

WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT

*Investigation of Sexual Harassment at Mazava Hispaniola (Haiti)
Findings, Recommendations, and Buyer and Company Response*



November 16, 2023



WORKER RIGHTS
CONSORTIUM

1990 K Street, NW, Suite 410
Washington, DC 20006
(202) 387-4884 | www.workersrights.org

Table of Contents

I.	Introduction and Executive Summary.....	3
II.	Methodology.....	7
III.	Findings.....	8
IV.	Recommendations for Corrective Action	12
V.	Company Response to Findings and Recommendations.....	13
VI.	Brand Engagement and Remediation of Violations	14

I. Introduction and Executive Summary

This report details the investigation and remediation by the Worker Rights Consortium (WRC) of sexual harassment of at least two women workers - as well as retaliation against these workers for resisting this abuse - at Mazava Hispaniola, a garment factory located in Ouanaminthe, Haiti that closed in September 2023. Prior to its closure, Mazava Hispaniola had been disclosed by the university licensee, Gorilla Marketing, as a supplier of collegiate apparel, although, as discussed below, Gorilla Marketing later informed the WRC that this disclosure had been inaccurate, and that the factory had not actually made its collegiate-licensed products.

Over the one-year period prior to and immediately following the factory's closure, the WRC investigated the sexual harassment and retaliation against these workers and engaged with the factory's management and buyers to secure corrective action. Eventually, with Gorilla Marketing's cooperation, the WRC was able, despite the factory's closure, to secure corrective actions to assist the affected female employees and remedy these violations.

Unfortunately, as detailed in this report, the Mazava Hispaniola's owners, the Hong Kong-based Winds Group, repeatedly rejected key recommendations from the WRC to correct the sexual harassment and retaliation and this continued up through the facility's end of operations. The primary buyer from Mazava Hispaniola, prior to its closure, was SanMar Corporation, whose products sourced from the factory included, but not limited to, outerwear that the latter marketed under the "Russell Active" label, for which SanMar holds a license from the label's owner, Fruit of the Loom.¹ Despite engagement with both SanMar and Fruit of the Loom by the WRC, SanMar also refused to take corrective actions to assist the women workers who were the direct targets of the sexual harassment and retaliation.

However, in the months leading up to the factory's closure, SanMar did prevail upon Mazava Hispaniola to conduct, with the cooperation of the ILO Better Work Haiti factory monitoring program, training for its supervisors and managers on preventing sexual harassment. Also, prior to the shutdown, the mid-level factory manager who had been identified as the perpetrator of the abuse and retaliation against the women workers was separated from employment by the factory, although this was reportedly done for unrelated reasons.

More significantly, after the factory closed, the university licensee, Gorilla Marketing, which had disclosed Mazava Hispaniola from July 2020 to July 2023 as a supplier of collegiate licensed apparel,² took positive steps to directly help the affected women workers, by providing substantial humanitarian contributions to the two female employees who had been fired for resisting sexual harassment. The licensee provided this assistance even though, according to Gorilla Marketing, it ultimately determined that its previous disclosure of Mazava Hispaniola as a collegiate apparel supplier had not been accurate.

¹ See "Our Supply Chain," Fruit of the Loom, <https://www.fotlinc.com/sustainability/supply-chain/#licensing>, and Open Supply Hub, <https://opensupplyhub.org/facilities/HT2020349YCGCD3?countries=HT>, both of which were consulted on September 13, 2023.

² Factories that are disclosed by university licensees and shared with the Collegiate Licensing Company and other licensing agencies are uploaded quarterly to the WRC's online database, found here: <https://search.workersrights.org/>.

Gorilla Marketing informed the WRC that it had actually deactivated the factory as an approved supplier in 2021, and that, while prior to then it had been supplied by SanMar with garments from Mazava Hispaniola, this apparel was never used for Gorilla Marketing’s collegiate licensed products. Nonetheless, as mentioned, Gorilla Marketing, to its credit, took action to address the labor violations identified by the WRC by providing a significant humanitarian contribution to each of the two affected women workers.

