

July 21, 2020

Via E-mail and Federal Express

The Right Honourable Narendra Modi
Prime Minister of India
Office of the Prime Minister
South Block, Raisina Hill
New Delhi, 110011
India

Re: Proposed Amendments to State Labour Laws

Dear Prime Minister Modi:

We write to follow up upon the attached letter that was sent to you on June 9th by a number of business organizations to which we belong and civil society organizations with which we partner regarding pending proposals by some Indian states to adopt COVID-related amendments to relax or suspend labour laws. We are multinational businesses that are committed to working with business partners that uphold the legal rights of workers and to sourcing from countries in which international labour standards are respected. Collectively, we annually place more than US \$700 million in orders from apparel, footwear, and an array of other industries in India. We care about the rights of workers in these sectors and ask that you consider our views, and the views expressed by the business and civil society organizations, in assessing the state-proposed initiatives.

We understand that the economic impact of COVID-19 has had serious consequences for global supply chains. This challenge demonstrates that the health and well-being of workers, communities, and businesses are inextricably linked. We hope that the Government of India will respond to the crisis through leadership that recognizes this link as the key to recovery.

Some Indian states have adopted legislative proposals to significantly relax or suspend labour protections, arguing that such modifications would help Indian employers cope with the effects of the pandemic and boost investment in manufacturing industries. The proposed amendments, however, would have immediate and grave consequences for workers in those states. They could also damage India's ranking on the World Bank's Ease of Doing Business Index and harm the country's long-term business prospects and labour economy.

Several Indian states unilaterally made substantive changes to their labour laws and regulations through the promulgation of state executive orders. Other states proposed suspending labour laws for varying periods – although some have since withdrawn those proposals. Inasmuch as labour is treated as a “Concurrent Subject” under the Constitution, states are entitled to establish their own laws but still need approval from the Central Government.

We are cognizant that ensuring respect for human rights is a shared responsibility. Under the U.N. Guiding Principles on Business and Human Rights, governments are expected to *protect* human rights and businesses are expected to *respect* human rights. For businesses to fulfil their human rights responsibility when sourcing product, we need robust national laws that are appropriately monitored to ensure implementation. The amendment or suspension of key labour laws in India in response to the pandemic would leave us seriously concerned about respect for worker rights in our supply chains.

We recognize the Government of India's commitment to worker rights and fair labour as enshrined in the Constitution and statutes that have strengthened India's labour law framework. These commitments are consistent with the fundamental rights expressed in the U.N. Declaration on Fundamental Principles and Rights at Work, as adopted by the International Labour Organisation ("ILO") in 1998, as well as the rights affirmed in ILO Convention 144, which establishes requirements for tripartite consultation before amending a labour law. Indeed, India is a founding member of the ILO and ratified Convention 144 in 1978.

We are concerned that the amendments to state labour laws countermand Convention 144 inasmuch as they were made without formal consultation with employers and workers. Other ILO conventions could also be violated by the proposed amendments, including Convention 001, related to hours of work; Convention 081, related to labour inspections; and Conventions 87 and 98, regarding freedom of association and collective bargaining. In light of this, it was heartening to see the Government's affirmative response to the concerns raised about this by the ILO. Such concerns are becoming increasingly acute, however, as workers now return to their places of employment.

In short, the proposed changes would seriously jeopardize the safety, security, and well-being of workers in India. In this vein, we respectfully request you to: (1) ensure that the restrictions on labour laws promoted by the state governments are not implemented; (2) encourage those governments to consult with affected stakeholders, including trade unions, before proposing additional changes to state labour laws; and (3) ensure that all eight fundamental ILO Conventions are implemented in India.

We look forward to your response to this letter, and the letter sent on June 9th by the business and civil society organizations. Should the Government be unable or unwilling to take the steps noted above, we would be particularly eager to understand the basis for such a decision.

Thank you for your consideration of this very important issue. We look forward to further engagement with you on this matter.

Respectfully,

adidas

Adidas



ALDI Einkauf GmbH & Co. oHG



ALDI SOUTH Group



Amer Sports

ARMEDANGELS

Social Fashion Company GmbH



Bel and Bo

BELLA+CANVAS.

