

002-CP-98
American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C 20006
(202) 637-5000

EXECUTIVE COUNCIL

Cambodia

JOHN J. SWEENEY
PRESIDENT

RICHARD L. TRUMKA
SECRETARY-TREASURER

LINDA CHAVEZ-THOMPSON
EXECUTIVE VICE PRESIDENT

Edward T. Hanley
Morton Bahr
John J. Barry
Michael Sacco
Gloria T. Johnson
J. Randolph Babbitt
Pat Friend
Sumi Haru
Leon Lynch
Arturo S. Rodriguez
Alfred K. Whitehead
John M. Bowers
Dennis Rivera

Vincent R. Sombrotto
Robert A. Georgine
Moe Biller
Ron Carey
Douglas H. Dority
Clayola Brown
Michael Goodwin
Carroll Haynes
Douglas J. McCarron
Robert A. Scardelletti
Andrew L. Stern
Sandra Feldman
Bobby L. Harnage, Sr.

Gerald W. McEntee
Gene Upshaw
Frank Hanley
Arthur A. Coia
George F. Becker
M.A. "Mac" Fleming
Joe L. Greene
James LaSala
A.L. "Mike" Monroe
Robert E. Wages
Edward L. Fire
R. Thomas Buffenbarger
Stuart Appelbaum

John T. Joyce
Jay Mazur
James J. Norton
Frank Hurt
Stephen P. Yokich
Carolyn Forrest
Sonny Hall
William Lucy
Arthur Moore
Jake West
Martin J. Maddaloni
Boyd D. Young

June 16, 1998

Mr. H. Jon Rosenbaum, Ph.D.
Assistant U.S. Trade Representative
GSP Subcommittee
Office of the U.S. Trade Representative
600 17th Street, N.W. Suite 518
Washington, DC 20506

Dear Jon:

The AFL-CIO hereby submits petitions to the USTR on the basis of worker rights violations in accordance with Section 502(b)(7) the Trade Act of 1974, as amended. The petitions include information on worker rights violations in Cambodia and Guatemala, and updates on the existing cases on Belarus, Indonesia, Swaziland and Thailand. This petition is submitted as required by the notice printed in the Federal Register.

Sincerely,

Barbara Shailor, Director
International Affairs Department

BS/AK:dl
opeiu #2 afl-cio



KN

8/11/1998

Dev - S
OAT - S

**WORKER RIGHTS
AND THE
GENERALIZED SYSTEM OF
PREFERENCES**

CAMBODIA

**The AFL-CIO Petition to the
Office of the United States Trade
Representative**

June 16, 1998

GSP Petition on Cambodia

Introduction

When a democratic labor law that meet basic international labor standards was passed in early 1997 by the Royal Cambodian Government (RCG), there were high hopes among nascent worker organizations and individual workers that they finally would be able to freely form their own independent trade unions, without interference from the government and without retaliation by employers. The burst of worker organizing in the first half of 1997 showed that workers believed that their organizations would be registered without bias by the government. Workers also believed that the Government would not impose unwarranted requirements that serve as barriers to organizing and registering unions. By attempting to organize unions, these workers showed they thought that the democratically selected leaders of their unions would be allowed to serve as their representatives in collective bargaining with employers. Finally, Cambodian workers evidently believed that employers would not seek to collude with government officials to set up company unions without consulting workers. In each of these assumptions, the workers of Cambodia were wrong.

Since the passage of the Cambodia's labor law by the National Assembly in January 1997, the RCG has systematically undermined this law through selective enforcement of the law's provisions and collusion with employers. Officials of the Royal Cambodian Ministry of Social Affairs, Labor, and Veterans Affairs (MSALVA) have engaged in a pattern of collusion with employers to assure that employer-selected candidates are appointed as "shop stewards" who, under Article 284 of the Labor Code, are the only representatives of workers allowed to present to employers those individual or collective grievances that relate to enforcement of the labor law or collective bargaining agreements. Contrary to a written assertion made by the MSALVA (through the RCG's Ambassador in Washington) to the USTR, the MSALVA has recognized the firing of the leaders of an officially registered trade union (see Attachment A).

