



# Labour relations in Mexico: change and continuity

## Las relaciones laborales en México: cambio y continuidad

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#### ABSTRACT:

Labour relations in Mexico have shown an encouraging growth since the 1970s, but there are issues that continue to persist related to intermittent violence. The purpose of this paper is to review this topic, what are the challenges and opportunities. For literature review, the PRISMA method was followed. The results show that Mexico must reform its bureaucratic and administrative architecture to more quickly dispose of cases involving abuse.

**Keywords:** International Labour Organization, Mexican Federal Labour Law, National Council to Prevent Discrimination

#### RESUMEN:

Las relaciones laborales en México han mostrado un crecimiento alentador desde la década de 1970, pero hay problemas relacionados con la violencia intermitente que persisten. El propósito de este artículo es revisar este tema, cuáles son los desafíos y las oportunidades. Para la revisión de la literatura, se siguió el método PRISMA. Los resultados muestran que México debe reformar su arquitectura burocrática y administrativa para deshacerse más rápidamente de los casos que implican abusos.

**Palabras clave:** Organización Internacional del Trabajo, Ley Federal del Trabajo de México, Consejo Nacional para Prevenir la Discriminación

## 1. Introduction

### 1.1. Labour relation trends in the world at large

The world is changing, and labour law (and the corresponding relationship between employers and employees) is changing, too. Increasingly, countries are facilitating the influx of migrant workers to do needed tasks, but these workers are still subject to immigration laws that delimit their access to benefits, full social protections, and to geographic and even occupational mobility (Berg, 2016). Such a situation has especial poignancy in the case of Mexico, given the obvious debate about the role of migrant Mexican workers in the United States during the Trump era.

In the realm of labour law, there is a school of thought within the literature that the phenomenon of neo-liberalism is giving rise to a deregulatory trend whereby states are ceding administrative and regulatory ground to private entities in the realm of commercial and labour activities and issues (Mayer & Phillips, 2017). In that regard, to the extent states retreat from the regulation of multinational business concerns, a country such as Mexico becomes particularly vulnerable to being a rich trove of opportunity for huge corporations eager to exploit the country's relatively

sparse administrative and coercive apparatus in a deleterious manner to the interests of employees. At the present time, it appears very much as though there is a formidable conflict between the growing legal architecture around the world that ostensibly protects workers, and the dilatory enforcement of international standards and covenants ostensibly aimed at protecting workers from harm. For example, NGOs have consistently complained about the practical interstitial dissonance between what international laws say about forced labour, and what countries (and multinational corporations) appear willing to do about the issue (International Labour Office, 2005). While there may other nations with greater resources to expend upon the struggle to protect and liberate workers, Mexico cannot be described as a singular outlier as far as failing to provide adequately for labour in its ongoing battle for respect, security and recognition.

## **1.2. Labour relations in Mexico: background and prevalent trends**

Labour relations in Mexico are not a glamorous subject, but they are quite important if one wishes to understand the country's workplace challenges and the enduring struggles that workers face in many sectors. Before even delving into the extant literature, it must be put forth that a cursory glance at Mexico's environmental regulation regime suggests that the country is not strong in terms of crafting a learning culture in which rich collaboration exists between those in the public administration, those in academia, and those who are charged with carrying out bureaucratic and regulatory tasks (Organization for Economic Cooperation and Development, 2016). To the extent, this can be extended beyond the environmental policy constellation, it may be advanced that the idea of creating a robust and dynamic learning context within the Mexican workplace is laggard when compared to other nations around the globe. This shortcoming, however, may – as other shortcomings may also – fall by the wayside as the country shows signs of moving to the forefront of nations in terms of creating a work environment that fully serves employees.

