

Leo W. Gerard
International President

March 22, 2011

Presidente de la LXI Legislatura
Jorge Carlos Ramírez Marín
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Dear Deputy Ramírez,

On behalf of the 1.2 million active and retired members of the United Steelworkers, I write to express my grave concern regarding the proposed labor law reform legislation that, according to news reports, will be considered by the Chamber of Deputies on March 22, 2011.

The proposed legislation does not address many changes to Mexican labor legislation that have been repeatedly called for by the ILO Committee of Experts on the Application of Conventions and Recommendations. It maintains the requirement of “toma de nota,” allowing the labor authorities to remove elected union leaders without legal basis or judicial authorization, which has been sharply criticized by international legal scholars. It fails to address the evils of the ‘protection contract’ system which has been used by employers to dominate and control worker organizations and impede workers’ free choice of their representatives.

In addition, the proposed reforms contain provisions that, in my view, will make it harder for Mexican workers to exercise their legal rights and improve their wages and living standards.

First, the proposed legislation (in Articles 13 and 15 bis) institutionalizes subcontracting without providing effective protections for workers whose legal and contractual rights are threatened by this practice. Employers will be give unfettered discretion to use subcontractors to evade collective bargaining agreements by paying lower wages and benefits to subcontracted workers.

Second, the reform bill undermines job security through the use of temporary contracts for probationary and seasonal workers and trainees (Article 39). This risks institutionalizing the already-common practice in Mexico of controlling wage demands by hiring workers on a series of ‘temporary’ contracts.

Third, the proposal seriously impedes labor justice by capping the back wages that a worker who is unjustly fired can receive at 12 months salary (Article 48). Since reinstatement demands often take four or five years to process, this provision creates a perverse incentive for employers to delay reinstatement proceedings, as they will no longer face economic consequences for doing so.

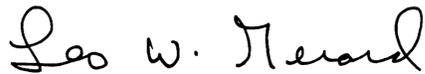
Fourth, the legislation makes it possible for employers to deal directly with workers covered by a collective bargaining agreement to negotiate working conditions inferior to those of the agreement (Articles 25 and 59). This threatens the right of collective bargaining which is established in Mexico's obligation under international treaties and customary international law.

Fifth, the legislation eliminates the right of workers to organize by craft (Article 388), a provision which appears targeted at independent unions in the airline industry.

Finally, the proposed law creates new opportunities for labor boards to declare strikes 'non-existent' by introducing additional procedural requirements that must be fulfilled before a strike can occur (Article 920).

For all of these reasons, I urge you not to proceed with the proposed labor law reform legislation, and instead to support a reform program that would protect the rights and living standards of Mexican workers in a manner consistent with the standards of the ILO and the labor principles of the North American Agreement on Labor Cooperation.

Respectfully,



Leo W. Gerard
International President