



24 August 2013

## **Report of a Joint ITUC-TUCA-IndustriALL Delegation to Mexico**

A joint delegation of the ITUC, TUCA and IndustriALL Global Union met on 23 August 2013 with President Enrique Peña Nieto and Labour Secretary Alfonso Navarrete Prida at the Los Pinos Presidential Palace in Mexico City.

Global unions have been united in opposing protection contracts in Mexico and in defense of freedom of association and collective bargaining.

With a newly elected Mexican President and Mexico's important international role, including within the ILO, the G-20, the OECD and regional and global trade agreements, it was agreed to approach the government to commit to concrete progress on labor rights issues.

Issues raised included:

### **1. Protection Contracts**

The fact is that in many Mexican workplaces employers sign contracts with unions that the workers do not know about and have no ability to participate in. This is undemocratic, violates workers' rights and often subjects them to intimidation.

The first step to resolve these problems is ratification of the ILO Convention 98 to ensure genuine collective agreements.

This must be supported by effective compliance with the ILO recommendation in 2011 (case 2694) for dialogue with both the Mexican unions and the international trade union movement.

### **2. Labor Law Reform**

The 2012 labor law reform made some progress but fell short in the areas of union democracy and transparency. There are still serious problems of compliance with freedom of association noted in ILO cases and reports.

We urged the government to request that the ILO have its technical experts conduct a review of the legislation and make recommendations.

### **3. OECD National Contact Point (NCP)**

The OECD contact point can play a critical role in resolving complaints against multinational companies in line with the OECD guidelines.

The delegation raised concerns that the Mexican NCP is not carrying out its function of facilitating dialogue in specific instances, and instead has rejected cases without conducting an adequate investigation. We specifically asked that the NCP review its procedures to facilitate the acceptance of cases, strengthen its capacity for mediation and conciliation, and publish its rules.

### **4. Resolution of specific cases**

The delegation reaffirmed longstanding international solidarity for the Mexican mine workers' union Los Mineros, and the Mexican electrical workers' union SME. We asked that the government move to settle these historic disputes as a foundation for a more constructive approach to industrial relations.

We expressed concern about the continued legal actions against Napoleón Gómez Urrutia, a member of the IndustriALL Executive Committee, despite repeated decisions of Mexican courts exonerating him and the decision of Interpol to cancel the Red Notice against him.

### **5. G-20**

The delegation detailed their concern for the need for urgent action to address the stagnating global economy. Massive unemployment, exclusion of young people and the desperation of a growing informal sector is resulting in increasing social unrest and mistrust in governments and international institutions.

We urged the President to support the priorities of the Global Unions (attached) at the leaders meeting in St. Petersburg in September. Priorities include investment in jobs beginning with coordinated investment in infrastructure, the inclusion of young people through the scaling up of apprenticeships and formalizing the informal economy including with a social protection floor and a minimum wage on which workers can live with dignity.

**The Mexican government** gave us every indication that they would:

1. Consult with the ILO Director General regarding a technical review of the labour laws.
2. Take steps regarding the ratification of ILO Convention 98.

Furthermore, the government:

3. Reiterated their commitment to implement universal social protection.

4. Gave a detailed understanding of the problem of the informal sector and the need to formalize work.
5. Recognized that protection contracts exist but that the government does not see them as a legitimate instrument within the law. The commitment is to continue a dialogue to look for a solution.
6. Affirmed that this government has no intention to persecute independent unions and there is a commitment to pursue resolution to conflicts. In particular they recognized the legitimate leadership of Napoleon Gomez.

Members of the international delegation will follow up with the Mexicans unions on these issues.