

# USLEAP

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Fighting for worker justice in the global economy

## Colombia Trade Fight Continues

While the U.S. Congress passed the long-pending Colombia Free Trade Agreement (FTA) this fall, leading members of Congress have made clear that the fight over the controversial FTA is not over. The ranking Democrats in the House and Senate have served notice that they expect the Obama Administration to press for concrete progress in addressing violence, impunity, and worker rights violations in Colombia before allowing the Colombia FTA to be implemented.

House Minority Leader Nancy Pelosi and seven key members of Congress in mid-November formed a Congressional Monitoring Group on Labor Rights in Colombia “to ensure that progress is made on labor rights in the coming months.” Joining Ms. Pelosi are Reps. George Miller (D-CA), Sander Levin (D-MI),

Rosa DeLauro (D-CT), James McGovern (D-MA), Michael Michaud (D-ME) and two members who voted for the agreement, Sam Farr (D-CA) and Joseph Crowley (D-NY).

Pressure is coming from the Senate also, where Senate Majority Leader Harry Reid and three other Democrats in late November initiated a sign-on letter to the Administration requesting quarterly status reports on compliance with the Labor Action Plan that was signed by both governments in April 2011. The AFL-CIO

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*Colombian port workers at Puerto Wilches, engaged in a months-long struggle, came under threat of violent attack by government forces shortly after passage of the Colombia FTA. Intervention by U.S. congressional offices, the AFL-CIO, and others, including USLEAP, helped avert violence and led to an agreement, being presented here to a workers assembly. The experience provided a vivid demonstration of the Colombian government's failure to respect worker rights after the FTA vote, and the need for continued international vigilance. (Photo: Solidarity Center)*



## Three More Guatemalan Banana Unionists Murdered

Three more Guatemalan banana union members were murdered between September and November, bringing the total to five since the year began. Four of the five were members of Sitrabi, the union that represents Del Monte workers in Guatemala. Sitrabi is the largest and oldest private sector union in Guatemala.

On September 24, Sitrabi member Henry Anibal Marroquin Orellana was shot 17 times by armed gunmen waiting outside the plantation as he returned there for his second work shift.

On October 16, an unidentified assailant shot Sitrabi member Pablino Yaque Cervantes eight times in broad daylight near a municipal market in the department of Izabal. And on October 27, Miguel Angel Felipe, founder

and former general secretary of the Sindicato de Trabajadores de la Finca El Real, was shot dead by a security guard at the plantation.

Sitrabi is one of the six Guatemalan unions that with the AFL-CIO filed a Central America Free Trade Agreement (CAFTA) worker rights complaint in 2008 documenting illegal firings, failure to bargain in good faith, health and safety violations, and violence against trade unionists, including the 2007 murder of the brother of the General Secretary of the union. The Guatemala labor complaint is the first filed under CAFTA.

At presstime, the U.S. and Guatemalan governments were reportedly in a new round of discussions for a labor action plan; without an agreement, the Administration will take the complaint to an arbitration panel. ©

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# 2011: Some Contracts Won but

## Policy Issues

### Trade and Worker Rights

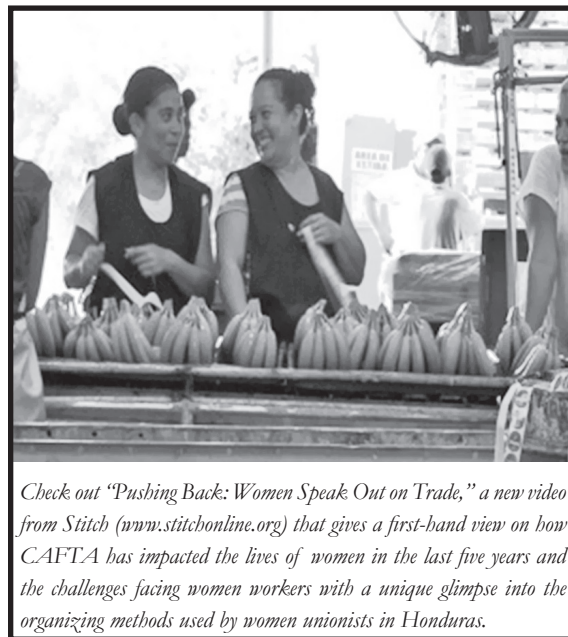
Congress passed the **Colombia Free Trade Agreement (FTA)** in October, ending a five-year struggle that had successfully blocked a vote on a trade agreement with the country that leads the world in murders of trade unionists. Violence against trade unionists and other worker rights violations received sufficient attention that the Administration was forced to craft a Labor Action Plan that the President has said will need to be implemented before he will allow the FTA to be activated.

