

Contents:

Understanding The Clothing Industry	1
Campaigning For Improving Working Rights	6
Understanding Workers' Rights	18

Written by the Workers' College and TURP, Trade Union Research Project (Durban, South Africa) and SOMO, the Centre for Research on Multinational Corporations (Amsterdam, Netherlands) for workers and unions in Southern Africa.

Information for this booklet was generated from research conducted during the "SADC Campaigns For Clean Clothes" project during 2001 and 2002.

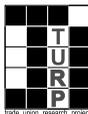
The research was conducted by SOMO and TURP for ITGLWF (International Textiles, Garments and Leather Workers Federation - Africa Region) and the Clean Clothes Campaign. This research and this booklet were made possible by funding from the Netherlands Trade Union Confederation (FNV) and the Clean Clothes Campaign.

© 2003, Clean Clothes Campaign



s o m o

stichting onderzoek multinationale ondernemingen
centre for research on multinational corporations



Workers' College

About this booklet

This booklet has been written to assist trade unions, NGO's and workers in Southern Africa to fight for better rights and working conditions in factories in the clothing sector. Governments and employers often refuse to recognise that workers have rights and have to claim them. All over the world, workers face many difficulties in claiming the rights that are often guaranteed either directly in law, by international convention, social charters or indirectly implied by clauses in trade deals between countries.

This booklet can be used in the following ways:

★ *To learn about how companies in the clothing sector operate worldwide*

★ *To learn about the rights of workers in the clothing industry*

★ *To learn about campaigns that support workers rights*

★ *To learn how to organise and fight for better rights and working conditions in the clothing industry*

You may have received a copy of this booklet through a trade union that organises in the clothing industry in your area or the International Textile Garment and Leather Workers Federation. This booklet will assist you and trade unions in developing strategies and ideas for improving the lives of workers.

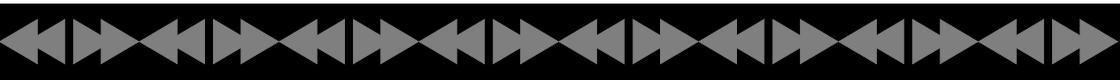
Message from Jabu Ngcobo: *The Regional Secretary of the International Textile Garment and Leather Workers Federation*



Jabu speaking to workers

The basis of workers struggle is a struggle for dignity through changed workplace relations and improved material conditions. The workers of Southern Africa as well as many other areas of the globe have been subjected to humiliation and material deprivation for many years and businesses around the world have reaped the benefits. Increasingly people are beginning to realise that it is unacceptable to consume products manufactured under inhuman conditions and this has opened the way for international cooperation with the purpose of ending these conditions. Such international cooperation has given birth to international campaigns targeting suppliers and those that buy from them as a means to exert pressure and ensure improved living and working conditions in the marginal areas of the global labour market. But these campaigns do not happen without workers themselves taking action and forcing their voice onto the international agenda, and neither do they happen without the ongoing efforts of workers organisations to mobilise workers against the conditions they must endure, often to earn barely enough to survive. This booklet is meant to assist workers in their efforts to improve their own circumstances. At the same time the existence of the booklet is really evidence of and a tribute to the struggles of workers in the region that have brought us to the point we are now. Consolidate your organisations and build your struggles on the shop floor. Any success for workers must ultimately be built from the bottom up, so use whatever resources you can lay your hands on to develop your structures and build confidence in what can be achieved through solidarity.

Jabu Ngcobo



Understanding The Clothing Industry

A worker in the clothing industry anywhere in the world today is faced with decreasing real wages, deteriorating health, an increased risk of losing his/her job or being turned into a part time or casual labourer as governments compete for international investment by offering more vulnerable and lower paid work forces to these investors. Most clothes are produced far away from the place they are ultimately bought. Before a pair of trousers arrives in a shop, somewhere in the United States or in Europe, it has probably been in several factories and even in different countries and continents. The fabric is for example produced in India, the zipper in Swaziland, the buttons may come from South Africa and the trousers put together in a factory in Lesotho.

One retailer will buy clothing in many different countries. A specific sort of trousers in Lesotho for example, another sort in Swaziland, T-shirts in Madagascar and India, sweaters in Bangladesh and the United States.

Factories

The factories where the clothing is made sometimes employ thousands of workers. Workers in these factories are involved in cutting, sewing, trimming, washing and packaging clothes.

Most clothing factories buy materials (called "fabric") from other factories and then cut the fabric into the shape of the clothes, make the clothes and trim off the clothing. This is called a "cut-make-trim", or CMT, factory. Some factories make the fabric themselves in a textile mill. Textile mills are very expensive to set up and are expensive to operate. Because of this, many clothing factories prefer to buy fabric from textile mills rather than open their own

textile mills.

Retailers

The clothes are sold to companies called "retailers" sometimes via a long chain of intermediaries and agents. The retailers buy clothes from factories and sell them in shops to individual people and families. Most retailers are large companies with more than one shop to sell the clothes. Some are Multinational Corporations that not only buy the clothes in the whole world but also sell them in a lot of different countries. Some retailers only sell babies' clothes, or children's clothes, or they may only sell men's or women's clothes. But many retailers sell all kinds of clothes. Retailers sell these clothes at many times the price that it takes to make them, and make a lot of profit doing so. The cheaper the clothes can be made the greater the profit they can make so they force producers to compete. One of the ways of competing is to pay less wages to workers so the factory can make more profit and grow and the retailer can also make more profit.

