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WORKER RIGHTS  
AND THE  
GENERALIZED SYSTEM OF  
PREFERENCES

HONDURAS

The AFL-CIO Petition to the  
Office of the United States Trade  
Representative

June 1995

*honduras*



# American Federation of Labor and Congress of Industrial Organizations



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June 14, 1995

Mr. H. John Rosenbaum, Ph.D.  
GSP Subcommittee  
Office of the U.S. Trade Representative  
600 17th Street, N.W.  
Room 518  
Washington, D.C. 20506

Dear John:

The AFL-CIO hereby submits a petition to the USTR on the basis of worker rights violations in accordance with the Trade Act of 1974, as amended. This petition is submitted as required by the notice printed in the Federal Register.

Sincerely,

Rudy Oswald, Director  
Economic Research Department

— Honduras —



# HONDURAS

## BACKGROUND

For years Honduras had the largest and most vigorous trade union movement in Central America. Sparked by a massive general strike in 1954 that began in the banana fields and spread throughout the country, Honduran workers won the right to organize and bargain collectively, and used these rights to include up to 20 percent of the work force under collective bargaining protection.

Even in the maquiladora industry, which got under way in the late 1970's, Honduran workers were somewhat more successful than others in the region in organizing and bargaining. In the government-owned Puerto Cortes free zone, workers successfully negotiated contracts in the early 1980s with seven multinational clothing companies. These companies have been among the most successful and productive in the field, and have benefitted from stable labor-management relations.

However, as the maquila industry expanded into new privately-owned industrial production zones (ZIPs), employer resistance to collective bargaining has grown. The government, desperate for foreign investment and determined to expand the maquiladora sector at all costs, began to ignore its own labor code and allow business to violate worker rights with impunity. There is credible evidence, based on comments by Korean maquila owners in meetings with trade unionists, that the Honduran foreign ministry under the government of President Callejas gave assurances to investors in Korea that if they set up shop in the ZIPs, there would be no unionization allowed and that the labor code would not be strictly enforced [February 25, 1994, meeting between FESITRANH leader Claudio Villafranco, the Korean Galaxy manager]. As a result, *not a single new collective bargaining contract has been signed in the maquila industry since the early 1980's*, despite massive support by workers to form unions.

The government's acceptance of worker rights repression takes several forms. One is a lack of enforcement of labor regulations regarding (protection of women,) hours, overtime, minimum wage, minimum age and health and safety conditions. Another is the government's lack of enforcement of the legal obligation to bargain when workers do manage to organize to bargain with employers in an effort to improve these conditions. Finally, when worker pressure and direct action finally result in an agreement, the government demonstrates a general inability to enforce such contractual obligations. The result is that many Honduran workers, including thousands of women in the maquila industry, are forced to work in degrading and unsafe circumstances without their fundamental rights to organize and bargain to change these conditions.

MINS/D  
HRS  
FOA

During the past two years, as workers became increasingly frustrated at the government's inaction, spontaneous strikes have occurred resulting in the disruption of production and



transport. Women in the maquila sector have become especially vociferous in demanding their rights. Honduran trade unions have increasingly taken their concerns to international bodies including the ILO.

In response, business groups have accused Honduran workers and their unions of being "traitors to their country." For weeks at a time, the daily news featured undocumented stories of U.S. union payments to Hondurans, allegedly for the purpose of "destabilizing" the maquila industry in order to get garment industry jobs back in the U.S.

Government officials fretted publicly about damage to Honduras' international image and the potential loss of 50,000 jobs if unions were organized. The Labor Minister admonished workers to not "wash their dirty clothes" in the international arena and bring their complaints to the proper local authorities. Unfortunately, by its continuing refusal to act effectively to enforce its own laws, multinational investors are thereby assured that they may continue to violate Honduran law with impunity.

The government has several enforcement tools it could utilize to ensure respect for the law. Article 469 of the labor code allows the Labor Ministry to impose fines directly in certain cases of violations, without waiting for judicial review. In addition, the Honduran investment law empowers the Ministry of Economy and Commerce to withhold or temporarily suspend the "certificate of investment" to any company which fails to meet its obligations under the law, including Article 6, which states: "Investors must comply with the laws, and especially those regarding Labor and the Social Security Systems." Unfortunately, the government of Honduras has not yet used these enforcement tools.

The government of Honduras is at a crossroads. It must choose whether to firmly enforce the rule of law or to allow the multinational and other powerful business interests to continue to make a mockery of the country's judicial and legal system.

#### **FAILURE TO ENFORCE LAWS REGARDING WOMEN'S RIGHTS, HOURS, MINIMUM WAGE, MINIMUM AGE AND HEALTH AND SAFETY**

A number of sources have described the harsh conditions in the Honduran maquila industry. According to John Otis, writing for the Miami Herald on March 20, 1994, "many plants are modern day sweatshops, where rows of teenagers work elbow to elbow 12 hours a day. Some of the 37 Korean plants are especially troublesome. ...Only a few unions have been legally recognized, and even though the right to form unions is enshrined in the labor code, hundreds of workers have been fired for organizing. The understaffed Labor Ministry rarely investigates complaints."

FOA

A Honduran newspaper columnist, Efran Moncada Valladares, described the degrading conditions and abuse of women in this way:





Workers are forced to hold a chair over their heads for a half-hour or hour. To lower it before the time is up results in suspension from work. Another punishment is to be forced to stand like a statue with eyes fixed on a spot on the wall. Supposed failure to meet production quotas is punished by being forced to stand in the hot sun. Those caught chewing gum have it stuck on their faces. Those who don't work fast enough are struck with a yardstick on the head. Supervisors and department heads pass threateningly through the workplace carrying thick, strong clubs. They use gross and indecent language. Women are humiliated and subjected to ongoing sexual harassment by executives and trainers. Even when the employer has made his social security payments, medical leave is denied so that work time is not lost. Working hours are extended, often up to 15 hours a day, working at the same task, without overtime pay. Pregnant women are fired without severance pay. Vacations are allowed at the whim of the owner, under age children are hired, and contracts are renewed each year to avoid an accumulation of severance benefits. There is no rest on holidays. Women are forced to work 48 hours continuously, and given stimulants and amphetamine shots to enable them to do so. Supervisors strictly enforce punctuality after short rest breaks. [El Herald, February 25, 1994]

yards

CMUO

A congressional representative from the Honduran Liberal party, Orfilia de Mejia, formed a fact finding commission that conducted an investigation of the maquila industry in March 1994. In a statement to the press, she said that some maquila companies were violating worker rights. According to the article, de Mejia explained that during their visit they realized that eight factories run by Koreans have been struck by workers because they dismissed members of the Executive Council of the union in violation of the labor code.

It is as if for these foreigners the trade union protection laws of this country meant nothing, and we realized that enormous physical abuses take place because on that same day we found out that one of the girls had been hit in the face by a Korean supervisor three days before." Mejia was quoted as saying. She had talked with the girl who had been beaten. De Mejia characterized the Korean system as "unbelievable," reporting that there is a clock in the workplace for timing production, and if the garments are not made on time the Koreans become angry and react in that fashion [La Prensa, 3/25/94].

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The Congressional Report, published on May 4, 1994, concluded, among other findings, that there had been "delay and sometimes apathy of labor inspectors in responding to and resolving the complaints of workers," and that there were "internal administrative problems of maquilas, such as incorrect calculation and awarding of maternity leave, vacation time, overtime pay, weekly pay, 7th day pay and benefits." To remedy the situation, the Commission's recommendations included:



- Permanent placement of a representative of the Labor Ministry in each industrial park, rotating him every three months to gain better trust of workers.
- Increase the minimum wage for ZIP workers, and revise it every four months in accordance with the cost of living or the exchange rate.
- Instruct the Secretary of Labor and Social Welfare to maintain constant supervision and monitoring of the ZIPs in order to avoid the bad treatment in word and deed that is applied to workers, and when such incidents occur, to denounce them to the respective authority to determine who is responsible, and if such actions are done by foreigners, to proceed with their expulsion from the country, cancelling the residency and declaring them "persona non-grata."

There is no evidence that the Ministry of Labor has increased its efforts to enforce the law subsequent to the Report.

On September 21, 1994, a U.S. Senate Subcommittee heard powerful testimony on working conditions in the Honduran maquila industry from a 15 year-old worker named Lesly Rodriguez. Her remarks are worth quoting at length:

My name is Lesley M. Rodriguez, I am from Honduras, I am 15 years old, I was born on August 5, 1979.

I started to work in a maquila factory when I was 13 years old, making sweaters for Liz Claiborne. Actually, I am working for Galaxy Industry, a Korean factory, located in the, "ZIP Galaxy" Free Zone. There are several other women my age in the factory and some are 13 years old like me when I started to work.

I would like to tell you about our work day. We start at 7:30 a.m. until 7:00 p.m. Some days we work until 9:30 p.m. and even until 10:00 p.m. We have half hour for lunch, sometimes we work 80 hours a week.

Management has set up a production quota so high that it is impossible for us to fill it. When we manage to do it, they increase it again the following day, so we are always behind the quota and under a lot of pressure.

Many workers are forced to take their work home to be able to fill the quota set up by management. Where I work now, around 70 or 80 workers take their work home. Sometimes they work until 1:00 a.m. to finish it and they are not paid overtime. To go to work we have to get up at 5:30 a.m.

My salary is 188 Lempiras a week, more or less 21.50 dollars.

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CHILU

MINSTO



We are searched when we arrive in the company to make sure we do not bring candies because they stain the cloths.

We cannot talk during the day, if we do they scream at us and send us home with no pay, for four or five days. The supervisors are always shouting to work faster and faster. Sometimes they beat us on the head or on the back.

When we make a mistake they throw cloth at us and call us animals.

Some supervisors like to touch the girls' behinds or breasts, some girls let them do it because they can get more money per week.

We have no breaks during the day except the half hour lunch. To go to the bathroom we have to raise a hand and ask permission. Bathrooms are locked. We are allowed to go to the bathroom only twice a day, once in the morning and once in the afternoon. They time our stay in the bathroom and if we stay long they punish us.

Because this factory produces sweaters, there is a lot of dust in the air and we cough a lot. Many workers have respiratory problems such as asthma or bronchitis. We have no health coverage and when we get sick they put us on leave without pay.

