



David McCann
Fyffes plc
29 North Anne Street
Dublin 7
DO7 PH36
Ireland

11 November 2016

Dear Mr. McCann,

FYFFES MUST RESPECT LABOUR RIGHTS

We are calling on Fyffes to respect the rights of workers employed throughout its supply chains. As the '*biggest importer of bananas and the leading marketer of organic & Fairtrade bananas to Europe and largest global marketer for supersweet pineapples and winter season melons*', Fyffes impacts on the lives and livelihoods of tens of thousands of tropical fruit workers.

Our partners, the Coordinating Body of Latin American Banana and Agro-industrial Unions (COLSIBA), have made us aware of two specific subsidiaries at which there is evidence of very serious abuses of core labour standards; ANEXCO in Costa Rica and Suragroh in Honduras.

At Suragroh, the local union, Sindicato de Trabajadores/as de la Agroindustria y Similares (STAS), has reported contravention of both the *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)* and the *Right to Organise and Collective Bargaining Convention, 1949 (No. 98)* as ratified in Honduran labour law, to which Fyffes are committed to as members of the Ethical Trading Initiative (ETI), and which are required to be respected by all corporate actors, as a minimum, under the United Nations Guiding Principles (UNGP). Members of STAS union committees have twice been threatened, locked up and coerced to resign, denying vulnerable seasonal workers elected representation in their workplace. Local management refuses to recognise or enter into collective bargaining negotiations with the union, STAS. Ineffective health and safety procedures in the workplace and a failure to pay the minimum wage until February 2016 are also reported. The Honduran Labour Inspectorate has found non-payment of minimum wages and other statutory benefits up until January 2016. Yet we are aware that Fyffes is challenging this ruling on historic non-payment of wages, preventing affected workers from seeking financial remedy. Fyffes also, at the last moment, refused to participate in local mediation facilitated by the ETI, following a complaint submitted by the

International Union of Foodworkers (IUF) and Banana Link about these, and other breaches of the ETI Base Code.

At ANEXCO, members of the Sindicato Nacional de Trabajadores/as del Sector Privado Empresarial (SITRAPEM) union suffer anti-union harassment, persecution, unfair labour practices and discrimination. More than 24,000 people signed an online action, launched by the Make Fruit Fair campaign in September 2015, calling on Fyffes to end these abuses. Fyffes has never responded to these requests. Instead, this summer, Fyffes commented on ANEXCO being cited in a study published by the International Labour Organisation, as an example of best practice in terms of social and environmental policy and implementation, in a feature entitled '*Valuing the workforce to improve performance*', in the summer edition of *Ethical Performance*. Finance Director, Philip O'Shea, claimed that '*the important thing is that structures are in place to resolve issues swiftly and fairly. We are aware that what constitutes best practices today may change over time. So we strive to comply with the appropriate protocols and processes that fit both the local context and also the standards set internationally.*' Yet, since last summer, dialogue facilitated by the Costa Rican Ministry of Labour has failed to provide a space in which local unions can negotiate with ANEXCO management and Fyffes, and the local unions report continued failure to comply with core labour standards enshrined in Costa Rican legislation, and which are required to be respected, as a minimum, under UNGPs and in the ETI Base Code of Conduct.

Both cases clearly illustrate that Fyffes is also in breach of OECD Guidelines for Multinational Enterprises for the failure to adhere to article '*IV. Employment and Industrial Relations which stipulates that 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*'.

Both of these cases were raised at an advisory meeting to the EU-Central America Association Agreement on 1st March.

In order to meet your responsibility to respect human rights, as detailed in UNGP Guiding Principle 15, Fyffes has an obligation to have in place:

- a) A policy commitment to meet your responsibility to respect human rights;
- b) A human rights due diligence process to identify, prevent, mitigate and account for how you address your impacts on human rights;
- c) Processes to enable the remediation of any adverse human rights impacts you cause or to which you contribute.

We are therefore asking that Fyffes take the following remedial action in the highlighted cases of ANEXCO and Suragroh by ensuring:

1. All anti-union activity and propaganda at Suragroh and Melon Export and in surrounding communities ends now, including the operation of blacklisting;
2. All union members that have been fired or blacklisted at Suragroh and Melon Export are

- rehired or offered fair compensation;
3. Local management and Fyffes recognise and enter into collective bargaining with the STAS committee elected by workers; and
 4. Local management at ANEXCO call an immediate halt to harassment and discrimination against union members and to enter into constructive dialogue with SINTRAPEM, as agreed in March this year.

Your website claims that '*if something isn't working, we change the way we do it.*' Taking a decentralised approach to labour relations and expecting the respect of workers rights to be the sole responsibility of local management is **not** working, as evidenced at both ANEXCO and Suragroh. Please change the way you ensure commitment to core labour standards throughout Fyffes supply chains, as is your responsibility under the United National Guiding Principles, OECD Guidelines for Multinational Enterprises and the ETI Base Code of Conduct.

We look forward to a substantive response evidencing your commitment to both respect for labour rights and to remedy their violations by 18 November,

Yours sincerely,

Jacqui Mackay
National Co-ordinator
Banana Link
United Kingdom

Iris Munguia
Coordinator
La Coordinadora
Latinoamericana de Sindicatos
Bananeros y Agroindustriales
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