

**Comments to the United States Trade Representative  
Concerning the Colombia Free Trade Agreement**  
from the  
**U.S. Labor Education in the Americas Project (USLEAP)**  
September 15, 2009

This submission is in response to the Office of the U.S. Trade Representative's "*Request for Comments Concerning Free Trade Agreement with the Republic of Colombia*," part of USTR's review of labor-related issues in the context of the pending Free Trade Agreement with Colombia.

The U.S. Labor Education in the Americas Project (USLEAP) is an independent non-profit organization founded in 1987 that supports the basic rights of workers in Latin America. USLEAP supports global trade, but believes that without trade rules that protect the rights of workers, the benefits of trade will not be shared by workers abroad and will accelerate the race to the bottom for workers in this country.

In 1991, USLEAP (then known as the U.S./Guatemala Labor Education in the Americas Project, US/GLEP) filed its first worker rights GSP petition with USTR, on Guatemala, and remained engaged in the GSP worker rights petition process with Guatemala until the passage of CAFTA. Using the process provided by the Andean Trade Preference Act and the Andean Trade Partnership and Drug Eradication Act, USLEAP has also filed worker rights petitions on Ecuador which were accepted for review in 2003, 2004 and 2005 and remain pending.

In 2001, USLEAP began working in Colombia with various non-governmental organizations, unions, labor centrals, and human rights organizations. USLEAP has subsequently led multiple worker rights fact-finding delegations to Colombia, produced a special bulletin on violence against trade unionists in Colombia for several years, and was the principle author of "*Justice for All: The Struggle for Worker Rights in Colombia*," released in 2006 by the AFL-CIO's Solidarity Center. In February 2009, USLEAP opened a regional office in Bogotá, Colombia in order to enhance our ability to document the worker rights situation in Colombia and hear first-person accounts of the grave labor situations that continue to plague the nation.

In March 2004, USLEAP testified at a public hearing at USTR concerning the Bush Administration's intent to enter into negotiations for an Andean Free Trade Agreement with Colombia and other countries. USLEAP argued then that negotiations should not be initiated with Colombia until it had met minimum conditions regarding respect for the basic rights of workers, emphasizing Colombia's well-known standing as the most dangerous country in the world to be a trade unionist, with more trade unionists murdered in Colombia than in any other country in the world. Five years later that stark fact has not changed. Indeed, last year there was an increase in the number of trade unionists assassinated. Colombia did not meet the minimum threshold for initiating negotiations in 2004 and in 2009 it still does not meet the minimum threshold for negotiating, let alone ratifying, a FTA with Colombia.

In its request for comments, USTR poses questions on three specific areas: the Colombian law regime, violence against trade unionists, and impunity.<sup>1</sup> USLEAP appreciates that USTR's first question is on labor law and enforcement. Much of the political and public debate about worker rights in Colombia has centered on the more easily understood issues of violence and impunity, which indeed constitute grave violations. However, as USTR's question indicates, violence and impunity are not the only obstacles that workers in Colombia face in trying to exercise their basic rights. Colombian trade unions themselves would argue that the need for labor law reform and for genuine enforcement represent at least as great a threat as violence and impunity to the ability of workers to exercise core worker rights like freedom of association and the right to collective bargaining. We agree: if violence were to end tomorrow and all perpetrators of violence brought to justice, the deficiencies in Colombian labor law and its enforcement would continue to deny millions of Colombian workers their basic rights.

Nevertheless, we have in this submission reversed the order of the three issues highlighted by USTR and begin with impunity because we wish to highlight key findings of a soon-to-be released study by USLEAP (a copy of which we will submit to USTR as an addendum when it is finished later this month) assessing the progress of the Colombian government in 2008.

## **I. Impunity**

USTR asks if the government of Colombia has made "sufficient progress in its efforts to prosecute the perpetrators of violence and intimidation against unionists exercising their fundamental labor rights."

Summary: In 2008, the government of Colombia made no progress on impunity, let alone "sufficient" progress.

According to our analysis of sentences for all convictions obtained by the government of Colombia in 2008, convictions were secured for 49 trade unionists who had been previously murdered.<sup>2</sup> Unfortunately, this merely offsets the number of trade unionists murdered in 2008: 49, according to the National Labor School (Escuela Nacional Sindical, ENS). In short, the government made no net progress in reducing the backlog of cases of murders of trade unionists in Colombia.

