

## **Another “Classic Coke” Move to Deny and Delay Accountability for Human Rights Violations in Colombia.**

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Coca-Cola and its ally, the International Union of Food Workers (IUF), have announced that they will jointly “request” the International Labor Organization (ILO) to conduct an investigation of Coca-Cola’s operations in Colombia. To the uninformed, this might appear to be progress towards an independent investigation of Coca-Cola’s complicity in violence against trade union leaders at its bottling plants in Colombia. Since 1996, eight leaders of SINALTRAINAL, the independent union of food and beverage plant workers in Colombia, have been murdered in connection with their union activities at Coca-Cola bottling plants, and countless others have been threatened with death and otherwise tortured. A recent independent investigation into the alleged human rights abuses at Coke’s bottling plants in Colombia, led by New York City Councilman Hiram Monserrate, verified 179 separate human rights abuses at Coke bottling plants in Colombia. This same investigation found that there were credible allegations that paramilitaries carrying out violence against unionists at Coke bottling plants did so “with the knowledge of and likely under the direction of company managers.”

SINALTRAINAL and 6 individual victims of violence initiated a lawsuit against Coca-Cola and its Colombian bottlers based on the Alien Tort Statute and the Torture Victims Protection Act. The case is pending in federal court in Miami.

The story about Coke’s latest ploy to obtain a favorable investigation is not complicated; these are the objective, verifiable facts:

- Coca-Cola is reeling from its legacy of violence in Colombia. Over 23 U.S. universities, including the University of Michigan, New York University and Rutgers University have cancelled or suspended Coca-Cola’s supply contracts, costing the company millions of dollars in previously guaranteed revenues from the exclusive supplier contracts, but also, and more important, countless students say they will not drink Coke beverages, thereby breaking the cycle of consumption of this optional product that is tainted with the blood of Colombian workers.
- Coca-Cola, following the corporate playbook, first denied any responsibility for its own bottlers in Colombia, asserting that these offshore companies are independent. But that did not pass the straight face test with the public as everyone knows these companies exist exclusively to bottle and distribute Coca-Cola products, and Coca-Cola has complete control over its bottling plants.
- Coca-Cola then selected and paid for an “audit” of its Colombian facilities by Cal Safety,

a company of dubious origins that even Wal-Mart conceded was not up to the task of performing an independent audit. Cal Safety issued a report exonerating Coca-Cola, but did not even attempt to visit the Coca-Cola facilities in Colombia where the greatest problems were, including the Carepa plant where Isidro Gil was murdered by paramilitaries invited into the Coca-Cola bottling plant by the manager of the facility.

- Coca-Cola, through its newly-hired Director of Global Labor Relations, Ed Potter, then created a “Commission” consisting of representatives of major universities and prominent worker rights advocacy organizations, including the Worker Rights Consortium (WRC), the Solidarity Center, and United Students Against Sweatshops (USAS). The Commission was tasked with developing a methodology for conducting an independent investigation of Coca-Cola’s complicity with the paramilitaries in Colombia that have targeted for violence the leaders of SINALTRAINAL who were organizing Coca-Cola bottling plants. ***When the Commission actually asserted its independence by kicking Mr. Potter out of the group so that it could indeed be independent from the company, Coca-Cola backed away from the Commission and began creating reasons to delay and obstruct the commission’s work.*** Ultimately, Mr. Potter’s clever idea was to insist that the attorneys for SINALTRAINAL and the individual victims of violence agree that any findings of the Commission, as well as any evidence uncovered by the Commission, could not be used in the court case. Because this demand would require them to violate the rules of legal ethics, something Mr. Potter knew, the lawyers refused this demand.
- Now, Mr. Potter and his colleagues have a new, clever plan – they announce that they will “request” that the ILO do the “independent” investigation. Well, we should immediately suspect that something is up because Mr. Potter has not asked SINALTRAINAL’s lawyers to agree that the ILO’s findings be excluded from court, when he insisted that Coca-Cola could not participate in the Commission’s study unless its findings were buried. What does Coca-Cola and Ed Potter know that you don’t?

– ***Ed Potter has been the U.S. employer representative to the ILO for at least 15 years and holds that position today.*** The U.S. employer representative is a very powerful and influential position within the ILO. Further, Coca-Cola recently hired Stan Gacek, who used to work for the AFL-CIO, and was himself for years one of the U.S. labor representatives to the ILO, to help grease the wheels with the ILO and international labor unions. Gacek’s large Coca-Cola paycheck permanently disqualifies him from claiming to be independent or to speak for the interests of labor.

– The ILO has refused for years to create a Commission of Inquiry to examine the unprecedented situation of violence against trade union leaders in Colombia, ***generally due to blocking efforts by Mr. Potter, other employer representatives, and the government of Colombia.*** Mr. Potter’s sudden willingness to “request” the ILO to conduct a company-specific study, something the ILO has never done, means that Mr. Potter and Coca-Cola are pretty confident of the results of the study before it has

even begun.

– As SINALTRAINAL has informed us, even before this investigation has gotten off the ground, officials from Coca-Cola FEMSA, which owns almost all of the Coke bottlers in Colombia, have visited the Coke bottling plants in Colombia and told employees that Coca-Cola FEMSA management will hand-select the employees it will allow to give testimony in any upcoming investigation.

– Finally, the IUF, the “union” that joined Coca-Cola in making the “request” to the ILO, benefitted from the violence against SINALTRAINAL in Colombia and has been defending Coca-Cola’s record of human rights violations ever since. When Isidro Gil, the leader of SINALTRAINAL’s union in the Coca-Cola bottling plant in Carepa, was murdered inside the plant by paramilitaries brought in by Coca-Cola management, the company then, in a classic move, found a “company union”, and recognized IUF’s affiliate, SINTRAINAGRO, without an election by the workers. This was the official end of SINALTRAINAL at the plant, and IUF has never raised its voice to inquire about the murder of Isidro Gil that paved the way to Coke’s recognition of IUF’s affiliate.

In short, Coca-Cola won’t agree to any process it can’t control. To this latest ploy, we must say, three strikes and you’re out. Coke bought the Cal Safety report, abandoned the Commission when it asserted its intent to act independent of the company, and now has used its extraordinary power and resources to “request” the ILO to issue a report. Coke did so without disclosing Coke’s direct relationships to the ILO. Everything that happens next, you can be sure, has already been scripted by Coca-Cola, like a television jingle.

We must also not lose sight of the real issue. Regardless of any findings regarding Coca-Cola’s current activities in Colombia, the murder and torture of SINALTRAINAL’s leaders at Coca-Cola bottling plants in Colombia is not in dispute. Those things happened, and the union’s demand that Coca-Cola extend its human rights policy to employees of bottling plants must be met before we can even begin to discuss a process for Coca-Cola to return to the campuses that have done the right thing by booting Killer Coke.