

Unthinkable! Undrinkable!

Stop Human Rights Violations in Columbia and
Environmental Devastation in India



Included in this packet:

- Campaign Overview
- An Overview of the Evidence
- Sample Materials and Resolutions
- How to Start a Campaign on your campus



A project of
United Students Against Sweatshops
1150 17th ST NW, Suite 300
Washington DC 20036
Phone: (202) NO-SWEAT
Web: www.studentsagainstsweatshops.org

Unthinkable! Undrinkable! A Campus Campaign Overview

The materials in this packet are designed to help student activists launch campaigns demanding that Coca-Cola stop its abusive treatment of workers and communities in the global economy.

Why Target Coca-Cola?

Coca-Cola is one of the world's most powerful and profitable corporations. In 2004, Coca-Cola earned \$4.85 billion in profits. Yet, despite repeated pleas for help, Coca-Cola has not found the time or resources to insure the most basic safety of the workers who bottle its products or prevent massive environmental devastation in the communities where it does business. Coca-Cola has responded by launching public relations campaigns and denying responsibility- it's time we show them that they need to actually change things on the ground- enough is enough!

Death Squads in Colombia

Colombia has long been the most dangerous country in the world to organize a union. Since 1986, roughly 4000 Colombian trade unionists have been murdered. In 2000, three of every five trade unionists killed in the world were Colombian. The vast majority of these murders have been carried out by right-wing paramilitary groups (aka death squads) on an ideological mission to destroy the labor movement. These groups often work in collaboration with the official U.S.-supported Colombian military, and in some instances with managers at plants producing for multinational corporations. In the case of Coca-Cola, according to numerous credible reports, the company and its business partners have turned a blind eye to, financially supported, and actively colluded with paramilitary groups in efforts to destroy workers' attempts to organize unions and bargain collectively.

- ◆ Since 1989, eight union leaders from Coca-Cola plants have been murdered by paramilitary forces. Dozens of other workers have been intimidated, kidnapped, or tortured.
- ◆ In Carepa, members of the paramilitary murdered union leader Isidro Gil in broad daylight inside his factory's gates. They returned the next day and forced all of the plant's workers to resign from their union by signing documents on Coca-Cola letterhead.
- ◆ The most recent murder attempt occurred on August 22, 2003, when two men riding motorcycles fired shots at Juan Carlos Galvis, a worker leader at Coca-Cola's Barrancabermeja plant.
- ◆ There is substantial evidence that managers of several bottling plants have ordered assaults to occur and made regular payments to leaders of the paramilitary groups carrying out the attacks.

These ongoing abuses have taken their toll on Coca-Cola workers' efforts to organize. Their union, SINALTRAINAL, has suffered a dramatic loss in membership, as worker leaders are intimidated or forced into hiding. SINALTRAINAL has appealed for solidarity and allies in the U.S. labor and social justice movements have answered their call. The United Steelworkers and the International Labor Rights Fund have filed a lawsuit against Coca-Cola on behalf of the union and victims' families in U.S. federal court. Other unions including the Teamsters and many community groups have launched public campaigns targeting Coke.

What are workers in Colombia demanding?

- ◆ Acknowledge Underlying Facts. The events alleged in the four Complaints filed in federal district court in Miami, Florida are objectively verifiable. For example, Mr. Isidro Gil was murdered in the Coca-Cola bottling plant in Carepa. The Plaintiffs are extremely

distraught that Coca-Cola's public statements have labeled these allegations as "false" since this constitutes an effort to alter the historical record.

- ◆ **Public Statements Denouncing Anti-Union Violence.** Coca-Cola and Panamco/FEMSA should issue strong, public statements throughout the press in Colombia and in the world denouncing violence, and particularly anti-union violence, by all armed actors in Colombia. The companies should state that such violence, regardless of who commits it, is seen by corporations such as themselves as being bad for business and investment. Specifically, they should publicly state that if the paramilitaries see themselves as protecting the interests of domestic and foreign investment, they are wrong; that their violent conduct, especially against trade unionists, is bad for business and investment and must cease. Coca-Cola and Panamco/FEMSA must also make public statements in the press indicating their belief that, contrary to the statements made by local Colombian management, Sinaltrainal is not connected with any armed groups in Colombia, and acknowledge that the violent acts described in the four federal complaints was unlawful.
- ◆ **Human Rights Committee.** Coca-Cola and Panamco/FEMSA must agree to support the creation of an independent committee to which workers can submit complaints about anti-union violence and intimidation at or around any Coca-Cola bottling plant. The Committee will work with such employees and the union to address such concerns in a productive way.
- ◆ **Investigation and Training:** Coca-Cola and Panamco/FEMSA must encourage the proper authorities in Colombia to investigate links between local Colombian management and the armed groups, particularly the paramilitaries. Further, the companies must conduct their own internal investigations and remove management with such links. This investigation must be subject to independent review. Coca-Cola and Panamco/FEMSA should also conduct training with all management personnel and employees in which they strongly stress that any collusion with armed actors or any encouragement of anti-union violence by these actors, whether material or moral, will not be tolerated and will result in immediate discharge.
- ◆ **Address Anti-Union Impact of Violence.** As a consequence of the anti-union violence that is the subject of the four legal cases, SINALTRAINAL has suffered significant losses of members and other institutional damage. In order to address this distinct aspect of the violence, Coca-Cola must agree to require its bottlers to negotiate with SINALTRAINAL and to agree to a process to repair the damage suffered by SINALTRAINAL. This shall include prohibiting any of the Coca-Cola bottlers from referring to the union in a derogatory way, such as calling it a "guerilla union," reinstating union members who fled following specific death threats from paramilitaries or who were discharged unlawfully for their union activity, and allowing SINALTRAINAL to have access to workers prior to elections in any of the subject bottling plants where SINALTRAINAL was decertified following the acts of violence due to lost membership from terror and intimidation.
- ◆ **Cessation of Criminal Charges.** Coca-Cola and Panamco/FEMSA must stop pressing criminal legal action against the Plaintiffs as they have done since shortly after, and in retaliation for, the Plaintiffs' commencement of the civil human rights lawsuit in Miami.
- ◆ **Compensation for Victims**

Communities across India are under assault from Coca-Cola practices in the country. A pattern has emerged as a result of Coca-Cola's bottling operations in India.

- ◆ Communities across India living around Coca-Cola's bottling plants are experiencing severe water shortages, directly as a result of Coca-Cola's massive extraction of water from the common groundwater resource. The wells have run dry and the hand water pumps do not work any more. Studies, including one by the Central Ground Water Board in India, have confirmed the significant depletion of the water table.
- ◆ When the water is extracted from the common groundwater resource by digging deeper, the water smells and tastes strange. Coca-Cola has been indiscriminately discharging its waste water into the fields around its plant and sometimes into rivers, including the Ganges, in the area. The result has been that the groundwater has been polluted as well as the soil. Public health authorities have posted signs around wells and hand pumps advising the community that the water is unfit for human consumption.
- ◆ In two communities, Plachimada and Mehdiganj, Coca-Cola was distributing its solid waste to farmers in the area as "fertilizer". Tests conducted by the BBC found cadmium and lead in the waste, effectively making the waste toxic waste. Coca-Cola stopped the practice of distributing its toxic waste only when ordered to do so by the state government.
- ◆ Tests conducted by a variety of agencies, including the government of India, confirmed that Coca-Cola products contained high levels of pesticides, and as a result, the Parliament of India has banned the sale of Coca-Cola in its cafeteria. However, Coca-Cola not only continues to sell drinks laced with poisons in India (that could never be sold in the US and EU), it is also introducing new products in the Indian market. And as if selling drinks with DDT and other pesticides to Indians was not enough, one of Coca-Cola's latest bottling facilities to open in India, in Ballia, is located in an area with a severe contamination of arsenic in its groundwater.

Destroying Lives, Livelihoods and Communities

Water shortages, pollution of groundwater and soil, exposure to toxic waste and pesticides is having impacts of massive proportions in India. In a country where over 70% of the population makes a living related to agriculture, stealing the water and poisoning the water and soil is a sure recipe for disaster. Thousands of farmers in India have been affected by Coca-Cola's practices, and Coca-Cola is guilty of destroying the livelihoods of thousands of people in India.

Unfortunately, we do not even know the extent of the damage as a result from exposure to the toxic waste and pesticides as these are long term problems. Most affected are the marginalized communities such as the *Adivasis* (Indigenous People's) and *Dalits* (formerly untouchables), as well as the low-income communities, landless agricultural workers and women. Taken in its entirety, that's a lot of people in India.

The Struggles

The arrogance of Coca-Cola in India is not going unanswered. In fact, the growing opposition to Coca-Cola- primarily from Coca-Cola affected communities- has spread so rapidly and gained so much strength that Coca-Cola is now on the defensive.

Kala Dera, Rajasthan

In the state of Rajasthan, the High Court ruled in November 2004 that all soft drinks in the state must state the level of pesticides on the product label, in addition to the ingredients. This

unprecedented ruling came only three weeks after a 2,000 strong demonstration to shut down the Coca-Cola bottling plant in Kala Dera, on the outskirts of Jaipur in Rajasthan. Over 50 villages are experiencing water shortages as a result of Coca-Cola's indiscriminate mining of water, and "struggle committees" have been formed in at least 32 villages to confront Coca-Cola's abuses. The Central Ground Water Board, a government agency, not only confirmed the declining water table as a result of Coca-Cola's indiscriminate mining of the water, it also faulted Coca-Cola for creating "ecological imbalances" in the area.

In response to the court order to state the level of pesticides on their labels, Coca-Cola appealed the decision on the grounds that such an action would force them to compromise with their "commercial confidentiality"! Coca-Cola also submitted to the court that small traces of DDT and other pesticides are not harmful "to the health of the consumers." The court rejected the appeal, and significantly, stated that "commercial interests are subservient to fundamental rights."

Plachimada, Kerala

The single largest Coca-Cola bottling plant in India, in Plachimada, Kerala, remains shut down since March 2004. Initially ordered to shut down until June 15 (for arrival of monsoon rains) by the state government to ease drought conditions, the Plachimada bottling plant has been unable to open because the local village council (*panchayat*) is REFUSING to reissue Coca-Cola a license to operate. The village council has maintained that the plant needs to shut down because it has destroyed the water system in the area as well as polluted the area.

The *panchayat* is an elected body at the most local level in India, and forms the building block of democracy in India - *Panchayat Raj*- a model promoted extensively by Mahatma Gandhi. Coca-Cola, in typical fashion, has chosen to undermine democracy by appealing to the courts that the *panchayat* has no jurisdiction over the plant and Coca-Cola, and that it should be the state of Kerala that makes the decision. Coca-Cola's efforts to undermine local governance is being followed closely as the court ruling in favor of the *panchayat* could set a significant precedence for local governance.

The struggle in Plachimada is the oldest struggle against Coca-Cola in India and there has been a 24/7 vigil directly in front of the factory gates since April 22, 2002. The struggle in Plachimada has also enjoyed significant victories. In December 2003, the High court, in an extremely significant decision, ruled that Coca-Cola HAD to seek alternative sources of water and that it could extract only as much water from the common groundwater resource as a farmer owning 34 acres of land could. The justification being that the plant is located on 34 acres. Furthermore, the court held that the groundwater belonged to the people and the Government had no right to allow a private party to extract such a huge quantity of ground water which was "a property held by it in trust".

In another significant action in August, 2004, the Kerala State Pollution Control Board (PCB), acting upon a Supreme court order, directed the Coca-Cola company to ensure that water supply through pipeline is delivered to the houses of all the affected communities in the vicinity.

While the various court and government agencies are validating and acting upon the community concerns, Coca-Cola is busy putting more money into a public relations strategy designed to convince everyone that they have nothing to do with the water scarcity and pollution in Plachimada and in India.

Mehdiganj, Uttar Pradesh

More so than other struggles against Coca-Cola in India, the communities in Mehdiganj, a village about 20 kms from the holy city of Varanasi, have more of an uphill battle because the local and state officials are turning a blind eye to the concerns of the communities.

The water table has declined between 25-40 feet in the last four years, and Coca-Cola has been discharging its waste water into the surrounding fields, and now into a canal that feeds into the river Ganges, a holy river for millions of Indian. The landscape is very rural, and farming is the main source of livelihood in the area. Many farmers have yet to be compensated for the land that was taken from them in order to build the Coca-Cola bottling facility.