Up until its closure, the Mazava Hispaniola factory was certified by the WRAP (“Worldwide Responsible Accredited Production”) program, an industry scheme where factories hire for-profit auditors to certify them as complying with labor rights standards. WRAP’s auditors certified Mazava Hispaniola as meeting its “Gold” standard, which means that the factory had been found by WRAP’s auditors to be “free of supervisory or co-worker harassment and abuse” of workers, including “sexual harassment”.³ The findings in this report make clear that the WRAP auditors’ assessment was incorrect in this regard.

The WRC’s investigation, which was initiated based on a complaint received from a Haitian garment workers union, found, instead, that one of Mazava Hispaniola’s managers sexually harassed at least two women workers (and possibly a third worker—see below) and then, subsequently, had them fired in retaliation for refusing to enter sexual relationships with him. This gender-based violence and harassment included:

- Sexually propositioning two women workers, during the workday, inside the factory;
- Making obscene and degrading sexual comments at work to one of these women workers;
- Threatening both workers with retaliation for rejecting his sexual propositions and objecting to his obscene and degrading sexual comments; and
- Having both women workers terminated in retaliation for resisting his sexual harassment and propositions.

The Haitian Labor Code prohibits employers from engaging in abusive treatment of workers, including sexual harassment.⁴ The International Labour Organization’s (ILO) Conventions 111 (Discrimination) and 190 (Violence and Harassment) also protect the right of workers to be free from sexual harassment and abuse in the workplace.⁵ University⁶ and buyer codes of conduct,

³ Worldwide Responsible Accredited Production, “Twelve Principles,” <https://wrapcompliance.org/en/about/what-we-do/12-principles/>. The “Gold” standard is WRAP’s *lower* level of certification. The program’s only levels of certification are “Gold” and “Platinum”.

⁴ Labor Code of Haiti, Article 31(D), <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/135/64790/F61HTI01.htm>.

⁵ ILO Conventions 111 (Discrimination) (defining prohibited ‘discrimination’ [as] ... any distinction, exclusion or preference made on the basis of race, colour, [or] sex [et al] which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”); and 190 (Violence and Harassment) (defining prohibited “violence and harassment’ [as] ... a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment; [and prohibited] ‘gender-based violence and harassment’ [as] ... violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.”).

⁶ CLC Special Agreement on Labor Codes of Conduct, Sched. I, Sec. II.B (“7. Nondiscrimination: No person shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or

including those of Fruit of the Loom and SanMar,⁷ likewise require factories that have produced their goods to comply with these national and international labor standards.

The WRC's investigation found that Mazava Hispaniola violated Haitian law, international labor standards, and buyer and university codes of conduct, first, when the factory's Production Coordinator, a midlevel manager, sexually harassed these women workers and then, when the factory manager had these workers dismissed following their refusal to engage in sexual relations with him. Under both university and buyer codes of conduct, Mazava Hispaniola was required to correct and remedy this sexual harassment of and retaliation.

Although the WRC shared recommendations with Mazava Hispaniola as to the corrective actions that the factory should take, the factory management refused to implement these measures up through the facility's closure in September 2023. Most significantly, the factory management refused to provide reinstatement with back pay, which the WRC had recommended, to the two workers whom the WRC's investigation found had been sexually harassed and retaliated against by the factory's Production Coordinator.⁸

Following the factory's refusal to take the recommended corrective action with regard to the violations outlined in this report—and after Gorilla Marketing informed the WRC that Mazava Hispaniola had not produced its collegiate licensed apparel—the WRC engaged with SanMar and Fruit of the Loom, as the buyer and licensor, respectively, of apparel that was being made at the factory.

As detailed in the final section of this report, despite this engagement, Mazava Hispaniola continued to refuse to implement—and SanMar continued to refuse to require—adequate corrective action prior to the factory's closing. In particular, both Mazava Hispaniola and SanMar repeatedly rejected the WRC's recommendation that they provide remedy, in the form of reinstatement with backpay, to the women workers whom the WRC found had been sexually harassed and retaliated against by the factory's Production Coordinator.

