



FYFFES FARMS EXPOSED

The Fight for Justice in the Honduran Melon Fields



APRIL 2020

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The fight on the Honduran melon farms is a microcosm of the international worker struggle – a struggle against a system that keeps people in poverty while extracting massive profit for corporations. Violence against trade unionists and other human rights defenders in Central America directly contributes to a lack of decent work in the region, one of the many factors that fuels the cycle of poverty and pushes people to migrate. While every human has a right to seek asylum, they also have a right to stay in their communities, feel safe at work, and earn a living wage.

EXECUTIVE SUMMARY

Thousands of miles away from U.S. supermarket shelves, the melon workers of southern Honduras are standing up to a global fruit giant that has long used their labor but never respected their rights.

Fyffes is the billion-dollar fruit company that most Americans have never heard of. They are the top importer of melons to the United States, which are sold in supermarkets across the country. They are also the number one supplier of bananas into Europe.

For more than a decade, Honduran workers have reported rampant wage theft, inhumane working conditions, and exposure to toxic agrochemicals on Fyffes' melon farms.

Fyffes employs over 6,500 melon workers in Honduras, the majority of whom are women in seasonal jobs. In 2016, these workers decided to address their longstanding issues by organizing a union with *El Sindicato de Trabajadores de la Agroindustria y Similares* (STAS). In response, local bosses fired and blacklisted dozens of outspoken union leaders and launched a violent union-busting campaign – physically, verbally, and psychologically harassing union members.

The violence peaked in April 2017 when unknown assailants attacked Moisés Sánchez, the STAS union local's Secretary-General, and his brother Misael. They sliced Misael's face with a machete and beat

Moisés, threatening to murder him if he continued in the union. The Sánchez brothers survived the attack, but the crime remains unpunished, sending an undeniable message to every worker who has seen their colleagues persecuted for speaking out.

During the 2019-2020 growing season, workers at Fyffes' farms in Honduras continue to report blatant violations of their legally-guaranteed rights, including the dangerous misuse of toxic pesticides, denial of sick leave, the company's failure to enroll its seasonal workers in the national healthcare and pension system, and coercion to force them to leave STAS and join a company-controlled union that was founded by management, in order to destroy genuine worker organizing.

This report reviews the history of Fyffes' labor violations in Honduras, the ongoing abuses, and the response from Fyffes, which includes silencing workers' lived experiences by deploying futile corporate social responsibility programs that distract supermarkets and consumers from the reality on the farms. Until Fyffes acknowledges its history of worker exploitation in Honduras and takes responsibility to remedy the injustices – specifically by negotiating in good faith with STAS to sign a legally-binding and enforceable agreement to uphold workers' rights – thousands of farmworkers will continue to experience exploitation in the fields.

HONDURAN MELON INDUSTRY AND FYFFES

Honduran melon industry

Honduras' main agricultural exports are coffee, bananas, sugarcane, shrimp, melons, and palm oil. The melon industry employs at least 68,000 people directly and indirectly.¹ At \$110 million in exports, melons accounted for a fifth of the country's agricultural export earnings in 2019,² for an increase of \$38 million from the previous one.³ The United

States remains the largest market for Honduran melons, while access to new markets in Japan, Taiwan, Chile, and Mexico are contributing to the growth. The top importer of melons into the United States is the multinational corporation Fyffes, which is a conglomerate of subsidiaries owned by Sumitomo Corporation, a publicly-held Japanese parent company.⁴

Fyffes' melon business in Honduras

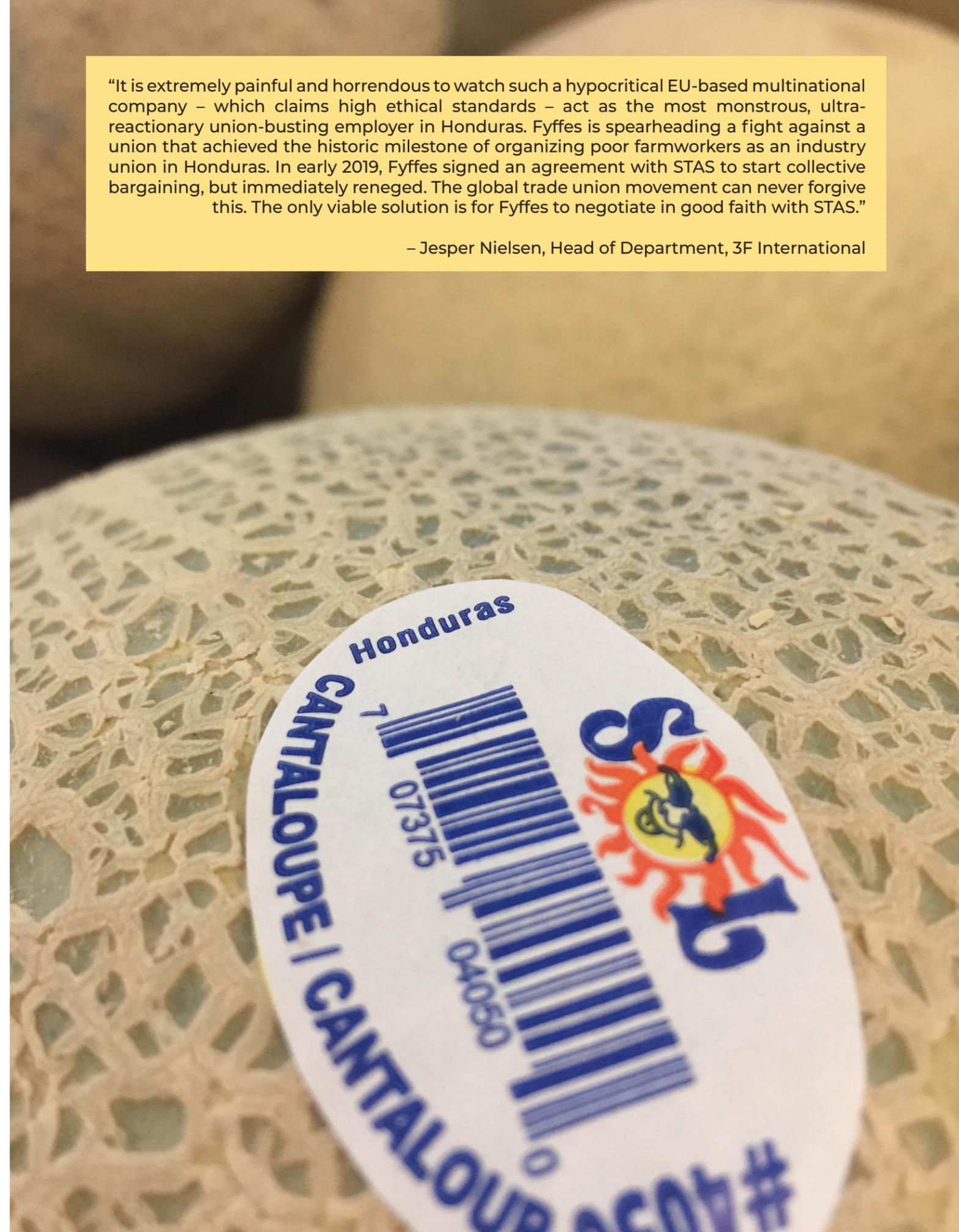
Fyffes produces melons across 17,500 acres of farmland in Honduras and Guatemala.⁵ Its Honduran farms are located in Choluteca, where Fyffes has a workforce of at least 6,500 employees, over 90% of whom are seasonal workers hired on temporary contracts and 80% of whom are women.⁶ They produce cantaloupes, honeydews, and mini watermelons on two subsidiary plantations, Suragroh and Melon Export, with the annual growing season starting at the end of November and lasting until the end of May.⁷ Fyffes reports that it operates a fully integrated supply chain, controlling all operational steps in the production and distribution process, and ships the melons into nine different ports in the United States.⁸ These melons, with Fyffes or Sol labels, are sold in the United States by major supermarket chains such as Giant, Kroger, Publix, and Safeway, as well as smaller grocery stores. Fyffes exported nine million boxes of melons from Honduras in the 2018-2019 season,⁹ making melons from Honduras nearly ten percent of the company's annual volume of shipments for bananas, pineapples, and melons combined.¹⁰

Poverty in Southern Honduras

- Honduras is the second poorest country in Central America
- With a population of 9.8 million people, 64% live below the poverty line with 1.6 million people in extreme poverty, surviving on less than \$1.90 a day¹¹
- Honduras has a 44% underemployment rate
- Southern Honduras is comprised of the departments of Choluteca and Valle with a population of about 750,000 people, and jobs are mainly in the melon, sugarcane, shrimp, okra, and mining sectors
- Choluteca has the highest level of income inequality in the country and the second highest percentage of people living in poverty in the country¹²
- Malnutrition affects one in three people in Choluteca¹³

"It is extremely painful and horrendous to watch such a hypocritical EU-based multinational company – which claims high ethical standards – act as the most monstrous, ultra-reactionary union-busting employer in Honduras. Fyffes is spearheading a fight against a union that achieved the historic milestone of organizing poor farmworkers as an industry union in Honduras. In early 2019, Fyffes signed an agreement with STAS to start collective bargaining, but immediately reneged. The global trade union movement can never forgive this. The only viable solution is for Fyffes to negotiate in good faith with STAS."

– Jesper Nielsen, Head of Department, 3F International



Fyffes, an empire of acquisitions and subsidiaries

Fyffes is the oldest fruit brand in the world. Founded in London in 1888 as a banana company, it is now headquartered in Dublin. Today, Fyffes is the fourth largest banana company in the world after Chiquita, Dole, and Del Monte.¹⁴ Fyffes is the top importer of bananas into Europe, the largest offshore producer of melons sold in the United States, and a leading producer of pineapples, plantains, and mushrooms. Fyffes' operations span Europe, North America, Central America, and South America. In 2017, the Japanese Sumitomo Corporation acquired Fyffes for €751 million, taking the company private and delisting it from the Dublin and AIM stock

exchanges.¹⁵ Fyffes' annual revenue in 2018 was \$1.3 billion.¹⁶

In 2005, Fyffes acquired half of Turbana – a pineapple, banana, plantain, and tropical fruit company – making Fyffes the fifth largest banana supplier to the U.S. market.¹⁷

In 2007, Fyffes acquired Sol Group Marketing Company, a melon producer based in Florida, and soon became the largest importer of off-shore melons into the United States.

In 2015, Fyffes acquired Fresh Quest, a main melon competitor to Sol Group.

