

AFLCIO 1989

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HAITI

1988

On June 1, 1988, the AFL-CIO submitted a petition to the U.S. Trade Representative requesting Haiti be denied benefits under the Generalized System of Preferences program. Since that time, there has been one coup resulting in a change of government and several attempted coups challenging the new government's leadership. The USTR decided to postpone a final decision on Haiti's status pending further review of developments in the country. On the basis of new information, the AFL-CIO urges the USTR to terminate Haiti's GSP benefits immediately.

CASE REVIEW AND ANALYSIS

The decision to continue review of the worker rights situation in Haiti by the USTR was based in part on the fact that the leader responsible for most of the violations that were documented in earlier petitions had been ousted. The decision stated that the new president, General Prosper Avril, should not have to pay the price for violations that were out of his control. Thus, General Avril has been given a chance to improve the deplorable worker rights situation.

However, since coming to power in September 1988, the Avril government has not acted to change substantially the worker rights situation in Haiti. Abuses by employers, including the national and municipal governments, have continued. Workers

fired in the past for legitimate union activities have not been accorded justice in the courts.

FOIA
The most pressing concern of Haitian workers continues to be the absence of legal remedies for redressing violations. In January 1988, the government increased the number of judges on the Labor Court by two, for a total of six judges, a number totally inadequate to handle the caseload.

Representatives from the AFL-CIO met with government officials on several occasions in 1988 to discuss changes needed to improve the worker rights situation, and the Government of Haiti agreed to improve the Labor Court system. In March the court was dismantled and new justices were appointed. However the court still has not heard a single case since December 1988.

The Labor Code, under Article 251, prohibits the firing of workers attempting to organize unions. In practice, employers ~~regularly dismiss workers attempting to organize.~~ They do so without fear of punishment, as documented in previous AFL-CIO petitions. No fines are assessed by the Labor Court which at the present time is not functioning. The laws and regulations protecting workers fail to restrain employers because the legal system does not effectively enforce them.

The government also promised to form a tripartite commission to propose revisions in the Haitian Labor Code. To date, the Commission has not met, either to discuss revisions or to deal with specific cases of violations.

Violence

The violence and chaos which prevail in Haiti have made it impossible to conduct a major information-gathering effort on worker rights. Union members fear reprisals for union activities and have been reluctant to participate in surveys to assess the situation. AFL-CIO personnel in Haiti repeatedly have had to close the local office due to the eruption of violence.

All the while, new cases of worker rights violations continue to be reported in the press, and unionists hold little hope that they will be addressed. The following are a few of the examples that have come to the attention of the AFL-CIO since its last petition.

Case 1

On January 16, 1989, 597 workers at the Amtex Apparel company were fired allegedly because of an illegal strike on January 9-11. Management attempted to close down the plant, but the military intervened and the plant reopened with new workers.

Case 2

The Port-au-Prince Teachers Association (AEP) reported on November 16, 1988, that its members had not received their salary for the month of October. During a press conference, the teachers protested the government response to workers' demands and speculated that the Army might break up a strike.

Case 3

On November 16, employees of the government newspaper, L'Union, staged a work stoppage to demand their paychecks for October.

Case 4

Workers at the Port-au-Prince City Hall carried out a protest on November 19, calling for the payment of their October salaries and protesting the magistrate's decision to hand out the

checks in an unsafe location. Magistrate Carmen Christophe had reportedly told the workers to report to Petit Place Cazeau to pick up their checks, a location where workers were afraid of being robbed. During the protest, ~~soldiers fired shots to~~ frighten the workers and make them disperse.

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case 3

On January 20, 1989, the teachers at the National Technical and Vocational School of Port-de-Paix began a strike to demand payment of their salaries, which had not been paid since October. Five days later, the teachers still had not received their salaries.

case 4

The employees at the Hinche City Hall began a work stoppage on April 25, 1989 to protest the unilateral reduction of their salaries. On payday, April 19, the director of personnel at the City Hall had reduced the employees' salaries in order to pay two new employees. In addition, the personnel director demanded that ~~an employee give up \$30 to pay another person.~~ The employee refused, and the director called the police. After failing to arrest him at City Hall, the police went to the employee's home *ML* and ~~arrested~~ his father, ordering him to obtain the \$30 from his son. The City Hall employees began the strike in solidarity with the employee.

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The drivers unions in Matheux, Arcahaie and Cabaret held work stoppages in January and February 1989 to protest unsafe conditions caused by the collapse of a main bridge leading to the capital city. The drivers complained that the Public Works Ministry had made no effort to repair the bridge that collapsed

in August 1988. Without the bridge, the drivers have a difficult and dangerous time reaching Port-au-Prince.

CONCLUSION

The Government of Haiti has been unable or unwilling to make significant changes in the legal system that would protect workers against such employer malfeasance, contract violations and retaliation against legitimate union activity. Therefore, the AFL-CIO requests that Haiti be denied trade benefits under the GSP program.