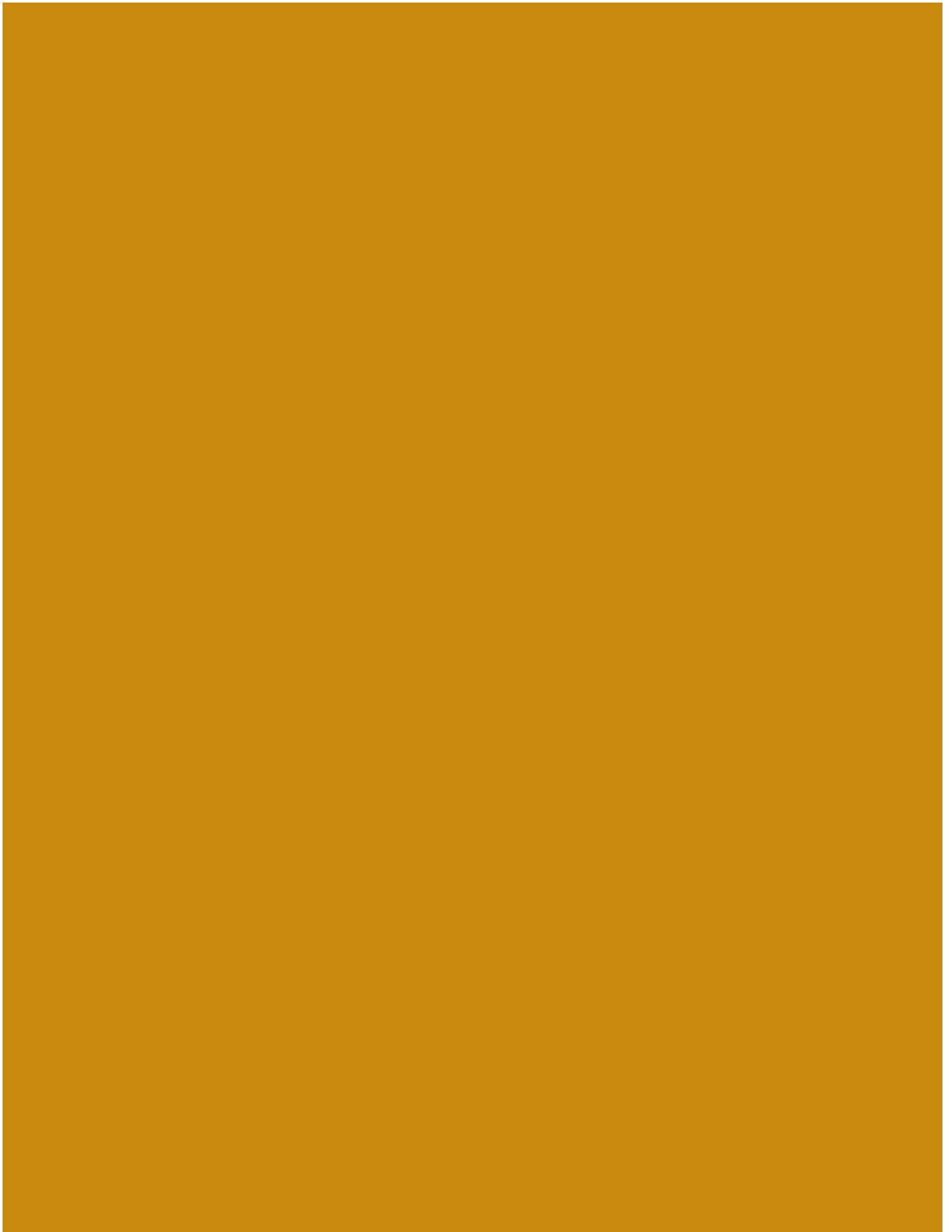




VOICES FOR CHANGE

Sodexo Workers From Five
Countries Speak Out





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Message from Danny Glover, Chair of the Board of Directors of TransAfrica Forum

TransAfrica Forum's Sodexo report is the result of months of in-country interviews with Sodexo workers, union leaders, environmental and community activists.

It tells the story of workers who are trapped in poverty by a powerful global company—and then in these cases harassed, threatened and fired when they speak up for their rights. Workers in five countries told TransAfrica's researchers chilling stories: in one country of forced pregnancy tests, elsewhere spoke of food poisoning due to being forced to eat rancid food, and in yet another country workers talked about preventable injuries caused by inadequate training and lack of proper protective gear.

Rightfully, many of the Sodexo workers refuse to be silenced. The workers who spoke to us did so under what they believe was the threat of dismissal. Sodexo workers in Colombia, the Dominican Republic, France and the United States—and union leaders in the United Kingdom, Turkey, Morocco and Peru—are standing up and demanding Sodexo respect workers basic human rights and the right to earn a fair wage for a day's work.

I have spent my life helping to give a voice to the voiceless—in the United States, South Africa, Mexico and around the world. I am proud to raise my voice for Sodexo workers everywhere who are speaking out and organizing for a better life for themselves and their co-workers.

Over the next few months, we will follow up on the stories in this report and expand our investigation into more countries. It is our hope to shine a spotlight on the working and living conditions of Sodexo workers around the world, and help those workers access their basic rights to improve their lives and their communities.

TransAfrica Forum is grateful for the assistance of organizations and individuals who made this research project possible. We are particularly appreciative of the time and information shared by current and former Sodexo employees throughout their respective countries, given their concerns over the additional risks their involvement could pose to their job security. Additionally, our work could not have been done without the knowledge and assistance of the members of the workers solidarity community, including Tierra Digna, as well as the independent research by investigative journalist Kate Thomas.



Danny Glover
Chair
Board of Directors
TransAfrica Forum Inc.

Executive Summary

Sodexo is an international food and facilities management company with 380,000 employees in 80 countries.¹ Around the world, its workers argue that Sodexo's employment practices violate their workers' human right to their own livelihood. Sodexo routinely hires poor and undereducated workers who are often geographically isolated, pays them low wages, and at times, reportedly fails to pay in full for hours worked including overtime pay. Concerns over perceived Sodexo practices described by workers interviewed for this report include docking the payroll of employees for meals they cannot eat due to the heavy workload and long hours. Sodexo employees also reported being denied breaks during the day. The business model Sodexo employs keeps workers poor and locks their communities into seemingly endless cycles of poverty.

Meanwhile, Sodexo continues to report impressive profits and publicly claims to uphold high standards when it comes to human rights and labor practices. Within its own corporate mission statement, Sodexo distinguishes itself from other transnational corporations by emphasizing a commitment to provide secure and stable work conditions, and to workers' right to freedom of association.

Sodexo is merely one example of international corporations taking advantage of marginalized and isolated populations in countries around the world with generally low human rights and labor standards. Sodexo has an obligation to live up to international standards of human and labor rights and to abide by domestic labor laws within the countries it operates. It also has an obligation to its internal proclaimed commitment to worker safety, economic viability and compensation.

As the firsthand accounts of Sodexo workers interviewed for this report show, Sodexo may not be living up to those standards. In this report, workers at Sodexo sites in five countries—Colombia, the Dominican Republic, Guinea, Morocco and the United States—discuss their experiences with Sodexo's employment practices. The report compares these workers' experiences to the image Sodexo tries to portray as a company that supports economic opportunity and respects its workers' right to freedom of association. The findings of these interviews can be summarized as follows:

Disregard for Human Rights and Dignity of Workers

Sodexo employees interviewed recounted a lack of adequate worker protections available to employees during their daily tasks. They recounted a limited response to diagnosed health issues and clear differences in treatment between domestic workers and international management staff.

- In **Colombia**, Sodexo has reportedly required some female job applicants in Bogotá to take pregnancy tests as a condition of employment or for the renewal of a contract.

- In **Guinea**, Sodexo workers report that all Guinean employees—including managers—eat in a separate canteen from the European and other employees at the Simandou mine.
- In **the Dominican Republic, Guinea, Morocco and the United States**, workers describe health and safety problems and allege the company has been unresponsive and, in some cases, workers felt their employment could be at risk when they raised safety concerns with management.

Payment of Poverty Wages All Over the World

Sodexo consistently fails to live up to the standard set forth in the Universal Declaration of Human Rights that “everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity.”² Sodexo’s examples include:

- In **Guinea**, Sodexo workers who service the Simandou iron mine—which promises ore worth \$30 billion to \$40 billion over its operating life—report making as little as 33 cents/€0.2 per hour. Over the course of a month, that comes out to just \$78/€60.
- In the **Dominican Republic**, Sodexo workers at the Pueblo Viejo gold mine—which expects to generate revenues of \$32 billion over its lifetime—say they make as little as \$224.30/€163.78 per month.
- In **Colombia**, workers described salaries that are often no greater than the legal minimum wage of \$283.24/€211.14 per month.
- In the **United States**, many Sodexo workers report they earn so little they qualify for federal anti-poverty programs and are pro-actively denied requests for overtime.