The movement to shut down the Coca-Cola plant has been growing rapidly for the last year. In August 2003, community members entered the office of the Regional Pollution Control Board in Varanasi, and to protest their inaction, dumped sacks full of sludge from the Coca-Cola plant on the table of the regional officer. In September 2003, over 500 people marched to the Coca-Cola factory gates and were physically attacked and beaten by police and private security guards. In October 2003, a march was organized from the Coke plant in Mehdiganj to a Pepsi plant in Jaunpur, about 150 km away. And in mid-December 2003, ten activists went on a five-day hunger strike in front of the plant. They were supported by fifty people sitting with them each day, and about 300 people went on hunger strikes of varied duration. And in June 2004, hundreds conducted a sit-in in front of the state assembly in Lucknow.

So far, not only have the authorities not cooperated at all, they have consistently refused to make good on their promises of inquiries and investigations to look into Coca-Cola's practices that are depleting the groundwater and polluting the water and soil. In addition, the authorities have trumped up criminal charges against some of the key leaders of the struggle, and issued orders to these leaders preventing them from "shouting slogans or making inflammatory speeches ... within 300 meters of the plant".

The communities are determined to close down the factory in Mehdiganj, and the local organizers have been extremely successful in garnering local support in the area. They have also organized the community around a new Coca-Cola plant in Balia, about 250 kms away. From November 15-24, 2004, a march will be conducted from the Coca-Cola factory gates in Balia to the Coca-Cola factory gates in Mehdiganj, demanding the closure of both the facilities.

What are communities in India demanding?

The first step that Coca-Cola must take is to admit to the severity of problems it has caused in India, and then find ways to address them operationally:

- ◆ They must permanently shut down the bottling facilities in Mehdiganj, Kala Dera and Plachimada.
- ◆ They must compensate the affected community members.
- ◆ They must recharge the depleted groundwater
- ◆ They must clean up the contaminated water and soil.
- ◆ They must ensure that workers laid off as a result of Coca-Cola's negligence are retrained and relocated in a more sustainable industry.
- ◆ They must admit liability for the long term consequences of exposure to toxic waste and pesticide laden drinks in India.

What Can Students Do?

As students, we have a great deal of power to pressure Coca-Cola to stop its abuses. This is true for at least two reasons. First, as anyone who has seen Coke's TV commercials and advertisements may have noticed, Coca-Cola views young people, and particularly students, as its highest priority demographic target. To the company, young people are potential "customers for life" – if they can win our loyalty before their competitors do. Thus, young people hold more sway than we might think when we publicly attack the company's image and spread the message to our peers.

Second, students have a powerful leverage over Coca-Cola through our universities. As we have found with collegiate licensed apparel, food and beverage companies like Coca-Cola are eager to develop relationships with universities, both to access a profitable institutional market and associate itself with the prestige of colleges and universities. In the past several years, Coca-Cola has stepped up its efforts to negotiate major contracts with universities. These contracts go beyond simply installing vending machines on campuses to include sponsorship of sports teams and unique marketing relationships. For example, Rutgers University, had a ten year contract with Coca-Cola that, among other things, let the company create specially designed Rutgers-themed vending machines and marketing materials. The university had received a million dollars a year in return from Coca-Cola. In May 2005 after a two year campaign around Coke's human rights abuses, Rutgers did not renew the contract and removed all Coke products from its campus.

Getting Started

These factors can give students real leverage over the company. There are many tangible things students can do to get started.

- **Spread the Word:** Organize a campus or community video screening and dialogue about Coke and human rights in Colombia/environmental abuse in India. There are several excellent videos available, including *State of the Union*. Contact the Campaign to Stop Killer Coke for a copy. There are also some terrific speakers on this issue who will be happy to make presentations, including Colombian workers and union leaders who are currently touring the U.S as well as representatives from the affected Indian communities. For details, contact the people listed at the end of this document.
- **Take a Stand at Coca-Cola Events and Presentations:** Coca-Cola representatives are constantly speaking at colleges and universities and sponsoring school events. Keep an eye out – these are terrific opportunities for letting the company know we're out here. When the Coca-Cola representatives return to headquarters and have to report that their recruitment or marketing events were ruined because everyone in the audience was holding flyers about the company's environmental practices in India or because students kept asking questions about murders in Colombia, you can be sure that higher-ups will take notice.
- **Target Coca-Cola Through Your Universities and High Schools:** As mentioned, Coca-Cola has negotiated contracts with hundreds of colleges, universities and high schools throughout the country. Indeed, most campuses have a contract with Coca-Cola or Pepsi or both. These contracts range from simple arrangements to sell Coca-Cola on campus to elaborate sponsorship or trademark licensing arrangements. Coca-Cola is of course very sensitive to the concerns of its large institutional business partners. Thus, these contracts represent an incredible source of leverage if you can get your campus to pressure Coca-Cola or reconsider its contract with the company. Here are some simple steps to get started.
 1. **Find the Contract:** The quickest way to find out if your campus has a contract with Coca-Cola is simply by walking around and noticing if there are Coca-Cola vending

machines, fountains, or other signs on campus property. If there are, you've got a contract. The agency on campus that holds the contract/s varies from campus to campus – they are often held by housing and dining services, athletics departments, trademark licensing offices, or special self-contained agencies called “auxiliaries.” You might start by asking the head of dining services what he or she knows. If you've had dealings with administrators through an anti-sweatshop policy, those contacts may be useful as well.

2. **Identify the Contract's Basic Provisions:** Once you have established the agency on campus that holds the contract, find out as much about it as you can. Ask for a copy of the contract from whichever campus agency holds it. (In some cases, this may take some persistent phone calls.) But if you cannot get a hold of the contract, just try to find out as much about it as you can. Find out how much money the contract is worth, and if the arrangement allows Coca-Cola to use of the university's name or logo or promote itself through university sports programs or other public events – this can be useful because it raises issues related to campus anti-sweatshop policies. (Again, you may be able find this out simply by walking around campus.)
3. **Have Your Student Government Pass a Resolution:** With a basic knowledge of the university's relationship to Coca-Cola, you're ready to start making noise. A good way to get started is by asking your student government to pass a resolution of concern. At many colleges and universities, passing a resolution is very easy to do and requires minimal work. Be sure to include as a resolve in the resolution that your student government will formally ask that your school take seriously its commitment to upholding human rights by reconsidering its business ties to Coca-Cola. If you can, include references to the specific nature of your school's contract and, if applicable, language referring to your school's anti-sweatshop policy as a precedent for taking action regarding these issues. Two sample resolutions are included in this packet – from UC Berkeley and Hofstra. Remember to notify the campus and community newspapers before the resolution passes – it could be a great hook for an article.
4. **Encourage university administrators to cut existing contracts or not renew contracts with Coca-Cola in light of its human rights record in Colombia and environmental abuses in India:** While Coca-Cola may not care to listen to individual students, the company is definitely going to take concerns raised by campus administrators seriously – these are their true business partners and there is real money at stake. Arrange for a meeting with administrators to present your resolution and begin a serious dialogue about the school's contract with Coca-Cola. The shape of this dialogue will vary from campus to campus. If the contract is not yet completed or is soon up for renewal, you may propose that the school condition its relationship with Coca-Cola on the company's human rights practices and make decisions accordingly. If your campus is in the middle of a long term contract with Coca-Cola, you may argue that Coca-Cola is now in violation of university protocols and that the university should immediately make appropriate changes to its relationship with Coca-Cola. Whatever the situation, the overriding message is simple:
 - It is our duty to make sure that the companies that our university does business with, and loans our name to, act responsibly and respect basic human rights.
 - To keep the university's business, Coca-Cola needs to stop the violence against its workers and agree to participate in an independent inquiry of its practices.

Getting your campus administrators to make a bold decision to reconsider the contract with Coca-Cola will require persuasive lobbying as well as pressure, and it will take time

and creativity. It can be useful to bring sympathetic faculty and elected student leaders to meet with administrators. Petitions representing individual students or organizations can help demonstrate support for your position. Think also of creative ways to attract media attention – perhaps by performing “guerilla theatre” plays or writing letters to the editor. Anything you do will likely pay off.

As a most minimal and preliminary step, ask a relevant and sympathetic administrator to write a letter of concern to Coca-Cola about its human rights practices in Colombia and environmental abuses in India. The letter should make a specific request for information and follow-up, asking for a meeting with a Coca-Cola representative.

The attached overview should prepare you for Coca-Cola’s likely responses- but you should feel free to contact USAS and other allies in the campaign if you have questions.

- **Some schools that have already removed Coca-Cola products from their campus:**

Bard College
Carleton College
College of DuPage
Lake Forest College
Oberlin College
Rutgers University
Salem State College
St. Peter’s Prep, New Jersey
Union Theological Seminary

- **Some schools that are currently campaigning to remove Coca-Cola products from campus:**

American University
Amherst College
Depaul University
Hofstra University
Indiana University
Macalester
New York University
Occidental College
San Francisco State University
Smith College
Swarthmore
University of California
University of Illinois
University of Michigan

- **Get in Touch:** USAS has a national email list for students working on campus Coke campaigns. Remember to introduce yourself to the group. To subscribe email emma@usasnet.org
- **Contact the Local Coca-Cola Workers Union:** While we are advocating on behalf of workers in Colombia, and communities in India we should remember to be in touch with Coca-Cola workers in the U.S. The Teamsters union represents Coca-Cola workers

throughout the country and is a vocal advocate of Coca-Cola workers in Colombia. You should contact the Teamsters Local in your region and let them know what your group is doing. You can find a list of Teamsters Locals at www.teamsters.org.

Further Resources:

The following websites provide current and in-depth information on the Coca-Cola campaign and related issues:

- United Students Against Sweatshops: www.studentsagainstsweatshops.org
- **Campaign to Stop Killer Coke:** www.killercoke.org
- **CokeWatch:** www.cokewatch.org
- **CorpWatch:** www.corpwatch.org
- **International Labor Rights Fund:** www.laborrights.org
- **United Steel Workers of America:** www.uswa.org
- **Colombia Watch:** www.colombiawatch.org
- **U.S. Labor Education in the Americas Project:** www.usleap.org
- **Committee for Social Justice in Colombia:** www.socialjusticecolombia.org
- **Health Gap Global Access Project:** www.treat-your-workers.org

Coca-Cola Campaign Contacts:

Ray Rogers
Campaign to Stop Killer Coke
Stopkillercoke@aol.com
(718) 852-2808
www.killercoke.org

Camilo Romero
United Students Against Sweatshops
camilo@usasnet.org
(212) 332-9351
www.studentsagainstsweatashops.org

Amit Srivastava
amit@indiaresource.org
www.indiaresource.org

Dan Kovalik
United Steelworkers of America
DKovalik@uswa.org
(412) 562-2518

Terry Collingsworth
International Labor Rights Fund
(202) 347-4100
terry.collingsworth@ilrf.org



united students against sweatshops

1150 17th St. NW Suite 300 Washington DC 20036; tel: 202-NOSWEAT; fax: 202-293-5308 www.studentsagainstsweatshops.org

Ed Potter
Direct of Global Labor Relations, Coca-Cola Company
PO Box 1734
Atlanta, GA 30301

July 28, 2005

Dear Mr. Potter,

We write to you with urgency regarding incidents of labor and human rights abuse at Coca-Cola facilities in Turkey and in Indonesia that have recently come to our attention. The information we have received indicates that in both countries Coca-Cola and its partners have violated internationally-recognized and fundamental labor standards that protect the rights of workers to join a union.

Coca-Cola representatives have repeatedly asserted in the university commission and elsewhere that your company does not consider itself above the law. You have repeatedly said that you are implementing a human rights policy for all workers who make and distribute your products. These cases offer you an opportunity to prove it.

We ask that you provide a clear accounting to us of what actions you are taking to solve the brazen abuses described below by next Tuesday, August 2, 2005. In order to avoid irreparable abuse of worker rights, immediate action will be necessary. These actions are spelled out below.

Violations of Worker Rights in Turkey

Within the past several months, workers engaged in the distribution of Coca-Cola products have been fired en masse in what appears to be a transparent effort to end a unionization effort. Workers and family members were then subjected to violence by riot police acting at the behest of the company and placed under arrest. The violations of worker rights concern workers who perform distribution operations for Coca-Cola in Turkey with the contractor Trakya Nakliyat ve Ticaret Ltd. Şti.. They are members of the union DISK/Nakliyat-İs. The following timeline provides background on these incidents:

Mass termination of union members at Dudullu plant

- Earlier this year, Trakya Nakliyat terminated 5 workers who have been leaders in a unionization effort at Coca-Cola's Dudullu facility. The workers are Fahrettin Takıcı, Erol Türedi, Hasan Şirinyurt, Fatih Dilbaz and Mustafa Akın. While management claimed the lay-offs were due to poor work performance, management provided no evidence of this claim; the workers have long, positive records of employment ranging from five to nine years.
- On May 19, 2005, shortly after the terminations were carried out, a group of workers visited management at Coca-Cola's Dudullu plant to inquire about the reasons for the termination of their colleagues. A meeting ensued among the managers of Coca-Cola's

Marmara operations, its Asia distribution program, and the concerned workers. During this meeting, the Coca-Cola representatives told the workers that they should resign from the union, stating that “the Coca-Cola Company shall let no members of the union work with us”.