Contemporary Mexican labour law can be traced back to the Constitution of 1971, wherein Article 123 granted workers the right to organize labour unions and to strike; Article 123 also furnished protection for women and children and set forth the eight-hour work day and the concept of a living wage (Latin American Studies, n.d.). The aforementioned rights, however, remained largely illusory and vestigial until 1931, when the government finally enacted the Federal Labour Law that established the Boards of Conciliation and Arbitration that were made up of representatives from the government, labour unions, and employers (Rao, 2015). Interestingly, the FLL introduced the concept of the employer as “patron” in its text, which has been accused by some as engendering a very paternalistic and patriarchal view of the employer-employee relationship that has persisted into the new millennium (Rao, 2015, p.16; Arias-Galicia & Tejada Tayabas, 2005). While the very idea of paternalistic relations between employers and employees stirs images of condescending, even exploitative, behaviour on the part of organizations toward their human staff, some academics argue that paternalism, in the Mexican context, entails employers caring for employees as if they were family (Greer & Stephens, 1996).

The FLL is a seminal document in Mexican labour law, and it features a formal commitment to respecting labourers that encompasses a firm stance against discrimination; as per the Federal Labour Law, discrimination based on age, race, sex, religion, political opinion, or social rank is strictly prohibited (Rao, 2015). In 1934, the FLL was further modified and extended to include articles on occupational and safety conditions/components of employment (Rao, 2015, p.16). Thus, while somewhat dilatory, the Mexican state has shown, since the first third of the last century, a progressively more and more enlightened view of labour rights – and the relationship between the employer and employee – that shows itself in a mostly positive light.

Pressing forward, the intervening decades have seen that Mexico is not content to remain complacent on the matter of labour relations and labour prerogatives. The 1931 labour laws were, in both the 1970s and the 1990s, revised so as to incorporate laws pertaining directly to health and safety, collective bargaining, and labour unions; these revisions, modifications or emendations are critical in the sense that, unlike what might be found elsewhere, Mexican labour law is exclusively the domain of the Mexican federal government (Rao, 2015). The decision to make labour laws fall under the umbrella of federal activity and legislation seems a wise one inasmuch as it ensures – to the extent possible in a nation such as Mexico that does have relatively meagre enforcement mechanisms (Organization for Economic Cooperation and Development, 2004) – that a uniform standard and code will exist across the breadth of the land, as opposed to local rules and regulations that produce wildly uneven results.

Continuing onward, labour relations in Mexico seem to proffer a measure of comprehensive care for workers that does not begin and end merely in the workplace: federal housing and social

security laws grant extensive protection to Mexican workers (Kohout, 2008; Rao, 2015; Greer & Stephens, 1996) and suggest that Mexican legislative efforts to safeguard workers from predatory or unfeeling employers is an omnibus of bills that reach into a multitude of employer-employee linkages and relationships. It may further be noted that, in keeping with the general trend of enlightened progressivism, 2012 witnessed a further revision of the Federal Labour Law as discrimination based upon marital status, disability, immigration status, sexual orientation, and health reports were belatedly prohibited (Nehro, 2013; Heylman, 2013).

Before proceeding too far, a few additional items warrant attention when examining labour conditions and relations in the Mexican context. To commence, the Mexican government does tightly control minimum wages, though this act is done through determinations of the National Commission and involves attention to prevalent economic factors such as inflation, labour supply, and employee productivity – with other criteria also receiving a weighting, as well (Rao, 2015; Posthuma *et al.*, 2000). Geographic location also comes into play when ascertaining an appropriate minimum wage: for this issue, the country is divided into two broad geographical regions (Zone A, and Zone B). Zone A encompasses the Federal District (otherwise known as Mexico City), the states of Baja California, Baja California Sur, the cities of Acapulco, Guerrero, Ciudad Juarez, Chihuahua, Guadalajara, Jalisco (and suburbs), Monterrey, Nuevo Leon (and accompanying metropolitan area), Hermosillo, Sonora, Matamoros, Reynosa, Tamaulipas, Coahuila, and Veracruz (Schiaffino & Espiritu Santo, 2014). Zone B, in the interests of brevity, comprises all of the rest of Mexico not otherwise delineated or listed above (Schiaffino & Espiritu Santo, 2014). On balance, the minimum hourly wage in Geographic Zone A is slightly higher than the minimum wage found in Geographic Zone B (Rao, 2015, p.17). As an indication of the amount of thought that goes into establishing the minimum wage, it is worth noting that the aforementioned wages are used to ascertain such matters as income taxes, bonuses, social security, and even fines (Fairris, Popli, & Zepeda, 2008). Many things can be drawn from such findings, but one conclusion that can be set forth is that Mexican labour law and legislation have been characterized by a steady movement toward ameliorating labour conditions and toward ensuring some semblance of a liveable wage for the toiling masses.

