

WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT

Özak Tekstil / Kübrateks Tekstil (Türkiye)

Findings, Recommendations, Factory and Brand Response

“If You Don’t Leave the Union, I’m Going to Break Your Head”

*Mass Firings, Arrests, and Violence against Workers Making
Levi’s Jeans in Türkiye*



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Table of Contents

I.	Introduction and Executive Summary	4
A.	Background on Levi's Supplier Özak Global's Özak/Kübrateks Factory in Şanlıurfa, Türkiye	5
B.	Levi's Supplier Özak Global's Abuses of Worker Rights: Mass Firing, Wage Theft, Blacklisting, Complicity in Physical Assault, Arrests, Incitement of Gender-Based Violence	6
C.	Levi's Supplier Özak Global's Abuses of Workers' Rights Violated Turkish Labor Law, International Labor Standards, and Levi's Supplier Code of Conduct	8
D.	Summary of Worker Rights Abuses by Levi's Supplier Özak Global.....	9
E.	Levi's Supplier Özak Global's Refusal to Correct Illegal Mass Firing of Workers.....	10
F.	Levi's Acquiescence in Özak Global's Ongoing Refusal to Remedy Illegal Mass Firing.....	12
II.	Methodology	14
A.	Sources of Evidence.....	14
B.	Terms of Reference.....	14
III.	Findings of Violations of Freedom of Association, Threatened and Actual Unlawful Firing and Violence (including Inciting Gender-Based Violence), Complicity in Violence and Mass Arrest, Wage Theft, and Blacklisting.....	16
A.	Background to Freedom of Association Violations at Özak/Kübrateks.....	16
1.	November 2023: Citing Poor Labor Conditions, Mistreatment by Management, Weak Representation from Company-Favored Union, Öz İplik İş, Most Factory Workers Join Independent Union, BİRTEK-SEN.....	16
B.	Violations of Freedom of Association by Levi's Supplier, Özak Global: Threatened and Actual Illegal Mass Firing, Complicity in Physical Violence and Gender-Based Harassment, Wage Theft, Blacklisting, and Coercion	18
1.	Implicit Threats of Retaliatory Termination by Factory Manager against Workers in October 2023	19
2.	Explicit Threats of Physical Violence and Retaliatory Termination against Workers by Levi's Supplier Özak Global in November 2023	21
3.	Levi's Supplier Özak Global's Complicity in Threatened and Actual Violence, Threats of Retaliatory Termination by Its Favored Union, Öz İplik İş, in November 2023	21

4. Özak/ Kübrateks Manager’s Implied Threat of Mass Retaliation, in Response to Workers’ Appeal to Company to Stop Violating Freedom of Association, November 23-27, 2023	23
5. Özak/Kübrateks’ Retaliatory Interrogation, Harassment, and Firing of a Woman Worker for Speaking Out on Factory Conditions and Exercising Associational Rights, November 27, 2023	24
6. Özak Global’s Complicity in Unlawful Violent Assaults and Unconstitutional Mass Arrest of Workers by Provincial Security Forces, November 29–December 13, 2023	26
7. Levi’s Supplier Özak Global’s Complicity in Incitement of Gender-Based Violence against Women Workers by Employee Leaders of the Management-Favored Union	28
8. Levi’s Supplier Özak Global’s Illegal Firing of 400 Workers, December 12–13, 2023	29
9. Blacklisting and Wage Theft by Levi’s Supplier Özak Global to Compel Unlawfully Fired Workers to Forfeit Remedy for Violations of Associational Rights	36
10. Özak/Kübrateks Continues to Retaliate against Workers Still in Factory for Exercising Associational Rights, January 2024 to Present	39
C. Levi’s Acquiescence to Its Supplier’s “Zero Tolerance” Violation—Özak Global’s Refusal to Remedy Its Labor Rights Abuses against Workers	39
1. Necessary Corrective Actions, Remediation for Özak Global’s Worker Rights Abuses.....	39
2. Levi’s Supplier Özak Global’s Refusal to Correct Abuses of Workers’ Rights	41
3. Levi’s Acquiescence to Özak Global’s Refusal to Correct Supposed “Zero Tolerance” Violations of Levi’s Supplier Code of Conduct	43
IV. Conclusion: Levi’s Has No “Zero Tolerance Violations” with Respect to Worker Rights Abuse—Unless It Requires Özak Global to Reinstate the 400 Workers It Fired for Going on Strike	46

I. Introduction and Executive Summary

This report details the findings of an investigation by the Worker Rights Consortium (“WRC”) of severe repression of workers’ freedom of association—including mass firings and arrests, threatened and actual violence, wage theft, and blacklisting against 400 workers at Levi Strauss & Co.’s (“Levi’s”) supplier factory, Özak Tekstil / Kübrateks Tekstil (“Özak/Kübrateks”), in Şanlıurfa, Türkiye. This report also details the measures that are necessary to remedy these abuses of workers’ fundamental rights—measures that Levi’s is openly refusing to require its business partner and the factory’s owner, Özak Global Holding (“Özak Global”) to take, even though Levi’s, itself, has described these abuses as “zero tolerance violations” of its supplier code of conduct.¹

*“If you don’t leave
BİRTEK-SEN
[independent union],
I’m going to break
your head.”*

— Özak/Kübrateks factory
manager to worker, November
2023

Workers at the Özak Global Şanlıurfa factory have been employed by two of the company’s subsidiaries, Özak Tekstil (“Özak”) and Kübrateks Tekstil (“Kübrateks”).² The factory supplies Levi’s exclusively and produces the brand’s iconic “red tab” jeans. Özak Global is a leading denim manufacturer, which operates other factories in Türkiye that have also supplied jeans to brands such as Inditex (Zara), Hugo Boss, Guess, Marc O’Polo, Mango, Monoprix, Mustang, Ralph Lauren, and SMCP.³ Özak Global is a major Turkish conglomerate with holdings in the real estate, construction, and tourism sectors as well.⁴

As discussed in detail in this report, Özak Global, in collaboration with both the militarized provincial security forces and a company-favored union at its Şanlıurfa factory, has committed and been complicit in egregious violations of labor rights at this facility, including violence, arrests, and retaliatory mass firings against roughly 400 workers, after the majority of the facility’s workforce chose to join an independent union at the factory named BİRTEK-SEN.⁵ As Levi’s has openly acknowledged, these abuses by its supplier, Özak Global, violated Turkish law, international labor standards, and Levi’s own code of conduct.⁶

Despite numerous entreaties from the WRC, Özak Global has refused to reinstate the illegally fired workers, provide them with back wages, or otherwise remedy its many other egregious violations of

¹ Levi’s to Özak Global, December 22, 2023 (“The decision to terminate th[e] [Özak/Kübrateks] employees constitutes a zero-tolerance violation of our Supplier Code of Conduct.”).

² The facility was established on January 16, 2013, at the address, 1. Organize Sanayi Bölgesi 2. Cad. No: 4 Şanlıurfa, under the name Özak Tekstil. Özak Global’s Kübrateks subsidiary was established as a company operating inside the facility on July 5, 2023. From July 2023 to March 2024, Özak Tekstil and Kübrateks each employed a portion of the employees working at the facility, while functioning, in effect, as a single employer. On February 15, 2024, Özak Tekstil notified employees at the facility that all Özak employees at the facility will be employed by Kübrateks after March 1, 2024. “Özak patronunun yeni hilesi isim değişikliği: ‘İmajınızı böyle düzeltemezsiniz,’” *Evrensel Daily*, February 15, 2024, <https://www.evrensel.net/haber/510847/ozak-patronunun-yeni-hilesi-isim-degisikligi-imaginizi-boyle-duzeltemezsiniz>.

³ Information on buyers from Özak Global-owned factories obtained from 2023 shipping records.

⁴ Özak Global, Corporate Profile, <https://www.ozakglobal.com/en/who-we-are>.

⁵ BİRTEK-SEN is the Turkish acronym for Birleşik Tekstil Dokuma ve Deri İşçileri Sendikası (United Textile Weaving and Leather Workers’ Union), a labor organization established in 2022.

⁶ Levi’s to Özak Global, December 22, 2023.

their rights, compounding its abuse of these workers. While Levi's initially advised the company and the WRC that Levi's would not continue to place orders with Özak/Kübrateks unless the illegally fired workers were reinstated,⁷ after its supplier refused to take corrective action, Levi's reversed course.

In April 2024, Levi's, instead, informed the WRC that it is continuing to do business with the factory and will not require Özak Global to reinstate the illegally fired workers. Levi's has taken this position even though it had previously described Özak/Kübrateks' mass unlawful dismissal of these employees as a "zero tolerance" violation of Levi's supplier code of conduct.⁸

A. Background on Levi's Supplier Özak Global's Özak/Kübrateks Factory in Şanlıurfa, Türkiye

According to Özak Global, Levi's has been sourcing from the Şanlıurfa facility for approximately 10 years. For the past three years, the factory has produced denim jeans and shorts exclusively for Levi's. Prior to the company's mass termination of workers in December 2023, 768 employees worked at the facility—652 of whom were employed by the company's Özak subsidiary and 116 of whom were employed by the Kübrateks subsidiary. Sixteen percent of the employees were women.⁹



Figure 1: Levi's shorts and jeans ready to pack, at the Özak/Kübrateks factory in Şanlıurfa, Türkiye, December 13, 2023

The Turkish province of Şanlıurfa, where the Özak/Kübrateks factory is located, is among the regions of the country impacted by the devastating February 6, 2023, earthquake that killed more than 50,000 people.¹⁰ Factory workers told the WRC that the management's insufficient consideration for their difficult situation after the earthquake was one of the reasons workers chose to leave the existing union at the factory—named Öz İplik İş,¹¹ whose leadership they viewed as

⁷ Levi's to Özak Global, December 22, 2023 ("The decision to terminate those employees constitutes a zero-tolerance violation of our Supplier Code of Conduct. We urge you to reinstate all terminated workers immediately and do so with the understanding there will be no retaliation against these workers upon reinstatement. If we are unable to reach an agreement, we will be taking the appropriate next steps to uphold workers' rights, make our position known publicly and protect our business.") In January 2024, Levi's advised the WRC of its intention to inform Özak Global of its decision to terminate its business relationship with the factory. Özak Global told the WRC in a written communication on February 5 that it had received notice of termination from Levi's the previous week.

⁸ Levi's has also made public statements acknowledging its continued relationship with the factory. See, for example, Jasmin Malik Chua, "Levi's to Work with 'Union-Busting' Turkish Factory on 'Conditional Basis'," *Rivet*, April 26, 2024, <https://sourcingjournal.com/denim/denim-brands/turkey-levi-strauss-ozak-tekstil-union-garment-workers-507220/>.

⁹ Reports of Ministry of Labor and Social Security ("Labor Ministry"), Directorate of Guidance and Inspection, December 4–7, 2023.

¹⁰ Edith M. Lederer, "UN says at least 50,000 killed in Turkey and Syria quakes," *Associated Press*, February 28, 2023, <https://apnews.com/article/turkey-syria-earthquakeunited-nations-44c2b736108ccb37130cf64e9e5fa7ca>; and Pablo Robles, et al., "Mapping the Damage from the Earthquake in Turkey and Syria," *The New York Times*, February 6, 2023, <https://www.nytimes.com/interactive/2023/02/06/world/turkey-earthquake-damage.html>.

¹¹ Öz İplik İş is the Turkish acronym for Tüm Dokuma, İplik, Trikotaj ve Giyim Sanayii İşçileri Sendikası (Trade Union for Workers of All Woven, String, Knitting, Clothing and Leather Industries).

close to management—and join a union that workers saw as more independent, named BİRTEK-SEN.

B. Levi's Supplier Özak Global's Abuses of Worker Rights: Mass Firing, Wage Theft, Blacklisting, Complicity in Physical Assault, Arrests, Incitement of Gender-Based Violence

On November 27, 2023, the majority of the Özak/Kübrateks factory's workforce walked off the job in protest of an escalating series of unlawful acts and threats by the company against employees in retaliation for their joining the BİRTEK-SEN union, which culminated in the company firing a woman worker activist named Seher Gülel.¹² Gülel was one of hundreds of employees—making up a large majority of the factory's workforce—who had recently joined BİRTEK-SEN, due to dissatisfaction with working conditions at the factory, abusive treatment by the management, and frustration with the company-favored union, Öz İplik İş.

As of mid-December 2023, 78 percent of the Özak/Kübrateks workers had joined the independent union, BİRTEK-SEN,¹³ many of whom, at the same time, resigned from the company-favored union, Öz İplik İş. This was an extraordinary level of support, especially given that the latter labor organization had negotiated a collective bargaining agreement with the company¹⁴ and that the factory management had already displayed intense hostility toward workers joining the newer, independent union.

The management of the factory responded to the overwhelming majority of workers joining the independent union, BİRTEK-SEN, and resigning from the company-favored union, Öz İplik İş, with a ferocious and unlawful campaign of intimidation, in which managers subjected workers who joined the independent union to threats of physical violence and termination. The clear purpose of this campaign—which was carried out by the factory management in complicity with representatives of the company-favored union, Öz İplik İş, who are employed by Özak/Kübrateks—was to deny workers' freedom of association—their right to join and be represented by the union of their choice.

¹² Due to the risk of further retaliation against employees, the WRC does not refer to the workers interviewed for this report by name. The worker activist, Seher Gülel, is the only exception because her name has already been cited publicly; see, for example: "Özak Tekstil'de işten atılan kadın işçi: Futbolcuydum, şimdi işçiyim, direnişçiyim," *Evrensel Daily*, December 1, 2023, <https://www.evrensel.net/haber/504717/ozak-tekstilde-isten-atilan-kadin-isci-futbolcuydum-simdi-isciyim-direnisciylim>.

¹³ Employment numbers are from the Labor Ministry reports of December 6 and 7, 2023. Union membership numbers are from records obtained from the e-Government Gateway's Public Application Center on December 20, 2023.

