US Government Moves on First CAFTA Labor Complaint, on Guatemala

Over two years after the filing of the first labor complaint under CAFTA-DR (the Dominican Republic-Central America Free Trade Agreement), the US government has finally agreed to take formal action, against Guatemala. On July 30, the Obama Administration announced it had requested consultations with the government of Guatemala to address worker rights violations cited in the CAFTA labor complaint filed by the AFL-CIO and six Guatemalan trade unions in April 2008.

The AFL-CIO hailed the Obama Administration’s decision to seek consultations, contrasting it to the failure of the Bush Administration to act. The Guatemalan labor movement also voiced support for the US decision, with the Union, Indigenous and Peasant Movement of Guatemala (MSICG) expressing satisfaction and appreciation for “the initiative taken by our sister union organization, the AFL-CIO, and the U.S. government’s decision...” to move the process forward.

Repression and Resistance Remain Strong in Honduras

In the face of escalating violence, including police attacks in mid-September on marchers in the country’s second largest city, the national resistance in Honduras is pressing forward for a constituent assembly to rewrite the 1982 Constitution to grant more power to citizens. As of September 15, the National Popular Resistance Front (FNRP) reported that it had collected 1,270,000 signatures in support of the assembly, more than their goal of 1.25 million. The petition also calls on President Porfirio Lobo to welcome former president José Manuel Zelaya back from his exile in the Dominican Republic. Zelaya was ousted in a June 2009 coup.

On September 7, the FNRP held a “civic strike” and called it a preview to a national general strike the labor federations are planning if President Lobo does not increase the minimum wage. The business sector blocked the scheduled minimum wage increase in April, and negotiations between unions and businesses have failed. Lobo has the authority to change the wage but has failed to do so.

Violence against the resistance increased this summer, much of it directed at union members and journalists who have taken on leadership roles. The FNRP also voiced support for the US decision to seek consultations with the government of Guatemala.

On September 15, the 189th anniversary of Central America’s independence from Spain, more than 50,000 people, including many trade union members, marched peacefully in San Pedro Sula, Honduras’ second largest city, before police attacked them with teargas and batons. Photo credit: FLAN Honduras

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*Some organizations listed for identification only

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**Staff and Board Transitions**

**Staff**: We would like to welcome Rebecca Van Horn as our new Program Coordinator. Becca is a graduate of Bowdoin College in Maine, has worked as a community organizer with immigrant workers in Chicago through AVODAH (Jewish Service Corps), organized a student delegation to Peru, and interned in Washington, DC with the Guatemala Human Rights Commission USA. Welcome, Becca.

We were sad to say goodbye to Lupita Aguila who left this position at the end of July but happy that she left to assume the position of Executive Director of our sister organization Stitch, which USLEAP helped incubate over a decade ago. Congratulations, Lupita.

**Board**: We are pleased to welcome two new members to the board: Hector Sanchez, Executive Director of the Labor Council for Latin American Advancement (LCLAA), and Linda Gomaa, International Campaigns Coordinator for USAS (the United Students Against Sweatshops). Linda takes over the position following the departure of her predecessor Rod Palmquist, to whom we say thanks for his two years of service.

Finally, we bid farewell and say thanks to two other departing board members, Gabriel Camacho, Regional Director of Project Voice of the American Friends Service Committee, who joined the board in 2008 and resigned in August 2010 citing increased work responsibilities, and Stan Gacek who has moved to the US Department of Labor. Stan served on the board since the early 1990s, first in his capacity as Assistant Director of the International Affairs Department for the United Food and Commercial Workers Union (UFCW) and then with the AFL-CIO, first as Assistant Director of International Affairs and then as Associate Director of the International Department.

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**USLEAP Teams with DePaul University Students**

In an effort to strengthen meaningful collaborations in Chicago and the Midwest, USLEAP is partnering with a group of DePaul University graduate students from the Steans Center to conduct a survey of local and regional organizations whose mission and work overlap with our own. The students interview staff and research areas of our work that could be strengthened through building local alliances. After surveying the region, they identify and make suggestions for establishing mutually beneficial relationships with local partners.