It may be so that labour relations in Mexico have historically been typified by paternalism and a patriarchal sensibility, but the steady expansion of the rights of workers, along with the immanent presence of labour representatives on the National Commission, is a good indication that the trend in Mexico is progressive and forward-looking; there may be nettlesome issues extant about the capacity of the state to enforce labour standards and laws – an issue that has long persisted in Mexico (Addo, 2015) – but the state's legislative architecture has shown a welcome propensity for enshrining an ever-widening array of labour rights and lawful expectations that are surely to be envied in other developing lands. Indeed, the past decade in Mexico has seen a further consolidation of the rights of workers: in 2012, it was firmly established that employers could pay their employees by hourly rates, but only if these hourly rates did not fall beneath the daily minimum wage (Rao, 2015). Furthermore, it was also set forth that employees could receive their salaries via direct deposits or via other electronic means of payment (Nehro, 2013).

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## **2. Methodology**

### **2.1. The methodology, broadly framed**

What ensues is a systematic literature review of labour relations in Mexico. The documents to be perused and subsequently utilized are peer-reviewed studies, legislative texts, scholarly books, and government sources that highlight the realities and vagaries of labour relations endemic to Mexico. All of the peer-reviewed articles examined will feature either primary research or will comprise meta-reviews of the extant literature. There is no imperative that the studies be either quantitative, qualitative, or mixed method, but all of the peer-reviewed sources will feature clear theses and will offer research methodologies that can be easily replicated and forensically examined. The literature findings that are accrued from this study will be briefly described, and subsequently critically assessed. It is, in theory and in practice, a comprehensive literature review that strives to bring into sharp relief the latest conclusions and findings that can be drawn about labour relations in the country of Mexico. And, as much as anything else, these materials will be evaluated with an eye toward seeing if Mexican labour relations – and labour laws – have improved or evolved over time. All of the source materials will be evaluated also in terms of what insights or aids they furnish for administrative and government elites preoccupied with making labour relations in Mexico as salutary and healthy as they can be. Literature penned from 2000

onward will be privileged in the review, but standard or well-regarded source materials (particularly those dealing with older labour issues) will certainly be included if they provide pertinent and empirical information.

## 2.2. Application of the PRISMA Statement

The table 1 (situated below) presents a schema, predicated upon a somewhat austere and modified version of the PRISMA Statement (Mohr *et al.*, 2009), that highlights a representative sampling of the most consequential literature, expresses why these source items are important, and delineates some key findings and insights drawn from each.

**Table 1**  
Representative sampling of the most relevant literature and its implications, obtained from the application of the PRISMA Statement (Mohr *et al.*, 2009)

Source name	Type of document	Author(s)	Comments on findings	Implications for future research
A century of social reforms in Mexico: historical balance and pending challenges	Article	Ordoñez Barba (2016)	A good source for encapsulating the changes to Mexican law as a result of larger social changes within the society over the past four generations.	Suggests that Mexico still has to carve out adequate legislative space for worker rights in an age of neo-liberal globalism
A random walk through Silicon Valley: non-compete agreements	Article	Bell (2017)	Outlines the extent to which Mexican labour law does not exist in a vacuum, and can be influenced by externalities	Indication that non-compete measures may become more rigorously enforced in light of emergent international trends; more discussion is needed
'The working conditions of motorcycle taxi drivers in Tláhuac, Mexico City	Article	Berrones-Sanz (2018)	Excellent source for revealing the structural problems that make workers vulnerable in Mexico	A good entree into how the informal economy constrains and delimits rights within Mexico; further discussion of other industries and occupations is needed
War on drugs, violence, and the share of low-income workers in Mexico	Article	Carrasco & Durán-Bustamante (2018)	Excellent for showing how poorly paid and marginalized workers are vulnerable in ways far behind being trapped in unrewarding occupations	Invites a closer look at how poor pay and limited opportunities reduces ability of employees to secure a safer life
Minimum wages and the wage structure in Mexico	Article	Fairris, Popli & Zepeda (2008)	A worthy look at how the Mexican state can take the lead in crafting progressive labour policies and practices	Provides a foundation for a broader look into how state efforts and exertions can lead to progressive salary amelioration that might reduce employee vulnerability
Unemployment transitions in the Mexican labour market and the role of job search channels	Article	Iriarte Rivas (2018)	A commendable look at how workers from impoverished backgrounds can bolster their wellbeing through social capital – if they are only taught to do so.	Intimates that social capital is something that can greatly aid workers; perhaps more workers should be taught how to nurture such capital for their own security

