



Freedom at Work

Campaign Toolkit 2009



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Labor Day, September, 2009



Dear Friends of Labor Rights,

The International Labor Rights Forum (ILRF) has been working for nearly 25 years to defend labor rights and create a just and humane world for workers. We have seen workers face strikingly similar abuses in all regions of the world due to unfair trade policies, corporate exploitation and the failures of governments to enforce the rule of law.

The global economic crisis has deeply affected workers who face massive job loss, plunging millions of families into poverty and leading to questions about the sustainability of our economic policies. Many companies have used the crisis as an excuse to further erode workers' rights and, without a voice in the workplace, many workers are left with few social protections to make ends meet.

Our partners around the world have shown us that **worker empowerment is the answer to ending child labor and discrimination and to improving working conditions, wages and social protections for all workers.**

How are workers empowered?

Workers are empowered when they can **freely organize in the workplace** and bargain collectively with their employers. When workers are empowered through democratic unions and other democratic workplace organizations they move towards a decent way of life. For example, thanks to the collective bargaining process, unionized workers in the U.S. service sector earn 57% more than their non-union counterparts.¹

Workers around the world, however, face systematic barriers to organizing, including egregious acts of violence and intimidation. According to the International Trade Union Confederation's Annual Survey, at least 76 labor activists were killed as a result of their actions defending workers' rights worldwide in 2008.² Thousands of workers were physically and verbally harassed, arrested and abducted for their involvement with unions as they continue to be denied their fundamental, internationally recognized right to freedom of association and collective bargaining. In light of the disturbing state of workplace rights worldwide, **ILRF has created this guide to understanding one of the human rights most widely violated in the workplace: the right to associate freely around the world. Only when this right is in place can we say workers enjoy freedom at work.**

The Freedom at Work toolkit is designed for audiences that may not be familiar with the global labor movement and organizing struggles. The first section outlines why defending the right to organize can help empower working women, end trafficking, curb forced and child labor, defend the rights of migrants, and protect consumers. The second section explains why worker rights are an essential component of human rights. The last section presents a series of case studies of violations of the right to organize from around the world. These case studies also include success stories of workers who have joined together despite facing many barriers. Finally, you will find a glossary, a web resource guide and a "what you can do" section that will allow you to translate what you have learned into concrete action in support of workers.

We hope that you use this guide to educate your friends, family, co-workers and community members about common barriers to worker organizing. Workers' rights are human rights, and worker empowerment through organizing is the most effective and certain path to the end of exploitation. Please visit www.laborrights.org to learn more.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bama Athreya'.

Bama Athreya
Executive Director

Freedom at Work Empowers Working Women



Credit: Maquiladora Health and Safety Support Network

Unions have been an important partner in the fight for women's rights at work, and some of the first unions were formed by women who decided to stand up for better working conditions. In the U.S., unions protect women's rights in the workplace by holding employers accountable for providing equal pay for equal work, adequate health coverage and other benefits that affect women specifically, such as maternity leave.

According to a report by the Center for Economic and Policy Research, union membership, more than any other factor, is likely to increase the wages and benefits of women workers. The report also showed how unionized women workers earn on average \$2.00 more per hour than non-unionized women workers. In addition, union membership increases the probability that female workers will have health insurance by nearly 20%.³ Politically, unions continue to be fierce advocates of women's rights, and have actively supported the passage of legislation such as the Lilly Ledbetter Fair Pay Act of 2009, which broadens the time limit that a female worker has to file a wage dis-

crimination lawsuit. This Act is particularly important because many female workers realize that they have been discriminated against after the traditional statute of limitations to file a lawsuit has passed.

Internationally, the ability to join a union and fight for workplace rights has been essential to the self-empowerment of working women. Women in garment and shoe factories throughout Asia and Latin America have struggled for decades to bargain for fair wages and working conditions, and have formed unions to do so. By forming a union, female workers in the Colombian cut-flower industry (*See page 14 for more information*) were able to fight for better pay, which allowed them to afford to send their children to school. Their successful unionization also allowed them to protect the security of their jobs and ensure that they received the social and health benefits essential to women, particularly single mothers.

Freedom at Work Helps to End Child Labor



Credit: International Labor Rights Forum

Forced labor and abusive child labor constitute some of the most exploited forms of work in the global economy. Child workers and adults who are forced to work have very little voice on the job, are provided with little or no compensation and face a range of other rights violations. As a result, they are the cheapest workers for an employer and they often face the greatest obstacles in fighting for their rights. Forced labor and child labor pull down the wages, benefits and working standards for adult workers. As the International Trade Union Confederation (ITUC) notes, "Working children represent an abundant and easily exploited source of cheap labor and contribute to the decline of wages. Hence, child labor leads to the weakening of trade unions' ability to negotiate improvements in workers' wages and conditions. In addition, child labor increases adult and, moreover, youth unemployment, since children may be doing the same work at lower wages."⁴

Trade unions can play an important role in ending forced and child labor. When workers are organized democratically and are able to bargain with their employers, they are able to codify improved working conditions through a collective bargaining agreement. These agreements can help protect against serious forms of exploitation like forced and child labor while contributing to higher wages and stronger rights protections for adult workers. Contracts also typically include grievance procedures where workers can file complaints when they notice illegal and exploitative conditions. Unions also help bring low-wage workers out of poverty,⁶ which is important since in many cases, children are forced to work to supplement the wages of their parents. Because union organizing and collective bargaining play such an important role in reducing child and forced labor, all of these rights have been included together as part of the fundamental rights at work as defined by the International Labor Organization (ILO).⁷

A rubber plantation in Liberia owned by Firestone provides an example of how freedom of association is linked with child labor. For years, workers on the plantation were obliged to meet a daily production quota in order to receive their meager wages, even though the quota was so high it would be physically impossible for one person to complete in a day. As a result, workers were forced to bring their children to work with them. Throughout this time, the workers were not represented by an independent, democratically elected union, so they were not able to negotiate better working conditions with Firestone. Finally, after years of bitter struggle, the workers held historic union elections on the plantation in July 2007. They negotiated and ratified a contract with the company in August 2008. The new contract provides wage increases, reduces the work load and bans child labor. The contract proves that when workers are able to have a voice on the job and collectively bargain with their employer, they can win important improvements and reduce forced and child labor. At the same time, Firestone's refusal to fully implement the improvements in the contract or to respect its workers' rights to freedom of association and collective bargaining has frustrated the progress toward reducing forced child labor on the plantation. In order to enjoy each of these fundamental rights, they must be implemented simultaneously.¹⁰

See Page 24 for more on Firestone.

Freedom at Work Helps to End Trafficking and Migrant Abuse

Internal and international migrants face extreme exploitation as they search for any work in unfamiliar regions away from home. Migrant workers are often trafficked or deceived by recruiters who promise to find them good jobs and are sometimes forced to work against their will in situations of debt bondage. They are often recruited by abusive subcontractors hired by larger companies seeking to avoid responsibility for committing labor rights violations. It is in the interest of all workers to give migrant workers the same opportunities to form unions and assert their rights as other workers. In the U.S., immigrant workers are one of the fastest growing groups in the labor movement and have joined with their co-workers to unionize and improve conditions across the board. In Brazil, a push to ban subcontracting by the strong Brazilian labor movement could help to end the trafficking and forced labor pervasive in some of the country's agricultural sectors. The creation of decent, sustainable jobs by allowing workers to freely organize and collectively bargain also decreases the need for workers in poor regions to be forced into deceptive trafficking schemes as they search for higher paying work.

In many countries, including in the U.S., migrant farm workers and others are often legally barred from being able to join a union or subjected to conditions that make it nearly impossible for them to unionize. This is slowly changing as unions push their governments to grant migrant workers the right to join unions, which they understand would improve conditions for all workers. Jordan notoriously bars migrants from legally unionizing, but the labor code is expected to be amended to change this discriminatory provision.

Employers often recruit immigrants to divide their workforce, creating resentment between native workers and migrant workers as a tactic to undermine union organizing efforts. According to a report commissioned by ILRF with partners in Namibia, large numbers of Chinese migrant workers were recruited by subcontractors to work for the garment company Ramatex, producing goods for U.S. brands. The report found that factory management specifically employed workers of different ethnic groups to create racial and ethnic tensions to decrease the solidarity that leads to union organizing.¹²

Because many migrants are undocumented in the U.S. and elsewhere, they are less likely to assert their rights for fear of being deported or fired. Thus, employers exploit migrants' vulnerabilities by subjecting them to the worst of working conditions and denying them their most basic rights to the minimum wage. An estimated 300,000-500,000 Nicaraguans entering Costa Rica legally and illegally are an important source of (mostly unskilled) labor, largely in Costa Rica's profitable agriculture sectors.¹³ The majority of workers producing the fresh pineapples found in U.S. supermarkets under Dole, Del Monte or Chiquita brands are Nicaraguan migrants working on Costa Rican pineapple plantations. With strong unions, these workers *would* be able to greatly improve their standard of living but employers frequently call on immigration authorities as an intimidation tactic if undocumented migrants assert their rights or complain about working conditions.

See Page 17 for more on pineapple workers.

The following is an excerpt from a letter from Nicaraguan workers in Costa Rica:

"There is an anti-union company that takes workers to watch a video about the closure of various banana plantations in southern Costa Rica, and blames their failures on unions; they tell us that without renouncing our memberships, our company will run the same course."

"The company [Pina Frut owned by one Costa Rica's largest land owners, Grupo Acon], denies workers their job security, the right to belong to a trade union organization, decent treatment, a living wage and reasonable working hours. Others still work here in Piña Frut but for contractors who do not always pay them the legal minimum wage and have to work very long hours."

"Here, we have had problems being affiliated with labor unions, that is to say there is no free association, and it is because of this that the company tries, through various means, to dissolve unions. There is an anti-union

company that takes workers to watch a video about the closure of various banana plantations in southern Costa Rica, and blames their failures on unions; they tell us that without renouncing our memberships, our company will run the same course. They also tell us that we are going to remain on a black list and that we are not going to find work with any other company. The company contracts the services of the Juan XXIII School [a notorious solidarist school] which travels to plantations (banana and pineapple) telling workers to stop being a member of the union."

Freedom at Work Protects Consumer Rights



Credit: International Labor Rights Forum

Ever since the publication of Upton Sinclair's *The Jungle* in 1906, which exposed the brutal working conditions and unsanitary environment in Chicago's meat packing houses, the connection between labor rights and consumer rights has been clear. It boils down to this basic principle: dangerous workplaces produce dangerous products. Just as Sinclair's study resulted in new health standards in the meat and food processing industries, labor unions fight for decent working conditions that often result in cleaner environments, and safety standards that can lead to safer products. Lax health and safety standards in a factory or rushed production can jeopardize the quality of the final product, putting the consumer at risk. As the first line of defense for product safety, workers need a voice on the job and legally-binding union contracts.

