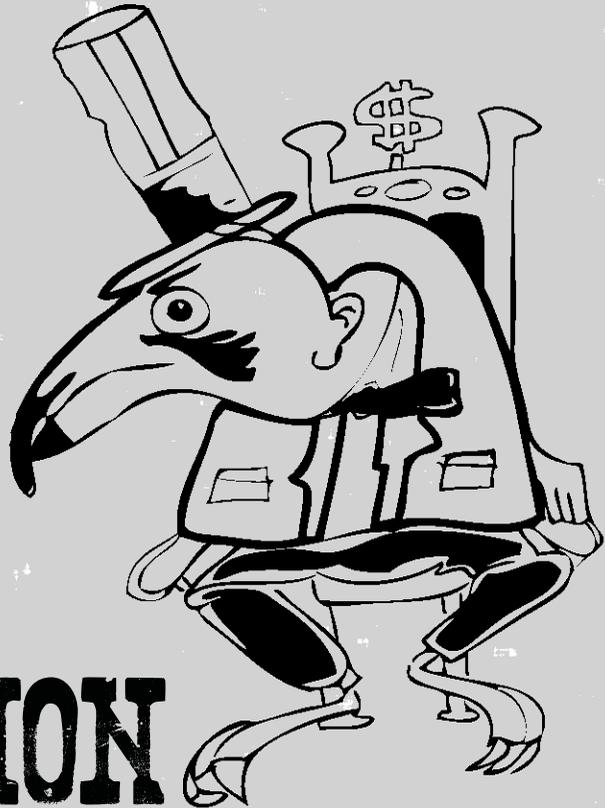
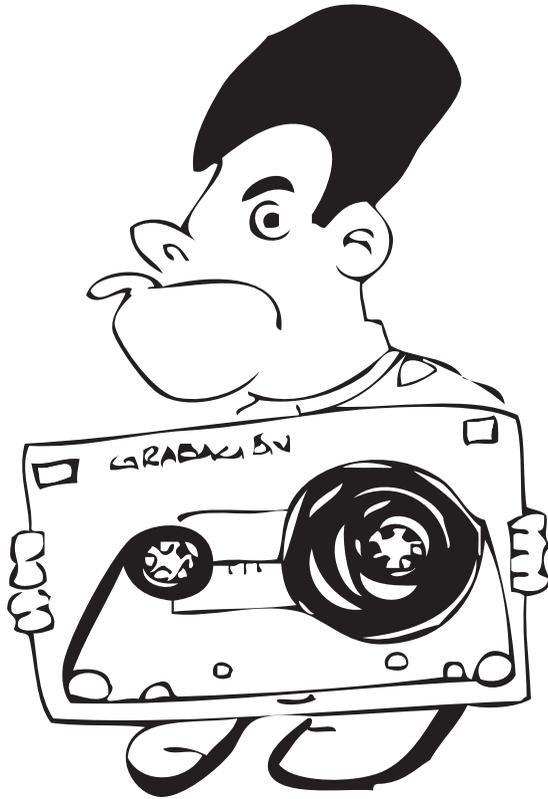


**NO
PROTECTION**



**EMPLOYER PROTECTION
CONTRACTS AND WORKER
ORGANIZING IN MEXICO**





. NO PROTECTION .

International Campaign Against Employer Protection Contracts in Mexico

www.democraciaylibertadsindical.org.mx

CREDITS AND ACKNOWLEDGEMENTS

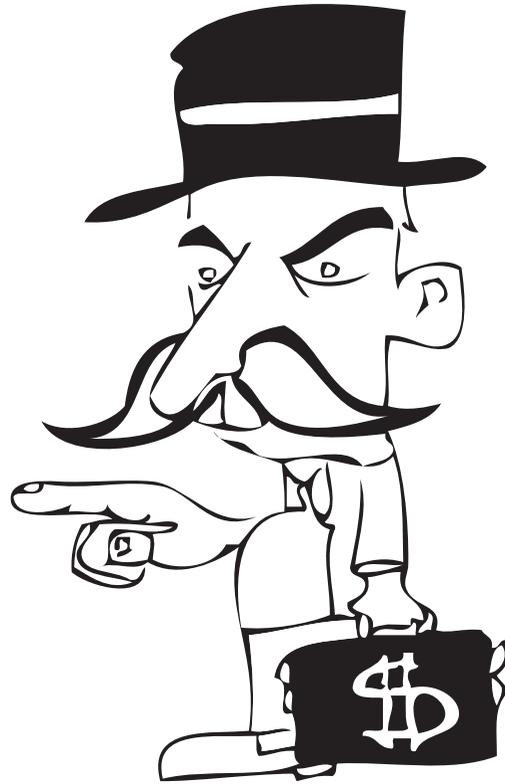
Original Idea and Script	Pedro Antonio Reyes Linares
Illustrations	Víctor Kopia
Corrections of Dialogue	Inés González, Ma. Lourdes Paz, Rita Robles, Gabino Jiménez
Design Work	Enrico Gianfranchi
Cover Redesign	Kevin Thomas
Digitalization	Raúl Corvera
Follow-up and links	Carlos Gutiérrez Bracho
Translation	Nadia Rodríguez, Maquila Solidarity Network
General Coordinator	Gabino Jiménez
English Introduction and Glossary	Maquila Solidarity Network

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First Edition
English Edition

Mexico City, October 2010
Mexico City, February 2012

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INTRODUCTION TO THE ENGLISH VERSION

The original Spanish-language version of this comic book was published in 2010 by the International Campaign Against Protection Contracts with the support of a number of Canadian, US, European and Mexican unions and labour rights NGOs. Although the comic book was produced specifically for Mexican workers, it also provides a good explanation to trade unionists in other countries of a problem particular to Mexico –the practice of employers negotiating protection contracts with unrepresentative unions without the knowledge or consent of the workers covered by those agreements.

WHAT IS A PROTECTION CONTRACT

- Protection contracts are signed by union representatives and employers, without the workers who are subject to the contracts being involved in the negotiation and approval processes.
- In some cases, protection contracts are signed without the knowledge of the workers covered by the contracts, who are unaware of the existence of the contracts.
- Legal titles to protection contracts are held by illegitimate union leaders that are not democratically elected by the workers they claim to represent, and from whom, in many cases, union dues are deducted.
- In some cases, workers are unaware that there is a union that represents them.
- Protection contracts are administered and/or revised without the involvement of the workers.



INTRODUCTION

2010 is the centennial of the Mexican Revolution. It is the year of official celebrations, parties and joy. Bearing this in mind, it is worth asking ourselves if we have something to celebrate. In the late 19th and early 20th century, Mexico was in a very difficult position. Although the Porfirio Díaz dictatorship (1876-1911) ushered in significant technological development and considerable economic growth, it was also responsible for a dramatic increase in poverty, which triggered an economic, political, social and cultural crisis that turned the population against the president and his group of “advisors” (a group of scientists), and against the government in general.

The most severely affected social classes were the workers and campesinos (peasant farmers). For instance, miners worked around 14 hours a day under dreadful conditions in mines, most of which were owned by foreign capital. The mine owners accepted no responsibility whatsoever in cases of accidents. The miserable wages were not sufficient to satisfy the workers’ and their families’ basic needs, and the company stores condemned workers to unending debts that their children inherited.

In this environment of poverty and exploitation, the first revolutionary ideas were born, which were greatly influenced by the thoughts of European intellectuals from the late 19th and early 20th centuries. These new ideas reinforced the democratic and liberal principles of that era that were in direct conflict with the ideology of the Porfirio dictatorship, and

served to legitimize the struggles of campesinos and workers, the main victims of the regime.

The ideas that most influenced the revolutionary movement were those of the Flores Magón brothers. In the Liberal Party manifesto, Ricardo Flores Magón demanded guarantees and respect for freedom of the press, freedom of speech, freedom of assembly, the restoration of uncultivated lands to the people, abolition of the death penalty, the elimination of the brutal penitentiary system, the cancellation of the campesinos' inherited debts, the establishment of the eight-hour workday and the minimum wage, and the enshrinement of right of the Mexican citizens to take part in public affairs.

