Gender Based Violence in the Walmart Garment Supply Chain

WORKERS VOICES FROM THE GLOBAL SUPPLY CHAIN : A Report to the ILO 2018



Asia Floor Wage Alliance (AFWA) was officially formed in 2006 and includes more than 76 organizations, including garment industry trade unions, NGOs, consumer groups and research institutes from more than 17 countries from across Asia, Europe and North America.

The Center for Alliance of Labor & Human Rights (CENTRAL) is a local Cambodian NGO. The organization empowers Cambodian working people to demand transparent and accountable governance for labor and human rights through legal aid and other appropriate means.

Global Labor Justice (GLJ) is a strategy hub supporting transnational collaboration among worker and migrant organizations to expand labor rights and new forms of bargaining on global value chains and international labor migration corridors.

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EXECUTIVE SUMMARY

In January 2018, in Dhaka, Bangladesh, Sulatana, a skilled garment worker with 10 years of experience, was hired as a production-line manager by a Walmart garment supplier employing more than 1000 workers. In the weeks that followed, the General Manager of the factory made frequent advances. Sulatana recounted:

> He flirted with me, he would touch me on the shoulder or touch me on the head. I tried to ignore him. I thought if I showed no interest, he would stop. It didn't work. On April 11, three days before Bengali New Year, the General Manager called me to his office and asked me to go out with him on the holiday. I gently refused. The next day, the Production Manager approached me and asked, "What is wrong with you? Why don't you spend some time with the boss?" I refused again and explained that I was spending the holiday with my five-year old son.

On April 17, 2018, the first working day after the three-day New Year holiday, the Production Manager approached Sulatana again:

> He pressured me to agree to the General Manager's proposal. He offered me a salary increase and a promotion if I agreed. When I did not, he threatened to fire me. I was anxious and afraid. I skipped work the next day.

On April 19, Sulatana went to the Ashulia police station to file a complaint. The police refused to receive the complaint on the grounds that Sulatana had no externally verifiable evidence. A few days later, on April 22, the General Manager called Sulatana to his office and asked her to resign immediately. When Sulatana approached human resources at the factory, she was informed that the General Manager's decision was final.

This example shows how women in Sulatana's position have no avenue for relief from ongoing sexual harassment at work. When Sulatana refused to spend time with the General Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability. At the time of interview, nearly three weeks later, Sulatana was still searching for a new job.

Sulatana's experience of workplace violence provides insight into the risk factors that leave women workers in Walmart garment supply chains exposed to violence. Notably, Sulatana is a highly skilled garment worker who was employed as a production line-manager. Although the majority of workers in this factory are women, unlike Sulatana, most of them do not work in management positions. Instead, women workers are concentrated in operator roles, either as button-machine operators, helpers or checkers in the cutting department; or as line tailors and helpers in the 900-person production department.

The gendered concentration of women workers as machine operators, checkers, and helpers in this Walmart supplier factory are a microcosm of gendered hiring practices in garment global production networks. According to the World Bank, women comprise 80% of the garment workforce in Bangladesh (2018). They rarely, however, hold management and supervisory positions.

This report—including interviews with more than 250 workers employed in 60 factories that supply to Walmart—documents the experiences of women garment workers at the base of Walmart garment supply chains in Bangladesh, Cambodia, and Indonesia. Concentrated in short term, low-skill, and low-wage positions, they are at daily risk of gender based violence and harassment at work.

This report provides an empirical account of the spectrum of gender based violence and risk factors for violence women workers face in Walmart garment supply chains. Chapter 4 of this report presents new research on gender based violence in Walmart garment supplier factories in Bangladesh, Cambodia, and Indonesia collected through interviews and focus group discussions with 25 workers and trade union leaders organizing in Walmart supply chains between February and May 2018.

Systematically documenting risk factors for violence, this report presents new, in-depth profiles of 4 Walmart supplier factories in Bangladesh and Cambodia completed between February and May 2018. It also draws upon Asia Floor Wage Alliance (2016) documentation of rights violations at work in Walmart garment global supply chains, compiled over four years of research (2012-2016) on Walmart supply chains in Bangladesh, Cambodia, and Indonesia.

As set out in Chapter 1 of this report, from May 28 to June 6, 2018, the International Labour Organization (ILO) will convene a Standard Setting Committee tasked with ending violence and harassment in the world of work. The proposed ILO standard is a timely opportunity to reach an expanded definition of gender based violence and establish a framework within which governments, employers, companies and unions can take action to tackle the problem.

In October 2016, an ILO Committee of Experts released a report framing the upcoming deliberations. The Committee noted that while violence can potentially affect everyone, specific groups, including women workers, are disproportionately impacted (GB.328/INS/17/5, para. 6; Appendix I, para. 11). Accordingly, the Committee called for specific action to address the gender dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2) and an international standard that can respond to new challenges and risks of violence and harassment that arise from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18). The October 2016 Committee of Experts report also presents a detailed set of risk factors for violence and harassment in the world of work, including risk factors associated with the nature and setting of work as well as the structure of the labour market (GB.328/INS/17/5, Appendix III). The Director-General of the ILO emphasized the need for better data on persistent violence and harassment in the world of work (GB.328/INS/17/5, para. 4).

Spectrum of gender based violence

According to the Committee of Experts convened by the ILO in October 2016, "violence and harassment" in the world of work includes a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering. Under existing international legal standards, gender based violence includes (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately. Forms of gender based violence include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty (CEDAW, General recommendation 19, article 1).

Women garment workers may be targets of violence on the basis of their gender, or because

Table 1: Spectrum of gender based violence in Walmart garment supply chains

	Gendered aspects of violence, including: 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	• Slapping, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive operator tasks, leading to chronic leg pain, ulcers, and other adverse health consequences, gendered aspect 2(a) • Serious injury due to traffic accidents during commutes in large trucks without seatbelts and other safety systems
Acts that inflict mental harm	• General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse targeting senior women workers so that they voluntary resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering	• Sexual harassment, gendered aspect (1)
Coercion, threats, and retaliation	• Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	• Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

they are perceived as less likely or able to resist. Comprising the majority of workers in garment supply chains in Asia, women workers are also disproportionately impacted by forms of workplace violence perpetrated against both women and men. For women garment workers, violence and harassment in the world of work includes not only violence that takes place in physical workplaces, but also during commutes and in employer provided housing. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7-8).

Chapter 4 of this report provides examples and cases of the spectrum of violence reported by women garment workers in Walmart supply chains in Bangladesh and Cambodia, including acts that inflict sexual harm and suffering; and forms of violence characteristic of industrial discipline practices, including physical violence, verbal abuse, coercion, threats and retaliation, and routine deprivations of liberty including forced overtime.

Risk factors for gender based violence

The experiences of gender based violence in Walmart garment supply chains documented in this report are not isolated incidents. Rather, they reflect a convergence of risk factors for gender based violence in Walmart supplier factories that leave women garment workers systematically exposed to violence.

Risk factors in Walmart garment supply chains are a by-product of how Walmart and other multi-national corporations do business. Chapter 2 of this report provides a brief overview of global production networks in general and the garment global production network in particular. It outlines asymmetrical relationships of power between brands and suppliers in garment supply chains, brand purchasing practices driven by fast fashion trends and pressure to reduce costs, and the corresponding proliferation of contract labour and subcontracting practices among supplier firms. These practices have a profound impact on the Bangladeshi, Cambodian, and Indonesian garment production industries.

Labour practices in garment production factories have been described as operatory labour practices, referring to the role of workers as basic operators. Operatory labour practices correspond with particular working relationships (Table 2). These labour and employment practices among garment suppliers expose workers to risk factors for violence.

Chapter 5 of this report documents risk factors for violence documented in the Walmart garment supply chain, including use of short term contracts, production targets, industrial discipline practices, wage related rights abuses, excessive working hours, and unsafe workplaces. Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, failure to require independent monitoring, and gendered cultures of impunity among perpetrators of violence, and prevent women from seeking accountability and relief.

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Authority	
Management	• Hierarchical work relations • Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	• Anti-union management practices
Workforce demographics	
Education	• Illiterate, low literacy and literate
Women	• High %age of women migrant workers • Concentration in low-skill departments and tasks • Home-workers hired on piece rate
Employment conditions	
Wages and incentives	• Below or at minimum wage and piece rate payment
Overtime	• High levels of forced overtime
Employment security	• Low employment security

ILO standards to address violence against men and women in the world of work

How can standards on violence against men and women in the world of work address gender based violence in garment global production networks in Asia?

As detailed in this report, women workers concentrated in low-wage employment at the base of Walmart garment supply chains are at daily risk of violence. The structure of production in global production networks (GPNs), involving several companies across multiple countries, allows brands and retailers to drive sourcing and production patterns while deflecting accountability for how purchasing practices drive severe violations of rights at work.

Following ILC deliberations on global supply chains at the 105th Session (2016), the ILO Committee on Decent Work in Global Supply Chains submitted a report with a resolution and conclusions for adoption by the Conference (ILC105-PR14-1-En). The Committee noted the significance of the ILO in ensuring decent work in global supply chains:

With its mandate, experience and expertise in the world of work, its normative approach to development and its tripartite structure, the ILO is uniquely positioned to address governance gaps in global supply chains so that they can fulfill their potential as ladders for development (para. 7).

As the only global tripartite institution, the ILO has a unique role to play in not only advancing decent work in supply chains, but also ensuring that supply chain governance addresses gender based violence. The proposed ILO standard on violence in the world of work is a timely opportunity to define violence, including sexual harassment, and establish a framework within which governments, employers, companies, and unions can take action to tackle the problem. Accordingly, these recommendations seek to inform emerging understanding of violence in the world of work, identify specific risk factors for violence in garment global production networks, and ensure a duty among multi-national corporations (MNCs) and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

Recommendations to ILO

1. Adopt an expansive definition of "worker" and "workplace" to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on ending violence and harassment in the work of work, the term "worker" should cover persons in the formal and informal economy, including "(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants."

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and harassment in the world of work should cover situations, including "(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies."

1.4. The proposed situations should be expanded to include the following situations:

1.4.1. employer-provided housing;

1.4.2. recruitment sites, including day-labor recruitment sites;

1.4.3. home-based work; and

1.4.4. export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. As presented in the Proposed Conclusions of Report V(2), "victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public."

1.6. The proposed definition of "victims and perpetrators" should be expanded to include the following roles:

1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.

1.6.2. private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise

or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party ("user enterprise"); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high-stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low-wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) "violence which is directed against a woman because she is a woman"; and (2) violence that "affects women disproportionately" (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

5. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

5.1. Take the following complementary measures to protect workers employed in global value chains:

5.1.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

5.1.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

5.1.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention 1930 and accompanying Recommendation, 2014.

5.1.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

6.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

6.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social, and personal risks.

6.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

6.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

6.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

6.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

6.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

6.2. Research adverse impacts of purchasing practices upon:

6.2.1. Core labour standards for all categories of workers across value chains.

6.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

6.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

6.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

6.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

7.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

7.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

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ABBREVIATIONS AND ACRONYMS

AFWA	Asia Floor Wage Alliance
AFWA-C	Asia Floor Wage Cambodia
AFWA-I	Asia Floor Wage Indonesia
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association Bangladesh Labour Act
BLA	Bangladesh Labour Act
BNPS	Bangladesh Nari Progati Sangha
CATU	Cambodian Alliance of Trade Unions
CBA	Collective Bargaining Agent
CCAWDU	Coalition of Cambodian Apparel Workers Democratic Union
CCC	Clean Clothes Campaign
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CENTRAL	Center for Alliance of Labor and Human Rights
DIFE	Department of Inspection of Factory and Establishment
DIR	Department of Industrial Relations
DoL	Department of Labour
EPZ	Export Processing Zones
EWAIRA	EPZ Workers Association and Industrial Relations Act
FoA	Freedom of Association
FGD	Focus Group Disscussion
GDP	Gross Domestic Product
GMAC	Garment Manufacturers Association in Cambodia
GPN	Global Production Network
GSC	Generalized System of Preference
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	International Labour Conference
ILO	International Labour Organization
ILRF	International Labour Rights Forum
MFA	Multi–Fiber Agreement
MoLE	Ministry of Labor and Employment
MLVT	Ministry of Labour and Vocational Training
RMG	Ready Made Garment
SLD	Society for Labour and Development
TATA	Textiles and Apparel Trade Agreement
TCLF	Textile, Clothing, Leather and Footwear
TNC	Transnational Corporation
TTP	Textile and Textile Products
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organization

METHODOLOGY

This report is based upon six years of documentation of gender based violence and decent work violations in Walmart garment supply chains by Asia Floor Wage Alliance partners. It includes the results of interviews and focus group discussions with 250 workers employed in 60 Walmart supplier factories across Bangladesh, Cambodia, and Indonesia.

Our most recent investigation of gender based violence in Walmart garment supplier factories was conducted between January 2018 and May 2018 in Dhaka, Bangladesh; Phnom Penh, Cambodia; and West Java, Indonesia. This research phase sought to understand gender based violence and associated risk factors and to use this information to address gender based violence through an approach that incorporates training on workplace violence as well as national and international level advocacy.

Consistent with these objectives, this investigation employed qualitative social science methodologies as well as Participatory Action Research (PAR) approaches that emphasize community participation and action to address barriers to accessing rights and entitlements.

Field investigation of gender based violence in Walmart factories in Bangladesh, Cambodia, and Indonesia was conducted by CATU and CENTRAL, in Cambodia, Asia Floor Wage Alliance-Indonesia (AFWA-I), and Development Synergy Institute in Bangladesh. Field research was coordinated by the research team at the Society for Labour and Development (SLD), the current Secretariat for the Asia Floor Wage Alliance (AFWA).

Worker strategies

In Cambodia, the Cambodian Alliance of Trade Unions (CATU) regularly runs 'know your rights' trainings for workers in garment and footwear factories. Participants in CENTRAL's FGDs from Walmart suppliers all reported that they did not know what forms of violence in the workplace were against the law. CATU's trainings aim to inform Cambodian garment workers about their rights under the Law, covering elements of the Criminal Code, the Labour Law and the Law on Trade Unions. Through organising and supporting garment workers and expanding their knowledge of their rights under Cambodian law, CATU is helping to develop a new generation of union leadership in Cambodia.



Cambodian garment workers in a 'know your rights' training with the Cambodian Alliance of Trade Unions (CATU). The workers pictured are not from factories interviewed for this report.
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This report also revisits Asia Floor Wage Alliance (2016) documentation of rights violations at work in Walmart garment global supply chains, compiled through survey-based and case study research conducted between December 2012 and May 2016 in Dhaka, Gazipur and Narayan Ganj, Bangladesh; Phnom Penh, Cambodia; and Jakarta, Indonesia.

Research questions:

This research seeks to answer three interrelated questions:

- What are the gendered forms of violence and harassment women garment workers experience in Walmart garment supply chains in Bangladesh, Cambodia, and Indonesia?

