

Protecting Workers' Health and Safety in the Globalizing Economy through International Trade Treaties

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An illustrated account describes the shortcomings of international trade agreements, particularly NAFTA, with respect to worker protection in Mexico, and outlines measures needed to correct them. *Key words:* international trade agreements; NAFTA; NAALC; maquiladoras; Mexico.

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One of the key challenges facing the occupational health profession in the 21st century is protecting workers' health and safety in a global economy characterized by a ferocious competition to reduce production costs and a marked decline in the development and enforcement of governmental workplace regulations.

The North American Free Trade Agreement (NAFTA) was the first experience in addressing labor rights including occupational safety and health in a trade agreement through its "labor side agreement," the North American Agreement on Labor Cooperation (NAALC). The near-total failure of the NAALC to protect workers in North America, but especially in Mexico, points to what is actually required to effectively protect workers' health and safety in international trade agreements.

Fifty-one of the 100 largest economies in the world are not countries but rather multinational corporations (MNCs). The 500 largest MNCs control 70% of world trade, one third of all manufacturing exports, three fourths of all commodity trade, and four fifths of technical and management services. With this immense economic power comes the power to intervene in the political actions of any country to prevent the promulgation of new regulations and to weaken or eliminate enforcement of existing laws.

In the last 15 years there has been an irreversible shift of manufacturing from relatively well-regulated, high-wage, often unionized plants in the developed

world to very-low-wage, basically unregulated, and non-union facilities in the developing world. Manufacturing, especially of consumer goods, is now done in long, long production chains starting with the brand-name MNCs, which order and ultimately sell the products through contractors, subcontractors, brokers, and agents, to industrial homework in the developing world. All of these workplaces are competing with one another to reduce production costs, including regulatory compliance costs for occupational and environmental health.

The NAALC failed to protect workers' health and safety due to the weaknesses of the side agreement's text; the political and diplomatic considerations limiting its implementation; and the failure to recognize and address the economic context, and political consequences of this context, in which the agreement was implemented.

The deficiencies of the NAALC text and procedures include: its limited scope; the lack of parity in enforcement procedures; the complex time-consuming steps; the lack of participation by nongovernmental actors; the lack of transparency and openness; the lack of effective remedies; and the lack of accountability. Subsequent trade treaties, both bilateral and regional, have not overcome the weaknesses of NAFTA. Several such treaties including the Central America Free Trade Agreement (CAFTA) are now under consideration by national legislatures, while more than a score of new trade agreements are being negotiated around the globe.

Based on the NAFTA experience, there are key components that must be in all future trade and investment agreements if occupational health is to be effectively protected. These elements include: a minimum floor of occupational health and safety regulations; an "upward harmonization" of regulatory standards and actual practice; inclusion of employers so that they have formal responsibility and liability for violations of the standards; effective enforcement of national regulations and international standards; transparency and public participation; and recognition of disparate economic conditions among trading partners and provision of financial and technical assistance to overcome economic disincentives and lack of resources.

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There have been a few positive aspects of the NAALC experience: greater awareness of occupational health and safety issues in some Mexican workplaces, broader knowledge of government regulations and enforcement procedures among some Mexican workers, and unprecedented cross-border solidarity and joint activities between workers, unions, women's groups, environmentalists, and occupational health professionals in Canada, Mexico, and the United States.

For this reason any genuinely health-protective components of trade agreements must promote and foster continued actions by nongovernmental actors, including the workers themselves and civil society organizations.

In a global economy where all parts are irrevocably linked to all others, occupational health professionals have both a moral and a very practical responsibility to ensure that trade and investment treaties do not consign the vast majority of the world's people to lives locked inside unsafe factories and adjacent poisoned communities.