Concerns That Sodexo Workers Are Not Always Paid for All the Hours They Work

Not only does Sodexo pay wages that are less than the value of the work they perform, workers interviewed in several countries felt they are not always paid for all the hours they work. For example:

- In **Colombia**, there are concerns that Sodexo has reportedly underpaid workers for hours worked at worksites in Bogotá and at the Carbones de la Jagua mine.
- In **Guinea**, some workers report that long, unpaid transportation times on the company’s bus to their jobs at the Simandou mine—the only realistic way to get to the site without owning your own vehicle—adds an even greater hardship to an already difficult situation.
- In **Morocco**, an emerging financial and business hub where many French businesses set up shop, Sodexo employees claim they can effectively end up working three to four hours per day without pay, which is a particular burden since their wages hover just above the country’s minimum wage (as little as \$251.77/€186.91 per month).

Sodexo Interferes with Workers' Right to Freedom of Association

Freedom of association—including the right to form trade unions—has been repeatedly acknowledged as a fundamental human right. Sodexo purports to support its workers' rights to join unions, but workers interviewed for this report raised substantive concerns to the contrary, questioning Sodexo's professed commitments to human rights norms. For example:

- In **Colombia**, a country where efforts by workers to form a union have long been faced with harsh responses from employers, Sodexo is perceived to have fired workers in Bogotá in retaliation for the exercise of their associational rights and concerns have been voiced of intimidation and other threatening tactics to seemingly discourage unionization.
- In the **United States**, Human Rights Watch recently issued a report that stated, “Despite claims of adherence to international standards on workers’ freedom of association, Sodexo launched aggressive campaigns against some of its U.S. employees’ efforts to form unions and bargain collectively.”³
- In the **Dominican Republic** and **Morocco**, workers interviewed for this report felt that Sodexo's stance had resulted in an atmosphere of fear and intimidation when workers seek to form a union. For example, in the Dominican Republic, a group of workers at the Pueblo Viejo mine decided to organize a short work stoppage to bring the issue of low wages to the attention of management. Two days after the work stoppage, the main leader of the protest says she was fired.

A Global Path Forward for Sodexo

Firsthand accounts in this report suggest that Sodexo's own code of conduct and stated commitment to basic global standards of corporate responsibility—no matter how strong they look on paper—fall short to protect workers on the ground. In the long run, TransAfrica Forum believes the best way to ensure Sodexo adheres to responsible labor standards is through the ongoing effective monitoring and compliance with national laws within the countries in which it operates. Sodexo must additionally abide by International Labor Organization (ILO) standards for worker wages, protection and freedom of association. Protection to workers could come through the negotiation of a global agreement with the Global Union Federation, ensuring all Sodexo workers have the right to organize trade unions free from company intimidation. Such an agreement would ensure that workers have access to the most efficient, effective means of creating and enforcing appropriate standards that comply with established global codes for labor and human rights.

Sodexo Disregards the Human Rights and Dignity of Workers

Workers interviewed felt they had experienced discrimination and what they considered to be poor health and safety conditions. Such concerns contrast with a stated corporate commitment by Sodexo to the protection and support of their employees. These may be early warning signs about possible problems with a company's social performance that can have a long-term financial impact.

Separate and Unequal Treatment

Guinea

Workers report that there are separate canteens for expatriate managers and Guinean managers and workers.

“The cooking for the Europeans is awesome, they have everything they want. But the canteen for us...sometimes you turn up and they don’t have anything for us to eat.”

—Sodexo warehouse worker⁴

“We know that the expats have an amazing canteen because I have friends who work there. But we’re not even allowed to go and get a banana from there. The expats eat among themselves. Even the Guinean management staff—from all companies, yes, Sodexo, yes, SML—eat in the same canteen as us. I know that the expats have their own bars and shops too but even my friends who live on-site are not allowed in them.”

—Day laborer⁵

“The expats at the site, all the expats from all different parts of the world, from all different companies because there are lots of companies up at the site, they eat really good food. At least it looks good. There are lots of European dishes. They are mostly all white, the expats who eat in that canteen.”

—Canteen security guard employed by Inter-Con subcontractor⁶

Unsafe Working Conditions

Colombia

At the Carbones de la Jagua mine, workers interviewed believe Sodexo served both mine employees and its own employees spoiled food. In one case, this resulted in more than 60 workers contracting food poisoning. Sodexo workers at the Carbones de la Jagua mine, and officials of the miners’ union, expressed concerns that the company would have committed serious violations of Colombian and international health standards by serving spoiled, insufficiently cooked and unhygienic food to the miners and to Sodexo employees. According to worker testimony, the company served food in a state of advanced decomposition (a fact reportedly obvious to workers both from the food’s smell and appearance) and raw or only partially cooked meat. According to workers, the problem is so severe that Sodexo employees often refuse to eat the food; opting instead to spend their limited income on alternative sustenance.

There is also powerful evidence in public records pointing to apparent substandard practices by Sodexo regarding food safety. On Aug. 12, 2009, Sintramienergetica submitted a formal complaint to an inspector of the Colombian Ministry of Labor and Social Protection.⁷ The complaint alleged that 64 Carbones de la Jagua workers became ill on Aug. 4, 2009, after consuming food provided by Sodexo and were forced to seek medical attention at clinics and hospitals in the area. The complaint further alleged that four of these workers were hospitalized with a diagnosis of food poisoning. The complaint asked the ministry to investigate another alleged serious incident involving the serving of dangerous food. The complaint named both Sodexo and the miners’ direct employer, Carbones de la Jagua, for which Sodexo provides food services.

According to testimony from both Sodexo workers and miners employed at Carbones de la Jagua, Sodexo also fails to provide personal protective equipment to Sodexo employees who are required to enter the mine to perform their duties. Adequate safety equipment—which includes hardhats, protective glasses, boots and vests—is required by Colombian law to be provided by employers to individuals entering a mine.⁸ According to worker testimony, Sodexo’s failure to provide essential safety equipment forces workers to obtain the equipment from alternate sources, either by borrowing or buying equipment out of their own pocket.

Dominican Republic

In the Dominican Republic, workers feel that Sodexo management dismisses and ignores their documented claims of health issues related to their workplace. Health concerns, particularly those created and exacerbated by specific job tasks, have reportedly been inadequately addressed, if at all, by Sodexo. One employee interviewed said he reported a loose grating at his worksite. According to this worker, the problem was not addressed by Sodexo and the worker later slipped on the loose grating, injuring his back. When he returned from the infirmary, the grating had been fixed, but he claims Sodexo did not publicly take responsibility for the accident.⁹

For Sodexo workers at the Pueblo Viejo mine, long-term health problems are prevalent, yet rarely addressed. Workers say they are expected to return to work quickly and often expected to perform the same tasks that may have caused their injury. One worker reported a herniated disk in her back which was diagnosed after eight months of working for Sodexo. Due to her injury, her doctor asked that she take a leave of absence from work, and upon her return, request that her daily duties be changed to ones that are less physically taxing.

When this employee brought her doctor’s note to her supervisor, she alleged he threw it in the trash, accusing her of paying the doctor to give her a note and stated there is nothing wrong with her. Although she has asked for a change in her daily duties to protect her health, she reported that her request was not granted. When discussing her supervisor’s response, she summarized her perception of the general work environment as: “It is with fear that one works, you work in fear with him.” Because of her need for money, she continues to go to work, despite the pain in her back and against the recommendations of her doctor.¹⁰

According to Sodexo workers of the Pueblo Viejo mine, a colleague had asked for her daily duties to be changed because she discovered that she was pregnant. The workers claim that Sodexo required the colleague take a pregnancy test to prove her pregnancy prior to getting a different work assignment. She was eventually moved to work in the laundry room, where her tasks included standing for long periods and working amidst extremely hot machines.

Also at the Pueblo Viejo mine, a case of food poisoning caused hundreds of mine workers to become ill. The case at the mine received national coverage throughout the Dominican Republic when it broke in March 2010. Sodexo eventually admitted responsibility for the food poisoning and it was clear that unsafe food was served and caused the illnesses.¹¹ Workers interviewed for this

report were part of the team who say they informed Sodexo management that this batch of food looked decomposed and bubbly. The workers maintain the rotten food was notwithstanding this distributed to the employees of the mine.¹²

Guinea

Workers in Guinea told interviewers they face harsh working conditions:

“We work with chemical products and that’s not particularly good for our health. Sometimes they send us gloves that are kind of appropriate for the work, sometimes they say that there aren’t enough for us. And we’re just expected to work without them.”

—Sodexo maintenance worker¹³

“There is no shade where we work, everything is outside. We spend all day there; outside in the heat. We’ve asked and asked and asked for shade that we can rest in, but it’s impossible. We’d like a place where we can rest after customers come with deliveries. They’ve never done anything about it.”