- How does gender interact with risk factors for violence and harassment articulated by the ILO Experts Committee to expose women garment workers to this spectrum of gender based violence?
- How have workers, trade unions, organizations, and collectives taken effective action to address gender based violence in global production networks in Asia?

Research phase I:

Preliminary analysis of gender based violenceand risk factors

In research phase one, researchers conducted focus group discussions (FGDs) with women workers employed in Walmart garment supply chains, and trade union leaders engaged in organizing workers in Walmart supply chains. Focus group discussions sought to identify forms of gender based violence in the workplace and risk factors for violence. In identifying forms of gender based violence, researchers used the definition of gender based violence set out in General recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women (CEDAW). Researchers used risk factors articulated in the October 2016 Conclusions by the Meeting of Experts on 'Violence against Women and Men in the World of Work' as a benchmark for understanding risk factors for violence in Walmart garment supply chains.

Phase one FGDs included 18 women workers engaged in Walmart supply chains in Bangladesh, Cambodia and Indonesia; and 7 trade union leaders engaged in organizing workers in Walmart garment supply chains. This sample includes workers from 5 supplier factories across Bangladesh, Cambodia, and Indonesia. All focus group discussions were conducted in person with full consent from workers. In order to protect the identity of workers who participated in this study, all individual names have been changed.

Research phase II:

Case and context studies of gender based violence

In research phase two, researchers conducted case and context studies to develop in depth accounts of the forms of gender based violence in the workplace and risk factors for violence identified in research phase one.

Research phase two case studies included documentation of incidents of gender based violence in the Walmart garment supply chain experienced and recounted by individual women workers, including case studies of sexual harassment, persistent and ongoing verbal harassment, retaliation for reporting sexual violence, and barriers to seeking relief, including management and state inaction in response to complaints.

Research phase two context studies sought to document working conditions that place women garment workers at routine risk of gender based violence. For instance, researchers documented extreme pressure to complete production targets where women face routine physical violence including slapping and throwing large bundles of clothes and smaller sharp projectiles such as including scissors; and verbal abuse. Researchers also documented high levels of job insecurity and threats of firing among temporary women workers that undermined reporting workplace abuses. Finally, by completing detailed "day in the life" accounts, researchers documented deprivations of liberty including being forced to work through legally mandated breaks, forced overtime, and relocation of workers between factories and buildings without prior consent.

Research phase III:

Walmart factory profiles and risk factor survey data

In research phase three, AFWA partners completed factory profiles of five Walmart factories. These factory profiles sought to provide a demographic snapshot of the Walmart garment supply chain workforce that demonstrates the concentration of women workers in temporary, low-wage production jobs within the garment supply chain. Factory profiles also sought to understand working conditions, presence of trade unions, and dispute resolution mechanisms.

Due to concerns about retaliation among Asia Floor Wage Alliance partner unions, this report does not name the supplier factories profiled in Bangladesh and Indonesia.

These factory profiles are contextualized by survey-based and case study research on violations of international labour standards in Walmart garment production factories conducted between December 2012 and May 2016 in Dhaka, Gazipur and Narayan Ganj, Bangladesh; Phnom Penh, Cambodia; and Jakarta, Indonesia. This sample includes structured interviews with 239 workers employed in 56 factories across Bangladesh, Cambodia, and Indonesia that supplied garments to Walmart at the time of investigation.

Dhaka, Bangladesh

- Bangladesh Factory 1, Ashulia, Savar, Dhaka, employing approximately 1025 workers
- Bangladesh Factory 2, Ashulia, Savar, Dhaka, employing approximately 4850 workers

Phnom Penh, Cambodia

- Cambo Handsome Ltd, Phnom Penh, Cambodia, employing 6379 workers
- Cambo Kotop Ltd., Phnom Penh, Cambodia, employing 1900 workers

West Java, Indonesia

- Indonesia Factory 1, Sukabumi, West Java, emplying approximately 1500 workers

Table 3: Walmart supplier factories investigated

Factory name	Date of	Workers interviewed
Berry Apparel	May 2014	15
Blossom Century	May 2014	5
Cambo Handsome	May 2014	10
Dongdu Textile	May 2014	4
Ghimli Cambodia	May 2014	10
Heart Enterprise	April 2014	10
JK Forever	April 2014	10
Makalot Garment	May 2014	10
Miaw Shun	May 2014	4
New Mingda	May 2014	10
Quicksew	April 2014	10
Sing Han Lo	May 2014	7
Unipros	May 2014	3

Table 4: Supplier factories in Cambodia investigated for this study that supplied garments to Walmart at the time of investigation

Wal-Mart Supercenter in Albany, New York, by UpstateNYer [CC BY-SA 3.0 from Wikimedia Commons

Research challenges

Stigma and retaliation associated with reporting gender based violence

Stigma and risk of retaliation associated with gender based violence leads many women workers to hide their experience of violence. Therefore, it required significant effort from researchers to identify potential respondents. In order to navigate this challenge, where possible, researchers worked in teams including both male and female researchers. They also sought partnerships with AFWA network members in order to facilitate access to engage with women workers. All interviewees were assured that their identity and any identifying case information would remain confidential.

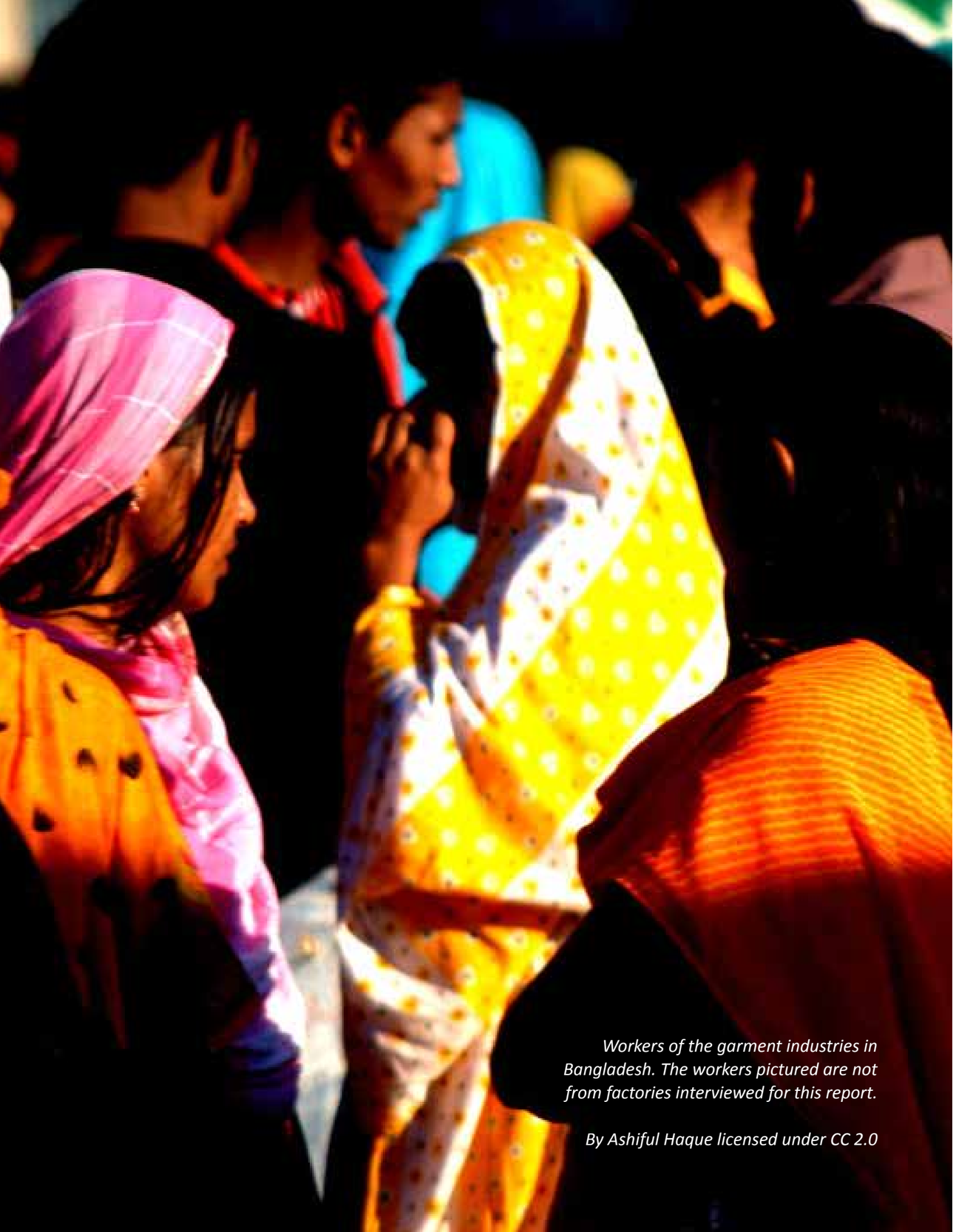
Respondents who did engage with the research team were, for the most part, particularly unwilling to discuss instances of sexual violence. Field researchers were trained not to persist with lines of questioning if they recognized any signs that the conversation might re-traumatize survivors. Accordingly, while our research uncovered 3 cases of sexual violence, including rape, in Walmart supplier factories in Cambodia, these cases have not been included in our research findings.

Undisclosed suppliers

Documenting rights violations in Walmart factories is particularly challenging because Walmart refuses to disclose basic information about its suppliers. In a context where rampant rights abuse are structurally embedded within supply chains, the importance of full public disclosure cannot be underestimated.



The ladies' apparel section in a Walmart Supercentre in Sacramento, California. Copyright Natalie Leifer for Asia Floor Wage Alliance



Workers of the garment industries in Bangladesh. The workers pictured are not from factories interviewed for this report.

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CHAPTER 1:
Gender based violence in the world of work

Emerging ILO standards on violence and harassment in the world of work

At its 325th Session (October–November 2015), the Governing Body of the International Labour Office decided that in June 2018, the International Labour Conference (ILC) will hold tripartite deliberations to develop standards to address violence and harassment in the world of work. The proposed ILO Convention and Recommendation on violence in the world of work is a timely opportunity to adopt an inclusive definition of violence and establish a framework within which governments, employers, companies and unions can take action to tackle the problem.

The October 2016 report on the outcomes of the Meeting of Experts on 'Violence against Women and Men in the World of Work' presents a detailed set of risk factors for violence in the world of work that lends insight into the conditions under which violence is more likely to occur. These include risk factors associated with the nature and setting of work as well as the structure of the labour market.

The Committee acknowledged that while violence can potentially affect everyone, specific groups are disproportionately impacted (GB.328/INS/17/5, para. 6). The 2016 Committee Report highlights that women workers may be particularly at risk (GB.328/INS/17/5, Appendix I, para. 11). Consistent with this acknowledgement, the Conclusions adopted by the Meeting call for specific action to address the gender dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

As articulated by the Report following the 2016 Experts Meeting, a (an) effective instrument(s) will be both sufficiently focused and flexible enough to address different socio-economic realities, different types of enterprises, and different forms of violence and harassment, as well as different contexts. Such (an) instrument(s) should also be able to respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18). In particular, the 2016 Experts Meeting Report points to the need to extend coverage of Occupational Health and Safety (OHS) and other legal protections relevant to violence and harassment in the world of work to excluded workers, groups and sectors by identifying and closing gaps (GB.328/INS/17/5, Appendix I, para. 18).

Finally, the Director-General of the ILO emphasized the need for better data on persistent violence and harassment in the world of work against workers and others (GB.328/INS/17/5, para. 4). Responding to this call, this research aims to contribute up-to-date evidence on persistent gender based violence and harassment against women garment workers in Walmart supply chains in Bangladesh, Cambodia, and Indonesia, many of whom are also migrant workers.

In addition to the October 2016 Meeting of Experts Report, the International Labour Office released Report V(1) setting out the law and practice in different countries, and questionnaire that was transmitted to member States in May 2017. A total of 85 governments sent their replies to the Office, with 50 of them indicating that the most representative organizations of employers and workers had been consulted. The Report V(2) and proposed Conclusions were prepared on the basis of the replies received from governments and organizations of employers and workers.

Violence in the world of work, related trends and forms

According to the Committee of Experts convened by the ILO in October 2016, “violence and harassment” include a continuum of unacceptable behaviors and practices that are likely to result in physical, psychological or sexual harm or suffering.

Violence and harassment in the world of work encompass violence in the public or private sector, or in the formal or informal economy (GB.328/INS/17/5, Appendix I, para. 4). Violence in the world of work includes violence and harassment that take place not only in physical workplaces, but also in a broader spectrum of sites that reflect the evolution of work contexts, including: commuting, work-related social events, public spaces, teleworking and, in some contexts, the home (GB.328/INS/17/5, para. 8).

Within these spaces, violence can be “horizontal or vertical”; from sources internal to the workplace, or external sources such as clients, other third parties, and public authorities. Violence and harassment may be a one-off occurrence or repeated (GB.328/INS/17/5, Appendix I, para. 7).

The continuum of violence described above includes gender based violence (GB.328/INS/17/5, para. 7). It has been a consistent recommendation on the part of national and global unions that gender based violence be given special attention in the proposed ILO standard, since women are disproportionately affected by violence in the world of work (Pillinger 2017: xiii). Changing patterns of work, and particularly women’s increased participation in the labour market, has in many cases been in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. This makes women especially vulnerable to physical, verbal and sexual harassment and violence. (Pillinger 2017: ix-x).

Gender based violence

The October 2016 report of the Committee of Experts on ‘Violence against women and men in the world of work’ calls for specific action to address the gendered dimensions of violence (GB.328/INS/17/5, Appendix I, para. 2).

General recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW) defines gender based violence as “violence which is directed against a woman because she is a woman or that affects women disproportionately’, and, as such, is a violation of their human rights” (article 1). Forms of gender based violence named by General recommendation No. 19 include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of the any of these acts, coercion, and deprivations of liberty.

As explained by General recommendation No. 35 on gender based violence against women, released on July 14, 2017, for over 25 years the practice of States parties and the opinions of jurists have endorsed the Committee’s interpretation of gender based violence in recommendation No. 19. According to recommendation No. 35, the prohibition of gender based violence against women has evolved into a principle of customary international law (paragraph 2).

General recommendation No. 35 emphasizes that gender based violence is a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (para. 9). The Committee further underscores that gender based violence against women is one of the fundamental social, political, and economic means by which the subordination of women with respect to men is perpetuated (para. 10).

General recommendations No. 28 and No. 33—on the core obligation of States parties under article 2 of CEDAW and women’s access to justice, respectively—confirms that discrimination against women is inextricably linked to other axes of discrimination. These include: ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, trafficking of women, armed conflict, seeking asylum, being a refugee, internal displacement, statelessness, migration, heading households, widowhood, living with HIV/AIDS, deprivation of liberty, being in prostitution, geographical remoteness and stigmatisation of women fighting for their rights, including human rights defenders (No. 35, para. 12).

