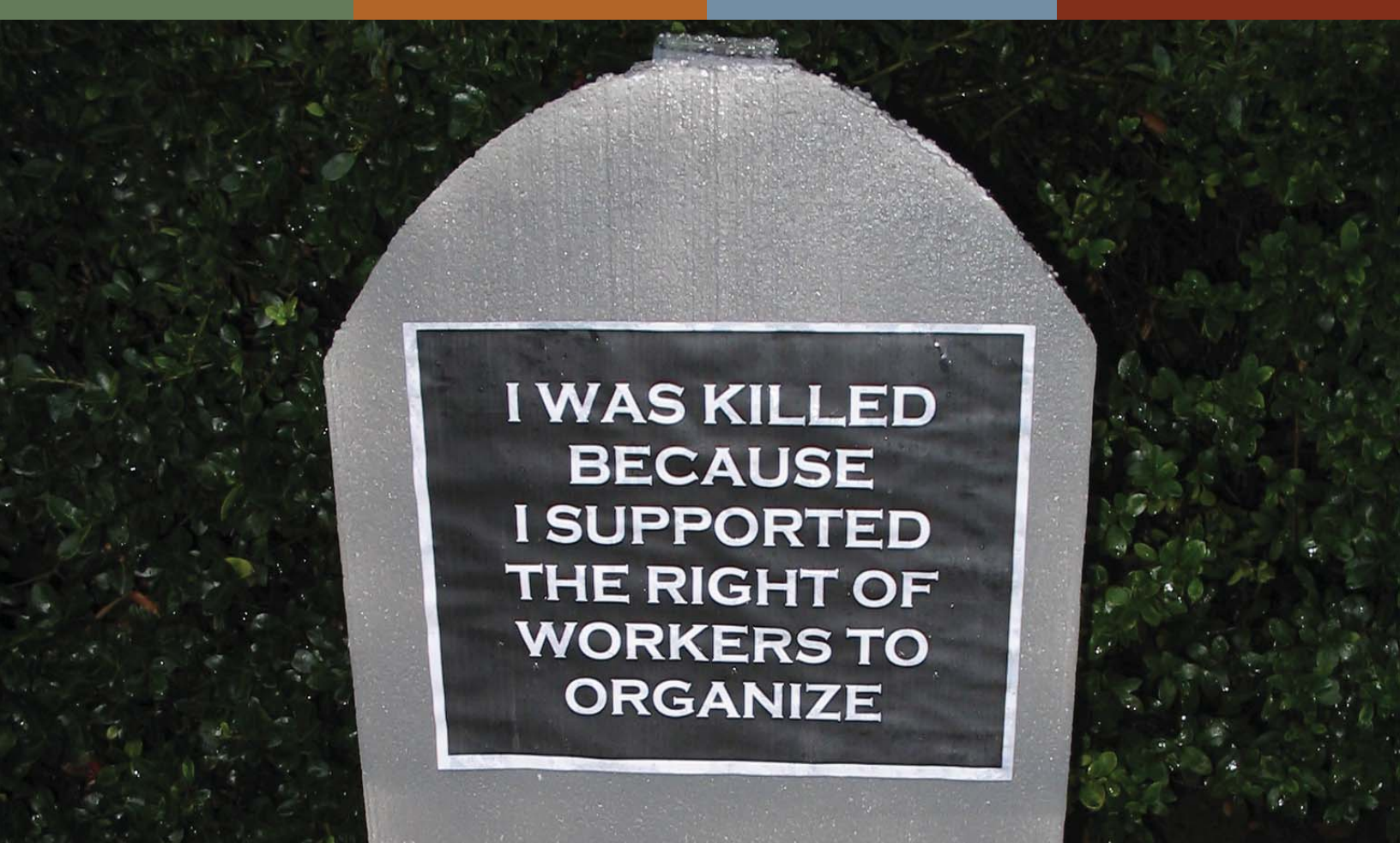




Working for Scrooge:

5 Worst Companies for the Right to Associate



December 10, 2008

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Introduction

“Everyone has the right to form and to join trade unions for the protection of his interests.”