These ideas were the foundation of Francisco I. Madero's strong opposition to the Porfirio Diaz regime. Although, Madero's participation in the Revolution has been questioned, what is certain is that his book *La sucesión presidencial en 1910* (The presidential succession in 1910) triggered the revolt. Thus, the rebellion led by Madero was an appeal to the dignity of the Mexican people to put an end to an antidemocratic political system, one that was closed, oligarchic, and humiliating, in which only a few could "make politics" that only benefited their own small group. The uprising against Diaz was made in the name of the democratic and moral principles contained in 19th century constitutions, which were never put into effect.

The 1917 Mexican Constitution is the legal manifestation of these ideals and revolutionary demands. At first, Venustiano Carranza only sought reforms to the 1857 Constitution, but the discontent generated by the failure to address the demands of both campesinos and workers forced him to recognize those demands in a new document, the 1917 Constitution, considered one of the most advanced constitutions of its time.

However, today we need to acknowledge that the current situation for workers is not so different from the reality faced by workers and campesinos of the last century. But there is one additional aggravation: despite the fact that all the essential social rights are now recognized in the constitution and in various laws, for instance the right to employment, freedom of association and the right to bargain collectively, these rights are systematically violated.

The purpose of this comic book is to profile the situation of Mexican workers in the 20th and 21st centuries. Various mechanisms are used to prevent workers from exercising their union rights. They face corruption and complicity between governmental authorities, employers and “official” unions that sign Employer Protection Contracts. This comic also aims to make readers reflect on their own working conditions and the obstacles they have to face in order to organize democratic and independent unions, and to show how the revolutionary ideals and social demands that triggered the 1910 Mexican Revolution are still relevant.

Flores Magón brothers

Ricardo and Enrique Flores Magón were leaders of the Mexican Liberal Party (PLM), a left-wing political-military organization that opposed and eventually helped to overthrow the Porfiro Díaz dictatorship. In 1906, the Flores Magon brothers spent six month in exile in Canada, living underground on Toronto's Spadina Avenue.

Francisco I. Madero

Madero was an important leader of the opposition to the Porfirio Díaz dictatorship, and after the fall of the dictatorship he became president for three years (1911-1913) before being deposed and executed by military loyal to Díaz.

Venustiano Carranza

Carranza was president of Mexico from 1917-1920. Although no great supporter of workers, Carranza brought in progressive labour legislation under pressure from sectors of the Casa del Obrero Mundial (see below) who had supported him in his battle against the revolutionary armies of Emiliano Zapata and Pancho Villa.

La Casa del Obrero Mundial

Formed in 1912, the Casa del Obrero Mundial (House of the Workers of the World) was a militant, left-wing union, most of whose members were concentrated in Mexico City. Despite its political leanings, the union made a tactical alliance with Carranza, forming "red battalions" to fight against the armies of Zapata and Villa, and losing many of its members in the process.

Exclusion Clause

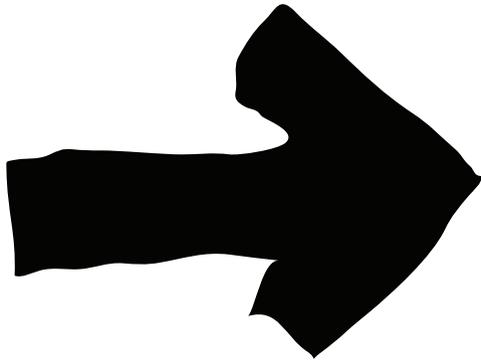
An “exclusion clause” is a clause in many collective bargaining agreements in Mexico requiring all employees in a particular workplace to be members of the union. Perversely, when such a clause is included in a protection contract, it allows an unrepresentative union to compel the employer to fire any workers attempting to form or join an independent, democratic union.

Recuento

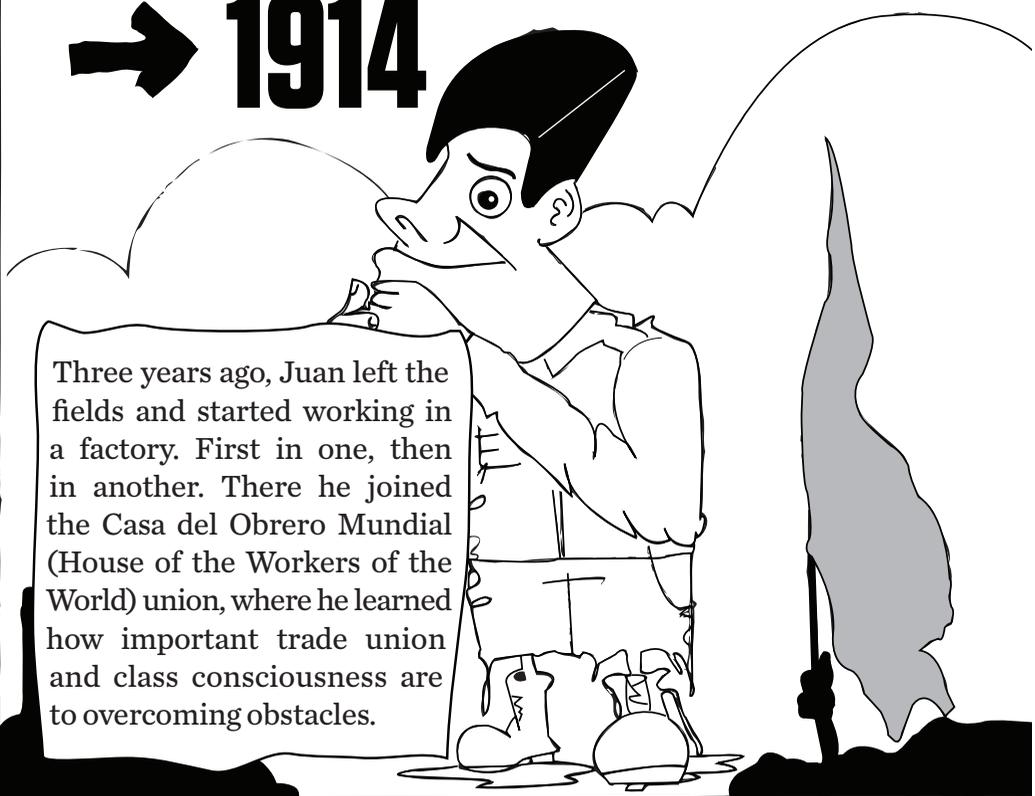
When there is a dispute between two or more unions to determine which union holds legal title to a collective bargaining agreement, the labour authorities sometimes hold a *recuento*, or union representation election. In cases where a protection union is being challenged by a democratic union, such elections are often held by voice vote in front of representatives of management and the protection union. Workers who dare to vote for the independent union are often fired.

Toma de Nota

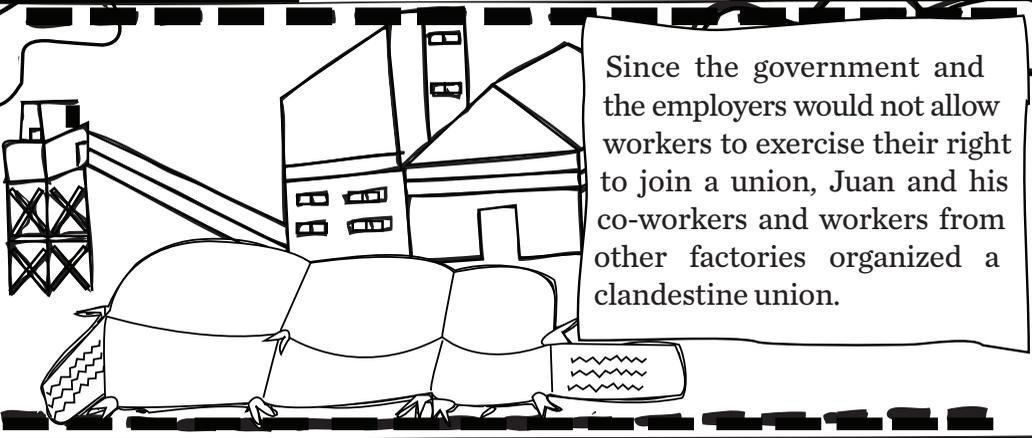
In Mexico, people chosen to be leaders of a union must first be approved by the government labour authorities. Because these labour authorities are usually linked to “official” unions, employers and the governing political party, they tend to approve unrepresentative leaders that have negotiated protection contracts with employers and sometimes refuse to approve democratically elected leaders or leaders linked to other political parties.



