



# BLACKLISTING: BACKGROUNDER AND MODEL EMPLOYER PLEDGE

## FACT SHEET 2

Blacklisting is an extreme form of anti-union discrimination. The term blacklisting refers to actions by employers, lawyers, unions and others to keep track of and share the names and other personal information on workers who are known to be or suspected of having been members of independent unions, are involved in union activities or attempts to organize unions, or who have expressed sympathies for unions or a particular union.<sup>1</sup>

Lists of workers who are engaged in or suspected of union activity are known as blacklists.<sup>2</sup> While blacklists may be physical lists of workers' names, they can also function through employers or industry associations sharing information via word of mouth. They are created and distributed in order to deny employment to workers whose names appear on them.

Creating, maintaining, purchasing, consulting on and/or sharing blacklists, or refusing to hire workers who appear on such lists are forms of blacklisting, all of which are violations of freedom of association.

Blacklisting can lead to discrimination in recruitment and hiring based on information about workers shared among employers and unions.

Blacklisting denies workers the opportunity to work in a sector of the economy in which they may have developed experience and skills. Beyond depriving them of a decent income to support themselves and their families, blacklisting also keeps skilled workers out of the labor market where their skills and experience are valuable to employers.

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<sup>1</sup> Blacklisting can also include discrimination against workers regarding other issues in the workplace, such as for filing a legal complaint against an employer for discriminatory practices or failure to pay legal overtime.

<sup>2</sup> In Mexico, Spanish terms commonly used for blacklists include: *listas negras*, *listas de exclusión*, and *boletines laborales*.

## Participating in blacklisting

Employers and human resources personnel participate in blacklisting when they share information regarding individual workers' union preferences or history, with other employers, employer associations or a third-party agency. This can include information on current or former employees who have participated in union organizing or other union activities, such as attempting to negotiate a collective bargaining agreement or organizing or participating in a strike or walkout. This can also extend to blacklisting workers whose sympathies for a different union other than the incumbent union is known or suspected by Human Resources departments, line supervisors, or the incumbent union.

In some cases, workers allege that they have been blacklisted merely for having been employed in a workplace where other workers attempted to organize a union or to negotiate a collective bargaining agreement.

In order to prevent union supporters from being hired to work in their facilities, some employers in manufacturing sectors access information on the labor history of job applicants through a private sector agency, such as the *Buró Laboral México*, which registers the names of workers that have been involved in labor conflicts or law suits (*juicios laborales*). This practice is illegal under Article 133 of the Federal Labor Law (LFT). As further reinforcement, on March 24, 2026, the Mexican Senate approved a reform that would explicitly prohibit the use of such services to deny workers employment based on their union and other activities. It is expected to be approved by the Chamber of Deputies, and then would become law.<sup>3</sup>



Photo: Gabino Jiménez Velasco

<sup>3</sup> ¡Adiós listas negras de trabajadores! Senado prohíbe el uso del buró laboral en las contrataciones, El Economista, March 24, 2026, [eleconomista.com.mx/capital-humano/adios-listas-negras-trabajadores-senado-prohibe-buro-laboral-contrataciones-20260324-803751.html](https://eleconomista.com.mx/capital-humano/adios-listas-negras-trabajadores-senado-prohibe-buro-laboral-contrataciones-20260324-803751.html).



## Examples of blacklisting:

1. In a mid-sized town where there are several large apparel assembly companies that account for a large share of formal sector employment, HR managers of these companies informally hold weekly or biweekly lunch meetings at which they discuss issues of common interest. One of the standing topics of conversation – no notes are kept – is an exchange of information on union sympathizers and “troublemakers” who are seeking employment in the local labor market.
2. The employers’ association of a given geographic area maintains a clearing house of labor market developments. Among the information gathered by the association, which is shared with members, is identification of workers who have been involved in labor disputes, workers who have participated in work actions (e.g., slowdowns, strikes or other work stoppages) or have been active in the formation of or participation in unions.
3. In a geographic area where a union controls collective bargaining agreements in several maquiladora operations and there are ongoing efforts by workers to create independent unions, the established union maintains a record of workers who are sympathizers of independent unions and provides this information to HR managers in order to block them from being hired.
4. HR professionals share information on ongoing labor conflicts in their industrial parks, and refuse to hire workers whose previous job was at a plant on strike, flagging that company as problematic.

## Blacklisting is a violation of FOA rights

Blacklisting constitutes discrimination in recruitment and hiring and is forbidden under Article 133, sections I and IX, of the Federal Labor Law. It is also a violation of Mexico's Federal Law for the Protection of Personal Data in the Possession of Private Parties (*Ley Federal de Protección de Datos en Posesión de Particulares*).

Blacklisting is recognized as a serious threat to the free exercise of trade union rights and a violation of International Labor Organization (ILO) Convention 98, which Mexico has ratified.

## What should employers do?

Adopt a Blacklisting Pledge committing the company to refrain from participation in all forms of blacklisting and circulate the Pledge to all employees. (See Model Employer Blacklisting Pledge on the following page.)

Refrain from and do not tolerate participation of company personnel in blacklisting, including sharing information with other employers and/or employer associations on workers' known or perceived union activities.

Do not reference blacklists or the *Buró Laboral* in making decisions on recruitment and hiring, and refrain from identifying candidates as problematic due to union affiliation or prior place of work.

Remove any questions about or reference to union membership or activities from job application forms, and ensure that questions about workers' past association with unions or attitudes toward them are not included in hiring interviews.

Refuse to accept or share information requested by a union, another employer or an industry association about a worker or applicant on their past union affiliations or union organizing attempts.

Do not share with anyone information on a current or former employee regarding their union membership or participation in union activities in your workplace.

## Model Employer Blacklisting Pledge

*[Name of company]* is committed to respect workers' rights to freedom of association and collective bargaining and protect workers' right to privacy related to those rights.

We further publicly pledge to:

1. Comply with Mexico's Federal Labor Law provisions that set out employer obligations and prohibitions intended to protect workers' right to freely exercise freedom of association and collective bargaining rights. Also comply with provisions of the Federal Law for the Protection of Personal Data in the Possession of Private Parties (Data Protection Law) intended to protect workers' right to privacy related to union affiliation, including development and distribution of the Privacy Notice required under Articles 15–17 of the Data Protection Law.
2. Refrain from inquiring about a worker's current or past union affiliation or support by any means not authorized under the Federal Labor Law or Data Protection Law, such as during the job application process, including interviews, or from any other sources that could identify workers' current or history of union organizing, affiliation or support for any union. This includes removing from resumes and employment forms any information that could identify a worker's union affiliation.
3. Refrain from capturing information in human resources systems or through any other method that identifies a worker as an advocate for changes in working conditions, a participant in job site actions, or as someone who has filed complaints with labor authorities, including labor courts, about working conditions or denial of labor rights granted by the Federal Labor Law.
4. Refrain from divulging any information described above to any private entity, including employment agencies, data gathering firms, the *Buró Laboral*, or other employers unless authorized by the Federal Labor Law or Data Protection Law.
5. Refrain from making hiring decisions based on applicants' current or past union affiliation or support for a union.
6. Refrain from taking any action intended to impede workers' ability to find future employment based on current or past union affiliation or support, advocacy for changes in working conditions, or filing complaints related to working conditions with labor authorities, including labor courts.

This fact sheet is part of the MSN's Resource Kit on Freedom of Association in Mexico available at: [maquilasolidarity.org/en/resources-foa-mexico](https://maquilasolidarity.org/en/resources-foa-mexico).