On June 21, 2008, ten tons of the highly toxic pesticide endosulfan were illegally loaded onto a passenger ship bound for Del Monte Philippines' pineapple plantation that crashed and caused the death of over 800 passengers. Studies of populations exposed to endosulfan have been published suggesting that endosulfan can increase the risk of autism, delay puberty in boys, and cause birth defects of the male reproductive system amongst other complications.¹⁴ While the U.S. and other countries continue to use millions of tons of endosulfan for agricultural use, the controversy led the Philippine government to completely ban the dangerous chemical. Unfortunately, consumers have already ingested dangerous amounts of endosulfan since pineapples have a non-resistant peel, allowing toxic pesticides to absorb into the flesh of the fruit.

Why should it take a massive chemical disaster and front page news coverage to drive bans on toxic chemical use? Hundreds of other highly toxic chemicals used for pineapple production are inevitably putting workers, community drinking water and consumers at risk. Many Costa Rican and Filipino union leaders have joined with environmental groups to call for reduced chemical use on pineapple plantations.¹⁵ Freedom for workers to protect their own health and voice their concerns through unions has the added affect of protecting consumers.

Another example of the link between worker and consumer safety is the case of a compact fluorescent light bulb (CFL) factory operated by General Electric Co. (GE) in southern China. In late 2007, Policy Matters Ohio conducted a study at the CFL factory that found numerous violations of safety and workers' rights standards.¹⁶ The report found that workers at the plant receive "little safety training and often do not know the basic facts about factory safety." In fact, "the majority of workers interviewed told researchers they had no idea the company was using mercury." Mercury, which is used in the production of CFLs, is highly toxic, and can cause severe damage to the central nervous system upon exposure. But the lack of workplace safety education does not just endanger workers—consumers are also put at risk because workers without proper training do not know to report production errors or practices that lead to hazardous light bulbs, while educated workers would. But education is not enough. Without the job security and complaint processes provided by unions, workers fear that reporting safety violations will put their jobs at risk. Without workers who are educated and able to freely report safety violations, consumers end up paying the price.

Human Rights, the United Nations and the International Labor Organization

By the second half of the 20th century, workers' rights were fully embraced by the international human rights community and incorporated into international human rights documents. The international community recognizes the right of workers to freedom of association and the right to collectively bargain with their employers in core conventions of the International Labor Organization (ILO) and in the Universal Declaration of Human Rights.

After the end of WWII, a new vocabulary permeated the world: human rights. With the formation of the United Nations in 1945 and its dedication to promoting and encouraging "respect for human rights" around the world, the human rights movement was born. Just over three years later, the UN adopted the Universal Declaration of Human Rights, which recognized, among many rights, the right to freedom of association, to "just and favorable conditions of work," to "form and to join trade unions," to equal pay for equal work, and to wages that ensure workers and their families "an existence worthy of human dignity."¹⁷ Thus labor rights were firmly established as human rights. With the incorporation of the ILO into the UN, a commitment to labor rights was further strengthened.

The ILO works with governments, workers and employers of member states to create decent work standards around the world. The ILO has authored a set of conventions that explicitly state the rights that are guaranteed to all workers. Two of the organization's four core labor conventions concern union rights. Convention 87 on Freedom of Association and Protection of the Right to Organize, and Convention 98 on the Right to Organize and Collective Bargaining were ratified in 1948 and 1949, respectively, and stand alongside conventions on child labor and discrimination in significance. While the ILO remains an important standard-setting body, it has no punitive sanctioning power to ensure the protection of workers' rights to organize and collectively bargain. As a result, most countries around the world have ratified Conventions 87 and 98 but continue to violate their provisions in practice.

Universal Declaration of Human Rights

Article 23:

- (1) *Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.*
- (2) *Everyone, without any discrimination, has the right to equal pay for equal work.*
- (3) *Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*
- (4) *Everyone has the right to form and to join trade unions for the protection of his interests.*

“Flexibility” in Labor: Not As Nice As It Sounds

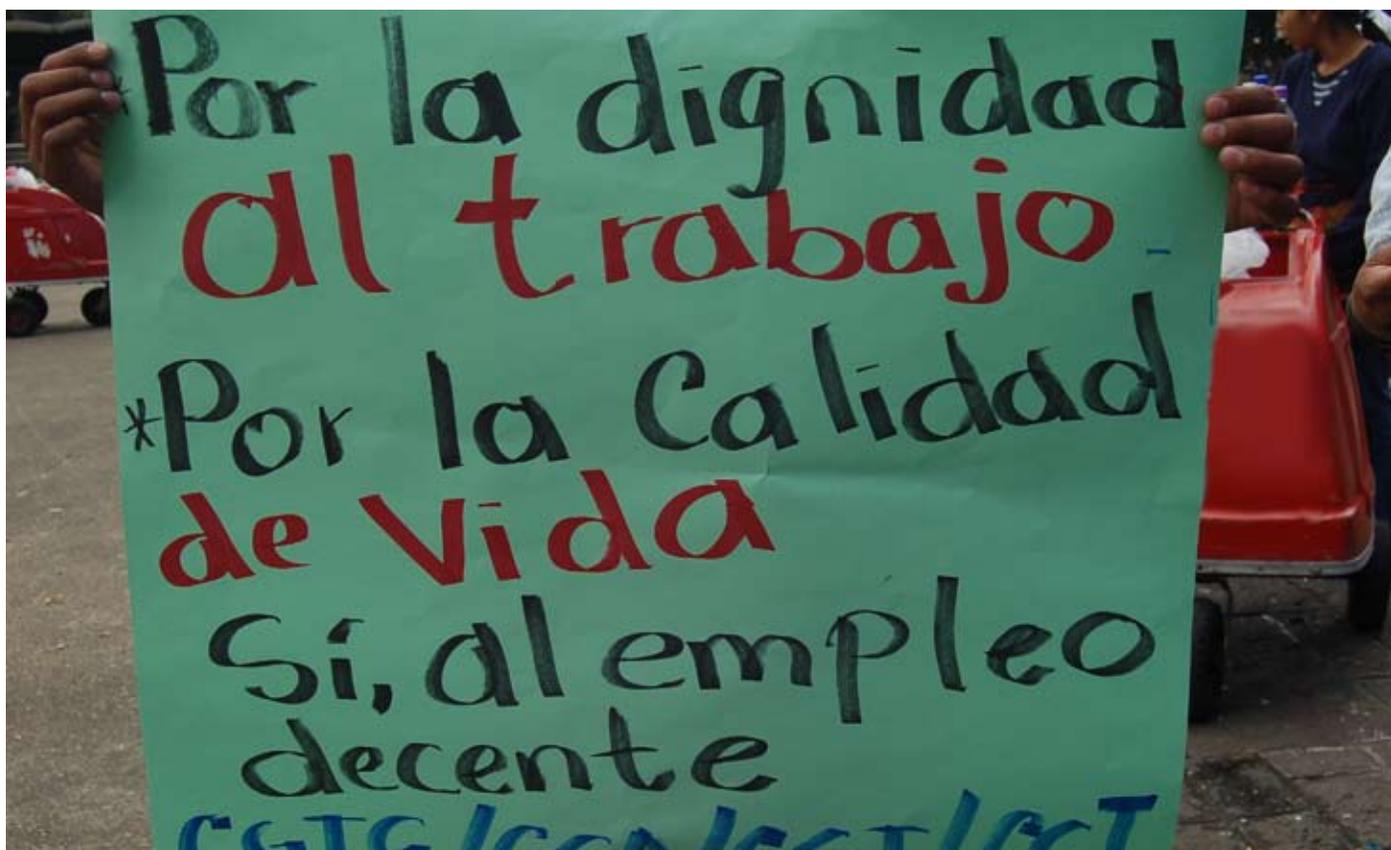
Free trade policies and certain kinds of labor regulation can also contribute to violations of workers’ rights. Some economists argue that opening markets to free trade creates jobs and promotes economic growth that should trickle down through the entire population. However it is important to ask “what *kind* of jobs are being created under free trade?” The answer is that free trade often creates exploitative jobs as opposed to decent employment. Governments seeking to attract investors eliminate many regulations in order to allow corporations to produce and export goods in the cheapest and most cost-efficient way possible, and the protections for workers’ rights are often weak and rarely enforced.

In fact, many countries hoping to attract foreign investment have weakened their labor laws to accommodate corporations seeking labor environments that are more “flexible” for business but less so for workers. Ironically, the result of positive sounding terms such as labor “flexibility,” economic “liberalization,” and “free” trade is often precarious employment, job instability and restrictions on workers’ rights to freely organize for better conditions.

Take the case of Cambodia, Cambodia has made modest progress in promoting worker rights over the last ten years and unions have remained relatively strong thanks in part to an explicit linkage between labor protections and market access a contrarian approach to attracting investment that succeeded. Now however progress is being severely undermined by the garment industry’s wholesale shift to use of temporary work contracts—most recently by a manufacturer-backed attempt to remove all limitations on such arrangements through an amendment to the country’s labor code.

Temporary contracts give more “flexibility” to businesses in their hiring practices but severely undermine workers’ rights to join and organize unions because of the fear created by such job insecurity. In some countries, temporary workers are blatantly denied the right to unionize under the law. Workers around the world have seen a rapid move towards precarious forms of employment.¹⁸

See Page 21 for a case study on contract labor.



Credit: International Labor Rights Forum

For the dignity of a job. For quality of life. Yes to decent work.

10 Universal Ways to Bust a Union

Workers worldwide face similar violations of the right to join, organize or maintain a union. The following are some common tactics used by employers and governments worldwide to undermine unions:

1. Hire paramilitary groups or collude with local police or military forces to perform violent acts of intimidation against union leaders, activists and their families. These acts include assassinations, death threats, false arrests and physical and verbal harassment. See page 12 for Colombia, page 19 for the Philippines and page 22 for Cambodia.

2. Contract workers out to temporary employment agencies, labor “cooperatives,” or move them to short-term contracts to disable them from legally joining unions and bargaining collectively. Even when contract workers can legally unionize, they are less likely to risk being fired for unionizing when their jobs are so precarious. See case studies of Coca-Cola in Colombia on page 13 and Lipton in Pakistan on page 21.

3. Fire workers who are organizing or workers who are already union members. In countries where it is illegal to fire workers without “just cause,” firings are often

See page 14 for a case study on Dole flower workers in Colombia and page 16 for Russell in Honduras.

7. Replace independent unions with company-dominated unions or company-run “committees” composed of workers chosen by management. Certain countries allow companies to negotiate “pacts” or other non-binding “agreements” meant to replace legally binding collective bargaining agreements (CBAs). They are rarely democratically negotiated by workers. These tactics are often promoted by employer-funded anti-union schools meant to spread discriminatory messages about unions to workers starting at a young age. See page 17 for info on Costa Rica and page 16 for examples in Honduras.

