

# **WORKERS' RIGHTS IN CUBA**

## **REPORT OF THE UNITED STATES DELEGATION TO THE 2002 EXCHANGE BETWEEN U.S. AND CUBAN LABOR AND EMPLOYMENT LAWYERS, NEUTRALS AND TRADE UNIONISTS**



Sponsored by the  
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## I. Introduction

In February and March of 2002, a delegation of labor and employment lawyers, neutrals and trade unionists from the United States visited Cuba under the joint auspices of the National Lawyers Guild (“NLG”) Labor and Employment Committee and the Cuban Workers’ Federation (Central de Trabajadores de Cuba, or “CTC”).<sup>1</sup> The fifteen members of the NLG delegation represent a spectrum of political opinions, occupational and ethnic backgrounds, both genders, and all regions of the country.

This was the third bilateral exchange between the NLG and the CTC. The purposes of the exchanges are for the participants to learn something about the realities of life for workers in each others’ countries, and to increase mutual understanding of the legal and political foundations of our respective labor systems. These encounters take place under the shadow of a forty-two year old political and economic embargo (or “blockade,” as the Cubans refer to it) of Cuba by the United States.

Our delegation engaged in frank and freewheeling discussions with workers, trade union leaders, enterprise managers, labor lawyers and legislators in workplaces and municipal assemblies in Havana, Cienfuegos and Sancti Spiritus. We observed a Cuban collective bargaining session and Shop Steward training first hand. We met with Ricardo Alarcón, the Speaker of the Cuban National Assembly, Pedro Ross, the General Secretary of the CTC, and appeared several times on national television, radio and newspapers in Cuba. Not surprisingly, our hosts took us to work sites that were generally quite successful. However, when we had free time, we were able to go where we pleased independently. As a result, we were able to observe firsthand some aspects of daily life in the three cities listed above plus Trinidad, which we visited one afternoon.

Because this was the third annual exchange, and several of the delegates had participated in one or both of the previous exchanges, we built upon a foundation of mutual knowledge that led to discussions of greater depth and clarity. Similarly, we view this report, which is a collective endeavor of the United States delegation, as building on the reports of the previous two U.S. delegations.<sup>2</sup>

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<sup>1</sup> The Central de Trabajadores de Cuba (literally “Cuban Workers’ Central”) is the federation of Cuba’s nineteen national trade unions. It was founded in 1939, twenty years *before* the Cuban revolution. The National Lawyers Guild, founded in 1937, is a United States-based organization of lawyers, legal workers and jailhouse lawyers, all of whom are dedicated to the proposition that human rights are more sacred than property interests. The Guild’s Labor and Employment Committee consists of labor and employment lawyers, legal workers and trade unionists who are professionally engaged in advancing the collective and individual rights of working people.

<sup>2</sup> We therefore refer readers who are unfamiliar with Cuban labor relations to those reports. The report of the 2001 NLG delegation is available online at [www.nlg.org](http://www.nlg.org), and hard copies of the 2000 and 2001 reports may be obtained by e-mailing a request to [dean@eisner-hubbard.com](mailto:dean@eisner-hubbard.com). In addition, we were greatly assisted in our preparation for the exchange by Debra Evenson’s new study, *Workers in Cuba, Unions and Labor Relations*, (Detroit: NLG/Maurice and Jane Sugar Law Center for Economic and Social Justice, 2002), and by *El Derecho Laboral en Cuba: Fundamentos, Actualidad y Perspectivas* (Havana: Central de Trabajadores de Cuba, 2001), written by our host Guillermo Ferriol Molina, a Cuban labor lawyer who is the Director of Labor and Social Issues for the CTC.



U. S. Delegate Robert Metcalf discusses organizing victory in Minnesota.

Cuba's labor relations and trade unions cannot begin to be understood by an outsider without taking into account two inter-related realities. The first is that Cuba's model of development and workplace relations is socialist. We found that many of the assumptions which compose the fabric of our social and economic lives in the capitalist United States -- including the primacy of the profit motive as a key factor in making corporate decisions that affect workers' lives--simply do not apply in Cuba, and are therefore not helpful in analyzing Cuba's reality. Second, the United States' tightening of its embargo of Cuba during the "special period" after the collapse of the European socialist bloc countries in the early 1990s continues to directly and indirectly impacts all aspects of Cubans' daily lives.

We approach our task by raising three general questions:

*What, if anything, do U.S. and Cuban labor and employment lawyers and trade unionists have to learn from each other?*

*Can Cuban trade unions function as effective representatives of their members' interests within a single party system?*

*How do Cuban workers live on salaries of around \$20 a month?*

The balance of this report seeks to weave together our delegates' responses to these questions.<sup>3</sup> In doing so, we consider the implementation of worker participation in decisions, labor-management cooperation, collective bargaining, social benefits over and above wages, training of rank and file union representatives, union membership and dues payment, procedures for election to union and political office, and the role of the Communist Party in the workplace.



Cuban labor lawyers listen to presentation of U.S. Delegate.

**II . Cuban unions and workers have responded to the crisis of the “special period” by implementing a program of direct workplace democracy and participation which appears to provide both effective representation and many lessons for US labor and employment lawyers and trade unionists.**

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<sup>3</sup> Of course, it is not possible in the course of a ten day trip to gain a complete understanding of questions of this complexity, and we do not pretend to present anything approaching a completed puzzle in this report. Nevertheless, we are aided in our endeavor not only by the background reading set forth in fn. 2 above, but by the fact that several members of our delegation have performed previous field research on Cuban labor relations.

A. Background. Worker and Union Participation in Decision Making.

In addressing the questions of whether unions in a single party state can effectively represent their members and how Cuban workers survive on their low salaries, we found a common theme that we believe is instructive for the U.S. trade union movement: worker participation in decision making.

In the U.S., we sometimes think of democracy only in terms of voting for candidates for political office. In Cuba, at least in concept, democracy extends beyond electing political representatives to workers participating in the fundamental decisions that effect their daily lives, from the workplace to the highest levels of policy-making. This vision collides head on with the notion perpetuated in the U.S. that Cuba's labor movement is simply an arm of the state in which workers have no effective voice. One of the most significant issues to be addressed in this report, therefore, is whether, based on our limited observation, the Cuban labor movement has had any success in going beyond concept to implementation of workplace democracy in the daily lives of Cuban working people.

In discussing the rights of workers and trade unions in Cuba, Guillermo Ferriol Molina, the CTC's Director of Labor and Social Issues, is careful to distinguish between the labor laws and regulations themselves, which are not dissimilar to what some other countries have established, and their effective exercise, which is what he argues distinguishes the Cuban system.<sup>4</sup>



CTC Director of Labor and Social Issues Guillermo Ferriol discusses worker participation in decision making.

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<sup>4</sup> Presentation of Guillermo Ferriol Molina, February 17, 2002, CTC headquarters, Havana.

Approximately 97 to 98 percent of all Cuban workers are members of one of the nineteen national unions, all of which are grouped in the CTC.<sup>5</sup> The workers directly elect their local union representatives, and the representatives to a national trade union Congress which takes place every five years. Union membership is voluntary. Dues are not deducted from the workers' salary. Workers pay their dues voluntarily to a local union official on a monthly basis. The unions and the CTC are financially independent of the state and the Communist Party. (See Section B.2. *infra*.)

In contrast to the U.S. system, which delineates permissive subjects of bargaining at the "core of entrepreneurial control" over which enterprise managements may not be required to negotiate with their workers' representatives, the CTC maintains that there is no aspect of enterprise or political decision making in Cuba in which the unions do not participate. The observations of our delegation do not contradict this assertion.<sup>6</sup>

#### 1. Hardships of the Special Period Led to Adoption of Specific Measures for Workers' Participation.

After the collapse of the socialist bloc of states in the early 1990s, and the subsequent tightening of the economic blockade by the United States, the Cubans found it necessary to make wholesale changes in the organization of the economic system. For example, they introduced and promoted the free circulation of dollars, which has resulted in the much discussed (and controversial) dual currency system. In addition, they increased foreign investment and tourism, permitted the development of a self-employed sector of the work force, restructured state enterprises and increased prices of non-essential items such as cigarettes.

One of Cuba's principal responses to the "special period" has been the decentralization of much economic decision making to the enterprise level. For example, one of the ways that worker participation is institutionalized at the grass roots level is through workplace "Assemblies for Economic Efficiency." These are held on a monthly basis. At these meetings, the administration (management) of the enterprise is required to render an accounting to the workers of their economic management of the facility, and workers raise issues and complaints. Management is held accountable to answer questions or take corrective action.

