

Geneva, 15 June 2015

Mr. Claus-Dietrich Lahrs
Chairman of the Managing Board and Chief Executive Officer (CEO)
HUGO BOSS AG
Dieselstraße 12
72555 Metzingen
Germany

By e-mail info@hugoboss.com; Claus-Dietrich_Lahrs@hugoboss.com and telefax +497123942014

IndustriALL Global Union Calls on Hugo Boss to intervene over urgent labour situation at Peruvian supplier Topy Top

Dear Mr. Lahrs,

I am writing to you on behalf of [IndustriALL Global Union](http://www.industriall-union.org), which represents more than 50 million workers in the mining, energy and manufacturing sectors in 143 countries, including Peru, to call on you to use your business relationship —as one of your Peruvian suppliers— with Topy Top to make sure that management resolves the labor conflict there swiftly and fairly.

IndustriALL Global Union understands that Solveig Steinbrenner-Thaler, head of Product and Vendor Sustainability, has been actively involved in this case and that Hugo Boss will shortly be meeting with Topy Top at your headquarters for further discussions.

IndustriALL believes that the use of short-term 'non-traditional' export contracts by Peruvian textile and garment suppliers is totally illegitimate. The laws and the way they are being implemented represent a violation of international standards and of the codes of conduct of the major customers sourcing from Peru. These contracts make it impossible for workers to exercise the right to organize and bargain and to defend their rights.

Topy Top is well known to us, as we have repeatedly dealt with violations at this company. The company is a good example of the problems that arise from the abusive use of short-term contracts.

The latest problem arose in April. The SINTOTTSA union, which is a member of our affiliate the Federación Nacional de Trabajadores en Textiles del Perú (FNTTP) was in negotiations with the company over the renewal of the collective bargaining agreement when the company fired the Union Secretary Huber Amed Albuja for alleged 'serious offenses' and dismissed 12 union members, five of whom enjoy immunity from dismissal.

Regarding the dismissal of trade union members, the company claims this was done because of a lack of orders. In reality, however, shortly before the company had claimed there was plenty of work. The dismissals only took place after workers had started to complain about unilateral changes to the work schedules and the calculation of overtime pay. In violation of an existing agreement there was no dialogue with the union either over the production issues or over the dismissals.

When it comes to the dismissal of Union Secretary Huber Amed Albuja, he has been an outspoken critic of the abusive use of short-term contracts and a staunch defender of worker rights, and as such it is not the first time the company has tried to get rid of him.

In dismissing Huber Amed Albuja Pardo, the company made reference to four alleged 'serious offenses'. The offenses and the union's response are outlined below.

1) 58 unexplained absences over the period September 2014 – March 2015

Peruvian law says that a worker can be dismissed if he accumulates more than 15 days of unexplained absence over a period of 180 days, or three consecutive days of unexplained absence.

As the union has explained, on 8 days of those days Mr. Albuja provided the company with an explanation and supporting documentation. On 3 of the days he was in fact at work, as evidenced by his pay stubs. On six of those days he was unable to successfully register his leave requests. But it is around the remaining 43 days that the most controversy exists.

The 43 days in question are covered by eleven letters from the National Federation of Textile Workers (FNTTP) which requested union leave for Mr. Albuja to conduct union business. The company claims the signature of the General Secretary of the FNTTP was falsified and therefore the requests for leave are unjustified. This absurd claim does not hold up in any way. Firstly, the FNTTP General Secretary whose signature was allegedly forged denies the claim. Secondly, the company is basing its claim on the findings of a private security company it hired to examine the signature, which is hardly an objective or legitimate arbiter. Thirdly, the company has changed its allegations, first saying that Mr. Albuja falsified the signature and later saying he 'had knowledge' that the signature was false.

Significantly, a labour inspection investigation requested by the union and conducted last June found that the company had violated the law regarding union leave in a way that seriously affected the union. In its typical fashion, rather than addressing the issue the company has instead chosen to appeal the decision.

2) Repeated sanctions imposed by the Company as per established legal procedures, through reprimands and suspensions, without acknowledgment of receipt, comment, or change of conduct.

Mr. Albuja rejects the notion that he has not responded to sanctions, reprimands or suspensions or acknowledged receipt of Topy Top's communications.

3) Legal proceedings are currently being filed against Mr. Albuja for falsification of documents and offenses against public order, the investigation of which is being conducted by the National Police Force of the Public Ministry.

It is Topy Top's right to petition the criminal courts on allegations of fraud. However, the fact that Topy Top has submitted the case to the criminal courts does not mean that it has been admitted as a legitimate case, and is years away from any sentence that determines whether Mr. Albuja has committed any of the alleged crimes.

4) Regarding legal proceedings brought about by the National Police Force for illegal drug possession and dealing; any by state security entities for vandalism, damage to private property, and disruption of public order.

Topy Top is invoking unsubstantial allegations in order to discredit Mr. Albuja, and is referring back to cases from 2013.

Regarding legal proceedings on illegal drug possession and dealing that date from April 2013, this investigation has been shelved by the Public Prosecutor. It is important to note that media coverage at the time of this incident raises questions about the strange circumstances in which Mr. Albuja was allegedly found with drugs in his backpack. (http://www.diariolaprimeraperu.com/online/politica/extrana-detencion-de-sindicalista-de-topy-top_137175.html)

Regarding allegations of disruption of public order, this relates to Mr. Albuja's participation in a public protest in July 2013, which is his legal right. Again, this case has been shelved because there was not insufficient evidence to pursue the charges.

Conclusion

IndustriALL Global Union, together with its affiliate FNTTP, is demanding from Hugo Boss to make sure for:

- Reinstatement of the 12 union affiliates, including the five workers under judicial protection;
- Reinstatement of union leader Huber Amed Albuja Pardo;
- Encouragement of Topy Top to explore all alternative measures prior to conducting layoffs in response to economic needs;
- Statement for full support for the respect of freedom of association at Topy Top's plants, and particularly, to agree not to terminate the contracts of unionized employees who are employed on short-term contracts.

In addition, a long-standing demand of the FNTTP and its member unions has been for short-term contracts to be made permanent.

We would therefore ask you to look into whether workers producing for Hugo Boss can be made permanent in accordance with your code of conduct.

I anticipate your quick response.

With best regards,



Jyrki Raina
General Secretary