

# WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT

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## PACIFIC SPORTS HAITI FINDINGS, REQUIRED REMEDIATION, AND COMPANY RESPONSE



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## TABLE OF CONTENTS

I.	Introduction and Executive Summary .....	3
II.	Methodology .....	5
III.	Findings, Required Remediation, and Company Response .....	6
A.	Background Information.....	6
B.	Finding: PSH Discriminated Against Worker Union Leaders in its Selection of Employees for Dismissal During Staff Reductions.....	6
C.	Required Remediation .....	9
D.	Company Response.....	10
IV.	Conclusion.....	11

## I. Introduction and Executive Summary

This report details the Worker Rights Consortium's ("WRC's") investigation of a complaint filed by workers who were members of the Haitian labor union, Sendika Ouvriye Tekstil ak Abiman-Batay Ouvriye ("SOTA-BO"), alleging that Pacific Sports Haiti, a factory in Port-au-Prince, Haiti, operated by the South Carolina-based company, Peace Textile,<sup>1</sup> violated their right to freedom of association when it discriminatorily dismissed worker leaders as part of staff reductions and denied them the opportunity to transfer to other positions within the factory's operation.

At the time the WRC initiated our investigation of the workers' complaint, Pacific Sports Haiti ("PSH") was disclosed as a supplier of university licensed apparel by the university licensee, MV Sport. PSH and Peace Textile also had been disclosed as suppliers of collegiate apparel by the university licensees Uscape Apparel, The Duck Company, and CI Sport. However, when the WRC contacted these licensees, each confirmed that it had discontinued sourcing from Peace Textile and/or Pacific Sports Haiti prior to the start of the WRC's investigation. Workers reported to the WRC that the factory also produces t-shirts for Peace Textile under the "Pacific Sports" label.

The workers who were members of the SOTA-BO union alleged, and PSH confirmed, that starting in 2022, the factory undertook a significant staff reduction. PSH reported to the WRC that, since 2022, hundreds of factory employees had been laid off and three of the factory's seven buildings have been closed for production.

PSH confirmed to the WRC that some of the workers who were employed in the buildings that were closed were given the opportunity to transfer to other factory buildings that continued operating, rather than being dismissed. Therefore, despite the building closures, many of the factory's employees working in those buildings were transferred to other parts of the factory's operations and were still employed by PSH. Furthermore, documentary information provided by PSH to the WRC indicated that, during and immediately after the factory's dismissal of worker leaders and other employees from the buildings it closed, PSH also hired new employees to work in the buildings where its operations continued.<sup>2</sup>

As outlined in this report, the WRC found that, in its selection of which workers it dismissed and which workers it allowed to transfer to its remaining operations from the buildings it closed, PSH violated workers' right to freedom of association, as protected under Haitian and international law and, by extension, university codes of conduct.<sup>3</sup> Specifically, the WRC found that PSH violated these standards by discriminating against 37 workers who were members of the SOTA-BO union committee at the factory, when it dismissed them and failed to offer these workers

<sup>1</sup> Peace Textile's corporate website, under which the company does business as "Pacific Sports", explicitly refers to the Pacific Sports factory in Port-au-Prince as "our facility in Haiti", <https://epacificsports.com/about-us/>.

<sup>2</sup> Evidence of new hires by PSH after the dismissals occurred was available from employment records provided to the WRC by PSH for the month of August 2024, which showed that many of the current employees at that time were hired in 2023 and 2024, after the workers were dismissed in 2022.

<sup>3</sup> Haitian Labor Code Articles 225–228; International Labour Organization Convention 87 on Freedom of Association and Protection of the Right to Organise; and the Collegiate Licensing Company (CLC) Standard Retail Product Licensing Agreement, Article 14 (Code of Conduct).

the opportunity to transfer their employment during the factory's staff reductions between 2022 and 2024.

This report outlines the WRC's findings of violations by the factory and its owner; the remedial actions needed for Peace Textile and Pacific Sports Haiti to comply with university licensing standards and correct these violations; and the response of the factory management and the licensee, MV Sport.

