

Six scenarios

1. Freedom of Association violations

A group of workers comes to the office of your union federation seeking advice. One week after they submitted a petition to the Ministry of Labour for registration of their union, all but one of the leaders of the union has been dismissed, along with five other non-union members. The reason given for their dismissals is “a lack of orders from the brands”. However, the workers believe they have been fired for organizing a union and that the employer was informed of their involvement either by someone at the Ministry or the one union leader who was not fired. As a result, they don’t trust the Labour Ministry to make a finding of wrongful dismissal. Asked what brands they have been producing for, they answer Nike, Walmart and Target. - One of the workers also notes that some of the Nike t-shirts have the names of what she thinks are US universities on the front.

2. Child Care Centres:

A group of ten workers that are all attending trainings sponsored by a women’s organization have learned that, by law, employers of more than 200 workers must provide childcare facilities at the workplace for young children of employees. There are 500 employees at their factory, which produces underwear for Hanesbrands. They have contacted you, as leaders of their union, asking what the union will do to defend their right to a childcare centre. The issue of childcare is an area of concern for many of the unions and women’s organizations in your area and there has been some research done on the issue by a national women’s organization. Although the study indicated that workers have differing opinions about whether workplace or community-based childcare is preferable, all of the workers interviewed agree on the pressing need for childcare facilities that are accessible and affordable and that their employers must assume part of the responsibility for the provision of this kind of care.

3. Labour flexibilization:

Three years ago, the government approved a reform to the national labour law that allows employers to hire workers on short-term employment contracts. One month after the law was passed, the employer at your factory began to hire new workers exclusively on three-month contracts. At the end of each three-month period, the workers are being rehired on another round of three-month contracts. As a result, they never gain seniority rights and are never registered for social security. You believe the employer is hiring workers on consecutive short-term contracts in order to weaken or eliminate the union. You consulted the union federation’s lawyer who told you that, unfortunately, this practice is legal under the new law. A number of well-known US clothing brands have their products made in your factory, including Target, Under Armour and Gap. You’ve heard that the code of conduct of the FLA, of which some brands are members, prohibits employers from using short-term contracts as a tool for violating workers’ rights.

4. Violations in subcontract facility:

Your labour rights organization has been doing interviews with workers in small subcontract facilities. Workers that you interviewed in one sewing workshop complained of a series of violations, including failure to register workers with social security, hiring of underage workers, sexual harassment against women workers, and forced overtime and failure to pay the legal overtime premium. According to the workers you interviewed, Walmart products are being made in the factory.

5. Factory closure:

A group of workers come to your union federation office seeking your advice and support. Their factory has shut down operations and the employer refuses to pay them their legal severance, back wages or other legal benefits. They have also learned that the employer failed to make legally required social security contributions. The workers have brought with them some labels from the factory. The brand name on the labels is that of a company that produces t-shirts solely for the domestic market. The workers have no evidence that the factory also produced for the North American or European market.

6. Freedom of Association:

Your union has been advising workers that want to organize a union at another garment factory located in the same industrial park where your factory is located. The workers were in the initial stage of recruiting members to their union and hadn't yet presented their formal application to the Ministry of Labour requesting recognition of their union when all of them were dismissed, together with 20 other workers. Two of the dismissed workers report that three weeks prior to their dismissals, their supervisor told them that he knew about their plans to form a union and if they continued causing problems, they were going to lose their jobs. According to the workers, at the time they were dismissed the factory was making products for adidas. You searched the internet and learned that adidas has a code of conduct that requires its suppliers to respect the right to freedom of association. However, when you tried to get in touch with the dismissed workers the next day, you learned that some of them had decided to go to the United States to look for work and the rest no longer wanted to go back to work at the factory because of how badly they had been treated.