

World Banana Forum (WBF) - Working Group on Labour Rights (WG03)

Labour relations: Successful cases within the banana industry

written by **Anna Cooper** and **Victor Quesada**



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The studies included in this publication were conducted in 2013 and may not necessarily reflect any changes that have occurred since then.

Methodology

For each case study included in this publication, interviews were carried out with the local trade union representatives and the local plantation supervisors who have been directly involved in the negotiation and implementation of the collective bargaining agreements at the plantation level. Anna Cooper and Victor Quesada then wrote up each case collaboratively. The draft of the case study was then provided to the local union and company representatives for their comments and further input.

Additional information was gathered to support the first-hand interviews including news articles, information from trade union, company and other industry stakeholder websites and various published reports and documents, as referenced. This information was also supplemented by the authors' first-hand knowledge of the labour relationships between the various actors involved in the cases and the wider industry context in which these cases sit.

The final publication was also shared with the multi-stakeholder members of the World Banana Forum Steering Committee and its Working Group on Labour Rights (WG03), together with FAO (social protection division) and ILO (decent work) colleagues for their comments and critical feedback. These comments were incorporated into the final document.



World Banana Forum WG03 Meeting, Ecuador 2012

INTRODUCTION

by Pascal Liu, World Banana Forum Secretariat, Food and Agriculture Organization of the United Nations (FAO).

With some 10 billion US\$ of annual turnover, the banana export industry is an essential source of income and employment for tens of thousands of rural people in developing countries. It provides an important contribution to poverty reduction and food security in the poorest areas of the world. Unlike other export crops, banana production is difficult to mechanize, making it highly dependent on labour. Workers are a key asset of banana producing companies. In spite of this, relations between plantation managers and representatives of the workers have often been uneasy, and at times, highly contentious, leading to abuses of human rights in some countries. Yet, constructive relationships with independent worker unions play a positive role in a company's productivity and profitability. They help reduce workplace conflict, accident and illness rates, worker absenteeism and turnover. They contribute to improving worker productivity and efficiency. By developing a solid collaboration with worker unions, companies can improve their corporate image to their customers and shareholders, thus adding value to their brand.

This publication describes good practices in labour relations taken from the analysis of successful cases in six plantations in Latin America and Africa, as well as an international agreement between a multinational company, a Latin American federation of national unions and the International Union of Food and Farm workers. It analyses the success factors and draws the main lessons learnt from the different experiences in a short executive summary. It provides practical and realistic recommendations for both managers and union leaders on developing constructive working relationships for the common benefit of the company and the workers.

The studies were commissioned by the World Banana Forum (WBF)¹. The WBF promotes the global adoption of best practices for sustainable banana production and trade. It provides a permanent platform where the various stakeholders of the sector collaborate to promote respect for labour rights, health and safety at work, gender equity and decent work, among other objectives. The studies were undertaken in 2013 by Anna Cooper and Victor Quesada, with assistance from local trade union and company representatives and under the supervision of the WBF's Working Group on Labour Rights (WG03). The Working Group is composed of trade unions, civil society organizations, companies, certification bodies and the International Labour Organization. Its main areas of work are occupational health and safety, gender equity, and freedom of association and collective bargaining. The funds for the case studies were provided by FAO and FDHT (Fondation des Droits de l'Homme au Travail). FAO has supported the WBF since its creation in 2009 and acts as its Secretariat.

1 www.fao.org/wbf



CASE 1



Latin America: The Chiquita/IUF/COLSIBA
International Agreement



BACKGROUND

The Chiquita/IUF/COLSIBA International Framework Agreement (IFA) was signed on 11 May 2001. It is officially called the "Agreement between IUF/COLSIBA and Chiquita Brands International on Trade Union Freedom, Minimum Labour Standards and Employment in Latin American Banana Operations"¹.

The Chiquita/IUF/COLSIBA IFA was the first of its kind in agriculture and also the first IFA that was negotiated and signed in coordination with trade unions from developing countries.

A number of key events led up to the signing of this ground-breaking agreement between the three stakeholders in the industry. In the 1990s, Chiquita suffered a financial crisis reflected in the falling value of its shares in the stock market. The situation worsened when the European Union (EU) decided to protect banana producers from former colonies in Africa, the Caribbean and the Pacific (ACP countries). The EU limited banana imports from North American and Latin American companies (known as Dollar Zone bananas) by implementing a tariff on Latin American bananas. This decade-long trade dispute was informally known as the "banana wars" and took place at the World Trade Organization.

The European market represents a significant percentage of banana trade for Chiquita. Therefore, in order to mitigate the economic effects of the trade situation at the time, the company implemented various economic and administrative measures in its Latin American fruit production and trade.

The trade restrictions also affected other multinational banana companies, who then implemented similar measures to mitigate the EU's policies on Latin American bananas. These measures had a direct and negative impact on the employment and working conditions of banana workers, which led to conflicts amongst the sector of organised workers. The Coordinating Body of Latin America Banana Worker Unions (COLSIBA) sought to denounce European trade restrictions on behalf of the trade unions claiming that the workers were the ones bearing the brunt of the trade dispute. During this period, COLSIBA also observed and analysed the importance of large retailers and supermarkets in setting fruit prices in international markets, which was unbalancing production costs in Latin America.

As part of this process, COLSIBA and several social and political allies from the consumer countries in North America and Europe, in particular the European Banana Action Network (EUROBAN), initiated a joint advocacy and lobbying campaign denouncing the working conditions in Latin America's banana production. They also offered major trading companies the opportunity to engage in an open dialogue with unions on key issues such as working conditions and union freedom.

The International Union of Food and Agricultural Workers (IUF) and COLSIBA decided to join forces - most of COLSIBA member unions are also affiliates of the IUF - to discuss the employment situation in banana production. COLSIBA and the IUF began engaging in dialogue with various actors in the region, recognising that addressing working conditions required the contributions of not only large companies but also national producers and the governments of the producing countries.

1 See <http://www.iufdocuments.org/www/documents/Chiquita-es.pdf>

Following a campaign in the early 1990s, Chiquita had developed a partnership with US-based NGO Rainforest Alliance. By 2001, the company secured certification of all its Latin American plantations under the Rainforest Alliance's 'Better Banana Project' and was encouraging supplier plantations to become certified. The company also produced a Code of Conduct that includes the Social Accountability Initiative's SA 8000 standard. In 2002, Chiquita joined the United Kingdom's Ethical Trading Initiative².

As part of this process, the first multi-stakeholder dialogue within the banana industry took place in the late 90s. Within the context of the history of the World Banana Forum, the first meeting took place in 1998 at the first International Banana Conference (IBC I) in Belgium, where participants discussed the best way to promote negotiations among all the actors involved in the production and retail of bananas. Another meeting took place in Miami, USA, in May 2000 following a series of discussions. Transnational corporations were invited to further engage in dialogue with the trade union sector and debate the measures required to improve and strengthen industrial relations in Latin American banana plantations.

After the second meeting, Chiquita, out of all the major banana companies, took the greatest initiative and interest in continuing the dialogue. In a follow-up meeting on 11 May 2001 in San José, Costa Rica, representatives of the IUF, COLSIBA and Chiquita agreed to jointly draft and implement an international agreement, which was then formally signed in Geneva, Switzerland, on 14 June 2001 in the presence of Mr. Juan Somavía of the International Labour Organization (ILO).

Many changes were made within the company during this period. The company's interest promoted these changes to regain greater market influence through the marketing of its renewed corporate image.

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The international agreement between Chiquita, the IUF and COLSIBA can be best understood as a mechanism through which consensus is formed to ensure the necessary guarantees for the development of trade union activities. Chiquita takes pride in having the most unionised workers in the region and for being the most active multinational company in bargaining and negotiation. Chiquita has accepted that the international agreement is both a way to increase social dialogue with trade unions and a way to mitigate the risks of international campaigns against the company. The agreement itself calls for the unions to commit to this measure.

This publication by the WBF Working Group 03 on Labour Rights seeks to analyse the development of the agreement, to assess its impacts, to share the experiences of the actors directly involved in its implementation and to draw out key lessons from this experience.

2 <http://www.bananalink.org.uk/es/content/chiquita>



The WG03 has developed an accompanying study on the important work of the Women's Committee created within the international agreement. Please see the following annex to this case study.

KEY FACTS

The IUF

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) is an international federation of trade unions representing workers employed in the following areas: agriculture and plantations, the preparation and manufacture of food and beverages, hotels, restaurants and catering services, and all stages of tobacco processing. The IUF is composed of 385 affiliated organizations in 123 countries, representing a combined membership of around 2.6 million workers.

For the purpose of this study, an interview was carried out with Sue Longley, the IUF International Coordinator for Plantation Workers Unions.

COLSIBA

The Coordinating Body of COLSIBA was founded in 1993 as a platform for political and organizational coordination. Though it was initially founded for the banana sector, it now has affiliates from the pineapple, palm oil and sugar cane sectors. This coordinating body integrates different types of trade union organizations from Peru, Ecuador, Colombia, Panama, Costa Rica, Nicaragua, Honduras, Guatemala and El Salvador. It is estimated that together these unions represent approximately 50,000 banana plantations workers.

The following COLSIBA affiliates participate in the Chiquita supply chain: COSISBA (Guatemala), FESTAGRO (Honduras), FETDECH-CST (Nicaragua), COSIBACR (Costa Rica), and SITRAIBANA (Panama). This equates to 22 union organizations in total since some of those mentioned are coordinating bodies and federations.

For the purpose of this study, interviews were carried out with Iris Munguia, member of COLSIBA and FESTAGRO (Federation of Agro-industrial Workers in Honduras, which replaced the Coordinating Body of Banana Workers Unions in Honduras) and leader of the trade union SITRATERCO (Union of Workers of the Chiquita subsidiary 'Tela Railroad Co.'), and Gilbert Bermudez, Coordinator of COLSIBA and ex-leader of SITRAP (Union of Agricultural and Plantation Workers in Costa Rica). Both union leaders have been involved in the negotiations of the international agreement since the process began in the 90s.

Chiquita Brands International

Chiquita was originally called the United Fruit Company. Founded in 1899, it was the first major multinational banana company. Not only does it have a long history in banana production and trade, but it has also influenced the political history of countries across Latin America. It is therefore an emblematic company within the global production and trade of bananas.

Chiquita has operations in 70 countries worldwide and in a wide range of products and brands. In 2011, Chiquita production accounted for 22 percent of world banana exports. The 2009-2012 Chiquita Corporate Social Responsibility Report states that:

Chiquita has a direct impact on the environment and communities in Latin America, where approximately 40,000 men and women are employed in banana production on Chiquita's own and supplier farms³.

Rainforest Alliance has certified all Chiquita-owned banana plantations in Latin America, as well as many of its suppliers.

For the purpose of this study, interviews were carried out with Marco La Touche, Labour Relations Manager for the Chiquita subsidiary, COBAL, in Costa Rica, as well as Industrial Relations Regional Advisor and member of the Corporate Responsibility Management Committee of Chiquita.

All the people that participated in the interviews are members of the International Agreement Review Committee and active members of the World Banana Forum.

SUMMARY

The Chiquita/IUF/COLSIBA International Agreement consists of three parts, each of which is implemented under the key principles of understanding, mutual cooperation, common interest for improving working conditions and the respect of local agreements achieved in workplaces between management and unions.

Part I. Minimum labour standards

Chiquita committed to respect the following core ILO Conventions: the principle of freedom of association; the effective recognition of the right to collective bargaining; the protection and facilities to be afforded to workers' representatives; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination with respect to employment and occupation.

It is also worth highlighting the following important commitments within the agreement relating to labour relations and collective bargaining:

- Chiquita will ensure that representatives of trade unions are not subject to discrimination and that such representatives have access to employees in the workplace. The practical details of such access will be determined through national discussions and agreements. Chiquita guarantees that employees will suffer no discrimination, threats or sanctions as a result of any such visit by a union representative.

3 http://www.chiquita.it/file/page_content/download/CSR_Report_Complete_R9_CORP13.pdf



- Where Chiquita is engaged in collective bargaining with unions, Chiquita will continue sharing with union representatives the information about the corporation as a whole and its local operations that they reasonably require to bargain effectively.
- CHIQUITA and the IUF/COLSIBA will publicise this agreement in all the company's banana operations in Latin America.

Part II. Employment

This section deals with changes in employment and commits the company to the following processes: consultation, disclosure of information and serious consideration of alternative solutions proposed by the trade union(s) of the affected workers.

Several conditions have been established regarding the issue of employment in the event of changes in company policy. Firstly, the agreement states that, in all such cases, the national laws and regulations must be obeyed. When situations arise that could affect workers' job security, the company must assure that the local trade unions, appointed as the representatives of the affected workers, are being consulted.

Similarly, if the situation involves an agreed collective bargaining process with a trade union, the company must notify both the IUF and COLSIBA to explain the situation and its effect on the terms of contracts, working conditions and reductions in employment levels.

A specific section deals with the issue of suppliers or independent producers who must adhere to the terms made by Chiquita in the international agreement. Likewise, the Review Committee focuses on examining the implementation of the agreement's contents amongst suppliers.

Part III. Monitoring the agreement

The IUF was the first global union to sign an international framework agreement. We have been developing and defining this process ever since. We managed to get the ILO to supervise the agreement. This is important in terms of credibility, as it shows a clear link between the clauses of the agreement and the rules of the ILO (S. Longley, personal communication, 2013).

A Review Committee, consisting of two representatives from each of the three stakeholder groups, has been established to monitor the agreement. This committee also seeks to resolve serious cases of violation or non-implementation of the agreement, which are handled primarily between the trade union and the local company administration.

A Review Committee meeting is held at least twice a year to discuss specific cases and reach agreements in accordance with previously established and communicated agendas. The IUF explains that:

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We can always bring in extra representatives from national trade unions if a particular topic is to be discussed. The IUF and COLSIBA hold a meeting before hand with a wider group of worker representatives to prepare for the Review Committee meeting. Chiquita also usually brings four people into a meeting, as well as a national manager, to address any specific concerns (S. Longley, personal communication, 2013).

The agreement adheres to the basic principles of acting with fairness and good faith in the negotiations to ensure the continuous improvement of production. It is important to note that as long as this agreement is in effect, the trade union and the company have committed that they will not undertake actions which could undermine the process spelled out in the agreement, such as public international campaigns or anti-union retaliatory tactics.

Key advances

The IUF representative highlighted four main achievements of the agreement:

- Colombia - The regional structure was used to negotiate transitions in Colombia as Chiquita withdrew and sold its plantations to national producers. This helped ensure that national producers were forced to keep the same labour commitments with the union, SINTRAINAGRO.
- Costa Rica - The IUF, via the agreement, helped to negotiate changes in worker temporary contracts from five and a half months to fixed permanent contracts.
- Solidarismo, Costa Rica - The agreement helped bring a stop to Chiquita funding of Solidarismo.⁴ The decision was made due to regional and international pressure from EUROBAN, trade unions and NGO collaboration.
- Sexual Harassment Clause – This clause is a breakthrough showcasing how to deal with the growing problem of sexual harassment. This is also potentially relevant to other companies, regions and crops (See the annex on the Chiquita/IUF/UITA Women's Committee at the end of this chapter).

Chiquita states:

Before we had the agreement, there were many more conflicts in the region such as strikes, work stoppages and lawsuits. In contrast, we have managed in this moment to improve communication and although there are still some situations in which we are trying to achieve a better understanding, this shared search is being done at the negotiating table (M. La Touche, personal communication, 2013).

For the company:

The agreement is a very powerful communication tool between company management and the trade unions. Its radical strength is that it is a commitment from the highest level by the company and also a commitment that has been made publicly. The company makes major breakthrough commitments regarding labour rights, and this public commitment serves as a base for dialogue between company operations and local trade unions (M. La Touche, personal communication, 2013).

4 This refers to the Solidarismo Associations, where workers can request that a Solidarismo Organization be allowed into the workplace and that it receives a portion of their wages and use this to invest in projects that the worker may gain benefit from (e.g. subsidised canteens and shops) and also to act as a savings mechanism for the worker. At the end of the year, surplus funds and accumulated savings are distributed in the form of a bonus. These schemes can act as a barrier to the formation of trade unions within companies particularly if workers have little disposable income.



COLSIBA states:

It is an important moment to highlight that communications with the company at a senior management level have been satisfactory. The Review Committee meetings have been conducted in due time and with established work agendas (I. Munguía and G. Bermudez, personal communication, 2013).

Complementing local and national agreements

It is important to stress that the international agreement is not a substitute for collective bargaining at the local level. COLSIBA stated that:

A collective bargaining agreement is bilateral between a company and a trade union. A macro agreement is broader because it applies to Chiquita's banana production across the whole region and it can be applied to both Chiquita's own production and its suppliers. The agreement works by first trying to solve labour problems at a national level as established in the collective bargaining agreement. Then, if no solution is reached, they will be dealt with it at a regional level. The agreement does not replace local or national collective agreements (I. Munguía and G. Bermudez, personal communication, 2013).

Chiquita also stated that:

The international agreement does not replace collective bargaining agreements, since workers' and their representatives' needs vary from country to country depending on cultural, social and even legal aspects. However, the agreement helps us to identify what values we want to respect in labour relations and how to reflect this appropriately in each collective bargaining agreement (M. La Touche, personal communication, 2013).

Resolution of conflicts

As mentioned before, the issues presented to the committee are issues that were not previously resolved by local actors. There is consensus among those who were interviewed on the established procedure to resolve these conflicts. The IUF explains that:

This is clearly in the agreement. The Review Committee's task is to examine alleged, serious or systematic violations of the agreement. These problems will be put on the Review Committee's agenda if the problem persists at a national level. COLSIBA makes the decision about which issues should be addressed at the regional level, and works in collaboration with the IUF to present an agenda for regional review. All three stakeholders identify a contact to deal with urgent matters between meetings through email or phone communications. The timeline for resolution of any problem or conflict is set in relation to bi-annual meetings. This provides the timeframe to review the progress made (S. Longley, personal communication, 2013).

Due to the complexity of management systems within a company as big as the Chiquita Brand, conflicts can be addressed in platforms such as the Review Committee, but this does not mean that they will have an immediate effect on the local management of a particular plantation. Some issues raised by COLSIBA in the Review Committee have been on the

agenda on numerous occasions and there are a number of ongoing conflicts that have not been resolved either nationally or within the framework of the international agreement.

IUF explains that:

The main conflicts that currently exist are the cases of Solidarismo in Costa Rica and Guatemala, where there are still major labour problems. We are using the regional agreement to force Chiquita to deal with these important and urgent issues (S. Longley, personal communication, 2013).

Regarding the challenges in overcoming conflicts, Chiquita states that:

The international agreement is not a way of avoiding conflicts that happen naturally between trade unions and local management. However, frank and open dialogue offered by the agreement prevents the escalation of conflicts and the widening of communication gaps. One of the most effective ways to find solutions and accept proposals is to be sure that the other actors will listen and show genuine interest in the concerns of one another. Local meetings, regional meetings and close communication are essential catalysts when suggesting and seeking solutions (M. La Touche, personal communication, 2013).

