

USLEAP

Summer 2011:
Issue #2

Fighting for worker justice in the global economy

Administration Seeks Approval of Colombian Trade Agreement Now

The Administration is pushing hard to secure Congressional approval of the Colombia Free Trade Agreement (FTA), with a House floor vote expected before the August recess, dismayed worker rights advocates and others.

The Administration has been under strong pressure from Republicans to send to Congress three Bush-era free trade agreements negotiated in 2006-07 with South Korea, Panama, and Colombia. Republicans have for months blocked renewal of a decades-old program to train U.S. workers who lose their jobs to trade, renewal of trade preference programs for Andean and other countries in the global South, and even consideration of a nominee for Secretary of Commerce. In late June, negotiators reported progress but not a resolution on these issues that would then lead to a vote on the FTAs.

During the 2008 campaign, candidate Obama opposed the Colombia FTA citing high levels of violence against trade unionists, which have not declined since, and promised to revamp U.S. trade policy. A report released June 8, 2011 by the International Trade Union Confederation found that more trade unionists were murdered in Colombia in 2010 than in the rest of the world combined. In the past four years, 52% of trade unionists murdered globally were killed in Colombia.

(Inadequate) Labor Action Plan Signed

With great fanfare, the Administration in April 2011 signed a Labor Action Plan with the Colombian government clearly designed to pave the way for a congressional vote. The Plan includes steps to strengthen the prosecution of perpetrators of violence against trade unionists, criminalize

anti-union behavior, and reign in the use of cooperatives and contract labor that blocks workers ability to form unions. Under

continues on page 7

Dear USLEAP Supporter,

First, I apologize for the proximity of this newsletter to the last mailing most USLEAP supporters received. Normally, we seek to spread out our mailings but our spring appeal letter was unavoidably delayed.

Second, are you getting too much paper from USLEAP? Please check the appropriate box on the enclosed form and we will be happy to send you this newsletter electronically. We will continue to produce this newsletter in hard copy form for those who wish to receive a tactile version.

Finally, and importantly, will you recruit one new USLEAP donor in 2011?

The bedrock of USLEAP's financial stability has been based for over two decades on the support of individuals. Like many small non-profits, we face financial challenges and could use your support to recruit new donors. Fundraising experts say that the most effective source for new donors is a request from a friend or colleague. If each recipient of this newsletter recruited just one new donor in 2011, it would do wonders for our budget—and just think of what USLEAP could accomplish if we could spend more time fighting for worker justice and less time fundraising! Recruit a new donor directly, or refer us to someone you think might be interested in supporting USLEAP by using the reverse side of the enclosed form. Thanks!

*—Stephen Coats, Executive Director
July 2011*

Inside

Johnson Controls Contract Signed in Mexico	3
Congressional Opposition to Honduran Policy	4
Russell Contract Signed in Honduras.....	6
New Gender Discrimination Agreement with Chiquita	8

Board of Directors*

Chair

Gail Lopez-Henriquez
Labor Attorney

Vice Chair

Tim Beaty
Director of Global Strategies
International Brotherhood of Teamsters

Noel Beasley
President
Workers United, an SEIU Affiliate

Lance Compa
Cornell School of Industrial and Labor
Relations

Dana Frank
Labor Historian and Author
University of California Santa Cruz

Brent Garren
National Lawyers Guild

Judy Gearhart
Executive Director
International Labor Rights Forum

Linda Gomaa
International Campaigns Coordinator
United Students Against Sweatshops

Mark Levinson
Chief Economist
SEIU

Douglas S. Meyer
Deputy Director
International and
Governmental Affairs, UAW

Edgar Romney
Secretary-Treasurer
Workers United, an SEIU Affiliate

John Ruthrauff
International Advocacy Director
Interaction

Rocio Saenz
Vice President
SEIU

Hector Sanchez
Executive Director
Labor Council for Latin American
Advancement (LCLAA)

Stephen Coats
Executive Director

*Some organizations listed for
identification only

While individual support is the backbone of USLEAP's
financing, contributions from unions and foundations are also vital.
We want to take a moment to offer a special note of appreciation to the
International Brotherhood of Teamsters
United Autoworkers
21st Century ILGWU Heritage Fund
for their very welcome 2011 support. Thanks!