- On the following day, May 20, 2005, facility management announced the termination of 50 additional workers who were members of the union. The workers were dismissed without severance pay. Since the terminations occurred, the 55 terminated workers have been campaigning to return to work, protesting day-to-night in a cardboard hut in front of the facility.

Mass termination of workers at Yenibosna plant

- On May 25, 2005, one day after the president of the DISK union federation met with the chairman of Anadolu Endüstri Holding A.Ş – Coca-Cola’s Turkish partner – and received an assurance that problems with labor violations would be resolved, Trakya Nakliyat ve Ticaret Ltd. Şti. announced the termination of over 50 workers from the its Yenibosna plant, who are members of the DISK union. The terminations were effective July 2, 2005. Trakya Nakliyat claimed that the firings were made necessary by a decision by Coca-Cola Turkey to cancel business with Trakya Nakliyat.
- During and prior to this period, employees of the Yenibosna plant were pressured to resign from the union by both the authorities of Coca-Cola and Trakya Nakliyat. The union has asserted that the individuals who pressured workers to resign were representatives of Coca-Cola, Oğuz Aldemir and Sinan Oktay, and the manager of Trakya Nakliyat ve Ticaret Ltd. Şti, Yaşar Erdoğan.
- Since June 17, 2005, the workers who were to be dismissed on July 2, 2005, and who are on collective leave, have erected a tent in front of the Yenibosna plant and have protested to be reinstated.
- The business relations of Coca-Cola with Trakya Nakliyat ve Ticaret Ltd. Şti, as well as with the plants in Çerkezköy-Çorlu and Bursa, which are not organized, are still in force.

It is clear based upon the information available – the timing of the firings, the individuals fired, and the fact that only workers at unionized plants have been dismissed in such numbers – that workers at both the Dudullu plant and the Yenibosna plant were singled out and terminated because of their membership in the union. This is a clear violation of Turkish law, internationally recognized labor standards, and Coca-Cola’s own stated commitment to respecting basic worker rights.

Violence against workers family members at Yenibosna plant

Following the events described above, workers were subjected to violence during a protest regarding their dismissals.

- On July 20, 2005, sixty two days since their terminations were announced, the workers from Dudullu organized a demonstration with their families in front of the factory. The workers were protesting what they believed were illegal firings and demanded that they be

reinstated. They were subjected to brutal violence by riot police acting at the behest of Coca-Cola.

- At 10:00 am on this day, workers and their family members, totalling roughly 150 people, entered the facility. Late in the afternoon, the head of the DISK and several other union officials had come to the factory and believed they were in the final process of negotiating a settlement with management when the police violently attacked the workers and family members. Police used tear gas and physically assaulted those present, causing serious injury to a number of and workers' children and spouses.
- Following this incident, 92 people – including the president, an executive committee member of DİSK/Nakliyat-İş union, and the union's lawyer – were placed under arrest. 85 of these individuals were subsequently released, but seven people – including the president of Nakliyat-İş, Ali Rıza Küçükosmanoğlu and the executive committee member of Nakliyat-İş Recep Vurmuş – were still under arrest by the Security Administration of İstanbul as of July 22, 2005.

Given that the workers and their families were physically present in the Coca-Cola factory when they were attacked, it is clear that the police could not have carried out the violent actions described above without the authorization of Coca-Cola officials. Coca-Cola is therefore responsible for the violence against workers and for the arrest of union members and officials.

In light of these abuses, Coca-Cola and its partners should immediately take the following steps with respect to the situation in Turkey:

- 1) Offer immediate reinstatement with back-pay for each of the workers terminated at the Dudullu and Yenibosna plants.**
- 2) Drop any criminal charges against workers or union officials arising from the protest by workers to win reinstatement.**
- 3) Cease all acts of anti-union intimidation in the workplace, and issue a written statement to workers guaranteeing that workers will not be the subject of retaliation in any way for choosing to exercise their legal right to join a trade union.**

Violations of Workers' Rights in Indonesia

We have also been recently made aware of abuses of worker rights at a Coca-Cola producing facility in Indonesia. This case concerns the United Can Company, which is among Asia's largest manufacturers of rigid packaging product. Its primary customer in Indonesia is Coca-Cola.

- In October 2004, 48 workers of the PT United Can Company announced their intention to form an independent union. The union is called Gabungan Serikat Buruh Independen PT (the Federation of Independent Trade Unions at United Can Company), which is affiliated with the national federation GSBI.

- Since the union announced its formation, factory management has engaged in a campaign of intimidation and bribery against union members and leaders. On repeated and persistent occasions since October 2004, factory managers have pressured workers to resign from the union by interrogating not only the workers concerned, but their children, spouses, and other family members. In these conversations, managers have made frequent threats that the workers and their families would suffer economically from membership in the union, and that the company will never accept a GSBI associated union in the facility. At the end of each conversation, management has typically given workers a form to resign from the union. Members of management have also offered substantial bribes to workers who are willing to resign; for example, the first president of the union was reportedly paid some \$11,000 in exchange for resigning as president and a member of the union.
- In response, GSBI officials have sent letters and personally asked management to stop interrogating and intimidating its members. Factory management has ignored these communications and instead has continued to interrogate workers and promises financial rewards to workers who resign from the union.
- On and around June 21, 2005, the United Can Company announced the termination of 12 workers who are leaders in the unionization effort. In its dismissal letter, factory management explicitly states that the workers are being fired for their union activity, specifically for circulating a newsletter among workers in the facility saying that the factory has “lost trust and cannot tolerate” the workers, and they would be terminated immediately and barred from entering the company area without permission.

These actions represent clear illegal intimidation and retaliation against workers who have chosen to form a union. To correct these abuses, Coca-Cola should require United Can Company to:

- 1) Offer immediate reinstatement with back pay to each of the 12 union officials who have been terminated.**
- 2) Cease all acts of anti-union intimidation in the workplace, and issue a written statement to workers guaranteeing that that workers will not be the subject of retaliation in any way for choosing to exercise their legal right to join a trade union.**
- 3) Begin negotiations toward a collective bargaining agreement with the workers’ newly formed union.**

We would like to emphasize that it will not be acceptable for Coca-Cola to deflect responsibility for these abuses by claiming that it does not formally employ some of the workers involved. Coca-Cola has already sought to do this in the initial legal proceedings regarding the termination of workers at the Dudullu plant in Turkey in late June. These workers make and distribute your products and you are responsible to ensure their rights are respected. As the primary business partner of each of the contractors in the cases described here, Coca-Cola has all the power it needs to correct these abuses.

We look forward to hearing how you will proceed.

Sincerely,
United Students Against Sweatshops

cc: Neville Isdell, CEO Coca-Cola Company
Süleyman Celebi, General Secretary, DISK Confederation, Turkey
Central Secretariate, GSBI, Indonesia
Glen Fichman, University of California
Larry Mann, University of Illinois
Tom Drexler, Depaul University
Dennis Poszywak, University of Michigan
Rick Van Brimmer, Ohio State University
Lon Moeller, University of Iowa
Jim Wilkerson, Duke University
Jeff Hermanson, Solidarity Center
Terry Collingsworth, International Labor Rights Fund
Dan Kovalik, United Steelworkers
Javier Correa Suarez, SINALTRAINAL, Colombia
Ray Rogers, Corporate Campaigns, Inc.
Scott Nova, Worker Rights Consortium
Amit Srivastava, India Resource Center

A Bill in Support of Coca-Cola Corporate Responsibility¹

Authored by: Senators Taina Gómez, and Gustavo A. Mata, and Camilo Romero

Co-sponsored by: Senators Boktor, Cacananta, and Hammon

- WHEREAS:** In January, 2000, the University of California proudly announced the establishment of a new Code of Conduct for Trademark Licensees (hereafter “Code of Conduct”), which requires all companies that "manufacture products bearing the name, trademarks and/or images of the University," as well as their subcontractors, to adhere to basic human rights standards;
- WHEREAS:** The Code of Conduct, created with substantial student input over several years, is one of the strongest policies of its kind in the country and has already been used effectively to improve sweatshop working conditions in several countries;
- WHEREAS:** UC Berkeley’s ASUC Auxiliary, together with Housing and Dining Services and Cal Athletics, has recently entered a contract with the Coca-Cola company;
- WHEREAS:** This contract allows Coca-Cola to install, among other things, 50 new UC Berkeley themed campus vending machines which will bear the University’s logo;
- WHEREAS:** Consistent, credible reports by the press and human rights groups have documented serious human rights violations in facilities producing Coca-Cola products in Colombia, South America, including the kidnapping, torture, and murder of workers involved in efforts to request better pay and benefits;
- WHEREAS:** In recent years, eight union activists in Coca-Cola-producing facilities in Colombia have been assassinated by paramilitary groups seeking to destroy the workers’ union; the most recent assassination occurred in August of this year;
- WHEREAS:** A federal lawsuit has been filed against Coca-Cola and its Colombian bottlers, seeking injunctive relief and damages for some of the victims of this violence;
- WHEREAS:** Credible reports have also charged Coca-Cola with irresponsible business practices in other countries, including: illegal salary reductions and unsafe working conditions in Guatemala; the denial of basic health care and medicine to thousands of HIV positive workers in Africa; the theft of common water resources and consequent depredations to

¹ Adopted by the ASUC Senate Wednesday, November 13th, 2002. A virtually identical resolution was adopted unanimously by the Graduate Assembly on Thursday, November 7th, 2002.

subsistence agriculture in the Indian province of Kerala; and serious health and safety violations in facilities in the state of Florida;

WHEREAS: Coca-Cola has, particularly in the case of its Colombian facilities, refused to take adequate responsibility for its business practices and exercise its considerable power to prevent more violence from taking place;

WHEREAS: The University's contract with Coca-Cola requires Coca-Cola and its subcontractors to adhere to the human rights standards embedded in the University's Code of Conduct;

WHEREAS: Even if the Code of Conduct is found to be not contractually binding in this instance, the torture, kidnapping, and assassination of workers in Coca-Cola's subcontracted Colombian facilities nevertheless represent appalling abuses of human rights; and through the University's connection to these abuses, a defamation of the University's name. Therefore, let it be:

RESOLVED: The ASUC Senate send a letter to the Store Operations Board encouraging them to continually assess Coca-Cola's actions with regard the situation in Colombia and make any changes to our business relationship with Coca-Cola deemed appropriate in keeping with the University's Code of Conduct and other stated principles of corporate responsibility; be it further

RESOLVED: The ASUC External Affairs Vice-President send a letter to (UCSA), encouraging them to pass a similar resolution; be it also

RESOLVED: The ASUC External Affairs Vice-President send a letter to Coca-Cola C.E.O. Douglas Daft requesting an accounting of the situation in Colombia and asking that Coca-Cola:

- Denounce the violence that is occurring in the name of Coca-Cola in Colombia.
- Respect the fundamental rights to free association and to organize trade unions, as reflected in Colombian law, Article 22 of the International Covenant on Civil & Political Rights, as well as Conventions 87 & 88 of the International Labor Organization.
- Announce publicly in Colombia its intention to participate in an investigation of the violence at its bottling plants.
- Reinforce Coca-Cola's public stance against violence by directing all bottling plants in Colombia to stop dealing with any armed groups that are participating in violence against trade unionists.
- Establish a complaint and reporting process which will allow union members to report violations occurring in Coca-Cola bottling plants to an official of the company who will then investigate and take swift remedial action against these violations.
- Provide compensation to the known victims of violence at Coca-Cola bottling plants.

RESOLVED: The ASUC President send a copy of this resolution to Chancellor Robert Berdahl, encouraging him to take the matters raised in it seriously by also contacting Coca-Cola with the above requests as soon as possible;

RESOLVED: The ASUC Senate, in coordination with the Director of the ASUC Auxiliary, send a delegation to the Coca-Cola headquarters in the Bay Area to present to, and discuss with, the company's representatives the concerns raised by this resolution.

Hofstra Faculty Passes Resolution to End Coke Monopoly

The Full Faculty of Hofstra University voted overwhelmingly on May 2 to support a resolution against the University's exclusive contract with Coca-Cola. The decision came less than two weeks after 506 students voted on a Student Government referendum to discontinue the exclusive contract garnering more support than any candidate on the ballot.

