Mother’s Day in the Flower Fields

Labor Conditions and Social Challenges for Colombia’s Flower Sector Employees
The Project for International Accompaniment and Solidarity defends and supports worker-run organizations in Colombia. We accompany Colombian trade unionists and empowers workers across international borders as agents of change in the struggle for justice in the workplace, environmental protection and lasting social equality through member education, new organizing strategies, research, and advocacy. This report was generously supported with funding from artist Parker Ito and the Thendara Foundation.

www.pasointernational.org
Carrera 18a no. 39-28, Bogota
Col: (571) 496 3003; 311 651 8403

Global Exchange is an international human rights organization dedicated to promoting social, economic and environmental justice around the world. We take a holistic approach to creating change and as an education and action resource center, we advance our vision by working to ensure our members and constituents are empowered locally and connected globally to create a just and sustainable world.

www.globalexchange.org

Special thanks to Victoria Pozos Bernal, Laura Engshuber, Olivia Plato, Jenefer Robinson, Consuelo Aragon, Carlos Guarizo, Jose Ballesteros, and Beatriz Fuentes.
Mother’s Day in the Flower Fields
Labor Conditions and Social Challenges for Colombia’s Flower Sector Employees
“Today, a flower is not produced with sweetness but with tears. Our product is used to express beautiful feelings throughout the world, but we are treated very poorly.”

-Flower Sector Employee
Facatativa, Colombia
Table of Contents

Introduction 1
The US and Colombia’s Cut Flower Industry 3
Research Objectives and Methodology 5
The Use of Intermediaries Between Labor and Employers 8
Poverty Wages 10
Long Working Hours 11
Sexual Harassment and Gender-Specific Issues 13
Occupational Health and Safety 15
Union Rights: Freedom of Association 19
Conclusions and Recommendations 21
Introduction

In 2013 PASO visited Facatativa for the first time, a town distinguished by its sweeping mountainous landscapes surrounding green valleys blanketed by large industrial greenhouses. PASO organized this trip to facilitate interviews between an international journalist and flower sector employees, in which our staff heard firsthand stories told by people who could no longer work due to chronic job-related disabilities, who routinely work more than 90 hours per week, who are exposed to toxic chemicals, who experience sexual abuse at the hands of supervisors, and who are the victims of wage theft and targeted efforts on the part of employers to suppress any form of organization among workers.

Subsequent visits to Facatativa and other towns in the Bogotá savannah where flowers are grown revealed that these anecdotes told by individual workers fit into a larger pattern. Testimony gathered during the research set forth in this report mirrors previous accounts that describe living and working conditions for flower workers dating back decades by journalists, NGOs and popular culture, for example in the 2004 Colombian film Maria Full of Grace.
Many workers expressed dismay at the lack of connection between their lives and American consumers, who purchase 78%\(^1\) of the flowers produced in Colombia but seem to know little about the plight of the people who produce them. Community leaders felt that until American consumers created a demand for a more socially responsible chain of production as has occurred, to a certain extent, in the Colombian coffee industry, their social conditions would not improve. In this context, PASO was invited by civil society organizations to conduct a participatory study on current labor and social conditions in Colombia’s cut flower industry to share with an international audience.

---

\(^1\) Stephen Franklin produced a series of articles describing the social context and labor conditions in Colombia’s flower sector. For example, see “Colombia’s Flower Unions”, Pulitzer Center, 2013, at http://pulitzercenter.org/reporting/colombias-flower-unions.
The year 2015 marked the 50th anniversary of the first shipment of Colombian cut flowers exported to the international market. Flown on a jetliner from Bogota to Miami on October 18th, 1965, this shipment was worth $20,000² and coincided with the foundation of the migration of an industry in search of cheap labor, fertile soil, and an equatorial climate that provides 12 hours of sunshine all year. By the late 1960s, fueled in part by fears of the spread of communism in Latin America, hundreds of millions of dollars in grants began to pour in to Colombia's agricultural sector from the US Government in hopes of increasing economic cooperation between the two countries³. In 1966, jobs that paid a daily wage of $16 in California and Florida, began to move to Colombia, where an average agricultural worker earned just $0.82 a day⁴.

Today, Colombia's flower industry has grown into the country's leading non-traditional agricultural export⁵, producing record sales in 2014 of 222,566 tons, worth 1.37 billion dollars⁶. It occupies 14% of the world market, surpassed only by Holland, which accounts for 56%⁷, and Colombian flower exports represent 80% of the US market share. Rapid growth in this industry is often cited as a blueprint for how to develop new agricultural markets, while the product itself is showcased and has become a symbol of pride and goodwill.

| Leading Colombian Flower Sector Companies in Term of US Sales (millions $US) |
|-----------------|--------|--------|
| Company         | 2015   | 2014   |
| The Elite Flower C.I. | 130.01 | 138.58 |
| C.I. Sunshine Bouquet | 94.62  | 97.96  |
| Flores Ipanema   | 62.55  | 73.74  |
| Elite Flower Farmers | 42.40  | 47.79  |
| San Valentino    | 26.07  | 28.36  |

