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THE GENDERED IMPACT OF NEOLIBERALISM: VIOLENCE AND EXPLOITATION OF WOMEN WORKING IN MAQUILADORAS

By

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Abstract

The global production process relies on classism, racism, and sexism to generate a reliable workforce in the global south to produce goods for the global north. Women who work in maquiladoras in Mexico disproportionately occupy low-wage, dangerous jobs that leave them more vulnerable to violence both in the workplace and in their communities. The human rights of women workers in maquiladoras will not be realized until the domestic and international mechanisms that are intended to provide labor protections are strengthened. Better working conditions have been achieved in maquiladoras through grassroots organizing efforts.

Introduction

The foundation of the global economy relies the exploitation of people of low socioeconomic status in the global south to produce goods for the global north. The phenomenon responsible for this disparity is neoliberalism; under neoliberalism, economic policies are enacted that deregulate markets and reduce trade barriers. Corporations have been pushing for the unrestricted movement of capital and goods around the world. These policies have made certain corporations and countries wealthy, but with devastating human cost. The signing of free trade agreements allows corporations to move their manufacturing operations to states with the lowest productions costs. Multinational corporations produce their goods in developing countries because there are few legal protections or minimum wage requirements they are compelled to follow. If these protections exist, they are often not enforced to protect workers that are the most vulnerable to exploitation. Developing countries attempting to attract corporations are incentivized to not provide adequate labor protections or enforce environmental regulations. This is one of few opportunities for developing countries to compete with developed states. This competition has been called the "race to the bottom" by many scholars. Provisions have been

added to free trade agreements to prevent the lowering of labor and environmental regulations. These provisions are frequently ineffective, and do not provide adequate protections to workers and the environment. The race to the bottom has not been avoided through the inclusion of these provisions. Developing states have incentive to exploit their nation's labor force, and developed states have incentive to allow exploitation under free trade agreements (Robert-Ritter 443-444). Neoliberalism and the legacy of colonialism are responsible for wealth disparities in Latin America.

The global phenomenon of neoliberalism promotes deregulating markets and reducing trade barriers. The United States has used its power capabilities since the 1970's to impose its neoliberal agenda on Latin American states. Neoliberalism attempts to limit systems of social solidarity to promote market interests. This advancement of market interests is often at the expense of the working class. Developing states are encouraged to borrow heavily to facilitate their development through global financial institutions, such as the International Monetary Fund (IMF) and the World Bank. Structural adjustment programs are implemented when these states are unable to pay back these loans. Structural adjustment programs require that states significantly reduce social spending, privatize, and remove any state interventions that alter global market pricing. Beginning with Mexico, many Latin American states experienced a debt crisis in the 1980s. These states were then required to implement structural adjustment programs, which harmed the working class (Harvey 98-104). Many of these states have continued to implement neoliberal reforms, which limit a state's ability to intervene to support the working class ("American Foreign Policy" 3-5). This transnational structure created the conditions to allow for U.S. based corporations to exploit the labor of Mexican workers. Mexican women who are employed by maquiladoras, disproportionately work in low paying positions with harsh and

violent working conditions because their options are limited by the intersections of class, gender, and race. These intersections of identity limit their ability to find jobs with better working conditions and better pay, so they are more vulnerable to being subjected to violence, low pay and dangerous working and living conditions.

Literature Review

There is extensive literature on the topics related to the exploitation of women's labor in the global production process. This section will explore the most influential theories related to the feminization of global commodity chains, especially as it relates to women in working in maquiladoras. The concept of a global commodity chain was first defined by Terence Hopkins and Immanuel Wallerstein. A global commodity chain was defined as, "a network of labor and production processes whose end result is a finished commodity" (Hopkins et al. 159). A commodity chain tracks the economic flows between states in the production process, and the connections between migration, trade and capital investment in this process. This provides an analysis for the interdependence of states in the global production process, and the global division of labor (Hopkins et al. 159- 163). This concept originates in world systems theory, which contends that the world system is the primary unit of analysis to evaluate state decision-making. The relationship between periphery states, developing states, and core states, developed states explains the underdevelopment of periphery states. Political changes in developed states increase production cost and reduce profits, so monopolistic producers look for markets in developing states. These producers rely on core states to protect their interests, and periphery states are prevented from providing protections for their citizens because they threaten capital from being concentrated, harming the world capitalist economy. Wallerstein argues that households are the units in which laborers are divided, which provides a class structure that

allows for easier access to labor. These households are the new international division of labor according to Wallerstein (1-25). Helen Safa argues that class structure is concealed because undercompensated household labor provides a subsidy to global capital, which is disproportionately done by women. Safa uncovers the impact of undercompensated labor on families and gender ideology. The myth of the male breadwinner allows capitalists to pay a higher wage to men for their labor because they are considered the primary providers of the household. This exploits women on the basis of both gender and class (Safa 1-36). Scholars have argued that when analyzing global commodity chains, it is essential to analyze the role of gender in the production process. Wilma Dunaway asserts that there is a connection between women's labor and global commodity chains. Dunaway argues that gendered labor is an essential component of global commodity chains. The exploitation of women's labor within these chains are essential in analyzing the global capitalist system. Incorporating households in global commodity chains provides a connection between production and reproduction. Dunaway provides a collection of works that contribute the understanding of women's labor in the global capitalist system. In this collection Jane Collins examines the "black box" of global commodity chains, or the "the living breathing gendered and raced bodies working under social relations that exploit them" (Dunaway 27). Dunaway argues that because of the unremunerated value of women's labor power, wage rates are lowered by women's unpaid labor and home-based production, which directly benefits the capitalist system. Women's productive labor, uncompensated labor and reproductive labor directly impact global commodity chains (Dunaway 1-27). It is important to examine the role of gender in global commodity chains, but also the role that gender plays in consumption.

Stephanie Barrientos further argues that gender is an essential component to analyze global commodity chains. There are important linkages between consumption in the global north and gendered labor in the global south. Producers take advantage of the flexible employment of their workers to offset rising production costs. This comes at the cost of women working in the production process of goods that are sold to the global north (Barrientos 83-91). Jennifer Bair argues that it is essential to evaluate the role of gendered labor strategies, gender inequality and worker households, which is largely absent from the global commodity chains analysis discourse ("Global Capitalism and Commodity Chains" 153–171). Bair argues further that a feminist analysis of the global production process and its gendered nature is necessary. Bair argues that understanding the intersection global capitalism and gender specific meanings and practices will provide a better understanding of global commodity chains and capital accumulation ("On Difference and Capital" 203-224). Feminist commodity chain analysis can provide a way to evaluate the global production process.

Priti Ramamurthy argues that feminist commodity chains can offer an alternative way to conceptualize power. Ramamurthy distinguishes feminist commodity chain analysis from realist commodity chains, and contends that realist commodity chain analysis is concerned with distinguishing what is real and what is imaginary. Feminist commodity chain research questions how these production systems impact the lives of those in the production process. The binary drawn between production and consumption is disrupted in feminist commodity chain analysis. Ramamurthy argues that commodity chains are fragile and subject to change. This analysis emphasizes the role that multinational corporations play, how they impact urban areas of developing states, and how globalization is constructed and experienced. Gendered and racialized representations of labor in these multinational corporations represent the impact of the

uneven impacts of neoliberalism on labor in developing countries (Ramamurthy 734-766). It is important to understand the gendered way that labor has traditionally been assigned to understand the global production process. Nicola Yeates argues that the household has not been perceived as a site of production or as playing an important role in the transformation of commodity chains. Yeates argues that the global care chains concept is an important tool to analyze gendered labor in global commodity chains, and account for the role of household production in global commodity chains. The global care chain concept was first created by Arlie Hochschild, which outlines the relationship between globalization, migration and care. This concept draws a connection between the paid and unpaid work of caring, which holds that reproductive labor is an essential component of the global economy. Reproductive labor is the labor associated with domestic tasks and caregiving assigned in the domestic sphere. Yeates argues that the global commodity chain concept does not adequately analysis the care services sector, and the global care chain theory does not sufficiently evaluate the global production process. Both theories are strengthened when the gendered care chains are analyzed alongside global commodity chains (Yeates 369-387). An analysis of the global capitalist system strengths the understanding of the gendered impact of the global production system.