Contrary to the view of some Americans, Cuban workers are protected by concrete due process procedures in connection with discipline and layoffs.<sup>7</sup> Each workplace has a "pre-judicial" procedure in place for the resolution of workplace conflicts. The rank and file also

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<sup>5</sup> *Id.* See also Evenson, *supra*, at 16.

<sup>6</sup> Ironically, the CTC's deep involvement at the highest levels of economic policymaking (see *infra*) could theoretically lead to situations which compromise their independent role as representatives of the workers. However, the mechanisms for grass roots worker participation in every important policy decision would make such a "sell out" difficult, even if the CTC were inclined to do so.

<sup>7</sup> Indeed, while we were in Cuba, many of the lawyers in Cuba's delegation spent several days in court defending workers who had been accused of theft. These lawyers impressed us as very bright and motivated to represent their clients' interests. They were paid by the unions for this representation.

participates in this grievance and arbitration process, which is described in more detail below. Since 1998, the worker assembly at each workplace has elected a rank and file employee to be on an arbitration panel called the “Grass Roots Labor Justice Board” (“Organa de Justicia Laboral de Base,” or “OJLB”), which also has one management representative and one union representative.<sup>8</sup> The union representative is also elected by the rank and file. Hearings of the Labor Justice Board are held in the grievant’s work area and are open to worker attendance. Under this procedure, workers who have been disciplined can challenge the discipline from the filing of an initial grievance through an appeal. We were given several examples where employee grievances were upheld.<sup>9</sup>



Rank and file representative to Grass Roots Labor Justice Board addresses U.S. Delegates.

Worker participation is also institutionalized at the policymaking level. For example, in preparation for the 1996 Congress of the CTC, more than two million workers participated in meetings to evaluate proposals for dealing with the crisis of the special period. More than 167,000 suggestions were received from workers for addressing the crisis. Two measures which had been proposed by the government were not undertaken, because they were rejected by the workers at the 1996 CTC Congress. The first was a proposed tax on salary. Cuba has no income tax *per se*. The workers’ sentiment was that a moment of economic crisis was the wrong time to introduce such a tax. As a result, according to CTC representatives, the measure was not undertaken. The second measure which was not carried out was a proposed contribution from workers to the Cuban Social Security system. Since 1963, workers have not been required to contribute to Social Security. It is funded completely by enterprises and the state. As the Cuban population ages, the government foresees the need for worker contributions in order to be able to continue to provide

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<sup>8</sup> We spoke with the rank and file representative to the OLJB for Panataxi in Havana. He was elected President of the Labor Justice Board by the other Board members.

<sup>9</sup> The structure and functioning of the OJLBs are described in more detail in the report of the 2001 NLG delegation, *supra*, at 22, and in Evenson, *supra*, at 64-68.

the current level of benefits. However, at the 1996 CTC Congress, the workers rejected the immediate implementation of a Social Security tax. As a result, the government is waiting for economic conditions to improve to the point that workers' salaries are substantially increased before implementing such a measure.<sup>10</sup>

At the 2001 CTC Congress, one of the measures considered by the delegates called for extending paid maternity leave from six months to one full year. After debate, delegates in one pre-Congress "Commission" voted to modify the proposal to make it clear that the year of leave could be divided between a father and mother, or taken entirely by the father, should the parents so choose.<sup>11</sup> The proposal, as amended, was adopted by the full Congress consisting of 1600 elected delegates.<sup>12</sup>

Six commissions, composed of workers and experts in labor law, have been created to draft revisions to the Labor Code. The CTC has an agreement with the government that after the revised draft is complete, it will be presented to and discussed with all the workers in the country at the workplace assemblies. Thereafter, the information generated will be collected and synthesized. According to Ferriol, the Directorate of the CTC and the national unions will then carry out meetings with the national government (The Ministry of Labor and Social Security) in order to express the analysis and opinions of the workers, and to make sure the workers views are incorporated in the final draft of the Code.<sup>13</sup>

In another example of worker participation in policy making, high level representatives of the various government Ministries attend CTC meetings to discuss how the ministry's work is being received by the workers and to hear the workers' opinions on the issues being analyzed.<sup>14</sup>

## B. Labor-Management Relations in Cuba

### 1. Labor-Management Cooperation

#### a. Contrasting Realities: Cuban vs. U.S. Work Environments

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<sup>10</sup> See Evenson, *supra*, at 11.

<sup>11</sup> NLG Delegation Coordinator Dean Hubbard was invited to observe the 18<sup>th</sup> CTC Congress in May 2001. He participated in the pre-Congress "Commission" on workers' rights, labor security, health and working conditions, women workers, retired workers, and young workers. This Commission was attended by about 200 elected delegates. See NLG 2001 Report at App. pp. i-ii.

<sup>12</sup> It is our understanding that while the extension to one full year of paid leave has now been implemented, the amendment passed by the delegates is presently under review by a Commission of the National Assembly.

<sup>13</sup> Guillermo Ferriol Presentation, 2/17/02, *supra*.

<sup>14</sup> For example, a representative of the ministry in charge of each issue (including the Chief Justice of the Cuban Supreme Court) was present and responded to the concerns raised by the delegates on behalf of the workers in the pre-CTC Congress commission attended by Delegation Coordinator Dean Hubbard in May 2001.

Because of the fundamental differences between the capitalist and socialist models of economic and political organization, in many ways, the trade union worlds of the U.S. and Cuba are unrecognizable to one another. As labor and employment attorneys schooled in the often warlike corporate atmosphere of minimizing worker gains in order to maximize shareholder profits, members of the NLG delegation often felt like aliens in the Cuban trade union world.

From our discussions with Cuban labor leaders and labor lawyers, as well as our visits to numerous work sites, we learned that there is a close and productive relationship between labor and management. Invariably, management and the union and the workers were perceived as partners, all working together toward the same goals. Those goals were articulated as enhancing both production and workers' lives. Those two goals, often diametrically opposed and in conflict in the U.S., were viewed almost as the same goal, and certainly not clashing or competing goals. In other words, without the profit motive which drives management in the United States to try to generate as much income as possible for shareholders, rather than spend money on the workers, Cuban management and labor interests tend to converge.<sup>15</sup>

Members of management expressed respect for the workers and concern about their well-being. The workers appeared to have high respect not only for their elected union representatives, but also for members of management. The workers appear to understand and accept the goal of high production levels as being harmonious with and supportive of the goals of worker satisfaction, protection and benefits. In the factories we visited, often the manager and workers joked with each other in a playful and respectful way, and hugged each other -- scenes not familiar in the U.S. workplace.

There is another important analytical touchstone that may help one understand the lack of animosity between management, union and the workers. At most of the factories, farms and collectives that we visited we explored the ranges of salaries. Cuban workers' salaries are very low. But the disparity between management and worker salaries is minimal, not creating the tension which is triggered in the United States where management makes vastly more income than rank and file employees. For example, plant managers may make a basic salary of 400 pesos per month, about \$20, with low end workers making 300 pesos per month, about \$15.<sup>16</sup> A similarly narrow range of salaries was present throughout the factories and plants that we visited.

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<sup>15</sup> We do not suggest that the State's ownership of the means of production in a system that calls itself socialist *per se* eliminates antagonistic labor-management relations. Instead, it is our view, based on admittedly limited observation, that several specific elements unique to the Cuban experience, discussed in this report, have resulted in a high level of labor-management cooperation.

<sup>16</sup> Workers also receive incentive bonuses above base salary. Moreover, our Cuban counterparts repeatedly emphasized that looking only at salary provides a distorted picture of their standard of living. (See Section C.1., *infra*.) For example, all employees receive free health care for themselves and their families and an excellent free education. We did not see children in dirty, tattered clothes sitting on stoops when they should be in school. To the contrary, we saw many well-dressed children each day going to or returning from a long school day, with their books and backpacks.



Joan Hill of P.A.C.E. International Union represents client in simulated summary judgment argument.

Thus, Cuba does not have gross wage disparity such as that existing in United States' workplaces, in which the higher up corporate managers and officers make hundreds, or perhaps even thousands, times more in wages than the lowest paid corporate employees. This lack of gross disparity in the Cuban system makes for a non-hostile, less jealous and more cooperative working atmosphere.

Even in slow economic times and production downtime, workers are not summarily dismissed. Unlike in the U.S. system, where wages and job security, or lack thereof, are often tied to sales and corporate income, the Cuban worker is not arbitrarily laid off. Instead, during a period of involuntary separation from work, the employing enterprise is responsible to continue paying the worker, to provide retraining and to assist the worker in finding other employment.

