



WORKER RIGHTS CONSORTIUM

March 9, 2016

Sharla Settlemier, Vice President
Sustainable Manufacturing & Sourcing
Nike, Inc.
One Bowerman Drive
Beaverton, Oregon 97005

Regarding: Detention of Chinese Labor Rights Advocates (Guangdong, China)

Dear Sharla,

I am writing to you concerning the ongoing detention and criminal prosecution of prominent labor rights advocates who were arrested on December 3, 2015 in a government crackdown in Guangdong, China.¹ We believe this situation requires Nike's attention, especially since, as you know, Guangdong is a global export center for footwear and apparel manufacturing, including for Nike products licensed by universities and colleges affiliated with the WRC.

The individuals who have been detained are some of Guangdong's leading independent civil society voices advocating for the rights and welfare of factory workers in these industries. The detention of these advocates poses a significant test of Nike's commitments to both universities and colleges and the public at large, to ensuring respect for basic labor and human rights in your global supply chain.

On December 3, 2015, Chinese police carried out a series of surprise raids on the homes and offices of staff members and volunteers working with several local labor rights groups in Guangdong, and held at least 21 persons for questioning. Six prominent labor rights advocates who were among those held were then placed under ongoing criminal detention.

Two of the six detained labor rights advocates were subsequently released on bail, but expelled from the province. Of the remaining four detainees, three associated with a civil society

¹ Tom Phillips, "He Xiaobo: latest victim of China's crackdown on labour activists," *Guardian (U.K.)* (Feb. 2, 2016), <http://www.theguardian.com/world/2016/feb/02/he-xiaobo-the-latest-victim-of-chinas-crackdown-on-labour-activists>.

organization called the Panyu Workers Center, Mr. Zeng Feiyang, Ms. Zhu Xiaomei and Mr. Meng Han, have been charged with the criminal offense of “gathering a crowd to disturb social order,” which carries a potential lifetime prison sentence. The fourth detainee, Mr. He Xiaobo of the Nanfeiyan Social Work Service Center, has been charged with “misappropriation of occupational funds,” which also carries a potential life sentence.

As of today, three of these labor rights advocates, Zeng Feiyang, Meng Han and He Xiaobo, are still detained. The fourth, Zhu Xiaomei, was released on bail on February 1, 2016. The criminal charges against all four are still pending.

In the face of the control of Chinese labor unions at the national and provincial level by political authorities and at the workplace level by factory owners, independent civil society organizations like the Panyu Workers Center and the Nanfeiyan Social Work Service Center play a vital role in assisting Chinese workers to resolve labor disputes, secure compensation and treatment for occupational injury and illness, and obtain legally owed severance payments and social security contributions. Often, however, they have been targeted by government authorities, acting in the service of the same political and business interests, with detentions, evictions and administrative harassment.

The current persecution of independent civil society organizations who advocate on behalf of footwear workers in Guangdong, China constitutes a severe violation of basic human and labor rights² that Nike has committed to promote and uphold, and that are core principles of your own corporate Code of Conduct, collegiate licensing agreements, and the standards of the industry organizations in which Nike participates.³

Nike’s Code of Conduct statement says that Nike will “engage with civil society, governments, and the private sector to affect systemic change to labor . . . conditions in countries where we operate... [and] expect[s] our contract factories to share Nike’s commitment to the goals of ...supporting workers’ rights.” University codes of conduct, likewise, require that licensees ensure that their suppliers of collegiate apparel “respect the right of employees to freedom of

² ILO Convention 87 (“Workers ... shall have the right to establish and ... to join organisations of their own choosing without previous authorisation. . . . The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.”); UN Universal Declaration of Human Rights, Arts. 9 (“[N]o one shall be subjected to arbitrary arrest, detention or exile.”); 19 (“Everyone has the right ... to seek, receive and impart information and ideas.”); 20 (“Everyone has the right to freedom of peaceful assembly and association.”).

³ Nike, Inc., “Code of Conduct” (“Freedom of Association and Collective Bargaining are Respected ... This includes the right to form and join trade unions and other worker organizations of their own choosing without harassment, interference or retaliation.”); Fair Labor Association, “Workplace Code Benchmarks” (“When the right to freedom of association and collective bargaining is restricted under law, employers shall not obstruct legal alternative means of workers association.”).

association,” and “[i]n countries where law or practice conflicts with these labor standards . . . take effective actions . . . to achieve the maximum possible compliance.”⁴

Nike, one of the world’s leading athletic brands, has chosen to have its products manufactured primarily in countries like China and Vietnam, where the ordinary exercise of a fundamental human and labor right – freedom of association – is not permitted by government authorities and employers. Nike is obligated, both in moral terms and under the specific standards noted above, to oppose the persecution of those who attempt to help workers exercise this right. And, as one of the largest buyers of footwear and apparel from China, contributing billions of dollars to the Chinese economy, Nike possesses the economic leverage to exert substantial influence.

Therefore, the WRC requests that Nike demonstrate its commitment to respect for freedom of association by:

- 1. Expressing Nike’s concern about the current repression of labor rights advocates, in writing, to the Chinese government; and**
- 2. Requesting the immediate end of the detention and the dismissal of all charges against the labor rights advocates, Zeng Feiyang, Meng Han, He Xiaobo and Zhu Xiaomei.**

We look forward to hearing from you concerning this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SN', with a stylized flourish at the end.

Scott Nova
Executive Director
Worker Rights Consortium

⁴ Collegiate Licensing Co., “Special Agreement Regarding Labor Codes of Conduct” (2008).