

**Subject: Lynda Yanz (LY)**  
**Date: March 31, 2011**  
**Interviewers: Milli Lake (ML)**  
**Duration: 42:06**

ML: Okay, today is the 31<sup>st</sup> of March 2011, it is 10 a.m. My name is Milli Lake and this interview is part of the brand responsibility project at the University of Washington. So, if I could first ask you to start by stating your name and title for the record.

LY: Okay, my name is Lynda Yanz and I'm the Executive Director of the Maquila Solidarity Network.

ML: Okay, thank you. So as I stated earlier, we'll just start by asking you some general questions about your role at Maquila Solidarity and then we'll move on to talk about some specific cases involving the University of Washington. So, perhaps you could just start by telling us about Maquila and the activities of your organization.

LY: Well, Maquila Solidarity Network - which we call MSN for short - MSN started just over 15 years ago in 1994. At that point our focus was labor rights in the *maquilas* in Mexico and, to somewhat of a lesser extent, Central America. That was the time of the NAFTA debates and the beginning of when NAFTA was being implemented. And we wanted to make sure that people were not just seeing the tri-national trade agreement as being something where jobs were going to be lost from Canada and the U.S. to Mexico, but that there needed to be a strong sense of solidarity between Mexican and U.S. and Canadian workers. That was about the same time, just after that, that the first corporate campaign that we knew about, and that we were involved in happened. It was focused on GAP - that was the first time we started to...that changed some of our thinking and focus so that the solidarity work we did wasn't just writing letters to direct employers like the factory owners, maquila factory owners, but to use this brand pressure leverage, to use corporate codes of conduct, and what brands say they were committed to, to try and push them to pressure their suppliers to ensure that labor rights were guaranteed for workers in the supply chain. And at that time, I think whether we're talking Nike or GAP, no brand was willing to say they had any responsibility for workers in their supply chains that weren't direct employees - and that's something that's changed quite dramatically since then. Since then we've been involved in a number of campaigns primarily focused in the garment industry, but not exclusively, and we've also been active in different multi-stakeholder initiatives to try and not only work on campaigns but also to work with brands to try and get them to deal with some of the more systemic issues in their supply chain.

ML: Okay, thank you so much. Could you tell us a little bit about your role at Maquila - how you came to be Executive Director there and what got you interested in labor rights?

LY: Well, I'm one of the founders, I was one of two founders of MSN and I come out of the women's and labor rights movements and I've been involved in various women's organizations looking at the impact of issues in the *maquilas* on women. I was part of a collective called *mujer y mujer* and there was another network in Canada (because we're based in Canada) that was more focused on support for unions in the *maquilas*. And we decided in that period of 1994 that

rather than have two networks, one focused on women and the other one focused on unions, we would join forces and have one network that would name itself as a feminist network looking at promoting labor rights in supply chains and *maquilas*.

ML: Okay, thank you. How long have you been involved with Maquila? When was the founding?

LY: Yeah, so, it's now 15-16 years.

ML: Okay, thank you. So, as I mentioned earlier, we're broadly interested in the questions of why and under what circumstances multinational corporations change their labor practices for one thing; and secondly enter into...or, agree to pay compensation to aggrieved workers. So, I wondered if you could just give me some of your preliminary thoughts on that - which strategies you have found to be most effective. You talked a little bit about branding already but perhaps you could just share some of your general thoughts on that question.

