

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000
www.afcio.org

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November 3, 2011

The Honorable Barack Obama
President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

The Honorable Juan Manuel Santos
President
Casa de Nariño
Carrera 8 N.7-26
Bogota, Colombia

Dear Honorable Presidents:

On behalf of the 12.5 million members of the AFL-CIO, I write to urge you to act quickly to protect the lives, livelihoods, and rights of Colombian workers at Campo Rubiales and Puerto Wilches, Colombia. In April of this year, you worked together to address the ongoing and sometimes violent efforts to suppress workers' rights in Colombia. I ask you to join in that spirit of cooperation again to take actions that will demonstrate your continuing commitment to the "Labor Action Plan."

Campo Rubiales

With the support of the USO union, workers at Pacific Rubiales have been engaged in a long-standing effort to organize and secure a contract at Campo Rubiales. Pacific Rubiales has strongly opposed this effort, which has been characterized by prior attempts to shut down the workers' camp and to block roads leading into and out of the worksites.

The most recent talks between USO and Pacific Rubiales broke down on October 21, when the union reported that Pacific Rubiales said it would not consider the union's proposals. Reportedly, Pacific Rubiales violated the terms of a September 21 agreement by intimidating workers not to join USO and refusing to renew short-term

contracts for hundreds of known USO supporters (thus indirectly firing them). Pacific Rubiales had even announced a contract with its own company union, UTEN (a flagship union of former President Uribe's effort to launch a new labor central, "Nuevo Sindicalismo"). The Company and its contractors embarked on a campaign to pressure workers to disaffiliate from USO and affiliate to UTEN, under threat of firing.

On October 24, after supervisors told workers that 500 of them would be laid off soon, the workers spontaneously called for a "permanent assembly," a form of work stoppage. In response, the police and military attempted the first capture of a local leader, Campo Elías Ortiz by trying to force him aboard a truck. The official in charge of the operation reportedly told Ortiz, "don't worry, I'll take care of you my own way, outside the camp"—a threat I take very seriously given the history of government complicity in violent campaigns against workers in Colombia.

On October 27, workers report that hundreds of ESMAD, assault commandos, regular army corps and anti-guerrilla police appeared, surrounded the workers at different locations, threatened them at gunpoint (with automatic weapons pointed at the workers) and rounded them up. Workers report being told to leave or face imprisonment or worse.

As a result of these events, six local labor leaders, whose names are included in an attachment to this letter, have received a number of verbal threats and report being sought out by the military together with Pacific Rubiales Energy private security. The AFL-CIO requests that these six labor leaders receive immediate protection. They should not be fired since such an action could only be interpreted as retaliation for their union activity.

As early as October 29, workers report being called back in by contractors. Many have reported that they are being obligated to join the company union UTEN if they want to be contracted.

Although Vice President Angelino Garzon had been facilitating talks between USO and Pacific Rubiales during July and August, the talks remained unproductive and accomplished little for the workers except more broken promises from Pacific Rubiales. In addition, the AFL-CIO understands that the Ministry of Social Protection has not intervened or stepped up in any capacity.

The AFL-CIO is concerned that the Colombian government is not committed to securing fundamental labor rights for its citizens. Rather than supporting the right to freely associate and collectively bargain, the government appears to be responding to legitimate and peaceful labor protest at Campo Rubiales with a military approach. The continuing events at Campo Rubiales are leading workers to believe that the Labor Action Plan does not represent a sea change in approach to workers' rights, but was merely an effort to secure passage of the trade agreement. I urge you to work together to immediately de-escalate the situation at Camp Rubiales and secure a constructive resolution that protects the rights and lives of workers.

PUERTO WILCHES

A two-month strike in the palm sector at Puerto Wilches is calling into question the Colombian government's commitment to eliminating the use of cooperatives as tools of labor intermediation to deny the right of free association to workers. The conflict in Puerto Wilches started when collective bargaining at the Bucarelia plantation broke down. A key issue is the elimination of illegal sub-contracting.

In an assembly with other palm sector workers, workers decided that whatever happened at Bucarelia would determine the fates of the other plantations, so three more plantations joined in a "regional labor stoppage." The key demand is formalization of labor contracts as stipulated in Article 63 of Law 1429, and Decree 2025, both key elements of the Santos-Obama Labor Action Plan. In negotiations between the workers, employers, local, regional and national government representatives, all parties jointly composed an agreement to end the conflict. When the agreement was about to be signed, the union reports that employer representatives excused themselves from the table and without explanation, left. The SINTRAINAGRO union has since obtained a document published by Fedpalma, the palm oil employers' association, that explicitly states that cooperatives are not illegal and that "they exist and will continue to exist in Puerto Wilches." The union reported that it fears a military crackdown of the type that has been occurring in Campo Rubiales.

On September 21, SINTRAINAGRO asked the local office of the Ministry of Social Protection to conduct an inspection and verify the use of cooperatives, but report that no reply has yet been received. It is my understanding that while cooperatives remain legal under Colombian law, they are illegal when used for the purpose of labor intermediation to undermine the rights of workers. Under the circumstances, it seems clear that action by the Ministry of Social Protection is warranted. Given the apparent intransigence of the employers toward giving up the use of cooperatives or negotiating a transition to formal contacts in good faith, government assistance in applying the law, mediating the conflict, and helping the parties arrive at a peaceful resolution would build confidence in the Labor Action Plan.

CONCLUSION

Peaceful resolutions of both conflicts, with mediation assistance provided by the Ministry of Social Protection, would go a long way toward proving to American and Colombian workers that the Labor Action Plan represents not just paper promises but a commitment to real change that empowers workers to take control of their own destinies.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Trumka". The signature is stylized and cursive, with a long horizontal flourish extending to the right.

Richard L. Trumka
President

Enclosed: One (1) Document

Enclosure: Names of Individuals Seeking Protective Custody

Norlay Acevedo Gaviria
Company: Intricom
CC: 79706852

Hector Sanchez Gomez
Company: Montajes J.M.
CC: 12274070

Campo Elias Ortiz Machena
Company: Electricas de Medellín
CC: 1119887312

José Dilio Naranjo
Company: Duflos
CC: 7843813

Pablo Hernán Morales
Compan: Shrader Camargo
CC: Unknown

Sebastian Bedoya
Company: Montajes JM
CC: 4944774