



International
Labour
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► Conference "Building the future of work and trade"

Meeting report

Conference of the joint EU-ILO Project "Building Partnerships on the Future of Work"

► Conference “Building the future of work and trade”

Meeting report

Conference under the EU-funded projects “Building partnerships on the future of work” and “Trade, enterprises and labour markets: Diagnostic and firm -level assessment” (ASSESS) .

12 October 2021

► Background and objectives

- The ILO Employment Policy and Research Departments along with the ILO Country Office for Mexico and Cuba and the European commission organized a conference entitled “Building the future of work and trade”.
- This conference was held online via Zoom on the 12th of October 2021.
- This conference is part of two projects, “Building partnerships on the future of work” funded by the ILO and the Joint Research Center (JRC) of the European commission, as well as “Trade, enterprises and labour markets: Diagnostic and firm -level assessment” (ASSESS).
- The objective was to bring together experts from the ILO, Europe and North America in order to discuss developments, patterns and inter-relationships between the future of work and trade, with a particular emphasis on Mexico.
- The conference was organized around three sessions.
 - **Session 1:** Two presentations and discussion (90 mins)
 - **Presentation 1:** Joaquín Sánchez Gómez and Rosa Gómez Tovar (UNAM Mexico), “Trade agreements and decent work in Mexico: the case of the automotive and textile industries”
 - **Presentation 2:** Graciela Bensusán (UNAM Mexico) “The transformation of the Mexican Labour Regulation Model and its link to North American Economic Integration”
 - **Discussant:** Marc Bacchetta (WTO)
 - **Session 2:** Roundtable “What is the future for trade and jobs?” (60 mins)
 - **Session 3:** Q&A with Social Partners (30 mins)

► Notes on the proceedings

Introductory remarks

Ms. Corley-Coulibaly (ILO, Research) presented the broad aim of this session, which was to discuss trade and decent work challenges and opportunities for Mexico, particularly in the context of free trade agreements with the United States, Canada and the European Union. Ms. Corley-Coulibaly introduced the speakers, and provided the structure of the session.

Mr. Lluís Prats (European Commission, DG EMPL) began by stating that this project is significant for the future of work and trade, as well as Mexico's experience with Canada and the United States within this context. He expressed gratitude to all participants, as well as the delegation of the EU in Mexico. Mr. Prats specifically mentioned how, in the recent past, the EU has completed the initial steps of an agreement with Mexico. He further emphasized that this agreement would include a chapter on sustainability including labour-related issues. Mr. Prats clarified that these provisions are not solely in the interest of workers, but are also important for economic and social stability. Finally, he noted that the event had important representation from governments, the private sector and trade unions.

Session 1 – Trade and decent work in Mexico: what we know so far ?

Presentation 1: Joaquín Sánchez Gómez and Rosa Gómez Tovar, "Trade agreements and decent work in Mexico: the case of the automotive and textile industries"

Rosa Gómez Tovar kicked off the technical presentations in Session 1 with findings from "*Trade agreements and decent work in Mexico: the case of the automotive and textile industries*" by Juan Carlos Moreno-Brid, Rosa Gómez Tovar, Joaquín Sánchez Gómez and Lizzet Gómez Rodríguez. She noted that since the mid-1980s, Mexico went through structural reforms, including trade liberalization. This liberalization included the signing of NAFTA in 1994, which was expected to result in pervasive economic growth, as predicted by trade theory. This, however, did not materialize- although Mexico has experienced sharp growth in exports, GDP growth has not followed suit. Other labour market indicators do not show much improvement either: the labour share in GDP has been declining, real wages have only slightly improved, and labour productivity has remained around its 1994 level. Furthermore, the pandemic has wreaked havoc on the economy- output and wages have fallen precipitously, and the number of workers below the poverty line has increased as well.

This study concerns itself with the co-evolution of decent jobs and trade liberalization, and focuses on Global Value Chains (GVCs) in the textiles and automotive industries. This study is divided into two parts: in the first part, the authors compute measures of value added, and in the second, compute decent work indicators from labour surveys. In the first part, the authors decompose gross exports, which allows identification of domestic value added (DVA) across countries and sectors. The World Input Output Database (2014 release) data is used and the authors make use of traditional Leontieff Input-Output methods to perform this decomposition. By representing participation in global trade in the form of network graphs, the authors show that although Mexico's importance in the network of trade in value added for transport equipment increased overall between 1996-2011, its importance declined in global value added for textiles in the same time period.

