

AFLCIO 1993

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Since the September 1991 military coup overthrowing President Jean-Bertrand Aristide, the people of Haiti have suffered an economic, political and social crisis. The military has continued a campaign of political repression which can best be described as "preventive" repression because it is aimed at terrorizing the people before they have a chance to speak out against the regime. Community, political, religious, and civic leaders are constantly intimidated.

Trade unionists are among the common targets. Many of the unions have been decimated, losing 40 to 50% of their membership. This is primarily due to the repression by the military as well as the refusal by the majority of businesses, including all of those located in the free trade zones, to recognize trade union rights. The combination of the military repression and the blatant anti-union tactics used by the business community have lead to a complete loss of worker rights protections in Haiti.

The AFL-CIO is presenting additional information on worker rights violation since its filing of a petition in June 1992. Given the further deterioration of trade union rights, the AFL-CIO strongly urges the U.S. Government to terminate Haiti's trading privileges under the GSP and CBI programs.

MILITARY REPRESSION OF WORKER RIGHTS

Repression against trade unionists in Haiti is well-known and well-documented, especially since the arrival of a team of observers from the Organization of American States (OAS). However, the presence of the OAS observers apparently has had very little impact on the military's activities. Blatant violations of human and trade union rights continue to occur.

According to the 1992 U.S. State Department Report on Human Rights Practices:

There is widespread repression and violence against trade union activities by the military authorities. Many union leaders have gone into hiding and closed their offices. Unions, as well as all other citizen groups or assemblies, may only meet with the express written permission of the military. Established unions of telephone, electrical, and journalism workers have either had leadership changes forced upon them by the military or have been completely replaced. There are also allegations of intimidation of agricultural union leaders by arrests, beatings and banning of meetings.

Trade union leaders live in constant fear of military reprisals for even the simplest of activities. Several unions have recently begun to hold meetings with the military's permission with the knowledge that this may make them even more susceptible to violence. Other than

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small-scale meetings held to maintain some semblance of organization, trade unions have not been able to perform even the most routine trade union activities since the 1991 coup. The right to bargain collectively and the right to strike are non-existent. The State Department's Human Rights Report describes the situation: "There were no major public or private sector strikes in 1992. This is not attributable to labor/management harmony but rather to the atmosphere of severe repression that followed the coup d'etat and to the economic impact of the OAS embargo."

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violence

case 1

Perhaps one of the most violent examples of the repression trade unionists face occurred on April 23, 1993, when three members of the General Confederation of Workers (CGT) were arrested and beaten while on their way to a radio station to protest an attempted arrest of two CGT leaders the previous day. The day before police attempted to arrest Sauveur Orelus, leader of the CGT in Gros Morne, and another union member. Both escaped but a CGT seminar that had been scheduled for that weekend in Gros Morne was cancelled.

Jul 3

beat 3

part 2

The three trade union leaders, Cajuste Lexiuste, CGT General Secretary, Fabonor Saint Vil, CGT Secretary, and Orelus, were arrested by the notorious Anti-Gang Police, known for their extremely violent treatment of prisoners. All three men were severely beaten. Following intervention by the AFL-CIO, OAS and U.S. Embassy, Saint Vil and Orelus were released on April 29. Lexiuste was transferred to the military hospital where he was operated on for the life-threatening injuries he received while in jail. The medical observer for the OAS Human Rights Mission certified on May 12, while Lexiuste remained in the military hospital, that the union leader had received such severe blows to his back and sides that his kidneys had begun to fail. Despite the recommendation that Lexiuste be transferred immediately to a hospital that specializes in kidney injuries, the military held him until May 21st.

Jul 6

beat 6

part 3

The arrest and torture of the three CGT leaders has been one of the most violent worker and human rights abuses in the past few months, but it is not the only one. Other trade unionists have been held for short periods of time by the military in order to frighten and silence them. This has been a very effective tactic as fewer trade unionists are willing to try to exercise their rights for fear of violent military reprisals.

mostly

RETALIATION BY EMPLOYERS AGAINST TRADE UNIONISTS

Repression of trade union activities by the military has been widespread, violent and very effective in eliminating all worker rights in the country. However, actions by the private sector have been just as detrimental to worker rights in Haiti. Employers have freely violated internationally-recognized worker rights including dismissals for union activities and refusal to hire workers identified with trade unions. In all cases of violations by the private sector, the military has allowed and even encouraged employers to violate labor standards.

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Although most businesses closed down just after the coup, many have begun to resume operations again as the military has tightened its hold and the situation has stabilized. Most of

the businesses now in operation are export processing plants because, despite an economic embargo, many companies have received permission to export, and goods continue to flow from Haiti to the United States. In 1992, the first full year of the embargo, a total of \$110 million worth of goods were imported, including almost \$10 million under the duty-free GSP program.

Normal trade union activities such as organizing drives, collective bargaining and strikes have not taken place since the September 1991 coup. In fact, the U.S. State Department's Report on Human Rights Practices states, "Collective bargaining, which has never been widespread in Haiti, was nonexistent in 1992." In most cases, unions no longer operate at all.

