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RESEARCH ARTICLE

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UNION CONFLICT RESTRAINT BY MEXICAN LABOR REGULATORY INSTITUTIONS OF THE NEOLIBERAL PERIOD (2007-2018) (PART THREE)

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ABSTRACT

This paper shows how a public policy of restraint and domination of collective union actions—strike notices and strikes—was, on behalf of the State, generalized throughout Mexico by the Mexican labor regulatory institutions, the Local Conciliation and Arbitration Boards (Juntas Locales de Conciliación y Arbitraje, JLCA) and the Federal Conciliation and Arbitration Board (Junta Federal de Conciliación y Arbitraje, JFCA), during the last 10 years of the neoliberal period. The main objective of this work is to determine the extent to which the Mexican federal state, with the participation of all local states (provinces), managed to reduce the rate of union labor conflict in the country to benefit capital and create a positive image: **labor peace**, as well as avoiding problems for Foreign Direct Investments (FDI) related to strikes, free unionization, and collective bargaining with unions (wage increases and benefits).

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INTRODUCTION

In the third part of this scientific article, the process of containment of union actions in Mexico by those who, in an articulated manner, managed to build a whole form of workers' control is exposed: federal and state executive powers, business organizations (business chambers) and workers' organizations (workers' unions). This is a work that shows how the labor regulation institutions of each of the country's federal entities became the filter for containment of union actions throughout Mexico. Filters for acts of union containment that left a mark on the statistics published by the statistical institutes of Mexico: INEGI. And that were part of the entire policy of neoliberal governments from the beginning of the 90s of the last century until the date when the progressive left-wing governments began in Mexico: 2018. The article consists of a part that introduces the reader to the theoretical discussion related to the issue of workers' control through world-renowned authors on the issues of control in the work process, then moves on to the analysis of how workers and unions are controlled from a perspective outside the company. To then expose how it was possible to achieve worker control under two dimensions: from public policy, with an industrial relations approach. Then, in the form of subsections, it exposes the way in which all union and worker actions were contained within the national territory of Mexico, but from a legal perspective by the authorities responsible for the administration of labor justice: the JLCA and the JFCA. In these, the reader will be surprised how it is that a statistic unparalleled in the world was achieved. In which unions no longer call for strikes and where the outbreak of strikes disappeared in the national territory.

Where it is concluded that neoliberal politics developed an industrial public policy based on the containment and disappearance of union actions in the country.

METHODOLOGY

An articulated reconstruction with a historical perspective was used for this paper. This method prioritizes the reconstruction of concrete social relationships between those involved in a specific problem, highlighting the agreements reached by those seeking to benefit from a specific event. The empirical data used in this methodology corresponds to quantitative techniques developed by the Mexican statistics institute, INEGI, based on administrative records provided by the JLCA and the JFCA.

Theory

Workers' control in the factory and its extension to regional levels in terms of labor disputes: a theoretical debate: The debate on workers' control was approached more systematically in the mid-20th century. It was possible to determine the dimensions in which it usually appeared in companies, specifically in work processes. Over the years, theoretical discussion discovered that this phenomenon appeared at the level of industrial relations, as managements worldwide understood that it was necessary to protect themselves from union labor resistance through agreements. This advancement in theoretical discussion was reflected in a group of prominent thinkers, who discovered only glimpses of these corporate actions. It is

therefore necessary to offer a brief review of this theoretical discussion and see how it was reduced to an attempt to explain how the corporate need to control, restrain, and dominate trade unions emerged as part of a comprehensive state public policy. Those who made the first contributions to worker control in the factory, at the level of production processes, were Raniero Panzieri and Harry Braverman. The former emphasized that the introduction of machinery in the factory marked the transition from manufacturing to large-scale industry, which eliminated the partial resistance that the worker could present in the work process due to the division of tasks. With this technology, managerial control in the production process was extended. The latter author argued that scientific and technological advancements applied to production processes were the means for capitalists to achieve labor control through the fragmentation of tasks on the factory floor. In this case, the deskilling of the worker was crucial for management to ensure the removal of worker control from the work processes. This could only be achieved through the fragmentation of the tasks within the work process (Braverman, 1987: 201-202).

Contributions of both theorists were crucial for understanding the success of entrepreneurs in the realm of control within production processes and the importance for employers to achieve this to obtain greater profits. The above unleashed another controversy among business and managerial groups about whether forms of worker control could be extended to other levels of reality, such as industrial relations and even regional levels within territories. Michael Burawoy is another theorist who, when analyzing the issue of workers' control at the level of labor markets (closely related to industrial relations), stated that there can be two forms of workers' control: despotic and hegemonic. Despotic regulation involves the employer's coercion prevailing over consent. That is, the existing anarchy in the markets (worker radicalism in relation to the labor market and its unions) leads to despotism in the factories by the employers. In this case, workers must be dominated by employers through the despotic will that the manager must impose. Hegemonic regulation emphasizes consent over coercion, achieving control over workers. Once the market and its unions are subordinated through this mechanism, it leads to the hegemony of the factory. (Burawoy, 1989: 235-236). On the other hand, the theorist Paul Thompson distinguishes that workers' control can occur in two dimensions: one at the level of the work process and another at the level of specific industries and sectors.

In the level of work processes, the author alludes to two types of workers' control that happen in companies: central and peripheral (this is a case cited by Paul Thompson from Jorge Friedman, who shows us how the latter distinguishes two types of worker control). Central control experiences a certain degree of responsible autonomy, while peripheral experiences direct control by management (Thompson, 1983: 135). According to Friedman, responsible autonomy (central control) refers to the condition of those workers with skills and abilities that grant them control and discretion over their work. Direct control by management (peripheral) relates to workers in large companies with stable product markets and a poorly organized workforce (*Ibidem*: 134). In peripheral control, he asserts that it is indeed possible for worker control to extend beyond work processes and be expressed in specific industries and sectors at the industrial level. He considers that the existence of differences in control dimensions means that the theory of work processes must understand the combinations of control structures in companies or industries specifically according to their location (*Ibidem*: 150-151). However, management achieving control over workers both in the factory and at the level of industrial relations through a variety of mechanisms leads to resistance from unions. It is at this point that the debate on the situation and union action in companies arises. Richard Hyman argues that recent productive forms in the world require new workers' control methods that extend to new spaces and involve other social actors. This theorist asserts that corporate human resource management has felt the need to weaken unionism and deregulate all legal obstacles that operate in defense of the labor market. Globally, legislative reforms were introduced starting in the 1980s with the aim

of weakening unions by diminishing free unionization and collective bargaining. (Hyman, 1998: 9-10). On the other hand, it must be said that managements around the world have achieved worker control both in the work process and at the level of industrial relations. This was to such an extent that not only were the unions weakened, but also made to consent to their subjugation, betraying their members with corrupt agreements.

