

# national lawyers guild

132 Nassau Street, Room 922, New York, NY 10038 212-679-5100 Fax 212-679-2811 nlg.org

October 19, 2012

House of Deputies and Senate  
Congress of Mexico  
Mexico City, Mexico

Dear Members of the House of Deputies and Senate,

I am writing to you on behalf of the **National Lawyers Guild (NLG)** to express our grave concern that the labor reform legislation that is being processed with unusual haste due to its designation as a "preferred" initiative will result in a major setback in the human and labor rights of workers who provide physical and /or intellectual labor in Mexico.

This matter was considered at our national convention in Pasadena, California last week where, by acclamation, we resolved to convey our opposition to the legislation under consideration. Our concerns include the following:

1. In compliance with the Mexican Constitution, it is necessary to first enact implementing legislation pursuant to which the Federal Executive may designate initiatives as preferential. This has not happened in this instance.
2. Upon amending, adding, and repealing articles of the Federal Labor Law (FLL), legislators shall not contravene the letter or spirit of Article 123 of the Constitution, as this obligation is expressed in the second introductory paragraph. Legislators shall take further care to comply with the Constitution and the international treaties of the International Labour Organization (ILO), as Mexico is a part of that institution.
3. The phrase "in the opinion of the employer" shall be eliminated from any modification to the FLL, as this would convert the law into a unilateral norm that would lead to inequality of workers.
4. Legalizing outsourcing (subcontracting) by companies is the "lease of people" which should not be allowed under any circumstances. Moreover, under the proposed reforms, profits are "per capita," allowing for collecting bi-weekly or monthly wages according to the number of workers that are placed at the disposal of each employer. Through a rigged contract, the employer could evade the payment of profit sharing, health and pension benefits, taxes, etc.
5. It is an illusion to expect that the labor reform legislation will produce jobs through new ways of hiring. This will in actuality result in "adhesion contracts" where the employee lacks the ability to negotiate his or her working conditions. It will also provide more grounds for dismissal with limitations on the payment of wages due and will strengthen the practice of "collective contracts for the protection of employers." The experiences in Latin America and Europe show that this only undercuts the freedom of association contained in ILO Convention 87, leads to unemployment, encourages unjustified dismissals, deepens discrimination and social inequality, increases job insecurity, promotes informal work, and cultivates mass immigration.

6. The "principle of liberal construction" in the field of human rights including labor rights, derived from article 1 of the Mexican Constitution, must be observed to avoid altering the FLL. It is not acceptable that workers and trade unions lose rights through labor law reform. Protections should be expanded or increased in order to improve social conditions in Mexico.

We anticipate that you will take these points into consideration and we look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Azadeh Shahshahani", with a long horizontal flourish extending to the right.

Azadeh Shahshahani

President