

Documenting your case

Checklist

When you present a case to a brand you do not have to provide the same level of proof that you might need to win your case in court, but you do need to present a very solid and convincing argument.

You should prepare all of the information and evidence so that you are able to clearly make your points. You should also be prepared to counter the most likely responses from the factory management or the brand.

Important points in documenting your case

Issues:

- What are the violations?
- What laws, regulations, Codes of Conduct or international standards are relevant to the issue?

Evidence:

- Chronology of events
- Support documents
- Worker testimony

Buyer and factory information:

- The buyers
- The factory

What should be done:

- Actions to remedy the violations

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How and when to engage with brands?

Details are important!

As you begin the process to document your case, start a file where you can keep all of your information together. The most important thing about documenting your case is keeping track of the details of what took place and when, including notes from any meetings with factory management, and the correspondence with the brand.

Take a look at the two examples below, each reporting the same basic information to a brand representative.

The supervisors at Factory XYZ are very mean, they are always yelling at the workers. Verbal abuse is a very big problem there.

OR . . .

The workers at Factory XYZ frequently report numerous cases of verbal abuse by supervisors. For example, on January 13 the supervisor named Dora yelled at all of the workers on her line. She said, "You all are useless trash and if you don't work faster I'm going to make sure that you lose your jobs. There are a lot of other people who are not so lazy who are looking for jobs." Article 34 of the Labour Code specifically prohibits verbal mistreatment and threats by company management. Your company's code of conduct also prohibits verbal abuse and threats of dismissal.

Adding details will make a difference. Brands will want to know: What happened? When? And who did it?

The Issues

1. What are the violations?

Identify the violation(s) and make note of all of the details.

- What happened (or what did not happen that should have happened)?
- Who was affected? (you can keep specific workers' names confidential)
- Who committed the violations?
- When and over what time period did these violations occur?
- What have been the consequences for workers?

2. What laws, regulations, codes of conduct or international standards are relevant to the issue?

Find out what laws, international conventions and/or code standards are being violated. Most of these documents are available on line. Make notes of the specific text of the law or code standard that is being violated so that you can present it if and when necessary. The standards you will want to reference include:

- National Labour Code for your country
- Constitution of your country
- Other laws and regulations relevant to labour standards in your country
- Conventions of the International Labour Organization (ILO) that have been ratified by your country
- Buyer codes of conduct, university codes of conduct, municipal codes of conduct (when relevant)

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Evidence

1. Chronology of Events

An excellent way to document your case is by creating a timeline of events. Start with the first thing that happened related to the case and write the date and what happened. Each entry in the timeline should have as much detail as possible.

- Date
- What happened?
- Who was there when it happened? (include names of managers and workers, unless they wish to remain anonymous)
- If management said something specific, make a note of specific quotes.

Ask the workers to help you update the chronology every week with new information. Also keep track of subsequent events, including the dates of correspondence both to and from the brands.

2. Supporting Documents

Obtain scans of any documents that are relevant to your case. If you cannot get a scan, you can also make a photocopy or take a picture with your phone. The scan is the best option. Be sure to have copies of all relevant written documentation in your file, including:

- Pay stubs (for wage and hour violations)
- Correspondence between the workers/organization and the company
- Registration/credentials of union members (for freedom of association violations)

- Ministry of Labour Inspection Reports (if there has been more than one inspection related to this case, obtain copies of all of the reports)
- Police reports related to the case
- Court decisions related to the case
- Any news stories related to the case

3. Worker Testimony

Worker testimony can be a powerful piece of evidence, even in cases where you don't have access to written evidence. Ideally, brand representatives will be willing to hear from workers directly by interviewing them outside the plant, however you can help to move this process forward by doing interviews and writing up a statement for the workers to review and, if they choose, to sign. It is okay to keep workers names confidential. At some point the names may need to be shared (for example if the worker has been fired and the request is for reinstatement).

Buyer and Factory Information

1. The Factory

Get as much information as possible about the factory from the workers or other sources, including:

- Full name of the factory
- Name of the owner and/or manager
- Factory's origin (country)
- Names of other management and supervisors (try to use the information to draw an organizational chart)
- Additional information about the company's clients, production, etc. that is available on the internet or on the company website.
- Phone, fax and email number of factory manager/owner
- Whether the factory is owned by a larger company
- Whether the company or its owners own other factories or assets in the country and/or in other countries

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2. The buyers

Who are the factory buyers? This will be important in determining who to contact and who will have the most influence in helping to remedy a violation.

- Which brands are producing at the plant?
- How long have each of them been at the factory?
- Who has the most production? A good way to calculate this is by asking the workers how many production lines there are and how many of each line produces for each brand.
- Can the workers get labels from the brand that you can keep on file? If the labels are printed directly on the garment, can they take a photo of it with a mobile phone? If not, can they look on the label for the brand name and a number that starts with the letters “RN” and/or “CA” (the former for products exported to the US, the latter for those exported to Canada)? This number can help allies in those countries to identify the brand.
- If the workers do not see brand labels, they may be able to find the names of the factory’s customers written on a chalkboard or on shipping box labels.

What should be done to remedy the violations?

This is a question that the brands will ask you. If the law speaks to how the violation should be addressed, be sure to have that information in your file. If you believe that a particular course of action will not be effective – for example, if going to court in your country is not really an option for workers – be prepared to tell the brand why you won’t accept that course of action. Most important is what remedy workers want.