

AFL 1987 (all) plus selected pages on countries:
 Chile Indonesia Korea (S.) Paraguay Singapore Suriname
 Thailand Turkey Guatemala, Haiti, CAH, Zambia

(1987)

INTRODUCTION

The AFL-CIO once again welcomes the opportunity to present documentation to the United States Trade Representative (USTR) concerning the failure of certain governments to abide by internationally recognized standards for worker rights. This information is provided pursuant to provisions contained in the Generalized System of Preferences as extended by the Trade and Tariff Act of 1984. We will present below evidence to support our contention that certain countries which have particularly heinous worker rights records should, as required in U.S. law, be denied the privilege of importing goods to the U.S. under preferential tariff conditions. Those countries cited include Chile, Indonesia, The Republic of Korea, Paraguay, Singapore, Suriname, Taiwan, Thailand, and Turkey.

The AFL-CIO also recommends that a number of countries with extremely poor records be issued a warning during the upcoming annual review, though we are not prepared to urge full denial of GSP benefits at this time. These countries are Central African Republic, Guatemala, Haiti, and Zambia.

Our decision not to include any particular GSP-eligible country in this review does not necessarily suggest approval of its labor rights record. We are presenting cases with regard to countries where we have the most detailed and reliable information.

Several of those cited (Chile, Guatemala, Haiti, Republic of Korea, Paraguay, Suriname, and Taiwan) were included in previous testimony submitted by the AFL-CIO and were considered during the recent general review. Although the President chose not to remove them from GSP eligibility in January 1987, we believe that the facts warrant further examination by the USTR. Other cases are totally new (the Central African Republic, Indonesia, Turkey, Thailand, Singapore, Zambia). In those cases already considered by the USTR in its most recent general review, we have made new observations or replied to the considerations presented by USTR Clayton Yeutter in his April 15, 1987 letter to AFL-CIO President Lane Kirkland.

In the AFL-CIO's view, all of the countries cited here have long-standing, repressive labor postures, and they have consistently refused to take significant or meaningful steps to extend internationally recognized rights to their workers. These rights, cited in the law, include: 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.

GTA:
 9/19/87
 KN

REV = 0
 ONF = 8

Haiti
 4/19/87
 KN
 REV = 1
 ONF = 4
 45"

FOIA
 EXERCISE
 CHILD
 WORKERS

study

In presenting cases for this year's annual review we would like to clarify a number of positions having to do with such issues as: 1) the balanced use of worker rights criteria; 2) international worker rights standards and relative levels of development; 3) law and practice; and 4) the process of case selection.

Balanced Use of Criteria

The AFL-CIO considers infringement in any one of the five rights categories designated in the law to be deserving of serious attention. No fair interpretation of the law would weigh some criteria more heavily than others, granting beneficiary status on the basis of acceptable performance in just one area when other practices stand in continuing violation of minimal internationally recognized standards. The right of association, for example, is the underpinning of all collective economic and political trade union action and as such forms the bedrock of workers rights. Without the right to organize and bargain collectively, independent of state or employer control, union functions, whether economic or political, have no meaning. Thus, wage improvements in a country where unions have no political freedoms or where workers cannot form unions should not count as sufficient evidence that it is "taking steps" and thus deserving of the GSP privilege. Nor does the relative freedom of association in a country like Thailand absolve that government of its responsibilities to observe and enforce minimal standards with regard to child labor.

Each of the five criteria has been included in the law, and due consideration should be given by USTR to all five basic rights categories. Some involve political freedoms, others economic conditions. There can be no trade-off between them since both combine to define the condition of worker rights.

International Worker Rights Standards and Levels of Economic Development

The AFL-CIO has never advocated that the economic standards contained in the worker rights provisions be applied to GSP beneficiaries according to the standards familiar to the industrialized world. AFL-CIO President Lane Kirkland has said, for example, that "in order for the concept of 'internationally recognized workers rights' to be applied in a meaningful fashion . . ." the USTR should "specifically reference appropriate ILO Conventions as a means of defining criteria". These ILO Conventions are general guidelines that take into account differing levels of economic development. In presenting these cases the AFL-CIO has taken care to consider the relative level of economic development of the countries concerned. There can be no double standard on the other hand, when it comes to the right

of unions to exist. The fundamentals of freedom of association and the right to organize and bargain collectively lose their meaning if judged by shades of relativity. For these a single standard of judgment is essential. In presenting these cases the AFL-CIO has also made appropriate reference to relevant ILO Conventions.

Law and Practice

A country's official declarations of intent or the existence of written law do not merit a positive judgement that improvements are in fact being made. It is easy for governments to point to impressively drafted laws which appear to conform to ILO standards to prove that they are taking steps in the direction of granting workers rights. Our experience and information, gleaned from a world-wide network of AFL-CIO representatives, lead us to conclude that in many cases de facto labor practices bear little resemblance to the law. Thus we choose not to credit promises of Taiwanese or South Korean government officials, who seek to frustrate our inquiries with protestations of good intentions and efforts to explain how free workers really will be in their countries, until these promised changes become reality. All too often the actual conditions of workers and their unions bear little resemblance to the lofty ideals described in official communications from ministries of state. Our conclusions, based on observation of the facts, form the basis for filing cases against the governments cited herein.

Process of Case Selection

The AFL-CIO is solely responsible for the cases submitted herein. Although we consulted extensively with the trade unions in the countries cited, they bear no burden of blame for our submission. *why*

We strongly urge that all of the cases presented here be included in this year's annual review. The first group should be denied GSP eligibility. The second should be warned that an ongoing examination has been urged and that benefit withdrawal is a possible result.