

Urgent Appeal for action from Gina Relation Labour Union: Thailand

Workers of the Gina Relation Labour Union need your action and support. Since the union was formed in 1994 management has embarked on a sustained campaign of intimidation, harassment and dismissal of union and union committee members. This campaign intensified in 2001 when new management of the company was installed. The company has ignored rulings of both the Thai Governments Labour Relations Committee and the National Human Rights Commission. The union is asking for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws. Please read on for more details. Sample letters appear at the end of this appeal.

Gina Form Bra Company Ltd. is a subcontractor factory owned by a Lao family from Hong Kong. It was set up in Thailand in 1985 and is located in Bangkok. The company employs 1,400 workers; 1,100 are women workers. It produces underwear for big brand names such as Gap, Victoria's Secret, Banana Republic, K-Mart and Jacob. The company is certified under WRAP (Worldwide Responsible Apparel Production).

In 2001 the management of the company was taken over by a Thai group. This new management immediately began sustained harassment of the union executive and members with the aim of destroying the union that was formed in 1994. The previous management had also tried to prevent the formation of a union, dismissing a core group of workers who submitted demands before the union's registration (in 1994). In 2001 there were 1,100 union members now, as a result of the harassment campaign by management there are 700 union members.

Management has used the collective bargaining process as a strategy to attack the union and workers: by deliberately issuing regulations that affected and contradicted the collective agreement between management and the workers and by arresting and dismissing a member of the union committee. Management also laid off nearly 300 union members and more than 200 trainees. They also put the union committee members on the same line of production and shifted a large number of workers without giving them any work.

On 16th August 2001, before the union submitted their annual demands, the former chairperson and treasurer of the union committee were charged with gambling and management requested the court to lay her off. When the union submitted worker's demands on 27th August 2001, management refused to negotiate, despite five calls from the labour relations officers. They did however agree to a renewal of the agreement.

On the 25th of September 2002, management submitted a counter demand that reduced the benefits and welfare provisions for workers, eg: bonus, diligent allowance and the annual wage increase without any consultation with the union. Five union committee and 27 union members were laid off. Management vetoed out the union's demands by questioning whether the union was a true representative of the workers because the court case was going on and they were in the process of being laid off.

During negotiations both members and non-members were threatened and asked not to join the demonstration. The number of guards used to control the workers increased. Union committee members were watched through the closed circuit TV and a video camera was also deployed to shoot the events and note the active members.

Sub-contract workers (hired through an employment agency) with lower wages and benefits were brought to work in the factory in place of the regular workers who were not given any work.

Management issued letters and press releases to charge and attack union committee members and implicate them falsely in financial and sexual scandals. Due to this deadlock, the Labour Ministry ordered the Labour Relation Committee (LRC) to make a decision on the disputed labour issues according to Section 24 of the Labour Relation Act (LRA) 1975.

The LRC decision on 21st November 2001 ordered the laid-off workers be re-installed and be paid compensation. After the order, management called union members and asked them to sign an individual contract with conditions below the collective agreement. They also laid off 150 more workers, committee members and union members on the 8th, 10th and 11th of December 2001.

The workers and the union took their complaints to the National Human Rights Commission on 27th November 2001.

On 14th and 15th August 2002 six committee members were moved from the sewing section to the quality checking section. These workers had not been trained for this work, nor did they have any previous experience. This section is in another small building where there are fewer union members. The administrators claimed that they received workers' complaints that the committee members had taken six days leave, which had affected the production and the teamwork of their lines. The pattern of work in this section was new to these workers. Also, wages and benefits were lower as there were no production target benefits. The deliberate isolation of union committee members was designed to increase pressure on the union.

The union committee were ordered to stop working between the 22nd and 27th August, 2002 with pay. During their absence management forced union and non union members to sign a blank piece of paper on which management later wrote workers agreement to their demands. Management then took this

document, on 23 August 2002, and registered it with the Department of Social Welfare and Labour Protection of the Ministry of Labour and Social Welfare. The union later submitted a letter to the Ministry rejecting the new employment conditions.

On 18 September 2002 management sued in separate cases five union members including the present chairperson of the union claiming that they slowed down their work performance and threatened their co-workers who did not join their slow down. Workers then made a complaint to Management. This is another tactic of the employer to pressure the union and workers in the lead up to the new round of collective agreement negotiations.

The judgement of the National Human Rights Commission was issued on 17 September 2002. It stated that all employers' and administrators' action against the workers and the union are a violation of human rights and are against several sections of the LRA 1975. This includes: the arrest of and the intention not to reinstall the former chairperson of the union, who had won their case, the signing of employment conditions that did not comply with the former agreement or the order of the LRC as well as refusing the right of the union committee members to perform their work.

The union would like to request local and international unions and NGOs to support the campaign of their union and their demands, which are:

- (i) The Gina Form Bra Company Limited should end their repressive actions that will destroy the union. The company should recognise the right of the union to organise workers by:
 - A. Reinstating Ms Sombun Rodjareon who is a union committee member.
 - B. Ending the laying-off of 5 union committee members by withdrawing the request in the Labour Court of laying them off.
 - C. Reinstating 38 workers who the LRC had ordered the company to reinstate.
- (ii) The Gina Form Bra Company Limited should recognise the right to bargain according to the Thai laws by seriously implementing the employment conditions agreement. They should abolish the individual contracts that caused differences in contracts between workers. This also causes discrimination between workers and destroys the union.
- (iii) The Gina Form Bra Company Limited should end their interference in union matters. The company should stop putting pressure upon and ill-treating union members and committee members. The company should move all of the committee members back to their original positions. They should also recognise the activities of the union and provide freedom of dissemination of information and access to public relations for the union.

Please send your appeal to the following persons and addresses:

Prime Minister of Thailand
The Hon Mr Thaksin Shinawatra
Office of the Prime Minister
Pitsanuloke Rd
Bangkok 10300
Thailand

Gina Form Bra Company Limited
80/8 Moo 4 Soi Ramindra 39
Ramindra Rd, Bangkhen
Bangkok 10220
Thailand

Please send copies and solidarity messages to:

Gina Relation Labour Union
405/12 Pracha Uthit Rd
Soi 33
Ratburana
Bangkok
Thailand

- SAMPLE LETTERS - Please feel free to change or write your own letters:

DATE

Prime Minister of Thailand
The Hon Mr Thaksin Shinawatra
Office of the Prime Minister
Pitsanuloke Rd
Bangkok 10300
Thailand

Fax: +(662) 282-8587 or +(662) 282-8631

The Hon Mr Thaksin Shinawatra,

The (*the name of your union/organisation, who you represent, country*) has learnt of the ongoing harassment, intimidation, dismissals, lay offs and forced implementation of individual contracts at the Gina Form Bra Company Limited, Bangkok, Thailand.

The union is asking for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws.

These demands have been upheld by rulings from your National Human Rights Commission (17 September 2002) and the Labour Relations Committee (21st November 2001).

It is clear from the company's failure to comply with these legal rulings that they have no respect for the integrity of these legal institutions. This company has for many years produced brand label underwear for the US, Canadian and European markets with the support of the union and its members. We also understand that this company has been certified under the Worldwide Responsible Apparel Production (WRAP) system. We would therefore urge you to strongly intervene to ensure that Gina Form Bra Company Limited implements in full the rulings of the National Human Rights Commission and Labour Relations Committee thereby respecting Thai law and meeting the demands of the Gina Relation Labour Union.

We look forward to hearing about your intervention to bring about a fair and just settlement for the workers of this company.

Yours sincerely,

Your name

Position

Organisations name

Cc Gina Relation Labour Union

DATE

Gina Form Bra Company Limited
80/8 Moo 4 Soi Ramindra 39
Ramindra Rd, Bangkhen
Bangkok 10220
Thailand

Dear Sir,

The *(the name of your union/organisation, who you represent, country)* has learnt of the ongoing harassment, intimidation, dismissals, lay offs and forced implementation of individual contracts at your company the Gina Form Bra Company Limited, Bangkok, Thailand.

We understand that your actions violate rulings from the National Human Rights Commission (17 September 2002) and the Labour Relations Committee (21st November 2001) of Thailand and are a violation of workers human rights.

