



December 15, 2016

Ambassador (Ret.) Jim Moriarty
Country Director
Alliance for Bangladesh Worker Safety

Dear Mr. Moriarty,

We were glad to read in Dominic Rushe's November 21, 2016 article published in *The Guardian* that, starting in January, "all information from each of the Alliance's visits would be published on the Fair Factories Clearinghouse (FFC) website."¹ We trust that this means that the Alliance's website will, at that time, publicly post – and, thereafter, regularly update – detailed information on the progress of individual factory renovations, similar to how factory updates hosted in the Fair Factories Clearinghouse database are publicly available via the Bangladesh Accord on Fire and Building Safety's website. If this is what the Alliance intends, then, when implemented, that will be a step forward on transparency, though obviously a belated one.

We remain concerned, however, by other recent statements made by you and by the Alliance's board chair, Honorable Ellen O'Kane Tauscher. Please find below a list of those statements and, for each, our response.

“[N]ot a single factory still in the Alliance supply chain lacks viable fire exits.”²

As our report showed, according to detailed updates on corrective action plans for 175 Alliance factories, most of which were updated during the three months prior to the publication of our report, 62% of the factories lack viable fire exits.³ The fire exit deficiencies include stairwells discharging inside buildings, rather than leading outside to safety, stairwells lacking fire-rated doors, exit routes comprised of unsealed openings that would allow smoke to enter during a fire, and related issues. It is irresponsible to misrepresent the truth on this vital matter and we do not understand how the Alliance can, in good conscience, make this claim.

¹ Rushe, Dominic, *The Guardian*, "Retail group approves Bangladesh factories as safety concerns persist, report finds," November 21, 2016, available at <http://theguardian.com/world/2016/nov/21/bangladesh-garment-factories-safety-alliance-rana-plaza-report>.

² Letter by Jim Moriarty to *The Guardian*, which copied ILRF.

³ ILRF, WRC, CCC, and MSN, "Dangerous Delays on Worker Safety: Walmart, Gap, VF, Target & Hudson's Bay Have Failed to Address Deadly Hazards in Many Factories, But Bangladesh Alliance Downplays the Problem with Rosy Status Reports," November 2016, available at <http://laborrights.org/dangerousdelays>.

“The complexity of the remediation process in some cases means that sustainable fixes to factory safety take longer than initially anticipated. For example, because there are no local suppliers in Bangladesh for the type of sprinkler that meets Alliance standards, we are helping suppliers import them from international markets. In partnership with the Bangladeshi government, we have taken steps to help expedite the shipment of internationally-rated fire safety doors and to eliminate burdensome import tariffs on this equipment.”⁴

During the first year after the Alliance’s establishment, this would have been an understandable argument for short delays on the installation of sprinklers and fire-rated doors. Now that it has been *three and a half years* since the establishment of the Alliance, and the deadlines for completing installation passed in many cases over two years ago, this argument is no longer credible. This is especially true since the argument that logistical challenges justify years of delay in installing basic safety equipment is being employed on behalf of massive global corporations that are enormously skilled at procurement and transportation logistics.

“[U]sing Accord statistics to look at remediation progress in shared factories would lead to serious errors; since the Accord was no longer inspecting those factories, all of the information on those factories would be significantly out of date.”⁵

This assertion is incorrect. As we noted in our report, the Accord maintains ongoing communications with factory managers, concerning renovation progress, at all of the factories in question. Via these communications, the Accord regularly inquires as to the status of each required renovation, notes any progress reported by factory management, and revises its public progress reports accordingly. In a communication to the Worker Rights Consortium, the Accord’s Executive Director, Rob Wayss, explained that “The Accord updates our online CAPs for common factories where Alliance is doing follow up on remediation based mainly on the updated CAPs [we obtain] from the factory directly. With these common factories, as with all others under the Accord, the Accord requires an updated CAP from the factory each month.” Since the Accord data reflects any progress factory managers are reporting, the only way the Accord’s public reports could be outdated, as the Alliance claims, would be if large numbers of factory managers were denying progress they have achieved, in reports to the Accord, even as they are confirming this progress to Alliance inspectors. It is not plausible that factory managers would provide false information to make their facilities look worse.

“These inspections are rigorous, and to date, we have suspended 101 factories from the Alliance list for failing to make sufficient progress on remediation—a considerably higher number than factories suspended by either the National Action Plan or the Accord.”⁶

⁴ Statement by Ellen O’Kane Tauscher, “Alliance Continues To Improve Safety in Bangladesh Garment Industry, November 22, 2016, available at <http://www.bangladeshworkersafety.org/en/410-alliance-continues-to-improve-safety-in-bangladesh-garment-industry>.

⁵ Letter by Jim Moriarty to The Guardian, which copied ILRF. Our same response to this point is published in footnote 11 of “Dangerous Delays on Worker Safety.”

The fact that the Alliance has suspended a high number of factories than the Accord is not evidence that the Alliance is genuinely committed to building safety. It proves only that the Alliance member brands, for reasons that are not shared with the public, decided to cease doing business with those facilities and cited safety concerns as the reason. Because of the Alliance's lack of transparency, it is unclear as to whether these factories in all cases performed worse than the factories the Alliance brands continue to patronize. It is also unclear whether their poor performance resulted from a lack of will on the part of the factory owner, a lack of pressure from the Alliance companies sourcing from the factory, or a lack of financial capacity. If it was because of the latter two, then the fault lies as much with the Alliance and its member brands as it does with the factory owner. Recalcitrant and reckless factory owners who persistently refuse to carry out required safety renovations should be terminated from the program. Whether the factory owners the Alliance is terminating fit that description is in most cases unknown, due to the Alliance's lack of transparency.

“1.3 million workers in Alliance-compliant factories are safer than prior to the creation of the Alliance.”⁷

It is clear from this statement that the Alliance considers any factory that has not been suspended to be “compliant.” This is obviously not the case, since many of these factories are very clearly not in compliance with the Alliance's building safety standards. This is a further example of one of the problems we pointed out in our report: the Alliance overstates progress and obfuscates the fact that life-saving renovations are far behind schedule at many factories, apparently as a means of making its member companies look better to the public than their actual record on building safety warrants. The Alliance should stop labeling factories as “compliant” or “on track” when these factories have uncorrected safety deficiencies.⁸

In sum, we urge the Alliance to 1) stop making false and misleading statements about safety progress at its member corporations' factories, 2) move far more aggressively and urgently to ensure the completion of all required safety renovations at all Alliance factories, and 3) follow through on its commitment to publish, starting in January 2017, detailed, item-by-item factory progress reports.

Sincerely,

Judy Gearhart, Executive Director, International Labor Rights Forum

Scott Nova, Executive Director, Worker Rights Consortium

Ineke Zeldenrust, Clean Clothes Campaign International Office, Clean Clothes Campaign

Lynda Yanz, Executive Director, Maquila Solidarity Network

⁶ Statement by Ellen O’Kane Tauscher, “Alliance Continues To Improve Safety in Bangladesh Garment Industry, November 22, 2016, available at <http://www.bangladeshworkersafety.org/en/410-alliance-continues-to-improve-safety-in-bangladesh-garment-industry>.

⁷ Ibid.

⁸ “Alliance Progress November 2016,” <http://www.bangladeshworkersafety.org/en/progress-impact/alliance-statistics> (data current as of November 14, 2016; accessed December 13, 2016).