

Washington D.C., September 1, 2011

Your Excellency
Mrs. Hillary Rodham Clinton
Secretary of State of the United States of America

Dear Madam Secretary,

We, the local staff hired by the Ministry of Foreign Relations (MRE) of Brazil to work at the Brazilian diplomatic and consular representations in the United States, respectfully write to Your Excellency to describe the adverse working conditions that make our lives very difficult here in America.

The Brazilian organizations and diplomatic missions employ Brazilian citizens, American citizens and citizens of other countries; all of whom are resident and legally authorized to work in the U.S. Many have A-2 visas issued by the State Department, which gives them permission to work only for those Brazilian organizations.

For decades we have not had our salaries readjusted, and now the amount we earn is within the poverty level in the U.S., as we do not rely on consistent adjustment policies. The initial salary for employees locally hired by the Brazilian government is far below current market values, and it is not adjusted in accordance with the cost of living, nor does it incur annual inflation adjustments.

Data provided by the U.S. Department of Labor establishes that an Administrative Assistant's starting salary in the Washington D.C. area is U\$ 4,020.00. In the U.S. capital city, the Embassy and Consulate General of Brazil pay a newly hired Administrative Assistant a salary of only U\$ 2,200.00.

According to the law, employees of foreign missions and foreign organizations cannot make contributions to Social Security. Locally hired Brazilian citizens contribute to the National Institute of Social Security (INSS) in Brazil. Americans citizens must file their tax returns as self employed, thus making the employer's contributions in order to be eligible for retirement. In turn, employees who are citizens of other countries are left without any option for retirement.

The Brazilian Social Security is the only retirement option offered by the Brazilian government to locally hired employees in the U.S. However the Ministry of Foreign Relations (MRE) does not even keep their contribution to the Brazilian Social Security up-to-date. Recently, and only after many requests and much interference of local officials and the Brazilian media, the MRE paid the INSS the back dues of many Brazilian citizens who have been requested to be retired for years, thus regularizing their situation.

As a result of such inhumane policies -or lack thereof, there are several cases of employees who work much longer than the regular period of service required by law and, at advanced ages, die without being able to retire. Given this reality, there are situations like that of a European employee who recently left a Brazilian representation without any recognition or compensation from the Brazilian government, and without being entitled to retirement after more than 44 years of service to the Ministry of Foreign Affairs of Brazil.

Another example is the case of a U.S. citizen who worked 40 years at the Embassy of Brazil in Washington D.C.; she was fired without just cause, was not able to collect unemployment benefits; nor was given the option to retire.

We know that the employees who are locally hired at U.S. diplomatic missions in Brazil are governed by Brazilian labor laws and supported by the Consolidation of the Brazilian Labor Laws (CLT). In good faith, the U.S. government complies with all obligations of an employer, providing numerous benefits to its local staff by offering a retirement plan, and career plan with consistent salary policies to its employees.

Meanwhile, here in the U.S. we do not have rights to: unemployment benefits, disability assistance, contribution to Social Security, 401K, weekly pay (payment is made on a monthly basis, which results in just 48 paid weeks per year, unlike U.S. citizens who are paid for 52 work weeks). In addition, we do not have career plans, annual wage adjustment, or overtime pay. Without being paid overtime, local employees are required to be on call, keeping the mission's emergency cell phone during weekends; a function that is intended for the diplomatic corps.

The Brazilian Ministry of Foreign Relations arrange for A2 visas to be granted to some of its local employees whom accept lower salaries in exchange for regularizing their immigration status in the US. With their visas converted to type A2, they are only allowed to work for those Brazilian organizations. Stuck with their conditional status of work they are subject to despotism by their employer, who refuses to readjust their wages, does not offer better working conditions and keep their salary below the market average. The Brazilian Ministry of Foreign Relations uses diplomatic immunity as a shield to avoid labor claims.

The U.S. labor laws do not treat employees of foreign diplomatic missions and representations in the same way as American workers are treated in general. According to the Vienna Convention, which governs diplomatic relations between the various nations, foreign diplomatic missions and representations have legal immunity regarding labor issues. Therefore, we work in what is considered Brazilian soil in the U.S., but are not covered by either Brazilian or American labor laws.

Frustrated in all our attempts at being heard by our employer, in May 2011, we began an unprecedented global mobilization, entitled "Operation Wake-Up Call " with a letter to the President of Brazil, Dilma Rousseff, with courtesy copies sent to the Minister of Foreign Relations, Antonio Patriota, and other Brazilian senior official and representatives. In the letters we call attention to the difficult working conditions we experience abroad. "Operation Wake-Up Call" began in the U.S. with 204 signatures and is spreading rapidly to other countries. Today, it has over 1,000 members in over 20 countries.

Unfortunately, we live in a sort of legal limbo and the Ministry of Foreign Relations (MRE) takes advantage of our situation and ignores our pleas. Refusing to recognize the "Operation Wake-Up Call" as the legal representative of their local employees, the MRE ended negotiations with the movement claiming that the issues we raised are all resolved.

We plead to Your Excellency for guidance as to the appropriate legal forums that could address these labor issues so that we can put an end to so many injustices committed for decades on American soil.

Respectfully,

Operation Wake-Up Call



<http://operacaodespertar.blogspot.com>

USA Section:

302 locally hired staff by the Brazilian Ministry of Foreign Relations

- ✓ Embassy of Brazil in Washington DC
- ✓ Consulate General of Brazil in Atlanta
- ✓ Consulate General of Brazil in Boston
- ✓ Consulate General of Brazil in Hartford
- ✓ Consulate General of Brazil in Houston
- ✓ Consulate General of Brazil in Los Angeles
- ✓ Consulate General of Brazil in Miami
- ✓ Consulate General of Brazil in Nova York
- ✓ Consulate General of Brazil in São Francisco
- ✓ Consulate General of Brazil in Washington
- ✓ Consulate General of Brazil in Nova York
- ✓ Financial Office in New York
- ✓ UN Mission
- ✓ OAS Mission

Legal representatives of the Operation Wake-Up Call:

Mrs. Lilian Beatriz Fidelis Maya - OAB/DF00021831

Mr. Jonas Pedro da Silva - OAB/DF 31.519

SRTVN Qd. 701, Bloco "P", Edifício Brasília Radio Center, Ala "B", Sala 1024.

Brasília – Distrito Federal – Brasil

Tel: 55-61-9994-3868