

USLEAP

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Fighting for worker justice in the global economy

Worker Rights Protections Threatened in New Trade Agreement Negotiations

A major trade and investment agreement that will set new rules impacting the environment, consumers, health, and workers could weaken already inadequate worker rights protections in

global trade.

A progression in strengthening worker rights protections in trade agreements from NAFTA (1.0) to CAFTA (2.0) to those contained in the newest

agreements (3.0, with Peru, Colombia, South Korea, and Panama) is threatened by opposition from countries involved in negotiations for the Trans Pacific Partnership (TPP) agreement.

TPP negotiations began with Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, and Vietnam and now include Mexico and Canada, along with the U.S. Other countries are expressing interest in joining. Negotiators aim to complete negotiations in 2013, with a vote by each country's legislature in 2014.

USLEAP and other worker rights advocates have long argued that the NAFTA (North American Free Trade Agreement) labor protections are useless, based on 17 years of experience. The experience to date with CAFTA (Central America Free Trade Agreement) is more limited but so far the labor protections have achieved less than what was achieved under pre-CAFTA U.S. trade policy. The stronger 3.0 worker rights protections have yet to be tested but on paper remain suspect.

The U.S. government has reportedly proposed worker rights safeguards for TPP that are slightly stronger than the 3.0 protections contained in the most recently approved trade agreements, falling short of the improvements sought by worker rights advocates. Nevertheless, a majority of governments involved in the negotiations reportedly believe the U.S. proposal goes too far and could balk at any deal that contains "enforceable" worker rights conditions.

25th Anniversary Concludes

USLEAP wishes to thank the International Brotherhood of Teamsters and USLEAP Vice Chair Tim Beaty, Director of Global Strategies, for hosting at the Teamster headquarters in Washington, DC a December 6 reception celebrating USLEAP's 25th anniversary.

A 25th anniversary booklet containing a short history, anecdotes, and words of support from unions and NGOs in the

North and in Latin America is posted on the USLEAP webpage. Hard copies are available upon request from the office, with a \$5 suggested contribution.

Thanks to all who have made USLEAP's 25 years possible. *And if you've not yet made a contribution this year, consider one now so we can start our 26th year with some financial momentum!* ©



Molly McCoy, Regional Program Director for the Americas for the AFL-CIO Solidarity Center, and Yessika Hoyos, Colombian labor rights attorney and guest speaker, talk with Milton Rosado, President of the Labor Council on Latin America Advancement, Ben Davis, Director of International Affairs for the Steelworkers, and host Tim Beaty, Director of Global Strategies for the Teamsters, at USLEAP's 25th Anniversary reception on December 6.

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Violence and Impunity

USLEAP was founded 25 years ago out of a violent struggle in Guatemala that claimed the lives of Coca-Cola trade unionists. Unfortunately, violence continued to take its toll again in 2012 and remains a major focus of USLEAP work.

In *Mexico*, violence and impunity forced the closure in June of the Center for Worker Support (CAT), a leading worker rights organization and a long-time USLEAP partner, as well as the temporary exile of its Executive Director Blanca Velasquez, a disheartening reminder that violence and impunity too often succeed in curtailing the fight for worker justice.

After a year-long spate of murders, killings of *Guatemala's* largest private sector union Sitrabi stopped after February and, in part due to USLEAP work, security protection was restored for its General Secretary Noe Ramirez. But no progress was made on impunity and USLEAP efforts to push for progress on high profile cases and secure increased resources for investigations and prosecutions had yet to bear fruit at year end.

Murders dropped in *Colombia* to a 25-year low but probably not enough to de-

prive the country of its long-standing rank as number one (as of mid-November, 15 trade unionists had been murdered in Colombia, compared to 29 in 2011 and 51 in 2010). Progress on impunity remained limited primarily to paramilitary confessions arising from the "justice and peace process." Nearly all intellectual authors and suspected government officials remain uninvestigated and free despite vastly increased resources for investigation and prosecution secured during deliberations over the Colombian Free Trade Agreement. At the end of 2012, USLEAP began work on emblematic cases, starting with that of Dario Hoyos (see p. 4).

While reports on violence against trade unionists in *Honduras* dropped in 2012, violence against other human rights defenders remained widespread and impunity rampant. USLEAP organized a U.S. trade union sign-on letter in support of a March 2012 congressional letter signed by over 90 members of Congress demanding a suspension of U.S. military aid until the Honduran government addresses human rights violations. ©

Worker Organizing

Banana Workers in the Region

In the midst of tensions surrounding the murder of seven of its members in the preceding year, the *Guatemalan* union Sitrabi negotiated a new collective bargaining agreement with Fresh Del Monte this spring that raised minimum wages by 19% and successfully resisted out-sourcing. The contract also provides for recognition of International Women's Day. USLEAP exten-

sively engaged Del Monte in early 2012.

