

# USLEAP

Summer 2012:  
Issue #2

Fighting for worker justice in the global economy

## 25th Anniversary: 1987-2012!

This year marks USLEAP's 25th Anniversary. We'd like to, **most importantly, thank you for supporting us, and also invite you to make a special once-in-a-quarter-century anniversary donation.**

This summer we are producing a commemorative "ad" book that will provide a short history of USLEAP's quarter-century, dating to its founding as the U.S./Guatemala Labor Education Project in 1987. We would like to list all individual donors over the past two years (sorry, we don't have space to go back 25 years). If you don't want to be listed, please tell us immediately.

Fill out and mail the enclosed card or email [mdemopoulos@usleap.org](mailto:mdemopoulos@usleap.org) BY JULY 13 if you've made a donation in the past two years and don't want to be listed-or if you'd like to make a special 25th anniversary donation (with or without recognition). Note: Donation amounts will not be listed. Thanks!

## Business Weighs in on Guatemala CAFTA Labor Complaint...on Labor's Side!

Two separate and remarkable interventions, one from high-profile U.S. apparel brands and another from the very conservative Guatemalan agribusiness sector, have created new momentum for a resolution of the CAFTA labor complaint filed in April 2008.

On April 30, 2012, leading U.S. apparel brands sent a letter to Guatemalan President Otto Perez Molina urging him to resolve the complaint, stating that it is important for their companies and stakeholders that "the basic rights of workers are respected and that labor laws are consistently enforced." The letter voiced specific support for freedom of association.

The letter was signed by adidas, American Eagle Outfitters, the Fair Labor Association, Gap, Liz Claiborne, Nike, Phillips-Van Heusen, Under Armour, and the VF Corporation, with Gap playing a major role in getting it moving. The letter was sent by the Fair Labor Association to the President, copied to the U.S. Ambassador, Guatemalan cabinet members, and Guatemalan business leaders, and was covered in the Guatemalan press as well as apparel industry press.

In late May, the Camara del Agro, representing the agribusiness sector in Guatemala, also released a letter to the Guatemalan government, urging it to

investigate those responsible for over a half-dozen murders of members of SITRABI that have taken place over the past year, noting that doing so would be important in resolving the CAFTA labor complaint.

One long-time Guatemalan worker rights analyst termed the Camara's public intervention "historic" while a Guatemalan trade unionist was quoted in the press as saying the business sector had never spoken out like this before, attributing the motivation to growing concerns over the impact of the unresolved CAFTA labor complaint.

### USLEAP to Guatemala

In April, USLEAP Executive Director Stephen Coats joined with Guatemalan unions and the AFL-CIO's Solidarity Center in an event commemorating the 4th anniversary of the filing of the complaint by the AFL-CIO and six Guatemalan unions, including SITRABI, the country's largest union. At the event's press conference in Guatemala City on

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## Organizational Updates

### Welcome to the Board!

We are delighted to welcome to the board Molly McCoy, Regional Program Director for the Americas for the AFL-CIO's Solidarity Center. Molly has worked with the Solidarity Center for three years, previously as Senior Program Officer for the Americas. Prior to joining the Solidarity Center, which is the program arm for the AFL-CIO's international work, she served on the staff of the International Trade Union Confederation.

### Website Hacked

USLEAP's website has been hacked at least twice this year; we're working to prevent this from happening again. Please notify us if you experience problems, and please accept our apologies.

### New Data Base

We have a new data base, having converted and merged our traditional snail mail-based data base with our on-line data base. Not everything has gone smoothly; please notify us if you experience difficulties, especially with address changes. Our apologies for any inconvenience (but we knew we had to get with the 21st century sooner or later).

## Mexico...

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Project of Economic, Social and Cultural Rights (ProDESC) and the CAT filed numerous complaints with various Mexican government authorities, with widespread support from human and worker rights groups in Mexico, but there has reportedly been little progress on investigations. Last year, ProDESC and CAT successfully requested that the Mexican government grant precautionary measures to protect the CAT members but they were inexplicably suspended without any stated rationale in April 2012, one month before the attack on Mr. Morales.

