

BUILDING RELATIONS WITH CUBAN LABOR (BRWCL)

Individual UPR submission – CUBA – Final Review April 2023

Introduction

1. Building Relations with Cuban Labor (BRWCL) makes this submission regarding Cuba to address various aspects of Cuba's situation relevant to the final cycle of the universal periodic review.
2. Building Relations with Cuban Labor (BRWCL) is a nonprofit organization. The Board of Directors includes active and retired labor leaders. BRWCL curates trips to Havana and the provinces, at least annually (except during the pandemic) and as many as four times a year. While in Cuba, we meet with the elected leaders/representatives of organizations to learn of the organization and its role/mission in Cuban society. We also make it a point to meet with the rank-and-file workers at healthcare facilities, restaurants, and educational and cultural institutions and include visits with neighborhood CDRs. Workplace visits include state, private and cooperatively owned/operated businesses and organizations.

LABOR

Workers' rights

3. Cuba's Labor Code (revised 2014) codifies the rights of unions and workers. Workers have the right to organize voluntarily and form trade unions, including in the non-State sector. Unions represent both state and nonstate workers and retirees (pensioners).
4. The Central de Trabajadores de Cuba (CTC) is organized by sector and represents 17 sectoral unions. The CTC Congress meets every five years and is the highest authority for each national trade union. The Congress is made up of representatives from each union elected in assemblies held by the local organizations. Elections for union leadership are held every 2.5 years. Unions are independently funded by members' dues payments.
5. Union membership is voluntary. Nevertheless, union membership is extraordinarily high -in both the public (95% nationwide) and growing private sectors. The Sancti Spiritu CTC has a 99.8% membership, and women are 75% of the union leadership (2018). The Cienfuegos CTC has 90% membership, with a majority of women in leadership positions (2022).
6. Unions have the right to participate in company management, to receive management information, to office space and materials, and facility time for representatives. Union agreement is required for lay-offs, changes in patterns of working hours, overtime, and the annual safety report. Workers have the right to participate through unions and workplace

assemblies. These assemblies debate and approve production plans, and the obligatory workplace Collective Bargaining Agreement, negotiated by the union, that covers local pay systems and the implementation of all employment laws.

7. Workers' rights protected by unions include a written contract, a 40-44-hour week, 30 days paid annual leave in the state sector, and unions have the right to stop work they consider dangerous, as part of comprehensive health and safety policy. Grievance and disciplinary complaints go before workplace boards, the majority of whose members are workers elected by their fellow workers.

8. Contrary to US propaganda, strikes and other work actions are not prohibited. However, work actions rarely occur because disputes are settled by grievances and through negotiations.

9. New rights for nonstate sector employees were established in the Labor Code revisions. Nonstate sector employees also have a right to written contracts, minimum salaries and maximum hours, rest periods and paid holidays, and health and safety at work. Unions have been recruiting and representing the growing number of self-employed workers. There are more than 1,500 union branches of self-employed workers.

10. Wages in Cuba are set legislatively. The national, state sector salary scale is established in consultation with unions. Local productivity incentives and profit-sharing bonuses that supplement regular wages are negotiated by the unions and approved by the workers' assembly. Although regular and special pay increases have been instituted several times in the last few years, basic salaries, as the government admits, remain too low.

Political Participation

11. Unions actively participate in politics and influence national policy. Unions have a constitutional right to be consulted over employment law and have the right to propose new laws to the National Assembly. The unions coordinate consultations over national government policy. For example, for the revised Labor Code, unions coordinated mass meetings and organized the responses to the National Assembly. Unions also chair the commissions that present candidates for the National and Provincial Assemblies. Many union leaders are or have been members of the Assembly.

PROTECTION OF THE RIGHT TO EQUALITY AND NON-DISCRIMINATION

Women's Rights

12. Women in Cuba have a high level of political, economic, and social participation, especially in contrast to the United States and other Latin American countries.

13. Cuba's progress in its fight for equality and against discrimination is reflected in its parliamentary elections. In the 2018 National Assembly election, of the 605 members of parliament, 40% identified as black/mestizo, 16% youth (ages 19-35), and 53.3% women. It has been reported that the election of a female majority has increased to over 55% in the 2022 elections.

14. Women are visible in leadership roles and are often the majority, from the neighborhood CDRs (CDR 6, zona 166, Villa Clara 2018; Viñales 2019; Havana 2022) to parliament (para. 10, above). As noted above, women play key leadership roles in unions (para. 3), as well as in the workplace. Women are a majority of graduates of higher education. They are a majority of technicians and professionals, professors/teachers, and scientists, lawyers and judges, and public health care professionals.

15. Like all Cubans, women have access to free education and quality health services, including sexual and reproductive rights care. They have access to family planning services, fertility, and choice/access to free and legal abortions. Women receive paid maternity leave (18 weeks of full salary, 40 weeks at 60%).

