

**MINISTERIAL CONSULTATIONS**  
**North American Agreement on Labor Cooperation**  
**Public Submissions MX 9801, MX 9802, MX 9803**

**JOINT DECLARATION**

The Department of Labor of the United States of America 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 MX 9801, MX 9802, and MX 9803, 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, minimum employment standards, elimination of employment discrimination, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protection of migrant workers.

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;

Reaffirming our commitment to the Agreement's eleven labor principles;

Recognizing the need to devote adequate resources for the inspection of workplaces, continued effective and speedy enforcement of safety and health laws and regulations, and promotion of and education about safe and healthy work place 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; 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 migrant workers, and in order to promote the principles of freedom of association and the protection of the right to organize, the right to bargain collectively, minimum employment standards, elimination of employment discrimination, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protection of migrant workers, the U.S. Department of Labor and the Mexican Department of Labor and Social Welfare agree to the following:

## ACTION PLAN

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), to address the specific concerns and the broad labor rights raised by submissions MX 9801, MX 9802, and MX 9803. We agree to cooperate to assure respect for freedom of association and the protection of the right to organize, which would benefit workers throughout North America. We agree to seek safe and healthy working environments for all workers and the enforcement of minimum employment standards. We agree to work together to eliminate employment discrimination and assure that migrant workers are accorded full protection under the laws.

A follow-up to the conference on agricultural migrant labor in North America will be held. The conference examined the legal, social, and economic issues facing agricultural migrant workers and their families. Participants included representatives of government, labor organizations, business, and non-governmental organizations. As a follow-up to the Conference, officials of the Governments of the United States and Mexico will meet to further exchange information with respect to the role of federal and state agencies in the protection and promotion of the rights of migrant workers in the United States and to explore potential avenues of cooperation regarding the protection of migrant workers. This information exchange will include the participation of labor department officials, Mexican Consular officials who have responsibility of aiding Mexican migrant workers abroad, and representatives of the Office for the Legal Defense of Workers (PROFEDET).

The U.S. Department of Labor will host a government-to-government session in Washington, D.C. to provide Mexican government officials information about the application of U.S. law focusing on the issues raised in submissions MX 9801, MX 9802, and MX 9803. Topics of discussion will include union organizing and bargaining rights, elimination of employment discrimination, minimum conditions of employment, including inspection programs and systems for determining violations of employment conditions for migrant workers, occupational safety and health, including inspection of migrant worker camps and overall working conditions in the agricultural sector, and protection of migrant workers' rights. Participants will include officials from the U.S. Occupational Safety and Health Administration, the U.S. Employment Standards Administration/Wage and Hour Division, the Office of the Solicitor of the Department of Labor, the Equal Employment Opportunity Commission, the National Labor Relations Board and officials from the Mexican Department of Labor and Social Welfare and Mexican consular officials in the United States.

The U.S. Department of Labor will conduct public outreach sessions at various sites within the United States to educate migrant agricultural workers about their rights in the work place. Topics to be discussed at the outreach sessions include elimination of employment discrimination (gender and ethnic discrimination, processes available to women to challenge discrimination and how to file a formal complaint, sexual harassment, and maternity benefits), minimum conditions of employment, occupational safety and health, union organizing, and other related issues. Representatives from the Department of Labor's Women's Bureau, the Employment Standards

Administration's Wage and Hour Division, and Employment Training Administration, the Equal Employment Opportunity Commission, as well as other local and federal agencies and organizations will brief participants on state and federal laws that protect migrant workers' employment rights.

The U.S. Department of Labor will conduct a public forum in the state of Washington regarding agricultural workers issues to allow interested persons to convey their views and recommendations directly to public officials on freedom of association and protection of the right to organize, the right to bargain collectively, minimum employment standards, elimination of employment discrimination, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protection of migrant workers. Federal and state officials will address the concerns and encourage the participation of members of the public, including workers, labor organizations, community-based organizations, growers, and grower organizations, on these issues.

The U.S. Department of Labor will conduct a public forum in the state of Maine where government officials will address migrant agricultural occupational issues and respond to questions of workers, employers, and their representatives. Such a forum will address freedom of association and protection of the right to organize, the right to bargain collectively, minimum employment standards, elimination of employment discrimination, prevention of occupational injuries and illnesses, compensation in cases of occupational injuries and illnesses, and protection of migrant workers, including presentation of compliance information, discussion of employment practices to ensure compliance with applicable U.S. laws and explanation of workers rights, and information on how to file complaints.

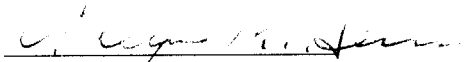
The Secretariat will produce a trilingual guide describing law and procedures covering labor rights and protections granted to migrant workers in the United States, Mexico, and Canada. The guide will be made available to workers, individuals, businesses, and organizations.

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 the implementation of this declaration; and, at the end of the prescribed term, review the activities and commitments made pursuant to this Joint Declaration.

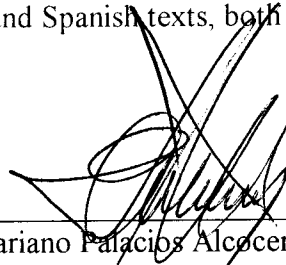
The NAOs shall develop a work plan for carrying out the programs called for under this declaration within 90 days. The program called for under this declaration should be completed within 15 months of the date of its signing.

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.

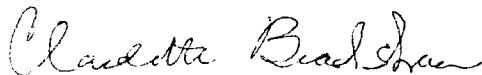


Alexis M. Herman  
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United States



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Mexico

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



Claudette Bradshaw  
Minister of Labour  
Canada