

February 5, 2021

Dear H&M:

We, the undersigned trade unions and organizations, write to urge H&M to respond to extreme and widespread conditions of gender-based violence and harassment and ongoing violations of freedom of association facing women workers at Eastman Exports, and to demand action on Eastman Exports' escalating coercive actions against Ms. Kathiravel's family. These constitute violations of domestic law, including the Indian Supreme Court's Vishaka Guidelines on sexual harassment in the workplace, as well as of internationally recognized labor standards and H&M's own Code of Conduct.

Unchecked and escalating gender-based violence in the workplace ultimately led to the January 1, 2020 rape and murder of Tamil Nadu Textile and Common Labour Union (TTCU) member and fast fashion quality control supervisor Jeyesre Kathiravel by her direct supervisor at the Eastman Exports Natchi Apparel unit, Thangadurai. In the past year, during which Ms. Kathiravel was working at the Natchi Apparel unit while pursuing additional higher education, Ms. Kathiravel was repeatedly sexually harassed by her supervisor at work.

Since her tragic death and since buyers have been put on notice, Ms. Kathiravel's family has faced pressure and threats from management designed to secure a minimal financial settlement, and Eastman Exports has refused the family's request for TTCU leaders to be present at settlement negotiations.

On Saturday January 30, at approximately 9:35pm India time, Eastman Exports officials accompanied by approximately 50 men from the factory and others able to exert local pressure, invaded the home of Ms. Kathiravel's mother, who at the time was accompanied by ten women union leaders. In the face of this large and aggressive group of men, Ms. Kathiravel's mother was pressured to sign documents releasing Eastman Exports from responsibility, after which she fainted and was taken to the hospital. This represents a further escalation of gender-based violence and harassment — from the ongoing GBVH at the Eastman Exports Natchi Apparel unit, to the murder of Ms. Kathiravel by her supervisor, and now to aggressive actions against her family.

Prior to the crime against Ms. Kathiravel, other women workers alleging sexual harassment, physical acts of sexual assault, unwanted sexual touching or physical contact, unwelcome sexual advances and (most commonly) feeling pressured to engage with supervisors and managers sexually within the factory filed complaints with management with the help of their union TTCU.<sup>1</sup> However, Eastman Exports took no action and maintained an internal complaints committee focused on repressing rather than exposing serious and ongoing violations. When TTCU attempted to raise the non-responsiveness with management, Eastman Exports management refused to engage and dismissed TTCU, claiming Eastman Exports would remain a "union-free" workplace.

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<sup>1</sup> The Tamil Nadu Textile and Common Labour Union (TTCU), is a registered, independent, women-led trade union, with a significant and growing representation in Natchi Apparel. TTCU was founded in 2013 and represents around 11,000 workers in Tamil Nadu. Eighty percent of TTCU's members work in the textile and garment industry. TTCU works across the major garment hubs of Tamil Nadu including Coimbatore, Dindigul, Erode and Tirupur.

H&M should know of the risk that commonplace and gross gender-based violence and harassment and retaliation against women workers who report may escalate to increasing violence and harm.<sup>2</sup> H&M's ongoing contractual relationship with a supplier relying on abusive conditions for women workers to meet production quotas —including retaliation against those workers who bring complaints through the formal reporting process — evidences gross negligence and a failure to meet all standards of responsible business conduct to prevent and to mitigate the “adverse human rights impacts that are directly linked to operations, products or services by their business relationships.”<sup>3</sup> The UN Guiding Principles on Business and Human Rights (UNGPs) emphasize the importance of companies assessing and addressing the risk of abuse in their supply chains, with particular attention to gender-based and sexual violence. Furthermore, access to effective remedy for victims and right-holders is a core component of the UNGPs.

We therefore support the call from the Tamil Nadu Textile and Common Labour Union (TTCU) on H&M to take the following immediate steps recognizing that corporate social responsibility and auditing is wholly inadequate:

- Enter an enforceable agreement with Brands, Eastman Exports, and TTCU including future monitoring, remediation and further prevention of gender-based violence and barriers to freedom of association. *This would include terms of reference for a further independent investigation. A unilateral investigation by brands is counterproductive as there is already adequate evidence to conclude that serious problems exist, and further inquiry should be carried out jointly, pursuant to a broader agreement to inform the implementation of remediation and monitoring.*
- Negotiate in good faith with Ms. Kathiravel's family using established benchmarks for family compensation for apparel workers. This includes honoring the family's request for union representation and ensuring that exaggerated criminal charges against 18 community members, which are being leveraged to pressure the community to release Eastman Exports from responsibility, are withdrawn.

We also emphasize that withdrawing orders from Eastman Exports including from its Natchi Apparel unit would be harmful, and we expect H&M to use its leverage towards an agreed upon resolution. We also encourage H&M to publicly show support for the International Labor Organization's Convention on Violence and Harassment (No. 190) and to encourage countries included in its supply chain to ratify the Convention.

We await your immediate response.

