

# **STRONGER TOGETHER**

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PAUL HOWES National Secretary



07 January 2011

His Excellency Pedro Monzon  
Ambassador of the Republic of Cuba in Australia  
1 Gregory Place,  
O'MALLEY ACT 2606

Your Excellency,

I refer to your correspondence of 20 December 2010 and your invitation to meet with you in your capacity as the new representative of the Cuban Government in Australia.

I would be happy to take up your offer to meet, but this can, unfortunately, only happen once the Cuban government stops repressing independent trade unions and releases the many union leaders now in prison in your country.

The Australian Workers' Union – Australia's oldest union and largest blue collar trade union - has a long and honourable history of supporting democratic trade unionism across the globe.

As such our union has been critical for some time of the state-controlled Cuban trade union movement, the Confederación de Trabajadores Cubanos (CTC), whose leadership is not elected by workers but appointed by the State and the Cuban Communist Party.

Our position is very much that of the global trade union movement, affiliated to the International Trade Union Confederation (ITUC), who year after year issue reports on the repression of workers' organisations in your country.

As I write this letter Cuba is in the process of beginning the elimination of some 500,000 state jobs.

The official Cuban weekly, Trabajadores, has just this week reported a speech by the CTC leader, Salvador Valdes, saying it was his union's responsibility to 'be the guarantor' of the process of 'labour reorganisation'.

The official paper quotes Mr. Valdes as saying that while the sackings are 'an administrative process,' the union must keep watch to make sure it complies with what has been established for each step of the process to reduce state labour rolls.

Classically this has been the role of all Communist state-controlled unions, representing the interests not of the workers but the State.

While the CTC looks the other way the State consistently represses the independent trade unions struggling to have the real voices of Cuban workers heard in your country.

After the appointment of Raul Castro as your country's new head of state there were some predictions of a general release of political prisoners including dissident trade union leaders as a goodwill gesture and a sign of a relative change in the running of the country. But these predictions, unfortunately, have not been fulfilled.

The International Trade Union Confederation regularly releases an Annual Survey on Violations of Trade Union Rights.

The latest 2010 annual report notes that your Government continues to prohibit independent trade unions and the right to strike, I have attached a copy section of the report that deals with Cuba to this correspondence for your information.

The report notes that a considerable number of trade union organisations have been declared illegal in Cuba thus violating the fundamental human right to organise and take autonomous action.

In June 2010, the ITUC report noted, the former political prisoner José Ramón Castillo denounced various trade union rights violations in Cuba to the United Nations Human Rights Council. Amnesty International had declared him a prisoner of conscience and he testified before a UN human rights forum as a victim of repression in Cuba.

He stated that Cuban workers' right to self-determination is not respected on the island. Workers do not have the right to organise trade unions independent of the state and five Cubans are currently serving prison sentences for having tried to organise independent trade unions. This information has been widely documented by the relevant international institutions.

In July, five independent trade unionists were still being held in prison, having been arrested during the wave of repression in March 2003 and condemned to long prison sentences in summary trials.

They are Nelson Molinet Espino, General Secretary of Confederación de Trabajadores Democráticos de Cuba (CTDC); Miguel Galván Gutiérrez, an independent journalist and deputy director of the Centro Nacional de Capacitación Sindical y Laboral; Alfredo Felipe Fuentes, leader of the Consejo Unitario de Trabajadores de Cuba (CUTC); Iván

Hernández Carrillo, member of the national executive of the independent workers' confederation, CONIC; and Héctor Raúl Valle, a member of the CTDC.

On 4 August, María Elena Mir Marrero, General Secretary of the Confederación Obrera Nacional Independiente de Cuba (CONIC), and activists Justo J. Sánchez, Hanoi Oliva and Daniel Sabatier, were questioned at the headquarters of the national revolutionary police, PNR, over their participation in a march on 13 July, at which they gave interviews for the documentary "Bajo el cielo cubano: el trabajador y sus derechos".

The Castro regime has released four leaders of the United Council of Cuban Workers (Consejo Unitario de Trabajadores de Cuba – CUTC) who had received lengthy prison sentences – but as soon as they were released they were expatriated. The General Secretary of the CUTC, Pedro Pablo Álvarez Ramos, was exiled to Spain in February 2008. The other exiles were identified as Omar Pernet, sentenced to 25 years; José Gabriel Ramón Castillo, 20 years; and Alejandro González Raga, who had been given a 14-year term.

