



12 June 2015

His Excellency Benigno Aquino III
President
Republic of the Philippines
Malacanang Palace
JP Laurel Street, San Miguel
Manila 1005
PHILIPPINES
sent by email - op@president.gov.ph

Regarding: Kentex fire

Dear President Aquino,

On behalf of the Worker Rights Consortium, the International Labor Rights Forum, Maquila Solidarity Network and the Clean Clothes Campaign, we write to you to express our serious concerns with regard to the safety of workers in the Philippine textile, garment and shoe industry. We were shocked to receive the news of the fire at the Kentex Manufacturing Inc. factory on May 13th, which reportedly killed at least 72 workers. Given the circumstances of the fire, as reported by a civil society Fact Finding Mission¹, we are convinced that would sufficient safety measures, an independent union and independent and credible inspections have been in place, workers' deaths could have been prevented. We therefore call upon your government to take immediate measures to prosecute those responsible for the deaths of the workers, to improve the safety and reinforcement of standards in the textile, garment and shoe industry, and provide full compensation and support to the families of the killed and missing workers as well as the injured workers of Kentex Manufacturing Inc.

For your information, the Clean Clothes Campaign represent more than 250 trade unions and labour rights organisations active in the global textile, garment and sportswear industries. The Worker Rights Consortium is an independent labor rights monitoring organization, which seeks to protect and defend the rights of apparel workers around the world. The International Labor Rights Forum is a US-based human rights organization that advocates for dignity and justice for workers worldwide. The Maquila Solidarity Network is a Canadian-based labour and women's rights organization working to improve wages and working conditions in global supply chains. The Clean Clothes Campaign, Worker Rights Consortium, International Labor Rights Forum and Maquila Solidarity Network are witness signatories to the Bangladesh Accord on Fire and Building Safety, which is signed by over 200 international garment brands and retailers, and implements mandatory independent and

1 The Fact Finding Mission, composed of labor NGOs namely, the Center for Trade Union and Human Rights (CTUHR), the Ecumenical Institute for Labor Education and Research (EILER), and the Institute for Occupational Health and Safety Development (IOHSAD), and the national labor center of Kilusang Mayo Uno, visited the area on May 14 and released their report on May 16, 2015:
<http://laborrights.org/releases/kentex-factory-fire-statement-fact-finding-team>

transparent safety inspections, remediations and worker trainings in more than 1600 Bangladeshi garment factories.

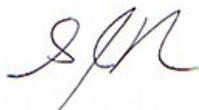
The organisations participating in the Fact Finding Mission on the 14th of May, reported glaring violations of the Occupational Safety and Health Standards (1989) and general labour standards. In particular they found violations of the Rule 1943.07 on storage, Rule 1093.04 on Marking of Containers, Rules 1948.07 and 1948.03 on alarm and fire drills, and Rule 1943.03 on fire exits. However, although the Bureau of Fire Protection (BFP) did not issue Kentex a Fire Safety Inspection Certificate (FSIC) after conducting an inspection last July 2014, they apparently failed to give appropriate reports to the local government for subsequent action and failed to monitor the factory's continued operation. In addition, following an inspection on September 18, 2014, the Department of Labor and Employment (DOLE), by virtue of Department Order (DO) 131-13 or the "Rules on Labor Laws Compliance System" promulgated by Secretary Rosalinda Baldoz, issued Kentex a Certificate of Compliance (COC) with regard to General Labor Standards (GLS) and Occupational Safety and Health (OHS) Standards. These facts accumulate to criminal negligence which is directly related to the deaths of the 72 workers at Kentex Manufacturing Inc. **We call upon your government to ensure the criminal prosecution of the owners of Kentex Manufacturing Inc., as well as the criminal prosecution of the officials responsible for the observance and enforcement of the Labor Code and the Occupational Health and Safety standards that were blatantly violated at Kentex Manufacturing Inc., including Department of Labor and Employment (DOLE) Sec. Rosalinda Baldoz, top officials of the DOLE and Department of Interior and Local Government (DILG) Sec. Mar Roxas and top officials of the Bureau of Fire Protection (BFP)**

The victims of the Kentex fire, including the families of the 72 killed workers and the injured workers, as well as the workers employed at the factory, are suffering not only from the tragedy of losing their family members and co-workers, but are also directly hit by the lack of income as a result. **We call upon your government to ensure full and just compensation of the victims and their families.** Just and full compensation should include compensation for pain and suffering, as the fire was a direct result of negligence of safety standards in the factory, as well as compensation for loss of income in accordance with ILO convention 121. In addition to compensation, **we call upon your government to ensure all necessary medical and psychological care for the (injured) workers and families of deceased workers is independently assessed and provided for.**

We understand that the recent years, amendments to the labour code have included an emphasis on self-regulation through tripartism and voluntary compliance with less government intervention (the Rule on Labor Laws Compliance System, 131-13 issued in 2013). However, ample evidence from various countries shows that lack of rigorous and transparent inspections and enforcement, and reliance on voluntary and corporate driven reporting, results in considerable risks for worker safety, including high death tolls when industry accidents occur. We refer to fatal fires in Bangladesh (Tazreen - 112 workers died, That's It Sportswear - 29 workers died, Garib & Garib - 21 workers died), as well as Pakistan (Ali Enterprises - 254 workers died), where it is clear that the inspectorate and voluntary corporate auditing and certification failed to detect and correct blatant safety violations, and most notably the collapse of the Rana Plaza building in Bangladesh which killed 1134 workers. In your own country, it is reported that previous safety tragedies cost the lives of workers at a fire in Asiatech warehouse in Pasay in 2014 (8 female workers dead), the collapse of building in a warehouse construction in Bulacan in January 2015 (12 dead) and a construction site accident in BGC in February 2015 (2 dead). **We call upon your government to support the urgent passage of House Bill 4635 or Workers' SHIELD, sponsored by Gabriela Women's Partylist, which seeks to institutionalize mandatory government inspections of all workplaces, and appropriately penalize violators of basic standards.**

Finally, we want to stress the importance and role of trade unions and workers' direct involvement in the observance of the implementation of safety standards in workplaces, as laid down in the ILO Convention 155 on Occupational Safety and Health. Since it is reported that the Kentex factory did not have an independent union who was involved in monitoring and addressing the safety situation in the factory, and existing reports on serious limitations on the right to form trade unions and barriers on collective bargaining and lawful strike actions, for regular workers but even more for contractual workers, as well as the regular incidents of serious violence against trade union leaders, including murder², **we call upon your government to ensure the right to freedom of association is fully respected and implemented in the garment, textile and footwear industry in the Philippines, and the formation of trade unions is not hindered in any way.**

Sincerely yours,



Scott Nova
Executive Director
Worker Rights Consortium



Tessel Pauli
Clean Clothes Campaign
International Secretariat



Judy Gearheart
Executive Director
International Labor Rights Forum



Lynda Yanz
Maquila Solidarity Network