



# INTERNATIONAL LABOR RIGHTS FORUM

## Firestone and Violations of Core Labor Rights in Liberia July 2009

Since 1926, the Firestone Natural Rubber Company (owned by Bridgestone Americas tire company) has operated a rubber plantation in Harbel, Liberia that has been characterized by child labor, the widespread abuse of workers' rights and environmental destruction. The International Labor Rights Forum has been working since 2005 with the international Stop Firestone coalition<sup>1</sup> and other allies in the United States and Liberia to support workers on the plantation and hold the company accountable for its long history of abuse.

While the first focus of our labor-related advocacy on this campaign was on the worst forms of child labor on the plantation, it has been clear that a wide range of labor rights abuses exist. From low wages to poor living conditions to weak workplace health and safety standards, workers experience constant violations of their rights. The case of Firestone in Liberia illustrates the critical importance of implementing all core labor rights simultaneously to ensure that workers' rights are protected. All core labor rights need to be viewed as necessarily linked in order to ensure that any one of the problems of child and forced labor, discrimination and violations of freedom of association and collective bargaining do not occur.

This report will give a brief overview of how Firestone has violated all of the fundamental labor rights as recognized by the International Labor Organization (ILO)<sup>2</sup> on its plantation in Liberia and the necessity of ensuring protections in each area.

### I. Child Labor and Forced Labor

The majority of the workers on the plantation are "rubber tappers" meaning that they collect raw latex from the rubber trees and transport it to a central collection point for processing.



The latex is dumped into buckets weighing 75 pounds each and tappers must carry two buckets on each end of a stick on their backs for miles everyday. Tappers are required to meet an unreasonably high daily production quota or they do not receive their already meager daily wages.<sup>3</sup> Since it is impossible for a single tapper to meet the daily production quota working alone, tappers are forced to bring their children or wives to work with them or to hire a subcontractor

<sup>1</sup> For more information about the Stop Firestone campaign, please visit: [www.StopFirestone.org](http://www.StopFirestone.org).

<sup>2</sup> For more information about the ILO Declaration on Fundamental Principles and Rights at Work, please visit: <http://www.ilo.org/declaration/lang--en/index.htm>.

<sup>3</sup> Save My Future Foundation (SAMFU), "The Heavy Load." June 2008. Available online: <http://www.laborrights.org/files/The%20Heavy%20Load.pdf>.

out of their wages to complete their tasks.<sup>4</sup> The additional workers brought by the tapper are not official employees and receive no additional compensation, services or benefits from the company for their work. As a result of the child labor situation on the plantation, Firestone has been embroiled in an ongoing lawsuit in US courts.<sup>5</sup> As affidavits from the plaintiffs in the lawsuit (who are current child laborers) show, the children of rubber tappers are forced to work against their will due to the quota system. These children's statements show again and again that children under the legal working age labor on the plantation without their consent, are not paid for their work and their parents do not receive additional compensation for the children's labor.<sup>6</sup>

Additionally, large numbers of children on the plantation live many miles from the nearest school and lack any form of transportation. As a result, educational services are not accessible for large numbers of children on the plantation. Several reports have also highlighted how many children are not given birth certificates when they are born and cannot access any social services on the plantation without this identification.<sup>7</sup>

The following sections provide more information about the ongoing problems with reducing child labor on the plantation and how this issue is linked with the implementation of other core labor rights.

## **II. Freedom of Association and Collective Bargaining**

For years, the Firestone Agricultural Workers Union of Liberia (FAWUL) was a company dominated union. The leadership was paid by the company and did not represent workers. The contracts with FAWUL were not the result of a representative bargaining process, were not voted on by the membership and contained very few protections for workers. For example, the contract prior to 2008 went against the protections afforded to workers under Liberian labor law by stating that disputes would be settled without lock-outs, slow-downs, picketing or strikes.<sup>8</sup> Another provision in the contract stated that wages would be at the sole discretion of the company, as opposed to being determined through negotiations with the union.<sup>9</sup>

