

“Stop Toying Around!”
c/o Südwind Agentur
Claudia Bonk
Laudongasse 40
A – 1080 Vienna
Austria
Email: claudia.bonk@suedwind.at

ICTI CARE Foundation Secretariat
Alan Hassenfeld
c/o Kreab Gavin Anderson Ltd.
515 Madison Avenue, 18th Floor
New York, NY 10022, USA

Vienna, 18 February 2010

Dear Mr. Hassenfeld,

we are an international coalition of NGOs campaigning for **fair working conditions in toy production**. Participating organisations are the Campaign “Stop toying around!” (run by Südwind in Austria, Spolecnost pro Fair Trade in Czech Republic, Polish Green Network in Poland, AUR in Romania and Peoples Solidaires in France), “Aktion fair spielt” in Germany (run by Misereor – the German Catholic Bishops’ Organization for Development Cooperation, the Catholic Workers’ Movement of Germany, the Catholic Women’s Association of Germany, the Nuremberg Fair Toys Alliance and Werkstatt Ökonomie), Swedwatch, Fair Trade Center and Swedish Consumers’ Association in Sweden, as well as SACOM in Hong Kong.

We are writing to you because we are deeply concerned that human and workers’ rights of workers in Chinese toy factories are still being violated, also in factories that have received a seal of compliance from the ICTI CARE Foundation.

SACOM has undertaken research in two factories, namely Tianyu Toys in Dongguan, and Wai Shing Metal Plastic Toys in Guangdong. The findings, which we consider as examples of the overall situation of the industry, have shown that in spite of the factories’ certification, basic workers rights are being violated in a number of areas.

Workers have reported, amongst many other things, of excessive and forced overtime, which has apparently not been paid according to Chinese labour law. It was also reported that social insurance scheme’s regulations are not respected, and that safety gear is only requested to be worn while factory inspections take place. Please find the report enclosed for further details.

We are convinced that it is primarily the duty of the government to ensure that national legislation and internationally agreed environmental, social and human rights standards are being respected and conditions be put in place for effective collective bargaining between employers and employees. However, we also strongly believe that no matter what the situation in a country is, the employer has the duty to ensure adherence to these national

laws and international norms and standards as well: In his own factories and affiliated companies as well as at his suppliers and contractors.

We welcome ICTI's attempts to develop a code of conduct for the whole toy industry and the progress made, but we realise that there are a lot of shortcomings in the current structure of the ICTI CARE Process. As long as these shortcomings exist, many toy factory workers will be denied their right to a life in dignity. Inhuman working conditions even lead to severe violations of the right to health of workers, or even their right to life, as the situation in many factories continues to endanger and threaten the lives of many workers.

In order to live up to the commitments made, we urge the ICTI CARE Foundation to take all necessary steps to ensure that violations of human and workers' rights will no longer be acceptable for factories taking part in the ICTI CARE Process. ICTI CARE Foundation therefore needs to improve efficiency, credibility and transparency of the ICTI CARE Process.

Following the argumentation of "Aktion fair spielt" we urge you to

- 1) **Integrate the whole supply chain** into the ICTI CARE Process. **All** suppliers should also register and start the ICTI CARE Process. Non-adherence must be judged as a serious violation of the rules of the ICTI CARE Process and sanctioned accordingly.
- 2) **Involve the workforce**
 - a) by **providing comprehensive information** to the workers about their legal rights and those granted by the ICTI Code. This must be done in an appropriate and accessible form for the groups concerned.
 - b) by installing a **two-track complaint system** in factories and in the framework of the ICTI CARE Process.
 - c) by **delivering labour rights training**. The training should be provided in a form appropriate to the groups concerned and should involve local non-governmental organizations in a meaningful and substantial way.
 - d) by **providing effective remedies to affected workers** in cases of substantiated violations of the code.
- 3) **Ensure independent supervision of the ICTI CARE Process** by including more individuals from outside the toy industry, namely trade union and NGO representatives, and by giving them adequate rights in the supervisory body. The mid-term goal must be to transform ICTI CARE Foundation into a multi-stakeholder initiative.
- 4) **Increase the quality of factory audits** by carrying out unannounced spot-checks in addition to Quality Check audits.
- 5) **Increase the transparency** about brand name companies participating in the ICTI CARE Process and the Date Certain program. Information about their supply chains and the implementation of their self-commitments should be systematically monitored, disclosed, and be accessible at any time. Non-adherence to display this information should be sanctioned accordingly.
- 6) **Improve the consistency of the ICTI CARE Process** with the wording of the ICTI Code and ensure that the code refers to all core labour standards of the International Labour Organisation (ILO) as well as to the Universal Declaration of Human Rights, in particular to the right freedom of association and the right to collective bargaining.

We are looking forward to your response and would appreciate the start of a dialogue on the possibilities to integrate our recommendations into further improvements of the ICTI CARE Process in a personal meeting with you and/or Mr. Ewert.

Yours sincerely

Claudia Bonk, Coordinator of “Stop Toying Around!”, Südwind Agentur, on behalf of

Fanny Gallois, Peoples Solidaires, France

Misa Chatrna, Spolecnost pro Fair Trade, Czech Republic

Justyna Szambelan, Polish Green Network, Poland

Mariana Petcu, AUR, The National Association of Human Resources Specialists, Romania

Elisabeth Strohscheidt, Misereor, Germany

Sabine Harles, Catholic Women’s Association of Germany (kfd), Germany

Jakob van Kempen, Catholic Workers’ Movement of Germany (KAB), Germany

Dr. Jürgen Bergmann, Nuremberg Fair Toys Alliance, Germany,

Uwe Kleinert, Werkstatt Ökonomie & coordinator of “Aktion fair spielt”, Germany

Debby Chan, SACOM, Hong Kong

Christin Holm, The Swedish Consumers’ Association, Sweden

Kristin Areskog Bjurling, SwedWatch, Sweden

Eleonore Elfström, Fair Trade Center, Sweden



Nürnberg
Bündnis
Fair Toys

MISEREOR
IHR HILFSWERK



FAIR TRADE CENTER

SWED
WATCH

Sveriges
Konsumenter
THE SWEDISH CONSUMERS' ASSOCIATION



cc Mr. Christian Ewert, President and CEO of the ICTI CARE Foundation