the Brand-Labor Stakeholder agreement contains brands' enforceable commitment to using financial incentives and commercial leverage with the supplier to facilitate cooperation.



V. Positive impact on business & society

Workplaces are an essential site for social change. Labor, suppliers, and buyers in garment supply chains have a role in facilitating mature industrial relations and greater workplace democracy. This creates a positive feedback loop, improving business in ways that empower and uplift women workers more broadly and promoting decent work in supply chains globally.

A. Positive business results must arise from mature IR, GBVH remediation, & FOA

Mature IR practices through union-management dialogue have a number of positive impacts on business. Union-management cooperation builds trust and improves communication, leading to more constructive dialogue and fewer conflicts. Positive transformation of work culture leads to increased employee retention so that skilled labor can be maintained and workers feel safer and more confident at work. Workers' trust in management increases and job satisfaction is higher leading to stronger incentivization of workers. Regular dialogue leads to increased accountability and improvements

in other areas such as health and safety, productivity barriers, and so on. All of this contributes to improved productivity. Unions and management can even work together to develop strategies to improve the supplier's competitiveness as both parties are motivated by securing jobs and ensuring sustainability.

The union-management cooperation builds trust and improves communication, leading to more constructive dialogue and fewer conflicts.

The TTCU-Eastman Exports agreement recognizes the joint commitment of union and supplier to further business outcomes that have a positive impact on continuous employment of workers. It expressly states under the shared principles parties' joint commitment to enforce the anti-GBVH program whose goals are "consistent with maintenance of Eastman Exports' ongoing business and continued employment of Eastman Exports employees" (see Annex 1). It also stipulates Eastman's compliance with purchasing orders as well as sustaining and enhancing order levels. In the Brand-Labor Stakeholders agreement, brands are encouraged to calibrate their purchase orders commensurate with Eastman's full participation in and compliance with the program.

B. Workplace must be an instrument for social change

The majority of garment workers are young women whose first experience of employment is in the factory. As such, their initial experiences in the world of work shape their sense of self-worth and agency. Just as oppressive and abusive work environments negatively impact women workers outside the factory in their homes and communities, dignity and respect in the workplace has a spillover effect. GBVH remediation through FOA helps build women's leadership and confidence to tackle issues at home and in their communities. Likewise, workplace democracy spills over and strengthens societal democracy. EBAs like the Dindigul Agreement create the conditions for workplace democracy, ensuring that workers have a say in the decisions that affect their lives. Workers who are more engaged and empowered at work can do the same in their homes and communities. In this way, the private sector can play a meaningful role in social change.

The Dindigul Agreement promotes the empowerment of the most marginalized women on production lines at their workplace, highlighting the intersectionality of GBVH and the importance of FOA in the shared principles and definition of GBVH.

The Dindigul Agreement promotes the empowerment of the most marginalized women on production lines at their workplace, highlighting the intersectionality of GBVH and the importance of FOA in the shared principles and definition of GBVH. The SFM system promotes women leadership and remediation under the program and centers a bottom-up survivor-led grievance mechanism that leads to empowerment of women and Dalit workers that is “survivor-guided both in process and outcome” as stated under the purpose of available remedies (see Annex 1). The Agreement also highlights FOA as a force for positive change under the statement of shared principles and in the typology of violations and remedies.





Educational scholarships in the memory of Jeyasre Kathiravel being distributed to the children of Eastman Exports garment workers.

03

***Assessing the Dindigul
Agreement Year 1***

This chapter provides an in-depth review of the implementation and impact of the Dindigul Agreement in its first year.

Before going into our sources, methodology, implementation, and impacts, we include this statement from Nadiya which captures the experience of many women and the impact of this agreement:

“I am Nadiya, a 29-year-old Dalit woman who works as a recorder at Eastman’s garment unit. I have personally witnessed sexual harassment at the factory before the Dindigul Agreement – and I am one of the women who previously gave evidence about it.

Today, I am a proud shop floor monitor, who is unafraid to raise grievances and speak out boldly about the issues of workers, particularly vulnerable women.

Two years ago, I would go to the factory in extreme fear, praying to God that I would not be verbally or physically abused. The prayers did not always come true, but I continued to work as my family is extremely poor and I was the only breadwinner. We live in a Dalit colony, and my mother and I would have starved if not for my job, so I needed to keep it.

After our colleague Jeyasre was murdered by her supervisor, I met with TTCU, and they gave me the confidence to raise our issues to the world. I was very scared to attend meetings of the union then, as I knew the management was watching us with a hawk’s eye even in the villages. I never really had a lot of confidence that the factory would change after our campaign. I have seen Dalit brothers and sisters raising their voice without an impact. But TTCU leaders kept giving me the confidence to continue struggling for the workplace we deserved. They instilled a hope in me that a Dalit women-led trade union can actually bring changes in a factory floor in ways the world has never seen.

This seeding of hope and possibilities in the minds of so many Dalit women garment workers – that we too can inherit a safe workplace – is, in itself, one of the greatest victories of this Agreement.

From a woman who was scared to look at the face of my manager, I have today become unafraid to look into the manager's eyes boldly and speak about our issues.

From being a helpless victim of gender-based violence, I have raised my head without fear when I myself was abused and unfairly transferred immediately after the signing of the Agreement for being a union member.

I fought for my rights with my union and I used the Agreement to ensure the manager who abused me was brought to justice.

I am not afraid.

I feel confident.

The Agreement and the shop floor monitor program has trained me to speak concisely about my issues. It has taught me how to document grievances and how to assist other workers, and, most of all, it has taken away the constant fear of management, which used to torment me every time I was on the factory floor.”

- Nadiya, worker shop floor monitor and garment worker

The Dindigul Agreement to Eliminate Gender-Based Violence and Harassment, although only a year old, has had significant impacts. It has facilitated worker voice and created a multi-tiered, bottom-up process to swiftly identify, remediate, and prevent GBVH and other workplace abuses. Additionally, the implementation of the Agreement has built a common ground between worker well-being, women’s empowerment, and business success. It has played a pivotal role in developing social dialogue towards mature industrial relations in the factories under the Agreement, leading to an increase in overall efficiency. The data and impacts show decisively how the GBVH remediation program implemented through these multi-party enforceable and binding agreements, guided by the principles described in the previous chapter, are a model for brands, suppliers, and trade unions with positive changes for local labor markets, communities, and beyond.

This chapter provides evidence and data on the implementation and results of the Agreement across the units in Eastman’s facilities in Dindigul. It details the trainings conducted and describes the unique grievance reporting and remediation mechanism under the Agreement. It also briefly explains the governance of the Agreement, the positive business impacts, and the multi-dimensional impacts on the factory as well as local communities.

Data Sources and Methodology

The data for this report was collected by the AFWA team and the Documentation Officer hired under the Agreement. The data is based on records of Eastman Exports, TTCU, and the reports developed by the Documentation Officer while working on-site in the factory. In preparation for this report, TTCU and AFWA conducted focus group discussions (FGDs) with 65 workers and 15 management staff at the covered worksites and offsite to provide qualitative insight into the Agreement’s impact. All quantitative data regarding grievances pertains to only the period of April 1 to December 30, 2022. The quantitative data from Quarter 1 of 2023 is not included, as it is being organized and will also need to be examined by the Implementation Committee (it will be used in future reports). Descriptive statistical analysis was conducted on the data collected.



Setting the Stage for Implementation: Joint Union-Management Announcement, Union Access, and Good-Faith Cooperation

As a sign of good faith during negotiations of the Agreement in October 2021, managers at the most senior levels at Eastman Exports, accompanied by TTCU leadership, went to each floor of the garment units and announced zero tolerance for GBVH, retaliation, or discrimination. After the signing of the Agreement in April 2021, the process was repeated to share with workers and managers Eastman Exports' full good-faith cooperation with the program, sending a powerful signal to both workers and managers alike. Additionally, as defined in the Agreement, Eastman granted TTCU full access to all areas of the factory to allow for implementation of the program, training, monitoring, and grievance collection. Eastman also gave TTCU access to notice boards inside the factories where details are provided on how workers can access TTCU and on available GBVH prevention and remediation systems like the SFM system and the IC. The union is now involved in regular site visits to all covered worksites, to the communities where workers live, and to the creche facility, which the union and worker shop floor monitors also regularly monitor.

I. Trainings

Under the Dindigul Agreement, union-led trainings for management and workers drive the message of the Agreement and signal a shift in the culture with a new standard for the workplace. That standard is zero tolerance for GBVH, including as it intersects with caste- or migration status-based discrimination or violations of workers' rights to form and join unions.

A. Basic trainings

Coverage: During the reporting period, TTCU organized and conducted anti-GBVH trainings with AFWA for more than 2,000 workers and management staff of Eastman Exports' Dindigul facility. This included all employees at the covered worksites, including security guards and hostel wardens, as well as contract bus drivers who transport workers to and from work.

Process: Trainings were conducted in small groups of 20-30 participants. All trainers were women, mostly Dalit, and from local communities, making the experience accessible and relatable for workers.

Topics: The trainings covered the overall content of the Dindigul Agreement, workers' rights against GBVH, freedom of association, freedom of mobility, protections against caste-based discrimination, GBVH prevention and remediation protocols under the Agreement, and ILO standards on GBVH and freedom of association.

Timing: All trainings were conducted on company time and workers were compensated for their hours.

Languages: Trainings were conducted in multiple languages, including Tamil, Oriya, Hindi, and English.

B. Advanced trainings

Additional trainings were organized for 58 Shop Floor Monitors (SFMs) and 35 members of the Internal Committee (IC), with the help of the assessor/independent member of the ICs. These trainings focused on explaining the roles of SFMs, IC members and Assessors under the Agreement, and the tools they can use to address and remediate GBVH and FOA violations in the factory. SFMs and IC members were educated on core ideas included in the Dindigul Agreement, such as a rights-based and survivor-led processes that should guide their approach to workers who have experienced GBVH.

C. Refresher trainings

Refresher trainings will be organized for all workers, SFMs, members of IC, and management staff in Year 2 and Year 3 of the Agreement.

*Table 1: Number of workers and staff trained in April-December 2022**

Categories	Numbers
Workers (Garment Units)	1,157
Workers (Spinning Mills)	694
Workers (Printing Unit)	49
Supervisors & Management staff (Eastman Export – Dindigul)	199
Senior management staff (head office)	6
Contracted bus drivers	46
Other staff (mechanics, security guards, canteen staff, contractors, gardeners, etc.)	20
Shop floor monitors (garment units)	58

* The workforce in the factory complex has been fluctuating, given changes in order volume. As new workers are being hired, separate trainings are being organized for them.

Shop Floor Monitors are informed, as part of their training, of certain core ideas that should guide their approach to co-workers who have experienced GBVH when they report grievances:

- Being responsive and conveying positivity, comfort, and support; refraining from anger, disbelief, or blame
- Ensuring survivors feel safe and are not further harmed
- Avoid further traumatization from forceful interrogation
- Getting other appropriate individuals into the discussion, as needed
- Being conscious of their own non-verbal communication that may signal negativities and judgement
- Respecting the survivor's opinions, beliefs, and thoughts, especially regarding remediative steps



Workers and contractors reported that union-led trainings have prepared them to identify and report GBVH:

“I felt the trainings were more effective than anything else I have experienced, as the trainers are from our communities and are a resource we can freely access.

After a one-off anti-GBVH training, which is how I have mostly experienced trainings, our minds are left with a lot of questions – and we generally are unable to ask anyone our follow-up questions, as the trainers are hard to access, and we feel sometimes scared to ask questions in front of male management staff. This does not happen under this program, as the trainers are from the union and from our communities and we can always ask them questions or raise our concerns, either directly in the village or when they keep visiting the factory.”

- Mariyammal, garment worker

“This is the first training I have attended in my four years in the industry where the trainers seemed to understand that it is the fear of retaliation that was preventing us from reporting GBVH. I felt they could sense this fear in us – because they themselves were garment workers like us and they have seen women workers lose jobs for raising their voices. The trainers spend a lot of time during the training to address our fears and the constant visits by the union leadership to the factory is a continued reminder that we need not fear to raise our voices when we are wronged.”

- Joshvin, garment worker

“I have been driving transport vans for garment companies and spinning mills for many years, but it is the first time that I have been trained on what is gender-based violence and what are the practices which are unacceptable in the workplace. To be honest, I did not know that yelling is also considered gender-based violence. The training also helped me understand how we must behave in a professional setting... Some of the knowledge I received I even passed onto my cousin brother who is studying in college; hoping it will help him when he applies for a job... The trainers explained what words we must not use while in the workplace, how we must dress when at work, how to communicate and resolve disputes – while also saying that if we have grievances, we can also approach management or the union for help.”

- Anand, bus driver

II. Grievance Reporting & Remediation

This section reviews overall grievance remediation and remediation of GBVH during the reporting period to show the positive impact on the day-to-day working conditions of workers. This section also shares an analysis of the grievances that went through the reporting and remediation mechanisms under the Agreement. There is also a description of the multi-tier reporting and remediation system as well as the impact of this system on business.

A. Grievance Analysis

Workers in the facilities raised 185 grievances, the majority of which (170) were reported by women workers, and one by a factory manager to the union. Of these grievances, 182 were resolved, and 90% were resolved within a week.

