



Guatemala Human Rights Commission / USA

Fact Sheet

Labor Rights in Guatemala

Labor rights violations in Guatemala have grown increasingly worse since the passing of the Dominican Republic-Central America Free Trade Agreement with over forty labor and campesino activists murdered since January 2006. The Guatemalan government has been unresponsive and ineffective in addressing violence and impunity, **making Guatemala the 2nd most dangerous country in Latin America for trade unionists.***

*(International Trade Union Confederation, July 2009)

Guatemala's labor force

- 4,056 million people (2008) are employed (total population: 13.9 million).
- 75% of the workforce is in the informal sector, which is not monitored by the government. These workers receive no benefits such as healthcare, overtime pay, job security, or vacation time.

Minimum Wage:

- The Guatemalan Labor code ensures, "every worker has the right to a minimum wage that...allows him to satisfy his duties as the head of household."
- The minimum wage is Q52/day, or US\$6.27/day, \$180/month. This is far below the basic cost of living, estimated at \$389/month (2009).
- Over 40% are not paid minimum wage. (UNDP, Human Development Report, 2005)



Labor Violations Against Women:

- In clothing factories, women suffer forced overtime, beatings, public humiliation, mandatory pregnancy tests, firing or post-hiring penalties for pregnancy. (Human Rights Watch 2002 report)
- Women are paid 24% less for the same work as men. (Inter-American Development Bank 2009 survey)
- 160,000 women and girls are domestic employees, and are therefore not protected by Guatemalan labor codes.

Key Facts on Trade Unions in Guatemala:

- 8% of *formal sector* workers were unionized in 2008.
- 2% of all Guatemalan workers are unionized vs. 12.4% of all workers in the US. (US Bureau of Labor Statistics 2008)
- The Guatemalan president can end any strike deemed to "affect essential activities." Employers can dismiss any workers who participate in a strike, violating the right to freedom of association.
- 4 trade union leaders were murdered in 2007, 9 in 2008, and 5 so far in 2009 in the banana, healthcare, campesino and indigenous, street vendor, electricity and distribution sectors.

Major Guatemalan Union Confederations:

Confederación de Unidad Sindical de Guatemala (CUSG)

1983 United Union Confederation of Guatemala

Unión Sindical de Trabajadores de Guatemala (UNSITRAGUA)

1985 Trade Union of Guatemalan Workers

Central General de Trabajadores de Guatemala (CGTG)

1986 General Confederation of Guatemalan Workers

History of labor movement:

1947: Guatemalan constitution includes labor code establishing labor rights such as minimum wage, freedom of association, and protection against unfair firings.

June 21, 1980: 27 union leaders from the CNT (National Workers Confederation) beaten, kidnapped, and disappeared by police and army.

August 24, 1980: 16 of the surviving CNT leaders kidnapped on a farm in Escuintla and disappeared. CNT ceased to exist in 1981.

1954-1986: Number of trade unions decreased by 73%.

December 1996: Peace Accords included government obligation to facilitate formation of trade unions; this obligation has not been met.

2003: National Labor Code amended. Some union activities (such as strikes) made illegal in nonessential services (transportation is deemed nonessential).

Victor Gálvez



Community organizer, Gálvez

- Community leader and member of the natural resources protection and resistance front, FRENA.
- Led efforts against labor violations by DEOCSA and DEORSA, subsidiaries of the Spanish multinational Union FENOSA (electric company).
- In June 2009, Gálvez and three other colleagues were beaten and threatened with death while demonstrating at the national electricity institute, INDE.
- On October 25, 2009, Gálvez was shot 18 times and killed upon leaving his office in Guatemala City.
- Police did not carry out the necessary forensic tests at the crime scene.
- As of Dec. 2009, no suspects have been arrested.



Founded in 1982, the Guatemala Human Rights Commission/ USA (GHRC) is a nonprofit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for survivors of human rights abuses in Guatemala, and works toward positive, systemic change.

Karen Bernal de Medina



Women in Guatemala fight for their rights.

- Karen Bernal de Medina is a 23-year-old doctor and surgeon who worked for Alerta Médica.
- When her boss found out she was pregnant, he fired her despite laws prohibiting such an act.
- Firings based on pregnancy are common, as are employer-administered pregnancy tests.
- Alerta Médica claims that Bernal was under a civil contract, not hired as an employee, and therefore could be fired for pregnancy.
- In 2002, Bernal sued Alerta Médica.
- Alerta Médica has continually filed appeals and after two-and-a-half years the case is still not resolved.
- Now, Alerta Médica is counter-suing Bernal for damage to their reputation.



DR-CAFTA Labor Complaint



Protesters rally against signing of DR-CAFTA.

- On March 10, 2005 Guatemala ratified the Dominican Republic – Central American Free Trade Agreement (DR-CAFTA), entering into a free trade agreement with the U.S.
- DR-CAFTA encourages privatization of businesses to produce goods for export, shrinking the Guatemalan economy.
- After the implementation of DR-CAFTA illegal firings, failure to bargain in good faith, health and safety violations and violence against unionists increased.
- In January 2007, Pedro Zamora, a leading union organizer in the banana industry, was shot to death in front of his children.
- In April 2008, the AFL-CIO and six Guatemalan trade unions filed a labor complaint against the Guatemalan government.
- The complaint details violations of the ILO's Declaration on the Fundamental Principles and Rights to Work.
- In April 2008, Carlos Enrique Cruz Hernández, a member of one of the unions that filed the complaint, was shot to death.
- As of Dec. 2009, the labor complaint is still under review by the U.S. government.