TWO MAJOR REPORTS POSTED ON THE WEB

The Maquiladora Health and Safety Support Network has posted two major reports in downloadable PDF format on its Web site: <www.igc.org/mhssn>. The first, "NAFTA's 10 Year Failure to Protect Mexican Workers' Health and Safety," includes two case studies of the Han Young de México, Auto Trim, and Custom Trim/Breed Mexicana plants in Tijuana, Matamoros, and Valle Hermoso, Mexico. The report is accompanied by photographs by David Bacon and the Coalition for Justice in the Maquiladoras. The second is "Why NAFTA Failed and What's Needed to Protect Workers' Health and Safety in International Trade Treaties." The reports were written by MHSSN Coordinator Garrett Brown.



Left, Han Young striker Miguel Angel Solozano's right arm was injured when he fell in an industrial accident at the plant. The fractures were not set properly and he was forced to return to work ten days later. He still cannot close his fist completely. Hazards at Han Young included malfunctioning cranes that dropped one-ton truck trailer chassis without warning. Tijuana, Mexico, May 1998. Credit: David Bacon

Right, Silvestre Reyes was a welder and a member of the executive committee of the independent union at Han Young that fought for a member-controlled union at the plant from 1997 to 1999. Workers at Han Young did not have appropriate personal protective equipment for welding such as welding glasses and non-flammable jackets. Tijuana, Mexico, February 1998. Credit: David Bacon



Right, Mexican Labor Board official (left) outside the Han Young plant conducting a union representation election where workers are required to declare verbally in front of their supervisors and employer (behind the table) whether they vote for the independent union or for a government-dominated union which had a previously unknown "protection contract" with Han Young. The independent union won the election, but the labor board and Han Young management refused to recognize it or to open bargaining for a new contract. Tijuana, Mexico, October 1997. Credit: David Bacon





Left, Workers at the Auto Trim and Custom Trim plants put leather covers on steering wheels sent to U.S. automakers. Chemical adhesives are used to glue leather covering onto the metal steering wheels, and then solvents are used to remove excess adhesives. The work involves repeated, forceful motions in awkward positions for the entire eight-hour shift. The workers first worked in a linear assembly line configuration, but were later organized into cell formations of six to eight workers who completed all operations of the previous assembly line. Production quotas for the cells were also raised, increasing chemical exposures and ergonomic hazards. Auto Trim plant, Matamoros, Mexico, 2000. Credit: Coalition for Justice in the Maquiladoras



Two workers from Auto Trim/Custom Trim testify at the December 2000 hearing held by the U.S. National Administrative Office in San Antonio, Texas, explaining the work operations at the plants. The U.S. NAO heard from 12 Mexican workers and five Mexican and U.S. experts on labor law and occupational health. In January 2001, two experts from the U.S. National Institute for Occupational Safety and Health (NIOSH) conducted visits to the two facilities. Both the NAO and NIOSH reports confirmed the workers' descriptions of uncontrolled chemical and ergonomic hazards. San Antonio, TX, December 2000. Credit: Coalition for Justice in the Maquiladoras



Uciel Alvarez, a striker at Han Young and a member of the independent union, moments after he and other Han Young workers were physically attacked and expelled from a meeting organized by the Mexican government to discuss their rights under Mexican law. The meeting continued after the Han Young workers were thrown out of the hotel where it was held, and this gathering then "resolved" and terminated the Han Young workers' complaint. Alvarez suffered a bloody nose, facial cuts, and contusions to the body during the attack. Tijuana, Mexico, June 2000. Credit: David Bacon



Workers from the Auto Trim and Custom Trim plants, joined by supporters from Mexico and the United States, celebrate after the December 2000 hearing held by the U.S. National Administrative Office on their health and safety complaint. The U.S. NAO confirmed the workers' reports of unsafe conditions and non-enforcement of safety regulations by the Mexican government. But the "resolution" of their NAFTA complaint was the formation of a government-only working group of occupational health officials from Mexico, Canada, and the U.S. Specific proposals made by the workers for both immediate and long-term correction of workplace hazard and regulatory enforcement were ignored by the government working group. San Antonio, TX, December 2000. Credit: Coalition for Justice in the Maquiladoras