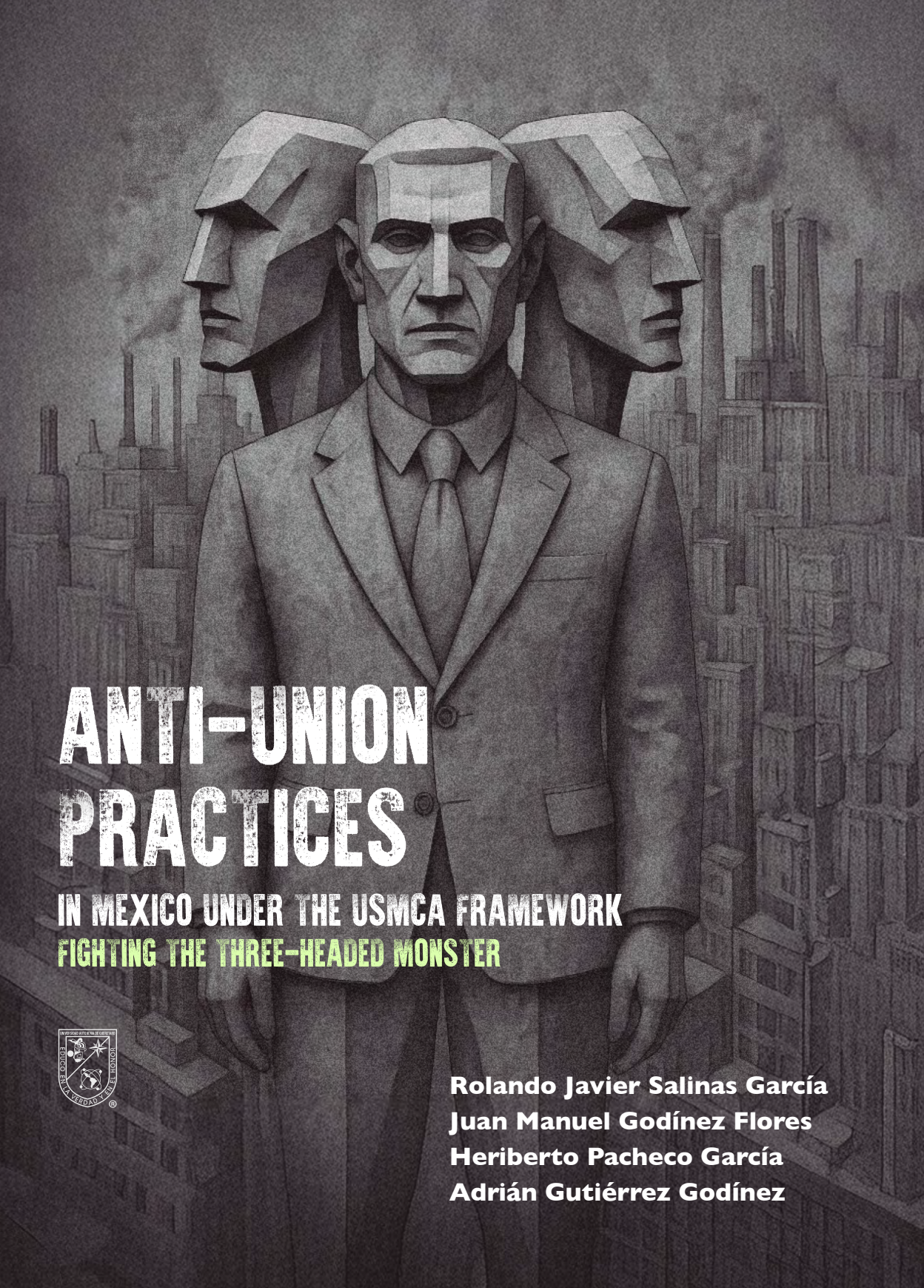

ANTI-UNION PRACTICES

IN MEXICO UNDER THE USMCA FRAMEWORK

FIGHTING THE THREE-HEADED MONSTER

Rolando Javier Salinas García
Juan Manuel Godínez Flores
Heriberto Pacheco García
Adrián Gutiérrez Godínez

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The opinions, findings, and conclusions expressed in this study are solely those of the authors and do not necessarily reflect the views of the supporting institutions.

Contents

Introduction: Anti-Union Practices in Mexico under the USMCA

The study of anti-union practices in Mexico is a complex task, given the multiple interests involved in controlling the workforce. It also requires an examination of how the state, companies, and corporate unions shape protection networks, corruption, and institutional complicity that prevent Mexican workers from achieving independent and democratic organization.

Throughout this study, we analyze the practices and strategies employed by companies, corporate unions, and state and federal governments—through the State's institutional structures—to control and, in some cases, intimidate or repress worker movements that demand better working conditions and alternatives to corporate union representation.

All of this unfolds within the framework of the Mexico–United States–Canada Agreement (USMCA), which, for the first time, includes a specific provision addressing corporate union practices: the labor chapter of the agreement.

What is labor peace? It is a corporate arrangement—promoted by the State and maintained at the expense of the working class—whose main objective is to foster an environment free of labor conflicts and to provide economic certainty for companies that establish or relocate operations in various states across Mexico (Salinas-García, 2016).

In addition, corporate unions seek to project an image of legitimacy and worker support. In this process, workers become political pawns of union leaders, who exploit their representational role to negotiate positions and

privileges with ruling parties, regardless of any ideological differences that may exist with the political institutions to which they are aligned. What matters most for these corporate unions is to continue negotiating with the governments in power the terms of collective bargaining agreements for companies operating throughout the country.

This common front promoted by the State, corporate unions, and companies against the labor movement is the three-headed monster fought by independent and democratic unions, as well as workers demanding decent wages and favorable working conditions. This is no minor issue, as independent unions and union leaders struggle against harassment by State institutions, face surveillance and monitoring by State police agencies and, in some cases, by the companies themselves, along with the closure of spaces where they hold assemblies to organize workers by inspection agencies and even Civil Protection. The working class faces harassment, threats, and disparagement from corporate unions and, what is even worse, the use of practices that violate human rights, such as blacklists.

In blacklisting practices, workers who lead independent and democratic organizing efforts within companies are unfairly dismissed and subsequently reported to corporate networks and unions, preventing them from being rehired because they are deemed disruptive. Confronted with this situation, Mexican workers engage in a daily struggle against the fear of defending their labor rights—rights that would allow them to achieve a dignified life.

The struggle, therefore, is against a three-headed monster—the State, companies, and corporate unions—that together uphold the so-called *labor peace*. It should be noted that, although no concrete evidence has been gathered on this matter, there remains a risk that a fourth force—organized crime—could emerge against the independent and democratic labor movement, particularly in states where criminal groups have a strong presence. These groups could potentially form alliances with corporate unions to exercise violent control over the workforce.

Despite the negative conditions described above, most of the actors interviewed for this study hold a positive view of the 2019 labor reform and the labor chapter of the United States–Mexico–Canada Agreement (USMCA). However, they also recognize that Mexico still lacks sufficiently robust mechanisms to enforce the labor rights of the working class. In many cases,

those who violate the labor rights of thousands of Mexican workers on a daily basis continue to act with impunity, perpetuating anti-union practices that enable them to illegitimately represent the workforce.

This includes state and federal government officials who are negligent and, in some cases, complicit in these labor violations, as well as corporate unions that intimidate and abuse workers in collusion with companies. We believe this constitutes one of the most critical areas for improvement—both within Mexican labor legislation and in the labor chapter of the USMCA. In other words, mechanisms must be established to hold not only companies accountable, but also government officials and members or representatives of corporate unions.

In connection with the above, it should not be overlooked that Mexican law already includes provisions to sanction anyone who delays, obstructs, or improperly influences any process related to union activity. The problem lies not in the law itself, but in its lack of effective enforcement.

It would be naive to assume that, since the labor reform was enacted, no state or federal official, lawyer, or union representative has been sanctioned in accordance with the law. Information confirming the absence of sanctions was obtained through the National Transparency Platform and the obligated entities. Both the Federal Judiciary Council and the Federal Center for Conciliation and Labor Registration (see Annex 1) have evaded their legal obligation by invoking Criterion 3/2017 of the National Institute for Transparency, Access to Information, and Protection of Personal Data, which states that "there is no obligation to prepare ad hoc documents to respond to requests for access to information."

However, the information that should be generated or held—by the Federal Judiciary Council in the case of public officials, and by the Federal Center for Conciliation and Labor Registration in the case of lawyers, litigants, or representatives—is explicitly required by the current Federal Labor Law (FLL), specifically Article 48, paragraphs 5, 6, and 7. Therefore, the request does not concern the creation of ad hoc information, but rather the disclosure of what is already established by law, namely:

> Lawyers, litigants, or representatives who file actions, exceptions, motions, proceedings, submissions of evidence, appeals, or, in general, any filing that

> is clearly inappropriate and intended to prolong, delay, or obstruct the hearing or resolution of a labor dispute shall be fined between 100 and 1,000 times the Unit of Measurement and Update (UMA).
>
> If the delay results from omissions or irregular conduct by public officials, the applicable penalty shall be suspension without pay for up to ninety days and, in the case of a repeat offense, dismissal from office in accordance with the relevant provisions. In such cases, the matter shall also be referred to the Office of the Public Prosecutor for investigation of possible offenses against the administration of justice.
>
> Public officials of the Federal Center for Conciliation and Labor Registration who delay, obstruct, or improperly influence union registration procedures, collective bargaining agreements, or internal labor regulations, or who unjustifiably grant proof of representation, shall be fined between 100 and 1,000 times the Unit of Measurement and Update (UMA).
>
> Public officials of local Conciliation Centers shall be subject to the same penalties when engaging in such conduct in the performance of their conciliation duties (FLL, 2024).

In conclusion, both the Federal Judiciary Council and the Federal Center for Conciliation and Labor Registration share responsibilities but frequently avoid complying with legal requirements, as illustrated in Annexes 1 and 2. Despite this, Article 48bis of the FLL provides the first formal catalog of anti-union practices. However, this initial attempt does not fully reflect the daily experiences of independent and democratic unions or of workers on the factory floor. Anti-union practices extend beyond those recognized in the law.

Analysis of the FLL shows that it primarily regulates the formal enforcement of labor law, which is consistent with a positive legal perspective. Nevertheless, many anti-union practices continue to occur outside these legal provisions and are experienced directly by workers in their daily work life. Examples include blacklisting, which prevents workers engaged in non-corporate union activity from being hired elsewhere; unjustified dismissals linked to union organizing; and the use of the State's institutional structure to repress or control the independent labor movement. Even so,

the FLL represents an important step forward by formally recognizing some anti-union practices in Article 48bis.

Article 48 Bis. - For the purposes of Article 48 of this Law, the following actions shall be considered manifestly inadmissible, by way of example:

I. In the case of parties, attorneys, litigants, representatives, or witnesses:

a. Offering any personal benefit, gift, or bribe to officials of the Federal Center for Conciliation and Labor Registration, Local Conciliation Centers, or Courts, as well as to third parties involved in a labor proceeding.
b. Altering a document signed by a worker for a different purpose in order to incorporate a resignation.
c. Requiring the signing of blank documents at the time of hiring or at any point during the employment relationship.
d. Presenting manifestly false information in labor proceedings, by either party or their representatives, regarding salary, working hours, or length of service.
e. Denying access to an establishment or workplace to a labor authority's clerk or notifier when they request to deliver a notification or perform a procedure. Similarly, refusing to accept documents relating to a notification ordered by the labor authority, including matters involving the company's address, name, or the individual or legal entity being sought. It is also unlawful to use tax identification numbers or official documents from other companies, even if they share the same address, to evade a summons to a pre-trial conciliation procedure, a trial, or the presentation of evidence.
f. Claiming ownership of a collective bargaining agreement without having workers affiliated with the union employed at the workplace covered by the agreement.

In the case of public servants, the following actions will be considered to be manifestly inadmissible.

a. Issuing a notification claiming it was delivered to the specified address when it was not actually delivered.
b. Issuing a notification or summons without delivering it.
c. Failing to issue a notification within the period established by law or ordered by the labor authority.
d. Deliberately delaying the notification of a conciliation hearing, the summons for a labor trial, or any personal notification of labor proceedings to benefit one of the parties or receive a benefit from a party.
e. Accepting a gift from one of the parties or an interested third party.
f. Deliberately delaying the enforcement of judgments or agreements that are *res judicata*.
g. Admitting evidence unrelated to the litigation to delay the proceedings.
h. Delaying an agreement or resolution more than eight days beyond the deadlines established by law.
i. Concealing files to delay the trial or prevent a hearing or proceeding from taking place.
j. Delaying or obstructing the delivery of a certificate of representation without just cause.
k. Unjustifiably refusing to accept a notification from a Conciliation Center or Court, or obstructing its delivery; in such cases, the matter shall be referred to the corresponding Internal Control Body, regardless of the penalties established by law.

The conduct is considered serious if the delay results from omissions or irregular actions by public officials. In such cases, in addition to the penalties provided under the General Law on Administrative Responsibilities, those responsible shall be fined between 100 and 1,000 times the Unit of Measurement and Update (UMA), and the matter shall be referred to the Public Prosecutor's Office for potential offenses against the administration of justice (FLL, 2024).

With regard to the General Law on Administrative Responsibilities (GLAR), six articles apply to public officials who fail to fulfill their obligations. In addition to Articles 48 and 48bis of the FLL, Articles 49, 52, 57, 58,

61, and 62 are also relevant. These provisions address the omissions or involvement of public officials in practices that may be considered anti-union.

Article 49. A public servant shall be guilty of a minor administrative offense if their actions or omissions fail to comply with or violate the following obligations:

I. To perform the duties, responsibilities, and tasks entrusted to them with discipline and respect, both toward other public officials and toward the individuals with whom they interact, in accordance with the code of ethics referred to in Article 16 of this Law and the applicable codes of conduct;
II. To report any acts or omissions observed in the exercise of their duties that may constitute administrative offenses, in accordance with Article 93 of this Law.
III. Follow the instructions of their superiors, provided that such instructions comply with the provisions applicable to public service.
IV. If they receive instructions or assignments that contravene these provisions, they must report the situation in accordance with Article 93 of this Law.
V. Submit declarations of assets and interests in a timely manner and in the form established by this Law.
VI. Register, organize, safeguard, and protect the documentation and information that, by reason of their employment, position, or commission, is under their responsibility, and prevent its improper use, disclosure, removal, destruction, concealment, or alteration.
VII. Supervise that the public officials under their direction comply with the provisions of this article.
VIII. Render accounts regarding the exercise of their functions, in accordance with the applicable rules.
IX. Cooperate in judicial and administrative proceedings in which they are a party.
X. Ensure, prior to the conclusion of contracts for the acquisition, lease, or disposal of any property, the provision of services of any

kind, or the contracting of public works or related services, that the individual declares under oath that he or she does not hold a position, post, or commission in the public service or, if applicable, that holding such a position does not give rise to a conflict of interest. The respective declarations must be made in writing and submitted to the internal control body prior to the conclusion of the act in question. If the contractor is a legal entity, such declarations must also be submitted in relation to the partners or shareholders who exercise control over the company.

XI. [Without prejudice to the foregoing obligation, and prior to carrying out any legal act involving the use of public funds with legal entities, their articles of incorporation and, where applicable, any amendments thereto shall be reviewed to verify that their partners, members of the board of directors, or controlling shareholders do not have a conflict of interest.]

XII. [Deleted]

For the purposes of this Law, a partner or shareholder is deemed to exercise control over a company when they are administrators or members of the board of directors, or when, jointly or separately, directly or indirectly, hold rights that allow them to exercise voting rights over more than fifty percent of the capital, have decision-making power in its meetings, are able to appoint the majority of the members of its administrative body, or by any other means have the power to make fundamental decisions for said legal entities.

Article 52. A public servant commits the offense of bribery if he or she demands, accepts, obtains, or attempts to obtain, either personally or through third parties and in connection with the performance of his or her duties, any benefit not included in his or her lawful remuneration as a public servant. Such benefit may consist of money; securities; movable or immovable property (including through disposal at a price significantly below market value); donations; services; employment; or any other undue advantage for themselves, their spouse, blood or civil relatives, or for third parties with whom they have professional, employment, or business relationships, as well as for partners or companies of which the public servant or the aforementioned persons are members.

A public servant who fails to return any excess payment received beyond their lawful remuneration, in accordance with the applicable pay scales, within thirty calendar days of receipt, commits the offense of bribery.

Article 57. A public servant commits the offense of abuse of office when they exercise powers not conferred upon them, or use the powers they do possess to carry out or induce arbitrary acts or omissions, in order to obtain a benefit for themselves or for the persons referred to in Article 52 of this Law, or to cause harm to any person or to the public service. The same offense is committed when the public servant engages, either personally or through a third party, in any of the conduct described in Article 20 Ter of the General Law on Women's Access to a Life Free of Violence.

Article 58. A public servant who, by reason of their employment, position, or commission, intervenes in any way in the handling, processing, or resolution of matters in which they have a conflict of interest or a legal impediment, commits the offense of acting under a conflict of interest.

Upon becoming aware of such a matter, the public servant shall report the situation to their immediate superior or to the body responsible for determining the applicable provisions of public entities, and request to be excused from participating in any way in its handling, processing, or resolution.

It is the obligation of the immediate superior to determine and communicate to the public servant, no later than forty-eight hours before the deadline established for addressing the matter, the cases in which it is not possible to abstain from intervening. The superior shall also issue written instructions to ensure the impartial and objective handling, processing, or resolution of such matters.

Article 61. A public servant commits the offense of influence peddling when they use the position granted by their employment, office, or commission to induce another public servant to perform, delay, or refrain from performing any act within their competence, in order to obtain a benefit, profit, or advantage for themselves or for any of the persons referred to in Article 52 of this Law.

Article 62. A public servant commits the offense of concealment when, in the exercise of their duties, they become aware of acts or omissions that may constitute administrative offenses and deliberately engage in conduct intended to conceal them (GLAR, 2025).

Despite all these legal provisions, as previously mentioned, the data obtained from the Federal Judiciary Council and the Federal Center for Conciliation and Labor Registration through the National Transparency Platform reveal two key issues.

First, there is no record of sanctions under the relevant laws — no disciplinary measures have been imposed on lawyers, company or union representatives, or public officials. Second, both institutions evade their responsibilities by failing to generate the information required by law, claiming that it falls under the jurisdiction of another agency. However, when that agency is approached, it in turn claims that responsibility lies with the original institution (see Annexes 1 and 2).

It is important to recognize that the United States–Mexico–Canada Agreement (USMCA) is a trade accord whose scope of authority applies exclusively to economic relations among the three signatory countries. Consequently, sanctions can only be imposed on companies engaged in economic activities within this trilateral framework. Nevertheless, alternatives must be developed to ensure that state officials and corporate unions involved in anti-union practices are held accountable and effectively sanctioned.

As demonstrated throughout this study, Mexican authorities have not produced indicators that allow for the assessment of the law's effectiveness in achieving its stated goals—particularly in promoting and strengthening not only the labor chapter of the USMCA but also the conventions ratified by Mexico before the International Labour Organization (ILO) that promote decent work and the protection of workers' human rights.

In short, within the framework of Mexican labor and criminal law, an effective system of sanctions must be established for those who systematically violate workers' rights. Without such an initiative, the systematic reproduction of anti-union practices in Mexico will persist, and the

three-headed monster will continue to grow stronger, feeding on the fear it instills in the workforce.

Regarding the above, two distinct positions emerged among the individuals interviewed for this study.

The first position—held primarily by workers—maintains that stricter regulations must be established than those currently in place under Mexican legislation, both in the Federal Labor Law (FLL) and the General Law on Administrative Responsibilities (GLAR), as these frameworks have failed to curb anti-union practices in the country. Proponents of this view advocate for the creation of a supranational instrument similar to the Rapid Response Labor Mechanism (RRLM) under the USMCA, which would enable the effective sanctioning of violations of the rights to freedom of association and union democracy, beyond purely commercial considerations. This idea resonates strongly with workers, who have observed that the RRLM has proven more effective in protecting their labor and union rights than Mexico's own domestic legislation.

The second position contends that a mechanism similar to the RRLM is unnecessary to sanction government, union, or corporate actors and to eliminate anti-union practices in Mexico. From this perspective, what is truly needed to strengthen union freedom and democracy is the effective enforcement of the country's existing laws—particularly the Federal Labor Law and the General Law on Administrative Responsibilities.

I. Union insurgency or the legitimization of corporate unions?

The approval of the USMCA and its labor chapter in 2018, along with the 2019 labor reform, opened a window of opportunity to weaken—and, in the best-case scenario, eliminate—union corporatism in Mexico. However, neither the weakening nor the eradication of corporate union practices has materialized. This is because the strengthening of democracy and union freedom cannot be achieved by decree or through the mere reform of labor laws governing Mexico's labor relations system. Rather, it is a social and cultural transformation that takes time, and the country is only beginning to build and consolidate its labor citizenship.

