



Press release Num. 004
Washington, D.C., May 12th, 2021.

The Government of Mexico proposed a space for cooperation in the framework of the USMCA regarding the lack of compliance with labor laws in the agricultural and protein processing and packing industries in the United States.

Today, on behalf of the Government of Mexico, Ambassador Esteban Moctezuma Barragán sent a letter to the US Secretary of Labor, Martin J. Walsh, to convey the comments and concerns regarding the lack of compliance with labor laws that the Government of Mexico has detected in the agricultural, and protein processing and packing industries in the United States.

In the said letter, the Government of Mexico proposed a space for cooperation under the terms established in article 23.12 of the United States-Mexico-Canada Agreement (USMCA,) with the aim of identifying actions to address the non-compliance of labor laws in certain sectors and States in the US and therefore, fully guarantee the labor rights included in the US federal law and chapter 23 of the USMCA. The latter, without renouncing to the labor dispute settlements mechanisms contemplated in the USMCA and recognizing the importance of cooperation as a mechanism for the effective implementation of labor rights.

Even though federal labor rights protect all workers in the US, regardless of their migratory status, in practice, situations such as misinformation, fear and abuse from some employers hinder the possibility of migrant workers to fully exercise their labor rights in some industries and States.

The letter mentions, among others, the following omissions:

1. Lack of wages and overtime payment;
2. Exclusion of agriculture workers from: a) overtime payment; b) the payment of the minimum wage in specific situations; and c) the right to organize and to negotiate collectively.
3. Employers' lack of compliance of rest protocols and facilities for agricultural workers.
4. Lack of federal regulations regarding heat stress in the agricultural industry.





5. Wage disparity between protein packing workers and protein processing workers.
6. Limited access to hand-washing stations and restrooms in both industries.
7. Lack of compliance from employers of COVID-19 protocols and lack of security and health measures to prevent contagion and propagation in both industries.
8. Lack of access for undocumented workers to certain legal resources such as reinstatement and payment of unpaid wages.
9. Lack of attention to sexual violence and harassment cases in both industries.

As a result of the mentioned situations, the Government of Mexico considered necessary to point out the importance of adequately complying with the US federal regulations and guarantee the labor rights of the workers in the agricultural, protein processing and packing industries.

The USMCA promotes the application of the fundamental labor rights; seeks to guarantee the protection of migrant workers; promotes a cooperation agenda that allows the application of laws that guarantee international labor rights and encourages dialogue to address differences related to the application of the commitments in its chapter 23.

--o0o--