¹⁴ The Öz İplik İş union has been the collective bargaining agent for workers employed by Özak Tekstil since 2011. The union's collective bargaining agreement (CBA) with Özak Tekstil, which covers two factories owned by the company, the Şanlıurfa facility and another factory in Istanbul. The CBA provides for wage increases for workers at the Istanbul facility, but not for workers at the Şanlıurfa factory, and provides the latter with fewer benefits as well. Öz İplik İş received official authorization from the Labor Ministry on October 3, 2023, to commence collective bargaining with Özak Tekstil and signed a new CBA covering employees at both facilities on December 8, 2023. The new three-year CBA went into effect on January 1, 2024. The workers employed by Özak Global's Kübrateks subsidiary at the Şanlıurfa factory are also covered by a CBA. After Kübrateks was established as an employer inside the Özak factory in Şanlıurfa on July 5, 2023, Öz İplik İş expanded its existing CBA covering workers at Özak Global's Kübrateks factory in Malatya, in effect since April 27, 2021, to cover Öz İplik İş members within the Özak/Kübrateks factory in Şanlıurfa as well.

On November 27, the majority of Özak/Kübrateks employees, undeterred by the management's campaign of intimidation, exercised their associational rights, again, by walking off the job in protest of the retaliatory firing of the worker activist, Seher Gülel. Two days later, the governor of Şanlıurfa, acting in clear violation of workers' constitutional rights, banned public gatherings in the area in order to suppress the workers' strike protests,¹⁵ even though these demonstrations were nonviolent. When workers persisted in exercising their freedom of association, by continuing to strike and hold protests, the provincial security forces, acting in concert with Özak/Kübrateks management, began to violently break-up the workers' protests, physically assaulting and arbitrarily detaining more than 150 employees.¹⁶ Moreover, according to workers, factory-level representatives of the company's favored union, Öz İplik İş, engaged in acts that incited gender-based violence against women workers who participated in the protests.

Despite these violent threats and attacks on their rights by the provincial security forces and the company-favored union, in complicity with Özak/Kübrateks managers, the Özak/Kübrateks workers continued their strike. On December 12 and 13, 2023, the company, which had openly threatened to fire the employees *en masse* if they did not return to work,¹⁷ carried out this threat by illegally firing all of the employees who were on strike, roughly 400 workers—a majority of the Özak/Kübrateks factory's workforce.¹⁸

Moreover, even after this unlawful mass firing, the company continued to retaliate against the workers it had terminated, illegally withholding statutory severance compensation payments, and entering falsely disparaging information about the workers into the records of public agencies—which effectively blacklisted them. Finally, Özak Global used this unlawful denial of severance (i.e., wage theft) and blacklisting to pressure the fired workers into coercive 'settlements' with the company, in which the employees agreed to forgo reinstatement to their jobs and the right to back pay.

¹⁵ The governor's announcement is available at: Şanlıurfa Valiliği, "29.11.2023 Tarihli Yasaklama Kararı," November 29, 2023, <http://www.sanlıurfa.gov.tr/29112023-tarihli-yasaklama-karari>. The Turkish national bar association's human rights center condemned the government for having intervened on behalf of Özak Global to unconstitutionally suppress the workers' protests; see: Union of Turkish Bar Associations, "Şanlıurfa'da Valilik Kararı, Kolluk Tarafından Yapılan Müdahaleler ve Adli Kararlar, Temel Hak ve Özgürlükleri İhlal Etmiştir," December 18, 2023, <https://www.barobirlik.org.tr/Haberler/sanlıurfada-vallilik-karari-kolluk-tarafından-yapılan-mudahaleler-ve-adli-kararlar-temel-hak-ve-o-84396>.

¹⁶ "Özak Tekstil direnişi: Gözaltına alınan işçiler ve BİRTEK-SEN yöneticileri serbest bırakıldı," *Evrensel Daily*, December 13, 2024, <https://www.evrensel.net/haber/505622/ozak-tekstil-direnisi-gozaltina-alinan-isciler-ve-birtek-sen-yoneticileri-serbest-birakildi>.

¹⁷ Özak Global provided the WRC with copies of text messages and a formal letter that it sent to striking workers threatening to fire the employees *en masse* if they did not return to work. After receiving these written communications, 26 employees who had been striking returned to work.

¹⁸ Şanlıurfa 2nd Labor Court, Report of Preliminary Examination Hearing, December 27, 2023 (quoting Özak Global's lawyers as stating, "On 12 and 13 December 2023, a warning letter was sent to approximately 400 workers, their employment contracts were terminated, and they were dismissed..." (unofficial translation by WRC, document on file with WRC)).

C. Levi's Supplier Özak Global's Abuses of Workers' Rights Violated Turkish Labor Law, International Labor Standards, and Levi's Supplier Code of Conduct

Özak Global's acts of mass firing, wage theft, blacklisting, coercion, and complicity in violence and mass arrests against hundreds of Özak/Kübrateks employees represents a severe violation of workers' associational rights, under not only international labor standards but also Turkish law.

International labor standards protect workers' right to strike as an essential element of the fundamental workplace right of freedom of association, particularly when, as here, the objective of the strike is to protest an employer's retaliation against the workers' exercise of free speech and the right to organize.¹⁹ As a result, the Özak/Kübrateks workers' walkout was protected associational activity under international labor standards, and the company's mass firing of the employees was a severe and blatant violation of their freedom of association—as was its many other acts of retaliation against workers' associational activities, both before and after their strike.²⁰

The International Trade Union Confederation's (ITUC) annual Global Rights Index has identified Türkiye as among the world's 10 worst countries with regard to respect for freedom of association, citing the country's denial of the right to strike, arbitrary arrests of trade unionists, and systematic union busting,²¹ all of which Özak Global was engaged or complicit in during its campaign of retaliation against its workers' exercise of associational rights. Not only does Turkish labor law offer only weak protections for workers' associational rights—which Özak Global nonetheless managed to blatantly violate in this case—but the few meaningful protections that exist are poorly enforced.²²

¹⁹ International Labour Organization, Convention 87 (Freedom of Association and Protection of the Right to Organise); International Labour Organization, "Compilation of decisions of the Committee on Freedom of Association: Right to strike," accessed May 6, 2024, https://normlex.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:70002:0::NO:70002:P70002_HIER_ELEMENT_ID_P70002_HIER_LEVEL:3945366,1; and International Labour Organization, "Effect given to the recommendations of the committee and the Governing Body - Report No 376", October 2015, Article 151, https://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:3255140.

²⁰ In this report, the WRC uses the term "strike" in reference to the Özak/Kübrateks workers' walkout, because, regardless of its status under Turkish law, the employees' work stoppage clearly met the definition, under international labor standards, of a protected job action. International Labour Organization, "Compilation of decisions of the Committee on Freedom of Association," § 783, ("Generally, a strike is a temporary work stoppage (or slowdown) willfully effected by one or more groups of workers with a view to ... expressing grievances, or supporting other workers in their ... grievances.").

²¹ International Trade Union Confederation, "Global Labor Rights Index 2023," June 30, 2023, <https://www.globalrightsindex.org/en/2023/countries/tur>.

²² Kaan Agartan, "Turkey's accession to the European Union and the Turkish Labor Movement," *European Journal of Turkish Studies*, 11, October 6, 2010, para. 34, <http://journals.openedition.org/ejts/4297>, ("...[L]abor often suffers severely from inadequate legislation and poor enforcement—... [this] is particularly true for Turkey."); Alpan Birelma, "Trade Unions in Turkey 2022," Friedrich-Ebert-Stiftung, May 2022, <https://library.fes.de/pdf-files/bueros/tuerkei/19420.pdf>, ("Since 2015, the [Turkish] government has prohibited 227 lawful strikes covering some 170,000 workers.").

International labor rights experts have long criticized the Turkish state and its labor laws for failing to sufficiently protect workers' right to strike.²³ In this case, the Turkish state, its provincial security forces, and its labor authorities not only did not protect the Özak/Kübrateks workers' right to freedom of association but actively sided with Özak Global in its violent and illegal suppression. As discussed in this report, Özak Global's factory management, rather than respecting its workers' associational rights, was actively complicit in their suppression by state authorities—thereby, itself, further violating not only international labor standards but also Levi's supplier code of conduct.

As noted, even though Turkish law falls far short of international labor standards in upholding the right to strike, Özak Global's mass firing of the Özak/Kübrateks workers clearly violated the country's labor law. Under Turkish labor law, employers are prohibited from imposing any discipline on—much less permanently firing—employees for striking unless a court has first declared their strike illegal.²⁴ Because it is undisputed that no Turkish court had issued such a declaration at the time Özak Global fired the striking Özak/Kübrateks workers, their mass dismissal was unlawful on its face.²⁵

D. Summary of Worker Rights Abuses by Levi's Supplier Özak Global

Based on the facts and evidence summarized above, and discussed in detail in the body of this report, the WRC found that Levi's supplier, Özak Global, violated the rights of its employees under Turkish labor law; the code of conduct of the factory's customer brand, Levi's; and international labor standards on freedom of association (International Labour Organization (ILO) Conventions 87 and 98, both of which Türkiye has ratified) through:

- Unlawfully threatening physical violence and termination against Özak/Kübrateks workers for exercising their right to resign from the company's favored union, Öz İplik İş, and joining the independent union, BİRTEK-SEN, in October and November 2023;
- Unlawfully terminating the worker activist, Seher Gülel, on November 27, 2023, in retaliation for her exercise of freedom of speech and the right to organize;
- Complicity with the provincial security forces' violent assaults against and mass arrests of more than 150 workers from December 6 to 13, 2023;

²³ The International Labour Organization Committee on Freedom of Association (ILO CFA), the highest international body interpreting this right has long held that restrictions on the right to strike under Turkish labor law conflict with international labor standards on associational rights. Under Turkish law, all strikes are prohibited with the sole exception of strikes called during the process of negotiating a collective bargaining agreement (Act No. 6356, Section 58(2-3), and Turkish Constitution, Article 54(1)). Recognizing that “such a restriction ... affect[s] the exercise of the right to strike,” the ILO CFA has repeatedly requested that the Turkish government revise Turkish law “to ensure that lawful industrial action is no longer limited to strikes linked to a dispute during the collective bargaining process.” International Labour Organization, “Effect given to the recommendations of the committee and the Governing Body.”

²⁴ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, 2012, Articles 70–71 (establishing that workers can only be terminated for participating in an illegal strike if a competent labor court has first ruled that the workers' strike is unlawful).

²⁵ In response to the workers' strike, Özak Global filed a lawsuit with the Şanlıurfa 2nd Labor Court, on November 29, 2023, against 10 Özak/Kübrateks workers and the BİRTEK-SEN union for “illegal protest”. It was not until May 15, 2024, six months *after* Özak carried out its mass firing of the 400 workers, that the court ruled that the workers' strike was not legal—making it legally permissible *as of that date* for Özak Global to terminate the workers, if the workers, *afterward*, persisted with their strike.

- Threatening and carrying out the unlawful mass firing of 400 workers on December 12 and 13, 2023, for exercising their right to go on strike;
- Complicity with representatives of the company-favored union, Öz İplik İş, who are employed by Özak/Kübrateks, threatening, engaging in, and inciting physical violence against workers—and, in particular, gender-based violence against women workers in November 2023 through January 2024;
- Unlawfully withholding legal severance payments from fired workers (wage theft) and entering false disparaging information in employees' public records (blacklisting); and
- Using the preceding acts to coerce workers to sign settlement agreements forgoing remediation for violation of their rights, in December 2023 and January 2024.

Özak Global has denied to the WRC that its factory management engaged in *any* coercive or otherwise unlawful conduct towards the Özak/Kübrateks workers in response to the employees' exercise of associational rights. However, as discussed in this report, the findings above are supported by compelling evidence that documents an ongoing campaign of retaliation and intimidation, carried out both directly by the company and through complicity with other entities, aimed at suppressing and punishing these workers' associational activities.

The WRC conveyed to Özak/Kübrateks and to Levi's the remedial measures necessary to correct these violations of workers' freedom of association under Turkish law, international labor standards, and Levi's code of conduct, beginning with the reinstatement, with back pay, of all workers who had been fired in retaliation for their exercise of associational rights, and respecting, going forward, the workers' right to join and be represented by the union of their choice.

E. Levi's Supplier Özak Global's Refusal to Correct Illegal Mass Firing of Workers

Özak Global, apparently recognizing that it had no legal grounds to fire the workers for striking, has responded to the WRC's findings of labor rights abuses by claiming that its mass dismissal of 400 workers had nothing to do with these employees' associational activity, but, instead, each individual worker was terminated for "being absent from work" or "not performing their duties".

The distinction the company purports to make, however, is clearly false and dishonest: a worker who goes on strike is, by definition, making themselves absent from, and not performing, their job. One cannot fire a striking worker for absenteeism or failure to perform duties, without firing them for the act of striking itself.

Moreover, even this transparent pretext concocted *post facto*, by Özak Global, was comprehensively belied by the factory management's actual statements to the workers immediately before it fired them. These included letters the company sent to striking workers prior to terminating them, explicitly excoriating the employees for striking and threatening to fire them if they did not cease doing so.²⁶

²⁶ Not surprisingly, the company-favored union, Öz İplik İş, from which many of the striking workers had disaffiliated to join BIRTEK-SEN, has supported the management's dubious claim that the employees were fired legally for being

Özak Global also subsequently asserted to the WRC that its mass firing of these workers was justified by alleged misconduct by these workers while they were striking. Özak Global has provided the WRC with handwritten complaints from 25 employees who did not join the strike and nearly all of whom are members of the company-favored union, Öz İplik İş. Only four of these statements name individual workers, 18 employees in total, whom they allege harassed them for not striking (booing, insulting, spitting) or temporarily blocked the company's shuttle buses.

Several of the 18 workers named by the complainants had already ended their strike and had been allowed by management to resume working inside the factory as of the date of the complaint. This indicates that the company did not consider their alleged misconduct to be so egregious as to bar reinstatement of these workers, much less a justification for carrying out the mass firing of 400 employees.

Six of the non-striking employees who had provided these handwritten statements were part of a group of nine employees who brought a joint complaint to the Turkish Labor Ministry. The Labor Ministry, from December 1 to 4, 2023, investigated this complaint. The reports of its investigation, which are dated December 6 and 7, do not name any specific workers as being responsible for harassing the non-strikers. However, in the same reports, the Labor Ministry found that BİRTEK-SEN and the striking workers pressured Öz İplik İş members to leave the company-favored union and, on this basis, imposed fines on the independent union, BİRTEK-SEN, for each worker who did not resign from Öz İplik İş.²⁷

Despite the Labor Ministry findings, however, these allegations do not represent a credible justification for the company carrying out its mass termination of 400 striking workers soon after the Labor Ministry investigation. First, as noted, Özak Global told both the WRC and the workers it terminated, at the time it carried out the mass firing, that they were being fired for simply “being absent from work”—i.e., just being on strike—not for any alleged misconduct during the work stoppage, casting doubt on the seriousness of these allegations.