Alliances are crucial to building an awareness of worker justice issues. They make visible the inherent connection of our work on economic inequities between the global North and South with organizations that address similar issues domestically. The root causes of these inequities are often the same. Fighting them effectively demands a multifaceted and dynamic approach. We believe that building a solid network of activists that represent both sides of the global equation is one such approach.

This project presents a wonderful opportunity for USLEAP to engage in new ways locally and to explore Chicago’s rich and diverse nonprofit landscape, In turn, the students contextualize their coursework through hands-on learning experiences. We are excited and look forward to watching this project unfold over the next few months.

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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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New Victory at Johnson Controls Follows Violence in Mexico

Workers at the Johnson Controls (JCI) Interiors plant in Mexico (also known as Resurrection) won a major victory on August 20 when the company agreed to reinstate two members of the Mineworkers Executive Committee who had been forced to resign, provide compensation for six beaten workers, and recognize the Mexican National Union on Mine and Metal Workers (SNTMMSRM) as the sole negotiator in collective bargaining. The agreement followed a month of national and international pressure in response to the company’s failure to implement a 2010 Memorial Day weekend settlement to disband the protection union COS, the Confederación de Organizaciones Sindicale. Workers throughout Mexico are denied their basic rights by protection contract unions that operate in collusion with employers and local labor boards to prevent the establishment of independent, democratic unions.

As reported in the summer 2010 newsletter, the conflict at Interiors began on May 24 when workers protested JCI’s alleged failure to adequately pay legally required profit sharing, with workers demanding recognition of the Mineworkers Union in place of the COS. Johnson agreed to negotiate with the Mineworkers following a three day strike and an international campaign, but failed to follow through. On August 16, thugs who were allowed to enter the plant beat and intimidated workers, including two members of the Mineworkers Executive Committee who were forced to sign resignation papers at gunpoint. Two people were hospitalized.

Following a four-day strike accompanied by national and international opposition to the violence, including a USLEAP action alert that generated hundreds of letters to Johnson Controls and the Mexican government, the company agreed on August 20 to officially recognize the Mineworkers Union with the local labor board to make it legal. The agreement went into effect on August 27.

Violent intimidation has also been used against CAT (the Centro de Apoyo al Trabajador), the local NGO that has been providing significant support to Johnson Controls workers at both plants in Puebla. On August 9, a group of unidentified men surrounded three CAT organizers, threatening CAT Executive Director Blanca Velasquez and warning retaliation if the group does not stop opposing CROM, the protection union at the nearby Johnson FINSA plant where workers have also been organizing, with little success given management opposition and the presence of the CROM.

Government Agrees to Negotiate

On July 26, the Mexican government entered negotiations with the Mexican Electrical Workers Union (SME) following a hunger strike of union leaders protesting the government’s liquidation last year of the Light and Power Company, firing 44,000 workers and disbanding the union.

Although the Mexican government also entered negotiations with Grupo Mexico and the Mexican Miners and Metal Workers Union (SNTMMRM), which went on strike on July 30, 2007, violence continues in the company’s Cananea copper mines. On June 6, 2010, national police attacked picketers and took over the mines. Mineworkers were able to regain control on August 10 when a federal judge ruled that the police had illegally evicted workers from the strike grounds.

Nonetheless, on September 7 some 300 unidentified people attacked striking miners at the Mexicana de Cananea facility. The strikers retreated to the union hall, only to face a mob of 600 thugs the following day. Officials within the Federal and State Security Secretariats, who have been stationed at the mine since June 6, stood by and allowed the violence. Nearby, Sonora State Police officers illegally and arbitrarily arrested 30 striking miners; the location of and charges filed against the workers were unknown at press time.

The hard-won victory at the Resurrection/Interiors plant provides motivation for national and international actors to continue to put pressure on the Mexican government and companies to respect the negotiating process with SME and SNTMMRM.
Assassinations of trade unionists in Colombia continues unabated in 2010, with over 30 reported killed as of early August, on a pace to exceed the 2009 level of 37 which, once again, led the world.