—Sodexo warehouse worker¹⁴

Morocco

Sodexo workers in Morocco told interviewers their work was often too hard for them and resulted in injuries. One worker reported the kitchen equipment was broken, despite having reported the issue to management. He says he was burned while preparing food and claims he was discouraged from filing an accident report because of concerns it could cause Sodexo’s insurance rates to increase. Another reported having to use chemicals to clean the kitchen without being provided gloves and masks, despite having requested the items from his manager.¹⁵

Sodexo Pays Poverty Wages Throughout the World

The ability to earn a fair wage that allows an individual to support his or her family is recognized as a fundamental human right. Article 23 of the United Nations’ Universal Declaration of Human Rights states, “Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity.”¹⁶ The interviews conducted for this report suggest that in countries around the world, Sodexo fails to meet this basic standard. While the company publishes numerous documents proclaiming its socially responsible values,¹⁷ Sodexo consistently supports unjust employment practices by hiring poor workers, then paying them low wages. This locks individuals and communities into seemingly endless cycles of poverty.

Colombia

Sodexo workers at the Compañía Nacional de Chocolates¹⁸ and Carbones de la Jagua coal mine¹⁹ both report their stated monthly salaries are right at the national minimum wage of 515,000 pesos per month (\$283.24/€211.14). That amount evaporates quickly when faced with regular family expenses. One Sodexo worker in Colombia describes the typical costs for his family as:²⁰

Monthly Expense	Amount in Colombian Pesos	Amount in US Dollars	Amount in Euros
Housing	160,000	\$88.00	€65.60
Food	250,000	\$137.50	€102.50
Water	64,000	\$35.20	€26.24
Telephone	60,000	\$33.00	€24.60
Electricity	31,000	\$17.05	€12.71
Gas	24,000	\$13.20	€9.84
Total	589,000	\$323.95	€241.49

In addition to low wages, workers claim that some of those employed at Carbones de la Jagua by Sodexo feel they have had no choice but to work overtime hours in excess of the country's legal maximum of 10 hours after overtime.

A number of Sodexo employees at the Carbones de la Jagua coal mine in the Cesar province of Colombia state they have regularly had to work shifts of 12 hours or longer (less short breaks and limited transit time) and to have had to work such shifts for at least 12 consecutive days without a day off. Workers report their shifts can start between 3 a.m. and 4 a.m. and not end until 3 p.m. or 4 p.m., or sometimes 7 p.m. or 8 p.m. Workers report their schedules normally consist of 12 straight days of these long shifts, and, in some cases, the company has required them to work up to 23 days without a day of rest.²¹

Such reported hours of work raise concerns of violations of Colombian law, which establishes a maximum workday of 10 hours (eight regular hours, plus two hours of overtime) and a maximum workweek of 60 hours (48 regular hours and no more than 12 hours of overtime).²² Instead of the maximum of 12 hours per week of overtime, Sodexo workers have on occasion ended up, according to their testimony, working upward of 25 hours per week of overtime and sometimes significantly more.²³

One worker said, "Our work schedule is from 3:30 a.m. until 3:30 p.m., every day... there was one week that I had to stay until almost 8 p.m. every day." Another worker testified: "Our regular work schedule was 12 days on, two days off. But one time, one of my co-workers worked for 22 days straight. One time I worked 18 days [consecutively]." Stated another: "For the first shift, the [company's] car would pick you up at 3 in the morning... We would work until 3 or 4 in the afternoon, but not always... sometimes we stayed until 7 p.m."²⁴

Employees emphasized the grueling nature of the work schedule and its physical and psychological impact. One worker testified: "The long shifts really

affected me. We would work and work and then our paycheck came and it was nothing. It wasn't fair. This work was exhausting. I was always so tired. I still have problems with my hands from working so much to serve the food, wash the dishes, do the cleaning..."

Concerns that employees have ended up working excessive overtime are supported by mutually corroborative testimony. This testimony was provided by Sodexo workers and from the leaders of Sintramienergetica, the union that represents the mine workers at Carbones de la Jagua. Both groups have direct knowledge of Sodexo's employment practices and the circumstances of its employees at the mine.

Such conditions also raise concerns of violations of international labor standards on hours of work. ILO Convention 1, which covers hours of work, has been ratified by Colombia and incorporated into its domestic legal order.²⁵ The convention limits working hours to a maximum of 56 hours per week, unless specifically authorized by government regulation following consultation with employer and worker representatives.²⁶ The ILO's Committee of Experts on the Application of Standards, the highest body responsible for interpreting its conventions, recently observed that Colombia has not adopted such regulations, and expressed concern regarding "the risk of possible abuse, particularly where [the law] enables an employer to vary his employees' work schedules unilaterally."²⁷ As the situation of Sodexo's employees at Carbones de La Jagua shows, the risk of such abuse is quite real.

Finally, Sodexo's practices in this area raise concerns in relation to violations of the company's own Supplier Code of Conduct, which requires compliance with all national laws limiting working hours.²⁸ On its corporate website, under the heading "Doing Business the Right Way," Sodexo states it applies these codes and standards to its own operations.²⁹

Dominican Republic

In the Dominican Republic, Sodexo employs several hundred workers to do catering and facilities management at the Pueblo Viejo gold mine. The mine, which is currently under construction, is a joint venture of Barrick Gold (which holds a 60 percent interest) and Goldcorp (which owns a 40 percent interest). The mine is expected to produce 23.7 million ounces of gold over its 25-year life.³⁰ At the current price of gold,³¹ that translates into revenues of approximately \$32 billion (€24 billion).

Despite the tremendous wealth the mine will generate, Sodexo workers at the site told interviewers they are paid poverty wages. One food service worker at the mine reports that she makes 8,400 pesos per month (\$224.30/€163.78), but she claims sometimes she had not received all the money which she considered she was entitled.

Workers claimed additional staff is not provided when workers are on sick leave, or are late for their shift. A worker reported frequently being expected to take on overtime hours when the people from the following shift do not appear. She claims that she has never been paid more than 8,400 pesos per month, regardless of the hours she works stating "when I work extra, I am not compensated."³²

Another worker who provides food preparation services expressed frustration with the low pay and general work environment at the mine, stating "that's a

The Pueblo Viejo mine is expected to produce \$32 billion in gold over its lifetime, but Sodexo workers at the mine earn barely enough to survive.

Sodexo workers at the Simandou iron mine in Guinea earn as little as 33 cents/€0.25 per hour.

frustration for us because we don't work with a desire; one would be happy if we were at least paid what we are due." ³³

Guinea

In the Republic of Guinea Sodexo provides a range of services at the Simandou iron ore mine. These services include security, groundskeeping, airport staff, administrative assistants, health and safety assistants, maintenance staff, manual laborers, warehouse staff, mechanics and drivers. ³⁴ The mine is operated by global mining giant Rio Tinto, which is currently investing \$10 million a month in drilling and other services to support development of the mine and expects that at least \$6 billion of additional investment will be needed to make the site fully operational. ³⁵ Over its lifetime, the mine is expected to generate ore worth between \$30 billion and \$40 billion—more than 10 times Guinea's total current economic output. ³⁶ Simandou is owned by a joint venture of Rio Tinto and Aluminum Corp. of China Limited (CHALCO), along with a 5 percent investment by the International Finance Corp., an arm of the World Bank. ³⁷

Despite the massive level of investment in the mining industry, Guinea remains one of the poorest countries in the world. The United Nations' Human Development Index ranks Guinea 170 out of the 182 countries. ³⁸ The World Food Programme rates Guinea as "alarming" on its Global Hunger Index and reports that 24 percent of the population is malnourished. ³⁹

The economic situation in the country was made even more precarious by an unstable political climate. A December 2009 Human Rights Watch report indicated Guinean government security forces had been responsible for the Sept. 28, 2009, massacre and rapes of opposition group supporters gathered at a stadium in the nation's capital. ⁴⁰

Sodexo's wages only contribute to the region's poverty crisis. According to interviews conducted by the researchers in Guinea, the monthly wages paid to at least some Sodexo workers appear to range from \$58.50/€45 (450,000 GNF⁴¹) to \$208 /€160 (1.6 million GNF⁴²). One worker interviewed reported making just 38 cents (US) per hour (in Euros, €0.29). ⁴³

The wages described by these workers are hardly enough to afford even the most fundamental human needs for food and shelter—a mud hut with a straw roof, a typical evening meal of rice and peanut sauce with some meat on occasion, the most basic medical care, a few household items. ⁴⁴ The family budget below, based on families in the village of Moribadou, should be viewed simply as a baseline for survival, not the threshold for the "existence worthy of human dignity" called for in the Universal Declaration of Human Rights. In an economy where jobs are scarce, and a worker may also need to help care for an extended family, expenses could be significantly higher.

