

Safety rules for foreign labor pushed

Candidates, lobbyists focus on Chinese trade agreements

By Loretta Tofani
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WASHINGTON - Several Democratic presidential candidates and lobbyists for labor and health issues are developing strategies to threaten suspension of imports from China and other developing countries under a new president unless those countries enforce international standards of health and safety in factories.

The strategies seek to amend existing U.S. trade laws by inserting new language about worker health and safety. They also seek to use other U.S. trade laws to threaten or bring sanctions against countries beholden to World Trade Organization rules.

Candidates and lobbyists are reacting to allegations outlined in a series published in The Salt Lake Tribune and other media sources that Chinese workers routinely suffer amputations and fatal occupational illnesses making products for export to the U.S.

"We have to get the rules right," said Yvette Peña Lopez, legislative representative of the International Brotherhood of Teamsters. "We have to lay out the right rules to protect overseas workers."

"We must organize to promote agreements that protect and enhance worker safety and health in the global economy," said Garrett Brown, an industrial hygienist from California who spoke on trade issues at a recent health conference here.

Labor and health lobbyists have lost some past fights for such language in trade agreements, including the Peru Free Trade Agreement, which passed the Senate on Tuesday and previously passed the House. In a bold move, House Democrats inserted language in the agreement that makes free trade with Peru dependent on both countries permitting freedom of association, the right to collective bargaining, abolition of child labor and several other worker freedoms. But even that language does not require international health and safety protections in factories.

Some Democrats and lobbyists on Capitol Hill have said for years that such protections should be a condition of U.S. trade agreements with developing countries. Otherwise, they say, those countries have an unfair trade advantage. Unlike factories in the U.S., overseas factories often do not invest in proper health and safety equipment.

Senate Republicans, including Utah Sen. Orrin Hatch, have said they do not believe language regarding worker rights or safety should be inserted into trade agreements. Both he and Utah Sen. Bob Bennett voted for the Peru Free Trade agreement, however. "The labor chapter could put U.S. federal and state labor laws at significant risk," Hatch said

on the Senate floor, because Utah and some other states have right-to-work laws that other countries have interpreted as improper restraints on workers to bargain collectively or strike.

In a statement, Bennett said he's willing to have labor conditions be part of the discussion in free trade agreements, but he doesn't want them to become an excuse for not making an agreement.

"I, too, have been through factories in China and I know that no American would ever want to work in those conditions. I also know that conditions for a peasant on a farm or the unemployed in China are far worse than those in most factories," he said. "Many of the Chinese workers wouldn't feel that the Americans were doing them any kind of favors by demanding working conditions that have the net effect of preventing them from getting a job."

Nevertheless, labor and health lobbyists and some Democrats have been organizing to get bigger concessions in future trade agreements.

"We need to change the model for trade agreements," said Andy Gussert, director of the Citizens' Trade Campaign, noting that the campaign has opposed the Peru Free Trade Agreement partly because of past problems in enforcing such agreements. The Citizens' Trade Campaign says it fights for "international trade policy that is not tilted in favor of interests of multinational corporations."

One approach to address overseas factory conditions in both past and future trade agreements, suggested by the AFL-CIO, is to amend the Tariff Act of 1930 to ban imports made in factories - from China and elsewhere - that do not conform to International Labor Organization conventions on worker health and safety. Under the Tariff Act, the U.S. already bans imports from other countries that are made by prisoners or children.

New trade agreements with developing countries also could allow the U.S. to wield a stick, by making countries lose their right to tariff exemptions if investigations show that the countries' factory health and safety standards are below international standards. A model for such agreements, labor lobbyists said, is the Generalized System of Preferences program of 1984. Under that program, the U.S. has the right to suspend a country from receiving low or no tariffs for its products if it ignores life-threatening health and safety hazards in the workplace. The GSP program covers U.S. trade agreements with 140 countries and territories, and the U.S. has suspended 13 countries - including Chile and Belarus - from beneficiary status because of systematic violations of workers' rights.

Trade with China comes under the rules of the World Trade Organization, which does not consider international labor standards as a condition of trade. "We have not been able to get the 'L' word into the WTO," said Thea M. Lee, policy director of the AFL-CIO, referring to concerns for labor health and safety and free trade unions. China does not allow free trade unions.

But AFL-CIO representatives hope at least to threaten sanctions against China under a Democratic president by using section 301 of the Trade Act of 1974.

The section 301 clause authorizes the U.S. trade representative and the president to take action against a trading partner's "persistent denial of of internationally recognized rights." The denial of those rights, according to the clause, constitutes an unfair trade practice that "burdens or restricts" U.S. commerce.

The AFL-CIO petitioned the U.S. trade representative in 2004 and 2006 to conduct an investigation on China's trade labor conditions and bring trade sanctions, but the trade representative refused, saying other actions by the Bush administration would push China in the right direction. Even if the U.S. Trade Representative conducts an investigation and the president recommends sanctions, sanctions would not be enforced unless upheld by a tribunal body of the WTO.

"We need a much stronger message from our government," said Lee, adding that such a message could be, "Your access to the U.S. market could be cut off." Such a message, Lee said, "concentrates the mind wonderfully."

Democratic presidential candidate John Edwards' Nevada press secretary, Adam Bozzi, said Edwards would be willing to bring a "stop trade" petition to the WTO if China continues its failure to enforce international labor standards. "That may be what it takes, and right now we don't have a president willing to go that far," Bozzi said. "President Edwards would."

In addition to Edwards, Democratic candidates Joe Biden and Chris Dodd have been seeking health and safety standards for overseas workers in trade agreements, as well as better enforcement of trade agreements. All three candidates voted against the Peru Free Trade Agreement.

Meanwhile, earlier this year, the U.S. trade representative appointed the first public health representative to a trade advisory committee, in response to a lawsuit by health professionals saying that trade advisory committees were not fairly balanced. Health professionals currently are suggesting that workers in overseas factories should have the same health and safety protections as workers in developed countries. Prior to the appointment, trade advisory committees had 20 representatives from the pharmaceutical industry, seven from the tobacco industry, six from the alcohol business, five from food and four from health insurance.