If we revisit the contributions of the theorists, we discover that worker control can be implemented both at the level of work processes and in industrial relations (with the help of specific public policies from state governments). This latter point is especially true in Mexico, where it is well known how governors, through public policies, and presidents, through economic policy, systematically and strategically intervened in labor affairs. These subjects and social actors (labor centers, entrepreneurs, and governors) have constructed the two types of generalized hegemonic unionism in México¹: protection contracts² and protectionist unions³, as part of labor market controls to prevent anarchy in companies. Or, in this same logic, the participation of business social actors, who, using the legal labor figure of outsourcing, constructed a form of worker control in Mexico that legally avoided fulfilling employer obligations to their workers, thereby preventing the formation of unions in their companies. It is also necessary to include the cases of labor legal professional social actors and/or public officials from government agencies (local and federal governments in Mexico), responsible for workers' control in Mexican labor markets. All these social actors are part of a coordination of interests, consented to by federal and local executives, and aligned with parties from the 1980s to 2018, who held neoliberal economic policy positions. These interests have brought the issue of worker control to dimensions unexplained by theorists and have extended to industrial relations through public policies. Moreover, they have transformed entire regions into territories with significant comparative and competitive advantages by offering worker control, labor peace, and strike-free areas. The coordination of interests among Mexican government officials, entrepreneurs, and labor center leaders regarding labor issues confirms Hyman's thesis on the managerial need to weaken unions. It has also been expressed in the constant pursuit of deregulating labor laws at the expense of workers and in favor of capital.

The official type of unionism in Mexico nowadays, corporatist unionism, has enabled despotic employer forms in factories through collaboration and collusion with public officials. Public officials, by orders of neoliberal federal and local PRI and PAN executives, have been involved in labor matters and responsible for containing any individual and collective labor conflict for the last 30 years. The following presents empirical evidence demonstrating that labor regulatory institutions in Mexico, specifically the Ministry of Labor and its local and federal conciliation boards, reduced union conflict and achieved labor peace throughout the national territory on behalf of capital. The defeat of the Mexican union movement was conclusive and deplorable. In this third article, corresponding to the third phase of worker restraint and domination in the country, empirical data show how effective and efficient the labor regulatory institutions in Mexico were in containing union conflicts and preventing collective bargaining between workers and their employers. By reviewing national statistical data from administrative records provided by the

¹ It should be clarified that in Mexico there are also authentic unions (democratic, legitimate, and representative of workers' interests). Unfortunately, only a few have this status.

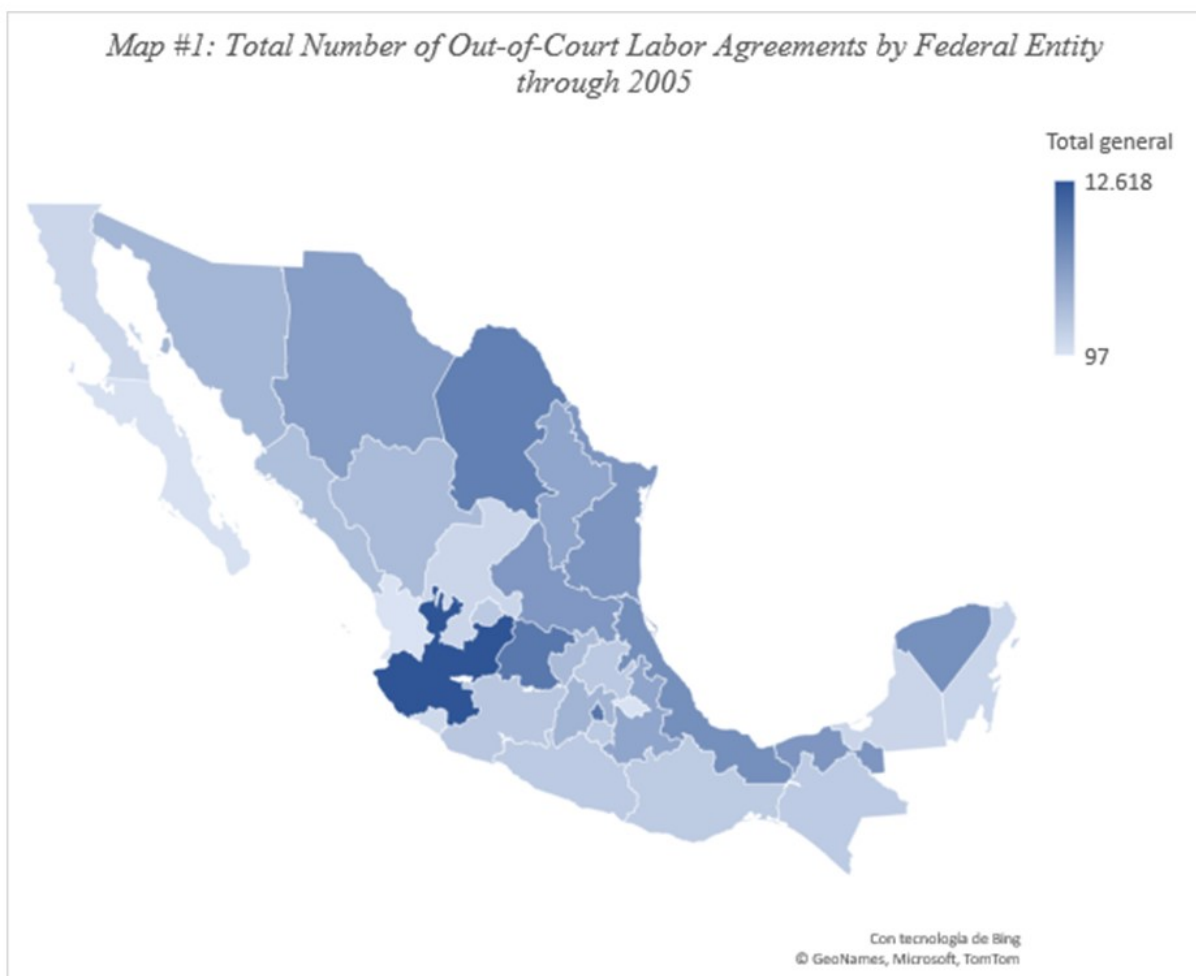
² Legally registered unions by the corporate organizations of PRI-affiliated central labor bodies (belonging to the Institutional Revolutionary Party), before labor regulation institutions in Mexico, but with no actual membership in the companies. See book chapter "El sindicalismo en Aguascalientes" from the book *Democracia y cambio sindical en México*, published by Editorial Plaza y Valdés and others. Pages 238 and 239.

