

# SweatFreeCommunities

A Network for Local Action Against Sweatshops

## Talking Points in Response to Common Questions

This document is designed to help sweatfree activists respond to common questions from a variety of stakeholders with different concerns and perspectives. Each section presents talking points in response to a different stakeholder: an interested community member, a proponent of free markets, a city councilor, a city purchaser, an attorney, a local business, and a large corporation.

In some cases the talking points may help activists educate and persuade the stakeholder to support the sweatfree campaign. In cases where the stakeholder is unlikely to become a campaign ally, the talking points help activists respond effectively to the stakeholder's arguments and provide the public with a more balanced and nuanced understanding.

As you use these talking points, we encourage you to start by listening to the concerns of the stakeholders. Try to understand their perspective. By asking questions or expressing concern about a sweatfree ordinance or campaign, they are doing their job, perhaps seeking to learn more or telling you how you can be more effective. They may also have misinformation about purchasing and sweatshop conditions that you now have the ability to address. See every conversation as an opportunity to build a relationship based on informed exchange and mutual respect and, perhaps, to recruit a new advocate for the campaign.

### Interested community member

#### ***"How can a sweatfree purchasing policy make a difference?"***

Responses:

- We can show companies and other large purchasers of sweatshop goods – including our cities and states - that we care about the conditions under which the products we buy are made. When they know that enough people care they will change the way they do business.
- A sweatfree campaign is an effective way to create public awareness of working conditions in the production of consumer goods, and transform outrage about sweatshops into engagement with local institutions. People working locally on global problems are a powerful force for change.
- Together, cities and states have the power to change industries that depend on the government procurement market. Cleaning up the uniform sector is a good starting point and a practical goal. By joining together in a consortium, cities, states, and other public purchasers can pool resources for investigating and monitoring factories, coordinate policy enforcement, and create significant demand for sweatfree conditions.
- Better working conditions abroad mean less downward pressure on wages and conditions at home. We are part of the big struggle to stop the race to the bottom.
- Sweatfree campaigns tackle the root causes of sweatshops and introduce a vision of a new global economy where fairness, justice, and dignity are rewarded and not

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penalized.

***"Where should I buy from? Which companies should I avoid? Should I boycott certain companies?"***

Responses:

- Yes, there are some non-sweatshop sources that we can recommend; see [www.sweatfree.org/shopping](http://www.sweatfree.org/shopping)
- However, because exploitative working conditions are the norm in the global apparel industry and no major brand is sweatshop-free, ethical shopping alone is not enough to end sweatshops. We must also organize and educate to change the way the apparel industry operates. For example, we should persuade companies to:
  1. Use their influence to bring contractors into compliance with labor laws and international human and labor rights standards.
  2. Pay a fair price to factories and allow for a reasonable turnaround time so that workers can be paid a living wage and work decent hours.
  3. Buy from workplaces where workers are organized to protect their rights.
- Pressure on particular companies should always be connected to worker organizing. We only support boycotts when organizations representing workers explicitly call for that form of solidarity.

## Proponent of free markets

***"What jobs would people have if they weren't working in sweatshops? Wouldn't they be worse off?"***

Responses:

- Consider the context of globalization and free trade agreements, and let's examine the case of Mexico. Between 1994 - 2006, 1.5 million farmers were displaced from the land largely because the North American Free Trade Agreement (NAFTA) allows large, subsidized U.S. agribusinesses to sell artificially cheap corn and other agricultural products on Mexican markets. This is like forcing the village basketball team to compete against NBA All-Stars. The outcome is a given: small farmers and subsistence farmers will lose. To support their families, many displaced workers have moved to cities to get manufacturing jobs, often in exploitative conditions in "free trade" zones producing clothing and other consumer products primarily for U.S. and East-Asian companies. In recent years, free trade zone factories on the U.S.-Mexico border are closing down and moving further inland in Mexico, and many of those factories are now closing down and moving to China. For Mexican workers, sweatshops have not been a solution to poverty. However, for many large companies that rely on outsourcing of production, Mexican sweatshops have been an excellent – though temporary – competitive strategy, a strategy made possible by NAFTA.
- There is ample evidence from Central America, southeast Asia, and other regions over the last two decades that a hands-off approach to the market does not automatically lead to better working conditions and higher living standards for workers who enter sweatshop jobs. A sweatshop job is a dead-end job.
- Exploitative conditions will only change if we demand change. Sweatshop workers

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across the world are in fact demanding better conditions. We can support their struggles by organizing for sweatfree procurement policies.