The good working relationship between labor and management is enhanced by the Cuban workers' perception that the process for choosing managers is fair. To move into an administrative position, the state-owned companies look at five factors: Morality, intellectual capacity, love for the work, the quality of a person's leadership, and political viewpoint (a belief in the right of workers to decent and safe working conditions as the driving force of the operation).

The trade unions are social and cultural focal points for their members. When members have problems outside of the workplace, such as social or economic problems, the union gets involved and helps. The union promotes educational and cultural activities. There are days of celebration. There is a strong sense of socializing and sharing within the unions.

Finally, it should be pointed out that, whereas we U.S. labor lawyers sometimes felt like aliens looking in on a workplace paradise in Cuba, the Cubans were also a bit confused when we told them of the workers' world in the United States. In our initial meetings at the CTC headquarters in Havana, our delegation presented two role-playing presentations – one an arbitration over a discharge and one a summary judgment hearing on a Title VII claim in federal court. The underlying fact pattern was based on serious workplace misconduct by a generally successful African American worker, who had been baited and provoked by egregious racially discriminatory actions. The company had made a half-hearted attempt to deal with racial

harassment. Several of the Cubans remarked that they could not understand how the blatantly racist conduct in the simulation could have happened.



Hon. Roy Roulhac of U.S. delegation presides over summary judgment simulation.

At any rate, the rulings by the judge and the arbitrator in favor of the African-American worker were applauded by the Cubans. However, the arbitrator's award of reinstatement without back pay was met with disapproval. We explained that in a situation in which serious workplace misconduct had occurred (the loss of a full day's production), a U.S. arbitrator, who needs both union and management support to be chosen for this and future arbitrations, would try to arrive at a balance and that it is not uncommon in these kinds of situations for workers to be reinstated without back pay. This explanation seemed to confuse many of the Cuban lawyers. Some U.S. delegates speculated that this failure to understand either the underlying rationale for the arbitration decision or the presence of blatant racism in the workplace was another indicator of the fundamental differences between a system which fosters a cooperative and harmonious workplace and one based upon conflict, animosity and competing goals.

#### b. Specific Examples of Labor Management Cooperation

Labor-Management cooperation was apparent at every work place we visited. Our visit to the UBPC (Basic Unit of Cooperative Production) Aguadita, a new type of agricultural cooperative, was particularly instructive. UBPC Aguadita is a dairy farm formed in 1993, which primarily produces milk and beef. It also produces grain, roots and vegetables. Under the UBPC principle, the state gives the land to the cooperative, and the cooperative must guarantee supplying the state with a certain amount of what it produces. Beyond that, the workers of the cooperative are free to use their production to feed their families, and for sale on the private market.

There is one shop steward per group of six employees. The steward holds a meeting with his or her group every morning during which workers can voice their concerns. There is a board of directors which must be endorsed by an assembly of the workers in an open meeting. The workers' assembly also sets the wages for the workers and managers. Indeed, the head administrator's salary is set at a meeting attended by all 152 workers.



Workers at Agricultural Cooperative in Cienfuegos.

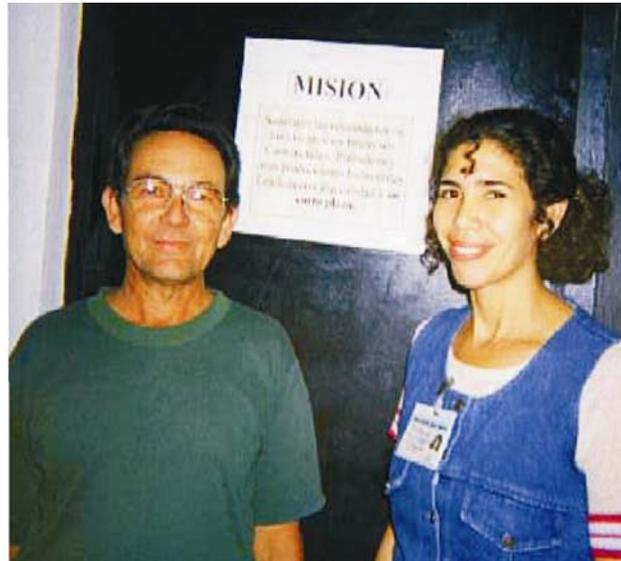
State created goals are established for production and if the cooperative exceeds those goals, a portion of the additional income is distributed directly to the workers based on their participation in the work. The coop supplies housing and promotes self-sufficiency for food. The provincial president said that there is “complete autonomy to discuss social political issues.” Grassroots union meetings are held once a month.

Our visit to a pig breeding facility also highlighted the positive relationship between management and labor. Like the agricultural cooperative, the pig breeding facility functions on the UBPC model. There is daily contact between administration and the five executive board members. There is also continuous personal contact between the union executive board members and the workers. When a worker has a problem in or outside the workplace, the administration and the union work together to help the worker.

Every few months, the facility has a Cuban evening in which it rewards certain workers. They throw a collective birthday party each month. It was emphasized that all the workers and management are a “big family” and are “united.”

At the construction and engineering enterprise in Cienfuegos, both workers and administrators said that if a job is deemed unsafe it is shut down until the problem is alleviated. In the last five years, there have been no fatal accidents on a job site. “Safety is more important than production,” the administrator said. During our visit to the steward training class at the CUPET oil refinery, we observed numerous safety manuals and signs throughout the training room.

At a Sancti Spiritus print shop, workers said that exposure to chemicals is not a problem, with hazards having been identified and safety equipment available to all workers. If an accident occurs, the union itself participates in an investigation.



Workers at Graphics Printing Plant in Sancti Spiritus.

### c. Collective Bargaining in Cuba

Historically, to a much greater extent than in the U.S., employee benefits and terms and conditions of employment in Cuba have been set forth in the Labor Code rather than in collective bargaining agreements. This is more typical of European social democratic countries, such as France, than it is of the U.S. However, one important recent aspect of the decentralization following the special period in Cuba is a heightened emphasis on setting terms of employment through collective bargaining at the enterprise level.

We visited a sheet metal manufacturing facility in Havana where we observed a collective bargaining session between management and labor over the retraining of employees whose jobs may be eliminated because of the introduction of new technology. Each side had two negotiators in addition to their respective lawyers. The dynamics of the session were noticeably different from the typical negotiations in the United States.

In contrast to the histrionics often observed in collective bargaining in the United States, the negotiations were calm, with each side reasonably explaining its viewpoint. There were some differences on the method of retraining for certain workers, how to deal with older workers who may retire soon, and other aspects of the program. But each side discussed their viewpoints rationally, and listened to the other side. The parties reached a verbal accord and agreed to meet later to tie down loose ends.

Retraining, job transfers and layoffs are major bargaining topics. At this plant and several other work sites, we were told that employees are not laid off without a continuation of their salaries. The goal is to find some other job for a worker whose job is eliminated and to provide that worker with the necessary training for that new job.

Labor law 18 determines the method of relocation, with layoffs and relocations based primarily on ability, rather than seniority. Commissions are created in each area to evaluate who has the best ability to deal with a given job. The collective bargaining agreement sets forth those factors. The object is to have consistency at each workplace.

After observing the Cuban negotiation session, members of our delegation discussed American collective bargaining. After we gave a brief overview of the laws that apply, we discussed the animosity between management and labor that often controls the bargaining atmosphere, and how there is game playing by both management and unions. We then read a hypothetical of bargaining in a sand and gravel operation where the union had little power and had to look at a corporate campaign type of approach. The Cubans quickly gained an appreciation for the need of American unions to be creative and how corporate campaigns work. Afterwards several of them came up to us and said that after learning more about our collective bargaining system, they feel more than ever that they need to maintain the socialist system.



Cuban union and management representatives and their attorneys at collective bargaining session.

d. The Dual Economy has Led to Inequality  
More Symptomatic of a Market Economy

While the workers within their own factories, plants, farms, cooperatives, and so forth, seemed to function harmoniously, we observed that some resentment exists among the different types of workers in the overall economy. This has been brought about and exacerbated, it appears, by the development of the dual economy – one based upon the peso and one based upon the dollar. This occurred during the special period following the collapse of the socialist bloc and the tightening of the already harsh U.S. blockade of Cuba. Jobs that allow the worker access to

tourists and U.S. dollars and the world of tipping are highly valued and sought after positions. All of the workplaces that we visited, with the exception of two tourist hotels, had no direct access to tourists or U.S. dollars. Hotel workers that we talked with did have access to U.S. dollars in the form of gratuities, and these workers acknowledged that they were privileged because of that.