Source: La nota.com

⁷ Ibid.
Following the passage of the United States - Colombia Trade Promotion Agreement (commonly referred to as free trade agreement, or FTA) in 2012, a shipment of Colombian flowers was the first product to arrive on United States soil under the new deal, marking an end to trade tariffs for most Colombian products⁸. The cut flower industry was identified as a priority sector in the agreement commonly known as the US-Colombia Labor Action Plan, which was set up as a pre-requisite for the implementation of the FTA between the two countries in response to widespread complaints about labor-related issues in Colombia. The Labor Action Plan (henceforth LAP) promised to improve conditions for workers and to support a trade union movement that faced steep obstacles, including the highest rates of anti-union violence in the world, and it was used as political justification to implement the FTA. Unfortunately, the LAP’s power was gutted in its last version, and no mechanism was provided to halt trade if new labor standards were not met.

The flower sector represents the leading source of employment for women, who account for 65% of the industry’s workforce, in the rural areas of Colombia that are home to industry’s operations⁹. According to Asocolflores¹⁰, the trade association representing approximately 80% of Colombia’s flower exporters, an estimated 130,000 people are employed in the industry and another 50,000 jobs are created by related economic activity.

---

Few other formal jobs are available in flower-growing regions, where employees work six days per week, earning the minimum wage of $256 per month, spraying, cutting, thorn removal, and packing thousands of flowers every day. During peak seasons, for example the weeks and months leading up to Mother’s Day and Valentine’s Day, employees reported that work weeks can exceed 100 hours. Women, many of whom are single heads-of-households, are exposed to numerous toxic chemicals that have been linked to higher rates of birth defects. This report’s findings corroborate previous research\textsuperscript{11}, which shows that this work tends to be carried out with little health-related protective equipment leading to high rates of chronic work-related illnesses.

Research Objectives and Methodology

PASO began fieldwork for this report in 2015 with two principal goals. First, we hope to shed light on the current state of social and labor conditions experienced by Colombian flower sector employees so that urgently-needed solutions to their many problems can be advanced by outside actors. While anecdotal accounts and stories in the media, during holidays such as Mother’s Day and Valentine’s day, have shed light on the situation over the years, a broad study involving a sizeable number of workers had not been conducted in nearly a decade. This report calls attention to broken promises made by the US and Colombian governments in describing the day-to-day realities for a group of the most vulnerable stakeholders in this process, Colombian flower workers.

The report also looks to reach a broad audience, including diverse stakeholders whose actions directly or indirectly influence working conditions and the social context in which flower workers live. Many flower companies with operations in Colombia do not comply with labor standards established by domestic legislation, international conventions, and in some cases ‘ethically certified’ type labels that are attached to the exported flowers. Policy makers in Colombia and abroad, as well as Colombian institutions such as the Labor Ministry, should play a critical role in guaranteeing the rights of workers. We hope that the information presented here will urge these actors to take a more proactive role in ensuring that intended advances in this sector will transform into real action. Finally, and perhaps most importantly, international consumers who buy Colombian flowers should have access to the necessary knowledge to make informed decisions about how they are spending their money.

Second, the research process was designed to empower the most vulnerable stakeholders in this supply chain, the employees who produce cut flowers, so that they can work towards a better quality of life on the grassroots level. The study was carried out using participatory action research, in which those who are directly impacted by the issues being investigated take an active role in developing, implementing and analyzing a research plan that can affect social change in their communities. The research strategy included conducting 425 surveys and 31 interviews to amplify the collective voices and perspectives of Colombia’s flower workers, who are generally not consulted about business and political decisions that directly impact their lives. The research team also accompanied local organizations in events and seminars to gather additional information. Flower sector employees assumed the leadership role in the research process, identifying key issues, writing survey questions, conducting surveys in the field, and facilitating opportunities in which interviewees could feel safe sharing their stories. Research activities were carried out in five urban areas in the savannah surrounding Facatativa from July to September of 2015. Only people currently employed in the industry, or those who had been employed within three months prior to the research, were invited to participate. Prior to the execution of interviews and surveys in the field, PASO worked with local unions, community groups, and labor confederations to train research participants in door to door outreach techniques, structured conversations, and follow-up contact with interviewees. Of the flower workers and community members that took part in the research team, approximately 18 out of 20 (90%) were women.
The tasks described previously were made difficult because many workers were concerned about facing the potential consequences of speaking with the research team. To ameliorate concerns of employer retaliation against workers, interviews were conducted in private via door-knocking in neighborhoods with high densities of flower workers. In total, 425 workers from 58 companies were surveyed, all of whom were employed either through direct or indirect contracts with farms in the Bogota Savannah, where 73% of Colombian flowers are produced.

