

Translation of letter from Centro de Estudios y Apoyo Laboral (C.E.A.L.) of August 22, 2005

Center of Labor Studies and Support (Centro de Estudios y Apoyo Laboral)
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Betty Lamoreau, Division Director
Division of Purchases
9 State House Station
Burton M. Cross Building, 4th Floor
111 Sewall Street
Augusta, ME 04333-0009

San Salvador, August 22, 2005

Dear Betty Lamoreau:

CEAL is a non-governmental organization based in El Salvador that has collaborated with organizations in the United States for several years to raise awareness about exploitation driven by corporations that affects millions of workers around the world. We have collaborated with organizations such as the Worker Rights Consortium (WRC), US/Labor Education in the Americas Project (USLEAP), Human Rights Watch, AFL-CIO's Solidarity Center, SweatFree Communities and others, just to mention those in the United States, in addition to unions on five continents.

We have become aware that there are a series of concerns regarding the latest legal initiatives which will affect the State of Maine. We would like to explain our concerns:

1) We support the premise of the law: that is, that the State should work to pressure companies to ensure that they are improving conditions in the factories and to ensure that are not suppressing workers' right to organize.

2) We are concerned because we see that the proposed rules will debilitate the law, making it difficult for organizations like CEAL, for the unions that we support in El Salvador, and for workers themselves who are victims of abuses, to be heard if we have experiences that indicate to us that the factory that provides to the State is violating workers' rights. For example, if the State names CEAL as a "reliable source", we must declare under oath that this company is violating the State's policy before the course of investigation is started. This criteria changes the focus of attention to focus on the complainant rather than on the abuser. Thus it takes away the incentive of making an accusation, which otherwise is a democratic mechanism that workers need to protect their rights. how can this help millions of workers - most of them women - who face a completely imbalanced situation of power in their workplace and who fear to even speak of the abuses they face on a daily basis? Far from helping to break through that fear to talk about and act against these abuses, this would only cause the opposite effect.

3) We believe that allegations of worker violations must be investigated by independent human rights organizations with the ability to monitor the complaints and with understanding of labor rights issues. These are the instances that should test the truth of the complaint and not the complainant. This is the generally accepted principle in similar situations, in which the victims of abuse are also victims of an imbalance of power.

We are hoping that our opinion, which is based in the daily experience we have with the situation of abuse in garment factories in Central America helps you make a wise and just decision about the policy.

We send you our greetings. We know that the State of Maine is a pioneer in these matters, and we trust that you will continue to be one.

Sincerely,

Gilberto García Dueñas
Center of Labor Studies and Support
CEAL - El Salvador, Central America