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RESEARCH ARTICLE

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THE RESOLUTION OF LABOR DISPUTES IN MEXICAN LABOR REGULATORY INSTITUTIONS OF THE NEOLIBERAL PERIOD (2007-2020) (PART TWO)

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ABSTRACT

This paper shows how the legal labor figure of the *labor dispute* (formal claim filed by Mexican workers against employers in the Federal and Local Conciliation and Arbitration Boards in Mexico, JLCA and JFCA by their names in Spanish: Junta Local De Conciliación y Arbitraje and Junta Federal de Conciliación y Arbitraje) represented the second moment of control, restraint, and dominance of the Mexican working class performed by the authorities in charge of regulating conflict relations between capital and labor. Under this context, the influence of a neoliberal economic policy supported by an extended local public policy that favored local and foreign industrialists contributed to Mexico becoming an ideal country for attracting foreign investment due to establishing a worker-controlled labor paradise. For the first time, this document details how Mexican labor regulatory institutions failed to provide workers with labor justice over the past 30 years, as their public officials were ordered by their superior bosses (the local governors) not to serve their function. The use of graphs and national maps demonstrates that federal and state executive powers, through their state apparatuses, exerted control, restraint, and dominance over workers, resulting in Mexico becoming a territory capable of achieving labor peace (reduction and disappearance of worker disputes) - to the benefit of both national and international capital.

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INTRODUCTION

An articulated reconstruction with a historical perspective was used for this paper. With this method, the agreements and conventions of the actors involved in the investigation are made visible by reconstructing the social relations between them. In this case, it is the act of control, restraint, and dominance of workers in an entire country. The empirical data used and generated by this methodology are relevant when reconstructing the agreements and conventions between the parties involved: federal and local governments; and employers, on both a national and local scale. The results of the research explain how and why the analyzed global phenomenon behaves. In this methodology, the objective is to develop an articulated conceptual reconstruction (explanatory theory) of Mexican workers' dispute claims that explains the degree to which workers' control and dominance are implemented by the federal and state governments to benefit capital and create territories with comparative and competitive advantages in the social sphere. Regarding the study's research techniques, the study was based on the official statistics published by the National Institute of Statistics, Geography, and Informatics of Mexico (INEGI by its Spanish acronym: Instituto Nacional de Estadística, Geografía e Informática) until 2017¹.

The information is presented in national tables and maps to show the behavior of workers' disputes in Mexican labor regulatory institutions. These statistics come from administrative records kept by the country's Federal and Local Conciliation and Arbitration Boards (JFCA and JLCA). As a result, the reader will understand why there are no specific statistics for some 2019 and 2020 indicators about *claim resolutions* and why in other cases, they only refer to the 2018 yearbook, which corresponds to 2017 statistics. One of the causes was the 2018's government change when progressive governments assumed power. This was specifically with the arrival of President Andrés Manuel López Obrador from the Morena party. It was in March 2019 when the Federal Labor Law was reformed, resulting in the disappearance of the JLCA and the JFCA.

Theory

The theoretical debate on corporatism: One of the most prominent corporatism theorists is Phillip C. Schmitter. This theorist states that

Mexican Institute of Statistics and National Geography, INEGI, and provided by labor regulation institutions in Mexico as administrative records. The time frame of the indicators analyzed extends up to 2018 (in some cases up to 2020) since the JLCA and the JFCA were replaced by labor conciliation centers: local and federal, of which there are no administrative records published up to the present (2023).

¹The information was extracted from statistical yearbooks published by the

corporatism today is operationalized in several dimensions. He states that it is a "concrete, observable general system of interest representation, 'compatible' with diverse types of regimes, i.e., with different party systems, a variety of ideologies of dominance, levels of political mobilization and diverse scopes of public policy, etc." (Schmitter 1993: 45). Schmitter's ideal-typical definition is "an analytical logical heuristic construct composed of a considerable variety of hypothetically interrelated theoretical components" (Ibid: 46). The distinction is not constructed by Schmitter, but rather by Mihail Manoilescu, who Schmitter quotes as describing the first concept as *corporatismepur*, or social corporatism, and the second as *corporatismesubordoné*. Later, Schmitter will refer to them as social and State corporatism. In this case, Schmitter differentiates the two categories, constructing a typification with nine dimensions that integrate his corporatism concept. These dimensions are shown in the following table.

Table developed by the author based on Schmitter's proposal on corporatisms. (Schmitter 1993: 54-55)

Dimensions	Social corporatism	Statecorporatism
Limitednumber	Limitsthememberssomehow.	The restraint is deliberately limited by the State.
Singular	Does not indicate whether co-optation or elimination of corporate competition is a result of surviving corporate partnerships.	Co-optation and elimination are imposed by the State.
Mandatory	Does not specify whether it is through social pressure, contractual fees, service provision and/or private licensing capacity.	Established through labor codes or some other authority on an officially exclusive basis.
Non-competitive	Not explicit whether it is a product of internal oligarchic tendencies or voluntary agreements between associations, such as treaties.	Continuous interposition of State mediation, arbitration, and repression.
Hierarchicallyarranged	Does not indicate whether it is the result of intrinsic extension processes and/or bureaucratic consolidation.	Resulted from the centralization and administrative dependence imposed by the State.
Functionallydifferentiated	Does not specify whether the differentiation was achieved through voluntary agreements in the respective territories to avoid violent changes.	There is a State-established classification of categories, occupational and vocational.
Staterecognition	Does not recognize any difference between what is granted by the State as a matter of political necessity and what is imposed from below on public officials.	Granted by the State as a condition for the formation and confined operation of its associations.
Representationmonopoly	Does not distinguish between conqueredmonopoly independently of the State.	Recognizes conquered monopoly in a State-dependent manner.
Control over leadership selection and interest articulation	Does not suggest whether it is the product of a reciprocal consensus on procedures and/or goals.	Results from the asymmetrical imposition by those who hold the organized monopoly of legitimate violence.

Given that the subject to be dealt with is the disputes of workers' claims between capital and labor resolved in the Mexican labor regulation institutions, the concept of State corporatism is considered to observe how these institutions follow the logics imposed by the State through its rulers. This concept is nowadays applied to governments with little democracy, such as Mexico, where violence, insecurity, and corruption have become part of the neoliberal State corporatism. The State's intermediation of interests has responded efficiently in favor of capital and corporatism expressed at the business and union levels: Chambers of Commerce and Workers' Unions. Mexico exhibits a combination of both corporatisms, but with the influence of variables at the organizational level, emphasizing Schmitter's second case. These variables are, at the State level, new agreements between political organizations (political parties, whether opposing or not), and agreements between capital and corporate labor, among others. What the author achieves concerning state corporatism, is the design of a theoretical instrument that solves the relationship between the corporate structure and institutions such as the State. In this case, the State plays an intermediate role. However, state corporatism does not solve the problem of context and its movement. There is another proposal in the essay entitled "Corporatism: theory and transformation", by Enrique De la Garza. The essay emphasizes the procedural and articulated aspect of organizations, recognizing that interest representation can be performed through *mediation* between the State and the social classes (and their struggle). Rather than an ideal approach, it addresses the issue of social subjects acting at various levels of reality, highlighting them as the element that constructs these articulations (De la Garza, 1994). The first option presents the difficulty of only offering a general overview of what a corporate organization can be, without

incorporating theoretical reasoning different from this; at the same time, allowing us to explain those particularities that corporatism might develop (expression of collective wills) or, in some cases, vanish. The second option allows for a more thorough review of reality, which allows theories on the subject to be reviewed and contrasted, without excluding their discovery. Such is the case with theories that allude to public policy dimensions; these categories explain the actions of State governors of republics from any country. Without these theories, it is not possible to understand the concrete social actions of those who intervene at the local level of each country: governors and public officials in charge of performing such policies. Such is the case of the 2014 paper "The Construction of Workers' Control in Aguascalientes: Contribution to the Analysis of Industrial Localization" which expresses how the State executive (Governor) and high-ranking administrative officials in the state of Aguascalientes, drew foreign investment to this territory through

offering public servants that would not have problems with unions. This was accomplished thanks to the State ensuring that FDI did not have unions in production plants. The paper author names this action as a public policy of workers' control (Gutiérrez and Padilla, 2014: 215-218). The empirical evidence shown in this paper is overwhelming since the State rulers achieved articulations with the other two main corporate forces, business chambers and labor centrals, so that workers of Aguascalientes would not raise the index of workers' conflict, expressed in the labor regulation institutions (JLCA). Consequently, some labor peace emerged over the years, according to rulers, businessmen, and illegitimate unions. This concrete reality raises the question of whether the same public policy of labor control implemented by the government of Aguascalientes had been replicated throughout the Mexican Republic.