Redeeming the revolution: the state and organized labour in post-Tlatelolco Mexico	Book	Lenti (2017)	A powerful insight into how the Mexican state and private business interests have worked in tandem to the misfortune of workers over time	A historical survey that researchers can use to delineate broader state-sponsored trends vis-a-vis violence and union oppression.
The legal construction of racial discrimination in Mexico: celebrating 200 years of independence	Article	Muñoz (2009)	A good summary of how anti-discrimination labour laws have been forged through state activity and social activism within Mexico	A source that can be employed to highlight contretemps in the law that suggest how Mexican law in the future may respond to the global neo-liberal agenda
Employment and employee benefits in Mexico: overview	Booklet	Peniche Beguerisse, Alvarez Ortega, Creel, García-Cuéllar, Aiza y Enríquez (2019)	Illustrative of labour law in Mexico at the present time	A legal precis that can be used to capture Mexican legislation and jurisprudence in 2019, thus being a stepping-off point for further anthropological and sociological study
<i>Redeeming the Revolution: The State and Organized Labor in Post-Tlatelolco Mexico</i>	Book chapter	Santiago (2019).	A grim precis of modern violence against workers by state actors	Future research should look at how more recent instances of violence against farm workers may reshape Mexican labour law and practices in the years ahead

As well-established in antecedent scholarly work, there is almost incontestable evidence that peer-reviewed texts, peer-reviewed articles (specifically, those featuring a comprehensive, reproducible methodology), and government documents are especially vital source materials.

## 3. Results

### 3.1. What is known about labour relations in Mexico

The federal Labour Law of Mexico sheds vital light on the relationship between employer and employee in the Mexican context. The last major revision of the FLL took place in late 2012 and involved the following: 1) incorporation of the principle of “decent and dignified work” as defined by the International Labour Organization; 2) a reformulation of the definition of sexual harassment and harassment that emphasizes the power asymmetries present in both phenomena, while also recognizing the right of the employee to terminate the employment relationship with full receipt of severance and outstanding monies; 3) regulations for outsourcing that make it impossible for firms to outsource their main activities (a law firm, in other words, cannot outsource legal services); 4) prohibitions against outsourcing work with the aim of evading labour obligations and benefits delineated under labour law; 5) the establishment of mandatory probationary and training periods for employees; 6) the limiting of employee termination to harassment, sexual harassment, inappropriate behaviour with clients or suppliers, or lack of professional accreditation; 7) limiting of backpay to 12 month's salary; 8) permitting the predication of salaries upon an hour-based calculation instead of on a per diem basis; 9) mandatory paternity leave for fathers (five days) that includes receiving full salary during this period; 10) maternity leave for female employees of six weeks before birth of the child, and six weeks after birth of the child; 11) severance payment to next-of-kin of a minimum 5000 days at minimum wage (which can also be paid out by the Mexican Social Security Institute if the employer has registered its employees with the IMSS); 12) simplifying the conflict resolution process by which social security benefits are granted; 13)

compelling employers to notify ex-spouses of employee terminations, and to also notify the relevant judicial authorities of employee termination (where applicable); 14) increased penalties for employers who violate the letter of the Labour Law (DLA Piper, 2019; Diario Oficial de la Federación, 2012). Holding employers increasingly accountable appears to be a major preoccupation of elected officials as Mexico follows its historic trend (International Labour Organization, 2017) of converging its labour law architecture with that of predominant international standards (Servais, 2017).

