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**BEFORE THE UNITED STATES  
TRADE REPRESENTATIVE**

*letter of support*

**ENDORSEMENT OF PETITION BY  
THE WASHINGTON OFFICE ON LATIN AMERICA  
AND THE U.S./LABOR EDUCATION IN THE AMERICAS PROJECT  
TO REMOVE GUATEMALA  
FROM THE LIST OF BENEFICIARY DEVELOPING COUNTRIES  
UNDER THE GENERALIZED SYSTEM OF PREFERENCES ("GSP")**

**SUBMITTED BY:  
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL  
ORGANIZATIONS (AFL-CIO)**

**December 13, 2004**

*2004 AFR*

*2005*

Petition 2004 AR *2005 in sheet*  
AFL-CIO supports Guatemala's  
Petition by WOLA  
WR Guatemala

From: Elizabeth Drake [Edrake@aflcio.org]  
Sent: Monday, December 13, 2004 4:43 PM  
To: FN-USTR-FR0441  
Subject: GSP Eligibility Petitions

Please find attached petitions from the AFL-CIO to remove El Salvador and Oman from GSP eligibility based on their failure to take steps to afford internationally recognized worker rights. The AFL-CIO's endorsement of the GSP petition on Guatemala filed by the Washington Office on Latin America and the U.S./Labor Education in the Americas project is also attached.



Thank you,  
Elizabeth Drake

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the AFL-CIO expresses its support for the petition, jointly presented by USLEAP and WOLA, to withdraw Guatemala's status as a beneficiary developing country under the Generalized System of Preferences on the grounds that the government of Guatemala has not been and is not taking steps to afford internationally recognized worker rights.

Recent events in labor practice and labor rights enforcement in Guatemala lead us to believe that not only is the government of Guatemala failing to take steps toward affording internationally recognized worker rights, but it is actually back-sliding in its performance in many crucial areas.

FOA

Since the 2001 labor code reforms, which did not fully remedy the deficiencies in the labor legislation, the government of Guatemala (GOG) has promised to complete the necessary reforms to bring the labor code up to international standards. Yet to date, the same deficiencies persist, are often used against workers to deter the exercise of their right to freedom of association and collective bargaining, and no clear effort on the part of the GOG to correct these legal deficiencies appears on the horizon. Some of these continuing deficiencies include an unduly burdensome 50 percent plus one authorization requirement for industry wide labor organization, the imposition of liability on individuals in the case of strike related damages, an increase in the number of unions required to form a federation, as well as an increase in the number of federations necessary to form a confederation.

The cases identified in the USLEAP/WOLA petition demonstrate that workers who exercise their right to organize or bargain collectively are systematically targeted for anti-union actions by their employers. The GOG is complicit in these actions through willful negligence, administrative and judicial resolutions that are inconsistent with the law, and excessive delay in carrying out the legally mandated procedures.

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Most alarming, however, are the continued threats and acts of violence against trade unionists in Guatemala. Because the government has failed to improve its absolutely abysmal record on investigating and prosecuting cases of threats, violence and assassinations against trade unionists, the climate of impunity persists, sending the message to labor rights violators that there is little or no consequence for waging violence against trade unionists. And so the violence continues, including such grave acts as the November 2004 assassination of CGTG union leader Rolando Raquac.

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All of these actions provide ample evidence that the GOG has not been and is not taking steps to afford its workers their internationally recognized worker rights. Accordingly, the AFL-CIO endorses the USLEAP/WOLA petition and joins them in asking for Guatemala's GSP benefits to be withdrawn. Ineligibility for these GSP benefits should also disqualify Guatemala from benefits under the Caribbean Basin Initiative.

CAFTA

The AFL-CIO considers this to be an important opportunity for the United States Trade Representative to bring the Government of Guatemala to account for its poor performance in affording labor rights. If CAFTA as it is currently written were to replace the labor provisions of our unilateral preference laws for Central America, the incentives these programs create for countries to improve their labor laws and enforcement practices will be lost. The AFL-CIO believes that Guatemalan workers and their organizations deserve this chance to bring their country's labor rights practice and compliance up to international standards.

