

Congress of the United States
Washington, DC 20515

Ambassador Susan C. Schwab
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Schwab:

We are writing to express our concern with the failure of recently negotiated free trade agreements to adequately address employment and workplace discrimination against women and racial minorities. These rights are the fabric of a democratic society which people in the United States have long fought to achieve, and should be protected in any accords negotiated by the United States.

All agreements negotiated under the Bipartisan Trade Promotion Authority Act of 2002 (TPA) fail to require that countries' labor laws effectively protect women and minority workers' rights. The accords demand only that countries enforce their existing "labor laws," regardless of how deficient. However, the agreements define "labor laws" as covering just five "internationally recognized labor rights," and the elimination of employment and workplace discrimination is not among them. As a result, these trade accords do not require countries to bring their domestic anti-discrimination laws into line with international standards, nor even enforce their current labor laws.

In the case of Oman, this means that the ban on women engaging in "hard labor" can stand, despite the International Labour Organization (ILO) finding that such a ban amounts to "a veiled distinction between the sexes that may unfairly and unreasonably impede the promotion of women to jobs to which they would otherwise have access." It also means that, under a U.S.-Oman Free Trade Agreement (FTA), Omani women could continue to earn only 22 percent of their male counterparts, a wage gap that the United Nation's 2004 Human Development Index identified as one of the widest in the world.

For Peru, where the United Nation's 2004 Human Development Index found that women earn only 27 percent of their male counterparts, the country could continue to fail to require equal pay for work of equal value. Under a U.S.-Peru FTA, Peru could also continue to fail to respond to its serious problem of sexual harassment, noted in the 2005 U.S. State Department Country Reports on Human Rights.

In the case of Colombia, where the 2005 U.S. State Department Country Reports on Human Rights found that sexual harassment was also a "pervasive problem," Colombia could continue to fail to explicitly ban sexual harassment. Under a U.S.-Colombia FTA, Colombia could also ignore widespread discrimination against its Afro-Colombian citizens, 74 percent of whom,

according to the 2005 U.S. State Department Country Reports on Human Rights, earn less than the minimum wage.

Workers' right to be free from workplace and employment discrimination is one of the four core labor rights identified by the ILO Declaration on Fundamental Principles and Rights at Work, which all ILO members have an obligation to uphold. It is unacceptable then that the U.S. continues to negotiate free trade agreements with countries that openly allow employment and workplace discrimination against women and racial minorities, without at a minimum requiring enforcement of internationally recognized rights.

Supporters of these accords believe they will help spread democracy, yet democracy cannot be achieved by ignoring the rights and freedoms which are inherent in the fabric of any free society. These rights should be protected in trade accords negotiated by the U.S. We urge you to take greater action to protect and promote these fundamental freedoms.

Sincerely,



HILDA L. SOLIS
Member of Congress



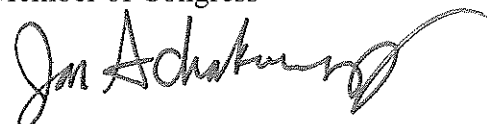
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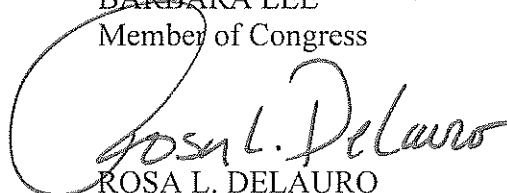
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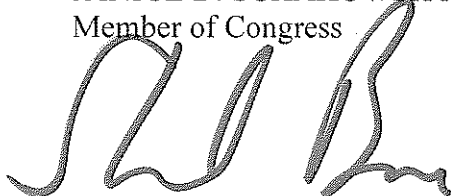
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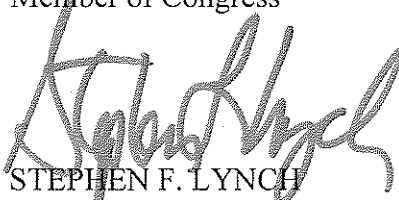
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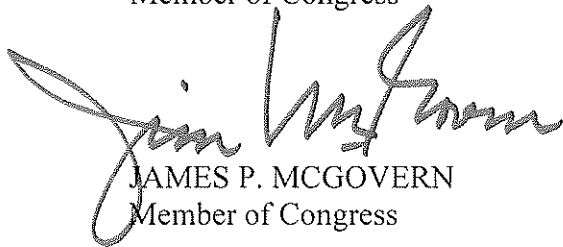
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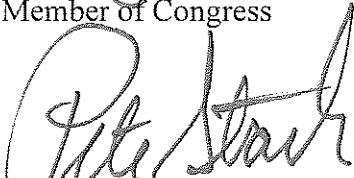
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