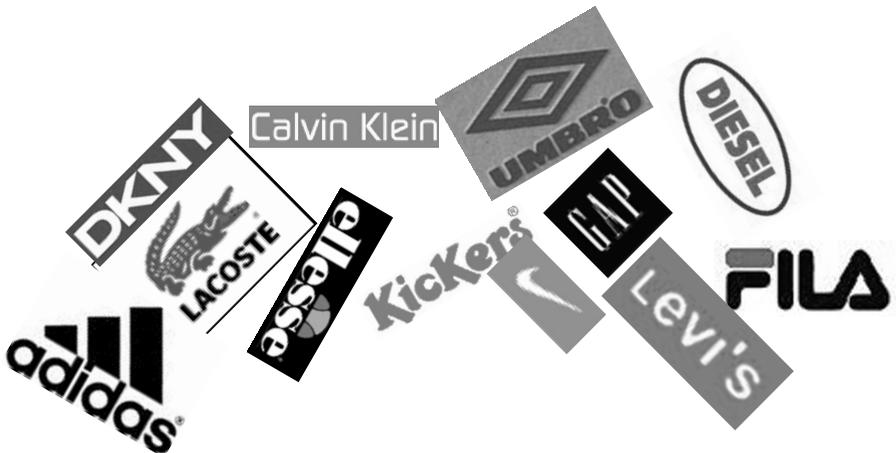
Although the factories make the clothes, the retailers put their own name on the clothes. This is called a "label". For example, in Lesotho there is a factory called C&Y Garments. This factory sells clothes to several retailers, one of which is called The Gap. The clothes carry a label which reads "The Gap" or "Banana Republic" and not the name of the factory.

Because the clothes have the label of the retailer, they put a lot of pressure on the factories to make the clothes in the best possible way. If the clothing is of poor quality, the customers will blame the retailer and not the factory. The retailers will tell the factories how to make the clothes, where to make changes and what fabric to use to make the clothes. They will also tell the factories what price they will get for the clothes. Many times, the factory has no choice but has to accept the price that the retailer will give

them.

Brands

There are also large "brand" companies, who are only selling a brand name like Nike, Adidas and Levi's. Their clothing is made all over the world by factories like yours. The products are sold by retailers. The brand companies make a large profit on the clothing, not by making the clothing themselves nor by selling them, but only by giving the label (the name) and the logo to the clothing.



Some labels of different well known retailers and brand names

Agents

Agents are companies that buy from factories for different retailers. This allows the retailers and labels to be even more removed from the factories and conditions that the clothes they sell are produced in.

Retailers Want Cheap Factory Prices

The retailers want the factories to produce at the lowest prices. This means that the retailers can make better profits. The retailers can look around the world to see which

factories produce at the lowest price for the quality they want. They will then buy clothes from these factories.

Not only the retailers are looking around for cheap labour, also the factories that are producing clothes do not want to risk losing their customers, the retailers, and will be looking around for better places to produce.

The easiest way for factories to lower their prices is to move to countries where labour is very cheap (workers are paid low wages). This means that most clothing factories are now located in very poor countries. Of course, labour costs are not the only costs for the buyers. The price they pay to the factory for the clothing also includes other costs like material, electricity, rent, management wages etc. Also the transport has to be paid, the design of the clothing. The labour costs are so not the only cost paid and when wages go up, this does not necessary mean that the factory will be too expensive.

Price Of Clothing At Factory And Retail Level

The governments of these poor countries know that many of their people can be employed in clothing factories and that this will help their people to earn a wage. They try to encourage clothing factories to invest in their countries. They make it even cheaper for these factories to be set up. The governments will pay for the factory building and will sometimes even pay some of the wages of workers. The governments may also prevent trade unions from recruiting members in these factories because they are afraid this will push up workers' wages or they create obstacles to workers enforcing their rights by not enforcing labour laws .

Government support causes clothing factories to move to these countries. However, when clothing factories find other countries that are cheaper, they move there very quickly. The workers loose their jobs and the countries loose their money.



In Madagascar:

In a factory where T-shirts are made, among others for the GAP

- one line of 32 workers have a target of 1200 T-shirts per day
- basic salary is 1,49 \$ US per day
- one T-shirt costs 0,04 \$ US in Labour costs

A factory produces hand knitted pullovers for H&M, La Redoute, Lerner, Decathlon and Pierre Cardin

- The buying company pays 3-4 \$ US
- The retailer pays 10 \$ US
- The pullover is sold to the customer for 40 \$ US

A trouser made for La Redoute or 3 Suisses

The fabric will cost 3.5 dollars

Accessories will cost 1 dollar

Transport will cost 0,17 dollar

Production costs are 2 dollars

Total: 6,67 dollars

The trousers are sold in France for 23,57 \$ US.

Foreign-owned Clothing Factories

About 30 years ago, many of the retailers would buy clothing from factories in their own countries. However, since then, they have been looking around the world for cheaper producers. Many factories in the United States, Canada and Europe have



lost business from the retailers because they have found cheaper factories in Africa, South America and Asia. This has also caused many factories to move to these countries. This means that often the owners of clothing factories are companies that might have their head office very far away. In Southern Africa, many of the clothing fac-

tories are from East Asia, especially from Taiwan. There are also many South African owned factories in countries like Lesotho, Botswana and Swaziland and many Mauritian owned factories in Madagascar. They have gone there in search of cheaper places to make clothes. This will help them to get orders from the retailers.

Workers' Rights And Working Conditions

Because factories try to keep production very cheap, workers in these factories have to work under very poor conditions. They often have to work long hours for little pay. Sometimes the conditions are harsh and workers are locked in the factories and forced to work unpaid overtime. Because governments support clothing industry investment they will prevent trade unions from having too much power or influence to improve working conditions in factories. Also, the factory owners are very anti-union and prevent workers from joining unions.

Campaigning For Improving Working Rights

In the 1990s, people buying goods such as clothes and sport shoes in Europe and North America became more and more aware that the workers who make these goods are often subjected to very poor and unfair working conditions. The consumers with the human rights groups and trade unions began to campaign. They wrote stories about this to newspapers and did street actions to alert the people that were buying clothes made under these terrible conditions. They were outraged that big profits were made off the workers' backs.