Second, under international labor standards, verbal insults during a strike, unless threatening violence, cannot justify termination of striking workers.²⁸ Indeed, workers criticizing, even harshly, other employees who fail to join their strike is an essential element of associational rights. Nor can allegations made against less than 20 employees legitimize inflicting collective punishment on an entire workforce—the mass firing of 400 workers.

Finally, the misconduct that the striking workers are alleged to have committed pales next to the abuses which workers report Özak/Kübrateks factory management and the employees who are leaders of the company's favored union inflicted on them—so Özak Global's attempt to justify the termination of the striking workers on this basis is highly discriminatory as well.

absent—and not illegally for striking. Öz İplik İş's national leaders have defended the company's mass dismissal of workers on this basis.

²⁷ Labor Ministry reports, December 6, 2023, and December 7, 2023.

²⁸ International Labour Organization, “Compilation of decisions of the Committee on Freedom of Association,” § 784 “[The right to] strike action [may be] denied to workers ... only if the strike ceases to be peaceful.”).

The Turkish Labor Ministry not only ignored all of these substantive flaws in the complaint against the striking workers and their union but also, with respect to its investigative methodology, added its own flaws too. Almost all of the workers whom the Labor Ministry’s investigator interviewed were members of the company-favored union. The ministry’s investigator did not interview *any* of the workers named in the complaint as having engaged in the alleged misconduct or any representatives of BİRTEK-SEN, making its inquiry entirely one-sided.

Second, although the focus of the Ministry’s investigation supposedly was whether workers were subjected to coercion, the Ministry interviewed workers on the factory premises, where it was impossible that workers, especially those who were not the complainants themselves, could speak candidly without fear of retribution. Together these substantive and methodological flaws rendered the Labor Ministry’s report an entirely biased and unreliable document.

F. Levi’s Acquiescence in Özak Global’s Ongoing Refusal to Remedy Illegal Mass Firing

The WRC shared our findings concerning the violations of workers’ rights by its supplier, Özak Global, with Levi’s itself. Levi’s acknowledged that the company’s mass firing of the workers for going on strike constituted a “zero tolerance” violation of Levi’s supplier code of conduct.²⁹

Levi’s initially told Özak Global that it must reinstate the workers it had fired for going on strike, as a condition of continued business from Levi’s.³⁰ However, Levi’s subsequently reversed its position, and announced that it would keep sourcing from the factory even though Özak Global, to date, has refused to reinstate any of the workers whose rights it flagrantly abused and whom it retaliatorily and illegally fired.

Özak Global, as of the date of this report, has refused to reinstate any of the roughly 400 illegally fired Özak/Kübrateks workers and continues to insist that its unlawful campaign of intimidation and retaliation in order to deny workers their associational rights was lawful and proper. Despite the obvious falsehood of the company’s claims and illegality of its actions, Levi’s has chosen to continue to do business with Özak Global and profit from its lawbreaking—in spite of Levi’s acknowledgement that, *under Levi’s own standards*, Özak Global’s abuses of workers constitute a “zero tolerance” violation.³¹

Brands that tell their customers they are committed to protecting the rights of the workers who make their clothes cannot responsibly do business with suppliers that brazenly violate those rights and then refuse to require those suppliers to correct the violations. The labor standards of global

²⁹ Levi’s to Özak Global, December 22, 2023 (“The decision to terminate th[e] [Özak/Kübrateks] employees constitutes a zero-tolerance violation of our Supplier Code of Conduct.”).

³⁰ Levi’s to Özak Global, December 22, 2023 (“We urge you to reinstate all terminated workers immediately and do so with the understanding there will be no retaliation against these workers upon reinstatement. If we are unable to reach an agreement, we will be taking the appropriate next steps to uphold workers’ rights, make our position known publicly and protect our business.”). Özak Global told the WRC in a written communication on February 5 that it had received notice of termination from Levi’s the previous week. Presumably, this notice has since been rescinded.

³¹ Levi’s to Özak Global, December 22, 2023 (“The decision to terminate th[e] [Özak/Kübrateks] employees constitutes a zero-tolerance violation of our Supplier Code of Conduct.”).

brands are meaningless unless they are enforced—even when it may be difficult for the brand in question to ensure this.

In this case, Levi's has demonstrated that, in reality, its self-proclaimed commitment to labor rights and responsible business practices takes a clear back seat to its self-interested pursuit of profit. Levi's claim to be an ethical brand will lack any *shred* of credibility unless and until Levi's business partner, Özak Global, remedies these abuses, *or* Levi's, itself, *acts* on its acknowledgement that Özak Global's abuses against workers making Levi's jeans represent a “zero tolerance” violation of Levi's expectations for suppliers.

II. Methodology

A. Sources of Evidence

The findings outlined in this report are based on the following sources of evidence gathered by the WRC's investigation:

- Detailed confidential interviews, conducted away from factory premises, with Özak/Kübrateks employees, including workers who are members of the independent BİRTEK-SEN union and those who remain members of the company-favored union, Öz İplik İş;
- Interviews, meetings, and extensive email exchanges with Özak Tekstil's chairman, its corporate social responsibility manager, the chief manager for the Özak/Kübrateks Şanlıurfa facility, the managers of most of the factory's departments, and company lawyers;³²
- Interviews and meetings with national and local representatives of the BİRTEK-SEN and Öz İplik İş labor unions,³³ and review of records and documentation provided by them;
- Review of factory records and documentation provided by workers, including termination letters, photographs, videos, and communications between workers, worker representatives, and factory management (including audio recordings and text messages);
- Review of factory records and documentation provided by Özak Global, including personnel records, disciplinary records, and related material;
- Review of court documents and settlement agreements; and
- Numerous written and verbal communications with Özak Global and Levi's.

B. Terms of Reference

The WRC assessed Özak Global's actions toward the Özak/Kübrateks workers, under Turkish labor law, international labor standards, and Levi's supplier code of conduct. These terms of reference include:

- Turkish labor and employment statutes, including Act No. 4857 (Labor), 2003; Act No. 6356 (Trade Unions and Collective Labor Agreements), 2012, as amended; Act No. 6098 (Turkish Code of Obligations), 2011; and Law No. 5510 (Social Insurance and General Health Insurance Law), 2006;
- ILO Conventions 87 ("Freedom of Association and Protection of the Right to Organise"), 1948; 98 ("Right to Organise and Collective Bargaining"), 1949; 111 ("Discrimination

³² The WRC met with Özak Global on December 13 and December 14, 2023, and January 17, 2024.

³³ The WRC met with BİRTEK-SEN on December 12 and December 14, 2023, and January 18, February 6, February 28, and April 5, 2024. The WRC met with Öz İplik İş on December 12, December 13, and December 14, 2023, and January 12, January 25, February 16, and March 28, 2024.

(Employment and Occupation)”), 1958—all of which have been ratified by Türkiye³⁴—and 190 (“Violence and Harassment”), 2019; and

- Levi’s Supplier Code of Conduct.

³⁴ Türkiye ratified ILO Convention 87 (“Freedom of Association and Protection of the Right to Organise”) on July 12, 1993, ILO Convention 98 (“Right to Organise and Collective Bargaining”) on January 23, 1952, and ILO Convention 111 (“Discrimination (Employment and Occupation)”) on July 19, 1967. International Labour Organization, “Ratifications for Türkiye,” https://www.ilo.org/dyn/normlex/en/?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102893.

III. Findings of Violations of Freedom of Association, Threatened and Actual Unlawful Firing and Violence (including Inciting Gender-Based Violence), Complicity in Violence and Mass Arrest, Wage Theft, and Blacklisting

The sections below detail the findings of the WRC with respect to Özak Global's violation of the Özak/Kübrateks workers' associational rights under Turkish labor laws, international labor standards, and Levi's supplier code of conduct.³⁵

A. Background to Freedom of Association Violations at Özak/Kübrateks

1. November 2023: Citing Poor Labor Conditions, Mistreatment by Management, Weak Representation from Company-Favored Union, Öz İplik İş, Most Factory Workers Join Independent Union, BİRTEK-SEN

a. More than 60 percent of factory workers resign from company's favored union and join independent union

Starting in November 2023, hundreds of workers at the Özak/Kübrateks Şanlıurfa plant, making up a majority of the workforce, disaffiliated from the union favored by the company, Öz İplik İş—and joined the independent union, BİRTEK-SEN.

According to Turkish government records (whose figures neither the company nor either union dispute):

- Between November and early December 2023, 432 of the 698 Özak/Kübrateks workers who were members of the Öz İplik İş union—62 percent of its membership at the factory—resigned from that union. This included 398 out of the 622 Öz İplik İş members who were employed by Özak Global's Özak subsidiary and 34 of out of the 76 members of Öz İplik İş who were employed by its Kübrateks subsidiary.³⁶
- Between November 3 and December 20, 600 workers at the facility (522 of whom were employed by Özak and 78 of whom were employed by Kübrateks)—representing 78 percent of the overall workforce—joined the independent union, BİRTEK-SEN.³⁷

³⁵ The focus of this report is the investigation of violations of workers' right to freedom of association. The fact that this report does not discuss violations in other particular areas of the factory's labor practices outside of freedom of association should not be construed as an affirmation of the factory's overall compliance with respect to its practices in those other areas.

³⁶ These statistics on the number of Öz İplik İş members and resignations from Öz İplik İş are contained in the Labor Ministry's reports of December 6 and December 7, 2023.

³⁷ Records obtained from the e-Government Gateway Public Applications Center on December 20, 2023, show that, as of that date, 522 employees of Özak Şanlıurfa and 78 employees of Kübrateks Şanlıurfa had joined BİRTEK-SEN.

b. Workers reported illegal working conditions, abusive treatment, and weak representation by the company's favored union as primary reasons they joined the independent union

Workers told the WRC that they chose to join the independent union because of reported abusive treatment and poor working conditions at the factory that had gone unaddressed.³⁸ Multiple workers told the WRC that both verbal and physical abuse from supervisors were commonplace in the factory. One worker said: “They [supervisors] always humiliate us, [and] even throw pants in our faces.”



Figure 2: Photos taken by workers of a staple and an insect found in bread served in the Özak/Kübrateks factory canteen

Workers also cited excessive working hours—reportedly at times beyond 11 hours in a day, the maximum allowed under Turkish law, and sometimes without payment of overtime—as well as spoiled food in the factory canteen, denial of wage increases and requested annual leave, and the company’s unwillingness to grant them sufficient paid time off to deal with the impacts on their families of the devastating February 6, 2023, earthquake and a massive flood that struck their communities on March 15, 2023, as reasons they joined the new union.

Workers who joined BİRTEK-SEN also expressed dissatisfaction with the representation they had received from the Öz İplik İş union. In the words of one worker: “Öz İplik İş never defended our rights. They didn’t stand up for us [employees] when our coworkers would get fired without severance.”

Multiple workers also told the WRC that when they brought concerns to Öz İplik İş’s representatives at the factory, rather than support them, the union’s local representatives appeared to point them out to management for retaliation. One worker told the WRC: “Instead of acting as a union that defends our rights, when we bring problems to them, they report us [as troublemakers] to management.”

Workers also reported, and the Öz İplik İş union acknowledged, that it has never held a union leadership election at the Şanlıurfa facility. One worker told the WRC: “I asked Öz İplik İş if I could run to become their representative in the sewing department, but I was refused. Öz İplik İş has never had an election here.”

³⁸ These recent events are not the first time that workers at Özak Global’s Şanlıurfa factory have sought to change union representation. Workers sought to organize with an independent union called DİSK (Türkiye Devrimci İşçi Sendikaları Konfederasyonu, or Confederation of Progressive Trade Unions of Turkey) in 2020. Their organizing campaign was unsuccessful and reportedly ended during the Covid-19 pandemic, when the new union’s supporters were threatened that they would be put on unpaid leave for a year if they did not leave DİSK.

Another worker stated: “I wanted to be a leader in Öz İplik İş, but Öz İplik İş rejected me. An [Öz İplik İş] union representative told me: ‘You always complain. You always demand your rights. So, we can’t count on you.’”

Finally, workers reported consistently that they had never been given a copy of their union contract by either the factory management or the Öz İplik İş union.³⁹ This omission violated Levi’s supplier code of conduct, which states: “When a union(s) exists at a factory, workers must receive copies of collective bargaining agreement (CBA) at the time of hire or joining the union and whenever the CBA gets revised.”⁴⁰

c. Levi’s and Özak Global’s subsequent claims that workers did not freely choose to change their union membership are spurious and hypocritical

Both Özak Global and Levi’s subsequently claimed to the WRC that Özak/Kübrateks workers were coerced, tricked, or bribed to resign from the company-favored union, Öz İplik İş, and join the BİRTEK-SEN independent union. Levi’s even has cited this claim as one of the reasons it is choosing not to require Özak to reinstate the 400 workers it illegally fired—even though, according to Levi’s, the mass dismissal represents a “zero tolerance” violation of its code of conduct.

However, the WRC conducted extensive interviews with factory workers in which employees discussed how and why they resigned from Öz İplik İş and joined BİRTEK-SEN and found no evidence to support the management’s claim. As discussed above, workers testified consistently to the WRC that they chose to join BİRTEK-SEN because of poor labor conditions in the factory, abusive treatment by the factory management, and their belief that the company-favored Öz İplik İş union was not interested in supporting workers to address these problems.

Moreover, as discussed below, workers who chose to join the BİRTEK-SEN union did so *despite* facing intense coercion by Özak/Kübrateks management, in collaboration with factory-level union representatives of Öz İplik İş—in the form of threatened and actual physical violence and implicit and explicit threats of termination. As all of this pressure from Levi’s supplier, Özak Global, and its favored union, Öz İplik İş, was explicitly aimed at *denying* workers a free choice of which union to belong to, Özak Global and Levi’s making claims to the contrary, therefore, is not merely false but hypocritical.

B. Violations of Freedom of Association by Levi’s Supplier, Özak Global: Threatened and Actual Illegal Mass Firing, Complicity in Physical Violence and Gender-Based Harassment, Wage Theft, Blacklisting, and Coercion

Levi’s supplier code of conduct, Turkish law, and international labor standards all prohibit employers from retaliating against workers for exercising the right to freedom of association,

³⁹ All 28 workers interviewed by the WRC in the course of its investigation, except for some in factory-level leadership positions with Öz İplik İş, stated that they have never seen a copy of the CBA between Öz İplik İş and the company. More than a dozen workers reported that they had asked Öz İplik İş’s leadership at the factory for a copy of the CBA and were denied.