There is a justified perception by Cubans and the CTC that this dual economy has created unfair wage disparities. For example, medical doctors, nurses, hospital workers and industrial and factory workers receive less currency income than workers who have access to tourist dollars. Those with dollar access are hotel workers, taxi drivers, service workers and the myriad of people selling everything imaginable on the streets, including cigars, prostitutes, home-based restaurants, rooms in private homes, and practically any material good a tourist might value.

The creation of the dual economy occurred as an emergency remedy and was truly a survival measure. Moreover, the harshness of the resulting income disparity is substantially alleviated by Cuba's extensive network of social benefits. Nevertheless, the dual economy has the potential to plant seeds of discord among the workers of Cuba.

## 2. Union Structure, Membership and Training

As discussed Section II.A, *supra*, Cuba's nineteen national unions are all affiliated at the national level with the CTC. In many ways, the CTC is equivalent to the AFL-CIO, and the national unions are equivalent to the various international unions in the United States. Cuban unions are structured so that one national union has jurisdiction over all of the workers in a particular industry. Thus, at any given enterprise, only one union represents all of the workers, regardless of the various jobs which might be performed within that enterprise. This is true even in the construction industry, where there is one National Union of Construction Workers, as opposed to various craft unions. The provincial organizational structure mirrors that of the national level, that is, there is a provincial CTC organization to which are affiliated the provincial organizations of each of the nineteen national unions. Provincial and municipal organizations establish policies within their respective jurisdictions.

On the local level, each enterprise generally has its own local union organization, known as a "bureau". The bureau would be most equivalent to union locals in the United States. Bureaus are further subdivided into smaller units called "sections," which are often organized within departments or shops. At the local level, there is considerable flexibility in the structure, and it varies by location, depending on the number of workers and local needs.

According to Guillermo Ferriol, no authorization from any state organization is necessary to constitute a labor organization in Cuba. The sole prerequisite is the desire of the workers to establish it.<sup>17</sup>

One thing that is striking is the high ratio of elected union leaders to rank-and-file workers. This allows a high level of membership involvement in the union on a daily basis. It was emphasized that there is a very close relationship between the union executive board, stewards

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<sup>17</sup> Presentation by Guillermo Ferriol, CTC, February 17, 2002, *supra*. According to Ferriol, two of Cuba's nineteen national unions have been established within the last ten years, the unions of the tourist and science workers.

and members. The union local leadership, in turn, has a close working relationship with the enterprise administration, generally meeting daily to solve problems.<sup>18</sup>

Stewards are elected by the members at the local level. Meetings are held at the shop level, and whoever the workers want, and who also want to serve, are elected stewards.<sup>19</sup> All bureau and section officers are elected by direct and secret ballot. Workers nominate, and have a chance to express their opinions about, candidates in meetings.<sup>20</sup> Generally, there are more candidates on the ballot than available positions.<sup>21</sup>

Union membership is voluntary. There is no such thing as a union security clause in collective bargaining agreements. Yet, nationally 98% of workers are union members, even though the union also represents workers who are not members. Unions are completely funded by members' dues. The amount of membership dues corresponds to wages, being generally 1% of wages. Dues are paid personally by the workers to the union at the local level, and can be paid in a variety of increments, such as annually, monthly, or for some other portion of the year. There is no such thing as a check-off system for automatic deduction of dues from wages.<sup>22</sup>

Of the dues money received, the local level of the union retains 10%. This is used for expenses related to the union's functioning, such as collective bargaining. The remainder of the money goes to the union's municipal, provincial, and national organizations, and to the CTC. However, a large amount of the money going to the national organization goes back to the local level. In effect, ultimately about 80% of dues money is used at the grassroots level.<sup>23</sup>

The unions have their own auditing systems. Audits are conducted of the CTC and its provincial organizations, and for the national unions and their branch organizations. The results of the audits are made known to the rank-and-file. Unlike in the United States, where unions are heavily regulated and often audited by the government, in Cuba there is no government involvement in auditing unions.<sup>24</sup> And, unlike in the United States, where unions must file with the government detailed annual reports regarding finances and other matters, there are no such

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<sup>18</sup> Examples from some of the workplaces which we visited show how the union structure is designed to ensure maximum involvement of the membership in the union organization. At the Hotel Zaza, where there are 129 employees, there is a bureau executive board of seven members, but the bureau is further divided into six local units (sections), and each section has its own executive board of three members. At the CUPET Oil Refinery, for 1,063 workers, there is a bureau executive board of eleven people, 125 shop stewards, and one full-time officer. The bureau is divided into 24 sections. At the Graphics Facility of Sancti Spiritus, the union bureau is divided into four sections, each of which has a three member board, for a workforce of 115 employees. The UBPC Aguadita, an agricultural cooperative, has 33 union leaders for 152 workers. There are 5 members on the bureau executive board, and to ensure direct communication between the leaders and the members, the workers have organized a structure whereby one steward is responsible for five workers. Finally, at the construction and engineering enterprise in Cienfuegos, where there are 1,052 workers, there are 84 stewards (52 men and 32 women). Additionally, the union at this facility has 52 committees. Nationally, there are approximately 500,000 union leaders, of which about 2,000 are full-time.

<sup>19</sup> Discussion with union officers and stewards, CUPET oil refinery, Cienfuegos, February 20, 2002.

<sup>20</sup> Presentation by Secretary General of Cienfuegos Provincial CTC, February 21, 2002.

<sup>21</sup> Evenson, *supra*, p. 19.

<sup>22</sup> Discussion with union leadership, hydrologic facility, Sancti Spiritus, February 18, 2002; presentation by Secretary General of Cienfuegos Provincial CTC, *supra*.

<sup>23</sup> Discussion with union leadership, hydrologic facility, *supra*.

<sup>24</sup> Presentation by Secretary General of Cienfuegos Province CTC, *supra*.

similar reporting requirements in Cuba.<sup>25</sup>

The unions attempt to ensure that shop stewards are trained for the performance of their duties. We visited a training class at the CUPET Oil Refinery. It was explained that all stewards at this facility go through a one week course. The collective bargaining agreement provides that the employer pays 100% of the wages for people attending. The one week course is run three or four times during the year so that each steward has a chance to attend. In the basic course, the stewards learn about labor legislation, including the labor justice system, workplace safety, handling disciplinary matters, and collective bargaining. They also learn about such things as organizing meetings and taking minutes. The collective bargaining agreement provides for a certain number of paid hours off during the course of a month for union officers and stewards to conduct union business and training.<sup>26</sup>



Student in union training course looks up collective bargaining agreement section on steward training.

Another aspect of training is the national and provincial training schools run by the CTC. The CTC operates a national trade union school in Havana named after Lazaro Peña, the first General Secretary of the CTC. The construction workers' union runs a provincial training school for workers to learn the trades. Workers get 100% of their salary while they are in school.

Training is also part of the process of promoting workers to administrative positions. (This training is not conducted by the unions.) Generally, each management person has two or three substitutes who are trained for the job in a formal training program. The substitutes are given tasks to work on, and are evaluated after six months. There is a commission at the workplace which decides on the appropriate training program for the substitutes, and then sends the people to schools. If there is a need for a person in an administrative position, and no substitute is available, the job is posted in the workplace. If no one applies or if there is no qualified applicant,

<sup>25</sup> Discussion with Guillermo Ferriol, February 22, 2002.

<sup>26</sup> Discussion with union officers and stewards, CUPET oil refinery, *supra*.

the enterprise can hire off of the street, and this person is then placed in a trial period.<sup>27</sup>

### C. Social Benefits over and above wages

#### 1. Making it on \$20 U.S. per month

Cuban society is based on cooperation, rather than competition, and the highest good for the community takes precedence over individual interests, to an extent that would be unthinkable in the United States.<sup>28</sup> This principle accounts, in part, for how Cubans workers manage on monthly salaries, including incentives, that range from 225 to 700 pesos a month, or about 11 to 33 US Dollars.<sup>29</sup> Understanding this phenomenon requires adopting a different concept of “salary.” Cubans argue that it is nonsensical to focus on salary data alone to measure their real purchasing power. Such a limited view fails to take into account the Cuban social contract, which ensures that essential services and commodities are either free, or are provided at very low cost to the lowest-paid worker and to people who are not in the work force.