Monthly Expense	Amount in Guinea Francs (GNF)	Amount in US Dollars	Amount in Euros
Rent	150,000	\$19.50	€15.00
Food	330,000	\$42.90	€33.00
Medical Costs	50,000	\$6.50	€5.00
Necessary Household Items	100,000	\$13.00	€10.00
Clothing for Children and Babies	10,000	\$1.30	€1.00
Total	640,000	\$83.20	€64.00

Interviews with Sodexo workers in Guinea tell the story. One Sodexo warehouse worker reported, “I am paid GNF 500,000 per month [\$65/€50], and I have seven persons to feed in the family.”⁴⁵ A Sodexo security employee at the mine site said, “I earn 600,000 GNF [\$78/€60] per month for about 48 hours a week.”⁴⁶

A Sodexo day laborer reported: “I’ve had jobs with most of the major subcontractors up at the site. Most of the companies have only offered me work on a daily basis. The standard rate with Sodexo is about 25,000 GNF [\$3.25/€2.50] per day. For this kind of work, I’m expected to work 10 hours per day.”⁴⁷

Despite the low wages, several Sodexo workers interviewed believe they have no other options. “If I had another possibility, I would immediately quit Sodexo. I have it hard here; I cannot see my family who lives elsewhere,” said one Sodexo warehouse worker. “If there was another place, I would go there. I have struggled too much for Sodexo.”⁴⁸ Another Sodexo warehouse worker expresses a similar sentiment. “I want to earn a lot of money with my job in order to better prepare my children for the future,” the worker says. “If I could find another job, I would quickly quit Sodexo; but since I can’t presently, I am forced to remain with them because I have nowhere to go.”⁴⁹

Morocco

From 1912 until 1956, Morocco was a French protectorate and many economic ties remain between the two countries.⁵⁰ Morocco has become a financial hub for North Africa, and Sodexo attracted clients that include French and other multinational corporations which set up operations in Casablanca and Rabat. The company also provides services to government offices, hotels and hospitals in Morocco.

Despite the French connection, the economic conditions of Sodexo workers in Morocco are dramatically different from those in France. Interviews with Sodexo workers in Morocco revealed that workers are typically paid very low salaries, some report they seldom receive raises or other benefits, and often work under temporary contracts that limit job security.

Workers interviewed stated they did not earn much more than Morocco’s minimum wage of 2109.12 dirhams (dhs) gross per month (\$251.77/€186.91).⁵¹ In some cases, the workers are kept as ‘temporary employees’ for more than six months, and paid only 500 dhs per month. One employee told TransAfrica staff

Many Sodexo workers in the United States earn so little that they qualify for the nation's major anti-poverty programs.

that he worked for more than 18 months at the temporary pay rate of 500 dhs per month before finally being made a permanent employee.⁵²

Other workers complained of arbitrary cuts to their monthly wage. A Sodexo employee who works as a cook concluded that his pay was cut due to a fall in activity because of the summer holidays. Other workers reported feeling they had to use vacation during Ramadan, as their site only prepared breakfast and lunch, and would not be needed during the observation of Ramadan.⁵³ Some workers interviewed felt they had no choice but to take the month of Ramadan off as their annual vacation time for which they were only paid 12 days of holiday pay. One worker claimed he had not been paid anything for the month of Ramadan.⁵⁴

In addition to these arbitrary cuts, some workers reported having 300 dhs or more (\$35.81/€26.59) a month taken out of their pay for “**prime de panier**”—the cost of lunch that is supposed to be provided to them at work. Workers reported that not only do they not always receive this food, but they sometimes were not granted a lunch break. These deductions can amount to a significant portion of a worker's total income. For example, one pay stub obtained from a Sodexo worker showed the “*déduction nourriture*” came to 390 dirham during a pay period in which the worker made 2,028.62 dirham.⁵⁵ In this instance, it reduces the worker's effective hourly pay to 8.59 dirham, which is below the minimum wage of 10 dirham per hour. One worker also reported that when he can eat, he ended up standing because his supervisor told him that “to eat sitting down takes too long.” Workers also report not being allowed to bring their own lunches to work, which raises the question of when and how workers are expected to eat during days where they may work eight to 10 hours without a break.

Moroccan law requires that workers receive specified raises (“**prime d'ancienneté**”) after they have worked for a company for two years (5 percent), five years (10 percent), 12 years (15 percent), 20 years (20 percent) and 25 years (25 percent), regardless of whether they are on temporary or permanent contracts.⁵⁶ Workers interviewed stated they had not always received the raises to which they believe they were entitled by law, and some claimed they had not received raises after years of employment by Sodexo.⁵⁷

Interviews with workers showed that some have been on temporary contracts since they started at Sodexo. This reality limits the ability of a worker to raise concerns about working conditions or potential violations of the law, and adds even more instability to an already precarious economic situation for workers and their families. Another worker who has been employed by Sodexo for more than five years stated: “Working with a temporary contract puts workers under a lot of pressure. They can be exploited and cannot complain for fear of their contract not being renewed.”

United States

While the wages Sodexo pays in the United States may seem comparatively high, the fact is that many Sodexo workers in the United States struggle at or below the poverty line. According to the U.S. Department of Health and Human Services' 2009 Poverty Guidelines, the basis for determining eligibility for many public anti-poverty programs, the poverty line for a family of four was \$22,050/€16,369 for 2010.

At these wage levels, which are typical for employees of the company, Sodexo workers qualify for many federal anti-poverty programs. Take, for example, the food stamps program (known formally as the Supplemental Nutrition Assistance Program, or SNAP). **The New York Times** notes that food stamp use is at a record high with more than 36 million people relying on the program for basic necessities. The program now feeds one in eight Americans and one out of every four children.⁵⁸ To qualify, a family's net income has to be less than 130 percent of the poverty line (though families with significant assets or savings beyond their annual income may not qualify.⁵⁹ (For a family of four, that comes to \$28,655/€21,280.) For a Sodexo worker who makes \$7.50(€5.57) an hour, he would have to work 74 hours per week to reach this income threshold. Even at \$10.50 (€7.79) per hour, a Sodexo worker would still have to work nearly 53 hours per week to surpass the income threshold for this anti-hunger program. Many Sodexo workers also are eligible for other federal anti-poverty programs, such as the Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as WIC),⁶⁰ and free- and reduced-price school lunches.⁶¹

Take the example of one woman, a Sodexo cafeteria worker at Tulane University in New Orleans. "I've been here the longest out of anyone I know. I never imagined I would be here 40 years. Since this is a prestigious college, I bragged that I worked at Tulane University and [about] the people that I've met over the years. I was hoping to move my way up—and climb the ropes—to management. I was glad to be working at a university. We had benefits when I started, like hospitalization," she said, explaining that the cafeteria was not always outsourced to Sodexo. Despite an interest in ascending within the organization, she reports that Sodexo "brings in their own leadership."⁶²

Following Hurricane Katrina, she returned to New Orleans. Her lifelong home was destroyed and while she got her job back, it was not the same as before. "After all of those years...it was heartbreaking, after all of those years, to show back up after Katrina. After all I had already been through, they didn't even have the respect to train me on the new cash register system. It was like they hit me in the face when they told me to go upstairs and clean the tables," she said. "I can't even think about it, it's too painful. If I thought about it, I would have cracked from stress. I'm a proud woman, so I'm going to do my job no matter what they tell me to do, but this isn't fair."

A Sodexo employee of Loyola University, New Orleans, reported having to leave and receive outside food industry experience to be eligible to be a supervisor. After returning to Sodexo in a supervisory role, she reported there is no opportunity for workers making lower wages to earn overtime hours. She noted, "When they see you are close to 38 or 40 hours, you have to leave and go home, even if you are in the middle of a shift, because they don't want you to go into overtime."

After working in the cafeteria at Tulane University in New Orleans for forty years, one Sodexo worker still makes less than \$10.00 (€7.42) per hour. "I'm a proud woman, so I'm going to do my job no matter what they tell me to do," she says, "but this isn't fair."

Concerns That Sodexo Workers Are Not Always Paid for All the Hours They Work

Colombia

Concerns have been raised that Sodexo has reportedly underpaid workers for hours worked at the Carbones de la Jagua coal mine and at other sites in Bogotá. Under Colombian law, premium rates of pay apply to all overtime hours, hours worked at night (defined as hours worked between 10 p.m. and 6 a.m.), and hours worked on Sundays and holidays, in accordance with the following schedule:

Category	Premium
Overtime hours	25 percent
Night hours	35 percent
Night overtime hours	75 percent
Sunday hours	75 percent

According to Colombian law, when an employee works night and/or overtime hours on a Sunday or holiday, premiums are accumulated to calculate the applicable rate of pay for relevant hours. For example, if an employee works an eight-hour shift on a Sunday that runs from 4 a.m. to noon, the employee is paid the 75 percent Sunday premium for all eight hours of the shift and, in addition, the 35 percent night premium for the first two hours of the shift (4 a.m. to 6 a.m.).

