

# WORKER RIGHTS AND THE GENERALIZED SYSTEM OF PREFERENCES

The AFL-CIO Petition to the  
Office of the U.S. Trade Representative

*Intro to '91 petition*

*includes*

*Thailand  
Bangladesh  
el Salvador  
Guatemala  
Indonesia  
Panama  
Syria*

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International Affairs Department

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# INTRODUCTION

The AFL-CIO herein presents evidence that the following countries are serious violators of internationally recognized worker rights and should be removed from the Generalized System of Preferences program:

Bangladesh

El Salvador

Guatemala

Indonesia

Panama

Syria

Thailand

Under Section 502(b) and (c) of the Trade Act of 1974, as amended in 1984, countries that are beneficiaries of the U.S. Generalized System of Preferences must observe certain standards with regard to worker rights. As enumerated in the law, the standards include the following five criteria:

- the right of association;
- the right to organize and bargain collectively;
- a prohibition on the use of any form of forced or compulsory labor;
- a minimum age for the employment of children;
- acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

None of the countries cited has a policy that affirms the principles-embodied in the internationally-accepted standards for measuring the criteria. Each should be removed from the GSP program.

In the case of Thailand, an extreme emergency exists, as a result of the changes made since February by the military rulers who assumed power in a military coup. Consideration of Thailand as a GSP beneficiary should be undertaken outside the year-long investigation cycle. The evidence that we present and which is available to all observers of Thailand since the military coup warrants

this special treatment. The new policies affecting workers' organizations are so egregious that after a review of one year's duration no labor movement in Thailand would exist.

If the intent of the law is to be fulfilled, the issue of Thailand's GSP status should be decided within three months.

Since 1985, the AFL-CIO has participated in six fully completed rounds of worker rights review by the United States Trade Representative. When the worker rights language was incorporated into the Trade Act legislation in 1984, we held out great hope that countries in the GSP program would be held accountable for their worker rights practices or risk removal from the program. Such was our understanding of the intent of Congress when the legislation was passed.

Our disappointment and disillusionment with the execution of the law has grown greater with each successive round of petitions and investigations. The disappointment is most keenly felt with the latest announcements regarding the worker rights investigations that culminated in the USTR's press release of April 25, 1991. The sole offending country identified by USTR as not taking steps to afford its workers the most basic of human freedoms, the right of association and the right to organize and bargain collectively, was the Sudan.

At one point during the six year history of worker rights language in the Trade Act, seven countries had been removed and/or suspended from the GSP program due to violations of worker rights. The improvements in worker rights practices initiated by governments in some, notably Chile, Nicaragua, and, to a lesser extent, the Central African Republic, were significant. We applaud the changes and attribute some of the improvement to the GSP process. Now these three countries have been restored to GSP eligibility. The only remaining suspensions are Burma, Liberia, Romania, and the Sudan. Certainly there are more countries currently receiving GSP privileges that fail to grant appropriate worker rights.

Syria, whose political system stifles all forms of personal and public expression that fall outside the official government allowances, remains a beneficiary of the program. The investigation of the case, which we referred to as *prima facie* because the U.S. Government has designated Syria a terrorist nation and because the State Department verified the absence of all forms of freedom of association, continues under review for a fourth year.

The USTR certified that the governments of the Dominican Republic and Haiti are taking steps to afford their workers adequate protection in the exercise of their rights. The fruits of our efforts, i.e. the cases we present June 1 each year, the testimony we provide each Fall and the detailed documentation sent to the GSP Subcommittee during the course of the investigation, represent an attempt to portray the situations in each country as experienced by the workers. In very few cases are workers able to testify personally. Unfortunately for those workers, the USTR has chosen to look the other way and certify their governments. We challenge the Trade Representative to visit factories in the free trade zones of the Dominican Republic and Haiti, not with government representatives but with worker representatives.

The governments of the countries listed above are not taking steps to afford their workers the rights outlined in the Trade Act of 1984. They should be held to the standards of the law and removed from the GSP program.