I left school in the third grade to go to work and help my family; my mother wanted me to finish school. In the factory I was told I could finish my school at night. In this country evening classes start at 6:00 p.m. until 9:00 p.m. but I have no chance to study because my work shift ends at 8:00 or 9:00 p.m.

Last year I joined the union; we all want to have a union to force Koreans to treat us better and respect our rights. When management found out that we were creating a union, they dismissed 35 co-workers and they threaten us. Early this year we went on strike; 600 workers participated, but the Koreans simply fired more workers and made a lot of promises which they did not keep, because the situation remains the same.

Labor inspectors do nothing to change the situation because management do not allow them to enter the factory.

We would like the American people to know how much we suffer making these sweaters. I was told that in the US, Liz Claiborne's sweaters are sold for 90.00 dollars. Here I am paid 0.38 cents of a dollar per hour to make them.

Besides working with the union I am a Minister in an Evangelic Church. My dream is to become a Labor lawyer to help my co-workers.



Those of your readers who are from Honduras and who live and work in this country, may confirm my testimony, which produced so much friction with the company owners, I can tell you that nothing I have said is false. We have not just hundred but thousands of testimonies like mine.

In response to the furor created by Lesly Rodriguez's testimony, Honduran Labor Minister Cecilio Zavala seemed more worried about protecting Honduras' international image than correcting the abuses in the maquilas. Zavala stated that "It would be better to present this type of complaint to the authorities in the country so that the legal remedies may be applied, and avoid this type of thing where an international complaint may damage not just the government, but the country." He stated that the case involving underage workers was an isolated case, not an indication of massive violations. He warned that if Honduras is named as a rights violator, it would affect trade, "which the country needs so much in order to export its products, especially to the North American market." [El Tiempo, 11/25/94]

A previous Labor Minister, Carlos Torres Lopez, also reinforced the common perception that the government avoids strict enforcement of its labor laws in order to attract foreign investment. After a widely publicized incident of firings at the Paraiso company in September 1993, he stated, "The Ministry must consider both positions, the workers and management. On the one hand the organization of a union is a right recognized by the Constitution, and on the other the closure of a company would signify losing an important source of employment." [El Tiempo, 10/1/93]

## **FAILURE TO PROTECT WORKERS AGAINST REPRISALS BY EMPLOYERS**

Thousands of Honduran workers have responded to the conditions described by Lesly Rodriguez by attempting to form unions to negotiate with the maquila owners. Although a few have achieved legal recognition since 1985, none have been able to negotiate collective bargaining contracts with companies because the founders and leaders of the unions have been fired. Most of them are "headless" unions, unable to function in any effective manner to represent workers. (As of May 1995, there were 89 factories operating in 12 privately owned industrial production zones (ZIPs), 14 in the government-owned Puerto Cortes free zone, and another 90 companies located outside zones. Approximately 45,000 workers are employed in this sector. There are a number of legally registered unions in these plants, but only seven -- all operating in the government-owned Puerto Cortes free zone -- are functioning as normal unions with collective bargaining agreements. The rest have been destroyed by management firings and reprisals.)

Under article 517 of the Honduran labor code, the founders of a union in formation may not be fired without just cause as authorized previously by a labor judge. This "special protection of the state" extends from the moment the employer is formally notified by a labor inspector of the workers' intention to form a union to the time that the provisional executive committee becomes permanent. The protection also applies to elected union leaders while the





executive committee holds office and for six months afterwards. (These provisions are often referred to as *fuero sindical*.) Union leaders who are illegally fired without a judge's approval are supposed to be reinstated in their jobs.

Honduran law is also supposed to protect workers who are not union leaders from retaliation by employers. Article 469 states that "any person who attempts in any way, through violence or threats, to deny the right of free trade union association will be punished with a fine of from 50 to 10,000 lempiras which will be imposed by the Inspector General of Labor prior to final proof of the respective facts." Article 10 states that "it is prohibited to take any type of reprisal against workers for the purpose of impeding partially or totally the exercise of the rights given them by the Constitution, the current labor code and its regulations, or other laws of labor or social benefit, or the intent to exercise these rights." Article 96 states that "it is prohibited for owners to ...3) fire or prejudice in any way workers because of their trade union affiliation or their participation in legitimate trade union activities. ...9) carry out or authorize any act which directly or indirectly weakens or restricts the rights legally given to workers or offends their dignity, 10) fire workers or take any other reprisal against them for the purpose of impeding their demands for help from the authorities charged with enforcing and applying the labor laws, 11) impose punishment or sanctions against workers which have not been authorized by the current laws or regulations."

In addition to administrative fines which may be imposed by the Labor Ministry, violations of these laws are supposed to subject the owner to pay the trade union an indemnification equivalent to six months of salary of the worker, without prejudicing the other rights which correspond to him. Finally, the law stipulates that workers (as opposed to leaders) who are illegally fired for legitimate union activity are supposed to be given the choice of accepting dismissal with full severance pay, or reinstatement.

The Honduran government has failed to enforce these provisions of the labor code. In many cases, corrupt labor inspectors (some of whom end up as company personnel managers) simply give the names of the workers to the plant manager prior to formal notification, thereby allowing the company to fire them without cause. In other cases, the labor inspector goes through a ritual of attempting to deliver the formal notification, only to be turned away at the gate of the industrial park by an armed security guard after leaving the papers with the provisional list of union founders. The workers are then fired. Under the perverse interpretation of law in Honduras, the company is allowed to claim it had not been notified because it had not signed a *receipt* for the notification it has in its possession! The labor ministry then washes its hands of the matter, leaving it to the workers to go through the expense and delay of a law suit to gain reinstatement, which can take up to 10 years. The result in practice is that most employers don't bother to obtain prior authorization before firing workers who are supposedly protected by *fuero sindical*, and workers are forced to accept their firing with some form of severance pay, though rarely the entire amount due them.

There is nothing in the law itself that requires the notice to be presented to the Labor Ministry only after the initial union organizing assembly is held; nor is there any provision that



requires such notification to be delivered in person to the owner on the premises. The Labor Ministry could, if it wished, change these procedures administratively without the necessity of reforming the law. On at least one occasion, after significant adverse publicity regarding illegal and corrupt practices of its own inspectors, the Ministry agreed to such administrative changes. At a meeting on December 15, 1992, in the presence of labor, business and U.S. and Honduran government representatives, then Vice-Minister of Labor Armando Urtecho formally adopted the following procedure:

1. Impose a fine of 5000 lempiras on park administrators or individual companies every time a labor inspector is denied entry to the premises.
2. Impose fines of 7500 and 11,250 lempiras on the next two subsequent denials of entry.
3. If entry is denied a third time, the Labor Ministry will close the factory for 15 days with the assurance that workers will be paid for the time lost.
4. Unions in formation will no longer be required to show the names of the 30 founders to the labor inspectors prior to notification of employers. The names will be kept in a sealed envelope and jointly delivered to the company by the labor inspector and the union official, and opened only when the notification is actually handed over to the company representative.

Vice-Minister Urtecho informed the meeting that this procedure had been cleared by the Supreme Court, and the President Callejas had authorized him to implement whatever further measures were necessary to correct all violations. Unfortunately, within weeks of this agreement, workers were once again being fired with impunity for joining unions, as shown by the following cases, three maquiladoras and two non-maquiladora companies:

On two different occasions, January 26 and January 29, 1993 labor ministry officials tried to deliver a union notification document to the Wan Chang Industria company in Choloma. The first was turned away by a plant guard; the second was unable to find any company official to accept the notification. On February 3, 35 of the 51 workers on the list were fired. (2)

On March 9, 1993, 40 of the 43 workers who had signed a union formation list were fired from the Textiles Maya company in San Pedro Sula. On March 5, a security guard at the company had twice blocked the entry of the labor inspector and refused to accept the union notification document. (3)

On July 19, 1993, 45 workers were fired from the Seolim company in Choloma after having signed the union formation list. Three days earlier, (4)



the list had been taken to the company offices but the labor inspector was refused entry. The inspector later delivered the notification to the company personnel director in his home. The personnel director refused to sign the notification receipt. The workers were not reinstated, and the union was destroyed.

On September 10, 1993, a labor inspector attempted to deliver a notice of union formation to the Spring City Company in ZIP Choloma and was blocked by a security guard after consultations with management. The inspector also sought to speak to the company about three worker complaints, one involving failure to pay social security quotas and the other two involving dismissals without severance pay. Four days later, 52 of the workers on the founders list were fired. (5)

On October 20, 1993, a union formation notification was successfully delivered to the Plant superintendent of the Industria de la Cal company, located in Potrerillos, Cortes. Three days later 45 of the 60 workers on the list were fired, along with the plant superintendent, who had signed the receipt of the notification. (6)

In none of these cases, nor in any of the many other more recent cases described in *Attachment II*, were fines imposed or factories temporarily shut down, as promised by the government. In some recent cases, illegally fired workers have been reinstated in their jobs, as required by ILO conventions. But, in most of these cases, the reinstatement took place not because of government action, but because of outside pressures brought to bear by the workers. In one highly publicized case, a pregnant union leader was reinstated after unionists threatened to testify in the U.S. Congress about abuses of women maquila workers. In another case, several women were rehired after a U.S. firm, Liz Claiborne, warned a Korean-owned supplier that it was in danger of losing its contract if it continued to violate the law. In several other cases, workers had to shut down entire industrial parks in order to obtain the reinstatement of illegally fired workers. *gads*

The government argues that the Labor Ministry has no authority to order the reinstatement of illegally fired workers, since such an order can only come from a judge after a court procedure. This is true. And unfortunately, there is a provision in the law which states that unless otherwise expressly indicated, the type of judicial review to be followed in enforcing the provisions of the labor code must be the ordinary lawsuit (*via ordinaria*). In contrast, employers who file a lawsuit to have someone fired for just cause are allowed to use the executive lawsuit (*via judicial ejecutiva*), which is much faster. [Rodriguez, p. 21-22.]

*judicial review* The Government of Honduras could change its law and procedure for reinstatement to allow for an executive judicial review to reinstate the illegally fired worker within 24 hours, solely on the basis of a verification by the judge that 1) the worker is a union leader and was fired, and 2) the prior authorization for just cause was not properly obtained. Even in the



absence of such a change, however, the government could apply the other sanctions (fines and suspension of operating licenses or export licenses) to enforce the law.

