

15 June 2020

Dear Inditex, Mango and Bestseller,

We the workers at Myan Mode and Rui-Ning factories, who produce your clothes, were deeply shocked and saddened by your public statements that brazenly distort what happened to us and hide the fact that you chose not to uphold your promises regarding our human rights. We wish to set the record straight through our own statement here:

We work 10-12 hours a day, 6 days a week to make money for you and to support our families, most of whom live in villages throughout Myanmar where crushing poverty is an everyday reality. We thought that jobs in your supplier factories would mean better opportunities for us, but we just barely make ends meet on our factory wages of roughly \$3 per day. As much as we try, we find it difficult to save any money.

When the COVID-19 pandemic arrived, it was scary for us since we need to keep working to feed ourselves and our families. The fact that you have promised to protect our human rights and that you expressed care for our welfare through your codes of conduct and "Covid Call for Action" during the pandemic provided us some reassurances initially. However, we were alarmed when it became clear you would not protect our rights when our factories used COVID-19 to attack our unions. We called on you for help but you ignored us as our union members and union leaders were targeted for permanent dismissal as a means to destroy our unions. Our unions are important to us since we are vulnerable and nearly invisible as individual workers; but our voices can be heard when we stand together as a union (as we are doing through our collective letter to you).

Firstly, your characterizations that the attacks on our human rights were simply ambiguous "disputes" are false — these are blatant, irrefutable cases of discrimination against unionists. At Myan Mode factory, the employer attempted to permanently fire all 520 of our union members while continuing operations with roughly 700 non-union workers. That is an attack on our rights, not an ambiguous dispute. At Rui-Ning factory, the employer permanently fired 300 of our union members, including our union president. The employer claimed no targeting of our union, arguing that all workers with less than one year of service were dismissed without discrimination. However, this claim omits two important facts: 1) several non-union workers with less than one year of service were retained as "essential workers" but our democratically elected union president was not acknowledged as equally essential; and 2) our repeated attempts to negotiate reasonable assurances for recall of our union members as operations return to normal have been rejected by the employer as he clearly prefers to hire new, non-union workers. This was an attack on our rights, not an ambiguous dispute.

Secondly, your descriptions of due diligence and interactions with our unions are greatly misleading. None of you wished to talk to us or seek information from us about what happened. Instead, your due diligence was to "investigate" by asking questions to our employers but not us. Moreover, all of you stated that the dismissals at Rui-Ning factory appeared legitimate since the employer assured you it was "done in accordance with Myanmar Labour Law". This is hard to swallow since you are thoroughly aware that our country's weak labor laws fail to fully comply with international labor standards and your codes of conduct. To add insult to injury, Inditex, you claimed to have provided "mediation" at Myan Mode and yet you never communicated with us, despite our repeated requests and not even to acknowledge our emails requesting your help. As for Mango, you claimed to be "in permanent conversations with

local unions” but in reality you sent us one email promising to investigate but then we never heard back from you. As for Bestseller, you stated “our regional representative is willing to discuss the case with the complainant” but you later clarified in private emails that you would only discuss our case with third parties – not us even though we are the complainant. You have all steadfastly refused to meet and engage directly with us.

Finally, your descriptions of diligently upholding your codes of conduct are dishonest. In the case of Myan Mode, which took two months to resolve despite it being so clearly an attack on our union, we repeatedly requested to negotiate a retrenchment plan that would not discriminate against our union members. You and the employer together refused to even consider this and only initially offered reinstatement of 30 of our 520 union members with less than convincing assurances that the remaining union members would be rehired as the pandemic eased. It was only after great resistance from you that we could obtain a marginally better offer that resulted in our agreement at Myan Mode. But we must be clear that this agreement falls far short of your promise to respect freedom of association since more than 500 of our union members continue to suffer greatly from lack of income as they await recall at some unknown future date when at the same time all of the non-union workers continue their employment. At Rui-Ning, the employer still refuses to reinstate our union president and has only offered that our union members *might* be recalled when the pandemic eases. Despite this continued rejection of our union’s right to exist at Rui-Ning, your public statements describe this case as nearly settled.

We hope that our faith in you can be restored. To do this, we strongly urge you to enter direct dialogue with us instead of behaving as if we don’t exist by communicating only through third parties. We also call on you to not walk away from doing business with these factories as a convenient way to avoid accountability since this would assuredly result in the destruction of our unions. In the case of Myan Mode, we seek assurances that you will enforce our agreement and increase your orders to the factory as soon as possible so that our members will be recalled as soon as possible. It is unfair they that they are punished for being a union member by suffering lack of income for even one day longer. In the case of Rui-Ning, we call on you to uphold your promise to respect our union rights: Our president must be immediately reinstated with back pay and our members must be given assurances of recall at the soonest possible date. Additionally, health and safety conditions at Rui-Ning factory must be improved and our union leaders should never be punished using wage deductions in retaliation for seeking such improvements. Finally, we demand that any future due diligence efforts by you, whether in response to complaints or during regular audits, include engagements with our unions to seek information in good faith from us directly.

Sincerely,

The Worker Unions at Myan Mode and Rui-Ning factories,  
affiliates of the Federation of Garment Workers Myanmar (FGWM)