We further understand that your company has been certified under WRAP (Worldwide Responsible Apparel Production) and produces brand label goods for GAP, Victoria's Secret, K-mart and Jacobs. WRAP guidelines state (in part) "Apparel manufacturers will recognize and respect the right of employees to exercise their lawful rights of free association & Collective Bargaining" and "Apparel manufacturers will comply with laws and regulations in all locations where they conduct business".

We would urge you to implement the rulings of the National Human Rights Commission and the Labour Relations Committee and in doing so meet the demands of the Gina Labour Relations Union for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws.

We along with other unions and labour organisations will be monitoring this situation closely to ensure that your company respects the laws and rulings of the institutions of Thailand and human rights of workers in your company, many of whom have been contributing, with the union to your profits over many years. We hope that you will be able to negotiate with the union in a fair and just manner.

Yours sincerely,

Your name
Position
Organisations name

Cc Gina Relation Labour Union



Lawrence M. Doherty
Executive Director
Worldwide Responsible Apparel Production
200 North Glebe Road
Suite 1016
Arlington, VA 22203
Tel: 703-243-0970
Fax: 703-243-8247

March 7, 2003

Dear Mr. Doherty,

We are contacting you with regard to the ongoing labor dispute at the Gina Form Bra Company, a WRAP-certified facility in Thailand, and other issues of concern in relation to the WRAP system.

Serious labor rights violations have been reported at the Gina Form facility for more than one and a half years. More than one year ago the union at this garment factory, the Gina Relation Labour Union, filed a complaint with the Thai National Human Rights Commission (NHRC) with regard to these various charges, resulting in a ruling in the union's favor in Sept. 2002. The Clean Clothes Campaign (CCC) was informed that the union contacted WRAP in late December 2002 regarding the ongoing problems at the facility and management's refusal to implement the NHRC ruling and has yet to receive a response (other than confirmation of receipt). The union was told that a response would be forthcoming after January 2nd. It is clear from your lack of action to date that in fact, the WRAP program has no serious intention of responding to labor rights violations which not only constitute a violation of the stated WRAP principles, but also a violation of Thai labor law.

As representatives of organizations dedicated to promoting labor rights worldwide, we believe your inaction calls into question WRAP's commitment to the standards it purports to uphold. Moreover it is evident that WRAP's system to process and follow up on complaints of violations of its standards at WRAP-certified facilities is inadequate. We believe that a complaint mechanism, accessible to workers, unions, and NGOs, is a crucial part to any system that attempts to monitor or verify compliance with a code of workplace labor standards. Without the capacity to facilitate such access for workers,

neither the WRAP system itself, nor its participating retail companies, should be claiming that their supplier facilities are free of labor rights violations.

We would also like to take this opportunity to raise other concerns regarding the WRAP Principles, monitoring system, and the organizational structure of the system.

With regard to the WRAP Principles, we find notable shortcomings in the standards outlined. The Principles do not make reference to International Labour Organization conventions. Vague language or clearly lower standards have been used in the WRAP Principles, resulting in a weak code that is open to a variety of interpretations.

Standards that fall short in our view include WRAP's principles on freedom of association, child labor and wages. The right to associate, the basis for full enjoyment of all other rights, is imperfectly protected under the WRAP definitions, which do not conform with ILO jurisprudence on this subject.

Regarding child labor the minimum age is listed as 14 years in the WRAP Principles, not the ILO's minimum age of 15 (with exception for countries that meet its developing country criteria). Wages are set at the local minimum, not a living wage.

In relation to discrimination, the WRAP standard does not specify common forms of discrimination such as gender, race, sexual orientation, disability, national origin, age, and marital status. Without elaborating on the scope of this provision, the WRAP standard does little to address the well-documented types of discrimination garment workers experience.

With regard to hours, only "one day off in seven" is mentioned, not the ILO's standard of a maximum work week of 48 hours, plus 12 hours overtime. Given the pervasive (forced) overtime problem in the garment and sports shoe industries, we find this a serious omission. Also troubling is that workers' one day off is made contingent upon meeting "urgent business needs." Such an exception is clearly unacceptable. In our view, the provisions in the WRAP Principles relating to transshipment and drug interdiction are inappropriate and have no place in a labor code of conduct.

We also have fundamental concerns about the structure of the WRAP system. At all levels, the system lacks the organizational representation of trade unions and relevant NGOs. Without worker access to the WRAP system, through the presence of those bodies that represent their concerns or advocate for the respect of labor rights, the system is without credibility. We question the lack of a multi-stakeholder supervisory board (WRAP's "Independent Certification Board" includes industry representatives and individuals, but again, it lacks the organizational representation of trade unions and labor NGOs).

The WRAP system places total responsibility for compliance with labor standards with suppliers. Such a system does little to address the structural inequalities that create many of the problems most common in garment factories. Without placing the policies and

practices of sourcing companies (those brand name companies and retailers that contract with suppliers to produce their goods) within the scope of your system, the links between pricing and low wages and forced overtime and delivery times for example, will not be addressed. A system that does not recognize the role of sourcing companies in shaping working conditions at all levels of their supply chains is one that is fundamentally flawed.

In addition to the Gina Form case, we have received reports of serious violations of internationally-recognized labor rights at other WRAP-certified facilities. We question therefore the quality of the "independent monitoring" service which WRAP provides. There has been a lack of transparency regarding WRAP's monitoring methods (ex. are workers interviewed? how are such interviews conducted?). As far as we can determine from the limited information available, WRAP monitoring is far from independent. The company that is to be monitored selects and hires its own monitoring organization, establishing a business relationship that makes questionable the veracity of the monitor's findings. The monitoring organizations participating in the WRAP system are largely commercial audit firms. The failure of commercial auditors to provide quality audits has been extensively documented.

We have raised a number of significant concerns that point to far-reaching changes that we believe WRAP must undertake. In the absence of significant steps by WRAP to effectuate these changes, we will continue our investigations and publicly campaign on WRAP, informing our partners, member-organizations and consumers that companies and brands relying on WRAP certification are in fact making no progress in ensuring that internationally recognized labor standards are respected.

If in fact you intend to make the reforms necessary to evolve into a credible monitoring program, the first step should be an effective response in the Gina Form case. We call upon you to immediately notify the Gina Form Relations Union of the status of your investigation or any plans for action in this matter. We look forward to hearing about your follow up in relation to the Gina Form case and the issues we have outlined here regarding the WRAP Principles, monitoring system, and structure.

Sincerely,

Ineke Zeldenrust, Coordinator
Clean Clothes Campaign International Secretariat

On behalf of:

International Labor Rights Fund- Bama Athreya, Deputy Director
Union of Needletrades, Industrial and Textile Employees (UNITE), Ginny Coughlin,
International Affairs Director
Campaign for Labor Rights- Severina Rivera, Executive Director
Global Exchange- Jason Mark, Corporate Accountability Programs

Union leader Somboon reinstated!!

Action still needed on Gina Form Bra factory Dear friends,

March 19 2003, The Gina Relation Labour Union reports that the campaign to secure reinstatement of dismissed union members is progressing well due to local actions and the international support campaign.

The Gina union held a bargaining session with the employer on march 18 at the Thai Ministry of Labor. The union Executive Committee met with Gerard Lau, the managing director. The result was that the company has agreed to allow Somboon back into the factory. This is an important step forward, but it is something that should have been done a long time ago -- since this is simply compliance with the spirit of the law (as opposed to only the letter of the law) and the court decision by the Supreme Court ordering her reinstatement.

The problem is that there was no progress on the other issues including the court cases to fire the five union EC members, which is rapidly approaching a critical stage and for which pressure is needed NOW! (see below).

*** Developments since the last Urgent appeal ****

Companies once again are proven to be sensitive to pressure, there have been several visits from corporate reps and monitoring teams at Gina Form.

1. GAP has reacted quickly to the organisations filing the complaint, and a monitoring team has visited twice and has also held meetings with the Union and other Thai organisations. Gap reportedly did request management to settle the cases, and inform the workers. CCC is pleased that the Gap is investigating this case and it taking an active role. More pressure from the GAP on the company is needed, especially concerning the case against the 5 Union EC members.