The resolution was officially endorsed by members of Long Island Teachers for Human Rights (LITHR), which is comprised of 129 members on Long Island. Thirty-six Hofstra professors from LITHR officially pledged their individual support prior to the meeting. My email mailbox was jam-packed of supportive responses from professors praising the students' muckraking and persistence.

The meeting itself was attended by approximately 130 professors from a wide variety of departments. The Business Development Center was so full, additional chairs had to be retrieved to meet the large attendance demand.

The resolution was proposed by Professor Greg Maney from the Sociology Department, and an essential ally in ensuring the issue was on the agenda. The following is an excerpt from his speech to the Faculty:

As educators, we often encourage our students to see how they are connected to the world around them. How their fates are interconnected with the fates of people living and working in different neighborhoods, different cities, even different countries. How human practices of production and consumption are connected with the quality of the natural environment... Moreover, as educators, we encourage our students to become aware of and engaged in the pressing issues of our times. In so doing we seek to make our shared vision of participatory democracy a meaningful reality... I was, therefore, particularly pleased when Hofstra students overwhelmingly passed a referendum calling upon the Administration not to renew our university's exclusive vending contract with Coca-Cola due to the corporation's profiting from human rights violations and environmental degradation... As an institution of higher education we are the voice of conscience in our society. As an institution of over 10,000 people, we also have the consumer power necessary to promote responsible corporate practices. I call upon my fellow faculty members to express our strongest desire to no longer subsidize a corporation that profits from the murdering of trade union leaders, that profits from the use of child labor, and that profits from the sale of toxic chemicals.

He asked for permission for a student to speak, and I spoke for a few minutes about the rising student movement at Hofstra against Coca-Cola. I explained that I helped start the campaign at Hofstra after participating in a 2003 delegation with the Committee for Social Justice in Colombia while visiting my family in Bogota. I also gave them a brief outline of how the campaign has progressed since then through

- a) a series of speaker events and workshops including union leaders Luis Adolfo Cardona, Juan Carlos Galvis, and Javier Carrera as well as Amit Srivastava from India Resource Center and Ray Rogers from Stop KillerCoke;
- b) circulation of a petition which collected over 1500 signatures
- c) several meetings with the administration, including a meeting with President Rabinowitz, the VP of Financial Affairs, VP of Campus Life and in which we presented a comprehensive portfolio consisting of evidence of Coca-Cola's human rights violations in Colombia, India, and El Salvador, as well as detailed information on Student Activism and alternative beverages
- d) attending the Coca-Cola shareholders' meeting in Wilmington, Delaware where Hofstra students were able to confront the CEO of Coca-Cola
- e) succeeding in the referendum, which is the official voice of the students

I explained that Hofstra students' dedication to promoting human rights and corporate responsibility has reached international recognition and their participation in this campaign has really put the University on the map. I also expressed how impressed and pleased we were by the level of support the faculty had already shown of the students.

There was some disagreement at first. One professor claimed that he needed to see more proof, at which point Professor Maney distributed copies of NYC Council Member Hiram Monserrate's investigative report on Coca-Cola's human rights violations against union workers in Colombia, the Human Rights Watch report on Coca-Cola's involvement in child labor in El Salvador, as well as Indian court decisions against Coca-Cola.

Another professor made a motion to postpone the voting until the next meeting. The Speaker of the Faculty, Professor Seabold quickly stepped in and explained that to postpone the decision would make the resolution irrelevant for the contract was up for renewal this summer and this was the last meeting of the semester.

Another professor claimed that this was the first she had ever heard of the issue, to which Professor Silvia Federici of New College responded, saying that this campaign has had a strong presence on campus for over a year, and that even though they are all busy, they have all had ample amount of time to research and look into the issue.

Faculty member after faculty member stood up and made statements in support of the resolution. Professor Varisco from Anthropology said that he had been perusing the case against Coca-Cola for some time and has concluded that the human rights violations in question have been proven as much as any human rights case can be. He also strongly criticized the exclusivity of the Coca-Cola contract and how it promotes monopolies.

In the end, when it was called for a vote, the room overwhelmingly voted yes in favor of the resolution, with only one professor against.

Although the formal decision is left up to President Rabinowitz whether or not to renew an exclusive contract with Coca-Cola this summer, the Students and Faculty have spoken, and our voices will not go unheard. The movement must not end here. We will continue to pressure the administration and we will continue our fight against Coca-Cola's corporate colonial empire, which has caused environmental devastation in India, assassinations in Colombia, and child slave labor in El Salvador.

The whole world is watching.

In solidarity,

Vanessa Cudabac
Campaign to Stop Killer Coke
Hofstra University

Hofstra Faculty Resolution to End Coke Monopoly

WHEREAS paramilitary death squads have threatened, kidnapped, tortured, and murdered union workers at Coca-Cola bottling plants in Colombia;

WHEREAS, a fact-finding delegation of labor, educator and student representatives led by New York City Council member Hiram Monserrate concluded that the Coca-Cola corporation's "complicity in the situation is deepened by its repeated pattern of bringing criminal charges against union activists who have spoken out about the company's collusion with the paramilitaries" (NYC Fact-Finding Delegation's Report on Human Rights Violations by Coke * Final Report dated April 2004; p1);

WHEREAS Coca-Cola uses sugar harvested by children in El Salvador who, in the process of harvesting, suffer from smoke inhalation, burns, and cuts from machetes yet not provided with health care;

WHEREAS Indian courts have ruled that the Coca Cola Corporation cease its practices of distributing toxic waste as fertilizer, using water from depleted aquifers, and selling soft drinks with high pesticide levels without warning;

WHEREAS the Coca-Cola Corporation currently holds an exclusive vending rights contract with Hofstra University that eliminates competition from other soft drink manufacturers while encouraging members of our campus community to subsidize human rights violations and environmental degradation by purchasing Coca-Cola products;

WHEREAS as educators at an institution of higher learning, Hofstra University faculty are deeply committed to actively protecting human rights and promoting environmental responsibility;

THEREFORE BE IT RESOLVED that the Faculty call upon the Administration not to renew Hofstra University's exclusive vending contract with the Coca-Cola corporation.

I. EXECUTIVE SUMMARY

In January 2004, New York City Council Member Hiram Monserrate and a delegation of union, student and community activists traveled to Colombia to investigate allegations by Coca-Cola workers that the company is complicit in the human rights abuses the workers have suffered. The delegation met with Coke officials and workers, as well as a variety of governmental, human rights and clergy representatives.

The findings of the New York City Fact-Finding Delegation on Coca-Cola in Colombia support the workers' claims that the company bears responsibility for the human rights crisis affecting its workforce.

To date, there have been a total of 179 major human rights violations of Coca-Cola's workers, including nine murders. Family members of union activists have been abducted and tortured. Union members have been fired for attending union meetings. The company has pressured workers to resign their union membership and contractual rights, and fired workers who refused to do so.

Most troubling to the delegation were the persistent allegations that paramilitary violence against workers was done with the knowledge of and likely under the direction of company managers. The physical access that paramilitaries have had to Coca-Cola bottling plants is impossible without company knowledge and/or tacit approval. Shockingly, company officials admitted to the delegation that they had never investigated the ties between plant managers and paramilitaries. The company's inaction and its ongoing refusal to take any responsibility for the human rights crisis faced by its workforce in Colombia demonstrates—at best—disregard for the lives of its workers.

Coca-Cola's complicity in the situation is deepened by its repeated pattern of bringing criminal charges against union activists who have spoken out about the company's collusion with paramilitaries. These charges have been dismissed without merit on several occasions.

The conclusion that Coca-Cola bears responsibility for the campaign of terror leveled at its workers is unavoidable. The delegation calls on the company to rectify the situation immediately, and calls on all people of conscience to join in putting pressure on the company to do so.

II. DELEGATION HISTORY, PARTICIPANTS AND MANDATE

New York City Council Member Hiram Monserrate and five labor and community activists traveled to Colombia from January 8th through January 18th to investigate allegations by Colombian workers at Coca-Cola bottling plants that Coke is complicit in the violence against union leaders and members. This trip was the result of an investigative process and a dialogue with the company that began almost a year ago.

Monserrate, representing the large and growing Colombian community in Jackson Heights and Elmhurst, Queens, organized the New York City Fact-Finding Delegation on Coca-Cola in Colombia—a coalition of students, human rights activists, and U.S. trade unionists and members of the Colombian immigrant community living in the New York City—to ensure that one of Coca-Cola’s largest markets, New York City, is not underwriting labor abuses beyond our borders.

At Monserrate’s request, the councilman and others from the delegation met with top Coca-Cola officials in July 2003 to discuss the human rights crisis facing Coke workers in Colombia. During that meeting, company officials testified that the allegations of company ties to the paramilitaries carrying out the violence, threats and intimidation were false.

The delegation asked Coca-Cola to sponsor an independent fact-finding mission to Colombia to investigate and assess the workers’ allegations of company involvement in the extra-legal violence against them. Following the July 2003 meeting, Coca-Cola responded in writing that the “Company does not anticipate supporting in any way any form of ‘independent fact-finding delegation to Colombia,’” and that allegations would only be reviewed locally. Believing firmly that the matter demanded an investigation, Monserrate and other delegation members then undertook to organize the trip that took place in January 2004.

The delegation participants in that trip were: Monserrate, representing the 21st City Council district in Queens; Dorothee Benz, representing Communications Workers of America (CWA) Local 1180; Lenore Palladino, the national director of United Students Against Sweatshops (USAS); Segundo Pantoja, representing the Professional Staff Congress-City University of New York (PSC-CUNY); Jose Schiffino, representing the Civil Service Employees Association (CSEA); and Luis Castro, assistant and community liaison to Councilman Monserrate.

The New York City Fact-Finding Delegation on Coca-Cola in Colombia’s mandate for the January 2004 trip was to investigate the violence against Coca-Cola workers, to talk first hand with officials and workers from the company, and to assess the allegations of company complicity in the violence.

The delegation returned on January 18, and released a preliminary report on January 29. It also initiated follow-up correspondence with the company. Following the release of the initial report, delegation members reviewed the voluminous documentation in the case they had received, and sought additional documentation that had been promised the delegation by the company.

The present report represents a comprehensive review of the material in hand at the time of this writing. The delegation considers the evidence conclusive, though it continues to seek out additional documentation that might shed additional light on the situation.

III. NATIONAL AND INTERNATIONAL CONTEXT

Colombia is the most dangerous country in the world to be a trade unionist. More unionists are killed in Colombia every year than in the rest of the world combined: 169 in 2001, 184 in 2002, 92 in 2003. In all, some 4,000 union members have been assassinated since 1986, and to date no one has been arrested, tried and convicted for a single one of these murders. In addition to murder, unionists have been subject to other forms of violence and terror, including kidnapping, beatings, death threats and intimidation.

The bulk of the violence is committed by members of paramilitary units, also known as death squads, primarily the Autodefensas Unidas de Colombia (AUC). Collusion between the state military and paramilitary forces is an open secret in Colombia, and the total impunity of those who terrorize union activists only underscores the connection between legal and illegal actors seeking to suppress union activity.

Colombia has been in the midst of a civil war for over four decades. Colombian unions are overwhelmingly independent and not involved in the armed struggle of the leftist guerrillas, but they are often branded by the rightist paramilitaries as guerrillas for their advocacy of social justice and social equity. Such accusations are frequently preludes to assassinations and other violence.

The persecution of social justice advocates under the guise of prosecuting terrorists has also given the Colombian government an excuse to curtail the rights and liberties of unions. Unions are increasingly the subject of legal attack as well as extra-legal killings and threats. Changes in Colombian law in 1990 provided the framework for eliminating permanent employment and replacing it with contingent labor, increasing job insecurity and also greatly inhibiting the ability of unions to organize the temporary workers who now form the vast majority of the Colombian workforce. Meanwhile, a series of laws passed in December 2003 reduced social benefits and curtailed labor rights and civil liberties. The infringements on rights were passed as an “anti-terrorist” statute, with arguments now familiar to those of us living in the post-9/11 U.S. The social cuts were in line with IMF “structural adjustment” demands for austerity, as are massive ongoing privatization efforts. Some 30,000 government workers have been fired; the government projects another 40,000 will also lose their jobs.

The result of these trends is that unemployment stands officially at 20% while real unemployment is much higher, and underemployment is higher still. Union density has plummeted from 12% a decade ago to a mere 3.2% now.

Both legal and illegal repression of unions is widely perceived in Colombia as serving the interests of multinational corporations. Indeed, the delegation heard many stories while in

Colombia about the collusion between companies and paramilitaries -- stories of terror campaigns where thousands were killed or driven off their land by paramilitaries preceding the entry of a multinational company into an area. Thus, the allegations against Coca-Cola about its role in the violence against its workers are typical, rather than exceptional.