→ 1914



Three years ago, Juan left the fields and started working in a factory. First in one, then in another. There he joined the Casa del Obrero Mundial (House of the Workers of the World) union, where he learned how important trade union and class consciousness are to overcoming obstacles.



Since the government and the employers would not allow workers to exercise their right to join a union, Juan and his co-workers and workers from other factories organized a clandestine union.

**NO TO
UNDervalUED
WORK!**

FAIR WAGES!

**8-HOUR
WORKING DAY**

**NO TO
COMPANIES
STORES**



**After several months
of preparing to go on
strike, their plans were
discovered by the
employers.**



BANG



In response, the boss hired thugs, who attacked the workers with clubs and stones... and guns.

The order was clear: prevent the workers from organizing their union and going on strike at all cost.



Juan felt a shot in the stomach... he hit the ground... and all went black.

➔ 2010

The Employer Protection Contracts are signed without the participation or consent of the workers, which is a violation of an essential human right, freedom of choice.

The situation has not changed much since then. There are still obstacles imposed by the government and employers that prevent workers from organizing democratic unions. The employers sign contracts for their own benefit, behind the workers' back, which is why they are called Employer Protection Contracts.



IT DOESN'T MATTER RIGHT NOW!! HE'S BLEEDING; GET SOME HELP -- A DOCTOR!!

WHAT'S UP WITH HIM? HOW DID HE GET HERE?

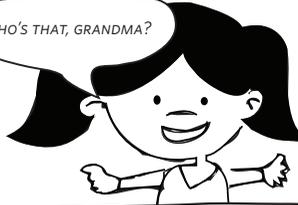
WE CAN'T KEEP HIM HERE IN THE FACTORY. YOU KNOW IT'S NOT ALLOWED. THEY COULD FIRE US ALL. BETTER TO TAKE HIM SOMEWHERE ELSE.

WE CAN'T LEAVE HIM LIKE THIS. WE BETTER CALL AN AMBULANCE AND WE CAN ALL CHIP IN TO PAY FOR IT.

Since there is no room in the public hospital, Rosa takes Juan to her house, where she lives with her mom and her two kids. Rosa is a single mother and supports her family with her work at the factory, where Juan appeared.



WHO'S THAT, GRANDMA?



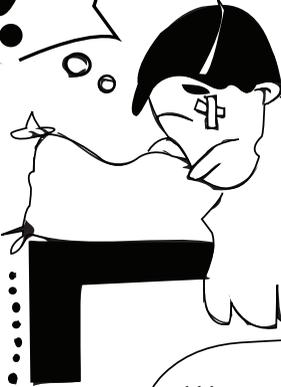
IS HE STAYING WITH US?

BE QUIET! LET HIM SLEEP!
CAN'T YOU SEE HE'S SICK?!



A week later...

Juan opens his eyes...
Something has changed; he does not know where he is.



-WHERE ARE YOU FROM, SON?

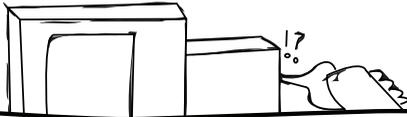
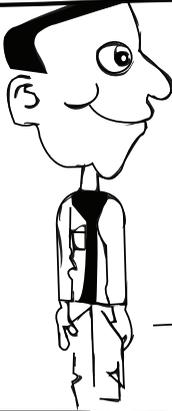
WE WERE ON STRIKE AND THE CARRANZA FOLLOWERS ATTACKED US.

-CARRANZA FOLLOWERS!?!?-
WE'RE IN 2010... THAT HAPPENED A LONG TIME AGO. I THINK SOMETHING ELSE HAPPENED TO YOU.



It's been 96 years since that strike in Juan's factory!!

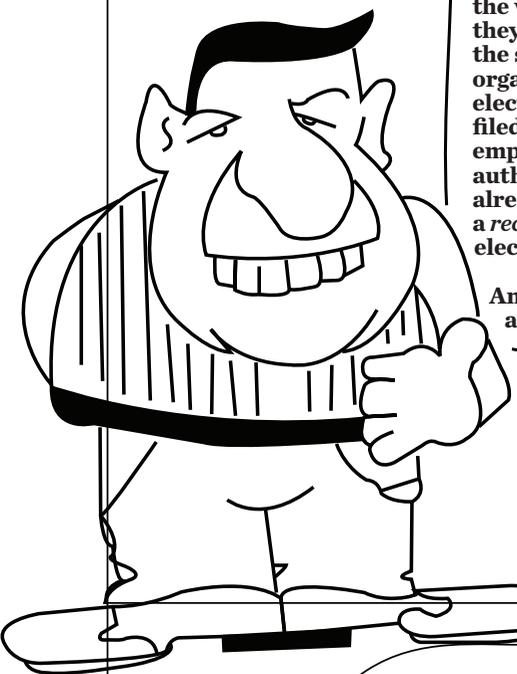
Over a number of days, Juan tells Rosa and her co-workers about the actions that he and his fellow workers took to win a union that represented them and improved their working and living conditions, of the clandestine flyers, their newspapers and their strike.



Rosa and the other workers are also organizing to form a union in their factories. They want to improve their working conditions, to get overtime pay, holidays, a decent salary, and profit-sharing benefits. Already, they are being threatened and dismissed by the employer.

The employers don't want us to be organized in democratic unions.
It is not in their interests.

Rosa invites Juan to join her at a union meeting at a co-worker's place.

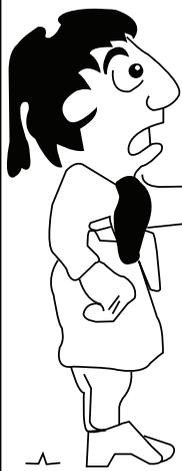


At the meeting Juan meets Mateo and Luis. They have been organizing the workers at the factories where they work. However, there is always the same problem: after they have organized a worker assembly, elected a union committee, and filed for the union registration, the employer shows up before the labour authorities to declare that they already have a union and that first a *recuento* (union representation election) must be held...

And then come all the obstacles and unfair dismissals.



Now they have to organize themselves clandestinely, so that the boss does not interfere in their decisions, and they are able to win title to the collective agreement at the *recuento*.



JUAN KNOWS A LOT ABOUT THIS. HE HAS WORKED CLANDESTINELY FOR MANY YEARS

BE CAREFUL, ROSA!

WE CAN'T TRUST HIM... HE COULD BE A SNITCH. REMEMBER THAT OUR JOBS ARE AT RISK. IT'S HAPPENED BEFORE; NEW PEOPLE COME AND THEY RAT ON US TO THE BOSS.





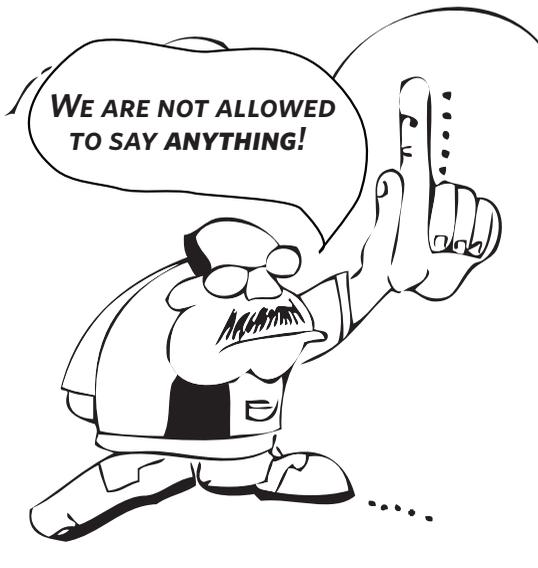
WHAT ARE YOU FIGHTING FOR?

WE WANT TO GET THE PROTECTION UNION OFF OUR BACKS; NONE OF US CHOSE IT. IT DOESN'T DEFEND OUR INTERESTS AND IT'S ALWAYS AGREEING WITH THE BOSS — IT TIES OUR HANDS.

Juan was *staggered.*



WE HAVE TO AGREE ALL THE TIME OR ELSE!! THEY APPLY THE EXCLUSION CLAUSE IN THE CONTRACT TO GET US FIRED.