## FAILURE TO ENFORCE THE OBLIGATION TO BARGAIN COLLECTIVELY

FOA

The Honduran labor code makes it clear that business owners are "obligated" to bargain with workers who seek to reach collective agreements on wages and working conditions. Art. 54 states that "any owner who employs workers who are union members is obligated to negotiate a collective contract with the union when requested." Unfortunately, the mechanisms for enforcing this obligation are non-existent in Honduras.

There are three types of collective agreements, according to the law: 1) a "collective contract or convention" between an employer and a union; 2) a "collective pact" between an employer and a "transitory association of workers" created solely for the negotiation of the pact; and 3) a "collective law contract," which is the extension of an existing collective contract to a branch company of the same industry where there may or may not be a union. In order for the first type of contract to be negotiated, a union must first be legally constituted. Then it must adopt by majority vote in a union general assembly the bargaining demands, and present them in triplicate, along with a copy of the certified minutes, the names of the negotiating committee, and a request for employer notification, to a labor inspection office. The Labor inspectorate must then accept the request and name an inspector to deliver the notification of "emplazamiento" to the owner. The Inspectorate then sets a date on which the owner must respond to the list of demands and begin the bargaining process.

As pointed out in the previous section, the process seldom reaches this stage. Employers usually fire the union leaders long before these formalities can be completed. Even when a union is legally recognized, however, employers usually ignore the bargaining request and refuse to meet with union leaders. A number of examples of such refusals to bargain are included in *Attachment II*.

There are no direct sanctions available to force employers to engage in bargaining. Instead, the remedy contemplated in the labor code is to allow workers to strike. However, to engage in a legal strike, workers are forced to go through such a long, complicated procedure that in practice negates the legal right to strike. First, unions must go to great lengths to pressure the Labor inspectorate to take note of the employer's refusal to bargain in order to declare that the stage of direct agreement has terminated. Once this is done, the Ministry of Labor appoints a mediator and notifies the employer. The employer may appeal this decision, which adds more weeks to the process and forces the union to attend hearings in the capital city. The decision may be appealed to the Supreme Court, which takes at least another three months. If the employer refuses to meet with the mediator, the Labor Ministry initiates a third stage called conciliation. If the employer refuses to attend the conciliation hearings, a stage which sometimes adds another year or two to the process, the Labor Ministry may declare that the three stages are exhausted, and authorize a legal strike. This procedure in itself effectively





negates the right to collective bargaining.

Because this process is so long and cumbersome, there are (no legal strikes in Honduras). Workers usually declare a de facto strike or work stoppage. Although such strikes are illegal, they are almost always declared in response to illegal firings or other violations of the law by employers. Workers argue that since the Labor Ministry and judicial system allows employers to violate the laws with impunity, they have no other recourse than to take direct action.

To end this cycle of violation and response, the Honduran government would need to reform the law and related regulations in order to shorten and simplify the procedures for calling a strike when employers illegally refuse to bargain. Alternatively, the government might consider reforms that would allow the Labor Ministry to levy fines or sanctions directly, an authority it already possesses (but does not use) in cases of illegal firings.

## FAILURE TO ENFORCE COLLECTIVE AGREEMENTS

FOA

Lacking any effective method to enforce the legal obligation of employers to bargain, workers are forced to engage in wildcat work stoppages and strikes in order to gain the reinstatement of illegally fired workers and improvements in working conditions. These bargaining sessions, often conducted in a crisis atmosphere, result in the signing of agreements, or "*actas*," which are usually witnessed and signed by representatives of the Labor Ministry.

Unfortunately, such agreements are seldom respected by the employers, and are often used as mere ploys to end the crisis and get the workers back to work. A number of examples of agreement violations are included in *Attachment II*, and there are scores of others that could be added. Neither the Labor Ministry nor the courts have demonstrated the capacity or will to enforce the terms of these accords, despite the fact that they are witnessed and signed by Ministry officials and presumably legally registered in some fashion.

For formalized collective bargaining agreements, in those rare instances where they are achieved, Article 83 of the labor code provides that "proven contract violations will be penalized by the General Inspectorate of Labor in conformity with the regulations published by the Secretary of Labor and Social Welfare." Yet, after 34 years of the current labor code being in effect, the Labor Ministry has never published these regulations. Therefore, even for the formally registered collective contracts, the only recourse for workers seeking to enforce their provisions against company violations is to go on strike. Unfortunately, the procedure for calling a legal strike is the same cumbersome routine outlined above.

- 1966 ?

Any country that allows contractual agreements to be violated at will with no legal consequences is eroding one of the foundations of lawful democratic order. To restore peoples' faith in the ability of government institutions to protect worker rights, the Labor Ministry should quickly publish regulations in accordance with Article 83 which would give meaning to the sanctity of collective agreements.



## **FAILURE TO PREVENT COMPANY INTERFERENCE IN WORKER ORGANIZATIONS**

According to ILO Conventions 87 and 98, which Honduras has ratified, employers may not interfere in the process of union formation in order to influence the selection of labor leaders or create company-controlled unions. Honduran employers, however, are increasingly turning to this illegal practice to establish phony collective agreements which, once registered, preclude negotiation with truly representative worker organizations.

For example, after having broken an agreement with the union of workers at the AAA Honduras Apparel Manufacturers and firing the union's leaders, management signed an agreement (Pacto) with a group of non-union workers loyal to management. Although the firings were illegal, the dismissed workers felt they had no other recourse than to accept their severance pay and abandon the union. Although it is illegal for a group of unorganized workers to negotiate a collective pact in a company where there exists a legally constituted trade union, the Labor Ministry accepted the company-controlled pact and legally registered it. Other examples of company controlled unionism in Honduras are found in *Attachment II*.

### **SUMMARY**

The Government of Honduras has failed to enforce the legal obligation to bargain collectively, contractual obligations once negotiated, and labor regulations regarding worker conditions. Honduras should be denied the benefits of the Generalized System of Preferences.



APPENDIX

1. Honduran laws regarding worker rights.
2. Cases of illegal firings or retaliation against workers for legitimate union activity.
3. Cases of refusal to bargain and violation of collective agreements.
4. Cases of company-controlled unionism.
5. Complete case studies.

✓ Cash	1	7
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(Zocals)



# **ATTACHMENT II**

## **HONDURAS**





# Honduras - Cash Case 6/12/95 - Page 1

Follow-up

Description

Start Date Name of Event

8/1/94 Parallel union at CASH Honduras  
 Workers at CASH begin organizing a union in May or June of 1994 with the help of the FITH union federation. In August 1994 CASH company management invited a rival union confederation, the CGTH, to displace the leadership of its union, SITRACASH. According to FITH representatives, the company personnel manager, Alejandro Matamoros, begin firing the FITH supporters little by little and replacing them with CGT supporters [La Tribuna, Feb. 22, 1995] When the new employees were in place, a union general assembly was called to elect a new executive committee. The executive committee then affiliated to the CGT organization. Some members of the new committee are management personnel, according to FITH [EI Periodico, March 3, 1995]

2/21/95 Firing of Strikers at Cash Honduras  
 Workers at Cash of Honduras went on strike Feb. 21 to demand a 40 percent salary increase and the reinstatement of 4 union leaders who had been illegally fired, including Carlos Fuentes, vice president of the union. Alfonso Mejia, president of SITRACASH, accused the owner of firing members little by little and replacing them with members of another union, the CGT. The replacement workers were told they should join the CGT [La Tribuna, Feb. 22, 1995]. He also accused the owner of hiring 56 private security guards from a firm called COSET to intimidate workers by firing shots in the air and forcibly removing strikers from the front gate [La Tribuna, Feb. 23, 1995]. The 80 workers who had gone on strike were fired the same day.

The owner of the Plant, Wayne Gray, said he had fired workers for not doing their job, and none were union members. He accused the strikers of "acts of terrorism and death threats," and said he had been personally threatened with rocks. [La Tribuna, Feb. 23, 1995]

3/6/95 Protest at LabMin by Cash workers  
 Some 80 workers who had been fired by the CASH company took over the offices of the Regional Labor Ministry from 7am to 4pm on March 6, 1995, to protest the Labor Ministry's failure to reinstate them and prevent the formation of a company-controlled union. They said that the Regional Labor Minister, Santos Reyes Ayesles, worked in cooperation with management and that the National office should get involved. A meeting was scheduled in Tegucigalpa for March 8, and the protesters went home.

4/10/95 Cash workers accept severance  
 Fired workers at cash accepted their severance pay on April 10, 1995, thus ending the conflict at the company with a defeat for the 80 workers who had been fired. A FITH leader stated that the workers had not received their complete severance pay, but had decided to accept the company's offer because to contest the matter in court might last up to three years.

TH 1  
 TH 2



Honduras - Continental Case 6/12/95 - Page 1

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Start Date	Name of Event	Description	Follow-up
1/1/94	Working conditions, Continental, HN	During the latter part of 1993, workers in the Continental Industrial Park near La Lima became increasingly upset with conditions in their factories, including many violations of the labor code. The long list of violations includes compulsory overtime without pay, a lack of transport for workers finishing extra shifts, verbal and physical abuse by supervisors, pressure on pregnant women to have abortions, lack of medical attention or health care facilities, the non-payment of social security contributions, and unjust dismissals.	Follow-up
2/9/94	Firings at MS Mart, Continental HN	On February 9, the MS Mart company inside the Continental Industrial Park fired 4 workers who were actively engaged in organizing a union to change the working conditions. Despite talks with the maquila association and labor ministry officials, more firings were said to be eminent. On February 11, about 2000 women from several of the plants inside the park closed the gates, put up barricades on the highway and stopped traffic. As tensions mounted, negotiations were held between FESITRANH, the park owner, Jaime Rosenthal Oliva, his daughter, Patricia Roenatha, who is the park manager, and owners of the individual companies. Maquila association owners blamed the AFL-CIO for agitating workers, and said there would be dire consequences if the police didn't restore order and arrest the strikers. On Feb. 13, an agreement was signed in which the owners of seven firms - Kimi, Cheil, MS Mart, Mikwang, Yoo Yang, Coemos and Dong Woo, promised to reinstate fired workers, recognize the union and negotiate with it, abide by the law regarding overtime and overtime pay, allow underage workers to attend school, provide medical assistance, and end abusive treatment in the plant.	Follow-up
3/23/94	More firings at Continental, HN	Within weeks of signing an agreement between companies in the Continental Industrial Park in Honduras and unions, managers began violating its provisions by firing some 50 union activists and refusing to recognize the union and initiate bargaining. Workers once again went on strike, blocked the entry to the park, and management once again said it would abide by the agreement. The regional labor ministry director declared the strike illegal, but as pointed out by FESITRANH leader Claudio Villafraña, "when employers violate the law and don't pay overtime pay, the Ministry says nothing." [EI Periodico, 3/24/94, p. 13] This time the agreement was respected longer because in April, the Continental park companies were visited by a representative of the GAP in the U.S., who expressed concern about delays due to strikers.	Follow-up
6/22/94	Refuse notification, Continental HN	By mid-June, workers in the factories at ZIP Continental had mustered at least 40 signatures in each of four companies, and tried to register these unions with the Labor Ministry. In each case, the labor inspectors were refused entry into the factories. In one case, the assistant manager took the notification papers but the next day, the company's lawyer visited the labor inspector's office to "return" the unaccepted papers. Companies refusing to allow entry to the labor inspector were: Kimi, Mi Kwang, Cheil Yoo Yang. At a meeting on June 23 in FESITRANH headquarters, Park manager Patricia Rosenthal asked the union to stop trying to organize and she would arrange for an improvement in conditions and a salary raise. When the union said this was unacceptable, she told them she would continue blocking the entrance of Ministry of labor inspectors	Follow-up



