

LRR FOCUS: MORE NAFTA COMPLAINTS, MORE LABOR LEVERAGE

To respond to complaints about worker's rights, the labor side agreement to NAFTA established *National Administrative Offices (NAO's)* in Mexico, the U.S., and Canada. While the U.S. NAO recently rebuffed the complaints against GE and Honeywell, the side agreement is a toolbox for labor whose potential is still unexplored. While Mexico's telecommunications workers are pursuing a complaint against Sprint and U.S. labor law, four U.S. and Mexican organizations are challenging Mexico to enforce its labor laws.

The organizations—the American Friends Service Committee (AFSC), the Coalition for Justice in the Maquiladoras (CJM), the International Labor Rights Education and Research Fund (ILRERF), and the National Association of Democratic Lawyers (ANAD)—allege in their complaint filed with the U.S. NAO that the Sony Corporation interfered with the rights of its Mexican workers to organize, and that the Mexican government conspired in that suppression of rights and failed to enforce its labor laws. Specifically, the filers took issue with:

- the unjust dismissal of Sony workers in Nuevo Laredo, Mexico, for trying to organize an independent slate of candidates to run for union office
- improper conduct by Sony and Mexican labor "leaders" in the union election process
- police violence in suppressing a peaceful work stoppage to protest the undemocratic union election
- the Mexican government's repeated denial of the worker's petition to register an independent union

The filing groups have expressed "qualified" satisfaction with U.S./NAO process, but concern about the weak results. Based on the complaint, Robert Reich, the U.S. Secretary of Labor held consultations with Santiago Onate, the Mexican Secretary of Labor, and reached an agreement to examine further the "remedies available in Mexican labor law" for the Sony workers. Whether this will bring improvement is uncertain as of this date. Separately, the U.S. NAO has agreed to publish its own study of how Mexican labor boards handled claims of unjustified dismissal of union petitions.

Jerome Levinson, ILRERF legal counsel who headed the team preparing the complaint, noted that the NAO decisions "resurrected the NAO from irrelevance... It's a significant improvement over the decisions made in the first two NAO cases, on violations by GE and Honeywell of their Mexican worker's rights." Levinson, however, was highly critical of the lack of teeth in the ministerial agreement.

It remains to be seen whether filing NAFTA complaints will become standard tools used by labor activists. For the moment, the filings demonstrate the labor movement's flexible use of *international* law in the face of highly imperfect mechanisms to defend worker's rights at the *national* level. As Pharis Harvey, executive director of ILRERF, observed, the filings demonstrate that "legally, in both the U.S. and Mexico, there are serious problems for worker's rights to organize. In the U.S. the weakness is in the law; in Mexico the problem is in its enforcement." Test cases like the Sony filing will show whether international agreements such as NAFTA will deliver more than the low blows and runarounds which are standard fare nationally. ■