The authors then turned attention to the disparate roles that textiles and transport equipment have played in employment and DVA. Although transport equipment enjoyed a large share of total DVA (22 %) in 2011, it only contributed to 2.3% of total employment. On the other hand, while textiles contributed more to employment (second largest in the manufacturing industry, at 2.6%) in 2011, its share in total DVA was at a mere 3.5%. Moreover, as the authors point out, the nature of jobs created/used/employed by the textile industry is fundamentally different from that in transport equipment. In particular, while 51% of jobs in the textile industry are used for domestic production and consumption, 83% of those in the transport equipment sector are incorporated into trade and exports of final goods. Moreover, while transport equipment is a relatively insulated and disconnected sector from the rest of the economy (what the authors dub an "island" sector), textile is a more central sector to the Mexican economy, with extensive backward and forward linkages with the rest of the economy.

The second part of this paper was presented by Joaquín Sánchez Gómez, who delved into greater detail regarding the decent work indicators for these industries. These indicators were based on the ILO's decent work methodology, and used INEGI, IMSS and STPS databases. The authors were able to relate economic activities with the Automotive and Textile industries. Three employment surveys were used to construct a time series of data from 1995 to 2019, namely the ENE, ENOE and SIEL surveys. The study considers the four axes of decent work indicators, namely i) Employment Access, ii) Employment Security, iii) Equal Opportunity and Treatment in Employment and iv) Social Dialogue. The authors then compared the performance of these two industries between 1996 vs 2019 for each of these indicators. They found that with respect to employment access, there was not much progress in 2019 compared to 1996. With regards to employment security, however, there was improvement in both industries. The equal opportunity indicator showed that although the male/female wage gap reduced in the automotive industry, it widened in the textile industry. Finally, collective bargaining agreements declined in both automotive as well as the textile industries. In summary, therefore, the data shows that trade liberalization in GVCs has not gone hand in hand with improvements in decent work indicators.

English version of working paper: https://www.ilo.org/global/publications/working-papers/WCMS_808957/lang-en/index.htm

Presentation 2: Graciela Bensusán "The transformation of the Mexican Labour Regulation Model and its link to North American Economic Integration"

Graciela Bensusán began her presentation by reiterating the observation made by the previous panelists and asking why, even in an industry heralded as exemplar from a trade perspective, labour market indicators have not seen a marked improvement? Ms. Bensusán further noted that the co-evolution between technological innovation and social innovation in working conditions has been nonexistent. Ms. Bensusán discussed the transition from NAALC (1994) to the more recent Chapter 23 and Annex 23A of the USMCA (2019) from an institutional perspective.

Under NAFTA, the Mexican Labour Model (MLM) was characterized by low wages and a strong union presence, which led to a *negative* convergence in wages across North America. Essentially, the idea was that to have strong, export led growth and foreign investment, low wages could serve as a competitive advantage. Simultaneously, the well-known destruction of manufacturing jobs in the United States owing to the 4th industrial revolution took place.

The more recent CPTPP signed in 2015-2016, as well as the 2017 constitutional reforms led to a democratic transition in Mexico. This new political background was characterized by, for instance, increased demands from the US to curtail what was considered as an artificial lowering of wages of workers and employer protection agreements. The USMCA also represented a sharp break from the past MLM. In particular, Annex 23A and Chapter 23 of this agreement, signed in 2018, called upon the three signatories to renew their commitment to freedom of association and the right to collective bargaining, elimination of forced labour, and other commitments to maintaining labour rights.

The current transition period represents a critical juncture in the MLM. This transition presents a significant opportunity for the Mexican workers to organize and have their voices heard. Ms. Bensusán stressed that the legitimacy of the collective bargaining process can function as a bridge between the old and the new MLM. Regarding the resolution of labour disputes, the numbers suggest that tremendous progress has been made to ensure a quick turnaround. For instance, conditional on disputes going to trial, there was resolution within 124 days. Contrast this with the past, where resolution took between 4-6 years. It is worth noting that there is an American Committee as well, whose objective it is to monitor both progress and potential failures in the implementation of labour law, within countries part of the USMCA.

