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EL SALVADOR

The Government of El Salvador has failed to curb the abuses documented in the AFL-CIO petition of June 1, 1990. Indeed, Salvadoran government officials have intimidated and harassed those who supplied the AFL-CIO with information for our petition, namely, trade union leaders of the Salvadoran National Union of Workers and Campesinos (UNOC). The AFL-CIO therefore continues to urge that GSP trading privileges for El Salvador be terminated.

threat

Further documentation of abuses of worker rights will be provided to the committee at the time of the September hearings on the following problems:

FOA

1. **Denial of freedom of association.** In its 1990 petition, the AFL-CIO presented eight examples of how the governing party has used intimidation and coercion to force campesinos to choose ARENA-backed leaders and join government-supported campesino confederations.

The issue in these cases is not land parcelization per se, but coercion by government officials to force campesinos to make choices they might not otherwise make regarding the leadership of their organizations. Nothing could be more "linked" to the performance of trade union activities than the election of union leaders. Furthermore, such interference did not cease after UNOC complained to President Cristiani, as claimed by the Salvadoran government, but have continued to the present.

We will also demonstrate that in an agrarian society, which El Salvador is, campesino organizations function to represent agricultural workers vis a vis powerful political forces that represent large landowners.

2. **Retaliation by employers.** Illegal firings and reprisals against trade unionists by employers are still a problem in El Salvador. We agree with the U.S. Embassy statement that "the law has no efficient mechanism to deal with these cases [of illegal firings]" and that "Labor Ministry officials admit privately that this loophole in the law is used by some companies to pressure or fire union leaders and should be changed when the labor code is revised." More examples of such reprisals have occurred during the past year.

Freedom of association in El Salvador's Export Processing Zone (EPZ) facilities, which are to be expanded, is virtually non-existent. As expressed by the U.S. State Department in its 1989 Human Rights Report, "firms discourage labor organizing by preventing workers from entering the zone and intimidating workers who attempt to organize."

To provide "concrete evidence" on this point, we hope it will not be necessary for workers to be willing to attempt to organize and run the almost certain risk of being fired before consideration can be given as to whether their protection is adequate. Every Salvadoran worker knows that the law does not provide for reinstatement of illegally fired workers and that the fines for such violations are inadequate to prevent such retaliation. Therefore it is unlikely that workers will be willing to sacrifice their jobs, and perhaps more, simply to provide "concrete evidence" of a situation that the State Department has already acknowledged to be true.

It is helpful to recall what happened in the Dominican Republic in this regard. Until October 1990 there was little "concrete evidence" of anti-union firings in that country's EPZs because workers were afraid to openly organize a union and apply for recognition. In October 1990, after the government responded to the pressure of our GSP petition by proclaiming it would protect workers organizing in the zones, workers immediately formed unions in several companies. All were fired, thus providing plenty of "concrete evidence" that the government could not or would not protect their rights.

3. **Intervention and abuses by government security forces.** The AFL-CIO has evidence that in many cases, threats, intimidation and surveillance are directed against unions which are unassailably pro-democratic. Abuses included arbitrary arrest and detention, denial of due process, abuse during detention, assassinations and disappearances of trade union members. The AFL-CIO will present more evidence of such abuses that have occurred during the past year.

4. **Labor code violations.** Regarding the violations of worker rights that occur as a result of inadequacies in the labor code and its administration, we agree with the assessment of the U.S. Embassy that "legally, only private sector, nonagricultural workers have the right to form unions and to strike."

Moreover, despite the fact that de facto collective bargaining occurs in some sectors not covered by law, we do not agree that resulting agreements are treated as if they were covered under the labor code. In fact, respect for such de facto collective agreements is entirely dependent on the whim of management.

Since the March 1991 legislative election, public sector managers have begun to deny association members their customary right to hold meetings and engage in legitimate union activities. Thus, we agree with the subcommittee that such protection eventually must be incorporated into a new labor code in order to be effective. Unfortunately, the government has no interest in

such reforms, much less in ensuring that even the existing laws are adequately enforced.