They insisted that the companies, such as the GAP and Nike should have ethical standards. Consumers found out that these companies were having their production done in countries where labour standards are often very poor because free trade unions are weak or

not allowed at all. This allowed these companies to profit by paying the garment workers very poor wages often below the legal minimum, forcing them to do overtime to meet orders and exposing them to lung and skin diseases from dust and glues. The organisations



Street action in Europe

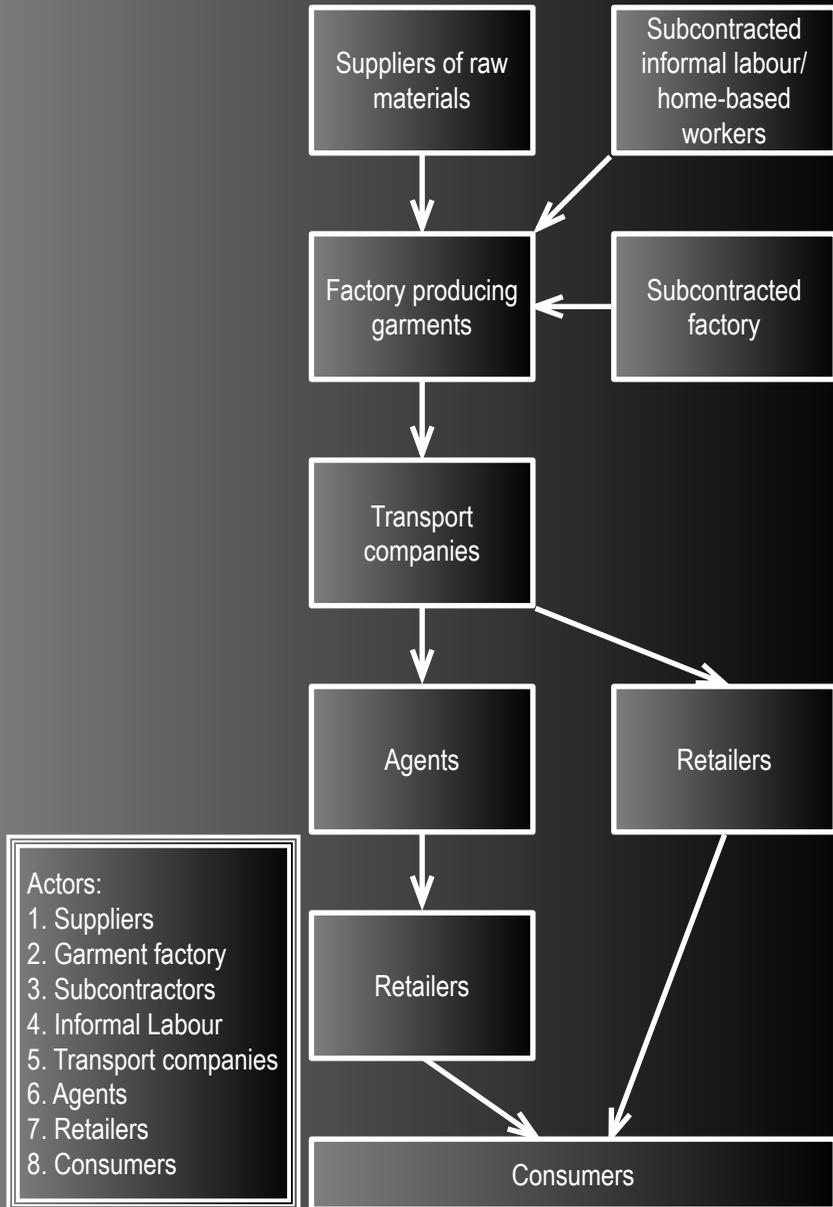
and consumers began asking the companies questions and demanded that they changed the situation. When criticised, at first these companies like NIKE and the GAP said it was none of their business. They said it was the subcontractor's (the factory that actually produces the clothing) responsibility. But, under public pressure, they changed their tune and some of the large companies adopted a code of conduct to apply throughout their production chain.

What Actions Can Be Done And How To Mobilise International Support For Campaigning?

Different types of campaigning methods can be used to influence different actors and participants in the supply chain. This is important to understand so that local organising by trade unions and workers can be linked into global campaigning to support these local efforts.

- ★ Suppliers: Local and international demonstrations and actions, refusals to offload, lobbying government, solidarity actions with foreign suppliers, efforts to stop supplies from getting through.
- ★ Garment producing factories: industrial action (strikes, sit in, pickets, marches, demonstrations), direct action, consumer actions, sabotage, use

Campaigning within the garment production supply chain and the actors involved at each step



local networks, occupation of buildings, community mobilisation.

- ★ Subcontractors: awareness creating meetings, media, big marches, pressure from supplying factories, organise workers in subcontracted factory.
- ★ Informal labour: raise legal issues (e.g. child labour), pamphlets, enforce ILO convention on home workers, connect them to the supply chain, lobby activities and the media.
- ★ Transport companies: solidarity action, work with transport unions.
- ★ Agents: transparency campaigns, codes of conduct (ethical standards), internet/email petitions.
- ★ Retailers: actions and demonstrations in shops, picketing shops, shop lifting, post cards, protest letter campaigns, codes of conduct, media, disruptions, solidarity action from retail unions.
- ★ Customers: awareness campaigns, influence behaviour, write posters to give information on working conditions, trade unions / media, using famous people, presenting them with substitutes / alternatives.

International Campaigning

An example of an international campaigning organisation is the Clean Clothes Campaign, a large network of consumer-, research-, women organisations, solidarity groups and (international) trade unions. The Clean Clothes Campaign campaigns for improving labour conditions in the garment industry, in the whole chain of production. They do this by mobilising consumer power; consumers demand for changes in the labour conditions in the clothing they are buying. The main demand of the Clean Clothes Campaign is that retailers live up to their responsibility of ensuring that clothing is produced in decent conditions. It is of course important to be



clear about how good working conditions are defined. This can not simply be left up to the retailers as their single goal is profit and they will define good working conditions in such a way that best allows

them to make the most profit. Therefore the Clean Clothes Campaign drafted a Code of Conduct, together with the international trade unions, based on International Labour Organisations (ILO) conventions. The (ILO) is an organization where trade unions, governments and companies from around the world come together to set the minimum labour standards.

These principles are:

- ★ freedom of association,
- ★ the right to collective bargaining,
- ★ no discrimination of any kind,
- ★ no forced or slave labour,
- ★ a minimum employment age of 15,
- ★ safety and health measures,
- ★ a working week of 48 hours maximum and voluntary overtime of 12 hours maximum,
- ★ a right to a living wage,
- ★ establishment of the employment relationship (a contract).

Code Of Conduct

Some companies have adopted codes of conduct and the fight still goes on to force others to do the same. But even with the codes that have been adopted the problem is that still many of these codes are very weak and that the companies are often not making sure that the standards are really implemented.

