

A grotesque labor reform initiative

Arturo Alcalde Justiniani

La Jornada, December 9, 2017

<http://www.jornada.unam.mx/2017/12/09/politica/019a2pol?partner=rss>

Just two days ago, labor reform initiatives were introduced in the Senate, both to the Federal Labor Law and to the new body responsible for the registration of unions, collective agreements and conciliation, containing rules -- even more absurd and grotesque than we feared -- that fundamentally change the content and meaning of the constitutional labor reform approved last February.

Apparently, the Federal Executive that drafted these initiatives in the shadows, decided not to pay the political cost of the proposal and thus protect its candidate Meade, knowing in advance the indignation that the proposal would cause. Thus, this infamous task was foisted on two senators who hold themselves out as union leaders: Tereso Medina Ramirez of the Confederation of Workers of Mexico (CTM) and Isaias Gonzalez Cuevas of the Revolutionary Confederation of Workers and Campesinos (CROC). This maneuver renders the exercise of collective labor rights impossible and damages the individual rights of all working men and women.

Confirming the concern of academics, specialists and democratic trade unionists, on which we have commented in these pages on several occasions, the initiatives that we have now seen follow the proposal of the corporate lawyers who are beneficiaries of the dirty business of employer protection contracts. Reading them, we can confirm that they violate the constitutional reform that they pretend to implement, and that they clearly contravene the international conventions to which our country is bound before the International Labor Organization. Among other injuries, the initiatives contain the following:

1. Labor rights are completely nullified by allowing free subcontracting (outsourcing), by eliminating the articles and rules created to regulate in the 2012 labor law reform. As feared, it will be possible to resort to subcontracting complying only with the minimum legal rights, which is justified by the need to create more jobs. There will be no limitations beyond those agreed to between the subcontractor and the contracting employer, whose responsibility is disguised. The work becomes a commodity whose price and conditions will be freely agreed in the commercial contract. Companies that want to outsource their entire workforce so that they cannot be subjected to a strike demand -- such as Bancomer, Walmart and many others -- are fully protected.

2. The important advance in the constitutional reform requiring that the workers be consulted by a secret ballot prior to the signing of a collective contract is simply ignored, despite the fact that the government made a commitment to the international community to end employer protection contracts. This leaves the employer practically free to continue choosing the union of its choice, creating insurmountable obstacles for those unions that legitimately claim this recognition. We return to the problems of the past, now presented in a more sophisticated way. There is not even a mention of the secret ballot as a prerequisite to the signing of the contract.

3. The concession to the business sector is confirmed so that the new entity for registering trade

unions and collective agreements remains in the hands of corrupt unions and the employers themselves. Four representatives of each group be part of its governing body; thus, the director of this supposedly autonomous institute is relegated to such a low level that s/he does not even have the right to vote in the governing body. The control is worse than under the present conditions. We return to the tripartism whose suppression justified the constitutional reform.

4. The rules established in the General Law of Transparency and Access to Public Information, published in May 2015, are violated, among them, the provisions established in Article 78 that oblige the authority to make available to the public and keep updated the union documents and contracts. The initiative intends to restrict this right merely to public summaries and indexes. The error is so elementary that it ignores the new general law and continues to make reference to the previous one.

5. The initiatives incorporate the request of the airlines to limit the freedom of association and collective bargaining of trade unions, among them, the democratic associations of flight attendants (ASSA) and pilots (ASPA), as the airline companies Interjet and Volaris repeatedly requested, so that these workers cannot demand the control of the collective bargaining agreements for their own unions.

6. The current guarantees that notice of dismissal must be given in writing and according to procedure are canceled, and procedural rules are set that leave the workers defenseless against the terms granted to the employers.

7. To give employers a way to register collective agreements that do not comply with the legal requirements, a mechanism is created to allow for effective or automatic authorization when the authority does not respond in time.

Conclusion: An initiative of this kind is an attack on the most basic human and labor rights of working people. The response and mobilization of the democratic sectors of the country is urgently needed to prevent this infamy.

P.S. This week the rights of the CTM and the CROC were suspended by the International Trade Union Confederation (ITUC), the largest organization in the world, for acting against its statutes; they lose voice and vote, and their expulsion will be addressed at the next ITUC Congress in December 2018. There is no doubt that these centers are a national and global shame.