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United Electrical, Radio and Machine Workers of America



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Petition to the United States Trade Representative

LABOR RIGHTS IN GUATEMALA

The United Electrical, Radio and Machine Workers of America (UE) here petitions the United States Trade Representative to review the status of benefits under the Generalized System of Preferences for Guatemala under the worker rights provisions of the GSP program.

Last year USTR rejected a GSP worker rights petition on Guatemala. We believe that a review was warranted last year. Be that as it may, the status of labor rights in the country has deteriorated since then to a point now justifying acceptance of a petition for review.

The following cases are evidence of worker rights violations that contravene the standards set out in the law:

I. FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN

Crushing of Plantation Workers' Strike

C/ Fifty thousand plantation workers on the southern coast of Guatemala went on strike in January, 1989 for a raise in the \$1.65 per day minimum wage, food rations three times daily, overtime pay for a seventh day worked and other improvements in working and living conditions. Before the strike began, growers threatened workers with immediate firing if they participated and declared that the strike was fomented by guerillas.

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At the growers' behest a massive military intervention was carried out by Guatemalan army troops, military police, helicopter patrols and special anti-riot police, who moved in and sealed off the region. They occupied plantations and sugar processing mills and used tear gas to disperse striking workers.

Thousands of workers were fired and sent home. Personal belongings were confiscated. Identity cards were taken from many of them, leaving them subject to detention if stopped by police. Journalists seeking to cover events in the region were denied entry to plantation areas. The strike was quickly crushed with no negotiations or accord between workers and growers.

The Army Bank

In the past year employees of the Banco del Ejercito in Guatemala have sought legal recognition of their union. A majority of Bank workers has joined the union. The Guatemalan military insists that Bank employees are "army specialists" subject to military discipline rather than civilian authority. The Cerezo government has refused to grant legal status to the union. Lawyers representing the workers and their union have received death threats and have abandoned the case. The workers have been left without legal representation.

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2The Assassination of Carlos Martinez Godoy

Carlos Martinez Godoy, 40 years old, Secretary of Conflicts for the International Bank union, was active among bank unionists in support work for the employees of the Army Bank who are trying to organize a union. On October 6, 1988 Godoy appeared in a group photo of bank unionists in the newspaper "La Hora" threatening work stoppages if the Army Bank union was not given recognition. During the first week of October Godoy and his union had concluded negotiations with management of the International Bank. While those negotiations were underway, Godoy received several death threats.

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On October 14, 1988 Carlos Martinez Godoy was shot and killed by gunmen in Guatemala City. Witnesses report a stakeout of his

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house by armed men in cars on the day of his murder. In spite of this evidence, the Guatemalan government maintains that the murder of Godoy was a common crime.

Acumuladores Victor

(9) On November 19, 1987, the Ministry of Labor granted legal status to the employees of the Acumuladores Victor battery manufacturing plant. On November 30, 1988 the management of Acumuladores Victor closed the plant and dismissed the workers. The principal shareholder of Acumuladores Victor was Victor Passarelli.

During the first week of December, 1988 the plant reopened under a different name, "Acma." The principal shareholder of Acma is Victor Passarelli's wife. Acma claims to be a different enterprise from Acumuladores Victor although it produces the same product serving the same customers, but with a completely new workforce. Despite court findings that the closing and re-opening was a ruse designed to evade union recognition, affected workers are still without jobs as their case languishes on appeal.

8 STINDE

Several leaders and members of the Union of Workers of the National Institute of Electrification (STINDE) have been victims

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of threats and intimidations since a strike ended in early January, 1989. Jorge Castillo, Conflicts Secretary of the union, has been a particular target of of telephoned and written threats. Other members of the union's executive committee have received similar threats, and their homes have been the object of surveillance by armed men in civilian clothing.

In January, 1989 a rank and file member of the union's Escuintla affiliate was kidnapped by three armed men in civilian clothing. After beating him, the kidnappers asked him to lead them to the home of Jorge Castillo. They released him when he convinced them he did not know where Castillo lived.

In February, a leader of the Baja Verapaz affiliate began receiving written death threats against him and his family based on his union activities. Also in February, a union lawyer suffered an attempt on his life by two armed men driving a motorcycle in the center of Guatemala City.