Nevertheless, the Obama Administration continues to indicate that it intends to secure approval of the controversial Colombia Free Trade Agreement (FTA), probably in the first part of 2011. The Administration is pushing first for a vote on the South Korea FTA, the first of three pending Bush-negotiated agreements, potentially during a “lame duck” session of Congress following the November elections. The Administration is moving forward with negotiations for its first FTA, the Trans-Pacific Partnership Agreement with Singapore, Chile, New Zealand, Brunei, Australia, Peru and Vietnam, hoping to conclude negotiations this year. The Citizens Trade Campaign is leading grassroots opposition to the Administration’s revival of a free trade agenda.

**DAS Scandal Unchecked**

Meanwhile, the scandal surrounding the Uribe administration’s use of the Colombian presidential intelligence agency DAS to conduct massive illegal surveillance of and play “dirty tricks” on Colombia human rights and labor leaders, judges, journalists and others continues with impunity. While an investigation has begun, no one has been convicted and held accountable and promises to disband the DAS have been unfulfilled. In June, the Latin America Working Group (LAWG) Education Fund, the US Office on Colombia and other groups produced a special report on the DAS scandal, “Far Worse than Watergate,” available on the LAWG website at www.lawg.org.

In an August 2010 letter to Secretary of State Hillary Clinton, leading US human rights groups on Latin America, including the Washington Office on Latin America and LAWG, identified ending intelligence abuses as one of five policy areas that the Obama Administration should encourage the new government of President Juan Manuel Santos, elected in late June, to address. Other areas of concern raised in the comprehensive policy letter are prosecuting those responsible for extrajudicial executions, dismantling paramilitary networks, returning land to internally-displaced persons, and establishing a safe climate for human rights defenders, including unions and worker rights advocacy groups like the Colectivo de Abogados “José Alvear Restrepo” and the Colombian Commission of Jurists.

**State Department Again Oks Human Rights Certification**

Foreign aid for Colombia, a.k.a. Plan Colombia, provides another arena to shape US policy towards the country. While the Administration’s proposal for fiscal year 2011 proposes an improved balance between security and economic...
Chiquita Workers Join Strike in Panama

Unions throughout Panama went on strike in July to protest a new law (Law 30) that would undermine fundamental rights, such as the right to strike and freedom of association. The law also criminalizes worker protests. Authorities repressed the strike, with six people killed and hundreds arrested in the ensuing violence. Union workers at Chiquita, which USLEAP contacted at the request of banana unions, joined the strike and reached a separate settlement with the government and the company ending the strike in Chiquita’s banana-growing Bocas region on July 12. The government agreed to suspend the law for at least 90 days while negotiations take place.

Meanwhile, banana unions in Central America are threatening a new campaign against Chiquita, citing problems in Guatemala and Honduras.

Dole Settlement in Honduras

A Honduran banana union has reportedly beaten back Dole’s threats in April to close a dozen plantations in the Aguan Valley that would have impacted 3,500 workers. In August, the union, Sutrasfco, and the company signed an agreement that will layoff “only” 360 workers and respect the current collective bargaining agreement.

Irish Banana Company: Problems in Honduras

Honduran banana workers unions and their supporters, including USLEAP, have targeted a melon plantation at the fifth largest banana company in the world, Fyffes, based in Ireland, for alleged violations, including non-payment of the minimum wage to seasonal workers. At press time, Fyffes said that it was attempting to address the concerns but had not yet done so to the unions’ satisfaction.

New Agreement at Flower Plantation in Colombia

One of Colombian flower workers most important victories was preserved when the union at the Fragancia plantation, formerly owned by Dole, signed a new agreement in early August that included a wage increase. USLEAP led US support work for the union, Untrafragancia, when it won its initial contract in July 2008. Dole sold its Latin American flower operations in 2009; the Nannetti Group bought Fragancia and other Dole plantations in Colombia, and has continued to honor Untrafragancia’s contract.

