

Jo-In Training Seminar
Imaginary (hypothetical) scenarios
For use in Module 2

Scenario 1 –

Jane works at *FactoryS*. She has worked there for 3 years. She knows that trade union dues is deducted from her pay check, but doesn't know her union representative.

FactoryS has a collective bargaining agreement with a trade union, called LOP. LOP been present in the factory for 20 years. It is rumored *FactoryS* is participating in the Jo-In project.

On her way home from work one day, a man sits down next to her on the bus. The man introduces himself as Ralph and asks Jane if she is happy with the conditions where she works. Ralph explains that he is an organizer for the trade union, KWO. He tells her that KWO could raise Jane's wages if it organized her factory. Although Jane does not express it to this man, she is interested in learning more about how KWO might lead to more money. She politely stands up and gets off at her stop.

Two months pass.

Rumors begin to spread at *FactoryS* that KWO is starting an organizing campaign there. The other trade union, LOP, is helped by factory management to distribute flyers condemning KWO's rumored organizing drive. The flyers, which are printed on factory copy machines, explain that LOP has negotiated the best possible contract for workers. It states that the factory will close down if KWO tries to organize there.

A few weeks later, Jane hears that 6 workers with connections to KWO were fired without severance by management. One of her co-workers tells her that the LOP representative in the factory did nothing to address the firings. Note

On Friday, Jane is sitting with a co-worker, Fred, and sees Ralph on the bus again. He invites them to an organizing meeting. Jane reluctantly agrees to go with Fred and Ralph to the meeting.

Two weeks pass.

The atmosphere at *FactoryS* has become extremely tense. Rumors abound now that LOP is a corrupt union and is closely aligned with management. Some workers lose faith in LOP and are angry at the wages LOP "stole" from them as "dues". They say that KWO will soon have enough signatures to be recognized by the factory. Others are defensive of LOP, telling their co-workers to stop making a mess. They do not believe the factory can afford to pay more in this economy and are afraid of losing their jobs if the factory closes.

Several fights break out in the factory among co-workers. Jane witnesses one of the fights, where her co-worker is attacked by a co-worker and a supervisor. Jane reports the fights to the union representative, who does nothing. Jane decides to join KWO. She is scared but does not believe LOP has her best interest in mind.

The next day, she arrives at her workbench and sees an envelop with her name on it. Inside is a Polaroid photo with Fred's bloodied face. The note reads: "you're next if you don't withdraw from KWO."

Jane brings the letter and the photo to KWO. She also wonders if she should contact any of the brands whose products she recalls having worked on:

- Champion
- Old Navy
- Zoo
- Carmine's



(Note: these brands listed ONLY for the purposes of practice)

- SPak
- Loqki

Questions to consider

- What would you recommend Jane do?
- Who should she and/or KWO contact? Can they file complaint(s)? To whom?
- What Code elements apply here?
- Provide all information that should be sent with the complaint. Are there additional details you should seek to facilitate brand or MSI follow-up to the problem?
- What are some suggested remediation strategies the workers and the NGO could propose for this situation?

Scenario 2 –

FactoryZ is owned and operated by a family whose grandfather started the factory 30 years ago. The family is dedicated to a fair, clean work environment. Most of its 200 employees come from the same town and are relatives or family friends of the owners. In recent years, however, the factory has grown and so some of the newer workers do not come from the town. Most of the new workers are women, so the factory has seen the percentage of women working in the factory rise considerably.

The workers in the factory are very aware of who is from “the town” and who is not. At mealtimes, those from the same town sit together and they joke informally with supervisors on the work floor. Workers who are not from the town feel that the others receive preferential treatment in hiring decisions. One worker reports this to a brand representative when she visits the factory one day. The brand representative in turn asks management if procedures are in place for hiring, firing, and advancement. When she learns that the factory does not have these, she issues a corrective action plan requiring the adoption of personnel procedures and the creation of an official factory grievance procedure.

Within two weeks, the factory posts laminated policy notes on all bulletin boards in the factory, explaining the new policies. In coming months, some non-“town” workers are promoted to higher levels. When the brand representative returns, she sees that these promotions have been made, which she confirms in interviews with the promoted workers. She comments to the management that they “they seem like such good men.”

