

**MINISTERIAL CONSULTATIONS**  
**North American Agreement on Labor Cooperation**  
**Public Submissions US 9702 and US 9703**

**JOINT DECLARATION**

The Department of Labor of the United States and the Department of Labor and Social Welfare of Mexico, in accordance with the provisions of the North American Agreement on Labor Cooperation (NAALC) and in order to address matters raised by submissions US 9702 and US 9703 before the U.S. National Administrative Office, agreed to carry out ministerial consultations in a spirit of cooperation and complete respect for the sovereignty of each country regarding labor law and practice on the principles of freedom of association and protection of the right to organize, the right to bargain collectively, and prevention of occupational injuries and illnesses.

Acknowledging the commitment of our Governments under the NAALC to ensure the effective enforcement and promotion of our labor laws and regulations;

Recognizing that the NAALC has led to greater levels of cooperation on labor matters between our two countries and pledging to continue and enhance that cooperative spirit;

Understanding that an integral part of the Agreement is a commitment to review public submissions and engage in cooperative consultations on labor matters;

Confirming our support for the assurance of the labor principles, as well as our Governments' obligations under the NAALC;

Underlining our commitment to promote the principle of freedom of association and the right to organize and that these rights can only be assured when workers are able to freely choose their representatives;

Reaffirming our commitment under the NAALC to promote the prevention of occupational injuries and illnesses and to assure that the protection of workers from exposure to hazardous substances is adequate;

Recognizing the need to devote adequate resources for the inspection of workplaces, continued effective and speedy enforcement of safety and health laws, and promotion of and education about safe and healthy workplace practices, as well as to ensure that persons with a legally recognized interest under the law in a particular matter have access to administrative and judicial proceedings for the impartial enforcement of labor laws;

In view of the commitment of the Mexican Department of Labor and Social Welfare to initiatives foreseen in the *Program for Employment, Training, and Defense of Labor Rights: 1995-2000*, which refers, among other things, to (i) improving the professional level of staff of the Federal Conciliation and Arbitration Board, (ii) setting uniform criteria in the interpretation and application of labor law for labor tribunals, (iii) encouraging the establishment and function of safety and health committees and the provision of appropriate technical assistance to their members, with priority given to micro, small and medium enterprises, and (iv) promoting greater

participation of state and municipal officials in safety and health programs; efforts to increase the dissemination of the registry of labor unions in an open manner, including via the Internet, and promote secret ballots and neutral voting places within the framework of labor-management dialogue for the New Labor Culture; and the promotion of occupational safety and health matters and compliance with rules regulating the work of minors and women in the maquiladora industry, as reflected in the Coordination Agreement (Convenio de Concertación) on these matters, signed by the Department of Labor and Social Welfare, the National Council of the Maquiladora and Export Industry, and local associations of the maquiladora industry; and

In conformity with the principles of the NAALC and in efforts to strengthen our commitment under that Agreement to cooperate on labor issues of mutual concern and promote the rights of workers, the U.S. Department of Labor and the Mexican Department of Labor and Social Welfare agree to the following:

### **ACTION PLAN**

The Mexican Department of Labor and Social Welfare will continue promoting the registry of collective bargaining contracts in conformity with established labor legislation. At the same time, efforts will be made to promote that workers be provided information pertaining to collective bargaining agreements existing in their place of employment and to promote the use of eligible voter lists and secret ballot elections in disputes over the right to hold the collective bargaining contract.

The U.S. Department of Labor and the Mexican Department of Labor and Social Welfare agree to work individually through our Departments and other governmental agencies, and jointly and cooperatively through our respective National Administrative Offices (NAOs) and the Secretariat, to address the specific concerns and the broad labor rights raised by submission US 9702. We agree to cooperate to assure continued respect for freedom of association, which will benefit workers in both of our countries and throughout North America. Similarly, we agree to seek safe and healthy working environments for all workers.

In order to promote the principles of freedom of association and the protection of the right to organize and the right to bargain collectively, a public seminar will be held in Tijuana, Baja California on such themes as freedom of association, the registration of trade unions, mechanisms for gaining and challenging title to the collective bargaining contract, and related procedures, including worker protections during organizing, under the laws and regulations of Mexico. Representatives from federal and local labor authorities will conduct the seminar, which will be designed to encourage participation from the public, including labor organizations, workers, and business.

A trilateral public seminar will be held in the state of Mexico to discuss law and practice governing Labor Boards and their members and officials; their structure and responsibilities; the rules and procedures to assure their impartiality; as well as their role in the processes for gaining the right to a collective bargaining contract. This public seminar will include the participation of officials from relevant federal and state labor boards and authorities, including the Mexican Federal Conciliation and Arbitration Board and the U.S. National Labor Relations Board.

In order to promote the prevention of occupational injuries and illnesses, a government-to-government session will be held for experts from the two countries to exchange information on techniques and policies to promote compliance with safety and health laws and regulations; the processes by which work place inspections are conducted and financial penalties for violations are imposed, escalated, and collected; the use, handling, and marking of hazardous materials; the use of personal protective equipment; and the role of employee/employer safety and health committees.

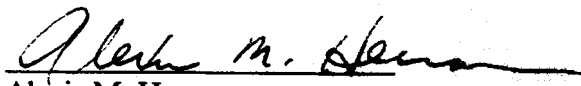
The U.S. Department of Labor and the Mexican Department of Labor and Social Welfare will collaborate on the contents of a program to disseminate information on procedures and general information on safety and health inspections, including through the use of the Internet.

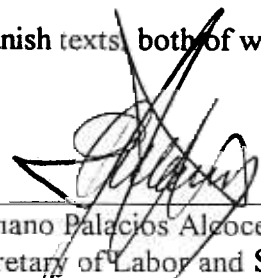
The U.S. Department of Labor and the Mexican Department of Labor and Social Welfare will continue cooperative consultations and exchange of information at the NAO level on these issues during implementation of this declaration; and, at the end of the prescribed term, review the activities and commitments made pursuant to this Joint Declaration.

The NAOs shall develop a work plan for carrying out the programs called for under this declaration within 90 days. The program called for under this declaration should be completed within 15 months of the date of its signing.

The U.S. Department of Labor and the Mexican Department of Labor and Social Welfare will make available public information shared under the activities conducted pursuant to this Joint Declaration.

Agreed to this 18th day of May 2000, in English and Spanish texts, both of which are equally authentic.

  
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Alexis M. Herman  
Secretary of Labor  
United States

  
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Mariano Palacios Alcocer  
Secretary of Labor and Social Welfare  
Mexico

The Government of Canada endorses this Joint Declaration and agrees to participate in the program of consultations agreed to by the United States and Mexico.

  
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Claudette Bradshaw  
Minister of Labour  
Canada