Figure 1. Grievance Remediation - Overall



Table 1: Resolution Status of Grievances

Resolution Status of Grievances	Number of Cases
Not Resolved	1
Partially Resolved	2
Resolved	182
Grand Total	185

Time period: April-December 2022

Table 2: Time Taken to Resolve Grievances

Time Taken to Resolve Grievances	Number of Cases
Within a month	1
Within a week	163
Within three weeks	1
Within two months	2
Within two weeks	15
Grand Total	182

Time period: April-December 2022

Workers used the space for dialogue created by the Dindigul Agreement to raise not only GBVH-centered grievances but also other related issues such as access to basic amenities, health and safety, minimum wage violations, problems with transportation provided by the factory, etc.

Figure 2. Grievances Reported - Types

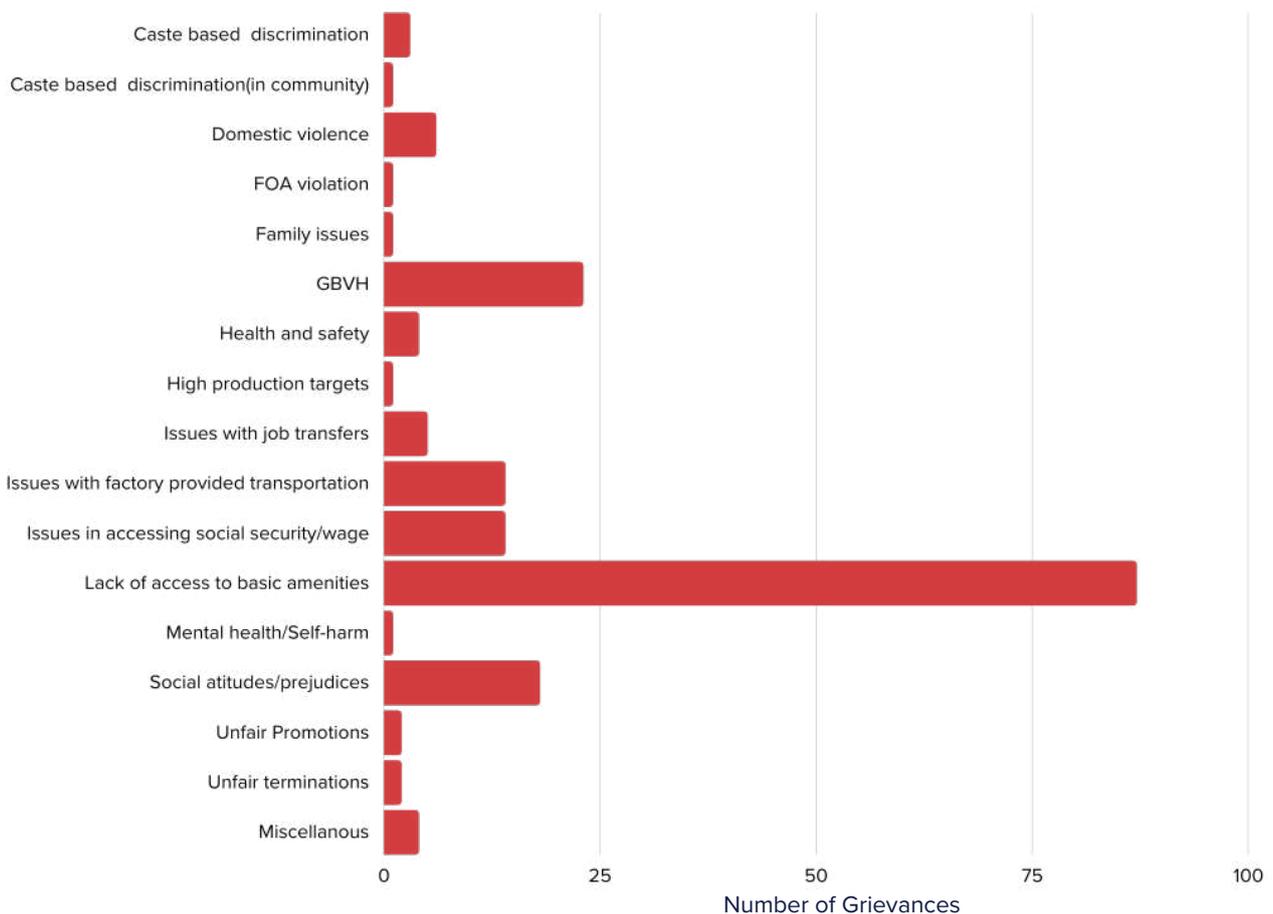
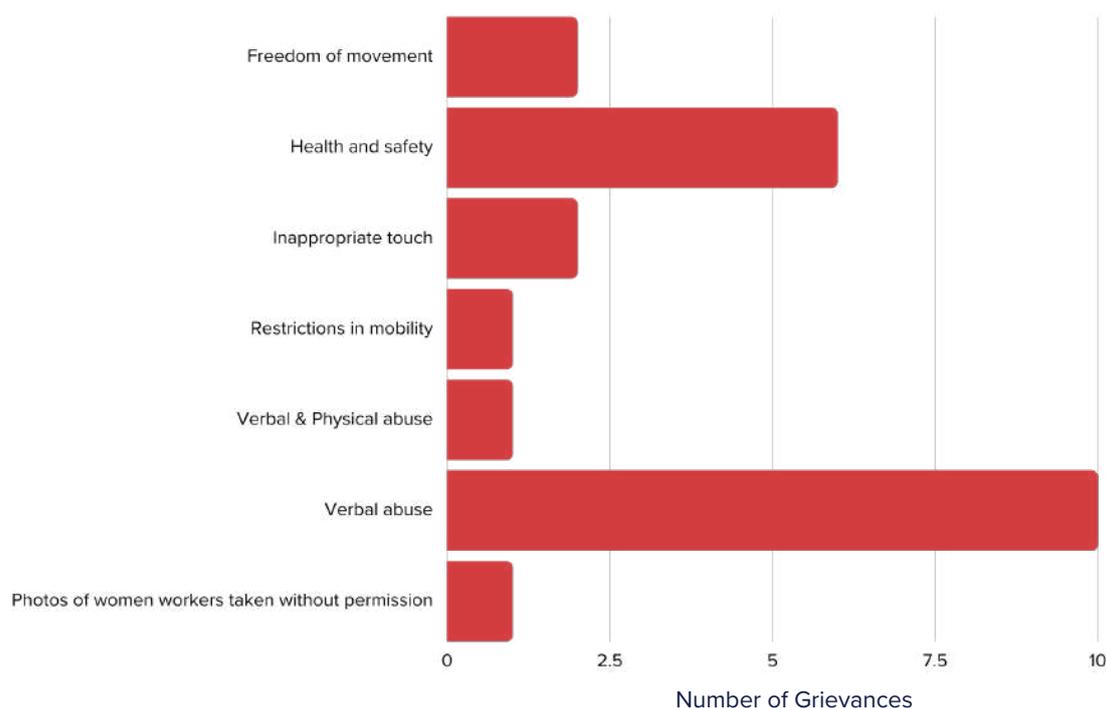


Figure 3. Grievance Reporting & Remediation – GBVH



In Focus: GBVH Cases

Examples of remediative step(s) taken in addressing GBVH-related grievances, after evidence-gathering and investigation:

Violation	Remediative Steps
Photos of women taken without permission	<ul style="list-style-type: none"> Management staff perpetrator terminated
Verbal abuse	<ul style="list-style-type: none"> Verbal warning to perpetrators by SFMs/trade union, in presence of the HR manager; perpetrator required to apologize to victim(s) and bystanders Monitoring of perpetrator by SFMs/HR manager. In case of recurrence, a written warning and/or suspension of perpetrator. The perpetrator was also asked to provide a written apology to the survivor and a written statement promising non-recurrence to management Further recurrence led to termination of the perpetrator

Verbal and physical abuse	<ul style="list-style-type: none"> • Steps 1 and 2 (see above) • Associated production-related core issue: Survivor had raised issue of high production targets per worker in the line; subsequently, adequate number of workers were assigned
Restrictions in mobility (woman worker prevented from seeking housing outside the factory hostel)	<ul style="list-style-type: none"> • Worker allowed to find housing outside the factory complex • Refresher session organized for women’s welfare and HR team on freedom of mobility under the Agreement
Inappropriate touch by a woman co-worker	<ul style="list-style-type: none"> • A verbal warning to the perpetrator by SFM, and informed factory HR and the trade union; no recurrence
Women workers’ request for job reassignment due to occupational health and safety issues denied by direct supervisors	<ul style="list-style-type: none"> • Weekly union-management meetings deemed requests fair; re-assignment was approved • Workers’ complaints about occupational safety and health resolved and their suggested changes implemented
Freedom of movement (Women workers living in hostels not allowed to go out on their own on Sundays)	<ul style="list-style-type: none"> • Women workers allowed to move freely in and out of hostel facility
Freedom of movement (Women worker complained that bus driver refuses to pick/drop her at a bus stop outside her neighborhood, citing patriarchal ideas of safety)	<ul style="list-style-type: none"> • Driver directed to pick/drop woman worker at bus stop of her preference • A session organized with the driver on professional conduct and the provisions of the Dindigul Agreement • A general statement issued to drivers that women workers can choose their pick-up/drop-off location, as long as they inform management sufficiently early to avoid overcrowding in buses

Most GBVH grievances were forms of verbal abuse of women workers by male management. In cases of verbal abuse, the management staff were warned and asked to apologize to the worker(s) for their behavior. However, if the behavior continued, of which there were rare instances, they were either suspended or terminated, based on the nature of verbal abuse. One form of verbal abuse – the imposition of gender stereotypes in everyday work practices and the use of phrases and words questioning the “moral character” of women, especially single mothers by management – was also a common grievance workers raised. In these cases, SFMs or the union gave immediate warnings. In some cases, where SFMs identified workers making similar comments, they addressed it immediately as well. However, given the recurring nature of these complaints, the Implementation Committee has suggested that TTCU, with the implementing partner, develop upcoming trainings to address these behavioral practices.

Several GBVH grievances were regarding the unwillingness of lower management to adequately re-assign women workers who stated their inability to perform certain roles due to severe health issues, some of which arose from occupational hazards. This in turn became a form of male management harassment of female workers. For example, a woman worker, working for several years in the ironing department, developed severe leg pain and requested a job transfer to another department. This request was denied for months by her supervisor. She raised the issue with her SFM and the union raised it during the weekly union-management meeting. The worker's request was considered reasonable, and she was able to get a transfer. In five other similar cases, reflected in Figure 4 above, after the union raised the grievances to senior management, the workers were granted job re-assignments and the issues were resolved within two weeks.

The remaining grievances reflect severe forms of GBVH such as physical abuse and inappropriate photography of women workers by management staff, raised during the early months of the implementation of the Agreement and remediated through union-management dialogue. In all such cases, management agreed to terminate such management staff as remediation of the grievance.

A notable achievement has been the actualization of the freedom of movement for women workers in hostels. Before the Agreement, women workers in factory-owned hostels were allowed to leave the hostel compound only on Sundays; now, workers living in the hostel are free to move in and out of the factory hostel throughout the week.

Decisive and timely remediation of these grievances once they were reported, and the involvement of SFMs have helped to demonstrate to women workers that their empowerment and access to fair and respectful treatment is a priority at the workplace.



Workers report this analysis in their own words when narrating the impact of the Agreement.

“With regular dialogue between union and management and strong anti-retaliation protection, most workers and shop floor monitors are not scared to raise their grievances – be it on GBVH or other issues, which are not covered in the agreement. This is quite unprecedented. As a shop floor monitor, workers have come to me with different issues – inability to meet production targets, severe domestic violence at home, factory toilets being dirty, etc. In most cases, either directly or with the help of the union, I have been able to take it to management and resolve the issues within a week. The factory management is also respectfully listening to our voices and not allowing grievances to escalate. I feel we now have a good working environment in the company.”

- Helen, Worker Shop Floor Monitor, garment worker, Packing department

“I was one of the first women who used the grievance redressal mechanism of the Dindigul Agreement to report gender-based violence; and I did that because I believed, for the first time in my life, I might receive justice.

My supervisor was verbally abusing me and questioning my character in front of other workers, while simultaneously demanding that I become a line leader and manage my line. I did not want to be a line leader under a supervisor who refused to respect me, as I knew it would deeply affect my confidence to continue working.

I informed the union about my situation and they immediately called for a meeting with the production manager and HR manager.

The union and the management, within a day, gave a strict warning to my supervisor, stating that his actions will not be tolerated and he will face severe action if he continues to abuse workers. My supervisor later apologized for his behavior and now he never raises his voice to any worker. After that, I agreed to be a line leader and I feel confident to manage my line. As a veteran in this industry, I still cannot believe I received justice; and

I know that this would have never happened had the Dindigul Agreement not been signed, and the union had not been present on the factory floor.