³ Unions that are legally registered with labor regulatory institutions in Mexico, which do have a presence in companies but defend the employers from any union action by the members. See the book chapter "El sindicalismo en Aguascalientes" from the book *Democracia y cambio sindical en México*, published by Editorial Plaza y Valdés and others. Pages 238 and 239.

Local and Federal Boards of Conciliation and Arbitration to the National Institute of Statistics, Geography, and Informatics (INEGI) in Mexico, concerning the number of strike notices and actual strikes by the few unions in Mexico, it can be observed how issuing strike notices, and striking due to employer violations has become neglected. These issues have resulted in the non-existent practice of workers legally negotiating their collective labor agreements with their employers. This empirical evidence will allow the reader to understand why it was crucial for Mexican corporate interests, including all chambers and the business union Coparmex, together with state and national executive powers and corporatist unions, to achieve control over labor conflicts, as well as why Foreign Direct Investments (FDI) prefer Mexico for locating their investments since the year 2000. These two explanations show the importance of Labor Stability⁴ for the industrial development of Mexico in terms of a neoliberal economic project. Below are statistical tables and graphs that gather national information on the degree of worker restraint and domination achieved by state and federal governments (neoliberal until 2018), employers, and corporatist unions at the national level, specifically in terms of reducing union conflict in Mexico. This includes data on strike notices and actual strikes.

committee on the factory floor is efficiently simulated, although in fact it was registered with the respective labor regulatory institution in Mexico (preferably local: the JLCA⁶). This type of "unionism" emerged during the PRI (Institutional Revolutionary Party) governments several decades ago. It is a practice of a legal union figure that complied with the Mexican Constitution in labor matters (the Mexican Federal Labor Law) but prevented the formation of an authentic union in the company. In a way, it can be said that it was a corrupt style of unionism used by employers to simulate and prevent the formation of a union with which they would negotiate a collective labor agreement year after year. A style of unionism that involved a dirty deal linked to a labor organization (the labor center responsible for registering the collective contract with the JLCA), heavily relying on the collaboration of authorities to receive the document, simulating the verification of a union's existence in the company.

Agreements and Individual and Collective Disputes in Companies: A Forgotten and/or Neglected Phenomenon by Unions: The following maps and graphs related to out-of-court labor agreements and individual and collective labor claims in Mexico over the last two decades provide insights into what unions and labor leaders should



*Map developed by the author with INEGI sources.

Union Restraint and Domination in Mexico 1995-2018: The following lines will discuss how the two main types of unionism in Mexico, collective protection contracts and protectionist unions, were implemented for 30 years by corporate unionism with the consent of State apparatuses related to the labor field. Collective protection contracts represent the ownership of a company's collective labor agreement by a labor center⁵, in which the existence of a union

⁴ Term coined by the author in the text "La Construcción del control obrero e industrialización en Aguascalientes: contribución al análisis de la localización industrial," referring to the labor peace achieved by business groups of Aguascalientes, Mexico.

⁵ Corporate union organization that groups unions from a specific industrial branch.

have done. These leaders were meant to represent workers and defend them from employer injustices. Also, the unions' performance (if they existed) can be seen in their interaction with Mexican labor justice authorities. Another interpretation that can be made, related to the union defense of labor-regulatory institution members, is the significant increase in out-of-court labor agreements over 12 years (12,000 cases in 2005 to 80,000 in 2018). Union leaders did not represent the interests of their members before employers during this time; the maps and graphs also show that unions abandoned workers in negotiations with employers at the conciliation boards when reaching out-of-court labor agreements to settle the conflict. (See

⁶ Local Conciliation and Arbitration Board.

maps 1 and 2). By analyzing the labor dispute claims filed by workers with the JLCA in Mexico (cases where no agreement was reached by the parties during out-of-court labor agreements), the hypothesis that no real unions existed in Mexico gains validity when reviewing data on individual and collective labor disputes.⁷ Graph #1 shows how, from 1995 to 2017, the trend of labor disputes filed by workers with the JLCA in Mexico increased. This behavior was expected since the number of productive units in the country grew over the years and therefore, conflicts between workers and employers would also increase. (See Graph #1)

2017 that, if we divide the total number of cases by the thirty-two states of the Mexican Republic, it results in an average of approximately 15.6 collective disputes per state (see Graph #2). In trade union terms, a particular national trend in unions became widespread, leading them to adopt a dismissive stance regarding the defense of workers' rights in conflicts caused by employers. There is no doubt that the data is real and worth studying.



*Map developed by the author with INEGI sources.