⁴⁰ Levi Strauss & Co., 2023 *Supplier Code of Conduct: Implementation Guidebook*, February 2023, p. 32, <https://www.levistrauss.com/wp-content/uploads/2023/02/2023-supplier-code-conduct-final-spreads.pdf>.

including the right of choosing which union to join and the right to engage in nonviolent strikes and publicly protest.⁴¹

The WRC found that, after Özak/Kübrateks workers chose to exercise their associational rights by resigning from the company-favored union, Öz İplik İş, and joining the independent union, BİRTEK-SEN, the company engaged in and fomented an illegal campaign of retaliation against these employees, which included: (1) threatened and actual violence, (2) explicit and implicit threats of termination, (3) mass firings and arrests of employees, (4) gender-based harassment of women workers, (5) wage theft (denial of legally due severance), (6) blacklisting, and (7) coercion to waive associational rights.

Levi's supplier, Özak Global, carried out this retaliation through its own factory management, which issued many of these retaliatory threats; through the provincial security forces, which subjected workers to violent attacks and mass arrests, in which the company was complicit; and through its favored union at the factory, Öz İplik İş, whose local representatives also retaliated against workers for resigning their membership in its organization, through threatened and actual violence against employees, including incitement of gender-based violence against women workers.

1. Implicit Threats of Retaliatory Termination by Factory Manager against Workers in October 2023

In late October 2023, after Özak/Kübrateks managers first became aware of workers meeting with and joining the independent BİRTEK-SEN union, the factory management threatened workers implicitly with termination for exercising their right to freedom of association. The factory's chief manager threatened punishment for workers who "do not accept the [company's] working conditions" and "disrupt order in the workplace". These terms were clearly code words for workers choosing to join the independent union, rather than remaining members of the union that the management favored, Öz İplik İş.

During the WRC's investigation, Özak Global provided the WRC with a video recording of a speech, which the factory's chief manager acknowledged delivering to workers on October 31, 2023, shortly after he learned that workers at the factory were joining a new union. The manager subsequently claimed that he made this speech "so that workers would know that they have the freedom to choose any union they wish" and, indeed, stated in the speech, "[W]e [the management] do not have a problem with which union you belong to...you can become a member of any trade union you want."

However, the Özak/Kübrateks manager followed this disclaimer with a series of threatening statements, which were clearly intended to convey exactly the opposite message to employees. These coercive statements included:

⁴¹ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) and 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2 and 98 (Right to Organise and Collective Bargaining), Article 1; and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

- “[W]e have certain disciplinary rules. ... [W]e will take necessary legal action against those who [violate these rules]. ... Whoever it is.”
- “You are not supposed to cause any damage to the workplace. What we mean by damage is a loss if my management stops there for three minutes, five minutes.”
- “[T]here are people [now] who try to disrupt the order and do not accept the working conditions. ... [P]eople who disrupt the order in the workplace and violate the disciplinary rules will be referred to the disciplinary committee and action will be taken. [If there is] repetition of this ... disciplinary violation, you may lose your job.”⁴²

These statements could only be understood by workers—and, according to workers *were* understood—as implicit, but, nonetheless, very clear, warnings from the management: (1) not to join a union, like BİRTEK-SEN, that supported employees voicing criticism of working conditions in the factory, and (2) that if workers *did* join such a union, management would view this as disruptive and grounds for discipline, including termination.

As workers testified to the WRC, employees joined BİRTEK-SEN, a union independent from the management, exactly because they *were* dissatisfied with working conditions in the factory. Therefore, workers correctly understood that such statements by the factory were intended to threaten them with discipline—including termination—if they continued exercising their associational rights by choosing to join the independent union.

These implied, but very clear, threats from Özak/Kübrateks management that workers would face discipline, including termination, if they chose to change the union they were members of—from a union that the management favored, to an independent union that the company opposed—violated workers’ rights to freedom of association under Turkish law, international labor standards, and Levi’s supplier code of conduct.⁴³

⁴² Özak Global provided the WRC with a video recording of the factory manager’s October 31, 2023, lunchtime speech in the canteen (translation by the WRC).

⁴³ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) (“No worker ... shall be forced to maintain as a member or resign his membership in a trade union.”) and 25(2–3) (“The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers’ organisations ...”); International Labour Organisation, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2 (“Workers ... without distinction whatsoever, shall have the right to ... join organisations of their own choosing without previous authorisation.”) and 98 (Right to Organise and Collective Bargaining), Article 1 (“Workers shall enjoy adequate protection against acts of anti-union discrimination ... calculated to-- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership; (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities; Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31 (“We respect workers’ rights to ... join organizations of their choice ... without unlawful interference. Business partners should ensure that workers who make such decisions ... are not the object of discrimination or punitive disciplinary actions ... includ[ing] threatening ... or firing workers [for] exercising their right to support union activities. Employers may not use intimidation ... to obstruct workers’ right to freedom of association.”) and p. 32 ([T]he employer shall not ... favor one workers’ organization over another[;] must assure that workers can exercise their right to organize in a climate free of violence, pressure, fear and threats....”).

2. Explicit Threats of Physical Violence and Retaliatory Termination against Workers by Levi's Supplier Özak Global in November 2023

In late November 2023, after workers continued to exercise their associational rights—including holding a meeting of several hundred Özak/Kübrateks workers with BİRTEK-SEN union representatives to discuss working conditions at the factory—the factory management escalated its campaign of intimidation. Özak/Kübrateks managers threatened workers, explicitly and repeatedly, that they would suffer physical violence and termination of their employment if they exercised their freedom of association by joining the independent union.

A male worker testified that, during the fourth week of November, soon after he attended the union meeting with his coworkers, Özak/Kübrateks factory manager Hamit Akbalık called the worker to his office and said: “If you don’t leave BİRTEK-SEN, I’m going to break your head.”

“If you change unions, we’ll fire you without giving you your severance.”

— Özak/Kübrateks department head to worker, November 2023

A woman worker told the WRC that Mehmet Çiftçi, manager of the quality control and packing department at Özak/Kübrateks, called her to that manager’s office and threatened, “If you change unions, we’ll fire you without giving you your severance.” This worker told the WRC that one of her male coworkers reported Çiftçi also issued the same threat of retaliatory firing without severance to him. Other workers testified that Özak/Kübrateks managers made phone calls to them in which the managers issued similar retaliatory threats.

Özak Global has denied to the WRC that its factory management made such explicit threats of retaliatory firing and physical violence against workers. However, workers’ testimony on these threats having been made by management is consistent, mutually corroborative, and specific. The WRC finds that Özak/Kübrateks management made these statements and, by so doing, violated both workers’ freedom of association and their right to protection from threat of physical violence, under Turkish law, international labor standards, and Levi’s code of conduct.⁴⁴

3. Levi’s Supplier Özak Global’s Complicity in Threatened and Actual Violence, Threats of Retaliatory Termination by Its Favored Union, Öz İplik İş, in November 2023

Immediately after Özak/Kübrateks factory management launched its campaign of threats and intimidation against workers who were joining the independent union, BİRTEK-SEN, factory-level leaders of the union that was favored by the company, Öz İplik İş, also began to threaten and, in one case, actually commit physical violence against workers inside the factory. Leaders of the

⁴⁴ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) and 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2, and 98 (Right to Organise and Collective Bargaining), Article 1, and 190 (Violence and Harassment), Article 4 (requiring “prevention and elimination of violence and harassment in the world of work” including “violence and harassment involving third parties”); and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

company-favored union who are Özak/Kübrateks employees also made statements echoing and amplifying the management's threats to retaliatorily terminate workers for joining BİRTEK-SEN.

The content and timing of these threats, the fact that they were made inside the factory during the company's paid workday, and the consistency of their retaliatory message with that being issued by the factory management at the same time, all make clear that Özak/Kübrateks was complicit in these acts of intimidation against the workers by representatives of its favored union.

According to worker testimony, a leader of the company-favored union, who is also an Özak/Kübrateks employee, engaged in the following acts and threats of violence and intimidation toward them, while inside the Özak/Kübrateks factory, and during the paid workday:

- A woman worker was *physically slapped* by a leader of the company-favored union, who told her, "I won't let you work here anymore."
- The same woman worker was threatened with violence by the same leader of the company-favored union, who said to her, "I will smash your head and kick your ass."

Other women workers charged that leaders of the company-favored union employed at Özak/Kübrateks, threatened to retaliate by contacting their families and disparaging their personal conduct and morals if they did not resign their membership in the independent union. Specifically, women workers testified that employees who are representatives of the company-favored union threatened that they would call the women's family members and tell them that the worker had a boyfriend or was otherwise acting immorally.

As discussed further below, in the context of social mores in Southeastern Anatolia, the region of Türkiye where the Özak/Kübrateks factory is located, such threats are highly intimidating and dangerous, since disparaging a woman's moral conduct to her family can readily lead to domestic violence, up to and including murder (i.e., honor killing). As a result, such threats have a severe chilling effect on women workers' freedom to engage in associational activities.

Özak/Kübrateks workers informed the management of these gender-based threats against women workers by employees who are representatives of the company-favored union. However, the management appears to have taken no action against the employees responsible for this intimidation, thereby making the company complicit in this harassment. Indeed, as discussed later in this report, after Özak/Kübrateks management turned a blind eye to this gender-based intimidation, employees who are representatives of the company-favored union proceeded to carry out these threats against women workers by contacting their family members and disparaging their morals.

According to workers, employees who are leaders of the company-favored union in the factory made no secret they were acting in collaboration with Özak/Kübrateks management in issuing threats of retaliation against employees for exercising freedom of association:

- Workers reportedly were told by factory-level leaders of the company-favored union, “There is a definite instruction from Mr. Hamit [the Özak/Kübrateks factory manager]: ‘If you do not resign from that union [BİRTEK-SEN] and [re]join Öz İplik İş, you will be fired...’”⁴⁵ This statement is clearly a reference to Hamit Akbalık, the chief factory manager, who reportedly called a worker to his office and said: “If you don’t leave BİRTEK-SEN, I’m going to break your head.”
- Multiple workers testified that a factory-level leader of the company-favored union told them that if they exercised their right to join another union, he would have the factory management fire them, saying: “If you want to change unions, I’ll give your name to ... [the factory manager] and he’ll fire you”, and “you’re going to lose your job, [so] why are you changing your union?”

These further threats of violence (including threats to incite gender-based violence), as well as actual violence and threats of retaliatory firing, against workers by leaders of the company’s favored union, in which the company management was clearly complicit, all constituted further, and very severe, violations of workers’ right to freedom of association under Turkish law, international labor standards, and Levi’s supplier code of conduct. They also violated the prohibition under all these standards on threatened and actual violence in the workplace.⁴⁶

4. Özak/ Kübrateks Manager’s Implied Threat of Mass Retaliation, in Response to Workers’ Appeal to Company to Stop Violating Freedom of Association, November 23–27, 2023

The direct involvement of Özak/Kübrateks management in the coercion of workers to prevent their exercise of associational rights was further underscored by the company’s response on multiple occasions when workers and their independent union peacefully called on managers to cease the company’s campaign of intimidation. On November 23, 2023, representatives of the union, BİRTEK-SEN, sent a letter to the company, on workers’ behalf, calling on Özak/Kübrateks to end “[a]ttempts to hinder workers from exercising... legal, legitimate, and democratic rights.”⁴⁷ The company never replied to this communication.

On November 27, Özak/Kübrateks workers delivered to the management a second letter, signed by 435 Özak/Kübrateks employees, that protested the company compelling workers to rejoin its favored union, Öz İplik İş, “through threats, pressure, and coercion”.⁴⁸ On this occasion, the

⁴⁵ Translation from the November 27, 2023, letter from 435 BİRTEK-SEN members to management. Photos of the original letter and signatures are on file with the WRC.

⁴⁶ Turkish Code of Obligations (Law 6098), 2012, Article 417 (obligating employers to prevent and protect their employees from psychological harassment); Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) and 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2, and 98 (Right to Organise and Collective Bargaining), Article 1, and 190 (Violence and Harassment), Article 4 (requiring “prevention and elimination of violence and harassment in the world of work” including “violence and harassment involving third parties”); and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

⁴⁷ Letter from BİRTEK-SEN to Özak Global, November 23, 2023 (copy of letter on file with the WRC).

⁴⁸ Letter from workers to Özak Global, November 27, 2023 (copy on file with the WRC).

Özak/Kübrateks manager who received the letter tore up the signatures of the workers who signed the letter in front of the employee who delivered it.

By violently tearing up the signatures of hundreds of workers, on an appeal to the company to *cease* retaliating against them for exercising associational rights, Özak/Kübrateks' management delivered another implied, but unmistakable, threat: if workers *continued* to exercise freedom of association, the company would retaliate against all of them for doing so. The management's response to this appeal from workers to stop violating their rights represented yet a further violation *of this right*—and, therefore, a further contravention of Turkish law, international labor standards, and Levi's supplier code of conduct.

The company's hostile response to the workers' appeals is significant for two other reasons: First, it explains why, as discussed below, workers reasonably believed that the company had left them no alternative to going on strike when the company continued to escalate its campaign of intimidation against them.

Second, this response by the company to the workers' mass petition demonstrates the falsehood of the claims Özak Global has subsequently made that the employees' decision to go on strike was instigated by external political actors, rather than being a reaction by employees to the company's denial of their rights. For example, in a February 2024 letter to the WRC, Özak Global asserts "...[F]rom the very beginning ... the work stoppage carried out in our Özak Tekstil Şanlıurfa factory was not a problem of workers' rights, ... was not related to union rights and freedoms, ... [but instead] was an assassination of reputation and an attempt to establish political pressure ... [on] our customers, Özak Tekstil and its managers."

As already discussed, this is an entirely specious claim. Özak Global provided the WRC with a video recording of a speech given to workers by the chief factory manager in October 2023—which the manager told the WRC was prompted by his learning that workers were changing union membership—in which the manager implicitly threatened workers with firing for doing so.

These statements by the factory management were, as discussed, followed by a series of *explicit threats* from this and other managers, and from the leaders of the company's favored union, Öz İplik İş, whose clear intent was to deny workers' "union rights and freedoms". These threats included the chief factory manager telling a worker that, "If you don't leave BİRTEK-SEN, I'm going to break your head."