Registration of unions by the MSALVA remains biased in favor of unions with contacts close to the ruling Cambodian People's Party (CPP) while independent unions or unions with links to opposition political figures (such as the Free Trade Union of Workers of the Kingdom of Cambodia, or FTUWKC) face significant obstacles to registration. Unfortunately, MSALVA has failed to publicly disclose registration documents for all officially registered unions which would enable an objective analysis of its criteria in rejecting applications by opposition-affiliated or independent unions. Moreover, MSALVA continues to insist on administrative requirements in the registration process that constitute an undue burden on workers seeking to register a union. Finally, a pattern has been established whereby employers support the establishment of plant-level unions without the knowledge or approval of the employees these unions are supposed to represent.

FOA

FOA

Freedom of Association

CI

Workers at Sam Han Garment and Textile Factory organized an independent trade union in February 1997. The union attempted to register with the MSALVA as soon as Cambodia's new labor code was signed in March 1997. MSALVA issued a new decree of union registration on April 4, 1997 which was not called for by the Cambodian Labor Code. Sam Han subsequently complied with the new requirements and resubmitted its paperwork to MSALVA in June 1997.

During the delay between April and June, management learned of the existence of this nascent union and cracked down on it. The union president was fired in May 1997 and management brought armed police into the workers' dormitory to intimidate workers from supporting the union. Management also held interrogation sessions with other union leaders. When the union leaders filed a formal complaint with MSALVA, the Ministry refused to hear the case. Another two union leaders were fired in June 1997 for their affiliation with the union. Finally, on June 23, 1997, MSALVA rejected the union's application for a second time without providing a reason. Since MSALVA has refused to make public its criteria for accepting or reject union applications for registration, and has refused to make public the papers of those unions that have been accepted for registration, it has effectively prevented scrutiny of its registration decisions.

The MSALVA attachment conveyed with Cambodian Ambassador Var Huoth's March 13, 1998 letter provides reasonable suspicion for bias in MSALVA union registration decisions. The fact that seven unions affiliated with Chuon Mom Thol of the Cambodian Union Federation (which numerous workers testify has a close relationship with RCG Interior Minister Sar Kheng) were registered on the same day, May 20, 1997, leads impartial observers to believe political favoritism in the registration of unions by MSALVA. Another four "unions" affiliated with Chuon Mom Thol were registered on June 4, 1997. Until such time that MSALVA is willing to publicly release the authentic application documents for these unions, with names, meeting minutes and other details provided in their registration applications, then political bias in registration will continue to be assumed by the workers of Cambodia who are trying to organize independent unions.

C2

Another case of clear MSALVA bias occurred at Cambodia Garments, where a union affiliated with the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC) was prevented from registering in January 1997. In this case, workers testified that MSALVA officials actively encouraged management to select workers to be trained by MSALVA as "worker delegates", presented these workers with pre-written minutes of a meeting where the "union" was formed, and asked them to sign documents as the "union". Once again, the Royal Cambodian Government's intention to systematically undermine freedom of association and right to collectively bargain is demonstrated

Unnecessary MSALVA Obstacles in the Union Registration Process: The Certificate of No Criminal Offense

Prior to registering a union, the MSALVA insists on receiving a certificate of no criminal record from the Ministry of Justice for each of the ten union executive board members who wants to found the union. MSALVA requires this certificate be obtained by workers applying to form a union so that they can comply with Article 269 (3) which states that “members responsible for administration and management of a professional organization” have “not been convicted of any crime in court.” But rather than requesting this information from the Ministry of Justice directly, MSALVA places this burden on the backs of workers.

In its implementation, this requirement serves as a significant barrier to workers’ efforts to register a union because of costs, logistics required, long delays (during which time employers can learn of the existence of nascent unions, as in the Sam Han case) and time needed away from work to complete this cumbersome requirement.

