



UNIVERSITY OF NOTRE DAME

Task Force on Anti-Sweatshop Initiatives (1999)

Introduction

The primary focus was on four specific issues: (1) whether Notre Dame should require public disclosure of the manufacturing sites its licensees utilize to manufacture our licensed products; (2) whether the University should require that its licensed products only be manufactured in locations which legally recognize the rights to collective bargaining and free association; (3) the appropriate structure and composition of an independent system to credibly monitor the University's Code of Conduct; and (4) the living wage issue.

A consensus developed within the Task Force on the first three issues, with recommendations outlined below. With respect to the "living wage issue," the Task Force did not believe that it could adequately address the issue and formulate recommendations until after it had an opportunity to participate in the living wage symposium being sponsored by the University of Wisconsin later that same year. In addition, the Task Force wanted to have an opportunity to review an anticipated report on the living wage issue from the United States Department of Labor which was expected to be issued.

Recommendations

PUBLIC DISCLOSURE OF MANUFACTURING FACILITIES

The issue here was whether the University should require full public disclosure of all sites where Notre Dame licensed products are manufactured. Those who advocate public disclosure assert that it will put added pressure on licensees and manufacturers to comply with Codes of Conduct through the threat of negative publicity and spontaneous inspections by members of the public, advocacy groups, students and others.

The consensus on the Task Force was that unlimited public disclosure should not be required, because it will have little, if any, impact on improving the lives of workers or correcting the behavior of employers. Public disclosure would not provide members of the public with rights of access to factories. The Task Force believed that public disclosure is no substitute for a strong effective and comprehensive system for monitoring compliance. Nor is public disclosure necessary to undertake effective monitoring.

The Task Force believed that working with factories and licensees to identify and remediate problems and improve conditions in factories would do far more to improve the lives of workers who make Notre Dame licensed products than would public disclosure or public shaming. It was the interests of workers which were of paramount concern to the Task Force and to Notre Dame. For those reasons, they recommended a system of limited public disclosure, which would only require disclosure of factory locations to the University and its designated monitors. The Task Force recommended the use of a variety of monitors, including not only representatives of PWC but also selected Church officials, human rights activists, labor leaders and other nongovernmental

organizations chosen by the University. The Task Force believed that putting factory information in the hands of these individuals, who would have rights of access and the expertise necessary to monitor, would prove far more effective than putting the information in the hands of the general public. It also would prevent the possibility of placing in harm's way students and others who might travel to publicly disclosed manufacturing sites demanding access or to interview workers.

THE RIGHT TO ORGANIZE AND FREE ASSOCIATION

The Task Force made the following recommendation regarding the rights of workers who manufacture Notre Dame licensed products to freely associate, collectively bargain and form labor unions:

Products bearing the name or other trademarks of the University of Notre Dame du Lac shall only be manufactured by workers who enjoy the legal rights to freely associate, form labor unions and collectively bargain with their employers concerning wages, hours, working conditions and other terms and conditions of employment.

This recommendation resulted in an amendment to the University's Code of Conduct to include the above language.

The rationale underlying this recommendation was based upon Catholic social teaching and the rule of law. Catholic social teaching has long recognized the rights of workers throughout the world to form labor unions and engage in collective bargaining with their employers. Similarly, the constitutions and laws of most countries, several multilateral treaties, and the United Nations' Universal Declaration of Human Rights, widely acknowledge that the right to freely associate is fundamental and should not be infringed. The University, as a Catholic institution of higher learning, is naturally committed to upholding the social teachings of the Church and to the rule of law. The Task Force believed that the most effective and efficient way to give voice to these commitments in the context of the anti-sweatshop debate was to insist upon the legal rights of workers to form labor unions, collectively bargain and freely associate.

The Task Force stated that this recommendation was necessary in order to help ensure acceptable wages and working conditions over time for the laborers who manufacture Notre Dame licensed products, especially in the developing world.

Notably, a number of nation-states, including China, do not legally protect the rights of workers to organize and to free association. This recommendation effectively banned the manufacture of Notre Dame licensed products in those countries unless or until their laws change with respect to these rights. At the time, other groups (e.g., the Collegiate Licensing Company, Duke University and the FLA) which examined this issue recognized the rights to organize and freely associate, but with "special country exceptions" in their respective Codes of Conduct. These exceptions allow production in such countries so long as licensees commit to work with the governments of those nation-states to attempt to affect changes in their unacceptable policies. The Task Force believed such special country exceptions tend to swallow the rule, and that lobbying by licensees is unlikely to have much of an impact upon the policies of governments as large and powerful as the Chinese government. Therefore, the Task Force did not recommend any special country exceptions to this recommendation.

A MODEL FOR INDEPENDENT MONITORING

In March 1999, the University retained PWC to monitor licensee compliance with the University's Code of Conduct. Given Notre Dame's unique position as an internationally known university, its ties to the Catholic church and its network of contacts around the World, especially in the community of non-governmental organizations ("NGO's"), the Task Force believed the University was uniquely situated to incorporate the involvement of NGO representatives into its monitoring process in a bold and innovative manner.

The Task Force also recommended the creation of a regional pilot monitoring program in tandem with the existing PWC monitoring program.

CONCLUSION

In summary, the Task Force recommended the adoption of a system of limited public disclosure of factory information (to the University and its designated monitors) with a strong, independent and credible monitoring system. It also recommended a Code of Conduct which requires the most rigorous rights to free association and collective bargaining of any college or university in the country. Such a system should help provide the University with reasonable comfort that its licensed products are not being made under unacceptable labor conditions. More importantly, it will help improve the lives of those workers around the World who manufacture Notre Dame products, which is not only morally correct but also consistent with the social teachings of the Catholic church and fundamental to the mission of Notre Dame.

Of course, no Code of Conduct and no monitoring plan will ever be a panacea. Whatever system the University develops and implements will not be perfect. No Code can reasonably be expected to experience 100% compliance 100% of the time. Nor can any institution simultaneously monitor all conditions at all times in hundreds or thousands of factories. Importantly, though, Notre Dame is actively working to address this complex issue and struggling with the major questions it presents. While we should be proud of the national leadership position Notre Dame has assumed with respect to this issue to date, we must recognize that there always will be more to do.