The most notable features of the social contract are Cuba’s systems of universal, free, and high quality education and health care. The quality of health care that Cubans receive is only limited by shortages of medicine that cannot be imported because of the blockade. These and

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<sup>27</sup> Discussion with union leadership, Graphics Facility of Sancti Spiritus, February 18, 2002.

<sup>28</sup> For example, even where salaries are based on hours worked, such as some positions at the construction and engineering enterprise, it is generally not permissible for someone to be scheduled to work more, or less, than the forty hour norm. In addition to the oft-given explanation that there are other ways of addressing legitimate needs for time off, and that under the Cuban system, there are no unmet needs which would warrant sacrificing a person's health, family life, etc., by working more than 40 hours a week, we were told that such flexibility would undermine the fundamental social contract that the needs of the community take precedence over individual desires, and could interfere with production schedules. However, it was clear to our delegation that many Cubans “moonlight,” probably working far in excess of 40 hours. With the combination of their salaries and the support provided by society, Cubans are able to meet their subsistence needs, but little more. That Cuba’s social system provides the means of survival for all its citizens is impressive (particularly in light of the U.S. blockade), and sets it well apart from most other countries. However, many people work outside their regular jobs to earn enough to live beyond simple subsistence. On the other hand, workers can take time off when they need it. For example, it was explained to us at the library in Sancti Spiritus that, in cases of short term absences, the remaining staff pulls together to cover the responsibilities of the absent worker. Also see the discussion of family and child care leave, *infra*.

<sup>29</sup> We were told that incentives can be as much as 100% of monthly base salary. The 700 peso figure is based on a relatively high monthly salary of 350 pesos. According to Cuba.com, billed as the official Cuban website:

[T]he Official Exchange rate is one peso for one US dollar at some locations. This rate applies to the current rate rules for the Internal Exchange of the internal economy of the state. There is also another place that you can exchange money that is run by the government named Cadeca (Casa De Cambio) that exchanges Cuban pesos for dollars at a rate of 21 pesos for one dollar. This rate goes up and down depending on the economy of Cuba. Five or six years ago it was at 150 pesos for one dollar. ...

... [A]ll services for foreigners are charged in dollars. Cuban pesos are mainly used by Cubans to buy groceries and other essentials by a ration card, public transportation and any medications that might be available. There are also some private pizza places and small food kiosks that sell homemade foods, sweets and drinks that will take pesos.

other less known subsidies, such as food and housing, that add to Cuban's purchasing power are the focus of this section.

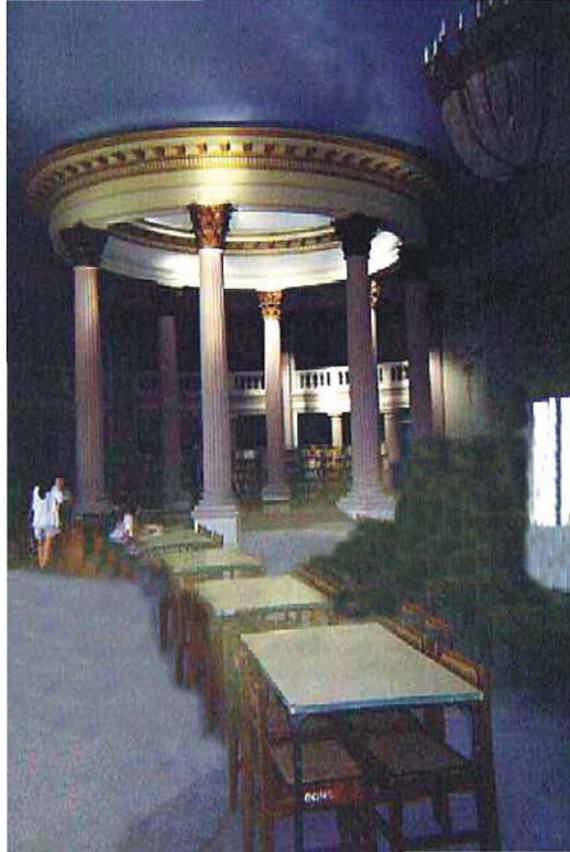
Last year, we visited two urban medical facilities, including one of the best neurological centers in the world where services are offered to Cubans at no cost. This year, during our visit to a cattle cooperative in Cienfuegos province, we learned that health care is not only free, but is readily accessible to workers and their families. In the community surrounding the cooperative, we were told that the doctor to patient ratio is only one to 250 compared to one doctor per 262 patients in other parts of Cuba, a ratio far lower than in most countries, including the U.S.<sup>30</sup> At the pig-breeding farm, also in Cienfuegos, the workers explained that disease prevention is a top priority. This is accomplished by maintaining healthy livestock, ensuring that workers have frequent contact with medical personnel, and are provided with appropriate protective gear. Additionally, all workers are vaccinated to protect them from the two most dangerous diseases that people who work with livestock are likely to be exposed: leptospirosis, (a fatal disease spread by rats' urine), and brucellosis.<sup>31</sup>

We witnessed one aspect of the educational system last year, when we visited the V.I. Lenin School of the Exact Sciences. This year, we visited the Ruben Martinez Villena Library in Sancti Spiritus in the historical heartland of central Cuba. Housed in a grand two-story neo-classical building, with an impressive domed ceiling, the library provides free services to the province's 80,000 people. It consists of seven halls. A large hall on the first floor contains judicial and legal materials. There we were shown well-worn copies of the Cuban Constitution, electoral laws, etc., which are easily accessible to library patrons. Other halls are devoted to literature, art, youth, the blind, general materials, and a library extension department that make books and other library materials available to patrons in remote areas. Despite the interruption in the Cuban economy during the last decade, the library's budget and services have not been reduced, although delivery of services to rural areas has been hampered by the staff's inability to use its van, which needs repair.

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<sup>30</sup> One source (<http://www.ruralhealth.org.au/pdf/teleine.pdf>) reports a ratio of 1 physician to 397 people in the U.S. An Aug. 28, 2000 article ([http://www.ama-assn.org/sci-pubs/amnews/pick\\_00/prsb0828.htm](http://www.ama-assn.org/sci-pubs/amnews/pick_00/prsb0828.htm)) in American Medical News, an AMA publication, reports an average nationwide ratio of physicians to population of 261 per 100,000 residents, or 1 physician for every 383 persons. (That same article stated that Mississippi had the fewest physicians per capita -- 118 per 100,000 people, or 1 physician to every 847 persons.) Another Web site, for the Telemedicine Network (<http://www.utmck.edu/Telemed/homehlth.asp>), stated that Grainger County, TN has a patient to physician ration of 4667:1.

<sup>31</sup> According to the website of the Centers for Disease Control, ([http://www.cdc.gov/ncidod/dbmd/diseaseinfo/brucellosis\\_g.htm](http://www.cdc.gov/ncidod/dbmd/diseaseinfo/brucellosis_g.htm)), no human vaccine is available in the U.S. against brucellosis.



Interior of Public Library in Sancti Spiritus.

Workers' purchasing power is also enhanced by food and housing subsidies. For example, at the pig breeding center, we were told that a liter of milk, at 25 Cuban cents (approximately 1.2 US cents), is provided to all children under seven years of age; rice is made available at 20 Cuban cents (approx. .95 of a US cent) per kilo; and meat is sold to the workers at the center for 3.5 Cuban pesos (approx. 16.7 US cents) per kilo.<sup>32</sup> The center also produces a wide variety of fresh produce for its workers. Similarly, we were told at the cattle cooperative that the enterprise had attained self-sufficiency, in producing grains, beef, roots, and vegetables. Many work sites that we visited had fully-staffed dining rooms where balanced meals are provided at a nominal costs to workers. During our visits to a construction and engineering facility, our lunch included platters of pork, fish, and chicken and an ample supply of fruits and vegetables.

In addition to the rather basic, but nutritionally sound meals guaranteed all Cubans under the rationing system, farmers may offer meat (except beef) and produce goods on the private market after they have met the quotas of goods that they are required to sell to the government. In the Havana private market, we saw a wide variety of fresh produce at very reasonable prices.

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<sup>32</sup> These conversions are based on the official exchange rate of 21 Cuban pesos to one U.S. dollar.

Although the housing shortage remains acute and much of the housing would be unacceptable in a less forgiving climate, housing and utilities require only a fraction of a worker's income. At the pig-breeding farm, we were told of two ways that homes are acquired. First, a worker may purchase a home from the state with a bank loan: the bank pays the state, and the worker repays the bank. Payments are based on the value of the home and the worker's salary, but are never more than 10% of the worker's income. Housing loans are for thirty years, and are secured by co-signors, who are responsible for paying the loan if the homeowner defaults or sells the house without first paying off the debt. Buyers are given title to the home the moment they set foot in the door. The second method is to build one's own home with materials provided by the state. Under either method, unless the homeowner previously owned the land, the worker owns the home but not the land. However, he or she is free to sell the home.



