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American Federation of Labor and Congress of Industrial Organizations *Benin*

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*Intro AFL-CIO 1989*  
*Benin*  
*Haiti*  
*Indonesia*  
*Liberia*  
*NEPAL*  
*SYRIA*

*Thailand*

**A PETITION TO THE  
UNITED STATES TRADE REPRESENTATIVE  
REGARDING WORKER RIGHTS**

Submitted to:

Hiram Lawrence, Chairman  
GSP Subcommittee  
Trade Policy Staff Committee  
Office of the USTR  
600 17th Street NW  
Washington, D.C. 20506

June 1, 1989

## INTRODUCTION

The 1989 AFL-CIO petition calls for termination of the trade privileges of seven nations under the Generalized System of Preferences (GSP) because of their worker rights abuses. These countries are: Benin, Haiti, Indonesia, Liberia, Nepal, Syria, and Thailand. The governments of four of these countries -- Haiti, Indonesia, Syria and Thailand -- have been the subject of earlier AFL-CIO petitions. All of these governments have long-standing records of repressive labor practices which violate U.S. law and internationally recognized worker rights as set forth in the International Labor Organization conventions. The Trade and Tariff Act of 1984 lists these rights:

- 1) the right of association;
- 2) the right to organize and bargain collectively;
- 3) a prohibition on the use of any form of forced or compulsory labor;
- 4) a minimum age for the employment of children; and
- 5) acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

The repressive practices of these countries warrant their removal from the list of developing nations which are eligible for GSP privileges. This information is provided pursuant to provisions contained in Section 502 (b) and (c) of the Trade Act of 1974, as amended by the Trade and Tariff Act of 1984, the legislation governing GSP.

In this introduction to the 1989 petitions, we believe it is important to state once again the AFL-CIO's views regarding these issues: 1) application of the five standards; 2) the relationship between respect for international worker rights and relative levels of economic development; 3) law and practice; 4) the process of case selection; and 5) self-initiation of worker rights cases by the United States Trade Representative.

### The Five Standards

All five of the above categories are important, but serious violations in any one of them is justification for the denial of GSP benefits. The standards are presented in the law as areas of legitimate consideration, all of which deserve investigation and evaluation. The law does not direct how they are to be weighed, sorted, or balanced. Nor does it suggest that the denial of benefits depends on evidence that all five standards have been violated.

Two of these criteria determine the fate of the others and are therefore deserving of greater attention. First, freedom of association is the one right on which all collective action rests. The absence of this right makes fulfillment of all other worker rights impossible.

Once workers possess the right to associate freely, the second important right comes into play: the right to organize and bargain collectively, independent of state or employer control. Absent this ability to operate, free from the fear of government interference or unrestrained employer intimidation, a union cannot represent its members' interests. It cannot function as a union. Thus, freedom of association and the right to organize and bargain collectively are, by definition, prior standards.

Accordingly, "taking steps" with respect to any of the other categories should not qualify a country for continuation of GSP benefits if the preponderance of evidence suggests that workers lack these most fundamental rights.

### International Worker Rights Standards and Levels of Economic Development

In commenting on the economic standards set out in the worker rights section of the Trade Act, the AFL-CIO has referred to international standards rather than U.S. economic standards. In its five years of presenting worker rights petitions to the USTR, the AFL-CIO has never attempted to apply the economic expectations and standards of the U.S. or other developed countries to the less developed nations which receive GSP benefits. Specifically, when we refer to minimum wages, safety and health, or child labor, we use the parameters of the International Labor Organization, not the standards we enjoy in the United States.

### Law and Practice

Analysis of the legal framework alone cannot provide an adequate assessment of a country's worker rights practices. For example, government pronouncements or communications which are merely statements of intent must not be mistaken by USTR for progress, improvement or "steps." It is also easy for governments to draft laws which conform to ILO standards in the expectation that the existence of the law will be accepted as proof of progress in worker rights.

It is the experience of the AFL-CIO that in too many cases actual labor practices fall far short of the standards demanded by the letter of the law. The network of AFL-CIO representatives and fraternal colleagues overseas is of invaluable assistance to

us as we contrast law and practice. With their help, we measure progress on workers rights against the reality of day-to-day life for workers and their organizations. We do not place our faith in the promises of governments.

### Process of Case Selection

The AFL-CIO is solely responsible for the cases submitted.

### Enforcement of U.S. Law

Our selection of the seven GSP-eligible countries mentioned earlier does not mean that the AFL-CIO endorses or supports the labor rights records of other countries on the GSP list. With some exceptions, we present cases on countries where we can obtain the most detailed and reliable information.

There are instances, however, where the abuse of internationally recognized worker rights is flagrant and well-known, even to the U.S. Government. Repression may be so severe that labor contacts are difficult to make and independent research virtually impossible to conduct. Such self-evident or prima facie violations warrant investigation by the Office of the U.S. Trade Representative.

In this petition, we reiterate our contention that Syria is a notorious prima facie violator of worker rights and should be removed from the program. We also cite Benin and Nepal in this category and call upon the USTR to conduct complete investigations of the two countries. The cases against Benin and Nepal use a number of sources, including the U.S. State Department's own Country Reports on Human Rights Practices.

For example, the State Department report on conditions in Nepal in 1988 states:

Although workers do not enjoy the right to form associations independent of the Government, their interests are considered by the Government to be fully represented through the Nepal Labor Organization (NLO). The Government banned trade unions in 1960...

Workers do not enjoy the right to organize and bargain collectively.

The State Department report has this to say about Benin: "Workers are not free to organize and join labor unions free of government control."

Filing cases where violations are self-evident need not depend on private parties such as the AFL-CIO. Sections 502 (b)

and (c) of the Trade and Tariff Act make it clear that the U.S. Government has the responsibility to ascertain each country's eligibility every year, irrespective of the filing of private petitions. The AFL-CIO urges the U.S. Government to enforce the letter of the law. We urge the USTR to initiate investigations of countries' worker rights practices independently, using information collected by the U.S. Government in the Country Reports on Human Rights Practices. There are a number of other countries where the evidence of worker rights violations, as reported by U.S. embassies, is overwhelming.

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