Indonesian women who protest rights violations they face in the garment industry, like many human rights defenders, are at risk of violent retaliation.





Employees at the Walmart distribution center in Temple, TX gather for a morning meeting by Matthew C. Wright, CC BY-NC-SA 2.0

CHAPTER 2:
Garment Global Production

This section aims to situate new empirical findings on gender based violence in Walmart factories in Bangladesh, Cambodia, and Indonesia within the broader context of global production networks in general and the garment global production network in particular. This basic overview outlines key shifts in employment relationships as production processes evolve to include several companies across multiple countries. It also identifies trends in concentration of control over production processes across various actors in the garment global production network. These features of work in the garment supply chain produce a gendered global labour force. Gendered patterns of labour recruitment and discipline expose women garment workers to workplace violence.

Global production networks

Brands like Walmart, headquartered in high-income countries, outsource production to supplier firms in developing countries. The Global Production Network (GPN) is a term that describes these contemporary production systems, characterized by production processes that involve several companies across multiple countries. Companies linked through GPNs are related through various legal forms, with exchanges between firms structured so that multi-national/transnational corporations (TNCs) do not legally own overseas subsidiaries or franchisees but only outsource production to them. The UNCTAD World Investment Report 2013 notes the structure and prevalence of this mode of production:

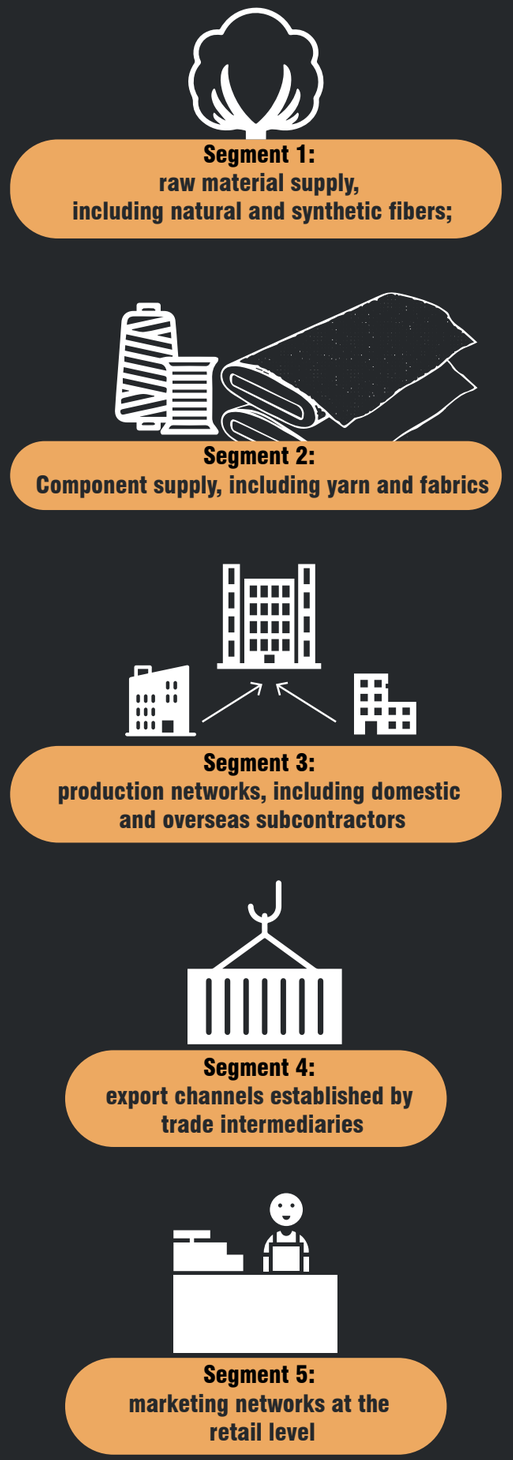
> Today's global economy is characterized by global value chains (GVCs), in which intermediate goods and services are traded in fragmented and internationally dispersed production processes. GVCs are typically coordinated by TNCs, with cross-border trade of inputs and outputs taking place within their networks of affiliates, contractual partners and arm's-length suppliers. TNC-coordinated GVCs account for some 80 per cent of global trade. (UNCTAD 2013)

As described by UNCTAD, GPNs shift market relationships between firms from trade relationships to quasi-production relationships without the risks of ownership. Within this model, TNCs drive coordinated production of goods while disbursing risk associated with market fluctuations across global value chains.

Garment global production networks

The Textile, Clothing, Leather and Footwear (TCLF) industry is characterized by geographically dispersed production and rapid, market-driven changes (ILO 2016). Brands engage in high-value market research, design, sales, marketing, and financial services. They typically outsource garment production to Tier 1 companies. Tier 1 companies may, in turn, subcontract some or all of the garment production process to manufacturing companies known as suppliers. This production structure allows brands and retailers to drive coordinated production of goods by capitalizing upon new technology, relaxed regulatory frameworks and a supply of low-wage labour in developing countries (Ghosh 2015). While brands and retailers do not carry out production, they drive sourcing and production patterns overseas. This production model has been characterized as a buyer-driven value chain (Barria 2014).

Figure 1: Structure of garment supply chains



The structure of garment value chains can be divided into five main segments (Figure 1).

- Segment 1: raw material supply, including natural and synthetic fibers;
- Segment 2: component supply, including yarn and fabrics;
- Segment 3: production networks, including domestic and overseas subcontractors;
- Segment 4: export channels established by trade intermediaries;
- Segment 5: marketing networks at the retail level. (Ghosh 2015)

Assembly (segment 3) is typically separated organizationally and geographically from other value-generating aspects of the value chain. Product suppliers and their workers (segment 3) depend upon orders from marketing networks, firms, and brands (segment 5).

Firms that control design, branding, and marketing (segment 5) also control sourcing decisions. Production costs are one significant factor in determining sourcing preferences. Decisions regarding how value addition activities and profits are distributed along the value chain, in turn, have a significant impact upon employers, workers and markets in producing countries. Profit generation by capitalizing upon price differentials between markets has been referred to as “global labour arbitrage”(Roach 2004). Value created in the garment value chain is substantially captured by the brands, while suppliers get only a small share, and workers in supplier firms even less.

Brand purchasing practices and accelerated work

Business relationships between brands and suppliers are governed by purchasing practices that impact the functioning of supplier firms and, in turn, working conditions in supplier firms. The ascendance of fast fashion and pressure on brands to reduce costs following the 2008 Great Recession inform contemporary purchasing practices.

While prior to the Great Recession, suppliers report quoting lump-sum costs for orders, today, it is common for suppliers to estimate costs per item and then bargain with brands. Suppliers project labour costs based upon minimum wages, rather than living wages; and ten-hour days, including two hours of overtime, rather than eight-hour working days. These projections lend insight into the routine practice by suppliers to pay only normal wages for overtime rather than the double-wage rate required under many labour law regimes (Nathan and Kumar 2016).

Current purchasing practices reflect the rise of fast fashion. Where the norm was previously four style seasons each year, the Zara brand pioneered changing styles monthly, or even every two weeks. Today, it is common for brands to release between eight and ten style seasons each year (Nathan and Kumar 2016). In addition to meeting rapid turnover in styles, suppliers may also receive irregular, repeat orders for items in high demand. Fast fashion accelerates production cycles and shortens lead time for suppliers. Garment, textile, and leather suppliers report inadequate lead times and routinely face fines for failing to meet order times (Vaughan-Whitehead and Caro 2017).

Accelerated production timelines without adequate lead time drive worker production targets. Production targets are typically set based upon samples made by highly skilled sample tailors. Regular line tailors may not be able to complete daily quotas (Nathan and Kumar 2016). Short lead times and corresponding high quotas drive suppliers to demand high speed turnover and forced overtime from garment workers (Vaughan-Whitehead and Caro 2017). As detailed in part five of this report, attempts by supervisors and line managers to drive worker productivity expose workers to a verbal and physical abuse.

Reliance on contract labour

Since 2010, garment brand and retail members of the UK Ethical Trading Initiative (ETI) have reported an increasing reliance on contract labour within garment value chains, marked by a growth in the proportion of the workforce that consists of contract workers. Rise in employment of contract workers has been attributed to buyer purchasing practices: downward pressure on the prices paid to suppliers combined with increasingly unpredictable and extreme seasonal variation in production, together, require garment suppliers to reduce production costs. Contract workers cost less to employ per unit because they often receive lower wages and rarely receive non-wage benefits, including paid leave and social security benefits. These terms of employment leave contract workers particularly vulnerable to exploitation, with poorer working conditions and a higher risk of serious abuse when compared to directly employed workers (Chan 2013).

Rise in employment of contract workers has been attributed to buyer purchasing practices: downward pressure on the prices paid to suppliers combined with increasingly unpredictable and extreme seasonal variation in production, together, require garment suppliers to reduce production costs. Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production, and downward pressure on wages.

Subcontracting

Tier 1 companies holding primary contracts with brands often subcontract production to smaller suppliers. At this level of the value chain, Tier 1 companies compete for contracts with buyers. In a parallel process, subcontractors compete for contracts with Tier 1 companies (Ghosh 2015).

Brands typically draw a distinction between their liability for authorized and unauthorized subcontracts. Unauthorized subcontractors may also be unregistered and therefore outside the purview of government regulation. Due to diminished government and brand accountability—especially among unregistered suppliers, working conditions among garment subcontractors have been found to deteriorate (Kashyap 2015). Within this structure, employers and workers engaged in assembly operations, including primary stitching and embellishment, have comparatively little negotiating power (Ghosh 2015).

Due to the structure of garment value chains, workers bear the brunt of global uncertainties within the industry.

Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production and downward pressure on wages. Obstacles to freedom of association and collective bargaining further undermine workers' negotiation power.

Gender based violence in the garment industry

Women workers employment in garment supply chains are overwhelmingly employed in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. Scholarship on gender in the global economy has long documented how gender hierarchies are produced and maintained in relation to transnational circuits of labour mobilization and capital accumulation. In varied, locally specific ways, international capital relies upon gendered ideologies and social relations to recruit and discipline workers, producing segmented labour forces within and between countries (Mills 2003).

Patriarchal norms that devalue women's labour reinforce gendered segmentation of the labour force. Gendered patterns of industrial discipline and patriarchal infantilization of women workers conspire to make women especially vulnerable to physical, verbal and sexual harassment, and violence.

Following ILC deliberations on global supply chains at the 105th Session (2016), the ILO Committee on Decent Work in Global Supply Chains, submitted a report with resolution and conclusions for adoption by the Conference (ILC105-PR14-1-En). The Committee recognized that women workers occupy both a significant and vulnerable position in global supply chain contexts:

> In many sectors, women represent a large share of the workforce in global supply chains. They are disproportionately represented in low-wage jobs in the lower tiers of the supply chain and are too often subject to discrimination, sexual harassment and other forms of workplace violence. In addition, they lack access to social protection measures in general, and maternity protection in particular, and their career opportunities are limited (14-1/2).

The 2017 study on Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action, released by the International Labour Office in 2017, calls for attention to new and emerging risks in the workplace, including work pressures, changes in work organization, and long working hours in manufacturing and other sectors (Pillinger 2017: xiii-xiv). The experience of Asia Floor Wage Alliance partners working with low-wage, informal sector garment workers engaged at the base of global production networks reveals that garment workers are subjected to many of the risk factors for violence in the world of work named by the ILO Expert Committee (Table 5).

Gender based violence is a subset of the continuum of violence addressed by emerging conversations on violence and harassment in the world of work. This research lends insight into how these risk factors conspire to make gender based violence and harassment a regular and lived reality for women garment workers. This approach

Enumerated risk factors from Committee of Experts Conclusions, October 2016, para. 9
• Working in situations that are not properly covered or protected by labour law and social protection.
• Working in resource-constrained settings (inadequately equipped facilities or insufficient staffing).
• Unsocial working hours (for instance, evening and night work)
Additional risk factors Committee of Experts Conclusions, October 2016, para. 10
• Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education, poverty, disability, HIV status, sexual orientation and gender identity, migrant status, and age.
• Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups.
• Intersecting grounds of discrimination, such as gender and race or disability
• Culture of impunity.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 13
• Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 14
• Concentration of women workers in low-wage jobs, especially in the lower tiers of the supply chains.
• Work in the home where workers are isolated and labour inspectors cannot enter non-traditional workplaces.
Additional risk factors Committee of Experts Conclusions, October 2016, para. 15z
• Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates.
• Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates.
• Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates.

Table 5: Risk factors identified by the ILO Expert Committee that expose garment workers to violence and harassment

recognizes that women are disproportionately affected by violence due to the impact of gendered inequalities, discrimination, roles, relations, stereotypes, patriarchy, and unequal power relations (Pillinger 2017; ix).

Asian garment value chains

Globally, Asia tops apparel exports worldwide. In 2016, more than 55.4% of the $443 billion dollars in global apparel exports originated from 7 Asian countries —in order of market share: China, Bangladesh, Vietnam, India, Hong Kong, Indonesia and Cambodia (WTO 2016).

Due to a range of factors—including poor capacity, limited resources, infrastructural needs, and, in some cases, adverse disposition towards protective labour standards—national labour standards in producing countries remain weak. Proclivity toward driving down labour standards, furthermore, is often linked to dominant global policy frameworks that prescribe labour deregulation as a prerequisite to attracting investment capital (Ghosh 2015).

The following sections provide an overview of garment value chains in Bangaldesh, Cambodia, and Indonesia. These country-level overviews provide basic information on market structure, workforce demographics, and brand activity.

Bangladesh

Bangladesh is the second largest exporter of Ready Made Garments (RMGs) in the world—second only to China. Today, the RMG sector is one of the key contributors to the Bangladesh economy in terms of employment, production, export, and foreign exchange earnings. The RMG sector currently contributes 17% of the Bangladeshi GDP and accounts for 81% of Bangladeshi export earnings. In 2016-17, export earnings from RMG alone amounted to 28,149.84 million USD (BGMEA 2018). The Bangladeshi RMG industry exports mainly t-shirts, trousers, jackets and sweaters to 37 countries worldwide. In 2014-2015, Bangladesh exported 61% of RMG products to EU countries and 21% to the US.

According to information from the Bangladesh Department of Inspection of Factory and Establishment (DIFE), about 4,809 garment factories operated in Bangladesh in 2018 (DIFE 2018). RMG factories are mainly concentrated in two divisions of the country—Dhaka (86.4%) and



Figure 2: Garment production hubs in Bangladesh

Chittagong (13.5%). According to government figures another 144 garments factories operate in the export processing zones (BEPZA 2013). According to a June 2015 report by the New York University Stern Center for Business and Human Rights, however, there are more than 7,000 factories producing for the garment export market (Labowitz 2015).