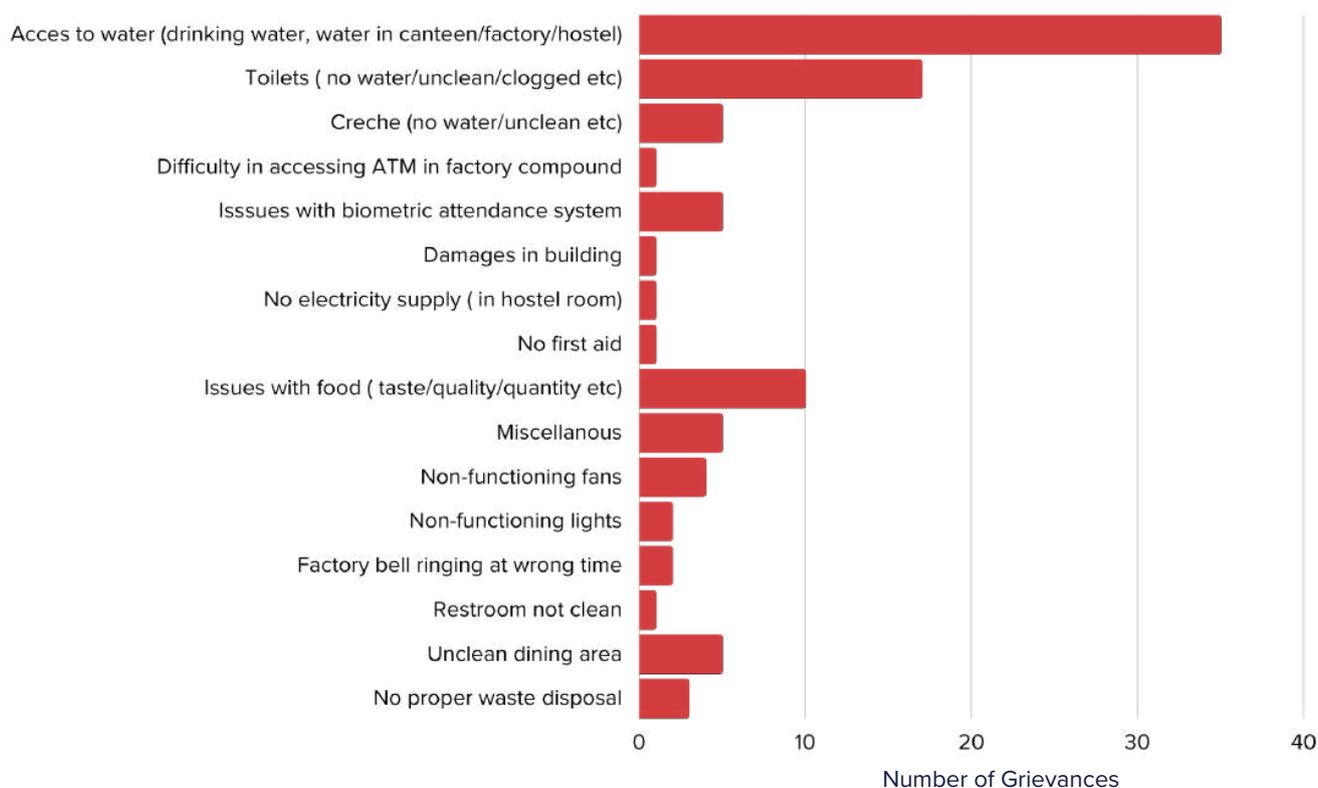
I really want to continue working for this factory now.”

- Amalajyothi, garment worker

As seen in Figure 3, in the growing environment of safety and trust through the last year, workers have been raising issues related to basic amenities, like drinking water, unclean toilets, poor quality of food in the hostel canteen, etc., directly with the management. The management mostly resolves these cases within a week and informs the union of the remediative steps taken.

As some amenities-related issues have been recurring, the Implementation Committee is discussing structural solutions to prevent such complaints. For example, a recurring complaint is regarding poor food quality in the canteen. The Implementation Committee is discussing ideas such as unannounced inspections, regular worker feedback, and the nutritional content of the food.

Figure 4: Issues in accessing basic amenities

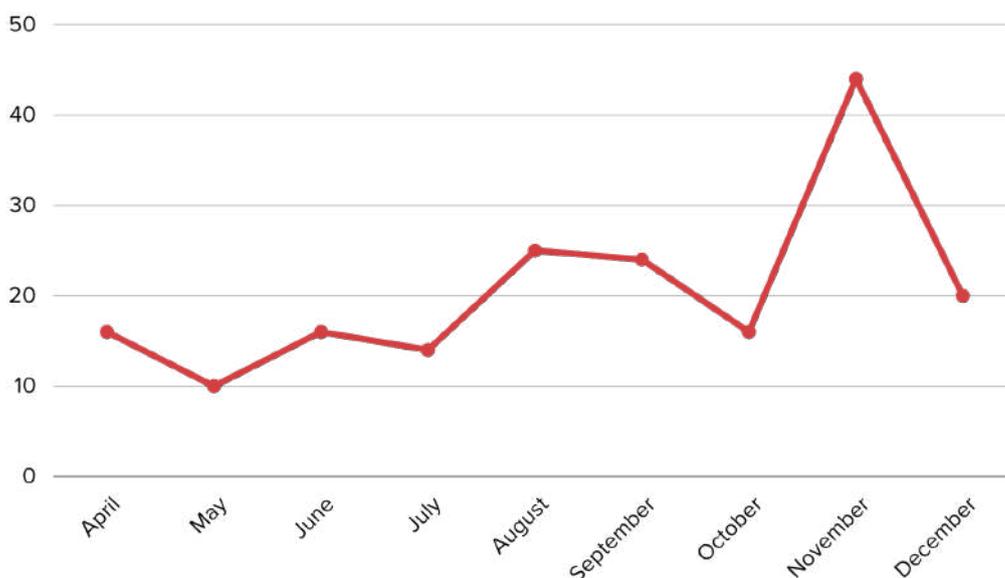


Decisive and timely remediation of GBVH under the Agreement has also led to successful remediation of other types of labor violations under national law regarding minimum wages, payment of social security, workplace hazards, etc.

As Figure 3 also shows, workers raised grievances about a range of labor violations such as accessing social security and wages or unfair terminations. These grievances could easily turn into industrial disputes under Indian law but were instead resolved through the Agreement’s remediation mechanism, leading to learnings and cultural shifts.

Workers also used the Agreement’s grievance mechanism to raise issues in the community and homes, including caste-based discrimination and domestic violence, to the SFMs and the trade union. TTCU was able to support a response to these issues, where appropriate, and at the request of the affected worker. The successful resolution of these cases shows how the Agreement is having a positive social impact beyond the workplace – or the world of work as the ILO defines it.

Figure 5: Grievances per month



As mentioned in the previous chapter, timely reporting of grievances and prevention of suppression of grievances is more important than achieving zero grievances.

The graph above shows there is an increase in reporting of grievances between April to November 2022, after which the number of grievances fall in December 2022.

November saw a sharp increase in grievances, as multiple workers raised complaints about a senior manager in the garment factories. By that time the program had already established trust among workers who felt safe coming forward. In previous months there had been a few issues with this specific manager which the SFM and union investigated leading to additional workers deciding to report grievances. The union and management, after consultations with workers, had multiple conversations as first steps at remediation with the manager, followed by

strict warnings to change his practices. However, as he did not change, and more complaints came in, the workers, union, and management decided the best solution was for Eastman to terminate him, which they did in November. December saw a dip in grievances, after his termination.

This trend in reporting demonstrates that the Agreement opened up a space for workers to safely report grievances. Women workers felt empowered and began to report less severe forms of GBVH and other labor violations before they could escalate. They experienced timely and appropriate remediation, involving the trade union and senior management. This also sent a strong message of zero tolerance to lower and mid-level management with regard to GBVH and other labor violations. The management's willingness to even remove a senior-level management staff when he failed to change his behavior despite repeated warnings became an important example that led to behavioral transformation within management ranks, reducing possibilities for recurrence of GBVH.

B. Multi-tiered Grievance Reporting & Remediation Mechanism

The Agreement offers a bottom-up, multi-tiered grievance reporting and remediation system, which complements the AFWA GBVH Escalation Ladder, explained in the previous chapter. The structures that have been established for the remediation process include the union-management dialogue meetings, SFMs, and the ICs. Workers have multiple points of entry to raise grievances, including the union, SFMs, directly to the IC, or to the Assessors.

Data shows that workers most commonly report grievances to SFMs and the union on issues related to GBVH, employment practices such as wage violation, unfair termination, and interpersonal conflicts among workers. When a grievance is reported directly to or observed by a SFM, she typically reports it to the union. In certain cases which are immediately resolvable, the SFM may handle the issue directly. In most cases where the SFM reports the grievance to the union, the union-management dialogue process develops a remediation plan, including the SFM and the affected worker in the process.

Workers always have direct access to the IC and/or the Assessors for GBVH and/or FOA related grievances, respectively. All cases related to GBVH have to be reported to the IC under Indian law. In cases, where remediation occurs through union-management dialogue, the IC is informed and their approval sought. In cases where the union-management dialogue is unable to remediate or their remediation plan does not receive the IC's approval, the cases move to the IC and Assessors.

In the past year, remediation has mostly occurred through the weekly union-management meetings; only occasionally, members from the Eastman head office, AFWA-India, and the Implementation Committee had to assist.

Workers usually directly reported to management for issues related to basic amenities, as discussed above. The management, upon remediation, informs the union.

II.B.i. Worker Shop Floor Monitor System

The SFM system draws from the AFWA Safe Circle Approach and is elaborated on in the Agreement. Each SFM is responsible for supporting groups of 15-20 workers to access the grievance reporting and remediation mechanism. They serve as the first point of contact for workers for raising grievances and proactively monitoring conditions on their production line. Under the agreement, SFMs are chosen by the TTCU and receive the basic training as well as an advanced specialized training on grievance remediation (mentioned above under Trainings).

The fact that SFMs are themselves workers is essential to their role. Most SFMs come from vulnerable communities; many are single-mothers, Dalits, and migrants. Some of the SFMs have themselves been victims of GBVH, and their lived experiences make them especially effective at their role in identifying GBVH, working with their co-workers and preventing the escalation of GBVH by directly intervening with supervisors.

SFMs are critical to transformation and rebalancing of power on the shop floor. SFMs support workers who raise grievances on proposed corrective action plans to take to management in cases of gendered bullying and verbal abuse, and, in more severe cases of GBVH, can report the cases directly to the IC. They also report to the union leadership issues on the shop floor for the union to raise during regular union-management dialogue meetings, which SFMs may also attend. Because of their role, SFMs are provided with additional protections against retaliation under the Agreement, in which any adverse employment action against them is subject to a rebuttable presumption of retaliatory intent and can be reviewed by the Assessor and corrected through the grievance procedure. This gives them the protections they need to safely identify and raise GBVH and other grievances with management.

Fifty-eight SFMs have been selected by TTCU and recognized by the local management across the two garment units, and they have successfully handled several issues during the reporting period directly with management. SFMs have handled cases of verbal abuse by supervisors on their production lines, improper payment of wages and social security, and difficulties in accessing basic amenities like drinking water. Most of these cases were resolved within a week.



Worker Shop Floor Monitor as a tool for Women Empowerment

The worker SFM system helps in leadership development and empowerment of women garment workers. It helps them learn critical skills and competencies, including increasing their managerial knowledge, negotiation skills, and confidence.

The SFM system gives women from marginalized backgrounds, who are generally denied opportunities in garment factories, a chance to build their agency, lead groups of workers, and better understand and implement organizational structures, processes and policies. It creates an ecosystem for genuine investment and accountability for women's empowerment from all parties, including management.

The SFM system also addresses the fundamental power imbalances within the factory floor, and gives the victims and survivors of GBVH an opportunity to remediate GBVH, based on their lived experiences. This democratizes workplaces, improves the retention of women workers, and increases work efficiency and worker well being.

The worker SFM along with the union, through dialogue with the management, ensured a deduction in a high transport fee that was making it difficult for women workers to continue work in the factory.