-Universal Declaration of Human Rights,
Article 23, Section 4

Sixty years ago today, the United Nations adopted the Universal Declaration of Human Rights. In addition to affirming a range of universal rights for workers, the Declaration recognizes the right of workers to form and join trade unions. As people around the world celebrate International Human Rights Day, workers continue to see their right to organize denied. Intimidation, mistreatment and violence against trade unionists continue to be common tactics of major multinational corporations, who protect their profits at the expense of workers' fundamental human rights. From spreading anti-union propaganda among workers, to firing labor rights advocates and hiring strike-breakers, to using threats or actual violence, companies around the world use a range of tactics to deny workers their right to a union. In fact, in its recently released survey of violations of trade union rights, the International Trade Union Confederation reports at least 91 unionists were killed globally as a result of their organizing efforts in 2007.¹

Working to protect the rights of trade unions, the International Labor Rights Forum's "Working for Scrooge" highlights corporations known for violating workers' freedom of association and right to organize. Selected on the basis of their ties to violence against trade unions and suppression of the universal right to organize, this year's top offenders include:

- **Nestlé**
- **Dole**
- **Del Monte**
- **Russell/Fruit of the Loom**
- **Wal-Mart**

Find out why they made the list and help to protect workers' rights worldwide!



Nestlé

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Background

A household name for many US consumers, Nestlé's promise of "good food good life" hides a dark history of human rights violations and worker abuses. For years, the corporation has been accused of ties to violence against trade unions and harsh repression of freedom of association. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) reports that 14% of all complaints from their unions in Latin America are related to Nestlé.² A long list of trade unionists' deaths marks the multinational giant's impact in countries including Colombia and the Philippines.

Violations

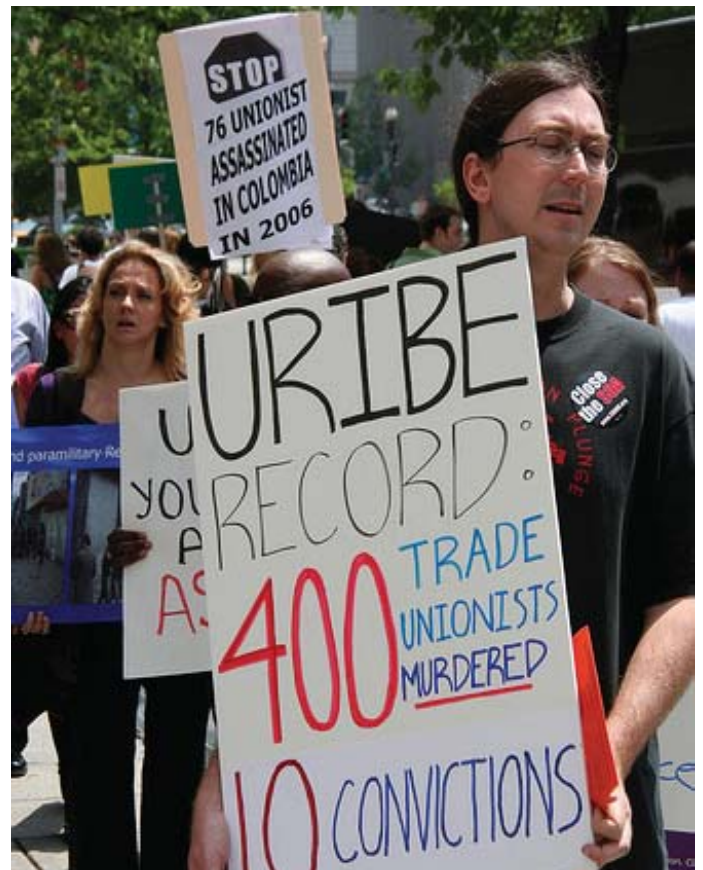
PHILIPPINES

As recently as 2005, trade union leader Diasdado "Ka Fort" Fortuna was shot down by unidentified gunmen on his way home from a picket line at the Nestlé Cabuyao factory.³ He became president of the factory's union when his predecessor was similarly assassinated by suspected paramilitaries. At the time of the murder, Fortuna's union was on strike and preparing for a large march scheduled for the next month. In 2002, Nestlé workers who were sleeping on the same picket line were beaten by police officers in front of the factory.⁴ Fortuna's house was under surveillance by unidentified individuals for months. Fortuna's wife, who is left to raise their three children, claims that "[Her] husband has no other

enemy except Nestlé management."⁵ The Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) who have both been accused of targeting human rights advocates for attacks, both have permanent barracks within the Nestlé Cabuyao factory compound.