Background: In 2006, partially due to international concern about the ongoing violence against trade unionists, the International Labor Organization (ILO) and the Colombian labor movement negotiated an agreement with the Colombian government to create a special subunit to deal with all cases of anti-union violence, including but not limited to

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<sup>1</sup> USLEAP, because of our own mandate, welcomes USTR's focus on worker rights. However, as we have previously testified, progress on worker rights is not a sufficient condition for moving forward an FTA with Colombia. The Colombian labor movement, and we, believe that the current FTA as negotiated is based on a deeply flawed model that fails to address concerns about the impact of FTAs on farmers, consumers, health care, the environment, and investment rules.

<sup>2</sup> *Analysis of 2008 Convictions for Murderers of Colombian Trade Unionists*, USLEAP, September 2009

homicides, attempted homicides and kidnappings.. This special subunit, which includes three judges in addition to a varying number of investigators and prosecutors, began operating in January 2007.<sup>3</sup>

In 2008, USLEAP issued a special report analyzing the 2007 sentences of the specialized labor courts, *Why are Union Members Murdered in Colombia?* USLEAP is now completing a report analyzing the 2008 sentences and convictions obtained in 2008, findings of which are summarized in this section.

In 2008, there were 70 sentences related to violence against trade unionists; of these USLEAP had access to 67 sentences. Of these 67 sentences, 53 were homicide convictions of 46 individuals for assassinations of 49 trade unionists.<sup>4</sup>

Justice and Peace Process. An important development in 2008 in understanding and analyzing the Colombian government's efforts to address impunity with respect to violence against trade unionists is that it was the first year that the highly controversial Justice and Peace Law produced confessions in cases of anti-union violence. The application of the Justice and Peace process led to a number of sentences in 2008 of unionist assassinations.

This process, however, is flawed by loopholes within the outlined legal process that allows demobilized paramilitaries to confess to crimes without implicating material authors and actors of the state. Through the Justice and Peace process, demobilized paramilitaries only face a maximum of 8 years in prison for countless murders and violations of human rights. More recently, and problematically, the Colombian government recently passed a law in June 2009 allowing the suspension of criminal investigations of rank-and-file paramilitaries who collaborate with the state to dismantle still-active paramilitary groups. Only a small percentage of paramilitary personnel are participating in the process. As of October 31, 2008, only 1,626 paramilitaries, out of 35,263 are actively participating in the procedural process by giving their depositions meaning that this process will not reveal the truth in thousands of cases.

The majority of the progress achieved on impunity in 2008 came within this flawed Justice and Peace process, accounting for 32 of the victims for which convictions were secured. Among the 46 individuals convicted in 2008, 22 individuals were investigated and convicted outside of the Justice and Peace process (47.8%). These 22 individuals were responsible for 17 of the 49 (33.3%) assassination victims in this group of cases. An analysis of the sentences reveals that of the 22 individuals, 14 were identified as paramilitaries, 4 as members of guerrilla groups, and 4 were not identified as affiliated with an illegal armed group.

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<sup>3</sup> It is important to note that the Office of the Attorney General is solely investigating a subset of ILO recommended cases of murder and new murder cases from 2006 onward. This means that only 1,354 cases of the 2,706 reported murders are currently under investigation (ENS reports that the Office of the Attorney General only has active files on 1,119 cases)

<sup>4</sup> In this set of 2008 cases, there are perpetrators who were responsible for more than one assassination, as well as more than one responsible party found guilty for the same assassination.

While there have been 53 homicide sentences total in 2008, an increase from the 26 in 2007, only 17 of these sentences resulted from the special investigators work. In 2008, they therefore passed nine less cases to the subunit judges for trial.

Additionally, only 12 of the 22 individuals tried and convicted outside the Justice and Peace Process are in jail, demonstrating once again the state's inability to apply justice even when it has been ruled by a court.

Based on our study convictions and sentences secured by the Colombian government in 2008, we draw the following conclusions:

- *Net progress by the Colombian government in 2008 in reducing the backlog of pending cases of murdered trade unionists was zero.*
- When one includes the fact that there were only a handful of convictions for other forms of violence and intimidation against trade unionists, the backlog of cases actually increased. This does not constitute progress, let alone sufficient progress.
- The number of sentences achieved by the work of the specialized labor investigators actually declined in 2008 from 2007, down more than a third to 17 in 2008 compared to 26 sentences achieved in 2007.

## **II. Anti-Union Violence**

USTR has asked if the Colombian government is “taking adequate steps to protect Colombia's workers from acts of intimidation or violence that impede the exercise of their fundamental labor rights.”