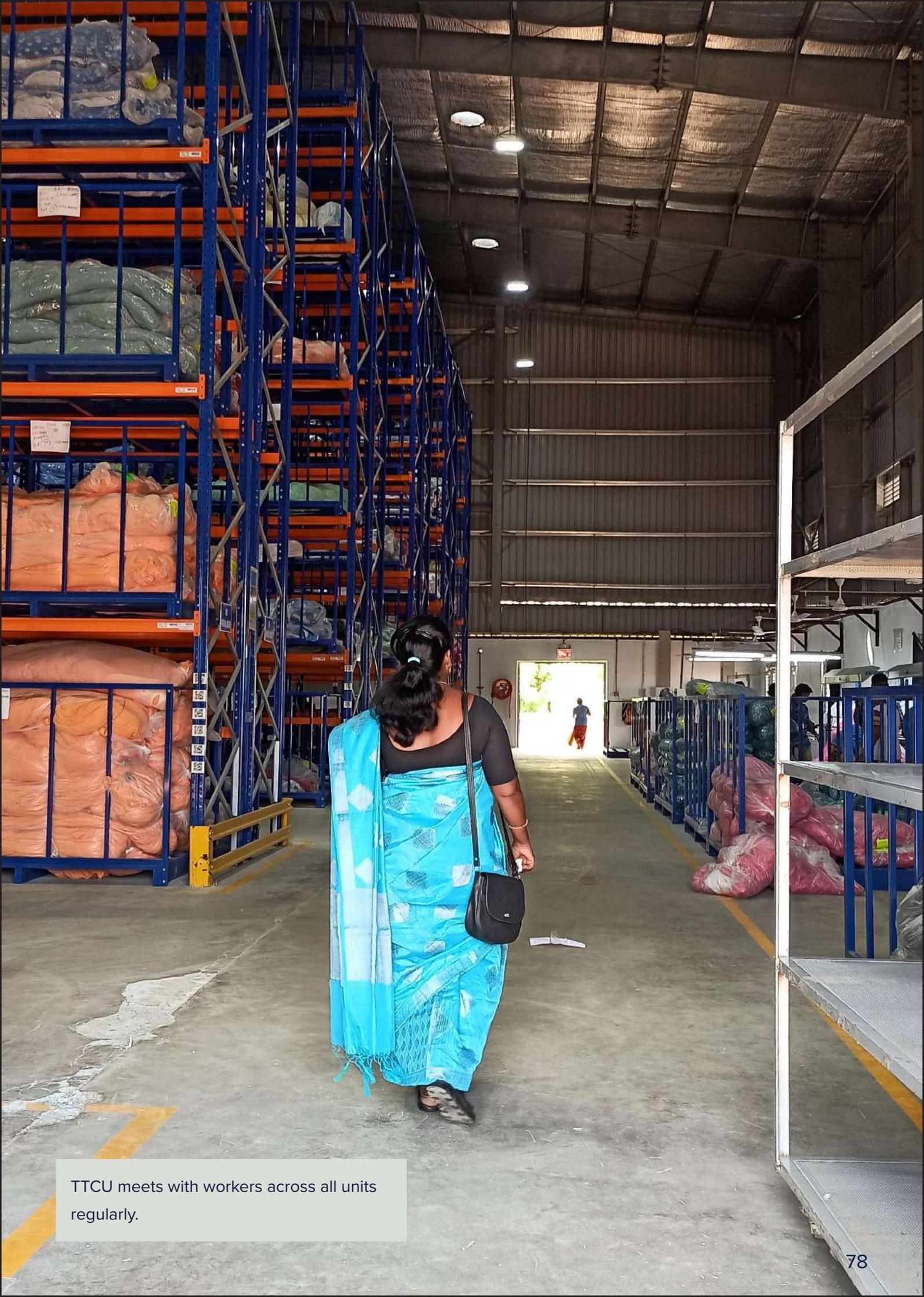
The worker SFMs, along with the union, through dialogue with the management, ensured a deduction in a high transport fee for workers that was making it difficult for women workers to continue working in the factory.

The early detection and remediation of varying types of grievances through the Worker SFM system prevents escalation and improves workers' confidence in the program.

The experience of both SFMs and of workers on their production lines illustrates the impact of the SFM system:

“As a shop floor monitor, I try to make myself available for the most vulnerable workers in my department, especially the young migrant women workers. Even now, there are some women workers, especially among the migrants, who are scared to make a complaint. If I see a supervisor mistreating a worker, and even if she does not complain because of fear, I tell the supervisor that his behavior is not acceptable under the Agreement; and I report the matter to the union. This itself will prevent a supervisor from indulging in other forms of gender-based violence.”

- Thirupathiammal, shop floor monitor, garment worker, cutting department



TTCU meets with workers across all units regularly.

“After the shop floor monitors were introduced in our factory floor, supervisors and management are more afraid to commit any act of gender-based violence or discriminate against a union member. When my supervisor yelled and misbehaved with me, I immediately reported to our shop floor monitor, who informed the union and management within a day. The supervisor was immediately warned that his behavior is unacceptable, and after that he speaks to all workers politely and respectfully. He knows the shop floor monitors are always keeping an eye on him, and we can easily access the management and union to raise our grievances through them.”

- Gayatri, garment worker

In June 2023, the SFM system will be extended to other units, including the printing unit and spinning mills. The system will also be replicated across the company buses.

II.B.ii. Establishment of Union-Management Dialogue

Under the Dindigul Agreement, regular remediation meetings are stipulated between the trade union and the management to resolve grievances, including GBVH, FOA issues, discrimination based on caste and migration status, and retaliation. In practice, the dialogue covers even broader issues in a manner both the union and management find productive. The union-management dialogue was implemented in this way in recognition of the fact that unresolved non-GBVH workplace issues, such as wage violations, contribute to a culture of impunity that facilitates GBVH. In addition, the structure was established to create a means of direct union-management dialogue as an initial step for prompt remediation with an option to escalate if an agreement at that level cannot be reached. This process also helps ensure an actualization of FOA and social dialogue in the Agreement.

The union-management dialogue meetings happen every week, and the senior leadership of the trade union visits each unit of the factory at least once, interacting with the workers during break hours to ensure they have regular access to the union within the factory to raise any concerns or grievances. Also, on the same day, the union leaders have meetings with factory-level management (including Human Resources and Production Managers) in each unit to discuss and remediate the various grievances workers have raised over the week. SFMs also attend the meetings, as required. The resolution status of all grievances raised in a week are reviewed in the upcoming week. Between April and December 2022, TTCU and Eastman Export local management met more than 30 times in the factory.

Any grievances that remain unresolved through this dialogue process can be referred to higher levels of management and union leadership for further dialogue as needed. Then, if no remediation is agreed upon, the grievances can be reported to the IC under India's POSH Act for GBVH cases and to the independent assessors in the case of FOA and other violations of the Agreement. In the first year of implementation, only a few cases were unresolved through the regular union-management meeting but were resolved by higher-level union-management dialogue.

Evidence shows that regular dialogue prevents the escalation of misunderstandings at the workplace between management, staff, and workers, and also avoids the escalation of gendered bullying practices into more aggressive GBVH. In the dialogue process, TTCU is guided by the Agreement's core principles ensuring that discussions lead to remediation for past harm, accountability, healing, and safety for all.

The regular meetings involving SFMs, trade unions, and factory-level managers also help facilitate behavioral transformation in lower-level management. Such interactions further lead to greater accountability of lower management, which in turn leads to improved industrial relations and workplace efficiency.

The union-management meetings are also an open space for management to raise their concerns with union leadership regarding issues like productivity and quality control. When such issues have been raised, both parties have found collaborative ways to work together to resolve the issues successfully. While there was some reluctance in the lower management in the initial months of the implementation of the Agreement to engage in good-faith dialogue, this soon changed when they realized that the union is also open to hearing the issues of management and to working with them in solving them, which also improved efficiency and productivity.

For example, production targets and job assignments are often contentious issues in the industry and are a result of multiple intersecting factors involving brands, suppliers, and labor. These issues are also major flashpoints for disputes and violence between workers and management at the production sites. During the implementation of this Agreement, in certain instances where such disputes arose, the SFMs and the trade union mediated between workers and management, helped each other understand the root causes for such issues, and assisted them in developing remediation steps.

A case in point: During a particular week, there was a shortage of orders, hence a need arose to employ some of the Sewing Machine Operators (SMOs) as Checkers in other production lines. The SMOs were, however, unwilling to work as Checkers, and the Production Manager raised this issue with the union and SFMs. The SFMs called for a meeting with these workers, and understood from them that the tone and manner in which the decision was communicated to them by their supervisor made them feel it was a demotion, not a temporary change due to an order shortage.

The union and the SFMs explained to the Production and HR teams how they could better communicate decisions like these to workers. The SFMs helped the management resolve the tensions between the SMOs and production team and ensured that those SMOs would temporarily work as Checkers till orders increased in the factory.

Such acts of co-operation and mutual support between union and management has played a huge role in changing the culture around GBVH within managerial ranks. It has built trust between workers, union, and lower-level management, and is creating more mature industrial relations, wherein FOA and meaningful mutual understanding are seen within managerial ranks as a pathway for increased productivity for all.



Workers in Eastman Spinning Mills.

“A lot of times, big issues arise when the small misunderstandings between management members and workers are not resolved immediately. This is what we try to address through our weekly meetings with management. For example, some workers were changed from tailors to checkers, given an order shortage. They were not informed of the specific reason for this decision, and they felt targeted. We organized a meeting between management and workers, explaining the reason for the decision. We also told the management how they can better communicate the decision. Once this transparent communication happened, workers easily agreed to work as checkers for the time period.”

- Jeeva M, General Secretary, TTCU

“Working with the union, we are immediately receiving grievances before they escalate. We are resolving the grievances with the union as soon as we can. We are now always open to constructive feedback and suggestions from the union and the workers. We can see this has improved workers’ trust in us, has reduced job attrition, and has increased work efficiency.”

- Shakthi, HR Manager, Eastman Exports

From FOA Violations to Mature Industrial Relations

Before the implementation of the Dindigul Agreement, there was a deep distrust of the trade union across lower and mid-management. Women workers associated with the union faced grave retaliation. Management viewed the trade union as an entity that would harm productivity and the factory.

The worker members of TTCU and women SFMs, after the Dindigul Agreement, wanted to remove this deep distrust of the union among management staff and they used the weekly meetings between the trade union and the factory as a tool to achieve it. They practiced certain principles to guide the dialogue process and ensured that the focus in discussions and remediations for past harm is on accountability, healing, and safety for all.

TTCU has also played a key role in this trust-building. TTCU and SFMs used the weekly meetings not always to raise issues of workers, but to understand the pressures of lower and mid-management, especially when delivery timelines are short and put stress on associated costs. In response, they showed the production team how to have open and transparent conversations with workers, including on the management's difficulties, and how such open dialogue as opposed to verbal abuse, improves workers' productivity and confidence. The result is more mature industrial relations, where freedom of association and meaningful mutual understanding are seen within managerial ranks as a pathway for increased productivity for all.

TTCU and SFMs used the weekly meetings not always to raise issues of workers, but to understand the pressures of lower and mid-management, especially when delivery timelines are short and put stress on associated costs.



Women's day celebrations involving workers and TTCU in Eastman Exports.



TTCU meeting workers in their villages.

“We realized that many of the women workers are sitting idle next to their sewing machines during company work hours, as the garment production was being poorly designed and planned by the factory-level production management team. Later, these same workers were asked to stay back and do overtime work. Having worked in the industry for decades, we know how different functions can be run simultaneously in an efficient manner, ensuring staff capacity is fully utilized, with little to no overtime work required. So, the shop floor monitors from the fabric, cutting, and sewing department, with the union, had a meeting with the HR and production team. We told them that it is the improper planning of production that is leading to overtime work – and making even the machines run inefficiently, causing a loss of profits for the company itself. We told them how we thought production can be planned better, and when they realized that we are smart enough to understand production design, and that we will raise it to senior management if they don’t change their poor planning – they started becoming more careful in production design and planning. Today, we believe the factory is functioning more efficiently because we raised our voice.”

- Shop Floor Monitors of cutting, fabric, and sewing department, Garment Unit 1

II.A.iii. India POSH Act Internal Committees and Assessors

Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act,¹² every workplace which has 10 or more employees, must constitute an internal committee (IC) to receive and redress complaints on sexual harassment at the workplace.¹³ The IC consists of a majority workers, a senior woman employee in the factory, and an independent expert. Under the Dindigul Agreement, the independent member of the IC (also known as Assessor) has to be approved by employer and labor stakeholders. All worker members of the IC are appointed by the trade union partner, TTCU. Moreover, all decisions of the Assessors regarding cases of GBVH, FOA, and caste-based discrimination are binding under the Dindigul Agreement, with Eastman facing business consequences if they fail to implement them.

As a result of the Agreement, the IC, which was ill-functioning earlier, has been reconstituted across all facilities under the Agreement, with worker members being appointed by the union and the independent members being appointed through the consensus of labor and employer stakeholders. Initially, separate ICs were created for each workplace facility as part of the Agreement. Later, workers in the spinning mills asked for a separate IC for each shift in each unit, to ensure greater access to the IC. Currently, there is one IC for each of the two garment units, three separate ICs for each of the three shifts in the two spinning mill facilities, and one IC for the printing unit. A total of 9 ICs currently function within the factory complex.

The worker members of the IC, all of whom are women, include both local and migrant workers. Also, all ICs have one independent expert member; the independent members include a lawyer and a senior gender expert. The IC Assessors speak all relevant languages of workers covered by the committee, including Tamil, Bangla, Hindi, and Oriya. The Assessors and the IC also have the power to bring in other experts, including experts on caste, as needed. They have identified a roster of such experts to draw from.

These changes in practice mean that the ICs are better able to fulfill the promise of the Indian women leaders who advocated for this act and for protections for women across India from sexual harassment

During the reporting period, all GBVH grievances were resolved either by SFMs or during union-management dialogue, but at the time of writing, one case had been reported to the IC and is under investigation. It is expected that in future reporting periods there will be use of ICs to resolve GBVH as well.

Finally, the Agreement invests the independent expert members with the role of investigating and determining remedy in the event of any complaint filed with them regarding FOA or any other violation of the Agreement; no such complaints were filed during the first year of the Agreement.

III. Governance of the Agreement

The Implementation Committee and the Oversight Committee are the governing bodies that are responsible for the overall implementation and enforcement of the Agreement.

“The meetings of the Implementation Committee are an opportunity to reflect and learn from the implementation process under the Agreement. It is a space to think and work with labor stakeholders in developing policies and structures that meet the needs of the business, without compromising on the needs of the workers in our factory.”

- Alagesan, Eastman Exports:

“The agreement has created a space of social dialogue between union and management. This has enabled us to help both workers and management improve working conditions as well as efficiency of production. Transparent conversations are happening between management and workers, and I can see that workers’ willingness to work for this factory, their confidence, and trust in management has improved.”

