

USLEAP

U.S. LABOR EDUCATION IN THE AMERICAS PROJECT:
A PROGRAM OF THE INTERNATIONAL LABOR RIGHTS FORUM

Dear Friends,

The last six months have been full of activity! Our small staff has taken action on labor abuses in a variety of countries and industries, but one common thread underlies it all. From banana plantations in Guatemala to the Colombian palm oil industry, the workers featured in our Summer 2016 newsletter are all struggling for better working conditions in global supply chains, many of them exporting goods that end up on the shelves of our supermarkets.

But I invite you to take a step back for a moment. The ongoing violence against activists fighting for their rights in Central America filled the headlines in March following the outrageous assassination of the internationally-renowned, Honduran indigenous leader Berta Cáceres. International pressure on Central American governments to end impunity for attacks against human rights defenders is at its highest point in years.

In that tragic context, we can share a little positive news: our efforts to rally allies in Washington to help protect threatened trade unionists in Honduras have gained traction, with some visible results.

The fight for trade justice also took a step forward in March, when the U.S. Department of Labor responded to the trade complaint we filed against the government of Peru last year. DOL's report confirmed our allegation that Peru has failed to protect workers' rights as required under the U.S. Peru Trade Promotion Agreement, a judgment that strengthens our advocacy against a new mega-trade deal, the Trans-Pacific Partnership.

In another sign of progress, Hondurans working on plantations owned by the Irish fruit multinational Fyffes successfully formed the first-ever union in that country's melon export sector. Unsurprisingly, company managers have relentlessly attempted to destroy the fledgling union, but USLEAP and our allies are ratcheting up the pressure on Fyffes and other brands who purchase the company's melons.

We hope you'll continue to stand with us as we face the next battle in the ongoing struggle for worker justice!

In Solidarity,



Eric Gottwald
Legal and Policy Director
International Labor Rights Forum



Berta Zúñiga Cáceres, daughter of slain Honduran activist Berta Cáceres, surrounded by supporters at a vigil attended by USLEAP staff. Credit: Daniel Cima

Honduran Women Fight Melon Companies' Abuses

On December 3rd, in Choluteca, Honduras, 14 female melon workers [had to be hospitalized](#) after being exposed to toxic chemicals on a Suragroh melon plantation owned by the Irish food and fresh produce multinational Fyffes. One of the victims, who asked to remain anonymous, [told a local newspaper](#), “we began to feel our eyes burning and the urge to vomit...and our legs felt weak and we started to fall down. Our legs didn’t respond to be able to stand up.”

Labor rights abuses are well-documented in Honduras’ melon export sector, which employs an estimated 25,000 workers - 70% of them women. [A 2012 ILRF report](#) revealed that over 85% of workers reported earning less than the minimum wage. A third of melon workers were single mothers who put in 12-14 hour workdays, seven days a week. They left home before sunrise and returned late at night, relying on neighbors to supervise their kids.

The majority of Suragroh workers have been employed informally, with no written contract. This lack of paperwork enables the company to avoid paying for benefits through the Honduran Institute of Social Security (IHSS), which disproportionately impacts women by denying them access to health care, maternity leave, and education vouchers for

their children. Women also face discrimination on the job; one-fifth of women interviewed by ILRF reported being (illegally) fired after becoming pregnant.

In April 2016, one woman reported to our Honduran union partner that after 15 years of working for Suragroh, she was told she could no longer work for them because of her pregnancy.

Despite proven violations, the Honduran government has routinely failed to hold companies accountable, and workers are afraid to speak out and risk non-renewal of their 6-month contracts the following year. Unlike their counterparts in Honduras’ banana sector - where women are actively involved in well-established unions - the melon sector is not unionized.

But things might be changing: In January, Suragroh workers achieved an historic milestone, becoming the first melon plantation to unionize. The trade union federation FESTAGRO, an ILRF partner, helped workers [establish a local branch](#) of the trade union STAS, which presented a list of demands to Suragroh in the presence of officials from the Honduran Ministry of Labor. With this important step, the local union leadership - most of them women - officially requested an agreement to begin negotiations and collective



A melon farm worker in Honduras. Credit: FESTAGRO

bargaining to address the injustices they face.