Furthermore, COLSIBA states that:

In labour relations, there will always be conflict. However, one aspect of the agreement is to negotiate and to act in good faith. Strengthening trust and negotiation are the most important premises of the agreement (I. Munguía and G. Bermudez, personal communication, 2013).

Challenges

There are some challenges that were not foreseen twelve years ago when this international agreement was signed. When the agreement was negotiated, the stakeholders did not effectively establish a time period in which the agreement should be comprehensively reviewed, nor was it established how to deal with the role of women in the labour force (see the accompanying case study on the subject).

When this agreement was signed in 2001, 70% of Chiquita banana production took place in the company's own farms and the remaining 30% was sourced from suppliers. Twelve years later, this situation has reversed: Chiquita produces only 30% of what it exports and 70% is produced by suppliers or independent farms.

Chiquita does however require that its suppliers follow their policies on social and environmental issues, and usually, the suppliers are certified by the same certifiers as Chiquita. However, there have been challenges in effectively implementing the agreement in supplier plantations. At the time that this article was written, there was no information on the trade union growth in supplier plantations. Considering that unionising in agriculture is already highly challenging, the growth of the supplier sector is concerning. There is a need to ensure that the agreement is applied along the supply chain, including the supplier plantations.

The IUF also refers to the issue of sub-contracting as an issue that could be treated in this agreement:

With regards to the increased outsourcing of duties within Chiquita plantations (e.g. outsourcing pesticide application), we need to look at what happens in other sectors. We have to see how



it develops, how to handle it and at least keep these sub-contracted workers in the scope of the agreement. This is a priority for the IUF in terms of fighting against insecure forms of employment and to ensure that workers have permanent contracts. We must ensure that the agreement applies to all workers (S. Longley, personal communication, 2013).

At the time of the interviews, Chiquita was not asked to discuss the supplier issue. Nevertheless, the company has indicated that it is committed to ensuring that producers meet the standards adopted by Chiquita. Chiquita observed, “The threats [to the agreement] are primarily external, i.e. high production costs and weather difficulties add variables which complicate our business, and occasionally this negatively affects the workers” (M. La Touche, personal communication, 2013).

In the area of health and safety in the workplace, which the agreement references, the IUF states that there has been a failure to make further progress:

There has not been enough development in regional health and safety. The agreement has specific information and commitments regarding health and safety, so I don't know why this doesn't improve. Chiquita's health and safety initiatives apply nationally, but we have never managed to apply them regionally to improve cooperation. We have identified people to do it, but it hasn't happened. It's a shame, as this would benefit everyone. Workers would have better work conditions and the company would benefit from increased productivity (S. Longley, personal communication, 2013).

COLSIBA also has a commission on health and safety and the working environment and has worked on globally relevant proposals to be presented and implemented within the structure of the World Banana Forum's working groups. This expertise should be integrated into the agreement.

Therefore, there are some key issues being dealt with in the international agreement that need to be developed further and discussed within this platform for permanent dialogue.

CONCLUSIONS

There are three key factors that assisted the development of this international agreement. Firstly, there is the IUF's experience and ability to handle negotiations and agreements with transnational or international companies. A second factor is COLSIBA's representation within Chiquita, and its vast experience with trade unions as part of the history of social struggles and employee-employer negotiations with Chiquita representatives in different countries. As the third factor, there are Chiquita's intentions to renew its corporate image and relations, making greater commitments to its principles of social and environmental responsibility.

Chiquita reached an agreement that opened direct dialogue with trade union organizations and improved the credibility of their corporate leadership. The IUF and COLSIBA, as part of the trade union movement, had the opportunity to strengthen the organization of workers not only within the company's own plantations, but also in the vast network of Chiquita fruit suppliers in the region.

The international agreement does not replace collective bargaining agreements, since workers' and their representatives' needs vary from country to country depending on cultural, social and even legal aspects. However, the agreement helps us to identify what values we want to respect in labour relations and how to reflect this appropriately in each collective bargaining agreement (M. La Touche, personal communication, 2013).

Chiquita points out that:

The international agreement probably does not give us a strong position in the market for commercial purposes since it does not necessarily add extra value, speaking from a purely economic point of view. However, it helps us to tackle highly complex situations that could harm our reputation and deal with these in a transparent way towards solutions that provide a value system for the international agreement (M. La Touche, personal communication, 2013).

In essence, the Chiquita/IUF/COLSIBA agreement aims to encourage better relations based on ensuring trade union freedom, according to the rules established in the international conventions of the International Labour Organization. This agreement is considered a milestone in the history of labour relations within Latin American banana production. It is currently still in force and still raises expectations among the actors that signed it.

It is clear that the Chiquita/IUF/COLSIBA international agreement has positively influenced labour relations and is a current example of how a multinational company can strengthen its policies on social and environmental responsibility. A more statistical element is needed to quantify the achievements of the international agreement. For example, what information is available on where the new trade unions or workers' committees are? What has been the growth in membership? Have new collective agreements been signed? Moreover, company data is also needed to quantify production results and the continuous improvement of production where this agreement has been enacted.

Challenges still remain in applying the international agreement at the plantation level, where labour relations exist, but where the rights of male and female workers must be fully respected in order to form trade unions and negotiate collective bargaining agreements. As observed, the translation of good intentions from senior management and union leadership levels to local plantations management or local trade union organizations does not always run smoothly. Similarly, there are constraints due to culture, administrative practices, policies and even historical issues and context. However, the stakeholders of the international agreement (Chiquita, IUF and COLSIBA) currently recognise the agreement as an important event that should be replicated in other multinational companies.



ANNEX: Women's Committee of the Chiquita/IUF/COLSIBA Agreement

'Working together to jointly define a strategy to ensure a safe working environment with an emphasis on the development of Chiquita's women workers'

BACKGROUND

The Women's Committee emerged as an innovative means to produce constructive solutions and responsive measures to address the issues of regular concern for female workers and their union representatives. COLSIBA had raised the specific issues of sexual harassment of female workers and limited employment opportunities for women - key issues for female banana workers across the Latin American region - and suggested looking at how to tackle these issues on a regional level within the framework of the Chiquita/IUF/COLSIBA agreement. The Women's Committee was therefore officially formed during a meeting of the Review Committee of the International Agreement in April 2011, 10 years after the original agreement was signed in 2001.

Both the IUF and COLSIBA already had well-developed structures in place for addressing the specific issues of female workers. They had the knowledge and expertise required to develop concrete multi-stakeholder proposals in line with the gender requirements of ILO Conventions: Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Workers with Family Responsibilities Convention, 1981 (No. 156); and the Maternity Protection Convention, 2000 (No. 183).

Chiquita already had gender requirements in its codes of practice and had been addressing these issues in some collective bargaining agreement (e.g. specific clauses dealing with sexual harassment). The company had previously adopted a mentoring system, identifying outstanding female workers and getting them to talk to groups of other female workers to support them within the workplace. However, the unions wanted a clear commitment: zero tolerance of sexual harassment, increased women's employment and specific proposals on how to implement these commitments at the plantation level.

The initial stages of this project focused on arriving at a consensus on the key demands and aspirations that each actor had for the Women's Committee. There were differences in terms of the basic approach to these issues. These issues included prioritising education and capacity building on women's rights, the use of quantitative statistics to analyse improvements

The three actors within the agreement understand that we want to make improvements in the way we work and in our quality of work on women's issues. This includes developing an ethical mandate on gender and specific targets for the long-term sustainability of our operations and trade. We want to take a creative perspective, where we share our vision and our knowledge between the three stakeholder groups towards the well-being of female workers (M. La Touche, personal communication, 2013).

in conditions and employment levels, the need for a platform for denunciations and for dealing with specific violations of women's rights etc. Finally, after a year of negotiation, the actors managed to combine their respective opinions and approaches and achieve a balanced outline of activities that satisfied each of the actors' expectations.

Chiquita explained that:

The three actors within the agreement understand that we want to make improvements in the way we work and in our quality of work on women's issues. This includes developing an ethical mandate on gender and specific targets for the long-term sustainability of our operations and trade. We want to take a creative perspective, where we share our vision and our knowledge between the three stakeholder groups towards the well-being of female workers (M. La Touche, personal communication, 2013).

One factor that contributed to the development of the Women's Committee as a structure within the international agreement was the historically weak women's participation in the Review Committee. This has changed as women have recently taken leadership roles in both COLSIBA (e.g. Iris Munguia as Coordinator) and the IUF (e.g. Sue Longley as International Coordinator for Agricultural Plantation Unions), significantly influencing the shifting of the agenda towards women's issues. It is deemed beneficial to have this strong female leadership within all three actor groups and it is expected to continue within the framework of the agreement to ensure the sustainability of the advances made by the Women's Committee in the long-term.

SUMMARY



Iris Munguia, COLSIBA

Representatives:

- Chiquita - Irene Sandoval, Sandra Campos, Karla Lopez, Marco La Touche
- IUF - Sue Longley (International Coordinator Agricultural Plantation Unions), Barbro Budin (Coordinator for Women's Activities)
- COLSIBA - Iris Munguia (Coordinator), Adela Torres (Women's Secretary), Mireya Rodriguez (COSIBA-Costa Rica)

For the purpose of this case study, interviews were carried out with Irene Sandoval, Sandra Campos, Marco La Touche, Sue Longley and Iris Munguia.



Objective

The overall objective is to promote and strengthen a safe working environment (free of harassment, exclusion and inequality) which is conducive to performance improvements and personal and professional developments for female workers.

The strategic objectives are to:

- Strengthen Chiquita's policies to further improve the working conditions of women in company farms, through the inclusion of:
 - Clauses in the annex to the Chiquita/IUF/COLSIBA agreement
 - Standard clauses in collective bargaining agreements
- Develop capacity building programs for women on specific issues through the:
 - Identification of the thematic issues/structure
 - Establishment of a pilot project site in Panama, with active participation of the local workers' union
- Develop proposals for increasing (where possible) the employment opportunities of women

Activities

The first step was to identify a team of representatives to work specifically on the activities of the Women's Committee and participate in a bi-monthly phone conference and one physical meeting per year that precedes the annual meeting of the Review Committee of the regional agreement. Once the Women's Committee was in place, the initial activity was to jointly define the key issues to be developed.

Clause on sexual harassment

The issue of sexual harassment was identified as a key priority. Therefore, the decision was made to initiate work on a specific clause to be incorporated as an annex to the international agreement and to serve as a guide for all of Chiquita's collective bargaining agreements that are to be negotiated in the future. The text of the clause was developed collaboratively between the three stakeholders, referencing IUF and ILO conventions on gender issues in agriculture, as well as a guidance on sexual harassment policy extracted from an ethical trading initiative training manual that was developed in consultation with its tripartite membership for supervisors and managers. This manual aimed to assist employers and unions in tackling sexual harassment in agriculture. The final text of the clause was agreed upon at the end of the review meeting on 27 March 2013.

The clause on sexual harassment will be printed and distributed through COLSIBA, IUF and Chiquita structures to initiate its implementation at plantation level⁵. It is necessary to work on nationalising the agreement and creating an informative campaign about the clause to make trade unions and female workers aware of the clause and how to implement it within Chiquita plantations. This work also aims to inform management at the local level of the company, who sometimes do not respect the agreements made at regional level. It is essential that each actor carry out an awareness campaign and publicises the clause.

5 <http://www.iuf.org/sites/cms.iuf.org/files/Final%20signed%20version-e.pdf>

Another key activity was sharing information to clearly establish the committee's targets. For instance, it is important to know the proportion of female workers from the region working in the Chiquita plantations, the percentage of female workers in each country, and also what positions they occupy in central offices and management are. These statistics are not yet publicly available.

This information identified Panama as having the lowest level of women's employment within the region, inspiring the decision to initiate a pilot project in collaboration with the local union SITRAIBANA to enable the committee to gain experience on dealing with this issue across the region.

The Panama Pilot Project: 'Developing training modules to promote the equality of opportunities, respect and well-being within the workplace and the community'

The first physical meeting of Chiquita, IUF, COLSIBA and the local union SITRAIBANA was held on 5 June 2013.

The project has at its core the following characteristics: replicability, inclusivity (for both men and women), realistic and specific objectives, and efficient implementation that is appropriate to the beneficiary population (language, content, style, materials) and has an appropriate budget, including support for local coordination (time, transport, subsistence).

The **first stage** is to 'get to know the local situation', including:

- Statistics on how many women are in the work centres; how many women are searching for work in neighbouring communities; what skills, experience and schooling they have; what language(s) they speak; where they live in terms of distance to the plantations; how many children they have and how they see their personal future
- An exploration of the reason for this situation with a focus on exploring the cultural particularities and how the company can facilitate the development of women's skills and how women can be offered greater employment opportunities
- An analysis of which agricultural tasks are suitable for women, from the point of view of occupational health and safety as well as productivity

The **second stage** will be the development of the project with local partners (including the government and NGOs), which will consist of:

- Presentation of the pilot project and generating an understanding of its importance
- Review of existing Chiquita tools and resources to prevent and combat inappropriate behaviour in the workplace
- Assessment of the advantages and challenges of women's participation in the workforce
- Presentation of success stories of women from the local communities
- Explore labour opportunities, capacity building, and empowering of women in the pilot community
- Provide information to deepen understanding and interest in this area

The **third stage** will be the 'application of training modules on well-being and equality'. The content is to be confirmed following consultations with all actors.

A concrete timeline for the implementation of the aforementioned pilot project activities has not yet been fixed at the time of writing this publication.



Accompanying processes within Chiquita:

- Different departments working on the accomplishment of this goal, including Human Resources, Social Corporate Responsibility, Legal Compliance, Internal Auditing, Legal, amongst others
- Conference call with the Vice President of Chiquita Compliance on:
 - Review of preventive programmes, training, mechanism for denouncing cases of sexual harassment, discrimination, etc.
 - Participants from multiple sites: Costa Rica, Panama, Honduras, Columbia, Switzerland and United States
 - Mobilization of technical resources
- New efforts including:
 - The creation of manuals
 - The establishment of policies and processes to voice any problems or doubts
 - Capacity building, inspections and monitoring
 - Strict compliance with the law
- A code of conduct that prohibits sexual harassment, discrimination and other undesirable practices
- Corporate responsibility program (of 20 years) which includes SA 8000, Rainforest Alliance, and Chiquita values (integrity, respect, opportunity and responsibility)
- Policies to prevent sexual harassment, discrimination and retaliation practices
- Anonymous helpline available 24/7 in all languages which is independently operated
- Plans to incorporate the ideas of all the members of the committee into the current programmes Chiquita conducts in respect to women

The role of the IUF

The IUF is an essential member in this process. It is a well-known global organization that is highly influential among the corporate sector. The IUF experience and understanding derived from the development of their equality programme, the Nestle agreement on women's employment and Danone's diversity agreement have also provided practical examples to bring into the discussions. The Chiquita agreement on sexual harassment therefore makes reference to these previous agreements and other IUF and ILO conventions on gender issues in agriculture. In turn, the agreement provides the IUF with concrete examples of how to make progress on gender issues, making it a mutually beneficial project with impacts in various sectors.

The IUF is an indispensable figure in this process, since it helps us to maintain balance and has a critical and reasonable vision, which is required throughout the negotiation process, especially when sensitive issues emerge that are subject to different opinions that come from agendas that in some cases can vary according to the vision of the businesses and the trade union (M. La Touche, personal communication, 2013).

Principles that have guided negotiations

- Good will
- Commitment
- Resource provision:
 - Exchange of areas of expertise
 - Time
 - Technology
- Constructive disposition
- Continuous improvement
- Inclusiveness and collaboration
- Awareness of and respect for international labour standards and particularities of each stakeholder

Challenges

There would be a number of challenges in replicating this experience at an industry level, including the following:

- There is a lack of information and analysis on women's employment within the global banana industry, as well as a lack of information on why this varies between countries, regions and companies.
- The cultural issue varies greatly between countries which can create particular challenges towards increasing women's representation within the workforce. Proposals need to be developed that tackle the paradigms of traditional roles of women and men at company and community levels and promote the active role of women in the economy. These proposals must be respectful of the beliefs, traditions and ethnicity of the workers and their communities.
- There are insufficient levels of unionisation and collective bargaining at the plantation level. Unions lack the strength, representation and formal mechanisms required to push forward the key issues for female (and male) workers across the industry.
- There is a marked gender inequality within companies, unions, supermarkets, certifiers, governments and other decision-making bodies. More women are needed in key leadership roles to guarantee the sustainability of women-focused initiatives.
- There is a lack of political will and expertise to push these issues forward at all levels and amongst all stakeholders within the industry.
- The Women's Committee is currently one of a kind, and thus, similar initiatives are needed to help support and develop this experience and create a clear framework on gender at the industry level.



CONCLUSIONS

The Women's Committee within the Chiquita/IUF/COLSIBA international agreement is relatively new and has ambitious goals. The pilot project in Panama is the first attempt at making concrete changes to conditions for female workers at the plantation level, though the work plan and time-frame for the implementation of this project is not yet certain. It is therefore difficult at this stage to extract any key recommendations for the replication of this work at industry level as the effectiveness of the programme still needs to be studied.

The clause on sexual harassment is, however, a concrete breakthrough that can be publicised and made relevant to other companies, regions and products to provide an example on how they can deal with the increasing issue of sexual harassment.

The actors involved in this project are achieving a greater understanding of issues that have received little attention within the industry, such as: the work of women in the banana plantations, the challenges and limitations they face, and how to overcome these issues at a local and regional level. The Women's Committee and its members have taken on the great responsibility of moving forward in this important area.

The aim is that all three actors have an active and balanced role in this process. The presence of a third actor like the IUF helps to facilitate and maintain this balance through their capacity to question the actions and the responsibilities of each actor, independently evaluate diverse proposals and foster mutual respect between union and company stakeholders towards joint decisions and agreements.

There is a need to look at the issue of women's employment at the industry level and ensure that the working environment is adequate for women in all countries of production. In addition to the international agreement among Chiquita, IUF and COLSIBA, multi-stakeholder structures, such as the World Banana Forum, can offer an important platform for negotiation, which can also be utilised to push forward gender issues at an industry level. These roundtable discussions should include the active involvement of all key multinational companies to discuss issues related not only to gender discrimination, but also trade union freedom and collective bargaining, as these are the key tools that both male and female workers have to improve their conditions at work and at home.

Concrete commitments are needed at the industry level to strengthen engagement with unions at the national level and make progress with respect to collective bargaining, in particular collective bargaining that involves female union leaders to ensure that gender issues are on the agenda from day one of negotiations. Unions must be supported in their work, both in organising and educating female workers, to ensure that female leaders have the skills and opportunities required to be active in these negotiations at the plantation and industry level.

