USLEAP, STITCH and the IUF met with SITRABI General Secretary Noe Ramirez, Executive Committee member Selda Sandoval, and COLSIBA Coordinator Iris Munigua (pictured above, from right to left) in a side meeting at the Word Banana Forum conference in Guayaquil, Ecuador on February 28, 2012 to gather information and demands regarding the recurring violence against the SITRABI union in Guatemala. USLEAP learned that Selda is at particular risk.

(Photo credit: USLEAP)

Violence Hits Del Monte Banana Union in Guatemala, Again

The slow-moving massacre of the largest private sector union in Guatemala took another life on February 5, 2012 when Miguel Angel González Ramírez, a member of the Izabal banana workers’ union, was shot while holding his son. Six other current or former members of the union, SITRABI, were murdered in 2011. No one has been arrested for any of these murders.

Inexplicably, on the same day that Mr. González was killed, the Guatemalan government informed SITRABI General Secretary Noe Ramirez that it was ending his 24-hour security protection that had been provided for the past several years.

Guatemalan unions are not only demanding the resumption of security protection for Noe Ramirez but also..

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Next Big Battle on Worker Protections in Trade Underway: New Agreement Will Set New Rules

Having secured passage of Bush-era Free Trade Agreements last year with Colombia, South Korea and Panama, the Obama Administration is moving vigorously on negotiations of its first trade and investment agreement, the Trans Pacific Partnership Agreement (TPP).

It will establish new rules for trade and investment impacting worker rights, health care, the environment, financial regulation, and consumers.

TPP is a proposed trade and investment agreement between the U.S., Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam. Japan, Mexico and Canada have also expressed interest in joining, further expanding the reach of whatever rules are negotiated under TPP.

In contrast to pledges by candidate Obama that his trade policy would..

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Annual Mother’s Day Card Fundraiser

Instead of getting the moms in your life chocolates or flowers again this year, think about making a donation in her name to support the rights of working mothers in Latin America! In exchange for a $25 donation for USLEAP’s work to support flower workers in Latin America, your mother will receive a card in the mail, with a personalized message from you inside.

Look for an online order form for USLEAP’s 5th annual Mother’s Day Card fundraiser to be posted on our website, www.usleap.org, by mid-April. For more information, contact Maria Demopoulos by email, mdemopoulos@usleap.org, or by phone, 773.262.6502.

Board Change, and Thanks

USLEAP welcomes USAS National Organizer George Robertson to the board. George steps in for Linda Gomaa, who shifted job responsibilities at USAS. Thanks for serving on the USLEAP board, Linda!

We also wish to thank a great team of part-time folks who keep USLEAP running, including Maria Demopoulos (fundraising), Anna Koob (production and design), Tara Mathur (interpretation), Morgan Nunan (technical support), and Rebecca Van Horn (program support).

Congress Reiterates Opposition to U.S. Policy in Honduras

In March, 94 members of the U.S. House of Representatives urged Secretary of State Hillary Clinton to suspend military and police aid to Honduras due to on-going human rights violations, some involving state security forces, and the failure of the Honduran government to investigate and prosecute perpetrators. The House letter, submitted on March 12, 2012, was initiated by Rep. Jan Schakowsky, D-IL and backed by U.S. unions, many of which signed a letter to House members urging their support.

U.S. unions signing the letter, which was organized by USLEAP, were the AFL-CIO, American Federation of Teachers, Communications Workers of America, International Association of Machinists, Labor Council for Latin American Advancement (LCLAA), Steelworkers, Teamsters, United Auto Workers, the United Food and Commercial Workers Union, and UNITE HERE, together representing nearly 15 million workers.

Six U.S. senators sent a March 5, 2012 letter initiated by Sen. Barbara Mikulski, D-MD, to Secretary Clinton also expressing strong concern about the human rights situation and pervasive impunity.

As noted in the Senate letter, Congress Reiterates Opposition to U.S. Policy in Honduras continues on page 8
Violence in Guatemala...

continued from front page

the expansion of protection to other members of the Executive Committee, including Selfa Sandoval, head of the women’s section. Ms. Sandoval has faced a series of threats over the past year, including anonymous phone calls, being chased by two men on a motorcycle in 2011, and being followed by a truck in January 2012. Ms. Sandoval speaks frequently on the local radio, chastising the company and other producers for violations of worker rights, women’s issues, and employers who fail to pay legally required social security and health insurance.