Not surprisingly, [local management is fighting dirty](#) to crush the nascent union and protect its profits. The day after presenting their demands to management, four union leaders were [locked up in an office](#) for hours, where the company's Chief of Security threatened them until they signed a document renouncing their membership in the union.

Yet Suragroh workers didn't back down, electing a new union leadership board of five women and men the very same day. The company quickly tried to use [the same intimidation tactics](#) to force these leaders to renounce, but they resisted.

In April, 21 women farmworkers who were organizing a branch of the STAS union at a separate company called Melon Export were also fired. According to FESTAGRO leader Nelson Nuñez, companies in southern Honduras are vehemently opposed to accepting the existence of even one union, fearing it may inspire others to follow in the Suragroh and Melon Export workers' footsteps.

Suragroh was called out in a 2012 [CAFTA complaint](#) filed by the AFL-CIO against the government of Honduras. In a [2015 report](#), the U.S. Department of Labor confirmed allegations that Suragroh failed to pay the minimum wage, among a lengthy list of other violations. A 2016 Honduran

Ministry of Labor report stated that Suragroh owed workers over \$80,000 in unpaid wages from 2015.

Suragroh's intransigence has been enabled in part by parent company Fyffes, whose membership in the UK-based Ethical Trading Initiative (ETI) requires honoring workers' rights. Nevertheless, the company has failed to take workers' claims seriously, and its initial response was to deny the labor abuses in its supply chain instead of making a good faith effort to halt the threats against union leaders, promote negotiations and collective bargaining, and bring Suragroh's labor practices into compliance with Honduran labor law and the ETI.

ILRF is coordinating with European allies in the "[Make Fruit Fair](#)" coalition on actions to pressure Fyffes, Suragroh and Melon Export. On February 11, the British trade union GMB called for Fyffes to be expelled from the ETI, resulting in substantial media coverage. The UK organization Banana Link submitted an official complaint with the ETI against Fyffes on March 18 and continues to push the organization to back up its lofty-sounding ideals with effective action.

On our side of the Atlantic, ILRF is calling upon Sol Group Marketing - the U.S. distributor of Fyffes melons - to take a stand for workers' rights. Stay tuned for updates, and information on how you can help!

Displacement, Death and Worker Exploitation: Corporate Crimes in Colombia's Palm Oil Industry

On August 19, 2015, unknown men followed human rights activist William Aljure in Villavicencio, Colombia, a town about a three-hour drive from the capital, Bogotá. Aljure had recently traveled to Washington, D.C. to raise awareness of forced, violent displacement of rural communities by multinational palm oil corporation Poligrow. Poligrow has [illegally accumulated up to 79,000 hectares of land](#) in Colombia, including land from small-scale farmers, Afro-Colombian and indigenous communities.

In 2013, Aljure was forced off his own land in Colombia's Mapiripán region by paramilitary leaders who have since been linked to Poligrow. Like many Latin American activists who denounce corporate land grabs and environmental devastation, he has received ongoing death threats. According to [reports](#) by the

Inter-Church Justice and Peace Commission (CIJP), the known paramilitary leader Edgar Pérez has referred to Aljure as a "threat to the business" and said that he ought to be killed. Since then, Aljure has repeatedly been followed, photographed and harassed.

Despite well-documented human rights violations, the Colombian government promotes the palm industry as a critical source of employment. Between [130,000 and 140,000](#) people work in the sector, both directly and indirectly, under exploitative and often illegal conditions. According to the Ministry of Agriculture, Colombia plans to expand its plantations from 7.1 million to 8.1 million hectares of land from 2016 to 2019.

In fact, palm oil is one of the fastest growing export crops in the world. Globally, Colombia

is the fourth largest producer of palm oil, after Indonesia, Malaysia and Thailand, where similar abuses are also endemic to the industry.

Since 2013, ILRF has worked with allies to denounce labor abuses, land grabs, and other rights violations linked to palm oil expansion in Asia. It is critical to expose these same crimes in Latin America - including how the industry treats its workers - especially in Colombia, [Honduras](#) and [Guatemala](#).