Following the kidnapping, ProDESC and CAT took immediate steps to secure the safety of CAT members and then held a June 1 press conference announcing that given "the absence of any guarantee by the Mexican government to protect human rights defenders in Puebla and in Mexico in general," the CAT was being forced to close its office.

USLEAP issued an alert in early June at the request of ProDESC and the CAT urging the Mexican government to investigate all acts of violence directed at the CAT since 2010, to identify and prosecute those responsible, and to restore protective measures for CAT staff. ©

## Obama Throws Away Leverage...

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### U.S. Leverage Plummetts

With the FTA now implemented, U.S. leverage to secure significant advances on worker rights in Colombia drops dramatically, defaulting to the labor provisions contained in the agreement itself. While these labor provisions represent an improvement over those in CAFTA (the Central America Free Trade Agreement) and NAFTA (the North American Free Trade Agreement), they are a far weaker source of leverage than delaying the agreement itself. ©

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.

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# Obama Prematurely Throws Away Trade Leverage on Colombia Worker Rights

In a major blow, President Obama unexpectedly threw away his last, best source of leverage to secure progress on worker rights in Colombia when he announced in mid-April that the Free Trade Agreement (FTA) would be implemented on May 15, effectively giving a thumbs up on the Colombian government's inadequate steps to address worker rights violations, violence, and impunity.

Shortly after the FTA was implemented in mid-May, the International Trade Union Confederation issued its Annual Survey of Violations of Worker Rights Violations and declared that Colombia once again led the world in number of trade unionists murdered, citing 29 murders in 2011, with Guatemala a distant if dismal second with 10 murders.

## Unfulfilled Labor Plans

Worker rights advocates, trade unions, and leading members of Congress had urged the Obama Administration to delay implementation of the agreement until the Colombian government demonstrated concrete progress on worker rights, including issues covered in a Labor Action Plan signed by the two governments in April 2011.

The President had promised just before the vote last fall to approve the agreement that he would not implement it until Colombia met key elements of the Labor Action Plan.

USLEAP signed on to an April 10, 2012 letter organized by the Washington Office on Latin America (WOLA), the Latin America Working Group, the U.S. Office on Colombia, and the Center for International Policy declaring that "key elements of the Labor Action Plan remain unfulfilled."

The decision to nevertheless move forward was strongly denounced by Colombian and U.S. unions, including the AFL-CIO, Steelworkers, and SEIU and vigorously opposed by members of Congress who have been active on Colombia for years, e.g. Rep. James McGovern, D-MA.

## Post-Implementation Violence

USLEAP has previously expressed concerns that implementation of the Colombia FTA could be followed by increased violence against trade unionists, paralleling the experience in Guatemala. Indeed, within days of President Obama's announcement, prominent union leader Daniel Aguirre, the secretary general of the sugar cane workers union SINALCORTEROS, was murdered.

In May, both Witness for Peace and the Washington Office on Latin America highlighted a wave of anti-union violence immediately following the mid-April announcement, including not only the murder of Mr. Aguirre but also multiple death threats to labor union leaders and their families, e.g. John Jairo Castro of the Port Workers' Union; Wilson Ferrer, President of the CUT labor federation in Santander; Johnson Torres Ortis of SINALCORTEROS; and Rene

Morales Silva of the African palm oil workers' union SINTRAINAGRO.

The Congressional Monitoring Group on Labor Rights in Colombia also released a May letter to President Obama expressing "deep concern and alarm" regarding an increase in violence against trade unionists in Colombia. While the letter, signed by ten members of the Monitoring Group, was too diplomatic to make the point explicitly, the acts of violence listed in the May 17 letter all came after the Administration lost its FTA leverage with Obama's mid-April announcement. Signers of the letter were: Rep. George Miller (D-CA), Rep. Sander Levin (D-MI), Rep. Howard Berman (D-CA), Rep. Joseph Crowley (D-NY), Rep. Rosa DeLauro (D-CT), Rep. Keith Ellison (D-MN), Rep. Sam Farr (D-CA), Rep. Henry Johnson (D-GA), Rep. Jim McGovern (D-MA), and Rep. Michael Michaud (D-ME).