Union and Management Representatives at Cienfuegos Pig Breeding Farm.

If a homeowner decides to sell a home that is on public land, the state has the "right of first refusal," and can buy the home and transfer it to another buyer. In cases where the land is privately owned, the state can exercise its right to condemn the land for public use under a theory akin to what we know in the U.S. as eminent domain. If land is condemned, the owner has the option of trading for another plot owned by the state or receiving compensation for the home's value. This occurred, for example, when private land adjacent to the airport in Havana was needed for expansion.

In addition to building new homes, upgrading the existing housing stock is a priority. For example, workers at the cattle cooperative undertook a project to replace all dirt floors in homes in the surrounding community with cement.

Very few Cuban workers have private automobiles, and even public transportation, while extremely inexpensive, is scarce. Buses are generally dilapidated, and horribly overcrowded. Some of Cuban's transportation problems are being addressed with innovative solutions. At a

facility in Cienfuegos the workers are provided bicycles to assist them in commuting to and from work. Open bed trucks with rails are used to supplement the shortage of buses and make stops at designated locations. Horse and buggy taxis are common sights in the provinces. Traffic directors, who are also known as "Yellow Jackets" for the color of their outfits, are stationed on major roadway to insure that drivers of state-owned vehicles pick up hitchhikers. It is a common courtesy in Cuba for those who have vehicles to offer rides to those who do not, without charge. Even the driver of our less than full tour bus frequently transported workers to and from their jobs or homes while we were en route to or from various work sites and events. Outside urban areas, it is common to see hitchhikers waving pesos to entice drivers to pick them up. Whether people walk, take a bus, or hitchhike, safety is never an issue, even for women, and even at night.

In the tourist industry, workers who provide direct services to tourists are able to subsidize their salaries with tip income. They and others who have access to dollars, fare far better than workers who are only paid in pesos. But this inequality is mitigated by the Cuban cooperative spirit. During our visit, this spirit was best demonstrated by workers at the Hotel Zaza in Sancti Spiritus. There workers who have access to tips share 25% of their tips (waitpersons, maids, etc.) with workers employed in classifications that do not receive tips (cooks, gardeners, etc.). They donate an additional 25% of their tips to fund health care initiatives, such as campaigns to reduce cancer.<sup>33</sup> The individual worker keeps the remaining 50%. This concept was initiated spontaneously by workers at a single hotel in Varadero. It has spread throughout the country's tourist industry.

Workers also benefit from State's extensive subsidy of cultural and sporting events. In Havana, a Cuban pays 1-3 pesos for a ticket to an Industriales (one of Cuban's major league baseball teams) game. They pay 3 pesos to visit the Cuban Museum of Fine Arts and less than 5 pesos to see the Cuban National Ballet or a jazz concert.

It is not surprising that Cuban workers are unable to stay at even the cheapest tourist hotels, eat in the restaurants or paladares (restaurants in private homes which are allowed to serve a certain number of meals for pay each night), or shop in stores that cater to tourists. Even the highest paid workers who command salaries of 700 pesos per month cannot afford a \$50 per night hotel room or a \$25 meal even for a special occasion. However, most enterprises and the unions have established reward programs to compensate workers who exceed production quotas by providing expense paid vacations to some of Cuba's most popular vacation spots.

## 2. Family and Child Care Leave

Legislation in Cuba mandates a one-year paid maternity leave. Maternity leave was first granted in 1963. The amount of leave has been expanded over the years, to the present form, passed at the 18<sup>th</sup> CTC Congress in May, 2001, which guarantees one-year paid parental leave following the birth of a child. This includes prenatal and postnatal medical care.<sup>34</sup>

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<sup>33</sup> Workers we met with who had contributed 25% of their tip income to cancer patients were given an opportunity to meet those patients and to see the results of their contributions.

<sup>34</sup> Evenson, *supra*, at 78-79. NLG 2001 Report, *supra*, at App. pp. Ai-ii.



Library worker discusses family leave.

Indeed, despite the 42-year blockade, free prenatal care begins in the first trimester. Workers are given time off from work to attend the appointments with the community doctor. The fully paid leave commences as early as six weeks before the birth of the child. After the baby is born, the worker is entitled to an additional 12 weeks at full salary. The remaining period (up to one year after birth) is paid at 60% of the employee's salary. The worker is guaranteed the right to return to her former job.

State-run childcare centers provide care for children after they reach one year of age. Some of the work sites we visited had their own day care facilities. The shortage in facilities for younger infants was one factor that fueled the successful effort by workers at the 18<sup>th</sup> Congress of the CTC to enact the proposal to extend paid maternity leave to one full year.<sup>35</sup> At the Congress, the workers also proposed to make the paid leave available to either parent, and if necessary, to be extended in six-month increments as long as a written request is filed every three months. This proposal is presently under consideration by the government.

We learned at the library in Sancti Spiritus that family leave issues are not limited to women. There any worker is permitted to take temporary unpaid leaves to care for members of his of her family - mother, father, children, brother, sister, husband, wife. While a worker is on family leave, co-workers share their job responsibilities, or substitutes are hired on temporary contracts. Workers receive up to two paid days per month to attend to children (up to 16 years old) and other personal and family matters.

#### D. Election to Political Office

In addition to procedures for electing union officers, we learned something about the process for selecting Cuba's political representatives. We gleaned most of this information during meetings with Leonel González, the CTC's Director of International Relations, who is also

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<sup>35</sup> Another reason for extending paid parental leave to a full year was to encourage breast-feeding.

an elected member of Cuba's National Assembly, and in a lengthy and spirited discussion with the members of the Provincial Assembly in Sancti Spiritus province.<sup>36</sup> What we learned about that process differs a great deal from the assumption in the United States that Fidel Castro controls all aspects of political life. This assumption fails to analyze Cuba's system for electing political leaders.

Fifty percent (50%) of the representatives to Cuba's municipal, provincial and national assemblies are elected by direct, secret ballot.<sup>37</sup>

As with Cuba's model for industrial democracy, which flows up from the workplace, the fundamental basis of the concept of political democracy in Cuba is the neighborhood. For purposes of political representation, the country is divided into neighborhoods of 2500 people. Each neighborhood convenes a "Constituent Assembly." At the Constituent Assembly, we were told, any Cuban voter can nominate any other Cuban voter for election to the "Municipal Assembly." The nominator presents the argument to the Constituent Assembly about why the nominee would best represent the interests of the community. The Constituent Assembly then nominates from two to eight persons as candidates for the neighborhood's single representative to the Municipal Assembly. Thus, Municipal assembly elections, are, by law, contested.



Discussion with elected leaders at Provincial Assembly in Santi Spiritus.

The candidates for Municipal Assembly who are selected by the Constituent Assembly are voted upon by all the citizens of the neighborhood in secret ballot elections. We were repeatedly and emphatically told that Communist Party membership is not required to be a candidate for

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<sup>36</sup> However, we share the information we gathered with the caveats that Cuba's electoral process is complex, differs greatly from our own, and that what we learned was based upon discussion and review of the election laws, not first-hand observation of the electoral process.

<sup>37</sup> Cuba is divided into 14 provinces (the rough equivalent of our states) and 169 municipalities.

political office. In fact, we were told, the Communist Party in Cuba is not an electoral party.<sup>38</sup> Instead, Cubans run for office on their individual merits, without affiliation to any political party.

No campaigning as we know it takes place. Instead, biographies of the candidates which discuss their educational and occupational backgrounds are distributed to the voters. The members of the Provincial Assembly we spoke with argued that Cuba has no need for political campaigns in the sense we understand them, as Cuba's overall priorities, including universal health care, education and social security, are well-defined and widely agreed upon. We did not learn enough about the Cuban electoral process to report whether this campaign structure provides for expression of different views between opposing candidates. However, the absence of individual campaigns in the sense we understand them is consistent with the emphasis placed in Cuba on unity and collective well-being as opposed to the value placed in the United States upon competition between individuals.

Candidates for the Provincial Assemblies are nominated by the members of the Municipal Assemblies. Candidates for the National Assembly are nominated by the members of the Provincial Assemblies. However, representatives to both the Provincial and National Assemblies, like the representatives to the Municipal Assemblies, are elected from among the nominated candidates by direct secret ballot of the citizens in the constituency to be represented. (Members of the Provincial Assembly represent their neighborhood and municipality on the Provincial Assembly, and members of the National Assembly represent their neighborhood, municipality and Province.) Thus, the elected members of the National Assembly are also elected members of their Provincial and Municipal Assemblies.