LY: Well the first step was for brands to agree that they had some responsibility. And I think, you know, we for the most part, won that battle, although not always. And certainly the closure case with VisionTex and Hugger, which the University of Washington was involved in, shows that we still have some ways to go in terms of closures and what brands are willing to take responsibility for. They have some responsibility for the workers in their supply chains, but usually not direct responsibility. So, for us, what's been very interesting...I mentioned that we have been one of the labor right campaign groups that has been interested in multi-stakeholder initiatives: that is these initiatives where companies, unions, NGOs, universities in the case of the FLA, work together to try and improve compliance in supply chains. At the same time, we've recognized that despite all the attention that's gone into monitoring and audits and special projects, that progress has been very slow - particularly on critical issues like wages, hours of work, and freedom of association. Then, with the crisis in 2009, even before that, another huge issue came on the table, and that was the issue of closures - and irresponsible closures, factories closing down and workers being owed back wages and not receiving their proper severance. So, what we've seen over the last couple of years, and the two cases that you've been very involved in - the Russell and the Nike ones - have been precedent setting cases that, for the most part, the precedents that have been set over the last few years have been a result of these agreements that come out of the combined sort of strategies and pressure, you have - university students mounting a campaign, you have university administrations putting pressure, and then you also have groups working, pressuring universities, you have the WRC, you have the FLA playing some role - although I know that's contested - with strong links to the local groups; in both those cases it was the union in Honduras. We tend to work with a variety, a range of actors.

ML: Okay, so could you speak a little bit more about that - about your relationships with the WRC, with FLA, with the unions? Especially how you obtain information - how you coordinate with the other organizations involved...and if there are any other organizations that we haven't mentioned so far?

LY: Well, we have a very close working relationship with Worker's Rights Consortium and we work with them regularly on cases, particularly in Central America, where we're very active -

but also in Asia. So, there's the strong relationship with the WRC. We also have a long historical relationship with groups in Honduras and the CGT, and that became stronger through these two cases. I'm on the board of the FLA. So, what we did, in both those cases, the Russell and the Nike case, is that we tried to kind of move things and get the FLA to take as strong a role as they could. And I think in the Russell case we got them to take a strong role, certainly a stronger one than they started out playing, and that that was very important in the final victory related to Russell. We were less successful - and you know, in my view, the FLA played a very disappointing and almost no role in the Nike agreement, which we continue to lobby internally to make sure that that's not going to happen again.

ML: Could you say a little bit, to the best of your knowledge, about why the FLA didn't engage so much in the Nike case?

LY: Well, the FLA decided that it would not accept the third party complaint that had been filed by the CGT on behalf of VisionTex and Hugger workers. And the rationale behind that was never very clear. They agreed that worker's rights had been violated. They felt that the FLA code of conduct had not been violated. Now, it's true that the code, and most codes, are not very clear on closures because irresponsible closures are something that are relatively new and hasn't been built into codes. But there's been a lot of discussion about their, you know, the importance of brands taking responsibility. And in fact, the FLA had previously taken - accepted a third party complaint, that a factory that closed in Honduras a few years ago. So, I mean once it did not accept the third party complaint, it was clear that it was not going to play a strong and public role and, as I say, we disagree with that decision on their part and we're continuing to review that internally.

ML: Okay, thank you for that.

LY: But once that happened at the same time as we were pushing for the FLA to play a more strong and public role, because the FLA played a somewhat of a behind-the-scenes role with Nike, I think that we also directly engaged with Nike...We're critical of Nike not sitting down at the table with the CGT. And so, we shifted from an insider...you know, doing our lobbying through the FLA, to publicly trying to put pressure on Nike to sit down with the CGT and negotiate.

ML: Okay, thank you. So you talked about your strong contacts with the groups in Honduras - with the CGT and with other groups on the ground. Do you see your role as a linking role between Honduran organizations - domestic organizations - and then the WRC, the FLA, universities, corporations? Or, how is the relationship played out?

LY: Well, in some cases it can be a linking role. In Central America, for example, the WRC has a staff person there and, you know, there might be a situation where a case comes to our attention and we talk to the WRC about it and look at the viability of putting in an FLA third party complaint. But, we don't see ourselves as - I mean, we could facilitate that communication, but lots of times they don't need it. The FLA has less strong contacts with groups on the ground - and then we would be looking at the viability of a third party complaint, and in some cases around specific projects - maybe building a link or bridge between groups. Oftentimes we play a

role where maybe there isn't a third party complaint - there's a case that doesn't lend itself to a third party complaint either because the brand isn't a member of the FLA or they're not producing for a university - and so what we would try to do is be a bridge between local groups and, you know, the brand's retailer. We've had experiences with WalMart. What we try to do where it's appropriate, is to facilitate so that there's a direct dialogue with the groups on the ground. In no case would we be negotiating for the group. But sometimes groups feel that, you know, because we have contact with brands that we could have some preliminary discussions with them that might be useful.