Chandra Talpade Mohanty argues that class relations have been complicated nationally and internationally because of globalization. Mohanty states that, "issues of spatial economy - the manner by which capital utilizes particular spaces for differential production and the accumulation of capital and, in the process, transforms these spaces (and peoples) - gain fundamental importance for feminist analysis" (Talpade et al 5). Gender plays a significant role in complicating and maintaining the new division of labor and its class relations. Multinational corporations are able to utilize preexisting social hierarchies to maintain ideologies of

masculinity/femininity, superiority, development and the skill/skilled labor binaries. The new international division of labor is constructed from histories of race, class and capitalism, and gender and patriarchy. Mohanty suggests that the only way for women to disrupt these constructions is for Third World women workers to fight collectively against global capitalist domination and exploitation (Talpade et al 3-29). M W Wright argues that manufacturing operations assign value to goods and labor based on the social construction of the values assigned to people. Wright asserts that these corporations use the preexisting social hierarchies to assign value to labor, and in some cases justify the transfer of a manufacturing operation out of Mexico. This social construction considers women to have the natural ability to assemble to assemble goods. These natural abilities include having nimble fingers and being more subordinate to male supervisors. Simultaneously, women are cheap people whose labor is inferior in the production of quality products. Moving operations out of Mexico is frequently motivated by the perception of a lack of quality laborers. The value assigned to quality differed depending on who was performing the evaluation and the how they assigned value to the people manufacturing the products (Wright 1601–1617). Feminist networks are working to change conditions in manufacturing settings.

Moghadam discusses the contributions that women are making to challenge the economic, political and social conditions and policies that contribute to their exploitation in the global capitalist system. Moghadam defines transnational feminist networks (TFNs) as, "structures organized above the national level that unite women from three or more countries around a common agenda" (Moghadam 4). The impact of neoliberal ideologies and the role of collective action in reaction to changes in the global capitalist system are connected. Moghadam emphasizes that the exploitation of women's labor plays a large role in the accumulation of

capital in global commodity chains. Resisting capitalist and patriarchal domination requires a class and gender conscious and "globalization from below" approach (Moghadam 1-20). An analysis of gender in the global production process is important for evaluating conditions in maquiladoras.

Leslie Salzinger argues that considerations of gender are largely absent in analyses of transnational production. Salzinger contests the image of maquiladora workers, and other sweatshop workers, as "naturally exploitable women," calling this image "productive femininity." It is important to understand gendered rhetoric and practices rather than reproducing dominant stereotypes. Salzinger argues that "productive femininity" is a trope involving the image of the ideal woman worker in the developing world. Salzinger goes on to argue that workers and managers in maquiladoras produce gendered meanings in their work, and do not just bring these meanings from other settings *(Genders in Production* 1-8). Examples of the "naturally exploitable woman" include, materials used advertise manufacturing opportunities in Latin America and the Caribbean. These advertisement boasted opportunities to cut costs in both labor and property rentals. "Highly productive laborers" were advertised in these materials, stating that quality goods could be produced for corporations while paying laborers less. An example of these materials include an advertisement used to attract foreign direct investment by The Salvadoran Foundation for Economic and Social Development in 1991. This advertisement stated:

> Rosa Martinez produces apparel for the U.S. markets on her sewing machine in El Salvador. You can hire her for 33-cents an hour. Rosa is more than just colorful. She and her co-workers are known for their industriousness, reliability and quick learning. They make El Salvador one of the best buys (Ross 88).

This flyer is an example of the construction of a "naturally exploitable woman" that is used to attract manufacturing operations in developing countries, and is used by corporations to justify lower wages. This construction is often used to depict women of color as being especially naturally exploitable. In the example of the flyer, referring to Rosa as being more than "more than just colorful" is used to create the image that Rosa, and her coworkers, are naturally subject to exploitation. These stereotypes depict women as being passive, natural caretakers, and having abilities conducive to manufacturing work (Ross 83-89). Global commodity chains are the networks are responsible for the production of goods in the global capitalist system. These goods are disproportionately produced by low-income women of color in developing states. Evaluating the feminization of global commodity chains provides a way to analyze working conditions in Mexican maquiladoras. Low-income women of color disproportionately occupy positions in maquiladoras with low pay and harsh working conditions, and gendered commodity chains analysis provides a way to analyze its cause.

Research Design

This essay will seek to examine several questions related to women's experience working in maquiladoras in Latin America. The primary research question is: "Why do women disproportionately work in maquiladoras, in which they occupy low-paying positions, where they experience violence and endure harsh working conditions with little access to mobility within the company?" Comparatively, the following question is, "What conditions, circumstances and structures leave women more vulnerable to working in low-paying positions in maquiladoras?"

The hypotheses that will be examined are: hypothesis 1: Women who work in maquiladoras are in low paying positions with harsh and violent working conditions because of the limited options that they have because of the intersections of class, gender, and race. These

intersections of identity limit their ability to find jobs with better working conditions and better pay, so they are more vulnerable to being subjected to violence. Hypothesis 2: The conditions that women working in maquiladoras experience are the result of neoliberal economic policies, which create the conditions for the exploitation of labor of marginalized communities in developing countries. To support or reject these hypotheses, literature, primary sources, and academic research will be examined. These claims will be refuted or supported by examining these sources.

The Formation of Maquiladoras

Maquiladoras were implemented as an emergency measure in 1965 to mitigate poverty and regional unemployment in Mexico. Maquiladoras are assembly plants that are foreign owned, controlled or subcontracted that use duty free imported items to assemble goods. These assembly plants experience special regulatory treatment, and have tariff and fiscal exemptions. They only pay taxes on the value added by the cheap labor. The goods that are produced in these assembly plants are then exported for foreign consumption. The products are primarily exported to the United States. The maquiladora program has a significant impact on not only the regional economy of the border, but the entire Mexican economy. The conditions for the formation of maquiladoras began with the cancelling of the Bracero program by the U.S. government in 1964, which granted seasonal entry visas for 500,000 Mexican workers who would primarily work in agricultural settings. This caused a massive repatriation of workers, and many of these displaced workers subsequently settled in border regions between Mexico and the United States. The United States negotiated the creation of the maquiladora program following the elimination of the Bracero program (Galhardi 1-3). The Border Industrialization Program (BIP) was created in 1965, which allowed for maquiladoras to operate on the U.S.-Mexico border (Livingston 60).

The United States supported the creation of the BIP program through items 806.30 and 807.00 of the Tariff Schedule of the United States. This applied to import duties only on the value added by the work done abroad, mainly applied to the overhead costs and the cheap labor costs. The Mexican government allowed for 100% foreign ownership of these assembly plants, and permitted the duty-free entry of materials used to assemble the goods (Galhardi 1-3). U.S. based corporations that use these manufacturing plants are also exempt from legally mandated profit-sharing provisions (Abell 595). The creation of the maquiladora program was intended to mitigate the impact of ending the Bracero program.

Maquiladoras were expected to draw workers from those who had previously participated in the Bracero program. Designated areas were arranged along the U.S.- Mexico border for the creation of maquiladoras. The arrangement was intended to create employment for displaced Mexican workers and provide lower manufacturing costs for capital-rich U.S. corporations. These corporations could take advantage of the weaker environmental and labor regulations in Mexico (Galhardi 1-4). Maquiladoras are located in designated areas that are labeled Export Processing Zones (EPZs). EPZs exist in many regions in the world. According to this model, corporations that are based in developed countries invest capital in the developing host country, which offers an attractive environment for investors. Maquiladoras are established in EPZs on the U.S.-Mexico border to offer corporations, primarily based in the U.S., an attractive environment for investors. The maquiladoras are located along the border to facilitate export routes for the products to be shipped to the United States for sale (Denman 143-144). According to a report created by the International Labor Organization (ILO) in 2002, 37 million workers are employed in EPZs around the world (Villarreal et al. 368). Multinational corporations operating in EPZs are moving raw materials, capital, technology and profits in efforts to limit the

bargaining power of local border communities in Mexico. These communities are being forced to absorb the environmental and social costs of the operations of these corporations (Abell 596). Many workers have migrated from rural areas of Mexico because structural adjustment programs have forced workers to EPZs. After the 1982 debt crisis in Mexico, structural adjustment programs were implemented to stimulate the export sector of the economy to generate international currency to make payments on the foreign debt. These programs deregulated markets, privatized state owned enterprises, and liberalized trade (Livingston 64-65). Maquiladora operations were expanded to other regions of Mexico through later provisions.