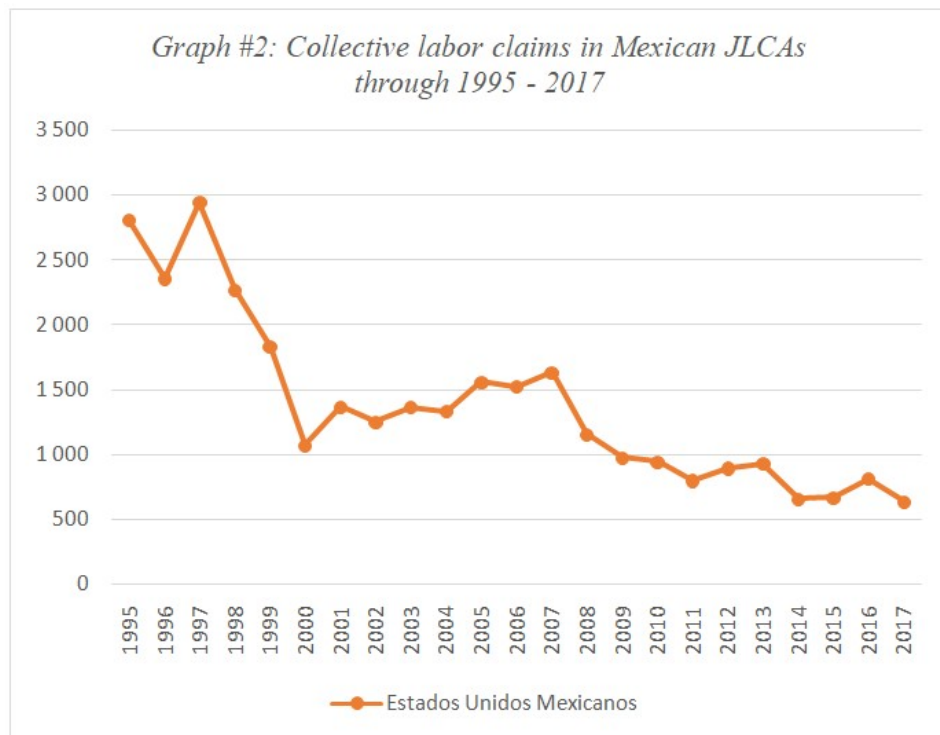
When reviewing the following graph, there is an abnormal negative trend in the data of collective disputes. The number of collective disputes filed by Mexican workers with labor regulatory institutions is among the lowest in the world, a surprising and difficult to believe negative trend. In other words, collective disputes in Mexico decreased from over 2,500 cases in 1995 to just around five hundred cases in 2017 (see Graph #2). Mexican workers' behavior regarding collective labor disputes with the JLCA is significant in terms of union activity, among other things, as it indicates that unions made minimal efforts in defending the rights of their workers. Such minimal efforts led to the conclusion that starting from the year 2000, unions chose to leave workers to their own devices when dealing with employers regarding their collective disputes (during the most pronounced neoliberal period in Mexico), to the extent that the negative statistical trend becomes quite pronounced. This trend decreases until the year 2000, then slightly increases for eight years, only to return to a negative trajectory starting in 2008, when the global economic crisis occurred. The negative trend in collective disputes registered with the JLCA in Mexico is so pronounced in

Based on the data in relation to the two predominant styles of unionism in Mexico (protection contracts and protectionist unions), if by the year 2000 there are no longer unions in Mexican companies, it is logical to think that collective lawsuits will tend to disappear. If we analyze this regarding existing unions under such conditions in the country, it can be thought that starting around the year 2000, the negative trend of the curve in the graph indicates that *protectionist unions* became widespread in all of Mexico. These unions are dedicated to defending and/or protecting the interests of employers. In this case, the negative trend in collective worker claims is justified, as workers were left with the only option of resolving their collective conflicts by defending their interests independently of their unions. It should be noted that the maps and graphs mentioned above do not allow us to conclude on the existence or non-existence of unions in Mexican companies: the use of *collective labor protection contracts* by companies. We acknowledge that, if unions did exist in the companies, they should be of the *protectionist* type. To affirm the above, another set of indicators is required. These indicators, when examined empirically, would help clarify the existence of the use of protection contracts by companies in the country and/or the use of *protectionist* unions by other companies to simulate the union representation of their members. If this hypothesis is confirmed, it provides an explanation of the industrial development in Mexico over the past two decades, explaining why Mexican companies have chosen to invest in Mexico during the neoliberal period based on the lack of collective bargaining between workers and employers due to

⁷ The status of this legal labor figure in Mexico is definitive in the resolution of labor disputes in the Local Boards of Conciliation and Arbitration (JLCA), provided that the conciliator deems it so. These are cases where the claimant worker did not accept the terms offered by the employer to reach an agreement and therefore decided to resort to the formal lawsuit process in search of better monetary compensation.



*Graph developed by the author with INEGI sources.



*Graph developed by the author with INEGI sources.

the absence of unions or genuine unions. One of the moments describing the existence of unions in Mexico during the neoliberal period is presented below. This is the instance of strike notices filed by legally registered unions with Mexico's labor regulatory institutions: the Local Conciliation and Arbitration Boards (JLCAs) and the Federal Conciliation and Arbitration Board (JFCA). Please note that if a union can issue a strike notice in Mexico (especially during the 1990-2018 neoliberal period), it means that it has acquired legal status before the JLCA. However, this does not mean that the union committee effectively represents its workers or that it has gained legitimacy among its members. This latter characteristic is absent in most Mexican unions due to the existence of protectionist unions. If one of these unions issues a strike notice and negotiates its collective labor agreement with employers, which is formalized with a signing before labor authorities, then the agreement cannot be disregarded by the employer when it comes to refusing to honor it. Employers in Mexico want to avoid this as part of a collaborative corporate-syndical strategy so that strike notices do not leave a record of collective bargaining in collective agreements with their workers, avoiding potential future legal union claims for disregarding and failing to pay a labor right to the employees.

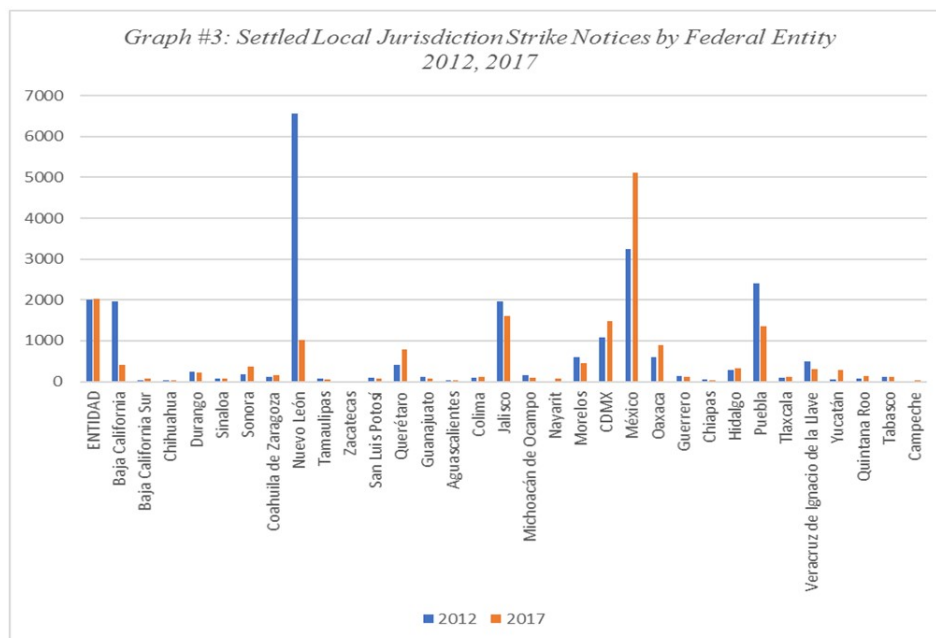
Strike Notices in Mexican Unions during the Neoliberal Period: Another Form of Simulated Collective Bargaining: Union strike notices in neoliberal Mexico reflect several situations. Reading and interpreting the empirical data are crucial to understanding the extended phenomenon of union restraint implemented by the institutions regulating labor conflicts in Mexico under the orders of local executive powers in collusion with unions and labor centers. Firstly, the legal labor figure of strike notices in Mexico is a union right that allows labor organizations to negotiate with employers for wage increases and labor benefits (the latter occurs every two years). Negotiations only take place if the union organization is legally registered with the Local Board of Conciliation and Arbitration⁸.

