

THE FIGHT FOR THE DEFENSE OF OUR LABOUR AND UNION RIGHTS

An organizational experience of working women of the
*Central de Abasto*¹ of Mexico City

Mexico City, 2009

¹ Translator's Note: "Central de Abasto" is the largest food market in Mexico City.

DESCRIPTION OF THE FIGHT:

1st Stage. February 2001 to April 2002.

Birth of the Trade Union Organization

In February 2001, a group of 45 women workers and 15 men workers in charge of collecting the charges and cleaning the 5 public toilet facilities of territory “A” of the flower and vegetable market and of the kitchen area of the *Central de Abasto* of Mexico City contacted the *Frente Auténtico del Trabajo* (Authentic Labour Front-FAT) seeking advice in order to establish a trade union to improve their working conditions and defend themselves from the different kinds of abuse they were subjected to by the company Oficinas Secretariales SA de CV, their employer.

This company had the concession of the administration of the toilet facilities granted by the *Fideicomiso para la Construcción y Operación de la Central de Abasto de la Ciudad de México* (Trust for the Construction and Operation of the Central de Abasto of Mexico City), the manager of which at the time was Alejandro Ordorica, who had been appointed by the head of the capital city government, and in which the private sector participated and continues to do so today.

These cleaners received no benefits whatsoever, were paid a salary of two hundred and fifty pesos for seven days work and were subjected to a series of physical and verbal mistreatment, such as discriminatory actions by Rodrigo Castañeda, the person in charge of the company. They worked in three shifts: morning, afternoon and night, and their day off was rotational, meaning they very rarely had Sunday off.

Esperanza Buendía and Elvira Moreno recall that several times he threatened to fire them if they demanded their rights and used to say “you’re not going to find work anywhere else because you are too old”. They also recall how toilet cleaning was assigned to the older women, while the work of collecting the charges - which received a higher salary - was given to the younger women. Sexual harassment and improprieties to the younger women took place on a regular basis on the part of the person responsible for the company and other supervisors.

José Luz Trejo and Humberto Soto (two organizers of the FAT), initiated a process and accompanied the organization of the group of workers providing information on how to run an independent trade union and proposing, as the most viable option, to become a section of the *Sindicato de Trabajadores de Casas Comerciales, Oficinas y Expendios, Similares y Conexos del Distrito Federal* (Trade Union of Workers of Stores, Offices and

Outlets, Similar and Related of Mexico City-STRACC), one of the different member organizations of the FAT.

In November, after several months of FAT assisting their organization, the group of workers decided to join the STRACC-FAT, and this required that they provide the collective bargaining agreement in effect in Oficinas Secretariales SA de CV, a process which took six months.

Only when STRACC-FAT required the provision of the collective bargaining agreement were the women workers informed of an existing collective bargaining agreement signed between Oficinas Secretariales SA de CV and the *Sindicato Fraternal de Obreros, Empleados de Casas Comerciales, Agentes de Ventas, Escuelas y Oficinas particulares en el Distrito Federal* (Fraternal Trade Union of Labourers, Store Employees, Sales Agents, Agents of Private Schools and Offices of Mexico City), an employers' protection union that had never represented workers.

On April 25, 2002 the recount determined that these workers wished to be represented by the STRACC-FAT, a trade union that needed to be recognized by the company. This occurred in spite of the ruses the company employed, such as including recently hired disabled persons in the recount, but they did not succeed because, despite all such votes, the majority of workers voted to join the STRACC-FAT.

2nd Stage. May 2002 to August 2004

The Strike

This was just the beginning of the fight of these women workers because the company did not respect the conditions established in the collective bargaining agreement, and also applied harassing actions ranging from continual changes in the shifts and workplaces, to reassigning women who had strong participation in the trade union from collecting the charges to cleaning work with the respective lower salary, to the unwarranted firing 16 persons. Three men workers were among those fired who, up to that moment, had coordinated the organizational work. It was the departure of these workers that led the women to take on the complete coordination of trade union work.

In spite of the unwarranted firings, on May 13, 2003 the trade union decided to call to strike to protest against the violations of the collective bargaining agreement. The dialogue with the company was not advancing, quite the opposite; indeed, the company decided to replace all the workers.