Still, in their codes, the retailers are agreeing that workers have rights. This is a major victory in itself as for years they would not even acknowledge this. So if a code does exist it is important to use it in the fight for better conditions. If a retailer that buys from your factory has a code you have the right to know about it. The Code should be in your factory on the wall for everyone to see. It should be explained to you what the rights are according to the Code of Conduct. You should also be able to complain somewhere if this code is not implemented by the factory.

You can use the code, as one tool amongst many in your tool box of strategies , to claim your rights.

Remember this is one tool amongst many and you and other workers in your factory should look at all the different ways to advance your fight for better conditions. Other tools include the trade union, pressure on your government to enforce labour laws, international federations that your trade union may belong to and of course organizing in the workplace to ensure that all workers there are aware of their rights and motivated to fight for them. Nothing will change by hoping it will. The power we have as workers begins by realizing that we must stand together against exploiters. This is called solidarity and it begins in the factory. Other workers in other countries will also stand by you as well as campaigning organizations and union federations but the fight starts in your own factory and for that the workers must stand together, organize themselves and have a plan of action to bring about change.



Example, A code of conduct.

ETI member companies agree to adopt or incorporate our Base Code, and must require that their suppliers meet the provisions of that Code within a reasonable time frame.

The ETI Base Code was the result of negotiations between trade unions, NGOs and business in 1998. It is based on Conventions of the International Labour Organisation, the oldest United Nations body and the only one with representatives from governments, business and trade unions.

1. EMPLOYMENT IS FREELY CHOSEN

1.1 There is no forced, bonded or involuntary prison labour.

1.2 Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.

2. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING ARE RESPECTED

2.1 Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.

2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities.

2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.

2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

3. WORKING CONDITIONS ARE SAFE AND HYGIENIC

3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.

3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.

3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.

3.5 The company observing the code shall assign responsibility for health and safety to a senior management representative.

4. CHILD LABOUR SHALL NOT BE USED

4.1 There shall be no new recruitment of child labour.

4.2 Companies shall develop or participate in and contribute to policies and pro-



grammes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; "child" and "child labour" being defined in the appendices.

4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

4.4 These policies and procedures shall conform to the provisions of the relevant ILO standards.

5. LIVING WAGES ARE PAID

5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.

5.2 All workers shall be provided with written and understandable Information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.

5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

6. WORKING HOURS ARE NOT EXCESSIVE

6.1 Working hours comply with national laws and benchmark industry standards, whichever affords greater protection.

6.2 In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.

7. NO DISCRIMINATION IS PRACTISED

7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

8. REGULAR EMPLOYMENT IS PROVIDED

8.1 To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice.

8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, sub- contracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.

9. NO HARSH OR INHUMANE TREATMENT IS ALLOWED

9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harass-

ment and verbal abuse or other forms of intimidation shall be prohibited.

The provisions of this code constitute minimum and not maximum standards, and this code should not be used to prevent companies from exceeding these standards. Companies applying this code are expected to comply with national and other applicable law and, where the provisions of law and this Base Code address the same subject, to apply that provision which affords the greater protection

Clothing Companies:

- ASDA
- Debenhams Retail
- Desmonds & Sons
- Levi Strauss
- Littlewoods
- Madison Hosiery
- Marks and Spencer
- Monsoon
- Mothercare
- NEXT
- Pentland Group
(Includes Speedo, Berghaus, Ellesse, Red or Dead and Kickers)

Such clothing companies subscribe to this code which means that if a factory supplies them with clothing, the conditions of work should be in line with this code. This is just an example of a code, remember the code is only one tool amongst many that can be used to assist workers in claiming their rights.

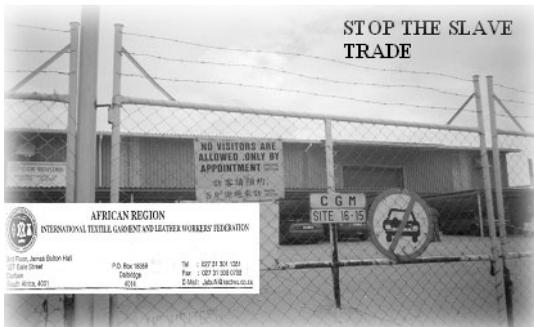


Made In Southern Africa, Sold In The United States And Europe

Most clothing is sold in rich countries like the United States, Canada and in Europe. The biggest retailers are companies from these countries. The retailers who buy most of the clothing from factories in Lesotho, Swaziland and Botswana are from the United States, in Mauritius and Madagascar most clothing is exported to Europe.

Factories in Southern Africa who produce clothing for other countries are called "export factories". Most clothing factories in Southern Africa are export factories. Export factories also tend to be large factories because the European and United States retailers want huge amounts of clothing to be sold.

The United States government helps the export factories and the retailers to trade through the Africa Growth and Opportunities Act (AGOA). This act makes it cheaper and easier for Southern African clothing factories to export to the United States by not putting any restriction on the amount of clothing (as for Asian countries) and not taxing these goods when they arrive. A tax on an imported product like clothing is called a tariff. Since the AGOA was implemented, factories have opened in Southern Africa and workers have been employed but under very poor conditions.



Conditions were very bad at this factory in Lesotho and the union started a campaign called end the slave trade. They compiled a booklet and distributed it at the ILO to bring attention to their plight.

These factories are often subsidized by Southern African governments in order to

attract the investments so they pay less tax, get buildings rent free and so on. This can often be a financial drain on these countries and very few of these benefits are shared with workers. Instead, workers often suffer stress, injury and abuse in these factories whilst the factory owners and retailers in other countries take all the benefits for themselves.

Labour Violations

Research conducted in different countries in SADC by TURP and SOMO found that workers in clothing export factories are experiencing many hardships. Many of their rights are being violated and they are exposed to many dangers. These hardships and problems have included:

- ★ Seven day working weeks, with no rest periods,
- ★ Compulsory and often unpaid overtime,
- ★ Suspension without pay,
- ★ Repression of unions by government and employers,
- ★ Poor health and safety, like dust, closed emergency exits and being locked in the factory,
- ★ Pollution of rivers by companies,
- ★ Humiliation of workers through strip searches,
- ★ Unlawful and arbitrary dismissals, and
- ★ Low wages or wages below the legal minimum.

