

The Trade Union and Labour Situation in Guatemala

Following revolution in 1944, “criminal oppression” from 1954, and the peace accords of 1996, Guatemala today remains a site of exploitation by agro-industry and “maquiladora” companies, and by the inaction of the authorities

The trade union centre UNSITRAGUA HISTORICA emerged 8 February 1985 from a historical process that was a re-articulation of the trade union movement with the “classist” trade unions that were dispersed but had survived the criminal and repressive policy launched against trade unionism in Guatemala. Business interests and governments had succeeded in destroying the important trade union organisations, such as the Central Nacional de Trabajadores (CNT), the Federación Sindical Autónoma de Guatemala (FASGUA), the Federación de Trabajadores de Guatemala (FTG), and the instrument of unified struggle the Comité Nacional de Unidad Sindical (CNUS), as well as other popular organisations that fought for life, for social justice, against militarisation and for the construction of a state with effective and participatory democracy, while under the terrible policies of the military governments - and in complicity with certain business sectors - in the context of the internal armed confrontation. In fact the actions and struggles of re-articulation of the popular movements became necessary to continue defending life and human rights, after the thousands of crimes and massacres carried out by the State “security” forces. These crimes occurred within the framework of the counterinsurgency policy that unleashed the most brutal and criminal repression against the non-combatant civilian population and those who tried to exercise full citizenship through trade union organisation, among many other popular sectors and organisations.

The Revolution of 1944

It should be pointed out that the working class organised in unions, popular sectors, artisans, peasants, women, students, soldiers, and with politicians of democratic and nationalist thought, managed to triumph with their great popular and trade union struggles to achieve the Revolution of 1944. This was an authentic struggle of the people that brought great advances and benefits with this new authentic, effective, participatory democracy and social welfare, and real freedom for the majority. The first Labour Code was created in 1947, freedom of association for trade unions was allowed, and other important institutions were established: the Labour Courts, the Ministry of Labour, the right to vote for women, the Instituto Guatemalteco de Seguridad Social (IGSS, English: Guatemalan Institute of Social Security), alongside the Agrarian Reform and many important

achievements in the ten years of the Spring that Guatemala lived.

A criminal phase of oppression from 1954

But in 1954, with the invasion of Guatemala by the United States, which set out to destroy the revolutionary process that began in 1944, they stopped the economic, social, political and cultural development of the country, and another stage of terror was re-started. There began the murders and disappearances of the leaders that had managed to break the oppressive and enslaving system and form a government of the majority. It was a bloody and criminal phase of oppression against the population and mainly against trade union, popular, and revolutionary leaders, and those who had been in the government of Dr. Juan José Arévalo Bermejo and the soldier of the people, Jacobo Árbenz Guzmán. Guatemala, like the rest of the peoples of Latin America, since the invasion of the Spanish have had to live and face slavery, oppression, violent and criminal repression, the absence of a justice system, and the severe exploitation of forced labour. Without a real, effective and participatory democracy, under the boot and terror of militarism, exile, death, illiteracy, chronic childhood malnutrition, deficient and precarious public education and health systems, without the Rule of Law or an effective justice system.

The Peace Agreements of 1996 and continuing impunity

In Guatemala, the Peace Agreements were signed on December 29, 1996, whose content and spirit was a consensual agenda and to initiate the route to begin to combat the causes that originated the internal armed conflict. But over time there has never been a will policy of big business, the different governments, and it could be said of the government of the United States, and some other sectors of the country, for either its application or compliance. These sectors are the ones that oppose the well-being and the economic, social, political and cultural development of the majority of the people, including the working class for work and decent wages, the right to organise unions, access to broad and quality education; and to public health, and to the provision of sufficient, quality and arable land to the peasantry; and for indigenous peoples,

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who today continue to be oppressed and their rights violated by governments and businesses (contrary to ILO Convention No. 169).

Today there is exploitation by the agro-industry business community, by “maquiladora” companies, by the municipal mayors (who maintain an anti-union policy of violence against the working class), and by the total inaction of the administrative and judicial labour authorities, which favours the business sector. This situation unfolds due to the terrible and immense corruption that has been increasing since the government of Otto Pérez Molina, which has consolidated the wall of *impunity* which means that in Guatemala no law or resolutions of Labour Courts are applied or enforced. The situation in Guatemala, instead of improving so that human rights are respected and fulfilled, has deteriorated: respect for national and international laws have entered a period of serious and dangerous setbacks due to the fact that the governments of Jimmy Morales and Alejandro Giammatei have continued the strategy of repression and criminalisation against human rights defenders, deepening neoliberal policies to make the rich richer and the poor poorer, and for militarisation. There has been a reprehensible co-optation and kidnapping of all the powers of the State that Alejandro Giammatei has carried out from the Executive, Judicial and Legislative powers, which obey a single force and work for structures of corruption and criminals, totally undermining the incipient democracy and the rule of law.

