

**The Abuse of Labor Rights and Gap, Inc.'s  
Involvement, within the Chinese Textile Industry**

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## **Section I: The Abuse of Labor Rights**

The global trend of industries abusing labor rights has been a topic within the media for many years. This topic has not only affected many different companies globally, but has also caused whole countries to be torn apart. Even foreign businesses are now involved in labor mistreatment lawsuits, all due to the fact that the ever constant issue of treating people humanely within the workplace has never been addressed and companies were never forced to change their labor treatment laws or lack thereof. Many industries tend to look the other way while their laborers are being mistreated; all the while, their employees are not given rights that most people may think are naturally fair.

In terms of the history of labor rights, changes have been made in recent years mainly due to the vast amount of onlookers from other countries that have since changed their ways, and are now forcing violating countries to the same, more humane, path. Media coverage has helped with this global trend especially, and Jill Esbenshade, author of “Codes of Conduct: Challenges and Opportunities for Workers’ Rights”, stated this about labor violations. “Concern over the behavior of multinational corporations in developing countries, where such corporations sometimes influence national politics, destroy the environment, and perpetuate labor violations, is longstanding.” (Esbenshade 1) In other words, companies have been overlooking certain aspects of workers’ rights for a long time, and now is the time to

change. This along with other reasons including wanting to have a higher ranking within the International Labor Organization (ILO), and the need for further tourist interaction within the countries have been driving forces for changing positions on workers' rights. In doing so, this makes the size of the global trend grow to an extremely large issue. Once countries are recognized in having this problem, they are pressured to change it, especially after other countries find out about the current situations within the workplace of the country that is breaching the laws of labor.

According to Jill Esbenshade, this was said when looking at what companies could do to change the workplace: "Various methods are currently used to implement codes of conduct throughout global production chains." (Esbenshade 8) So due to these many pressures, codes are being enforced on a global level, including shorter work days, more wages, and cleaner factory conditions. Yet, it is due to the media that many are informed of this growing and changing global trend in the first place, and this is how many are also informed of how the trend is being affected in various countries. The media is a great help in this way because they force countries to "clean up their act", or the countries could face serious consequences. In an article entitled "Workers protest against squalid living conditions", the condition in which workers' are placed to work is explained in depth and it is due to this article that many get the full idea and effect of what these laborers are dealing with in the factory workplace. "There are no telephones or modes of transportation. We have to drink polluted water, and the stench here is

terrible. Also the place is infested with insects.” (Fattahova) Here, workers are exploited for their labor and in return receive some of the worst care that their employers could give. In the country of Kuwait, which is where this article takes place, basic things such as fresh water are a necessity, yet this factory has taken it upon themselves to not provide its workers’ with everyday essentials in the hot desert of Kuwait.

Yet, actions such as these are being committed all over the world, and seem to happen more than ever all across the globe. “Labour abuses claim in Mexican electronics industry” by Alison Maitland describes the working conditions within Mexico, where more than just basic rights such as clean water are being taken advantage of. “Cases include workers being exposed to toxic materials; job applicants having to reveal their religious beliefs, sexual preferences and union affiliation as well as being forced to agree to submit to degrading tests; and temporary rolling contracts as short as 15 days that deny workers holidays and severance pay.” (Maitland) The article goes further into how the conditions of the factory seem to be harming the workers’ health as well. “Maria, an operator at Kemet, a contractor making capacitors for companies such as Motorola and Delphi, reports working with toxic materials including lead, flux and epoxy.” “I get spots because of the soldering,” she is quoted as saying. “Some of my colleagues get nausea and headaches because of the smell.” (Maitland) Here, within Mexico, workers are now getting sick from

conditions put upon them within the work place, thus further violating labor rights, on a grand scale.

Now, while these countries are violating workers' rights, they may not have the basis for things such as unions, or labor organizations like others might. Yet, even in these countries where groups such as the International Labor Organization are active, workers' rights are still being violated. In a case study on Oman, this was said: "The Arab nation allows no independent trade unions and so-called "worker's committees" that are state-affiliated. Even when they exist, those organizations cannot discuss wages, hours, or conditions of employment." (Mekay) The most interesting part of this case study is that Oman is a member of the International Labor Organization, and yet, "Oman's laws remain in serious violation of the International Labor Organization's most important and fundamental rights -- the freedom of association and the right to organize and bargain collectively," said Congressman Michael H. Michaud". (Mekay) With the help of the International Labor Organization, countries are being exposed by their counterparts on a great level, and it is through the use and activity of the ILO that countries might finally be able to give workers' back their basic labor needs as employees in factories, and the like.