Bella + Canvas

BESTSELLER®

Best Seller



Social Clothing Company



Birdsnest

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Esprit

GERRY WEBER
INTERNATIONAL AG

Gerry Weber International AG

HUGO BOSS

Hugo Boss AG

IKKS

IKKS

Joules

Joules



KiK Textilien und Non-Food GmbH



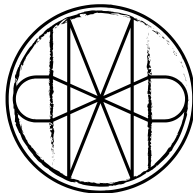
Koppermann & Co. GmbH



Lacoste



Living Crafts



MADNESS
THE NATURE TEXTILE COMPANY

Madness



Manroof

MELAWEAR

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Montane



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NEW LOOK

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Sessùn



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Takko



TFG Group

THE KOOPLES
PARIS

The Kooples



very Littlewoods

The Very Group



The Woody Group



Volcom



Waschbär GmbH

cc:

The Honourable Shri Ram Nath Kovind
President of India
The Government of India

Shri Nitin Gadkari
Minister of Micro, Small & Medium Enterprises
Government of India

Shri Santosh Gangwar
Minister of State
Ministry of Labour and Employment
The Government of India

Shri Thaawarchand Gehlot
Minister of Social Justice and Empowerment
The Government of India

Shri Piyush Goyal
Minister of Commerce & Industry
Government of India

Shrimati Smriti Irani
Minister of Textiles
Minister of Women and Child Development
The Government of India

Shri Harsh Vardhan
Minister of Health & Family Welfare
The Government of India

Shri Heeralal Samariya
Secretary
Ministry of Labour and Employment
The Government of India

Shri Bhartruhari Mahtab
Chairperson
Parliamentary Committee for Labour



June 9, 2020

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Prime Minister of India
Office of the Prime Minister
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New Delhi, 110011
India

Re: Proposed Amendments to State Labour Laws

Dear Prime Minister Modi:

We write with regard to pending proposals by some Indian states to adopt COVID-related amendments to relax or suspend labor laws. We are civil society and business organisations that are dedicated to worker well-being in global supply chains. Collectively our membership represents more than 2,000 brands and retailers from over 30 countries, primarily in North America and Europe, that are committed to working with business partners that uphold the legal rights of workers and to sourcing from countries in which international labor standards are respected. As organizations whose members annually place more than \$9 billion in orders from apparel, footwear, and a wide array of other industries in India, and who care about the rights of workers in these sectors, we ask that you consider our views in assessing the state-proposed initiatives.

We understand that the economic impact of COVID-19 has had serious consequences for global supply chains. This challenge demonstrates that the health and well-being of workers, communities, and businesses are inextricably linked. We hope that the Government of India will respond to the crisis with leadership policies that recognize this link as the key to recovery.

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We recognize the Government of India's commitment to worker rights and fair labour as enshrined in the Constitution and statutes that have strengthened India's labour law framework. These commitments are consistent with the fundamental rights expressed in the U.N. Declaration on Fundamental Principles and Rights at Work, as adopted by the International Labour Organisation ("ILO") in 1998, as well as the rights affirmed in ILO Convention 144, which establishes requirements for tripartite consultation before amending a labour law. Indeed, India is a founding member of the ILO and ratified Convention 144 in 1978.

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In short, the proposed changes would seriously jeopardize the safety, security, and well-being of workers in India. In light of this, it was heartening to see the Government's affirmative response to the concerns recently raised by the ILO. In this vein, we respectfully request you to: (1) ensure that the restrictions on labour laws promoted by the state governments are not implemented; (2) encourage those governments to consult with affected stakeholders, including trade unions, before proposing additional changes to state labour laws; and (3) ensure that all eight fundamental ILO Conventions are implemented in India.

Thank you for your consideration of this very important issue. We look forward to further engagement with you on this matter.

Respectfully,



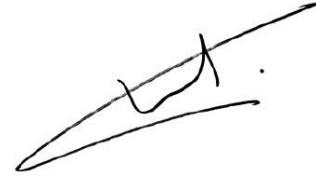
Sharon Waxman
President & CEO
Fair Labor Association



Christian Ewert
President
amfori



Alexander Kohnstamm
Executive Director
Fair Wear



Stephen Lamar
President and CEO
American Apparel &
Footwear Association (AAFA)

Jane Hwang
President and CEO
Social Accountability International

Carole Hommey
Coordinator
ICS

cc:

The Honourable Shri Ram Nath Kovind
President of India
The Government of India

Shri Santosh Gangwar
Minister of State
Ministry of Labour and Employment
The Government of India

Shri Heeralal Samariya
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