SITRABI is also calling for the investigation and prosecution of those responsible for the assassination of all seven members of the union who have been killed in the past year, as well as the 2007 murder of Noe Ramirez’s brother, Marco Tulio Ramirez, shot just steps from his home on a Del Monte banana plantation. SITRABI has also reported that Del Monte is not paying a new legal minimum wage for piece work not covered by the union contract.

USLEAP organized an action alert in February and has been engaging with both the U.S. and Guatemalan governments to support efforts to restore protection for Noe Ramirez, ensure protection for Selfa Sandoval and other SITRABI leaders, and investigate and prosecute those responsible.

In an email response to USLEAP from Del Monte, the company denied any responsibility for any of the murders and claimed it was paying the legal minimum wage in accordance with the law, although it expressed a willingness to secure a ruling from the Labor Ministry. USLEAP has called on Del Monte to join it in urging the Guatemalan government to investigate and prosecute the murderers, if it has no reason to fear the results. Take Action: See the USLEAP website for updates and the latest suggested action.

World Banana Conference Held in Latin America

Nearly 200 people representing banana unions, farmers, small and large producers, transnational banana companies, certification groups, European retailers, researchers, and activists gathered in Guayaquil, Ecuador at the end of February for the second international conference of the World Banana Forum. The conference was the first international banana conference to be held in a producer country; the first and second International Banana Conferences were held in Brussels in 1998 and 2004, while the founding of the World Banana Forum took place in Rome in 1999.

The mission of the World Banana Forum, which involves both the International Union of Foodworkers (IUF) and the Coordination of Latin American Banana Worker Unions (COLSIBA), is “to inspire collaboration between
be different, the Administration has proposed only modest improvements over the labor protections that currently exist in the Peru, Colombia, Panama and South Korea agreements. These agreements contain the most “advanced” worker protections in U.S. trade agreements. While they have not yet been tested (see Primer on page 5), worker rights advocates including USLEAP believe they are short of what is needed to be sufficiently effective.

Limited step on worker protections?

Details of the Administration labor proposal are not known to the public because the TPP negotiations are being conducted in secrecy, despite calls from a wide range of civil society for transparency. However, news reports quote sources saying the U.S-backed labor proposal would expand current protections to require countries to discourage the importation of goods made by forced or child labor and to have and enforce labor laws on working conditions, e.g. minimum wage, hours, and occupational health and safety. Worker rights advocates welcomed the improvements but consider them fairly modest as most TPP countries already have laws on working conditions while the proposal on forced and child labor would not alter current U.S. law.

Even so, Republicans and big business have made clear that they are strongly opposed to any improvement of labor protections in trade agreements beyond those which are contained in the most recent agreements, e.g. Peru.

Trade unions from countries involved in the negotiations put forth a proposal that would have expanded the rights covered to specifically reference ILO conventions, added protections for the rights of migrant workers, established a more expeditious dispute settlement process, and set up offices to monitor compliance.

In any case, the publicly available information about the TPP reveals that it won’t provide a genuine alternative to the basic economic liberalization model that has governed the global economy accompanied by the mantra of “free” trade. International unions and other civil society groups are expressing growing concern over the potential impact of the TPP.

Following the latest round of negotiations in March, the International Trade Union Confederation stated, “it was clear from discussions held with negotiators that a strong outcome on labour issues is a low priority for negotiating countries despite evidence that agreements such as the TPP increase income inequality and undermine working conditions unless strong labour rights are enforced. The opposition to enforcement provisions stands in stark contrast to the sometimes draconian provisions likely in other parts of the agreement that will almost certainly be at the expense of workers in the TPP countries.”

“Fast Track” Back on Track?

In preparation for bringing the TPP to Congress for a vote, possibly next year, the Administration has begun pushing for renewal of “fast track” authority, under which Congress is permitted only to vote up or down on a proposed agreement, without amendments. Without “fast track,” which expired in 2007, trade agreements would likely get buried in Congress.

Corporate Social Responsibility and Worker Rights in FTAs

An initiative by the Maquila Solidarity Network (MSN) and USLEAP has so far failed to persuade leading apparel brands to take a stand for worker rights in Guatemala by publicly backing the Guatemala CAFTA labor complaint (see p. 3). At presstime, several brands said that the request remained under consideration, which was initially raised by MSN in the fall of 2011. USLEAP believes that it is hypocritical for companies considered leaders in corporate social responsibility to rely only on their private codes of conduct for fair treatment of workers in their supply chains while failing to back enforceable worker rights provisions in trade agreements.

