The Tragedy of Trade:  
A Critical Look at the Ecuadoran Banana Industry through the Context of International Human Rights Legislation  

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The countries of Latin America have been plagued by imperialist foreign policies of developed nations for over a century, and the banana industry has been a large source of such turmoil. Bananas are one of the most widely distributed products in the world, yet regulations and laws regarding the rights and treatment of banana plantation workers are not enforced. Child labor is prevalent, and anti-union measures are taken to ensure that adult workers do not receive a fair standard of living. Workers are exposed to highly toxic chemicals, and children cannot afford to attend school. At the forefront of this convolution lie the major banana distributors of North America, Dole Food Company and Chiquita Brand International. These companies date their involvement in Latin American politics and trade to the beginning of the 20th century, and continue to exploit the people of Ecuador despite international treaties and declarations, which both the United States and Ecuador have ratified.

Bananas are one of the world’s most widely eaten fruit and are a food staple for millions of people in the developing world. The United States and Europe lead the world in banana consumption, with the United States importing 3.865 million tons in 2007. Most of these imports come from Colombia and Ecuador, the leading banana-exporting countries of the world. While the popular fruit is ubiquitous in most North American grocery stores and fruit markets, the banana industry has led to incredible

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numbers of human rights violations, environmental destruction, and even acts of terrorism in Latin America since the early 20th century. Large multinational corporations like Chiquita Brand International and Dole Food Company are largely to blame for the ongoing problems faced by banana-plantation workers in Ecuador. These companies are known to violate international child-labor laws by employing children as young as eight years old and even for funding terrorist organizations to change the political climate in their favor. The presence of multinational companies such as Chiquita, along with the collusion of the Ecuadorian government by way of weak labor and trade legislation, has led to wide scale exploitation of the Ecuadorian workforce and deprivation of their basic human rights.

Ecuador, the most prolific banana exporter in the world, is responsible for roughly one quarter of the bananas that make their way into U.S. and European households and their unfair labor practices have been the subject of controversy for decades. A 2002 Human Rights Watch investigation documented the atrocities of the conditions upon which bananas are grown and subsequent inquires have yielded similar results. Nearly a century prior, the banana industry was tainted with controversy when the United Fruit and Standard Fruit companies dominated Latin American banana exports in the early 1900s. Their economic monopolization of that country led to violent and inappropriate interference in domestic politics, from the staging of coups to the overthrow of governments altogether, all for the benefit of United/Standard Fruit. United Fruit eventually became Chiquita Brand International and their blatant involvement in Latin American politics is immortalized by the term “Banana Republics.” While major fruit companies no longer have the same level of manipulation or control over the politics of banana

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2 Although the majority of information used for this paper can be considered dated material, extensive research did not result in anything more recent that is as comprehensive as the materials referenced in this paper. Subsequent evidence proves that these conditions still exist, and that the investigations from 2002 are still relevant today.
producing countries like Ecuador, conditions for laborers—primarily young children—have only marginally improved.

Child labor is the most pervasive problem in Ecuadoran banana plantations. Children on such plantations are routinely exposed to life-threatening pesticides such as DBCP (1, 2-Dibromo-3-chloropropane), a soil fumigant banned in the U.S. since 1979. Both Chiquita and Dole have known of the widespread usage of this chemical on their third-party plantations which, among other ailments, causes sterility (in November of 2007 Nicaraguan farmers won a 3.2 million dollar lawsuit against Dole for using DBCP to boost banana growth). Children also directly handle highly toxic fungicides on bananas, and indirectly through plastics coated in insecticides. Another source of exposure comes from the pesticides sprayed directly overhead of fields still occupied by plantation workers. Some of these chemicals the Environmental Protection Agency (EPA) classifies as human carcinogens. One such chemical, Benomyl, is linked to causing serious birth defects in children born from parents exposed to Benomyl, including cleft palates and being born with no eyes. Children exposed to such chemicals also complain of headaches, fever, dizziness, nausea, vomiting, trembling and shaking, among other serious maladies. Continuing to act in their policy of disregard, Chiquita and Dole also approved the use of chemical insecticides diazinon and chlorpyrifos on select

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plantations. These chemicals cause severe neurological reactions, and are placed on the “restricted use list” by the EPA. (These chemicals can be absorbed through the skin and children working with them in direct contact were not provided any protective equipment.