WE ARE NOT ALLOWED TO SAY ANYTHING!



THERE ARE LOTS OF FACTORIES WHERE WE DON'T EVEN KNOW WHO THE UNION IS!

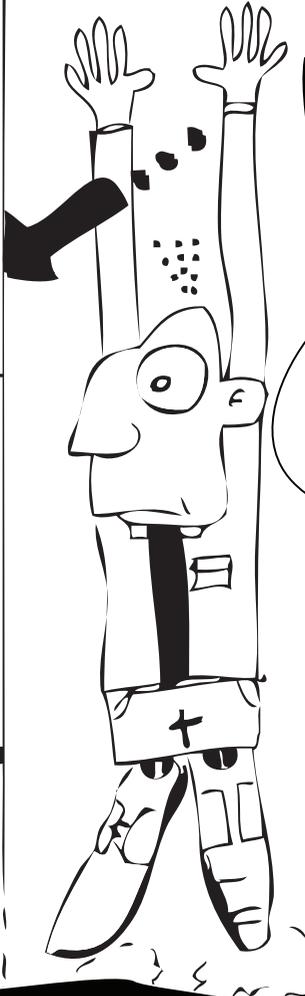
IN THE EYES OF THE AUTHORITIES, THERE IS INDEED A UNION, ONE THAT SIMULATES ELECTIONS AND SIGNS PROTECTION CONTRACTS THAT WON'T BENEFIT US.

Juan doesn't understand a thing.

But... the purpose of the union is to help you, to organize you and improve the lousy conditions and eliminate the violations of the Federal Labour Law committed by the employer.



HERE, THE UNION AND THE BOSS ARE THE SAME THING; THEY MAKE AGREEMENTS BEHIND OUR BACKS.



They control the union so we can't organize ourselves and demand our rights...

WHERE DID YOU GET THIS GUY FROM, ROSA? DOESN'T HE GET IT? ISN'T HE A SNITCH?



Rosa tries to explain things to Juan...



THEY USE THE UNION TO TIE OUR HANDS. THEY SIGN EMPLOYER PROTECTION CONTRACTS THAT BOTH THE LAW AND THE AUTHORITIES SAY ARE VALID, EVEN THOUGH THE WORKERS **DON'T AGREE** OR EVEN KNOW OF THEIR EXISTENCE.

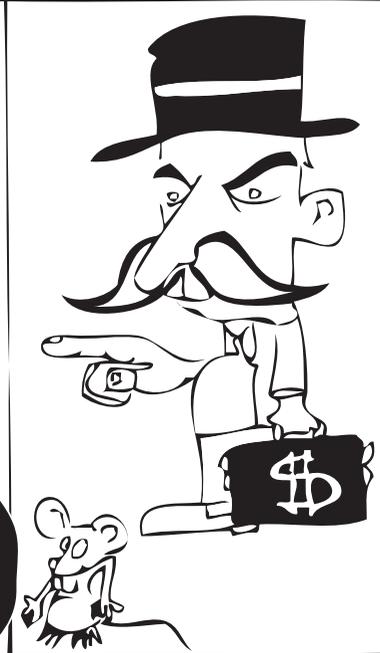
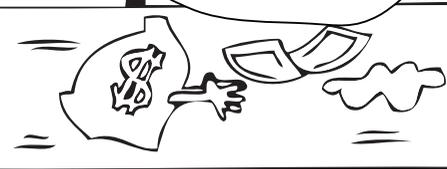


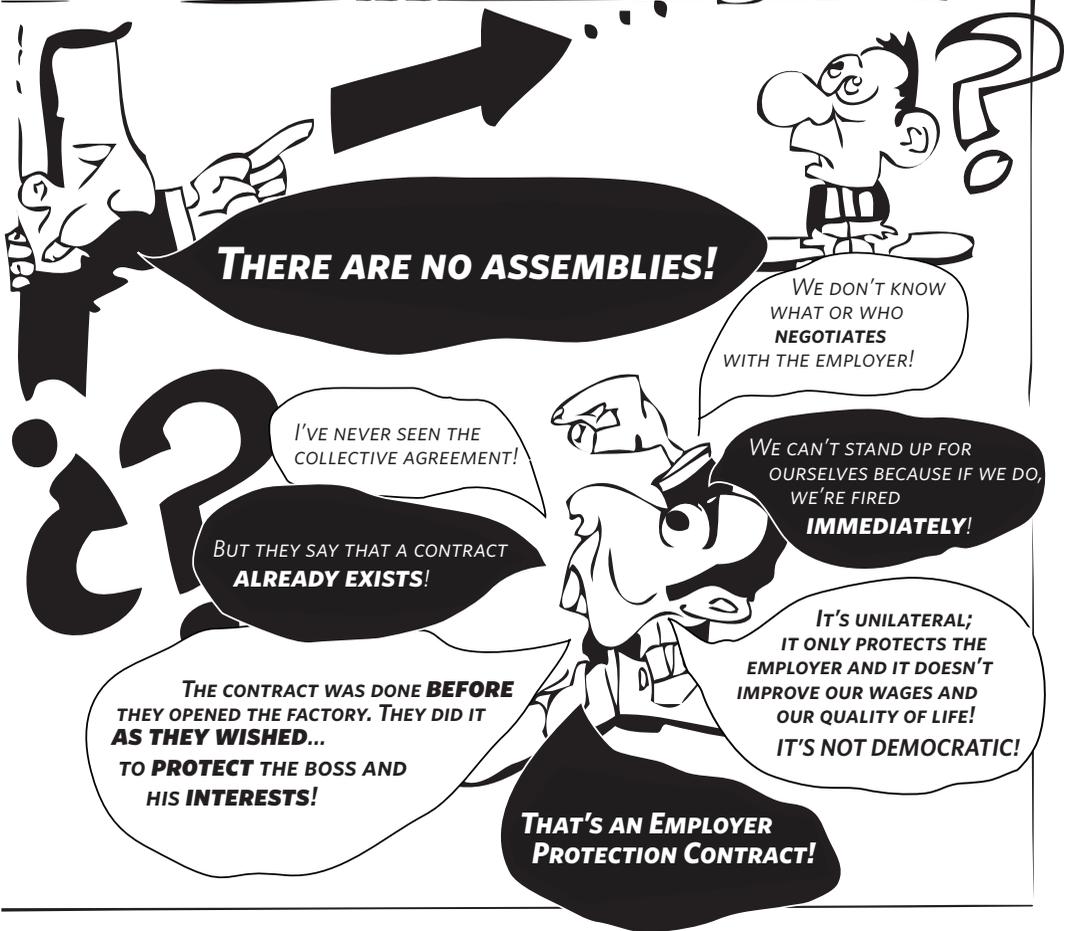
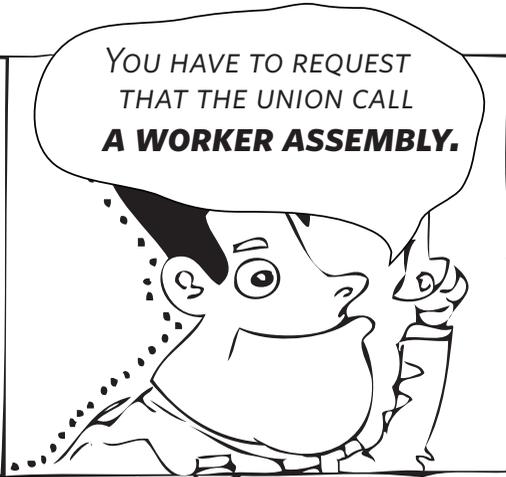
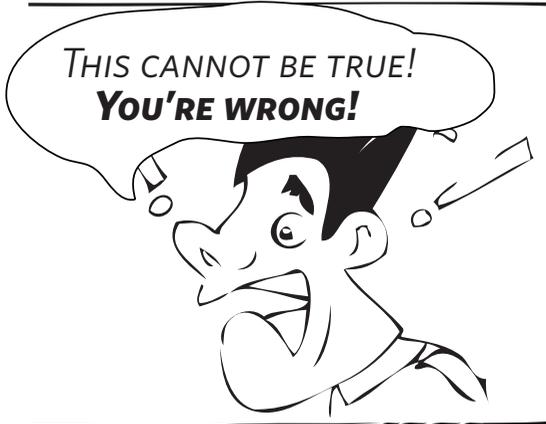
THE UNION
KEEPS US QUIET AND PROTECTS
THE BOSS' DOUGH...
THAT'S WHY WE CALL THEM
EMPLOYER PROTECTION UNIONS.