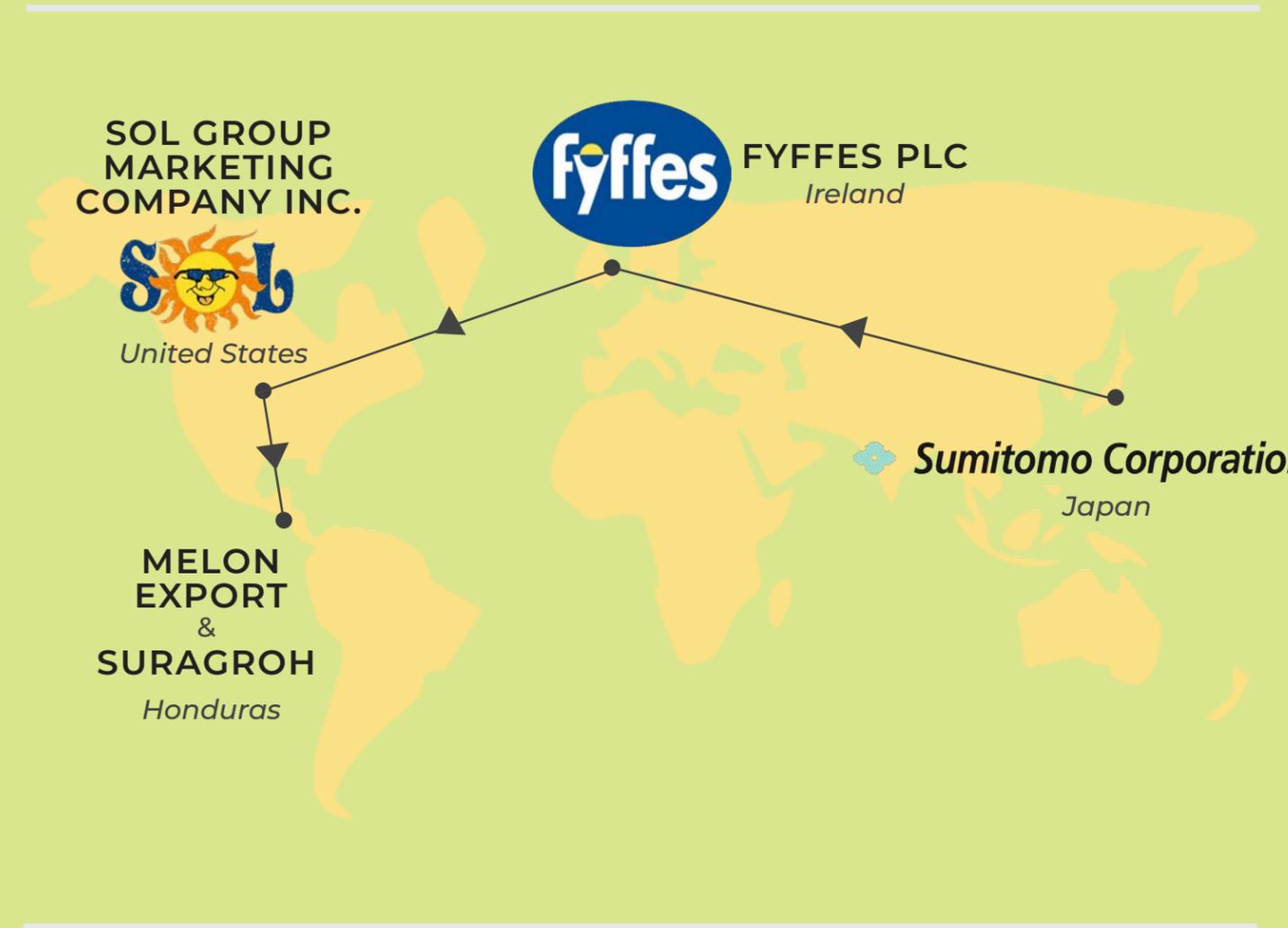
In 2016, Fyffes acquired Highline Produce Inc., making it the third largest mushroom producer in North America.¹⁸

Fyffes PLC separated into two different companies in 2006, with Fyffes remaining as a tropical fruit importer and Total Produce PLC as a general fresh produce provider.¹⁹ After a series of acquisitions in Europe, North America, and South America, Total Produce is now the world's largest fresh produce provider with an annual turnover in excess of €4.25 billion.²⁰

Total Produce's Chairman is Carl McCann, who is also the brother of David McCann, Fyffes' current Chairman. Carl McCann served as Fyffes' Chairman until he left to head Total Produce in 2006, after the companies broke off.²¹ Total Produce bought a 45% equity stake of Dole Food Company in 2018, giving Total

Produce equal governance rights to Dole CEO David Murdock.²² Carl McCann serves as Vice Chair of Dole.

Carl McCann is also the Chairman of Balmoral International Land Holdings, a property company that owns industrial, warehouse, office, and mixed-use land properties across Ireland, United Kingdom, and Continental Europe and controls dozens of subsidiaries.²³ Fyffes and Total Produce account for nearly a third of Balmoral's €8.4 million rent income in 2017.²⁴ Sumitomo's acquisition of Fyffes in 2017 included a 30% stake in Balmoral, which Sumitomo sold in 2018 to Huntroyde, a vehicle linked to both McCann brothers, meaning that they now have a combined holding of more than 55% of Balmoral's shares.²⁵ Fyffes, Total Produce, Balmoral, and Huntroyde are all headquartered at the same Dublin address.



WORKING CONDITIONS AT FYFFES HONDURAS

Documentation and reporting

The working conditions at Fyffes' melon farms in Honduras have been extensively documented and corroborated. The following is a summary of the investigations and reports referenced throughout this report.

In 2012, a report published by the Honduran union coordinating body COSIBAH (*Coordinadora de Sindicatos Bananeros y Agroindustriales de Honduras*) and the International Labor Rights Forum detailed findings from a survey of 310 female melon workers and 15 focus groups with community leaders.²⁶

COSIBAH's documentation also provided evidence for citing Fyffes' Suragroh melon farm in a 2012 labor complaint under the Central America Free Trade Agreement (CAFTA). The complaint, filed by the AFL-CIO, 25 Honduran unions, and a women's rights organization, cited the Honduran government's failure to protect workers' rights and enforce labor laws.²⁷ The U.S. Department of Labor (USDOL) confirmed the complaint's allegations that Suragroh failed to pay the minimum wage, among a lengthy list of other violations, which have also been documented by Honduran government labor inspectors.²⁸ The complaint remains active and, in October 2018, USDOL cited Fyffes as one of the two cases with ongoing labor rights violations.²⁹

Following complaints in 2016 by the International Union of Food Workers (IUF) – to which STAS is affiliated – and the non-governmental organization (NGO) Banana Link, the Ethical Trading Initiative – a

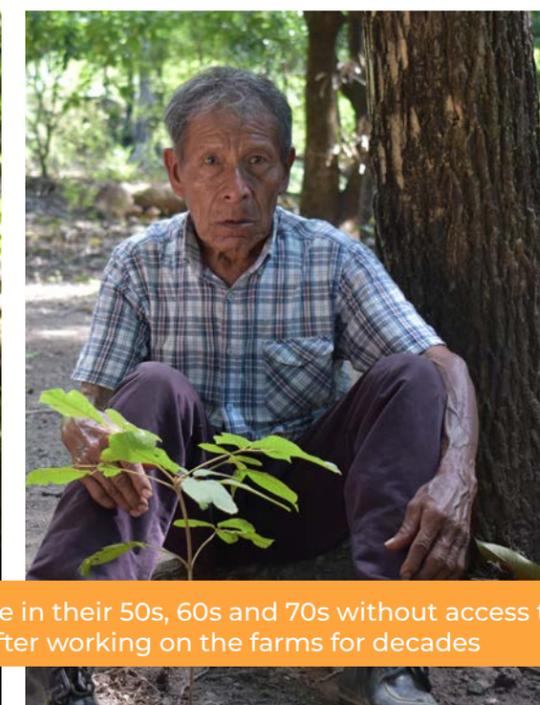
UK-based alliance that requires its members to adopt and enforce the ETI base code – conducted its own investigation and terminated Fyffes' membership in March 2019.³⁰

Fair Trade USA's findings were also serious enough that it decertified the Suragroh farm in December 2018, for violating Fair Trade USA's standards covering wages and benefits, worker health and safety, and freedom of association.

An independent academic study in 2019 supervised by professor Ruy Díaz and conducted by Honduran university students entailed 238 melon worker interviews using a survey, 35% of whom were employed by Fyffes.³¹

In November 2019, ILRF interviewed 26 workers who were currently or recently employed by Suragroh or Melon Export.

COSIBAH has been monitoring labor violations on Fyffes' farms since 2006, work that continued when COSIBAH formally established itself as FESTAGRO (*Federación de Sindicatos de Trabajadores de la Agroindustria*). FESTAGRO and its affiliated union STAS maintain close contact with melon workers and regularly document and share information about the ongoing violations with the USDOL, the Honduran government, the International Labour Organization (ILO), global union federations, NGOs, and the media.³² Notable media coverage of violations on the plantations include stories in *The Guardian*, *The Times*, *Labor Notes*, *In These Times*, *Truth Out*, and *The Progressive*.³³



Many of the workers are in their 50s, 60s and 70s without access to social security, after working on the farms for decades

Precarious Work

Employment at Fyffes Honduras is highly precarious. Over 90% of the workforce is hired on six-month contracts. Many of the workers do not have other employment during the rest of the year and must try to survive off the wages made during the melon season.³⁴

Fyffes hires a majority of the same workers year after year, without any promise of the contract being renewed in the following harvest. Fyffes has used the short-term, seasonal contracts to penalize

workers who speak out against labor violations, by not rehiring them. This has served as an example to the rest of the workforce to stay silent on the abuses they experience or risk not being hired for the next growing season.

About half of the workforce is older than 35 and has worked for Fyffes for over a decade.³⁵ Many are in their sixties and seventies without pension or access to social security after working on the melon farms on repeated short-term contracts for one, two, or even three decades.

On Getting By

Families that struggle to make it through the lean months employ various strategies to cover their basic necessities, including:

- mostly eating rice and beans, rarely chicken
- decreasing meal size
- cutting meals
- taking out loans
- accepting payment in food
- selling farm animals
- prioritizing children's food intake over parents
- eating next year's seed reserves
- migrating in search of work
- having more family members work
- selling off their possessions⁶⁰

in November of 2016, nor in 2017-2018, or 2018-2019. Despite clear evidence that Fyffes blacklisted the union members for three consecutive years, Fyffes has failed to acknowledge it, most recently in a January 2020 comment to *The Progressive* magazine.³⁷ During October 2019 to January 2020, under pressure from the CAFTA complaint and retailers such as Costco and Whole Foods Market that cut sourcing from Fyffes over the labor violations, Fyffes rehired most STAS members to whom it had denied employment the previous three years. However, at the time of this report, Fyffes is still staunchly refusing to rehire the General-Secretary of STAS' local union, Moisés Sánchez, who worked for Fyffes from December 1993 to April 2016. Fyffes claims this is because it is investigating new allegations against Moisés by a group of workers.

Wage theft, irregular schedules, and denial of monetary benefits

Honduran law requires agricultural companies with more than 150 employees to comply with the minimum wage of 255.80 Lempiras (\$10.31) per day, and 7,674.11 Lempiras (\$309.32) per month.³⁸ The normal working day cannot exceed eight hours, or a total of forty-four hours per week.

A review of workers' 2019 pay records shows that Fyffes Honduras workers are frequently not earning the monthly minimum wage, because they are told to not come to work on multiple days throughout the month.³⁹ Honduran law stipulates that the monthly minimum wage must still be paid when the employer requests fewer work days.

Around the world, the use of short-term contracts is a common tactic to keep wages down and avoid paying seniority-related raises and to undermine unionization.³⁶ Workers on such contracts are frequently discouraged to join unions lest the employer not rehire them for a next contract. Time and again, when workers organize nonetheless, their contracts are not renewed. Employers typically claim reasons unrelated to their union activity for not rehiring them.

This is precisely what happened at Fyffes Honduras in 2016. Dozens of people who had been employed by Fyffes on short-term contracts for over a decade, and who had joined the STAS union, were not rehired

"The population of the southern region [of Honduras] lives in permanent economic precarity. (...) Employment is extremely scarce, given that the only sources of work are the sugarcane and melon industries, which temporarily employ a reduced number of workers for six months out of the year. The high demand for employment incentivizes employers to take advantage of this necessity and pay salaries below the minimum wage, on top of ignoring their workers' social and labor rights. Under these conditions, repeated year after year, famines are no stranger, which are increasingly serious in this region of the country, a factor that pushes young people to [migrate to] other regions and other countries."