In early 2012, the *Nicaraguan* union Fetrabach signed a contract that provides enhanced security and benefits for approximately 800 workers at four plantations in northwest Nicaragua, their first contract in over 20 years. The Coordination of Latin American Banana Workers Unions (COLSIBA) had pushed Chiquita to facilitate contract negotiations between Fetrabach and its suppliers in Nicaragua.

A long-festering conflict with the Bonita company in *Ecuador* escalated into an international campaign in November after meetings between the company, unions, and NGOs, including USLEAP, failed to secure a resolution in response to anti-union behavior on its Alamos plantations, including the firing of the General Secretary in December 2011.

COLSIBA continues to serve as the primary touchstone in Latin America for

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Policy Issues

Trade and Worker Rights

Despite *Colombia* falling substantially short of fulfilling its obligations under the April 2011 Labor Action Plan (LAP), the Obama Administration gave a thumbs up on worker rights progress in April 2012 and implemented a month later the Colombia Free Agreement. USLEAP contracted for a critical analysis regarding the failings of one key component of the LAP, a reform of the criminal code intended to provide prison terms for violators of worker rights. In December, USLEAP finalized a report comparing differing analyses of compliance with the LAP by the U.S. and Colombian governments, unions, and NGOs.

A CAFTA labor complaint was filed in March against *Honduras* by the AFL-CIO and over two dozen Honduran unions. While the Obama Administration began moving on it fairly quickly, reportedly securing some initial advances, a CAFTA labor complaint filed on *Guatemala* in 2008 was unresolved at year end as the two governments continued to negotiate a “labor action plan” that would avoid arbitration.

The U.S. government continued to take the position that *violence against trade*

unionists is not a violation of worker rights subject to the CAFTA complaint procedure.

During 2012, USLEAP worked with the International Labor Rights Forum (ILRF) to voice congressional objections to this interpretation in preparation for a bigger push in 2013. USLEAP had quicker movement from the Guatemalan business sector, whose conservative agribusiness chamber wrote its government in May urging prosecution of those responsible for violence against Sitrabi, and from apparel brands, who, prompted by the Maquila Solidarity Network, agreed to sign a USLEAP-drafted letter in April to the Guatemalan President urging resolution of the complaint.

Negotiations for a trade agreement that will set and *possibly lower the bar for worker rights conditions in global trade* continued to move forward, with negotiations continuing through 2012. The U.S. put forth a labor proposal that falls short of what worker rights advocates argue is needed but other countries objected to including any meaningful labor conditions at all in the Trans Pacific Partnership Agreement (see p. 1).

Worker Organizing (cont.)

USLEAP engagement with certification schemes, including “*fair trade*” and its two competing systems run by Fair Trade USA and Fairtrade International (FLO). USLEAP denounced Fair Trade USA’s August 2012 farm worker standards as inadequate and applauded steps forward by FLO while COLSIBA pushed both groups to make concrete progress on the ground.

USLEAP continued to serve on the Steering Committee (the only U.S. representative besides companies) of the *World Banana Forum*, which held its second conference in Ecuador in February.

Elsewhere

Autoparts and Electrical Workers in Mexico. In a big blow, Johnson Controls in March closed its only autoworkers factory with an independent union. Workers had won a contract in early 2011 following years of support from Mexican groups

and international worker rights supporters, including USLEAP. Thousands of electrical union workers fired in 2011 won a court victory in the fall ordering their reinstatement but despite widespread international support, joined by USLEAP, Mexican authorities refused to comply with the court ruling.

Flower workers in Colombia. USLEAP responded to a request for support from fired workers at Falcon Farms in September but efforts to secure back pay and other legally-required benefits had been unsuccessful at year end. This continued a trend in the Colombian flower sector which has fired thousands of workers over the past two years, leaving most without backpay and severance and destroying nearly all the independent unions. International Flower Workers Day (February 14, 2012) targeted the Nannetti Group for the same set of issues, unsuccessfully. ©

National Labor Law Reform

The government of *Mexico* approved in November some regressive labor law measures that had been successfully resisted for several years by unions and their international supporters (see p. 4). USLEAP secured a congressional sign-on letter to Secretary of State Clinton initiated by Rep. Jan Schakowsky opposing the changes. Earlier, the proposed rollbacks were a target of the February Global Days of Action, in which USLEAP participated in Chicago.

As part of its effort to secure U.S. congressional approval for the FTA, the government of *Colombia* reformed its labor and criminal laws and issued executive decrees to address anti-union measures, including the use of cooperatives and temp agencies to avoid unionization, but Colombian unions say they have so far had little impact on the ground.

A central issue in attempting to resolve the *Guatemala* CAFTA labor complaint is restoring sanction authority to the Labor Ministry after it was taken away by courts several years ago. Another has been ensuring that maquila workers receive their legally-due backpay and severance in the event of a factory closing. Negotiations continued at the end of the year.