⁸ In Mexico, legally constituted unions were required to hold an official document issued by the authorities of the labor regulation institutions: Local Boards of Conciliation and Arbitration (JLCA) until 2019. Once the legal requirements for registering a union were met, the JLCA issued a document known as the "Toma de Nota" (Acknowledgment of Registration). With this document, unions could perform the annual review of workers' wages and benefits (wages every year and benefits every two years) through a strike notice. In general terms, the legality of such actions depended on the possession of this document by the unions.

Through this legal figure, unions have the power to summon employers to initiate the first stages of collective bargaining. If an agreement is reached regarding the workers' claims—whether concerning wages or labor benefits—the strike notice concludes, and the agreements are signed before the labor authorities as part of the collective labor contract. The first situation is, to what extent does the empirical evidence presented below account for the existence of the two types of unionism discussed in the first and second parts of the two previously published works: protection contracts or protectionist unions? By investigating this question, it is possible to determine approximately how many companies resort to the use of protection contracts (since union actions such as strike notices are not conducted) and how many unions in Mexico, up to the year 2019, would correspond to the style of unionism known as protectionist unions. Although there is no data on how many unions with official registration (Toma de Nota⁹) existed in the JLCA archives in Mexico up to the year 2019, nor which labor centers held collective agreements for companies, the empirical data from administrative records published by INEGI Mexico regarding strike notices provides an approximate estimate of the reality of the existing union styles in the country. This empirical evidence shows that the increase in protection contracts stops strike notices and that the use of such union actions by a protectionist union turns collective bargaining into a mere simulation. If we first take a time cut from 2012 to 2017 and analyze a graph showing the historical trend of *settled strike notices* of local jurisdiction¹⁰ registered with the JLCA by federal entity, we can observe how this union practice has decreased across the entire national territory, rather than increasing, despite the opening of new production units during that period. The trend also partly reflects the increase in the use of protection contracts, a type of unionism that necessarily leads to the absence of strike notices and, therefore, to no solutions being reached (as indicated by the graph). On the other hand, the same graph shows that states such as Nuevo León, Puebla, Jalisco, and Baja California experienced a significant reduction in settled strike notices. This was not the case in states such as Estado de México, Mexico City, Querétaro, Oaxaca, Yucatán, Quintana Roo, and Sonora, which showed increases.

another. Similarly, there was a difference of nearly 10,000 cases over just 5 years in Puebla. Such fact denotes the existence of protectionist unions, otherwise this statistical historical behavior published by INEGI in 2018 as part of the administrative records cannot be explained (See Graph #3). These previous assertions are further supported when reviewing the total number of strike notices in 2017. The map shows that, for this year, the total number of strike notices tended to disappear across Mexico. It even illustrates that there was only one case in some states, such as Quintana Roo (Map # 1). When observing the data for each state, it is remarkable how low the figures are across Mexico. This is especially surprising because these strike notices do not reflect the number of productive units in each federal entity. Additionally, there was a high number of out-of-court labor agreements and individual and collective claims nationwide, which should have influenced (even if only minimally) the strike notice indicator. For example, some federal entities show strike notice data of fewer than fifty cases: Zacatecas, Chihuahua, Campeche, Baja California Sur.

Additionally, Oaxaca presents double the number of cases compared to Nuevo León, despite Nuevo León having a large number of productive units and foreign direct investment (FDI). Throughout Mexico, the practice of the labor right to file strike notices against companies to initiate collective bargaining is declining, due to the consent of labor organizations in favor of capital (See Map #1). If we observe the reasons why unions in Mexico issue strike calls by federal entity, whether for *contract signing*, *contract review*, or *contract non-compliance*, the majority of cases fall under the category of contract signing. From this point, the number of cases per state decreases in the subsequent maps, and in many states, cases even reach zero. Thus, when looking at Map #2, the majority of strike notices are concentrated by state. Issuing a strike notice to sign a *collective labor agreement* is the most common reason for this union action, as it establishes a record of the historical progress of the unions' collective bargaining achievements with employers. The problem with the data shown in the following map is that collective bargaining between unions and employers under the category of signing a collective labor