- If poor people choose to work in very bad conditions instead of starving we cannot justify those conditions as a matter of workers' "free choice" any more than if workers were forcefully coerced into sweatshops.

## ***"If the sweatshops went away, where would these people work?"***

Responses:

- We are not demanding that sweatshops close down. Workers in sweatshops want jobs. The last thing they want is for the factory to close and workers to be laid off. But employers owe workers a decent job; they must respect labor laws in their factories, pay a living wage, and treat workers with dignity. Workers' goal and our goal is to improve working conditions, not shut down bad factories.
- Many large companies cut and run from factories when they discover serious worker rights violations. Our message to these companies is that they should stay and help improve conditions because they share responsibility for abusive conditions. We should ask the companies what the workers will do when they pull orders from a factory.

## **City councilor**

***"Of course, I do not support sweatshops. I believe that my colleagues in the City Council will agree. I will support a sweatfree policy but we cannot ask the city to spend money to enforce the policy. The city is in a budget crisis and faces many pressing financial demands."***

Responses:

- Without enforcement the policy is only symbolic. To make a real difference we need more than a feel-good resolution. If the city is truly interested in ridding sweatshops from its supply chain, it must provide the necessary funding for factory inspections and enforcement services.
- Recently the City of Los Angeles and the City and County of San Francisco each allocated \$100,000 for one year of sweatfree procurement policy enforcement. Half of the funding goes to a city staff person to ensure policy implementation and the other half goes to a non-profit independent monitor for factory inspections.
- The State and Local Government Sweatfree Consortium will allow cities and states to pool resources and share the cost of enforcement by creating an economy of scale. The cost to our city is currently estimated to be 1% of the procurement budget of goods to be monitored. Affiliation with the Consortium will allow us to investigate factory conditions and enforce code of conduct compliance cost-effectively.

## **City purchasing department representative**

***"Some vendors will not disclose information about their contractors and supplier factories. They claim that it is confidential information. Others do not even have information on their supplier factories."***

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## Responses:

- Factory information is accessible. If we hold all vendors strictly to the same level of responsibility, we will be able to get the information.
- The City of Milwaukee and the State of Maine have been able to receive factory and wage disclosures from vendors and are making them available on their websites. The Worker Rights Consortium has information on factories supplying licensees of over 160 colleges and universities on their website. These examples show that companies have been able and willing to make factory information public when it is required of them.
- Factory information needs to be publicly accessible to enable independent third-party organizations to verify companies' claims about working conditions and report any code of conduct violations. Without public disclosure a sweatfree policy is unenforceable.
- Companies that produce university logo clothing initially argued that factory disclosure would place them at a competitive disadvantage. But it turned out that many of these companies were producing clothing in the same factories. They already knew where their competitors were producing. It is not surprising, therefore, that not a single company producing for the university logo apparel market has alleged any harm to their competitive ability as a result of disclosing factory locations.
- Affiliating with the State and Local Government Sweatfree Consortium will help cities and states implement the sweatfree policy and obtain factory information from vendors.

## ***"Implementing a sweatfree procurement policy takes too much time."***

## Responses:

- Explaining and administering the code of conduct and new requirements to vendors is a new area of work for many purchasing officials and may require some extra time especially in the beginning. However, administrators can take steps to minimize the burden on purchasing officials by establishing a volunteer-based (no cost) sweatfree advisory group to assist with the implementation and enforcement of the sweatfree policy; hiring an extra staff person responsible for administering the sweatfree procurement policy as the cities of Los Angeles and San Francisco have done; and, most significantly, affiliating with the State and Local Government Sweatfree Consortium. The Consortium will help in evaluating the factory disclosure data, conduct factory investigations, communicate with vendors, and serve as a central point of communication for purchasing officials to share best practices.
- By investing time and resources in policy implementation, purchasing officials will ensure that the policy helps to level the playing field for ethical businesses and improve conditions for sweatshop workers. Anything that makes a real impact takes time and money.