ANNEX⁶: 'Appendix to the IUF/COLSIBA/CHIQUITA agreement: joint understanding on sexual harassment'

6 <http://www.iuf.org/sites/cms.iuf.org/files/Final%20signed%20version-e.pdf>



CASE 2



Colombia: Sector level collective bargaining -
SINTRAINAGRO/AUGURA



INTRODUCTION

Written by Gerardo Iglesias, IUF Regional Secretary for Latin America

Urabá is a region tucked away and almost forgotten in the northeast of Colombia. It was one of the areas most affected by violence during the 1990s.

During those difficult years, in a region that is rich in resources, a union emerged: the Colombian National Agricultural Workers' Union (SINTRAINAGRO). At the time, one of the objectives of the illegally-armed groups that operated in the region was the destruction of trade unions. In fact, over 700 SINTRAINAGRO activists and leaders were murdered during this period. For this reason, their president, Guillermo Rivera, protested on more than one occasion: "We had to dedicate ourselves 100 percent to saving our lives and the organization. We couldn't deal with other issues." In the end, the union managed to survive and skilfully negotiated a collective bargaining agreement for the entire Colombian banana sector despite the anguish inflicted by the armed rebel groups.

For SINTRAINAGRO, social dialogue⁷ is the best way to guarantee employee benefits and to strive for new achievements. In the Colombian banana industry, employees and business owners are working together in search of solutions for worker conditions. This scheme is unique to a country where the prevailing model was bargaining on a bilateral company-trade union basis.

Nowadays, it's not just the banana workers who go to SINTRAINAGRO to express their problems and concerns, but banana producers, small traders and members of the general public are also doing the same. The union is an important meeting point in Urabá for all of society (G. Rivera, personal communication, 2013).

Today, the union holds an important role for workers and society. When speaking about the labour situation within the banana production sector in Urabá, it would appear that one is describing a different country: a level of unionisation surpassing 90 percent for both male and female workers, an all-inclusive collective bargaining agreement and the absence of the so-called 'workers' cooperatives' (a term used for anti-union organizations). Furthermore, the majority of workers are directly hired by the employer, as opposed to being sub-contracted. These workers also benefit from collective bargaining mechanisms that contribute to building social dialogue, all moving towards the consolidation of decent work.

Nowadays, it's not just the banana workers who go to SINTRAINAGRO to express their problems and concerns, but banana producers, small traders and members of the general public are also doing the same. The union is an important meeting point in Urabá for all of society (G. Rivera, personal communication, 2013).

⁷ Social dialogue is defined by the International Labour Office to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy.

A new agreement benefiting 18,000 workers and their families was signed on Wednesday, 19 June 2013. In addition to a wage increase, agreements were made on benefits relating to education, housing and access to health services.

In international terms, banana production in Urabá is quite a contradiction compared to the rest of the banana industry, which is generally characterised by minimal union organization due to the application of discriminatory anti-union policies, high levels of job insecurity and a significant dependence on sub-contracted labour.

The IUF works to give visibility to this positive experience of social dialogue in Urabá. This example is of particular importance given the lack of unionisation in other producer countries due to the ongoing practice of 'social dumping'⁸.

KEY FACTS

The union

The Colombian National Agricultural Workers' Union (SINTRAINAGRO) emerged in 1988 and represents 98 percent of the workers in the sector of Urabá. The union also supports other commodities such as palm, coconut and cane oil in various regions of the country.

SINTRAINAGRO's General Secretary, Adela Torres, was interviewed for this case study, with additional input from Guillermo Rivera, SINTRAINAGRO's President.



SINTRAINAGRO meeting in Colombia

⁸ The term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of workers' (Parliamentary questions, 27 May 2015, E-008441-15).



The company

The Banana Producers' Association of Colombia, founded in 1963, is known as AUGURA. It is a not-for-profit, strictly sectoral civil rights corporation working for the common interests of all international producers and retailers of bananas that export to international markets from Antioquia and Magdalena, Colombia's fruit producing areas.⁹

Of the 47,000 hectares that make up the Colombian export banana sector, 35,000 are located in the Antioquian area of Urabá, 92 percent of which are affiliated with AUGURA. Of the 12,000 hectares used for banana cultivation for international markets in the provinces of Magdalena and Guajira, almost 5,000 hectares are affiliated with the association but are not part of the collective agreement with SINTRAINAGRO.

For the purpose of this case study, Jhon Jairo Gallego Otálvaro, AUGURA's General Secretary provided inputs.

Production and exportation¹⁰

In 2012, Colombian banana exports reached 90.6 million boxes, each weighing 18.14 kg, valued at US\$ 757.3 million. There was a decrease of 3.84% in volume (particularly in the Urabá region) and an increase of 2.83% in value compared to the year 2011.

By the end of 2012, there were 35,100 hectares in production from 288 farms and 160 companies in the region of Urabá, which was 300 hectares more than in 2011. The average productivity in this area was 1,858 boxes per hectare, showing a fall of 8.44% compared to 2011. Banana exports from Urabá climbed to 65.2 million boxes in 2012, valued at US\$ 543.5 million, showing a fall of 1.82% in volume and an increase of 2.66% compared to 2011.

The average freight on board (FOB) price of Colombian bananas also increased compared to the previous year, from an average of US\$ 7.82 per box in 2011 to an average of US\$ 8.36 per box in 2012.

In Colombia, the traders UNIBAN were the largest exporters and sold 38.5 million boxes of bananas overseas with a share of 42.51% of total banana exports. BANACOL came in second with 14.8 million boxes and a 16.38% share of exports. The third largest trader was BANSAN with an 11.29% share of exports and 10.2 million boxes. The trading company TECBACO took fourth place with a share of 8.38% of exports. AUGURA sells its produce through UNIBAN and BANACOL.

Market

Colombian bananas are imported by Belgium, which is the port of entry to the EU and other European countries (29.41%), the United Kingdom (24.35%) and the United States (17.29%). The European Union currently markets 82.20% of the Colombian exports (i.e. 74.5 million boxes). For the second year running, the EU share of Colombian exports has increased from 65% in 2010. The USA, in comparison, has started to decrease its share of Colombian banana exports.

The United Kingdom was the key importing country in 2013 for the Urabá region, accounting for 28.5% of bananas exported (i.e. 18.6 million boxes). The second market for bananas from Urabá was Belgium, with 22.41% (14.6 million boxes), followed by Italy with a 18.36% share.

⁹ <http://www.augura.com.co>.

¹⁰ Data taken from COYUNTURA BANANERA 2012. Published by AUGURA. <http://www.augura.com/co/>. April 2013.

Certifications

AUGURA has the Eurepgap certification and some of its producers have ISO, Rainforest Alliance and Fairtrade status. In terms of Fairtrade¹¹, there are 34 certified farms (some of which are in fact a collection of multiple smaller farms) in Colombia, of which 25 are in the Urabá region. Colombia exports 6.2 million boxes of Fairtrade certified bananas, which represent 35% of Fairtrade bananas worldwide.

SUMMARY

Colombian labour legislation

The Colombian government authorities report that Colombia is the country that has ratified the most conventions of the International Labour Organization (ILO) among the nations of South America. According to the ILO database, Colombia has ratified 61 conventions, of which 55 are in force.

According to the International Labour Conference of June 2013, the Colombian Government¹² will not be called on to explain to the Committee on the Application of Standards at the ILO's International Labour Conference for the next four years. This is an important achievement for the government given that Colombia is one of the countries with the most cases of missing persons, kidnappings, and deaths of union leaders in the last two decades¹³.

Collective bargaining in the sector

Sector level collective bargaining has the objective of defining the contractual labour relations between employees and employers in a given sector of the economy. It involves the participation of worker representatives (union federation branches or national unions by sector or economic activity) and employer representatives (their employer associations in this sector). The state can also be an actor that participates in this type of bargaining, making it tripartite¹⁴.

11 Data from: Victor Quesada. 'Estudio de Relaciones Laborales y Comercio Justo en la Región Bananera de Urabá. Colombia'. FLO. March 2013.

12 Declaration of the Labour Minister Rafael Pardo for the newspaper El Espectador of June 13th 2013, sourced online at www.elespectador.com.

13 The 2016 ITUC Global Rights Index: World's Worst Countries for Workers. ITUC 2016. Sourced online at https://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf

14 Héctor Vásquez Fernández, Mario Baena Alfonso. Estrategias sindicales: Fortalecimiento de la capacidad negociadora de los sindicatos. ENS 2008. Colombia. At <http://ens.org.co/>.



The number of agreements made at the industry level per sector depends on the labour relations in each country. These agreements can take two forms. They can be made to replace multiple signed agreements at the company level or to establish a minimum level of conditions to be taken into account during all individual company negotiations in the sector. In this latter sense, this can be done by fixing some minimum labour and employment conditions in an industry or sector. They do not exclude individual and complementary collective bargaining at the company level. This has the merit of extending collective bargaining coverage to all the employees of companies in a given economic sector or industry, independently of whether they are unionised or not¹⁵.

An interesting aspect of the Colombian legislation is the “extension by act of government,” which stipulates that when there are collective agreements that include more than two-thirds of the workers of an industry in a determined economic region, the Government can extend these agreements, in whole or in part, to the other companies of the same industry in that region provided that these latter companies are of at least similar or equal economic and technical capacity.

The AUGURA/SINTRAINAGRO collective bargaining agreement

Bargaining at the sector level in Urabá started in the mid-1980s, during the region’s recovery efforts from the violence.

It is fair to say that during the violence, some groups of both workers and of companies started to discover two significant threats to their long-term survival. They were less and less in control of the business relations and trade in general, often as a result of armed groups, and these violent conditions were creating serious risks for the reception of fruits in European markets. From 1986, the first change in regional political logic and strategy occurred which culminated in the worker- employer consensus, which was developed by the so-called General Agreements (Vásquez and Baena, 2008)¹⁶.

Between 1986 and 1989 there were various bargaining processes between unions and groups of producers, but the situation changed in 1989 when the banana industry unions in the region united under a single trade union body: SINTRAINAGRO. This organization presented AUGURA with a list of demands for the entire banana sector due to a strong labour movement, which finally achieved an agreement between the banana companies in Urabá and the trade union organization.

The first negotiations, or General Agreements, consisted of a social pact because both social actors (workers and business owners) made a direct and specific reference to recognising and respecting each other. They also committed to improving the region’s productivity as a common interest. There would be no improvement to living conditions without productivity and no productivity without recognition of labour rights. It was important for the Colombian

15 Héctor Vásquez Fernández, Mario Baena Alfonso. Estrategias sindicales: Fortalecimiento de la capacidad negociadora de los sindicatos. ENS 2008. Colombia. At <http://ens.org.co/>.

16 Madarriga Antonio José. Urabá y las relaciones laborales: paz armada y resistencia desde la civilidad Revista Escuela de Administración de Negocios, núm. 55, septiembre-diciembre, 2005, p. 88, Universidad EAN Colombia. Available at: <http://www.redalyc.org/articulo.oa?id=20605507>.

With the aim of developing modern mechanisms for managing labour relations, facilitating agreement processes and the stability of banana-producing activity, strengthening the industry's competitiveness, consolidating peace and coexistence, preserving the respect and defence of human and labour rights and strengthening the unity and development of the Urabá Region, the present agreement is signed by SINTRAINAGRO and banana-producing business owners and will be governed by the following principles¹⁹.

State to have an active role in this process, which took the form of regaining control of the region by restoring the democratic institutions and demobilising armed groups.

The General Agreements were signed as a negotiation framework by the employees and banana producers' representatives. Among the points covered were salaries, job stability, trade union issues, revolving housing funds and travel allowances for the trade union negotiators and advisors. It was also essential for those companies to prepare the General Agreements within two years to start their negotiation processes. It was not appropriate for the General Agreements to be discussed with respect to their scope or validity¹⁷.

The political situation in the region, like the presence of armed guerrilla and paramilitary groups, complicated the process. Furthermore, there was also resistance by some producers to the regular internal political issues that arise when trade unions combine to form one organization. The leadership of AUGURA and SINTRAINAGRO was the deciding factor in the success of this process, especially for the union who experienced the murder of 614 affiliated workers between 1991 and 2003. By putting employee needs ahead of the guerrilla and paramilitary attacks, the trade unionists were able to maintain their focus.

For the purpose of this study, the Preamble of the General Agreements of 2002 and 2004¹⁸ should be highlighted, as it summarises in general terms, the principles of some good practices in labour relations:

With the aim of developing modern mechanisms for managing labour relations, facilitating agreement processes and the stability of banana-producing activity, strengthening the industry's competitiveness, consolidating peace and coexistence, preserving the respect and defence of human and labour rights and strengthening the unity and development of the Urabá Region, the present agreement is signed by SINTRAINAGRO and banana-producing business owners and will be governed by the following principles:

1. *The parties recognise the legitimacy of the present conventional agreement.*
2. *The parties recognise the need to respect the national constitutional and legal regulations and the international agreements signed by the ILO, ratified by national legislation.*
3. *The parties recognise the importance and necessity of strengthening the trade union organization.*

17 Torres José Fernando – Guaranizo Carlos José. ILO/USDOL project. Campaigning for the improvement of working relationships: Colombia. ILO May 2004.

18 Héctor Vásquez Fernández, Mario Baena Alfonso. Estrategias sindicales: Fortalecimiento de la capacidad negociadora de los sindicatos. ENS 2008. Colombia. En <http://ens.org.co>



4. *The parties recognise the need to ensure the free exercise of the right to association, expression, negotiation and strike for all workers, and especially those in the Workers' Committees, as an essential mechanism of expression of employee-management relationships.*
5. *The parties recognise the need to establish processes which ensure the continual improvement of training and education of the workers' committees and workers in general.*
6. *The parties recognise the need to make activity in the banana industry more transparent, with the aim of ensuring the appropriate and continual flow of suitable information on the entire industry.*
7. *The parties recognise the importance of developing processes which make it possible to improve the living conditions of all those linked to the banana industry.*
8. *The parties recognise the need to promote the environmental and social sustainability of activity in the banana industry.*
9. *The parties recognise the need to develop agreement processes with wider public and private institutions to ensure the development and strengthening of the Urabá Region.*
10. *The parties declare that the company and the trade union organization become common entities through this agreement. In no case will the employer allow or promote practices against the right to trade union association and the appropriate selection of staff representatives or practices, which threaten workers, representatives on the Employee-Management Committee or members of the trade union organization. Agreement should always be sought as the key mechanism for settling arguments, which arise in the course of productive labour and union activity while the present agreement remains in force.*
11. *The parties recognise the need to significantly improve the social indicators of the Urabá Region*¹⁹.

According to the trade union leader, Luis Hernán Herrera:

*The worker- employer relationship is important for the development of the region and the country in terms of social equality and democracy. Even with all the problems that exist, we always maintain a good relationship and good working practices in Colombia, especially in Urabá. We believe that it is a learning process, as much for business owners as for workers, following more than thirty years of conflict in the beginning of the 70s and 80s. We have learnt that it is preferable to have good, communicative relationships; the cases in which conflicts are resolved include platforms for dialogue and negotiation, which can also be used for permanently evaluating practices. This has been working very well and we believe that this mechanism continues to have an important role (L. H. Herrera, personal communication, 2013)*²⁰.

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19 Madarriga Antonio José. Urabá y las relaciones laborales: paz armada y resistencia desde la civilidad Revista Escuela de Administración de Negocios, núm. 55, septiembre-diciembre, 2005. p.89-90.

20 Interview with Luis Hernán Herrera. SINTRAINAGRO Communications Manager - 19 July 2013.

The labour design, the benefit packages and everything else that is implied in the agreement is aiming towards increasing productivity in the area of Urabá which has previously been lost. With all these agreements, we hope to be able to take care of the farms through better productivity levels where the workers hold up their end of the bargain with their commitment and know how (E. Rodas, personal communication, 2013).

The negotiation platforms that Mr. Herrera refers to are part of the agreement. AUGURA, SINTRAINAGRO and the relevant government authorities must hold meetings at least twice a year in which the developments in relation to the General Agreement and the overall situation in the banana industry are evaluated, giving rise to specific agreements and collaborative actions.

Roberto Hoyos, president of AUGURA from 2001 to 2012, stressed:

These forums allow us to benefit from the positive outcomes that we have secured between our union and the workers, as well as giving us the chance to familiarise the government with the various problems encountered by the region (R. Hoyos, personal communication, 2009)²¹.

Authorities from the local councils of the banana-producing hub of Urabá attend these reunions, which are also known as agreement forums.

The General Agreements are incorporated into all the collective negotiations and agreements at the farm level. They include the transfer of administration funds for projects on housing, education and recreation to workers with the intention of improving the region's social statistics.

The agreements also serve to strengthen the union. Similar to collective bargaining, the General Agreement deals with issues such as salary, job security, employment contracts and the resolution of disputes. It also highlights the obligation to improve productivity, an aspect that has become key to the sustainability of these agreements. Efraín Rodas, an AUGURA negotiator for the General Agreements of 2013-2015 has pointed out:

The labour design, the benefit packages and everything else that is implied in the agreement is aiming towards increasing productivity in the area of Urabá, which has previously been lost. With all these agreements, we hope to be able to take care of the farms through better productivity levels where the workers hold up their end of the bargain with their commitment and know-how (E. Rodas, personal communication, 2013)²².

Point no. 18 "Agreement for the Productivity, Sustainability and Honest Labour" was introduced in the General Agreement of 2013-2015, where work duties and activities are established and initiatives for productivity improvements are put in place. It is a new aspect that has yet to be explored in collective bargaining in other countries because they look into improving the performance and profitability of the business. For Adela Torres, General Secretary of SINTRAINAGRO, her vision is that, "those changes increase the productivity and ultimately the stability of the company and of the workers"²³.

21 IUF. Meeting between IUF Latin America, SINTRAINAGRO and AUGURA Advancing social dialogue in Urabá. http://www6.rel-uita.org/sectores/banano/banano_amargo/acuerdo_muy_satisfactorio_en_uraba.htm

22 El Mundo. The banana plantation strike conspired. Economy Section. Medellín, 20th June 2013. <http://www.elmundo.com/>.

23 Interview with Adela Torres, General Secretary of SINTRAINAGRO, 19th July 2013.

The union also succeeded in negotiating, although admittedly, with conditions, permanent contracts and subsequent job stability for a significant number of workers who originally held temporary positions.

However, the producers also managed to negotiate a reduction in various social contributions and benefits that the workers receive. In terms of salary inclusions in the General Agreement of 2011-2013, the salary increase for the first year was set at 5.5 percent and the increase for the second year was set at the rate of the Consumer Price Index (CPI) - the main salary indicator in Colombia. For the most recent negotiation, however, the increase for the first year was set at 4 percent and the increase for the second year was set at the rate of the CPI.

The Minister of Labour, Rafael Pardo, expressed his satisfaction with this management-union relationship model, stating that the agreement had managed to develop in a constructive way. He concluded, “This negotiation adheres to legislation and creates general work satisfaction and economic stability, helping to guarantee that a region like Urabá can continue to grow and thrive”²⁴.