- ACI Participa⁶¹

In 2019, an academic study found that only 5.8% of the Fyffes Honduras workers interviewed reported receiving more than the daily minimum wage of 255.80 Lempiras. Only 65% of the interviewees said they are paid for the overtime hours they work.⁴⁰

Wage theft on the plantations has persisted for many years. COSIBAH's surveys in 2012 documented violations of minimum wage regulations and cases of non-payment of overtime and work on Sundays and holidays.⁴¹ Under the 2019 and 2020 CAFTA inspections, the Honduran Labor Ministry found Fyffes' Suragroh melon farm to be violating laws requiring 13th and 14th month pay and affiliation of seasonal workers in IHSS, the national social security system.⁴²

Farmworkers interviewed by ILRF in November 2019 said that for the 2019-2020 season their assigned schedule is 6:00 a.m. to 3:00 p.m. Mondays to Fridays and 6:00 a.m. to 10:00 a.m. on Saturdays. Before STAS started organizing on the farms, the workdays were significantly longer. Baltazar Cruz, who worked on the farms from November 1995 to April 2014, reports: "Before 2016, the women used to work from 6:00 a.m. to 8:00 p.m. and were only paid for an eight-hour day. After dark, they would use tractor headlights to pick melons."⁴³

In a focus group interview, three packing plant workers spoke about the frequent required overtime and the irregular work hours during the 2018-2019



"Workers are not allowed to wear gloves to handle the fruit... the simple reason for it is that food safety regulations do not permit [it] due to contamination risks."⁶²

- David McCann, Chairman, Fyffes

Previously, such as in this photo, some workers brought their own gloves. Melon pickers interviewed in 2019-2020 said their hands bled but they have been denied gloves due to company policy.

Working without Rights and Dying without Support⁶³

Petrona Díaz was 54 years old, with almost 20 years working in the melon farms owned by Fyffes / Sumitomo (Sol Group Marketing).

By Gerardo Iglesias, originally published in Spanish by Rel-UITA on July 29, 2019

Petrona, a very committed member of the Sindicato de Trabajadores de la Agroindustria y Similares (STAS) subsectional, died on July 2 due to gastric ulcers.

She had to stop working in April because she could not handle the strenuous workdays anymore. She died because she was not able to get treated properly, because the transnational company never signed her up for social security.

In January 2017, she participated in a STAS protest in front of the facilities of one of Fyffes' subsidiaries in southern Honduras, which our correspondent Giorgio Trucchi documented.

Together with other workers, she demanded that the transnational give her work and respect her labor and union rights.

Fyffes never took her claims into account.



“I had fever and repeated vomiting. I was so weak that I kept falling. But I had to walk down the mountain to ask for time off. They say that if we miss two days in a week or three days in a month without reporting in, our contracts are erased.

“My boss gave me a paper to present to the company clinic. The clinic gave me six bags of suero [rehydration solution] and ten acetaminophen pills and two days off and a piece of paper that I had to present to the clerk at the office, which I did.

“I was still sick when I was supposed to go back to work so I went to the company doctor, who said I needed a paper from my boss, but I couldn't find him. The company doctor wouldn't give me pills or a prescription or anything. I was vomiting so I couldn't work and went home. We bought an injection of dipyrone that we had to pay for ourselves. Then the next day I went back to work.”

– ILRF interview with anonymous Melon Export employee regarding his experience in November 2019

melon season.⁴⁴ The scheduled workday was 8:00 a.m. to 5:00 p.m., including an hour break for lunch. However, depending on how many melons the farmworkers harvested each day, the packing plant workers were typically required to work one or two hours or even more of overtime each day. One of them said, “Sometimes we leave at 9:00 at night. So we might get a break at 6:00 to eat and then have to go back to work.” Two of the workers in the focus group reported that they were not always paid for all the overtime hours they worked.

The packing plant workers said that at the peak of the 2018-2019 harvest they were at times required to work seven days in a row. When they were obligated to work Sundays, they were paid double, and then in return they were later given a weekday off on a day when melons had not been cut in the fields. They received no paid vacation, but without notice they might be given five days off without pay. Despite having signed a contract for a six-month period, in March/April they were given no work for a full month and then when Fyffes finally called workers back, they only brought back some of the workforce.

According to 2016 calculations by the Honduran Labor Ministry, seasonal farmworkers on Fyffes plantations are owed an average of 22,552 Lempiras (\$915) in benefits at the end of each six-month harvest.⁴⁵ These benefits include vacation, 13th and 14th month bonus, and a school bonus. USDOL, the Honduran government, and Fyffes workers have reported that Fyffes does not pay these benefits. Instead Fyffes has deployed its yellow unions to offer workers an end-of-season bonus that averages to 3,000 Lempiras (\$120) per worker, in exchange for their affiliation. This discrepancy amounts to an average annual wage theft of 127,088,000 Lempiras, or \$5,087,590, across Fyffes' seasonal workforce of 6,500 farmworkers.

Non-payment of social security

Under Honduran law, an employer must register its employees to the national social security system (*Instituto Hondureño de Seguridad Social, IHSS*), which workers rely on to access health care and pensions.⁴⁶ According to the Honduran Labor

Ministry, Suragroh continues to violate the law by not affiliating its seasonal workers into the IHSS.⁴⁷ ILRF's interviews conducted with workers in 2019 indicate that workers on both of Fyffes subsidiaries are not registered into social security.

This means that when workers fall sick, they must rely exclusively on the company clinic and must pay out of pocket for any healthcare not covered by that clinic. And, without any way to accrue a pension, workers are trapped working for Fyffes – the main employer where they live – until they are too sick or injured to work any longer or until they die.

To speak of death is not hyperbole; for many of these workers death feels near.⁴⁸ Workers who affiliated to SITRASURAGROH and SITRAMELEXA said that a primary reason for joining these company-controlled unions was the promise of a coffin from the company.⁴⁹

Toxic chemicals

On the morning of December 2, 2015, in Choluteca, Honduras, 16 workers – 14 women and two men – had to be hospitalized due to repeated vomiting after their exposure to toxic chemicals on a Suragroh melon farm.⁵⁰ All told, 150 workers in the field that day experienced a range of symptoms including burning in their eyes, nausea, and feeling weak. According to the affected workers who spoke with *La Prensa*, the neighboring field had been fumigated the previous evening and the wind spread the chemical to where they were working. One of these workers reported with certainty that the poison they inhaled was *bromuro*, the term by which the workers commonly refer to methyl bromide or bromomethane, which is a gas fumigant used against insects, termites, rodents, weeds, nematodes, and soil-borne diseases.⁵¹ A doctor who treated these workers reported that diagnostic tests showed they had inhaled chloropicrin;⁵² chloropicrin is used in methyl bromide formulations.⁵³

Another reported incident of intoxication was in 2017 when three women workers suffered intoxication following their lunch break.⁵⁴ One of them said:

The effects of exposure to agrochemical used on Fyffes farms.



Photo credit: STAS-FESTAGRO

“When we entered [the field] and were fixing the hoses to plant the next day, the hose was dripping with a milk-like substance. This milky substance was the poison that was dripping onto the ground. When we entered, we felt the vapor of the poison and we said to ourselves, we are going to be poisoned. The person in charge who was with us was behind; there were three of us workers in the same furrow. When we were in the middle of the lot, three of us fainted, falling to the ground.”

She continued: “People suffer intoxication daily but since no one denounces that, it is as if nothing happened. Only if you live through it in your own

flesh, you’ll see it.” The solution, she indicated, is for the company to wait the legally-required number of days after spreading herbicides and pesticides and to provide workers with the requisite personal protective equipment (PPE) in their regular work as well as the additional mandated PPE to any workers who must enter the fields sooner than the re-entry waiting period is up. This worker and many others, however, have attested to ILRF that they do not receive any PPE whatsoever when working in fields that have recently been fumigated with toxic agrochemicals.

While Fyffes claims in recent letters to ILRF and Fair World Project that the improper use of pesticides is not a current issue, on the afternoon of November 23, 2019, ILRF interviewed three melon workers in person in Choluteca who each had experienced symptoms of intoxication that same morning while working in Fyffes’ fields. One woman said, “our mouths went numb and we all got headaches.” Another woman said, “Melon

Export applies a product called Telone so that pests don’t come on the plants. Last night they applied it and in the morning I got a headache and my mouth went numb and that worries me because it’s a poison.”

“Yes, they use chemicals, we can smell them. They put poison on the plants. We aren’t given masks. Once I was fumigating with Random. It spilled once. It felt like a bomb in my lungs. I didn’t report it. I didn’t receive any training before fumigating.”

– Anonymous 30-year-old man

Telone

Telone is a restricted use pesticide due to high acute inhalation toxicity and carcinogenicity. GoodGuide’s scorecard ranks it in the top 10% of chemicals that are dangerous to human health.⁶⁴ Based on workers’ reports that Fyffes is spreading Telone (1,3-DICHLOROPROPENE, or 1,3-D) through irrigation hoses, it appears that the type in use is likely Telone EC. The product label for Telone EC specifies a limited number of handler tasks that may be performed in the treated area within five days of application and states that handlers in the treated area within five days of application must wear coveralls, chemical-resistant gloves, chemical-resistant footwear and socks, and a full-face respirator approved for pesticides.⁶⁵

Telone has been banned for agricultural use in the European Union since 2011 and there are proposals for restrictions in California.⁶⁶ The Center for Investigative Reporting has linked Telone to incidents of cancer in California, where Telone was first banned in 1990, although five years later Dow persuaded the state to allow it back on the market with certain restrictions.⁶⁷

Ruy Díaz’s 2019 study found that 47% of Fyffes Honduras workers had been, or knew someone who had been, intoxicated from the company’s use of chemicals. He found that only half the workers say they have received training related to chemicals, and it is not clear if even that training is sufficient to prevent injuries. Even if the training itself is adequate, without being provided the proper PPE, workers cannot keep themselves safe. Workers interviewed by ILRF regarding conditions in the fields in November 2019 stated that nothing has changed in relation to safety equipment; the company requires them to wear closed-toed shoes, which they must procure themselves, but says nothing about the shoes needing to be chemical resistant. The company also does not provide plantation workers with shoes, gloves, coveralls, or masks. A long-time melon worker, who started working on the farms in the 1990s, told ILRF in a phone interview on January 18, 2020, that Fyffes “has used these chemicals for years and it’s not something they’ve changed.”

Occupational injuries

In a focus group, three packing plant workers reported a variety of experiences with occupational health and safety injuries during the past three years.⁵⁵ Fainting due to the heat was a significant concern, especially in the hotter parts of the packing plants, such as near the ceiling.



“A branch went in my eye in the fields. I felt like my eye was going to fall out. I have a scar now and I can’t see at all from that eye. Almost every day I have a headache due to my eye, but I work due to necessity... I had to pay 12,000 Lempiras out of pocket at the clinic in San Felipe. The company didn’t pay anything. I was given 15 paid sick days. But then my bonus at the end of the 2019 season was less than others because of that.”

– Anonymous Melon Export worker in ILRF interview

One worker we spoke with hurt their thumb with a machine, was given pain relief medication at the company clinic, and then taken to the hospital in Choluteca, where an x-ray showed it was sprained. The company sent them back to the packing plant to continue work the same day.

Another worker we spoke with reported that their toenail was infected and they needed to have it removed. They were told that they would get five paid days off for disability, but that never showed up in their paycheck. They did not pursue a wage claim to reclaim this wage theft because they had seen other people get fired who were not in favor with their same boss.

A worker shared a story about a coworker whose foot was sliced by a forklift in the packing plant at Suragroh. They were given a week off and, even though they had not healed enough, they came back after the week in order to keep their job. All three interviewed workers expressed fear of being fired for being sick. Interviewed workers reported that the driving of the forklifts in the warehouses regularly creates hazardous conditions for packing plant workers on the floor.

