

August 17, 2018

Ambassador Robert E. Lighthizer  
United States Trade Representative  
600 17th Street, NW  
Washington, DC 20508

Dear Amb. Lighthizer:

As petitioners under the North American Agreement on Labor Cooperation (NAALC) and other free trade agreements, we write to recommend that the renegotiated North American Free Trade Agreement (NAFTA) contain strong protections for working people and enforcement mechanisms that do justice to those protections. We have seen firsthand the weaknesses of the NAALC and other trade agreements, both in extending justice to workers and in leveraging an impact on trade policy. Limited protections, inaccessible processes and meaningless timelines, and barriers to dispute resolution have been par for the course. We salute your efforts to create a meaningful labor chapter in the renegotiation of NAFTA, and we encourage you to avoid the errors of past agreements.

In particular, we recommend that the labor chapter for the renegotiated NAFTA:

- **Meet the basic standards of the International Labor Organization's eight core conventions.** Rather than reducing the labor protections to the meager floor set by the Trade Promotion Authority of 2015 (TPA), we recommend that you use the renegotiation of NAFTA to build upon the base of standards in the NAALC, ensuring minimum employment standards, equal pay for men and women, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protections for migrant workers, who are so often carved out of protections in the destination country. We recommend that you reinforce the human rights of working people, understanding that upholding these rights in turn supports trade between the parties.
- **Ensure that the complaint process and dispute resolution mechanism are accessible to workers, timely and transparent.** The complaint process should be simple to access, no fees should be attached, no legal representation should be required, and the process should be language accessible to workers. Information about the process should be clear, and information about the status

of a petition should be readily available to petitioners and the public. Timelines should be strictly construed, and notice should be given to petitioners of the status of their petitions.

- **Avoid barriers to complaints and dispute resolution.** We recommend that you avoid vague “trade-related” or “manner affecting trade” standards, which are subject to misinterpretation, in favor of a standard that acknowledges the inextricable relationship between labor and trade. The NAALC rightly requires only that the labor law matter arise in the territory of another party to bring a complaint, a standard that grasps the integration of trade and labor as concerns all workers, including migrant workers. To create a standard that did not comprehend the relationship between trade and labor would be to negate the purpose of the chapter. Moreover, we believe the creation of a non-binding state-to-state dispute settlement system allowing parties to ignore decisions would undermine the purposes of creating this chapter, and we therefore recommend that dispute settlement and other enforcement mechanisms be binding. All standards and protections under the agreement should make petitioners whole and wield the threat of trade sanctions.

Time and time again, we have seen our complaints fall prey to ineffectively enforced labor provisions. Unless the labor chapter includes a broad set of protections and a meaningful process for enforcing those protections, efforts to incorporate a labor chapter will have been in vain. We consider these elements to be essential to the effective functioning of a labor chapter. We are grateful for the opportunity to provide this input and hope that you will consider these recommendations as you continue your negotiations.

Sincerely,

### **The Undersigned Petitioners and Co-Petitioners**

\*Note that many petitioners have submitted numerous complaints and that the listed complaints are a sampling.

Adareli Ponce Hernandez, NAALC, Mexico NAO Submission 2016-1

AFL-CIO, NAALC, U.S. NAO Submission 2001-01 (Duro Bag)

American Federation of Government Employees Local 3354, NAALC, U.S. NAO Submission NO 2015-04

American Federation of State, County, and Municipal Employees (AFSCME), NAALC, U.S. NAO Submission 2005-01

Association of Flight Attendants-CWA, NAALC, U.S. NAO Submission 9901 (TAESA) Bakery, Confectionery, Tobacco Workers and Grain Millers' International Union (BCTGM), , U.S. NAO Submission 2011-02 (SME)

Catholic Relief Services - Mexico, NAALC, Mexico NAO Submission 2016-1

Centro de los Derechos del Migrante, Inc. (CDM), NAALC, Mexico NAO Submissions 2011-1, 2016-1

Chicago Religious Leadership Network on Latin America (CRLN)

Communications Workers of America (CWA), NAALC, U.S. NAO Submission 2005-01

Efrain Vasquez Flores, NAALC, Mexico NAO Submission 2016-1

Elisa Martinez Tovar, NAALC, Mexico NAO Submission 2016-1

Farmworker Justice, NAALC, Mexico NAO Submission (number not available) filed on January 25, 2018

Instituto de Estudios y Divulgación sobre Migración A.C. (INEDIM), NAALC, Mexico NAO Submissions 2011-1, 2016-1

International Brotherhood of Teamsters, NAALC, U.S. NAO Submission 9803 (McDonald's)

International Labor Rights Forum (ILRF), U.S.-Peru Trade Promotion Agreement, U.S. PTPA 2015-01

International Trade Union Confederation (ITUC), NAALC, U.S. NAO Submission 2011-02 (SME)

Justice at Work (Pennsylvania) formerly Friends of Farmworkers, NAALC, U.S. NAO Submission No. 2015-04

Legal Aid Justice Center, NAALC, Mexico NAO Submission 2016-1

Leonardo Cortez Vitela, NAALC, Mexico NAO Submission 2016-1

National Family Farm Coalition, NAALC, Mexico NAO Submission 2016-1

Northwest Workers' Justice Project, NAALC, Mexico NAO Submission 2011-1

Organizacion en California de Lideres Campesinas, Inc., NAALC, Mexico NAO Submission 2016-1

Proyecto sobre Organización, Desarrollo, Educación e Investigación (PODER),  
NAALC, U.S. NAO Submission No. 2015-04

Service Employees International Union (SEIU), NAALC, Mexico NAO Submission  
9804 (Yale/INS)

Unión Nacional de las Trabajadoras y Trabajadores (UNT), NAALC, U.S. NAO  
Submission 2011-02

UNITE HERE, NAALC, U.S. NAO Submission 2004-01

United Electrical, Radio and Machine Workers of America (UE), NAALC, U.S. NAO  
Submission No. 9703 (ITAPSA), U.S. NAO Submission No. 2000-01 (Auto Trim)

United Food and Commercial Workers (UFCW), NAALC, U.S. NAO Submission No.  
2015-04

United Steelworkers, NAALC, U.S. NAO Submission No. 2006-01 (Coahuila)

Washington Office on Latin America, , U.S. NAO Submission 2005-01 (Labor Law  
Reform)

Worker Justice Center of NY, NAALC, Mexico NAO Submission 2016-1

Worker's Center of Central New York, NAALC, Mexico NAO Submission 2011-1

*Cc: Minister Chrystia Freeland, Minister Ildfonso Guajardo*