Summary: Whatever steps the Colombian government has taken or not taken, they are hardly adequate: Colombia continues to be the most dangerous place in the world to be a trade unionist.

- In 2008, the number of trade unionists murdered in Colombia, 49, actually increased, significantly, over the previous year.<sup>5</sup>
- In 2008, once again, more trade unionists were murdered in Colombia than in any other country in the world.<sup>6</sup> Indeed, more trade unionists were murdered in Colombia than the rest of the world combined.

Since President Uribe came to office in August 2002, more than 500 trade unionists have been murdered in Colombia, raising the total to more than 2,700 union members who have been murdered in the last two decades.

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<sup>5</sup> ENS

<sup>6</sup> International Trade Union Confederation's *Annual Survey of Trade Union Rights*, June 2009

Murder is not the only form of violence against trade unionists in Colombia. Along with the 2,706 trade unionists that have been murdered from January 1, 1986 to August 22, 2009, according to ENS, 4,277 death threats, 1,571 forced displacements, 616 arbitrary detentions, 235 attempted murders, 190 disappearances, 162 kidnappings, 78 cases of torture, and 44 illegal break-ins have been documented during the same period.

The continued high levels of violence against Colombian trade unionists is a reflection of the lack of political will by the Uribe government to end violence. With a rate of impunity exceeding 95% and only a fraction of murderers behind bars, many of whom are serving reduced sentences, the deterrent factor against further violence is minor.

The Uribe government has contributed significantly to maintaining a culture of violence against trade unionists and impunity, including the government's own "para-gate" scandal and revelations this year that the Administrative Security Department (DAS) performed illegal surveillance and wiretapping of human rights organizations, union leaders, and even opposition members of the Senate. President Uribe himself consistently contributes to the climate of violence and impunity, publicly denouncing labor and human rights activists and linking them to leftist guerillas when these individuals have spoken out against labor and human rights violations. In a particularly blatant example, the President lashed out in February at three respected human and labor rights leaders who had testified before the U.S. Congress, accusing them of being unpatriotic and using language that only increased their own risk of harm. If the Colombian government were serious about addressing violence and impunity, it would welcome the courageous witness by these and other advocates for human and labor rights in Colombia rather than endangering their lives.

Recent revelations even raise the prospect that steps to protect trade unionists that have been highly touted by the Colombian government may in fact be a part of the problem. The Colombian government has repeatedly highlighted its U.S.-funded protection program for trade unionists, ranging from the provision of bodyguards to cell phones. But investigators into the DAS scandal have found that sensitive information, including daily routines, from the protection program was leaked to the DAS office conducting illegal surveillance. According to a report from the Latin America Working Group, "Information from the protection program about the bodyguards, the kind of protective measures and daily routines was evidently leaked to the DAS office conducting the illegal surveillance." Thus, the protection program itself was compromised by the government's own security agency, in ways that could have increased the risk of violent harm to the unionists the program was supposed to be protecting.

### **Recommendations on violence and impunity**

Too often, debates about progress on violence and impunity, or the lack thereof, can get stuck in a numbers game. Rather, the fundamental measurement on whether the government of Colombia has made "sufficient progress" in addressing impunity is whether progress has been sufficient to serve as a deterrence to further violence and

whether the government has created a political, social and legal climate in which workers believe they can exercise their basic rights without fear of murder or violent intimidation.

The government should develop and implement a comprehensive legal strategy to end violence and impunity by looking at the whole group of cases of violence against unionists as a systematic series of crimes, with a particular logic and set of motivations. This strategy must be supported by adequate resources and accompanied by demonstrable political will.

To create a political, social and legal climate in which workers believe they can exercise their basic rights without fear of murder or violent intimidation, the government must, among other steps, hold perpetrators fully accountable, reveal cases where state actors were complicit in these crimes and demonstrate when and how persecution of unionists was a part of military strategies by armed groups, especially the paramilitaries. Furthermore, the government must end surveillance of trade unionists and the lawyers that represent them, members of the Supreme Court, human rights groups, and others. The current practice of making threatening statements against human right defenders and trade unionists must cease and instead, the government should publicly support unions and their work, speaking clearly about their efforts to end impunity and violence and strongly against future acts of violence.

### **III. The Colombian Labor Law Regime**

USTR asks if there are “gaps in Colombia's labor law regime, including its enforcement mechanisms, with respect to providing for the fundamental labor rights of its citizens.”