Gender-based violence and discrimination

Due to fear of stigma and retaliation, gender-based violence is highly underreported in workplaces

around the world, including in Honduras.⁵⁶ This underreporting can also impact survey results, particularly when surveys are administered by an interviewer rather than conducted completely anonymously. Due to the high level of illiteracy among melon workers, both COSIBAH and Díaz’s surveys were administered by interviewers who asked the questions of the workers and completed the forms on their behalf, rather than workers themselves filling out the forms in a fully anonymous manner. In addition to hesitancy or embarrassment to reveal such personal details as having experienced gender-based violence to an interviewer whom a worker has never met before, the gender of the interviewer can also impact the results. All of the interviewers for Díaz’s study were men. Furthermore, as the presentation of that study’s interview questions did not include a thorough explanation of what constitutes sexual harassment and abuse, workers’ lack of knowledge of which behaviors and experiences are not legally permissible in the workplace may also result in underreporting to a surveyor. Given this context, it is possible that both survey findings underreported the actual level of gender-based violence.

In response to COSIBAH’s 2012 survey, 6% of the melon workers interviewed said they had been sexually harassed by a boss or co-worker, and those who reported this abuse to management saw no result. Díaz’s 2019 survey found that 12% of the Melon Export and Suragroh workers surveyed said they had been sexually harassed by a boss or coworker in the melon industry.

Forced pregnancy testing is another way in which women are disproportionately prone to discrimination and abuse on the melon plantations. According to Díaz’s interviews with farmworkers: “Any woman brave enough to speak up could find herself without work the next season. Pregnant women are especially vulnerable. It’s against Honduran law to require a pregnancy test as part of the hiring process or to fire an employee for being pregnant.⁵⁷ Despite this law, a tenth of the women surveyed affirm they understood they were obliged to take a pregnancy test before being contracted.”⁵⁸

A packing plant worker ILRF spoke with said that all women working in her packing plant were forced to take a pregnancy test. Those who were pregnant were not hired. She said that most women try not to get pregnant while working there, but if they become pregnant that they are then moved from the packing to another area such as the canteen and that Fyffes does not pay maternity leave.

Repression of worker voice

On January 28, 2016, workers at Suragroh achieved a historic milestone, becoming the first in Honduras’ melon sector to unionize. The trade union federation FESTAGRO helped workers establish a local branch of the trade union STAS, which presented a charter of demands to Suragroh in the presence of officials from the Honduran Ministry of Labor. With this important step, the local union leadership – most of them women – officially requested the company begin negotiations and collective bargaining, according to the law, to address the injustices they face.



The day after presenting their demands to management, however, four union leaders were locked up in an office for hours where the company’s Chief of Security threatened them until they signed a document renouncing their membership in the union.⁵⁹ This was the beginning of a concerted anti-union campaign faced by STAS leaders and members.

Throughout the next four years, Fyffes refused to respect its workers’ right to freedom of association and collective bargaining. The next section will tell the history of the workers’ struggle and review the STAS union’s current status.



FYFFES' RESPONSES TO UNION ORGANIZING

Threats and coercion

The moment Fyffes' local management found out workers were organizing a union in January of 2016, they interrogated union leaders, drove them in a company vehicle to a lawyer and a notary, and forced them to sign a resignation letter that they were prevented from reading. Community members reported that these union leaders were threatened and bribed 10,000 lempiras (\$450) each to sign their resignation. A union leader told ILRF that Fyffes' management visited his home seven times to pressure him to disaffiliate from STAS. Fyffes successfully forced the union leadership to resign and then brought these resignation letters to the Honduran Labor Ministry, where they canceled the legal registration of the STAS union.⁶⁸

The workers' second attempt to reformulate the union was met with the same tactics. On February 9, 2016, management interrogated, threatened, and coerced the second group of union leaders to sign resignation letters.⁶⁹ But this time the workers refused and were able to call for help from a labor inspector. When the labor inspector arrived at the scene, she was blocked from entering the building. She confirmed with the workers over the phone that they were being threatened. Management confronted these workers the following day and told them that Suragroh's General Manager wanted an answer on whether they will leave the union.

After these workers refused to be coerced, Fyffes further evolved its union-busting strategy. While management violently retaliated against the early union members, company lawyers

pursued a legal strategy to appeal the union's efforts through the court systems, delaying and obstructing legal processes within the government.

Stalling and appealing

Between 2016 and 2019, Fyffes' executives in Ireland and Japan repeatedly refused to negotiate with Honduran workers, claiming that STAS' efforts to form a union were not lawful under Honduran law. This is categorically false.⁷⁰ Fyffes' farmworkers had every right under national and international law to organize a union with STAS.

For years, the government of Honduras regularly rejected evidence of labor violations from STAS, retracted the government's own labor inspections that cited violations, failed to interview affected farmworkers during audits, and never effectively investigated or protected workers who faced retaliation for joining the STAS union. This gave Fyffes time to intensify an anti-union campaign that blacklisted, intimidated, and fired workers en masse.

According to 55 U.S. Members of Congress, "The Honduran Labor Ministry has not only failed to put a stop to these labor violations, but it has aligned with the employers in their efforts to bust the union. In fact, Labor Minister Carlos Madero issued a decision, contrary to Honduran law, which dissolved the [STAS] union on the Fyffes-Sol plantations. Subsequently, the Labor Minister recognized and immediately registered employer-dominated unions."⁷¹

In the fall of 2018, after two years of delaying STAS' union processes, the Labor Ministry made four

Inhumane Conditions & Escalating Violence against Workers Organizing for Change



PHYSICAL VIOLENCE

Armed Attack

Masked assailants beat a union leader and slice his brother's jaw with a machete.

Held in Captivity

Union leaders locked in company office after announcing union.



PSYCHOLOGICAL VIOLENCE

Death Threats

STAS organizer receives written death threat.

Intimidation

STAS members surveilled during union meetings.

Coercion

Threatened to be fired for joining the STAS union, forced to resign from STAS.



PRECARIOUS WORK

Firings

Laid off all security guards after finding out they unionized with STAS.

Wage Theft

Doesn't pay legally required benefits. Often fails to pay monthly minimum wage.

Poverty Wages

Earn less than \$10 a day and coerced into working overtime without guarantee of pay.



INHUMANE WORKING CONDITIONS

Exposure to Pesticides

Ordered to enter recently-fumigated fields without protection.

No Health Insurance

Company clinic doesn't cover long-term/complex health issues or workers' family members.

Gender-Based Violence and Discrimination

Forced pregnancy testing before hiring at packing plant.

Armed attack⁸⁹

By Gonzalo Salvador and Robert Struckman

Two brothers, Moisés and Misael Sánchez, bicycled home after a union meeting on April 13, 2017, along a winding road, up through small residential developments amid canyons and steep hills.

Moisés Sanchez, the General Secretary of STAS' local, traveled with his brother for safety. STAS members have been tailed and harassed, and earlier leaders had been held captive and forced to sign anti-union papers. Another organizer on the Fyffes campaign had recently received a death threat.

As Moisés and Misael passed a crossroads near a Fyffes melon field, two hooded men stepped onto the road in front of them. One of the men held a kind of homemade pistol, called a *chimba*. The other had a machete. It was 6:30 p.m., and no one else was on the road.

The man with the machete suddenly attacked Misael, hacking him on the face and nearly severing his left jaw. Misael, bleeding and reeling from the blow, stumbled away from his bicycle, off the road and down into the canyon. The man with the machete ran after him.

Moisés later said in a phone interview that all he could see in that moment was the blackness of the barrel of the pistol pointed at his face. He thought both he and his brother were about to be killed.

Then, two more hooded men emerged a short distance away. The men beat Moisés and robbed him of his cell phone, looking through his contacts to find names and numbers of the other STAS members. After half an hour, the man with the machete returned. Gesturing toward Moisés, he said to the man with the pistol, "Let's kill him."

But the man with the gun replied that there was no need. He already had the list of union members, he said. The two warned Moisés that if he continued to lead the effort to grow the union, they'd murder him for sure.

Moisés walked the rest of the way home, where he found his brother, still bleeding heavily. He took him to the public hospital in Choluteca. A few days later, Misael was released. Moises even filed a police report; nothing came of it. Both men recovered from the physical wounds, but the attack left Misael with severe PTSD and the rest of the melon workers with the realistic fear that joining the union could mean death.

Moisés, who is 55 years old and a father of five, was fired by Fyffes in April 2016 for his union activity. He and his brother also support their parents, who are too old to work. Moisés worked for Fyffes for 23 years, and witnessed sexual harassment, the firing of pregnant workers and co-workers who got severely ill and later died after working in the fields as pesticides were being sprayed there. Moisés couldn't bear the extreme poverty that his community members faced for decades, so he and colleagues decided to organize a union.

At the time of writing this report, Fyffes still refuses to rehire Moisés. After STAS demanded that Fyffes rehire him during negotiations in November 2019, Fyffes referenced new allegations from a group of workers against Moisés, which Fyffes states it is investigating.

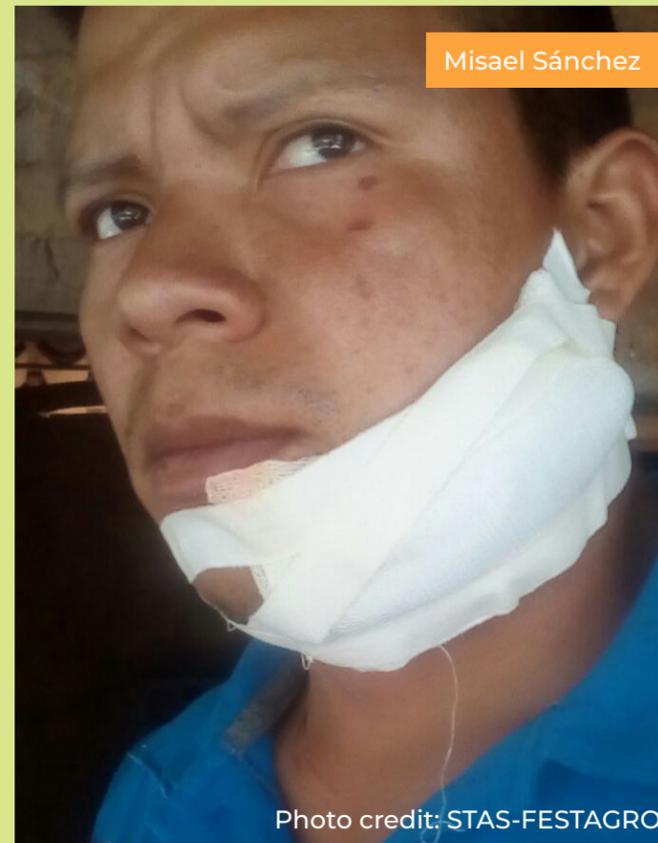


Photo credit: STAS-FESTAGRO



Photo credit: Giorgio Trucchi, Rel-UITA

rulings in favor of Fyffes' appeals that effectively exonerated the company from all of the anti-union violations and denied the rights of workers to form the STAS union. The rulings also denied workers their legal right to benefits such as education vouchers, vacation, and 13th and 14th month bonuses.⁷² The government then expedited and approved the legal registration of two employer-controlled "yellow unions", weeks before an international delegation visited the melon plantations in November 2018, as part of an Ethical Trading Initiative investigation.

Collusion and corruption

In August of 2016, the national newspaper *La Prensa* reported that the Minister of Agriculture had received a call from Fyffes executives stating that they were closing 1,300 *manzanas* (2,200 acres) of melon fields for the 2016-2017 season because workers had organized a union.⁷³ Lidia Vasquez, the Corporate Social Responsibility (CSR) manager for Melon Export, stated that "due to the actions taken by a group of temporary workers who organized a union, the multinational will not continue operations in Santa Ana de Yusguare." A packing plant manager told *La Prensa* that they are asking the Honduran government to intervene to stop the company from closing its operations.