Such question had to be answered with certain analytical tools that could account for the situation. The second question was: which tools?

The answer to both questions could only be answered thanks to the empirical evidence left by the three social actors involved in this public policy of workers' control (public officials who for years responded to the orders of their highest hierarchy such as the state governor, the leaders of the business chambers, and finally, the leaders of the labor centers). This evidence was obtained thanks to the records of workers' disputes left in the institutions of labor regulation in Mexico: The Local Conciliation and Arbitration Boards (Juntas Locales de Conciliación y Arbitraje), especially those related to claims filed by workers against their employers for labor rights violations. To respond to the queries in the previous paragraph, this

proof is essential. Since this paper's aim is to analyze empirical data related to workers' disputes in the Mexican labor regulation, it is pertinent to review what is known as a dispute within companies. Thus, the previous theoretical discussions of state corporatism and public policy for workers' control will relate to the topic of workers' disputes in factories. The debate on company disputes refers immediately to the factory floor, specifically in the production organization area. This issue is not only dimensioned at the level of social relations as is also expressed at other levels due to the search for workers' control by capital in the regions. Therefore, workers' disputes in companies will always have different nuances and concepts to describe them. For this reason, this paper clarifies whether workers' conflicts can be dimensioned on a whole national territory and not only in production processes inside the factory. Two of the most prominent theorists in the analysis of workers' disputes in the world's productive organizations are P. K. Edwards and Hugh Scullion. Both theorists proposed, in the 1980s, a series of categories that describe these conflicts. They concluded that four categories of disputes with workers exist in companies, arranged at three levels: behavioral, institutional, and structural. At the first level, there are cases reflected in workers' behavior according to their context: *open* and *undirected* conflict. The second level presents the *institutionalized* conflict due to the degree to which those in a legal labor difference are explicitly recognized. For the third level, the authors constructed a category called *implicit unibaco* conflict at the level of social and psychological relationships. (Edwards and Scullion, 1987: 28-32)

The authors' conflict model proposal assumes a social, psychological, and anthropological approach based on behavioral analysis. In each category, one can see a concern to explain the phenomenon from motivational elements to sociocultural institutional dimensions. The category that is of greatest interest for this work is undoubtedly *open conflict* since it refers: "to cases in which the participants recognize the conflict and where an action takes place to express it", as well as the *institutional* category. (*Ibidem*: 29) Strikes, as well as workers' claims before each country's labor regulatory institutions, are the most common examples of this type of conflict. In this case, the authors mention that there could be institutions that regulate *non-directed* conflict, but they refer to those of a socio-cultural type: institutional recognition through formal agreements (specific institutions regulating labor life), a customary norm, or what these authors call an accepted practice that has not acquired the status of a norm, which in the case of Mexico would be the so-called *out-of-court labor agreements and workers' claims* (*Ibidem*: 31). These categories do not address explicit capital-labor conflicts within trade unions, corporate unions, industrial relations, industrial public policy (worker control), and a country's economic policies. The authors do not see this because their analytical perspective only considers the relationship between employer and employee. Consequently, the proposal made by the aforementioned theorists cannot recognize conflicts that arise between labor corporative organizations (union corporatism in Mexico), business corporative organizations, and those who are part of the state apparatus on labor issues in a region such as Mexico.

Michael Burawoy proposes that capitalism has two types, competitive and monopoly. He concludes that employers act differently on workers. Since there are usually market whims (trade unions and workers' organizations such as the Mexican central workers' organizations), employers exercise a despotic attitude. In countries with monopoly capitalism, employers tend to resort to consent rather than worker constraints (Burawoy, 1989: 236). In both versions, worker dominance persists. It is not very clear whether the effects of each capitalism lead to what the author affirms: either despotic attitudes and/or seeking consent from those who participate in the capital-labor relation. The problem is that, for this author, in the competitive productive sectors of both capitalisms (especially in the monopolistic one), internal labor markets are created despite unions being nonexistent, thus appearing procedures for claims and rudimentary collective negotiating systems. To which the author considers that: "In synthesis, the productive process in the

competitive capitalist sector presents features of both the despotic system and the hegemonic system of a labor organization". (*Ibidem*: 243). Burawoy's proposal is interesting because it implicitly involves actors located at different levels of reality. For example, those who work as public officials in federal and local governments and not only at the company level. This fact makes it possible to link the factory level with the public service. Thus, the level of public policy that could be developed by government officials in charge of labor regulation institutions. Three authors effectively illustrate the theoretical debate on labor conflict both at the company and in the public sphere. This happens as they allow us to review cases such as Mexico, specifically with its labor regulatory institutions such as the JLCA and the JFCA, in relation to *labor claims* filed by workers due to failure on the part of employers to comply with labor rights.

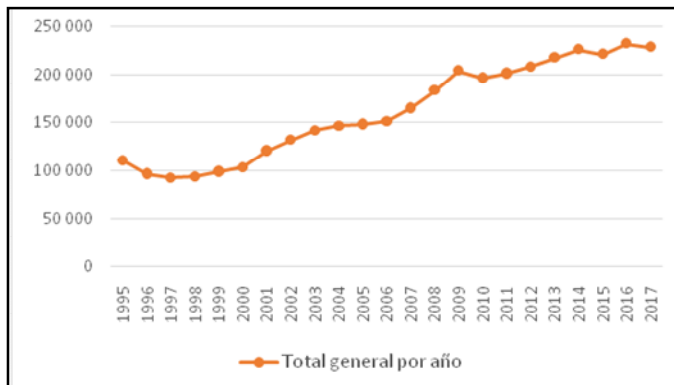
RESULTS

The following sections present empirical evidence that demonstrates the hypothesis of how labor control achieved by dominant groups through corporative social relations led to the dominance and containment of the individual labor movement in Mexico's labor regulatory institutions. Although this paper only analyzes empirical evidence that expresses individual workers' claims and some others of a collective nature in the Federal Conciliation and Arbitration Boards (JFCA) and the Local Conciliation and Arbitration Boards (JLCA), it is possible to observe how this second moment, as it has been called in this paper, represents another mechanism of workers' dominance and containment by those who must resolve workers' conflicts: the high-ranking public officials in charge of labor affairs in Mexico. It should be remembered that corporate relations in Mexico have existed since the post-revolutionary Mexican State consolidation. Its main actors are business chambers, leaders of labor federations grouped in unions, and public officials representing federal and local governments. The previous social structure had changed its initial objectives but preserved its basics of worker control, which was accentuated by the arrival of the National Action Party (PAN by its Spanish acronym: Partido Acción Nacional). With the implementation of new national economic policies by Mexican governments, especially mid-80s neoliberal ones, the initial objectives of corporatism underwent changes in the styles of governing and orienting what had been achieved over the years: national workers' control and dominance, placed at the service of capital.

In these changing national contexts, corporate relations in Mexico sought to orient labor control instruments toward new goals. One of these goals was to reduce *labor conflict* in the country as expressed in the labor regulation institutions due to labor abuses perpetrated by employers in factories. Factory flexibility has been a feature of production restructuring since the mid-1990s. This led to an increase in labor conflicts and workers' claims in Mexico's labor regulatory institutions and forced employers to look for another solution. The solution was that the public officials responsible for labor affairs in the country, by order of the local governments (the labor secretary, and those responsible for the JFCA and JLCA), took legal actions to contain and dominate workers' actions. These actions included restraint and resolution of workers' conflicts for capital benefit. The final objective was to reduce labor conflict in the JLCAs, using legal tools such as the *out-of-court labor agreement* and *workers' claims*. The first was resolved informally (already discussed in another article), and the second is a case that normally follows certain legal steps according to Mexican Federal Labor Law. For this paper, only what corresponds to the second case is expressed, since those referring to union conflicts (reduction of strike calls and the strike itself) will be addressed in another research paper, being part of what I have named the third moment of workers' contention and dominance. To begin with the interpretation of data referring to individual and collective claims of workers in JLCA and JFCA in Mexico, and to observe the national behavior of workers' restraint and dominance by local labor public officials who benefited from the interests of local governments, employers, and unions, we present graphs and maps that express the type of resolutions reached by

public labor officials. In addition, the same empirical data express the degree of labor control in Mexico since it allows us to determine the reduction of the country's labor conflict indicators. In addition, we discover how public officials contributed to the creation of national comparative advantage that implies the existence of a whole territory free of workers' conflicts, where the participants of the corporate relationship perform concrete actions aimed at reducing every action of workers' response and resistance to modernizing managerial actions and strategies inside companies.