2. WRAP has not reacted to the Unions complaint nor to letters of other organizations. A letter was jointly send by the CCC, ILRF, UNITE, Campaign for Labour Rights and Global Exchange on march 7 to protest against this unacceptable state of affairs from an organisation that claims to indepently monitor workplaces. A copy of the letter can be found at the CCC website <http://www.cleanclothes.org/urgent/03-03-07.htm>

We understand from the Union that WRAP's auditor ITS reportedly visited the factory on february 24, but they gave no names or name cards and although workers were able to talk to the monitors without employers representatives present the questions asked only concerned if the factory was following the law or not. Nothing is known about follow-up. CCC believes that since WRAP has certified this factory when there were problems, they means they have to stay and try and fix those problems.

3. According to the factory management La Senza representatives visited the factory on march 1-2, after stories in the Canadian press. However they did not meet with the Union

or Union members. In response to inquiries from our Canadian partner Maquila Solidarity Network, La Senza has so far refused to provide any information on that investigation, including the name of the auditing organization, how workers were interviewed, or the results of the audit. In fact, the retailer has even refused to provide MSN a copy of its code of conduct. In addition to this, rather than working with its suppliers and other buyers to resolve well-documented worker rights violations at the factory, La Senza is reportedly threatening to cease placing production orders with Gina Form Bra Company. The union DOES NOT want the brand label companies to withdraw orders and the factory to close.

4. Victoria's secret, K-mart and Boutique Jacob did not react at all. Victoria's secret (owned by the Limited Brands) is reportedly one of the largest buyers at Gina.

*** The different cases ***

Though there are several legal cases connected to this case, the most urgently problematic one is the case currently before the LABOUR COURT. In the case before the labor court the company is suing five employee committee members (the employee committee members are also union committee members) for slowing down the production and not cooperating with the company. This case is rapidly reaching a critical stage. The union is worried that the Labour court may rule to allow them to be fired. Therefore, getting this case withdrawn is a priority.

In addition to this there two separate cases before the SUPREME COURT, concerning a total of 38 fired workers. In both cases the dismissed workers have lodged complaints against the company for unfair labour practices. Both the Labour Relations Committee (LRC) and the Labour Court have found in the unions favour. The company has appealed these decisions to the Supreme Court.

The union calls for immediate reinstatement of these workers, and has no faith that if the Supreme Court finds in their favor the company will abide by the judgement. They see that the company is using the appeal process as a delaying tactic, a tactic to further weaken and ultimately bust the union, it also pressures workers who have no money, through being dismissed to abandon their struggle.

**** Action request ****

Write to Victoria's Secret, K-mart and Boutique Jacob and urge them to:

- undertake immediate action themselves in this serious matter and communicate this to the union, and the organizations concerned in Thailand and internationally;
- insist with Gina Management that the case against the 5 UnionEC members be withdrawn as an indication of good will by the management towards the union, and willingness to work towards better labor relations;
- insist with Gina management to abide by the rulings of the Labour Relations Committee and reinstate the 38 unjustly fired workers;

- publicly declare their intent to continue placing orders with the Gina factory, and communicate that message in writing to Gina workers and management;
- tell Gina management to stop using the threat of a cessation of orders as a means of intimidating union supporters with possible job loss.

Write to WRAP and urge them to:

- communicate directly with the union and the organizations concerned in Thailand and internationally about their apparent investigation and report on the process and results of its investigation, including the standards used for the audit, name of the auditing organization, process for selecting and interviewing workers, audit results, and corrective action plan;
- take full responsibility for the situation in the factory they certified and ensure that Gina Management:
 - a) stops using the threat of a cessation of orders as a means of intimidating union supporters with possible job loss;
 - b) withdraws the case against the 5 UnionEC members as an indication of good will by the management towards the union, and willingness to work towards better labor relations and
 - c) that Gina management abides by the rulings of the Labour Relations Committee and reinstates the 38 unjustly fired workers

Write to La Senza and urge them to:

- publicly declare its intent to continue placing orders with the Gina factory, and communicate that message in writing to Gina workers and management;
- tell Gina management to stop using the threat of a cessation of orders as a means of intimidating union supporters with possible job loss;
- insist with Gina Management that the case against the 5 UnionEC members be withdrawn as an indication of good will by the management towards the union, and willingness to work towards better labor relations.
- tell Gina management to abide by the rulings of the Labour Relations Committee and reinstate the 38 unjustly fired workers,
- report on the process and results of its investigation, including the standards used for the audit, name of the auditing organization, process for selecting and interviewing workers, audit results, and corrective action plan.

Write to the GAP and:

- thank them for the positive steps they've so far undertaken in this case
- ask them to keep insisting with Gina Management that the case against the 5 UnionEC members be withdrawn as an indication of good will by the management towards the union, and willingness to work towards better labor relations.

Please find the addresses below. Send copies of the letters to Gina Management and to the Thai Prime minister, as well as to the Gina Labour Union. Thanks for your support!

Gina Form Bra Company Limited
80/8 Moo 4 Soi Ramindra 39
Ramindra Rd, Bangkhen
Bangkok 10220
Thailand
Fax. +66 2 973 0848

Victoria's Secret (Note: this company is owned by the Limited Brands)
President and CEO
Grace A. Nichols
4 Limited Pkwy. East
Reynoldsburg, OH 43068
USA
Phone: 614-577-7000
Fax: +1 614-577-7047

Limited Brands
Chairman, President and CEO,
Leslie H. Wexner
3 Limited Pkwy.
Columbus, OH 43230
USA
Phone: 614-415-8000
Fax:+1 614-415-7278

K-Mart
James B. Adamson
Chairman and Chief Executive Officer,
Kmart Corporation
3100 W. Big Beaver Rd.
Troy, MI 48084
USA
Phone:+1 248-463-1000
Fax: +1248-463-5636

La Senza Inc.
Lawrence Lewin, President
La Senza Inc.
1604 Boulevard St-Regis
Dorval, Quebec
H9P 1H6 Canada
Fax: 001 514-684-4770

Gap
Sean Ansett
2 Folsom St.
San Francisco, CA 94105
USA
Fax: +1 415-427-6620

Joseph Basmaji
Boutique Jacob Inc.
6125 Chemin De La Côte-de-Lisse
St- Laurent, QC
Canada
H4T 1C8
Tel: +1 514-731-8877
Fax: +1 514-731-8869

Prime Minister of Thailand
The Hon Mr Thaksin Shinawatra
Office of the Prime Minister
Pitsanuloke Rd
Bangkok 10300
Thailand
Fax: (662) 282-8587, 282-8631.

Gina Relation Labour Union
405/12 Pracha Uthit Rd
Soi 33
Ratburana
Bangkok
Thailand
Phone/Fax: +66 2 973 0620

June 2003, Update on Gina Form Bra Company
Citing cut in orders, Gina Form puts workforce on leave with half-pay

Dear Friends,

Action is still needed to support the struggle of the Gina Relation Worker Union (GRWU) to have unfairly dismissed workers reinstated and ensure that workers rights are respected at a Thai garment factory producing for a number of major North American brands. Please see the following summary of recent developments in this case. A request for action is included at the end of this update. For more background information on the case, please see [here](#).

Take action now!

(sources: American Solidarity Centre, Bangkok; TIE-Asia; Maquila Solidarity Network)

- Citing cut in orders, Gina Form puts workforce on leave with half-pay

Gina Form management is reportedly moving orders away from Gina Form to other factories, but meanwhile is telling Gina Form workers that because no orders are coming in they must go on leave at 50% of their pay. Management invoked article 75 of the Thai Labor Protection Act of 1998 to put much of the workforce on leave for a week. The GRWU has opposed this action and challenged it under the terms of the act (lack of orders is not a legitimate grounds to invoke article 75). Management representatives have reportedly said that there are few new orders at Gina Form because the GRWU has talked to overseas organizations about working conditions at the factory.

