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*President: Berthold Huber  
General Secretary: Jyrki Raina*

Geneva, 10 August 2015

The Honorable Carol Pier  
Deputy Undersecretary for International Affairs  
Bureau of International Labor Affairs (ILAB)  
U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Ave., NW.  
Washington, D.C. 20210

Via E-mail: [pier.carol@dol.gov](mailto:pier.carol@dol.gov)

## **IndustriALL Global Union calls on the Government of Peru to comply with its obligations under the United States-Peru Trade Promotion Agreement (PTPA)**

Dear Deputy Undersecretary Pier,

I am writing to you on behalf of [IndustriALL Global Union](http://www.industriall-union.org), which represents more than 50 million workers in the mining, energy and manufacturing sectors in 143 countries, including Peru, to express our support for the complaint filed with the U.S. Department of Labor by Peruvian unions and the International Labor Rights Forum (ILRF) on 23 July 2015 regarding Peru's failure to adhere to the labor standards contained in the United States-Peru Trade Promotion Agreement (PTPA).

In the years since the PTPA entered into force, we have received information from workers and unions that corroborates the assertions in the complaint. Aside from sustained and recurring inaction and failure to enforce its labor laws in multiple sectors that produce for export to the U.S. market, the cases identified in the PTPA petition by Peruvian unions and ILRF demonstrate that workers who exercise their right to organize or bargain collectively are systematically targeted for anti-union actions by their employers.

In particular, Peruvian workers in the garment and textile sectors have long labored under a sector-specific law that denies them access to freedom of association. Peru's Non-Traditional Export Promotion Law fails to comply with the International Labor Organization's (ILO) standards referenced in the PTPA. This law allows large and long-established Peruvian employers producing for major U.S.-based brands like Nike, New Balance, and PVH Corp. to hire virtually their entire workforce through the serial use of renewable, temporary contracts as short as 15 days. As a result, many workers labor at the same company or factory for decades but have their job stability threatened every few weeks. Garment and textile employers have taken advantage of this law by systematically declining to renew the contracts of thousands of workers who joined unions in an effort to improve wages and working conditions.

Peruvian unions, international unions, labor rights groups and some global brands have repeatedly requested the government of Peru to change this law that denies thousands of workers access to their right to freedom of association. Workers are not alone in criticizing this law. The ILO has registered serious concerns about the law. In a 2013 letter to President Ollanta Humala, five U.S.-based multi-nationals (including Nike, New Balance, and PVH Corp.) expressed their concern that the law violates their corporate codes of conduct requiring respect for fundamental labor rights.

As the petition also demonstrates, employers in the key export sector of nontraditional agriculture production have thrived since the entry into force of the PTPA at the expense of workers' rights. Producers of Peru's asparagus, avocados, peppers and other products employ over 300,000 workers and lead the non-mining exports to the U.S. These employers repeatedly violate labor laws ranging from health and safety laws, to retaliation for forming or joining a union, to widespread illegal use of seasonal or temporary contracts. The Peruvian government's consistent failure to address the violations constitutes a sustained course of inaction.

These concerns are amplified by the fact that Peru is also participating in negotiations of the Trans-Pacific Partnership (TPP). IndustriALL Global Union considers this to be an important opportunity for the United States to bring the Government of Peru into compliance with its existing obligations under the PTPA before further cementing ties under the TPP. Because Peru is in violation of the PTPA now, Peru will be in clear violation from the moment the TPP enters into force unless improvements are made. Little leverage will remain to bring countries like Peru into compliance. Post-hoc compliance efforts, as exemplified by Guatemala or Colombia, have failed. TPP countries and other trading partners will once again receive a clear message that they can access trade benefits without complying with labor rights.

Along with the Peruvian unions and the International Labor Rights Forum (ILRF), IndustriALL Global Union calls on the Government of Peru to come into compliance with its obligations under the PTPA.

I anticipate your quick response.

With best regards,

A handwritten signature in blue ink, appearing to be the initials 'JR' followed by a stylized flourish.

Jyrki Raina  
General Secretary