Some 65% of those interviewed identified themselves as women and 35% as men; this sample is representative of gender participation in the industry’s labor force. Those surveyed ranged in age from 17 to 68, with a median age of 36. The average time survey subjects had been working in the industry was 10 years, bookended by a youth who had been employed for a week and a 52-year-old woman who had dedicated 34 years of her life to the industry. The average respondent lived in a household with 4.32 people; 52% of the women and 64% of male participants surveyed were married. Some 61% of those surveyed indicated being the sole income earner for his or her household. Only 4% of those surveyed were union members.

The surveys were developed collectively and designed to identify hard facts and worker’s perspectives with regards to the following four primary areas of interest:

1. Working conditions in the flower fields: What are the general working conditions in the flower fields? What kinds of employment relationships do workers have with their employers? How are they contracted and for how long? How many hours do people work normally and how many hours of overtime do they log during high seasons? Is overtime work voluntary? Do the workers have other forms of income? What are workers’ perspectives regarding treatment by their supervisors? How common is sexual harassment in the workplace?

2. Occupational Health: How high are rates of occupational health ailments in the flower industry? What kinds of work-related injuries are common for flower workers? Are adequate preventative health and safety measures taken by employers? What protections exist for injured workers to ensure their job stability and health? Do workers fear losing their jobs if they develop an occupational health ailment?

For this reason, names have not been included in the report.

Companies included Agricola Cardenal, Agricola Circasia, Agricola Cunday, Andalucia, Atal, Belinda, Bicco Farms, CI Amancay, CI Cochita Ltda, CI Hosa, CI San Isidro Farms, Callecosa, Chia Flores El Hato, Coco Farms, Coideral, Colibri Flowers, Contucho, Corito, Daflor, El Sendero, Grupo Elite, Fantasy Flowers, Finca Alejandra, Finca Arenales, Finca Circasia, Flores America, Flores Andalucia, Flores Bojaca, Flores Colon, Flores De Los Andes, Flores Serruzuela, Flores Funza, Flores San Alejo, Florex, Gema, Geoflora, Global, Guaimaral, Grupo Ipamena, Jardines De Colombia, Jardines De Los Andes, La Maria Flowers, Marmar, Melody Flowers, Mercedes S. A, Rosas Colombia, Saidines, San Alejo, San Carlos, San Gregorio, Santa Ana, Santa Cruz, Santa Helena, Santano, Spelendor Flower, Sushine Bouquet, Tibar, Valmar, and Wansora.

3. Freedom of Association: Are there unions that represent workers? What are workers’ opinions of unions? Do workers feel comfortable discussing unions at work? Does pressure exist to prevent workers from joining a union? Do employers have effective mechanisms to address worker grievances? What obstacles exist to organizing in the sector?

4. Social Conditions: How much time per week do workers dedicate to their children? What levels of education exist among workers? How many people do workers provide for at home? When was the last time that workers’ families went on vacation?

The answers to these questions are presented in the following sections, based on responses to the surveys conducted by the research team. In all the areas examined, the report describes the problem voiced by sector employees, their social consequences, and violations committed by employers.

The Use of Intermediaries between Labor and Employers: An Industry Standard

“Almost everyone who works here is subcontracted. Every year or six months we must go to the subcontractor to renew our jobs, even though I have been working here for ten years. The company doesn't want to take responsibility for me if I get hurt or if something bad happens. We all know that if something were to happen, the company would disappear.”
- Flower Worker at Agricola Cardenal

The nature of employment relationships between workers and their employers was a focal point of the study, for several reasons. First, employees who are subcontracted by means of short-term agreements tend to experience higher rates of wage and benefit theft, dismissals in retaliation for union affiliation, and lack of compensation (or termination) in cases involving on-the-job injuries. The use of intermediaries between labor and employers has also long been used by Colombian employers to prevent workers from forming unions and punish those who attempt to organize.

Subcontracted workers are routinely subjected to temporary contract renewals every few months at the hands of temporary employment agencies, even when they have been working for the same employer most of their careers, leaving them with little job security from contract to contract and giving employers an opportunity to dismiss workers perceived to be undesirable.

16 Survey results regarding differences in health conditions between directly hired employees and employees hired through intermediary agencies is addressed in the section on occupation health and safety.
Often, when a temporary employment agency (known in Colombia as SAS, EST, and cooperatives, among other titles) is found to be in violation of the law, they simply close, reopen as a new business, and continue the same behavior with no consequences\textsuperscript{17}.

Several new regulations were introduced in the framework of the LAP to address use of intermediaries between labor and employers, but nevertheless, four years later Colombia continues down a path of precarious informal employment\textsuperscript{18}. Our findings show that illegal forms of subcontracting continue to be the norm in the flower industry, and that the barriers to securing stable employment have resulted in severe uncertainty for workers hoping to make long term plans. The 4\% of survey responders who indicated that they had had had problems receiving legally-mandated health and pension payments were all employed by intermediary agencies.

Of those surveyed, 42\% reported being hired directly by the company where they worked, while 58\% said that they worked with short term contracts through intermediary agencies. In response to a separate question, only 32\% indicated they had signed long term (indefinite) contracts.

