

“The Public Eye Awards”

Nominations form

Nominated company (name):

Wal-mart

Short description of the company:

Wal-mart is the largest retailer globally, number 5 on market value of the global 1000 top rating companies according to Business week in 2004.

As of September 30, 2004, the Company had 1,383 Wal-mart stores, 1,625 Supercenters, 543 SAM'S CLUBS and 76 Neighborhood Markets in the United States. Internationally, the Company operated units in Argentina (11), Brazil (145), Canada (240), China (39), Germany (92), South Korea (16), Mexico (648), Puerto Rico (54) and United Kingdom (272).¹

Wal-mart, according to its 2004 annual report generated over 256 billion \$ in global revenue over the year ending the 31th of January 2004, adding more than 26 billion % in sales, and making almost 9.1 billion \$ in net income.

*Nominated for the following award categories:

- environment
- human rights
- labour rights
- taxes
- special prize _____
(name a award category in the style of the above)

More than one category can be chosen, if a company has acted irresponsibly in all these areas or if it cannot be assigned to just one category. In this case the organising committee will decide the final category.

It would have been no problem, other than time constraints, to compile a file on Wal-mart of many thousands of pages, and nominate them on every possible category - for example consequences of Wal-marts expansions to the communities, union busting in its stores in the US. We have chosen to nominate them for their labour rights abuses however and will direct this nomination towards the labour conditions in Wal-Mart garments supply chain.

Reasons for nomination:

¹ <http://investor.walmartstores.com/phoenix.zhtml?c=112761&p=irol-irhome>, accessed on 1 November 2004

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Under this heading there should be presented as much information as possible on the irresponsible behaviour of the nominated company – ideally covering each of the points below, including references or sources. Please use a separate page for each case example of the company. Additional supporting material such as reports or newspaper articles, and also film material, is welcomed.

We nominate Wal-Mart for blatantly **refusing** to take any responsibility for working conditions in its supply chain. After years of informing Wal-mart of labour conditions in its supply chain and urging them to take responsibility and change their policy, amend their code of conduct and to make sure their code is implemented, Wal-mart has hardly ever responded to allegations and has hardly taken any action at all to correct terrible labour conditions. They lag enormously behind many other companies in this regard. As the largest retailer in the world, Wal-mart should be among the companies that take the lead in improving labour conditions. Not only have they failed to take the lead, they have also failed to close the ranks and are actually nowhere in sight of those that have taken up some issues. We present here several of the cases that have been brought to Wal-mart's attention during the past years. These are just a few of the vast amount of cases we have found. Wal-mart has refused to address these issues that are presented here and have been blatantly refusing to address many more labour rights issues brought to their attention by labour rights organisations and trade unions around the world. They deserve to be awarded to be the WORST GLOBAL COMPANY EVER!

It is not their first nomination, in 2003 they were awarded by Maquila Solidarity Network sweatshop retailer of the year. Wal-Mart won this dubious honour for its treatment of workers both in its retail stores and its supply factories around the world. This was the fourth year that MSN has sponsored the Sweatshop Retailer of the Year Awards and the first in which concerned consumers and workers from around the world were invited to send a lump of coal to the winning company. Wal-Mart won the award three out of the four years.

Furthermore to add to the above mentioned nomination, we have attached several articles on Wal-mart, to show the extend of the problems when talking about Wal-mart, also on other counts. In the trading away our rights report of Oxfam, on women working in global supply chains, Wal-mart, and the outrageous labour conditions in its supply chain are prominent. See:

http://www.oxfam.org.uk/what_we_do/issues/trade/downloads/trading_rights.pdf

For more information on Wal-mart have a look at these internet sites:

<http://www.walmartwatch.com/>

<http://www.walmartswaronworkers.com/index.php>

<http://www.walmartversuswomen.com>

<http://www.walmartyrs.com>

<http://www.walmartsurvivors.com>

<http://www.sprawl-busters.com>

<http://www.walmartsucks.com>

[1. case: Lesotho]

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General information on the case and date or time period

Wal-Mart producing factories in Lesotho
Appeal sent out: December 2002/January 2003