These corrective actions—which, to date, Peace Textile and Pacific Sports Haiti refuse to implement—include reinstatement of the 37 workers who were discriminatorily fired and payment to them of back wages from the date of their dismissals to the date such offers of reinstatement are made. Considering the time that has elapsed since these violations occurred, the WRC has consulted with the 37 workers and confirmed that 20 of these employees no longer wish to return to work at PSH. Therefore, the corrective actions currently required to remedy the violations of university licensing standards in this case include reinstatement of the remaining 17 workers who do still wish to return to the factory and payment of back wages to all 37 workers.<sup>4</sup>

Over a period of many months, the WRC engaged first with Pacific Sports Haiti and Peace Textile and then, when it was clear that the factory was unwilling to commit to the required remedial actions, with the university licensee, MV Sport. The WRC informed MV Sport that if Pacific Sports Haiti and Peace Textile refused to implement the required remedial measures, that the licensee could not source from the factory without, itself, violating university licensing standards.

Unfortunately, despite considerable engagement by MV Sport with PSH and its parent company, Peace Textile, the latter continued to refuse to implement the necessary corrective actions. Therefore, MV Sport informed both the supplier and the WRC that it has discontinued its business with this factory and its parent company until such time as the violations of university licensing standards have been remedied. The WRC acknowledges MV Sport's commitment to compliance with university licensing standards and continues to call upon PSH and Peace Textile to correct these violations.

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<sup>4</sup> The fact that this report does not discuss findings of violations in other areas of the factory's labor practices should not be construed as an affirmation of the factory's compliance with respect to its practices in those other areas.

## **II. Methodology**

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

- Detailed interviews with PSH employees and representatives of the SOTA-BO union and documentary evidence provided by workers and the union;
- Written and telephone communications with PSH and Peace Textile's management;
- Factory records provided by PSH to the Worker Rights Consortium;
- A review of documents issued by the Haitian Ministry of Social Affairs and Labor (MAST) and the Haitian Special Labor Mediator's Office (BMST); and
- A review and analysis of applicable Haitian and international laws and university codes of conduct.

## III. Findings, Required Remediation, and Company Response

### A. Background Information

The WRC's investigation at Pacific Sports Haiti ("PSH") focused on the layoff of worker union leaders and other employees from this factory and specifically whether the factory discriminated against workers who were union leaders in its selection of which workers would be severed from their employment when layoffs occurred and which employees would be offered the opportunity to transfer to the factory's remaining operations. PSH is located in the Sonapi Industrial Park in Port-au-Prince, Haiti. Prior to the layoffs, which occurred between 2022 and 2024, the factory operated across a total of six buildings, known as Buildings 7, 8, 15, 25, 26, and 27.

Workers who are leaders of the SOTA-BO union at PSH informed the WRC that employees had formed the union at the factory well prior to the layoffs, in order to address reported harassment and abuse by managers and to resolve workplace disputes. Other workers told the WRC that they had joined the union to address excessive overtime and the reported refusal of the company to grant sick leave for workers when they were ill.

On April 11, 2022, the SOTA-BO union delivered to the factory management a list of 74 workers who were members of its leadership committee at PSH. While initially this list included the names of 74 workers, at the time that the WRC initiated our investigation in 2024, the union had designated a total of 88 workers as members of its leadership committee at PSH.<sup>5</sup> The factory management acknowledged that it had been informed by the SOTA-BO union that all of these workers were members of the union's leadership committee.<sup>6</sup>

### B. Finding: PSH Discriminated against Worker Union Leaders in Its Selection of Employees for Dismissal during Staff Reductions

Between 2022 and 2024, PSH reduced its workforce across the factory's operations. PSH sent a letter to the Haitian government in July 2023 reporting that the company was closing Building 8, and it sent a second letter to the government in June 2024 reporting the closure of Building 27. Both communications from PSH stated that the buildings were being closed due to the impacts of the continuing economic and

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<sup>5</sup> Representatives of SOTA-BO informed the WRC that, between 2022 and the time that the factory buildings closed, there were periodic substitutions of the 74 workers.

<sup>6</sup> Leaders of SOTA-BO provided evidence that, on September 24, 2024, the union shared with the human resources department at PSH a list of former employees who were, at the time of their dismissals, union leaders. The union also provided evidence that PSH management confirmed that the list that SOTA-BO shared with them represented all known union leaders at PSH. This list included the aforementioned 74 workers plus an additional 14 workers, all of whom were acknowledged by factory management as union leaders during their tenure at PSH.

political crisis in Haiti on PSH's operations.<sup>7</sup> PSH informed the WRC that it also conducted significant layoffs in Building 15.

According to interviews conducted by the WRC with the worker union leaders whom the factory terminated, the factory management informed them, at the time of their dismissals, that none of the workers from Building 8, Building 15, or Building 27 would be transferred to any of the remaining production facilities and that, therefore, there was no opportunity for the worker leaders to continue their employment at the factory. However, soon after their dismissals, these workers learned that some of the other workers who were employed in the buildings slated for layoffs or for closure were, in fact, given the opportunity to transfer to other buildings and continue their employment with PSH, despite management's having informed the worker union leaders that such transfers were not possible.