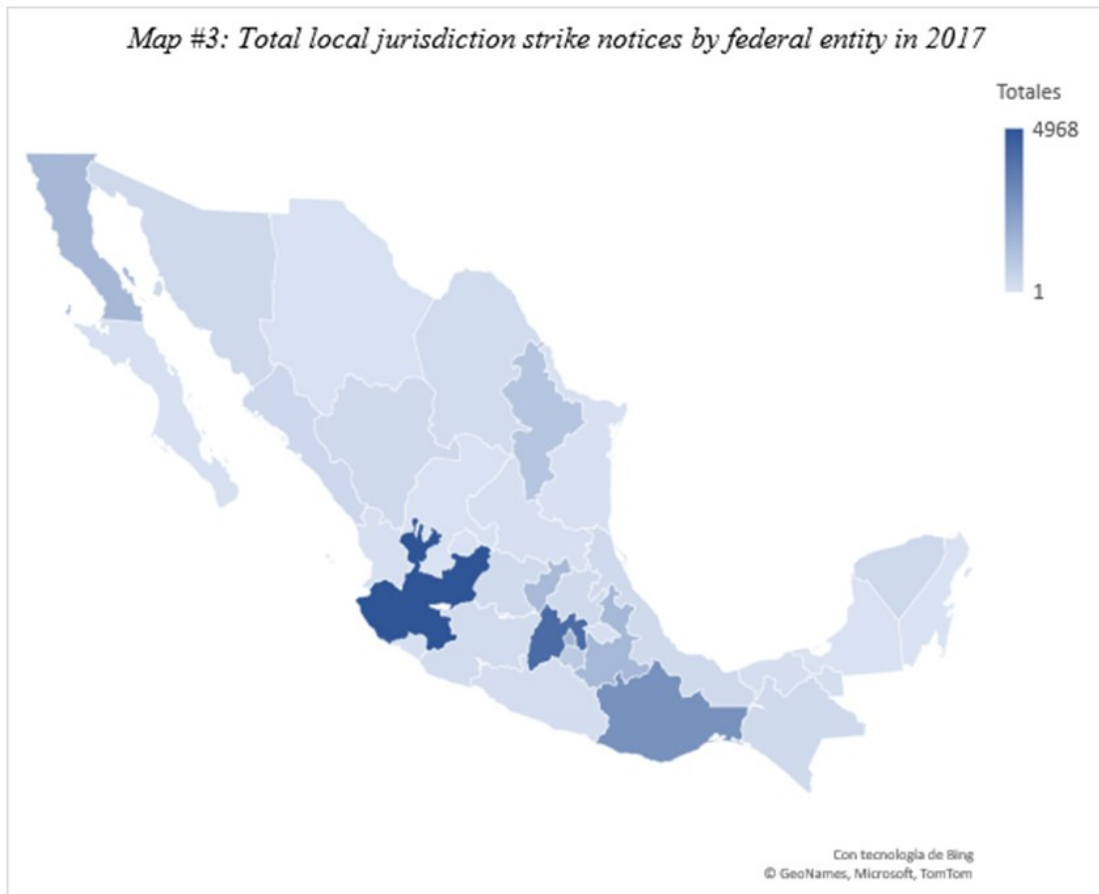
*Graph developed by the author with INEGI sources.

This allows us to infer, in the first cases, that there is a style of protectionist unionism, since (to mention a couple of states), in Nuevo León there was a drop of more than 5,000 cases from one period to

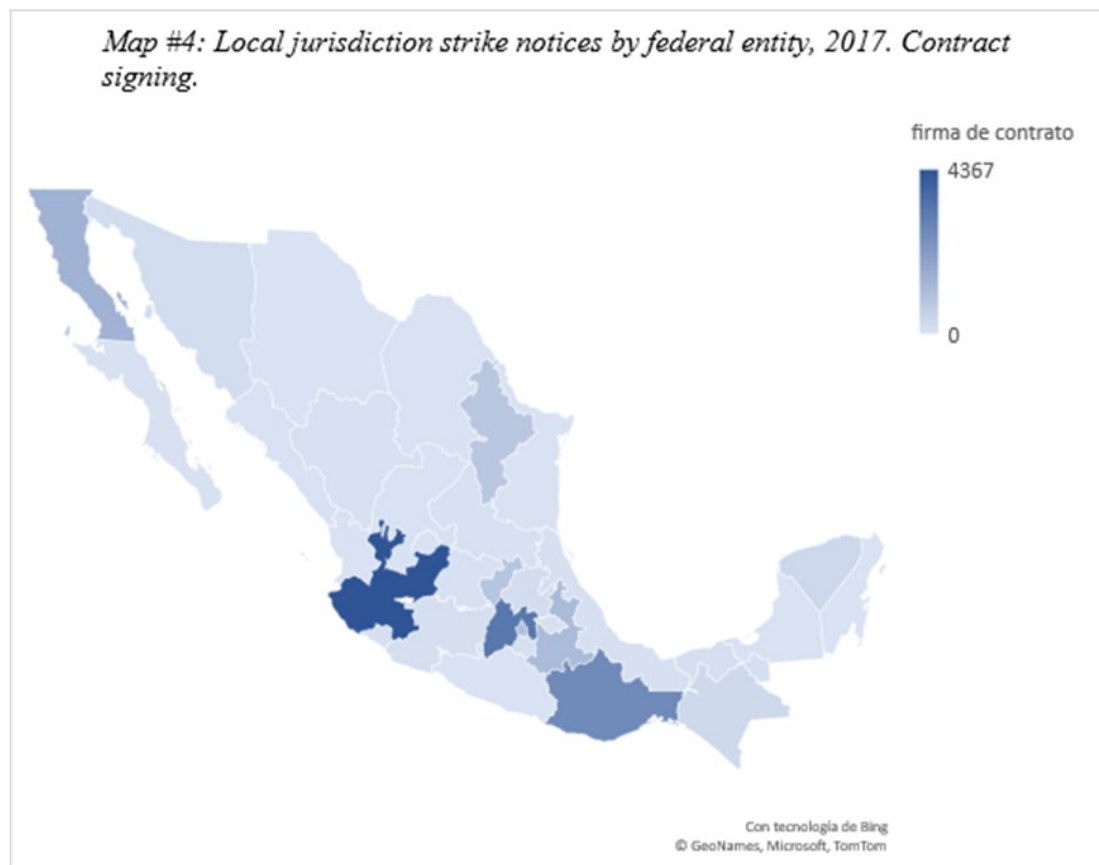
⁹ Document issued by labor authorities to those unions that met all requirements for union registration.

¹⁰ The period shown in the graph was chosen because it represents the last 6 years with the greatest consolidation of the use of collective protection contracts, corresponding to the PRI government of Enrique Peña Nieto.

contract became completely obsolete in Mexico during the final year of the neoliberal period. It is surprising that strike notices in their formal version of signing a collective labor contract seem to be merely a formal act as established by Mexican labor law. Empirical data demonstrates the extent to which employers' propagation and use of protection contracts to simulate the existence of unions, indicating a specific but false unionism that prevents strikes, has been achieved. Also, the extent to which union activity was simulated by the few legally registered unions before the Mexican JLCA.



*Map developed by the author with INEGI sources.



