

Urgent Appeal for action from Gina Relation Labour Union: Thailand

Workers of the Gina Relation Labour Union need your action and support. Since the union was formed in 1994 management has embarked on a sustained campaign of intimidation, harassment and dismissal of union and union committee members. This campaign intensified in 2001 when new management of the company was installed. The company has ignored rulings of both the Thai Governments Labour Relations Committee and the National Human Rights Commission. The union is asking for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws. Please read on for more details. Sample letters appear at the end of this appeal.

Gina Form Bra Company Ltd. is a subcontractor factory owned by a Lao family from Hong Kong. It was set up in Thailand in 1985 and is located in Bangkok. The company employs 1,400 workers; 1,100 are women workers. It produces underwear for big brand names such as Gap, Victoria's Secret, Banana Republic, K-Mart and Jacob. The company is certified under WRAP (Worldwide Responsible Apparel Production).

In 2001 the management of the company was taken over by a Thai group. This new management immediately began sustained harassment of the union executive and members with the aim of destroying the union that was formed in 1994. The previous management had also tried to prevent the formation of a union, dismissing a core group of workers who submitted demands before the union's registration (in 1994). In 2001 there were 1,100 union members now, as a result of the harassment campaign by management there are 700 union members.

Management has used the collective bargaining process as a strategy to attack the union and workers: by deliberately issuing regulations that affected and contradicted the collective agreement between management and the workers and by arresting and dismissing a member of the union committee. Management also laid off nearly 300 union members and more than 200 trainees. They also put the union committee members on the same line of production and shifted a large number of workers without giving them any work.

On 16th August 2001, before the union submitted their annual demands, the former chairperson and treasurer of the union committee were charged with gambling and management requested the court to lay her off. When the union submitted worker's demands on 27th August 2001, management refused to negotiate, despite five calls from the labour relations officers. They did however agree to a renewal of the agreement.

On the 25th of September 2002, management submitted a counter demand that reduced the benefits and welfare provisions for workers, eg: bonus, diligent allowance and the annual wage increase without any consultation with the union. Five union committee and 27 union members were laid off. Management vetoed out the union's demands by questioning whether the union was a true representative of the workers because the court case was going on and they were in the process of being laid off.

During negotiations both members and non-members were threatened and asked not to join the demonstration. The number of guards used to control the workers increased. Union committee members were watched through the closed circuit TV and a video camera was also deployed to shoot the events and note the active members.

Sub-contract workers (hired through an employment agency) with lower wages and benefits were brought to work in the factory in place of the regular workers who were not given any work.

Management issued letters and press releases to charge and attack union committee members and implicate them falsely in financial and sexual scandals. Due to this deadlock, the Labour Ministry ordered the Labour Relation Committee (LRC) to make a decision on the disputed labour issues according to Section 24 of the Labour Relation Act (LRA) 1975.

The LRC decision on 21st November 2001 ordered the laid-off workers be re-installed and be paid compensation. After the order, management called union members and asked them to sign an individual contract with conditions below the collective agreement. They also laid off 150 more workers, committee members and union members on the 8th, 10th and 11th of December 2001.

The workers and the union took their complaints to the National Human Rights Commission on 27th November 2001.

On 14th and 15th August 2002 six committee members were moved from the sewing section to the quality checking section. These workers had not been trained for this work, nor did they have any previous experience. This section is in another small building where there are fewer union members. The administrators claimed that they received workers' complaints that the committee members had taken six days leave, which had affected the production and the teamwork of their lines. The pattern of work in this section was new to these workers. Also, wages and benefits were lower as there were no production target benefits. The deliberate isolation of union committee members was designed to increase pressure on the union.

The union committee were ordered to stop working between the 22nd and 27th August, 2002 with pay. During their absence management forced union and non union members to sign a blank piece of paper on which management later wrote workers agreement to their demands. Management then took this

document, on 23 August 2002, and registered it with the Department of Social Welfare and Labour Protection of the Ministry of Labour and Social Welfare. The union later submitted a letter to the Ministry rejecting the new employment conditions.

On 18 September 2002 management sued in separate cases five union members including the present chairperson of the union claiming that they slowed down their work performance and threatened their co-workers who did not join their slow down. Workers then made a complaint to Management. This is another tactic of the employer to pressure the union and workers in the lead up to the new round of collective agreement negotiations.

The judgement of the National Human Rights Commission was issued on 17 September 2002. It stated that all employers' and administrators' action against the workers and the union are a violation of human rights and are against several sections of the LRA 1975. This includes: the arrest of and the intention not to reinstall the former chairperson of the union, who had won their case, the signing of employment conditions that did not comply with the former agreement or the order of the LRC as well as refusing the right of the union committee members to perform their work.