On September 11, 2003, one day after the date scheduled for the strike, Oficinas Secretariales SA de CV informed the trade union that it no longer had the concession for the administration of the toilet facilities, and consequently was no longer the employer responsible for the workers. The strike broke out the following day and a fight began that lasted 340 days.

Prior to the departure of the concessionaire, the trade union demanded that the “Trust for the Construction and Operation of the Central de Abasto” assume its responsibility as employer by virtue of it benefiting from the work of the workers.

The technical committee of the Trust turned its back and demanded that the Local Conciliation & Arbitration Council of Mexico City declare the inexistence of the strike, and further demanded that a million pesos be paid for each month of strike, funds which the Trust indicated it would stop receiving from the charges to users of the toilet facilities. The refusal of the Trust to negotiate with the trade union lasted for almost a year.

The strike lasted almost eleven months, during which four brothers and sisters of the FAT: José Luz Trejo, Hilda Ramírez, José Ezequiel García and Adrián Quezada, carried out intense organizational and training activities with the brothers and sisters of the trade union, holding daily meetings in order to implement a strategy that would prove the responsibility, desire to work and capacity to provide a good service of unionized workers, as well as to gain the support of the tenants and users of the toilet facilities, maintaining the service in spite of the strike and only requesting voluntary contributions for the use of the facilities.

In daily meetings a commission was appointed to transparently and efficiently administrate the income received from the voluntary contributions made by users of the toilet facilities, to provide economic support to the workers who continued cleaning the toilets despite the strike.

Cleaning supplies were purchased with these voluntary contributions, and the expenses of repairs and lighting in the toilets were covered in the same way. In addition to these operational costs, it was necessary to pay the overdue electricity bill that Oficinas Secretariales SA de CV owed the Electricity Company (*Compañía de Luz y Fuerza del Centro*), as well as pay for water tanks because of the constant lack of water caused by the malfunctioning internal distribution system.

Support was also given to actions, such as dispute resolution among workers, the drawing up of the rules of procedure in order to strengthen discipline at work, the distribution of tasks and solidarity among tenants of the Central de Abasto.

The FAT team accompanied the workers and helped them apply the principles that must guide the establishment of an independent trade union: self-management, democracy, unity, solidarity, honesty, independence from any political party, employer and government.

As well as the legal process, the FAT always maintained dialogue and negotiation with the employers for them to understand workers' rights, and the functioning of an independent and honest trade union, always seeking their willingness to find a win-win solution.

The intervention of Antonio Villalba, member of the FAT National Coordination team, played a relevant role. Meanwhile, the Trust with Francisco Gómez as its manager, had to recognize their labour relationship with the unionized workers and their obligation to respect the conditions stipulated in the collective bargaining agreement.

As a result of the lawsuit before the Local Conciliation & Arbitration Council, the final award favoured the workers. The Trust was considered to be the employer and had to recognize all the rights of their workers and the strike ended on August 2, 2004.

3rd Stage. September 2004 to December 2007

Apparent Calm

For slightly over three years, the workers carried out their duties without major setbacks and bargaining collectively on good terms and expanding workers' benefits, such as: an end of the year bonus, assistance to purchase school supplies, life insurance and a wage increase to 115 pesos per day. The trade union succeeded in exercising its right to propose new personnel to cover vacancies and the collective bargaining agreement was drafted in terms that the workers could more easily understand.

Nonetheless the Trust, the manager of which at the time was Raymundo Collins, took steps to once again lease-out the toilet service; on December 11, 2007 it notified the replacement of the employer that would come into effect on December 15 that same year. In the agreement signed between the Trust and the company called Operadora Empresarial SAFE, SA de CV, (OEssa), the manager of which was María Eugenia González Lobo, the latter recognized the rights and obligations stemming from the employment relationship of the Trust with its personnel for the toilet service.

OEssa, which apparently had been awarded the concession with no bid whatsoever, had been recently established with a capital stock of only 50,000 pesos, an amount that was not sufficient to comply with the obligations it was undertaking, the main one of which, according to its Articles of Association, was the purchase of medical equipment and apparel, and the sale of computers. The concession also included the toilets, weighing services, parking areas and toll booths.

It is important to underscore that once the Trust awarded the concession of the toilet service, parking areas and toll booths to OEssa, the latter started a campaign of massive dismissals in these different areas resorting to gangster-like practices such as threats, false accusations before the Public Prosecutor's Office and illegal arrests, leaving more than five hundred workers without livelihood. OEssa hired young persons to replace the fired workers and paid them less than half the previous salary.