USLEAP Transitions

Staff

USLEAP sadly bid adieu at the end of May to Program Coordinator Rebecca Van Horn. Becca joined the staff in September 2010 and stepped quickly up to the plate, turning out an enormous amount of material in the relatively short period she was on staff with laser-like focus on her work. Thanks, Becca, for your good work, and best wishes for your future.

And Board

USLEAP also says goodbye to two long-time board members who have made major contributions for many years. **Martha Farnelo**, who left the board this spring, was one of the most energetic, active, and positive members of the board, focusing especially on providing advice and support on fund-raising strategies, mentoring development staff, and serving on several board committees even after she moved to Argentina from Washington, DC.

Also departing is **Jeff Vogt**, who resigned his position as the AFL-CIO's Deputy Director for the International Department in June to take a position with the International Trade Union Confederation in Brussels. Jeff served on the USLEAP board for many years, first when he was with the International Labor Rights Fund, then the Washington Office on Latin America, and for the past five years while at the AFL-CIO. Jeff's extensive experience in worker rights and trade issues, including CAFTA and Free Trade Agreements, is not replaceable.

Thanks to both Martha and Jeff for over a decade of voluntary service and your contributions to USLEAP and the worker rights movement.

On the other side of the ledger, USLEAP is pleased to announce that **Judy Gearhart, Executive Director of the International Labor Rights Forum**, has joined the board. Judy took over the reins at ILRF this spring after serving for many years as the Program Coordinator for Social Accountability International. Judy's work with SAI included extensive work with banana unions in Latin America. Welcome, Judy! ©

The U.S. Labor Education in the Americas Project is an independent non-profit organization that supports the basic rights of workers in Latin America, especially those who are employed directly or indirectly by U.S. companies. USLEAP is funded by individuals, foundations, trade unions, and religious groups. This newsletter is published four times a year. A minimum (tax-deductible) contribution of \$35 a year is requested; \$10 for students/low income.

This newsletter was produced in early July, 2011.

P.O. Box 268-290 , Chicago, IL 60626, Tel: 773.262.6502 , Fax: 773.262.6602
info@usleap.org; www.usleap.org

Johnson Controls Workers Sign Contract in Mexico!

Johnson Controls, Inc. (JCI) workers at the Interiors/Resurrection Plant in Puebla, Mexico have won their own collective bargaining agreement after a protracted struggle in which they faced down violent intimidation, threw out a protection contract union, and joined the Mexican Mineworkers Union. It is the first JCI contract in Mexico with an independent democratic union, which now represents 800 workers, more than half of whom are women. Johnson Controls has approximately 30 factories in the country.

The April agreement includes a 4.9% wage increase, a 2.6% direct payment for each worker, supplementary school aid, and life insurance benefits. Previously, a company-backed “yellow union,” also known in Mexico as a protection contract union, theoretically represented workers, but most workers did not know that it existed and had never seen their contract.

The collective bargaining agreement comes after a struggle that erupted in May 2010 when workers at the Interiors plant went on a three-day strike and had to fend off thugs from the protection contract union. In August 2010, following another round of violent intimidation, the company agreed to recognize the Mineworkers Union as the workers’ representative, negotiate a collective bargaining agreement, and reinstate workers who had been fired.

The contract was signed on April 8, 2011 following violent intimidation directed at the Centro de Apoyo al Trabajador (CAT), the Mexican NGO that has been supporting JCI workers in Puebla. Intimidation escalated in January 2011 when the CAT offices were vandalized followed by a death threat against CAT Executive Director Blanca Velasquez.

In a June 3, 2011 letter to the company, USLEAP congratulated Johnson Controls for throwing out the protection contract union and signing the April contract with the Mineros but also expressed continuing concern about the company’s refusal to intervene with Mexican authorities or the protection contract union to address CAT security concerns.

International support for the JCI workers and the CAT has been led in part in the U.S. by USLEAP, the Maquila Solidarity Network in Canada, and U.S. and international unions, including the AFL-CIO’s Solidarity Center, the United Auto Workers, the United Steelworkers, Canadian Auto-workers, and the International Metalworkers Federation (IMF).

Push for Mexican Labor Law “Deform” Stalls

In recent years the Mexican congress has periodically considered changes in Mexican labor law that would make it even more difficult rather than less to organize independent, democratic unions in Mexico. In April, a renewed push sparked international opposition from worker rights supporters and global unions, including the IMF, the AFL-CIO, and others. USLEAP issued an action alert opposing the proposal, which would increase the power of employers to reduce wages and hours regardless of contract stipulations and make it even more difficult to certify democratic unions, further undermining the ability of workers to organize against abusive working conditions.

