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February 18, 2016

Dear Ms. Labowitz and Ms. Baumann-Pauly,

As fellow scholars who are deeply engaged in labor enforcement issues, we write to register our concern about your failure to engage the criticisms that Mark Anner and Jennifer Bair have made of your December 2015 report, "[Beyond the Tip of the Iceberg: Bangladesh's Forgotten Apparel Workers](#)." In [your public response to their analysis](#), you state that you "remain open to serious and thoughtful criticism" of your research. As we find the critique by Anner and Bair to be both serious and thoughtful, we believe that it deserves a substantive response, which you have not yet provided.

In "[The Bulk of the Iceberg: A Critique of the Stern Center's Report on Worker Safety](#)," Anner and Bair enumerate several errors in your report, detected using the standard approach of attempting to replicate prior research findings. Specifically, their findings were:

- A data entry mistake that erroneously added 335,000 workers to your employment estimate (evidence of this error was presented on page nine of their report);
- The inclusion in your database of many duplicate entries, which inflates the number of factories (evidence of this error was presented on page seven of their report);
- The failure to distinguish between export and domestic market-only factories in the list compiled by the Bangladesh Department of Inspection for Factories and Establishments (DIFE);
- The failure to properly categorize more than 300 factories as Accord and Alliance suppliers, resulting in an underestimation by several hundred thousand of the number of workers covered by these safety initiatives (evidence of this error was presented in the Appendix of their report).

In your reply, you neither acknowledge these mistakes nor explain why they do not undermine the validity of your conclusions. It is critical to underscore that these are not policy positions or issues of interpretation, but specific mistakes you made in the course of your research. The

failure to acknowledge these errors and consider their implications for your findings about the industry's size and the safety programs' scope constitutes a troubling departure from norms of scholarly research. Mistakes happen from time to time in the work that we do, but when they arise, it is essential for the sake of the credibility of the broader community of which we are all a part, that they be acknowledged forthrightly.

Anner and Bair also cite your field survey's failure to find 63% of the factories on your official list as powerful support for their conclusion that the list contains many closed factories. The decision to use outdated trade association lists is troubling, but more confounding from our perspective was the continued use of these lists even after your own survey demonstrated their unreliability. We are puzzled by the contradiction between your survey results and your claim of more than 7,000 formal export factories with 5.1 million workers. How do you explain this contradiction?

The bulk of your response simply repeats your original claims and dismisses the Anner/Bair study as the product of "conjecture" and "loose assumptions unsupported by evidence." This is surprising, since Anner and Bair provide compelling evidence of each error they cite. For example, their finding that the Accord and the Alliance cover many more workers than you claim is based on the discovery of a demonstrable mistake in your research: the misclassification of hundreds of factories. This seems to us to be a factual finding, supported by concrete evidence.

We acknowledge that there is plenty of room for debate about the policies that best respond to the situation in Bangladesh. Likewise, we understand that one element of your mission at the Stern Center for Business and Human Rights is advocacy. However, insofar as Stern also claims to conduct original research, that research must be held to the same standards and subject to the same scrutiny that applies to the broader academic community. In this spirit, we respectfully request that you provide a more substantive reply to the specific issues raised in the Anner and Bair report.

Specifically, we ask that you provide concrete responses to the following questions:

- Did you make an error in data entry (or spreadsheet operation) that resulted in 335,000 workers erroneously being added to your calculation of total industry employment?
- Did you erroneously classify hundreds of Accord and Alliance factories as *not* being covered by these programs, undercounting by several hundred thousand the workers covered by them?
- Does your factory database, as a result of incomplete de-duplication, contain a substantial number of duplicate entries, arising from such problems as the use, on various factory lists, of different punctuation and spacing in factory names?
- Did your surveyors locate only 37% of the factories on your list and does this not indeed constitute strong support for the conclusion that it contains many faulty entries – enough

to undermine your claim of thousands more formal garment factories than previously recognized?

- Finally, when compiling your database, why did you use the BGMEA and BKMEA trade association lists of factories when you knew that they had been compiled over many years and included factories that “do not physically exist or exist in name only” (page seventeen of your report), as well as many factories that have since shut down?

This is an important debate with powerful implications for the factory workers of Bangladesh and beyond. If there are demonstrable errors in your research, it is only fair to ask that you acknowledge them and make any modifications to your conclusions that the correction of these errors warrants. We look forward to your response.

Sincerely,

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