Sincerely,

Aajeevika Bureau, India  
Affected Women's Forum, Sri Lanka  
AFL-CIO, United States  
All India Democratic Women's Association (AIDWA), India

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<sup>2</sup> “The GBV Escalation Ladder,” in Asia Floor Wage Alliance's Step-by-Step Approach to Prevent Gender Based Violence at Production Lines in Garment Supplier Factories in Asia, p. 12-15. Available at <https://asia.floorwage.org/wp-content/uploads/2021/01/AFWA-Step-by-Step-approach-to-Prevent-GBV-compressed.pdf>.

<sup>3</sup> OECD Guidelines for Multinational Enterprises. Available at <https://mneguidelines.oecd.org/mneguidelines/>.

Asian Pacific American Labor Alliance (APALA), United States  
Asian Transnational Corporations Monitoring Network (ATNC), Hong Kong  
Bangladesh Center for Workers Solidarity, Bangladesh  
Bangladesh Nari Progati Sangha, Bangladesh  
Blank Noise, India  
Cambodian Alliance of Trade Unions (CATU), Cambodia  
Cambodian Food and Service Workers' Federation (CFSWF), Cambodia  
Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia  
Center of Indian Trade Unions (CITU), India  
Ceylon Mercantile Industrial & General Workers Union (CMU), Sri Lanka  
CNV International, Netherlands  
Corporate Accountability Lab, United States  
Dabindu Collective, Sri Lanka  
Ecumenical Institute for Labor Education and Research, Philippines  
Fair Action, Sweden  
Federasi Pekerja Pelabuhan Indonesia, Indonesia  
Federasi Serikat Buruh Persatuan Indonesia (FSBPI), Indonesia  
Federation of Karya Utama Union, Indonesia  
FEDINA, India  
Feministsindia, India  
Garment and Allied Workers Union (GAWU), India  
Garment Labour Union (GLU), India  
Garment Worker Center Los Angeles, United States  
Garment Workers' Trade Union Centre, Bangladesh  
Global Alliance Against Trafficking in Women (GAATW), Global  
Global Labor Justice - International Labor Rights Forum, United States  
Globalisation Monitor, Hong Kong  
Hosiery Workers Unity Centre (HWUC), India  
International Domestic Workers Federation (IDWF), Global  
International Women's Rights Action Watch - Asia Pacific, Global  
Ittehad Labour Union Carpet Industries, Pakistan  
Jaffna Transgender Network, Sri Lanka  
Jaringan Muda Setara, Indonesia  
Jobs With Justice, United States  
Karmojibi Nari, Bangladesh  
Karnataka Garment Workers Union (KOOGU), India  
Konfederasi Serikat Nasional/National Union Confederation, Indonesia  
Labour Behind the Label, United Kingdom  
Labour Education Foundation, Pakistan  
Labour Qaumi Movement, Pakistan  
Lawyers' Collective, India  
Mahila Mukti Morcha (Chhattisgarh), India  
Mill Mazdoor Panchayat (MMP), India  
Muslim Women's Development Trust, Sri Lanka  
Munnade, India  
Nari Shakti Sangathan Kangra, India  
National Domestic Workers Alliance, United States  
National Trade Union Federation (NTUF), Pakistan

North East Network, India  
OpenSpace, India  
Pakistan Institute of Labour Education & Research (PILER)  
Pakistan Kissan Rabita Committee, Pakistan  
Pakistan Textile Garment and Leather Workers Federation, Pakistan  
Perempuan Mahardhika, Indonesia  
Progressive Plantation Workers Union, India  
Protection International, Indonesia  
Public Eye, Switzerland  
Punjab Women Collective, India  
Remake, United States  
Remember Who Made Them, United Kingdom  
Revolutionary Existence for Human Development (RED), Sri Lanka  
Sanitary Panels, India  
Sedane Labour Resource Centre (LIPS), Indonesia  
Serikat Pekerja Nasional (SPN), Indonesia  
Serve the People Association, Taoyuan (SPA), Taiwan  
Shramabhimani Kendraya, Sri Lanka  
Solidarity Center, United States  
South Asia Alliance for Poverty Eradication (SAAPE), Nepal  
Stand Up Movement, Sri Lanka  
SWAYAM, India  
Textile Garment Workers Federation, Bangladesh  
Textile Garment and Clothing Workers Union (TGCWU), Sri Lanka  
Textile Power Loom and Garment Workers Union of Punjab, Pakistan  
Trafford Rape Crisis, United Kingdom  
Unite Here Local 1, Chicago, United States  
United Federation of Labour and Commercial and Industrial Workers Union, Sri Lanka  
United Steelworkers, United States  
Vidhayak Trust, India  
Vimochana, India  
War on Want, United Kingdom  
Women Democratic Front, Pakistan  
Women in Informal Employment: Globalizing and Organizing (WIEGO), Global  
Women's Legal and Human Rights Bureau, Philippines  
Worker-Driven Social Responsibility Network, United States  
Workers' Initiative Kolkata, India  
Workers United - Service Employees Union International (SEIU), United States  
World Federation of Trade Unions, Asia