A year passes, and more non-“town” workers are among those receiving promotions. Sonia, who is not from the “town,” has been encouraged by this change, since she has been a leading producer in her unit. Her supervisors always compliment her on her work. They tell her she would be great upstairs in the design shop. Still, she has been passed over for a promotion several times. In most cases, she is passed over by workers whose work is not as strong as hers. This has continued to happen, even after the procedures for promotion were put in place.

It is only recently that it occurs to her that the promotions are being given to men. She notices that the only women upstairs are part of the family. And there are only 3 of them. She does not think this corresponds with the factory's new policy. Sonia decides to contact a local NGO *Labor Rights Now*.

For the purpose of this exercise, the labels that Sonia recalls sewing on clothing at the factory are “Hess-Natur” and “Blue Harbour.” (Note: these brands listed ONLY for the purposes of practice)

- What should the NGO do?
- Who should it contact? Where should it file complaint(s)?
- What Code elements apply here?
- What are some suggested remediation strategies the workers and the NGO could propose for this situation?

Scenario 3 –

FactoryK is a SA8000 certified factory (only for the purpose of this exercise). The owners pride themselves on the fact that 1) it is one of the first 10 factories certified in the country, now 1.5 years ago; and 2) it recently upgraded its technology to become more productive. A trade union has been present in the factory for 8 years, and a new collective bargaining agreement was signed earlier this year. The factory advertises its progressive approach and has recently hired a lead manager. The manager has studied industrial engineering in England to further enhance the factory's efficiency.

With new systems and management, life in the factory changes – most notably that their shifts change and they now work on a piece rate system.

Heron is 45 years old and has been working at the factory for 15 years. He is having trouble adjusting to the new systems put in place at the factory. At the start of the transition to the piece rate system, Heron was asked to move his position because he was slowing down his line and affecting the overall pay for several workers. Now at his new position, Heron is still not able to achieve his quota by the end of the day like most of the other workers. He therefore stays late every day to reach his quota before going home.

Due to Heron's long hours at work recently, Heron was surprised to see his pay stub at the end of the month. His income had decreased by 40% since his last check – even though he was working longer hours. While it was not entirely clear from the stub, he guessed that a deduction had been made to his pay for every day he did not make his quota by the end of the day.

Heron does not remember any of the brands producing in the factory. He does, however, remember the name of the insignia the workers sewed on sweatshirts last year: "UC Santa Barbara."

Who should Heron contact about this problem?

Which Code provision would apply here? What information is necessary to determine if a Code violation has taken place?

In addition to the Code, what other sources of labor standards should be considered here?

What complaints mechanism should Heron use to address this situation?

Hint: What are back-up options he could access?

Back-up / Alternative scenario

Review the following imaginary scenario, which is a worst case scenario. This imaginary case ended in a situation where workers' complaints were not addressed, the factory lost orders because it was considered "high risk", and the brand's sales decreased because it became associated with sweatshops. All of these problems could have been avoided. Your assignment is to turn this "worst case" into a "best case."

Your assignment:

1) Rewrite the complaint sent to QWA. List information it should have included (including additional information that may not have been provided here).

2) Rewrite the scenario inserting steps that should have been taken to address the complaint and remediate the situation effectively. Feel free to change dates and involve more stakeholders.

Pay attention to:

- Additional information that could have been relayed in the complaint to facilitate the process
- Other brands producing in the facility
- Other mechanisms that could be accessed to address this complaint
- Key information that an investigator needs to find and processes for attaining this information
- Improvements that can be made in the internal workings of *QWA* and *BrandX*

3) If time allows, discuss with your group some remediation strategies that could rectify the situation.

Background:

BrandX is a \$4 billion (US\$) apparel company based in Canada. It is a member of the multi-stakeholder initiative, QWA. *BrandX* sources from 150 factories worldwide, sometimes sourcing through agents. It has been working with an agent, called *Top Agent*, in Turkey for the past 5 years. *Factory7* is one of the factories *Top Agent* has contracted, and it has been producing *BrandX* denim fashions on a seasonal basis for the past 3 years (since 2003).

