



Together We Can Defeat Giants

STRICTLY EMBARGOED UNTIL AUGUST 10, 2022

Ansell and Kimberly-Clark Sued in US Federal Court by Trafficking and Forced Labor Victims from Malaysian Glove Company

A group of 13 Bangladeshi migrant workers who were trafficked into Malaysia and forced to work at a disposable glove manufacturing plant owned by Brightway Group today filed suit in the U.S. federal district court for the District of Columbia against Ansell and Kimberly-Clark Corporation (“KCC”), two major Brightway customers. The Plaintiffs seek to represent a class of the thousands of other workers who, like them, were subjected to the same systematic trafficking and forced labor scheme that Brightway utilized to staff its facilities.

The case is based on the Trafficking Victims Protection Reauthorization Act (“TVPRA”), 18 U.S.C. § 1595 *et. seq.*, which requires only that Ansell and KCC were in a business relationship with Brightway, knew or should have known of trafficking and forced labor of the Brightway workers, and received a benefit from Brightway’s unlawful practices.

It is undisputed that Ansell and KCC had a long-term contractual relationship with Brightway. Both companies were repeatedly told of and publicly acknowledged the issues of forced labor and trafficking at Brightway. And both companies received low-priced latex gloves from Brightway Group made possible by the cheap labor of workers, including the Plaintiffs, who were victims of human trafficking and forced labor.

The Plaintiffs were coerced into paying high recruitment fees to third-party recruitment agencies in Bangladesh to secure a job at Brightway. They each had family members who were financially dependent on them, and the traffickers offered false promises of a safe, well-paying job.

Once the workers arrived at Brightway in Malaysia, the reality could not have been more different than what they were promised. Upon arrival, the Brightway management team seized each worker’s passport, restricting their ability to leave the premises and country. The individuals were forced to work 12-hour shifts with few or no rest days. They were constantly subjected to physical and verbal abuse by their supervisors; they were beaten, yelled at, threatened, and prohibited from accessing medical care.

The abhorrent conditions faced by these Plaintiffs extended from the factory to the Brightway-provided hostel, which was located on the same grounds. The individuals were forced to sleep in

a single room with up to 70 other workers. Some of them did not even have their own bed or pillow. The large group of workers shared only a couple of restrooms, which were unsanitary and poorly maintained.

The hostel included a canteen, which provided the only food that the workers were allowed to eat. The high cost of the canteen food was deducted from the workers' salary, and they received minimal, barely edible food. Workers were often left hungry as they were prohibited from cooking their own food or bringing other food into the hostel.

All of this inhumane treatment— recruitment fees, poor living conditions, passport retention, excessive hours, forced overtime, and restrictions on movement— are clear indicators of forced labor as defined by the International Labor Organization.

In December 2021, U.S. Customs and Border Protection (CBP) issued a Withhold Release Order (WRO) against Brightway Group collectively, following findings of forced labor at their Malaysian glove manufacturing plants. The WRO prohibits Brightway from shipping its latex gloves to the U.S. market. There remains an active WRO against Brightway Group collectively, which means that the company has not yet proven to CBP that it has eradicated forced labor in its supply chain.

The Plaintiff/workers' legal case against Ansell and KCC is exceptionally compelling as the U.S. government, through CBP, has found the conditions the workers endured at Brightway constitutes forced labor under U.S. and international law. Ansell and KCC will be held accountable for the use of forced labor in their supply chains as Brightway Group was a major supplier to each of them. The workers and their attorneys have provided ample evidence that Ansell and KCC were intimately aware of trafficked and forced labor in their supply chains, but refused to adequately address such violations until forced to do so by CBP's WRO. Thus, Ansell and KCC knowingly profited and benefitted from trafficking and forced labor in their supply chains for years, including forced labor performed by the Plaintiffs in this case.

In their Modern Slavery and Sustainability statements, Ansell and KCC claim to have programs directed at addressing and reducing trafficked and forced labor in their supply chains. However, upon a closer look, it is clear that the programs are nothing more than shams to appease consumers and regulators.

The workers now seek damages for the corporations' role in violations of their basic human rights. To the extent they have not yet received it, they demand full reimbursement of the significant recruitment fees they were compelled to pay the third-party agencies in Bangladesh that have direct ties to Brightway. Most important, they seek damages for enduring trafficking and forced labor conditions during their time working at Brightway and manufacturing gloves for Ansell and KCC.