Another recent emendation of Mexican labour legislation occurred in October of 2016, when the Plenum of the Mexican State approved changes to Articles 107 and 123 of the Political Constitution of the United Mexican States (Vallejo Gil, 2018; Diario Oficial de la Federación, 2019). The above-mentioned constitutional reform entailed the following revisions: 1) the creation of labour courts to replace the erstwhile boards of conciliation and arbitration, thereby delegating the administration of labour justice to federal and local court systems; 2) creating conciliation centres in local and federal jurisdictions to facilitate the judicial resolution of a labour dispute; 3) re-establishment of the formula that, in the matter of outsourcing agreements, the beneficiary only becomes liable when there is non-compliance of regulating law by the third-party company service provider; and 4) when a union mobilizes to strike in pursuit of a collective bargaining agreement, it must prove that a certain percentage of union members work in the company being targeted, and that the employees wish to have the union represent them before the company or employer (Vallejo Gil, 2018; Maquila Solidarity Network, 2017). Put in broadest terms, the revisions and emendations witnessed in recent years suggest a movement toward enshrining legal expectations for employer's vis-a-vis dispute resolution and collective bargaining.

It is arguable that no other area of Mexican labour law has seen as much tangible progress as those laws pertaining directly to discrimination in the workplace. Article 1 of the Mexican Constitution establishes an anti-discriminatory principle (Vallejo Gil, 2018). Because of a 2001 constitutional reform, the aforementioned Article 1 was reformulated to prevent all forms of discrimination that derogated or undermined all of the rights and freedoms of individuals (Vallejo Gil, 2018; Ordoñez Barba, 2016). As an adjunct, the Federal Law to Prevent and Eliminate Discrimination was published in June of 2003 (International Commission of Jurists, 2013), and it engendered the National Council to Prevent Discrimination (CONAPRED) (Vallejo Gil, 2018; Muñoz, 2009), which has since served as a de-centralized agency of the Interior Ministry that advances the following objectives: 1) pushing forward the cultural, social and democratic development of the country; 2) carrying out all actions necessary to frustrate and eliminate discrimination; and 3) articulating and promoting public policies that advance equal opportunities and treatment for all individuals (Vallejo Gil, 2018). Among other things, CONAPRED has proved particularly conspicuous and gallant in combating institutional and systemic discrimination against women in many areas of human endeavour (United Nations Committee on the Elimination of Discrimination against Women, 2017).

On the matter of redundancy, Mexican legislation does tend to fall in favour of the employer. When it is determined by an employer that an employee is redundant, there is no need to notify the government or to address the employee's union – unless the latter is explicitly set forth in a collective bargaining agreement (Vallejo Gil, 2018). While it is not entirely clear what the rationale might be for such a feature of the law, there is undeniable evidence that poor and racialized Mexican communities tend to impose downward trajectories upon small business owners (Trevizo & Lopez, 2018) – which is another way of saying that the multitudinous small businesses in Mexico often find it necessary to irrepressibly reduce staff instead of adding to staff because they provide services to impoverished neighbourhoods and communities that simply lack disposable income. In that regard, Mexican law appreciates – in this matter – the stiff headwinds that many Mexican businesses face.

Proceeding with the issue described in the foregoing paragraph, there is also ample evidence that no social plan exists for workers who are deemed redundant by employers: offers of alternative employment, or even notification to the impacted workers, which might be considered corollaries of caring for workers in these difficult circumstances, are also not mandated by law (Vallejo Gil, 2018). This is an example of parsimony is, that is undoubtedly troubling for many observers of labour relations within Mexico, but it is in keeping with the broader reality that Mexico is an impoverished land wherein a significant portion of the labour force resides in the informal economy, and happens to have limited access to social benefits as a consequence. In such a milieu, the capacity of employers and the state to provide for workers deemed redundant is cruelly limited, and the domestic law appears to reflect this. Still, employees are offered – as a common practice – full statutory severance pay (Vallejo Gil, 2018; Iriarte Rivas, 2018) in exchange for the

completion of termination documents in which the employee formally announces his or her termination, resignation, or quit claim (Vallejo Gil, 2018).