A **CAFTA (Central America Free Trade Agreement)** labor complaint filed in April

2008 against **Guatemala** by six Guatemalan unions and the AFL-CIO remained pending. In August, the Guatemalan business sector scuttled a proposed agreement that would have taken some significant steps towards addressing the complaint's concerns. At presstime, the governments had resumed discussions in an effort to resolve the complaint without moving to arbitration, under which the Guatemala government could be ordered to pay a fine. A CAFTA labor complaint on **Costa Rica** was withdrawn by the portworkers union filing the complaint when the constitutional court reinstated the union's elected leaders who had earlier been dismissed by the government.

A public sector union in **Peru** filed a labor complaint under the Peruvian FTA, potentially providing the first test of new, improved labor protections adopted in May 2007 that are also part of the Colombia, Korea, and Panama FTAs. The so-called May 2007 labor protections require governments to meet international standards, not just enforce domestic labor law.

In the fall, the electrical workers union in **Mexico**, SME, filed a NAFTA (North American Free Trade Agreement) labor complaint, providing a first test for the Obama Administration of a labor complaint process that has been widely ridiculed for its ineffectiveness over the past 17 years.



Check out "Pushing Back: Women Speak Out on Trade," a new video from *Stitch* ([www.stitchonline.org](http://www.stitchonline.org)) that gives a first-hand view on how CAFTA has impacted the lives of women in the last five years and the challenges facing women workers with a unique glimpse into the organizing methods used by women unionists in Honduras.

### National Labor Law Reform

Unions in **Mexico**, supported by international labor and worker rights advocates including USLEAP, successfully deferred action on a legislative proposal by the Calderón Administration that would have made it even more difficult for workers to form or join independent unions. International unions organized Global Days

of Action in February to highlight worker rights violations in Mexico. USLEAP participated in a strategic planning workshop in Mexico in May, issued action alerts, and supported "occupy the Zocalo" SME workers in September.

The Labor Action Plan with **Colombia** secured some improvements, e.g. expanding coverage of a program to protect union leaders and reducing, at least on paper, some forms of subcontracting. The government is also re-establishing a dedicated Labor Ministry, which had been subsumed during the administration of President Alvaro Uribe.

# Free Trade Agenda Advances as Violence Continues

## *Worker Organizing*

### Banana Workers in the Region

Unions made headway with **Chiquita** on several issues, signing collective bargaining agreements in **Honduras** and **Guatemala**, ending short-term rolling contracts in Costa Rica, and securing negotiations at its **Nicaraguan** suppliers. The region's largest private sector union, Sintrainagro, won a new agreement covering 18,000 workers in **Colombia**, with wages increases, improved benefits, and increased employment of women. Nearly 500 workers at the Megabanana

plantation won a first contract with **Dole** in a major break-through with the company in **Ecuador**, the world's largest, mostly non-union, banana exporter.

In response to an **International Women's Day** campaign in March, supported by USLEAP and others, Chiquita agreed to strengthen measures to address sexual harassment and gender discrimination. Dole's response was deemed inadequate; Del Monte failed to respond at all.

