

## Whether or not to engage with brands?

### *Checklist*

Whether or not to engage with a brand on a specific case or issue is a strategic choice that needs to be assessed every time you are confronted with new circumstances. In each case you will need to assess how likely you are to get the brand's attention and commitment to take action versus the amount of time and resources your organization will need to invest in the engagement process. Below is a checklist to assist you in making that decision.

- Do you have a strong, well-documented case and the backing of the workers?
- Is it possible to obtain additional information?
- Is there a clear role for the brand to play?
- Is the issue a violation of labour law and/or buyer codes of conduct?
- Is the issue before local courts or labour tribunals or are there grievance procedures at the factory that could be used?
- Does the brand have a positive history of engaging on these issues?
- Does the brand have a significant leverage in the factory?
- Is the brand vulnerable to outside pressure?
- Are there allied organizations that could support you initially or in the future?
- Do you have coalition support for an issue-based complaint?

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## **Do you have a strong, well-documented case and the backing of the workers?**

Do you have a strong case that is well-documented and a strong network of work contacts in the factory? You may or may not have documentary evidence, such as incriminating letters from management to the workers, but in order to be able to present the facts to the brand you should have, at least, solid worker testimony that clearly illustrates that a violation has occurred. If you do not have sufficient evidence, your case may not be seriously considered by the brand.

## **Is it possible to obtain additional information?**

If you feel that additional information is needed to present a strong case, your organization should analyze whether or not it will be possible to obtain the information and how it could be obtained. Good resources include additional worker testimony, documents in the workers' possession, Ministry of Labour reports, supportive lawyers or academics, and research from other organizations. You may feel that you have enough information to make an initial contact with the brand but want to obtain additional information as the process moves forward. A full independent investigation may also be one of your demands.

## **Is there a clear role for the brand to play?**

Being very clear about how and why you think the brand should intervene will make it easier for the brand to consider taking specific action

## **Is the issue a violation of labour law and/or buyer codes of conduct?**

Some of the unjust situations that are encountered by workers, unfortunately, are not violations of the law or codes of conduct. While it is important to continue to find ways to make changes and improvements in these conditions, brands are not likely to intervene if there is not

a direct violation of the law or their own Code of Conduct.

## **Is the issue before local courts or labour tribunals, or are there grievance procedures at the factory that could be used?**

If the issue is being or could be resolved at the local or national level, it may not be appropriate or necessary to involve international brands. However, if local or national processes aren't working to resolve these kinds of cases in a timely way brand engagement might be a viable option. Be prepared, however, to explain to the brand why these local or national channels are not acceptable solutions for the case at hand.

## **Does the brand have a positive history of engaging on these issues?**

In choosing which cases you will spend your time on, it is important to consider whether or not you are likely to get a response. If a brand has been faced with similar problems in other factories in the past, how did it handle those cases? Will it be more sensitive to the problem and/or eager to ensure they aren't faced with the same problem again?

## **Does the brand have a significant leverage in the factory?**

A brand that has a very small volume of orders in the factory may be unable to influence the outcome even if they are willing to act. Can you identify brands that have a large and long-term presence in the factory? Or, if the factory is directly owned by the brand (e.g. Hanesbrands, Fruit of the Loom, Gildan) then they can be held directly responsible for the issues and the demands you make may be very different.

If the brand is small and does little to advertise its name it may not be prepared to respond to

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your inquiry, whereas larger brands that have had experience with engagement and have staff dedicated to these issues are more likely to respond. If the factory is only producing for the local market and is not exporting, the domestic brand will likely have less experience or motivation to deal with these issues.

## **Is the brand vulnerable to outside pressure?**

For example, does it have a very prominent and valuable brand name that it wants to protect? Does it have licensing agreements with US universities? Is it a member of a multi-stakeholder initiative with a complaints process? Is it a publicly-traded company that may have activist shareholders? All of these things may make a brand more likely to act when contacted about a potentially embarrassing issue.

## **Are there allied organizations that could support you initially or in the future?**

While your organization may be able to address and resolve a case with a brand without the need to involve others, it may be important at some stage in the engagement or campaigning process to ask for support from other organizations, both those in your area and those working internationally. Some organizations may also have prior experience with the brand(s) you want to contact and can help with contacting the right people.

## **Do you have coalition support for an issue-based complaint?**

If the issue that you want to address affects more than one factory, you will likely be able to make a stronger and more compelling case if you work in a coalition. Are there other organizations in your area that are willing to join forces in contacting the brands and asking them to intervene on a particular systemic issue?