For example, in contrast to positive government rhetoric, employees of Colombian palm company Poligrow say they have suffered from wage theft, work-related injuries, and denials of their rights to collective bargaining and medical care. Poligrow workers interviewed by CIJP for a report published in 2015 [stated](#) that their pay often did not match their actual hours worked. Palma de Tumaco, another palm oil corporation in Colombia's Pacific region, reportedly pays laborers as little as two dollars per day (the [monthly minimum wage](#) is about \$225 at the current exchange rate).

Like thousands of Colombian employers, palm oil companies aggressively use exploitative contracting schemes to cut labor costs and undermine workers' rights. Poligrow relies on so-called "[worker cooperatives](#)" and "simplified stock corporations" - sub-contractors created by the company to avoid unions and the expenses of hiring workers directly, like social security benefits. According to a [2015 report](#) by the NGOs Somo and Indepaz, over half of Poligrow's workforce in July 2014 had been hired indirectly.

Under a U.S. backed Labor Action Plan intended to strengthen labor rights enforcement, companies should be fined for this sub-contracting, but an [October 2015](#) report by the Coalition of Black Trade Unionists (CBTU) stated that fines had yet to be collected. Essentially, failed enforcement of indirect

hiring laws makes collective bargaining nearly impossible for most Colombian palm oil workers.

In this already hostile environment, corporate links to paramilitary organizations also keep workers too afraid to organize. In many areas of Colombia, trade union activism on palm plantations is downright dangerous. The ILO and Solidarity Center estimate that at least 150 union leaders have been murdered in the palm oil industry since 1998. According to [Escuela Nacional Sindical \(ENS\)](#) and [Human Rights Watch](#), between 2011 and August 2015, Colombian workers suffered over 1,933 threats and acts of violence - including more than 121 assassinations of union leaders.

Workers and activists have fought palm companies' abuses in a range of ways, from waging local strikes to seeking international support. In 2015, rights abuses by Poligrow came to the attention of the Roundtable on Sustainable Palm Oil (RSPO) - which requires companies to uphold social and environmental standards - following the release of a [documentary](#) made by CIJP and the Environmental Investigation Agency. In October 2015 the RSPO [announced](#) that it was investigating the film's allegations, although Poligrow will remain a member of RSPO during the process.

Last year, ILRF led a coalition of organizations in developing a set of recommendations known as [Free and Fair Labor in Palm Oil Production: Principles and Implementation Guidance](#) to envision how an industry that respects workers' rights would look. In this way, ILRF pushes back against the narrative that palm oil provides desperately needed jobs to help "lift" people out of poverty, and offers an alternative model for corporate accountability. To find out more, check out ILRF's [palm oil campaign page](#) and take action!

Department of Labor Confirms Rights Abuses in Peru, Pelosi delegation visits Lima

Did you know that 46% of U.S. asparagus imports come from Peru? U.S. imports from Peru have skyrocketed since a U.S. - Peru Trade Promotion Agreement (PTPA) went into effect in 2009.

But according to [a report released by the](#)

[United States Department of Labor](#) (DOL) in March 2016, violations of fundamental labor rights are widespread in key Peruvian export sectors (including asparagus farms) that supply the U.S. market with billions of dollars of goods annually. DOL published

the report in response to a [trade complaint filed](#) by ILRF and Peruvian unions under the PTPA in July 2015. The complaint had asked the U.S. government to investigate pervasive abuses in Peru's export garment, textile, and agro-industrial sectors.

In the report, DOL expressed "serious concerns" that Peru's Non-Traditional Export (NTE) Promotion Law - which allows certain large Peruvian exporters to employ their entire workforces on an unlimited series of short-term contracts - fails to protect workers' fundamental right to organize as required under the PTPA. The report describes how the tens of thousands of workers subject to the export promotion law frequently do not have their contracts renewed if they join a union. The percentage of workers belonging to unions in these sectors is half that of workers who are employed indefinitely.