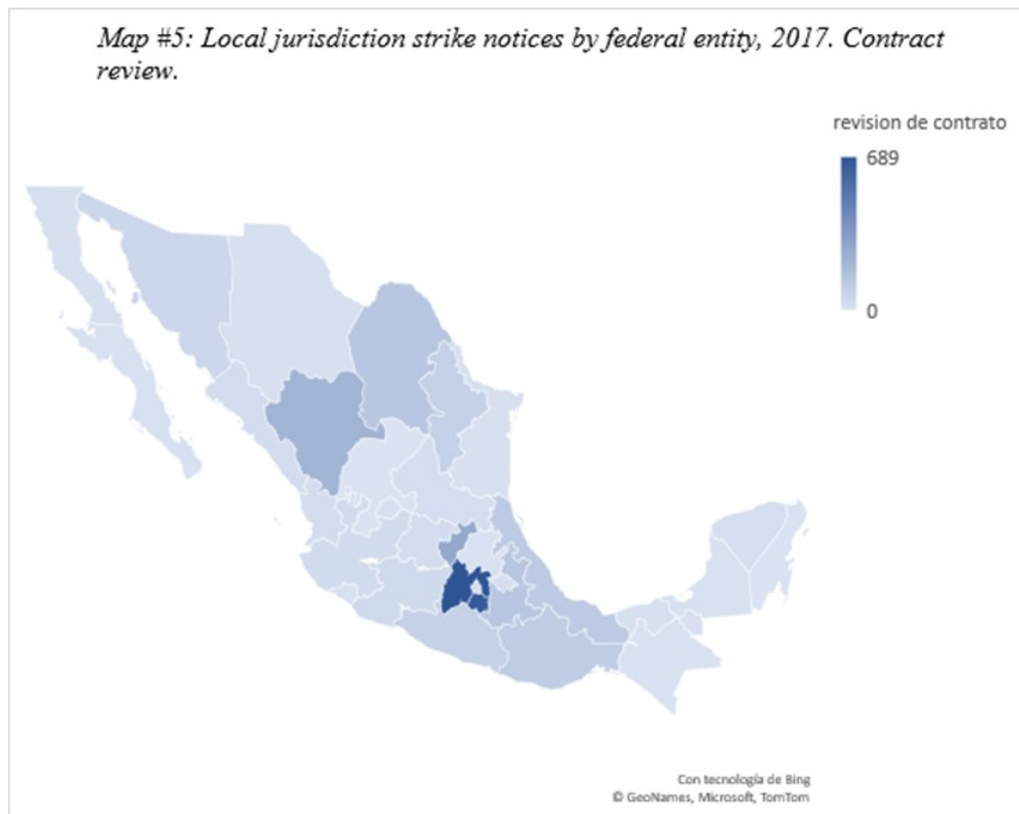
*Map developed by the author with INEGI sources.

Such simulated unions pretend to pressure employers with a strike notice to negotiate the revision and signing of collective labor contracts before labor authorities, which are always resolved (see Graph #3) through protection unions at the service of employers (See Map #2).

This last assertion can be verified with the following map, which refers to contract review. In this case, the number of strike notices for *collective contract review* decreases drastically, to the point of becoming negligible. The particularity of this point—cases of strike notices for contract review—objectively reflects the number of

existing unions in the country, regardless of whether their union activity is labor-oriented or not. Legally registered unions calling a strike necessarily implies that a union exists; otherwise, the review of the collective labor agreement, simulated or not, could not be performed.¹¹ (See Map #3). Cases of strike notices due to *breaches of the collective labor agreement* are very few. It seems that in Mexico, during the last years of the neoliberal period, employers adhered to previously negotiated and signed agreements, meaning a significant culture of corporate social responsibility.

types of unionism. These dominant practices emerged from protection contracts¹² implemented by labor centers to benefit employers, in collusion with public officials in charge of labor regulatory institutions and protectionist unions¹³. Also, to what extent did union actions and strikes disappear in the last years of neoliberal governments, based on the reasons that led the few authentic unions to protest against employers. With this, the explanation of the domination and restraint of the Mexican labor union movement is concluded.



*Map developed by the author with INEGI sources.

The fact seems absurd and unbelievable, as data from previous maps contradict it. Only in Jalisco does it appear that strike notices due to breaches of collective labor agreements are conducted in a real and objective manner. Outside of this case, and with many doubts regarding its objectivity, the rest of the country exhibits contrary behavior (See Map #4). In summary, strike notices in Mexican labor regulatory institutions (JLCA) reveal information that does not correspond with the number of existing companies and the number of strike notices as an action to negotiate collective labor agreements. The lack of correspondence in both areas indicates the collaboration of labor regulatory institutions with capital interests, as it drastically reduces labor conflict rates. The previous assertion is supported when analyzing the statistics of strikes in Mexico for 2017, in all their modalities. Two conclusions can be drawn regarding the impact of both styles of unionism in Mexico: first, it demonstrates the non-existence of unions within companies, linked to the subordination of the few unions in the country to capital interests, as they fail to defend workers against employer breaches of labor agreements. Second, Mexican union corporatism and its labor centers have benefited national and foreign companies due to controlling, restraining, and containing labor movements throughout the country. The following are results from the empirical data on union strikes in Mexico.

Union strikes in Mexico, a legal practice that disappeared during neoliberal governments: The following lines will mention the statistical behavior of strikes in Mexico, a union practice that has disappeared in the country, to demonstrate the existence of dominant

¹¹ Unless there was a new form of simulated union activity by corporatist unions during the review of the collective labor agreement by a union when it called for a strike against a company in the neoliberal period in Mexico.

To achieve the first objective, it is necessary to resort to statistics related to strikes in Mexico from 1995 to 2018. The statistics demonstrate how the two types of unionism previously mentioned consolidated and became hegemonic throughout the national territory, eliminating nearly all authentic unions in local and national companies. The following graph shows that strikes in Mexico gradually disappeared completely, indicating that authentic unions in the country were displaced by two union types that did not pose problems for employers. Since strike notices decreased nationwide, strikes became a practice destined to disappear. Neoliberal governments and right-wing local governments had the objective of ensuring that strikes did not pose an obstacle that would deter foreign direct investment (FDI) nor influence the relocation of those already established in the national territory. State apparatuses related to labor matters (labor secretariats, the Local Conciliation and Arbitration Boards, and the Federal Conciliation and Arbitration Board) had to do everything possible to prevent this union practice¹⁴. It seems that the previous objective was efficiently achieved by state corporatism and union corporatism, as strikes in Mexico completely disappeared, going from 577 strikes in 1995 to just 18 in 2017 (see Graph #4).

