



# U.S. Department of Labor

## Bureau of International Labor Affairs

# PUBLIC REPORT OF REVIEW OF NAO SUBMISSION NO. 2000-01

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U.S. National Administrative Office  
Bureau of International Labor Affairs  
U.S. Department of Labor

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**EXECUTIVE SUMMARY**

**PURPOSE OF THE REPORT**

Submission No. 2000-01 was filed pursuant to the North American Agreement on Labor Cooperation (NAALC) on July 3, 2000, by Current and Former Workers at Auto Trim and Custom Trim/Breed Mexicana, Coalition for Justice in the Maquiladoras (CJM), and more than 20 additional unions and nongovernmental organizations in Canada, Mexico, and the United States.

The submission was accepted for review on September 1, 2000, as it raised issues related to labor law matters in Mexico and because a review would further the objectives of the NAALC. In accordance with its procedural guidelines, the U.S. NAO completed its review of the case, which included a

public hearing on December 12, 2000.

## **SUMMARY OF THE SUBMISSION**

Submission 2000-01 raises concerns about occupational safety and health and compensation in cases of occupational injuries and illnesses at Auto Trim of Mexico in Matamoros, Tamaulipas, and at Custom Trim/Breed Mexicana in Valle Hermoso, Tamaulipas.

According to the submitters, workers at Auto Trim and Custom Trim/Breed Mexicana approached management and union representatives with concerns about safety and health conditions and workers' compensation starting in 1992. These concerns were included in demands made by workers at Custom Trim/Breed Mexicana who engaged in work stoppages in May 1997.

In May 1998, current and former workers of Auto Trim and Custom Trim/Breed Mexicana sent a petition to the Secretariat of Labor and Social Welfare (STPS) regional offices in Ciudad Victoria requesting an inspection of the plants. In April 1999, the same group of workers sent petitions and made visits to STPS, the Mexican Social Security Institute (IMSS), and the Secretariat of Health (SSA) again requesting that inspections be carried out. The submitters claim that they received a letter from SSA stating that an inspection would be carried out on a certain date, but are not aware that any such inspection occurred. The submitters also state that they did not receive responses from STPS or IMSS and that, to their knowledge, these agencies have not conducted inspections at either facility.

The submitters assert that workers at Auto Trim and Custom Trim/Breed Mexicana suffer skin, respiratory, eye, central nervous system, and reproductive health problems due to their exposure to chemicals in their work. They also assert that workers suffer ergonomic ailments such as carpal tunnel syndrome and back and shoulder pain due to the repetitive nature of their work. Furthermore, the submitters claim that workers who suffer these conditions are not properly treated and compensated.

The submitters claim that the Government of Mexico failed to enforce its law by not conducting inspections at and imposing sanctions on Auto Trim and Custom Trim/Breed Mexicana. They assert that the government failed to ensure that workers received training in safety and health, medical exams, and adequate personal protective equipment; the plant had adequate ventilation and properly functioning safety and health committees; the plants conducted risk assessments and monitoring; and the plants properly reported workplace accidents and illnesses.

## **ANALYSIS AND FINDINGS**

The U.S. NAO review determined that STPS and IMSS have carried out periodic inspections and verification visits at the facilities during the period of 1991-2000. The U.S. NAO has no information concerning SSA inspections of the facilities. There have been STPS inspections indicating review of equipment and safeguards, ventilation and temperature control

systems, handling of chemicals and other hazardous materials, and training requirements. IMSS has reviewed the reporting and treatment of work place accidents and illnesses. It also is evident that in the course of conducting inspections, inspectors met with safety and health committee members and interviewed workers at the facilities and that inspection reports were provided to the unions.

Although the U.S. NAO finds that the Government of Mexico conducted inspections and verification visits, the review raises questions regarding the efficacy of these processes. Inspection reports indicate that worker interviews are not confidential, which raises a concern as to whether a worker is likely to feel free to provide any information critical of the employer. Inspectors appear to use a checklist approach in their inspections, noting the existence of work place systems and documents, without actually testing and monitoring to assure compliance. Additionally, the procedures for certifying third party monitors, which are relied on by employers and the governmental authorities, are not clear.