USLEAP continues to lead support work in the U.S. for banana workers in Latin America, intervening with companies and governments as requested. USLEAP also serves on the Steering Committee of the **World Banana Forum**, a multi-stakeholder initiative supported by the International Union of Foodworkers and the Coordination of Banana and Agricultural Workers Unions (COLSIBA).

### Auto and Electrical Workers in Mexico

In April, 800 workers at an autoparts factory in Puebla, Mexico owned by Milwaukee-based Johnson Controls signed the company's first collective bargaining agreement in Mexico with an independent union, providing increased wages and benefits. The Mineworkers Union represented the local union, replacing the company-based protection union that was thrown out in 2010.

The advance for independent union organizing in the region prompted renewed

attacks on the local NGO that has long been active in organizing against thug-backed protection unions, with Center for Worker Support (CAT) Executive Director Blanca Velasquez receiving a death threat and CAT offices vandalized.

The Mexican electrical workers union, Sindicato Mexicano de Electricistas (SME), refused to die, successfully concluding in September a months-long occupation of Mexico City's central plaza with an agree-

ment from the government to recognize the union's newly-elected leadership, release union funds, and negotiate a resolution to a conflict that started when President Felipe Calderón liquidated the company and dismissed over 40,000 workers in 2009.

USLEAP has led U.S. NGO efforts against Johnson Controls for over two years, intervened with both governments in response to threats against the CAT, and provided solidarity support to the SME.

### Flower Workers in Colombia

With the support of the Colombian union central CUT and the NGO support group House of Flower Workers, union workers at one shuttered flower plantation in Colombia were able in late June to win backpay and severance following 200 days of round-the-clock protests at the Splendor plantation. However, most workers who lost their jobs in late 2010 after the closing of other plantations were not as fortunate and are still

owed backpay and severance. Among the plantations closed, primarily by the Nannetti group, were the unionized plantations where workers won the first independent contracts in the sector in 2008, with USLEAP's strong support, when they were still owned by Dole Fresh Flowers.

USLEAP has been the primary U.S. support group for flower workers in Colombia for the past several years.

### Maquila in Honduras

In May, workers at Russell Athletic's Jerzees factory in Honduras signed a contract providing for a wage increase of over 25% and the rehiring of workers dismissed earlier. The contract fulfils a key element of a 2009 agreement won by the United Students Against Sweatshops and the Worker Rights Consortium; USLEAP played a modest role, engaging with Russell's buyers at a sensitive point in the 2009 campaign.

### *Violence*

Colombia and Guatemala continued to lead the world as the two deadliest countries for trade unionists. Education of policy makers and others on violence against trade unionists in **Colombia** was a primary USLEAP focus in 2011. USLEAP produced new fact sheets, charts, and talking points that were used by members of Congress, U.S. trade unions, worker rights advocates, and media during the debate on the Colombia Free Trade Agreement.

Del Monte workers in **Guatemala** faced an increase in violence, with four Del Monte union (SITRABI) workers murdered in 2011; another union leader was also murdered. USLEAP sought, unsuccessfully, to persuade the Administration to treat violence against trade unionists as a violation of labor rights subject to the CAFTA labor complaint process, raising the issue with the U.S. Trade Representative, securing Congressional engagement, and generating media coverage.

Unionists in **Honduras** also faced violence as human rights violations and impunity continued in 2011 in the aftermath of the 2009 coup. USLEAP helped organize grassroots support for a letter to Secretary of State Hillary Clinton signed by nearly 80 members of Congress opposing current U.S. policy in Honduras and demanding an end to military aid until human rights violations cease and perpetrators are brought to justice.

# Fair Trade Organizations Seek to Address Worker Issues

Two leading Fair Trade organizations, Fairtrade International (FLO) and Fair Trade USA (FTUSA), are considering changes in their worker rights standards and practices standards in response to growing pressure from unions and worker rights groups concerned about Fair Trade certification of plantations and factories that employ workers.

