



21st January 2009,

Dear DESA buyer,

We are once again contacting all buyers from the DESA factories in Duzce and Sekafoy to urge you to work together to find a quick and satisfactory resolution to the ongoing violations of freedom of association at both factories. We are concerned that the current process has failed to produce results that could lead to a negotiated settlement of this dispute and feel a more concerted effort from DESA buyers is needed to bring this about.

In the last month a lot of discussion has taken place and we felt it would be useful for us to clarify what we understand to be the current status of this case, based on information received from the Deri Is union and the DESA workers.

1. Negotiations

As you know DESA agreed to enter into negotiation with the Deri Is union in December 2008. We understand that the first meeting was constructive, but since then nothing concrete has emerged. While we welcome the fact that the management of DESA is now meeting with the union, we feel it is important to stress that such meetings are only useful to the extent that both parties are working towards a settlement. We are concerned that at present this does not appear to be the case.

There are a number of areas that we feel are important to highlight and address:

a. *Written documents from meetings:*

Until now DESA has refused to commit to anything in writing, which has meant at each meeting the negotiations have essentially started from scratch. As we are sure you are aware, nothing can be agreed solely on the basis of a verbal statement, and without a written document on which to base negotiations this situation is unlikely to improve.

We would urge brands to ask DESA to produce a written document clarifying agreement and points of disagreement which could form the basis of future meetings. We would also ask you to request that an updated document is sent to the union and the brands following each new round of negotiation. This will allow all parties to understand what progress (if any) is being made and will clarify what the obstacles are to achieving a settlement.

b. *Reinstatement of dismissed workers:*

Bearing in mind the problem outlined in point a. it is our understanding that DESA have now agreed to reinstate 36 workers who were bringing labour cases to the court as part of any settlement. They will further agree to reinstate 4 workers dismissed recently due to the 'economic crisis' should orders from buyers be put back into the factory. However they have stated that they will not reinstate Emine Arslan (Sekafoy) and Ali Osman from Duzce.

The Clean Clothes Campaign works to improve conditions and empower workers in the global garment industry. We are a coalition of campaigns in 12 European countries with a network of 250 organizations worldwide.

On the 24th December the Turkish courts ruled that Emine Arslan (and four of her colleagues) had in fact been illegally dismissed as a result of their organising activities proving beyond doubt the claims we have made throughout: that these dismissals have been part of a campaign to deny DESA workers their right to freedom of association in violation of Turkish law, international labour standards and buyers' own codes of conduct. In light of this decision there can be no justification for the ongoing exclusion of Emine Arslan from the DESA factory and therefore their reinstatement to their original positions of employment and payment of back wages should be part of any agreement reached between DESA and Deri Is.

Any agreement that fails to include their reinstatement would send a very clear message to other DESA workers that organising a union will result in dismissal and will deprive the union of important and trusted union leaders. This will undermine any other steps taken by either DESA management or buyers to ensure the right to freedom of association is upheld.

On the other hand, the reinstatement of these workers could ensure the development of a genuinely independent union and a proper system of industrial relations. This could ensure a stable and productive workforce that is able to share in the future success of DESA and its clients.

c. Allowing Deri Is into the factory:

As we understand a further point of disagreement is the admittance of Deri Is into the factory to organise workers.

We understand that DESA's argument is that they should not admit the union into the factory until 50% of the workforce are members. However the reality is that unless the union are able to speak to and represent the workforce this will remain a circular argument: as it will never be possible for them to recruit and organise workers if they are not able to speak to them.

Even if Turkish law states that a company is not obliged to enter into collective bargaining agreements with unions representing less than 50% of the workforce, this does not make it illegal for unions with less than that level of membership to go into factories to organise and if DESA are committed to upholding the right of freedom of association allowing the union to meet with the workers should not be problematic for them.

If DESA both allow the union to enter the factory and provide the letters to workers clarifying that union membership will not lead to dismissal or recriminations, in other words allow them to organise freely, then this will be an important step in normalising relations between the union and management. If DESA are right in their assertion that a union is not wanted or needed by workers at DESA then workers can simply choose not to join.

The fact that the union is being prevented from organising, combined with the court judgement that workers *have been* dismissed as a result of union activity are clear signs that the problem is the attitude of DESA management to union organising and not simply a matter of Turkish law. Reinstatement will be meaningless if in a few months the same workers can be dismissed all over again and the union is unable to negotiate on their behalf.

