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Organized Labor Could Play A Role In July Midterm Elections

by LADB Staff

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Organized labor could become a major player in Mexico's upcoming midterm congressional and gubernatorial elections, with exiled miners-union president Napoleon Gomez Urrutia and a nasty dispute at a major copper mine in Sonora state poised to cause problems for President Felipe Calderon's governing Partido Accion Nacional (PAN). Gomez Urrutia, who is accused of corruption, is in exile in Canada and fighting extradition to Mexico. Despite the likely lack of support from Gomez Urrutia's Sindicato Nacional de Trabajadores Mineros, Metalurgicos y Similares de la Republica Mexicana (SNTMMSRM), the PAN is working hard to court other labor groups.

In April, the governing party gained an important ally, when Valdemar Gutierrez Fragoso, leader of the social security workers union (Sindicato Nacional de los Trabajadores del Seguro Social, SNTSS), shunned overtures from other parties and accepted an at-large candidacy for the PAN. Conflict with miners' union leader could hurt PAN Gomez Urrutia has the support of a large percentage of the SNTMMSRM membership, but his union leadership position is not legitimate in the eyes of the government because he has been charged with corruption, including embezzling a large sum of union funds (SourceMex, April 13, 2006 and August 16, 2006). Outside organizations such as the International Labor Organization (ILO) have urged the Mexican government to resolve the dispute with the SNTMMSRM (SourceMex, June 25, 2008), but the Calderon administration and the union remain far apart.

During his exile, Gomez Urrutia and his lawyers have waged several legal battles with the PAN administrations of former president Vicente Fox and now Calderon. The union leader has thus far been able to block extradition from Canada but has also lost a handful of actions in the Mexican courts to gain recognition of his union leadership. In the most recent decision, handed down at the end of March, a federal labor court accepted the administration's argument that Gomez Urrutia could not claim leadership of the SNTMMSRM because he had not been a rank-and-file member before he ran for the presidency.

Gomez Urrutia, who was not a miner, was elected union president only because of the popularity of his father, Napoleon Gomez Sada, who rose through the ranks to the leadership post. "Gomez Urrutia cannot occupy any leadership position in an organization in which he was not a member," argued the Secretaria del Trabajo y Prevision Social (STPS) in testimony in the most recent court case. Other observers concurred. "We Mexicans are well aware that Gomez Urrutia benefited from a dynasty headed by his father, Napoleon Gomez Sada, which had the express purpose of retaining control of the mining union," columnist Luis Salazar Woolfolk wrote in the daily newspaper *El Siglo de Torreon*. "This type of unionism is the product of a system where the state was identified with a single party," he added, in reference to the Partido Revolucionario Institucional (PRI), which governed Mexico for seven decades.

The SNTMMSRM countered that the court ruling violates the Mexican Constitution, the federal labor code (Ley Federal del Trabajo, LFT), and several international conventions, which give labor unions the exclusive right to determine through a democratic vote who will lead them, even Gomez Urrutia. "There is no legal reason to deny recognition of the executive committee elected by rank-and-file members," the union said in a statement. "All requirements for a free election were met."

Explosive conflict at Cananea copper mine

Even with the setbacks, Gomez Urrutia has managed to rally union members from his temporary home in Vancouver, Canada. He has played a major advisory role in the extended labor conflict between SNTMMSRM members at the Cananea copper mine and mining company Grupo Mexico. The mine, one of the largest in the world, produced more than 450 metric tons of copper daily when it was in operation. In late March, the company announced plans to close the facility and seek government approval to dismiss all workers who have been on strike since July 2007. Miners at the Cananea facility walked off the job in a dispute regarding contracts and safety conditions (SourceMex, January 16, 2008).

