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TRADE UNION RIGHTS VIOLATIONS IN MEXICO

Dear Mr. President,

I am writing this letter to you in my capacity as President of the Industrial Metalworkers' Union (IF Metall), Sweden, a national trade union representing 370 000 blue-collar workers in mining, metal, chemical and textile sectors.

On the occasion of your recent inauguration as President of Mexico, labour rights organizations from around the world join together to urge you to make every effort to resolve the systematic violations of workers' rights across all industrial sectors and regions of Mexico.

From 18 to 24 February 2013 activists from around the world, shocked by the systematic attacks on trade union rights and the increasing criminalization of all union and civil protest in Mexico, will mobilize for trade union rights in Mexico and meet with Mexican embassies and consulates around the globe to demand justice.

Tuesday 19 February marks the anniversary of the terrible Pasta de Conchos mine disaster in 2006 that killed 65 miners. The refusal of the Mexican government and employer Grupo Mexico to recover the bodies of 63 miners who remain entombed is widely suspected to be an effort to cover up the

real causes of this “industrial homicide” and the inadequacy of rescue efforts. The families of the 65 miners that died are calling for access to the mine and a Christian burial of the 63 miners that remain and adequate compensation, including wages until properly buried and full scholarships for orphaned children.

Felipe Calderón has left behind a legacy of major unresolved labour disputes, persecution of democratic trade unionism, and the decomposition of labour relations generating an entrenched system of protection contracts that do not represent workers’ true interests. These issues --combined with the recent changes of the Federal Labour Law passed with support from your party, the PRI – create extremely dire conditions for Mexican workers that violate the fundamental Conventions and Recommendations of the International Labour Organization (ILO).

Workers continue to be systematically excluded from any process of genuine collective bargaining. Both Local and Federal Labour Boards have repeatedly blocked workers’ efforts to form democratic unions by sanctioning protection contracts signed between employers and employer-dominated unions without the approval or even the knowledge of the workers.

The widespread use of protection contracts and their violation of fundamental union rights is the subject of complaint no. 2694 submitted to the ILO Committee on Freedom of Association in 2009. The Committee has requested information and made recommendations to the Mexican government, which are yet to be answered or fulfilled. Instead, the attacks on independent unions have intensified and the revised Federal Labour Law enacted on 1 December 2012 will stifle the formation of democratic and independent unions even more.

We express our deep concern with regards to the recently passed changes to the Federal Labour Law, which hinder labour rights for all Mexican workers. The changes erode job security by expanding the ways in which workers may be hired on temporary, part time, seasonal, training and probationary contracts, allowing new forms of individual contracts and also facilitating unjust firing by limiting back pay.

This change, which contravenes the Decent Work platform promoted by the ILO and the global trade union movement, will generate an extremely negative impact on the social security system as a whole and limit access by those most in need. By making workers’ continued employment subject to the discretion of the employer, the law will also impede freedom of association and collective bargaining rights

Democratic trade unions and the workers they represent in Mexico continually struggle to exercise their labour rights. They are consistently persecuted, arrested, and "criminalized" when they protest and mobilize against attacks from companies and federal and local authorities. Egregious

examples include the leader of the Mexican miners' union, Napoleon Gómez Urrutia, who has been forced to live in exile since 2006 after calling for justice for the families of the 65 miners killed in the Pasta de Conchos explosion; the 16,599 members of the Mexican Electrical Workers' Union (SME) who refused severance after their union was dismantled via a presidential decree and have stood in resistance for three years; and the Atento call center workers organized in the Mexican Telephone Workers' Union (STTM) who continue to be controlled by a union that does not represent their interests.

In view of these issues and in an attempt to rebuild the broken-down labour relations situation your government inherited, we respectfully request that you intervene in the matter to ensure that these issues are resolved. We ask that your government:

- rejects the appeal made by the Felipe Calderón government to the Supreme Court of Justice on 30 January 2013 and respects the final judgment of the Second Court in Labour Matters which ordered the immediate reinstatement of all 16,599 SME workers to the CFE, as the substitute employer, in accordance with the union's collective bargaining agreement;
- drops the politically motivated charges against Los Mineros and SME leaders and release jailed members;
- compels Grupo Mexico to restore dialogue and ensure a negotiated end to the almost 6 year-old strikes at Cananea, Sombrerete and Taxco;
- promotes the necessary investment to permit Mexicana de Aviación to once again take to the skies;
- ensures that BATA/Sandak respects the labour rights of its workers including the right to strike;
- ensures that Continental AG and Continental Llantera Potosina in Mexico do not exclude the democratic unions from the sectoral bargaining; and
- orders the following companies to reinstate unlawfully fired union activists and workers and ensure free and fair union elections: PKC Group, Excellon Resources, Bain Capital/Atento Mexico, Grupo Modelo, and Honda.

We also ask that your government uphold its constitutional obligations to bring domestic law into line with international treaties, not interfere in the legal challenges to the regressive changes of the Federal Labour Law filed by hundreds of thousands of workers in January 2013, and adhere to the ILO's repeated recommendations on ending protection contracts and ensuring occupational health and safety.

We appreciate your attention to this matter and await a positive response to our request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anders Ferbe', with a large, sweeping flourish at the end.

Anders Ferbe
President of IF Metall Sweden