Advances for female workers



The employment of women has been an important issue for SINTRAINAGRO thanks to the strength of the female leadership within the organization. The current General Secretary of the union, Adela Torres, has developed initiatives such as the Campaign for the Employment of Women in the Banana Plantations, ‘We Employ Women Here’. She has been a key promoter of specific clauses on gender within the General Agreements:

*For women, we have achieved a clause that states that farms need to increase the number of female employees. We did this in the previous negotiations and again during this negotiation. This now represents a total of 180 new jobs for women and in each negotiation, we increase this number to ensure that women have work opportunities*²⁵.

One key aspect of this initiative is the alliance on training and employability that SINTRAINAGRO has with SENA (National Learning Service). The training of 288

women began in September 2013, one training session for each banana farm within the collective agreement with AUGURA. Adela Torres stated:

²⁴ Quote from the newspaper El Mundo (previously cited in footnote13)

²⁵ Interview with Adela Torres. June 19th 2013.

Through SENA, we have trained many workers and their families, preparing them for work and better opportunities. The women have played an important role in this process. For example, we have already trained them in banana quality and packing, filing, and occupational health, amongst others tasks.

In addition to the advances in the employment of women, Adela underlined that:

We have also negotiated that the companies give women proper protective equipment for their roles such as shirts, trousers and boots. It hasn't been easy but little by little it is working to the extent that we are giving female members the results that they want.

Resolution of conflicts

AUGURA and SINTRAINAGRO have established a permanent committee for monitoring of the agreement where social dialogue can take place.

There is a workers committee on each farm that deals with labour affairs and they receive advice from the union when necessary. There is ongoing training for the workers committee representatives, which has improved their capacity to mediate problems and manage projects in their workplaces or farms.

In terms of disciplinary procedures, the agreement establishes sanctions in line with the labour legislation of Colombia, which are then strengthened by formal disciplinary processes outlined within the General Agreement.

The way that union-company labour relations and social dialogue are conducted has not resulted in union compromise over important issues such as the right to strike. There have been moments during the past decade where situations of conflict have arisen, such as a strike of 14 days in 2009. However, it remained within the legal framework of Colombian labour legislation.

The last negotiation for the period 2013-2015 took 70 days, a strike was threatened and came very close to being carried out. However, with the direct intervention of the Ministry of Labour and the will of the parties involved, negotiations were resolved without strike action.

Challenges

During the last negotiation in 2013-2015, the losses suffered by producers due to the rising costs of production and the changing exchange rate between the Colombian peso and the US dollar proved to be the most challenging aspect of reaching an agreement. Efraín Rodas of AUGURA summarises this, stating:

Ten years ago, the dollar was equal to \$3,000 (pesos) and today it is equivalent to \$1,900. We have gained \$100 in the last two months but we cannot forget the \$1,100 that we have lost in the last ten years²⁶.

Banana exports are made in dollars, but the costs of production are in Colombian pesos, which have increased in par with the price indices.

The opinion of union leader, Hernán Herrera, is shared by both the workers he represents and the producers he works with:

²⁶ Quote from the newspaper =El Mundo. The banana plantation strike conspired. Economy Section. Medellín, 20th June 2013. <http://www.elmundo.com/>.



One of the key threats that we see is that business owners are concerned that they will need to stop their operations on the pretext that profits are too low. We believe that maintaining job stability is a social problem. It isn't only an issue for business owners and workers, but also an issue that must be of interest to the Colombian Government. The exporters need to bargain with consumers so that they pay better prices, because the key issue is the low prices paid for bananas which have not increased for more than ten years. We believe that the national government must take interest in researching a redistribution of income along the banana supply chain to improve conditions.

Many small and medium producers fear farm closures according to a recent study by Fairtrade International (FLO), previously cited. This represents a majority of producers in the region, as over two-thirds of the banana farms in the region are smaller than 50-70 hectares. In January 2013²⁷, a newspaper report warned about the risk of the closure of 32 farms and the possible loss of 3,000 jobs, which would have consequences for the region's security, a concern shared as much by unions as by companies.

CONCLUSIONS

The need for strong democratic institutions could be seen in the complexity of the violent situation in Colombia, where multiple points of conflict by guerrillas, the paramilitary and drug-traffickers were exacerbated by political violence, crime and impunity. A greater respect for labour and human rights must be encouraged in order for peace-making efforts to be successful in any region of the country.

The unique case of Latin American banana plantations should be understood in this context. Collective bargaining exists in the Colombian banana sector under the control of the General Agreements, which covers 98 percent of the region's plantations in Antioquia. A single collective bargaining agreement between AUGURA and SINTRAINAGRO benefits more than 18,000 banana workers in Urabá.

In the words of Guillermo Rivera, president of SINTRAINAGRO²⁸:

I believe that there is a good relationship between workers and business owners. The model that has been carried out in Urabá has been recognised by the ILO. It is a model that does not result in reducing salaries, but increasing them. This model has allowed us to improve living conditions for banana workers in the workplace and beyond. The Government has tried to implement this agreement model in other sectors of the country, but it hasn't been easy as it involves some advanced processes to enable us to have good worker-employer relationships, as well as with

I believe that there is a good relationship between workers and business owners. The model that has been carried out in Urabá has been recognised by the ILO, it is a model that does not result in reducing salaries, but increasing them. This model has allowed us to improve living conditions for banana workers in the workplace and beyond (G. Rivera Zapata, personal communication, 2013).

27 El Colombiano article. 'Cierre de fincas por crisis bananera en Urabá. 23th of January 2013.

Sourced online at www.elcolombiano.com

28 Interview with Guillermo Rivera Zapata, President of SINTRAINAGRO. 19th July 2013.

the State. We have very important models that have been recognised by the State during the last negotiations, in which the State was represented by the Ministry of Labour. They were permanently at the bargaining table, trying to avoid a strike and achieve a good agreement for the workers.

To conclude this case, it is useful to refer to the findings of the 2004 ILO study 'Campaigning for the improvement of working relationships: Colombia', and the authors' comments on the lessons learnt in Urabá²⁹:

This process shows, without a doubt, some very special characteristics. Given the high level of confrontation and violence that arises in the zone as well as the peace achieved, it offers alternative teachings for any peace-making process in the region. In this regard, it goes beyond mere labour relations. However, we will limit ourselves to this so as not to lose focus in this study. Yet, in all cases it is necessary to clarify that had peace in the region not been achieved, and without the participation of all of those who worked together to achieve this goal, it would not have been easy to make sustainable improvements labour relations.

Key lessons learnt in Urabá:

Unified list of demands

The presentation and the pre-discussion of a unified list of demands contributed significantly to the way in which the labour relations were developed. The idea of a negotiation that standardised the working conditions for banana workers was originally rejected by business owners. However, when they finally accepted this proposition it soon proved itself to be beneficial as it eliminated tiered bargaining that left the region in permanent negotiation of collective bargaining conflicts. Collective bargaining has brought different benefits as it identified common interests, transformed relations, gained legitimacy for the bargainers and helped define appropriate issues that would also contribute to social peace.

Raising awareness about the need to protect the business

All the parties involved are aware that if the banana business is not maintained it will affect them all: business owners, workers and the entire region. Banana company owners should be aware that protecting their industry starts with improving the living conditions of the groups of people who directly participate in its development, as well as those in its immediate environment. This will strengthen AUGURA, and enable them to invest industry resources into social infrastructure. It also serves to invite other institutions to promote and develop joint programs and to call upon the state to fulfil its responsibilities.

The employer is a partner

As expressed by a trade union leader, it must be understood that the employer is not an enemy, but a partner.

The need for salary systems based on productivity

This is an issue that is conventionally enshrined as having undeniable benefits for both workers and the company (when above minimum wage levels)³⁰.

ANNEX: 'What can we learn from the banana experience in Colombia? Study on industrial relations on Fairtrade certified farms in the Urabá region' Victor Hugo Quesada, Fairtrade International March 2013³¹

29 Torres José Fernando – Guarano Carlos José. ILO/USDOL project. Campaigning for the improvement of working relationships: Colombia. ILO May 2004 Pg 36-37

30 Torres - Guarano. ILO. Op cit. Pg 36-37.

31 https://www.fairtrade.net/fileadmin/user_upload/content/2009/resources/2013-03_Industrial_relations_Colombia_study_



CASE 3



Honduras: Two agreements – one national and one multi-national company

This case study examined two collective bargaining agreements in Honduras; one between the Tela Railroad Company (a Chiquita subsidiary) and the trade union SITRATERCO, and the other between the independent national producer Guaruma Agro-industrial S. de R.L and the trade union SITRAGUA. This study focused on the differences between these two examples of successful labour relations in Honduras and attempted to draw out some key lessons through analysis of the practices of a large multinational producer/trader compared to those of a small national producer/supplier.

BACKGROUND

In 1954, the labour movement burst onto the scene in Honduras when more than 30,000 workers went on strike for 90 days in response to the precarious working and living conditions in the banana plantations. This forced the United Fruit Company (now Chiquita/Tela Railroad Company) to negotiate and accept the representation of workers by a trade union. In 1958, after four years of dialogue following the strike, a collective bargaining agreement (CBA) was signed between the union, which is now known as SITRATERCO, and the United Fruit Company. This event is still seen as a milestone in the history of the Honduran trade union movement. Since then, 16 separate CBAs have been negotiated and reviewed.

The history of the Guaruma Agro-industrial/SITRAGUA labour relations and collective bargaining agreement is much more recent. The original agreement was signed in 2006 and three agreements were negotiated since then, the latest for the period: November 2011 to November 2013.

The key aspect that distinguishes the collective bargaining process in a large company such as the Tela Railroad Company from a relatively new and small company like Guaruma Agro-industrial is the former's long-standing presence and influence in banana production. The Tela Railroad Company celebrated its centenary in June 2013. Throughout this period of operation, the company gained control of huge territories, which it acquired through concessions granted by the Honduran State.

SITRATERCO members have continually fought to ensure that the workers see the benefits of these concessions and have negotiated large social projects with the company, including housing, schools, sewage systems, drinking water, electricity, recreational clubs and union facilities. Their demands included a private health system. A hospital was built and it is still considered one of the best in the country. In the eyes of the banana plantation workers, this period is still seen as the 'golden age' of the big union demands.

However, times have changed drastically since then. One of the consequences of the so-called 'banana wars' in the European market during the 1990s was the decision by the large fruit producers and traders to gradually reduce their fruit-producing activity and contract out this area of their business to smaller, independent producers. By reducing their direct ownership of plantations, the large companies were able to reduce the direct financial impact of climate-related and other risks. In Honduras, the main driving force behind this trend was Hurricane Mitch in 1998. This hurricane destroyed approximately 70 percent of the banana plantations in the country. It also affected production in other countries in the Central America.



Following the catastrophe of Hurricane Mitch, Tela Railroad Company only restored 50 percent of its productive lands, thus cutting its workforce by at least half. This drop in production and employment levels were seen across the industry. In order to bring the production and export volumes back to close to their pre-Mitch levels and to make up for the reduced output from the Tela Railroad Company plantation, Chiquita began buying from national independent producers, such as Guaruma Agro-industrial S. de R.L. This trend, whilst being an opportunity for the small and medium-sized national producers, had significant impacts on the workers and trade unions.

As a result, the Union of Tela Railroad Company Workers (SITRATERCO) saw its membership dramatically decline. In the early 1990s, SITRATERCO had around 6,000 members, which dropped to 2,000 at the time of the interviews in 2013. The representative strength of SITRATERCO, historically the flagship union within the banana sector, was also therefore in decline.

Male and female workers found themselves having to relocate to find work on other plantations or in other jobs without the protection offered by the collective bargaining agreement that had been in place between SITRATERCO and the Tela Road Company since 1958. SITRATERCO therefore began to concentrate mainly on the issue of job security for their members, rather than surpassing their past demands and victories.

Another key issue was the concurrence of the recovery of banana harvests and the technological changes and new production practices, both of which were altering working conditions and challenging the unions' ability to safeguard the labour and social rights that they had established before Mitch struck.

Once the aftermath of Mitch was over, the unions began to embark on the challenge of creating a union presence within the small and medium-sized national producers and reviving the collective bargaining processes that had previously existed. However, in comparison to the large transnational corporation who had well-developed social standards and company codes of conduct, the independent banana-producing sector had little experience in this area. They were not ready for their workforce to be organized. They argued that they were not in a position to adopt the employment benefits that the large foreign companies could provide at a time when financial investment would take years to recover after Mitch.

The union leadership recognised that the independent employers or suppliers did not have the same capacity as the transnational corporations when it came to offering some social concessions. However, they could not allow workers to work in an environment where national labour standards as outlined in legislation could not be guaranteed. Organizing workers in these work centres and plantations depended on opening up the possibility of social dialogue with employers to come up with joint solutions to these challenges.

Miguel Romero, the General Secretary of SITRATERCO in 2011³², points out:

We always compare the past and present, and of course we think things were better in the past because back then, even with the small salary that he had, a worker could satisfy a lot of his needs. But today things are different and so there is a lot of dissatisfaction (Torres, 2004).

32 Torres José Fernando – Guaranizo Carlos José. ILO/USDOL project. Campaigning for the improvement of working relationships: Colombia. ILO May 2004. Pg 14.

It was during these difficult times that the relationship between Guaruma Agro-industrial and SITRAGUA began, which was in a very different context than the 'golden days' of the Tela Railroad Company and SISTRATERCO agreement. This is why the agreement with this independent national producer is a ground-breaking and important initiative for the current Honduran banana industry.

The current state of the banana industry in Honduras

The Honduran banana industry has not seen any major growth in its production volume due to the regular impacts of climatic events and minimal government-backed policy to support the promotion of banana exports.

The following table, using data from the Central Bank of Honduras³³, shows that the performance and value of Honduran banana production has been fairly stable over the last five years.

| BANANAS | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------------|-------------|-------------|-------------|-------------|-------------|
| Value (millions of US\$) | 383.8 | 327.2 | 335.4 | 397.8 | 442.4 |
| Volume (Boxes 40 lbs) | 30,300.3 | 26,253.1 | 25,979.9 | 26,953.1 | 29,418.0 |
| Price per box | 12.66 | 12.46 | 12.91 | 14.76 | 15.04 |

Some 95 percent of Honduran bananas are destined for the North American market. The industry has tried to approach other markets in China and Russia without much success. However, the Honduran Legislative Congress recently approved an association agreement with the European Union and all the banana industry stakeholders in Honduras hopes that this will open-up new markets in Europe.

Honduran labour legislation

Honduras has ratified the eight ILO Fundamental Conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). However, the country has yet to ratify other important conventions related to social dialogue, such as the Collective Bargaining Convention, 1981 (No. 154) and the Workers' Representatives Convention, 1971 (No. 135). The Honduran union movement has been lobbying the government for a number of years to ratify these two conventions to strengthen the position of unions in the workplace.

The ILO Committee on Freedom of Association has highlighted that in the Honduran case, the existence and recognition of a union depends on the decision taken by the labour authorities when the union is registered. In other words, the union only officially exists when it has obtained state registration and recognition. This is often a long and complicated process that not only obstructs the protection of the rights of workers to form a union but also allows sufficient time for employers to take action against the workers who are organizing.

As it pertains to collective bargaining, the national legislation lays down the procedures for processes such as mediation, conciliation and arbitration. Within the Ministry of Labour, there is a department for collective bargaining which controls and records the negotiations and to which the unions are required to announce the collective agreement by presenting a list of their demands to be negotiated. A 'Procedure for Debate' is then used to set out the guidelines for negotiations.

³³ Table based on Banco Central reports on its website. www.bch.hn



KEY FACTS

The unions

The two unions involved in this case are the Union of Tela Railroad Company Workers (SITRATERCO) with 2,000 members (600 women) and the Union of Workers of Guaruma Agro-industrial (SITRAGUA) with 164 members (50 women).

In February 2013, at the time of the interviews, both SITRATERCO and SITRAGUA were company specific unions. However, in April 2013, SITRAGUA merged with another union to form an industrial organization called the Union of Workers in Agro-industrial and Related Industries (STAS).

Since 1994, the Coordinating Body of Banana and Agro-industrial Workers of Honduras (COSIBAH) grouped all unions operating in the Honduran banana industry. In 2013, this body merged and changed its name to FESTAGRO (Federation of Non-Industrial Workers Unions). Approximately 3,000 banana workers are organised by FESTAGRO member unions. FESTAGRO is affiliated with the Coordinating Body of Latin American Banana and Agro-Industrial Workers Unions (COLSIBA).

For the purpose of this study, interviews were carried out with Mr. Armando Martínez, General-Secretary of SITRATERCO and Mr. Tomás Membreño, President of SITRAGUA.

The companies

The Tela Railroad Company is over one hundred years old and was founded in 1913 by the United Fruit Company, which is now Chiquita Brands International, of which Tela Railroad Company is a subsidiary.

Currently, the Tela Railroad Company owns 2,600 hectares of bananas and it employs 2,000 workers, of whom 600 are women. Its production is estimated at around 7 million boxes per year, all destined for the US.

The national producer Guaruma Agro-industrial S. de R.L owns two farms - 'Sula Vale' and 'Agroindustrial la Mesa' - with a combined area of 186 hectares. They employ 164 people, 30 of whom are women. Its production in 2012 was 37,500 boxes of bananas with the majority being sold to Chiquita and some being sold on the local market.

The only connection between the two companies is that they both produce fruit for the Chiquita brand. This means that both Guaruma Agro-industrial and Tela Railroad Company are obliged to adopt certain aspects of labour relations that the transnational corporation has outlined in its Code of Conduct and within the CHIQUITA/IUF/COLSIBA Regional Framework Agreement. This agreement covers Chiquita's and its suppliers' plantations across the region.

Both companies also belong to the of National Association of Banana Producers of Honduras (APROBANA), which has a membership of 27 companies. APROBANA owns an area of 8,000 hectares and provides some 6,000 jobs.

They are relations that are based on mutual respect and on carrying out the commitments made in the collective bargaining agreement - that permeates good labour relations. Whenever you negotiate a collective bargaining agreement, there are expectations that social and working conditions will improve (A. Martinez, personal communication, 2013).

Chiquita's total banana exports from Honduras in 2012 stood at around 12 million boxes, 4 million of which were purchased from independent producers. In comparison, the multinational Dole exported more than 25 million boxes from Honduras³⁴.

Certification

Both companies have Rainforest Alliance and Global Gap certification. Standards are also implemented by the National Agricultural Health Service, SENASA, which is not a certifier but a state body controlling agricultural and farming health.

For the purpose of this study, interviews were carried out with Mr. Jorge Madrid, Labour Relations Manager at the Tela Railroad Company and Mr. Arnold Bueso, General Manager of the Guaruma Agro-industrial S. de R.L.

SUMMARY

Key advances

When the SITRATERCO leader Armando Martínez was asked what 'good labour relations' meant, he replied:

They are relations that are based on mutual respect and on carrying out the commitments made in the collective bargaining agreement - that permeates good labour relations. Whenever you negotiate a collective bargaining agreement, there are expectations that social and working conditions will improve.