In 1972, the program was relaxed and extended to more interior regions of Mexico. The export requirement of the goods produced in maquiladoras was lowered in 1989 from 80% to 50%. In 1994, the negotiation of the North American Free Trade Agreement (NAFTA) had a significant impact on the evolution of the maquiladora program (Galhardi 1-4). Thousands of maquiladoras were created following the implementation of NAFTA, a trade policy between the United States, Canada and Mexico (Abell 595). A neutral arbitral tribunal would have the power to award damages against the implicated government to ensure that these rights outlined in NAFTA would be upheld. Corporations that felt that a violation of the NAFTA agreement had been committed against them were given an avenue to have these disputes settled through this arbitral tribunal. Proponents of this trade agreements argued that it would fundamentally change the way that business was done in North America (Robert-Ritter 448). The neutrality of the arbitral tribunal is contested. The investor-state clauses give corporations an advantage over the host state. Especially, when a state regulation could interfere in maximizing profits for the corporation. The World Bank's Center for Investment Disputes (ICSID), often sides with

corporations, is responsible for settling disputes ("Investor-State Dispute Settlement (ISDS)"). The NAFTA deal had a significant impact on the maquiladora program.

The growth of maquiladoras following the implementation of NAFTA was dramatic, particularly, "between 1996 and 1999, the number of maquiladora plants rose by 37%, while employment grew by 50%, reaching a level of 1.14 million in 1999" (Georgen 410). The creation of NAFTA effectively made Mexico a part of the second largest trading bloc in the world (Villarreal et al. 366). In 1999, the maquiladora industry was producing 23% of all Mexican exports. This was third to petroleum and agricultural exports. In 2001, more than 3,600 maquiladoras existed, employing about 1.3 million workers in Mexico. The number of maquiladoras declined from 3,600 in 2001 to 2,800 in 2004. This was the result of investors moving in response to emerging markets in Asian states, which offered cheaper labor and lower overhead. This shift caused a net loss of over 100,000 jobs (Denman 146). NAFTA had a significant impact on the manufacturing sector in Mexico.

This trade agreement extended privileges held by maquiladoras to all producers, in stages, regardless of location within Mexico and national origin of the producer (Galhardi 4). Many U.S. corporations have taken advantage of this program, including, "General Motors, General Electric, Hewlett-Packard, Ford, Chrysler, Samsung, Sony, Thompson and Toshiba" (Galhardi 4). Following the implementation of NAFTA, producers of different national origins began to invest in maquiladoras. In 1989, Germany and Japan, in that order, followed the United States in total investment in maquiladora operations. Japanese companies that invested in maquiladoras were primarily invested the production of transportation equipment and of electronics. Korean investment in maquiladoras are primarily concentrated in the production of electronics (Galhardi 7-8). While Asian maquiladoras make up a growing portion of total

investment of maquiladoras in Mexico, the industry is still dominated by multinational corporations from the United States.

Proponents argued that workers' rights and working conditions would be strengthened for Mexicans. Free trade would bring more U.S. corporations to Mexico, which would in turn strengthen the manufacturing sector. The resources brought to Mexico would allow the government to improve labor conditions, and wages would be raised for workers. However, in the decades following the implementation of NAFTA, the boost in productivity has not increased wages or improve labor conditions for Mexican workers. Labor conditions have actually worsened under the agreement for workers who are disproportionately low-income, women of color (Flores 10). Maquiladoras primarily hire women to work in the low-wage, labor-intensive, and dangerous positions. Women are more likely to be hired for these positions because their labor is undervalued, which leads them to have more limited options for employment ("The Feminization of Poverty"). The global production process exploits communities with marginalized identities disproportionately, because these identities leave them more vulnerable to holding dangerous and exploitative jobs ("Abuses Against Women" 1). In 2005, the First National Survey on Discrimination determined that 93% of women in Mexico felt that they experienced discrimination; this happens in both the public and private sphere. The traditional roles of men and women in Mexican society is referred to as marianismo. Women are expected to having and raising a family, and following the ideals of the Virgin Mary. These norms emphasis the dominance of men and the submission of women. These traditional roles have created the conditions to allow discrimination against women to persist in workplaces within Mexico. Globalization is limiting women's access to agricultural and informal sectors of the

economy (Goergen 407-409). Global capital takes advantage of this increased vulnerability to exploit women workers in maquiladoras.

Reasons for Seeking Positions in Maquiladoras

In the age of neoliberalism, women have become increasingly important for women to support their families financially because the income of men within families is insufficient. Women are often forced to seek whatever employment they can to support their families when the income of men within their families is not enough to provide for the household. This leaves women more vulnerable to seek low-level positions in maquiladoras because they have limited options to financially support their families (Safa 1-6). Additional burdens have been placed on families in the age of neoliberalism as public services are reduced, eliminated or privatized (Livingston 60). Many women joined the workforce as men's income has become insufficient to provide for the family. The phenomenon of the increasing participation of women in the labor force and decreasing participation of men is referred to as the global feminization of labor. The size of women's participation in the labor force in Latin America and the Caribbean has tripled from 1950 to 1980 (Safa 1-6). When families can only afford to send a limited number of children to school priority is typically given to boys and men within the family ("Abuses Against Women" 2). Girls and women are then required to enter the workforce in low-wage positions while the men and boys within the families attend school.

Women subsequently have little ability to access positions with higher wages, safer working conditions or mobility to move upwards within a company because of their limited education. This places a disproportionate burden on women seek positions outside of the home to ensure that their families have the resources that are needed. This additional burden to provide for the family falls disproportionately on women in rural areas of Mexico. These households

often have limited resources, and lack social and financial investment from the Mexican government (Livingston 60-61). Investments made by the Mexican government in rural households are often criticized as being paternalistic, and not impactful. These programs are called conditional cash transfer (CCT) or targeted social compensation. Cash payments are made to women in rural areas, under the condition that women meet criteria to strengthen the education and health of their children. They determine if criteria is meet through women's participation in monitoring and workshop attendance. These programs offer little to mitigate limited opportunities for employment in rural communities (Molyneux 425-449). Limited opportunities for employment in rural areas leads to many women to search for work in other regions, and often within maquiladoras ("Abuses Against Women" 3). The advertisements for positions in maquiladoras are often misleading, and cause many women from rural areas to pursue these positions.

Positions in maquiladoras are advertised as an opportunity for young women to have greater social and financial independence. Women from rural communities will leave home in search of an opportunity to live independently from their families. Women living in rural areas of Mexico work primarily in family economies, which are low paying positions taking in laundry, selling tortillas and other food, and working on the family farm. Women leave their homes because wages in maquiladoras are often higher than what is available to them within their communities. This gives them the opportunity to send money back to their family, while maintaining a more independent lifestyle than they could at home (Livingston 60-61). Working in maquiladoras can give women more independence financially and socially ("Abuses Against Women" 3). This work often makes women responsible for a double shift, working both their full-time work hours and the full extent of domestic duties in their homes. This double shift

frequently causes social isolation because of the hours of manual labor required at home following long work hours (Denman 145). These positions in maquiladoras target young women in rural areas who are seeking a more independent lifestyle, but are not transparent about contraindications that accompany the independence granted by these positions.

Women leaving rural areas occurred more often following the implementation of NAFTA, which eliminated many jobs in rural communities (Flores 10-11). The agricultural sector in Mexico was impacted the most by the implementation of NAFTA, which eliminated almost 1.3 million agricultural jobs and had a significant impact on Mexican rural communities (Georgen 410). This loss of agricultural jobs was in part due to Mexico reforming its constitution in preparation for NAFTA negotiations. Com subsidies were removed, which pushed many Mexican farmers off their lands. Changes to the land ownership system pushed Mexicans off of their land. Article 27 of the revolutionary constitution of 1917 had previously established that Mexican peasants could collectively manage small to medium sized plots of land for agriculture (ejidos). The sale or rental of these land was not permitted until the constitution was changed in 1992 in preparation for NAFTA. These changes incentivized migration of its lower-income citizens towards corporate demand because they could no longer afford to stay on their land without the subsidization of their crops and with the influx of cheap agricultural products from the United States. So many were pushed off their newly sellable lands (Robert-Ritter 457). This forced many women to migrate to urban centers to find jobs that could support their families (Flores 10-11). The promise of an independent lifestyle and higher wages to send back home to support their family leads to many women seeking positions in maquiladoras ("Abuses Against Women" 3). Despite the promises stated by maquiladoras, women who travel to take these positions are met with harsh living and working conditions when they arrive.

