

## A. UNIONS IN CUBA

1. Trade unions in Cuba are organised under the banner of the Cuban Workers Central (CTC) which was founded in 1939. Since that date there has been a single national trade union centre in Cuba. The CTC consists of 19 individual member unions with around 4 million members, approximately 98% of the working population. Membership of an individual is voluntary however all workers have the right to join a union. The CTC and its affiliates receive no financing from the Cuban government or the Cuban Communist Party and are entirely dependent on monthly subscriptions paid by individual members.

2. The trade unions in Cuba are organised at national, regional and branch levels. Representation is provided to all in the workplace whether they are members or not. Union subscriptions amount to 1% of a workers earning paid each month. Democracy runs throughout every level of the Cuban trade union movement. Branch officials up to General Secretaries are elected by the membership by means of secret ballots. Union officials are expected to report back regularly to their members and can be removed if their performance is deemed to be unsatisfactory.

3. Each trade union in Cuba represents all the workers in a particular industry. For instance the largest union, the teachers union represents not only teachers but cooks, cleaners and other employed in schools. The local union organisation is referred to as a Bureau and represents the workers in dealings with management over collective bargaining, disciplinaries and other matters of concern. Each Bureau is divided into sections organised around departments or shops. These sections usually consist of around 5-10 workers and enable close contact to be maintained between the workers and union officials. A delegation by the National Lawyers Guild and the US Health Care Trade Union Committee found that the local structures adopted in workplaces were the result of agreements reached with the unions and management after the workforce had been consulted. The delegation found these agreements to be legally binding.<sup>1</sup>

4. The workers in each enterprise elect their officials by secret ballot once every 2 ½ years. At the section level meetings are often held daily between union officials and management in order to discuss issues that require attention. Mass meetings of workers are held on a monthly basis at which the plans of the company are discussed. These meetings also decide collective bargaining agreements.

5. The CTC and its affiliate unions exist as separate organisations. There exists a strong relationship between the CTC, the Cuban Communist Party and the government which provides the trade unions with opportunities to express the case for workers' rights. The access this has granted to the CTC has enabled them to bring about significant changes in legislation.

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<sup>1</sup> Workers' Rights in Cuba, Report of US Delegation to Cuba by National Lawyers Guild & US Health Care Trade Union Committee

- A provision in the 1995 Foreign Investment Law which would have permitted joint ventures to directly hire Cuban workers was abandoned following pressure from the CTC
- Legislation to alter the social security system was redrafted following criticisms raised by the CTC
- The implementation of provisions of the 1994 tax law which would have required social security contributions from workers were suspended following submissions from the CTC

6. Following amendments in 1992 there are no references to the CTC in the Cuban constitution. The constitution makes reference to “trade union organisations” and places no restrictions on those who would wish to set up a separate body distinct from the CTC. Cuban legislation places no duty on trade unions to register with the government in order to function. With these two points in mind it is clear that Cuba complies with the International Labour Organisation Convention 87 on the “Freedom of Association and Protection of the Right to Organise”.

7. In total Cuba has ratified 89 agreements of the International Labour Organisation compared to 14 ratified by the United States.<sup>2</sup>

8. As the management of enterprises in Cuba do not have to answer to shareholders the unions are able to work collaboratively with management in the pursuit of common goals. Unlike other countries the trade unions in Cuba are able to work in partnership with management. The National Lawyers Guild delegation reported this as

*“management and the union and the workers were perceived as partners, all working towards the same goals” which “were articulated as enhancing both production and the workers lives.”<sup>3</sup>*

9. Trade union officials in Cuba have long been accorded the right to take part in management discussions (Assemblies for Economic Efficiency). This role was enhanced following the CTC Congress of 2006 which called for greater participation by workers and union in the running of enterprises.

## **B. GRIEVANCE PROCEDURES**

10. Workers in Cuba are protected in law in relation to disciplinaries and redundancies. Grievances against workers are heard by arbitration panels - the Grass Roots Labour Justice panels. These panels are comprised of a management representative, a worker from the

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<sup>2</sup> International Labour Organisation

<sup>3</sup> Workers’ Rights in Cuba, Report of US Delegation to Cuba by National Lawyers Guild & US Health Care Trade Union Committee

company and a union representative elected by the membership in the company. The Chair of the panel is also elected by the workers themselves.

### **C. BLOCKADE OF CUBA**

11. Trade unionism in Cuba has to be viewed through the prism of the ongoing United States blockade of the island. The blockade which has been in place since 1963 has subjected the island to severe economic sanctions. The blockade has been intensified by the United States in further pieces of legislation in 1992 and 1996 which have had the intention of denying the Cubans the ability to trade with third countries. Successive governments in the United States have attempted to undermine the Cuban trade union movement and instead focus on “independent” unions. The United States wilfully ignores the rights and gains which the Cuban workforce have achieved in the workplace and in policy terms through the CTC and its affiliated unions. The United States government claims that these “independent” unions face restrictions on their activities as they are denied permission to register with the Ministry of Justice. The reality is that trade unions in Cuba are not required to register with the Ministry of Justice. Neither the CTC nor any of its 19 affiliated unions are registered with the government. Instead the leaders of these unions receive their authority to negotiate on behalf of their members by virtue of being elected by their respective memberships to do so.