In contrast to the members of the Municipal Assemblies, who are elected in contested elections, only 601 candidates are nominated for the National Assembly, the same number of seats as exist in the Assembly. However, if a nominated candidate did not receive more than 50% of the popular vote, he or she would not be elected.

The remaining 50% of the members of the Municipal, Provincial and National Assemblies are selected by mass organizations, including the CTC, the Cuban Women's Federation, the neighborhood (Committees for the Defense of the Revolution), University students' and farmers' organizations, and the armed forces.<sup>39</sup> These representatives are chosen from among those

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<sup>38</sup> González, in an assertion repeated by others during our visit, argued that the key function of the Communist Party is to be a unifying force in Cuban society. (See Section E, *infra*.) Throughout the wars for independence from Spain in the 19<sup>th</sup> century and the struggle for independence from the United States in the 20<sup>th</sup> century, the Cubans were repeatedly defeated by internal divisions. They had dozens of political parties, but their governments were imposed by Spain and the U.S. Before the Revolution, he stated, decisions for Cuba were made by the U.S. Embassy, regardless of who was President of Cuba. The existence of democracy, González argues, has more to do with participation by citizens in decision making than the role of political parties. Democracy in Brazil is not the same as in Sri Lanka, he points out, just as it is different in Cuba and the United States. For a discussion of the role of the Communist Party in the work place, see Section E below.

<sup>39</sup> In addition, the General Secretaries of the Communist Party in each of the 14 Provinces are members of the National Assembly.

nominated by the mass organizations by a Candidates Commission, which consists of representatives of each of the mass organizations.<sup>40</sup>



CTC Director of International Relations and MP Leonel Gonzales discussing Cuban electoral system.

Although only one candidate is selected by the Commissions for each of the available seats, each candidate still has to be voted upon, and does not take his or her seat unless he or she receives over 50% of the vote. The Cubans argue that selecting candidates from the mass organizations ensures that all the constituency groups that compose Cuban society have political representation. The Cubans objected to our use of the term “appointed” to describe these representatives, not only because they are at least technically elected, but because each of the mass organizations consults with the “base” in making its recommendations. For example, Ferriol pointed out that, before the CTC submitted its final list of candidates to the Candidate’s Commission, the CTC submitted the list back to the workers who made the original proposals, and made changes in the list on the basis of their feedback.

The President of the Republic of Cuba as well as the members of the Council of State are elected by the members of the National Assembly.

As the members of the Municipal, Provincial and National Assemblies all keep their regular jobs, the work between legislative sessions is performed by Permanent Commissions.

Voting is not mandatory, according to González. In the last election, despite what he described as continual radio and television broadcasts from Miami urging Cubans to boycott the election, more than 95% of those eligible voted. Of those who voted, 95% voted “positively.” (The remaining 5% of the ballots were blank or annihilated.)

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<sup>40</sup> The municipal, provincial and national Candidates’ Commissions also hear and rule upon candidates’ claims of election law violations.

The Cubans were quick to point out that our Electoral College takes the election of our President out of the hands of the popular majority, and were eager to discuss the machinations in Florida which led to the appointment of George W. Bush as President by the United States Supreme Court.

#### E. The Role of the Communist Party in the Workplace

The Constitution of the Republic of Cuba provides that the Communist Party “is the highest guiding force of the society and the State, which organizes and guides common efforts toward the goal of constructive socialism and the advance toward a communist society.”<sup>41</sup> The CTC explicitly recognizes the Communist Party as “the supreme political and ideological force in Cuban society.” While “the Party does not govern, administer or legislate, there is a close and interdependent relationship between the government, the unions and the Party.”<sup>42</sup>

The CTC’s Director of International Relations, Leonel González, emphasized to us that the notion of one preeminent party uniting the country has deep historical roots in Cuba, going back to 1892 when Jose Marti, then in exile, announced the Fundamentals and Secret Guidelines of the Cuban Revolutionary Party as the means of waging a successful revolution against Spanish colonialism.<sup>43</sup> CTC leaders and trade unionists with whom we spoke strongly disagree that the existence of one party results in a lack of democracy. Rather they regard it as a way of creating unity of the political chaos they believe existed in Cuba during a time of many, disparate political parties.

According to Guillermo Ferriol Molina, Party membership totals approximately 1 million persons out of the 11 million population. We were told that Party membership was not a prerequisite to better job opportunities.

At our visit to a construction enterprise in Cienfuegos, we met with approximately 20 workers, many of whom were either shop stewards or on the union bureau of the enterprise. We asked them about their Party affiliations. About a third of them were members of either the Party or its youth affiliate. The fact that many of the stewards at the construction enterprise were not Party members confirmed the assertion of Ferriol and others that Cuban workers do not need to be Party members to be union leaders.

The CTC leadership we met with emphasized that the Party is the main force of leadership of the society, consistent with the constitutional provision cited above. Not surprisingly, then, all the members of the CTC Secretariat are also party members. However, Ferriol emphasized to us that the CTC General Secretary Pedro Ross, a former construction worker, was elected to head the CTC by its members, not by the demand of the Party.

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<sup>41</sup> Evenson, *supra*, at 10 quoting Constitution of Republic of Cuba (1995), Article 5.

<sup>42</sup> Evenson, *supra*, at 10.

<sup>43</sup> José Cantón Navarro, *History of Cuba*, at 59, (La Habana: Editorial Si-Mar S.A., 1998).

Debra Evenson has found that despite the CTC's recognition of the primacy of Party leadership, the CTC is not a "rubber stamp" or "passive recipients of directives" from the Party.<sup>44</sup> The CTC and its constituent unions are autonomous organizations, which despite common persons in leadership with the Party, have disagreed with governmental policies adopted to implement the program of the Party. In some instances, the CTC's assertion of independent views has been successful. One such example was in 1995 when the CTC opposed an early draft of the Foreign Investment Law that would have permitted workers to be hired directly by the enterprise. Instead a decision was made at the insistence of the CTC to allow such enterprises to hire workers only through state employment entities.<sup>45</sup>

Our discussions with the CTC leadership and union members at the various work sites we visited were the kind of beginning discussions that do not allow us to independently verify that Party membership does not create certain advantages in the workplace or in advancing to leadership roles in the union. But certain observations can be made (based on admittedly incomplete information) that support Evenson's conclusions that the CTC and unions are not simply rubber stamps for Party policy but active participants in representing the interests of their members. First, at almost all of the work sites, we were struck by the sophistication of the union leadership, including stewards, in their knowledge of and involvement in the operation of the enterprise and their ability to articulate the interests of the workers and how the union had been successful in obtaining some of its goals. Second, we saw nothing at any of the work sites that mentioned the Party or suggested recruiting efforts had been underway.

The CTC leadership emphasized to us that to understand the autonomous roles and interrelationship between the Party, the government and the CTC and its constituent unions, we had to analyze what we saw and heard without superimposing our own cultural biases. To do so effectively will require future discussions and observations. However, based on our discussions and observations to date, we have serious reservations about the legitimacy of positions espoused in certain sectors of the U.S. trade union movement that the existence of a sole political party that clearly plays a preeminent role in the organization of Cuban society is inconsistent with an autonomous labor movement that is capable of effectively fighting for the interests of its members.

### **III Conclusion**

While the members of our delegation certainly do not agree on everything, we do concur on at least the following three points.

#### **A. Apparent effectiveness of CTC as representative of its members.**

It is incorrect to simply assume that Cuba's political and economic systems prevent the CTC and the national, provincial and local unions from functioning as effective representatives of their members' interests. In this regard, we concur with the following observation by Debra Evenson:

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<sup>44</sup> Evenson, *supra*, at 10.

<sup>45</sup> *Id.* at 10-11.

“The close relationship between the...CTC, the unions and the Communist Party of Cuba has caused some outside observers to dismiss Cuba’s trade unions as nothing more than state or “company unions” fronting for a non-existent labor movement. Such labeling, however, imposes severe limitations on serious exploration of the complexity of labor rights in the Cuban context and consideration of the potential in such a system for unions to give independent voice to workers’ interests. Narrowing the frame of reference to a free market, multi-party system not only poses the theoretical dilemma of presuming no other possibilities; as a methodology, it also lends itself to false comparisons and conclusions that may impede rather than engender more profound examination. What’s more, we are cautioned by ample evidence that workers and unions have suffered substantially in various multi-party settings, suggesting that the political system is not *per se* a determinant in the equation of workers’ rights and participation in decision-making.”<sup>46</sup>

Based on our observations, summarized in this report, the CTC appears to function as a strong, effective and democratic representative of the interests of its members.<sup>47</sup>



CTC General Secretary Pedro Ross with Speaker of Cuban Parliament Ricardo Alarcón and CTC Translator Eddy Brown.