For Özak to blame external actors for the workers' decision to go on strike—rather than acknowledging that employees took this action in response to the management's intense campaign to deprive them of their rights—is cynical in the extreme.

5. Özak/Kübrateks' Retaliatory Interrogation, Harassment, and Firing of a Woman Worker for Speaking Out on Factory Conditions and Exercising Associational Rights, November 27, 2023

On November 27, Özak/Kübrateks management escalated its campaign of intimidation against workers for exercising associational rights, when the company retaliatorily and unlawfully

interrogated and then fired a woman worker and BİRTEK-SEN union member, Seher Gülel, who had criticized working conditions in the factory.

In a November 19 meeting among more than three hundred workers supporting the independent union, Gülel decried the working conditions in the factory and criticized by name the manager of the department in which she worked. When Gülel came to work the next morning, the same manager interrogated her as to where she had gone the previous day.

Gülel replied to the manager that the previous day had been her day off and that she had attended a meeting. The manager responded to Gülel's reply by threatening her with termination, stating, "If you don't do your job well, ... you won't have a job here." Gülel reported that the manager continued to verbally harass her during the rest of that week, calling her an "animal", and other insults. At the beginning of the following week, on Monday, November 27, 2023, the factory management fired the worker, Seher Gülel.

The circumstances and timing of the company's firing of this worker clearly revealed her termination to have been retaliation for attending and speaking out at a union meeting. First, the manager in charge of Gülel's department demonstrated animus toward both Gülel and her associational activities, by interrogating her about where she was on the day she spoke at the union meeting, and, subsequently, subjecting her to verbal insults. Second, Gülel was terminated just one week after she spoke at the union meeting—a week during which the manager interrogated her about her associational activities and then repeatedly verbally harassed her.

Özak Global denied to the WRC that Gülel was fired for her associational activities, claiming that she was terminated for supposedly a high rate of errors in her work as a quality control officer. However, this was clearly pretextual. Özak Global failed to provide any evidence that, prior to terminating Gülel, it had issued any warnings to her, such that it had disciplined her, for the quality of her work or had documented that her work was substandard. Moreover, in interrogating Gülel about her attendance at the union meeting, her departmental manager explicitly stated his intention to use job performance as a basis to fire her ("If you don't do your job well, ... you won't have a job here.").

Overwhelming evidence indicates that Özak/Kübrateks managers interrogated, verbally abused, and ultimately fired the woman worker, Seher Gülel, in retaliation for associational activity, namely, giving a speech at a union meeting. Özak Global committed a further severe violation of associational rights, under Turkish law, international labor standards, and Levi's supplier code of conduct, when the company interrogated Seher Gülel about, and then verbally abused and ultimately terminated her for, criticizing her manager and working conditions in the factory at the BİRTEK-SEN union meeting on November 19.⁴⁹

⁴⁹ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) and 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2 and 98 (Right to Organise and Collective Bargaining), Article 1; and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

6. Özak Global's Complicity in Unlawful Violent Assaults and Unconstitutional Mass Arrest of Workers by Provincial Security Forces, November 29–December 13, 2023

Immediately after Özak/Kübrateks terminated the worker, Seher Gülel, on November 27, for giving a speech criticizing the factory's working conditions and management, several hundred of her coworkers walked off the job and began protesting outside the factory. Two days later, on November 29, the governor of Şanlıurfa province, where the Özak/Kübrateks factory is located, declared a four-day ban on public gatherings, thereby rendering “illegal” any nonviolent protest outside the factory, or anywhere else in the area, by the striking Özak/Kübrateks workers.⁵⁰

Even after the outright ban on protests in the province expired, the government still forbade workers from holding their nonviolent protests near the factory's premises. Despite the fact that these restrictions on workers' nonviolent assembly were, as noted below, a violation of employees' constitutional rights—as well as their labor rights—Özak Global failed to take any steps to protect its workers' freedom of association and, indeed, was actively complicit in this repression.

When workers continued to protest—nonviolently and a kilometer away from the factory—the militarized provincial security forces (gendarmerie) assaulted them with tear gas, pepper spray, batons, riot shields, and water cannons, injuring several workers, and carried out mass arrests. Özak/Kübrateks managers witnessed these violent assaults but, far from protecting their workers from this violence and repression, managers appear to have been active accomplices of the security forces in targeting for arrest those workers who were leaders among the protesting employees.

On December 6, 2023, the security forces attacked striking workers and detained 22 people—19 workers and three BİRTEK-SEN union representatives. On December 11, security forces again assaulted the workers, this time with water cannons, and detained 100 more employees.

The security forces held eight of the arrested workers in jail for two nights, before releasing them under judicial restrictions. On December 13, security forces arrested another 18 workers and one union representative,⁵¹ bringing the total number of people who had been detained for nonviolent protest to 158.



Figure 3: Worker's eye injured by security forces during protest, December 2023



Figure 4: Worker injured so severely by security forces during December 2023 protest that he was taken to a hospital

⁵⁰ Şanlıurfa Governorship, “29.11.2023 Tarihli Yasaklama Kararı,” November 29, 2023, <http://www.sanlıurfa.gov.tr/29112023-tarihli-yasaklama-karari>.

⁵¹ “Özak Tekstil direnişi: Gözaltına alınan işçiler ve BİRTEK-SEN yöneticileri serbest bırakıldı,” *Evrensel Daily*, December 13, 2024, <https://www.evrensel.net/haber/505622/ozak-tekstil-direnisi-gozaltina-alinan-isciler-ve-birtek-sen-yoneticileri-serbest-birakildi>.

In some cases, Özak/Kübrateks management appears to have directed the security forces to arrest workers who were leaders of the independent union, BİRTEK-SEN, simply for being present at nonviolent protests. One of these workers told the WRC that, when she arrived at the protest, “[As] I was stepping out of a car ... a gendarme [a member of the provincial security forces] arrested me [even though] I hadn’t done anything. I saw [a factory manager] talk to the gendarme and then the gendarme [just] arrested me.”

Özak Global has sought to justify its complicity in this militarized and repressive response to the workers’ strike by claiming that persons protesting the company’s violations of labor rights were not workers or trade unionists at all but agents of organizations banned by the Turkish state for terrorism and separatism. In a letter to the WRC, Özak Global claimed that persons participating in a protest against the company in Istanbul “were not employees, but members of terrorist organizations such as MLKP [Marxist–Leninist Communist Party], PKK [Kurdish Workers Party] and DEV-SOL [The Revolutionary People’s Liberation Party]....”

Legal experts in Türkiye have harshly criticized the government and its security forces’ violent repression of the Özak/Kübrateks workers’ protests—in which, as shown, Özak Global was highly complicit—as an unlawful violation of workers’ fundamental constitutional rights. Türkiye’s national bar association, its foremost body of professional attorneys, declared publicly that, by intervening “in favor of the employer [Özak Global]”⁵² and against the workers,



Figure 5: Security forces throw tear gas canister at protesting Özak/Kübrateks employees, engulfing the workers with tear gas, December 2023

“[L]aw enforcement authorities and judicial authorities violated several fundamental rights and freedoms such as the right to assembly, freedom of expression, freedom of movement, personal freedom and security ... [and imposed] unlawful restrictions.”

Özak Global’s active complicity in the provincial security forces’ violent assaults on and mass arrests of its own workers, for engaging in nonviolent protest, violated employees’ rights under not only Türkiye’s laws and its constitution, but also Levi’s own supplier code of conduct—which explicitly prohibits the use of physical violence against workers.⁵³

⁵² Union of Turkish Bar Associations, “Şanlıurfa’da Valilik Kararı, Kolluk Tarafından Yapılan Müdahaleler ve Adli Kararlar, Temel Hak ve Özgürlükleri İhlal Etmiştir,” December 18, 2023, <https://www.barobirlik.org.tr/Haberler/Sanlıurfada-valilik-karari-kolluk-tarafindan-yapilan-mudahaleler-ve-adli-kararlar-temel-hak-ve-o-84396>.

⁵³ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Article 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2, and 98 (Right to Organise and Collective Bargaining), Article 1, and 190 (Violence and Harassment), Article 4 (requiring “prevention and elimination of violence and harassment in the world of work” including “violence and harassment involving third parties”); and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

7. Levi's Supplier Özak Global's Complicity in Incitement of Gender-Based Violence against Women Workers by Employee Leaders of the Management-Favored Union

After hundreds of workers walked out of the Özak/Kübrateks factory in protest of the company's violation of their associational rights, leaders of the company-favored union, Öz İplik İş, who are employed by Özak/Kübrateks, made good on their prior threats to target women workers for intimidation and expose them to risk of domestic violence.

According to women workers' testimony, leaders of the company-favored union, who are employed by Özak/Kübrateks, made telephone calls to these women's family members, in which they asked: "Do you know what your daughter is doing right now? She's outside—do you know who she's with?" A woman worker reported being told by a woman coworker that one of the leaders of the company-favored union called the woman's husband and told him: "Your wife is on the wrong path."

As already discussed, in the context of local society and culture, such disparagement of the morals and conduct of women to their families is highly dangerous, because it can incite domestic violence. Southeastern Anatolia, where the Özak/Kübrateks factory is located, has the highest rate of domestic violence of any region in Türkiye and is known as the country's "capital of 'honor killings'"—murders of women by family members due to suspected transgression of gender norms (especially allegations of sexual misbehavior).⁵⁴

Özak Global was complicit in this gender-based harassment and incitement of violence against women workers by leaders of the company's favored union, Öz İplik İş, who are employed by the Özak/Kübrateks factory. As already discussed, even before the workers went on strike, women employees had complained to the company that leaders of the company-favored union were threatening to disparage their moral and personal conduct.⁵⁵ However, Özak/Kübrateks apparently

⁵⁴ An "honor killing" is defined as "the murder of a girl or woman by her family members due to ... alleged sexual misbehavior..." Rebecca E. Boon, "They Killed Her for Going out with Boys: Honor Killings in Turkey in Light of Turkey's Accession to the European Union and Lessons for Iraq," *Hofstra Law Review*, 2006, Volume 35, Issue 2, Article 17. Research by the United Nations Development Program (UNDP) identified 115 cases of "honor killings" in the country, which included murders of young women by family members, because a "boy and girl [were seen] together ... wandering around, in a café, [or] on the street..." <https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=2257&context=hlr>; Dicle Kogacioglu, "The Tradition Effect: Framing Honor Crimes in Turkey," 2004, Volume 15, Issue 2, <https://read.dukeupress.edu/differences/article-abstract/15/2/118/97645/The-Tradition-Effect-Framing-Honor-Crimes-in>; Justin Huggler, "Turkish women killed for 'honour'," *The Independent*, February 14, 1999, <https://www.independent.co.uk/news/turkish-women-killed-for-honour-1070842.html>; and Filiz Kardam, *The Dynamics of Honor Killings in Turkey*, United Nations Development Program, Population Association, and United Nations Population Fund, 2005, <https://www.unfpa.org/sites/default/files/pub-pdf/honourkillings.pdf>.

⁵⁵ BİRTEK-SEN's November 27, 2023, letter to management stated: "Especially, the Öz-İplik-İş representative [name redacted] is openly threatening our female colleagues, and some of our female colleagues are threatened with things too ugly to write here. We, the undersigned workers of Özak Textile, demand that these pressures, mobbing, and threats in the factory end as soon as possible. In particular, we demand that the Öz-İplik-İş representative [name redacted], who threatens and applies pressure to our female colleagues in an ugly manner, be immediately removed from her position

chose to take no action against the perpetrators of these threats, even though the latter were company employees and subject to discipline for engaging in gender-based harassment and inciting violence against their women coworkers. This harassment and intimidation—in which Özak Global was complicit—violated not only these women’s associational rights but also their right to freedom from gender-based violence and harassment, incitement of physical violence, and psychological harassment and thereby contravened Turkish law, international labor standards, and Levi’s own code of conduct.⁵⁶

8. Levi’s Supplier Özak Global’s Illegal Firing of 400 Workers, December 12–13, 2023

On December 12 and 13, Özak Global terminated *en masse* the approximately 400 workers who had been nonviolently protesting the company’s violation of their associational rights a kilometer away from the factory.⁵⁷ Nearly all of the workers the company terminated were among the factory employees who had joined the independent union, BİRTEK-SEN.

and referred to the disciplinary board.” Also see: “Özak işçileri: Bizden güç alın, gücümüze güç katın,” *Etha*, December 6, 2023, <https://etha15.com/haberdetay/Özak-iscileri-bizden-guc-alin-gucumuze-guc-katin-186923>; and Haluş S. – Bahar Gök, “Fabrikaya girişimiz var çıkışımız yoktu,” November 29, 2023, *Kadın İşçi Dayanışma Derneği*, <https://www.kadinisci.org/guncel/fabrikaya-girisimiz-var-cikisimiz-yoktu/>.

⁵⁶ Turkish Code of Obligations, Law 6098, 2012, Article 417 (obligating employers to prevent and protect their employees from psychological harassment); Turkish Labor Act, No. 4857, Article 5, Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) (“No worker ... shall be forced to maintain as a member or resign his membership in a trade union.”) and 25(2-3) (“The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers’ organisations”); International Labour Organization, Convention 87 (Freedom of Association and Protection of the Right to Organise), Article 2 (Workers ... without distinction whatsoever, shall have the right to ... join organisations of their own choosing without previous authorisation.”), 98 (Right to Organise and Collective Bargaining), Article 1 (“Workers shall enjoy adequate protection against acts of anti-union discrimination ... calculated to-- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership; (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.”), 111 (Discrimination), and 190 (Violence and Harassment), Articles 1 (prohibiting “practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment... mean[ing] violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.”) and 4 (requiring “prevention and elimination of violence and harassment in the world of work...” including “violence and harassment involving third parties”); Levi Strauss & Co., 2023 *Supplier Code of Conduct*, p. 31 (“We respect workers’ rights to ... join organizations of their choice ... without unlawful interference. Business partners should ensure that workers who make such decisions ... are not the object of discrimination or punitive disciplinary actions ... includ[ing] threatening ... or firing workers [for] exercising their right to support union activities. Employers may not use intimidation ... to obstruct workers’ right to freedom of association.”) and p. 32 (“[T]he employer shall not ... favor one workers’ organization over another[.] must assure that workers can exercise their right to organize in a climate free of violence, pressure, fear and threats....”).

