

**Testimony to the US National Administrative Office (NAO) – Public
Communication U.S. 2003-1 (Puebla)**

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April 1, 2004
Washington D.C.**

To introduce myself, I'd like to say that I'm a graduating senior at the University of Southern California majoring in math and human rights. I became involved in United Students Against Sweat Shops about two years ago. Although I started out as pre-med, I've always had a great interest in math -- or in law and human rights and I wrote a paper about the NAALC and that NAO process as a process to remedy human rights violations that occurred as a result of increased free trade.

When the United Students Against Sweat Shops brought my attention to the Matamoros garment case, and where the workers were fired and the union was denied, I brought up the idea that we should write this complaint. When a critical mass developed, we wrote the complaint and I was honored to be involved in such a dedicated voluntary effort. With USAS I've traveled to the Dominican Republic, to Sri Lanka and to India where I've met with workers who worked in export processing zones.

One thing has struck me throughout all of my delegations, while taking testimony from workers how young they are. In Mexico and the Dominican Republic and Sri Lanka and India, the story remains the same; young women and men that are trapped in abusive work environments with little opportunity for improvement. My parents are immigrants from India and they left India under the impression that they had little economic opportunity there for success.

They came here with admission to graduate schools and through extremely hard work and a good start and a lot of luck, they've made a great life for themselves and our family. They've also given me excellent opportunities for which I am grateful but I'll never forget that I shouldn't take these opportunities for granted and that is why I'm here to testify today. Too many young people in the world will never be provided with these opportunities. There are too many young people who are robbed of their culture, robbed of their youth, robbed of their education.

This is why United Students Against Sweat Shops wrote this complaint. We came to the United States National Administrative Office and the Canadian National Administrative Office only as a last resort. Having exhausted all local remedies available to the workers, through the Mexican Government's legal process, we were forced to seek international intervention. This case covers several recent cases in Mexico. The cases mentioned are Kukdong, Matamoros Garment, and Tarrant, factories in Puebla, Mexico. These factories saw violations of Principle 1, the right to freedom of association, Principle 2, the right to a collective bargaining process, Principle 6, obligation to enforce minimum employment standards and Principle 9, the obligation to prevent occupational injuries and illnesses.

The failure of the Mexican Government to enforce Mexico's Federal Labor Law is a key complaint that USAS hopes to address in this process.

In the past, United Students Against Sweat Shops has addressed labor rights violations by putting pressure on factory management and brands and the administration of the schools which are placing orders in the given factories. This system has worked reasonably well and we have had a positive effect upon factory conditions while maintaining the placement of orders in factories to insure their economic livelihood. In the case of Matamoros garment and Tarrant the pressure that we have placed upon factory management and brands has yielded precious little result. When pressured by brands themselves upon factory management failed, United Students Against Sweat Shops relied upon the Mexican Government to fulfill their obligation to enforce their own laws and provide justice through official means. The Mexican Government has abdicated its responsibility in the cases of Matamoros garment and Tarrant de Ajalpan.

Indeed they have condoned illegal behavior failing to act even when they observed first-hand workers paid wages below the legally required minimum wages and failing to conduct fair and impartial registration and appeals processes. The obligation of the Mexican Government to enforce its own laws comes from the Mexican Constitution, the North American Agreement on Labor Cooperation but most importantly, from a common sense understanding of how a government is supposed to function. When the Mexican Government fails to administer its own laws, justice is being denied from the very system that is in place to insure its existence.

The complaint is an attempt by United Students Against Sweat Shops, the Maquila Solidarity Network and the Centro de Apoyo al Trabajador and workers at these factories to force an investigation into Mexico's failure to enforce its own laws. Until the Mexican Government enforces its own laws, it cannot claim to be responsible for the livelihood of its citizens. I sincerely hope for Mexico's sake as well as for the workers, that the barriers to effective law enforcement and justice are properly cleared as a result of recommendations made by the United States Secretary of Labor to the Mexican Minister of Labor.

With these goals in mind, we the Petitioners hope that the National Administrative Office and the United States Secretary of Labor, Elaine Chow (ph) will offer the following recommendations to the Mexican Government. First, that the Secretary of Labor's recommendations remind the Mexican Government of its obligations with respect to its own national laws and the principles stated in the North American Agreement on Labor Cooperation. Second, that I recommend that all federal and specifically the Puebla Local Labor Boards publicly disclose registros and collective bargaining agreements and also that they grant registros in a transparent manner and in strict accordance with Mexico's federal labor law.

Third, that I recommend the establishment of a tri-national oversight committee composed of labor rights experts with the power to investigate and issue reports regarding allegations of violations of the first three principles of the North American

Agreement on Labor Cooperation, namely freedom of association and protection of the right to organize, the right to collectively bargain and the right to strike and specifically, denial of registros, use of black lists and denial of secret ballot votes in their quento (ph) elections. Fourth, that I recommend the holding of a public cooperative activity in Puebla on the theme of freedom of association and specifically the right of a union to receive its registros under federal labor law with the participation of the governor, the local labor board and the organizations that have presented the submission.

Additionally, we seek the assistance of the United States Secretary of Labor in insuring that the issues in this submission are subject to review by an evaluation committee of experts, namely those with relation to safety and health, forced labor, and minimum wages be reviewed by such a committee. We sincerely feel that these recommendations and actions will strengthen Mexico's ability to enforce its own labor laws and to insure adequate oversight, to investigate and hopefully deter any possible future derogations from justice. We look forward to working with the Mexican Government in order to insure that justice is provided to its hardworking citizens.

Thank you.