Sindicato Nacional de Trabajadores de Industrias Alimenticias (SINALTRAINAL) is the National Food Workers' Union, which represents Colombia's Coca-Cola employees. In July of 2001, SINALTRAINAL in conjunction with the United Steelworkers of America (USWA) and the International Labor Rights Fund (ILRF) began proceedings in the United States South Eastern District Court in Florida against the Coca-Cola Company and its Colombian subsidiaries. The lawsuit, an Alien Claims Tort Act (ACTA) civil suit filed in the Federal District Court for the Southern District of Florida, No. 01-03208-CIV, on July 21, 2001, alleges that Coca-Cola subsidiaries in Colombia were involved in a campaign of terror and murder towards its unionized workforce through the use of the right wing paramilitary troops of the AUC. Shortly thereafter, Coca-Cola filed charges in Colombian court against the U.S. plaintiffs for slander and defamation and calling for 500 million pesos in compensation.

IV. DATA SOURCES AND COLLECTION

While in Colombia, the delegation went to Bogota, Barranquilla, Barrancabermeja, Cali, and Bugalagrande. It met with Coca-Cola workers that had been victims of violence, intimidation, retaliation and threats, and workers and others who had been witnesses to these actions. The delegation also met with human rights organizations and activists, other unions, community organizations, and a variety of governmental officials. These additional meetings provided context and in some cases independent verification of union's allegations against the company. The delegation videotaped all of the testimony it received from Coca-Cola workers, and upon its return to the U.S., reviewed the entire videotaped documentation in preparation for this report.

Coca-Cola workers and immediate family members that we interviewed included:

Person 1 [anonymous], Barranquilla, January 11
Limberto Caranza, Barranquilla, January 11
Person 2 [anonymous], Barranquilla, January 11
Person 3 [anonymous], Barranquilla, January 11
Person 4 [anonymous], Barranquilla, January 11
Oscar Giraldo, Bogotá, January 12
Hernán Manco, Bogota, January 12
William Mendoza, Barrancabermeja, January 14
Jose Domingo Flores, Barrancabermeja, January 14

In addition, the delegation met with national leaders of SINALTRAINAL, in particular Javier Correa, the president of the union, and Edgar Páez, secretary for International Affairs. It received a PowerPoint presentation entitled "Capital Accumulation and Human Rights Violations" that analyzed Coca Cola's corporate structure, economic strategies, labor practices and profits on January 12, and was given a copy for its documentary records. Additionally, we obtained a book

detailing Coca-Cola's history in Colombia, *Una Delirante Ambicion Imperial*, Universo Latino Publicaciones, Bogotá, 2003.

On January 13th, the delegation met with two representatives of Coca-Cola/FEMSA¹ in Bogota, Juan Manuel Alvarez, Director of Human Resources, and Juan Carlos Dominguez, Manager of Legal Affairs. Delegation members had tried, while still in New York, to arrange visits to Coca-Cola bottling plants. This request was reiterated in the January 13th meeting, and the delegation at that point asked specifically for access to the plant in Barrancabermeja. Company officials flatly refused. In the course of the meeting with Alvarez and Dominguez, they promised to send several pieces of documentation that they referred to. To date, none of this material has been received despite a letter from corporate headquarters in Atlanta testifying that these materials will be provided (Appendix H).

The delegation received information about Coca-Cola's labor practices and the violence against its workers from several other parties as well, helping to provide a larger social, economic, and political context. In Barrancabermeja, the delegation met with CREDHOS, a regional human rights organization, on January 14, and with the Organizacion Femenina Popular, a women's organization, on January 15. In Cali on January 17, it spoke to Diego Escobar Cuellar, a representative of ASONAL JUDICIAL, the association of judicial workers. Escobar provided chilling insight into the problem of impunity, describing in detail the corruption within the judicial system and its increasing ideological alliance with the paramilitaries. "Colombian justice is an oxymoron," he told delegation members.

The delegation also met with a variety of government and political officials with whom it discussed the Coca-Cola situation. These meetings included: Congressmen Wilson Borja and Gustavo Petro; Daniel Garcia Peña, aide to Bogotá Mayor Lucho Garzón; members of the executive board of the Frente Social y Politico, a left-wing political party; Cali Mayor Apolinar Salcedo Caicedo; and the City Council of Cali.

At the outset of the trip, the delegation also met with two staff members of the U.S. Embassy, Craig Conway and Stuart Tuttle, who at the time was in charge of Human Rights.

V. FINDINGS

Coca-Cola's employment practices in Colombia, both those within the letter of the law and those in contravention of the law, have had the effect of driving wages, work standards and job security for Coca-Cola workers sharply downward, and simultaneously, of decimating the workers' union, SINALTRAINAL. Both trends are reinforced by the appalling human rights violations that workers have suffered at the hands of paramilitary forces.

The company denies any involvement in the threats, assassinations, kidnappings and other terror tactics, but its failure to protect its workers even on company property, its refusal to investigate

¹ FEMSA, the largest bottler in Latin America, owns 45.7% of its stock, while a wholly-owned subsidiary of the Coca-Cola Company owns 39.6%, and the public 14.7%. Coca-Cola/FEMSA stock is listed on the New York Stock Exchange.

persistent allegations of payoffs to paramilitary leaders by plant managers, and its unwillingness to share documentation that might demonstrate otherwise leads the delegation to the conclusion that Coca-Cola is complicit in the human rights abuses of its workers in Colombia.

Employment practices

During the past decade, Coca-Cola has been centralizing production at its Colombian facilities at the same time that it has decentralized its workforce. In doing so, it has closed or consolidated several of its bottling plants and relied increasingly on subcontracted labor. As denounced by the Union, such practices are in violation of current law. By September 2003, Coca-Cola FEMSA had closed production lines at 11 of its 16 bottling plants.

Meanwhile, workforce restructuring has slashed the ranks of Coca-Cola workers. From 1992 to 2002, some 6,700 Coca-Cola workers in Colombia lost their jobs. Eighty-eight percent of the company's workers are now temporary workers and not part of the union. Wages have been reduced by 35% for those temp workers in the last decade, and they make one-fourth what union workers earn. Temp workers have no job security, no health insurance, and no right to organize.

The company has continually pressured workers to resign their union membership and their contractual guarantees. Since September 2003, they have pressured over 500 workers to give up their union contracts in exchange for a lump-sum payment. In Barranquilla, the delegation also heard testimony from three Coke workers who said they had been fired for attending union meetings. Two of them said that they and their families are now hungry and do not have enough to cover the necessities of life.

Most of the union leaders at Coca-Cola have resisted this pressure and refused to resign. Since the delegation's return from Colombia, the company has turned up the pressure on these leaders, successfully petitioning the Colombian Ministry of Social Protection for authorization to dismiss 91 workers, 70% of whom are union leaders. SINALTRAINAL has called this "Coca-Cola's effort to essentially eliminate the union."

In response, SINALTRAINAL began a 12-day hunger strike on March 15th in eight Colombian cities to protest 11 plant closings last year. These closings resulted in the forced resignation of 500 workers, despite Colombian law and a union contract that guarantee the right to transfer from one plant to another. Two hunger strikers were hospitalized before Femsa, a Coca-Cola subsidiary, agreed to negotiate with union leaders. Negotiations are scheduled to begin on the same day this report is released, April 2nd.

Extra-legal violence

The destruction of the union, and with it the ability to slash wages and eliminate benefits, is also the aim of the campaign of violence and terror that has been directed at union members at Coca-Cola facilities. Overall, there have been a total of 179 major human rights violations of Coke workers, including nine murders. Although violence is carried out by paramilitary rather than company actors, the union has documented the concurrence of labor negotiations with the periods of greatest violence against workers.

The delegation heard testimony from dozens of Coke workers and family members who had either been the victims of violence and terror or who were eyewitnesses to them. The volume of this testimony was overwhelming, and the pattern that emerged was undeniable: union workers and especially union activists and leaders were targeted again and again in a systematic effort to silence the union and destroy its ability to negotiate for its members.

In Barranquilla, the delegation heard from the son of a Coca-Cola worker Adolfo Munera, who was assassinated in August 2002. He told the delegation:

My father was an honest, hard-working and friendly person. He began working at Coca-Cola in 1993. He joined the Coke union and began working for the rights of his co-workers. Due to that, an accusation came from the company. They [government security forces] raided the house on March 6, 1997; they came to the house, broke-in and searched the entire place. They then falsely accused my father. With the union's help, my father got a lawyer and put up a defense. At that time, the company declared my father absent from work. During that time, my father was in exile and had to move from location to location. They fired him for being absent, at which time we asked for support. Thanks to the union who gave us that support we put up a defense. Unfortunately the company handed him a letter of termination and he then went into internal exile for five years. In August 2002 he was assassinated at the door of the house of his mother.

Limberto Carranza, a Coke worker and union activist in Barranquilla, described the abduction of his 15-year old son, Jose David:

I'm speaking to the international commission as the father of a son. My son was taken September 11 of last year [2003]. A couple of hooded men took him off his bicycle as he was riding home from school. They detained him and they rode him around the city of Soledad, where we resided at the time. He was beaten; that is to say, tortured. Afterwards, he was left in a drainage ditch stunned and semi-conscious. They questioned my son about me. From the moment they started hitting him, they asked him where I was and what was I involved in. Afterwards, they told him in any case they were going to kill his father. My son was beaten...to this day...he hasn't recovered from the effects, he can't go on. He can't get over the psychological affects.

What concerns us the most is that on the 9th we had what could be called a major battle with management when the company put forth their plan to close the plants in Cartagena, Montería and Valledupar. We organized the workers to reject the plan proposed by the company for so-called "early retirement." They played a game of intimidation by bringing the workers to different hotels in these cities, to convince them to accept the plan and abandon their job security rights in their contracts. What was the response to our organizing? The next day they kidnapped my son.

This was by no means the only incidence of violence against family members that the delegation heard about. This is perhaps the most horrifying form of terror; Cardinal Richelieu, the 17th century chief minister to Louis XIII, is said to have remarked, "a man with a family can be made

to do anything.” Among the other stories of threats against families was that of William Mendoza, the local president of the union in Barrancabermeja. He recounted how three men tried to kidnap his four-year old daughter on June 8, 2002, but were foiled by her mother, who held on to the child fiercely. The men then began to beat the mother, but her repeated screams attracted attention and the would-be abductors let go. After this incidence, Mendoza says a local paramilitary commander called him:

He said, “listen, you were lucky today, we were going to take your kid.” He said, “we were going to kill her so that you stopped talking shit about the paramilitaries and about Coca-Cola.” This is because we here in Barranca have spoken out about the paramilitarism and their probable connections with Coca-Cola. They say if I keep talking, if I don’t silence myself, something will happen with a member of my family. I alerted the police to this and I haven’t seen even one person detained, and the police official has not talked to me about where the case is at.... My kids go to school in the armored car to protect them. This is a very difficult situation.

It was not the last time that Mendoza’s family was threatened:

The 17 of January of last year [2003] I received a call to my house to my daughter Paola. They asked her if her mother and father were there. They told her to tell them to be very careful. They asked her where she studied, she told them a certain school, and they told her she was lying, that they know that she went to a different school, and also that “right now your brother is doing chores right now in the front yard.” And at that moment, my ten-year old son was actually outside in the front washing the front of the house. So they were obviously staking out our house.

The delegation talked to two survivors of the paramilitaries’ campaign to destroy the union in Carepa, in the Uraba region, in 1995-1996. It was here that union leader Isidro Gil was shot seven times by paramilitary gunmen *inside* the Coke bottling plant. Hours later, the union’s office in town was burned down. And two days after that, paramilitaries returned to the plant, lined up all the workers, presented them with prepared letters resigning their union membership, and made them sign under threat of death. The letters had been written and printed on the company’s computers. The result, not at all surprising, was that the union was destroyed, and its leaders fled in fear for their lives.

Gil’s murder was one of five from the Carepa plant, along with many disappearances and kidnappings. Oscar Giraldo was at the time the vice president of the local union. Before Gil was assassinated, the union’s first executive board had been driven out of town and Giraldo’s own brother, Vincente Enrique Giraldo, had been killed. Giraldo described the complete impunity of Gil’s killers: “The police came to pick up the body and they never did any investigation. The same thing happened with my brother, they came to pick up his body and never did any, any investigation.”