To receive a “certificate of no criminal record”, a worker must present a national ID card and a house registration certificate or official letter confirming the worker’s current residence. Yet the Royal Cambodian Government has not yet instituted a national ID card system. Rather, a worker must contact local police officials and pay significant bribes to obtain a State of Cambodia (SOC) national ID card which is newly issued with an issue date prior to the Paris Peace Accords. If local police refuse to issue this ID card to a worker, then there is no way under the current system (established by MSALVA Announcement 101, dated April 4, 1997) for a worker to be a founding member of a union. National and international observers are well aware of the pervasive CPP influence on Cambodian police at all levels, so this requirement gives the ability to a political grouping to prevent registration of worker organizations. Workers state that for those who do receive the SOC ID cards, the cost in bribes is hefty: between \$USD 15-20. The minimum monthly wage for a garment worker is \$USD 40.

To fulfill the house registration requirement, the worker must also get a letter signed from the chief of three administrative divisions, all of whom are beholden to the CPP which maintains absolute control over local government offices. Workers state that at each administrative level – group (*grom*), village (*pum*), and section (*sangkat*) – the cost for the signing official is a bribe of at least 10,000 riel. Out of pocket costs for bribes for this document comes to \$USD 7 to 10, which is a fourth of a month salary for a garment factory worker. Logistical expenses and time away from work (in an industry where one major complaint is forced overtime as a condition of continued employment) are other barriers involved to fulfilling this unreasonable requirement in the union registration process. Finally, once all the documents have been gathered, workers then have to pay a 5000 riel application fee to the Ministry of Justice and wait a month for that

Ministry to process and provide them with the "no criminal record" certificate.

Employer & MSALVA Collusion in Shop Steward Nomination and Elections

During the debate on provisions of the democratic labor law, officials from MSALVA continually insisted on inclusion of a shop steward system despite concerns raised by outside observers about the possibility for abuse of such a system that designated an official worker bargaining representative, even in the absence of a union. Nevertheless, this system was established. Article 283 of the Cambodian Labor Code states "Workers elect shop stewards in every company or establishment where at least eight workers are normally employed. Those elected are workers only representatives in the company or establishment." Article 288 of the Code states "The stewards are elected from each of the candidates presented by the representative union organizations within each establishment." As noted earlier, the shop stewards play a critical role because they are the sole representatives empowered to "present to the employer any individual or collective grievances that have not been solved directly and relate to salaries and to the enforcement of the labor legislation or regulations or collective bargaining agreements that apply to the establishment." Clearly, shop stewards play a critical role in representing workers interests and bargaining for employees.

Unfortunately, it is also clear that the RCG (through MSALVA) has systematically undermined the right of Cambodian workers to freely and fairly elect shop stewards to represent them. MSALVA decree No. 15, issued by MSALVA Secretary of State Suy Sem on December 31, 1996, states that the election of shop stewards is the duty of the owners of private companies and the workers. The shop stewards' elections are supposed to be conducted in a free and democratic manner without interference. But the implementation of this decree has been characterized by a pattern of employer and MSALVA collusion, often under the guise of consultation between the company or establishment director and MSALVA officers on election procedures. Such consultations are specifically not considered interference under the terms of the decree. Further clarification is provided in Announcement No. 6 of the MSALVA, signed by Suy Sem and issued in Phnom Penh on March 3, 1997. Point 12 of this announcement says "Shop stewards shall be elected among candidates presented by trade union. Pending the creation of trade union, candidates for shop stewards shall be directly presented by the workers themselves."

