

Congress of the United States
Washington, DC 20515

April 12, 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.¹

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 must meet the requirements of Annex 23-A. Critically, previous versions of the bill failed 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 previously did not ensure that workers receive a copy of the agreement before they vote on it, as required by Article 2(e)(ii)(B). The legislation must also create an autonomous National Board for Labor Conciliation and Registration that 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

¹ <https://delauero.house.gov/sites/delauro.house.gov/files/USTR%20NAFTA%20Letter%201.23.2018.pdf>

to procedural delays, as stipulated in Article 2(d) of the Annex. Improvements to the draft legislation that have strengthened these provisions must not be weakened in a final bill.

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 Representative 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,



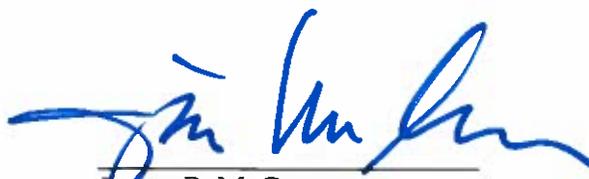
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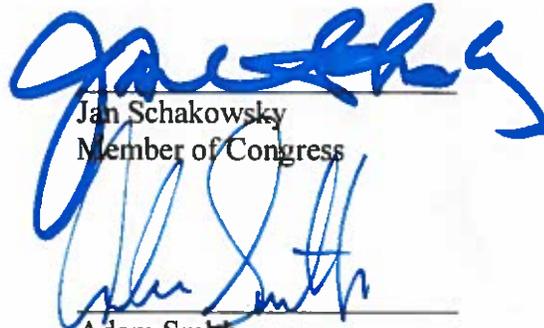
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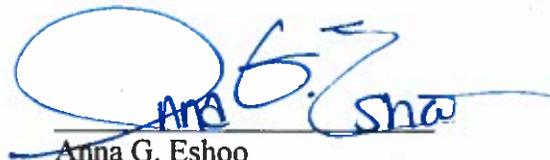
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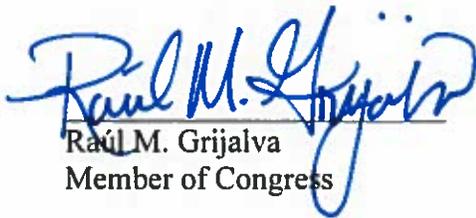
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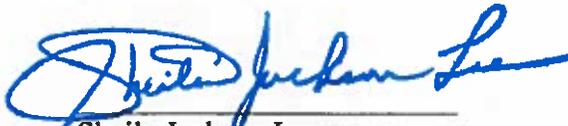
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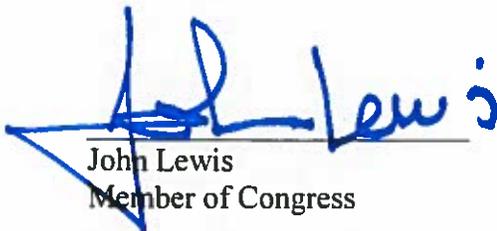
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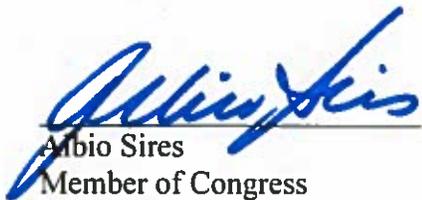
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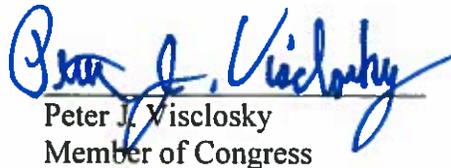
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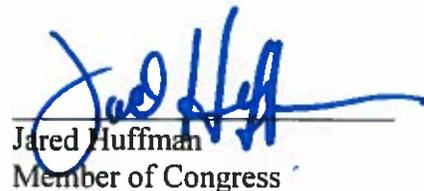
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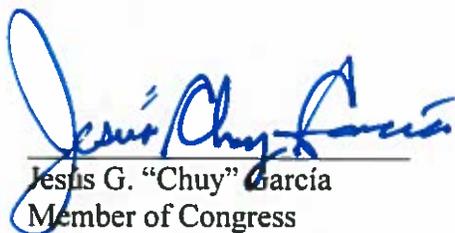
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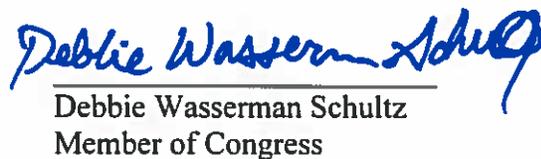
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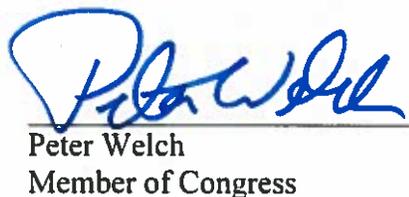
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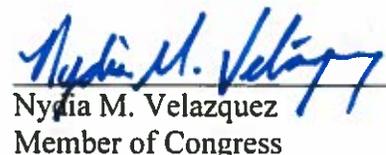
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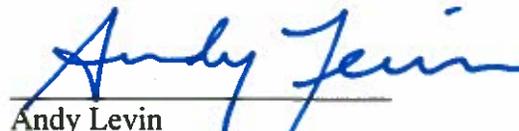
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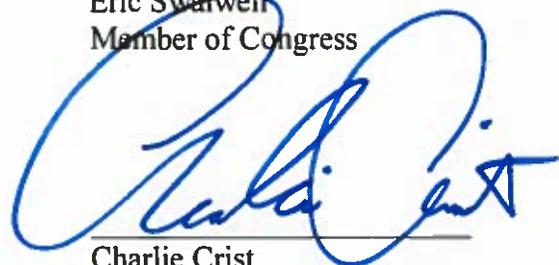
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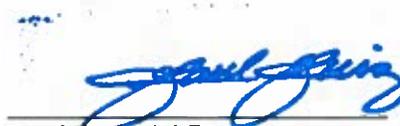
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