

RAPID RESPONSE LABOUR MECHANISM COMPLAINT

COMPANY

General Motors

INDUSTRY

Automotive manufacturing

LOCATION

Silao, Guanajuato State

UNION & LABOUR ORGANIZATION

Miguel Trujillo López Union affiliated to the CTM

National Independent Union of Automotive Industry Workers (SINTTIA)

National Union of Workers of the Metal and Automotive Industry in the Mexican Republic

“Carrillo Puerto” National Union of Industry, Trade, and General Service Workers

Request filed by US government:
May 12, 2021

Concluded:
September 22, 2021

GENERAL MOTORS



A series of violations of freedom of association and right to bargain collectively took place at a General Motors pickup truck factory in Silao, Guanajuato. The workers were denied the right to participate in a free and secret ballot vote on the legitimation of the existing collective bargaining agreement (CBA). Serious irregularities took place before and during the legitimation vote, which had been scheduled to take place on April 20 and 21, 2021.

Workers reported being forced to attend private audience meetings prior to the vote, in which they were told that the factory would close if they voted against the CBA. The company also failed to provide some workers a printed copy of the CBA, as required by law. After the first day of voting, labour inspectors discovered destroyed ballots in the office of the union that organized the vote, the Miguel Trujillo López union affiliated to the Confederation of Mexican Workers (CTM). The union also refused to submit documentation of results of the April 20 vote to the Department of Labour (STPS) inspectors. Furthermore, an unauthorized CTM official was present at the polling site, and an independent observer accredited by the STPS was denied access to the facilities.

The STPS filed a complaint with the state Attorney General's office in order to determine who was responsible for the destruction of voting materials. However, an inspector from the Attorney General's office was reportedly denied access to the factory.

TIMELINE

- April 20-21, 2021** ○ The legitimation vote was held with serious irregularities affecting union democracy and the independent union.
- May 11, 2021** ○ The STPS did not recognize the legitimation vote due to the irregularities that occurred.
- May 12, 2021** ○ Based on information it received, the United States Government filed the first complaint under the USMCA Rapid Response Labour Mechanism regarding violations of freedom of association at the GM Silao plant.
- June 13, 2021** ○ The United States Government announced the remediation measures agreed to with the Mexican Government.
- August 19, 2021** ○ A new CBA legitimation vote was held that led to the following result: 2,623 workers voted “yes”, against 3,214 who voted “no”, and 39 votes that were annulled, thus terminating the collective bargaining agreement.
- September 22, 2021** ○ The United States Government announced the successful completion of the course of remediation.
- February 2, 2022** ○ A union representation election was held to determine which union would hold title to the CBA. SINTTIA won the election with 4,192 votes, whereas the National Union of Metal-Mechanic and Automotive Industry Workers of the Mexican Republic received 932 votes; the CTM-affiliated National Union of Workers and Employees of the Transportation, Construction, Automotive and Auto Parts Industries and Similarly Related Workers of the Mexican Republic received 247 votes; and the “Carrillo Puerto” National Union of Industry, Trade, and General Service Workers obtained only 18 votes.
- May 25-26, 2022** ○ The GM Silao workers approved the new CBA through a personal, free, direct, and secret ballot vote. This CBA was negotiated between representatives of SINTTIA and the company. This CBA included an 8.5% wage increase, a percentage above the annual inflation rate.