During an interview with the research team, the director of social responsibility of ASOCOLFLORES explained that short term contracts were necessary due to the seasonal nature of flower cultivation, to provide a larger workforce to companies for limited periods of time.

Workers surveyed workers who had permanent contracts were more likely to stay at their places of employment for longer periods of time, or an average of nine years. Those who indicated that they had been subcontracted by intermediary agencies averaged 3.5 years in individual positions, contradicting the argument that subcontracting was only implemented as a necessary practice during high seasons when a larger labor force was required. Numerous cases were documented in which employees had maintained a position at a worksite for over a decade, their contracts having been renewed every ten months through intermediary parties directly controlled by employers; this situation violates Colombian labor standards\textsuperscript{19}.

These findings demonstrate a general disregard for commitments made by the Colombian government to formalize the rules governing the country’s workforce. Perhaps most concerning was the group of 118 workers (30\% of those surveyed), who reported having worked at a company for over a year through a subcontractor, in clear violation of Colombian labor law.

Legislation\textsuperscript{20} states that employees may only be hired through intermediaries when their activities are not related to the core, permanent business activities of the company\textsuperscript{21}.


\textsuperscript{19} Labor attorneys on staff at the Colombian office of the AFL-CIO’s call this fraud ‘fraude a la ley’ and as going against the Colombian Labor Code (Código Sustantivo de Trabajo).

\textsuperscript{20} Article 63 of Decree 1429 (2010).

\textsuperscript{21} Or when additional staffing is required- for example during periods of peak production or temporary replacements for permanent employees who are on leave for health related issues. Although peak seasons last for approximately two months, 30 \% of full time, year round employees surveyed appeared to be hired illegally under the false justifications that they were seasonal employees.
Poverty Wages

“The sixty percent of the employees are women, and of these, nearly half are heads of households, families whose lives have changed for the better - and by this agreement... The progress is being made, not just in access to US markets, but in the decent good paying jobs.”

- The US Vice-president Joe Biden promoting the US-Colombia FTA at a Facatativa flower plantation.

The Colombian labor confederation CTC recently presented an administrative complaint to the Labor Ministry with regards to allegedly illegal hiring practices through intermediary agencies, in which it is noted that, despite commitments made on the part of institutions and the private sector, only 12 of 8,000 workers employed to perform activities at the operations of Elite flower (Colombia’s largest flower company) have been ‘formalized’ or folded into the directly-hired workforce.

22 Confederacion Colombiana de Trabajadores
23 To view a copy of the complaint, see: http://www.pasointernational.org/wp-content/uploads/2017/05/Querella-Flores-CTC_MinTrab.pdf.
Almost all workers surveyed who perform core activities such as planting, cutting, thorn removal, dethroning, fumigating, budding, packing, and ensuring quality control earned a minimum wage of $256 per month (US). The 24% of direct employees of companies who have signed ‘collective pacts’ sometimes earn a rate that is slightly above the minimum wage, usually around $3 more per month.

Low wages were the most common complaint voiced by employees with regards to their jobs. In an interview with Asocolflores, an industry representative indicated that it is the state’s responsibility to set the minimum wage and that most companies’ expenditures are associated with the cost of labor, making it impossible to pay workers more. She also called attention to the Colombian industry’s competition in global markets with countries such as Kenya, where flower workers earned even less. Interviews consistently revealed a practice in which employers repeatedly warn employees that they operate on thin margins and that any extra cost such as a lapse in productivity, increased wages, or the presence of a union could result in the closure of the worksite and the loss of jobs. A report by Colombia’s National Union School found that many workers express the belief that they should earn more but that, because it was the Government that sets the minimum wage, the decision was out of their employer’s hands.

However, due to industry growth and the devaluation of the Colombian peso compared to the US dollar, in 2015 Colombian flowers were expected to sell for a total of $2.1 billion dollars in the US on Valentine’s Day alone (representing some 12% of Colombia’s annual sales to the United States). In 2016, production reached a nine-year high of 225,000. Regardless of the annual growth in sales or changes in currency valuation, low wages paid to flower workers remain a constant.

Long Working Hours

The month leading up to Mother’s Day represents one of four peak production times in which workers will leave their homes well before sunrise and not return from their jobs until very late in the evening.

24 Interview with Asocolflores. ‘Collective pacts’ are labor agreements signed between employers and non-union workers, and are commonly used by employers to discourage union membership. This was a key issue that the LAP sought to remedy but with few sparse results. Colombian Constitutional Court jurisprudence forbids employers to use collective pacts to favor non-union workers when union members are employed in each worksite.
25 Flowers grown in Kenya make up a small share of the United States’ market.
29 Although profits for flower companies with operations in Colombia are less than sales value indicated, these figures illustrate how lucrative the industry is. To consult yearly profits, see: Superintendencia de Sociedades, “Desempeño del sector floricultor,” 2016, p. 7.
Colombian labor regulations stipulate that a normal work week cannot exceed 8 hours per day, Monday through Saturday, or 48 hours per week. It permits no more than 12 hours of overtime per week, paid at a higher rate, meaning that workers should never spend more than 60 hours per week on the job. Despite these regulations, excessive hours leading up to holidays such as Valentine’s and Mother’s Day have often been highlighted as one of the most dehumanizing aspects of Colombia’s flower industry.