Despite ratifying all principle United Nations covenants on human and worker rights under the International Labor Organization (ILO), Colombian labor law and enforcement mechanisms fail to effectively protect the rights of workers.

In his first days in office in 2002, President Uribe sent a strong signal of his disregard for the enforcement of the Colombian labor law regime by eliminating the Ministry of Labor and relegating its function to a department in the Ministry of Social Protection (MSP). Early on, he also cut wages for workers by securing approval of Law 789 in 2002, which further exploited worker rights by lengthening the workday until 10 pm. This reform meant that workers who once received a higher rate of pay for working past 6 pm now receive those compensation benefits only if they work past 10 pm. Law 789 also reduces the compensation for work done on national holidays and remuneration for those fired without just cause.

#### **Labor “flexibility” and worker rights**

At the beginning of the 1990s, the Colombian government began to put into effect legislation promoting a form of “labor flexibility” that weakens labor law protections, deprives workers of their basic rights, and helps create an unstable and informal workforce deprived of basic rights and incapable of earning a living. The majority of

minimum wage workers in Colombia are hired on a temporary contractual basis that undermine the fundamental rights of workers, failing to provide a living wage, healthcare, and pension while neglecting core worker rights, including the right to freedom of association and the right to collective bargaining. The casualization of work and shifting of permanent, stable work to temporary contract work is being achieved through the abuse of temporary contracts, pseudo-cooperatives, and temporary services agencies.

Law 50 of 1990, introduced by then Senator Alvaro Uribe, weakened worker rights protected under the Colombian constitution, allowing employers, amongst other things, to dismiss workers based on business needs and hire workers on short-term contracts that are valid anywhere from three months to three years while allowing employers to renew these over an indefinite period of time. Workers under temporary contracts are legally at right to join unions, however, employers are less likely to renew their contracts if they do so, therefore effectively eliminating the freedom to form unions or negotiate collective bargaining agreements. Workers under temporary contracts do not receive health insurance, vacation, or social security, even if they have been employed by the same company for years.

Employers can also avoid providing employee benefits through the tactic of subcontracting, or hiring workers through Associated Labor Cooperatives (CTA). Theoretically, these workers are considered “associates” and not formal employees, as such, they are not legally entitled to the same rights under Colombian law. Many cooperatives are in fact managed by the employers and not the workers themselves, as should be the case. Reports indicate that many employers pressure their workers to join a cooperative or face dismissal.

Companies also use this mechanism as a means to violate workers’ right to freedom of association. Unlike temporary workers, subcontracted workers are not allowed to join unions. Given that workers associated to cooperatives are treated as independent contractors in matters of wages and benefits, the government does not give them the autonomous right to form or join worker organizations. This is a direct violation of ILO Convention 87. Furthermore, in 2008 the Colombian government issued a new labor law in reference to cooperatives, Law 1233 of 2008, that continues to deny workers employed through cooperatives the right to unionize and their basic rights as covered under Colombian labor law. Law 1233 also states that labor cooperatives are obligated to pay into the government benefits programs and social security, which cover family care and education, healthcare and pension funds. Regularly, employers are responsible for 2/3 of these contributions, but workers associated to cooperatives are now responsible for 100% of these costs, meaning that workers take-home pay ends up below the minimum wage.

The use of temporary contracts and cooperatives creates a highly unstable and transient workforce. The majority of workers contracted under these mechanisms are only earning the national minimum wage, which is approximately \$215 per month. In 2008, Colombian workers earning the legal minimum wage averaged 461,500 pesos per month, while according to the government’s National Administrative Statistics Department

(DANE) the necessary basket of goods for a Colombian family is 955,990 pesos per month. These wages are extremely devastating to cooperative workers who must cover the cost of benefits for their family, leaving them with roughly half of the monthly minimum wage.

Aside from weakening labor laws and company tactics to neglect worker rights, workers also face bureaucratic obstacles within the legal process when trying to file grievances or register unions. Colombian labor law limits unionization to workers with a labor contract. The Central Unitaria de Trabajadores (CUT) states that of the roughly 17.5 million workers in Colombia, less than 3 million have the right to form a union under these limitations.

