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U.S. Labor Department Backs Complaint by Workers at Tijuana Maquiladora Plant

by LADB Staff

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In late April, the US Labor Department's National Administrative Office (NAO) issued a report supporting complaints that the Baja California state labor board interfered with the rights of workers at a South Korean-owned maquiladora plant to organize. In November 1997, the state board overturned a vote by welders at the Han Young de Mexico plant, to join the independent Sindicato de Trabajadores de las Industrias Metalica, Acero, Hierro, Conexos y Similares (STIMAHCS).

Officially, the board said the request was denied because the STIMAHCS was not a registered national industrial union (see SourceMex, 11/26/98). Workers at the plant immediately filed a complaint with NAO, which was created under the North American Free Trade Agreement (NAFTA) to investigate complaints of labor violations. The NAO decision to accept the case forced the Baja California labor board to eventually certify the STIMAHCS as the legitimate representative of the workers at the Han Young plant.

Despite the state labor board's eventual recognition of the STIMAHCS, NAO proceeded with the six-month investigation. In its six-month review released on April 29, the NAO concluded that Mexico's labor system continues to favor unions such as the Confederacion de Trabajadores de Mexico (CTM), which is affiliated with the governing Partido Revolucionario Institucional (PRI).

Following the release of the report, US Labor Secretary Alexis Herman requested consultations with her Mexican counterpart, Labor Secretary Javier Bonilla, to discuss the matter. Bonilla has not responded publicly to the request. However, a prepared statement from the Secretaria de Trabajo y Prevision Social (STPS) hinted that consultations between Herman and Bonilla were unlikely.

In the statement, the STPS accused the US government of "supporting the demands of one side in this dispute, stirring up emotions and generating hopes that go beyond the terms of NAFTA." This is Herman's second request for consultations with Bonilla following an NAO investigation. In January 1998, the NAO issued a report supporting claims that maquiladora plants along the US-Mexico border discriminate against employees or prospective employees who are pregnant (see SourceMex, 01/21/98).

US also considering complaint against Mexico state brake plant

Meantime, the NAO is considering a third case under NAFTA labor rules. In late March, the agency held a hearing to determine two separate but related complaints against US-based Echlin Corp. and its Mexican subsidiary ITAPSA. In the first complaint, which was similar to the Han Young case, labor organizations from the three NAFTA countries accused the Mexican government and the CTM of suppressing an effort by ITAPSA workers to affiliate with (STIMAHCS).

In the second complaint, the NAO investigated whether ITAPSA workers were being exposed to dangerous levels of asbestos. Asbestos, a carcinogen, is used in the manufacture of at least one-half of the bake pads and drums produced at the Itapsa plant in Mexico state. A spokesperson for the UAW said ITAPSA workers want to join the STIMAHCS to address the health issue more effectively. Speaking at the hearing, Echlin spokespersons said all employees at the plant undergo annual x-ray and pulmonary function tests. "I have not found any evidence of occupational illness caused by asbestos exposures," plant doctor Homero Martinez told Bloomberg News.

But a spokesperson for the United Auto Workers (UAW), one of the organizations that originally raised the issue with the US Labor Department, said the ill effects of asbestos exposure on worker health may not become immediately apparent. The UAW's worker safety director Frank Mirer said workers may not show signs of illness from asbestos contamination for 10 or 15 years. Randall Foster, Echlin's safety director, said the Echlin plant is one of the safest in Mexico. "I guarantee you, this is head and shoulders above anything you'll see at other asbestos manufacturing operations in Mexico."

While the Labor Department hearing focused primarily on the Echlin-owned plant, the investigation could have a broader impact on labor and environmental regulations within NAFTA. Under Mexican law, workers can be exposed to no more than 2.0 fibers of asbestos per cubic centimeter of air, compared to the US limit of 0.1 fibers. Echlin spokespersons said workers at the ITAPSA plant are exposed to 0.7 fibers per cubic centimeter of air. (Sources: Campaign for Labor Rights newsletter, 03/07/98; Bloomberg News, 04/27/98; Miami Herald, 04/28/98; Associated Press, 04/29/98; The New York Times, The News, 04/30/98)

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