8. Interfere in the union registration or collective bargaining process and manipulate workers into revoking their union memberships. Interference in the union process often occurs at the government labor depart-

1. Hire paramilitary groups to kill and threaten union leaders
2. Contract workers
3. Fire workers who are organizing
4. Blacklist
5. Locate in an Export Processing Zones (EPZ)

6. Close, reorganize and relocate facilities
7. Replace independent unions with company-dominated unions
8. Interfere in the union registration or collective bargaining process
9. Exploit migrants and children
10. Criminalize labor activists

done under the guise of “layoffs” where many workers are told to leave but only non-union members are hired back. See page 27 for examples in Turkey.

4. Blacklist workers who were fired for organizing throughout a particular region or industry. This inter-company anti-union collusion sends a strong message to workers that unions or other democratic worker organizations will not be tolerated. See page 16 for a case study on Russell Corporation in Honduras.

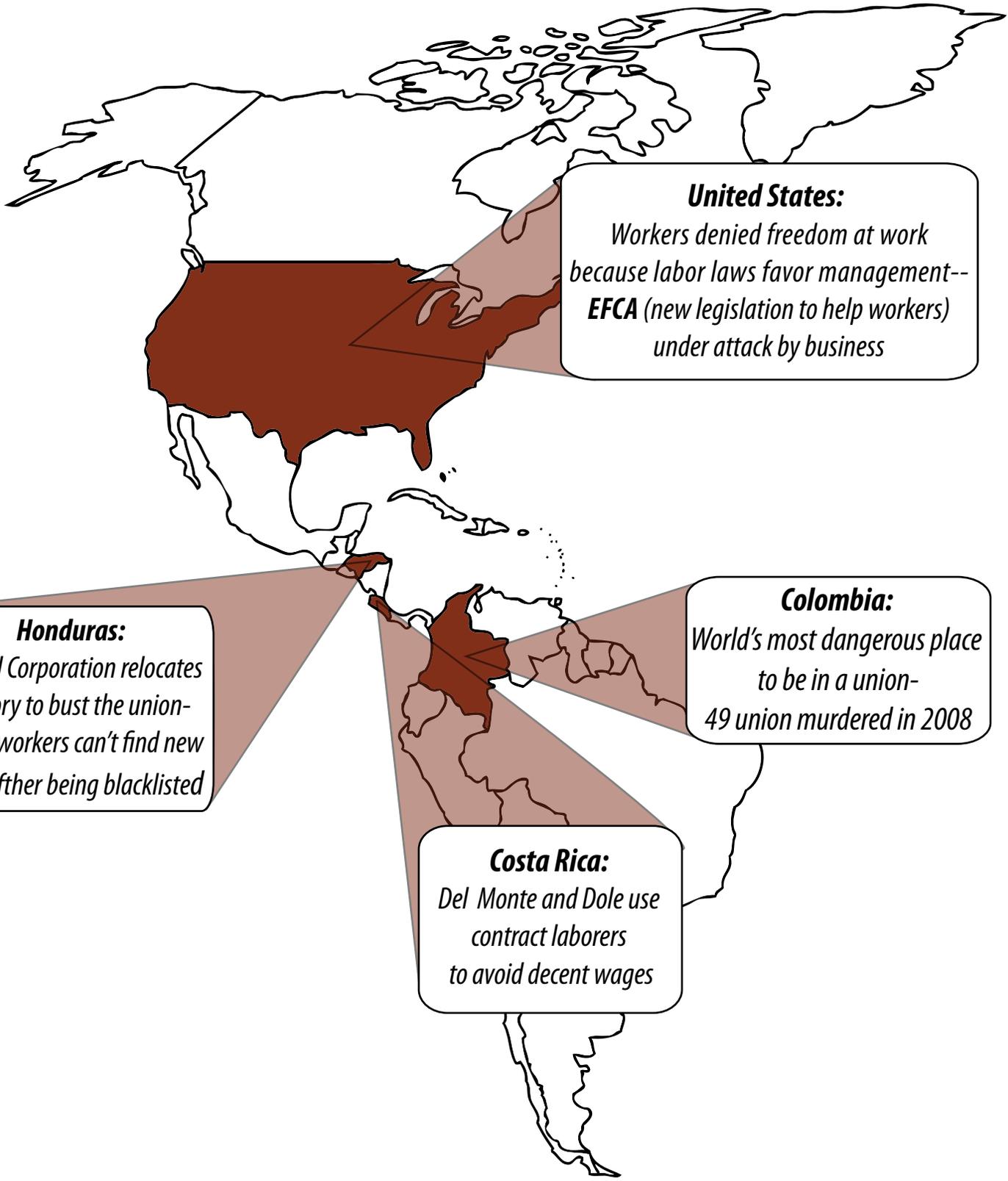
5. Locate in an Export Processing Zones (EPZ) which is exempt from laws establishing freedom of association and, the right to bargain collectively. It is almost always illegal to strike in EPZs, so when workers protest the conditions – which are often some of the worst in the country – they can be arrested, or subjected to violence.²⁰ An estimated 63 million people are employed in EPZs worldwide.²¹ Over 53 million are accounted for in Asia, with China alone accounting for 40 million.²² See page 20 for a case study on Bangladesh.

6. Close, reorganize, or relocate factories so as to eliminate union presence or send a message that “unions force factories to close.” The same factory often reopens with new non-union employees miles away.

ment level. It is also common for companies to refuse to bargain a contract (CBA) with workers for years on end, even if their union is legally registered. This frustrates workers and weakens the union. See page 24 on Firestone in Liberia and page 11 for U.S. examples.

9. Exploit migrants and children and recruit them to replace union workers or serve as “strikebreakers.” This common tactic is used by companies to create xenophobic resentment and decrease solidarity amongst workers. Migrants are sometimes legally barred from unionizing and employers often threaten to deport migrant workers who try to organize. Children are also illegally employed as another tactic to undermine adult union organizing efforts. See page 5 for more on migrants and page 4 for forced and child labor.

10. Criminalize labor activists through defamation charges, false arrests, arrests of striking or protesting workers or illegal detentions. In countries where counter-terrorism efforts targeting rebel groups are strong, military forces have accused union activists of being terrorists. See page 19 for examples in the Philippines and page 26 for Zimbabwe and Guinea.



United States:
*Workers denied freedom at work because labor laws favor management--
EFCA (new legislation to help workers) under attack by business*

Honduras:
*Russell Corporation relocates factory to bust the union--
union workers can't find new jobs after being blacklisted*

Colombia:
*World's most dangerous place to be in a union--
49 union murdered in 2008*

Costa Rica:
Del Monte and Dole use contract laborers to avoid decent wages

The Right to Associate in the U.S.: Weak Labor Laws Deny Workers Rights

New York City in the early 20th century was a mecca for urban “sweatshops.” Notoriously poor working conditions and few laws to protect workers led to some of the earliest labor organizing struggles in the U.S. As part of President Roosevelt’s New Deal, workers won some legal protections to form unions and bargain collectively as part of the National Labor Relations Act (NLRA). In 1947, however, Congress passed the Taft-Hartley Act, representing a giant leap backwards for the labor movement by giving employers equal rights to file unfair labor practices against unions and allowing states to pass anti-union “right to work” laws. This set the stage for a sharp decline in union density.

In 2007, only 12% of U.S. workers were members of a union, compared to nearly 36% in 1945. Studies show that 58% of the workforce would have union representation if granted the freedom to organize.²³ A 2008 report by American Rights at Work found, however nearly a quarter of today’s workforce is barred from their right to join a union. The same report found that in workplaces in which workers are organizing, almost two-thirds of employers engage their employees in mandatory meetings with supervisors discouraging them from joining a union, over half directly threaten workers, and over a third fire employees for their union activity.²⁴

The Employee Free Choice Act (EFCA), reintroduced to Congress in 2009, would make the union certification process easier for workers and less subject to employer interference, increase penalties for employers who commit unfair labor practices, and provide easier access to third-party arbitrators in cases where the employer and the unions cannot reach an agreement during the collective bargaining process.

The need for these changes is apparent. For example, Oak Harbor Freight Lines one of the largest regional trucking companies on the West Coast, has refused to negotiate a contract with over 550 employees who are members of the International Brotherhood of Teamsters

“58% of the workforce would have union representation if granted the freedom to organize.”

for over two years. ILRF found that Oak Harbor uses permanent strike replacements to undermine freedom of association and the right to collective bargaining,²⁵ among other labor rights violations. Following a similar National Labor Relations Board finding that the company violated U.S. labor laws, employees began an unfair labor practice strike aimed at ending these violations. Since February 2009, the company continues to retaliate against employees through firings and non-payment of wages to workers’ healthcare and pension funds. Workers remain without a contract and Oak Harbor refuses to bargain. Under EFCA, third party arbitrators would be required to intervene in such disputes to mitigate conflict and avoid the need for workers to go on strike.

See www.AmericanRightsAtWork.org for more on EFCA and labor rights in the U.S.

“A quarter of today’s workforce is barred from their right to join a union.”

Colombia is the Most Dangerous Country in the World for Unionists



Credit: International Labor Rights Forum

Edwin Bustillos (left), Filipino union leader and Francisco Ramirez Cuellar(right), former president of Sintraminercol, a Colombian Coalminers' union. Francisco survived various assassination attempts.

According to the Solidarity Center of the AFL-CIO, roughly 4,000 Colombian trade unionists have been murdered in the past 20 years. The International Trade Union Confederation (ITUC) reports that despite President Alvaro Uribe's strong emphasis on security, 2008 saw a disturbing 25% rise in cases of anti-union violence. A total of 49 trade unionists were assassinated in 2008 and 2009 has seen a similar labor homicide rate. Paramilitary activity dominates the Colombian landscape, creating an utter lack of rule of law and government failure to bring civilian control over society.²⁶ Until paramilitary groups are dismantled, the violence is likely to continue.

Workers are intimidated through the use of death threats, attacks, disappearances, blacklists, arrests, dismissals for organizing and the widespread use of contract labor arrangements which limit collective bargaining rights. There is also a pervasive culture of impunity for crimes targeting unions. The ITUC estimates that over 96% of the cases of assassinations of unionists were unpunished and/or not investigated and not a single person or organization to order and pay for a labor homicide has ever been convicted. In addition to impunity for crimes, labor law and policy still exclude

more than two thirds of workers from social and worker protection measures, meaning that over 12 million people are denied their basic workers' rights. The laws and practices of the Colombian state do not favor the creation of stable, permanent jobs, leaving nearly 70% of workers in precarious employment situations.