Colombian labor law is also deficient in protecting **the right to collective bargaining for public sector workers, the right to strike, and addressing discrimination, as reported in the USLEAP-authored “Justice for All.”**

### **Recommendations on the Colombian labor law regime**

Colombian labor law and enforcement mechanisms should be reformed to:

- Effectively regulate the use of temporary contracts, cooperatives, and subcontracting to prevent their being used to impede freedom of association or to avoid labor law protections, including limiting the use of temporary contracts to work that is genuinely temporary, ensuring that workers employed by cooperatives are subject to the labor code and extended their basic rights, and prohibiting the use of non-employment contracts for work that is central to a business’s operations;
- Ensure respect for the right to collective bargaining, including legislative action removing restrictions on the right of public sector workers to negotiate, making explicit the right of workers to negotiate industry-wide contracts, and overturning the constitutional provision that prohibits contract negotiations on pensions;
- Ensure respect for the right strike, including removal of prohibitions on the right to strike by federations and confederations and removal of restrictions on the right of non-essential public workers to strike; and
- Eliminate discrimination in the workplace for any reason including gender, ethnicity, race, or sexuality.

Additionally:

- the Colombian government should reconstitute the Ministry of Labor; and
- the mandate of the ILO office in Colombia should be extended and its mission expanded.

## **Emblematic Case in the Colombian Flower Sector: Crushing the Bochica Union**

The attached case study (Appendix A) of an organizing effort by flower workers at the Bochica plantation shows the effects of weak labor law regime and anti-union violence and repression on the ability of workers to exercise their basic rights in the Colombian flower sector. Despite years of organizing efforts, flower workers in Colombia have largely been unable to establish independent unions. While the personal intervention of Rep. George Miller with the Ministry of Social Protection helped secure contracts at two flower plantations owned by Dole in the Bogotá area in 2008, thus illustrating the political leverage of the pending FTA, no such international intervention took place at the Bochica plantation in the conflict zone of Antioquia where the union was destroyed through a combination of violent intimidation and governmental failure.

### **Conclusion**

Both the Colombian and US governments maintain that the Colombian government has made significant progress in improving respect for worker rights over the past few years. As reflected in this submission, we take issue with that premise. But for a moment, let's accept the premise. USTR has asked what steps the U.S. government can be taken to encourage "continued progress" on worker rights in Colombia.

*The most important step the U.S. government can take to support progress on worker rights in Colombia, including progress against violence and impunity, is to not pass the pending FTA, until there has been significant and systemic progress.*

Approval of the FTA will remove the greatest incentive the government of Colombia has to take any steps at all. To the degree that the Colombian government has taken any positive steps, it has done so solely because of the huge carrot of the pending FTA. It would be a grave mistake, with the potential for an upsurge of anti-union intimidation with violent consequences for trade unionists in Colombia, if the pending FTA were passed before the government has demonstrated a systemic commitment to ensure respect for worker rights, stop violence, and end impunity.

The experience of worker rights in Guatemala and the application of U.S. trade leverage is highly instructive. Guatemala and Colombia have historically been the two Latin American countries with the greatest level of violence against trade unionists, and there are significant parallels, and lessons.

USLEAP had extensive engagement with GSP worker rights petitions filed on behalf of Guatemalan trade unions, dating from 1991, up until the GSP program was replaced by CAFTA in 2006. As has been documented, the worker rights conditions of the GSP program, and the threat of lost benefits, provided significant leverage to the US government. Over the course of the GSP process (reviews, threats of review, threats of suspension), the Guatemalan government set up new labor courts, passed labor law reforms, increased sanctions for violators, approved the first unions in the maquiladora

sector, and broke through the previously-impenetrable wall of impunity. In 2003, the prospect of CAFTA secured interventions by the Guatemalan government that led to the only contracts in the maquila sector, as well as other steps.

Violence also ebbed. In the two years before CAFTA was implemented, no Guatemalan trade unionists were murdered, in a country long known as one of most repressive in the region. But since implementation of CAFTA in June 2006, violence has surged in Guatemala. In the two years after implementation, there were at least nine trade union-related murders (and gang rapes of daughters of two union leaders) in Guatemala. Violence against Guatemalan trade unionists has continued, with the ITUC reporting that nine trade unionists were murdered in 2008, making Guatemala Latin America's second most dangerous country to be a trade unionist, after Colombia.