Statistics on labor disputes in Mexico and their resolution in the Neoliberal Period: This first part shows the historical-statistical trend of how conflicts of workers' claims² behaved in Mexico's labor regulatory institutions. This trend can be detected thanks to the natural way in which workers, both individually and collectively, complained to legal labor authorities about suffering a breach or violation of their labor rights. If we look at Graph #1 of individual labor claims registered in the Local Conciliation and Arbitration Boards (JLCA), over 17 years, we can see that the trend is increasing from slightly more than 100,000 cases in 1995 to more than 200,000 cases in 2017. The historical trend of individual labor disputes shown in this graph is normal, with positive increases. This phenomenon can be attributed to the fact that records increase year after year. The main reason for this is that the number of economic units in the country has also increased. It is expected that labor demands in the country's labor regulation institutions will also follow the trend. According to the graph above, from 1995 to 2017, the total increase was approximately 100,000 cases. There may not always be a correlation between these indicators (See Graph #1).



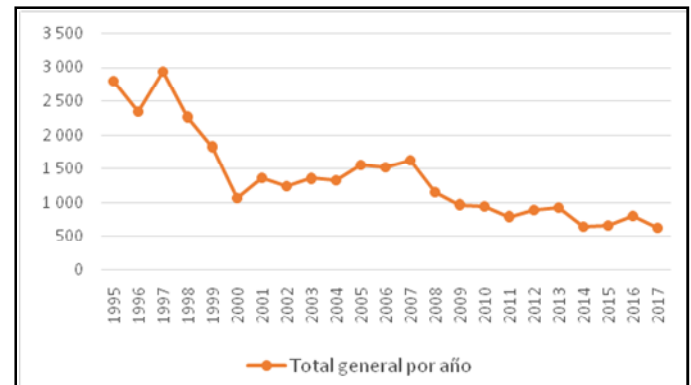
*Graph developed by the authors of this paper.

Graph 1. Individual labor claims in Mexican JLCAs through 1995 - 2017

Graph #2 shows a negative trend referring to workers' collective claims. This trend went from higher than 2,500 cases in 1995 to barely surpassing 500 cases in 2017. This is of interest to this study because, since 2000, the analyzed phenomenon has fallen sharply. In 2000, it reached 1000 cases and then followed a small upward curve that declined from 2007 onwards. (See Graph #2). What does the negative data on collective claims in the national records obtained from Mexico JLCAs imply? A practice of worker contention has been observed in Mexico's labor regulation offices, directed by the federal government, and implemented in each local government through public officials in charge of solving workers' claims against their employers. This fact is also due to the fact that in the period from 2006 to 2012, a pro-businessperson was elected Secretary of Labor: Javier Lozano Alarcón; followed by a woman with anti-worker interests and who maintained throughout her term the most negative position in relation to representing workers' interests: Nadia Navarro

²A reference point for analysis is the indicator of claims made by workers who filed a labor dispute against their employer through their local labor regulatory institution. This data provides a significant indication of how many labor rights violations occurred under the Federal Labor Law during this period. These acts are recognized by the labor authorities in Mexico until a settlement or termination of the conflict is reached.

Acevedo. A large part of this statement can be attributed to the fact that, when comparing the two graphs analyzed so far, it is contradictory that at the individual level, there is a growing behavior in the individual claims of workers, while at the collective level, these tend to be insignificant if we consider the number of workers that Mexico registered in those years. On the other hand, this fact also indicates that workers' dominance increased throughout the country. Above all, the one carried out by Mrs. Nadia Navarro Acevedo, who dedicated herself to repressing any workers' demonstration throughout her administration under orders from Mexico's President. It represents the darkest period of federal and local public policies regarding workers' dispute resolution throughout the country. The purpose of this public policy was to turn increasing labor stability into a factor for attracting FDI, as part of the competitive and comparative advantages to be offered abroad by neoliberal governments.



*Graph developed by the authors of this paper.

Graph 2. Collective labor claims in Mexican JLCAs through 1995 - 2017

Regarding the behavior of individual workers' claims in Mexican JLCAs, it can be said that it has a different trend from collective claims. This is so, because, apparently, the secretaries of the Secretary of Labor and the presidents of the JLCAs throughout Mexico employed a different strategy from that of collective conflicts. The strategy was orchestrated and/or articulated by the federal executive powers of these six-year terms, Felipe Calderón Hinojosa and Enrique Peña Nieto, and by the state executive powers to restrain³ workers' resistance in the JFCAs and JLCAs. In this case, only data corresponding to the JLCAs are presented, since they show the most representative numbers of this social phenomenon, labor claims according to the legal route that was formally admitted in the institutions of labor regulation in Mexico at the time. Here the cut-off period is only 10 years and not 13 years as in Graph #2 since the number of cases analyzed increased most from 2007 onwards. 2020 is not reached, statistically speaking, for two reasons: first, a labor reform in 2019 resulted in INEGI Mexico ceasing to publish the administrative records of Mexico's labor regulatory institutions. Second, 2018 saw the change of powers of the first progressive federal executive in Mexico; this executive, with its updated management, broke with the neoliberal trend implemented for more than 30 years.

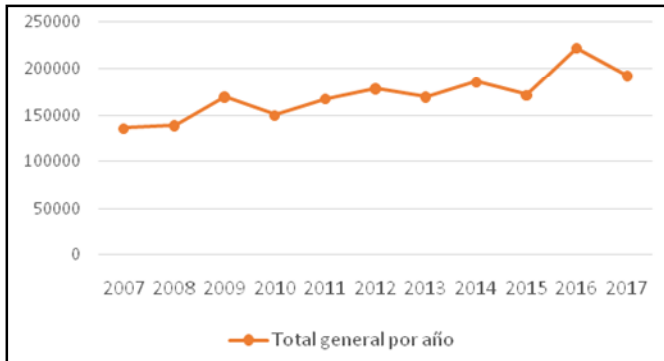
But through what legal form were workers' individual conflict claims settled in the JLCAs?

According to the Federal Labor Law in effect during the Neoliberal Period, and reformed by President Andres Manuel Lopez, there are four legal figures used to solve worker-employer conflicts: By means of an *agreement* between the parties, by an *arbitration award*⁴ issued

³For this paper, the concept of *restraint* and not so much that of *dominance* (although the latter is contained in the former) is used to refer to the mechanism implemented by labor authorities to solve, in some way and at the lowest possible cost, workers' disputes in companies.

⁴Term used by Mexican labor authorities to refer to the resolution given by a mediator of the difference between two or more parties in a given labor-

by the labor authority, by the *dismissal* of the claim by the worker, or by the *expiration* of the dispute claim. These four legal figures can be grouped, in turn, if the claimant had a contract with their employer or not at the time of the breach or violation of his labor rights. As for the latter, in the following graph of labor disputes of claimants with employment contracts⁵ when they filed a dispute with the JLCA, the trend grew over 10 years except for the period from 2016 to 2017 during which 200,000 cases decreased but remained above other years since 2007 (see Graph #3).



*Graph developed by the authors of this paper.