The WRC was informed, however, that the Production Coordinator whom the WRC had identified as the perpetrator of the violations was terminated by the factory as part of a reported economic downsizing, prior to the facility's eventual closure. In addition, Mazava Hispaniola had the ILO-IFC Better Work Haiti factory monitoring program conduct a training for its management and supervisors on prevention of sexual harassment.

retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin. 8. Harassment or Abuse: Every employee shall be treated with dignity and respect. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.”).

⁷ See “Our Supply Chain,” Fruit of the Loom, <https://www.fotline.com/sustainability/supply-chain/#licensing>, and Open Supply Hub, <https://opensupplyhub.org/facilities/HT2020349YCGCD3?countries=HT>, both of which were consulted on September 13, 2023.

⁸ CLC Special Agreement on Labor Codes of Conduct, Sched. I, Sec. II.B (“7. Nondiscrimination: No person shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin. 8. Harassment or Abuse: Every employee shall be treated with dignity and respect. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.”).

Following the factory closure, the WRC continued to urge the facility's former owners, the Winds Group, and its primary former buyer, SanMar, provide remedy to workers who were sexually harassed and retaliatorily terminated. The WRC informed these parties that, in light of the factory's closure, an appropriate remedy would include backpay from the date of the two workers' terminations to the date of the factory's closure, plus payment of statutory severance. The factory and the buyer, SanMar, refused to comply with the WRC's proposed remediation.

The WRC then engaged with Gorilla Marketing, as a current buyer from SanMar (from other factories), asking for their assistance in requiring these remedies. Despite the fact that Gorilla Marketing reported not actually having had collegiate licensed production from Mazava Hispaniola, in light of the fact that its supplier disclosure data had indicated to the contrary, the licensee agreed to make a humanitarian contribution to each of the two workers. This contribution, which was made to workers on November 7, 2023, remedied the violations of university and buyer codes of conduct, Haitian law, and international labor standards that prohibit sexual harassment of workers and retaliation against workers for resisting such harassment.

II. Methodology

The findings in this report are based on the following sources of evidence:

- Interviews with former employees at Mazava Hispaniola who report that they were sexually harassed and then later fired from the company's employment for resisting such harassment;
- A review of relevant evidence provided by workers and the factory, including dismissal notices issued to workers, employee personnel files, company policies, lists of workers whose employment was terminated in recent months by Mazava Hispaniola, company data concerning the production lines on which the affected workers were employed; and
- A review and analysis of applicable Haitian law, ILO conventions, and university and buyer codes of conduct.

III. Findings

In June 2022, the WRC received a complaint from the trade union, Syndicat Regional des Ouvriers du Grand Nord d’Haïti (SOREGNH – Regional Workers Union of Greater Northern Haiti), on behalf of women workers employed at Mazava Hispaniola. The SOREGNH union representatives stated that three women workers had been sexually harassed at the Mazava Hispaniola factory by the facility’s Production Coordinator and that, after these workers refused to accede to the Production Coordinator’s sexual advances, they were fired from the factory. According to workers, the Production Coordinator’s duties involved directing the supervisors in charge of the approximately five production modules to which employees at the plant were assigned.

The WRC was able to interview two of the three women workers who had reported to the SOREGNH union having been sexually harassed and, later, terminated by the Production Coordinator. These two workers gave testimony about this sexual harassment and their subsequent dismissals. The WRC was not able to contact and interview the third worker whom the union reported had been sexually harassed and terminated, so this report focuses on the evidence gathered by the WRC concerning the harassment and retaliation experienced by the two workers who did provide such testimony, and for whom the WRC was able to secure remedy.

