

## I. THE RIGHT OF ASSOCIATION

FOIA  
A word of explanation is in order as petitioners begin a discussion of the first two specified rights in the worker rights provisions of the Generalized System of Preferences: the right of association, and the right to organize and bargain collectively. The two rights are so intertwined that a sharp distinction could only be artificial. In the labor context, the right of association necessarily involves the right to organize and bargain collectively. In turn, the latter right can only be exercised where the right of association prevails.

To the extent a distinction helps organize the material in this petition, the evidence as to steps taken to afford the right of association will concentrate on 1) physical abuses against unionists and their families, 2) government or military action against workers' attempts to demonstrate or otherwise petition the government for redress of grievances, which tend to chill the exercise of the right of association, and 3) provisions of the Labor Code governing the self-organization of workers, as distinct from organizing for purposes of bargaining or bargaining itself. Evidence as to steps taken to afford the right to organize and bargain collectively will concentrate on restrictions on this right in the Labor Code or in labor law enforcement, and on interference with the right in a specific organizing or bargaining context -- illegal firings, refusals to bargain and the like. However, there will be some degree of cross-referencing between the two rights.

FOIA

### a) Killings of Trade Unionists and Labor Rights Defenders

#### 1) COCA-COLA UNION KILLINGS

D=3  
D=8  
Three workers associated with the union at the major Coca-Cola bottling plant in Guatemala City were killed in 1989 and 1990. The Coca-Cola plant was the site of an internationally known strike and factory occupation in the early 1980's. At that time, five successive leaders of the union were assassinated by death squads.

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International trade union support contributed to a settlement of the Coca-Cola dispute in 1985. Since then, the union has survived and obtained collective bargaining agreements. The recent killings, however, have shocked union leaders and members.

The U.S. delegation included Spencer Adler, a law student at the Temple University School of Law, Philadelphia, Pennsylvania; Lance Compa, international labor counsel to the United Electrical, Radio and Machine Workers of America (UE) and an associate of the International Labor Rights Education and Research Fund, Washington, D.C.; Brent Garren, staff counsel of the International Ladies Garment Workers Union (ILGWU), New York, New York; Jeffrey Goodwin, political science professor at Northwestern University, Evanston, Illinois; Tara Levey, of the labor law firm of Reitman, Parsonnet, & Duggan, Newark, New Jersey; Kurt Petersen, a student at the Yale Law School, New Haven, Connecticut; Renee Steinhagen, of the labor law firm of Ball, Livingston & Tykulsker, Newark, New Jersey; and Emily Yozell, a U.S. labor and immigration attorney resident in San Jose, Costa Rica.

Petitioners met with trade union leaders at the national and local levels, and with rank and file workers, in the government, industry, service and agricultural sectors. We met with union-side and management-side labor attorneys, and with leaders and staff of national employer federations. Petitioners also met with judges and administrators of the labor courts, with municipal government officials, with the Minister of Labor and other ministry officials, and with members of Congress responsible for labor legislation and labor affairs. Finally, we met with attorneys, leaders and members of human rights organizations, with military officers, and with U.S. Embassy representatives.

Most of the information in this petition is based on sources in the public record -- an analysis of the Constitutional and Labor Code provisions related to labor rights, citations of cases before the labor courts or brought to the attorney general for human rights, and cases that have been the subject of news reports or public denunciations. Some of the information here, however, is based on personal testimony of witnesses who evinced doubt or hesitation about being named in this petition.

Scores of national and local union officials and tens of thousands of workers and peasants, were killed in the late 1970's and early 1980's under the Guatemalan military's "scorched earth" offensive against the guerrilla movement and alleged sympathizers. As this petition demonstrates, killings, kidnappings, disappearances, beatings and threats have continued to afflict workers and union leaders. One peasant leader interviewed by petitioners on March 24, 1990 was assassinated on April 10 (see Section I(a)(4) below). In light of such abuses, we are not identifying witnesses concerned about the personal safety of themselves and their families.

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yes  
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assassinated

June 1, 1990

Petition to the United States Trade Representative

LABOR RIGHTS IN GUATEMALA

INTRODUCTION

The information contained in this petition is based on the U.S. State Department's 1989 Human Rights Report and on an investigation of worker rights and working conditions by a delegation of U.S. labor attorneys who visited Guatemala March 18-27, 1990, and information received from trade unionists and independent human rights organizations since petitioners' visit. The delegation was sponsored by the Labor and Employment Committee of the National Lawyers Guild and included representatives of the United Electrical, Radio and Machine Workers of America (UE) and the International Labor Rights Education and Research Fund. These three organizations are the petitioners in this proceeding.

Date:  
Interviews

The National Lawyers Guild is a national membership organization of 7,000 lawyers, legal workers and law students committed to providing legal services in support of economic, social and political justice. The Guild was founded in 1937 as the first racially integrated bar association in the United States. The Labor and Employment Committee is comprised of Guild members dedicated to a strong and democratic trade union movement and the improvement of workers' conditions.

The United Electrical, Radio and Machine Workers of America (UE) is a national union of 80,000 manufacturing workers in the electrical, machine and engineered materials industries. The UE maintains sister-union relationships with a number of unions in Central and South America, particularly in industrial sectors where UE members and sister unionists produce the same manufactured products. UE is dedicated to improving wages and working conditions for workers at home and abroad.

The International Labor Rights Education and Research Fund is a nonprofit corporation dedicated to insuring that workers in all countries have the opportunity to work under reasonable conditions and are free to exercise their rights to associate, organize and collectively bargain. The Fund devotes its activities to researching labor conditions in the United States and foreign countries, challenging the unlawful exploitation of workers, and promoting greater respect for worker rights internationally.