Characteristics of the company's irresponsible behaviour

The Sweatshop abuses include:

- excessive hours of compulsory overtime;
- poverty wages that don't meet workers' basic needs;
- verbal and physical abuse and sexual harassment;
- humiliating strip searches;
- unfair treatment of pregnant workers;
- inadequate washroom facilities and restrictions on their use;
- health and safety violations; and
- violations of freedom of association;

Report on Abuses at Wal-Mart Supply Factories in Lesotho

The following information is based on interviews with workers at Wal-Mart supply factories in Lesotho carried out by the Lesotho Clothing and Allied Workers Union (LECAWU) and the Africa office of the International Textile, Garment and Leather Workers Federation (ITGLWF).

1. Hours and Overtime

Normal working hours at most Wal-Mart supply factories are 10 hours a day, from 7:00 am to 5:00 pm., with compulsory overtime of up to four additional hours, adding up to a 14-hour workday.

In heavy production periods, several factories require employees to work night shifts of up to 14 ½ hours.

There are extreme cases of workers in some factories being forced to work double shifts around the clock from 7:00 a.m. until the following morning.

It is common for workers not to be notified until near the end of their normal workshift that they must stay and work overtime hours. When employees must work on Sundays, they are not notified until late Saturday afternoon.

The vast majority of workers are women, many with families and children.

Compulsory and unannounced overtime makes it impossible for women workers to adequately care for their children. The right to attend funerals is an important issue for workers, since most funerals are scheduled for Saturdays and Sundays, which workers are often required to work.

There is widespread confusion about whether the overtime rate is being paid correctly. Some workers complain that their pay slips do not specify how much overtime is being paid.

Workers at one factory said that they were not allowed to clock in on Sundays, because the managers "were afraid of losing their orders" if buyers saw that the Code of Conduct was being violated.

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2. Poverty Wages

Most workers at Wal-Mart supply factories in Lesotho receive wages of US\$54 a month. These poverty level wages cover less than half the costs of the basic needs of a family four.

3. Verbal and Physical Abuse and Sexual Harassment:

Workers in most factories described the working atmosphere as tense. Verbal abuse is widespread. Supervisors often yell at workers, use profanity and insults.

Physical abuse is also reported. Workers at one Wal-Mart supply factory charged that managers hit them with shoes, scissors and fabric punchers. Workers at another factory reported being beaten by supervisors. A worker at a third factory was severely beaten by supervisor in April 2001.

Worker testimonies also reveal instances of sexual abuse by management personnel of some companies. A supervisor at one Wal-Mart supply factory reportedly demanded sexual favours and arranged "special appointments" to meet with female workers in his office. This person reportedly recruited other supervisors to put pressure on women workers who are reluctant to attend these special appointments. It is a common practice for supervisors to take bribes when recruiting new workers. Supervisors at two Wal-Mart supply factories are known to demand bribes of between M250.00 (US\$27) and M400.00 (US\$44) for hiring workers.

4. Employee Searches:

Research revealed that most workers are searched at lunch and before leaving at the end of the day. The actual method of searching varies from factory to factory. Most common is for workers to be lined up and patted down by supervisors.

Workers at three Wal-Mart supply factories must undergo strip searches, in which they are required to remove their clothing.

At one factory, male supervisors are present during the searches and lift up the dresses of women workers; the workers described this practice as humiliating.

At another factory, menstruating women are forced to show their sanitary pads during the searches. Managers claim that searches are necessary in order to catch thieves.

5. Pregnant Women:

Pregnant women are not given any special consideration, and are not transferred to less physically demanding tasks.

6. Health and Safety:

Workers complained that factories are bitterly cold in the winter and stiflingly hot in the summer, because most companies do not have adequate insulation or heating or air conditioning systems. Workers at one factory said the factory is equipped with heaters, but management refused to turn them on, claiming, "It's not cold enough". Most workers said they did not receive protective gear, such as facemasks. However, workers at one factory said they were given masks, but the cost was deducted from their wages.

Workers at another factory told of an incident in the Packing Department, where a worker suffered a deep cut from a tape cutter. Her supervisor refused to allow her first aid, so instead, a colleague wrapped up the wound with toilet paper.