A. Sexual Harassment and Retaliatory Termination of Worker One

The first of the two women workers who reported being sexually harassed and retaliated against by Mazava Hispaniola’s Production Coordinator is referenced in this report, in order to protect the worker’s safety, as “Worker One”. She began working at Mazava Hispaniola in September 2021.

1. Sexual Proposition and Threat of Retaliation

Worker One reported to the WRC that, in late May 2022, the factory’s Production Coordinator asked her at work to go for a ride with him to the coast, in what was clearly a request for a “date”. She told the Production Coordinator, who was her manager, that she was not interested in going on a date with him. The manager responded to her with an idiomatic phrase in Haitian Creole which, translated literally, is “It will be too late for you”, but which commonly is used to mean, “You will suffer for this.”

2. Retaliatory Termination for Resisting Sexual Harassment

Worker One testified to the WRC that, approximately one week after she refused to go on a date with the Production Coordinator, a new production line was established in the factory, to which the Production Coordinator assigned a number of Worker One’s coworkers but did not assign Worker One. Worker One reported to the WRC that she immediately went to the factory’s administrative offices to inquire as to the reason she had not been assigned to this new production line and was told there, by a company human resources officer, that she was being terminated.

Worker One reported, and the company confirmed, that her employment at Mazava Hispaniola was terminated on June 15, 2022. She was terminated less than one month after she refused to go on a

date with the Production Coordinator and was threatened by him with negative consequences for this refusal.

A review of the worker's personnel file during a WRC visit to Mazava Hispaniola revealed that, during her tenure with the company, Worker One had only received one written warning (which was marked in her file as a "first warning"), which, her file indicated, was issued on May 23, 2022. This warning stated that the employee had left the workplace without permission on that day.

When the WRC interviewed the worker about this write-up, Worker One informed the WRC that she had, in fact, requested permission to miss work on that day to attend a baptism. The worker stated that she was granted such authorization by a representative of the factory's human resources department. Worker One stated that she did not know, until the WRC informed her of this, that the company had issued her a disciplinary notice for being absent on May 23, 2022.

The worker's termination letter stated that she was being fired in accordance with Article 37 of the Labor Code, which permits employers to dismiss employees without cause. The worker's personnel file does not indicate any reason for her termination. The company paid the worker's severance benefits.

B. Sexual Harassment and Retaliatory Termination of Worker Two

A second woman worker, identified in this report for security reasons as "Worker Two", also reported being sexually harassed by the same Production Coordinator and, subsequently, being terminated for rejecting his advances.

1. Obscene and Degrading Sexual Comments and Propositions

Worker Two, who had been working at Mazava Hispaniola since August 2021, informed the WRC that the same Production Coordinator approached her on multiple occasions in the factory and made obscene and degrading sexual comments and propositions to her.

Worker Two told the WRC that the manager said to her on one occasion, "You are hiding your [vulgar term for vagina]." On another occasion, the Production Coordinator told Worker Two, "You are hiding your ass." The worker reported that, on a third occasion, this manager approached the worker at her workstation and told her that, "You have a big [vulgar term for vagina], but you don't want to give it to me."

2. Threat of Retaliation for Resisting Sexual Harassment

Following his having made these obscene and degrading comments and propositions to Worker Two, the Production Coordinator then insinuated to the worker that her unwillingness to respond to his sexual propositions would affect her employment at the factory. The worker informed the WRC that she told the Production Coordinator that he had gone too far with his comments.

3. Retaliatory Termination for Resisting Sexual Harassment

On June 15, 2022 (the same day that Worker One was dismissed), Worker Two was also fired from her employment at Mazava Hispaniola. The Production Coordinator informed Worker Two that she should report to the human resources department, where she was told that she was being dismissed.

Worker Two, who was employed at Mazava Hispaniola for approximately 10 months, told the WRC that she had received no complaints from management about the quality of her work at the factory. When the WRC reviewed the worker's personnel file, there was only one written warning in the worker's file, which also cited her for an unjustified absence.

