



Leo W. Gerard
International President

December 9, 2009

Arturo Sarukhan
Ambassador of Mexico
Embajada de Mexico en Estados Unidos de America
1911 Pennsylvania Ave., N.W.
Washington D.C. 20006

Dear Ambassador Sarukhan:

I am receipt of your letter to me dated October 15, 2009 relating to the Mexican government's decision to liquidate the Central Light & Power Company (LyF). The USW Senior Associate General Counsel just returned last week from Mexico City where he participated in a joint AFL-CIO/CLC fact-finding delegation about this very issue. While in Mexico City, the delegation met with leaders, members and attorneys for the SME union; Mexican Congressional Representatives; the Mexican Labor Ministry and the U.S. and Canadian Embassies.

After this fact-finding mission, the USW is more convinced than ever that the Mexican government has acted outside the bounds of the Mexican Constitution and Labor Laws as well as ILO Convention 87 in carrying out the unilateral action of liquidating LyF; firing all 44,000 employees of LyF; and effectively dissolving the SME union by this mass firing, by the interference in the SME internal elections and by the freezing of SME assets.

In short, while we cannot verify or contradict the Mexican government's economic concerns with regard to the functioning of the LyF, these concerns are really beside the point. Virtually all of such concerns proffered by the Mexican government could have been handled in negotiations with the SME union – a union with a long history of peaceful negotiations with the LyF and a union willing to negotiate over such matters. And, the Mexican government should have maintained the status quo pending such negotiations and pending proper judicial actions, before engaging in the liquidation of the LyF, the mass firing of workers and the destruction of the SME.

Instead, the President of Mexico, by decree and without any due process, disregarded Article 123 of the Mexican Constitution pursuant to which the SME is recognized as a union and forewent negotiations with the SME; bypassed the Mexican Congress in summarily liquidating LyF; fired all of the employees without notice, barricaded them from entering work and pressured them to take severance; and bypassed the Labor


Conciliation & Arbitration Board in interfering with the internal affairs of the SME and taking other drastic measures designed to break that union.

It is clear to us that all of this was done with the intention to destroy the SME, one of the few independent and democratic unions in Mexico, and that these actions constituted a dramatic violation of Mexico's obligations under by ILO Convention 87 and under the NAALC.

The USW urges the Mexican government to return the status quo by returning all 44,000 workers to their prior jobs immediately; unfreezing the assets of the SME; and negotiating with the SME, and its designated leaders, as the legitimate representative of these workers. Only such remedial actions will bring Mexico in compliance with its own laws as well as international norms governing the labor relations of nations.

Further, until these remedial steps are taken, we call upon the Mexican government to extent social security protections, for a period of at least one year, to all active employees of LyF.

Sincerely yours,

A handwritten signature in black ink that reads "Leo W. Gerard". The signature is written in a cursive, flowing style.

Leo W. Gerard
International President