Workers are also concerned for their physical safety when leaving the company premises. Two workers at another Wal-Mart supply factory were raped near the factory when they left at 6:00 pm and were not provided transport.

7. Washroom facilities:

Workers at all factories surveyed complained that there were not enough washrooms. One Wal-Mart supply factory reportedly has only three washrooms for its

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900 workers. At many factories, pass systems are used to limit how often workers can use washroom facilities. Workers at one factory were searched whenever they used the washroom. At other factories, access to washrooms was limited to certain times of the day.

Most factories do not make toilet paper available. Workers at one Wal-Mart supply factory said they must use scraps of fabric “off cuts” to wipe themselves, which they then discard on the floors. The water that flushes the toilets at another Wal-Mart supply factory is pumped in from the dirty laundry water used by the Asian managers who live on the company premises.

8. Freedom of Association:

Despite the fact that LECAWU has signed up more than 50% of the workers at some of the Wal-Mart supply factories, none of the employers have been willing to negotiate a collective agreement. Factory managers of many Wal-Mart suppliers are openly hostile to LECAWU members and union shop stewards.

Although the Lesotho Labour Code requires companies to work with union shop stewards, whether or not the union represents the majority of workers in the factory, most Wal-Mart suppliers refuse to deal with union. At one factory, management established a Disciplinary Committee, which usurped the duties of the LECAWU shop stewards. At another factory, management transferred the shop steward to a production division where there were no union members.

Demands made to the company

The demand towards Wal-Mart was to bring their suppliers in compliance with Lesotho labour law.

The Lesotho Clothing and Allied Workers Union (LECAWU) has released this information on serious worker rights violations in 21 factories producing for Wal-Mart. LECAWU is calling on its supporters around the world to demand that Wal-Mart take immediate steps to ensure, and provide verifiable evidence, that all its suppliers in Lesotho are complying with the Lesotho Labour Code and the Conventions of the International Labour Organization (ILO). They are asking supporters to tell Wal-Mart to not cut and run from Lesotho, but to stay and work with suppliers to fix the problems, in consultation with LECAWU.

Reaction:

The company has not reacted to the Clean Clothes Campaign

Sources / references

Sources from the Clean Clothes Campaign and Maquila Solidarity Network. More information on Lesotho can be found on the website of the Clean Clothes Campaign, as well as more information on the factories. Additional information on Lesotho in: Made in Southern Africa, at <http://www.cleanclothes.org/ftp/Africa-report.pdf>

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[2. case: Thailand]

General information on the case and date or time period

Appeal on Par Garment in Thailand
send out in February 2003

In 2003, The Clean Clothes Campaign put out an urgent appeal on 149 Thai garment factory workers who have been left without jobs and no compensation, and salary and overtime unpaid after their workplace was suddenly shut down in December. Par Garment, located near Bangkok, produced garments for such international brands as Gap, Wal-Mart, Nike, and Tommy Hilfiger.

Characteristics of the company's irresponsible behaviour

source: TIE-Asia, February 18, 2003

'Runaway' employer at Thailand's Par Garments

Tommy Hilfiger, Gymboree, Wal-Mart, and the Gap challenged to accept their social responsibilities to the factory workers who produce their international brand name products

One hundred and forty nine Thai garment factory workers have been left without jobs or compensation, with salary and overtime unpaid after their employer 'ran away' from his responsibilities to his workers and to his loan payments to the Bangkok Bank in December last year (2002). The Par Garments factory in Pathum Tanee an industrial area on the northern outskirts of Bangkok - produced garments for international brand names Gap, Wal-Mart, Nike, and Tommy Hilfiger.

On the morning of 18 December 2002 the workers arrived at work to find the factory gates locked. A Bankruptcy Court notice on the gates stated that the Par Garments factory had been put into liquidation by the Bangkok Bank the day before. Factory owner Apiwat Latinat Mongalat (Mr. A) had failed to make loan repayments to the bank on time.