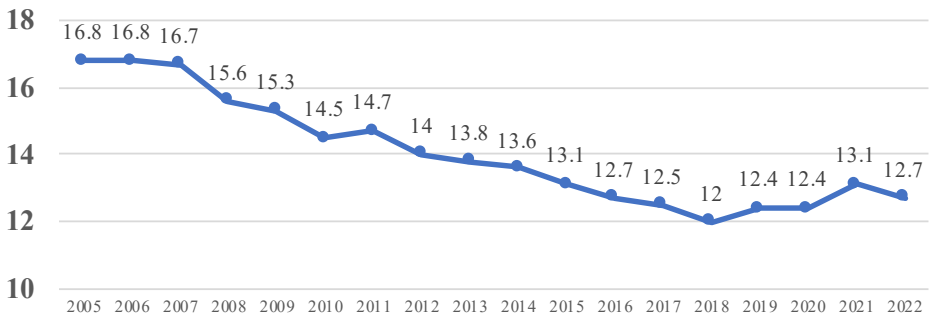
For the individuals interviewed, both the USMCA and the 2019 labor reform have nonetheless produced positive results. Two stand out in particular: i) the Rapid Response Labor Mechanism (RRLM) established in the USMCA's labor chapter, which enables the prompt resolution of labor rights violations and provides a more effective alternative than the mechanisms available under the Federal Labor Law (FLL) itself; and ii) the streamlining of procedures for asserting ownership of collective bargaining agreements under the new rules established in the FLL—reducing processes that once took years to just a few months (Huitron-Altuzar, 2024).

Despite these positive developments, the reality is that the working class striving for change faces the legacy of decades of corporate union control, and dismantling this system will require a long-term effort. Mexico has a long history of corporate unionism, dating back to the golden age of the

Institutional Revolutionary Party (PRI), which laid the foundations for iron-fisted control over the workforce. As one scholar notes, *"In practice, corporatism is an ideal political arrangement for the creation and maintenance of an authoritarian system, as has been the case in Mexico. In the Mexico that emerged after Cárdenas's institutionalization of the post-revolutionary political system, the axis of the entire corporate complex of unions, employer organizations, and peasant organizations was—and continues to be—the presidential institution."* (Meyer, 1989)... According to Hermanson and De la Garza (2005), from the 1970s until the beginning of the neoliberal model in the 1980s, not only was there no union uprising to help workers regain legitimate control of their organizations, but their living conditions deteriorated under neoliberalism (Hermanson and De la Garza, 2005).

In addition to this, the subsequent labor reforms, far from strengthening independent and democratic union organization, ended up favoring employers and corporate unions. Labor flexibility was legitimized, which meant nothing more than the unions giving up key aspects of bilateral bargaining in favor of companies (Contreras, 2000; De la Garza, 2000; Quintero, 2000). As in many other countries, including the United States, union density in Mexico has declined in recent decades (Figure 1). It decreased from 16.8% in 2005 to 12.7% in 2022, indicating that 4,869,045 people are union members (STPS, 2024) and the variations in 2024 have been practically insignificant.

Graph 1. *Unionization rate in Mexico from 2005 to 2022.*



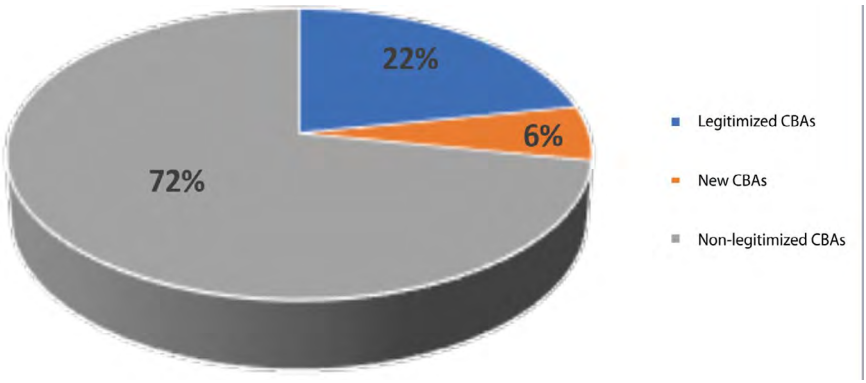
Source: own elaboration based on data from INEGI (2024).

The decline in union membership highlights the underlying reasons for the reduction in union density and raises the question whether new processes of union renewal could be developed—processes that would not only reverse this trend but also engage precarious workers, such as those in platform-based employment, and, in particular, young people. In this context of sharply declining unionization rates in Mexico, the signing of the USMCA—especially its labor chapter—was expected to spark a union resurgence, equipping the working class with the tools to establish genuine union democracy, further reinforced by the 2019 labor reform.

The labor chapter of the USMCA and the 2019 labor reform establish the respect for workers' freedom of association and the right to democratic participation, enabling the working class to freely choose the unions that represent them. In addition, they introduced a mechanism for legitimizing collective bargaining agreements—unprecedented in Mexico—through which workers themselves would validate their agreements, thereby ending corporate control of the workforce. At least in theory, these measures envisioned a new trade union landscape with stronger, independent, and democratic unions. However, the data reveal a starkly different reality.

As an example, we have the following data on the effects of the process of legitimizing Collective Bargaining Agreements (CBAS) in Mexico: out of a total of 139,000 CBAS registered in our country that would have to undergo legitimization, only 22% were legitimized, giving a total of 30,536 CBAS valid until February 2025, according to the records of the Federal Center for Conciliation and Labor Registration (STPS, 2023). To this figure must be added the contracts registered under the new labor model, with a count to date of 8,393 CBAS from the original universe, representing 6%. This leaves 100,071 CBAS without legal validity or effect, representing 72% of the contracts registered, based on the original universe of contracts. This reinforces the fact that the intended strengthening of independent and democratic trade unionism in Mexico through the processes of legitimizing unions and collective bargaining agreements has been more anecdotal than representative, as corporate unions continue to dominate union life in Mexico (Figure 2).

Figure 2. *Results of the legitimization of collective bargaining agreements in Mexico 2025.*



Source: own elaboration with data from the STPS (2023).

One of the big questions is what will happen to the 100,071 CBAs that were not legitimized and were left without effective union representation, despite the fact that the FLL establishes in the fourth paragraph of the Eleventh Transitory Provision, Legitimization of Collective Bargaining Agreements, that workers will not lose their rights and that benefits or rights that exceed the law will be maintained.

> If, at the end of the period established in the first paragraph of this article, the collective bargaining agreement subject to consultation does not receive majority support from the workers, or if the consultation is not conducted, the agreement shall be deemed terminated. In such cases, any benefits and working conditions specified in the agreement that exceed those established by this Law shall be retained for the benefit of the workers and shall be binding on the employer (FLL, 2024).

What remains unclear is how new union representations will be formed, a process that could create significant advantages for the most powerful corporate unions. This includes the new union representation associated with the National Regeneration Movement (MORENA) party, the Autonomous Confederation of Workers and Employees of Mexico (CATEM), which has incorporated union representatives who were previously affiliated with

established corporate federations such as the CTM (Confederation of Mexican Workers).

Based on the results presented, the victories achieved by the democratic and independent union movement have been few but significant. A notable example is the dispute over the ownership of the collective bargaining agreement at the General Motors plant in Guanajuato, contested by SINTTIA (National Independent Union of Automotive and Related Industry Workers) against the CTM's representation. SINTTIA's victory delivered a major blow to corporate unionism and received widespread media attention.

Similarly, workers affiliated with the Mexican Labor Union League and the Border Workers' Committee have fought for democratization in the election of unions and their leaders in San Luis Potosí, Aguascalientes, and Coahuila. Their members have suffered unjustified dismissals and violations of their human rights through blacklisting, not to mention institutional harassment by the State (Quiñones, 2024). Despite the anti-union practices they have faced, organized workers have succeeded in defeating corporate union representatives and have effectively used the tools provided by the labor chapter of the USMCA, particularly the Rapid Response Labor Mechanism. However, based on the data presented above, it is the corporate unions that have predominantly leveraged the 2019 labor reform's mechanisms for union and collective bargaining agreement (CBA) legitimization to maintain their power structures. This situation persists because, in many Mexican states, workforce control remains dominated by a "three-headed monster" composed of the state and its institutional apparatus, companies, and corporate unions, which collaborate to keep workers under control and weaken independent and democratic labor movements.

Only independent and democratic union action can strengthen the traditional, instrumental, and rational motives that can sustain and increase a true unionization rate in the country that adequately represents the interests of workers. The problem is that the democratic and independent union movement faces pressure from both corporate unions and business and government actors who, through anti-union strategies and behaviors, weaken the non-corporate union movement. This occurs despite the legal regulations established in both the Federal Labor Law (FLL) and the labor chapter of the USMCA; anti-union practices continue to be reproduced

because there is no effective enforcement of the law and those involved in the violation of labor rights are protected by a cloak of impunity. Workers face an unequal struggle to assert their labor rights. The reality, then, is that the pillars supporting the new labor relations system in Mexico are declarative rather than objective realities. The proposal by the Ministry of Labor and Social Welfare (STPS) is a good statement of intent but has no effect on the reality of union life for workers, namely:

a. Trade Union Freedom and Democracy. The right to freely associate and the autonomy of trade unions are guaranteed, with democratic procedures established to ensure fair union representation and collective bargaining.
b. Expeditious Labor Justice. A mandatory conciliation stage has been created, and labor trials have been streamlined to ensure faster resolution of disputes.
c. Trade Union Transparency. Workers will be informed about the use and allocation of their union dues.
d. Inclusion with a Gender Perspective. Trade unions are encouraged to promote greater participation, representation, dialogue, and negotiation among all members, with attention to gender equality.

The essence of these new labor regulations aligns with the shift in Mexico's government regime, which contrasts sharply with the corporate trade unions historically tied to the Institutional Revolutionary Party (PRI) and their agreements with the National Action Party (PAN). However, the current government has politically promoted a strategy of corporate control similar to that of the PRI. The ruling party, MORENA, has established its own version of what the CTM once represented through the creation of CATEM, effectively reproducing the corporate practices characteristic of PRI unionism's golden age and granting political positions within the legislative branch to its formal representatives.

Despite this, according to the Mexican government, the new labor model is intended to eliminate the abusive practices that have historically undermined workers' labor rights. The Ministry of Labor and Social Welfare

(STPS, 2020) identifies the following principles or objectives promoted by the 2019 labor reform:

I. The reform was designed not only to ensure a decent wage but also to guarantee access to both individual and collective well-being.
II. Freedom of Association: Workers have the right to form trade unions and to decide freely whether or not to belong to them.
III. Election of Leaders: Workers' right to elect their union leaders through voting is recognized and protected.
IV. Authentic Collective Bargaining: Collective bargaining agreements must be genuine, putting an end to simulated or sham agreements.
V. Abolition of Protection Unions: There will be no more collective agreements or "protection" unions imposed without workers' consent.
VI. Worker Approval of Agreements: Collective agreements cannot be signed until workers are fully informed about their content and have approved them.

Consultation on Strikes: Before calling a strike to review a collective agreement, unionized workers must be consulted. A key feature of the reform is the requirement to consult workers to determine their preferences regarding collective agreements negotiated by union leaders and employers.

Transparency and Accountability: A major achievement of the labor reform is the obligation for union leaders to report to their members at least every six months through an assembly, providing complete and detailed information on the management of union assets, including the use of union dues (STPS, 2020).

Regarding the USMCA, in Annex 23-A, Worker Representation in Collective Bargaining in Mexico, the country made various commitments to strengthen democracy and freedom of association, among which we can highlight two:

1. Labor laws shall guarantee workers the right to participate in concerted activities related to collective bargaining or protection, as well

as the right to organize, form, and join the union of their choice. Such laws shall prohibit employer domination or interference in union activities, discrimination or coercion against workers based on union activity or support, and the refusal to bargain collectively with a duly recognized union.

2. Furthermore, labor laws shall establish, in accordance with the Political Constitution of the United Mexican States, an effective system to ensure that elections of union leaders are conducted through a personal, free, and secret vote of union members.

During the USMCA negotiations, Mexico's counterparts were well aware of the country's long-standing tradition of corporate and undemocratic unions—often subordinated to state power structures and corporate economic interests. For this reason, it would have been naive to rely solely on the parties' goodwill or on Mexico's existing legal mechanisms to ensure compliance with the agreement. Consequently, an alternative mechanism was created to address disputes involving documented violations of the principles of freedom of association and collective bargaining: the Rapid Response Labor Mechanism (RRLM).

This mechanism was designed to deter companies from infringing on workers' rights or interfering in matters that fall within the exclusive domain of workers. The sanctions imposed under the RRLM are not minor; in theory, they serve as a significant counterbalance to prevent employers from meddling in union affairs and to promote genuine—not simulated—collective bargaining.

As of the first half of 2025, a total of 37 complaints have been filed and resolved through negotiation between the parties, although only 31 of these are recorded in the U.S. Department of Labor (DOL) database (DOL, 2025).

Despite the emphasis placed by the USMCA on corporate responsibility, this focus does not resolve the underlying issues related to union freedom and democracy—or, at best, only facilitates a partial transition toward genuine collective bargaining. This is because two key actors in the perpetuation of union corporatism and anti-union practices were left largely unaddressed: corporate unions and government officials who violate the principles of

union freedom and openly interfere in matters that should be decided solely by workers.

While it could be argued that this is not entirely accurate—since Article 48 of the Federal Labor Law provides for sanctions against CFCRL officials who delay, obstruct, or improperly influence labor justice proceedings—the evidence gathered indicates that no official or union representative has been sanctioned in accordance with the law. There appear to be three possible explanations for this: first, the information may simply not be available; second, there may be an unwillingness to make it public; and third, and most likely, labor law has not been effectively enforced (see Annexes 1 and 2).

Despite the progress achieved in labor regulation, the issues of union transparency, sham collective bargaining, and anti-union practices remain part of a broader structural problem in which certain organizations are directly involved. There is a widespread perception that unions are no longer seen as viable options for workers seeking to address everyday problems in the workplace. This perception has led to growing union disaffiliation and a sense of apathy—or even contempt—toward union participation (Reynoso, 2018).

Although not all unions in Mexico operate outside the legal framework, there are still cases in which centralized and opaque power structures persist, where control and decision-making are concentrated in the hands of a few leaders. Some unions have been accused of diverting funds for personal gain or channeling resources into political and business activities, while others have been linked to organized crime—through the protection of illegal activities, the collection of extortion payments, collaboration in criminal operations, or other forms of anti-union conduct (Olvera, 2012).

In some cases, union leaders have been documented using violence and repression to maintain control over their organizations and silence those who attempt to expose corrupt or abusive practices. In unions dominated by corrupt and clientelist leadership, elections have often been conducted in a non-transparent and undemocratic manner, involving practices such as the transportation of voters, vote buying, manipulation of voter rolls, or falsification of results. Combined with widespread job insecurity and low unionization rates, these anti-union practices undermine future efforts to organize workers.

Although the labor reform has made important progress in promoting non-corporate unionization, one of the main challenges remains achieving genuine union legitimization and recognizing that freedom of association and collective bargaining cannot be established by decree. Dismantling the structures that uphold corporate union power is essential.

Since the reform's implementation, it has become evident that several issues continue to affect the effective exercise of workers' rights in Mexico. Despite the labor reform's incorporation of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948), ILO Convention No. 98 on the Right to Organize and Collective Bargaining (1949), and their inclusion in Article 358 of the Federal Labor Law, harmful practices persist among corporate unions, employers, and government authorities. It is therefore crucial to analyze the impact of anti-union practices as destabilizing factors that hinder democratic and independent union organizing efforts and the transition toward genuine collective bargaining.

In summary, this research on anti-union practices in Mexico within the framework of the USMCA seeks to identify the strategies used by corporate unions, employers, and the state to control, subjugate, and delegitimize labor leaders and movements that deviate from the established agenda of "labor peace" and that voice workers' discontent with their working conditions. A key component of this effort will be the testimonies of workers who have filed complaints through the Rapid Response Labor Mechanism (RRLM), as well as those of organizers and union leaders who have confronted the "three-headed monster" that upholds union corporatism in Mexico. This exercise is essential to gaining a comprehensive understanding of the challenges faced by the independent and democratic labor movement in Mexico, and of the mechanisms that could be implemented to strengthen union democracy ahead of the USMCA's renegotiation in 2026.

I.1. The Labor Chapter of the USMCA and Labor Reform in Mexico

One of the key references in the labor chapter of the United States-Mexico-Canada Agreement (USMCA) is the *Declaration on Fundamental Princi-*

ples and Rights at Work and its Follow-up issued by the International Labor Organization (ILO, 1998). This declaration reaffirms the commitment of ILO member states to uphold and promote the fundamental rights of workers (ILO, 1998).

> It declares that all Member States, even those that have not ratified the conventions referred to, have an obligation—arising from their membership in the Organization—to respect, promote, and realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights that are the subject of those conventions, namely:
>
> a) freedom of association and the effective recognition of the right to organize and to engage in collective bargaining; b) the elimination of all forms of forced or compulsory labor; c) the effective abolition of child labor; d) the elimination of discrimination in employment and occupation; and e) the assurance of a safe and healthy working environment.

However, despite the good intentions of the ILO document (1998), the inclusion of a chapter on labor (LC, 2018) within the USMCA was the result of pressure from the US government and its trade unions, rather than from Canada (CGO, 2024) toward the Mexican government, in an effort to break with the corporate union tradition that has long characterized the country. In the long term, the Labor Chapter (LC) can be understood as an attempt to discourage the relocation of companies to Mexico by promoting genuine—rather than simulated—collective bargaining processes through the legitimization of collective bargaining agreements and the strengthening of union democracy. These agreements seek to eliminate the short-term competitive advantages derived from maintaining low labor costs, particularly wages. Without the attraction of cheap labor, companies would lose one of their main incentives for relocating production operations—commonly known as *nearshoring*—to low-wage countries such as Mexico.

On the other hand, giving workers the opportunity to legitimize the union leaders who represent them offers a chance to break with the corporate control of the workforce that has long defined Mexico's labor relations system. This could pave the way for genuine—rather than simulated—collective bargaining and, at least in theory, lead to improved wage conditions

for the working class. However, the profound transformation required within Mexico's union landscape cannot be achieved by decree. In fact, there is a serious risk that these legitimization processes may become mere exercises in appearance—changes made for the sake of change.

Despite this risk, even before Mexico's 2019 labor reform, the Labor Chapter (LC) of the USMCA—signed in 2018—established an obligation for Mexico to undertake constitutional reforms in labor matters. Annex 23-A of the treaty, *Representation of Workers in Collective Bargaining in Mexico*, clearly sets out the objective of fostering transparent and democratic processes within the Mexican trade union system. Within the Labor Chapter, three major commitments stand out:

1. Formulate within Mexican labor laws the support for democracy and union freedom,

    - The right of workers to engage in organized collective bargaining or protection activities and to freely form and join a trade union of their choice, and to prohibit, in their labor laws, employer control or interference in trade union activities, discrimination or coercion against workers on the basis of trade union activity or support, and refusal to bargain collectively with a duly recognized trade union (LC, 2018).
    - Establish and maintain independent and impartial entities to register union elections and resolve disputes related to collective bargaining agreements and union recognition (LC, 2018).

2. Create legal mechanisms that guarantee genuine union representation and prevent corporate unions from interfering with the will of workers by means of coercion or intimidation.

    - It shall establish in its labor laws—through legislation consistent with the Political Constitution of the United Mexican States—an effective system to ensure that elections of union leaders are carried out by union members through a personal, free, and secret vote (LC, 2018).

- It shall establish in its labor laws that disputes over union representation be resolved by labor courts through a secret ballot and that such disputes shall not be subject to delays arising from procedural challenges or objections. This includes the implementation of clear deadlines and procedures, in accordance with Mexico's obligations (LC, 2018).

3. Promote the restoration of wages for Mexico's working class through genuine collective bargaining, rather than through simulated or orchestrated processes controlled by corporate unions and employers.

- It shall enact legislation, in accordance with the Political Constitution of the United Mexican States, stipulating that, in all future reviews of wages and working conditions, existing collective agreements must meet a majority support requirement through a personal, free, and secret vote by the workers covered by such agreements. The legislation shall also require that all existing collective agreements be reviewed at least once within the four years following the law's entry into force. The legislation shall not result in the termination of any existing collective agreement upon the expiration of this period, provided that the majority of workers covered by the agreement express their support through a personal, free, and secret vote (LC, 2018).

All these commitments were to be fulfilled by January 1, 2019, because if they were not, "it is also understood that the entry into force of this Treaty may be delayed until such legislation enters into force" (LC, 2018). This underscores the significance of the Labor Chapter of the USMCA, particularly for the United States. Consequently, the 2019 labor reform was largely driven by pressure from the United States rather than by the democratizing agenda of Mexico's new regime under Andrés Manuel López Obrador and his Fourth Transformation. Nevertheless, the López Obrador administration used this opportunity to weaken the power of traditional corporate unions such as the CTM and to promote a form of unionism aligned with the new political regime, exemplified by the CATEM and its leaders associated with the MORENA party.