ML: Okay, thank you. So, I want to talk a little bit about universities. I know Maquila Solidarity has a universities outreach project...is that how you describe it?

LY: Well, no. Years ago when USAS was just being started, we began to organize on university campuses for a similar kind of thing - ethical policies in different universities. We certainly see that universities and institutional buyers - universities being amongst the largest - have a critical role to play in this and in our view, at least at present, are much more important than individual consumers. So, we both...we were part of starting campaigns on campuses in Canada to push for codes and policies, etcetera, and the building up of groups on campus. In the last few years we just, we sort of wound up that work that groups connected into USAS because it continued. So we, you know, we have links with groups - there's fewer groups now and we have links with universities. So, we don't have a special project, but it's certainly something we continue to be interested in and link into. In both cases, Russell and Nike, you know, we recognized the important role that USAS played and use that very strong campaigning work that they've done to try and push companies.

ML: Okay, so there are a few things in what you've just said that I want to follow up on. I guess I'll start with just maybe asking you to repeat [a couple of things]. You talked about universities and other institutional consumers as well. So maybe first of all you could talk about who some of those other institutional consumers are, just to clarify. Then talk about why universities specifically or that group of consumers, in general, have such leverage...play such a powerful role.

LY: Well the other main institutional consumer that we've been focused on, and done some work related to, have to do with governments - different levels of governments as major purchasers of garments. The thing with universities that's so important is, you know...and again it's much more important in the U.S., is this leverage related to sports teams and brand recognition. So, you have huge deals that are being made - the amount of dollars, I don't have it at the tip of my tongue - but the amount of money that, you know, is generated in the U.S. that relates to licensees at universities. So that's an incredible pressure and we saw that with Russell, and I, you know, I think with Nike, even though there weren't the same number and maybe there weren't contracts being cancelled, the threat and bad publicity linked to Nike on campuses is, you know, quite important as a pressure point. I mean, unfortunately, after all these years, what we know is that there still needs to be pressure. Brands might not feel that, they might feel, you know, it diverts their attentions from other things. But we haven't seen huge agreements that are kind of precedent setting in the sense that, you know, takes us another step, where there's been no public pressure.

ML: Yeah, I wondered if you could talk - something that we've been thinking about a little bit about and has come up a few times in some of our previous interviews is framing labor rights struggles in the language of human rights. I wondered if you could talk about that - whether Maquila Solidarity has engaged that as a strategy, or what that human rights rhetoric has done for these kinds of labor rights struggles.

LY: Right, well I think it's quite important...I don't think we've done that as much as maybe we could have. I also think it's important not to lose the labor rights component in the human rights. So, on the one hand, you know, I think in the movement we feel that we want to concentrate on wages, freedom of association, hours of work, and obviously those can be framed as human rights, but we don't want to dilute those issues that are central to talk about. At the same time, you know, we're just seeing a range of issues where, you know, the vision is a bit blurred, like right now in a lot of places where we're working, we're finding that labor rights defenders are being subjected to violence and you know, death threats, and in some cases assassination. And so, this thing of human rights defenders, and seeing that broader framework, I think is really important. The other thing is funding for labor rights is getting very, very...I mean there's cutbacks everywhere and you'll see that a lot of labor rights groups, both on the ground labor rights groups and groups like ourselves and others, are really facing - if we haven't already - serious cutbacks in our budgets without being able to track new funding. There, I think there's a conversation about...you know, is there a way to frame this slightly differently - would that be successful without diluting what are core missions are?