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## Big New Free Trade Agreement Keeps Moving

Negotiations for what would be the largest FTA in modern U.S. history are continuing to move forward. The Trans Pacific Partnership Agreement (TPP) will establish new rules for trade and investment impacting not only worker rights but also health care, the environment, financial regulation, and consumers.

The TPP is being negotiated between the U.S., Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam. Japan, Mexico and Canada have also expressed interest in joining, which would further expand the impact of whatever rules are established under TPP.

Negotiations are being conducted with a great deal of secrecy, bringing

objections even from the U.S. Congress. While the Administration has put forth a proposed "labor chapter," details have not been released. Press reports suggest that the proposed labor chapter would be a limited improvement over the worker rights protections that were approved in the most recent set of FTAs (Colombia, Peru, Panama, and South Korea) but that it would fall far short of the stronger trade rules that candidate Obama promised during the 2008 campaign. Even so, press reports indicate that several governments say the Administration's labor proposal already goes too far.

Leading U.S. opposition to TPP are the Citizens Trade Campaign and Global Trade Watch, along with U.S. unions. ©

# Honduran Unions and AFL-CIO File CAFTA Labor Complaint

Over two dozen Honduran trade unions joined by the AFL-CIO filed a labor complaint with the U.S. Department of Labor at the end of March, charging the Honduran government with violating the labor provisions of the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA).

The U.S. Labor Department announced on May 22 that it had accepted the complaint, denying a request from the Honduran government asking for more time to prepare a response, suggesting that the Administration may seek to move faster on the Honduran complaint than a long-pending Guatemalan complaint. The Guatemalan complaint remains unresolved more than four years after it was filed, raising concerns that CAFTA procedures and timelines are too flexible and permit lengthy delays.

The Honduran complaint focuses on violations in the manufacturing, agricultural, and port sectors, documenting extensive violations in export sectors in order to meet CAFTA labor chapter requirements that there be a “pattern of failure of enforcement” of labor law in a way that impacts trade.

Under the labor provisions of CAFTA, a country is only required to effectively enforce its domestic labor law. Other worker rights violations are frowned upon but are not subject to the dispute settlement mechanisms and possible sanctions. Thus, under CAFTA, steps the Honduran government has taken since the passage of CAFTA to weaken labor laws, such as a 2010 measure that allows employers to hire up to 40% of their workers on temporary contracts for work that should be treated as permanent work, are not violations that can be sanctioned.

Evangelina Argueta Chinchilla of the General Workers Federation (CGT) and Francisco Joel López Mejía of the Independent Federation of Workers of Honduras (FITH) came to Washington, DC to file the petition on behalf of over 24 Honduran unions. Among the sign-

ers (full list available on the USLEAP website or upon request from the office) were banana unions (COSIBAH, the Coordination of Banana Unions of Honduras, and the Chiquita union SITRATERCO) and apparel unions (e.g. SITRAJERZEESND).

## More Members of Congress Challenge U.S. Policy on Honduras

The AFL-CIO used the filing of the labor complaint as an opportunity to reinforce support for a broader change in U.S. policy towards Honduras, as called for by U.S. unions in backing a March 9, 2012 letter to Secretary of State Hillary Clinton initiated by Rep. Jan Schakowsky (D-IL). In her letter, Rep. Schakowsky and 93 other members of the House called on the U.S. government to suspend military and police aid to Honduras until the government addresses human rights violations.

A Senate letter authored by Sen. Barbara Milkuski (D-MD) and Sen. Ben Cardin (D-MD) also expressed serious concern regarding the human rights situation in Honduras; five other senators joined in signing their letter.

USLEAP helped organize a U.S. union sign-on letter in support of the Schakowsky letter. Signing the letter were the AFL-CIO, American Federation of Teachers, Communications Workers of America, International Association of Machinists, International Brotherhood of Teamsters, Labor Council for Latin American Advancement (LCLAA), United Auto Workers, United Food and Commercial Workers Union, United Steelworkers, and UNITE HERE, together representing nearly 15 million workers.