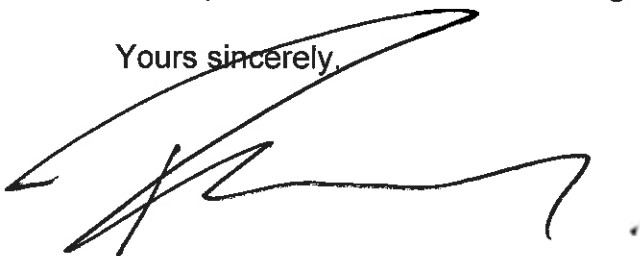
While the repression of unions and workers' rights organisations in Cuba are well documented it is unfortunate that there has not been a strong international voice supporting independent unions in your country.

I am aware that both here in Australia and across the globe there is increasing talk of the need for unions to highlight this repression and to put more pressure on Communist regime which rules your country to give workers' real rights in the workplace.

I hope that the current economic changes in Cuba will expose the CTC for its failures to represent the interests of working people. Unions across the globe will then begin to provide more support for the dissident union groups, the CUTC, the CONIC and the CTDC, to fill the vacuum created by the failures of the state-controlled union.

Your Excellency, when we can celebrate the freedom of imprisoned unionists in your country I would be more than willing to meet with you in Canberra.

Yours sincerely,



Paul Howes  
**NATIONAL SECRETARY**  
**THE AUSTRALIAN WORKERS' UNION**

Encl.

## Cuba

Population: 11,200,000 / Capital: Havana  
ILO Core Conventions Ratified: 29 - 87 - 98 - 100 - 105 - 111 - 138

**Immobility is the main feature of the legislation underpinning the special system of labour relations in Cuba. Trade union organisations must form part of the system and contribute to it. There is no independent and autonomous trade unionism on the island, depriving it of the main instrument for the defence of workers' rights. Independent trade unions are prohibited and the law does not specifically recognise the right to collective bargaining or the right to strike.**

### Trade union rights in law

Basic trade union rights are not adequately protected. While the law guarantees the right to organise, trade unions must also play a political role and contribute to developing and supporting the regime. Workers' rights are thus subordinate to political objectives. Furthermore, there is only one officially recognised trade union, the Central de Trabajadores de Cuba (CTC), which has a monopoly with respect to representation of workers vis-à-vis government instances.

The right to collective bargaining is not specifically recognised, and the provisions that regulate how collective agreements are to be concluded are too detailed. The law also requires the approval of the National Office for Labour Inspection for registration of collective agreements in many activity sectors. Furthermore, in the event of differences between the parties, the law imposes compulsory arbitration and provides for interference or intervention by the authorities and by the CTC.

The right to strike is not provided for in the legislation, and its exercise in practice is prohibited.

### Trade union rights in practice and violations in 2009

**Background:** Cuba saw a bad start to the year in the aftermath of the three hurricanes that struck the island in 2008, leaving damages estimated at 10 billion dollars. The government reduced subsidised food quotas in 2009, cut energy consumption and stopped its debt repayments. No change was seen, however, on the political and rights front. According to the majority of the analysts consulted, no substantial change was seen on the political scene, aside from the replacement of secondary figures such as Carlos Lage, the former vice president. The same applies to the civil and democratic rights situation.

**Anti-union legislation:** The regime continues to prohibit independent trade unions and the right to strike is simply not regulated by the legislation in Cuba. According to the government, the need to call strikes does not apply, as the official trade union organisations enjoy the guarantee that their demands will be heard by the authorities.

**Right to form and register organisations declared illegal:** A considerable number of trade union organisations have been declared illegal in Cuba and forced to remain dissident, violating the right to organise and take autonomous action.

**Workers' rights violations persist:** On 10 June, the former political prisoner José Ramón Castillo denounced various trade union rights violations in Cuba to the United Nations Human Rights Council. Amnesty International had declared him a prisoner of conscience and he testified before this forum as a victim of repression in Cuba. He stated that Cuban workers' right to self-determination is not respected on the island. Workers do not have the right to organise trade unions independent of the state and five Cubans are currently serving prison sentences for having tried to organise independent trade unions. This information has been widely documented by the relevant international institutions.

**Independent trade unionists in prison:** In July, five independent trade unionists were still being held in prison, having been arrested during the wave of repression in March 2003 and condemned to long prison sentences in summary trials. They are Nelson Molinet Espino, General Secretary of the democratic workers' confederation, Confederación de Trabajadores Democráticos de Cuba (CTDC); Miguel Galván Gutiérrez, an independent journalist and deputy director of the national labour and trade union training centre, Centro Nacional de Capacitación Sindical y Laboral; Alfredo Felipe Fuentes, leader of the united council of Cuban workers', Consejo Unitario de Trabajadores de Cuba (CUTC); Iván Hernández Carrillo, member of the national executive of the independent workers' confederation, CONIC; and Héctor Raúl Valle, a member of democratic workers' confederation, CTDC.