Following the dismissals of the worker union leaders, SOTA-BO requested the intervention of the Haitian labor authorities, charging that the company had violated workers' right to freedom of association by firing the worker union leaders rather than giving them the opportunity to continue their employment with PSH in another part of the factory's continuing operation. At a meeting among representatives of PSH, SOTA-BO, the Haitian Ministry of Labor, and the Haitian Special Labor Mediator's Office, the labor mediator called on PSH to consider transferring union leaders to other buildings that are part of the factory complex.<sup>8</sup> However, PSH did not agree to transfer the worker union leaders instead of dismissing them.

While the Haitian Ministry of Labor did not find that the factory's layoff of the worker union leaders was illegal, the Ministry appears to have examined only the *procedure* by which the workers were dismissed and did not consider whether the factory's selection of workers for dismissal or transfer was, itself, discriminatory in substance. As discussed below, the WRC did conduct such an analysis as part of our investigation.

Data that the WRC obtained from PSH's management indicates the factory employed a total of 1,949 workers across all buildings in 2022. The WRC reviewed this list of 1,949 factory employees and found that this list included 78 workers who, as discussed above, previously had been identified to factory management by the SOTA-BO union as members of the union's leadership committee. Furthermore, documents provided to the WRC by PSH confirmed that some workers from the buildings where the downsizing occurred were, in fact, given the opportunity to transfer to other buildings and remain employed by the factory, rather than being dismissed altogether.

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<sup>7</sup> PSH provided the WRC with copies of its letters to the Haitian Ministry of Social Affairs (MAST), the first regarding the closure of Building 8 was dated July 27, 2023, and the second, regarding the closure of Building 27, was dated June 7, 2024.

<sup>8</sup> Office of the Special Labor Mediator for the Garment Industry (BMST-ICV), *Meeting Minutes for Mediation between SOTA-BO and Pacific Sports*, June 19, 2024.

According to the data provided by PSH, prior to the staff reductions, there were a total of 1,871 employees at the factory who had *not* been identified as members of the SOTA-BO union leadership committee to the factory management (i.e., 1,949 total workers minus known 78 worker union leaders).

The WRC also reviewed a list provided by PSH of workers who were still employed at the factory in 2024, which showed that, out of the 1,949 workers in total who were employed at the factory in 2022, 415 were still employed by PSH after the staff reductions occurred. However, of the 78 workers employed at the factory in 2022 whom the SOTA-BO union had identified to PSH as members of its union leadership committee, *only eight* were still employed by the factory after the staff reductions. This meant that out of the 78 worker union committee members working at the factory in 2022, 70 (89.7 percent) had been dismissed.

According to the data provided by PSH, after the staff reductions were completed, of the 1,871 workers who had been employed at the factory in 2022, who were *not* members of the union's leadership committee, 407 (415 total remaining employees minus eight remaining worker union leaders) or 21.8 percent were still employed at the factory in 2024. So, while PSH retained 21.8 percent of the factory's workers who were *not* members of the SOTA-BO union committee (407 out of a total of 1,871 employees), the factory only retained 10.3 percent of the workers (eight out of 78) who were identified to the factory management as union leadership committee members.

The WRC consulted with an expert in statistical analysis, who attested that there was only a 1.5 percent (0.015) probability that workers who were members of the union leadership committee would have been so overrepresented among the workers who were dismissed, relative to other employees who were not union leaders simply as a random occurrence. Therefore, in the absence of the factory having provided any other convincing explanation for this outcome, the WRC found that PSH discriminated against the workers whom the factory management knew were members of the SOTA-BO union committee in determining which employees to dismiss and which to retain as part of its staff reductions.

The WRC's finding that PSH discriminated against workers who were union leadership committee members in selecting employees for dismissal was further strengthened by workers' testimony regarding statements made by factory managers at the time of the layoffs. For example, workers told the WRC that, at the time, the factory manager, Chillet Samedi, and another supervisor named "Makendy" both made comments that they were "happy that the union trash was being taken out of the factory."