On April 7, 1989 a kidnapping attempt was made against the 11-year old daughter of a leader of the union's Southern Guatemala affiliate. His wife and two neighbors were injured, but managed to prevent the kidnapping. The perpetrators promised to try again.

(Note: At the request of (STINDE) officials, the names of these individuals are withheld from this account. They are prepared to

give evidence, with names, to bona fide investigators.)

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Jacome Pinto Assault

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On January 11 the General Secretary of the union of workers at the Guatemalan Institute of Social Security, Ramon Jacome Pinto, was injured in an armed attack by armed men in an automobile who pulled alongside and shot him as he drove in central Guatemala City.

Morales Threats

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On January 17-23, 1989 the organizational secretary of the union of workers at the Duralux factory was repeatedly pursued by armed men who tried to break into his house and threatened to kill him for his union activities.

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Gamarro Kidnapping

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On March 11, 1989 the General Confederation of Guatemalan Workers (CGTG) denounced the kidnapping and detention of union activist Ruben Gamarro from the Montecristo Shoe factory grounds. Gamarro was seized by armed men in civilian clothing who came out of a police patrol. He was held for eight hours and questioned about his union's activities before being released.

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Ordonez Threats

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Sara Villegas Ordonez has been active in the Banco de los Trabajadores and in the bank workers federation for over eight years. She is also involved in the recently formed labor education program Primero de Mayo. After several weeks of anonymous telephoned threats at her home, she received a threat in the mail March 20, 1989 which says "Sara must leave Guatemala" with a photograph of a torture victim. She has received similar threats since then.

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Bonin Laboratories

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Workers at Bonin Laboratories, a pharmaceutical maker, have tried for over two years to achieve union recognition and negotiate with the employer. Management was found in violation of the labor code for discriminatory firings, giving wage increases to non-union workers while denying them to union members, and other code violations. However, Bonin workers are still unprotected.

In March, 1989 union leader Lucila Guadalupe Avila de Estrada, secretary of acts and agreements, received repeated death threats by mail. The messages ordered her to leave the union or she and her family members, including her children, would be killed. At the same time management offered her a lump sum payoff to quit her job.

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On March 15, 1989 Avila was forced into a car by armed men in civilian clothing, driven to the eastern part of the country, transferred to another car and left on a road near the Honduran border. The men repeated the threats to kill her and her family if she remained active in the union.

On March 28 Avila bowed to the pressure and resigned from work.

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On April 19 another member of the union's leadership, secretary of public relations Tomas Efrain Ramos, was detained by the National Police as he left work. While held in the Fifth Headquarters, Ramos was beaten and threatened with death. He was released on bail April 24.

## II. FORCED LABOR

FORCED

As part of what it calls a "counter-insurgency" campaign (the real campaign is to keep Guatemalan peasants frightened and obedient), the Guatemalan military enforces "Civilian Self-Defense Patrols" in Indian villages in different regions of the country. Despite a constitutional bar on forcing citizens to participate, Guatemalans who protest are routinely threatened with dire consequences, labeled guerilla sympathizers (virtually a death warrant in many cases), and arrested on trumped-up charges.



Hundreds of thousands of Guatemalans are pressed into civilian patrols and made to spend hours each week under military command. It is unpaid, involuntary work, clearly forced labor in violation of their rights. Furthermore, in many cases their obligations to the patrols take them away from paid labor.

In July, 1988 peasant leaders opposed to the forced labor of the patrols formed the Council of Ethnic Communities "We Are All Equal" (CERJ), which seeks to educate villagers about their constitutional right to refrain from joining civilian militias. The Army has ordered the civil patrols to arrest CERJ founder Amilcar Mendez and any CERJ members who are active in the villages. ca

In the "model villages" of the northern province of El Peten military commanders are forcing civilian patrollers to clear away forest land, ostensibly to root out guerillas. This demanding physical labor is unpaid and performed under threat of physical reprisal by the armed forces. After the work is done, landowners move in to develop the newly-deforested areas for agricultural production.

On April 1 two CERJ leaders, Marcario Pu Chibalan and Luis Ruiz, workers at the Miramar plantation in Patulul, Suchitepequez, were aroused from their sleep and taken away by armed men in army uniforms. One week later two of their colleagues, also leaders in

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the protest group, Agapito Perez Lucas and Nicolas Mateo, were similarly taken off at night by armed men identified as army members by eyewitnesses. All four are now considered to have been "disappeared."