# Honduras - Galaxy Case 6/12/95 - Page 1

3

Start Date	Name of Event	Description	Follow-up
1/13/94	Agreement, Galaxy Honduras	To curb growing worker discontent in the Galaxy factory in Honduras, management signed an agreement on Jan. 13, 1994. In point 3 of the agreement, management stated it would abide by the Honduran labor law when the need for layoffs arose.	
1/14/94	Firings, Galaxy Honduras	Shortly after having signed an agreement to respect the labor code on January 13, 1994, Galaxy owners illegally fired 12 union leaders and activists. In a letter of dismissal dated January 27, Galaxy owner Ho Nam Ahn explained to Blanca Rosa Perdomo that her dismissal, effective that day, was due to lack of work orders. In point 3 of the company-worker agreement of Jan. 13, management stated it would abide by the Honduran labor law when the need for layoffs arose. According to the labor code Article 95-19, layoffs of this nature must be done in order of seniority. Furthermore, according to the fuero sindical law (Articles 516-517), leaders of a union in formation may not be dismissed without cause as verified by a labor judge. The Labor Ministry was made aware of this situation, but did nothing.	The question for all these events is, what did the labor ministry do? Did it ever take action against the company? Did it ever achieve the reinstatement of a single worker? Or was Liz Claiborne the only effective remedy?
2/1/94	Strike at Galaxy Honduras	On Feb. 1, 1994, there was a strike by workers at Galaxy Industrias SA, which is the name of a company as well as the name of a free zone park (ZIP). There are 5 companies inside the park. One of the companies is Galaxy, which also apparently owns shares in the other four companies. Avento Fashion, Phoenix Apparel, Cosmos Apparel, and Orion Apparel. Workers at the Galaxy company went on strike and closed down the whole park. They had a list of demands, such as getting medical attention, stopping abuses, and freedom to organize a union. FESITRANH's Mario Quintanilla got involved in negotiations with management. Woo Hyun Kim, who represented the Galaxy company, came in from Tegucigalpa. He negotiated on everything in the 12 point petition. After several hours, management agreed to almost all points, including no interference in the formation of a union and following the law. By coincidence, another meeting took place last night between FESITRANH and the Maquila association. It had been planned two weeks previously as part of an on-going discussion of union-management relations. Quite naturally the Galaxy problem became the focus of the meeting. Participants decided this crisis might be an opportunity to put into practice some of the training ideas they had talked about. They decided to call the manager of the Galaxy park, Jose Roberto Palomo Elvir, and invite him to the discussion. At first they hesitated, because he has a reputation even within the maquila association of being an intransigent type on labor matter. But they went ahead and called him, and surprisingly, his position was that the new group of Korean managers are especially bad and are the worst group of people in managing he has seen. So it was decided that discussion should continue on whether some sort of arrangement could be reached, possibly with the entire park and its five companies.	
2/7/94	Agreement at Galaxy Honduras	After a strike, Galaxy management once again signed an agreement to improve conditions in the plant, and to stop trying to fire workers engaged in union organizing activity. Galaxy management backed down after receiving a strongly worded letter from the AFL-CIO, on January 29, and after having been visited by officials of the Maquila Association of Honduras.	
2/14/94	Firings at Galaxy Honduras	Violating yet another signed agreement, Galaxy management continued firing people from the factory, including the executive committee of the union in formation. In response, workers once again lock over the park, sat down in the highway and blocked traffic.	



Honduras - Galaxy Case 6/12/95 - Page 2

4

Follow-up

Start Date	Name of Event	Description
2/15/94	Strike and Violence, Galaxy Honduras	<p>On Tuesday morning, February 15, workers, most of them women, took control of all five factories at the Galaxy Industrial Park near Chokoma. The action was taken after owners in one of the factories, Galaxy Industrias, summarily dismissed several women involved in union organizing. The dismissals violated an agreement signed in late January after workers had mounted a similar factory takeover to protest illegal firings and abuses by the Korean owners of the factories. Despite a letter from AFL-CIO representatives urging the owners to respect the agreement and a warning from the Association of Honduran Maquilas, the owners began firings on Monday, and the workers reacted with a takeover on Tuesday.</p> <p>Owners claimed after the fact that the firings were simply layoffs motivated by a reduction in orders. But according to law, such layoffs must respect the rights of seniority and trade union freedom, which the owners did not do. Workers have no doubt that the real reason for the firings was that these women were leaders of the union organizing committee.</p> <p>Maquiladora workers, the majority of them women, report long-festering grievances as the cause of the uprising. Many factory owners impose overtime without legal compensation to meet production quotas. Ten and twelve hour days are common. Medical and sanitary facilities are lacking in some plants, and some factories reportedly cheat on their share of worker social security payments. In Korean firms there are numerous reports of verbal and physical abuse. In one factory, for example, women complained that managers pressured them to have abortions, offering loans to pay the bill. As workers began to organize themselves to address these complaints, managers retaliated by firing the leaders. The firings, in turn, sparked the takeovers.</p> <p>The newly elected government reacted cautiously to the disturbances, refusing to send in the police. The Labor Minister insisted that the law would be enforced in the free zones, and urged maquila owners to abide by the law. However, if highways are blocked, pressure will grow to use security forces to restore order.</p> <p>Ironically, the flare-up of worker discontent is occurring only weeks after the Maquila Owners Association reached an agreement with two labor federations, FESITRANH and FITH, to work together to ensure that union organizing drives proceed in an orderly fashion, without reprisals by employers or violence by workers. But events may have overtaken this agreement, as precipitous actions by some maquila owners in firing pro-union workers created a chain reaction.</p> <p>Nevertheless, the union federations continue to meet with the Maquila association to attempt to manage the crisis. On Tuesday February 15, FESITRANH leaders persuaded Galaxy workers to open the highway and restrict their protest to the interior of the park, thereby averting dangerous confrontations with truck drivers, some of them armed with pistols.</p> <p>In statements to the press, some maquila owners blamed the uprising on the AFL-CIO, alleging that U.S. unions are stirring up trouble in order to persuade multinational companies to return to the U.S. FESITRANH issued a press release denying the charge and calling on maquila owners to respect the rights of workers to organize. Union leaders point out that in those factories with functioning unions and collective contracts in the Puerto Cortes area, no violence has occurred because workers have peaceful ways of resolving problems.</p> <p>Honduras is the only country in the region with registered collective bargaining contracts in the maquila sector. For the past four years, as increasing numbers of free zone workers turned to union organizing as a solution to employer abuses, the level of reprisals increased in</p>



M3





# Honduras - Galaxy Case 6/12/95 - Page 3

Follow-up

Start Date	Name of Event	Description
2/18/94	Agreement in Galaxy Honduras	<p>October 1993, the Confederation of Honduran Workers (CTH) asked the AFL-CIO to initiate an investigation for a petition to deny trading privileges to Honduras under the Generalized System of Preferences (GSP). In January, at the request of the CTH, AFLD's Executive Director William C. Doherty, accompanied by Human Rights Director David Jessup, visited with high-ranking officials of the newly elected government of President Reina to discuss the problem. The incoming government assured the AFL-CIO, CTH and FESITRANH that it would take forceful action to enforce the labor code against violators.</p> <p>After a three-day tense strike, Galaxy owners once again signed an agreement with workers in the presence of Labor Ministry officials. In the agreement, owners promised to abide by overtime laws, provide medical assistance, help with transportation when overtime is required, install lights in the street outside the park, put an end to physical and verbal abuse by supervisors, pay all social security obligations, take no reprisals against those who participated in the takeover, restate the fired workers, and recognize a trade union.</p>
2/18/94	More firing threats at Galaxy Hond.	<p>The Galaxy company decided not to break its agreement with the union, and instead is talking to them face to face, for the first time. Prior to this, a tense situation was developing because Galaxy had decided to fire 20 workers in violation of an earlier agreement not to retaliate against workers who participated in a takeover strike. The workers were preparing, once again, to go on strike. At a meeting Friday night, February 25, the Korean manager of Galaxy told Claudio Villafraanco of FESITRANH that they had decided not to fire the 20, but only six workers who wanted to leave anyway. The workers involved confirmed it was ok.</p>
9/21/94	Lesly Rodriguez testifies	<p>Lesly Rodriguez, who started working at age 13 in the Galaxy company, was invited to Washington, D.C. to testify on the issue of child labor before the Senate Subcommittee on Labor, chaired by Howard M. Metzenbaum. Her remarks well describe the harsh conditions in the maquila industry in Honduras:</p> <p>"My name is Lesley M. Rodriguez, I am from Honduras, I am 15 years old, I was born on August 5, 1984.</p> <p>I started to work in a maquila factory when I was 13 years old, making sweaters for Liz Clairborne. Actually, I am working for Galaxy Industry, a Korean factory, located in the "Zip Galaxy" Free Zone. There are several other women my age in the factory and some are 13 years old like me when I started to work.</p> <p>I would like to tell you about our work day. We start at 7:30 a.m. until 7:00 p.m. Some days we work until 9:30 p.m. and even until 10:00 p.m. We have half hour for lunch, sometimes we work 80 hours a week.</p> <p>Management has set up a production quota so high that it is impossible for us to fill it. When we manage to do it, they increase it again the following day, so we are always behind the quota and under a lot of pressure.</p> <p>Many workers are forced to take their work home to be able to fill the quota set up by management. Where I work now, around 70 or 80 workers take their work home. Sometimes they work until 1:00 a.m. to finish it and they are not paid overtime. To go to work we have to get up at 5:30 a.m.</p> <p>My salary is 186 Lempiiras a week, more or less 21.50 dollars.</p> <p>We are searched when we arrive in the company to make sure we do not bring candies because they stain the cloths.</p>