The union would like to request local and international unions and NGOs to support the campaign of their union and their demands, which are:

- (i) The Gina Form Bra Company Limited should end their repressive actions that will destroy the union. The company should recognise the right of the union to organise workers by:
 - A. Reinstating Ms Sombun Rodjareon who is a union committee member.
 - B. Ending the laying-off of 5 union committee members by withdrawing the request in the Labour Court of laying them off.
 - C. Reinstating 38 workers who the LRC had ordered the company to reinstate.
- (ii) The Gina Form Bra Company Limited should recognise the right to bargain according to the Thai laws by seriously implementing the employment conditions agreement. They should abolish the individual contracts that caused differences in contracts between workers. This also causes discrimination between workers and destroys the union.
- (iii) The Gina Form Bra Company Limited should end their interference in union matters. The company should stop putting pressure upon and ill-treating union members and committee members. The company should move all of the committee members back to their original positions. They should also recognise the activities of the union and provide freedom of dissemination of information and access to public relations for the union.

Please send your appeal to the following persons and addresses:

Prime Minister of Thailand
The Hon Mr Thaksin Shinawatra
Office of the Prime Minister
Pitsanuloke Rd
Bangkok 10300
Thailand

Gina Form Bra Company Limited
80/8 Moo 4 Soi Ramindra 39
Ramindra Rd, Bangkhen
Bangkok 10220
Thailand

Please send copies and solidarity messages to:
Gina Relation Labour Union
405/12 Pracha Uthit Rd
Soi 33
Ratburana
Bangkok
Thailand

- SAMPLE LETTERS - Please feel free to change or write your own letters:

DATE

Prime Minister of Thailand
The Hon Mr Thaksin Shinawatra
Office of the Prime Minister
Pitsanuloke Rd
Bangkok 10300
Thailand

Fax: +(662) 282-8587 or +(662) 282-8631

The Hon Mr Thaksin Shinawatra,

The (*the name of your union/organisation, who you represent, country*) has learnt of the ongoing harassment, intimidation, dismissals, lay offs and forced implementation of individual contracts at the Gina Form Bra Company Limited, Bangkok, Thailand.

The union is asking for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws.

These demands have been upheld by rulings from your National Human Rights Commission (17 September 2002) and the Labour Relations Committee (21st November 2001).

It is clear from the company's failure to comply with these legal rulings that they have no respect for the integrity of these legal institutions. This company has for many years produced brand label underwear for the US, Canadian and European markets with the support of the union and its members. We also understand that this company has been certified under the Worldwide Responsible Apparel Production (WRAP) system. We would therefore urge you to strongly intervene to ensure that Gina Form Bra Company Limited implements in full the rulings of the National Human Rights Commission and Labour Relations Committee thereby respecting Thai law and meeting the demands of the Gina Relation Labour Union.

We look forward to hearing about your intervention to bring about a fair and just settlement for the workers of this company.

Yours sincerely,

Your name

Position

Organisations name

Cc Gina Relation Labour Union

DATE

Gina Form Bra Company Limited
80/8 Moo 4 Soi Ramindra 39
Ramindra Rd, Bangkhen
Bangkok 10220
Thailand

Dear Sir,

The (*the name of your union/organisation, who you represent, country*) has learnt of the ongoing harassment, intimidation, dismissals, lay offs and forced implementation of individual contracts at your company the Gina Form Bra Company Limited, Bangkok, Thailand.

We understand that your actions violate rulings from the National Human Rights Commission (17 September 2002) and the Labour Relations Committee (21st November 2001) of Thailand and are a violation of workers human rights.

We further understand that your company has been certified under WRAP (Worldwide Responsible Apparel Production) and produces brand label goods for GAP, Victoria's Secret, K-mart and Jacobs. WRAP guidelines state (in part) "Apparel manufacturers will recognize and respect the right of employees to exercise their lawful rights of free association & Collective Bargaining" and "Apparel manufacturers will comply with laws and regulations in all locations where they conduct business".

We would urge you to implement the rulings of the National Human Rights Commission and the Labour Relations Committee and in doing so meet the demands of the Gina Labour Relations Union for an end to all management intimidation of the union; the reinstatement of union committee member Ms Sombun Rodjareon and 38 other union members; ending the layoff of 5 union committee members; abolition of individual contracts and recognition of the right of the union to collectively bargain in accordance with Thai labour laws.

We along with other unions and labour organisations will be monitoring this situation closely to ensure that your company respects the laws and rulings of the institutions of Thailand and human rights of workers in your company, many of whom have been contributing, with the union to your profits over many years. We hope that you will be able to negotiate with the union in a fair and just manner.

Yours sincerely,

Your name
Position
Organisations name

Cc Gina Relation Labour Union