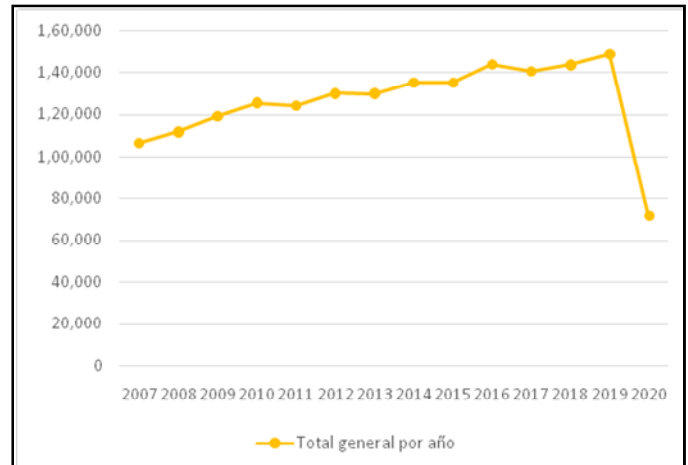
Graph 3. Labor disputes of claimants 'with employment contracts' in Mexican JLCAs through 2007-2017

If we were to focus only on the analysis of this graph, one might think that the behavior of this phenomenon is normal, especially since the number of establishments in Mexico in this period was positive. The issue is that, when we look at the graphs corresponding to the legal forms in which workers' disputes can be resolved in Mexican JLCAs, we discover a reality that expresses the not-so-favorable side for claimant workers. The following reviews each legal figure in which labor claims are settled in Mexico. These reviews also allow us to see the biased behavior adopted by labor authorities to solve each case in favor of employers. The following graph shows a positive trend in the number of *settled* labor claims in Mexican JLCAs from 2007 to 2020, prior to the global COVID-19 pandemic. Two things can be noticed in this graph. One, during the same period, the trend of this phenomenon was positive. Also, it seems that the parties involved and/or the Mexican labor authorities always reached an *agreement*, *settlement*, or *resolution* of labor lawsuit disputes. The issue is that the grouping shown in Graph #4 represents the total number of labor disputes settled without integrating the total amount of resolutions in JLCAs throughout the country, a trend that seems to be independent of all the data around this phenomenon (See Graph #4).

Since the COVID-19 pandemic, settled labor claims dropped sharply, from 150,000 cases in 2019 to 70,000 in 2020. It was a moment of relative peace in labor lawsuit disputes in Mexico. This trend seems to have frozen or stopped in terms of INEGI records given that there is no more data until 2022. In 2019, the Federal Labor Law was reformed in many items related to union and contractual matters. This resulted in the change of the JFCA and JLCA structures, becoming the Federal Center for Labor Conciliation and Registration, and the so-called Labor Conciliation Centers in each state, respectively. These have existed since October 2022. It is worth mentioning that these new labor regulation institutions exist alongside the old JLCA and the JFCA, since the latter survived until the resolution of each labor and union conflict lawsuit registered prior to 2022.

management conflict.

⁵The full scope of claimants in Mexico's JLCAs may also include other cases of workers who did not have a labor contract at the time they filed their labor claim. Unfortunately, INEGI Mexico did not publish records of these other cases. Therefore, from this and subsequent graphs, we will refer only to claimants with *labor contracts*.



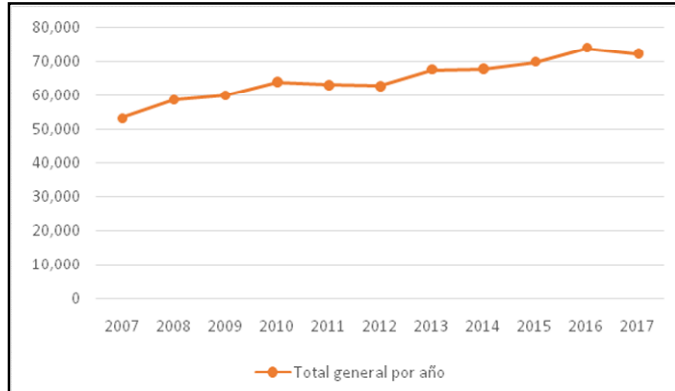
*Graph developed by the authors of this paper.

Graph 4. Settled labor claims in Mexican JLCAs through 2007 - 2020

Henceforth, the graphs shown are relevant to this paper because they illustrate the authentic way in which the Mexican labor authorities implemented a large amount of restraint and dominance of workers in favor of employers. Each graph expresses how they restrained and dominated the Mexican working class to achieve the public policy objective of control carried out by the JLCA of each State of the Mexican republic, by order of the labor secretariat in charge of Mrs. Navarro. In turn, this fact became the new factor of industrial localization for the country (a competitive advantage that provided FDIs with the opportunity to take advantage of an established labor paradise). The following graph shows how only a certain number of labor claims were settled in the Mexican JLCAs through *labor agreements*. In Mexico, when the resolution of a claim by a worker or workers could be favorable to themselves, the authority responsible for mediating the labor conflict would tendentiously suggest that the workers reach an agreement with the employer and thus put an end to the lawsuit, which otherwise could extend indefinitely. The purpose of this was to prevent the employer from paying the worker everything demanded in the labor lawsuit in accordance with the Federal Labor Law in effect at that time. In this type of resolution, the Mexican labor authorities standardized their actions and strategies to provide a less expensive way out for the sued companies. Apparently, it is a well-orchestrated strategy from the labor secretariat as part of a neoliberal approach that benefits national and foreign companies. Such a strategy was suggested to each JLCA to be applied at their discretion according to the degree of labor and union experience in each federal entity. This action, on the part of the authorities responsible for institutional mediation of labor disputes in the country, was intended to ensure that the cost of the labor claim filed by the employee would be as low as possible for the employer. By reviewing Graph #5, it is possible to observe the historical trend of settlements through *agreements* between workers and employers in Mexican JLCAs. From 2007 to 2017, this legal figure increased constantly, according to INEGI Mexico records. This resolution trend was such that in 2007 it registered more than 50,000 cases and 10 years later it surpassed the 70,000 cases. This fact indicates the way employers acted with respect to the labor and union rights of workers, and the way in which the authorities responsible for mediating workers' conflicts acted to protect the employers involved (See Graph #5).

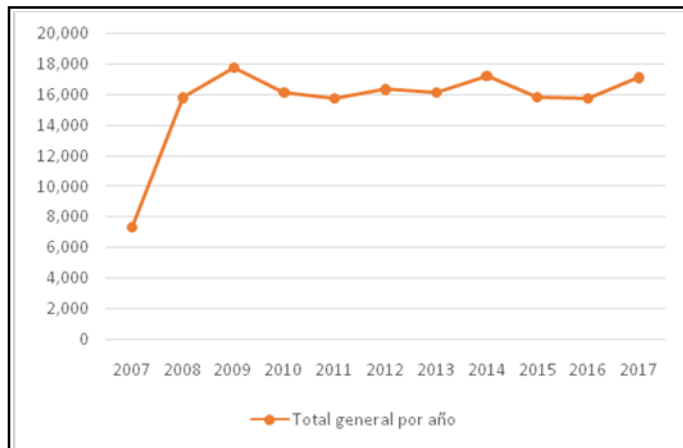
The previously mentioned statements can be confirmed by the following graph. The graph shows the volume of resolutions that reached the *arbitration award* level of those labor claims registered in the JLCAs of the country in that same period. The volume of labor claim resolutions through *arbitration awards* is really small compared to the *agreement* types. According to the comparison of Graphs 5 and 6, there are approximately three times the number of cases, and in some cases even more, per year referred to. Everything seems to indicate that the filter used by the country's JLCAs to make workers'

restraint and dominance efficient was the legal resource of the *labor agreement* for each of the workers' claims since the *arbitration awards* represent the statistical part of those cases that the mediating authorities were unable to settle⁶ in favor of the defendant employers (See Graph #6).



*Graph developed by the authors of this paper.

Graph 5. Settled labor claims in Mexican JLCAs by agreements through 2007 - 2017



*Graph developed by the authors of this paper.

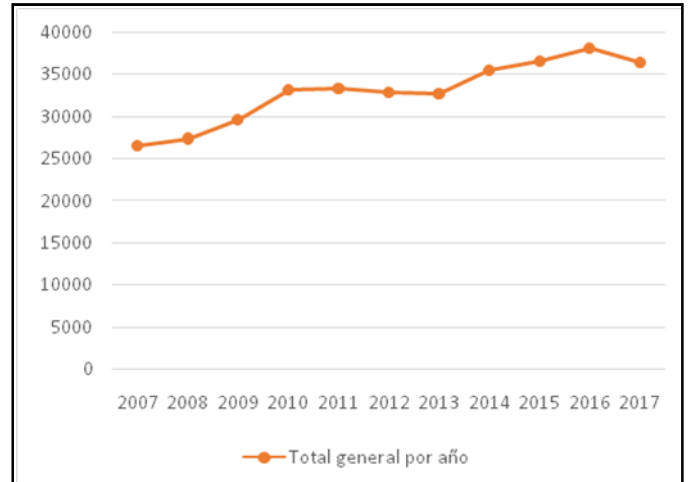
Graph 6. Settled labor claims by arbitration awards in Mexican JLCAs through 2007 - 2017

When reviewing the next type of legal labor resolution employed by the JLCA authorities in Mexico, the *dismissal of the labor claim*, it can be observed how this represents the most optimal solution to an employer's problems. Given that the legal figure of *dismissal* of the worker's claim was well-established in Mexican labor regulation or mediation institutes, labor regulators could lengthen the judicial process of filing the worker's claim (through dilatory actions), to such a degree that the worker would be discouraged from the probable resolution of his claim. This led many claimants to fall into situations of non-compliance with the legal process requirements, which labor authorities considered an abandonment of the process. Therefore, the worker's claim was concluded. This legal figure became a strategy that prevented employers from paying labor claims filed by workers in Mexican JLCAs.