# Honduras - Galaxy Case 6/12/95 - Page 4

Start Date	Name of Event	Description	Follow-up
10/31/94	Galaxy uses carrots to avoid union	<p>We cannot talk during the day, if we do they scream at us and send us home with no pay, for four or five days. The supervisors are always shouting to work faster and faster. Sometimes they beat us on the head or on the back.</p> <p>When we make a mistake they throw cloth at us and call us animals.</p> <p>Some supervisors like to touch the girls behinds or breasts, some girls let them do it because they can get more money per week.</p> <p>We have no breaks during the day except the half hour lunch. To go to the bathroom we have to raise a hand and ask permission. Bathrooms are locked. We are allowed to go to the bathroom only twice a day, once in the morning and once in the afternoon. They time our stay in the bathroom and if we stay long they punish us.</p> <p>Because this factory produces sweaters, there is a lot of dust in the air and we cough a lot. Many workers have respiratory problems such as asthma or bronchitis. We have no health coverage and when we get sick they put us on leave without pay.</p> <p>I left school on the third grade to go to work and help my family; my mother wanted me to finish school. In the factory I was told I could finish my school at night. In this country evening classes start at 6:00 p.m. until 9:00 p.m. but I have no chance to study because my work shift ends at 8:00 or 9:00 p.m.</p> <p>Last year I joined the union; we all want to have a union to force Koreans to treat us better and respect our rights. When management found out that we were creating a union, they dismissed 35 co-workers and they threaten us. Early this year we went on strike; 600 workers participated, but the Koreans simply fired more workers and made a lot of promises which they did not keep, because the situation remains the same.</p> <p>Labor inspectors do nothing to change the situation because management do not allow them to enter the factory.</p> <p>We would like the American people to know how much we suffer making these sweaters. I was told that in the U.S. Liz Claiborne's sweaters are sold for 90.00 dollars. Here I am paid 0.38 cents of a dollar per hour to make them.</p> <p>Besides working with the union I am a Minister in an Evangelic Church. My dream is to become a Labor lawyer to help my co-workers.</p> <p>Those of your readers who are from Honduras and who live and work in this country, may confirm my testimony, which produced so much friction with the company owners, I can tell you that nothing I have said is false. We have not just hundred but thousands of testimonials like mine."</p> <p>The Galaxy Company, responding to publicity generated by Lesly Rodriguez's testimony and an impending visit by Liz Claiborne officials, distributed fliers to workers stating that supervisors would no longer be allowed to shout at workers, hours of work would be respected, a credit union and health clinic would be established, and a consumer store would be set up. Workers reported in an interview that these inducements are less than meets the eye. The credit union is financed by a 6 lempira deduction from workers' paychecks and is controlled by management. Loans have mostly gone to managerial people. Instead of a health clinic, the company has opened a "consultorio" with a nurse who gives out pills.</p>	



Honduras - Galaxy Case 6/12/95 - Page 5

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Start Date	Name of Event	Description	Follow-up
11/1/94	Agreement - Galaxy & Liz Claiborne	<p>Owners of several Honduran maquilas, including Galaxy, Mi Kwang, Dong Woo, met at the Sula Hotel with the Vice president of Liz Claiborne, a representative of the ILGWU and the National Labor Committee. The maquila owners agreed to a series of measures in order to keep the good will and business of Liz Claiborne, who explained that if the firms did not change their labor practices and obey the law, the company could no longer buy their products. Among the promises made by Galaxy:</p> <ol style="list-style-type: none"> <li>1. Respect the Honduran labor code.</li> <li>2. Establish a day care center</li> <li>3. Keep to the work hours and conditions for minors required by law.</li> <li>4. Reinstated the fired workers</li> <li>5. Fire the managers who had threatened and abused workers.</li> </ol> <p>According to a Nov. 16, 1994, memo by Charles Kemaghan, Kunga's vice president, Sung Woo Ahn, during a meeting on November 15 in New York, agreed to all the workers' demands, and said he would fly to Honduras to implement them. The memo describes the agreement as follows:</p> <p>* Nohemi Martinez and Lastenia Burgos are to be reinstated with a like offer made to Patricia Carvajal.</p> <p>* Miss Pak and Nestor Mungia will be dismissed forthwith;</p> <p>harassment of Maria Janeth Chinchilla, Teodolinda Enamorado, and any other worker will cease immediately;</p> <p>Mr. Sung-Woo Ahn agreed forthwith to reinstate the Sisters who had been dismissed, to proceed forthwith with the dismissal of Miss Pak and Hector Mungia; and to terminate all harassment of workers in the plant, specifically the harassment of workers Maria and Teodolinda.</p> <p>The next step will be the reinstatement of the three minors that you mentioned. The ladies will receive compensation for unpaid salaries, and this also applies to the three workers who were reinstated.</p> <p>Ned, in January, affiliation to the Social Security System should be done. And we will continue to pressure for a child care facility in the Galaxy Park.</p>	<p>→</p>
11/22/94	Galaxy sets up "company union"	<p>On November 22, Galaxy management sent a memo to workers announcing the formation of a "Committee of Justice" for the purpose of dealing with worker complaints. The members of the committee, including the so-called worker representatives, were selected by management. None of them were from the union. Four of the six committee members were supervisors.</p> <p>Instead of firing supervisors Hector Mungia and Miss Pak, as promised in a meeting with Liz Claiborne officials, Galaxy management kept them employed. On Friday, November 25, FESITRANH called a press conference to denounce death threats by Mungia against several of its organizers. According to FESITRANH organizer Esperanza Reyes, Mungia told her "When I am through with you and the others, nobody will even recognize your carcasses."</p> <p>News accounts allege that Miss Pak also sent notes to several organizers and workers, telling them to "be careful, or something might happen to you." Two other FESITRANH organizers, Claudia Vallecillo and Maria Sario, reported that Mungia and Pak had sent embassaries to them with the warning, "I am going to buy a machine gun to kill you and make mincemeat of you."</p> <p>Meanwhile, two other Galaxy workers complained about abuse from Miss Pak. Gladys Ruiz, age 15, told reporters she was <u>hit in the face and threatened with a pair of scissors</u> after</p>	<p>PH 4</p> <p>PH 7</p> <p>beat 2</p> <p>PH 8</p>
11/25/94	Galaxy death threats against union		



# Honduras - Galaxy Case 6/12/95 - Page 6

Start Date	Name of Event	Description	Follow-up
3/8/95	Galaxy failure to pay salaries	<p>Miss Pak mistakenly thought a private joke was aimed at her. Pak took the girl to a managers office, calling her an "Indian whore" and other names along the way, then suspended her for three days, then fired her. Another worker, Maria Nunez, age 17, was shut inside a storage room for two hours and verbally abused by Miss Pak for having told the union about the abuse of her friend Gladys. [La Tribuna, Nov. 25, 1994, p. 18]</p> <p>Continuing its practice of violating agreements with impunity, Galaxy managers refused to implement an agreement they had signed in 1993 to increase salaries and overtime pay. As of March 1995, more than a year later, the salary increases had not been paid. Workers had to threaten to strike to bring the matter to the attention of the authorities. Alberto Sanchez, a spokesman for the workers, said that the company had gradually fired the workers with more seniority and those who had demanded the salary increases, and hired replacements who were younger and afraid for their jobs. Workers, after the strike threat, persuaded the company's lawyer, Roberto Palomo, to allow a labor inspector to review the agreement and the pay stubs of the workers. The inspector, Rene Gavarrate, concluded that the workers had not received their complete pay, and "suggested" that the company give the workers their back pay.</p>	<p>TH9 TH10</p>





Honduras - King Star Case 6/5/95 - Page 1

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Start Date	Name of Event	Description	Related Employer	Follow-up
5/29/94	Firings at King Star, Honduras	Four workers engaged in the formation of a union at King Star Garments were illegally fired on May 30, 1994. After management refused to reinstate the workers despite a "direct accord" negotiation, the workers went on strike in order to force a settlement.	King Star Garment - Honduras	
5/30/94	Agreement, King Star & FITH, May 94	On May 30, 1994, King Star signed the first of several informal agreements with members of a newly formed section of the FITH textile union. The Agreement was also signed by the regional Labor Ministry official, Santos Reyes Ayesbas. The agreement states: <ol style="list-style-type: none"> <li>1. The company recognizes the right of workers to form a union and will not oppose the process.</li> <li>2. The company recognizes the provisional committee of six members and pledges to deal with it to resolve labor problems.</li> <li>3. The company agrees to reinstate Maria Mariana Perez and pay benefits to two others.</li> <li>4. The Company promises to not fire any worker without just cause or take any reprisals against workers who were involved in the labor contract.</li> <li>5. The workers promise to go back to work.</li> </ol>	King Star Garment - Honduras	
6/29/94	Formation of union, King Star	The workers of King Star sent Documents to the Minister of Labor to register a subseccional of the Sindicato Textilero de Honduras (SITRAT EXH). A labor Inspector, Ana Colombina Reyes, tried to deliver the papers to "Golden Wang" at the company gates on June 30, but the management official refused to sign the receipt.	King Star Garment - Honduras	
7/8/94	King Star Refuses to bargain	Despite an earlier accord that it would accept a union and negotiate a contract, the King Star management refused to attend the negotiating session scheduled for July 8, 1994, and instead began to pressure workers to resign from the union and sign individual work contracts. The workers conducted a work stoppage, and the company once again promised to negotiate with the union and stop trying to destabilize it.	King Star Garment - Honduras	
7/18/94	Agreement, King Star & FITH	On July 18, 1994, the King Star Garment company and the sub-sectional union of workers of the textile industry (SITRAT EXH) signed an agreement with the following points: the company promised to <ol style="list-style-type: none"> <li>1. not oppose the negotiation of a collective contract or offer individual inducements to workers in order to avoid a collective contract.</li> <li>2. respect the union and not intervene with or threaten workers during the organizing process.</li> <li>3. set a negotiating date of July 22.</li> <li>4. negotiate clauses on economics and procedures</li> <li>5. pay complete salaries for the day</li> <li>6. not take reprisals against any worker who participated in the strike, and not fire anyone</li> </ol>	King Star Garment - Honduras	
8/1/94	Agreement breaking, King Star	Despite an agreement to negotiate a contract, King Star Garments cancelled the negotiating session scheduled for July 5 and again for July 20. On August 11, 1994, the Inspector General of Labor, Joaquin Murillo, sent a letter to the Regional Labor Inspector, Colombina Reyes, enclosing a request from the King Star company that the union be declared "null"	King Star Garment - Honduras	
8/15/94	Firings at King Star Aug 94	After King Star once again broke a previous agreement by refusing to bargain and by taking reprisals against union leaders and firing 80 union activists, the FITH union went on strike for three days in August, and requested Ministry of Labor help in resolving the conflict and enforcing the prior agreements. Management then signed a new agreement on August 25 The agreements states: <ol style="list-style-type: none"> <li>1. The company promises to negotiate a collective contract on Sept. 17</li> </ol>	King Star Garment - Honduras	