- pro-management union formed to undermine GRWU

Management continues to refuse to bargain collectively with the Gina Relation Worker Union (GRWU). The GRWU has demanded that the Ministry of Labor help collective bargaining negotiations recommence and marched to the ministry with several hundred workers to make this point. Meanwhile, a new union has been formed at Gina Form: Gina Ruamjai Union (GRU). The GRU was reportedly formed with the connivance of factory management, and through the work of Panus Tailuan of the National Congress of Thai Labour, a notoriously corrupt "union" leader in Thailand. The GRWU alleges that Gina management is acting in a discriminatory way by favoring the GRU. Management representatives are reportedly pressuring workers to resign from the GRWU and apply to the GRU.

This is very disturbing, and shows that Gina management has added new tactics, by blatantly favoring GRU and using anti-union harassment and fear (of lost orders) to try and force GRWU members to resign from their union. It is critical that campaigners insist on previous demands made by the union, and also demand that Gina Form Bra

management end all harassment of the GRWU, drop the court cases against GRWU members, and stop all favoritism being offered to the yellow Gina Ruamjai Union.

- Gina Form management makes false claim that they are working with the ILO:

Gina Form management made claims that they were working with the ILO, however this proved to be untrue. TIE-Asia wrote to the ILO Thailand seeking clarification on the matter. The ILO responded by saying they had not yet had any contact from the Gina Form Bra Company on the dispute.

REQUEST FOR ACTION

1. [Tell Gina owners Clover Garment to stop harassing the GRWU and begin collective bargaining negotiations](#)
2. [Pressure Victoria's Secret, K-mart and Boutique Jacob to take positive action](#)
3. [contact La Senza \(Canada\) and tell them not to cut and run](#)
4. [Contact Gap and ask for their continued action on this case](#)
5. [Please send copies of your letters and responses to the GRWU](#)

1. Tell Gina owners Clover Garment to stop harassing the GRWU and begin collective bargaining negotiations

Gina Form management has been involved in the harassment and intimidation of union members and illegal lay-offs and firings of union leaders since 2001. Both the Thai National Human Rights Committee and the Labour Relations Committee have found Gina management guilty of violating Gina workers' human and labor rights. Tell the owners of Gina Form -- Clover Garment -- that it's time for them to put a stop to the anti-union campaign at Gina Form and recommence collective bargaining negotiations with the GRWU. To demonstrate that they are serious about respecting workers rights, they must enter into good faith negotiations with the GRWU, the union that legitimately represents the interests of Gina Form workers.

Gerald Lau
CEO
Clover Group International Ltd.
Block A-H, 11th Floor
Ka Ming Court
690 Castle Peak Road
Kowloon, Hong Kong

E-mail: g_lau@clover.com.hk

2. Pressure Victoria's Secret, K-mart and Boutique Jacob to take positive action

So far, these three Gina Form clients have not responded to inquiries and requests to take positive action in this matter. Victoria's Secret (owned by the Limited Brands) is reportedly one of the largest buyers at Gina therefore if you only have time to contact one company today, we urge you to contact Victoria's Secret.

Tell them to insist that Gina Form management enter into good faith negotiations with the GRWU, withdraw any outstanding charges lodged against union members, and to stop using the threat of cessation of orders as a means of intimidating union supporters. Tell the companies that you are concerned that Gina Form management is misusing article 75 of the Labor Protection Act to put much of the workforce on leave with half-pay. Remind them that the Gina Relation Workers Union opposes the article 75 leave. Because these companies have top level responsibility for the respect of workers rights where their goods are produced, request that they take IMMEDIATE action in this serious matter and communicate this to the union, and the organizations concerned in Thailand and internationally. Ask them to publicly declare their intent to continue placing orders with the Gina factory, and communicate that message in writing to Gina workers and management.

Contact info:

Grace A. Nichols
President and CEO
Victoria's Secret
4 Limited Pkwy. East
Reynoldsburg, OH 43068, USA
Phone: 614-577-7000
Fax: +1 614-577-7047
(Note: this company is owned by the Limited Brands)

Leslie H. Wexner
Chairman, President and CEO
Limited Brands
3 Limited Pkwy.
Columbus, OH 43230
USA
Phone: 614-415-8000
Fax: +1 614-415-7278

James B. Adamson
Chairman and Chief Executive Officer
Kmart Corporation
3100 W. Big Beaver Rd.

Troy, MI 48084, USA
Phone: +1 248-463-1000
Fax: +1248-463-5636

Joseph Basmaji
Boutique Jacob Inc.
6125 Chemin De La Côte-de-Lisse
St- Laurent, QC
Canada
H4T 1C8
Tel: +1 514-731-8877
Fax: +1 514-731-8869

3. contact La Senza (Canada) and tell them not to cut and run:

In Canada the Maquila Solidarity Network (MSN) has been pressuring Canadian retailer La Senza not to cut its orders with the Gina Form Bra factory. La Senza claims it is cutting off the factory because of May Day protests staged by MSN members and supporters in four Canadian cities. (For more information on MSN's activities in relation to La Senza and Gina Form, please see the MSN website < www.maquilasolidarity.org>.

Gina workers report they finished the last La Senza order at the end of April, days before May Day protests took place. La Senza is clearly trying to use the protests to justify its irresponsible cut-and-run tactics. La Senza claims there are no worker rights violations in the factory, and that the problems are the result of a dispute between two unions. This is a crucial moment to pressure La Senza to reverse its decision to cut and run from its responsibilities, to immediately resume orders with the Gina Form factory, and to work with other buyers to help clean up ongoing worker rights violations. Write to La Senza and tell them that pulling out of the Gina Form factory is not the solution. Urge La Senza to resume production orders with the Gina Form factory, and work with other buyers to pressure Gina management to end its antiunion campaign immediately and reinstate fired and laid off union members.

Please fax or e-mail letters to:
Lawrence Lewin, President
La Senza Inc.
Fax: 514-684-4770
E-mail: swilkinson@lasenza.com

Sample letter courtesy MSN -- please adapt and send to La Senza today

Lawrence Lewin, President
La Senza Inc.
1604 Boulevard St-Regis

Dorval, Quebec, CANADA
H9P 1H6

Dear Mr. Lewin:

I have received disturbing news that your company has decided to stop placing orders with the Gina Form Bra factory in Bangkok, Thailand. This is not a solution to the problems at the factory. Leaving Gina Form at this time will only further punish workers who continue to face management harassment and have been trying to resolve their grievances in a proper manner. What assurances do your customers have that you will not shift production to another factory with similar or worse labor practices?

Rather than cutting and running from your responsibilities, I urge you to reconsider your decision and immediately resume orders with the factory. I also ask you to work with other buyers to pressure Gina Form management to comply with the decisions of the Thai National Human Rights Committee and the Labour Relations Committee, two institutions which have found that the employer's actions against workers constitute a violation of national law and international human rights covenants. Moreover, management's recent creation of a company union, forcing workers to join that organization, is yet another violation of the workers' right to freedom of association. Management is using this well-known union-busting tactic to undermine the legitimacy of the Gina Relation Worker Union. .

I look forward to receiving information on the positive steps La Senza will be taking to help clean up worker rights violations in the Gina Form Bra factory. Please do not abandon these workers.

Sincerely,

4. Contact Gap and ask for their continued action on this case

In the past six months that an international coalition of labor rights organizations has been active on the Gina Form case, Gap has responded to requests to take action in this matter. Thank them for the action that they have taken, but request that they continue to pressure Gina Form management and Clover Garment to respect workers rights. Inform them about your concerns regarding the diversion of orders from Gina Form, the misuse of Article 75 (see above) to temporarily layoff Gina Form workers, and the ongoing harassment of GRWU members.

Contact info:

Sean Ansett
2 Folsom St.
San Francisco, CA 94105
United States

Fax: +1 415-427-6620

E-mail: sean_ansett@gap.com

5. Please send copies of your letters and responses to the GRWU

Gina Relation Worker Union
9/261 Moo Ban Sangtham
Rattanakosin Road
Sub-District Or Ngern
District Saimai
Bangkok 10220
Thailand

Tel/fax: 662-973-0620

victory at Gina Form!