- Thivarakini, TTCU

A. Implementation Committee

The Implementation Committee was formed as mandated by the Dindigul Agreement to facilitate overall enactment of all its terms. The composition was decided by consensus after the signing of the Agreement and consists of senior leadership of TTCU and Eastman Exports as well as AFWA members. In 2022, the Implementation Committee met three times: twice in person in Dindigul and once through a virtual meeting. The Implementation Committee, with the Documentation Officer (assigned to the Program in the Agreement), reviewed grievance reporting and remediation, and discussed structural solutions, including policy-level changes, managerial practices, productivity, and other issues. For example, the Implementation Committee has been working to develop best practices and fair policies for promotion, to prevent quid pro quo requests for sexual favors in exchange for promotions. The Implementation Committee also acts as a mediator between the union and management when required and has also played an important role in improving relationships between factory-level production managers and worker leaders, so that the concerns of both parties are addressed, misunderstandings are reduced, and productivity is improved.

B. Oversight Committee

The Oversight Committee serves the role of oversight of the Agreement and meets once quarterly. Its oversight is focused on monitoring of finance and public reporting related to the Agreement as well as approval of independent Assessors. The Oversight Committee also serves as a venue for consultations and communications among all parties about implementation of the Agreement.

Currently, the Oversight Committee consists of three representatives from labor (representing TTCU, AFWA, and GLJ-ILRF, respectively), one representative from the supplier factory (Eastman Exports), two representatives (H&M, Gap Inc.) from the three signatory brands (H&M, Gap Inc., PVH Corp.) who have rotating seats, and an independent Chair agreed upon by all parties. The Oversight Committee, which was constituted by the end of 2022, primarily works through consensus-based decision-making, and focuses on overall administration, monitoring, and evaluation of the Agreement. It meets once quarterly.

“Natchi Exports runs the best creche in any garment factory in Dindigul District today. I can fully concentrate and work comfortably, as I know my child is safe and happy in the creche.”

- Rekha, garment worker

Since the implementation of the Dindigul Agreement, Eastman Exports has redeveloped and redecorated the creche within the factory complex. The creche holds more than 30 children, who are provided nutritious food under the guidance of an experienced caretaker. During the breaks and lunch hours, young mothers are allowed to feed and play with their children. The creche facilities are regularly monitored by the union and SFMs.

Eastman Exports currently provides educational scholarships in memory of Jeyasre Kathiravel. The scholarships assist financially disadvantaged young mothers to send their children to schools/colleges or assist migrant women workers who want to complete their school/college education. In 2022, approximately 40 workers received the scholarship, with many first-generation learners having an opportunity to complete their school/college education, while working. SFMs and union representatives were also allowed to nominate workers for the scholarships.

Praveena tells the story of her fight against caste-based discrimination

I am Praveena, a 29-year-old Dalit garment worker at Eastman Exports. Although I have a master's degree, I was never able to get a teaching job due to the systemic biases in hiring Dalits in private educational institutions. Caste dictates everything in our society and as a Dalit woman in a rural village, there are hardly any opportunities to grow. This is why I became a garment worker.

I am used to being discriminated against – I have seen it happen again and again. And I had just accepted it. I did not think I could fight it, or that anyone will stand with me or even hear me out. But then the Dindigul Agreement happened in my factory, and the union in their training said there will be protections against caste-based discrimination within the factory, including in the company buses. I saw Dalit women leaders of the union saying they will hear us out and stand with us if we raised our grievances. Their confidence gave me strength to speak about my issues. This is why, after a lot of contemplation, I raised to the union how I was regularly being discriminated in the company bus by women workers from dominant communities. I was always asked to give my seat to them, even if I was the first to reach the company bus. If I refused, they would yell at me and say I should know my 'place in society.' Many days, I had to sit on the floor of the bus and travel, and sometimes they would keep their legs on me. They were taking away my dignity because I was a Dalit woman and they did not think anyone will speak up for

“I saw Dalit women leaders of the union saying they will hear us out and stand with us if we raised our grievances. Their confidence gave me strength to speak about my issues.”

“Many days, I had to sit on the floor of the bus and travel, and sometimes they would keep their legs on me.”

me. I told all this to TTCU in tears – they listened patiently and said they will discuss it with management. I was extremely scared about raising the grievance with management, but the union stood with me at every step of the process. With the management, they investigated the issue, and they understood I was stating the truth. All the women who discriminated me were strictly warned and they were asked to apologize to me. I refused to believe they would apologize to me, after all, I am a Dalit woman – why will they apologize? But the union made it happen, and today those women no longer discriminate against a Dalit within the workplace. The act also sent a strong message to others that this factory will not tolerate caste-based discrimination. The impact of it has even echoed in the villages.

After the incident, the union asked me if I want to join as a shop floor monitor. I felt confident I can as my own grievance was resolved, and I felt I could help others resolve their grievances. Today, I am helping resolve grievances of women from both Dalit and non-Dalit communities. They are respecting me, as they know I am a smart, fierce woman who can help them. I want to help more women feel the confidence I feel today and enable them to live a life of dignity.

“I want to help more women feel the confidence I feel today and enable them to live a life of dignity.”

Implications for Productivity

The development of a multi-tier bottom-up survivor-centered GBVH identification, prevention, and remediation system, along with mature industrial relations has helped Eastman Exports increase worker efficiency by 16% and has reduced attrition rate by 67% between 2021 and 2022.

After the Dindigul Agreement was implemented, the trust and confidence of workers in management has increased due to open and transparent communication. This is a key factor contributing to greater teamwork and collaboration between workers and management, leading to improvements in productivity.



Promotion of Women Workers into Management Positions & Development of Women Welfare Department

Thirty-three women workers have been promoted to supervisory roles in the factory and Eastman Exports has constituted a Women's Welfare Department for the company after the Agreement. This all-women team works with the Human Resources team and the trade union in implementing various women's welfare programs in the factory. More women workers are also reporting taking up day-to-day leadership in their work and the way the workplace functions, resulting in their leadership development and benefits to Eastman Exports' business.

IV. Best Practices for Human Rights Due Diligence and Prevention of Forced Labor-Related Import Bans

The Dindigul Agreement has put in place systems and processes for meeting human rights due diligence obligations under international law and emerging binding legal obligations. These systems mitigate risk and support brands sourcing from the facilities in complying with their due diligence obligations. These systems also ensure that companies sourcing from the facility are in compliance with laws that prohibit forced labor in supply chains and are unlikely to face an import ban. This means that fashion brand buyers who are or become signatories to the Dindigul Agreement have assurances that they can meet their due diligence obligations, as well as comply with forced labor import and product ban legislation. This prevents interruptions in business and protects jobs that have proven good for brand buyers, Eastman Exports, and the 5,000 workers currently covered by the Agreement.

Due Diligence

Under the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, companies already have due diligence obligations to prevent, identify, and remediate human rights harms linked to their business operations. Over the past several years, we have seen more countries, including France, Germany, and Norway, among others, adopt laws imposing enforceable legal obligations on companies headquartered or operating in those countries to undertake human rights and environmental due diligence (HREDD).

Several other countries have proposed similar legislation, including Canada, Japan, New Zealand, the Netherlands, and Belgium. Adopting a leading position on mandatory HREDD, the EU is set to introduce a Corporate Sustainability Due Diligence Directive (CSDDD), requiring companies operating within the EU to prevent and reduce the risk of negative human rights and environmental impacts to workers and communities in their operations and supply chains through mandatory due diligence.

The mandatory HREDD framework, if effectively designed and implemented, will require companies to undertake due diligence to identify, assess, prevent, mitigate, and remedy human rights and environmental risks and impacts across their entire value chains, including through the use of leverage over business partners. The systems created and implemented under the Dindigul Agreement ensure that businesses meet these obligations. The SFM and grievance mechanism ensure that serious human rights harms, including GBVH, are identified and assessed promptly with appropriate, enforceable remedies, and that other workplace grievances, such as those related to sanitation, working conditions, and wages, are also identified and handled before they can contribute to more serious harms. The Safe Circles model and regular union-management dialogue – together with the ICs and Assessors

supported by brands' commitments to enforce their decisions – ensures that human rights risks are mitigated and prevented. These have contributed to a demonstrable shift in the workplace culture at the facility. The Dindigul Agreement has proven to be a powerful tool that has actually changed workplace conditions where standard due diligence and other efforts led solely by buyers and suppliers have fallen short.

The impact of the monitoring, grievance, and remediation systems of the Dindigul Agreement includes:

- Protecting good jobs for workers that promote equity, development, and democracy
- Prevention of rights violations
- Joint problem-solving
- Meaningful remediation as defined by women workers
- Appropriate roles for unions, suppliers, and brand buyers

Forced Labor Enforcement

In addition to due diligence obligations, companies face strengthened forced labor enforcement regimes that prevent the import or sale of goods made with forced labor. These include Section 307 of the US Tariff Act of 1930, which prohibits the import into the US of any goods made in whole or in part with forced labor and similar prohibitions in Canada and Mexico, adopted per requirements enshrined in the US-Mexico-Canada (USMCA) trade agreement. Australia has proposed an amendment to its Customs Act, introducing a ban on the import of forced labor goods, and the European Union (EU), the largest market in the world, has proposed a forced labor regulation that would ban the import, sale, and export of products within the EU of goods made with forced labor to complement the CSDDD.

As an enforceable supply chain agreement that includes an independent union and has a demonstrable track record of successful remediation of abusive workplace conditions, the Dindigul Agreement represents a best practice in remediating labor and human rights abuses in global supply chains and preventing further risks of actions that could include the ILO forced labor indicators.

Increasingly, US and EU Government officials are publicly recognizing that binding agreements between corporations and worker organizations establishing worker-monitored supply chains provide for the most effective prevention and remediation systems based on evidence similar to what is being provided in this report.

For example, implementation of the Agreement's corrective action plan regarding GBVH and FOA recognizes the overlapping and mutually reinforcing relationship between GBVH and forced labor indicators, and the importance of securing FOA as a means of remediating and preventing both. This approach ensures first, that there is meaningful change in conditions for workers covered; that conditions are independently monitored and will withstand economic pressures in the industry.

Such agreements, which have a fundamental role for freedom of association, provide a



structure for prompt and full remediation of workplace abuses by rebalancing power at work and preventing abuses in the first place. Participating in credible and enforceable remedial programs with worker monitoring and involvement can help protect brand buyers from forced labor import and product prohibitions. Where unions, suppliers, and buyers enter into enforceable supply chain agreements to create a structure for remediating workplace abuses that may indicate forced labor, they should operate as a safe harbor for forced labor import bans.

The US Government specifically took action recognizing that the Dindigul Agreement strengthened supply chain accountability and provided meaningful remediation from forced labor indicators.

In September 2022, the US Customs and Border Protection (CBP) removed Natchi Apparel garment factory, owned by Eastman Exports, from its list of manufacturers banned from importing goods into the US for evidence showing forced labor indicators. In lifting the ban, CBP acknowledged that the Dindigul Agreement provided full remediation of forced labor indicators as defined by the International Labour Organization that include GBVH, including abuse of vulnerability, intimidation, and threats and restrictions on freedom of movement.

While in force, the Withhold Release Order (WRO) had prevented merchandise produced in Natchi Apparel from being imported into the US. CBP lifted the WRO just six weeks later – the fastest modification of a WRO ever – on September 7, 2022, because of evidence showing that the Dindigul Agreement had fully remediated the indicators of forced labor that had been present and that the systems implemented under the Agreement would prevent recurrence and provide remedy to workers.

In reaching its determination, CBP relied on evidence submitted by the labor stakeholders to the Agreement detailing the Dindigul Agreement’s implementation and impact. The dialogue framework established under the Agreement enabled a response from both Eastman and labor stakeholders that limited the negative impact on business and workers.

As Secretary of Homeland Security Alejandro N. Mayorkas stated in the announcement of the modification of the WRO, “...This modification not only reflects the critical role of CBP, but it is also a testament to the important advancements made by trade unions, worker rights organizations, and workers themselves who are bravely organizing to improve their working conditions.”

Ann Marie Highsmith, the Executive Assistant Commissioner for the CBP Office of Trade, recognized the key role of enforceable brand agreements to prevent and remediate forced labor conditions. Regarding the modification of the WRO on Natchi Apparel and the key role played by the Dindigul Agreement, Highsmith said: “Our efforts reinforce the dynamic work of non-governmental organizations on the ground to protect workers suffering under conditions of forced labor and of importers to source products ethically from suppliers who treat workers fairly and with dignity. Together, these provide a strong incentive to remediate forced labor conditions. This modification should serve as an example to others looking to do business with the United States.”

In sum, the Dindigul Agreement is a model for investors, fashion brand buyers, and suppliers who want to improve working conditions and decrease risk in the current regulatory environment. The US Government action acknowledged what the parties to the Agreement understood and what the evidence in this report shows. Enforceable supply chain agreements that include independent unions significantly reduce the risk of and may provide a “safe harbor” from import bans based on forced labor because they meaningfully prevent forced labor and advance FOA. Likewise, the Dindigul Agreement represents a best practice in remediating labor and human rights abuses in global supply chains, including in response to corporate human rights due diligence obligations. The Dindigul Agreement and similar supply chain agreements are also increasingly being seen as a strong risk mitigation measure by investors both in multilateral development banks and private capital markets.

V. Conclusion

The early data from the implementation of the Dindigul Agreement shows that it is a deeply effective and efficient system for identifying, remediating, and preventing GBVH and caste-based violence and discrimination. Additionally, it has had multidimensional impacts, including the development of mature industrial relations, empowering women workers, and simultaneously improving business productivity.

