



Alerta

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THE GENERAL CONFEDERATION OF WORKERS OF PERU (CGTP) PRESENTED A FORMAL COMPLAINT TO THE INTERNATIONAL LABOUR ORGANIZATION (ILO) BECAUSE OF THE DISMISSAL OF 7 UNION LEADERS COMMITTED BY OWENS-ILLINOIS AND THEY GET READY TO REPORT THE BREACH OF THE OECD GUIDELINES TO THE NATIONAL CONTACT POINT IN UNITED STATES

Owens Illinois Perú S.A has to the transnational Owens Illinois Inc.(O.I) as majority shareholder (95.24%) with head office in Ohio, United States which has subsidiaries in Ecuador, Colombia, Venezuela and Brasil.

O.I.Perú is involved in manufacture, sales and distribution of bottles for drinks, foods, pharmaceutical and promotional products.

O.I. has operated in Perú since 1993 when they acquired the stock majority of the Vinsa Enterprise.

In 2005, their sales increased in S/. 174.3 millions, 19% more than in 2004.

In 2006, they advertised an investment of \$ 34 millions, for a new plant in Perú which will start to operate on the second middle of 2007.

On October 2005, in a anti-union action, the enterprise of North American capitals Owens Illinois Perú S.A.(O-I Perú) fired 7 leaders of the Trade Union of Owens Illinois Perú S.A SITRA - OSISA who belong to the current and last board of directors in that moment. (Viewing Alert N° 163).

The fired union leaders are:

- 1) **VELARDE DÍAZ, MÁXIMO** (General Secretary 2005-2007)
- 2) **PALACIOS MORE, GASPAR** (Discipline Secretary 2005-2007)
- 3) **CÓRDOVA CHIAN, EDDY** (Economic Secretary 2005-2007)
- 4) **SÁNCHEZ GUTIÉRREZ, RUPERTO** (General Secretary 2003-2005)
- 5) **SUCLUPE YAUCE, SEBASTIÁN** (Organization Secretary 2003-2005)
- 6) **MARTÍNEZ GUEVARA, JORGE LUIS** (Defense Secretary 2003-2005)
- 7) **MANAYAY CONTRERAS, JUAN** (Economic Secretary 2003-2005)

On November 17th 2005, these union leaders started a annulment process of dismissal in presence of the Judicial Power against Owens Illinois Perú which is being processed in presence of the Third Callao Labour Court, File 1628 – 2005. Up to now, there isn't sentence related this case.

Perú as a member of the International Labour Organization (ILO) have ratified Convention N° 98, related Right to Organise and Collective Bargaining Convention, 1949 which sets:

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to-

(a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;

(b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

However, in this case, it was proved that Perú has failed to fulfil its obligation to establish suitable guarantees through its legislation and governmental institutions in full exercise of Labour Union Freedom.

For this reason, on December 11 th 2006 the General Confederation of Workers of Peru (CGTP) presented a formal complaint to the International Labour Organization (ILO), against State of Perú as consequence of the violation to Labour Union Freedom which was committed by the transnational enterprise Owens Illinois Inc. and was against their union leaders. In order that Labour Union Freedom Committee if the ILO Administration Council makes a pronouncement related these facts..

United States of North America is member of Organisation for Economic Co-operation and Development (OECD), so there is a agreement of multinational enterprises of this country to respect the OECD Guidelines in any country where has its investments. These OECD Guidelines sets:

“Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices:

1. a) Respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on employment conditions;(...)”

Currently, United States of North America is processing the ratification of North American Free Trade Agreement (NAFTA) on side of its Congress. In that sense, the representatives of the democratic party expressed a certain observations about labour chapter and respect of International Labour Standars which are established by International Labour Conventions of ILO.

On the subject, Minister for Work, in comments dated on Friday January 19 th 2007 for the Official Newspaper “El Peruano”, it was mentioned that “Peru fulfils with exigencies of ILO Labour Conventions and it turns out strange the approach of United States for carrying out some adjustments in NAFTA”

Contrary of what was mentioned by Minister of Work, reality is completely different, so in this case it has proved that Labour Union Freedom has been infringed. For this reason, as action the General Confederation of Workers of Peru (CGTP) will invoke the fulfillment of OECD Guidelines for multinational enterprises to its National Contact Point in United States of North America.

[Complaint to ILO](#)

[Letter to Owens Illinois Inc.](#)

Send your letters expressing your opinion and solidarity to:

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Copies of these communications and the solidarity messages can be sent to:

Programa Laboral de Desarrollo (PLADES).

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