It was not just impunity from state prosecution that Giraldo witnessed, however. He also observed ties between the company and the paramilitaries. He told the delegation that “a supervisor told me that Mosquera [the plant’s director] was going to squash us, and three days

later was the assassination of Isidro Gil.” Ariosto Milan Mosquera had left town shortly before the murder, right after the union had presented its bargaining demands to the company. Recalled Giraldo:

The paramilitaries could walk into the company with no problem, they would just come in and walk in, and the director kept saying that he had to get rid of the union. And he would drink with the paramilitaries and hang out with them, and everyone would tell us this. And I was told by a supervisor that the director just left to stall, and that the plan was really to get rid of the union. And I am sure that is was the paramilitaries that were told by the company to destroy the union. There was army, there was police in the town, the paramilitaries live right in the town, the police never made any attempt to stop them. And you would see the military and the paramilitary hanging out together. The paramilitaries would go around in civilian clothing with arms and they would stay in hotels. Some of them were from our own towns and some of them were from the outside. And Coca-Cola was a patron of the paramilitaries.

Attacks and threats have continued. For example, Luis Eduardo Garcia and Jose Domingo Flores, union activists from Bucaramanga whom the delegation interviewed in Barrancabermeja, told the delegation that they were victims of physical attacks on September 11, 2003. Juan Carlos Galvis, the vice president of the union in Barrancabermeja, survived an assassination attempt on August 22, 2003.

Coca-Cola inaction and complicity

Circumstantial evidence of Coca-Cola’s complicity in the raw repression of its union workforce abounds. This consists in the suspicious coincidence, reported to the delegation by multiple union sources in Colombia, of waves of anti-union violence and contract negotiations between the union and the company. The union’s analysis also reveals that the company’s peak profits have come at times of the most intense repression.

Beyond these correlations, there are troubling eyewitness accounts of paramilitaries having unrestricted access to Coke plants and of paramilitaries consorting with company managers. When the delegation traveled to Barrancabermeja, it conducted a physical assessment of access to the bottling plant there in order to understand more precisely what paramilitary access to company property entails. The plant in Barrancabermeja is surrounded by a 10-foot high iron fence. Entry is limited to a guarded gate, which remains closed. It is simply impossible to gain access to the plant without company knowledge and permission. It is impossible to avoid the conclusion that paramilitaries in Coke’s bottling plants were there with the full knowledge and/or tacit approval of the company.

The delegation also heard testimony from multiple sources that there are payments made by local Coke managers to paramilitaries. In the delegation’s meeting with Coca-Cola/FEMSA representatives Juan Manuel Alvarez and Juan Carlos Dominguez on January 13, these allegations were vigorously denied. Yet, Alvarez and Dominguez acknowledged that Coke officials had never undertaken any internal or external investigations into these assertions, nor into any of the hundreds of human rights violations suffered by the company’s workers.

The company's representatives also acknowledged there was a possibility that persons employed by the company—but acting without authorization—could have worked with, or have had contact with, paramilitaries. This admission makes the failure to investigate ties to the paramilitaries all the more shocking. Alvarez and Dominguez also maintained that the company assisted workers in filing complaints with the government about paramilitary harassment for union activity and promised to provide documentation thereof; to date, however, no such documentation has been received by the delegation, despite follow-up correspondence.

The January 13 exchange mirrors the delegation's experience with Coca-Cola throughout its dialogue with the company. Multiple requests for documentation have gone either unanswered or unfulfilled. Coke has shown—at best—disregard for the lives of its workers, who have been threatened, beaten, kidnapped, exiled and killed while the company has not seen fit to investigate this highly disturbing pattern affecting its workforce.

Legal reprisals

Suspicion that the company's response to the plight of its workers crosses from indifference into outright intimidation is fed by Coca-Cola's repeated resort to criminal charges against union activists.

In 1996, six union members from the Bucaramanga plant were arrested after the chief of Coca-Cola's security accused them of placing a bomb at the plant. Criminal charges were brought against three of them, and they were detained for over six months until the charges were dismissed as without merit by the prosecution. The delegation heard testimony from several of these workers, who recounted the ordeal of their unjust incarceration, sometimes under inhumane conditions, in horrid detail. The workers and their families were never compensated for damages suffered, and some report suffering from post-traumatic stress disorder incurred from their experience in prison. Coca-Cola has failed to condemn these workers' imprisonment or the false charges brought against them by their own subsidiary.

More recently, the company has brought criminal charges against some of the plaintiffs in the federal lawsuit filed in 2001 against the company in the Federal District Court for the Southern District of Florida under the Alien Claims Tort Act (ACTA). In the January 13 meeting in Bogota, Dominguez characterized these criminal charges as a "consequence" of the ACTA case, which the delegation interpreted to mean that the company intended the charges as a direct reprisal. Shortly after the delegation returned from Colombia, on January 26, 2004, the Colombian prosecutor involved in Coca-Cola's case against the workers who filed the U.S. suit dismissed the charges of slander and defamation as without merit. This represents the second time Coca-Cola's charges against its employees have been dismissed by Colombian courts. Yet Coca-Cola continues its legal strategy unabated; the company has brought similar charges against employees in Valledupar.

VI. CONCLUSIONS AND RECOMMENDATIONS

The delegation found both the quantity and the nature of Coca-Cola workers' allegations shocking and compelling. It seems indisputable that Coke workers have been systematically persecuted for their union activity. It seems equally evident that the company has allowed if not itself orchestrated the human rights violations of its workers, and it has benefited economically from those violations, which have severely weakened the workers' union and their bargaining power.

In the face of this evidence, Coca-Cola's continued insistence that it bears no responsibility whatsoever for the terror campaigns against its workers is highly disturbing, as is its complete failure to investigate company ties to the paramilitaries. The delegation has engaged in an earnest dialogue with the company on these issues for almost a year now, and has yet to receive any documentation backing up its denials of complicity in the situation. The delegation will continue to press for the specific documents it has been promised and to exhort the company to take urgently needed action to address the human rights crisis faced by its Colombian workforce. Specifically, the delegation reiterates its calls for:

(1) *Dropping all retaliatory criminal charges against its employees.* The delegation is concerned about the chilling effects of a company such as Coca-Cola filing retaliatory charges against workers who have used the legal system to address their grievances.

(2) *A public statement from Coca-Cola supporting international labor rights in Colombia, denouncing anti-union violence, and initiating a long-overdue investigation of workers' allegations.* The delegation believes that Coca-Cola's apparent refusal to investigate charges of such a serious nature against their employees appears to undermine their support for human and labor rights. Such a statement and investigation would serve to bolster international consumer confidence in the company's corporate behavior.

(3) *An independent human rights commission.* An independent human rights commission is necessary to evaluate all allegations and plant conditions to determine credible threats and identify potential means to protect both workers' rights and verify Coca-Cola's standing as a good global citizen. In order to maintain credibility and objectivity, the commission should be made up of equally participating partners from Coca-Cola, SINALTRAINAL and other relevant labor representatives and internally recognized human rights experts.

The delegation will continue its efforts to persuade Coca-Cola to take these urgently needed steps and to demonstrate that it will not tolerate profits subsidized by terror.

The delegation also urges all people of conscience to join in these efforts. We call on consumers to contact the company and add their voice to the call for corporate responsibility. We call on shareholders to exercise their power of ownership in the company. We call on churches, student organizations, community groups and civic associations to get involved. We issue a special call to unions to stand in solidarity with their brothers and sisters in Colombia being persecuted for their exercise of internationally recognized labor rights. And we call on government bodies,

representing all of these constituencies, to stand up for human rights and for the ideals of American democracy, which guarantee freedom of association.

Together as stakeholders in Coca-Cola, all of us must challenge this company, the symbol of American enterprise throughout the world, to end its complicity in the persecution of Colombian workers.

VII. APPENDICES

- (a) Initial letter to Coca-Cola officials requesting a meeting in NYC
- (b) Request letter given to Coca-Cola officials at 7/31/03 NYC meeting
- (c) Formal response letter from Coca-Cola
- (d) Memo to Colombian Coca-Cola officials at 1/13/04 Bogota meeting
- (e) Follow-up letter to Coca-Cola officials after Bogotá meeting
- (f) Documentation of the ownership of Panamco and FEMSA
- (g) City Council Resolution No. 269, introduced by Council Member Hiram Monserrate
- (h) Coca-Cola letter agreeing to supply requested documentation to delegation
- (i) Letter from Comptroller Thompson documenting NYC pension investments in Coca-Cola

Cal-Safety Compliance Corporation is Not a Credible Monitor for Coca-Cola's Labor Practices

The Coca-Cola Company has recently released a report by the for-profit corporation Cal-Safety Compliance Corporation as an “independent investigation” of Coca-Cola’s labor practices in Colombia. This is a purely public relations move that is due to increasing student pressure on campuses throughout the nation.

We want to make clear that we view this development as entirely unacceptable and unviable as a means of moving forward the process of ensuring that workers’ rights are respected in Coca-Cola bottling facilities in Colombia.

Cal-Safety is not regarded as a credible monitoring organization within the mainstream worker rights advocate community as result of its track record of missing egregious violations in high profile cases and its flawed monitoring methodology. This investigation by Cal-Safety funded by Coca-Cola will not be taken seriously by the anti-sweatshop movement and does not put to rest our long standing concern about human rights abuses in Coca-Cola’s plants in Colombia.

The document provides some background that informs our view of Cal-Safety and why the company cannot be relied upon to find, report, and correct worker rights violations in this case.

Cal-Safety and the Case of El Monte

Cal-Safety is perhaps best known among worker advocates for its role in the case of El Monte, the most infamous incident of sweatshop abuse in modern American history. In this case, 75 women 5 men were kept in conditions resembling slavery in a factory compound located in El Monte, California. For up to five years, the workers were forbidden to leave the compound, forced to work behind razor wire and armed watch, sewing garments for top American brands for less than a dollar an hour. The workers worked from 7:00 am until midnight, seven days a week. Eight to ten people were forced to live in rat infested rooms designed for two.¹

Cal-Safety was the registered monitor for the front shop, D&R. D&R transferred hundreds of bundles of cut cloth to the slave sweatshop and delivered thousands of finished garments to manufacturers and retailers each day, yet there were fewer than a dozen sewing machines at the D&R facility. Cal-Safety's inspection of the facility failed to uncover anything unusual, including the large volume of work being sent out to the slave sweatshop. In addition, Cal-Safety even failed to identify the numerous wage and hour violations of the 22 Latino workers employed by the D&R facility.² The revelations of abuse at the El Monte factory was a major event in American labor history, helping to spark the modern anti-sweatshop movement. The failure of Cal-Safety to find abuses in this case is one of the most widely cited examples of the shortcomings of the private monitoring industry.

¹ For a detailed account of the El Monte case, see Robert Ross et al. 1997. *No Sweat: Fashion, Free Trade and the Rights of Garment Workers*.

² Hearing before the Subcommittee on Oversight and Investigations of the Committee of Education and the Workforce, California House of Representatives, May 18, 1998. Statement of Julie A. Su, Attorney, Asian Pacific Legal Center

Additional Incidents of Ineffective Monitoring by Cal-Safety

As a result of its failure to identify violations in the El Monte case, Cal-Safety was the subject of extensive public criticism. However, even with this criticism, Cal-Safety's auditing practices continued to be exposed as inadequate. The following are additional high profile cases in which Cal-Safety failed to find and/or report worker rights violations.

- In 1998, Cal-Safety gave Trinity Knitworks, a garment factory in Los Angeles, a clean report despite the fact that the factory failed to provide complete records and had failed to pay employees for months. Cal-Safety reported to Disney, its client in this case, that Trinity was fully compliant with labor standards at nearly the same moment that investigators of the California Department of Labor were investigating the factory and citing it with massive minimum wage violations, including \$213,000 in back wages owed to some 142 workers.³ In September, 1998, when the Department of Labor seized 17,000 Disney garments from Trinity, the factory's checks to workers had been bouncing for five months. Cal-Safety had visited the factory during this period. A December 1, 1998 Los Angeles Times article reported that "as representatives of Disney and the other firms kept close watch over production details, such as the placement of inseams, hemlines and zippers, monitors hired by the companies failed to notice Trinity workers were not being paid." The article goes on to quote Joe A. Razo, California's deputy labor commissioner, who said, "You'd have to be pretty blind not to know what was happening at Trinity".⁴
- In 1999, Cal-Safety was the monitor hired by John Paul Richard, a high-end garment manufacturer producing in Los Angeles. Cal-Safety failed to identify and report sweatshop conditions, including falsified time records, off-the-clock work and sub-minimum wages. In fact, following a visit from a Cal-Safety inspector, two Latino garment workers who had spoken to Cal-Safety were fired in the presence of factory managers. When Cal-Safety was contacted about this act of retaliation for cooperating with a monitor, Cal-Safety refused to do anything, insisting that it wasn't Cal-Safety's problem. After the workers filed a federal lawsuit against the manufacturers and retailers in that case, formal discovery of Cal-Safety revealed a thoroughly inadequate process for training, inspecting and reporting.⁵
- In 1999, Cal-Safety was hired by Wal-Mart to audit a factory in China called Chun Si which produced handbags for Wal-Mart's Kathy Lee Gifford line. As revealed in a lengthy expose by Business Week, the factory kept workers in virtual captivity, locked in the walled in compound for twenty three hours a day. Management confiscated workers' identify guards, placing them in danger of deportation if they left the factory. Factory guards routinely beat workers for talking back to managers or walking too slow. Workers were fined as much as one dollar for infractions as minor as spending too long in the restroom. Cal-Safety, along with Price Waterhouse Coopers, audited the factory five times. Business Week reported that, while Cal-

³ Patrick McDonnell, Los Angeles Times December 1, 1998. "Industry Woes Help Bury Respected Garment Maker"

⁴ Ibid.