A Note of Thanks to USLEAP (you)

“On behalf of all of our members, we want to thank [USLEAP] for your valuable contribution to us and our partners in this time of need. Thank you for this support and solidarity. The funds will go toward buying food for workers in the fruit-processing sector who, having lost the plantation, are unable to work. The company [Del Monte] has begun rehabilitating the farms and they have reported that in some plants packing and production can resume in 2011. With your aid we are able to provide food for this group of approximately 600 workers.”

-Noe Ramirez
General Secretary, SITRABI
Guatemala, July 17, 2010

From a July 17, 2010 email thanking USLEAP for the $1000 raised on-line for SITRABI workers after many had lost their homes and possessions following the flooding of banana plantations in late May.
Major Test of CAFTA’s Labor Protections

The Guatemala complaint offers the first concrete test on the effectiveness of the labor conditions provided under CAFTA. While somewhat stronger than those provided under the North American Free Trade Agreement (NAFTA), USLEAP and others remain skeptical of the efficacy of the CAFTA labor protections and note that there has been virtually no progress on worker rights in Guatemala since the complaint was filed over two years ago, while violence against trade unionists has increased.

The Guatemala complaint uses a series of case studies to illustrate the Guatemalan government’s failure to investigate violations and enforce its labor laws as well as its failure to address impunity with respect to violence against Guatemalan trade unionists, which has grown dramatically since CAFTA went into effect. For 2009, the International Trade Union Confederation ranked Guatemala as the second most dangerous country in which to be a trade unionist, trailing only Colombia, with 16 murders reported last year, compared to none the year CAFTA was implemented in 2006. Another half dozen have been murdered as of mid-year 2010.

Violence Excluded from CAFTA Review(!)

Inexplicably, the US government has decided to treat violence against trade unionists separately from the CAFTA labor complaint procedure. In their letter to the Guatemalan government asking for consultations, Secretary of Labor Hilda Solis and US Trade Representative Ron Kirk state that the US government is “also” concerned about labor-related violence and that it will pursue this issue, but outside of the CAFTA complaint process. Prior to CAFTA, the US government unquestionably considered violence against trade unionists when reviewing trade benefits and worker rights.

The April 2008 CAFTA complaint was filed in the last year of the Bush Administration. Shortly before leaving office in early 2009, the Administration announced that the complaint had significant merit but left follow-up action to the Obama Administration. The AFL-CIO and Guatemalan unions subsequently provided the Obama Administration with new evidence of violations while pressing the Administration to request consultations, the next step provided for under CAFTA’s labor chapter. Instead, the Administration conducted “pre-consultations” with the Guatemalan government, to little effect, and has now moved to official consultations. If the consultations do not produce satisfactory results, the US government can move to a dispute settlement process this fall that could eventually yield a fine against the Guatemalan government that would be used for enforcement. Continued lack of progress could ultimately lead to a suspension of some trade benefits.

CAFTA vs. GSP

Critics of the CAFTA labor chapter, including USLEAP, have argued that it does not provide adequate protection for ensuring respect for worker rights and even represents a step back from the leverage provided for under trade programs like the Generalized System of Preferences (GSP) which applied prior to the implementation of CAFTA. Under GSP, standards are higher and penalties hit employers faster. Governments are required to move towards internationally-recognized worker rights standards and the sanctions are a loss of trade benefits that would directly impact the business class. Under CAFTA, governments are only required to enforce their own laws, no matter how paltry (and can even weaken their labor law, as Honduras is now proposing to do, without fear of sanctions), and the initial sanction is “self-fine” against the government that is moved from one government pocket to another.

Politics on Timing?