That same month, Fyffes executives, a Catholic priest, and the mayor of Santa Ana de Yusguare visited the capital city of Tegucigalpa and held a meeting with Ebal Díaz, the Honduran president's top executive advisor. A large group of permanent workers, who make up less than 10% of the workforce and who are mostly managers, orchestrated a protest against STAS.⁷⁴ Díaz stated on national television that "the President of the Republic sent us first and foremost to protect the companies," and Mayor Melitza Hernandez blamed "hot-headed" people in the community as the reason for the company closing these operations.⁷⁵ A reporter later blamed STAS activist Patricia Riera for dividing the community and forcing the company to leave.⁷⁶ Following these public accusations, Riera received death threats and was forced to stop her union organizing with FESTAGRO.⁷⁷

“STAS has been legally recognized as an industrial union since 2013. Nevertheless, Fyffes claims that STAS didn’t have the right to organize and represent farmworkers at its melon farms. This is, however, only due to the fact that local Fyffes management rejected STAS’ legal recognition and complained to authorities. The Honduran Labor Ministry was easily convinced and dissolved the union on the plantations and recognized the employer-dominated yellow unions.”

– Jesper Nielsen, Head of Department, 3F International

The Chief Labor Inspector of Choluteca, who carried out inspections on Fyffes’ farms for seven years and reported violations of wage theft, overtime rules, and vacation time was demoted in 2017. His replacement, Belkis Molina, carried out inspections on Fyffes’ farms claiming that the temporary workforce did not have the right to legally-mandated benefits such as education vouchers, vacation, and 13th and 14th month bonuses.⁷⁸

The International Trade Union Confederation’s annual Global Rights Index has repeatedly named Honduras as one of the ten worst countries in the world to be a worker.⁷⁹ Honduras has a rating of five on the five-point scale, meaning the country has “no guarantee of rights.” Honduran law does spell out certain rights, but workers effectively have no access to these rights, because of the autocratic regime that enables unfair labor practices. For the last five years, the Honduran government has been named one of the top twenty labor rights violators by the ILO, and

“Due to the actions taken by a group of temporary workers who organized a union, the multinational will not continue operations in Santa Ana de Yusguare.”

- Lidia Vasquez, CSR Manager for Melon Export, as reported by *La Prensa*, August 31, 2016

has been subject to hearings for failing to uphold their international obligations to protect and guarantee freedom of association.⁸⁰ Furthermore, Honduras is one of ten countries where trade unionists were murdered in 2019 and one of eleven in 2018.⁸¹

Retaliation and firings

Fyffes fired all 65 of its security guard personnel in February 2017, just days after the company found out that these workers had affiliated to the STAS union.⁸² The security guards reported that they had joined the union because the company did not regularly pay minimum wage or overtime, and frequently denied them holidays and weekly rest days. Company executives in Ireland and Honduras justified the layoffs by claiming it was a staff restructuring decision and that they would be outsourcing their security services rather than hiring directly. The mass firing qualifies as a labor rights violation, because it took place only days after the security personnel joined the union, and sent another stark message to Fyffes’ workers that exercising their right to organize will get them sacked almost immediately.

Fyffes employed various tactics beginning in 2016 to retaliate against workers: switching union members’ contracts from permanent to temporary and then never re-hiring them again, refusing to rehire STAS union members for consecutive harvests, and surveilling workers, including taking pictures and videos of workers who attended union meetings. Workers regularly reported that Fyffes management would threaten not to rehire workers if they met with any STAS leaders. Many former STAS affiliates who applied to jobs at other companies told STAS they were denied employment due to blacklists. In the spring of 2019, a manager hit a worker and then fired him. Fyffes later rehired this worker after STAS filed complaints with the Labor Ministry and the police.

Forming fake unions

Fyffes’ most effective union-busting strategy has been the creation of two employer-dominated/controlled organizations – “yellow unions” – called SITRAMELEXA and SITRASURAGROH. A common anti-union practice by employers around the world



Photo credit: STAS-FESTAGRO

is to form yellow unions that pose as real unions, but exist for the sole purpose of silencing and displacing authentic worker voice, especially that of democratic, independent workers’ unions like STAS.⁸³

In January 2019, under the threat of expulsion from the Ethical Trading Initiative for its continued union busting, Fyffes representatives signed an agreement with STAS formally recognizing the union and consenting to begin collective bargaining negotiations. Fyffes broke the agreement almost immediately: local management and the yellow unions reacted violently, staging a protest against STAS, ramping up massive forced affiliation campaigns on the farms, and harassing STAS members.⁸⁴

Over the next two months, management halted work on the plantations to affiliate workers to the yellow unions. Workers were warned that the company would close its operations and threatened they would not be rehired in the next harvest if they did not affiliate to SITRAMELEXA or SITRASURAGROH. Some STAS members received visits to their homes from supervisors, pressuring them to join the yellow unions. For workers who were rehired, bosses told them it was conditional on them disaffiliating from STAS, and these workers were asked to furnish their identification cards to process the disaffiliation. One worker reported being taken in a company vehicle to a solitary plantation lot and told she would not be rehired if she didn’t join SITRAMELEXA.⁸⁵

In November of 2019, ILRF interviewed over a dozen farmworkers who attended Fyffes' orientation meetings with over 100 workers present. These workers reported that during this meeting, and in front of management, a representative of SITRAMELEXA told them that the only way they would receive a bonus at the end of the harvest would be if they join SITRAMELEXA. This bonus that SITRAMELEXA said Fyffes would give in exchange for affiliation serves as a coercive union-busting tactic to undermine STAS. It also represents a denial of the full benefits that Fyffes is legally mandated to provide its workers, which include vacation, education bonus, and 13th and 14th month bonus – all which Fyffes has refused to pay for years. The end-of-season bonus ranging from 2,000 to 3,500 Lempiras (\$80 to \$140) serves as a way to garner massive affiliation for a company-controlled union and disaffiliate workers from the independent union, STAS, when in reality all of the workers are legally-owed benefits that average ten times this amount. For the SITRAMELEXA representative to make such an announcement in front of Fyffes management during an official company orientation meeting amounts to complicit agreement by Fyffes management in the statements by SITRAMELEXA and therefore coercion and union-busting against STAS by Fyffes itself.

The Executive Boards of SITRAMELEXA and SITRASURAGROH are comprised of management, which is a violation of Article 51 in the Honduran Labor Code prohibiting confidential personnel from serving as union officials.⁸⁶ These organizations are also not representative of the majority of the farmworkers as their leadership consists of managers and professionals such as accountants, agronomists, microbiologists, doctors, and electricians. In comparison, STAS' leadership, like the vast majority of the melon pickers and packing plant workers, are seasonal employees hired on temporary contracts. In contrast to the anti-union campaign that STAS faced, SITRAMELEXA and SITRASURAGROH

encountered no retaliation for organizing a union. In fact, the same Fyffes managers who refused to sign STAS' union notifications were shown shaking hands with SITRASURAGROH's leadership in social media posts.⁸⁷

In May of 2019, after three years of denying STAS' right to a collective bargaining agreement (CBA), Fyffes signed CBAs with SITRAMELEXA and SITRASURAGROH. These CBAs only stipulate rights for Fyffes' permanent workforce of roughly 300 workers. The CBAs do not mention any rights for the 6,500 seasonal workforce, except for the guarantee of the end-of-year bonus.⁸⁸



Photo credit: STAS-FESTAGRO

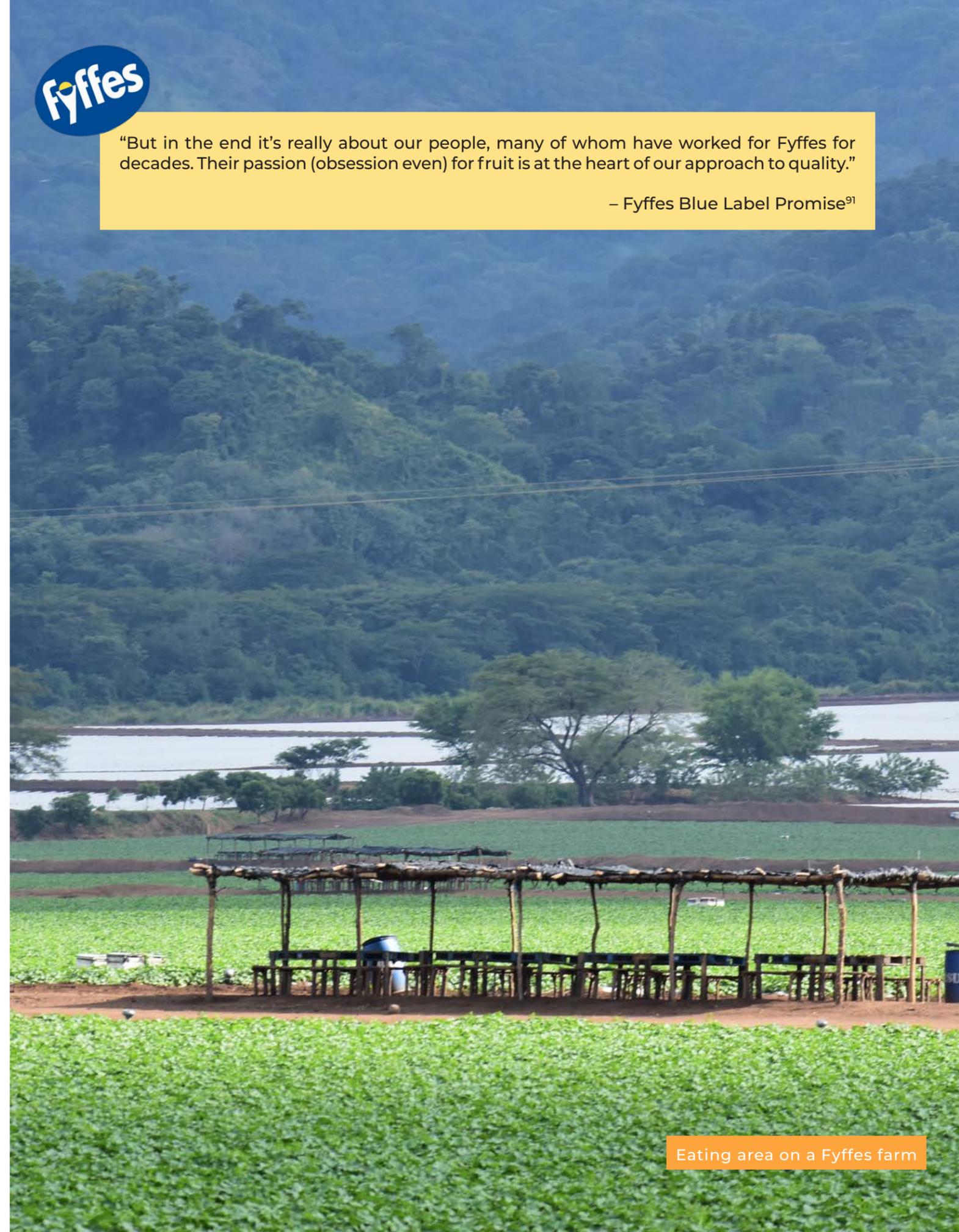
"Retreat from building unions: and if you do not do it – you keep to your consequences, here you are in the south. You are not in the north coast. I am warning you."

Nelson Núñez, a STAS-FESTAGRO organizer, receives a death threat at the STAS office in Choluteca on September 24, 2016.



"But in the end it's really about our people, many of whom have worked for Fyffes for decades. Their passion (obsession even) for fruit is at the heart of our approach to quality."

