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Spotlight interview with Ana Bertha Navarro Munoz (CTRN – Costa Rica)

Progress is being made with the unionisation of migrants in Costa Rica

Bertha Navarro Munoz - CTRN migrant union center – San Jose

Brussels, 19 August 2010 (ITUC OnLine): In March 2010, Costa Rica passed new legislation providing greater protection for migrant workers. Much remains to be done, however, to ensure full respect for the exercise of their trade union rights. The ITUC-backed Trade Union Centre for Migrants, linked to the bilateral trade union cooperation agreement with Nicaragua, provides training and legal assistance. Progress is being made with the unionisation of migrant workers, especially in the retail, agricultural and domestic work sectors. "We are also campaigning in favour of ILO Conventions 97 and 143," explains Bertha Navarro Muñoz, head of the CTRN Trade Union Centre for Migrants.

This year, Costa Rica elected a woman – Laura Chinchilla -- as President of the Republic for the first time. Do you see this as a positive sign in your fight for better migrant labour rights?

The new president is a woman who promises better social dialogue. As unionists we are prepared to take her at her word. We are hoping for a positive response. But let's see.

About 50-percent of migrants are women. We now have a woman President, a woman Minister of Work, a woman Director of Migration and a woman Public Defender. So everyone we have to talk to is a woman. So we hope that they will be sympathetic. And that maybe they will improve conditions.

President Chinchilla says she wants to hold a summit with (President) Daniel Ortega of Nicaragua about the situation of migrant workers. This is a positive move.

Name the biggest problem you're still facing?

There are many.

But one of the biggest is that there are still not enough government labour inspectors. It is still far too easy for the bosses not to comply with the law (1). There is no constant vigilance.

Here they don't kill trade unionists like they do in Guatemala or Honduras. What they try to kill is the ideology underpinning unionism. We still have to convince migrants and non migrant that the union is the best defence for the workers. This is one of our greatest battles.

At this year's May Day parade we were so proud to see a group who called themselves 'Nicaraguan Women' march side-by-side with us.

For us the message is: 'Unions will help you. Unions will protect you!'

How are bi-lateral relations between Costa Rica and Nicaragua on the issue of migrant workers?

In December last year, we had our third bilateral meeting with our "companeros" in the principal trade unions in Nicaragua. Our countries' two respective Ministers of Work also met for the first time. They ratified an agreement on the flow and number of Nicaraguan migrants working in Costa Rican agriculture and construction.

Costa Rican trade unions are now much more vigilant and taking the whole issue of undocumented migrant workers more seriously.

Can you tell us about some more positive gains resulting from the work of the migrant centre?

In the middle of last year a union for agricultural workers in the pineapple and tropical fruit sector was formed called SINTRAPIFRUT (2). Most of the workers in this sector are migrant workers and they are now about to negotiate a collective agreement with the fruit companies.

Since May, 2009 another union called SITRACHIRI, for banana workers, has at last been allowing indigenous Panamanian workers into their union.

Last year we also saw the formation of ASTRADOMES, an association of migrant domestic workers and at the beginning of this year we supported the creation of SINCO, a union for supermarket, shop and retail workers -- most of whom are women.

Can you tell us a little bit more about your campaign for a law to protect the rights of domestic workers?

La Ley de Trabajo Domestico' was a triumph, the culmination of three years work, a great victory. Domestic workers are now legally entitled to the minimum salary, social security, a work contract and an eight-hour working day.

Now they can claim their rights.

And we are now also on target to set up a special construction workers' union in the next two months.

Hasn't Costa Rica also updated its migrant laws?

Yes. In March, 2010 the new Migration Law replaced the old law of 2005. The old law was a law of xenophobia, one that was designed to expel and deport migrants. It was a racist law.

The new law is more humane to the migrant. Migrants now have rights to social security. They should be paid at least the minimum salary (around US\$330-a-month), are entitled to basic health care and safe working conditions. Migrants now have the right to join and form unions. Now on paper, at least, migrants have the same rights as Costa Ricans. The only exception is that they still can't be voted as leaders of unions.

Does the new migrant law have any other provisions?

Undocumented workers must now make sure they regularize their papers. They have until the beginning of 2011 to do this. If they don't they are liable to fines of the equivalent of US\$100-a-month.

We are not in agreement with this because this represents an excessive payment for someone who is only earning around US\$280-a-month.

We'd like to see the US\$100 fine abandoned. We'd also like to see the Nicaraguans agree to give the correct papers to their people in Costa Rica so they don't have to return home.

At the moment they have to ask their relatives back home to do all the work. Many of them don't have passports and so they can't return home in the first place.

What overall message have you sent out to the Costa Rican government, the bosses and the business establishment?

The government and the bosses need to understand that there is a strong and effective union that is fighting for the rights of migrant workers and that migrants have the right of free movement within Central America.

Employers too have to be more vigilant and comply with the law.

We want migrants to be treated as human beings with rights. They are citizens of the world. They are coming to help the development and peace of a country and because of this they should be respected. They have universal rights.

The government, our government, has to understand that it is important and necessary for Nicaraguans to help the development of our country and do the work that Costa Ricans don't want to do.

The Migrant Centre has also encouraged training and capacity-building for migrant workers?

Yes in 2009 we signed an agreement with the National Training Institute to extend their free technical training courses to migrant workers.

Migrant workers, with the sponsorship of their employers and backing of the union migrant centre, can now learn new skills; such as wood-working, machining, specialist driving, soldering and welding.

Finally, for you, what is the importance of international solidarity?

The migrant centre is a reality precisely because of the help of the ITUC. They have given us enormous support and solidarity in the fight for justice (3).

This help is still very necessary. In June and July we launched an international campaign for Costa Rica to sign and implement ILO Conventions 97 and 143 on the protection of migrant workers. In conjunction with our national federation, we are campaigning for Decent Work for all Costa Rican workers, including migrant workers. As yet there is still not the political will to ratify the conventions.

But without the ITUC our work could not continue.

Interview and photos by David Browne/Parachute Pictures

(1) More information on trade union rights violations in Costa Rica in the ITUC Annual Survey: <http://survey.ituc-csi.org/+ -Costa-Rica-+.html?lang=en>

(2) TUCA press release: http://www.csa-csi.org/index.php?option=com_content&view=article&id=5381%3Acosta-rica-se-funda-sindicato-de-migrantes-de-la-pi&catid=26%3Aagencia-de-noticias&Itemid=258&lang=pt

(3) Also see the ITUC report published in 2008 on organising migrants in Costa Rica: <http://www.ituc-csi.org/costa-rica-helping-migrants.html?lang=en>

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