Following the December closure, Mr. A continues to manufacture for the international brands at two other factories in which he owns shares in provinces far from Bangkok. In the weeks before the sudden closure of the Par Garments factory the workers had been forced to work five hours overtime each day and then for the last week given no work to do. The workers saw that some equipment was already being removed from the factory during this time. Although there were rumours about the future of the factory, the owner, Mr A, told the workers nothing.

They now believe that Mr A knew the factory would close, and that he was removing equipment that would otherwise have been taken by the Bangkok Bank following Mr A's failure to honour his loan repayments.

When the factory closed the workers were not paid for the last two and a half weeks at work including the forced overtime to finish orders.

Demands made to the company

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The 149 Par Garments workers are now challenging the international brand name companies to pressure Mr A to pay the salary and overtime payments owed along with providing jobs in either of the two factories operating in the province (for those who are willing to relocate) and compensation for those who are unable to relocate. They believe that as the international companies are actively benefiting from Mr A's use of low-wage non-union workers in provincial Thailand. These companies must accept their share of responsibility to the workers who make their products.

Since the sudden closure of the Eden garment factory in 1996, Thailand's labour law now provides that where employers close their factories and fail to pay compensation the Ministry of Labour can make compensation payment to the workers. It is then the Ministry of Labour who sues the employer for the money owed. The workers then receive their entitlement without having to take perhaps long and expensive legal action. The Par Garment union is calling upon the Ministry of Labour to pay the full compensation owed to the workers from the compensation fund; the Ministry can then take action to recover the money from Mr. A. Those who have worked for more than 10 years at Par Garments are entitled to 10 months salary as compensation for loss of their jobs.

Many of the Par Garments workers are already over 40 years old and will find it very difficult to get another job. The Par Garments workers recognise that the liquidators for the Bangkok Bank now own their Pathum Thanee factory. However their employer continues to have a financial interest in two other factories making garments for the same international brand names. The union is demanding that workers be given the option of taking jobs at the two other factories that Mr. A has an interest in.

Par Garment workers are continuing to demand their right to compensation and held a rally at the Ministry of Labour on 15th February 2003.

PAR GARMENT WORKERS DEMANDS:

- Their entitlement to 10 months salary as compensation for the loss of their jobs;
- Jobs, for those who chose employment rather than compensation, in one of the two other factories in which Mr A has shares in and has responsibility for operations of;
- That the Ministry of Labour pays the full compensation owed to the workers from the Compensation Fund;
- That the Ministry of Labour takes action to recover the money from Mr A;
- That Mr. A face criminal charges in court for refusing to pay bonuses, wages, and overtime to the workers;
- That international brands Gap, Wal-Mart, Tommy Hilfiger, and Gymboree use their on-going business relationship with Mr A to pressure him to pay compensation to the 149 dismissed Par Garment workers in Pathum Thanee.

Reaction of Company:

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Although several of the other companies reacted: GAP and Gymboree, there has been no reaction from Wal-Mart.

ADDITIONAL BACKGROUND ON PAR GARMENTS

Par Garments was established on 24 February 1987 with a capital of 180 million baht. Par Garments workers established a union in 1990.

Factory owner, Mr A, has been refusing to pay his workers at the Pathum Thanee factory their annual bonus every year since 1998. Each year the workers have had to sue their employer for unpaid annual bonus. Mr A told the courts that he had lost business and that he could not pay the bonuses. In 1997 and 1998 the workers won their bonus payments through the court.

The annual bonuses for 1999 and 2000 are still before the court.

On December 2000, 30 union members were dismissed. When the workers won an "unfair labour practice" case against Par Garments in the Labour Court the company was required to pay compensation to 25 of the workers who did not want to return to Par Garments. The other five workers were ordered by the court to be reinstated to their jobs.

However the employer refused to allow the reinstated workers inside the factory. Instead, for two years, the five workers would sign in and out every day at the factory gates. Although the factory owner continued to pay the wages of the reinstated workers, they were never again allowed to enter the factory to their jobs.

In 2001 the workers took their unpaid bonus case to the police. Mr A was arrested and released after payment of bail and the matter referred by the police to the court again.

Sometimes the workers' pay would be delayed for two or three days without explanation.