Growing U.S. congressional criticism of U.S. policy in Honduras and support for Honduran armed forces comes as the U.S. government is escalating its military presence in Honduras, citing narco-trafficking, i.e. Plan Colombia *deja vu*.

Signers of the Schakowsky letter in the House were:

**AZ:** Grijalva, Pastor; **CA:** Bass, Capps, Chu, Eshoo, Farr, Filner, Garamendi, Hahn, Honda, Lee, B., Lofgren, McNerny, Matsui, Miller, G., Richardson, Royball-Allard, Sanchez (Linda), Sanchez (Loretta), Speier, Stark, Thompson, Waters, Waxman, Woolsey; **CO:** DeGette, Polis; **CT:** DeLauro; **DC:** Horton; **FL:** Deutch, Hastings, Wilson, E.; **GA:** Johnson, H, Lewis; **IL:** Costello, Davis, Guterrez, Jackson, Rush; **IA:** Loebsack; **KY:** Chandler, Yarmuth; **MA:** Capuano, Frank, McGovern, Markey, Neal, Olver, Tierney; **MD:** Cummings, Edwards, Sarbanes, Van Hollen; **ME:** Michaud, Pingree; **MI:** Clarke, Conyers, Kildee, Levin; **MN:** Ellison, McCollum; **MO:** Carnahan, Clay, Cleaver; **NM:** Heinrich, Lujan; **NY:** Clarke, Higgins, Hinchey, Nadler, Rangel, Serrano, Slaughter, Tonko, Towns, Velasquez; **NC:** Price; **NJ:** Pascrell; **OH:** Kaptur, Kucinich; **OR:** Bonamici, Blumenauer, DeFazio; **PA:** Brady, Dolye, Fattah; **RI:** Cicilline, Langevin; **TN:** Cohen; **TX:** Doggett; **VA:** Moran; **VT:** Welch; **WA:** McDermott.

Signing the Mikulski-Cardin Senate letter were **HI:** Akaka; **MI:** Stabenow; **NM:** Udall; **OH:** Brown; **VT:** Leahy.



## Guatemala...

*continues from front page*

April 23, Guatemalan unions called on the U.S. government to move forward on arbitration and levy a fine against their own government, expressing frustration at the lack of progress on worker rights, including continuing violence and impunity.

Key objectives of the USLEAP trip to Guatemala were to demonstrate concern for the level of violence against CAFTA filer SITRABI and to encourage the Guatemalan business sector to stop blocking resolution of the labor complaint.

In May, the U.S. embassy informed USLEAP that protection had been restored for SITRABI General Secretary Noe Ramirez. The protection had been withdrawn in early February, 2012. The Guatemalan government also agreed to provide a security perimeter to protect other SITRABI leaders, including Selfa Sandoval, who has received more death threats in the past year than any other SITRABI leader.

## USTR, Violence and CAFTA

The U.S. government has taken a nar-

row legal position that violence against trade unionists is not a violation of worker rights subject to the CAFTA labor complaint process. USLEAP used the trip, and subsequent follow-up meetings with policy makers in Washington, DC, to push the message that the Guatemalan government must take credible measures to address violence and impunity as part of any resolution of the CAFTA labor complaint, officially or not.

A resolution of the labor complaint without credible efforts by the Guatemalan government to address violence against trade unionists and impunity would be outrageous, a position reinforced by the International Trade Union Confederation annual survey released in June 2012 that again placed Guatemala as second only to Colombia in number of trade unionists murdered, with 10 reported murders in 2011.

## Colombia Ahead of Colombia

The contrast between the steps that have been taken in Guatemala with those taken in Colombia to address violence and impunity is stark. Over the past several years, the Colombian government, motivated in part by wanting to secure an FTA, has established three special courts focused specifically on violence against trade unionists, added dozens of investigators and prosecutors, and moved to make the status of cases publicly available.

While USLEAP believes that the most important measurements are convictions and putting murderers behind bars and that much more needs to be done in Colombia, it is clear that the Colombian government has provided substantial resources to tackle impunity.