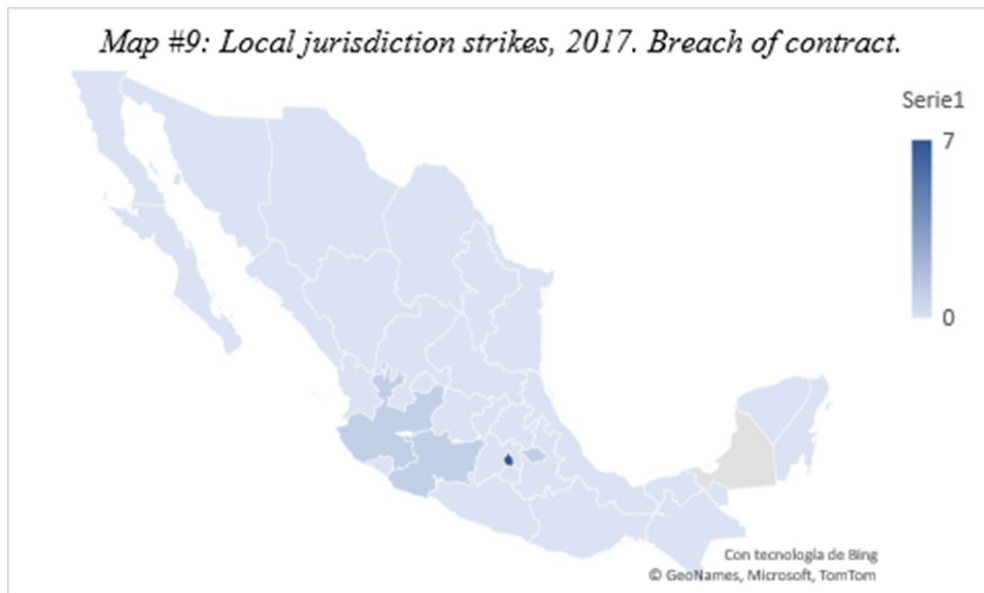
¹² Unionism performed by labor centers that prevent the existence of unions in companies.

¹³ Unions led by a corporatist labor center and tasked with restraining labor conflicts with employers, including union actions such as strikes.

¹⁴ Among other things, denying registration to genuine unions in factories, promoting the non-use of strike notices to avoid leaving a historical record of collective bargaining in the collective labor agreements signed before the JLCA, and preventing, at all costs, the few strikes that did occur obtain the status of JUSTIFICATION (an action that ensures that strikes do not extend indefinitely).



*Map developed by the author with INEGI sources



*Map developed by the author with INEGI sources.



*Map developed by the author with INEGI sources.

If we count the total number of strikes in 2017 under local jurisdiction, there were only 18 cases of union conflicts of this nature. Any foreign investor would feel surprised about this, as it indicates that Mexico successfully reduced the rate of labor conflicts and resolved the issue of union resistance and struggle, causing the nationwide disappearance of collective bargaining between employers and workers due to the absence of unions.

CONCLUSION

The previous empirical data mark the traces of union struggles in Mexico during the early 1990s-2019 neoliberal period and allow for several conclusions to be drawn. Two dominant styles of unionism prevail throughout the country. The first one is the simulation of unions within companies, implemented by the country's labor centers in association with businesspeople and public officials responsible for regulating union registration in the JLCA. This type of unionism is the most perfect form of corrupt structuring ever created in the history of global unionism. The second type of unionism, also directed by labor centers in Mexico and existing within companies, is the one that simulates unions, performing labor actions aimed at protecting the interests of employers. Such style is characterized by neglecting the defense of members when employers violate their labor rights, abandoning primary union duties, not organizing assemblies, maintaining the same union committee since its creation, not filling strike notices, not defending workers in the Local Conciliation and Arbitration Boards, never ensuring the signing of a labor agreement, and much less organizing a strike to protest all irregularities committed by employers. Both unionism styles represented the perfect worker control by labor unions in favor of capital interests during the Mexican neoliberal period. However, worker restraint and domination by labor unions through protection contracts and protectionist unions cannot be understood without the participation of labor authorities responsible for regulating the conflictual capital-labor relationship: JLCA. Acting under orders from local governors, the JLCA maintained both unionism styles in Mexico. Without their collaboration, creating and registering fake unions could be disrupted, or it would not be possible to sustain those who simulated union activity. Worker domination and restraint were an achievement of those who controlled the country and were not willing to lose their benefits. To what extent can this social phenomenon be considered successful, from the perspective of those involved in its construction and maintenance? Indeed, Mexican worker domination and restraint is one of the most complete in the world. Such an efficient obstruction of the legal construction and registration of unions had never been seen before, representing the domination of the working class and its unions. With this first fact, worker restraint was achieved. Worker restraint, in turn, is nothing more than a reduction of labor conflicts in a country. From the moment that collective lawsuits, strike notices, and strikes begin to disappear nationwide to the point of almost vanishing, containment has been successful for capital interests, as the union struggle in a country has been completely defeated.

Mexico is the definitive proof that it is possible to dominate and restrain the union labor struggle and that it is possible to prevent union freedom and collective bargaining, the two ultimate union actions. The negative actions of labor regulatory institutions refusing to register authentic unions led to the disappearance of union freedom in the country. Additionally, since there were no unions in companies due to the use of protection contracts, employers were spared collective bargaining with workers. The empirical data presented above confirm such labor and union realities in Mexico. Other conclusions are that in Mexican territory, for many years, any managerial flexibility (competitive advantages related to labor) could be implemented without encountering union responses as the only response from workers was individual lawsuits due to the absence of unions. On the other hand, public policies implemented by local governments were of worker control, as most state apparatus conducted new administrative functions in favor of business owners and foreign direct investments (FDI) to ensure no administrative problems from unions or worker actions. The country's Secretariats of Economic Development (SEDEC) and Local Conciliation and Arbitration Boards (JLCA) provided everything FDI demanded, including protection contracts or protectionist unions if they decided to do so. This public policy of worker control had a double impact on Mexico as an FDI-seeking country. At the national level, it improved its advantage among nations by offering labor peace; at the local level, it provided already located FDI with greater competitive advantages by avoiding collective bargaining with unions, resulting in low wage increases and almost zero benefit increases. Thus, companies were allowed to implement any managerial strategy that translated into higher productivity. Both effects should be the product of future research and demand the analysis of other empirical data in this regard.

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