



Students & Scholars Against Corporate Misbehavior

Telephone: (852) 2392 5464 Fax: (852) 2392 5463

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Apple Owes Workers and Public a Response over the Poisonings

May 2010



The strike at United Win on 15 January 2010. Police were deployed to intervene.

Source: *United Win worker*

Factory Profile: United Win, Wintek Corporation

| | |
|---------------|---|
| Address: | No. 99 Su Hong West Road, Industrial Park 215021, Suzhou, Jiangsu Province, China |
| Tel: | 86-512-6256-8178 |
| Fax: | 86-512-6256-1788 |
| Email: | tonychang@wintek.com.tw , peterc@wintek.com.tw |
| Website: | http://www.wintek.com.tw |
| Workforce: | About 12,000 workers |
| Major clients | Apple and Nokia |

Background

A strike of 2000 workers has unveiled massive poisoning cases at United Win, a subsidiary of Wintek Corporation and an Apple Computers contractor in Suzhou, Jiangsu Province. While cancellation of an annual bonus was a primary reason for the strike, workers have explained that they also protested over the poisonings. In the aftermath of the strike, workers were able to receive the annual bonus, but the health concern remains.



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Since the middle of 2009, rumours had circulated around the factory that workers were being poisoned at United Win. Just one day after the strike, which erupted on January 15, 2010, the Suzhou Municipal Administration of Work Safety confirmed in a press conference that 47 workers from United Win had symptoms of n-hexane poisoning. The authority also stated that all the workers concerned were hospitalized.

From various media reports, the n-hexane-poisoned workers were all from Apple's production line. N-hexane was used to clean the touch screen of i-Phones. The Apple Supplier Code of Conduct specifies that "suppliers must identify, evaluate, and control worker exposure to hazardous chemical, biological, and physical agents." Apparently, Apple has responsibility for the poisoning cases as it failed to implement its code of conduct. It is disappointing that Apple has given no response to the public on this issue.

In order to have a better understanding of the situation, SACOM conducted an investigation at United Win in March 2010. Around 20 workers were interviewed, including some who are receiving treatment in hospital. The following are the key findings:

Findings

1. Health and Safety

On Apple's production line, n-hexane was used in cleaning mobile phone screens. Workers said that the smell was irritating and made their eyes ache. Prolonged inhalation of the chemical also made them feel weak. In addition, n-hexane caused numbness and tingling in their hands and feet.

The first poisoning case was discovered in July 2009 and triggered a strike at that time. Afterwards, Wintek sent two doctors to give workers physical exams. According to workers, the only test the doctors did was to tap their knees with hammers. While recognizing that this is a method of diagnosis, workers felt the examination was not professional. None of the workers was diagnosed as poisoned during the health examination. Deeply worried about their health, workers went to hospitals for further exams. Around 100 of them were told that their nerves were damaged. "Wintek sent us to the Hospital for Occupational Diseases for Prevention and Treatment for health examinations, only because it can no longer cover up the severity of the poisoning," a victim complained. Another victim added, "the figure may be even more [people affected] when one considers that symptoms take time to develop."

After the health examination, if only one to two of their nerves were damaged, workers had to go to work regularly. If they had three to four nerves damaged, those workers could rest at home. Explaining why workers had to rest at home instead of receiving treatment at hospital, the management said there was not enough bed space in the hospital.

Wintek promises that workers who are discharged from hospital can rest at home for 3 months. The victims are entitled to compensation of RMB 2935, which includes the basic wage (RMB 1200), nutrition allowance (RMB 1000) and meals subsidy (RMB 735).

Since the workers' strike, propanone and isopropanol are being used in place of n-hexane, and the ventilation system has been improved. However, workers believe the new cleanser is also toxic.



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Many workers have requested transfers to other departments. This reveals that workers have lost confidence in management after the poisoning incidents.

The Law on the Prevention and Treatment of Occupational Diseases spells out that employers should conduct occupational health training before workers take up their posts. Employers must follow up with regular trainings on occupational health, preventive measures and treatment of occupational diseases, and on the correct use of protective equipment (Article 31). Article 32 requires employers to arrange health examinations for workers when they take their posts. Workers who have been poisoned at United Win say that neither pre-occupational training on job safety nor regular health examinations have been provided for them. In addition to the provision of the statute, Apple pledged in its code of conduct that “suppliers must be committed to creating safe working conditions and a healthy work environment for all of their workers.” Regrettably, Apple does not implement the code and refuses to give a public account.

Since the incident, a few workers have told SACOM that regular health examinations for all workers are going to be arranged to prevent re-occurrence of occupational diseases. However, the majority of interviewees have said they do not know about any such announcement from the factory.

2. Deception

The health department in the industrial park has investigated the factory. According to the interviewees, prior to investigation by the authorities, the factory used to open the emergency doors of the dust-free department in order to dilute the chemicals inside the workshop. This action implies that Wintek knew that n-hexane was being used in concentrations exceeding the legal standard. In other words, Wintek places efficiency and productivity before the safety of workers.