ML: Yeah, okay that's helpful, and so can I take from what you just said that you don't perceive Maquila Solidarity to be a human rights organization, per se?

LY: We don't define it that way. We say we're a labor rights organization.

ML: Okay, thank you. So maybe we can talk specifically about the Nike and the Russell cases. I want to keep this fairly brief because I'm conscious of your time, but if you could perhaps just tell each of those stories in brief from your perspective - of how Maquila Solidarity came to be involved in each of those cases. I don't know if you want to start with the Russell case and just tell us what happened, and then we can talk about Nike.

LY: Well, the Russell case, I think you know that the union had been formed at one of the Russell facilities and was in the process of negotiating a collective bargaining agreement, and that's when the rumors and then the reality of closure happened. And we were monitoring the case in contact with the WRC and, of course, CGT on the ground. We were not on the board of the FLA at that point in time, but we were part of the NGO caucus and we were at a meeting of the Board of Directors of the FLA, as observers, when one of the first discussions took place. In fact, maybe it was also at the time...I can't now remember whether it was one or two meetings...but it could have been before the first investigative report was commissioned and then when it was reviewed. But anyway, when that first report was reviewed, we were very strongly critical of it. The debate at that point, or there was very little debate, that the common view [from Russell] was that [the factory] had to be closed down. [They claimed that] there was no question that it was a financial reason to that. If there was a little bit of anti-union animus or violations of

freedom of association, that was secondary because really, it was a business case - you know, case open and shut. The report that was done was very disappointing and I think that...you know, we were coordinating with other groups and were instrumental in pushing for there to be a second investigation. Again, we weren't on the board, so the other NGO board members took that up and pushed that and in fact, the whole board agreed that the first investigation wasn't sufficient and there had to be a second investigation. That turned things around, that second investigation. So meanwhile, there was definitely a campaign going on that was really important on the outside and we were part of that campaign, writing to Canadian universities and endorsing the USAS' demand that universities cut contracts at the same time we were working within the FLA. That second report, when it came about, it shifted the debate and it meant that both the FLA and the WRC were really identifying the same issues and that started a whole process that then...you know, the result was the decision of Russell to reopen the factory. Again, you know, with the stuff going on internally to FLA and WRC, and then a strong public campaign outside.

ML: Okay, thank you. I have a couple of other questions about Russell, but I realize we're running out of time. Maybe you could tell us about Nike and then I'll ask you those questions, because I'm conscious that we make sure we get to those. And if we have time I'll ask you some other questions about Russell.

LY: Well, I think we hoped that the Nike thing would be similar, in that the FLA would take a strong role. As I mentioned, it didn't. So the amount of work that...you know, we did a fair amount of work trying to push things within the FLA and the NGO caucus and also trying to get this on the board agenda, but it was almost impossible to do that given that the FLA had decided not to accept a third party complaint. We are currently, you know, trying to pursue two things: one is to review what the procedures are related to the third party complaints process, which we think are outdated and make the system less effective than it could be; and secondly looking at policies related to closures, but that doesn't specifically relate to the agreement. What we did do is, you know, we were pushing for Nike to deal directly and sit down and negotiate with the CGT without any constraints on what would be on the agenda. It took them forever to sit down seriously with the local group...I mean senior people from the organization...it took them forever. And when they did, they wanted to control the agenda and say that...you know, all they wanted to discuss...they didn't want to discuss back pay, they didn't want to discuss severance because that was beyond what was their responsibility and what they were willing to do was they were going to put the money into a training program. The workers got back to them and the union and said, "sorry, we want to discuss these issues and training can be one component of that." So, we were both in our internal discussions with Nike, and in what we said publicly, pushing that Nike sits down and meets with them. And also Nike...it started out trying to...I mean, its spin on this was that there wasn't a lot of...first of all, there wasn't a lot of production at the plants, which was totally erroneous; then they were trying to cut hairs - that there wasn't a lot of university production and then what all of us said, I think even including the university, was that, you know, that doesn't matter, the workers were producing for Nike and Nike has a relationship to universities. There were a number of little steps that Nike took through the process, but of course, the big thing was to sit down and have to confront the union. And frankly, you know, the agreement was much stronger than we would have ever thought that it could be and that was amazing and we want to use that. We want to use it in two ways: I mean one is...we want to make sure that it's monitored and that it's being implemented and that's why we were sitting

