

Support Mexican labor reforms in USMCA (NAFTA 2.0): Letter

Sending Office: Honorable Bill Pascrell, Jr.
Sent By: Elaina.Houser@mail.house.gov

Request for Signature(s)

Dear Colleague,

Last year, 183 House Democrats signed on to our [January 2018 letter on prioritizing Mexican labor reforms](#) in the NAFTA renegotiation. As a follow-up to that letter, we are writing to USTR again at a critical point in the negotiations.

As you know, USTR negotiated an annex in the updated NAFTA (USMCA) that requires Mexico to pass legislation to implement reforms to its labor system and do away with “protection contracts.” The annex set a January 1 deadline that has since passed. Currently, draft legislation is being prepared in the Mexican Congress that would meet the requirements of the labor annex and meaningfully provide labor rights in Mexico for the first time. However, the draft legislation falls short in a few critical areas, particularly in guaranteeing a free, secret, and personal vote on the final collective bargaining agreement workers will be subject to. This goes to the heart of the labor annex and the priorities we laid out in January 2018.

We followed up on our January 2018 letter with an [April 2018 letter urging opposition to the initial proposal in the Mexican Congress](#) that was anti-worker. In November 2018, we [wrote to USTR and Labor Secretary Acosta again in light of anti-worker violence](#) and intimidation reports in Mexico.

AFL-CIO supports this letter. You can add your name by contacting Elaina Houser in Rep. Pascrell's office at elaina.houser@mail.house.gov or Jack Spasiano in Rosa DeLauro's office at jack.spasiano@mail.house.gov.

Sincerely,

Bill Pascrell, Jr.
Member of Congress

Rosa DeLauro
Member of Congress

March XX, 2019

The Honorable Robert Lighthizer
United States Trade Representative
600 17th St. NW
Washington, DC 20006

Dear Ambassador Lighthizer:

We write to share our concerns about Mexico's labor practices and need for meaningful reforms in light of the prospect of a Congressional vote on the renegotiated North American Free Trade Agreement (NAFTA), also known as the United States-Mexico-Canada Agreement (USMCA).

As you know, the original NAFTA was not the boon to workers that its supporters promised, but has harmed working people in communities across the United States. Working families need sweeping reform in North American trade policies. This reform must begin by eliminating the so-called "protection contract" system used in Mexico for more than 70 years to keep wages low and deny rights and protections to working people. Under this system, employers sign "collective bargaining agreements" with employer-dominated unions, generally without the workers' knowledge and even before they are hired.

In January 2018, many of us wrote to you urging you to prioritize this critical issue in your negotiations with Mexico, as suppressed, low wages in Mexico have been a chief driver of outsourcing of U.S. jobs.

We commend you for negotiating Annex 23 in the USMCA, which holds potential to address some key concerns if properly monitored and enforced. However, Mexico has not yet enacted, much less implemented, its labor law reform as required by Article 3 of Annex 23-A of the USMCA. Moreover, the government's legislation, as introduced, does not meet the requirements of Annex 23-A. Critically, the draft fails to ensure that workers will be able to exercise a free, secret, and personal vote on the collective bargaining agreement that will cover their terms and conditions of work, as required by Article 2(e) and (f) of the Annex. This provision is of paramount importance in complying with the heart of the Annex. The draft's language also must be updated to ensure that workers receive a copy of the agreement before they vote on it, as required by Article 2(e)(ii)(B). It also must ensure that the new Center for Labor Conciliation and Registration will abandon the failed, government and employer-dominated model of the past and function as a truly independent and impartial body, as required by Article 2(b). Finally, it must guarantee that union representation challenges will not be subject to procedural delays, as stipulated in Article 2(d) of the Annex.

While the draft meets and even exceeds the obligations of Annex 23-A in some respects, the Annex must not be allowed to become a game of multiple choice, in which the Parties can pick and choose which obligations they want to enforce. Labor law reform that meets or exceeds Annex 23-A in every respect must be a prerequisite to both a vote in the House of Representatives and entry into force of the revised agreement. If not, the renegotiation will not be able to help lift standards and wages for workers in the United States, Mexico, and Canada.

The promise of a changed labor law regime is spurring workers in Mexico to fight for the right to join a union of their choice. But even as these struggles continue, the government of Mexico has failed to investigate and address alleged illegal firings and black-listings in Matamoros, the murders of striking workers in Guerrero, or the six-year delay of a representation election in Ciudad Acuña. We want to work with you and our counterparts across the border to ensure that, this time, the promise that a North American trade deal can raise standards for workers in Mexico delivers on the ground. Such work will require not only ensuring that the Parties work together to pass comprehensive labor law reform, including implementation, in Mexico, but also additional monitoring and enforcement mechanisms that will ensure that the labor obligations, after entry into force, are not undermined via neglect, delay, or inaction.

Without swift and certain enforcement mechanisms--which the deal currently lacks--the new labor and environmental protections in the deal will have **no effect**. We know this because we have 25 years of experience of trying to enforce promises made in trade deals that lacked swift and certain enforcement mechanisms. Without such mechanisms, the revised deal cannot and will not accomplish our shared goal to reshape trade rules to help rebuild the U.S. manufacturing base, create jobs, raise wages, and address inequality.

We hope that you will work with us and all people of good will across the United States, Canada and Mexico to ensure that all three parties live up to their obligations for workers.

Sincerely,

Bill Pascrell, Jr.

Member of Congress

Rosa DeLauro

Member of Congress