Child laborers on these plantations typically work 12-hour days, which prevent them from receiving formal education (fewer than 40 percent of such children are still in school at age 14). Of those still in school, several children interviewed explained that they often missed school to work. These children are minimally paid and required to perform assignments that include the use of dangerous tools like machetes. Four boys reported using harnesses to pull more than 100 lbs of banana stalks over one mile five or six times daily. The iron pulleys would frequently fall onto their heads, causing lacerations. Other children interviewed by Human Rights Watch were deprived of clean drinking water, bathroom facilities, and three pre-adolescent girls reported multiple incidents of sexual harassment. Similar conditions exist for adult employees of the plantation and constitute breeches in what are recognized internationally as inalienable human rights.

In addition to causing unsafe working conditions, the plantation structure of the Ecuadoran banana industry deprives its employees the right to assembly, an explicit constitutional right in that country. Those attempting unionization face extortion and unemployment preventing workers from pursuing fair treatment and wages. Simultaneously, employers who openly retaliate against workers for exercising their right to organize face few, if any, meaningful repercussions under domestic law. Ecuador’s labor laws levy only meager fines for worker reinstatement and

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8 Ibid.
9 Ibid.
10 Ibid.
illegal dismissals.\textsuperscript{11} Loopholes further allow employers to hire temporary workers, enabling plantations to withhold benefits, fair wages, and job security. Plantations often have the largest “permanent temporary” employment rates, strategically capped at fewer than thirty employees to prevent workers from meeting minimum requirements for unionization.\textsuperscript{12} The allowance of a temporary workforce is currently one of the largest obstacles in achieving job stability and organizing rights on plantations in Ecuador. Legally, contracts for permanent temporary workers cannot exceed 180 days (after which workers are considered permanent and receive benefits), but this clause is easily bypassed by constantly renewing temporary contracts that ultimately last far more than 180 days. These contracts can be annulled at any time, and even those workers who are lucky enough to have been hired with permanent employment risk dismissal for engaging, or attempting to engage, in union activity.\textsuperscript{13} By invoking inherently ambiguous legal wording and abusing the contract system in place, employers unjustly create a permanent temporary workforce without benefits, security, or legal protection.

Employers avoid paying for employee reinstatement via further legal convolution. Employers are legally required to compensate workers fired for union activity up to three months pay, but this has been found inadequate in protecting freedom of association rights for banana plantation workers. With an average monthly salary of $110 to $150 (for adults), it is better fiscally for employers to dismiss possible union supporters and pay the minimal fine (less than $400) than to provide full workers-benefits.\textsuperscript{14} All of the above-mentioned penalties are highly

\textsuperscript{12} Ibid.
\textsuperscript{13} Ibid.
inconsistent with those recommended by international legal bodies and fail to deter employers from retaliating against workers wishing to organize.

Possibly the most influential factor surrounding the human rights abuses on Ecuadoran banana plantations are the large, multinational corporations whose ambitions propagate these conditions. Because the government of Ecuador fails to enforce labor laws or protect worker’s rights, companies are summarily permitted to do the same but with economic benefits to boot. The prolific use of third-party suppliers ultimately allows companies like Chiquita and Dole to disregard their own company policies of corporate responsibility and implicitly agree to human rights abuses on their plantations. However, international consensus is that corporations have a responsibility to uphold workers’ rights and ensure just labor practices, even in their supply chains, rather than bury the blame in the smoke and mirrors world of supply-chain economics.

