



# CLEAN CLOTHES CAMPAIGN



*Improving working conditions  
in the global garment industry*

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## Fibres & Fabrics: Labour Organisations still gagged

Jan 2007

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### Why the gag order should be removed

Buyers sourcing from FFI/JKPL must make withdrawal of the court action against the Indian labour support organisations a condition for continuing their relationship with FFI/JKPL. Otherwise brands will be seen as being complicit in the action of the FFI/JKPL in taking recourse to litigation to prevent the exchange of information about working conditions.

As the court order is based on an (incorrect) idea that the Indian labour support organisations are spreading false information, this creates a climate of fear. The information circulated by the Indian labour support organisations is based on interviews with workers and therefore, the court order can only act as a message to workers that if they speak out they will not be believed.

### Open a channel of communication with local stakeholders as a first step

Again, the court order needs to be removed as a first step to create an environment that encourages dialogue where solutions can be found together. A meeting of the Indian labour support organisations and FFI/JKPL to discuss the legal action itself may be the first step towards the removal of the court order. The brands sourcing from the factory have a responsibility to open a channel of communication between FFI/JKPL and the local organisations, first to ensure that the court order is removed and then to address the specific issues in the factory.

### A credible remediation plan

A major obstacle to the development and implementation of a remediation plan is the refusal of the FFI/JKPL management to constructively engage with GATWU and other local labour rights organisations. FFI/JKPL management is still guided by its distrust and disrespect for its own workers and the labour support organisations. FFI/JKPL do not acknowledge the role of civil society organisations in maintaining labour standards. The restraining order and the contempt of court proceedings initiated by FFI/JKPL clearly demonstrate this.

To be credible, the remediation plan must take into account the violations recorded in the worker interview reports and the fact-finding report and communications with GATWU. The remediation plan, once it is developed, should be time bound and have a built-in consultative process where local stakeholders including the trade union GATWU are consulted on and informed of the progress of the remediation plan. The remediation plan should create the space for GATWU to make regular inputs based on its direct contact with workers. Progress reports of the remediation plan must reflect how the company responds to the union inputs.

### The importance of local stakeholder involvement in any social audits and other activities aimed at addressing the issues in the factory.

Major brands and retailers seriously addressing the issue of social corporate responsibility have long accepted that dialogue with local trade unions and organisations is an essential pre-requisite for high-quality auditing, investigation, monitoring or remediation activities. The CCC has long been critical of commercial audits as they marginalize workers and their organisations and in particular fail to identify freedom of association, excessive and forced overtime, abusive treatment and discrimination of workers (see the publication 'Looking for a quick fix: How weak social auditing is keeping workers in sweatshops' at

#### More on this case:

[Indian jeans manufacturer FFI tries to silence its critics >>](#)

Despite this recognised good practice, thus far none of the companies sourcing from FFI/JKPL contacted local organisations directly. Neither did they identify the impossibility to obtain the local organisations' - silenced by the gag order - input on the assessment of working conditions at FFI/JKPL as a major problem. For example, Ann Taylor admitted that not once during a number of audits carried out recently at FFI/JKPL have they contacted the local Indian support organisations. Still they seem to believe that the audits give a clear picture of the current state of working conditions at FFI/JKPL.

### **A grievance committee should be able to act independently**

There is currently no way for workers to voice their problems at FFI/JKPL without fear of reprisals. The fact-finding report mentions that a complaints committee has been formed, but the members are not free to act independently. They were not allowed to raise the issue of work without overtime or wages after the end of the shift, which was a practice earlier. Therefore the CCC believes that companies must ensure that FFI/JKPL introduce a grievance procedure to allow workers to report non-compliance issues anonymously, with either direct GATWU representation in the grievance committee handling the complaints, or an outside representative that all involved parties are comfortable with.

### **Ensure freedom of association at FFI/JKPL**

G-Star visited the FFI facilities in 2006 and found a written statement at the FFI/JKPL facilities on the notice board which informed workers that they are entitled to join a trade union in FFI/JKPL. Companies sourcing from FFI/JKPL should obviously not accept this as proof that freedom of association exists at the factory. Companies seriously committed to labour standards should put pressure on FFI to take positive measures to ensure that freedom of association is respected, for example by supporting and facilitating training of management, workers and workers representatives on freedom of association, CBA and labour management relations. FFI/JKPL clearly refuses to recognize union activities. their request for a court order preventing the only trade union present in the factory from speaking out proves this.

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CASE CLOSED

