

**Presentation by
Public Services International General Secretary Rosa Pavanelli
to the President of Guatemala (14 August 2013)**

This delegation represents 20 million public service workers from 150 countries. We have come from Argentina, Brazil, Mexico, France, Germany, Denmark, Sweden and Belgium to convey our support to Public Services International affiliates in Guatemala. For PSI, defending the rights of our affiliate trade union members in Guatemala is our top priority – and it will remain so until the situation for trade unionists and workers in this country improves.

Guatemala has taken the shameful place of the most dangerous country in the world for trade unionists today, with the highest number of murders of and violent attacks against union leaders and members. Not a single person has yet been sentenced in any of the cases of the 58 trade union leaders who have been murdered in recent years. We also demand that the real authors of these crimes, those who have ordered them, be brought to justice.

We have to underline the total absence of the rule of law, which means that in a power relation – the worker always loses. The state fails to provide protection and support to its citizens and as a result is an accomplice of the crimes that are committed every day. The denial of justice is a crime against humanity.

In March 2013, an agreement was signed between the Minister of Labour and the International Labour Organization Workers' Group. The main objective of this agreement is to put an end to impunity and promote social dialogue. When can we expect a substantial change?

It appears that there are a number of legal and para-legal bodies that are supposed to deal with 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 closure. This situation contributes to a climate of fear instead of providing security and peace. We have also been informed that there is no free public legal assistance foreseen for labour cases, which makes it even more difficult for workers to defend themselves. As a result, in practice the state chooses the side of the employer. In this context, PSI affirms our support for the initiative of our affiliate, the health workers' union (Sindicato Nacional de Trabajadores de Salud de Guatemala), to create an observatory to track the violation of human and labour rights in Guatemala.

Furthermore, we have been informed of the rise in femicide. To date this year, women's organizations report that 412 women have been killed in Guatemala. At

the same time, in an apparent perverse misapplication of what is otherwise a well-intentioned law, some 30 healthcare union leaders may have been imprisoned on charges related to the femicide law, including cases that are 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. We pledge to expose this practice as part of an international campaign to end violence against women.

Unfortunately, this represents just a fraction of the constant violations of freedom of association and other anti-union tactics that are prevalent in both the public and the private sector. Especially in the "maquillas", export-oriented companies, it is close to impossible to engage in trade union activities.

We also have to refer to the widespread use of outsourcing, sub-contracting and short term contracts. Such practices lead to further inequalities in the workplace and in society, in a country that is already among the most unequal in the world. Besides remuneration, this impacts strongly on the social security entitlements of workers. In effect, here again the state is deficient in terms of the protection and support it provides.

We have been informed of significant wage arrears in the public health system for contract workers and the truly deplorable fact that minimum wages are far below the subsistence level. In a country that is plagued by malnutrition and illiteracy, we see a direct link between a real minimum wage and social development. The major socio-economic differences between rural and urban areas are also a great cause for concern. Investment in education and health services is the key to addressing these challenges.

We take this opportunity to note that the Guatemalan government has presented a package of draft laws to the Congress of the Republic of Guatemala without consulting social partners, which will reform the Labour Code, such as on a) Investment and Employment, b) hourly working time and social security, and c) deregulation of the power to impose penalties by the Labour Inspectorate.

Instead of further dismantling labour legislation, your government should fight precarious work and promote inclusive measures. Gender equality and opportunities for young workers need to be implemented. The application of labour legislation needs to be strengthened - by raising awareness of the right to freedom of association and the rights of workers and the sanctions that may be imposed by the labour inspectorate.

To finance public services that are essential for development and recovery, a fair taxation system should be put in place so that the rich pay their fair share, and the poor are not burdened by regressive taxes. Public-public partnerships should be promoted to improve service design and delivery in water, sanitation and energy. Combatting corruption across the economy should be a priority.

In order to achieve these goals, a climate should be created that is conducive for social dialogue and that gives priority to negotiation over conflict. The criminalization of social conflicts and blacklisting of unionists must end. We ask for your commitment to engage in meaningful collective bargaining in the public sector. We demand the implementation of collective agreements that have been signed already and are not being carried out.

Recent experience in other Latin American countries, such as Uruguay, Argentina and Brazil show that a profound leap forward can be made in terms of peace and social dialogue and real measures to improve the economic and social well-being of citizens.

In Colombia, we are pleased to see a positive trend after years of conflict. Finally the role of trade unions has been recognized and public sector unions and the government have started a real dialogue. Columbia's example indicates the important role of the ILO and the international trade union movement to fight for the application of international labour rights.

We ask for your commitment for a change of culture, a change that will allow Guatemala to grow and flourish. Ensuring best practices in the public sector is an essential part of that effort. Not only will this show the commitment of the government towards social dialogue and peace, but also reflect on the quality of services provided to the population, which are essential for development and much-needed recovery.

We applaud the important work the Office of the Attorney General is conducting and the spirit of cooperation we have noted in connection with the special unit for the investigation of the murders of trade unionists. In this context, we make a strong request for an extension of this unit's mandate, and for more support for this work, both within the police force, the Ministry of Interior and with prosecutors.

We must remember that only this year three leaders of public service unions have been killed: Carlos Hernandez and Santa Alvarado of SNTSG (National Health Workers' Union of Guatemala) and Kyra Zulueta Enríquez Mena (Union of the Municipality of Nueva Concepción). Furthermore, SNTSG is the main Guatemalan union that has members in jail for their union activities. We need more support and measures of prevention and protection for the trade unionists that are being threatened.

PSI will use all available mechanisms to raise the issue of violation of trade union rights in terms of free trade deals with the European Union, and also with the United States in relation to the Central American Free Trade Agreement (CAFTA). We are meeting in Guatemala with the Embassy of the United States, the European Union Delegation and the Embassies of Brazil, Sweden, France and Mexico to present our findings and the results of our mission.

In March 2014, PSI will host our regional meeting of the Americas here in Guatemala - which means that we will request a meeting with you again to discuss the advances made since this discussion.

We demand respect for the right to life and the recognition that there is an anti-union campaign in this country – and that there must be an end to this campaign that kills unionists. A holistic approach to building effective social dialogue can be achieved, in full respect of international labour standards and human rights.

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