Some analysts see the Obama Administration’s decision to seek consultations now as an effort to ameliorate worker rights advocates, including US unions, opposed to the Administration’s effort to move forward long-pending Free Trade Agreements with Panama, South Korea, and Colombia. Congressional critics of the FTAs and labor chapters don’t seem to be ameliorated, however. While welcoming the Administration’s decision to enforce the labor chapter of CAFTA, key Congressional critics quickly gave notice that the labor protections included in CAFTA, and the somewhat improved protections in the newest round of trade agreements (Colombia, Panama, South Korea and, the only one implemented, Peru), remain inadequate.

Since violence against trade unionists is the primary political obstacle to congressional approval of the pending Colombia FTA, the decision by the Obama Administration to exclude this core issue from the CAFTA complaint process provides a new rationale for declaring FTA labor protections inadequate.

Second CAFTA Complaint Filed
Two Big Victories for Collegiate Apparel Workers in the Dominican Republic and Honduras

Workers producing for the US collegiate apparel market won two more important victories over the summer with the vigorous support of the student anti-sweatshop movement. In July, the United Students Against Sweatshops (USAS) and the Worker Rights Consortium (WRC) unveiled a new initiative that starting this fall gives students on college campuses across the country the opportunity to buy “sweatfree” collegiate apparel sewn at a union plant in the Dominican Republic where workers are paid a living wage and whose basic rights are respected. Wages are about three times the minimum wage, the prevailing wage in the maquiladora sector.

The 130-worker factory is owned by one of the leading collegiate apparel companies, Knight Apparel, which agreed to the initiative in response to student demands for “sweatfree” options on campus. Its expansion will depend in part on the commercial success on student campuses of the new “sweatfree” brand, Alta Gracia. The WRC, which investigates abuses in factories supplying the collegiate apparel market, is working closely with Knight Industries to monitor conditions at the factory.

USAS, WRC and anti-sweatshop groups, including USLEAP, have supported workers at this plant for years, dating back to 2003 when the factory was known as BJ&B and workers, affiliated with the FEDOTRAZONAS union, won a contract and improved conditions before the factory closed in 2007. Congratulations to USAS, the WRC and, especially, to the union SULTRALPRO (The Union of Workers of Altaragcia Project) for this major breakthrough. And thanks to Knight Industries for doing the right thing.

Nike Pays $1.5 Million to Honduran Workers

Also in July, the Central General de Trabajadores de Honduras (CGT) union in Honduras announced jointly with Nike that the company would pay $1.5 million owed to workers whose plants had shut down in January, 2009. Over 1,500 workers who lost their jobs at the Hugger and Vision Tex factories that supplied Nike have now been compensated. Workers are also receiving a year’s access to health care for their families, training and priority hiring at the Hugger and Vision Tex factories.

A campaign during the last school year by USAS supported by documentation from the WRC persuaded the University of Wisconsin and Cornell to end licensing agreements with Nike; Nike reportedly feared a renewed campaign this fall as students return to campuses. According to the WRC, this is “the best outcome that has been achieved in a case of unpaid severance in the supply chain of a major brand.”

See the WRC website (www.worker-rights.org) for more information on both victories, both of which were covered in The New York Times.

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A Note from the Development Associate

Hello All,

First, I’d like to acknowledge those who gave in response to our Labor Day e-blast. Thank you! As always, each contribution is appreciated and makes a difference in our work. Remember, you can sign up to receive our Action Alerts online, and donating is easy by visiting our website at www.USLEAP.org. These first weeks of September have been eventful. We welcomed our new Program Coordinator-- Rebecca Van Horn-- to our team! This month also marks 20 years of dedicated service from our Executive Director, Stephen Coats. Thank you, Stephen, for your leadership and your commitment to your work!

Heading into fall, several new projects are on the horizon. For the next few months we will be working with Sarah Newbanks, a Senior Marketing major at DePaul University who will be helping us with our social networking efforts. Sarah will be posting updates regularly to our Facebook page, and is helping us (read: me) become acclimated as we join the Twitter community. Follow us! Our handle is @USLEAP.

In fostering an online community, our aim is to increase the opportunity for interaction. Despite the daily saturation of information most of us face, our intent is not to add another voice—deafening—to the racket, but rather to create a forum where your thoughts can be heard.