It is evident from Graph #7 of this study how many workers' claims have been dismissed by JLCAs in this country in the past 10 years. This is with over 25,000 dismissed cases in 2007. The number of *dismissals* in Mexico exceeded 35,000 over a period of 10 more

⁶Other factors may have influenced the resolutions shown in Graph #6. For example, the mediating authorities responsible for the Mexican labor institutions, subordinated to the local government executives, were faced with the dilemma of how far to simulate their work or to perform with impunity the task of containing and controlling the manifestations of workers' responses. This situation inevitably led to workers' claims being settled transparently and legally. Above all, to avoid public questioning.

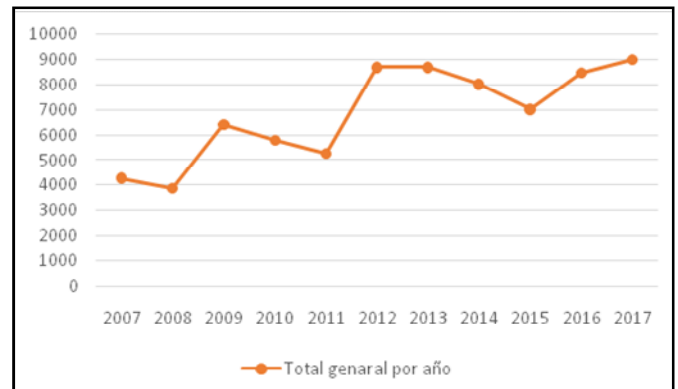
years during a period of neoliberalism consolidation, in which a whole public policy of workers' control was implemented at the local level (See Graph #7). This type of strategy represents the most elaborate and efficient strategy to benefit employers in settling workers' disputes outside the factory. The JLCA authorities followed orders from the Mexican Labor Secretary in this strategy, which was the most widespread in the country. This shows how state governments, unions, and entrepreneurs collude to implement it locally. Lastly, the strategy is a local public policy that complements neoliberal economic policies that benefit national and foreign capital.



*Graph developed by the authors of this paper.

Graph 7. Settled labor claims by dismissals in Mexican JLCAs through 2007 - 2017

Graph #8 shows the legal figure of the *expiration* of the claim filed by the worker. This legal figure represents all the partial actions taken by those responsible for labor justice in the JLCA and JFCA in Mexico for many years. Local authorities of the JLCAs prevented the lawsuits from going to the Regional Labor Boards and avoided reaching the JFCAs and, by not providing a solution to the claims filed by the workers, whose conflicts were legitimate and legal, lengthened the legal processes so that they would enter the expiration stage. These lawsuits normally lasted more than 10 years.



*Graph developed by the authors of this paper.

Graph 8. Settled labor claims by their expiration in Mexican JLCAs through 2007 - 2017

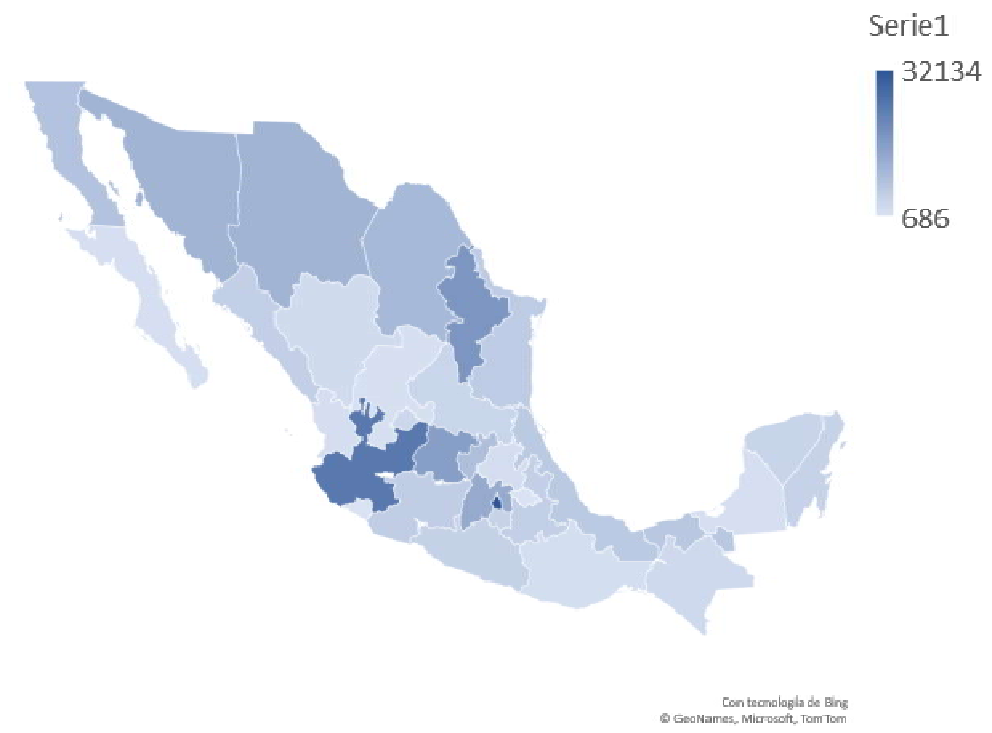
The strategy was simple, usually coming from the state executive: to lengthen the claim's legal process to the point of making it never-ending. This was possible thanks to the Federal Labor Law's structure, which failed to comply with the essential requirements established by the law and repeatedly delayed the legal hearing. A review of Graph #8 shows how this strategy allowed the accumulation and resolution of certain workers' claims through the legal figure of expiration, going from 4,000 to 9,000 cases in just 10 years. If we add the cases of resolution by *dismissal* and those solved by *expiration*, we have the most complete manifestation of workers'

control by the country's labor authorities. This fact is nothing more than the full restraint and dominance of the workers by labor authorities for the benefit of employers who seek to obtain the highest profits through the violation of workers' labor rights.

Distribution of the level of workers' control, dominance, and restraint in Mexico: This section exposes the formal individual labor claims filed by workers in the Mexican JLCAs in the last period of the neoliberal governments. It represents a regional visual exposition of how, during approximately 20 years, the legal actions of workers in the regulatory institutions of each state were controlled and dominated with the objective of protecting the interests of national and foreign entrepreneurs. The following items, which are the same as those mentioned in the previous section, aim to make visible workers' contention and domination throughout the country offering a view of the territories in which such an objective has already been achieved, and in which there are still remnants of workers' conflicts that do not benefit capital. As shown on the first map, a certain occurrence of worker conflict developed along the northern border in the JLCAs in 2017. Further, in certain areas of the central region of the country, formal labor claims also represented a problem of workers' resistance to labor regulation measures. However, outside these regions, in the rest of the Mexican Republic, labor regulatory institutions achieved the maximum degree of containment and worker dominance, since their conflict rates registered extremely low numbers (See Map #1).

This caused that, arriving in 2018, the obtained records express a scenario difficult to believe. According to economic criteria of comparative advantages between nations, this social phenomenon becomes a factor in transnational companies' positioning. In this case, according to Map #2, collective labor demands disappeared throughout the national territory. A faint blue tone dominates nearly every state of the country (see Graph #2), suggesting that only two or three states have registered conflicts. State and federal governments promoted their territories internationally, through public policies, to attract FDI. The promotion happened after the company had resolved its main issue: collective conflicts with unions. This situation is proven by verifying the degree of FDI attraction in all of Mexico in the last 5 years, as shown on the map. The above could only be achieved by partial mediation in which labor regulation institutions in Mexico acted. Otherwise, it would not have been possible to reach these statistics. It is a labor reality implemented throughout the territory that leads us to think and confirm what labor lawyers in Mexico know as the *resolution of collective labor conflicts in a political manner*. That is, once workers of a company wish to settle their labor dispute with the employer in the JLCA offices, the JLCA representatives conduct legal trickery to disregard the conflict in legal terms, thus preventing the claim from proceeding. If analyzed in this way, it is possible to understand how collective labor claims disappeared throughout the national territory. On the other hand, it is worth mentioning the type of resolution reached in those cases in which collective labor claims were filed.