Protestors in Australia draw attention in March to another round of negotiations for the Trans-Pacific Partnership Trade Agreement. (Photo credit: Public Citizen)
**Primer on Worker Rights Protections in Trade Agreements With Latin America: 1.0, 2.0, and 3.0**

USLEAP believes that a critical condition for achieving sustainable advances for worker rights in Latin America is the inclusion of enforceable, effective worker rights in international trade and other agreements. Such provisions are also critical for U.S. workers who in a global economy will face a never-ending race to the bottom in the absence of workers abroad being able to organize to raise wages and improve working conditions.

Latin America has become a key testing ground for labor provisions in U.S. trade agreements, having seen a modest but potentially important progression in the labor provisions of the North American Free Trade Agreement (NAFTA, implemented in 1994), the Central American Free Trade Agreement (CAFTA, which also includes the Dominican Republic, implemented in 2006-07), and a new set of Bush-era agreements with Peru (implemented in 2009), Panama and Colombia, the latter two passed in October 2011 but not yet in effect.

**NAFTA: 1.0**

NAFTA’s labor protections [1.0] are contained in a “side agreement,” require adherence only to domestic law, and effectively limit remedies for violations to fines against the offending government. Violations subject to sanction are limited to violations of child labor, minimum wage and health and safety violations; sanctions are not available for violations of core worker rights like freedom of association and the right to collective bargaining. No sanctions have ever been imposed under this regime.

**CAFTA: 2.0**

CAFTA’s labor protections [2.0] are incorporated into the text of the agreement, an advance over NAFTA, but CAFTA, like NAFTA, only requires adherence to domestic labor law, no matter how short of international standards it may fall. Sanctions are no longer limited to child labor, minimum wage and health and safety violations, but violations of worker rights are treated as less important than violations of, say, intellectual property rights. The ultimate sanction for violations of worker (and environmental) rights is a fine, while other violations can result in the more stringent penalty of lost trade benefits. The fine would be paid by the offending government, to be used, most likely, for improved labor law enforcement. Again, no sanctions have been imposed under this regime.

**Peru, Panama, Colombia: 3.0**

A third incarnation of labor protections [3.0] is incorporated into the four agreements (Colombia, Panama, South Korea, and Peru), subject to a May 2007 accord between the Bush Administration and Congressional Democrats. The May 2007 accord on labor protections is a significant advance over CAFTA and NAFTA because it requires compliance with international standards (specifically, the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work), adds discrimination to the list of protected worker rights, and provides equal treatment in terms of dispute resolution and remedies, i.e. violations of worker rights are subject to the same sanctions and procedure as violations of intellectual property rights, e.g. subject to loss of trade benefits. Offending governments have latitude to opt for a fine instead.

The basic process is the same for all: a party (normally a union) files a labor complaint. If it is found to have sufficient merit, the complaint is investigated, and then the governments seek a resolution of any identified violations. If concerns are not resolved according to the satisfaction of the government that received the complaint, it can request formal consultations with the offending government. If consultations are unsatisfactory, the next step is to convene an arbitral panel that could impose a sanction depending on the agreement and the violation, a fine, or a suspension of trade benefits equivalent to the assessed damage of the violence.

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**Thank Yous**

We are very grateful for the continued support of the hundreds of individuals who continue to provide the bulk of USLEAP’s financial support. We are pleased (and somewhat surprised) to report that despite the tough economic time, individual income in 2011 kept pace with 2010.

We also wish to take this opportunity to thank the foundations and unions who made it possible for USLEAP to carry out its work in 2011, including:

21st Century ILGWU Heritage Fund
International Union of Foodworkers
International Brotherhood of Teamsters
Landau Family Foundation
New Society Fund
Rothschild Foundation
SEIU
United Auto Workers
UNITE HERE
stakeholders that produces pragmatic outcomes for the betterment of the banana industry, and to achieve an industry-wide consensus of best practices regarding workplace issues, gender equity, environmental impact, sustainable production and economic issues.

The World Banana Forum (WBF) has provided a useful space for social dialogue, the establishment of expectations of acceptable behavior by companies, and documentation and reports (e.g. wage studies). But in terms of achieving fundamental advances for workers, many workers and even some business representatives have expressed concern at the pace of progress, with a notable speech from Magne Svarthbek from the Norwegian retailer BAMA arguing that it would only take a “simple” and very modest change in reallocating profits in the banana chain to ensure that workers earn a decent living.