In 2008, Remegio Saladero, a lawyer for the public interest law firm Pro-Labor Legal Assistance Center (PLACE) which represents Nestlé workers among other labor rights advocates, disappeared. It was later discovered that he was being held on trumped up charges. PLACE and Nestlé union leaders have also reported being under surveillance.⁶

Nestlé workers in Laguna were forcibly dispersed by security guards while protesting in April of 2007.⁷ It is a common practice for Nestlé workers in the Philippines who are active in unions to be laid off and replaced by non-regular contractual workers who are prohibited from joining unions.⁸



COLOMBIA

Sindicato Nacional de Trabajadores de la Industria de Alimentos (SINALTRAINAL) member José Jesús Marín Vargas was murdered on November 22, 2007. He worked at a factory owned by a branch of Nestlé and was killed on his way home from work.

In September 2005, SINALTRAINAL leader Luciano Enrique Romero Molina was stabbed 40 times and died. Molina had worked for Nestlé, but was fired when he helped lead a strike to improve working conditions. During the strikes, workers reported an increase in death threats from paramilitary groups.⁹

PERU

David Rázuri Olano, a leader of the Sindicato Unico de Trabajadores, was fired on June 14, 2007 after publicly criticizing Nestlé for failing to meet commitments in the collective bargaining agreement signed with the union.¹⁰

OTHER

Workers at a Nestlé factory in Russia were cut off from the company's e-mail system when they informed union members about an upcoming information picket about wage negotiations with the company. Managers also threatened to transfer or dismiss union members, close down organized departments of the factory and even tried to make workers take a survey of their political beliefs as a form of intimidation. The company's actions led the IUF to file a complaint with the OECD in February 2008.¹¹ The workers eventually won an improved contract in June 2008.

In Pakistan, it took numerous court orders for Nestlé to validate union elections and reinstate the union leader of Nestlé Milkpak, Mohammed Hussein Bhatti, who had been dismissed after being democratically elected union as the union president.¹²

TAKE ACTION!

- Contact Nestlé to demand that they ensure fair working conditions and respect labor rights throughout all of their suppliers.

For more information:

- Visit the Nestlé Watch website (operated by the IUF): <http://www.iuf.org/cms/>
- Visit the Nestlé Critics website: <http://www.nestlecritics.org/>

Dole Food Company



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Background

As the world's largest producer and marketer of fresh fruit,¹³ Dole operates in over 90 countries and manages some 45,000 employees. The company's most expansive project is in pineapple production, which spans from Ecuador to the Philippines. Unfortunately, it is no coincidence that only 2% of pineapple workers are unionized. Due to threats against trade unionists and the mistreatment of workers seeking to organize, Dole has the fewest trade unions in Latin America.¹⁴ The company has been accused of ties with military violence against trade unionists, with instances of killings and disappearances of union leaders.

Violations

PHILIPPINES

Dole's labor rights abuses are especially prevalent in the Philippines, where trade unions are labeled as "enemies of the state." Allegations against Dole in the Philippines include systematic harassment of trade unionists as well as false arrests of union leaders. In one case, Dole Philippines unjustly charged a union leader with libel for comments he made at a union rally about Dole's pollution.¹⁵ This occurred during contract negotiations in 2006 as a tactic to weaken the union's position at the bargaining table. Not only was he arrested and held by the police for eight hours, but he has continued to be threatened by management years later. The democratically elected trade union representing Dole workers have also alleged that workers have been fired or suspended in retaliation for their union activity.¹⁶

Recently, Dole and the Armed Forces of the Philippines have collaborated on anti-union propaganda programs at the same Dole Polomolok Cannery. Innocent members of the union were forced to attend "symposiums" during work where every member was accused of being part of the New People's Army, targeted as a terrorist organization by the Filipino government, because of their union affiliation.¹⁷ These intimidation tactics are a clear violation of freedom of association and an effort to weaken the democratically, independent union.