Approval of the proposal would represent the first significant change in Mexican labor law since the passage of the North American Free Trade Agreement (NAFTA), taking a backwards step in respecting the rights for workers. NAFTA, like the Central American Free Trade Agreement (CAFTA), does not prevent governments from lowering worker right standards. Governments are required only to enforce whatever national labor laws exist, whether or not they meet the standards set by International Labor Organization (ILO) conventions. The new changes would directly violate ILO standards for basic labor rights.

Proponents of the now-delayed proposal have vowed it will be considered in an upcoming legislative session but the timeline is not clear.

Democratic Unions Win a Supreme Court Decision

A decision by the Mexican Supreme Court in late June could greatly restrict the ability of labor authorities to intervene in the internal affairs of unions, ruling that the government must respect

continues on page 6



In October 2009, the Mexican government took over and liquidated the Light and Power Company, firing more than 40,000 workers. Nearly two years later, 16,000 workers, represented by the Mexican electrical workers union SME, shown here marching against labor law “deform”, are still fighting to get back their jobs; hundreds continue to occupy the main square in Mexico City.

Honduran Teachers Under Assault

Violence against teachers in Honduras increased this spring, with two killed and hundreds suspended as teacher unions protested government threats to privatize education and its failure to payback \$80 million to their pension fund. Since the June 2009 coup, teacher unions have been on the front lines of the resistance, and have paid for it with

blood, with a dozen teachers reportedly killed or disappeared.

In mid-March, 90% of teachers in the Honduran capital of Tegucigalpa went on strike which was violently repressed by the police and military, causing the death of one teacher on March 18 and another on March 26. The National Front of Popular Resistance (FNRP) organized

a civil strike in support. At the of March the government approved a law that opens the door to the privatization of public school education, salary cuts, and possible demise of teacher unions.

Both the National Education Association and the American Federation of Teachers sent letters of solidarity to their counterparts in Honduras.

Congressional Opposition to US Policy Increases

In the same week that former President Manuel Zelaya returned to Honduras at the end of May, nearly 90 members of the U.S. Congress broke with the Obama Administration's policy on Honduras, calling for a suspension of military aid until extensive human rights violations are addressed and impunity ends. A similar letter in September 2010 drew 30 congressional signers.

Initiated by Reps. Jim McGovern (D-MA), Jan Schakowsky (D-IL) and Sam Farr (D-CA), the May 31 letter to Secretary of State Hilary Clinton cites abuses against trade unionists, journalists, campesinos, human rights defenders, and opposition voices.

The letter also asks the State Department to denounce the violence and threats made against human rights defenders. Since the June 2009 coup that led to President Zelaya's ouster, there have reportedly been 36 politically-motivated assassinations. Another three

campesinos were murdered shortly after Zelaya's return.

Eight U.S. trade unions jointly signed a letter urging members of Congress to sign the Congressional letter to Secretary Clinton. Signing the U.S. union letter, which was organized by USLEAP, were the Communications Workers, National Education Association, Teamsters, UNITE HERE, UAW, United Electrical Workers, United Mine Workers, and United Steelworkers. Both the U.S. Congressional letter and U.S. trade union support letter are available in English and Spanish on the USLEAP website and or from the office.

Take Action: If your member of Congress signed the May 31 letter to Secretary Clinton, thank him/her. If s/he did not, ask him/her why not.

AZ: Grijalva; CA: Bass, Capps, Chu, Davis, S, Eshoo, Farr, Filner, Garamendi, Honda, Lee, B., Lofgren, Matsui, Miller (George), Richardson,

Roybal-Allard, Sanchez (Linda), Stark, Speier, Thompson, Waters, Waxman, Woolsey; CT: DeLaura; CO: Polis; FL: Hastings, Wilson, E.; GA: Johnson, H, Lewis; IL: Costello, Davis, Guterrez, Jackson, Lipinski, Quigley, Schakowsky, Rush; KY: Yarmuth; MA: Capuano, Frank, McGovern, Markey, Neal, Olver, Tierney; MD: Cummings, Edwards, Van Hollen; ME: Michaud, Pingree; MI: Conyers, Kildee; MN: Ellison, McCollum; MO: Carnahan, Clay, Cleaver; NM: Heinrich; NY: Clarke, Hinchey, Serrano, Slaughter, Tonko, Towns; NC: Butterfield, Price; NJ: Pascrell, Payne; OH: Kaptur, Kucinich, Sutton; OR: Blumenthal, DeFazio, Wu; PA: Dolye, Fattah; RI: Cicilline, Langevin; TN: Cohen; TX: Green, Jackson Lee; VA: Connolly, Moran; VT: Welch; WA: McDermott; WI: Baldwin, Moore.