⁵⁷ Şanlıurfa Second Labor Court, Preliminary Examination Hearing Report, December 27, 2023 (quoting Özak Global lawyers as stating, “On 12 and 13 December 2023, a warning letter was sent to approximately 400 workers, their employment contracts were terminated and they were dismissed from SSI [social security enrollment.]” (translation by the WRC), (on file with the WRC). On December 15, Özak Global emailed the WRC, stating that they had terminated 200 workers, however, court documents indicate that approximately 400 workers were terminated.

a. Levi's supplier Özak Global's mass firing of 400 workers for striking was illegal under Turkish law and a severe violation of Levi's code of conduct

Özak Global's mass firing of its workers for exercising their associational right to strike was illegal on its face under Turkish law and also, therefore, in violation of Levi's code of conduct.

Turkish law severely restricts the right to strike by making strikes legal only if they arise from collective bargaining, which the workers' walkout at Özak/Kübrateks—a protest over the company violating workers' freedom of association—clearly was not.⁵⁸ However, the labor law also flatly prohibits employers from firing workers for striking, *even in the case of an illegal strike*, unless the country's labor courts have first ruled that the strike in question is unlawful.⁵⁹

In the case of Özak Global's mass firing of the Özak/Kübrateks workers on December 12 and 13, it is undisputed that the company carried out these terminations *without* first obtaining a ruling from a labor court that the workers' strike was illegal.⁶⁰ Indeed, the labor courts did not even begin *an inquiry* into the strike's legality until December 27, 2023—two weeks *after* Özak Global carried out its mass firing of the 400 workers.

It was not until May 15, 2024, that the Turkish labor courts issued a ruling finding that the workers' strike was not legal, making it legally permissible *as of that date* for Özak Global to terminate the workers if they *afterward* persisted with their strike. Özak Global terminated the workers, however, *more than five months before* the court issued its ruling that gave the company legal sanction to dismiss them. Therefore, Özak Global's termination of these employees in December 2023 was, indisputably, in blatant violation of Turkish labor law and, by extension, Levi's code of conduct for suppliers.

b. Özak Global's mass firing of workers for striking also violated core international labor rights conventions and again, therefore, Levi's supplier code of conduct

International labor standards on freedom of association, which Levi's supplier code of conduct has incorporated, protect workers' right to strike much more broadly than Turkish labor law does. In particular, the ILO's core conventions on freedom of association firmly establish that workers have the right to strike over not only issues that arise from collective bargaining but also unfair labor practices by employers—including retaliatory firings of other workers (like Özak Global's dismissal of the worker activist, Seher Gülel), as well as violations of the right to freely choose a union.⁶¹ Under international labor standards, so long as such unfair labor practice strikes remain nonviolent, employers cannot terminate workers simply for engaging in them.⁶²

⁵⁸ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Section 58(2), and Turkish Constitution, Article 54(1).

⁵⁹ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Articles 70 and 71.

⁶⁰ Although the company had petitioned the labor courts for such a ruling at the time it terminated the workers in December 2023, no such ruling was until May 2024.

⁶¹ International Labour Organization, "Effect given to the recommendations of the committee and the Governing Body," para. 151.

⁶² International Labour Organization Committee of Experts on the Application of Conventions and Recommendations, *General Survey of the Reports on the Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948 and the*

Özak Global’s firing of 400 Özak/Kübrateks workers for holding such an unfair labor practice strike—a nonviolent work stoppage in protest of the retaliatory firing of one of their coworkers *and* the company’s refusal to respect their right to choose which union to join—constituted a clear violation of the right to freedom of association under core ILO conventions. Since Levi’s supplier code of conduct requires Levi’s vendors to comply with both local labor laws and international standards on freedom of association, Özak Global’s mass termination of these workers violated Levi’s code on multiple counts.⁶³

c. *Özak Global told workers, when it fired them, that it dismissed them for going on strike*

Although, as discussed below, Özak Global subsequently denied doing so, its factory management stated clearly to the workers, before terminating them, that the company intended to fire them because they had gone on strike. On December 4, Özak Global sent notarized letters to the workers who had walked out of the factory, excoriating them for participating in what the company called an “illegal strike”, and telling workers they would be terminated if they continued striking.

The management’s letter to the workers concluded, “[if you have any further unexcused absences], your employment contract will be terminated without compensation or notice, in accordance with ... Labor Law No. 4857 and Law No. 6356 ... [because of your] absence from work due to participation in the illegal strike.”

In other words, although the company subsequently claimed to have fired employees—not for being on strike but instead for being absent from work (which, in any case, as discussed below, is a distinction without a difference)—Özak Global told the workers, in writing, shortly before it fired them, that the opposite was true. As Özak Global stated in its letter to the employees, the company planned to terminate them for “absence from work *due to [their] participation in the illegal strike*” (emphasis added), and not simply for being absent.

Right to Organize and Collective Bargaining Convention (No. 98), 1949, Report III (Part 4B), International Labour Conference, 81st Session, 1994, para. 179, [https://www.ilo.org/public/libdoc/ilo/P/09661/09661\(1994-81-4B\).pdf](https://www.ilo.org/public/libdoc/ilo/P/09661/09661(1994-81-4B).pdf), (“Since the maintaining of the employment relationship is the normal consequence of recognition of the right to strike, its exercise should not result in workers being dismissed or discriminated against.”). International Labour Organization, “Compilation of decisions of the Committee on Freedom of Association,” § 784 (“[The right to] strike action [may be] denied to workers ... only if the strike ceases to be peaceful.”), 957 (“The dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98”); 958 (“When trade unionists or union leaders are dismissed for having exercised the right to strike, the Committee can only conclude that they have been punished for their trade union activities and have been discriminated against”).

⁶³ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Articles 70 and 71; International Labour Organization Committee of Experts on the Application of Conventions and Recommendations, *General Survey*; International Labour Organization, “Compilation of decisions of the Committee on Freedom of Association,” (“The dismissal of workers because of a strike constitutes serious discrimination in employment on grounds of legitimate trade union activities and is contrary to Convention No. 98” (para. 957) and “When trade unionists or union leaders are dismissed for having exercised the right to strike, the Committee can only conclude that they have been punished for their trade union activities and have been discriminated against” (para. 958)); Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

d. Levi's supplier Özak Global's claims that it fired workers for "absence from work" and "not performing their duties" are just admissions it fired them for being on strike

In a communication Özak Global sent to the WRC on December 15, after it had terminated the employees, the company claimed that its mass firing of these workers was permissible because Turkish labor law allows employers to terminate a worker, "[if] the employee refuses, after being warned, to perform his duties."⁶⁴ Özak Global went on to assert in this communication, and in other, subsequent, communications with the WRC, that it terminated the protesting workers *not* for going on strike but because they were "absent from work" and "not performing their duties" as employees.⁶⁵

Özak Global's assertion, however, is false and dishonest in every respect. Rather than presenting a valid legal justification for terminating the workers, it represents, instead, a clear admission that the company fired them illegally—for going on strike.

First, as discussed, Turkish labor law prohibits employers from terminating workers for simply going on strike, unless and until a labor court has issued a ruling finding the strike illegal.⁶⁶ Since it is undisputed that Özak Global did not obtain such a court ruling before firing the employees (and had not obtained such a ruling until five months later), its termination of the workers was blatantly illegal, *unless* the company did not actually fire the employees for going on strike. This is why Özak Global—in the face of its own prior statements to workers that it *was* firing them for participating in a strike—subsequently chose to make such a patently false claim to the contrary.

However, Özak Global cannot avoid the fact that a strike *necessarily* involves employees both being "absent from work" and "not performing their duties". The dictionary definition of a labor strike is a "refusal to work" that is "organized by a body of employees as a form of protest".⁶⁷ For this reason, workers deciding to be "absent from work" and "not perform[] their duties" (which are the same thing as "refus[ing] to work") is an inherent element of exercising the right to strike.

Therefore, if employees are collectively "refus[ing] to work ... as a form of protest", their employer cannot terminate them for "not performing their duties" or for "being absent from work" *without* actually firing them for going on strike. And since firing the protesting workers for "not performing their duties" and "being absent from work" is exactly what Özak Global *admits* having done, the company cannot then *claim* that it did not fire these workers for going on strike. The action that Özak Global says it took (firing workers for "absence from work" and "not performing their

⁶⁴ Turkish Labor Act No. 4857, 2003, Article 25(II)(g).

⁶⁵ Özak Global to WRC, December 15, 2023; Özak Global to WRC, January 9, 2024 ("The reason for the dismissal of the employees who participated in the work stoppage at Özak Tekstil Şanlıurfa factory and did not respond to the invitation to work is absolutely not related to freedom of association or the pursuit of rights. The employees were dismissed entirely according to Article 25, Paragraph II and subparagraph g of the Labor Law No. 4857: 'The employee's absence from work for two consecutive working days or twice in a month on the working day after any holiday, or three working days in a month without permission from the employer or without a justified reason' and were dismissed on the grounds that 'the employer exercised its right of immediate termination for just cause'. Here Özak Tekstil exercised its right under the Labor Law after 25 days. For this reason, it is illogical to say that the workers were unlawfully dismissed.'").

⁶⁶ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Articles 70 and 71.

⁶⁷ *Oxford English Dictionary*, 3rd ed. (Oxford: Oxford University Press, 2000), s.v. "Strike."

duties”) and the violation Özak Global denies committing (firing workers for going on strike) are, in this case, entirely one and the same.

e. Levi’s supplier Özak Global’s claim that its mass firing of workers was justified because of alleged misconduct is contradicted by Özak Global’s own statements, records, and practices

Despite claiming to the WRC at the time that it carried out its mass firing of workers—that these employees were being terminated not for going on strike but, instead, for being “absent from work”—Özak Global has subsequently asserted to the WRC that its dismissals of these workers are justified by alleged misconduct by these workers while they were striking. The only evidence that Özak Global has provided to the WRC that is relevant to this claim are statements signed by employees who reportedly did not participate in the strike and who are members of the company-favored union, Öz İplik İş.

The statements Özak Global provided name 18 workers, who allegedly harassed other employees who did not go on strike. These four statements the company provided charge these named workers with allegedly insulting non-striking employees (booing, calling them “stooges” and “cowards”, spitting at them, threatening to reveal personal information about them).

However, Özak Global’s own communications to the WRC and to the workers it fired all establish that these allegations of misconduct do not represent a credible legal and nondiscriminatory basis for the company having carried out its mass termination of the striking workers.

First, neither Özak Global’s communications to the WRC at the time it terminated these workers nor the letters of termination it issued to the employees when it terminated them cite misconduct during the strike as a reason for the workers’ dismissal. Indeed, each letter of termination issued to these workers that the WRC has reviewed are identical, and all of these letters cite the workers being “absent from work”, rather than engaging in misconduct while protesting, as the legal basis for their termination.

Second, Özak Global’s written communications to the WRC at the time the company fired the workers also only cite, as the company’s legal basis for terminating them, the workers being “absent from work” or “not performing their duties”. Third, even assuming some workers did engage in it, the alleged misconduct during the strike that Özak Global says justifies their termination is not of sufficient gravity to permit their dismissal under international labor standards protecting freedom of association and the right to strike. International labor conventions establish that employers may terminate a worker for conduct during a strike if that worker is physically violent or destructive of property.⁶⁸ The conduct that Özak Global alleges some workers to have engaged in—verbal insults—is typical of that engaged in by workers during strikes and clearly falls within the boundaries of protected associational activity. It does not represent a fireable offense.

Fourth, even if some of the misconduct alleged—for example, spitting at other employees or threatening disclosure of damaging personal information—could, if shown to be supported by

⁶⁸ International Labour Organization, “Compilation of decisions of the Committee on Freedom of Association,” § 784.

persuasive evidence, warrant discipline *of those individual workers*, it does not, in any way, justify the illegal mass firing of *hundreds of other employees*, where the company has *absolutely no evidence* that the latter also engaged in such misconduct. Özak Global's firing of 400 workers *en masse*, based on allegations about misconduct that could only justify discipline for a small number of workers, would represent collective punishment of the workforce—and still constitute a very severe violation of workers' freedom of association.

Finally, Özak Global cannot terminate a striking worker for the misconduct it alleges, even a worker who *was* individually responsible for this misconduct, without violating freedom of association, unless Özak Global also fires *its own managers* and *its own favored employees* who are leaders of its preferred union, Öz İplik İş, for engaging in equally, if not far more, severe misconduct toward other workers. As discussed in this report, workers reported that verbal abuse and some physical abuse (throwing clothes at workers) by managers was widespread at the factory prior to the workers' strike, yet there is no evidence that Özak Global took any disciplinary action against its own managers for this recurring misconduct.

In addition, workers testified that, during the period immediately leading up to the strike, Özak Global's own plant manager threatened a worker with violence ("If you don't leave BİRTEK-SEN, I'm going to break your head."), and one of the employees who is a leader of the company-favored union not only threatened a worker with violence ("I will smash your head and kick your ass") but also physically slapped her. Moreover, as workers informed the management, employees who are leaders of the company-favored union, Öz İplik İş, threatened to morally disparage women workers to their families, which is the same misconduct Özak Global alleges against some of the striking workers.

There is no evidence that Özak Global has taken any disciplinary action against any of its managers or its employees who are leaders of its preferred union for *their* verbal and physical abuse of employees. Yet that abuse was of at least equal, if not greater, severity than the misconduct of which the striking workers have been accused. Therefore, the company's termination of the striking workers for such alleged misconduct would constitute a further instance of discrimination against associational activity, in violation of international labor standards and Levi's supplier code of conduct.⁶⁹

f. Turkish Labor Ministry report that endorsed Özak Global's mass firing of workers displays clear pro-employer bias and lacks methodological credibility

As support for its claim that its mass termination of the 400 workers was justified by alleged misconduct on the part of some of these workers, Özak Global has pointed to a December 2023 report from the Turkish Labor Ministry, an investigation the ministry conducted of a complaint from nine non-striking employees who are members of the company-favored union, Öz İplik İş. Özak Global claims that this report proves that its mass firing of workers for going on strike did not

⁶⁹ Turkish Labor Act, No. 4857, Article 5, Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 19(1) and 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2 and 98 (Right to Organise and Collective Bargaining), Article 1; and Levi Strauss & Co., 2023 *Supplier Code of Conduct*, p. 31–32.

violate employees' freedom of association and that the company "acted in accordance with the law".⁷⁰

The Labor Ministry's report relates that employees who are Öz İplik İş members complained that "workers protesting outside the workplace pressured them to become members of their union, to stop production, to quit work, and insulted them." The Labor Ministry concluded that these actions violated the non-striking workers' right to freely join or leave the union of their choice and fined the union, BİRTEK-SEN, 1,441,986 TRY (US\$44,830).⁷¹ Experts in Turkish labor law told the WRC that imposing this type of fine against a union for the conduct of workers during a strike is unprecedented in Turkish labor relations.