The union is working hard to help workers to improve working conditions together with regional and international unions and organisations. Together with international organisations in the USA, Canada and Europe, your union will fight clothing export factories and retailers to introduce changes in factories to improve workers' lives.



Understanding Workers' Rights

Factories are not allowed to treat workers any way that they want to. There are rules that have been developed to protect workers from bad treatment. These rules are called "rights". Workers have rights at work to protect them from bad treatment. There are a number of different rights that workers are given. Rights may come from law or through agreements between employers and trade unions.

These agreements are called collective agreements and they are the outcome of negotiations between your union and companies. The collective agreements may be about wages, benefits, working conditions etc. The idea behind achieving a collective agreement is to improve working conditions beyond that which is provided for by the law and rights in the law. Remember many workers rights contained in the law are for minimum conditions only, you and the union can attempt to negotiate better conditions than these.

Sometimes when employers have been very difficult the International Textile Garment and Leather Workers federation for the Africa region has helped to link the union to international campaigns and has even come to assist the union organizers deal with the company. The ITGLWF works with different unions in different countries to help improve labour conditions.



The Secretary of ITGLWF engaging a clothing boss at a factory in Lesotho. This was part of an international campaign that led to the signing of an agreements between the union LECAWU and the C&Y factory owned by Nien Hsing

Labour Law

Each country has a law which sets out what rights workers have. These rights are called "labour standards". This law protects workers against abuse by employers.

The law is available to the public for you to know and understand what your rights and labour standards are as a worker. The law is a long, thick document. It will normally set out what the basic conditions of work should be and will cover things like:

- ★ The number of hours you can work,
- ★ Payment for overtime,
- ★ Maternity leave,
- ★ Health and safety standards like ventilation, fire exits, the safety equipment workers should have,
- ★ There may be minimum pay legislation,
- ★ Sick leave,
- ★ Holiday leave,
- ★ Meal and tea breaks,
- ★ Government inspections of factories.

There are different labour laws that also tell you how to deal with a dispute that may come about between the union and the company. This sort of labour law normally covers issues like:

- ★ Union recognition
- ★ Stop order facilities
- ★ Dispute procedures
- ★ Labour courts
- ★ Dismissal procedures (what is a fair dismissal and what is not)
- ★ The rules about striking

These laws may be contained together in one code or in a number of different codes, depending on which country you are living in.

If this law is broken or lower standards are introduced, as a worker you can fight this. It is best if workers fight together through a trade union. Through your trade union, you can go to the government and demand that they protect you as workers.

A factory cannot victimise a worker who complains to the government. This is also against the law. Despite this, many factories continue to victimise workers. Trade unions always read and study the law so that they understand it and will be able to use it to fight against factories which break the law.

International Labour Standards

Labour standards can be different for different countries. The lower the minimum labour standards a country has, the less rights and protection workers have. Trade unions, business and governments have got together at international level to try to set minimum standards.

They have formed an organisation called the International Labour Organisation (ILO), which is responsible for setting international labour standards. The ILO cannot force a country to implement its labour standards, but countries can choose to introduce the ILO labour standards.

The ILO has laid down fundamental core labour rights in the ILO declaration on Fundamental Principles and Rights at Work. These rights are considered human rights that apply in all countries, whether or not governments have ratified the conventions.

When a country adopts an ILO convention, it agrees that they will change its labour laws to be the same as the convention. Your union will be able to find out or will already know if your country has adopted the ILO core conventions. If not you and your union should campaign to have these core labour standards adopted

If government breaks ILO conventions that they have signed or allows them to be broken your union should organise that this be brought to the attention of other nations at the ILO as this will embarrass the government and may force them to take action against the employers who are breaking the conventions.

Using Codes Of Conduct

Sometimes a retailer's code of conduct may have higher labour standards than a country's labour law . If this is the case, the factory must not just implement the labour law but must raise labour standards to the level of the code of conduct.

If the factory does not implement the code of conduct, workers and the union must demand that the retailer ensures its supplier (the factory) improves the labour standards.

Fighting For Your Rights

If the factory you are working for is breaking the law and violating your rights, you must campaign to get the factory to stop this. The most important starting point is for you to work with your trade union. The union has many resources and skills to help you. Also, when workers stand together they can achieve much more than when they work on their own. The union will protect workers and always act in their interests. Remember the union is made

up of workers just like you. It is your organisation and you should become actively involved in the union. Unions are democratic worker organisations controlled by workers for the benefit of workers. Use your power to enforce your rights.

Step 1: Recruiting Members



The union cannot do much to help workers if workers at the factory are not members of the union. Therefore, the first step is to ensure that workers in your factory are recruited to become members of the union. It is important that when you recruit you explain to

other workers that in joining the union the union becomes their organisation as well and they should attend meetings and help to give the union direction and strength. The union is not owned by anyone but the workers who have formed it and are its members.

The labour law may prevent you from recruiting members at certain times in the day. You must work with the union organiser to establish when it is best to recruit members.

New members need to fill out a membership form and then they must begin to pay a monthly amount to the union. This amount is called a monthly subscription and helps to fund the union activities like meetings, organisers, lawyers etc. As union's are democratic organizations you have a right to check that money is being spent in the interests of workers. The finances of the union are discussed at various meetings and how they should be handled is determined by the union constitution.



1. Form of Authorisation

Authorisation form for the deduction of Union dues shall be in terms of the Union Constitution and reflect the following:-

To the Employer

I
Employment I.D. No..... hereby authorise you to deduct from my weekly wages/monthly salary commencing from2002, a sum of money of M..... and pay that sum to LECAWU to be collected by a duly authorised Union official until further notice.

Signature:.....

Date:.....

An example of a deduction form. Sometimes by agreement or by the law the union can have the employer deduct the money and then it is paid over to the union as it is quite difficult to collect these subscriptions by hand.

Step 2: Getting The Union Recognised By The Factory

When you have recruited sufficient members in the factory, the union will demand that the employer recognizes the worker's organisation. This means that the union can come on the factory property to meet with the employers and to negotiate for better wages and working conditions for workers. Organisers will also be able to meet shop stewards (worker leaders in the factories) to help with grievances or cases of unfairness in the factory.

