

USLEAP

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Fighting for worker justice in the global economy

Ex-Dole Flower Workers Strike in Colombia; One Union Busted

USLEAP Report On Impunity Finds No Progress in Colombia



Workers at the Guacari Plantation in Zipaquirá, Colombia on strike in November to protest unpaid wages and benefits. On December 1, the company brought in thugs who beat up the Guacari strikers, intimidating them into resigning and busting their union. (Photo: Untraflores)

Flower workers on at least four plantations in Colombia went on strike at the beginning of December to protest wage theft by Floramerica-Sunburst Farms, the company that last year bought Dole's flower operation. Workers were also protesting the company's failure to make legally-required payments to the country's health insurance and social security system.

The company responded by sending in thugs to beat workers at the Guacari plantation on December 1, prompting most of the permanent workers to resign and breaking the union workers had formed earlier this year. The company then replaced them with subcontracted workers, sending a strong message to the rest of Floramerica's 8,000 workers, including those in the Untrafragancia and Sintraplendor unions that won contracts with Dole in 2008, with the support of

USLEAP.

The violence against the workers came one day after an initial negotiating session with the Colombian Ministry of Social Protection, which has so far failed to enforce the law.

Floramerica-Sunburst Farms blames economic woes for its blatant disregard of labor rights and its legal obligations, even as Sunburst proudly claims its commitment to corporate social responsibility on its website, citing certification by Rainforest Alliance as evidence.

USLEAP sent out two action alerts in response to the violence and violations of worker rights, generating over 540 letters in early December to the company and the Ministry *continues on page 4*

The backlog of unresolved cases of murders of trade unionists in Colombia is increasing, according to USLEAP's third annual impunity report.

The new report, which analyzes all 2009 convictions for murders of trade unionists, finds that in 2009 the Colombian justice system successfully achieved the first convictions in cases involving 41 murdered trade unionists. The 47 assassinations in 2009 exceeded the 41 convictions, however, increasing the huge backlog of over 2,700 unresolved cases. Convictions were also won in cases involving another 18 victims for whom some convictions had been achieved previously.

Even for most of those cases where convictions have been achieved, justice remains out of reach: in 2009, only three cases convicted both the material and intellectual authors of the crime.

Most convictions achieved in 2009 came as a result of confessions from the controversial Justice and Peace process under which murderers serve sharply reduced time for their crimes.

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2010: Free Trade Stymied Again; Worker Victories in Mexico and Panama; Violence Unabated

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Policy Issues

Trade Agreements and Worker Rights

Growing public disenchantment with Free Trade Agreements (FTAs) coupled with strong opposition from a core group of Congressional Democrats bottled up for one more year of Bush-era agreements now being pursued by the Obama Administration. Of particular concern for USLEAP is the pending agreement on **Colombia**, where the high level of violence against trade unionists remains the most potent political argument against the agreement. In 2010, the Administration began negotiations on its first FTA, the Trans-Pacific Partnership Agreement, involving seven Pacific Rim countries.

The U.S. government finally began pushing forward the long-pending labor complaint against **Guatemala**, submitting at the end of July a request for consultations with the Guatemalan government. The complaint is the first one filed under

the Dominican Republic-Central American Free Trade Agreement (CAFTA), The AFL-CIO and six Guatemalan trade unions filed the complaint in April 2008. A two-plus year process has so far demonstrated that the labor protections in CAFTA are ineffective in addressing worker rights violations, securing few advances in Guatemala. Disturbingly, the U.S. government letter to the Guatemalan government treats violence against trade unionists as a labor violation outside of CAFTA's formal purview.

In 2010, USLEAP produced fact sheets on the Guatemala complaint and CAFTA, updated background material opposing the Colombia FTA, published articles exposing the weakness of CAFTA and the Guatemala labor complaint (e.g. *Dissent* and *Labor Notes*), met with Guatemalan embassy officials, and worked with Congressional offices opposing the Colombia FTA.

Labor Law Reform

While efforts to pass national labor law reform made little progress in those countries that comprise USLEAP's primary focus, unions and activists in **Panama** successfully blocked an attempt to roll back labor law protections. A national strike in July forced the government to withdraw legislation that would have allowed the use of strikebreakers and given police free reign to use force against striking workers.

Progressive unions in **Mexico** continued a campaign to reform the deeply-entrenched protection contract system, under which Mexican workers are effectively denied their right to independent unions. Autoparts workers, with support from USLEAP, won a significant victory that threw out the company-backed protection union

at a Johnson Controls plant and gained recognition of their democratic union. Subcontracting continued to take a toll in **Colombia** and elsewhere, reflected in the growing use of "indirect" labor on flower plantations that replace permanent workers.

Honduras and Constitutional Reform

Labor unions helped lead a year-long resistance to the de facto coup government installed in January 2010 following the June 2009 coup. The Honduran resistance is pressing for a constituent assembly to draw up a new constitution that would increase democratic rights.