The national producer, Guaruma Agro-industrial, believes that in order to create good labour relations you must be open and transparent with the workers from the very start and provide basic training and capacity building to help workers understand the environment in which the company is working, particularly in terms of market realities.

When we - and I say 'we' because I include the union - set out explaining the reality of the company's situation, we opened the books so they were aware of our economic situation. From that starting point, we have taken into consideration that what makes the business sustainable is productivity and the basis for success is that we have made the workers aware of the costs and of the fact that there are certain matters that are not under our control (whether that be the company or the union). Things like consumables, for example, which in recent years have rocketed in price. Fertilisers are going up, as is fuel (Manager, Guaruma Agro-industrial, 2013).

34 Honduran newspaper 'El tiempo', 29 May 2013 www.eltiempo.hr



The trade unions seem to have taken into account the realities faced by the companies whilst they are negotiating CBA's and conditions for workers:

Collective bargaining is carried out based on the capacity of the national producer concerned; you can't demand the same conditions that the unions have in their collective bargaining agreements with the transnational corporations from a national producer (SITRAGUA leader, 2013).

Productivity bonus

In the Tela Railroad Company, the productivity bonus is an important part of the collective bargaining agreement:

One of the key clauses in our relationship is the productivity bonus. The workers can take ownership of the process every day and they then look to improve their attendance, quality and output so as to get the best score and earn the top bonuses. But the benefits work both ways as the company is getting an improvement in the productivity levels and the worker is getting more money. The bonus productivity clause is sustainable because both parties have realized that it is a win-win process and we are seeing the results of that in every single quarter.

In Guaruma Agro-industrial:

There is an annual production bonus based on the number of boxes processed and the productive practices are laid down in the collective bargaining agreement, as are the working conditions and prices (SITRAGUA leader, 2013).

While both companies use bonus schemes, there seems to be a difference in the way they are applied. At Guaruma Agro-industrial, workers are paid at the end of the year while at the Tela Railroad Company, they are paid out quarterly.

There is also a difference between the two companies in the productivity required to earn the bonus. The productivity bonuses are tied to the average productivity levels in each plantation. For Guaruma Agro-industrial's farm at Sula Vale, the productivity is 2,195 boxes per hectare while at its other farm, Agroindustrial La Mesa, the productivity is lower at 1,830 boxes of bananas per hectare. As for the Tela Railroad Company, the level of productivity was 2,625 boxes per hectare in 2011³⁵.

It can therefore be summarised that the possibility of earning the top bonuses can depend on the size of the company and its productivity per hectare but there is no data on this correlation or on what bonus percentage the unions agreed to. What does stand out in the interviews, however, is that good labour relations lay the foundations for a possible improvement in the company's overall productivity.

The Director of Tela Railroad Company concluded by saying:

When both parties direct their efforts to the goal of obtaining improvements in an operation's efficiencies and these are clearly stated in a collective bargaining agreement, it definitely helps us be more competitive and enables us to offer products that are cheaper for the company to produce. This can only be done by making our processes more efficient.

³⁵ Data taken from an interview with Mr Jorge Madrid in: ILO. Good Practices in Collective Bargaining in Honduras (Buenas Prácticas en Negociación Colectiva en Honduras). 2011. Page 11.

Advances for female workers

In Guaruma Agro-industrial, where 18 percent of workers are female, efforts are being made to maintain and increase women's employment in the packing plant and in the plantation. Female workers turn out to be extremely efficient and productive in the cultivation and seeding process and in the application of fertilizers, jobs that were previously only given to men. The company has therefore been supporting women to take on these roles. The majority of their female workers are also single mothers so the company makes sure to adhere to commitments in the CBA towards days off to care for children, in particular in cases of illness.

In Tela Railroad Company, 30 percent of workers are women, which is outstanding for the Latin American region. A key element of their gender policy is to ensure that these female workers have the opportunity to work their way up the company to managerial levels and to take on roles of supervisors in the packing plans, which is again a rare role for women in the region.



Resolution of conflicts

The national legislation on collective bargaining outlines guidelines for resolving labour grievances, namely through dialogue. Both of the agreements within the case therefore lay down the formal grievance procedure, if required.

The Manager at Guaruma Agro-industrial, says their relationship with SITRAGUA:

...can be described as very harmonious. There are always some conflicts but they are resolved with dialogue. When there are problems in the workplace, we work with the union leadership so they can verify what is happening and we make it clear to the worker what is going wrong. Then, if the worker does not improve in the areas we have raised, we take legal steps.

The Tela Railroad Company holds weekly meetings in different work units with section leaders from SITRATERCO in order to evaluate aspects of work and production and to take steps to prevent matters from escalating.



This is a practice that Guaruma is currently testing. According to their General Manager:

One of the things that we want to implement this year is holding a small work meeting on a weekly basis with supervisors, middle managers and workers from the packing and the cultivation operations. At these meetings they will be able to point out what we are doing right but also deal with and any small issues, so that they can be rectified at this level without needing to take the matter any higher. I want what is best for Honduras and if there is any way we can find more harmony between capital and labour, we have to go looking for it because we are part of a huge community called Honduras and we have to go in search of peace (A. Bueso, personal communication, 2013).

The union is part of a transnational corporation which has its own market. This favours the workers because job security can be maintained (A. Martinez, personal communication, 2013).

Challenges

All parties mentioned are concerned about the changing market, climatic risks and the lack of clarity regarding new export markets. This, however, is an area where Guaruma Agro-industrial is more vulnerable than the Tela Road Company. SITRATERCO pointed out, that ‘the union is part of a transnational corporation which has its own market. This favours the workers because job security can be maintained’ (A. Martinez, personal communication, 2013).

CONCLUSIONS

The development and impact of constructive labour relations can depend on multiple factors, such as the length and history of the relationship between the company and the union, the company’s size and productive capacity and the role and influence of the company within the supply chain and market. However, despite the very different realities faced by the two unions and companies studied for this case a number of common lessons can still be drawn.

Collective bargaining forms an integral part of setting bonus schemes, which help to maintain productivity levels in the plantations and packing houses of both companies studied in Honduras. The unions and workers recognise the importance of the company’s productivity and its link to job security and the quality of work. However, across Latin America’s banana sector, the opposite is often stated as true: that collective bargaining impinges on productivity and profits. It is crucial that this misconception is corrected by raising awareness of the positive examples of both the large multinationals, like Dole, and small national producers in Honduras.

You have to keep three fundamental aspects in mind: engaging in a direct and honest dialogue, setting out proposals within the business's reality, and above all, acting in good faith. Combining these three factors drives the negotiations forward (The Tela Railroad Company General Manager, 2013).

Lessons can also be learnt on how both companies use bonuses to stimulate these productivity levels. Although productivity per hectare may differ greatly between producers depending on economies of scale, infrastructure, technical expertise or environmental issues, these productivity bonuses are still relevant for producers. They are indeed a key example of where the negotiation processes within CBA's can be of mutual benefit to both workers and the company.

The collective bargaining agreement lays out the responsibility of both parties in regards to quality, output, efficiency and productivity. We feel that the company has been competitive and that the good understanding with the union has played a large part in this success (SITRAGUA representative, 2013)

What stands out in Honduras, as seen in both of these cases, is that collective bargaining is not simply a list of demands but rather a basis for establishing guidelines and tools for maintaining good and sustainable labour relations towards workplace improvements that are of mutual benefit. The Tela Railroad Company General Manager states that:

You have to keep three fundamental aspects in mind: engaging in a direct and honest dialogue, setting out proposals within the business's reality, and above all, acting in good faith. Combining these three factors drives the negotiations forward.

Both SITRATERCO and SITRAGUA work closely together through FESTAGRO and enjoy a mutually supportive relationship whereby they analyse and share experiences on creating the conditions for sustainable labour relations and collective bargaining. However, it is not clear to what extent the companies, and their shared exporter Chiquita Brands Int., support a similar process of sharing of good labour practices.

With such a wealth of knowledge and experience having been gained over the previous 55 years from collective bargaining between SITRATERCO and Tela Road Company, it is important that Chiquita play a role in supporting and empowering their other suppliers to follow this example. The existence of the Chiquita/IUF/COLSIBA Regional Framework Agreement could provide an opportunity and platform to analyse the examples of successful labour relations in Chiquita plantations across the region and work towards replicating these examples in owned and supplier plantations that are not currently benefiting from productive worker company relations.

Across Latin America, there tends to be a resistance on the part of the multinational companies to support their providers to act in accordance with the codes of conduct that underlie their commercial and productive relationship. This problem is further exasperated by the outsourcing of production and subsequent reduced influence over the day-to-day running of banana operations. Across the Latin American region, Chiquita now depends on supplier plantations for 70 percent of their banana exports, up from 30 percent just 10 years ago. This trend highlights the importance of promoting collective bargaining with the independent



CASE 4



Guatemala: A social pact - SITRABI/
BANDEGUA-Del Monte

BACKGROUND

Since joining the International Labour Organization (ILO) in 1919, Guatemala has ratified 73 of its Conventions, including Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and Collective Bargaining Convention, 1981 (No. 154). Guatemala does in fact have exemplary labour laws in relation to other countries in the region, but there is institutional weakness in terms of implementation of these laws. The country's legacy of years of violence and unrest affects the working environment on a national level and in diverse sectors.

During the last 18 years, Guatemala has been under review by the ILO and in March 2012 the Governing Body of the ILO approved a report from its Committee on Freedom of Association examining a number of complaints from Guatemalan trade unions concerning violations of the fundamental rights of workers.

The Committee expresses its deep concern over [...] the numerous murders, murder attempts, acts of aggression, death threats, kidnappings, harassment and intimidation of trade union leaders and members, as well as over the allegations concerning the elaboration of black lists and the climate of total impunity.

The Committee also regretted that the Government had only responded on some of the cases, noting that:

*The absence of court cases against the guilty parties leads to a situation of de facto impunity that aggravates the climate of violence and insecurity, and is extremely prejudicial to the exercise of trade union activities*³⁶.

The ILO's Commission of Experts on the Application of Conventions and Recommendations (CEACR) resolved to send a commission of observers to Guatemala in 2013 to investigate these violations.

According to the 2013 ITUC Report on Violations of Trade Union Rights³⁷, Guatemala had become the most dangerous country in the world for trade unionists. The report mentioned that since 2007, at least 53 union leaders and representatives had been killed, but no one had ever been convicted for these crimes.

Activists in the banana sector had been disproportionately targeted. Violence against banana union leaders had escalated since the murder of SITRABI union leader, Marco Tulio Ramirez, in September 2007. In 2011 alone, six members and ex-members of SITRABI were killed. Members of the Executive Committee of SITRABI continue to be the victims of intimidation and harassment.

It is for this very reason that the collective bargaining agreement on working conditions between the company Bandegua, subsidiary of Fresh Del Monte Inc., and the Union of Banana Workers of Izabal (SITRABI) is very significant. Not only considering the length of time that this agreement has been in place – over 40 years – but also because it has survived innumerable difficult chapters in Guatemala's labour and political history.

36 http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_176577.pdf

37 Countries at risk: Violations of Trade Union Rights"ITUC 2013, page 20. Sourced online at http://www.ituc-csi.org/IMG/pdf/survey_ra_2013_eng_final.pdf

The history of the Guatemalan banana industry

In the past, the media sometimes designated Guatemala as a one of the ‘banana republics’ where the United Fruit Company (now Chiquita Brands Int.) once owned huge tracts of land. The industry has tripled in size over the last decade. Guatemala exported almost 2 million tonnes of bananas in 2013, accounting for nearly 10% of world trade. One in every three bananas eaten in the USA comes from Guatemala. Some 98% of Guatemala’s bananas are destined for the USA while only 2% for Europe.



SITRABI poster: ‘Which would you eat? Unionised or non-unionised banana?’

Over 80 percent of Guatemala’s banana production takes place in the Pacific South with the remainder being grown in the Caribbean coastal plain of Izabal. In Izabal, nearly all 5,000-6,000 workers employed by Del Monte (Bandegua), Chiquita (COBIGUA) and a handful of national producers, are unionised. By contrast, the Pacific South represents the opposite as far as unions and other labour rights are concerned.

The SITRABI/BANDEGUA CBA has an unusual history. An important event in the labour relations between the two actors was the announcement to the union by company lawyer, Marco Antonio Garcí, that Del Monte intended to close the BANDEGUA plantations as they were no longer economically productive. As a result, the Executive Committee of SITRABI and the BANDEGUA company directors initiated dialogue to attempt to resolve this situation.

During the subsequent meetings between the company and the union, it became apparent that the plantation administrator at the time was the main obstacle to constructive labour relations. Consequently, he was asked to leave the company. During this period, a number of workers were also dismissed as it was apparent that they had no interest in improving labour relations or contributing to the sustainability of the company’s operations either. This mutually respected policy of prioritising the future of the company in these challenging situations greatly supported the development of positive and constructive labour relations between SITRABI and BANDEGUA.

Ongoing international support and solidarity from civil society organizations in the USA and Europe, who put pressure on Del Monte to improve working conditions along its banana supply chains, assisted the process and subsequent successful negotiations of the CBA at key points within the 40-year history of the agreement.

In the case of BANDEGUA, the support from the IUF and the Danish trade union 3F directly facilitated dialogue. For example, they provided expert accompaniment in key union/ company meetings to assist in the resolution of conflicts and come up with concrete strategies for improving labour relations and productivity. This has supported the ongoing success and sustainability of both union/company labour relations and BANDEGUA fruit production and trade.

KEY FACTS

The union

On 9 June 1947, the Izabal banana workers founded the Trade Union of United Fruit Company Workers (SETUFCO). The workers changed the name of their organization to the Union of Banana Workers of Izabal (SITRABI) 25 years later, when the company decided to sell its property to the transnational Fresh Del Monte Inc. This is the oldest private sector union in the country.

SITRABI is affiliated with the national union confederation, the CUSG, and is also a member of COLSIBA and the ITUC (International Trade Union Confederation).

For the purpose of this case study, an interview was carried out with Noe Antonio Ramirez Portela, SITRABI General Secretary and Selfa Sandoval, SITRABI Women's Secretary.

The company

The Banana Development Company of Guatemala (BANDEGUA) is a subsidiary of Fresh Del Monte Inc. and is dedicated to the production and marketing of its own bananas as well as those from other national suppliers.

Fresh Del Monte Inc. generally functions as a transnational trader and marketer within the banana industry, but they also produce and process multiple other fruits across several continents. They control approximately 15 percent of the world banana trade.

Production

BANDEGUA's production area is 4,000 hectares with a yearly production rate of more than 11 million boxes of bananas in 2012. On average, they produce 3,100 boxes per hectare, one of the highest yield per hectare rates in Central America. This rate has been steadily increasing over the past 10 years, affected only by climatic events in 2010.

Employees

BANDEGUA now employs a total of 3,227 people (compared to 2,516 in 2004) and has maintained a steady growth in labour recruitment of approximately 3% per year over the past five years. In the packing plant, 59% of employees are female and 41% male.

Certification

BANDEGUA is certified by Rainforest Alliance and by Global Gap.

Market

In the United States, the supermarket Wal-Mart buys 60 percent of BANDEGUA bananas, and the remaining is sold to retailers such as ALDI and COSTCO.

For the purpose of this case study, an interview was carried out with Mario A Carrero, BANDEGUA Director of Operations.



SUMMARY

The SITRABI/BANDEGUA Collective Bargaining Agreement

In the first section of the Guatemalan Labour Code, 'General Provisions and Collective Agreements for Companies and Determined Centres of Production,' collective bargaining is defined in Articles 49 and 50. The particularity of the Guatemalan collective agreements is that they are 'two-way agreements' because they look at the rights and obligations of the company as well as of the workers.

During the interviews, this reciprocity was highlighted as a key factor in the sustainability of the SITRABI/BANDEGUA agreement. BANDEGUA fulfils its obligations on conditions and benefits to workers and in turn workers fulfil their obligations to the company on quality and productivity. The workers thus support the company in producing and marketing the maximum amount of fruit at the highest quality.

The latest collective bargaining agreement between BANDEGUA and SITRABI was signed on 9 May 2012 and is valid until May 2015. According to SITRABI leaders, it was negotiated quite rapidly in 16 sessions. A meeting was held to view and agree upon the articles that needed to be changed. The union and the company both presented some of these initiatives for changes. Both the company and the union have many years of experience in negotiating the CBA; therefore, the process is now very effective and quick. In the case of clauses to which no changes are required, there isn't usually a need for discussion.

As part of the collective agreement negotiations, decisions are made on the internal regulation of work (or agricultural practices) in terms of workplace conditions and the description of each worker role. The company, union and employees must comply with these defined agricultural practices and this significantly contributes to the company's efficiency levels in each production and packing area.

For example, when looking at wage rates and productivity levels for workers in the packing plant, the minimum output is 45 boxes per hour, but if a worker would like to earn more, they can pack up to a maximum of 60 boxes per hour. This is a mutually beneficial agreement because it helps the company manage and increase productivity whilst giving the worker the ability to earn a higher salary.

The figures of the Guatemalan government estimate the national minimum agricultural wage to be approximately half the cost of a 'basic basket of goods'. Many banana workers are the sole income providers within their family.

Comparative figures for National Minimum Agricultural Wage and the average daily salary at BANDEGUA

(Data supplied by the company - 1 Quetzales (the national currency) = 0.13 USD\$)

| Description | 2010 | 2011 | 2012 | % increase 2010 to 2012 |
|----------------------|----------|----------|----------|----------------------------|
| Legal Minimum Wage | Q 56.00 | Q 63.70 | Q 68.00 | 18% |
| Harvest | Q 162.00 | Q 194.00 | Q 207.00 | 22% |
| Bagging | Q 155.00 | Q 173.00 | Q 178.00 | 13% |
| Packaging | Q 141.00 | Q 178.00 | Q 208.00 | 32% |
| Average general wage | Q 165.00 | Q 181.00 | Q 189.00 | 13% |

The union has, however, noted that minimum wage payments, and those agreed within the CBA, are not always respected by BANDEGUA.

The agreement ensures a number of other key benefits for employees over and above national labour legislation:

- Employees are provided with housing, including an energy grant (117 Killowatt hours per month - the basic amount for decent living standards) and free and unlimited drinking water. 225,000 Quetzales/\$3,500 was also provided to create a drainage system for worker housing.
- Children's education - the company owns two private schools (Choctaw and Quirlqua) which have a total of 1,108 primary level pupils. The company is obliged to provide all textbooks and school supplies for the entire year. In order to further improve the children's education, the company gives individual scholarships of Q 105 (\$15) a month. An allowance is also given for the children's participation in national celebrations every 15th of September. The company has stressed that although 19 percent of the Guatemalan population between the ages of 7-19 are illiterate, the illiteracy level amongst BANDEGUA employees is only 1.3%. Thus, the schooling support for their children of employees is both important and effective.
- A health clinic for employees and their families (parents and children), offering them better medical attention than in the public health system.
- Three vehicles are provided for use for union activities.

