

Congress of the United States

Washington, D.C. 20515

August 1, 2019

Patrick Pizzella
Acting Secretary of Labor
United States Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Ambassador Robert E. Lighthizer
United States Trade Representative
Executive Office of the President
600 17th Street NW
Washington, DC 20508

Re: Honduras' Ongoing Violations of the Labor Chapter of CAFTA

Dear Acting Secretary Pizzella and Ambassador Lighthizer,

We are writing to you to express our deep concern regarding the Government of Honduras' (GOH) continued violation of Chapter 16 (the labor chapter) of the Central America Free Trade Agreement (CAFTA) and the subsequent Honduras Monitoring and Action Plan (MAP). Despite some progress, the GOH continues to commit serious violations of the labor chapter on a regular basis. In particular, we are concerned about two cases in the agro-export sector, namely Fyffes-Sol and Grupo Jaremar, in which the GOH has violated its Constitution and Labor Code, as well as ILO Conventions 87 and 98 (both of which Honduras has ratified). We urge you to send a strong message to the GOH that the United States takes trade agreement enforcement seriously. The GOH must ensure that the right to freedom of association and to collectively bargain is respected generally, and in these two cases in particular, in compliance with its obligations to the United States under CAFTA.

Fyffes-Sol is a producer of melons, most of which are exported to the United States. The company was named in the 2012 DR-CAFTA complaint filed by the AFL-CIO and Honduran unions for its repeated refusal to respect the labor law, as confirmed in the U.S. Department of Labor's 2015 and 2018 reports. Grupo Jaremar is a palm oil company, which produces and commercializes palm oil and its by-products.¹ The *Sindicato de Trabajadores de la Agroindustria y Similares* (STAS) is an industrial union representing workers in agriculture, including in the melon and palm oil sectors in Honduras. Since 2016, STAS has registered sectional unions representing workers at the Fyffes-

¹ This case was not in the original CAFTA complaint as the violations only came to light after STAS began organizing workers on the plantations. Notably, Grupo Jaremar received financing from the Overseas Private Investment Corporation (OPIC) in 2014. Despite having been informed of the violations, it does not appear that OPIC has taken appropriate action.

Sol and Grupo Jaremar plantations in order to address numerous labor violations, including rampant wage theft and exposure to toxic pesticides. The Honduran Labor Ministry has not only failed to put a stop to these labor violations, but it has aligned with the employers in their effort to bust the union. In fact, Labor Minister Carlos Madero issued a decision, contrary to Honduran law, which dissolved the sectional union on the Fyffes-Sol plantations. Subsequently, the Labor Minister recognized and immediately registered employer-dominated unions. In the attached annex, we identify the central violations of Honduran Labor Law in these two cases and indicate how the GOH is complicit in those violations.

In light of these clear violations of the labor chapter, we again urge you to take action so that the GOH complies with CAFTA by effectively enforcing its labor laws and, specifically, recognizing the STAS sectional unions so that they may bargain collectively with the respective employers. Further, we urge you to raise these concerns at the highest level of the GOH, the Labor Ministry and the next DR-CAFTA MAP tripartite meeting if not already remediated by then. If the Government of Honduras is allowed to undermine STAS and its members' rights, it will only further entrench corporate impunity and weaken rule of law, one of the many factors that contributes to the cycle of poverty and pushes people to migrate. We look forward to hearing back from you on the efforts made to protect the rights of Honduran workers.

We encourage you to meet with civil society stakeholders, who will seek a meeting with the Deputy Undersecretary for International Affairs at the U.S. Department of Labor to discuss this case. Thank you for your attention.

Sincerely,

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| JAN SCHAKOWSKY Member of Congress | RAUL GRIJALVA Member of Congress | ANDY LEVIN Member of Congress |

cc:

State Department

OPIC

Ministry of Labor of Honduras

Fyffes-Sol

Grupo Jaremar

AFL-CIO

STAS-FESTAGRO



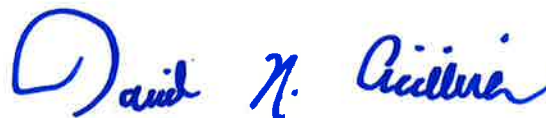
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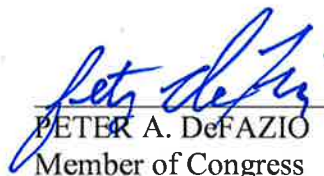
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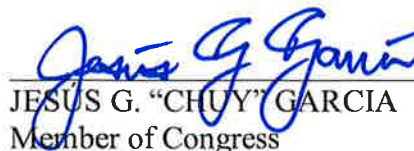
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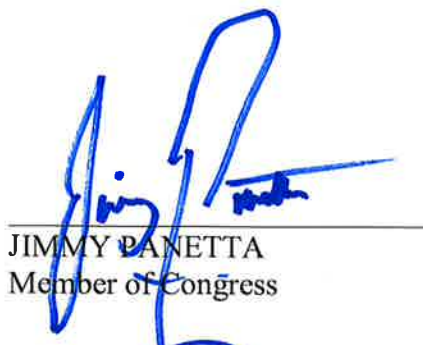


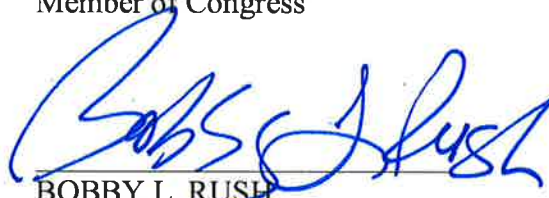
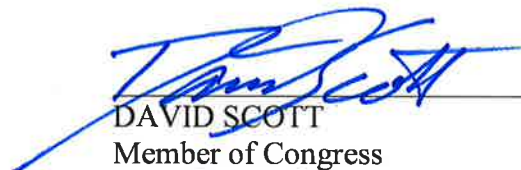

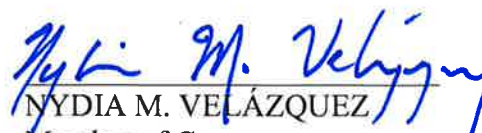

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