17 July 2003

We are very pleased to report that garment workers at the Gina Form Bra Co., a Thai factory that produces for such brands as Victoria's Secret, Gap, and Kmart, have reached an agreement with management in a dispute that had gone on for more than six months. Campaigners continue to pressure the two Canadian brands who cut and ran from the factory to resume production at Gina Form.

IMPORTANT VICTORY FOR THAI GARMENT WORKERS

A collective bargaining agreement was signed between the Gina Relations Worker Union (GRWU) and Gina Form Bra management after an eight-hour bargaining session, mediated by a conciliator from the Thai Ministry of Labor. Phil Robertson, of the Solidarity Center Thailand, spoke with the President and Deputy President of the GRWU on July 9, and with their advisor from the Thailand Center for Labor Rights (TLR) about this important victory. Robertson reports that they were very happy, and appreciative of all the solidarity support they have received over this long struggle from the many trade unions and NGOs overseas!

The sacrifices, struggle, and bravery of the GRWU leaders and their members has paid off - and you all helped make it happen! The CCC thanks all those who responded to our appeal for action on this case. The letters you have been sending to Gina Form clients and management since December right up until this agreement was reached have helped make this victory happen.

A joint statement between the company and the GRWU was signed, in both English and Thai, and is being distributed by the company to its customers.

Key points of the collective bargaining agreement are the following:

- (1) Increases in annual increases, monthly payment for food allowance, monthly payment for 'living costs' (i.e. top up in pay that is not counted as salary), payment of funeral benefits for immediate relatives of workers, increase in rate of 'diligence pay' premium.
- (2) Management pledges to operate towards the labor union in a transparent and just manner, and to strictly follow the relevant labor laws, and to maintain a policy of being supportive of the activities of the union.
- (3) Management will withdraw the case at the Labor Court, seeking to fire the five union executive committee members.

(4) Management will withdraw its appeal of the Labor Court decision to order reinstatement of 38 union members, and to follow the order of the Labor Relations Committee.

(Note that these 38 workers were fired over a year ago, and that the Labor Relations Committee order requires the company to pay damages, which the GRWU estimates may come to about 100,000 baht per person (approximately \$US 2500 per person), or a total of about 3.8 million baht).

(5) Payment of annual bonus for daily workers, with level tied to number of days missed at work during the year.

(6) Management will allow leave for union committee members to perform union work up to 60 days a year, with 10 of those days as paid leave.

(7) Management pledges to strictly follow the law in the use of Article 75 of the Labor Protection Act (half-pay leave) and in any sort of contracting of outside workers.

(8) CBA is for two years.

Basically, almost all the key issues that the union wanted have been achieved! It is a resounding victory for workers' rights in Thailand, and a historical case in the Thai labor movement that will be a future example of the effectiveness of international solidarity, when combined with a tenacious and courageous labor leaders who maintain unity in the face of tremendous anti-union pressures.

CANADIAN COMPANIES FAILED TO ACT RESPONSIBLY

The agreement at Gina Form was reportedly reached with the assistance of the Thai Minister of Labour, and under pressure from two of the US brands. In contrast, the two Canadian companies, La Senza and Boutique Jacob, that were producing their goods at Gina Form at the time of the dispute, refused to pressure their supplier to respect workers' rights, and instead cut off orders to the factory. The Maquila Solidarity Network in Canada has been campaigning vigorously to get these two companies to resume their orders at Gina Form. The Clean Clothes Campaign in the UK, where La Senza has shops, has also been putting pressure on the Canadian company, taking part in demonstrations along with No Sweat and War on Want on July 5 at two of the La Senza's London stores.

ACTION REQUEST

Please help the Gina workers to consolidate their victory. Unless the brands return orders to the factory the workers' victory could be in jeopardy. Write letters to La Senza and

Boutique Jacob today, urging them to immediately resume placing orders with the factory now that there is a commitment to respect workers' rights. For background on the struggle at the Gina Form Bra factory, visit the MSN website at <http://www.maquilasolidarity.org>.

Send letters by fax or e-mail to:
Lawrence Lewin, President
La Senza Inc.
1604 Boulevard St-Regis
Dorval, Quebec, CANADA
H9P 1H6
Fax: 514-684-4770
E-mail: swilkinson@lasenza.com

Joseph Basmaji, President
Boutique Jacob Inc.
6125 Chemin De La Côte-de-Liesse
St-Laurent, Quebec, H4T 1C8
Fax: 514-731-8869
E-mail: scarriere@jacob.ca

SAMPLE LETTER
(courtesy MSN)

Adapt and send the following letter; please send copies of your letters to MSN

Dear Mr. XXX,

I am writing to request that your company immediately resume orders with the Gina Form Bra factory in Bangkok, Thailand. I have received encouraging news that on July 10, Gina management and the Gina Relation Worker Union signed a two-year collective agreement in which the company agreed to comply with a labour court ruling and reinstate 38 fired union members, withdraw a case before the labour court seeking authorization to fire the five union executive members, recognize and respect the union, and strictly follow relevant Thai labour laws.

At the same time, I am very disappointed to learn that while two US brands sourcing from the factory reportedly took their responsibilities seriously and helped to solve the dispute between Gina management and the workers, your company decided to cut and run from your responsibilities to the Gina workers.

Now that workers' rights are being respected at the Gina Form Bra factory, I would strongly urge your company to immediately resume orders with the factory. Please don't abandon these workers after they have fought so hard to win respect for their rights.

Yours truly,

Gina Form Bra update

9 October 2003, Many of members of the CCC network wrote letters of concern regarding rights violation at Gina Form Bra Co. in Thailand. In July the CCC was pleased to report that a settlement was reached between Gina Form management and the Gina Relations Workers Union. The latest information available from Thailand in late September continued to be positive. All the court cases against the Gina Relations Worker Union committee and members had been withdrawn by management, and the 37 union members who were the subject of court cases had been paid in accordance with the decision of the Labor Relations Committee, and reinstated. All 37 are back at work in their former positions in the factory.

Production at the factory to normal 'forced leave (under Article 75) ended as of the end of August, and orders (mostly from Victoria's Secret/The Limited) were in production in the factory. For the time being, management is not causing any problems for the union or its members, and the 'yellow' Gina Ruamjai Union, used during the struggle to create an obstacle to GRWU organizing, has continued to decline, and no longer poses any sort of credible threat to the GRWU.

Keep Gina Form Open!

■ Your action is urgently needed to help stop Clover Group's attempt to shut down the Gina Form Bra factory in Thailand, producing underwear for among others Victoria



Secret and Calvin Klein. United Students Against Sweatshops protest in Michigan at The Limited -- for Gina Workers!

With the possible shutdown of Gina Form less than a month away, buyers must not delay contacting Clover Group with a demand that they keep Gina Form open or face serious consequences.

Dear friends,

Many of you will recall the international [campaign in 2003 to support the Gina Relation Workers' Union](#) (GRWU) at a Thai factory producing underwear for major international brands and retailers. After a long struggle the dismissed union leaders were reinstated and the union successfully negotiated a collective contract with management. Conditions improved greatly and Gina became one of the few factories in Thailand providing decent wages and conditions. The GRWU is a member to the Thai Federation of Textile Workers, which is an ITGLWF affiliate. For the past three years the union considered Gina Form Bra to be "an exemplary factory in terms of quality, efficiency, and code of conduct compliance."



Gina protest in front of US Embassy --
Bangkok - 8 October 2006

On August 29th, management announced they were packing over 600 of the Thai factory's sewing machines for shipment to their other facility in China without a word of

prior notice to the workers or the trade union. Suddenly more than a fifth of the workforce found themselves without a machine to use and just a vague promise that they would receive new "training". Only after representative from GRWU demanded an explanation and contacted the Ministry of Labour about the situation were they given any information from management about the company's real plans: Gina's Hong Kong owner, Clover Group, plans to close down the facility by October 31. Clover Group originally claimed that their clients among the brands requested that production be shifted to China, but when challenged on that claim, they changed their story and now say that production costs at Gina are too high. Yet Gina management refuses to divulge information about the financial situation at the factory, nor has it be willing to discuss with the union any alternatives to closing the factory.