The Haitian Constitution (Section E), Haitian Labor Code (Article 225), and International Labour Organization (ILO) Conventions 87 and 98 on Freedom of Association and the Right to Organise and Collectively Bargain (both of which have been ratified by Haiti) require employers to respect workers' associational rights and prohibit discrimination against workers for participation in union activities, including

serving on a union leadership committee.<sup>9</sup> University codes of conduct likewise require factories producing collegiate apparel to uphold protections for workers' right to freedom of association.<sup>10</sup>

Based on the totality of the evidence, the WRC concluded that PSH violated Haitian law and international labor standards, as well as university codes of conduct, by discriminating against workers who were members of the SOTA-BO union committee when it discriminatorily dismissed these workers as a part of the staff reductions at the factory between 2022 and 2024.

### C. Required Remediation

The WRC found that, to remedy violations of workers' associational rights and comply with university licensing standards, Pacific Sports Haiti was required to provide offers of reinstatement to the affected 37 worker union leaders, along with full payment of back wages from the dates of their dismissals to the dates of their reinstatement.

As outlined above, of the 37 dismissed workers from the union's leadership committee, 17 expressed to the WRC that they still wished to return to the factory. Therefore, to remedy the violations of Haitian law, international labor standards, and university codes of conduct in this case, PSH must:

- Provide offers of reinstatement to 17 of the 37 fired worker union committee members who wish to return to the factory; and
- Provide back wages to all 37 fired worker union committee members from the dates of their dismissals to the date when these offers of reinstatement are made.

The WRC notes that data provided by PSH shows that, from 2024 to 2025, the factory increased its headcount by nearly 40 workers, from 413 to 454 employees, a nearly 10 percent increase in its total workforce, indicating that the factory has hired new workers since completing the previous downsizing. The WRC, therefore, concludes that reinstating the dismissed workers who wish to return to the factory is feasible for PSH and Peace Textile.

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<sup>9</sup> Constitution of Haiti, 1987, Section E ("Freedom of Assembly and Association... Freedom of unarmed assembly and association for political, economic, social, cultural or any other peaceful purposes is guaranteed."); Haitian Labor Code, Article 225 ("The right of workers to associate for the defense of their legitimate interests is protected and guaranteed...."); and ILO Convention 98, Article 1 ("Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.... Such protection shall apply more particularly in respect of acts calculated to-- ... cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities....").

<sup>10</sup> E.g., Collegiate Licensing Company (CLC), Special Agreement Regarding Labor Codes of Conduct Sched. I, §§ II (A) ("Licensees must comply with all applicable legal requirements of the country(ies) of manufacture in conducting business related to or involving the production or sale of Licensed Articles.") and (B)(9) ("Licensees shall recognize and respect the right of employees to freedom of association....").

## D. Company Response

The WRC engaged extensively with Peace Textile and Pacific Sports Haiti. The factory management provided information that was requested by the WRC, which was carefully reviewed by the WRC prior to reaching the findings of violations and determining the required remediation outlined in this report.

After the WRC finalized its investigation, the WRC presented its findings and called upon Peace Textile as PSH's parent company to remedy the violations by ensuring implementation of the required remediation at Pacific Sports Haiti. However, despite multiple communications between the WRC and Peace Textile, the company was unwilling to remedy the violations. Moreover, Peace Textile implausibly claimed that Pacific Sports Haiti operates completely independently of Peace Textile, even though the latter does business at "Pacific Sports" and refers to the factory as "our facility in Haiti" on its corporate website.<sup>11</sup>

The WRC then contacted MV Sport as a university licensee that disclosed Pacific Sports Haiti as a supplier of collegiate apparel. To its credit, MV Sport engaged closely with the WRC during the investigation and urged its supplier to undertake the necessary corrective actions. However, and despite MV Sport's engagement with the supplier, Peace Textile and Pacific Sports Haiti have been unwilling to correct the violations. MV Sport has informed the WRC and the supplier that it has discontinued its sourcing relationship with the company given that the factory is refusing to comply with university labor standards.

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<sup>11</sup> As outlined in the Executive Summary, Pacific Sports' own website, <https://epacificsports.com/about-us/> demonstrates the commercial relationship between Pacific Sports and Peace Textile.

## **IV. Conclusion**

The WRC will continue to monitor Pacific Sports Haiti and Peace Textile's continued noncompliance with university licensing standards. Should Pacific Sports Haiti and Peace Textile take the necessary remedial actions by making offers of reinstatement to the 17 former worker union leaders who wish to return to the factory and paying back wages to all of the 37 former employees who were affected by the factory's violation of their associational rights, the WRC will update its reporting to reflect these corrective actions. However, until this occurs, Pacific Sports Haiti and Peace Textile are not in compliance with university licensing standards and any university licensee that sources from these companies will be in violation of these standards as well.