Zelaya Returns

The return of President Zelaya on May 28 received sparse coverage in the U.S. press even though hundreds of thousands of Hondurans joyously greeted his return; some press estimated over 1 million people turned out, the largest mass gathering in Honduran history. What little coverage there was in the U.S. generally cast his return as a closure on the June 2009 coup but the Resistance remains strong.

Although Honduras failed to meet many of the preconditions that had been set by the Organization of American States (OAS), Honduras was quickly readmitted to the OAS a few days later on June 1, with the strong urging of Secretary Clinton.

For a critical analysis of the current human rights in the context of Zelaya's return, see Dana Frank's June article in *The Nation*, linked on the USLEAP website. ©



Honduran police and army units face off against teachers who in March protested government steps to privatize public schools, cut salaries, and could lead to the potential demise of their unions. The protests were met with violence, including the deaths of two teachers.

Rare 2011 Win for Colombian Flower Workers

After over 200 days of 24-hour protests, union workers at Splendor, an ex-Dole flower plantation in Colombia that was abruptly shut down in December 2010, won their severance and backpay in a resolution reached in late June. The union's strike was supported by the Casa de las y los Trabajadores de las Flores (House of the Flower Workers) and the Unitary Workers Confederation (CUT).

The Sintrasplendor union won its initial contract in 2008 with the support of an international campaign led in the U.S. by USLEAP, one of only two independent union contracts in the Colombia flower sector at the time.

Significant interest from the U.S. government and the pressure from the pending Colombia FTA no doubt helped achieve the Splendor resolution, an exception to many other conflicts in the sector. Splendor is part of the FlorAmerica/Sunburst group that took over Dole Fresh Flowers plantations in 2009.

Last year, FlorAmerica workers experienced mass firings, plantation shut-downs, unpaid wages and benefits, and, on at least two occasions, violence, most notably at the Guacari plantation in early December 2010 when workers were assaulted by thugs and strike-breakers.

U.S. Government Financing?

The FlorAmerica group is controlled by the Nannetti family which also has other flower companies, including some which they acquired with financing from the Overseas Private Investment Corporation (OPIC), an independent arm of the U.S. government that supports private investment abroad through the use of loan guarantees, financing, and insurance. OPIC projects by U.S. law are subject to worker rights conditions.

Alejandro Torres, legal advisor to the independent union group Untraflores, reports that Flores Condor, one of the plantations whose acquisition by the Nannettis was apparently financed by OPIC, demonstrates the same worker rights violations that pervade the FlorAmerica operations, including a busted union and hundreds of workers not provided their legally-required payments when the plantation shut down in February 2011.

OPIC has been slow to respond to USLEAP reports of the worker rights violations at the Nannetti operations, saying at presstime that it is still investigating.

OPIC has refused to even confirm which Nannetti operations have been

financed by OPIC, raising the broader question of how OPIC worker rights conditions are to be monitored if it fails to be transparent about projects being funded.

Flower Sector in Labor Action Plan

Worker rights violations in the flower sector got a political boost from the Labor Action Plan, released in April (see page one) as part of a push to pass the Colombia Free Trade Agreement. The Plan included the flower sector along with five others on a special watch list. Rep. Sander Levin's (D-MI) interest in the flower sector, due in part to the work of USLEAP and the International Labor Rights Forum, no doubt led to the inclusion of the flower sector in the Labor Action Plan.

Approximately 90% of Colombian flower exports come to the U.S.; an estimated 60% of all flowers bought in the U.S. come from Colombia, which employs nearly 100,000 workers in the industry, most of whom are women. See the USLEAP website or contact the office for background materials on working conditions in the flower sector, including the booklet *Gendered Injustice*. ©

Chiquita and Unions Sign Contracts in Honduras and Costa Rica

Chiquita and its Honduran unions completed contract negotiations with Sitratenco on May 26 and with Sitraameribi on June 17; earlier, Chiquita announced it completed contract negotiations with its only unionized operation in Costa Rica (Sixaola) as well as with Unsitragua in Guatemala. COLSIBA had complained of long, drawn-out negotiations in the region.