The RMG sector is the largest formal sector industrial employer in Bangladesh, generating 59 % of total formal sector employment in the country (Hossain 2010). According to DIFE estimates the Bangladeshi RMG industry presently employs around 2.2 million workers (DIFE 2016). The Bangladesh Garment Manufacturers Association (BGMEA), however, places the number of RMG employees higher, at 4 million workers. According to DIFE, workers are 52% female and 48% male—however, researchers, labour unions, and activists in Bangladesh estimate that over 80% of Bangaldeshi garment workers are female. This discrepancy between government and other estimates regarding the number of factories

and workers engaged in the RMG industry in Bangladesh can be explained by the significant presence of informal, unregistered, and unregulated factories. In a June 2015 survey of two sub-districts of Dhaka, researchers found that 32% of the 479 factories surveyed were informal subcontractors. 91% of informal factories surveyed produced for export. Informal factories are entirely outside the ambit of regulation. They do not register with the government, national trade associations of apparel manufacturers, or foreign brands (Labowitz 2015).

Informal sector workers are particularly vulnerable to abuse because they fall outside the ambit of regulation. They also work for employers that often operate on such slim margins that they cannot invest in even basic safety precautions. Unauthorized subcontracting also contributes to artificially depressing prices by failing to account for the full cost of production in accordance with minimum labour standards (Labowitz 2015).

Walmart in Bangladesh

Walmart has been purchasing Ready Made Garments (RMGs) from Bangladesh for nearly a quarter of a century.

2016 investigative field research found that Walmart sources its production from at least 280 factories in Bangladesh. Since Walmart does not disclose supplier factories, the exact number of suppliers that produce for Walmart remains unknown. Furthermore, the 280 factories identified by researchers do not include subcontracts to informal, unregulated garment production units—a common practice in Bangladesh.

The RMG industry in Bangladesh routinely suffers significant industrial accidents, leaving workers dead and injured. The 2012 factory fire at Tazreen Fashions; and the 2013 collapse of the Rana Plaza building, which housed five factories, directed the attention of the global community to working conditions in the Bangladeshi RMG sector. Walmart purchased from both Tazreen Fashions and factories housed within the Rana Plaza building.

The risk to workers in these and other factories producing for Walmart were well known. In an April 2011 meeting in Bangladesh, labour rights organizations implored Walmart and other buyers to make a commitment to pay for urgently needed renovations to improve fire and building safety. Walmart rejected the proposed initiative. Despite acknowledging that "very extensive and costly" repairs and renovations were needed in many factories, Walmart said it had no intention of paying for any improvements, insisting that it was "not financially feasible for the brands to make such investments."

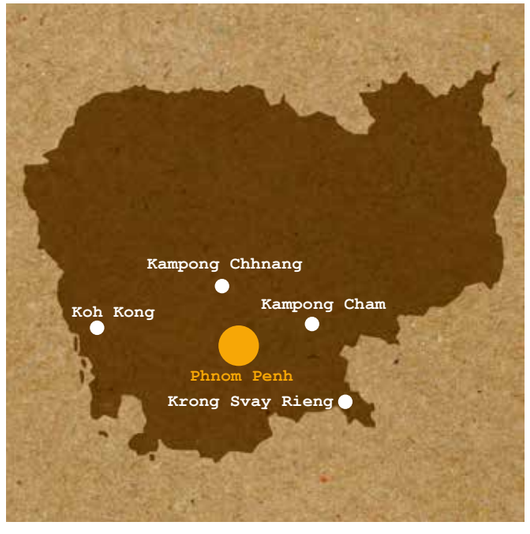
On May 14, 2013, immediately after the collapse of Rana Plaza building killing 1136 and leaving thousands more injured, Walmart finally announced that it would conduct in-depth safety inspections at all of its Bangladesh facilities. However, despite promises to disclose the list of factories, no factories have been disclosed.

Cambodia

Cambodia entered the export-oriented global garment and textile industry in the 1990s with the passage of the 1993 Constitution of the Kingdom of Cambodia which established a free market in Cambodia (CCC 2016a; CCHR 2014). Between 1995 and 2006, bilateral trade agreements with the United States, the European Union, and Canada spurred growth in the garment industry. With the exception of a downturn in 2008 during the global economic crisis, the industry has shown consistent growth (Kashyap 2015). Between 1995 and 2014, the sector grew 200-fold (ILO 2015).

Today, garment and textile exports are critical to the Cambodian economy. In 2016, Cambodia's exports totaled $9.1 billion USD, of which over $2.3 billion came from the garment and footwear sectors (World Bank, 2017). In 2017, garment exports increased, reaching $3.3 billion in the first six months of the year (World Bank, 2017). The US, EU, Canada, and Japan are the largest importers of Cambodian garments, textiles and shoes (Kashyap 2015). In the first half of 2017, the EU (including the UK) accounted for approximately 45% of Cambodia's garment and textile exports, with the USA and Japan accounting for 25% and 9% respectively (World Bank, 2017). At the time of writing, top brands sourcing from Cambodia include H&M, GAP, Levi Strauss & Co., Adidas, and Target (CCC 2016a). Other top sourcing brands include C&A and VF Corporation.

Figure 3: Garment production hubs in Cambodia



The Cambodian garment industry is largely foreign-owned, with Cambodians owning less than 10% of factories (Kashyap 2015). An estimated 85% of garment factories located in Cambodia are foreign controlled, predominantly by investors from China, Hong Kong, Malaysia, Singapore, South Korea, and Taiwan (Kashyap 2015; CCC 2016). Foreign owned companies have kept the production processes within Cambodia limited. The majority of factories undertake "cut-make-trim" production functions—manufacturing clothes from imported textiles based upon designs provided by international buyers. This exclusive focus on producing garments circumscribes the range of employment available to firms and workers in Cambodia (Ghosh 2015).

Phnom Penh is a hub for garment factories. However, garment production has expanded to other areas, including the adjoining Kandal province. Smaller hubs exist in Kampong Cham, Kampong Speu, Sihanoukville, and Kampong Chhnang. Factories have also been drawn to the creation of Special Economic Zones in border provinces such as Koh Kong and Svay Rieng. In these areas, factories vary in size and operations, ranging from export licensed factories with up to 8,000 workers to small, unmarked factories employing fewer than 100 workers. These smaller factories largely fill subcontracts for larger suppliers. Outsourcing of production to smaller factories may be either authorized or unauthorized by apparel brands (Kashyap 2015).

Walmart in Cambodia

As of May 2018, Walmart sourced garments from at least 23 confirmed Cambodian factories. These factories are located primarily in Phnom Penh, Kampong Speu, and Kandal Provinces. This figure does not account for factories that receive subcontracts from Tier 1 Walmart supplier factories. Accordingly, there is a broad consensus among labour experts interviewed for this study that Walmart most likely produces garments in many more factories than the 23 factories confirmed by CENTRAL researchers in 2018.

Based upon analysis of 2018 shipping data, Walmart shipments by weight accounted for 4.6% of total Cambodian exports to the United States up until May 2018. Export data and field research suggests that in 2018, Walmart production in Cambodia has consisted primarily of simple cut and sew t-shirts, sleepwear, swimwear and ladies' undergarments produced from inexpensive fabrics including cottons and synthetic textiles. Other items produced by Walmart in Cambodia include men's sleepwear, simple tank tops and ladies' cardigans, pants, and skirts.

Indonesia

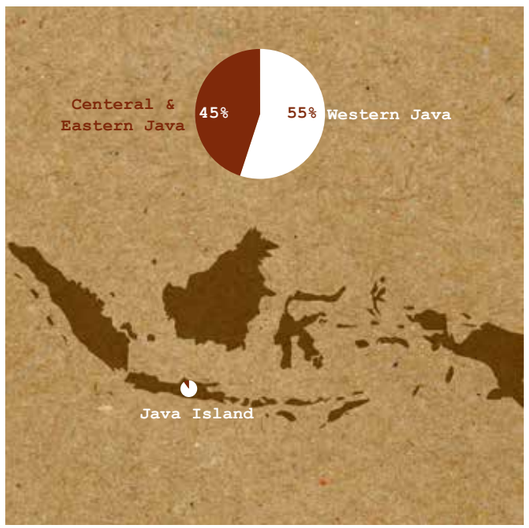
Encompassing production of fabric, apparel and leather goods, the Indonesian textile and textile products (TTP) industry accounted for 6.65% of national GDP, with 5.2-5.4% growth in 2017 alone (Okezone September 2017). The third largest industry in Indonesia, TTP employed 2.69 million workers in 2016—17.03 % of the total employment in Indonesia's manufacturing sectors combined (Okezone July 2017).

More than 170 foreign brands and companies are active in Indonesia's garment industry. In 2017, Indonesia accounted for 1.8% of the world market for garment export, placing Indonesia among the top ten garment supplier companies globally (Sindo 2017).

Indonesia's garment industry exemplifies regional integration. Indonesia sources cotton, exports yarn, imports fabrics, and exports garments. Indonesia is ranked 9th for global cotton consumption but produces less than 2% of the domestic cotton demand. This deficit is filled through raw cotton imports from Brazil, the US and Australia that is then spun in Indonesia and either exported as yarn or further processed into cloth and garments (GBG 2016). The principle buyers of yarn from Indonesia are China and Japan. Indonesia sources the majority of fabric used in garment production from China and South Korea (CCC 2015a). This integrated textile manufacturing base is a draw for brands and investors (GBG 2016).

90% of garment production is concentrated on Java Island, with 55% in the western end of

Figure 4: Garment production hubs in Indonesia



Java Island. Central and eastern Java, however, are increasingly significant production hubs. The Ministry of Industry plans greater onshore warehousing of cotton and is promoting the Central Java province as a new textile hub with a dedicated industrial estate planned on its northern coast. In order to promote the industry, the Economic Ministry is overseeing policy changes to promote special economic zones, new tax holidays, lower nighttime electricity costs, and incentives to buy new machinery (GBG 2016).

According to the Better Work Indonesia Report, 2013, garment, textile and footwear industries have very low levels of compliance with ILO core conventions and national laws. Better work Indonesia also reports an industry-wide low level of compliance with laws governing overtime pay, provision of social security benefits, short-term contractual employment relationships.

Walmart in Indonesia

Since Walmart does not disclose its suppliers, Asia Floor Wage Alliance has no exact number of Walmart suppliers in Indonesia. In 2016, however, Asia Floor Wage Alliance partner, LIPS, identified 13 suppliers, mostly located in Java Island (Arifin, 2016). In 2018, AFWA identified an additional two Walmart suppliers in Indonesia.

Walmart stores carry a wide, evolving, variety of garment brands. These shifting product lines make Walmart suppliers particularly challenging to identify. Copyright 2018 Natalie Leifer for Asia Floor Wage Alliance.



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CHAPTER 3:
Walmart Corporate Social Responsibility

Brand and retail codes of conduct establishing social and environmental principles have developed in response to anti-sweatshop and consumer-driven accountability movements in Europe and the United States (Barria 2014).

Corporate Social Responsibility (CSR) initiatives are self-monitored and do not include external accountability mechanisms.

Even Walmart's stated CSR commitment falls short of decent work standards. Walmart's stated commitments to social and environmental responsibility are set out in the Global Responsibility Report Executive Summary, 2018 (Walmart 2018a). In September 2015, Walmart introduced a Responsible Sourcing Team tasked with overseeing Walmart supply chain practices. According to Walmart, their responsibilities include managing risk, setting standards for suppliers, conducting sourcing audits and promoting supply chain safety. Walmart claimed to have more than 200 associates as part of this team both in Walmart's home offices and in sourcing offices and retail markets globally (Walmart).

Unlike other leading brands, including H&M, even at the CSR level, Walmart has no clear initiatives aimed at ensuring living wages, defending freedom of association and publicly disclosing production units to facilitate accountability.

This section reviews Walmarts public CSR commitments to addressing gender based violence and promoting decent work in their supply chains. Where possible, it includes discussions and research on the efficacy of these initiatives.

Initiatives to address risk factors for gender based violence in garment production

Wage standards

Under pressure from collective demands from retail workers, Walmart has recently made explicit commitments to raising wages for U.S. workers. This commitment does not extend to establishing living wages for garment workers in overseas production hubs.

The Walmart 2017 Global Responsibility Report makes brief mention of wages. In fact, the term "wage" appears only once in the entire report with respect to non-US workers. This single mention of wages is in context of Walmart, together with local factory owners, providing wages for 6,600 displaced workers in Bangladesh (Walmart 2017).

While Walmart mentions living wages in context of engagement with the Ethical Trading Initiative (ETI), Walmart has not released a formula or methodology for determining living wage rates.

Managing risk in the Walmart supply chain

Under the 2015 Responsible Sourcing CSR initiative, Walmart promotes their use of a data driven approach to assess supply chains. However, the only factor Walmart considers is Country Governance under the World Bank Worldwide

Governance Indicators. These indicators include government effectiveness, rule of law, control of corruption, and government sustainability (Walmart 2018b).

Walmart explicitly excludes industry-related risks and supplier-related risks in their risk assessment calculus. Put another way—in assessing supply chain risk, Walmart considers only the country where they will produce and neither assesses particular risks associated with the industry; nor risks associated with particular suppliers.

This approach violates the principles of due diligence articulated in the UN Guiding Principles on Business and Human Rights establishing that the responsibility to respect human rights requires business enterprises to:

- Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products, or services by their business relationships, even if they have not contributed to those impacts (Article 13).

Walmart's failure to assess industry and supplier related risks in their supply chain prevents Walmart from taking any measures to avoid adverse human rights impacts among their producers. Further, by failing to make these critical assessments, Walmart turns a blind eye to adverse human rights impacts directly linked to their products.

Standards for suppliers

Walmart sets out expectations for suppliers in their Standards for Suppliers Manual. These standards apply to all suppliers and their facilities—including subcontracting and packaging facilities. Factories are required to designate employees responsible for facility compliance.

Walmart's standards are misleading. Walmart advertises factory visibility and disclosure—terminology that typically refers to public disclosure of production facilities. However, Walmart does not publicly disclose facilities. Instead, Walmart's reference to visibility and disclosure strictly refers to internal disclosure: "All facilities within the scope of Walmart's Responsible Sourcing program must be disclosed to us and available for a Responsible Sourcing audit."

In a production context where rampant rights abuses are structurally embedded within supply chains, the importance of full public disclosure cannot be underestimated. Public disclosure of suppliers provides a step toward accountability by allowing labour rights groups, the government, and other parties to monitor labour rights in their direct supplier and subcontractor factories.

Further, Walmart notes that "approved brands"—suppliers or product brands that have sufficient brand equity and market presence – may be exempted entirely from the disclosure requirement (Walmart 2018c). It is significant to note that exemptions are made on the basis of market presence, rather than responsible labour and environmental practices.



Walmart advertises factory visibility and disclosure—terminology that typically refers to public disclosure of production facilities. However, Walmart does not publicly disclose facilities.

It is not surprising that Walmart supplier standards do not prioritize responsible labour practices.