The AFL-CIO conducted a survey of companies currently functioning in the free trade zones near Port-au-Prince in April 1993 to evaluate the worker rights situation. Of the 36 companies with over 100 employees currently operating, all were operating without a union. And in many of those companies, unions had been functioning prior to the coup. The AFL-CIO survey found that there were numerous violations in these export companies, including:

- No freedom of association
- No grievance procedure
- No supplemental pay for overtime
- Excessively long workdays
- No established minimum wage
- No health and safety precautions.

A list of the companies the AFL-CIO found to be currently operating in the export processing zones is included as Attachment J. All of these companies are operating union-free. In order to verify the discrimination against trade unionists, several former workers attempted to apply for jobs at their previous place of employment in an export processing company. However, once the worker identified himself as a former union member, the opportunity to return to work quickly vanished. Following are several notes from conversations which occurred in early May between trade unionists and former workers seeking employment and managers of free zone companies.

Luck Manufacturing (Industrial Park #30, manufactures women's apparel)

Worker: "Do you have a job for me? I am a member of CATH."

Personnel Manager: "The factory was previously closed for unions. We do not need [s...] here."

GENASCOSA (manufactures men's apparel)

C4

Worker: "I am a union member. I am looking for a sewing job...." (He could not finish his sentence.)

Personnel Manager: "[...] You. Get lost or we clean your [...]."

Caribbean Contractors (manufactures women's apparel)

C5

Worker: "I am a union member. I am looking for a job."

Personnel Manager: "We need operators, not troublemakers."

Caribbean Contractors Form Flex S.A. (manufactures women's apparel)

C6

Worker: "I am a union member. I am looking for a job."

Personnel Manager: "Aristide sent you."

C7

Sewing International (Industrial Park #2, manufactures women's apparel)

Worker: "Good morning. I am looking for a job."

Personnel Manager: "O.K."

Worker: "Can I talk to the manager or the owner?"

Personnel Manager: "Wait." Later, "Come on over here."

Worker: "How much are you paying?"

Personnel Manager: "You will make good money."

Worker: "I am a family man. I have a wife and nine kids. And I am a union member. Do you have a union?"

Personnel Manager: "What? [...] you."

Shelsea S.A. (manufactures women's apparel)

C8
+ 36 appndix
C14 cases

Worker: "I am a CATH member and I am looking for a job."

Personnel Manager: "Get out! You smell like a ..."

These graphic examples demonstrate that worker rights are nonexistent in the export processing zones. And there is no mechanism for redress for the workers. The military supports the private sector's anti-union and anti-worker attitudes.

CONCLUSION

The combination of military repression and unrestricted violations of worker rights by the private sector have led to the almost complete destruction of the democratic trade union movement in Haiti. Normal trade union activities are nonexistent. Small organizational meetings are held under military supervision, but always with the threat of reprisals. Companies which used to have trade unions now refuse to rehire union members. There is a complete disregard for the protection of worker rights in Haiti; therefore, the AFL-CIO calls for the termination of GSP trade benefits to Haiti.

ATTACHMENT J

PARTIAL LIST OF FACTORIES OPERATING IN HAITI

| FACTORIES | PRODUCTS |
|--|-------------------|
| 1. Classic Apparel S.A. | Apparel (women) |
| 2. Alpha Sewing | Apparel (men) |
| 3. Howtex | Apparel (women) |
| 4. Sewing International | Apparel (women) |
| 5. Luck Manufacturing | Apparel (women) |
| 6. Building 7 | Ties |
| 7. Building 8 | Shirts |
| 8. Team MFG S.A. | Baseballs |
| 9. Tutanham | T-Shirts |
| 10. Desolme Industries S.A. | Apparel (girls) |
| 11. Home of Champions S.A. | Baseballs |
| 12. Mocosa | Apparel (women) |
| 13. Chancerelles Manufacturing | Apparel (women) |
| 14. Building 23 | Board |
| 15. Cuir Hawtan | Leather Goods |
| 16. Alpha Industry | Plastic Articles |
| 17. Eti Haiti S.A. | Toys |
| 18. Building 39 | Apparel (men) |
| 19. Indestructibles Cores S.A. | Belts |
| 20. Building 5 | Baseballs/Belts |
| 21. Ohmnicron S.A. | Electronic Pieces |
| 22. Building 31 | Apparel (women) |
| 23. Caribbean Contractors | Apparel (women) |
| 24. Caribbean Contractors Form Flex S.A. | Apparel (women) |
| 25. Vetex S.A. | Apparel (men) |
| 26. CEE Confection & Emballage | Apparel (men) |
| 27. Danfred's Textiles S.A. | Apparel (women) |
| 28. Genascosa | Apparel (men) |
| 29. Brewton Fashions | Apparel (men) |
| 30. Brewton Fashions #2 | Apparel (men) |
| 31. Michiko United Ind. | Embroidery |
| 32. Caribbean Textiles S.A. | Apparel (men) |
| 33. International Sewing | Apparel (women) |
| 34. Pens Ltd. S.A. | Apparel (men) |
| 35. Int. Sewing Contractors | Apparel (women) |
| 36. Shelsea S.A. | Apparel (women) |

NOTE: All factories are operating union-free.