

U.S. Department of Labor **U.S. National Administrative Office**
North American Agreement on Labor Cooperation



October 19, 1998

Patricia A. Friend
International President
Association of Flight Attendants, AFL-CIO
1275 K Street, N.W.
Washington, D.C. 20005-9798

Dear Ms. Friend:

We have considered your submission dated August 17, 1998 regarding labor law matters arising in Mexico from the strike by the Flight Attendants Union Association (ASSA)-México vs. Aerovías de México. After careful evaluation, the National Administrative Office (NAO) declines to accept the submission for review.

In the submission, you assert that the Mexican government deliberately suppressed the right to strike of Aerovías de México flight attendants. You maintain that the Constitution and labor laws of Mexico provide an unfettered right to strike and, when Mexican President Ernesto Zedillo used the "requisa" process under the Law Governing the General Routes of Communications and the Civil Aviation Law to requisition property of the company, he effectively forced the employees back to work in violation of that right.

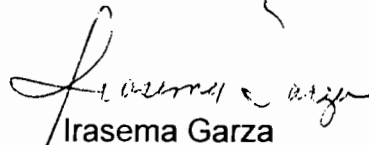
The requisitioning of the property of Aeroméxico was undertaken by executive order of President Ernesto Zedillo pursuant to the Mexican Constitution and legislatively adopted provisions of the Civil Aviation Law and the Law of General Routes of Communication of Mexico. The executive order cites the relevant provisions of the Constitution and the law and provides support grounded in the economic security of the State. Further, subsequent to the issuance of the executive order, the flight attendants returned to work and negotiated an agreement with the company settling the strike.

Section G(2) of the Procedural Guidelines of the NAO provides that the NAO Secretary shall accept a submission for review if it raises issues relevant to labor law matters in the territory of another Party and if a review would further the objectives of the Agreement. While the submission raises issues relevant to labor law matters in the territory of México, I have concluded that a review would not further the objectives of the Agreement.

However, because cases involving similar issues have previously occurred in the NAALC countries, the U.S. NAO will undertake further research on how the three Parties to the NAALC reconcile the principle of the right to strike with national interests of safety, security, and the general welfare.

Please call if you have any questions.

Sincerely,



Irasema Garza
Secretary