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| <b>COUNTRY: Haiti</b>   |   |
| <p><b>PLANT: Brasseries La Couronne, soft drink plant North</b><br/>         Brasserie de la Couronne, SA (BRACOUR) is a local Haitian company which operates as the exclusive bottler of Coca-Cola in the Territory of Haiti.<br/>         Its main facilities (Plant, Administration, Sales, Marketing and Distribution) are located in the Capital City of Port-au-Prince, with over 850 employees.<br/>         Bracour also operates Distribution Centers in major cities of Haiti, including Cap-Haitien with 57 employees.</p>   |   |
| <b>CONCERNED UNION(s):</b> Batay Ouvriye at La Couronne, affiliated to May First Batay Ouvriye Union Federation (ESPMBO)  |   |
| <b>RESPONSIBLE CC MANAGEMENT:</b> property of Raymond Jaar  |   |
| <b>ISSUES:</b> union-busting, firing of union board-members, non compliance with agreement  |   |
| <b>BACKGROUND:</b> There is a substantial difference in company and union versions of the facts   |   |
| <p><b>Batay Ouvriye version</b></p> <p><b>1. Non compliance with negotiated agreement</b><br/>         After many efforts the workers of La Couronne Brewery managed to establish their union, affiliated to the May First Batay Ouvriye Union Federation (ESPMBO) in the month of August 2005. After addressing their legal recognition affidavit from the Ministry of Social Affairs and Labor to the management, a first meeting was held in which the workers presented their demands such as wage adjustment and overtime that hadn't been paid to them in over 8 months. An agreement was reached on several points. (written?signed? a CBA?) However, since then, two months later: nothing has been done.</p> <p><b>2. Illegal firings of Gérard Petit-Frère and of union treasurer, Semeran Philome</b><br/>         On top of this, there is the aggravating case of the driver Gérard Petit-Frère who was accused by the company, without any proof (what arguments did they use to convict him?), of missing funds in the truck's cashbox, whereas the car was in the factory's premises and the cashbox locked with only management having its key. The driver was squared off to jail for several months, closed in a cell without judgment; when finally he was freed, management refused to reemploy him with payment for the time he was submitted to such</p> | <p><b>TCCC version</b></p> <p><b>1. Non compliance with negotiated agreement</b><br/>         In August 2005, a letter signed by seven (7) distribution center employees was received by management, announcing the formation of a "Union of Workers". It was the first information received about a Union being created at Bracour. On September 5th, a second letter was received with a list of demands, including wage adjustment. Union related or not, it has been the policy of Bracour to immediately address all issues regarding its personnel. The Regional Sales Manager went to Cap-Haitien and was able to reach an agreement on all points with the exception of salary adjustment, for 2 reasons: a) It is the company's policy to have wage adjustment once a year (January) for all employees, except for individuals who may have been promoted; and b) Salary level at Bracour is, by far, higher than the industry standard. For example: for unskilled labor, Bracour pays 3 to 4 times the minimum legal wage. Also, Bracour is among the few employers who provide private Health Insurance, besides the government insurance program, to all employees at no charge to them.</p> <p><b>2. Illegal firings of Gérard Petit-Frère and of union treasurer, Semeran Philome</b><br/>         With regard to Mr. Semeran Philome, he was dismissed because of insubordination toward the Manager in Cap-Haitien. All legal steps were followed including a letter to the Ministry of Social Affairs (Art. 30 of Labor Code).<br/>         With regard to Mr. Gérard Petit-Frère. Contrary to the information that was given to you, he was not dismissed on November, but long before we had any news about the creation of the union. In this case, the money from his truck box disappeared not only once, but two times, being he the only person to have a key to this box. Consequently,</p> |

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| <p>injustice.</p> <p>Then, the regional directors, particularly Jerome Seraphin and Jean Gary Mentor, singled out the union's treasurer, Semeran Philome, and fired him. Workers gathered to stop work and demand the intervention of the Ministry of Social Affairs and Labor. But even though the Northern director, Mr. Cadet, indeed convoked both parties to hear them out and concluded that the firing was illegal, he didn't invoke all the numerous articles of law that the Brewery is ignoring and that constitute the workers' right.</p> <p><b>3. Generalised union busting management</b></p> <p>Later management imposed an unpaid suspension on the new union's Assistant Coordinator and ordered the Coordinator General to cease working after the truck he was driving had been intercepted by thieves. Though the Assistant Coordinator has returned to work, the Coordinator General, as well as the union Treasurer, is still out of work, as he was told to await the orders from the company's central offices in Port-au-Prince.</p> <p>Latest developments: "The situation at La Couronne hasn't changed. A union representatives, Mrs. Yannick Etienne, met with Mr. Jaar, the company owner, just before he left the country for the holidays in December 2005. He promised to reconsider the decision particularly concerning Philomé Sémérant's abusive firing. However, since his return in January, management has preferred to play the game of disinformation, an employee even telling the union that she wasn't aware of Batay Ouvriye having met with Mr. Jaar... and thus creating confusion".</p> | <p>the case was put in the hands of the authorities.</p> <p><b>3. Generalised union busting management</b></p> <p>According to local management, it has always had an "Open Door" policy. It has always been close to its employees and very receptive to all their requests. To quote them: "We respect labor rights and truly feel that we always do our best to maintain an environment where all our workers can find employment security, good opportunities of promotion, respect and social improvements; we are proud of being recognized to be among the best and most respected employers of Haiti."</p> |
| <p><b>KEY PROBLEMS:</b></p> <p><b>1. Union-busting management</b></p> <ul style="list-style-type: none"> <li>▶ change management attitude to respect fundamental workers rights and the country's labour law</li> </ul> <p><b>2. Non compliance with negotiated agreement</b></p> <ul style="list-style-type: none"> <li>▶ comply with agreement</li> </ul> <p><b>3. Illegal firings of Gérard Petit-Frère and of union treasurer, Semeran Philome</b></p> <ul style="list-style-type: none"> <li>▶ reinstatement of Semeran Philome. Adequate compensation for both for be compensated for the time they couldn't work because of the company's arbitrary practices and – in the case of Gérard Petit-Frère – his unwarranted illegal imprisonment.</li> </ul>  |  |