In 2007, Walmart admitted in California US District Court that workers were not in fact the intended beneficiaries of its code of conduct. In a suit on behalf of Walmart supply chain workers from China, Bangladesh, Indonesia, Swaziland, and Nicaragua, workers claimed that Walmart's code of conduct created a contractual obligation between Walmart and the employees of its global factory suppliers who agreed to comply with the code of conduct. Under California law, workers would have been parties to the contract and could bring suit as intended beneficiaries. Rather than operating under a legally binding code of conduct, however, Walmart told the court that its code of conduct was intended to protect Walmart from reputational harm and not to benefit workers (ILRF 2015).

In Precarious Work in the Walmart Global Value Chain (Part 4), Asia Floor Wage Alliance provides a detailed analysis of the rights violations in Walmart garment supply chains includes further analysis of Walmart's Standards for Suppliers Manual. Features of Walmart standards are discussed in relationship to international standards, national laws, and industry standards.

Worker helpline

Walmart claims to require suppliers to display a toll-free number, e-mail address and website where workers can anonymously report concerns in local languages. However, none of the 344 workers who participated in 2016 Asia Floor Wage Alliance research—across 80 factories in Bangladesh, Cambodia, India, and Indonesia—reported knowing about or using the worker helpline.

Audit process

Walmart claims to use a detailed social, safety, and environmental audit compliance process to evaluate whether a factory meets Standards for Suppliers. These include: ensuring that workers are properly paid for all labour hours, all labour is volunatary, all producers comply with all child labour laws and standards, working hours are not excessive and consistent with laws and regulations and factories meet health and safety standards.

The Walmart Responsible Sourcing audit process includes document review of licenses, permits and records relating to labour, employment and pay practices; visual inspection of the premises; and confidential worker interviews. According to Walmart, audits are unannounced and conducted at facilities by third-party audit firms—including Accordia, Bureau Veritas, Elevate, Intertek, UL, SGS and TUV. However, since audit reports are not publicly available, it is not possible to verify audit standards or the impact of any follow up measures that may be taken.

Walmart does not take responsibility for remediating violations. According to Walmart, facility audit results are passed on to suppliers and it is the supplier's responsibility to work with facilities to remediate audit findings (Walmart 2018c). Exemplifying the problematic structure of global supply chain production, risks and costs are passed from Walmart to the supplier. These costs are ultimately absorbed by workers in the form of low wages, extended working hours, flexible terms of employment and unsafe working conditions.

For instance, Walmart's Ethical Sourcing Assessor gave Tazreen Fashions, near Dhaka, Bangladesh an orange rating—indicating that the factory had violations and/or conditions that were deemed to be "high risk." In November 24, 2012, a fire at Tazreen Fashions took the lives of 112 workers and injured at least 150 other workers (ILRF 2015). Although Walmart claims that they discontinued business with Tazreen prior to the fire, factory records and evidence recovered on site proved that at least six Walmart suppliers were sourcing Walmart goods from Tazreen in 2012 and that Walmart was the biggest producer in the months leading up to the fire.

Severe rights violations in a facility may trigger a higher re-audit frequency, but do not immediately lead to any further action by Walmart. Findings of forced labour, child labour, or worker abuse would result in a "first strike." The consequence of a first strike is a two-year mark on the suppliers' record and the option for Walmart to cancel current and future orders. It is only after receiving three strikes within a two-year period that Walmart may terminate a business relationship with a supplier.

Bangladeshi garment workers. The workers pictured are not from factories interviewed for this report. By Solidarity Center licensed under CC 2.0



Table 1: Spectrum of gender based violence in Walmart garment supply chains

	Gendered aspects of violence, including: 1. Violence against a woman because she is a woman 2. Violence directed against a woman that affects women disproportionately due to (a) high concentration of women workers in risky production departments; and (b) gendered barriers to seeking relief
Forms of violence	
Acts that inflict physical harm	• Slapping, gendered aspects 2(a) and (b) • Throwing heavy bundles of papers and clothes, gendered aspects 2(a) and (b) • Overwork with low wages, resulting in fainting due to calorie deficit, high heat, and poor air circulation, gendered aspect 2(a) • Long hours performing repetitive operator tasks, leading to chronic leg pain, ulcers, and other adverse health consequences, gendered aspect 2(a) • Serious injury due to traffic accidents during commutes in large trucks without seatbelts and other safety systems
Acts that inflict mental harm	• General verbal abuse, including bullying and verbal public humiliation, gendered aspect 2(a) • Verbal abuse linked to gender and sexuality, gendered aspect (1) • Verbal abuse targeting senior women workers so that they voluntary resign prior to receiving benefits associated with seniority, gendered aspect 2(a)
Acts that inflict sexual harm or suffering	• Sexual harassment, gendered aspect (1)
Coercion, threats, and retaliation	• Threats of retaliation for refusing sexual advances, gendered aspects 1, 2(a) and (b) • Retaliation for reporting gendered violence and harassment, gendered aspects 1, 2(a) and (b) • Blacklisting workers who report workplace violence, harassment, and other rights violations, gendered aspect 2(a)
Deprivations of liberty	• Forced to work during legally mandated lunch hours, gendered aspect 2(a) • Prevented from taking bathroom breaks, gendered aspect 2(a) • Forced overtime, gendered aspect 2(a) • Prevented from using legally mandated leave entitlements, gendered aspect 2(a)

CHAPTER 4:

Spectrum of gender based violence in Walmart garment supply chains

This section provides examples and cases of the spectrum of violence reported by women garment workers in Walmart supply chains in Bangladesh and Cambodia. Consistent with the international legal standards discussed in Part 1, these qualitative accounts include:

- forms of violence that are gendered because women workers are singled out for violence and harassment; and
- forms of violence that disproportionately impact women workers because they not only comprise the majority of workers in garment production factories, but are also underrepresented among supervisors and managers and disproportionately concentrated in subordinate operator roles.

Violence against a woman because she is a woman

Women workers reported being targets of explicitly gendered violence, including verbal abuse linked to gender and sexuality, sexual harassment, and threats of retaliation for refusing sexual advances. Women workers also, however, reported being targets of violence because they are less likely to seek redress for violence than male co-workers.

Violence that disproportionately impacts women

Women are disproportionately impacted by patterns of violence with the garment supply chain because they make up the vast majority of garment workers. In Bangladesh, Cambodia, and Indonesia, women workers represent between 80 and 95% of the garment workforce. Women comprise 80% of the garment workforce in Bangladesh (World Bank 2018). Women between the ages of 18 and 35 dominate the Cambodian garment production sector, comprising an estimated 90-95% of the industry's estimated 700,000 workers (Barria 2014; Kashyap 2015). In Indonesia, an estimated 80% of workers in garment and textile production are women (Oktaviani 2017). These numbers, moreover, do not include women engaged in seasonal, home-based garment work (Finster 2015; Kashyap 2015).

In Dhaka, Bangladesh; Phnom Penh, Cambodia; and Jakarta, Indonesia, the garment industry has been a major source of employment for young women from rural areas who migrate for employment to garment production hubs. For instance, Cambodian workers interviewed for this study by CENTRAL who worked in Walmart supplier factories had migrated from rural provinces due to high unemployment in their home provinces around Phnom Penh, including Kampong Chang, Kampong Speu, Kanda, Preveng, Svayreing, Takoe, Kampong Chamm, and Kampong Tom.

Despite their numerical majority within the garment sector, women workers remain within low skill level employment and rarely reach leadership positions in their factories and unions. Detailed factory profiles reveal that at the factory level, women workers are concentrated in the production department, in subordinate roles as machine operators, checkers, and helpers in production departments.

Acts that inflict sexual harm or suffering

During interviews and focus group discussions, researchers identified three cases of sexual violence, including a rape case. While none

Figure 5 a: Gendered production roles in Walmart supplier factories in Bangladesh and Cambodia

Note: This model was developed based upon detailed factory profiles in Bangladesh and Cambodia

Factories and number of workers by department					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Bangladesh Factory 1	6 workers	80 workers	20 workers	900 workers	19 workers
Bangladesh Factory 2	7 workers	37 workers	22 workers	4762 workers	27 workers
Cambodia Factory 1	6379 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)			Researchers from CENTRAL in Cambodia reported being unable to get clear information on the number of workers in each department. Workers reported being regularly moved between departments and hired and fired from roles with significant frequency that they did not have a grasp of the structure of their workplace. They did, however, provide insight into the gendered distribution by department as reported below.	
Cambodia Factory 2	1900 workers total, exact distribution by department unavailable (Source: Garment Manufacturers Association of Cambodia)				

of these incidents took place in the physical factory, they all involved coercion from senior management either tying sexual engagement to employment or threatening to retaliate if cases were reported. These cases are not covered in this study due to concerns by women workers and trade unions that reporting these extreme cases of sexual violence could elicit stigma and workplace retaliation.

Forms of sexual harassment documented in this study include sexual comments and advances, inappropriate touching, pinching and bodily contact initiated by both managers and male co-workers. These cases provide insight into relationships of power in the workplace that leave women workers, concentrated in subordinate positions, at risk of violence and harassment.

For instance, in January 2018, Sulatana, a skilled garment worker with 10 years of experience, was hired as a production-line manager by a Walmart supplier located in Dhaka, Bangladesh. Her position as a woman production-line manager is highly unusual since the majority of women workers in Bangladesh are employed in subordinate roles as machine operators, helpers, and checkers. In the weeks that followed, the General Manager of the factory made frequent advances. Sulatana recounted:

> He flirted with me, he would touch me on the shoulder or touch me on the head. I tried to ignore him. I thought if I showed no interest, he would stop. It didn't work. On April 11, three days before Bengali New Year, the General Manager called me to his office and

Figure 5 b: Gendered production roles in Walmart supplier factories in Bangladesh and Cambodia

Note: This model was developed based upon detailed factory profiles in Bangladesh and Cambodia

Gendered hiring by department, range across factories					
Department	Fabric Store	Cutting	Fusing/ pasting	Production	Finishing/packing
Management	Manager male	Supervisor male	Supervisor male	Supervisor male	Supervisor male
	In-charge male	Quality Control male		Quality Control male	Quality Control male
	Supervisor male			Line In-Charge male	
				Group leaders (lower level managers in Cambodia only) 30% male 70% female	
Specialized roles	Store Keeper male	Sticker Master male	Fusing machine Operator male	Record Keeper 50% male 50% female	
		Cutting Machine male			
		Layer Man male			
Checkers		Checker 60-80% male 20-40% female		Checker Male and female workers in varied proportions	
Machine operators		Button Machine 30-50% male 50-70% female		Line Tailor 80-90% female 10-20% male	
Helpers		Helper 60-90% male 10-40% female	Helper 30-70% male 30-70% female	Helper 20-30% male 70-80% female	Helper Male and female workers in varied proportions, including all male and all female departments

asked me to go out with him on the holiday. I gently refused. The next day, the Production Manager approached me and asked, "What is wrong with you? Why don't you spend some time with the boss?" I refused again and explained that I was spending the holiday with my five-year old son.

On April 17, 2018, the first working day after the three-day New Year holiday, the Production Manager approached Sulatana again:

> He pressured me to agree to the General Manager's proposal. He offered me a salary increase and a promotion if I agreed. When I did not, he threatened to fire me. I was anxious and afraid. I skipped work the next day.

On April 19, Sulatana went to the Ashulia police station to file a complaint. The police refused to receive the complaint on the grounds that Sulatana had no authentic proof. A few days later, on April 22, the General Manager called her to his office and asked her to resign immediately. When Sulatana approached Human Resources, she was informed that the General Manager's decision was final.

Sulatana had no avenue for relief from ongoing sexual harassment at work. When Sulatana refused to spend time with the General Manager outside of working hours, she was fired in retaliation. Neither factory human resources nor the police provided viable pathways to accountability. At the time of interview, nearly three weeks later, Sulatana was still searching for a new job.

Sulatana's experience of workplace violence provides insight into the risk factors that leave women workers in Walmart garment supply chains exposed to violence. Notably, Sulatana is a highly skilled garment worker who was employed in a management position at a Walmart supplier factory. Unlike Sulatana, the majority of women garment workers at the base of Walmart garment supply chains are concentrated in short term, low-skill, and low-wage positions, increasing their risk of gender based violence at work.

Cambodian workers at Walmart supplier factories, Cambo Kotop and Cambo Handsome, reported sexual harassment from male staff, as well as experiencing sexual harassment in their communities.

For some women workers, sexual advances and harassment at work may have consequences that extend outside of the workplace. For instance, one worker at Cambo Handsome stated that the wife of a warehouse leader had threatened to throw acid on her.

All respondents, including women workers from Bangladesh, Cambodia, and Indonesia, stated that there were no good ways for them to report cases of violence in their workplace. Even where there may be formal mechanisms in place, workers described these as ineffective.

For instance, Bangladeshi women workers employed in a Walmart supplier in Ashulia, Dhaka described the complaint box in their factory as useless. One woman explained:

> **The factory has a complaint box and an appointed "Welfare Madame" to resolve complaints from women workers. The Welfare Madams work for the Managers. They don't take our complaints seriously. The complaint box is useless.**

Industrial discipline practices

Cambodian workers from both Walmart supplier factories investigated for this report described working under harsh conditions with strict line leaders, tough supervisors, and abusive management practices. Workers reported ongoing verbal abuse and frequent threats and physical violence. Sweatshop discipline practices correspond with particular relationships of authority, workforce demographics, employment relationships, and employment conditions.

Labour practices in garment production factories have been described as operatory labour practices, referring to the role of workers as basic operators. Operatory labour practices correspond with particular working relationships (Table 2). These labour and employment practices among garment suppliers expose workers to risk factors for violence.

Industrial labour practices reflect the structure of the global labour market. For instance, in Cambodia and Indonesia, in situations where local workers are managed by Chinese managers, women workers reported that physical and verbal abuse escalated due to communication barriers between women workers and Chinese managers.

Table 2: Operatory labour practices, workforce demographics, and working conditions in garment production

Authority	
Management	• Hierarchical work relations • Sweat shop disciplinary practices, including verbal, physical, and sexual harassment and abuse
Union presence	• Anti-union management practices
Workforce demographics	
Education	• Illiterate, low literacy and literate
Women	• High %age of women workers • Concentration in low-skill departments and tasks • Home-workers hired on piece rate
Employment conditions	
Wages and incentives	• Below or at minimum wage and piece-rate payment
Overtime	• High levels of forced overtime

Physical violence

Examples of physical violence reported by workers interviewed for this study include slapping workers and throwing heavy bundles of papers and clothes at workers, especially during high stress production times. Workers reported that physical discipline practices spiked after second tier management came out of meetings with senior management driving production targets. While both women and men reported working in physically violent contexts, these modes of discipline are gendered because they disproportionately impact women workers based upon their concentration in machine operator roles and as checkers and helpers in production departments.