At the La Jagua mine, workers say the problem of excessive overtime is compounded by gross underpayment of wages. For regular hours worked, Sodexo's La Jagua employees say they are paid at, or close to, the legal minimum wage⁶⁶ of 515,000 Colombian Pesos (CP) per month.⁶⁷ Given the typical work schedule reported by employees, if all premium hours were paid as legally required, it appears that total compensation for Sodexo's workers would be nearly 390,000 CP for a two-week period. According to worker testimony, some employees' bi-weekly compensation has at times not exceeded 260,000 CP, barely two-thirds, it would appear, of the amount required by law. Worker at another site within Bogotá report that Sodexo has sometimes paid only the Sunday premium and not the night premium to employees working Sunday night and/or early morning shifts.

One La Jagua worker stated: "To me, the salary wasn't fair, the most that I earned was 260,000 pesos [for two weeks of work]. According to [the company] that **included** overtime." (emphasis added) Testified another worker, "With overtime, the most that we earned was 230,000 or 240,000 every two weeks." A worker who cited 260,000 CP as the typical bi-weekly wage, recalled one time when the company paid her 340,000 pesos for two weeks of work, as the result of a particularly grueling stretch of overtime. She added, "That is the most they ever paid me."

This testimony from workers employed by Sodexo both at La Jagua and in Bogotá raises concerns that Sodexo has failed to ensure their low-wage employees at both locations have received the full compensation they legally earned. Failure to comply with laws governing hours of employment and wages would be unacceptable under any circumstances, but such abuses would be particularly destructive if committed against workers whose income is already insufficient.

Concerns about unpaid overtime sparked efforts by Sodexo workers to organize a union with SINALTRAINAL (Sindicato Nacional de Trabajadores del Sistema Agroalimentario-National Union of Food System Workers). Sodexo workers at the Compañía Nacional de Chocolates (National Chocolate Company) in Bogotá told interviewers that over the course of 2009, they came to believe they were not receiving the overtime payments (“recargos”) and the Sunday compensation time (“compensatorias”) for their work on the Saturday evening overnight shift that stretched into Sunday, to which they felt they were entitled.⁶⁸ Similarly, a Sodexo worker at La Jagua told researchers that she is frustrated at what she considers a shortage of overtime pay and the lack of clarity regarding the length of their work days.⁶⁹

One leader within the Sintramienergética (The Mining and Energy Industry Workers’ Union) said he knows firsthand about the conditions of Sodexo workers at the La Jagua mine. He said in an interview they frequently work 16-hour workdays without overtime pay.⁷⁰ One worker reported that her workday ran from 4:30 a.m. to 6 p.m. every day and, due to her workload, could not stop to take a lunch break.⁷¹ Another worker reported her workload was so intensive, she worked from 4 a.m. to 4 p.m. with no overtime pay, at one point working 23 consecutive days without a day off.⁷²

Guinea

In Guinea, the challenge of getting transportation to and from their jobs at the Simandou iron ore mine creates additional hardships. Workers report they sometimes wait up to five hours a day without pay for a Sodexo-provided bus to and from the mine because there are not enough buses for all of the workers.

Some workers say they leave home by 4:30 a.m. to “wait for the bus until 6 [a.m.] or 7 a.m. We have to wait that long because there are more people waiting than there are seats in the bus ...,” one Sodexo maintenance worker says. “We leave work at 5 p.m., but you can wait until 6 p.m. or 7 p.m. or later because there aren’t enough seats on the bus. So, the two or three hours that you spend away from your family, but not working, that’s not paid. That’s how we work.”⁷³

A Sodexo warehouse worker at the site tells a similar story: “It’s a struggle to get to work on time. I leave my family at 4:30 a.m. in order to be at work for 7 a.m. From 4:30 a.m. until 7 a.m., you have to fight to get to work. The number of people going to the site is greater than the number of places on the site’s bus.” Similarly, the worker stated, “Work ends at 5 p.m., but unless you have transport, like your own motorbike, you often have to wait until 6 p.m. for a seat on the bus. It’s tiring.”⁷⁴

Meanwhile, workers claim expatriate managers travel by helicopter and four-wheel drive vehicles. “Sometimes I feel almost like I’m a slave. Not just morally, but physically,” one Sodexo mechanic says. “The expats live in luxury, while we don’t even have a bus big enough to transport [all of] us to work. They ride around in 4x4s.”⁷⁵

Morocco

A number of Sodexo workers in Morocco reported they felt they had worked extra hours without being fully compensated as they believe is required by Moroccan law. Sodexo workers said they sometimes had worked for three to four additional hours a day without getting paid fully, which would present a particular hardship considering their low salaries. As in many of the countries where we conducted interviews, Sodexo workers in Morocco sign contracts that specify hours of work and a total monthly salary. Workers claimed they had ended up working longer hours than specified in their contracts without receiving any additional compensation.⁷⁶

A report on Morocco’s labor laws by the U.S. Department of Labor’s Bureau of International Labor Affairs notes the legally specified workweek for nonagricultural workers is a maximum of 44 hours and explains that the “daily work period is not to exceed 10 hours unless legally stipulated.” In addition, the report states: “The law permits overtime work if the company performs tasks that are deemed in the national interest or if it experiences an exceptional increase in its volume of work. Workers in nonagricultural activities receive an additional increase of 25 percent for extra hours worked between the hours of 6 a.m. and 9 p.m. and a 50 percent increase for hours worked between 9 p.m. and 6 a.m. These increases are raised to 50 [percent] and 100 percent for hours worked on a rest day.”⁷⁷

For example, one worker said she had often ended up working from 7 a.m. to 7 p.m. but had only been paid from 8 a.m. to 3 p.m. A second worker said he had worked from 6 a.m. until 5 p.m. or 6 p.m. in the evening, but had only been paid from 7 a.m. until 4:30 p.m. A third worker says he often worked three to four extra hours per day.⁷⁸ According to these interviews, workers perceive pressure by Sodexo on the employees to work these extra hours, and workers feel they are unable to accomplish the intensive list of daily duties within the normal work day. Some workers claim they have felt no choice but to come in on their days off and work without extra pay; they claimed they had also not always received a break during their work day as required by law.⁷⁹

Sodexo Interferes With Workers’ Right to Freedom of Association

Article 23 of the Universal Declaration of Human Rights states that, “Everyone has the right to form and to join trade unions for the protection of his interests.”⁸⁰ This right has been iterated numerous times, including in the conventions of the International Labour Organization (ILO),⁸¹ ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,⁸² Global Sullivan Principles of Social Responsibility,⁸³ and the UN Global Compact.⁸⁴

As the research and interviews conducted by TransAfrica Forum illustrates, few Sodexo workers in fact have union representation and, in cases where workers stood up for their rights, they expressed concerns over perceived

harassment, retaliation, and even termination from their jobs. Many Sodexo workers say they feel afraid to even talk to their co-workers about a union. This sentiment is exacerbated by the prevalence of temporary contracts in places where unemployment is high, wages are low, and the risk of losing a job often outweighs the desire to stand up for better working conditions.

Colombia

Efforts to organize unions across various industries in Colombia have a troubled history. A 2009 report by the International Trade Union Confederation (ITUC), which conducts an annual country-by-country survey of trade union rights, notes that in Colombia, “Despite the strong emphasis on security by the current government and a 60 percent fall in the rate of murders of trade unionists over the last few years, 2008 saw a disturbing 25 percent rise in cases of anti-union violence. A total of 49 trade unionists were assassinated, of whom 16 were trade union leaders, 45 were men and four were women. Attacks, disappearances, and death threats continued.”⁸⁵

The U.S. Department of State’s 2009 Human Rights Report for Colombia acknowledged problems as well: “The ENS [National Labor School] and other labor groups acknowledged an improvement [in the murder rate of trade unionists] from 2008, but warned focusing on murders alone masked the true nature and scope of the anti-union violence. ENS reported that only 26 percent of the 10,364 ‘violations of life, liberty and integrity’ of unionists it had tallied since 1986 had been murders. The majority consisted of death threats (4,418) and forced displacements (1,611), as well as arbitrary detentions, harassment, nonlethal attacks, disappearances, kidnappings, torture and illegal searches.”⁸⁶

It is against this backdrop that Sodexo employees who worked at the Compañía Nacional de Chocolates sought to organize a union. Until recently, none of the approximately 9,000 workers Sodexo employs in Colombia⁸⁷ had union representation. Sodexo provides food and facility services to a range of clients in the country, including corporate cafeterias, healthcare facilities, banks and remote sites such as mining operations. Sodexo also operates a significant service voucher business in the country, providing meal cards that corporate clients use as part of their employees’ compensation packages.⁸⁸

Workers employed by Sodexo in Bogotá and representatives of the SINALTRAINAL union testified that, in the fall 2009, as a result of concerns about underpayment of wages and other issues, a group of Sodexo workers began to meet with union representatives to discuss their working conditions and the prospect of union affiliation. After a series of such meetings, along with unsuccessful requests by individual employees to Sodexo management to address their concerns, 11 Sodexo workers affiliated with SINALTRAINAL on April 17, 2010. This group of employees included workers assigned to Compañía Nacional de Chocolates, Club Los Lagartos, BanColombia and Merck Laboratories. The fact and timing of these affiliations is verified by both worker testimony and union affiliation documents provided to investigators by workers and representatives of SINALTRAINAL.