It will also mean that if the workers have any problems the union can come on the factory property to speak to the employers about this.

When the union approaches the factory to demand that

the employer recognise it, they will have to prove that there are enough workers as members. This is why it is important that workers sign membership forms.

If the union can prove to the factory that it has sufficient members, then the union and the employer will sign a "recognition agreement". This agreement will outline all the rules and rights that workers and the union will have. It will also explain how workers' problems in the factory will be sorted out.

Sometimes the law in a country will make it a right for the union to be recognized once a certain percentage e.g. 30% or 50% of all workers have joined the union. If the law does not give this right or the right will not be enforced by the government then workers may have to strike to force the employer to recognize their trade union. Remember the point of workers coming together in an organization called a union is to increase your power which you don't have much of on your own. Going on strike is a way of teaching the bosses about your power.

In many countries battles have been fought by unions to get recognition. These battles have sometimes been helped by the ITGLWF Africa and by international campaigns to put pressure on the companies to correct wrongs and recognize the union. This was mentioned earlier in the booklet. Below is an example of a recognition agreement achieved by good union organizing and international solidarity.

Step 3: Electing A Shop Stewards' Committee

Workers who are members of a union in a factory, must together elect a committee of members to become shop stewards. The shop stewards will be the union leaders in the factory. They will represent workers to management. The union will work with the shop stewards to help them become strong and effective leaders. The union will train them and meet with them to help them with problems.

The shop stewards will be accountable to the workers. The shop stewards must meet with workers to ask them what are the problems in the factory. This means the shop stewards get a "mandate". The shop stewards take this mandate to the employers and demand changes. If the employers make another suggestion, the shop stewards should return to workers to ask them what should be the new mandate.

To be a strong and effective shop steward, you need:

- ★ to be brave and without fear when speaking to employers,
- ★ to be close to workers and learn about what their problems in the factory are,
- ★ to always get a mandate from workers before speaking to the employers,
- ★ to make decisions with workers and the union, never make decisions on your own,
- ★ to attend union and shop steward committee meetings,
- ★ to be trained by the union,
- ★ to know union policy on different issues,
- ★ to always tell other workers what is going on,
- ★ to know the labour laws of the country.

Make sure that the union and workers know about all meetings that you have with the employers. Sometimes, an employer will try to get the shop steward onto their side to weaken the union. As a shop steward you should always be careful of the employers tricks to try to divide you from the other union members you represent.

Cont. p 29



Example: A Case Study, Organising C&Y And Nien Hsing To Recognition

Nien Hsing opened its first factory in Lesotho, C&Y clothing, in 1991, which in 2002 employs about 4,000 workers. In January 2001, the company opened a second jeans factory, Nien Hsing, which employs about 3,500 people in 2002, 95% of whom are women. Both factories are wholly owned by Nien Hsing Textile Co. The two factories can be found opposite of each other in the Thetsane Industrial Area, East of Maseru. Both Companies produce jeans for the US, known buyers include Bugel Boy, K- Mart, Sears, Casual Mail, Gap and Cherokee jeans for Canada. Nien Hsing is building a \$8.6 million (R100 million) textile mill a short distance from the Nien Hsing factory. C&Y Garments and Nien Hsing were identified as two very large and exploitative employers early on in the interaction between the Lesotho Clothing and Allied Workers Union (LECAWU) and ITGLWF Africa. As such they were researched and information was generated about practices in these factories. LECAWU kept up pressure on the ground and continued to speak to workers and tell them what was going on. The research information went into a booklet and also through the Clean Clothes Campaign the Canadian based Ethical Trading Action Group (ETAG) and the American garment union called UNITE became involved.

A major name that buys from these factories and then sells the clothes overseas is called the GAP and The Clean Clothes Campaign, ETAG and UNITE began to pressure this company and threatened to harm its public image when they would not make sure that the clothing they were buying in Lesotho was made under good labour conditions. UNITE also published details about the practices on their Web site as did the clean clothes campaign.

Another labour related international organisation, the American Solidarity Centre also called a meeting in Taiwan with the Nien Hsing head office to protest the violation of workers rights in Lesotho. In August of 2001 a campaign workshop was held by ITGLWF Africa for its different affiliates in the region and at this workshop the LECAWU delegates identified different problem employers and strategies to organise and campaign around issues. On 26 March 2002, workers at C&Y stopped work in protest at the failure by management to re-solve various of their grievances over pay and conditions at work. Management even assaulted a worker at one point. In the face of the assault brand names like GAP fearing the negative publicity began to put pressure on Nien Hsing and went so far as to monitor the labour conditions amongst suppliers through an office in South Africa. Nien Hsing was now facing pressure from International trade union federations, The American and Canadian unions and lobby groups, the Clean Clothes Campaign, the American Solidarity Centre. The senior management of the whole Nien Hsing group had been drawn into the issues and the factories themselves were under constant observation by the union as well as organised workers themselves beginning to resist the excesses of management at the plants. There was in short nowhere else for the company to turn. ITGLWF then visited Lesotho and began assisting with the organising campaign using their presence to place even more pressure on the employers. In an historic turn around, after talks between LECAWU, ITGLWF Africa and Nien Hsing, on 16 July 2002 management entered into a check off and access agreement.

Recognition had been achieved after many years of effort.

Example of a memorandum of agreement signed between C&Y Garments, Nien Hsing and the union LECAWU



**MEMORANDUM OF UNDERSTANDING ON
CHECK-OFF AND REASONABLE ACCESS
BETWEEN
NIEN HSING INTERNATIONAL (PTY) LTD,
(Herein after referred to as employer)
AND
LESOTHO CLOTHING AND ALLIED WORKERS UNION
(Herein after referred to as union)**

1. Preamble:

1.1 The parties reaffirm their commitment to respect and enforce workers rights and Union rights as well as the Employers rights defined by Lesotho Labour Code and International Labour Organisation (ILO) core conventions and ILO Declaration on Fundamental Principles and workers rights.