C4 The Worker Union of Economic Development of British American Tobacco (BAT) Cambodia, Ltd. was officially registered as a union by MSALVA on February 9, 1998. Since it one of the only labor unions in the country (other than Gold Kamvimex) that is recognized as generally politically independent, the treatment it has received from MSALVA is worth noting. In January 1997, shop stewards were elected in an election that workers state was fair. The problem arises that after the union has been formed, the MSALVA refused to allow the union to nominate the workers it wanted to the shop steward position. When the workers seeking to form the union submitted the minutes of their meeting to found the union (in accordance with registration regulations required by MSALVA), a Deputy Director of Labor Inspection gave

written instructions to require them to alter their list of shop steward nominees. Specifically, the instruction stated that the union delegation to negotiate with the employer must be selected among the current shop stewards or alternates. Therefore, one union nominee for shop steward and one union nominee for alternate shop steward had to be removed from the union's list. The alternative for non-compliance was continued delay in the union's registration, which had already dragged on for months.

While it must be acknowledged that the British American Tobacco union did conduct a successful strike for better wages and working conditions for its employees, it appears that part of the equation in that victory was the political connections of the shop stewards. In fact, after the end of the strike, eyewitnesses report that the British American Tobacco workers (led by the shop stewards) were invited to celebrate at Second Prime Minister Hun Sen's house. Eyewitnesses report that the chief of Hun Sen's body guards, Hing Bun Heng, presided over the festivities and gifts of money and sarongs were given to the workers. Workers also report that support for the CPP in upcoming elections was requested from the workers. One worker stated that he understood that Hing Bun Heng had been asked by the shop stewards to provide "security" for the workers during the strike. Reportedly, this was not the first visit of the shop stewards to Second Prime Minister Hun Sen's house.

On the morning of March 11, 1998, another clear case of collusion between MSALVA officials and employers took place at Quality Garment. The employer called in to the office 24 supervisors, secretaries and administrative/finance office staff to conduct an "election" for shop steward. Workers at the factory state that the other employees of the factory were not informed of this election in advance and did not participate. Ten of the 24 supervisors and administrative staff were placed on this ballot by the employer for the five shop steward positions. Workers reported that four unknown MSALVA officials assisted in the counting of the ballots for this "election". A Chinese-Khmer interpreter close to management then announced the results to the employees in the factory. Since their election, workers report that the shop stewards have not held a single meeting with workers to discuss worker grievances. In one case where the workers approached the shop stewards with a complaint that management pay 2000 riel for overtime pay, the shop stewards reportedly refused to take the complaint to management. Two individual workers who then complained directly to management about overtime pay were fired.

In contrast to the shop steward election, the management organized a factory-wide election for the alternate shop steward positions later on the morning of March 11. These positions have no power unless a shop steward is incapacitated or otherwise unable to perform his/her duty. Again the nominees were from management. Workers report the voting occurred just before lunch and the same MSALVA officials were present. After voting, the workers were told to go to lunch and the ballots were counted by employers and MSALVA officials with no representatives of the workers present.

Use of the shop steward system to undermine collective bargaining must cease immediately. Elections must be announced in advance and workers must be allowed to

nominate their own candidates for shop steward positions without interference of any kind by employers or MSALVA officials.

Denial of Right To Collectively Bargain

Efforts by the employer of Quality Garment to dominate worker representatives does not just stop with the shop steward elections. Group chiefs were ordered by the Chinese-Khmer interpreter close to management (named Sian) to distribute blank "union application" forms to workers. Workers were told they were required to fill out this form, provide a photo, and pay a 1000 riel "application fee" to the union. A large number of workers refused to do so because they believe the union is being established by the employer or a politically connected person in league with the employer. Workers provided a copy of the blank membership form which has neither the name of the union or any union official's names. On the form, they must sign a pledge to a "Mr. President" of the union stating that "I already observe carefully and satisfy the union charter and see that the union diligently protects the rights as well as the spiritual and material interests of the workers and the union members." The workers reported that no union charter of any sort was ever seen by them. Workers also said that management requires them to sign "voluntary" overtime requests and refusal to do so is met with dismissal.

