

Joint Statement

U.S.-Mexico Joint Statement on Ministerial Consultations

Under the North American Agreement on Labor Cooperation

The Secretary of Labor of the United States, Elaine L. Chao, and the Secretary of Labor and Social Welfare of Mexico, Carlos Abascal Carranza, reaffirm their commitment to the effective enforcement of labor laws by their respective labor departments. In order to strengthen U.S.-Mexico labor relationships and to work collaboratively to address labor issues of mutual concern, the Secretaries have undertaken ministerial consultations pursuant to the North American Agreement on Labor Cooperation on Submissions U.S. 9901, U.S. 2000-01, and Mexico 9804.

Based on a common desire to work together to improve the working conditions and living standards of all workers, the Secretaries have adopted a Ministerial Consultations Joint Declaration designed to collaboratively address the workplace issues raised by the submissions. These issues include freedom of association and protection of the right to organize, the right to bargain collectively, minimum employment standards, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protection of migrant workers. As a result of the consultations, the Secretaries have made specific commitments.

In order to address issues related to occupational injuries and illnesses, the Secretaries have established a Binational Occupational Safety and Health Working Group. This Working Group is composed of occupational safety and health experts from the two governments who will meet on an ongoing basis. The Working Group members will review and consider occupational safety and health issues raised by submissions, formulate technical recommendations for consideration by the governments addressing labor law enforcement practices, develop technical cooperation projects, and identify other occupational safety and health topics appropriate for bilateral collaboration. The Working Group will be headed by the U.S. Assistant Secretary for Occupational Safety and Health and the Mexican Director General for Occupational Safety and Health, and will hold its first meeting this summer in Mexico. The working group will report to the Secretaries or their designees for consideration of its recommendations.

The Secretariat of Labor and Social Welfare of Mexico (STPS) will undertake outreach efforts to inform the public about legal advice and assistance by government entities available to all workers in cases related to prevention and compensation of occupational injuries and illnesses. The effort will include explanation of the actions undertaken by STPS, the Mexican Social Security Institute (IMSS), and the Mexican Department of Health in response to any claims or complaints of workers regarding occupational safety and health. The Mexican Secretariat of Labor and Social Welfare will provide information about free legal counseling services offered by the Office of the Federal Attorney General for the Defense of Workers (PROFEDET) and about other public services available in Mexico concerning how to file for compensation and the means available to appeal decisions. Information about pending claims of disability and workplace risks can be obtained from IMSS (53-38-81-45).

The labor departments will address issues raised in Submission U.S. 9901 related to the

formation and representation rights of craft or guild unions in a trilateral public seminar. This issue will be joined with the public seminar previously agreed to on freedom of association issues as part the May 2000 ministerial agreement on Submissions U.S. 9702 and 9703. The revised seminar will be held in Monterrey, Nuevo León, Mexico. The seminar will provide for dialogue on the structure and role of labor boards, the role of labor boards in the process of obtaining the right to negotiate a collective bargaining agreement, and the structures that guarantee the impartiality of labor boards. The governments will share views on their systems, as well as best practices and procedures concerning labor boards and their practices. Time will be allotted for public questions and participation.

In order to address issues related to the protection of migrant workers raised in Submission Mexico 9804, the U.S. Department of Labor (DOL) will develop informational materials addressing work place rights of migrant workers. The materials (such as brochures, videos and flyers) will be produced in Spanish and will be disseminated in various geographic areas throughout the United States by a variety of parties including the U.S. Government, the Mexican Consulates, the States, and community and non-governmental organizations. Additionally, the DOL and STPS will continue to work together to develop model cooperative efforts for the purpose of replication throughout the country. Current efforts underway include a program in California whereby Mexican Consular staff receive training on the various laws enforced by Federal and State agencies that have application to workers in the U.S. to enable Consular staff to refer workplace issues to the proper authority for review and resolution. Additional efforts are underway in Houston, Texas, where the U.S. and the Mexican Consulates, together with the Equal Employment Opportunity Commission, the local mayor's office, the State, and non-governmental organizations, organized a local program to raise public awareness and educate workers about their rights and remedies for abuse. The program's resources support a toll-free telephone number for workers to call to receive assistance with work place issues, seminars, radio programs, and other outreach efforts. The U.S. Department of Labor also has formed non-traditional partnerships with community and non-governmental organizations to raise awareness about work place protections and invites Mexican Consulates to participate in that process.