Historically, throughout the world, and mainly in Latin America and definitely in other regions of the world, the right to Freedom of Association has been denied and violated by businesses and governments. Not only do they violate the human right to union organisation and action working class, but even violate the right to work by firing the workers who try to organise the union. In Guatemala they still do not have the freedom to speak openly about trade unions or they are immediately dismissed and there are continuous selective or mass dismissals to try to destroy trade union organisation, and this occurs in companies, in government institutions, and in municipalities, with the aim of weakening or destroying the trade union federations or centrals. Even more reprehensible is when they resort to the criminalisation or murder of trade unionists and these acts are not investigated by the government through the Public Ministry and the material and intellectual perpetrators are neither punished nor brought to justice due to the co-optation and influence and power of certain economic groups, and of their law firms of impunity, and in government institutions. In Guatemala, it can be affirmed that the freedom and guarantees of the working class does not exist nor are workers allowed to organise in a union nor are they able to freely carry out trade union activities or to struggle to defend the fundamental economic, social, political and cultural rights of the working class.

Deteriorating conditions

Regarding the current working conditions in most production centres, in the public sector, in the municipalities and even worse in the agricultural sector, in the garment assembly maquilas, in commerce, in restaurants, in sectors of health and public education, and for domestic workers, there are increasingly precarious working conditions that raise the levels of exploitation due to the fact that they do not comply with the payment of the minimum wage established by law (which in itself does not even enough to cover the cost of the food basket). There is no protection or social security, weaknesses in occupational safety, many accidents at work - and deaths occur. The minimum wages established by employers and governments are miserly, and discriminatory for women, and for those in the agricultural sector. Due to these salary policies, historically in this country poverty is maintained and is increasing; it exceeds 60 percent in general and in rural areas it exceeds 79 percent, while extreme poverty exceeds 23 percent, and chronic malnutrition of children between 0 to 5 years of age exceeds 50 percent (indeed, Guatemala is the country in Latin America with the highest rate with this problem). The chaotic situation in which the working class are subjugated (and the majority of the population), obliges them to migrate - millions of brothers - to Mexico, the United States and Europe.

The working and living conditions for the workers are getting worse, due to the neoliberal labour policies that they are applying, and those that plan to continue imposing them in the business sector have, in collusion with the government, issued and legalised the Regulation for Part-Time Work, the content of which is totally removed from the spirit of the relevant ILO Convention No. 175. But this is not enough for the current government, for business, or for the majority of the Board of Directors of the Guatemalan Institute of Social Security IGSS. They recently imposed a law to regulate and impose conditions for workers to be affiliated with the IGSS and hence for access to medical care and other services that workers must have through the IGSS. Those who are hired on a part-time basis will have less attention than the workers permanent and formal labourers. And this will cause drastic financial damage to the IGSS in the long term.

With the problems that COVID-19 brought to the whole world, both business and many governments have taken advantage of the conditions to take advantage of and reinvigorate the strategy and policies of the Washington Consensus, whose essence is to privatise what is public, giving priority to flexibility. and labour deregulation, and to violate and eliminate all legal labour norms. To achieve this they need a state of total impunity and to achieve the highest level of *corruption* of governments and the private sector. In this way no government institution or the presidency works for or serves the citizens

Instead of improving, respect for national and international laws have entered a period of serious and dangerous setbacks, with repression of human rights defenders, deepening neoliberal policies, and militarisation

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and the interests of the majority. Rather a few families and structures get rich quickly and unethically. For this reason the neoliberal model is typified as making the rich richer and the poor poorer, in addition to looting and stealing the riches of the peoples. It does so with impunity and without benefit to the people, while simultaneously permitting the destruction of the environment, and more poverty and greater social conflict in the defence of water, their lands, their territory, and their lives for the original peoples in the face of the total dispossession to which they are subjected.

International campaigns and solidarity

In order to support what has been stated, in Guatemala the union organisations filed complaints with the United States Government due to non-compliance with Chapter XXVI of the CAFTA agreement, specifically the chapter that refers to labour rights. But the result was that they did not establish the Arbitration Panel for the Government of

the United States. And having found violations of labour rights before the International Labour Organisation ILO (the world tripartite body) concerning Convention No. 87 on the right to Freedom of Association, due to a minimum difference of votes, the establishment of an ILO Inquiry Commission was not obtained, because they managed to establish a National Commission of Labour Relations and Freedom of Association to seek compliance with ten commitments given by the State by the government of Otto Pérez Molina. But no progress has been made, social dialogue does not produce concrete results such that free trade union organisation is respected, there is no progress in the investigation of the murders of trade unionists, there is no solution to the conflict in the existing labour market, and reinstatement orders for dismissed union organisers are not implemented. In any case, all these processes have been accompanied and supported by the CSA and ITUC, and the international solidarity has been vital. But there is no freedom of association in Guatemala and even less decent work.



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