Mr. A maintains a financial interest in at least two other garment factories in provinces outside Bangkok. The Montini factory employs 700 workers in Korat in Ratjasima province 300kms north east of Bangkok and Par Consortium in Ubon Utijani province employs 500 workers.

In 1992, five years after establishing Par Garments, Mr A was involved in establishing Montini Garments in Ratjasima province. Montini produces Walmart, Gymboree and Tommy Hilfiger brands. Of the 60 million bath 600 million share capital, Mr A owns 11,880 shares. His brother-in law owns 545,121 shares.

Workers at the Montini factory are paid the local legal minimum wage of 145 baht a day (US\$4). They can also receive a further 160 200 baht (US\$5 \$7) a month if they do not miss a single days work for sickness or leave. They can lose their monthly 'bonus' if they are late for work on one day. They do not have a union.

Workers can be forced to work overtime by the management refusing to provide return transport to the rural areas from which the workers travel each day to work.

They can also be required to punch out on their time cards hours before actually finishing overtime. They then continue to work unpaid overtime or face the risk of lay-off. Such working conditions have lead to workers fainting on the job.

Sources

<http://www.cleanclothes.org/companies/pargar03-02-18.htm>

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[3. case: Kenya]

General information on the case and date or time period

(source: CCC visit to Kenya, April 2003)

Thousands of garment workers, employed in Kenya's Export Processing Zones up until the end of January 2003, remain jobless. In the Ruaranka EPZ many former employees of four companies -- Indigo, Kentex, Sahara, and Baraka -- continue to stand outside the EPZ, in the hopes that they will be rehired. Since they have been dismissed from their jobs they have been unable to find other employment.

January 16th, 2003 -- workers from 16 of the garment factories operating in the Kenyan EPZs go out on a one-day strike. At that time, the workers had presented a list of 17 grievances to the department of labor. These grievances included underpayment (below the minimum wage), trade union repression, excessive working hours, sexual harassment, and unrealistic production targets that lead to unpaid overtime. In the wake of the strike, a stakeholders committee of representatives of employers, employees, and the labor department is formed to discuss these grievances.

January 31st -- The stakeholders committee of representatives concluded two weeks of discussions. Participants in these discussions tell the CCC that the talks were stalled by the employers representatives. The workers that were following the progress of these talks through their representatives felt not very confident that the process would have positive results. They felt that their grievances were not taken seriously and in some factories the workers went on a "go-slow" to signal to the employers that they indeed should be taking the workers grievances seriously. None of the issues were resolved.

Characteristics of the company's irresponsible behaviour

BACKGROUND

This is what happened:

A press release from the assistant minister at the department of Labor, dated January 31st, reported that the workers felt that the employers did not want to "discuss the main issues which initially precipitated the industrial unrest. These are; hours of work, production targets, and wage increments." The employers, according to this press release were "ready to negotiate the issues of salaries alongside other terms and conditions of employment only through the established machinery as provided for in law. They have also agreed to recognize the Tailors and Textiles Workers Union in accordance with the stipulations of the Trade Dispute Act, Cap. 234." The press release concluded that the union should have free access to recruit workers, and this should finish in not more than 30 days, after which time the parties should engage in formal recognition in order to pave the way for collective bargaining and negotiations for better terms and conditions of employment. The assistant minister further ordered the workers to refrain from industrial actions and the employers not to victimize the workers.

This was reported back to the workers the next day by the representatives and immediately the recruitment process started for workers to join the trade unions.

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Workers were working in the factory on this Saturday. In some of the factories the workers left work at the end of their shift, at 12 o'clock noon, refusing to work overtime, to signal to the employers again to take things seriously. The employers however met that same day to discuss their strategy. In the words of one of the employers; "these people are not working, the government should use the law so we can start anew." The managers said they were losing money due to the situation. Consequently they phoned the commissioner of labor and told him the workers were not keeping to the "agreement" as stated in the Jan. 31st press release of the Assistant Minister of Labor, said the workers were on strike, and asked the Minister to declare these "strikes" illegal. One day after the so-called agreement, at the moment that workers were starting to register themselves for the trade union, without checking any of the allegations made by the managers, the Minister declared the non-existing strikes illegal and gave, according to the managers, them the right to dismiss all the workers. "The law was on our side" another manager said, "workers have to face it."