Honduras - King Star Case 6/5/95 - Page 2

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Start Date	Name of Event	Description	Related Employer	Follow-up
8/18/94	Beatings at King Star, Honduras	<p>2. the company will pay three days pay to workers during the strike, and will not take any reprisals against those who were on strike.</p> <p>3. the company will pay benefits to 10 workers who will not be reinstated.</p> <p>4. the company withdraws its complaint to the Labor Ministry</p> <p>5. Workers will return to work.</p> <p>□ The following was compiled from testimonies taken from King Star workers at FITH (The Independent Workers' Federation of Honduras) headquarters on Friday, 8/19/94, discussions with FITH organizers, and from personal observations outside the Bufalo Park gates on Thursday, 8/18/94, and Friday 8/19/94.</p> <p>Testimonies were taken from King Star workers Evelyn Janet Gutierrez (22 years old, sewing machine operator for 7 mos.), Xiomara Puentes (22 years old, sewing machine operator for 18 mos.), and numerous others present during their interviews.</p> <p>At the end of the workday on Wednesday, 8/17/94, the workers were told to report the following morning at 7:00 a.m., though they normally begin work Thursdays at 1:00 p.m. when the electricity is scheduled to be turned on. They were told the schedule had changed and there would be electricity that morning. All 500 or so workers reported as requested the following day but found that there was in fact no electricity. Instead of working they were locked inside the factory by armed private security guards and not allowed to leave.</p> <p>Management said that they had an announcement to make. Approximately 25 workers were called into the office, including most if not all of the union leaders. In the office they were told they were to sign some papers. Management then retired to a private office.</p> <p>A small number of workers had been left outside the factory after the rest were locked inside. A few of them went to FITH to report what was happening. At about 9:00 a.m., the company's lawyer, Dinora Blanco, arrived at the factory together with a Labor Ministry inspector. The inspector said he was there to investigate what was going on but spent the rest of the day in the office with the managers, not asking any questions of the workers. The workers asked the guards to open the doors to relieve them of the sweltering heat, but the guards refused.</p> <p>Some time later Willy Wong (General Manager), Dinora Blanco, Emy Wong (General Manager's wife) and some supervisors emerged onto the factory floor from their private office. Blanco told the workers, without any other explanation, that they should leave and return to work at 1:00 p.m. The doors were opened but most of the workers refused to leave. They told management they wanted to know why they had been called in and held against their will. They said they wouldn't leave before receiving an explanation. They also requested information about the 25 who had been earlier taken to the office. Blanco responded that they had to leave or they would be fired. The managers retired again to their private office. Shortly thereafter, Blanco returned and said that everyone remaining inside was fired, and they could get their severance checks (apparently already prepared) in the office. If not, they could go the next day to the Labor Ministry and get them there. At this point there were between 200 and 300 workers remaining in the factory. The majority of workers again refused to leave, asked why they had been locked in, and said that all they wanted was their union.</p> <p>At 11:20 a.m. the managers said they were going to order the guards to expel everyone from the factory. At that time one of the supervisors opened a door and moved toward one of the pregnant workers in a physically threatening manner. Other workers intervened and told him that he best not touch her or the situation would be made worse - that if we are not looking for any problems." The supervisor backed off. They were told again to leave, and that if they</p>	King Star Garment - Honduras	Instead of seeking the reinstatement of the illegally fired workers, the labor Ministry, according to unions urged the workers to accept their severance pay

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THU



Honduras - King Star Case 6/5/95 - Page 3

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Follow-up

Related Employer

Description

Start Date Name of Event

TW12

didn't force, would be used against them. The workers then left the factory except the 25 who remained in the office.

The 25 in the office emerged a short time later. Early in the day they had requested they be allowed to return to the larger group and were refused. Management never presented them papers to sign as they had promised nor explained why they had been kept isolated from the rest of the workers. Later, they too had been told to leave. Being the union leadership, they had decided to stay and attempt to negotiate the situation with management. Shortly after the other workers had left, word came from FITH not to negotiate with management until they could consult with FITH. They then abandoned the factory.

Outside the factory, but still inside the Bufalo Park gates, the union leadership spoke with FITH organizers who had approached the park gates. The FITH organizers told them they would be backed up by the organization whatever they decided to do, and a number of alternative strategies were briefly discussed. The workers decided to remain inside the park in front of the factory entrances until Wong would agree to meet with Israel Salinas (FITH President) and worker representatives, and ensure both their continued employment and his acceptance of their union. Wong had agreed to negotiate with the union on two previous occasions. The workers congregated around both entrances and hung the Honduras flag over one.

The guards had locked both entrances, and the workers informed them that management (still inside) could leave whenever they wanted. At about 9:00 p.m. the management left, including Wong, Blanco, supervisors, and the Labor Ministry Inspector. The number of workers had dwindled somewhat by this time, leaving approximately 150 still congregated around the factory entrances.

TW13

At ten minutes before 10:00 p.m. about 50 well armed guards suddenly converged on the workers as they sat quietly in front of the factory doors. Elvin Ramirez Bekosimetro, head of Bufalo Park security, announced on a bullhorn that if they weren't gone in ten minutes they would be dislodged by force. The workers spoke to the guards, telling them they had no right to do this, that they, the workers, were not being provocative, and that everything was quiet.

One guard told them they had each been paid 68 lempiras to get all the workers off the premises using whatever force necessary, including beating them. He said that there was no union and they no longer had any right to be there. When Ramirez moved to tear down the Honduras flag, one worker stood in his way and peacefully said that he shouldn't do it. He told Ramirez that the workers didn't want any trouble and they should leave things be. When he put his arm up in front of the flag he was hit directly on his hand and arm with a club, and the flag was ripped down and apart by Ramirez who yelled "no hay sindicato aqui ni mierda existe sindicato".

Beat 3

Ramirez then ordered his guards to attack with the words "beat them, and if possible, kill them (golpeenlos, si es posible matenlos)". The workers were all once attacked savagely by the guards wielding clubs, pistols, tear gas, and "vesic(melros)". Ramirez ordered a group of guards after the worker who had previously placed himself between Ramirez and the flag, telling them to take him out back and "do what you want with him disappear him". They pounced on this worker with their weapons, beat him and tried to drag him away. Other workers came to his aide, and he was able to get away. Tear gas was thrown. Pistols were fired into the air and ground at the feet of the workers, wounding them in the legs with flying chipped cement and debris. Ramirez grabbed Dora Alvarado, President of the union, by the hair, yelling at her "you whore, I hate you (la gran puta, me caes mal). Him and others

TW15

Voluntaria = yes

TW14  
Beat 4  
R5



Honduras - King Star Case 6/5/95 - Page 4

12

Start Date	Name of Event	Description	Related Employer	Follow-up
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knocked her down and appeared to be trying to drag her out back, but she got away and ran to get out of the park.  
 The guards attacked the pregnant women with equal savagery as the others. While they were trying to get out of the park by climbing over the wall (the exits were locked), they were clubbed from behind and then pushed over and off the wall onto the ground on the outside of the park. Some of the pregnant women left for home due to their injuries before these interviews were taken so their conditions are unknown. The following day the daily newspaper "Tiempo" reported that one of the guards had attempted to rape Delmis Leticia Dominguez after throwing her into a truck.

Bq6  
 TM17

The workers remained outside of the factory the following day and vowed to do so until:

1. the Government of Honduras punishes those responsible for this attack.
  2. they are all assured of their continued employment.
  3. CWIU sits down with FITH representatives, recognizing their union and negotiating their conditions of employment.
- Bruce S. Fieldman  
 Representative, ILGWU  
 August 20, 1994

WGA BEE 13

This account is corroborated by news articles on Aug. 20 in El Tiempo, La Tribuna, El Periodico and El Heraldito.  
 The Tiempo article reports that "9 workers were savagely beaten, among them 2 pregnant women, by security guards of King Star." "...workers denounced the supervisor of the industrial park (ZIP Bufalo), Selvin Ramirez, known as 'robocop,' for ordering more than 50 guards to dislodge them by force. The guards, obeying the order, set upon them with tear gas, clubs and 'velocímetros,' also firing shots."

The newspaper articles all contained photos of the wounded workers.

6/22/94 King Star denies beatings

In an ad in El Tiempo newspaper, the King Star company denied charges by the FITH union that it had locked up workers or forced them to sign individual contracts. The ad blamed "ex-workers" for stirring up trouble, kidnapping the managers and labor inspectors trying to investigate, violently taking over the park gates, prohibiting the exit of workers until 10 pm, and arming themselves with rocks and sticks. The company also charged that ex-employees had wounded a management official, made death threats against workers who wanted to enter and work, and attacked the security guards.

King Star Garment - Honduras

9/19/94 King Star Parallel union recognized

The Ministry of Labor, in the person of Marta Julieta Bonilla, recognized the parallel union set up at King Star by the CGT confederation within three days. The petition was signed by approximately 98 workers.

King Star Garment - Honduras

According to FITH leader Israel Salinas, the company fired most of the provisional union executive committee members shortly after the labor Ministry notified the plant of a union in formation. The union has 15 days to finalize the process and send in the notice of the election of a permanent executive committee. The company replaced the fired members with those loyal to the CGT, so it took over the union structure and sent the papers to the Ministry for the permanent executive committee. The Labor Ministry should never have recognized this committee, because it was elected after the provisional committee was illegally fired.