The company also has very little temporary staff because the types of work that can be done on a temporary basis are agreed within the CBA. Moreover, BANDEGUA is the only Guatemalan agribusiness company that has increased its permanent staff (26 percent) over the last three years. The Company Director stated that having permanent staffing is key for the sustainability of the collective bargaining agreement.



Advances for female workers

With support from the COLSIBA Women's Committee and guidance from their Regional Agenda for Female Workers, SITRABI has succeeded in negotiating a number of provisions for female workers within the CBA with BANDEGUA, over and above national labour legislation. For example:

- Maternity leave - a clause has been added stating that the company will provide an extra week of paid maternity leave for every mother who has a non-voluntary caesarean section during birth.
- Previously, a private company was paid to wash the worker's aprons but within the CBA it is agreed that the women will each wash their own apron and the company will pay them for this work, resulting in an increased income for the female employees.
- Female workers can have a day of paid holiday for the annual celebration of International Women's Day (8 March). The company provides replacement workers.
- The adjustment of wages for common work-related diseases and accidents, which historically had been only paid to men. For example, if a female employee has to take over nine days off sick due to a work-related illness, the company will make a salary adjustment of an additional 25 percent for up to 60 days.
- Female employees are allowed up to ten days of leave per year to care for their children when they are ill. Traditionally, getting permission to take a child to the doctor was difficult for women but within the CBA these requests are acknowledged as justified and are not included in the workers personal allowance of up to ten days sick leave.

These are just a few examples of the advances for female workers within the clauses of the SITRABI/BANDEGUA agreement. This case is viewed and regularly referred to as a key example and model for the incorporation of the rights of female workers into the clauses of CBA's within the region.

Resolution of conflicts

In spite of general positive relations between the union and company, there are always issues that are challenging to overcome with individual plantation administrators, workers, or in some cases with land owners. During the 40 years of this CBA, there have been a number of conflicts between the union and the company, which have threatened the sustainability of the agreement. However, the mechanisms in place to resolve such conflicts have so far held up to these pressures.

The workers and union representatives can voice their concerns and daily complaints with designated company representatives. The union representatives regularly visit work places to identify and discuss any problems that arise, and they are allowed free access to the plantations and packing plants.

A labour-management committee known as the 'Permanent Joint Council' is required to meet once a month to deal with any such workplace issues. There are also 'Mixed Research Commissions' in each of the work centres and plantations, which are used to investigate and find solutions to specific labour problems.

If the international fruit market continues ignoring or not recognising the efforts of companies to implement good labour practices, this neglect represents a great threat to the future of the Izabal banana producers and their workers (M. A. Carrero, personal communication, 2013).

The company has confidence in the union. In certain cases, the union has shown that it does not tolerate or consent to unjustified demands or complaints from workers that harm both the union and the company. The company and union work together to get to the bottom of specific complaints and solve them in a non-conflictual and mutually beneficial way, with the sustainability of the production at the heart of decision and agreements.

Challenges

The costs of producing a box of bananas in Izabal is almost double the cost of producing the same box in the large extensions of recently planted bananas in the provinces along the Pacific coastal plain in the South. Guatemala now exports nearly four times as many from the unorganized plantations of the South as it does from Izabal. The rapid expansion has taken place on highly productive volcanic soils, using a poorly paid workforce in a part of the country where government services are often scarce and organized crime is very active.

The company states that they receive no financial benefits from supermarkets in recognition of their ground-breaking commitments to decent work. BANDEGUA states that:

If the international fruit market continues ignoring or not recognising the efforts of companies to implement good labour practices, this neglect represents a great threat to the future of the Izabal banana producers and their workers (M. A. Carrero, personal communication, 2013).

The union SITRABI is also very much under threat. Their union leaders suffer regular repression and violence by producers who reject trade union freedom and on occasion paramilitary groups inspect the farms/ plantations in which they organize and the activities of their worker members.

Despite this discrimination, violence and attacks, SITRABI refuses to be beaten and has been able to improve the working conditions of many people in Guatemala. It is now turning its attention to the south of the country where workers on banana plantations face the harshest conditions, including non-payment of the country's minimum wage (N. Ramirez, personal communication, 2013).

The survival of the trade union and its leaders is fundamental to the ongoing development of good labour relations with BANDEGUA and other producers.



CONCLUSIONS

SITRABI and BANDEGUA are among those that have managed to overcome many of the challenges faced by the rest of the Guatemalan banana industry. The key elements that have contributed to the success and sustainability of this model case are:

- The focus on mutual benefits; the company fulfils its commitments towards decent work and the employees in turn commit to support ongoing improvements in productivity and quality of the fruit they produce.
- Joint initiatives towards the regulation of working roles and pay structures that are of mutual benefit to workers and the company.
- Commitments to maintain a workforce employed on permanent contracts.
- The key advances made for female workers towards equality and decent work.
- Effective and constructive structures in place for the negotiation of the agreement and the resolution of conflicts, based on 40 years of experience.
- The shared commitments of the company and union to jointly face the challenges of productivity, lack of market recognition of good labour practices and the challenging labour and political environment in Guatemala.
- Support and solidarity from international unions and civil society.

However, this sustainability will be under threat if the developments made by BANDEGUA are not recognised and supported within the international industry and market. Efforts must also be made to ensure that this case, and those of other unionised plantations in Izabal (six Chiquita and three Del Monte plantations), are no longer a vulnerable oasis of good practices within an industry that is known for its repeated violation of trade union and workers' rights.

The key challenge for SITRABI and other industry actors is to ensure that the 20,000-25,000 workers in the Pacific South have the opportunity to benefit from similar working conditions and employer-worker relations experienced by male and female workers at BANDEGUA. Efforts must be made to promote unionisation in the Pacific South of Guatemala through organizing, advocacy and social dialogue.

Following a series of meetings in 2012 and 2013 between SITRABI, regional and international trade union representatives, the Guatemala Labour Ministry and key company representatives, some developments have been made towards establishing tripartite dialogue between banana industry stakeholders in the Izabal and Pacific South. This dialogue process is however being delayed due to current labour conflicts in the Bobos district in Izabal.

It is hoped that this dialogue process and the sharing of the successes and good practices of BANDEGUA and other producers and the Izabal region will provide inspiration and recommendations to overcome the many challenges faced in the rest - and the majority - of the Guatemalan banana industry.



CASE 5



Nicaragua: A new agreement - FETDECH-CST
and two national companies



BACKGROUND

After more than 20 years since the last collective agreement covering workers in the Nicaraguan banana industry, the Chinandega Workers' Union Federation (FETDECH-CST) signed an agreement covering its members on three plantations in the country's north-western department of Chinandega. The three trade unions, all affiliated to FETDECH-CST, presented their petition for negotiation to the two national companies Pennsylvania S.A. & Agrotecnica S.A in April 2011 and underwent 23 working sessions with the employer's representatives before reaching a final agreement.

The thirty clause CBA, signed by the parties on 8 March 2012, confers a series of social benefits for the next two years. Commenting on this first agreement in over 20 years, FETDECH-CST General Secretary Roberto Ruiz said it was a "long-awaited day for workers, after 11 months of tough negotiations and years when even their minimum rights were not guaranteed".

For several years, the Coordinating Body of Latin American Banana and Agro-industrial Workers Unions (COLSIBA) had urged Chiquita to use its influence with the national producers to get the industry to renegotiate the out-of-date wages and conditions.

Nicaraguan labour legislation

A revised labour code was brought into force in 1996 as a result of negotiations and consensus between trade union representatives and employers, supported by the political parties represented in the National Assembly and the government. The new Labour Code includes Articles 204 and 234 on freedom of association and Articles 235 and 238 on collective bargaining.

The political constitution of the Republic of Nicaragua also outlines the basic rights of workers (Chapter 5, articles 80 to 88) and in particular defends freedom of association, collective bargaining and the right to strike. The country has also ratified 59 of the International Labour Organization's conventions, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), but failed to ratify the Collective Bargaining Convention, 1981 (No. 154).

The Nicaraguan banana industry

As is the case with other Latin American countries, it was the multinational United Fruit Company which introduced the exportation of bananas from Nicaragua at the beginning of the 20th century. The company became later known as Chiquita Brands International and oversaw, alongside Standard Fruit (now Dole) the expansion of banana production in Nicaragua between the 1960s and the 1980s. The fruit produced in Nicaragua was traditionally destined for the West Coast of the United States, as Nicaragua does not have a shipping port on its Atlantic coast, which would be the passage to continental Europe.

In the 1980s, the counter-revolutionary war affected the entire Nicaraguan exports market. With the advent of the Sandinista revolution and in agreement with the Reagan Administration's boycott of the subsequent Sandinista regime, the multinational companies withdrew from the area and the banana-producing land was confiscated, although co-operatives and independent banana growers were formed and continued production.

Various organizations acting in solidarity with revolutionary Nicaragua, such as Banafair in Germany and GEBANA in Switzerland, used a strategy of ‘commercial solidarity’ where small quantities of bananas and other Nicaraguan products were imported into Europe at a higher price compared to mass-retailers to support Nicaraguan small producers. This action set the scene for the ‘Fair Trade’ movement in Europe and beyond.

With the regime change in the 1990s and the end of the counter-revolutionary war, strategies were established to re-incentivise the production of bananas. Chiquita returned as a trading company, establishing standards of quality and productivity for the exports market. At the beginning of the 1990s, Nicaragua experienced an increase in exportation but this growth was not significant. The country’s economy does not encourage investment in the sector partly due to the ‘risk factor’ of climatic phenomena such as Hurricane Mitch (1998) and the droughts and floods associated with La Niña and El Niño. The Volcano Cerro Negro, an active volcano that some years ago began continuously spouting ash that reached the plantations and affected the crops, also causes problems.

The production of bananas in Nicaragua therefore remained variable and showed downward trend. Between 1990 and 2010, production dropped from 5.6 to 1.1 million boxes and the value of these exports is also falling³⁸. There were only seven banana plantations in Nicaragua, compared to 11 plantations in 2000, representing a loss of 1,500 hectares. In 2012 however, the Nicaraguan government signed an association agreement with the European Union with a view to accessing the banana market in the European continent.

In terms of labour, producers have often used the poor state of banana production over the past 20 years as an excuse to resist negotiations and collective bargaining with workers. Working conditions are generally poor and salaries are the lowest of all the Latin American countries currently exporting the fruit.

In terms of unionisation, organizations have maintained strong representation in the sector, although there are often various unions operating in the same plantation at one time. These unions, all affiliated to the CST (Sandinista Workers Congress) maintained political links between the sector and the government of the Sandinista National Liberation Front.

The producers are associated with APROBANIC (the Association of Banana Producers of Nicaragua), which is affiliated to UPANIC (Union of Agroindustrial Producers of Nicaragua). The Nicaraguan producers continue to incorporate good practices into their management structures. In collaboration with the Nicaraguan Ministry of Agriculture, they produced a Manual on Production Practices, which includes recognition of national labour legislation and trade union freedom. Between 2001 and 2009, the United States Development Agency (USAID) and Social Accountability International (SAI) carried out a program called ‘Project CULTIVAR and Better Work’, which supported unions and producers in various areas such as social dialogue, trade relations, occupational health and safety and the establishment of joint worker-employer committees.

This constructive and productive atmosphere, with recognition of the benefits of trade unions, has created a space for dialogue and negotiation in which the trade unions were able to negotiate the ground-breaking signing of the industry’s first collective bargaining agreements in 20 years.

38 Annual Nicaraguan Banana Export Figures available online from Banco Central de Nicaragua. See Exportaciones FOB: productos agropecuarios at http://www.bcn.gob.ni/estadisticas/sector_externo/comercio_exterior/exportaciones/index/php



KEY FACTS

The union

There is a local union for each of the three plantations owned by the two national companies. These three unions are all members of FETDECH-CST (Chinandega Workers' Union Federation), which was previously known as FETRABACH-CST (Chinandega Banana Workers' Union Federation). This change reflects the fact that the unions affiliated to this federation are now organizing workers in other agro-industrial sectors, not just bananas.

For the purpose of this case study, interviews were carried out with FETDECH-CST President, Roberto Ruiz, and Women's Secretary, Gloria Reyes.

The companies

The three plantations are owned by two national companies:

| Company | Plantation | Workers (male/female) | Workers (female only) |
|-------------------|-------------------------|--------------------------|--------------------------|
| Pennsylvania S.A. | Finca Pensilvania | 180 | 50 (28%) |
| Agrotecnica S.A. | Finca Alfonso/Alfonzito | 260 | 75 (29%) |
| | Finca San Luis | 180 | 61 (34%) |
| | TOTAL | 620 | 186 (30%) |
| | 650 hectares | | |

All the bananas produced on these plantations are sold in the United States and distributed by the company Chiquita Brands. The plantations are all certified Rainforest Alliance.

For the purpose of this case study, an interview was carried out with José Antonio Rodríguez, Director of Pennsylvania S.A.

SUMMARY

Key advances

Although producers were each negotiating with the local unions and their federation at the same time, these negotiations were separate and according to the specific principles and practices of each company. For the union federation, these coordinated negotiations were dependent on the particular situation of each plantation. The final clauses of the agreements are, however, almost identical for the three plantations owned by both companies, Pennsylvania S.A. & Agrotecnica S.A.

The agreements are valid for two calendar years as of 8 March 2012, extendible for a further two years if both parties agree. A bipartite commission was established to discuss ongoing labour relations and improvements in the benefits provided to the workers by each plantation. This enables the unions to implement gradual improvements to these very 'young' agreements as the banana economy continues to evolve. An important achievement in this collective bargaining process was the establishment of the annual re-negotiation of salaries.

Summary of provisions within the CBA's that go beyond minimum legislation:

- Covers all workers employed for more than 28 days.
- 15 days/year paid leave for union representatives to participate in international activities; 5 days paid leave/year for training.
- New PPE every year (and boots checked three times per year).
- Primary healthcare facilities in each workplace.
- New vehicles to be purchased for transport to work.
- Companies will monitor that 'fair prices' are charged for consumer goods in on-farm stores.
- Companies will support sporting and recreational activities.
- Weekly sack of bananas to all workers.
- 5,000 Cordoba contribution to funeral costs of any worker who dies; 2,500 for their children.
- Workers with more than ten years' service will receive an extra month's wages (in addition to the five months stipulated in legislation) if they leave the company.
- Companies make 300 Cordoba contributions to medical prescriptions (up to a maximum of 15 per week per farm).
- Paid Saturday leave for up to three workers per farm if undertaking university studies.
- Companies will organize technical training of worker's choice with National Training Institute.
- Finca Alfonso - New canteen for pack-house workers.

Advances for women workers



A key achievement for the unions was the agreements around maternity rights (both pre- and post-natal), an issue which was relatively weak within national labour legislation.

In the agreement, it was established that female workers who give birth receive 480 Cordoba per month for the first four months to help with infant feeding costs. On return to work, mothers are allowed a one-hour break to breastfeed in addition to following the maternity working timetable outlined by the Nicaraguan labour legislation.

The unions also aim to secure acknowledgement and celebration of International Women's Day (March 8th). This day should be marked with a refreshment break for female workers in all the packing plants.

Resolution of conflicts

Labour relations are continually regulated in each workplace through a 'bipartite committee' that evaluates the progress of the agreement and deals with specific worker cases and grievances.

The company feels that the agreed processes for the resolution of conflicts are effective, as explained by the plantation administrator:

Firstly, the worker goes to the plantation co-ordinator, and if the co-ordinator does not resolve the problem the worker can take it to the plantation manager, and if the manager does not resolve the issue, the worker comes to my office with their union representative and we come to an agreement.

Worker team leaders state that, in the case of worker dismissal or sanction, it is their role to communicate with both the company and the worker involved to help the worker understand why this particular action had to be taken. However, such cases are very rare because the union will always try to find a solution that does not result in prejudicial action against the worker.

According to the plantation administration that was interviewed:

We [the administration] appreciate that there must be a trade union. We operated for more than ten years without a union and although the office door was always open to workers, it is easier now because I can communicate directly with the general secretary of the union and they communicate with the workers – we have good, clear communication. Communication with workers is very important – good communication between a company and its workers, such as we have, will allow the company to go forwards.

The union representative added that:

It is important to offer training and qualifications to the plantations' middle-management, and to involve the leaders from both the company and the union in this training to clarify that the union is not detrimental to production, that if there is good treatment of the workers, the results are just as beneficial for the employer as for the employees (R. Ruiz, personal communication, 2013).

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CONCLUSIONS

Despite having vast areas of land suitable for cultivating bananas (20,000 hectares of productive land by government estimates), political, economic and climatic factors have greatly influenced Nicaragua's capacity for banana production. It is therefore inspirational that in spite of such challenges, national producers have decided to prioritise and establish social dialogue and collective bargaining. The government, producers, workers and their union representatives appear to share the goal of increasing the levels of banana production in Nicaragua and to accompany this by improvements in labour relations and a better structure for productive and sustainable practices.

In the case of the Finca Pensilvania, productivity has visibly increased. According to the administration:

The plantation is running smoothly, workers are encountering fewer problems and are happier with their working conditions... if there is more job stability there will be a greater conscience on the part of the worker to care for the quality of the fruit and take more responsibility in their area of work (J.A. Rodriguez, personal communication, 2013).

The FETRABACH-CST representative supports this claim, stating:

More benefits for workers result in better behaviour and work practices. Workers have a vested interest in improving the quality and efficiency of their work. Production is increasing and the banana sector is expanding. This makes us happy because it will require more hired labour (R. Ruiz, personal communication, 2013).

The key with the Nicaraguan case is that negotiations have been open and balanced, lacking grand ambitions that propel the various actors into conflict, yet acknowledging the fundamental needs and demands of workers. The unions believe that these labour relations and collective agreements are sustainable. Both parties have taken full responsibility for implementing the clauses in the agreements and, so far, this process has been effective.



CASE 6



Ghana: Ghana Agricultural Workers Union (GAWU)/Golden Exotics Ltd. (GEL)

BACKGROUND

Banana production in West Africa– Ghana, Ivory Coast and Cameroon – has grown rapidly in the past 15 years, now accounting for around 4 percent of the global banana trade. The vast majority of these bananas are sold in Europe, mainly in France and the UK. However, the WTO Geneva Agreement on Bananas reached in December 2009 laid out tariff reductions on EU banana imports from non-ACP group countries (Africa, Caribbean and the Pacific). This affected trade and expansion in the region as African-based producers find it harder to compete economically against ‘cheaper’ Latin American bananas. The Banana Accompanying Measures (BAM) that were introduced to support ACP producers to adapt to this less favourable EU banana import regime provide only a temporary solution and is a one-off support.

It was, however, the establishment of the EU’s 1993 banana regime and its duty-free access that attracted fruit company investment and enabled Cameroon and the Ivory Coast to restructure and expand their banana industries. Ivory Coast tripled its exports between 1988 and 2000, whilst exports from Cameroon doubled over the same period.

