

News update: Mexican government to meet with electrical workers, mediators

December 16, 2009

The Mexican Secretary of the Interior will meet with the Mexican Electrical Workers Union (SME) and a group of mediators tonight (December 16) some months since President Felipe Calderón liquidated the state-owned Light and Power Company, seized the facilities, and fired of the 44,000 workers. The union, which has sought in the courts the return of all workers to their jobs, has more modest goals for these negotiations, according to general secretary Martín Esparza. The union will focus on the return of personal belongings taken from the workers during the seizure of the plants, payments to a savings fund, and the payments of the Christmas bonus as guaranteed by contract and law. While it originally sought to win back all of the workers' jobs, with the government's intransigence the union has been forced to change its strategy. The union now seeks mediation and negotiation with the government, asking that the Federal Electrical Commission (CFE), the state-owned successor company, hire 20,000 workers who have not accepted their termination and severance pay.

The Latest Blow The latest blow against the union was the ruling on December 11 by Federal Judge Guillermina Coutiño Mata, which denied the Mexican Electrical Workers Union's petition for an injunction (amparo) to stop the liquidation of the Light and Power Company. The judge declared that President Felipe Calderón had acted in accordance with the law when he liquidated the company because of what he said was its inefficiency and high cost, because in doing so he was putting the collective economic interests of all Mexicans ahead of the individual interests of the employees. Both parties have ten days to appeal the judge's ruling, and the union plans to appeal to the next highest level, a collegiate tribunal where the case will be heard by a panel of judges. Union attorney Nestor de Buen says that from there he believes the case will go to the Mexican Supreme Court where he believes the matter will be decided. Judge Coutiño Mata did not rule on claims that the government had violated some labor laws, saying that those complaints would be heard by the proper authority, which is the Federal Labor Board (JFCA). Union leader Martín Esparza told workers that despite the ruling the Mexican Electrical Workers Union (SME) would continue to engage in powerful peaceful actions. "We remain firm," said Esparza. "We are a peaceful, citizens' movement with great power, with clear demands, and with ingenuity. We will continue with our national and our international alliances."

International Labor Solidarity The SME has been strongly supported by several Mexican unions as well as by other unions from around the world. Last week a delegation of U.S. and Canadian labor union leaders visited Mexico to show their solidarity with fired electrical workers of the former Light and Power Company and to tell Mexican President Felipe Calderón it was not too late to negotiate a just resolution to this crisis. The delegation was led by Hasson Yussef, secretary treasurer of the Canadian Labor Confederation (CLC), and by Stanley Gacek, associate director of the International Department of the AFL-CIO. The group included the Canadian Union of Public Employees (CUPE), the Communications, Energy and Paperworkers Union (CEP) of Canada, the Utility Workers Union, and the United Steel Workers (USW), which represents workers in both the Canada and the United States, and the independent United Electrical Workers Union which represents U.S. workers. The U.S.-Canadian trade union delegation expressed its solidarity with the SME members and their families and criticized the Mexican government for violating its own constitution and laws, for violating the North American Free Trade Agreement (NAFTA), and for failing to live up to the standards of the International Labor Organization (ILO), as well as criticizing human rights violations. While international labor solidarity raises the morale of Mexican workers, it has not been able to move the Mexican government.

The Darkening Horizon The Mexican Electrical Workers Union (SME) and its members certainly face a darkening horizon. Time alone has taken its toll. After two months, the government's liquidation of

the company appears to be a fait accompli. The Federal Electrical Commission (CFE) and its loyal Sole Union of Electrical Workers (SUTERM), supported by hundreds of military electricians, moved in, took over the facilities and have successfully operated them now for two months, providing electricity to Mexico City and several surrounding states with only some occasional blackouts in limited areas. Meanwhile some 62 percent of the 44,000 workers have accepted their terminations and severance pay and gone on to seek other jobs. At the same time the union's legal strategy appears to have failed, at least so far, as has its political strategy of attempting to get the Mexican Legislature to challenge the president's action as unconstitutional. While the union has led impressive mass demonstration and work stoppages, with the holiday season now beginning, it is unlikely that it will be able to carry out another mass action until the Christmas season ends on Three Kings Day, January 6. So the union will lose momentum. Finally, as if all of that were not enough, the Mexican Labor Board (JFCA) declared on December 2 that Martín Esparza was not the general secretary of the union because his election has been fraudulent. Esparza has called for new union elections without the participation of the 62% of the workers who have accepted their severance pay. While in the courts and in the legislature the Mexican Electrical Workers Union continues to call for a reversal of the government's decision to liquidate the company, its new practical bargaining position represents a strategic retreat. The union now seeks to represent only 20,000 of the total of 44,000 former Light and Power workers and it does not seek to return them to their old jobs, but rather find them a place with the new employer, the Federal Electrical Commission (CFE). At the same time, it argues that the Mexican Electrical Workers Union should represent those workers in their dealings with the new employer. That demand will surely be rejected by the rival Sole Union of Electrical Workers (SUTERM) which now represents all workers in that company.