However, there are several critical substantive and procedural flaws in the Labor Ministry's investigation which render its findings not credible nor a valid basis for Özak Global's illegal mass firing of the striking workers or, for that matter, fining their union. First, nearly all of the conduct alleged against some of the striking workers, even if proven by a credible investigation (which, as detailed below, the Labor Ministry's inquiry was not) would not be a violation of the non-striking workers' rights at all—and none of it would be serious enough to justify their collective punishment by termination.

Even if it occurred as alleged, the conduct that striking workers are accused of represents in the main a protected exercise of associational rights—and does not represent legitimate grounds for termination. Verbally pressing other workers to join a union or a strike, including criticizing them for not doing so, even harshly, persistently, and personally—i.e., "pressuring them to become members of their union, to stop production, to quit work, and insult[ing] them"—are protected exercises of freedom of association during a strike, so long as they are done without threat of or actual violence.⁷²

The Labor Ministry's report does not allege that any such violence was threatened or committed by the striking workers, so, therefore, its findings that the striking workers violated the non-striking workers' associational rights are on their face illegitimate.

The entirely one-sided nature of the Labor Ministry's investigation renders it not only lacking in credibility but, in itself, a further violation of workers' freedom of association, which, under international labor standards, the Turkish government is obligated to uphold and protect. Özak Global's reliance on the Labor Ministry's report as a justification for having fired the workers *en masse* for striking, therefore, represents yet a further violation by the company of its workers' associational rights.

The methodology employed by the Labor Ministry in its investigation similarly suffers from fatal flaws. First, nearly every worker the Ministry interviewed was a member of the company's favored union, Öz İplik İş. They did not interview any striking workers, including any of the workers

⁷⁰ Email from Özak Global to the WRC on February 5, 2024.

⁷¹ US dollars conversion is based on the exchange rate at the time the fine was issued.

⁷² International Labour Organization, "Compilation of decisions of the Committee on Freedom of Association," §784 ("[The right to] strike action [may be] denied to workers ... only if the strike ceases to be peaceful."),

specifically accused of misconduct, nor representatives of their union, BİRTEK-SEN. Second, the Ministry interviewed workers at the factory premises, where it was impossible that workers could speak without being influenced by their awareness that both the management and its favored union, Öz İplik İş, knew workers were being interviewed by the Ministry.

Some of the employees whom the Ministry's investigator interviewed were not the complainants but, instead, were other workers whose testimony the Ministry relied on in reaching its findings. It is well recognized in the international apparel industry that garment workers will only feel safe to speak truthfully about labor rights violations—especially violations of freedom of association by employers and employer-friendly unions—when they can be interviewed confidentially, away from the factory premises. By interviewing workers on the factory premises, the Labor Ministry rendered its findings completely unreliable and lacking in credibility or objectivity.

9. Blacklisting and Wage Theft by Levi's Supplier Özak Global to Compel Unlawfully Fired Workers to Forfeit Remedy for Violations of Associational Rights

After illegally firing, *en masse*, the 400 workers who had gone on strike to protest Özak Global's denial of their freedom of association, the company engaged in further violations of these workers' rights under Turkish law, international labor standards, and Levi's code of conduct. The WRC believes Özak Global committed these additional violations—unlawful denial of legally due severance benefits and blacklisting with potential future employers—to further punish workers for having gone on strike and coerce them to forgo remediation of their illegal firing by the company.

a. Wage theft through illegal denial of severance benefits to unlawfully fired workers

First, as its managers had explicitly threatened when workers went on strike, Özak Global refused to pay the workers whom it terminated *en masse* in December 2023 the severance they were legally due under Turkish law at the end of their employment. Since Turkish labor law requires payment of severance in the amount of 30 days' wages per year of service when a worker ends their employment,⁷³ this was a sizeable sum that the company was withholding and that workers, who had now also been deprived of their regular wage, desperately needed to support their families.

Özak Global claimed that its refusal to pay the fired workers their earned severance was legal, because, it alleged, the workers were terminated for misconduct.⁷⁴ However, since, as discussed, the company actually terminated the workers for going on strike⁷⁵ and since the company's doing so was clearly unlawful under Turkish law—because the company fired them without first obtaining a ruling from the labor courts on the strike's legality—Özak Global's withholding from the fired workers their earned severance was unlawful as well.

Özak Global's withholding vital severance benefits from workers it had just illegally fired represented a severe form of wage theft from these employees that violated not only Turkish law but

⁷³ Labor Law No. 1475, Article 14.

⁷⁴ Labor Law No. 1475, Articles 24-25.

⁷⁵ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Articles 70 and 71.

also international labor standards and Levi's supplier code of conduct.⁷⁶ This violation was all the more egregious because, as the company had already acknowledged, Özak Global's apparent motivation for unlawfully withholding from these workers their earned severance was, itself, illegal and retaliatory—to punish these employees further for exercising their associational right to strike and coerce their agreement to forgo remedy.

b. Blacklisting workers by entering false accusations of misconduct against unlawfully fired workers in public records

After illegally firing the 400 workers who had gone on strike in December 2023 and denying them legally due severance payments, Özak Global retaliated even further against them, by effectively blacklisting these workers from being hired by other employers, by posting false accusations of misconduct against them in public records.

After it fired the striking workers, Özak Global entered into the workers' records with the Turkish government Social Security Institution (Sosyal Güvenlik Kurumu, or SGK), as the reason each of their employment had ended: "acts that do not comply with honesty ... such as ... stealing [or] revealing the employer's professional secrets".⁷⁷ Putting such an accusation of dishonest and illegal conduct in former employees' records at a public agency exposed these workers to serious risk that, going forward, potential employers will refuse to hire them on this basis—i.e., that the employee will be effectively blacklisted.

Özak Global's characterization of the reason for the workers' end of employment in the workers' social security files was a patently false and unethical accusation. As discussed, the real reason these workers were terminated was that Özak Global *acted illegally* by firing them for going on strike—and *not* that the employees, themselves, had been fired for stealing, revealing trade secrets, or any other illegal or unethical conduct.

By placing such an accusation in the public records of workers whom it had already illegally fired—effectively blacklisting them—Özak Global engaged in yet another egregious act of retaliation against these employees for their exercise of associational rights. This retaliation violated Turkish law, international labor laws, and the Levi's code of conduct all of which prohibit employers from blacklisting employees on account of their associational activities.⁷⁸

⁷⁶ Labor Law No. 1475, Article 14; Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Article 25(2-3); International Labour Organization, Conventions 87 (Freedom of Association and Protection of the Right to Organise), Article 2 and 98 (Right to Organise and Collective Bargaining), Article 1; and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31–32.

⁷⁷ Social Insurance and General Health Insurance Law (Law No. 5510), 2006; and Social Security Institution, "Circular 2021/9," April 1, 2021. See: Turkish Labor Law, "Changes to SSI Exit Codes, April 22, 2021," <https://turkishlaborlaw.com/news/business-in-turkey/changes-to-ssi-exit-codes/>.

⁷⁸ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Article 25(1-3); International Labour Organization, Conventions 98 (Right to Organise and Collective Bargaining), Article 1; and Levi Strauss & Co., *2023 Supplier Code of Conduct*, p. 31.

c. Using wage theft and blacklisting to coerce illegally fired workers to forgo remedy for violations

In December 2023 and January 2024, Özak Global—in an effort to compel workers whom it had illegally fired to cease protesting the company’s violation of their rights—met individually with these employees and offered to pay their legally due severance and remove accusations of misconduct from their social security files, on the condition that the workers agree not to publicly criticize the company or seek reinstatement to their jobs. By February 2024, having been denied their legally due severance, and facing ongoing blacklisting, all but 24 of the roughly 400 workers whom Özak Global illegally fired in December had signed such settlement agreements with the company.⁷⁹

Under these agreements—which the company offered on a non-negotiable (“take it or leave it”) basis—the workers whom the company illegally fired committed not to seek reinstatement or additional compensation from Özak Global and to “protect the employer’s reputation”, in return for receiving the same severance pay and other terminal compensation that the company was already legally required (but had been refusing) to pay them, and to remove the false accusations of misconduct from their social security files.⁸⁰ In other words, workers agreed, in order for the company to stop illegally withholding their severance and blacklisting them on false grounds, to waive any remedy for the company having illegally fired them in the first place.

Such agreements, where a worker must waive any remedy for serious violations by an employer of their rights—and, thereby, sacrifice vindication of those rights—in return for receiving some remedy for other subsequent violations by the employer, are inherently coercive and represent, in themselves, a further severe violation of those workers’ rights. Thus, Özak Global further violated the associational rights of its workers, under Turkish law, international labor standards, and Levi’s code of conduct, when it made workers waive their right to reversal of their illegal firing by the company, and their right to back pay for the wages they lost as a result, as a condition of the company ceasing to illegally withhold their severance and putting false accusations of misconduct in their files at public agencies.⁸¹

⁷⁹ Özak Global and BİRTEK-SEN each told the WRC in February 2024 that only 24 of the workers from Özak/Kübrateks who had been terminated during the strike had not signed these agreements.

⁸⁰ Mediation agreement, December 16, 2023. (Copy on file with WRC).

⁸¹ Turkish Trade Unions and Collective Bargaining Law, Act No. 6356, Article 25 (1-3) (“The recruitment of workers shall not be made subject to any condition as to their joining or refraining from joining a given trade union, their remaining a member of or withdrawing from a given trade union or their membership or non-membership in a trade union. The employer shall not discriminate between workers who are members of a trade union and those who are not, or those who are members of another trade union, with respect to working conditions or termination of employment. No worker shall be dismissed or discriminated against on account of his membership or non-membership in a trade union, his participation in the activities of trade unions or workers’ organisations ...”); International Labour Organization, Convention (Right to Organise and Collective Bargaining), Article 1 (“Workers shall enjoy adequate protection against acts of anti-union discrimination ... calculated to-- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership; (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities; Levi Strauss & Co., 2023 *Supplier Code of Conduct*, p. 31–32.

10. Özak/Kübrateks Continues to Retaliate against Workers Still in Factory for Exercising Associational Rights, January 2024 to Present

Even after it had illegally fired *en masse* 400 workers for exercising their associational right to strike, Özak/Kübrateks management has continued to retaliate against other employees who had joined the BİRTEK-SEN union but had not participated in the December strike. Employees working inside the factory who had joined BİRTEK-SEN told the WRC that managers pressured them to resign from the new union and rejoin the company's favored union, Öz İplik İş. Workers added that, when they refused to do so, the managers falsely accused them of making production errors on their jobs until they acceded to the managers' demands and switched their union affiliation. This further retaliation against workers to force them to join the union of the company's choice and deny their right to remain in the union they had joined represented yet another ongoing violation by Özak Global of workers' freedom of association, in contravention of Turkish law, international labor standards, and Levi's supplier code of conduct.

C. Levi's Acquiescence to Its Supplier's "Zero Tolerance" Violation—Özak Global's Refusal to Remedy Its Labor Rights Abuses against Workers

1. Necessary Corrective Actions, Remediation for Özak Global's Worker Rights Abuses

The WRC determined that to remedy the extremely severe violations of workers' rights under Turkish law, international labor standards, and Levi's supplier code of conduct that Özak Global committed, which have been detailed in this report, Özak Global must implement, and Levi's must require, the following corrective actions:

- Offers of reinstatement and full back pay for lost wages from the dates of their termination, for all workers who were terminated by Özak Global during the strike, as well as the worker, Seher Gülel, who was terminated immediately before the strike in retaliation for her associational activity;⁸²
- For any worker terminated during the strike who was a BİRTEK-SEN union member or for the fired employee, Seher Gülel, if they voluntarily decline an offer of reinstatement with full back pay, payment, instead, of 12 months' wages, consistent with the requirements of Turkish law for "union compensation";⁸³

⁸² International Labour Organization, "Freedom of Association: Compilation of decisions of the Committee on Freedom of Association," ("Respect for the principles of freedom of association requires that workers should not be dismissed or refused re-employment on account of their having participated in a strike or other industrial action"), para. 959; ("The use of extremely serious measures, such as dismissal of workers for having participated in a strike and refusal to re-employ them, implies a serious risk of abuse and constitutes a violation of freedom of association"), para. 962.

⁸³ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Article 25(4) ("If an employer fails to observe the provisions set out in the above paragraphs apart from the termination, he shall be liable to pay union compensation which shall not be less than the worker's annual wage").

- A commitment, which is communicated to factory workers and maintained in practice, to respect workers' right to freely choose which union they wish to join (or resign from) and to refrain from any sort of retaliation or discrimination against workers on this basis;⁸⁴ and
- The establishment of regular meetings between the Özak/Kübrateks factory management and the BİRTEK-SEN independent union to discuss workplace issues, reflecting the choice of a majority of workers at the factory, prior to their unlawful mass termination by Özak/Kübrateks, to join BİRTEK-SEN.

a. Reinstatement with back wages for workers fired for going on strike and other associational activities

With regard to the requirement, as stated above, to provide reinstatement with back pay to the fired workers, the need for this corrective action applies whether or not a given worker has agreed to a settlement or otherwise received compensation from the company—even when the settlement agreement specifies that the worker waives the right to reinstatement or further compensation. As discussed previously, these agreements were obtained coercively, through Özak Global withholding legally due compensation and blacklisting through false information in employees' records with a public agency. Further, the fired workers who signed them were never offered the option, instead, of reinstatement with back pay, as respect for freedom of association requires.

b. Regular meetings between Özak/Kübrateks factory management and the independent union, BİRTEK-SEN

With regard to the requirement, as stated above, to hold regular meetings between the BİRTEK-SEN union and the Özak/Kübrateks management to discuss workplace issues—this corrective action is necessary because the primary point of implementing remedies for violations of associational rights by an employer is to restore workers' effective exercise of those rights *to the status it would have had*, had the employer not committed these violations.

