



**Joint Public Statement on Stakeholder Seminar on Freedom of Association  
December 3, Puebla Mexico  
Regarding Public Communication USA 2003 -01 and CAN 2003-01**

In September 2003 the Workers Assistance Center (CAT) in Mexico, United Students Against Sweatshops (USAS) in the US, and the Maquila Solidarity Network (MSN) in Canada filed a joint complaint under the North American Agreement on Labour Cooperation (NAALC), more commonly known as the NAFTA labour side agreement.

The main focus of the complaint, which was filed with both the US and Canadian National Administrative Offices (NAOs), was violations of workers' right to freedom of association and collective bargaining at the Matamoros Garment and Tarrant Ajalpan garment factories in the State of Puebla, and the failure of the Mexican government to enforce its laws concerning freedom of association and collective bargaining in both cases.

In 2004, public hearings on the complaint were heard in both the US and Canada. The US report was released in September 2004 and the Canadian report in May 2005. Both reports pointed to the continuing difficulties with the union registration process, the impartiality and independence of labour boards, workers' access to information about their collective agreements, and the protection of workers from dismissal for organizing a union. They both recommended Ministerial Consultation to attempt to resolve the issues.

Now more than five years since the complaint was filed, on December 2, 2008, there will be the first government-to-government meeting between the governments of the United States, Canada, Mexico and the State of Puebla to exchange information on best practices in the three countries concerning worker complaints of unfair dismissals, processes for registration of unions, and access to collective bargaining agreements.

On the following day, December 3, there will be a "stakeholder seminar" convened by the four governments to share and build on the information gathered through this government exchange.

Our organizations, the three complainants in the Puebla case, will not be participating in the so-called "stakeholder seminar" for a number of reasons, including the following:

1. The stakeholder seminar is not open to the public or to the Mexican or international media.
2. No independent Mexican trade union organizations, labour rights NGOs or credible independent experts on labour rights issues in Mexico have been invited to speak at the seminar, and, with a few exceptions, independent Mexican voices are being deliberately excluded from the seminar.

3. The vast majority of those invited to participate in the seminar are functionaries of Mexican federal and state governments and corporate lawyers linked to those institutions, people with a vested interest in maintaining the status quo.
4. All speakers and commentators on the panels focussing on the two central issues in the case – union registrations and collective bargaining agreements – are either representatives of the Mexican federal or Puebla state governments or people chosen by those governments.
5. The focus of the meeting is on current best practice in the various jurisdictions in the three countries, rather than on the changes needed in the policies and practices of governmental institutions to ensure that workers can exercise their fundamental right to freedom of association and collective bargaining.
6. The process that has been put in place will offer no remedies for the workers who suffered the abuses documented in this case.

We the undersigned therefore call on the three governments to focus their attention and take immediate action on the following recommendations from the three complainants in this case:

- A public commitment by the Government of Mexico and the Ministry of Labour at the Federal and State of Puebla level to NAALC principles and standards.
- Agreement by the Puebla Conciliation and Arbitration Boards (CABs) to publicly disclose the union registration documents (registros) and collective bargaining agreements within its jurisdiction.
- A public commitment by the Puebla CAB to grant the union registration documents in accordance with the Federal Labour Law, including the granting of registros to any legally constituted union without procedural obstacles. (If a request for a registro is technically defective, the CAB will grant the union an opportunity to correct the petition within the 60-day time frame rather than rejecting it.)
- A public commitment by the Puebla CAB that all future recuentos concerning which of two or more unions shall have title to a collective agreement will be held by secret ballot vote in a neutral location free from intimidation and under conditions that guarantee the anonymity of the voters.
- The formation of an Advisory Committee of Labour Experts that will serve as an oversight body to monitor government compliance with the commitments listed above.

***Maquila Solidarity Network (MSN)***

***Workers Assistance Center (CAT)***

***United Students Against Sweatshops (USAS)***