The outcomes of the processes to legitimize union leadership and collective bargaining agreements have been mixed. Overall, most workers and independent union leaders have viewed both the labor chapter of the 2018 USMCA and the 2019 labor reform positively (Belmares, 2024; Villa, 2024; Sánchez-Zúñiga, 2024; Retama, 2024; Franco, 2024; Saucedo-Báez, 2024). The labor reform advanced freedom of association in Mexico. For the first time, processes and mechanisms were streamlined to enable workers to elect the unions that would represent them, in compliance with long-standing provisions in international agreements, particularly those of the ILO. As a result, in companies with independent and democratic unions, meaningful progress was made in genuine collective bargaining, yielding positive outcomes for wages and working conditions (DATO). Likewise, the reform simplified legal procedures related to lawsuits and proceedings over the ownership of collective bargaining agreements, which previously could take years to resolve (Huitrón-Altuzar, 2024; Castillo-Flores, 2024; Quiñones, 2024). Therefore, at least in theory, the foundations for greater union competition are in place, as it were (Rodriguez, 2024).

I.2. Labor Reform and Union Legitimacy in Mexico: Change for the Sake of Change

As noted above, Mexico's 2019 labor reform was partly driven by the commitments the country undertook to ratify the United States-Mexico-Canada Agreement (USMCA). Annex 23-A of the USMCA outlines the obligations Mexican authorities must fulfill to foster the democratization of working life in Mexico and to eliminate corporate unions and employer-controlled protection contracts.

A central component of this effort was the so-called process of *Legitimization of Collective Bargaining Agreements (CBAs)*. This process aimed to revoke CBAs signed between employers and unions that did not genuinely represent the interests of Mexican workers. The protocol for legitimizing CBAs was required to be completed by May 1, 2023, following these steps:

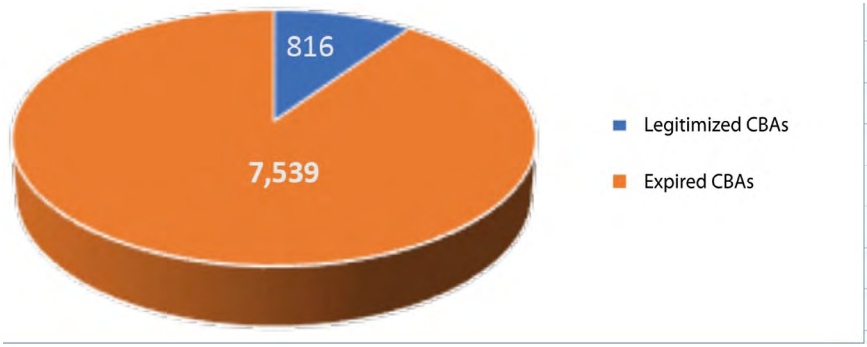
a. Mexican workers must be informed of the content of their collective bargaining agreement and approve it by a majority vote of the workforce through a personal, free, direct, and secret ballot.
b. If the collective agreement receives majority support, both the union and the agreement will remain in force within the workplace.
c. If it does not receive a majority of votes, the agreement will be considered terminated, with workers retaining the benefits provided under it.
d. If the consultation is not conducted within the workplace by the established deadline, the agreement will be terminated, allowing any existing or new union to dispute ownership of the CBA by negotiating and signing a new agreement.

In this context, what changes did the 2019 labor reform bring to union life in Mexico? To explore this question, we focus on the state of Querétaro, particularly its automotive industry. Querétaro is one of the most industrially developed states in Mexico and can provide a representative overview of trends across the country. Ideally, legitimized CBAs would reflect greater worker participation in corporate decision-making, indicating genuine representation of the workforce and a reduction in corporate union practices.

Analyzing CBAs across all industrial sectors in Querétaro, one striking observation is that, out of 8,355 CBAs registered prior to the labor reform, only 816 were legitimized, reflecting a relatively low rate of compliance. Consequently, 7,539 CBAs became invalid (Figure 3). Within the automotive sector, only 58 CBAs were legitimized. The only company in this sector where workers voted against the CBA was TREMEC (Transmissions and Mechanical Equipment). For other companies, it appears that the legitimization process was not conducted within the assigned timeframe.

Given this low rate of CBA legitimacy, a critical question arises: what will happen to the agreements that are no longer valid? This situation creates an opportunity for corporate unions with strong political ties to state and federal authorities to maintain workforce representation despite the reforms.

Figure 3. *Collective Bargaining Agreements in the automotive sector in Querétaro.*



Source: own elaboration.

Likewise, it was observed that 65.52 % of legitimized contracts are held by unions affiliated with the CTM, 32.76 % are held by organizations that, although originally linked to the CTM, now consider themselves independent, and 1.72 % belong to the CROC. In other words, nearly 100 % of contracts can be traced back to the CTM, illustrating that union insurgency has not been widespread. Instead, what is being reproduced is the legitimization of corporate unions and their traditional practices of workforce control. The legitimization of CBAs did not lead to substantial changes in worker representation; at most, it produced isolated instances of union insurgency, while the vast majority of the workforce remains represented by corporate unions.

It is important to note that the 2019 labor reform introduced mechanisms intended to promote effective collective representation. While these mechanisms have the potential to improve union representation in Mexico, their implementation has faced significant challenges. These include preventing simulated collective bargaining processes and eliminating corrupt practices, such as the misuse of union dues for the benefit of union leaders. As a result, despite reforms to the Federal Labor Law, fully meaningful and socially beneficial labor rights have yet to be realized, reinforcing concerns about the lack of democracy in collective bargaining and the continued prevalence of simulated agreement

In this regard, interviews with union actors involved in the study highlighted and reinforced these observations. Simulated processes and corrupt

practices continue to occur, and human resources departments were specifically identified as playing a key role in ensuring that union legitimization and election processes remain opaque and non-transparent.

> When companies issue their payrolls, they list us as "trusted workers," but it is difficult for us to prove this status to the authorities. They require us to provide evidence, essentially asking us to show that we are not unionized. They also want us to be registered in the IMSS SUA system—their payroll system—which is very complicated to navigate (Huitrón-Altuzar, 2024)..

Similarly, attention was drawn to the longstanding dishonest practices that have characterized traditional trade unionism:

> Because those who act in bad faith will continue to do so and deceive the workers, the legitimization of collective agreements did not achieve the effect the U.S. government had hoped for. Why? Because no thorough investigations were conducted, and those acting in bad faith were essentially allowed to control the process unchecked, receiving everything on a silver platter once again (Belmares, 2024).

The above demonstrates that for labor reform to achieve its intended impact, more is needed than just laws on paper. Effective implementation requires strict monitoring of union election processes, ongoing training for workers, companies, and government officials to prevent them from enabling or participating in anti-union practices, and—most importantly—the active engagement of workers themselves. Unfortunately, this has occurred in only a few cases, leaving a significant gap between the intentions of labor legislation and the reality faced by those challenging corporate unions, companies, and complicit or negligent government officials. In other words, legal reform was only a first step; without political and social will, Mexico cannot achieve genuine labor democracy.

I.2.1. How to Study the Legitimacy of Collective Bargaining Agreements: Methodological Considerations

Studying the legitimization process of collective bargaining agreements (CBAs) involves several stages and analytical techniques aimed at understanding how a region's labor relations system is structured. In this study, the auto parts industry in Querétaro serves as a case example; however, the same model can be applied to any industrial sector or region in the country, since the focus of analysis is the CBAs themselves. The goal is to examine the effects of the 2019 labor reform on specific aspects—particularly the clauses within CBAs—through a comparative analysis conducted before and after the reform.

In principle, significant changes would be expected in CBAs following their legitimization, assuming that this process—intended to give workers a real voice in transforming their working conditions—does not merely become an exercise in legitimizing corporate unions. Otherwise, it would amount to change for the sake of change.

To carry out this analysis of CBAs, two fundamental tasks were undertaken:

a. Initially, the automotive companies whose CBAs would be analyzed were identified. The sample was purposive, and the repository of collective bargaining agreements made available by the Ministry of Labor and Social Welfare (STPS) was consulted. As of 2023, this repository included 112 records of automotive companies located in the state of Querétaro. However, a review of the files revealed that three of these records actually corresponded to companies in the aerospace sector. In addition, 16 companies had missing CBA attachments, and 24 companies appeared with duplicate entries. Consequently, of the 112 CBAs initially identified, only 69 were considered relevant for analysis.

On the other hand, the legitimate CBAs were obtained from the platform launched in 2023 by the Federal Center for Labor Conciliation and Registration. According to this source, of the 17,011 CBAs that had been legitimized nationwide as of May 2023, only 50 corresponded to the automotive sector in the state of Querétaro. For purposes of organization and comparison, the collected contracts were classified into four categories:

Category 1. Companies registered on the STPS platform that have legitimate collective bargaining agreements.

Category 2. Companies with legitimate CBAs that are not registered on the STPS platform.

Category 3. Companies registered on the STPS platform whose CBAs are still in process.

Category 4. Companies listed on the STPS platform but without legitimate CBAs.

In general, the methodological process focused on analyzing Category 1 — companies registered on the STPS platform with legitimate collective bargaining agreements — as described in the sampling section below.

I.2.2. Development of the CBA Analysis: Change to Stay the Same?

Category 1 of the collected CBAs included a total of 28 companies, from which a purposive sample of 20 CBAs was selected for analysis. The inclusion criteria required that the companies be Tier 1 or Tier 2 suppliers in the automotive supply chain and that their CBAs cover different time periods — that is, the legitimized contract corresponded to a different term than the one listed on the STPS platform. This approach made it possible to trace how each CBA evolved over time and to identify the most significant changes. The distribution of CBAs by year, prior to the reform, is as follows:

CBA Before legitimization	
Year	***Number of CBAs per year***
2014	3
2016	1
2017	2
2018	4
2019	4
2020	5
2021	1
TOTAL	20

Meanwhile, the legitimate CBAs are distributed as follows:

Legitimized CBAs	
Year	*Number of CBAs per year*
2015	1
2018	1
2020	2
2021	15
2022	2
TOTAL	21

An adapted version of the FLECCOL (Collective Bargaining Flexibility Questionnaire) instrument was used to analyze the CBAs. This tool had previously been applied in studies on collective bargaining covering the periods 1990–2000 (Carrillo Pacheco, Martínez Juárez, and Lara Ovando, 2007) and 2001–2012 (Carillo et al., 2014). In its original version, this instrument consists of 18 items that address the following four variables:

a. The union's participation in technological innovation and production processes.
b. The union's role in hiring practices.
c. The union's involvement in defining workers' tasks and responsibilities within the production process.
d. The types of wages and benefits negotiated with the company.

In addition to these variables, the review included clauses related to inclusion and exclusion within the collective bargaining agreements, as well as a breakdown of the minimum and maximum wages for operational workers according to the categories established in each agreement. Regarding the content of the CBAs, in the first area analyzed — the degree of union involvement in the implementation of technological or organizational changes — the obligation of companies to consult with unions was found to be almost non-existent. Only one company, *Bitrón de México S.A. de C.V.*, explicitly established this obligation in both its pre-legitimization and post-legitimization CBAs.

Similarly, it is noteworthy that, both before and after the labor reform, none of the companies stipulated that technological changes should be introduced through a bilateral agreement, even though such changes often affect the workforce, for instance, through job elimination resulting from automation processes. In this regard, 30% of the CBAs specify that decisions of this nature are made solely by the company, while the remaining 70% make no reference to the issue. Considering that 100% of these agreements belong to CTM-affiliated unions or have historical ties to that organization, decision-making concerning technological or organizational changes remains exclusively at the discretion of the employer.

When analyzing union participation in changes to work intensity, it was found that prior to the reform, only one company—Adient Querétaro, S. de R.L. de C.V.—included a related clause in its CBA. In the remaining cases, 60% of agreements indicated that unions did not participate in such decisions, while 35% made no mention of the issue. After the CBA legitimization process, this situation did not improve. In fact, as with the previous indicator, Adient's clause on union involvement in changes to work intensity disappeared entirely. The new distribution shows 65% with no union participation and 35% not specified. Therefore, as in other areas analyzed, decisions regarding work intensity remain entirely at the company's discretion.

Regarding the variable "union participation in hiring practices," particularly the hiring of temporary workers, a similar pattern was observed. Prior to the legitimization of CBAs, only 5% reflected an agreement between the company and the union, while 60% granted the company full freedom to hire, and 35% did not specify. There were no cases in which hiring was limited by the CBA or prohibited to the company. In the legitimized CBAs, the figures remained largely unchanged: 0% were limited or prohibited, 10% were based on company–union agreement, 55% allowed free company hiring, and 35% did not specify. In short, companies continue to retain full control over hiring decisions, with unions merely being informed so they may affiliate new workers if they choose to do so.

Regarding the subcontracting of specialized services or work, this issue continues to appear in CBAs. In both pre-legitimization and legitimized agreements, 50% of contracts fall under "free for the company" and 50% are "unspecified." This indicates that prohibitions on hiring subcontracted per-

sonnel, or requirements for union negotiation, are largely absent from the clauses of collective agreements. In practice, this aspect arguably does not need to be regulated by CBAs, as long as all subcontracting activities comply with the provisions of the Federal Labor Law (FLL).

Article 12. Subcontracting of personnel is prohibited. This refers to situations in which a natural or legal person provides or makes their own workers available for the benefit of another party. Employment agencies or intermediaries involved in hiring may participate in activities such as recruitment, selection, training, and education. However, they shall not be considered the employer; this status belongs to the party that benefits from the services.

Article 13. Subcontracting specialized services or carrying out specialized work that is not part of the corporate purpose or the primary economic activity of the beneficiary is permitted, provided that the contractor is registered in the public registry referred to in Article 15 of this Law.

Complementary or shared services or work provided between companies within the same business group shall also be considered specialized, as long as they do not form part of the corporate purpose or primary economic activity of the receiving company. A business group is defined as set out in Article 2, Section X of the Securities Market Law.

The last case analyzed regarding hiring practices concerned trusted workers. This category was examined mainly to determine whether it was addressed in the CBAs, since trusted workers are typically not unionized and do not belong to the unionized workforce due to the nature of their activities. Nevertheless, the hiring of trusted workers does appear in the CBAs, primarily falling under the categories "free for the company" and "unspecified." In CBAs prior to legitimization, 60% were classified as "unspecified" and 40% as "free for the company."

Regarding the variable "union participation in the duties assigned to workers," the contracts reviewed highlighted issues such as shift mobility. In most cases, these decisions are made unilaterally by the company and must be complied with by workers. The data and distribution are identical

in both pre-legitimization and legitimized contracts, with only one company—Adient Querétaro, S. de R.L. de C.V., representing 5%—including a consultation clause for shift mobility. The remaining 95% of contracts fall under "free for the company" (75%) or "unspecified" (20%). Thus, in this area, decision-making is overwhelmingly the prerogative of the company, leaving the union largely on the sidelines despite the direct impact of these decisions on workers.

In analyzing overtime work, the reviewed CBAs showed that, in most cases, overtime is mandatory. In 10% of cases, overtime is reportedly agreed upon between the company and the union, although in practice this occurs only through notification, with no evidence of substantive negotiation. In 5% of cases, overtime is voluntary. In the remaining 85% of CBAs, there is no specification regarding how overtime is managed. As with the previous variable, the frequency and distribution of overtime clauses are identical in CBAs both before and after legitimization.

The last two analyses in this section focused on inclusion and exclusion clauses in CBAs. Regarding inclusion clauses, the data remain consistent before and after legitimization, with the same frequency and identical clauses in the agreements reviewed. Under this framework, 75% of CBAs contain restrictions on the incorporation of workers into the workplace, while 25% do not include any such provisions.

Concerning exclusion clauses, it was expected that the reform and the legitimization process would eventually eliminate these restrictions, as they violate freedom of association. Article 391 of the FLL addresses this issue, with one of its paragraphs stating:

> Collective agreements may not include exclusion clauses based on separation, meaning clauses that allow an employer to dismiss workers who leave or are expelled from the union without any liability (FLL, 2024).

However, if the goal is to promote freedom of association in the workplace and ensure that workers can exercise this right without restrictions, Article 395 creates a contradiction by granting a single union exclusive representation within a workplace:

Article 395. – A collective agreement may stipulate that the employer will hire only workers who are members of the contracting union. However, this clause, along with any other provisions granting privileges to the union, may not be applied to the detriment of workers who are not union members and who were already employed by the company or establishment before the union requested the conclusion or revision of the collective agreement and the inclusion of the exclusion clause. Any sanction imposed by the union on a worker may not affect their continued employment or working conditions.

At this point, regarding the exclusion clause, it can be observed that prior to CBA legitimization, 40% of contracts included such clauses. These were found in the following companies: Dana de México Corporación (Forging Plant), Dana de México Corporación (Cardan Plant), Faurecia Sistemas Automotrices de México, S.A. de C.V., Frenos y Mecanismos S. de R.L. de C.V., Kostal Mexicana, S.A. de C.V. (PIBJ Plant), Kostal Mexicana, S.A. de C.V. (PIQ Plant), Nihon Plast Mexicana, S.A. de C.V., and Topre Autoparts México S.A. de C.V.

These figures are similar to those found after the CBA legitimization process, where 35% of collective agreements still contained exclusion clauses. Only one company repealed the clause in its legitimized agreement: Kostal Mexicana, S.A. de C.V. (PIQ Plant).

Based on this, it can be concluded that the CBAs have not undergone meaningful collective bargaining. Union participation clauses—particularly those related to the organization of work and inclusion/exclusion—remained largely unchanged. This raises the question: what, then, actually changed during the CBA legitimization processes?

Regarding wages and benefits negotiated with the company, the data show that among legitimate contracts, the average wage for the lowest operational level in the automotive industry in Querétaro is $229.99 MXN, while the average wage for the highest operational levels is $360.91 MXN.

In terms of vacation pay, which is an additional amount paid during vacation time, the highest benefit for a unionized worker in Querétaro's automotive sector is offered by Dana de México Corporación (Cardanes Plant), with a 247% increase over the base salary. Other companies exceed-

ing 100% of salary as vacation pay include Dana de México Corporación (Bevel Gear Plant) at 165%, Dana de México Corporación, S. de R.L. de C.V. at 150%, Dana de México Corporación (Forging Plant) at 135%, and Kostal Mexicana, S.A. de C.V. at 120%.

In contrast, the lowest vacation pay is 25%—the minimum mandated by the Federal Labor Law—which appears in 20% of the legitimate CBAs.

Average salary in the automotive industry in Querétaro		
Category	MXN	USD* *1 USD = 20.4159 MXN
Operational position (Lowest rank)	229.99 MXN a day	11.26 USD a day
Operational position (Highest rank)	360.91 MXN a day	17.67 USD a day

Source: own elaboration based on the collected CBAs.

Lastly, regarding bonus days—a benefit established in Article 87 of the Federal Labor Law and negotiated by unions during contract reviews—the average number of bonus days in the sector is 22. Industrias Michelin offers the highest number of bonus days, granting 44 days to its union members, followed by Agco Mexico, S. de R.L. de C.V. with 34 days, and the two Kostal Mexicana, S.A. de C.V. plants with 33 days each. On the other hand, 26% of the legitimate collective bargaining agreements provide only the minimum allowed by law, which is 15 bonus days.

After analyzing the results obtained with the instrument, it can be concluded that the changes brought about by the 2019 labor reform in the area of collective bargaining in Querétaro are minimal. Consequently, the assumption that legitimized CBAs would lead to greater union participation in corporate decision-making is not supported. While the reform explicitly aims to transform the concept of unionism, initial assessments suggest that this change is unlikely to be evident, at least in the short term, as the data indicate that, in practice, little has changed.

It is important to highlight the relevance of these findings given that the automotive sector is a key economic pillar in Querétaro. Although the state does not have a light vehicle assembly plant, it hosts an extensive network of suppliers spanning several industrial clusters, providing raw materials, infrastructure, and skilled labor. Nevertheless, a national study is needed to

provide a comprehensive snapshot of the state of collective bargaining in Mexico before and after the labor reform.

In conclusion, the situation in Querétaro reflects broader trends observed at the national level, as documented in specialized literature, where unionism in the automotive industry is shaped by contracts that favor business interests, limiting the scope for genuine collective bargaining (Covarrubias and Bouzas, 2016). Additionally, this sector shows notable contrasts in wage levels, which largely depend on the age of the plants (De la Garza, 2018). That is, older factories tend to pay better and offer more benefits than newer ones, but even so, wages remain low, coming very close to the average daily minimum wage. It is clear that in the interaction between the state, companies, corporate unions, and collective bargaining, there is a prevailing tendency for companies to consult with the authorities about the type of investment they are seeking. The state intervenes in the establishment of companies, indicating which unions they could work with, and the unions present exclude independent or "conflictive" ones. Finally, collective bargaining serves to establish rules and limits that guarantee minimum earnings for workers, which limits their opportunities for social and human development.

