



Public Services International returns to Guatemala in March 2014

Introduction

Guatemala holds the shameful position as the most dangerous country in the world for trade unionists today, with the highest number of murders and violent attacks against union leaders and members. For our global union federation Public Services International (PSI), defending the rights of our affiliate trade union members in Guatemala is one of our top priorities – and it will remain so until the situation for trade unionists and workers in this country improves.

An international mission was organized in August 2013, during which PSI leaders from around the world met with the President of Guatemala, Otto Perez Molina, and other high-ranking officials. In March 2014, PSI organizes its annual Inter-American regional meeting in Guatemala and follows up on the first international mission. A meeting with the President is planned, as well as with Ministers of Labour, Health and Interior, in the last week of March.

In 2012-2013, three leaders of public sector unions have been assassinated: Carlos Hernandez and Ovidio Ortiz of SNTSG (National Trade Union of Health Workers of Guatemala) and Kyra Zulueta Enriquez Mena (Trade Union of the Municipality of Nueva Concepción). The only case that has been resolved is that of Victor Galvez, whose murderer was condemned to 40 years imprisonment recently. PSI affiliates (SNTSG, SITRAGUA, SOLTRAJ, STOL and SINTRAFIP) are part of the Frente Nacional de Lucha, an organization of trade unions, farmers and indigenous groups that act in defence of public services and natural resources.

Quality public services are crucial to establish equality among citizens; there is still strong racial discrimination against indigenous peoples, informal workers represent at least 69% of the workforce and 52% of Guatemalans still live below the poverty line. In rural areas, 89% of women are illiterate (UNDP 2012)

Many crimes cannot be solved due to lack of evidence. This situation contributes to a climate of fear. Due to growing international pressure, a number of legal and para-legal bodies have been created that should address solving crimes against human and labour rights, but they do not have sufficient power to investigate fully nor bring to term legal proceedings that would provide justice and closure.

PSI affiliates and other international trade union organizations have been working together to increase the pressure on the government of Guatemala to end impunity and to undertake urgent action in consultation with the social partners to review and propose amendments to the Labour Code. These actions are necessary to address the long-standing recommendations of the ILO Committee of Experts to bring the national legislation in line with Convention 87.

This has led to the presence of a permanent ILO representative in Guatemala and a commitment to a joint road map, signed in October 2013, to work towards positive change and the respect of basic labour and human rights. PSI is committed to ensuring that the pressure on the government continues and that this roadmap will not be another list of empty promises.

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With just over a year to go until the next national elections, the political climate in Guatemala is increasingly volatile. Clientelism, nepotism and wide-spread corruption are endemic in the current regime in Guatemala. These conditions have a severe impact on public service delivery, working conditions and the trade union rights of public service workers.

Labour and trade union rights violations continue to be the rule, not the exception. A wide range of punitive measures are used against trade union members, from threats, replacement or re-assignment, dismissal, to administrative sanctions and penal convictions, physical attacks and murder. Women and young workers are particularly pressured not to join trade unions.

Yellow unions under control of the government are also a major issue, since the labour law requires that the majority union signs the collective agreement. These unions conclude collective agreements that reduce protection for workers. Impunity rules within public administration feeding nepotism and abuse of workers' collective rights and entitlements.

Short term contracts and precarious work, without any form of social security, are used by the government to keep workers in precarious and dependent conditions. There are more than 150 000 precarious public service workers, 75% of whom are women. In addition, the government claims that only workers with contract type « 011 » have the right to join unions.

We are also concerned that the National Civil Service Bureau is planning a process of civil service regulations, which aim to limit the right to collective bargaining and freedom of association in the public service.

Femicide remains rampant in Guatemala, and legislation adopted to address femicide is infamously used against workers. In a perverse misapplication of what is otherwise a well-intentioned law, union leaders have been imprisoned on charges related to the femicide law, including cases linked to patients' deaths that are due to the lack of medicines and other deplorable healthcare and working conditions. This means that a good law is not used to protect women, but to attack union activists. In many cases, legal process is not followed and people are jailed without any substantive proof.