Ms. Bensusán then proceeded to discuss two recent cases to highlight the fast response mechanism and the application of labour law under the new model. The first case is perhaps the most well-known, involving General Motors (GM), and a violation of the rights of workers. On the 28th of May, a complaint was issued against Mexico for rights violations regarding fair voting that led to a new vote. The second case involved TRIDONEX, an autoparts company and their layoff practices. As a case in point, the USTR and TRIDONEX reached an agreement wherein a seven-point agreement was signed, including severance and back pay (\$650,000).

English version of the working paper: https://www.ilo.org/global/research/publications/working-papers/WCMS_761839/lang--en/index.htm

Espanol: https://www.ilo.org/global/publications/working-papers/WCMS_761840/lang--es/index.htm

Discussant: Marc Bacchetta

Marc Bacchetta was then invited to share comments and discuss the two papers, from the perspective of a trade economist. Mr. Bacchetta mentioned that both papers make two broad contributions. First, the papers focus on important dimensions of labour and jobs that go beyond employment and wages. Second, the papers show how labour market outcomes depend on how trade and trade policy interact with labour market institutions. Mr. Bacchetta proceeded to make specific comments on the two papers. Regarding the first paper, Mr. Bacchetta made two comments. First, he addressed the gap in knowledge in the effects of trade on labour market indicators in developing countries and emerging economies. The first paper bridges this gap by focusing on important and well-chosen industries, as well as the co-evolution of trade, wages, working conditions and employment in these industries. However, the study does not evaluate the *causal link* between trade and labour market variables. This causal link is of particular interest to policy makers. Second, the study also lacks a discussion of the traditional mechanisms through which trade can affect labour market outcomes, such as inter-firm or inter-sectoral adjustments. With respect to the second paper, Mr. Bacchetta discussed how it complements the first paper. It adds a detailed discussion of trade agreements such as NAFTA, NAALC, USMCA and their interaction with labour market institutions and regulations. This paper shows a two-way link between trade agreements and labour market policies.

Ms. Gómez Tovar addressed Mr. Bacchetta's comments, and said that in the case of Mexico, it is hard to assess this causal link, as trade reforms took place at the same time with other structural reforms, which could confound such analyses as well as data limitations, where constructing labour market indicators is hard at the industry-level. Ms. Bensusán specified that her study focused on how public policies and stronger institutions, for instance, can help strengthen the positive link between trade agreement and labour market outcomes.

Session 2 – What is the future for trade and jobs?

Pedro Américo Furtado de Oliveira (ILO, CO Mexico) was the moderator of this session, which was dedicated to the future of trade and work. This session consisted of 4 government officials, sharing their viewpoints on the worldwide patterns of trade, as well as sustainable trade and decent jobs. The officials participating were: i) Alejandro Encinas Nájera (Director of Labor Policy and International Relations, Secretariat of Labor and Social Welfare), ii) Karime Danae Tapia Nacar (Director of International Trade, Secretariat of the Economy), iii) Pierre Bouchard (Director of the Bilateral and Regional Labour Affairs division, Canadian Department of Employment and Social) and iv) Madelaine Tuininga (European Commission, DG Trade, Head of Unit for "Multilateral Trade and Sustainable Development Policy, Green Deal, Conflict Minerals). 5 minutes were given to each participant for introductory speeches.

Alejandro Encinas Nájera

Mr Nájera discussed new international mechanisms outlined in Chapter 23 of the USMCA, which safeguards union trade freedom and collective bargaining. Mr Nájera further discussed how the new labour reform represents a conviction from the Mexican government towards pro-worker and pro-union trade policies.

Karime Danae Tapia Nacar

Ms. Tapia Nacar began her presentation re-affirming Mr. Nájera's views regarding the novelty of the current context. The tripartite agreement involving the three countries represents an important milestone towards greater cooperation as well as accountability, especially in the context of the pandemic. Ms. Tapia mentioned further how according to reports from

the Observatório Nacional Cidadano (ONC) trade in services will increase from 21% to 25% as a proportion of total trade by 2030. This is because there are new means by which cross border services can be provided. As trade patterns shift from goods to services, there are important implications for labour. It becomes imperative, therefore, to come up with policies and strategies to assist in the development of new methods of providing services- such as work from home, distance working and digital technologies. This change, however, presents its own challenges in the implementation of labour law, such as employment security and minimum wages.

Pierre Bouchard

Mr Bouchard reiterated Canada's commitment to labour provisions in trade agreements since NAFTA. These include substantial obligations on the part of signatories, as well as mechanisms to resolve disputes with respect to these obligations. Failure to meet these obligations, for instance, can result in penalties and sanctions. Moreover, these provisions, from the time of NAFTA, have changed quite a bit. An important challenge, however, has been the enforceability of these provisions in the original NAFTA labour-side agreement, which has been corrected in subsequent agreements.