In most cases, Dole avoids compliance with labor rights standards altogether by hiring contracted labor. Contract workers are not allowed the right to organize and consequently have lower wages, job-insecurity and no social benefits.¹⁸ Since about 77% of the company's workforce is some form of contract or outsourced labor, Dole is able to evade its duties to protect the majority of its workforce.¹⁹ Even though Dole is required by Filipino law to regularize contracted workers after six months, the company avoids this responsibility as well. In most circumstances, contracted workers remain stuck in this unjust arrangement for years.



COSTA RICA

For the small percentage of workers with union membership, mistreatment and harassment is common. In May of last year, workers at Piña Frut, S.A. in Costa Rica, a major supplier to Dole, were laid off with the promise that they would be re-hired with increased benefits. However, following this massive layoff, union members were not allowed to be re-hired unless they dropped their union membership. While some union members were forced from their homes on company property, others were only rehired as temporary workers – taking away their ability to join a union.

COLOMBIA

The Sintrasplendor union, an affiliate of Untraflores, was formed by workers at one of Dole's plantations, Splendor Flowers, in November 2004. Despite Dole's

vigorous anti-union campaign, the union received its legal registration in March 2005, becoming the first democratic union to receive legal recognition on a Dole flower plantation in Colombia. However, in October 2006, Dole announced that it would close the larger farm (El Corzo) at Splendor Flowers, where union representation was strongest. In May 2007, at the insistence of the Ministry of Social Protection, Dole began collective bargaining negotiations with the workers at the smaller farm at Splendor Flowers (El Rosal). Despite Dole's resistance, the union signed a new contract with the company with significant improvements in June 2008. It is yet to be seen whether Dole will fairly enforce these gains and allow workers in other facilities to freely organize.

TAKE ACTION!

- Contact Dole, to demand that they ensure fair working conditions and respect labor rights throughout all of their suppliers.

For more information:

- See ILRF's report "The Sour Taste of Pineapples" here:
<http://www.laborrights.org/creating-a-sweatfree-world/resources/1758>
- See the report "Dole: Behind the Smokescreen":
<http://www.iufdocuments.org/www/documents/DoleReport-e.pdf>
- Banana Link: www.bananalink.org.uk
- US Labor Education in the Americas Project (USLEAP): www.usleap.org
- ILRF Fairness in Flowers Campaign:
<http://www.laborrights.org/creating-a-sweatfree-world/fairness-in-flowers-0>



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Background

A second offender in the production of fruit is Del Monte. Currently the world's third largest producer of bananas, the corporation has operations spread across Latin America. Similar to Dole, a primary competitor, Del Monte has been tied to a number of atrocities committed against its employees. Along with illegal firings and wrongful plantation closures, violence and intimidation have become frequent tactics to scare off unions.

Violations

GUATEMALA

Attacks on banana workers in Guatemala have contributed to making the country one of the most dangerous places in the world for union organizing. On September 23, 2007, SITRABI union leader Marco Tulio Ramírez Portela was assassinated by masked gunmen.²⁰ He was a prominent union member of the Bandegua banana plantation, a subsidiary of Del Monte Produce. Ramírez's brother, Noé Antonio Ramírez Portela, was the union's General Secretary and was harassed and put under surveillance following Marco's murder. Several months before Marco's

murder, soldiers from the Guatemalan army entered the union office and demanded a list of the names of union leaders.²¹

The violent attacks on SITRABI members have continued including the murder of Carlos Enrique Cruz Hernandez on April 29, 2008. Cruz Hernandez was also employed by the Del Monte subsidiary in Guatemala and a union member. Just days before Cruz Hernandez's murder, Guatemalan labor advocates met with the Minister of the Interior regarding death threats made against another union member.²² SITRABI members have also reported that people on motorbikes fire weapons while riding throughout the banana plantations owned by the Del Monte subsidiary which contributes to an atmosphere of intimidation and fear.²³

PHILIPPINES

Del Monte employs similar tactics to Dole on its pineapple plantations in the Philippines. Del Monte worked with a farmers' cooperative called CIARBA, but never signed a written contract with the cooperative. The company reneged on its promise to hire cooperatives members as workers by only hiring one member as a permanent worker.