Some argue that this violence against trade unionists in Guatemala is simply a reflection of a larger upsurge of violence but an analysis by an independent human rights group in Guatemala found that trade unionists have been disproportionately targeted. *"When looking at who has been assaulted during this period [January to June 2008], one can see that the attacks have been concentrated against union leaders. The concentration of attacks against trade unionists is unprecedented and should motivate an immediate reaction both condemnation and prevention."*<sup>7</sup> The forces behind this upsurge of anti-union violence in Guatemala, much of it directed at trade unionists working directly or indirectly for major U.S. companies, are not unaware of the changes wrought by CAFTA's replacement of the GSP process. They know that under CAFTA, there are no trade sanctions and that the US government has very limited trade leverage.

What will be the consequences in Colombia if the FTA is passed? Will the Colombian government "continue to move forward?" Or is it not much more likely that without the incentive of trying to persuade the U.S. government that it has made progress that any forward steps will cease? Our historical experience in Latin American countries with a reputation for violence against trade demonstrates that passage of the FTA under the Uribe government would give anti-union forces the political and legal space to intensify anti-union behavior, including violence against trade unionists.

To reiterate:

*The most important step the U.S. government can take to support progress on worker rights in Colombia, including progress against violence and impunity, is to not pass the pending FTA, until there has been significant and systemic progress.*

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<sup>7</sup> Informe Preliminar de Situación de Defensores y Defensoras de Derechos Humanos Enero-Junio 2008, La Unidad de Protección de Defensoras y Defensores de Derechos Humanos de Guatemala.

## **Appendix A**

### **Emblematic Case in the Colombian Flower Sector: Crushing the Bochica Union**

Bochica Farms is located just outside of La Ceja in Antioquia. About 20% of Colombia's floriculture industry is located in Antioquia, making it the number two flower-growing region in the country, after Bogotá. Aside from the union that was briefly established at Bochica, there are no independent flower worker unions in the region. The farm originated over 30 years ago, when floriculture was a new industry in Colombia.

On January 28, 2007, a group of 42 workers at the Bochica Farms plantation formed a union, the "Unión de Trabajadores de Exportaciones Bochica S.A. CL." Prior to the formation, workers had experienced worsening conditions at the plantation, including increased production demands and verbal abuse by management. Most of the organized workers had been Bochica employees for between 8 and 20 years. When the company failed to follow through on a pay raise the workers expected on January 1st, the workers decided to organize, even though the manager of the farm, Hugo Cifuentes, had convened a meeting in which he told workers that he did not want a union on the farm.

On January 29th, the workers completed the legal requirements to obtain legal recognition from the Colombian Ministry of Social Protection. Within days, the company held a meeting in which uniformed military personnel were present "to warn workers of the dangers of organizing a union in Colombia." After the meeting, managers attempted to persuade union members to disaffiliate, reportedly offering bribes and other incentives.

Two days after this meeting, three union leaders, the President, Treasurer, and Auditor, received written threats signed by the Aguilas Negras del Oriente, the Black Eagles of the East, a new paramilitary organization comprised of formerly demobilized members of the AUC, historically Colombia's largest paramilitary group. The threats warned the leaders to cease the union formation process, or they would be "declared military objectives." In addition, the spouses of the union's executive committee members reported being approached on the street by unknown men who warned them of the dangers of being a part of a union.

The union never received any form of protection from the Colombian government even after they submitted a formal claim with the Ministry of Social Protection. The MSP also denied the union's registration on the basis of a "technicality." Registration was eventually granted legal recognition, but only with the assistance of the National Union School (ENS Escuela Nacional Sindical), and the intervention of SINTRAINAGRO, the powerful and politically-connected private sector union in Colombia that primarily represents banana workers. By then, however, the union had effectively been destroyed.

Spectrum Flowers, based in Miami, is the sole distributor of flowers grown at Bochica Farms. USLEAP contacted Spectrum, but this company was unresponsive to repeated calls and faxes.

In July 2008, SINTRAINAGRO reported that while the union had finally started negotiations with the company, the plantation was closing down. After the announcement of the liquidation of the property and the firing of all workers, management hired a new group of workers under temporary contracts. Prior to its closure, Bochica employed about 600 workers.

The Andean Trade Preference and Eradication Act (ATPDEA) provides duty-free access to the U.S. market for approximately 5,600 products, including cut flowers. Cut flowers are one of the largest U.S. imports under ATPDEA, representing nearly 60% of all flowers sold in the U.S., with a customs value of \$448 million (2006). (According to USTR's *Third Report to Congress on ATPA as Amended*, 3.1 million Colombians are employed in export industries and more than one-in-three workers are employed by companies that export to the U.S.) USLEAP has collaborated with flower unions and flower workers in Colombia since 2005.