In Guatemala, on the other hand, four years after the filing of the CAFTA labor complaint, there is only one full-time prosecutor, and two assistants, focused on violence against trade unionists. In an April meeting with

USLEAP, the prosecutor was unable to identify any recent arrests or convictions, or even able to state how many cases her office had under investigation.

## Labor Action Plan Ignores Violence

According to press reports, the U.S. and Guatemalan government have agreed on 15 of 17 points in a Labor Action Plan that was leaked to the press last year. None of the 17 points address violence or impunity.

The business sector has been adamantly opposed to two remaining issues: the restoration of sanction authority to the Guatemalan Labor Ministry, which was taken away several years ago when a court declared it unconstitutional, and the establishment of a fund to ensure that workers are paid what they are legally due in the event of a closing in the maquiladora sector.

The U.S. government is pursuing a two-track strategy, continuing to negotiate a Labor Action Plan while pushing forward on arbitration in case negotiations fail. Guatemala would be the first country to go through arbitration under an FTA and could be subject to a fine of as much as \$15 million, which would be used for labor law enforcement. Business leaders in Guatemala are not concerned about the fine per se but claim that the “dark cloud” that hangs over Guatemala is hampering foreign investment.

## Brand Letter Precedent-Setting

The apparel “brand letter,” initiated by the Maquila Solidarity Network with support from USLEAP, was an attempt to buttress that concern. In June, USLEAP and MSN sent a letter to each of the signers, stating that the brand letter had helped spur the Guatemalan agribusiness letter and added new momentum on the CAFTA complaint.

The USLEAP and MSN letter also thanked the companies for taking an important and precedent-setting step in extending the practice of corporate responsibility to the implementation of labor provisions of free trade agreements.



*Leading apparel brands called on Guatemalan President Otto Perez Molina to resolve the CAFTA labor complaint in an April 30, 2012 letter (available on the USLEAP website or upon request from the office).*

# News in Brief

## **Historic Contract Signed in Nicaragua, with a Chiquita Assist**

Earlier this year, the Nicaraguan union FETRABACH signed a contract that provides enhanced security and benefits for approximately 800 workers at four plantations in northwest Nicaragua. Workers at the plantations, which have been long-time suppliers to the U.S. market, first with Dole and then with Chiquita, have not had a contract in over 20 years. Last year the Coordination of Latin American Banana Workers Unions (COLSIBA) raised pressure on Chiquita to facilitate contract negotiations between FETRABACH and its suppliers, leading to the break-through agreement.

This victory for Nicaraguan banana unions demonstrates once again why Chiquita is considered, relatively speaking, the most union-friendly of the major transnational banana companies. Yet, in a March 31 article in *The Economist*, Chiquita's "high road" path was depicted as providing the company little in the way of benefits in the marketplace, raising questions about the long-term viability of the "high road" path.

## **Del Monte Signs CBA in Guatemala**

In the midst of tensions surrounding the murder of seven of its members in the past year, SITRABI successfully negotiated a new collective bargaining agreement with Fresh Del Monte that raised minimum wages by 19% and successfully resisted out-sourcing. The contract also provides for recognition of International Women's Day and new benefits for mothers nursing twins.

SITRABI is the largest private sector union in Guatemala with the best contract. In recent years it has faced two major rounds of violence (1999-2000, when its leadership had to flee the coun-



*Noe Ramirez, SITRABI General Secretary, and Selja Sandoval, SITRABI Executive Committee member, took a break from negotiations with Del Monte to meet with USLEAP Executive Director Stephen Coats at their offices in Morales, Guatemala in late April. (photo credit: NISGUA)*

try, and this past year). The union also faces long-term threats as national and international producers shift production from the unionized Atlantic coast to the non-union Pacific coast.

## **Bonita Refuses to Reinstate Union Leader in Ecuador**

Despite providing proof that Lester Freire was legally recognized by the government as the general secretary of the union at the time he was fired last year along with many other workers, Bonita has refused to reinstate him. In a February meeting in Ecuador with the Ecuadorian union FENACLE, COLSIBA, the International Union of Foodworkers, EUROBAN, and USLEAP, Bonita indicated it would be willing to consider reinstatement if the proper documentation was provided, leading to hopes of a breakthrough with the world's 4th largest banana company. These hopes have now been dashed.