In April, Chiquita also agreed to intervene with Nicaraguan suppliers and support a request by workers for dialogue but no progress on the ground had been reported at presstime. At an April meeting with COLSIBA and the IUF, Chiquita also agreed to end the practice of rolling 5.5 month employment contracts widely used in Costa Rica

to undermine basic rights. Chiquita has 28 plantations in Costa Rica.

In June, COLSIBA wrote Chiquita to say that the company continues to violate worker rights. COLSIBA is pressing the company to address its remaining concerns.

Colombia CBA Signed

Earlier in Colombia, the country's largest private sector union, Sintrainagro, signed a new collective bargaining agreement with Colombia producers in March covering 18,000 banana workers and 291 plantations. According to BananaLink, the two-year contract includes a wage increase of 5.5% for the first year, additional contributions to housing, education, extra

health services, and increased employment of women. Chiquita, Del Monte and Dole all source from Colombia.

Bonita Problems in Ecuador: Los Alamos Rises Again

Workers have again formed a union at the Alamos plantation in Ecuador, owned by the country's richest individual, Alvaro Noboa, and his Bonita corporation, the 5th largest banana company in the world. While the company has said it would respect the union, it has fired 51 workers and is challenging the union's legal registration. USLEAP and EUROBAN are pressing the company to negotiate in good faith.

continues on page 6

Maquila Wrap Up

Union Signs Contract with Russell in Honduras!

After a year of negotiations, the SitraJerzeesND union in Honduras has signed a historic contract with Russell Athletics, implementing a central element of a November 2009 agreement in which the company agreed to reopen a closed factory, rehire the union workforce, negotiate a collective bargaining agreement, and respect organizing efforts at its other plants in Honduras.

The contract, signed on May 24, 2011, provides for an immediate 19.5% wage increase, with an additional 7%

increase in January 2012; adding 250 workers who have not yet been re-hired, free transportation and lunches; and an investment in new machinery that will improve productivity and wages.

The 2009 agreement was won by the workers after a major campaign by the United Students Against Sweatshops (USAS) and critical reports by the Worker Rights Consortium (WRC), whose Executive Director Scott Nova observed that, "This contract is unprecedented in Honduras' export apparel sector."

USAS is now encouraging universities to restore collegiate apparel contracts with Russell, the loss of which was critical to bringing Russell to the table.

The Russell victory demonstrates once again that the most successful efforts to support apparel workers in Central America in recent years have been based on the power of the student anti-sweatshop movement (USAS) and independent monitoring of collegiate apparel production by the WRC.

FLA Releases Final Report on Closed Union Factories in Guatemala

In May, the Fair Labor Association (FLA) ended a complaint process initiated by the union at the Guatemalan factory Choishin in August 2008 following the factory's closing.

Workers at Choishin and its sister plant Cimatem won collective bargaining agreements in 2003 after a long struggle marked by violent intimidation against the union and an international campaign led in the U.S. by USLEAP. Victory came when the Guatemalan govern-

ment essentially ordered management to negotiate contracts at both factories in an effort to pacify U.S. congressional opponents of the then-pending CAFTA who were concerned about worker rights violations in Guatemala.

In closing the complaint process, FLA summarized two separate investigations conducted in 2008-2010 that concluded that most workers had not been paid severance to which they were

legally entitled; the second report, undertaken by COVERCO (the Guatemala-based Commission for the Verification of Codes of Conduct) in part at the request of Choishin client Liz Claiborne, also found the company violated the contract when it closed the plant. FLA closed the complaint despite the finding of unpaid severance. FLA is an industry-backed monitor of collegiate apparel frequently at odds with the USAS-backed WRC.

Progress at Pinehurst in Honduras

In May, FLA also released a report on the results of a COVERCO investigation of violations at the Pinehurst factory in Honduras which found that management helped set up a "union" to challenge an independent union formed in August 2010.