Mr. Bouchard referred to the Action Plan which was developed between Canada and Colombia as an example of a success. He then went on to mention that USMCA contains several innovations in terms of labour provisions in trade agreements, which address several of the flaws of the previous model. For one, it reverses the burden of proof where the respondent would now have to demonstrate that a given labour violation is not in a manner affecting trade. Another example is the Rapid Response Mechanism.

Madelaine Tuininga

Ms. Tuininga discussed the contribution of the EC to the decent work agenda in terms of three levels- unilateral, bilateral and multilateral. Ms. Tuininga further mentioned that there are two dimensions to the work being done currently: a government dimension (rules and standards for conduct of government) and a business dimension (responsible conduct of business including sustainable supply chains). The latter has been emphasized in the Trade Policy Review Communication issued in February 2021 by the EU.

On the multilateral dimension, Ms. Tuininga spoke of the EC working with the ILO, as well as hopefully the WTO as labour aspects become more integral parts of trade policies. On the bilateral dimension, Ms. Tuininga discussed how Free Trade Agreements in the EU include core labour standards. Moreover, Ms. Tuininga specified an ongoing project between the EC and the ILO, entitled "Trade for Decent Work", the purpose of which is to ensure implementation of commitments delineated in Free Trade Agreements (FTAs). Finally, the discussion of the unilateral level consisted of two examples: i) Generalized System of Preferences (GSP) consisting of monitoring the implementation of core labour standards and ii) EU measures, such as the Non-Financial Reporting Directive which ensure that companies implement international labour guidelines.

Mr. Furtado de Oliveira asked the following question to Mr. Encinas Nájera and Ms. Tapia:

"We have observed in the last decades many structural changes in global trade patterns such as the growing role of services or the regionalization of trade and supply chains. The ongoing technological change is also considered as a possible driver for reshoring in several sectors. What are the implications of these changes for the workers' movement and organization in your countries? How have these changes been considered in the governance of trade and labour, especially from a bilateral or a regional perspective? "

Ms. Tapia reiterated Mexico's commitment to labour aspects and upholding provisions, as signified by its ratification of ILO standards, as well as the USMCA. Moreover, the Labour Reform published in May 2019, which serves to guarantee the implementation of labour provisions delineated both in USMCA, as well as in (Article 123 of) the Mexican constitution itself.

Mr. Encinas Nájera spoke of the role which Mexico can play in global services. The favorable demographics of Mexico afford it a bonus. For Mexico to realize its potential however, certainty has to be provided to investment which is committed to decent work. With regards to the services sector, there are multiple areas which can be improved. First, Mexico has been a relative latecomer to financial inclusion. To mitigate this, the government is proactively ensuring that millions of young people now have more access to banking services. Second, the beneficial effects of free trade have been unevenly distributed-the North has enjoyed benefits at the expense of the South, serving to broaden the North-South gap. Finally, given the shift in services now being offered remotely, there has to be (and indeed there is) more investment in acquisition of digital skills.

Mr. Furtado de Oliveira then asked the following question to Mr. Pierre Bouchard:

In 2018, the governments of USA, Canada and Mexico signed the new USMCA agreement. The agreement has been often presented as a way to ensure a level playing field for all the workers and enterprises of the region. Could you please remind us what are the main challenges stemming from the new agreement? How do you assess the first year of implementation (since July 2020)? What concrete changes can be observed?

Mr. Bouchard mentioned that among the first complaints which involved GM, the Rapid Response Mechanism worked well. It will be interesting to see how and indeed if this Mechanism will work in the future, with regards to both interpretation (of standards) and its swiftness, given short time frames. Regarding the influence of trade unions currently, Mexico seems to be in favour of such involvement.

Ms. Tuininga was also asked to share her viewpoints. She responded to Mr. Bouchard and specified that ultimately, sustainable supply chains are paramount. In fact, she mentioned that according to recent studies, companies which include long-term sustainability as part of their strategy fared better during the crisis. International organizations indeed have a role to play in this process, to ensure transparency in the long supply chain.

Mr. Furtado de Oliveira then asked all the panelists a question [paraphrased]:

Given that trade agreements increasingly include labour provisions, what do you envision ILO's role in this context in your governments/work model? Specifically, what will be the role in the context of standards and trade agreements.