As a result, only 1.2% of workers in Colombia are covered by a collective bargaining agreement.²⁷ Right-wing paramilitary groups such as the AUC (United Self Defense Forces of Colombia), considered a terrorist organization by the U.S. government, are responsible for the majority of the violence targeting trade unions in Colombia. Trade unionists, human rights defenders, students and teachers have all been labeled as "subversives" to justify their killings. Many of the paramilitary groups have been found to have connections to high level officials in the Colombian government, despite the demobilization process. DAS, the Colombian intelligence agency (similar to the FBI), was found to have provided a list of unionists to paramilitary groups in 2006. According to USLEAP, almost all 23 people on the list were either forced to flee or were subsequently murdered.²⁸

(Cont.) Colombia is the Most Dangerous Country in the World for Unionists

The DAS has recently been under investigation for ordering systematic wiretapping of a host of social and union activists, Supreme Court justices and other critics of the Uribe administration.²⁹ Even President Alvaro Uribe exposed his disdain for unionists and human rights defenders by publicly tying them to left-wing guerrillas, contributing to their further demonization.³⁰

U.S. corporations such as Coca-Cola, Chiquita, Dole, Nestlé, Occidental Petroleum and Drummond have profited from hiring paramilitary groups to commit acts of violence and intimidation against union leaders. The International Rights Advocates (made up of former members of ILRF's legal department) have brought a number of lawsuits against U.S. corporations, charging that the practice of hiring right-wing paramilitary groups to kill and intimidating union leaders is a violation of the Alien Torts Claims Act, a law used to hold U.S. corporations accountable for human rights violations abroad. As in the case of Coca-Cola, companies have moved towards more subtle methods to undermine unions, such as forcing workers into contract labor schemes through employment agencies and labor "cooperatives." Under Colombian law, contract workers are not eligible for union membership.

Coca-Cola finds numerous ways to destroy unions

Coca-Cola in Colombia has become one of the most high-profile labor rights violators in recent history. While Coke is most notorious for allegedly hiring paramilitaries to threaten and kill its bottling plant union leaders, it has also come under international scrutiny for finding more subtle ways to eliminate union presence at its factories.

A July 2008 ILO High Level Mission to investigate labor relations and working conditions at several Coca-Cola bottling plants found systematic overuse of outsourced labor. In one Bogota plant, 70% of the operating staff and 85% of the distribution staff is now outsourced, contracted through contractors, subcontractors, associated work cooperatives or employment service providers. A large number of these workers were formerly direct employees but the company forced them to change their status. These outsourced workers do not have the right to unionize, thus the unions in many of the bottling plants are slowly disappearing. The ILO recommends that the company limit the number of contract workers and ensure that current contract workers are provided the same rights and benefits as regular workers.³⁴

"In one Bogota plant, 70% of the operating staff and 85% of the distribution staff is now outsourced, contracted through contractors, subcontractors, associated work cooperatives or employment service providers."



Credit: International Labor Rights Forum

Fairness in Flowers: How Colombian Women Have Organized for Change



Credit: International Labor Rights Forum

The U.S. imports over 80% of its cut-flowers, the majority of which come from Colombia and Ecuador. About 65% of Colombian flower workers are women and many of them are single mothers who can barely survive on the Colombian minimum wage of around \$8 a day.³⁵ The cut-flower industry has received a great deal of international attention due to widespread labor rights violations such as forced overtime, poverty level wages, unreasonably high production quotas, and widespread occupational health and safety problems including pesticide poisoning and carpal tunnel syndrome. Such issues have mobilized cut-flower workers in Colombia to demand change by organizing.

ILRF and other organizations worldwide have supported a number of union organizing efforts led by women in Colombia seeking an independent, democratic workplace organization. Workers at what was once one of the sector's largest corporate actors, Dole Fresh Flowers (which has since been sold to Sunflower Enterprises Group), engaged in a four-year organizing struggle to achieve justice. The struggle leading to the formation of the Sintrasplendor and Untrafragancia unions, once affiliated with Colombia's independent union of cut-flower workers, Untraflores, had mixed results.

The struggle of Sintrasplendor on Dole's El Corzo farm was valiantly led by one of the sector's most well-known leaders, Beatriz Fuentes, who was also a worker at Dole's Splendor Flowers. Workers faced fierce anti-union tactics and a company "yellow" union implanted by Dole to sabotage workers' efforts to form an independent union. When Sintrasplendor finally received its registration years later, Dole used various forms of persecution against workers, including threats that union affiliates would be fired and hostility via the presence of members of the Armed Forces and police at union activities held off company property. Dole closed down the El Corzo farm in 2007 partly as a tactic to break Sintrasplendor. In contrast, workers at Sintrasplendor's El Rosal location finally claimed victory when they were able to ratify a contract with improvements in wages, benefits and working conditions in 2008.³⁶

Amanda Camacho: Achieving Job Stability Through Organizing

Amanda Camacho is a single mother and the president of her union, Asopapagayo, and has worked in the cut-flower sector for 17 years. Asopapagayo, an affiliate of Untraflores, is composed of nearly 90% women who decided to unionize when they saw their coworkers being fired and replaced by subcontracted workers. Here is her story:

"Like many other Colombian women, I wake up at 3:30 or 4 in the morning and I prepare my breakfast and lunch for my kids. When I go home, I cook, help my kids with their homework and then I go to sleep around 9pm. It's a long day without much rest. I work six days a week or 48 hours a week which is the normal Colombian workweek, and longer hours during the high seasons such as Mother's Day.

"Flower workers often get illnesses and work injuries such as carpal tunnel syndrome. The pesticides also make people sick. We get nauseous and vomit. In other plantations where I have friends, plantation management often tells workers they are taking out their health insurance payments but then they go to the doctor, it turns out they never paid into the system. They are left with nothing to do when their kids get sick.

"We started talking about forming a union because we thought we'd lose our jobs otherwise. The company started to replace many of the formal workers who had worked at the company for over ten years with temporary workers from cooperatives or other agencies who have no rights. They also gave the employees who remained more work to make up for those that got fired. They exploit the temporary workers more because they don't have signed contracts and they don't pay them for overtime, vacation days, or the right to medical coverage. The Colombian government says that we have the freedom to join unions but it really isn't true. [After a long struggle], we finally won union recognition and they reimbursed all the union members for all that we had lost, such as the education and nutrition benefits and our annual raise. We also gained a small increase in our salary that will last for the next two years. In our union we're 23 women and three men so I want to send the message to all the women out there who are exploited that when we fight for our rights, we can be victorious in the end!"



Credit: USLEAP

Amanda Camacho and Son

"I am a union leader because I feel capable and supported by my colleagues, and I chose to take action because I am tired of the humiliations from my employers."

Russell Corporation Closes Down Factory in Honduras to Prevent Unionization

The Russell Corporation has come under heavy scrutiny from hundreds of U.S. universities, members of Congress, and labor activists for blatantly denying its Honduran workers the right to freedom of association. Russell is an apparel company based in Atlanta and a subsidiary of Fruit of the Loom, Inc., which is ultimately owned by Berkshire Hathaway. The recent outrage was triggered by a series of labor rights abuses documented at one of Russell's licensed collegiate apparel factories located in Honduras.

Russell closed the unionized Honduran factory in January of 2009, citing economic reasons. Extensive research by the Worker Rights Consortium,³⁷ however, provides evidence that the real reason for the plant's closure was retaliation for recent union activity. By June 2009, Russell had taken its blatant anti-union behavior one step further, instituting management-controlled organizations in six of its factories in order to prevent the formation of independent unions. These are just several of many examples demonstrating the extreme measures to which companies will resort in order to maintain a union-free workplace.

ILRF has worked with the United Students Against Sweatshops (USAS) and the Worker Rights Consortium to support Russell workers. Among other initiatives, the campaign is urging shareholders of Warren Buffett's Berkshire Hathaway Corporation to support a resolution that would require Berkshire Hathaway to produce a report on its portfolio companies, such as Russell. The report would include an evaluation of these companies' practices as they relate to labor and human rights. Organizers hope that such a mechanism would hold Russell accountable for its anti-union practices.

From the Voice of Workers at Jerzees de Honduras: Moises Montoya and Norma Mejia

We began organizing Sitrajerzheesh, the Jerzees de Honduras Workers Union, in June 2007. From the start, the company opposed us and took measures to eliminate the union. Management verbally threatened us to not continue organizing, and warned that the factory would close if we continued. But we endured in our efforts, and it brought about changes in our working conditions. For example, before we had a union in the factory, the only water available for us to consume in the factory was contaminated. But we successfully fought for access to purified water-- a basic right. Additionally, verbal harassment from management reduced. We also brought about improvements in the safety and hygiene of the factory. The aisles of the factory leading to fire exits, once heavily cluttered, were cleared, and the conditions of bathrooms available for our use improved.

Just five days after we had stalled in negotiations, on October 8, 2008, the factory announced that the plant would close. People were hugging and crying, not knowing what the future would bring. How would we take care of our families? Management placed all of us from Jerzees de Honduras on **blacklists** throughout Honduras. When we try to get jobs at other factories, our names come up in the computer and they tell us we're not qualified for the position for having organized a union. We found out that management at other factories in Honduras made us an example to their workers, and told them what would happen if they organized a union too.

And the most grave of all, we union leaders have received death threats and threats of violence. People have written threats on the walls of bathrooms in the factory threatening to kill us. Anonymous notes had been left near our worksites threatening us. Someone told me that they know where I live and where I walk. I had to change all the paths I took and kept my children home from school, for fear that they would be targeted as well.³⁸



Credit: United Students Against Sweatshops Norma Mejia, VP of Sitrajerzheesh

The Pineapple Industry: Cross-Continental Union Rights Violations



Credit: EILER

ILRF's October 2008 report "The Sour Taste of Pineapple" demonstrated how the growing pineapple industry has violated union rights in countries across the world. Pineapple workers in two of the world's largest exporters, the Philippines and Costa Rica, face similarly low wages, long hours, health and safety risks and freedom of association violations.