4th Stage. January to July 2008.

Resistance and Another Success

At the beginning of January 2008, OESEA started to cancel the Social Security of unionized workers without informing them (they found out about this several months later). In March, rumours indicated that the company already had a trade union and was not willing to maintain recognition of the STRACC-FAT.

From January to April, unionized women workers continued providing their services as usual, doing the work assigned to them and complying with the provisions established in the collective bargaining agreement. However, through Armando Vega, the person in charge of maintenance, the company suddenly called workers supposedly to an informative meeting on April 29, whereby the personnel got on a microbus and went to the Hotel Abastos Plaza outside the Central de Abasto arriving at about 14:30 hours.

About ten persons were waiting for them at the hotel, among them Julio Parra Campos, OESEA General Manager, who called the women workers one by one into a room where three men awaited them who said they were actuaries of the Federal Conciliation & Arbitration Council. One of them was called Gabriel Antonio Moreno Díaz, ascribed to Special Council No. 15, and there were also four men lawyers and two women lawyers of the Baker & McKenzie, SC Law Firm.

Once inside the room, they told the women workers they had been fired and would be replaced by younger workers that same day and that there was no point in returning to their workplaces because, if they did not sign their resignation, they would be sued for stealing.

Everybody in the room put pressure on the women workers to sign their resignation for more than three hours, and 14 of the 42 workers did so. The other workers refused and tried to leave the room but the company employees blocked their way placing a table in front of the door.

The women workers indicated they would not sign anything and if they were not let out of the room they would yell for help and so were let out by the company representatives who warned them not to return to their workplaces because they had already been replaced.

During the following days the workers showed up at their workplace at the proper time and were not allowed in. The company continued insisting on their resignation, using verbal violence on several occasions.

In view of the violation of workers' rights, on May 5 the trade union summoned a second strike on May 30.

The violations to the collective bargaining agreement included the unwarranted suspension of unionized workers, not providing the wage increase percentage established by the National Minimum Wage Commission, illegally occupying the positions of unionized staff members with non-STRACC members, non-provision of the work tools and clothing required for their duties, nor provision of protection and safety equipment, which workers had to buy with their own salaries.

At about 19:30 hours that same May 5, OESSA personnel - accompanied by about 50 thugs - surrounded the toilet facilities and took seven unionized workers by force, replacing them with new employees.

The following day workers of the three shifts showed up at the company demanding respect for their jobs. The company representatives showed up at the toilets accompanied by Antonio Salas Juárez and Noé Mejía, civil servants of the Government Secretariat of the Capital City, and by approximately 150 judicial agents and assistant police, and once again by a group of thugs, violently taking and detaining several unionized workers, as well as four brothers and one sister of the FAT advisory team.

Supposedly the police operation was due to the report made by the employers on the “illegal exercise of rights”, alleging that the detainees merited three months to one year imprisonment. At the facilities of the Agency of the Public Prosecutor’s Office, Julio Parra Campos, company representative, told the detained workers that if they signed their resignation they would be let free, and if not would be sent to prison.

The eleven illegally detained persons were: Hilda Ramírez García, José Luz Trejo Torres, José Ezequiel García Vargas, Macario Hernández Ortega, Abraham Hernández López, Manuel Ramírez Moreno, Martín Huerta Ruiz, Jorge Mendoza Bobadilla, Francisco Germán Ramírez, Adrián Quezada and Héctor Hernández. After fourteen hours of detention and refusing to sign any sort of arrangement, the detainees were let free under reserve.

Two workers accepted to sign their resignation because of the pressure exercised by Julio Parra, company representative, as well as by the person in charge of Agency No. 60 of the Public Prosecutor's Office located beside the offices of the manager and administrator of the Central de Abasto.

Although the unionized women workers had been removed from their workplace, and not allowed to continue working and were subjected to an atmosphere of tension by the company, they continued to show up to work every day. The pressure for them to resign increased with phone calls to their homes, in which purportedly STRACC-FAT delegates sought to persuade them to conclude their employment relationship, and they were followed home by persons intimidating them.

