

June 19, 2008

Augusto Solano, President
Asocoflores
Bogotá, Colombia

Dear Mr. Solano,

We appreciate your detailed response to our February letter.

We regret the misunderstanding about the 2002 and 2006 versions of the Florverde standard. Since the 2006 version was the one posted on the website, we were unaware that the 2002 standard was still being applied in the inspections. Therefore, we were under the impression that the 'new' protections that you mention in your letter had actually already been in effect for some time. Unfortunately, even with these 'new' protections, which we had in fact already observed in the 2006 draft, there are still serious shortcomings in the Florverde standard.

While we have reason to disagree with your statistics on unionization levels and whether or not the Colombian minimum wage is a living wage, we feel the space in this letter is better used to point out our broader concerns.

The absence of core labor standards is unacceptable in a certification program that leads consumers to believe that flowers were produced in full compliance with social, environmental, labor, and occupational health and safety norms. We are deeply troubled by the fact that the Florverde code still does not guarantee the right to freedom of association nor protections against forced labor including forced overtime. Your letter leads us to understand that Asocolflores does not intend to rectify these discrepancies.

Freedom of association. The Florverde standard does not give workers the right to form the organization of their choice, nor does it prohibit companies from engaging in anti-union activities. It promotes "information and participation mechanisms" for workers but does not include unions in the list of examples of such mechanisms. You note that "the intention of the norm is to leave it open to companies"; however, in fact, it should be the workers who are given the freedom and flexibility to choose the mechanisms they prefer for association and participation; companies should not be allowed to choose for them.

And while it is true that freedom of association is guaranteed by the Colombian Constitution, in practice we find that workers are scared to organize for fear of being fired or assassinated, that most farms do not have unions, and that a number of the unions that do exist are not in fact independent but are instead formed by the companies. Furthermore, it is unreasonable to expect Florverde inspectors to verify compliance with all aspects of the law: their job is to verify compliance with the Florverde standard, and that standard does not guarantee workers the right to form or join an organization of their choosing.

Forced labor. Florverde does not prohibit the use of forced labor. Your response is that "Florverde does not explicitly ban forced labor, because this is already addressed by Colombian Law 1010/06 on work harassment. On the other hand, overtime is not compulsory." Again, we

think it is unreasonable to expect SGS to verify compliance not only with the Florverde standard but also with the entire Colombian Labor Code and other laws like 1010/06. Meanwhile, government labor inspectors lack the capacity and resources to carry out full inspections of all farms.

In addition, we question your assertion that overtime is not compulsory. Surveyed flower workers have consistently said that they feel forced to do overtime work; they say that when they refuse, they are subjected to mistreatment, given higher production quotas, or made to pay their own transportation home. Even if overtime work is paid at a higher rate, as required by law, it should still be strictly voluntary. However, if you truly believe that forced overtime simply does not occur on Colombian farms, we fail to see the harm in explicitly including such protections in the Florverde standard, and having inspectors verify compliance.

In sum, we are not convinced that it is sufficient to have compliance with important labor rights “implied in the Florverde standards” because they are already in Colombian law. Auditors check compliance with the standard they are hired to verify, not with all of the country’s laws. They will not be guessing what is “implicit” in the standard, they only check verification with what is explicit. Rights need to be explicitly stated in the Florverde code if you want to claim that Florverde farms are inspected in those areas.

We also remain concerned that the legitimacy of the Florverde program is diminished by the lack of a participation mechanism for workers and independent trade unions in the implementation of the standard and monitoring of conditions in certified farms.

We regret that Asocolflores is disinclined to build a code that offers real protections for workers’ fundamental rights. If Asocolflores eventually determines that it is interested in incorporating these missing elements into the Florverde standard, we will be pleased to discuss matters further with the new director of Florverde and assist in the process. In the meantime, the undersigned organizations will need to make sure that consumers are aware of the serious shortcomings of your certification program.

Sincerely,

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