1.2 The parties further commit themselves to resolve all disputes through dialogue as a first step and in no case shall they resort to unlawful means whether directly or through their members such as unlawful strikes, work stoppages, lock outs or violence, failing which the matter may be referred to DDPR as and when necessary.

2. Collective Bargaining Agreement:

The Employer agrees that upon the Union attaining the required majority of 50+1% of eligible workforce the parties shall negotiate a recognition and collective bargaining agreement. Proof of such membership shall be proved by the number of employees that have signed the check-off form referred to in 3 below.

3. Check-Off Facility:

3.1 The company agreed to deduct union dues based on signed authorization form in terms of this agreement.

3.2 The employer shall give the Union an opportunity outside normal working hours to persuade all employees, including those that are not members of Union to sign a written authorization form for the deductions of union dues, in exchange for the service that the Union renders to them.

3.3 Upon receipt of an employee's written authorization, the Employer shall deduct from such employee's wages, such specified amount as Union and remit same to the Union not later than ten (10) working days after each month end – together with the list of names of the employees from whose pay deductions were made.

3.4 Employees are free to revoke their authorization, which will take effect twenty (20) working days after their receipt by the Employer and to the Union. Upon receipt of such a



withdrawal of the authorization the Employer shall sent the copy of such withdrawal to the Union Head Office.

3.5 The Union shall issue receipts of the monies within five (5) working days of receiving dues remitted by the Employer and send the same to the Employer who shall keep them on record.

3.6 Where monies have been deducted from the pay of an employee who does not owe such monies it shall be the responsibility of such an employee to obtain a refund from the Union.

4. Form of Authorisation

Authorisation form for the deduction of Union dues shall be in terms of the Union Constitution and reflect the following:-

To the Employer

I Employment I.D. No..... hereby authorise you to deduct from my weekly wages/ monthly salary commencing from2002, a sum of money of M..... and pay that sum to LECAWU to be collected by a duly authorised Union official until further notice.

Signature..... Date.....

5. The Employer shall deduct 1% from the total sum to be given to the Union as an administrative charge.

6. Union Access to the Company Premises

6.1 The Union shall provide the employer with three names of Union officials unless agreed otherwise who shall be granted access to the Employer's premises for purposes of recruiting members, subject to 6.2 below.

6.2 The employer shall on five days notice grant the said union officials referred to in 6.1 above reasonable access to its premises on the agreed time and days per week. Such access shall not be unreasonably withheld but always at the discretion of the Employer who is the proprietor or occupier of the premises.

6.3 The said Union officials shall comply with the Employer's prevailing security, safety and health regulations and ensure that any activity on Employer's premises shall not be so conducted as to disrupt in the reasonable opinion of the Employers its operations. The Employer shall provide where possible suitable facilities where Union business may be conducted without disrupting the Employer's operations. In no case shall the said Union official talk with or communicate with workers that are working. In no case is this access provided for any other purpose other than recruiting, such as conferring with members, grievances investigations, or conferring with management.

7. Cessation of Union International Campaign

The Union undertakes to withdraw its international campaign against the Employer as soon as the Employer signs and implements this agreement. The Union will notify International



Textile and Leather Workers Federation, Regionally and Internationally including their sister Unions abroad to withdraw the campaign regarding Nien Hsing International Lesotho and C&Y Garments (Pty) Ltd. on the basis of this agreement.

The Employers Address is:

Nien Hsing International Lesotho (Pty) Ltd/C&Y Garments(Pty) Ltd.
Private Bag A73,
MASERU 100

Signatures

On behalf of the Lesotho Clothing and Allied Workers Union

Signatures

Step 4: Getting the factory to co-operate

(a) Using the law

If the union is recognised at the factory, then many problems that workers' experience at the factory can be dealt with. If the company refuses to deal with some of the problems, then the union can go to the Labour department of the government to request them to help. The union can also take the company to labour courts. Your union organiser will know what to do when the factory will not solve workers' problems.

The law is not the only way to solve problems though sometimes workers will have to come together and make their power known through going on strike to force the employers to listen.

(b) Using worker power

There are some issues which the law will not help workers with. For example, what is a good wage? The law is silent on this. Also, the law sets minimum standards but does not say how high standards must be. The law leaves

this for employers and workers to agree on. When workers stand together, they have a lot of power. This power will be needed to resolve some of these problems.

Workers can show their power in a number of ways. One of the strongest ways is for workers to go on strike. Another way is for all workers to refuse to work overtime. If the workers are stronger than the employers, then factory problems can be resolved this way.

The law sets out how strikes can take place. Be sure that you know what the law says about strikes. Your union organiser will help you with this.

(c) Using retailer codes of conduct



If the factory will not co-operate with the union or will not make improvements in the factory, you can contact the retailer who buys from the factory. When this retailer has a code of conduct you must insist that the code of conduct of the retailer is shown on all the factory walls.

The retailer will come to the factory once or twice every year to look at production in the factory. It is important that shop stewards meet with the retailer to tell them that the factory is not implementing the code of conduct.

If the retailer is not happy with the factory, they can threaten to stop buying from the factory. The retailers are very powerful and can force the factory to make changes.

Sometimes, the factory will not tell workers that the retailer is coming to visit. They will also prevent workers from meeting with the retailer. The employers will also try to make the factory look better for when the retailers visit so that they think that the code of conduct is being implemented. They will also threaten workers and tell them to keep quiet and not complain to the retailers about the factory.

The union must be told when the retailer is visiting the factory so that the retailer also meets with the shop stew-

ards and the union. This will make sure that the retailer knows of all problems at the factory. If shop stewards are afraid to talk to the retailer, then workers' problems can be presented through the union organiser.

(d) Conducting an international campaign

There will be times when the factory, the government and the retailer will not help workers at the factory. They need more pressure on them to make improvements at the factory. The union can start an international campaign on the factory and the retailer to put more pressure on them. If your union is a member of an international union, they can call on the international union to help with the campaign.



An International campaign in action

There are also organisations in the United States, Canada and Europe who will help the union to put pressure on the factory and the retailer. These organisations can tell customers of the retailer in the United States, Canada and Europe that the clothes they are buying have been produced under bad conditions. They can tell the customers to complain to the retailer and force them to force the factory to make improvements.

The union and these organisations can inform the media and embarrass the factory and the retailer and force them to make changes.

