

BEFORE THE
UNITED STATES NATIONAL ADMINISTRATIVE OFFICE
BUREAU OF INTERNATIONAL LABOR AFFAIRS
UNITED STATES DEPARTMENT OF LABOR

IN RE:)
)
 HONEYWELL, INC.)
)

COMPLAINT

Introduction

The International Brotherhood of Teamsters (IBT) files this complaint with the United States National Administrative Office (U.S. NAO), pursuant to provisions of the North American Agreement on Labor Cooperation (NAALC).

At various times in late November 1993, Honeywell, Inc., a U.S. company doing business in Mexico, fired 21 production workers for seeking to form an independent and free trade union at Honeywell's "Mexican Export Factory" (MEF) plant in Chihuahua, Mexico.

The IBT asks the U.S. NAO to hold public hearings with respect to these firings, pursuant to Article 16 of the NAALC. The IBT also seeks further relief as set out below.

Statement of Facts

Honeywell, Inc. engages in the manufacture of electronics equipment, including thermostats, circuit boards, and heating and air purifier switches.

Honeywell is a major U.S. company, with headquarters in Minneapolis, Minnesota. Honeywell has a plant ("MEF") in the city of Chihuahua, in the state of Chihuahua, which makes thermostats, parts for circuit boards, and heating and air purifier switches.

The Honeywell plant in Chihuahua employs approximately 480 production workers.

Until recently Honeywell has paid these workers the minimum Mexican wage of approximately 15 pesos a day in wages, and employees typically have earned \$45 a week or less in wages and bonuses.

These depressed wages are exceptional even in the maquiladora area. To maintain them, Honeywell has used illegal threats and firings to keep its employees from joining a union.

Meanwhile, Honeywell has shifted work steadily from Minnesota and other states to Mexico. Such a shift has been harmful to IBT Local 1145, which has over 3000 members employed by Honeywell in Minnesota.

Recently, in late November 1993, and just days after ratification of the NAFTA treaty, Honeywell fired approximately 20 production workers, all or nearly all of whom supported joining an independent union.

Prior to being fired, all or nearly all of these workers had expressed interest in joining the STIMAHCS, a union that is part of the Authentic Labor Front (F.A.T), Mexico's independent labor federation. The F.A.T. is not one of the union collectives sponsored by, affiliated with or dominated by the Mexican government.

On November 12, 1993, a union officer of STIMAHCS held an organizing meeting in Chihuahua with twelve Honeywell workers.

The union officer, Benedicto Martinez, met with the twelve women in a meeting that was private, and not open to the public.

Independent unions like those in F.A.T are not able to hold such open meetings, or have an open presence in a plant like Honeywell's, because such employers would quickly fire any employee who attended.

One of the twelve women who met with Martinez was Ofelia Medrano. She was the leading woman supporter of F.A.T. at the Honeywell plant. She was the last employee to be fired.

The two Honeywell officials who handled her firing were Cesar Martinez, the personnel director, and Gabriel Vargas, the superintendent.

The IBT expects soon to submit an affidavit from Ms. Medrano. The affidavit will show that the Honeywell officials kept Ms. Medrano in an office for several hours. She was told that if she gave the names of other pro-union employees, Honeywell would give her financial assistance. She was told that Honeywell would close its Mexican plant before it would permit a union like STIMAHCS.

The fired women were told that they must sign resignation forms, to collect their severance pay, and waive their claims against Honeywell. Rather than lose this severance pay, many of the women signed the forms.

Ofelia Medrano has continued to press charges. Her charge is now pending before the Mexican Mediation and Conciliation Board. Such labor boards have a reputation for refusing to

reinstate workers like Medrano, when fired for supporting an independent union like F.A.T.

In December 1993, the Honeywell chairman, Michael Bonsignore, claimed to the press that Medrano and others were laid off as a result of a "downsizing" and transfer of work.

In fact, the alleged transfer of work occurred much later, and related to only one of the divisions.

Furthermore, and more important, Medrano and others were told they were being fired for their support of F.A.T.