The worker reported to the WRC that she did recall having one unexcused absence due to a serious gastrointestinal infection that prevented her from going to work one morning. However, according to the worker, she reported to work the same afternoon and only missed one-half of a day of work.

This worker's termination letter also stated that she was being fired in accordance with Article 37 of the Labor Code, which permits employers to dismiss employees without cause. The worker's personnel file did not indicate any reason for her termination. The company paid the worker's severance benefits.

C. Analysis of Sexual Harassment and Retaliatory Termination of Women Workers

Mazava Hispaniola provided the WRC with a list of workers who were terminated during the month of June 2022, which indicated that, out of a total factory workforce of 3,000 employees, approximately 45 workers (1.5 percent) were dismissed during this month. Five workers were terminated on June 15, of whom two were the workers who reported being sexually harassed by the factory's Production Coordinator and rejecting his advances.

It is clear from the factory's records that Mazava Hispaniola did not conduct a significant layoff or staff reduction during the month in which the two women workers were fired. In fact, during the period immediately prior to and following the two workers' termination, the factory increased the size of its workforce from 2,609 employees on May 1, 2022, to 2,926 workers on October 18, 2022.

Given that the factory did not reduce its staff for economic reasons during this period and that the two workers' personnel files gave no indication that they were terminated for disciplinary reasons, the WRC concluded, absent evidence to the contrary, that the two workers were terminated on the same day (June 15, 2022) at the direction of the Production Coordinator, whose sexual advances both workers had recently rejected.

The WRC found that the Production Coordinator's sexual harassment of, and subsequent retaliation against, these two workers violated Haitian law, which prohibits employers from mistreating workers by word or by deed.⁹ Furthermore, the WRC found that the manager's actions, which clearly were harassing and were directed toward the two workers on account of their gender, violated ILO Convention 111 (Discrimination) and Convention 190 (Violence and Harassment). Because these

⁹ Labor Code of Haiti, Article 31(D).

actions violated both national law and these international labor standards, they also contravened, by extension, university¹⁰ and buyer¹¹ codes of conduct.

¹⁰ Collegiate Licensing Company (CLC), Special Agreement Regarding Labor Codes of Conduct (“Licensees must comply with all applicable legal requirements of the country(ies) of manufacture in conducting business related to or involving the production or sale of Licensed Articles.”).

¹¹ See, for example, SanMar’s *Global Operating Principles*, which prohibits harassment and abuse and requires suppliers to comply with all national legal standards in the country of operation, <https://www.sanmar.com/custompages/pdfs/gop.pdf>.

IV. Recommendations for Corrective Action

The WRC recommended to Mazava Hispaniola that, to remedy the sexual harassment and retaliation that had occurred at the factory, Mazava Hispaniola should implement the following corrective actions:

- Make an immediate offer of reinstatement to the two affected workers, to their former or equivalent positions in the factory, with full seniority as of their original dates of hire;
- Provide payment of back wages to the two workers from the date of their termination to the effective date when they were provided the option of reinstatement; the WRC recommended that the severance that the workers received at the time of their terminations should not be deducted from this amount, and should be treated as compensation for the harassment and retaliation they had already suffered;
- Issue a verbal and written statement to all factory employees affirming that Mazava Hispaniola will not tolerate any forms of harassment, including sexual harassment, whose text should be approved in advance by the WRC and should be delivered via public address system to the entire workforce during working hours, distributed individually in writing to each of the factory's employees, and posted permanently in a public location in the factory; and
- Provide training for all factory employees who supervise or manage other workers such that these employees were educated about all actions that, in accordance with national law, international law, and university and buyer codes of conduct, are considered violations of workers' right to a workplace free of gender-based violence and harassment. The WRC also recommended that Mazava Hispaniola should obtain approval from the WRC with regard to the organization or company that would deliver these training sessions.