## **Section II: Case Study of China's Violations with Labor Rights**

One country in particular has been in the news time and time again for their state of affairs when it comes to violating worker's rights, and that is the country of China. One of the main reasons that China has continued to be a workers' rights violator is due to the fact that China has prided itself for years on cheap labor, and other countries' industries depend on these extremely low prices for their production costs and imports. In discussing the main idea of labor conditions, "Global Production, Company Codes of Conduct, and Labor Conditions in China", states: "In line with the government's lack of concern for overseeing labor conditions and management practices within the foreign-run factories in the export sector, no government departments, including the Labor Bureau, have seriously evaluated the corporate codes of conduct, assessed their influence on labor rights protection or monitored the process." (Woo) Therefore, due to China's inability to give proper care to its laborers, China is in turn showing that its government has not taken the proper precautions to insure labor rights, as other countries have done.

Also, due to other smaller, Asian countries pulling back in the world of textiles, based on lack of foreign interest or otherwise, "the conventional wisdom is that the world's textile and garment production will shift to China, the global wage floor, where price, speed to market and quality have outpaced the competition -- and where bonded labor, corporal punishment, forced and unpaid overtime, and hazardous and abusive working conditions are commonplace." Based on this statement by Karen A.

Tramontano, who wrote “Stitching Up Global Labor Rights”, it is easy to see why many are looking at China as the ultimate textile industry powerhouse, but now they are also looking at China as an abuser of labor rights.

Yet, this topic and the amount of violators only increases when looking at specific companies that are involved with this trend, specifically textile/apparel companies. Companies across the board have long been taking advantage of Chinese workers and there are several different cases which prove these instances. For example, within an article titled, “US companies under fire for using Chinese sweatshops”, several examples are given which include big name companies. “The committee examined conditions in 21 factories that produce clothing for brand names such as Kathie Lee/ Wal-Mart, Liz Claiborne, Ralph Lauren, and Nike. The report, entitled "Made in China: Behind the Label", details sweatshop conditions and attacks the practice of subcontracting by US companies.” (Bourbeau) The article goes on further to state that “in the export apparel and shoe industries in China, wages, benefits, working and living standards are actually being lowered as US companies relocate their work from larger publicly-owned factories in the north, to private foreign-owned factories in China's southern provinces.” (Bourbeau) Therefore, as foreign owned factories continue to thrive within China, its citizens are beginning to suffer not only within the workplace, but also within their homes too, as the standard of living continues to decrease.

In looking at one specific case study within the trend of violating workers' rights, the corporation of Gap, Inc has been a constant abuser of labor rights. "Gap Report says Factory Inspections are Getting Better" is an article that specifically targeted Gap, Inc; "After years of being targeted by critics pressing for better overseas working conditions, Gap and other apparel and footwear companies have begun providing more details on how they inspect factories and address problems."

(Merrick) In doing so, these reports are showing that factory workers are working extremely long hours without breaks, and are receiving little pay for the strenuous hours. For Gap, Inc, being able to produce large amounts of goods was a promising concept, especially when factories were placed within countries such as China where ideas such as forced or overtime labor are blessings to foreign corporations. Chinese citizens are able to produce products at an incredible rate, and Gap, Inc does not have to suffer the backlash that most companies do, in terms of high production costs, and high labor costs. But, this becomes a problem when factory workers are working in conditions where there is no air circulation and the machinery has the ability to injure its workers, who are already overworked.

Once these horrible working conditions were put out in the open, Gap, Inc. had to deal with the overwhelming amount of news coverage of what was really going on behind the famous label's closed factory doors. "In one case, a Chinese factory didn't let workers resign during a peak production period". (Merrick) By not providing these workers with the allotted breaks, they were breaking one of the many essential labor

rights laws that other countries tend to enforce, in order to avoid situations such as Gap, Inc.'s. To date, there are several instances in which Gap, Inc terminated the factory's orders once they heard of these unjust workers' rights situations. But, this was not always the case for the company. "90 percent of factories that Gap officials review as potential partners fail an initial inspection" and "the clothier said it found a range of workplace violations in thousands of inspections in 2003 of the more than 3,000 factories worldwide that produce goods for Gap". (Merrick) The violations included improper storage of hazardous or combustible materials, machinery that lacked "some operational safety devices" and inadequate first aid and fire safety" according to "Gap Admits Factory Violations; Apparel Marketer reports inadequate safety for workers". (Chicago Tribune).

But, with all of the labor rights violations, who would hold Gap, Inc. accountable for their actions? One of the agencies that deals with abuse of labor rights is the International Labor Rights Fund, and they find cases such as Gap's, and expose the company in order to get the workers better conditions to work in. According to the ILRF mission statement, "ILRF is an advocacy organization dedicated to achieving just and humane treatment for workers worldwide." (<http://www.laborrights.org>) With organizations such as these at the side of the workers, it becomes harder for companies such as Gap, Inc. to take advantage of their workers, and the lack of labor rights.

