

COMPLAINT AGAINST SPRINT FILED BY MEXICAN TELEPHONE WORKERS UNION

Feb. 9, 1995

COMPLAINT FILED BY THE UNION OF TELEPHONE WORKERS OF THE REPUBLIC OF MEXICO WITH THE NATIONAL ADMINISTRATIVE OFFICE OF THE UNITED STATES OF MEXICO

I, Francisco Hernandez Jurez, General Secretary of the Telephone Workers Union of the Republic of Mexico, a position which I hold by decision of the national executive committee which I head, and issued by the Registry of Associations of the Department of Labor and Social Welfare, and residing at 50 Calle Villalongin Street, Col. Cuauhtemoc, Mexico City, appear before this honorable office to declare:

That by means of this filing, submitted on my behalf and on behalf of the union members whom I represent, I express the displeasure, doubts and concerns we have about the behavior of Sprint Corporation, and its subsidiary La Conexion Familiar, (which throughout this filing we will refer to as "Sprint"), with headquarters located at 2330 Shawnee Mission Parkway, Westwood, Kansas 66205.

FACTS

I. According to the law in the United States of America known as the National Labor Relations Act, workers have the right to freely form unions. This is why the workers of Sprint decided to unionize with the assistance of the Communications Workers of America (CWA).

II. In February 1994, the workers of Sprint La Conexion Familiar began to organize. By the last week of April, the union had received authorization cards from a majority of the workers employed as telemarketers and customer service representatives. On June 3, 1994, the organizing committee demonstrated that it had the support of a majority of the workers when they wore T-shirts to work which read "Justice and Dignity." On the same day the union petitioned for a representation election under U.S. law. An agreement was reached to hold the election on July 22, 1994.

III. From the beginning of February and through July the management of Sprint/La Conexion Familiar in San Francisco engaged in an anti-union campaign, engaging in at least 48 violations of the National Labor Relations Act, violations which have been documented in the records of the National Labor Relations Board.

IV. This led to an immediate and direct attack by Sprint against the workers who were exercising their right to unionization, when the company, without any respect for the law, fired the employees on July 14, 1994. These fired workers numbered 177.

V. This irregular action by Sprint caused the workers to turn to the appropriate judicial authorities to demand, among other things, their reinstatement. This request for immediate reinstatement through a federal injunction was denied, which constitutes serious violation of the North American Agreement on Labor Cooperation by U.S. authorities.

In addition a trial was held, in which it was demonstrated that more than 50 violations of the law were committed. This trial will probably be decided between March and June. An appeal by the losing party could prolong the proceeding another two to three years according to experts. This slow process demonstrates the ineffectiveness of U.S. law in complying with the principles contained in Annex One of the North American Agreement on Labor Cooperation to which it is now obligated.

VI. The globalization and regionalization that is taking place throughout the world is causing, among other phenom-

ena, the interdependency and alliance among companies of different countries. Such an alliance has been proposed for Sprint and Telefonos de Mexico.

VII. These processes of integration referred to above, show a tendency on the part of multinational corporations to implement policies which go beyond mere technological change and new forms of administrative and financial management. The hegemony of multinationals has political and social consequences which impact workers worldwide and which include labor policies such as the following:

A) They promote competition, disunity and even confrontation among workers in an industry within one country and among different countries. These workers compete for scarce jobs and falling wages.

B) As they reduce the number of jobs, cut wages and worsen working conditions, they lower the value of work and confront workers with new technologies.

C) They weaken the rights of workers and weaken and eliminate their level of unionization and their labor organizations.

These points mentioned above are contained in a document dated September 10, 1994, called *General Proposal for Tactics and Strategies*, which was put out by the labor union which I represent.

These facts are the basis for our doubts, fears and the interest of my union in this case, as we will now explain.

THE INTEREST OF STRM

The labor union which I represent entered into an alliance with Communications Workers of America on February 12, 1992. We agreed to work together to promote the rights and interests of the telecommunication workers whom we represent.

Toward that same end, the Postal, Telephone and Telegraph International (PTTI), at its 27th World Congress held from September 27 through October 1, 1993, in Lisbon, Portugal, approved a declaration on Multinational Companies which pointed out the ethical standards which multinationals must comply with, including the following standards which apply to this situation:

Multinational companies shall encourage the exercise of trade union rights, and shall ensure that nothing in their policies or practice, or in those of their entities in any part of the world, prevents or discourages the employees from exercising the right to organize, to bargain collectively and to strike, as defined in the relevant standards of the International Labor Organization (Conventions Nos. 87, 98, 135 and 154 and Recommendations Nos. 143 and 163 and decisions of the ILO Supervisory bodies).

