



Students & Scholars Against Corporate Misbehaviour

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More Workers are Poisoned by Apple

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Background

In March 2010, a SACOM research team went to investigate the massive poisoning case at United Win (China) Technology Ltd., a subsidiary of Wintek Corporation in Suzhou, Jiangsu Province, China.

In mid-2009, there were rumours about workers being poisoned. The poisoning cases were only confirmed after a strike erupted before the Lunar New Year in 2010. Forty seven workers were confirmed poisoned by a chemical called n-hexane which the workers used to clean iPhone screens.¹ In other words, the tragedy is directly linked to Apple. As of mid-September, some workers complained they had not fully recovered and they had symptoms of relapse. Despite the severity of the incident, Apple neither gave a public account of the tragedy nor any remediation measures to the victims for its failure to implement the code of conduct (CoC). SACOM issued an investigative report titled *Apple Owes Workers and Public a Response over the Poisonings* in May 2010 in response to the incident.²



Workers of Yun Heng keep the logos of Apple as evidence that they produce for Apple.

Regrettably, United Win is not a unique case. During the investigation of United Win in March, SACOM encountered a few workers from Yun Heng Metal, Electrical and Mechanical Company (運恆五金機電經營部) who were also poisoned by n-hexane. At that time, the victims also claimed they produced for Apple.

Researchers visited the Number Five People's Hospital in Suzhou. Besides the United Win poisoned workers that were hospitalized, researchers met four female workers from Yun Heng who were receiving treatment in the hospital. According to the Yun Heng workers,

¹ Workers at United Win pointed out over 100 workers were poisoned by n-hexane. Meanwhile, the Suzhou Municipal Administration of Work Safety confirmed in a press conference on 15 January 2010 that 47 workers suffered from n-hexane poisoning.

² The report *Apple Owes Workers and Public a Response over the Poisonings* can be downloaded at <http://sacom.hk/archives/636>.

their factory is a supplier to the SurTech Technology (Suzhou) Co. Ltd. (宇瀚光電科技蘇州有限公司). And the buying relationship between Yun Heng and SurTech was confirmed by the Suzhou Municipal Administration of Work Safety. From April 2009 to January 2010, there were at least 8 workers poisoned at Yun Heng. Additionally, a SurTech employee confirmed that the company produced Apple logos.³ Recently, ABC News also affirmed the victims produced for Apple.⁴

Research Methodology

SACOM interviewed four poisoned workers of Yun Heng who were hospitalized in the Number Five People's Hospital in Suzhou in March. All of them are female and they requested to keep their personal identities anonymous. The victims worry that the exposure of their identity may have adverse impact in the negotiation with the employer for compensation. Therefore, all the names appeared in the report are pseudonyms.

Findings

Yun Heng is a small workshop which hires about thirty workers. The major task of workers is to polish the logos of Apple which is subcontracted by the SurTech. Similar to United Win workers, the victims in Yun Heng has been in the hospital for months. It is reported that some of the workers are still receiving treatment. It illustrates the severity and long-term impact of the poisonings.

Contract

An individual labour contract is a fundamental entitlement of workers in China. It is important as it lays down the rights and obligations of both employer and employee. It serves an essential evidence of contractual relationship between the two parties. Yun Heng did not sign contracts with its workers. Failure to sign a labour contract is a defiance of article 16 of the Labour Contract Law. It also creates lots of barriers for the victims in rights-defending process through legal means.

Wages and working hours

The monthly basic wage of workers is CNY 960, which is the same as the statutory minimum wage. Workers are paid by piece rate. They can get CNY 0.8 for polishing one Apple logo. No overtime premium is provided to workers. This constitutes a violation of the law on overtime premium according to article 44 of the Labour Law. As workers are paid by piece rate, working hours are not fixed. Including overtime, the maximum amount workers can get is about CNY 2,000 per month.

A worker should be provided with a pay slip which breaks their wage down into basic wage, overtime premium, bonuses, deduction of fines, etc. At Yun Heng, no pay slip is provided to workers. As such, workers are unable to know how their wages were calculated. Workers also complained there were unreasonable deductions from their wages on different pretexts.

³ Tania Branigan, 'Chinese Workers link Sickness to N-Hexane and Apple iPhone Screens', *Guardian*, 7 May 2010, <http://www.guardian.co.uk/world/2010/may/07/chinese-workers-sickness-hexane-apple-iphone>.

⁴ Stephen McDonnell, 'Workers Poisoned While Making iPhones', *ABC News*, 26 October 2010, <http://www.abc.net.au/news/stories/2010/10/26/3048024.htm>.

Social insurance

In China, basic social insurance benefits include retirement pension, medical insurance and work-related injury insurance. Both employer and employee have to contribute to the fund for social insurance in line with articles 72 and 73 of the Labour Law. The cases of occupational diseases prove the significance of insurance against work-related injuries. Without the protection of social insurance, workers tend to negotiate the compensation with employer by themselves. For most of the cases, the amount the victims receive is much lower than what they deserved.