STPS and IMSS appear to have generally enforced applicable laws and regulations with respect to monitoring and reporting of work place accidents and illnesses. Inspection reports examined by the U.S. NAO also reveal that STPS and IMSS coordinated their activities in specific cases and that reports of work-related injuries and illnesses to IMSS were examined and verified in follow-up inspections. However, the submitters raised legitimate concerns regarding the transparency, independence, and fairness of such processes.

Workers offered credible testimony about the unwillingness of medical staff at the facilities to send workers to IMSS and of IMSS doctors to diagnose injuries as work-related. Certain physicians apparently work for both employers and IMSS, which creates a concern about conflicts of interest and a physician's credibility in reporting, diagnosis, and valuation of work place injuries and illnesses. An appearance of impropriety created by potential conflicts of interest impacts workers' perception of the fairness and transparency of the process.

Mexican law, as reflected in LFT Article 132 and RFSH Article 102, encourages an ergonomically sound work environment and requires employers to take ergonomic practices into account in the workplace. Inspection reports examined by the U.S. NAO do not include specific information or references to ergonomic conditions, which leaves it unclear as to how the Government of Mexico enforces the principles enunciated in LFT article 132 and RFSH Article 102.

There is evidence that STPS responded to a request for inspection from the Auto Trim union in 1995 and the submitters' petition for inspection in 1998. However, there is no indication that STPS officials ever communicated their efforts to the workers who submitted the 1998 petition despite numerous inquiries by the workers and their representatives. With regard to the 1999 petitions to STPS, IMSS, and SSA, the Government of Mexico indicated that it has no record of their receipt. This contrasts with credible information gathered by the U.S. NAO that indicates all three agencies received the

petitions.

The failure of the Government of Mexico to communicate to the workers about its efforts undertaken in response to the 1998 petition, the lack of records on the 1999 petitions, and the failure to respond to workers' inquiries about the petitions are inconsistent with the Government of Mexico's obligations under the NAALC, which obligate the government to require record keeping; to give due consideration to any request for an investigation of suspected violations of labor law; to ensure that persons have appropriate access to administrative proceedings for the enforcement of labor law; to ensure that proceedings are transparent; to provide for procedural guarantees in those proceedings; and to promote public awareness of labor law.

## **RECOMMENDATION**

The U.S. NAO recommends ministerial consultations pursuant to Article 22 of the NAALC on the occupational safety and health and workers' compensation issues raised in this submission.

## **PUBLIC REPORT OF REVIEW OF U.S. NAO SUBMISSION NO. 2000-01**

### **1. Introduction**

The U.S. National Administrative Office (U.S. NAO) was established pursuant to the North American Agreement on Labor Cooperation (NAALC), the supplemental labor agreement to the North American Free Trade Agreement (NAFTA). The NAALC provides for the review of submissions concerning labor law matters arising in Canada or Mexico by the U.S. NAO. Article 16(3) of the NAALC states:

[e]ach NAO shall provide for the submission and receipt, and periodically publish a list, of public communications on labor law matters arising in the territory of another Party. Each NAO shall review such matters, as appropriate, in accordance with its domestic procedures.

Labor law is defined in Article 49 of the NAALC as follows:

laws and regulations, or provisions thereof, that are directly related to (a) freedom of association and protection of the right to organize; (b) the right to bargain collectively; (c) the right to strike; (d) prohibition of forced labor; (e) labor protections for children and young persons; (f) minimum employment standards, such as minimum wages and overtime pay, covering wage earners, including those not covered by collective agreements; (g) elimination of employment discrimination on the basis of grounds such as race, religion, age, sex, or other grounds as determined by each Party's domestic laws; (h) equal pay for men and women; (i) prevention of occupational injuries

and illnesses; (j) compensation in cases of occupational injuries and illnesses; and (k) protection of migrant workers.

Procedural guidelines governing the receipt, acceptance for review, and conduct of review of submissions filed with the U.S. NAO were issued pursuant to Article 16(3) of the NAALC. The U.S. NAO's procedural guidelines were published and became effective on April 7, 1994 in a Revised Notice of Establishment of the U.S. National Administrative Office and Procedural Guidelines.[1] Pursuant to these guidelines, once a determination is made to accept a submission for review, the U.S. NAO shall conduct such further examination of the submission as may be appropriate to assist the U.S. NAO to better understand and publicly report on the issues raised therein. The Secretary of the U.S. NAO shall issue a public report that includes a summary of the review proceedings and findings and recommendations. The review must be completed and the public report issued within 120 days of acceptance of a submission for review, unless circumstances require an extension of time up to 60 additional days.