**Trade unionists arrested:** On 4 August, María Elena Mir Marrero, General Secretary of the independent workers' confederation, Confederación Obrera Nacional Independiente de Cuba (CONIC), and activists Justo J. Sánchez, Hanoi Oliva and Daniel Sabatier, were questioned at the headquarters of the national revolutionary police, PNR, over their participation in a march on 13 July, at which they gave interviews for the documentary "Bajo el cielo cubano: el trabajador y sus derechos" (Under the Cuban Sky: Workers and their Rights).

## Cuba

Population: 11,400,000 / Capital: Havana  
ILO Core Conventions Ratified: 29 - 87 - 98 - 100 - 105 - 111 - 138

The same labour standards remain in force in Cuba. Workers can only belong to the single trade union. Freedom of association is restricted and collective bargaining and the right to strike are not recognised by law. Several independent activists who were sentenced to lengthy terms in prison in 2003 were exiled. The country has a unique system of labour relations, with the State playing the role of all social actors.

### Trade union rights in law

**Freedom of association:** Cuban law recognises the right to organise, but trade union organisations must also play a political role, and contribute to developing and supporting the regime. Workers' rights are subordinate to political objectives.

The bodies that deal with the administration of labour are also part of the leadership structures of the State apparatus.

The General Secretary of the national trade union centre, the Central de Trabajadores de Cuba (CTC), has the right to take part in meetings of the Council of Ministers and its Executive Committee. The CTC National Committee can propose legislation.

Of the 14 paragraphs that make up article 16 of the Labour Code, setting out the rights of trade unions and the CTC, only two can be interpreted as workers' rights. The rest concern the unions' political contribution to developing the government's model.

The government explicitly prohibits independent trade unions, though it claims there is no legal requirement for workers to join the CTC.

The government told the ILO that it was undergoing a comprehensive revision of its Labour Code. According to the Cuban authorities "Freedom of association, protected in Convention 87, does not translate into the false concept of 'trade union pluralism' imposed by the main centres of capitalist and imperial power."

**Collective bargaining:** The legal requirement to join a union is implicit in employment contracts, although there is no express requirement. Once that relationship has started the worker is expected to join a union by filling in the appropriate document. The Labour Code stipulates that in order to be legally valid and effective, collective agreements must be discussed and approved in workers' meetings and be formally declared in writing and signed by the parties, i.e., the employing body as well as the trade union organisation. Any modifications or additions must be approved in workers' meetings and signed by the parties.

The State controls the labour market and decides on pay and working conditions in the State sector. In the private sector, the 1995 Foreign Investment Law requires foreign investors to contract workers through State employment agencies. The investors pay the agencies in dollars, but the agencies pay the workers the equivalent figure in pesos, pocketing up to 95% of their salaries.

**Right to strike** p>There is no legislation covering the right to strike. According to the government there is no need to call strikes since the demands of official trade union organisations will always be heard by the authorities. According to the Labour Code, workers can only refuse to work if the infrastructure or machinery in their workplace poses a risk, although they are obliged to work, provisionally, in another post assigned to them. This is tantamount to denying the right to strike, according to international labour standards.

The Labour Code also provides that "A trade union inspection of work could order the paralysing of machinery, equipment and tasks and propose that the workplace be closed down, if the conditions are such that an imminent workplace accident is foreseen". There is no information concerning the actual implementation of this provision.

To take legal steps over labour issues, workers must first turn to the Labour Council. Labour disputes are settled by State institutions.

### Trade union rights in practice and violations in 2008

**Background:** The island was hit by three hurricanes in a row, causing huge human and material damage, to the extent that the regime appealed for international assistance. Raúl Castro introduced some liberalising measures.

**CUTC leaders expatriated:** Four leaders of the United Council of Cuban Workers (Consejo Unitario de Trabajadores de Cuba – CUTC) who had received lengthy prison sentences were released and expatriated. Another five remain in prison. The General Secretary of the CUTC, Pedro Pablo Álvarez Ramos, was exiled to Spain in February 2008. The other exiles were identified as Omar Pernet, sentenced to 25 years; José Gabriel Ramón Castillo, 20 years; and Alejandro González Raga, who had been given a 14-year term.

Predictions of a general release of political prisoners and dissident trade union leaders, as a goodwill gesture and a sign of a relative change in the running of the country, now in the hands of Raúl Castro, were not fulfilled.