

Submitted by Robin Alexander

RESOLUTION BY THE NATIONAL LAWYERS GUILD CONDEMNING THE ATTACKS ON THE INDEPENDENT TRADE UNION MOVEMENT AND LABOR RIGHTS IN MEXICO

Following the election in 2006 of Felipe Calderón, workers' rights have been under serious attack.

Four cases exemplify the administration's comprehensive attack on Mexican labor unions, and constitute clear violations of international labor and human rights:

In October 2009, the Calderón government issued a decree liquidating the state-owned Light and Power Company of central Mexico, dispatched Federal police to seize all facilities, fired 44,000 electrical workers, and refused to recognize the elected leaders of their union, the Mexican Electrical Workers Union (SME).

In February 2010, a Mexican appellate court gave the green light to the Calderón government to terminate 1,200 copper miners and to break a three-year old strike at Grupo Mexico's Cananea mine in northern Mexico. The Mexican Miners and Metal Workers Union (SNTMMRM) launched the strike in 2007 and occupied the mine to protest the company's refusal to remedy extreme safety hazards. The court's decision threatens to effectively eliminate the right to strike in Mexico. It also set the stage for the government's recent invasion of Cananea, dislodging the striking workers, attacking them in their local union headquarters and closing it down. As if that weren't enough, they also dislodged families of 65 miners killed several years ago at the Pasta de Conchas mine, where an explosion took their lives and Grupo Mexico and the government have yet to recover the bodies. The families had been camped out by the mine demanding that the federal government and Grupo Mexico return their husbands' bodies for burial.

In early 2010, the state-owned petroleum company Pemex moved to undermine a victory by technical and professional employees to organize an independent union, UNTyPP. Although the Mexican Secretary of Labor registered the new union's right to represent the professional and technical unit in December 2009, Pemex immediately ordered workers to sign two documents: one calling for cancellation of the union's registration, and the other resigning from the union. Workers refusing to sign the documents have been terminated, with many being violently removed from their work stations. Throughout the organizing campaign, UNTyPP leaders received death threats, physical assaults, and other acts of intimidation. Some fifty have been discharged since January.

On March 18 Mexico's right wing National Action Party (PAN) presented a proposal for labor law reform that would virtually eliminate the right to strike, permit employers to evade obligations under the law by legalizing sub-contracting, replace wages and benefits based on seniority with a merit-based system, and undercut various other labor protections.

These attacks are simply examples; over the past years, many other equally egregious and flagrant violations of workers' rights have been perpetrated through the misuse of the law and the courts, the police and the army.

The Mexican government, acting in complicity with business, has been continually and violently contravening Mexican law as well as international labour conventions. Mexico not only violates the

guarantees in the Mexican Constitution's Article 123 and the Federal Labor Law, but also international labor standards, above all International Labor Organization Conventions 87 and 98. As has been well documented by a variety of independent organizations, workers are routinely denied the right to form or to join unions of their own choosing, either being corralled into undemocratic government unions, company unions, or gangster unions that sell "protection contracts" to employers.

The government routinely refuses to recognize independent labor unions, prevents duly elected leaders from taking office, and denies workers' rights to strike. The Secretary of Labor functions as the employers' representative in working to suppress unions and prevent strikes. The labor courts—made up of representatives from the government, government-dominated unions, and the employers—make it virtually impossible to create independent unions. Employers fire worker activists, and the labor boards uphold the employers when they do so. The government brings trumped up charges against union leaders, prosecuting and jailing them as a way to keep them from carrying out their union duties. Workers are not only fired, but also threatened and beaten.

Mexico's few independent and democratic unions carry out a heroic struggle for workers' rights in the face of violent repression, often with support from other social movements. But, given the pro-employer and repressive character of the Calderón government, they have requested international solidarity.

An international gathering of trade union representatives, social movement partners, and attorneys in Toronto on June 20, 2010 declared its solidarity with independent Mexican unions, and committed to establishing a mechanism of international coordination to carry out further actions. A few days later in Detroit, the US Social Forum affirmed support for the Toronto Declaration and committed to raise awareness in the US about the ongoing attacks against Mexican unions and labor rights and to denounce the violation of labor rights and the virulent attack on labor organizations in Mexico including the Miners and Electrical Workers.

Over the past several years, members of the National Lawyers Guild and its International and Labor and Employment Committees have, through the International Labor Justice Working Group, established close relationships with their legal counterparts in Canada and Mexico, and have worked together to defend the Freedom of Association of workers in all three countries.

THEREFOR BE IT RESOLVED that the National Lawyers Guild strongly condemns the ongoing attacks against Mexican unions and labor rights, endorses the Toronto Declaration, and commits to join unions and social movements around the world in solidarity with Mexican workers who are resisting the attempts by employers, corrupt unions, and the Mexican government to destroy the independent trade union movement in Mexico and deprive workers of rights established in the Mexican constitution, Federal Labor Law and ILO conventions.

We further resolve to continue our work with attorneys, unions and social movements in Mexico, Canada and the United States to ensure that the Freedom of Association of workers in all three countries is respected.

This resolution will be implemented by the International Labor Justice Working Group in coordination with the International and Labor and Employment Committees.

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