– Fyffes Blue Label Promise⁹¹



Eating area on a Fyffes farm

Timeline of union organizing and union-busting at Fyffes Honduras⁹²

2016: 1st unionization attempt

- January 28: Labor Ministry notifies Fyffes that workers have formed a union with STAS.
- January 29: Management locks the union's four executives in an office and interrogates them about the union.
- January 30: A company lawyer forces the four union leaders to sign resignation letters in the presence of a notary.
- January 31: STAS elects new union leaders.



2016: 3rd unionization attempt

- April 25: Fyffes tells 21 STAS union members that their contracts have ended. Harvest usually ends in mid-May and indeed other farmworkers' contracts continue. These workers allege they are being targeted for early contract cuts because they are STAS members.
- April 28: Labor Ministry notifies Melon Export again about the STAS union.
- April 29: Fyffes tells 25 union members their contract has ended because of their STAS affiliation.
- May 12: Labor Ministry solicits a response from Fyffes regarding the notification of the union at Melon Export. Fyffes replies that all communication from the company is suspended until the Labor Ministry settles Fyffes' appeals.
- May: Fyffes revokes the permanent contracts of three members of STAS' executive board and promises they will be hired next season on temporary contracts. This never happens.
- August 9: Fyffes, the mayor of Santa Ana de Yusguare, and a Catholic priest meet in Tegucigalpa with Ebal Díaz, the executive advisor of the president of Honduras.
- August 29-31: Fyffes announces it is closing 2,200 acres of melon fields because workers organized a union. A group of primarily management personnel orchestrate a protest against STAS. Ebal Díaz states on national television that "the President of the Republic sent us first and foremost to protect the companies," and the mayor of Santa Ana de Yusguare blames "hot-headed people" in the community as the reason Fyffes closing these operations. A reporter names STAS activist, Patricia Riera, as responsible for dividing the community and forcing the company to leave.
- September 23: The Tegucigalpa Labor Ministry nullifies the February 24 inspection report that cites Fyffes violating labor laws for threatening union leaders. STAS never receives the legally-required notification of the Labor Ministry's ruling.
- September 24: A STAS-FESTAGRO organizer receives a death threat at STAS' office in Choluteca. The hand-written note reads: "Retreat from building unions: and if you do not do it – you keep to your consequences, here you are in the south. You are not in the north coast. I am warning you."
- October 20: STAS appeals the September 23rd ruling. The General Secretariat rejects the evidence that STAS' lawyer presents.
- November: 39 STAS members are not rehired for the 2016-2017 melon season.

2016: 2nd unionization attempt

- February 9 morning: Labor Ministry informs Fyffes of the new union leaders.
- February 9 afternoon: Management locks the four new union officers in an office and demands they sign resignation letters. They refuse. The labor inspector who notified Fyffes of the union in the morning arrives and is barred from entering the office.
- February 10: A Fyffes manager goes out to the melon field and asks the union leaders to renounce STAS.
- February 15: Fyffes' lawyers petition the Labor Ministry to nullify the STAS union on the claim that one union leader is on sick leave.
- February 24: The labor inspector issues a report stating that Fyffes must refrain from violating the law and orders Fyffes to correct the infractions within three business days.
- February 24: Labor Ministry conducts inspection on Fyffes' farms and finds minimum wage, vacation, education bonus, 13th and 14th month bonus, and 7th day pay violations.
- February 29: Fyffes submits a claim to annul the labor inspector's report on the basis that she is abusing her authority.
- March 18: Fyffes submits an appeal to annul the STAS union claiming that they cannot form a union at SuragroH because the workers are employed by Melon Export. Workers claim that Fyffes switched their contracts from SuragroH to Melon Export.
- April 20: STAS elects new union leaders to represent Melon Export workers.
- April 22: Labor Ministry notifies Fyffes of this unionization attempt at Melon Export. A SuragroH manager signs the notification, making it invalid because he is not a Melon Export manager.

2017

- February 20: Fyffes fires all 65 of their security guards, days after finding out they affiliated to STAS.
- April 13: On the road next to a Fyffes field, a group of masked men attack Moisés Sánchez, General Secretary of STAS' melon workers' union, and his brother Misael Sánchez. When Misael tries to escape, one of the men slices his face with a machete. The masked men beat Moisés, threaten him, and hold him captive for 40 minutes. One of them tells Moisés, "If you continue in this [union], you will pay the consequences."⁹³
- November: Three STAS-affiliated workers report that their supervisors told them that in order to be rehired they must each write their name, ID number, and signature on a piece of paper. Their supervisors say the document is to disaffiliate them from STAS and that they will not rehire the workers if they attend STAS meetings.
- December 12: Thirteen women workers, including STAS affiliates, experience vomiting and fainting due to agrochemical exposure. STAS requests a labor inspection. The labor inspector only interviews the company doctor and management, and does not interview the affected workers. The company doctor reports they suffered from "collective anxiety."

2018

- September 26: Labor Ministry rules in agreement with Fyffes' claim that its workers are ineligible to receive education bonuses, vacation, or 13th and 14th month bonuses because they work less than 200 days per year. This decision is in violation of Honduran Labor Code Article 347 and Constitution Articles 7, 8, 13, and 128, which all require employers to pay these benefits in proportion of the time employees' work.⁹⁴
- September 27: Two and a half years after Fyffes' appeal to annul the STAS union, Labor Minister Carlos Madero rules in favor of Fyffes, in contravention to ILO standards and Honduran Labor Code Articles 10, 469, 516, and 517.
- October 10: The Labor Ministry absolves Fyffes of the labor violations and corresponding fines cited in the labor inspector's report of February 2016, ruling in favor of Fyffes' appeal. This ruling is in violation of ILO Convention 98 Article 1 and Honduran Labor Code Articles 10, 46, 478, 516, and 517.
- October 19: The Labor Ministry grants legal union registration to SITRASURAGROH and SITRAMELEXA, "yellow" unions whose executive board consists of Fyffes' management's confidential personnel – a violation of Honduran Labor Code Article 511.
- December 14: Fair Trade USA revokes its certification of Fyffes' Suragroh farm after its audit finds violations of wages and benefits, worker health and safety, and freedom of association.



Early 2019

- January 11: Fyffes' global sustainability director and human resources director for Central and South America sign an agreement with STAS with a time-bound process for rehiring STAS members and recognizing STAS as the legitimate representative of its affiliated workers, with a commitment to establish rules of debate and then starting collective bargaining.⁹⁵
- Late January: Local management escalates anti-union repression by forcing workers to join the yellow unions, SITRASURAGROH and SITRAMELEXA, in blatant violation of the January 11 agreement.
- February 15: Two managers in a company vehicle ask a STAS member to stop working and get in the car with them. They drive her to an empty plantation lot. In the car, they ask her if she is a STAS affiliate. She responds that she is. They tell her that Fyffes will never negotiate with the union. They ask for her signature to disaffiliate from STAS and say that affiliating to SITRAMELEXA would mean receiving the education bonus, severance, and an end-of-year bonus.

Mid 2019

- February 16: A group of two dozen STAS members who have not been re-hired since 2016 go to the company office to request to be hired. They are met with a management-orchestrated anti-STAS protest. None of them are rehired.
- February: STAS members report that:
 - SITRAMELEXA has stopped work during the middle of the day, arriving in company vehicles and coercing farmworkers to affiliate to SITRAMELEXA.
 - They are being promised bonuses and family baskets at the end of the harvest if they affiliate to SITRAMELEXA.
 - A manager hit a worker and then fired him. Fyffes rehired this worker after STAS filed complaints with the Labor Ministry, the National Human Rights Commission (CONADEH), and the police.
 - A manager told a STAS-affiliated worker that she would only be reinstated if she joins SITRAMELEXA and disaffiliates from STAS.
 - Fyffes reinstates some STAS affiliates on the condition that they not be involved with STAS.
 - STAS affiliates have received visits from immediate supervisors to their homes asking them to affiliate to SITRAMELEXA.
- March 12: A sick worker asks her boss for permission to go to the medical center. Her boss says no and only authorizes her to go to the corner store to buy pills. STAS informs a labor inspector.
- March 20: A labor inspector calls for a meeting with the worker and Fyffes. When she arrives, a notary asks why she didn't say anything to the company and she responds saying that problems raised don't get solved. Her boss says he doesn't remember that she asked for permission to go to the medical center, but if she did he would have given it to her. A SITRAMELEXA representative in the meeting accuses her of not following the correct procedures and accused STAS of trying to undermine SITRAMELEXA.



Late 2019

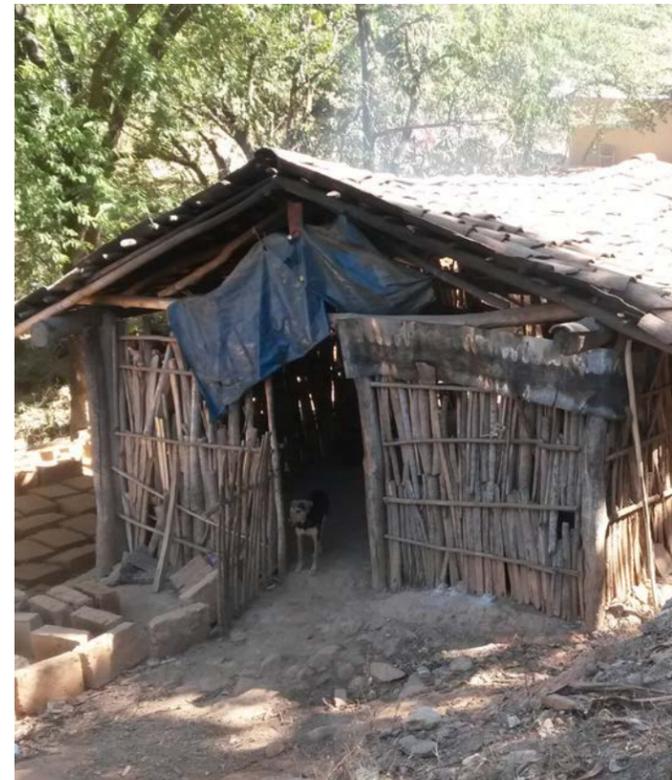
- November: Over a dozen workers who attended Melon Export's orientation meeting report that during this company meeting a SITRAMELEXA representative told all attendees that the only way they would receive a bonus from the company at the end of the harvest or support for funeral costs would be if they affiliate to SITRAMELEXA.
- November: Several STAS members report that a crew captain is asking them to provide her with copies of their identification cards to disaffiliate them from STAS. The workers worry that that if they don't comply they will lose benefits, they won't be hired next fall, or they will otherwise be discriminated against. that if they don't comply they will lose benefits, they won't be hired next fall, or they will otherwise be discriminated against.

Corporate white-washing and smokescreens

Instead of respecting workers' universal rights to freedom of association and collective bargaining, Fyffes did what many companies do when workers unionize: spent tens of thousands of dollars hiring consultants and lawyers to help them cover up their union-busting. And, instead of listening to its workers, Fyffes treated the documented human rights abuses as a public relations blemish to cover: creating Principles of Responsible Business Conduct and seeking a fair trade certification for its farms – all while refusing to remedy the decades-long violations.⁹⁶

Instead of engaging with workers on their long-standing concerns, Fyffes has sought to develop CSR schemes in an apparent effort to distract consumers, supermarkets, and investors from its union-busting.