Negotiations The negotiations that will take place tonight involve Mexican Electrical Workers Union is seeking to have a group of "notables," that is, of prominent public persons, asked to mediate the discussions with the Calderón government. Among the mediators are: José Narro, rector of the National Autonomous University of Mexico (UNAM); Enrique Villa, director of Mexico's Polytechnic Institute; together with leaders of two of country's major political parties, Carlos Navarrete of the Party of the Democratic Revolution (PRD) and Gustavo Madero of the National Action Party (PAN). As part of its turn to mediation, the Mexican Electrical Workers Union (SME) ended the hunger strike being carried out by 10 women and five men in front of the Federal Electrical Commission (CFE) on December 9. The 15 hunger strikers had taken water, honey and saline solution for 17 days in protest of the government actions. The union said, however, that while it was ending the hunger strike it was not ending its sit-in there.

Chronology of conflict between the Mexican Government and the Mexican Electrical Workers Union (SME) [Since October 11 there have been virtually continuous marches and demonstrations, many legal actions, and legislative discussions and proposals. We give here some of the most important dates.] September 10, 2009 - Felipe Calderón's Secretary of Labor, Javier Lozano, declares that there have been irregularities in the Mexican Electrical Workers Union's election process. September 28, 2009 - Mexican Electrical Workers Union (SME) warns that Felipe Calderón's government has plans to seize the Light and Power Company electrical facilities. SME calls for support from other unions and movements. October 5, 2009 - Mexican Secretary of Labor Javier Lozano refuses to recognize Martín Esparza, general secretary, and other union officers of the Mexican Electrical Workers Union (SME), declaring their election invalid. Union is left without a legally recognized leadership. October 11, 2009 - Felipe Calderón government sends Federal police to seize Light and Power Company facilities, liquidates the company, and fires 44,000 workers, which effectively eliminates the Mexican Electrical Workers Union (SME). President Calderón states that the company is being eliminated because it is inefficient. October 15, 2009 - More than 150,000 Mexican Electrical Workers Union (SME) members and families, other labor unions and social movements march to protest government's seizure of plants, liquidation of company, and rally in the Zócalo, the national plaza. October 31, 2009 - Federal Judge Guillermina Coutiño Mata temporarily suspends the dissolution of the Light and Power Company. Labor Secretary Javier Lozano says the judges decision will not stop

the government from continuing to terminate workers and give them their severance pay. November 11, 2009 - Mexican Electrical Workers (SME) calls upon other unions and social movements to participate in a national work stoppage and unions and workers in many parts of the country stop work and engage in protests. December 2, 2009 - The Federal Board of Conciliation and Arbitration declared void Martín Esparza's election as general secretary of the Mexican Electrical Workers Union (SME). December 4, 2009 - Mexican Electrical Workers summons Mexican unions and social movements to a "symbolic taking of Mexico City" to protest the government's action in seizing electrical facilities, liquidating the Light and Power Company and firing 44,000 workers. Tens of thousands of workers join in the "taking of Mexico City" with marches and a protest rally at the Monument of the Revolution. December 11, 2009 - Federal Judge Guillermina Coutiño Mata denies the Mexican Electrical Workers Union's petition for an injunction to stop the liquidation of the Light and Power Company. December 14, 2009 - Mexican Electrical Workers Union (SME) celebrates its 95th anniversary with cultural events and continued protests. December 16, 2009 - Government agrees to meet with Mexican Electrical Workers Union and a group of mediators.