International Forum on Clean Clothes Brings New Perspectives for Campaigns

From April 30th to May 5th 1998 the International Forum on Clean Clothes took place in Brussels. A jury of the Permanent Peoples' Tribunal listened to 15 witnesses from all over the world, testifying on working conditions in the garments and sportswear industry. In their conclusions, the jury answered the questions posed to them by the Clean Clothes Campaign, especially concerning the legal aspects of the campaign. This has brought new perspectives for the campaigns, providing them with new tools to work towards improving working conditions in the garment and sportswear industry.

In a hot and crowded auditorium at the ICFTU, 200 people attended the sessions on May 2nd and 3rd. Workers, trade unionists, NGO representatives, researchers and campaigners testified on working conditions in the garment and sportswear sector, each from their specific expertise.

Rafiqul Islam Sujan from Bangladesh used to work in the YoungOne factory in the Dhaka Export Processing Zone, producing Nike garments. He told the jury and the audience about the violations of the labour regulations. Also his working conditions were not in agreement with Nike's code of conduct. When the workers tried to approach the management with demands for improvement, they were met with harsh repression. Sujan: "On July 10th two workers, Jashim and Shubo, were handed over to the police and false cases were made up against 41 other workers. The situation heated up. We demanded that the two workers were released, that the cases against the 41 workers were dropped and that our 11 demands were met. Instead of listening to our grievances the management illegally removed us from their premises with aid of the police, on July 11th. The next day I went to work, but the factory was closed. We were locked out".

The workers did not give up at that point. The following day they went to the office of the prime minister with a petition. Sujan: "We were attacked by the police and beaten up. More than 300 workers were hurt. With the collaboration of the management, the police arrested a total number of 13 workers, including me. I spent one month and 17 days in jail until I was
released on bail. My co-workers were also released on bail. The management reopened the factory, but 97 of us were dismissed, including me, and later more than 100 workers were dismissed without notice". Though it was clear from Sujans' statement that the YoungOne factory was violating the Bangladeshi labour legislation concerning wages, working hours and holidays, the protesting workers were told at the Prime Ministers office that they were endangering the attractiveness to foreign investors.

Hostages

This would have been an interesting point to raise with the Nike representative, but unfortunately the company refused to appear. They did send a written statement, including various reports on working conditions in factories producing Nike apparel and sport shoes. Needless to say these reports are all very favourable to Nike's policy on working conditions. Concerning the YoungOne case, Nike's director of labour practices Dusty Kidd says: "An incident did occur last summer, when a number of recently hired employees gathered a large number of workers under a false pretence into the main dining hall, and under threat of violence would not allow any of these detained workers - mostly women numbering in the thousands - to leave. YoungOne management asked for police assistance. The workers were allowed to resume their work. Those responsible for locking other workers into the factory were escorted peacefully from the factory. Some of those responsible were detained by authorities. During a subsequent confrontation between police and a crowd at the police station, some violence and injury did result to those in the crowd, including a few YoungOne employees, and to police".

The obvious questions of why a few workers would take hostage thousands of their co-workers, who apparently had no grievances towards the company, and how a few unarmed workers manage to keep thousands of their co-workers hostage, are not addressed.

Dusty Kidd goes on to explain how good working conditions are at YoungOne, compared with other garment factories in Bangladesh, then admits that "an international auditing firm working at Nike's behest found the factory had not met all requirements under the compensation schemes", meaning the factory was paying less than minimum wage.

Oppression is standard

The International Forum on Clean Clothes focused on 7 companies: Adidas, C&A, H&M, Levi Strauss, Nike, Otto Versand and Walt Disney. Of these, H&M was the only one that actually showed up. Ingrid Schulstrom: "We decided to participate as we take these issues seriously, as a company and personally".

Ros B. Guzman works as a researcher for IBON on the Philippines. She conducted a study for the Swedish television on producers for H&M. This was not an easy task. Guzman: "We found 4 producers in the Export Processing Zone, where access is difficult and no workers' organisation allowed. Workers are scared to talk. We concluded that oppression is standard". She did manage to speak with workers and to trace an H&M sweater down the entire subcontracting chain. Guzman: "Fifty to seventy percent of the production takes place outside the factory. We went to all the subcontractors that were named by the workers. They do knitting."
There are 5 to 10 machines in a garage. The workers earn piece rate and live at the workplace. To earn a living wage they must work 19 hours a day. The subcontractor receives 40% of what H&M pays to the factory. The subcontractor passes on part of the work to the community. Through a sub-leader, the embroidery is split to 50 houses. Women work at their home and often their children are also working. According to Guzman, H&M is responsible, since they can dictate prices. The garment leaves the Philippines for $5 and is sold for $20.

H&M launched a code of conduct at the end of 1997 and is now working on implementing it. H&M asked for understanding that this takes time. "We have 1,600 main suppliers and their subcontractors to check".

Trade unionist Amirul Haque Amin from Bangladesh testified on how H&M still is far from implementing their code. According to him, a supplier in Dhaka, Bangladesh:

- does not allow trade unions,
- gives no employment contracts or service books
- does not pay the minimum wage to all workers
- imposes overtime of up to 80 hours a week
- does not pay the correct overtime rate
- does not give holiday as described by law

Ingrid Schullstrom stated that H&M checked this particular supplier in Bangladesh and when she spoke to workers there, they did not complain. However, H&M is taking the accusations seriously and will continue to investigate the cases. H&M acknowledges that they might have been slow in learning about these issues and taking steps in their regard, but assured the jury and the audience that now these issues are taken up, they will be taken seriously. H&M is speaking with the Swedish Clean Clothes Campaign and says it is open to the idea of independent monitoring. The last word is for Kristina Bjorling, co-ordinator of the Swedish CCC: "H&M still has a big job to do. But we think they have reacted quickly and constructively. If they continue to do that, the workers will benefit".

