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## SWEATSHOP WATCH EMPOWERING WORKERS, INFORMING CONSUMERS

### Supporting Mexican Garment Workers at the Tarrant Ajalpan Factory

#### Background on the Tarrant Campaign

The Tarrant México - Ajalpan factory opened in 1999 and employed roughly 1,000 workers. It was one of several factories in southern Mexico owned by the Tarrant Apparel Group ("Tarrant"), a Los Angeles-based apparel company. Kamel Nacif Borge was the lessee and manager of Tarrant's Mexican facilities.



Prominent customers of Tarrant included **Levi's, Limited Brands, Charming Shoppes, Tommy Hilfiger, Abercrombie & Fitch, The Wet Seal, and Federated Department Stores**. Workers at Tarrant-Ajalpan reported working ten hours a day and receiving 400 to 700 pesos a week (US\$40 – 70), with salary reductions for failure to reach production quotas which workers claim were impossible to achieve. Workers also reported enduring verbal abuse and sexual harassment.

On June 10, 2003, more than 800 workers held a work stoppage to protest working conditions and to demand compliance with Mexico's profit-sharing law. That same day, workers elected eight leaders to a Negotiating Coalition to address Tarrant management. On July 16, these leaders were illegally fired and two of them were pressured to sign dismissal papers.

In response, workers formed an independent union, SUITTAR (Sindicato Único Independiente de Trabajadores de la Empresa Tarrant México) on July 19, 2003. Over 750 workers (about 75% of the workforce) affiliated, according to Centro de Apoyo al Trabajador (CAT), the local NGO supporting the union.

In August 2003, 220 workers were illegally dismissed from Tarrant's Ajalpan factory, along with hundreds of workers from other Tarrant factories. In September, the Worker Rights Consortium, an independent non-profit monitoring organization, issued the findings of its investigation, confirming that the firings at Tarrant-Ajalpan had been illegal, and not a response to "declining orders," as the company claimed. SUITTAR held a 30-kilometer march to Tehuacán to protest the layoffs.

On August 7, 2003, SUITTAR filed for recognition as a union with the local labor board. On October 6, 2003, SUITTAR's application for legal recognition ("registro") was unjustly denied.

SUITTAR filed an appeal of the board's decision, but the workers faced increased intimidation, including reportedly being warned by Tarrant representatives to either end the union drive or be denied severance payment. Organizers from the CAT were reportedly followed home after a SUITTAR meeting by two men in an unmarked car. In addition, two emails warned the CAT not to organize factories owned by Kamel Nacif Borge.

Tarrant closed its Ajalpan factory in February 2004, along with the rest of its Mexican factories, leaving at least five thousand people without work. Ajalpan workers reported trouble finding new employment due to blacklists.

#### International campaign

In October 2003, Tarrant-Ajalpan workers asked for support from international allies. Sweatshop Watch, the AFL-CIO Solidarity Center, Maquila Solidarity Network, United Students Against Sweatshops, U.S. Labor Education in the Americas Project (U.S. LEAP), and others lent their support to the campaign.

#### Protest against Tarrant Apparel Group

On May 26, Sweatshop Watch organized a protest at the TAG annual shareholders' meeting in Los Angeles. While a team of protesters picketed outside the meeting, two persons attended the shareholders' meeting to discuss with management concerns about TAG's unfair labor practices in its plant in Ajalpan. They questioned TAG Board President Barry Aved about the well-documented

incidents of labor abuse in the Ajalpan factory, and presented workers' demands that TAG reopen the factory and rehire the fired workers.

Despite two independent which independently verified the workers' allegations and led three of Tarrant's top clients – the Limited, Charming Shoppes, and Levi-Strauss – to terminate business with the company, Aved denied the allegations. Aved was unable to offer any alternate explanation for the more than 800 firings in Ajalpan.

### **Campaigns for retailer accountability**

Because of the pressure exerted by the international campaign, many of Tarrant's most important clients used their leverage to pressure Tarrant.