CHILD

### III. CHILD LABOR

According to the World Bank and other international bodies, 45.9% of Guatemala's 8.2 million inhabitants are under the age of 14. The Economically Active Population of Guatemala comprises persons from the age of 10 years and up. Of children aged 7-14 years, 56% are enrolled in primary school. In 1981, 10.4% of children aged 10-14 years (a total of 78,878 children) were employed. School enrollment of children aged 15-20 drops to 18%, a marked decrease. At the age of 15, children join the "work force" which then comprises 53% of the total population. Only 4% of the population aged 19-25 are enrolled at the university level. With 42.4% of the population considered illiterate, the above information suggests that child labor is an important factor in decreased enrollment.

A further issue to consider under child labor is children's increased risk of occupational illnesses and injuries due to their level of cognitive and motor skill development and their body mass regarding absorption of toxic chemicals, especially pesticides. Given that 58.6% the population of Guatemala resides in rural areas and that 55.5% of the labor force is

employed in the agricultural sector, children employed are at greater risk of occupational illnesses and injuries associated with farm work. Guatemala has the highest recorded concentration of pesticide use in agricultural production in Latin America. Children working in the fields have a greater likelihood of increased severity of illness and injury, with long-term consequences such as malformation of the reproductive system.

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V. MINIMUM WAGE VIOLATIONS

Agricultural workers report widespread short-weighting of their production in the coastal plantations where they harvest sugar cane, coffee and cotton. In addition, deductions are taken from their pay for food at extortionate prices, and for machetes and other equipment. As a result, they earn substantially less than the \$1.65 per day specified as the minimum wage. These were among the abuses left uncorrected after the crushing of the strike there in January.

Underemployed and unemployed workers in Guatemala City have minimum wage standards violated by a "Food-for-Work" program in which they undertake clean-up projects and are paid with food rather than money. Both the Constitution of Guatemala and the Labor Code require payment for labor in legal tender.

Many who labor in the program work more than 48 hours in a

week (the cutoff for payment of overtime) and are paid with 75 pounds of cheese, butter, powdered milk, rice and corn supplied by the U.S. Department of Agriculture. Because they cannot consume or transport the food, these workers immediately sell it to middlemen on a black market. This exchange yields a monthly income of approximately \$20, less than the minimum wage and only some 20 per cent of the amount needed to provide a minimum monthly "food basket" for a family of six.

*M. S. D.* VI. VIOLATIONS OF HEALTH AND SAFETY STANDARDS

55.4% of the labor force in Guatemala works in the agricultural sector. Health and safety issues associated with agricultural work are internationally identified as accidents and pesticides poisonings. In Guatemala, 43% of occupational accidents in 1983 or a total of 11,807 accidents, occurred in the agricultural sector. During 1971-76, 19,330 cases of pesticide poisoning occurred in 5 Central American countries, of which Guatemala was one. Death rates in general are 33% higher in rural areas than in urban areas. Pesticide poisonings occur more readily in populations that do not have access to toilets or latrines, water to wash with and safe drinking water. In Guatemala, 49% of homes have no access to toilet facilities and more than 25% of the population obtains their drinking water from rivers, lakes and springs, where pesticide residues may exist. A sampling of breastmilk from farmworker women indicated up to 6.7 times the maximum tolerable

amount established for DDT permitted cows milk (WHO/FAO Standards). Pesticide exposure and poisoning affects a large population whose sanitary conditions and access to health care exacerbate already existing occupational risks to agricultural workers.

14.9% of the labor force of Guatemala are employed in the manufacturing sector. In 1983, 22% of occupational accidents, or 6,040 total accidents occurred in Guatemala in the manufacturing sector. In 1982, deaths due to accidents in countries within Latin America accounted for the first or second leading cause of in the 15-44 age group.

In consideration of the rates of occupational accidents in Guatemala, work-related illness and death is an area to be investigated especially in light of the fact that 66% of the population of Guatemala do not have access to health care.

Respectfully submitted,

[ Lance Compa  
UE Washington Counsel ]

Pamela Vossen  
International Labor Rights  
Working Group

