

Ms. [REDACTED]

We are writing on behalf of the Garment and Allied Workers' Union, to inform GAP about your supplier factory, Chelsea Mills located at 359,360 and 361, Phase IV, Udyog Vihar Gurugram. We are hereby informing you and tendering our complaint against the illegal malpractices and active intimidation and harassment by this supplier company against senior women workers of the company.

Below mentioned is the chronology of events that has led to the present complaint to you:-

Workers whose case specifically needs to be looked into are- [REDACTED]
[REDACTED]

October 2019- The women workers filed a complaint before the DLC, Gurugram about the bad working conditions of women workers and the misbehaviour by the supervisors- through Garment and Allied Workers' Union. The most problematic condition was that some of the women workers were called one hour later than the normal shift and were allowed to leave work one hour later than other workers of the company. The women workers who were unable to finish the target of accumulated work were constantly threatened with termination. One of the supervisors, [REDACTED] was very abusive to the women workers and the management was not doing anything to reprimand or control this supervisor. The workers continued to work in the company

March 2020- Lockdown was imposed all over India.

June 2020- Company opened. Workers were called back to work except 5 out of the 6 workers who filed the complaint in October 2019. One worker out of these 6 workers is working in the company presently. 3 other women workers who were supporting these 5 workers were also not taken back to work.

July 2020- Again complaint was filed before DLC Gurugram citing this unfair practice. This is still pending, and during the course of this the company made the statement before DLC that they have not terminated the workers but as work was not available in the company so these workers will be called to work when work again becomes available. In the meantime these workers were not even allowed to enter the company premises to report to work. In the meantime also, since the opening of the company after lockdown, these workers have not been paid any wages for the last 4 months.

September 2020- Payment of wages claim was filed for five of these workers before Asst. Labour Commissioner, Circle 2, Gurugram, on the advice of DLC Gurugram.

October 2020- Demand Notices for 6 out of the 8 women workers were filed for Illegal termination before Asst. Labour Commissioner, Circle 2 Gurugram.

After the reopening of the company after lockdown the company has terminated a large number of senior workers, especially women and hired new workers in their place. This is being done so as to deny gratuity payment to workers, most of whom have more than 5 years of service, and some even have 8-12 years of service.

So far the above mentioned 8 workers have not received either the wages for the period since the company opened after the lockdown, nor have they been given work. Most of these workers have more than 7-8 years of service for the company and the company is also liable to pay Gratuity in lieu of that.

The 8 women workers who were terminated- they have been out of work since June and are finding it very hard to make ends meet. During lockdown the company paid some workers a one time 4000 Rs. but these 8 workers were paid no money. Two of the woman workers are widows and in a destitute condition and have children to take care of. The workers also have to pay rent and schooling of children apart from food and ration. Daily wage work is also not available at this time and these 8 women workers are finding it very hard to survive.

Apart from being a serious wage violation, the present case also comes under violation of provisions relating to retrenchment and lay-off under the Industrial Disputes Act, 1947- and the acts of the company come under Unfair Labour Practices, in so much that these 8 women workers who are associated with the Garment and Allied Workers' Union have been specifically targeted.

The women workers and the Union demand that these women workers be unconditionally be taken back to their original services and at the same post, same department and same location. These workers should be paid their full wages from June 2020 and should be given all other consequential benefits.

The HR personnel from the company on 16.10.2020 visited the house of one of the women workers [REDACTED] who had filed complaints before the labour department and offered to forcefully pay her the full and final payment- and if she refused the same, she will have to face consequences. Another worker [REDACTED] was also approached earlier at her home but the management could not find her there. So the HR one [REDACTED] called her on her mobile and also offered her the full and final and warned her of consequences also. This amounts to Criminal intimidation and comes directly under Unfair Labour Practices, as it can be seen how the supplier is trying its level best to break the union presence in their company.

The company must also ensure that no retributive or vengeful action is taken against these workers for being involved with the union, and also that these workers do not face any abuse, harassment, partiality or discrimination once they come back to work.

It is required that GAP as the brand intervenes in the matter and convenes representatives from the Union, the Supplier and GAP as the brand to resolve all matters explained above.

The 8 women workers should be taken back to work from the date of receipt of this complaint, in their original service and seniority. During the pendency of this complaint and during the negotiations- GAP should ensure that no adverse or retributive action is taken against these workers.

Sincerely;

Kumar Ravishankar, V. President

Garment and Allied Workers Union(GAWU)

Amarnath Sharma, General Secretary

Garment and Allied Workers Union(GAWU)