Gina protest in front of US Embassy --
Bangkok - 8 October 2006

Workers and the union are questioning the reasons that Clover Group has put forward to justify the plans to shut down Gina Form and an international solidarity campaign has been launched to support their position. Your action is urgently needed to help stop Clover Group's attempt to violate workers' rights. The CCC believes that companies producing their garments at Gina Form and at other Clover Group facilities have a responsibility to push management to keep Gina open and to respect workers' rights at all their facilities. To support efforts to keep this unionised workplace open, please click [here](#)

Background

Local action to challenge management's plans

The GRWU organized a number of actions and took the case directly to the Minister of Labour of Thailand, who issued a Ministerial order to prevent management from shipping assets out of Thailand. Roughly half of the machines originally packed were sent to the harbour for shipment but are stuck there to date due to this order, the other half have since been unpacked again and put into use. The order also specifies that that sufficient funds should be made available to ensure all legal severance is paid. The union and management have conflicting calculations as to the amounts due. Since the coup in Thailand in September, the union has been prevented from organizing public action to

support their case. Management has consistently kept refusing to enter into dialogue with the GRWU. Only after the union filed a complaint to the Human Rights Commission, who called parties to the table, did the company finally send its lawyer to meet with the union on September 25th at the Ministry of Labour. Nothing came out of this meeting, but both parties agreed to meet again on September 28, this meeting was subsequently postponed until October 5th.



Gina protest in front of US Embassy -- Bangkok - 8

October 2006

On September the 29th all workers received termination letters. Management distributed these letters on a Friday evening, presumably so that the union could not immediately file a complaint at the Ministry of Labour. In the days prior to this management, using the prominent international law firm Baker & Mackenzie, tried to get workers to sign "updated employment contracts" which in fact amounted to a (voluntary) resignation letter, using vague language open to misinterpretation by the workers. Should the factory close, workers who had signed these resignation letters would have lost their right to the severance pay they have earned over the years. Union representatives did manage to inform workers in time to prevent most from signing these letters. The union has gathered evidence that suggests that management has plans to reopen in the future.

Buyers' deny they are behind shutdown plan

CCC and allies in the United States have been in regular communication with two of the three key buyers sourcing at Gina Form (the Limited and Warnaco) since the second week of September, following a request from the GRWU. More recently communication has been undertaken with the third key buyer, US-based Charming Shoppes. The Gap, La Senza and Lindex, who source their production at Clover's factory in Cambodia, were also contacted. Buyers were asked to contact Clover and inquire into the company's reasons for wanting to shut down the Gina Form Bra facility in Thailand, especially given management's claim that the move was requested by the buyers. The buyers were also

asked to become and remain engaged in monitoring the possible factory closure process, and make a public statement that they will continue to source from Gina Form Bra in Thailand and that they do not prefer to source from China at the expense of shutting down a factory in Thailand that has made outstanding progress towards code compliance. Finally, buyers were asked to make it unmistakably clear to the entire management team at Clover Group, Hong Kong and Gina Form Bra, Thailand that they will discontinue business relations with the Clover Group (wherever they are located in the world) if they shut down the Gina Form Bra facility in Thailand.

When The Limited, Warnaco and Gap contacted Clover Group, and confronted them with the claim that buyers were pushing for the move to China, Clover Group changed their story: they now claim the Gina factory is operating at a big loss. Despite repeated requests from both union and buyers, management has not provided any evidence to support such a claim, either to the union or, to our knowledge, to any of the buyers. The union has reasons to doubt the claims of financial trouble, and to believe the move is in fact motivated by management's anti-union position and possible management to re-open under another name. In the CCC's experience, closing down a reopening under another name is a common tactic for busting a union.

Clover Group not transparent, provides no evidence to justify move

In a letter to all the brands sourcing from Gina on September 23, the union expressed their surprise at management's claim of financial loss, since only the year before large increases in employees benefits were part of a renegotiated collective bargaining agreement in 2005. The company never informed the union that the factory is operating at a great financial loss. The GRWU also questions the company's threat to close down operations in Thailand, given that they are currently subcontracting orders for Victoria's Secret and Calvin Klein to other facilities in Thailand, leaving Gina Form staff without any work to do. In the CCC's experience diverting orders from a unionised workplace to non-unionised subcontractors is a common management tactic to break a union.

The GRWU requested the following from Clover Group International Co. Ltd. and all brands sourcing from Clover Group International Ltd: the company should provide the reasons for closing down the operations in Thailand given that the company has never informed the union about its plan to close down the factory. The company should also clearly state whether they intend to continue production in Thailand in the form of a new subsidiary or use of subcontractors. Clover Group International Co. Ltd. should provide following information:

- Access to all accounting books and production information of Gina Form Bra Co. Ltd.
- Provide all shipping cost data from all subsidiaries of Clover Group International Co. Ltd. in Thailand, Cambodia and China.

- Provide all salary information of all employees at Gina Form Bra Co. Ltd. (including for daily salaried, monthly salaried and management employees)

The union also requests that all brands sourcing from Clover Group International Ltd. disclose information about the price paid and order volume that it has placed at Clover Group's subsidiaries in Thailand, Cambodia and China since 2003.

So far none of this information has been provided.

The CCC condemns management's lack of transparency regarding the proposed Gina Form shutdown. Workers and their representatives have a clear right to know what the financial situation is in their workplace; therefore the CCC supports their call for full disclosure of the financial condition of Gina Form so that they can participate in informed decision-making about the future of this facility. In recent years, Gina Form has been a positive example of industrial relations where workers, management and buyers have come together to see that standards are improved. The CCC stands behind the Gina workers in their attempt to keep this workplace open. Should the facility shut down management must observe all legal obligations to provide appropriate compensation to workers. Companies producing their goods at Gina Form will also be held responsible for ensuring that management makes good on these obligations. Buyers need to make it clear to management what the consequences will be of their failure to follow up now, before it's too late. Time is limited

Action Request

Please read the update of this appeal:

Oct 25, 2006 - [Gina Form Bra closed down: action needed today!](#)

Please send a letter of concern to the companies sourcing at Gina Form. With the possible shutdown of Gina Form less than a month away, buyers must not delay contacting Clover Group with a demand that they keep Gina Form open or face serious consequences.

1: Sample letter to Buyers

Dear

I am disappointed to learn from the Clean Clothes Campaign that Gina Form factory in Thailand, owned by the Clover Group in Hong Kong, which produces underwear for your company, has announced plans to workers to close the factory. I urge you to look into this possible closure immediately and do all that you can to prevent his outstanding factory from being shut down.

As you will know, after a long struggle in 2003 by the Gina Relation Workers' Union (GRWU), dismissed union leaders were reinstated and the union successfully negotiated a collective contract with management. Conditions improved greatly and Gina became one of the few factories in Thailand providing decent wages and conditions. For the past three years the union considered Gina Form Bra to be "an exemplary factory in terms of quality, efficiency, and code of conduct compliance." Unfortunately, all these gains could soon be lost as management has recently announced a plan to shut down the Thai facility as of October 31st and move all production to China or Cambodia.

Representatives from Gina management have cited rising costs as the main reason for their plans to relocate, the union however believes the planned closure is an attempt of management to cut out the union. Management has refused to divulge information about the financial situation at the factory, nor has it been willing to discuss with the union any alternatives to closing the factory.

The closure of Gina will make 1600 workers unemployed and put their families in economic uncertainty. Many of the Gina employees bear the brunt of the financial responsibility for their parents and/or children in the countryside.

I call on you to:

1. Immediately communicate in clear and unmistakable terms to Clover Group that they wish the factory to remain open, and that if Clover Group proceeds with the closure as planned you will discontinue all business relations with the Clover Group (wherever they are located in the world) .
2. Request the Clover Group to provide evidence of the financial reasons for the planned closure directly to the Gina Relations Workers Union, and state your willingness to work with Clover Group and the union to investigate alternatives.