In Juarez, for example, women who work in maquiladoras live in the outskirts of cities in harsh living conditions without running water. These women are most often migrants, and live in makeshift housing made from cement, wooden pallets, and cardboard boxes. Electricity in these makeshift residences is often limited, or provided illegally by their landlords who are tapping into the city lines. Women frequently pool their wages to live in slightly better housing, but this leaves less money to send home, which leads many women to opt to live in poorer living conditions. Women who can live with relatives in the city often live there rather than with their coworkers (Livingston 61). Harsh living conditions often cause these women to become sick ("Abuses Against Women" 3). Serious health conditions can be developed because of these poor living conditions. Necessary capital to develop healthy communities with adequate physical and social infrastructure are not invested by maquiladoras, despite the fact that these communities are primarily occupied by their employees. There is a lack of will from the Mexican government to pursue taxing maquiladoras, or for government investment in the living conditions of communities that maquiladora workers. There is not sufficient access to schools, permanent housing, acceptable sewage systems, affordable healthcare, clean drinking water and running water in these communities. Employees of maquiladoras often live near the assembly plant, which exposes them to the hazardous chemicals and waste contaminating the air, water and soil dumped near the factories (Abell 598). The pollution from maquiladoras are frequently visible to the naked eye in the communities near the factory (Robert-Ritter 462-463). Regions on both sides of the U.S.-Mexico border have been compared to determine if contaminants in the environment from maquiladoras result in different health outcomes. Residents of border regions with maquiladoras have higher incidences of lupus, lead poisoning, tuberculosis, hepatitis A, cervical cancer, brain and liver cancers. This is likely caused by a combination of environmental

contaminants, poor healthcare and poverty of residents of communities near maquiladoras (Abell 598). Owners of maquiladoras, and those in management positions, do not prioritize the wellbeing of their employees ("Abuses Against Women" 7). The living conditions are women working in maquiladoras is reflective of the harsh working conditions that they experience.

Sexist Hiring Practices

Maquiladoras disproportionately hire women for low-wage positions compared to assembly plants that produce goods for the domestic market. The disproportionate hiring of women in maquiladoras compared to similar manufacturing companies is referred to as the preference gap. A study conducted by Andrés Villarreal and Wei-hsin Yu determined that managers preferred to hire women for low-skill positions and clerical work, and men in managerial roles. The study determined that managers prefer to hire young women, defined as those 14 to 25 years old, for unskilled positions (365-376). Young women are more frequently hired by employers in maquiladoras because it is believed that women have traits that make them more suitable for assembly line work (Abell 596). These industries are highly feminized because the manufacturing of products, such as clothing and electronic devices, require a large number of workers who do not need to have formal education or prior training. International competition pressures firms to reduce costs in the manufacturing process. Employing women is a way that export-oriented firms reduce labor costs. These firms are less likely to hire women for positions that require more training because it is assumed that women are more likely to leave the workforce once they become old enough to marry and have children. Women are less likely to have mobility within these manufacturing plants, or within the company because of the hesitancy to train women for skilled positions (Villarreal et al. 367). Employers for maquiladoras argue that women have more patience for meticulous manual labor and have more agility. These

believed natural abilities lead to maquiladoras are more likely to seek out women for low-wage and labor intensive positions (Abell 596). Women are more likely to be seen as more disciplined, and punctual than their male counterparts. These assembly plants are often required to produce a high volume of products in a short period of time. This makes hiring women for these positions appear to be more desirable. Advertisements for open positions will list that the positions are listed as suitable for "señoritas" or "damitas," making it apparent that these positions are intended for women ("From High Heels to Swathed Bodies" 550-551). There are many circumstances that limit the agency of women to find positions with higher pay and better working conditions ("Abuses Against Women" 4). Sexist presumptions made by supervisors in maquiladoras lead to poorer working conditions for female employees.

There is an assumption among supervisors in maquiladoras that women are more tolerant of low-pay and poor working conditions than men (Abell 596). Maquiladoras post positions in a discriminatory way that seek out female applicants exclusively for the lowest paid positions. These are described as "unskilled positions," but positions that primarily recruit men are classified as "skilled" positions. This classification is caused by the lack of willingness to invest in training women for "skilled" positions and the labor of women being undervalued. Employers can then justify paying their female employees lower wages and subjecting them to harsher working conditions because their labor is considered unskilled (Livingston 61-62). Employers also favor hiring women for positions because they believe that women are less likely to challenge harsh working conditions and low-wages. Women have only begun to play a large role within the workforce in the past few decades. Subsequently, this has left women with less opportunity to establish unions or other forms of organized labor. Employers will not tolerate any form of organizing by workers that could disrupt the productions process, and prevent them

from meeting quotas for large quantities of products (Nathan 25). Managers of maquiladoras are more concerned with meeting these quotas and maintaining profitability than with the welfare of their employees ("Abuses Against Women" 4). This lack of concern for the wellbeing of their employees leads to dangerous and unhealthy working conditions for their employees.

Dangerous Working Conditions

Women most often occupy the positions in maquiladoras that have the harshest working conditions, which threaten their health and safety. These unsafe working conditions include "unsafe equipment, poor workstation design, poor ventilation and lighting, excessive heat or cold, harmful noise levels..." (Abell 597). Women working in maquiladoras experience health conditions at disproportionate rates, including, "headaches, dizziness, nervous tension, anxiety, unusual fatigue, anemia, forgetfulness, stomach pain, nausea and vomiting, chest pressure, heart disease, circulatory problems, high blood pressure, respiratory problems, numbness or tingling in the extremities, back and shoulder pain, vision and hearing problems, allergies and skin problems, or physical injuries" (Abell 597). Musculoskeletal issues are disproportionately experienced by assembly-line workers who are required to stand or sit in awkward positions, because they are performing repetitive motions at a fast pace for several hours without breaks. Assembly-line workers can suffer from carpal tunnel syndrome, tension and muscle pain that can be chronic (Abell 597). A study was conducted the organization Colectivo Raíz, an organization that operates in Mexico collaborating with organizations working for women's labor rights in the maquiladora industry. This investigation was done between 2013 and 2017 in a maquiladora in the textile export industry in Aguascalientes, Mexico. A questionnaire was given to workers in a denim factory asking questions about their health. In this study, women comprised 62.9% percent of the sample, and men 37.1% percent of workers surveyed. The most frequent health

conditions experienced by the workers were headaches, neck pain, exhaustion and digestive issues. These conditions were experienced more often by employees who worked in positions that required more concentration. Anxiety, urinary problems and joint pain followed as the most common health issues. Only 34.4% percent of the workers reported receiving any medical treatment for their conditions (Cabanillas Ortega 1-11). A growing number of health issues are being attributed to stress from these harsh working conditions.

Employees are expected to work long hours with little to no breaks, even for the restroom (Abell 597). A case study found that women working in a maquiladora would work an average of ten-hours per day with three total breaks. These breaks were two ten-minute rest periods and a thirty-minute meal break at mid-shift (Denman 151). There is a lot of pressure for employees to meet high production quotas, and to work quickly to meet these quotas. Lack of job security contributes to stress experienced by workers in maquiladoras. Maquiladoras regularly pay less than they promise and withhold wages by making claims that they are doing this because employees are not working diligently enough. The jobs are not very secure, and women are often arbitrarily dismissed. There are high turnover rates because of the harsh working conditions. In a survey conducted by the General Accounting Office, a U.S. government agency, 70% of maquiladora employees had been working at their factory for six months or less (Abell 597). When many of these women leave work, they are then responsible for their second shift completing domestic duties. These duties include preparing meals, shopping, carrying water, caring for their children and the children of others, providing medical care for their family, and negotiating childcare with their partners (Denman 151-152). Strenuous working conditions coupled with domestic duties can cause stress to many workers. These physical and mental health conditions are only some of the health conditions that maquiladora workers have

developed ("Abuses Against Women" 5). The low-wages provided by maquiladoras sometimes require that the children of the family work there as well. The Mexican government has reported that roughly 800,000 children under the age of fourteen are employed in Mexico. Many of these children are working in maquiladoras to supplement the family income (Robert-Ritter 461-462). Maquiladoras frequently avoid seeking treatment for the injuries experienced by their employees that occur in the factory.