USLEAP organized a May Day letter signed by U.S. trade unions in support of the Honduran labor movement's resistance to the coup, generated support for two Congressional letters opposing the Obama Administration's policy in Honduras, and in December began producing a monthly summary of Honduran labor news with a focus on violence against trade unionists opposed to the coup. ©

Worker Organizing

Important Victory for Autoparts Workers in Mexico

Autoparts workers at a factory owned by Milwaukee-based Johnson Controls won a major victory in August when the company agreed to oust a protection union and negotiate a contract with a democratic union affiliated to the Mexican Mineworkers. International grassroots support, led in the U.S. by USLEAP, turned back efforts to use thugs against the workers at Johnson Controls Interiors plant in August and in May. USLEAP co-hosted with the AFL-CIO's Solidarity Center a June delegation

of a Johnson Controls worker, a Mine-worker leader, and the Executive Director of the Centro de Apoyo al Trabajador that generated significant press coverage in Milwaukee.

The national Mineworkers union remains under assault by Mexican authorities who have rejected the election of the Mineworkers president and regularly use violence against workers at the Cananea copper mines, who have been on strike since July 30, 2007.

Banana Conflicts Escalate in 2010

Banana unions reported growing conflicts in Central America, including a strike by **Chiquita** banana workers in **Guatemala** in April and one in **Panama** in July. Earlier in the year, **Dole**, still the primary target of a global campaign initiated by banana unions, threatened to close a dozen plantations in **Honduras**, apparently a negotiating ploy that led to a reduction of labor costs but a much smaller loss of jobs. Both Chiquita and **Del Monte** agreed to rehabilitate farms damaged by storms in Guatemala, averting fears that they would close unionized plantations. USLEAP intervened

with Del Monte (Guatemala), Chiquita (Panama and Guatemala), and with the Guatemalan government (on Del Monte) in response to requests from the unions.

The World Banana Forum, which includes representatives from business, government, labor, and civil society, including USLEAP, began holding working group meetings to discuss key issues plaguing the industry, including retailer pressure (e.g. Wal-Mart) that drives down prices paid to transnational banana companies, in turn producing downward pressure on labor costs and unionized production.

Flower Workers Face Year-End Roll-Backs

After maintaining many of their earlier gains, including union contracts at the Splendor and Fragancia plantations following Floramerica-Sunburst's purchase of Dole plantations in 2009, flower worker unions came under pressure this fall as the company used the excuse of an economic crisis to withhold wages or other legally-required benefits. Workers have been striking on and off since September and, on at least one plantation, have encountered violence.

In response to the strikes, Floramerica-Sunburst Farms, like other flower companies, is replacing permanent workers with "indirect" laborers who are not entitled to legal benefits due to permanent workers, and are also denied the right to organize plantation unions. USLEAP began campaign work late in the year in support of the striking workers, producing an action alert that resulted in more than 600 letters to the company and Colombian government.

Violence: Colombia, Guatemala and Honduras Hard-Hit

Violence against trade unionists in Latin America continued unabated in 2010, with Colombia once again likely to lead the world with the most trade unionists assassinated. Colombia is also on pace to rival the 47 trade unionists murdered in 2009. High levels of violence continued against trade unionists in Gua-

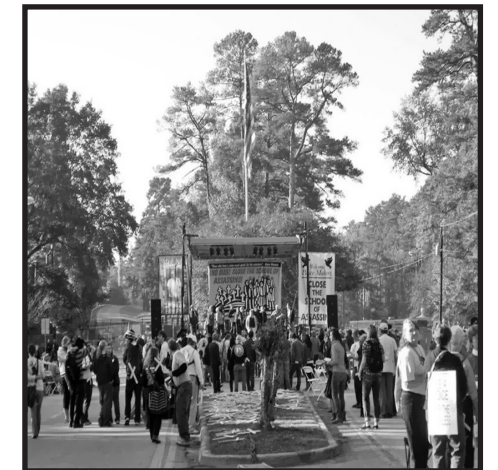
temala, which ranked second in the world in 2009 with 16 murders, and Honduras.

Impunity remains nearly 100% in Guatemala and Honduras, while the latest USLEAP data shows that the number of new assassinations in Colombia has increased the huge backlog of unresolved cases of murderers of trade unionists despite recent

College Apparel Victories

Perhaps the most important 2010 development in the apparel sector was the launch of union-made "sweatfree" apparel from the Alta Gracia plant in the **Dominican Republic**, supplying U.S. college campuses with a "do buy" product after years of campaigning by the United Students Against Sweatshops (USAS) and incriminating reports by the Worker Rights Consortium. The initiative grew out of a previous campaign, supported by USLEAP, backing unionized workers at the plant formerly known as BJ&B before it closed in 2007.

Student campaigners also forced Nike to pay \$1.5 million to workers in **Honduras** who lost their jobs when Nike suppliers closed shop in January 2009.