In April of 2018, Fyffes succeeded in achieving a Fair Trade USA certification for its Suragroh farms in Honduras.⁹⁷ In November of 2018, Fair Trade USA CEO Paul Rice told ILRF that their 2018 audit “did not yield any evidence of ongoing anti-union activities or human rights abuses.”⁹⁸ A fair trade sticker placed



on the melons sold across the United States risks misleading consumers and further undermining workers' independent organizing efforts. Only after the launch of a public campaign that triggered a renewed audit, which found “critical violations covering wages and benefits, worker health and safety, and freedom of association,” did Fair Trade USA decertify the Suragroh farm.⁹⁹

In March of 2019, Fyffes announced its “Global Gender Equality Program,” which it conveniently launched on its two plantations in Latin America that have ongoing union organizing – in Honduras and Costa Rica.¹⁰⁰ A STAS-FESTAGRO organizer said: “We are not against gender programming, but we are against it when it's used to cover up labor abuses and circumvent the law.”¹⁰¹

In Honduras, Fyffes provides charitable contributions to the community, such as sponsoring local schools, donating supplies and uniforms, sending the company doctor to visit schools, and giving select workers land in the off-season to plant corn, chayote, sorghum, cassava and beans for their own use.¹⁰² Meanwhile, Fyffes continues to pay poverty wages



Fyffes' claims of farm safety in Honduras should not be taken as accurate¹⁰⁸

By Garrett Brown, MPH, CIH, Coordinator of Maquiladora Health & Safety Support Network (MHSSN)

In the ongoing controversy about violations of labor rights and worker health and safety at its suppliers in Honduras, the multinational Fyffes fruit company has told *The Progressive* magazine “our farms have passed SMETA audits for safety, health, and worker wellbeing.”¹⁰⁷

This claim by Fyffes should not, and cannot, be taken as good coin, true and accurate.

Sedex, the London-based consulting company that runs the SMETA program, states very clearly in the “FAQs” on its website the following:

- “We do not audit, and we do not certify.”
- “Sedex itself does not specify a particular code or state that suppliers have ‘passed’ or ‘failed’.”
- “Sedex does not set any standards or determine the policy of its members.”
- “The rules of Sedex require members to use their best endeavors to ensure that the information they place on Sedex Advanced is correct. However, we do not verify or validate this information.”



Sedex and its SMETA are part of the multi-billion dollar “corporate social responsibility” (CSR) industry design to protect the brand image and corporate reputations of multinational corporations with global supply chains. In the past 25 years, the CSR industry has failed to improve working conditions in factories, farms and mines while successfully assuring its customers, investors, employees and the news media that “something is being done” to address the illegal and unsafe conditions that the corporations' own sourcing policies and practices have made inevitable and worse with every contract cycle.

The SMETA program relies primarily on self-reported information from the suppliers themselves about working conditions in their own workplaces. These suppliers have every incentive in the world to hide unsafe, unhealthy and illegal conditions from their buyers.

Some multinational brands hire CSR auditors or “social monitoring” companies to verify the self-reported claims of their suppliers. These auditors also have tremendous conflicts of interest – if they wish to keep their corporate clients they cannot issue relentlessly negative (but accurate) factory reports – so the CSR industry has failed spectacularly to prevent several of the worst industrial disasters in history over the last decade.

For example, CSR auditor Bureau Veritas (and others) conducted multiple inspections of the garment factories in the Rana Plaza building in Dhaka, Bangladesh, and gave a clean bill of health to a building that collapsed in 2013 and killed 1,100 workers in an instant.

CSR auditors trained on the “SA 8000 code” – one of the Sedex SMETA reference codes – inspected the Ali Enterprises garment factory in Karachi, Pakistan, “certifying” that factory as safe in 2012. Three weeks later the building burned down killing 289 workers – 25% of the entire workforce in the “certified safe” factory.

The entire billion-dollar CSR industry is designed to protect corporations – not to protect workers’ health and safety and their legal rights. In fact, the only approach that has been successful in improving working conditions is the direct participation of workers in factory-level safety programs, including health safety committees, where the workers are represented by an organization of their own choosing.

Without the protection of a member-selected union, or similar organization, workers cannot be free of employer retaliation and reprisals, nor likely receive the training, information and paid release time they need to carry out their important tasks of identifying, evaluating and eliminating workplace health and safety hazards.

Fyffes’ claim that supplier self-reporting and occasional CSR monitoring somehow guarantee safe and legal working conditions is simply preposterous and cannot be taken seriously.

and actively endanger workers’ lives by exposing them to toxic agrochemicals. STAS has said they will not accept charity as a replacement for justice, or CSR programs as a tool used to “distract from the company’s obligation to put an end to and remediate labor rights violations.”¹⁰³

As a response to the international campaign, Fyffes created a hotline for workers to report violations; the code of conduct on that page is “pending”.¹⁰⁴ The company also points to third-party SMETA audits and Honduran labor inspections that show no notable labor violations.¹⁰⁵ Yet workers continue to be punished for demanding their rights and reporting abuses. From the very first moment that workers spoke out in 2016, local bosses locked up, bribed, and threatened STAS union leaders.¹⁰⁶ Top-down corporate initiatives cannot undo the four years of violent messaging Fyffes has conveyed to its workforce: speak out and lose your job and your livelihood.

Without safeguarding the right to organize – with an independent union like STAS – is respected, it is impossible to ensure the compliance of any other right on Fyffes melon farms.

“When a boss came to my house in September 2016, I was frightened. He asked me, why are you involved in the union [STAS]? I said, ‘because you don’t give people medicine’. He said, ‘you’re screwed for getting involved in the union’... A month later they came and picked me up out of the hammock in my living room and carried me to an ambulance. I needed healthcare but I didn’t call an ambulance. The doctor from the San Francisco clinic had told me he would call the company doctor saying I need to be careful at work. That’s how the company knew I needed to go to the hospital. A nurse was paid 7,000 Lempiras by the company to visit me several times. She said they wanted me to sign a piece of paper. It was to disaffiliate from the union. They were trying to kick me out... They brought lots of papers for me to sign, I didn’t sign any of them. Pay stub vouchers. One was a blank piece of paper. Five or six times people came to my house asking me to leave STAS. I never signed. I’m still a member of STAS.”

– Baltazar Cruz, in interview with ILRF on November 25, 2019

“In the company’s orientation the representative of the company’s union said, ‘if you die while working at the company, seven more people are ready to replace you.’”

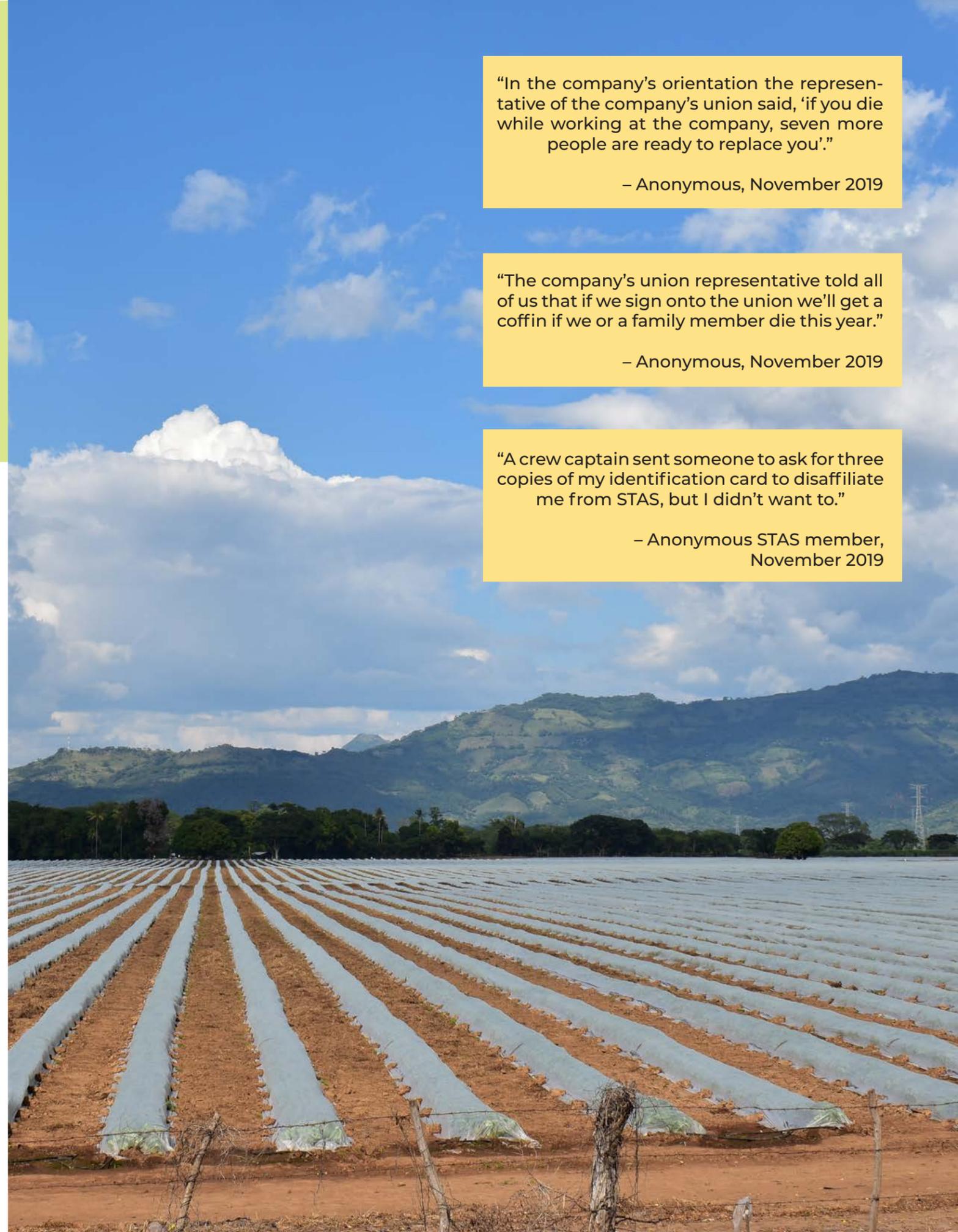
– Anonymous, November 2019

“The company’s union representative told all of us that if we sign onto the union we’ll get a coffin if we or a family member die this year.”

– Anonymous, November 2019

“A crew captain sent someone to ask for three copies of my identification card to disaffiliate me from STAS, but I didn’t want to.”

– Anonymous STAS member, November 2019



RESPONSES FROM SUPERMARKETS, CERTIFIERS, AND GOVERNMENTS

Government of the United States

News of the labor violations at Fyffes' Suragroh farm reached the level of the U.S. Department of Labor in March 2012 when the AFL-CIO, 25 Honduran unions, and a women's rights organization filed a complaint under the Central America Free Trade Agreement (CAFTA).¹⁰⁹ The complaint cited the government of Honduras' failure to uphold labor requirements under the trade agreement.

The U.S. Department of Labor (USDOL) interviewed workers soon after receiving the complaint, who reported that the plantation consistently failed to pay the minimum wage since 2005.¹¹⁰ The USDOL's 2015 report noted that in 2007 the Honduran Secretariat of Labor and Social Security (STSS) found Suragroh to be violating minimum wage, overtime, social security, rest days, legal holidays, vacation, education bonus, and many other rights.¹¹¹ Five years later, in July 2012, Suragroh workers interviewed by USDOL reported many of the same ongoing violations including Fyffes imposing a 300 Lempiras (\$14.40) penalty for missing a day of work (even with permission from a supervisor) in addition to that day's salary and threats of dismissal for speaking with government labor inspectors.¹¹²

In October 2018, USDOL cited Sol/Fyffes/Sumitomo (for conditions at Suragroh and Melon Export) as one of the two ongoing cases from the original CAFTA complaint where violations are ongoing and have not yet been resolved.¹¹³ The complaint is ongoing at the time of writing this report.