Hospitals that are funded through social security are legally required to report workplace injuries. Many maquiladoras will pressure employees to be treated in the factory's infirmary or at a private clinic that has a relationship with the company. This helps maquiladoras avoid legal consequences for workplace injury claims caused by workplace conditions. If maquiladoras regularly send injured workers to public hospitals, they would be required to contribute more to the social security system that funds public hospitals (Flores 10). Family resources for healthcare are typically allocated for men and children (Abell 596). The health conditions that are caused by these working conditions often do not allow women to access treatment in healthcare settings. These are only some of the health conditions that female employees disproportionately experience. Women who work in maquiladoras can experience more serious health conditions because of unsafe working conditions; these conditions include, seizures, cancer and sterility. Workers are not required to be informed about the hazards associated with working with toxic substances and chemical. This can expose workers to health hazards without their knowledge, including dangerous chemicals. Maquiladoras that produce electronics, furniture or auto parts frequently expose their employees to acids, glues, paints, dyes, and solvents. There is little, or sometimes no information, provided about the safety of materials that are mandatory for them to use, and Material Safety Sheets are often not provided. Companies are legally required to

provide Material Safety Sheets to their employees, along with accurately labeling hazardous materials and chemicals. In several cases, in maquiladoras owned by U.S. based corporations, information about the safety of the chemicals were only provided in English (Abell 597). Managers regularly do not take the steps necessary to protect their workers from injury ("Abuses Against Women" 5). These steps include to providing protective equipment for their employees.

Maquiladoras can refuse to provide appropriate protective clothing for handling unsafe materials. Injuries have been caused by companies refusing to provide safety gloves when handling hazardous materials or operating dangerous machinery (Flores 11). The majority of maquiladoras to maintain active worker-management health and safety commissions, which are required by Mexican law. Lifelong chronic pain and disabilities occur because of the harm caused by these harsh conditions in the assembly plants (Abell 598). Repetitive motions for long shifts over the course of years has been known to cause women under the age of thirty to develop arthritis (Kamel 21). In some cases, machinery that is not appropriately maintained has caused injury, dismemberment and death. In a disturbing example, a worker was crushed to death by a large press in a maquiladora owned by HD Electronics. The family settled for U.S. $11,538, which was less than three years' worth of his earnings (Flores 11). These cases demonstrate that these companies are willing to place their profit over the safety of their employees ("Abuses Against Women" 5-6).

Another case involving LG Electronics further demonstrates that employee safety is not prioritized. In 2011, Rosa Moreno was working for a maquiladora owned by LG Electronics. She was moved from her normal machine to operate a machine that was infamous for being difficult and unsafe. The manager moved Moreno to this machine because the previous worker was not producing at a quick enough rate. The machine began to make unusual noises, and Moreno

reported this to her supervisor. He told her that she needed to continue to operate the machine to ensure that the assembly line would not fall behind on their production goals for the day. Later in the night, the press fell down and crushed her hands, attaching her hands to the metal piece that she had been centering on the machine. Despite the urging of her coworkers, her supervisors insisted that she go to the factory infirmary instead of the public hospital. They were concerned about the public hospital reporting the workplace injury. Moreno and her coworkers were eventually able to convince her supervisor to allow her to go to a public hospital. The severity of the injuries led to the hospital amputating her hands at the wrists. The factory offered her a settlement of US $3,800, which was less than her annual salary and would be inadequate to support herself and her eight children. The managers at the maquiladora had known that the machine had been broken for several months, but prioritized profit over the safety of their employees. Moreno was awarded the Illuminating Injustice Award by Public Justice, a U.S. law firm, in 2015 because of this experience. This award is given to workers who have suffered a life-changing injury but were not able to obtain proper compensation for their injury. The Illuminating Injustice Award offers a monetary payment to mitigate the impact of this injury and to raise awareness of unsafe working conditions (Flores 10-11). This is just one case of the catastrophic impact that has happened because maquiladoras prioritize their bottom line over the wellbeing of their employees ("Abuses Against Women" 5-6).

Violation of Reproductive Rights

Pregnant women who work in maquiladoras are put at increased risk of developing health conditions that can harm the safety of the woman and the fetus. Women who are pregnant can be required to work with hazardous chemicals that cause reproductive problems. Exposure to hazardous chemicals and harsh working conditions can cause miscarriages and birth defects

(Abell 598). Maquiladoras have required that pregnant women work with unsafe chemicals, resulting in entire clusters of birth defects that can be traced back to their employment (Kamel 21). Infertility has been experienced by both men and women working in maquiladoras because of exposure to chemicals, stress and ergonomic factors. Pregnant women who work in maquiladoras are more likely to go into premature labor and have babies with lower birth weights (Abell 598). A study in Tijuana found that maquiladora workers had higher rates of premature births than workers of other industries. A study conducted in Nogales, Mexico found that pregnant maquiladora workers are 2.8 times more likely to have low birth weights than women who work in service or retail positions or in the service industry (Denman 148). Pregnant workers are also more likely to experience miscarriages because of harsh work conditions. These workers disproportionately have babies that have a large part of their skull and brain missing, known as anencephaly (Goergen 415). Sometimes health conditions and defects passed to children in utero are not detected until years later. Companies may have already changed ownership or closed, which prevents their family from being able to seek compensation or justice. These women and their families are then responsible for covering the medical costs associated with the lasting complications of experiencing harsh work conditions and exposure to hazardous chemicals (Kamel 21-22). Employers of maquiladoras require that their female employees undergo examinations that violate their reproductive rights ("Abuses Against Women" 6). Many supervisors require that their female employees be subjected to medical and other examinations to determine if they are pregnant.

Maquiladoras can require that women have a medical examination at a private clinic that the company has a relationship with to determine if they are pregnant prior to employment or during employment. Medical professionals are sometimes hired by the company to determine if

their employees are pregnant. Frequently, managers will require urine tests, for applicants and employees, to determine if they are pregnant. Extensive questions are often asked during the application process about menses schedule or contraceptive use. These are all common tactics to deny pregnant women positions, which is viewed as a pre-existing medical condition that companies try to screen out in the application process. Interviewers will openly tell women in the application process that positions are not open to pregnant women. Supervisors tell their female employees that they will be dismissed if they become pregnant ("Mexico's Maquiladoras: Abuses Against Women Workers"). Companies have followed through with this threat and have forced the resignation of women who become pregnant (Abell 596). This allows the company to avoid paying maternity benefits for their employees, as required by Mexican federal law ("Mexico's Maquiladoras: Abuses Against Women Workers"). Many factory administrators believe that pregnant women use maquiladoras as an opportunity to have access to maternity leave and the Mexican Institute of Social Security (IMSS). The IMSS gives pregnant workers access to physicians and hospital care (Denman 146). This causes many women to hide their pregnancy from their supervisor for as long as possible, using traditional medicine and household knowledge to treat discomfort. A woman who worked in a maquiladora while pregnant, named Gloria, was interviewed in a case study and stated:

> I cared for both of my pregnancies at the IMSS. With my daughter, I started going in the second month, and with my son I did not go until the fifth month because I did not have a contract at the factory. I didn't want them to realize I was pregnant and fire me (Denman 154).

Women typically modify their diets to minimize nausea while at work and continue to work their regular shift (Denman 153-154). Supervisors employ many tactics to avoid employing pregnant

workers. Supervisors will refuse to accommodate their pregnant employees, and require that they do more strenuous work in hopes that they will resign to avoid providing maternity benefits ("Mexico's Maquiladoras: Abuses Against Women Workers"). Supervisors have required that their pregnant employees lift heavy objects and stand throughout a shift. General Motors and Zenith Electronics Corporations have both admitted to pregnancy discrimination occurring at maquiladoras owned by their companies (Goergen 415). When supervisors refuse to make accommodations, and mandate that their pregnant employees work on more strenuous tasks, both the mother and the fetus are put at increased risk ("Abuses Against Women" 7). There have been cases documented of women's health being comprised because their managers require them to work in harsh conditions, assign tasks that are too strenuous, or refuse requests to seek healthcare.