The Agreement has ensured that women garment workers who have experienced sexual violence have access to compassionate care and support, promoting their recovery and empowerment. It has helped empower and develop the leadership of women from marginalized communities, building their agency to tackle harmful social norms.

The agreement has also led to open and transparent dialogue between workers and management, increasing workers’ trust and confidence in the management. It has, thus, helped in the actualization of social dialogue, freedom of association, and more dignified workplaces for women garment workers. As the data shows, multi-party enforceable agreements like the

Dindigul Agreement are a key tool for progressive democratization of workplaces, women's empowerment, and for the elimination of forced labor.



TTCU members in their office.

04

Conclusion

The Dindigul Agreement is a model for investors, fashion brands, and suppliers who want to improve working conditions and decrease risk in the current regulatory environment. Not only did it exceed expectations and gain recognition from regulators and enforcement agencies, but it also fundamentally changed entrenched conditions where due diligence and other efforts led solely by fashion brand buyers and suppliers had repeatedly fallen short.

The impacts of the Dindigul Agreement in the first year of implementation show that enforceable brand agreements (EBAs) are not only good for workers' well-being but also for business.

The anti-GBVH program under the Agreement shows how real accountability and investment in women's empowerment within garment factories, by suppliers and brands, through focusing on bottom-up, survivor-centered remediation, not only creates better working conditions but also increases worker efficiency.

The Agreement exemplifies how FOA, manifested in everyday practices, especially through the implementation of SFMs and weekly trade union-management meetings, removes the fear that many women garment workers have in reporting GBVH. This fear is an issue that remains unaddressed by most anti-GBVH programs run by external stakeholders. In other words, the Agreement highlights how anti-GBVH programs that actualize women's freedom of association at each production line address fundamental power imbalances within factories, remove conditions of forced labor, have the true potential to embed gender equality in business and catalyze mature industrial relations. This is why the Dindigul Agreement played a key role in ensuring that the Withhold Release Order (WRO) imposed on Eastman Exports was removed by the US government, within a record-setting time.

The US Government action acknowledged what the parties to the Agreement understood and what the evidence in this report shows. Enforceable supply chain agreements that include independent unions significantly reduce the risk of import bans based on forced labor and may provide a "safe harbor" from them. This is because such agreements meaningfully prevent and remediate forced labor and advance freedom of association.

The Way Forward

The progress achieved in the first year can be credited to the strong collaboration between TTCU and the senior leadership of Eastman Exports, who have been very open to bringing transformative changes within the factory. Due to the positive impacts of the Agreement in the first year, Eastman Exports will be implementing the best practices learned from this experience in other units. This signals how such bold initiatives that center workers' collective voice, union-management cooperation, and are backed by brands' commitments to use their leverage to create GBVH-free workplaces have the potential to reshape the industry. Brands have the opportunity to play a pivotal role in advancing such initiatives by sourcing from Eastman to ensure sustainability of this important anti-GBVH work. Finally, the first year of implementation has demonstrated the potential for success of similar agreements with other suppliers and in other regions.



Glossary

1. AFWA Safe Circle Approach: The AFWA Safe Circle Approach¹⁴ is a bottom-up approach to ending gender-based violence and harassment (GBVH) by engaging women workers as agents of change at the production line level. This approach involves not only potential victims, but also bystanders and perpetrators in regular face-to-face, small-group engagement processes designed to address behavioral violence on production lines in garment factories.

2. Caste discrimination: In much of Asia and parts of Africa, caste is the basis for the definition and exclusion of distinct population groups by reason of their descent.

International human rights law prohibits caste discrimination. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines “racial discrimination” as “any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” – and prohibits such discrimination. The Committee on the Elimination of Racial Discrimination (CERD), the treaty body for ICERD, issued General Comment No. 29 (2002), which clarified that the term “descent” does not refer only to race but also includes caste-based discrimination. The UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 20 on non-discrimination (2009)¹⁵ incorporates the CERD interpretation that includes caste within the meaning of descent, a prohibited basis of discrimination in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Indian law also prohibits caste discrimination and oppression under The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities Act), 1989. The California Senate in the United States recently passed a bill to update the state’s civil rights law to include protections against discrimination based on a person’s perceived caste.

3. Enforceable brand agreements (EBAs): EBAs are legally binding, multi-actor mechanisms, aimed at improving labor conditions in supply chains. They can be upheld in courts of law and are a contrast to voluntary corporate social responsibility (CSR) programs run by brands. In garment supply chains, EBAs generally involve fashion brands, supplier factories, and labor stakeholders like trade unions.

4. Gender-based violence and harassment (GBVH): According to the ILO Violence and Harassment Convention, 2019 (No. 190), and Recommendation, 2019 (No. 206), gender-based violence and harassment is violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. In the world of work, GBVH includes a range of unacceptable behaviors and practices that result in, or are likely to result in,

physical, psychological, sexual, or economic harm.

- 5. GBVH Escalation Ladder:** Based on previous research,¹⁶ AFWA has noticed a gradation among different types of GBVH. AFWA identifies gendered-bullying as a precursor to more aggressive behavioral GBVH. Behavioral GBVH, in turn, leads to and/or reinforces employment practice-based GBVH. Experience among AFWA member unions has shown that the first forms of GBVH that workers confront on the GBVH Escalation Ladder take place on the production line between supervisors and workers. Accordingly, the AFWA Safe Circle approach to preventing GBVH seeks to address behavioral GBVH on the production line prior to escalation.
- 6. Human rights due diligence (HRDD):** Under the OECD Guidelines for Multinational Enterprises (2011), human rights due diligence (HRDD) is the process through which enterprises can identify, prevent, mitigate, and account for how they address their potential and actual adverse impacts on human rights as an integral part of business decision-making and risk management systems. These include those impacts caused or contributed to by the enterprise and those directly linked to their operations, products, or services by a business relationship. Companies are required to address potential impacts through prevention or mitigation and actual impacts through remediation via operational-level grievance mechanisms or cooperation with judicial or State-based non-judicial mechanisms.
- 7. Implementation Committee:** The Implementation Committee under the Dindigul Agreement is a governing body that looks at the everyday implementation of the Agreement. It currently includes Eastman Exports, TTCU, and AFWA.
- 8. Internal Committee (IC):** In India, under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013,¹⁷ every workplace with 10 or more employees must constitute an IC to receive and redress complaints on sexual harassment at the workplace. The IC consists of workers, a senior woman employee in the factory, and an independent expert. Under the Dindigul Agreement, the independent member of the IC (also known as an Assessor) must be approved by the employer and labor stakeholders. All worker-members of the IC are appointed by the trade union partner TTCU.
- 9. Oversight Committee:** The Oversight Committee (OC) is the apex body governing the Dindigul Agreement that has powers to impose business consequences on Eastman Exports for failure to implement any of the provisions under the Agreement, including decisions of the Assessors. Currently, the Oversight Committee consists of three representatives from labor (representing TTCU, AFWA, and GLJ-ILRF, respectively), one representative from the supplier factory (Eastman Exports), two representatives (H&M, Gap Inc.) from the three signatory brands (H&M, Gap Inc., and PVH Corp.) who have rotating seats and an independent Chair agreed upon by all parties.
- 10. Withhold Release Order (WRO):** A WRO¹⁸ is a trade enforcement tool implemented by the US Customs and Border Protection (CBP) pursuant to Section 307 of the US Tariff Act of 1930 (19 USC 1307) to prevent merchandise produced in whole or in part in a foreign

country using forced labor, convict labor, or indentured labor from being imported into the United States. Goods subject to a WRO are “withheld” from release or prohibited from entering the US. WROs may be revoked or modified if evidence shows that the subject goods were not made with forced labor, are no longer being produced with forced labor, or are no longer being, or likely to be, imported into the United States.

11. Shop Floor Monitor (SFM): Under the Dindigul Agreement, SFM are workers appointed by the union in every production line or group of 15-25 workers. They have been trained and tasked with talking to all the workers on their line to monitor for issues on the GBVH Escalation Ladder. SFMs support workers who come to them with grievances by remediating the grievance with management, including defining the corrective action for cases of gendered-bullying and insults. If those cases are not resolved or in more severe cases of GBVH, the SFMs support workers in reporting their cases to the IC under the POSH Act, as well as to the union leadership to raise during the union-management weekly meeting. SFMs are provided with additional protections against retaliation under the Agreement and receive specific training to handle grievance reporting and remediation.

References

- 1 *Landmark Dindigul Agreement to Eliminate Gender-Based Violence and Harassment at Eastman Exports Natchi Apparels with the Support of Global Allies*; <https://laborrights.org/releases/landmark-dindigul-agreement-eliminate-gender-based-violence-and-harassment-eastman-exports>.
- 2 *Gap Inc. Capability Building Programs*; <https://www.gapinc.com/en-us/values/sustainability/esg-resources/human-rights-and-labor-issues/capability-building-programs>.
- 3 *PVH Signs Landmark Dindigul Agreement to Address Gender-Based Violence and Harassment in Tamil Nadu India*; <https://pvh.com/-/media/Files/pvh/responsibility/CR-Dindigul-Agreement.pdf>.
- 4 *Safe Circle Approach: AFWA's Step-by-Step Approach to Prevent Gender-Based Violence*; <https://asia.floorwage.org/safe-circle-approach-afwas-step-by-step-approach-to-prevent-gender-based-violence/>.
- 5 *WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT, Natchi Apparel (India) - Findings, Recommendations and Corrective Actions*; <https://www.workersrights.org/wp-content/uploads/2022/05/WRC-Assessment-of-Natchi-Apparel-05-22-22.pdf>.
- 6 *AFWA, Asia Floor Wage Alliance's Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia (2019)*. Available at: <https://asia.floorwage.org/wp-content/uploads/2022/01/AFWA-Step-by-Step-approach-to-Prevent-GBV.pdf>
- 7 *Ibid; AFWA introduces the term "gendered bullying" as a subset of workplace bullying that encompasses forms of workplace bullying that are directed against a woman because she is a woman; and that affect women disproportionately.*
- 8 *See e.g., AFWA, Asia Floor Wage Alliance's Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia (2019)*. Available at: <https://asia.floorwage.org/wp-content/uploads/2022/01/AFWA-Step-by-Step-approach-to-Prevent-GBV.pdf>; *Vicki Schultz, Reconceptualizing Sexual Harassment, Again, 128 Yale Law Journal 22 (2018)*. Available at: <https://www.yalelawjournal.org/forum/reconceptualizing-sexual-harassment-again>; *Deborah Brake, Retaliation, 90 Minnesota Law Review 18 (2005)*. Available at: https://scholarship.law.pitt.edu/fac_articles/286.
- 9 *See ILO, Q&As on business and collective bargaining, last accessed May 10, 2023*; https://www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_CB_FAQ_EN/lang--en/index.htm.
- 10 *Kyle Morrison, "What's Your Reward? The Debate over Incentive Programs" (April 11, 2011), Safety + Health*. Available at: <https://www.safetyandhealthmagazine.com/articles/5501-whats-your-reward>.
- 11 *ILO, Factsheet No. 5: Grievance Handling*; https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_622209.pdf
- 12 *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013*; <https://districts.courts.gov.in/sites/default/files/Sexual%20Harssment%20at%20Workplace.pdf>.
- 13 *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act*, commonly known as the POSH Act in India, is a legislative act in India that seeks to protect women from sexual harassment at their place of work.
- 14 *Safe Circle Approach: AFWA's Step-by-Step Approach to Prevent Gender-Based Violence*; <https://asia.floorwage.org/safe-circle-approach-afwas-step-by-step-approach-to-prevent-gender-based-violence/>.
- 15 *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*; <https://www.refworld.org/docid/4a60961f2.html>.
- 16 *Asia Floor Wage Alliance's Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia*; <https://asia.floorwage.org/wp-content/uploads/2022/01/AFWA-Step-by-Step-approach-to-Prevent-GBV.pdf>.
- 17 *Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013*; <https://districts.courts.gov.in/sites/default/files/Sexual%20Harssment%20at%20Workplace.pdf>.
- 18 *Withhold Release Orders*; <https://www.cbp.gov/trade/forced-labor>.

Annex 1: Text of the Agreement between Eastman Exports and TTCU

Agreement on Prevention, Remedy and Elimination of Gender Based Violence and Harassment

i. Parties. This Agreement (hereafter “Agreement”) is by and between the undersigned parties (hereafter “Parties”):

Eastman Exports Global Clothing (P) Ltd., having its registered office at 5/591, Sri Lakshmi Nagar, Pitchampalayam Pudur, Tirupur -641 603, Tamil Nadu, India, with Corporate Identification Number (CIN) U18101TZ2003PTC010525 (hereafter “Eastman Exports”), who owns and operates the Included Worksites described in Section 2 below.