On April 28 and 29, 2010, less than two weeks after these workers affiliated with the union, Sodexo dismissed seven of the 11 workers, without stated cause.

TransAfrica Forum’s researcher was provided with copies of the seven employees’ letters of dismissal, confirming the dates and the absence of any

In a country with a long history of anti-union activity, Sodexo workers seeking to organize perceive they faced threats and intimidation.

stated justification for the dismissals. Among the workers terminated were longtime employees and single heads of households. Company managers refused to inform these employees why they were terminated, telling one worker, “When the company wants to fire you, they will fire you[;] . . . [t]here is nothing you can do.”

Sodexo workers have expressed concerns that in the period immediately prior and subsequent to these dismissals, Sodexo managers were perceived as having:

- Threatened union supporters at multiple worksites they would be terminated if they continued to be involved with the union;
- Interrogated individual union supporters at multiple worksites about their union activities;
- Told Sodexo employees at multiple worksites that unionization was a futile exercise because Sodexo would never recognize or make any concessions to the union;
- Told Sodexo employees that unionization would cost Sodexo employees their jobs and its contracts with customers;
- Prohibited Sodexo employees from talking with unionized workers at Sodexo’s client companies, with whom Sodexo employees regularly work in close proximity; and
- Disparaged employees who had joined the union as “troublemakers.”

The dismissals were initiated seven business days after the workers’ union affiliation became official. The majority of the workers who chose to become the union’s first affiliates at Sodexo were fired. Sodexo failed to demonstrate the firings had good cause, and there was credible testimony that Sodexo managers previously been understood to have made explicit threats of termination to some of these workers, and acted in a discriminatory manner toward other union supporters. This evidence raises concerns that:

- Sodexo may have unlawfully dismissed the seven workers in retaliation for the workers’ decision to exercise their associational rights;
- Sodexo managers appear to have engaged in threats, intimidation and retaliation motivated by anti-union animus and to discourage Sodexo employees from unionizing and engaging in collective bargaining.

Sodexo’s conduct subsequent to the terminations increases these concerns. On May 4, 2010, the union provided Sodexo with official notice of its affiliation with employees in the company’s Bogotá operation. Sodexo responded by refusing to accept SINALTRAINAL as the representative of its employees, asserting in a letter⁸⁹ to the union that it “is not legally viable for workers from this company to affiliate [with SINALTRAINAL].”

Sodexo justified its posture on technical legal grounds, stating that SINALTRAINAL could not represent Sodexo employees because SINALTRAINAL is a union of food service workers, whereas Sodexo employees in Bogotá provide both food and cleaning services. When the Colombian Ministry of Social Protection convened a meeting with the company and union for the expressed purpose of addressing Sodexo’s objections to recognizing the union, the company’s representatives failed to appear.

Any such retaliation against, and interference with, its employees' efforts to join the SINALTRAINAL union and seek collective bargaining by Sodexo would be in violation of Colombian labor laws, international labor standards, and the company's own stated policies and commitments. Colombia's constitution and labor code establish the right of workers to form unions and impose criminal penalties on persons who interfere with this right.⁹⁰ Article 354 of the Substantive Labor Code states that, "All people are prohibited from putting at risk the right to union association," and specifies certain conduct as "attacks against the right to union association by [an] employer," including: "creat[ing] difficulties for the affiliation of its personnel to a union organization" by "conditioning that with the obtaining or conserving of employment;" "[r]efus[ing] to negotiate with union organizations that . . . have presented their petitions [for recognition]"; and "[f]ir[ing] . . . unionized personnel, in order to impede the exercise of the right to associate."⁹¹

There are concerns that Sodexo's conduct in this case may have violated these prohibitions and, thus, Colombian law. The company fired seven employees who affiliated with the union in circumstances where its motivation is perceived by workers as being to impede their exercise of associational rights. There are concerns these terminations may have represented a way for the company to "create difficulties for . . . [union] affiliation [by] its personnel" by conditioning employees' ability to "conserve . . . employment" on forgoing union membership. Finally, the company's failure to appear with the Ministry of Social Protections suggests a **de facto** "refus[al] to negotiate."

These actions also raise concerns of violations of both international labor standards on freedom of association,⁹² Sodexo's own corporate policies,⁹³ as well as the United Nations Global Compact.⁹⁴ As noted above, in this instance, any such violations would be of particular concern because Colombia is a country where long-running violence against trade unionists severely impaired the environment for workers' exercise of freedom of association.⁹⁵ Colombia had for many years the distinction of being the most dangerous country in the world for union leaders and activists, as reflected in the annual toll of assassinations and disappearances.⁹⁶ For this reason, any labeling of union supporters as "troublemakers" and treating them as examples would be especially troubling practices, especially for a company that professes a commitment to support human rights.

Dominican Republic

According to Fentiahbeta (Federación Nacional de Trabajadores de la Industria de la Alimentación, Hoteles, Debidas y Tabaco—National Federation of Food, Hotel & Tobacco Workers of the Dominican Republic), workers made several attempts to have a dialogue with management about their concerns about perceived nonpayment of minimum wage and other workplace code violations with no response. In August, a group of workers decided to organize a short work stoppage to bring the issue to the attention of management.⁹⁷

Two days after the work stoppage, the leader says she was fired. According to Fentiahbeta, the Sodexo response resulted in an atmosphere of fear and intimidation:

“[I]nstead of resolving the workers’ issues, I felt that the management took on an intolerant and repressive attitude and retaliated against the workers who were simply asking for the respect of their rights. They suspended some of the workers and felt they had even fired a woman worker because she spoke up about these rights that Sodexo was not respecting.”⁹⁸

Morocco

Sodexo workers interviewed in Morocco have not been able to form a union. In general, the climate for trade unions in Morocco is difficult. For example, Morocco has not ratified the International Labor Organization’s Convention 87,⁹⁹ one of the core conventions which covers “Freedom of Association and the Protection of the Right to Organize.”¹⁰⁰ The ITUC’s annual survey of trade union rights found there is “less repression, more dialogue, but still a long way to go” when it comes to workers’ ability to join unions. Despite progress on some fronts, the ITUC reports, “Trade unions were harassed throughout the year. Workers were transferred or sacked because of their trade union activities.”¹⁰¹

United States

Human Rights Watch released a study of the labor practices of European multinational corporations in their operations in the United States. Among the examples Human Rights Watch gives, Sodexo is cited. In September 2009, food, laundry and facilities workers across the country employed by Sodexo launched a major national organizing effort. According to the report, “Despite claims of adherence to international standards on workers’ freedom of association, Sodexo has launched aggressive campaigns against some of its U.S. employees’ efforts to form unions and bargain collectively. Sodexo managers have used many of the tactics described [in the report] that, while legal under U.S. law, violate international standards requiring noninterference with workers’ organizing rights. But, in some instances, Sodexo has at times crossed the line to anti-union behavior, unlawful under both U.S. law and international standards.”¹⁰²

The Human Rights Watch report includes examples of anti-worker conduct from the most recent (and, as of this writing, ongoing) organizing effort in the United States,¹⁰³ but also cites examples of such behavior by the company from as far back as 2003.¹⁰⁴ According to the report, “Sodexo told Human Rights Watch that (such) events were ‘an exceptional and outdated set of circumstances’ that should not be used to ‘paint a false picture of Sodexo.’ However, recent developments indicate that Sodexo still resists workers’ new organizing attempts. The neutrality agreement between Sodexo and the unions covering organizing procedures at selected company locations ended in 2009. Since then, Sodexo has again expressed inappropriate hostility toward unions and workers’ organizing efforts and taken steps to thwart union formation.”¹⁰⁵

Conclusion: A Global Path Forward for Sodexo

Sodexo has a responsibility to fulfill its own code of conduct and international standards of human and labor rights. As the firsthand concerns raised in this report illustrate, Sodexo's code of conduct will likely continue to fall short without consistent, long-term mechanism for ensuring successful implementation at the worksite. It appears Sodexo has lacked the ability to adequately monitor its wage and workplace behavior within its own structure.