As it was impossible for workers to continue working and receiving their weekly salary, and in order to keep up the fight, the FAT decided to turn to the Solidarity and Mutual Support Fund (*Fondo de Solidaridad y Apoyo Mutuo-FOSAM*), which is a benefit provided to workers who belong to this Fund by contributing one peso a week. This support allowed unionized workers to receive a weekly income of five hundred pesos, which allowed them to continue defending their rights until the end of the dispute.

Another important factor that helped these workers uphold the fight was the economic support of other labour organizations such as Sintrametlife, the Trade Union Association of Aviator Pilots, the National Trade Union of OTIS Elevators, Mahle Planta Naucalpan and SGIL Italia, among others.

Four hearings were held before the Local Conciliation & Arbitration Council of Mexico City, during which OEssa and the Trust sought to deny their responsibility as employers and even displayed, as documentary evidence, the termination of the women workers' Social Security as of December 2007.

The sued employers stated they had a collective bargaining agreement signed with the *Sindicato Revolucionario de Trabajadores y Empleados del Comercio en General y Oficinas Particulares de la República Mexicana* (Revolutionary Trade Union of Workers and Employees of Commerce in General and Private Offices of the Mexican Republic), which was kept at the Local Conciliation & Arbitration Council and which they were never able to prove.

At the four conciliation hearings between the STRACC and the sued employers, the employers' lawyers appeared accompanied by thugs that insulted and intimidated the workers of the STRACC and the FAT juridical advisory team, always disregarding the independent trade union, the collective bargaining agreement in effect and the person of Salvador Arellano as Secretary General of the STRACC.

Fortunately on May 30 at the pre-strike hearing held at 10 am, the Local Conciliation & Arbitration Council passed judgment and decided that the Trust was the sole employer and responsible for the labour dispute, and that it had also violated the Federal Labour Law by substituting the STRACC workers with personnel that did not belong to the union. The Council decided that the employer replacement declared by the Trust, and which it had never been able to prove, had never happened and thus OEssa was nothing more than a nominal company.

That same May 30, as decided, the strike broke out at 14:00 hours on the dot. Half an hour later 500 thugs arrived armed with sticks and boxer dogs, and insulting and threatening STRACC-FAT workers, removing them from the site and taking over the toilet facilities.

During May and June, with the support of the organizers and the FAT coordination team, the workers of the Central de Abasto executed a variety of actions to put pressure on the company to negotiate and solve the dispute. The following were among the main actions: raising complaints to the Human Rights Commission of

Mexico City and the National Commission for the Prevention and Eradication of Discrimination; public denunciations through releases in several newspapers and press conferences; interview to a member of the Mexico City Assembly; contact with labour, and national and international civil organizations that joined a letter-sending campaign demanding the respective authorities to solve the dispute.

In view of the pressure, the Local Conciliation & Arbitration Council of Mexico City called a meeting in which the Trust made proposals to solve the dispute; these proposals were fine-tuned and a win-win agreement was finally signed on June 30 that included: payment of lost salaries, re-incorporation of workers, recognition of the collective bargaining agreement and re-location of the unionized workers in the area of the Trust offices, in this way achieving job stability of the unionized women workers and respecting all the conditions established in their collective bargaining agreement.

As of July 1, women workers resumed their work in the offices of the *Coordinación de Seguridad Pública Vialidad y Protección Civil* (Coordination of Public Safety of Roads and Civil Protection) and in the mechanical workshop where they continue to work today. The company has complied 100% with the conditions established in the collective bargaining agreement, it has relocated two women workers to other offices of theirs and has communicated to the trade union the possibility of re-locating more employees due to the good performance of unionized women workers, which would lead to an expansion of the trade union's areas of work.

“I have learned a lot, now I trust the organization.”

“I wish to thank all the sisters who resisted and did not resign; without their fight our trade union would not exist.”

“It makes me really happy when tenants approach us and ask us who are the leaders of the movement and congratulate us; they respect us.”

“I would like to tell women workers that no employer is entitled to offend, humiliate and discriminate us because we are women... seek to organize an independent, democratic trade union like ours... I am proud of what we achieved because we did not let the company and government trample over women workers.”

“I have learned a lot and I have changed; now I can speak and work properly with people and we are supporting other sisters in their disputes.”

“I tell other women workers not to give up if they are fighting, to carry on because it is worth it.”

“Thanks to this fight I still have my job and my daughter can continue her studies.”