The study’s inquiries established that a normal work week for a flower sector employee in the Bogota savannah ranges between 45 and 48 hours in length, from Monday through Saturday. Survey responses indicate that, in general, companies comply with their obligations to remunerate workers for additional time spent working overtime or on Sundays. However, 20% of the employees surveyed reported that companies sometimes avoid making overtime payments by mandating time off during low seasons to make up for overtime hours worked during high seasons.

With regards to working hours during peak seasons, companies appear to be operating both in violation of labor laws and beyond reasonable expectations for their employees’ basic levels of self-care and non-employment related responsibilities. Surveys indicate a staggering average work week of 84 hours during the weeks leading up to Valentine’s and Mother’s Day, 19 hours over the legally mandated cap of 60. While 26% of the survey responses indicated peak season work weeks within the legal limit, most of these workers were under medical restrictions that legally prohibited the companies from asking them to work additional hours. These long hours during peak season were pervasive for both direct as well as subcontracted employees.

Eighty percent of workers surveyed indicated having experienced hardships during peak production periods. The most frequent problems reported were physical pain, illness, and exhaustion because of lengthy shifts. The second most common issue during high seasons was a lack of available childcare options, often leading to young children being left alone for extended periods of time. Other frequently-brought-up issues included inability to complete basic responsibilities at home, relationship problems arising between partners, and the inability to spend time with family members or friends. In several cases, study participants indicated that a lack of company transportation combined with long shifts resulted in employees needing to sleep at their work sites.

30 Colombian Labor Code (Codigo Sustantivo de Trabajo). Longer hours are permitted only with the consent of both employees and the Labor Ministry.
31 See occupational health section for more information with regards to medical restrictions.
Legally, working even a single hour of overtime is, at least on paper, a voluntary exercise in Colombia\textsuperscript{32}. Workers surveyed who indicated having faced challenges because of excessive overtime tended to voice two main reasons as to why they put in such long hours. First, a minimum wage of $256 simply does not provide for many people’s survival, especially those who support families. Thus, despite the hardships that come with working long hours, overtime is paid at a higher rate, and for many people is a necessary – and even sought-after – undertaking.

Second, survey responses indicate that subtle (and at times overt) pressure on behalf of their employers leads employees to believe that they have no choice when it comes to working overtime. When asked, 71\% of the people surveyed believed overtime requirements were obligatory. Workers hired on short-term contracts tend to believe that if they do not meet production expectations, their contracts would not be re-signed when they expired. Most collective pacts\textsuperscript{33} require employees to work extra hours and guarantee a small bonus for workers, usually between $10 and 20 USD during the period, when they do not miss more than one day of work during peak season. Many survey responses indicated that while employees appreciate bonuses, pressure placed on all of them to work extra hours can create an environment in the workplace in which individuals who chose not to overextend themselves are seen as betraying and creating more work for their colleagues, and harming the economic stability of their company.

Sexual Harassment and Gender-Specific Issues

Although roughly two out of every three workers in the flower industry are female\textsuperscript{34}, 57\% of those interviewed have male supervisors. This unequal gender representation of leadership positions and pay scales calls into question the industry’s commitment to its women workers. Our survey found distinct challenges for workers that manifested themselves along gender lines. For example, of the 62 survey responses that showed that employees were working despite having issued ordered medical restrictions, 56 (or 90\%) were women.

\textsuperscript{32} Colombian Labor Code (Codigo Sustantivo de Trabajo)
\textsuperscript{33} Ibid. 24
\textsuperscript{34} This figure is supported by both by existing research and by survey results. 
Eight percent of the women surveyed expressed having experienced some form of sexual harassment at the hands of their supervisors. A common refrain was that “My supervisor told me that if I wanted to keep working at my job, I had to go on a date with him.” Other women shared their experiences of having been touched on the job against their will, experiencing verbal abuse with sexual undertones, and facing demands for sexual favors on the part of their superiors in return for requested days off or less stressful workloads. Although the research team was repeatedly told this was a taboo subject, 20% of the women surveyed reported knowing of female coworkers who had experienced sexual harassment. None of the men surveyed indicated having experienced sexual harassment in the workplace.

There was also a significant difference in the way in which female and male workers perceived treatment by supervisors. While 22% of men who responded to the survey thought treatment by their supervisors was ‘less than satisfactory’ or ‘unsatisfactory’, this figure was 35% among women. Women with negative perceptions regarding treatment by supervisors often spoke of having been publicly humiliated, receiving unwanted sexual advances, and being yelled at, and described that the behavior of their supervisors as crude, obnoxious or intimidating.