The COVERCO investigation and earlier findings by the WRC persuaded key brands, including Nike, Liz Claiborne, Philips-Van Huesen, and adidas, to intervene with Pinehurst to reinstate fired workers and negotiate with the authentic union, Sitrapinehurst. ©

Mexico...

continued from page 3

union elections and can set only minimal conditions for unions to meet for registration and approval. Mexican labor ministry authorities at the national and local level have long been accused of working in collaboration with undemocratic unions and employers to deny workers the right to organize independent unions.

In May, USLEAP, with the support of the AFL-CIO's Solidarity Center, participated in a strategic planning conference convened in Mexico City by four global union federations, including the IMF, that focused on obstacles to organizing in Mexico.

For more in-depth information about labor issues in Mexico, see *Mexican Labor News and Analysis*, a monthly publication issued jointly by the United Electrical Workers (UE) in the U.S. and Mexico's FAT (Authentic Labor Front) and available by email from <http://www.ueinternational.org/MLNA/index.php>. ©

Alamos in Ecuador...

continued from page 5

Workers who tried to organize an union at Los Alamos in 2002 met with violent intimidation and a range of other anti-union responses. Despite an extensive international campaign led in the U.S. by USLEAP and supported on the ground by the AFL-CIO, Noboa succeeded in crushing the union effort.

USLEAP, Dole and Chiquita this spring both introduced Rainforest Alliance-certified bananas into the U.S. market. Rainforest Alliance-certified bananas have been prevalent in the European market for years but now join Fair Trade certified bananas in competing for U.S. consumers concerned about social and environmental conditions.

COLSIBA and the IUF have for years sharply criticized Rainforest Alliance certification on labor rights as virtually meaningless. ©

Rainforest Alliance Bananas Enter US Market

Over the objections of COLSIBA and worker rights supporters, including

Colombia FTA...

continued from front page

the Plan, the Colombian government is also reestablishing a Ministry of Labor.

However, the Labor Plan does not address other key worker rights issues for the Colombian trade union movement, including use of International Labor Organization standards to carefully define “essential services” that are subject to strike prohibitions.

More importantly, the Plan (1) does not require actual improvements, e.g. a reduction in violence or advances on impunity; (2) does not address a wide range of other concerns, including human rights violations, impact on agriculture, internal displacement, the rights of Afro-Colombians, and the free trade model; and (3) has no provision to ensure compliance once the Colombia FTA is implemented.

Consequently, prominent labor and human rights groups have joined leading Colombian trade union organizations in denouncing the agreement as woefully inadequate as a condition for approval of the FTA. Over 300 civil society organizations in the U.S. and Colombia signed a joint letter on June 23, 2011 opposing the FTA.

USTR's Glowing Report

The U.S. Trade Representative (USTR) is clearly determined to brush aside worker rights concerns, quickly giving the Colombian government a perfect score on meeting the initial April 22 and June 15 deadlines in the Plan even though the Colombia government clearly failed to meet some of the deadlines.

The Labor Action plan is available on the USTR website, along with USTR's uncritical assessments. The Colombian government has also set up a webpage to report on its compliance with the Action Plan. USLEAP expects a more balanced assessment to be released shortly, which will be posted on the USLEAP website.



On June 20, the Chicago Religious Leadership Network and 8th Day Center for Justice organized a protest against the Colombia FTA outside of Obama 2012 election campaign headquarters in Chicago, joined by Witness for Peace, USLEAP, and others. (Photo credit: CRLN)

Regardless, the Administration has made quite clear that concrete results and progress in addressing violence, impunity and other worker rights violations are not a precondition for passing the Colombia FTA.

Sending a clear message undermining its stated commitment to addressing worker rights, violence, and impunity, the Administration bowed to Republican demands to exclude from the implementing legislation for the FTA any reference to or element of the Labor Action Plan, prompting the top Democrat on the Ways and Means Committee, Rep. Sander Levin, D-MI, to oppose the FTA.

USLEAP has updated its fact sheets and talking points on violence and impunity to reflect the new ITUC report and developments with the Labor Action Plan, available on the USLEAP webpage or upon request from the office.

Lessons from Guatemala

USLEAP continues to draw a link between the experience in Guatemala after implementation of the Central American Free Trade Agreement (CAFTA) and Colombia, pointing out the sharp increase in violence against trade unionists in Guatemala following CAFTA's implementation. Guatemala is now the second most deadly country for trade unionists, according to the ITUC.