Out of concern for the safety of the two terminated workers, the WRC did not recommend termination of the Production Coordinator, who was judged to pose a threat of even harsher retaliation against the workers if the WRC sought his dismissal. However, the WRC did recommend that when the two terminated employees were reinstated, they not be assigned to any work area where they would have to be in contact with the manager. The WRC subsequently was informed by SanMar that the Production Coordinator was dismissed for economic reasons as part of a downsizing of the workforce prior to the factory's closure in September 2023.

V. Company Response to Findings and Recommendations

The WRC provided a preliminary version of our findings and recommendations to the factory on January 17, 2023. Despite ongoing communication with the factory, Mazava Hispaniola's management refused to take remedial actions to address the violations. Mazava Hispaniola responded to the WRC's investigation by stating that the company was committed to respect for workers' rights and had zero tolerance for abuse and harassment in the workplace.

Mazava Hispaniola claimed that the two workers who reported being sexually harassed and retaliatorily dismissed were terminated by the factory on account of poor job performance (low production) and stated that the factory's Production Coordinator had no role in this decision. The factory sent the WRC a graph illustrating production levels for the factory's production Module 80, where both employees were assigned to work prior to their dismissal and stated that the graph showed that there had been a large drop in production output for Module 80 immediately prior to the termination of these two workers.

However, the graph provided by the company did not show any significant drop in production at that time—and, in fact, showed that the production had, on average, increased in the weeks leading up to the workers' termination and the factory's disbanding of the module where they had worked. Only on the date that the company disbanded the module did the module's production drop immediately to zero (as would be expected, since it then had no employees working on it).

Furthermore, the company did not provide any additional evidence with regard to the production output of either of these two workers, specifically, nor provide evidence of any other verbal or written warnings issued to the workers indicating that they had been poor workers—and, as discussed, each of their personnel files had only a single notice for absence from work and indicated that they had been dismissed without cause.

Mazava Hispaniola also reported to the WRC that it had undertaken an investigation of the Production Coordinator which did not find that he had committed any actions that could be understood as sexual harassment or abuse. The company stated that it had interviewed the Production Coordinator, his manager, and other workers who report to him.

Mazava Hispaniola informed the WRC that it also had reviewed the Production Coordinator's personnel file, which did not reveal any complaints of harassment or abuse. The factory did not indicate that it had made any effort to interview the two affected workers, who were identified by name to the factory. However, as noted above, the company did subsequently inform the WRC, via SanMar, that the Production Coordinator had been separated from employment at the factory due to an economic downsizing.

In its email responses to the WRC, Mazava Hispaniola did not express any willingness to implement the corrective actions recommended by the WRC.

VI. Brand Engagement and Remediation of Violations

After the factory refused to commit to take the recommended remedial actions, the WRC engaged with the factory's buyers and the latter's business partners whose branded products the facility manufactured. Fruit of the Loom informed the WRC that its branded goods were being produced at the factory by SanMar under a license held by SanMar for Fruit of the Loom's "Russell Active" brand and indicated that Fruit of the Loom would contact SanMar regarding the WRC's findings. SanMar acknowledged its production relationship with Mazava Hispaniola and stated that it would engage with the factory.

In a communication to the WRC dated July 6, 2023, SanMar reported to the WRC that Mazava Hispaniola continued to deny the WRC's findings of sexual harassment and retaliation. SanMar stated that the factory maintained its position that the two workers were terminated due to poor performance, rather than as retaliation for rejecting the Production Coordinator's sexual advances. Like Mazava Hispaniola, SanMar asserted that the two women workers were only terminated after being given multiple opportunities for improvement of substandard work performance, citing the factory's production charts as evidence.

However, as discussed in Section III of this report, the WRC found that the workers' personnel records did not contain any disciplinary notes, warnings, or records of actions by management citing the workers for poor job performance. Furthermore, and as noted above, the two workers had independently confirmed to the WRC that they had not received any verbal warnings or complaints from supervisors regarding their work performance before being terminated.

