

## Risk of Historic Betrayal in Labour Reform

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THURSDAY 8<sup>TH</sup> FEBRUARY, 2018

Mexico finds itself at a major crossroads: the Republic's Senate and Chamber of Deputies will either approve or reject the worst labour reform bill in the country's history, which sets out to remove workers' rights such as collective bargaining, the right to strike as the final means on applying pressure to prevent exploitation and injustice, along with the freedom of association in the widest sense of the term.

This initiative, drawn up by the most reactionary lawyers that Coparmex (the Mexican Employers' Association) and other chambers of commerce have at their disposal, was not proposed by Enrique Peña Nieto's government directly, perhaps in order to avoid the negative political impact that it might have on the PRI party's campaign for the Presidency of the Republic and its other roles and responsibilities. Instead, it was ascribed to two opportunistic and immoral trade union leaders, both shamelessly in hock to men with power and money: the Senators Tereso Medina of the Confederation of Mexican Workers (CTM by its initials in Spanish), and Isaías González Cuevas of the Revolutionary Confederation of Workers and Rural People (CROC by its initials in Spanish), considered traitors by the aware and responsible members of Mexico's working class.

Behind them is a group of deputies and senators who studied at the private ITAM (Mexican Autonomous Institute of Technology), founded and financed by Alberto Baillares of Grupo Peñoles and Palacio de Hierro, who in an act of apparent thanks by legislators, was awarded the Belisario Domínguez medal. This was one of the most controversial and shameful ceremonies since this high honour was first instituted; previously it had been given to nationally distinguished figures who had made some significant humanist, cultural or heroic contribution to the lives of most Mexicans and not, as in this case, an entrepreneur whose ethical and moral trajectory in business is less than savoury.

At the labour reform bill's presentation, individual interests came together with corporate ambition to ensure themselves ever greater benefits, at the expense of the growing exploitation and poverty not only of workers, but of the vast majority of the population. Insensitivity, ignorance and a lack of vision stop these politicians from realising that trade unions have long been a fundamental factor in ensuring stability and preventing social unrest in this country, and that the day that they disappear chaos and revolts would ensue, the like of which nobody will be able to control, as the loss of human and employment rights would trigger a serious crisis of untold consequences.

Democratic, progressive and independent trade unions must, now more than ever, strengthen their ties and use all their power and force to oppose this retrograde labour reform. Greater judicial and political action is needed, based on our collective experience, because this knowledge has taught



us that the most conservative political parties are funded principally by large corporations and that their shareholders have amassed huge wealth, but that they have never once received funding to protect or promote the interests of working people.

As for governments in Mexico, neither have they pursued legislation to improve wellbeing in communities and workplaces. This is why we need to foster greater awareness about political participation on the part of leaders, to prevent these negative reforms that could, if passed, inflict more severe harm than these myopic investors, directors and employees could possibly envisage. We need to learn the lessons of our history, to avoid repeating the mistakes of the past.

The reactionary labour reform proposed by CTM and CROC casts aside some fundamental principles of democracy and aspects of the historic struggle of trade union organisations, as follows:

- a) The requirement for official recognition of the *toma de nota*<sup>1</sup> remains intact, with the aim of maintaining control over the unions and their leaders.
- b) There is no provision for sanctions for non-compliance with the law.
- c) It leaves companies free to subcontract staff by means of outsourcing, along with making unjustified dismissals with no responsibility or obligation on the part of shareholders or directors.
- d) To replace the Conciliation and Arbitration Boards, it proposes the creation of an institutional registry of contracts and trade unions, with a tripartite structure made up of the central union confederations (CTM, CROC and CROM), the business sector as represented by Coparmex, Concamin and Concanaco, and the government ministries of Work and Social Provision, the Treasury and Economy, alongside a president with a casting vote, appointed by the authority, according to the employment lawyer Arturo Alcalde Justiniani.
- e) At the same time, the Chamber of Senators has refused to ratify Convention 98 of the International Labour Organisation on the right to freedom of association and collective bargaining, undoubtedly on instructions from the government and in response to the views of the business sector, and against pressure from the international community.
- f) Workers are prevented from leaving the trade union imposed upon them by the company, despite this being their universal right.
- g) Collective bargaining is prohibited in small and medium sized enterprises, which make up the vast majority of the companies in the country and are where workers most commonly face breaches of their employment rights.

Many national and international companies are currently in breach of the Federal Labour Law, the Political Constitution of Mexico and international conventions, because state and federal authorities let them get away with it, even before the labour reform bill has been passed. We might well ask

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<sup>1</sup> Literally 'taking note', a document required under Mexican labour law, which recognises and authorises unions and their leaders.



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ourselves, just as we saw with the Home Security Law, that if this is what they are doing without any legal basis, what is likely to happen if this fascist labour reform bill actually manages to get approved in its current state?

In summary, this proposal must be rejected and the present administration must be forced, before its term in office comes to an end, to respect democracy, integrity and trade union freedoms, prior to its duties being finalised, and not to leave a disastrous and ill-fated legacy, the consequences of which will be felt by those same politicians and corporations, but sadly also the country at large.