

**Clean  
Clothes  
Campaign**  
International Secretariat



14<sup>th</sup> April 2010

## **RE: Ongoing Freedom of Association violations at DESA factory**

April 14<sup>th</sup> 2010

Dear DESA buyer,

We are contacting you again from the Clean Clothes Campaign as a result of significant concerns that the protocol, signed by the union and DESA management on August 24<sup>th</sup> last year, is still far from being satisfactorily implemented. We therefore urge your brand to continue to work with DESA management and Deri Is union to ensure lasting and sustainable commitment to freedom of association at this facility.

In December 2009 a delegation of the Clean Clothes Campaign conducted a field visit to Turkey, which included a visit to Duzce and a meeting with DESA workers at a union office in the town. Workers were invited to meet with us to share their experiences of work at the DESA factory since the protocol was signed and around 35 workers attended the meeting. The highlights of the testimonies we collected during this meeting lead us to draw the following conclusions:

1. The initial trade union meeting on the 28<sup>th</sup> September 2009, arranged with Neil Kearney from the ITG and Deri Is organisers, appears to have had some success. The majority of the workers present at the current meeting stating they joined the union during or immediately after that meeting.
2. Organising is continuing at the factory and union membership is growing, but efforts are hampered through a continuing anti-union atmosphere within the factory;
3. DESA management continue to harass those they suspect or know to be trade union members in an effort to prevent organising from taking place within the factory. This harassment is impacting on the right of workers to join the union free from the fear of reprisals;
4. Two workers, Ferda Yilmaz and Emel Yavuz, whom DESA agreed to reinstate as part of the protocol negotiations have so far not been reinstated;
5. Little or no good faith negotiation is taking place at the factory
6. A number of buyers from the factory have failed to support this agreement as they well as they could have - and have failed to place increased orders into the factory following the signing of the union protocol or to maintain contact with the union in order to monitor the implementation of said protocol.

Our specific concerns include the following:

### ***1. Failure to reinstate workers as agreed in the protocol:***

As part of the August protocol an agreement was reached between DESA management and the Deri Is union to reinstate specific workers. The company put forward four names, while, for its part, the union demanded the reinstatement of Ferda Yilmaz and Emel Yavuz. Desa agreed that five of these workers would start work within 15 days, while Emel Yavuz would start work after three months, with the company paying her

wages for those three months.

However, it appears that neither Ferda Yilmaz nor Emel Yavuz have been reinstated. Instead, DESA has reinstated another Deri Is member, Nuray Ozturk. It appears that DESA are now saying Ferda Yilmaz will now be reinstated once DESA decides enough orders have been placed at the factory and that they will continue to pay Emel Yavuz, but will not return her to work. These both represent significant breaches of the protocol.

Given that the union were initially demanding the return of all the dismissed workers, the majority of whom were found to have been illegally dismissed by the Turkish courts, such a limited initial agreement on reinstatement represented a considerable compromise by Deri Is. Yet DESA continues to refuse the reinstatement of these workers in direct breach of the protocol. This is indicative of the lack of intent by DESA to operate in good faith in these matters.

## **2. Right to organise guarantee:**

Another key part of the protocol was DESA's agreement to distribute a 'Right to Organise' guarantee. As I'm sure you are aware such a guarantee needs to be credible and properly drafted for such a document to be of value. The International Textile, Garment and Leather Workers Federation have such a document already drafted for this purpose and the understanding of both the union and ourselves was that an adapted version of this would be distributed.

Instead DESA chose to, once again, distribute a copy of its own social policy which claimed that "DESA will respect the right of freedom of association *as it has in the past.*" Given that DESA's behaviour in the past amounted to illegally dismissing workers for exercising their right to freedom of association, such a document has done little to reassure workers that they can freely join a union.

## **3. Harassment of union members**

*"There is a psychological war at the factory right now. They are playing on workers. There is a special team to put pressure on workers but without stepping over the 'legal' line. I was working as a line head. Now I got demoted to a normal worker and subject to psychological pressure all the time"* - Worker testimony collected by CCC

During our interview with workers in December we heard a number of workers' testimonies in regard to the harassment they received following their decision either to attend the meeting with the ITGLWF, to join the Deri Is union or, in most cases, both. Discriminatory practices highlighted included: offering overtime only to non union members, moving union members to different positions at the workplaces, encouraging other workers not to talk to them and threatening and intimidating those that do. Pro-management workers harass union members and this is encouraged by the employer. We also heard that managers, in particular Mr Kaya Yavuz and Caner Aypar have verbally harassed workers regarding their union membership and a number of workers reported being followed and watched by DESA employees.