In announcing the action, Grupo Mexico invoked an LFT provision that allows the company to dismiss striking workers because the mine could no longer operate because of damage to its facilities. "The cause is force majeure (due to) the damage caused to the mine. Federal labor legislation includes the provision that the company can terminate labor relations when this occurs," said Grupo Mexico spokesman Juan Rebolledo. In mid-April, the federal labor mediation board (Junta Federal de Conciliacion y Arbitraje, JFCyA) accepted Grupo Mexico's petition to end relations with the union, allowing the company to dismiss the workers. The JFCyA directed the company to pay all fired workers the equivalent of three months' salary, plus an additional 12 days salary for each year of service.

The union had already anticipated the JFCyA verdict, issuing a statement before the official decision was handed down. The statement came from Gomez Urrutia, who vowed to fight "through all necessary means" to prevent the union from losing its certification at the Cananea mine. He took the opportunity to criticize the Calderon administration for its anti-labor policies, accusing Labor Secretary Javier Elizondo and Interior Secretary Francisco Gomez Mont of looking after the interests of Grupo Mexico at the expense of workers' interests. Gomez Urrutia urged members of the miners' union around the country to take actions to protest the Cananea situation. This prompted SNTMMSRM members at the port of Lazaro Cardenas in Michoacan state to block all shipments from the facility for several days. Lazaro Cardenas is Mexico's fourth-largest container port.

In surprise move, PAN recruits key union leader The publicity surrounding the labor strife is likely to hurt the PAN during the congressional, gubernatorial, and local elections, scheduled for July 5. Although most union members already support the PRI or the center-left Partido de la Revolucion Democratica (PRD), the PAN is aware that support from labor unions could make some difference in the elections and has taken other actions to court labor, including successfully recruiting SNTSS leader Gutierrez Frago.

In accepting the PAN candidacy, Gutierrez shunned similar offers from the PRI and the PRD. Gutierrez's decision is an interesting development, since many mainstream unions like the SNTSS had traditionally been affiliated with two labor organizations that supported the PRI during its seven decades in office: the Congreso del Trabajo (CT) and the Confederacion de Trabajadores de Mexico (CTM). The affiliation continued for the most part during the past nine years, in which the PAN has held the presidency. The PRD, which in the past gained support from members of independent labor organizations such as the Union Nacional de Trabajadores (UNT), would have been a logical landing place for Gutierrez.

In the past, union members disgruntled with the corporate labor organizations had tended to side with the PRD or other smaller center-left parties like the Partido del Trabajo (PT) or Partido Convergencia por la Democracia (PCD). Despite the SNTSS' close links to labor groups that had supported the PRI, Gutierrez had worked closely with the UNT and was one of three leaders of that organization who had agreed to be considered for PRD candidacies. Gutierrez's decision to accept the PAN offer to fill an at-large seat representing Mexico City came with the blessing of SNTSS rank-and-file members, which ratified the decision unanimously at a union gathering in Baja California Sur state.

PAN officials, including president German Martinez Cazares, said Gutierrez joined their party because Calderon has met his commitment to modernize Mexico's social security system through an increased budget for the IMSS and other operations and greater investments in hospitals and equipment. As expected, the two other major parties criticized Gutierrez's decision. The PRD described the move as betraying the working class because the PAN has promoted most of the legislation that has hurt workers. The PRI accused the PAN of "piracy" by recruiting candidates that already had been nominated by other parties. PRI official Carlos Flores Rico said his party had already included Gutierrez in its list of people who would be offered at-large candidacies.

Still, Gutierrez's defection to the PAN is only a minor setback for the PRI. In late March, party officials told members of the agricultural workers union (Confederacion Revolucionaria de Obreros y Campesinos, CROC) that many of its at-large seats has been offered to representatives of organized labor. The list includes CROC leader Isaias Gonzalez Cuevas, who supported the PRD in the 2006 presidential election. Others on the list represent the CTM, the teachers union (Sindicato Nacional de Trabajadores de la Educacion, SNTE), and the railroad workers union (Sindicato de Trabajadores Ferrocarrileros de la Republica Mexicana, STFRM). "This decision ratifies our alliance with some of the organizations that have traditionally supported the PRI," said party president Beatriz Paredes.

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