Foldy-up

Start Date	Name of Event	Description	Related Employer
1/27/95	Firings at King Star Honduras	Ten days after the workers of King Star were granted legal recognition for a new union (SITRAKINGS) by the labor ministry on January 17, 1995, the company fired over half the new union's executive board as well as seven leading union activists. The president of the union (Elda Victoria Izcano, was also pregnant at the time, making her firing doubly illegal. The company had earlier fired the interim president and treasurer of the union, Dora Yanoth Alvarado and Sonia Libreth Martinez in November 1994. The provisional union board had been submitted to the Labor Ministry on August 18, 1994, to replace the "sub-seccional" which had been organized earlier.	King Star Garment - Honduras
2/21/95	HN Labmin washes hands of King Star	Cecilio Zavala, Honduran Minister of Labor, was quoted in the press as stating that the conflict in King Star must be resolved in the courts because the problem is less a labor problem and more an internal trade union fight, with one group demanding the reinstatement of fired workers and another whose legal recognition is in process. The Minister stated that he would have to find out which groups really represented the workers because there can only be one such union in a factory; therefore he will recommend that an election be held so the workers of King Star can elect their representatives. The Labor Minister also stated that the company had only agreed to reinstate Elda Victoriana Izcano and not the other four workers. He said the Ministry would review its records to find out if the other four workers were elected leaders, as the union claims. He further said that the unions must take up the question of reinstatement with the courts, because the courts had the coercive facilities to order the reinstatement of workers.	King Star Garment - Honduras
2/22/95	King Star promotes Company Union	Joel Lopez, General Secretary of FITH, accused the King Star Company of supporting the formation of a rival parallel union within the plant. He said that the CGT leaders are able to come into the plant "as if it were their own house" and use bull horns to communicate with workers to recruit members. His views seemed to be confirmed by an ad taken out by the company in the El Heraldo Newspaper of February 27, 1995, which is entitled "Maquila Workers Solidly Behind Owners." The ad states "there is only one union at King Star, which is affiliated with CGT and was founded on Sept. 10, 1994, and which maintains good worker management relations."	King Star Garment - Honduras



Start Date	Name of Event	Description	Related Employer	Follow-up
2/17/85	Firings, Mainia Honduras	Forty-seven workers, including the provisional executive committee of a trade union, SITRAMAINITA, were fired by the Mainia Company. According to the executive director of the INDELVA Park, Jorge Interiano, the workers were fired because they had engaged in a brief work stoppage the previous week. But a representative of the union confederation FUTH, Armando Villatoro, said that the work stoppage had occurred in response to the previous firings of the founding members of the union.	Mainia (Manufact. Int'l Apparel) SA	
2/24/85	Protest at Mainia Honduras	On February 24, 1985 between 1:30 and 3:30 pm, some 300 workers of the Mainia company temporarily occupied the front gate of the factory to protest the firing of over 40 workers who had helped organize a union at the plant. Workers demands included: 1) reinstatement of the fired workers, 2) recognition of the union, 3) establishment of a bipartite commission to discuss the problem while the union waits for legal recognition from the Ministry of Labor, 4) payment of lost wages to the fired workers, and 5) assurance that the company will take no reprisals against the protesting workers.	Mainia (Manufact. Int'l Apparel) SA	
2/27/85	Intimidation in Mainia Honduras	The leader of the Mainia workers union, Rigoberto Martinez, accused company personnel director Nikla Mandujano of pressuring workers to leave the union, resign from the company and accept only 50 percent of their severance pay. According to Martinez, the personnel director ordered Carlos Yaluffi, who previously had been a Labor Inspector, to distribute a paper to be signed by the workers to accept half their legally available severance pay.	Mainia (Manufact. Int'l Apparel) SA	
2/28/85	Beatings at Mainia	After workers at the Mainia Company in Honduras went out on strike a second time, approximately 20 private security guards employed by the industrial park struck several workers, including a pregnant woman. "The head of the guards, a man named Demetrio, cut down the national flag with his machete and told us that if we wanted violence, we would get violence," stated one worker involved in the protest. Workers are upset with the unjustified firings of people who want a union. In addition, the company-supported medical care is not adequate because the company clinic tries to give them the same medicine for every illness, and if workers elect to go to another clinic, the company refuses to give them time off, according to workers quoted in the EI Periodico article. The company manager, Edwin Brocato, told reporters he had fired the workers because they had broken the law and were given bad advice by the FUTH union. He said he was unaware of any mistreatment by guards, as they were employees of the industrial park and not of his firm.	Mainia (Manufact. Int'l Apparel) SA	Beat 14 In 18
3/1/85	Agreement, Mainia & union, Honduras	At 3am, after hours of negotiation, managers of the Mainia Company signed an agreement with the FUTH union, ending the strike at the company. Point 2 of the accord states: The company accepts the reinstatement of 50 percent of the people fired in accordance with their choice, and will pay the full severance pay for the other 50 percent, made up of the following people: [list of 20 names] Yet later the same day, two of the 20 reinstated workers, union leaders Jose Padilla and Constantino Enamorado, were denied entry to the plant, making the agreement short lived. The FUTH complained to the regional Labor Director, Santos Reyes Ayesbas, who called the company and assured the union that the accord would be respected.	Mainia (Manufact. Int'l Apparel) SA	



Honduras - MAINTA Case 6/5/95 - Page 2

Start Date	Name of Event	Description	Related Employer	Follow-up
3/2/95	Mainta unionists accept severance	<p>The two principal leaders of the Mainta union, Mario Padilla y Constantino Enamorado, accepted their severance pay on March 2, 1995, after the company refused to allow them to return to work. The company had broken an agreement it had signed hours earlier in the presence of the regional Labor Minister. "The conflict in the company is no more," stated Nidia de Mandujano, personnel director.</p> <p>In response to a question about whether the company would now accept the union, general Manager Edwin Brocato said he would be guided by the agreement, which states: "the company recognizes respect for freedom of association established in the Labor Code and the Constitution." The word "trade union" is not mentioned.</p>	Mainta (Manufact Int'l Apparel SA	



Honduras - Paraiso Case 6/5/95 - Page 1

Start Date	Name of Event	Description	Related Employer	Follow-up
8/16/93	Abuses at Paraiso, Honduras	<p>Workers at the El Paraiso plant in Chokoma attempted to organize a union to represent them in response to abuses by management which intensified after a new personnel manager was hired around August of 1993. According to several interviews with workers, the company punished workers for "talking" by sending them to clean floors. If workers spent too much time in the bathroom, their pay was docked. Workers who protested these punishments were physically threatened, and in one case a supervisor kicked a female employee and broke her ankle. The casting job was botched, and her foot is permanently deformed. Workers also complained about 12-13 hour work shifts, non payment of overtime rates, firing of pregnant women, firing and blacklisting of union members, and forced overtime. On several occasions, workers complained to the local labor ministry office about these illegal practices, but no formal investigation was undertaken.</p>	Paraiso, Honduras	Labor Ministry did not fulfill its obligation to investigate worker complaints
9/16/93	Firings at Paraiso, Honduras	<p>In response to abuses, workers at Paraiso followed the normal procedures and attempted to form a union. More than 220 out of the 550 workers signed the provisional union document. But when the labor inspector tried to deliver the notification to management, he was refused entry by the guard at the gate. Workers then had an option to file a lawsuit in hopes of persuading a "friendly" judge to issue a court order for management to accept the notification. But before that could happen, the company fired 60 of the workers whose names were on the petition.</p> <p>In response, workers went on strike and locked the entrances to the plant. Korean managers called the police, accusing the strikers of "kidnapping" them, and police arrested 54 workers who were later released. The strike broken, management then proceeded to fire 200 workers who had been most involved in the strike.</p> <p>Several weeks later, on October 5, an agreement was reached whereby the fired workers received severance pay. The company also agreed to halt worker abuses, pay for medical expenses of sick employees and obey the law regarding maternity leave and blacklisting. The price was that workers agreed to abandon their efforts to form a union and forgo their rights guaranteed by law.</p>	Paraiso, Honduras	<p>The labor ministry witnessed the accord, but otherwise did nothing to enforce the right to freedom of association. In one account, the Labor Minister, Carlos Torres Lopez, stated that he could impose a 10,000 lempira fine on the company, but there was no indication that he did so. To the contrary, he was quoted in the press on October 1 as saying, "The Ministry must consider both positions, the workers and management. On the one hand the organization of a union is a right recognized by the Constitution, and on the other the closure of a company would signify losing an important source of employment." [El Tiempo, Oct. 1, 1993] This statement had the effect of reinforcing the common perception that the government has decided not to strictly enforce its labor laws in order to attract foreign investment</p>

7/17/95  
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# Honduras - Miscellaneous Cases 1 6/12/95 - Page 1