Since Human Rights Watch released its report on banana plantations in Ecuador, Chiquita publicly adopted a new code of conduct described in a report entitled “Living by our Core Values.” This code of conduct simply states that Chiquita is “committed” to protecting the rights of its workers on all its directly-owned plantations and those of third-party suppliers, but excludes any practical steps for ensuring these promises. Furthermore, Chiquita negotiated an agreement with the Latin American Coordination of Banana Workers’ Unions that essentially reverses their stated commitments by merely asking third-party suppliers “to provide reasonable evidence that they respect national legislation…” and concedes that Chiquita’s compliance will not be “categorically demanded.”  

Chiquita has also agreed to comply with environmental standards only in its directly-owned farms, and not its supply chains, where children continue to be exposed to toxins and carcinogens daily. Chiquita representatives claim their brand cannot always guarantee that their bananas come from plantations in which workers’ human

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15 Ibid.
rights are honored. Ricardo Flores, general manager of Chiquita’s Ecuadorian subsidiary, explained that when fruit supplied to Chiquita does not come from certified plantations Chiquita sends people to check the integrity of the agricultural practices but, “nothing with regard to the rest. That part about workers and safety and health, we do not check.”

All of those involved in the acts committed against the workers of Ecuador should be held accountable for their injustices inflicted, but ultimately the integrity of these fruit companies is lost.

These problems constitute a clear violation of internationally recognized human rights as set forth by the United Nations and other international governing bodies. The most explicit examples of these breaches are Articles 23, 26, 25, and 20 of the Universal Declaration of Human Rights, which respectively state workers’ rights to work and to just and favorable conditions of work, the right to an education, the right to a reasonable standard of living, and freedom of association. The employees of the banana industry are denied freedoms that all humans should be able to freely exercise. Especially in the case of work, one’s employment should never adversely affect one’s standard of living. Since the violation of one right challenges another right, Article 19 (freedom of opinion and expression) and Article 24 (the right to rest and leisure) prove to be relevant to this situation as well.

The working conditions the employees are subjected to also violate the right to life and security (Article 3). The many documented abuses and practices of mistreatment can easily be considered inhuman treatment (Article 5), and many individuals have been arbitrarily arrested for organizing (Article 9).

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18 Ibid.

19 Ibid., 25.

20 Ibid.
Other United Nations treaties mutually provide similar protections for various human rights. For example, children’s rights are protected in the same way in the International Covenant on Civil and Political Rights (ICCPR, ratified by Ecuador March 6, 1969) and the American Convention on Human Rights (ACHR, ratified by Ecuador December 8, 1977). These treaties state that “Every child shall have the right to such measures of protection as are required by his status as a minor, on the part of his family, society, and the State.” 21 In Article 22 of the ICCPR, the right to form and join trade unions is reaffirmed and “no restrictions may be placed on the exercise of this right.” 22 Other international declarations and conventions have recognized freedom of association as a fundamental human right as well (as in Article 16 of the ACHR). The International Covenant on Economic, Social, and Cultural Rights (ICESCR, also ratified by Ecuador March 6th 1969) similarly asserts the right of “everyone to form trade unions and join the trade union of his choice.” 23 It also notes that states may not take legislative measures that would prevent workers from organizing (in this case, since the Ecuadoran government failed to act to protect its citizens when attempting to organize, this inaction could be considered a violation of this protective right). Article 12 of the ICESCR also holds important relevance to the workers of Ecuador, for it is here that enjoyment of life and the attainment of the highest standard of physical health is declared.

The Convention on the Rights of the Child (CRC, ratified by Ecuador March 23rd 1990) is particularly relevant to Ecuador’s banana industry because plantations employ primarily children between the ages of eight and thirteen. These children are treated as commodities and are prevented from pursuing their interests as individuals. Article 19 of the CRC protects children from physical and mental violence, including maltreatment and sexual abuse, both of which the children of banana plantations report

21 Ibid., 36.
22 Ibid.
23 Ibid., 28.
experiencing. The Constitution of Ecuador mandates that school is compulsory for children under 15, however this is not enforced and is inhibited by work and exorbitant registration and book fees. Such factors preventing children from attending school violate Article 28 of the CRC, in which primary education should not only be mandatory but “available and free for all.”