Human Rights Watch has noted similar anti-union activities on banana plantations in Ecuador producing for Del Monte.²⁴



TAKE ACTION!

- Contact Del Monte, to demand that they ensure fair working conditions and respect labor rights throughout all of their suppliers.

For more information:

- See ILRF's report "The Sour Taste of Pineapples" here: <http://www.laborrights.org/creating-a-sweatfree-world/resources/1758>
- For information on worker rights in Latin America, please visit USLEAP (www.usleap.org) and STITCH (<http://stitchonline.org>)
- Send an e-mail calling for the end of impunity for violence against trade unionists in Guatemala here: http://salsa.democracyinaction.org/o/1618/t/2586/campaign.jsp?campaign_KEY=25169

Russell Corporation



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Background

Russell Corporation is an apparel company based in Atlanta that is a subsidiary of Fruit of the Loom, Inc. Many labor rights abuses have been reported at a factory owned and operated by Russell in Honduras for the manufacture of collegiate licensed apparel.

Violations

HONDURAS

The Jerzees de Honduras factory, which supplies to Russell Corporation, has recently been under attack for its rejection of freedom of association. In addition to numerous layoffs of union members, workers have reported anti-union threats from supervisors and management. Just last month, after the company reached an impasse in negotiations with the union, Russell announced that it would be closing the factory. Although management claims that the factory is being closed due to economic reasons, workers say otherwise. The possibility of a collective agreement was especially significant in that it was the first opportunity for some sort of negotiation with union members. Extensive research by the Worker Rights Consortium (WRC) provides evidence that the plant's closure was in retaliation for recent union activities. In fact, the WRC reported some 70 instances of threats to workers, from the time of associational activities (March 2007) up until the announcement of a closure. One worker claimed that a supervisor had warned, "This factory is going to close because of the union...The workers wilstarve because they got involved with the union."²⁵