Workers at Walmart supplier, Cambo Handsome in Phnom Penh, Cambodia, reported experiencing violence, particularly at the hands of foreign management. A woman worker from Cambo Handsome, recounted: **"There is violence in the factory. Chinese managers beat workers during working hours."**

Women workers also reported physical violence, including slapping and pinching, from male colleagues. At Cambo Kotop, another Walmart supplier in Phnom Penh, Cambodia, women reported that there was no action taken against male workers who inflicted violence against female colleagues.

Verbal abuse

Women workers at both Cambo Kotop and Cambo Handsome, Walmart suppliers in Phnom Penh, Cambodia, reported being yelled at and abused by production line managers on a daily basis for falling short of production targets or making mistakes in their work.

Women workers in Walmart suppliers in Bangladesh described constant and relentless verbal abuse that continues from the beginning to the end of their shift. Similarly, Indonesian workers at Walmart supplier factories reported that verbal abuse was daily and ongoing.

Women workers at Cambo Handsome also reported facing abuse for taking breaks. One woman worker described facing verbal abuse for taking breaks to use the toilet. "When I go to the toilet, my team leader yells at me when I return to get back to work."

At both Cambo Handsome and Cambo Kotop, women workers reported being abused in gendered language, and referred to as "bitch" by production line managers. One woman worker reported regular verbal abuse from Chinese team leaders at the factory, including being told, "you have a pig brain, not a human brain."

Women workers also reported more subtle forms of harassment and stress. For instance, a woman worker at Cambo Kotop described being compared to other workers and singled out for failing to meet production targets that other workers are able to make.

In Bangladesh, women workers report being targeted when they reach a level of seniority that entitles them to employment benefits. They report facing heightened verbal abuse and harassment aimed at driving them to resign voluntarily prior to receiving earned benefits and promotions.

Shahida, a 26-year-old sewing machine operator, described being suddenly targeted by her supervisor at a Walmart supplier, when she became eligible for workplace benefits. Shahida recounted:

> I began working at this factory in April 2013. I earned a good reputation as a skilled and dedicated worker. The line-chief and supervisor were happy with my work. After completing my fourth year at the factory, they reversed their attitude toward me. They shouted at me and bullied me. They called me names. I reported this to the factory manager, but he responded by raising my production targets. I couldn't manage to work this way. In March 2018, before reaching my fifth year, I quit the job. It was exactly what they wanted. I resigned and they did not pay me the gratuity I had earned because they said I had resigned from the job myself.

As detailed in the Chapter 5 of this report, illegal use of short-term contracts is common in the Bangladeshi, Cambodian, and Indonesian garment industries—including in Walmart supply chains.

Coercion, threats, and retaliation

Job insecurity and fear of reporting workplace violence

Like Sulatana, who was unable to access relief through either human resources at the Walmart supplier factory where she faced sexual harassment or the local police, Cambodian workers at Walmart garment suppliers, Cambo Handsome and Cambo Kotop, reported feeling unable to report cases of violence. Women workers reported that laws are not enforced to protect them from the violence they face in the workplace.

One worker at Cambo Kotop reported a persistent fear that she would be fired by her Chinese team leader who compares her to other workers in the factory, asking her why she cannot reach the production target set for her whilst other workers can.

Workers at Cambo Kotop reported being afraid to request their annual leave entitlements, stating that supervisors are "strict" and threaten to terminate their contracts. Workers at Cambo Kotop also reported that insecurity surrounding their contracts leads them to stay and work overtime, often against their will—a common form of forced labour prohibited under international law. It is interesting to note that despite all being on long-term or unlimited duration contracts, participants in FGDs from Walmart supplier factories still reported being pressured and forced into working overtime for fear of contract termination.

Termination of employment for pregnant women

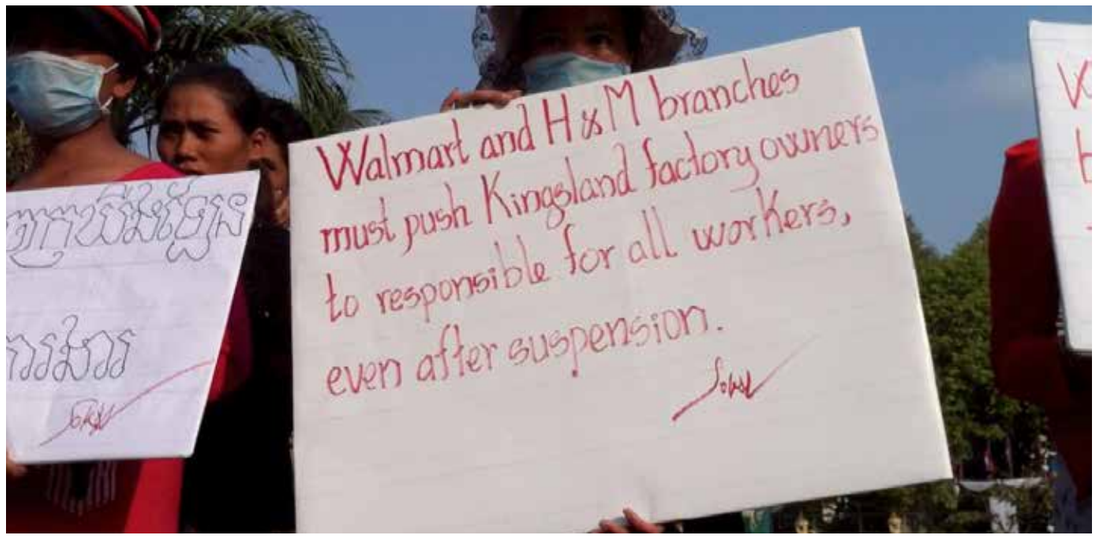
Walmart retail workers across the United States are engaged in an active struggle to change Walmart's pregnancy policy for retail workers. The Respect the Bump campaign is committed to making sure that pregnancy doesn't cost a single worker her pay or job.

Pregnancy policies are also a site of struggle for women garment workers employed in Walmart supplier factories.

Since garment factory workers in Cambodia are predominantly women, lack of access to adequate reproductive and maternal health services is



Walmart protest in Utah by Brave New Films from United States (photo taken by Joey Caputo), CC BY 2.0



US Embassy, Phnom Penh, Cambodian garment workers demand unpaid back wages they are owed by a supplier to Wal-Mart

a significant issue. As early as 2012, workers organizations in Cambodia began reporting that pregnant women were regularly threatened with dismissal from garment manufacturing jobs. This led many women to terminate pregnancies in order to keep their jobs. Women also force themselves to work until the very last day before the delivery, putting their own lives at risk. Most women on FDCs do not get their contracts renewed after they go on maternity leave (CCHR 2014; Nuon 2011).

Factories employing more than 100 female workers are also required to set up a nursing room and day care center (Article 186). Women are also legally allowed one hour off a day, in addition to regular breaks, for breastfeeding during the first year following delivery (Article 184). However, according to Better Factories Cambodia, 72.9% of factories monitored do not comply with this provision (BFC 2017).

Deprivations of liberty

Women garment workers reported being forced to work through lunch and overtime. They also described relocation from one factory building to another without notice or consent.

In Cambodia, forced overtime is a characteristic management practice. Of the workers at Walmart supplier factories interviewed by CENTRAL, only one reported working less than 50 hours per week. Workers at Cambo Kotop reported being “forced to work through lunchtime in order to finish the work.” Another worker at Cambo Kotop stated, “whenever there are visitors, the workers are forced to stay late and work overtime.”

Forced overtime is most common during the height of the garment high season, which overlaps with Cambodia’s hottest season. From April-August, workers report being forced to work up to 14 hours a day—as well as on Sundays and national holidays—in sweltering heat, without adequate supply of clean drinking water or any breaks. Workers at Cambo Kotop reported the period of March – May as being the most unbearable. Workers stated they were not supplied with fans and air coolers were only made available when Labour Inspectors came to the factory.

These conditions have led to mass fainting episodes among Cambodian women garment workers resulting from over-exertion exacerbated by inadequate nutrition.



CHAPTER 5:

Risk factors for violence in the Walmart supply chain

This section documents risk factors for violence in the Walmart garment supply chain, including use of short term contracts, production targets, wage related rights abuses, excessive working hours, and unsafe workplaces. Barriers to accountability—including unauthorized subcontracting, denial of freedom of association, and failure to require independent monitoring—promote a culture of impunity among perpetrators of violence and prevent women from seeking accountability and relief. The risk factors documented in this empirical section are presented thematically in order to surface the patterns of rights violations in garment supplier factories in Bangladesh, Cambodia, and Indonesia.

Working conditions

1. Short term contracts

Temporary and contract employment relations are common employment relationships across global production networks. Short-term contracts make it easier to hire and fire workers and therefore save on labour costs during waning production cycles.

Women workers employed under short-term hiring contracts are at constant risk of being fired. Threats of non-renewal undermine workers' ability to report workplace violence. Illegal use of short-term contracts is common in the Bangladeshi, Cambodian, and Indonesian garment industries—including in Walmart supply chains.

In Bangladesh, workers employed by Walmart supplier factories reported that employment termination without notice is commonplace. Among the 121 workers interviewed, 50% of respondents reported that employers expel workers without prior notice. 60% of workers also reported the employers dismissed workers without providing their due wage and benefits.

Under Cambodian Labour Law, factory owners can either engage workers on undetermined duration contracts (UDCs) or on fixed duration contracts (FDCs) that specify a contract end date. Factory managers can issue FDCs and renew them one or more times for up to two years. All workers at Walmart supplier factories interviewed as part of CENTRAL's FGDs were on either long-term or unlimited duration contracts.

In Indonesia, non-permanent work agreements facilitate termination and changes in employment status based upon employers' needs and concerns—including retaliation for union activity. For instance, Walmart supplier factory, PT Ghim Li, at the time of investigation, employed 3,800 contract workers. When workers raised grievances, management terminated all trade union officials and almost all union members—replacing them with new workers.

Indonesian workers who previously worked for Walmart supplier, PT Crystal Garment—a branch of Makalot Group—reported that in 2014 the factory closed down on the grounds that it was receiving insufficient orders to meet minimum wage requirements. Regular contract workers received 75% of the legally stipulated compensation. Non-permanent workers were terminated without any compensation at all.

The ILO Termination of Employment Convention, 1982 (No. 158) and Termination of Employment Recommendation, 1982 (No. 166) govern the use of short-term contracts. These instruments call upon states to ensure that contracts for specific periods are not used to diminish protection against unfair termination. Instead, fixed term contracts should be limited to conditions where

the nature of work, circumstances, or interests of the worker require them. In instances where short-term contracts are renewed one or more times, or when they are not required, states are instructed to consider fixed-term contracts as contracts of indeterminate duration (R166, Art. 3).

In order to curb arbitrary dismissals, states are required to implement safeguards including written warnings followed by a reasonable period for improvement. Where an employer needs to terminate a worker due to economic, technological, structural, or similar considerations, these decisions should be made according to pre-defined criteria that consider the interests of the worker as well as the employer (R166, Arts. 8, 23).

The Walmart Standards for Suppliers Manual prohibits the use of consecutive short-term contracts or apprenticeship schemes by suppliers, unless the supplier has an actual intent to impart skills or eventually provide regular employment (4(D)(2)). This intent-based exception provides a loophole for suppliers to justify short-term contracts on the basis of a future intention to provide regular employment.

In other words, the Walmart Standards for Suppliers Manual allows an employer to justify use of short term contracts or apprenticeships by showing that at a future date they plan to impart skills or eventually provide regular employment.

2. Production targets

The Walmart Standards for Suppliers Manual explicitly permits use of production targets.

Production targets vary by garment type, but routinely require workers to be accountable for producing one or more items per minute.

- **Indonesia: Workers employed in a Walmart supplier factory in Indonesia reported that they were required to produce 60 pieces every 23 minutes, with timed intervals to determine if targets were met. Workers reported that they were not allowed to leave the factory if their production targets were not met.**

- **Cambodia: Workers at Cambo Kotop reported that production targets for a line of 37-41 workers start at 210 pieces per hour for difficult pieces. For easier styles, they may be required to produce up to 500 pieces per hours.**

Use of production targets and piece rate wages create sustained pressure among workers to meet targets at the expense of taking breaks to rest, using restrooms and even drinking water. Across Asian global value chains, workers in divisions ranging from sewing, trimming excess thread, quality checking and packaging are routinely assigned production targets. Many are also paid by piece rate.

Bangladeshi workers from Walmart supplier factories interviewed for this study described feeling that there were not enough workers to meet production demands. Workers in one FGD said that 70 workers typically handle the work that 100 workers could reasonably carry.

All Cambodian women workers who participated in focus group discussions were employed at Walmart garment suppliers Cambo Kotop and Cambo Handsome, and agreed that their production targets were not realistic. Workers from Cambo Kotop noted that the production targets increased every day.

Production targets appeared to be a significant underlying source of violence at Cambo Kotop. Workers reported being forced to work through lunch, as well as overtime late into the night, in order to reach production targets. Workers who failed to reach production targets reported being belittled by management and viciously abused. As discussed in the previous section, workers noted that foreign managers were particularly abusive.

Workers at Cambo Handsome also reported being yelled at daily and insulted for failures to reach production targets. One worker interviewed by CENTRAL stated: “I am always yelled at and insulted by my team leader every day that I am a slow worker”.

With increasing competition from regional neighbours with lower wages such as Myanmar factories are under significant pressure to maintain their competitive edge (World Bank 2017). This manifests in targeting workers with verbal abuse and insults in an attempt to impel them to reach constantly-increasing production targets.

3. Failure to pay a living wage

Failure to pay a living wage has significant physical consequences for women garment workers. For instance, malnutrition is prevalent among Cambodian garment workers. Data gathered by tracking monthly food purchases by 95 workers employed in a range of garment factories in Cambodia, compared with recommended amounts and workers’ Body Mass Index (BMI), revealed that workers were found to intake an average of 1598 calories per day, around half the recommended among for a woman working in an industrial context (McMullen 2013).

The combination of calorie deficiency and relentless working hours is violent in the wages it withholds and the demands it inflicts.

Widespread physical impact and even death have been reported in Walmart supply chains by trade unions and their allies for more than five years.

In a February 2012 hearing before the Permanent People’s Tribunal held in Phnom Penh Cambodia, Asia Floor Wage Alliance-Cambodia (AFWA-C) reported health problems associated with poor working environments. Workers and their representatives testified to working conditions described as “humid and hot, noisy, poorly lit, with scarce if any ventilation, the uncontrolled

Worker strategies

The Asia Floor Wage Alliance (AFWA), a global coalition of trade unions, workers' rights and human rights organizations, provides a detailed formula for calculating living wages across national contexts. The AFWA definition of a living wage specifies that living wage calculations must include support for all family members, basic nutritional needs of a worker and other basic needs, including housing, healthcare, education and some basic savings.