Employment standards for children are also explained in great detail, including provisions against exploitation that would interfere with a child’s education or are harmful to the child’s physical and mental health (Article 32). Article 32 also requires the setting of a minimum age for employment as well as appropriate hours and conditions, an evident malpractice of the state for neglecting to enforce these domestic laws.

Ecuador’s apathetic allowance of these human rights abuses, which mainly involves the exploitation of child workers and the prevention of union activities, is in direct violation of domestic Ecuadoran law and the international treaty obligations of the aforementioned UDHR, ICCPR, ICESER, ACHR, and the CRC. According to national labor codes, children between 15 and 18 may not work more than seven hours daily and 35 hours weekly and children under 15 may not work more than six hours daily or 30 hours weekly. While this legislation provides adequate protection from one form of labor exploitation, not all forms of abuse are prohibited by national law. Sexual harassment, for example, is not explicitly prohibited under Ecuadoran law but instead is controlled by broad discrimination policies. This situation allows room for women and girls to be openly discriminated against in the workplace based on their gender, without any substantial national laws to defend them. Other nominal legislation (such as the aforementioned paradoxical rules) surrounding unionization and temporary-permanent employees leave banana workers in Ecuador with rights only in theory, but never in practice. Without enforcement of the national and international laws that provide workers assistance, the thousands

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24 Ibid., 95.
employed in the banana industry are left without any meaningful protection. Ecuador’s national constitution and national labor laws therefore ultimately fail in adequately providing for its citizens.

Ecuador’s biggest hurdle in enforcing domestic and international law is the lack of political will and practical application. Children’s rights could be best improved by adopting international policies from conventions on child labor that explicitly grant consideration to every form of child abuse possible. An unbiased observer could also interview the children at different places of employment based on random selection to truly see if the conditions are in accordance with Ecuador’s legal obligations. Allowing workers in Ecuador to organize would solve multitudes of the associated human rights violations, as it would eliminate all the rights being violated on behalf of the right to life and security. An approach to remedy this conflict would be immediate government action to hold employers, and especially international banana corporations, responsible for violating the national and international right to organize.

Chiquita signed on to the core labor conventions of the International Labor Organization in 2001, but still continues abuses against its workers in South America today. Given that these multinational corporations have been controlling the banana industry for more than 100 years, regardless of domestic or international action, it only seems realistic that meaningful change must come from the source. Growing and supplying organic, fair trade bananas worldwide would eliminate pesticide exposure and give workers a fair wage. While fair trade produce has become more and more prevalent in the United States, fair trade bananas are still widely overlooked because of a lack of consumer knowledge regarding the conditions under which most bananas by are grown. Government officials in Ecuador and other major banana producing countries, in cooperation with

leaders of the banana industry, should commit legally to finding new ways to improve the social and environmental standards of living and growing bananas while raising prices to producers so that workers may receive an equal wage. The small farmers’ unions that do exist in Ecuador and other regions of South America should build coalitions between other labor unions and Non-Governmental Organizations in order to coordinate strategies to regain the rights guaranteed to them both by their own government and international treaties. The United States government could also hold Chiquita and Dole legally responsible for its violations of international (and domestic) law, without any immunities or special privileges.

Bananas are a commodity easily taken for granted. They are purchased without thought given to their origin, the conditions under which they were grown, or what person/child aided in their harvesting and transporting processes. The unseemly practices of Chiquita, Dole, and other major banana importers are not just upsetting and disturbing, but represent a legal breech of internationally recognized human rights. This situation need not lead to a halt in the consumption of bananas, trade embargos, or other radical measures; rather, it is reasonable to expect that after decades of the same situation, the international community might respond to a call to action on behalf of farmers who deserve the same rights as every other human: the right to life, education, and a fair working environment. Investigations into the banana trade hopefully will reach an audience outside the shelter of academia by encouraging informed, intentional consumption in the countries whose money finances such practices. Child labor and oppressive anti-union governments may seem like a domestic tragedy of Ecuador, but ultimately they are symptomatic of a larger problem for which the rest of the world must be held responsible.

Bibliography