The flower industry is often promoted as being a leading source of employment for women and an engine for those who are heads of households to enter the middle class. However, with a wage that equates to approximately $8 a day and an average family size of slightly more than 4 people, this leaves the female head of household roughly $2.13 per person, per day. Officially, the many women who are single heads of four member households, employed full-time on flower farms are living well below the poverty line. In 2015, a family of four in Colombia earning less than 894,552 Colombian pesos (approximately $303 US) per month was considered to be living in poverty. As many workers told us, a wage of 737,717 pesos is not enough for female heads of households to provide necessities for their families.

Significantly, of the small number of employees that reported being union members, 76% were women, representing a higher-than-average unionization rate and, as mentioned previously, 90% of the employees that volunteered to participate in the research team were female.

In 2014, more than 100 flower workers gathered in an auditorium in Facatativá to celebrate what they call International Flower Worker’s Day, known in much of the world as Valentine’s Day, to discuss organizing strategies – specifically ways in which to confront repeated occupational health issues faced by sector employees. The facilitator asked the crowd:

“How many of the people present started a career in flowers many years ago and now find themselves less beautiful than before, and feeling much older than we should at our age? I would ask you to raise your hands, but know that so many of us suffer from carpal tunnel syndrome and torn rotator cuffs, that we can’t lift our arms.”
Those present laughed and nodded in agreement, but this moment of dark humor initiated a more serious discussion. The audience was made up of people, almost all younger than 50, who sat with canes or crutches between their legs. Others wore their arms in slings. Some people appeared to be healthy, but when they stood up, their bodies moved cautiously.

The research team was repeatedly told that the Colombian flower industry prefers to hire younger workers who can work longer hours and sustain thousands of daily repeated motions (which can over time often result in the development of chronic injuries) and that the short-term and intermediary-based contracting model makes it easier for companies to ‘weed out’ employees whose bodies’ capacity has been diminished and who are therefore likely to work at a slower rate. This creates a climate in which many workers choose to conceal work-related injuries, work while experiencing pain, and aggravate their ailments.

Distinct types of occupational health conditions seem to manifest themselves in relation to the specific type of tasks that workers perform. PASO’s research indicates that employees who cut flowers are more likely to develop carpal tunnel or tendonitis, because every day they squeeze shears thousands of times to cut stems. Meanwhile, employees who sort flowers are more likely to injure their shoulders and develop torn rotator cuffs, due to motions required to constantly organize flowers into the correct place; when one shoulder becomes injured, employees will often switch to their weaker arm and develop torn rotator cuffs in both shoulders. Rashes, sore throats, headaches, and colds are common among groups who come into direct contact with flowers, due to toxic pesticides and interaction with the allergenic Astromeria flower. The industry should be applauded for dramatically reducing the use of pesticides in recent decades; however scientific studies continue to point to adverse health risks associated with continued exposure to these toxic chemicals36. A de facto industry standard appears to be that only men are assigned the task of fumigation, which could indicate a recognition of related health concerns on the part of the companies.

A remarkable 50% of the flower sector employees surveyed believed that their health had been negatively impacted by their jobs. This indicator increased consistently according to the number of years that a person had worked in the flower sector. Of 85 survey responses provided by workers with a full career of work in the flower industry (20 years or more), more than 3 out of 4 believed that their health had been negatively affected. 47% of all workers reported being injured or ill in the past year, most commonly associated with pain in various parts of the body including arms, hands, back, neck and headaches. The most common conditions reported, either self-diagnosed or by a doctor were tendonitis, carpal tunnel syndrome and torn rotator cuffs. Stress, migraines, rashes, sore throats and colds were also reported at high rates.

Asocolflores indicated in an interview with the research team that 10% of workers have medical restrictions at work. When appropriately applied, these restrictions circumscribe a person’s responsibility to perform tasks that might exacerbate job-related health conditions. However, our study found that the number of workers suffering from serious occupational health problems far exceeds the 10% of people in the flower industry who are registered with medical restrictions rates of work-related injuries and illnesses, due to obstacles in the health care system, precarious employment conditions, and pressure on workers not to report occupational health conditions. This fear of being fired and facing difficulties in continuing a career in flowers after developing an injury was based on worker’s experiences of seeing this happen. PASO documented dozens of examples of workers who lost their jobs as a direct result of workplace accidents or the development of chronic stress injuries. Therefore, the flower industry seems to present workers with a difficult choice between concealing occupational health conditions or risking the loss of their jobs and the only means that they have to support their families. This form of working under duress was apparent, as 54% of respondents said that they feared that they would be fired if they developed a chronic illness or injury on the job. The affirmative response rate increased with age and was higher (60%) for those who were subcontracted.