DOL's analysis echoes critical statements made in recent years by the International Labor Organization (ILO) and even major multinational corporations, including Nike, New Balance, and PVH, about how the Non-Traditional Export Promotion Law encourages Peruvian employers to violate workers' right to freedom of association.

The report's recommendations to the Peruvian government included enacting legal protections for workers on short-term contracts, establishing nation-wide labor inspection offices, increasing enforcement budgets and activities, and expanding labour courts.

Despite these findings and recommendations, the report failed to include detailed plans on how the U.S. Government will ensure Peru fulfills its obligations under the PTPA.

"We welcome the strong findings contained in the report, but remain concerned about the lack of a clear timetable for ensuring Peru's timely compliance," said Eric Gottwald in a statement following the report's release. "The U.S. Government should set a firm deadline after which they will pursue formal dispute resolution measures under the PTPA."

A number of recent reports, [including a 2014 study released by the General Accounting Office \(GAO\)](#), have raised concerns about the U.S. Government's monitoring and enforcement of the labor standards contained in its free trade agreements. A complaint filed against Guatemala

under the Central American Free Trade Agreement (CAFTA) in 2008 took six years to reach the arbitration phase and still has not been resolved. In fact, the March release of DOL's Peru report was the first time the agency had ever met its 180-day deadline to respond to a trade complaint.

Eric Gottwald highlighted this poor record in remarks at a Capitol Hill briefing in February entitled "TPP: Is it a Gold Standard for Working People?" which was sponsored by Representative Rosa L. DeLauro (D-CT) and organized by the AFL-CIO. Eric noted that based on past experience, the

Lexmark Settles Maquila Case

Late last year, a printer cartridge factory in Juarez, Mexico owned by Lexmark International fired 120 workers, most just before Christmas. The workers had protested poor working conditions, requesting a raise of \$0.35 per day, and trying to form an independent union. Seventy-six of the workers gained international media attention for maintaining a protest camp outside the plant, demanding their jobs back.

ILRF sent a letter to Lexmark in support of the workers in December, and in March, we helped organize a joint letter signed by 32 unions and NGOs from the U.S., Canada and Mexico that demanded reinstatement and full back pay for the unjustly fired workers.

On March 29th, Lexmark's lawyer agreed to schedule a hearing with the local Labor Conciliation and Arbitration Board in Ciudad Juarez for April 5th, telling the workers' lawyer that top executives wanted to avoid "further problems."

Although workers still lack a union, the company offered a settlement to the 56 workers still protesting: the severance and back pay owed them. After months without income, workers accepted. In a letter to supporters, they said "Please convey to all the organizations that signed the letter...our deepest thanks for their solidarity. We believe that your...moral support and the pressure you put on the Directors of Lexmark are the reason for the triumph."

The workers formed an organization, Obrer@s Maquiler@s de Ciudad Juárez, A.C., whose goal is to fight for better wages and working conditions in the maquila industry.

Union-Busting in Peru: the Case of Tal S.A.



Santos Celestina Carranza,
General Secretary of SITETSA.
Credit: BanaFair

In just one example of union-busting in Peru, the agribusiness company Tal S.A., which sold nearly \$10 million worth of blueberries to the U.S. last year, fired all nine leaders of the trade union SITETSA (Sindicato De Trabajadores Empresa Tal S.A.) on March 8th, 2016. Instead of negotiating a new collective bargaining agreement, Tal S.A. filed criminal charges against the union leaders for legitimate activities, like getting paid time off for union-related work and publicizing the company's labor violations.

After Santos Celestina Carranza, General Secretary of the SITETSA union (pictured left), requested international support, USLEAP joined with our allies from the Make Fruit Fair campaign and launched an urgent action alert. Over 900 ILRF supporters emailed the General Manager of Tal S.A., calling on him to rehire the workers, withdraw the criminal complaints, and begin renegotiating a collective bargaining agreement.

To find out more and take action in solidarity with the workers, visit this link: www.laborrights.org/SITETSA2.