cb
Workers also reported similar events at other garment factories where the Royal Cambodian Government told USTR that "unions" exist. At June Garment Factory, registered as a union by MSALVA on June 6, 1997, workers state that there was no election for the union but that they were promised a membership card and a labor/work book if they filled out the membership forms being distributed by company supervisors.

ct
At PPS Garment, another "union" registered by MSALVA on June 6, 1997, interviews with workers discovered that union membership application forms were passed out by a member of the management's administrative staff and, more menacingly, by a company security guard. These forms were passed out to workers during normal working hours, further indicating the management approval of this activity. Workers were required to fill out the forms and provide two photos of themselves to the administrative staff or security guard. When workers asked the guard and administrative staff person where the forms came from, only short replies, such as "these forms were from the previous employer", were given. No trade union leaders were identified by name on the form. Workers state that they have not paid any dues to this "union". Three days after collecting the forms, the same two management representatives returned to hand out union ID cards. A card seen by investigators is dated June 30, 1997, signed by Chuon Mom Thol and is stamped with the emblem of the Cambodian Union Federation (CUF). The use of this stamp on an official union document at this time is a clear indication of the certainty of Chuon Mom Thol in the CPP-dominated, politically biased MSALVA union registration system. According to the MSALVA document transmitted by Ambassador Var Huoth, the CUF was not officially registered by MSALVA until July 15, 1997, a full two weeks after workers at PPS Garment got their ID cards. To ensure that workers at PPS get the point about their lack of choices about this matter, the first condition listed on the back of the CUF ID card is "The

member of the CUF cannot be a member of other union or union federation.” The second condition is “If the member wants to resign they must provide a written letter to the CUF”. The fact that the card was given to workers by a company security guard is the final piece in this deliberate (and successful) attempt to intimidate workers while creating company-controlled unions. Workers report that the union has made no effort to handle worker grievances or represent their interests in any way.

The owner of PPS Garment is Vann Sue Leng, the President of the Garment Manufacturers Association of Cambodia. According to media reports, he is very close to Hun Sen and has provided significant financial support to the Foundation to Reduce the Poverty of the Cambodian People. This foundation, which media reports have linked to CPP election efforts, has Cham Prasidh, the Minister of Commerce, serving as its President and Suy Sem, the Secretary of State for the MSALVA, serving as its Vice-President. Second Prime Minister Hun Sen serves as the Foundation’s Honorary Chairman.

Yet another example of MSALVA-condoned creation of employer dominated unions occurred at Cambodia Sports Wear Garment, where MSALVA says the Independent Trade Union of Cambodian Workers (ITUCW) formed a union that was registered on January 30, 1998. The ITUCW is new iteration of the former CAFTU that served as the government-controlled trade union federation during the State of Cambodia (SOC) regime of Hun Sen. Men Samon, the President of the ITUCW, also headed CAFTU. She serves as a CPP Member of Parliament from the province of Svay Rieng and is reputed to be close to Hun Sen and his wife.

C8

According to workers at Cambodia Sports Wear, there was no election for the union. Instead, during working hours the manager of the factory called a meeting of workers. Men Samon appeared next to the manager as it was announced that 7 persons (3 administrative office staff close to management and 4 from the ranks of supervisors) had been made leaders of the “union”. Eyewitnesses say that numerous special guests were present at this meeting, including officials from MSALVA, but they could not identify who the officials were. Workers told investigators that for about 2 to 3 months before the announcement, work supervisors passed out blank union application forms to workers and urged them to join the “union”. Those filling out the form were required to submit it along with a 700 riel “initiation fee.” Members would then have 200 riel automatically deducted from their pay for the union every month. There are many workers who refused to fill out the membership form, yet their pay is still being docked 200 riel per month despite the fact that they never joined the union. There is no advance notice given about this deduction, which is carried out by the company accountant, and workers were unsure where the proceeds from this deduction went.