Thus, it is evident that processes of intervention by state institutions persist, which is reflected in the continuous search for union control to guarantee foreign investment by promoting labor peace in Querétaro. This situation can be seen in the record of almost 30 years without strikes in the private sector, which is defended by state labor and government authorities as a great achievement, despite the latent conflicts that have led to production stoppages in some workplaces. In addition, there have been obstacles to freedom of association as part of this dynamic, which even led to the activation of the Rapid Response Labor Mechanism (RRLM) in three automotive plants in Querétaro: Unique Fabricating, Autoliv, and Modern Metal Alloys. Some of these international complaints referred to interference by local Labor Secretariat personnel. This body promoted employer unions through illegal meetings with workers, extolling their advantages over the organization known as "Transformación Sindical" (Union Transformation), which sought ownership of collective agreements. In both cases, collaboration between the US and Mexican governments was favorable to the reso-

lution of the dispute, highlighting the existence of labor rights violations, including unjustified dismissals. In these three cases, the union promoted by the RRLM was Transformación Sindical, a union that has remained outside the corporate control of the workforce with which the Querétaro state government operates.

II. The Structure of Anti-Union Practices in Mexico

To understand how anti-union practices operate, it is essential to examine the evolution of control over union life in Mexico. A key aspect of this discussion is the relationship between corporate unionism and the state. Throughout Mexico's history, the state has adopted various approaches to unionism. In earlier periods, debates often centered on the impact of neoliberal policies on labor relations. More recently, with the 2019 labor reform and the labor chapter of the USMCA in 2018, expectations focused on initiating a shift toward a labor relations model with greater freedoms and stronger social rights. However, the reality is that changes in union life in Mexico have largely not arisen from the genuine demands of the working class, but rather from external pressures. To understand the transformations that have taken place in Mexico's trade union landscape, it is necessary to take a brief historical look back. Before the rise of neoliberalism, many countries faced shortages of goods—particularly those coming from nations involved in World War II. This situation prompted the adoption of industrial development strategies and protectionist policies, as highlighted by the Economic Commission for Latin America (ECLA). According to Fajnzylber (1990), this took place within the framework of a Keynesian economic model that aimed to drive development through import substitution. This industrial model had several defining features: participation in the international market was based primarily on trade surpluses in natural resources, agriculture, energy, and mining, while the manufacturing sector consistently showed a

trade deficit. At the same time, an industrial structure oriented mainly toward the domestic market was promoted, aspiring to replicate the lifestyle of advanced nations—both in consumption patterns and domestic production—yet with limited recognition of the role of private enterprise and weak business leadership in key sectors.

This process initially brought about a period of industrial growth and the consolidation of a labor market largely dominated by state-owned or state-subsidized enterprises. At the same time, social security policies and worker benefits were introduced, extending protection to both the productive sphere and the realm of social welfare. In this regard, Garabito (2007) points out that during this period, labor unions achieved the creation and consolidation of key institutions such as the Mexican Social Security Institute (IMSS) in 1944, the Institute for Social Security and Services for State Workers (ISSSTE) in 1960, and the National Workers' Housing Fund Institute (INFONAVIT) in 1972, among others. As part of this pact, the state secured its influence within the working class through both legal and extralegal means, including the forced affiliation of workers to unions and the suppression of dissident voices. This dynamic enabled the state to control union leadership and intervene directly in labor disputes (De la Garza, 2013). In essence, Mexico's social, political, and economic structure during the import substitution period was built upon an alliance between capital and labor—one that institutionalized trade unions' dependence on the policies of the ruling party (PRI) and, conversely, the state's reliance on workers' support to legitimize its policies (Zapata, 2013).

In concrete terms, this period illustrates the emergence of what can be described as *Mexican-style corporatism*. Beyond its particular historical expression in the country, the concept itself deserves careful conceptual reflection. The notion of corporatism can be traced back to Schmitter's political science studies in the 1970s, where he defines it as a system of interest representation in which constituent units are organized into a limited number of singular, compulsory, non-competing, hierarchically ordered, and functionally differentiated categories. These categories are recognized, authorized, and often even created by the state, which grants them an explicit monopoly of representation within their respective spheres, in exchange for accepting state control over the selection of their leaders and the formulation

of their demands and support (Schmitter, 1992). Thus, corporatism in Mexico can be understood as a form of social and political regulation that sustained state stability for decades, largely due to its capacity to mediate among diverse social and economic forces and to channel popular demands through government-controlled institutions. However, this system also produced a series of negative consequences, including corruption, political patronage, and the absence of genuine representation of workers' interests.

As neoliberal policies and economic liberalization were implemented, the corporatist model in Mexico began to lose strength and legitimacy. Trade unions faced new challenges such as labor flexibility, job insecurity, and growing competition from the informal sector. However, the crisis of Mexican corporatism did not lead to its disappearance. Despite becoming an obstacle to market flexibility and labor modernization, unions sought to adapt to the neoliberal context and maintain their political alliances (De la Garza, 2007).

This meant a new way of representing trade unionism. In interviews conducted during our fieldwork, one informant described the process that took place at this time:

> We were instilled with the culture of entrepreneurship and dignified work, weren't we? Where people think that what matters is having a job, regardless of the quality of the work, and you should thank God that you have one and not ask for rights. But that's a whole culture, it is in our country as a result of the implementation of the neoliberal economic model, where investment that creates jobs is prioritized, without promoting quality standards for those jobs [...] Everyone talked about creating conditions for investments, providing legal certainty for them. And what does that mean? Precarious work (Franco, 2024).

With the defeat of the Institutional Revolutionary Party (PRI) in 2000 and the rise of worker-led social movements questioning the role of corporate unions as legitimate representatives of the working class, Mexico's labor relations system has become increasingly unbalanced. The state now tends to side with big business rather than acting as a neutral arbiter in labor disputes. Reforms that made collective bargaining more flexible in favor of employers'

interests clearly illustrate this imbalance. As a result, real collective rights for the working class have been weakened, giving rise to collective agreements that protect employers rather than benefit workers—often harming them by being negotiated and revised without their genuine participation.

In some cases, collective bargaining agreements were even signed before plants began operations in Mexico, serving as mechanisms to ensure labor peace and maintain control of the workforce through corporate unions aligned with the state's power structure. In this way, Mexico developed strategies to negotiate simulated or employer-protection agreements that serve the interests of employers alone. As Bensusán (2007) explains, these contracts are arrangements between a fictitious union and an employer designed to bypass true bilateral negotiation of working conditions, tailoring them exclusively to business needs. Such practices have eroded labor relations, undermined workers' trust in unions, and perpetuated a model of collective bargaining distorted by political networks that enable labor flexibility at the expense of workers' rights.

As discussed in previous sections, it is within this context that the labor chapter of the United States-Mexico-Canada Agreement (USMCA) emerged as a mechanism to ensure the protection of labor rights in Mexico. The commitments made under this chapter—such as union democratization, the recognition of the right to free association, union elections through personal, free, and secret ballots, the legitimization of collective bargaining agreements, and the creation of the Rapid Response Labor Mechanism (RRLM) to sanction labor rights violations—were intended to weaken the long-standing system of corporatism.

While it is true that some contracts became invalid because "the holders of the collective agreements were unions that had previously signed protection contracts" (Franco, 2024), the RRLM has nonetheless been activated to benefit Mexican workers. It has enabled the reinstatement of individuals dismissed for their union activity (Belmares, 2024), facilitated competition for CBAs previously controlled by corporate unions (Quiñones, 2024), and even allowed the denouncement of local government interference that hampers freedom of association (Castillo-Flores, 2024).

However, the implementation of genuine union democracy remains elusive. Despite the commitments outlined in the USMCA's labor chapter,

this goal continues to face deep structural barriers—chief among them, the enduring role of the state in upholding corporatist union structures aligned with its own political and economic interests. In this sense, ideological differences have proven secondary to the preservation of control.(Franco, 2024; Belmares, 2024; Quiónes, 2024; Castillo-Flores, 2024).

This limitation is particularly serious in the Mexican context, where collusion between state labor authorities and pro-government unions continues to be a persistent feature. As a result, it can be argued that the signing of the USMCA did not dismantle the networks that sustain anti-union practices in Mexico. Interviews conducted for this project reveal the persistence of an institutional architecture that enables such practices—one that rests on three fundamental pillars: (i) state governments, (ii) corporate unions, and (iii) anti-union companies and law firms.

Although Section IV of this book will provide a detailed analysis of how anti-union practices emerge from this structure—supported by specific testimonies from independent labor actors—it is possible to anticipate the degree of interference exerted by each of these players in Mexico's union landscape. In the case of state governments, numerous documented cases show that local labor secretariats often act as facilitators of corporate interests. They organize so-called "informational" sessions that, in practice, aim to discourage the formation of independent unions. Rather than promoting labor rights, these sessions reproduce and legitimize the discourse of corporate unions, warning—or even threatening—workers about the supposed risks of organizing outside official structures. Such interference not only undermines the principle of neutrality that should guide public institutions but also distorts the democratic processes that workers are entitled to under the law.

On the other hand, state government structures have been used to intimidate and harass unions. For instance, civil protection, state police, and inspection personnel have been reported following buses and vehicles carrying workers, shutting down venues where union meetings are scheduled, and even personally monitoring union members considered dissidents. These actions create a climate of fear and hostility intended to discourage participation in independent organizations. Meanwhile, corporate unions operate as an extension of the companies, employing tactics ranging from co-optation to coercion. Testimonies indicate that representatives of these

unions enjoy privileged access to company facilities, while independent leaders are systematically excluded. Corporate union representatives are permitted to promote their agenda during working hours, whereas workers advocating for alternative unions must do so on their own time, constantly facing the threat of retaliation.

In addition, during the legitimization processes of collective bargaining agreements, the information provided to workers is often manipulated, presenting the vote as a mere bureaucratic formality with no real consequences. This strategy creates the illusion of consensus, when in reality it serves as another mechanism to maintain control over the workforce. Moreover, it has been documented that corporate unions form alliances or "non-aggression" pacts among themselves, dividing up collective agreements across different industrial sectors and leveraging these arrangements to gain political favors from federal authorities in the regions where they operate. Between the state and corporate unions, there is often a gray area where responsibility cannot be attributed to a single actor. In this space, direct threats—both physical and psychological—are used to deter democratic and independent union activity. Importantly, these threats are not limited to individual workers but can extend to their families and close associates.

Lastly, within companies, the labor relations and human resources departments are the primary areas where control over workers is exercised. Based on a report compiled from anonymous interviews with knowledgeable informants from companies that experienced union-related issues, it was observed that union conflicts tend to originate and escalate mainly within these departments, for two key reasons:

1. The lack of knowledge among human resources and labor relations personnel regarding workers' union rights, as well as the absence of the necessary tools and interpersonal skills to manage and resolve union conflicts; and
2. Inadequate legal guidance from anti-union law firms that aim to suppress rather than resolve labor disputes. It is worth noting that the partners of these firms are often connected to high-level state government officials, who use local labor secretariats to recommend

them to companies in their jurisdictions, promising to handle their union-related issues.

It has been documented that companies, often advised by anti-union law firms and state government officials, act with impunity in practices such as unjustified dismissals of workers attempting to organize. They also create so-called blacklists—records shared among companies in the same industry that label certain workers as confrontational or problematic. This effectively prevents these individuals from finding employment elsewhere, violating their fundamental right to work.

Regarding law firms and consultancies specializing in labor and union matters, they are often responsible for designing strategies to evade compliance with labor reforms and suppress independent union organizing. It has been documented that members of these anti-union firms maintain business relationships with current or former state officials, which can be seen as a conflict of interest or a form of influence peddling for economic gain.

However, it is important to note that, while the structure of anti-union practices rests on these three key pillars, each case of a violation of freedom of association has its own specific characteristics. In some instances, the involvement of the state may be more visible or direct, while in others, the company or corporate union takes the lead. What remains clear, however, is that these three actors operate in a coordinated manner, a coordination often justified under the concept repeatedly mentioned in this document as "labor peace."

1. Labor Peace: The Discourse That Articulates Anti-Union Practices Through the Voices of the Actors

Although "labor peace" has already been defined as a corporate agreement promoted by the State to create an environment free of labor and union conflicts—one that fosters economic certainty for foreign investment, particularly for companies establishing or relocating operations in Mexico—it is worth examining how different labor actors perceive and reproduce this discourse. The interviews reveal that these practices are often viewed as

positive or beneficial by state authorities, corporate unions, and companies, as they allow them to preserve and reinforce their structures of power and union control. In many cases, these mechanisms of control are even seen as a point of pride within states with a strong corporate tradition, such as Querétaro, Coahuila, San Luis Potosí, and Aguascalientes, among others, where formal "labor peace" agreements have been signed between governments, companies, and unions (Quiñones, 2024). However, these agreements mask actions that directly contravene ILO Convention 87 on freedom of association, uniting the power of the state and corporate unions to suppress anything perceived as a threat to the so-called principles of labor peace.

Thus, the genesis of labor peace can be traced back to the introduction of the neoliberal economic model in Mexico:

> It is important to remember that we are emerging from a period in which the main goal of state governments and their labor secretariats was to maintain so-called *labor peace*—a policy that essentially meant preventing labor disputes at all costs, from conflicts over unfair hiring practices to the avoidance of strike calls (Retama, 2024).

This strategy has been institutionalized not only within the State, but also within universities, where a form of education has been developed that supports this mechanism, which reinforces the practice of following the same pattern, that of employer protection:

> Absolutely—but it's not just a lack of training. The limited training they do receive is actually shaped by this culture of *labor peace*, which teaches that workers should be grateful to their employers for creating jobs and, therefore, shouldn't demand their rights. It's closely tied to that mindset. If you look at the résumés of judges and federal officials, you'll find that many come from employers' offices and hold postgraduate degrees from institutions like the Free University of Mexico or the Pan-American University—places known for training employer-oriented professionals. Of course, there isn't much difference with those from the National Autonomous University of Mexico (UNAM), since many of the professors there also represent employer interests (Franco, 2024).

In this context, one of the most concerning aspects is how the notion of *labor peace* has been exploited, particularly through extra-legal forms of pressure. An anonymous testimony described how this concept was used as a tool of intimidation to suppress the exercise of a constitutional right—the right to strike—under the pretext of "not tarnishing" a political event:

> We had to go through a legal process, because that's what our contract says, the strike had to start on the day of the inauguration of this political event [...] I think that's what has been difficult, because then it's as if labor peace must prevail and there is coercion so that workers don't have the right to strike.

It has also been used to justify the repression of genuine union movements. In documented cases, such as in Coahuila, even when workers succeeded in forming an independent union with majority support, the traditional power structures ultimately stifled and dismantled the organization:

> We also supported a struggle by workers in the automotive sector at the VU company […] where the independent union won by a wide margin. However, the company's resistance and refusal to recognize the results prevented any real progress, even though it had supposedly complied with the agreements outlined in the remediation plan. […] When the company eventually shut down and left, the workers began facing reprisals when trying to find new jobs. Because they had been part of the VU workforce, they were denied employment elsewhere. […] I was completely disillusioned because, now with the Coahuila Ministry—headed by a woman—we spoke to her honestly. She knows about the VU struggle; she knows what happened. Yet, she is constantly photographed alongside Tereso Medina, clearly showing her support for the existing union. In fact, when officials from Mexico City visited, she participated in the so-called "labor peace pact" and portrayed the situation as if everything were normal. She even claimed that all the VU workers had been reemployed by different companies, which simply isn't true (Quiñones, 2024).

In the case mentioned above, the involvement of labor authorities in signing these agreements—while ignoring or deliberately overlooking labor realities such as the existence of blacklists—reveals the persistence of an-

ti-union practices that prioritize "stability" over workers' rights. At the same time, it serves as a warning to those who attempt to organize. In this sense, *labor peace* is not merely a non-aggression pact, but rather a mechanism of power and control that upholds a vertical model of labor relations and excludes any effort toward democratization. Its continued presence raises serious questions about the state's genuine commitment to union democracy, particularly when the evidence shows that, instead of ensuring fair conditions, these agreements deepen the imbalance between workers and employers—who, notably, enjoy the backing of the State:

> The CTM, together with Coparmex and other unions here in Aguascalientes, did it [...] The first thing the CTM tried to do was say, "Don't get involved!" That's basically what they said: "Don't meddle in my territory, I won't meddle in yours!" They [the CTM] were together with the CROM, the CROC, and the CATEM. So, there they were, all together in the photo, very close to the governor (Belmares, 2024).

The way these organizations preserve their territorial control is by maintaining entrenched "chiefdoms," where the outright denial of any form of conflict undermines the very essence of genuine collective bargaining:

> There was direct intervention in the company. We were told that the Labor Department was in constant contact, asking about the situation and warning that there was unrest caused by a "red" union trying to come in and create problems. Their message was clear: *we don't want any strikes in San Luis Potosí* (Saucedo-Báez, 2024).

Thus, the cases analyzed show that labor peace in Mexico functions as a sophisticated system of control that goes far beyond the simple regulation of labor relations. This model represents a modernized form of corporatism, revealing a recurring pattern in which the state, rather than serving as an impartial arbiter, acts as the guarantor of the *corporate status quo.* It is important to note that this is not an exception but a deliberate model of union control—one designed to suppress genuine labor dissent through the systematic exclusion of independently organized workers.

III. Advances and Setbacks in Labor Regulation in Mexico: The Voice of Workers and Union Activists

Continuing the discussion on the impact of anti-union practices and labor regulation in Mexico, it is essential to draw on the experiences of workers and union activists. These actors, through their daily work, provide first-hand insight into the changes workplaces and union organizing have experienced since the 2019 labor reform and the introduction of tools established by the USMCA, such as the Rapid Response Labor Mechanism (RRLM). As noted earlier, anti-union practices are coordinated efforts by corporate unions, companies, and government officials to obstruct democratic union activities and maintain control over the workforce through corporate unions. These practices are central to the structure of the Mexican labor context, and addressing or dismantling them has been a key objective of recent labor law reforms.

Six years after its implementation, the 2019 labor reform aimed primarily to democratize union life in Mexico—not only as a way to uphold labor rights for the Mexican working class, but also under pressure from the labor chapter of the USMCA. So, in the process of implementing these new regulatory measures, what has actually been achieved? What challenges have workers and union leaders faced? And what still needs to be improved to ensure full labor rights in the country?

According to the actors interviewed, while the regulatory changes are seen as positive, they are not sufficient on their own to achieve the deep transformation needed to dismantle corporatism in Mexico. Across regions

where independent union leaders operate—such as Coahuila, San Luis Potosí, Aguascalientes, Mexico City, and Querétaro—the conditions for organizing continue to be heavily influenced by corporatist structures:

> The union environment in Aguascalientes, and surely in other states as well, continues to be controlled by corporate unions. As part of our activities, we conducted strategic research and discovered that 98% of collective agreements are held by the CTM (Belmares, 2024).

The presence of corporatism and its entrenched anti-union practices cannot be dismantled through decree or labor law reform alone. Decades of this model of union control over the working class have created deeply rooted operational structures that continue to resist democratizing changes in Mexico's labor landscape. The emergence of new, independent, and democratic union actors has not produced the expected positive impact, while corporate unions that fail to represent workers' interests continue to be legitimized. These corporate union representatives still leverage their connections with high-level state officials, along with the inaction of federal authorities, to maintain control over and legitimize their collective bargaining agreements:

> There is no democracy in any of the companies, not as stipulated in the 2019 labor reform. [The corporate unions] legitimized all the contracts through deception! With the support of the PAN government, they did not campaign, nor did the STPS itself campaign to support [the legitimization process], trusting that it would work well for them by operating in an unfair and undemocratic manner (Belmares, 2024).

Suspicions and doubts surrounding the legitimization of collective bargaining agreements are reinforced by evidence reported by the workers and activists interviewed, including the persistence of traditional union structures and their networks of influence with state governments and employer representatives. In particular, the active role of local governments in regulating union life is especially notable:

> It is a context where local authorities and the Ministry of Labor continue to exercise paternalistic control—not only over unions but also over companies. The Ministry often positions itself as a mediator, reassuring employers with messages like, *"Don't worry, I'll take care of the union issues."* At the same time, it uses its influence selectively, offering support only to those who align with certain offices or interests, saying, *"I'll only help you if this office is involved"* (Huitrón-Altuzar, 2024).

The collusion between corporate unions, state governments, and company management is evident to those fighting for the democratization of union life. This three-headed monster, built over decades, continues to operate, and its effects are reflected in the restrictions it imposes on union freedom. However, its power is no longer absolute. The implementation of the 2019 labor reform and the erosion of its monopoly over union representation have weakened its control over the workforce — yet significant challenges remain.

> It's a very crude situation. If they've been able to maintain control for so long, it's because they've formed this alliance, this partnership between them. We've said that we're fighting against the three-headed monster that is: the company, the union, and the government! (Quiñones, 2024).

According to Julia Quiñones, leader of the Border Workers' Committee, the implementation of the labor reform has been defined by a struggle — a battle to wrest hegemonic control of trade unionism from the corporatist structures. This confrontation has unfolded on multiple fronts, involving clashes with traditional union centers, complicit or negligent public officials, companies, law firms, and, in some regions, even the insecurity brought about by organized crime.