In a case documented by Human Rights Watch, a woman had a miscarriage because her manager refused to provide accommodations. The pregnant employee asked if they would be able to sit while completing a task. The manager refused the request, and she was required to stand for hours. She began to bled and her manager refused her request to seek medical care and she miscarried by the end of her shift (Goergen 415). Sanitary napkins of female employees will sometimes be inspected by managers to ensure that their employees are not pregnant. Cases have been documented of managers punching employees in the stomach to prevent a viable pregnancy (Abell 596). Birth control has been mandated by supervisors, or kept widely available with strong encouragement for female employees to use them. Despite the promotion of birth control, maquiladoras are not interested in dismantling gender roles for female employees. They are not attempting to promote women's access to the labor force. These employers do not want female employees to identify as permanent employees. Maquiladoras perpetuate the narrative that these

positions are intended for women until inevitably begin their families. If these employees are not permanent, they can treat them as disposable limit their mobility within the company, and not invest in long-term training. This perception of these women as disposable employees limits their ability to organize for safer working conditions and higher wages (Livingston 60). This attitude also creates the workplace conditions for women to experience sexual harassment ("Abuses Against Women" 7-8). When women are not valued, and there is a disproportionate representation of men in positions of power, female employees are more vulnerable to experience sexual harassment.

Sexual Harassment

There are three components of sexual harassment that have been identified by the National Institute of Women, the governmental agency in Mexico responsible for women's issues. Feeling uncomfortable in the workplace, sexual advances that are unreciprocated and sexual coercion are considered components of sexual harassment. The Mexican government issued a report stating:

> Sexual harassment is a violation of the human, civil and sexual rights of people; it is a discriminatory practice, as it limits the exercise of rights and denies the principle of equal treatment and opportunities for people in work; it is therefore convenes the dispositions of the political constitution of Mexico, which prohibit discrimination and establish equality between men and women before the law. In the same way, it transgresses the international instruments ratified by Mexico, whose observance is obligatory (Goergen 412).

These protections are rarely enforced for women working in maquiladoras. Male supervisors have a lot of power over female employees, and because women are considered

disposable. Women have little leverage to combat sexual harassment because of this workplace culture. This behavior is normalized, and inappropriate, sexual comments are commonplace in these assembly plants. Women are told that they are hired because of their perceived attractiveness. Women are encouraged by male supervisors to wear makeup and revealing clothing, and applicants are frequently propositioned in the application process (Livingston 62). Lighter workloads have been offered by managers in exchange for sexual acts and dates (Abell 596). Managers in maquiladoras will organize pageants for their employees and offer a cash prize that is worth more than a week's pay (Livingston 62). Many women did not know that the behaviors that they were subjected to were considered harassment according to one study that surveyed women workers in maquiladoras. They were unaware they action could be taken against the harassment they were experiencing (Goergen 414). These hostile work environments threaten the mental and physical health of the women who are subjected to these conditions.

Sexual harassment victims can experience a drop in self-confidence, stress, trouble with concentration, and missing work more frequently. Sexual harassment frequently leads to women being fired or leaving these jobs, if they are financially able to leave. The International Labor Organization (ILO) has estimated that four out of every ten women who quit their job do so because of sexual harassment. The ILO has also estimated that one out of every four firings of women is the result of sexual harassment. These estimates may be higher in Mexico, particularly for women working in maquiladoras. Many women workers in maquiladoras do not know that they have legal protection from sexual harassment, and many may be unable to file a claim within the existing legal framework. Sexual harassment is used as a tactic by employers to intimidate and taunt female employees to prevent them from organizing with other employees (Goergen 412-413). Women who work in maquiladoras are more vulnerable to harassment

because they do not have the resources to resign without the promise of another position ("Abuses Against Women" 9). Women who work in maquiladoras are vulnerable to experiencing sexual assault. Men disproportionately occupy managerial positions, which give them power over the women working as lower level employees. There is a culture that holds that men have the right to act violently towards women who they believe are stepping out of their traditional roles. Managers are able to sexualize, trivialize, and feminize workers to justify harassing and committing violence against their employees (Livingston 66-68). Women working in maquiladoras are more vulnerable to violence outside of work.

Murders of Women Working in Maquiladoras

Claudia González arrived to work at a maquiladora in Ciudad Juárez, a border town near El Paso, Texas. She was four minutes late, the doors were locked to the assembly plant and she never returned home. She was found a month later in shallow grave with seven other women who had all been raped and strangled. This story not uncommon among the young women who migrate from other regions of Mexico to work in the maquiladoras. From 1993 to 2002, an estimated 300 hundred women were murdered, and many more missing, in Ciudad Juarez. The murders began following the influx of maquiladoras in the city (Livingston 59). Women who migrate to work in maquiladoras are cut off from social supports, which leaves them more vulnerable to violence. A study conducted by Alyson L. Dimmitt Gnam determined that forty-three percent of detained migrant women were victims of extortion. The Mexican National Human Rights Commission (CNDH) reported that nearly 10,000 migrants were kidnapped between 2008 and 2009. When families cannot pay ransom money the migrants may face torture or death. The majority of migrant women laborers experience rape or sexual assault. Sixty-percent of migrant women are raped while migrating and eighty-percent of women experience

rape or sexual assault while migrating. Many migrant women take contraceptives before and during migration to avoid pregnancy (Fleury). Women are vulnerable to violence during the migration process and once they arrive to work in maquiladoras. In the middle of the 1990's, it became apparent that there was a growing pattern of female homicide patterns that coincided with the growth of the maquiladora industry (Staudt 80). Rosa Linda PhD has stated:

> Mexican women have been brutally and systematically killed in Ciudad Juárez, Chihuahua… Many [of the victims] have been tortured and sexually violated: raped, strangled or gagged. Mutilated, with nipples and breasts cut off, buttocks lacerated like cattle, or penetrated with objects (Livingston 59).

Most of the victims of these predators are young women who are low-income (Livingston 59). Femicide has become the way that activists are referring to the murder patterns of young women. The term combining the words homicide and female, suggests that misogyny is responsible for the murders of these women (Staudt 82). Other forms of violence against women are occurring in this border community. In the first nine months of 1998, eight hundred rapes were reported by women in Juárez, and over nine thousand cases of kidnapping and domestic violence. The system has constructed that women working in maquiladoras only have value as cheap labor, and therefore makes women disposable. This allows for women to be killed with impunity (Livingston 59-60). These women often have moved to border communities to look for work in maquiladoras.

Thousands of women moved from remote villages in Mexico to look for financial and social independence. Many women seek out job in maquiladoras to have more social independence. Maquiladora workers will go to dance clubs despite the violence and crime that occurs there to forget the mechanical, tiring work that they do. This leaves them more vulnerable

to experiencing violence. The lack of family networks and their lack of income makes women working in maquiladoras more vulnerable to violence both in and out of the workplace. The president of the Mexican Committee on Sexual Equity, Alma Vucovich, stated that Mexican authorities are not motivated to investigate the murders because the women are often poor and have no family in the area to pressure the authorities. When family members of a missing woman contact the police they frequently suggest that she is likely promiscuous and left with a man. They often suggest that, "If she wasn't a bad girl, then why did she leave?" (Livingston 60-63). Many Mexican officials have stated that victims were responsible for their death because they engaged in behavior outside of traditional gender roles.

The police have often insinuated that the women are sex workers, and therefore deserved or should have expected to experience violence. The state assistant attorney general has stated that women who are murdered are often living a "double life," working during the day and engaging in sex work or risky behavior at night. The first state appointed prosecutor of the women's murders often would investigate the backgrounds of the murdered women to determine if they were good workers and "good, clean girls." In 1998, the National Commission for Human Rights published a report finding negligence and irregularities in many of the investigations of murdered women. The state investigations often failed to properly identify many of the corpses, conduct autopsies, obtain a semen analysis, file written reports, and conduct expert tests on forensic evidence. Family members have arrived at the scene where the bodies were located to find evidence that the police have neglected to obtain. Despite a few arrests, the murders of women workers have continued. Lourdes Portillo made a documentary finding a "web of complicity" between the police and government officials in the murders of women (Livingston 62-67). This film, *Señorita Extraviada,* captures Mexican officials who blamed victims, who said

that they were "dressing provocatively" and "were out at night." The Public Broadcast Service (PBS) brought this documentary to the United States in a *Point of View* series (Staudt 84-89). Maquiladoras take advantage of local patriarchal discourse and tolerance of violence against women to create cheap, disposable workforce (Livingston 62-67). Activist networks have been working in these border communities to combat femicide and apathy from police. Mothers of victims began to organize together to pressure the police to take action. Mothers of the victims began to share stories about their daughters' deaths to compel the police to conduct a real investigation. The mothers shared stories of the police sending them from office to office, asking for bribes to pursue the cases, and the threats made by police officers (Staudt 79-82). Many women have worked to combat the dangerous living and workplace conditions of the maquiladoras. There are international and domestic mechanisms and frameworks in place for workers to fight for better workplace conditions.