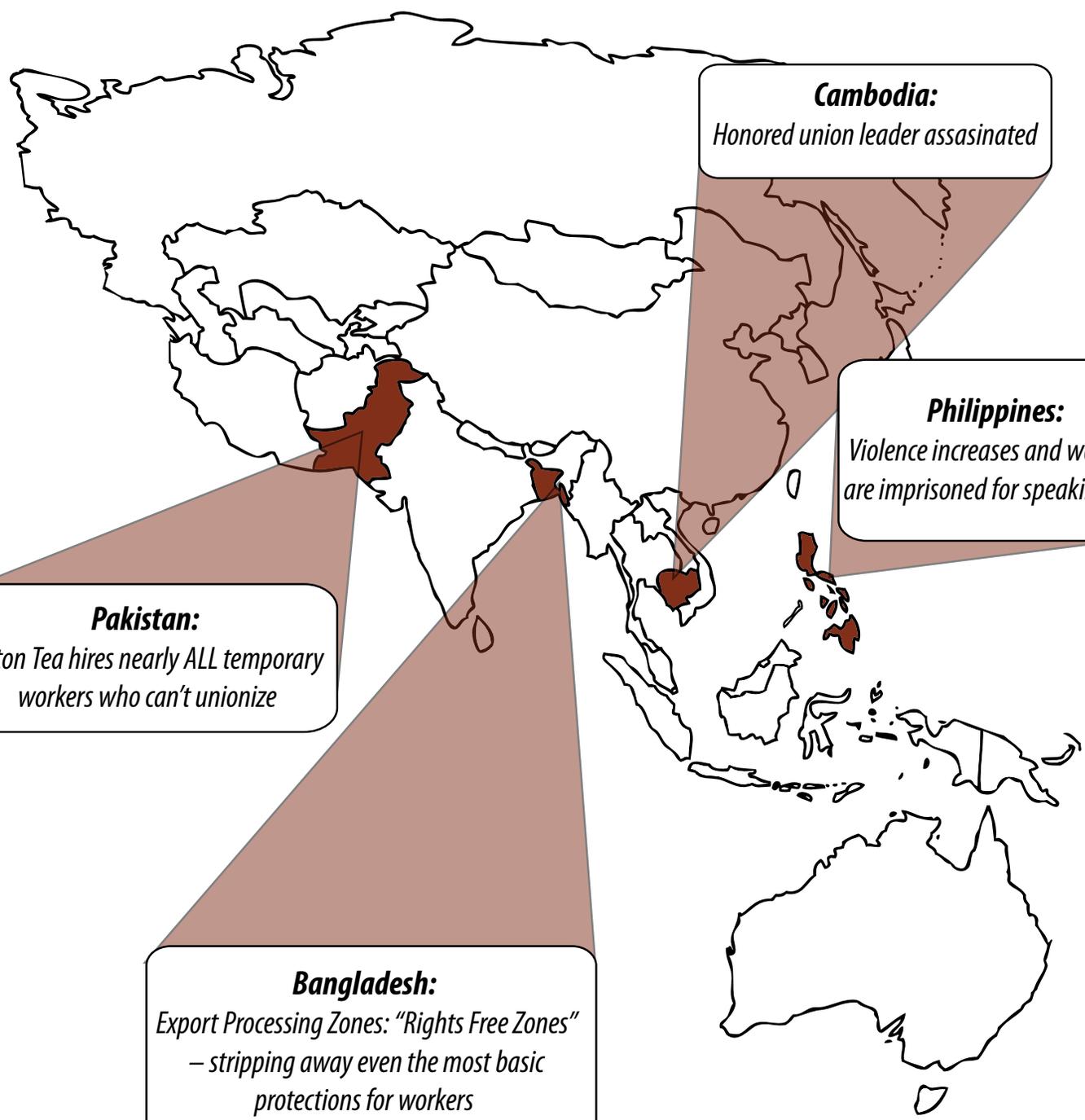
Pineapples are Costa Rica's second largest agricultural export after bananas, and the Philippines dominates global processed pineapple production. Despite the industry's rapid pace of growth, workers have not seen the benefits.³⁹ The pineapple industry's biggest profiteers are Dole and Del Monte, companies that have consistently taken advantage of high unemployment rates, large pools of migrant labor, and anti-union governments in order to violate workers' right to organize in these pineapple-producing countries.

Unions are legally recognized in Costa Rica but workers can be legally fired for trying to organize. The "right of dismissal" law offers very few protections for laid-off workers, who must navigate a complicated bureaucratic process to prove they were unfairly fired. In addition, even if a court does rule in the worker's favor, there is no legal process to ensure that the company complies with the ruling. Many companies have also relied on a process known as *solidarismo*. Normally, unions are legally required to represent a third of the workforce, but by invoking *solidarismo* a company can negotiate with as few as three people at a time.⁴⁰ Through *solidarismo*, companies will often produce "direct contracts" which, though they are masqueraded as worker-negotiated contracts, rarely represent the actual interests of the

workforce. Employers realize that the power of collective bargaining comes from strength in numbers, so negotiating with three hand-picked individuals gives the multimillion dollar corporation overwhelming advantage and allows them to set the terms of the contracts according to company interests.

Dole Philippines takes a somewhat different approach to undermining freedom of association and collective bargaining rights. The world's largest pineapple processing facility, located on the impoverished island of Mindanao, has housed a strong, independent union for many years. By forcing union workers to retire and then replacing them with contract laborers, Dole launched an ongoing assault on the union by eliminating its members. Almost 77% of workers producing pineapples for Dole Philippines are now contract laborers.⁴¹

Dole Philippines has also cooperated with the Philippine military to hold anti-union symposiums during work hours on Dole company property in the name of counter-terrorism efforts. In these symposiums, Philippine military officials have reportedly falsely accused union members of being associated with the left-wing New People's Army and have encouraged unionists to revoke their union membership.⁴² This intimidation tactic not only affects the accused union members, but sends a strong message to the entire community that they do not have the freedom to associate with the union of their choice.



Pakistan:
Lipton Tea hires nearly ALL temporary workers who can't unionize

Bangladesh:
*Export Processing Zones: "Rights Free Zones"
- stripping away even the most basic protections for workers*

Cambodia:
Honored union leader assassinated

Philippines:
Violence increases and workers are imprisoned for speaking out

Violence Against Unions in the Philippines



Credit: Jay Directo/AFP/Getty Images

Violence against unions in the Philippines has been escalating in recent years. In 2005, the Centre for Trade Union and Human Rights reported 226 cases of anti-union violence including killings, assaults on worker picket lines, threats, intimidation and the filing of legal charges against union activists. This figure represents an increase of 86% from 2004.⁴³ Workers, along with other social justice activists, are labeled as Communists and targeted by the government. These forms of intimidation are part of a widespread crackdown by President Arroyo since she came to power in 2001. Over 800 people have been killed or disappeared since the beginning of her presidency, including at least 70 individuals within the labor movement since 2004 alone.⁴⁴

The levels of violence and impunity in the Philippines are comparable to those of Colombia, but the main difference lies in the perpetrators of anti-union acts. Whereas Colombia is overrun by paramilitary groups, many of whom work closely with high-level government officials and multinational corporations, the attacks on labor unions in the Philippines are perpetrated by the official Armed Forces. These attacks often come in the form of false arrests, detentions and acts of violence. Being a labor activist becomes even more dangerous when workers know that they could be directly thrown in jail by their own government.

Sugar Workers Massacre in the Philippines

On November 16, 2004, seven labor activists were shot dead by a combined force of Philippine Army and Philippine National Police (PNP) officers in what is commonly known as the Hacienda Luisita Massacre. The activists had been taking part in a strike of thousands of sugar mill workers led jointly by the United Luisita Workers Union, a farm workers' union, and Central Azucarera de Tarlac Labor, a mill workers' union. After a protracted standoff, the police and army trained tear gas and water cannons on the strikers and shot at them and their supporters. Among the dead was Jessie Valdez, a farm worker who was shot in the thigh. Rather than being taken to the hospital, he was put in a military camp where he died of blood loss.⁴⁵

The False Arrest of a Labor Rights Defender

In October 2008, Remigio Saladero, the chief legal counsel for the KMU (an independent labor federation in the Philippines) and for the union representing Dole Philippines's workers, was illegally arrested by the Philippine government. Mr. Saladero is a close ally of ILRF and a well known human rights defender in the Philippines. Mr. Saladero was charged with conspiracy to commit rebellion and murder for allegedly participating in an undisclosed murder in the Philippines. The filing of unfounded charges such as these is an increasingly common tactic used by the government as it steps up its legal attacks against politicians, church leaders, labor activists, and civil society organizations in the Philippines who speak out against the policies of President Arroyo.

Attorney Saladero's detention further restricts the ability of both labor organizations, like the KMU, and legal professionals to exercise their rights and defend themselves and others from the Philippine government and from multinational companies like Dole Foods. In the case of the Philippines, the government is the actor responsible for promoting a climate of violence and impunity in which companies like Dole Foods are able to thrive.

Export Processing Zones in Bangladesh



Credit: International Labor Rights Forum

An Export Processing Zone (EPZ) is a specified industrial zone that attracts foreign investors using special economic incentives. EPZs import materials, apply some degree of processing, and then re-export the product.⁴⁸

Bangladesh is home to over 3.4 million workers in EPZs and other special economic zones, where approximately 85% of the workforce is female.⁴⁹ Exports from the zones amount to \$11.7 billion USD annually, making up over 75% of the country's exports.⁵¹ The zones eliminate taxes and tariffs on imported materials (like fabric), and exported products (like garments), and manufactured products for many of the major global labels like Walmart, Target, Gap, H&M, and Nike. In the zones, factory owners can be exempted from taxes and minimum wage laws and efforts to unionize are often repressed.

In 2009, Bangladesh was among a list of countries compiled by the International Trade Union Confederation where "outright denial and other violations of labor and trade union rights" occurred.⁵² Unions in Bangladesh must obtain government approval to operate legally, and once union members are fired from a factory their union membership is immediately revoked, even if the termination is contested. The Bangladesh government enjoys extraordinary control over the freedom and

rights of unions, retaining the power, for example, to ban strikes or detain unionists without charge. In EPZs, the Bangladesh Labour Act, which outlines all the labor rights enjoyed by the rest of Bangladesh's workers, is not applicable. EPZ workers have only enjoyed the right to legally form and join unions since 2006, but even still the process is "complicated" with "cumbersome procedures," such as the system of "phases" that must be followed to form a union. EPZ workers are banned from conducting strikes and lockouts.⁵³

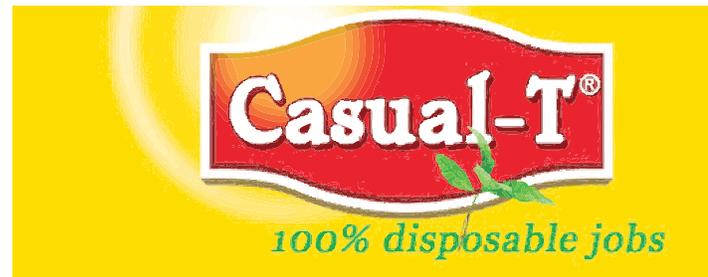
"Bangladesh is home to over 3.4 million workers in EPZs and other special economic zones, where approximately 85% of the workforce is female."

Where Have All the Permanent Workers Gone in Pakistan?

Workers at a Unilever Lipton tea factory in Pakistan are protesting the company's continual policy of replacing decent union jobs with temporary work from contract labor agencies. Nearly 97% of jobs at Unilever's Lipton factory in Khanewal, Pakistan, are temporary. The factory employs 22 permanent workers and 723 "temporary," and often disposable workers. New contract workers with no work experience are being hired by the hundreds while workers with seniority face discrimination.

Unfortunately, this case is not unique. In fact, Unilever has overused contract labor in factories throughout Pakistan and the rest of Asia, as it gradually sheds permanent jobs worldwide. In 1981, Unilever employed 292,000 permanent workers. Today it employs 174,000 permanent workers and 300,000 casual contract workers, to whom the company has no legal responsibility. Contract workers are not recognized as employees of Unilever so they are denied the right to join the Unilever union or to bargain collectively for better conditions.