In one case, a woman suffered a head injury while working at Colibri Flowers and was sent home. After three days with a severe headache, she became paralyzed in half of her body. The injury had not been documented at her worksite, but her general healthcare practitioner determined that she had suffered a work-related injury. She was referred to the company’s occupational health service (Administrators of Labor Risks, hereinafter ARL), which recognized her occupational disability and ordered a 170-day rest period (during which she received her wages). However, the ARL then indicated she could return to work, despite her continued paralysis, only ten days before she had accrued the 180 days of disability necessary to qualify for long-term disability pay. With no other options, she returned to her job but was promptly fired. She then filed a lawsuit, demanding that she be rehired in a position she would be able to perform, and lost wages, but a ruling was still pending 18 months after her accident. Her condition has not improved and she has gone into debt to feed her family and pay rent. When PASO interviewed her, she told researchers her children had nothing to eat.

37 Law 100 (Ley 100).
In another case, a woman who worked at Sunshine Bouquets for 10 years was fired a month after presenting papers describing medical restrictions that legally limited the kinds of tasks she could perform at work. She had been diagnosed with carpal tunnel syndrome, tendonitis, and a torn rotator cuff when she was 29 years old. She was fired, and filed a lawsuit against her employer but one year later the court had yet to issue any ruling. A single head of household who supports two young daughters, she urgently needed to find another job and was soon hired to work at Fantasy Flowers through the subcontracting agency Red de Talentos. To secure work, she did not present her occupational health diagnosis, and now works an average of 80 hours-per-week, during peak production seasons, perfuming tasks that constantly worsen her medical conditions.

Union activist Beatrice Fuentes speaks with hundreds of flower sector employees each year about occupational health problems at a workers’ rights center called Casa de Las y Los Trabajadores de las Flores. She described some of the medical challenges faced by workers, particularly after the deregulation of Colombia’s healthcare system in 2002:

“After 12 years of cutting flowers, my arm started to hurt and it became harder for me to do my job. I went to my general health practitioner (EPS) who asked me several questions, ran tests on me and ultimately determined that I had developed carpal tunnel syndrome and tendonitis due to my activities cultivating flowers. They referred me to the ARL, my company’s occupational health service provider, to receive treatment. When the ARL asked me what I did at home. I responded that I take care of my children and do normal things like peel potatoes, do laundry and wash dishes. They ran a series of tests, and then told me that I had developed these conditions because of everyday activities and my age. At 31 years old, I was told that I had tendonitis and carpal tunnel syndrome because of excessive motions related to peeling potatoes, ironing my kids’ clothes and washing dishes. They told me that they could not approve medical restrictions for me and that I would have to seek medical attention from my general practitioner.”

We encountered dozens of comparable stories of workers being bounced back and forth between the general (EPS) and occupational (ARL) healthcare providers. Beatrice has seen hundreds of these cases during her time advising injured workers. As private companies, neither of these systems want to take on patients with these kinds of injuries, because they require expensive testing, treatment and therapy.

She explained that although workers have the right to choose which EPS system they belong to, employers contract a single ARL provider. Like all businesses, flower companies’ healthcare costs increase with higher rates of occupational stress injuries or accidents. Therefore, a financial incentive exists to underreport them and dissuade workers from seeking care. In turn, ARLs are incentivized to deny workers’ claims to keep their own costs down and maintain contracts with the businesses. Beatrice explains, “Companies can change their ARL provider at will, should they be unhappy with the number of workers being diagnosed with work-related injuries”.
Asocolflores’ statistics on working hours missed by flower workers demonstrate the pronounced inequalities in health and safety measures that exist between direct and subcontracted employees. In their 2014 Annual Report on Sustainability Asocolflores’ findings show that subcontracted workers claimed paid time off for work related injuries at 1/10th the rate of direct employees, even though they often did the same jobs on a farm.

This disparity was also present in our survey findings. Direct employees of flower companies had occupational medical restrictions at a rate of 17%, whereas only 5% of subcontracted workers had medical restrictions. Many subcontracted workers told us that they knew that they would not get their contracts renewed if they succeeded in getting medical restrictions. In cases outlined below, workers who went through this process were fired.

Union Rights: Freedom of Association

With growing rates of production, and 130,000 employees who work in difficult conditions for low wages, one would think Colombia’s flower sector a likely setting for union membership. Despite this, our research indicates there are less than 200 workers officially affiliated with independent trade unions in the entire industry. Colombia’s largest agricultural union Sintrainagro secured the only collective bargaining agreement negotiated by flower workers. This was a symbolic achievement, however, as the agreement only covers 35 workers and the company refused to negotiate any of their demands. The flower sector may hold the lowest rate of union density in any major Colombian industry.

In other parts of the Colombia, union leaders have been repressed with violence and its leader have been the targets of systematic murders, but in the flower sector, companies tend to simply shut down operations where workers have organized. Perhaps the most famous case involved the US-based multinational Dole Food Company, which controlling 20% of the export market at its peak in the early 2000s.

38 After readjusting for their sample group of 70% direct employees and 30% indirect employees, we compared the number of working hours missed because of an occupational health problem between direct (16,748) and subcontracted (719) workers.