Failed and Promising Mechanisms to Achieve Labor Protections

Mexico is party to international treaties and has legislation that should provide protections to women workers. Mexico ratified the United Nations treaty, the Convention on the Elimination of all Forms of Discrimination (CEDAW), which outlines protections for women workers (Georgen 408). The Mexican government has ratified the International Covenant on Civil and Political Rights (ICCPR), which should afford protections for maquiladora workers as well. Mexico is party to the International Labor Organization Discrimination Convention, which grants women the right to work, and asserts that states are obligated to protect women's rights in the workplace (Georgen 417-423). Mexican legislation provides equal protection under the law and the right to work for women. However, this legislation is not well enforced and is narrowly defined (Georgen 408). Mexico is a member of the Organization of American States (OAS),

which has a set of regional human rights standards established. Mexico has ratified three treaties established within the OAS that should establish protections for maquiladora workers that Mexico is obligated to enforce. These treaties are the American Convention on Human Rights, the American Declaration on the Rights and Duties of Man, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. The Inter-American Commission on Human Rights investigates human rights abuses and holds states accountable to agreements. Discrimination and labor issues have been brought before this court, and this system has the ability to find Mexico in violation of the agreements they have ratified. The United Nations treaties, which have been ratified by Mexico, assert that states are legally responsible to protect women from the violation of their human rights by their employers (Georgen 417-421).

Protections should be available to Mexican workers through side agreements created during NAFTA negotiations that attempted to establish labor protections for workers. The United States, Canada, and Mexico signed the North American Agreement on Labor Cooperation (NAALC) to ensure that labor rights would be maintained for workers. This was negotiated separately from the free trade agreement (Flores 12). This agreement was passed in the United States to appease organizations such as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), whose support was needed to pass NAFTA through Congress (Robert-Ritter 450). This agreement outlined 11 principles that would be promoted related to labor conditions. One principle includes providing "compensation in cases of occupational injuries and illnesses, and elimination of employment discrimination" (Flores 12). This principle in particular has not been enforced adequately.

The NAALC outlined a grievance system to allow workers to submit complaints about their working conditions. The compact allowed each country to have their secretary of labor manage these complaints. The evaluation and acting on these complaints falls on the respective country where the complaint was made. The secretary of labor in Mexico has not handled complaints sufficiently. Well-documented cases have not been pursued by the secretary of labor. The structure of the grievance system allows the Mexican government to deflect blame for lack of action on claims. The blame is placed on the specialized agency to act on claims, and the government attributes the negligence to the secretary of labor, and hence the NAALC. This agreement asserts that states can be held accountable to maintain occupational safety, healthy workplace conditions, minimum wage standards, and prevent child labor in these factories. Sanctions can be enforced, according to the NAALC, if these conditions are violated (Flores 11-12). The other principles outlined in this agreement have a different procedure if they are violated.

If the other eight labor principles are violated, only "soft" enforcement mechanisms can be employed against the violating state. These mechanisms for the second tier violations include the creation of an investigation committee or intergovernmental conferences. Complaints under NAALC are managed through conferences by governmental officials or national administrative offices. Following this step, one of the states may request that an Evaluation Committee of Experts (ECE) be formed to investigate and create a report on the claim (Flores, 11-12). At its highest level of review the ECE can only issue "non-adversarial and non-binding recommendations on [such issues]" (Georgen 411). These steps rarely result in a change or enforcement of the labor principles outlined in the agreement (Flores 11-12). The rights related to the discrimination against women are covered in this second tier that employs soft

mechanisms. These rights include employment discrimination against women and equal pay between men and women. This means that complaints filed against maquiladoras related to the violation of women's rights rarely result in action (Georgen 411). The NAALC does not strengthen the conditions for workers to be able to change their working conditions.

The NAALC weakens the ability for employees to collectively organize for better working conditions. If an employee's right to organize or collectively bargain is violated, under the NAALC, the employer is not obligated to rehire illegally fired workers. This undermines the environment for employees to have leverage to bargain or organize (Robert-Ritter 451). These mechanisms allow the governments to create the perception that claims are being taken seriously to subdue public outrage (Flores 11-12). According to Human Rights Watch, the signatories of the NAALC have worked together to minimize the effectiveness of this agreement. The ineffectiveness of this agreement is demonstrated in the amount of complaints filed and dismissed. None of the cases has survived long enough to reach an arbitral tribunal with enforcement powers. Critics of the effectiveness of the NAALC refer to it as the "dead letter" (Robert-Ritter 451).The Mexican government has little incentive to improve labor conditions for workers because this would discourage foreign companies from locating their assembly plants in Mexico. The Mexican government benefits from greater foreign direct investment and proportionally higher taxes. These companies establish their operations in Mexico to take advantage of the lack of labor regulations. The United States has little incentive to improve labor conditions because it allows U.S. based corporations to yield a greater return on investment (Robert-Ritter 450). Other domestic mechanisms have been created to combat workplace discrimination for women in maquiladoras and other sectors in Mexico.

The Mexican government amended their constitution in 2001 to prohibit discrimination against pregnant workers. This federal law has been ineffective because cases of sexual harassment and pregnancy discrimination is typically left to the state, and not the federal system. President Vicente Fox expanded protections against workplace discrimination in 2003 by signing the Federal Law to Prevent and Eliminate Discrimination. In 2006, additional protections were extended to women through reforms of the Federal Labor Law. A case was brought by Human Rights Watch under the NAALC, which created international pressure for the Mexican government to provide additional protections to pregnant employees. The government discouraged pregnancy testing in the hiring process following this case (Georgen 416). The Mexican legal system has not adequately addressing human rights abuses or enforced its laws to protect maquiladora workers. These abuses may be able to be addressed through a statute in the U.S. legal system.

A potential solution to achieve labor rights protections in maquiladoras is to utilize the Alien Tort Statute (ATS), which is a statue under U.S. legal system. The statute states that "district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or treaty of the United States" (Robert-Ritter 463). This statute could allow Mexican citizens employed by U.S. based corporations to pursue a civil case against a U.S. based corporation in the U.S. legal system. Several lower court rulings suggest that it may difficult to have these cases considered. Maquiladoras may have to assert that the corporations are state actors to utilize this statute. The U.S. Supreme Court case, Sosa v. Alvarez-Machain, which ruled against a Mexican citizen who attempted to utilize the ATS, may suggest that it would be difficult for maquiladora workers to utilize the ATS. However, the Supreme Court left the door open to other cases of action to be heard using the ATS. The

Supreme Court held that violations of accepted norms of international law could be recognized as a case of action under the statue. The question to answer is whether human rights violations in maquiladoras could be interpreted as a violation of international norms by the U.S. legal system. The second question is if a court would recognize corporate liability under this statute. Most lower courts have held that a corporation cannot be held liable under this statute. However, the Roe v. Bridgestone case held that child labor may violate an international norm. The court determined that if an employer from the United States encouraged children to work in a US company's foreign factory, it may violate an international norm. This decision is an important development for maquiladora workers to utilize the ATS (Robert-Ritter 463-474). These mechanisms may provide future approaches to combat the conditions in maquiladoras. However, these international mechanisms often require that the complainants have resources that are not accessible or effective for the majority of women working in maquiladoras. Women have therefore organized a grassroots effort to fight for better workplace conditions.

