



February 14, 2011

Honorable C. Felipe de Jesús Calderón Hinojosa
President of The United States of Mexico

c/o: **Ambassador Gómez Camacho**
Permanent Representative of Mexico to the UN, Geneva

Workers' Rights in Mexico, Persecution of Independent Trade Unions

Dear Mr. President:

The International Metalworkers' Federation (IMF), the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM), the International Transport Workers' Federation (ITF), UNI Global Union (UNI) and the International Trade Union Confederation (ITUC), join the workers and people in Mexico and of the world in calling on the Mexican government to restore justice for killed workers and to ensure the freedom of association for workers in Mexico.

It is now five years since 65 miners were killed in the February 19, 2006 explosion at the Grupo México Pasta de Conchos coal mine. To this day, bereaved families await proper compensation and recovery of the bodies for funeral. Miners, the local community, the Mexican National Human Rights Commission, and the investigatory committee of the Chamber of Deputies believe Grupo México's illegal safety violations killed the 65 and note a pattern of labor inspectorate irregularities. In 2009, the United Nations' ILO, after an ILO article 24 inquiry, recommended that "adequate sanctions [be] imposed on those responsible" for the disaster.

This is why the National Miners' and Metalworkers' Union (SNTMMSRM) continue to demand an independent investigation and prosecution of the responsible parties. Considering the lapse of time, the total lack of progress to enable an independent investigation and prosecute the corporate and government officials responsible is cause for grave concern.

Under the system of *toma de nota* and "protection contracts," workers' rights to recognition of union leaders, to collective bargaining, to strike and to stability of employment—all of which are guaranteed in national and international law—have been systematically violated. All this has taken place with the tolerance, complicity and on many occasions, the direct action of the Mexican state through different levels of authority, including the Labor and Social Welfare Secretariat (STPS).

STPS continues to deny *toma de nota* legal recognition to the SNTMMSRM general secretary—though union members made clear their will by re-electing him in 2008—and to the Mexican Electrician Union (SME) Central Committee members elected in July 2010. The authorities' discretionary authority to reject, delay and place unlimited obstacles for *toma de nota* gives them inappropriate power to obstruct elected union leaders or attempt to paralyze union function. Requiring authorities approval before the results of union elections are given effect is illegitimate government interference in workers' right to elect their representatives in full freedom.

By tolerating, abetting and carrying out violations of workers' rights, your government promotes employer-dominated "protection" unions, thereby effectively annulling freedom of association.

In June 2009, call center workers at Telefonica/Atento Mexicana tried to escape a “protection contract” by joining the independent Mexican Telephone Workers’ Union (STRM). Call center workers who tried to vote for real representation in the July 2, 2010 ballot faced intimidation by thugs carrying brass knuckles. Professional and technical workers at state-owned petroleum corporation Petróleos Mexicanos (PEMEX) organized themselves in 2007 into UNTyPP union in the context of a “protection contract.” Paramilitaries physically removed workers from their workstations on November 14, 2009 and PEMEX fired the UNTyPP union leaders and activists. Written threats and attack against the offices of Worker Support Center CAT are believed to be linked to a “protection” union given cover by Johnson Controls’ failure to fully comply with the August 10 strike settlement signed with the independent union. Such unchecked retaliation and violence against workers who join independent unions would not be possible if it were not for government tolerance and complicity. Government’s abject failure to enforce workers’ rights and to investigate and punish the perpetrators of such violent intimidation are unacceptable.

Killings of independent unionists—from violent intimidation or state force—go unpunished.

- In April 2007 Santiago Rafael Cruz was bound with rope and beaten to death in the offices of the Farm Labor Organizing Committee (FLOC) in Monterrey where he worked as an organizer.
- Hector Alvarez Gomez and Mario Alberto Castillo Rodriguez were killed and 50 hit by bullets when 900 federal and state police stormed the April 2006 SNTMMSRM Sicartsa steel strike.
- Reynaldo Hernandez Gonzalez was shot and killed among the 90 union members on their way to La Caridad copper mine to demand reinstatement from Grupo México in August 2007; 20 other miners who won the reinstatement court ruling were abducted, beaten and tortured
- Juventino Flores Salas died from injuries caused by a June 2009 anti-union attack against the SNTMMSRM in Zacatecas. No one has been prosecuted in relation to these crimes.

Over 4000 federal and state troops used tear gas and force in the June 6, 2010 raid of the SNTMMSRM strike for mine safety at Grupo México’s Cananea copper mine. Federal protective police forces continue to occupy Cananea and other workplaces.

There is little doubt that ▲the mobilization of federal forces to SME worksites the night of October 10, 2009, ▲the October 11 dismissal *en masse* of all 44,000 SME union members by Presidential Decree, and ▲the continuing failure to apply article 41 of the Federal Labor Law on employment succession are aimed at eliminating the collective bargaining agreement and the SME union itself. All of the state and federal courts that have reviewed your attorney general’s charges against SNTMMSRM general secretary have concluded that they are groundless. Yet your government continues to persecute the SNTMMSRM and the SME, through methods ranging from denying *toma de nota* to freezing the union bank accounts to imprisoning on false charges SNTMMSRM union official Juan Linares since 2008 and SME leader Miguel Marquez Rios since 2010. The unjustly imprisoned must be liberated and harms suffered by SNTMMSRM and SME remedied.

Therefore, we ask for your immediate action to:

1. Hold employer and government officials accountable for the Pasta de Conchos mine explosion that killed 65 miners on February 19, 2006
2. Abolish systemic violations of workers’ freedom of association, including employer-dominated “protection contracts” and interference in union elections.
3. End the use of force—by the state or private parties—to repress workers’ legitimate demands for democratic unions, better wages and working conditions, and good health and safety conditions.
4. End the campaign of political persecution against the Mexican Miners’ and Metalworkers’ Union (SNTMMSRM) and the Mexican Electrical Workers’ Union (SME).

It is essential that the Mexican authorities act decisively to reaffirm Mexico's commitment to justice and workers' rights. Inaction would send the intolerable message that even murderers may carry out unspeakable acts against independent unionists in Mexico with impunity and invites the condemnation of the world.

Sincerely,



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Manfred Warda
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David Cockcroft
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Sharan Burrow
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