Map #1: Individual labor claims in Mexican JLCAs through 2017



Individual labor claims 686 - 32134

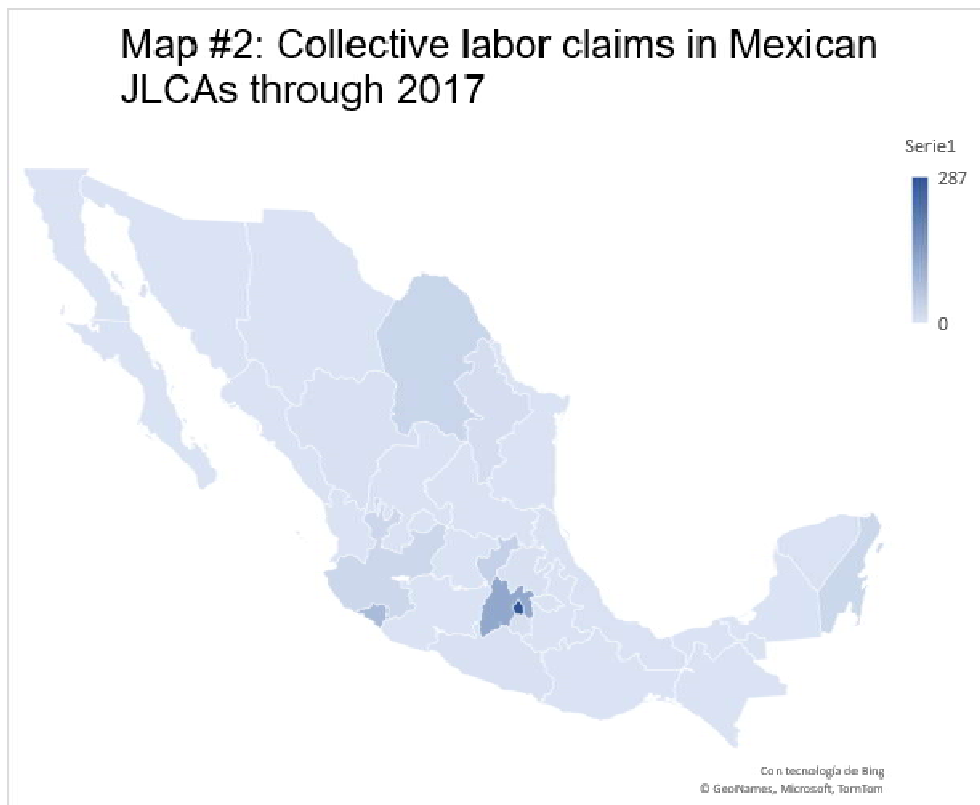
*Map developed by the author with INEGI sources.

The following map shows the statements made in the preceding paragraphs conclusively. The degree of almost total restraint and workers' dominance has been efficiently achieved by the country's labor regulatory institutions, the JLCA and the JFCA, in favor of the companies. The above statement is supported by the fact that, according to experts on the subject, it is the labor authorities, by order of state executives, who through legal artifices prevent *collective labor claims* in Mexico from proceeding as such. This even implies that the JLCA and the JFCA have created homogeneous strategies throughout the national territory so that the validation procedures of workers' collective claims are never fulfilled.

This could vary and be discussed in its particularities depending on the resolution: agreement, arbitration award, dismissal, or expiration of the conflict. At this point, certain labor legal actions could be pursued according to their context: the existence or not of unions in companies (with the so-called collective protection contracts oriented to simulate the existence of unions) or the type of state government (depending on whether it was the National Action Party, PAN, or the Institutional Revolutionary Party, PRI). Each case illustrates how Mexican labor institutions act according to state governor orders. In general, the JLCAs applied a strategy aimed primarily at benefiting employers, rather than protecting workers' rights, to the greatest

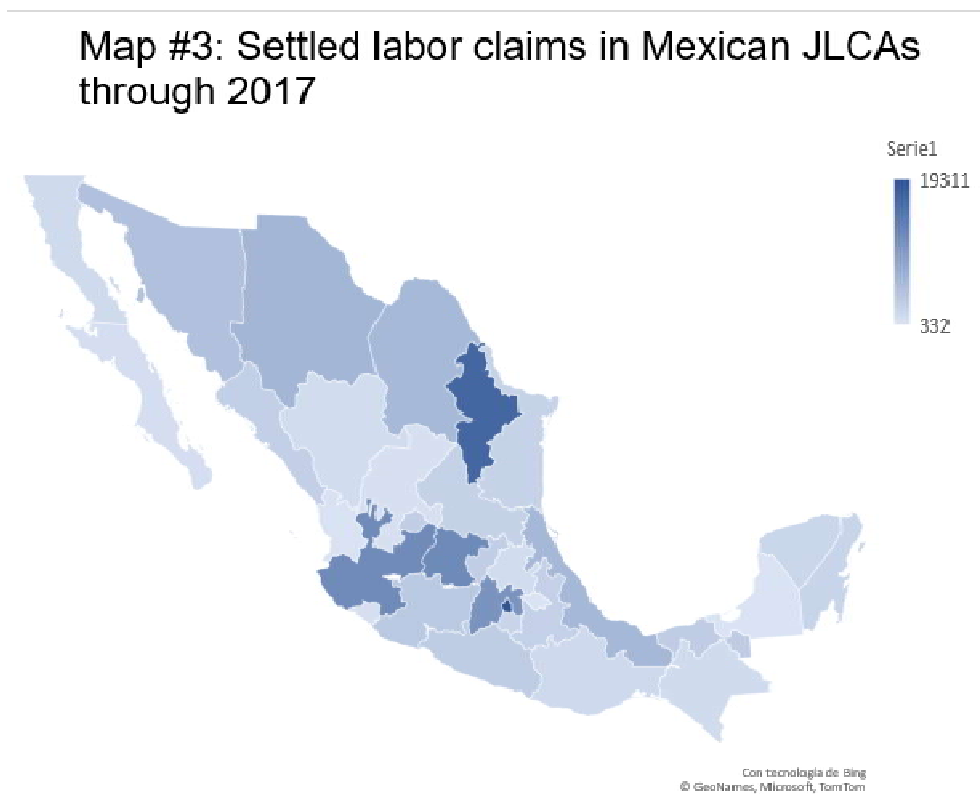
extent possible. The opposite phenomenon can be observed when analyzing the specific cases in which individual labor claims were settled in the JLCAs.

When reviewing the following map, which contains the total number of settled individual labor claims, it is possible to see the geographical distribution of which states of the Mexican Republic had the highest



Collective labor claims 0 - 287

*Map developed by the author with INEGI sources.