One example of the limited usefulness of company-initiated monitoring of working conditions comes from Sodexo in Morocco. "We do not complain about the supervisor because we are scared of him," a Sodexo worker reports. "Once a year, Sodexo send us an anonymous and confidential questionnaire with 56 questions where we could complain about him, but we don't say the truth because we are scared."¹⁰⁶

There are successes in corporate social responsibility monitoring. At their best, social audits conducted transparently and independently can be useful tools in beginning to assess conditions and areas for improvement. For example, the Worker Rights Consortium (WRC) is widely acknowledged to have one of the most comprehensive and well-respected monitoring standards. The WRC is an independent labor rights monitoring organization focusing on standards at factories that manufacture apparel bearing the logos of many U.S. universities. The WRC "conducts independent [and] in-depth investigations, issues public reports on factories producing for major U.S. brands, and aids workers at these factories in their efforts to end labor abuses and defend their workplace rights."¹⁰⁷

Importantly, the WRC acknowledges in its Model Code of Conduct and monitoring procedures that legitimate, independent worker representatives play a vital role in the long-term enforcement of any labor standards. In a document outlining procedures for verifying compliance with the code of conduct at an apparel factory in the Dominican Republic, the WRC says, "[We] recognize the most effective day-to-day monitoring of compliance with labor standards is performed by workers and their representatives, acting through democratic labor organizations."

In the long run, TransAfrica Forum believes the most appropriate way to ensure Sodexo adheres globally to ongoing responsible labor standards is through the effective monitoring and enforcement of national laws within the countries it operates. Sodexo must abide by the ILO standards for worker wages, protection and freedom of association. Additional protection to workers could come through the negotiation of a global agreement with the Global Union Federation, ensuring all Sodexo workers have the right to organize trade unions free from any perceived company intimidation. Such an agreement would ensure workers have access to the most efficient, effective means of creating and enforcing appropriate standards that comply with established global codes for human and labor rights.

The only way to ensure that Sodexo adheres to responsible labor standards is through the enforcement of national and international human right and labor standards and movement toward a global workplace agreement.

Research Methodology

Colombia: Individual interviews were conducted with Sodexo workers from the Compañía Nacional de Chocolates as well as Exito and BanColombia locations in Bogotá and in La Jagua. The identities of the workers have been kept confidential. Interviews were translated and transcribed from the original Spanish.

Dominican Republic: Interviews were conducted at the Pueblo Viejo mine in the Dominican Republic. Interviews were translated and transcribed from the original Spanish.

Guinea: A total of 25 interviews were conducted with Sodexo workers, Rio Tinto workers, Sodexo day laborers, and a union representative in the villages around the Simandou mine. Interviews were conducted by two researchers, a British freelance journalist based in Dakar, Senegal and a Guinean researcher and interpreter based in Beyla, Guinea. The identities of the workers have been kept confidential.

Morocco: In Morocco, workers and union officials were interviewed to obtain information about Sodexo operations and the company's treatment of its employees.

United States: Interviews with workers were conducted from multiple Sodexo locations.

Endnotes

- 1 Sodexo web site, "Discover Sodexo: The Group Sodexo," available at <http://fr.sodexo.com/fr/fr/decouvrez-sodexo/le-groupe-sodexo/groupe-sodexo.asp>
- 2 United Nations' Universal Declaration of Human Rights, Article 23 (3), Available at <http://www.un.org/en/documents/udhr/index.shtml>, accessed November 15, 2010.
- 3 "A Strange Case" Report by Human Rights Watch September 2, 2010 available at <http://www.hrw.org/en/reports/2010/09/02/strange-case-0> (accessed on November 12, 2010)
- 4 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 5 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 6 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 7 Complaint submitted by Sintramienergetica to the Colombian Ministry of Labor and Social Protection in Chiriguana, Cesar, August 12, 2009.
- 8 See Article 348 of the Substantive Labor Code (stating that "All employers or companies are obligated to provide...equipment that guarantees the safety and health of its workers.") and Article 57 (requiring employers to provide workers with "adequate elements to protect them against professional accidents and illness in a way that reasonable guarantees safety and health.").
- 9 Interview conducted with Sodexo workers at Pueblo Viejo mine, November 5, 2010.
- 10 Ibid, November 5, 2010 Interview.
- 11 "Employees say Barrick Gold poisoning was caused by food," Al Momento, March, 21, 2010 <http://www.almomento.net/news/132/ARTICLE/55560/2010-03-21.html> accessed on November 4, 2010
- 12 Interview conducted with Sodexo workers at Pueblo Viejo mine, November 5, 2010.
- 13 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 14 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine

8/4/2010.

- 15 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010
- 16 United Nations' Universal Declaration of Human Rights, Article 23, Available at <http://www.un.org/en/documents/udhr/index.shtml>, accessed November 15, 2010.
- 17 See, for example, Sodexo USA's statements on labor unions available at <http://www.sodexousa.com/usen/aboutus/factsheets/laborunion.asp> (accessed September 29, 2010); its "Better Tomorrow Plan" available at http://www.sodexo.com/group_en/Images/Sodexo-Better-Tomorrow-Plan_EN.L.2010.03_tcm13-362242.pdf (accessed September 29, 2010); and Sodexo web site, "Human Rights," available at http://www.sodexo.com/group_en/corporate-citizenship/commitments/human-rights/business-ethics.asp, accessed October 4, 2010.
- 18 Pay stub obtained from a Sodexo worker at the National Chocolate Company. All conversions to Euros and U.S. Dollars in this report from Colombian Pesos are based on the following exchange rates as of November 15, 2010 as provided at <http://www.oanda.com/currency/converter/>: 1 Colombian Peso= €0.00039, 1 Colombian peso= \$0.00053.
- 19 Interview with a Sodexo worker at the La Jagua mine,.
- 20 Interview with a Sodexo worker at the National Chocolate Company .
- 21 Interview with a Sodexo worker at the La Jagua mine October 20, 2010. Workers report that the regular work schedule for Sodexo employees at the mine is 12 straight days of work, followed by two days off.
- 22 See Article 162 of Colombia's Substantive Labor Code (Código Sustantivo de Trabajo) (stating that "the maximum duration of the regular work day is eight (8) hours per day and forty eight (48) per week..."). The Article lists certain exceptions, none of which are applicable to Sodexo's operation at Carbones de la Jagua. See also Article 22 of Law 50, 1990, which modifies the Substantive Labor Code, and limits the amount of overtime an employer can require (stating: "In no case can over time, day or night, exceed two (2) hours per day or twelve (12) hours per week. When the work shift is increased by mutual agreement between employers and workers to ten (10) hours per day, the workers cannot work over time during this same day.").
- 23 Interview conducted with Sodexo workers at the Carbones de la Jagua mine, October 20, 2010.
- 24 Ibid, Interview on October 20, 2010.
- 25 See Constitution of Colombia, art. 53 (stating that ". . . international labor conventions that have been duly ratified become part of the [country's] internal legislation"). Colombia ratified ILO Convention 1 in 1933. See: <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C001>.
- 26 See ILO Convention 1 (Hours of Work), arts. 4-6.
- 27 ILO Committee of Experts on the Application of Standards (CEACR), Individual Observation concerning Hours of Work (Industry) Convention, 1919 (No. 1), Colombia (2010).
- 28 See Sodexo, Supplier Code of Conduct ("**WORKING HOURS** . . . Suppliers shall maintain reasonable employee work hours in compliance with . . . applicable national laws of the countries and regions in which the Supplier does business. Sodexo requires Suppliers to comply with the statutory requirements for working hours for employees.").
- 29 "We commit ourselves to these principles and ask the same from our business partners," Sodexo, Doing Business the Right Way, <http://www.sodexousa.com/usen/citizenship/ethicalconduct/ethicalconduct.asp>.
- 30 Barrick Gold web site, <http://www.barrick.com/GlobalOperations/NorthAmerica/PuebloViejoProject/default.aspx>, accessed September 30, 2010.
- 31 Yahoo Finance, price of gold per ounce as of September 30, 2010, was \$1,350.50.
- 32 Interview conducted with Sodexo workers at Pueblo Viejo mine, November 5, 2010.
- 33 Ibid, Interview Conducted on November 5, 2010.
- 34 Interviews and observations conducted on site.
- 35 Rio Tinto, "Rio Tinto Activities in Guinea: Project Information," March 2010, available at http://www.riotintosimandou.com/documents/RT_Simandou_Info_Sheet_EN_Mar_2010.pdf, accessed September 24, 2010.
- 36 Tom Burgis, "Behind the wrangle for Guinea's minerals," Financial Times, July 5, 2010.
- 37 "Rio Tinto Approves Additional Funding for Simandou," Engineering and Mining Journal, September 14, 2010, accessed September 24, 2010.
- 38 United Nations Human Development Index, 2009, available at <http://hdr.undp.org/en/statistics/>.