I look forward to hearing your plan of action on this urgent case.
Yours sincerely

Please read the update of this appeal:

Oct 25, 2006 - [Gina Form Bra closed down: action needed today!](#)

2: Sample Letter to the Owner

Dear Mr. Lau

I am disappointed to learn from the Clean Clothes Campaign that you have announced plans to close down the Gina Form factory in Thailand and move production to China and Cambodia. I urge you to reconsider this decision, and to keep this outstanding factory from being shut down.

I understand that after Gina is one of the few factories in Thailand providing decent wages and conditions. For the past three years the union considered Gina Form Bra to be "an exemplary factory in terms of quality, efficiency, and code of conduct compliance." I understand that, though you have cited rising costs as the main reason your plans to shut down the factory, you have refused to divulge information about the financial situation at the factory, nor have you been willing to discuss with the union any alternatives to closing the factory.

The closure of Gina will make 1600 workers unemployed and put their families in economic uncertainty. Many of the Gina employees bear the brunt of the financial responsibility for their parents and/or children in the countryside.

I call on you to provide evidence of the financial reasons for the planned closure directly to the Gina Relations Workers Union, and work directly with the union to investigate alternatives. For your information, I am also contacting the main buyers of the Clover Group to express my concern on this case.

Yours sincerely

Contact details:

The Limited Brands (Owner of Victoria's Secret):

Limited Brands
Three Limited Parkway
Columbus, OH 43230
614-415-7000
www.LimitedBrands.com

Doug Williams < dwilliams@limitedbrands.com > Compliance representative of the Limited

Amie Preston < apreston@limitedbrands.com > Investor Relations Limited

Sharen Turney < sturney@limitedbrands.com > CEO Victoria's Secret

Leslie Wexner < lwexner@limitedbrands.com > CEO Limited

Service@victoriasssecret.com

Warnaco Group (Owner of Calvin Klein Underwear):

Warnaco Inc.
Joseph R. Gromek
President and Chief Executive Officer
Ericka Alford, Vice President,
Associate General Counsel Ealford@warnaco.com
Tom Ostendorp, <TOstendorp@warnaco.com>

Warnaco Inc.
501 Seventh Avenue
New York, NY 10018
212-287-8280 (tel)
212-287-8511 (fax)

Calvin Klein Underwear Europe:
Warnaco BV
Fazantweg 4
4791 RR Klundert
Nederland
e-mail: euinfo@cku.com
eupress@cku.com

Charming Shoppes:

Corporate Headquarters
450 Winks Lane
Bensalem, PA 19020
215-245-9100
CEO Dorrit J. Bern

dorrit.bern@charming.com
Tony DeSabato <Tony.DeSabato@charming.com>

Gina Form Bra closed down: action needed today! ■ Your action is needed TODAY to support the Gina Form workers in Thailand.



Action in support of Gina workers at Victoria Secret and inside the Clover Group office - Hong Kong Oct 20, 2006
Faced with the threat of closure (originally announced for 31st October) of their factory, and the continued unwillingness of Gina management to negotiate directly with the union and to discuss alternatives to closure, the union stepped up the campaign in the past weeks.

Despite a military coup in their country, the Gina Form workers have bravely taken to the streets to stop the closure and they've taken their protest right to the doors of Clover Group, the parent company in Hong Kong. On the 20th of October, an action took place in front of Clover head office, organized jointly by Hong Kong labor rights NGOs and trade unions.



Gina protest in front of US Embassy -- Bangkok - 8 October 2006 During the action, management committed to a negotiation meeting, scheduled for 23rd October 2006, between senior management of Clover Group, the Gina Relations Workers Union (GRWU) and Hong Kong labour activists. A few hours later, the Gina Form union representatives in Hong Kong were informed by their colleagues that Gina management had announced closure of the factory effective immediately and was locking the gate at the Thai factory and demanding workers sign voluntary resignation letters. They had also attempted to put a legitimate face on their actions by depositing severance payments into employee bank accounts which were unilaterally calculated by Gina Form and not agreed upon by the union. Thai police and plain clothes military were called in, intimidating the workers. Since October 21st, the

union and the workers have staged a peaceful sit-in outside the factory on 21st October, and have announced protests in front of the Ministry of Labour and other institutes.



Action in support of Gina workers at Victoria Secret and inside the Clover Group office - Hong Kong Oct 20, 2006

The agreed meeting between Clover Group and representatives of the GWRU did take place; representatives from various Hong Kong NGOs and the HK Confederation of Trade Unions and a number of affiliates, including the garment trade union also attended. Clover Group once again failed to provide any credible information to prove their claim that closure is due to legitimate and unavoidable business reasons; the company promised to provide only limited financial information regarding Gina Form, while refusing to show information regarding Clover Group, which they admitted was the party deciding upon closure. Instead, Clover management openly blamed the union for costing the company too much money and making the business lose its competitiveness. Clover Group refused to discuss any alternatives to closure with the union delegation.

It is important to note that the union has also objected to the severance package offered via Clover's lawyers in previous meetings. Clover's severance offers thus far have been approximately 10% below what Thai law stipulates, as it fails to include unused paid leave days and other benefits. Clover also refuses to consider the 6 months hardship payment that the union has requested, knowing that most of their member that are over the age of 30 it will be very difficult to find a job in the garment sector again.

Due to the lack of real progress in the first meeting with Clover Group, the union has called for a tripartite meeting between the Clover Group, the main buyer (the US company the Limited Brands) and the union, on Friday the 27th of October.

Please support the union by sending a letter to Clover Group and the buyers today [[click here to go directly to action request](#)]. See below for more information on the recent developments, and on the solidarity actions organized in Thailand, Hong Kong, the UK, Canada and the USA.

Closure using police and military personnel



Action in support of Gina workers at Victoria Secret and inside the Clover Group office - Hong Kong Oct 20, 2006

At 1PM Bangkok time on the 20th of October, Gina management began calling workers into their office in groups of five and pressuring them to sign "voluntary" resignation letters. Gina management locked the factory gates and told workers that they should sign the resignation forms and then not come back the next day because the factory was closing and there would be no work. About an hour later, 10 police officers in uniform including the local chief showed up outside the factory. At the same time, two minivans full (approximately 20 people) of military personnel showed up. Some of these personnel had been previously identified by the Ministry of Labour staff as soldiers when they came to the Ministry with lawyers from Baker and McKenzie (the global law firm hired by management) in the past few weeks. At 4pm the police and some of the soldiers went inside the factory. There are two exit stairways in the factory, a main one and the emergency one.

The factory management blocked the main stairway and stationed soldiers and police along the emergency exit. The country manager announced that if anyone resigned today they would get an extra 30 days pay as "bonus" on top of their severance and that this offer stands for anyone who signs the voluntary resignation form before 31st October. At this point none of the union members have signed any of the forms.

It is a violation of corporate codes of conduct and of most national and international laws to lock workers inside factories and to block emergency exits. Moreover, it is extremely inappropriate to involve military personnel in civilian affairs such as this, especially when police are already present. The use of the military in this fashion is also contravenes codes of conduct and international standards.

Adding insult to injury, Clover Group put out a press release the same day, stating that full severance had been offered, and that they would be donating the remains of "useful materials" from the factory such as plastic bags and paper boxes for the flood relief work of Thailand

Still no evidence of financial necessity for closure



Activists from Labour behind the Label (the UK chapter of the CCC) held a picket in front of a Calvin Klein store, calling for the factory to remain open and denouncing the closure. London Oct 21, 2006

Management maintains the factory has been operating at a loss for over 5 years, but even following requests from various buyers, notably Warnaco and the Limited, all management has produced is a one-page statement alluding to accounts filed with a ministry. They have failed to explain why they have not provided this information to the union (though they in fact negotiated a very good package only last year). Clover Group is closing a unionized factory with a good compliance track record, in favor of a Cambodian supplier (where many labor rights violations are ongoing) and a China supplier (non-unionized, and highly likely to also have a bad compliance record).