C9

At Jyidis Garment, where MSALVA says they registered a union on May 20, 1997, the pattern of creating non-representative unions with connivance of CPP elites continued. Workers reported that approximately 30 workers were invited to Chuon Mom Thol’s headquarters to “form a union.” After the union was formed, a series of top-level appointments was made for them. The workers had a meeting with Interior Minister Sar Kheng after forming the union.

Later had meetings with Second Prime Minister Hun Sen, ITUCW President Men Samon, and Mrs. Ho Norn, the wife of a top advisor to Hun Sen. At each meeting, these worker representatives received money, sarongs and scarves, and packets of MSG. Since the founding of the union, workers in the factory say there has been no indications of the existence of the union at the factory. They add the union has made no effort to represent workers in solving their grievances with management. Workers also report there are no shop stewards that they know of at the factory, meaning that the official channel through which they could make a complaint to management does not exist.

All together, either Chuon Mom Thol or Men Samon controls 23 of the 25 unions officially registered by MSALVA.

Conclusion

The Royal Cambodian Government and the Ministry of Social Affairs, Labor, and Veterans Affairs have continually undermined and destroyed efforts by Cambodian workers to form free and independent unions and engage in collective bargaining with their employers. The US Government should immediately withdraw GSP treatment for Cambodian products until the Royal Cambodian Government demonstrates through concrete actions that it is prepared to allow a pluralistic and independent labor sector to exist in Cambodia.

ATTACHMENT A

The Destruction of an Independent Union: The Case of Independent, Democratic and Free Trade Union of Gold Kamvimex Garment Factory

On March 13, 1998, H.E. Var Huoth, RCG Ambassador to the United States, sent a letter to USTR with an attachment by the MSALVA. This information was in response to a request by the USTR staff for clarification of a number of statements made by MSALVA Vice-Secretary of State Hong Them in his January 15, 1998 letter to USTR. Hong Them stated that "any labor union leader who was registered was not dismissed by employer." When asked what this meant by USTR, the MSALVA attachment to the March 13 letter stated "Any labour union leader who was registered was not dismissed by employer' means that there were some union members who were dismissed by employers, but none of them was leader of a registered trade union." Unfortunately, this is a patently false statement by MSALVA.

C 10

The Independent, Democratic and Free Trade Union of Gold Kamvimex Garment Factory was registered by MSALVA on July 4, 1997. It received union registration number #15 from MSALVA and it appears on MSALVA's March 13th attachment provided to USTR. Interviews with workers and union members revealed that on February 27, 1998, there was a meeting planned between Gold Kamvimex management representatives and the union to discuss the union's request for the reinstatement of the former union treasurer, Sou Rattana, who had been dismissed on September 6, 1997. Prior to the meeting, management allowed two heavily armed soldiers (with guns in holster and hand grenades) to walk through the work areas in an obvious attempt to intimidate the employees. Union President Sek Chan Noeun requested the soldiers to not show their guns outside their shirt but was ignored. Gold Kamvimex administrative staff Chhoy You then called Sek Cham Noeun and Union Secretary San Sina You to receive management's negative response to the union demand. Meanwhile, while the meeting was in progress, eyewitnesses state the soldiers came into the area outside Chhoy You's area, reportedly to seek the name of the worker who had protested their presence in the work areas. Following the meeting, the union delegation left the office to return to the adjacent factory production area. Just after they had entered the factory, at approximately 10 a.m., one of the soldiers (reportedly named Sam Ol Dara) fired a single round into the air. The employees then laid down their tools and went out to find out why the soldiers shot in the air. The soldiers then ~~threatened the~~ workers, and eyewitnesses report the soldiers said "if you want to file a complaint, you can file it to Hun Sen."

Witness (Tweat)

Gold Kamvimex's workforce then refused to return to work. Between 10 a.m. and 4 p.m. on February 27, the employees demanded that management explain why the soldiers fired in the air. They also demanded management to force the soldiers to leave the factory grounds. No reply was forthcoming, and workers refused to return to work.

