

Addressing Root Causes of Economic Migration: How Enforcing Labor Rights in Mexico could Deter Economic Migration to the US

By Avery Kelly

Mexico's new president has said migration should be a choice rather than a necessity. But for Andrés Manuel López Obrador to make good on that vision, his administration will have to address its root causes, including labor rights abuse in Mexico. Building and enforcing a responsive labor rights regime will require cooperation between all branches of government, the private sector, law enforcement, and trade partners.

Enforcement of labor laws would be a start. Mexico is currently [one of the world's worst countries for workers' rights](#), and repression of labor rights is an underemphasized driver of migration to the U.S. Take, for example, the experience of miners from Cananea. The small mining town has a long cyclical history of labor demands, strikes, repression, retaliation, mass firings, and hiring of replacement workforces. In 2010, the federal government sent 2,000 police officers and soldiers equipped with helicopters, riot shields, batons, and tear gas to break up an ongoing strike. [Mass firings followed the strike](#), and waves of miners flooded into Arizona as undocumented workers.

In 2017, indigenous workers recruited from Camargo to work on a tomato farm near Ciudad Juarez reported illegal deductions from their wages for food and housing. Immediately after making the report, [all 80 farm workers vanished](#). By the time authorities arrived to investigate their complaint, [the entire workforce](#) had already disappeared. More than intimidating workers not to speak up, these types of conditions and retaliation give farmworkers an incentive to migrate to the U.S. for tomato picking jobs in California and the Southeast.

Several recent developments suggest a possible shift toward better enforcement of labor rights in Mexico.

President López Obrador ran on campaign promises of deep structural changes, many of which are now included in his National Development Plan, like raising the minimum wage aimed at making migration to the U.S. "optional and not necessary." This even as net Mexican migration to the U.S. from Mexico has already been net negative for many years.

In November 2018, in the final days of the Enrique Peña Nieto administration, Mexico signed the International Labor Organization (ILO) Convention 98 on the Right to Organize and Collective Bargaining. [According to labor rights advocates](#), bringing Mexican law in line with the Convention will require ending the use of "protective contracts" where company-dominated unions make agreements without workers' consent.

Another positive sign is that the United States-Mexico-Canada Agreement (USMCA), which if approved by Congress will replace NAFTA, includes a labor chapter in which the parties affirm their ILO obligations, denounce the derogation of labor rights to attract trade or investment, and require Mexico to revise its labor laws to heighten protection for worker representation in collective bargaining. The USMCA itself notes the parties' expectation that López Obrador's administration will deliver on these promises, and it allows for delayed enforcement if the government fails to adopt the mandated types of reform.

It is now up to the López Obrador administration to follow through with these commitments to align domestic law with ILO Convention 98 and USMCA Chapter 23 and create and utilize effective enforcement mechanisms.

For its part, the U.S. government would benefit from labor rights enforcement in Mexico because it addresses a root cause of mass migration, and they have many tools available to further this end. USMCA Chapter 23 Annex A gives the U.S. a legal hook to halt performance of the agreement pending the specified labor law reforms. The U.S. government would also benefit from holding its own companies operating in Mexico accountable for labor rights violations there. It could require U.S. corporations to know what happens in their supply chains abroad and ensure labor rights are being upheld. Where there are reasons for concern, corporations should then investigate their suppliers, and stop sourcing where violations are taking place.

Despite having played a key role in the design and implementation of neoliberal globalization, including the derogation of labor standards internationally, the U.S. government is pushing back on impacts of this globalization like the mass movement of Mexican workers across the border. While nationalist, anti-immigrant sentiment in the U.S. should not be considered a legitimate criticism of globalization, the current state of uncontrolled migration to the U.S. from Mexico is undesirable for both countries, and especially for the people forced to leave home. A rights-based approach to labor in Mexico would help create a less destructive globalization and give workers the choice to not migrate.

--

This article was the winning entry of the competition and can be found in [Americas Quarterly](#), our 2018 student writing competition partner.