Historically, workers led wildcat strikes and other actions outside of the purview of the union to call for improvements. However, in each case, these protests were quelled, sometimes violently, and organizing efforts subsided. With the historic 2005 election of President Ellen Johnson Sirleaf, workers saw a new opportunity to call for democratic representation on the Firestone plantation. Workers formed a separate organization from FAWUL called the Aggrieved Workers Committee and began to organize for new union elections on the plantation. They were able to secure the support of Labor Minister Kofi Woods who froze the

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<sup>4</sup> United Nations Mission in Liberia (UNMIL). "Human Rights in Liberia's Rubber Plantations: Tapping into the Future." May 2006. Available online:

<http://www.laborrights.org/files/UN%20Liberia%20Rubber%20Report-%20%20May%202006.pdf> and more information is available in the legal complaint filed by International Rights Advocates online here: <http://iradvocates.org/bfcase.html>.

<sup>5</sup> More information about this lawsuit is available online: <http://iradvocates.org/bfcase.html>.

<sup>6</sup> Affidavits are available online here <http://iradvocates.org/James%20Roes.pdf> and here <http://iradvocates.org/Jane%20Roes.pdf>.

<sup>7</sup> SAMFU, "The Heavy Load" and UNMIL, "Human Rights in Liberia's Rubber Plantations."

<sup>8</sup> UNMIL, "Human Rights in Liberia's Rubber Plantations."

<sup>9</sup> SAMFU, "The Heavy Load."

assets of the union and set up an Elections Commission, modeled on the one that paved the way for the national elections, to ensure that workers would be able to vote on their union leadership. The company and the old union leadership resisted these efforts, sometimes resorting to strong intimidation tactics against supporters of the Aggrieved Workers Committee. For example, during a strike in late April of 2007 calling for independent union elections on the plantation, more than 20 strikers were hospitalized and two were seriously wounded when police forces attacked workers.<sup>10</sup>

As the Elections Commission worked to set up the elections process, the FAWUL leaders posed legal challenges to the upcoming elections. However, the elections proceeded as planned in July 2007 and were judged free and fair by international observers. Thousands of workers waited in heavy rain to vote in these historic elections. The Aggrieved Workers Committee ran a slate of candidates and overwhelmingly won every seat in the leadership of the union.<sup>11</sup>

The legal challenges posed by the old union leadership continued even after elections were held in July 2007. While the court case slowly proceeded, Firestone withheld workers' union dues from the newly elected union leaders. In a remarkable act of solidarity, workers across the plantation donated rice to their new union representatives out of their meager rations. Meanwhile, internal company memos obtained by labor rights advocates showed that Firestone management offered paid leave to many of the old union leaders, including individuals who had run for positions in the July 2007 elections and had been overwhelmingly defeated. These workers were given leave to conduct "worker education" programs across the plantation which reportedly included trying to convince rank-and-file workers to sign a petition supporting the old union leadership as their representatives. While the strategy failed due to the overwhelming grassroots support for the new union leaders, these tactics were part of a clear strategy to deny workers the freedom of association and to undermine the new union leadership.

After months of frustration, workers launched a massive strike across the plantation in December 2007 that crippled production. Once again, workers faced violent retribution for their strike action. Security forces physically attacked crowds of workers, even opening fire and severely injuring strikers. They also fired tear gas into crowded settlements filled with children and elderly family members.



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<sup>10</sup> International Trade Union Confederation (ITUC). "Annual Survey of Violations of Trade Union Rights 2008: Liberia." Available online: <http://survey08.ituc-csi.org/survey.php?IDContinent=1&IDCountry=LBR&Lang=EN>. "Striking Workers at Liberian Rubber Plantation Clash With Police." International Herald Tribune. April 27, 2007. Available online here: <http://www.laborrights.org/stop-child-labor/stop-firestone/531>.

<sup>11</sup> United Steelworkers. "Liberian Union Election Brings New Leadership to Bargaining Table with Bridgestone/Firestone." July 10, 2007. Available online: [http://www.laborrights.org/sites/default/files/news/firestoneelections\\_usw\\_071007.pdf](http://www.laborrights.org/sites/default/files/news/firestoneelections_usw_071007.pdf).

