



February 18th, 2025

To: Amelie Freund at the Business and Human Rights Resource Center

Re: Response to Oxfam rejoinder

Dear Mrs. Freund,

We have read with interest the follow-up comments made by Oxfam in relation to our response dated December 23rd, 2024.

We would like first of all to reiterate that our workers are free to choose their representatives and are not subject to any restriction of their related rights. However, Oxfam seem ill-informed about how applicable laws in Ecuador organize those rights locally.

Under the Ecuadorian Labor Code, there are two types of workers' unions: "Comité de Empresa" and "Sindicato de Trabajadores". Megabanana has one Comité de Empresa, which, in accordance with Ecuadorian law, represents all of Megabanana's workers, as well as two Sindicatos de Trabajadores.

A Comité de Empresa requires at least 50% of the employer's total workforce, with a minimum of 30 workers. In contrast, a Sindicato de Trabajadores only requires 30 workers. For a Comité de Empresa or Sindicato to be officially recognized as a workers' association for a particular employer, it must file its articles of incorporation with the Ministry of Labor, which then notifies the employer.

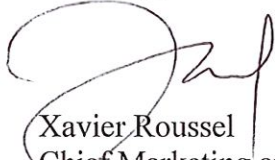
ASTAC is not a Megabanana workers' union because it was not formed by Megabanana's workers and is therefore not registered with the Ministry of Labor as such. Even if individual members of ASTAC are registered with the Ministry of Labor, it does not mean that ASTAC is a registered Sindicato de Trabajadores representing Megabanana workers. It does not meet the local applicable legal definition or threshold.

Regarding the accusation of denying a worker permission to attend ASTAC activities, in line with ILO Convention No. 87 on freedom of association and ILO Recommendation No. 143, the status of a workers' representative must be recognized within the context of the employer's formal labor relations framework. As Mr. Criollo is not a representative of a recognized labor organization of employees of Megabanana S.A., his request for leave to attend the conference in Berlin does not fall within the scope of the aforementioned legal provisions.

To ensure proper alignment with both Ecuadorian law and international standards, we requested that Mr. Criollo provide written confirmation from either the Comité de Empresa or the Sindicato de Trabajadores, verifying his membership and commissioning him to attend the conference on their behalf. Mr. Criollo has not provided any such confirmation, but if he does in the future, we will certainly reconsider any request for leave in accordance with applicable laws and regulations.

We also sought clarification from the Ministry of Labor on that issue, which confirmed that the request for leave did not qualify for approval. Attached is a copy of the Ministry of Labor's response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Xavier Roussel', written over a circular stamp or seal.

Xavier Roussel
Chief Marketing and Sustainability Officer
Dole plc