As history shows, efforts to enforce new laws or reforms in Mexico have often come with significant conflict. The 2019 labor reform has been no exception, extending the arena of struggle from factory floors to labor courts, government offices, and workers' assemblies. Despite these challenges, the reform has opened a space for renewed worker mobilization. This sense of possibility is echoed in the testimonies of those interviewed for this

project, who—despite acknowledging the obstacles—express cautious optimism and recognize the reform as a vital step toward revitalizing Mexico's labor movement.

> In practical terms, before the 2019 reform, it was extremely difficult for anyone to form a union or even begin a unionization effort within a company. It was almost impossible. Those of us involved in the labor movement and representing workers have seen colleagues who spent eight or nine years trying to organize a union without success. In reality, they simply couldn't do it. But with the 2019 reform promoted by López Obrador, many things have become easier. Several procedures have been simplified, allowing us to create unions and, later on, achieve reinstatement. The main goal is to build unions *by workers and for workers*—not the kind of corrupt, "ghost" unions that have no real understanding of what happens inside the companies (Villa, 2024).

These high expectations—fueled by the reform process and by the small but meaningful victories of independent unions that managed to secure collective bargaining agreements during the legitimization process—help explain the generally positive outlook. However, they also raise important questions born from the conflicts that have surfaced. One of the most pressing concerns is the limited number of successful challenges to corporate unions. Nationwide, only 663 collective agreements were successfully contested out of nearly 30,000 that were legitimized—just over 2% of the total.

A key reason behind these limited victories for democratic and independent unions is the intense campaign waged against them. As one interviewee noted, *"there's a fundamental flaw related to the lack of real communication of the reform to the working class."*

> It was a great opportunity for us when we learned how to take advantage of or use the labor reform, but there is one big problem: the tools available are somewhat distorted, not very clear, and many people, like us who are workers, who are on the factory floor, do not understand the scope of this law, how to interpret it, how to analyze it. That part is not very clear, to be honest (Saucedo-Báez, 2024).

The communication and outreach efforts surrounding the 2019 labor reform have been met with skepticism. If the goal was to transform union life, one of the first steps should have been to clearly and effectively inform workers about the tools available to defend their labor rights. However, no effective communication strategy was implemented, leaving significant information gaps that limited the potential for broader independent union mobilization. This shortcoming, also noted by union activists, has been one of the major weaknesses of the reform process. Even so, the progress achieved represents an important victory—an initial step toward dismantling more than seven decades of entrenched corporatism in the country.

> The problem is that for decades, the Mexican working class did not know what unionism was! There is no union culture in Mexico. So, just because there were new rules and a mechanism to protect rights, it did not necessarily mean that people were going to have to get organized, because they do not even know what organizing is, they still do not know what a union is (Retama, 2024).

Decades of control over the working class by corporate unions have deeply damaged the Mexican labor movement, fostering a negative perception of unions and eroding the foundations of a democratic union culture:

> The [RRLM] mechanism does not replace that of organization; if you are not able to organize a strong movement that challenges power [...] what we need is for our colleagues to understand that they have the tools to assert their rights, worker self-protection. For me, that is what the mechanism should be used for, and I believe that is what it has been used for (Franco, 2024).

Reforms to labor law and the introduction of mechanisms such as the Rapid Response Labor Mechanism under the USMCA cannot, on their own, replace the need to build a strong union culture that empowers workers to assert their labor rights. This remains one of the greatest challenges for the democratic and independent trade union movement: fostering a genuine union culture capable of uprooting the entrenched vices of corporate unionism.

Building such a culture is a long-term process that requires sustained effort, time, and investment to strengthen workers' participation in democratic union practices. Promoting and expanding access to union education among rank-and-file members would complement the 2019 labor reform, ensuring that it becomes more than just a well-intentioned legal framework.

In this sense, investing in union education should be viewed as a strategic action to consolidate independent unionism. While the current labor regulations have supported democratic and independent unions in securing collective bargaining agreements, the next step is to develop a social and educational project that directly addresses the needs and realities of independent union activists.

> It is still too early to judge it [the 2019 labor reform]. I think there is a lot of resistance to change, but it also lacked something very important: it was not a social demand. We like to say that it was driven by independent unions, but the truth is that this was not the case. I mean, we like to say it because it sounds good to say it publicly, but deep down, we know that this was not the case. It was the influence of trade agreement negotiations that led to the reform, so that when the reform was drafted, the ones who participated the least were the independent unions. Instead, it was a group of academics, in my case at that time as an official of the local board, and some others who participated in the drafting of the proposals (Franco, 2024).

These criticisms of the labor reform are essential for understanding its real social impact. As discussed in various forums and noted by several interviewees, the reform largely responds to specific demands made by the U.S. government under the USMCA, rather than addressing the internal needs of Mexico's independent unions or the deep-rooted effects of decades of corporate control over the labor movement. Compounding this is the lack of a robust strategy to effectively communicate and disseminate information about the reform, as well as the absence of a comprehensive educational initiative aimed not only at current workers but also at future ones—students in secondary schools, high schools, and universities.

Early access to union education could strengthen the democratic and independent labor movement and help build a culture of labor citizenship.

It would serve as a means to challenge existing corporate structures, expose power dynamics and alliances that restrict labor rights, and address the challenges of organizing democratic, independent unions. Moreover, it could prevent new unions from replicating corporate practices such as entrenched leadership, centralized decision-making, and the concentration of power in a few hands.

Beyond the labor reform, the signing of the USMCA introduced a unique and innovative instrument in trade agreements: the Rapid Response Labor Mechanism (RRLM). This mechanism established binational panels to resolve disputes concerning violations of labor rights, particularly those related to union democracy and freedom of association. Imposed by the U.S. government, the RRLM was designed not only to address these disputes, but also to sanction companies that fail to respect workers' rights to free association in Mexico. To date, it has been successfully applied in 23 cases across the country.

Interviews with workers and union activists provide valuable insight into how this mechanism has functioned. While they recognize that it still requires improvement, many view it as a useful tool for resolving union conflicts that would otherwise be nearly impossible to settle within Mexico's traditional labor system. It also reflects the U.S. government's interest in challenging the entrenched corporate control of the Mexican workforce. However, contrasting this positive perspective are the operational limitations encountered during its implementation—and, in some cases, suspicions of deliberate obstruction by Mexican authorities and even the Federal Center for Conciliation and Labor Registration itself.

> The problem with the [RRLM] mechanism is that when it gets here, to the Federal Center, and justice is served, the process is very long—it's been a year—and they can't have proper union representation. This leads to many problems. In our case, we've had colleagues leave (Rodriguez, 2024).

The undeniable usefulness of the mechanism contrasts with the lengthy timelines and complex procedures it entails for investigation, negotiation, and sanctioning. Most criticism centers on the lack of experience—or, in some cases, the apparent indifference—of Mexican authorities in guaran-

teeing timely and effective labor justice. At the same time, Mexican trade unionists have also voiced concerns about the procedural requirements and stages involved in the cases handled by labor attachés and their teams, which they see as cumbersome, drawing criticism from Mexican trade unionists:

> It's exhausting having Americans around for a month because they don't care about what you're doing, they'll call you right away because they want you to take their call. I don't care what you're doing, but I want you to talk to so-and-so, who told me this in the interviews that day. So the workers get nervous. Sometimes [the RRLM] is not effective because it requires workers to be available and use resources to get them from one place to another (Castillo-Flores, 2024).

The investigation processes that allow the mechanism's negotiation stages to begin are highly meticulous, requiring a detailed review of the facts surrounding violations of workers' rights in key industries. To document these violations, investigators conduct in-depth interviews with those involved, gathering testimonies from workers to verify and cross-check the information collected.

However, one major limitation of the mechanism lies in its narrow scope—it applies only to certain key industrial sectors and sanctions companies, but not the union representatives, anti-union law firms, or government officials who often orchestrate or enable these violations. This has sparked ongoing debate about the need to expand and strengthen the mechanism to ensure it addresses the full network of actors responsible for anti-union practices:

> The problem, as I see it, is that the rapid response labor mechanism, being part of a trade agreement, obviously applies to companies in terms of their foreign trade, that is, mainly their exports. That is why it is difficult to imagine that punitive sanctions could be applied for actions that interfere with union activities or involve coercion or repression directly by corporate bodies. The problem is that the government and the unions are not actors in international trade, that is, the mechanism applies to companies because companies are actors in international trade (Retama, 2024).

Granting greater authority and sanctioning powers to the labor mechanism is one of the most frequent demands, as part of the problem lies in the widespread loss of confidence in the Federal Center for Conciliation and Labor Registration and its officials. This distrust stems not only from the Center's limited financial resources to carry out its legal responsibilities, but also from cases of collaboration with corporate unions and companies.

According to those interviewed, these weaknesses make it difficult for the institution to hold non-commercial actors accountable—such as corporate union leaders, government officials who are complicit in or negligent toward anti-union practices, and the law firms that advise them. Despite these criticisms, the U.S. oversight component built into the mechanism is generally viewed in a positive light, as it is seen as a means of promoting greater respect for trade union rights in Mexico:

> From the workers' point of view, I don't think it has worked badly. I think they have tried to make it work based on its own content [...] I would say that what needs to be done is to add some nuance, and what is needed is for the Mexican government to have obligations under the USMCA, for example, to make a statement. Right now, we have already had cases where it has not spoken out, where it has withheld information [from cases where the RRLM is activated] that does not reach union representatives or workers, because the Mexican government is the party listed in the agreement, not us, so it is necessary to continue working on this issue of transparency (Franco, 2024).

The call to expand the responsibilities of Mexican authorities is seen as one of the most crucial factors for the effective operation of the RRLM. Government agencies often appear to believe their role ended with the enactment of the labor reform and the incorporation of the labor chapter into the USMCA negotiations. However, as the interviewees emphasized, these steps represent only the beginning of the path toward building a new model of Mexican unionism and a labor environment that truly guarantees full union rights.

> [Regarding] the Mexican government, there is a lot that needs to change, practically everything, from their interest in and approach to us workers, to

> taking us a little more into account, to listening more to the workers themselves, to looking into why they were fired and not just going to the company and asking, "So, what happened to these workers?" (Villa, 2024).

In short, the effort to renew trade unionism in Mexico faces a number of challenges that require more than just goodwill from the actors involved. It demands concrete plans, clear follow-up mechanisms, and sustained commitment to address the most urgent needs—such as improving the operation of the Federal Center for Conciliation and Labor Registration and the labor courts.

The changes introduced by the labor reform and the RRLM have been positive overall, as they have revived interest and debate around trade unionism in Mexico. These developments have created conditions for the emergence of democratic and independent unions. Moreover, the growing political awareness among Mexican workers and citizens has rekindled public discussion about labor rights—an essential foundation for transforming the country's social and labor landscape.

IV. Catalog of Anti-Union Practices in Mexico

One of the main objectives of this project was to identify the most common anti-union practices in the Mexican labor landscape. The analysis focused on understanding how these practices operate, their effects on the working class, and the actors involved in carrying them out. A review of the *Federal Labor Law (FLL)* reveals that anti-union practices can be primarily identified in three key articles:

Article 133 [paragraphs IV, V, and IX]

Employers or their representatives are prohibited from:

IV. Forcing workers, through coercion or any other means, to join or withdraw from a union or group to which they belong, or to vote for a particular candidate.

V. Interfering in any way in the internal affairs of a union, or preventing its formation or the exercise of union activity through implicit or explicit reprisals against workers.

IX. Using a system of blacklisting workers who have resigned or been dismissed, preventing them from being rehired elsewhere.

Article 357

Workers and employers have the right to form unions without prior authorization. Any undue interference in the exercise of this right shall be punished as provided by law.

Article 358

No one may be forced to join or refrain from joining a union. Any agreement that imposes a contractual penalty for leaving a union, or that otherwise undermines this freedom, shall be considered null and void.

However, the list of anti-union practices extends far beyond these examples. We have identified at least thirteen such practices, employed not only by corporate unions and companies but also by state and federal governments, whose actions—or omissions—contribute to the violation of workers' labor rights in Mexico. Below, we provide a detailed description of how these anti-union practices operate.

1. Workplace harassment: This refers to the systematic targeting of workers involved in independent or non-corporate union organizing. On the factory floor, it often takes the form of sudden, arbitrary changes in work assignments to limit communication between organizers and their colleagues, along with strict monitoring of their movements within the facility. These practices are illustrated in the following testimonies:

Worker:

"But it also involves workplace harassment, an anti-union practice, where suddenly a representative is placed in an area that allows them to communicate with many people [workers], or where they can be sought out, and nothing happens with production. And then, suddenly, they announce that they are changing their area and put them on a machine, where they are constantly monitored by someone from human resources. Or there is also another extreme, where the union representative is sent to a warehouse to be kept isolated from the rest of the people.

Or there is also the case of the supervisor who constantly harasses them and who, if it used to take them 45 minutes to go to lunch, now, if it takes them 35 minutes, they are given a warning because they went 5 minutes over their lunch break. These are harassment practices, which seek to discourage organization because, mainly, those who see these practices are the rest of the workers, who very genuinely say, "I don't want that to happen to me! So, when you give me a ballot to vote for you, I'll do it, but right now, don't ask

me to go to a meeting, don't ask me to join, because I really don't want to go through what you're going through. Well, that's the company."

Labor union activist:

"We have had a case of harassment against a colleague, but she did not want to take legal action in San Luis Potosí. However, because she is part of the union movement, she began to be harassed on social media and, at some point, also in person at work."

Workplace harassment		
Definition	Who is involved?	Actions
Systematic harassment of workers involved in union organizing activities.	Companies Corporate unions	- Arbitrary and sudden changes in the workplace. - Limiting contact with coworkers. - Harassment on social media and in the workplace.
Effects on union organization and the workforce Fear of organizing democratically and independently due to fear of reprisals within the workplace or even outside of it, due to discrediting campaigns organized via social media and carried out by corporate unions and companies.		

2. Threats and intimidation outside the workplace: This anti-union practice involves using pressure and psychological violence to coerce workers into abandoning their right to organize freely and democratically. Workers may face physical violence, including death threats directed at themselves or their families; threats of unfair dismissal; and warnings that they will be blacklisted, preventing them from finding work elsewhere. Unlike workplace harassment, these threats are not tied to job duties or surveillance—they occur both inside and outside the workplace and rely solely on intimidation.

Worker:

"There were 15 of us, I think, who had gathered signatures and were taking action, and we were subjected to the usual intimidation tactics: phone calls, messages saying, "Obviously, you are going to pay for this," yes, death threats against family members, against individuals, against workers—all kinds of threats."

Independent union leader:

"Yes, there have been direct threats, life threats and personal threats […] Yes, yes, and to their families […] lawsuits have been filed and, well, security measures have been taken, that is, private security has been hired for the facilities and all that, and above all, for those who are in the public and political spotlight."

Worker:

"Yesterday we were holding a protest at a company called [„„] in the [„„] park, and security guards ran after the leader [of the independent union movement], who was collecting payroll records and IDs to change unions. So, not only do they just show up and fire you, but they came with security guards, sat her down in an office, threatened her, and told her that if she didn't sign, they would report her. So companies are not stopping to address the union issue.

But I did manage to meet with some union leaders, and, yes, they did threaten me, they did try to draw a line in the sand: don't get involved in our territory! But I'm not afraid, you know. It's part of the risk I take, I'm not afraid. I told them, look, I'm going to be where workers want to get together and need advice. And they laughed at me. In fact, they told me, don't get involved with this company, or this one, or this one, or this one! But they did try to intimidate me. At other companies where I was also doing some union organizing, they even chased me in their cars."

Threats and intimidation outside the workplace		
Definition	Who is involved?	Actions
Refers to the use of pressure and psychological violence to threaten and intimidate workers into refraining from organizing freely and democratically.	Companies Corporate unions Anti-union offices.	- Death threats against workers or their families. - Intimidation by security personnel. - Threats of dismissal and of reporting workers so that they are not hired by other companies (blacklists).
Effects on union organization and the workforce Deterrence of independent and democratic union organization due to fear of reprisals that both female and male workers may be subjected to. Stress and fear due to the use of violence against workers who attempt to organize against the corporate union, as well as fear of harm to their families.		

3. Government intervention. Interference—whether through action or omission—by state or federal authorities also constitutes an anti-union practice, as it undermines workers' ability to organize democratically and independently. These actions, typically carried out by government officials, often aim to influence union legitimization processes in favor of corporate unions or to obstruct collective bargaining disputes by delaying or complicating certification procedures. Although the process for obtaining collective bargaining representation is federally regulated, there have been documented cases where state officials have intervened directly—for instance, by approaching workers to discourage them from changing unions.

Independent union leader:

"The company begins to hold talks on the legitimacy of collective agreements, then they start to restrict voting and say that they have to vote for that union [...]. It is workplace harassment, as it has been done by them [the corporate union] and sometimes also by the company that has caused these layoffs."

Worker:

"And the company itself said that it could not interfere and did not provide any information either, as this was causing a lot of doubt, and I was personally invited to participate as part of the voting committee to organize the voting. And we were given a talk by the supposed federal center, someone sent by them, who was supposed to give us accurate, correct information about how the vote was going to take place, what it was about, and what its scope was, which in no way happened.

The person sent by this center gave us the information, just as the CTM wanted me to convey it. He said the same thing they [CTM] were telling us, that we shouldn't get into trouble, that we should just vote yes so that a majority could be reached and everything would continue going smoothly in the factory, that it was merely a bureaucratic requirement to basically continue with the union [CTM]."

Independent union leader:

"There's so much interference from the state government, which keeps blocking new unionization efforts, that people are afraid. They say, 'Hey, the

state Labor Department already came to talk to me…' We'll be in the middle of a certification, representation, or recount process, and suddenly the Labor Department shows up—sometimes on their own, sometimes with officials from the state conciliation center—to give so-called 'talks' on labor rights. These talks are never requested by the workers, only by the company or the corporate union."

"Well, the people from the state Labor Secretariat, instead of supporting us, sometimes ended up scaring the workers. Their supposed job was to explain that they already had a union—'a very democratic one'—and that it brought benefits. In reality, they were defending the corporate union. It became common practice to use those visits to instill fear among workers."

Government intervention		
Definition	Who is involved?	Actions
It is the intervention, whether by action or omission, of government agencies and officials, at either state or federal level, that seeks to prevent any democratic and independent organization of workers.	Government officials (federal and state) Anti-union offices legitimized by state governments.	- Discussions with workers in the workplace to dissuade them from organizing and protect corporate unions. - Partial or misleading handling of information given to workers to organize. - Use of anti-union law firms to legally defend corporate unions and companies.
Effects on union organization and the working class Institutional obstacles to the democratic and independent organization of workers. Creation of institutional protection networks promoted by the State (federal and state) to protect corporate unions.		

4. Slander campaigns. This anti-union practice aims to discredit union leaders and organizing efforts by spreading false or misleading information among workers—whether on social media, through anonymous flyers, or in workplace meetings. The goal is to undermine independent unions and portray their leaders as self-serving opportunists who care little for the rank and file.

This type of anti-union tactic is among the most common, used by companies, corporate unions, and even government actors. Operating from anonymity allows them to fabricate stories without accountability, while those targeted have few resources to defend themselves. Moreover, the reach of these smear campaigns is amplified by the fact that both the company

and the corporate union have full access to workers' contact information, enabling them to circulate falsehoods widely and effectively.

Worker:

"Even though it was a closed vote and everything, there was still a certain amount of intimidation. Those who were there told us that they did feel the pressure, and obviously, everything they were saying in the run-up to the vote, with the classic story of all the places where legitimacy has existed and that the CTM wants to retain ownership. They tell the workers that they are going to give up their raise, that they are going to lose their benefits, that they are going to be left without bonuses if they support another union [democratic and independent union]."

Union activist:

"So, there is a hidden or open threat that there will be repercussions against the worker or the group if that union wins the election, but this all originates from the traditional human resources departments."

Independent union leader:

"Sometimes these offices have been used to spread false information about our union's history. When workers report this to us, we suggest they ask these direct questions: Why exactly are you here? Who brought you here? We have sometimes even sparked debates, and there have been times when people have spontaneously chased them [the government officials] away."

Worker:

"The company made up a story about me, a huge one, and because of that, the reinstatement took a little longer because they wanted to, they wanted to ruin my reinstatement. They said I was a problematic person, a very aggressive person, and well, thank God we have all the evidence, audio recordings, videos, all the evidence of why and how we were fired. And the human resources person was there, saying that if she wanted to, she would give me a union that she wanted, not the one we wanted. That we are problematic people, they yelled at the workers, at those who were also fired for wanting to unionize, yelling at them, subduing them, trying to scare them."