In the months leading up to this filing, Terrence Collingsworth of International Rights Advocates (IRA), a Washington-DC based legal organization dedicated to addressing human rights abuses by multinational corporations, sent letters to representatives for Ansell and KCC. Mr. Collingsworth proposed mediation to obtain a quick and low-cost resolution that would fairly

compensate the workers, but neither company agreed to the proposal. Mr. Collingsworth and the workers thus had no choice but to seek justice through the U.S. legal system, where Ansell and KCC will retain large corporate law firms charging enormous fees in an attempt to further delay justice rather than simply remedy the undisputed abuse suffered by the workers.

Andy Hall, an independent migrant workers' rights specialist working actively on forced labour issues in Asia, was first contacted by the workers and then introduced them to Mr. Collingsworth. Mr. Hall has worked with activists in Bangladesh to assist these former forced laborers at Brightway Group in accessing resources, sharing and documenting their experiences in detail, and now in seeking effective remediation.

Mr. Hall continues to work with a team of former migrant workers across Asia to document systematic forced labor conditions and assist migrant workers to access remediation and justice for their suffering.

Shuvo, a former Bangladeshi worker from Brightway Group, said in response to today's filing:

"I joined Brightway group in 2017 as a production line worker. I had to pay 380,000 Bangladeshi Taka to a recruitment agency in order to get a job at Brightway, Malaysia. Since I joined, I saw different forms of abuse and exploitation at Brightway company towards migrant workers by management that resulted from huge recruitment fees, salary deductions, poor living and working conditions, physical and verbal abuse and the general violations of our rights."

"There were many workers who raised their voice against these abuses through internal and external channels but the company management didn't address the issues and instead took retaliative action against workers including by issuing warnings, suspension, dismissal and even forcibly repatriating workers to their home countries. Due to the unsafe environment, many workers absconded from the company or repatriated at their own cost. In 2020, the company found I had engaged with migrant rights activists about this situation. I received several threats from the company management, it was a very unsafe and risky situation for me so I decided to escape from the company and returned to Bangladesh. I have sought and been denied compensation for my ordeal."

"As a result of all the abuse I endured, I joined a group of former migrant workers from Brightway to start this case against Ansell and KCC, as Brightway's customers, with hope of remediation and future improvement in working conditions at the company."

After hearing the stories of Shuvo and the other workers, Mr. Collingsworth stated, "It is amazing that these big corporations knew about the trafficking and forced labor for years and did nothing about it, so they could continue to profit from the illegal abuse of workers. This is an incredibly strong case and I'm confident we will get justice for this brave group of workers taking on these multinationals and their giant law firms."

Mr. Hall said about the case:

"I have been engaging for some time with workers from Brightway Group. These workers asked for my support to bring their poor working and living conditions to the attention of the

international community, and importantly also to global companies that purchased the gloves they were involved in manufacturing.”

“My own attempts to engage with Ansell and KCC to resolve these matters have been relatively unsuccessful. Also, I understand following the CBP's WRO, Ansell and KCC may have withdrawn contracts from Brightway Group, which can result in workers facing even more negative impacts, thus strengthening the need for effective remediation of the forced labour issues relevant to this case.”

“By working with IRA in bringing an innovative legal claim against Ansell and KCC at this time, I hope the affected workers can hold these two global companies accountable for their poor governance and the woeful conditions for workers in their supply chain.”

“I also hope to support worker's requests to ensure genuine remediation of their suffering for the conditions they have endured for years at Brightway. Genuine and effective remediation of such suffering should mean more than remediation of past recruitment fees these workers have paid. I hope this case will set an innovative precedent for what genuine remediation of such suffering can mean in this context, that is more substantial than the welcome remediation of recruitment fees we have seen across the Malaysian gloves industry in recent years.”

“Finally, I hope this case can contribute to ensuring brands and buyers, alongside investors and public procurers, conduct more adequate due diligence to prevent modern slavery conditions arising in their supply chains in the future. Consumers and businesses should never benefit from the misery of workers such as those as Brightway.”

For updates on the case, go to: www.internationalrightsadvocates.org

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