Tamil Nadu Textile and Common Workers Union (hereafter “TTCU”), a registered trade union having its registered office at Tamilnadu Textile and Common Labour Union-TTCU, Reg. No. 374/2013, #14, AARO ILLAM, AB NAGAR, Opposite to GOVT I T I, NATHAM ROAD, DINDIGUL- 3 and an organization recognized as an expert on gender-based violence and caste discrimination in the workplace within the garment industry in Tamil Nadu.

ii. Effective date. The Agreement is effective June 13, 2022 (hereafter “Effective Date”).

iii. Statement of principles. Parties share the goal of preventing, remediating and eliminating gender-based violence and harassment (hereafter “GBVH”) including preventing, remediating and eliminating GBVH at the intersection of gender and/or caste or migration status, as well as freedom of association violations that contribute to GBVH in the garment industry including in Tamil Nadu, India, where GBVH and freedom of association are defined in Appendix A;

Parties have a mutual desire to make meaningful progress towards this goal through creation of a program to prevent, remedy and eliminate GBVH at Eastman Exports (hereafter “Program”) and commit to develop a culture of mutual respect and institutionalized acceptance of this Agreement and the Program at Eastman Exports;

Parties mutually pledge to cooperate in good faith with the enforcement of the terms of this Agreement including with the Program so as to achieve the Program goals consistent with maintenance of Eastman Exports’ ongoing business and continued employment of Eastman Exports employees;

Parties encourage Brands sourcing from Eastman Exports including Natchi Apparels to sign Brand Agreements in connection with this Agreement in order to strengthen accountability for preventing, remediating, and eliminating gender-based violence and harassment (GBVH); and Parties recognize that women employees of Eastman Exports deserve safety and respect

at work including respect for their gender, caste, and/or migration status; Parties shall work together to create workplaces at Eastman Exports that live up to this principle.

iv. Witness signatories. Parties recognize and welcome the role of the following Organizations at which shall also participate in the Agreement's Oversight Committee:

Asia Floor Wage Alliance (hereafter "AFWA") is an Asian labor-led global alliance of labor and social movement organizations for addressing poverty level wages, gender discrimination, and freedom of association in global garment production networks;

Global Labor Justice - International Labor Rights Forum (hereafter "GLJ-ILRF") is a U.S. based, global labor rights organization with cross-sectoral experience in supporting efforts to expand compliance with labor standards including the elimination of gender-based violence and harassment; and

Any company ("Brand") that is at the Effective Date or any time thereafter a global manufacturer of apparel and sources products through independent factories including factories owned and/or operated by Eastman Exports, and that has individually signed an Agreement ("Brand Agreement") related to this Program Agreement.

v. Implementation. Parties shall appoint an Implementation Committee to prepare an Implementation Plan within 45 days from the Effective Date and thereafter every 6 months from the Effective Date to which the Oversight Committee shall agree. The Oversight Committee shall identify an Implementing Partner, to be determined at a later date, that is an internationally known organization with expertise on GBVH.

vi. Funding. Subject to mutual agreement by the Oversight Committee, Eastman Exports, in partnership with the Brands, shall contribute to the total costs associated with training and implementation of the Program.

Agreement

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as set forth herein:

1. Duration

This Agreement shall commence on the Effective Date and shall continue in force for 36 months with the possibility of renewal by mutual agreement of the Parties. Parties also agree to a responsible wind down of the program when it closes.

2. Scope

The worksites within the scope of this Agreement, listed herein at Section 2, are hereafter referred to as Included Worksites. The Program shall apply upon Effective Date to all units that Natchi Apparel (P) Ltd., owns and operates the units that Eastman Spinning Mills (P) Ltd. owns and operates at the Eastman Spinning Mills (P) Ltd. address,, as well as all other facilities where workers work or live that are connected to these worksites including such as dormitories and buses. Natchi Apparel (P) Ltd. and Eastman Spinning Mills (P) Ltd. units are within approximately

500 meters. Natchi Apparel Private Limited (hereafter “Natchi Apparels”) is located at SF No 470/2 (Part), Kaithyankottai Village, Vedasandur Taluk, Dindigul District, PIN 624 711, and Eastman Spinning Mills (P) Ltd. is located at NH 7 Karur Dindigul Main Road Viruthalaipatti, Vedasandur, Tamil Nadu PIN 624 711 (hereafter “Eastman Spinning Mills”).

Within 18 months of the Effective Date, the Parties shall commission an expert agreed to by the Oversight Committee, to conduct a study and written report on the impact and replicability of the Program.

3. Cooperation

Beginning on the Effective Date, Parties shall fully cooperate with all activities performed as part of the Agreement and Program, including refraining from actions that have the intent or effect of obstructing any activity performed as part of the Program or Agreement.

Parties shall refrain from any act of retaliation, discrimination against, or interference with Parties, Witness Signatories, or Workers (see Appendix A for definition), for participation in or cooperation with any aspect of the Program or Agreement. Acts considered under this clause shall include any acts by Parties occurring in the course of, linked with or arising out of the Agreement, Program, or Work (see Appendix A for definition).

The Parties recognize their joint commitment that Eastman Exports provides continuous employment to Workers at the Included Worksites. Eastman Exports will endeavor to provide continuous employment of its workforce, as well as new hiring when needed, commensurate with ongoing business and the volume of orders placed by Brands. Eastman Exports will comply with its existing customers’ purchase orders to sustain and enhance their order levels. Furthermore, Eastman Exports shall abide by Indian law with regard to any workforce reduction, so as to ensure the GBVH impact is assessed and appropriate mitigating action is taken.

4. Points of Contact

Within 14 days of the Effective Date, Parties shall designate a project manager for each unit at Natchi Apparels, as well as an overall responsible contact person for implementation of the Agreement and Program. The contact person must be for Eastman Exports a member of their executive level leadership, and for TTCU a member of their State Level leadership.

5. GBVH Prevention, Monitoring and Remediation Program

Policies and procedures: Eastman Exports shall amend all internal policies and procedures applicable to Included Worksites to reflect amendments required for implementation of the Program including to reflect Appendix A (“Prohibited Practices and Available Remedies”) and Appendix B (“Procedure for Investigations and Determinations of Remedies”).

Basic trainings: TTCU and the Implementing Partner shall conduct yearly trainings for all Workers, Supervisors and Managers at Included Worksites, the first to be held within ninety days of the Effective Date, and for all new hires within three months of their hiring, at the normal rate of pay during normal working hours at the Included Worksites, with reasonable advance notice to Eastman Exports, covering GBVH at the workplace and the Program including Appendixes A and B. Eastman Exports shall fully cooperate with the Program, TTCU and Implementing Partner in facilitating such training; this shall include that Eastman shall require all Workers,

Supervisors and Managers to attend and shall provide for the purposes of training to the TTCU and Implementing Partner an updated list of all new hires every month to facilitate training of new hires.

Additional peer educator trainings: TTCU and the Implementing Partner shall conduct regular peer educator trainings, the first to be held within six weeks of the first basic training of Workers and regularly at intervals agreed to by the Parties thereafter, for any Workers at Included Worksites who would like to become peer educators on the Anti-GBVH program including the grievance mechanism. Workers who have completed the training shall be eligible to become shop floor monitors.

Shop Floor Monitors: TTCU shall appoint Workers who have completed the peer educator training to serve as monitors on the shop floor of Included Worksites, provided that such Workers are active employees at one of the Included Worksites. TTCU shall appoint and as necessary replace for each working shift at least two monitors for every fifty workers on the shop floor of each Included Worksite, distributed at regular intervals within the Included Worksite. Shop floor monitors shall engage in peer education regarding GBVH and as necessary provide support to workers to engage the Grievance Mechanism.

Eastman Exports shall fully cooperate with the appointment and functioning of shop floor monitors, including but not limited to providing Parties an updated list of staff and their positions in order to facilitate consultation between Parties regarding the appointment and appropriate locations for shop floor monitors. Any adverse employment action against shop floor monitors shall be subject to a rebuttable presumption of retaliatory intent and reviewed by the Assessor through the Grievance Mechanism.

Remediation meetings: Parties shall meet at regular intervals to discuss prevention and remediation of violations of Appendix A at the Included Worksites in order to supplement the Grievance Mechanism. Violations of Appendix A under consideration by the Grievance Mechanism may not be discussed. However, Parties may discuss any other Violations of Appendix A and/or Party practices that are contributing to violations of Appendix A, consistent with respect for workers' rights to privacy. TTCU may bring any shop floor monitors serving on the ICC to participate in such meetings. Such meetings shall conclude by deciding upon a remediation plan for issues raised, which may include among other remedies, additional training for management. One Assessor shall attend such meetings as an observer and record minutes including the remediation plan to keep on file with the Grievance Mechanism.

6. Grievance Mechanism

Eastman Exports shall within ninety days of the Effective Date reconstitute the Internal Complaints Committee under the POSH Act with the following members: at least three workers at Included Worksites selected by TTCU, which TTCU may replace any time subsequent to the appointment of shop floor monitors with the same number of shop floor monitors selected by TTCU; one independent expert member who is among the Assessors described in Appendix B and selected by mutual agreement of the Parties; and one presiding officer to be a "a woman employed at a senior level at workplace from amongst the employees" selected by mutual agreement of the Parties. Eastman Exports shall facilitate regular training of the members

during normal working hours on company time, which TTCU and the Implementing Partner shall provide.

Eastman Exports shall fully cooperate with the Grievance Mechanism described in Appendix B, including the ICC and the Assessors, including but not limited to the following. Eastman Exports shall make available during normal working hours and at the normal rate of pay Workers, Supervisors, and Managers for interview by the Assessors and shall provide the Assessors with all records relevant to the subject matter of Investigations or other monitoring. Eastman Exports shall, when the ICC has found GBVH and issued a remediation plan to Eastman Exports, fully implement and comply with any remediation plan ICC issues. Eastman Exports shall, when the Assessor has made any finding of a violation of Appendix A outside the scope of the ICC and recommended a remediation plan to Eastman Exports, fully implement and comply with any remediation plan the Assessor issues.

TTCU shall fully cooperate with the Grievance Mechanism described in Appendix B, including the ICC and the Assessors, including but not limited to the following. TTCU shall assist workers to bring complaints and provide testimony and other information in good faith to the Assessor and may provide assistance during the Investigation to any Worker.

7. Material Default

The Assessor shall have independent authority and discretion to reach a determination, via either of investigation undertaken and/or of the Assessor's own volition or in response to a complaint received from one or more of the Parties, whether or not Eastman Exports, in any instance, has materially failed to abide by the terms of this Agreement ("Material Default"). Should the Assessor reach a determination that Eastman has Materially Defaulted the former shall notify the Oversight Committee of this determination.

8. No Court Proceedings

Notification of the Oversight Committee by the Assessor of a Material Default by one or more of the Parties, shall be the exclusive mechanism for the enforcement of, and resolving or adjudicating any dispute, controversy or claim arising out of or relating to this Agreement, or the interpretation hereof. No Party may institute any court proceedings concerning any matter arising from this Agreement.

9. Successorship/ Closure

Eastman Exports shall require any purchaser, transferee, lessee, or receivers or trustee of the Included Worksites covered by this Agreement to accept, in writing, all terms and conditions of this Agreement, and shall provide a copy of this written acceptance to the Oversight Committee at least 30 days prior to the effective date of any such sale, transfer, lease, receivership, or bankruptcy proceeding.

In the event that Eastman decides to cease operations at an Included Worksite, Eastman Exports shall notify the Oversight Committee within a reasonable time after reaching its decision, in order for the Parties and Witness Signatories to evaluate their commitments with the Assessor

and any Implementing Partners.

10. Inaugural Public Announcement

The inaugural public announcement of this agreement shall be held on Monday February 28, 2022, with a jointly agreed on, written statement and an in-person announcement ceremony at the Natchi facility with parties and witness signatories to this agreement and Brand Agreements. Upon signing this Agreement, Eastman Exports may discuss and/or share a copy of this signed Agreement with its business partners (including current and potential customers), along with information about the public launch date.

11. Severability

If the Parties believe any term or provision of this Agreement is invalid, illegal or unenforceable in any jurisdiction, the Parties shall negotiate in good faith to modify this Agreement to reflect the original intent of the Parties as closely as possible in order that the terms and conditions contemplated hereby be effectuated as originally contemplated to the greatest extent possible. Such invalidity, illegality or unenforceability shall not affect any other term or provision of this Agreement.

12. Entire Agreement

This Agreement constitutes the sole and entire Agreement of the Parties with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous understandings, Agreements, representations, and warranties, both written and oral, with respect to the subject matter.

13. Notice

Each Party hereto shall deliver all notices, requests, consents, claims, demands, waivers, and other communications under this Agreement (each, a "Notice") in writing and addressed to the other Party at the addresses set forth on in the Signature Block Section of this Agreement (or to such other address that the receiving Party may designate from time to time in accordance with this Section). Each Party shall deliver all Notices by personal delivery, recognized international overnight courier (with all fees prepaid) or email with confirmation of transmission, or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a Notice is effective only if the giving the Notice has complied with the requirements of this Section.

14. Amendment

Any amendment to the terms and conditions of this Agreement shall be in writing and signed by all the Parties hereto.

15. Counterparts

This Agreement may be signed in counterparts, including by facsimile or PDF, each of which taken together, shall constitute one and the same Agreement.

16. Governing Law

This Agreement shall be governed by the laws of India and all matters arising out of or relating

to it, are governed by and construed in accordance with the laws of India and any applicable international law and international labor standards. No Party shall be obligated to carry out any obligation under the Agreement in a manner that would require that Party to violate the laws of India.

17. Miscellaneous

Nothing contained in this Agreement creates a joint venture, employer employee, principal-agent or other similar relationship. No Party is authorized to sign, contract, deal, or otherwise act in the name of or on behalf of any other Party. This Agreement may not be assigned by any Party without all of the other Parties’ prior signed and written consents that have been conveyed through electronic mail.

