WORKER RIGHTS CONSORTIUM



To: WRC Affiliate Universities and Colleges
From: Scott Nova and Jessica Champagne
Date: January 11, 2012
Re: WRC Update: Workers Reinstated at Genesis, S.A. (Haiti)

We reported to you in October concerning labor rights violations at Genesis, an apparel factory in Haiti producing t-shirts for Gildan that are used by university licensees. Four leaders of a fledgling industry-wide worker organization were fired by the factory, within days of the public announcement of their leadership role (the organization's name in Haitian Kreyol is Sendika Ouvriye Takstil ak Abiman, or SOTA). In total, six of the SOTA's seven leaders were terminated, including workers at a non-collegiate factory producing for Hanesbrands, the parent company of licensee Gear for Sports. The formation of this new union is an important step in Haiti, a country with the harshest labor conditions and lowest wages in the Caribbean/Central America region. The firings, which evidence clearly showed were in retaliation for workers' decision to speak out for better wages and conditions, were therefore a particularly destructive form of labor rights violation. The WRC documented these violations of law and university codes and recommended reinstatement of the workers as an urgent priority.

I am pleased to report to you that, as of yesterday, January 10, 2012, all four of the workers fired by Genesis have been reinstated and are back at work. One worker, Johny Joseph, the Treasurer of SOTA, was reinstated in December. The remaining three workers – Wilner Elissaint (General Coordinator of SOTA), Cénatus Vilaire (Secretary of Grievances of SOTA), and Brevil Claude (Education and Public Information Secretary of SOTA) – returned to work yesterday. A fifth worker, Hilaire Jean-Francois (SOTA's Secretary of Organization), fired by Hanesbrands' supplier, Multiwear, was reinstated in December.

These reinstatements are a milestone in Haiti. Although retaliatory dismissals have occurred in a number of past instances at the factories in Haiti's capital, Port-au-Prince, we are aware of no prior case in which reinstatement was achieved. We are hopeful that the door will now be open for workers at these and other factories in Port-au-Prince to exercise their basic rights.

Gildan ultimately intervened aggressively at Genesis and, to Gildan's credit, played a pivotal role in achieving reinstatement. Hanesbrands played a similar role at Multiwear.

The reinstatements would, ideally, have happened sooner. There were two delaying factors. First, Better Work Haiti, a labor rights project of the ILO and the World Bank/IFC, decided to conduct its own inquiry, which would have been helpful had they been able to move expeditiously in the wake of the late September firings. However, Better Work Haiti's report, which reached the same conclusions as the WRC report issued in early October, was not completed until after Thanksgiving. There are complicated politics involved in Better Work's relationship with Haitian factory owners and this led Better Work, initially, to encourage Gildan, Hanes, and other buyers to hold off on corrective action pending the outcome of the Better Work inquiry – even though it was readily apparent to virtually all observers that the firings were retaliatory. This was counterproductive because swift reinstatement is important to limit the chilling effect that such firings have on the broader workforce at a factory. The quality of Better Work's inquiry was good, but the timing was dilatory. While Gildan did begin to press Genesis on the issue immediately after the WRC report was issued, the company did not act with full force until the end of November. The second cause of delay was the initial refusal of Genesis to comply with Gildan's demands, a problem that was fixed through Gildan's persistence and other mechanisms of influence. While reinstatement has now been achieved, the delay carries a cost in the form of heightened fear among workers, which SOTA will have to work hard to overcome.

There are also outstanding issues. The sixth worker, Mitial Rubin (Secretary of SOTA), has not been reinstated by his employer, a factory called One World Apparel, owned by Charles Henri Baker, a former candidate for President of Haiti. Efforts continue to persuade Mr. Baker to change course. Also, while SOTA and Genesis were able to negotiate a solid reinstatement agreement, the issue of back pay is not fully resolved. We are continuing to monitor this issue.

It will also be crucial to establish, going forward, a constructive dialogue between SOTA and the employers. There is a commitment to dialogue in the SOTA Genesis accord, which is positive. The weeks ahead will be critical.

Finally, and of great importance, the buyers need to support these factories going forward, as long as they remain in compliance. The step forward that Genesis and Multiwear have taken is one with profound implications for the future of labor rights in Haiti. It is also a step that was not easy for these employers to take, given the history of labor relations in Haiti and the broader political environment. It is therefore vital that Gildan and Hanesbrands, while continuing to hold their suppliers accountable to their labor rights obligations, also support these suppliers with continued – and, hopefully, growing – orders. Not just Genesis and Multiwear, but all Haitian factory owners, will be watching closely to see how the buyers respond to the decision of these factories to reinstate the dismissed worker-leaders. If they see the decision yield economic benefits, this will provide a strong incentive for future compliance. If they see orders wane, the effect will be deeply corrosive and will dim the prospects for future labor rights progress.

The delays and uncertainties notwithstanding, the successful remediation of the code of conduct violations at Genesis represents an important labor rights breakthrough in the growing Haitian apparel industry. And, particularly in light of the perseverance that SOTA has demonstrated over the last three months, we are optimistic that further progress can be achieved. Needless to say, positive news for the people of Haiti is always especially welcome.

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