

# GENDER JUSTICE IN LESOTHO APPAREL

**A**ugust 15th, 2019 marked the announcement of a legally-binding Worker-driven Social Responsibility (WSR) agreement to address long-standing issues of sexual harassment and gender-based violence in the Lesotho-based suppliers of several major apparel brands.

This development represents a tremendous breakthrough for Lesotho garment workers, who, though their unions, have been pursuing a worker-driven approach to stop these abuses. It also represents a significant new expansion of the WSR model, which is now operative on three continents and is quickly winning recognition as the only proven effective approach for protecting workers' fundamental human rights in global supply chains after decades of failed, corporate-led social responsibility efforts.

Union and NGO leaders from Lesotho learn about the Fair Food Program in Immokalee, Florida. November 2018. Photo credit: WRC

In the face of overwhelming odds, workers at the Nien Hsing Textile Co. in Lesotho came together to demand respect and justice in the workplace, and an end to a pervasive environment of gender-based violence. The agreement would not have come about without years of courageous organizing by the three unions representing garment workers at the supplier, Nien Hsing Textile: the Independent Democratic Union of Lesotho (IDUL), the United Textile Employees (UNITE), and the National Clothing Textile and Allied Workers Union (NACTWU). Equally important in achieving these agreements were the Federation of Women Lawyers in Lesotho (FIDA) and Women and Law in Southern African Research and Education Trust-Lesotho (WLSA), two of Lesotho's leading women's rights advocates. WLSA and FIDA joined with the three unions to battle workplace harassment and abuse at the factories.

The unions helped the Worker Rights Consortium (WRC) document and expose the reality in the

factories, through an intensive investigation. The WRC recommended that the unions and women's groups join forces to pursue a WSR agreement with the factory's three main buyers and then pressed the buyers, Levi's, The Children's Place, and Kontoor Brands, to come to the table.

WRC, the Solidarity Center, and Workers United then worked side-by-side with the Lesotho union and women's rights leaders to negotiate with the brands and Nien Hsing. Throughout, FIDA's and WLSA's insights were indispensable in the design of the anti-sexual harassment program the new agreements will create.

The program created by the Lesotho agreement includes a complaint mechanism modeled after the one in the Coalition of Immokalee Workers' (CIW) Fair Food Program, an initiative that has been uniquely successful in addressing a culture of sexual harassment and gender-based violence that had persisted for years in the US agricultural industry. The program also draws from the experience of the Accord on Fire and Building Safety in Bangladesh, which has transformed safety conditions and dramatically reduced workplace hazards for more than two million garment workers.

The Fair Food Standards Council (FFSC) and CIW shared expertise and protocols, and provided strategic advice and support during the process, which included a two-day exchange in Immokalee, Florida between representatives from the organizations in Lesotho, CIW, FFSC, WRC, Solidarity Center, and WSR Network to explore the structure and function of the Fair Food Program in detail.



This is the second example of a WSR program in the global apparel industry, following the Accord on Fire and Building Safety in Bangladesh, which the WRC and two other Network members, Clean Clothes Campaign and the International Labor Rights Forum, helped to create and implement. The Solidarity Center is taking the lead in supporting the Lesotho organizations on program implementation with support from the WRC. FFSC is providing advice and consultation, particularly on implementation of the agreement's complaint mechanism.

The Lesotho agreement covers five factories and benefits more than 10,000 apparel workers, the vast majority of whom are women. The agreement establishes that:

- Any worker who experiences harassment or coercion has the right to file a complaint with an independent monitoring body, which will investigate the complaint and impose remedies. Such remedies can include requiring the employer to terminate the abuser – an action that would have been practically unheard of in the global apparel industry prior to this agreement;
- Robust anti-retaliation provisions to ensure that complainants and witnesses are protected;
- An in-depth training program for workers about their rights under the program. Workers will be compensated

by their employer for the time they spend in these trainings;

- Strong protections against any interference with, or retaliation against, workers' exercise of their associational rights; and
- Many other provisions

Unlike the voluntary corporate social responsibility programs and multi-stakeholder initiatives that are often used to deflect public scrutiny of abuses, this new binding agreement includes strong enforcement mechanisms to ensure that the employer and the buyers comply with their commitments. In the case of the brands, they can be subject to legal action for violating the program's terms. In the case of the employer, Nien Hsing faces a potential loss of business if it fails to uphold the agreement. As demonstrated in other WSR programs, such consequences are critical to ensuring that workplace improvements are implemented and maintained over time.

This agreement marks a new day for apparel workers at Nien Hsing in Lesotho. As the program is implemented, we hope to see other employers and brands in Lesotho join in order to expand the protections to an even greater number of workers. This moment represents another important step forward in the expansion of the WSR model, and the struggle for the protection of workers' human rights in global supply chains.