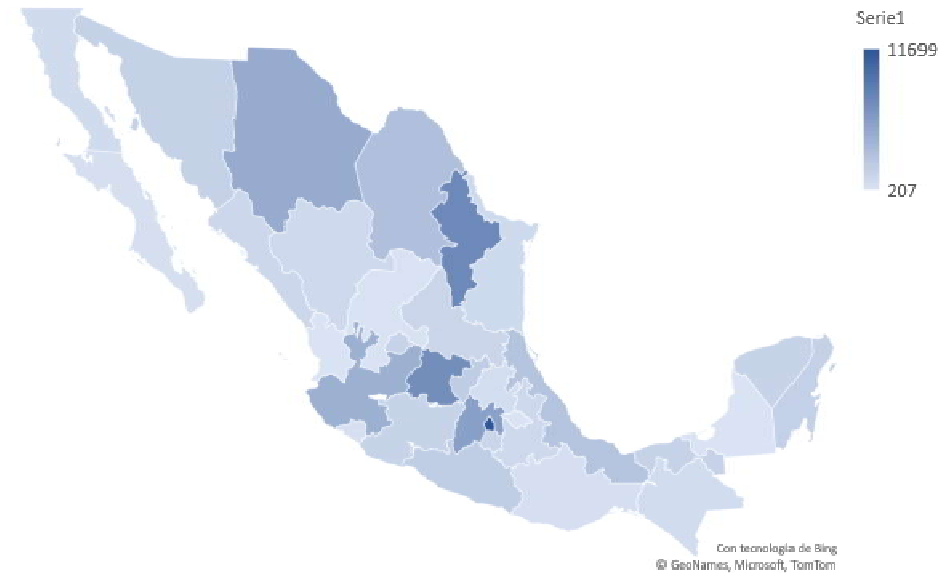
Settled labor claims 332 - 19311

*Map developed by the author with INEGI sources.

number of such cases. The map shows that the entire northern border (highlighting the State of Nuevo Leon), a state in the center of the country (Jalisco), and the two states with the largest population (the State of Mexico and Mexico City), are where the JLCAs had the greatest activity in labor mediation cases. The rest of the Mexican Republic shows lower data regarding labor claim resolution. This indicates that in most of the Mexican Republic intense actions of containment and worker dominance are being carried out in labor regulatory institutions (See Map #3).

The above hypothesis is supported by the argument that the same labor conflicts can be solved in the JLCAs either through an agreement, arbitration award, dismissal, and/or expiration. It all depends on the state government's position regarding dispute resolution. If a certain state government chooses to implement a strategy of total benefit to employers, it is most likely that this social actor will promote strategies that will lead those responsible for labor justice to restrain labor conflicts. These strategies lead to workers dropping their claims due to the lengthy and standardized labor law

Map #4: Labor claims settled by agreements in Mexican JLCAs through 2017



Labor claims settled by agreements 207 - 11699
*Map developed by the author with INEGI sources

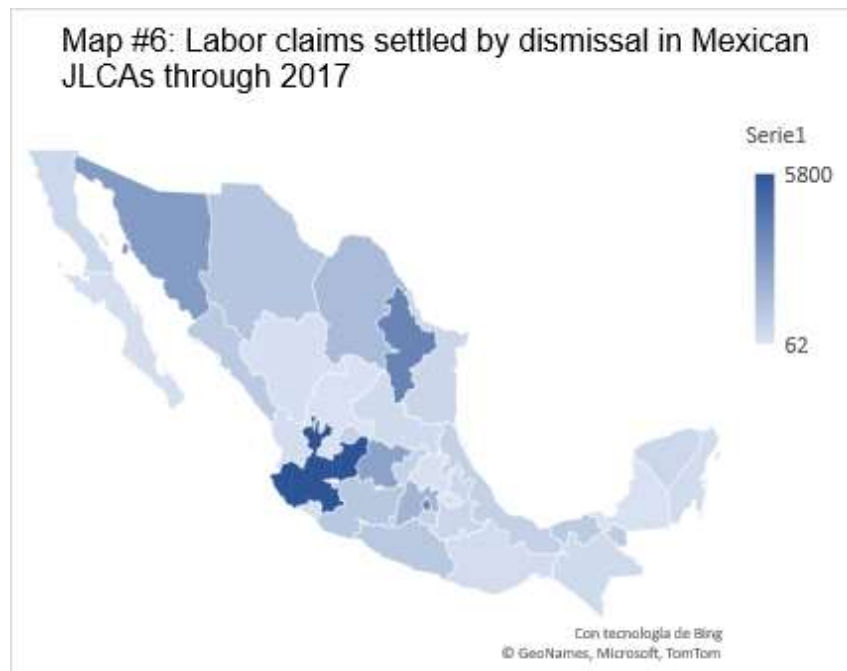
Map #5: Labor claims settled by arbitration awards in Mexican JLCAs through 2017



Labor claims settled by arbitration awards 4 - 3286
*Map developed by the author with INEGI sources

process in Mexico, or the claimant's labor law process expiring. Either situation favors the employer to the disadvantage of worker labor rights. When we analyze the cases in which workers' claims are resolved in the JLCAs based on their resolution as *settlements*, *arbitration awards*, *dismissals*, and *expirations*, we can observe several significant elements.

There is a map of Mexico that depicts the cases of resolution of labor disputes by supposed "dismissal". In this case, the term "supposed" is mentioned because workers concluded that their claim would never reach a resolution since they concluded that labor authorities perform delaying practices and actions in the legal process of their lawsuit.



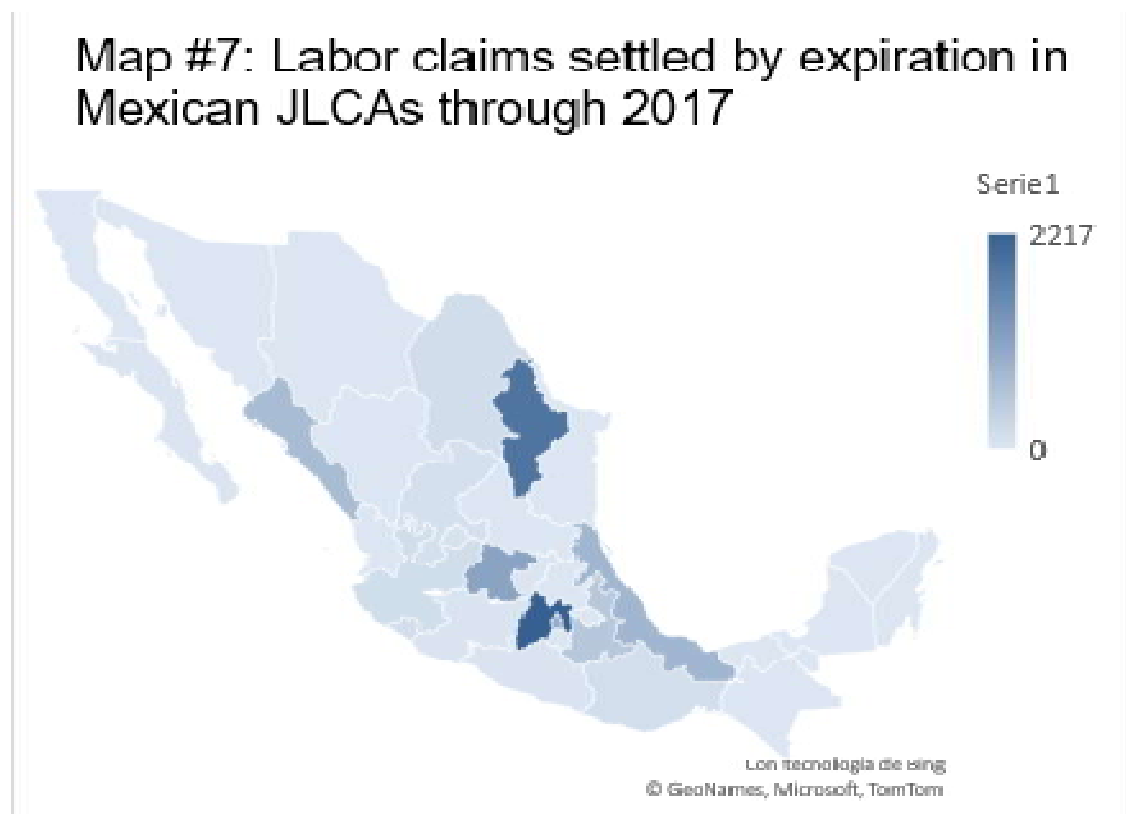
Labor claims settled by dismissal 62 - 5800
*Map developed by the author with INEGI sources

If we consider again the case of labor claims of the agreement type, the northern states of the country, Nuevo León, Sonora, and Chihuahua, are the ones that stand out - presenting the highest number of labor resolution cases of this type. There are also cases in the center of the country such as Mexico City, the State of Mexico, Jalisco, and Guanajuato, which presented strong blue tones in relation to the rest of the states of the Mexican Republic. The rest of the Mexican states are less relevant for conflict resolution. Although the states mentioned in the previous paragraph are where the greatest number of workers' disputes occurred, it was in their respective labor regulatory institutions where the greatest restraint and dominance of workers was exercised by their labor authorities. The conclusion is that, in all these states, employers committed many violations of workers' rights. This led the latter to fight back in the JLCAs by filing a labor claim, which was validated by the JLCAs authorities as such and was incorporated in statistics as administrative records in INEGI Mexico (See Map #4). The same map offers another reading of the phenomenon of labor claims resolution through *agreements*, related to what was consolidated in the states of the Mexican Republic with low numbers of cases of labor claims resolution, but resolved through *agreements*. It seems that the authorities representing the JLCAs opted, by order of the local state governments, that the cases of workers' claims follow the path of dismissal or expiration of the claim. In this way, employers were spared from paying workers for labor violations committed against them. Everything seems to indicate that the arbitration award was the last option that the labor authorities had when trying to end the labor conflict. If we go on to review the map of labor claim settlement by means of *arbitration awards* for the entire Mexican Republic, it is Nuevo León that stands out from the rest of the country in terms of the number of cases (3,286), followed by Coahuila, Tamaulipas, San Luis Potosí, Mexico City, Jalisco, and Veracruz, with a very small shade of blue in comparison with the first one. For the rest of the Mexican Republic, the JLCAs behaved bluntly: not solving workers' conflicts in favor of the workers, since four cases were solved in 2017. Outrageous data for Mexico's labor justice system (see Map #5).