On February 28, management locked out the workers and refused repeated requests by workers (conveyed by the security guard to the main office) to allow them into the factory to

negotiate with management. On March 2, management posted a list on the factory gate (with name and work ID number of workers) for payment of February wages but only some of the workers were included. The workers demanded payment for all workers at the same time. Management then announced it would continue the lock-out and informed workers they should return on March 10. On March 10, management told workers that they would not be able to come back until there was an election for shop stewards and that management would refuse to negotiate with any trade union representatives except those who were shop stewards. At that meeting, the shop steward election was set for March 13.

On March 12, the union attended a meeting with management (represented by factory manager Zhao Qi Wen) and senior representatives of the MSALVA (including a Deputy Director of the Labor Inspection Department; a Deputy Head of the Office of Professional Relations and Labor Disputes; and an Office Chief of the Labor Inspection Department (headquarters)). During the meeting, the union representatives presented a list of candidates the union had nominated for shop steward (in accordance with Article 288 of the Labor Law). As the MSALVA representatives read out the list of candidates, the factory management replied "yes" or "no", indicating his willingness to have that person stand for shop steward. Union protests were met with a threat to close the factory. Handwriting in black pen by a representative of management appears on the union shop steward list next to stars (presumably noting disapproval) that are next to names of several union officers, including the President and Secretary, and prominent union activist-leaders. All the persons who were placed on the ballot for the election the next day were nominated by management, and their names appear in the same black pen handwriting (with Chinese characters) on the last page of the union list: Sao Sokhy (finance officer, worker ID #006), Danh Sophy (group supervisor, #047), Chuon Phim (group supervisor, #031), Som Srey Yieng (group supervisor, #040), Hou Vann Ly (finance officer, #049), and Neth Lieng (group supervisor, #033). The first three candidates were to be shop stewards, the latter three alternate shop stewards. By presiding over such a meeting, these top-level MSALVA officials are directly implicated in interference to prevent workers from selecting their own representatives to collectively bargain with employers. Unfortunately, information from workers in other establishments indicates that this kind of MSALVA interference is not an isolated incident.

The next day, March 13, the shop steward "election" took place. The only candidates on the ballot were the six steward and alternate steward candidates nominated by management the day before. Workers stated that when they voted, there was no secret ballot because MSALVA and employer representatives stood next to the table and watched workers fill out the ballots. The ballot box was made of cardboard and had no locks. After the workers voted, workers testified that they were told to go home, and that only employer and MSALVA representatives were allowed to stay for the ballot counting. MSALVA officials that witnesses say directed this farce of an election were ; a Deputy Head of the Office of Professional Relations and Labor Disputes; an Office Chief of the Labor Inspection Department (headquarters); and another Head of Office for the MSALVA Labor Inspection Department.

With their nominees in place as shop stewards through rigged, undemocratic election,

management took the next step to destroy the union by unilaterally suspending from employment 12 union activists from work. Among those suspended were the union President, 3 members of the union's 10 person executive board, 3 members of union sub-committees handling specific areas of work, and 5 activist members of the union. The suspensions were announced by a written notice posted on the factory gate with photos of each of the suspended workers and their work ID number. Factory manager Zhao Qi Wen signed the notice. The same dark black pen handwriting (in Chinese) that appeared on the union's shop steward nominee list is also found on this suspension notice. On March 20, Gold Kamvimex summarily fired all 12 union members on this list, including the union's top leaders. Afterwards, the MSALVA negotiated compensation settlements for each of the fired unionists, indicating that MSALVA knows full well that these union leaders were fired. The RCG has simply failed to make this fact known to USTR or other agencies of the U.S. Government.

The RCG should immediately force Gold Kamvimex to reinstate the fired union members with back pay. The RCG should also annul the rigged election of management candidates as shop stewards and allow the union to freely nominate its own candidates for the shop steward positions. Finally, the RCG should allow workers and representatives from international organizations (such as local Embassy officials and NGOs) to observe the nomination process, the voting and the counting of the ballots.