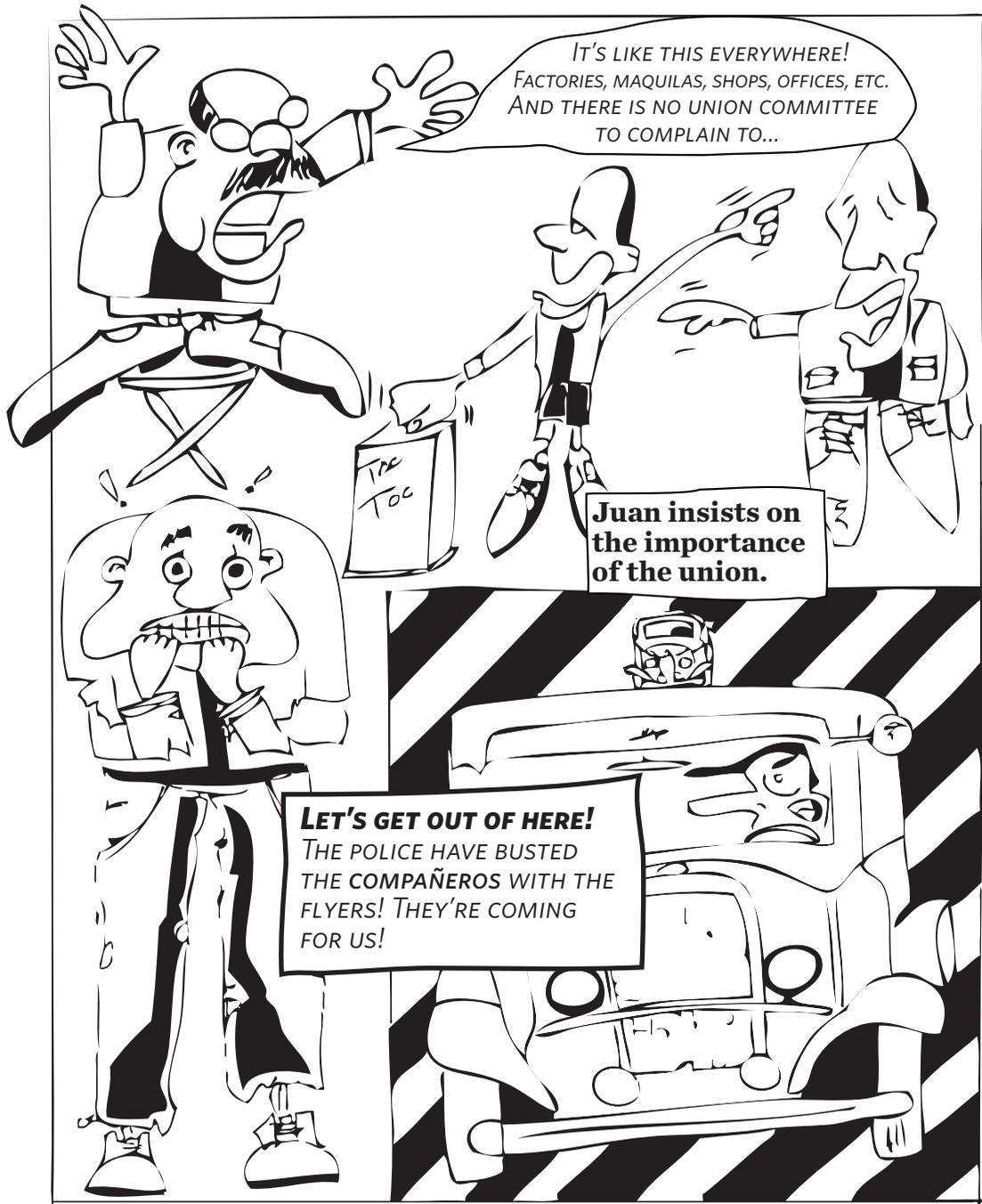
... IF SOMEONE SAYS SOMETHING OR TRIES TO ORGANIZE A DEMOCRATIC UNION, THEY SIMPLY **FIRE** THEM; THAT'S WHY THEY HAVE THE **EXCLUSION CLAUSE...**



... WITHOUT ANY COMPENSATION... NOTHING, AND EVEN WORSE: THEY **BLACKLIST** US, SO WE'RE NOT HIRED ELSEWHERE!







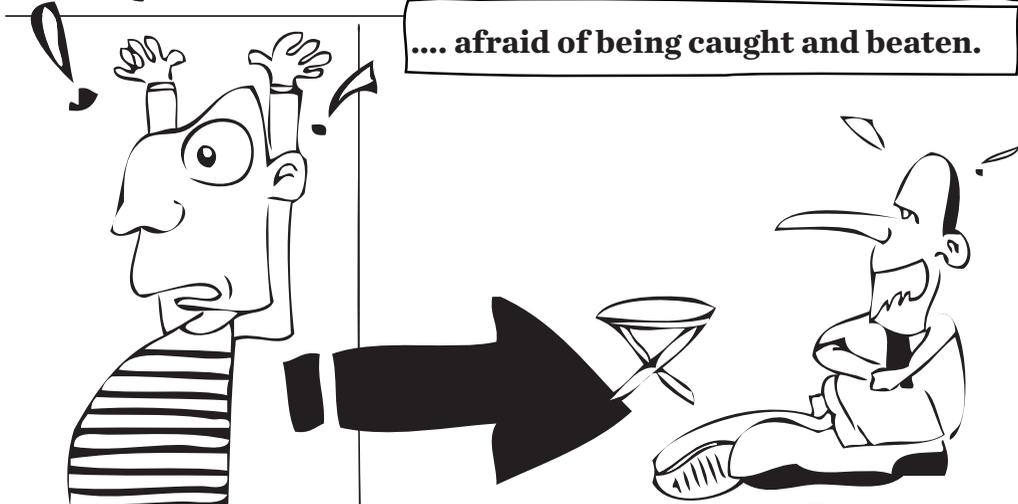
IT'S LIKE THIS EVERYWHERE!
FABRIQUES, MAQUILAS, SHOPS, BUREAUX, ETC.
ET IL N'Y A PAS DE COMITE D'UNION
POUR SE PLAINDRE...

Juan insiste sur
l'importance
de l'union.

LAISSONS-NOUS
ALLER!
LES POLICIERS ONT
SAISIS LES COMPAGNONS
AVEC LES AFFICHES!
ILS VENNENT
NOUS POURSUIVRE!



All the workers who had gathered ran away...



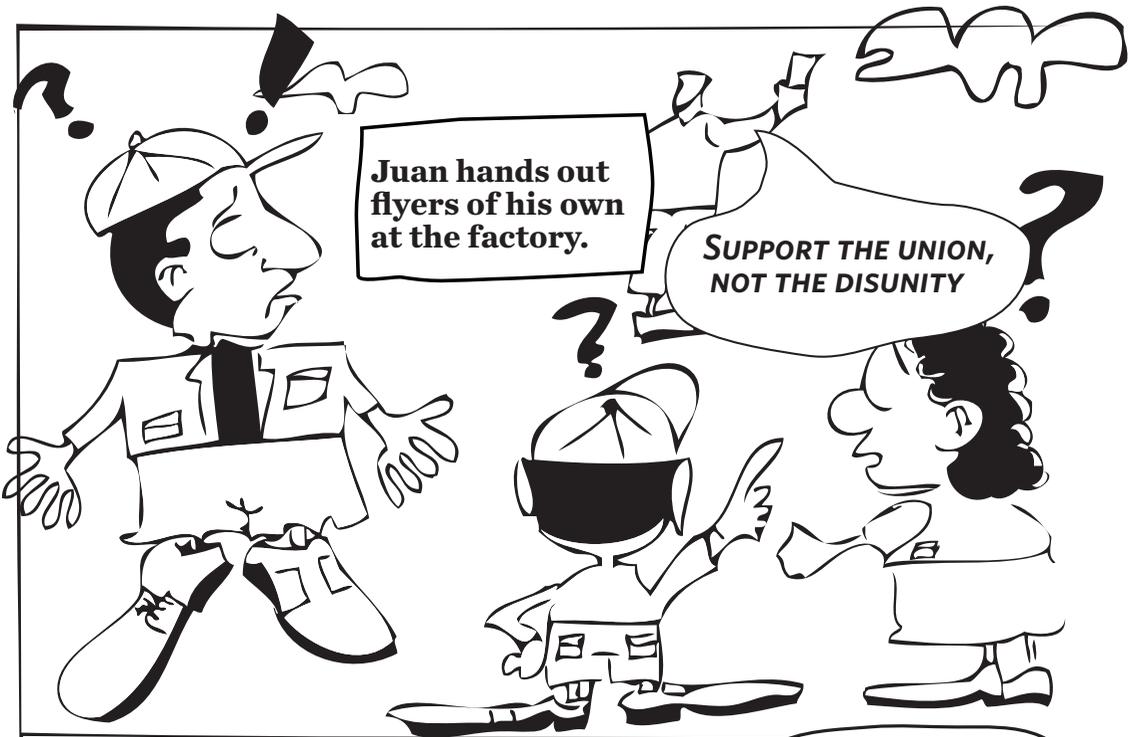
... afraid of being caught and beaten.