Without regular status or a union contract, contract workers have no job stability, no annual or medical leave, and receive a wage equivalent to three dollars a day—one third of a permanent worker's wage. Although they are "temporary workers," the majority of them have worked for more than a decade at the Khanewal factory, with an average of 15 years and some for as long as 30 years. Unilever, one of the world's largest corporations, has rewarded their dedication by refusing to recognize them as full employees and by pushing them further into poverty.



Supported by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) these workers are currently challenging their disposable contracts and demanding their right to direct employment. The good news is that one Lipton factory has succeeded. At Unilever's Lipton factory in Rahim Yar Khan, Pakistan, a settlement between the IUF and Unilever secured the creation of 120 new permanent positions for all the union-supported Action Committee members. The Action Committee, composed of contracted workers, was formed to support their fight to be directly employed as permanent workers with the right to join the union. The Khanawel workers hope they will have the same success but actually faced the opposite fate: Action Committee members at the Khanawel factory, who hope to win a similar victory, face a host of barriers including targeted firings, demotions, and other forms of discrimination. Even as they continue their fight to secure permanent jobs for all workers Unilever has hired 100 new contract workers. Unilever claims to be responding to workers' demands but continues to retaliate against the workers fighting for their collective bargaining rights.⁵⁴



Credit: IUF
Irfan Hayat - Khanewal worker

"When we started this struggle for the right to permanent jobs and formed the action committee of contract workers, I was a 'Safety Champion'...I was trained in 2003 and my job was to prevent accidents and find hazards in the factory...I was paid a daily wage rate of 240 Rupees (USD \$2.90) plus additional 4 hours' pay like overtime, but not like the permanent workers....But the Unilever Khanewal factory Works Manager and Human Resources manager were angry about our Action Committee and our demand for permanent jobs. They told me to withdraw my legal case. I refused. So they demoted me. I'm a machine operator now on Rs. 232, which is the minimum wage of an unskilled worker."⁵⁵

Chea Vichea Assassinated in Cambodia

On January 22, 2004, as he read the morning paper at a newsstand in Phnom Penh, Chea Vichea was assassinated by close-range shots to the head and chest. In the following days, months, and years, thousands in Cambodia and around the world mourned the death of Mr. Vichea, a respected organizer and labor leader in Cambodia.

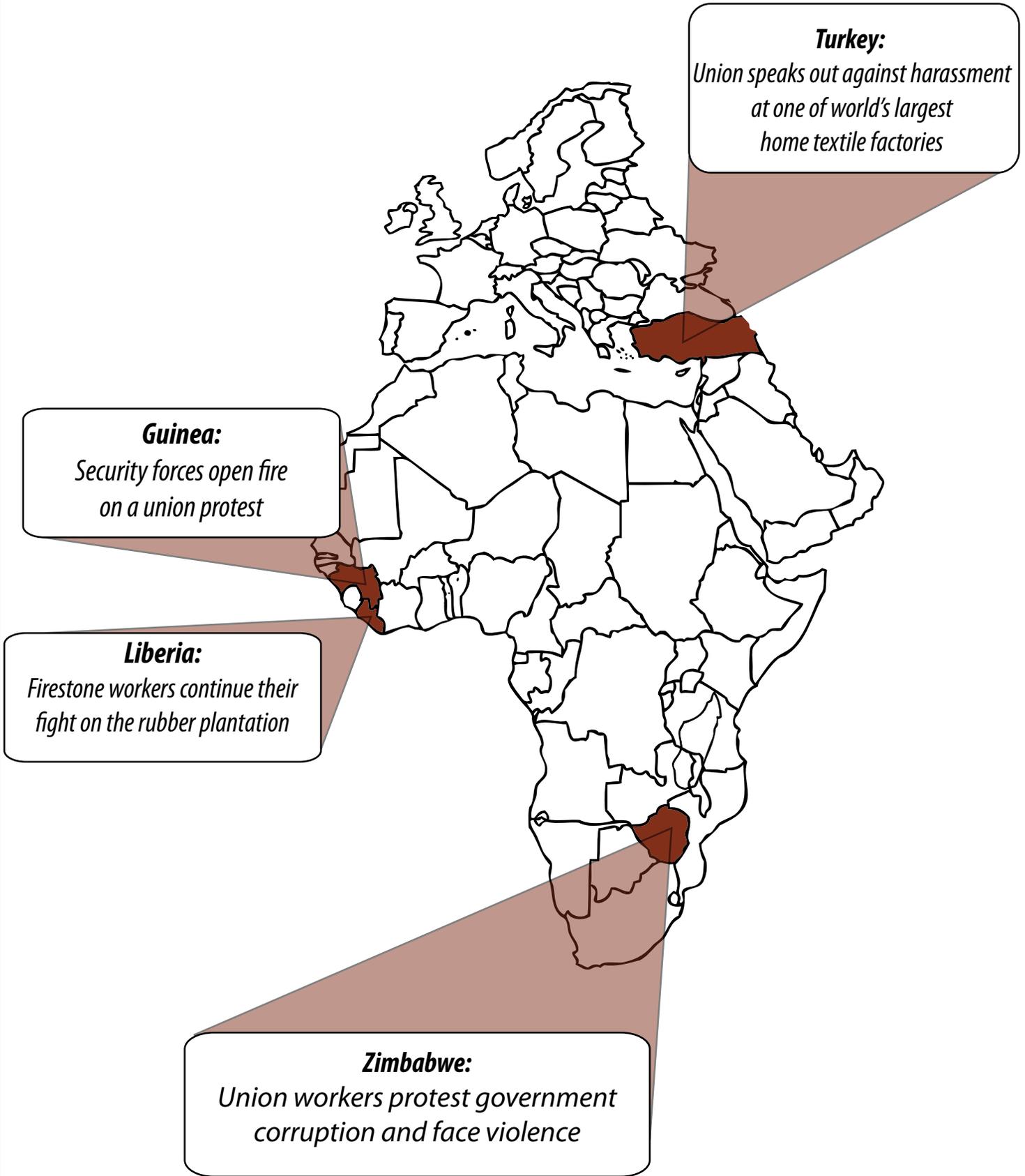
In his lifetime, Chea Vichea worked tirelessly as a champion of labor rights in Cambodia, serving as the President of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC). FTUWKC, formed in 1996, primarily represents workers in the export garment industry.

Following intense international criticism and scrutiny, the Cambodian police began an investigation into Chea Vichea's murder. Several days later, the police announced they had found the two individuals responsible for Chea Vichea's death, but with no solid evidence and numerous contradicting accounts, few believe that Chea Vichea's real killers have been found.

Despite the baseless nature of the case, both accused individuals were found guilty, sentenced to 20 years in prison, and ordered to pay compensation to Chea Vichea's family. Tellingly, Chea Vichea's family refused to accept the money, stating that they did not believe the men were responsible for Chea Vichea's death. Numerous international organizations, including Amnesty International and the International Labor Organization have expressed their belief that the two men in question are not Chea Vichea's killers.⁵⁷



Credit: Still Image from the motion picture "Who Killed Chea Vichea?" © 2009 Loud Mouth Films



Guinea:
Security forces open fire on a union protest

Liberia:
Firestone workers continue their fight on the rubber plantation

Turkey:
Union speaks out against harassment at one of world's largest home textile factories

Zimbabwe:
Union workers protest government corruption and face violence

Ugly Rubber: Bridgestone Firestone and Abuses in Liberia



Credit: Green Advocates

What began as a peaceful demonstration quickly descended into chaos as police began beating unarmed civilians with sticks and batons, and the air became thick with tear gas. Many were arrested, the injured number in the dozens, and one individual later died of his injuries. The demonstrators were striking workers at Firestone Tire and Rubber Company's large rubber plantation in Liberia who, in 2007, were protesting against the company's efforts to thwart democratic union elections. For years, the workers' union had been dominated by company management, unresponsive to workers' demands, and swindling union dues. In response to international outcry from workers in Liberia and labor organizations based in the U.S. and elsewhere, Liberia's Labor Ministry stepped in and union elections were held less than three months later. In an internationally monitored election, new, democratically chosen leaders were selected by workers. Despite international consensus that the election had been free and fair, a complaint was filed by the old, company-controlled union leaders challenging the fact that elections even took place. Although the results were eventually upheld by Liberia's Supreme Court, dozens more workers were imprisoned and injured in strikes during the interim period. Many of these workers were illegally dismissed by the company. A number of international labor groups have supported the Firestone workers' courageous fight to win their basic human right of free association.

In 1926, Firestone Tire & Rubber Company signed a 99-year contract with Liberia to lease 1,000,000 acres of land to establish a rubber plantation. Today, the Firestone plantation blankets 240 square miles, accounting for 10% of Liberia's arable land. Firestone has been owned by Bridgestone, the world's second largest tire manufacturer, since 1988.⁵⁸

Firestone is Liberia's largest private employer, with about 15,000 people working on its plantations. Of those 15,000, however, only 7,000 are full-time employees. Of the remaining 8,000 workers, half are contract workers through Firestone who receive no benefits, and half are sub-contracted by the workers directly as helpers, meaning that they have no formal employment status with Firestone. Full-time employees are paid \$3.38 USD per day while Firestone's contract workers are paid even less at \$2.65 USD per day. The wage of sub-contracted employees is not standardized but is generally substantially less than that of full-time employees. The majority of workers are employed as rubber tappers and are expected to tap up to 750 trees daily, a quota that even Firestone Natural Rubber Company CEO Dan Adomitis admitted would take 21 hours to complete.⁵⁹ In order to meet their daily quota, workers are forced to bring family members, which for many years meant primarily children, to work with them. Even with the additional labor of their children, workers often work 12-hour days. But the help of family members is still often insufficient,

(Cont.) Ugly Rubber: Bridgestone Firestone and Abuses in Liberia

forcing workers to hire sub-contractors to assist them in their work. The salaries for sub-contracted laborers come directly from the pockets of the workers, eating into their already meager pay.

Much of the housing provided to workers by Firestone has not been updated since the company started operating in Liberia in 1926. Even housing that has been updated by Firestone often lacks electricity, indoor plumbing, latrines, indoor kitchens, and living rooms. Meanwhile, managers live in housing with access to all of these amenities as well as air conditioning, satellite television and access to tennis courts and golf courses. While theoretically obligated to provide schooling to workers' children, inadequate facilities and difficult bureaucratic processes prevent many children from attending. As of 2006, only 35-40% of the children attended school. Working conditions on the plantation are also deplorable and detrimental to the physical well-being of the workers and their families. Despite the fact the workers routinely come into contact with chemicals and fertilizers during their work, Firestone doesn't supply any protective equipment. In addition, Firestone's outdated system requires workers to carry heavy buckets in ways that cause injury.

