

The limits of labour reform

NAPOLEÓN GÓMEZ URRUTIA

Thursday, 20th October 2016

The reform of labour legislation and Federal Labour Law, passed in the Senate last week by unanimous vote across all political parties, represents a very important step forward in labour justice and may constitute, if applied properly, the best protection of collective bargaining, the right to strike and freedom of association, which have been some of the demands long made by the labour movement and progressive and responsible forces in the country.

The insistent attempts to stop the reform by the most reactionary forces of private initiative, such as Coparmex, represented in the Senate by the abjectly complicit Javier Lozano Alarcón, among others, hit a wall. This fortunately showed once more the ignominy and the gall of the man who was fundraising coordinator for PAN candidate Felipe Calderón's campaign, and later appointed head of the Ministry for Labour and Social Welfare in the same administration, ending up being, alongside Francisco Xavier Salazar, one of the worst ministers for Labour in the history of Mexico. Utter disgrace, effrontery and cynicism.

Today, the working class of Mexico and many parts of the world is under constant attack and threat from governments and the most conservative, inhuman groups in society. The aggressors are usually the richest, the one percent of the population, perverse and ambitious people who seek at any cost, even that of workers' lives and health, to obsessively increase profits and accumulate capital. This is why growing poverty and inequality are the most serious threat to labour stability and peace.

This strategy is accompanied by the irrational exploitation of the workforce and natural resources, and makes use of labour policy to suppress the rights of workers and society as a whole on a daily basis. The limits on the growth of contractual and minimum wages they apply only serve that scheme designed to absurdly and criminally squeeze those who have less means to defend themselves.

Many of the our country's businessmen and politicians are proud that Mexican companies now pay the lowest wages and and benefits in Latin America, where previously we were the leaders. With this erroneous and unjust vision they believe they will become more competitive and create more jobs, even if these are the worst kind of jobs with no respect for the working conditions that should always prevail. That same group of politicians and members of the private sector also boast that there are no strikes Mexico and that some pro-government union leaders declare that they have already erased from their vocabulary, and some of their statutes, the words strike, protest, or demonstration to demand respect for the interests of the workers they claim to represent.

That is why this labour reform may be historic, because it essentially responds to the demands of Mexico's democratic unions, such as the Miners, and the international labour movement. The

La Jornada

bottom line will be to test it and apply it transparently in the daily practice of the country's working life.

For now there are three basic and important questions that the Labour authorities and the government of President Enrique Peña Nieto will have to answer or show:

1. Why will it only come into force, as is being said, within two years, as if it were not urgent to correct and eliminate the deviations and vices of labour policy?
2. Within two years this administration will end, and who ensure that the approved changes and positive confirmations will be applied and truly respected? Furthermore, it remains to be seen who will choose, and according to what criteria, the presidents and members of the new labour tribunals that will replace the boards of Conciliation and Arbitration.
3. There are several key aspects of the labour law that were not modified, such as eliminating the outdated requirement relating to demanding the acknowledgment or official registration of trade unions, which today is subject to approval of the authority and goes against Convention 87 of the International Labour Organization (ILO) on freedom of association as well as the spirit of the Mexican Constitution. There is a terrible contradiction between democratic and independent trade unions, who face censorship and political control, while there is also full recognition for those who obey and conform to the interests of that system of complicities between capital and government, but both cannot exist simultaneously. Either the law is respected or the framework of labour law is simulated and violated.

This reform, although it has positive aspects, must therefore immediately be linked to the commitment of the labour authorities to address, without delay, the huge number of claims from different unions and workplaces that have not been resolved, incredibly in some cases after more than three or four years of waiting for them to call a vote or a recount so that workers may freely and democratically decide which organization to belong to and which leaders to elect.

Exactly two weeks ago the National Union of Mineworkers filed a criminal complaint against the president and the secretary of the Federal Board of Conciliation and Arbitration and whoever is responsible, for obstruction of justice, given the total lack of responsibility, the indifference and complicity with companies seeking to curb the right to freedom of association.

Finally, we must remain vigilant as to whether the law which aims to eliminate employer protection contracts, which are the main instrument for exploitation and control of workers, is being applied and respected. We welcome the changes, but they must be applied correctly and honestly, in accordance with the spirit of the law, and as soon as possible.