Levi Strauss attempted to conduct an independent audit of the situation, but Tarrant blocked Levi's access, preferring to lose its business than allow the company to enforce its codes of conduct. Levi's remained engaged in trying to pressure Tarrant and local Mexican government authorities to remediate the violation. Levi's also submitted testimony as part of an investigation under NAFTA's labor side agreement.

Limited Brands and Charming Shoppes also pressured Tarrant to rehire the fired workers and respect worker rights. In November 2003, Limited hired Verité to conduct an independent third party audit of the Ajalpan situation, a report which "largely corroborated" the findings of the earlier Workers Rights Consortium report. When Tarrant refused repeated requests to correct violations, Limited and Charming Shoppes stopped placing orders with Tarrant in Mexico. According to Tarrant, it lost \$60 to \$75 million in orders as a consequence.

In contrast, Tommy Hilfiger failed to intervene and pulled out of Tarrant altogether, claiming the action reflected a previous business decision. However, the company refused to discuss the situation with advocates. Tommy Hilfiger's timing appeared to be a classic cut-and-run response to workers' attempt to organize.

Wet Seal and Federated Department Stores retained key business relationships with Tarrant and refused to intervene aggressively in response to Tarrant's worker rights violations. Federated argued that they had no responsibility towards Tarrant workers in Mexico and refused to meet with workers at its headquarters in Cincinnati in March 2004.

Wet Seal met with Sweatshop Watch and former Tarrant workers in March 2004, but failed to respond to the workers' demands. As a result, Sweatshop Watch organized a protest at Wet Seal's annual shareholders' meeting in Costa Mesa, CA on May 27 to pressure the company to intervene.

### **Mexican consulate**

Sweatshop Watch and former Tarrant workers met with the Mexican consulate in Los Angeles and obtained their commitment to urge the Mexican government to uphold legally-mandated labor protections for Tarrant workers.

### **Worker tour**

In March, 2004, former Tarrant workers engaged in a 10-day speaking tour through California and Ohio, states where TAG and its major clients are based. Sweatshop Watch hosted the Los Angeles and San Francisco parts of the tour, including media and public events.

### **Complaints under NAFTA**

Groups in Mexico, the U.S., and Canada filed a complaint against the Mexican government alleging unfair denial of independent union registrations by the Mexican Conciliation and Arbitration Board (CAB) in Puebla. The complaint was filed under NAFTA's "labor side agreement," or North American Agreement on Labor Cooperation (NAALC), which handles labor grievances through the National Administrative Office (NAO).

On April 1, 2004 70 people, including several former Tarrant workers, attended a US NAO hearing in Washington D.C. held to investigate the complaints. The workers asked the NAO to press the Mexican government to take specific steps to improve respect core labor rights, especially the right of workers to establish independent democratic unions. On May 28, 2004, a similar hearing was held before the Canadian NAO.

The U.S. NAO investigated the complaint and issued a surprisingly critical report in September 2004. It confirmed what worker rights advocates have long argued: that Mexican authorities regularly deny the establishment of democratic, independent trade unions.

Unfortunately, the worker rights side agreement of NAFTA does not offer any remedies for violating freedom of association other than governmental "consultations." There is no cost to the company and no remedy to workers whose rights were violated.

Though the NAALC process has historically been weak and lost credibility over the years, the workers viewed this as an additional tool to pressure the Mexican government, the factories and their international apparel clients to obey Mexican law and recognize independent unions. It was the first garment maquila case to be accepted by the NAO in the first ten years of NAFTA.

The NAO report is available on the website of the U.S. Department of Labor at [www.labor.gov/ILAB/programs/nao/main.htm](http://www.labor.gov/ILAB/programs/nao/main.htm) (Report on Review of U.S. NAO Submission no. 2003-01).

#### **Kamel Nacif's connection to events of late 2005-2006**

In late 2005, maquila owners, possibly including Nacif, were apparently behind attacks on Martin Barrios, an internationally known defender of worker, indigenous and environmental rights in Tehuacan, Puebla.