When a majority of workers at a factory have joined a given union, it must be assumed that an employer who *actually respects* its employees' freedom of association, at the very least, will meet regularly with that union to discuss the employees' workplace concerns, unless it is unlawful for the employer to do this. While Turkish labor law prohibits an employer from having multiple collective bargaining agreements covering the same group of employees, the law does not prohibit multiple unions being present in the workplace or prohibit an employer from meeting with those unions to discuss workplace concerns.

Since it would not be illegal for Özak/Kübrateks management to meet with BİRTEK-SEN to discuss the concerns of workers, adequate remediation of Özak Global's violations of workers' right to freedom of association must include committing to meet regularly with BİRTEK-SEN, the union

⁸⁴ International Labour Organization, "Freedom of Association: Compilation of decisions of the Committee on Freedom of Association," ("Respect for the principles of freedom of association requires that workers should not be dismissed or refused re-employment on account of their having participated in a strike or other industrial action"), para. 959; ("The use of extremely serious measures, such as dismissal of workers for having participated in a strike and refusal to re-employ them, implies a serious risk of abuse and constitutes a violation of freedom of association"), para. 962.

that a clear majority of these workers had joined immediately before Özak Global unlawfully fired them in violation of this right.

2. Levi's Supplier Özak Global's Refusal to Correct Abuses of Workers' Rights

Upon determining that Özak Global had carried out an unlawful mass firing of workers for going on strike, the WRC communicated to company executives the corrective and remedial actions that the company must take to correct the violations of workers' associational rights it had committed. Özak Global's response, as conveyed to the WRC in writing and verbally, has been to deny—entirely falsely—that the company has violated workers' rights.

a. Özak Global's refusal to offer reinstatement with back pay to the workers it fired *en masse* for exercising associational rights

In defense of its refusal to reinstate and provide back pay to the workers it fired *en masse* for exercising associational rights, Özak Global has made various demonstrably false, contradictory, and unethical claims, all of which already have been discussed in greater detail above. These are:

- (1) that workers were coerced, tricked, and bribed to join the BİRTEK-SEN union (when, in reality, they chose to join the independent union to address perceived abuses in their workplace—and *despite* actual and threatened violence and retaliatory termination by Özak Global, itself, and in complicity with the company's favored union, Öz İplik İş);
- (2) that Özak Global did *not* unlawfully fire workers for going on strike but, instead, lawfully dismissed them for “being absent from work” and “not performing their duties” (despite the obvious facts that employees “being absent from work” and “not performing ... [their] duties” are inherent elements of exercising the protected right to strike);
- (3) contradictorily, that Özak Global *did* fire workers for going on strike but that this supposedly was justified by alleged misconduct by some of these workers while protesting (ignoring not only the obvious contradiction but also the reality that this alleged misconduct, even assuming it occurred: (a) would not be serious enough to justify termination; (b) involved only 15 individual employees—and, so, could not justify the mass firing of more than 400 workers; and (c) is plainly of lesser severity than the many acts of coercion of workers by Özak/Kübrateks managers and factory-level leaders of the company's favored union, Öz İplik İş, which were committed without the company taking any disciplinary action against any of those responsible); and
- (4) that Özak Global's mass firing of these workers is supposedly justified by the Turkish Labor Ministry's report exonerating the company and finding that the striking workers violated the rights of non-striking employees (despite the facts (a) that the alleged misconduct, even if proven by a *credible investigation*, would represent, in the main, not unlawful coercion but protected associational activity, and (b) that the Labor Ministry's inquiry was so severely biased and methodologically flawed that it could not be viewed as credible in any respect).

None of the above provides any basis for Özak Global refusing to reinstate with back wages the 400 workers it illegally fired nor for Levi's to acquiesce in this refusal by its supplier.

b. Refusal to meet on a regular basis with the independent union, BİRTEK-SEN, which a majority of workers chose to join

As discussed, starting in November 2023, Özak/Kübrateks workers, in large numbers, began to join the independent union, BİRTEK-SEN, and resign from the company-favored union, Öz İplik İş. As noted, by mid-December, according to Turkish government records, more than 60 percent of workers had changed membership to the independent union. Between November 2023 and February 2024, BİRTEK-SEN representatives requested on multiple occasions to meet with Özak/Kübrateks management to discuss issues of concern to the factory workers, including, after the company unlawfully fired workers *en masse* in December, on the need for reinstatement of these employees.

Except for one meeting between BİRTEK-SEN and Özak Global, which was held on February 1, 2024, Özak Global refused to meet with BİRTEK-SEN. Moreover, after the February 1 meeting, the company stated that it would not meet with BİRTEK-SEN again.⁸⁵ As explained above, however, because a clear majority of Özak/Kübrateks workers had joined BİRTEK-SEN (before the company subsequently fired them *en masse*), restoring workers' freedom of association must include Özak Global committing to meet regularly with BİRTEK-SEN to discuss issues of concern to the workers.

Özak Global originally sought to justify its refusal to hold regular meetings with BİRTEK-SEN by claiming that the company is legally prohibited from doing so by virtue of the fact that it has a collective bargaining agreement (CBA) with the Öz İplik İş union. In communications with the WRC, Özak Global asserted that the existence of this CBA means that the company could not meet with BİRTEK-SEN at all.⁸⁶

However, as already noted, while Turkish labor law does not permit more than one CBA in a workplace, it does not prohibit multiple unions in a workplace nor does it prohibit an employer from meeting with a union with which it does *not* have a CBA.

After meeting with the BİRTEK-SEN union on February 1, 2024, Özak Global subsequently refused to hold any further meetings with the union, on the grounds that BİRTEK-SEN had asked Özak Global to sign a “protocol” with BİRTEK-SEN and that acceding to this request, Özak Global claimed, would violate two legal prohibitions: one on employers having CBAs with multiple unions in a single workplace⁸⁷ and the other on negotiating a CBA with a union that does not have

⁸⁵ On that same date, Özak Global communicated to BİRTEK-SEN: “Your defamatory, untrue slanders and ongoing slanders about our company in the press statement you made after our first meeting on Thursday, February 1, 2024, show that your attitude is not aimed at reconciliation and that your request for a second meeting is far from serious. For this reason, we hereby inform you that we have responded negatively to your request for a meeting, and that your e-mails containing similar false accusations and threatening language that you send to our company in the ongoing process will not be responded to, and all our legal rights will be exercised on legal grounds” (translation by Özak Global; email from Özak Global to WRC on February 9, 2024).

⁸⁶ The WRC has consulted with multiple Turkish labor law experts, none of whom were able to point to such Supreme Court precedent.

⁸⁷ The WRC has consulted with multiple Turkish labor law experts, none of whom were able to point to such Supreme Court precedent.

at least one percent of the total workforce in the relevant industry nationally as members.⁸⁸ Özak Global's claim is false and disingenuous. The protocol that BİRTEK-SEN asked Özak Global to sign was not the equivalent of a CBA and therefore would not have been illegal for the company to sign.⁸⁹

Instead, the protocol that BİRTEK-SEN asked Özak Global to sign was an agreement on terms of remediation of the company's unlawful mass firing of workers for going on strike—i.e., a request for a written commitment to reinstate these workers with back pay or, alternatively, for workers who did not wish to return to their jobs, pay them 12 months' wages as legally mandated "union compensation".⁹⁰ Because Özak Global's refusal to meet with the union to sign such a protocol represented, at the same time, yet another refusal to correct its egregious violations of workers' associational rights, it constituted another instance of the company violating international labor standards and Levi's supplier code of conduct.

3. Levi's Acquiescence to Özak Global's Refusal to Correct Supposed "Zero Tolerance" Violations of Levi's Supplier Code of Conduct

a. Levi's acknowledged in December 2023 that Özak Global committed a "zero-tolerance violation" of Levi's supplier code of conduct by firing striking workers—which required workers' reinstatement

The WRC first contacted Levi's on December 6, 2023, after Özak/Kübrateks workers had gone on strike to protest Özak Global's violations of their associational rights, before the company had carried out its mass firing of these workers. The WRC informed Levi's that the WRC had launched an investigation of Özak Global's recent actions and "urge[d] Levi's ... to protect the physical safety and associational and free speech rights of the facility's workforce."

After Özak Global fired workers *en masse* for having gone on strike, Levi's initially told Özak Global it must reinstate these workers and the fired employee activist, Seher Gülel, as a condition of Levi's continuing its business with the company. Levi's made clear that it viewed Özak Global's firing the workers for going on strike as a grievous violation of its supplier standards, and that Özak Global must reinstate the employees it had dismissed. On December 22, Levi's wrote to Özak Global, "The decision to terminate th[e] [striking] employees constitutes a *zero-tolerance violation* of our Supplier Code of Conduct (emphasis added). We urge you to reinstate all terminated workers immediately..."

⁸⁸ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, as amended by Law No. 6552 on September 10, 2014, sets the threshold for a union to be eligible to engage in collective bargaining at one percent of workers in the relevant industry. For a review of amendments made to Act No. 6356, see Eyüp Bedir, Işıl Kurnaz, and Pamir Başer, "Analysis of Needs in the Context of Improving the Collective Bargaining Authorisation System in Turkey," International Labour Organization Office of Turkey, 2018, https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_683776.pdf.

⁸⁹ Protocols have been signed, without incurring legal penalty, by employers and unions at other workplaces in Türkiye in cases where, as here, the union seeking an agreement with the employer did not have legal standing to negotiate a collective bargaining agreement but wishes to reach a written understanding with the employer regarding labor-related concerns, here, the reinstatement of illegally fired workers.

⁹⁰ Turkish Act No. 6356 on Trade Unions and Collective Labor Agreements, Article 25(4), ("If an employer fails to observe the provisions set out in the above paragraphs apart from the termination, he shall be liable to pay union compensation which shall not be less than the worker's annual wage").

b. In April 2024, Levi's announced it will continue doing business with Özak Global, despite Özak Global's refusal to correct supposed "zero tolerance" violation of Levi's code of conduct—failing to reinstate any of the 400 workers it fired for going on strike

On April 1, Levi's wrote to the WRC and reiterated that "Özak management violated our Supplier Code of Conduct and did not ... respect ... the lawful expression of workers[] voices and freedom of association." However, in this communication, Levi's stated that, not only Özak Global but also "us [Levi's] as buyer and both organizations seeking to represent the workers [i.e., the BİRTEK-SEN and Öz İplik İş unions], share responsibility" for "not protecting the workers" and "where the workers are today"—i.e., fired and blacklisted for going on strike.

In other words, Levi's has decided that because *Levi's* ("us as buyer") had failed to protect workers making its jeans from being unlawfully fired by its supplier, Özak Global, the appropriate response is *not* for Levi's to *require* its supplier to reverse this "zero tolerance violation" of Levi's supplier standards. Instead, according to Levi's, its proper response is to *reward* Özak Global with continued business from Levi's—and for Levi's to profit from this business—despite Özak Global's refusal to reinstate the workers and correct the violation.

Moreover, Levi's was now stating that it was treating BİRTEK-SEN (whose 400 members had been unlawfully terminated) and Öz İplik İş (which had threatened, incited, and committed violence against those workers) as equally responsible for the mass illegal firing.

Levi's further stated that, in order to avoid "potentially putting an additional 400 people [the factory's remaining workforce of non-striking employees, whom Özak Global had not fired, and new employees who had been hired to replace some of the fired workers] out of work," Levi's would "remained engaged with Özak"—i.e., continue to do business. In other words, in order to avoid the *risk* that Özak Global would close the Özak/Kübrateks factory rather than reinstate the workers—which would be cutting off its nose to spite its face—Levi's preferred the *certainty* of those workers being permanently fired by its supplier without any remedy.

Levi's has taken this position, despite knowing the suffering this will inflict on the fired, blacklisted workers and their families, despite the brutal trampling on their rights by Levi's supplier that this position endorses, and despite the firing of these workers being, supposedly, a "zero tolerance violation" of Levi's standards. It is hard to imagine a more cynical 'humane' justification for an utterly self-interested and profit-seeking act.

Levi's also has claimed that its "[c]ontinued sourcing"—i.e., its business with Özak—is "contingent on Özak's ... implementing" a "robust remediation plan". But Levi's has made clear to the WRC that what Levi's calls a "robust remediation plan" is actually nothing of the sort—just as what Levi's calls a "zero tolerance violation" is actually a violation Levi's is fully willing to tolerate, if its business interests favor it doing so.

Levi's admitted to the WRC that it will *not* require Özak Global to reinstate *any* of the 400 workers it had unlawfully fired for going on strike. It also admitted that Levi's will not be providing *any* monetary assistance or compensation to these 400 workers for the loss of wages and resulting

hardship that they and their families were suffering, despite Levi's promise in its supplier code of conduct that it would require these rights to be upheld.

Astonishingly, despite the fact that this would mean allowing the factory to have terminated more than half of its workers for going on strike without correcting this supposed "zero tolerance violation", Levi's also claims that the reason it has decided to continue doing business with Özak Global is in order to "improve the working conditions and respect for freedom of association for the workers at Özak".

IV. Conclusion: Levi's Has No "Zero Tolerance Violations" with Respect to Worker Rights Abuse—Unless It Requires Özak Global to Reinstate the 400 Workers It Fired for Going on Strike

Levi's refusal to require its supplier Özak Global to reinstate the 400 workers it unlawfully fired for going on strike is one of the worst examples we have encountered of a brand fully acknowledging that a supplier has committed a "zero tolerance violation" of its supplier code of conduct and then refusing to require the supplier to remedy that violation. By continuing to do business with Özak Global, despite the company's refusal to correct what Levi's itself called a "zero tolerance violation" of worker rights, Levi's has exposed the hollowness of its supposed commitment to human rights in its supply chain.

By its abandonment of 400 workers who were illegally fired while making its jeans, Levi's has shown that what Levi's calls a "zero tolerance violation" of workers' right to freedom of association is an abuse Levi's is, in truth, *fully willing to tolerate* when it suits Levi's own purposes and interests.

Workers' right to freedom of association has been recognized at the highest level of international law as a "basic human value" and a "fundamental right at work". What does Levi's willingness to accept such an egregious violation of this right say about Levi's commitment to protect other fundamental rights at work—rights to protection from abusive child labor, forced labor, and racial and gender discrimination?

With Levi's refusal to require remedy for the mass firing of the Özak/Kübrateks workers, despite openly acknowledging its unlawful and abusive nature, Levi's longstanding claims to be an ethical brand lie torn to shreds. Only by requiring justice for these workers—their return to their jobs, with compensation for their lost wages and respect for their basic rights—can Levi's reputation be stitched back together.