At one, somewhat superficial level, there is progress of a sort. Virtually no companies were present at the first banana conference in 1998; at the conference in Ecuador, Chiquita turned out with eight representatives and Dole with four. Bonita and Fyffes were also present, and all four companies have been active in the WBF Steering Committee. Of the top five banana companies in the world, only Del Monte is absent, having suspended participation after the 2009 founding of the WBF.

Women’s Forum, Too

Prior to the conference, COLSIBA women organized a two-day forum for Latin American women trade unionists in the banana sector with selected outside guests, with STITCH Executive Director Lupita Aguila Aguilar serving as the North American representative.

Reports from the women’s conference, as well as other reports and studies presented at the WBF conference, will be posted on the WBF website and accessible to the public at www.fao.org/wbf.

International Flower Workers Day...

issue in the Labor Action Plan agreed to by both governments in April 2011 (see p. 8). The Labor Action Plan cited the flower sector as needing priority attention. USLEAP is working with Cactus to conduct a survey that will assess what progress has been made in reducing employer practices that use non-permanent workers in order to skirt labor law obligations while also making it nearly impossible for workers to organize unions.

One tactic used by employers in the flower sector, as well as others, is to create “co-operatives” under which workers are essentially treated as self-employed.

The flower workers have been supported in Colombia by the House of Flower Workers and Colombia’s largest union organization, the CUT.
New Website Focuses on Worker Rights in Mexico

The Tri-National Solidarity Alliance launched a new website, www.trinationalsolidarity.org, in early 2012 to give more visibility and support to struggles for worker justice in Mexico. The Alliance is comprised of unions and worker rights groups in Canada, Mexico and the U.S., with key leadership provided by the United Electrical Workers (UE), the International Metalworkers Federation, the AFL-CIO’s Solidarity Center, Autoworkers in Canada and the U.S., Steelworkers and the Maquila Solidarity Network, among others.

The Alliance reflects partnerships that have developed in part as a response to the North American Free Trade Agreement (NAFTA), which increased the integration of the U.S., Canadian, and Mexican economies and the need for strengthened labor solidarity. The Steelworkers, for example, are building a close alliance with the Mineworkers union in Mexico, with a goal of eventually forming a united union that represents workers in their sector in all three countries.

Members of the Tri-National Alliance, including USLEAP, are supporting a new NAFTA labor complaint filed in November by the Mexican Electrical Workers Union (SME), although the NAFTA labor complaint process has generally been ineffective in addressing worker rights violations. The U.S. and Canadian governments have accepted the SME complaint and begun an investigation, over the objections of the Mexican government.

International Flower Workers Day Fingers Nannetti Group in Colombia

Each year, Colombian flower workers turn Valentine’s Day into International Flower Workers Day in order to educate consumers on the conditions they face and ask for international support. Ninety percent of Colombia’s flower exports are shipped to the U.S. At the request of the Colombian human rights NGO Cactus Corporación, which has been supporting flower workers in Colombia for over a decade, USLEAP prepared and distributed an action alert in February; similar alerts were sent out by the International Labor Rights Forum, the Latin America Working Group, and the Washington Office on Latin America.

Cactus put a specific spotlight on the thousands of flower workers who are still owed backwages and severance pay more than a year after they lost their jobs when the Nannetti group closed some plantations and scaled back at others. Workers at the Nannetti’s Splendor plantation were able to win their legally-required pay in June 2011, but it took 200 days of round-the-clock protesters; thousands of workers at other plantations remain unpaid.

The Nannetti group took over the Dole flower operations in Colombia in 2009. After initially honoring the collective bargaining agreements won in 2008 at two plantations (Splendor and Fragancia), with the support of USLEAP, the Nannetti group and its Floramerica company rolled back workers’ gains in late 2010, busted the unions, and even brought in thugs to beat up protesting workers.

Precarious Work

The alert, aimed at the Colombian Labor Minister Rafael Pardo, also highlighted the growing use of temporary and contract labor in Colombia, a key

continues on page 6
Murders of Colombian Trade Unionists Drop 40% in 2011

The number of trade unionists murdered in Colombia in 2011 fell to the lowest level in 25 years. While Colombia remains more deadly than any other country for trade unionists and will retain its rank as number one in 2011, the sharp drop of 40% in murdered trade unionists from 51 in 2010 to 29 in 2011 is a welcome reduction. Unfortunately, 2012 is off to a bad start, with nine unionists reportedly murdered as of early March, a pace that would return Colombia back to the level of 2010.