The Asia Floor Wage Alliance bases their calculations on the following considerations (Figures 6 and 7):

- **A worker needs to support themselves and two other consumption units. [One consumption unit supports either one adult or two children]**
- **An adult requires 3000 calories a day in order to carry out physically demanding work in good health.**
- **Within Asia, food costs amount for half of a worker's monthly expenditure.**

Based upon these assumptions, the Asia Floor Wage is calculated in Purchasing Power Parity $ (PPP$). This fictitious World Bank currency is built upon consumption of goods and services, allowing standard of living between countries to be compared regardless of the national currency. Accounting for high inflation, Asia Floor Wage figures are calculated annually. As explained by AFWA Coordinator, Anannya Bhattacharjee:

> **The gap between the minimum wage and the cost of living has widened in recent years. High inflation has sent the cost of living soaring in many Asian countries, but starting salaries remain unchanged—often for several years. (Pasariello 2013)**

In order to calculate annual Asia Floor Wage figures, the AFWA carries out regular and ongoing food basket research (AFWA 2016a). AFW annual PPP$ wage figures are then calculated annually based upon up to date national food basket research. For instance, the 2015 Asia Floor Wage figure is PPP$ 1181. These wage figures are then converted into local currency (Table 6)(AFWA 2017).

The AFW wage calculation method provides an instructive model for Walmart and other brands in setting living wages that correspond to workers needs and consider rising costs of living.

Country	conv. factor	Asia Floor Wage in local currency
Bangladeh	31.90	37661 Takas
Cambodia	1642.9	1,939,606 Riel
India	19.98	23588 Rupees
Indonesia	4985.7	5,886,112 Rupiah

Table 6: Asia Floor Wage Figure in local currencies



Figure 6: Basic needs included in Asia Floor Wage calculations



Figure 7: Asia Floor Wage Alliance, financial dependents and worker responsibility

and uninformed use of chemicals, excessive dust, lack of preventative education and little availability of personal protective equipment." These conditions, they reported, are exacerbated by poverty-level wages:

Women workers are forced to base their nutrition on food with an insufficient caloric content and to work practically mandatory overtime hours; together, these conditions exacerbate the chronic exposure to the harmful environment (Barria 2014).

Due to exposure to high temperatures and high levels of chemical substances, exacerbated by poor ventilation systems and nutrition among workers, episodes of mass fainting are a regular occurrence in Cambodian garment factories. In 2017 there were 1,603 cases of fainting, 1,599 of whom were women, across 22 factories, according to the National Social Security Fund.

In 2013, 60 workers fainted over two consecutive days at Walmart supplier Cambo Kotop. Som Som At, one of the workers who fainted that day recalled:

> The first day I went to work as normal, but then I felt weak and fainted. The second day I went to the factory clinic and I fainted again. I was so scared, I didn't know what to do.

Som Som At recovers at a clinic after fainting during her shift at Walmart supplier factory, Cambo Kotop.



Som Som survived. 31-year old Chung Sok Nim did not. Som Som recalled:

> She was dizzy and in pain and she looked terrified. Then after lunch she passed out on the machine. They took her to the clinic and then we were informed that she was dead.

Chung Kim, younger sister of Chung Sok Nim recall:

> She was sick but she still went to work. I took her for a checkup and the doctor gave her a prescription but she was too poor to afford the medicine. She supported our family on her salary but she did not earn enough to look after her health.

Investigation by the UK-based Labour Behind the Label and the CENTRAL found that malnutrition, prevalent among Cambodian garment workers, makes them more susceptible to exposure to harmful environments.



Workers recover at a clinic after fainting during their shift at a Walmart supplier factory in May 2013

4. Excessive hours of work and inadequate rest

Encouraging violation of international labour standards governing hours of work, production targets and piece-rate systems also incentivize excessive hours of work and inadequate periods of rest. These conditions damage workers' health, increase the risk of workplace accidents and infringe on freedom of association.

A woman worker formally employed at former Walmart supplier, Kingsland Garment Co. explained the health consequences of working long hours, seated, in a poorly ventilated factory:

> **At work I'm facing stomach pain, digestion and nose problems from sitting long hours working so much overtime, and working so many days. But sometimes I just have to forget my sickness because I have no money. I have to be the rock in the family.**

During high order periods, workers are made to work the night shift. Without safe transportation options, women workers reported facing harassment, robbery, and other crimes on their way home.

Of the Cambodian workers who participated in this study from Walmart supplier factories, all but one reported that their typical work-week exceeded from 50 hours per week (in one case 62 hours per week)—and that these overtime hours are not optional. Cambodian workers reported that they were not allowed to leave the factory before overtime hours are over. Others reported fearing that they would lose their jobs if they did not work overtime.

Workers at Cambo Kotop reported being afraid to ask to use their annual leave entitlements. They stated that if they were to request this, their supervisors would threaten to terminate their contract.

Workers also reported being required to work when they are ill. This can be particularly damaging to their health during the hot season which lasts from March through May. Workers stated that this time of the year was particularly bad as the temperature in the factory is extremely hot. Workers at Cambo Kotop stated that air coolers are only made available to the workers when Labour Inspectors from the Ministry of Labour and Vocational Training visit the factory.

In Bangladesh, this study found that working more than 8 hours a day is the norm in Walmart supplier factories. 91% of respondents reported regularly working overtime. 62% of workers work overtime beyond the legal limit and 29% work at least 4 to 5 hours per day overtime—more than twice the legal overtime limit.

In Bangladesh, 66% of workers reported that overtime is mandatory.

According to Bangladesh labour law, no female worker should be made to work without her consent between the hours of 10 pm and 6 am and no young worker should be permitted to work in any establishment between the hours of 7 pm and 7 am (BLA 2006, Sec. 109 & 41.3). However, workers in Walmart supplier factories indicated that both male and female workers are often forced to work during night shifts.

Bangladeshi workers in Walmart supplier factories interviewed for this study also reported that they did not receive casual leave, sick leave or annual leave. Only 21% of workers received casual leave; only 33% of workers received sick leave; and only 13% of workers received annual leave.

In Indonesia, workers reported working well over 40 hours a week in pursuit of unrealistic performance targets. Workers also reported of being forced to work overtime when orders increase. Low wages, as discussed in the previous section, lead workers to prolong working hours. Others reported that they do not refuse overtime assignments because refusal could cost them their jobs.

For instance, at PT Ghim Li, a Walmart supplier in Indonesia, workers reported that when the orders were high, all workers were forced to work overtime. Workers reported being paid only Rp 15,000 per hour for overtime—below the overtime rate required under Indonesian law.

The ILO prohibits excessive hours of work and inadequate periods of rest on the grounds that such conditions damage workers' health and increase the risk of workplace accidents. Long working hours also prohibit workers attending to family and participating in the community. ILO standards on working time provide a framework for regulating hours of work. Relevant standards include: the Hours of Work (Industry) Convention, 1919 (No.1); Weekly Rest (Industry) Convention, 1921 (No. 14); Holidays with Pay Convention (Revised), 1970 (No. 32); Night Work Convention, 1990 (No. 171); and Part-Time Work Convention, 1994 (No. 175).

According to the ILO Convention No. 1 regarding hours of work, working hours should not exceed eight hours in a day and forty-eight hours in a week. These standards do, however, provide some flexibility in exceptional cases. However, under Convention No. 1, working hours may not exceed 56 per week except in cases of processes carried on continuously by a succession of shifts (ILO Convention1, Article 4). Additional hours, however, must be set on a case-by-case basis after consultation with organizations of employers and workers (ILO Convention 1 Article 6.2).

The Walmart Standards for Suppliers Manual requires suppliers to comply with all local laws pertaining to labour hours, including limits on hours worked.

Walmart CSR standards set a limit of 48 hour workweeks with 12 overtime hours permitted—this ceiling extends beyond the reasonable hours of work prescribed by ILO standard and many national laws.

Walmart also specifies that overtime work should not be mandatory and that suppliers may not use coercive behavior to influence workers regarding overtime hours. Suppliers are also required to maintain accurate documentation reflecting the time worked by per-piece payment schemes. Workers must also be allowed to record their own working hours. Finally, suppliers are required to uphold laws pertaining to rest days and provide workers with at least one scheduled rest day per 7 calendar days.

While Walmart establishes standards for suppliers with regard to overtime and leave, the Walmart Standards for Suppliers Manual also explicitly permits use of production targets which drive forced overtime.

5. Unsafe workplaces

Workers in Walmart supplier factories face physical injury and even death due to industrial accidents.

The RMG industry in Bangladesh routinely suffers significant industrial accidents, leaving workers dead and injured. The 2012 factory fire at Tazreen Fashions killing 124 workers; and the 2013 collapse of the Rana Plaza building, which housed five factories, directed the attention of the global community to working conditions in the Bangladeshi RMG sector. Walmart purchased from both Tazreen Fashions and factories housed within the Rana Plaza building.

On May 14, 2013, immediately after the collapse of Rana Plaza building killing 1136 and leaving thousands more injured, Walmart finally announced that it would conduct in-depth safety inspections at all of its Bangladesh facilities. However, despite promises to disclose the list of factories, no factories have been disclosed.

According to worker reports, this study found that safety related facilities—including fire-fighting instruments, alternative stairs for emergency fire exits, fire extinction drill and safety equipment—are available at varied levels across factories.

Workers report that fire safety provisions have improved substantially since Rana Plaza. 91% of respondents reported that fire-fighting instruments are now available in their workplaces. 81% of respondents reported that emergency exits are in place. However, only 65.3% of workers reported that routine fire drills are held.

Worker strategies

Trade unions have successfully challenged refusal to pay legally mandated severance dues following factory fires. On 18 July 2016, a fire erupted in PT Pilar Putra Sejati (PPS), a Walmart garment supplier factory located in Sukabumi, West Java Indonesia. The fire started, the cause of which remains unknown, started at 4:30 am. Although PPS employed more than 1300 workers, there were no casualties among workers.

At the time of the fire in PPS, the company had delayed the payment of worker's social security dues, BPJS for 4 months. After the fire, the factory was closed and workers were given days off. At the time the workers heard that company would probably dismiss the workers. Responding to the rumor, GSBI, the union opened a grievance center so that the workers could report any case they had.

On August 1, 2016, the company issued an official statement declaring the closure of the company. It fired all its workers and stated that it would only pay the worker's salary until July 18, the date when the fire happened. Regarding the workers BPJS's due, the company would pay the dues but it would only pay 20 percent of severance. The company claimed that it had reached an agreement with the union to pay 25 percent of the severance. After ongoing pressure from GSBI, PPS compensated the workers beyond the legal requirement.

Working conditions in garment factories and the impact on the health of garment workers is a pressing concern within the garment industry. Workers employed at Cambodian Walmart supplier factory, Cambo Kotop, reported that the cutting and sewing departments are particularly dusty.

In Cambodia, the BFC 2017 Annual Report reported significant health and safety concerns. 14.94% of the factories monitored did not have a fire detection or alarm system and 15.44% did not have adequate fire-fighting equipment, putting workers at risk of death in the event of a fire. 24.81% failed to conduct periodic emergency fire drills and 47.34% had obstructed access paths (BFC 2017)

Unsafe workplace practices that result in physical injury extend beyond the factory. On November 10, 2017, Campost, a Khmer language news paper reported an accident involving a truck carrying 68 garment workers on their way to work at Walmart supplier, Juhui Footwear Co. Ltd. Five workers were seriously injured. The paper attributed the accident to negligence by the driver, leading the truck to flip over. Workers in Cambodia are routinely crowded into trucks and shuttled to long shifts at Walmart supplier factories. Emerging definitions of workplace violence should include provisions to safeguard workers from physical injury in transit.

Industrial accidents outside the factory gates



Garment workers in Cambodia travel to work by CENTRAL for Asia Floor Wage Alliance (AFWA)





Campost releases graphic photos of the injuries sustained by women workers when the truck they took to work at a Walmart supplier factory flipped over on their morning commute: https://campost.news/read_news/12279

Barriers to accountability

1. Unauthorized subcontracting

Tier 1 companies routinely engage subcontractors to complete orders from brands.

Subcontracting funnels work from regulated facilities to unregulated contractors where employees typically work longer, for less, and usually in worse conditions.

Subcontracting practices make chains of accountability more difficult to establish. Brands typically establish contracts with Tier 1 or parent companies and list these companies exclusively when disclosing production units. In instances where brand labels are sewn in by the parent company, workers in subcontracting facilities may not even know the brand they are producing for (Finster 2015).

As explained by CCAWDU Vice President, Athit Kong, a former garment worker: "It is the multinational brands who extract by far the largest profits from the labour of Cambodian garment workers, yet they hide behind layers of outsourcing and subcontracting to avoid responsibility" (Finster 2015).

In recent years, researchers have identified cases in which Walmart has not taken action to defend the rights of workers producing Walmart products in facilities that subcontract from Tier 1 companies. Instead, Walmart has been exposed for continuing to accept clothing exports from suppliers that they claim to have banned. For instance, in June 2011, Walmart claimed to ban shipments from Bangladeshi garment manufacturer, Mars Apparel. However, shipments continued until late May 2013.

Ongoing receipt of shipments from suppliers Walmart has claimed to publicly ban raises significant questions about Walmart's commitment to monitoring supply chains and ensuring decent working conditions.

2. Denial of freedom of association and collective bargaining

Denial of fundamental rights to freedom of association and collective bargaining leave contingent workers unable to address violations of their rights at work. This is compounded for women workers who face workplace violence because, as illustrated in Sulatana's case, they also face challenges seeking relief through human resource departments and local officials.

None of the factories surveyed had a mechanism for settling disputes and none of the workers interviewed could recall any strike or collective action that had taken place in the factory where they work. When asked to elaborate on the nature of dispute handling procedures in the factories where they worked, workers reported that no formal system to address grievances exists at their workplaces. Instead, workers must rely upon mid-level management for relief. While some workers reported the presence of complaint boxes within their workplaces, workers considered this avenue for relief of little use.

Only 4% of workers in Walmart supplier factories in Bangladesh reported membership in any workers' organization.

77% of workers employed in Walmart supplier factories in Bangladesh reported that either their factories do not have any collective action mechanisms, including unions or workers associations (43%); or they are not aware of union or worker association presence (34%). While approximately 33% of workers interviewed reported there was some sort of workers' collective, they were unable to distinguish between trade unions, participation committees and workers' associations—and of this 33%, only 18% reported belonging to a workers' organization.

Workers reported that fear of harassment and termination for participating in workers' organizations are significant factors preventing them from joining unions and associations. Almost all workers surveyed confirmed that most employers expel workers from their jobs if they find workers engaged in any sort of trade union activities.

As one Bangladeshi worker explained:

> If we maintain contact with anyone involved in organizing workers, we run the risk of losing our jobs. Participation in workers' organizations is a punishable offense.

64% of Bangladeshi workers in Walmart supplier factories reported that they do not know whether there is any opportunity for collective bargaining at their workplaces. The investigation into collective bargaining rights in Walmart supplier factories, also revealed that workers hardly bargain with the employers through trade unions or any other associations. Rather, the predominant mode of bargaining is mediation. Only a very small percentage of Bangladeshi worker respondents (5%) reported bargaining through unions or associations. 29% of respondents used mediators—including supervisors and influential local personalities—to channel their demands. Another 29% of workers reported bargaining directly with employers without the support of workers unions or associations.