39 Here, we refer to unions that have a history of working to promote labor rights, specifically Sintrainagro, ONOF, Sinaltrainal, and Untraflores. As will be discussed, other ‘company’ unions have appeared during labor conflicts, often in efforts to counteract the actions of worker-led organizations.

By 2004, many workers joined the union Sintrasplendor in efforts to improve substandard labor conditions, end wage theft, and negotiate a collective bargaining agreement. In response, Dole launched an aggressive campaign to suppress worker organizing and signed a collective bargaining agreement with a company-friendly ‘union’ called Sinaltralflor, which made no improvements to working conditions. Despite the International Labor Organization’s recommendations that the company negotiate with Sintrasplendor, instead it fired union leaders and closed plantations where employees had joined the union. By 2009, Dole had sold or closed all its operations in the Colombian flower sector due, presumably, to an annual decline in the dollar-to-peso ratio, which hurt their exports. However, companies in the Bogota savannah told their employees that unions were responsible.

Over a decade later, this message continues to be circulated by employers. According to interviews, attempts by workers to form independent unions or push for modest improvements tend to prompt announcements, meetings, and distribution of literature in which employers claim unions are trying to close the company. Management also forwards the message that unions are illegal organizations.

Based on our research, this strategy has proven to be effective. Of the flower sector employees surveyed by our team, 43% believed that unions’ work promotes the closure of flower companies, and another 17% that unions serve no purpose. This mentality is so pervasive that the director of the certifying body Florverde for ethical trade label Rainforest Alliance suggested in a meeting with PASO, ONOF and Sintrainagro that it would be helpful for workers’ organizations to refer to themselves as something other than unions, to improve their image. Sintrainagro organizer Jose Ballesteros explains this inconvenient situation:

“Workers think that if they are seen by their supervisor, or someone close to management, speaking to a union leader, the next day they will be paid their liquidation, fired, put on the industry’s blacklist, and have to find work for the rest of their life by drifting from farm to farm on temporary contracts. Most will not seek help form the Labor Ministry, but, if they do, nothing ever comes of it. It has been incredibly hard to organize flower workers because of a pervasive fear of employer retaliation.”

Whenever workers overcame these odds, and attempted to unionize, they have been met with harsh responses on behalf of their employers. For example, in 2013 several workers affiliated to Colombia’s largest agricultural union Sintrainagro and presented a list of demands to the company CI Granada, owned by Grupo Conchita. The company immediately intervened, gathering workers together to explain that the union was illegal, while at the same time they unlawfully brought members into administrative offices and offered them bribes to sign papers to disaffiliate from the union.

The company then offered all workers at the worksite the equivalent of two days’ wages if they signed a non-union collective pact offering slight benefits including a $3 a month wage increase. The pact contains a clause that prohibits employees who sign the agreement from joining unions. Two years later the company had not recognized the union, and the Labor Ministry had failed to intervene in negotiating the workers’ lists of demands.

In another case, three members of the ONOF union’s executive board were fired after presenting Sunshine Bouquets with papers identifying themselves as elected union officials.

**Conclusions and Recommendations**

This report describes a panorama in which Colombian flower sector employees suffer due to poverty wages, long working hours, sexual harassment, occupational health and safety issues, the repression of union rights, violations of employees’ freedom of association, and the use of intermediary agencies between labor and employers. In many of these areas, hardships are exaggerated for women, who make up most the workforce. In stark contrast to statements made by governments and the private sector lauding the flower industry for the benefits it has provided for working families, PASO documented a scenario in which sector employees are living in poverty, suffer from chronic work-related disabilities (while continuing to work), are the victims of gender discrimination, and are forced to choose between unemployment or working inhuman hours during peak seasons. Meanwhile most employees are not hired by the company that profits from their activities, but rather through short term contracts with intermediary agencies, and lack job security, while efforts to organize unions are illegally repressed. It also became apparent that most of the people affected are largely unaware of their rights or workable solutions that could be generated at the grass-roots level.

This scenario evidences the lack of any real will on the part flower companies or government institutions to guarantee decent labor conditions for sector employees. While the principal opportunity to remedy the situation lies in the hands of Colombian oversight institutions, the United States government has also become a long-term stakeholder through investments, trade agreements, and the Labor Action Plan. PASO and Global Exchange urge these governments to engage with the private sector and civil society to exhaustively research the problems identified in this report, and to take concrete action to hold flower companies accountable for labor abuses according to domestic and international regulations.
In addition, we urge Colombian and international civil society organizations, including unions and labor confederations, to act so that employees are better equipped to demand the enforcement of their own civil and labor rights. This will require a strategy that includes supply chain research, consumer pressure campaigns, and political advocacy, but – most importantly – training and organizing strategies with Colombia flower sector workers. Unions in this sector are up against incredible odds and without the real support of workers in other economic sectors, regions, and countries, bringing about change will be next to impossible.

Lastly, we recommend that consumers in the United States and throughout the world take our findings into account in deciding how to spend their money on holidays, such as Mother’s Day and Valentine’s Day.