The August 2019 letter from 55 Members of Congress

"The workers' concerns documented in these cases are doing exactly what the Administration asks of Central American citizens – working to improve their home country by advocating for decent work and living wages. When Fyffes and Grupo Jaremar – the companies cited in this letter – illegally fire, blacklist, threaten, and physically attack the workers and the union (STAS) who seek to improve people's lives and livelihoods in Honduras, they contribute to forced migration. The Honduran Labor Ministry's illegal anti-union decisions made in these cases are undermining the rights of its citizens and feeding the economic push factors for migration."

– Congresswoman Jan Schakowsky (D-IL)

"As workers have come to find out firsthand, CAFTA only has exacerbated the desperation and instability in Honduras. Like NAFTA, CAFTA's architecture of deregulation coupled with investor protections allowed companies to outsource labor-intensive components of their supply chains to locations with weak labor laws and low wages. The Honduran government has sought to remain competitive in the global market and maintain low labor costs to attract foreign capital by ignoring, or in some cases actively interfering with, the fundamental rights of freedom of association and collective bargaining."

– AFL-CIO¹³⁵

to the U.S. Trade Representative Robert Lighthizer and Acting Secretary of Labor Patrick Pizzella expressed their deep concern regarding the Honduran government's continued violation of CAFTA's labor chapter.¹¹⁴ The AFL-CIO, the Communication Workers of America, and the International Labor Rights Forum endorsed the letter. The letter stated:

"Since 2016, STAS has registered sectional unions representing workers at the Fyffes-Sol and Grupo Jaremar plantations in order to address numerous labor violations, including rampant wage theft and exposure to toxic pesticides. The Honduran Labor Ministry has not only failed to put a stop to these labor violations, but it has aligned with the employers in their effort to bust the union. In fact, Labor Minister Carlos Madero issued a decision, contrary to Honduran law, which dissolved the sectional union on the Fyffes-Sol plantations. Subsequently, the Labor Minister recognized and immediately registered employer-dominated unions."¹¹⁵

Ethical Trading Initiative

In February 2016, the International Union of Foodworkers (IUF) – to which STAS is affiliated – and UK-based NGO Banana Link brought a complaint against Fyffes to the Ethical Trading Initiative (ETI), calling for the ETI to expel Fyffes from its membership.¹¹⁶ The ETI is a UK-based independent body whose members agree to uphold the ETI base code, which among other things requires members to respect freedom of association in their supply chains. The complaint cited human rights abuses in Fyffes' melons supply chain in Honduras. A year later, ETI suspended Fyffes and began a 22-month engagement process between Fyffes and STAS to resolve the labor rights abuses, which included four high-level meetings with the union and corporate executives and an independent mission of outside consultants



For workers' rights.
For better business.

"Although Fyffes is no longer an ETI member, having been expelled for not meeting our expectations, we are very disappointed to see that they continue to treat workers in ways that deny many of them their fundamental rights at work. We urge Fyffes and their parent company to engage in meaningful dialogue with their workers' representatives, to resolve the ongoing issues that blight their name and the fruit that forms a staple part of many shopping baskets."

– Peter McAllister, Director,
Ethical Trading Initiative¹³⁶

to the plantations. In March 2019, ETI expelled Fyffes from its membership after concluding that "despite these efforts and ETI's long-running engagement with the issue, Fyffes was still failing to resolve the substantive concerns raised."¹¹⁷

Fair Trade USA



In April 2018, Fair Trade USA announced that it had certified Fyffes' Suragroh subsidiary as "fair trade after over a year of engagement with management to make changes required to pass Fair Trade USA's audit of social, environmental, and labor practices."¹¹⁸ After hearing this news, ILRF and Fair World Project

shared documentation with Fair Trade USA of the unremediated and ongoing labor rights violations at Suragroh. After six months, given the lack of adequate response from Fair Trade USA and the ongoing violations on the plantation, ILRF and Fair World Project took the issue public with a sign-on letter, a press release, and accompanying social media posts. The November 27, 2018, joint open letter from 24 civil society organizations urged Fair Trade USA to decertify Suragroh.¹¹⁹

In a press release accompanying the sign-on letter, Dana Geffner, Executive Director of Fair World Project, said: "FTUSA's weak standards and 100

percent lack of accountability translate to ‘fair washing’ of human rights abuses. FTUSA is actively undermining the farmworkers’ organizing efforts on the ground and eroding the spirit and integrity of fair trade.”¹²⁰

ILRF Executive Director Judy Gearhart said in the same press release: “Fyffes in Honduras has perpetuated anti-union repression from the very first moment that melon workers decided to organize an independent trade union. When workers have exercised their universal right to freely associate and organize, they have faced violent retaliation from Fyffes local management. Despite overwhelming evidence and worker testimonies, Fair Trade USA is allowing Fyffes to continue bulldozing workers’ rights with impunity and giving the global brand a shiny, profitable stamp of approval.”¹²¹

Fair Trade USA does not state the source of the evidence but writes that, “[o]n November 28, Fair Trade USA received new evidence from trusted sources in Honduras which alleged recent violations of Fair Trade standards at the Suragroh farm.”¹²² Fair Trade USA then suspended Suragroh’s Fair Trade certificate on November 30 after which it proceeded with an unannounced audit of the Suragroh farm consisting of interviews with more than 120 full-time and seasonal workers, farm management, local union representatives, government officials, and other stakeholders. Fair Trade USA states that the audit “report confirmed critical violations of several Fair Trade standards covering wages and benefits, worker health and safety, and freedom of association.” Fair Trade USA revoked Suragroh’s Fair Trade certificate on December 14, 2018.¹²³

Supermarkets

ILRF first alerted 25 grocery chains that stock Fyffes/Sol melons in the United States to the labor violations at the Honduras farms in 2017.¹²⁴ ILRF and Fair World Project sent letters to many of these same companies, such as Albertsons, Kroger, Trader Joe’s, Walmart, and Whole Foods Market, again in April, August and November 2019.

Following engagement by the European Banana and Agro Industrial Product Action Network (EUROBAN) and the Make Fruit Fair campaign, and after the Ethical Trading Initiative expelled Fyffes from its membership, the company lost some banana orders in Europe with Tesco and Dansk Supermarked (now Salling Group).¹²⁵ Three large retail chains in the United States are no longer sourcing Fyffes melons from Honduras, after being contacted about the labor violations on the plantations.¹²⁶

Costco was the first supermarket to notify the NGOs that it had ceased orders from Fyffes Honduras.¹²⁷ Costco later reconfirmed that it is not selling Fyffes Honduras melons in the 2019-2020 season.¹²⁸

Another chain of over 500 stores, which stocked Fyffes Honduras melons in early 2019 and continues to sell Fyffes’ melons from Guatemala, wrote: “[We do] not currently buy any products from Fyffes’ Honduras facilities, nor do we have any plans to do so in the future,” requesting their name not be publicized.¹²⁹

Whole Foods Market responded at the end of January 2020 stating that it will “not source any Honduran melons from Fyffes until the company adequately resolves this issue.”¹³⁰

International Labour Organization

An International Labour Organization (ILO) Committee on Freedom of Association report from November 2018 reviewed STAS’ allegations of violations by Suragroh and responses from the Government of Honduras. In the report the ILO committee provides several recommendations to the Government of Honduras, including that: the Government should inform the ILO of its reasons for the cancellation of the notification of the establishment of the executive board of the STAS sub-branch and the outcome of STAS’ appeal; the Government examine whether the dismissals of STAS sub-branch executive board members were of an anti-union nature; and the Government conduct criminal investigations regarding the attacks on Moisés and Misael Sánchez and ensure they are receiving adequate protection to fully guarantee their safety.¹³¹

As of November 2018, the ILO had not received an answer from the Honduran government.¹³² In June 2019, the Confederación Unitaria de Trabajadores de Honduras (CUTH), to which FESTAGRO (the union federation that STAS is part of) is affiliated, submitted another complaint to the ILO detailing the Government of Honduras’ failure to comply with the ILO’s recommendations and referencing ongoing violations in the case of Suragroh and Melon Export of ILO Conventions 87 and 98 on freedom of association and collective bargaining.¹³³

Given the severity and frequency of anti-union violence in Honduras, the ILO Committee on the Application of Standards urged the Honduran government in 2018 to take all necessary measures “to create an environment in which workers are able to exercise their right of freedom of association without the threat of violence or other violations of their civil liberties.” This included investigating murders of trade unionists, providing rapid protection for leaders under threat, and conducting investigations and prosecuting the persons responsible for these crimes.¹³⁴



CONCLUSION

Fyffes' operations in Honduras are fundamentally based on the idea of an underpaid and disposable workforce. For decades, these melon workers have harvested fruit for supermarkets in the United States while receiving poverty wages, exposure to toxic pesticides, and being subjected to inhumane working conditions. Despite laboring on the plantations for many years, these workers are repeatedly hired on precarious short-term contracts, which enable the bosses to deny employment the following season to those who speak out against abuse. Making less than ten dollars a day, many workers report that hunger and malnutrition is a serious problem for them and their

families, subsisting on a diet of mainly rice and beans.

Generation after generation of melon workers have given their entire adult lives to these plantations, still continuing to work – when physically able – past the age of 65, with no pension or savings to retire. Even for many of the younger workers, death feels near, under the harsh conditions rife with occupational illnesses and safety hazards, and indeed the company knows that. Fyffes' management-controlled yellow unions even offered workers, as an incentive to join, the promise of a coffin from the company if they or one of their family members dies during the growing season.

After workers had had enough in 2016 and decided to join a union to fight for their rights, they were met with violent threats and forced resignations. The violence that union leaders have faced over the last four years has had a chilling effect across the workers' communities. Against all odds, dozens of workers fought – and continue to fight – for their union, despite mass firings, death threats, and physical violence.

Instead of respecting workers' universal right to organize, Fyffes deployed a public relations campaign to white-wash the labor abuses. Fyffes was eventually de-certified by Fair Trade USA in December 2018 and expelled from the Ethical Trading Initiative in March 2019 after these organizations conducted their own investigations into the violations.

Even still, local management continued to build up yellow unions and launched a massive affiliation campaign that involved forcing STAS members to affiliate to the management-controlled yellow unions in order to get hired.

In fall of 2019, after Costco and Whole Foods Market

ceased their orders of Fyffes' Honduran melons, and Salling Group (formerly Dansk Supermarked) and Tesco reduced other Fyffes fruit orders due to the violations, Fyffes finally rehired dozens of union members who had been blacklisted for three years. However, the exploitative working conditions remain the same for the workforce of over 6,500 people.

Instead of threatening workers that Fyffes could leave the country if the international campaign does not stop, Fyffes needs to respect its farmworkers' right to have their own real union, which is not the case with the illegitimate management-created organizations, SITRAMELEXA and SITRASURAGROH, whose formation was a union-busting tactic by management to supplant true, independent union organizing.

Fyffes must stop denying the truth about the ongoing violations on the plantations, fully respect trade union rights to freedom of association and collective bargaining, and proceed with genuine, good faith negotiations with STAS to reach a legally-binding and enforceable agreement that will address and remedy all workers' longstanding and ongoing concerns with the poor working conditions.



Photo credit: STAS-FESTAGRO



Photo credit: STAS-FESTAGRO

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- a) President | Salary: 20,000 lempiras/month | Position: Cold Room Shift Manager and Time Keeper
 - b) Vice President | Salary: 19,948.60 lempiras/month | Position: Plantation Manager
 - c) Secretary | Salary: 11,761 lempiras/month | Position: Commercial Secretary
 - d) Treasurer | Salary: 12,000 lempiras/month | Position: Manager of Purchasing and Supplies Department
 - e) Fiscal Officer | Salary: 45,738 lempiras/month | Position: Manager of Maintenance and Workshop Department
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