

**Testimony to the Canadian National Administrative Office (NAO) – Public
Communication CAN 2003-1 (Puebla)**

**Julia Plascencia
United Students Against Sweatshops
May 28, 2004
Toronto, Canada**

During 2003 I spent 10 weeks as an international intern for the United Students Against Sweatshops (USAS) summer internship program. Briefly, USAS is an international student movement of campus groups fighting for sweat-free labor conditions and workers rights. I began my internship in México on June 16, 2003 and was placed with the Centro de Apoyo al Trabajador (CAT). During my internship, I witnessed the struggle of workers at the Tarrant Ajalpan factory in Puebla to achieve overtime pay, form an independent union (SUITTAR) and win collective bargaining rights, among other grievances and violations.

During the 10-week period that I was in México, I either heard firsthand accounts from workers or witnessed events regarding violations that took place at the Ajalpan plant. Even though Public Communication CAN #2003-01 (Puebla) itself lists in detail the violations that have taken place against Mexican workers in the garment industry in Puebla, I believe that it would be pertinent to give some sense of what I observed as an intern in México. Though there were numerous reasons why 800 workers participated in the work stoppage, the primary motivation, as communicated by the workers, was the failure of the company to pay the Tarrant Ajalpan workers adequately, including their legally entitled profit sharing for three years. The workers knew that the company was profitable because its productivity was so high, but, if the company was making any sort of profit, the company made sure the workers never remotely shared in its distribution. Also, the company had not been paying them regularly for overtime and, when they did pay them, it was simply to avoid further backlash from the workers. However, when these strategies failed to work, the company began to make the working environment more hostile and repressive for the workers. Many workers continually complained of harassment by management. One worker related how he got up to go to human resources and when he came back, someone else was in his spot. This strategy, according to workers, is regularly used by management to intimidate and control workers. Workers were also approached by management and told that trying to bargain collectively and seek redress from the company was illegal and that if they continued to cause problems they could be responsible for making the owner shut down the whole production chain in the region and ruin the regional economy. In addition, when the worker committee attempted to meet with management to address its demands, management would often try to make the workers desperate by harassing them and intimidating them into believing that they did not have the support of their fellow workers.

During this time period, workers also attempted to use domestic legal remedies to address their problems. One such strategy was to petition the local labor board for recognition of their newly formed independent union, the Sindicato Único Independiente de Trabajadores de la Empresa Tarrant México (SUITTAR, or Independent Union of Tarrant México Company Workers). The workers held their formative assembly on July 12, 2003 and approximately 400 workers showed up to join the union. Additionally, the workers organized themselves into groups and conducted house visits to affiliate more workers to their union – finally getting a total of 736 workers, or

75% of the workforce, to join. Workers took every precaution to ensure the legality and legitimacy of their union and, thus, submitted their petition meticulously and accurately. However, many workers felt that the local labor board stalled the negotiation process around the workers' original pliego petitorio demands by not responding in a timely fashion to their complaints. In addition, the local labor board was not even open during the latter half of July 2003 and did not reopen until August, by which time the seven members of the worker committee and later 250 more workers were forced to sign resignation papers by the company and illegally fired.

Also in the summer of 2003, another USAS intern and I interviewed workers from Matamoros Garment. The Matamoros Garment struggle and the workers' stories provided the case material initially presented in the public communication submission. The workers interviewed cited cases of occupational health and safety, forced labor and child labor violations, as well as failure to pay minimum wages. These violations became the grievances that motivated Matamoros Garment workers to form their independent union, SITEMAG. In the case of child labor, workers testified that management was aware of the fact that 14 and 15 year olds were working in the plant. I would be happy to elaborate on these interviews and answer questions to this respect.

I believe in the promotion of higher labor standards among NAFTA member countries and the ultimate recognition that these rights are derived from the inherent dignity of the human person. My primary goal in Puebla was to serve as a medium by which the workers could express their concerns and experiences freely and without fear of reprisal from anyone. The worker interviews that are annexed to the complaint were conducted in Spanish in the comfort and convenience of workers' homes. The workers we interviewed were initially contacted through the CAT; however, their participation in the interviews was strictly voluntary. It was explained to them very clearly that the NAO public communication, even if processed, accepted and recommended for ministerial consultations, would not result in effective reinstatement of workers who lost their jobs illegally.

Despite the reality of possibly never getting any kind of meaningful redress from the Mexican government, these workers cited in our testimonies have nonetheless continued to struggle for the right to desirable work, to join trade unions and, furthermore, the right to just and favorable remuneration ensuring for themselves and their families an existence worthy of human dignity. That is why I believe it is crucial that the NAO take every effective measure in its power to meet their struggle by taking the lead in showing the world that a trade agreement can also embody internationally recognized human and labor rights with sanctions just as a company can be sanctioned, and recommend that the Mexican government take the following measures:

- 1) Conciliation and Arbitration Boards should publicly disclose *registros* and collective bargaining agreements (both important transparency measures currently not practiced by the Mexican government);
- 2) CABs should grant *registros* in a transparent manner in accordance with Mexican Federal Labor Law;
- 3) The establishment of a tri-national oversight committee composed of labor rights experts with the power to investigate and issue reports regarding allegations of violations of the first three NAALC principles (freedom of association and protection of the right to organize, the right to

bargain collectively and the right to strike), and specifically the denial of *registros*, use of blacklists and the denial of secret ballot voting in union elections; and

4) Convene a public cooperative activity in Puebla on the theme of freedom of association and specifically the right of a union to receive its *registro* under the Federal Labor Law, with the participation of the Governor, the CAB of Puebla and the three petitioners.

Lastly, USAS encourages the NAO to address the issues in this submission that are subject to review by an Evaluation Committee of Experts (occupational health and safety, forced labor, child labor and minimum wages) and recommend a review by such a committee as provided for in the NAALC, if necessary.

Thank you.