Bonita has successfully resisted union organizing for over a decade but in recent years has become an active participant in the World Banana Forum,

taking on the cloak but not the actions of corporate social responsibility. USLEAP and EUROBAN (the European Banana Action Network) are conferring with FENACLE and COLSIBA regarding a strategic response.

## **New Videos on Flower Workers**

Just in time for Mother's Day, the Cactus Corporacion and International Labor Rights Forum re-released a series of YouTube videos on the flower sector in Colombia (in your web browser, just type in "YouTube flower worker").

Cactus reports that there has been no progress in addressing worker rights violations in the flower sector, despite it being one of the priority sectors for the Colombia Labor Action Plan.

Sixty percent of flowers sold in the U.S. come from Colombia, which employs nearly 100,000 workers, most of whom are women. Efforts to organize unions have been routinely smashed; at present, there are no independent unions in the Colombian flower sector with a collective bargaining agreement; three independent unions with contracts were lost in the past two years.

# Peru FTA Labor Promises Lag

More than four years after members of the U.S. Congress approved a free trade agreement with Peru on the condition that the government would address labor rights concerns, Peru's workers still lack the protection of a general labor code and hundreds of thousands work under "special" labor laws that sacrifice workers' right to organize in the name of cheap labor for exports.

In key export industries such as garments, textiles and agro-industry, Peruvian workers labor under laws that discourage the formation of unions through the use of temporary contracts—some as short as one month—that can be renewed indefinitely at the employer's discretion.

These short-term contracts keep workers in a constant state of fear that they will be fired or simply not rehired if they speak up about working conditions or support efforts to organize. Not surprisingly, wages and rates of union membership are among the lowest in the country in the export sectors where these contracts are common. Originally passed as short-term measures intended to jump-start export industries, they remain on the books decades later.

## Apparel Workers Stymied

A recent international, multi-stakeholder conference, held on March 20-21 in Lima, examined the effect of short-term employment contracts on working conditions in the country's garment and textile industry. The Peruvian garment and textile unions FNTTP and FTTP explained how the pervasive use of temporary contracts has greatly undermined their ability to organize workers and improve working conditions. The

law governing the textile and garment sector, Decree 22342, allows employers exporting "non-traditional products" to hire workers on temporary, renewable contracts. According to PLADES, a prominent Peruvian NGO that promotes labor rights, the number of textile and garment sector workers covered by 22342 has increased dramatically since the U.S.-Peru FTA was signed.

The conference was convened by the AFL-CIO's Solidarity Center, the Maquila Solidarity Network, the Inter-

national Textile Garment and Leather Workers Federation, and PLADES in conjunction with the unions. Participants included USLEAP, the International Labor Rights Forum, and the Worker Rights Consortium, as well as representatives from leading apparel brands, some of whom noted that pervasive use of short-term contracts violated their codes of conduct.

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below the minimum wage, half the normal vacation days, and fewer protections from arbitrary dismissal. Under this law, workers toil 12-18 hours a day in the fields planting and harvesting asparagus, peppers, and other products for export to the U.S., earning an average of just \$5 per day. Meanwhile, the large agribusiness firms that dominate this sector have reportedly grown enormously profitable, exporting over \$4 billion last year alone.

Despite the significant power and influence wielded by the export businesses that profit from these special labor laws, Peruvian workers and their allies are fighting back. There are several proposals before the Peruvian Congress that would eliminate both special labor regimes and place workers under other laws that provide greater benefits and job security. During his 2011 election campaign, President Ollanta Humala promised to abolish these special labor decrees, but his government has not yet taken any concrete action and faces an intense lobbying effort by the business sector to maintain the status quo.

Unions and worker rights supporters are also concerned that a draft General Labor Code put together by a nonpartisan group of experts could get bottled up in "consultative processes" and never see the light of day.