down this weekend with Nike and the CGT and WRC to talk about where Evangelina feels the agreement is at. I think she has some concerns to express to Nike. But, we want to use that if it comes up again. I mean, Nike doesn't want to say it's a precedent, they've couched the agreement in different language, but certainly in articles that we've written about it, you know, we push that it is a precedent. However, the formula of exactly how the money, what the money was for, etcetera, but we want to push it as a precedent. We also want to push that brands, you know...get out there and figure out how to make sure that these irresponsible closures don't happen. So, you know, talking about, should there be funds that are set up in advance?

Evangelina was part of a coalition in Honduras where they developed a proposal for a law that would have setup a fund, would have had companies paying into a fund so that workers aren't in this situation; because we need to make sure...I mean these victories a year, two years after the fact that's one thing, but with all the...I mean, how many campaigns can we be involved in of this kind without trying to take some proactive action and make sure that there's things in place so that workers aren't left in this situation; because one, you've got a Nike, but for many irresponsible factory closures you have brands that you're never going to be able to pressure. The other thing is to push it...you know, what happened in this case, which again Nike didn't...I don't even know if they accept it to this day, but their audit should have picked up more things and they say that, you know, there were third tier suppliers, etcetera, etcetera, but the fact that the company wasn't paying into social security, that it was deducting money for loans that the workers thought they were paying off for their houses and you know, just irresponsible...illegal actions on the part of the suppliers. Somehow, they have to be able to show us that they've got systems in place that are in their auditing that are going to detect these things.

ML: Okay, that's great. There's, again, a number of things I want to follow up with, but I'll start with a lot of the conversations that we've had, and obviously that we've had with people in the university administration here at UW and with members of the trademarks and licensing committees has understandably been centered around Nike's Code of Conduct violation...I wanted to ask you a little bit about Honduran law and the way in which Nike was in violation of domestic Honduran law and...it seems that much of our conversations have been framed in terms of these code of conduct violations rather than Honduran law - if you could speak to that a little bit.

LY: Well, I mean clearly, I think we're all supposed to be paying into social security...I mean those things are violations of Honduran law - that workers get paid for their wages, that severance, and the social security, those things...I mean they're not just, they're not code violations, they are legal violations. The problem is, who is responsible when there's no employer left? I mean, that's where Nike argued, and any brand will argue, that once they've done all they can to make sure that their subcontractors obey the law and, even if their code is above the law, that they are not responsible for the financial outlay of that - that is the direct employer. And we would agree that, you know, who needs to be obeying the law and you know, sort of paying the price, is the direct employer. But in these situations of irresponsible closures, then we believe if the brand cannot convince their suppliers, then the buck stops with the brand.

ML: Okay thank you. That's helpful because I know that some people have expressed concerns with kind of an 'either/or': Nike should be, or a corporation should be, pressured under domestic law rather than through third party auditors. So I just was curious to hear your thoughts...

LY: Well, I don't know...I mean, I'm not a lawyer and, well, I'm not in the US and I don't know anything about US jurisprudence. But I don't think we'd argue that Nike is legally responsible. Maybe there are efforts afoot to make that the case but, certainly that they are ethically responsible to the workers in their supply chains.

ML: Okay, that's really great. Can you also talk...you...when you were first telling the Nike and Russell stories where you were talking about bringing Nike, or bringing the corporations to the table...Could you tell us who you were liaising with at the corporations? So, maybe at Nike, who were the important actors? How did you develop relationships with and how did you get them to the table?