Slander campaigns.		
Definition	Who is involved?	Actions
This practice aims to discredit union leaders and organizing efforts by spreading false information among workers—whether through social media, anonymous flyers, or workplace meetings.	Companies Corporate unions State government officials, mainly	- Campaigns by companies, government officials, and corporate union leaders to delegitimize independent unions and workers' organization movements. - Slander campaigns on social media and anonymous printed materials against independent unions and workers who have led campaigns against independent unions.
Effects on union organization and the working class Delegitimization and discrediting of independent unions and leaders who organize democratic and independent union campaigns.		

5. Unjustified dismissals: This anti-union practice involves firing workers without cause due to their participation in union activities—particularly those aimed at challenging the dominance of corporate unions. It is one of the most direct forms of anti-union repression, serving not only to silence workers who attempt to organize independently, but also to intimidate others who might consider changing the company-approved union.

Unjustified dismissals violate both labor and human rights, as they place workers in a highly vulnerable position by depriving them of the means to secure a dignified livelihood. Many affected workers are left without income for months, struggling to cover their families' basic needs. In response, two strategies have emerged to sustain anti-corporate organizing efforts and provide dismissed workers with financial support for their families:

I. Solidarity networks among workers. Dismissed workers often receive financial support from their colleagues to help sustain their families and continue organizing independent and democratic union movements. This support usually takes the form of collective contributions, fundraising events, raffles, or even financial assistance from international unions.

II. Access to new job opportunities through independent unions. In some cases, independent unions step in to help unfairly dismissed workers—those who were organizing to break away from a cor-

porate union—find new employment in companies that already have legitimate collective bargaining agreements. This allows workers to maintain an income and protect their families while the dispute over union representation is resolved. In many instances, this strategy has also helped build confidence among the rank and file, reassuring them that their organizing efforts will not leave them financially stranded if they face retaliation. Unfortunately, only one documented case of this approach exists so far—implemented by the independent union *Transformación Sindical* in Querétaro.

Worker:

"Yes, that's right, he [corporate union leader] was the general secretary of our union, he had a position in the CTM and was an employee of the Conciliation and Labor Secretariat here [in the state]. Well, if we wanted to complain, where were we going to complain? He was going to meet with us, and we automatically knew that it would mean immediate dismissal [...] I have been working at the company for 24 years, and in those 24 years, I think there were four or five protests before, with coworkers who wanted to unionize and were fired. They are no longer with the company. They were fired for ridiculous or absurd reasons, but they were fired within a week or 15 days of letting us know that they wanted to get unionized and that they wanted us to do this. They didn't last more than 15 days."

Independent union leader:

"They were among the first to be dismissed; the first workers who approached us were dismissed, and when we activated the mechanism [RRLM], as part of the damage repair, what the union demanded was the reinstatement of those workers."

Union activist:

"The first version of the company is how I eliminate the organizing process, and then the response usually comes from the traditional legal departments of companies, at least in the cases where we have faced this situation, which have been dismissals, for example, at [Company] and [Company],

where there have been attempts to legitimize the head unions [CTM] to try to deactivate the independent organizing process [...]. They have gone so far as to dismiss people, it must be said, something we have always experienced, as it is an extreme case of anti-union practice, where the aim, as they always said, is to remove the problem at its root, to solve the root cause of the problem."

Independent union leader:

"I would say that 95% of the unions that are in [the state] continue to have undemocratic practices and practices where the first person to raise their hand in two minutes is fired [...]. There is no fear. What continues to impress me is that companies have no fear of firing people. In other words, they don't hold back, there is no fear, no one scares them because something else might happen. What companies do when someone warns them that there is going to be a union movement is: they fire them!

And the layoffs happen week after week. We have companies where we are counting down the days, waiting for the date, and overnight they fired five people, the five leaders we had. The company is not afraid. They say, "I'll pay your severance, and with that, you can't say anything to me." So, lawyers give bad advice, or the human resources people themselves make hasty decisions because they are not interested in the worker."

Union activist:

"This is reflected in the suppression of participation, subtle forms of repression, and even the use of legal harassment (*lawfare*) against colleagues who try to organize. They're told it's not in their best interest, discouraged from getting involved, and in some cases, even dismissed. [...] You asked earlier if I've defended workers as a result of these campaigns we've carried out—yes, we've had two such cases, two lawsuits involving colleagues who were fired for their union activity. Of course, the companies deny this, and we've often faced obstruction from the courts."

Worker:

"The company did not want unions, so, practically speaking, they had already tried to create them in the past and fired people immediately as soon as they found out that someone was unionizing. They fired them immediate-

ly, without any cause, justification, or anything. According to them, just as workers had the right to terminate their work relationship, which is not true, and we all know that it is because they want to unionize. So, they fire us the moment we try to bring a trade to the company, so that we can't get close to the workers to organize them."

Unjustified dismissals		
Definition	Who is involved?	Actions
Unjustified dismissal is the most direct form of anti-union repression. It involves the unfair termination of workers who attempt to organize or challenge the corporate union endorsed by the company.	Companies Corporate unions	Identification and dismissal of workers for engaging in union activity. Co-optation of workers to preserve the dominance of the corporate union. Promotion of company-controlled unions that workers often don't even know exist.
Effects on union organization and the workforce Dismissal of union leaders who organize against corporate unions and the weakening of independent and democratic union organizing campaigns. Layoffs as a strategy to spread fear among workers, which makes independent and democratic union organizing more difficult.		

6. Systematic and intentional deterioration of general working conditions. This anti-union practice involves the deliberate worsening of workers' conditions in the workplace. It targets those who attempt to organize independently and democratically, pressuring them to resign voluntarily. The main goal is to discourage independent union organizing and preserve the privileges of corporate unions.

These strategies are particularly concerning because they not only endanger workers' physical and mental health by subjecting them to deliberate exhaustion but also put the users of their services at risk. For example, in the case of airline pilots, working under extreme fatigue can reduce their ability to respond effectively to unexpected situations during flights.

Independent union leader:

"They exploited workers through excessively long hours, and when problems arose—such as workplace accidents in China or Asia, or health issues—they were denied medical care. On top of that, the company began deducting money from their wages, representing serious labor violations related to

workplace safety. These actions had a major impact on the workers. Additionally, the situation worsened at headquarters, where flight schedules, hours, and destinations were assigned. The workload was overwhelming, and the chief pilot often sent harsh, demeaning emails, creating an inhumane work environment.

We have a complaints system in place, which is why we carefully categorize and keep all evidence—photos, emails, and messages—from workers who have filed complaints. This has allowed us to develop a detailed system for managing pilot-related cases. We maintain a full record of all complaints and incidents of harassment, and we have addressed these issues directly with the employer. We've already held several union-company meetings to discuss these labor violations, including concerns about working hours. Although we don't yet have formal legal representation, we continue to engage in dialogue with the company, and all pilots are still receiving support and attention."

Systematic and intentional deterioration of general working conditions		
Definition	Who is involved?	Actions
This anti-union practice involves the deliberate deterioration of workers' overall working conditions to wear them down physically and psychologically as retaliation for their efforts to organize independently and democratically.	Companies Corporate unions	- Intentionally increasing the workload, without respecting labor rights and safety guidelines. - Eliminating employee benefits that protect the health and psychological well-being of workers.
Effects on union organization and the workforce It discourages workers from organizing independently and democratically, as the fear of reprisals and worsening working conditions deters them from engaging in union activity. It increases the physical and psychological strain on workers.		

7. Blacklists: Blacklists are perhaps the most harmful form of anti-union practice and a grave violation of workers' human rights, targeting those involved in independent and democratic union organizing. This practice operates through the creation of registries of workers, union activists, or supporters of non-corporate unions, with the aim of preventing them from being hired elsewhere. Typically, these lists circulate after workers have been unjustly dismissed, shared among networks of companies within an industrial park or region to warn employers not to hire those identified as "troublemakers."

Blacklists function as a powerful tool of retaliation, designed to discourage independent union activity. They represent one of the greatest challenges to eradicating anti-union practices in Mexico, as workers who are blacklisted can spend years unable to find employment. Reporting and sanctioning companies that use blacklists remains extremely difficult, since evidence is hard to obtain and most cases rely solely on workers' testimonies. For this reason, future reforms must focus on eliminating this practice and enforcing strong, exemplary penalties against companies and unions that perpetuate it

Union activist:

"I'm familiar with [anti-union practices], but that was many years ago, right? When I was advising the glass workers' union, it was a very, very high-profile case, and then there was a strong counteroffensive by the Modelo group, which owns the company, and they laid off more than two hundred people. Many of those 200 workers were unable to find work for the next two or three years; that is a fact."

Union advisor:

"Blacklists, especially in specialized sectors such as aeronautics and aerospace, particularly here in Querétaro, where there is a union movement in one company—there aren't many companies in that industry—and workers are dismissed for union activism. But this company blacklists other companies in the industry, and when the worker openly seeks another job, human resources representatives tell the worker who is about to be hired, 'No, you can't be hired because you're on a blacklist for doing this, you were leading the union movement to bring Transformación Sindical into that company, therefore you are not welcome here or in any other company.'"

Worker:

"Yes, unfortunately, here in [state] it is a practice that all companies engage in. So that the worker struggles to find work elsewhere. And it is, I mean, that is always, unfortunately, very common here in [state]. That is why many workers are often very afraid to unionize. They are afraid of supporting an independent and democratic union because they fear, more than anything

else, being blacklisted, being fired, and struggling to find another job elsewhere."

Blacklists		
Definition	Who is involved?	Actions
It is an anti-union practice that involves creating a list of workers, union activists, or supporters of independent unions with the intent of preventing them from being hired by other companies. These lists, labeling individuals as "problematic," are circulated among networks that include both companies and corporate unions. The sharing of such blacklists typically takes place after workers have been unjustly dismissed.	- Companies and their networks Corporate unions	- Unjustified dismissal followed by the inclusion of workers on blacklists shared within company networks. - Denial of employment opportunities to workers labeled as "problematic" because of their union activism.
Effects on union organization and the workforce Creates fear among workers about organizing independently and democratically due to the risk of being dismissed and subsequently unable to find employment elsewhere. Discourages non-corporate union organizing, as workers who are blacklisted often spend years unable to secure another job.		

8. Refusal to recognize the union. This anti-union practice occurs when companies—often in collusion with corporate unions, government officials, and anti-union law firms—refuse to acknowledge new independent and democratic union movements, obstructing their organizing efforts. In some cases, they go so far as to prevent the establishment of new union representation altogether.

This practice rarely occurs in isolation; it is usually accompanied by other forms of anti-union repression, such as workplace harassment, intimidation, smear campaigns, and government interference.

To carry out these actions, companies often rely on anti-union consulting firms that deploy legal strategies designed to hinder unionization. These tactics include questioning or dismissing the lists of workers supporting a new union movement to block or delay recounts before the Federal Center for Conciliation and Labor Registration. Even when workers manage to overcome these obstacles and secure a recount, companies and corporate unions manipulate the voting process—adding non-unionized or even management-level employees to the voter list—to ensure the corporate union retains control.

Worker:

"We were about to do what was necessary to legitimize the union, but the company still says no, that it is unaware of our movement, and basically, we know that it is not so much the company. There is a certain group of people within the human resources management here and at the headquarters in Mexico City who were interested because they were the ones colluding with the CTM, and basically, suddenly they want to push us back in the process, obviously based on something illegal or ridiculous."

Union activist:

"The company's strategy was clearly aimed at preventing the formation of a new union. In this case, we saw a range of anti-union tactics designed to discourage workers from organizing. For instance, when the company announced the termination of the collective bargaining agreement, it did so during a large meeting with workers—where it simultaneously announced a 6.5% wage increase, significantly higher than what had previously been negotiated. The message was obvious: the company wanted to convince workers that they didn't need a union by offering financial incentives. They improved two or three additional benefits as well, all outside the framework of a collective agreement, reinforcing the idea that 'there's no need for a union here.'

One of the first tactics companies use is to try to legitimize their existing corporate union. How do they do this? In the case of [company]—and in many others—we found that union elections had never been held. These "paper unions" often belong to national or sectoral federations that sign contracts without any worker participation. Then, suddenly, when workers begin to organize, a call for elections appears—out of nowhere—to choose a "sectional committee" of one of these national industry unions. The goal is clear: to create the appearance of legitimacy for an illegitimate representation. It's worth noting that even when a collective bargaining agreement has been legitimized, it doesn't necessarily mean that workers have actually legitimized the union that claims to represent them."

Worker:

"Operators from the official union carry this out, apparently with help from the company's human resources staff."

Refusal to recognize the union		
Definition	Who is involved?	Actions
An anti-union practice in which companies, working in collusion with corporate unions, government authorities, and anti-union law firms, disregard new independent and democratic union movements, obstructing and delaying their organizing efforts.	- Companies - Corporate unions - State and federal government officials - Anti-union law firms	Offering concessions to workers to discourage them from supporting independent and democratic union organizing. Hiring anti-union law firms to create legal barriers that obstruct union formation. In extreme cases, terminating the collective bargaining agreement or shutting down the company altogether.
Effects on union organization and the workforce Discourages workers from continuing efforts to build democratic and independent unions. Creates financial strain on workers who lack the resources to confront legal challenges initiated by anti-union law firms.		

9. Omissions by state and federal government officials. In this anti-union practice, both state and federal authorities act in a biased manner that favors companies and corporate unions. Through inaction or selective enforcement, labor authorities seek to wear down and discourage democratic and independent union movements, undermining their organizational efforts so that corporate unions can retain control of collective bargaining agreements. The preservation of so-called "labor peace" is often cited as the main justification for this interference by state and federal officials in union activities across the region.

Worker:

"We submitted the first set of 1,200 signatures to the Federal Center, but they were about to go on vacation—specifically during Holy Week. They initially told us the process wouldn't be accepted because of the holidays and that they would only process it in the event of a strike, effectively putting everything on hold. This was communicated to us midweek, on a Tuesday, Wednesday, or Thursday, right before they stopped work on Friday.

Then, suddenly, on Friday before the holidays, they said they would accept the forms for review, which they did. But by Tuesday of the following week, the submission had been rejected. Their reasoning was that the handwriting was illegible or that the signatures weren't clear—even though they had nothing to compare them against, no IDs or references. Some copies did

have minor issues, but out of the 1,200, at least 800 were perfectly valid, yet they were all rejected.

We were then told to create a new list and collect all the signatures again, within a very limited timeframe. We cleaned up the list, collected new signatures, and managed to gather about 800—almost meeting their minimum requirement of around 700. This second submission was checked, and they said it was fine, "in quotation marks." But then the company intervened and provided their own list of workers. When we had 1,600 people on the voting register for legitimization, the company suddenly claimed a larger number, meaning we were now short on signatures to meet 30% of the register. Their list included "trusted personnel" who weren't union members. They were plant workers but not affiliated with our union.

The company summoned us and the committee that was already part of the CTM, informing us that the CTM would also join to avoid confrontations. However, while we were denied access to the plants and the opportunity to communicate with workers or give them briefings, the CTM had open access. They could walk around, hold discussions, request time off, and leave machines unattended without consequences. We, on the other hand, were also machine operators and had to conduct our union work during our free time, like lunch breaks or before and after shifts, all while performing our duties."

Independent union leader:

"What we have seen in terms of the government is that, instead of acting as an impartial mediator, rather than representing the union, they sometimes seem to be more on the side of the employer. So, it could be political, or it could be a lack of knowledge about mediation issues. We don't know, but yes, they are mostly on the side of the employer."

Union activist:

"It's a company that doesn't have a union anywhere else in the world, but somehow, in [state], it does. There was also a complaint—a very high-profile one—because it involved dismissals that ultimately led to reinstatements. A lot has happened at [company], yet the state government hasn't said a single word about it. I think that's also part of an anti-union attitude—essentially, they refuse to acknowledge that the union exists. It's as if they're saying, "You

don't exist; the CTM is the only union we recognize." That's another form of anti-union practice—pretending you don't exist while actively working against you. It was clear that the judges were influenced, and the state government quietly moved the pieces without ever publicly commenting on the matter."

Worker:

"That happened at [company]. CATEM managed to join because the company gave them all the documents so that they could become members, because it took the workers more than four months to gather 30% of the signatures, and CATEM gathered them overnight. I mean, that's not normal, you can't do that."

Omissions by state and federal government officials		
Definition	Who is involved?	Actions
Anti-union practice that utilises the institutional framework of state and federal labour authorities to operate in a biased manner, benefiting companies and corporate unions.	Companies Corporate unions Government officials (state and federal authorities) Anti-union law firms	Denying or intentionally delaying the legal procedures required to request a vote recount for the collective bargaining agreement. Employing anti-union law firms to obstruct or invalidate efforts toward independent and democratic union organization.
Effects on trade union organization and the workforce Weariness and demotivation for democratic and independent trade union organization. Frustration and powerlessness among the workforce to fight against these institutional obstacles. Maintaining labor peace in the entity where the democratic and independent labor movement takes place.		

10. State-driven union pactism. This practice involves state authorities—though federal authorities are not exempt—actively establishing formal and informal agreements with corporate unions, companies, and employer organizations to preserve *labor peace* and form a united front against democratic and independent union movements. Its purpose is to prevent competition among corporate unions and maintain state control over organized labor. In essence, it is a crude mechanism of political and labor control through which government authorities guarantee each corporate union leader their share of influence, distributing collective bargaining agreements from newly established companies in the state to avoid disputes and ensure loyalty.

Union activist:

"For example, there was another occasion when we were contacted by the office of the [state] Labor Secretary. They asked that representatives from [union] attend a meeting, along with members of the National Union of Workers of [company]—a clearly company-controlled union that, nonetheless, holds significant political influence. To our surprise, the representative from [union] arrived first at the office where both the labor attorney and the secretary general of the CAT had been summoned. It quickly became clear that this was a meeting requested by the CAT to propose to [union]:

'Let's sign a gentlemen's agreement—you stay out of my companies, and I'll stay out of yours.'

Naturally, the [union] representative refused to accept such a proposal. Then, when the representative from [company] arrived and realized that the CAT was present, he was furious and expelled him from the office. Both [union] and [company] representatives filed a complaint with the attorney general, questioning how it was possible for him to act essentially as a spokesperson for the CAT.

It's important to remember that we come from a period in which the main goal of state governments and their labor secretaries was to maintain so-called *labor peace*—a policy that, in practice, meant avoiding labor disputes at all costs, from collective bargaining conflicts to strike notices. In [state], for example, the CTM leader proudly claimed that his policy was one of 'zero strike notices.' And even when the [PVEM] party was not in power, the Labor Secretary often encouraged this practice to continue. Clearly, such practices contradict fundamental labor rights and genuine collective bargaining. In that sense, the so-called policy of *labor peace* is, in fact, the anti-union policy of governments—and particularly of labor secretaries."

Independent union leader:

"I believe they've developed a submissive relationship with the *official* unions, one where they coordinate and plan actions against Unión Transformación. I'm completely certain that everything is being orchestrated from Madero 70, inside the offices of the Ministry of Labor. That's where all the interference in the region's union life is coming from—100 percent."

Union advisor:

They claim to support freedom of association, but in practice, the kind of freedom they care about is really just negative freedom. They talk about it, but what they actually promote is labor peace. Part of that involves pushing for non-aggression agreements between unions—and continuing to enforce them. Basically, it's "everyone keeps their loot, and no one touches anyone else's loot." And what's the loot? The company. Who protects it? The company's lawyer. That's why, when real grassroots movements arise, these arrangements fall apart.

For example, we recently saw a case in [state] where they did everything possible to stop a recount—but they couldn't, because it went to a fair court with a competent judge, and the recount had to proceed. They even tried to pressure the leader of the [independent and democratic] union. The Secretary of Labor reached out to me, asking me to convince him not to participate, supposedly to avoid upsetting the company. I responded: why not guarantee a democratic process instead of preventing disputes, as long as it doesn't harm the company?

In another example, they called our local leaders to the labor defense attorney's office, ostensibly to address their concerns—but in reality, it was to seat them with the leader of the other union.

Worker:

"In fact, in this company, as the union had not yet been formed, it was ready to fight, but the democratic unions here in [state] were invited, but they did not participate in those activities. The first thing the CTM tried to do was to say, don't get involved, that's basically what they said, don't get involved in my territory, I won't get involved in yours! But it was with the CROM, and with the CROC, and with the CATEM. So, there they were, all together in the photo, very close to the governor."

	State-driven union pactism.	
Definition	Who is involved?	Actions
It's an anti-union practice where government authorities—especially at the state level—work to create both formal and informal agreements with corporate unions, companies, and employer organizations. The goal is to maintain "labor peace," present a united front, control independent and democratic union movements, and prevent competition among corporate unions that align with their interests.	- Companies -Corporate unions. -State government officials, mainly -Employers' organizations. -Anti-union law firms.	- Distribution of collective bargaining agreements between corporate unions aligned with the interests of the government and companies. - Meetings with independent and democratic union leaders to urge them to maintain labor peace and refrain from competing with corporate unions.
Effects on trade union organization and the working class Creation of a common front between the State, companies, corporate unions, employers' organizations, and anti-union law firms to stop democratic and independent trade union movements. Inability to compete freely for collective bargaining agreements.		