TPP's labor provisions are unlikely to be enforced in practice. He described how Peruvian employers used export promotion laws to quash potential unions, while another panelist, Ben Davis from the United Steelworkers, described similar trade union repression in TPP signatory Mexico and pointed out the lack of a comprehensive plan to solve these issues.

Meanwhile, Representative Nancy Pelosi led a delegation of 8 members of the House of

Representatives on a fact-finding trip to Peru and Mexico to investigate labor rights conditions ahead of a possible TPP debate in Congress. ILRF and allies prepared a memo for the delegation on the unaddressed labor rights violations featured in the Peru complaint. In the coming months, we will engage allies in Congress to push for a clear timetable and specific criteria from USTR to address the issues raised in the complaint.

Congressional letter to Secretary Kerry: Protect Honduran Rights Defenders

Honduras is the [most dangerous place](#) in the world to be an environmental activist, and all human rights defenders, including trade unionists, continue to face violent attacks for the courageous work they do. Hundreds of environmental, indigenous, LGBTI, labor and other activists have been assassinated since 2009, most of which remain in impunity.

Members of the U.S. House of Representatives have responded by pushing U.S. Secretary of State John Kerry to help reduce the dangers faced by Honduran human rights defenders, including our partner FESTAGRO, a trade union federation. In letters endorsed by the AFL-CIO, the Representatives called upon the State Department to help protect activists in Honduras, who are regularly threatened, attacked and assassinated for their brave work.

Last November, trade unionist Nelson Nuñez and his family [fled their home](#) after being monitored for weeks by unknown men in a black pick-up truck without license plates. Similar incidents occurred in December, and in March the situation escalated when a colleague witnessed a death threat directed against Nelson. Nelson's colleague in FESTAGRO, Tomás Membreño Pérez, had received multiple [death threats](#) in August and September 2015 ordering him to stop organizing banana and sugar cane workers.

While the Honduran government is required to uphold basic labor and human rights protections under CAFTA and U.S. foreign assistance legislation, they have repeatedly failed to enforce the law, including the right to freedom of association.

Advocacy by ILRF supporters and allies had



Trade unionists Tomás Membreño Pérez and Nelson Nuñez.
Credit: Sisters of Mercy

prompted a January letter to Kerry from 30 members of Congress (led by Representatives Schakowsky (D-IL) and Farr (D-GA)) that called on him to pressure Honduras on the threats against the trade union leaders. But by March, the cases had yet to be investigated and the unionists were still unprotected.

After over 1,600 ILRF supporters contacted their members of Congress, 23 concerned Representatives (led by Representatives Kaptur (D-OH) and Johnson (D-GA)) sent a forceful follow-up letter to Kerry, urging him to push the Honduran authorities to publicly condemn the threats, arrange for the unionists' private protection, document progress on their cases, and strengthen the fight against impunity for violence against human rights defenders.

The Representatives stated that "calling on the Honduran government in a public forum

to condemn the threats would send a clear message that the plight of the unionists and the workers they represent is not acceptable."

This congressional message on our trade union partners coincided with the global condemnation and appeals for justice following the March 3rd assassination of the world-renowned, Honduran environmental and indigenous rights activist Berta Cáceres. More U.S. policymakers, and people across the world, are watching closely and expecting Honduras to address the escalating risks for activists. The combined pressure appears to have had a positive impact, with arrests made in the Cáceres case, and the case of trade unionist Nelson Nuñez reportedly moving forward under a new, albeit limited, government mechanism for the protection of human rights defenders.

International pressure is critical to ensuring the safety of Honduran social movement advocates, who honor the memory of Berta Cáceres by continuing to fight for the rights of all marginalized communities. ILRF is working with the Solidarity Center and other allied organizations to enable our trade union partners to secure resources for emergency expenses, and to advocate for improvements to the new human rights defender law in Honduras. We will keep you posted on opportunities to support them!

For the full text of both letters sent to Secretary Kerry on the Honduran trade unionists, in English and Spanish, visit the following link: www.laborrights.org/congresshonduras.

Guatemala consolidates position as top U.S. banana supplier, but at what cost?