Firestone's irresponsible conduct means that not only do workers face danger at work, but Firestone's pollution of the Farmington River means that communities living near the plantation are also at risk. The toxic chemicals dumped by Firestone into surrounding rivers used for fishing and bathing have caused health problems for nearby residents and have had

disastrous effects on the local environment. In addition to environmental dangers, workers are also forced to contend with a company-promoted atmosphere of intimidation and fear. The private security police hired by Firestone have been known to intimidate, and sometimes physically harm, workers.

In 2008 the Firestone Agricultural Workers Union of Liberia (FAWUL) reached a contract agreement with Firestone which was ratified by the membership and signed in early August. Among the provisions of the contract are retroactive pay increases, a 20% reduction in the production quota, a mechanized transport system which will be used to haul the buckets of rubber, and provisions to end child labor in the plantations. Much of FAWUL's battle has yet to be fought, as the union must oversee the implementation of the contract.

The everyday reality of Firestone workers makes it immediately apparent why the workers' freedom to associate is crucial to their ability to fight for their rights in the workplace. It is also clear that Firestone has engaged in a number of activities aimed to erect barriers to this fundamental freedom and human right.

This account relies on information found in a June 2008 report by Save My Future Foundation, titled "The Heavy Load: A Demand for Fundamental Changes at the Bridgestone/Firestone Rubber Plantation in Liberia" which can be found at www.laborrights.org/files/The%20Heavy%20Load.pdf.

"Among the provisions of the Firestone workers' contract are retroactive pay increases, a 20% reduction in the production quota, a mechanized transport system which will be used to haul the buckets of rubber, and provisions to end child labor in the plantation."

Unionists Defend Democracy and Protest Corruption in Zimbabwe and Guinea

In the midst of an ongoing economic, humanitarian and political crisis in Zimbabwe, trade unionists often bear the brunt of repression. During the period before and after the March 2008 election, trade unionists were active in publicly calling attention to violations of workers' rights in Zimbabwe. Unionists also played a key role in questioning the legitimacy of the contested elections and they often faced arrests and violence in response to their activities. In the run-up to elections, many union leaders, particularly those active in the Progressive Teachers' Union of Zimbabwe (PTUZ) were targeted for arrest and union offices were raided. Sheperd Chegwu, a member of PTUZ, was found murdered in June.⁶⁰ Protests were organized around the world when the President and General Secretary of the Zimbabwe Congress of Trade Unions (ZCTU), Lovemore Matombo and Wellington Chibebe, were arrested during post-election protests in which 48 other unionists were also arrested and many others assaulted.⁶¹

More recently, union activists have been arrested while protesting for wage increases, and 69 trade unionists were arrested during protests against banks in response to the global financial crisis while others were assaulted.⁶² In response to the ongoing reports of repression faced by trade unions leaders, an International Labor Organization Commission of Inquiry has been established to investigate these issues, but there have been reports that Zimbabwean witnesses have been intimidated by the country's Central Intelligence Organization.⁶³ Since a unity government was established between the two major political parties, some stability has returned, but workers still contend with violations of their right to organize.

Similarly, in January 2007, trade unionists in Guinea called for a general strike and joined other civil society organizations in protesting the disastrous economic situation and corruption in their country. During weeks of protests, security forces violently attacked protesters, killing 129 people and injuring at least 1,700 more, according to official statistics. Additionally, many unionists were arrested, union offices were ransacked, and top labor leaders received death threats. Human Rights Watch reported that a "well-organized operation" was being used to silence and intimidate union and other civil society leaders and journalists.⁶⁴ When President Lansana Conté agreed to appointment a "consensus prime minister," implement several positive economic policies and release jailed strikes, protests briefly subsided.

However, when President Conté appointed an unsatisfactory Prime Minister, demonstrations continued, leading to more violence as well as curfews and other forms of intimidation. Eventually, in late February, a new Prime Minister was appointed and a consensus government was formed, but the new Prime Minister was eventually dismissed by President Conté in May 2008.⁶⁵ During the rule of the consensus government, workers continued to see their freedom of association rights violated. For example, the President and various employers supported "yellow" unions to undermine workers' democratic voice on the job, fired trade union leaders in the mining sector and violently repressed a strike by police officers.⁶⁶

President Conté died in December 2008 and hours later, a group of military officers calling themselves the National Council for Democracy and Development seized power. While the coup leaders initially agreed to prepare for national elections, they have maintained a ban on political and union activity that persists months later.⁶⁷

"Due to the ongoing violations of freedom of association in Zimbabwe, an International Labor Organization commission of inquiry has been established to investigate labor rights abuses in the country. The delegation will interview victims of intimidation and violence and release a report on their findings."

Walmart Factory Workers Still Await Justice in Turkey



Credit: TEKSİF

According to the ITUC 2009 global survey of union rights, Turkey had the world's worst record of dismissals targeting union members in 2008, where more than 2,000 firings of union workers were documented.⁶⁸ Massive firings have taken place all around the country. Companies have also forced workers to join a government union that bargains on their behalf, but in the interest of the company. One such case is the Tobacco, Drink, Food and Allied Workers' Union of Turkey (TEKGIDA-İs), a 50-year-old worker union that was stripped of its bargaining rights by the Labor Ministry board. Authority was then given to the government union to bargain with Çaykur Enterprise on 'behalf of the workers.'⁶⁹

Since 2008, ILRF has worked with Teksif, a well-established textile workers' union. Teksif has been organizing workers at the Menderes Tekstil factory which is the largest home textiles producer in the world. This factory produces bed linens for companies such as IKEA, Walmart, Carrefour, Kohl's and Target.⁷⁰

Workers decided to form a union after years of problems particularly concerning health and safety. According to the Clean Clothes Campaign, four Menderes workers died due to work-related injuries. In the most recent accident, on November 20, 2008, one employee died when he fell into the funnel of a coal boiler. After the tragic accident, the factory management reportedly ordered three colleagues of the victim to climb into the funnel to retrieve the body. Again, no safety measures were taken, and they suffered respiratory poisoning and had to seek treatment in a nearby hospital.

The response of factory management to workers forming the union shows the lengths to which a factory will go in order to remain union-free. Menderes management

has engaged in a number of anti-union activities including the transfer of union members or their relatives to lower skilled jobs, the dismissal or threatening of workers whom they suspect of being union members or activists, the forced resignation from the union and forced dismissal and harassment of union supporters' relatives also employed at the factory.

Last May 2008, management tried to demote union members Halil Bozan and Himmet Soydan. When the workers did not accept this work change, the employer dismissed the workers. The workers immediately filed court cases against their unfair dismissals and demanded reinstatement. Upon learning that these cases were filed, management targeted their family members and relatives who worked at Menderes Tekstil factory through dismissals and harassment. These sorts of tactics are used by managers of textile factories around the world, and these cases are further examples of the everyday intimidation faced by workers.

ILRF has engaged Walmart, Target, and Kohl's surrounding the problems faced by these factory workers in Turkey, and as of July 2009 only Target has responded in a meaningful way. Each of these companies has codes of conduct and auditing programs that are meant to identify and ameliorate violations of basic labor rights such as the freedom of association. Teksif is simply asking for a meeting with the Menderes Tekstil factory management, and yet the major brands produced at the factory refuse to relay their request. Only time will tell whether the union members at the Menderes Tekstil factory will ever be given a chance to have a say in how their workplace is run.

What Can You Do

Organize for Decent Work (And Against Precarious Work)

Organize an event for a week of action around World Day for Decent Work, (October 3-10) Check here to join the Global Precarious Work Affects Us All Campaign.

www.imfmetal.org/index.cfm?n=696&l=2

Work with your union or other organization to pass a resolution opposing precarious work. You can use this resolution from the International Metalworkers' Federation as an example:

www.imfmetal.org/files/09052714432479/Precarious_employment_in_the_economic_crisisEN.pdf

Tell your Members of Congress about EFCA and Labor Rights in Trade Agreements

Send a message to your Representative in support of the Employee Free Choice Act,

www.unionvoice.org/campaign/passefca_II and tell your friends why it's important

Both Colombia and Korea have Free Trade Agreements pending ratification by Congress and it's up to you to demand that strict labor and human rights pre-conditions must be met. Send a message to your Representative about the Colombia Free Trade Agreement at www.unionvoice.org/campaign/colombiaftaletter and use this letter to write a similar letter regarding the Korean FTA.

Connect with Unions in Your Community

Check out Jobs with Justice to find out how your community group can build solidarity with local workers.

www.JWJ.org

Shop with a Conscience

Check out ILRF and Sweatfree Communities' Shop with a Conscience Guide:

www.sweatfree.org/shoppingguide

Find unionized hotels to stay at here: www.hotelworkersrising.org/HotelGuide

And find out how to plan an event serviced by union workers here: www.inmex.org

Write a letter to a company

You can send a letter to companies mentioned in this report for violating workers' rights by going online here:

www.unionvoice.org/campaign/FAW



Credit: Green Advocates

Glossary

Blacklist: An informal list of union activists that companies use as a discrimination tactic. These 'blacklists' are circulated to other companies who will not hire anyone whose name appears on the list.

Collective bargaining agreement or employment contract: A collective bargaining agreement, commonly known as a contract, is a legal document that mediates the relationship between employees and their employer and outlines the rights and responsibilities of each. The contract is negotiated between the employer and the union and is renegotiated periodically.

Contract: See collective bargaining agreement.

Contract labor or Subcontracting: Contract labor and subcontracting are forms of employment wherein workers are hired by an agency and then contracted out to other employers for work and therefore are not directly employed by the company for whom they work on a day-to-day basis. Contract laborers are often unable legally to form unions or enter into collective bargaining agreements and are therefore subject to harsh conditions, low wages, poor job security, and other forms of exploitation. Use of contract labor also weakens the formally employed workers' ability to utilize unions and collectively bargain because with fewer potential members, unionists have less power at the bargaining table. The use of contract labor is on the rise around the globe through "labor cooperatives" and temporary employment agencies.

Economic Processing Zone (EPZ): An export processing zone (EPZ) is a specified industrial zone that attracts foreign investors using special economic incentives. EPZs import materials, apply some degree of processing, and then re-export the product.⁷¹ They are often exempt from labor laws establishing freedom of association, the right to bargain collectively, and laws setting wage, hour, occupational safety, and health standards.

Freedom of association: Freedom of association protects a worker's freedom to join or form a union or worker organization. The freedom to associate with an organization of one's choice is the right guaranteed to all individuals by the International Labour Organization and the Universal Declaration of Human Rights. In many countries (including the U.S.) freedom of association undermined by employer intimidation and violence.

Strike: A strike, when workers stop working, is a tactic used by workers in order to protest their grievances and pressure employers to bargain in good faith.

Union: A union is a body formed by workers with leadership chosen through regular elections, that represents a constituency of workers and engages with the workers' employer. As a representative of the workers, the union has a responsibility to advocate on behalf of the workers for better employment contracts, which might include higher wages, more benefits, or address specific problems or complaints in the workplace. The union also creates a channel through which workers may submit grievances about the workplace these contractual terms, and procedures for handling grievances are often codified in a collective bargaining agreement.