Submission No. 2000-01 was filed with the U.S. NAO on July 3, 2000, by current and former workers at Auto Trim and Custom Trim/Breed Mexicana, Coalition for Justice in the Maquiladoras (CJM), and several other nonprofit organizations, unions, and religious groups. The submission raises concerns about occupational safety and health and compensation in cases of occupational injuries and illnesses at Auto Trim of Mexico in Matamoros, Tamaulipas, and at Custom Trim/Breed Mexicana at Valle Hermoso, Tamaulipas. It was accepted for review on September 1, 2000, and a notice of acceptance of review was published in the Federal Register on September 7, 2000.[2]

The submitters argue that Mexico has shown disregard for the principles set out in the preamble to the NAALC to protect, enhance, and enforce basic workers' rights and to promote high-skill, high productivity economic development in North America by *inter alia*, encouraging employers and employees in each country to comply with labor laws and to work together in maintaining a progressive, safe, and healthy working environment. Specifically, the submitters maintain that Mexico is in violation of NAALC Articles 1, 3, 4, 5, and 7. They also assert Mexico's failure to comply with the Political Constitution of the United Mexican States (hereinafter the Mexican Constitution), the Federal Labor Law (*Ley Federal del Trabajo*) (hereinafter LFT), the General Health Law (*Ley General de Salud*) (hereinafter LGS), the Social Security Law (*Ley de Seguro Social*) (hereinafter LSS), and the current and former Federal Regulation on Safety, Health and the Workplace (*Reglamento Federal de Seguridad, Higiene y Medio Ambiente de Trabajo*) (hereinafter RFSH). Additionally, they assert Mexico's failure to comply with the Medical Services Regulations (*Reglamento de Servicios Médicos*) (hereinafter RSM) as well as the Official Mexican Standards (*Normas Oficiales Mexicanas*) (hereinafter NOMs) of the Secretariat of Labor and Social Welfare (*Secretaría del Trabajo y Previsión Social*) (hereinafter STPS) and the NOMs of the Secretariat of Health (*Secretaría de Salud*) (hereinafter SSA). Furthermore, the submitters argue that Mexico is in violation of Conventions 155, 161 and 170 of the

International Labor Organization (ILO), as well as the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the Protocol of San Salvador, the Constitution of the World Health Organization (WHO), and the Constitution of the Pan American Health Organization (PAHO).

## **2. Summary of Submission**

### **2.1 Case Summary**

Auto Trim and Custom Trim/Breed Mexicana are owned by Breed Technologies, Inc., a supplier of automotive parts headquartered in Lakeland, Florida. Breed Technologies acquired the facilities from the Canadian firm Custom Trim Limited in 1997. Up until that time, Custom Trim Limited operated the facilities as Auto Trim Limited in Matamoros, Tamaulipas, and Custom Trim Limited in Valle Hermoso, Tamaulipas. Among other activities, Auto Trim workers leather wrapped and sewed steering wheels, and Custom Trim workers leather wrapped and sewed gear shifts. According to Breed management, the Custom Trim facility in Valle Hermoso was renamed Breed Mexicana Number 2 in 1998. [3] According to management, most of the leather wrapping functions previously performed at Breed Mexicana have since been moved to Auto Trim and other Breed-owned facilities in the Matamoros area.

According to the submitters, workers at Auto Trim and Custom Trim/Breed Mexicana have suffered illnesses and injuries related to exposure to toxic substances and muscular-skeletal disorders caused by ergonomically unsound practices. Problems cited by the petitioners include failure to provide information and training about occupational hazards, pressure on workers to meet excessively high production quotas, poorly designed work stations, inadequate personal protective equipment, lack of properly functioning safety and health committees, failure to stock medical supplies on-site, failure to institute workplace monitoring, and substandard ventilation. The submitters also maintain that occupational illnesses and injuries are often unreported or under-reported and that workers are inadequately treated and compensated.

According to the submitters, inadequate enforcement on the part of the Mexican government, namely the failure to conduct inspections and impose sanctions or fines, has led to the unsafe work conditions at the two plants, and to the failure to properly compensate workers for illnesses and injuries.