February 3rd -- workers returning to their jobs at four of the factories located in the Ruaranka EPZ Indigo, Kentex, Sahara, and Baraka factories to find that they had been locked out. No explanation was given -- there was only a notice that the factory was closed and they were all dismissed. None of the workers had expected this to happen at this time. On the contrary, they tell the CCC, they were expecting to resume work at their factories where they understood that the deplorable working conditions were to be improved.

A few days later notices were put up to tell workers to report back to collect their final compensation and that the company was hiring again, both old and new workers. However, when workers wanted to collect their final compensation, it became clear that the company was not paying them the money that they felt was due to them, for being dismissed. If they would re-apply for their jobs they would forsake their final compensation and many workers refused to re-apply before this was settled. The right to payment for the leave days and severance pay is disputed by the employers and part of the workers have filed a claim with the industrial court.

Also the known organizers were barred from re-applying for their jobs.

The companies hired new workers and those that refused to settle are now without jobs. The companies got rid of the trade unionists and signalled very clearly to all workers that any demand on their part would not be honored and that indeed any protest would be dealt with effectively. Not all companies reacted accordingly. Some of the employers in the EPZ have recognized the union in their factories and are engaging in collective bargaining negotiations (at the moment in one of the EPZs, called Athi River). The rest of the employers should follow this example.

At the time of the CCC's March appeal JAR had not dismissed all of its workers, but was preventing workers from exercising their right to organize. However, since that time JAR has also dismissed all of its workers. After the union recognition form was sent to the factory, the factory announced that it wanted to acknowledge the union but instead dismissed all of its workers.

Since then the situation is grim in the EPZ in Ruaranka. After the four initial companies dismissed all their workers, several other companies have used this strategy to either get rid of union organizing or make very clear to their workforce that no complaints will be allowed. They rehire a large part of the workforce, so that they do not lose all their experienced workers, only the "trouble makers" and the union in the process. They tell the minister of labor they have a strike and ask the minister to

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declare this illegal. The Minister of Labour and the Minister of Trade and Industry have supported the employers in this, in order to create a favorable environment for investors. A situation has occurred in which the employers dictate to the government the terms of employment or non-employment. The law is very weak in that it is basically giving the employers the right to dismiss any worker. All the employers claim there is a legal basis for the mass dismissals and any other arbitrary dismissals. The Export Processing Zone Authority also seems to be siding with the investors in this. Although their role should be “facilitating” (their own words), they have been very clearly a party in this, speaking at some points during the last months on behalf of the EPZ investors. They do not perceive the labor conditions in the EPZ factories to be problematic but rather think that “the more investors we attract the better, the labour conditions will improve eventually.”

Demands made to the company

Wal-Mart is producing in three factories of the six targeted in this appeal;

- Indigo: Dayton Hudson, Target;
- Sahara: Matchpoint, Ashton;
- Kentex: Wal-Mart
- Baraka: Wal-Mart, Sears, Target
- JAR: Jordache, Joe Boxer, Wal-Mart

They were asked to ensure that the right to organize is exercised in the factories where they source and to make sure that factory management does not dismiss the workers either when they try to organize or try to put their grievances to the employers, or for any other arbitrary reason. They were asked to check implementation of their codes of conduct. Most workers report that the workers are interviewed in the presence of the management. They were asked not to interview the workers in the presence of the management as most of the workers will not feel confident enough to relate the real situation, especially as there is no protection against dismissals. Also most buyers announce their visits so the factories make sure that the factory, toilets etc are clean etc. They were asked that they should not stop sourcing in these factories but ask for improvements.

Reaction:

There have been reactions from several other of the sourcing companies, notably Target and Sears. There was no reaction from Wal-mart

Sources / references

<http://www.cleanclothes.org/urgent/03-04-29.htm#a>

Nomination submitted by

Name of individual or organisation: Clean Clothes Campaign

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