Juan does not understand.

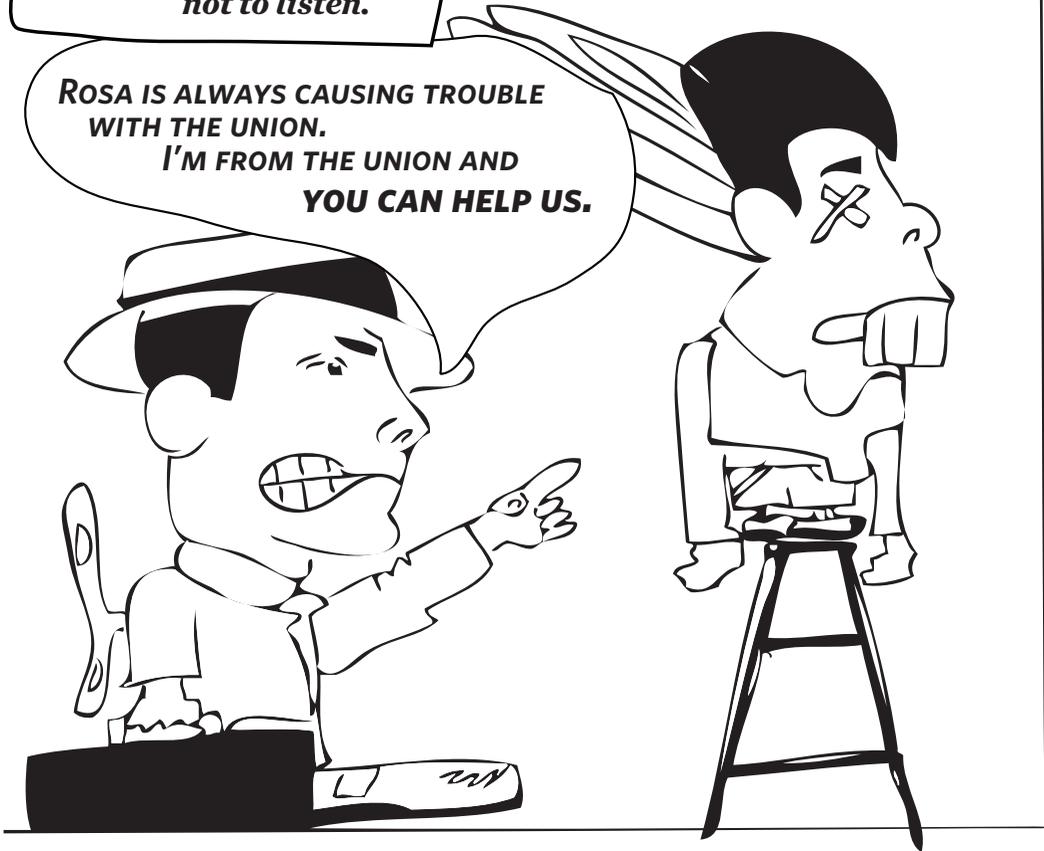
Why do they want to organize a union if they already have one?

He believes he can convince them to *trust the union.*

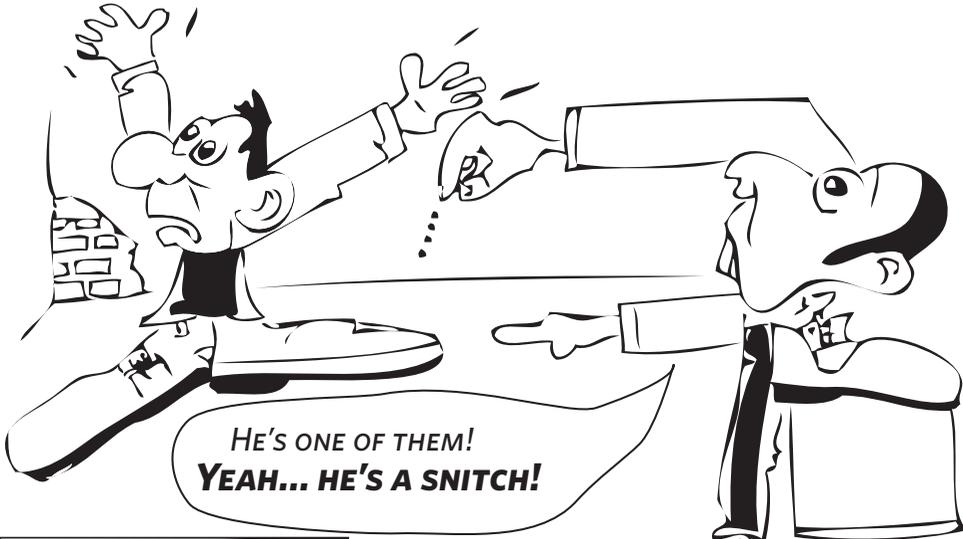
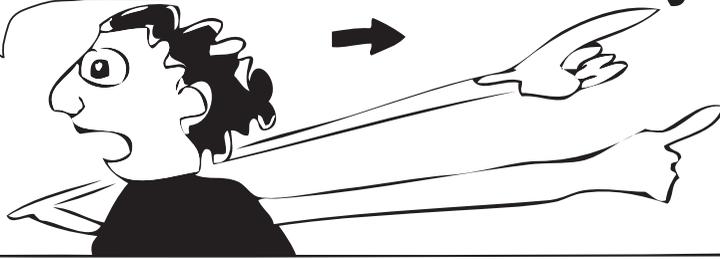




Miguel approaches Juan and tells him *not to listen.*



**MIGUEL TRICKED JUAN!
HE'S TAKEN HIM IN**

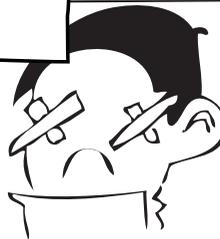


**HE'S ONE OF THEM!
YEAH... HE'S A SNITCH!**

NO, HE ISN'T LIKE THAT!



**Rosa tells them
who Juan is...**



**HE'S BEEN TRICKED;
WE HAVE TO GET HIM
OUT OF THERE.**

Juan listens intently to Miguel. He's happy to find someone from the union.

**"WE REPRESENT
THE NEW UNION MOVEMENT
OF THE 21ST CENTURY
AND WE DEFEND
THE SOURCES OF JOBS
AND LABOR PEACE!"**

**AND...
WHAT DOES
THAT MEAN?**

COME WITH ME.

**I'LL EXPLAIN TO YOU
HOW THE UNION WORKS
HERE AT THE MAQUILA.**

While walking down the street, Miguel starts to explain his activities. Juan is confused.

**PRODUCTIVITY;
MAKE MORE WITH LESS,
MULTITASKING, BE A TEAM PLAYER,
MAKE AN EXTRA EFFORT,
BE GRATEFUL FOR YOUR JOB...**

**THIS IS WEIRD...
THIS GUY DOESN'T KNOW
ANYTHING ABOUT UNIONS.
HE TALKS LIKE THOSE ON TOP...
ALL FOR THEM, NONE FOR US.**

Miguel tells Juan that they have the collective bargaining agreements under lock and key. That the government guards them and that's the way it should be.