Martin Barrios is the President of the Human and Labor Rights Commission of the Tehuacan Valley ("the Commission"), co-author of *Tehuacan: Blue Jeans, Blue Waters and Worker Rights*, a joint publication of the Commission and the Maquila Solidarity Network, and an advisor to the Mexican Federal Electoral Institute in Tehuacan. Last year, the Commission was awarded the prestigious Tata Vasco human rights award by Mexico's Jesuit universities.

Martin Barrios was one of the advocates that assisted the Tarrant workers during their campaign. Most recently, Martin Barrios, with the Commission, assisted workers from Calidad en Confecciones, a maquila owned by Lucio Gil Zarate. Gil is a subcontractor for AZT, an apparel company in which Kamel Nacif is a part owner.

In early November 2005, the Commission assisted workers in filing a complaint before the local labor board, charging the employer with worker rights violations. On November 10, 2005, Gil signed an agreement to resolve the outstanding issues, but, according to the Commission, failed to comply with the agreement. On November 22, 2005, Gil fired all 163 workers who had been part of the original complaint.

The workers responded to the firings by staging peaceful protests outside the local offices of the labor board, the FROC-CROC (the government-affiliated, management-controlled union that had failed to defend the workers' rights), and Mr. Gil's home, demanding the severance pay they were owed.

Gil responded by filing charges against Barrios for alleged blackmail on December 16, 2005, the same day as independent journalist Lydia Cacho was arrested. Cacho had published a book which showed Kamel Nacif's involvement in a child prostitution ring. Nacif brought defamation charges against Cacho, who was arrested by Puebla state police in another state, then transported back to Puebla.

Barrios has been publicly supporting Cacho. A few months later, compelling evidence (including taped phone conversations) was made public linking the Puebla state governor and Nacif with the plot to arrest and rape Lydia Cacho.

On December 29, 2005, Barrios was arrested by the intelligence division of the Puebla state police and transported from his home city of Tehuacan to the state capital of Puebla where he was held in state prison for two weeks. The arrest came exactly two years after Barrios was kidnapped and beaten by unknown assailants.

On January 4, 2006, after hearing testimony from numerous eye witnesses and viewing a video conclusively proving that Barrios was in another town when he was alleged to have entered the Gil's house and attempted to blackmail him, a state judge ruled that there was sufficient evidence to bring Barrios to trial. The ruling came despite the fact that the accusers, Gil and his relatives, did not appear at the hearing to give testimony.

On January 2, 2006, a paid ad signed by 30 maquila owners appeared in a Tehuacan newspaper. The ad expressed the owners' support for Barrios' arrest and detention and accused the Commission of organizing protests and strikes that discourage foreign investment in order to blackmail maquila owners.

On January 12, 2006, Barrios was suddenly released from prison after being told by state authorities that Gil had agreed to "pardon" him.

On February 12, 2006 Martin Barrios received separate but identical warnings from two trusted sources that a local maquila owner had hired someone to kill him.

The warnings came on the same day that Zapatista leader subcomandante Marcos (now known as delegado Zero) delivered a speech at a rally in the nearby community of Altepexi, condemning the state governor and maquila owners for the arbitrary arrest and detention of Barrios, and for exploiting maquila workers.

On the evening of February 26, 2006, Barrios' co-worker Rodrigo Santiago was stopped on a street near Barrios' house by two municipal police officers that arrived in an official vehicle and a man in civilian clothes who was walking and joined them. According to Santiago, the man pointed a gun at him and tried to put a package in his backpack. When Santiago resisted and demanded that armed man identify himself, he refused and sped away in the police cruiser with the two police officers.

On March 21, 2006, six international brands -- American Eagle Outfitters, Gap Inc., Levi Strauss, PVH, Polo Ralph Lauren and Warnaco -- that buy apparel products from the State of Puebla urge the State Governor Mario Marin Torres to take proactive steps to ensure the physical safety of Martin Barrios and the members of the Commission.

This chronology draws on information from the Maquila Solidarity Network and U.S. Labor Education in the Americas.

Photo from 2004 action outside of Tarrant Apparel Group in Los Angeles. Photo by Sweatshop Watch.