Organisations your union can work with include the Clean Clothes Campaign (Europe), ETAG in Canada and UNITE (US).

(e) Educating other workers

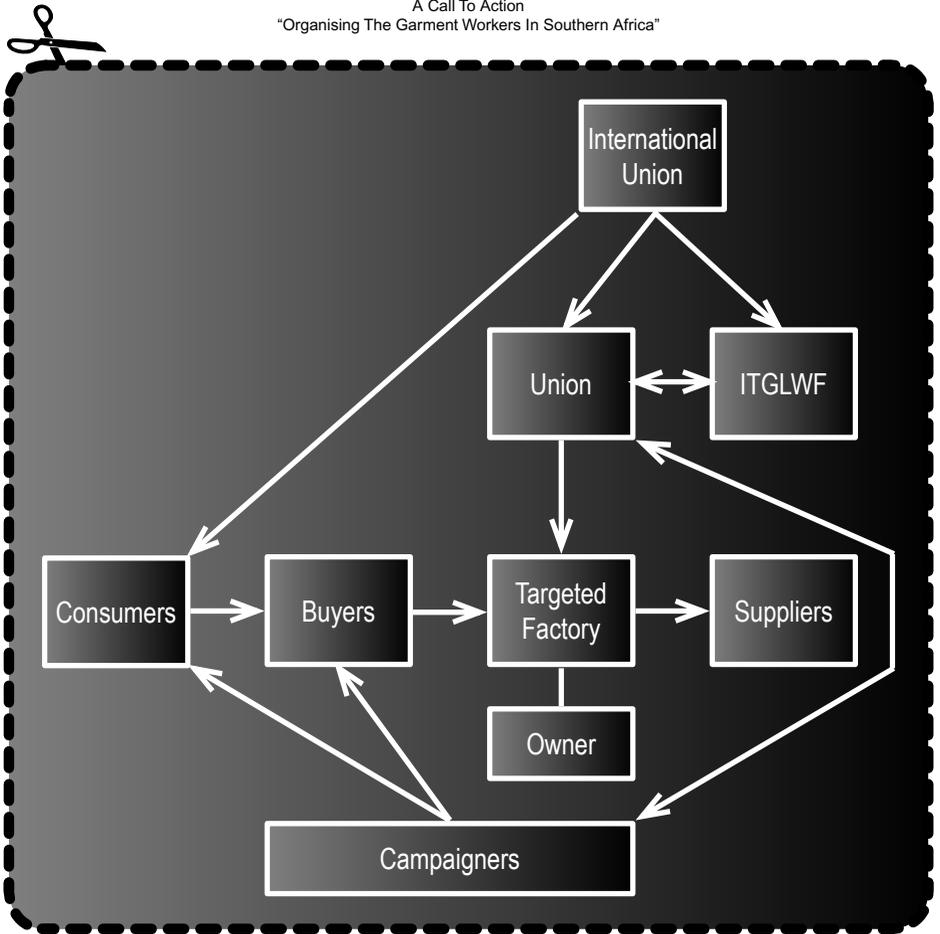
If other workers are going to participate in these actions they must be well informed about what they are doing and why. Shop stewards play a very important role in telling other workers about what the issues are and what can be done. This is important because it is the workers in general who must tell shop stewards and the union what to do. That is give them a mandate. To give an effective mandate workers must know what they are talking about and so the shop stewards must educate the other members. This is also very important if workers have to stand together and exercise their power as workers will not support a strike action if they feel there is no hope or do not really know what or why they are doing this.

(f) Pulling it all together (developing a strategy)

To organise in a factory shop stewards should have a plan.

The first part of a plan is to collect information. You need to know who are members and who are not. You need to develop a strategy on how to recruit the other workers into your union. You will need to know what the products are the factory is making and who they supply with the product. You should have contact names and numbers for people in the union. You should know when union meetings are and participate in these. You will need to decide how and when you will communicate with workers and let them know how they can get hold of you. New workers should be approached to join the union as soon as they arrive in the plant.

You should keep a notebook that has the issues that workers are raising and is somewhere to write down incidents that happen or what management says when in a meeting. The shop stewards committee should write a list of all the issues that are important to workers. This



list should be discussed with the union. The committee should decide what the most important issues are and try to tackle these issues first. Once you have decided what the most important issues are you should develop targets to achieve these things and also plans for how they will be achieved. (Remember when you are developing these plans you have many different methods that you can use. Try to think which ones will be the best for achieving that target.) Involve workers and tell them about the issues and what will need to be done. Try to develop your own skills and knowledge. Remember the union is your union so request that education happens so you can sharpen your skills to deal better with management.

Step 5: Helping Workers In Other Factories

If you have solved problems in your factory, you can help workers solve problems in their factories, too. You can do this by telling them what you did at your factory to make improvements. When you attend union meetings, you can share your experiences with workers from other factories.

This will help the union as well. When the union has victory over problems in one factory, this will help them to get victory in other factories. They can say to problem factories that employers are changing and that they should also change.

Solidarity means seeing all workers together. If some workers are allowed to be exploited all workers will be exploited imagine all factories as a chain of solidarity. A poorly organized or unorganized factory is the weakest link in this chain. Take action to talk to workers in the other factories after work to strengthen all the links in the solidarity chain.





Organising a Factory

Step 1: Speak to other workers about issues in the factory

Step 2: Draw up a list of issues that workers are unhappy about

Step 3: Make contact with the union

Step 4: Recruit more members into the union

Step 5: Elect a shop stewards committee

Step 6: Draw up a plan of action

Step 7: Involve workers at all times and educate workers about their rights

Step 8: If there are codes of conduct find out about these and begin to use them. (A positive change in working conditions will help build confidence in the shop stewards and the union officials)

Step 9: If the employer harasses or victimises workers you may need to draw on international support. Contact ITGLWF Africa or the union to assist with this.

Step 10: Sign an agreement that will help build your organisation by getting the union officials access to the premises and check off facilities for membership subscriptions.

Step 11: Continue to recruit membership to build union power in the factory

Step 12: Press the management to sign a recognition agreement

Step 13: Develop a list of demands to put to management

Step 14: Keep records of what is happening in the factory.