As you can imagine such actions operate as a powerful disincentive to workers to join a union, given the high levels of fear of harassment or dismissal that continue inside the factory.

## **4. Interference in the right to freedom of association**

*"They told me that if I resign from the union my salary will be increased, but if not we would lose our jobs. After DESA, they told me, I would never get another job in this area and I would have to survive by stealing."* - Worker testimony collected by CCC

Finally we heard from workers that DESA employees are actively trying to interfere in the free choice of workers to join the trade union. Such interference included visits by Caner Aypar to worker homes - during which family members were asked to force their sons/daughters to resign from the union, instructing bus drivers to refuse to take union members on the bus to Duzce on nights where union meetings were taking place and driving workers to the public notary and paying for them to resign from the union. Such activities were commonplace prior to the signing of the protocol and we had been led to understand these would be stopped once the protocol was in place.

We also heard that DESA management is now organising worker committee meetings, with workers selected by management, which are being used to spread rumours and misinformation in the factory. For example workers reported a rumour being spread that all union members would be dismissed in January because the protocol lasted for only six months. We also understand that none of the workers were given a copy of the protocol by DESA management, including the members of this committee. Instead workers told us that management announced that orders would return to the factory and that once this happened they would get rid of the trade union.

Finally we have recently heard reports from DESA workers attending occupational health and safety (OHS) trainings that these trainings were also used to attack the Deri Is union. Workers reported they were told by the trainers that the trade union was a member of the PKK (Kurdish separatist movement) and were terrorists and that affiliating to the union meant funding terrorist activities. They were also informed that if they joined the trade union the factory would close down and jobs would move to China where labour was cheaper. Finally, at the training that took place on April 5<sup>th</sup>, workers were told that the union organiser, Nuran Gulenc, was in fact a prostitute brought down from Istanbul. We are sure you will agree that such comments are entirely unacceptable.

Following a long and difficult process to arrive at the protocol we were hopeful that buyers from DESA would take the opportunity to work towards compliance with their freedom of association commitments at this supplier. We made clear that such an agreement would not be the end of the issue, but the beginning of a new stage during which workers must be made aware of their rights and assured that the exercise of their rights would not lead to dismissals or reprisals. We also made clear that this would require proactive support from DESA buyers. As such we are extremely disappointed that no action appears to have been taken by you to make sure this is indeed the case.

We believe that it is still possible for us to see a positive outcome in this case for all involved. Therefore we once again urge you all to work together to ensure that your supplier abides fully to the commitments already made and takes concrete steps towards greater freedom of association.

Specifically we call on you to:

- Contact DESA management and ask them to immediately halt harassment of union members and to abide by the letter and spirit of the August protocol;
- Demand the reinstatement of both Ferda Yilmaz and Emel Yavuz as agreed in the August negotiations;
- Ensure that an official Right to Organise guarantee is distributed, based on the model drafted by the ITGLWF;
- Support and monitor an official complaints mechanism, which will include a buyers representative, which can receive and investigate complaints of harassment or intimidation and support re-mediation in each case. Such a mechanism must include a worker representative nominated by the union;
- Ask DESA to ensure regular meetings take place with Deri Is representatives and to send notes from each meeting to all interested parties including Deri Is

- and the major buyers;
- Include trade union representatives in any ongoing monitoring and maintain regular contact with them;
  - Specify that you expect orders for your company to be completed at the Duzce factory and not subcontracted to other suppliers in Turkey
  - Carry out training for management, supervisors and workers on the right to freedom of association and collective bargaining. Such training should be carried out by parties agreed upon by Deri Is and ITGLWF.

All of this work will of course require a commitment from yourselves to continue to work constructively with both the union and the supplier in the future. We understand most of the orders previously placed with DESA have now been reinstated. However we would ask you to commit to sourcing from DESA in the future *on the condition* that the protocol agreement is properly implemented and the above measures are taken to ensure the successful development of an atmosphere free from intimidation at the factory,

We look forward to hearing what steps you are taking both as individual brands and collectively,

Yours Sincerely,



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