Lastly, and as noted in Section V of this report, the graph provided by Mazava Hispaniola to the WRC illustrating production levels for the factory's production Module 80, where both employees were assigned to work prior to their dismissal, showed that the module's production level had, on average, increased in the weeks leading up to the factory's disbanding it. The WRC reaffirmed, therefore, that both workers were terminated at the impetus of the Production Coordinator in retaliation for refusing his sexual advances, rather than for poor job performance as the factory management asserted.

SanMar also asserted that a factory representative and a third-party auditor hired by SanMar investigated the allegations of sexual harassment, including by interviewing factory workers, and concluded that the Production Coordinator did not engage in sexual harassment. However, neither the factory representative nor SanMar's auditor attempted to interview the two women workers who reported the sexual harassment, a basic initial step in any credible investigation of such allegations.

Moreover, the fact that a representative of factory management was involved in conducting interviews of other workers regarding the Production Coordinator's conduct, and that these interviews were conducted both in the presence of management and on the factory premises, meant that other workers would not have felt secure to report sexual harassment by this or other managers had they experienced it. Therefore, the WRC concluded that the inquiry by the representative of

factory management and SanMar’s auditor could not be considered a credible assessment of whether these workers were sexually harassed by the Production Coordinator.¹²

As discussed, SanMar informed the WRC that the Production Coordinator was terminated by Mazava Hispaniola due to downsizing of its production capacity, and that the factory asked the ILO-IFC Better Work Haiti factory monitoring program to conduct a training for managers and supervisors on prevention of sexual harassment. SanMar also provided the WRC with photographic evidence demonstrating that Mazava Hispaniola posted in the factory its policies on sexual harassment, SanMar’s Global Operating Principles (code of conduct) for suppliers, and the code of conduct of the WRAP factory certification program—which had certified Mazava Hispaniola as a “Gold” standard factory, meaning that it was, supposedly, “free of supervisory or co-worker harassment and abuse” of workers, including “sexual harassment”.¹³

SanMar claimed that these documents demonstrated that Mazava Hispaniola had implemented effective measures for addressing sexual harassment. However, neither these policies nor the factory’s WRAP certification had prevented a mid-level manager at the factory from sexually harassing at least two workers on multiple occasions in the workplace and then having them fired when they resisted his harassment.

Nor did those policies result in the factory and its buyer, SanMar, responding appropriately to workers’ complaints of sexual harassment. The “investigation” that Mazava Hispaniola and SanMar conducted of these incidents did not even include interviewing the workers who reported being harassed and retaliatorily terminated—an obvious and serious omission—and, even in the case of other workers, their interviews were not done in a manner that would ensure their confidentiality and protect them from retaliation, since they were interviewed in the workplace with the knowledge of the factory management.

The WRC also contacted the university licensee, Gorilla Marketing, which had disclosed Mazava Hispaniola as being among its suppliers of collegiate apparel. Gorilla Marketing informed the WRC that, despite the factory’s inclusion in the list of its collegiate apparel suppliers from July 2020 to July 2023, Mazava Hispaniola had not actually produced any goods for Gorilla Marketing after 2021. Gorilla Marketing also reported that, even during the period when it had been supplied, by SanMar, with apparel from Mazava Hispaniola, these garments had not been used for Gorilla Marketing’s collegiate apparel.

Despite its reported lack of recent production, much less production of collegiate apparel, at the factory, Gorilla Marketing agreed, in October 2023, to take constructive steps to remedy the violations, by making a humanitarian contribution to each of the affected workers, equaling the amount that each was owed for back wages from the date of their dismissals to the date of the factory’s closure, along with payment of their legally required severance.

Gorilla Marketing transferred these funds to the WRC, which distributed them, in full, to the two former employees on November 7, 2023. The WRC considers this meaningful assistance by Gorilla

¹² While the names of the two workers have been withheld in this report, the WRC shared with the factory the names of both workers.

¹³ Worldwide Responsible Accredited Production, “Twelve Principles.”

Marketing to the affected women workers to substantially remedy the violation of university codes of conduct which Mazava Hispaniola and its manager had committed – and SanMar, for its part, had refused to correct - in this case.