Health and safety

苏州大学附属第一医院
肌电图报告单

姓名: [redacted] 性别: 女 年龄: [redacted] 科室: 神经内科
床号: [redacted] 住院号: [redacted] 肌电图号: [redacted]

运动传导数据

	潜伏期 m s	距离 m m	振幅 m v	传导速度 m/s
运动 尺神经 左				
腕-ADM	3.77 (延长)	52.0	8.2 (正常)	
肘下-腕	8.32	157	6.7 (正常)	34.5 (减慢 49%)
肘上-肘下	11.3	92.0	6.4 (正常)	30.9 (减慢 49%)
运动 尺神经 右				
腕-ADM	3.65 (延长)	57.0	5.5 (正常)	
肘下-腕	8.56	162	4.4 (正常)	33.0 (减慢 51%)
肘上-肘下	11.8	98.0	4.7 (正常)	30.2 (减慢 50%)
运动 正中神经 左				
腕-APB	3.63 (正常)	55.0	8.6 (正常)	
肘下-腕	9.00	178	5.9 (正常)	33.1 (减慢 49%)
运动 正中神经 右				
腕-APB	3.30 (正常)	52.0	8.1 (正常)	
肘下-腕	9.61 (正常)	202	4.6 (正常)	32.0 (减慢 51%)
运动 胫神经 左				
踝-AH	10.0 (延长)	87.0	5.8 (正常)	
踝窝-踝	22.9	344	3.3 (降低 35%)	26.7 (减慢 45%)
运动 胫神经 右				
踝-AH	7.79 (延长)	93.0	7.5 (正常)	
踝窝-踝	22.4	350	2.5 (降低 51%)	24.0 (减慢 51%)
运动 腓总神经 左				
踝-EDB	6.40 (延长)	69.0	2.5 (正常)	
腓骨小头-踝	17.1	258	1.68 (正常)	24.1 (减慢 52%)
膝上-腓骨小头	19.3	53.0	1.56 (正常)	24.1 (减慢 52%)
运动 腓总神经 右				
踝-EDB	7.95 (延长)	70.0	2.8 (正常)	
腓骨小头-踝	19.4	268	1.86 (正常)	23.4 (减慢 53%)
膝上-腓骨小头	23.4	82.0	1.44 (正常)	20.5 (减慢 60%)

Medical report of one of the female workers. She conducted a health examination in another hospital.

Interviewees told they used n-hexane to clean the Apple logos. The smell of the chemical is strong and irritating, but the workers are not provided with personal protective equipment. Workers do not have protective uniform. And there is an absence of ventilation facilities on the closed shop floor. These are definitely violations of the Law of the Prevention and Treatment of Occupational Diseases which requires workplaces to implement preventive measures in the work area, and personal protective equipment for workers against occupational diseases (article 20).

“If I knew the chemical is poisonous, I would never have worked in this factory!” Huang Juan exclaimed.

Workers do not know the composition of the solvent that they are using. The usage of n-hexane was requested by SurTec because the chemical is more effective, according to workers. Article 26 of the law on occupational diseases spells out there must

be clear indication of which chemicals are used in the work unit. Workers have a right to know about the ingredients and characteristics of the chemicals concerned and must be informed about the instruction for safe usage.

“It is so hard for me to walk from my bed to the toilet,” Xiao Ling said. Her legs are crooked and cannot walk probably. Although it is only a 10-step distance, Xiao Ling had to grab something to support herself while walking.

“I don’t know about my future, now I cannot take care of small personal tasks like washing clothes. I am not sure can I find another job after I am discharged from hospital,” Wang Yufan told.

The symptoms of the Yun Heng workers are very similar to those victims of United Win. They suffer from numbness and tingling in their fingers and feet. The four workers showed researchers their forearms, which are full of marks, bruises and small holes due to blood tests and injections. They feel helpless as the factory owners refuse to compensate them. Some workers can only get

CNY 2000-3000 as compensation and they have had to pay their living cost without any income for months.

Besides the blatant violations of the law on work and safety, the is also not in compliance with the Apple Supplier Code of Conduct. The CoC of Apple states that “suppliers must identify, evaluate, and control worker exposure to hazardous chemicals, biological, and physical agents.” These occupation diseases at Yun Heng demonstrate there is a lack of implementation of its CoC. It is evident that Apple should be responsible to the victims.



Burse and small holes on the victim's hand.

Conclusion and Demands

The research from market research firm iSuppli Corp. reveals that manufacturing costs for Apple's products is no more than 2% of the selling price. On the top of low wages, workers are exposed to a dangerous working environment. From Apple's Supplier Responsibility Report 2010, it shows the level of compliance on occupational safety procedures and systems is up to 89%. In its reports, it never raises any case of violations of the CoC. Apple must stop covering up labour rights violations at its suppliers, including health and safety issues.

To rectify the rights violations, SACOM demands that Apple:

- conduct general rights trainings at its suppliers, including health and safety;
- strictly implement its CoC and provide regular health examinations for the workers of its suppliers;
- publicize all the cases of occupational diseases and industrial injuries for public scrutiny;
- apologize and compensate the victims; and
- give a public account regarding the remedial actions at its suppliers when labour rights violations are found.

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