Only a very small proportion of workers claimed to have seen strikes at their workplaces and only a handful of workers claimed to have participated in some form of a strike. The majority of respondents reported that due to fear of retaliation they would not exercise their limited right to strike. Most workers reported that participation in a strike would lead to their termination.

All workers who participated in CENTRAL's FGDs from Walmart supplier factories stated that they felt that workers in their workplace were unable to negotiate together for better contracts. In large part this inability of workers to collectively bargain for better contracts is a direct result of the introduction of the Law on Trade Unions in 2016. The Law reserves the "exclusive right" to negotiate with respect to collective bargaining or collective labour disputes to the union with most representative status in the enterprise.

Union leaders in CATU, which have a union presence (but not MRS) in both Cambo Kotop and Cambo Handsome, have reported having their attempted registrations of their union rejected by the Ministry for minor grammatical mistakes or spelling errors. The usage of the Law on Trade Unions in this way, that is, to reduce the influence and status of independent unions in the Cambodian garment sector, serves to impede workers' ability to collectively bargain for better contracts.

Union leaders are often targeted by factory owners, and violently beaten by law enforcement

officials while striking outside the workplace. Many have faced dismissal or have been fired due to their activities (CCHR 2014). For instance, Walmart suppliers, Quicksew and Cambo Kotop, dismissed local union activists for engaging in union activity. Despite orders from the Arbitration Council to reinstate these workers, the company refused.

Under Article 54 of the Law on Trade Unions, a union may obtain most representative status (MRS) if it is legally registered with the Ministry of Labour and Vocational Training, has programs and activities indicating that the union is capable of providing professional, cultural and educational services to its members, and its members comprise 30% of the total workers in the enterprise (or has the support of 30% of the workforce).

Violations of freedom of association and collective bargaining, core labour rights protected protected under the Declaration on Fundamental Principles and Rights at Work, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Contention, 1949 (No. 98).

The ILO Declaration on Fundamental Principles and Rights at Work recognizes the right to organize as one of four fundamental rights to be upheld by ILO member states. Together, the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Right to Organize and Collective Bargaining Convention, 1949 (No.98) outline the right to join a trade union and the right to organize.

The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) calls upon states to prevent discrimination against trade unions; protect employers' and workers' organizations against mutual interference; and undertake measures to promote collective bargaining. The Right to Organize and Collective Bargaining Convention, 1949 (No. 98), protects workers who are exercising the right to organize; upholds the principle of non-interference between workers' and employers' organizations; and promotes voluntary collective bargaining. Freedom of association and collective bargaining are integral to the protection of other labour rights.

3. Lack of independent monitoring

Following the devastating collapse of Rana Plaza, 200 brands signed the 2013 Accord on Fire and Building Safety in Bangladesh—Walmart refused. The Accord is a legally-binding agreement that commits signatory brands and retailers to require their factories to undergo essential safety renovation, provide financial assistance to factories to conduct renovations as needed and stop doing business with factories that fail to undertake renovations according to deadlines established by the Accord's independent inspectorate. Accord inspections are undertaken by qualified safety engineers with in-depth expertise in fire, building and electrical safety.

Instead of signing the Accord, Walmart together with Gap, founded the Alliance for Bangladesh Worker Safety. Unlike the legally binding 2013 Accord on Fire and Building Safety, the Alliance for Bangladesh Worker Safety is a voluntary measure rather than a contractual commitment—including 28 North American retailers and brands as of March 2016. To date, Walmart has refused to make a contractual commitment to work with their suppliers and local and international trade unions to ensure that repairs are made and workers have the right to refuse dangerous work.

Walmart has, however, worked with Bureau Veritas (BV) for assessment and certification services, to complete four phases of inspections for factories in Bangladesh that produce ready-made garments directly for Walmart. The results of these inspections have been harmonized with Alliance activity, and these factories are now part of the Alliance process.



By failing to require suppliers to undergo independent inspections under the 2013 Accord on Fire and Building Safety, Walmart turns a blind eye to adverse human rights impacts directly linked to their products.

RECOMMENDATIONS

1. Adopt an expansive definition of "worker" and "workplace" to ensure that all workers, workplaces, and forms of work are included in standards addressing workplace violence and harassment.

1.1. As presented in the Proposed Conclusions of Report V(2) on Ending violence and harassment in the work of work, the term "worker" should cover persons in the formal and informal economy, including "(i) persons in any employment or occupation, irrespective of their contractual status; (ii) persons in training, including interns and apprentices; (iii) laid-off and suspended workers; (iv) volunteers; and (v) jobseekers and job applicants."

1.2. The proposed definition of worker should explicitly include all migrant workers, regardless of their legal status in the place of employment.

1.3. As presented in the Proposed Conclusions of Report V(2), standards on violence and harassment in the world of work should cover situations, including "(a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid or takes a rest break or a meal; (c) when commuting to and from work; (d) during work-related trips or travel, training, events or social activities; and (e) through work-related communications enabled by information and communication technologies."

1.4. The proposed situations should be expanded to include the following situations:

1.4.1. employer-provided housing;

1.4.2. recruitment sites, including day-labor recruitment sites;

1.4.3. home-based work; and

1.4.4. export processing zones linked to global supply chains, including those characterized by exemptions from labour laws, taxes, and restrictions on union activities and collective bargaining.

1.5. As presented in the Proposed Conclusions of Report V(2), "victims and perpetrators of violence and harassment in the work of work can be employers, workers and third parties, including clients, customers, service providers, users, patients, and the public."

1.6. The proposed definition of "victims and perpetrators" should be expanded to include the following roles:

1.6.1. Multi-national corporations and brands, suppliers, and labor contractors in production, agricultural, food processing, and other relevant contexts.

1.6.2. Private employment agencies as defined under Article 1 of the ILO Private Employment Agencies Convention, 1997 (No. 181), including any enterprise or person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment; (b) services for employing workers with a view to making them available to a third party ("user enterprise"); (c) other services relating to job seeking, such as the provision of information, that do not aim to match specific employment offers and applications.

2. Address risk factors for violence, including risk factors associated with the nature and setting of work and the structure of the labour market.

2.1. Address risk factors for violence rooted in the structure of the labour market. Consistent with the Report of the Committee of Experts convened by the ILO in October 2016, recognize gender based violence as a social rather than an individual problem, requiring comprehensive responses that extend beyond specific events, individual perpetrators, and victims/survivors (No. 35, para. 9).

2.2. Identify (1) garment and other global production networks and (2) migration corridors as sectors and sites in which workers, including women and migrant workers, are more exposed to violence and harassment. Take corresponding measures to ensure these workers are effectively protected.

2.3. Acknowledge particular risk factors for violence in global production networks and take the followings measures to control these risks:

2.3.1. Address cultures of impunity for violence in the workplace by prohibiting workplace retaliation, and safeguarding fundamental rights to freedom of association and collective bargaining.

2.3.2. Extend labour protections to workers employed in situations that are not protected by labour law and other social protection frameworks.

2.3.3. Prohibit unrealistic production demands and piece-rate targets that accelerate production rates, extend working hours, create high stress working environments, and foster abuse.

2.3.4. Address concentration of women and migrant workers in low wage, contingent work, especially in the lower tiers of the supply chain.

2.3.5. Increase numbers of women in supervisory and managerial positions

2.3.6. Call for and implement living wage standards.

2.3.7. Protect the rights of home-based workers.

2.3.8. Require multi-national corporations, employers, contractors, and states to maintain effective remedies and safe, fair and effective dispute resolution mechanisms in cases of violence and harassment, including:

2.3.8.1. complaint and investigation mechanisms at the workplace level;

2.3.8.2. dispute resolution mechanisms external to the workplace;

2.3.8.3. access to courts or tribunals;

2.3.8.4. protection against victimization of complainants, witnesses, and whistle-blowers; and

2.3.8.5. legal, social, and administrative support measures for complainants.

2.3.9. Provide workers with information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

2.4. Recognize and address discrimination against women that intersects with other axes of discrimination, including low economic resources, migrant status, race, ethnicity, caste, tribe, religion, and disability.

3. Draw upon and strengthen definitions and prohibitions addressing violence against women by the Committee on the Elimination of Discrimination against Women (CEDAW) by applying these standards to gender based violence in the world of work.

3.1. The International Labour Conference should adopt standards on violence and harassment in the world of work. These standards should take the form of a Convention supplemented by a Recommendation.

3.2. Consistent with General Recommendation No. 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women (CEDAW), ILO standards should include and address (1) "violence which is directed against a woman because she is a woman;" and (2) violence that

"affects women disproportionately" (article 1). For instance, as documented in this study, women workers at the base of garment global production networks are disproportionately impacted by gendered patterns of employment that concentrate women in low-wage, contingent employment.

3.3. Consistent with General Recommendation No. 19, the definition of violence should include acts that inflict physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty (article 6).

4. Ensure a duty among MNCs and their suppliers to obey national laws and respect international standards pertaining to realization of ILO fundamental principles and rights at work.

4.1. Noting the limits to jurisdiction under national legal regimes, the ILO should move towards a binding legal convention regulating global supply chains.

4.1.1. Standards under this convention must be at least as effective and comprehensive as the UN Guiding Principle on Business and Human Rights and existing OECD mechanisms, including the 2011 OECD Guidelines for Multinational Enterprises.

4.1.2. The Convention should include the following components, among others:

4.1.2.1. Impose liability, sustainable contracting, capitalization and/or other requirements on lead firms.

4.1.2.2. Establish regional and supply chain specific inspection mechanisms with monitoring and enforcement powers, including individual complaint mechanisms and field investigation authority.

4.1.2.3. Require transparent and traceable product and production information.

4.1.2.4. Address the special vulnerability of women and migrant workers on GVCs.

4.1.2.5. Limit the use of temporary, outsourced, self-employed, or other forms of contract labor that sidestep employer liability for worker protection.

4.2. Pursue a Recommendation on human rights due diligence that takes into account and builds upon existing due diligence provisions that are evolving under the United Nations Guiding Principles on Business and Human Rights and the 2011 OECD Guidelines for Multinational Enterprises.

4.3. Take the following complementary measures to protect workers employed in global value chains:

4.3.1. Recognize the right to living wage as a human right and establish living wage criteria and mechanisms.

4.3.2. Promote sector-based and transnational collective bargaining and urge countries to remove national legal barriers to these forms of collective action.

4.3.3. Expand work towards the elimination of forced labour, including promoting ratification and implementation of the Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention 1930 and accompanying Recommendation, 2014.

4.3.4. Continue programs to ensure social protection, fair wages, and health and safety at every level of GVCs.

5. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

5.1. Research the spectrum of gender based violence impacting women workers in garment and other supply chains:

5.1.1. Since women represent the greatest majority of garment workers, the situation of women should be urgently included in monitoring programmes to assess the spectrum of their clinical, social and personal risks.

5.1.2. Research should include physical harm, mental harm, sexual harm or suffering, threats of any of these acts, coercion, and deprivations of liberty.

5.1.3. Research should document (1) violence which is directed against a woman because she is a woman; and (2) violence that affects women disproportionately due to gendered patterns of employment that concentrate women in low-wage, contingent employment.

5.1.4. Research should consider not only the workplace, but also related situations including training, recruitment and placement, commutes to and from work, and housing contexts where employers exhibit significant control over the daily lives of workers.

5.1.5. Require an urgent, epidemiological study into deaths and disabilities resulting from conditions of work and life of garment workers. This information should be made available publicly and to international agencies.

5.1.6. Research design and planning should be sensitive to the barriers women face in discussing and reporting violence, including workplace retaliation, social stigma, and trauma associated with recounting situations of violence. Due to these factors, quantitative approaches to documenting gender based violence risk underreporting and may not produce insight into the range of violence women face, associated risk factors, and barriers to reporting.

5.2. Research adverse impacts of purchasing practices upon:

5.2.1. Core labour standards for all categories of workers across value chains.

5.2.2. Wages and benefits for all categories of value chain workers. This research should aim to satisfy basic needs of workers and their families.

5.2.3. Access to fundamental rights to food, housing, and education for all categories of value chain workers and their families.

5.3. Research the range of global actors that may have leverage over GVCs including investors, hedge funds, pension funds and GVC networks that define industry standards such as Free on Board (FOB) prices.

5.3.1. This line of research should include investigation of the mechanisms deployed by authoritative actors within GVCs that contribute to violations of fundamental principles and rights at work, including but not limited to attacks on freedom of association, collective bargaining, forced overtime, wage theft and forced labour.

5.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

6. Consistent with the Roadmap of the ILO programme of action 2017-21 arising out of the work of the 105th Session (2016) of the ILO on decent work in global supply chains, knowledge generation and dissemination of research to inform ILO global supply chain programming should include gender based violence and risk factors for gender based violence.

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6.4. Research into the types of technical advice needed by OECD government participants taking a multi-stakeholder approach to address risks of adverse impacts associated with products.

7. Organize a Tripartite Conference on the adverse impact of contracting and purchasing practices upon migrant workers' rights. This conference should focus on:

7.1. The intersection of migrant rights and ILO initiatives to address violence against men and women in the world of work and Decent Work in Global Supply Chains.

7.2. Protection of migrant rights as conferred under the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Acknowledgements

This report is one in of a series of reports, entitled Workers Voices from the Global Supply Chain, including six reports to the International Labour Organization in 2016; and three reports to the International Labour Organization in 2018.

Field investigation of gender based violence in Walmart factories in Bangladesh, Cambodia and Indonesia was conducted by CENTRAL, in Cambodia; LIPS in Indonesia, and Development Synergy Institute in Bangladesh.

This research was designed and coordinated by Shikha Silliman Bhattacharjee, JD. Field research conducted from January-May 2018 and associated data analysis was completed by Faisal Bin Majid, Jenny Holligan, Patrick Lee, Monower Mostafa, Thy Phalla, Sar Mora, Linda Nop, Yang Sophorn, and Wiranta Yudha. Desk research, legal analysis, and writing contributors included Adriana Rose Feuer, Patrick Lee, Alexandra Goldwyn, Caitlin Hoover, Natalie Leifer, Shikha Silliman Bhattacharjee, and Claire Zurcher-Hamm.

This report was reviewed by Anannya Bhattacharjee, Dev Nathan, JJ Rosenbaum, and Ashim Roy. Recommendations for the ILO at the International Labour Conference, 2018 were formulated by a coalition of organizations including the international Asia Floor Wage Alliance and Global Labor Justice, CENTRAL (Cambodia), and the Society for Labour and Development (India). These recommendations build upon Recommendations for the ILO at the International Labour Conference, 2016, formulated by Asia Floor Wage Alliance, Jobs with Justice (USA), National Guestworkers Alliance (USA), and Society for Labour and Development (India).

We extend gratitude to the workers who shared their time, experience and materials for the purpose of this study.

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