⁵ Asian Pacific American Legal Center. September 20, 2000. "Settlement Reached With Major L.A. Garment Manufacturers Who Ignored Reports of Sweatshop Labor"

Safety's audits found some of the less serious violations regarding unpaid and excessive overtime, Cal-Safety's "audits missed the most serious abuses... including beatings and confiscated identity papers".⁶

Cal-Safety's Flawed Monitoring Methodology

Information about the above examples of Cal Safety's monitoring track record is complemented by the results of a thorough investigation into Cal Safety's monitoring methodology by Dr. Jill Esbenshade, presented in the recently released book Monitoring Sweatshops. In her research, Esbenshade conducted extensive interviews with Cal-Safety auditors and directly observed the company's labor auditing in practice. Given the problematic practices documented, Cal-Safety's poor track record is perhaps not surprising. In numerous key areas, Cal Safety failed to adhere to minimum accepted standards for competent factory investigation.

- Unannounced factory visits have been shown to be substantially more effective in identifying worker rights violations, because they deny management the opportunity to hide abuses. Yet the majority of Cal-Safety's factory audits are announced, meaning that factory management has full knowledge that the auditors will be visiting the factory on the appointed date and time.⁷
- The process of identifying, documenting, reporting, and correcting worker rights abuses is a difficult and labor intensive process. Department of Labor investigations take roughly 20 hours to complete. WRC investigations often take hundreds of person hours over a period of months. However, Cal-Safety purports to accomplish the same work in just a few hours. Cal-Safety factory audits are generally scheduled every three hours, including time to commute to a new site or take a lunch or rest break, meaning that audits frequently take substantially less than three hours.⁸
- It is well established that interviewing workers outside of the factory in locations workers choose is far more effective in getting candid information about working conditions than interviewing workers inside of the factory where managers know who is being interviewed and workers can become the subjects of reprisal and retaliation. Yet, according to Cal-Safety auditors, Cal-Safety primarily conducts worker interviews on the factory floor or in an office in the factory. A former Cal-Safety monitor said, "There is no privacy in the conversation. The employer knew who was being interviewed."⁹
- The key area of concern in Coca-Cola's bottling facilities is freedom of association and the right of workers to unionize and bargain collectively, and thus expertise in this area is critical to an effective investigation. Yet Cal-Safety does not consider collective bargaining rights or freedom of association to be within the purview of its audits in the United States, and does not investigate for violations of the National Labor Relations Act. At the Cal-Safety office, researchers noticed anti-union

⁶ Business Week, Business News 2 October 2000. "Inside a Chinese Sweatshop: "A Life of Fines and Beating"

⁷ Esbenshade, Jill. 2004. *Monitoring Sweatshops: Workers, Consumers, and the Global Apparel Industry*. pg 73

⁸ Ibid. pg 72

⁹ Ibid. pg 77

propaganda posted on the wall voicing the message that monitoring is a substitute for unionization.¹⁰ No evidence could be found indicating that Cal-Safety has experience or expertise investigating violations of associational rights overseas.

- A basic principle of credible monitoring is that organizations that are beholden to the industry they monitor as their principle source of income are not likely to produce reports that are entirely unbiased or critical of their paymaster. However, Cal-Safety has been contracted and paid directly by many of the world's largest corporations, including Wal-Mart, Walt Disney, the Gap, and Nike.¹¹ Cal-Safety's annual revenue through private for-profit monitoring is in the millions of dollars.¹² Corporate contracts are its principle source of income.
- A basic principle of the University's anti-sweatshop policy is transparency and the public disclosure of factory information – a practice to which Cal-Safety has never submitted itself. Cal-Safety does not publicly disclose its monitoring reports to the public or to the workers whom the audits are supposedly designed to benefit. Even the names and locations of factories are a strictly held secret. Indeed, Cal-Safety's website states, "CSCC considers all of its monitoring interactions to be extremely confidential; inspection data is strictly controlled and released only to the client of record."¹³

Conclusion

In sum, based upon the information available, there are ample grounds to conclude the Cal-Safety is unfit to monitor Coca-Cola's labor practices in Colombia. Indeed, given its repeated failure to find egregious violations in high profile cases of worker abuse, its status as a for-profit corporation, its practice of monitoring generating revenue from the major corporations for whom it monitors, its lack of experience with the core issue of freedom of association, its flawed methodology in visiting factories and conducting worker interviews, and its utter lack of transparency, Cal-Safety should easily be ruled out as a candidate for credibly investigating the case of Coca-Cola in Colombia.

We expect that if Cal-Safety does conduct a paid audit of Coca-Cola's practices, the most likely outcome will be that it finds minor violations – sufficient to slap Coca-Cola on the wrist – but fails to adequately investigate and report on the serious violations, involving violence and the threat of violence against trade unionists, that have prompted worldwide concern.

The University should not lend its credibility or place any credence in this transparent effort to whitewash a serious case of human rights abuse.

¹⁰ Ibid. pg 81

¹¹ Source: National Labor Committee

¹² Esbenshade, Jill. 2004. *Monitoring Sweatshops: Workers, Consumers, and the Global Apparel Industry*. pg 65

¹³ From Cal-Safety's website: http://www.cscconline.com/faqs/container_faqs.shtml#

Killer Coke vs. The Truth:

A Response to Denials and Distortions

The Coca-Cola Co. is sending form-letter responses to all those who write to complain about its human rights abuses, its failure to provide safe workplaces and its collaboration with paramilitary terrorists who seek to destroy the SINALTRAINAL union in Colombia. The Campaign to Stop Killer Coke offers the following responses to Coke's assertions.

Denial No. 1: Coca-Cola claims that “SINALTRAINAL’s oft-repeated allegations against the Coca-Cola Company and its Colombian bottling partners are completely false. They are nothing more than a shameless effort to generate publicity using the name of our Company, its trademark and brands.”

The Truth: It’s simply preposterous to say that Colombian workers and their union are suing Coca-Cola in order to “generate publicity.” Indeed, by seeking legal redress these Colombians are risking their lives and livelihoods. Coca-Cola’s bottling partner, Panamco Colombia, has responded to SINALTRAINAL by bringing criminal charges against all the Colombian plaintiffs — with the acquiescence, if not the overt support, of The Coca-Cola Company. In addition, the plaintiffs have been subjected to repeated threats. In August 2003, Juan Carlos Galvis, a worker and union activist at the Barrancabermeja bottling plant, narrowly escaped an assassination attempt after paramilitaries fired their weapons at him in an attempt to retaliate for his involvement in the lawsuit and the international campaign against Coke’s workplace abuses. Why would Galvis and the other plaintiffs risk their lives merely to seek “publicity?”

Curiously, while Coca-Cola flatly denies all the allegations in the lawsuit, it never even addresses the specific facts that are cited therein. For example, no one disputes the fact that union leader Isidro Segundo Gil was murdered in cold blood while working at the Carepa bottling plant. Nor does anyone dispute the fact that the same paramilitaries who killed Gil returned the next day and tried to force all of the workers to sign union resignation forms prepared by Coca-Cola’s managers. It is also public record that three of the Colombian plaintiffs, as alleged in the International Labor Rights Fund lawsuit, were thrown in jail for six months and subjected to inhumane and brutal prison conditions, based upon false charges initiated by Coca-Cola’s bottling partner, Panamco Colombia. A Colombian prosecutor later dismissed these charges as frivolous, while suggesting they were brought in order to discredit and undermine the union. Yet, to this day, Coca-Cola and its “bottling partners” continue to press baseless criminal charges against the Colombian plaintiffs in retaliation for their lawsuit.

Denial No. 2: Coca-Cola claims that “the U.S. District Court in Miami dismissed The Coca-Cola Company from lawsuits filed by SINALTRAINAL, finding that the plaintiffs failed to offer any factual or legal basis to support their claims that the Company was responsible for wrongful conduct in Colombia.”

The Truth: While the District Court on March 31, 2003 did dismiss Coca-Cola from the lawsuit, it did so (1) prior to discovery and the accompanying ability of both sides to garner and present evidence; and (2) on the basis of a single document — a “sample” bottlers’ agreement

that Coca-Cola admitted wasn't the actual agreement with the Colombian bottlers cited in the lawsuit.

The court found, we believe prematurely and in error, that Coca-Cola did not have sufficient control of the Colombian bottlers to be held liable for their human rights abuses — in spite of the fact that Coca-Cola was the largest shareholder in Panamco and owned 25% of its outstanding Class A shares, 25% of its Class B shares and 100% of its outstanding Series C Preferred Stock. Panamco's "Definitive Proxy Statement" on its impending merger with Mexican-based Coca-Cola FEMSA, filed on March 28, 2003, stated: "The Coca-Cola Company has the right to prevent any merger transaction involving Panamco, by virtue of its ownership of Panamco's Series C Preferred Stock..." Six top executives and a former consultant at Coca-Cola, a Coca-Cola board member and a chief policymaker for SunTrust Banks (the institution that has been Coca-Cola's financial bulwark since 1919) now sit on FEMSA's board, and Coca-Cola owns 46.4% of FEMSA's voting stock.

The District Court also failed to take into account documents admittedly created by Coca-Cola (i.e., letters to consumers and a statement to shareholders) in which the company frankly acknowledged its control over workplace practices and its right to inspect the plants to ensure that local managers abide by human rights conventions and domestic law.

The plaintiffs intend to appeal the dismissal of the company. However, the court's technical ruling on Coca-Cola's ability to be liable for human rights abuses in Colombia *does not* change the fact that these abuses actually occurred. Indeed, the plaintiffs continue to pursue these claims. Coca-Cola chooses to ignore the fact that the court *did* allow the lawsuit to proceed against both Panamco Colombia (now merged into Coca-Cola FEMSA) and Bebidas y Alimentos, the operator of the plant in which Isidro Gil was murdered. The court acknowledged that the plaintiffs have sufficiently alleged that these bottlers engaged in the same type of serious human rights abuses (as defined under international law, or "the law of nations," to include extrajudicial killings, torture and unlawful detention) that the Alien Tort Claims Act of 1789 and the Torture Victims Protection Act of 1992 are intended to correct.

Denial No. 3: Coca-Cola claims that "a court in Colombia, the Colombian Attorney General, and two other major labor unions have all indicated that there is no evidence supporting allegations made by SINALTRAINAL against our Colombian bottlers."

The Truth: No court in Colombia has ever ruled on the human rights claims being brought against Coca-Cola. And, while it is true that the criminal charges against the Coca-Cola bottler in Carepa were ultimately dismissed before they got to court (after initially being found meritorious by a Colombian prosecutor), these charges were ultimately dismissed based upon the fact that the plant manager in Carepa, Ariosta Mosquera, who allegedly conspired with the paramilitaries to murder Isidro Gil, left town shortly before the actual murder. Yet, the same dismissal decision notes that Mosquera, as the family of Isidro Gil claimed, fraternized openly with the paramilitaries and had threatened union workers prior to the murder. We believe that Mosquera's hasty departure before the murder is actually evidence of his guilt, not his innocence.

U.S. State Dept. human rights reports say that only a handful of the thousands of murders of Colombian trade unionists in recent years have ever resulted in successful prosecutions. "Cases where the instigators and perpetrators of the murders of trade union leaders are identified are practically nonexistent, as is the handing down of guilty verdicts," the State Dept. asserts. In

light of this, it is not surprising that the plaintiffs cannot secure justice through the Colombian courts. That's why they are seeking redress through the U.S. courts in the first place.

And, while there are a couple of unions (most notably the one which took over at the Carepa plant after SINALTRAINAL was wiped out by the paramilitaries there) which, for their own reasons, are not in support of the campaign against Coca-Cola, SINALTRAINAL has earned the active support of the largest union federation in Colombia, the CUT (Unitary Workers Federation), and Colombia's National Labor School, which the U.S. State Dept. relies upon for data about Colombian union matters. In the United States, the AFL-CIO, the United Steelworkers of America, the International Labor Rights Fund, Witness for Peace, SOA Watch and the International Longshore and Warehouse Union are among SINALTRAINAL's leading supporters — a list that is growing longer every day.