Fair Trade was founded to address the needs of small-scale farmers at the mercy of the global market but in the last decade has expanded to include certification of banana, flower and tea plantations. In the fall of 2011, FTUSA announced that it would leave the “parent” global body FLO in part because of its refusal to extend certification to coffee plantations.

USLEAP is working with other worker rights groups and unions to support efforts to strengthen both FLO and FTUSA’s “hired labor standards” as neither group has yet to adequately address long-standing concerns about conditions, wages, and respect for basic worker rights on plantations and large

coops already certified as Fair Trade. USLEAP opposes the extension of Fair Trade certification to coffee plantations until these concerns are resolved.

Both FLO and FTUSA have expressed a renewed commitment to resolving labor concerns. In March 2011, the FLO board is expected to consider a set of recommendations that have been developed jointly with labor unions, including the International Union of Foodworkers and the International Textile, Garment, and Leather Workers Federation. The draft recommendations, if adopted, would represent a significant advance forward, although additional issues would remain.

USLEAP, the International Labor Rights Forum and others are pressing FTUSA to, at a minimum, adopt similar changes, especially given that it will soon be competing in the U.S. market with Fair Trade products certified by FLO. Separately, many Fair Trade activists want to return to the original mission of Fair Trade and avoid the “hired labor” model altogether. ©

## New NAFTA Complaint

In November, the Mexico Electrical Workers Union (SME) filed the first North American Free Trade Agreement (NAFTA) labor complaint submitted to the Obama Administration. A similar complaint was submitted in October to the Canadian government. The complaints focus on the government’s 2009 liquidation of the Light and Power Company, firing of 44,000 electrical workers, and subsequent harassment of union members who are fighting for their rights. Dozens of unions and worker rights organizations, including USLEAP, joined in the filing of the complaints.

Unions and worker rights advocates have experienced little satisfaction with the NAFTA labor complaint process over the past 17 years in addressing worker rights violations in Mexico and the many obstacles to organizing independent democratic unions. The SME complaint will be closely watched to see if a relatively sympathetic U.S. Department of Labor is able to wrangle some advances but the process is more likely to underscore that the NAFTA labor complaint procedure is highly ineffective in addressing worker rights violations. ©

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## Colombia Trade

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and the Colombian NGO Escuela Nacional Sindical released reports in October showing that the Colombian government had failed to implement important elements of the Plan, which USLEAP and others already considered insufficient as a precondition to a vote.

Both the House and Senate Democratic leadership ask for concrete results in reducing violence, ending impunity, and protecting worker rights. Sen. Mark Udall, D-CO, who voted for the agreement, also wrote the U.S. Trade Representative on December 1 to press for “meaningful and substantive” actions to address worker rights concerns. The Administration has been heavily criticized for failing to require concrete results prior to securing approval of the FTA.

Congressional pressure comes at a critical juncture. The Colombia FTA cannot “enter into force” until “technical” issues are resolved, a process that typically can take a year or more. This interim period between congressional passage and implementation provides a last window of opportunity to press the Obama Administration and the Colombian government to make real progress on worker rights. USLEAP believes that U.S. leverage will drop considerably once the FTA is implemented.

The U.S. Congress approved the Colombia Free Trade Agreement, along with two other trade pacts with Panama and South Korea, on October 12, with the Colombia FTA receiving less support from Democrats than on any other FTA

vote in the past two decades. The House voted 262 to 167 in favor of the pact, while the Senate voted 66 to 33. One congressional staffer, whose member helped lead the fight against the FTA in the House, observed that it is “surprising for any FTA to receive less than 90 votes in the Senate; to receive less than 70 votes is incredible.”

Nevertheless, passage of a free trade agreement with a country where more trade unionists are murdered each year than anywhere else is a bitter pill to swallow.

In November, the Escuela Nacional Sindical reported that 27 trade unionists had been murdered in Colombia in 2011 as of August, putting the country on pace to once again lead the world. ©