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Ecuador: Widespread Labor Abuse on Banana Plantations *Harmful Child Labor, Anti-Union Bias Plague Industry*

(New York, April 25, 2002) -- Banana workers in Ecuador are the victims of serious human rights abuses, Human Rights Watch charged in a new report released today.

In its investigation, Human Rights Watch found that Ecuadorian children as young as eight work on banana plantations in hazardous conditions, while adult workers fear firing if they try to exercise their right to organize. Ecuador is the world's largest banana exporter and the source of roughly one quarter of all bananas on the tables of U.S. and European consumers.

Banana-exporting corporations such as Ecuadorian-owned Noboa and Favorita, as well as Chiquita, Del Monte, and Dole, fail to use their financial influence to insist that their supplier plantations respect workers' rights, the report found. Dole leads the pack of foreign multinationals in sourcing from Ecuador, obtaining nearly one third of all its bananas from the country.

"The bananas on your breakfast table may have been produced under appalling conditions," said José Miguel Vivanco, executive director of the Americas Division of Human Rights Watch. "Banana companies have a duty to uphold workers' rights. Ecuador is obligated under international law to do so."

The use of harmful child labor is widespread in Ecuador's banana sector. Researchers for the Human Rights Watch report, *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations*, spoke with forty-five child laborers during their three-week long fact-finding mission in Ecuador. Forty-one of the children began working between the ages of eight and thirteen, most starting at ages ten or eleven. Their average workday lasted twelve hours, and fewer than 40 percent of the children were still in school by the time they turned fourteen.

heavy loads of bananas, drank unsanitary water, and some were sexually harassed. Roughly 90 percent of the children told Human Rights Watch that they continued working while toxic fungicides were sprayed from airplanes flying overhead. For their efforts, the children earned an average of \$3.50 per day, approximately 60 percent of the legal minimum wage for banana workers.

Chiquita, Del Monte, Dole, Favorita, and Noboa have all, at some time, been supplied by plantations on which children labored, with more than 70 percent of the children interviewed saying they had worked on plantations that almost exclusively supply Dole. When Human Rights Watch asked Dole to confirm or deny its business relationship with these suppliers, it refused, claiming this is “business proprietary information.” Dole’s web site states, “Dole does not knowingly purchase products from any commercial producers employing minors.”

“Banana-exporting companies may tell you they’re not responsible for labor abuses,” Vivanco said. “But they have financial power and could use it to ensure respect for workers’ rights. They just don’t.”

Adult workers face an environment in which they are often too scared to exercise their right to organize for better working conditions. Only approximately 1 percent of banana workers are affiliated with workers’ organizations—a rate far lower than any Central American banana-exporting country.

Ecuadorian law fails to protect effectively the right to freedom of association, and employers take advantage of the weak law and even weaker enforcement to impede worker organizing.

Workers illegally fired for union activity have no right to reinstatement. Instead, in the unlikely event that the offending employers are found responsible, they must pay only a negligible fine—often less than \$400. And employers circumvent labor laws by relying on subcontractors to provide workers and by hiring “permanent temporary” workers with even fewer rights than permanent workers. The heavy use of subcontracted “perma-temps” has created a workforce with no right to bargain with employers who control working conditions. Instead, subcontracted “perma-temps” only enjoy the relatively useless right to organize and bargain with their virtually powerless subcontractors.

“Most workers on these plantations can’t organize to protest their working conditions,” Vivanco said. “Either they suffer in silence, or they risk being fired.”

Human Rights Watch urged banana-exporting corporations to demand that labor rights be respected on their supplier plantations and to monitor compliance with this requirement.

Human Rights Watch also called on Ecuador to enforce its labor laws. The organization also urged Ecuador to guarantee children’s right to education by ensuring, as required by the country’s own law, that all children under fifteen have access to free schooling. In addition, Human Rights Watch called for the amendment of labor legislation to guarantee workers’ right to freedom of association by banning anti-union discrimination in hiring, requiring reinstatement of workers fired for union activity, strengthening laws governing the use of temporary workers, and adopting meaningful sanctions for anti-union conduct.