Independence is necessary

In their conclusions, the jury members of the Permanent Peoples' Tribunal stressed the importance of independent monitoring of any code of conduct. "Self-imposed codes by companies should be transformed as quickly as possible into agreements with unions, consumer organisations or other popular bodies. An 'independent' formula should be put in place to make it possible to follow more closely, if not exercise control over, the ways companies treat their workers".

The jury members go on to look at the possibilities for improving working conditions from a more legal point of view. They see different possible angles for such an approach: "We must work toward national and international juridical standards that encompass the principles of these codes, including not only the rights of workers but also the rights of consumers and practices such as social labelling". To use consumer rights as a possible strategy to force companies to improve working conditions is a new perspective, that according to the Permanent Peoples’ Tribunal could prove successful. In their conclusions they mention that the right to information as a fundamental consumer right is recognised as such by
much European and non-European state legislation. This would imply that consumers have the right to adequate information on the characteristics of the product. More importantly, according to the jury members "it is now accepted that this notion includes not only the intrinsic (e.g. price, material composition, etc.) but also the extrinsic (e.g. impact on the environment, on health and on solidarity concerns) characteristics of the product". And: "the detailed information on the conditions of production must be considered among these 'essential characteristics' which are able to determine the consent of the consumer".

This could have far reaching consequences for the strategies that are available for campaigns like the Clean Clothes Campaign to further their aim of improving working conditions world-wide. Some suggestions given by the Permanent Peoples' Tribunal are:

- to put pressure on legislators so that information on the conditions of production becomes mandatory;
- consumers, as individuals or associations, could initiate a legal action against a firm which has adopted a code of conduct, expressed also by a social label, but which is not ready to be fully accountable with respect to the conditions of production, on the basis of which its publicity is found to be misleading.
- consumers' associations can use legal actions aiming at affirming the legally binding character of social standards in the area of consumption.

A few days before the International Forum on Clean Clothes started, some consumer groups and others filed a lawsuit against Nike at San Francisco Superior Court. The groups claim that Nike misrepresents working conditions in Asian factories, and is thus in violation of California's fair business laws. In June 1998 a former Chinese inmate filed a lawsuit against Adidas. When he was in a prison camp in China he was forced to stitch Adidas footballs. The outcome of such lawsuits could have tremendous impact on how companies can be pressured with regards to working conditions. Labour activists have been claiming for years that multinational companies have a moral responsibility for working conditions in their entire subcontracting chain. Codes of conduct are the companies' response to such claims. It makes them look good in the public eye. Labour activists are claiming that this is not good enough; they want real change instead of cosmetic change. Jurisprudence on legal responsibility of companies could give a boost to such demands.

Batay Ouvriye on the International Forum

BATAY OUVRIYE, a workers' organisation from Haiti, sent two of its members to participate in the Clean Clothes Campaign International Forum held in Brussels between April 30th to May 5th of 1998. Here are some of their thoughts about the event.

We went to this Forum to take part in the sessions of the Permanent Peoples' Tribunal to denounce the working conditions in the Haitian factories where garments are produced for one of the biggest multinationals of the world, the Walt Disney Corporation. And we went also to share our thoughts regarding our experience in building an
autonomous workers' movement in our country and to discuss the need to construct a strong international solidarity movement. Before we went to this international forum, we were conscious about the limitations of this body. And what we experienced during its course and particularly in the Permanent Peoples' Tribunal confirms our opinions.

Springboard and Limitations

The Tribunal as a place to expose the mechanisms of exploitation used by the big multinational corporations to get their products made where ever it can be done the cheapest and to denounce all that in front of the world was of great importance.

At the same time the Forum enabled different organizations and people to learn about each other, to share strategies or to learn diverse forms of struggles that are being attempted. Workers and unionist from Indonesia, Bangladesh, Zimbabwe or Bulgaria who did know about our struggle in Haiti against Disney became aware of that and agreed to keep in touch to establish a working relationship that will contribute in building a dynamic international solidarity movement. To us, this a step toward coordinating and unifying our forces together while maintaining our autonomy.

Codes of Conduct

The Forum was a place of struggle or confrontation between different orientations. That was particularly the case on the Code of Conduct question. The debates permitted workers and their organizations to understand that they should no way give a simple stamp of approval even to people that are supporting their struggle. Codes of conducts play and can play a in the interest of the bourgeoisie and the necessity for workers is to not tie themselves to them by endorsing them. The humanistic approach regarding these aspects prevents us from fully engaging the fight against the social class that benefits from them. We think that we should not engage in a struggle where the final goal is to improve certain working conditions, without putting into question the overall system. Thus, we cannot get ourselves into a situation where what we are doing is improving capitalism or improving exploitation. We felt that we contributed in putting forward the conceptual problems that underpin these questions.

With regard to the Tribunal, the verdict was an important step. It responded to two important concerns: the right of the consumers to be rightfully informed about the products they are buying and the use of code of conduct by the multinationals.

The Forum had its limits though. For one thing, for a tribunal to be effective it should be able to call upon the justice authority to execute the rendered verdict. That was not the case for the session of this Tribunal. But in the spirit of Unity-Struggle-Unity and certainly through Struggle-Unity and Struggle, we will contribute to overcome those limits. As for the workers, they should develop an international worker's organization to fight against this global system through their own organizational work or practices in their respective countries. Furthermore, the participants at this Tribunal should seek through their organizations to file lawsuits against the multinationals to make sure that they get the sentences they merit for causing so much miseries to working people everywhere. The lawsuit against Nike filed in the US is a good example for all of us in that
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