Colombia Free Trade Agreement Still Not In Place

The U.S. and Colombian governments continue to deal with “technical issues” that must be addressed before the Colombia Free Trade Agreement (FTA), passed by the U.S. Congress in October 2011, can be implemented. Resolving technical issues has delayed implementation of previous trade agreements as long as a year or more after passage (e.g. the Peru FTA). Some observers predict that the Obama Administration will delay implementation of the Colombia FTA until after the November elections to avoid further antagonizing U.S. unions angry about the Administration’s support for the agreement without first securing significant advances for worker rights in Colombia.

USLEAP and other worker rights advocates believe that once the FTA “enters into force,” a primary incentive for the Colombian government to improve worker rights will evaporate, making this pre-implementation period a crucial last window of opportunity to achieve at least some progress on worker rights.

Labor Plan One Year Old

April 2012 will mark the one-year anniversary since the signing of the controversial Labor Action Plan that paved the way for subsequent Congressional passage of the agreement last fall.

Colombian and U.S. lawmakers who are monitoring implementation of the Labor Action Plan will use the one-year marker as an opportunity to do a full assessment of the degree to which the Colombian government has implemented the letter, and the spirit, of the agreement.

The monitoring body in the U.S. House of Representatives is chaired by Democratic Leader Nancy Pelosi, while the Colombian lawmakers group is chaired by Sen. Camilo Romero. The Colombia committee intends to hold hearings in Colombia at the end of April to evaluate progress to date.

As part of its contribution to assessing compliance with the Labor Action Plan, USLEAP has contracted a Colombian NGO to undertake a legal analysis of the effectiveness of one key element of the Labor Action Plan, an amendment to the Criminal Code intended to criminalize anti-union behavior.

Honduras...

continued from page 2

gress established human rights conditions in the 2012 appropriations bill approved at the end of 2011, conditioning 20% of U.S. aid on State Department certification that the Honduran government is making progress in addressing impunity and human rights violations.

The human rights situation has deteriorated in Honduras since the 2009 coup that threw out democratically-elected President Manuel Zelaya and the post-coup election, boycotted by the resistance, that elected Porfirio Lobo as president. In a January 26, 2012 New York Times op-ed, “In Honduras, a Mess Made in the U.S.,” USLEAP board member Dana Frank castigated the Obama Administration’s failure to oppose the coup and post-coup election and wrote how these events have opened the door to corruption, violence, and rampant impunity in the face of on-going human rights violations, including more than 300 people killed by state security forces and 34 members of the opposition killed or disappeared since the coup.

USLEAP Statement on Fair Trade and Worker Rights

USLEAP issued a statement in February 2012 urging Fair Trade organizations to do more to address the concerns of trade unions and workers with respect to Fair Trade-certification of producers who employ workers, e.g. on banana and flower plantations in Latin America. The statement is available on the USLEAP website or upon request from the office.

Fair Trade was founded to address the needs of small-scale coffee farmers at the mercy of the global market, but in the last decade it has expanded to include not only other products from disadvantaged producers, but also plantations in the banana, flower and tea sectors, among others. In the fall of 2011, Fair Trade USA (FTUSA) announced that it would leave the “parent” global body Fairtrade International (FLO) in part because of its refusal to extend certification to coffee plantations. USLEAP opposes the extension of Fair Trade certification to coffee plantations until long-standing worker rights issues are adequately addressed.

As previously reported, FLO and FTUSA are considering improvements in their worker rights standards and practices.

The FLO board is expected at a mid-March meeting to consider a set of reforms that have been developed jointly with labor unions, including the International Union of Foodworkers and the International Textile, Garment, and Leather Workers Federation. The draft recommendations, if adopted, would represent a significant advance forward, although additional issues would remain and implementation remains key.

USLEAP, the International Labor Rights Forum and others are pressuring FTUSA to, at a minimum, adopt similar changes. At presstime, FTUSA had not yet revealed what changes it intends to make.

Separately, many Fair Trade activists want to return to the original mission of Fair Trade and avoid altogether the “hired labor” model that employs dozens or even hundreds of workers.