Many workers were arrested without charges, including at least two of the newly elected union leaders.<sup>12</sup> During the strike, police officers brandishing guns also shut down the union radio station without explanation during a live broadcast by a child. The radio station is a critical tool for communication on the massive plantation.<sup>13</sup>

Weeks into the strike in late December 2007, the Supreme Court of Liberia finally ruled that the union elections were in fact legitimate. Firestone had no choice but to recognize the newly elected union leaders as the true representatives of Firestone workers. The new FAWUL leaders surveyed workers across the plantation about their priorities for a new contract and began to negotiate a new collective bargaining agreement (CBA) with the company. The new CBA was officially ratified by the FAWUL membership and signed in August 2008.<sup>14</sup>

Since the new CBA was signed between Firestone and FAWUL, there has been an ongoing problem with thousands of eligible union members not having their union dues deducted from their wages. While FAWUL represents these workers under agreements with the company, they are not being provided with the necessary dues in order to have the resources to effectively support these workers. When thousands of consumers contacted Firestone about this concern in February 2009, Firestone provided no response to the union dues issue. FAWUL recently went through a process of having thousands of individual workers sign petitions confirming that they want to be represented by FAWUL and the documents were presented to the Department of Labor, but it remains to be seen if Firestone will follow through with these workers' demands. Denying FAWUL dues from their members prevents thousands of workers from formally supporting their elected union representation.

Additionally, because of the quota system and other company policies, a large number of subcontractors work on the plantation. Due to the fact that these workers are either part-time employees or are not formally employed by the company, they are not entitled to important benefits from the company and eligibility for membership in FAWUL has been contested.<sup>15</sup> As ILRF has argued elsewhere<sup>16</sup>, subcontracted workers are often the most in need of union representation, but companies around the world rely on subcontracting and similar employment schemes in order to reduce the ability of workers in their supply chains to unionize. In many cases, these employment schemes are used a strategy to violate workers' freedom of association.

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<sup>12</sup> Butty, James. "Striking Firestone Workers Accuse Liberian Government of Force and Intimidation." VOA News. December 13, 2007. Available online: <http://www.laborrights.org/stop-child-labor/stop-firestone/858>

<sup>13</sup> "Stone FM Detests Closure." The Inquirer. December 18, 2007. Available online: <http://allafrica.com/stories/200712180733.html>. "Liberia Police Shut Down Radio Station." Media Foundation for West Africa. December 17, 2007. Available online: [http://www.mediafound.org/index.php?option=com\\_content&task=view&lang=fr&id=74](http://www.mediafound.org/index.php?option=com_content&task=view&lang=fr&id=74). "Police Forcefully Close Community Radio Station for 24 Hours Over Coverage of Labour Dispute." Center for Media Studies and Peace Building. December 17, 2007. Available online: <http://www.laborrights.org/stop-child-labor/stop-firestone/863>

<sup>14</sup> Konneh, Ansu. "Firestone Plantation in Liberia Signs Wage Accord With Workers." Bloomberg. August 7, 2008. Available online: <http://www.bloomberg.com/apps/news?pid=20601116&sid=a2eNzXRj4sL8&refer=africa>.

<sup>15</sup> SAMFU, "The Heavy Load."

<sup>16</sup> International Labor Rights Forum. "Contract Labor and Precarious Work." Available online: <http://www.laborrights.org/labor-rights/contract-labor-and-quot-precarious-work-quot>.

Both independent organizations in Liberia as well as a rubber plantations taskforce established by the Government of Liberia and the United Nations Mission in Liberia have raised concerns about the role security forces operating on the plantation play in committing human rights violations.<sup>17</sup> Several different security groups exist on the Firestone plantation including the Firestone Plant Protection Department (PPD) and a specific division called the PPD Task Force, the Liberia National Police (LNP), the UN Mission in Liberia and a group called the “Gravel Ants” which is allegedly a special unit of the PPD consisting of former combatants from the war in Liberia. Firestone provides financial support for the LNP as well as court and detention facilities on the plantation. These security forces and the detention center have been used in the past to crack down specifically on worker protests and have also been accused of human rights abuses against communities neighboring the Firestone plantation as well as people who are suspected of being illicit rubber tappers. Due to the historical role these forces have played in rounding up union leaders and rank-and-file members without charges in the past, many FAWUL leaders and members fear that they could face retribution again as they prepare for new contract negotiations in the coming months.