## ***"I cannot find sweatfree sources for the products we want."***

## Responses:

- Sweatfree procurement policies can have two different types of requirements. One type requires evidence from a company about working conditions in their supply chain. The second type of policy requires evidence from a third party, such as a

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third-party independent monitor. Both types of policies allow the purchasing department to continue procurement from current vendors as long as they adhere to the standards and requirements of the new law.

- The State and Local Government Sweatfree Consortium will develop resources for purchasing departments and vendors. The Consortium will assist affiliates in identifying brands and manufacturers that repeatedly refuse to rectify worker rights violations, and also pre-screen potential sweatfree supplier factories for the state and local government market.

## **Attorney who works for the state / county / city / school district**

***"The state/county/city/school district cannot act as an enforcer of other countries' labor laws. It is a form of cultural imperialism to require that other countries pay their workers a living wage."***

Responses:

- The government entity is not enforcing other countries' labor laws. As a consumer, the government entity can decide to only purchase products made under fair labor conditions just like any individual consumer can.

***"A sweatfree policy would violate trade agreements such as NAFTA and CAFTA."***

Responses:

- NAFTA's chapter on government procurement only applies to the federal government.
- Government procurement rules in CAFTA and other regional or bilateral trade agreements only apply to states that have voluntarily agreed to abide by its rules. The procurement rules do not apply to U.S. counties, cities, school districts, or smaller public entities.
- The procurement thresholds in these trade agreements are high, excluding all but the most lucrative contracts. CAFTA's government purchasing rules only apply to contracts worth over \$477,000. Most state government apparel contracts are for smaller amounts. No trade agreement automatically invalidates a state or local law. A state government sweatfree procurement measure can only be overturned if it is successfully challenged as a "non-tariff barrier to trade" in a WTO or regional trade tribunal. In ten years of sweatfree procurement legislation, no such law has been challenged. The likelihood of a future challenge remains small.

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***"Our state law does not allow the city to adopt a policy requiring sweatfree purchasing."***

Responses:

- Some states will need to pass enabling legislation in order to allow localities to establish sweatfree conditions for purchases. We need to determine what changes in state law, if any, are necessary to permit us to attach sweatfree conditions to purchases and participate in a sweatfree consortium.

## **Major corporations / brands**

***"Good companies will suffer for the actions of a few bad apples."***

Responses:

- Human rights abuse in the global apparel industry is not an aberration, but the logical result of trade rules and industry relations that reward low wages and worker exploitation, and penalize decency and fairness in the workplace. As a result, sweatshops with their poverty wages, forced overtime, and dangerous working conditions are the norm for tens of millions of workers in the global apparel industry where contract shops compete relentlessly for customers by cutting costs and pressuring workers to work harder for less.
- Between 1995 and 2001 the U.S. Department of Labor repeatedly surveyed cutting and sewing shops in the major U.S. apparel centers – New York City, northern New Jersey, and Los Angeles in particular. Each of these surveys found that 50-60% of the shops failed to pay either the minimum wage, or overtime, or both. In 1996, California state labor investigators found that 72% of the garment firms in Southern California had serious health or safety violations as well. The data indicate that these exploitative conditions are "normal" at the heart of the U.S. apparel industry.
- Most of the clothing that enters the world export stream comes from places where labor standards are below international norms and conditions are substandard. China holds a 28% share of all garments imported by the United States. There, workers have no rights of free association; export factories regularly violate minimum wage laws; work weeks of 70 hours or more are common. In Bangladesh, among the top five apparel exporters to the United States, safety conditions are so bad that catastrophic factory fires, reminiscent of the Triangle Shirtwaist Factory fire, killed hundreds of workers in three separate incidents in just one deadly week in February, 2006. Bangladeshi workers earn 10-14 cents/hour and work 74 and more hours per week. In El Salvador, workers' human rights are regularly violated. According to Human Rights Watch, "Because labor laws are weak and government enforcement is often begrudging or non-existent, employers who flout the law have little to worry that they will suffer significant consequences."
- Even companies themselves have begun documenting chronic human rights violations in most of their factory base, including physical and verbal abuse, restricted access to toilets and drinking water, forced overtime, and below legal minimum wages.