Factory7 has 300 employees and does cutting, sewing, and finishing. It has been open for 10 years and does not have a history of unionization. The factory's main clients are *BrandQ*, *BrandR*, *BrandS*, and *BrandT*.

Fatima Ceviz has worked as a machines operator at *Factory7* since she was 19. She is now 23 and, in February, received a letter from factory management commending her for having the highest productivity rates in her line for 3 weeks in a row. She found the job through her male cousin, Suat, who works in the finishing department. In the past 2 years, Fatima's work seems more strenuous to her, and her hours are longer. But her paycheck does not seem to reflect what she is experiencing in terms of her workload. Some nights Fatima and her colleagues work through the night at the factory to complete orders. In the past, the workers would receive bonuses for these kinds of nights. They no longer do. The factory manager explains that the factory needs to stay competitive with China if it wants to stay in business.

On March 1, after an all-night shift, Suat was very tired and decided to visit a local union office to find out if there was anything he could do to get paid for these long hours. The union representative explained that such long hours were not legal, and probably do not comply with the Codes of any of the brands producing there. The union rep suggested that Suat consider starting a union at the factory. The first step would be investigating whether other workers would be interested in joining. Suat was uncertain. He agreed to investigate whether the other workers would be interested.

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Complaint:

On July 5, QWA's Executive Director received a complaint from a small labor NGO called *Turkey Rights*, which works with trade unions in Turkey to improve workplace conditions there. The complaint is filed on behalf of Fatima Ceviz, who was fired by management at Factory7 on June 2.

Information contained in the complaint:

Date of complaint:	June 15
Name of complainant:	Fatima Ceviz
Factory name:	Factory7
Related brand:	BrandX
Violations:	Fired for attempting to organize factory Gender discrimination in the workplace
Contact point:	<i>Turkey Rights</i> , Istanbul

Actions taken (worst case scenario):

June 15- July 10 *QWA* receives the complaint via a general email account (info@QWA.org). It is almost a month before a staff member forwards it to the Executive Director.

July 10 – *QWA* Executive Director reviews the complaint and determines that the complaint is legitimate. *QWA* contacts *BrandX*, which sends a brief response that it will investigate the complaint farther.

July 20 – The assistant to the compliance manager at *BrandX* has a phone call with *Top Agent* staff member regarding the allegation that a worker was fired for attempting to organize the factory. The *Top Agent* staff member agrees to investigate.

August 10 – *Top Agent's* sourcing manager visits *Factory7* regarding an order and, in passing, raises the complaint to *Factory7's* head manager. The manager says she does not to know anything about an anti-union firing. She explains that there were some firings two months before, but those were workers who were not performing well and so were let go.

August 15 – *Top Agent* reports back to *BrandX* that it has investigated the problem and that no Code violation took place.

August 12-30 – *BrandX* compliance manager is on summer holiday. The message waits on a message pad until he returns.

September 2 – *Turkey Rights* exchanges emails with leading labor campaign group, *JJJ*, in the US, because it has received no information from *QWA* even though it submitted the complaint 2.5 months ago. It had sent a second email to *QWA* in mid-August, but has not heard any response. The representative at *JJJ* notes the information about the complaint and agrees to follow up.

September 3 - *JJJ* calls the *QWA* about the complaint. *QWA* provides no information, except that it is "under investigation."

September 4 – *JJJ* sends an email to *BrandX* asking for information about the complaint.

September 15 – After repeated inquiries from *JJJ*, *BrandX* sends an email to both *QWA* and *JJJ* that it has investigated the complaint and found that no violations have taken place.

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This scenario lays the groundwork for a situation that extends into the following year and involves a public campaign against *BrandX*, two trips to Turkey, and numerous phone meetings for representatives from

BrandX, JJJ, QWA, and Factory7. In the meantime, after being fired, Fatima was unemployed for 6 months. She finally found other work sewing labels into shirts exported to Ukraine, receiving 1/3 the income she received in the past. Suat is still unemployed.

Rewrite this complaint section of this case in a way that corresponds with guidance offered earlier today so that it results in a preferable outcome for all (see directions above).