This declaration was approved by all affiliated unions of the PTTI, including my own.

The Telephone Workers Union of the Republic of Mexico files this complaint with the National Administrative Office of Mexico pursuant to the provisions of the North American Agreement on Labor Cooperation, in particular the provisions contained in Annex One of this Agreement, which guarantees among other things the freedom of association and the protection of the right to unionize. This means the right of workers to form organizations freely and without interference and to join unions to promote and defend their interests.

Therefore it follows that there has been a serious violation of the international obligations entered into by the United States

and that, in this case, Sprint has taken unethical actions which are violations of the law.

THE ETHICS OF THE SITUATION

In order to better understand the issue, we must present the following facts:

- Sprint/La Conexion familiar fired a total of 235 employees and workers and intends to remove all traces [desaparecer] of this enterprise in San Francisco, California.
- Throughout the United States Sprint has 16,000 long distance workers.
- The workers of La Conexion Familiar are the only Sprint long distance workers who have pursued their right to a union election to the final step.
- Sprint has a corporate policy of preventing the unionization of its workers.
- The attempt by the workers of the La Conexion Familiar to join a union raised expectations among other workers at Sprint.
- These facts, together with the slow process of seeking remedies to violations of labor law in the United States, explain the vicious anti-union policy at Sprint which caused it to fire all its workers and close the facility alleging financial problems.

Because of these events, it is not illogical to believe that a multinational corporation which forms an alliance with another will try to impose conditions which threaten workers and which are violations of the rights contained in the labor laws of each country. We do not want this to happen with Sprint in Mexico.

Given all the facts which have been presented above, we request that the following action be taken:

ACTIONS

1. That this office accept this complaint on behalf of the 177 workers of Latino origin who were illegally fired by Sprint in San Francisco, California; and that this complaint be investigated in the best interest of these worker who are employed in the United States, and to recommend that the workers be reinstated at the earliest possible time.
2. That these charges be reviewed pursuant to Article 16 of the NAALC.
3. That this office immediately hold a public hearing in San Francisco, California, to hear testimony from the workers who were impacted by these illegal firings, and to recommend an effective judicial remedy for these 177 workers.
4. That of course this office, located in Mexico, declare that Sprint violated basic norms of labor rights as set out in Annex One of the NAALC.

5. That Sprint be required to comply with U.S. labor law and the norms of the NAALC generally, to respect the rights of its workers and the workers of its subsidiaries to organize freely without interrogations, intimidation or firings.

6. That Sprint be required to reinstate the 177 fired workers.

7. That this office declare that such practices will not be allowed in Mexico pursuant to Article 123 of the Constitution of our country.

8. That the NAO declare that Sprint will not be allowed to establish itself in Mexico given its track record of abuses against workers who are seeking to organize unions freely and independently, pursuant to Article 123 of the Mexican Constitution.

9. That in any event Sprint be required to declare publicly that it will respect the rights of workers as set out in Annex One of the NAALC, and that it will recognize promptly and voluntarily the Communications Workers of America in the United States of America, and the STRM in Mexico when they demonstrate the support of a majority of the workers in any enterprise.

10. That the NAOs of Mexico, the United States and Canada convene a forum in 1995 to be attended by government, labor and management representatives from the telecommunications industry to explore ways to collaborate and discuss appropriate standards concerning workers' fights and their development, good paying jobs, as well as other important matters to be discussed by the government and company representatives.

11. That the NAO of Mexico develop standards guidelines and remedies to address violations of the rights of Mexican workers while they are employed in the United States, and inform and publicize these to companies in the United States and to companies seeking to conduct business in Mexico.

Based on all the facts we have presented which are well founded, I request that you agree to take the actions requested above and have authorized attorneys Jose Luis Mendoza Garcia and Jose Alvarado to intervene in this proceeding.

/s/ Sincerely,

Francisco Hernandez Juarez

Attachments: Resolution of the National Labor Relations Board in San Francisco, California

[Submitted February 9, 1995]

[Translation by Communications Workers of America, AFL-CIO]

End of Section

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