According to the submitters, in 1992, workers began complaining to Auto Trim and Custom Trim/Breed Mexicana management about work conditions. Over the next few years, workers approached the unions at the two plants for additional assistance. The collective bargaining contract at Auto Trim in Matamoros has been held by a Mexican Confederation of Workers (*Confederación de Trabajadores de México*) (hereinafter CTM) affiliate, the Union of Day Workers, Industrial Workers, and Workers of the Maquiladora Industry (*Sindicato de Jornaleros, Obreros Industriales y de la Industria Maquiladora*) (hereinafter SJOIIM), for approximately 15 years.

The collective bargaining contract at Custom Trim/Breed Mexicana in Valle Hermoso has also been held by a CTM affiliate, the Union of the Maquiladora Industry of Valle Hermoso (*Sindicato de la Industria Maquiladora de Valle Hermoso*) (hereinafter SIMVH), for several years. In April and May 1997, workers and union representatives at Custom Trim/Breed Mexicana entered into contract negotiations with plant management. According to the submitters, workers requested wage increases and improvements in safety and health conditions, and when Custom Trim management suspended negotiations in mid-May, workers engaged in work stoppages and sit-ins. At the end of May, these workers discovered that a collective bargaining agreement had been signed by the union and management. Employees who had engaged in the sit-ins agreed to return to work, but on June 2, 1997, 28 of these workers were fired. The employees filed a complaint with Special Conciliation and Arbitration Board No. 8 (CAB) in the state of Tamaulipas challenging their dismissals and in December 1998, the CAB ordered the workers to be reinstated. Custom Trim/Breed Mexicana appealed the decision, and to date the workers have not been reinstated.

On May 19, 1998, current and former employees of Auto Trim and Custom Trim/Breed Mexicana filed a petition with the STPS Regional Office in Ciudad Victoria, Tamaulipas requesting that STPS conduct inspections of both plants.[4] The petition also alleged numerous violations of Mexico's occupational safety and health laws and regulations.

On April 15, 1999, current and former workers at Auto Trim and Custom Trim/Breed Mexicana filed three additional petitions.

[5] Workers filed a second petition with STPS in Ciudad Victoria in which they requested that STPS conduct plant inspections. Workers also filed a petition with the Mexican Social Security Institute (*Instituto Mexicano del Seguro Social*) (hereinafter IMSS) regional headquarters in Ciudad Victoria, requesting investigations of local IMSS offices and doctors that refused to provide proper medical attention and benefits to workers at both plants. Workers further filed a petition with the SSA regional office in Ciudad Victoria in which they requested that SSA carry out verification visits and inspections of both plants. The submitters claim that workers and lawyers assisting them visited the offices of STPS, IMSS, and SSA both in Ciudad Victoria and Mexico City to press their case. Submitters allege that workers received a letter from SSA stating that an inspection would be scheduled, but by the time the letter was received, the scheduled date had already passed. The submitters state that workers were not aware of such an inspection being conducted. The submitters state that they have received no other responses to their petitions.[6]

## **2.2 Issues**

### **2.2.1 Occupational Safety and Health**

The submitters argue that Mexico is in violation of various NAALC objectives as laid out in Article 1 of the agreement. Article 1(a) commits signatories to improve working conditions and living standards; Article 1(b)

commits the NAALC countries to promote, to the maximum extent possible, the labor principles set out in Annex 1; Article 1(f) calls on signatories to promote compliance with, and effective enforcement by each Party, of its labor law; and Article 1(g) commits signatories to foster transparency in the administration of labor law.

The submitters also assert that Mexico has violated NAALC Articles 3(1)(b) by failing to monitor compliance and investigate suspected violations; Article 3(1)(c) by failing to seek assurance of voluntary compliance; Article 3(1)(d) by failing to enforce required record keeping and reporting; Article 3(1)(e) by encouraging the establishment of worker-management committees to address labor regulation of the workplace; and Article 3(1)(g) by failing to initiate proceedings in a timely manner to seek appropriate sanctions or remedies for violation of labor law. The submitters likewise argue that Mexico is out of compliance with Article 3(2) by failing to require that due consideration be given to a request for an investigation of an alleged violation of the Party's labor law.

