



A BRIEF EXPLANATION OF THE ABASCAL PROPOSAL AND THE NAALC SUBMISSION

Beginning in the late 1980s, the PRI (Institutional Revolutionary Party) and Mexican employers' associations began to put forward their vision of a "New Labor Culture" that emphasized productivity and flexibility. The first proposal was introduced in the late 80's by the Mexican Employers Association (COPARMEX), but was ultimately not successful. However, after Vicente Fox Quesada (PAN) was elected president in 2000, Carlos Abascal Carranza, his-Secretary of Labor, and a former head of COPARMEX, began the process by which a proposal for labor law reform was developed. In July of 2001, Abascal initiated the talks between the Secretariat of Labor and Social Welfare (STPS), the Business Coordinating Council (CCE) and the labor unions, both the Congress of Labor (CT) and the National Union of Workers (UNT), with a commitment that no legislation would be introduced in the absence of a consensus. However, the present piece of legislation, developed essentially by the STPS, is far from a consensus proposal and would seriously diminish current standards in violation of domestic and international law.

The initiative presented on December 12, 2002 with the support of the Fox administration will be voted on during the current session of the Chamber of Deputies, which began on February 15, 2005. Together, these reforms would strengthen the system of corporatist control over labor, further stifling the rights of workers, while giving business the unrestrained "flexibility" it has been demanding. The *Abascal Project* further violates the "Twenty Commitments to Freedom of Association and Union Democracy" signed by President Fox while he was a candidate for the presidency and independent unions in 2000, which promised greater respect and protection of democratic rights in the labor arena

Already, independent labor unions, academics and labor lawyers have criticized the Abascal Project harshly. Lance Compa, former Director of Labor Law and Economic Research for the Secretariat of the Commission for Labor Cooperation, established under the NAALC, recently summarized the principal objections in terms of freedom of association to the *Abascal Project* as follows:

The proposal would tighten government control of union formation and collective bargaining while granting employers new unilateral powers to sidetrack unions...The Abascal proposal would do nothing to increase transparency in union affairs [and] rejects independent unions' long-standing demand to list local unions and collective bargaining agreements in a public registry available to all citizens ...The Abascal proposal would

also create enormous obstacles to workers' right to organize. First, it would tighten jurisdictional rules defining which labor organization can represent workers according to craft, enterprise and company. The effect would be to lock in bargaining monopoly by incumbent official unions and insulate them from challenges from independent unions. Finally, the Abascal proposal would require prior disclosure of the name and address of every worker who joins an independent union, then have the federal or state labor board with jurisdiction in the matter investigate each worker's signature. ...[This] puts all workers at the risk of reprisals and would have a chilling effect on workers' freedom of association.

See Lance Compa, Justice for All : The Struggle for Workers Rights in Mexico, AFL-CIO Solidarity Center (2003), p. 18, www.solidaritycenter.org

On February 17, 2005, 20 Mexican, Canadian, Quebecois and U.S. unions, as well as the Washington Office on Latin America, filed a submission with the U.S. NAO alleging that the *Abascal Project* violates the central obligation of the NAFTA labor side agreement (NAALC), which obligates the parties to: "ensure that its labor laws and regulations provide for high labor standards, consistent with high quality and productivity workplaces, and shall continue to strive to improve those standards in that light." Substantially weakening existing laws and failing to fix the numerous problems that already exist is clear evidence that Mexico is not striving to improve its standards. The obligations undertaken by the Parties under the NAALC would be rendered utterly meaningless if one were able to repeal those laws that protect workers and replace them with laws that violate the principles set forth in the NAALC.

Petitioners are asking the U.S. NAO to undertake an expedited review of the labor law reforms and to recommend that any provisions found to violate the labor side agreement be rescinded. Petitioners are supported in this effort by Representative Marcy Kaptur (D-OH), who is currently sponsoring a congressional sign on letter to Labor Secretary Elaine Chao, urging that Secretary Chao accept the submission, review the Abascal Project, and immediately initiate consultations with the Mexican government to address its open violation of Mexico's obligations under the NAALC.

Participating Unions:

U.S.: American Federation of State, County and Municipal Employees (AFSCME), Communications Workers of America (CWA), International Brotherhood of Teamsters (IBT), International Association of Machinists (IAM), Paper, Allied-Industrial, Chemical & Energy Workers International Union (PACE), Service Employees International Union (SEIU), UNITE-HERE, United Auto Workers of America (UAW), United Electrical, Radio and Machine Workers of America (UE), United Steel Workers of America (USWA), and the Labor Council for Latin American Advancement (LCLAA)

Canadian/Quebec: Canadian Auto Workers Union (CAW), Canadian Energy and Paper Workers' Union (CEP), Canadian Labour Congress (CLC), Centrale des Syndicats du Québec (CSQ), Syndicat de la fonction publique du Québec (SFPQ).

Mexico: Sindicato Mexicano de Electricistas (SME), Sindicato Unico de los Trabajadores del Distrito Federal, Unión Nacional de Trabajadores (UNT) (Mexico's largest federation of independent trade unions)

Global Union Federations: Public Service International (PSI)

If you have any further questions regarding the petition, please contact:

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