



FACT SHEET

Triumph International/Body Fashion Thailand's Dismissal of Union President Jitra Kotshadej

On August 26, 2008 the Clean Clothes Campaign asked you to support Jitra Kotshadej, president of the Triumph International Labour Union, and 3000 of her co-workers, who are fighting for her reinstatement. Thank you for writing Triumph International to protest this blatant violation of the human right of freedom of expression. If you haven't already contacted Triumph, please TAKE ACTION now.

Triumph International has responded to your letters by denying Ms. Kotshadej's universal human right to freedom of expression. Instead, the company has declared its "obligation to respect local culture, local values and to respect the laws of Thailand's democracy," ignoring the fact that 3000 of Ms. Kotshadej's Thai co-workers value their union president, support her right to freedom of speech and respect the opinion that some laws should be changed.

WHAT ARE THE FACTS BEHIND MS. KOTSHADEJ'S DISMISSAL?

On April 24 Jitra Kotshadej, president of the Triumph International Labour Union, appeared in a national television debate about women workers and reproductive freedom wearing a t-shirt with the text 'Those who do not stand are not criminals. Thinking differently is not a crime.' The t-shirt refers to the right of people not to stand when the royal anthem is played and the abuse of *lèse-majesté* legislation to suppress political opposition. Following the broadcast of the debate, Triumph International's subsidiary, Body Fashion Thailand (BFT), initiated the required legal proceedings to dismiss the union president, claiming that she damaged the reputation of the company. The company did not inform her of the proceedings until they day they fired her. The court order and summons were not sent to her current address. On July 30, three thousand workers went on strike to demand reinstatement of their union president.

WHAT DOES IT HAVE TO DO WITH FREEDOM OF EXPRESSION?

Article 19 of the U.N. Universal Declaration of Human Rights states: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Triumph's subsidiary fired Ms. Kotshadej for allegedly damaging the company because a call to boycott Triumph appeared on the internet after her appearance in the debate. The same website is reported to have threatened Ms. Kotshadej personally, listing her address and telephone number. Ms. Kotshadej did not claim to speak for Triumph International and she did not refer to the t-shirt in the debate.

Triumph International's code of conduct explicitly supports Article 19. The company has every right to distance itself from Ms. Kotshadej's opinions, but it has an obligation to support her right

to express them. The company could have investigated the source of the threats against Ms. Kotshadej and the company, and it could have discussed the issue with Ms. Kotshadej directly. Instead, it immediately sought to dismiss her.

WHAT DOES IT HAVE TO DO WITH FREEDOM OF ASSOCIATION?

One of the fundamental principles of freedom of association is that workers should enjoy adequate protection against acts of anti-union discrimination. This protection is particularly necessary for trade union officials who are often the targets of dismissal, demotion or harassment in relation to their union activities. The Triumph International Labour Union views the dismissal of their president as a veiled attack on the union, which successfully negotiated a collective bargaining agreement this summer. The union reports that the company has not yet paid the agreed-upon wage increase and there are other outstanding problems. They view the company's attack on the union and its president to be so severe that it warranted an immediate and dramatic response: they went on strike without waiting for permission.

WHAT HAS TRIUMPH SAID ABOUT THE DISMISSAL?

Triumph International is claiming that the dismissal respects cultural self-determination, suggesting that there is universal support among the workers, among Thai people and in Thai culture for retaliation against those who oppose the abuse of *lèse-majesté* legislation and who support the right of people not to stand when the royal anthem is played and to "think differently." This is, of course, not true. While most Thai people feel enormous respect for the King, in his 2005 birthday speech King Bhumibol Adulyadej himself stated that he was not above criticism. More tellingly, three thousand workers went on strike in support of Ms. Kotshadej and her right to express her opinions.

Triumph International also refers to its successful effort to get permission from the Thai court to dismiss Ms. Kotshadej. This is not surprising, given that the company did not inform Ms. Kotshadej of the case proceedings and failed to ensure that she had an opportunity to defend herself. Management waited until the case was decided against her before telling her about the case and informing her of her dismissal.

WHAT MUST TRIUMPH DO NOW TO PROVE THAT IT RESPECTS HUMAN RIGHTS AND INTERNATIONAL LABOUR STANDARDS?

The Clean Clothes Campaign welcomes Triumph International's participation in negotiations with the union, and its statements of respect of union rights and freedom of expression. However, it is troubling that Triumph International has refused two times to sign a draft agreement which included the reinstatement of Jitra Kotshadej. In a phone call on August 20, Mr Prasad Ramakrishnan stated that in principle the company agreed with a proposal made in the presence of government officials to bring a resolution to the conflict at BFT and to reinstate Ms. Kotshadej. Two days later, the company expressed its unwillingness "to discuss reinstatement of the former employee at this time". Triumph must stop stalling and immediately negotiate with the union and their democratically elected leaders to reach resolution of the case, which includes reinstatement and affirmation of its respect for freedom of expression.