Honeywell supervisors told Medrano and other employees, directly, that they were being fired for their union activities.

Honeywell is part of a maquiladora employers' association, which uses spying, electronic surveillance, locked-door interrogations, threats, and firings to keep out independent union groups like F.A.T.

Since the firings, Honeywell has increased its own electronic surveillance of its employees in Chihuahua.

Furthermore, Honeywell normally hires additional employees when employees fail to return after Christmas break. This year, however, Honeywell has not hired such additional employees, to avoid hiring the approximately 20 fired production workers.

Violations of Law

By the aforesaid abusive interrogations and by firing workers without cause, Honeywell has violated Article 123 of the Mexican Constitution.

By the same aforesaid acts, Honeywell has violated the Labor Principles contained in Annex One of the NAALC. This section provides a guarantee of the right to join unions.

By pressuring workers to accept statutory severance pay and relinquishing claims for reinstatement, Honeywell has further violated Section 123 of the Mexican Constitution and the Labor Principles contained in Annex One of the NAALC.

Furthermore, such an open and flagrant violation of basic labor norms should be presumed to have a chilling effect on the labor rights of U.S.-based employees of Honeywell, including the 3000 members of IBT Local 1145, and caused them significant economic harm.

Relief Requested

The IBT requests the following relief:

1. That the U.S. NAO promptly initiate a review of this charge, pursuant to Article 16 of the NAALC.
2. That the U.S. NAO, in a timely fashion, hold a public hearing in Chihuahua, Mexico, or should it not be competent to do so, in El Paso, Texas, and take evidence as to the matters in this charge.
3. That the U.S. NAO declare that Honeywell has violated basic norms of labor rights, as set out in Annex One of the NAALC.
4. That Mexico require Honeywell to reinstate with back pay the approximately 20 production workers fired in late November,

1993 including those who were pressured to take sign resignations to receive the statutory severance pay.

5. That Mexico require Honeywell to comply with Mexican law and the norms of the NAALC generally; to respect the rights of Honeywell workers to organize freely, without abusive interrogations, threats, or firings; and to post notices setting forth the corrective actions that Honeywell will take to comply with Mexican law and the basic labor norms set out in Annex One of the NAALC.

6. In the event that relief described in paragraphs 3 to 5 above is not fully achieved in a timely fashion, that the U.S. Secretary of Labor request immediate consultations at the ministerial level pursuant to Article 22 of the NAALC.

7. If these consultations are not successful, that the U.S. Secretary of Labor use all other available remedies to address the matters complained of here.

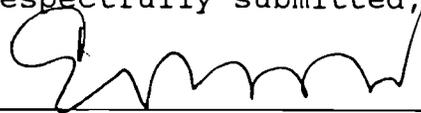
8. That the U.S. NAO request that the U.S. National Labor Relations Board begin appropriate rulemaking for such remedies as may be needed to address any chilling effect of these violations on the rights of IBT members and any injury to their economic interests.

9. That the U.S. NAO develop standards and guidelines for determining when U.S. employers in Mexico violate the basic labor norms set out in Annex One of the NAALC, and inform and publicize these to U.S. companies, by rule or otherwise.

10. That the U.S. NAO develop a program of non-trade sanctions for U.S. companies, in Mexico, that violate the basic labor norms of Annex One of the NAALC, in addition to such sanctions as the Mexican government itself may impose; and that such sanctions may include, inter alia, (i) orders to post notices, in U.S. plants, that such employers will comply with the basic labor norms set out in Annex One of the NAALC, and (ii) orders that such employers will bargain in good faith with their counterpart unions in the United States to ensure that they will comply with the basic labor norms set out in the NAALC, when doing business in Mexico.

Respectfully submitted,

By: _____


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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on February 14, 1994, I mailed a copy of the foregoing complaint to Honeywell, Inc., P.O. Box 524, Minneapolis, Minnesota 55408.

A handwritten signature in black ink, appearing to be "E. M.", is written above a solid horizontal line.