Therefore, when a plaintiff withdraws their claim in a labor dispute, it is mainly due to the intention of the labor authorities to never reach an arbitration award, which discourages and demotivates the claimant. In other words, the worker rejected the legal figure of the *out-of-court labor agreement* (analyzed in another work as the first form of restraint and worker dominance) and sought a formal claim instead. The mediator of the conciliation board has no choice but to lengthen the legal process of the claimed act. This is to avoid reaching the arbitration award and prevent the employer from paying the worker. When analyzing the map referring to the settlement of labor claims by means of dismissal in Mexican JLCAs through 2017, Jalisco, Nuevo León, and Sonora, lead the territories where authorities exercise the most restraint and worker dominance, for having avoided, at all costs, that the employers pay the workers for the violation committed to the labor rights of the latter, given the number of registered cases. Then there are the states of Chihuahua, Coahuila, Nayarit, Mexico City, the State of Mexico, Guanajuato, Michoacán, Guerrero, and Chiapas in fainter blue. In the rest of the Mexican Republic, local governments seem to use a different strategy, since the numbers are extremely low. Therefore, it can be assumed that the labor authorities resorted to the two remaining options: an arbitration award or claim expiration, as there are no other real legal resolution options in Mexico (See Map #6). Lastly, there is the case of the resolutions taken by the JLCAs in 2017 corresponding to the *expiration* of the workers' labor claims. The resolution as such must be attributed, univocally and exclusively, to the representatives of the labor authorities, since it is precisely them who determine the status of the claim. This other legal figure is also another mechanism of workers' restraint and dominance. It can be viewed as a system for controlling workers by the labor authorities, which, until 2019, depended on state governors. If we examine Map #7 corresponding to the resolution of labor claims through the legal figure expiration in 2017, again it is Nuevo León and the State of Mexico where labor mediators are involved in the processing of workers' claims through this resource. Then there are the states of Nayarit, Guanajuato, Veracruz, and Puebla, in which the JLCAs authorities employ this legal resource alternately with some

other known resource, which is why the blue coloring is not very accentuated. Meanwhile, in the rest of the Mexican Republic, JLCAs rarely use expiration. This leads us to consider three probabilities regarding Mexican labor authorities' behavior: one, that labor mediators in Mexico intentionally leave labor lawsuits filed in the JLCAs for an extended period with the intention of not reaching an arbitration award that harms the employer (Nuevo Leon and the State of Mexico). Two, JLCAs authorities choose to redirect the resolution of the workers' claim through another labor legal figure to avoid harm to the employers. Either way, we are aware of the fact that the Mexican labor authorities carry out an efficient strategy of containment and dominance of workers to the benefit of employers. The last one is the actions of the majority of JLCAs in Mexico, which have not used the labor law figure of the claim expiration. A labor mediator's choice was probably one of the alternative labor law figures, such as an arbitration award, dismissal, etc., to prevent workers from filing a labor lawsuit (See Map #7).

historically, many labor claims have been resolved in a particular way between capital and labor. What could be found throughout this research was that the issue of individual labor claims in the country involves several meanings, agreements, and conventions between those who wish to develop a whole system of workers' control focused on reducing the indexes of workers' conflict in the institutions of labor regulation. Firstly, we should explain that individual lawsuits registered in JLCAs in all the states of the Mexican Republic are behavioral conflicts known as open conflicts, based on Edwards' theory. The parties involved don't hide, in any way, their actions against each other. In addition, this same type of conflict is located at the institutional level since it is an institution that settles disagreements in a constitutional and legal manner. Secondly, the grounds for legal admission in the JLCAs and JFCAs have a strictly typified status (as already shown in each of the maps), which implies that a labor claim cannot be admitted outside of those already indicated in the document.



Labor claims settled by expiration 0 - 2217
***Map developed by the author with INEGI sources**

The legal resolution of the *expiration* of workers' claims registered in the Mexican JLCAs is yet another strategy of partial action by the Mexican labor mediating authorities in relation to workers' resistance performed in factories. It implies legal inaction on the part of the labor authorities to seek real labor justice in favor of the employer. It also implies the use of delaying practices in the claimant's labor legal process to avoid arbitration awards.

CONCLUSION

The resolution of labor disputes in Mexican labor regulatory institutions of the Neoliberal Period through 2007-2020, is seen as a second moment and/or part of the complete phenomenon of control, dominance, and restraint of workers in a country. It should be clarified that, in explaining this phenomenon, there is a risk of omitting many variables involved in the study. This is due to the large territorial extension and the extensive diversity of productive branches involved. This is so because, in each state of the Mexican Republic, there are particularities of productive branches that,

Thirdly, the empirical data figures used in this research do not reflect the total number of cases, since many violations of workers' rights are not brought and/or exposed in the JLCAs, due to the lack of interest of the workers in resolving their labor conflict and lack of knowledge of the legal processes involved in their resolution. This indicates that the phenomenon of conflict resolution of individual claims in labor regulation institutions in Neoliberal Mexico represents only an approximation. As for the meanings from the previous analysis, corresponding to the "second moment" of control, dominance, and restraint of workers' conflicts, is that the competent labor authorities assumed an attitude of systematic restraint of workers' resistance. This attitude responded for years to employers' growing needs to break productive rigidities and/or labor flexibilization. A situation in which the JLCAs authorities had to employ a whole range of discretionary legal options to prevent most of the claimants from obtaining a resolution or arbitration award in favor of, and/or to the benefit of, the employers. On the contrary, it can be affirmed that the aforementioned *systematic restraint* was never aimed at reducing labor conflict rates throughout the national territory, but rather was the result of this act. The above led to a reduction in workers'

conflicts, because of *systematic restraint*, becoming a factor of industrial localization. This was demonstrated in other research papers capturing FDI due to the comparative advantage it generated. As for the agreements and covenants among those who wished to make systematic containment a reality, these evolved until they became almost homogeneous throughout the national territory. Employers and workers' unions were not to interfere, contradict or question labor authorities' procedures to solve worker claims under the JLCA and JFCA. The agreement was that once the workers in the JLCAs had chosen a certain legal path for the resolution of the worker's conflict claim, whether it was the settlement of the claim, agreement of the claim, dismissal, arbitration award, or expiration, employers and unions were not to intervene in how labor authorities solved the case. With this practice agreed upon by the government, employers, and official unions, the results were positive and/or advantageous for the employers and not for the workers. As a result of this second moment of worker dominance and control performed in JLCAs by labor authorities, both individual and collective labor claims are restrained. This contention represents only a part of what is an integral type of mechanism of workers' subjugation and control, since there is a third moment to be studied and explained: *union strikes in factories*. This is a moment in which there must be, beforehand, a union in the company properly registered in the JLCA (with a Certificate of Registration⁷) in accordance with the Federal Labor Law corresponding to the Neoliberal Period until March 2019 when said law was reformed. Without this recognition, any strike (with or without a union) was long declared unjustified⁸ by Mexican labor authorities throughout the Neoliberal Period, and was, therefore, an illegal act. This other type of workers' conflict should be the subject of an exhaustive study corresponding to the third moment of workers' contention, which will be presented in another scientific article.

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⁷Document granted by Mexican labor authorities to unions that achieved legal recognition.

⁸Without a status of legal recognition of the strike by Mexican labor authorities, the strikes could be stopped by legal authorities.