Fighting Racial Inequality and Discrimination

16. Cuba has continued and progressed in its fight against racial inequity and discrimination. Within the last 10 years, there has been a noticeable increase in the appreciation of its African heritage and acknowledgement of its historical connection to the African slave trade. For example, in visits to Matanzas (2018, 2019), Amistur/ICAP provides a historical perspective of Matanzas' pivotal role in the slave trade during the colonial era, as well as the art and Afro-Cuban culture it is currently known for. Similarly, we stopped to visit the Manaca Iznaga in the Valle de los Ingenios (east of Trinidad 2022), erected to observe and control the slaves working in the sugar cane plantation, and the surrounding village currently inhabited by direct descendants of those slaves.

17. Community and nongovernmental organizations have also joined to combat racial inequality and discrimination. Association Quisicuaba, a social-cultural project in Los Sitios Havana, maintains numerous programs of social reintegration and community empowerment, a major focus that includes the advancement of black women and non-discrimination based on skin color. In addition to providing care for hundreds of local families (food, health, education), Quisicuaba maintains projects on gender justice and non-violence for families with special needs, non-discrimination for LGBT-HI communities (covers all sexual orientations), and the

promotion and protection the cultural diversity of the territory linked to traditions of African origin.

18. The framework of equality set forth in the Constitution and laws against discrimination, together with education and community support have led to an observable increase in the inclusion of Afro-Cubans in the workforce, all professions and leadership. (E.g., para. 13, above.) The diversity was observed throughout Havana and the provinces in meetings with government and organization leaders and visits to/with the CTC (central and provincial offices), numerous schools, healthcare institutions, NGOs, arts programs, and biotech facilities. This is a noticeably sharp contrast to the United States where there is lack of diversity in not only the leadership of business/commercial sector, but also in education and even in many progressive organizations.

Crime and Personal Safety

19. BRWCL has never had any incidents that risked our health and safety, nor felt unsafe, whether on tour or on individual time, at any hour of the day or night, in Havana or the provinces. Though we can not speak for every single one of the hundreds of delegates we have brought to Cuba, we have not received a single complaint of a health or safety issue. The only incident of violence I (Nancy Yamada) have ever witnessed was on May Day 2017. Just before the start of the May Day march, a protester jumped the barricades, ran onto the front of the march route, and unfurled the United States flag. Several parade observers/attendees then jumped the barricade to catch the protester and started to punch and kick him. Security (unsure if this was police or event security) ran to protect the protester and get him away from the parade attendees and restrain the attendees. I was about to speak to the press at the time and had a clear view of the incident. Notwithstanding the facts, the United States media reported this incident as the Cuban government suppressing dissent.

Promoting of International Cooperation and Solidarity

20. Despite the US embargo and more than 240 sanctions it has instituted against Cuba, Cuba not only continues its cooperation and solidarity throughout the world (Henry Reeve medical brigades, medical school scholarships, etc.) Despite the obstacles, Cubans have continued to reach out to and collaborate with labor, social/cultural, labor educational and medical institutions in the United States. BRWCL either directly participated in or supported many of these efforts.

21. On June 27 - July 10, 2017, Victor Lamagne Sanchez, then the Secretary-General of Tourism union, CTC Secretariat, and delegate to the National Assembly, came to the United States to promote solidarity with US workers. He visited California (Sacramento, San Francisco, Oakland, Berkeley, San Diego, and Los Angeles), Chicago, Washington D.C., and New York City. He met with local, state and national US labor leaders as well as local and state elected government

representatives.

22. Ambassador Lianys Torres Rivera and other representatives of the Cuban embassy in the United States have visited California several times (as well as many other US cities) to promote solidarity and collaboration (healthcare, sciences, agriculture, education). BRWCL arranged these meetings with labor leaders, US-Cuba solidarity organizations, elected officials, business groups, and universities in February-March 2016, March 2019, May and August 2022, and April 2023 (scheduled). While the California State legislature was in session, Victor Lamagne (CTC) and embassy officials Miguel Fraga, (then First Secretary to the Embassy) and Alejandro Garcia del Toro (Deputy Chief) were invited to and introduced on the floors of both the State Senate and Assembly.

23. On December 16, 2020, leaders in public health, nursing, and medicine from the University of Minnesota and Cuba commenced a continuing medical collaboration at a virtual forum to share their experiences working on the frontlines against COVID-19. The panelists included Francisco Durán, MD, National Director of Epidemiology, Cuba; Ileana Morales Suarez MD, MS National Director of Science and Technology, Innovation for the Ministry of Health; Dagmar García, Director of Research Finlay Vaccine Institute; and Daniel González, MD, Director of Clinical Car Tropical Medical Institute. <https://www.youtube.com/watch?v=wpWsyjaCdZs>

24. Although US companies blocked Cuba from the most often used digital platforms such as Zoom, Cuban representatives have participated in numerous meetings and webinars regarding healthcare, COVID-19, as well as culture. Many were recorded and can be found here: <https://www.youtube.com/@NationalNetworkonCuba/videos>
<http://www.us-cubanormalization.org/viva-cuba/>