The Mexican legal architecture of contemporary times places a great deal of weight upon granting people the power to make their own occupational choices, with the additional understanding that they should pursue the careers and occupations that best serve their talents and impulses – just so long as the jobs or careers in question are lawful (Vallejo Gil, 2018; Pérez Vázquez, 2005). Because of the constitutional provision, a strict interpretation of Mexican labour law seems to clearly indicate that non-compete and non-solicitation clauses and agreements within the context of relationships between employers and employees are unenforceable (Vallejo Gil, 2018). Restrictive non-compete covenants in contracts are ostensibly permitted while an employee is under the employ of an employer, but they cease to be enforceable post-employment (L&E Global, 2016). This would appear to make Mexican law more permissive in this regard than American law, where aggressive non-compete clauses and covenants in employee contracts explicitly state that employees cannot use information and insights gained during employment to inform future business endeavours or professional endeavours – or at least not for some time (Bell, 2017). Vallejo Gil (2018) does make it clear, though, that some Mexican employers have pursued the practice of executing civil agreements with employees whereby employees assume negative covenant agreements that are linked to a liquidated damages provision that must be paid by the employee should a negative covenant agreement be breached. Yet, Vallejo Gil (2018) does proceed to remark that “such clauses could also be held null and void if related directly to the employment, or if submitted to and resolved by a labour board (soon to be a labour court) or federal labour court” (Vallejo Gil, 2018, sec. 3). Overall, the perception that non-compete and non-solicitation covenants or clauses are impermissible once the work relationship has ended does appear to be an accurate one (De la Vega Gomez & Schiaffino, 2018).

Though it would be remiss to suggest that labour relations in Mexico (at least in a formalistic or legal sense) are consonant with what one finds in global north countries, the laws that have been promulgated in recent decades increasingly support the notion that Mexico is moving (even if unevenly) toward a more North American and European conception of the relationship between employees and employers. Reviewing the standards and protocols for dismissal, Article 47 of the Federal Labour Law of Mexico enumerates 15 elements which permit employee dismissal without liability to the employer – most of them appear to deal with acts of dishonesty, violence, damaging company property, disclosing company secrets to third parties, insubordination, and immoral behaviour (Basham, Ringe & Correa SC, 2010). Employees who have more than 20 years of experience can only be terminated if they are recidivists (in terms of consistent, repeated inappropriate performance or conduct), or when their actions are objectively considered to be particularly serious (Vallejo Gil, 2018; Peniche Beguerisse *et al.*, 2019). That noted, managers and senior executives can be dismissed if the employer loses trust or confidence in that party (Vallejo Gil, 2018).

When an employee is lawfully terminated, he or she must receive written notice outlining the causes for termination, and the dates upon which such incidents occurred; this record must be filed with the pertinent labour boards within five days of the termination date (Vallejo Gil, 2018). While such measures exist to protect workers, it should be emphasized that, even if an employee can rightly demonstrate that he or she has been terminated unjustly, the clearance and settlement rates of Mexican labour courts are not good (Sadka, Seira & Woodruff, 2017) – which means justice may arrive slowly, if it arrives at all. As well, when notice is provided to the employee in the manner, and filed accordingly, the burden is upon the employee to produce evidence that it is the company in error and that the termination is unjustified (Vallejo Gil, 2018).

Worker consultation and union rights are two other critical staples of contemporary Mexican labour relations, and they – as much as any other component – capture the convergence of Mexican law with the formal imperatives of international labour rules (even if practical observance of such imperatives can be quite uneven because of the country's relative impoverishment compared to the wealthiest global north nations). While there is no particular law or regulation that demands employers engage in regular consultations with their employees (Vallejo Gil, 2018), the Mexican Constitution and the FLL both establish the right of employees to join unions or to form a union with the express aim of defending their collective interests (Vallejo Gil, 2018). Mexican labour history is sadly rife with instances of employer violence against workers who “got out of line”, but the general trend of the country since the early 1970s has been (even with the inevitable reversals) a movement toward granting greater rights and protections for organized labour (Santiago, 2019). In acknowledgment of how much stronger Mexican organized labour is today relative to where it once stood, Vallejo Gil (2018) underscores that CBAs in the Mexican context

are negotiated and restated each year as it pertains to the salaries of unionized workers, while employment terms and conditions are reviewed and negotiated every two years. While the right to strike is held up as the most powerful right that unionized labour in Mexico can possess (Vallejo Gil, 2018), empirical evidence stretching back to the late 1980s suggests that labour relations in Mexico have persistently exhibited evidence of non-democratic patterns, which some scholars have attributed to the country's firm, enduring commitment to neo-liberal, market-based economic models (Mayer, 2018). The laws do exist to protect workers, but the expectations and obligations of workers under those laws appear also to be sternly enforced.