To finance public services that are essential for development and recovery, a fair taxation system must be put in place so that the rich pay their fair share, and the poor are not burdened by regressive taxes. The financial transactions tax, or Robin Hood Tax, proposed by the trade union movement, is a good instrument to fund primary health and social services, social protection floors and benefits for the elderly.

Although Guatemala is one of the most unequal countries in the world, privatization of public services and utilities continues. Profit maximisation, competition, private capital and private innovation are not the tools needed to ensure affordable universal access. Private management and concession contracts mainly benefit shareholders, not the people who need public healthcare, education, clean water and energy.

PSI advocates for public-public partnerships and twinning between public services to build capacity and quality public service delivery. The water utility cooperation agreement between Aya Costa Rica and EMPAGUA, signed in January 2014, can be instrumental in this context, strengthening the institutional and technological set-up, while defending human rights and natural resources in both countries.

Overall, the judicial service in Guatemala is also underfunded and understaffed. The workload for judicial workers is extremely high and working conditions are unacceptable; often even paper and

pens are lacking. Disciplinary measures are handed out without respecting internal procedures, and judges can be reprimanded only by their peers. Security at the workplace is of great concern to judicial workers, and, considering the level of violent crime in the country, this has a severe impact on the delivery of justice, without which impunity will persist.

Collective agreements are either not signed or not implemented. PSI demands more direct action from the government to ensure that collective agreements are respected. The government must respect the collective agreement for health workers, signed by the Ministry of Health on 26 August 2013 that remains to be implemented, in particular in relation to the unification of bonuses and the salary reform. The same is true for the hiring and formalization of 15 000 precarious health workers, which remain to be regularized.

If this agreement is not respected, health workers will be forced to consider a national strike to back implementation of this legal agreement that the government has signed.

Legal reform to achieve conformity with ILO standards has not been undertaken; on the contrary, the government is engaged in a campaign to block the improvement of the labour code to bring it in line with international labour standards.

PSI and our affiliates therefore demand:

- Adequate resources for public services
- Legal reform that brings Guatemala's labour legislation in line with international labour standards
- A commitment to ILO Conventions 87 and 98 and social dialogue in relation to the possible reform of the Civil Service
- A Circular letter from the President to all government institutions calling for respect of collective agreements and freedom of association
- Implementation of collective agreements
- Public-public partnerships and an end to the privatization of water resources
- More democracy and social dialogue
- A real commitment to the ILO Roadmap

PSI will continue to support our affiliates in Guatemala by :

- Strengthening the capacity of trade union structures to collect evidence and report on violations.
- A national campaign on freedom of association and collective bargaining in Guatemala. Many workers are faced with arbitrary dismissals, forced mobility, nepotism in hiring procedures, and the informal sector continues to expand. The criminalization of social conflicts and blacklisting of unionists must end, and collective agreements be implemented. PSI is launching a sub-regional project on ILO Conventions 151 and 154 that will deliver concrete inputs on how to improve freedom of association and collective bargaining in the public sector.
- Provision of legal assistance to trade union members who are victims of violence.
- Support exchange programmes between PSI affiliates, in particular for Young Workers.
- Support the development and operation of a nation-wide trade union radio station.
- Continue to build international pressure on the Guatemalan Government through the International Labour Organization, working together with the International Trade Union

Confederation, global unions, and national trade union centres to lobby the ILO Governing Body

- Trade and trade union rights: Guatemala wants to maintain its trade relations with the European Union and the USA. We have to make clear that there can be no trade without trade union rights.
 - Continue to organize lobbying activities in the European Union, demanding the participation of trade unions in the Joint NGO committee of the Association Agreement between the European Union and Central America, and prepare a complaint on violations of core labour standards to be submitted to the EU once the agreement is ratified.
 - Organize lobbying activities in the US, demanding the re-creation of an arbitration committee in the framework of the CAFTA Agreement.

For more background information :

www.world-psi.org/en/issue/solidarity-guatemala

Watch: Guatemala: In the light of justice

<http://www.youtube.com/watch?v=Z9j01II6ifq&feature=youtu.be>

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