11. Identity theft in union organizing campaigns. In this anti-union tactic, corporate unions copy and falsify materials from independent union campaigns and even send in outsiders to confuse workers. The copied materials can include printed documents as well as social media strategies.

Union activist:

"Right now, CATEM has [company] as its union. They employed people who worked at [company], and they came here and handed out flyers without being employees of [company], when in reality they didn't even know what the situation was like inside the facility. In fact, we put out brochures and they practically copied them, just changing the logo, and a lot of people were confused. And we resisted and insisted that if they didn't recognize us, they weren't part of [the democratic union], they were part of the other [corporate] union."

Worker:

"Yes, in fact, for example, it was like their method, no, their strategy, to confuse the workers, copying our flyers, colors, and so on, and just changing two or three little things. There were times when even the workers themselves would say to us, 'Hey, what's going on? Are you guys out here and everything?" Because they knew we were workers at that company, and that's why they had fired us, and we had the workers' support. So they were con-

fused and approached them when they realized or we told them that it wasn't us, and then they left. So it was a practice, or a strategy more than anything else, that they used to confuse the workers."

Identity theft in union organizing campaigns		
Definition	Who is involved?	Actions
In this anti-union practice, corporate unions copy and falsify union materials and campaigns on digital platforms, like social media, to confuse workers in areas where independent union movements are growing. They also send in outsiders to further mislead employees.	- Companies Corporate unions	Copying and falsifying printed materials from independent, democratic unions to disrupt their organizing campaigns and confuse workers. Copying and falsifying the social media campaigns of independent unions to mislead workers. Infiltrating outsiders into independent union spaces to create confusion among the workforce.
Effects on union organization and the workforce Confusion among workers who cannot distinguish between a corporate union and an independent, democratic union. Delaying the process of democratic and independent union organization.		

12. Use of Anti-Union Law Firms. This anti-union practice involves hiring law firms that specialize in preventing or dismantling independent and democratic union movements. These firms design legal strategies to demobilize such union efforts or to benefit corporate-aligned unions. A particularly concerning aspect is that these anti-union law firms are sometimes promoted by government labor agencies, including state labor secretariats. Tracing the lawyers who lead these firms often reveals business networks that involve both the firms and companies connected to high-level state officials.

It can therefore be inferred that these law firms not only aim to suppress independent and democratic union movements but also to generate financial and business benefits for certain state officials. These officials often recommend which law firms companies should hire, exploiting their positions of power within the public administration. Independent unions that have faced these anti-union law firms have sometimes exercised their right to veto working with them once they secure collective bargaining agreements.

Worker:

"Yes, of course, [company] is one of them [anti-union law firm]. In fact, at [company], the one in charge is an [anti-union] law firm; human resources is now only responsible for payroll because, as a result of the workers' struggle and the signing of the collective bargaining agreement, it has been demanded that if they do not do their job properly, human resources should be dismissed. We have already had two human resources departments, two changes of human resources, because they are not doing their job properly. So what [company] did at the global level was to hire a law firm to deal directly with the union. That's how things stand, and that law firm advises other companies here in [state] on these anti-union practices, on these practices of trying to stop the democratic unions from taking action."

Independent union leader:

"The Department of Labor tries to manipulate the situation by telling employers, "Don't worry, I'll handle this [union conflict] for you." That's exactly what happened to us at [company], where they replaced the previous office after approaching the Department and saying, "I'll only help you if this [anti-union] office is in place! If it's not, I can't help you."

It's like a mafia. I know it sounds dramatic—maybe even like something Andrés Manuel would say—but it's a power mafia. They control companies and workers through [anti-union] firms. They set up a union and tell companies, "Sign with this firm and this union, and you won't have any problems."

The problem arises when it becomes clear that neither the [anti-union] law firm nor the [corporate] union they promote can actually beat the union I represent. I don't work with a single company that uses [anti-union law firms] because I tell them, "If you want a long-term relationship with me—20 years, 50 years—you can't have a law firm like that involved. Hire whoever you want, but I won't work with them."

Use of Anti-Union Law Firms		
Definition	Who is involved?	Actions
It's an anti-union practice in which law firms specializing in suppressing or dismantling union movements are hired to design legal strategies that demobilize democratic and independent unions and favor corporate-aligned organizations.	- Companies -Corporate unions - State government officials, mainly - Anti-union law firms.	Delegate legal strategies aimed at containing or dismantling democratic and independent union movements. Reinforce the alliance between the State, employers, and corporate unions. Build networks of complicity between state officials and anti-union law firms.
Effects on Union Organization and the Working Class The extinction or delay of democratic and independent union organizing processes through legal maneuvers and collusion with state officials. The legal reinforcement of corporate unionism in states that rely on anti-union law firms.		

13. Surveillance and Use of State Institutional Structures. This anti-union practice exploits the institutional framework of the State to create mechanisms for monitoring and controlling workers, as well as democratic and independent union leaders. State infrastructure and resources are used to track union leaders, follow vehicles, monitor the work activities of union members considered inconvenient to corporate union interests, and even shut down spaces where workers hold organizational meetings.

Independent union leader:

The day before our assembly at [company], the government secretariat realized things were getting complicated. There were people from the transportation authority following our trucks when we held the assembly in [Municipality]. They basically activated the government's full arsenal against the [union]—chasing our vehicles, tracking workers, and warning them not to attend the assembly. They even used civil protection and state police to keep workers from entering the meetings.

Worker:

"But the truth is that they [the workers] didn't realize it because they were watching us, that is, the government was watching us, [although] maybe our coworkers didn't feel it. Fortunately, they never went beyond trying to sabotage something we did, but they did have us in their sight."

Surveillance and Use of State Institutional Structures		
Definition	Who is involved?	Actions
It is an anti-union practice that uses the institutional architecture of the State to create mechanisms for controlling and monitoring workers and democratic and independent union leaders, with the aim of eliminating non-corporate union organization.	- Companies -Corporate unions - State government officials, mainly.	- Use of the institutional architecture of the State to intimidate and discourage independent and democratic union organization. - Intimidation and surveillance of workers and democratic and independent union leaders.
Effects on union organization and the workforce Fear among workers to discourage them from organizing democratically and independently. Obstacles to hold meetings or informational assemblies for democratic and independent union organizing.		

V. Conclusions and Recommendations for Combating Anti-Union Practices in Mexico

The recommendations presented in this document call for a genuine transformation of the structural conditions that allow Mexican union corporatism to persist. In other words, they aim to dismantle the ideological and institutional frameworks that sustain corporate unionism and enable the reproduction of anti-union practices.

From the perspective of the International Labour Organization (ILO), the path toward strengthening decent work is not a solitary one—it is closely tied to the construction of labor citizenship, understood as a way of conceiving work within a framework of rights and responsibilities that workers collectively build. These processes help address the social and economic inequalities present in the workplace, ensuring fair access to opportunities for development, protection of labor rights, and participation in workplace decision-making.

In moving toward the goals of decent work and labor citizenship, it is essential to restore the strength of collective action, since workers' legitimate demands cannot thrive through individual struggle. Strengthening the collective union identity of Mexico's organized workforce has been a long-standing effort, and current conditions offer a historic opportunity to transform free, democratic union organizing into a broader social movement that improves the living conditions of the Mexican working class.

In this spirit, the actions and recommendations outlined here are designed for the short, medium, and long term, recognizing that social change

depends not only on political will but also on the structural conditions that make such change possible.

V.1. Short-Term Actions to Strengthen Labor Rights, Freedom, and Union Democracy

a. Design and implement a national training program on labor rights and freedom of association for Mexican workers. During interviews with independent union leaders and labor activists, a recurring theme was the lack of awareness among workers about their labor and union rights, as well as the mechanisms available to enforce them. Many interviewees noted that when they approached their coworkers to discuss union matters within their companies, most were unaware of their rights or how to defend them. A nationwide training program could help close this gap, empowering workers to exercise their rights to freedom of association and collective bargaining.
b. Design and implement a national training program for company personnel on respect for labor rights and freedom of association. In evaluating the importance and impact of the Rapid Response Labor Mechanism (RRLM) as a binational tool for addressing labor disputes, it became clear that training is also needed for company personnel—particularly in human resources and labor relations departments—on labor rights and freedom of association. Many of the complaints filed under the RRLM stemmed from poor handling of labor conflicts by these departments and from misguided advice provided by anti-union law firms. Implementing comprehensive training programs for company staff would help prevent such disputes and promote respect for workers' rights.
c. Provide workers with tools to strengthen genuine collective bargaining. Strengthening authentic, non-simulated collective bargaining requires two key stages. The first—already advanced through the recent labor reform and the labor chapter of the USMCA—involves creating the structural and institutional conditions necessary to establish and support independent, democratic unions. The second stage,

equally important, is to equip Mexican workers with the tools and skills needed to lead collective bargaining processes on equal footing with employers. This includes training in strategic corporate research, understanding labor reform, contract negotiation, and collective bargaining techniques. Providing these tools will help ensure that workers can negotiate fairer wages and better working conditions through truly representative and democratic unions.

d. Build transnational union support networks to promote laws, mechanisms, and tools that strengthen working conditions and union rights for Mexican workers.

   Throughout this project, discussions about labor disputes in Mexico revealed that support from unions in the United States and Canada often made a significant difference—particularly in increasing media visibility and reinforcing the legitimacy and strength of Mexican workers' struggles. In the current context of uncertainty surrounding the USMCA's ratification and the future of its labor chapter, it is more important than ever to build trinational union solidarity networks that unite workers across the United States, Canada, and Mexico in defense of their shared and legitimate labor struggles.

e. Develop a trinational proposal (United States, Canada, and Mexico) to strengthen the labor chapter and Mexico's new labor reform. Even if the USMCA is not ratified and individual trade agreements are signed instead, unions in the United States, Canada, and Mexico can still promote a trinational labor and union agenda to consolidate the progress achieved in recent years through the USMCA's labor chapter and Mexico's 2019 labor reform. Much of the advancement in labor democracy and freedom of association in Mexico has been made possible by the mechanisms established under the USMCA. Failing to ratify these agreements would represent a serious setback, as it would weaken incentives to uphold labor laws and protections. Therefore, if the USMCA is not ratified, it will be essential to develop a trinational labor agenda that safeguards and builds upon the progress made in union freedom, democracy, and the protection of workers' rights across North America.

It is important to note that, throughout the course of this study, no information was found regarding the enforcement of legal penalties against those who violate the principles of freedom and democracy in the workplace, or against those who infringe upon the labor rights of Mexican workers. This absence of data appears to result both from official inaction and from a clear lack of interest by the authorities responsible for enforcing Mexican labor laws. This highlights the urgent need to strengthen and expand trinational mechanisms for resolving labor disputes.

Furthermore, a new category of sanctions should be established—not only economic or commercial penalties for companies, but also consequences for union leaders, anti-union lawyers, and state or federal officials who act in a biased manner or collude to benefit corporate unions that undermine labor rights in Mexico. These sanctions could include measures such as suspending benefits for individuals or institutions involved in anti-union practices, canceling the legal registration of corporate unions, denying entry visas to implicated actors, freezing bank accounts or property, and revoking representation before international organizations.

V.2. Medium-Term Actions to Strengthen Labor Rights, Freedom, and Union Democracy

a. Produce Information on the Effects of Labor Reform Implementation in Mexico

One of the main challenges in evaluating the implementation of labor reform in Mexico is the near impossibility of accessing reliable information. When information requests are submitted, the government agencies responsible for producing this data often respond inadequately. Citizens and labor specialists seeking such information face a bureaucratic maze in which federal institutions shift responsibility from one to another.

The argument typically used to avoid accountability is that the requested data is *ad hoc*—a euphemism that conceals two underlying realities:

i) information is being deliberately withheld, and ii) there is a lack of genuine political will to fully and firmly implement the labor reform. This includes enforcing sanctions against those who violate labor laws—whether they are trial lawyers, companies, government officials at the state or federal level, or corporate union leaders.

To date, it remains unclear how many individuals in these categories have actually been sanctioned, or whether any complaints of corruption or influence peddling have been filed in relation to the awarding of collective bargaining agreements. Without transparent and accessible data, it will be impossible to develop new labor reform initiatives that genuinely respond to the demands of Mexican workers, rather than preserving the interests of corporate union leaders intent on maintaining the existing power structure of union corporatism in Mexico.

b. Provide Information on the Effects of the Labor Chapter of the USMCA

One of the most significant recent developments in Mexico's labor regulation has been the inclusion of the labor chapter in the United States–Mexico–Canada Agreement (USMCA) and the implementation of the Rapid Response Labor Mechanism (RRLM) as a binational tool for resolving labor disputes. Although this has not been formally acknowledged by Mexican or U.S. officials, the RRLM emerged largely from the distrust of U.S. labor authorities toward their Mexican counterparts regarding the handling of violations of union freedom and democracy.

Given this context, an in-depth analysis of the complaints filed under the RRLM is essential to identify the most common factors and patterns underlying these labor disputes. Such analysis would provide valuable insights for developing targeted policies and preventive measures to discourage or eliminate the causes of these conflicts.

Compiling and analyzing this information could also support new labor reform initiatives aimed at addressing the structural issues driving labor disputes in Mexico. However, if the USMCA and its labor chapter are not ratified, there is a serious risk of stagnation and a resurgence of Mexican union corporatism—this time led not by the historically dominant CTM, but by CATEM, the union organization closely aligned with the ruling party, MORENA.

c. Reform Labor and Criminal Law to Categorically Prohibit Blacklisting

It is essential to eradicate one of the most harmful anti-union practices affecting workers: blacklisting—the reporting and stigmatization of individuals who have participated in democratic and independent union organizing efforts and are labeled as "troublesome" because of their activism.

What does blacklisting involve? In this practice, companies that have dismissed workers for their union activities share their names through networks of contacts with other employers, effectively warning them not to hire these individuals.

This practice is not only anti-union; it also violates the human rights of Mexican workers, as it prevents them from accessing decent employment and achieving a dignified standard of living. The strategies available to those who have been blacklisted are extremely limited, given the structural constraints they face in defending their rights and livelihoods.

For instance, in Querétaro, the union Transformación Sindical has taken steps to support workers who have been blacklisted. The union provides financial assistance to compensate for lost income and helps place affected workers in jobs within companies where it holds collective bargaining agreements, while lawsuits for unfair dismissal and complaints filed under the Rapid Response Labor Mechanism (RRLM) are ongoing.

d. Penalties for Government Officials, Anti-Union Law Firms, and Corporate Unions that Promote Anti-Union Practices

Although Mexican labor laws establish sanctions for actions that undermine union freedom and democracy—such as corruption, obstruction, or influence peddling in labor trials or the allocation of collective bargaining agreements—there is still no public record of how many individuals have actually been sanctioned. The government agencies responsible for enforcing these laws have largely failed to act, allowing serious violations to go unpunished.

As a result, state officials in particular continue to operate with impunity, repeating the same anti-union practices and provoking workplace conflicts to protect corporate unions, often with the direct support of anti-union

law firms. A review of several cases brought before the Rapid Response Labor Mechanism (RRLM) shows a recurring pattern: state government intervention in defense of unions that do not represent the legitimate interests of the Mexican working class, coupled with legal strategies designed by anti-union firms to obstruct democratic and independent union organizing.

To address this, sanctions should include not only legal and financial penalties but also the deregistration of corporate unions that, in collusion with state authorities, employers, and anti-union law firms, systematically violate workers' labor rights through the use of anti-union practices.

e. Greater Economic Resources and Stronger Sanctioning Capacity for the Conciliation and Labor Registration Center of the Ministry of Labor and Social Welfare

No scholar of labor issues in Mexico was surprised that the 2019 labor reform was passed under pressure from trade unions and the U.S. government as a condition for signing the USMCA. However, as has often been the case with reforms in Mexico, the impact of the labor reform has been limited because the government agencies responsible for enforcing it were not adequately funded, and their authority to impose fines on companies or unions that violate the law or fail to meet their obligations remains restricted.

For instance, the Federal Center for Conciliation and Labor Registration—one of the key agencies tasked with implementing the reform—lacked sufficient staff to manage the processes of legitimizing collective bargaining agreements. Moreover, its budget for the 2025 fiscal year was cut by 32.5% (Voz Laboral, 2025). These actions indicate that the Mexican federal government shows little genuine interest in promoting and strengthening democratic and independent trade unionism. Instead, the current policies appear to favor the fourth transformation's union organization, CATEM, and its national leader, a senator affiliated with MORENA.

V.3. Long-Term Actions to Strengthen Labor Rights, Freedom, and Union Democracy

a. Implement Labor Education in Upper Secondary and Higher Education Curricula

The goal of this action is to raise awareness from an early age about labor rights and to foster the development of labor citizenship, challenging the monopoly of corporate unions over the representation of the working class. As noted, many Mexican workers remain unaware of their labor rights and the mechanisms available to enforce them. While information campaigns can help address this gap, lasting change requires building structural foundations.

One key approach is to integrate labor educators into upper secondary and higher education curricula. This initiative would support the objectives of decent work and cultivate labor citizenship among future generations of workers. By embedding labor education in schools and universities, it becomes possible to promote a culture that respects labor human rights and highlights the importance of collective organization for Mexican workers.

b. Strengthening Labor Inspection

The Labor Conciliation and Registration Center should serve as the primary body responsible for monitoring and enforcing labor laws. To fulfill this role effectively, it must go beyond resolving labor disputes and adopt a preventive approach. This requires sufficient financial and operational capacity to carry out comprehensive labor inspections across workplaces.

The objective is to establish a robust labor inspection mechanism that not only ensures compliance with workplace regulations but also addresses reports of discrimination, harassment, unjustified dismissals, or blacklisting. In short, the aim is to use labor inspections as a tool to combat all forms of anti-union practices.

These inspections would enable the creation of mechanisms to remedy labor rights violations at the earliest stage and allow for the implementation of financial or legal sanctions in cases of repeated offenses.

V.4. General Recommendations for Strengthening Labor Rights, Freedom, and Union Democracy in Mexico

a. Define the Role of Labor Attachés

Leaders of democratic and independent unions often perceive that labor attachés from the U.S. Embassy sometimes legitimize heads of state labor secretariats by attending their events without taking a critical stance on the systematic violations of labor rights these officials frequently commit. Such uncritical engagement effectively endorses government officials who participate in anti-union practices and protect corporate unions, undermining efforts to promote genuine labor democracy.

b. Establish Strict Guidelines for the Formation of Single-Company Unions

In response to growing distrust of corporate unions among workers, some companies—advised by anti-union law firms and government officials—have sought to sideline corporate unions while still maintaining control over their workforce. To do this, they promote the creation of single-company unions, which exist only within the company where the collective bargaining agreement is signed. This approach allows companies to retain control even when workers reject the corporate union.

However, the absence of a corporate union does not guarantee that democratic practices will prevail within these single-company unions. Therefore, it is essential to establish strict guidelines to ensure that this practice does not legitimize an anti-union strategy that undermines the authentic representation and legitimate interests of workers.

c. Development of Soft Skills for Resolving Labor Disputes in Companies

Throughout this research, one consistent observation emerged: while human resources and labor relations departments often have the technical knowledge to perform their roles, they frequently lack the tools to recognize that

workers possess rights that companies cannot violate. Many are aware of the legal consequences of infringing on rights such as freedom of association, yet they continue to carry out anti-union practices that protect corporate unions.

Why does this happen? Often, it stems from poor legal advice from law firms that still operate under the outdated corporatist model of labor relations, even though this approach is no longer dominant. Another common factor is the mindset of labor relations personnel who believe that employees have no rights and must comply with company directives, even when these violate labor laws.

To address this, a change in mindset is required, alongside the development of soft skills that enable company employees to transition toward union democracy and respect for freedom of association. This involves fostering empathy, negotiation skills, and an understanding of workers' rights to ensure fair and constructive labor relations.

In conclusion, combating anti-union practices in Mexico requires a sustained, long-term effort that combines the construction of transnational union solidarity networks with concrete action from national labor authorities. The signing of the USMCA and its labor chapter—which in turn led to the 2019 labor reform in Mexico—marked an important starting point for the emergence of a genuine labor movement in the country.

However, the possibility that the USMCA and its labor chapter may not be ratified represents a serious setback in the struggle for better working conditions in Mexico. Without these agreements, there would be neither incentives nor sanctions to ensure compliance with fundamental principles of union freedom and democracy, such as those safeguarded by the Rapid Response Labor Mechanism (RRLM).

After all, who would resolve a violation of the right to freedom of association when it is the state itself committing the violation? As long as corporate unions continue to make agreements with the state and employers in the name of "labor peace," the prospect of building a genuine social movement that defends Mexican workers' rights and improves their living conditions will remain an aspiration rather than an attainable reality.

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Appendices

APPENDIX 1.

PODER JUDICIAL DE LA FEDERACIÓN
CONSEJO DE LA JUDICATURA FEDERAL

CONSEJO DE LA JUDICATURA FEDERAL.
SECRETARÍA GENERAL DE LA PRESIDENCIA
COORDINACIÓN GENERAL DE PLANEACIÓN INSTITUCIONAL.
DIRECCIÓN GENERAL DE ESTADÍSTICA JUDICIAL.