USLEAP Program Coordinator Rebecca Van Horn and Development Associate Maria Demopoulos traveled to Fort Benning, Georgia in November 2010 for the School of the Americas Watch vigil (SOA). In addition to joining more than 5,000 voices opposing U.S. militarization in Latin America, USLEAP updated the SOA Labor Caucus on its work and co-led a workshop on SOA legislation. (photo: USLEAP)

convictions.

In 2010, USLEAP produced fact sheets on violence against trade unionists in Colombia and Guatemala, and in December released its third annual impunity report on Colombia, analyzing the convictions achieved in 2009 of murderers of trade unionists. ©

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 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. For updated information, see the USLEAP website.

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Honduras: 30 U.S. Representatives Oppose Obama's Policy; Teacher Strike Continues

In response to the increasing violence and wide-spread human rights violations in post-coup Honduras, thirty members of the House of Representatives signed an October 20, 2010 letter to Secretary of State Hillary Clinton that calls on the United States to suspend military aid to Honduras and oppose its reentry into the Organization of American States.

The letter, initiated by Representative Sam Farr (D-CA), marks the strongest indictment by Congress to date of both human rights violations in Honduras and the Obama Administration's support for the de-facto coup government.

Meanwhile, WikiLeaks revealed that the U.S. government knew early

on that there was "no doubt" that the June 28 coup was illegal and unconstitutional, even as the State Department refused to call the ousting of President Zelaya a coup.

The tactic mirrors the current position held by the Obama Administration, which continues to seek the reinstatement of the de facto coup government into the OAS while dismissing the continuing violence against human rights defenders, journalists, indigenous groups, and labor leaders.

Honduran President Porfilio Lobo has taken a particularly hard-line against teachers. On November 3, only two months after Honduran teachers ended a month-long strike, tens of thousands of educators took to the

streets of Tegucigalpa. The Federation of Teaching Organizations, a coalition of more than 65,000 educators, called the November 3 strike in response to the Lobo Administration's unwillingness to pay back the salary deducted during the days of the August strike. In addition, the Lobo Administration has not fulfilled its promise to provide \$159 million worth of missing pension funds to the National Institute for Teachers.

Educators are also protesting President Lobo's minimum wage law that introduced a new scale for wage increases that is lower overall and stipulates different increases for different sectors, impacting educators negatively. The change is widely regarded as targeting teachers. ©

New Board Members Elected

At its October meeting, the board added as members:

Lance Compa, a previous member of the board, is one of the leading U.S. experts on trade and worker rights, having written many of the initial worker rights complaints filed with the U.S. Trade Representative in the late 1980s and early 1990s. Lance is currently a professor at Cornell's School of Industrial and Labor Relations.

Dana Frank is the author of *Bananas*, a powerful book on the struggles of women banana workers. She has become a leading expert on the Honduran coup and the role of unions in the Resistance, publishing for *The Nation*, *Huffington Post*, and *NACLA*. Dana is a labor history professor at UC Santa Cruz.

Mark Levinson is the chief economist of SEIU, responsible for trade policy. He has worked on trade and worker rights issues for over a decade, and previously served as Chief Economist and Director of Policy for UNITE and UNITE HERE. Mark's writings have been published in *Dissent*, *New Labor Forum*, *The Nation*, and *The New York Times*.

John Ruthrauff is Director of In-

ternational Advocacy for Interaction, a broad alliance of U.S.-based groups focused on global poverty. He has an extensive history in solidarity work in Guatemala, and was the first Director of Oxfam America's Washington Advocacy Office. John also served several terms as the first chair of the USLEAP board, then the US/Guatemala Labor Education Project. ©

Impunity Report...

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USLEAP has now reviewed all available cases of convictions for murderers of trade unionists in 2007, 2008, and 2009. In 2007, the Colombian government established specialized labor courts to address violence against trade unionists. Despite the work of these courts, net progress on impunity was zero in 2008, and in 2009 the backlog actually increased.

The 2009 annual impunity report will be available by mid-December on the USLEAP website or by postal mail, upon request. The report was made possible by a grant from the 21st Century ILGWU Heritage Fund. ©

Flower Worker Strike...

continued from front page

of Social Protection. USLEAP extends a warm thank you to those who took action in support of flower workers in Colombia.

Check the USLEAP website for any fast-breaking developments and what you can do to support these workers. ©

New USLEAP Resources Highlight Violence in Guatemala and Colombia

USLEAP has produced and posted on the website new and/or updated fact sheets on violence against trade unionists and impunity in Guatemala and Colombia. A new fact sheet on CAFTA and the Guatemala labor complaint is also available, in addition to a fact sheet on the link between NAFTA, labor rights violations, and Mexican immigration. The two-page fact sheets, also available by postal mail upon request, offer bullet points and factoids helpful in educating yourself and others, including policy makers. ©