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Start Date	Name of Event	Description	Follow-up
8/10/94	Breaking Agreement in AAA Honduras	<p>On January 17, 1994, workers who had formed a union in AAA Honduras Apparel Manufacturers were told they would be fired. In response, they walked off the job. Later that day, after an intense negotiation with representatives of the company, the FITH and FESITRANH labor federations and the Ministry of Labor (Juan Jose Ariza Rodriguez), an accord was signed (acta especial) in which the company agreed to recognize the union, desist from reprisals against union members, and meet with a union committee to resolve problems in the plant.</p> <p>On August 10, 1994, the company violated this agreement by once again threatening union members with firing if they refused to resign from the union. Once again, workers walked out and the company signed another agreement to respect union rights and negotiate a contract. This agreement was also broken days later when the company fired the executive committee of the union.</p>	<p>Labor Ministry witnessed the agreement, but did nothing to enforce it.</p>
8/10/94	Company union, AAA Honduras	<p>After having broken an agreement with the union of workers at the AAA Honduras Apparel Manufacturers and fired the union leaders, the Company signed an agreement (Pacto) with a group of non-union workers loyal to management. Although the firings were illegal, the workers felt they had no other recourse than to accept their severance pay and abandon the union. Although it is illegal for a group of unorganized workers to negotiate a collective pact in a company where there exists a legally constituted trade union, the Labor Ministry accept the company-controlled pact and legally registered it.</p> <p>On September 25, the leader of the company-controlled group of workers, Silvia Maldonado, held a press conference in which she accused the leader of the FITH union of receiving "\$50,000 for every union he organized" in Honduras. The source of these funds, according to Maldonado, were U.S. unions and companies who were trying to persuade maquila companies to return to the U.S., where they would be allowed to set up factories without unions. [E] Periodico, Sept. 26, 1994, p. 17]</p>	<p>In accepting the registration of the collective pact, the labor ministry violated legal procedure.</p>
7/27/92	Firings at Demesa, Honduras	<p>On July 27, 1992, three days after an attempt was made to deliver notification of formation of a union at the Derivados Del Metal (DEMEESA) company in Choloma, 34 workers on the founding list were fired. FESITRANH, in a formal complaint, accused the labor inspector, Gerardo Mejia Munoz, of having given the list to the company, as he was the only one who knew of its contents. The complaint also alleged that the same labor inspector sold lists to the NACHER company and to Manufacturas de Honduras, where firings also took place.</p> <p>According to Jay Mazur, President of the ILGWU, "since late April, 1994, at least seven workers involved in efforts to form a union at Global Fashions have been illegally fired. On April 27, after management learned that Dorka Nohemi Diaz Lopez was holding union meetings in her home, she was fired and told—despite her unblemished work record—that "The Koreans don't want to see you anymore".</p> <p>On May 28, Global Fashions' management fired Jorge Adalberto Madrid Herrera, whom the workers had elected to be president of the new union they were in the midst of organizing.</p> <p>Global Fashions' Chief of Personnel, Carlos Alberto Alonso, has recently informed Jessica Yulanda Ramirez that she and all the other members of the union organizing committee will be fired if they do not renounce the union within the next fifteen days. The Chief of Personnel has told the workers that he will receive money if he succeeds in firing all the union sympathizers. On several occasions, Global Fashions supervisors have threatened that union organizers will</p>	<p>There is no record of any response to the complaint.</p>
4/27/94	Firings at Global Fashions, HNA	<p>On July 27, 1992, three days after an attempt was made to deliver notification of formation of a union at the Derivados Del Metal (DEMEESA) company in Choloma, 34 workers on the founding list were fired. FESITRANH, in a formal complaint, accused the labor inspector, Gerardo Mejia Munoz, of having given the list to the company, as he was the only one who knew of its contents. The complaint also alleged that the same labor inspector sold lists to the NACHER company and to Manufacturas de Honduras, where firings also took place.</p> <p>According to Jay Mazur, President of the ILGWU, "since late April, 1994, at least seven workers involved in efforts to form a union at Global Fashions have been illegally fired. On April 27, after management learned that Dorka Nohemi Diaz Lopez was holding union meetings in her home, she was fired and told—despite her unblemished work record—that "The Koreans don't want to see you anymore".</p> <p>On May 28, Global Fashions' management fired Jorge Adalberto Madrid Herrera, whom the workers had elected to be president of the new union they were in the midst of organizing.</p> <p>Global Fashions' Chief of Personnel, Carlos Alberto Alonso, has recently informed Jessica Yulanda Ramirez that she and all the other members of the union organizing committee will be fired if they do not renounce the union within the next fifteen days. The Chief of Personnel has told the workers that he will receive money if he succeeds in firing all the union sympathizers. On several occasions, Global Fashions supervisors have threatened that union organizers will</p>	<p>There is no record of any response to the complaint.</p>



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Start Date	Name of Event	Description	Follow-up
4/1/94	Worker complaints, Global Fashions	<p>not only be fired, their names will also be put on a <u>blacklist</u> to make sure they never again work in any assembly plant.</p> <p>On May 4, when the workers at Global Fashions occupied the front gates of the factory to protest the illegal firings, company-paid thugs attacked and beat the union activists leading the demonstration.</p> <p>At the present moment, [June 15, 1994] conditions at Global Fashions remain very tense. Management has created a group of 40 strike-breakers armed with clubs to threaten the union sympathizers, while union activists are being transferred to the worst jobs."</p> <p>According to Jay Mazur, President of ILGWU, "One of Leslie Fay's off-shore contractors is Global Fashions, A maquiladora located in Choloma, Honduras. Global Fashions employs approximately 500 workers producing apparel for export to the U.S. market.</p> <p>Interviews with Global Fashions employees reveal a systematic pattern of serious labor rights violations by company team These abuse violate both Honduran law and the provisions protecting internationally recognized worker rights within the Caribbean Basin Economic Recovery Act and the Generalized System of Preferences.</p> <p>Included among the many labor rights violations at Global Fashions are the following:</p> <ul style="list-style-type: none"> <li>Forced overtime: Global Fashions employees are forced to work an average of between 10 and 14 overtime hours each week, for which they are illegally paid straight drn wages. For a 58 hour week, the worker earns \$23.78. If an employee refuses to work overtime more than once, she is fired.</li> <li>Child labor: Children 13, 14, 15 and 16 years old are employed by Global Fashions. Even these children are forced to work the shifts of 10 or more hours a day, often performing very strenuous physical tasks under conditions of unbearable heat, for example in the pressing and packing department where the temperature exceeds 100 degrees Fahrenheit.</li> <li>Nonpayment of Maternity and other benefits: Under Honduran law, maternity benefits covering one month before and 40 days after the birth of the child, must be paid by the company. However, at Global Fashions, the women are forced to work until they go into labor.</li> <li>Instead of paying into the Honduran Social Security system, which would then provide health care, hospitalization and medical prescriptions to the employees and their children free of charge, Global Fashions contracts a part-time company doctor. As a result, the employees' children have no health coverage at all, while workers lose access to social security, hospitals and free medicines.</li> <li>Global Fashions also fails to pay for legitime sick days, as is mandated by Honduran law</li> <li>In addition, Global Fashions shortchanges its employees by not providing the legally mandated paid holidays (11 days) and vacation days (10 days) each year.</li> <li>Humiliation of workers is the rule at Global Fashions: Workers have to raise their hands to get permission to use the bathroom, and are limited by management to two visits per day of not more am two minutes each. Clean drinking water is not provided, and despite the excessive heat, there is not adequate ventilation. The production quota is constantly increased so that the worker will not earn more than the minimum wage. For small errors, supervisors often scream at the workers, throw things in their faces or force them to stand facing the wall</li> </ul>	M 20

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/9

Start Date	Name of Event	Description	Follow-up
10/20/83	Firings at Industria de la Cal, Hon	<p>On October 20, 1983, a union formation notification was successfully delivered to the Plant superintendent of the Industria de la Cal company, located in Poirrenillos, Cortes. Three days later 45 of the sdy workers on the list were fired, along with the plant superintendent, who had signed the receipt of the notification.</p> <p>Luis Alfonso Torres was the Plant superintendent who was fired. Mario Quintanilla and Claudio Villafrañca accompanied the labor inspector.</p>	No reinstatement



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Start Date	Name of Event	Description	Follow-up
10/28/94	Firings - International Fashion, HN	<p>For some time the FESITRANH union had been organizing a factory at the ZIP Choloma called International Fashion. In previous months three attempts had been made to get a union going. All ended up with the firing of a large number of employees and thus the annihilation of the union. However, FESITRANH did not give up mainly because of the pressure from the workers themselves, and so a new try took place in October of 1994. The union recognition petition papers were signed by about 60 workers. The FESITRANH organizer responsible for this project went to Tegucigalpa to present the papers to the Ministry of Labor directly, in the hope that they would not communicate to management the names of the workers that had signed. The hope turned out to be futile, because in the afternoon of Thursday October 27, 1994, management closed the administration office and did not allow any worker to even get close to it. On Friday the 28th in the morning they did not allow in the factory about 40 of the workers that had signed the papers. They were told that they had been fired and to come back for their severance pay next week. One of the young women managed to shout through the gate to the manager that it was silly to fire them because there will be more and more people joining the union and it will be costly for them. The manager answered "no matter how many there are, we have enough money to fire every one who wants a union."</p> <p>The International Fashion company is owned by a gentleman who was involved in union-maquila association talks several months ago. His name is Roberto Leyva. He was named "Executive of the Year 1994" (Ejecutivo del Año 1994) some time early this year. The general manager is his brother Salomon Leyva. They have two plants that produce Levi blue jeans and Dockers pants. Also they produce sweaters for a label TEAM RAGE (RN NO. 459356).</p>	
10/28/94	Firings at Kiljin, Honduras	<p>After obtaining legal recognition on September 14, 1994, for their union at the Kil Jin factory in the INHDELVA ZIP in Honduras, workers requested a bargaining session with management on October 28. Instead of meeting, as required by law, Company management fired 103 workers who had signed the union formation papers. Manager Wayne H. Lee forced workers to sign blank pieces of paper in return for receiving their paychecks, some of which were not backed by funds, the union charged. Lacking any prospect of legal support for their rights, workers walked out on strike and blocked the entrances to the industrial park, affecting some 5000 workers.</p>	
8/25/94	Firings and reprisals at MISA, HOND	<p>On August 25, 1994, the union at the MISA company in Honduras declared their universal worker rights in a public declaration. In this declaration the union highlights the constant pressure by the MISA company to disrupt and violate their union and rights.</p> <p>The workers highlight numerous actions by MISA against the workers, including: illegal firings, lack of respect of worker's dignity, bribes, and threats. These acts are mainly committed by the Personnel boss and approved by the employer.</p> <p>The workers stress that the violations of workers rights is unfortunate because the MISA company supplies LEVIS STRAUSS &amp; CO. which has high standards of worker rights.</p>	fnz1
7/28/94	Firings at Olga - Villanueva HN	<p>The Olga Company in the Villanueva ZIP fired 22 union activists on July 28, 1994, to avoid formation of a trade union. In addition to the firings, workers were told by company officials that unless they resigned from the union, the company would close and move to Costa Rica. This announcement was made only minutes after the notification of union formation was delivered to the plant.</p>	Labor Ministry did nothing but deliver the notification





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### Honduras - Miscellaneous Cases 2 6/12/95 - Page 2

Start Date	Name of Event	Description	Follow-up
		<p>Workers responded with a strike and blockage of the plant gate. Although union officials said the protest was peaceful and that workers in other plants were allowed to enter and exit through the gates, the strikers were dislodged violently by police and private armed security guards from the SISEC company who used rocks and clubs to beat workers. The FITH union, which had been organizing the workers, accused company manager "Moris Josman" have having sent the guards to attack the workers.</p> <p>In the face of these threats, the fired workers accepted their severance pay and the union was destroyed.</p>	<p>Tu 21 3/6</p>