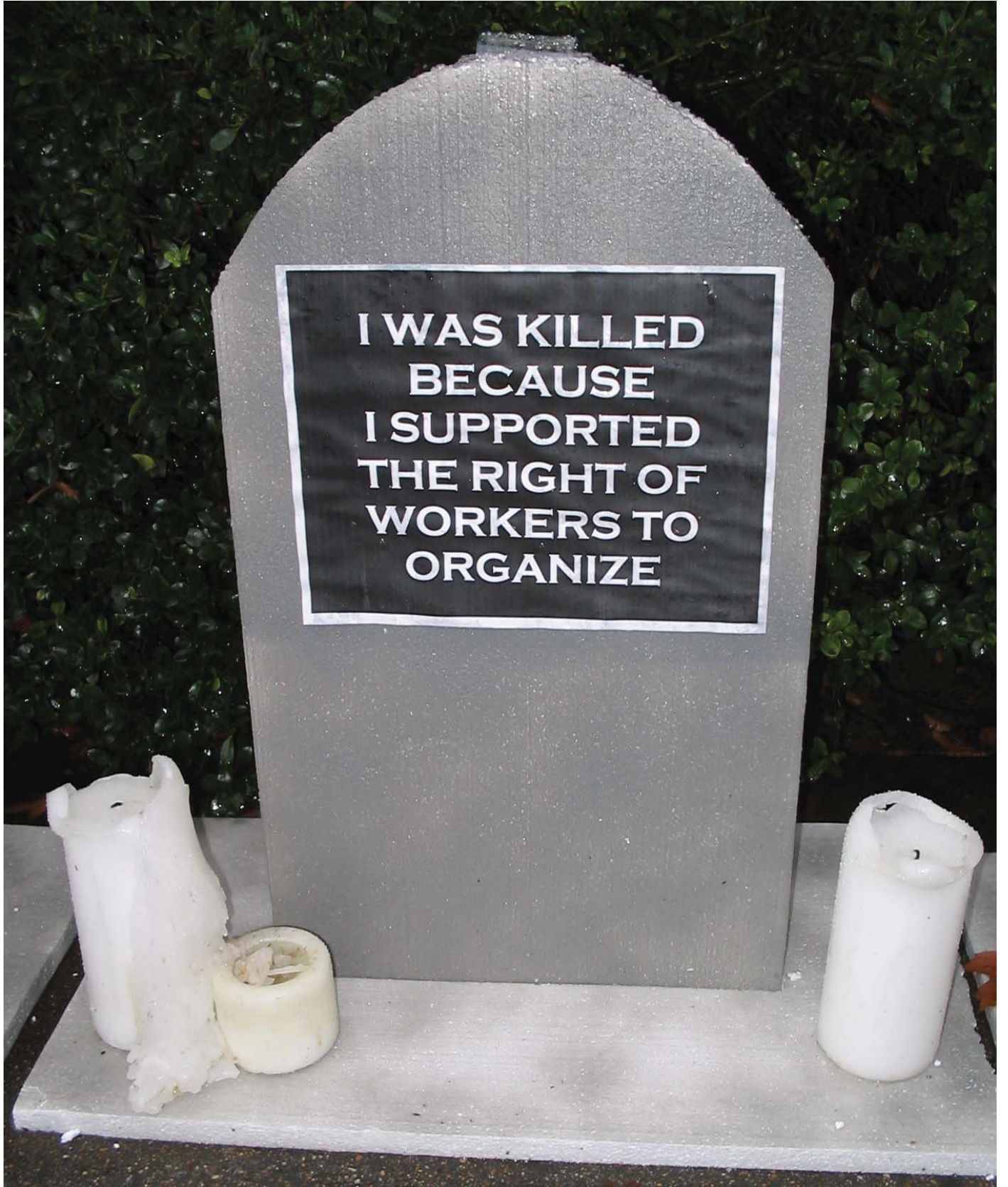
Additionally, Russell/ Fruit of the Loom may be using forced child labor to harvest cotton used in its T-shirts. Unlike other major brands and retailers, Russell has not publicly made a commitment to stop sourcing cotton harvested by exploited children in Uzbekistan. Uzbekistan is one of the world's top producers of cotton. The cotton sector in Uzbekistan is characterized by the widespread use of forced child labor and no union presence, or any other democratic representation for cotton producers.²⁶ Russell Athletic has been identified as a brand purchasing Uzbek cotton.

TAKE ACTION!

- Contact Russell and tell them to implement the recommendations from the WRC report.
- Tell Russell/Fruit of the Loom to stop using cotton picked by forced child labor in Uzbekistan.

For more information:

- Check Out the Worker Rights Consortium report on Russell's Honduras Facility: <http://www.workersrights.org/freports/Jerzees%20de%20Honduras%2011-07-08.pdf>





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Background

Once again, Wal-Mart is under the spotlight for the mistreatment and exploitation of its workers. Despite being the largest retailer in the world and ranked #1 of Fortune 500, Wal-Mart still fails to guarantee its employees freedom of association. In the US alone, Wal-Mart employs over 1.3 million people, in addition to 4,000 stores abroad. As the world's largest retail company, Wal-Mart has enormous power of the many corporations who supply to Wal-Mart. Wal-Mart is a major buyer of products from all the other companies on this list, and has significant influence over the internal practices of Dole, Russell and Del Monte. The company's demand for goods at extremely low prices contributes to a downward pressure on wages and labor rights protections by all these companies.²⁷ Additionally, ILRF has analyzed Wal-Mart's Ethical Standards Program and determined that they have not funded their auditing system or conduct oversight in a manner that actually assures that workers' right to organize and freedom of association are respected.²⁸