**B. U.S. and Cuban labor and employment lawyers and trade unionists have a great deal to learn from each other.**

U.S. labor and employment lawyers, trade unionists and even human resources managers can learn from and should even consider adopting some of the approaches taken by our Cuban counterparts to engender a high level of worker participation in decision making and to enhance labor-management cooperation. Although U.S. management, more concerned with profit, often

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<sup>46</sup> Evenson, *supra*, at i.

<sup>47</sup> These observations are admittedly limited, based on several visits for some, and a single visit for other delegates. This shortcoming can be remedied only through further first-hand observation and dialogue.

lacks the respect for workers which we observed in Cuban management, managers in the U.S. are more likely to respond favorably to workers' demands if they know those demands have broad-based support or may result in increased productivity.

The U.S. trade union movement should consider those many aspects of the CTC's strategy for empowering workers which, we believe, can be reasonably incorporated--even in our market-based system. For example, faced with the overnight disappearance of 85% of their source of foreign trade following the collapse of the socialist bloc, and the subsequent tightening by the U.S. of the already near total economic blockade of their country, the CTC responded with a broad range of initiatives, several of which are discussed in this report. Far from operating as a top-down, command and control arm of the state, the Cuban Workers' Federation has responded to the crisis of the special period in a very different and highly effective manner. The result of these efforts is a 98% unionization rate, workers deeply involved in all aspects of enterprise decision-making, great mutual respect between labor and management, and a trade union movement that is a key player in national policy-making.

Of course there are serious problems facing Cuban labor unions and workers generally which should not be minimized (many of which are related to the continuation of the U.S. blockade). These include a paucity of material incentives to increase productivity, low salaries, poor housing, inadequate transportation, lingering vestiges of an over-reliance on central authority for decision-making, and a narrower spectrum of information than that generally available here -- to those who look beyond the corporate media to find it. But, we learned that Cuba's impressive social security network provides substantial support to working families which makes it highly misleading to simply compare the salaries of Cuban workers to those of workers in countries with market economies which do not provide such benefits.

On balance, we submit that there is much about the successful response of the Cuban labor movement to its years of crisis which the U.S. labor movement could apply to facing its own challenges.<sup>48</sup>

Not only did we learn a great deal from the Cubans, but the Cuban labor lawyers in particular seem to be gaining a growing appreciation for the work lawyers representing workers in the United States do under often adverse and hostile circumstances.<sup>49</sup>

There will come a time when the travel ban is lifted. But without more contact with the Cubans themselves, most U.S. visitors will continue to have only misconceptions and inaccurate ideas about life in Cuba. They will know only what they have read or heard -- the South Florida

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<sup>48</sup> Members of our delegation, particularly first-time visitors, are interested in learning more about the day to day work of the lawyers that work for the CTC and its various unions. Do they spend a great deal of time in their office, or more time in the field with workers and the Base Organs of Labor Justice? We would like to learn more about the Cuban court system, particularly the handling the appeals to the courts from the OJLBs. We would also like to learn more about the legal training received by Cuban lawyers. What is the role of lawyers in the CTC, and more importantly, to the Cuban citizens? What options are there for students of law to obtain jobs in Cuba. How and why do they decide to work for the CTC or the unions versus some other position as a lawyer?

<sup>49</sup> The Cuban lawyers questioned the formality of our legal proceedings, and expressed desire for more detailed information about several aspects of our legal mechanisms for addressing workplace conflict, especially the constitutional and statutory bases for combating race discrimination.

spin. We can only alter these misconceptions if we are informed. We must use our knowledge and understanding, gathered during these exchanges and other opportunities to travel to Cuba, to change attitudes of our families, co-workers, clients, and elected officials towards Cuba. Cubans too, can benefit from learning more about life in the United States from people who live here than they would otherwise read or hear in their country.

C. These exchanges are valuable, and should continue, with even greater participation.

These exchanges should not only continue, but more U.S. and Cuban labor and employment lawyers and trade unionists should be encouraged to participate. First, like its predecessors, this most recent exchange succeeded in its goals of raising the level of awareness of participants about the realities of life for workers in each others' countries, and increasing mutual understanding of the legal and political foundations of our respective labor systems. Pedro Ross, the General Secretary of the CTC, who has met with each of the three NLG Delegations, said this to our group at a meeting of trade union leaders in Cienfuegos, which was televised nationally in Cuba:

This exchange is the kind of interaction which humanity requires to end war, to end terrorism, to struggle for an understanding between men and women of different hemispheres, and against discrimination of any kind...

Through these exchanges, you are promoting what should be the relations between our countries. The people of the United States should not be confused with those who hold the center of economic and political power in that country. We appreciate the seed planted by Lincoln. People of all colors come to your country from all over the world. You are an example of the great men and women of that country...

Second, continued exchanges of this kind will facilitate normalization of the relationship between the U.S. and Cuban labor movements, and lead eventually to coordination between the U.S. and Cuban labor movements on vital issues of shared concern, such as opposition to the globalization of unregulated transnational capitalism generally, as well as specific manifestations such as the Free Trade Area of the Americas ("FTAA").

Indeed, there is a compelling need for inter-hemispheric trade union solidarity in response to manifestations of global economic integration such as the FTAA. The Cuban labor movement, like our own, has taken a leading role in opposing the FTAA. However, unlike every other country in North, Central and South America, in Cuba, the trade union movement has been joined by the Cuban government in opposition to the FTAA. Coordination on this issue between the Cuban and U.S. labor movements would strike a resounding chord of trade union unity.

Moreover, in light of its own self-interest, the U.S. labor movement has a stake in the maintenance of a strong Cuban labor movement and an end to the blockade. The island is part of our regional economy. The path Cuba takes within the regional and global economy affects U.S. workers. If the jobs of U.S. workers eventually go to Cuba when the blockade is lifted, those issues will have to be addressed just as they are in Mexico, at the border. Indeed, the report of the 2001 NLG delegation asked, "Will Cuba replicate the maquiladora plants in Mexico?" Thus, the

effectiveness of Cuba's labor movement is critical to that society's successful evolution as a regional and global economic player 90 miles from our coast. And by establishing a positive relationship which the Cuban labor movement now, the U.S. labor movement will better ensure Cuba's post-blockade decisions take into account the perspective of U.S. workers. It is also worth remembering that the new European, Canadian and Japanese cars, construction equipment and other goods we have seen on every visit to Cuba could have been purchased from unionized U.S. manufacturers, creating jobs for U.S. workers.

Yet the official position of the U.S. labor movement continues to support the embargo of Cuba, with exceptions for food and medicine. There is no official contact whatsoever between our trade union movements. The profound human suffering caused by the blockade is readily apparent. No one can witness this suffering and claim that it is consistent with trade union principles. The blockade does not serve the interest of labor in either the United States or Cuba. There is growing sentiment in Congress to lift the embargo. Indeed, majorities in both the House and the Senate voted last year to ease the trade and travel restrictions on Cuba. Only behind the scenes procedural machinations by the Republican leadership prevented these bills from becoming law. The U.S. labor movement should be at the forefront of this new majority.



U.S. and Cuban Delegates with Ricardo Alarcón

### *2003 Exchange Goes International*

As word of these annual meetings has spread, labor lawyers and trade unionists from other countries have expressed interest in participating. After extensive discussion, both the CTC Executive Board and the Steering Committee of the NLG Labor and Employment Committee have agreed that next year we will continue the bilateral exchange, but will also plan to add a separate international component, to which we will invite labor lawyers, trade unionists and students, not just from the U.S., but other countries as well. It is important to maintain a bilateral exchange, with an emphasis on informal and frank discussion, to continue working toward the goals already described. However, adding an international aspect to the exchange will, we believe, exponentially expand its educational value. Moreover, it will contribute to much needed communication between labor movements around the world, especially within this hemisphere, and especially towards the goal of coordinating international trade union opposition to unchecked transnational corporate globalization. Given the historically poor relationship between the U.S. and Cuban trade union movements, the bilateral foundation for the international exchange seems a promising basis for balance and potential international trade union unity.

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