Mr. Nájera emphasized that the efficient solution of problems (as under the fast response mechanism) should be a guiding principle to solve national problems. Specifically, the case of GM provides a clear example of how multiple parties (countries) can converge towards an agreement with assistance from the ILO. Specifically, the ILO functioned as an international and impartial observer, to ensure that its standards, such as freedom of association, were complied with. This created an environment of accountability and trust, which ensured that governments involved were confident in this partnership. The ILO is specialized in the development of an international framework governing the behaviour of member states towards issues such as forced labour and migrant labour.

Ms. Nacar reiterated that the case of GM represented an important stepping stone, as well as a break from the past, thanks to the ILO. The government of Mexico is devoted to protecting workers and ensuring that workers have effective control over their rights. The EU and Mexico have an "agreement in principle" on the main trade parts of a new association agreement including labour provisions as well. The foundation of these is fundamentally linked to the ratification of ILO standards.

Mr. Bouchard noted that the role of the ILO is particularly clear and noncontroversial when it comes to technical assistance (more than 90% of such projects around the world are implemented by the ILO), given their specialized knowledge in labour law. Moreover, the GM plant in Silao also clearly demonstrates the positive role which the ILO can play as an impartial observer. On the other hand, there are some controversial issues as well, regarding norms and

interpretations. This is particularly true of “gray zones”, wherein, for instance, fundamental rights such as freedom of association and collective bargaining are being violated, but there is contention regarding what constitutes such a violation. Consequently, Canada has been somewhat hesitant to limit itself only to ILO interpretation in these instances, which clearly delineate the importance of interpretation. Canada’s public report in response to the Colombia complaint is a good example of this issue.

According to Ms. Tuininga, the EU insists on international standards and guidelines, and trade tools are being used to this effect. The ILO’s role is fundamental along two dimensions. First, the role of the ILO can be seen in technical assistance in the implementation of international standards, capacity building and training, in which the ILO has expertise. The second dimension is that of a monitoring and supervisory body.

Session 3 – Q&A with social partners (May 17)

Fernando Yllanes Martinez (Representative Member of the Mexican employers to ILO Governing Body)

Mr. Martinez started by stating that the USMCA is good for the countries involved, and that there is an obligation to ensure that the objectives highlighted therein are met. Mr. Martinez then pointed out two matters of concern. First, additional aspects such as governance need to be addressed. Specifically, the textile industry, consisting of fiber, thread and knitting, has come under increasing duress. For the apparel industry serving the domestic market, the industry has not developed to its potential because smuggling has negatively affected its growth. These activities need to be eradicated. Second, the capacities of exporting companies are limited- specifically the maquila industry- where margins are small.

Another issue worth mentioning is that a lot of Mexico’s growth is driven by SMEs, where workers have difficult working conditions and lack collective bargaining. Although the outcome resulting from the GM case displays maturity, there is an outstanding issue of influence from foreign trade unions, which can be construed as an intrusion of Mexican sovereignty, as stipulated in the USMCA. According to Mr. Martinez, there must be a guarantee that social dialogue is well institutionalized in Mexico.

Maura Patricia Hernandez Tapia (Confederación de Trabajadores de México)

Ms. Hernandez Tapia started with mentioning that Mexico finds itself in a moment of crisis with respect to employment. However, with the technical assistance and cooperation of the ILO, Mexico will see through the end of this crisis.

At the end of Ms. Tapia’s comments, the floor was now open to any final comments.

Ms. Gómez Tovar clarified the data which was used in their study. For the input-output table, although they were able to include threads and fibers, they were not able to include leather products. Moreover, data is lacking regarding working conditions by size of companies.

Ms. Bensusán responded to an earlier comment made by Mr. Yllanes Martinez regarding representation. She emphasized the need for legitimacy of social partners. Moreover, elections in 2023 will reveal who/what are the union trade representatives, and who receive the endorsement.

Mr. Yllanes Martinez mentioned that the role of the ILO in assisting in the process of social dialogue to ensure compliance of labour standards is most welcome.

Ms. Hernandez Tapia shared agreement with Mr. Yllanes regarding the legitimacy of processes in Mexico. She did raise concerns about external pressures- specifically, observers from American trade unions in Mexican institutions and trade unions. She concluded by asking if it was possible to have this manner of monitoring from Mexican trade unions in the US.

► Participants list

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