Efforts to reform labor law in *Peru*, including curtailing special provisions that deny workers in the agricultural export and maquila sectors their basic rights, failed to move forward after initial hopes of progress. USLEAP worked with the ILRF and AFL-CIO to generate some U.S. congressional support but it was too little, too late. Leading apparel brands, and USLEAP, participated in a conference in Lima in March with the theme that Peruvian labor law is in violation of their codes of conduct. ©

Welcome to the Board!

USLEAP welcomes to the board Jan Van Tol, National Organizer for the United Students Against Sweatshops.

Impunity in Colombia: The Dario Hoyos Case

While the number of murders of trade unionists in Colombia in 2012 is likely to sink to the lowest level in 25 years, Colombia is still expected to again lead the world. (At presstime, another trade unionist was murdered in Colombia, Milton Enrique Rivas Parra, with the oil workers union, a frequent target.)

Meanwhile, progress on impunity remains minimal with respect to the cases of nearly 3,000 trade unionists murdered since 1986. While the Obama Administration says Colombia is making progress in addressing impunity, virtually no progress has been made on investigating intellectual authors (those responsible for ordering the murders) or on leads implicating government officials (civilian or military).

The case of Dario Hoyos is illustrative. Mr. Hoyos, a prominent trade unionist, was murdered at the doorway to his house in 2001. His daughter Yesika, 17 at the time, immediately began what has become a life-long quest for justice to track down those respon-

sible, eventually becoming a lawyer and now handling over 35 cases of violence against trade unionists, including that of her father, in her capacity as a labor attorney with the *Collectivo de Abogados Jose Alvear Restrepo*. Her perseverance, at great personal risk, has uncovered numerous leads pointing to military and civilian officials but Colombian prosecutors have failed to pursue any of them despite the high profile nature of the case.

AFL-CIO President Richard Trumka, a friend of Mr. Hoyos, has personally supported Ms. Hoyos in her quest, raising the case again this year with the Colombian Attorney General, who later inaccurately assured President Trumka that two shooters were in jail (one was released in 2009). He also said that the government was continuing to pursue paramilitary plotters, when the leads in fact point towards government officials.

In December, USLEAP arranged for Ms. Hoyos to meet with key Congressional staff and Administration of-

ficials in Washington, DC to provide a status report on the case, which Ms. Hoyos testified about in Congress in February 2009. USLEAP and the AFL-CIO plan to make it an emblematic case of impunity in the coming year. ©

Worker Rights...

continued from front page

Vietnam, Malaysia, and Brunei, who have opposed the U.S. proposal, have reportedly now been joined by Australia and New Zealand who are concerned that the trade deal could sink if some countries pull out over the issue. And the government of Canada is urging that TPP revert to the useless NAFTA labor side accord.

See USLEAP's Spring 2012 newsletter (available on the USLEAP website) for an explanation of the differences in labor protections from NAFTA to CAFTA to the more recent FTAs or send a request to info@usleap.org for the relevant article. ©

Updates

Colombian General Motors Worker Vows Hunger Strike to Death.

Jorge Parra, the leader of a group of Colombian General Motors workers who were fired for work-related injuries in 2011, reinitiated his hunger strike in November. The workers engaged in several hunger strikes this fall, marked by the sewing together of their lips, but negotiations have failed to provide a resolution. Witness for Peace has been providing phenomenal support to Mr. Parra; see their website for additional information, plans of action, and ways you can support Mr. Parra and the workers group ASOTRECOL.

Colombia Gives Military Jurisdiction Over Itself.

On December 11, a day after International Human Rights Day, the Colombian Congress approved a controversial measure that will move jurisdiction over most hu-

man rights crimes (including murders of trade unionists) committed by military forces from civilian courts to military tribunals.

An unusual public letter issued by U.N. human rights officials urging disapproval stated that it "could seriously undermine the administration of justice in cases of alleged violations of human rights and international humanitarian law, including serious crimes, by military or police forces." Civilian courts will retain jurisdiction over cases of genocide, forced disappearance, torture, sexual violence, extrajudicial killings and forced displacement.

Mexico Approves Bad Labor Law.

The Mexican Congress pushed through a labor law package in a lame duck session in November 2012 that has been praised by employers and blasted by unions. Final approval came despite massive protests by Mexican labor

unions, supported by international interventions.

The final package was not as regressive as the original proposal, especially with regard to subcontracting and efforts to limit the right to strike, but in other areas the package takes big steps back. Moreover, it fails to deal with long-standing obstacles to workers seeking to organize independent, democratic unions in a system dominated by sweet-heart deals between employers, local labor boards, and protection contract unions. A more detailed analysis will be posted on the USLEAP website in January.

Bonita Pushed Again.

An international campaign targeting the Ecuadorian banana company Bonita in support of workers at the Alamos and Bejucal plantations is underway. U.S. support work is led by USLEAP and the International Labor Rights Forum.