He keeps saying, "It's for their own good"

WE'RE THE ONLY ONES THAT HAVE **THE KEY**. THE GOVERNMENT AND THE EMPLOYER **ACCEPT** US AS THE UNION, **AND THAT'S GOOD ENOUGH.**



NO ONE ELSE NEEDS TO BE INVOLVED. THE LAW SAYS IT'S LEGAL, SO IT'S LEGAL. WE KNOW HOW TO BUILD A MODERN UNION MOVEMENT.



Miguel turns to look at Juan... his face looks like the face of a vulture.



THIS MAN, MIGUEL, IS NO FRIEND. **HE CAN'T BE TRUSTED.**
HE'S SELLING THEM LIKE DOGS TO THE BOSS.
AND THE GOVERNMENT ACTS AS IF NOTHING IS
HAPPENING, AND THEY TALK ABOUT RESPECT
FOR **UNION AUTONOMY.**
JUST LIKE WHAT HAPPENED TO ME.

...AND THERE
I'M GOING TO MAKE
YOU SING LIKE
A CANARY.

JUAN, LET'S GO CELEBRATE
OUR MEETING, AND I'LL TELL
YOU HOW **YOU CAN HELP US.**

LET'S GO!



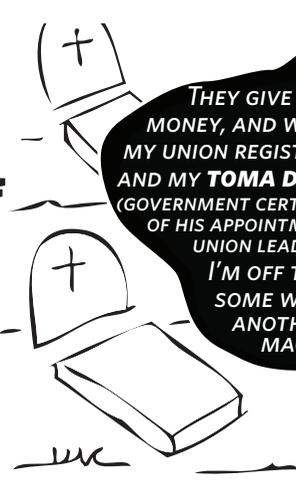
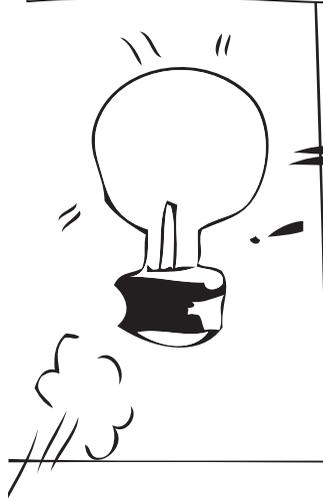
Already drunk, Miguel tells Juan all he has done for the boss using the union.

Juan is shocked; he cannot understand *why* Miguel has done all those things.



Miguel also tells him that he has had to “disappear” some leaders that had tried to organize the workers.

MIGUEL IS A KILLER!



THEY GIVE ME MONEY, AND WITH MY UNION REGISTRATION AND MY **TOMA DE NOTA** (GOVERNMENT CERTIFICATION OF HIS APPOINTMENT AS UNION LEADER) I'M OFF TO DO SOME WORK FOR ANOTHER MAQUILA.





ANOTHER DRINK, MIGUEL?



IT WON'T TAKE LONG FOR HIM TO BE COMPLETELY **WASTED.** I HAVE TO GO TELL ROSA AND THE OTHERS.

Juan ran and ran until he arrived exhausted at Rosa's house.

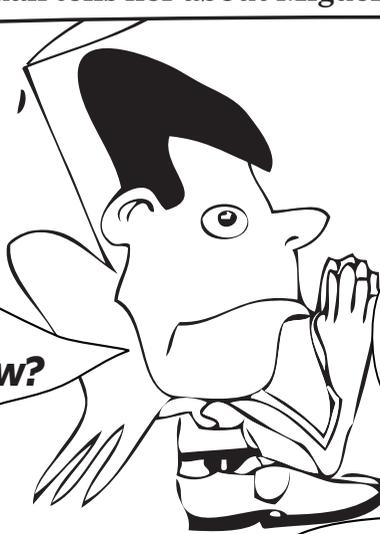


Juan tells her about Miguel's plans.



I NOW UNDERSTAND,
PLEASE FORGIVE ME.

WHAT DO WE DO NOW?

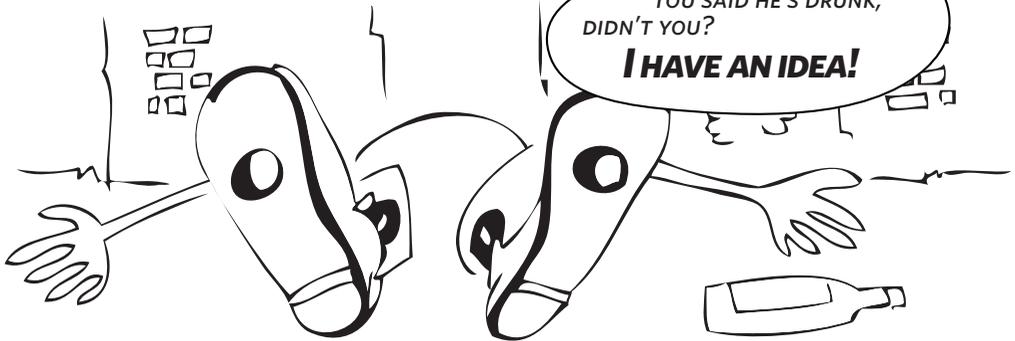


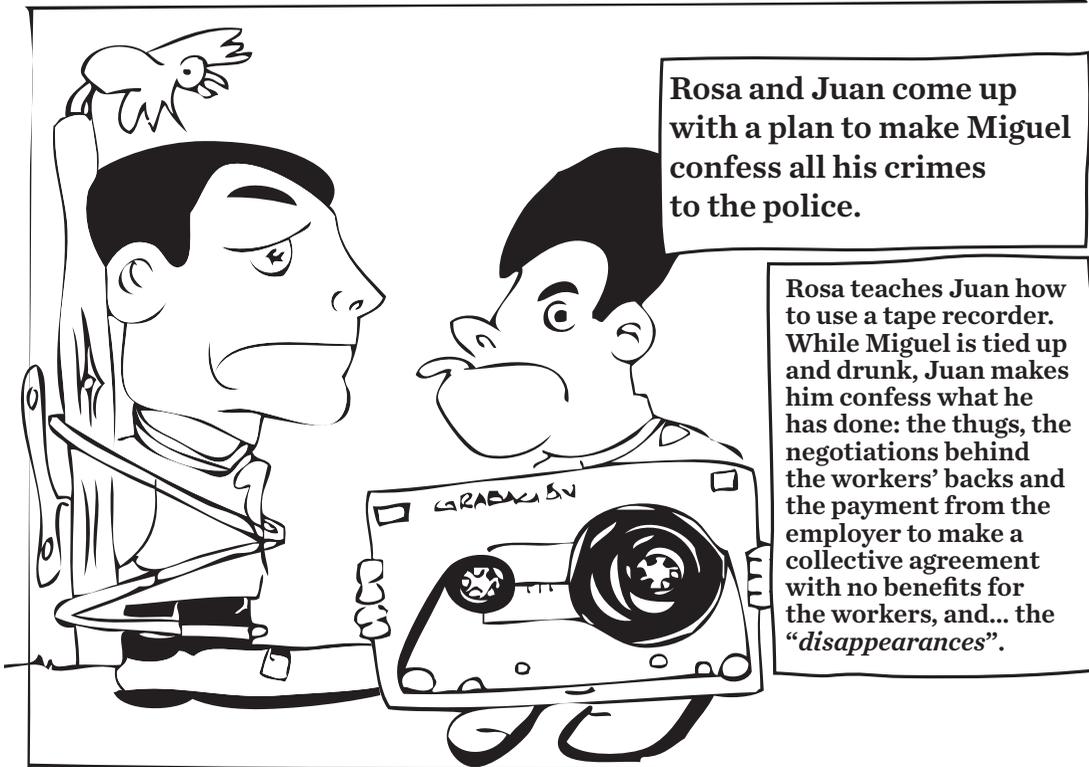
I TOLD YOU,
IT ISN'T A REAL AND
DEMOCRATIC UNION;
THEY ARE JUST
CRIMINALS.



YOU SAID HE'S DRUNK,
DIDN'T YOU?