Worker organization: A worker organization is an alternative form of organized workers to a formal union. Worker organizations often operate similarly to labor unions, but might lack the ability to legally engage in collective bargaining with an employer. Workers without the legal right to form unions, either in countries with restrictions on worker rights (like China) or in economic sectors where workers are excluded from this right (like the agricultural and domestic sectors in the U.S. or home based workers in India, may choose to organize themselves in this way.

For More Information...

On ILRF's Freedom at Work Campaign:

www.laborrights.org/end-violence-against-trade-unions

On Trade Union Rights:

International Trade Union Confederation 2009 Survey:

www.survey09.ituc-csi.org/

American Rights at Work:

www.americanrightsatwork.org

International Labor Organization:

www.ilo.org

Human Rights Watch, Business & Human Rights Program:

www.hrw.org/en/category/topic/business

On Working Women and Unions:

Coalition of Labor Union Women (CLUW):

www.cluw.org

STITCH:

www.stitchonline.org

On Migrant Labor:

www.laborrights.org/creating-a-sweatfree-world/migrant-workers-and-subcontracting

On Labor Flexibility, Contract Labor and Precarious Work:

Precarious Work Affects Us All Campaign:

www.global-unions.org/spip.php?rubrique69

Campaña Regional Contra La Flexibilidad Laboral (in spanish):

www.laboralred.net/

On Violence and Impunity in Colombia:

ILRF's Colombia Page:

www.laborrights.org/end-violence-against-trade-unions/colombia

USLEAP's Colombia Campaign:

www.usleap.org/usleap-campaigns/colombia-murder-and-impunity

Solidarity Center's (AFL-CIO) Colombia page:

www.solidaritycenter.org/content.asp?contentid=442

On Labor Rights In Cambodia:

"Who Killed Chea Vichea?":

www.whokilledcheavichea.com

On Labor Rights in the Philippines:

Center for Trade Union and Human Rights:

www.ctuhr.org

Katarungan:

www.katarungan-dc.org

Stop the Killings in the Philippines:

www.stopthekillings.org

Human Rights Watch, Philippines Page:

www.hrw.org/asia/-philippines

Project on Extrajudicial Executions, Philippines Page:

www.extrajudicialexecutions.org/communications/philippines.html

On Labor Rights in Liberia:

Stop Firestone:

www.stopfirestone.org

ILRF Firestone Campaign Page:

www.laborrights.org/stop-child-labor/stop-firestone

Stop Firestone YouTube Channel:

www.youtube.com/stopfirestone

On Labor Rights in Guinea:

"Dying for Change," Human Rights Watch:

www.hrw.org/en/reports/2007/04/24/dying-change-0

On Labor Rights in Zimbabwe:

Zimbabwe Congress of Trade Unions:

www.zctu.co.zw

TransAfrica Forum:

www.transafricaforum.org/policy-overview/where-we-work/zimbabwe

Corporate Campaigns:

Killer Coke Campaign:

www.killercoke.org/

Rein in Russell Athletic:

www.reininrussell.blogspot.com/

Stop Firestone:

www.stopfirestone.org

Lipton Tea Campaign:

www.iuf.org/casualtea

ILRF's "Working for Scrooge: 5 Worst Companies for the Right to Associate" report:

www.laborrights.org/end-violence-against-trade-unions/resources/10778

On Union Issues in Your Community:

Jobs With Justice:

www.jwj.org

Interfaith Worker Justice:

www.iwj.org

Global Labor News and Views:

AFL-CIO Blog:

www.blog.aflcio.org

AFL-CIO YouTube Channel:

www.youtube.com/AFLCIONow

Business & Human Rights Resource Centre:

www.business-humanrights.org

Center for Labor Renewal:

www.centerforlaborrenewal.org

Change to Win Blog:

www.changetowin.org/connect

Global Labor Strategies:

www.laborstrategies.blogs.com

ILRF Blog:

www.laborrightsblog.typepad.com

International Trade Union Confederation:

www.ituc-csi.org

ITUC YouTube Channel:

www.youtube.com/ITUCCSI

Labor Notes:

www.labornotes.org

Labour Start:

www.labourstart.org

Labour Start News Videos:

www.labourstart.org/tv/

Maquila Solidarity Network:

www.maquilasolidarity.org

SEIU Blog:

www.seiu.org/blog.php

Union Review:

unionreview.com

Write a letter to support workers

Below is a sample letter to use. Research the companies behind your favorite products and send them a message to express your support for workers' rights to organize! Below is a sample letter use. Find contact info below for any of the companies mentioned in this Toolkit. You can also send an e-mail to these companies online here: www.unionvoice.org/campaign/FAW.

Subject: Respect Workers' Freedom of Association!

Dear [CEO],

As a consumer, I am concerned about the rights of workers who produce the goods that I buy. I strongly support the rights of workers to organize democratic and independent trade unions around the world. Unions are an important way for workers to have a voice of the job and improve the working and living conditions for themselves and their families. More than ever, unions have a critical role to play in protecting working families from the impacts of the global economic crisis.

I have recently learned from the International Labor Rights Forum that workers in your global supply chain have seen their right to organize violated. How do you ensure that the freedom of association of the workers who make your products is protected?

In the coming year, I would like to see you take stronger action to ensure that the rights of your workers are protected. I will be watching closely to see what improvements you make in recognizing your workers' right to organize. I am committed to showing my solidarity with your workers globally to ensure that their conditions improve and their rights are respected.

Thank you for your time.

Sincerely,

[NAME]

[ADDRESS]

Contact Info for Corporations Violating Freedom at Work

Bridgestone Firestone

Dan Adomitis, CEO
(adomitisdan@firestonenaturalrubber.com)

Firestone Natural Rubber Company
250 W. 96th St.
Indianapolis, IN 46260

Dole Food Company

Sylvain Cuperlier, VP and Director of Worldwide Corporate Social Responsibility
(Sylvain.Cuperlier@dole.com)

Sue Hagen, Senior Vice President of Human Resources and Industrial Relations
(Sue.Hagen@dole.com)

P.O. Box 5132
Westlake Village, CA 91359

Dole Standard Fruit (Costa Rica)

Daniilo Román, General Manager of Dole Standard Fruit
P.O. Box 5132
Westlake Village, CA 91359

Dolefil—Philippines

(RSilva@doleasia.com)
Fax: 823-8114
P.O. Box 5132
Westlake Village, CA 91359

Del Monte

Richard G. Wolford, President & CEO
(Contact-US-Executive-Office@freshdelmonte.com)
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San Francisco, CA 94105
(415) 247-3000

Chiquita Brands International, Inc

Fernando Aguirre, CEO
250 East Fifth Street
Cincinnati, OH 45202 USA
+513-784-8000

Grupo Acon (Biggest pineapple landowner in Costa Rica)

Jorge Acon Sanchez, President
(jacon@grupoacon.com)

Coca Cola

Muhtar Kent, CEO
(mkent@na.ko.com)
Jose Octavio Reyes,
President of the Latin America Group
Ed Potter, Direct of Global Labor Relations
PO Box 1734
Atlanta, GA 30301

Nestle

Parul Bulke, CEO
Brad Alford, CEO of Nestle USA
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Glendale, CA 91203

Drummond Co., Inc.

Gary N. Drummond, CEO
P.O. Box 10246
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Phone: (205) 945-6300

Russell

John Holland, CEO
Chris Champion, General Counsel
(championchris@russellcorp.com)
Matt Murphy, Senior Vice President of Sales
(MurphyMatt@russellcorp.com)
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Alexander City, AL 35010

Unilever (owner of Lipton)

Unilever House 100 Victoria Embankment Blackfriars
London EC4Y0DY
T: + 44 2078225874
Paul Polman, CEO
(paul.polman@unilever.com)
Nick Dalton, Vice-President Human Resources Global
(nick.dalton@unilever.com)
Write a letter directly here:
www.unionvoice.org/campaign/Liptonteatworkers

Walmart

Mike Duke, President & CEO
(Mike.duke@wal-mart.com)
Kenneth Eaton, Senior Vice President for Global Procurement
(kenneth.eaton@wal-mart.com)
702 SW 8th St
Bentonville, AR 72716

Target

Gregg Steinhafel, President & CEO
(Gregg.Steinhafel@target.com)
1000 Nicollet Ave S
Minneapolis, MN 55403

Kohl's

Brian Miller, Senior Vice President
(Brian.F.Miller@kohls.com)
N56W17000 Ridgewood Dr
Menomonee Falls, WI 53051

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End Notes

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More About ILRF and Thank You

September 3, 2009

The International Labor Rights Forum (ILRF) is an advocacy organization based in Washington, DC dedicated to achieving just and humane treatment for workers worldwide. ILRF serves a unique role among human rights organizations as advocates for and with working poor around the world. We believe that all workers have the right to a safe working environment where they are treated with dignity and respect, and where they can organize freely to defend and promote their rights and interests.

Freedom at Work to organize in the workplace and bargain collectively gives workers a voice on the job and the opportunity to strive towards a better life. Workers around the world face systematic barriers to organizing including violence and intimidation. Freedom of association is one of the four core labor standards recognized by the International Labor Organization (ILO). ILRF's Freedom at Work campaign works to empower workers to act collectively to protect their basic rights.

This toolkit was a long term project at ILRF. Many, many hours of research, writing and editing took place. ILRF greatly appreciates the dedication of Catherine Ammen, Sarah Farr, Amy Gellately, and Danielle Tipton in completing this document. Brian Hargrove was our fearless graphic designer. In addition, ILRF partner organizations and allies helped to provide additional information. ILRF thanks everyone that helped to contribute to the Freedom at Work toolkit.

ILRF's additional campaigns include:

Stop Child & Forced Labor

ILRF engages in policy and corporate campaigns to fight for an end to child and forced labor globally. We are currently focusing on the cocoa industry (especially Nestlé) for their use of child labor in West Africa and Bridgestone Firestone for child labor on their rubber plantation in Liberia. ILRF also has been heavily engaged in the issue of child labor in cotton and cottonseed fields.

Rights for Working Women

This campaign seeks to alleviate sexual violence in the workplace and address other issues of concern to women workers through campaigns, worker education, reform of local laws, judicial advocacy, and workplace monitoring.

Creating a Sweatfree World

Through this campaign, ILRF seeks to challenge sweatshop conditions globally, promote ethical alternatives and advocate for labor rights in U.S. trade policy. The ILRF also has a campaign targeting Walmart for abuse of workers' rights in their suppliers' factories. ILRF's newest focus is on sweatshops in the fields as the food and agricultural supply chains become increasingly consolidated and riddled with unimaginable labor rights violations. The Fairness in Flowers campaign raises awareness in the U.S. about labor rights violations and health and safety problems in the cut-flower industry.



International Labor Rights Forum

Building A Just World For Workers



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