In September of 2018, the Mexican Senate ratified the International Labour Organization's Convention 98, a measure which established and upheld the right of workers to collective bargaining (Vallejo Gil, 2018). In an intimately related vein, Vallejo Gil (2018) points out that all signals indicate that the Mexican Ministry of Labour and Social Welfare is wholly committed to promoting and advancing transparency and fair collective negotiations between employers and employees; in fact, Vallejo Gil (2018) maintains that the main ideal sought by the Ministry of Labour and Social Welfare is labour peace and tolerable arrangements that are not unduly inimical to the key interests of either side in the negotiation process (Vallejo Gil, 2018, sec.7). As Santiago (2019) suggests, the general trend has been away from the deleterious labour violence of previous generations, but class consciousness is keen within Mexico, and a reinvigorated Leftist Movement has brought into sharp relief the incongruity between the desire on the part of Mexican policy-makers to be seen as smoothly efficient and transparently neo-liberal in the eyes of outsiders, and the domestic frustration on the part of so many that their economic fortunes languish while others profit handsomely (Petras, 2018).

One further matter that exposes the vagaries of labour relations in Mexico in the contemporary age is the evolving appreciation for the privacy rights of employees. In July of 2010, the Mexican federal government published in the Federal Official Gazette the so-called Federal Law for Personal Data Protection Possessed by Private Persons (Vallejo Gil, 2018; Federal Official Gazette, 2011). The above-cited law was subsequently put into force on July 6, 2010, and aims to protect personal data held by private parties (companies or individuals) in such a fashion that well-regulated, well-informed, and properly controlled maintenance of such data is wholly achieved; the informational self-determination of individuals is also given considerable weight under the above-mentioned piece of legislation (Vallejo Gil, 2018). As a prime exhibit of the Mexican government's resolve to uphold the ideals and principles of data privacy, the Ministry of the Economy published in the Federal Official Gazette the compliance and enforcement mechanisms to be employed in bringing legal certainty and predictability to all of its enumerated and regulated subjects (Vallejo Gil, 2018; Federal Official Gazette, 2011). The subject area is quite complicated and detailed, but it perhaps suffices to merely note that the existing law in Mexico imposes upon employers a strict duty of care with regard to the processing, privacy and security of employee data, including specific protocols for the processing of employee data, and provisions that mandate the informed consent of employees when sensitive, personal data about them is accrued and stored (Vallejo Gil, 2018; De la Vega Gomez & Schiaffino, 2018). All of the above becomes much more important the moment one realizes that Mexico has long been wracked by serious issues arising from government agencies and actors refusing to acknowledge the inherent privacy rights of Mexican citizens (The New York Times Editorial Staff, 2019). The fact that serious issues do remain about the Mexican state's true resolve to safeguard the privacy of the Mexican people in 2019 (The New York Times Editorial Staff, 2019), seems indicative of the comparative failure of the state to establish regulatory tools and frameworks that can mitigate the actual capacity of the state to inappropriately access the most intimate personal data. Be that as it may, the arrival of new legislation in this decade vis-a-vis employee privacy and security at least proffers the possibility that more enlightened times lie ahead.

By now, there is no question that Mexican law has crafted a jurisprudential framework that seems to place Mexican workers in secure hands. But the practical exigencies of turning formal writ into practical reality are of very great import: research that has explored the labour situation in Mexico does report that the subsidiaries of powerful multinationals will only constructively engage with indigenous labour unions and worker representatives if these entities possess the ability to mobilize "power resources" that might make it uncomfortable for their concerns or views to be ignored (Levesque *et al.*, 2015). Closely related to this point is the fact that lower-skilled Mexican workers in otherwise lucrative industries such as the automotive industry, have seen their wages successfully suppressed by the major automakers (Covarrubias & Bouzas Ortiz, 2017). Those without employable skills suffer in any domestic economy, but the situation is surely doubly

difficult in Mexico when so much of the economy depends so heavily upon the patronage of powerful outside multinational corporations.