Denial No. 4: Coca-Cola claims that “Coca-Cola bottlers in Colombia have extensive, normal relations with multiple labor unions, including SINALTRAINAL. Elsewhere in Latin America, more than half of the employees of Coca-Cola bottlers are represented by different labor unions.”

The Truth: Regarding the conduct of Coca-Cola bottlers in Latin America generally, it must be noted that the Colombian occurrences were hardly the first serious human rights violations attributed to Coke. In the early 1980s, a Guatemalan Coca-Cola bottler was responsible for the brutal murders of at least eight union leaders. While The Coca-Cola Company, as usual, denied all responsibility, it was ultimately forced by an international pressure campaign to intervene in Guatemala.

Obviously, SINALTRAINAL would not characterize its relations with the Coca-Cola bottlers as “normal.” To this day, SINALTRAINAL leaders are constantly living with threats by paramilitaries whose leaders are permitted to freely enter Coca-Cola plants and to meet openly with the local managers. There is also credible evidence that some Coca-Cola plant managers in Colombia continue to make monthly payments to these same paramilitaries. Paramilitary leaders have freely admitted (to National Public Radio reporter Steven Dudley, among others) that they have established bases around every Coca-Cola bottling plant in Colombia in order to “protect” Coke's interests.

Denial No. 5: Coca-Cola incessantly claims that Panamco Colombia provides employees and union officials with elaborate safety and security benefits.

The Truth: This simply isn't true! While some union officials receive security measures from the Colombian government and others pay for their own bodyguards and security equipment, Panamco Colombia supplies no such security assistance. Coca-Cola is either ill-informed on this score or is simply lying.

CHALLENGING CORPORATE GLOBALIZATION

- Since April 22, 2002, residents of Plachimada, Kerala have been on vigil—24 hours a day, 7 days a week—outside the gates of Coca-Cola's bottling plant in their village. The panchayat (village council) has refused Coca-Cola the license to operate and the bottling facility, the largest Coca-Cola bottling facility in India, has been 'temporarily' shut down and the struggle is continuing make it permanent.
- Local residents in Mehdiganj, near the holy city of Varanasi, are also leading a struggle against Coca-Cola and over 1,500 members demonstrated against Coca-Cola in November 2004. Protesters were met at Coca-Cola's factory gates by ARMED police, sent to "protect" the plant. This was no mere threat, the protesters were severely beaten up.
- At Coca-Cola's bottling facility in Kala Dera, near Jaipur, Rajasthan, the sinking water table has created water shortages for over 50 villages. Over 2,000 people marched in August 2004 to protest Coca-Cola's practices.
- In Kudus village in Thane district in Maharashtra, villagers are forced to travel long distances in search of water which has dried up in their area as a result of Coca-Cola's bottling operations. Coca-Cola has built a pipeline to transport water from a river to its plant, and activists opposing the pipeline and the facility are regularly harassed by local police.

- Sensing a pattern, more than 7,000 people in Sivaganga, Tamil Nadu, mostly women, turned out in April 2003 to protest a proposed Coca-Cola factory in their village. Residents are justifiably worried that Coca-Cola's joint operations with a sugar mill in the area will lead to water scarcity and contamination.

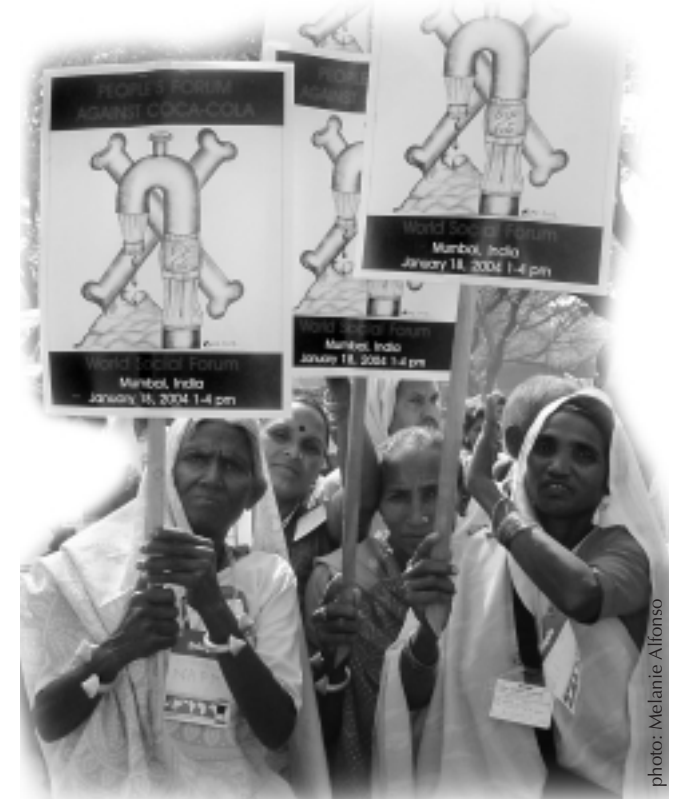
JOIN US as we build a unique, grassroots, international campaign that links HUMAN RIGHTS, ENVIRONMENTAL JUSTICE AND LABOR RIGHTS and advocates for:

- the rights of communities over natural resources
- the rights of communities to live free of toxics and violence
- the rights of marginalized communities to be free of disproportional burdens
- the rights of workers to organize freely
- the rights to water as a fundamental human right

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COCA-COLA:



**DESTROYING LIVES,
LIVELIHOODS AND
COMMUNITIES**

UNTHINKABLE, UNDRINKABLE!
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GRASSROOTS STRUGGLE...

THOUSANDS of people all across India are protesting Coca-Cola's operations in India. Led primarily by women, Adivasis (Indigenous Peoples), Dalits (lower castes), agricultural laborers and farmers, a significant grassroots movement has emerged in India to hold Coca-Cola accountable for its crimes in India and internationally. The campaign is growing and winning extremely important battles in the quest for justice.

...AGAINST CRIMES

A PATTERN of ABUSE has emerged for Coca-Cola's bottling operations in India.

Coca-Cola is Guilty of:

- Causing Severe Water Shortages in Communities Across India
- Polluting Groundwater and Soil Around its Bottling Facilities
- Distributing its Toxic Waste as 'Fertilizer' to Farmers
- Selling Drinks with High Levels of Pesticides in India, including DDT—sometimes 30 times higher than EU standards

...OF HUMANITY

Communities living around Coca-Cola's bottling facilities are facing severe hardships. A majority of the community members affected by Coca-Cola's indiscriminate practices are also some of the most marginalized communities in India- Indigenous Peoples, lower castes, low-income and agricultural day-laborers.



Water and land is central to agriculture and over 70% of Indians make a living related to agriculture. Water scarcity and polluted soil and water created by Coca-Cola has directly resulted in crop failures—leading to a LOSS of LIVELIHOOD for thousands of people in India. More than half of India's population lives BELOW THE POVERTY LINE, and disrupting farming is a matter of LIFE AND DEATH for many in India. Ironically, communities most impacted by Coca-Cola's bottling operations cannot even afford to buy Coca-Cola products.

Coca-Cola's indiscriminate pollution of the common groundwater source is a major long-term problem. It is extremely difficult, if not impossible, to clean the groundwater resource through technology, and future generations are now subjected to drinking polluted waters courtesy Coca-Cola. Or they can install water pipes to

their homes and pay for clean drinking water, which most CANNOT afford to do.

Distribution of toxic waste as fertilizer to farmers around its bottling facilities has created a PUBLIC HEALTH NIGHTMARE. The long term consequences of exposure to the toxic waste is not yet known and the worst is yet to come.

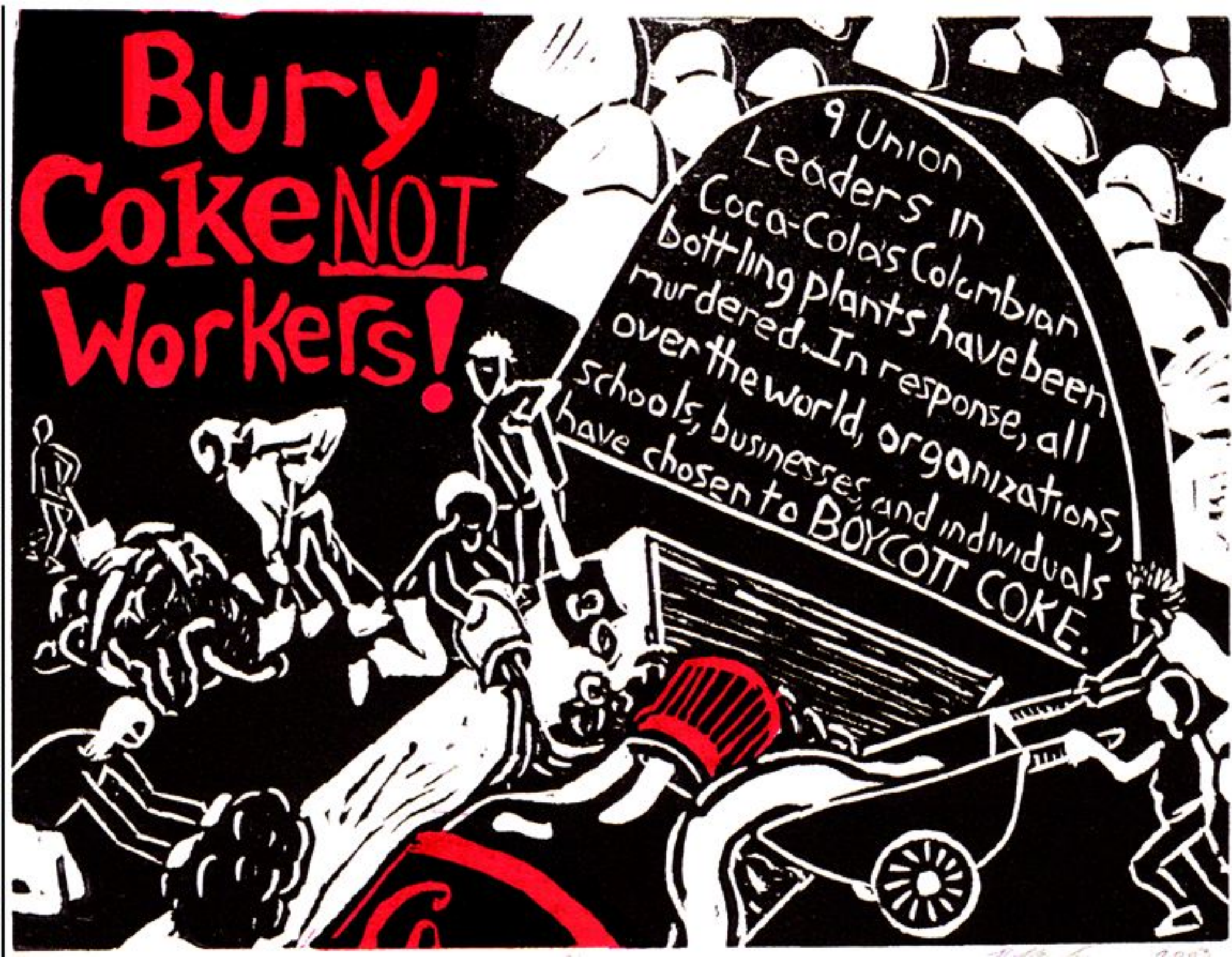
Coca-Cola is committing crimes against humanity in India. But a more powerful force has emerged to challenge Coca-Cola.

COLOMBIA: KILLER COLA!

Coca-Cola's main Latin American bottler, Panamco, is on trial in the US for hiring right-wing paramilitaries to kill and intimidate union leaders in Colombia. SINATRAL union leaders and organizers have been subject to a gruesome cycle of violence unleashed by Colombian paramilitary forces in complicity with the Coca-Cola's Colombian bottling subsidiary.

Since 1989, eight union leaders from Coca-Cola bottling plants have been murdered by paramilitary forces, some of them even attacked within their factory's gates. Workers have also reported being intimidated with threats of violence, kidnapped, tortured, and unlawfully detained by members of the paramilitary working with the blessing of, or in collaboration with, company management.

www.killercoke.org



**Bury
Coke NOT
Workers!**

9 Union
Leaders in
Coca-Cola's Colombian
bottling plants have been
murdered. In response, all
over the world, organizations,
schools, businesses, and individuals
have chosen to **BOYCOTT COKE.**

THE ADMINISTRATION

WON'T
TAKE A
STAND