I promise to be prudent in the amount of information posted. In turn, my hope is that those stories, causes, and events that most interest you will be given a voice, and an audience. Thank you for your belief in our work!

Best wishes,

Maria Demopoulos
Development Associate
September 16, 2010

P.S. Your financial support is needed this fall!
Honduras...

continued from front page

roles within the FNRP. On August 20, police reportedly attacked four leaders of the Association of Secondary Teachers of Honduras (COPEMH), beating, imprisoning, and prohibiting them from receiving medical care for more than 12 hours. Six days later, police and military troops attacked thousands of protestors outside the presidential palace in Tegucigalpa. Officials allegedly fired rifles into the crowd and beat protestors, injuring seriously four professors who were then denied medical treatment by the public hospital. On August 27, police and military personnel reportedly shot canisters of tear gas at protestors who had gathered in the National Pedagogical University. Those who attempted to leave were beaten and many were detained. Most protestors stayed inside the university in spite of the effects of the gas, the most severely affected being pregnant women and children.

On September 15, the 189th anniversary of Central America’s independence from Spain, more than 50,000 marchers, including many trade union members, faced brutal repression in San Pedro Sula, Honduras’ second largest city. Police began the attack by smashing windows and throwing teargas into opposition station Radio Uno, dragging out community leader Ernesto Bardales and breaking several of his limbs and teeth. Police indiscriminately beat non-violent marchers, street vendors, business people walking the streets, and a group of high schoolers playing in a drum and bugle corps, who were beaten and their instruments destroyed.

A teacher is surrounded by riot police during an August strike in Tegucigalpa, Honduras over wages. On August 26 and 27, police beat, arrested, and shot tear gas at thousands of protestors calling for the government to resume negotiations with the union, the Association of Secondary Teachers of Honduras (COPEMH), and return back wages. Photo Credit: Pulsemedia

Police also assaulted band members in Café Guancasco, an FNRP-affiliated ensemble performing at the “What Independence?” concert. Within ten minutes of the opening song, police stormed the stage, shooting tear gas and water canons at musicians and concertgoers alike while destroying thousands of dollars of musical equipment. One band member was brutally beaten in the head and hands.

Thirty-one people were arrested in San Pedro Sula—the charges unknown—and one elderly lottery ticket vendor died as a result of tear gas poisoning. At least one child remains in delicate condition, and many other adults and minors had to seek medical attention.

The motivation for the attack is indisputable: police shattered a statue of President Manuel Zelaya and burnt an FNRP flag.

US Must Act

Before the renewed violence, USLEAP colleague Dana Frank reported in her June 30 article “Crisis of Legitimacy in Honduras?” in The Nation, there had been at least 50 assassinations of opposition activists and more than 3,000 illegal detentions since the June 2009 coup, including 11 killings under Lobo’s reign.

Nevertheless, the Obama Administration continues to press other countries to recognize the Honduran government and has been virtually silent on systemic human rights abuses and violation of democratic law. Argentina, Brazil, Ecuador, Nicaragua and a number of other nations continue to refuse to recognize Honduras as a legitimate democratic state.

Members have Congress have called on the Administration to take a stand, with 27 members of the US House of Representatives sending a letter on the anniversary of the coup initiated by Rep. James McGovern (D-MA) and Rep. Jan Schakowsky (D-IL) to Secretary of State Hillary Clinton expressing their concern for human rights violations. On July 15, thirty-two solidarity organizations, including USLEAP, also submitted a letter to Secretary Clinton condemning the abuses.

In Loving Memory

USLEAP board and staff mourn the passing of long-time board member and scholar Henry J. (Hank) Frundt who died on September 16, 2010 after a courageous struggle against cancer. Hank, who authored several books on worker rights in Latin America, joined the board in its very early years, providing wisdom, knowledge, leadership, and much support for over 20 years, and served as the USLEAP Secretary-Treasurer for many years. I especially will miss him.

Stephen Coats
Executive Director