Buyers have a choice to make here: are they going to go along with this or not? Over the past weeks, Warnaco, Limited, the Gap (which buys at the Cambodia factory) and to a lesser extent Charming Shoppes have expressed their concern to Clover Group, and have indicated that failure to come to a satisfactory solution would negatively impact their business decisions and their relation with Clover. Though Clover has responded by making a severance offer (which the union believes to be unsatisfactory) the action needed now is for the buyers to send a very clear message to Clover Group that the closure of the Gina factory in the absence of any evidence of legitimate business reasons, the illegal tactics used and the failure to negotiate with the union on alternative solutions to keep the factory open in a transparent manner are unacceptable. The buyers presently sourcing from Gina Form should make it clear that, unless this situation is turned around, they will no longer do business with Clover and that they expect a tripartite meeting to be held on Friday the 27th October to seek ways to keep the factory open. The Limited and Clover should agree to participate in this meeting and other Clover buyers should support this.

Severance insufficient



Activists from Labour behind the Label (the UK chapter of the CCC) held a picket in front of a Calvin Klein store, calling for the factory to remain open and denouncing the closure. London Oct 21, 2006

Though Clover Group claims to have offered and/or paid severance according to the law, they have been repeatedly offering union members approximately 10% less than the mandatory severance payment due. The union has requested an additional 6 months of salary for workers as a hardship payment (and as compensation for the fact that many of the employees are older and will likely be unable to find work again due to hiring preferences in the garment industry). Clover and Gina management have shown no sign of being willing to pay this.

On the 25th September 2006, GRWU submitted a severance package to the tripartite task force formed by the Human Rights Commission particularly for the Gina Form case. Since then, Clover Group International and Gina Form have been refusing to negotiate the union's severance package. Instead of doing so, the Gina Form management used administrative and police pressure in an attempt to coerce workers into signing resignation letters and accept a lower-standard severance package unilaterally offered by the management. The right of workers and the GRWU to bargain for higher level compensation, which includes lost opportunity compensation for middle-aged women employees, maternity compensation for 100 pregnant female workers and other benefits under the Thai Labour Relation Act was simply ignored.

Two-hundred (200) non-union affiliated employees have signed resignation forms and have accepted the severance pay (approx. 8/ months pay per employee) that the company transferred into their accounts. All the other workers that are union members (about 800) confirm that money was deposited, but are refusing to take it. Clover Group management issued misleading information on this matter: they posted an add in a Hong Kong paper on Monday with a quote from the Thai Ministry of Labor, stating that "everything in

Thailand was settled - all the workers had accepted severance". It appears the Ministry of Labour in Thailand did put out a statement to this effect. On Tuesday (yesterday) the whole union staged a large protest in front of their office for putting out a faulty statement in cahoots with Clover.

Global solidarity actions



Gina protest - Bangkok - 8 October 2006

On 8th October, over 1000 workers from Gina held a public demonstration (the first since the coup, and forbidden according to several decrees) to the front of the US Embassy, where they held a rally, gave speeches condemning Clover Group, called for the factory to be kept open, finally handing over a letter to the Labor Reporting Officer of the US Embassy. [see pictures] The rally got a lot of press attention globally.

In the US, rallies continue to be organized by the United Student Against Sweatshops (USAS) at Victoria's Secret stores. The Maquiladora Solidarity Network (MSN) in Canada got a number of articles published in mainstream press on the role of La Senza (former Gina buyer, and current buyer of Clover in the Cambodia plant).

The action that took place in Hong Kong on the 20th was supported by 30 labour activists from 6 labour organisations and trade unions in Hong Kong [see pictures]. Since then Hong Kong groups have also put out a solidarity statement, as have the Asian Transnational Corporation Network, a labour solidarity network consisting of 20 labour and human rights organisations and trade unions in 12 Asian countries.

On the 21st, activists from Labour behind the Label (the UK chapter of the CCC) held a picket in front of a Calvin Klein store in London, calling for the factory to remain open and denouncing the closure. A Calvin Klein representative came halfway through. [see

pictures] . On the 22nd, the ATNC network send out an appeal to the Clover Group, calling upon their network members to contact them as well.

Action request

Please read the update of Nov 29, 2006!

[Clover group reaches settlement with Gina Form Bra factory workers](#)



United Students Against Sweatshops
protest in Michigan USA at The Limited -- for Gina Workers!

Please contact Limited Brands (Victoria Secret), Warnaco (Calvin Klein), Charming Shoppes and La Senza today and call upon them to ensure that during the tripartite meeting scheduled on the 27th alternatives to closure are discussed in a meaningful way and that Clover bargains in good faith with the union.

They should also make sure that Clover Group allows all the Gina Form workers to continue accessing to the workplace until a mutual agreeable solution is found , and stop using police, soldiers, or other form of intimidation and coercion against the Gina Form workers to press them into signing documents or prevent them from exercising their legal right to demonstrate.

Addresses and a sample letter are provided below. Please copy in the Clover Group to your message. CCC continues to contact buyers from Clover's facilities in Cambodia and China, requesting them to ensure Clover takes appropriate action.

Sample letter

Dear

I write to express my deep concern over the rapidly deteriorating situation in Thailand at the Gina Form Bra factory, which I understand was closed down unexpectedly and using illegal means last week.

I urge you to inform Clover Group that they must keep Gina Form Bra open, and bargain in good faith with the GRWU. Please state firmly and unequivocally that otherwise you will immediately discontinue all business with Clover Group globally (in Thailand, Cambodia, China, and any other location that Clover might have operations, now or in the future).

Clover Group should discuss alternatives to closure in a meaningful way with the union, to begin with at the tripartite meeting scheduled for the 27th October in Hong Kong, and your company should actively participate in this discussion. Please indicate your willingness to explore options with Clover Group regarding orders that can be placed at Gina Form Bra, and to develop a plan of action to keep Gina Form Bra open. We also ask that you are transparent regarding your sourcing policies and that you provide the GRWU with relevant information pertinent to the financial situation of the company, per their request.

Clover Group should also allow all the Gina Form workers to continue accessing to the workplace until a mutual agreeable solution is found, and stop using police, soldiers, or other form of intimidation and coercion against the Gina Form workers to press them into signing documents or prevent them from exercising their legal right to demonstrate.

Please keep me informed of your action on this urgent matter,

Sincerely

Clover group reaches settlement with Gina Form Bra factory workers

■ After lengthy negotiations, The Clover Group agreed to pay all outstanding bonuses and legally required severance pay and approximately three-and-a-half months additional salary above the legal minimum severance pay for each worker.



Despite that the Ministry of Labour had decided on an obscure location, more than 300 members found their way and showed that even a month after the factory shutdown, the union has strength to be counted. On Friday, November 17, the Gina Relations Workers Union (GRWU) met with representatives of the Clover Group, owners of the Gina Form Bra Factory in Bangkok, Thailand. Representatives from The Limited (makers of Victoria's Secret brand lingerie and buyers from the Gina factory) also attended.

Gina workers have been fighting to keep their unionized factory open after receiving word in early September that the Clover Group was going to close the factory and shift orders to China or Cambodia.

After lengthy negotiations, The Clover Group agreed to pay all outstanding bonuses and legally required severance pay and approximately three-and-a-half months additional salary above the legal minimum severance pay for each worker. The package, worth approximately \$1.6 million US Dollar, is an exceptional agreement in a country where even legal obligations are routinely ignored when factories close. It is the hope of the union that this settlement will set a positive precedent.

Though Clover Group always claimed to have offered and/or paid legally-mandated severance, the union has insisted that the company also needed to fulfill its outstanding contractual obligations, such as annual bonuses and seniority awards. These obligations would be approximately 20% of the mandatory severance that the workers had already received. The union also requested additional severance above and beyond the legal minimum as compensation for the fact that many of the employees are older and will likely not be able to find work in other factories due to hiring preferences in the garment industry.

Although the union initially fought to keep the Gina Form Bra factory open, the factory was closed on October 20. Even then, the unionized Gina workers did not give up. Despite the recent military coup in Thailand, which brought the country under Martial Law, Gina workers mounted regular protests on to press for their rights. These protests

were supported by sustained international pressure on brands buying from Clover Group from solidarity networks in the US, Europe, Hong Kong, and Canada.

Thanks to these efforts, the workers have succeeded in winning a substantial severance package well above the norm in Thailand.

Thank you to everyone who wrote a letter or participated in action towards the buyers or Clover Group. We hope to send a more detailed statement from the union itself shortly.