Between 2003 and 2005, Compagnie Fruitière invested heavily in new plantations (banana and pineapple) in Ghana, creating their local subsidiary company Golden Exotics Ltd (GEL), which has collective agreements with the General Agricultural Workers Union (GAWU). Since then, GEL has invested €40 million into the expansion of banana production in Ghana and their banana plantation area is now 1,200 hectares. This was the first industrial-sized banana plantation in Ghana and therefore a major breakthrough in the development of the horticultural activity in the country.

There is one other banana company operating in Ghana, Volta River Estates Ltd. (VREL), which also has five small Fairtrade certified plantations (three of which are also certified organic) with a total of 662 workers. In 1996, VREL became the first company in the world to produce and export Fairtrade certified bananas. They also have a collective agreement with GAWU.

Dialogue between GEL and GAWU began in 2005 when the GEL banana plantation was established. Since a substantial number of workers were to be employed for the new project from surrounding villages, GEL worked in close relationship with GAWU from the outset in order to help facilitate the employment of these local people. Following riots on the GEL plantation in the beginning of 2011, social issues have been increasingly incorporated into the company’s policies with particular emphasis on improved communication between the management and the union.

This open communication between the management and employees has resulted in a number of important initiatives from management which have been endorsed by the unions for the benefit of the workers. These initiatives include the decision to attain Fairtrade certification, which make premium funds available to the workers to spend on welfare and social programmes for themselves and in the communities around the plantations. Other initiatives include the establishment of a permanent modern training facility for workers on the plantation, the provision of health insurance for workers and their families, and a provident fund.

During the discussions on the use of the EU money from the BAM with the Government of Ghana, the management of GEL elected to devote all their share of the BAM, amounting to €5.9M, to providing housing with social amenities for its workers.



Despite these efforts, a strike action on wage demands at the GEL plantation took place on 26 February 2013 and lasted for 15 days. It was not GAWU, but the workers themselves who initiated this strike. The information available indicated that a rival union, which is trying to gain worker membership within GEL in competition with GAWU, orchestrated the strike. However, negotiations with workers and collaboration between the national and local branches of GAWU, the company management and the national security, resulted in a resolution of the conflict. Production recommenced fully on 12 March 2013. Negotiations to review the existing collective agreement on working conditions are ongoing.

Ghanaian labour legislation

Ghana has strong labour legislation including the Ghana Labour Act 2003, Act 651 on freedom of association (section 79) and harmonious industrial relations (section 80 (1)). The 1992 Constitution, Article 21(e) also promotes freedom of association. The country has ratified the fundamental ILO Conventions including C87 and C98 on freedom of association but has yet to ratify C154 on collective bargaining and C160 on Labour Statistics.

In response to concerns raised by the Ghanaian trade union movement to the ILO, especially regarding gender equality and collective bargaining, a formal request was made during the 2012 ILO Universal Periodic Review (UPR) for the full implementation of the Ghana Labour Act in both the public and private sectors.

KEY FACTS

The union

The General Agricultural Workers Union (GAWU) of Trades Union Congress, Ghana (TUC-Ghana) is a registered trade union mandated by law to organize and recruit workers in the Ghanaian agricultural sector. GAWU is affiliated to the IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers Associations). In addition to organizing in the banana sector, GAWU also organizes workers in five pineapple plantations.

For the purpose of this case study, an interview was carried out with Walter Atiako, GAWU Programme Officer, with input from Kingsley Ofei N'Khansah, GAWU General Secretary. Key information was also provided by Adwoa Sakyi, IUF Africa Regional Woman's Coordinator.

The company

Golden Exotic Ltd. (GEL), founded in 2003, is a company committed to the development of local banana and pineapple production in Ghana. GEL is a subsidiary of the French Compagnie Fruitière (CF) which also has subsidiary companies in Cameroon (PHP) and Cote d'Ivoire (SCB). The multinational Dole Food Company owns 40% of the shares of Compagnie Fruitière, but they have little influence on the labour and environmental practices on the ground in Africa.

GEL has one banana plantation of 1,200 hectares which produces between 40 and 60 thousand tons of bananas per year.

Employees

There are 2,464 employees at GEL and all of these workers are on permanent contracts. 11 percent of these workers are women and all these women work in the pack house. Most of these employees have at least five dependents so approximately 10,000 people are relying on the success of the company's operations.

Certification

GEL has Global Gap, Tesco Nurture and M&S Field to Fork and has also been Fairtrade certified since June 2012. Fairtrade volumes are currently minimal as the first contracts were signed at end of end of 2012 but new orders are now coming through, all from the UK. The Fairtrade certification of the GEL plantation is unique for a banana farm of this size and productivity and the company feels that this initiative "rewards GEL's strong efforts to comply with given standards and to address social issues in order to bring about positive social change".

The company has also initiated trial fields for organic, aiming for certification to export from these smaller plots in 2014.

Market

90 percent of GEL bananas are marketed in Europe through Compagnie Fruitière, mainly to French, Italian and British Supermarkets. Some are also sold on wholesale markets in Paris and are then distributed across Europe including Eastern European countries and Russia. The remaining 10 percent of GEL bananas are sold within West Africa, in particular to Niger, Burkina Faso and Benin.

For the purpose of this case study, a company interview was carried out with George Kporye, GEL Corporate Affairs & Administrative Manager, with input from Christelle Lasme, CSR Officer Compagnie Fruitière.



SUMMARY

Key advances

In 2007, the collective agreement was formally negotiated and then reviewed in 2010 through collaborative dialogue between GAWU, local union leaders and GEL management. New negotiations took place in February 2013, which precipitated a strike action. Work resumed on 12 March but negotiations are ongoing to review the collective agreement.

The current collective agreement includes 35 Articles or clauses on workplace related issues, including health and safety, working hours and overtime, equal pay for equal work, engagement and probationary periods, promotions, discipline (how to handle grievance and trade dispute procedure), medical facilities, maternity protection, permission for union meetings and a provident fund.

There are particular benefits surpassing the labour law such as worker welfare packages, transport support (buses provided to and from work) and training and capacity building to support workers that are new and unfamiliar with working in formal environments. Capacity building has in fact been a key part of the collaborative activities of GAWU and GEL since 2005. Large-scale commercial banana production is a new activity in Ghana. The company therefore had to make significant investments in training all its employees in all aspects of the production process.

There exists a cordial working relationship among employers and employees, which was made possible through the existence of the collective agreement. This dialogue is based on transparency and respect. Implementation of the company's corporate social responsibility policy is done in full consultation with the union. There is recognition by the union and workers that the company is committed to the respect of labour laws and the resolution of difficulties. GEL does benchmarking on social practices against other companies in Ghana within other agricultural sectors (e.g., oil palm and pineapple) with the goal of maintaining the company at the highest level of welfare and social conditions.

Advances for female workers

There is a history of low women's employment in Ghana because historically legislation sought to protect women from certain types of employment that were deemed to be either dangerous for them or 'too masculine', legally preventing them from engaging in many forms of formal employment. Female workers therefore suffer from specific labour market discrimination, particularly in agricultural industries such as banana farming.

Only 11 percent of GEL workers are women and most of these women work in the packing station. The GEL representative said this was partly due to the physically demanding nature of work tasks on the plantation as well as general specific women's health and safety issues. The company also highlighted that many women and their husbands alike do not support the idea of a woman working in the fields among a majority of male employees. The union and

company are therefore working together to try to make banana production a more attractive career choice for women workers by creating 'women friendly' workplaces. Particular efforts are being made to attract women to work in areas where specialized skills are needed, such as the pack house. They also stressed that most administrative staff within the company are female.

Despite the obstacles, issues for female workers are 'of paramount interest' to the company, as efforts are made to fulfil the gender requirements of the ILO Convention 111 on elimination of gender discrimination and improvements in conditions for female workers. There have therefore been a number of gender related clauses incorporated into the GAWU/GEL collective agreement, including:

- The company provides a special bus support system for pregnant women (normal worker transport can be overcrowded and dangerous for pregnant women).
- Extra rest periods before and after delivery, surpassing the legal minimum maternity leave (as stipulated in the Labour Act 651).
- Specialized medical support for female workers, in particular pregnant women and mothers.

Under GAWU's capacity building programmes, a policy on gender has been adopted with the central objective of raising awareness within the organization through training programmes with the core aim of building potential female leaders who can bring about transformational change, including promoting gender issues within collective agreements such as that with GEL. The union is leading by example by reviewing its constitution to incorporate gender equity towards 40 percent participation of women in all union structures, including the CA negotiation committees.



Resolution of conflicts

The tools and mechanisms to overcome conflict in the negotiation and implementation of a CBA within all sectors of employment in the banana sector is clearly outlined in the National Labour Commission Regulations, 2006 (L.I. 1822). Nevertheless, the company and the union alike have yet to have the need to make use of the national labour conflict resolution mechanisms in place.



Both the union and company acknowledge that conflicts do arise, particularly in negotiations and around issues of salaries, welfare and medical support packages, but they have managed to maintain mutual respect for each other's perspectives, through open dialogue and by negotiating in good faith and without aggression. This is fundamental to the union/employer relationship and resolution of conflicts.

The collective agreement has put in place certain mechanisms to help maintain communications and prevent conflicts in negotiations. These include:

- Monthly meetings with workers, local union representatives, GAWU representatives at national union level and the company to bring up any key workplace issues, enable workers to input into any ongoing negotiations, share information on development in other agricultural sectors and provide any education and training required or requested.
- The company holds a series of capacity building training programmes in collaboration with the GAWU head office and local representatives for workers and union leaders to prepare them for agreement negotiations. These include information on key market events, economic indicators, figures on inflation, exchange rates, and the economic situation to set context for negotiations. The company also provides transport and refreshments for the workers involved in the training and negotiations.

Both the company and union must work together to ensure that platforms for dialogue, the voicing of worker concerns and the resolution of conflicts are provided at every opportunity. This will help prevent any conflicts before they arise and make sure that negotiation is a 'routine process' for formally agreeing on issues and policies that have already been in regular discussion (W. Atiako and K. Ofei N'Khansah, personal communication, 2013).

GAWU would also like to see the implementation of a mechanism relevant to the international banana market that will compel plantations within the industry to share their data on profit margins with unions as they feel this would be a useful tool in negotiations.

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The role and importance of the union

The union acts as a faithful middle man between workers and the company. The company explains its point of view to the union and the union can explain this to the workers. The union therefore greatly helps to 'translate' company issues to ordinary workers, many of whom have low education levels which can make it difficult to fully communicate certain issues. The union also helps with interpretation for workers that use local languages. Unions therefore greatly assist the company to communicate and explain their position as management. This communication is also key to building trust between workers and management and helps overcome worker perceptions that the company is not being fully open and transparent.

The union also brings expertise on collective bargaining, labour relations and labour laws. They have templates for agreements, grievance procedures and negotiations that greatly assist the company. They can also provide information from other agricultural sectors in which they organize to help the company benchmark against conditions on a national level.

Challenges

The harsh economic realities for both workers and companies are an ongoing issue of contention within negotiations that creates the most conflict within any dialogue and bargaining.

The company is concerned about wage increase demands by the union that exceed the rate of inflation in the country, which is below 10 percent. There is a feeling that the expectation of workers and their union representatives sometimes does not relate to the economic and market reality for the company and that this is not sustainable. For the last four years, GEL consistently agreed to wage increases surpassing 20 percent. The company therefore feels that the union needs to be better informed to enable them to negotiate based on these economic realities, as wages cannot continue to be increased above inflation.

On the other hand, current wage levels are not sustainable according to the perspective of the worker and the union. Banana Link carried out an analysis on living wages in 2009³⁹ and concluded that the legal national minimum agricultural wage equates to approximately half a 'living wage' (see full study for living wage definition). Wages and other non-wage benefits are above national legal minimums at GEL, but concerns remain about workers' ability to cover the basic costs of living required to keep them and their families above the poverty line.

If economic pressures increase for both the company and workers, it could lead to an important issue of contention and become a threat to the current dialogue. Nevertheless, until now both sides have maintained good relations and have compromised on salary issues without aggression or conflict.

CONCLUSIONS

The GAWU/GEL collective bargaining agreement is particularly interesting as the company and union have very much embarked together on the new venture of industrial scale banana production in Ghana. The subsequent constructive and supportive labour relations have helped to create industrial harmony and increases in productivity for the company. Both the union and company feel that this mutually beneficial relationship should serve as an example, particularly when considering the benefits of improved productivity in the context of the global economic downturn that is being suffered by many actors within the international banana industry.

39 'Sustainable living wages and the impact of Fair trade at Volta River Estates Limited (VREL) banana plantation, Ghana' Rachel Smith, on behalf of Banana Link, 2010 http://makefruitfair.org/wp-content/uploads/2016/01/report_vrel.pdf



The company feels that a key element to the sustainability of the GAWU/GEL agreement has been the approach of local plantation management towards the union, as stated by the GEL Administrative Manager:

Trade unions should be seen as social partners that engage in social dialogue -negotiations, consultation and exchange of information - with representatives of employers on issues of mutual interest. However, unions and companies often see each other as enemies. This perspective must be dealt with at the very beginning of any labour relationship to ensure this process is initiated collaboratively as partners working towards a shared goal for the benefit of all. Workers will then have more respect for the business and feel a sense of ownership and want to work towards its success as a joint project (G. Kporye, personal communication, 2013).

Another key element of the GAWU/GEL agreement is the focus on training and capacity building for workers. This includes both providing the technical skills required for workers to be productive and efficient within their roles but also to empower workers to fully participate in dialogue and negotiations with the company. Both the union and company agree that regular communication and training must be formally written into any collective agreement as this is the basis on which all other clauses are implemented. This is also the key to minimising conflict in negotiations as both workers and the company arrived fully informed and prepared for the discussions.

Benchmarking against other industry actors and learning from experiences in other countries and sectors was also seen as an important element. Both the company and union should make use of their national and international contacts and alliances to ensure they are fully aware of the context in which they work, especially in terms of economic realities. Unions and companies should work together to analyse the impact of any economic decisions on workers and help find alternative solutions to the growing problem of low prices, unstable markets and increasing production costs, which are undermining companies ability to maximize profits whilst improving social and environmental conditions.

In the case of Ghana, this situation is exacerbated by the changes in the EU banana import regime and subsequent reductions of tariffs on Latin American bananas. The Ghanaian banana industry is small and new with minimal economies of scale and is therefore in a relatively vulnerable and uncompetitive situation within the global market. The company and the union share the vision of the banana industry as a poverty reduction project that is particularly relevant for rural communities in Ghana and greatly contributes to the reduction of unemployment in areas of the company's operations. Additional investment and support are however needed by both the companies and the unions operating within the Ghanaian banana industry to increase the impact and sustainability of this project in order to achieve decent working and living standards in banana producing communities.

Both the union and company agree that regular communication and training must be formally written into any collective agreement as this is the basis on which all other clauses are implemented. This is also the key to minimising conflict in negotiations as both workers and the company arrived fully informed and prepared for the discussions.

SUMMARY

**‘Recommendations on improving
labour relations and making collective
bargaining work’**

by Anna Cooper, Banana Link





The preamble to the SINTRAINAGRO/AUGURA collective bargaining agreement provides a good introduction to the overall aim and potential impact of social dialogue within the banana sector:

The development of modern mechanisms to manage labour relations, facilitate the stability of banana activity, strengthen the competitiveness of the industry, establish peace and co-existence, preserve the respect and defence of labour and human rights and strengthen the unity and development of the Urabá (banana growing) region.

This ambitious and ground-breaking goal and vision - shared by workers, union and company - of the potential multi-stakeholder benefits of collective bargaining within the Colombian banana sector is fortunately also shared by a handful of other major economic stakeholders within the international banana industry, which enables an analysis of successful labour relations from five cases (from Honduras, Guatemala, Nicaragua, Colombia and Ghana) and one international agreement (between Chiquita, the IUF and COLSIBA) for the purpose of this publication.

The cases analysed were selected partly due to their perceived success and sustainability of worker-employer relations in terms of the positive impacts on both workers (improvements in working and living conditions over and above minimum standards) and the company (improvements in productivity and economic sustainability). They were also chosen for the outstanding efforts that have been made by the workers, unions and companies to initiate and nurture good labour relations through collective bargaining agreements in the face of significant challenges at the time when the studies were done, including the political unrest and violence in Guatemala and Colombia, climatic disasters in Honduras and a dramatically declining industry in Nicaragua.

One of the most notable outcomes of this analysis has been the local plantation managers' conviction that engagement in dialogue and negotiation with independent trade unions can be good for business, contrary to widespread belief in some countries. Plantation owners and managers provided the following arguments on the potential role that their social partners, the trade unions, can play:

- Collective bargaining agreements are a vital tool for setting out mechanisms and commitments for maintaining and improving worker efficiency and productivity levels;
- Unions - and regular and open dialogue and negotiation with them – help to reduce and resolve workplace conflicts; unions act as mediators between their worker members and the company, helping to 'translate' company issues to workers, and vice versa;
- Unions provide valuable expertise on worker training, national and international labour legislation and collective bargaining practice, facilitating the work of human resource managers and plantation supervisors;

The development of modern mechanisms to manage labour relations, facilitate the stability of banana activity, strengthen the competitiveness of the industry, establish peace and co-existence, preserve the respect and defence of labour and human rights and strengthen the unity and development of the Urabá (banana growing) region.



Trade unions should be seen as social partners that engage in social dialogue – negotiations, consultation and exchange of information – with representatives of employers on issues of mutual interest.

- By engaging with unions and making improvements in working conditions, companies can improve their corporate image, mitigate pressure from international civil society and reduce reputational risks that can negatively impact market access and competitiveness.

The General Manager at Golden Exotics Limited in Ghana summarised the relationship in this way:

Trade unions should be seen as social partners that engage in social dialogue – negotiations, consultation and exchange of information – with representatives of employers on issues of mutual interest.

So why are the six case studies presented in this publication and the positive experiences of the worker, union and company stakeholders involved, more of an exception than the rule within the global banana industry?

This is a difficult question that will need to be fully analysed in a future study. Nevertheless, the World Banana Forum's Working Group on Labour Rights felt it was important to initially investigate and identify the common factors that have contributed to the success and sustainability of labour relations in the selected plantations. This report, which is for use by World Banana Forum member organizations and wider industry stakeholders and decision makers, highlights some important tools for improving labour relations and making collective bargaining work for both the company and the workers (see following section).

The diversity of cases chosen has also enabled an analysis of the impact on labour relations based on factors such as the length and history of the relationship between the company and the union, the company's size and productive capacity, the role and influence of the company within the supply chain and the level of influence of the collective agreement (e.g., plantation, sector, company, region).