With all of the media coverage that this one company received, Gap, Inc needed to not only change the way their factories were run, but also change the way they were treating their foreign employees, as well. While this company has taken steps to try to improve its current situation, “No one company created these issues, and no one company can fix it by itself,” said Alan Marks, Gap's chief spokesman”. (Iritani and Dickerson) This was said in reference to what companies should be expected to do in countries where their factories have treated their workers badly, and based on this statement, one can see that Gap, Inc is taking its charges of violating workers’ rights incredibly seriously and has in recent years completely changed its outlook on the industry. The same article states that Gap, Inc is trying to provide its foreign employees with better conditions in which to create those fashionable textiles that so many all over the world purchase daily. “Although they can't provide figures, Gap executives contend that they will save money in the long run by supporting factories that provide decent wages and good working conditions. The theory: Happy, well-managed employees will produce more goods with less turnover and fewer quality problems.” (Iritani and Dickerson) According to Gap, Inc, they may have started to resolve the issue of badly treated employees in their own factories, yet it is through analyzing this specific company and the global trend of labor laws that an outsider can truly understand the concept of workers’ rights, and what could happen when whole companies decide to ignore labor laws.

In other countries though, companies are still in the process of trying to figure out what may be the best way to recondition factories into giving workers back rights and better labor conditions. For example, Wal-Mart, another workers' rights violator has also been in the news numerous times for their exploitation of workers. "Wal-Mart was accused in a lawsuit of failing to police labor conditions at its overseas suppliers' factories. The International Labor Rights Fund claims workers at Wal-Mart suppliers in China, Bangladesh, Indonesia, Swaziland and Nicaragua were forced to work overtime without pay and were fired because they tried to organize unions" according to "Wal-Mart owes workers, Suit says". (Zucco) For Wal-Mart, which is another business that associates heavily within the textile industry just as Gap, Inc does, the inability to provide workers with basic conditions such as fair pay and unions not only provides the company with a poor name, but also disrupts the workers' way of living. Without fair pay, workers cannot live on the meager salary, nor are they helping their country's economy, which in retrospect does deteriorate when companies such as Gap, Inc and Wal-Mart take advantage of Chinese citizens, as the case study shows.

### **Section III: Global Implications within the Textile Industry**

According to the case study, this can be considered a typical example of the impact one sees within the profession of textiles. The profession of textiles has been a source of income for China since the silk trade popular at about 105 BC, and for countries where violations of labor are allowed, this trend will only prosper without the right laws of labor being set into motion. When looking at recent changes of the textile industry, this was said; “Disciplinary penalties were replaced by a system of rewards and compensation. Normally working hours were ten hours each day, from 8:00 a.m. to 8:00 p.m. with a two-hour break for meals. Workers often had a rest day on Sunday unless pressing production orders required overtime work.” (Ngai) But, these changes were only implemented after organizations such as the International Labor Organization got involved, as they saw countries such as China, Mexico, and beyond were violating the same basic labor laws.

Among other companies that have violated labor rights, Reebok, has since turned a new leaf and started a set of laws, specifically for its company workers to follow. “For over a decade, Reebok International Ltd. has implemented its code of conduct-the Reebok Human Rights Production Standards-in the independently owned and operated factories that make its products. We do this to: 1) benefit the lives of the 150,000 workers who make our products; 2) ensure that workplace conditions meet internationally recognized standards and local law; 3) honor our corporation's

commitment to human rights; and 4) protect our brand reputation.” (Ngai) As companies move ahead with creating their own codes of conduct, organizations such as the ILO has to be sure that they are in compliance with the labor laws they have in place for countries all over the world. Among other examples, the ILO has decided that there shall be no forced labor, allotted breaks, and no discrimination within the work place; all of which if happens within the factories could result in the company losing the right to have a factory operating in that country. Even the mission statement of the ILO holds all countries to their declaration, stating , “...it clear that these rights are universal, and that they apply to all people in all States - regardless of the level of economic development.” (<http://www.ilo.org>)

As for similarities where the countries seem to have an issue of violating labor rights, they are all developing countries where the textile industry is a prominent profession to work in. Large name companies are able to build their factories at low cost, and are able to find cheap labor just as easily. This only further allows the companies to treat their foreign employees so unjustly, because they do not know any better, nor do they have government laws which force the foreign companies to act in accordance with basic, just, labor laws. Due to the fact that the profession of textiles has dealt with the subject of labor laws for such a long time, it is hard to see what companies and their factories will be like, especially after codes of conduct have been issued and followed, just as the International Labor Organization has done. Also,

because this issue is a global trend, it is even harder to change as it happens in many countries all over the world, spanning from Mexico to the Middle East.

In conclusion, it is only after these labor laws such as better pay, cleaner air, and lunch breaks have been enforced by the country's government or by the company itself that the issue will truly begin to resolve itself. "The retailer, which owns the Gap, Banana Republic and Old Navy chains, called for better enforcement of labor laws and strategies that encourage economic development, but said inefficient local governments and widely inconsistent labor codes complicate efforts." (Merrick) In doing so, companies such as Gap, Inc. will finally be able to treat their workers with the labor laws that are up to par as the ILO and ILRF suggest, and are trying to enforce with countries all over the world. Once these governments are able to bring their factories up to code, companies like the Gap, Inc will no longer have to worry about such issues. It is through having governments make an effort, as well as creating codes that all factories will be able to follow, that the issue of workers' rights will be finally put to rest.

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