In assessing the extant literature, it is impossible to avoid the finding that labour relations in Mexico have shown some estimable gain over time and are rather promising at this particular juncture. Still, one should not embrace the idea that Mexico is in the vanguard of international states in terms of ensuring compliance with the myriad measures it has introduced to protect workers from exploitation and harm: the country continues to be bedevilled by a huge informal economy. To elaborate, one OECD study from this decade reports that at least 57 percent of all Mexican workers have an informal employment relationship, while a solid majority of small businesses also work in the informal sector of the economy (Organization for Economic Cooperation and Development, 2015). These firms, and the informal sector as a whole, tend to be defined by lower productivity, lower emphasis upon research and development, a rather uncertain commitment to employee protections and safeguards, and a greater receptivity to use imaginative or illicit accounting and money management practices to hide income from the authorities (Organization for Economic Cooperation and Development, 2015). Suffice it to say, Mexico's capacity to ensure that workers are protected, and that labour relations are characterized by a healthy respect for employees, is greatly affected by the extent to which it can reduce the prevalence of the informal economy.

To expand on the point encapsulated in the last sentence, one need look no further than a 2015 OECD study in which it was revealed that workers in the informal economy – which constitute the apparent bulk of workers in Mexico (Organization for Economic Cooperation and Development, 2015) – are uniformly deprived of unemployment insurance, healthcare, pensions, and also face a corresponding dearth of access to other social entitlements (Organization for Economic Cooperation and Development, 2015). Residing as they do in the shadows, it seems that millions of Mexican workers are in a parlous condition that allows for their ready exploitation and deprives them of the chance to access the social welfare entitlements and general rights that are broadly available in the formal sector. Indeed, the informal sector in Mexico has historically been grimly defined by poor wages, absent social benefits, and ready exploitation (Herrick & Stuart, 2005). Among the most depressed and enervating occupations to hold is that of motorcycle taxi driver in the country's large urban centres – such as Tláhuac, Mexico City – wherein wages are particularly minimal, and employment protections and benefits are non-existent, even as these drivers actually have a safer driving record than other transportation workers (Berrones-Sanz, 2018). All of the above is a systemic macro-level economic problem, not so much a failure of social welfare legislation or labour legislation, but it is a problem that confounds efforts to bring greater security and protection to many millions of Mexicans who may feel they have scarcely any other option but to work in the shadows.

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## **4. Conclusions**

### **4.1. Labour relations in Mexico: much talk; less action**

A host of conclusions can be rightfully drawn from the research set forth in the pages above. One finding is that Mexico does have a credible and relatively comprehensive legal architecture in place for protecting and nurturing the rights of workers. And yet, many workers continue to face brutal work conditions, relentless job uncertainty (not least of all because of the ubiquity, and necessity, of the informal labour market), harassment, intimidation, violence, and meagre pay. Therefore, it is hard to avoid the finding that Mexico's formal commitment to positive labour relations (and the accompanying salutary treatment of workers as expressed in the law) is not matched with a practical and functional apparatus for wholly guaranteeing that workers are treated with respect and decorum. This is something that must change, though change will not be easy.

On balance, it seems that the regulatory and compliance mechanisms in Mexico must be strengthened if formal decrees are to carry weight in the everyday world. There is certainly a history of progress in Mexico as it pertains to labour rights, but there is also a history of violence that is admixed with the corrosive effects of neo-liberal imperatives and a predilection for treating workers as cogs in the system if they work in an export sector for a large business (the historic plight of farm workers is a good instance of this). It may be that Mexico does not presently have the resources to wholly combat worker mistreatment. But the country can certainly prioritize the safeguarding of certain rights and freedoms, and it can marshal its resources to combat employee mistreatment in economic sectors, and geographic regions, that have a particularly bad record of abusing employees. Working with NGOs, or with concerned trans-national entities and agencies,

could furnish the resources needed to make the protection of workers a uniform reality across the land. At a minimum, Mexico must take that adventurous next step, and erect an administrative and bureaucratic architecture and framework that gives workers the real-world support and assurance they need.

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