In addition, the submitters assert that Mexico is in violation of Article 4(1) by failing to ensure that persons have appropriate access to administrative and labor tribunals, as well as Article 4(2) by failing to ensure that persons have recourse to procedures by which rights arising under its labor law and collective agreements can be enforced. Also questioned is Mexico's compliance with its commitment under Article 5(1)(d) to provide that legal proceedings are not unnecessarily complicated and do not entail unreasonable charges or time limits or unwarranted delays, and under Article 5(2)(a) to provide decisions on cases in writing. Submitters also assert that Mexico has failed to promote public awareness of its labor law as called for in Article 7.

The submitters assert that the Mexican government, in failing to enforce safe and healthy working conditions, is in violation of several national laws, regulations, and standards. They charge the government has neglected to enforce the Mexican Constitution, the LFT, the LGS, the RFSH, and several NOMs of STPS and SSA.

Finally, the submitters argue that Mexico is in violation of ILO Convention 155 on occupational safety and health, Convention 161 on occupational health services, and Convention 170 on chemicals. The Mexican government is also said to be in violation of the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the Protocol of San Salvador, the Constitution of the World Health Organization (WHO), and the Constitution of the Pan American Health Organization.

### **2.2.2 Compensation in Cases of Occupational Illnesses and Injuries**

In relation to workers' compensation, the submitters claim that Mexico is in violation of NAALC Articles 1(a), 1(b), 1(f), 1(g), 3(1), 3(2), 4(1), 4(2), 5(1), and 7. The submitters also argue that the Mexican government failed to enforce relevant provisions of the Mexican Constitution, the LFT, the LSS, the LGS, the RFSH, and RSM. The submitters likewise assert that

Mexico has failed to uphold the International Labor Organization's Convention 17 on workers compensation in cases of occupational accidents and Convention 42 on workers compensation in cases of occupational illnesses.

### **2.3 Action Requested**

The submitters requested the U.S. NAO:

1. To investigate and examine the serious health and safety violations at Auto Trim and Custom Trim/Breed Mexicana and the persistent pattern of failure by the Mexican government to enforce Mexican laws designed to improve workplace health and safety conditions.
2. To request the U.S. Secretary of Labor to consult with her Mexican counterpart to secure the expeditious remedy of the health and safety violations in both plants through bilateral ministerial consultations between both the U.S. NAO and the Mexican NAO pursuant to NAALC articles 22 and 27.
3. To call for a public hearing in San Antonio or Brownsville, Texas, making the necessary arrangements for visas and simultaneous translators for witnesses.
4. To convene an inspection and fact-finding commission of health and safety experts from all NAALC member states to thoroughly evaluate and assess the serious allegations raised in this complaint.
5. To report and make public the conclusions of the fact-finding commission with the appropriate recommendations as per NAALC article 21.2.b.
6. To hold hearings whereby workers or their designated representatives, Mexican government officials from the STPS, IMSS, and SSA, plant managers, and independent health and safety experts from the NAALC member states will testify to determine the full scale of the violations of labor, health and safety laws at Auto Trim and Custom Trim/Breed Mexicana, and the extent of the negligence and lack of enforcement by the Mexican government of Mexico's occupational health and safety laws, regulations, and norms, the NAALC, and international treaties to which Mexico is a party.
7. To compel the Mexican government to abide by Mexican occupational health and safety laws, regulations; (sic) and norms, as well as the principles of the NAALC; (sic) relevant ILO Conventions, and

international human rights law.

8. To determine the required fines and penalties for each health and safety violation at Auto Trim and Custom Trim/Breed Mexicana according to the conclusions of the fact-finding commission.

9. To establish an inspection commission to verify and oversee that Auto Trim and Custom Trim/Breed Mexicana comply with health and safety regulations, and assume responsibility for work-related accidents and illnesses.

10. Should these violations remain uncorrected 30 days after the commission's recommendations have been made public, to request the convening of an Evaluation Committee of Experts (ECE), as per NAALC article 23 for the enforcement of Mexico's health and safety regulations. After receipt of the ECE report, and if the recommendations for corrective actions have not been implemented within 30 days, to request the U.S. [Secretary of Labor]for ministerial consultations with regard to the continued pattern of failure by the Mexican government to enforce its labor laws and health and safety regulations at Custom Trim/Breed Mexicana and Auto Trim as per NAALC article 28.