3. Working Hours

聯建(中國)科技有限公司
UNITED WIN (CHINA) TECHNOLOGY LTD

2010年2月 薪資單 入帳日期: 20100315

制表日期: 20100315

| 部門 | 職稱 | 姓名 | 工號 |
|--------|----------|------------|---------|
| 薪資加項 | | 考勤記錄 | |
| 本薪 | 1200.0 Y | 扣所得稅 | 30.6 N |
| 平時加班費 | 305.2 Y | 請假扣本薪 | 55.2 Y |
| 假期加班費 | 965.5 Y | 其他扣款 | 5.0 N |
| 夜間津貼 | 12.0 N | 住宿費 | 107.0 N |
| 體檢費 | 30.0 Y | 請假扣無塵室 | 1.4 Y |
| 無塵室津貼 | 100.0 Y | 津貼 | |
| 久任績效獎金 | | | |
| 應稅項目小計 | 2612.7 | 應稅項目小計 | 56.6 |
| 免稅項目小計 | 60.0 | 免稅項目小計 | 142.6 |
| 薪資加項合計 | 2672.7 | 薪資減項合計 | 199.2 |
| 應稅所得合計 | 2556.1 | 實際發放金額 | 2473.5 |
| | | 平時加班 29時 | |
| | | 假日加班 70時 | |
| | | 節日加班 0時 | |
| | | 加班總計 99時 | |
| | | 特別休假 0時 | |
| | | 事假 0時 | |
| | | 病假 0時 | |
| | | 曠職 0時 | |
| | | 其他扣薪假 0時 | |
| | | 遲到次數 次 | |
| | | 忘刷卡次數 次 | |
| | | 請假缺勤時數 0時 | |
| | | 應出勤時數 174時 | |
| | | 實出勤時數 174時 | |
| | | 加班時薪 6元 | |
| | | 剩余特休時數 5時 | |

說明: “Y”代表應稅項目, “N”代表免稅項目

A worker showed us his wage stub of February. He received RMB 2473.5 for working 273 hours, including 99 hours for overtime work.



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Day shift employees work from 8:00 am to 8:00 pm. They have only 30 minutes each for their unpaid lunch and dinner breaks, making their typical workday 11 hours long. Most of the workers have said that they have to work from Monday to Sunday. They can only rest for a full day when they switch from day shift to night shift or vice versa. Articles 36 and 41 of the Labour Law provide that regular working hours may be no more than 40 hours a week and set a limit of overtime work to 36 hours per month. The codes of conduct of Apple and the Electronic Industrial Citizenship Coalition specify that a workweek should not be more than 60 hours per week, including overtime.

Although most of workers welcome overtime work as they can earn more money from the premium pay, they complain that the overtime work at Wintek is too much. Furthermore, the workers have to stand for the whole day and wear “dust-free uniform.” Both the standing and the uniform make them exhausted. More importantly, overtime work is not on a voluntary basis. If workers refuse to work for overtime, management will issue them a warning letter.

4. Student Workers

It is a norm that students from vocational schools work in companies for a year as interns. This is also a requirement set in various regulations of the Ministry of Education. However, the regulations provide that student workers cannot work more than 8 hours a day. Also, it requires the vocational schools to pay reasonable remuneration to students.

Our researchers met a group of student workers who were leaving the factory. They have worked in the factory for four months and claimed there were 500 students from two vocational schools there. The students were sent by the schools to work as interns, but they were de facto workers. Student workers are on the same production line with other workers. They also have to work for 11 hours a day and have a seven-day work week. The major differences between them and regular workers is that the students are denied a copy of their contract and they can earn no more than RMB 500 a month. Wintek pays the students’ salaries in accordance with law, but the lion’s share goes to the schools directly.

Admittedly, the vocational schools have primary responsibility for the exploitation of student workers. However, Wintek also has to share responsibility as it does not provide proper internships and training for students and forces them to work more than 8 hours a day.



A coach from a vocational school in Zhangsha City arrived to take the student workers back to school.



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5. Code of Conduct

Workers from the Apple production line have never heard about the company's Code of Conduct. Likewise, workers producing for other brands, including Nokia, do not know about those companies' codes of conduct.

6. Communication Channels

Strikes signify the failure in communication channels between workers and the management. When researchers ask the workers through what communication channels they can express their grievances, workers explain they will be scolded by frontline management if they lodge a complaint. Also, workers have not heard about the existence of a trade union.

Concluding Remarks

In this time of labour shortage in the Chinese manufacturing industry, SACOM recognizes that many established electronics plants have increased workers' pay and benefits. It is observed that wages and social insurance are paid in accordance with the law at Wintek. Wintek's basic wage is also higher than the minimum standard. Nevertheless, workers in the factories have not gained full respect. When workers do not receive adequate training about legal standards for occupational health, their rights are not well protected. To avoid the recurrence of industrial poisoning, Wintek should provide training for all new workers on all topics from labour rights to occupational safety. Additionally, a representation system for workers must be established to empower them to voice their concerns in the factory.

It is incumbent on Apple to implement its code of conduct in the factory for workers rights protection. Besides launching corrective plan in the factory, Apple must inform workers about its code of conduct. Equally important, Apple should give full account of the poisoning cases in order to enhance its transparency.

Contact Person

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