2. Loss of orders from DESA.

During the negotiations it has been mentioned by DESA that a number of buyers have either cut or reduced orders at the factory. As a result of this 23 workers have already been dismissed and DESA would be planning to dismiss around 200 more. For such dismissals to start happening in the middle of a dispute such as this causes significant problems in attempting to reach a solution and has a negative impact on all sides.

We would reiterate that up until this point we have NOT called for brands to cut orders. Instead we are asking brands to use their commercial relationship to insist that DESA follow its buyer's code of conduct and meets international standards at the factory.

We would urge your company to clarify whether or not it has or will cut orders from DESA and on what grounds such decisions have been taken. Furthermore we would urge your company to assure DESA that if an agreement is reached with the union, its commitment to implementation of freedom of association will be rewarded with future orders from your company.

3. Clarifications

Finally, we believe it is important that for a settlement to be reached all parties need to have accurate information. Therefore we would like to clarify a number of points.

a. Court cases:

We understand that some brands have received information that there have been 7 cases taken to court and that Deri Is has won 5 and DESA has won 2. This is in fact inaccurate. 7 cases have been taken to court so far, but 2 of those cases (the 2 DESA claim a victory in) were never heard by the court. These 2 workers had been working at the factory for less than 6 months, and so before any hearing took place the court ruled that they were not able to take a labour case. They made no judgement at all over the reasons for their dismissal.

In the 5 cases that have been actually heard by a judge, all workers were found to have been dismissed by DESA as a direct result of their union activities. We include the final judgement of the court with this letter. There was one further case in which DESA attempted to get an injunction against the union (for something like defamation) but this case was rejected.

b. Audits:

We have also been getting information that a number of brands are now waiting for an audit to be carried out (which we understand will be commissioned by DESA). We also heard that some brands have commissioned their own investigations.

Firstly it is unclear what purpose yet more audits will serve. The clear problem here is the dismissal of workers and repression of the union. The proper place to see the resolution of these issues is in negotiations and in the court. So far the court has already stated (in the cases it has heard) that workers were dismissed for union activities and the negotiations have yet to result in any concrete action. Surely, given this, the best use of energy right now is not in getting yet more audits done, but to ensure that these negotiations are fruitful and that the judgement of the court is implemented. We are concerned that this is, once again, a delaying tactic that only serves to prolong the dispute.

Secondly, an audit carried out by the company (or commissioned by the company) to investigate its own violations can not be considered credible, even if this was taking place at the beginning of a case when the facts were not already known. We understand from workers that numerous audits have been carried out over recent months, but rarely, if ever are workers interviewed away from the factory. The union is never interviewed and on on at least one occasion we understand those workers who might speak out were asked not to come to work on the day of an audit.

If an audit that has been commissioned as a result of a disagreement between a union and a factory fails to speak to the union involved or even to the individual workers who have previously raised concerns then it is even less likely to be of use in resolving this case.

This dispute is now at a crucial stage. We believe that the negotiation process must continue, but it can not be used as a delaying tactic to silence the union campaign or force the dispute to drag on indefinitely. This campaign will continue until we see real evidence that the factory and the buyers are willing to take clear steps towards a resolution that can be agreed by all parties.

Therefore we urge you to contact DESA management today and urge them to negotiate an agreement with the Deri Is union that includes the following demands:

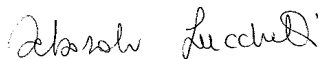
- reinstate ALL the dismissed workers immediately and unconditionally to the same positions previously held and to ensure the reinstated workers are given pay back-dated to the date of their dismissal;
- provide a written guarantee to all workers that they are free to join the trade union of their choosing;
- develop proper grievance and disciplinary procedures;
- recognise the Deri Is union as social partner, as the legitimate representative of its members and assure access of independent trade unions to the workers.

From the beginning of this dispute we have urged buyers to work with the company to improve conditions and not to withdraw orders. So far the brands buying from the factory have failed to work in a coordinated way, which has meant that the pressure required from buyers has failed to ensure proper progress in this case. Therefore we would urge you to make participation in future coordination a priority.

Further we would ask you to assure DESA management that if such an agreement is reached your brand will commit to prioritising orders with this factory in order to ensure the agreement is beneficial to all involved.

We look forward to hearing what action you have taken to ensure such a positive outcome,

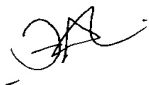
Yours sincerely,



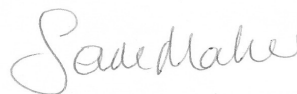
Deborah Luccetti
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Fanny Gallois
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Eva Kreisler
Camaña Ropa Limpia
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