

Trans-Pacific Partnership won't improve workers' rights in Asia, critics warn

Labor experts reject President Obama's claim that proposed partnership between US and other countries including Vietnam will increase worker protections

Steven Greenhouse in New York

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Congressional Democrats and labor unions have in recent days vigorously attacked one of President Obama's main arguments for the proposed Pacific trade deal - that it will increase worker protections in Vietnam and several other Asian countries.

These critics question Obama's assertion that the pact will get Vietnam to grant real freedom of association to labor unions, despite a pattern of repression by the country's communist government. The pact, known as the Trans-Pacific Partnership (TPP), includes Vietnam, Chile, Japan, Mexico and eight other countries that account for 40% of world trade.

Obama's trade deal faces a crucial Senate vote at 10am on Thursday.

Congressman Sander Levin of Michigan, one of the leading Democratic voices on trade, said: "There has to be recognition that Vietnam and its laws and practices are totally out of compliance with basic international labor standards. If you try to form an independent union, you can be thrown in jail."

Levin - who joined two dozen other House Democrats in meeting with United States trade representative Michael Froman last week to discuss these concerns - said he had recently met with a Vietnamese woman who spent four years in prison after trying to form an independent union. He said Vietnam has kept two of her colleagues in prison.

"They're going to have to make significant changes in their laws," Levin said. The Obama administration was seeking to negotiate an enforceable agreement with Vietnam as a condition for its participation in TPP, he said, but added that "There is no evidence of an agreement on any point."

Levin has a reputation as a "pro-trade Democrat", having played a major role in helping George W Bush's administration win backing for its 2007 trade agreement with Peru. Levin noted that Peru was required to change its labor laws and practices before Congress voted to approve that deal.

"The years have shown that it's very difficult to enforce trade deals even when countries have changed their laws," Levin said. "In this case, there is no evidence that's what Vietnam is going to do."

With the Senate gearing up to vote again on special trade promotion authority known as fast track, after having voted it down last week, Levin said he would oppose fast track "until we get TPP right". Fast track makes it easier to win approval of trade deals and requires Congress to cast an up-or-down vote without being able to amend the deals.

Fast track could face tougher odds in the House than in the Senate not just because so many House Democrats oppose it, but also because some Tea Party Republicans are reluctant to vote for fast track and give Obama a victory.

Obama has repeatedly hailed TPP as the most advanced trade pact in history in terms of labor protections and enforcement, although many details are yet to be negotiated.

“When you look at a country like Vietnam, under this agreement, Vietnam would actually, for the first time, have to raise its labor standards,” Obama said in a speech at Nike headquarters on 8 May. “It would have to pass safe workplace laws to protect its workers.

“It would even have to protect workers’ freedom to form unions, for the very first time. That would make a difference. That helps to level the playing field, and it would be good for the workers in Vietnam, even as it helps make sure that they’re not undercutting competition here in the United States.”

Obama said that if Vietnam or any other countries in TPP do not meet the pact’s labor requirements, “they’ll face meaningful consequences”.

But Thea Lee, a leading trade expert at the AFL-CIO, the nation’s main union federation and a fierce TPP opponent, voiced skepticism that Vietnam would be booted out if it failed to comply with TPP’s labor requirements. She noted that Vietnam was a growing manufacturing power and was the second largest apparel exporter to the US, after China.

“The gulf between where Vietnam is today and compliance with core international labor standards is huge,” Lee said. “Is Vietnam going to be in compliance on Day One? If it isn’t in compliance, will there be a phase-in of benefits to Vietnam? The truth is, we don’t really know.”

The Obama administration says it is working to bring Vietnam into compliance, she said, but added that “We hear mysterious reports, but we haven’t seen anything in writing.”

Lee said US trade unions have talked with Vietnamese unions and haven’t heard that Vietnam has a plan to “provide freedom of association to unions in the foreseeable future”.

Senator Elizabeth Warren, a Democrat of Massachusetts and a leading TPP critic, issued a staff report on Monday that made clear she wasn’t buying Obama’s talk of strengthened labor protections and enforcement.

“The history of these agreements betrays a harsh truth: that the actual enforcement of labor provisions of past US free trade agreements lags far behind the promises,” the staff report said. “Again and again, proponents of free trade agreements claim that this time, a new trade agreement has strong and meaningful protections; again and again, those protections prove unable to stop the worst abuses.”

The report listed what it said were broken promises on labor enforcement regarding agreements with Peru, Colombia and other countries. It stated that in the four years after the Obama administration adopted an “action plan” with Colombia in 2011 to reduce violence against trade unionists, 105 union activists have been murdered and 1,337 death threats have been issued against union leaders and members.

Joseph Stiglitz, a Nobel-prize winning economist, added to the criticisms this week, writing in a letter to congressional leaders that the labor enforcement mechanism contemplated in TPP hasn’t worked in other trade pacts. “A number of specific countries raise red flags for the

enforceability of standards,” Stiglitz wrote. “Vietnam, of course, has a now forty-year legacy of a political system built, in part, on denying what US law says and what the world community agrees are core labor rights - the rights to free association and collective bargaining.”

In a report issued in February, the Obama administration defended its enforcement record on labor rights, saying it negotiated an agreement with Colombia to reduce labor violence, suspended trade privileges with Bangladesh to pressure it to improve factory safety, developed a partnership with Burma to advance worker protections and filed a complaint against Guatemala over repression and violence against union supporters (though US labor unions say it has taken far too many years to adjudicate that dispute with Guatemala).

“Protecting workers’ rights is a top priority for the Obama administration,” said the report, written by the Department of Labor and the trade representative’s office.

Levin and Lee also condemned what they said was a lack of enforcement against Mexico’s labor violations under the North American Free Trade Agreement. They noted that many Mexican unions reach collective bargaining agreements with companies without the employees voting on them or even knowing about them. Levin said Mexico’s labor board “is totally ineffective”, while Lee said independent trade unions “still face some violence”.

Lee also voiced concern about Malaysia, another TPP member, noting that it has been widely criticized for human trafficking and for forced labor in its electronics, garment and palm oil industries.

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