### Collective Bargaining

The new CBA signed in August 2008 contains a number of improvements including a reduction in the production quota, higher wages and greater safety protections. However, since the CBA was signed, many of the provisions of the contract have not been fully implemented by the company.<sup>18</sup> The contract includes a

provision against child labor which states that workers found bringing their children to work can be fired. However, since the burdensome quota system is the primary reason why child labor exists on the plantation, the quota reductions in the CBA need to be fully implemented across the entire plantation immediately if child labor



is to be reduced. Workers have reported that rubber tappers in several divisions of the plantation are still being told to produce at the old quota level meaning that they still need to bring children with them to work. It is unfair to place the burden of ending child labor on rubber tappers when the company has not followed through with commitments to institute a more reasonable quota level. Additionally, Firestone must follow through with providing children access to transportation to school and ensuring that wages are increased in line with the contract as these steps would also help to ensure that children are able to access schools and their parents are receiving wages that can support the needs of their families. We also recommend that Firestone go beyond their obligations in the contract to formalize all adult workers on the plantation giving them access to protections on the job, social services and union representation as well as increasing wages to a living wage and further reducing the work quota to a truly reasonable level.

If a CBA is signed, but the company refuses to implement the agreement, workers are not able to truly exercise their collective bargaining rights. Firestone must uphold their part of the bargain. Additionally, if the quota reduction and related improvements in the contract are not implemented, child labor will not be successfully eliminated. It is unfair to enforce the child labor

<sup>17</sup> SAMFU, “The Heavy Load.”

<sup>18</sup> Butty, James. “Firestone Dragging Feet on CBA Implementation, Says Union Secretary.” VOA News. May 22, 2009. Available online: <http://www.voanews.com/english/Africa/2009-05-22-voa7.cfm>.

ban without simultaneously ensuring that the quota has been adjusted to a level that is reasonable for one person to achieve.

### **III. Discrimination**

Due to the excessive quota, rubber tappers have been forced to bring both their children and wives to work with them. Since workers have recently been reporting that Firestone has been cracking down on workers who bring their children to work without reducing the quota to a reasonable level, there have been reports that more women are working with their husbands to help meet the quota. These women workers are not granted formal employee status or any specific safety protections since they are not formally employed by the company. There have also been reports that women experience sexual harassment by supervisors when they are working on tapping trees in remote parts of the plantation. As the Rubber Plantations Task Force reported, “In all plantations, the management pays little or no attention to the general welfare of women.”<sup>19</sup> One area where women workers are especially being recruited recently is in the replanting of rubber trees. Union officials report that women involved in this physically demanding work are being encouraged to continue working even if they are injured or pregnant or they will be fired. Given the level of poverty in which these families live and the lack of other employment options, women are faced with impossible decisions when being presented with this ultimatum. The specific abuses experienced by women on the plantation is a new research focus for several organizations at this point, but all of these initial reports highlight how women workers face discrimination on the job. Additionally, the experience of women workers demonstrate that if the CBA is not properly implemented and child labor is not addressed in an appropriate manner by reducing the quota, the burden of exploitation simply shifts from child laborers to women workers.

### **IV. Conclusion**

This report has highlighted how violations of all ILO core labor rights have taken place simultaneously on the Firestone plantation in Liberia and these labor rights abuses are linked. Workers must have a voice at work and be able to bargain collectively with management in order to improve their working and living conditions. The CBA with Firestone includes a holistic set of necessary changes in company policies that could lead to a reduction of forced and child labor. However, when the entire contract is not respected and fully implemented, the burden of exploitation is simply shifted to other categories of workers, specifically women and other subcontracted workers, who are also denied the right to union representation. In order to ensure that each core labor right is respected, it is necessary to implement policies protecting all of these rights as a whole.

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<sup>19</sup> Rubber Plantations Task Force Report. May 2006. Available online: [http://www.laborrights.org/files/Rubber\\_TF\\_Report.pdf](http://www.laborrights.org/files/Rubber_TF_Report.pdf).