Union Organizing

Workers attempting to organize for better working conditions and higher pay face strong resistance from their supervisors. When employees begin to organize, maquiladoras often threaten to move their assembly plant to a new location (Kamel 19). Kate Bronfenbrenner, PhD conducted a study that investigated the relationship between union organizing victories and plant closings and capital mobility threats. The study determined that twenty-five percent of employers threaten to close the plant when the union certification election is won. Twelve-percent of employers shutdown operations after the election, and sixty-seven percent of those manufacturing plants that closed, managers were making threats to shut down during the election process to create the union. The study concluded that organizing efforts in industries, such as,

textile, electronics and garment manufacturing were more frequently abandoned because it is likely that if they are successful the assembly plant will shut down and move to another country with cheaper production costs. The study also concluded that ninety-percent of unionized workers wish to continue to be unionized (Bronfenbrenner iii-28). These assembly plants often move with very little notice if they follow through with these threats. Despite being required to provide severance pay to their employees, they often leave without doing this and often without legal repercussions (Kamel 19). Employee controlled unions are often required to ensure that labor rights, the health and wellbeing of employees are respected in maquiladoras. Many workers in maquiladoras are technically a part of a union, but they are often ineffective and many workers do not know that they are members. These unions are controlled by the long-dominant political party, the Institutional Revolutionary Party (PRI), and workers do not hold positions of power within the organization (Abell 598). The autocratic regime maintained power through corporatist control of labor, clientelism and selective repression (Albertus et al 154). The association with the governing political party and the great political power that they hold makes many employees of maquiladoras skeptical of union leadership. Union leaders are often under suspicion and accused of corruption and working too closely with management (Kamel 23). Many of these preexisting unions may only exist on paper, but have the recognition of official labor boards (Quintero-Ramírez 60). Entire union contracts can be negotiated without ever allowing workers to contribute (Nathan 25). Many women have explored alternatives to fight for better labor conditions and better pay ("Abuses Against Women" 9). These women are attempting to find or create organizations that represent their interests.

Many workers have made the decision to organize separate independent unions because the interests of the workers are not being represented by preexisting unions (Abell 599). Existing

unions will often work against workers who are attempting to organize an independent union (Quintero-Ramírez 63). Despite the pushback and threats workers receive, many still believe that independent and democratic unions can be used to resist discrimination, low-wages, and unsafe working conditions. Women have formed small study groups to study Mexico's labor codes. Through these groups they have been able to successfully pressure their employers to provide higher wages, create policies to combat sexual harassment and discrimination, and create better health and safety policies (Kamel 20). Workers organizing has resulted in change in workplace conditions in maquiladoras ("Abuses Against Women" 10). Successful worker-led change has occurred as the result of work done by organizations like Border Committee of Women Workers.

Organizers from Border Committee of Women Workers, called promoters, meet with workers in their homes and ask questions about their working conditions. They often ask the workers about the health conditions that they have developed as a result of unsafe working conditions (Abell 599). In the city of Piedras Negras, for example, a woman who worked in a maquiladora died of what was likely brown lung, or byssinosis, which is a respiratory disease that is linked to processing cotton. One worker, with the support of her co-workers, subsequently decided to not clean her face to make evident the amount of contaminants in the air. The supervisor determined that the overhead extractors were not working properly after seeing her face covered with contaminants. Extractors were installed at every workstation after the supervisor was forced to admit that the ventilation system was not adequate. Workers have been organizing to improve workers' access to information about safety hazards. Workers have been organizing for simpler, easier to understand labels to identify hazardous chemicals. Organizers are calling for companies to systematically organize trainings and create written materials that teach workers how to properly work with hazardous chemicals and materials (Abell 599). Many

women working in maquiladoras have found organizing independent unions to be an empowering experience (Kamel 20). Meeting with other workers has helped a lot of women gain more confidence, and a sense of solidarity (Abell 599). The power of collectively organizing independent, worker-centered unions with democratic principles has been an effective tool to organize against oppressive conditions in maquiladoras (Kamel 20). Union organizing has combated the narrative that women are passive and willing to accept poor working conditions. Cross-border organizing is crucial to achieve labor protections for women in maquiladoras. Increased xenophobia against immigrants has made cross-border organizing more complicated. Neoliberal trade agreements, such as NAFTA are intended to pit workers from developed and developing countries against one another. Bronfenbrenner found in 1997 that one out of every ten U.S. employers threatened to move manufacturing to Mexico during union drives. NAFTA has strengthened the ability for employers to force workers, in all three countries, to accept lower wages and benefits. The only way to combat this race to the bottom is coordinated organizing efforts across borders. Workers and a number of progressive unions have begun to work more closely together to strengthen their efforts. These networks include Border Committee of Women Workers, the Coalition for Justice in Maquiladoras, Enlace and the Workers' Support Center. This cross-border solidarity is a consequence of NAFTA, which was not originally intended. (Bacon). Labor protections and sufficient wages can be achieved across sectors through worker solidarity across borders.

Conclusion

A limitation of this research is that the impact of the United States Mexico Canada Agreement (USMCA), the former North American Free Trade Agreement (NAFTA), on labor conditions in maquiladoras is not available. On September 30, 2018 a replacement of NAFTA,

the USMCA, was agreed upon by all signatories. The agreement needs to be reviewed and ratified by the legislatures in all three countries. If all three legislatures sign the agreement, it will be reviewed six years in the future, and then will continue for a 16-year period. The USMCA has tougher labor and environmental protections on paper than the NAFTA agreement. The agreement mandates that Mexican workers in the auto production industry will receive higher wages. The impact of the USMCA on labor conditions is not evident. Mexico is required under this new agreement to pass new labor legislation that is much tougher by January 1, 2019 (Johnson, "Is Trump Mainly Rebranding NAFTA?"). However, Mexico is often accused of not enforcing their labor laws, especially for the maquiladora industry. It is not clear what impact the USMCA will have on future labor conditions for women working in maquiladoras.

This research establishes that neoliberal economic policies produce conditions for the exploitation of marginalized communities in the global south to produce goods for the global north. The gendered nature of global commodity chains outlines the ways that women's labor in developing countries is exploited in the global production process. This provides an understanding of the conditions that leave women more vulnerable to seeking positions in maquiladoras that expose them to exploitation and violence. The maquiladora program was established to lessen the negative impact on corporate profits from lack of access to a stable cheap workforce from the elimination of the Bracero program. Designated areas were given special status along to the U.S.- Mexico border to allow for the creation of these assembly plants. Employment was created for displaced workers and U.S. based corporations enjoyed weaker environmental and labor regulations. This program rapidly expanded after the implementation of the NAFTA trade deal between the United States, Canada, and Mexico. Maquiladoras soon became a site of exploitation and violence for its disproportionately female workforce. More

women joined the workforce following the expansion of neoliberal policies to bring in more income for their families. The women in the assembly line positions are paid very little, exposed to a collection of health and safety risks, and work long hours with little job security. Women are vulnerable to sexual harassment and sexual assault in these positions, in which men disproportionately occupy managerial positions. Maquiladoras discriminate against pregnant employees, and attempt to limit access to motherhood to their workers to ensure that they have a reliable workforce. Femicide is rampant in communities of maquiladora workers. Police and political officials are largely apathetic to this growing problem. Feminist organizations and family members, however, have been able to successfully pressure police forces to take action on these investigations. The communities that women workers live in have little social and financial investment by the corporate owners of the assembly plants or the Mexican government. There is little access to healthcare, education, and proper infrastructure. Domestic and international mechanisms exist to provide protections for women workers in maquiladoras. The NAALC agreement was created during NAFTA negotiations to provide labor protections to workers, but it does not have adequate enforcement mechanisms. There is a lack of motivation by the Mexican government to enforce labor protections for women in maquiladoras, because the government does not want to risk the corporations moving their assembly plants to a new location. The United States is not motivated to pressure the Mexican government to enforce labor regulations because they benefit from corporations yielding high profits from having access to an exploitable workforce in Mexico. Women workers have found success in creating independent labor unions and organizing collectively to advocate for better working conditions. Women work in maquiladoras in low paying positions with harsh and violent working conditions because of the limited options that they have because of the intersections of class, gender, and

race. It is more difficult for women workers to find positions with safer working conditions because the global production process provides limited access to better positions to those with marginalized identities, and particularly women who more recently entered the labor force. These working conditions can largely be attributed to neoliberal economic policies, which create the conditions for the exploitation of labor of marginalized communities in developing countries.

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