11. Finally, if the matter has not been successfully resolved by the aforementioned ministerial consultations, that the U.S. NAO request the Council to constitute an arbitral panel in order to determine the appropriate actions to be taken in view of the continued failure by the Mexican government to enforce its labor laws and health and safety regulations, including pursuant to Annex 39 the assessment of monetary sanctions. [7]

### **3. U.S. NAO Review**

Submission No. 2000-01 was accepted for review on September 1, 2000. The review was deemed appropriate as it raised issues related to labor law matters in Mexico and because a review would further the objectives of the NAALC. The decision to review was not intended to indicate any determination as to the validity or accuracy of the allegations contained in the submission.

In conducting its review, the U.S. NAO considered information from the submitters, workers, Breed Technologies' management, the Government of Mexico, and representatives from three unions in the Matamoros area that represent Breed Technologies' workers, as well as testimony received at a public hearing. The U.S. NAO also visited Breed Technologies' facilities to

observe general working conditions, meet with management and workers, and view documents related to inspections, training, and other safety and health issues at the facilities. Finally, technical experts provided the U.S. NAO with assistance in the review of the submission.

The focus of the review was to gather information to assist the U.S. NAO to better understand and publicly report on the issues raised in the submission concerning occupational safety and health conditions and workers' compensation.

### **3.1 Information from Submitters**

The U.S. NAO engaged in meetings, telephone conversations, and written correspondence with the submitters in order to obtain additional information. The submission included four appendices containing petitions sent to STPS, IMSS, and SSA; worker affidavits, interviews and IMSS documents; reports on Mexican maquiladora safety and health conditions; and Material Safety Data Sheets (MSDSs) for chemicals in use at the facilities.[8] The submitters also supplied the U.S. NAO with copies of press reports and a video concerning the collapse of a section of the roof at Auto Trim in December 1992.[9] In addition, the submitters provided written comments on the documents filed with the U.S. NAO by Breed Technologies in a letter dated February 23, 2001.[10]

### **3.2 Information from Mexican NAO**

The U.S. NAO sent two two sets of questions relating to the issues raised in the submission to the Mexican NAO, dated October 10, 2000 and February 5, 2001.[11] The Government of Mexico responded to the first set of questions by letter dated February 14, 2001 and received on February 27, 2001.[12] The response discussed the institutional roles and obligations of relevant agencies in the application of labor laws, regulations and procedures in the area of safety and health and workers' compensation. Specifically, the response described the respective roles of management and public officials in monitoring workplace hazards; policies and programs to promote worker training and the reduction of workplace injuries and accidents; and administrative procedures to be followed by management, joint safety and health committees, and medical staff in response to work-related injuries and the reporting of accidents. The response also discussed a series of inspections carried out at Auto Trim and Custom Trim/Breed Mexicana over a period of years, as well as the findings and actions taken in each case. As of the date of this report, the U.S. NAO has not received a response to the second set of questions.

### **3.3 Information from Breed Technologies**

The U.S. NAO engaged in telephone conversations and written correspondence with Breed Technologies in order to obtain information related to the issues raised in the submission. On November 8, 2000, the U.S. NAO sent the company a series of questions, to which Breed

responded on December 11, 2000. The U.S. NAO received a written response to its inquiries, supplemented by a wide variety of documents including copies of STPS inspection reports, records of worker training, monitoring studies, and photographs.[13] Breed legal staff also issued the U.S. NAO an invitation to visit the plants, meet with management and workers, and review additional documents.[14] A delegation composed of representatives from the U.S. NAO, the U.S. Embassy in Mexico City, the U.S. Occupational Safety and Health Administration (OSHA), and the National Institute for Occupational Safety and Health (NIOSH)[15] visited Breed Technologies' facilities in Matamoros and Valle Hermoso January 22-24, 2001.