Nearly 4 of every 10 bananas sold in U.S. supermarkets are grown in Guatemala. The small Central American country has recently [consolidated its position as the top banana exporter to the U.S.](#) Comparatively, Guatemala sends more banana exports to the U.S. than Costa Rica and Ecuador – who rank as 2nd and 3rd – combined. Significantly, Guatemala's dominance has become so pronounced quite recently: in just the past decade, it has gone from providing less than a third to supplying almost 40% of U.S. banana imports.

Along with this positive news for Guatemalan banana producers comes evidence of dramatic labor abuse problems on their plantations, though the situation varies across the country. While the trade union SITRABI successfully came to agreement with the multinational fruit company Del Monte on collective bargaining rights in 2011, a stark divide exists in the country between the North, which is [generally organized and has better working conditions](#), and the South Pacific, which has virtually no unions. [Common workers' rights violations](#)

include extreme working hours, repeated use of short-term contracts, health and safety hazards (like poor management of agrochemicals), and failure to pay the minimum wage, which itself covers less than half of the government's estimated cost of a typical Guatemalan family's basic living expenses.

Trade unionist Noé Ramírez is one of the many union leaders in Guatemala who have faced death threats for their work. Ramírez is a banana worker who serves as General Secretary of USLEAP's trade union partner SITRABI, an organization that has experienced many tragedies in retaliation for trying to improve the conditions faced by Guatemalan banana workers. In 2007, SITRABI helped establish a union in the South of the country, but one of the leaders - Miguel Ángel Ramírez - was shot and murdered and, soon after, another leader's daughter was kidnapped and raped.

Unfortunately, these horrific crimes are not isolated events: between 2007 and 2012, [12 Guatemalan trade unionists were killed](#) in the banana sector alone - including Ramírez's own brother Marco Tulio, who was assassinated in front of his wife and his daughters. Ramírez and other union leaders receive ongoing threats against them and their families for demanding investigations of these crimes. The history of violence illustrates the inherent risks of attempts to increase unionization in the Guatemalan banana sector.

In the North, most banana plantations are concentrated in the region of Izabal, where around 6,000 workers belong to free unions, and although [Del Monte makes no secret](#) of its willingness to reject workers' demands and shift all production to the South, the right to collective bargaining is generally respected. That right notably influences working conditions: wages tend to be above the national minimum salary established - around 250% to 300%, according to [FreshFruitPortal](#). Workers also benefit from health programs, improved protection from agrochemicals and policies to address sexual harassment in the workplace, among other positive achievements.

But on the opposite side of the country, just a few hundred miles away, the situation of an estimated 30-40,000 banana workers is drastically different. According to a Solidarity Center supported

study, on several plantations in the Pacific South companies failed to provide information, training, or health and safety plans for workers on the use of agrochemicals - who often knew little about the products they used. Likewise, other studies cited companies' non-compliance with the minimum wage and their refusal to contribute to workers' social security benefits - effectively denying them access to healthcare. The right to organize and to join a union is completely prohibited, creating, in the words of USLEAP ally Banana Link, a "[black hole](#)" of union and labor rights where the attempt to organize and initiate contract negotiations can end with workers losing their jobs, and even their lives.

In this situation Guatemalan workers produce more than 1.82 million tons of bananas for the US market, helping to make the wildly popular fruit available to consumers year-round, and crucially - at a low price. However, according to experts like Banana Link's Alistair Smith, these cheap prices are inextricably linked to the region-wide risk that the more oppressive plantations in Guatemala's South will inevitably gain ground [at the expense of other regions](#) - and countries - with their lower labor costs.

The bravery of Noé Ramírez and his trade union colleagues is evident in a simple but powerful phrase they like to repeat "¡hasta la victoria (onward until victory)!" A victory would be nothing less than jobs with dignity for all banana workers, with the humane working conditions and rights that all people deserve. All of us, including companies, governments and consumers, have the responsibility to help protect these rights.

**Support workers' rights and
an end to violence against trade
unionists in Latin America!**

**Act in solidarity with workers
fighting for their rights in Latin
America by making a donation
to USLEAP@ILRF at:
www.LaborRights.org/givetoUSLEAP**

Thank you!