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***"People don't run their businesses in foreign countries the same way we run them here in the United States. There are cultural differences in social responsibility."***

Responses:

- There is no evidence of cultural standards rendering sweatshop abuses acceptable anywhere. Around the world, workers organizing for better treatment demonstrate that they do not accept abuses. The degree of social responsibility in a factory or a region has more to do with the strength of a social movement demanding social responsibility than cultural acceptance or rejection of abuse.
- There is broad international agreement on basic fair labor standards, set by the United Nation's International Labor Organization (ILO). The ILO has identified eight conventions as fundamental to the rights of human beings at work, irrespective of countries' levels of development. The conventions cover the areas of freedom of association and the right to collective bargaining; the elimination of forced and compulsory labor; the abolition of child labor; and the elimination of discrimination in the workplace. According to the ILO, these measures "set the basis for social justice in the workplace and provide a framework to ensure that people fairly share in the wealth that they have helped generate." These include freedom of association and the right to collective bargaining, the elimination of forced and compulsory labor; the abolition of child labor, and the elimination of discrimination in the workplace. Companies should uphold these internationally recognized standards as well as local labor laws.
- This argument is sometimes used in reference to the use of child labor. However, all countries (except Somalia and the U.S.) have agreed to the United Nations Convention on the Rights of the Child, which upholds "the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

***"We don't own the facilities; they are contractors. If they are doing the wrong thing, it is not our responsibility."***

Responses:

- Major corporations often create the conditions for abuse in a factory by setting the terms of the contract, including low price, high volume, and quick turn-around time. The big players control the game: the ten largest retailers account for nearly two-thirds of all apparel sales in the United States. The combination of concentrated buying power in the retail/wholesale sector and excess production capacity in domestic and overseas garment factories allows large companies to lower the price they are paying for goods and dictate more stringent performance standards for suppliers. In effect, the terms dictated by large retailers and brands determine where and under what conditions apparel is produced. Therefore the conditions in contractor facilities are their responsibility.
- Company claims of ignorance of working conditions are usually disingenuous. They have agents in the factories and they take good care of quality control. They can also make sure workers' rights are respected. With power and knowledge comes responsibility.
- It is essential for companies to publicly disclose their factory sources in order to allow independent third-party verification of working conditions.

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***"We're already monitoring our factories – so leave us alone."***

Responses:

- It is good that you are monitoring factories for labor standards compliance, but it is not enough. Working conditions need to be independently verified.
- If you are already monitoring your factories and expect to be in compliance with the code of conduct, then why worry about disclosing factories so that a third-party can verify compliance?

***"We're already helping because we're giving them jobs."***

Responses:

- We are not asking you to "help," but to meet your legal and moral responsibilities by abiding by all local laws and international labor standards, and by offering terms to contractors that allow them to stay in business while obeying the law and negotiating fair terms with the workers. In any case, providing sweatshop jobs is not "helping" by any stretch of the imagination.

## Local vendor

***"A sweatfree policy will make it very hard for me to do business with the state/county/city/school district. It is not possible for me get the information required. I am worried that I will miss out on bids and that big companies located far away will get the bids instead. How can this possibly help the economy in our state?"***

Responses:

- We support small and local businesses and recognize that a global marketplace most often serves the interests of large corporations. Sweatfree policies should help level the playing field, benefiting responsible local businesses. The State and Local Government Sweatfree Consortium will ensure that all companies, small or large, play by the same rules in order to qualify for a contract. The Consortium will also ensure that small businesses have the resources they need in order to submit sweatfree bids, including information about suppliers. While we recognize that some of your suppliers may not, at first, want to provide you with information about their sources of production, the Consortium will place everyone on an equal footing. Many suppliers welcome sweatfree rules today. When more cities, states, and businesses demand sweatfree products more suppliers will seek access to the sweatfree market.
- We would like to encourage you to join other small businesses in supporting the campaign for a State and Local Government Sweatfree Consortium and to join Businesses Against Sweatshops as a campaign endorser. Endorsement information is available here: [www.sweatfree.org/sweatfreeconsortium](http://www.sweatfree.org/sweatfreeconsortium)
- A global economy founded on worker exploitation undermines economic security both at home and abroad. By contrast, incentives for fair business practices strengthen the local economy. Sweatfree purchasing policies ensure a level playing field where all companies compete fairly for public contracts..
- What resources would you need in order to remain a competitive bidder once sweatfree procurement legislation is adopted? (Engage in a conversation.)