LY: Well, initially it was with Caitlin Morris, because of her position...she was on the FLA board and she was the key person in terms of stakeholder outreach. That's changed. Through the process Amanda Tucker took on a stronger role and now, the person that's been, I think, you know, one of the key contacts in the region... and we've had some conversations with, is Leslie Cavanaugh. Now, what I've been asking them for is a...I want to find out who's reporting to whom and so I'm going to try to get that in these two days.

ML: Okay, yeah...and we're hoping to talk to Caitlin certainly but it would be great if we could interview the other relevant representatives of Nike as well. So, I just have two more questions. The first is if you could just talk a little bit about...it seemed curious, in a number of ways, that Nike so dramatically changed its position, from having gone to denying any legal responsibility whatsoever over its subcontracting factories to entering into this settlement. If you could speak, from your impressions, about why Nike took this about face.

LY: You know, I just, I don't know. When I interviewed Evangelina and Gina who were the two people that were...that went from Honduras for the negotiations that took place in, I think, in Los Angeles, they went there with absolutely no expectations. They thought they might get something. That they were going to manage this, I mean clearly they were the negotiators and they had good negotiation support, but I think, you know, there's more to it than that and it would be amazing to know the inside story. But I think the only ones that are going to be able to...there's probably other people that have, you know, their hunches on that, but the real inside story is just, you know, it would be great if someone from Nike could say that...and I'm not sure we will get this.

ML: No, yeah, we're very much hoping...we want to conduct interviews with them for the public archive, but we're also wondering if we could conduct any confidential interviews that could be released in ten years, twenty years, or something...I don't know if we'll be that lucky, but...

LY: Because I'm sure there were a lot of dynamics...no doubt there were lots of dynamics going on.

ML: So just finally, I wondered if you could...I know you're involved in very, very many of similar campaigns...if you could speak about any campaigns which have had similar kind of dynamics or similar relationships that haven't been successful and why you feel these cases - the

Russell and the Nike - have really managed to change labor practices or result in positive outcomes in some way where others might not have? I know that's a tough question...

LY: Well, maybe it's because, I mean, there's so many...there's so many times where we're disappointed in the results, and workers leave and they're still fired for trying to organize or they lose their jobs, I mean their factory closes down and that even where there's been some positive action...I mean, with the Russell case, I think. You know, quite an amazing thing is that we were dealing not only with a brand but a brand that's a direct employer and, you know, I think that you, I mean, it's just amazing in the FLA now, you've got Hanes Brand, and Gilden, and Russell, Fruit of the Loom. The three of them represent the largest private sector employer in Honduras. So, you know, getting changes there is extremely...it's really big [INAUDIBLE]. So, one thing is the manufacturer. I think with the, you know, the Nike thing there was one clear target. You know, there was one brand, that was the only one and somehow...and they're very high profile and we just talked about, we're not sure why they...but there was something different there. Oftentimes we're working with situations where there are a number of brands, we can maybe get two brands on board...they have their little leverage over the supplier. The other really important thing is what an amazing organizing job and coordinating job that Evangelina was doing. I mean, there we have really a solid union on the ground that didn't...well, I'm sure...in the Russell case...but you had really an effective local organization that was building support that didn't - I'm sure they were incredibly demoralized at different times - but I think in part it was Evangelina and other of her team's leadership that made a real difference.

ML: Okay, and just, sorry, just one more thing that I didn't follow up on earlier when you were talking about universities. Am I right in thinking that your main contact with the universities was through USAS? You didn't have direct contact with university administrations or faculty groups?

LY: No, we, in Canada we communicated directly with all the universities across the country on both Honduras - on both the Russell and Nike case. So...but there we were...what we weren't doing was mobilizing on campuses and there's not a lot of mobilization going on on campuses at the moment. There are not a lot of student groups focused on sweatshop issues.

ML: In Canada or in the U.S.?

LY: In Canada

ML: All right...Okay, I think we can leave it there, unless there's anything else that I haven't asked you that you think would be important to talk about or other questions...

LY: No, I think you covered a lot

ML: Thank you so much for your time.

[END TAPE]