### **3.4 Information from Unions**

The U.S. NAO sent a series of questions to the Mexican NAO with a request that they be forwarded to three unions representing Breed Technologies' workers in the Matamoros area: SJOIIM, the CTM affiliate that holds the bargaining contract at Auto Trim; SIMVH, the CTM affiliate that holds the collective bargaining contract at Custom Trim/Breed Mexicana; and the Industrial Union of Maquiladora Plant Workers and Assemblers of Matamoros and its Municipality (*Sindicato Industrial de Trabajadores de Plantas Maquiladoras y Ensambladoras de Matamoros y su Municipio*) (hereinafter SITPME), a CTM affiliate that holds the bargaining contract at a third Breed Technologies plant (Custom Trim de Ramírez).[16] The unions did not provide written responses to the U.S. NAO's inquiries. However, during the site visit, the U.S. delegation had the opportunity to meet with representatives from these unions. Representatives of SIMVH provided the U.S. delegation with information concerning inspections at Custom Trim/Breed Mexicana by STPS and IMSS. Members of SITPME described working conditions at Custom Trim de Ramírez and provided the delegation with copies of the union's collective bargaining agreement and information on additional union activities.[17] SJOIIM representatives gave the delegation information about working conditions at Auto Trim and about the role of the union in service of its members at the facility, and showed the delegation copies of correspondence from 1995 between union leaders and STPS in regard to worker concerns about health and safety conditions at the plant.

### **3.5 Information from Public Hearing**

As part of the review process, the U.S. NAO conducted a public hearing in San Antonio, Texas, on December 12, 2000. Notice of the hearing was published in the Federal Register on November 8, 2000.[18] Notice of the hearing also was provided to Breed Technologies, whose representatives attended the hearing but did not provide testimony, the Mexican NAO, and unions that represent Breed Technologies' workers in the Matamoros area.

Five experts testified at the hearing. Linda Delp of the Labor Occupational Safety and Health Program, University of California at Los Angeles, provided an overview of the plants' production process and its impacts on workers' health and safety. Garrett Brown, a certified industrial hygienist with California state OSHA and the coordinator of the Maquiladora Health and Safety Support Network (MHSSN), and Dr. Francisco Mercado, a professor at the Mexican National Autonomous University (UNAM),

coordinator for the Center for Union Research and Assessment (CILAS), and Deputy Director of Health and Safety in the Workplace for the Mexico City government, testified regarding the use of chemicals in the workplace. In addition, Mr. Brown and Dr. Mercado provided the U.S. NAO with relevant journal articles on occupational safety and health, material safety data sheets, and copies of applicable Mexican laws. Lida Orta, an ergonomist at the Health and Safety Department of the International United Auto Workers (UAW), testified on ergonomics issues and provided the U.S. NAO with an ergonomics video.[19] Alfonso Otero, a Mexican attorney, testified on Mexican law with a focus on workers' compensation.

Twelve former workers of Auto Trim and Custom Trim/Breed Mexicana testified at the hearing. Matias Pecero, Veronica Lopez, Pedro Lopez Morales, and Isabel Morales testified on the production process and its impacts; Joaquin Gonzalez, Bruno Mantagna Lopez, and Ezequiel Tinajero testified in regard to chemical hazards; Consuelo Silva and Beatriz Reyna Vasquez testified on ergonomics issues; and Toribio Resendez, Elsa Alamillo, and Isabel Morales testified on workers' compensation issues. A representative of a local worker rights organization known as *Pastoral Juvenil Obrera* (hereinafter PJO), Manuel Mondragon, also provided testimony and gave the U.S. NAO a videotape of television news stories pertaining to Auto Trim.[20]

### **3.6 Information from Site Visit**

A team from the U.S. NAO, the U.S. Embassy in Mexico City, OSHA, and NIOSH visited Matamoros and Valle Hermoso January 22-24, 2001. At the invitation of Breed Technologies, the delegation visited the Auto Trim and Custom Trim de Ramirez facilities.[21] During these visits, the delegation spoke with management, plant safety and health committee representatives, and company doctors; reviewed company documents; conducted walk-throughs; and spoke with workers on the plant floor. The delegation also attended a meeting with Breed management at the Breed Mexicana 1 facility in Valle Hermoso. After visiting the plants, the delegation attended meetings with SJOIIM (which holds the bargaining contract at Auto Trim); SIMVH, (which holds the collective bargaining contract at Custom Trim/Breed Mexicana); and SITPME (which holds the bargaining contract at Custom Trim de Ramirez). The delegation was provided written documentation[22] during these meetings related to union programs and services for members at the respective facilities. The delegation also was informed about the unions' general monitoring role related to occupational safety and health in local plants. During the visit, the delegation also engaged in a meeting with submitters on January 23, 2001.

### **3.7 Information from Experts**

The U.S. NAO also sought information and views from technical experts on the occupational safety and health issues raised in the submission. Experts from OSHA and NIOSH participated in the site visit and provided the U.S. NAO with their observations.[23]









































































































