This 15 day of February 2022.

Parties:

Eastman Exports Global Clothing (P) Ltd

Tamil Nadu Textile and Common Workers Union (TTCU)

Witness Signatories:

Asia Floor Wage Alliance:

Global Labor Justice - International Labor Rights Forum

Appendix A: Prohibited Practices and Available Remedies

The prohibited practices in this Agreement and Program recognizes that an escalating ladder of GBVH is common to the textile and garment industries and that in order to prevent GBVH it is important to prohibit and remediate all forms of GBVH to avoid escalation and mitigate harm. The Agreement and Program further recognizes that unremedied violations of national and international labor law outside the scope of Appendix A perpetuates a culture of impunity in the workplace and thereby contributes to GBVH.

i. Definitions. In the Agreement, the following terms are defined as follows:

“Gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment, as well as conduct at the intersection of gender and other prohibited bases of discrimination including but not limited to caste and migration status, and includes all GBVH that occurs in the course of, linked with or arising out of work;

“Violence and harassment” refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm, and includes gender-based violence and harassment;

“Work” refers to (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) in employer-provided accommodation; and (f) when commuting to and from work;

“Freedom of Association” means the protected rights of workers and trade unions under ILO Convention C87 and C98 including their interpretation by the ILO Supervisory bodies and under the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Economic Rights and their interpretation by relevant UN bodies;

“Persons” means all individuals working for Eastman Exports at Included Worksites regardless of their contractual status, including persons in training, workers on probation and applicants for work (“Workers”); (ii) “Other Persons” include Workers, managers, supervisors, customers, clients, suppliers and other third-party contractors in the Workplaces (“Other Persons”);

ii. Guidance. Parties shall consider as authoritative guidance the ILO fundamental Conventions including their interpretation by the ILO Supervisory bodies as well as the UN Covenant on Civil and Political Rights and the UN Covenant on Economic, Social and Economic Rights and their interpretation by relevant UN bodies;

1. Types of Violations

Violations shall be divided into four categories. Category 1-3 violations constitute “sexual

harassment” under §§2-3 of the POSH Act*. Category 4 violations cover freedom of association. Category 2 and 3 cover the “escalation ladder” of GBVH in which Category 3 violations often escalate to Category 2 violations. However, it is critical to note that the context and circumstances of a particular violation are essential to take into account: in some cases a Category 3 violation may be as serious as a Category 2 violation.

Available remedies are tailored to address the harms that result from such violations including their impact on the survivors as well as on the degree to which the workplace is hostile.

Category 1 Violations — repeated GBVH or retaliation for reporting or resisting GBVH

- Retaliation for reporting or otherwise resisting Category 2-3 violations;
- Repetition of Category 2-3 violations after initial finding of violation;
- Any of the above, also in a discriminatory manner on the basis of caste, migration status, or any other protected characteristic under international human rights law;

Category 2 Violations — GBVH involving physical assault

- Physical violence including throwing heavy bundles of papers and clothes;
- Unwanted touch or physical contact including patting, pinching, or stroking;
- Corporeal punishment including restrictions on use of bathroom breaks;
- Sexual assault;
- Any of the above, also in a discriminatory manner on the basis of caste, migration status, or any other protected characteristic under international human rights law;

Category 3 Violations — GBVH not involving physical assault

- General verbal abuse, including bullying and public humiliation;
- Derogatory comments of a sexual nature or based on gender;
- Oral communications that are sexual in nature such as obscene conversations within earshot at work or obscene phone calls;
- Requests, whether explicit or implicit, for sexual favors;
- Written material that is sexual in nature such as notes or text messages;
- Requests for private information by management including phone number, address, family members;
- Comments about clothing, personal behavior, or a person’s body;
- Telling lies or spreading rumors about a person’s personal life;

* The POSH Act (2013) defines “sexual harassment” as “any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:— (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;” (§2(n)); §3(2) stipulates “The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:— (i) implied or explicit promise of preferential treatment in her employment; or (ii) implied or explicit threat of detrimental treatment in her employment ; or (iii) implied or explicit threat about her present or future employment status; or (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or (v) humiliating treatment likely to affect her health or safety.”

- Violations of privacy including surveillance at employer-provided accommodation for female workers;
- Restrictions on freedom of movement at employer-provided accommodation for female workers;
- Any of the above, also in a discriminatory manner on the basis of caste, migration status, or any other protected characteristic under international human rights law;

Category 4 Violations — Violations of freedom of association

- Violations of freedom of association as defined by ILO Conventions 87 and 98 including but not limited to:
 - Acts of anti-union discrimination especially making the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership and causing he dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities; and
 - Acts of interference by employers' organizations or their agents or members in the establishment, functioning or administration of unions, in particular acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations.

2. Available Remedies

Purposes

The purpose of remediation in this program is to support justice for garment workers and facilitate long-term transformation of workplace conditions to end GBVH at Eastman Exports. In particular, the purposes are:

- Immediately protect and assure the safety of affected workers, both survivors and their co-workers, after an allegation is made;
- Provide remedy that is rehabilitative and survivor guided both in process and outcome: in process by providing survivor an opportunity to voice their preferences regarding remedy and in outcome by providing a range of options that can be combined to tailor a remediation plan that makes the worker whole;
- Provide remedy that deters future GBVH through penalties that are significant enough to signal an end to the culture of impunity for GBVH and incentivize long-term transformation in workplace conditions to the benefit of both workers and Eastman Exports;
- Provide remedy that where violative of the collective right to freedom of association makes whole the collective harm caused by the violation.

Process for selecting remedy

During the pendency of conciliation, Eastman shall upon recommendation of the Assessor implement the recommended interim protection measures provided such recommendations

are consistent with the minimum requirements of the POSH Act where applicable. If agreed to through conciliation, Parties may agree to any (one or multiple) of the final remedies except 1-2. Remedies shall be documented as part of a remediation plan, and there shall be a meeting of the parties within an agreed upon time frame to review compliance with the plan.

During an investigation conducted by the Assessor for any category of violation the Assessor may implement any of the interim protection measures and may recommend any (one or multiple) appropriate remedy or remedies, except that remediation for Category 2 violations — GBVH involving physical assault — must include one of 1-6 among the Final Remedy options.

The Assessor may follow up directly with Eastman Exports to ensure the remediation plan — either directly recommended to Eastman Exports or adopted by the ICC to be issued to Eastman Exports — has been implemented.

Available remedies

Interim protection measures

- Relocation of either the accused or with her consent the worker to another section of the factory;
- Free counseling services with the provider of the worker's choosing;
- Paid leave during pendency of complaint (between complaint filing and until remedy implemented);
- If a migrant worker, alternative housing during pendency of the complaint (between complaint filing and until remedy implemented);

Final remedy for Category 1-3 violations;

Upon finding of a violation the Assessor shall propose a time bound corrective action plan which shall include one or more of the following:

- Firing of the violator and/or their supervisor;
- Suspension of the violator and/or their supervisor;
- Reinstatement of a worker;
- Financial compensation for harm caused to the worker and/or their family;
- Public apology by the violator and/or their supervisor [to individual or group as is appropriate for the violation];
- Private apology [to individual or group as is appropriate for the violation]; and/or
- Initial disciplinary warning of the violator and/or their supervisor;
- Notice of future suspension in the event of repetition to the violator and/or their supervisor;
- Notice of future firing in the event of repetition to the violator and/or their supervisor;
- Training on GBVH of the violator and/or their supervisor by the TTCU and Implementing Partner;
- Training by the TTCU and Implementing Partner for all workers under the violator who has

engaged in violations;

- Free counseling services for the worker with the provider of the worker's choosing;
- Relocation of either the worker or accused to another section of the factory;
- Any other appropriate remedy not included that assures the worker is safe and whole during and after the period of investigation.

Final remedy for Category 4 Violations;

Upon finding of a violation the Assessor shall propose a time bound corrective action plan which shall include one or more of the following:

- Firing of the violator and/or their supervisor;
- Suspension of the violator and/or their supervisor;
- Reinstatement of a worker;
- Public apology by the violator and/or their supervisor [to individual or group as is appropriate for the violation];
- Initial disciplinary warning of the violator and/or their supervisor;
- Notice of future suspension in the event of repetition to the violator and/or their supervisor;
- Public statement affirming commitment to freedom of association;
- Training for management including the violator and/or their supervisor on freedom of association by TTCU and Implementing Partner;
- Training by the TTCU and Implementing Partner for workers impacted by the violation; and/or
- Any other appropriate remedy not included that assures the worker is safe and whole during and after the period of investigation.

Appendix B: Procedure for Complaints, Investigations and Determination of Remedies

The Oversight Committee shall appoint a body of Assessors, led by a Head Assessor, who shall be responsible for the investigation of complaints and determination of remedies consistent with this Agreement. Assessors shall have relevant expertise, meaning that they have demonstrated professional expertise in investigating of gender-based violence and harassment and/or that ii) they have demonstrated expertise in investigating other forms of discrimination at the workplace including discrimination on the basis of caste and/or migration status. Assessors shall also be independent, meaning that they i) shall be permitted to carry out their activities without interference as described below and ii) shall not have worked at any time for any organization that has previously worked on GBVH at Natchi Apparels; and the Assessors, absent clear evidence of malfeasance or incompetence shall be permitted to carry out their activities, consistent with this Agreement, without restriction or interference, notwithstanding assistance from the Oversight Committee with administrative functions including financial management and controls, design and quality assurance and training.

Any written complaints of Category 1-3 violations may within six months of the incident be reported to the ICC or to the Assessors who shall refer them to the ICC; the ICC shall delegate the Head Assessor to select an Assessor to investigate and recommend remedies in a report to the ICC, which the Head Assessor shall approve. Prior to investigation, the ICC may facilitate conciliation with the consent of the worker alleging the violation(s), in which any remedy except monetary compensation may be agreed to and an Assessor shall attend such conciliation as a neutral observer to record such implementation plan.

Anonymous complaints of Category 1-3 violations or Category 4 complaints may be reported to the Assessors, who shall investigate and recommend remedies in a report to Eastman Exports.

The Assessors may investigate all allegations that if true, would constitute a violation of Appendix A.

In conducting investigations, the Assessors shall observe the following obligations:

1. The Assessors shall fully comply with the POSH Act including but not limited to respecting due process and providing both parties an opportunity to be heard during the inquiry and a copy of the findings made available to both, enabling them to make a representation against them before the ICC; note the ICC does not delegate its Section 11 civil court powers under the POSH Act to the Assessors;
2. Assessors shall maintain records of the subject matter, handling, and disposition of all complaints received via the Grievance Mechanism, whether investigated or not;
3. Assessors shall request that any complainant(s) identify witnesses and other persons with first-hand information relevant to the subject matter of the Investigation, and, wherever prudent, interview these individuals at an offsite location;
4. Assessors shall maintain, unless given express personal permission to the contrary, the

confidentiality of complainants, witnesses, and other individuals providing information to them concerning the subject matter of an Investigation and ensure that such persons shall be protected from retaliation for cooperating with the investigation;

5. If, at any time, it shall not be possible to carry out a fair and credible Investigation or to direct Remedies if violations are found, while also maintaining the confidentiality of the complainant and/or any of the witnesses, Assessors shall inform any complainants and/or relevant witnesses, and secure their informed consent before proceeding further with the Investigation and/or incorporating the latter's testimony into the investigation's findings.
6. Assessors shall in order to avoid interference with their work, whenever possible, schedule interviews with complainant(s), witnesses, and other persons with first-hand information relevant to the subject matter of the Investigation in advance, and arrange that these interviews be conducted in a location away from the Factories, prior to interviewing the person(s) alleged to have violated the Code of Conduct, any witnesses proposed by the latter, or any Supervisors or Managers (except where the Supervisor or Manager to be interviewed is a complainant);
7. Assessors shall when interviewing the person(s) alleged to have violated Appendix A and/or any Managers and Supervisors, inform the interviewees that any form of retaliation against the complainant or other persons providing information to the Assessors concerning the relevant subject matter shall result in the Assessor requiring that those responsible for the retaliation be subjected to disciplinary action, up to and including termination or dismissal;
8. Assessors shall in each investigation determine whether a violation of Appendix A has been proved based on whether the preponderance of the evidence gathered shows the violation, except in cases where there is a rebuttable presumption;
9. Assessors shall communicate their final report to the complainant, to the ICC and to both the Parties in writing on a confidential basis;
10. Assessors shall operate in all their activities in appropriate languages, including by engaging the services of translators, and shall issue their final reports as needed in both English and Tamil.

The Oversight Committee shall define a set of data points to be measured and released publicly no less than biannually. The Oversight Committee may periodically request that the Assessors prepare certain information on the Program including its progress for public publication, such as but not limited to statistics and case examples. Any such public disclosures shall not include the names of individuals involved in the complaint or information that would lead to their identification and which shall not be publicly reported until at least four (4) months from the date on which the Assessors reached a determination. In all cases, absent express permission to the contrary, such public reports shall not contain any information that would allow any complainants, or any witnesses other than the person(s) alleged to have violated Appendix A, to be identified.

The Assessors shall in all instances comply with applicable laws, and if it is determined by a Court of Law that any of the provisions of this Procedure conflict with the binding provisions of

applicable law, Parties shall amend such provisions of this Procedure to resolve such conflict.

