

Labor Rights in Guatemala Aided Little by Trade Deal

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GUATEMALA CITY -- Day and night, workers at the port of Quetzal on Guatemala's Pacific coast load fruit from surrounding plantations and clothing stitched in local factories onto freighters bound for Long Beach, Calif., a flow of goods that has swelled since a Central American trade agreement with the United States took force last year.

Under a provision that was crucial to getting the deal through Congress, working conditions for the longshoremen, along with laborers throughout Central America, were supposed to improve. Governments promised to strengthen labor laws, and the Bush administration pledged money to help.

But on the evening of Jan. 15, the head of the port workers union became a symbol of the risks that still confront workers who press their rights in Guatemala.

Pedro Zamora, then in the midst of contentious negotiations with management, was driving on the dusty road through his village, his two sons at his side, when gunmen shot him at least 20 times, killing him, said prosecutors in Guatemala City. One boy was grazed in the knee by a bullet; the other was unharmed.

Nearly two years have passed since the countries of Central America vowed to strengthen worker rights as they sought votes in Congress for the Central American Free Trade Agreement, or CAFTA. Yet there has been little if any progress, according to diplomats, labor inspectors, workers and managers.

"The situation is the same now as it was," said Homero Fuentes, director of the Commission for the Verification of Codes of Conduct, a Guatemalan group hired by multinational companies to inspect local factories and plantations. "The law hasn't been reformed, and people just don't obey the law. There's a culture of impunity."

The Bush administration is facing intense resistance in the Democratic Congress as it seeks approval for new trade deals with Peru, Colombia and Panama. The tense labor situation in Guatemala and other countries covered by such deals helps to explain why.

Democratic leaders negotiating terms of the new trade pacts with the administration are demanding stringent labor protections. They argue that previous deals such as CAFTA have been too weak on labor rights, expediting the shift of manufacturing to countries where goods are cheap because workers are exploited.

The Bush administration counters that trade deals have improved the lot of laborers by creating jobs and establishing basic standards, even as it signals willingness to insert stricter rules in the new agreements to gain the assent of the Democratic leadership.

U.S. Trade Representative Susan C. Schwab said last month on Capitol Hill that when countries negotiate free-trade deals with the United States, "the situation on the ground for workers in those countries is vastly improved."

As the administration portrays it, problems in Central America reflect a dearth of resources, not weak law. Over the past two years, Congress has allocated \$60 million for programs aimed at boosting the ability of governments in the region to enforce labor and environmental laws, delivering computers and automobiles and helping to train judges and inspectors.

Schwab urged The Washington Post to seek details from the U.S. Embassy in Guatemala City. There, four American officials, plus two who joined by videoconference from El Salvador, would speak only on condition that they not be named. They said they had no data showing increased compliance with labor laws in Central America, though they emphasized that the programs were new.

"We haven't seen a significant improvement," one official said. "It's a process."

Guatemalan authorities said the American-funded programs did not tackle the root cause of abuse -- the power of employers to manipulate labor inspectors and judges.

"It's very widespread that if workers file complaints or try to organize a union, they can be fired," said Gustavo A. Campos, who leads a program funded by the United States that trains Guatemalan labor inspectors and educates workers. "The part that's still missing here is the ability to coerce compliance."

At the labor ministry, one inspector said attempting to enforce the law puts inspectors' careers at risk. "There's a lot of pressure to rule in the employer's favor," said the inspector, Marco Tulio Castillo. "We're not allowed to do our jobs."

Schwab said labor provisions in the trade deals negotiated by the Bush administration are better than nothing. Without the promise of U.S. trade, "what incentive would these governments have to improve their labor standards?" she said in an interview. She said trade boosts workers' rights in poor countries by increasing the presence of global brands: Loath to be linked to sweatshops, these companies force factory managers to obey rules.

Managers in Guatemala said foreign firms demand adherence to labor standards but also demand lower prices, with constant threats to shift work to China if the Guatemalan firms don't go along.

"Your country is pressuring us to respect our own laws, laws that hinder the competitiveness of Guatemala compared to China, which does not have the same respect for labor rights," said Carlos Arias, a lobbyist for the Guatemalan Chamber of Industry. "When you have to pay the minimum wage and all the fringe benefits, your costs increase."

At a factory run by a company called Avandia on the eastern fringes of Guatemala City, nearly 700 workers make dress pants for the American retailer Jones Apparel Group, which owns the Nine West and Gloria Vanderbilt brands. Five current and former workers said in interviews that factory bosses often forced them to work unpaid overtime. Cristina Perez, a mother of four, said security guards sometimes locked her in the factory late into the night, even as she protested that she was a nursing mother.

The drinking water was dirty, the workers said, and the bathrooms lacked soap and water -- except on days when someone from Jones came to visit.

"All of a sudden, they were giving the appearance that they treat us well," said Karen Chacon. "Actually, they treat us like animals."

Last November, nine workers, including Chacon and Perez, signed a petition to set up a labor committee, a precursor to a union. They filed the petition at the Labor Ministry and got a court injunction protecting their jobs. The next day, all nine were fired. Avandia's personnel manager, Jorge Meng, said the workers were let go because of declining production, not because of the petition.

In an interview, Ira M. Dansky, Jones's general counsel, said it was "unclear" what transpired at Avandia, but he confirmed that if the workers were fired for organizing, that would violate the company's code of conduct. Jones is continuing to do business with Avandia, he said.

"We use many hundreds of factories throughout the world," Dansky said. "At any given time, there are always violations. We try to continue to work with the factories to improve things."

At the port of Quetzal, workers are still reeling from Zamora's killing, and they wonder who might be next. A few weeks after Zamora was shot dead, two men active in a Guatemalan street vendors union were killed.

"All of us as union leaders are under the same risk," said L?zaro Reyes, now leading the port union. "We don't go out. We try not to be seen."

As officials at the U.S. Embassy cited efforts to improve Guatemala's labor rights, one sought to discredit the appearance that a union leader had been assassinated for his work. The official, who spoke on condition of anonymity, said the case was "murky," adding that the U.S. government had learned from Guatemala's president or vice president that Zamora had been "a violent man" whose actions triggered complaints by women and police. Pressed for details, the official said she had none.

Mario Castañeda, a Guatemalan prosecutor, said Zamora's murder was probably connected to his job. "Because of his union work, the management of the port may have been involved," he said. No charges have been filed in the killing, and management denies any role.

Recently, Castañeda said, he and a colleague were investigating the Zamora case in the city of Escuintla when a stranger approached them.

"He said we should be careful," Castañeda said, "because people could shoot us."

Special correspondent Robert Perillo contributed to this report.