Union Leader in CAFTA Case Murdered

In an interview with Inside US Trade, USLEAP also expressed concern about the effectiveness to date of the labor protections of existing free trade agreements with respect to the basic issue of violence, tragically illustrated when Joel Hernández Godoy, a member of the Executive Committee of SITRABI, the Del Monte banana workers union, was murdered at the end of May.

SITRABI is one of six unions in Guatemala who along with the AFL-CIO filed the first labor complaint under CAFTA, with SITRABI focusing on the September 2007 murder of union leader Marco Tulio Ramirez. USTR has already made clear that it does not consider violence against trade unionists to be a violation of worker rights subject to the CAFTA complaint process; the pending complaint is apparently not enough of a threat to prevent new violence even against a filer of the complaint.

Meanwhile, the Administration is reportedly attempting to negotiate a “labor action plan” with Guatemala as an alternative to moving towards arbitration on the complaint, which was filed in April 2008. Arbitration with Guatemala would be a first for any FTA labor complaint. ©

Banana Unions Target Discrimination; New Chiquita Agreement Reached

The Coordination of Latin American Banana Unions (COLSIBA) and the International Union of Foodworkers (IUF) reached an agreement with Chiquita at a mid-April meeting in Costa Rica to negotiate a new gender discrimination and sexual harassment policy to be included in the regional framework agreement on worker rights they signed in 2001. A working group representing COLSIBA, the IUF, and Chiquita has been established with the goal of finalizing the amendment by the end of 2011.

The advance came in response to a request from COLSIBA for an International Women's Day campaign on March 8 that targeted major transnational banana companies. USLEAP and the International Labor Rights Forum (ILRF) supported the request in the U.S. while members of the European Banana Action Network did likewise in Europe.

Chiquita Senior Vice President Manuel Rodriguez provided a lengthy response in mid-March to USLEAP and others that detailed its policies and practices, including the training of 12,000 employees in Latin America in

2010 on harassment prevention. Chiquita also reported that during the 2007-2010 period, nine employees were dismissed for which sexual harassment behavior was fully or partially implicated. In response to COLSIBA's concerns about lack of employment opportunities for women, Chiquita stated that approximately 20% of its employees in Latin America are women.

COLSIBA responded on March 30 that Chiquita continued to employ harassers and successfully demanded that the issues be addressed more adequately at the upcoming April meeting to review compliance with the 2001 framework agreement.

Dole Response Rejected as Inadequate

Dole Vice President Sylvain Cuperlier responded promptly to interventions by USLEAP and others with a two-page letter noting that the company gives priority to hiring women in its banana packing area to offset the relative lack of women in other areas like harvesting and to hiring single mothers as a way to provide them a source of income.

Dole added that it has developed training programs for women on how to open and run businesses and conducts training for workers that address sexual harassment.

However, COLSIBA rejected Dole's assertions in a June memo sent to USLEAP and EUROBAN, stating that "we cannot attest to the projects and programs that Mr. Cuperlier mentions since we have no knowledge of the existence of a monitoring program given that there are no unions that can give testimony about said projects at this company. What we know about are the high levels of union repression in the same zone the Mr. Cuperlier mentions—what has been clearly demonstrated is the company's clear rejection of union organization."

Both Chiquita and Dole agreed to COLSIBA's request to include gender discrimination and sexual harassment on the agenda of the World Banana Forum (WBF).

No Response from Del Monte

Fresh Del Monte did not respond at all to interventions from USLEAP and others. ©

Another SITRABI Murder in Guatemala

Another banana union leader was murdered in Guatemala on May 26, 2011 when two men on a motorcycle shot Idar Joel Hernández Godoy a member of the Executive Committee of SITRABI, Guatemala's largest and oldest private sector union. SITRABI represents Del Monte banana workers on the Atlantic Coast. It is the second SITRABI unionist murdered this year. The IUF and SITRABI secured an agreement from the Guatemalan Office of the Public Prosecutor to establish a joint Commission to investigate the murders of SITRABI banana workers. As reported on page 7, SITRABI is one of six Guatemala trade unions that have filed a labor complaint under CAFTA.



Gerardo Iglesias, Regional Secretary of the International Union of Foodworkers, offers solidarity to SITRABI banana union members in Morales, Guatemala after the May 26, 2011 murder of Executive Committee member Joel Hernández Godoy. (Photo credit: IUF Latin America)