"2025, Año de la Mujer Indígena"

OFICIO CJF/SGP/COGEPI/DGEJ/T/405/2025
Ciudad de México, 5 de marzo de 2025.

Lic. Valeria Soberanis Kurczyn
Secretaria para el Trámite de Solicitudes de Acceso a la Información
Unidad de Transparencia
P r e s e n t e.

Por instrucciones de la maestra María Jacqueline Martínez Uriarte, Titular de la Dirección General de Estadística Judicial y en atención a su oficio UT/STSAI/0614/2025-330030425001399-AC, por el que solicita lo siguiente:

"En atención a lo dispuesto en el Artículo 48 de la Ley Federal del Trabajo (LFT) vigente, párrafos 5, 6 y 7, pido a Usted tenga a bien informar lo siguiente:
1. ¿Cuántos abogados litigantes o representantes han sido multados, en los términos que establece el artículo 48 párrafo 5 de la LFT, debido a la promoción de acciones, excepciones, incidentes, diligencias, ofrecimiento de pruebas, recursos y en general actuaciones improcedentes que tengan como finalidad prolongar, dilatar u obstaculizar la sustanciación o resolución de un juicio laboral?
(...)
4. ¿Cuántos servidores públicos del Centro Federal de Conciliación y Registro Laboral han sido multados, en los términos que establece el artículo 48 párrafo 7 de la LFT, debido a retraso, obstrucción o influir en el procedimiento de registros sindicales o de contratos colectivos de trabajo y de reglamentos interiores de trabajo? Especificar funcionarios multados por causa: i) retraso; ii) obstrucción o iii) influir y estado.
5. ¿Cuántos servidores públicos del Centro Federal de Conciliación y Registro Laboral han sido multados, n los términos que establece el artículo 48 párrafo 7 de la LFT, por otorgar constancia de representatividad sin causa justificada?
(...)
Lo anterior de acuerdo a lo dispuesto por el Centro Federal de Conciliación y Registro Laboral, en el sentido de que el CJF es la instancia que cuenta con dicha información. Se adjunta oficio."

Al respecto, con fundamento en los artículos 149 y 150, del *Acuerdo General del Pleno del Consejo de la Judicatura Federal, que reglamenta la organización y funcionamiento del propio Consejo,* esta Dirección General cuenta con la atribución de proveer a las distintas áreas administrativas, información estadística relevante, oportuna y confiable que generan los órganos jurisdiccionales con motivo de su actividad jurisdiccional, hago de su conocimiento que, el Sistema Integral de Gestión de Expedientes (SIGE), no cuenta con campos que permitan identificar lo solicitado en el punto ***"1"*** de su requerimiento, en todo caso se requeriría de un

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análisis jurídico que implicaría la revisión de cada uno de los asuntos del conocimiento de los órganos jurisdiccionales, lo cual no se encuentra tutelado por la Ley Federal de Transparencia y Acceso a la Información en una primer consulta, lo cual no se encuentra tutelado por la **Ley Federal de Transparencia y Acceso a la Información Pública**, en relación con el artículo 20, segundo párrafo del **Acuerdo General del Pleno del Consejo de la Judicatura Federal que establece las disposiciones en materia de transparencia y acceso a la información pública en el Consejo,** publicado en el Diario Oficial de la Federación el seis de septiembre de dos mil diecinueve.

En consecuencia, esta Dirección General no se encuentra en aptitud de proveer la información en los términos que requiere el solicitante, ya que ello no puede considerarse materia del derecho de acceso a la información, porque lo que en realidad se persigue es generar un documento o informe *ad hoc*, del cual esta unidad administrativa no tiene la obligación normativa, de conformidad con los artículos 128 y 130, párrafo cuarto de la citada ley de transparencia, así como el diverso 129 de la *Ley General de Transparencia y Acceso a la Información Pública* y el 26 del *Reglamento de la Suprema Corte de Justicia de la Nación y del Consejo de la Judicatura Federal*, publicados en el Diario Oficial de la Federación el cuatro de mayo de dos mil quince y el dos de abril de dos mil cuatro, respectivamente.

Robustece lo anterior el criterio 3/2017, emitido por el Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales, cuyo rubro y texto son del tenor literal siguiente:

> ***"NO EXISTE OBLIGACIÓN DE ELABORAR DOCUMENTOS AD HOC PARA ATENDER LAS SOLICITUDES DE ACCESO A LA INFORMACIÓN.*** *Los artículos 129 de la Ley General de Transparencia y Acceso a la Información Pública y 130, párrafo cuarto, de la Ley Federal de Transparencia y Acceso a la Información Pública, señalan que los sujetos obligados deberán otorgar acceso a los documentos que se encuentren en sus archivos o que estén obligados a documentar, de acuerdo con sus facultades, competencias o funciones, conforme a las características físicas de la información o*

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PODER JUDICIAL DE LA FEDERACIÓN
CONSEJO DE LA JUDICATURA FEDERAL

CONSEJO DE LA JUDICATURA FEDERAL.
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COORDINACIÓN GENERAL DE PLANEACIÓN INSTITUCIONAL.
DIRECCIÓN GENERAL DE ESTADÍSTICA JUDICIAL.

del lugar donde se encuentre. Por lo anterior, los sujetos obligados deben garantizar el derecho de acceso a la información del particular, proporcionando la información con la que cuentan en el formato en que la misma obre en sus archivos; sin necesidad de elaborar documentos ad hoc para atender las solicitudes de información".

Ahora bien, con relación a los numerales ***"4*** y ***5"*** de su solicitud, le comunico que toda la información del ***Centro Federal de Conciliación y Registro Laboral*** no es competencia del Consejo de la Judicatura Federal.

Sin otro motivo, le expreso las seguridades de mi atenta consideración.

Atentamente

(firmado electrónicamente)
Mtro. Carlos Enrique Alvarez Tello
Secretario Técnico "A" de la
Dirección General de Estadística Judicial

Actividad	Nombre de la persona servidora pública	Cargo
Elaboró:	Lic. Francisco Alejandro Ramírez Santander	Jefe de Departamento

Volante 1371/2025

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APPENDIX 2.

Trabajo
Secretaría del Trabajo y Previsión Social

CENTRO FEDERAL DE CONCILIACIÓN Y REGISTRO LABORAL

Coordinación General de Asuntos Jurídicos
Dirección de Gestión, Análisis e Información Institucional
Subdirección de Acceso a la Información

Oficio No. CFCRL/CGAJ-83.1/074/2025
Asunto: Solicitud de Información Pública 332589725000097

Ciudad de México, a 21 de febrero de 2025.

APRECIABLE SOLICITANTE

En atención a su solicitud de acceso a la información que fue recibida mediante el Sistema de Solicitudes de Acceso a la Información con fecha 18 de febrero de 2025 y registrada con el folio 332589725000097, cuyo contenido es del tenor siguiente:

> *"En atención a lo dispuesto en el Artículo 48 de la Ley Federal del Trabajo (LFT) vigente, párrafos 5, 6 y 7, pido a Usted tenga a bien informar lo siguiente: 1. ¿Cuántos abogados litigantes o representantes han sido multados, en los términos que establece el artículo 48 párrafo 5 de la LFT, debido a la promoción de acciones, excepciones, incidentes, diligencias, ofrecimiento de pruebas, recursos y en general actuaciones improcedentes que tengan como finalidad prolongar, dilatar u obstaculizar la sustanciación o resolución de un juicio laboral? 2. ¿Cuántos servidores públicos han sido suspendidos, en los términos que establece el artículo 48 párrafo 6 de la LFT, hasta por noventa días sin pago de salario, por la dilación de los juicios laborales por motivo de dilaciones o conductas irregulares? 3. ¿Cuántos servidores públicos han sido destituidos de su cargo, en los términos que establece el artículo 48 párrafo 6 de la LFT, por reincidir en la dilación de los juicios laborales por motivo de dilaciones o conductas irregulares y cuántos de estos casos fueron notificados al Ministerio Público para que investigue la posible comisión de delitos contra la administración de justicia? 4. ¿Cuántos servidores públicos del Centro Federal de Conciliación y Registro Laboral han sido multados, en los términos que establece el artículo 48 párrafo 7 de la LFT, debido a retraso, obstrucción o influir en el procedimiento de registros sindicales o de contratos colectivos de trabajo y de reglamentos interiores de trabajo? Especificar funcionarios multados por causa: i) retraso; ii) obstrucción o iii) influir y estado. 5. ¿Cuántos servidores públicos del Centro Federal de Conciliación y Registro Laboral han sido multados, en los términos que establece el artículo 48 párrafo 7 de la LFT, por otorgar constancia de representatividad sin causa justificada? 6. Especificar las entidades federativas donde más sanciones, de acuerdo a los párrafos 5, 6 y 7 del artículo 48 de la LFT, se han implementado. "(sic)*

Con fundamento en los artículos 19, último párrafo y 28, fracciones XVI y XVII del Estatuto Orgánico del Centro Federal de Conciliación y Registro Laboral; así como PRIMERO y SEXTO del Acuerdo por el que se delegan en las y los servidores públicos adscritos a las Coordinaciones Generales del Centro Federal de Conciliación y Registro Laboral, las facultades que se indican, publicado en el Diario Oficial de la Federación (D.O.F.) el 25 de noviembre de 2020 y el Acuerdo que lo modifica y adiciona publicado en el D.O.F. 02 de junio de 2021; se informa lo siguiente:

El Centro Federal de Conciliación y Registro Laboral es un organismo público descentralizado de la Administración Pública Federal con personalidad jurídica y patrimonio propios, con autonomía técnica, operativa, presupuestaria, de decisión y de gestión, el cual tiene por objeto sustanciar el procedimiento de conciliación que deberán agotar los trabajadores y

2025 Año de La Mujer Indígena

patrones en asuntos individuales y colectivos del orden federal, conforme a lo establecido en los párrafos segundo y tercero de la fracción XX del artículo 123, Apartado A, de la Constitución y artículos 684-A a 684-E de la Ley Federal del Trabajo, así como registrar, a nivel nacional, todos los contratos colectivos de trabajo, contratos-ley, reglamentos interiores de trabajo, y las organizaciones sindicales, así como todos los procesos administrativos relacionados.

En este sentido, el artículo 9° de la Ley Orgánica del Centro Federal de Conciliación y Registro Laboral establece lo siguiente:

Artículo 9. Corresponden al Centro las siguientes atribuciones:

I. Realizar en el ámbito federal la función conciliatoria individual prevista en el párrafo cuarto de la fracción XX del Apartado A del artículo 123 Constitucional;
II. Realizar en el ámbito federal la función conciliatoria colectiva, misma que se brindará a petición de las partes o de la autoridad judicial;
III. Llevar el registro de todos los contratos colectivos de trabajo, contratos-ley, reglamentos interiores de trabajo y de las organizaciones sindicales, así como todos los actos y procedimientos a que se refiere el párrafo cuarto de la fracción XX del Apartado A del artículo 123 Constitucional;
IV. Establecer el servicio profesional de conformidad con los parámetros estipulados en la Ley Federal del Trabajo y esta Ley;
V. Establecer planes de capacitación de conformidad con lo previsto en la Ley Federal del Trabajo y esta Ley;
VI. Auxiliar a los sindicatos o trabajadores en los procedimientos de elección de sus directivas sindicales, así como verificar el cumplimiento de los principios democráticos y los requisitos legales aplicables;
VII. Convocar y organizar los recuentos para consultas a solicitud fundada de los trabajadores, o en caso de duda razonable sobre la veracidad de la documentación presentada en la verificación de la elección de directivas sindicales conforme al artículo 371 Bis de la Ley Federal del Trabajo;
VIII. Expedir las constancias de no conciliación;
IX. Expedir las constancias de representatividad;
X. Verificar el apoyo mayoritario de los trabajadores en los contratos colectivos de trabajo que los rigen y sus convenios de revisión, vigilando el ejercicio del voto personal, libre, directo y secreto;
XI. Tomar en consideración las propuestas y opiniones del Comité Nacional de Concertación y Productividad referidas en el artículo 153-K, fracciones XII, XIII y XIV, de la Ley Federal del Trabajo;
XII. Verificar que el contenido de los contratos colectivos de trabajo se haya hecho del conocimiento de los trabajadores, conforme a lo dispuesto por el artículo 400 Bis de la Ley Federal del Trabajo;
XIII. Proporcionar la documentación e información relativa al registro del contrato colectivo o de la administración del contrato-ley, tabuladores, padrones de trabajadores afiliados a los sindicatos contendientes y toda aquella información que posea a los tribunales que así lo requieran;
XIV. Hacer pública conforme al artículo 365 Bis de la Ley Federal del Trabajo, la información de los sindicatos, y brindar a las personas que lo soliciten copia de los documentos que obren en los expedientes registrados, previo pago de los derechos correspondientes, en términos del artículo 8o. de la Constitución y de la Ley General de Transparencia y Acceso a la Información Pública, priorizando la utilización de medios tecnológicos;
XV. Establecer un modelo de gestión conciliatoria y administrativa para su adecuado funcionamiento;

XVI. Establecer el Código de Conducta para las personas servidoras públicas al Centro;
XVII. Implementar medidas que garanticen un ambiente laboral libre de todo tipo de discriminación, violencia y acoso, así como la sustentabilidad ambiental del propio órgano;
XVIII. Imponer las multas que correspondan por el incumplimiento de las disposiciones previstas en la Ley Federal del Trabajo, conforme a la normatividad aplicable, y
XIX. Las demás que establezcan la Ley Federal del Trabajo, la presente Ley y la normatividad aplicable.

De lo anterior se advierte que, dentro de las facultades y atribuciones del Centro Federal de Conciliación y Registro Laboral, no se encuentra la de conocer sobre lo requerido en su solicitud de información, por lo que esta autoridad se encuentra jurídica y materialmente imposibilitada para proporcionar la información requerida en la solicitud de mérito; toda vez que de conformidad con el artículo 130, cuarto párrafo de la Ley Federal de Transparencia y Acceso a la Información Pública (LFTAIP) *"...Los sujetos obligados deberán otorgar acceso a los Documentos que se encuentren en sus archivos o que estén obligados a documentar* ***de acuerdo con sus facultades, competencias o funciones*** *en el formato en que el solicitante manifieste, de entre aquellos formatos existentes, conforme a las características físicas de la información o del lugar donde se encuentre así lo permita."*

En razón de lo anterior, se hace de su conocimiento que el Sujeto Obligado competente para dar respuesta a su solicitud es el **Consejo de la Judicatura Federal** al ser el órgano encargado de la impartición de justicia laboral, competentes para dar solución a los conflictos laborales individuales y colectivos respecto de los trabajadores señalados en el apartado A del artículo 123 de la Constitución Política de los Estados Unidos Mexicanos, con fundamento en los artículos 123, apartado A, fracción XX, primer párrafo de la Constitución recién invocada; 1°y 604 de la Ley Federal del Trabajo; 1°, 73, 86, fracción XXXV de la Ley Orgánica del Poder Judicial de la Federación, mismos que se transcriben para pronta referencia:

CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS MEXICANOS

Artículo 123. Toda persona tiene derecho al trabajo digno y socialmente útil; al efecto, se promoverán la creación de empleos y la organización social de trabajo, conforme a la ley.

El Congreso de la Unión, sin contravenir a las bases siguientes deberá expedir leyes sobre el trabajo, las cuales regirán:

A. Entre los obreros, jornaleros, empleados domésticos, artesanos y de una manera general, todo contrato de trabajo:

(...)

XX. La resolución de las diferencias o los conflictos entre trabajadores y patrones estará a cargo de los ***tribunales laborales del Poder Judicial de la Federación o de las entidades federativas****, cuyos integrantes serán designados atendiendo a lo dispuesto en los artículos 94, 97, 116 fracción III, y 122 Apartado A, fracción IV de esta Constitución, según corresponda, y deberán contar con capacidad y experiencia en materia laboral. Sus sentencias y resoluciones deberán observar los principios de legalidad, imparcialidad, transparencia, autonomía e independencia.*

(...)

LEY FEDERAL DEL TRABAJO

Trabajo
Secretaría del Trabajo y Previsión Social

CENTRO FEDERAL DE CONCILIACIÓN Y REGISTRO LABORAL

Coordinación General de Asuntos Jurídicos
Dirección de Gestión, Análisis e Información Institucional
Subdirección de Acceso a la Información

Artículo 1o.- La presente Ley es de observancia general en toda la República y rige las relaciones de trabajo comprendidas en el artículo 123, Apartado A, de la Constitución.

*Artículo 604.- Corresponden a los **Tribunales del Poder Judicial de la Federación o de los Tribunales de las entidades federativas**, el conocimiento y la resolución de los conflictos de Trabajo que se susciten entre trabajadores y patrones, sólo entre aquellos o sólo entre éstos, derivado de las relaciones de trabajo o de hechos relacionados con ellas.*

En su actuación, los jueces y secretarios instructores deberán observar los principios de legalidad, imparcialidad, transparencia, autonomía e independencia.

LEY ORGÁNICA DEL PODER JUDICIAL DE LA FEDERACIÓN

***Artículo 1.** Los órganos del Poder Judicial de la Federación son:*
I. La Suprema Corte de Justicia de la Nación;
II. El Tribunal Electoral;
III. Los Plenos Regionales;
IV. Los Tribunales Colegiados de Circuito;
V. Los Tribunales Colegiados de Apelación;
VI. Los Juzgados de Distrito, y
VII. El Consejo de la Judicatura Federal.

***Artículo 73.** La **administración**, vigilancia, disciplina y carrera judicial del Poder Judicial de la Federación, con excepción de la Suprema Corte de Justicia de la Nación y el Tribunal Electoral, estarán a cargo del **Consejo de la Judicatura Federal**, en los términos que establecen la Constitución Política de los Estados Unidos Mexicanos y esta Ley.*

El Consejo de la Judicatura Federal velará, en todo momento, por la autonomía de los órganos del Poder Judicial de la Federación y por la independencia, imparcialidad y la legitimidad de las y los miembros de este último.

***Artículo 86.** Son atribuciones del Consejo de la Judicatura Federal:*

(...)

***XXXV.** Fijar las **bases de la política informática y de información estadística que permitan conocer y planear el desarrollo del Poder Judicial de la Federación**, así como regular, recopilar, documentar, seleccionar y difundir para conocimiento público, con apego a las normas en materia de transparencia y acceso a la información pública, las sesiones de los tribunales colegiados de circuito y tribunales colegiados de apelación;*

En consecuencia, con fundamento en los artículos 136, primer párrafo de la Ley General de Transparencia y Acceso a la Información Pública y 131, primer párrafo de la Ley Federal de Transparencia y Acceso a la Información Pública, se le orienta para que dirija sus planteamientos ante dicha autoridad, misma que cuenta con su propia Unidad de Transparencia, cuyos datos pueden ser consultados en la siguiente liga electrónica:

- Consejo de la Judicatura Federal: https://tinyurl.com/yksjwnfg

2025 Año de La Mujer Indígena

Trabajo
Secretaría del Trabajo y Previsión Social

CENTRO FEDERAL DE CONCILIACIÓN Y REGISTRO LABORAL

Coordinación General de Asuntos Jurídicos
Dirección de Gestión, Análisis e Información Institucional
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Sin más por el momento, es propicia la ocasión para enviarle un cordial saludo.

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SUBDIRECTORA DE ACCESO A LA INFORMACIÓN.

ELABORA: GVDA
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2025 Año de La Mujer Indígena

Anti-Union Practices in Mexico under the USM-CA Framework, Fighting the three-headed monster,
de Rolando Javier Salinas García, Juan Manuel Godínez Flores, Heriberto Pacheco García y Adrián Gutiérrez Godínez publicado por el Fondo Editorial de la Universidad Autónoma de Querétaro, se terminó de editar en febrero de 2026, en versión digital para acceso abierto en los formatos PDF, EPUB y HTML.
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This book analyzes contemporary dynamics of labor-force control in Mexico. It goes beyond describing workplace conflicts to reveal that the Mexican union system operates not by accident, but by design. Thus, antisyndical practices are far more than isolated employer actions; they constitute an organized effort that relies on the state structure, business complicity, and corporate unions to reinforce a network of protection, corruption, and institutional collusion aimed at erasing independent, democratic labor organizing in Mexico.

The book identifies the actors behind these antisyndical practices through the metaphor of a "three-headed monster"—the state, employers, and corporate unions—a figure that illustrates the oppression facing the independent labor movement, which must struggle not only against employers but also against institutional harassment by the state.

The work seeks to amplify the voices of Mexican workers who fight every day for respect for their labor rights and access to a dignified life. Finally, it advances a challenging hypothesis: the possible emergence of a "fourth head"—organized crime—which may form alliances with corporate unions to impose violent control over the labor force. This unsettling prospect opens new lines of inquiry at the intersection of labor and criminal analysis, potentially exposing one of the darkest facets of Mexican corporatism.

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