

December 21, 2009

Ambassador Timothy Martin
Canadian Ambassador to Argentina
Tagle 2828
C1425EEH Buenos Aires
ARGENTINA

Dear Mr. Martin:

Re: Dismissal of José Vicente Leiva from Veladero Mine

Several months ago we learned that José Vicente Leiva, General-Secretary of the Organización Sindical Mineros Argentinos (OSMA-CTA), had been dismissed without cause from the Veladero Mine in Argentina, which is owned by Barrick Gold. The dismissal occurred shortly after Mr. Leiva was elected General-Secretary of the newly constituted OSMA.

We just learned that last Thursday Dec. 17, 2009, the workers of the afternoon and night shifts on the Veladero mine called an impromptu strike at the mine site. This constitutes yet another action to protest Barrick's refusal to negotiate with their union (OSMA-CTA) and to reinstate Jose Vicente Leiva, their General Secretary, to his job. The workers took their action without any protection in sub-zero temperatures. That shows us how desperate these people are.

Our counterparts in Argentina inform us that the establishment of an independent union at the Veladero mine and the election of Mr. Leiva as its General-Secretary are almost certainly the reasons behind his dismissal. Yet, in Argentina, as in Canada, a legal framework exists that gives workers the democratic right to join the union of their choice. Both countries also have laws protecting union leaders who fight for better salaries and benefits and safer working conditions from being singled out for punishment simply for doing their job as union leaders. Furthermore, there are laws prohibiting employers from getting involved in any way in the internal business of the labour movement in both countries.

In August 25, 2009 I wrote to Peter Munk and Aaron Regent, Chairman and CEO of Barrick Gold respectively, informing them of our concern with the dismissal of Mr. Leiva from his job in Veladero. I am attaching a copy of that letter. Neither Mr. Munk nor Mr. Regent acknowledged our correspondence. In September 15, 2009 we wrote to Mr. Carlos Tomada, Minister of Labour of Argentina, concerning the same situation. I am also attaching a copy of that letter.

Since our first correspondence with Barrick, Mr. Leiva has taken his case to the Labour Court and obtained an injunction against Barrick, signed by Judge Liliana Tarbuch. Barrick did not

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comply with the judicial order and appealed the injunction. A Superior court agreed with Judge Tarbuch, and supported the injunction. Barrick has continued in non-compliance and has refused to reinstate Mr. Leiva. Mr. Leiva and his representatives, together with representatives of Barrick, met with Dr. Alvaro Ruiz, Under-Secretary of the Minister of Labour, to try to find a solution to the situation. Once more, the Barrick representatives refused to reinstate Mr. Leiva.

We believe Barrick's actions contradict legal statutes in Argentina, international labour and human rights conventions and the ethics principles that Barrick itself subscribes to. This situation is clearly not helping the reputation of Canada nor its mining companies abroad.

We understand your mandate as Canadian Ambassador is to advance Canadian interests in Argentina. We support that goal, but believe that it means protecting the good name and reputation of Canada abroad. It also means ensuring that the Canadian citizens, physical or corporate, operating in Argentina show respect for the legal framework of the countries in which they operate, just as they would in Canada. In the case of Mr. Leiva, Barrick is flagrantly disobeying a court order and challenging the authority of the Argentinean Ministry of Labour as well as breaking ILO conventions.

This is a serious situation that demands your immediate attention. We write to you asking that you use your position as Ambassador to intervene and convince Barrick Gold to comply with Argentinean government rulings. Furthermore, Barrick should be encouraged strongly to recognize the right its employees enjoy under Argentinean law to form independent unions and affiliate with the union central of their choice. In this specific case, Barrick needs to recognize the legitimacy of OSMA, affiliated with the CTA. It needs to reinstate Mr. Leiva immediately and start bargaining in good faith with him as OSMA's General-Secretary.

Sincerely,



Ken Neumann
National Director for Canada

cc Leo Gerard, International President, United Steelworkers

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Syndicat international des travailleurs unis de la métallurgie, du papier et de la foresterie, du caoutchouc,
de la fabrication, de l'énergie, des services et industries connexes

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