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- 39 United Nations World Food Programme, available at <http://www.wfp.org/countries/guinea>, accessed September 29, 2010.
- 40 Human Rights Watch, "Bloody Monday: The September 28 Massacre and Rapes By Security Forces in Guinea," December 2009, p. 4-5.
- 41 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine
Currency conversions from GNF to U.S. Dollars, the British Pound, and the Euro use the exchange rate on September 24, 2010 (1 GNF=\$0.00013, 1 GNF=€0.00010, 1 GNF=£0.00009) as provided at <http://www.oanda.com/>.
- 42 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 43 One worker reports making the equivalent of \$78 month for 48 hours of work per week. At an average of 4.33 weeks per month (52 weeks divided by 12 months) that comes out to an average of about 208 hours per month, for an hourly wage rate of about \$0.38 cents per hour. Calculated in Euros (€60), the amount comes out to €0.29. Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 44 From interviews and observations conducted by Kate Thomas at the Simandou site, statement dated October 2.
- 45 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine 8/4/2010.
- 46 Ibid.
- 47 Ibid.
- 48 Ibid.
- 49 Ibid.
- 50 U.S. Department of State, "Background Notes: Morocco," January 26, 2010, available at <http://www.state.gov/r/pa/ei/bgn/5431.htm>, accessed September 28, 2010.
- 51 According to the U.S. Department of State, "The minimum wage was 10 dirhams (\$1.25) per hour in the industrialized sector and 52.50 dirhams (\$6.50) per day for agricultural workers." The Dollar and Euro conversions included above is adjusted for current exchange rates. See U.S. Department of State, 2009 Human Rights Practices: Morocco, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136075.htm>, accessed November 5, 2010. All conversions to Euros and U.S. Dollars in this report from Moroccan Dirham (MAD) are based on the following exchange rates as of November 5, 2010 as provided at <http://www.oanda.com/currency/converter/>: 1 MAD= € 0.08798, 1 MAD= \$ 0.08798.
- 52 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 53 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 54 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 55 Pay stub obtained from a Sodexo worker in Morocco during an interview.
- 56 Morocco Labor Code, Article 350, contained in the Royayme de Maroc Bulletin Officiel, p. 635.
- 57 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 58 Jason DeParle and Robert Gebeloff, "Food Stamp Use Soars, and Stigma Fades," New York Times, November 29, 2009.
- 59 U.S. Department of Agriculture, Food and Nutrition Service, SNAP Eligibility Guidelines, available at <http://www.fns.usda.gov/wic/howtoapply/eligibilityrequirements.htm>.
- 60 WIC guidelines are determined state-by-state, but income limit has to be set between 100 percent and 185 percent of federal poverty guidelines.
- 61 Children are eligible for free meals through the National School Lunch Program if their household income is below 130 percent of the poverty line, and for reduced-price meals if their income is below 185 percent of the poverty line. See <http://www.fns.usda.gov/cnd/Governance/notices/iegs/IEGs09-10.pdf>.
- 62 Interview with Sodexo employee of Tulane University, November 11, 2010.
- 63 See Article 168 of the Substantive Labor Code ("RATES AND PAYMENT OF PREMIUMS.
1. Night work based on the mere fact that it is at night is paid with a Premium of thirty five percent (35 %) over the value of day work...
 2. Extra hours in the day are paid with a Premium of twenty five percent (25 %) over the value of regular day work.

3. Overtime night work is paid with a premium of seventy five percent (75 %) over the value of regular day work.
4. Each of the aforementioned premiums is exclusive, which means they are not cumulative.”).
- 64 Night overtime is defined as nighttime work that takes place in a given week after a worker has already worked 48 hours during that week.
- 65 See Article 179 of the Substantive Labor Code (“SUNDAY AND HOLIDAY WORK. 1. Work on Sundays and holidays will be paid with a premium of seventy five percent (75 %) of the regular salary in proportion to the hours worked...”).
- 66 See “\$515.000 Salario mínimo legal para 2010 (\$515,000 Minimum Wage for 2010), Reuters, December 31, 2009.
- 67 This translates to US\$1.17 per hour.
- 68 According to a summary of labor practices in Colombia prepared by the U.S. Department of Labor’s Bureau of International Labor Affairs, “The official work day in Colombia is from 6 a.m. to 10 p.m., while night work is conducted between 10 p.m. and 6 a.m. Individuals performing night work receive premium pay — 35 percent extra in wages than daytime workers in the same position.” U.S. Department of Labor, Bureau of International Labor Affairs, Colombia Labor Rights Report, p. 41.
- 69 Interview conducted with Sodexo worker at la Jagua Mine.
- 70 Ibid.
- 71 Ibid..
- 72 Ibid.
- 73 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine (Interview #1), contained in file Sodexo Simandou Interviews 8/4/2010, p. 1.
- 74 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine (Interview #2), contained in file Sodexo Simandou Interviews 8/4/2010, p. 2.
- 75 Interview conducted on behalf of TransAfrica Forum with Sodexo workers at Simandou mine (Interview #4), contained in file Sodexo Simandou Interviews 8/4/2010, p. 3-4.
- 76 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 77 U.S. Department of Labor, Bureau of International Labor Affairs, Morocco Labor Rights Report, July 2004, p. 23. The DOL report references Sections 184 of the Morocco Labor Code (length of workday and workweek), Article 196 (permission of overtime in certain circumstances), and Article 201 (premium pay for overtime hours). In addition, according to the U.S. Department of State, “The law provides for a 44- to 48-hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally, and the government did not enforce them effectively in all sectors.” U.S. Department of State, “2009 Human Rights Practices: Morocco,” March 11, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136075.htm>, accessed November 5, 2010.
- 78 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 79 Notes from worker interviews conducted in Casablanca, October 30-November 5, 2010.
- 80 United Nations’ Universal Declaration of Human Rights, Article 23, Available at <http://www.un.org/en/documents/udhr/index.shtml>, accessed September 24, 2010.
- 81 <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098>
- 82 International Labour Organization, “Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy,” p. 8 (p. 14 of PDF file), available at http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf, accessed September 29, 2010.
- 83 Global Sullivan Principles of Social Responsibility, available at <http://www.globalsullivanprinciples.org/principles.htm>, accessed September 29, 2010.
- 84 United Nations Global Compact, p. 6, available at http://www.unglobalcompact.org/docs/news_events/8.1/GC_brochure_FINAL.pdf, accessed September 29, 2010.
- 85 International Trade Union Confederation, Annual Survey of Violations of Trade Union Rights 2009, available at <http://survey09.ituc-csi.org/survey.php?IDContinent=2&IDCountry=COL&Lang=EN>, accessed July 25, 2010.
- 86 U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “2009 Human Rights Report: Colombia,” available at <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>, accessed September 26, 2010.

- 87 “Sodexo creció 23 por ciento a marzo,” available at <http://www.portafolio.com.co/archivo/documento/MAM-3449243>, accessed September 30, 2010.
- 88 Compilation of contract awards from Sodexo annual earnings statements.
- 89 Letter of May 7, 2010, from Sodexo representative Marcela Gomez Jaramillo to SINALTRAINAL.
- 90 See, Constitution, art. 39, Labor Code, art. 353-354.
- 91 *Id.*, art. 354.
- 92 See, ILO Conventions 87 (Freedom of Association and the Right to Organize) (“Each Member [state] of the [ILO] for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers . . . may exercise freely the right to organi[z]e.”) and 98 (Right to Organize and Bargain Collectively) (“Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment . . . particularly in respect of acts calculated to— (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership.”).
- 93 See, Sodexo, Policy on Human Rights (“Respecting International Labor Standards (“We respect our employees’ right to organize or not to organize as they may so choose [and] [w]e continue to negotiate contracts with labor unions in good faith.”); Sodexo’s Supplier Code of Conduct (“**FREEDOM OF ASSOCIATION:** Employees of Suppliers shall be free to join organizations of their own choice. Suppliers shall respect and recognize the right of employees to join and organize associations of their own choosing, and to bargain collectively. Employees shall not be subject to intimidation or harassment in the exercise of their right to join or to refrain from joining any organization.”).
- 94 See, UN Global Compact, Principle 3 (“Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining”) (stating that “[f]reedom of association implies a respect for the right of . . . all workers to freely and voluntarily establish and join organizations of their own choice,” and that “[e]mployers should not interfere in an employee’s decision to associate, or discriminate against the employee.”), <http://www.unglobalcompact.org/aboutthegc/thetenprinciples/principle3.html>.
- 95 See, US State Department, *supra*, n. 19.
- 96 See, International Trade Union Confederation, Annual Survey of Violations of Trade Union Rights (2009) (“Colombia continues sadly to hold the infamous world record, accounting for 60 percent of the assassinations of trade unionists around the world.”), <http://survey09.ituc-csi.org/survey.php?IDContinent=2&Lang=EN>.
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- 98 Letter from Pablo de La Rosa, President of Fentiahbeta, to Paul Deighton, CEO of the London Organising Committee of the Games, September 2, 2010.
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- 102 Human Rights Watch, “A Strange Case Violations of Workers’ Freedom of Association in the United States by European Multinational Corporations,” September 2010, p. 60.
- 103 *Ibid.*, p. 69-77.
- 104 *Ibid.*, p. 61.
- 105 *Ibid.*, p. 69.
- 106 Notes from worker interviews conducted October 30-November 5, 2010.
- 107 Workers Rights Consortium web site, <http://www.workersrights.org/about/>, accessed November 5, 2010.