Violations

UNITED STATES

Throughout the US, Wal-Mart uses a range of anti-union tools to prevent retail workers from organizing. As a Human Rights Watch report stated, "Using anti-union tactics that largely comply with US law, Wal-Mart begins creating a hostile environment for labor organizing often from the moment workers and managers are hired."²⁹ The minute a Wal-Mart manager suspects organizing activity, they must call

the company's Union Hotline which triggers a range of responses from the global headquarters to quash union activity. The National Labor Relations Board (NLRB) issued at least 94 complaints against Wal-Mart between 1998 and 2003 including 41 charges of illegal firing employees for union activity and 59 charges of spying on workers.³⁰ The only successful case of union formation at a Wal-Mart store in the US was when meat cutters at a Jacksonville, Texas store unionized in February 2000, but the company responded by shutting down that department not only in its Jacksonville store but in every store across the US. Closing stores during organizing campaigns or contract negotiations is a common tactic used by Wal-Mart and creates an atmosphere of fear and intimidation for workers considering forming unions in other store locations.³¹ Wal-Mart has also been accused of funding lobbying efforts to oppose policy proposals that would assist workers in protecting their freedom of association.³²

CANADA

Similar to the case in Texas, Wal-Mart was accused on doing the same thing in Jonquiere, Quebec, Canada when it closed a store just as binding arbitration was set to begin with the union representing the store's employees, UFCW Canada Local 1400.³³ In late October 2008, the Saskatchewan Labour Relations Board ruled against Wal-Mart's motion to dismiss charges by Local 1400 that the store closing intimidated Wal-Mart workers in Saskatchewan and across Canada.³⁴ Charges that Wal-Mart violated the Charter rights of the employees at the Jonquiere store will be heard before the Supreme Court of Canada in January 2009. Also in October 2008, Wal-Mart closed down the tire and lube center of its store in Gatineau, Quebec. The store was kept open while only the tire center was closed shortly after an arbitrator had imposed a labor contract on behalf of the workers who were UFCW members.³⁵

OTHER COUNTRIES

Similar to its actions in the United States and Canada, ILRF has tracked cases of factories producing for Wal-Mart in the Philippines³⁶ and other countries. Wal-Mart failed to take action to implement their code of conduct as workers in factories producing for them faced repression for their organizing efforts in the Dominican Republic³⁷ and Cambodia.³⁸ While Wal-Mart has finally agreed to the All China Federation of Trade Unions (ACFTU) organizing in their stores in China, the company has, in many instances, insisted on a single, model collective contract with no room for bargaining. At least one Wal-Mart union leader has resigned in frustration.³⁹



TAKE ACTION!

- Send this message to CEO Lee Scott, and demand better conditions for Wal-Mart employees!
<http://www.unionvoice.org/campaign/WalMartsweatshops>

For more information:

- Visit ILRF's Wal-Mart page here:
<http://www.laborrights.org/creating-a-sweatfree-world/wal-mart-campaign>
- Wal-Mart Watch: <http://walmartwatch.com/>
- Worker Rights Consortium: <http://www.workersrights.org>
- UFCW Canada: <http://www.ufcw.ca/>

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Special thanks to ILRF intern Meaghan Fortune for her hard work on this report.

International Labor Rights Forum (ILRF) is an advocacy organization dedicated to achieving just and humane treatment for workers worldwide. ILRF serves a unique role among human rights organizations as advocates for and with working poor around the world. We believe that all workers have the right to a safe working environment where they are treated with dignity and respect, and where they can organize freely to defend and promote their rights and interests. We are committed to ending the problems of child labor, forced labor, and other abusive practices. We promote enforcement of labor rights internationally through public education and mobilization, research, litigation, legislation, and collaboration with labor, government and business groups.

ILRF's End Violence Against Trade Unions Campaign supports the efforts of workers to organize and bargain collectively. Throughout the world, labor activists are targets of repression for their organizing efforts. ILRF, in collaboration with unions and activist groups, campaigns to fight violence against trade union leaders globally. We participate in urgent actions to support unions, especially in cases focused on the most dangerous countries and companies for union organizing.



International Labor Rights Forum
BUILDING A JUST WORLD FOR WORKERS



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