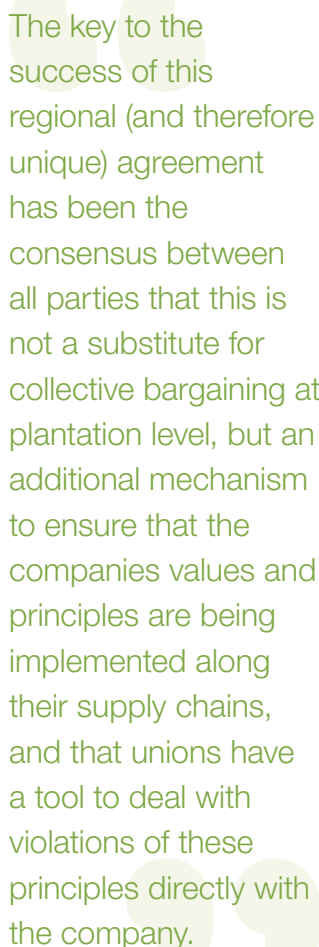
OVERVIEW

Despite the history of the ‘banana giants’ and their perceived negative impact on political and social development across Latin America, the long-standing presence and influence of these companies in the industry has resulted in some invaluable experiences. There were significant union and worker gains where collective bargaining agreements were in place. Through the agreements between United Fruit Company and SITRABI in Guatemala (1947) and SITRATERCO in Honduras (1954) unions were able to negotiate for the implementation of large-scale social projects. Union leaders often refer to these as the ‘golden days’. Now, the union members face a very different reality in the banana production sector.

In contrast, the experiences of the relatively young relations and agreements between unions and producers in Nicaragua, Honduras and Ghana highlight very different opportunities and challenges in securing concrete gains for male and female workers. Union leaders highlighted the importance of ‘negotiating within a company’s capacity’ and not putting excessive demands on small or new national producers, who have limited experience and resources to invest in significant improvements in conditions for workers, nor the market stability required to back up commitments to workers on job security.

There have been some key achievements made by the Chiquita/IUF/ COLSIBA Regional Agreement in terms of improvements in labour relations at a local level, in particular in Colombia and Costa Rica. The work of the Women’s Committee (and the strong female union and company leadership within it) is also providing the industry with constructive solutions for addressing the issues of regular concern for female workers and their unions representatives, most notably the issues of women’s employment and workplace sexual harassment. This is a relatively new initiative with ambitious goals, drawing on the experiences of local dialogue and negotiations towards the respect of women’s rights and the inclusion of gender specific clauses within local agreements, in particular in Colombia, Guatemala and Honduras. However, significant improvements in working conditions and employment opportunities for women – and dialogue around these issues with company representatives at a local level - remain to be seen.

The key to this agreement’s success has been the consensus between all parties that it is not a substitute for collective bargaining at plantation level; it is rather an additional mechanism to ensure that the company’s values and principles are being implemented along its supply chains and that unions have a tool to deal with violations of these principles directly with the company. However, there remain ongoing labour conflicts within Chiquita’s supply chains in the region that are not being resolved either locally or regionally. This remains a work in progress and a learning experience for all the actors involved.



The key to the success of this regional (and therefore unique) agreement has been the consensus between all parties that this is not a substitute for collective bargaining at plantation level, but an additional mechanism to ensure that the companies values and principles are being implemented along their supply chains, and that unions have a tool to deal with violations of these principles directly with the company.

However, the Chiquita Labour Relations Manager in Costa Rica states that

A commitment has been made from the highest level of the company, and this is also a commitment that has been made publicly... which serves as a basis for dialogue between company operations and local trade unions.

Another key aspect of the agreement is that it applies to both company-owned and supplier plantations, on which both the company and industry increasingly depend.

Further analysis is needed to assess why such regional agreements have not been successful in other regions and/or with other companies.

The actors involved in the case study highlighted the importance of a 'critical mass' of union representation and collective bargaining at the plantation level to ensure that a regional agreement is effective. Local dialogue and bargaining mechanisms must be in place to facilitate the implementation of the clauses and commitments made at the regional or company level.

Social dialogue in plantations - the role played by BAMA GRUPPEN

By Gilbert Bermudez, COLSIBA

BAMA GRUPPEN is a Norwegian company that imports fresh fruit from several Latin American countries including Costa Rica, Ecuador, Colombia and Peru.

Since the founding of the World Banana Forum in 2009, BAMA has supported the participation of social organizations in the forum. Their company code of conduct is based on the importance of social dialogue between parties operating within the context of production and employment.

The BAMA approach is to support social dialogue processes between business actors (including their customers and suppliers) and trade unions. Results can be seen through this valuable approach and contribution in Costa Rica and Ecuador. In Costa Rica, they supported the signing of a macro collective bargaining agreement between the company Dole and the banana trade unions of Costa Rica (COSIBA-CR). Furthermore, they played a key role in Ecuador in the signing of the collective agreement between the trade union FENACLE and Dole Ecuador in their MEGABANANA farms. In other countries such as Colombia and Peru, BAMA also supports social dialogue between the suppliers and local labour organizations.

There are valuable lessons to be learned from the efforts that this company makes to ensure positive results from the processes of dialogue and negotiation for both sides. Their example has encouraged other actors in the supply and purchase chain to follow suit. When taking into account the shared goals of all direct industry actors, the only viable win-win solution depends on the reduction of poverty and the empowerment of the workers through their trade unions organizations.



TOOLS FOR IMPROVING LABOUR RELATIONS AND MAKING COLLECTIVE BARGAINING WORK

Communication – frequency and quality

All the cases in this study highlight the importance of regular communications between and within unions and companies. This includes communications between: union leaders and plantation management, union leaders and their worker members, company managers and local plantation administrations.

The quality of these communications is also important and should be based on a shared vision of working together as social partners with mutual trust, transparency, honesty, empathy and good faith.

Key tools and mechanisms for encouraging this communication include:

- union and company staff dedicated to managing local worker- management relations;
- regular meetings between workers, union representatives, middle managers and supervisors;
- company provision of meeting venue, transport and staff time-off to enable participation;
- unrestricted workplace access for trade union officials;
- training and capacity building on communication and negotiation skills;
- a strong focus on consensus building, using external facilitators, if necessary;
- investment in human resources in unions and companies to ensure effective follow-up on dialogue and how outcomes are being implemented on the ground, and how to build positive change.

This ongoing dialogue helps ensure that CBA negotiations are a ‘routine process’ to formally agree on issues and policies that have already been in regular discussion. This is also an area where the existence of a regional agreement greatly assists by providing a defined framework and an additional platform for trade union and company dialogue where local communication structures prove insufficient for the resolution of all conflicts.

Clear and constructive regulations, mechanisms and procedures

It is important that clear regulations, mechanisms and procedures are in place concerning:

- work roles, pay structures and wage negotiations;
- resolution of grievances and conflicts;
- ongoing evaluation and review of the agreement and its specific clauses.

These processes should be written into the CBA from the onset and revised as appropriate, if necessary. The structured 'evolution' of agreements is important, so that initial demands from trade unions are not excessive and do not create conflict from the outset. Alternatively, the union and company should work together towards gradual and well-structured improvements over time, with joint responsibility for ensuring the effective and sustainable implementation of these ongoing improvements.

Two-way commitments: job security = quality of work = productivity

Mutual worker-company obligations and benefits should be at the core of dialogue and collective bargaining, ensuring that agreements are not simply a list of demands but a 'social pact' towards a common goal. Workers need to feel a sense of ownership and want to work towards the success and sustainability of the business as a joint project. Local management need to recognise the links between productivity, worker job satisfaction and personal well-being (including decent working conditions, adequate occupational health and safety precautions and living wages).

'It is not possible to improve the living conditions of workers without productivity, and it is not possible to improve productivity without recognition of the basic rights of workers' (G. Rivera, personal communication, 2013).

Guillermo Rivera, SINTRAINAGRO president, Colombia.

Important 'win-win' mechanisms highlighted in the cases presented include:

- the use of bonuses, surpassing national minimum wages, to stimulate worker productivity
- permanent staff contracts and commitments on job security;
- training for both male and female workers to develop their technical skills and efficiency;
- increasing awareness of plantation management on the links between workplace conditions and worker productivity;
- recognition of the productivity benefits of employing female workers in specific roles;
- increasing awareness of workers and union leaders on the links between the market realities faced by the company and its subsequent capacity to make significant improvements in workplace conditions.

These productivity incentives were relevant in all cases included in this study, no matter the plantation size and current productivity levels. Incentives can be evaluated and revised as part of annual collective bargaining agreement negotiations.

Commitments towards advances for women workers

The employment of women and ensuring decent work for women increases the positive impact of the company on social and economic development in the local community. It can also have a positive impact on both labour relations and productivity within the company, especially when women are employed in positions in the packhouse, in the field, and in administrative and supervisory roles.



Specific tools for promoting such advances include:

- technical training for female workers to increase their efficiency and productivity;
- recognition and sharing of information on the positive impact of female workers on productivity;
- empowerment of women to take on leadership roles in both trade unions and companies;
- ensuring that female representatives from both the union and company are active in negotiation processes from the onset, in order to ensure the incorporation of gender specific clauses;
- proactively learning from the existing union and company experiences, expertise and specific clauses for female workers (such as those within this publication) and in particular the experiences of IUF, Chiquita and COLSIBA.

Capacity building for workers, trade union representatives and local plantation staff

The importance of training and capacity building for all stakeholders was repeatedly highlighted in the case studies, especially in the following thematic areas:

- technical skills to enable male and female workers to be productive and efficient within their roles and increase the quality and productivity of their work;
- national and international labour legislation and related trade union, company and retailer policies;
- harmonious social dialogue, negotiation and bargaining skills;
- market realities and living wages: increase company understanding on the impacts of non-payment of living wages on workers and their families/communities; increase worker understanding of the economic and market realities faced by companies and impacts on capacity to invest in labour.

Such training initiatives should, ideally, be formally written into collective bargaining agreements and external facilitators/trainers employed where appropriate.

On the one hand, nationally-owned companies have to re-organise and adjust if they are to supply the multinational fruit companies, finding new methods of being efficient, but, at the same time national producers will have to improve their respect for workers' rights as enshrined in international conventions (A. Smith).

Challenges to implementing these practices at the plantation and industry level

Historically, the international banana industry has been characterised by rather conflictual employee-employer relations, by discrimination against independent trade unions, and by precarious and dangerous working conditions. The cases analysed in this publication are the exception rather than the rule.

The global economic and market context in which the industry and all of its actors operate is, and has been for a number of years, rapidly changing, as Alistair Smith from Banana Link explains:

In the last 10 or 15 years, the multinational and transnational fruit companies have on the whole preferred to buy and not produce because producing poses more risks. However, there is a limit to the amount that can be bought directly from national producers. On the one hand, nationally-owned companies have to re-organize and adjust if they are to supply the multinational fruit companies, finding new methods of being efficient, but, at the same time national producers will have to improve their respect for workers' rights as enshrined in international conventions. In the last few years, a major new trend is emerging: some of the large supermarkets (especially in Europe) consider the big multinational fruit businesses to be too 'expensive'. Major retailers have started to cut them out of their supply chains and now buy directly from national producers on a FOB basis, taking on the contractual responsibility for shipping on the one hand and the ethical responsibility for labour standards for their customers, the consumers.

However, geographically lengthy global value chains mean that although there may be personal commercial relationships between 'adjacent' economic stakeholders in a banana supply chain (i.e. ones who negotiate prices directly with each other), transactions between the players have become rigid with no room to manoeuvre on a weekly trading basis. Implementing ethical sourcing policies based on transparent, accountable and harmonious worker-producer labour relations and producer-trader commercial relations is challenging, but no longer a utopian dream. It is a constant learning process for all involved.

In some of the cases presented in this study, company representatives highlighted that improvements in the social and economic conditions for workers can represent an increase in the costs of production which may not be completely offset (at least in the short-term) by increases in productivity, market access and/or prices paid by buyers. The industry has also suffered a number of setbacks over the years including climatic disasters, political unrest and global economic downturns. The perception



of fruit producers is that salt is rubbed on the wounds by supermarket price wars in major consumer markets, leading to unsustainably low prices that can fall below the financial costs of production.

In this context, it is increasingly important that efforts are made to reward producers who are committed to good labour relations and responsible production. These should be based on the respect and implementation of worker and trade union rights, if these producers have any hope of surviving on the world market:

If the international fruit market continues ignoring, or not recognising, the efforts of companies to implement good labour practices, this neglect represents a great threat to the future of the Izabal banana producers and their workers (Bandeque Director of Operations, Morales, Guatemala, 2013).

The sourcing decisions of banana traders and retailers must be based on the social practices of their suppliers, providing economic incentives to actively encourage producers to make sustainable improvements in working conditions and industrial relations. Producers cannot make long-term commitments on job security and wages if they are unsure of their future market prospects. These ethical and responsible value chain decision-making processes should not depend on social certification schemes but should be integrated into the day-to-day functioning of the global production and trading system for bananas and other products.

Magne Svartbekk, BAMA GRUPPEN, Norway, explains:

Bama's CSR strategy is to fully integrate social responsibility into our business plan and we are using the ILO standards, and their social dialogue and decent work concepts as one of our main tools to contribute to improvements of salaries and working conditions. These things are incorporated into our commercial contracts (CoC) and are therefore something the supplier agrees to by signing the contract. However, some of the suppliers do not fulfil all of the requirements in the CoC at the time of signing. In those cases, we offer our assistance and make a work plan on how to bridge the gap between the CoC and the present reality. We have now, for many years, successfully been working with a number of suppliers helping to facilitate a better dialogue between the company and the workers representatives/trade unions. This will eventually make it possible for them to negotiate salaries and working conditions. We have also made efforts to involve the authorities (Labour and Social Development ministries), with some success in some countries.

As the main emerging platform for dialogue between key industry players, the World Banana Forum provides a useful space for communication, dialogue and the exchange of information on the empowerment of banana traders and retailers to make such ethical purchasing decisions. Representatives from both producer and consumer country governments

need to become more involved in the World Banana Forum. They are needed to help find pragmatic solutions that contribute to the sustainable development of people employed directly and indirectly in banana-exporting communities.

Significant advances have been made in labour relations and dialogue between all stakeholders within the industry since the first International Banana Conference in Brussels in May 1998. The state of stakeholder relations and discussions, especially around sensitive issues such as labour rights, living wages and fair prices, was in its infancy 15 years ago. A permanent multi-stakeholder forum with all major players around the table seemed like a utopian dream at that stage. The subsequent progress can be mainly attributed to the efforts of organized workers, small farmers and conscious consumers in influencing key economic stakeholders and decision-makers within the industry. The launching of the World Banana Forum at the end of 2009, with its mission of “Working together for sustainable banana production and trade”, followed a long preparatory process involving civil society organizations, leading fruit and retail companies, as well as governments and inter-governmental organizations like the FAO, ILO and UNCTAD.

Civil society alliances, such as the one that has led the way in the banana world, are starting to proliferate along other global product chains. In the case of bananas, the alliance has helped facilitate regular collaboration between trade unions to share good practices and experiences in social dialogue and negotiation with corporate actors along the supply chain. However, further efforts are needed to ensure that these similar processes of sharing of good practices take place in the corporate sector, both between and within companies. Regional agreements like that of Chiquita, IUF and COLSIBA can also greatly assist in this process of ‘knowledge, and learning sharing’ within company banana chains.

A number of cases presented here illustrate the key potential role and responsibility of national governments, in particular labour ministries, in strengthening democratic institutional processes towards harmonious industrial relations and the respect of national and international labour legislation. This element was seen as being particularly essential in countries where significant political tensions existed, such as Colombia and Guatemala.

Labour ministries can be permanent stakeholders within negotiations, legal bargaining processes and the resolution of industrial conflicts. Local governments can work with unions and companies to ensure that production and trade is sustainable and contributes towards local development and poverty reduction through the provision of decent work for men and women employed in the industry. Where this active government role is not currently in place, trade unions and companies can and should work together to encourage this tripartite dialogue.

Efforts must also be made to educate future decision-makers, particularly in the business community, on the importance of social dialogue with workers and trade unions as an essential element of responsible management and ethical sourcing practices along global value chains. Significant multi-stakeholder consensus and joint action are required if the emergence of a new economic paradigm with industrial harmony and sustainable development at its heart is to be made possible, in the banana or any other global industry.



RECOMMENDATIONS

Request suggestions and actions from wider banana industry players and labour relations experts to:

- assist in drawing out some further lessons and recommendations towards the promotion of positive labour relations and collective bargaining processes across the industry's diverse supply chains.
- further assess the challenges in implementing these lessons and good practices on a wider industry level. Ideas should be shared on how these challenges could be overcome – working towards specific pilot projects - with support (where appropriate) from multi-stakeholder platforms such as the World Banana Forum.
- share ideas on potential mechanisms to reward producers who are committed to good labour relations and responsible production based on the respect and implementation of worker and trade union rights.
- make use of the information in this publication (assisted by other sources) to develop training materials for workers, trade unions and employers on developing good labour relations, harmonious industrial relations, collective bargaining agreements and subsequent improvements in working conditions and productivity. Accompanying collaborative worker/union/company education projects will need to be developed to support the implementation of this training.
- Increase the capacity of trade union organizations to organize and educate workers at plantation level to enable the facilitation of good labour relations between workers and companies.
- encourage national initiatives towards tripartite dialogue to support existing negotiation processes and develop mechanisms for tackling the obstacles to this dialogue and negotiation where collective bargaining agreements do not yet exist.
- continue to encourage consumer pressure on retailers and fruit companies to implement ethical practices and the respect of labour rights along their supply chains, accompanied by efforts to raise public/consumer awareness on the need to pay the 'right price' for the 'right' social and environmental conditions.
- map the employment of women across the banana industry and analyse why employment variations exist between companies and countries, with the aim of promoting women's employment and strengthen this element within collective bargaining negotiations. This process could be assisted by research (based on specific case study examples) on the productivity benefits associated with the employment of women, to be shared with unions and employers throughout the industry (in formal education spaces where possible).

Our recommendation is that other companies in the industry put gender issues on the agenda, that they make it a priority. It should be included in company targets and specific spaces should be created at corporate level to ensure that women workers increase their competitive edge and participation in the productive workforce. We also need to invite governments and NGOs into these discussions to input on education, training, resources and policies to help the advancement towards greater equality and justice (I. Sandoval, 2013)

- develop a cross-cutting mandate on gender industry-wide - in collaboration with workers, trade unions, companies and retailers - with specific targets towards increased employment and improvement of working conditions for women, accompanied by strengthened female leadership across the industry to ensure the sustainability of the implementation of this mandate.

Our recommendation is that other companies in the industry put gender issues on the agenda, that they make it a priority. It should be included in company targets and specific spaces should be created at corporate level to ensure that female workers increase their competitive edge and participation in the productive workforce. There is a need to invite governments and NGOs into these discussions to provide input on education, training, resources and policies to help the advancement towards greater equality and justice (I. Sandoval, Chiquita Brands International, Costa Rica, 2013).



WBF Global Womens Meeting, Ecuador 2012

WORLD BANANA FORUM

www.fao.org/wbf/en/