USLEAP and ILRF are working with the AFL-CIO to generate U.S. congressional support for these proposed law reforms in Peru, with the expectation that Peruvian unions could move to file a FTA labor complaint later this year. ©



Former USLEAP board member Laura Carter, Regional Secretary of the International Textile, Garment, and Leather Workers Federation, and Lynda Yanz, Executive Director of the Maquila Solidarity Network, flank Luis Vanegas of New Balance (speaking) and Julian Vargas, Grupo adidas, at a March forum in Lima, Peru to address abuses of subcontracting in the apparel sector. (photo credit: Maquila Solidarity Network)

national Textile Garment and Leather Workers Federation, and PLADES in conjunction with the unions. Participants included USLEAP, the International Labor Rights Forum, and the Worker Rights Consortium, as well as representatives from leading apparel brands, some of whom noted that pervasive use of short-term contracts violated their codes of conduct.

## Agro-Export Workers Too

Workers in Peru's booming agro-export industry face even greater challenges. The law governing the agro-export sector, Decree 27360, not only allows for the use of temporary contracts but also a rate of pay that is effectively

# ***Big Steps Backwards in Mexico: Johnson Controls Shuts Union Plant; Violence Forces Worker Center to Close***

Worker rights have suffered two serious blows in Puebla, Mexico with the closing of a Johnson Controls unionized autoparts plant in March and the June 1 announcement that the Workers Support Center (CAT) has been forced to close its office due to continued violence against its staff and the failure of the Mexican government to prosecute those responsible.

USLEAP has worked extensively with the CAT since its founding a decade ago and deeply laments the closing necessitated by continuing violence and impunity.

## **Closing of Johnson Controls**

In March, Milwaukee-based Johnson Controls closed its Resurrection/Interiors plant in Puebla where independent workers affiliated with the Mineworkers only a year ago won a collective bargaining agreement after throwing out a protection contract union. An international support campaign, led in Canada by the Maquila Solidarity Network, in the U.S. by USLEAP, and globally by the International Metalworkers Federation, along with the Steelworkers, Canadian Auto Workers and UAW, worked with the CAT, the Solidarity Center, and unions and NGOs in Mexico to support the Johnson Controls workers.

The workers overcame violent intimidation by thugs, collusion with the local labor board, and opposition from the company to win what was the only independent contract among Johnson's 20-odd plants in Mexico, a major achievement in a country where protection contracts have been highly successful in keeping out independent unions. Eighty percent of Mexican union members are reportedly affiliated to protection contract unions that are in bed with employers and local labor boards to deprive workers of their democratic rights.

The Mineworkers union and its supporters in Mexico and in the North denounced the closing, which the company told USLEAP was based solely on economic reasons and had nothing

and would be killed.

The kidnapping follows years of harassment and violent threats levied against the CAT. In December 2010, unknown persons robbed the CAT offices



*At its June 1, 2012 press conference, the Mexican human rights organization ProDESC announced that continuing violence against the CAT was forcing the CAT to close its offices in Puebla. (photo credit: ProDESC)*

to do with the fact that it was their only factory in Mexico with a democratic union. The union has requested, so far unsuccessfully, that the company open its books to justify its closing.

## **New Violence Against the CAT**

The failure of Mexican authorities to address years of violence and threats against the CAT opened the doors to a new episode of violence when José Enrique Morales Montaña was kidnapped on May 15, tortured and held for 12 hours, during which time his captors kept a gun pressed to his head for extended periods of time and threatened to kill him and other members of the CAT. Shortly after his release, CAT Executive Director Blanca Velásquez, who has received numerous death threats previously, received two text messages saying she would be next

and left written death threats scrawled on one of the walls. Since then, CAT members have been physically assaulted and have received death threats by email.

The harassment is believed to be in response to the CAT's work defending workers and confronting protection contract unions at transnational factories in Puebla, like Johnson Controls. Mr. Morales was on his way to support a group of textile workers at the time of his kidnapping. Other labor and human rights groups in the Puebla area are also under threat.

Local business leaders have also sought to intimidate the CAT, publicly accusing the CAT of hurting foreign investment, an inflammatory and dangerous charge.

In response to the violence, the

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