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LADB Staff

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U.S. Study Points to Discrimination Against Pregnant Women at Maquiladoras

by LADB Staff

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A six-month study commissioned by the US Labor Department confirmed that maquiladora plants along the US-Mexico border discriminate against employees or prospective employees who are pregnant. The investigation was conducted by the Labor Department's National Administrative Office (NAO), created under the North American Free Trade Agreement (NAFTA), to investigate labor disputes and complaints of violations of workers' rights.

Report based on complaints from nongovernmental groups

The NAO study, published in mid-January, was based on complaints filed in May 1997 by three nongovernmental organizations: Human Rights Watch, the International Labor Relations Fund, and the Asociacion Nacional de Abogados Democraticos. The study said the maquiladora plants discriminate against pregnant employees and prospective employees to avoid paying maternity benefits.

The study said the plants use pre-employment medical tests to disqualify pregnant applicants. Furthermore, pregnant employees are pressured to resign or are dismissed without cause. While the report provides proof of the discriminatory practices by maquiladora plants, it criticizes the Mexican government for failing to enforce its labor-rights laws. The NAO said President Ernesto Zedillo's administration took no action to prevent discrimination at maquiladora plants, and it failed to provide workers access to labor tribunals or other recourse.

US requests consultations with Mexico to discuss findings

Following the release of the study, US Labor Secretary Alexis Herman requested consultations with Mexican Labor Secretary Javier Bonilla Garcia. "This is a serious issue and we need to consult with Mexico as to implementation of its employment discrimination laws," Herman said in a statement. Spokespersons for the Secretaria del Trabajo y Prevision Social (STPS) said ministerial consultations are unlikely. "Results from frequent inspections demonstrate that compliance in this industry has been satisfactory and comparable to that of other industrial activities in Mexico," the STPS said.

Furthermore, the STPS questioned the NAO's right to investigate Mexican labor laws. An STPS spokesperson said the NAFTA parallel agreement on labor was "not conceived to question domestic legislation, since each party is entitled to define its own labor regulatory framework." LaShawn Jefferson, a researcher of women's rights at Human Rights Watch, urged Herman to press the Mexican government to act on the report. "The US position going into these consultations should be unambiguous," said Jefferson. "Pregnancy exams as a condition for employment are a form of illegal sex discrimination, whenever they occur." \

Any follow-up by the US and Mexican governments could show the willingness of both countries to carry out NAFTA's goals of harmonizing labor standards among member countries. The NAFTA

parallel agreement on labor prohibits job discrimination based on race, religion, age, sex or other grounds. Jefferson also urged Herman to apply US labor standards to pressure the parent companies of the maquiladora plants to stop discrimination against women. US corporations still operate most of the 2,700 assembly plants located in northern Mexico, although Asian-based companies have increased in the maquiladora industry. The industry employs more than 500,000 workers and accounts for US\$29 billion of Mexico's export earnings. (Sources: Notimex, 01/12/98; Reuter, New York Times, United Press International, 01/13/98; El Universal, 01/14/98; Human Rights Watch press release, 01/15/98; El Economista, 01/15/98; El Financiero International, 01/19/98)

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