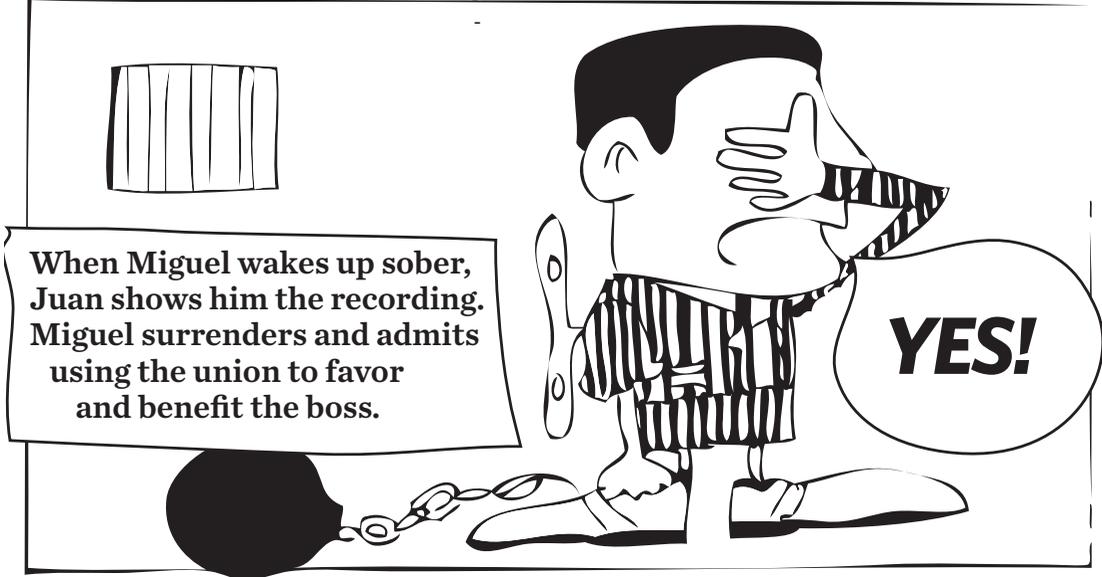
I HAVE AN IDEA!





Rosa and Juan come up with a plan to make Miguel confess all his crimes to the police.

Rosa teaches Juan how to use a tape recorder. While Miguel is tied up and drunk, Juan makes him confess what he has done: the thugs, the negotiations behind the workers' backs and the payment from the employer to make a collective agreement with no benefits for the workers, and... the "disappearances".



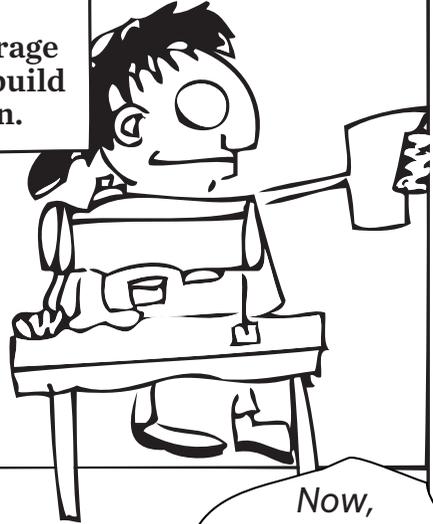
When Miguel wakes up sober, Juan shows him the recording. Miguel surrenders and admits using the union to favor and benefit the boss.

YES!

DAYTIME



Miguel's statement has reached the newspapers. With the news coverage, the workers gain the courage to organize and rebuild a democratic union.



AT NIGHT



Assemblies, meetings, plans and practice drills for the recuento are organized.

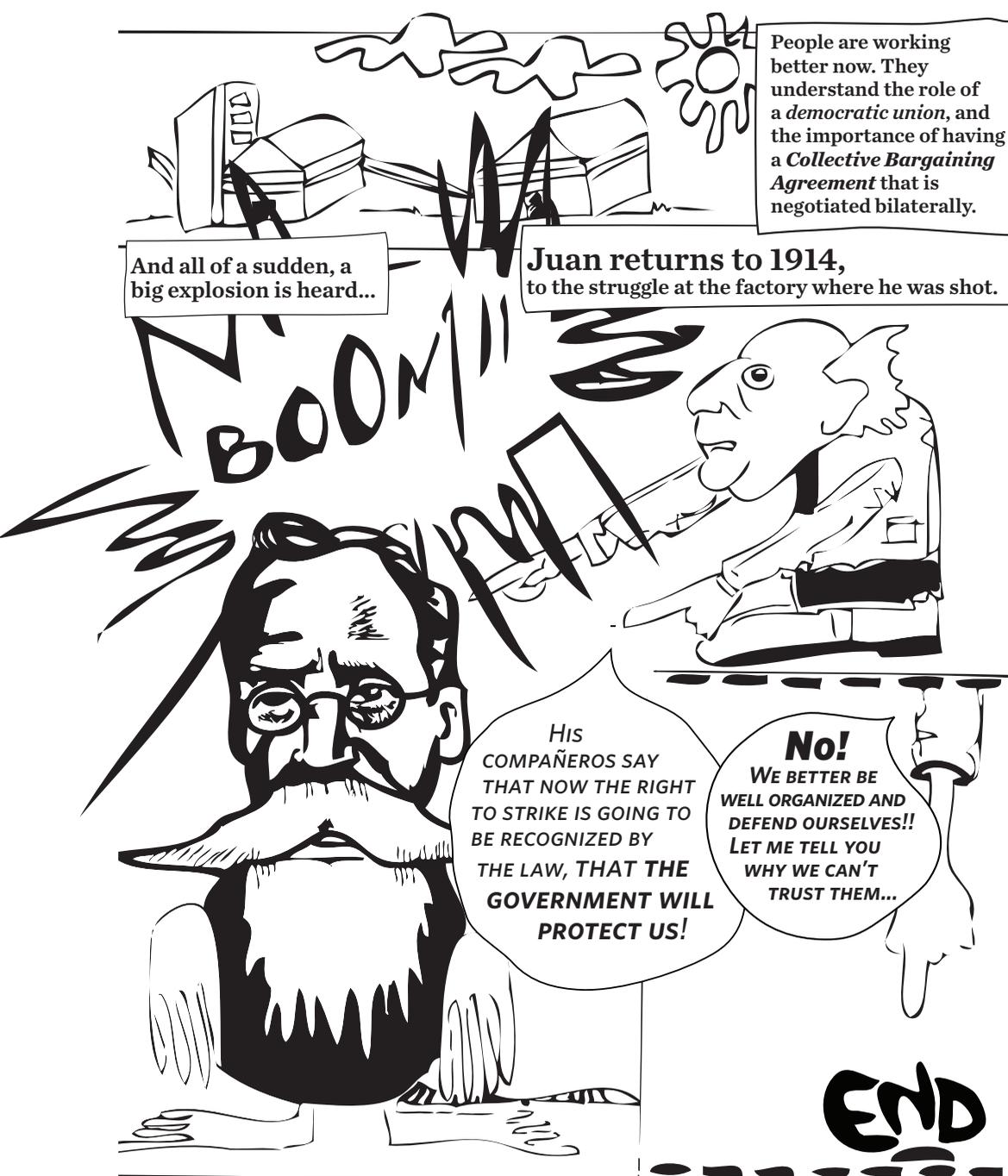


Now, WHILE THEIR LEGAL PROBLEMS ARE BEING SORTED OUT, LET'S GET ORGANIZED.

In the factory, the workers launch a major campaign to uncover all the lies of the protection union and learn what a free, autonomous and democratic union is all about. They win the right to have civil society groups and other workers as observers at the *recuento*.

They freely elect representatives to their union committees, and they encourage women workers' participation.





People are working better now. They understand the role of a *democratic union*, and the importance of having a *Collective Bargaining Agreement* that is negotiated bilaterally.

And all of a sudden, a big explosion is heard...

Juan returns to 1914, to the struggle at the factory where he was shot.

His
COMPAÑEROS SAY
THAT NOW THE RIGHT
TO STRIKE IS GOING TO
BE RECOGNIZED BY
THE LAW, THAT THE
GOVERNMENT WILL
PROTECT US!

No!
WE BETTER BE
WELL ORGANIZED AND
DEFEND OURSELVES!!
LET ME TELL YOU
WHY WE CAN'T
TRUST THEM...

END



