



WORKER RIGHTS CONSORTIUM

Case Summary: Bright Sky, Suntex and Rainbow Screen Printing (Cambodia) December 19, 2006

In late May 2006, the WRC began a compliance assessment of three factories in Cambodia, all owned by a company called Ocean Sky. Together, Ocean Sky's three factories, known as Bright Sky, Suntex, and Rainbow Screen Printing, employ approximately 8,000 workers, making it one of the largest garment manufacturers in the country. Ocean Sky produces university logo goods for Team Edition Apparel and other products for Gap, Sears, Disney, Philips Van Heusen, and Eddie Bauer, among other brands. The WRC has contacted a number of Ocean Sky's buyers in the course of our work on this case, including Team Edition, but thus far only Gap has been responsive to our entreaties.

The WRC's work at Ocean Sky has involved two phases. First, we conducted an emergency assessment, followed by remediation work, in late May and early June of this year. This assessment was launched in response to reports of violence against workers at the Bright Sky facility. A further assessment and remediation effort, which is ongoing, was initiated in October, after a sharp deterioration of the situation at Bright Sky, involving a series of illegal actions by management and repeated instances of serious violence at the factory. The WRC's work has focused on Bright Sky, where the most serious, pressing violations have taken place, although we have conducted assessments of all three plants.

The acts of violence in May and June were directed against the leadership of an independent union at Bright Sky affiliated with the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC). On May 3, the president of this union was brutally beaten with an iron pipe and sticks by a group of men while on his way home from the factory at 5:30 a.m., after completing his evening shift. The worker sustained serious head and eye injuries. This worker returned to work the following week, despite not having fully recovered from his injuries, because his family was dependent on his wages. On at least two occasions later that month he was approached again by a similar group of attackers, once narrowly escaping by hiding inside the factory until daylight and the second time taking refuge in his home, avoiding work for several days out of fear of being attacked. On a separate occasion, another leader of the same union was violently assaulted by an unknown person on his way home from work. The FTUWKC union had recently been very active in pressing the factory for improvements in working conditions, including organizing a brief strike in March 2006 which resulted in changes in the

factory's piece rate pay system to allow workers to better understand the basis of their compensation.

Unfortunately, violence against worker activists is not uncommon in many countries where university logo apparel is produced. By creating an environment of fear and intimidation, such violence has a deep chilling effect on workers' ability to exercise their associational rights as protected by university codes of conduct. This is true regardless of whether the violence is supported by factory management or is the work of government elements or other political groups. As a monitor tasked with ensuring that worker rights are protected, the WRC has a responsibility to work with all parties to ensure that workers can exercise their right to advocate on their own behalf without facing violence or the threat of violence. Factory managers are responsible for taking such steps as are necessary and feasible to protect workers. When the WRC uncovers evidence that management is supporting violence against union leaders or other worker activists at a factory, we demand that management immediately cease such actions. When the violence is the work of parties outside the factory, without management collusion, managers must still take all reasonable steps within their power to ensure a safe environment in and around the workplace and to shield workers from intimidation and risk of physical harm.

In the case of the violence at Bright Sky in May and June, while it was not clear who had perpetrated the violence against members of FTUWKC, the timing of the attacks, and other available evidence, indicated that they were in retaliation for the union's advocacy on behalf of its members. The WRC also found evidence that factory management contributed to the intimidation of workers by employing at the factory a local thug who has issued repeated threats against union members and leaders. The individual in question is well-known for his history of involvement with violent organized crime in the area. He was hired in early March of 2006, a time of heightened activism by the union.

In mid-June, the WRC made two primary recommendations to Bright Sky management designed to protect workers from further acts of violence. We recommended that the factory 1) terminate the employee who had been threatening workers in the factory and, 2) improve security arrangements near the entrance to the factory in order to ensure the safety of workers leaving the factory after dark. Bright Sky accepted and implemented both of these recommendations. The WRC also contacted a number of Ocean Sky's buyers concerning the attacks against workers and maintained communication with Gap throughout this period. After the factory took the requested actions, violence at the factory subsided for several months.

Unfortunately, reversing the progress achieved in June, factory management committed a series of violations of law and codes of conduct beginning in August. These violations included the unlawful invalidation of the employment contracts of 650 permanent employees and the reduction of these workers to short-term contract status, with an attendant loss of key benefits and employment security, and, subsequently, an unlawful mass termination of union members. Of even greater concern, as the union launched a strike in October in response to the unlawful cancellation of work contracts, the factory was seized by a paroxysm of violence, involving serious injury to a number of workers.

This violence was perpetrated in part by police, whose actions have been condemned by local human rights groups. There are also accusations of involvement, direct or indirect, by management, the striking union members, the leaders and members of other unions at Ocean Sky, and political groups outside the factory. The precise authorship of some of these acts of violence is a matter of intense dispute and contradictory evidence.

This has posed difficult challenges to the WRC's monitors as they have sought to intervene to ensure workers' safety, and to investigate the facts, amidst a chaotic strike and a tense political environment, in a country where the rule of law remains weak. The WRC is in ongoing communication with factory management, workers and union officials, and leaders of the Cambodian human rights community. We continue to seek assistance from buyers. Work on this case is proceeding urgently and a more detailed public report is forthcoming.