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NAFTA 10 Years Later: Workers Continue to Be Exploited

Abstract

[Excerpt] A new report by the AFL-CIO's Solidarity Center on core labor standards in Mexico details an iron triangle of government officials, company managers and favored "official" unions making sweetheart contract deals and suppressing workers' efforts to form independent unions. In a complaint last month, the U.S.-based United Students Against Sweatshops and an allied Mexican student organization detail discrimination against workers in two Mexican factories supplying Levi Strauss, The Limited, Tommy Hilfiger, Puma and other brand name retailers. Yet the U.S. and Canadian governments have failed to call Mexico to account for its failure to protect and promote labor rights.

Keywords

workers rights, labor movement, unionization, anti-unionism, NAFTA, United States, Mexico, Canada

Comments

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NAFTA 10 YEARS LATER: CON: WORKERS CONTINUE TO BE EXPLOITED

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The first President Bush's NAFTA negotiators pledged that the trade accord would "protect, enhance and enforce workers' basic rights." In the North American Agreement on Labor Cooperation, President Bill Clinton's negotiators set out to "promote, to the maximum extent possible" workers' freedom of association and protection of the right to organize and bargain collectively.

After 10 years, NAFTA has flunked these tests.

A new report by the AFL-CIO's Solidarity Center on core labor standards in Mexico details an iron triangle of government officials, company managers and favored "official" unions making sweetheart contract deals and suppressing workers' efforts to form independent unions. In a complaint last month, the U.S.-based United Students Against Sweatshops and an allied Mexican student organization detail discrimination against workers in two Mexican factories supplying Levi Strauss, The Limited, Tommy Hilfiger, Puma and other brand name retailers. Yet the U.S. and Canadian governments have failed to call Mexico to account for its failure to protect and promote labor rights.

Not that the United States or Canada have clean hands. The General Accounting Office found in a 2002 report that more than 30 million American workers are denied the right to bargain collectively, including farmworkers, "independent" contractors who are really dependent employees, low-level supervisors mistreated by management and public employees in states that outlaw collective bargaining.

Even workers supposedly covered and protected by labor laws on organizing and bargaining are denied freedom of association in the United States, according to a 2000 report by Human Rights Watch. Firings of worker-organizing leaders and bad-faith collective bargaining are unlawful but commonplace. Legal proceedings take so long and final remedies are so weak that employers make a simple cost-benefit analysis to break the law to destroy workers' organizing and bargaining efforts.

Meanwhile, the International Labor Organization's Committee on Freedom of Association has repeatedly found Canada in violation by excluding large groups of workers from the right to bargain collectively.

The NAALC was supposed to make a start toward improving workers' rights of association, organizing and bargaining throughout North America. Yet in a key area of U.S. labor law, a Supreme Court decision actually moved backward. In a case involving Hoffman Plastic, the court denied back-pay remedies for undocumented immigrant workers illegally fired for union organizing, and an act of Congress that could fix the

situation is nowhere in sight.

The NAALC has had one indirect beneficial effect: Thanks to its complaint mechanisms, workers, trade unions and human rights organizations in the three NAFTA countries have found new and creative ways to communicate and campaign together. These advocates have built new networks for such joint actions as anti-sweatshop campaigns and cross-border organizing efforts.

But NAFTA and the NAALC have failed to give a "hard law" edge to labor rights enforcement at the continental level. Workers' rights advocates must move to strengthen these pacts, both in North America and in trade agreements with Central America and South America. If government negotiators refuse, advocates will work to block new pacts until workers' rights merit the same respect and promotion as the rights of investors.