12. Propaganda from the United States asserts that strikes are illegal in Cuba. This is false. There is no legislation in the Cuban system regulating strikes. This means that unlike other countries such as the UK and the United States, trade unions are free to decide their own destiny independent of governmental control or interference. The trade unions in Cuba however do have a constitutional right to be consulted on labour legislation and also to propose their own legislation.

### **D. CUBAN LAW & TRADE UNIONS**

13. The national Labour Code in Cuba is in the process of being reformed. This process is not however top down and issued as an edict to the workforce but instead is being thrashed out in consultation with the trade unions and their memberships in meeting across Cuba. Part of the review of the Labour Code is to enable new legislation such as improved maternity and paternity leave to be incorporated. In 2002 the law regarding collective bargaining was altered to cover new types of companies. In Cuba collective bargaining law requires that local labour relations and the implementation of legislation are negotiated with trade unions with the workforce having the final say on any agreements.

14. In 2005, Resolution 8/2005 formalised in law equal rights for part-time workers and other non-standard contracts. Resolution 8/2005 enshrined in law workers rights regarding restructuring and redundancy in the face of a changing economy. Crucially Resolution 8/2005 sets out the rights of workers to a new job, income protection and education & training on a full salary. The new law went further and laid out procedures for promotion & training and recognition of qualifications tied to a workers right to an annual review.

15. In 2006 new regulations were introduced covering shift rates and other bonus payments. All these new regulations and changes to labour law have been introduced after extensive consultation with the Cuban trade unions and only accepted after the Cuban workers, unionised or not, vote on the proposals.

16. Further regulations governing time keeping and discipline at work were announced towards the end of 2006 (Resolutions 187 and 188) for implementation in January 2007. Following representations made by the trade unions, who argued that it was unfair to penalise workers for being late at work due to the state of the transportation system or for visiting shops which are only open the same working hours as offices and factories, the proposals were delayed for 3 months. This delay was to enable problems with transport to be resolved and for alternative opening hours with shops to be negotiated.

### **E. UK DELEGATIONS TO CUBA**

17. A delegation by the public service union UNISON to Camaguey in February/March 2007 met with trade unionists from their sister union in Cuba, SNTAP. Whilst in Camaguey the delegation met with workers from an agricultural farm in Minas. The farm manager explained the procedures for sickness and ill-health on the farm:

- *The farm has a very low staff turnover;*
- *The workers have a monthly health check;*
- *Workers off work due to due to sickness or ill-health get sick pay, percentage of salary is as follows;*
  - *50% if in hospital*
  - *60% - 70% if sick at home*
  - *100% if sick due to accident at work*
- *If a work related sickness or ill-health there is no limit to the time that an employee receives sick pay*
- *There is a system of re-deployment if sickness or ill-health leads to an employee not being able to continue with their normal employment*
- *If retirement through ill-health is the only option, then the employee will be entitled to a state pension*
- *There is an extensive support system that is given to employees who have been off work due to sickness and ill-health<sup>4</sup>*

18. The UNISON delegation met directly with the General Secretary of the SNTAP who explained in greater detail the role of the CTC and trade unions in Cuba.

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<sup>4</sup> UNISON East Midlands Region Delegation Report to Camaguey Cuba, February/March 2007

*“There are 19 trade unions in Cuba. These include unions representing people working in education at all levels, from university to pre-schools. The education union includes all workers, such as cooks, cleaners and those providing the education. This is the largest trade union.*

*Other large unions are in health and agriculture and food production. The oldest trade union is the one for tobacco workers. It was led by someone who was the first General Secretary of the CTC, Lazaro Pena. He had been a worker in a cigar factory.*

*There is also a trade union for people working in science, and this is the most recently established union. The union for sugar workers used to be very large, because this was the basis of the Cuban economy.*

*All trade unions belong to the CTC. There is only one central organisation now, unlike in the past. Propaganda campaigns say that in Cuba trade unions are forced to belong to the CTC, but it was the same before 1959. Cuban trade unions do not wish to be divided. Even the police are in the CTC. There is no trade union in the army, except for civilian workers.”<sup>5</sup>*

## **F. UK SOLIDARITY**

19. Trade union solidarity with Cuba is extensive in the UK. The Cuba Solidarity Campaign has 24 national trade unions in affiliation representing 94% of British trade unionists.

20. The Trade Union Congress (TUC) the umbrella body for trade unions in the UK has passed motions supporting Cuba in 2003 and 2006. The 2008 Congress has two separate motions relating to Cuba tabled for discussion by Unite, the UK’s biggest trade union and the Fire Brigades Union (FBU).

21. In 2008 several trade unions passed motions of support for Cuba expressing support for the gains that the Cuban revolution has secured in terms of healthcare, education and social progress. Alongside this, delegations of over 100 trade unionists travelled to Cuba in 2008 for discussions with sister unions and study tours. As part of this a delegation of 44 young trade unionists from different unions visited Cuba in 2008 and met with young trade unionists from their sister unions.

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<sup>5</sup> UNISON East Midlands Region Delegation Report to Camaguey Cuba, February/March 2007

<http://www.cuba-solidarity.org.uk/conference/docs/Institute%20of%20Employment%20Rights%20Report%20on%20Workers%20and%20Trade%20U.pdf>