

# RAPID RESPONSE LABOUR MECHANISM COMPLAINT

## COMPANY

Unique Fabricating

## INDUSTRY

Manufacture of plastic products for the automotive industry

## LOCATION

Santiago de Querétaro,  
Querétaro State

## UNION & LABOUR ORGANIZATION

Union Transformation (TS)

Autonomous Federation of  
Independent Trade Unionism of  
Mexico (FASIM)

### Request filed by US government:

March 6, 2023

### Concluded:

April 24, 2023\*

\*November 10, 2023: December closure  
of factory announced

# UNIQUE FABRICATING



Workers at Unique Fabricating tried to create a democratic union through an organization called “Union Transformation” (Transformación Sindical/TS), but faced significant obstacles en route. Their employer’s violations of their right to freedom of association included the dismissal of workers who were actively involved in the union and taking actions that favoured the existing union that held the title to the collective bargaining agreement (CBA). For instance, the employer facilitated meetings for one union with the workers, while preventing members aligned with the independent union from entering the facilities.

In response to these violations, TS filed two complaints with the Labour Court in Querétaro: the first for violations to freedom of association and the second challenging which union would have title to the CBA. Because the courts did not provide a timely response, TS decided to file a complaint under the Rapid Response Labour Mechanism (RRLM). Their complaint was accepted by the US government, whose preliminary investigation, confirmed the allegations of FOA violations. Meanwhile, the Labour Court finally ruled in favour of TS.

As a result, TS won recognition of their rights as a minority union, and a union representation election (recuento) was organized. The recuento took place in April 2023, and the majority of the workers voted to be represented by TS, giving it title to the CBA and the right to represent the workers in future negotiations.

## TIMELINE

**September–October  
2022**

○ Union Transformation filed two complaints in the Labour Court: 1. A claim for title of the collective bargaining agreement; and 2. For violations of the workers' right to freedom of associations and collective bargaining.

**March 6, 2023**

○ Due to the Labour Court's delay in responding, on February 2, 2023, TS filed a complaint under the RRLM, which was accepted by the US government. The complaint alleged that the workers in one of Unique Fabricating's auto part facilities in Santiago de Querétaro were being denied the right to freedom of association and collective bargaining.

**March 31, 2023**

○ The First Labour Court of the Judicial Branch in Querétaro State settled the lawsuit, ruling that the workers had the right to determine their union affiliation, and set a date for a union representation election (recuento) in order for the workers to decide which union they wished to be represented by in collective bargaining.

**April 13, 2023**

○ The First Labour Court of the Judicial Branch in Querétaro State settled the second lawsuit, ruling that the workers' associational rights had been violated, given that a union organization with which they had never been in contact had been imposed on them. The judge's resolution of the case resulted in workers gaining a fixed schedule and day of the week to carry out union activities in the workplace, as well as allowing members of Union Transformation access to the facilities.

**April 14, 2023**

○ Union Transformation won the union representation election. Out of the 255 workers with a right to vote, TS received 80 votes, FASIM received 69 votes, two votes were annulled, and 98 workers abstained from voting.

**April 17, 2023**

○ The Mexican Government, through the Ministry of the Economy, accepted the complaint submitted by the US government regarding an alleged denial of rights at Unique Fabricating-Mexico.

**April 24, 2023**

○ Both the Mexican and the US governments announced the successful completion of the labour complaint filed under the RRLM. As a result of the investigations, Unique Fabricating committed to take a series of actions to ensure respect for the workers' right to freedom of association and collective bargaining, to remain neutral in relations with unions, and comply with the legal obligations stipulated in the 2019 Labour Reform.

**November 8, 2023**

○ The company informed workers that the factory would be closed due to bankruptcy.

November 2023