Vivanco said the report’s findings highlight the need for effective labor rights protections in any future trade agreement with Ecuador, including the Free Trade Area of the Americas.

To access the full text of the report before April 25, please visit
<http://docs.hrw.org/embargo/ecuador/>
Use the password: humanrights and username: telephone

Testimonies taken from *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador’s Banana Plantations*

Below are testimonies from workers interviewed by Human Rights Watch for the report, *Tainted Harvest: Child Labor and Obstacles to Organizing on Banana Plantations in Ecuador*. The workers’ names have been changed to protect them from potential employer reprisals.

Child Labor

Exposure to Toxic Substances

Fabiola Cardozo told Human Rights Watch that twice when she was twelve she became ill after aerial fumigation. She described that the first time, “I got a fever. . . . I told my boss that I felt sick. . . . He told me to go home. . . . [The second time,] I became covered with red things. They itched. I had a cough. My bones hurt. I told my boss. He sent me home.” Similarly, Carolina Chamorro told Human Rights Watch that after aerial fumigation, “I felt sick twice. I was ten years old. . . . I began to shake.” She said that she thought she was going to faint and told her boss, who sent her home. Cristóbal Alvarez, a twelve-year-old boy, also explained, “That poison - sometimes it makes one sick. Of course, I keep working. I don’t cover myself. Once I got sick. I vomited [and] had a headache . . . after the fumigation. I was eleven years old. . . . I told my bosses. They gave me two days to recover.”

The children told Human Rights Watch about the various methods that they used to protect themselves from the toxic liquid: hiding under banana leaves, bowing their heads, covering their faces with their shirts, covering their noses and mouths with their hands, and placing banana cartons on their heads. As one fourteen-year-old boy, Enrique Gallana, explained, “When the planes pass, we cover ourselves with our shirts. . . . We just continue working. . . . We can smell the pesticides.”

Sexual Harassment

Human Rights Watch interviewed three young girls, ages twelve, twelve, and eleven, who described being sexually harassed by the then “boss” of the packing plants on San Fernando and San Alejandro, plantations of the Las Fincas group. Human Rights Watch observed a roadside sign bearing the Dole logo above the name “Las Fincas,” strongly suggesting that the plantation group primarily supplies Dole. Marta Mendoza, a twelve-year-old who began working on Las Fincas at age eleven, explained to Human Rights Watch, “There is a boss at the plant who’s very sick. . . . This man is rude. He goes around touching girls’ bottoms. . . . He is in charge there and is always there. He told me that he wants to make love to me. Once he touched me. I was taking off plastic banana coverings, and he touched my bottom. He keeps bothering me. He goes around throwing kisses at me. He calls me ‘my love.’” Fabiola Cardozo, a twelve-year-old who began working on Las Fincas at age ten, similarly commented, “The boss of the packing plants . . . says, ‘Oh, my love.’ When we bend down to pick up plastic bags, he says, ‘Allí para meterle huevito.’ [‘There is a good place to stick my balls.’]”

Freedom of Association

After working as a “perma-temp” for a year and a half on the same two banana plantations, Gema Caranza was indefinitely “suspended” on May 7, 2001, allegedly for involvement in union activity. She explained that she was told by the boss of the packing plants that “[the administrator] has found out what you’re involved in and [is afraid] that you will want to speak with the people and organize.” According to Caranza, her boss, with whom she had a good working relationship, added, “I told you not to get involved in that, that you’d lose your job.”

Caranza said that in June 2000, she began to attend union-sponsored events and seminars. In most cases, she said, she invented excuses for her absence, afraid to disclose their true purpose. Before leaving for her first union-sponsored event outside Ecuador, however, she showed her boss the event invitation. She said, “He told me to be careful [and] that others might soon know [what I was doing].” Caranza said, “I knew that if they [the administrator, the plantation owner, or others in management] found out, they would fire me. . . . Because that’s the way it is. If they find out, they fire you. This is why most people are scared.”